

RESOLUTION NO 3825

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY CENTRAL WAY UNITED PARTNERSHIP, THIRD AVENUE ASSOCIATES, AND OLYMPIC BUILDING ASSOCIATION, FILE NUMBER VC-93-38

WHEREAS, the City has received an application filed by Central Way United Partnership, Third Avenue Associates, and Olympic Building Association to vacate a portion of a right-of-way, and

WHEREAS, by Resolution Number R-3818, 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-93-38 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) Pays to the City \$63,750 as compensation for vacating this portion of the right-of-way
- (b) The petitioners shall dedicate to the City for use by the general public an easement for nine public parking stalls within the vacated right-of-way As a substitute for these nine stalls, nine public parking stalls may be dedicated within any proposed development on the vacated right-of-way of abutting the vacated right-of-way
- (c) The petitioners shall dedicate to the City for use by the general public a public pedestrian easement over the entire vacated right-of-way As a substitute for this easement, an alternative public pedestrian easement may be dedicated at such time as the vacated property or abutting property is developed and an improved

pedestrian corridor is installed pursuant to Zoning Code standards for a *Major Pedestrian Pathway*

- (d) The petitioners shall dedicate to the City for use by the general public a utility easement over the entire vacated right-of-way. As a substitute for this easement, individual utility easements may be established at such time as the vacated property or abutting property is developed and existing utilities are relocated or their existing locations are established by survey.
- (e) 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 southwest one quarter of Section 5, Township 25, Range 5, of the Willamette Meridian, being more particularly described as follows:

Beginning at the northeast corner of Lot 1, Block 214, Town of Kirkland, according to the Plat recorded in Volume 6 of Plats, Page 53, in King County, Washington, thence N86°46'15"E along the southerly line of 3rd Avenue a distance of 60.00 feet, thence S03°14'13"E along the easterly line of 2nd Street a distance of 97.88 feet, thence S71°53'33"W along the northerly line of Central Way a distance of 62.31 feet, thence N03°14'13"W along the westerly line of 2nd Street a distance of 115.23 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 20th day of July, 1993.

SIGNED IN AUTHENTICATION THEREOF on the 20th day of July, 1993.



Mayor Pro Tem

ATTEST



City Clerk