

RESOLUTION NO. 3996

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY NORTHSTREAM DEVELOPMENT, FILE NUMBER VC-95-124.

WHEREAS, the City has received an application filed by Northstream Development to vacate a portion of a right-of-way; and

WHEREAS, by Resolution Number R-3982, 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, 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-95-124 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 \$183,500 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 a 10-foot wide pedestrian easement within the vacated right-of-way. The Public Works Department may waive this requirement if the applicant demonstrates that an alternative pedestrian route can be installed in the NE 85th Street right-of-way.
- (d) The petitioners shall dedicate to the City for use by the general public a utility easement over all public utilities in the vacated right-of-way. The easement shall be at least 5 feet wider than the subject utility, but in no case shall be less than 20 feet in total width. The applicant shall provide a survey of all utilities and legal descriptions for the easement.

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.

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Section 4. The right-of-way to be vacated is situated in Kirkland, King County, Washington and is described as follows:

That certain public right-of-way commonly known as Fifth Avenue and/or NE 85th Street and specifically described as follows:

The north 30 feet of NE 85th Street adjacent to Lots 2, 3, and 4 of Marshall's Addition to the City of Seattle, according to the plat thereof recorded in Volume 22 of plats, page 81, in King County, Washington, and adjacent to that portion of Lot 5 of said Marshall's Addition lying northwesterly of the following described tract of land:

A strip of land 50 feet in width over these portions of Lots 1, 2, 3, 4, and 5, said plat of Marshall's Addition to the City of Seattle, and other lands, the northerly and northwesterly margin of which is described as follows:

Beginning at the southwest corner of said Lot 1; thence N 00°15'48" W along the west line thereof to an intersection with the northerly line of the south 17 feet of said Lot 1; thence N 89°47'43" E along said northerly line and its easterly production, 154.50 feet to a point of tangency with a 75-foot radius curve to the left; thence northwesterly along said curve an arc length of 68.12 feet, through a central angle of 52°02'12"; thence N 37°45'31" E, 307.80 feet to the northwest corner of said Lot 5; thence continuing N 37°45'31" E 2.57 feet to a point of tangency with 124.93-foot radius curve to the right, thence northeasterly along said curve an arc length of 113.34 feet, through a central angle of 51°58'41" to the terminus of the herein described margin.

TOGETHER WITH all that portion of Fifth Avenue and/or NE 85th Street being 60.00 feet in width, adjacent to Lot 1 of Marshall's Addition to the City of Seattle, according to the plat thereof recorded in Volume 22 of plats, page 81, in King County, Washington.

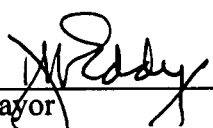
ALSO TOGETHER WITH that portion of said Lot 1 conveyed to the State of Washington for Fifth Avenue (NE 85th Street) by deed recorded as Recording Number 5589127, said portion was quit claimed to the City of Kirkland by deed recorded under Recording Number 8310040775.

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 6th day of February , 19 96.

SIGNED IN AUTHENTICATION THEREOF on the 6th day of February , 1996.



Mayor

ATTEST:



City Clerk

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