

RESOLUTION NO. 3917

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY MARINA HEIGHTS, INC., FILE NUMBER VC-94-125.

WHEREAS, the City has received an application filed by Marina Heights, Inc. to vacate a portion of a right-of-way; and

WHEREAS, by Resolution Number 3911, 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-94-125 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 \$36,510.00 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) 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, the applicant may elect to dedicate nine public parking stalls within any proposed development on the vacated right-of-way or abutting the vacated right-of-way.
- (d) The petitioners shall dedicate to the City for use by the general public a public pedestrian easement over the entire vacated right-of-way. This easement will be relinquished at such time as the vacated property or abutting right-of-way is developed and an improved pedestrian corridor is installed pursuant to Zoning Code standards for a *Major Pedestrian Pathway*.

- (e) 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.

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:

Portions of rights-of-way situated in Kirkland, King County, Washington, and described as follows:

That portion of 2nd Street adjoining Lot 1, and vacated alley, Block 214, Town of Kirkland, according to the Plat recorded in Volume 6 of Plats, Page 53, in King County, Washington described as follows:


Beginning at the Northeast corner of said Block 214;
 Thence South 1°24'00" East along the east line of said Block 214 and the west margin of 2nd Street 114.56 feet, to the northerly margin of Central Way (S.S.H. No. 2D);
 Thence North 71°50'47" East along said northerly margin of Central Way 31.33 feet, to the centerline of 2nd Street;
 Thence North 1°24'00" West along the centerline of 2nd Street 128.90 feet to the midpoint of a line from the northeast corner of aforementioned Block 214, to the northwest corner of Block 93, Kirkland Terrace, according to the Plat recorded in Volume 24 of Plats, Page 42, records of King County, Washington;
 Thence South 50°41'13" West 38.03 feet to the True 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 17th day of January, 1995.

SIGNED IN AUTHENTICATION THEREOF on the 17th day of January, 1995.



 Mayor

ATTEST:



 City Clerk