

**RESOLUTION NO. 3673**

**A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY COSTCO WHOLESALE CORPORATION, FILE NUMBER VC-91-3**

**WHEREAS, the City has received an application filed by Costco Wholesale Corporation to vacate a portion of a right-of-way, and**

**WHEREAS, by Resolution Number 3667, 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 the law, and**

**WHEREAS, an Environmental Checklist was filed pursuant to the State Environmental Policies Act and applicable state guidelines and local implementing ordinances, which was reviewed by the Responsible Official of the City of Kirkland who issued a negative declaration of the proposed vacation, and**

**WHEREAS, this Environmental Checklist and Negative Declaration have been available and accompanied this application through the entire review process, 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 to be vacated, and**

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

**Section 1. The Findings and Conclusions as set forth in the recommendation of the Department of Planning and Community Development contained in File Number VC-91-3 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 meets the following conditions**

1

(a) Pays to the City \$150,000 00 as compensation for vacating this portion of the right-of-way

(b) Within seven (7) calendar days after the final public hearing, the applicant shall remove all public notice signs and return them to the Department of Planning and Community Development

(c) Applicant shall sign a concomitant agreement for the installation of future cul-de-sac at terminus of NE 90th Street at the City's discretion At terminus of NE 90th Street install three stop signs with 18-inch stop bars, unless after review of applicant's plans to redesign the parking lots the Public Works Department determines that some or all of the stop signs and stop bars are not necessary.

(d) Dedicate sufficient right-of-way at this time to build future cul-de-sac

(e) The City will retain a 10-foot pedestrian access easement across the east end of vacated portion of NE 90th Street

(f) Install crosswalk warning signs east and west of said crosswalk (W11-2A)

(g) Remove five panels of fence at south side of intersection of NE 90th Street and 118th Avenue NE for sight distance

(h) The City will retain a 20-foot easement for all public sewer main within NE 90th Street

(i) A letter is required acknowledging that upon vacation of the streets, the public storm system within NE 90th Street and 118th Avenue NE becomes private and is under private maintenance

(j) Verify with Rose Hill Water District that no water line will be adversely affected

(k) Fire lanes must be completed and approved prior to any combustible construction Additional fire lane markings may be required to secure access and turnaround off NE 90th Street Costco parking lot should be adequate for turnaround at end of NE 90th Street with fire lane markings

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

NE 90th Street Vacation Area

That portion of NE 90th Street, shown as Michigan Avenue on the plat of Burke & Farrar's Kirkland Addition to the City of Seattle, Division No 14, as recorded in Volume 20 of Plats, page 14, King County records, being a part of Section 4, Township 25 North, Range 5 East, Willamette Meridian, City of Kirkland, King County, Washington, and being more particularly described as follows

COMMENCING at the southeast corner of Block 42 of said Burke & Farrar's Kirkland Addition, said point also being the intersection of the west margin of 120th Avenue NE and the north margin of NE 90th Street,

THENCE south 86° 43'43" west along said north margin, 299 98 feet to the southeast corner of Lot 10 of said Block 42, being the TRUE POINT OF BEGINNING,

THENCE south 03° 16'17" west, a distance of 60 00 feet to the south margin of said NE 90th Street,

THENCE south 86° 43'43" west along said south margin, 310 46 feet to the easterly margin of State Route 405 (P S H No 1),

THENCE 10° 35'50" east along said easterly margin, 61 80 feet to the aforementioned north margin of NE 90th Street,

THENCE north 86° 43'43" east along said north margin, 295 65 feet to the TRUE POINT OF BEGINNING, as surveyed by Barghausen Consulting Engineers, Inc, during the month of November 1990

Above described parcel contains 18,183 square feet and is SUBJECT TO all easements, conditions, reservations, and restrictions of record, if any

118th Avenue NE Vacation Area

That portion of 118th Avenue NE, also known as NE 90th Street Connection, being in Lot 8 of Block 42 of the plat of Burke & Farrar's Kirkland Addition to the City of Seattle, Division No 14, as recorded in Volume 20 of Plats, page 14, King County records, being a part of Section 4, Township 25 North, Range 5 East, Willamette Meridian, City of Kirkland, King County, Washington, and being more particularly described as follows

COMMENCING at the southeast corner of Block 42 of said Burke & Farrar's Kirkland Addition, said point also being the intersection of the west margin of 120th Avenue NE and the north margin of NE 90th Street,

THENCE south 86° 43'43" west along said north margin, 499 97 feet to the southeast corner of Lot 8 of said Block 42, being the TRUE POINT OF BEGINNING,

THENCE CONTINUING along said north margin south 86° 43'43" west, a distance of 60 00 feet to the easterly margin of State Route 405 (P S H No 1), THENCE north 03° 16'17" west along said easterly margin, 342 43 feet,

THENCE CONTINUING along said easterly margin, north 10° 03'06" east, a distance of 8 02 feet to the north line of the aforementioned Lot 8 of Block 42,

THENCE north 86° 43'43" east along said north line 58 15 feet to the northeast corner thereof,

THENCE south 03° 16'17" EAST ALONG THE EAST LINE OF SAID LOT 8, A DISTANCE OF 350 24 FEET TO THE true point of beginning, as surveyed by Barghausen Consulting Engineers, Inc , during the month of November 1990

Above described parcel contains 21,007 square feet and is SUBJECT TO all easements, conditions, reservations, and restrictions or record, if any

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

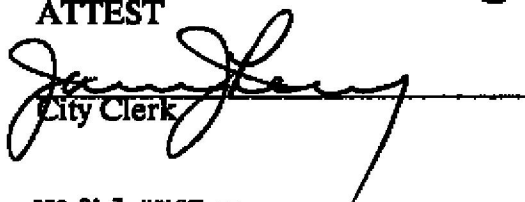
- (a) Applicant
- (b) Department of Planning and Community Development of the City of Kirkland
- (c) Fire and Building Departments of the City of Kirkland
- (d) Public Works Department of the City of Kirkland
- (e) The City Clerk for the City of Kirkland

PASSED by majority vote of the Kirkland City Council on the 4th day of June, 1991

SIGNED IN AUTHENTICATION THEREOF on the 4th day of June, 1991

  
\_\_\_\_\_  
Mayor

ATTEST

  
\_\_\_\_\_  
City Clerk

RES-91-3 JUN/MB cm

**CITY OF KIRKLAND**

123 FIFTH AVENUE KIRKLAND, WASHINGTON 98033-6189 (206) 828-1237

**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
ADVISORY REPORT  
FINDINGS, CONCLUSION, AND RECOMMENDATIONS**

To: City Council

From: Margaret Bouniol Margaret Bouniol, Project Planner  
Joseph Tovar Joseph Tovar, Planning Director

Date: May 22, 1991

File: VC-91-03

Hearing Date, Time, and Place: June 4, 1991, 7 30 pm  
City Hall Council Chamber  
123 Fifth Avenue, Kirkland

**I. INTRODUCTION**

**A. APPLICATION**

- 1 Applicant: Costco Wholesale Corporation (see Attachment 1)
- 2 Site Location: The westerly half of NE 90th Street from 120th Avenue NE to I-405, and 118th Avenue NE northward from NE 90th Street to I-405 (see Attachment 2).
- 3 Request: To vacate 34,080 square feet of improved right-of-way within NE 90th Street and 118th Street NE. In order to provide additional parking for the Costco Wholesale Outlet located at 8620 120th Avenue NE, the applicant must receive approval of these street vacations (see Attachment 3)
- 4 Review Process: City Council conducts public hearing and makes final decision on the rights-of-way vacation.
- 5 Major Issues: Compliance with the street vacation criteria found in Chapter 19.16 of the Kirkland Municipal Code, Vacation of Streets, Alleys, and Public Easements (see Attachment 4)

**B. RECOMMENDATIONS**

Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, we recommend approval of the proposed 34,080 square foot rights-of-way vacation, subject to the following conditions

- 1 This application is subject to the applicable requirements contained in the Kirkland Municipal Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 5, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations.
- 2 Within ninety (90) days of the passage of the Resolution of Intent to Vacate, the applicant shall
  - a. Pay to the City as compensation for vacating the rights-of-way the sum of \$150,000.00 (one-half of the appraised value) (Conclusion II D 3)
  - b. Applicant shall sign a concomitant agreement for the installation of future cul-de-sac at terminus of NE 90th Street at the City discretion.
  - c. Dedicate sufficient right-of-way at this time to build future cul-de-sac
  - d. Retain a 10-foot pedestrian access easement across east end of vacated portion of NE 90th Street
  - e. Install crosswalk warning signs east and west of said crosswalk (W11-2A)
  - f. At terminus of NE 90th Street, install three stop signs with 18-inch stop bars
  - g. Remove five panels of fence at south side of intersection of NE 90th Street and 118th Avenue NE for sight distance
  - h. Retain 20-foot easement for all public sewer main within NE 90th Street
  - i. A letter is required acknowledging that upon vacation of the streets, the public storm system within NE 90th Street and 118th Avenue NE becomes private and is under private maintenance
  - j. Approval of the Rose Hill Water District is required
  - k. Fire lanes must be completed and approved prior to any combustible construction. Additional fire lane markings may be required to secure access and turn-around off NE 90th Street. Costco parking lot should be adequate for turn-around at end of NE 90th Street with fire lane markings
  - l. Grade shall not exceed 15 percent.

- 3 Within seven (7) calendar days after the final public hearing, the applicant shall remove all public notice signs and return them to the Department of Planning and Community Development (see Conclusion II D 5)

## II. FINDINGS OF FACT AND CONCLUSIONS

### A. SITE DESCRIPTION

#### 1 Site Development and Zoning

##### a. Facts

- (1) Size The size of the proposed street vacation is 34,080 square feet of improved rights-of-way for both streets
- (2) Land Use The property proposed to be vacated is presently used as additional parking for the Costco Wholesale Outlet.
- (3) Zoning 118th Avenue NE is zoned PLA 17B, NE 90th Street is zoned FC II. Both areas allow retail establishments selling groceries and related items
- (4) Terrain and Vegetation The subject properties are generally flat and contains no significant vegetation since both parcels are wholly covered by asphalt and other street improvements

- b. Conclusions These are not constraining factors in the proposed street vacation(s).

#### 2 Neighboring Development and Zoning

##### a. Facts

- (1) North The adjoining property to the north is zoned PLA 17C and is currently vacant
- (2) South The adjoining property to the south is zoned FC II and is currently fully developed with a Costco Wholesale Outlet
- (3) East The adjoining property to the east is zoned PLA 17B and is developed with accessory parking for the Costco Wholesale Outlet located directly to the south
- (4) West The adjoining property to the east is Interstate 405

- b. Conclusion Neighboring development and zoning are not constraining factors in this application

### B. STATE ENVIRONMENTAL POLICIES ACT (SEPA)

- 1 a **Fact.** Pursuant to WAC-197-11-800(2)(h), the rights-of-way vacation proposal is exempt under the State Environmental Policies Act (SEPA)
- b **Conclusion** The applicant and the City have satisfied the requirements of SEPA.

**C. COMPLIANCE WITH STREET VACATION CRITERIA**

1 a. **Facts**

- (1) Section 19.16.040 of the Kirkland Municipal Code states "Criteria for Vacation - The City Council may vacate a street, alley or easement only if it finds that
  - (a) the vacation is in the public interest, and
  - (b) no property will be denied direct access as a result of the vacation "
- (2) Costco Wholesale Corporation fronts on both NE 90th Street and 118th Avenue NE. The existing Costco Outlet has direct access from the NE 90th Street, 118th Avenue NE and 120th Avenue NE.

The Washington State Department of Transportation (I-405) fronts on both NE 90th Street and 118th Avenue NE but has no existing access to these two rights-of-way

b **Conclusions** Pursuant to Section 19.16 0400

- (1) This proposal will benefit the public interest by allowing productive use of land. The Public Works Department has no objections to this street vacation subject to conditions within the Development Standards, and
- (2) Pursuant to Section 19.16.040(2) no property will be denied direct access as a result of the vacation

2 a. **Facts**

- (1) Section 19.16.070 of the Kirkland Municipal Code states "Initiation of a Vacation Procedure - A vacation may be initiated by the owners of more than two thirds of the property abutting the portion of the street or alley to be vacated "
- (2) The applicant owns more than two-thirds of the property adjacent to the proposed vacation of NE 90th Street. The State of Washington and Costco Wholesale are the property owners adjacent to 118th Avenue NE. The State Department of Transportation has submitted a letter with regards to the proposed street vacation of 118th Avenue NE stating that ". . . in the event of the passage of a



vacating ordinance by the (Kirkland) City Council, legal title to all lands will automatically revert in the State of Washington." Thus acknowledgment by 100% of the adjacent property owners has been submitted by the applicant (see Attachments 6 and 7)

b Conclusion The requirements of Section 19 16 070 have been met

3 a. Facts

(1) Section 19 16 180 of the Kirkland Municipal Code identifies four options for compensation available to the City Council in granting a right-of-way vacation. The Council may

(a) Accept monetary compensation in the amount of up to one half the fair market value for the street, alley, or part thereof to be vacated; or

(b) Accept a substitute public right-of-way which has value as an access way at least equal to the vacated street, alley, or part thereof, or

(c) Accept any combination of (1) and (2) above, but not more than one half the fair market value of the street or alley, or part thereof to be vacated, or

(d) Accept an easement to the City in exchange for the vacated easement

(2) The applicant has submitted an appraisal based on land values having a fair market value of \$8 75 per square foot (see Attachment 8)

(3) The value of the area to be vacated is \$298,200 (34,080 square feet times \$8 75 per square foot), which has been rounded to a total of \$300,000 (see Attachment 8)

b Conclusions The applicant should compensate the City \$150,000 (one-half of the appraised value) for relinquishing the interest in the balance of the rights-of-way

4 a. Facts

(1) Section 19 16 050 of the Kirkland Municipal Code states "City easement rights for public utilities and services - In vacating a street, alley, or easement, the City Council may reserve for the City any easement or the right to exercise and grant any easements for public utilities and services."

(2) The applicant is not proposing to reserve a utility easement within the rights-of-way proposed to be vacated

**c**     Conclusions

- (1)     The applicant shall retain a 20-foot easement for all public sewer main within NE 90th Street
  - (2)     Prior to final approval of the vacation, the applicant shall obtain written approval of easement from all utility franchise holders in the NE 90th Street and 118th Avenue NE rights-of-way
- 5     a.     Fact Chapter 19 16, Kirkland Municipal Code, requires that the applicant remove the public notice signs within seven (7) calendar days after the final public hearing and return them to the Department of Planning and Community Development
- b.     Conclusion The applicant should remove all public notice signs and return them to the Planning Department pursuant to Chapter 19 16, Kirkland Municipal Code

**D.     TECHNICAL COMMITTEE**

- 1     a.     Fact Comments and requirements placed on the project by other departments are found on the Development Standards Sheet, Attachment 5
- b.     Conclusion. The applicant must follow the requirements of other Departments set forth in Attachment 5

**E.     COMPREHENSIVE PLAN**

- 1     Fact Figure 3 on page NRH-23 designates the subject property for Planned Area 17B uses which include business park and accessory parking for retail uses south of NE 90th Street (see Attachment 9)
- 2     Conclusion: The proposed street vacation is consistent with the policies of the Comprehensive Plan for the North Rose Hill Neighborhood.

**V.     \*APPENDICES**

Attachments 1 through 9 are attached

- 1     Street Vacation Application
- 2     Vicinity Map
- 3     Map of Proposed Street Vacation
- 4     Chapter 19 16 of Kirkland Municipal Code
- 5     Development Standards
- 6     Letter from Washington State Department of Transportation
- 7     Title Report Establishing Ownership
- 8     Appraisal
- 9     Comprehensive Plan

\* Exhibits and references can be found within File No VC-91-03 maintained in the Department of Planning and Community Development.

**VI. PARTIES OF RECORD**

Costco Wholesale Corporation  
Washington State Department of Transportation, District 1,  
15325 SE 30th Place, Bellevue, WA 98007-6568  
Department of Planning and Community Development  
Department of Public Works  
Department of Building and Fire Services



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