

RESOLUTION NO. R-3455

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY DON CARLSON, AGENT FOR LARRY'S MARKET, FILE NO. VC-88-24.

WHEREAS, the City has received a petition filed by Don Carlson, agent for Larry's Market, to vacate a portion of a right-of-way which petition is signed by owner of at least two-thirds of the property abutting said right-of-way; and

WHEREAS, by Resolution No. R-3446 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, the proposed vacation would be in the public interest; and

WHEREAS, each property owner will receive equal or better direct private right-of-way 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.

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-88-24 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: 1) pays to the City \$220,848.75 as compensation for vacating this portion of the right-of-way; 2) dedicates the following described property as public right-of-way to substitute for the vacated right-of-way:

That portion of the Northeast quarter of the Southwest quarter of Section 28, Township 26 North, Range 5 East, W.M., described as follows:

Beginning at the Southeast corner of said Southwest quarter;

Thence N 01°43'38" E along the East line of said subdivision a distance of 1,779.20 feet;

Thence N 89°20'06" W along the original centerline of NE 124th Street as shown on the survey recorded in Volume 38 of Surveys, page 146, records of King County, Washington, a distance of 545.67 feet;

Thence S 00°39'54" W a distance of 30.00 feet to the Northeast corner of the surveyed parcel of land as shown on said Record of Survey and the Northeast corner of Lot 4, Kirkland Short Subdivision I-85-66 as recorded under Recording Number 8509069001 and The True Point of Beginning;

Thence S 00°39'54" W along the East line of said lot a distance of 200.00 feet;

Thence S 89°20'06" E continuing along the boundary of said lot a distance of 26.36 feet;

Thence S 41°37'49" W along the Southeasterly line of said lot and along the Southeasterly line of Lot 3 of said Short Subdivision a distance of 267.14 to a point on the south line of said northeast quarter of the Southwest quarter;

Thence N 89°18'59" W along said South line a distance of 51.11 feet;

Thence N 00°41'01" E a distance of 66.95 feet;

Thence S 89°18'59" E a distance of 43.00 feet;

Thence N 41°37'49" E a distance of 163.00 feet;

Thence N 00°39'54" E a distance of 211.69 feet to the North line of said Lot 4;

Thence S 89°20'06" E along said North line a distance of 50.00 feet to the TRUE POINT OF BEGINNING

Situate in the City of Kirkland, King County, Washington
Contains 24,350 square feet.

3) The conveyance making this dedication shall include a grant by the grantor of a reversionary interest to the Washington State Department of Transportation in the event the property ceases to be used for public right-of-way; 4) the grantor of the alternative right-of-way must execute a document satisfactory to the Washington State Department of Transportation holding the Department of Transportation and the City of Kirkland harmless from any claims that may arise asserting a loss of access resulting from the vacation of the public right-of-way; 5) the grantor shall grant to the City of Kirkland, for the benefit of the public, a temporary right-of-way easement over the property herein to be vacated until such time as the property to be dedicated has been dedicated, improved, and accepted by the City as improved right-of-way; 6) the grantor shall grant, upon the request of the Washington State Department of Transportation, construction access easements across the western half of 120th Place NE for use in connection with improvements scheduled to be made to the SR-405/NE 124th Street interchange by the Washington State Department of Transportation.

7) The grantor shall convey to Motel 6 operating L.P. the following described property as easement to connect the public right-of-way to be dedicated with the Motel 6 site:

That portion of the Northeast quarter of the Southwest quarter of Section 28, Township 26 North, Range 5 East, W.M., described as follows:

Beginning at the Southeast corner of said Southwest quarter;

Thence N 01°43'38" E along the East line of said subdivision a distance of 1,779.20 feet;

Thence N 89°20'06" W along the original centerline of NE 124th Street as shown on the survey recorded in Volume 38 of Surveys, page 146, records of King County, Washington, a distance of 545.67 feet;

Thence S 00°39'54" W a distance of 30.00 feet to the Northeast corner of the surveyed parcel of land as shown on said Record of Survey and the Northeast corner of Lot 4, Kirkland Short Subdivision I-85-66, as recorded under Recording Number 8509069001;

Thence S 00°39'54" W along the East line of said lot a distance of 200.00 feet;

Thence S 89°20'06" E continuing along the boundary of said lot a distance of 26.36 feet;

Thence S 41°37'49" W along the Southeasterly line of said lot and along the Southeasterly line of Lot 3 of said Short Subdivision a distance of 267.14 to a point on the south line of said northeast quarter of the Southwest quarter;

Thence N 89°18'59" W along said South line a distance of 51.11 feet;

Thence N 00°41'01" E a distance of 31.00 feet to the TRUE POINT OF BEGINNING of the herein described easement;

Thence N 89°18'59" W a distance of 43.33 feet to the East line of Parcel "A," City of Kirkland Lot Line Adjustment as recorded under Recording Number 8608110523;

Thence N 00°41'01" E along said East line a distance of 24.00 feet to a point designated as Point "A" for the purpose of this description;

Thence S 89°18'59" E a distance of 43.33 feet;

Thence S 00°41'01" W a distance of 24.00 feet to the TRUE POINT OF BEGINNING; TOGETHER WITH

Beginning at the above described Point "A";

Thence N 00°41'01" E along the East line of Parcel "A," City of Kirkland Lot Line Adjustment as recorded under Recording Number 8608110523 a distance of 105.00 feet to the TRUE POINT OF BEGINNING OF THE herein described easement;

Thence continuing N 00°41'01" E along said East line a distance of 24.00 feet;

Thence S 89°18'59" E a distance of 149.80 feet;

Thence S 48°22'11" E a distance of 28.77 feet;

Thence S 41°37'49" W a distance of 24.00 feet;

Thence N 48°22'11" W a distance of 19.81 feet;

Thence N 89°18'59" W a distance of 140.84 feet to the TRUE POINT OF BEGINNING.

Situate in City of Kirkland, King County, Washington.
Contains 5,110 square feet.

8) The grantor shall install, to City standards, the improvements required for the to-be-dedicated right-of-way and easement or deposit with the City a performance bond, issued by a surety company licensed to do business in the State of Washington, to guarantee installation of said improvements within 12 months of the date of this resolution (Conditions 2 and 7).

Section 3. If the portion of the right-of-way described in Section 4 of this resolution is vacated, the City will require the petitioner to submit to the City within 90 days of the date of passage of this resolution, a recorded easement in favor of the public utility franchise holders and the Kirkland Public Works Department, together with the right to exercise and grant easements along, over, under and across an adequate location, either within the area described in Section 4 or an acceptable alternative location, 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:

Beginning at the Southeast corner of said Southwest quarter;

Thence N 01°43'38" E along the East line of said subdivision a distance of 1,779.20 feet;

Thence N 89°20'06" W along the original centerline of NE 124th Street as shown on the survey recorded in Volume 38 of Surveys, page 146, records of King County, Washington, a distance of 545.67 feet;

Thence S 00°39'54" W a distance of 30.00 feet to the Northeast corner of surveyed parcel of land as shown on said Record of Survey and the Northeast corner of Lot 4, Kirkland Short Subdivision I-85-66 as recorded under Recording Number 8509069001 and a point of the South margin of said original NE 124th Street;

Thence N 89°20'06" W along said South margin a distance of 50.00 feet to the TRUE POINT OF BEGINNING of the herein described parcel;

Thence continuing N 89°20'06" W along said margin a distance of 164.22 feet;

Thence N 72°12'51" W continuing along said margin a distance of 368.91 feet to the West margin of 120th Place NE as conveyed to the City of Kirkland by deed recorded under Recording Number 8006200424 and a point that is 391.37 feet right of L-line Station 674+08.53 as said L-line is shown on that certain plan entitled "SR 405 Northup Interchange to NE 140th St.," sheet 11 of 13 dated April 17, 1967;

Thence N 18°32'46" E along said West margin a distance of 73.84 feet;

Thence S 71°08'57" E a distance of 520.09 feet;

Thence S 00°39'54" W a distance of 16.56 feet to the TRUE POINT OF BEGINNING of the herein described parcel.

Situate in City of Kirkland, King County, Washington.

Continas 32,396 Square Feet.

That portion of the Northeast quarter of the Southwest quarter of Section 28, Township 26 North, Range 5 East, W.M., described as follows:

Beginning at the Southeast corner of said Southwest quarter;

Thence N 01°43'38" E along the East line of said subdivision a distance of 1,779.20 feet;

Thence N 89°20'06" W along the original centerline of NE 124th Street as shown on the survey recorded in Volume 38 of Surveys, page 146, records of King County, Washington, a distance of 545.67 feet;

Thence S 00°39'54" W a distance of 30.00 feet to the Northeast corner of surveyed parcel of land as shown on said Record of Survey and the Northeast corner of Lot 4, Kirkland Short Subdivision I-85-66 as recorded under Recording Number 8509069001 and a point on the South margin of said original NE 124th Street;

Thence N 89°20'06" W along said South margin a distance of 214.22 feet;

Thence N 72°12'51" W continuing along said margin a distance of 368.91 feet to the West margin of 120th Place NE as conveyed to the City of Kirkland by deed recorded under Recording Number 8006200424 and a point that is 391.37 feet right of L-line Station 674+08.53 as said L-line is shown on that certain plan entitled "SR-405 Northup Interchange to NE 140th St.," sheet 11 of 13 dated April 17, 1967, and the TRUE POINT OF BEGINNING of the herein described parcel;

Thence S 18°32'46" W along said West margin a distance of 180.22 feet to a point that is 278.01 feet right of L-line Station 672+68.43 and a point of curve;

Thence Southerly along a curve to the left, said curve having a radius of 530.00 feet through a central angle of $37^{\circ}16'01''$ a distance of 344.73 feet to the South line of said Northeast quarter of the Southwest quarter and a point that is 160.26 feet right of L-line Station 669+50.87;

Thence S $89^{\circ}18'59''$ E along said South line a distance of 64.06 feet to the East margin of said 120th Place NE;

Thence N $20^{\circ}25'57''$ W along said East margin a distance of 7.25 feet to a point of curve;

Thence Northerly continuing along said East margin along the arc of a curve to the right, said curve having a radius of 470.00 feet through a central angle of $38^{\circ}58'43''$ E a distance of 319.74 feet;

Thence N $18^{\circ}32'46''$ E continuing along said East margin a distance of 150.02 feet to a point of curve;

Thence Easterly continuing along said East margin along the arc of a curve to the right, said curve having a radius of 30.00 feet through a central angle of 90° a distance of 47.12 feet;

Thence N $18^{\circ}32'46''$ E a distance of 1.39 feet to the South margin of said NE 124th Street;

Thence N $72^{\circ}12'51''$ W along said South margin a distance of 90.01 feet to the TRUE POINT OF BEGINNING.

Situate in City of Kirkland, King County, Washington.
Contains 31,216 Square Feet.

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 City Clerk for the City of Kirkland.

Passed by majority vote of the Kirkland City Council on the 19th day of April, 1988.

SIGNED IN AUTHENTICATION THEREOF on the 19th day of April, 1988.

Lorin Cooper
Mayor

ATTEST:

Janice Perry
City Clerk

0423D/296A/JLB:rk