

RESOLUTION NO. R-4316

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY KIRKLAND PROPERTY DEVELOPMENT, LLC., FILE NUMBER VC-01-69.

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

WHEREAS, by Resolution Number 4309, 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-01-69 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 \$51,073.53 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) Obtain written comments from applicable franchise utilities regarding their need to retain a utility easement over the area to be vacated. If an easement is required, the City will retain a utility easement as part of the ordinance approving the street vacation.

(d) Submit to the City a recorded copy of the 10-foot pedestrian- utility easement that the Public Works Department is requiring as a condition of the vacation.

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:

All that portion of 114th Avenue N.E. (Cedar Street) in the plat of Burke and Farrar's Kirkland Addition to the City of Seattle Division no. 33 as recorded in Volume 26 of Plats, Page 2, Records of King County, Washington lying south of the south right-of-way line of N.E. 90th Street (Michigan Street) and the north right-of-way line of N.E. 88th Street (Olympia Street);

Except that portion lying north of the following described line:

Commencing at the northeast corner of Lot 9 Block 165 of said plat;

Thence south 01°24'00" east along the east line of said Lot 9, a distance of 128.00 feet to the point of beginning of said described line;

Thence north 88°37'00" east 30.00 feet to the centerline of said 114th Street;

Thence south 01°24'00" east along said centerline 7.98 feet;

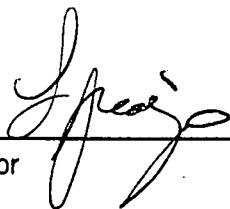
Thence north 88°37'00" east 30.00 feet to the northwest corner of Lot 23 Block 166 of said plat and the terminus of said described line.

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.

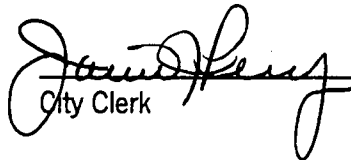
Passed by majority vote of the Kirkland City Council on the 11th day of December, 19 2001

SIGNED IN AUTHENTICATION THEREOF on the 11th day of December, 2001.



Mayor

ATTEST:



City Clerk