

RESOLUTION NO. R-2704

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF KIRKWOOD MANOR DIVISION II, BEING DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. R-F-SUB-79-117(P) AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT.

WHEREAS, a subdivision and preliminary plat of Kirkwood Manor Division II was approved by Resolution No. R-2573; and

WHEREAS, thereafter the Department of Community Development received an application for approval of subdivision and final plat, said application having been made by McGrath Development Corporation, the owner of the real property described in said application, which property is within a Residential Single Family 35,000 zone; and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2319 concerning environmental policy and the State Environmental Policy Act, an environmental checklist has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a negative declaration reached; and

WHEREAS, said environmental checklist and declaration have been made available and accompanied the application throughout the entire review process; and

WHEREAS, the Director of the Department of Community Development, after consideration of the recommendation of the Principal Planner of the Department of Community Development, did adopt certain Findings, Conclusions, and Recommendations and did recommend approval of the subdivision and the final plat, subject to specific conditions set forth in said recommendation.

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

Section 1. The Findings, Conclusions, and Recommendations of the Director of the Department of Community Development as filed in Department of Community Development File No. F-SUB-79-123(P) are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. Approval of the subdivision and the final plat of Kirkwood Manor Division II is subject to the applicant's compliance with the conditions set forth in the recommendations hereinabove adopted by the City Council and further conditioned upon the following:

- (a) A Plat Bond or other approved security performance undertaking in an amount determined by the Director of Public Services in accordance with the requirements therefor in Ordinance No. 2178 shall be deposited with the City of Kirkland and be conditioned upon the completion and acceptance by the City of all conditions of approval, including public improvements, within one year from the date of passage of this Resolution. No City official, including the Director of the Department of Community Development, the Mayor, or the City Engineer, shall affix his signature to the final plat drawing until such time as the plat bond or other approved performance security undertaking herein required has been deposited with the City and approved by the Director of Public Service as to amount and form.

Section 3. A certified copy of this Resolution, along with the Findings, Conclusions, and Recommendations hereinabove adopted shall be delivered to the applicant.


Section 4. Nothing in this Resolution shall be construed as excusing the applicant from compliance with all federal, state, or local statutes, ordinances, or regulations applicable to this subdivision, other than as expressly set forth herein.

Section 5. Certified or conformed copies of this Resolution shall be delivered to the following:

- (a) Applicant
- (b) Department of Community Development for the City of Kirkland
- (c) Fire and Building Department for the City of Kirkland
- (d) Public Service Department for the City of Kirkland
- (e) Department of Project and Construction Management for the City of Kirkland
- (f) Office of the Director of Administration and Finance (ex officio City Clerk) of the City of Kirkland.


PASSED in regular meeting of the Kirkland City Council on the 19th day of February, 1980.

SIGNED IN AUTHENTICATION thereof on the 19th day of February, 1980.



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

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DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____

XX RECOMMENDED BY _____ DATE February 12, 1980

ADOPTED BY _____ DATE _____

STAFF
xx Planning Director
BOARD OF ADJUSTMENT _____
Gerald F. Link
Gerald F. Link, Planning Director

HOUGHTON COMMUNITY COUNCIL _____

PLANNING COMMISSION _____

CITY COUNCIL AS INCORPORATED IN _____

RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER F-SUB-R-79-117(P)

APPLICANT McGrath Development Corporation

PROPERTY LOCATION N. of NE 110th St., E. of 116th Ave. ND, W. of I-405, S. of Kirkwood Manor I.

SUBJECT FINAL SUBDIVISION OF KIRKWOOD MANOR II

HEARING/MEETING DATE February 19, 1980

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Fee-in-Lieu Receipt "C" Vicinity Map, Site Plan & Topographic Map "D" Final Plat Linens "E" Prelim. Subdiv. Notice of Approval "F" Greenbelt Easement "G" Quit Claim Deeds "H" Lot Area Computations "I" Plat Performance & Maintenance Bond.

I. SUMMARY

A. DESCRIPTION OF THE PROPOSAL:

1. This is an application for a Final Subdivision of a 7.1 acre property into 27 lots. The subdivision will be known as Kirkwood Manor Division No. 2.
2. The property is located north of N.E. 110th Street, east of 116th Avenue N.E., west of Interstate 405, and just south of the approved subdivision of Kirkwood Manor Division 1.
3. The Preliminary Subdivision of the property was approved by the City Council on December 4, 1978 and the Single Family Rezone was recommended for approval by the Planning Commission on January 31, 1980.
4. Twenty-six of the 27 proposed lots have lot areas greater than 8,500 square feet. The other parcel, Lot 12, has an area of 7,682.97 square feet.
5. Tracts "B", "C", "D" will be planter areas and will be maintained by the adjacent property owners as noted on the final plat linen.
6. Tracts "A" and "E" will be deeded to adjacent/-adjoining property owners as noted on the final plat linen.
7. All but three of the proposed lots will access from an internal road system to be extended southward from the existing 117th Place N.E. right-of-way within the Kirkwood Manor plat to the north of the subject property. The remaining three parcels, Lots 13, 22 and 23, two of which contain existing residences, will access from 116th Ave. N.E. Proposed Lot 11, while accessing from the internal road system, contains a 30 foot wide western extension which fronts on 116th Ave. N.E.
8. A 278 foot long walkway easement is provided across Lots 11 and 12 and Tract "A" for public access to 116th Ave. N.E. and a 111 foot long walkway easement is provided across Lots 2 and 3 for public access to the future public park.
9. A 15 foot greenbelt easement is designated on the final plat linen for the rear property areas of all lots with the exception of Lots 1 through 6.

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The major issues are tree retention, compliance with the Preliminary Subdivision's conditions of approval, a minor modification to the pedestrian easements and maintenance of the pedestrian easements.

B. RECOMMENDATIONS:

Based upon the Findings of Fact, Conclusions and Exhibits "A" through "I", contained herein, we hereby recommend approval of this application for a Final Subdivision subject to the following conditions:

1. This application is subject to the various requirements contained in the Land Use Policies Plan, the Kirkland Zoning Ordinance, and the Kirkland Subdivision Ordinance. It is the responsibility of the applicant to assure compliance with the various provisions contained in these ordinances.
2. Any major changes, revisions, or additions, constituting a departure from the approved site plan submitted by the applicant or developer shall be fully processed by the Director of the Department of Community Development and the City Council in the same manner as a new Final Subdivision application.
3. The 10 foot wide walkway easements across Lots 11 and 12 and Tract "A" and across Lots 2 and 3 shall be improved with five feet of asphalt or five feet of gravel. A 4 foot high cedar fence shall be placed next to the asphalt or gravel walkway. Pyramidalis, 3-4 feet high at time of planting and 3 feet on center shall be planted along each boundary of both easements on the outside of the fence. Condition No. 1 of the Preliminary Subdivision shall be deleted.
4. Condition No. 9 of the Preliminary Subdivision shall be modified to exclude showing trees 6" in caliper or greater on the required building permit tree plan that will remain on each lot.

II. MAJOR ISSUES, FACTS AND CONCLUSIONS

A. TREE RETENTION:

1. Statements of Fact.
 - a. The major portion of the property is heavily wooded with a general mix of coniferous trees except for Lots 1 through 6. The central portion of the site, which is a slight depression, contains primarily deciduous growth.

- b. To install the utilities, trees were removed on Lots 1 through 6 along the 10 foot wide utility easement area. There are only a few trees remaining along the 25 foot rear property areas of Lots 1 through 6. (See Exhibit "D").
- c. In Condition No. 9 of the Preliminary Subdivision, the applicant is required to submit a tree retention plan showing those trees on the lot 6" in caliper or greater and indicating which will be cut and which will remain.
- d. The applicant does not know where the homes will be located on the lots and therefore, which trees will remain.
- e. The depth of the floor plans will range from 25 to 40 feet. (See Exhibit "F").
- f. Street trees will be provided within the right-of-way.
- g. There are lower density residential homes to the southeast and west of the property.

2. Conclusions.

- a. To ensure that the perimeter trees on each lot will be retained and to obtain a natural buffer between Kirkwood Manor Division 2 and the adjacent lower density residential homes to the south and east of the subject property, the applicant will record a 15 foot greenbelt easement for the rear property areas of all lots, except Lots 1 through 6. No clearing, building or alteration shall be allowed in the greenbelt easement with the exception of landscaping, ordinary maintenance and repair. (See Exhibit "F").
- b. The 15 foot greenbelt easement will allow for the maximum building floor plan depth of 40 feet.
- c. A tree removal survey should be submitted instead of a tree retention survey, because the site is heavily wooded.

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B. COMPLIANCE WITH THE PRELIMINARY SUBDIVISION'S CONDITIONS OF APPROVAL:

1. Statements of Fact.

- a. As required in Condition No. 1, the applicant has installed a 5 foot wide gravel path and a 4 foot high cedar fence, and has posted an installation and maintenance landscaping bond for the pyramidalis in completion of the pedestrian walkways. (See Exhibit "I").
- b. The applicant has noted on the final plat linen the dedication of the west 30 feet of Lots 11, 13, 22 and 23 to be part of the right-of-way of 116th Ave. N.E. as required in Condition No. 2 (see Exhibit "D").
- c. As required in Condition No. 3, the rights-of-way within this plat have been improved with 28 feet of asphalt paving, a rolled concrete curb, and a 5 foot concrete sidewalk on each side. Also, 30 feet of frontage road property has been deeded by each of the three property owners (Bjorklund, Day and Hopper/Betrozoff) to the City of Kirkland for uniformly improving 116th Ave. N.E. (See Exhibit "G" - Bjorklund and Day filed each of their deeds together on one form.). The applicant has constructed the improvements along 116th Ave. N.E. to match.
- d. As required in Condition No. 4, the cost and installation of the street trees have been bonded, the Parks Department has specified the type, size and location of these trees and the Kirkwood Manor Division 2 engineering construction plans reflect these specifications.
- e. Before any right-of-way grading was done, the applicant staked the approved grading area as stipulated in Condition No. 5.
- f. The applicant has noted on the final plat linen that Lot 11 does not have direct primary vehicular access from 116th Ave. N.E. and has noted that all planter islands are to be owned and maintained by the adjoining lot owners as required in Condition No. 6. (See Exhibit "D").

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- g. The applicant has redesigned the subdivision plat so that only Lot 12 has a lot area less than 8500 square feet. Also, the applicant has noted on the final plat linen the pedestrian paths as non-exclusive walkway easements to be maintained by the adjoining lot owners rather than a tract under public ownership, and has noted the width and depth measurements of each lot as required in Condition No. 7 (see Exhibit "D").
- h. As stipulated in Condition No. 8, the applicant has deposited into the "fee-in-lieu of open space" account of the Parks and Municipal Facilities Cumulative Reserve Fund a sum of \$5,000.00. (See Exhibit "B").
- i. The requirement in Condition No. 9 shall be deleted by the Final Subdivision Recommendation No. 4.

2. Conclusions.

The applicant has met all of the conditions as stated in the Notice of Approval for the Preliminary Subdivision.

C. A MINOR MODIFICATION TO THE PEDESTRIAN EASEMENT:

1. Statements of Fact.

- a. Condition No. 1 of the Preliminary Subdivision requires that the pyramidalis be planted between the gravel walkway and the cedar fence along both pedestrian easements.
- b. Planting the pyramidalis next to the gravel walkway instead of on the outside of the fence will increase the chance of damage to the plants and will be more difficult for the adjoining property owners to maintain.

2. Conclusions.

As noted in Recommendation No. 3 of the Final Subdivision, the pyramidalis should be planted on the outside of the fence along the easement borders of both walkways.

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D. MAINTENANCE OF THE PEDESTRIAN EASEMENTS.

1. Statements of Fact.

- a. The pedestrian walkways are under private ownership.
- b. It is the City's policy that walkway easements are to be maintained by the respective property owners.
- c. The property owner, who will be deeded Tract "A", is accepting the deed with the knowledge that a two-foot wide portion of the pedestrian walk-way easement traverses across the deeded property and will require maintenance of the pyramidalis.

2. Conclusions.

The applicant has noted on the final plat linen that the owners of Lots 2, 3, 11, 12 and Tract "A" shall be responsible for the maintenance of the non-exclusive walkway easements immediately adjacent to their lots and tract.

III. BACKGROUND

A. NEIGHBORHOOD:

1. Statements of Fact.

- a. The property is currently zoned RS 35,000.
- b. The Land Use Policies Plan has designated the property for 5 dwelling units per acre.
- c. Residential Single Family is the sole use on all properties bordering the property on the north, west and south. Immediately east of the property is a vacant parcel owned by the City.
- d. The area to the north and northwest is zoned RS 8500. The area to the south and southwest is zoned RS 35,000.

2. Conclusions.

- a. The design of the plat at an RS 8500 density is supported by the Land Use Policies Plan.
- b. The proposed rezone is consistent with the low density residential zones in the surrounding neighborhoods.

- c. The single family residential use of the land is the same as that in the surrounding neighborhoods.

B. HISTORY OF THE SITE:

1. Statements of Fact.

- a. The Preliminary Subdivision application, File No. P-SUB-78-62(P) was approved by the Planning Commission on November 16, 1978 and by the City Council on December 4, 1978. (See Exhibit "E").
- b. As noted in the Advisory Report for the approved Preliminary Subdivision, the application for a Rezone is required at the time of application for a Final Subdivision.

2. Conclusions.

- a. The Rezone application for the property was recommended for approval by the Planning Commission on January 31, 1980.

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IV. DEVELOPMENT STANDARDS

The following development standards, policies and regulations pertain to the development on the property. However, the list does not include all of the requirements and it is the responsibility of the applicant to assure compliance with all provisions contained in the Land Use Policies Plan, the Kirkland Zoning and Subdivision Ordinance.

1. Statements of Fact.

a. Land Use Policies Plan: Highlands Area

Page 342 - The low density residential character is to be maintained throughout most of the area..

b. Subdivision Ordinance

Section 2.11.8 - Lots (h) Minimum Lot Area in Subdivision.

In computing the average lot area, not more than ten percent (10%) of the number of lots may contain an area less than the prescribed 8,500 square feet of lot area and in no case shall any lot contain less than 7,650 square feet of lot area.

2. Conclusions.

a. The plat of 27 lots has 1 lot with less than 8,500 square foot area where 2.7 lots would be allowed. This lot has greater than the required 7,650 square foot minimum lot area. (See Exhibit "H").

b. The residential use and change from RS 35,000 to RS 8,500 conforms with the Comprehensive Plan, the provisions of the Zoning Ordinance, and the public interest.

V. APPENDICES:

Exhibits "A" through "I" are attached.

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City of Kirkland
Department of Community Development.

APPLICATION FOR A FINAL SUBDIVISION

NOTE: Before preparing this application, please read information on cover page of this form.

Name of Applicant McGrath Development Corporation Phone 455 1367

Company Name McGrath Development Corporation

Mailing Address 10205 N.E. 1st Street City Bellevue, Wash. Zip 98004

1) Briefly describe the nature of the proposed subdivision (include intended use and number of lots proposed):

Twenty-Seven (27) lot subdivision for construction of single family detached residences.

Proposed name of subdivision: Kirkwood Manor Division 2

Location of subdivision: N.E. 100th Place and 117th Place N.E.

2) Existing zoning of property RS 35000 proposed RS 8500

3) Initial size of property (unsubdivided): 306479.076 SQ. FEET,
7.036 ACRES.

4) If one large lot, suitable for subdivision, remains, explain reason:

NONE

EXHIBIT "A"
APPLICATION
KIRKWOOD MANOR II FINAL
SUBDIVISION
F-SUB-R-79-117(P)

The undersigned applicant(s) is(are) the owners of the property described as follows (legal description):

The N. 1/3 of the S.W. 1/4 of the S.W. 1/4 of the S.W. 1/4 of Sec. 33, Twp. 26 N., R. 5 E., W. 11, King County, Washington; EXCEPT the N. 75 ft. of the W. 168 ft. thereof; TOGETHER WITH the S. 1/2 of the N. 2/3 of said S.W. 1/4 of the S.W. 1/4 of the S.W. 1/4 of Sec. 33; EXCEPT the E. 138.00 ft. of the W. 168.00 ft. of the N. 70.00 ft. and the S. 75.00 ft. of the W. 130.00 ft. thereof; TOGETHER WITH the N. 1/2 of the S. 1/3 of said S.W. 1/4 of the S.W. 1/4 of the S.W. 1/4 of Sec. 33; EXCEPT the W. 150.00 ft. of the N. 79.00 ft. thereof.

STATE OF WASHINGTON)
COUNTY OF KING) SS
CITY OF KIRKLAND)

we, McGrath Development Corporation, being duly sworn depose and say, that /we are the owner(s) of the property legally described below, and that Development Coordinators, Inc. Attention: Chuck Brengle has our permission to act as /our agent in /our behalf for this application for a Final Subdivision Kirkwood Manor Division 2 for the subject property with the City of Kirkland.

J. McGrath
VICE-PRESIDENT
(Signature(s) of Owner(s))

Subscribed and sworn to before me this 8th day of October, 1979.

Charles B. Brengle
Notary Public in and for the State of Washington residing at Kirkland

LEGAL DESCRIPTION:

The N. 1/3 of the S.W. 1/4 of the S.W. 1/4 of the S.W. 1/4 of Sec. 33, Twp. 26 N., R. 5 E., W. 11, King County, Washington; EXCEPT the N. 75 ft. of the W. 168 ft. thereof; TOGETHER WITH the S. 1/2 of the N. 2/3 of said S.W. 1/4 of the S.W. 1/4 of the S.W. 1/4 of Sec. 33; EXCEPT the E. 138.00 ft. of the W. 168.00 ft. of the N. 70.00 ft. and the S. 75.00 ft. of the W. 130.00 ft. thereof; TOGETHER WITH the N. 1/2 of the S. 1/3 of said S.W. 1/4 of the S.W. 1/4 of the S.W. 1/4 of Sec. 33; EXCEPT the W. 150.00 ft. of the N. 79.00 ft. thereof.

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STATE OF WASHINGTON)
COUNTY OF KING) SS
CITY OF KIRKLAND)

I, McGrath Development Corporation being the present property owner of the property described below, being duly sworn, depose and say that I do not own any other property directly adjoining the property legally described below and that the foregoing statements, answers and information are in all respects true and correct to the best of my knowledge and belief.

T. J. McGrath x
(Signature)

Subscribed and sworn to me this 8th day of OCTOBER, 1979.

(NOTARY SEAL)

Charles M. Buehl
Notary Public in and for the
State of Washington, residing at
Kirkland

LEGAL DESCRIPTION Kirkwood Manor Division No. 2

The N. 1/3 of the S.W. 1/4 of the S.W. 1/4 of the S.W. 1/4 of Sec. 33, Twp. 26 N., R. 5 E., W.M., King County, Washington, EXCEPT the N. 75 ft. of the W. 168 ft. thereof, TOGETHER WITH the S. 1/2 of the N. 2/3 of said S.W. 1/4 of the S.W. 1/4 of the S.W. 1/4 of Sec. 33; EXCEPT the E. 138.00 ft. of the W. 168.00 ft. of the N. 70.00 ft. and the S. 75.00 ft. of the W. 130.00 ft. thereof; TOGETHER WITH the N. 1/2 of the S. 1/3 of said S.W. 1/4 of the S.W. 1/4 of the S.W. 1/4 of Sec. 33; EXCEPT the W. 150.00 ft. of the N. 79.00 ft. thereof.

A F F I D A V I T

STATE OF WASHINGTON)
COUNTY OF KING)
CITY OF KIRKLAND)

McGrath Development Corporation, being duly sworn depose and say, that (we are) the owner(s) of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of (our) knowledge and belief.

T. J. McGrath x
Vice President

Phone: 455 0368

10205 N. E. 1st
Bellevue, Washington 98004
(Mailing Address)

Subscribed and sworn to before me this 8th day of OCTOBER, 1979.

Charles M. Buehl
Notary Public in and for the
STATE OF WASHINGTON, residing at
Kirkland

DEPARTMENT OF COMMUNITY DEVELOPMENT

RECEIPT NO. 30580 DATE Nov. 9, 1979

NAME: McShane Development Corporation

APPLICANT/PROJECT (if differs from above) 10205 N. E. 1st.

CITY: Belleme STATE: Wa ZIP CODE: 98004

010.000.341.50.000	Sale of Maps & Publications*	\$	
010.000.341.30.001	Environmental Review Fee	\$	
010.000.341.30.002	Variance Fee	\$	
010.000.341.30.003	Comprehensive Plan Amendment	\$	
010.000.341.30.004	Subdivision/ Short Subdivision	\$	
010.000.341.30.005	Planned Unit Development Fee	\$	
010.000.341.30.006	Conditional Use Permit Fee	\$	
010.000.341.30.007	Unclassified Use Permit Fee	\$	
010.000.341.30.008	Substantial Development Permit	\$	
010.000.341.30.010	Rezone Fees	\$	
189.000.341.30.009	Fee in Lieu of Open Space:		
189.000.341.30.009.001	Houghton/Bridle Trails	\$	
189.000.341.30.009.002	Central/State/Everest	\$	
189.000.341.30.009.003	(Market/Norkirk/Highlands)	\$	5000.00
189.000.341.30.009.004	Juanita/ParMac/Totem Lake	\$	

*Name of publication, if applicable Kirkwood Manor 2

Received by: JY TOTAL \$ 5000.00

FEE-IN-LIEU

25 X \$ 200 = \$ 5000.00
LOTS OR

(2 LOTS HAVE EXISTING HOUSES AND DO NOT COUNT TOWARDS FEE)

ASSESSED VALUE OF PROPERTY = \$ 4,781.90 X 10% = 4,781.90

EXHIBIT "B"
FEE-IN-LIEU OF OPEN SPACE DEP.
RECEIPT
KIRKWOOD MANOR II
F-SUB-R-79-117(P)

KIRKWOOD MANOR 2

S.W. 1/4, SEC. 33, T.26 N., R.5 E., W.M.

KIRKLAND WASHINGTON

ENGINEER:
HUGH G. GOLDSMITH & ASSOC., INC.
SEATTLE, WASHINGTON

LAND SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY that this plat of "Kirkwood Manor 2" is based upon an actual survey and subdivision of Section 33, Township 26 North, Range 5 East, W.M.; that the courses and distances are shown correctly thereon; that the monuments will be set and the lot and block corners staked correctly on the ground; construction is completed; and that I have fully complied with the provisions of the platting regulations.

Hugh G. Goldsmith
Hugh G. Goldsmith
Engineer's Certificate No. 6422
Renewal No. 5140089770



LEGAL DESCRIPTION:

The N 1/3 of the S 1/4 of the SW 1/4 of the SW 1/4 of Sec 33, Twp 26N, R 5E, W.M., King County, Washington, EXCEPT the N 75 11 of the W 168 11 thereof; TOGETHER WITH the S 1/2 of the N 2/3 of said SW 1/4 of the SW 1/4 of the SW 1/4 of Sec 33, EXCEPT the E 138 00 11 of the W 168 00 11 of the N 70 00 11 and the S 75 00 11 of the W 130 00 11 thereof; TOGETHER WITH the N 1/2 of the S 1/3 of said SW 1/4 of the SW 1/4 of the SW 1/4 of Sec 33; EXCEPT the W 150 00 11 of the N 79 00 11 thereof.

COMPTROLLER'S CERTIFICATE:

I HEREBY CERTIFY that all property taxes are paid, that there are no delinquent special assessments certified to this office for collection and that all special assessments certified to this office for collection on any of the property herein contained, dedicated as streets, or for other public use, are paid in full this ___ day of ___, 198__.

King County Comptroller

Deputy Comptroller

CITY TREASURER'S CERTIFICATE:

I HEREBY CERTIFY that there are no delinquent special assessments and that all special assessments on any of the property herein contained, dedicated as streets, or for other public use are paid in full this ___ day of ___, 198__.

Treasurer, City of Kirkland

APPROVALS:

Approved by the City of Kirkland Planning Director this ___ day of ___, 198__.

Planning Director

Approved by the Kirkland City Council this ___ day of ___, 198__.

Mayor, City of Kirkland

Clerk, City of Kirkland

Examined and approved this ___ day of ___, 198__.

Director

Examined and approved this ___ day of ___, 198__.

King County Assessor

Deputy King County Assessor

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS that I, the undersigned owner in fee simple of the land hereby platted, hereby declare this plat and dedicate to the use of the public forever all streets, alleys, and easements shown thereon and the use thereof for all public purposes not inconsistent with the use thereof for public highway purposes; also the right to make all necessary slopes for cuts and fills upon the lots and blocks shown on this plat in the original reasonable grading of the streets and alleys shown hereon.

IN WITNESS WHEREOF we have set our hands and seals.

McGrath Development Corp.

S.A. McGrath
Vice - President

ACKNOWLEDGEMENTS:

STATE OF WASHINGTON } S.S.
COUNTY OF KING

THIS IS TO CERTIFY that on this 23rd day of SEPTEMBER, 1979, before me, the undersigned, a Notary Public, personally appeared T. A. McGrath, President of the McGrath Development Corporation, a Washington corporation, to me known to be the individual who executed the within dedication, and acknowledged to me that he signed and sealed the same as his voluntary act and used for the uses and purposes therein mentioned, and an oath stated that he was authorized to execute said instrument.

WITNESS my hand and official seal the day and year first written above.

Charles M. Brumby
Notary Public in and for the State of Washington
Residing in Kirkland

RESTRICTIONS:

No lot or portion of a lot shall be divided and sold or resold or ownership changed or transferred whereby the ownership of any portion of this plat shall be less than the area required for the use district in which located.

An easement is hereby reserved for and granted to Puget Sound Power and Light Company and General Telephone Company of the Northwest, Inc. and their respective successors and assigns, under and upon the exterior 7 1/2' portion with and adjoining the street frontage of all lots in which to install, lay, construct, renew, operate and maintain underground conduits, cables and wires with necessary facilities and other equipment for the purpose of serving this subdivision and other property with electric and telephone service together with the right to enter upon the lots at all times for the purpose herein stated. Also each lot shall be subject to an easement 2.5 ft. in width parallel and adjacent to all interior lot lines for the purpose of utilities and drainage. All permanent utility services to be underground.

No lines or wires for transmission of electric current or for telephone use, CATV, fire or police signals, or for other purposes, shall be placed or permitted to be placed upon any lot outside the buildings thereon unless the same shall be underground or in a conduit attached to the building.

RECORDING CERTIFICATE:

Filed for record at the request of the City of Kirkland this ___ day of ___, 198__, at ___ minutes past ___ M and received in volume ___ of this, pages ___ records of King County, Washington DIVISION OF RECORDS AND COLLECTIONS

Manager

Superintendent of Records

EXHIBIT "D"
FINAL PLAT LINENS
KIRKWOOD MANOR II FINAL SUBDIV.
Γ-SUB-R-79-117(P)

SHEET 1 OF 2

KIRKWOOD MANOR 2

S.W. 1/4, SEC. 33, T.26 N., R.5 E., W.M.

KIRKLAND WASHINGTON

ENGINEER
HUGH G. GOLDSMITH & ASSOC., INC.
SEATTLE, WASHINGTON

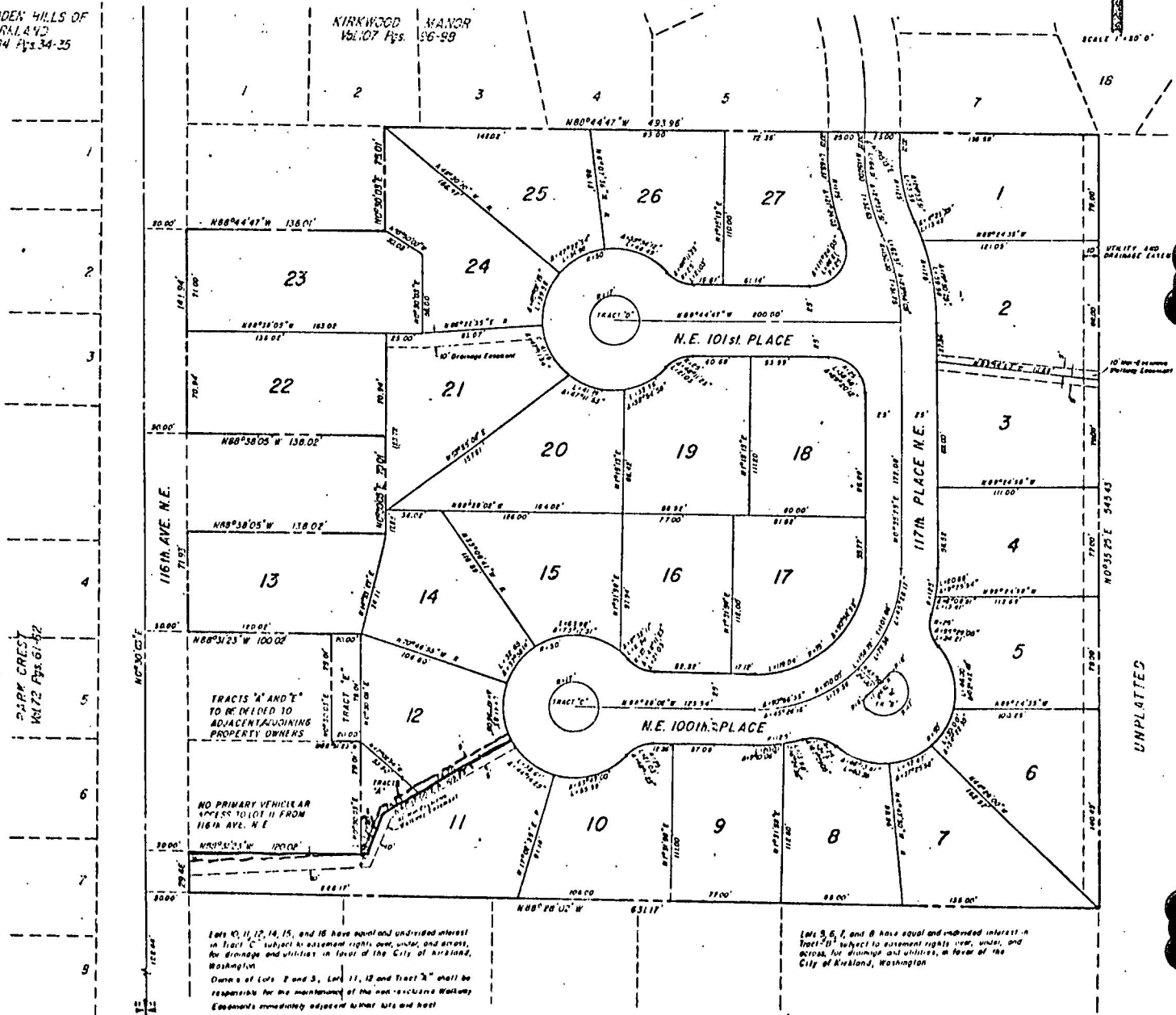
The regular maintenance and repair of all storm water retention structures in this plat is located beneath the City right-of-way shall be accomplished by the City of Kirkland. The total cost of said maintenance and repair of all storm water retention structures shall be assessed to all property owners within the plat who are served by such, and each property owner served by said system shall be assessed 1/27th of the total cost.

Lots 19, 20, 21, 24, 25, and 26 have equal and undivided interest in Tract "C" subject to easement rights over, under, and across, for drainage and utilities in favor of the City of Kirkland, Washington.

HIDDEN HILLS OF KIRKLAND
MS 94 Pgs 34-35

KIRKWOOD MANOR
MS 107 Pgs 56-59

SCALE 1"=20' 0"



Lots 10, 11, 12, 14, 15, and 16 have equal and undivided interest in Tract "C" subject to easement rights over, under, and across, for drainage and utilities in favor of the City of Kirkland, Washington.
Owners of Lots 2 and 3, Lot 11, 12 and Tract "A" shall be responsible for the maintenance of the non-exclusive Walkway Easement's immediately adjacent to their lots and tract.

Lots 9, 6, 7, and 8 have equal and undivided interest in Tract "B" subject to easement rights over, under, and across, for drainage and utilities, in favor of the City of Kirkland, Washington.

UNPLATED

CITY OF KIRKLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT
NOTICE OF APPROVAL

Sherstad and Williams and Marvin Bjorklund

P.O. Box 419, Kirkland 98033

277-0494/822-6420

Application: PRELIMINARY SUBDIVISION OF "KIRKWOOD MANOR DIV. #2"

Issued: December 4, 1978 Date Terminated: December 3, 1979

PRELIMINARY SUBDIVISION Notice of Approval is
(Type of Permit)

SHERSTAD & WILLIAMS/MARVIN BJORKLUND "Kirkwood Manor Div. #2"
(Applicant) (Project name)

approximately 10032 116th Ave. N.E.

Washington, legally described in Department of Community Development

F-SUB-78-62(P), and under Approval/Resolution No. R-2573

is subject to the following conditions of approval and Exhibits

in "F" of Advisory Report dated November 16, 1978.

Tract "A" and the ten foot wide pedestrian easement (see below) through Lot 11 shall be improved with either five feet of asphalt or five feet of gravel. A 4 foot high cedar fence shall be placed on each boundary of both easements. Between the fence and the asphalt or gravel, Pyramidalis, 3-4 feet high at time of planting, shall be placed 3 feet on center along the length of both easements.

As indicated on the preliminary plat, the applicant shall dedicate the west 30 feet of lots 11, 13, 22 and 23 to be part of the right-of-way of 116th Avenue NE.

The rights-of-way within this plat shall be improved with the same improvements provided in the Kirkwood Manor plat to the north of the subject property. These include: 28 feet of asphalt paving and a rolled concrete curb and 5 foot concrete sidewalk on each side. In addition, 116th Avenue NE, where that right-of-way abuts the subject property, shall be improved with the identical improvements provided for that right-of-way adjacent to Kirkwood Manor. Also, staff shall

EXHIBIT "E"
PRELIMINARY SUBDIVISION
NOTICE OF APPROVAL
KIRKWOOD MANOR II FINAL SUBDIV.
F-SUB-R-79-117(P)

Conditions of Approval, Cont'd

(Cont'd)

acquire right-of-way so that improvements to 116th Ave. N.E. will be uniform. If this is done, applicants shall construct the improvements in these areas to match.

Street trees shall be provided within the rights-of-way except where the Parks Department determines street trees not to be necessary. The specific size, species, and location of these street trees shall be identified by the Parks Department when commenting on the Final Subdivision.

Prior to any grading being done in any of the rights-of-way within the plat the limits of the grading shall be staked and approved by the Public Services Department and the Department of Community Development.

The following shall be shown on the face of the Final Plat:

- a. Lot 11 shall not have direct primary vehicular access from 116th Avenue NE.
- b. All planter islands shall be owned and maintained by the adjoining lot owners.

The following changes shall be made to the plat map prior to submittal of an application for a Final Subdivision:

- a. No more than 3 lots shall contain less than 8500 square feet of area. The applicant shall indicate the above by listing area computations for each lot.
- b. Tract "A" shall be shown as an easement rather than a tract under public ownership.
- c. A 10 foot wide pedestrian easement shall be shown on the north side of Lot 11.
- d. The applicant shall indicate that each lot has sufficient width and depth at potential building lines.

Prior to City Council review of the Final Plat the applicant shall:

- a. deposit into the "fee-in-lieu of open space" account of the Parks and Municipal Facilities Cumulative Reserve Fund a sum of money equal to 10% of the assessed valuation of the subject property or \$200 per vacant lot, whichever is greater.
- b. satisfy the conditions of Recommendations 1, 3, and 4 above or bond for those portions not satisfied.

Along with the submittal of building permits for each lot, the applicant or his assignees shall submit a tree retention plan showing those trees on the lot over 6" in caliper and indicating which will be cut and which will remain.

ICE OF APPROVAL, CONT'D

APPLICANT Sherstad & Williams FILE NO. P-SUB-78-177(P)
~~Marvin Bjorklund~~

Failure on the part of the holder of this Notice of Approval to initially meet or maintain strict compliance with the above mentioned conditions shall be grounds for revocation in accordance with the Kirkland Zoning Ordinance No. 2183.

This Notice of Approval shall become null and void unless a permit conforming to the above listed conditions is obtained within 12 months from the date granted.

CITY OF KIRKLAND APPROVAL

December 4, 1978

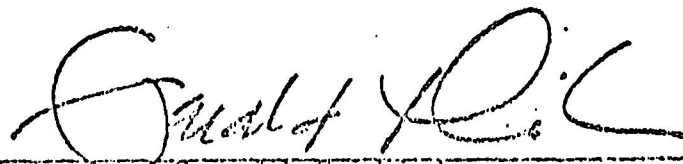
TERMINAL DATE FOR OBTAINING BUILDING PERMIT

N/A

If for any reason the use for which this Approval was granted ceases for a period of time of N/A or more, this permit may be revoked or modified.

None of the above shall be construed as excusing the applicant from compliance with any federal, state, or local statutes, ordinances, or regulations applicable to this project, other than expressly set forth herein.

Granted this 4th day of December, 19 78.



Director Gerald F. Link
Department of Community Development

Distribution of NOA: Applicant
Fire & Bldg. Park Dept.
Public Serv. Police Dept.
NOA Book
File (Original)

Approval of Building Permit _____

DEPARTMENT OF COMMUNITY DEVELOPMENT
OFFICIAL FILE COPY

KIRKWOOD MANOR 2

S.W. 1/4, SEC. 33, T.26 N., R.5 E., W.M.

KIRKLAND WASHINGTON

ENGINEER
HUGH G. GOLDSMITH & ASSOC., INC.
SEATTLE, WASHINGTON

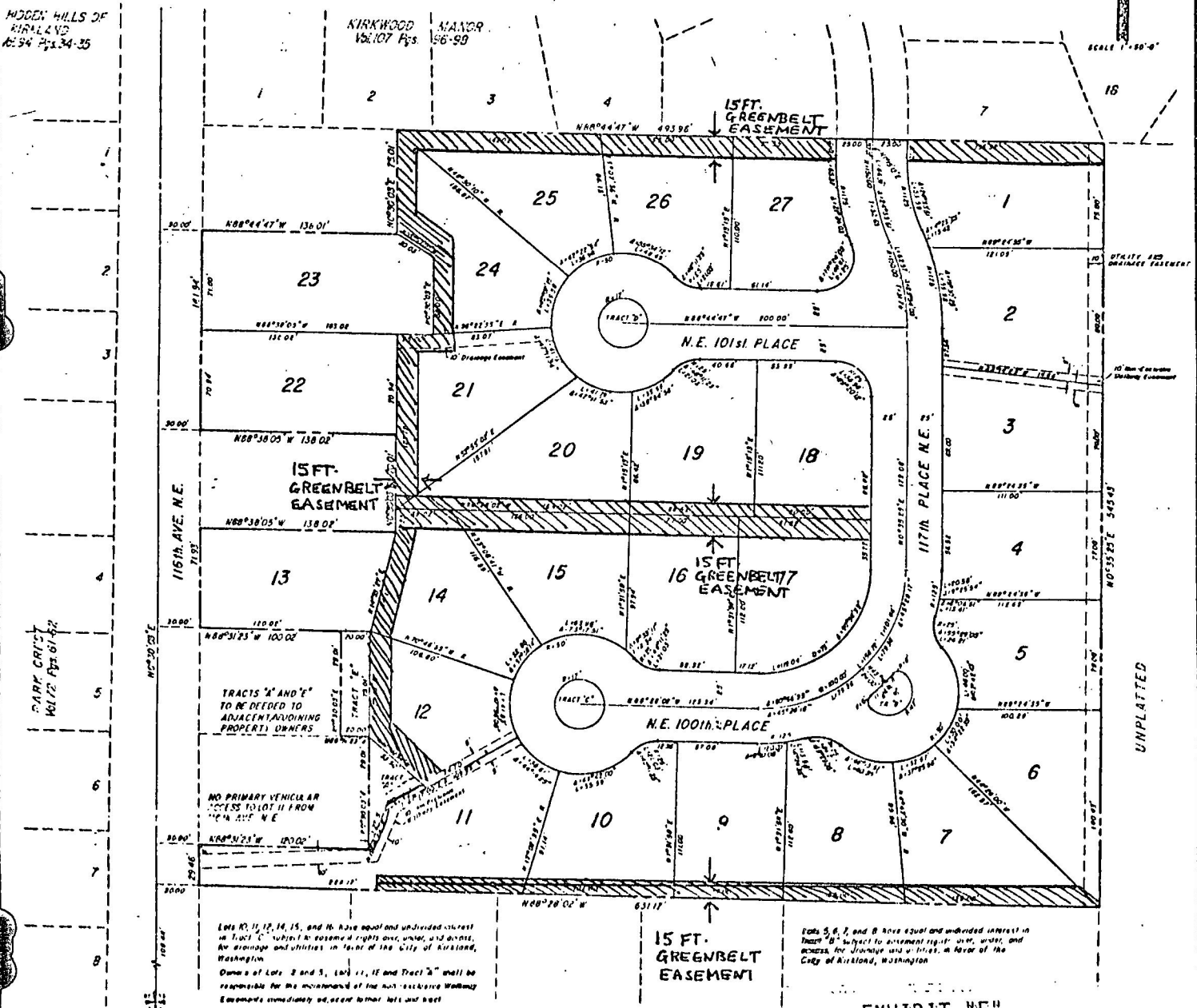
The regular maintenance and repair of all storm water retention structures in this plot or located beneath the City right-of-way shall be accomplished by the City of Kirkland. The total cost of said maintenance and repair of all storm water retention structures shall be assessed to all property owners within the plot who are served by s.w., and each property owner served by said system shall be assessed 1/27th of the total cost.

Lots 19, 20, 21, 24, 25, and 26 have equal and undivided interest in Tract "D" subject to assessment rights over, under, and across, for drainage and utilities in favor of the City of Kirkland, Washington.

MOON HILLS OF
KIRKLAND
Vol. 94 Pgs. 34-35

KIRKWOOD MANOR
Vol. 107 Pgs. 56-59

SCALE 1"=50'-0"



Lots 11, 12, 14, 15, and 16 have equal and undivided interest in Tract "C" subject to assessment rights over, under, and across, for drainage and utilities in favor of the City of Kirkland, Washington. Owners of Lots 11 and 12, 14 and 15, and Tract "C" shall be responsible for the maintenance of the non-exclusive Walking Easements immediately adjacent to their lots and tract.

Lots 5, 6, 7, and 8 have equal and undivided interest in Tract "B" subject to assessment rights over, under, and across, for drainage and utilities in favor of the City of Kirkland, Washington.

EXHIBIT "F"
15 Ft. Greenbelt Easement
Kirkwood Manor II
F-SUB-P-70-117(P)



SAFECO TITLE INSURANCE COMPANY

THIS SPACE RESERVED FOR RECORDER'S USE
RECORDED THIS DAY
AUG 13 10 09 AM '79
BY THE CLERK OF THE
RECORDS & DEEDS
KING COUNTY

Filed for Record at Request of

NAME City of Kirkland
ADDRESS 210 Main
CITY AND STATE Kirkland, Wash. 98033

QUIT CLAIM DEED

THE GRANTOR Jeffrey A. Hopper, as his separate estate; and John W. Betzoff and Sara Jo Betzoff, Husband and Wife,
for and in consideration of One and No/00 Dollars (\$1.00)
conveys and quit claims to City of Kirkland, a municipal corporation
the following described real estate, situated in the County of King State of Washington, including any after acquired title:

The West 30' of the West 150' of the North 79' of the North 1/2 of the South 1/3 of the Southwest 1/4 of the Southwest 1/4 of Section 33 Township 26N Range 5E W.M., in King County, Washington.

For public right of way.

1% EXCISE TAX NOT REQUIRED
King Co. Records Division
By E. Sprague, Deputy

Dated August 1, 19 79

Jeffrey A. Hopper
(Individual)
Sara Jo Betzoff
(Individual)

By _____ (President)
By _____ (Secretary)

STATE OF WASHINGTON
COUNTY OF _____ } ss.

On this day personally appeared before me Jeffrey A. Hopper and Sara Jo Betzoff
to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that they
signed the same as their
free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 4th
day of August, 19 79

Shirley J. [Signature]
Notary Public in and for the State of Washington, residing at Kenmore

STATE OF WASHINGTON
COUNTY OF _____ } ss.

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____
and _____
to me known to be the _____ President and _____ Secretary, respectively, of

the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that _____ authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal here to the day and year first above written

EXHIBIT "G"
QUIT CLAIM DEEDS FOR 30 FT.
OF RIGHT OF WAY ALONG 116th



QUIT CLAIM DEED

SAFECO TITLE INSURANCE COMPANY

THIS SPACE RESERVED FOR RECORDER'S USE
RECORDED THIS DAY
AUG 13 10 09 AM '79
BY THE CLERK OF THE
RECORDS & DEEDS
KING COUNTY

Filed for Record at Request of

NAME City of Kirkland
ADDRESS 210 Main
CITY AND STATE Kirkland, Wash. 98033

THE GRANTOR MARVIN E. BJORKLUND and LOIS J. BJORKLUND, husband and wife, and DOROTHY J. DAY
for and in consideration of One Dollar, receipt of which is hereby acknowledged,

conveys and quit claims to CITY OF KIRKLAND, a municipal corporation,

the following described real estate, situated in the County of KING State of Washington, including any after acquired title:

The west 30 feet of the south 75 feet of the west 130 feet of the south half of the north two-thirds of the southwest quarter of the southwest quarter of the southwest quarter of Section 33, Township 26 North, Range 5 East, W.M., in King County, Washington.

For public right-of-way.

1% EXCISE TAX NOT REQUIRED
King Co. Records Division
By E. Sprague, Deputy

Dated August 7, 19 79

Marvin E. Bjorklund
(Individual)
Lois J. Bjorklund
(Individual)
Dorothy J. Day

By _____ (President)
By _____ (Secretary)

STATE OF WASHINGTON
COUNTY OF _____ } ss.

On this day personally appeared before me Marvin E. & Lois J. Bjorklund, husband and wife, & Dorothy J. Day
to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that they
signed the same as their
free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 7th
day of August, 19 79

Evan O. Thomas III
Notary Public in and for the State of Washington, residing at Merced Island

STATE OF WASHINGTON
COUNTY OF _____ } ss.

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____
and _____
to me known to be the _____ President and _____ Secretary, respectively, of

the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that _____ authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal hereto the day and year first above written.

Notary Public in and for the State of Washington, residing

EXHIBIT "H"

LOT AREA COMPUTATIONS

KIRKWOOD MANOR DIVISION 2

LOT NUMBER	AREA SQUARE FEET
1	10,018.015
2	10,405.235
3	9,102.020
4	8,558.957
5	8,509.099
6	9,319.007
7	9,085.375
8	8,563.482
9	8,557.237
10	9,016.659
11	13,577.734
12	7,682.970*
13	9,295.309
14	8,689.690
15	8,559.235
16	8,507.899
17	9,099.417
18	8,708.311
19	9,235.991
20	9,448.034
21	9,583.999
22	9,790.024
23	11,395.092
24	9,117.775
25	8,662.123
26	8,537.303
27	
Tract "A"	1,239.242
Tract "E"	1,499.982

EXHIBIT "H"
LOT AREA COMPUTATIONS
KIRKWOOD MANOR II

SECURITY AGREEMENT AND ASSIGNMENT OF LOAN PROCEEDS IN LIEU
OF PLAT PERFORMANCE AND MAINTENANCE BOND

PLAT KIRKWOOD MANOR DIVISION II

KNOW ALL MEN BY THESE PRESENTS that we have been authorized and directed by McGRATH DEVELOPMENT CORPORATION to hold from the proceeds of their Development Loan Number 123060, in the sum of \$ 14,000.00, for completion of improvements in the above proposed plat.

Said improvements are to include all utilities, streets, sidewalks and curbs within the said plat of KIRKWOOD MANOR DIVISION II, together with all conditions to which plat approval was made subject by City of Kirkland RESOLUTION NUMBER R-2573, and are to be constructed pursuant to the provisions of the City of Kirkland Subdivision and other applicable ordinances and according to City of Kirkland standards and specifications.

In the event McGRATH DEVELOPMENT CORPORATION fails to complete any or all of said improvements, we are hereby authorized and directed by McGRATH DEVELOPMENT CORPORATION, to pay to the City of Kirkland, such sums within the limits of the amount held as determined by the Director of Public Services that are necessary to construct or finish construction of said improvements including maintenance for the time thereafter required from the above mentioned sum being held under this agreement.

Providing further, however, that in the event said improvements are constructed and a Certificate of Partial Completion is signed by the Director of Public Services for the City of Kirkland and that said improvements have been constructed in accordance with the City of Kirkland Subdivision Ordinance and other appropriate ordinances and that conditions imposed by City of Kirkland RESOLUTION NO. R-2573, have been met, then in that event we are further instructed to release progress payments due for partial improvements.

The City of Kirkland shall have first claim and priority to the remaining balance of said sum of \$ 14,000.00 in the event of any default in construction of said improvements.

It is further understood and agreed that the aforesaid priority of claim is paramount to all parties, including the lending institution making the loan, and that said lending institution covenants and agrees that said balance of sum of \$ 14,000.00 after approved progress payments shall be held available to satisfy any aforementioned claim by the City of Kirkland notwithstanding default on loan by borrowing party or termination of loan by the lending institution.

Upon completion and acceptance of improvements, McGRATH DEVELOPMENT CORPORATION agrees to furnish the City of Kirkland a supplement maintenance bond or security deposit in an amount to be determined by the Director of Public Services for the City of Kirkland. Upon the satisfactory furnishing of said maintenance bond, any balance of said sum remaining subject to this security agreement shall be released from this agreement.

LENDING INSTITUTION
BY: [Signature]

CITY OF KIRKLAND,
DEPARTMENT OF PUBLIC SERVICES
BY: [Signature]

APPROVED AND ACCEPTED
BY: [Signature]
Principal
McGRATH DEVELOPMENT CORPORATION

EXHIBIT "I"
PLAT PERFORMANCE & MAINTENANCE BOND
CITY OF KIRKLAND



PUBLIC SERVICE DEPARTMENT

SECURITY STATUS NOTIFICATION

DATE January 11, 1980

Project Name Kirkwood Manor II

Developer/Contractor McGrath Development Corporation

Security Institution _____
Account Number _____ Initial Value \$14,000.00

STATUS

- _____ Work completed and security to be released.
- _____ Maintenance period expired and security to be released.
- _____ Maintenance period expired and the following items to be corrected:
- _____ Performance of requirements completed and performance security may be released upon receipt of maintenance security in the amount of \$ _____ to be held for a minimum of one year from date of receipt.
- _____ Performance of requirements partially completed and the security value may be reduced to \$ _____
- _____ In the opinion of the Public Service Department the above mentioned project is not progressing in a timely fashion and we request notification of scheduled completion.

ITEMS TO BE COMPLETED

<u>Items Required</u>	<u>Initial Value</u>	<u>Current Value</u>
1. Clearing & Grading	\$ 13,000	\$ -0-
2. Sanitary Sewers	22,000	-0-
3. Storm Sewers	34,000	-0-
4. Water System	12,000	-0-
5. Paving	12,000	-0-
6. Curb & Gutter	9,000	-0-
7. Sidewalks	15,000	-0-
8. Landscaping	10,000	10,000
9. Select Material	12,000	-0-
10. _____	_____	_____
Subtotal	\$139,000	\$ 10,000
10%	\$ 14,000	\$ 1,000
Security Value Required - This Notice		\$ 14,000

Note: a) Minimum performance security acceptable is 10% of initial value.
b) Maintenance security will normally be set at 10% of initial value.

APPROVED BY Gerald F. Link
Gerald F. Link, Director

10-22-79



SECURITY INFORMATION

PROJECT KIRKWOOD MANOR DIVISION II

Developer/Contractor McGRATH DEVELOPMENT CORPORATION

Address 10205 N.E. FIRST STREET BELLEVUE, WASHINGTON 98004

Telephone 455-1367 Date January 17, 1980

SECURITY INSTITUTION SEATTLE TRUST & SAVINGS BANK

Address 701 SECOND AVENUE SEATTLE, WASHINGTON 98104

Telephone 223-2177 Date _____

SECURITY AGENT SEATTLE TRUST & SAVINGS BANK

Address 701 SECOND AVENUE SEATTLE, WASHINGTON 98104

Telephone 223-2177 Date _____

INITIAL VALUE \$14,000.00

ACCOUNT NUMBER 143060

***** OFFICE USE ONLY *****

REASON _____

Date Posted _____

Term _____

Date completion required _____

SECURITY TYPE: _____

Performance _____

Maintenance _____