

RESOLUTION NO. R 3051

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND, AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY OF KIRKLAND, THAT CERTAIN AGREEMENT BETWEEN BUILDING INVESTMENTS NO. 5 AND TOTEM LAKE PROPERTIES (DEVELOPER) AND THE CITY OF KIRKLAND, AND KING COUNTY TREND UTILITY LOCAL IMPROVEMENT DISTRICT NO. 1, PROVIDING FOR A SANITARY SEWER CONNECTION FOR THE PROPERTIES TO BE DEVELOPED BY DEVELOPERS.

Whereas, Building Investments No. 5 and Totem Lake Properties, as developers, plan to develop certain real property described in the attached agreement and lying adjacent to the City of Kirkland by construction thereon of a motel/restaurant office building and other structures consistent with the zoning approved for said property, and the City of Kirkland's Land Use Policy Plan; and

Whereas, the developer has submitted plans for an extension of King County Utility Local Improvement District No. 1 sewer system, to serve the real properties to be developed as described in said agreement; and

Whereas, said real property lies within King County Utility Local Improvement District No. 1 sewer service area; and

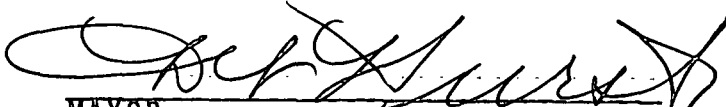
Whereas, the City of Kirkland owns and operates a sewer interceptor located within the right-of-way of Northeast 116th Street into which such sewer connection will be made as set forth in said agreement, now, therefore,

Be it resolved by the City Council of the City of Kirkland as follows:

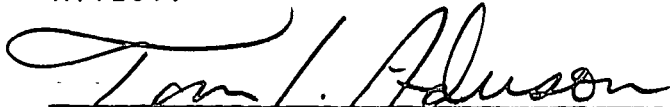
Section 1. The City Manager is hereby authorized to sign on behalf of the City of Kirkland that certain agreement, copy of which is attached to the original of this resolution and by this reference incorporated herein, between Building Investments No. 5 and Totem Lake Properties as developers, the City of Kirkland, and King County Trend Utility Local Improvement District No. 1.

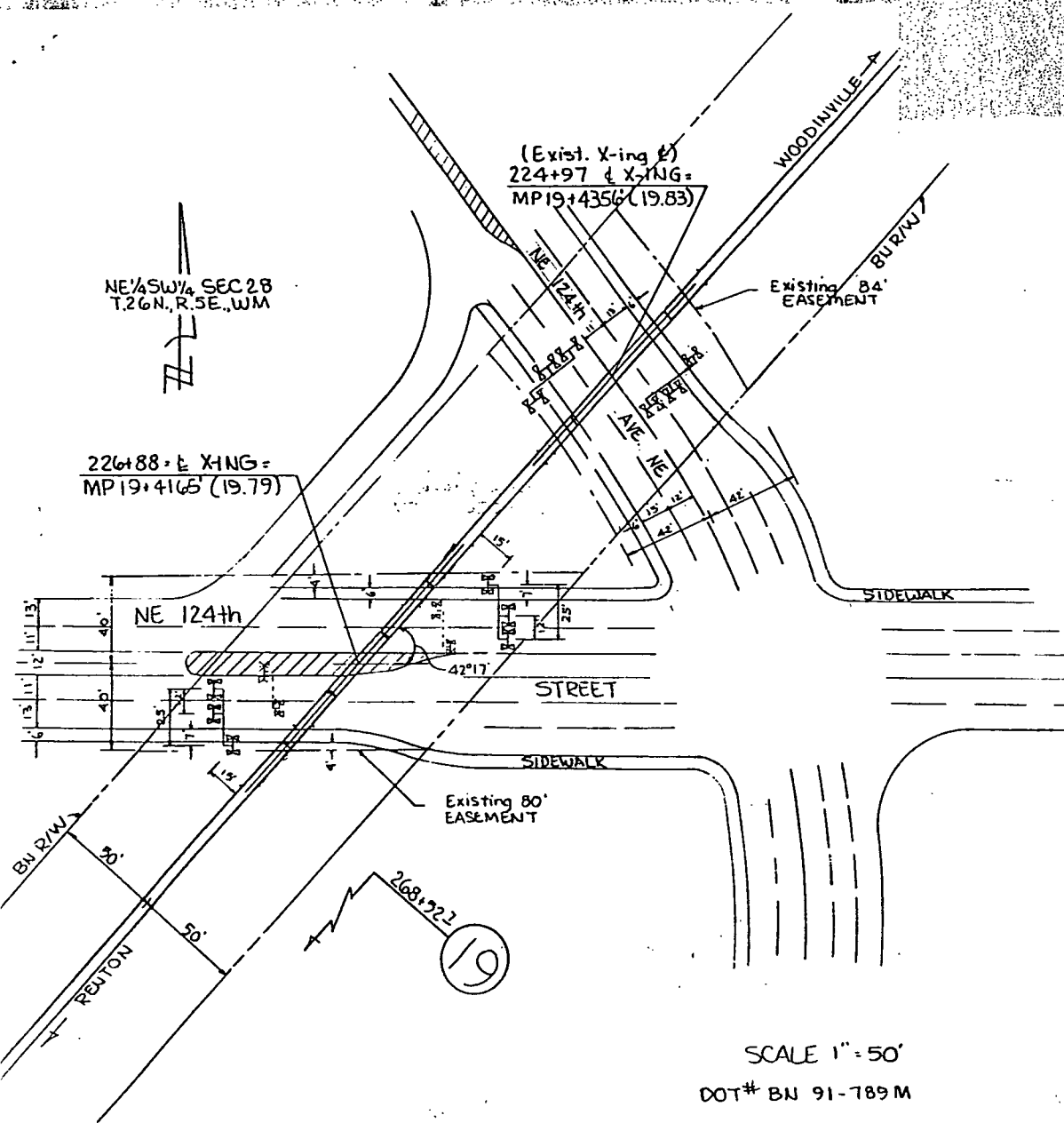
Passed by majority vote of the Kirkland City Council in regular, open meeting this 3rd day of October, 1983.

Signed in authentication thereof this 3rd. day of October,  
1983.

  
MAYOR

ATTEST:

  
Director of Administration & Finance  
(ex officio City Clerk)



WORK by BNRR

EXTEND- Existing 32' asphalt crossing to 98' (Paving by Others)

EXTEND- Flange rail 60TF

REPLACE- 78 TF of 100# bolted rail with 78 TF of SH 112# bolted rail

REHABILITATE- with new ties, fastenings & ballast for crossing extension

REMOVE- Existing Cant. type Signals.

INSTALL- Automatic flashing light traffic control devices (cant. type) and motion sensing devices

**NOTE:** Signals at both NE 124th St. and 124th Ave. NE. will operate together and both will be intertied to traffic lights at intersection of NE 124th St. and 124th Ave NE.

SCALE 1" = 50'  
DOT# BN 91-789M

**EXHIBIT A**  
BN RAILROAD CO.  
SEA-PORT REG. - WOODINVILLE - RENTON

**REHABILITATE  
NE 124TH ST. X-ING.**

**KIRKLAND, WA.**  
CHIEF ENGINEER REGION - SEATTLE 12-2-82  
REV DATE - 3-11-83, 8-23-83 JMC

COPY

## AGREEMENT

THIS AGREEMENT is entered into between Building Investments No. 5 and Totem Lake Properties, hereinafter referred to jointly and severally as the "Developer"; the City of Kirkland, a municipal corporation, hereinafter referred to as the "City"; and King County Trend Utility Location Improvement District No. 1, hereinafter referred to as the "District".

## W I T N E S S E T H

WHEREAS, the Developer plans to develop the property described on Exhibit 1 attached hereto through construction of a motel/restaurant office building and other structures consistent with the zoning approved for said property and the City's land use policy plan, which said development shall hereinafter be referred to as "the project"; and

WHEREAS, the Developer has submitted plans for an extension of the King County Utility Local Improvement District No. 1 sewer collection system to serve the real properties described as Parcels A through D and Parcel "Motel Parcel Phase I," all included within Exhibit 1 attached; and

WHEREAS, said property lies within the King County sewer service area, and

WHEREAS, the City operates a sewer interceptor located within the right-of-way of NE 116th Street

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is hereby agreed as follows:

1. The District will issue a permit for construction of a sewer extension to serve the properties described in Exhibit 1.
2. The City will allow connection of said extension to the City's sewer interceptor within NE 116th Street under the same terms and conditions as are contained in that certain agreement between the City and the District dated March 15, 1976 and known as the "Trend Sewer Service Area Agreement."

Y9100

The design of said connection to be submitted to the City of Kirkland for review and approval prior to the commencement of any work thereon. Excavations in all portions of the NE 116th Street right-of-way to be subject to the City of Kirkland's street cut permit ordinance and to the applicable regulations of King County.

- 3. The District will not oppose any future annexation proposal for said property described in Exhibit 1 by the City at any time after completion of the project.
- 4. The Developer will submit a petition for annexation of the properties described in Exhibit 1 to the City upon completion of the project, occupancy of the buildings or two (2) years from the date of this agreement, whichever shall occur first. The obligation to petition for annexation in accordance with the provisions of this paragraph, shall be binding upon the heirs, successors and assigns of the developer and shall run with the land.

IN WITNESS WHEREOF, the undersigned have executed this AGREEMENT.

Dated at Seattle, Washington, this 3<sup>rd</sup> day of October, 1983.

DEVELOPER:  
BUILDING INVESTMENTS NO. 5  
by Arnold Hartwegson

CITY OF KIRKLAND  
STATE OF WASHINGTON  
by Allen B. Cook  
City Manager

TOTEM LAKE PROPERTIES  
by Arnold Hartwegson

KING COUNTY  
STATE OF WASHINGTON  
by Ronald J. Sebelle  
Director  
Department of Public Works

APPROVED AS TO FORM:  
by Michael T. Shuster  
Deputy Prosecuting Attorney

Dated 11/2/83

## PARCEL A

The West 100.00 feet of the East 527.62 feet of the North 211.50 feet of the Northeast quarter of the Northwest quarter of Section 33, Township 26 North, Range 5 East, W.M., in King County, Washington; EXCEPT that portion thereof lying within N.E. 116th Street; AND EXCEPT that portion conveyed to the State of Washington for S.R. No. 405.

SUBJECT TO an easement for ingress, egress and utilities over, under and across the South 15.00 feet thereof.

PARCEL B

The South 100.00 feet of the North 311.50 feet of the West 150.00 feet of the East 577.62 feet of the Northeast quarter of the Northwest quarter of Section 33, Township 26 North, Range 5 East, W.M., in King County, Washington.

SUBJECT TO an easement for ingress, egress and utilities over, under and across the North 15.00 feet thereof.

PARCEL C

The North 311.50 feet of the East 874.62 feet of the Northeast quarter of the Northwest quarter of Section 33, Township 26 North, Range 5 East, W.M., in King County, Washington; EXCEPT that portion on the North and West sides conveyed to the State of Washington for S.R. 405; EXCEPT that portion lying within N.E. 116th Street; EXCEPT the East 527.62 feet thereof; AND EXCEPT the South 100.00 feet of the East 50.00 feet of the remainder.

TOGETHER WITH an easement for ingress, egress and utilities over, under and across the South 15.00 feet of the North 211.50 feet of the West 100.00 feet of the East 527.62 feet of the Northeast quarter of the Northwest quarter of said Section 33; AND over, under and across the South 15.00 feet of the North 226.50 feet of the West 150.00 feet of the East 577.62 feet of the Northeast quarter of the Northwest quarter of said Section 33.



PARCEL D

That portion of the Northeast quarter of the Northwest quarter of Section 33, Township 26 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the North quarter corner of said Section 33; thence N 88-36-29 W along the North line thereof 384.64 feet; thence S 0-51-09 W parallel with the North-South centerline of said Section 33, 311.51 feet to the beginning of a tangent curve to the right having a radius of 78.00 feet and the TRUE POINT OF BEGINNING; thence Southwesterly along said curve an arc distance of 73.67 feet through a central angle of 54-06-55 to a point of tangency; thence S 54-58-04 W 112.00 feet; thence S 88-36-29 E 159.02 feet to the Westerly margin of Slater Ave. N.E.; thence Northeasterly along said Westerly margin, 138.48 feet to a point which bears S 88-36-29 E from the TRUE POINT OF BEGINNING; thence N 88-36-29 W 84.70 feet to the TRUE POINT OF BEGINNING.

## MOTEL PARCEL PHASE 1

That portion of the Northeast quarter of the Northwest quarter of Section 33, Township 26 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the North quarter corner of said Section 33, thence N 88-36-29 W along the North line thereof 427.64 feet; thence S 0-51-09 W parallel with the North-South centerline of said Section 33, 311.51 feet to the TRUE POINT OF BEGINNING; thence continue S 0-51-09 W 0.40 feet to the beginning of a tangent curve to the right having a radius of 35.00 feet; thence along said curve an arc distance of 33.06 feet through a central angle of 54-06-55 to a point of tangency; thence S 54-58-04 W 112.00 feet to the beginning of a tangent curve to the left having a radius of 43.00 feet; thence along said curve an arc distance of 40.61 feet through a central angle of 54-06-55 to a point of tangency; thence S 0-51-09 W 135.60 feet; thence N 88-36-29 W 160.95 feet to the Easterly right-of-way margin of State Road 405; thence N 7-06-49 E along said right-of-way, 267.33 feet to the South line of the North 311.50 feet of the Northeast quarter of the Northwest quarter of said Section 33; thence S 88-36-29 E along said South line, 254.82 feet to the TRUE POINT OF BEGINNING.