

## RESOLUTION NO 3718

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY WITHIN 180 DAYS FILED BY SEAMARK ASSOCIATES, CHRISTOPHER RAND HALL TRUST, WHITNEY SPENCER HALL TRUST, KIMBERLY JEAN HALL TRUST, HALL FAMILY TRUST, FILE NUMBER VC-90-115

WHEREAS, the City has received an application filed by Seamark Associates, Christopher Rand Hall Trust, Whitney Spencer Hall Trust, Kimberly Jean Hall Trust, Hall Family Trust to vacate a portion of a right-of-way, and

WHEREAS, by Resolution Number 3699, 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,

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-90-115 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 180 days of the date of passage of this resolution the applicant or other person meets the following conditions

- (a) Pays to the City \$166,125 00 as compensation for vacating this portion of the right-of-way
- (b) The applicant shall dedicate to the City for use by the general public no less than 12-15 permanent on-site parking spaces within any proposed development on the vacated rights-of-way, or abutting the vacated right-of-way

- (c) The City shall retain a permanent public view corridor/public use area easement over the vacated rights-of-way. The exact location of this easement and improvements within this easement shall be determined prior to any development within or abutting the vacated right-of-way. The City will consider substituting an easement within the rights-of-way for an easement in an alternate location if the alternative location provides superior views to the west. The easement shall be located to provide unobstructed views to the west along the western limit and shall allow unrestricted public pedestrian access from the south end of 1st Street South to the east end of 1st Avenue South.
- (d) The applicant shall dedicate to the City a landscaped greenbelt easement over the 25-foot east portion of the site directly abutting 2nd Street South. Such dedication shall be made prior to any development within or abutting the vacated rights-of-way.
- (e) Receives approval for the pending Westwater Kirkland Mixed Use Project Rezone and Process IIB Application (File No. IIB-90-114).
- (f) 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.

**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:

A parcel of land located in the northwest one quarter of Section 8, Township 25 North, Range 5 East of the Willamette Meridian, being more particularly described as follows:


Beginning at the southwest corner of Block 2, of Loggie and Evans Addition to Kirkland, as recorded in Volume 7, page 87, in the plat records of King County, Washington, thence South 88°46' West along a westerly extension of the southerly line of said Block 2, a distance of 50.00 feet to the southeast corner of Block 1, said plat of Loggie and Evans Addition to Kirkland, thence North 1°14' West along the easterly line of said Block 1, a distance of 160.00 feet, thence North 1°39'30" West along the easterly line of unrecorded Block 98 of Burke and Farrar's Kirkland Business Center Addition, Division Number 25, as recorded in Volume 25, page 14, in the plat records of King County, Washington, a distance of 93.00 feet to the westerly extension of the southerly line of Block 99, said plat of Burke and Farrar's Kirkland Business Center Addition, Division Number 25, thence North 88°20'30" East along said southerly line of Block 99 and its westerly extension, a distance of 240.00 feet to the northerly extension of the easterly line of Block 100, said plat of Burke and Farrar's Kirkland Business Center Addition, thence South 1°39'30" East along a northerly extension of the easterly line of said Block 100, a distance of 50.00 feet, thence South 88°20'30" West along the northerly line of said Block 100, a distance of 190.00 feet, thence South 1°39'30" East along the westerly line of said Block 100, a distance of 43.00 feet, thence South 1°14' East along the westerly line of Block 2, of Loggie and Evans Addition to Kirkland, as recorded in Volume 7, page 87, in the plat records of King County, Washington, a distance of 160.00 feet to the point of beginning.

**Section 5.** Certified or conformed copies of this Resolution shall be delivered to the following within seven (7) days of the passage to this resolution


- (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 3rd day of March, 1992

SIGNED IN AUTHENTICATION THEREOF on the 3rd day of March, 1992

  
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 Mayor

ATTEST

  
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 City Clerk

RES90115 JAN/JIM:rs