

RESOLUTION NO. R-3381

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY COSTCO WHOLESALE CORPORATION AND THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION, FILE NO. VC-86-100.

WHEREAS, the City has received an application filed by Costco Wholesale Corporation and the Washington State Department of Transportation to vacate a portion of a right-of-way; and

WHEREAS, by Resolution No. 3361 the City Council of the City of Kirkland established a date for a public hearing on the proposed vacation; and

WHEREAS, proper notice for the public hearing on the proposed vacation was given and the hearing was held in accordance with law; and

WHEREAS, an Environmental Checklist was filed pursuant to the State Environmental Policies Act and applicable state guidelines and local implementing ordinances, which was reviewed by the Responsible Official of the City of Kirkland who issued a negative determination on the proposed vacation; and

WHEREAS, this Environmental Checklist and Negative Declaration have been available and accompanied this application through the entire review process; and

WHEREAS, it is appropriate for the City to receive compensation for vacating the right-of-way as allowed under state law; and

WHEREAS, no property owner will be denied direct access as a result of this vacation.

WHEREAS, it appears desirable and in the best interest of the City, its residents and property owners abutting thereon that said street be vacated; and

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 Department of Planning and Community Development contained in File No. VC-86-100 are hereby adopted as though fully set forth herein.

Section 2: Except as stated in Section 3 of this resolution the City will, by appropriate ordinance, vacate the portion of the right-of-way described in Section 4 of this resolution if within 90 days of the date of passage of this resolution the applicant or other person pays to the City \$137,500 as compensation for vacating this portion of the right-of-way.

Section 3: If the portion of the right-of-way described in Section 4 of this resolution is vacated, the City will retain and reserve an easement, together with the right to exercise and grant easements along, over, under and across the vacated right-of-way for the installation, construction, repair and maintenance of public utilities and services.

Section 4. The right-of-way to be vacated is situated in Kirkland, King County, Washington and is described as follows:

That portion of 118th Avenue N.E. lying Southerly of the South margin of N.E. 90th Street and Northerly and Easterly of the Easterly margin of Primary State Highway 1 (SR-405) situated in the Southwest quarter, Section 4, Township 25 North, Range 5 East, W.M., more particularly described as follows:

BEGINNING at the intersection of the South margin of N.E. 90th Street and a line drawn parallel with and 230 feet Southeasterly, when measured at right angles, from the "L" line of Primary State Highway 1 (SR 405), Northup Interchange to N.E. 140th Street as conveyed to the State of Washington by warranty deed recorded under Recording No. 6341890 and as relinquished to the City of Kirkland by quitclaim deed recorded under Recording No. 8006200424, said South margin also being the North line of Lot 1, Block 36, Burke & Farrar's Kirkland Addition to the City of Seattle, Division No. 14, as recorded in Volume 20 of Plats, page 14, Records of King County, Washington;

THENCE South  $10^{\circ} 35' 50''$  West, 79.54 feet along said parallel line to a point of curve;

THENCE Southwesterly, and parallel to said "L" line, along the arc of a curve to the left having a radius of 5499.58 feet, through a central angle of  $00^{\circ} 30' 08''$ , and an arc length of 48.19 feet to the intersection with the North line of Lot 2, of said plat and the Northeast corner of that portion of said Lot 2 as conveyed to the State of Washington by Warranty Deed 6430505 and as relinquished to the City of Kirkland by quitclaim deed recorded under Recording No. 8006200424;

THENCE continuing Southwesterly, and parallel to said "L" line, along said curve to the left, through a central angle of  $00^{\circ} 59' 06''$ , and an arc length of 94.53 feet, to an intersection with the West line of Block 36 of said plat;

THENCE South  $03^{\circ} 13' 45''$  East, 190.80 feet along said West line to a point on a curve of that portion of Lot 4 of said plat taken in condemnation proceedings under King County Superior Court Cause No. 702465, the radius point of said curve bears South  $16^{\circ} 14' 18''$  West, 45.00 feet distant;

THENCE Southeasterly along the arc of a curve to the right having a radius of 45.00 feet, through a central angle of  $141^{\circ} 03' 51''$ , and an arc length of 110.79 feet, to the West line of said Block 36;

THENCE South  $03^{\circ} 13' 45''$  East, 51.32 feet along the West line of said Block 36 to the Easterly margin of SR 405;

THENCE North  $40^{\circ} 36' 51''$  West, 83.60 feet along said easterly margin to a point of curve, the radius point of which bears North  $49^{\circ} 23' 15''$  East, 45.00 feet distant'

THENCE Northwesterly along said Easterly margin along the arc of a curve to the right, having a radius of 45.00 feet, through a central angle of  $37^{\circ} 22' 59''$  and an arc length of 29.36 feet;

THENCE North  $03^{\circ} 13' 45''$  West 239.69 feet along said Easterly margin to a point of curve, the radius point of which bears South  $80^{\circ} 53' 25''$  East, 5559.80 feet distant;

THENCE Northeasterly along said Easterly margin along the arc of a curve to the right having a radius of 5559.80 feet, through a central angle of 01° 33' 14" and an arc length of 150.79 feet;  
 THENCE North 10° 35' 50" East, 64.73 feet along said easterly margin to the intersection of said Easterly margin and the South margin of N.E. 90th Street projected Westerly'  
 THENCE North 86° 43' 43" East, 61.80 feet along said South margin to the POINT OF BEGINNING.

Containing 32420 square feet ±, 0.744 acre.

Section 5. The Director of the Department of Planning and Community Development shall send a copy of this resolution and the Notice of Decision to the applicant for this proposed vacation within five (5) work days of the date of passage of this resolution.

Section 6. Certified or conformed copies of this Resolution shall be delivered to the following:

- (a) Applicant
- (b) Department of Planning and Community Development of the City of Kirkland
- (c) Fire and Building Departments of the City of Kirkland
- (d) Public Works Department of the City of Kirkland
- (e) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland.

Passed by majority vote of the Kirkland City Council on the 1st day of June, 1987.

SIGNED IN AUTHENTICATION THEREOF on the 1st day of June, 1987.

*Dorcia Cooper*  
 Mayor

ATTEST:

*Janice Henry*  
 City Clerk

6108C/281A/JW:br

