

RESOLUTION NO 3719

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY SPIEKER PARTNERS, FILE NUMBER VC-91-78

WHEREAS, the City has received an application filed by Spieker Partners to vacate a portion of a right-of-way, and

WHEREAS, by Resolution Number 3707, 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-91-78 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

- a Dedicate, as compensation for vacating an equal portion of the right-of-way, fee simple ownership of an area, as shown on Attachment 6, containing approximately 41,268 square feet or 0.95 acres, more or less**
- b All existing right-of-way improvements within 116th Avenue, such as parking lot pavement, shall be owned and maintained by the applicant, Spieker Partners**
- c Sign and submit to the Department of Planning and Community Development for recording with the King County Records and Elections Division the amended easement document as shown in Attachment 9 of this report**

- d 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)

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

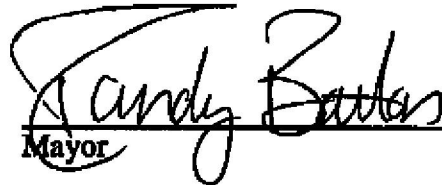
That portion of the West 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of said Section 28, conveyed to King County for road by deed recorded under Recording No 6280716 lying Southwesterly of the Southwesterly margin of 120th Avenue NE Extension, as conveyed to the City of Kirkland by deed recorded under Recording No 7906280850

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 7th day of January, 1992

SIGNED IN AUTHENTICATION THEREOF on the 7th day of January, 1992



 Mayor

ATTEST



 City Clerk

RES 9178 JAN/MB cc