## RESOLUTION NO. R - 2693

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF KIRKLAND THAT CERTAIN RELINQUISHMENT FOR MAINTENANCE AGREEMENT BETWEEN THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION AND THE CITY OF KIRKLAND EFFECTING CITY STREETS CONSTRUCTED, RECONSTRUCTED OR REARRANGED DURING THE COURSE OF CONSTRUCTION OF A PORTION OF SR 405, NORTHRUP INTERCHANGE TO N.E. 140TH STREET.

WHEREAS, for the past several years, the State of Washington, acting through the Dept. of Transportation, has constructed a portion of SR 405 between the Northrup Interchange and N.E. 140th Street within the City of Kirkland; and

WHEREAS, in connection with the construction of the aforementioned section of limited access highway, the State has constructed, reconstructed or rearranged certain City streets, frontage roads, culdesacs and/or other pertinent features; and

WHEREAS, State law and the regulations of the Dept. of Transportation require that said effected City streets be relinquished by the State back to the City for maintenance, reconstruction and operation; and

WHEREAS, it is necessary to described the division of responsibilities of the State and the City and the ownership, maintenance and reconstruction of these roadways and other features and to provide for the transfer of rights; and

WHEREAS, said division of responsibilities is set forth in that certain agreement, a copy of which is attached to the original of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The Mayor is hereby authorized and directed to sign on behalf of the City of Kirkland that certain agreement between the State of Washington Dept. of Transportation and the City of Kirkland, a copy of which is attached to the original of this Resolution and identified as GM1003, including Exhibit "A" thereof.

ADOPTED BY MAJORITY VOTE of the Kirkland City Council in regular meeting on the 21st day of 30.280.

MAVAR

ATTEST:

Director of Administration & Finance (ex officio City Clerk)

## AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_\_\_day of \_\_\_\_\_\_\_, 19\_\_\_\_\_, between the State of Washington, Department of Transportation, acting by and through the Secretary of the Department of Transportation, hereinafter called the "State", and City of Kirkland, Washington acting by and through its authorized agent, hereinafter called the "City";

WHEREAS, the State has constructed a portion of SR 405, Northup Interchange to N.E. 140th Street on a limited access highway through the City; and

WHEREAS, in connection with the construction of the aforementioned section of highway, the State has constructed, reconstructed, or rearranged certain City streets, frontage roads, culde-sacs, and/or other pertinent features; and

WHEREAS, the said arranged City streets, frontage roads, cul-de-sacs and other features have been constructed in the locations shown on Sheets 5 through 8 and 10 through 13 of 25 sheets of the right of way plan entitled "SR 405, Northup Interchange to N.E. 140th Street" and referenced hereto as Exhibit "A"; and

WHEREAS, it is necessary to describe the division of responsibility of the State and the City in the ownership, maintenance and reconstruction of these roadways and other features and provide for the transfer of rights accordingly:

NOW, THEREFORE, pursuant to the "Policy and Design Standards for Rearranged County Roads, Frontage Road, Intersections, Ramps and Crossings" approved by the Washington State Highway Commission

by Resolution No. 1778, dated August 15, 1966, and Directive No. D 26-64 (HW) "Certification and Relinquishment of Highways and Local Roads and Streets to Counties and Cities," it is mutually agreed that:

I

The State will notify the City in writing that it will transfer jurisdiction of these features. The City agrees to accept said rearranged City streets, frontage roads, cul-de-sacs and other features, including rights of way and other property rights, and to relieve the State from all responsibility in the operation, maintenance and reconstruction of these features, in accordance with this agreement.

II

Within six months following the notice to transfer jurisdiction, the State will furnish the City a recorded conveyance for those rights of way shown in color on the plans marked Exhibit "A", Sheets 1 through 8 of 8 sheets, attached hereto and by this reference made a part of this agreement.

TIT

The City hereby acknowledges that the access control as established and acquired is a property right and agrees that any transfer of these rights is governed by the statutes covering disposal of property rights, subject to concurrence by the Federal Highway Administration.

ΙV

The City agrees to perform all maintenance, repair and reconstruction of the rearranged City streets, frontage roads, cul-de-sacs, and/or other features, as shown in red on the plans

marked Exhibit "A" upon the notification in writing from the State that it will transfer jurisdiction. Exhibit "A" is illustrated as follows: Red indicates new construction or improvements to be turned back to the City; blue indicates slope or drainage easements to be turned back to the City; and green indicates areas to be maintained by the City, including snow and ice removal (with reconstruction State responsibility).

V

No liability shall attach to the State or the City by reason of entering into this agreement except as expressly provided herein.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first above written.

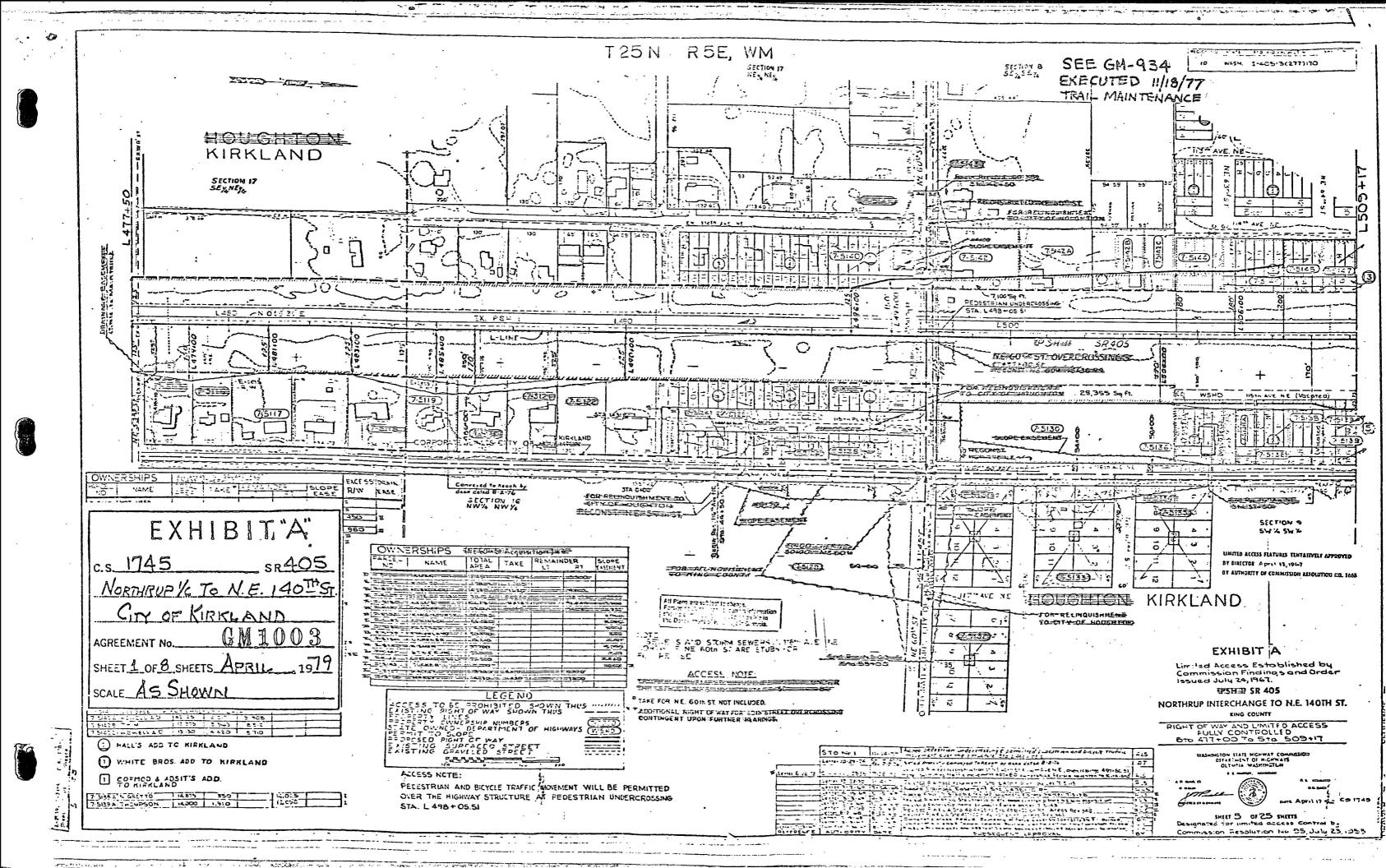
Attest:

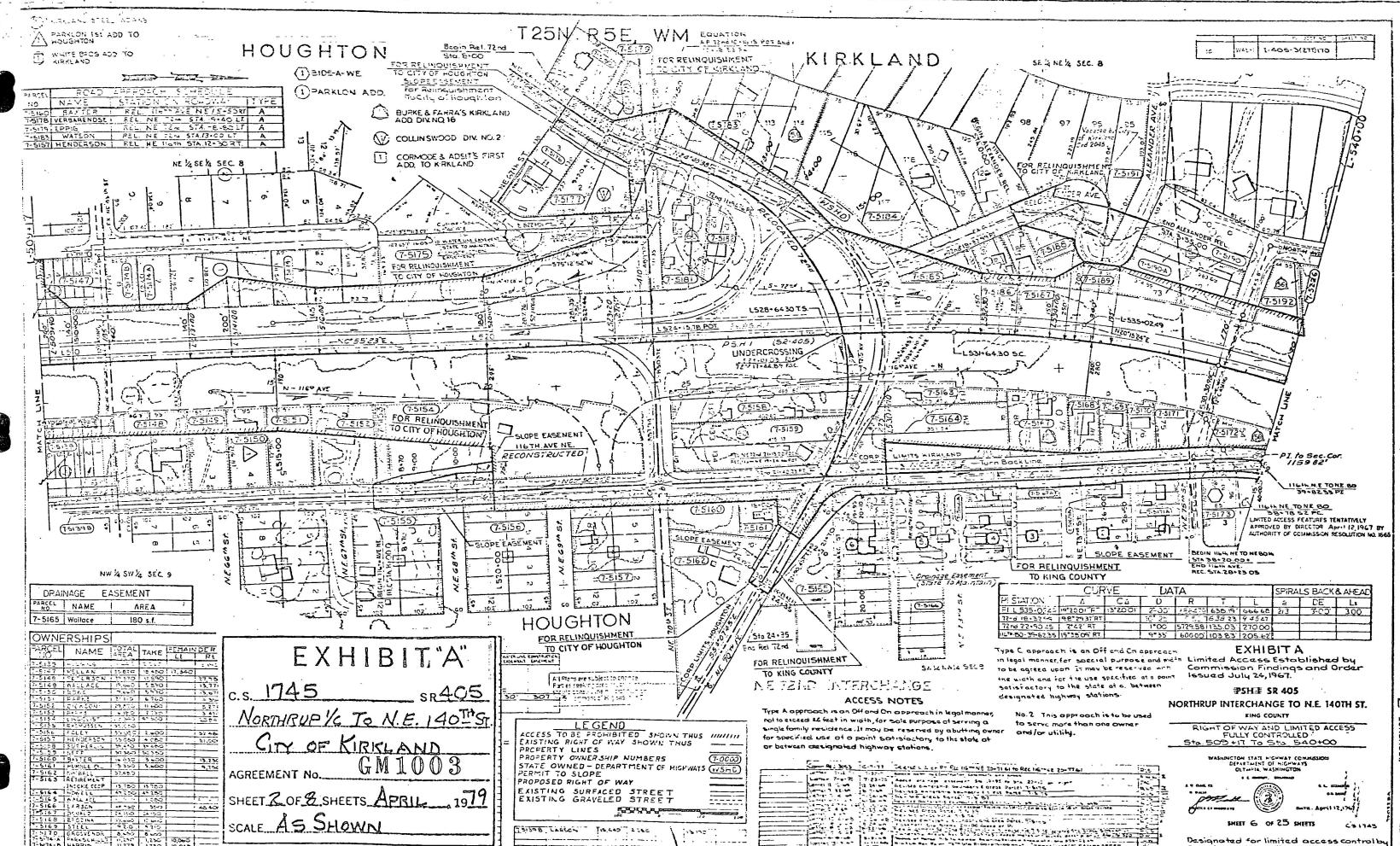
Approved as to form:

STATE OF WASHINGTON DEPARTMENT OF TRANSPORTATION

By:

State Aid Engineer





Commission Pesolution No.55, July 23, 1953.

