

RESOLUTION NO R-2649

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND PERTAINING TO A BOUNDARY LINE AGREEMENT WITH RESPECT TO THE DEMARCATION BETWEEN THE CITY'S REAL PROPERTY, COMMONLY REFERRED TO AS THE MURIAL POAGE ADDITION, AND THAT REAL PROPERTY IMMEDIATELY TO THE NORTH THEREOF.

WHEREAS, the City of Kirkland has acquired a fee interest in the property legally described as follows:

Lots 1 through 7 inclusive, Murial D. Poage addition to the Town of Houghton, according to the plat recorded in Volume 57, page 86, in King County, Washington.

WHEREAS, that real property lying immediately to the north of said Murial Poage addition, is currently owned by Houghton Investors, a partnership, and is legally described as found in Exhibit "A" attached hereto and fully incorporated herein.

WHEREAS, the City of Kirkland and Houghton Investors have each hired surveying companies to establish the legal boundary as between their respective properties.

WHEREAS, said surveys are in conflict with one another, creating an overlap of claimed interest of some 16 feet.

WHEREAS, the boundary line as established by the survey company acting on behalf of Houghton Investors, as recorded under King County Recording No. 7801259002, appears to be most consistent with long-established patterns of use and occupation in the area.

WHEREAS, Houghton Investors have proposed a Stipulation and Agreement, consisting of three pages and three exhibits, a copy of which is attached hereto marked Exhibit "B", and is by this reference fully incorporated herein.

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland, as follows:

Section 1. Said Stipulation and Agreement, as proposed by Houghton Investors, is hereby accepted as being a fair and reasonable resolution of a potential dispute.

Section 2. The Mayor and the Director of Administration & Finance (ex officio City Clerk) are hereby authorized and instructed to execute, on behalf of the City of Kirkland, the

original of said Stipulation and Agreement.

PASSED BY MAJORITY VOTE of the City Council of the  
City of Kirkland in regular meeting on the 20th day of  
August, 1979.

SIGNED AND AUTHENTICATION THEREOF on the 20th day of  
August, 1979.

  
\_\_\_\_\_  
Mayor

ATTEST:

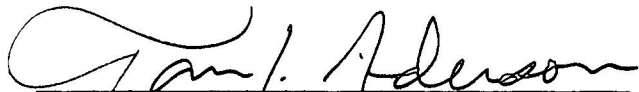
  
\_\_\_\_\_  
Director of Administration & Finance  
(ex officio City Clerk)

Exhibit "A"

PARCEL B: That portion of the NW quarter of the SE quarter of Section 8, Township 25 North, Range 5 East, W.M., in King County, Washington, more particularly described as follows:

Commencing at the intersection of the south margin of State Aid Road No. 4 (N.E. 68th Street) and the east margin of 108th Avenue NE; thence  $S0^{\circ}35'10''W$  along a line parallel with the north and south center line of said section, 200.00 feet to the point of beginning; thence continuing  $S0^{\circ}35'10''W$  69.65 feet; thence  $S89^{\circ}18'50''E$  along a line parallel with the south line of said subdivision 327.00 feet; thence  $N0^{\circ}35'10''E$  69.65 feet; thence  $N89^{\circ}18'50''W$  327.00 feet to the point of beginning.

PARCEL C: That portion of the NW quarter of the SE quarter of Section 8, Township 25 North, Range 5 East, W.M., in King County, Washington, more particularly described as follows:

Commencing at the intersection of the south margin of State Aid Road No. 4 (N.E. 68th Street) and the east margin of 108th Avenue NE; thence  $S0^{\circ}35'10''W$  along a line parallel with the north and south center line of said section, 269.65 feet to the point of beginning; thence continuing  $S0^{\circ}35'10''W$  94.14 feet to the north line of the Plat of Muriel D. Poage Addition of Houghton as recorded in Volume 57, page 86, records of King County, Washington; thence  $S89^{\circ}41'34''E$  along the north line of said plat 466.70 feet; thence  $N0^{\circ}35'21''W$  91.06 feet; thence  $N89^{\circ}18'50''W$  parallel with the south line of said subdivision 466.70 feet to the point of beginning.

Commencing at a point 466.7 feet north of the southwest corner of the northwest quarter of the southeast quarter of Section 8, Township 25 North, Range 5 East, W.M., in King County, Washington; thence east 466.7 feet; thence south 93 feet; thence west 466.7 feet; thence north 93 feet to the true point of beginning; EXCEPT that portion if any lying within a tract of land conveyed to Hartley R. Chaussee by deed recorded under Auditor's File No. 6499156. EXCEPT that portion lying within 108th Avenue Northeast.

Recorded Sept. 14, 1979  
7909141007STIPULATION AND AGREEMENT

WHEREAS, a disagreement has arisen between the City of Kirkland, (hereinafter referred to as "City"), and a group of individuals in a partnership called Houghton Investors, Joyce Odegard, general partner, (hereinafter referred to as "Houghton Investors"), regarding a boundary line between land held by City and land immediately north thereof held by Houghton Investors, both on NE 108th Street, Kirkland, Washington, which area and boundary line is further identified as set forth by maps attached hereto and incorporated herein as Exhibits A and B.

WHEREAS, City and Houghton Investors have each hired surveying companies to establish the legal boundaries of their parcels, and

WHEREAS, such surveys are in conflict with one another, creating an overlap of claimed interest of some 16 feet, and

WHEREAS, the subject land held by Houghton Investors is described on Parcels B and C of Exhibit C attached hereto, and more particularly described as:

PARCEL B: That portion of the NW quarter of the SE quarter of Section 8, Township 25 North, Range 5 East, W.M., in King County, Washington, more particularly described as follows:

Commencing at the intersection of the south margin of State Aid Road No. 4 (N.E. 68th Street) and the east margin of 108th Avenue NE; thence  $S0^{\circ}35'10''W$  along a line parallel with the north and south center line of said section, 200.00 feet to the point of beginning; thence continuing  $S0^{\circ}35'10''W$  69.65 feet; thence  $S89^{\circ}18'50''E$  along a line parallel with the south line of said subdivision 327.00 feet; thence  $N0^{\circ}35'10''E$  69.65 feet; thence  $N89^{\circ}18'50''W$  327.00 feet to the point of beginning.

PARCEL C: That portion of the NW quarter of the SE quarter of Section 8, Township 25 North, Range 5 East, W.M., in King County, Washington, more particularly described as follows:

Commencing at the intersection of the south margin of State Aid Road No. 4 (N.E. 68th Street) and the east margin of 108th Avenue NE; thence  $S0^{\circ}35'10''W$  along a line parallel with the north and south center line of said section, 269.65 feet to the point of beginning; thence continuing  $S0^{\circ}35'10''W$  94.14 feet to the north line of the Plat of Muriel D. Poage Addition of Houghton as recorded in Volume 57, page 86, records of King County, Washington; thence  $S89^{\circ}41'34''E$  along the north line of said plat 466.70 feet; thence  $N0^{\circ}35'21''W$  91.06 feet; thence  $N89^{\circ}18'50''W$  parallel with the south line of said subdivision 466.70 feet to the point of beginning.

Commencing at a point 466.7 feet north of the southwest corner of the northwest quarter of the southeast quarter of Section 8, Township 25 North, Range 5 East, W.M., in

King County, Washington; thence east 466.7 feet; thence south 93 feet; thence west 466.7 feet; thence north 93 feet to the true point of beginning; EXCEPT that portion if any lying within a tract of land conveyed to Hartley R. Chaussee by deed recorded under Auditor's File No. 6499156. EXCEPT that portion lying within 108th Avenue Northeast.

WHEREAS, both parties seek to minimize the cost, time and uncertainty necessitated by a prolonging of this dispute or litigation of these claims, and

WHEREAS, it is feared that the dispute if prolonged or litigated might cause uncertainty regarding past surveys in the City of Kirkland and the validity of other recognized boundaries, and

WHEREAS, City is fully aware of and recognizes the extended and long standing patterns of use and occupation in the subject area, and

WHEREAS, there has been long standing use and occupation by predecessors of Houghton Investors on the parcels as demarcated by the Triad Company survey, and

WHEREAS, many of the parcels in the area enjoy recognized boundary lines consistent with the subject one found by the Triad Company, and

WHEREAS, Houghton Investors has proposed a number of legal theories which would support the boundary as found by the Triad Company survey, and

WHEREAS, the legal theories of adverse possession, equitable estoppel and latches appear applicable and require the recognition of the boundary as found by the Triad Company survey, and

WHEREAS, City and Houghton Investors do not intend this recognition of boundary lines to constitute a gift to Houghton Investors by City,

NOW, THEREFORE, the City of Kirkland, acting through its properly constituted agent as designated below, and Houghton Investors, acting through Joyce Odegard, general partner, hereby agree that:

- established
1. The boundary line as ~~found~~ established by the Triad Company survey shall be and is hereby recognized as the appropriate and correct boundary line between the parties hereto, and
  2. City hereby disclaims any interest in property claimed by Houghton Investors in the subject area as legally

recorded under King County Recording No. 7801259002,

described herein and hereby conveys and quitclaims any such interest to Houghton Investors.

HOUGHTON INVESTORS, a limited partnership

By Joyce Odegard  
Joyce Odegard  
General Partner

CITY OF KIRKLAND, a municipal corporation

By \_\_\_\_\_  
Allen Lock  
City Manager

By Robert H. Keir  
Mayor

By \_\_\_\_\_  
Director of Administration & Finance  
(ex officio City Clerk)

Recorded Sept. 14, 1979

7909141007

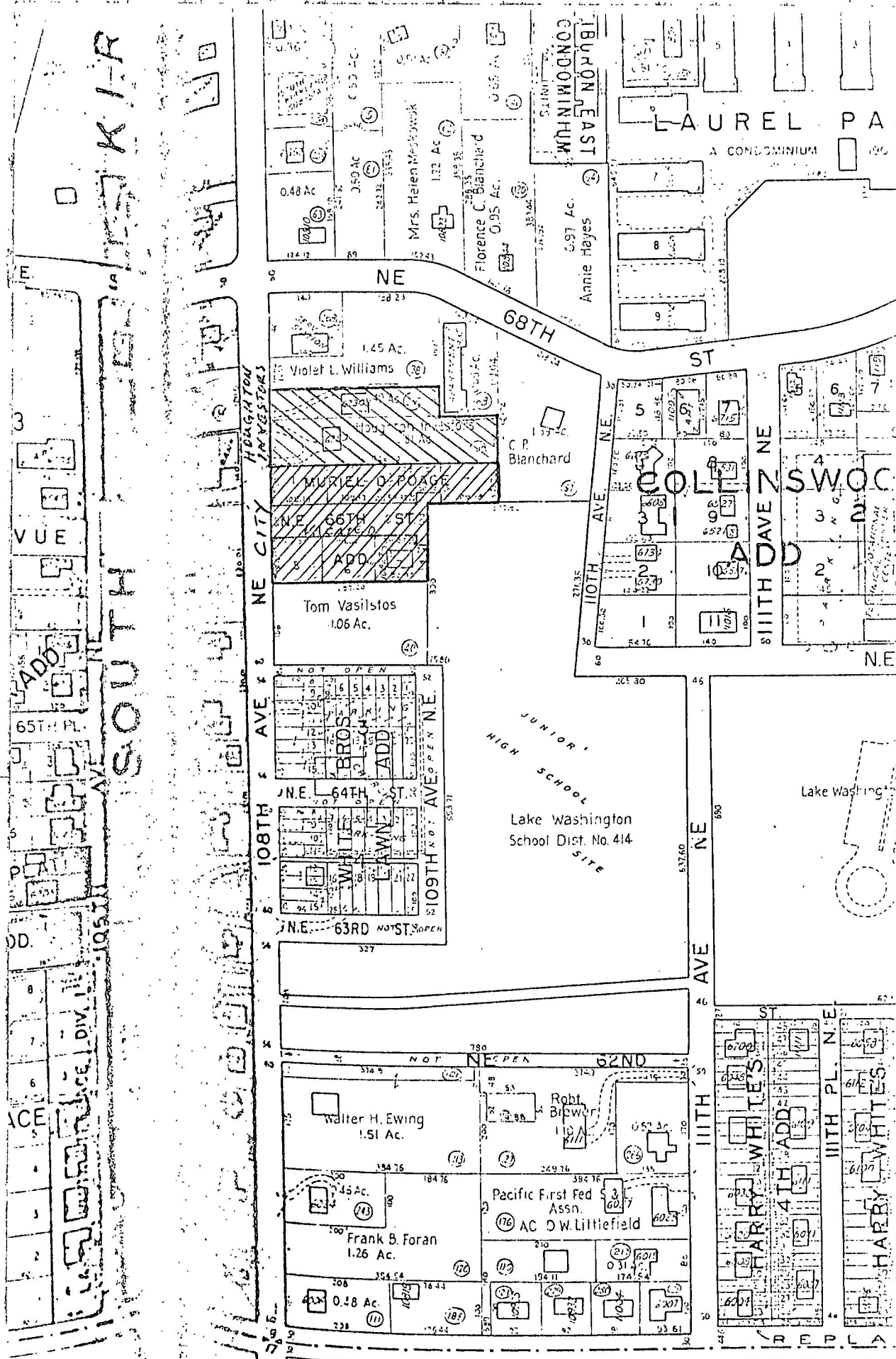


EXHIBIT "A"

REPRODUCTION PART FOR PER RESALE IS PROHIBITED

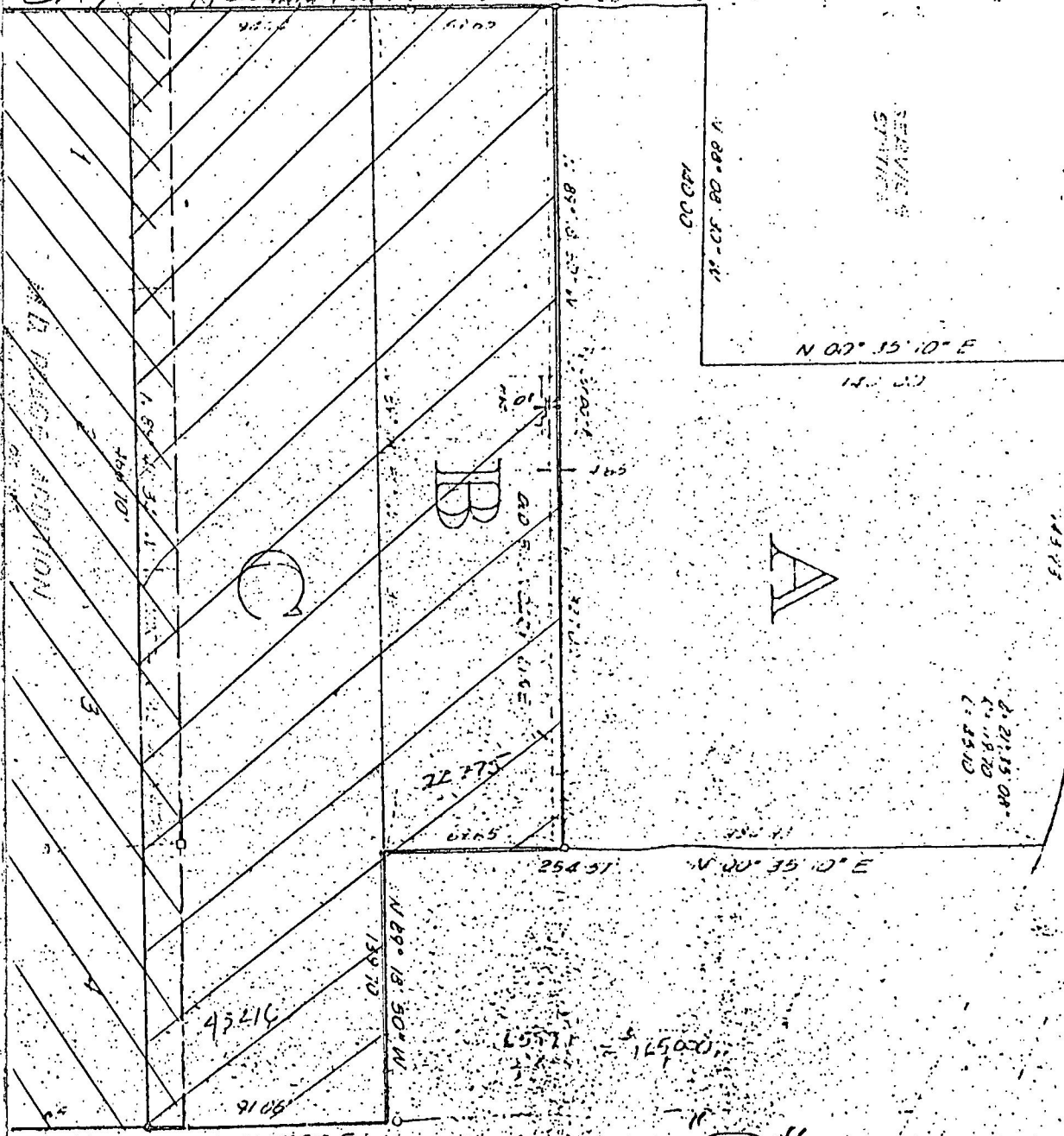
R-2649

Recorded Sept. 14, 1979  
7909141007

108TH AVE NE

N 00° 35' 10" E

CITY FOUNDATION INVESTORS



CC CITY

SERVICES

N 00° 35' 10" E

A

B PLACE ADDITION

B

01-21-15 ON

165000

EXHIBIT B

A-2649

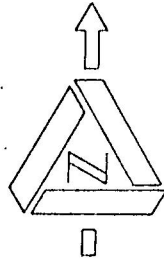
THE STATE OF MINNESOTA  
 COUNTY OF ANNE ARBOR  
 I, JAMES H. HARRIS, County Clerk, do hereby certify that the foregoing is a true and correct copy of the original plat as recorded in my office on the 14th day of September, 1979.  
 JAMES H. HARRIS  
 County Clerk



Exhibit C

**TRIAD ASSOCIATES**  
446-108th Ave. NE Bellevue, Wa. 98004  
454-0771

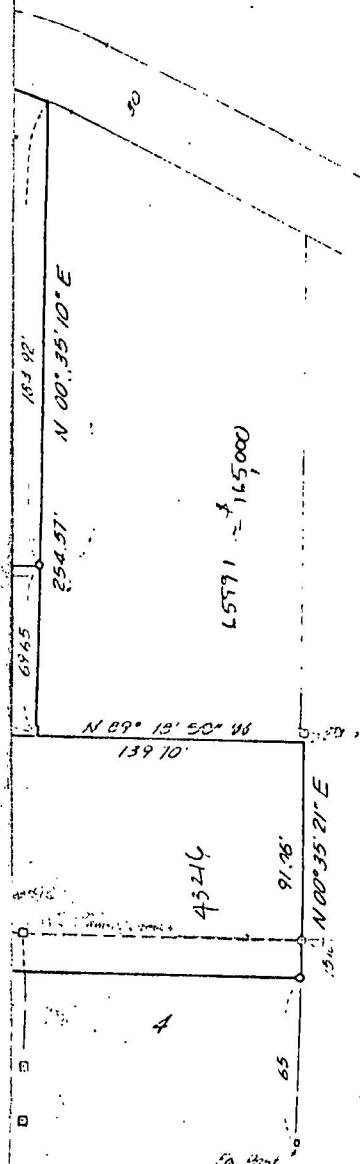
Date \_\_\_\_\_  
Drawn \_\_\_\_\_  
Checked \_\_\_\_\_



SCALE 1"=50'

FOR SW 1/4 NW 1/4 SEC 8, T 25 N, R 5 E, W 1 M  
KING COUNTY, WASHINGTON

LEGAL DESCRIPTION



**Parcel "A"**  
That portion of the NW quarter of the SE quarter of Section 8, Township 25 North, Range 5 East, W.M., in King County, Wa., more particularly described as follows:  
BEGINNING at the intersection of the south margin of State Aid Road No. 4 (N.E. 68th St.) and the east margin of 108th Avenue N.E.; thence S0°35'10"W along a line parallel with the north and south center line of said section, 200.00 feet; thence S89°18'50"E along a line parallel with the south line of said subdivision 327.00 feet; thence S0°35'10"E 184.92 feet to intersect the arc of a curve on the south margin of State Aid Road No. 4 (N.E. 68th St.); thence on a curve to the left with a radius of 119.70 feet, the center of which bears S2°26'38"W an arc distance of 45.10 feet to a point of tangency; thence N88°08'30"W along the said south margin a distance of 287.25 feet to the POINT OF BEGINNING.  
EXCEPT the west 139.96 feet in width of the road with 139.96 feet in width thereof.

**Parcel "B"**  
That portion of the NW quarter of the SE quarter of Section 8, Township 25 North, Range 5 East, W.M., in King County, Wa., more particularly described as follows:  
Commencing at the intersection of the south margin of State Aid Road No. 4 (N.E. 68th St.) and the east margin of 108th Avenue N.E.; thence S0°35'10"W along a line parallel with the north and south center line of said section, 200.00 feet to the POINT OF BEGINNING; thence continuing S0°35'10"W 69.65 feet; thence S89°18'50"E along a line parallel with the south line of said subdivision 327.00 feet; thence N0°35'10"W 69.65 feet; thence S89°18'50"W 327.00 feet to the POINT OF BEGINNING.

**Parcel "C"**  
That portion of the NW quarter of the SE quarter of Section 8, Township 25 North, Range 5 East, W.M., in King County, Wa., more particularly described as follows:  
Commencing at the intersection of the south margin of State Aid Road No. 4 (N.E. 68th St.) and the east margin of 108th Avenue N.E.; thence S0°35'10"W along a line parallel with the north and south center line of said section, 269.65 feet to the POINT OF BEGINNING; thence continuing S0°35'10"W 94.14 feet to the north line of the Plat of MERIEL D. FOWLE ADDITION OF HOUGHTON as recorded in Vol. 57, Pl. 86 records of King County, Wa.; thence S89°41'34"E along the north line of said plat 466.70 feet; thence N0°35'21"W 91.06 feet; thence N89°18'50"W parallel with the south line of said subdivision 466.70 feet to the POINT OF BEGINNING.

**LEGEND**

- SET REBAR
- EXIST IRON PIPE
- EXIST HUB
- ⊗ EXIST MDV
- × PENAIL SET UNLESS OTHERWISE INDICATED

APPROVAL OF SURVEY FOR

JOYCE ODEGARD  
SURVEYOR

**SURVEYOR'S CERTIFICATE**

This map, correctly representing a survey made by me or under my direction in conformity with the requirements of the Surveyors' ACT at the request of \_\_\_\_\_

in \_\_\_\_\_ October, 1979.

**RECORDING CERTIFICATE**

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 1979, at \_\_\_\_\_, King County, Washington, at the request of \_\_\_\_\_, TRIAD ASSOCIATES, INC.  
DIVISION OF RECORDS & EDITIONS  
JAMES \_\_\_\_\_ CLYDE R. SHEPHERD  
Supv. of records  
No. 7909141007

Recorded Sept. 14, 1979  
7909141007

