

RESOLUTION NO. 4050\*

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY NATIONAL PROPERTIES, FILE NUMBER VC-96-111.

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

WHEREAS, by Resolution Number 4041, 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-96-111 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 \$113,000 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) Within ninety (90) days of the passage of the Resolution of Intent to Vacate, the applicant shall submit for City approval, access easement documents to provide access for Parcel A and the Weathervane Windows property across Parcel 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.

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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 portion of the west half, section 33, township 26 north, range 5 east, W.M., King County, Washington, included within a strip of land 60.00 feet width, being more particularly described as follows:

All that 60.00 foot right-of-way for 120th Avenue NE lying northerly of the southerly right-of-way margin of NE 108th Street, as established, and southerly of the following described line:

Commencing at the northwest corner of Tract 47, Kirkland-Juanita Acre Tracts, according to the plat as recorded in Volume 16 of Plats, page 63, records of said county; thence south 65°24'31" east 106.56 feet to the south line of the north 43.43 feet of said Tract 47; thence south 89°27'44" east along said south line 238.94 feet to the east line of said Tract 47 and the west right-of-way margin of 120th Avenue NE; thence south 00°59'24" west along said margin 122.39 feet to the centerline of an access and utility easement 30 feet in width being referred to as "Easement No. 2" in that certain land sale agreement recorded by instrument under recording number 7202070181 and the point of beginning of said described line (also known as the most northerly corner of Parcel 'B', City of Kirkland Lot Line Adjustment No. LL-96-53, as recorded under recording no. 9606191467, records of said county); thence south 89°00'36" east normal with said margin 60.00 feet to the east right-of-way margin of 120th Avenue NE, also being the westerly right-of-way margin of primary State Highway No. 1, S.R. 405, Northup Interchange to NE 140th Street, Sheets 9 and 10 of 25, approved April 12, 1967, and the terminus of said described line.

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 December, 1996.

SIGNED IN AUTHENTICATION THEREOF on the 17th day of December, 1996.

Mayor *Dorall Eddy*

ATTEST:

Deputy City Clerk *S. Cloney*

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