

RESOLUTION NO. R-3493

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO SIGN EASEMENT AND TERMINATION OF EASEMENT DOCUMENT SUBMITTED BY LINCOLN FORBES LIMITED PARTNERSHIP.

WHEREAS, The City of Kirkland, as grantee, has received a Storm Drainage, Water line, and Sanitary Sewer Easements and Termination of Easements document as shown in Attachment A from Lincoln Forbes Limited Partnership, as grantor, and

WHEREAS, the City Manager needs official authorization to sign said document for the City, and

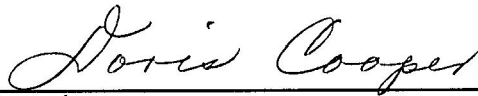
WHEREAS, the City Council, in regular meeting, did consider this request.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:


The City Manager is hereby authorized to sign for the City the Storm Drainage, Water Line, and Sanitary Sewer Easements and Termination of Easements document.

Passed by majority vote of the Kirkland City Council on the 15th day of November, 1988.

SIGNED IN AUTHENTICATION THEREOF on the 15th day of November, 1988.

  
\_\_\_\_\_  
Doris Cooper, Mayor

ATTEST:

  
\_\_\_\_\_  
Janice Perry, City Clerk

PL1056.NOV/NC:llh

FILED AT THE REQUEST OF;  
AFTER RECORDING RETURN TO:

City of Kirkland  
City Hall  
123 - 5th Avenue  
Kirkland, Washington 98033-6189

=====

STORM DRAINAGE, WATER LINE, AND SANITARY SEWER  
EASEMENTS AND TERMINATION OF EASEMENTS

THIS EASEMENT AND TERMINATION OF EASEMENT is made this day of \_\_\_\_\_, 1988, by and between LINCOLN FORBES LIMITED PARTNERSHIP, a Washington limited partnership ("Grantor"), and the CITY OF KIRKLAND, a municipal corporation (the "City").

W I T N E S S E T H:

WHEREAS, Grantor is the owner of that certain real property legally described on Exhibit A, attached hereto and incorporated herein by this reference ("Grantor's Property"); and

WHEREAS, prior to the annexation of Grantor's Property to the City, and at the time Grantor's Property was within the jurisdiction of King County, Washington, an easement was granted to King County, its heirs and assigns, for utility and drainage purposes over a portion of Grantor's Property, by instrument dated June 24, 1964, King County Recording No. 5769889 (the "Prior Easement"); and

WHEREAS, subsequent to the grant of the Prior Easement the Grantor's Property was annexed to and is now within the jurisdiction of the City, and the City is King County's successor in interest in the Prior Easement; and

WHEREAS, in connection with the vacation of certain streets and roads on Grantor's Property, the City reserved easement rights for public utilities and services over portions of Grantor's Property by Ordinance No. 3054, King County Recording No. 8710080520, also recorded under King County Recording No. 8803240382 (the "Reserved Easement"); and

WHEREAS, a storm drainage system, water system, and sanitary sewer system have now been constructed on Grantor's Property, and the parties desire to terminate and replace the Prior Easement and the Reserved Easement with new storm drainage, water line and sanitary sewer easements;

NOW THEREFORE, in consideration of the mutual promises herein contained and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor hereby grants and conveys to the City, for public purposes, the following easements.

A. Storm Drainage Easement. Grantor hereby grants and conveys to the City, a nonexclusive perpetual easement under that portion of Grantor's property legally described on Exhibit B attached hereto and incorporated herein by this reference (the "Drainage Easement Tract"), for purposes of collecting, transporting, retaining, detaining and discharging storm water runoff from City-owned rights-of-way adjacent to Grantor's property (the "Public Storm Drainage") through the storm drainage system constructed on Grantor's property (the "Drainage System").

Grantor agrees to accept and allow the Public Storm Drainage in the Drainage System only so long as the Public Storm Drainage does not exceed the capacity of the Drainage System and does not diminish or otherwise impair the capacity of the Drainage System to accept storm drainage from Grantor's Property.

B. Water Line Easement. Grantor hereby grants and conveys to the City a nonexclusive, perpetual easement under that portion of Grantor's property legally described on Exhibit C, attached hereto and incorporated herein by this reference (the "Water Line Easement Tract"), for purposes of the maintenance, repair, reconstruction and operation of the water line system constructed on Grantor's property (the "Water Line System").

C. Sanitary Sewer Easement. Grantor hereby grants and conveys to the City a nonexclusive perpetual easement under that portion of Grantor's property legally described on Exhibit D attached hereto and incorporated herein by this reference (the "Sewer System Easement Tract"), for purposes of the maintenance, repair, reconstruction and operation of the sanitary sewer system constructed on Grantor's property (the "Sanitary Sewer System").

1. The City shall have the right, without prior institution of suit or proceedings at law, at times as it may deem necessary, to enter upon the Water Line Easement Tract and/or the Sanitary Sewer Easement Tract for the purposes of maintaining, repairing, reconstructing, and operating the Water Line System and/or the Sanitary Sewer

System, or making any connections therewith, without incurring any legal obligation or liability therefor; provided, such maintenance, repair, reconstruction and operation of the Water Line System and/or Sanitary Sewer System shall be accomplished in such a manner that the improvements existing in, on or over the respective Easement Tracts shall not be disturbed or destroyed, or in the event they are disturbed or destroyed, they will be replaced by the City in as good a condition as existed immediately before the respective Easement Tracts were entered upon by the City.

2. The City shall indemnify and hold Grantor harmless from and against any and all claims for loss, damage, costs, and liabilities resulting from any actual or alleged injury to any person or from any actual or alleged loss or damage to any property caused by or resulting from any act or omission of the City, its officers, agents, employees, guests, invitees, contractors, or subcontractors, during the maintenance, repair, reconstruction and operation of the Water Line System and/or Sanitary Sewer System.

3. Should the respective Easement Tracts or Grantor's Property and any improvements located thereon, including but not limited to buildings, paving, carports, parking areas, and landscaping, be damaged or destroyed by the negligence, default, acts or omissions of the City, its officers, agents, employees, guests, invitees, contractors, or subcontractors, during the maintenance, repair, reconstruction and operation of the Water Line System and/or Sanitary Sewer System, the City shall repair any such damage or destruction and restore the respective Easement Tracts and Grantor's Property to as good a condition as existed immediately before such damage or destruction occurred, and shall compensate Grantor for any and all other damages, including, but not limited to, loss of income or business as a result of such damage or destruction.

D. General Terms.

1. The easements herein granted are for the sole purposes of collecting, transporting, retaining, detaining and discharging the Public Storm Drainage through the Drainage System, and for the operation, maintenance, repair and reconstruction of the Water Line System and the Sanitary Sewer System, and for no other public purposes. Nothing herein contained shall be deemed to be a gift or dedication of any portion of Grantor's property to the general public or for the general public or for any public uses whatsoever, other than those specifically granted herein.

2. Grantor reserves the right to use the respective Easement Tracts for any purposes not inconsistent with the easements herein granted, including without

limitation the right to construct carports and other parking facilities in the respective Easement Tracts and further reserves the right to grant any other easement, license, or right-of-way, under, over, or across the respective Easement Tracts that may, in Grantor's sole discretion, be necessary for any purpose.

3. In the event any of the easements granted herein interfere with any future improvements to be located on Grantor's property, such easement may be relocated at the expense of Grantor.

4. The easements granted herein supersede, replace and terminate the Prior Easement under King County Recording No. 5769889 and the Reserved Easement under King County Recording Nos. 8710080520 and 8803240382. By the City's acceptance of these easements, the Prior Easement and the Reserved Easement are hereby cancelled, revoked and terminated, and shall be of no further force or effect.

5. The easements herein granted and the rights and restrictions herein created shall be covenants running with the land and shall inure to the benefit of and be binding upon the respective heirs, successors and assigns of the parties hereto.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1988.

LINCOLN FORBES LIMITED PARTNERSHIP  
a Washington limited partnership

By Lincoln Property Company  
No. 1176 Limited Partnership,  
General Partner

By Scott B. Springer  
Its Managing General Partner

THE CITY OF KIRKLAND, a municipal  
corporation

By \_\_\_\_\_  
Its \_\_\_\_\_

STATE OF WASHINGTON )  
                                  ) ss.  
COUNTY OF KING )

On this day personally appeared before me Scott B. Springer  
to me known to be the Managing Gen. Ptnr. of Lincoln Property

Company No. 1176 Limited Partnership, General Partner of Lincoln Forbes Limited Partnership the limited partnership that executed the within and foregoing instrument, and acknowledged the instrument to be the free and voluntary act and deed of said limited 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 limited partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 31st day of October, 1988.



William F. Prestegard  
 NOTARY PUBLIC in and for the  
 State of Washington, residing  
 at Bedmond; My  
 commission expires: 9-27-91

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 municipal corporation that executed the within and foregoing instrument, and acknowledged the instrument to be the free and voluntary act and deed of said municipal corporation for the uses and purposes therein mentioned, and on oath stated that he was duly authorized to execute said instrument on behalf of the municipal corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 198\_\_.

NOTARY PUBLIC in and for the  
 State of Washington, residing  
 at \_\_\_\_\_; My  
 commission expires: \_\_\_\_\_

EXHIBIT A

## PARCEL A (NORTH PARCEL):

THAT PORTION OF THE EAST HALF OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 32;  
 THENCE NORTH 01 DEGREE 07'29" EAST, ALONG THE EAST LINE OF SAID SECTION 32, A DISTANCE OF 967.29 FEET;  
 THENCE NORTH 88 DEGREES 52'31" WEST 30.00 FEET TO A POINT ON THE WESTERLY MARGIN OF 116TH AVENUE NORTHEAST, 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 NORTH 88 DEGREES 47'19" WEST, ALONG SAID SOUTH LINE, 250.00 FEET TO THE WEST LINE OF THE EAST 250.00 FEET OF SAID LOT 40;  
 THENCE NORTH 01 DEGREE 07'29" EAST ALONG SAID WEST LINE, 25.00 FEET TO THE NORTH LINE OF SAID LOT 40;  
 THENCE NORTH 88 DEGREES 47'19" WEST, ALONG SAID NORTH LINE, 380.50 FEET TO THE SOUTHEAST CORNER OF LOT 17 OF SAID PLAT;  
 THENCE NORTH 01 DEGREE 04'54" EAST, 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 NORTH 88 DEGREES 53'27" WEST, ALONG SAID SOUTH LINE, 450.00 FEET TO THE WEST LINE OF THE EAST 450.00 FEET OF SAID LOT 17;  
 THENCE NORTH 01 DEGREE 04'54" EAST, ALONG SAID WEST LINE, 8.00 FEET TO THE SOUTH LINE OF THE NORTH 125.00 FEET OF SAID LOT 17;  
 THENCE NORTH 88 DEGREES 53'27" WEST, ALONG SAID SOUTH LINE, 89.79 FEET TO THE EAST LINE OF THE WEST 90.84 FEET OF SAID LOT 17;  
 THENCE SOUTH 01 DEGREE 02'18" WEST, ALONG SAID EAST LINE, 5.00 FEET TO THE SOUTH LINE OF THE NORTH 130.00 FEET OF SAID LOT 17;  
 THENCE NORTH 88 DEGREES 53'27" WEST, ALONG SAID SOUTH LINE, 90.84 FEET TO THE EASTERLY MARGIN OF 112TH AVENUE NORTHEAST;  
 THENCE SOUTH 01 DEGREE 02'18" WEST 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 DEGREES 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 DEGREES 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 & 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 NORTH 88 DEGREES 44'15" WEST, 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 SOUTH 01 DEGREE 00'21" WEST, ALONG THE WEST LINE OF SAID LOT 7, A DISTANCE OF 530.69 FEET TO THE SOUTHWEST CORNER OF THEREOF;

THENCE SOUTH 09 DEGREES 16'39" WEST 61.00 FEET TO A POINT OF TANGENCY WITH A 58.00 FOOT RADIUS CIRCULAR CURVE TO THE RIGHT;

THENCE GENERALLY WESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 163 DEGREES 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 DEGREES 11'33", AN ARC DISTANCE OF 31.94 FEET TO A POINT OF TANGENCY WITH THE NORTH LINE OF BLOCK 22 OF SAID BURKE & FARRAR'S PLAT;

THENCE NORTH 80 DEGREES 43'21" WEST, ALONG SAID NORTH LINE, 55.60 FEET TO THE EAST LINE OF THE WEST 100.00 FEET OF LOT 16, SAID BLOCK 22;

THENCE SOUTH 00 DEGREES 57'19" WEST, ALONG SAID EAST LINE, 113.00 FEET;

THENCE NORTH 89 DEGREES 02'56" WEST 100.00 FEET TO THE WEST LINE OF SAID LOT 16;

THENCE SOUTH 00 DEGREES 57'19" WEST, 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 NORTH 89 DEGREES 02'55" WEST, ALONG SAID NORTH LINE, 495.07 FEET TO THE EASTERLY MARGIN OF 108TH AVENUE NORTHEAST;

THENCE SOUTH 00 DEGREES 57'05" WEST, 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 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 SOUTH 06 DEGREES 24'59" WEST;

THENCE EASTERLY, ALONG SAID NORTHERLY MARGIN AND CURVE, THROUGH A CENTRAL ANGLE OF 17 DEGREES 13'01", AN ARC DISTANCE OF 189.31 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 66 DEGREES 22'00" EAST 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 DEGREES 21'00", AN ARC LENGTH OF 544.27 FEET TO A POINT OF TANGENCY;

THENCE NORTH 47 DEGREES 17'00" EAST 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 DEGREES 01'52", AN ARC DISTANCE OF 473.15 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 89 DEGREES 41'08" EAST, 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 DEGREES 04'00", AN ARC DISTANCE OF 456.83 FEET TO A POINT OF TANGENCY;

THENCE NORTH 51 DEGREES 14'52" EAST, 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 DEGREES 07'23", AN ARC DISTANCE OF 411.16 FEET TO A POINT OF TANGENCY WITH THE WESTERLY MARGIN OF AFORESAID 116TH AVENUE NORTHEAST;  
 THENCE NORTH 01 DEGREE 07'29" EAST, ALONG SAID WESTERLY MARGIN, 261.64 FEET TO THE TRUE POINT OF BEGINNING;  
 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 SOUTH 00 DEGREES 57'05" WEST, 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 DEGREES 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 RECORDING NUMBER 8802250677 (FORBES CREEK DRIVE) AND THE TERMINUS OF THE HEREIN DESCRIBED LINE.

PARCEL B (SOUTH PARCEL):

THAT PORTION OF THE EAST HALF OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 32;  
 THENCE NORTH 01 DEGREE 07'29" EAST, ALONG THE EAST LINE OF SAID SECTION 32, A DISTANCE OF 460.70 FEET;  
 THENCE NORTH 88 DEGREES 52'31" WEST 30.00 FEET TO THE WEST MARGIN OF 116TH AVENUE NORTHEAST, 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 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 NORTH 61 DEGREES 20'54" WEST;  
 THENCE SOUTHWESTERLY, ALONG SAID SOUTHERLY MARGIN AND CURVE, THROUGH A CENTRAL ANGLE OF 22 DEGREES 35'46", AN ARC DISTANCE OF 209.02 FEET;  
 THENCE SOUTH 51 DEGREES 14'52" WEST, 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 DEGREES 04'00", AN ARC DISTANCE OF 497.74 FEET;  
 THENCE NORTH 89 DEGREES 41'08" WEST, 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 DEGREES 01'52", AN ARC DISTANCE OF 428.09 FEET;  
 THENCE SOUTH 47 DEGREES 17'00" WEST, 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 DEGREES 21'00", AN ARC DISTANCE OF 613.75 FEET;  
 THENCE NORTH 66 DEGREES 22'00" WEST, 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 DEGREES  
 38'23", AN ARC DISTANCE OF 165.54 FEET TO THE NORTHERLY PROLONGATION OF  
 THE WEST LINE OF BLOCK 23, 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;  
 THENCE SOUTH 00 DEGREES 57'05" WEST, ALONG SAID WEST LINE AND ITS  
 NORTHERLY PROLONGATION, 589.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK  
 23;  
 THENCE SOUTH 88 DEGREES 43'26" EAST, 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 1,687.25 FOOT  
 RADIUS CIRCULAR CURVE TO THE RIGHT, FROM WHICH POINT THE CENTER OF SAID  
 CURVE BEARS SOUTH 69 DEGREES 25'27" EAST;  
 THENCE NORTHEASTERLY, ALONG SAID CURVE AND SAID RAILROAD RIGHT OF WAY,  
 THROUGH A CENTRAL ANGLE OF 13 DEGREES 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 NUMBER 730713;  
 THENCE GENERALLY NORTHEASTERLY, ALONG SAID CONDEMNED TRACT, THE FOLLOWING  
 COURSES AND DISTANCES:

SOUTH 89 DEGREES 59'44" WEST, 96.69 FEET;  
 THENCE NORTH 11 DEGREES 44'20" EAST, 87.53 FEET;  
 THENCE NORTH 27 DEGREES 42'49" WEST, 33.30 FEET;  
 THENCE NORTH 04 DEGREES 25'07" EAST, 126.02 FEET;  
 THENCE NORTH 36 DEGREES 43'09" EAST, 176.48 FEET;  
 THENCE NORTH 53 DEGREES 06'48" EAST, 81.73 FEET;  
 THENCE NORTH 62 DEGREES 11'09" EAST, 249.96 FEET;  
 THENCE NORTH 79 DEGREES 58'11" EAST, 135.81 FEET;  
 THENCE SOUTH 46 DEGREES 54'36" EAST, 105.00 FEET TO A POINT ON SAID  
 RAILROAD RIGHT OF WAY, SAID POINT BEING ON A 1,687.25 FOOT RADIUS  
 CIRCULAR CURVE TO THE RIGHT, FROM WHICH POINT THE CENTER OF SAID CURVE  
 BEARS SOUTH 31 DEGREES 40'56" EAST;  
 THENCE NORTHEASTERLY, ALONG SAID CURVE AND SAID RAILROAD RIGHT OF WAY  
 THROUGH A CENTRAL ANGLE OF 03 DEGREES 44'15", AN ARC DISTANCE OF 110.06  
 FEET TO A POINT OF COMPOUND CURVATURE AND THE BEGINNING OF A 1,547.69  
 FOOT RADIUS CIRCULAR CURVE TO THE RIGHT;  
 THENCE NORTHEASTERLY, ALONG SAID CURVE AND SAID RAILROAD RIGHT OF WAY  
 THROUGH A CENTRAL ANGLE OF 19 DEGREES 52'03", AN ARC DISTANCE OF 536.67  
 FEET;  
 THENCE NORTH 08 DEGREES 04'38" WEST 60.00 FEET;  
 THENCE NORTH 01 DEGREE 24'59" EAST 60.00 FEET;  
 THENCE SOUTH 88 DEGREES 35'01" EAST 312.35 FEET;  
 THENCE NORTH 79 DEGREES 57'32" EAST 262.71 FEET TO THE WESTERLY MARGIN OF  
 116TH AVENUE NORTHEAST;  
 THENCE NORTH 00 DEGREES 30'02" EAST, 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 NORTH 01 DEGREE 07'29"  
 EAST, 460.55 FEET TO THE TRUE POINT OF BEGINNING.

Subject to all easements, retentions and reservations of record.

DODDS ENGINEERS, INC.  
 BELLEVUE, WA 98007

EXHIBIT B

Park at Forbes Creek  
 DEI Project No. 85130  
 October 12, 1988

CITY OF KIRKLAND DRAINAGE EASEMENT

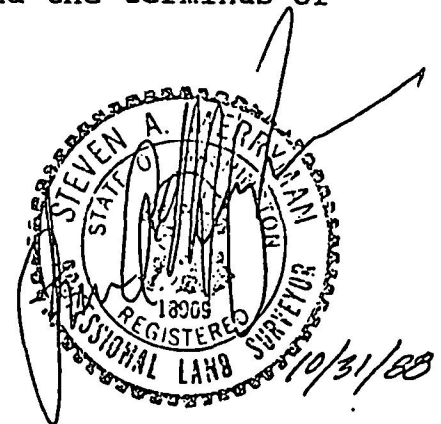
A strip of land 15.00 feet in width over a portion of the east half of Section 32, Township 26 North, Range 5 East, W.M., in King County, Washington, said strip of land having 7.50 feet on each side of the following described centerline:

Commencing at the northwest corner of Lot 7, Block 21, Burke & Farrar's Kirkland Addition to the City of Seattle, Division 9, as recorded in Volume 19 of plats, page 69, records of said county; thence  $S01^{\circ}00'21''W$ , along the west line of said Lot 7, a distance of 530.69 feet to the southwest corner thereof; thence  $S09^{\circ}16'39''W$  61.00 feet to a point on the northerly margin of that certain "Exhibit 'B' (Flood Plain Management Easement)" described under King County Recording Number 8806240669; thence  $S80^{\circ}12'01''E$ , along said northerly line 23.59 feet to the TRUE POINT OF BEGINNING of the herein described centerline; thence  $N08^{\circ}18'18''E$  190.59 feet; thence  $N47^{\circ}31'41''E$  169.58 feet to a point hereinafter referred to as point "A", thence  $N60^{\circ}19'17''E$  459.33 feet; thence  $N08^{\circ}07'42''W$  58.29 feet to the southerly margin of 112th Avenue N.E.;

And commencing at the northwest corner of Lot 18, Kirkland Juanita Acre Tracts as recorded in Volume 16 of plats, page 63, records of said county; thence  $S01^{\circ}02'18''W$ , along the west line of said Lot 18, a distance of 67.23 feet to the TRUE POINT OF BEGINNING; thence  $N60^{\circ}16'15''E$  73.14 feet; thence  $N58^{\circ}55'47''E$  369.26 feet to the south line of the north 133.00 feet of Lot 17, said Kirkland Juanita Acre Tracts;

And BEGINNING at aforesaid point "A"; thence  $N01^{\circ}06'56''E$  166.69 feet; thence  $N44^{\circ}24'53''E$  149.72 feet; thence  $N11^{\circ}55'35''W$  12.62 feet to the north line of Lot 6 of said Burke & Farrar's Kirkland Addition to the City of Seattle, Division 9, and the terminus of the herein described centerline.

85130EAS printed 10/31/1988



DODDS ENGINEERS, INC.  
 BELLEVUE, WA 98007

EXHIBIT C

Park at Forbes Creek  
 DEI Project No. 85130  
 October 12, 1988

WATER LINE EASEMENT

A strip of land 15.00 feet in width over a portion of the east half of Section 32, Township 26 North, Range 5 East, W.M., in King County, Washington, said strip of land having 7.50 feet on each side of the following described centerline:

Commencing at the northwest corner of Lot 40, Kirkland Juanita Acre Tracts, as recorded in Volume 16 of plats, page 63, records of said county; thence S88°47'19"E, along the north line of said Lot 40, a distance of 32.50 feet to the TRUE POINT OF BEGINNING; thence S01°12'41"W 7.50 feet; thence N88°47'19"W 57.59 feet; thence S12°36'14"W 107.45 feet to a point hereinafter referred to as point "A"; thence S77°14'45"E 122.43 feet; thence S38°33'33"E 11.09 feet to a point hereinafter referred to as point "B"; thence continuing S38°33'33"E 73.92 feet to a point hereinafter referred to as point "C"; thence continuing S38°33'33"E 170.22 feet; thence S16°05'49"E 93.00 feet to a point hereinafter referred to as point "D"; thence S14°30'35"E 49.63 feet; thence S04°10'21"E 60.03 feet; thence S88°27'33"W 81.45 feet; thence S00°45'39"W 71.95 feet to a point hereinafter referred to as point "E"; thence continuing S00°45'39"W 137.53 feet; thence S54°26'17"W 25.92 feet; thence S39°41'35"E 109.76 feet to the northerly margin of Forbes Creek Drive;

And BEGINNING at aforesaid point "B"; thence S51°26'27"W 35.00 feet; and BEGINNING at aforesaid point "C"; thence S51°26'27"W 30.00 feet; and BEGINNING at aforesaid point "D"; thence S75°29'25"W 22.00 feet; and BEGINNING at aforesaid point "E"; thence N89°14'21"W 15.00 feet; and BEGINNING at aforesaid point "A"; thence N75°35'30"W 109.68 feet to a point hereinafter referred to as point "F"; thence continuing N75°35'30"W 22.74 feet; thence S70°33'17"W 88.48 feet; thence S46°53'10"W 72.85 feet; thence S25°27'42"W 113.87 feet to a point hereinafter referred to as point "G"; thence S64°34'58"W 279.80 feet; thence N13°01'26"W 67.72 feet to the southerly margin of 112th Avenue N.E.;

And BEGINNING at aforesaid point "F"; thence S12°07'30"W 25.00 feet;

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DODDS ENGINEERS, INC.  
BELLEVUE, WA 98007

Park at Forbes Creek  
DEI Project No. 85130  
October 12, 1988  
Page 3 of 3

WATER LINE EASEMENT

And BEGINNING at aforesaid point "P"; thence S87°11'18"E 17.50 feet; and BEGINNING at aforesaid point "Q"; thence S00°19'22"E 15.00 feet; and BEGINNING at aforesaid point "R"; thence S00°19'22"E 12.00 feet; and BEGINNING at aforesaid point "S"; thence S89°04'24"E 11.60 feet; thence S19°05'40"W 43.49 feet; thence S10°45'43"E 71.76 feet; thence S29°56'31"E 72.13 feet; thence S42°06'34"E 144.88 feet to a point hereinafter referred to as point "T" thence S47°28'43"E 17.60 feet to a point hereinafter referred to as point "U" thence S41°21'09"E 105.92 feet to the northerly margin of Forbes Creek Drive;

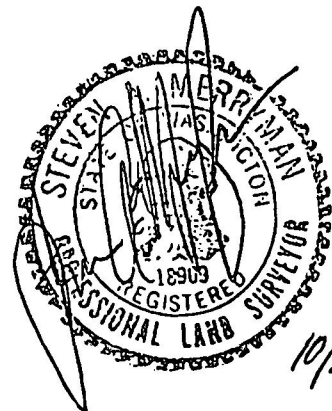
And BEGINNING at aforesaid point "U"; thence N49°44'53"E 28.00 feet; and BEGINNING at aforesaid point "T"; thence S45°59'02"W 135.70 feet to a point hereinafter referred to as point "V"; thence continuing S45°59'02"W 209.25 feet to a point hereinafter referred to as point "W"; thence S38°22'11"E 53.07 feet; thence S29°10'58"E 64.43 feet to the northerly margin of Forbes Creek Drive;

And BEGINNING at aforesaid point "V"; thence N44°00'58"W 28.00 feet;

And commencing at aforesaid point "W"; thence S62°26'08"W 287.01 feet to the TRUE POINT OF BEGINNING; thence S74°39'32"W 15.00 feet to a point hereinafter referred to as point "X"; thence S15°20'28"E 159.99 feet to the northerly margin of Forbes Creek Drive;

And commencing at aforesaid point "X"; thence S83°31'31"W 310.34 feet to the TRUE POINT OF BEGINNING; thence S67°11'36"E 11.00 feet; thence S22°48'24"W 69.71 feet to the northerly margin of Forbes Creek Drive and the terminus of the herein described centerlines.

Together with the west 40.00 feet of the north 15.00 feet of Lot 40, said Kirkland Juanita Acre Tracts.



Park at Forbes Creek  
DEI Project No. 85130  
October 12, 1988  
Page 2 of 3

WATER LINE EASEMENT

And commencing at aforesaid point "G"; thence S44°49'14"W 37.75 feet to the TRUE POINT OF BEGINNING, said point being hereinafter referred to as point "H"; thence S88°32'51"E 72.00 feet to a point hereinafter referred to as point "I"; thence continuing S88°32'51"E 37.23 feet; thence S74°44'45"E 70.87 feet; thence S53°35'01"E 75.80 feet; thence S33°31'50"E 45.06 feet; thence S08°25'30"E 50.00 feet to a point hereinafter referred to as point "J"; thence continuing S08°25'30"E 82.00 feet; thence S12°05'41"W 73.79 feet to a point hereinafter referred to as point "K"; thence continuing S12°05'41"W 50.57 feet; thence S56°18'14"W 81.88 feet; thence N89°09'46"W 231.92 feet to a point hereinafter referred to as point "L"; thence S05°24'57"W 8.61 feet to a point hereinafter referred to as point "M"; thence S01°42'03"W 58.02 feet to a point hereinafter referred to as point "N"; thence S02°10'50"W 111.09 feet to a point hereinafter referred to as point "O"; thence S02°10'50"W 46.00 feet; thence S41°08'17"W 30.97 feet; thence S10°21'30"E 40.90 feet to the northerly margin of Forbes Creek Drive;

And BEGINNING at aforesaid point "I"; thence S01°27'09"W 15.00 feet; and BEGINNING at aforesaid point "J"; thence N81°34'30"E 25.00 feet; and BEGINNING at aforesaid point "K"; thence N77°54'19"W 22.00 feet; and BEGINNING at aforesaid point "L"; thence N46°43'54"W 38.00 feet; and BEGINNING at aforesaid point "M"; thence N89°56'37"W 35.00 feet; and BEGINNING at aforesaid point "N"; thence N87°49'10"W 28.00 feet; and BEGINNING at aforesaid point "O"; thence S87°49'10"E 15.00 feet; and BEGINNING at aforesaid point "H"; thence S63°02'19"W 163.23 feet; thence S00°33'04"E 71.38 feet to a point hereinafter referred to as point "P"; thence S04°47'35"W 53.06 feet; thence N89°12'04"W 120.89 feet; thence S46°35'54"W 75.20 feet; thence S08°21'01"W 123.68 feet; thence S89°40'38"W 17.60 feet to a point hereinafter referred to as point "Q"; thence continuing S89°40'38"W 63.91 feet to a point hereinafter referred to as point "R"; thence N87°33'01"W 192.70 feet; thence S45°34'45"W 101.58 feet; thence S00°46'08"W 142.70 feet to a point hereinafter referred to as point "S"; thence N84°33'23"W 44.42 feet; thence N80°43'21"W 49.66 feet to the easterly margin of N.E. 108th Street;

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EXHIBIT D

PARK AT FORBES CREEK  
DEI Project No. 85130  
October 13, 1988

SANITARY EASEMENT

A strip of land 15.00 feet in width over a portion of the east half of Section 32, Township 26 North, Range 5 East, W.M., in King County, Washington, said strip of land having 7.50 feet on each side of the following described centerlines:

Commencing at the southeast corner of Lot 17, Kirkland Juanita Acre Tracts, as recorded in Volume 16 of plats, page 63, records of said county; thence N01°04'54"E, along the east line of said Lot 17, a distance of 7.50 feet to the TRUE POINT OF BEGINNING; thence N88°55'06"W 9.73 feet; thence S13°38'52"E 116.61 feet; thence S38°12'19"E 144.90 feet; thence S59°36'02"W 145.55 feet; thence S46°19'48"W 137.95 feet to a point hereinafter referred to as point "A"; thence S00°29'03"W 143.81 feet to a point hereinafter referred to as point "B"; thence S33°17'57"W 175.86 feet; thence N88°13'19"W 232.12 feet; thence S01°25'33"W 213.24 feet; thence S44°00'58"W 110.98 feet to a point hereinafter referred to as point "C"; thence S86°46'15"W 170.96 feet; thence N77°12'20"W 328.42 feet to a point hereinafter referred to as point "D"; thence N01°58'46"E 265.76 to a point hereinafter referred to as point "E"; thence N01°07'58"E 287.03 feet to the southerly margin of that certain easement conveyed by document recorded under Recording Number 8107210500, records of said county;

And beginning at aforesaid point "A"; thence N55°42'59"W 132.00 feet; and beginning at aforesaid point "B"; thence S82°37'37"E 176.00 feet; and beginning at aforesaid point "C"; thence N89°15'49"E 120.78 feet to the northerly margin of Forbes Creek Drive; and beginning at aforesaid point "D"; thence N81°19'22"W 158.69 feet to the easterly margin of N.E. 108th Street; and beginning at aforesaid point "E"; thence S87°20'00"E 269.00 feet;

And commencing at the northwest corner of Lot 23, Block 22, Burke & Farrar's Kirkland Addition to the City of Seattle, Division 9, as recorded in Volume 19 of plats, page 69, records of said county; thence S00°57'05"W, along the west line of said Lot 23, a distance of 387.03 feet to the TRUE POINT OF BEGINNING; thence S88°38'10"E 337.81 feet; thence N71°02'25"E 395.94 feet; thence N46°40'09"E 418.00 feet to the terminus of herein described centerlines.

85130SEA printed 10/31/1988

