

RESOLUTION NO. R-3283

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND SETTING FORTH ITS WILLINGNESS TO CONSENT TO AN ASSIGNMENT OF THE SECOND AVENUE STREET END USE PERMIT, PROVIDED CERTAIN CONDITIONS, INCLUDING AMENDMENTS TO THE PERMIT, ARE AGREED TO BY THE PERMITTEE AND ITS PROPOSED ASSIGNEE.

WHEREAS, the City of Kirkland has heretofore granted a Second Avenue South Street end use permit by instrument dated October 21, 1974 and recorded on November 7, 1974 under King County Recording No. 7411070627, and amending instrument dated June 21, 1976 and recorded under King County Recording No. 7608110436; and

WHEREAS, Moss Bay Associates, a Washington limited partnership, is the present holder of said permit, subject to a security interest in favor of Manhattan Life Insurance Company; and

WHEREAS, Donald Stabbert has an option to purchase the permittee's interest in said street end use permit and has requested the consent of the City to the assignment of said permit to himself or such legal entity as he may subsequently designate in writing; and

WHEREAS, the City Council, after consideration of the request, believes that it is premature at that time to grant such approval or consent to assignment; but that it is appropriate to set forth certain conditions which the City will require before consenting to assignment.

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

Section 1. The City Council will consent to an assignment of the Second Avenue South street end use permit, as amended, subject to the following conditions:

A. The status of the security interest of the Manhattan Life Insurance Company is clarified.

B. Identification of the name of the person or legal entity to whom the permit is to be assigned.

C. The present permittee and the proposed permit assignee agree to amendment of Section 4(a) to read as follows:

"4. In addition to all other terms and conditions of this permit set forth or by reference incorporated herein;

a. The City and the general public shall have free moorage or tie up privileges along the south side of the permittee's main east-west pier, which pier gives public access to the Maritime Museum area as designated on Exhibits A and B, provided that the City may rent or license for a fee payable to the City and under such regulations as the City may establish, moorage by commercial tour boats along the south side of the main east-west pier or to any westerly extensions of said pier, further provided that such general public recreational moorage or tie-up privilege shall be subject to the rules and regulations of the City pertaining to the public piers within Marina Park, and further provided that the City shall have within the permit area the right to construct additional finger or moorage piers extending southerly from and connecting to the permittee's pier which gives public access to the Maritime Museum area."

D. The assignee of the street end use permit acknowledges in writing that all rights under the permit are subject to the Shoreline, Environmental, Building, Land Use and other police power regulations applicable to said property.

E. The transfer or assignment of said street end use permit shall not, as between the City of Kirkland and the original permittee and all subsequent assignees and holders of said permit, operate to relieve either the original permittee or said subsequent assignees of said permit of any duty, obligation of liability imposed by the terms and conditions of said street end use permit as amended.

F. The transfer or assignment of the street end use permit shall be in writing in a form acceptable for recording by the King County Department of Records and Elections and shall be so recorded. A copy of said transfer or assignment agreement, including recorder's receipt and file number shall be filed with the City of Kirkland.

G. Said transfer or assignee agreement shall provide that the transferee or assignee shall perform and be bound by all of the terms and conditions of said street end use permit.

H. In the event the transferee, at any time during the life of the permit may enter into a management contract or other agreement with any third party for the operation or management of the improvements within the street end use permit area, a copy of such agreement shall be filed with the City Clerk for the City of Kirkland.


PASSED by majority vote of the Kirkland City Council in regular, open meeting on the 19th day of May, 1986.

SIGNED in authentication thereof on the 19th day of May, 1986.



Mayor

Attest:



Director of Administration and Finance
(ex officio City Clerk)

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