



**CITY OF KIRKLAND**

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

---

**MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Ray Steiger, P.E., Interim Public Works Director  
Denise Pirolo, P.E., Project Engineer

**Date:** February 16, 2010

**Subject:** NE 68<sup>TH</sup> STREET/108<sup>TH</sup> AVE NE INTERSECTION IMPROVEMENT PROJECT  
AUTHORIZE CONDEMNATION

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance authorizing staff to proceed with acquisition of right of way through Eminent Domain (aka Condemnation) for parcels on the NE 68<sup>th</sup> ST/108<sup>TH</sup> AVE NE St Intersection Improvement Project.

BACKGROUND DISCUSSION:

The NE 68th St/108<sup>th</sup> Ave NE Intersection Improvement project is approved in the 2009-2014 CIP as CTR-0085, "NE 68th St/108<sup>th</sup> Ave NE Intersection Improvements". In addition to City funding for the project, it is also identified and partially funded as part of Sound Transit's Route 540 improvements in conjunction with the new Transit Center currently under construction in downtown Kirkland. The City's component of the project includes construction of a westbound to northbound right turn lane to maintain a level of service less than the required 1.4 volume to capacity ratio. All four corners of the intersection will be modified to accommodate improved turning movements while also improving pedestrian safety issues (Attachment A). Sound Transit's component of the project addresses the sidewalk radius at the southwest corner of the intersection where the Starbucks is currently located which does not allow an eastbound articulated bus to safely turn southbound onto 108<sup>th</sup> Ave NE without driving up and over the sidewalk; consequently it creates a pedestrian safety hazard.

The intersection improvements require the acquisition of right of way and/or temporary construction easements affecting five parcels and five property owners (Attachment B). The table summarizes the real property and temporary construction easement requirements, the current offers made by the City, and the negotiation status for each parcel. Prior to the start of construction of these improvements, the City must either settle the property transactions or obtain possession and use agreements for the properties while settlements are reached. The City's consultant began negotiations with the affected property owners in September of 2009. While the temporary construction agreements have been reached with two property owners, and it is likely that settlements will be

reached with the 7-11 and Starbucks property owners, it is unlikely a settlement will be reached with the Sabegh's prior to the scheduled start of construction in mid 2010. The Sabegh property owner is in the process of obtaining an independent appraisal which will allow for further negotiations. In order to meet the project completion date of Fall 2010, the City must begin the condemnation process now as the judicial process can take several months or longer; Staff will continue to work with the property owner to address their concerns and to offer a fair market value for the property, however the mechanics of the ordinance will provide an opportunity to begin the necessary legal documents.

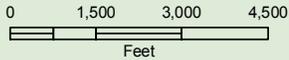
RCW 8.12 authorizes and empowers Cities to condemn land and property for improvements such as those proposed for this project. Condemnation authority is not granted to public entities as a coercive measure as much as it is to allow for the progress of improvements deemed to be in the public's interest. In any action, it would be imperative that the public agency prove the necessity of the improvement. The statutes were written to prevent unreasonable demands being placed on public entities and to afford property owners a fair market value for their properties. Passing of the Ordinance by City Council at this time does not preclude agreements being reached with all property owners prior to the actual condemnation proceedings taking place, but it will enable the City to move toward construction in the event an impasse is reached with any of the property owners. A best case scenario would be to resolve the right of way transaction without undertaking the condemnation option.

Public Works staff has worked closely with the City Attorney's Office in preparing the attached ordinance to comply with the requirements of this eminent domain process. The project budget report is attached as Attachment C.

Attachments



Vicinity Map

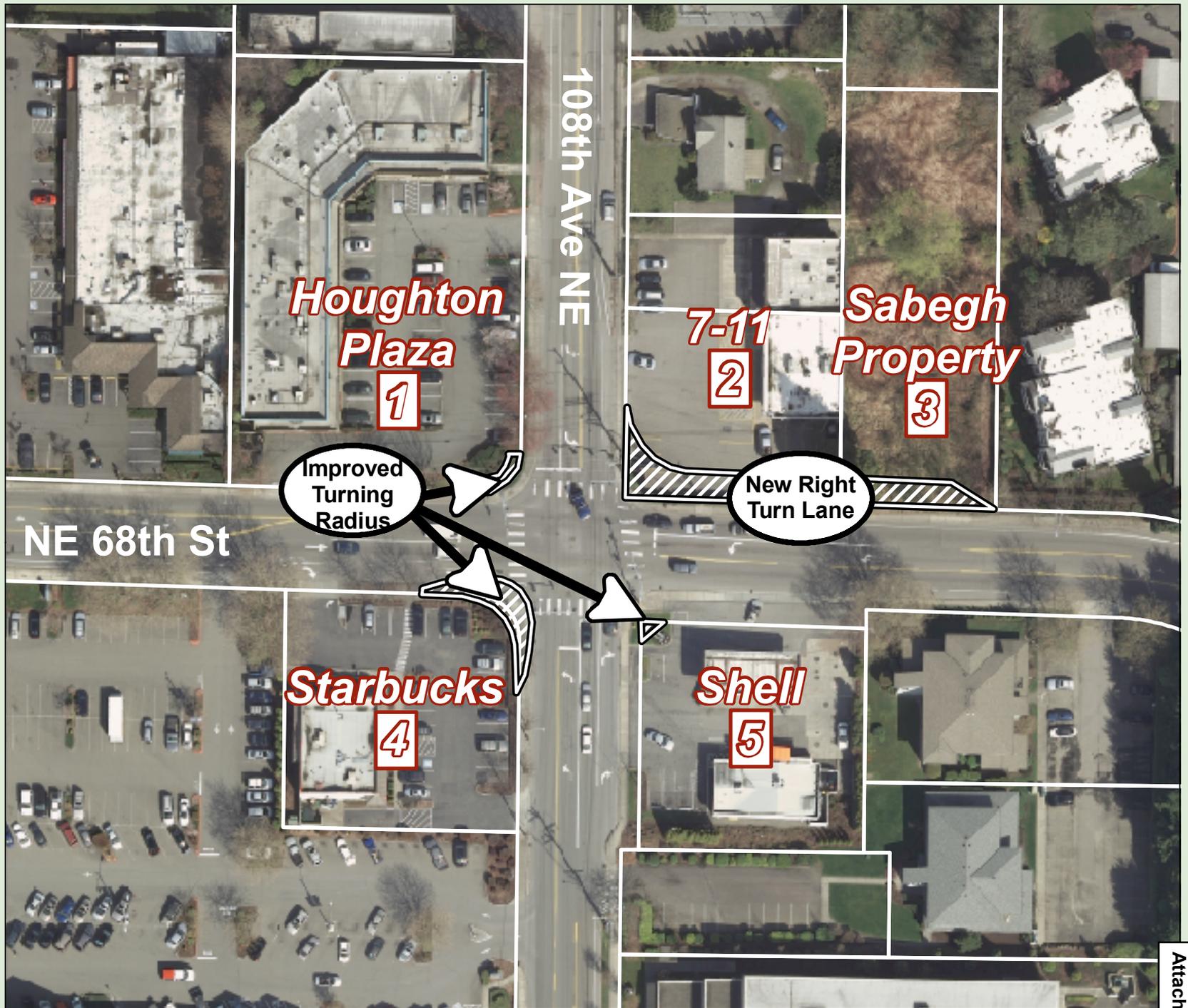


Legend

# Map Reference Number



Produced by the City of Kirkland.  
© 2009, the City of Kirkland, all rights reserved.  
No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.



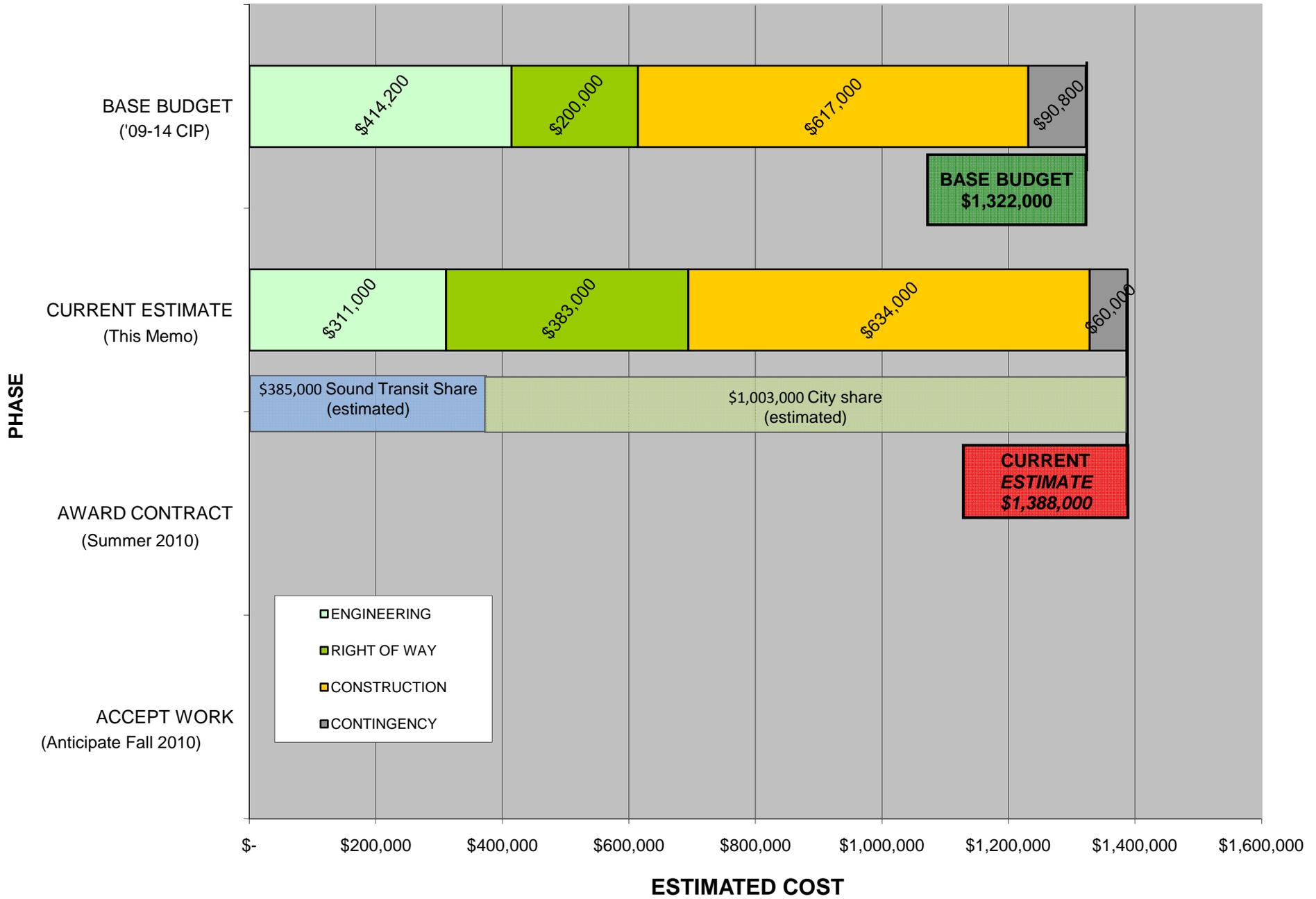
# NE 68th St / 108th Ave NE Intersection Improvement Project

## NE 68th/108th INTERSECTION IMPROVEMENT PROJECT

Ref #	Business	Tax Payer Name/Address	Acquisition ROW (SF)	ROW Price (SF)	ROW Cost	TCE Area (SF)	TCE Cost	TCE	Perm Util Esmt Area (SF)	Perm Util (SF)	Perm Util	Improvements Taken	Estimated Damages	Admin Settlement	Total Offer	Status
1	Houghton Plaza	Houghton Plaza Limited Liability, 720 Fourth Ave, Suite 120, Kirkland, WA 98033				245	\$70 x 10% for 1 year	\$1,715							\$1,715	AOS Complete/Easement recorded/payment executed
2	7-11	DS Edison LLC, Attn: Tax Dept #18146, PO Box 711, Dallas, TX 75221	2323	\$75	\$174,200	2440	\$75 x 10%/yr @ .5 yr	\$9,200	34	\$75/sf @ 15%	\$400	\$26,200	\$30,700		\$241,000	In negotiations, second offer letter sent, waiting for sign relocation approval from Planning Dept.
3	Vacant (Sabegh Property)	Mariam Sabegh, c/o Chianglin Law Firm, PPLC, 12501 Bel-Red Road, Suite 209, Bellevue, WA 98005	1213	\$52.00	\$63,100	830	\$52.00 @10%/yr @ .5yr	\$2,200							\$65,300	Offer has been presented, owner is obtaining independent appraisal
4	Starbucks	Houghton Group, LLC c/o Kennedy Wilson PO Box 52850 Bellevue, WA 98015	744	\$75	\$55,775		2 parking spaces for 3 months	\$3,300	149	\$75/sf @ 15%	\$1,677	\$6,700	\$1,200	\$5,830	\$74,482	In negotiations, City Attorney's Office working with clients attorney regarding Exclusive Easement rather than Right-of-Way Acquisition area.
5	Shell	Pac West Energy, LLC, 3450 Commercial Court, Meridian, ID 83643				68		\$500 (minimum offer)							\$500.00	AOS Complete/Easement recorded/payment executed

Total \$382,997.00

# NE 68th ST / 108th Avenue NE Intersection Improvements PROJECT BUDGET REPORT



ORDINANCE NO. 4236

AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF INTERESTS IN LAND FOR THE PURPOSE OF CONSTRUCTION OF THE NE 68TH STREET/108TH AVENUE NE INTERSECTION IMPROVEMENTS PROJECT WITHIN THE CITY OF KIRKLAND; PROVIDING FOR CONDEMNATION AND TAKING OF LAND AND PROPERTY RIGHTS NECESSARY THEREFOR, PROVIDING FOR THE COST OF PROPERTY ACQUISITION AND AUTHORIZING THE INITIATION OF APPROPRIATE PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATION.

WHEREAS, the NE 68<sup>th</sup> Street/108<sup>th</sup> Avenue NE Intersection Improvements Project is an approved and funded project in the 2009-2014 Capital Improvement Program ("CIP"), listed as Project No. TR 0085 ("Project"); and

WHEREAS, the 2009-2014 CIP was approved by the Kirkland City Council on December 16, 2008 by Resolution R-4753; and

WHEREAS, the Project improvements are necessary to provide needed lane configurations, pedestrian facilities, and utility systems and installation of traffic signal controllers and components; and

WHEREAS, the City Council finds that the public health, safety, necessity, and convenience require construction of the Project and acquisition of the property described in this Ordinance; and

WHEREAS, the City has provided notice to affected property owners of this final action authorizing condemnation pursuant to RCW 8.25.290.

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. The lands and property rights within the City of Kirkland, King County, Washington, described in Exhibit A attached to this Ordinance and which descriptions are hereby incorporated by reference, necessary for public road purposes, are hereby condemned, appropriated, taken and damaged for such public purposes, subject to the making or paying of just compensation to the owners thereof in the manner provided by law.

Section 2. The Project is fully-funded and the expense of acquiring said property rights shall be paid for from the appropriate funding source within the city's portion of general current revenue for each CIP project.

Section 3. The City Attorney is authorized and directed to begin and prosecute legal proceedings in the manner provided by the

law to purchase, condemn, take, appropriate, and otherwise acquire the lands and other property rights and privileges necessary to carry out the purposes of this Ordinance.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in regular, open meeting this \_\_\_\_ day of \_\_\_\_\_, 2010.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
MAYOR

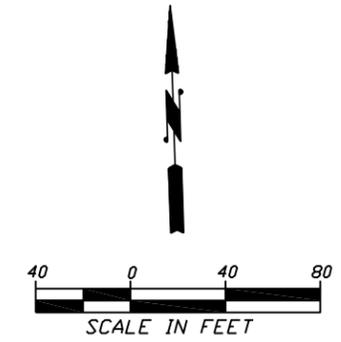
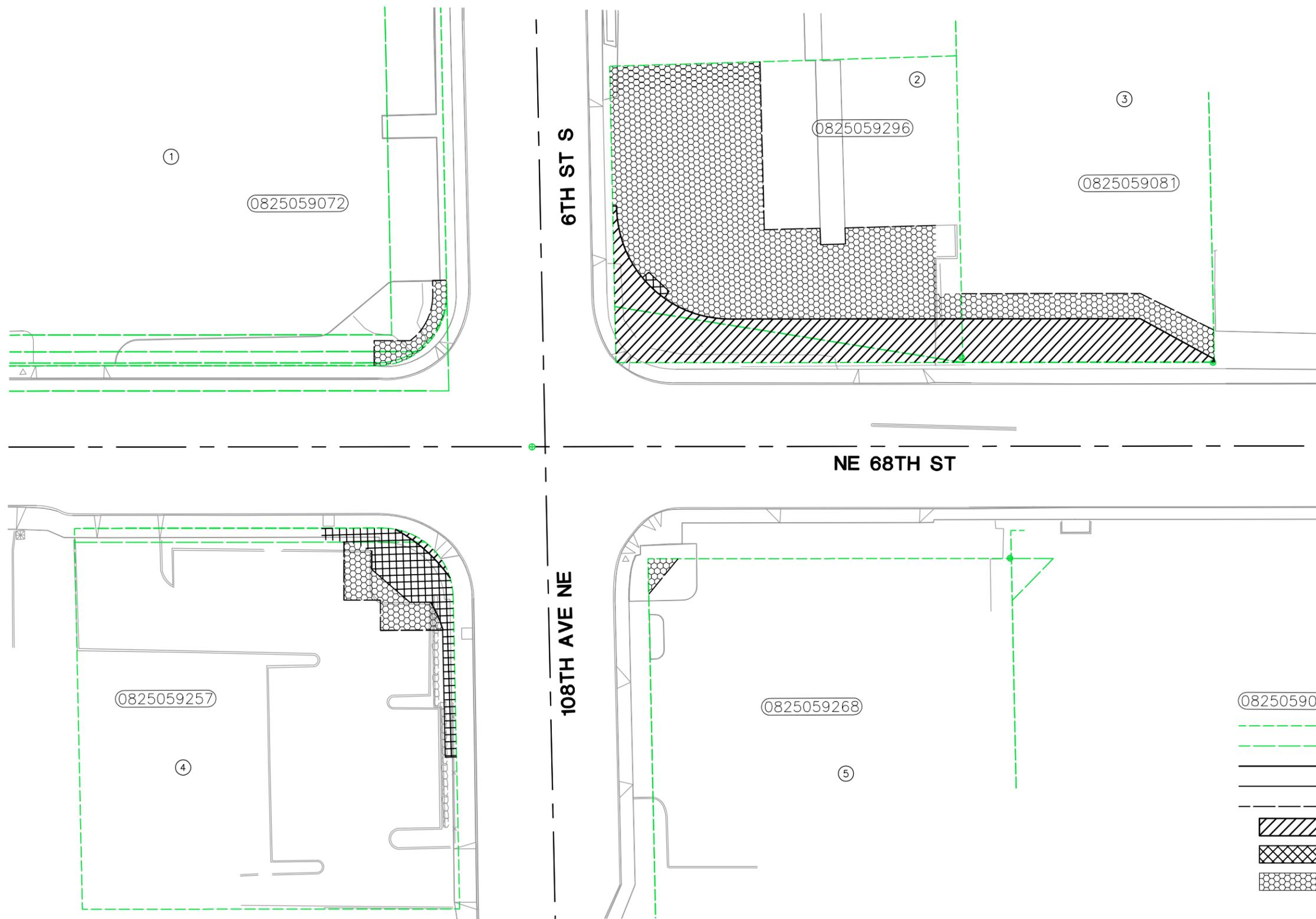
Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

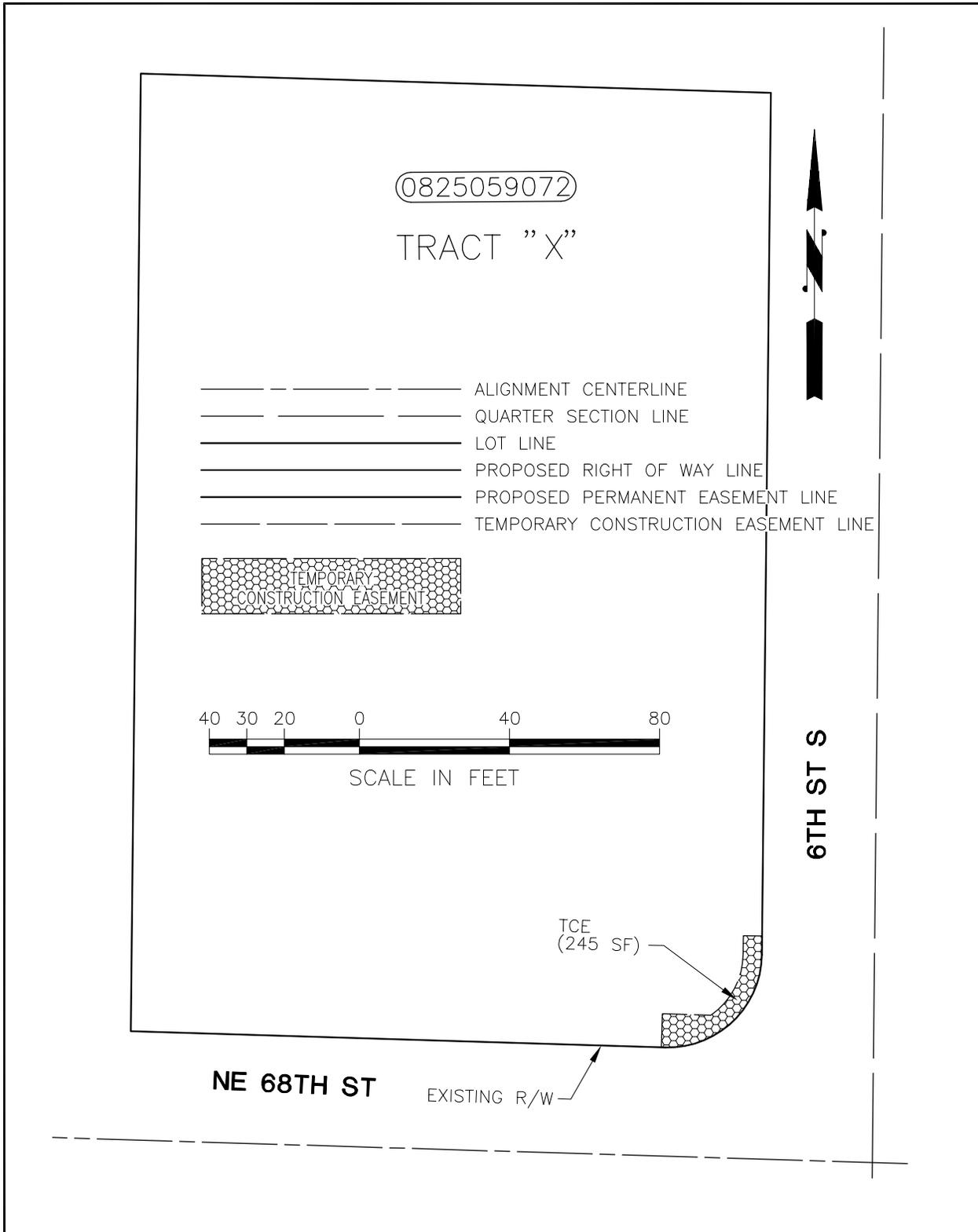
SEC. 8 NE., T. 25 N., R. 5E



**LEGEND**

0825059072	PROPERTY NUMBER
	EXISTING RIGHT OF WAY
	EXISTING EASEMENT
	PROPOSED RIGHT OF WAY
	PROPOSED PERMANENT EASEMENT
	TEMPORARY CONSTRUCTION EASEMENT
	RIGHT OF WAY
	PERMANENT EASEMENT
	TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT A



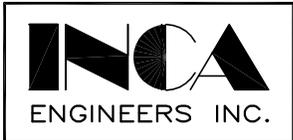
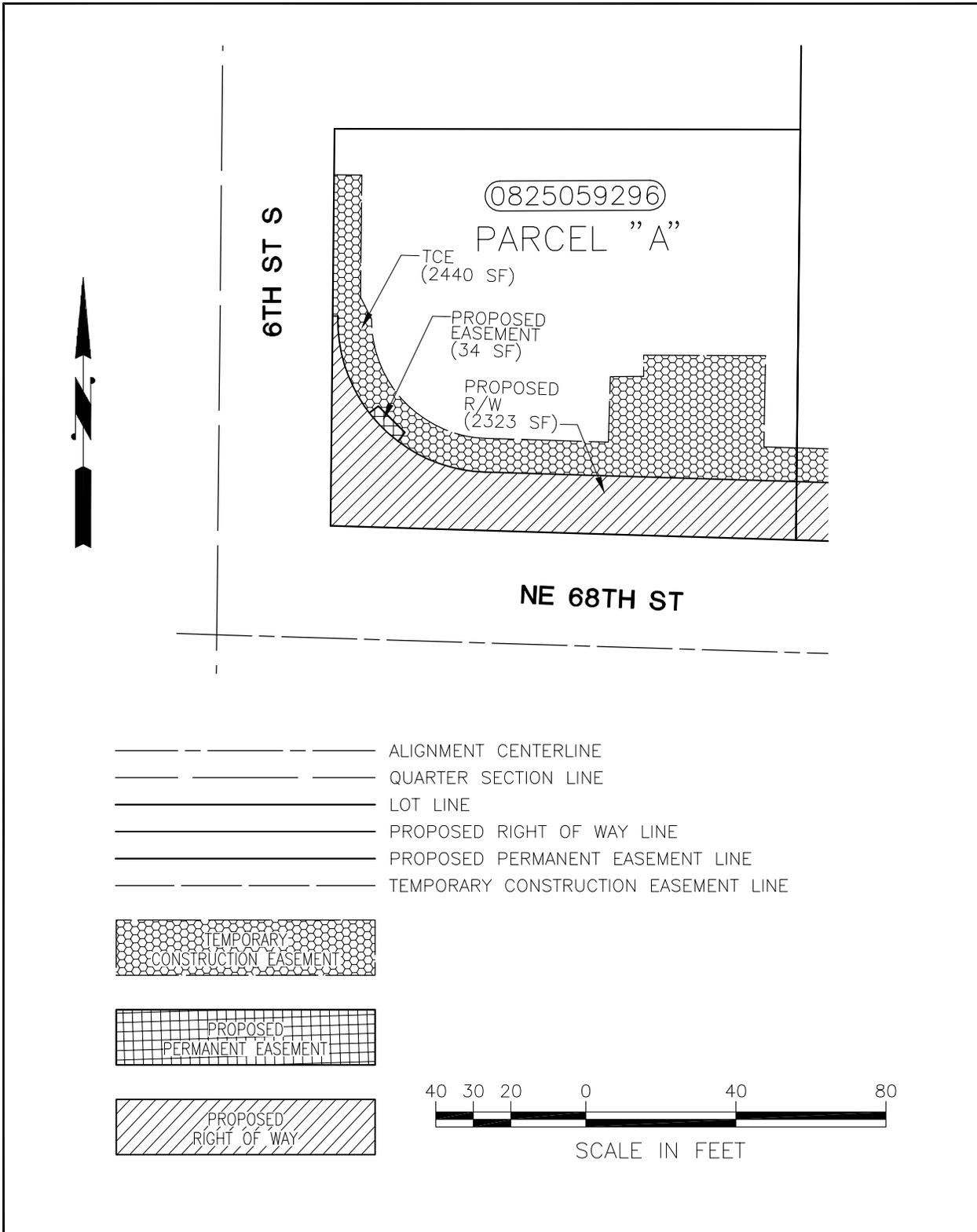
**TEMPORARY CONSTRUCTION EASEMENT AREA DESCRIPTION:**

A TEMPORARY CONSTRUCTION EASEMENT BEING ALL THAT LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHWEST CORNER OF TRACT "X" AS DESCRIBED BELOW; THENCE S 88°14'41" E ALONG THE SOUTH LINE OF SAID TRACT "X" A DISTANCE OF 141.43 FEET TO THE TRUE POINT OF BEGINNING; THENCE S 88°14'41" E 1.00 FEET; THENCE ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 91°09'43" A DISTANCE OF 39.78 FEET; THENCE N 0°35'36" E ALONG THE EAST LINE OF SAID TRACT "X" A DISTANCE OF 5.00 FEET; THENCE N 89°24'24" W 5.00 FEET; THENCE S 0°35'36" W PARALLEL WITH SAID EAST LINE 5.00 FEET; THENCE ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 54°34'18" A DISTANCE OF 19.05 FEET; THENCE N 88°14'41" W PARALLEL WITH SAID SOUTH LINE OF TRACT "X" 12.92 FEET; THENCE S 1°45'19" W 8.94 FEET TO THE POINT OF BEGINNING.

TRACT "X" IS THAT PORTION OF TRACT "B", SOUTH KIRKLAND ACREAGE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 94, RECORDS OF KING COUNTY, WASHINGTON, SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 259.11 FEET SOUTH OF THE NORTHEAST CORNER OF SAID TRACT "B"; THENCE SOUTH ALONG THE WEST LINE OF 108TH AVENUE NE A DISTANCE OF 264.49 FEET TO THE NORTH LINE OF COUNTY ROAD; THENCE WESTERLY ALONG THE NORTH LINE OF SAID COUNTY ROAD 167.94 FEET; THENCE NORTH 264.49 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE TRACT CONVEYED TO CARL NILSON BY DEED RECORDED UNDER RECORDING NO. 1234234; THENCE S 88°38'00" E 167.94 FEET TO THE POINT OF BEGINNING; EXCEPT THE SOUTH 9 FEET THEREOF; EXCEPT THAT PORTION THEREOF LYING SOUTHEASTERLY OF AN ARC WHICH HAS A RADIUS OF 25.00 FEET AND WHOSE RADIUS POINT IS 54.00 FEET NORTHERLY WHEN MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF NE 68TH STREET AND LYING ON A LINE 55.00 FEET WESTERLY OF AND PARALLEL TO THE CENTERLINE OF 108TH AVENUE NE, SAID ARC BEGINNING ON A LINE 29.00 FEET NORTHERLY WHEN MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF NORTHEAST 68TH STREET AND TERMINATING AT A POINT ON THE WESTERLY RIGHT OF WAY MARGIN OF 108TH AVENUE NE, KING COUNTY, WASHINGTON.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA = 245 SQUARE FEET





CITY OF KIRKLAND – INTERSECTION IMPROVEMENT  
**KING COUNTY ASSESSOR'S #**  
**0825059296**

RIGHT OF WAY AREA DESCRIPTION:

A PROPOSED RIGHT OF WAY BEING A PORTION OF PARCEL "A" OF CITY OF KIRKLAND SHORT PLAT NO. 75-9-11, AS RECORDED OCTOBER 29, 1975 UNDER RECORDING NO.7510290579, RECORDS OF KING COUNTY, WASHINGTON, SITUATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON. SAID RIGHT OF WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL "A"; THENCE N 0°35'36" E ALONG THE WEST LINE OF SAID PARCEL "A" 55.96 FEET; THENCE S 89°24'24" E 1.39 FEET; THENCE S 0°35'36" W 0.51 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 40.50 FEET TO WHICH A RADIAL LINE BEARS N 89°04'18" W; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°11'24" A DISTANCE OF 63.04 FEET; THENCE S 88°15'05" E 83.03 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL "A"; THENCE S 0°35'36" W 15.57 FEET ALONG SAID EAST LINE TO A POINT ON THE SOUTH LINE OF SAID PARCEL "A"; THENCE N 88°14'41" W ALONG SAID SOUTH LINE 124.11 FEET TO THE POINT OF BEGINNING.

TOTAL RIGHT OF WAY AREA = 2323 SQUARE FEET



PERMANENT EASEMENT AREA DESCRIPTION:

A PROPOSED PERMANENT EASEMENT BEING A PORTION OF PARCEL "A" OF CITY OF KIRKLAND SHORT PLAT NO. 75-9-11, AS RECORDED OCTOBER 29, 1975 UNDER RECORDING NO. 7510290579, RECORDS OF KING COUNTY, WASHINGTON, SITUATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON. SAID EASEMENT BEING MORE PARTICULARLY BE DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL "A"; THENCE N 0°35'36" E ALONG THE WEST LINE OF SAID PARCEL "A" 55.96 FEET; THENCE S 89°24'24" E 1.39 FEET; THENCE S 0°35'36" W 0.51 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 40.50 FEET TO WHICH A RADIAL LINE BEARS N 89°04'18" W; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 38°32'56" A DISTANCE OF 27.25 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°16'44" A DISTANCE OF 10.80 FEET; THENCE ALONG A RADIAL LINE OF SAID CURVE N 37°06'02" E 3.00 FEET; THENCE N 45°15'36" W 9.97 FEET TO A POINT ON A RADIAL LINE OF SAID CURVE; THENCE S 52°22'46" W 3.00 FEET ALONG SAID RADIAL LINE TO THE POINT OF BEGINNING.

TOTAL PERMANENT EASEMENT AREA = 34 SQUARE FEET



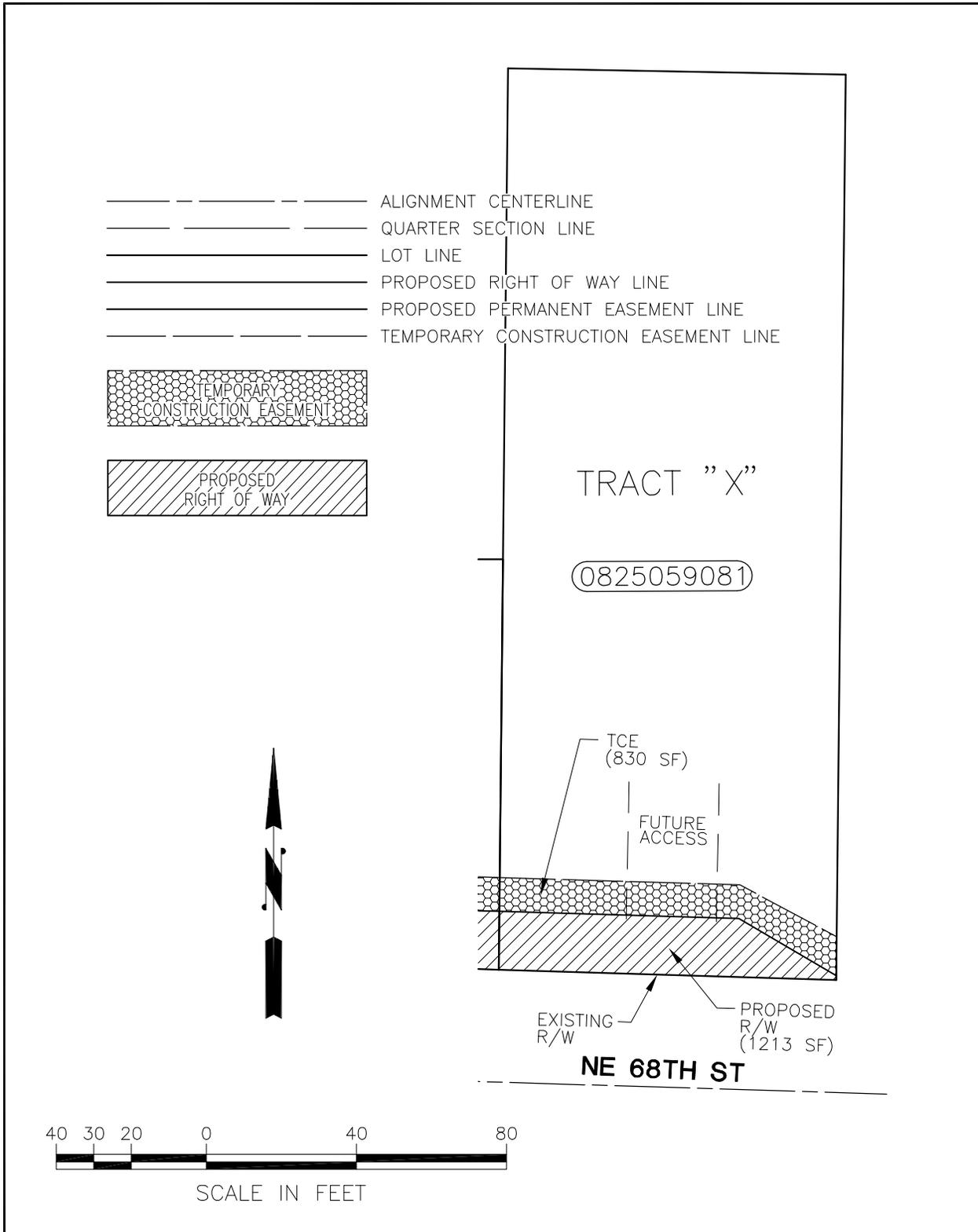
**TEMPORARY CONSTRUCTION EASEMENT AREA DESCRIPTION:**

A TEMPORARY CONSTRUCTION EASEMENT BEING A PORTION OF PARCEL "A" OF CITY OF KIRKLAND SHORT PLAT NO. 75-9-11, AS RECORDED OCTOBER 29, 1975 UNDER RECORDING NO.7510290579, RECORDS OF KING COUNTY, WASHINGTON, SITUATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON. SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL "A"; THENCE N 0°35'36" E ALONG THE WEST LINE OF SAID PARCEL "A" 55.96 FEET TO THE TRUE POINT OF BEGINNING; THENCE S 89°24'24" E 1.39 FEET; THENCE S 0°35'36" W 0.51 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 40.50 FEET TO WHICH A RADIAL LINE BEARS N 89°04'18" W; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 38°32'56" A DISTANCE OF 27.25 FEET; THENCE ALONG A RADIAL LINE OF SAID CURVE N 52°22'46" E 3.00 FEET; THENCE S 45°15'36" E 9.97 FEET; THENCE S 37°06'02" W 3.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 40.50 FEET TO WHICH A RADIAL LINE BEARS S 37°06'02" W; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 35°21'43" A DISTANCE OF 25.00 FEET; THENCE S 88°15'05" E 83.03 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL "A"; THENCE N 0°35'36" E ALONG SAID EAST LINE 9.00 FEET; THENCE N 88°15'05" W 8.83 FEET; THENCE N 1°03'41" E 24.35 FEET; THENCE N 89°47'34" W 32.48 FEET; THENCE S 0°10'56" W 5.70 FEET; THENCE S 89°45'21" W 8.86 FEET; THENCE S 1°44'55" W 17.47 FEET; THENCE N 88°15'05" W 32.56 FEET; THENCE ALONG A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 31.50 FEET THROUGH A CENTRAL ANGLE OF 88°50'17" A DISTANCE OF 48.84 FEET; THENCE N 26°43'30" W 6.54 FEET; THENCE N 0°35'12" E 32.55 FEET; THENCE N 89°24'48" W 7.38 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL "A"; THENCE S 0°35'36" W ALONG THE WEST LINE OF SAID PARCEL "A" 37.61 FEET TO THE POINT OF BEGINNING.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA = 2440 SQUARE FEET





RIGHT OF WAY AREA DESCRIPTION:

A PROPOSED RIGHT OF WAY BEING ALL THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE SOUTHEAST CORNER OF TRACT "X" AS DESCRIBED BELOW; THENCE N 0°35'36" E 1.16 FEET ALONG THE EAST LINE OF SAID TRACT "X"; THENCE N 59°36'28" W 30.09 FEET; THENCE N 88°15'05" W 63.87 FEET TO A POINT ON THE WEST LINE OF SAID TRACT "X"; THENCE S 0°35'36" W 15.57 FEET ALONG THE WEST LINE OF SAID TRACT "X"; THENCE S 88°14'41" E 89.98 FEET ALONG THE NORTH LINE OF STATE AID ROAD NO. 4 (AND THE SOUTH LINE OF SAID TRACT "X") TO THE POINT OF BEGINNING.

TRACT "X" IS THE SOUTH ONE-HALF OF THE FOLLOWING DESCRIBED TRACT: BEGINNING 154.08 FEET EAST AND 30.00 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON; THENCE N 89°39'02" E 89.95 FEET; THENCE S 0°15'29" E 485.43 FEET, MORE OR LESS, TO STATE AID ROAD NO. 4 (NE 68TH STREET); THENCE WESTERLY ALONG THE NORTH LINE OF SAID ROAD, 89.98 FEET; THENCE N 0°15'29" W 483.10 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TOTAL RIGHT OF WAY AREA = 1213 SQUARE FEET



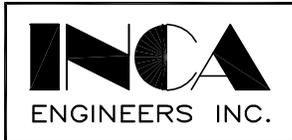
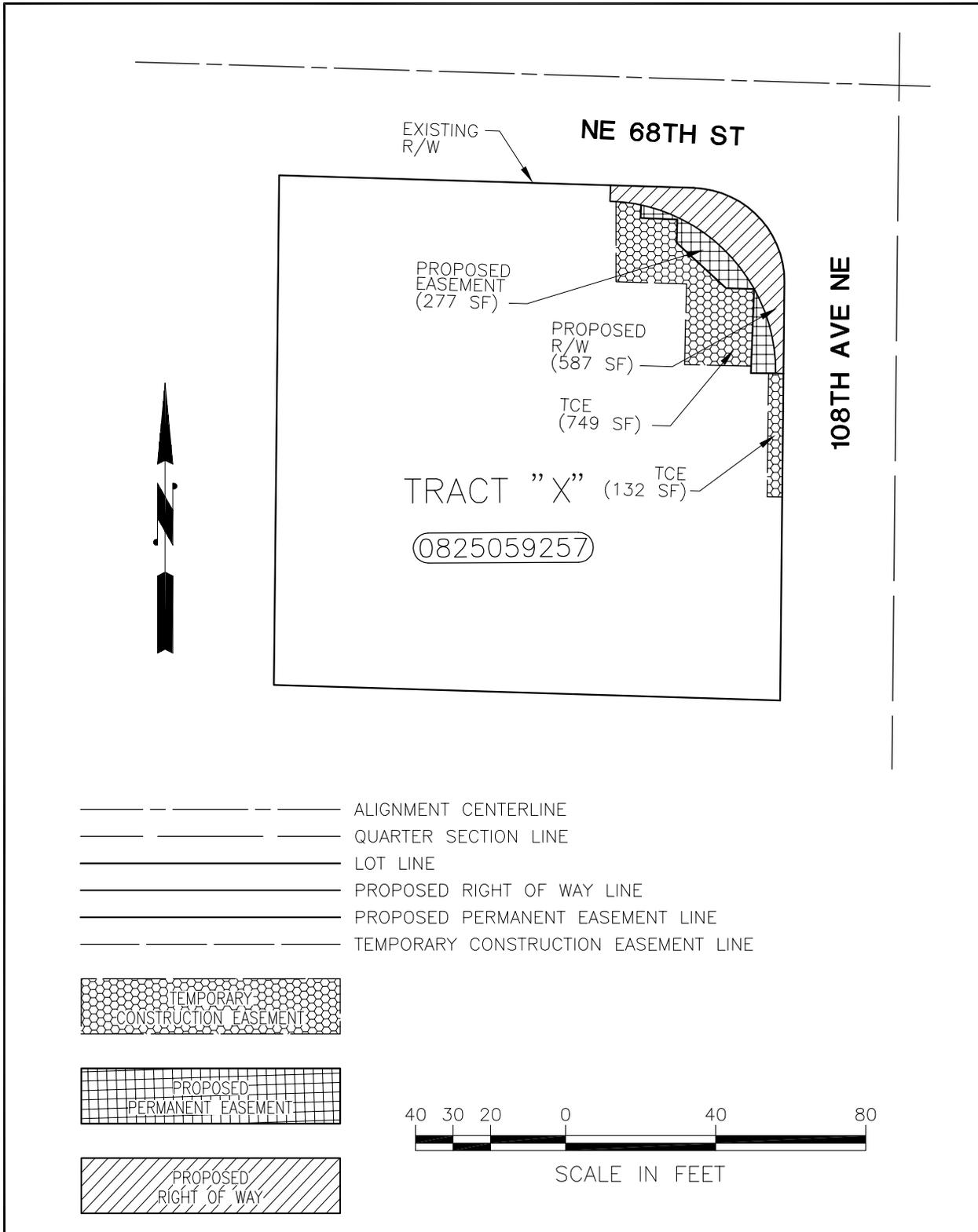
TEMPORARY CONSTRUCTION EASEMENT AREA DESCRIPTION:

A TEMPORARY CONSTRUCTION EASEMENT BEING ALL THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHEAST CORNER OF TRACT "X" AS DESCRIBED BELOW; THENCE N 0°35'36" E 1.16 FEET ALONG THE EAST LINE OF SAID TRACT "X" TO THE TRUE POINT OF BEGINNING; THENCE N 0°35'36" E 10.40 FEET ALONG THE EAST LINE OF SAID TRACT "X"; THENCE N 61°48'23" W 29.25 FEET; THENCE N 88°15'05" W 64.05 FEET TO A POINT ON THE WEST LINE OF SAID TRACT "X"; THENCE S 0°35'36" W 9.00 FEET ALONG THE WEST LINE OF SAID TRACT "X"; THENCE S 88°15'05" E 63.87 FEET; THENCE S 59°36'28" E 30.09 FEET TO THE POINT OF BEGINNING.

TRACT "X" IS THE SOUTH ONE-HALF OF THE FOLLOWING DESCRIBED TRACT: BEGINNING 154.08 FEET EAST AND 30.00 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON; THENCE N 89°39'02" E 89.95 FEET; THENCE S 0°15'29" E 485.43 FEET, MORE OR LESS, TO STATE AID ROAD NO. 4 (NE 68TH STREET); THENCE WESTERLY ALONG THE NORTH LINE OF SAID ROAD, 89.98 FEET; THENCE N 0°15'29" W 483.10 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA = 830 SQUARE FEET





CITY OF KIRKLAND – INTERSECTION IMPROVEMENT  
 KING COUNTY ASSESSOR'S #  
 0825059257

RIGHT OF WAY AREA DESCRIPTION:

A PROPOSED RIGHT OF WAY BEING THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE NORTHWEST CORNER OF TRACT "X" AS DESCRIBED BELOW; THENCE S 88°14'41" E ALONG THE NORTH LINE OF SAID TRACT "X" 88.41 FEET TO THE TRUE POINT OF BEGINNING; THENCE S 1°44'55" W 4.24 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 45.50 FEET TO WHICH A RADIAL LINE BEARS N 1°44'55" E; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 88°50'17" A DISTANCE OF 70.55 FEET; THENCE S 89°24'48" E 2.09 FEET TO A POINT ON THE EAST LINE OF SAID TRACT "X"; THENCE N 0°35'36" E ALONG SAID LINE 24.29 FEET; THENCE ALONG A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 88°50'17" A DISTANCE OF 38.76 FEET; THENCE N 88°14'41" W ALONG THE NORTH LINE OF SAID TRACT "X" 22.10 FEET TO THE POINT OF BEGINNING.

TRACT "X" IS THAT PORTION OF AN UNPLATTED TRACT OF LAND SHOWN ON THE PLAT OF SOUTH KIRKLAND ACREAGE, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 94, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EASTERLY PROLONGATION OF THE NORTH LINE OF TRACT 27 IN SAID PLAT WITH THE WEST LINE OF COUNTY ROAD; THENCE WEST ALONG SAID EASTERLY PROLONGATION, 135 FEET; THENCE SOUTHERLY, PARALLEL WITH THE SAID WEST LINE OF COUNTY ROAD, 145 FEET; THENCE EAST, PARALLEL WITH SAID EASTERLY PROLONGATION, 135 FEET; THENCE NORTHERLY ALONG SAID WEST LINE OF COUNTY ROAD, 145 FEET TO THE POINT OF BEGINNING; EXCEPT THAT PORTION THEREOF LYING WITHIN NE 68TH STREET.

TOTAL RIGHT OF WAY AREA = 587 SQUARE FEET



**PERMANENT EASEMENT AREA DESCRIPTION:**

A PROPOSED PERMANENT EASEMENT BEING ALL THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE NORTHWEST CORNER OF TRACT "X" AS DESCRIBED BELOW; THENCE S 88°14'41" E ALONG THE NORTH LINE OF SAID TRACT "X" 88.41 FEET; THENCE S 1°44'55" W 4.24 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 45.50 FEET TO WHICH A RADIAL LINE BEARS N 1°44'55" E; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°27'39" A DISTANCE OF 8.31 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 78°22'38" A DISTANCE OF 62.24 FEET; THENCE ALONG A RADIAL LINE N 89°24'48" W 6.62 FEET; THENCE N 2°16'33" E 22.52 FEET; THENCE N 88°31'41" W 7.46 FEET; THENCE N 47°33'45" W 17.94 FEET; THENCE N 1°44'51" E 6.22 FEET; THENCE N 87°31'30" W 9.79 FEET; THENCE N 2°21'12" E 3.44 FEET TO THE POINT OF BEGINNING.

TRACT "X" IS THAT PORTION OF AN UNPLATTED TRACT OF LAND SHOWN ON THE PLAT OF SOUTH KIRKLAND ACREAGE, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 94, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EASTERLY PROLONGATION OF THE NORTH LINE OF TRACT 27 IN SAID PLAT WITH THE WEST LINE OF COUNTY ROAD; THENCE WEST ALONG SAID EASTERLY PROLONGATION, 135 FEET; THENCE SOUTHERLY, PARALLEL WITH THE SAID WEST LINE OF COUNTY ROAD, 145 FEET; THENCE EAST, PARALLEL WITH SAID EASTERLY PROLONGATION, 135 FEET; THENCE NORTHERLY ALONG SAID WEST LINE OF COUNTY ROAD, 145 FEET TO THE POINT OF BEGINNING; EXCEPT THAT PORTION THEREOF LYING WITHIN NE 68TH STREET.

TOTAL PERMANENT EASEMENT AREA = 277 SQUARE FEET



**TEMPORARY CONSTRUCTION EASEMENT AREA DESCRIPTION:**

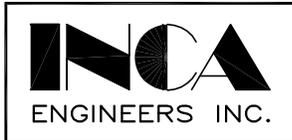
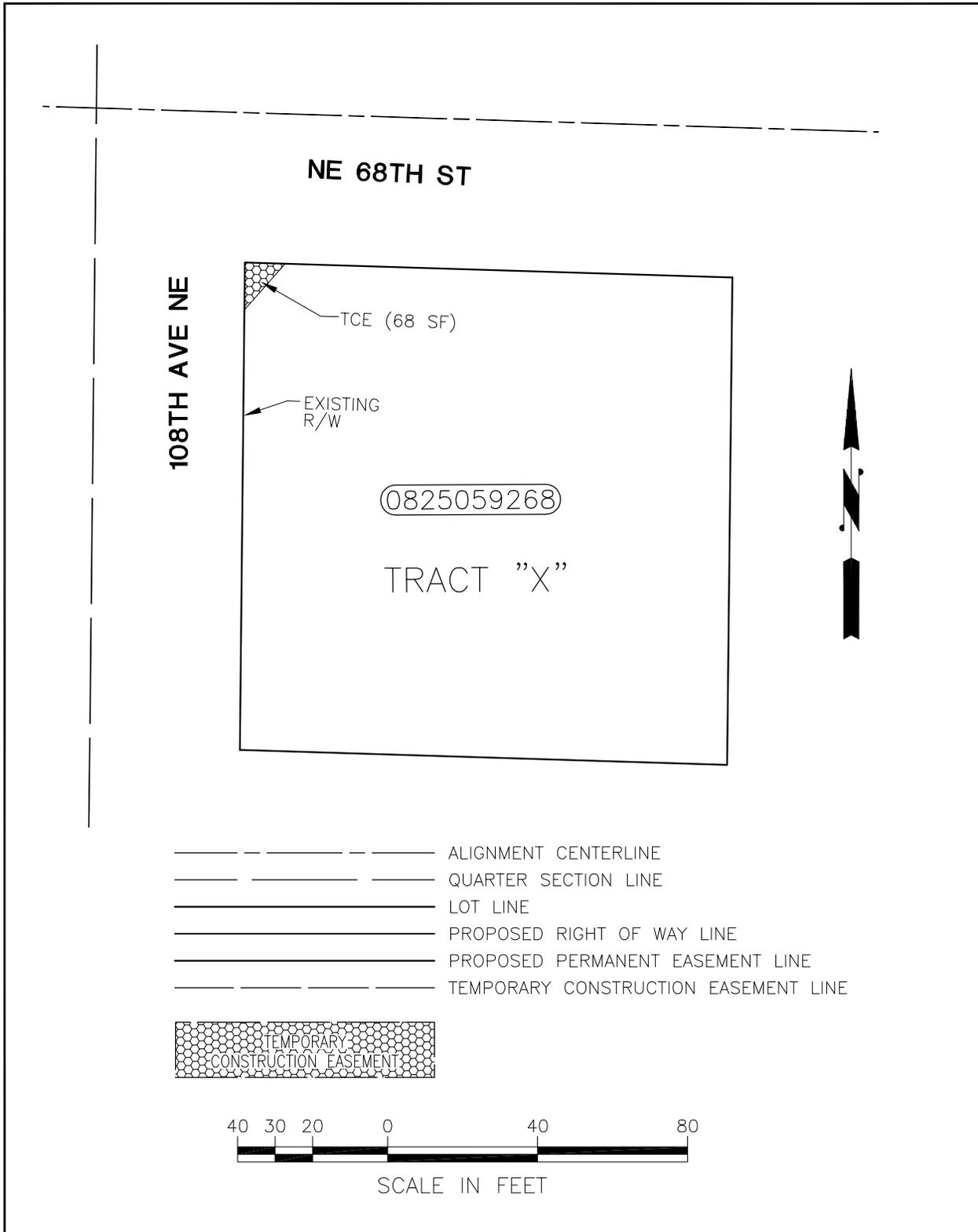
A TEMPORARY CONSTRUCTION EASEMENT BEING ALL THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE NORTHWEST CORNER OF TRACT "X" AS DESCRIBED BELOW; THENCE S 88°14'41" E ALONG THE NORTH LINE OF SAID TRACT "X" 88.41 FEET; THENCE S 1°44'55" W 4.24 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 45.50 FEET TO WHICH A RADIAL LINE BEARS N 1°44'55" E; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 1°56'24" A DISTANCE OF 1.54 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 8°31'15" A DISTANCE OF 6.77 FEET; THENCE S 2°21'12" W 3.44 FEET; THENCE S 87°31'30" E 9.79 FEET; THENCE S 1°44'55" W 6.22 FEET; THENCE S 47°33'45" E 17.94 FEET; THENCE S 88°31'41" E 7.46 FEET; THENCE S 2°16'33" W 20.62 FEET; THENCE N 88°44'48" W 17.75 FEET; THENCE N 1°28'19" E 21.55 FEET; THENCE N 88°15'09" W 18.81 FEET; THENCE N 0°05'06" W 21.40 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ALL THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHEAST CORNER OF TRACT "X" AS DESCRIBED BELOW; THENCE N 0°35'36" E ALONG THE EAST LINE OF SAID TRACT "X" 54.27 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE EAST LINE OF SAID TRACT "X" N 0°35'36" E A DISTANCE OF 32.94 FEET; THENCE N 89°24'48" W 4.00 FEET; THENCE S 0°35'36" W PARALLEL WITH THE EAST LINE OF SAID TRACT "X" 32.94 FEET; THENCE S 89°24'24" E 4.00 FEET TO THE POINT OF BEGINNING.

TRACT "X" IS THAT PORTION OF AN UNPLATTED TRACT OF LAND SHOWN ON THE PLAT OF SOUTH KIRKLAND ACREAGE, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 94, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EASTERLY PROLONGATION OF THE NORTH LINE OF TRACT 27 IN SAID PLAT WITH THE WEST LINE OF COUNTY ROAD; THENCE WEST ALONG SAID EASTERLY PROLONGATION, 135 FEET; THENCE SOUTHERLY, PARALLEL WITH THE SAID WEST LINE OF COUNTY ROAD, 145 FEET; THENCE EAST, PARALLEL WITH SAID EASTERLY PROLONGATION, 135 FEET; THENCE NORTHERLY ALONG SAID WEST LINE OF COUNTY ROAD, 145 FEET TO THE POINT OF BEGINNING; EXCEPT THAT PORTION THEREOF LYING WITHIN NE 68TH STREET.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA = 881 SQUARE FEET





CITY OF KIRKLAND – INTERSECTION IMPROVEMENT  
**KING COUNTY ASSESSOR'S #**  
**0825059268**

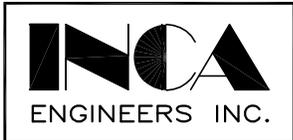
PAGE **1**  
 OF **2**

TEMPORARY CONSTRUCTION EASEMENT AREA DESCRIPTION:

A TEMPORARY CONSTRUCTION EASEMENT BEING A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS THE INTERSECTION OF THE SOUTH RIGHT OF WAY MARGIN OF NE 68TH STREET AND THE EAST RIGHT OF WAY MARGIN OF 108TH AVENUE NE AND RUNNING THENCE SOUTH ALONG SAID EAST MARGIN OF 108TH AVENUE NE A DISTANCE OF 140 FEET; THENCE RUNNING EAST PARALLEL TO THE SOUTH MARGIN OF NE 68TH STREET A DISTANCE OF 140 FEET; THENCE RUNNING NORTH PARALLEL TO THE EAST MARGIN OF 108TH AVENUE NE A DISTANCE OF 140 FEET; THENCE WESTERLY ALONG THE SOUTH MARGIN OF NE 68TH STREET A DISTANCE OF 140 FEET TO THE POINT OF BEGINNING; EXCEPT THE NORTH AND WEST 10 FEET AS CONVEYED FOR STREET BY DEED RECORDED MARCH 6, 1967 UNDER RECORDING NO. 6146279. HEREAFTER KNOWN AS TRACT "X"

ALL THAT PORTION OF TRACT "X" LYING WITHIN THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT ; THENCE S 88°14'41" E ALONG THE NORTH LINE OF SAID TRACT 10.75 FEET; THENCE S 41°26'37" W 16.44 FEET TO A POINT ON THE WEST LINE OF SAID TRACT; THENCE N 0°35'36" E ALONG THE WEST LINE OF SAID TRACT 12.65 FEET TO THE POINT OF BEGINNING AND THE TERMINUS OF THIS LINE.

TOTAL TEMPORARY CONSTRUCTION EASEMENT = 68 SQUARE FEET



CITY OF KIRKLAND – INTERSECTION IMPROVEMENT  
KING COUNTY ASSESSOR'S #  
0825059268

PAGE 2  
OF 2

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4236

AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF INTERESTS IN LAND FOR THE PURPOSE OF CONSTRUCTION OF THE NE 68TH STREET/108TH AVENUE NE INTERSECTION IMPROVEMENTS PROJECT WITHIN THE CITY OF KIRKLAND; PROVIDING FOR CONDEMNATION AND TAKING OF LAND AND PROPERTY RIGHTS NECESSARY THEREFOR, PROVIDING FOR THE COST OF PROPERTY ACQUISITION AND AUTHORIZING THE INITIATION OF APPROPRIATE PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATION.

SECTION 1. Authorizes condemnation of property necessary for the NE 68<sup>th</sup> Street/108<sup>th</sup> Avenue NE Intersection Improvements Project.

SECTION 2. Provides that the Project is fully funded and that the expense of acquiring the property shall be paid for from the appropriate funding source within the city's portion of general current revenue for each CIP project.

SECTION 3. Authorizes the City Attorney to initiate condemnation proceedings to acquire the property necessary for the Project.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

I certify that the foregoing is a summary of Ordinance \_\_\_\_\_ approved by the Kirkland City Council for summary publication.

\_\_\_\_\_  
City Clerk