

RESOLUTION R - 3450

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AMENDING PARAGRAPH 1 OF THAT CERTAIN TERMINABLE RIGHT-OF-WAY USE PERMIT HERETOFORE AUTHORIZED BY COUNCIL RESOLUTION R 3364 ADOPTED APRIL 20, 1987 AND EXTENDING THE TIME WITHIN WHICH CERTAIN CONDITIONS PRECEDENT MUST BE SATISFIED IN ORDER FOR SAID PERMIT TO BECOME EFFECTIVE.

Whereas, on April 20, 1987 the Kirkland City Council adopted Resolution R 3364, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY KIRKLAND AUTHORIZING THE ISSUANCE OF A STREET USE PERMIT FOR A PORTION OF AN ELEVATED SIDEWALK COMMONLY REFERRED TO AS THE LAKE PLAZA BOARDWALK SUBJECT TO CERTAIN CONDITIONS, INCLUDING THE CONDITION THAT PRIOR TO THE EFFECTIVE DATE OF SUCH STREET USE PERMIT, SAID ELEVATED SIDEWALK BE CONSTRUCTED AT THE PERMITTEE'S EXPENSE IN ACCORDANCE WITH PLAN SPECIFICATIONS AND CONSTRUCTION SCHEDULE APPROVED BY THE CITY OF KIRKLAND." and

Whereas, paragraph 1 of said permit stated:

"1. Provided permittee first completes to the satisfaction of the City of Kirkland each and every precedent condition set forth in paragraph 12 below, then upon written evidence of such satisfactory compliance issued by the Director of Public Works, this terminable conditional street use permit shall become effective. If said precedent conditions are not so met within eighteen (18) months of the date hereof, this permit shall be void." and

Whereas, Pelican's Wharf - Kirkland, a limited partnership, the permittee of said terminable right-of-way use permit, has requested an extension of the compliance time required by the permit as quoted herein above, and

Whereas, the Department of Planning and Community Development has recommended a twelve (12) month extension, and

Whereas, the City Council finds that the public interest and public benefit will be served by the construction and installation of the elevated walkway within said permit area, and that the extension requested by Pelican's Wharf - Kirkland, a limited partnership and

recommended by the Department of Planning and Community Development should be approved, now, therefore

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

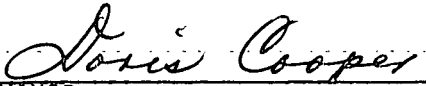
Section 1. Paragraph 1 of that certain City of Kirkland terminable right-of-way use permit, heretofore approved by Resolution R 3364, is upon the specific request of the permittee (Pelican's Wharf - Kirkland, a limited partnership) and the approval of the Kirkland City Council amended to read as follows:

1. Provided permittee first completes to the satisfaction of the City of Kirkland each and every precedent condition set forth in paragraph 12 below, then upon written evidence of such satisfactory compliance issued by the Director of Public Works, this terminable conditional street use permit shall become effective. If said precedent conditions are not so met by October 30, 1989 [within eighteen (18) months of the date hereof], this permit shall be void.

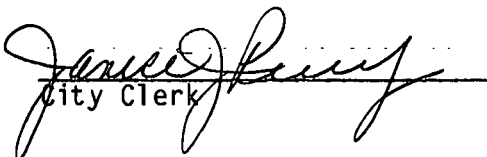
Section 2. The City Manager is hereby authorized to sign on behalf of the City of Kirkland an amendment to the terminable right-of-way use permit consistent with the provisions of this Resolution, provided that the City Manager shall not sign said amendment until such time as the amendment has signed and approved by the permittee (Pelican's Wharf - Kirkland, a limited partnership).

Passed by majority vote of the Kirkland City Council in regular, open meeting this 5th day of April, 1988.

Signed in authentication thereof this 5th day of April, 1988.

  
MAYOR

ATTEST:

  
City Clerk

Amendment to paragraph 1 of that certain City of Kirkland terminable right-of-way use permit approved by City Council Resolution R 3364 adopted April 20, 1987. (Portion of elevated Lake Plaza sidewalk to be constructed)

Whereas, the City Council by Resoltuion R-3450 adopted April \_\_\_\_\_, 1988 authorized amendment to paragraph 1 of that certain terminable right-of-way use permit, originally authorized by Council Resolution R 3364, now, therefore

Paragraph 1 of said right-of-way use permit is amended to read as follows:

"The City of Kirkland hereby grants to Pelican's Warf - Kirkland, a limited partnership, a terminable conditional street use permit to use and occupy the portion of the surface of the public elevated sidewalk commonly referred to as the Lake Plaza Boardwalk, specifically hereinafter described, subject to the terms and conditions set forth:

"1. Provided permittee first completes to the satisfaction of the City of Kirkland each and every precedent condition set forth in paragraph 12 below, then upon written evidence of such satisfactory compliance issued by the Director of Public Works, this terminable conditional street use permit shall become effective. If said precedent conditions are not so met by October 30, 1989, this permit shall be void."

This amendment shall be attached to and become a part of the terminable right-of-way use permit, originally approved by the City Council of the City of Kirkland by Resolution R 3364 adopted April 20, 1987.

Dated at Kirkland, Washington this \_\_\_\_\_ day of \_\_\_\_\_, 1988.

Permittee  
Pelican's Wharf- Kirkland  
A Limited Partnership

By: \_\_\_\_\_  
General Partner

City of Kirkland

By: \_\_\_\_\_  
City Manager