

RESOLUTION NO. R- 3396

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY LINCOLN PROPERTY COMPANY, FILE NO. VC-87-43.

WHEREAS, the City has received an application filed by Lincoln Property Company to vacate a portion of a right-of-way; and

WHEREAS, by Resolution No. 3384 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, 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-87-43 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 \$25,000 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:

All that portion of N.E. 109th Street (a.k.a. Helene Avenue Extension and Improvement) lying westerly of the east 30.00 feet of Section 32, Township 26 North, Range 5 East, W.M., in King County, Washington, and easterly of the east line of Lots 19 and 20, Kirkland-Juanita Acre Tracts as recorded in Volume 16 of Plats, page 63, records of said county;

AND all that portion of 112th Avenue N.E. lying northerly of N.E. 108th Street (a.k.a. Tacoma Avenue Road Improvement #1909) and southerly of a line described as follows:

Commencing at the southwest corner of Lot 18, Kirkland-Juanita Acre Tracts, as recorded in Volume 16 of Plats, page 63, records of King County, Washington; thence $N01^{\circ}02'18''E$, along the west line of said Lot 18, a distance of 1.10 feet to the TRUE POINT OF BEGINNING of the herein described line, said point being on a 58.00 foot radius circular curve to the right, from which point the center of said curve bears $N00^{\circ}56'16''W$; thence westerly, along said curve, through a central angle of $02^{\circ}12'01''$, an arc distance of 2.23 feet to a point of tangency; thence $N88^{\circ}44'15''W$ 57.77 feet to the west margin of said 112th Avenue N.E. and the terminus of the herein described line;

AND all that portion of N.E. 108th Street (a.k.a. Tacoma Avenue Road Improvement #1909 and a.k.a. Tacoma Avenue Extension Road #1227) lying west of the east 30.00 feet of Section 32, Township 26 North, Range 5 East, W.M., in King County, Washington, and lying east of the following described line:

Commencing at the northeast corner of Lot 17, Burke and Farrar's Kirkland Addition to the City of Seattle, Division No. 9, as recorded in Volume 19 of Plats, page 69, records of said county; thence $N80^{\circ}43'21''W$, along the north line thereof, 39.45 feet to the TRUE POINT OF BEGINNING; thence $N09^{\circ}16'39''E$ 60.00 feet to the terminus of the herein described line;

AND all that portion of N.E. 106th Street (a.k.a. Tacoma Avenue) lying southerly of N.E. 108th Street and easterly of the west 30.00 feet of the southeast quarter of Section 32, Township 26 North, Range 5 East, W.M., in King County, Washington, as delineated in the plat of Burke and Farrar's Kirkland Addition to the City of Seattle, Division No. 9, as recorded in Volume 19 of Plats, page 69, records of said county;

AND all of those portions of the alley adjoining Lots 16, 17, and 18 and Lots 19 and 22, Block 22, Burke and Farrar's Kirkland Addition to the City of Seattle, Division No. 9, as recorded in Volume 19 of Plats, page 69, records of King County, Washington.

Containing +285,099 square feet or 6.5450 acres more or less.

Situate in the County of King, State of Washington, and described as follows:

PARCEL 1:

Lots 5, 6, and 7, Block 21, Burke & Farrar's Kirkland Addition to the City of Seattle, Division No. 9, according to the plat thereof recorded in Volume 19 of Plats, page 69, in King County, Washington;

TOGETHER WITH Lots 16, 17, 18, 19, 20, 21, 22, and 23, Block 22, said Burke & Farrar's Kirkland Addition to the City of Seattle, Division No. 9;

EXCEPT that portion of said Lot 16, described as follows:

Beginning at the northwest corner of said Lot 16;
 thence south 80°42'53" east, along the north line of said Lot 16, for 101.06 feet;
 thence south 0°57'06" west, parallel with the west line of said Lot 16, for 113.00 feet;
 thence north 89°01'22" west, parallel with the south line of said Lot 16, for 100.00 feet to the west line of said Lot 16;
 thence north 0°57'06" east, along said west line, for 127.60 feet to the northwest corner of said Lot 16 and the point of beginning;
 EXCEPT THAT PORTION OF SAID Lot 18 conveyed to King County for Northeast 108th Street (Tacoma Avenue Improvement Road NO. 1909) as disclosed by survey recorded June 26, 1979 under King County Recording Number 7906269009;

TOGETHER WITH Lots 24, 25, 26, 27, 28, 29, and 30, Block 23, said Burke & Farrar's Kirkland Addition to the City of Seattle, Division No. 9;
 EXCEPT that portion of said Lots 28, 29, and 30, acquired in fee by the Municipality of Seattle under Condemnation Proceedings in King County Superior Court Case No. 730713;
 ALSO EXCEPT that portion of said Lot 30 conveyed to King County for road purposes by Deed recorded under King County Recording Number 2761967;

TOGETHER WITH Lot 17, Kirkland-Juanita Acre Tracts, according to the plat thereof recorded in Volume 16 of Plats, page 63, in King County, Washington;

EXCEPT the west 90.00 feet of the east 540.00 feet of the north 125.00 feet thereof;
 ALSO EXCEPT the north 130.00 feet of the west 90.84 feet thereof;
 and
 ALSO EXCEPT the north 133.00 feet of the east 450.00 feet thereof;

TOGETHER WITH Lots 18, 19, 20, 21, said Kirkland-Juanita Acre Tracts;
 EXCEPT that portion of said Lot 20 conveyed to King County for road purposes by Deed recorded under King County Recording Number 2761966; ALSO EXCEPT that portion of said Lot 21, acquired in fee by the Municipality of Seattle under Condemnation Proceedings in King County Superior Court Case No. 730713;

TOGETHER WITH that portion of the unnamed platted street, as vacated under City of Kirkland Ordinance NO. 824, lying between Lots 20 and 21, said Kirkland-Juanita Acre Tracts;

TOGETHER WITH that portion of the unnamed platted street, as vacated under Commissioners Journal No. 39, page 79, King County, Washington, lying between the southerly line of Lot 21, said Kirkland-Juanita Acre Tracts and the northerly margin of the Northern Pacific Railway Passing through Section 32, Township 26 North, Range 5 East, W.M., in King County, Washington.

PARCEL 2:

Lots 38, 39, and 40, said Kirkland-Juanita Acre Tracts;
 EXCEPT the north 25.00 feet of the east 250.00 feet of said Lot 40;
 ALSO EXCEPT south 30.00 feet of said Lot 38 for road purposes;
 ALSO EXCEPT the north 30.00 feet of said Lot 38 for road purposes;
 EXCEPT that portion of Lot 38 conveyed to King County for Tacoma Avenue
 Extension Road No. 1227 by Deed recorded under King County Recording
 Number 2761970;
 AND EXCEPT that portion of Lot 39 conveyed to King County for Tacoma
 Avenue Extension Road No. 1227 as disclosed by survey recorded on June 26,
 1979 under King County Recording Number 7906299009.

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 6th day
 of July, 1987.

SIGNED IN AUTHENTICATION THEREOF on the 6th day of July,
 1987.

Loris Cooper
 Mayor

ATTEST:

Janice Perry
 City Clerk

7216C/296A/JLB:br