



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033
425.587-3225 - www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Eric Shields, AICP, Planning Director
Janice Coogan, Project Planner

Date: December 19, 2014

Subject: **PRESERVE AT KIRKLAND FINAL SUBDIVISION, FILE NO. SUB12-0560**

RECOMMENDATION

City Council approves the final subdivision application for the Preserve at Kirkland plat submitted by Toll WA LP. The City Council may do so by adopting the enclosed resolution. See Enclosure 1, recommendation from the Planning Director.

BACKGROUND DISCUSSION

The Preserve at Kirkland preliminary subdivision and preliminary and final Planned Unit Development request (previously known as the C&G Property Subdivision) was heard by the City's Hearing Examiner on June 5, 2013. On July 16, 2013 City Council approved the preliminary subdivision and final planned unit development application by adopting Ordinance 4415.

The final subdivision request includes the following elements:

- 35 lots for single family houses within an RSX 7.2 zone
- Dedication of a new street (127th Place NE) within the plat and to improve a section of 128th Avenue NE north of the site. At completion a through street connection will be provided between NE 75th Street on the south to NE 80th Street on the north. The new street will be improved with 5' wide sidewalks on the east side of the street, street trees (both sides) and lighting. Three vehicular access tracts will provide access to interior lots from the new street.
- Two landscape greenbelt protective easement tracts will be recorded over two tracts to preserve existing trees, new landscaping and provide open space
- a small park for residents located above an underground storm water vault will include a lawn area, landscaping, trees, sports court, play equipment, two picnic tables, and bench

The applicant is in the process of installing utilities and other site improvements. A security was submitted to cover the remaining items to be completed prior to recording.

ENCLOSURES

1. Planning Director Recommendation with Enclosures
2. Resolution

cc: File SUB12-00560



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
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MEMORANDUM
ADVISORY REPORT
FINDINGS, CONCLUSION, AND RECOMMENDATIONS

To: Eric R. Shields, AICP, Planning Director
From: Janice Coogan, Project Planner
Date: December 22, 2014
File: **PRESERVE AT KIRKLAND FINAL SUBDIVISION, FILE SUB12-00560**

I. RECOMMENDATION

Approve the Final Subdivision for the Preserve at Kirkland (formally known as the C&G Subdivision) proposed by Toll WA LP.

II. BACKGROUND

- A. The applicant is Toll WA LP.
- B. The site is located between NE 75th ST and NE 80th ST along the alignment of 128th Avenue NE (old radio tower site in South Rose Hill) (see Attachment 1).
- C. This is a final subdivision application to approve a 35 lot subdivision on a 6.35 acre site in an RSX 7.2 zone (see Attachment 2).

Vehicular access will be provided from a dedicated new 127th Place NE and three vehicular access easements for interior lots. North of the site the proposal includes improving a section of 128th Avenue NE to complete a through block connection between NE 75th ST and NE 80th ST. Improvements to the street include sidewalks on one side and trees planted on both sides of the street. Along NE 75th ST a 20.50 foot section of the property will be dedicated and improved with sidewalk and street trees. Along NE 80th ST in front of Rose Hill Elementary school, the existing crosswalk will be improved to add a lighted flashing RFP and new sections of sidewalk added (where they are missing) to provide a pedestrian connection to the crosswalk.

III. HISTORY

On June 5, 2013, the Kirkland Hearing Examiner held a public hearing on the Process IIB zoning permit for a preliminary plat and planned unit development (PUD) (preliminary and final) proposal. On June 10, 2013 the Hearing Examiner entered her recommendation to approve the plat and PUD proposal (see Attachment 3). On July 16, 2013 City Council approved the Hearing Examiners recommendation and adopted Ordinance 4415 approving the final PUD request and preliminary subdivision.

The Planned Unit Development portion of the development includes the following modifications to Zoning Code requirements and proposed public benefits:

- smaller lot sizes than the required 7,200 square feet (lots range in size from 4,704 to 7,863 sq. ft.)
- a 10% density bonus for three additional lots
- calculation of the lot coverage and floor area ratio requirements on an entire site rather than per lot basis
- public benefits include a flashing RFB lighted crosswalk on NE 80th ST in front of Rose Hill Elementary School, superior house designs, and increased landscaping

IV. ANALYSIS

A. Approval Criteria

1. Facts: Section 22.16.080 of the Kirkland Municipal Code discusses the conditions under which the final plat may be approved by the City Council. These conditions are as follows:
 - a. Consistency with the preliminary plat, except for minor modifications; and
 - b. Consistency with the provisions of the Subdivision Ordinance and RCW 58.17.
2. Conclusion: The applicant has complied with all of the conditions that were placed on the preliminary subdivision application (File No. SUB12-00560) by the Hearing Examiner and City Council. A land surface modification permit was issued and construction is underway to install utilities and other improvements. The applicant submitted a security to cover all remaining public improvements as required by the preliminary subdivision approval.

V. CHALLENGE, JUDICIAL REVIEW, AND LAPSE OF APPROVAL

- A. Section 22.16.070 of the Kirkland Municipal Code states that any person who disagrees with the report of the Planning Director may file a written challenge to City Council by delivering it to the City Clerk not later than the close of business of the evening City Council first considers the final plat.
- B. Section 22.16.110 of the Kirkland Municipal Code allows the action of the City in granting or denying this final plat to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.
- C. Section 22.16.130 of the Kirkland Municipal Code states that unless specifically extended in the decision on the plat, the plat must be submitted to the City for recording with King County within six (6) months of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated per Section [22.16.110](#), the running of the six (6) months is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat.

VI. APPENDICES

Attachments 1 through 3 are attached.

1. Vicinity Map
2. Final Plat
3. Hearing Examiner's Decision without exhibits and attachments

Review by Planning Director:

I concur I do not concur

Comments: _____



Eric R. Shields, AICP

12/23/2014
Date

cc: Applicant: Sonia Binek, Toll WA LP, 9720 NE 120th Pl, Suite 100, Kirkland, WA 98034
Parties of record
File SUB12-00560

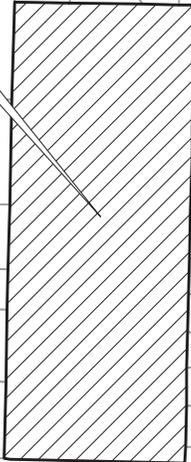
**C&G PLAT AND PUD
SUB12-00560 &
ZON12-00571**

School

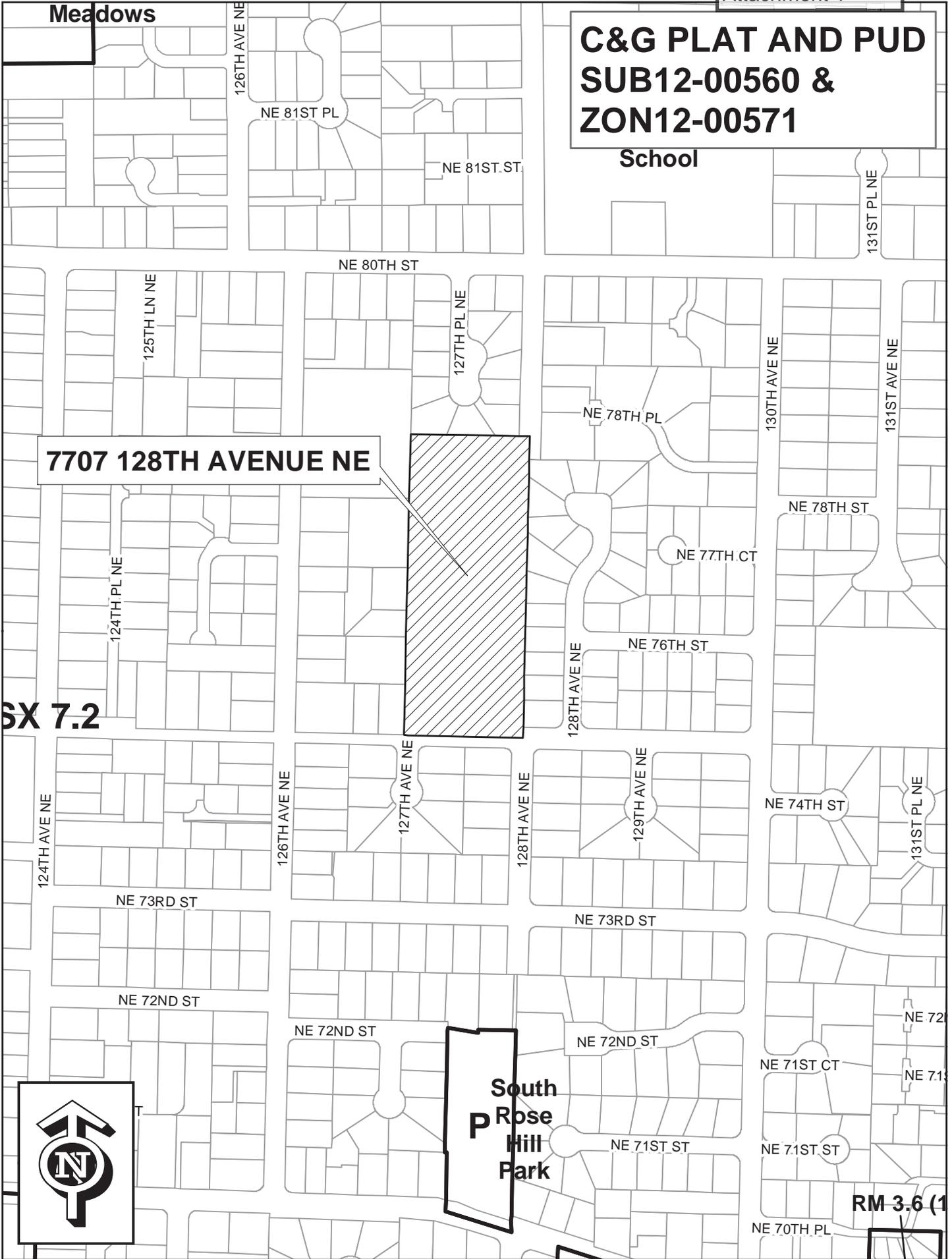
Meadows

7707 128TH AVENUE NE

SX 7.2



RM 3.6 (1)



PRESERVE AT KIRKLAND

A PORTION OF THE NW 1/4 OF THE NE 1/4 OF SECTION 9, TWP. 25 N., RGE. 5 E., W.M.,
CITY OF KIRKLAND, KING COUNTY, WASHINGTON
FILE NO. SUB12-00560

DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED BEING ALL OF THE OWNERS OF THE LAND HEREBY SUBDIVIDED, HEREBY DECLARE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF THE SUBDIVISION MADE HEREBY, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS AND AVENUES NOT SHOWN AS PRIVATE HEREON AND DEDICATE THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES, AND ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS SHOWN HEREON IN THE ORIGINAL REASONABLE GRADING OF SAID STREETS AND AVENUES, AND FURTHER DEDICATE TO THE USE OF THE PUBLIC ALL THE EASEMENTS AND TRACTS SHOWN ON THIS PLAT FOR ALL PUBLIC PURPOSES AS INDICATED HEREON, INCLUDING BUT NOT LIMITED TO PARKS, OPEN SPACE, UTILITIES AND DRAINAGE UNLESS SUCH EASEMENTS OR TRACTS ARE SPECIFICALLY IDENTIFIED ON THIS PLAT AS BEING DEDICATED OR CONVEYED TO A PERSON OR ENTITY OTHER THAN THE PUBLIC, IN WHICH CASE WE DO HEREBY DEDICATE SUCH STREETS, EASEMENTS, OR TRACTS TO THE PERSON OR ENTITY IDENTIFIED AND FOR THE PURPOSE STATED.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, WAIVE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF KIRKLAND, ITS SUCCESSORS AND ASSIGNS WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION, OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THIS SUBDIVISION OTHER THAN CLAIMS RESULTING FROM INADEQUATE MAINTENANCE BY THE CITY OF KIRKLAND.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS TO INDEMNIFY AND HOLD THE CITY OF KIRKLAND, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY DAMAGE, INCLUDING ANY COST OF DEFENSE, CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SUBDIVISION TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE, OR SURFACE OR SUBSURFACE WATER FLOWS WITHIN THIS SUBDIVISION OR BY ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF THE ROADS WITHIN THIS SUBDIVISION, PROVIDED, THIS WAIVER AND INDEMNIFICATION SHALL NOT BE CONSTRUED AS RELINQUISHING THE CITY OF KIRKLAND, ITS SUCCESSORS OR ASSIGNS, FROM LIABILITY FOR DAMAGES, INCLUDING THE COST OF DEFENSE, RESULTING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF THE CITY OF KIRKLAND, ITS SUCCESSORS, OR ASSIGNS.

THIS SUBDIVISION, DEDICATION, WAIVER OF CLAIMS AND AGREEMENT TO HOLD HARMLESS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS.

IN WITNESS WHEREOF, WE SET OUR HANDS AND SEALS:

TOLL WA LP, A WASHINGTON LIMITED PARTNERSHIP
BY: TOLL WA GP CORP, A WASHINGTON CORPORATION
ITS: GENERAL PARTNER

BY: KELLEY MOLDSTAD
ITS: DIVISION PRESIDENT

ACKNOWLEDGMENTS

STATE OF WASHINGTON)
COUNTY OF KING) SS

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT KELLEY MOLDSTAD IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT SAID PERSON SIGNED THIS INSTRUMENT, ON OATH STATED THAT SAID PERSON EXECUTED SAID INSTRUMENT AND ACKNOWLEDGED IT AS THE DIVISION PRESIDENT OF TOLL WA GP CORP, A WASHINGTON CORPORATION, GENERAL PARTNER OF TOLL WA LP, A WASHINGTON LIMITED PARTNERSHIP, TO BE THE FREE AND VOLUNTARY ACT OF SUCH ENTITY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED THIS _____ DAY OF _____, 2014.

PRINTED NAME: _____
NOTARY PUBLIC IN AND FOR THE STATE OF
WASHINGTON, RESIDING AT _____
MY COMMISSION EXPIRES: _____

APPROVALS

CITY OF KIRKLAND
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
EXAMINED, REVIEWED AND APPROVED BY THE CITY OF KIRKLAND PURSUANT TO THE SUBDIVISION PROVISIONS OF TITLE 22 (LAND SUBDIVISION), KIRKLAND MUNICIPAL CODE, THIS ____ DAY OF _____, 2014.

DIRECTOR DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

DEPARTMENT OF PUBLIC WORKS
EXAMINED AND APPROVED THIS ____ DAY OF _____, 2014.

DIRECTOR

CITY TREASURER CERTIFICATE
I HEREBY CERTIFY THAT THERE ARE NO DELINQUENT LOCAL IMPROVEMENT ASSESSMENTS AND THAT ALL SPECIAL ASSESSMENTS ON ANY OF THE PROPERTY HEREIN CONTAINED, DEDICATED AS STREETS OR FOR OTHER PUBLIC USE ARE PAID IN FULL THIS ____ DAY OF _____, 2014.

TREASURER, CITY OF KIRKLAND

KING COUNTY DEPARTMENT OF ASSESSMENTS
EXAMINED AND APPROVED THIS ____ DAY OF _____, 2014.

KING COUNTY ASSESSOR _____ DEPUTY KING COUNTY ASSESSOR _____
ACCOUNT NUMBER 0925059010

FINANCE DIVISION CERTIFICATE
I HEREBY CERTIFY THAT ALL PROPERTY TAXES ARE PAID, THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION AND THAT ALL SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION ON ANY OF THE PROPERTY HEREIN CONTAINED, DEDICATED AS STREETS, ALLEYS OR FOR ANY OTHER PUBLIC USE, ARE PAID IN FULL THIS ____ DAY OF _____, 2014.

MANAGER, FINANCE DIVISION _____ DEPUTY _____

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF "PRESERVE AT KIRKLAND" IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 9, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., THAT THE COURSES AND DISTANCES ARE SHOWN CORRECTLY THEREON; THAT THE MONUMENTS WILL BE SET AND THE LOT AND BLOCK CORNERS WILL BE STAKED CORRECTLY ON THE GROUND AS CONSTRUCTION IS COMPLETED AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE PLATTING REGULATIONS.

RICK A. FOXWORTHY, PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO.: 35142
BUSINESS NAME: ESM CONSULTING ENGINEERS, LLC.
ADDRESS: 1010 SE EVERETT MALL WAY, STE. 210
CITY, STATE: EVERETT, WA 98208
PHONE: (425) 297-9900



RECORDING CERTIFICATE

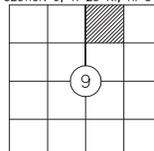
FILED FOR RECORD AT THE REQUEST OF THE CITY OF KIRKLAND THIS ____ DAY OF _____, 2014 A.D., AT ____ MINUTES PAST ____ M., AND RECORDED IN VOLUME ____ OF PLATS, PAGES _____, RECORDS OF KING COUNTY, WASHINGTON.

DIVISION OF RECORDS AND ELECTIONS

MANAGER _____ SUPERINTENDENT OF RECORDS _____

RECORDING NUMBER: _____

NW 1/4 OF THE NE 1/4 OF SECTION 9, T. 25 N., R. 5 E.



ESM CONSULTING ENGINEERS LLC			
1010 SE Everett Mall Way Suite 210 Everett, WA 98208			
www.esmcivil.com		FEDERAL WAY (253) 838-6113 EVERETT (425) 297-9900	
Civil Engineering Public Works	Land Surveying Project Management	Land Planning Landscape Architecture	
DATE : 2014-12-12	JOB NO. 897-021-014-0001		
DRAWN BY: CAF/JDC/RFG	SHEET 1 OF 4		

PRESERVE AT KIRKLAND

A PORTION OF THE NW 1/4 OF THE NE 1/4 OF SECTION 9, TWP. 25 N., RGE. 5 E., W.M.,
CITY OF KIRKLAND, KING COUNTY, WASHINGTON
FILE NO. SUB12-00560

EASEMENT PROVISIONS

1. AN EASEMENT IS HEREBY GRANTED AND CONVEYED TO PUGET SOUND ENERGY, INC., GAS COMPANY, PUGET SOUND ENERGY, INC., ELECTRIC COMPANY, FRONTIER TELEPHONE COMPANY, COMCAST CABLE COMPANY, CITY OF KIRKLAND AND OTHER UTILITY PROVIDERS, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR 10 FEET PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS AND OF TRACTS A, B, C AND G AS DEPICTED HEREIN AND UPON THE ENTIRETY OF TRACTS D, E AND F. THE EASEMENTS ARE RESERVED AND GRANTED IN ORDER TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND PIPE, CONDUIT, CABLES, WIRES, VAULTS AND PEDESTALS WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, GAS, TELECOMMUNICATIONS, DATA TRANSMISSION, STREET LIGHTS, WATER, SANITARY SEWER, STORM DRAINAGE AND UTILITY SERVICE TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AND TRACTS AT ALL TIMES FOR THE PURPOSES HEREIN STATED. THESE EASEMENTS ENTERED UPON FOR THESE PURPOSES SHALL BE RESTORED AS NEAR AS POSSIBLE TO THEIR ORIGINAL CONDITION. NO LINES OR WIRES FOR TRANSMISSION OF ELECTRIC CURRENT, OR FOR TELEPHONE, CABLE TELEVISION, TELECOMMUNICATIONS OR DATA TRANSMISSION USES SHALL BE PLACED OR PERMITTED TO BE PLACED WITHIN THIS EASEMENT UNLESS THE SAME SHALL BE UNDERGROUND. NO PERMANENT STRUCTURE SHALL BE PLACED WITHIN THE EASEMENTS WITHOUT PERMISSION FROM EASEMENT OWNERS.
2. AN EASEMENT FOR LANDSCAPING PURPOSES IS HEREBY GRANTED AND CONVEYED TO THE CITY OF KIRKLAND, AND ITS RESPECTIVE SUCCESSORS AND ASSIGNS, OVER THOSE FIVE (5) FOOT WIDE STRIPS ADJOINING PUBLIC RIGHTS OF WAY AS DEPICTED HEREIN AND LABELED AS "PUBLIC LANDSCAPE EASEMENT". THE CITY OF KIRKLAND SHALL HAVE THE RIGHT, BUT NOT THE RESPONSIBILITY, TO MAINTAIN THE STREET TREES LOCATED WITHIN SAID EASEMENTS. SEE GENERAL NOTE 12 REGARDING MAINTENANCE OF THE IMPROVEMENTS WITHIN THIS EASEMENT.
3. AN EASEMENT IS HEREBY GRANTED AND CONVEYED TO PUGET SOUND ENERGY, INC., GAS COMPANY, PUGET SOUND ENERGY, INC., ELECTRIC COMPANY, FRONTIER TELEPHONE COMPANY, COMCAST CABLE COMPANY AND OTHER UTILITY PROVIDERS, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THOSE STRIPS ADJOINING TRACTS D, E AND F AS DEPICTED HEREIN AND LABELED AS "PUBLIC UTILITY EASEMENT". THE EASEMENTS ARE RESERVED AND GRANTED IN ORDER TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND PIPE, CONDUIT, CABLES, WIRES, VAULTS AND PEDESTALS WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, GAS, TELECOMMUNICATIONS, DATA TRANSMISSION, STREET LIGHTS, WATER, SANITARY SEWER, STORM DRAINAGE AND UTILITY SERVICE, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AND TRACTS AT ALL TIMES FOR THE PURPOSES HEREIN STATED. THESE EASEMENTS ENTERED UPON FOR THESE PURPOSES SHALL BE RESTORED AS NEAR AS POSSIBLE TO THEIR ORIGINAL CONDITION. NO LINES OR WIRES FOR TRANSMISSION OF ELECTRIC CURRENT, OR FOR TELEPHONE, CABLE TELEVISION, TELECOMMUNICATIONS OR DATA TRANSMISSION USES SHALL BE PLACED OR PERMITTED TO BE PLACED WITHIN THIS EASEMENT UNLESS THE SAME SHALL BE UNDERGROUND. NO PERMANENT STRUCTURE SHALL BE PLACED WITHIN THESE EASEMENTS WITHOUT PERMISSION FROM EASEMENT OWNERS.
4. AN EASEMENT FOR STORM DRAINAGE PURPOSES IS HEREBY GRANTED AND CONVEYED TO THE CITY OF KIRKLAND, AND ITS RESPECTIVE SUCCESSORS AND ASSIGNS, OVER THE (10) FOOT WIDE STRIPS AS DEPICTED HEREIN ACROSS LOTS 18, 24 AND 32 AND LABELED AS "PUBLIC STORM DRAINAGE EASEMENT".
5. AN EASEMENT FOR VEHICULAR ACCESS AND TURNAROUND PURPOSES IS HEREBY GRANTED AND CONVEYED TO THE OWNERS OF LOTS 17, 19, 23, 24, 25, 26, 31 AND 33, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, OVER THOSE STRIPS ON LOTS 18, 24, 25 AND 32 AS DEPICTED HEREIN AND LABELED AS "VEHICULAR ACCESS AND TURNAROUND EASEMENT".
6. A FIVE (5) FOOT PRIVATE STORM DRAINAGE EASEMENT AS DEPICTED ON LOT 26 IS HEREBY GRANTED AND CONVEYED TO AND FOR THE BENEFIT OF LOTS 25 AND 27 UPON THE RECORDING OF THIS PLAT. THE OWNERS OF LOTS 25, 26 AND 27 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES THEY HAVE SOLE BENEFIT OF USE, AND SHALL EQUALLY SHARE IN THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES USED IN COMMON.
7. AN EASEMENT FOR LANDSCAPE GREENBELT PURPOSES IS HEREBY GRANTED AND CONVEYED TO THE CITY OF KIRKLAND, AND ITS RESPECTIVE SUCCESSORS AND ASSIGNS, OVER THE ENTIRETY OF TRACTS AND G AS DEPICTED HEREIN. THE PURPOSE OF THIS EASEMENT IS TO RETAIN EXISTING TREES, NEW LANDSCAPING AND ENTRY MONUMENTS ARE ALLOWED WITHIN THIS EASEMENT.
8. A STORM DRAINAGE EASEMENT AND COVENANT OVER TRACTS C AND G IS HEREBY GRANTED AND CONVEYED TO CITY OF KIRKLAND FOR THE PURPOSE OF CONVEYING, STORING, MANAGING AND FACILITATING STORM AND SURFACE WATER PER THE APPROVED ENGINEERING PLANS, TOGETHER WITH THE RIGHT FOR THE CITY OF KIRKLAND, ITS SUCCESSORS OR ASSIGNS FOR THE PURPOSE OF INSPECTING, OPERATING, MAINTAINING, REPAIRING AND IMPROVING THE DRAINAGE FACILITIES CONTAINED HEREIN. THE FLOW CONTROL AND WATER QUALITY FACILITIES CONTAINED WITHIN SAID TRACTS SHALL BE OWNED AND MAINTAINED BY THE CITY OF KIRKLAND. MAINTENANCE OF ALL OTHER IMPROVEMENTS ON THIS PROPERTY SHALL BE THE RESPONSIBILITY OF THE PRESERVE AT KIRKLAND HOMEOWNERS ASSOCIATION. SAID HOMEOWNERS ASSOCIATION WILL BE RESPONSIBLE FOR THE COST OF RESTORATION OF ANY NON-DRAINAGE IMPROVEMENTS REMOVED OR ALTERED AS THE RESULT OF THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF THE DRAINAGE IMPROVEMENTS.
- THE PRESERVE AT KIRKLAND HOMEOWNERS ASSOCIATION IS REQUIRED TO OBTAIN ANY REQUIRED PERMITS FROM THE CITY OF KIRKLAND FOR ACTIVITIES SUCH AS CLEARING AND GRADING, PRIOR TO FILLING, PIPING, CUTTING OR REMOVING VEGETATION (EXCEPT FOR ROUTINE LANDSCAPE MAINTENANCE SUCH AS LAWN MOWING) IN OPEN VEGETATED DRAINAGE FACILITIES (SUCH AS SWALES, CHANNELS, DITCHES, PONDS, ETC.), OR PERFORMING ANY ALTERATIONS OR MODIFICATIONS TO THE DRAINAGE FACILITIES CONTAINED WITHIN SAID DRAINAGE EASEMENT.
- THIS EASEMENT AND COVENANT IS INTENDED TO FACILITATE REASONABLE ACCESS FOR THE OPERATION, MAINTENANCE, REPAIR AND RECONSTRUCTION OF THIS EASEMENT AND COVENANT SHALL RUN WITH THE LAND AND IS BINDING UPON THE PRESERVE AT KIRKLAND HOMEOWNERS ASSOCIATION, THEIR HEIRS, SUCCESSORS AND ASSIGNS.
9. A FIVE (5) FOOT PRIVATE STORM DRAINAGE EASEMENT OVER THAT PORTION OF LOT 17 AS DEPICTED HEREIN IS GRANTED AND CONVEYED TO AND FOR THE BENEFIT OF LOTS 16 AND 18 UPON THE RECORDING OF THIS PLAT. THE OWNERS OF LOTS 16, 17 AND 18 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES THEY HAVE SOLE BENEFIT OF USE, AND SHALL EQUALLY SHARE IN THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES USED IN COMMON.
10. A FIVE (5) FOOT PRIVATE STORM DRAINAGE EASEMENT OVER THAT PORTION OF LOT 23 AS DEPICTED HEREIN IS GRANTED AND CONVEYED TO AND FOR THE BENEFIT OF LOT 24 UPON THE RECORDING OF THIS PLAT. THE OWNERS OF LOTS 23 AND 24 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES THEY HAVE SOLE BENEFIT OF USE, AND SHALL EQUALLY SHARE IN THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES USED IN COMMON.
11. A TEN (10) FOOT PRIVATE STORM DRAINAGE EASEMENT OVER THAT PORTION OF LOT 28 AS DEPICTED HEREIN IS GRANTED AND CONVEYED TO AND FOR THE BENEFIT OF LOT 29 UPON THE RECORDING OF THIS PLAT. THE OWNERS OF LOTS 28 AND 29 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES THEY HAVE SOLE BENEFIT OF USE, AND SHALL EQUALLY SHARE IN THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES USED IN COMMON.
12. A FIVE (5) FOOT PRIVATE STORM DRAINAGE EASEMENT OVER THAT PORTION OF LOT 31 AS DEPICTED HEREIN IS GRANTED AND CONVEYED TO AND FOR THE BENEFIT OF LOT 32 UPON THE RECORDING OF THIS PLAT. THE OWNERS OF LOTS 31 AND 32 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES THEY HAVE SOLE BENEFIT OF USE, AND SHALL EQUALLY SHARE IN THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES USED IN COMMON.
13. A TEN (10) FOOT PRIVATE STORM DRAINAGE EASEMENT OVER THAT PORTION OF LOT 34 AS DEPICTED HEREIN IS GRANTED AND CONVEYED TO AND FOR THE BENEFIT OF LOT 35 UPON THE RECORDING OF THIS PLAT. THE OWNERS OF LOTS 34 AND 35 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES THEY HAVE SOLE BENEFIT OF USE, AND SHALL EQUALLY SHARE IN THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES USED IN COMMON.
14. A TEN (10) FOOT PRIVATE STORM DRAINAGE EASEMENT OVER THOSE PORTIONS OF LOTS 2 AND 3 AS DEPICTED HEREIN IS GRANTED AND CONVEYED TO AND FOR THE BENEFIT OF LOTS 1 AND 2 UPON THE RECORDING OF THIS PLAT. THE OWNERS OF LOTS 1, 2 AND 3 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES THEY HAVE SOLE BENEFIT OF USE, AND SHALL EQUALLY SHARE IN THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES USED IN COMMON.
15. A TEN (10) FOOT PRIVATE STORM DRAINAGE EASEMENT OVER THAT PORTION OF LOT 5 AS DEPICTED HEREIN IS GRANTED AND CONVEYED TO AND FOR THE BENEFIT OF LOT 4 UPON THE RECORDING OF THIS PLAT. THE OWNERS OF LOTS 4 AND 5 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES THEY HAVE SOLE BENEFIT OF USE, AND SHALL EQUALLY SHARE IN THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES USED IN COMMON.
16. A TEN (10) FOOT PRIVATE STORM DRAINAGE EASEMENT OVER THOSE PORTIONS OF LOTS 7 AND 8 AS DEPICTED HEREIN IS GRANTED AND CONVEYED TO AND FOR THE BENEFIT OF LOTS 6 AND 7 UPON THE RECORDING OF THIS PLAT. THE OWNERS OF LOTS 6, 7 AND 8 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES THEY HAVE SOLE BENEFIT OF USE, AND SHALL EQUALLY SHARE IN THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES USED IN COMMON.
17. A TEN (10) FOOT PRIVATE STORM DRAINAGE EASEMENT OVER THOSE PORTIONS OF LOTS 9 AND 10 AS DEPICTED HEREIN IS GRANTED AND CONVEYED TO AND FOR THE BENEFIT OF LOTS 8 AND 9 UPON THE RECORDING OF THIS PLAT. THE OWNERS OF LOTS 8, 9 AND 10 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES THEY HAVE SOLE BENEFIT OF USE, AND SHALL EQUALLY SHARE IN THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES USED IN COMMON.
18. A TEN (10) FOOT PRIVATE STORM DRAINAGE EASEMENT OVER THAT PORTION OF LOT 12 AS DEPICTED HEREIN IS GRANTED AND CONVEYED TO AND FOR THE BENEFIT OF LOT 11 UPON THE RECORDING OF THIS PLAT. THE OWNERS OF LOTS 11 AND 12 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES THEY HAVE SOLE BENEFIT OF USE, AND SHALL EQUALLY SHARE IN THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES USED IN COMMON.
19. A TEN (10) FOOT PRIVATE STORM DRAINAGE EASEMENT OVER THAT PORTION OF LOT 14 AS DEPICTED HEREIN IS GRANTED AND CONVEYED TO AND FOR THE BENEFIT OF LOT 13 UPON THE RECORDING OF THIS PLAT. THE OWNERS OF LOTS 13 AND 14 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES THEY HAVE SOLE BENEFIT OF USE, AND SHALL EQUALLY SHARE IN THE MAINTENANCE OF THAT PORTION OF THE PRIVATE STORM DRAINAGE FACILITIES USED IN COMMON.

DWG NAME: \\ESM4\ENGR\ESM-JOBS\897\021\014\LOTS\SURVEY\FP-02.DWG

EASEMENT PROVISIONS (CONTINUED)

20. AN EASEMENT FOR PRIVATE WATER FACILITIES IS GRANTED OVER LOTS 15, 16 AND 17 BENEFITING LOTS 16 THROUGH 18, OVER LOT 20 BENEFITING LOT 19, OVER LOTS 22 AND 23 BENEFITING LOTS 23 AND 24, OVER LOTS 26 AND 27 BENEFITING LOTS 25 AND 26, OVER LOTS 29, 30 AND 31 BENEFITING LOTS 30 THROUGH 32, AND OVER LOT 34 BENEFITING LOT 33 AS DEPICTED HEREIN. THE OWNERS OF THE BENEFITED LOTS ARE RESPONSIBLE FOR THE COST OF MAINTAINING THEIR RESPECTIVE FACILITIES AND FOR THE COST OF THE RESTORATION OF ANY IMPROVEMENTS DISTURBED AS THE RESULT OF THE MAINTENANCE AND REPAIR OF THE PRIVATE WATER FACILITIES.
21. ALL LOTS AND TRACTS IN THIS PLAT ARE HEREBY SUBJECT TO AN EASEMENT 2.50 FEET IN WIDTH PARALLEL WITH AND ABUTTING ALL INTERIOR LOT LINES AND 5.00 FEET IN WIDTH PARALLEL WITH AND ABUTTING ALL REAR LOT LINES FOR:
 - A. THE PURPOSE OF PRIVATE STORM DRAINAGE WITHIN SAID EASEMENT, AND
 - B. THE MAINTENANCE OR CONSTRUCTION OF RETAINING WALLS INSTALLED AS PART OF ORIGINAL SITE DEVELOPMENT OR HOME CONSTRUCTION IN THIS PLAT.

IN THE EVENT LOT LINES ARE ADJUSTED AFTER THE RECORDING OF THIS PLAT, THE EASEMENT SHALL REMAIN IN THE LOCATION AS DEPICTED HEREIN DESPITE THE ADJUSTMENT TO ANY LOT LINES. THOSE OWNERS BENEFITING FROM EACH SYSTEM SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIRS OR RECONSTRUCTION OF THE PRIVATE DRAINAGE FACILITIES, STRUCTURES, DRIVEWAYS, FENCES, RETAINING WALLS OR YARD DRAINS, WHICH HAVE NOT BEEN DEPICTED HEREIN.

GENERAL NOTES

1. TRACT A IS GRANTED AND CONVEYED TO THE PRESERVE AT KIRKLAND HOMEOWNERS ASSOCIATION UPON THE RECORDING OF THIS PLAT FOR OPEN SPACE PURPOSES. SAID ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACT AND THE IMPROVEMENTS THEREIN, WITH THE EXCEPTION OF THOSE UTILITIES OWNED AND MAINTAINED BY UTILITY PROVIDERS LISTED IN EASEMENT PROVISION 1. THE ENTIRETY OF SAID TRACT IS SUBJECT TO A PUBLIC LANDSCAPE GREENBELT EASEMENT - SEE EASEMENT PROVISION 7.
2. TRACT B IS GRANTED AND CONVEYED TO THE PRESERVE AT KIRKLAND HOMEOWNERS ASSOCIATION UPON THE RECORDING OF THIS PLAT FOR OPEN SPACE PURPOSES. SAID HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACT AND THE IMPROVEMENTS THEREIN, WITH THE EXCEPTION OF THOSE UTILITIES OWNED AND MAINTAINED BY UTILITY PROVIDERS LISTED IN EASEMENT PROVISION 1.
3. TRACT C IS GRANTED AND CONVEYED TO PRESERVE AT KIRKLAND HOMEOWNERS ASSOCIATION UPON THE RECORDING OF THIS PLAT FOR OPEN SPACE PURPOSES. SAID ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACT AND THE IMPROVEMENTS THEREIN, WITH THE EXCEPTION OF THOSE UTILITIES OWNED AND MAINTAINED BY UTILITY PROVIDERS LISTED IN EASEMENT PROVISION 1 AND STORM DRAINAGE FACILITIES OWNED AND MAINTAINED BY THE CITY OF KIRKLAND. THE ENTIRETY OF SAID TRACT IS SUBJECT TO AN EASEMENT FOR STORM DRAINAGE PURPOSES TO THE CITY OF KIRKLAND - SEE EASEMENT PROVISION 8.
4. TRACT D IS GRANTED AND CONVEYED TO PRESERVE AT KIRKLAND HOMEOWNERS ASSOCIATION UPON THE RECORDING OF THIS PLAT. A PRIVATE ACCESS AND UTILITY EASEMENT OVER THE ENTIRETY OF SAID TRACT IS HEREBY GRANTED AND CONVEYED FOR THE BENEFIT OF LOTS 15 THROUGH 19. THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACT AND THE PRIVATE UTILITIES CONTAINED THEREIN WITH THE COSTS THEREOF ASSESSED TO THE BENEFITED LOTS. THE ENTIRETY OF SAID TRACT IS SUBJECT TO A PUBLIC UTILITY EASEMENT - SEE EASEMENT PROVISION 1.
5. TRACT E IS GRANTED AND CONVEYED TO PRESERVE AT KIRKLAND HOMEOWNERS ASSOCIATION UPON THE RECORDING OF THIS PLAT. A PRIVATE ACCESS AND UTILITY EASEMENT OVER THE ENTIRETY OF SAID TRACT IS HEREBY GRANTED AND CONVEYED FOR THE BENEFIT OF LOTS 23 THROUGH 26. THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACT AND THE PRIVATE UTILITIES CONTAINED THEREIN WITH THE COSTS THEREOF ASSESSED TO THE BENEFITED LOTS. THE ENTIRETY OF SAID TRACT IS SUBJECT TO A PUBLIC UTILITY EASEMENT - SEE EASEMENT PROVISION 1.
6. TRACT F IS GRANTED AND CONVEYED TO PRESERVE AT KIRKLAND HOMEOWNERS ASSOCIATION UPON THE RECORDING OF THIS PLAT. A PRIVATE ACCESS AND UTILITY EASEMENT OVER THE ENTIRETY OF SAID TRACT IS HEREBY GRANTED AND CONVEYED FOR THE BENEFIT OF LOTS 29 THROUGH 33. THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACT AND THE PRIVATE UTILITIES CONTAINED THEREIN WITH THE COSTS THEREOF ASSESSED TO THE BENEFITED LOTS. THE ENTIRETY OF SAID TRACT IS SUBJECT TO A PUBLIC UTILITY EASEMENT - SEE EASEMENT PROVISION 1.
7. TRACT G IS GRANTED AND CONVEYED TO THE PRESERVE AT KIRKLAND HOMEOWNERS ASSOCIATION UPON THE RECORDING OF THIS PLAT FOR OPEN SPACE AND STORM DRAINAGE PURPOSES. SAID ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACT AND THE IMPROVEMENTS THEREIN, WITH THE EXCEPTION OF THOSE UTILITIES OWNED AND MAINTAINED BY UTILITY PROVIDERS LISTED IN EASEMENT PROVISION 1 AND STORM DRAINAGE FACILITIES OWNED AND MAINTAINED BY THE CITY OF KIRKLAND. THE ENTIRETY OF SAID TRACT IS SUBJECT TO A PUBLIC LANDSCAPE GREENBELT EASEMENT (SEE EASEMENT PROVISION 7) AND TO AN EASEMENT FOR STORM DRAINAGE PURPOSES TO THE CITY OF KIRKLAND (SEE EASEMENT PROVISION 8).
8. A REBAR AND PLASTIC CAP MARKED "ESM, LLC 35142 44925" SHALL BE SET AT ALL REAR LOT CORNERS AND LOT ANGLE POINTS, EXCEPT AS NOTED. THERE MAY BE INSTANCES WHERE A PK NAIL AND BRASS TAG MARKED "LS 35142 44925" ARE SET AT REAR CORNERS OR LOT ANGLE POINTS WHEN AN OBSTACLE PREVENTS SETTING A REBAR AND CAP. THE INTERSECTION OF LOT LINES WITH STREET IMPROVEMENTS SHALL BE REFERRED BY A PK NAIL AND A BRASS TAG MARKED "LS 35142 44925" SET IN THE TOP OF CURB OR THICKENED EDGE OF ASPHALT ON THE EXTENSION OF THE LOT LINE. IN THE EVENT THAT A NON-REMOVABLE OBSTACLE PREVENTS SETTING THE ACTUAL PROPERTY CORNER, THE CORNER WILL BE SET ON THE PROPERTY LINE AS AN OFFSET TO THE ACTUAL CORNER WITH THE DISTANCE TO THE ACTUAL CORNER NOTED ON AN ACCOMPANYING WHITE LOT STAKE. LOT CORNERS OR STREET MONUMENTS NOT SET AT THE TIME OF PLAT RECORDING SHALL BE BONDED FOR AND SHALL BE SET AS CONSTRUCTION IS COMPLETED.
9. THIS PLAT IS SUBJECT TO TRAFFIC, PARK AND SCHOOL IMPACT FEES PER KIRKLAND MUNICIPAL CODE CHAPTER 27. THESE FEES SHALL BE PAID AT THE TIME OF BUILDING PERMIT APPLICATION AT THE RATE IN EFFECT AT THAT TIME.
10. ADDRESSING SHALL BE IN ACCORDANCE WITH KIRKLAND BUILDING POLICY MANUAL NUMBER 9.001, ASSIGNMENT OF STREET NUMBERS AND ROAD SIGNAGE.
11. UTILITY MAINTENANCE: EACH PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE SANITARY SEWER OR STORM WATER SUBUR FROM THE POINT OF USE ON THEIR OWN PROPERTY TO THE POINT OF CONNECTION IN THE CITY SANITARY SEWER MAIN OR STORM WATER MAIN. ANY PORTION OF A SANITARY SEWER OR SURFACE WATER SUBUR, WHICH JOINTLY SERVES MORE THAN ONE PROPERTY, SHALL BE JOINTLY MAINTAINED AND REPAIRED BY THE PROPERTY OWNERS SERVING THE JOINT SUBUR. JOINT MAINTENANCE SHALL "RUN WITH THE LAND" AND WILL BE BINDING ON ALL PROPERTY OWNERS WITHIN THIS SUBDIVISION, INCLUDING THEIR HEIRS, SUCCESSORS AND ASSIGNS.
12. PUBLIC RIGHT-OF-WAY, SIDEWALK AND VEGETATION MAINTENANCE: EACH PROPERTY OWNER SHALL BE RESPONSIBLE FOR KEEPING THE SIDEWALK ABUTTING THE SUBJECT PROPERTY CLEAN AND LITTER FREE. THE PROPERTY OWNER SHALL ALSO BE RESPONSIBLE FOR THE MAINTENANCE OF THE VEGETATION WITHIN THE ABUTTING LANDSCAPE STRIP, EXCLUDING THE STREET TREES WHICH SHALL BE MAINTAINED BY THE PRESERVE AT KIRKLAND HOMEOWNERS ASSOCIATION. THE MAINTENANCE OBLIGATION SHALL "RUN WITH THE LAND" AND WILL BE BINDING ON ALL PROPERTY OWNERS WITHIN THIS SUBDIVISION, INCLUDING THEIR HEIRS, SUCCESSORS AND ASSIGNS.

COVENANTS AND RESTRICTIONS

1. THE TOTAL LOT COVERAGE SHALL NOT EXCEED 50% OF THE AREA OF THE 35 LOTS AND TRACTS A, B, C AND G HEREIN. TRACKING OF THE TOTAL LOT COVERAGE SHALL BE PROVIDED TO THE CITY OF KIRKLAND WITH EACH BUILDING PERMIT.
2. THE TOTAL FLOOR AREA RATIO SHALL NOT EXCEED 50% OF THE AREA OF THE 35 LOTS AND TRACTS A, B, C AND G HEREIN. TRACKING OF THE TOTAL FLOOR AREA RATIO SHALL BE PROVIDED TO THE CITY OF KIRKLAND WITH EACH BUILDING PERMIT.
3. FOR LOTS LESS THAN 5,000 SQUARE FEET, THE LOT WIDTH AT THE BACK OF THE REQUIRED FRONT YARD SHALL NOT BE LESS THAN 50 FEET UNLESS THE GARAGE IS LOCATED AT THE REAR OF THE LOT OR THE LOT IS A FLAG LOT.



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 EVERETT (425) 297-9900
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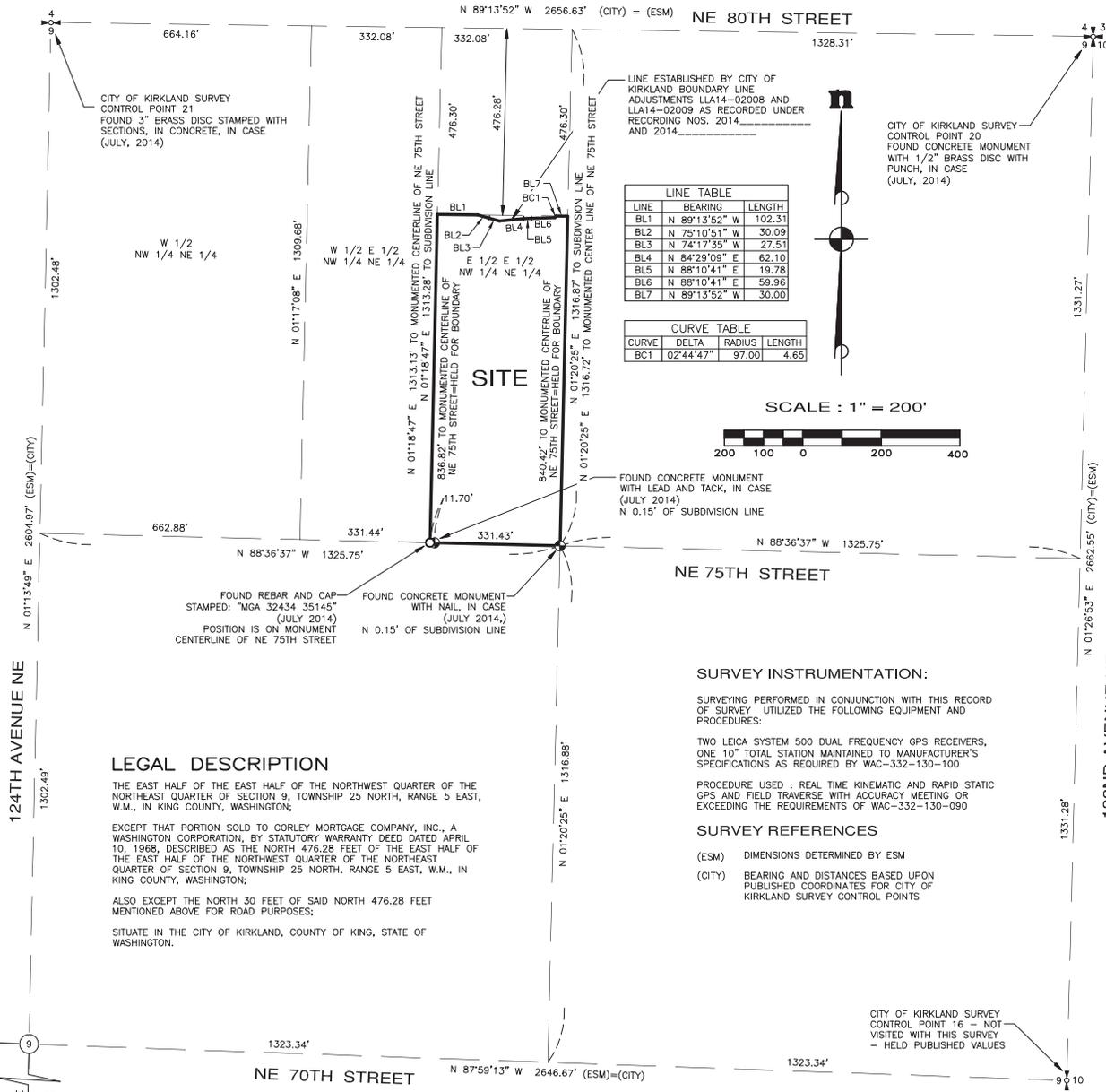
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DATE : 2014-12-21	JOB NO. 897-021-014-0001
DRAWN BY: CAF/JDC	SHEET 2 OF 4

PRESERVE AT KIRKLAND

A PORTION OF THE NW 1/4 OF THE NE 1/4 OF SECTION 9, TWP. 25 N., RGE. 5 E., W.M.,
CITY OF KIRKLAND, KING COUNTY, WASHINGTON
FILE NO. SUB12-00560

BASIS OF BEARINGS:



LINE	BEARING	LENGTH
BL1	N 89°13'52" W	102.31
BL2	N 75°10'51" W	30.09
BL3	N 74°17'33" W	27.51
BL4	N 84°29'09" E	62.10
BL5	N 88°10'41" E	19.78
BL6	N 88°10'41" E	59.96
BL7	N 89°13'52" W	30.00

CURVE	DELTA	RADIUS	LENGTH
BC1	02°44'47"	97.00	4.65



LEGAL DESCRIPTION

THE EAST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION SOLD TO CORLEY MORTGAGE COMPANY, INC., A WASHINGTON CORPORATION, BY STATUTORY WARRANTY DEED DATED APRIL 10, 1968, DESCRIBED AS THE NORTH 476.28 FEET OF THE EAST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;

ALSO EXCEPT THE NORTH 30 FEET OF SAID NORTH 476.28 FEET MENTIONED ABOVE FOR ROAD PURPOSES;

SITUATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON.

EXCEPTIONS FROM TITLE REPORT

LEGAL DESCRIPTION, EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS AS SHOWN HEREON ARE FROM TITLE RESOURCES GUARANTY COMPANY FOURTH SUBDIVISION GUARANTEE ORDER NO. 40136168 DATED DECEMBER 10, 2014. IN PREPARING THIS FINAL PLAT, ESM HAS NOT CONDUCTED AN INDEPENDENT TITLE SEARCH NOR IS ESM AWARE OF ANY TITLE ISSUES AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN ON THIS FINAL PLAT. ESM HAS RELIED SOLELY UPON THE INFORMATION CONTAINED IN SAID CERTIFICATE IN REGARDS TO TITLE ISSUES TO PREPARE THIS FINAL PLAT AND THEREFORE QUALIFIES THE MAP'S ACCURACY AND COMPLETENESS TO THAT EXTENT.

- NOT REPORTED HEREIN.
- SUBJECT TO GENERAL PROPERTY TAXES AND SERVICE CHANGES FOR TAX ACCOUNT PARCEL NO. 0925059010.
6. INTENTIONALLY DELETED FROM TITLE.
- NOT REPORTED HEREIN.
- SUBJECT TO THAT EASEMENT FOR POWER PURPOSES AND THE TERMS AND CONDITIONS THEREOF AS CONTAINED IN INSTRUMENT RECORDED UNDER RECORDING NO. 20141120000724. THE LOCATION SAID EASEMENT IS DEPICTED HEREIN.

SURVEY INSTRUMENTATION:

SURVEYING PERFORMED IN CONJUNCTION WITH THIS RECORD OF SURVEY UTILIZED THE FOLLOWING EQUIPMENT AND PROCEDURES:

TWO LEICA SYSTEM 500 DUAL FREQUENCY GPS RECEIVERS, ONE 10" TOTAL STATION MAINTAINED TO MANUFACTURER'S SPECIFICATIONS AS REQUIRED BY WAC-332-130-100

PROCEDURE USED : REAL TIME KINEMATIC AND RAPID STATIC GPS AND FIELD TRAVERSE WITH ACCURACY MEETING OR EXCEEDING THE REQUIREMENTS OF WAC-332-130-090

SURVEY REFERENCES

(ESM) DIMENSIONS DETERMINED BY ESM
(CITY) BEARING AND DISTANCES BASED UPON PUBLISHED COORDINATES FOR CITY OF KIRKLAND SURVEY CONTROL POINTS

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DATE : 2014-12-15 JOB NO. 897-021-014-0001
DRAWN BY: CAF/JDC/RFG SHEET 3 OF 4

PRESERVE AT KIRKLAND

A PORTION OF THE NW 1/4 OF THE NE 1/4 OF SECTION 9, TWP. 25 N., RGE. 5 E., W.M.,
CITY OF KIRKLAND, KING COUNTY, WASHINGTON
FILE NO. SUB12-00560

VOL./PG.

LINE ESTABLISHED BY CITY OF KIRKLAND BOUNDARY LINE ADJUSTMENTS LL14-02008 AND LL14-02009 AS RECORDED UNDER RECORDING NOS. 2014 AND 2014.

LINE	BEARING	LENGTH
BL2	N 75°10'51" W	30.09
BL3	N 74°17'35" W	27.51
BL5	N 88°10'41" E	19.78
BL7	N 89°13'52" W	30.00

CURVE	DELTA	RADIUS	LENGTH
BC1	02°44'47"	97.00	4.65



- LEGEND**
- Δ DELTA
 - R RADIUS
 - L LENGTH
 - (R) RADIAL BEARING
 - < > RADIAL BEARING AT LOT CORNER
 - [] INDICATES EASEMENT PROVISION NUMBER ON SHEET 2
 - (1) INDICATES EXCEPTION NUMBER ON SHEET 3
 - (1) INDICATES GENERAL NOTE NUMBER ON SHEET 2
 - ⊙ ESM TO SET CONCRETE MONUMENT WITH BRASS CAP, IN CASE, STAMPED: "L.S. 35142" UPON COMPLETION OF CONSTRUCTION
 - ⊕ FOUND CONCRETE MONUMENT IN CASE

LINE	BEARING	LENGTH
L1	N 73°51'06" E	7.34'
L2	N 01°20'22" E	21.10'
L3	N 51°02'10" E	16.39'
L4	N 43°39'38" W	14.85'
L5	N 48°12'15" E	6.29'
L6	N 43°39'38" W	9.90'
L7	N 15°13'45" W	8.87'
L8	N 17°54'29" E	8.87'
L9	N 15°13'45" W	8.87'
L10	N 62°56'24" E	17.87'
L11	N 01°20'25" E	24.37'
L12	N 89°13'52" W	12.85'
L13	N 89°13'52" W	17.15'
L14	N 89°00'45" E	6.21'

CURVE	DELTA	RADIUS	LENGTH
C1	15°44'00"	97.00'	26.64'
C2	24°24'22"	113.00'	48.13'
C3	90°03'01"	20.00'	31.43'
C4	89°56'59"	20.00'	31.40'
C5	32°59'20"	76.50'	44.05'
C6	14°20'25"	76.50'	19.15'
C7	14°18'13"	114.50'	28.58'
C8	22°41'31"	91.50'	36.24'
C9	47°19'45"	99.50'	82.19'

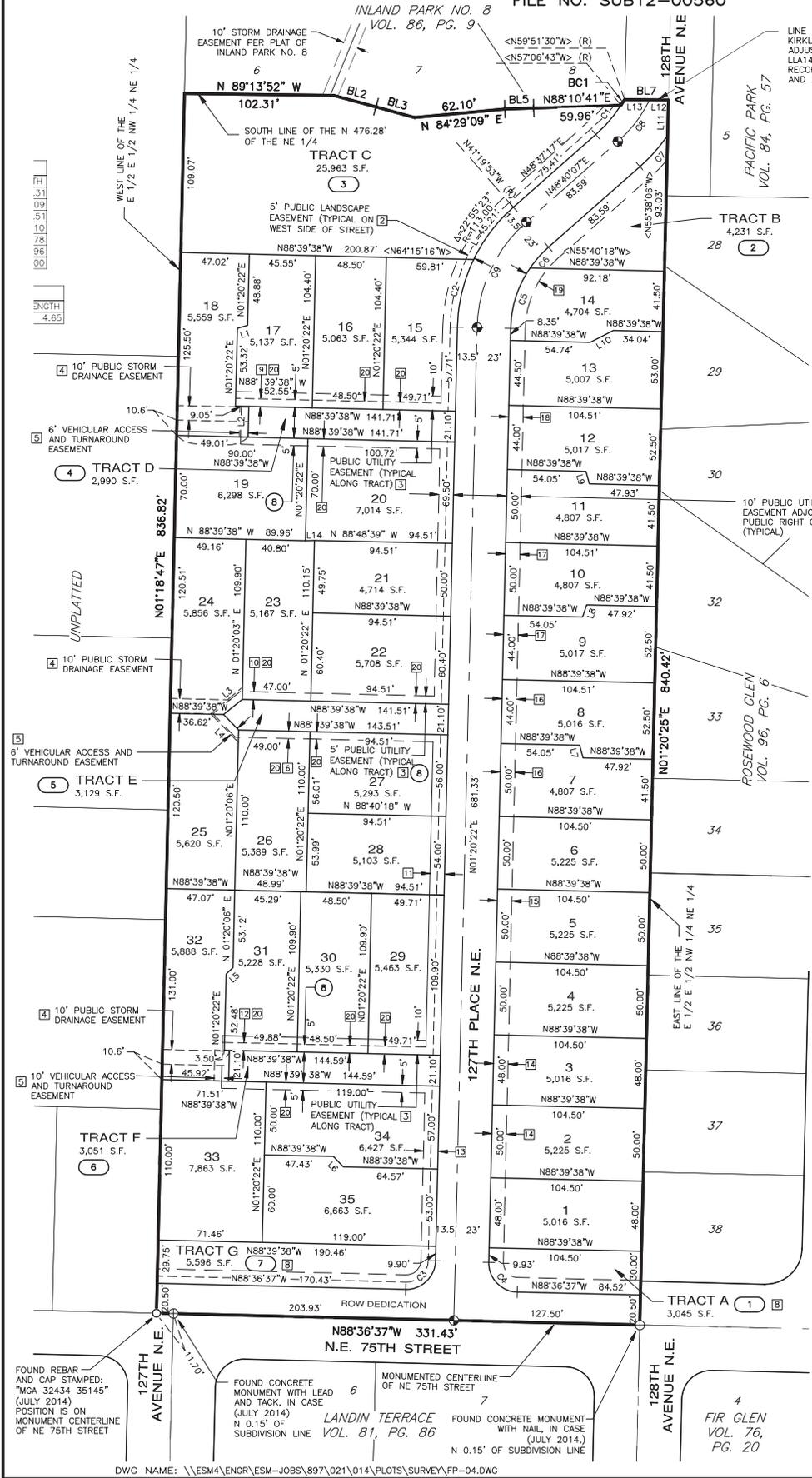


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DATE: 2014-12-21 | JOB NO. 897-021-014-0001
DRAWN BY: CAF/JDC/RFG | SHEET 4 OF 4



LENGTH
4.65

UNPLATED

FOUND REBAR AND CAP STAMPED: "MGA 32434 35145" (JULY 2014) POSITION IS ON MONUMENT CENTERLINE OF NE 75TH STREET

FOUND CONCRETE MONUMENT WITH LEAD AND TACK, IN CASE (JULY 2014) N 015' OF SUBDIVISION LINE VOL. 81, PG. 86

MONUMENTED CENTERLINE OF NE 75TH STREET FOUND CONCRETE MONUMENT WITH NAIL, IN CASE (JULY 2014) N 015' OF SUBDIVISION LINE

FIR GLEN VOL. 76, PG. 20

**CITY OF KIRKLAND
HEARING EXAMINER FINDINGS,
CONCLUSIONS AND RECOMMENDATION**

APPLICANT: S. Michel Smith of Toll WA LP

FILE NO: SUB12-00560

APPLICATION:

1. Site Location: 7707 129th Avenue NE

2. Requests: The applicant requests approval of a preliminary subdivision and planned unit development (PUD) as follows:

a. Preliminary Subdivision: A proposal to subdivide one 278,113 square foot parcel (6.38 acres) into 35 separate lots with access from both NE 75th Street and NE 80th Street. The applicant seeks a modification to the right of way standards of Chapter 110 KZC. The applicant proposes to construct a narrower street, with a sidewalk and landscape strip on one side instead of both sides of the street, in exchange for construction of off-site street improvements from the north property line to NE 80th Street, which will provide a vehicular and pedestrian street connection between NE 75th and NE 80th Streets within the 128th Avenue NE right-of-way. Three vehicular access tracts will provide access from the new street to interior lots on the west side of the plat.

b. PUD: A request for a preliminary and final Planned Unit Development (PUD) with a 10% density bonus (three additional lots) and modification of the following Zoning Code requirements:

- (1) Provide lots smaller than the 7,200 square foot minimum lot size required in the RSX 7.2 zone, with an average lot size of 5,435 square feet.
- (2) Calculate the maximum lot coverage at 50% on a project wide, rather than on a per lot basis as required by Code.
- (3) Calculate the maximum floor area ratio (FAR) of 50% on a project wide, rather than on a per lot basis.

Pursuant to Chapter 125 KZC, the proposal includes the following proposed benefits to the City beyond the improvements that would typically be required:

- (1) Increased open space and landscaping. Common open space is planned above the underground storm detention facility at the north end of the development (with recreational amenities such as a sports court, play equipment and picnic bench). At the north and south entrances, landscape tracts will be provided incorporating existing and new trees and landscaping. A six foot tall wood fence is proposed along the east and west property lines.
- (2) Superior site design and architectural home design. The applicant

proposes 14 home designs that range in size from 2,600 to 3,750 square feet. The homes will be two stories with varied roof forms, porches, decks and a variety of exterior materials including stone, brick, vertical and horizontal siding, and shakes. As noted, the proposed site plan includes large open space tracts at the north and south boundaries of the subdivision.

- (3) Installation of a flashing Rectangular Rapid Flash Beacon (RRFB). The applicant proposes to add the RRFB to the existing crosswalk on the east side of the corner of NE 80th Street and 128th Avenue NE to improve pedestrian access to Rose Hill Elementary School.
- (4) Installation of missing sidewalks. The applicant proposes to construct two sidewalk sections along NE 80th Street at the southwest and southeast corners of the intersection with 128th Avenue NE to improve the pedestrian crossing across 128th Avenue NE to the crosswalk across NE 80th Street.
- (5) Offsite street improvements. As noted above, the applicant proposes to construct off-site street improvements from the north property line to NE 80th Street, which will provide a vehicular and pedestrian street connection between NE 75th and NE 80th Streets within the 128th Avenue NE right-of-way.

3. History: The original site plan submitted for the proposal showed a dead end cul-de-sac street with vehicular access from NE 75th Street. At the request of City staff, the plans were revised to show a through street connection for 128th Avenue NE, from NE 75th Street to NE 80th Street, with a modification request to provide a narrower interior street with a sidewalk on the west side. A subsequent revision moved the sidewalk to the east side of the interior street to connect with the existing crosswalk across NE 80th Street.

4. Review Process: Process IIB, the Hearing Examiner conducts a public hearing and makes a recommendation to the City Council, which makes a final decision.

5. Key Issues:

- Compliance with subdivision criteria
- Compliance with PUD approval criteria
- Compliance with applicable development regulations
- Compliance with Process IIB Zoning Permit approval criteria

SUMMARY OF RECOMMENDATIONS:

Department	Approve with conditions
Hearing Examiner	Approve with conditions

PUBLIC HEARING:

The Hearing Examiner held a public hearing on the applications on June 5, 2013, in the Council Chambers, City Hall, 123 Fifth Avenue, Kirkland, Washington. A verbatim

recording of the hearing is available at the City Clerk's office. The minutes of the hearing and the exhibits are available for public inspection in the Department of Planning and Community Development. The Examiner visited the site in advance of the hearing.

TESTIMONY AND PUBLIC COMMENT:

A list of those who testified at the public hearing, and a list of the exhibits offered at the hearing are included at the end of this Recommendation. The testimony is summarized in the hearing minutes.

For purposes of this recommendation, all section numbers refer to the Kirkland Zoning Code (KZC or Code) unless otherwise indicated.

FINDINGS, CONCLUSIONS AND RECOMMENDATION

Having considered the evidence in the record and reviewed the site, the Hearing Examiner enters the following:

Findings of Fact and Conclusions:

1. Site Description

The Facts and Conclusions on this matter set forth at Subsection II.A of the Planning Department's Advisory Report, dated May 28, 2013, (hereafter Exhibit A) are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

2. Public Comment, and State Environmental Policy Act and Concurrency

A. The Facts and Conclusions on this matter set forth at Subsections II.B and II.C of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

B. Public comments at the hearing generally mirrored those in the comment letters in the record, Attachment 5 to Exhibit A. There was both support for, and opposition to the vehicular and pedestrian connection between NE 75th and NE 80th Streets. Some neighborhood residents who presently access their properties from NE 80th Street via the paved access drive within the 128th Street right-of-way were particularly concerned about the additional vehicle traffic and noise that would result from the proposed connection. Others cited a concern with potential traffic speeds on the proposed roadway and requested inclusion of traffic calming measures, such as speed humps. Several area residents spoke in opposition to an increase in density in the area, with some noting that existing densities already overtax the intersection of 128th Avenue NE and NE 80th Street, which is near several schools. One person asked that the proposal's (FAR) be calculated on a per lot, rather than a project-wide basis. Some questioned the

accuracy of the trip generation and trip distribution information in the Transportation Impact Analysis (Traffic Study), Exhibit C, prepared for the proposal. Most of these concerns are properly addressed by the Department in Section II.B of Exhibit A.

C. With the road connection between NE 75th and NE 80th Streets, the proposal passed traffic concurrency.

D. The localized transportation impacts of the proposal are reviewed pursuant to SEPA. The Traffic Study for the proposal was completed in accordance with the Public Works Department's direction and the City's TIA Guidelines, and used the City's BKR traffic model to estimate the distribution of project traffic.

E. The Traffic Study concluded that with the project, all analyzed intersections would operate at level of service C or better. Exhibit C at 18. The Study analyzed the PM peak hour at all study intersections and the school AM and afternoon PM peak hours at the intersection of 128th Avenue NE and NE 80th Street. *Id.* The project would add 34 AM peak hour trips and 41 PM peak hour trips. *Id. See also* Exhibit B at 1-3.

F. There is no evidence in the record that the Traffic Study's conclusions are inaccurate. Further, because the SEPA Determination of Nonsignificance issued for the proposal was not appealed, there is no legal basis on which the Traffic Study can be challenged at this point.

6. Approval Criteria

A. The Facts and Conclusions on this matter set forth at Subsection II.D of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

B. KZC 125.20 authorizes modification of the Code provisions that the applicant seeks to modify.

C. The average impervious surface coverage for the 35 lots would be 52.5%. For the project as a whole, it would be 44.6%.

D. The proposed subdivision will create infill residential development and is consistent with the Comprehensive Plan's density designation for the subject property.

E. The proposed subdivision complies with KMC 22.12.230 and KZC 150.65. With the proposed PUD, and as conditioned, the subdivision is consistent with zoning and subdivision regulations and makes adequate provision for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste,

power service, parks, playgrounds, and schools. The proposed subdivision will serve the public use and interest and is consistent with the public health, safety and welfare.

7. Development Regulations

The Facts and Conclusions on this matter set forth at Subsection II.E of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

8. Comprehensive Plan

A. The Facts and Conclusions on this matter set forth at Subsection II.F of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

B. The Comprehensive Plan includes Policy T-4.3 that calls for maintaining "a system of arterials, collectors, and local access streets that forms an interconnected network for vehicular circulation." Plan at IX-13. Policy T-4.5 calls for maintaining and improving convenient access for emergency vehicles. *Id.* The City Transportation Engineer summarized the Plan's discussion of these policies as follows: "These two policies encourage a "grid" system road network to minimize cul-de-sacs, uneven trip distribution through the road network and to minimize impacts on close-by neighborhood streets and ... maintain and provide direct access for emergency vehicles." Exhibit B at 4.

9. Development Standards

The Facts and Conclusions on this matter set forth at Subsection II.G of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

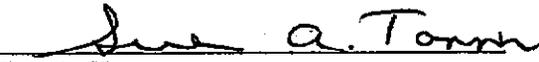
10. Process IIB Decisional Criteria

The application for the subdivision and PUD is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan. As noted above, it is also consistent with the public health, safety and welfare.

Recommendation:

Based upon the foregoing findings of fact and conclusions, the Hearing Examiner recommends that the City Council approve the Preliminary Subdivision and PUD subject to the conditions set forth in the "Final" version of Exhibit E dated June 5, 2013.

Entered this 10th day of June, 2013.


Sue A. Tanner
Hearing Examiner

EXHIBITS:

The following exhibit was entered into the record:

- Exhibit A Department's Advisory Report with Attachments 1 through 8;
- Exhibit B Memorandum to Janice Coogan from Thang Nguyen, Transportation Engineer, re: C&G Subdivision Development, Tran 12-00528;
- Exhibit C Transportation Impact Analysis for "C&G Property;"
- Exhibit D Preliminary Technical Information Report for Storm Drainage
- Exhibit E Revised Staff Recommendations – "Track Changes" and "Final" versions;
- Exhibit F C&G Development Traffic Impact Analysis Overview – Hard copy of PowerPoint presentation;
- Exhibit G Comment letter from to Hearing Examiner and City Council from Andrew Held;
- Exhibit H Hard copy of applicant's PowerPoint presentation;
- Exhibit I Revised Statement from Doug and Marilyn Love, 6/5/13, re: Cam West Housing Development Proposal;

PARTIES OF RECORD:

S. Michael Smith, Applicant
Michael Swenson, Transpo Group
Kurt Osojnak
Kyle Peterson
Steve Benson
Charles Olson
Gordon Buck
Andrew Held
E.J. McElwee
Wally Kempe
Doug Love
James Hoff
Parties of Record prior to hearing
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services

CHALLENGES AND JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for challenges and appeals. Any person wishing to file or respond to a challenge or appeal should contact the Planning Department for further procedural information.

CHALLENGE

Section 152.85 of the Zoning Code allows the Hearing Examiner's recommendation to be challenged by the applicant or any person who submitted written or oral comments or testimony to the Hearing Examiner. A party who signed a petition may not challenge unless such party also submitted independent written comments or information. The challenge must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., _____, seven (7) calendar days following distribution of the Hearing Examiner's written recommendation on the application. Within this same time period, the person making the challenge must also mail or personally deliver to the applicant and all other people who submitted comments or testimony to the Hearing Examiner, a copy of the challenge together with notice of the deadline and procedures for responding to the challenge.

Any response to the challenge must be delivered to the Planning Department within seven (7) calendar days after the challenge letter was filed with the Planning Department. Within the same time period, the person making the response must deliver a copy of the response to the applicant and all other people who submitted comments or testimony to the Hearing Examiner.

Proof of such mail or personal delivery must be made by affidavit, available from the Planning Department. The affidavit must be attached to the challenge and response letters, and delivered to the Planning Department. The challenge will be considered by the City Council at the time it acts upon the recommendation of the Hearing Examiner.

JUDICIAL REVIEW

Section 152.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within twenty-one (21) calendar days of the issuance of the final land use decision by the City.

LAPSE OF APPROVAL

The applicant must submit to the City a complete building permit application approved under KZC Chapter 125 within four (4) years after approval of the Final PUD, or the lapse provisions of Section 152.115 will apply. Furthermore, the applicant must substantially complete construction approved under Chapter 125 and complete the applicable conditions listed on the Notice of Approval within six (6) years after approval of the Final PUD, or the decision becomes void.

SUBSEQUENT MODIFICATIONS

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

RESOLUTION R-5098

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE FINAL PLAT OF PRESERVE AT KIRKLAND, DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. SUB12-00560, AND SETTING FORTH CONDITIONS TO WHICH THE FINAL PLAT SHALL BE SUBJECT.

1 WHEREAS, the C&G Property Subdivision preliminary plat and
2 planned unit development (now known as Preserve at Kirkland) was
3 approved by the Hearing Examiner on June 10, 2013; and

4
5 WHEREAS, the Department of Planning and Community
6 Development received an application for final plat approval, said
7 application having been made by Toll WA LP, the owner of the real
8 property described in said application, which property is within a
9 Residential Single Family RSX 7.2 zone; and

10
11 WHEREAS, pursuant to the City of Kirkland's Concurrency
12 Management System, KMC Title 25, a concurrency application has been
13 submitted to the City of Kirkland, reviewed by the Public Works official,
14 the concurrency test has been passed, and a concurrency test notice
15 issued; and

16
17 WHEREAS, pursuant to the State Environmental Policy Act (SEPA),
18 RCW 43.21C, the administrative guidelines, and local ordinance adopted
19 to implement SEPA, an environmental checklist has been submitted to
20 the City of Kirkland, reviewed by the Kirkland responsible official, and a
21 mitigated determination of non-significance issued; and

22
23 WHEREAS, said environmental checklist and determination have
24 been made available and accompanied the application throughout the
25 entire review process; and

26
27 WHEREAS, the Director of the Department of Planning and
28 Community Development did make certain Findings, Conclusions and
29 Recommendations and did recommend approval of the subdivision and
30 the final plat, subject to specific conditions set forth in said
31 recommendation; and

32
33 WHEREAS, the City Council, in regular meeting, did consider the
34 environmental documents received from the responsible official,
35 together with the recommendation of the Director of the Department of
36 Planning and Community Development in open meeting, and

37
38 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
39 Kirkland as follows:

40
41 Section 1. The Findings, Conclusions and Recommendations of
42 the Director of the Department of Planning and Community
43 Development, filed in Department of Planning and Community
44 Development File No. SUB12-00560, are adopted by the Kirkland City
45 Council as though fully set forth herein.

46 Section 2. Approval of the final plat of Preserve at Kirkland is
47 subject to the applicant's compliance with the conditions set forth in the
48 Findings, Conclusions and Recommendations adopted by the City
49 Council.

50
51 Section 3. Nothing in this resolution shall be construed as
52 excusing the applicant from compliance with all federal, state or local
53 statutes, ordinances or regulations applicable to this subdivision, other
54 than as expressly set forth herein.

55
56 Section 4. A copy of this resolution, along with the Findings,
57 Conclusions and Recommendations hereinabove adopted shall be
58 delivered to the applicant.

59
60 Section 5. A completed copy of this resolution, including Findings,
61 Conclusions and Recommendations adopted by reference, shall be
62 certified by the City Clerk who shall then forward the certified copy to
63 the King County Department of Assessments.

64
65 Passed by majority vote of the Kirkland City Council in open
66 meeting this _____ day of _____, 2015.

67
68 Signed in authentication thereof this ____ day of _____, 2015.

MAYOR

Attest:

City Clerk