



CITY OF KIRKLAND
Department of Parks & Community Services
505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300
www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: Jennifer Schroder, C.P.R.P., Director
Michael Cogle, Park Planning Manager

Date: February 3, 2011

Subject: RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE AN EASEMENT
GRANTING PRIVATE ACCESS OVER PROPERTY AT FORBES LAKE PARK

RECOMMENDATION:

That the City Council pass the attached Resolution authorizing the City Manager to execute an access easement at Forbes Lake Park as requested by Inna Boriskina.

BACKGROUND DISCUSSION:

Ms. Boriskina owns a lot (Lot 3) adjacent to City-owned property east of Forbes Lake (see Attachments A and B). In the process of constructing a new home on the lot, the property owner has been asked by the Public Works Dept. to provide an adequate hammerhead turn-around from the new home's garage. In order to meet this requirement the Parks and Community Services Department has been asked to grant an access easement.

The City purchased Lot 2 from the Boriskina (e.g. Razumovich) family in 2008 after the original property had been divided into 3 separate parcels. All 3 lots share various access and utility easements; in fact, an existing access easement was already in place when the City originally purchased the property. However it is of insufficient length to meet the requirements of a turn-around for the Boriskina home. The applicant is requesting an additional access easement of approximately 12 feet by 20 feet, or approximately 240 square feet total.

In determining compensation for the easement across public property staff looked at per-square-foot costs of recently acquired land in the vicinity by the City – the Beach Family Trust Property, which was determined to be \$2.00 per square foot. Using the methodology typically used by the City to acquire easements for the purposes of right-of-way improvements, the value was discounted 50%. Using this formula the City's compensation for the proposed easement is established at \$240 (240 sq.ft. x \$2/sq. ft. x 50%).

Granting the requested easement will have no negative impacts to the City's use of park property or plans for future park development. As a result staff recommends approval of the request.

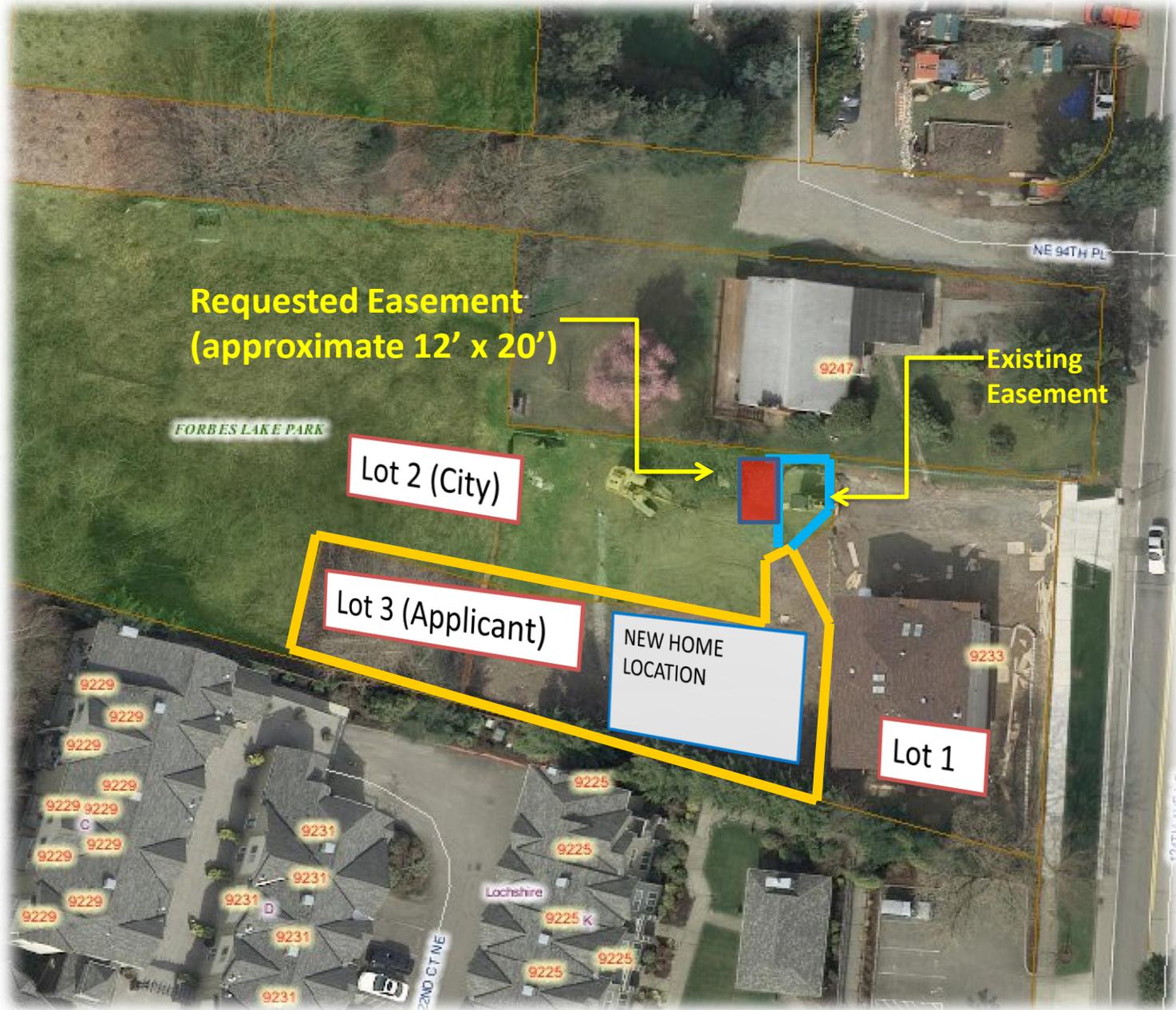
Attachments:

Attachment A – Vicinity Map
Attachment B – Easement Location Map
Resolution

Attachment A – Vicinity Map: Forbes Lake Park Private Easement Request



Attachment B – Location Map: Forbes Lake Park Private Easement Request



RESOLUTION R-4866

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ACCESS EASEMENT OVER CITY PROPERTY.

WHEREAS, Ms. Boriskina owns property adjacent to City-owned property and is requesting an access easement to meet building permit requirements for construction of her new home; and

WHEREAS, the requested easement will have no negative impacts to the City's use of park property or plans for future park development;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The City Manager is hereby authorized and directed to execute on behalf of the City an Access Easement substantially similar to the Access Easement attached hereto as Exhibit A.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2011.

Signed in authentication thereof this ____ day of _____, 2011.

MAYOR

Attest:

City Clerk



ACCESS EASEMENT

THIS ACCESS EASEMENT ("Easement") is made this _____ day of _____, 2011, by and between the City of Kirkland ("Grantor") and Inna Boriskina ("Grantee").

Grantor is the owner of the real property commonly known as Forbes Lake Park, the relevant portion of which is legally described as follows (the "Property"):

BURKE-FARRARS KIRKLAND DIV #14 LOT 2 KIRKLAND SP #SPL 06-00038 REC #20080115900003 SD SP DAF LOT 19 BLOCK 43 OF SD ADD LESS N 60 FT MEAS PLW 124TH AVE NE OF E 180 FT MEAS PLW N LN

Grantee is the owners of real property legally described as follows:

BURKE-FARRARS KIRKLAND DIV #14 LOT 3 KIRKLAND SP #SPL 06-00038 REC #20080115900003 SD SP DAF LOT 19 BLOCK 43 OF SD ADD LESS N 60 FT MEAS PLW 124TH AVE NE OF E 180 FT MEAS PLW N LN

Grantor, for and in consideration of valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants to Grantee, and their successors and assigns, a perpetual, nonexclusive easement for access over, across, and upon the Easement Area described as follows:

COMMENCING AT THE MOST NORTHEASTERLY CORNER OF LOT 2, CITY OF KIRKLAND SHORT PLAT FILE NUMBER SPL-06-003B, RECORDED UNDER KING COUNTY RECORDING NUMBER 20080115900003; THENCE N 84°19'10" W, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 20.02 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING N 84°19'10" W A DISTANCE OF 12.01 FEET; THENCE S 03°04'11" W, A DISTANCE OF 20.02 FEET; THENCE N 03°04'11" E, A DISTANCE OF 20.02 FEET TO THE TRUE POINT OF BEGINNING.

Such Easement contains 240 square feet, more or less.

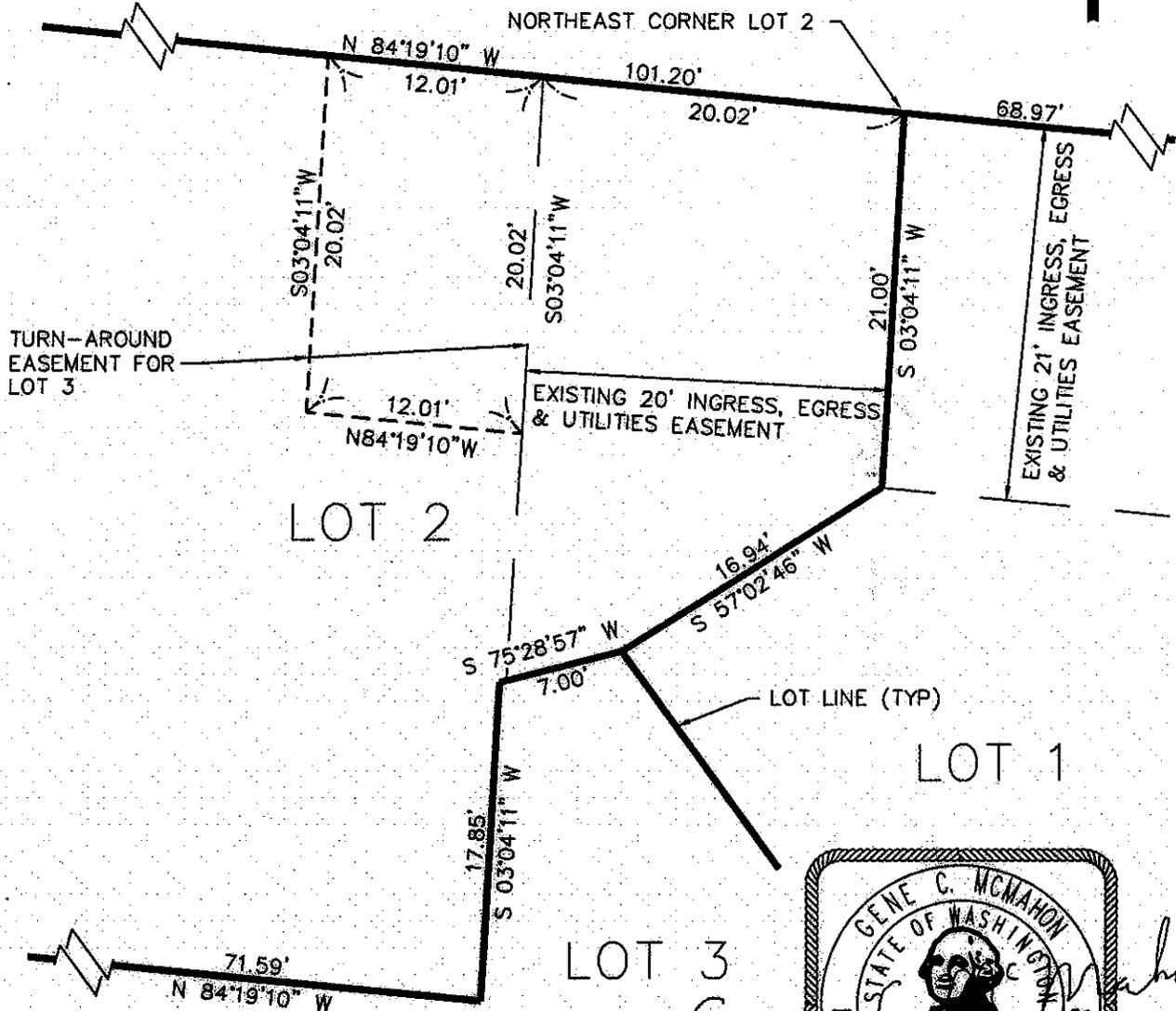
A diagram of the Easement Area is attached hereto.

Grantor also grants to Grantee and those acting under or on behalf of Grantee, the right to enter the Easement Area to construct, install, alter, maintain, repair or replace improvements in the Easement Area. Upon completion of any work within the Easement Area, Grantee shall restore the unimproved portion of the Easement Area, as nearly as reasonably practicable, to the condition it was in before commencement of the work.

In any legal action between the parties hereto to enforce any of the terms of this Easement, the prevailing party shall be entitled to recover all its expenses incurred in connection therewith, including reasonable attorney's fees, including and in connection with appeals.

This Easement contains the entire understanding between the parties and supersedes any prior understanding and agreements between the parties respecting the Easement. There are no

TURN-AROUND EASEMENT MAP EXHIBIT



06/10/2009