

RESOLUTION NO. 4593

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING INTENT TO VACATE PORTIONS OF 1ST STREET SO. AND AN EAST/WEST ORIENTED ALLEY LOCATED BETWEEN KIRKLAND AVENUE AND 1ST AVENUE SO. FILED BY MERRILL GARDENS AT KIRKLAND, LLC, FILE NUMBER VAC06-00001.

WHEREAS, the City has received an application filed by Merrill Gardens at Kirkland, LLC to vacate portions of two right-of-ways and easements; and

WHEREAS, by Resolution Number 4586, 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 in the form of a land exchange and install other public improvements associated with the applicant's proposal and 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 Recommendations Section I.B of the Department of Planning and Community Development Advisory Report contained in File Number VAC06-00001 ("Staff Report") 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 one year of the date of passage of this resolution the applicant meets the following conditions:

(a) The applicant shall file a complete application for a building permit based on the development proposal contained in File DRC06-00002, (and described in Attachment 5 to the Staff Report), within one year of the date of the passage of this Resolution. The building permit application shall contain the items identified in Section I.B.2.a of the Staff Report.

(b) As compensation for vacating the public right of ways, the applicant shall convey to the City fee simple title to the property to be dedicated for public right of way and record with King County Records and Elections, a statutory warranty deed for the area described in Attachment 5, Exhibit D of the Staff Report.

(c) The applicant shall enter into a voluntary agreement with the City, that conforms to the recommendations contained in the Staff Report, Section I.B.2.

(d) Submit to the City a copy of the recorded easement as requested by Puget Sound Energy (See Staff Report, Conclusion II.B.2.b).

(e) 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.

Section 3. If the portion of the right-of-way described in Section 4 of this resolution is vacated, the City may 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:

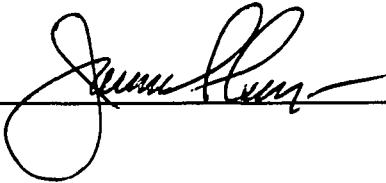
The south portion of 1st Street So. Right of Way located adjacent to 201 Kirkland Avenue as described in Exhibit A.

An east/west facing alley located between Kirkland Avenue and 1st Avenue So. Deeded under King County Recording No. 3254642, as described in Exhibit B.

A triangular portion of the east/west facing alley located between Kirkland Avenue and 1st Avenue So. Deeded as under King County Recording No. 3254643, as described in Exhibit C.

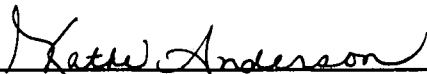
Passed by majority vote of the Kirkland City Council in open meeting on the 5th day of September, 2006.

SIGNED IN AUTHENTICATION THEREOF this 5th day of September, 2006.



Mayor

ATTEST:



City Clerk

EXHIBIT A

(PORTION TO BE VACATED)

Beginning at the Southwest corner of Lot 28, Block 99, Burke & Farrar's Kirkland Business Center Addition, Division No. 25, according to the Plat thereof recorded in Volume 25 of Plats at Page 14, Records of King County, Washington;

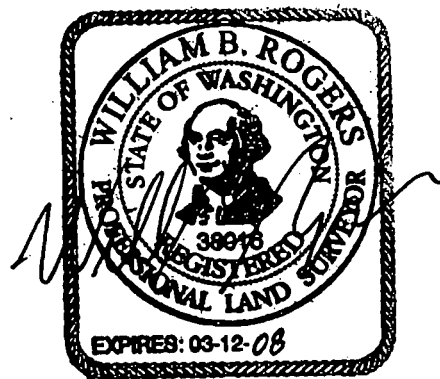
Thence North $01^{\circ}39'30''$ West along the West line of said Lot 28, a distance of 45.42 feet;

Thence South $88^{\circ}20'30''$ West, a distance of 22.92 feet;

Thence South $01^{\circ}39'30''$ East, a distance of 45.42 feet;

Thence North $88^{\circ}20'30''$ East, a distance of 22.92 feet, to the Point of Beginning.

Containing 1,041 square feet, more or less.



06/05/2006

EXHIBIT B**(PORTION TO BE VACATED)**

That portion dedicated to the City of Kirkland November 21, 1941 and recorded July 28, 1942 under Auditor File No. 3254642, Records of King County, Washington.

Beginning at the intersection of the Northwest corner of Lot 28, Block 99, Burke & Farrar's Kirkland Business Center Addition, Division No. 25, according to the Plat thereof recorded in Volume 25 of Plats at Page 14, Records of said county;
Thence Southeasterly along the North lines of Lots 28, 27, 26, 25, and 24, to the Northeast corner of Lot 24;
Thence South, along the Easterly line, 16 feet;
Thence Northwesterly to a point on the West line of Lot 28, 16 feet South of the Northwest corner;
Thence North 16 feet, to the Point of Beginning.

Dedicated to the City of Kirkland for street and alley purposes only.

Containing 2,085 square feet, more or less.

EXHIBIT C

(PORTION TO BE VACATED)

That portion dedicated to the City of Kirkland December 4, 1941 and recorded July 28, 1942 under Auditor File No. 3254643, Records of King County, Washington.

Starting at the Northwest corner of Lot 23, Block 99, Burke & Farrar's Kirkland Business Center Addition, No. 25, in the City of Kirkland, Washington;
Thence Easterly along said North line of Lot 23, to the Northeast corner of same;
Thence Southwesterly 34 feet, more or less, to a point on the West line of said Lot 23, which point is 16 feet South of the Northwest corner of said Lot;
Thence 16 feet North to the Point of Beginning.

Dedicated to the City of Kirkland for street and alley purposes only.

Containing 241 square feet, more or less.