

RESOLUTION NO. 3903

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY RANDALL AND LESLIE RICHARDSON AND SPECTRUM ONE, INC., FILE NUMBER VC-94-71.

WHEREAS, the City has received an application filed by Randall and Leslie Richardson and Spectrum One, Inc., to vacate a portion of a right-of-way; and

WHEREAS, by Resolution Number R-3895, 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 is being reviewed by the Responsible Official of the City of Kirkland; and

WHEREAS, this Environmental Checklist has 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-94-71 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 \$25,000.00 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) Receive approval of a final Determination of Nonsignificance for the proposed development of the right-of-way and adjoining property to the south (see Conclusion II.B.2).**
- (d) Dedicate to the City of Kirkland, in a form acceptable to the City Attorney, a 40-foot wide easement centered within the vacated right-of-way and encompassing the existing sanitary sewer line. The easement will provide for all public utilities and franchise utilities (see Conclusion II.C.4.b).**

- (e) The petitioners shall record and maintain a 30-foot wide ingress and egress easement from the east to west end of the vacated right-of-way and a 24-foot wide easement connecting the 30-foot wide easement to the south boundary of the vacated area (see Conclusion II.C.1.b).

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:

Those portions of the south 30 feet of the NE 1/4 of the NW 1/4 and the north 30 feet of the SE 1/4 of the NW 1/4, all in Section 33, Township 26 North, Range 5 East, W.M., lying westerly of the westerly margin of Slater Road (J.W. Edwards Road No. 970) and easterly of the easterly margin of SR 405 (PSH No. 1).

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.

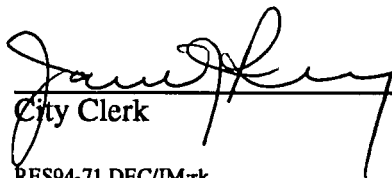
PASSED by majority vote of the Kirkland City Council on the 4th day of October, 19 94.

SIGNED IN AUTHENTICATION THEREOF on the 4th day of October, 19 94.



Mayor

ATTEST:



City Clerk

RES94-71.DEC/JM:rk