

RESOLUTION NO. R-2904

A RESOLUTION OF THE KIRKLAND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY, A "MUTUAL" AGREEMENT WITH HARBOR LIGHTS CONDOMINIUM HOMEOWNERS' ASSOCIATION FOR REPLACEMENT OF FOUR MOORAGE PILINGS DIRECTLY SOUTH OF THE SOUTH MARGIN OF THE FIFTH AVENUE SOUTH STREET-END.

Whereas, the Harbor Lights Condominium Homeowners' Association as owner of real property within the City of Kirkland located at the southwest quadrant of the intersection of Lake Street South with Fifth Avenue South and commonly known as the Harbor Lights Condominium per condominium plat thereof recorded in Vol. 4 of Condominium (Horizontal Regimes) plats at pages 41 through 44 inclusive records of King County, Washington has requested from the City of Kirkland a mutual agreement for replacing four moorage pilings to be located within ten feet of and south of the Fifth Avenue South street-end; and

Whereas, the City of Kirkland as owner of the Fifth Avenue South street-end has improved said street-end as a mini-park giving pedestrian and visual access to the waters of Lake Washington; and

Whereas, the Kirkland zoning ordinance Section 23.12.053 (a)(7)(b) states that "piers or any moorage shall not be closer than ten feet from any property. Piers may be built on or straddling the common side property line of the two adjoining owners' property by the mutual agreement of the adjoining owners acknowledged and recorded with the King County Auditor"; and

Whereas, the Harbor Lights Condominium Homeowners' Association proposes to replace the four existing deteriorated moorage pilings with new pilings in the same location as shown in Attachment "A" of this resolution which will locate said pilings within ten feet of the south margin of the Fifth Avenue South street-end; and

Whereas, the Kirkland Parks Department has no objection to the replacement of said moorage pilings so long as the rights of the general public in and to the utilization of the Fifth Avenue South street-end and mini-park is not thereby diminished,

Now, therefore, be it resolved by the City Council of the City of Kirkland as follows:



Section 1. The City Manager is hereby authorized and directed to sign on behalf of the City of Kirkland that certain mutual agreement entitled "Agreement to Allow Installation of Piling Within Ten Feet of Adjoining Property Line", copy of which is attached to this resolution and by this reference incorporated herein.

Section 2. The mutual agreement shall be exclusively for the four moorage pilings in the exact location as shown in said Attachment A. The moorage pilings shall be for the exclusive use of the residents of the Harbor Lights Condominium and shall be used in conjunction with the three existing finger piers. No water craft shall be moored on or within the area of the Fifth Avenue South street-end.


Section 3. Failure to conform to any of the provisions of this resolution and/or the agreement herein authorized will be cause for the City of Kirkland to revoke the permission given by said agreement.

Passed by majority vote of the Kirkland City Council in regular, open meeting on the 15th day of March, 1982.

Signed in authentication thereof on the 15th day of March, 1982.


MAYOR

ATTEST:


Director of Administration & Finance
(ex officio City Clerk)

