

RESOLUTION R -3459

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH LINCOLN FORBES LIMITED PARTNERSHIP FOR INSTALLATION AND MAINTENANCE OF A LANDSCAPE AREA OF CITY OWNED PROPERTY AT THE INTERSECTION OF FORBES CREEK DRIVE AND MARKET STREET.

Whereas, Lincoln Forbes Limited Partnership, the developer of the park at Forbes Creek, has requested permission to install and maintain natural landscape improvements on City owned park property adjacent to the northeast quadrant of the intersection of Forbes Creek Drive and Market Street, and

Whereas, the Kirkland Park Board and staff have recommended to the City Council approval of the request, now, therefore

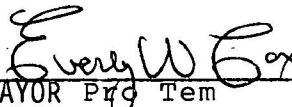
Be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The City Council approves the request and proposal made by Lincoln Forbes Limited Partnership to install and maintain a 5,000 square foot natural landscaped area of City owned park property adjacent to the northeast quadrant of the intersection of Forbes Creek Drive and Market Street.

Section 2. The City Manager for the City of Kirkland is authorized to sign on behalf of the City that certain Maintenance Agreement - Landscape Area and Interpretive Signing, attached to the original of this Resolution and by this reference incorporated herein.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 17th day of May, 1988.

Signed in authentication thereof this 17th day of May, 1988.


MAYOR Prg Tem

ATTEST:


City Clerk



MAINTENANCE AGREEMENT - LANDSCAPE AREA

(Intersection of Forbes Creek Drive with Market Street)

This Agreement is entered into between the undersigned owner of real property (described in Exhibit B) and the City of Kirkland, in consideration of approval by the City of a planned unit development under City of Kirkland file no. I-87-20 for the hereinafter described real property in Kirkland, King County, Washington and in compliance with the approval given by the Kirkland City Council on May 17, 1988. For the purpose of this Agreement the phrase "landscape area" is described as follows:

That portion of City owned park property abutting the north margin of Forbes Creek Drive and the east margin of 98th Avenue N.E. (Market Street) in the City of Kirkland, all as more particularly described in Exhibit A attached hereto and incorporated herein by this reference.

The real property subject of the above-referenced planned unit development and owned by the undersigned "property owner", is situated in Kirkland, King County, Washington and described in Exhibit B attached hereto and incorporated herein by this reference.

The undersigned property owner hereby agrees to initially install landscape planting in accordance with the plans therefore filed with and approved by the Kirkland Park Department, and further agrees to maintain the landscaped planting within the area described in Exhibit A.

The undersigned property owner acknowledges that when all or any portion of the property described in Exhibit A is improved as public park property or put to any other appropriate public use, the property owner shall have no claim for recovery, reimbursement, or damage to the installed landscaping as a result thereof, and agrees to continue to maintain any portion thereof not so improved for public use, unless substantially reduced, impaired, or diminished by conversion of the area to public use, in which case, this Agreement shall terminate at property owners election.

Except as limited by RCW 4.24.210, the undersigned property owner agrees to defend, pay, and save harmless the City of Kirkland, its officers, agents, and employees from any and all claims of every nature whatsoever, real or imaginary which may be made against the City, its officers, agents, or employees for any damage to property or injury to any person arising out of the initial installation and subsequent maintenance of the area

described in Exhibit A or so much thereof as remains subject to this agreement; excepting therefrom only such claims as may arise out of the negligence of the City of Kirkland, its officers, agents, or employees.

This Agreement shall be binding upon the heirs, successors, and assigns of the undersigned property owner and shall run with the land described in Exhibit B. This Agreement shall at the expense of the undersigned property owner be recorded by the City of Kirkland with the King County Department of Elections and Records.

DATED this _____ day of _____, 1988.

PROPERTY OWNER: Lincoln Forbes
Limited Partnership, a
Washington limited partnership,
by Lincoln Property Company
1167 Limited Partnership,
General Partner

By: _____
Managing General Partner

CITY OF KIRKLAND

By: _____
Authorized Signature

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

On this day personally appeared before me Scott B. Springer, to me known to be the Managing General Partner of Lincoln Property Company 1176 Limited Partnership, General Partner of Lincoln Forbes Limited Partnership, the partnership that executed the withn and foregoing instrument, and acknowledged that the instrument to be the free and voluntary act and deed of said partnership for the uses and purposes therein mentioned, and on oath stated that he was duly authorized to execute said instrument on behalf of the partnership.

GIVEN under my hand and official seal this _____ day of _____, 1988.

NOTARY PUBLIC in and for the
State of Washington, residing
in King County.
My commission expires:

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

On this day personally appeared before me _____,
to me known to be the _____ of the City of
Kirkland, the corporation that executed the within and foregoing
instrument, and acknowledged the instrument to be the free and
voluntary act and deed of said corporation for the uses and
purposes therein mentioned, and on oath stated that he/she was
duly authorized to execute said instrument on behalf of the
corporation.

GIVEN under my hand and official seal this ____ day of
_____, 1988.

NOTARY PUBLIC in and for the
State of Washington, residing
in King County.
My commission expires:

Exhibit A

Legal Description of "Landscape Area"

The southerly 60 feet of the westerly 90 feet of Lot 8, Block 145, Burke & Farrar's Kirkland Addition to the City of Seattle, Division No. 29, according to the plat recorded in volume 25 of Plats, page 29, in King County, Washington; EXCEPT the westerly 10 feet thereof conveyed to King County for Lake Washington Boulevard by deed recorded under King County recording no. 6344624; AND EXCEPT that portion thereof lying northwesterly of the southeasterly margin of 98th Avenue N.E. as established by deed recorded under King County recording no. 7505210047.

ROADS ENGINEERS, INC.
 BELLEVUE, WASHINGTON 98007

The Park at Forbes Creek
 DEI Project No. 85130
 January 22, 1988
 Revised March 14, 1988

NORTH PARCEL

That portion of the east half of Section 32, Township 26 North, Range 5 East, W.M., in King County, Washington described as follows:

Commencing at the east quarter corner of said Section 32; thence N01°07'29"E, along the east line of said Section 32, a distance of 967.29 feet; thence N88°52'31"W 30.00 feet to a point on the westerly margin of 116th Avenue N.E., said point being the intersection of the south line of the north 25.00 feet of Lot 40, Kirkland-Juanita Acre Tracts, according to the plat thereof recorded in Volume 16 of Plats, page 63, in King County, Washington, with said westerly margin and the TRUE POINT OF BEGINNING; thence N88°47'19"W, along said south line, 250.00 feet to the west line of the east 250.00 feet of said Lot 40; thence N01°07'29"E, along said west line, 25.00 feet to the north line of said Lot 40; thence N88°47'19"W, along said north line, 380.50 feet to the southeast corner of Lot 17 of said plat; thence N01°04'54"E, along the east line of said Lot 17, a distance of 168.04 feet to the south line of the north 133.00 feet of said Lot 17; thence N88°53'27"W, along said south line, 450.00 feet to the west line of the east 450.00 feet of said lot 17; thence N01°04'54"E, along said west line, 8.00 feet to the south line of the north 125.00 feet of said Lot 17; thence N88°53'27"W, along said south line, 89.79 feet to the east line of the west 90.84 feet of said Lot 17; thence S01°02'18"W, along said east line, 5.00 feet to the south line of the north 130.00 feet of said Lot 17; thence N88°53'27"W, along said south line, 90.84 feet to the easterly margin of 112th Avenue N.E.; thence S01°02'18"W, along said easterly margin, 362.28 feet to a point of tangency with a 25.00 foot radius circular curve to the left; thence southeasterly, along said curve, through a central angle of 71°00'58", an arc distance of 30.99 feet to a point of reverse curvature and the beginning of a 58.00 foot radius circular curve to the right; thence southerly and westerly, along said curve, through a central angle of 161°14'25", an arc distance of 163.22 feet to a point of tangency with the easterly prolongation of the north line of Lot 5, Block 21, Burke and Farrar's Kirkland Addition to the City of Seattle, Division #9 according to the plat thereof recorded in Volume 19 of Plats, page 69, in King County, Washington; thence N88°44'15"W, along said prolongation and the north line of said Lot 5 and the north lines of Lots 6 and 7 of said Block 21, a distance of 522.95 feet to the northwest corner of said Lot 7; thence S01°00'21"W, along the west line of said Lot 7, a distance of 530.69 feet to the southwest corner thereof; thence S09°16'39"W 61.00 feet to a point of tangency with a 58.00 foot radius circular curve to the right;

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BELLEVUE, WASHINGTON 98007

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thence generally westerly, along said curve, through a central angle of $163^{\circ}11'33''$, an arc distance of 165.20 feet to a point of reverse curvature and the beginning of a 25.00 foot radius circular curve to the left; thence northwesterly, along said curve, through a central angle of $73^{\circ}11'33''$, an arc distance of 31.94 feet to a point of tangency with the north line of Block 22 of said Burke and Farrar's plat; thence $N80^{\circ}43'21''W$, along said north line, 55.60 feet to the east line of the west 100.00 feet of Lot 16, said Block 22; thence $S00^{\circ}57'19''W$, along said east line, 113.00 feet; thence $N89^{\circ}02'56''W$ 100.00 feet to the west line of said Lot 16; thence $S00^{\circ}57'19''W$, along said west line, and its southerly prolongation, 207.59 feet to the north line of Lots 21, 22, and 23 of said Block 22; thence $N89^{\circ}02'55''W$, along said north line, 495.07 feet to the easterly margin of 108th Avenue N.E.; thence $S00^{\circ}57'05''W$, along said easterly margin, 396.53 feet to the northerly margin of a strip of land 60.00 feet in width conveyed to the City of Kirkland by Quit Claim Deed recorded under King County Recording Number 8802250677, (Forbes Creek Drive), said point being on a 630.00 foot radius circular curve to the right, from which point the center of said curve bears $S06^{\circ}24'59''W$; thence easterly, along said northerly margin and curve, through a central angle of $17^{\circ}13'01''$, an arc distance of 189.31 feet to a point of tangency; thence $S66^{\circ}22'00''E$ 84.79 feet to a point of tangency with a 470.00 foot radius circular curve to the left; thence northeasterly, along said curve, through a central angle of $66^{\circ}21'00''$ an arc length of 544.27 feet to a point of tangency; thence $N47^{\circ}17'00''E$ 657.99 feet to a point of tangency with a 630.00 foot radius circular curve to the right; thence northeasterly, along said curve, through a central angle of $43^{\circ}01'52''$, an arc distance of 473.15 feet to a point of tangency; thence $S89^{\circ}41'08''E$ 135.62 feet to a point of tangency with a 670.00 foot radius circular curve to the left; thence northeasterly, along said curve, through a central angle of $39^{\circ}04'00''$ an arc distance of 456.83 feet to a point of tangency; thence $N51^{\circ}14'52''E$ 239.51 feet to a point of tangency with a 470.00 foot radius circular curve to the left; thence northeasterly, along said curve, through a central angle of $50^{\circ}07'23''$ an arc distance of 411.16 feet to a point of tangency with the westerly margin of aforesaid 116th Avenue N.E.; thence $N01^{\circ}07'29''E$, along said westerly margin, 261.64 feet to the TRUE POINT OF BEGINNING.

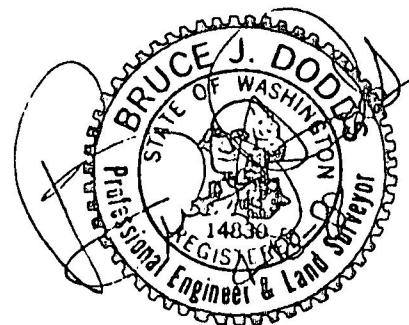
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EXCEPT that portion thereof lying southwesterly of the following described line:

Commencing at the northwest corner of Lot 23, Block 22, Burke & Farrar's Kirkland Addition to the City of Seattle, Division No. 9; thence $S00^{\circ}57'05''W$, along the west line of said Lot 23, a distance of 374.21 feet to a point of tangency with a 25.00 foot radius circular curve to the left and the TRUE POINT OF BEGINNING of the herein described line; thence southeasterly, along said curve, through a central angle of $82^{\circ}32'38''$, an arc distance of 36.02 feet to a point of tangency with the northerly margin of a strip of land 60.00 feet in width conveyed to the City of Kirkland by Quit Claim Deed recorded under King County Recording Number 8802250677 (Forbes Creek Drive) and the terminus of the herein described line.



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SOUTH PARCEL

That portion of the east half of Section 32, Township 26 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the east quarter corner of said Section 32; thence $N01^{\circ}07'29''E$, along the east line of said Section 32, a distance of 460.70 feet; thence $N88^{\circ}52'31''W$ 30.00 feet to the west margin of 116th Avenue N.E. and the TRUE POINT OF BEGINNING, said point being on the southerly margin of a strip of land 60.00 feet in width conveyed to the City of Kirkland by Quit Claim Deed recorded under King County Recording Number 8802250677 (Forbes Creek Drive) and on a 530.00 foot radius circular curve to the right, from which point the center of said curve bears $N61^{\circ}20'54''W$; thence southwesterly, along said curve, through a central angle of $22^{\circ}35'46''$, an arc distance of 209.02 feet; thence $S51^{\circ}14'52''W$ 239.51 feet to a point of tangency with a 730.00 foot radius circular curve to the right; thence southwesterly, along said curve, through a central angle of $39^{\circ}04'00''$, an arc distance of 497.74 feet; thence $N89^{\circ}41'08''W$ 135.62 feet to a point of tangency with a 570.00 foot radius circular curve to the left; thence southwesterly, along said curve, through a central angle of $43^{\circ}01'52''$, an arc distance of 428.09 feet; thence $S47^{\circ}17'00''W$ 657.99 feet to a point of tangency with a 530.00 foot radius circular curve to the right; thence westerly, along said curve, through a central angle of $66^{\circ}21'00''$, an arc distance of 613.75 feet; thence $N66^{\circ}22'00''W$ 84.79 feet to a point of tangency with a 570.00 foot radius circular curve to the left; thence westerly, along said curve, through a central angle of $16^{\circ}38'23''$, an arc distance of 165.54 feet to the northerly prolongation of the west line of Block 23 of Burke and 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; thence $S00^{\circ}57'05''W$, along said west line and its northerly prolongation, 589.00 feet to the southwest corner of said Block 23; thence $S88^{\circ}43'26''E$, along the south line of said Block 23, a distance of 738.83 feet to the westerly margin of the Burlington Northern Railroad right-of-way, said point being on a 1687.25 foot radius circular curve to the right, from which point the center of said curve bears $S69^{\circ}25'27''E$; thence northeasterly, along said curve and said railroad right-of-way, through a central angle of $13^{\circ}06'50''$ an arc distance of 386.18 feet to a point on the south line of a tract of land condemned under King County Superior Court Cause No. 730713;

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thence generally northeasterly, along said condemned tract, the following courses and distances: S89°59'44"W 96.69 feet; thence N11°44'20"E 87.53 feet; thence N27°42'49"W 33.30 feet; thence N04°25'07"E 126.02 feet; thence N36°43'09"E 176.48 feet; thence N53°06'48"E 81.73 feet; thence N62°11'09"E 249.96 feet; thence N79°58'11"E 135.81 feet; thence S46°54'36"E 105.00 feet to a point on said railroad right-of-way, said point being on a 1687.25 foot radius circular curve to the right, from which point the center of said curve bears S31°40'56"E; thence northeasterly, along said curve and said railroad right-of-way through a central angle of 03°44'15", an arc distance of 110.06 feet to a point of compound curvature and the beginning of a 1547.69 foot radius circular curve to the right; thence northeasterly, along said curve and said railroad right-of-way through a central angle of 19°52'03", an arc distance of 536.67 feet; thence N08°04'38"W 60.00 feet; thence N01°24'59"E 60.00 feet; thence S88°35'01"E 312.35 feet; thence N79°57'32"E 262.71 feet to the westerly margin of 116th Avenue N.E.; thence N00°30'02"E, along said westerly margin, 10.03 feet to the east-west center of section line of said Section 32; thence continuing along said westerly margin N01°07'29"E 460.55 feet to the TRUE POINT OF BEGINNING.

