



**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225  
www.ci.kirkland.wa.us

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## MEMORANDUM

**To:** David Ramsay, City Manager

**From:** Eric Shields, Planning Director  
Tony Leavitt, Associate Planner

**Date:** February 3, 2010

**Subject:** JUANITA BAY PARK TOWNHOMES PLAT VACATION, PCD FILE NO.  
PSB09-00001

### **RECOMMENDATION**

Consider the plat vacation application and the Hearing Examiner recommendation, and direct staff to return to the March 2<sup>nd</sup> Council meeting with an ordinance to either:

- Grant the application as recommended by the Hearing Examiner; or
- Modify and grant the application; or
- Deny the application.

Option to adopt ordinance on February 16<sup>th</sup>: Under the Council Rules of Procedure, Section 26, the City Council shall consider a Process IIB application at one meeting and vote on the application at the next or a subsequent meeting. The City Council may, by a vote of at least five members, suspend the rule to vote on the matter at the next meeting and vote on the application at this meeting. A proposed Ordinance approving the plat vacation accompanies this staff memo in the event the City Council elects to suspend the rule and approve the plat vacation at this meeting.

In the alternative, the Council may direct that the application be considered at a reopening of the hearing before the Hearing Examiner and specify the issues to be considered at the hearing.

### **RULES FOR CITY COUNCIL CONSIDERATION**

The City Council shall consider the Zoning Permit application based on the record before the Hearing Examiner and the recommendation of the Hearing Examiner. Process IIB review by the City Council is a closed record hearing and does not provide for testimony and oral arguments. However, the City Council in its discretion may ask questions of the applicant and staff regarding facts in the record, and may request oral argument on legal issues.

## **BACKGROUND DISCUSSION**

### Proposal

John Parsaie of Morgan Design Group, representing the property owners, has submitted an application to vacate the approved and recorded Juanita Bay Park Townhomes Final Subdivision (PCD File No. FSB08-00001). The vacation would revert the existing 11 lots and access tract back to one lot and would also vacate the portion of the 99th Place NE that was dedicated to the City as part of the subdivision recording.

The applicant has indicated that financing for the townhome project has been rescinded by their bank and the approved project can not proceed. The adjoining athletic club has purchased the site for additional parking. That purchase and sale agreement requires the property to be reverted to a single parcel through vacation of the approved plat.

### Public Hearing

The Hearing Examiner held an open record public hearing on January 21<sup>st</sup>. City Staff and the applicant testified and answered questions from the Hearing Examiner during the hearing. No members of the public testified or submit comments during or prior to the public hearing.

On January 21<sup>st</sup>, the Hearing Examiner recommended approval of the application per Staff's recommendation (see Enclosure 1).

## **ENCLOSURES**

1. Hearing Examiner Recommendation and Exhibits

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

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**APPLICANT:** John Parsaie of Morgan Design Group on behalf of Northwest Townhomes, LLC (Owners/Sellers) and Oskoui Family Limited Partnership (Owners/Purchasers as of 12/15/09)

**FILE NO:** PSB09-00001

**APPLICATION:**

**Site Location:** 11425 through 11445 99<sup>th</sup> Place NE

**Request:** To vacate the approved and recorded Juanita Bay Park Townhomes Final Subdivision (PCD File No. FSB08-00001) and a portion of the 99<sup>th</sup> Place NE right-of-way that was dedicated to the City when the subdivision was recorded. The plat vacation would result in the existing 11 lots and access tract reverting to one lot.

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

**Key Issues:** Compliance with criteria for Plat Vacation and Process IIB zoning permit approval.

**SUMMARY OF RECOMMENDATIONS:**

Department of Planning and Community Development : Approve  
Hearing Examiner: Approve

**PUBLIC HEARING:**

The Hearing Examiner held a public hearing on the applications at 9:00 a.m. on January 21, 2010, in the Council Chamber, City Hall, 123 Fifth Avenue, Kirkland, Washington. A verbatim recording of the hearing is available in 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.

**PUBLIC COMMENT:**

Neither the Department nor the Hearing Examiner received public comment on the plat vacation, and no members of the public attended the hearing.

**FINDINGS, CONCLUSIONS AND RECOMMENDATION:**

**A. Findings of Fact and Conclusions:**

After considering the evidence in the record and inspecting the site, the Examiner enters the following findings of fact and conclusions:

1. The Findings of Fact and Conclusions set forth at pages 2 through 5 of the Department's Advisory Report, Exhibit A, are accurate and are adopted by reference.
2. An additional Finding of Fact is added as II.F.2(5) as follows: Public Works Department Staff advises that the new owner of the property has applied for a permit to install a parking lot on the property, and that a new right-of-way dedication will be completed with the permit to accommodate required street improvements to 99<sup>th</sup> Place NE.

**B. Recommendation:**

Based upon the foregoing findings of fact and conclusions, the Hearing Examiner recommends that the Council approve the plat vacation.

Entered this 21<sup>st</sup> day of January, 2010.

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Sue A. Tanner  
Hearing Examiner

## **CHALLENGES AND JUDICIAL REVIEW**

The following is a summary of the deadlines and procedures for challenges. Any person wishing to file or respond to a challenge 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**

KMC Section 22.26.670 requires that the owner submit a plat vacation document to the planning department, meeting the requirements of this chapter and the conditions of approval within one year following the date the plat vacation was approved or the plat vacation approval becomes void.

**Hearing Examiner Recommendation**

**File No. PSB09-00001**

**Page 4 of 4**

**EXHIBIT:**

The following exhibit was entered into the record:

- A. Department of Planning and Community Development Staff Advisory Report dated January 12, 2010, with 5 attachments

**PARTIES OF RECORD**

Applicant: John Parsaie, Morgan Design Group, 11207 Fremont Avenue North, Seattle, WA 98133

Previous Property Owner: Gordon Stephenson, Northwest Townhomes LLC, 8001 14<sup>TH</sup> Avenue NE, Seattle, WA 98115

Current Property Owner: Oskoui Family Limited Partnership, 11400 98<sup>th</sup> Avenue NE, Suite 300, Kirkland, WA 98033

Department of Planning and Community Development

Department of Public Works

Department of Building and Fire Services



**CITY OF KIRKLAND**  
Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225  
www.ci.kirkland.wa.us

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## ADVISORY REPORT FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

**To:** Kirkland Hearing Examiner

**From:** \_\_\_\_\_ Tony Leavitt, Associate Planner  
\_\_\_\_\_ Eric R. Shields, AICP, Planning Director

**Date:** January 12, 2010

**File:** JUANITA BAY PARK TOWNHOMES PLAT VACATION; PSB09-00001

**Hearing Date and Place:** January 21, 2009  
City Hall Council Chamber  
123 Fifth Avenue, Kirkland

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## I. INTRODUCTION

### A. APPLICATION

1. Applicant: John Parsaie of Morgan Design Group representing Northwest Townhomes, LLC (Property Owners). On December 15, 2009, Northwest Townhomes, LLC sold the property to the Oskoui Family Limited Partnership. Mr. Parsaie also represents the new property owners.
2. Site Location: 11425 thru 11445 99<sup>th</sup> Place NE (see Attachment 1).
3. Request: Proposal to vacate the approved and recorded Juanita Bay Park Townhomes Final Subdivision (PCD File No. FSB08-00001). The vacation would revert the existing 11 lots and access tract back to one lot (see Attachment 2) and would also vacate the portion of the 99th Place NE that was dedicated to the City as part of the subdivision recording (see Attachment 3).
4. Review Process: Process IIB, Hearing Examiner conducts public hearing and makes recommendation; City Council makes final decision.
5. Summary of Key Issues: Compliance with Plat Vacation and Process IIB Zoning Permit Approval Criteria (see Sections II.E and F).

### B. RECOMMENDATIONS

Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, we recommend approval of this plat vacation application.

## II. FINDINGS OF FACT AND CONCLUSIONS

### A. SITE DESCRIPTION

1. Site Development and Zoning:
  - a. Facts:
    - (1) Size: 19,800 square feet (.44 acres)
    - (2) Land Use: The site currently contains a temporary parking lot for the neighboring Columbia Athletic Club. A grading permit application for a permanent parking lot has been submitted by the property owners. None of the approved townhomes were ever constructed on the site and until recently the site was vacant.
    - (3) Zoning: Juanita Business District (JBD) 2 Zone (no minimum lot size for attached residential units)
    - (4) Terrain: The site has a significant slope on the eastern half of the property and levels out on the western half of the property.
    - (5) Vegetation: The subject property contains a total of 2 significant trees.
  - b. Conclusions: Size, land use, zoning, terrain, and vegetation are not constraining factors in the review of this application.

2. Neighboring Development and Zoning:
  - a. Facts: The following are the uses, allowed heights, and zoning of the properties adjacent to the subject property:
    - North:** JBD 2 Zone. The property to the north contains the Columbia Athletic Club building and an associated parking lot.
    - East:** RM 2.4 Zone. A 3 story multifamily development, The Hallmark Juanita Condominiums, currently exists on the site.
    - South:** JBD 2 Zone. The property to the southwest contains the Juanita Veterinary Hospital and the property to the southeast is vacant.
    - West:** JBD 2 Zone. The property immediately to the west contains a parking lot owned by the owners of the Juanita Veterinary Hospital property. On the west side of NE 98th Street is Juanita Bay Park.
  - b. Conclusion: The neighboring development and zoning are not factors in the review of this application.

## **B. HISTORY**

1. Facts:
  - a. On July 31, 2007, the Kirkland Hearing Examiner approved with conditions a Preliminary Subdivision application (PCD File No. PSB06-00001) to subdivide the subject property into 11 lots.
  - b. On August 5, 2008, the City Council approved with conditions a Final Subdivision application (PCD File No. FSB08-00002). The approval required that prior to recording of the plat the applicant install or bond for the completion of required right-of-way improvements.
  - c. On August 8, 2008, the applicant submitted a performance bond to ensure the completion of required right-of-way improvements to the Public Works Department.
  - d. The plat mylar was recorded with King County Records on August 29, 2008 (see Attachment 3).
2. Conclusion: Previously approved subdivision applications and plat recording are relevant factors in the review of the application.

## **C. PUBLIC COMMENT**

The initial public comment period ran from November 30 to December 22, 2009. The Planning Department received no comments during the initial comment period or prior to the drafting of this memorandum.

Additionally, Staff sent a Notice of Application to all utilities that service the site to assess any potential impacts to these providers. The Northshore Utility District and Puget Sound Energy responded that there would be no impacts to their existing facilities.

## **D. STATE ENVIRONMENTAL POLICY ACT (SEPA) & CONCURRENCY**

The plat vacation application is exempt from the State Environmental Policy Act (SEPA) and Traffic Concurrency Review.

## **E. APPROVAL CRITERIA**

### **1. Process IIB Zoning Permit**

#### **a. Facts:**

- (1) Kirkland Municipal Code Section 22.26.030 states that an application for the vacation of a plat shall be reviewed using the Process IIB Review Process described in Kirkland Zoning Code Chapter 152.
- (2) Zoning Code section 152.70.3 states that a Process IIB application may be approved if:
  - It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
  - It is consistent with the public health, safety, and welfare.

- #### **b. Conclusion:** The proposal complies with the criteria in section 152.70.3. It is consistent with all applicable development regulations contained in the Kirkland Municipal Code (see Sections II.F). In addition, it is consistent with the public health, safety, and welfare because it will allow the vacation of a recorded plat with no impacts on neighboring properties or the City as a whole.

## **F. DEVELOPMENT REGULATIONS**

### **1. Application Requirements**

#### **a. Facts:**

- (1) KMC Section 22.26.050.c states that the applicant shall submit the reasons for plat vacation.
- (2) Jay Young of Northwest Townhomes LLC submitted a letter outlining the property owners need for a plat vacation (see Attachment 4).

- #### **b. Conclusions:** The applicant complies with the application requirements of KMC Section 22.26.050.

### **2. Conditions and Restrictions**

#### **a. Facts:**

- (1) KMC Section 22.26.530 states the hearing examiner shall include in the written recommendation any conditions and restrictions that he/she determines are necessary to eliminate or minimize any undesirable effects of granting the application for a vacation of all or a portion of a plat.
- (2) Additionally, this section states that if any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, shall be deeded to the city unless the hearing examiner and city council set forth findings that the public use would not be served in retaining the title to those lands.

- (3) As part of the plat recording, approximately 36 square feet of the subject property was dedicated to the City to accommodate right-of-way improvements along 99<sup>th</sup> Place NE that were a condition of the approved plat.
- (4) Public Works Department Staff recommends that the dedicated portion of 99<sup>th</sup> Place NE right-of-way be vacated as part of the plat vacation (see Attachment 5).

b. Conclusions:

- (1) Staff has not identified any conditions or restrictions necessary to eliminate or minimize any undesirable effects of granting the application for a vacation of the plat.
- (2) The dedicated portion of 99<sup>th</sup> Place NE should be vacated as part of the plat vacation.

### III. LAPSE OF APPROVAL

KMC Section 22.26.670 requires that the owner submit a plat vacation document to the planning department, meeting the requirements of this chapter and the conditions of approval within one year following the date the plat vacation was approved or the plat vacation approval becomes void.

### IV. CHALLENGES AND JUDICIAL REVIEW

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

#### A. 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.

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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.

## **B. 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.

## **V. APPENDICES**

Attachments 1 through 5 are attached

1. Vicinity Map
2. Plat Vacation Plans
3. Plat Recording Document
4. Plat Vacation Letter from Applicant
5. Public Works Memo

## **VI. PARTIES OF RECORD**

Applicant: John Parsaie, Morgan Design Group, 11207 Fremont Avenue North, Seattle, WA 98133

Previous Property Owner: Gordon Stephenson, Northwest Townhomes LLC, 8001 14<sup>TH</sup> Avenue NE, Seattle, WA 98115

Current Property Owner: Oskoui Family Limited Partnership, 11400 98<sup>th</sup> Avenue NE, Suite 300, Kirkland, WA 98033

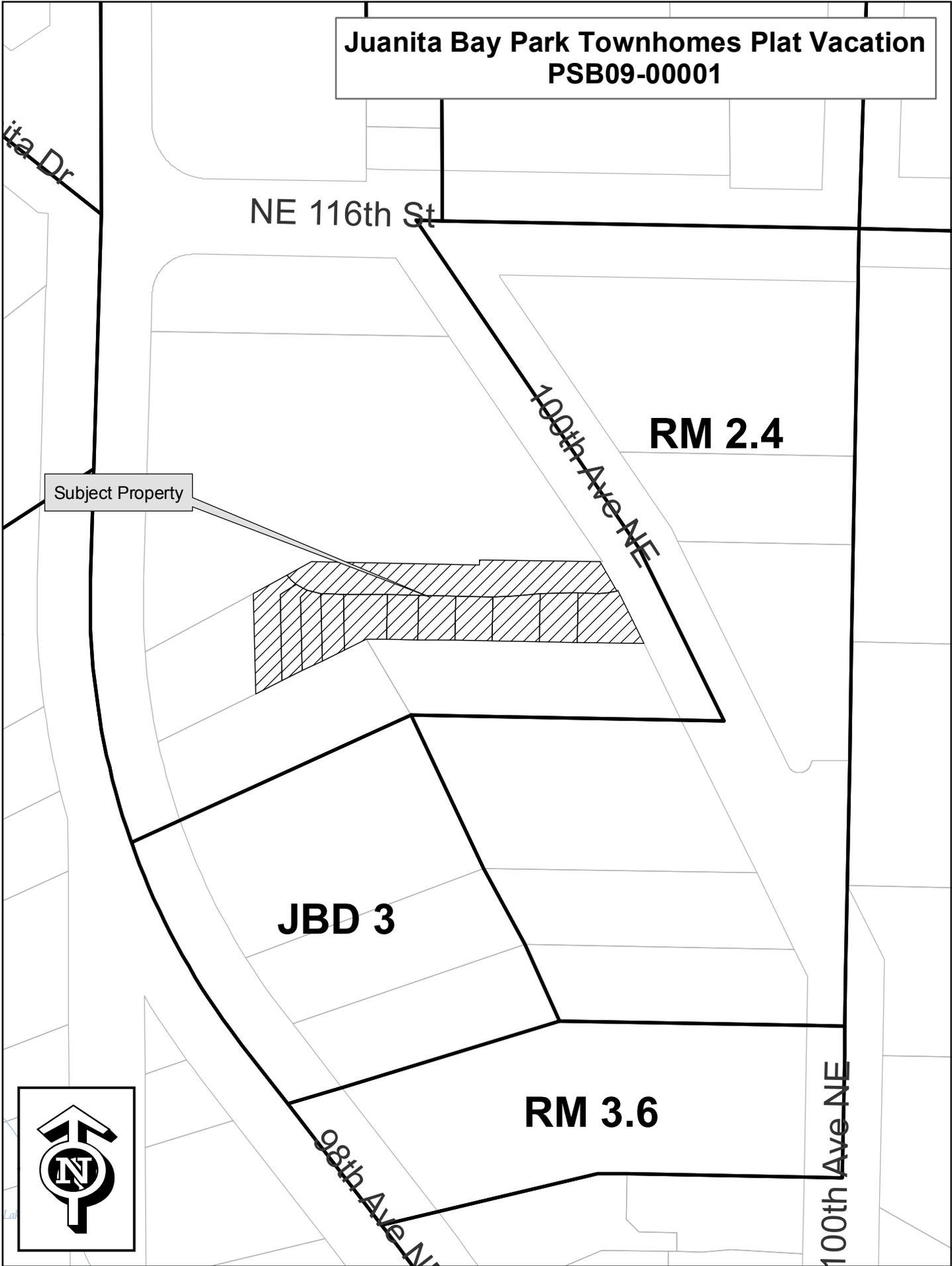
Department of Planning and Community Development

Department of Public Works

Department of Building and Fire Services

**A written recommendation will be issued by the Hearing Examiner within eight calendar days of the date of the open record hearing.**

**Juanita Bay Park Townhomes Plat Vacation  
PSB09-00001**



Subject Property

**RM 2.4**

**JBD 3**

**RM 3.6**



## JUANITA BAY PARK TOWNHOMES PLAT VACATION

CITY OF KIRKLAND  
FILE NO. \_\_\_\_\_

A PORTION OF GOV'T LOT 4 (THE NE. 1/4 OF THE NE. 1/4),  
SECTION 31, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,  
KING COUNTY, WASHINGTON

**LEGAL DESCRIPTION:**

PARCEL 1:  
PARCELS A AND B, OF KIRKLAND LOT LINE ADJUSTMENT NUMBER LLA06-00009, RECORDED UNDER RECORDING NO. 20060726900018, RECORDS OF KING COUNTY, WASHINGTON.  
ALSO KNOWN AS LOTS 1 THROUGH 11, INCLUSIVE, AND TRACT 999, JUANITA BAY PARK TOWNHOMES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 248 OF PLATS, PAGE(S) 83 THROUGH 89, INCLUSIVE, RECORDS OF KING COUNTY, WASHINGTON.  
TOGETHER WITH ROADS AS DEDICATED ON THE FACE OF THE RECORDED PLAT.

PARCEL B:  
EASEMENTS FOR INGRESS, EGRESS AND PEDESTRIAN ACCESS AS GRANTED IN EASEMENT AGREEMENT RECORDED FEBRUARY 22, 2008 UNDER RECORDING NUMBER 20080222001756.

**DECLARATION:**

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF INTEREST IN THE LAND HEREIN DESCRIBED DECLARE THIS PLAT VACATION TO BE THE GRAPHIC REPRESENTATION OF THE PLAT VACATION MADE HEREBY.  
THIS PLAT VACATION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS.  
IN WITNESS WHEREOF WE SET OUR HANDS AND SEALS.

NORTHWEST TOWNHOMES, L.L.C.,  
A WASHINGTON LIMITED LIABILITY COMPANY

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

JUANITA BAY TOWNHOMES HOMEOWNERS ASSOCIATION

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

HOMESTREET BANK,  
A WASHINGTON STATE CHARTED SAVINGS

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

**ACKNOWLEDGEMENTS:**

STATE OF WASHINGTON )  
                                  )SS.  
COUNTY OF KING      )

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT \_\_\_\_\_ SIGNED THIS DECLARATION, ON OATH STATED THAT HE/SHE WAS AUTHORIZED TO EXECUTE THIS INSTRUMENT AND ACKNOWLEDGED IT AS THE \_\_\_\_\_ OF NORTHWEST TOWNHOMES, L.L.C., A WASHINGTON LIMITED LIABILITY COMPANY TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED \_\_\_\_\_

SIGNATURE OF NOTARY PUBLIC \_\_\_\_\_

PRINTED NAME OF NOTARY PUBLIC \_\_\_\_\_

TITLE \_\_\_\_\_

MY APPOINTMENT EXPIRES \_\_\_\_\_

STATE OF WASHINGTON )  
                                  )SS.  
COUNTY OF KING      )

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT \_\_\_\_\_ SIGNED THIS DECLARATION, ON OATH STATED THAT HE/SHE WAS AUTHORIZED TO EXECUTE THIS INSTRUMENT AND ACKNOWLEDGED IT AS THE \_\_\_\_\_ OF JUANITA BAY TOWNHOMES HOMEOWNERS ASSOCIATION TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED \_\_\_\_\_

SIGNATURE OF NOTARY PUBLIC \_\_\_\_\_

PRINTED NAME OF NOTARY PUBLIC \_\_\_\_\_

TITLE \_\_\_\_\_

MY APPOINTMENT EXPIRES \_\_\_\_\_

STATE OF WASHINGTON )  
                                  )SS.  
COUNTY OF KING      )

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT \_\_\_\_\_ SIGNED THIS DECLARATION, ON OATH STATED THAT HE/SHE WAS AUTHORIZED TO EXECUTE THIS INSTRUMENT AND ACKNOWLEDGED IT AS THE \_\_\_\_\_ OF HOMESTREET BANK, A WASHINGTON STATE CHARTED SAVINGS TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED \_\_\_\_\_

SIGNATURE OF NOTARY PUBLIC \_\_\_\_\_

PRINTED NAME OF NOTARY PUBLIC \_\_\_\_\_

TITLE \_\_\_\_\_

MY APPOINTMENT EXPIRES \_\_\_\_\_

**APPROVALS:**

CITY OF KIRKLAND  
KIRKLAND CITY COUNCIL  
APPROVED BY THE KIRKLAND CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

ATTEST: \_\_\_\_\_  
DEPARTMENT OF PUBLIC WORKS  
EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.  
DEPARTMENT OF PUBLIC WORKS

CITY ENGINEER (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 \_\_\_\_\_, 2009.  
DEPARTMENT OF FINANCE

TREASURER, CITY OF KIRKLAND \_\_\_\_\_  
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 \_\_\_\_\_, 2009.

DIRECTOR, DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT \_\_\_\_\_

KING COUNTY:  
DEPARTMENT OF ASSESSMENT  
EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

KING COUNTY ASSESSOR \_\_\_\_\_ DEPUTY KING COUNTY ASSESSOR \_\_\_\_\_

KING COUNTY DEPARTMENT OF TREASURY  
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 ANT OTHER PUBLIC USE ARE PAID IN FULL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

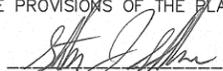
MANAGER, FINANCE DIVISION \_\_\_\_\_ DEPUTY \_\_\_\_\_

RECORDER'S CERTIFICATE  
FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009 AT \_\_\_\_\_ IN VOL. \_\_\_\_\_ OF \_\_\_\_\_ AT PAGE \_\_\_\_\_ AT THE REQUEST OF STEVE SMITH DEVELOPMENT

MANAGER \_\_\_\_\_ SUPT. OF RECORDS \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THIS PLAT VACATION OF JUANITA BAY TOWNHOMES IS BASED ON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 30, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., THAT THE COURSES AND DISTANCES ARE SHOWN CORRECTLY THEREON; THAT THE BOUNDARY CORNERS, AS SHOWN HEREON HAVE BEEN STAKED CORRECTLY ON THE GROUND AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE PLATTING REGULATIONS.

  
STEPHEN J. SCHREI, P.L.S.  
CERTIFICATE NO. 37555



### JUANITA BAY PARK TOWNHOMES PLAT VACATION

GOV'T LOT 4, (NE 1/4, NE 1/4), SEC 31, T.26 N, R.5 E., W.M.

DWN. BY: SJS	DATE: 10/07/09	JOB NO.: 06019
CHKD. BY: SJS	SCALE: N/A	SHEET: 1 OF 3

**DRS D.R. STRONG**  
CONSULTING ENGINEERS  
ENGINEERS PLANNERS SURVEYORS  
10604 NE 38th PLACE, SUITE 101  
KIRKLAND, WA 98033  
425.827.3063 OFFICE  
800.962.1402 TOLL FREE  
425.827.2423 FAX  
www.drstrong.com

# JUANITA BAY PARK TOWNHOMES

## PLAT VACATION

CITY OF KIRKLAND  
FILE NO. \_\_\_\_\_

A PORTION OF GOV'T LOT 4 (THE NE. 1/4 OF THE NE. 1/4),  
SECTION 31, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,  
KING COUNTY, WASHINGTON

### VACATION NOTES:

UPON THE RECORDING OF THIS PLAT VACATION:

1. THAT PORTION OF THE 99TH PLACE NE. RIGHT OF WAY, AS DEDICATED TO THE CITY OF KIRKLAND BY THE PLAT OF JUANITA BAY TOWNHOMES, RECORDED IN VOLUME 248 OF PLATS, PAGES 83 THROUGH 89, UNDER RECORDING NUMBER 20080829000591, RECORDS OF KING COUNTY WASHINGTON IS HEREBY VACATED BY THE CITY OF KIRKLAND. OWNERSHIP OF SAID PORTION OF 99TH PLACE NE. IS HEREBY GRANTED AND CONVEYED TO THE OWNERS OF THE LAND WESTERLY AND ADJOINING SAID VACATED RIGHT OF WAY.
2. ALL EASEMENTS RESERVED, GRANTED, CONVEYED, OR OTHERWISE PRODUCED BY THE PLAT OF JUANITA BAY TOWNHOMES ARE HEREBY RELEASED, TERMINATED AND ABANDONED.
3. ALL COVENANTS, CONDITIONS, RESTRICTIONS AND MAINTENANCE OBLIGATIONS IMPOSED AND/OR PRODUCED BY THE PLAT OF JUANITA BAY TOWNHOMES ARE HEREBY RELEASED, TERMINATED AND ABANDONED.
4. ALL LOTS AND TRACTS PRODUCED BY THE PLAT OF JUANITA BAY TOWNHOMES ARE HEREBY TERMINATED AND EXTINGUISHED. OWNERSHIP OF ALL PROPERTY WITHIN THE PLAT OF JUANITA BAY TOWNHOMES IS HEREBY GRANTED AND CONVEYED TO NORTHWEST TOWNHOMES, LLC, A WASHINGTON LIMITED LIABILITY COMPANY.
5. ALL CONDITIONS OF APPROVAL ASSOCIATED WITH THE JUANITA BAY TOWNHOMES PRELIMINARY SUBDIVISION, CITY OF KIRKLAND FILE PSB06-00001 ARE HEREBY RELEASED, TERMINATED.

### SURVEY NOTES:

1. ALL TITLE INFORMATION SHOWN ON THIS MAP HAS BEEN EXTRACTED FROM STEWART TITLE GUARANTY ALTA POLICY SECOND REPORT ORDER NUMBER 968098 DATED OCTOBER 8, 2009. IN PREPARING THIS MAP, D.R. STRONG CONSULTING ENGINEERS INC. HAS CONDUCTED NO INDEPENDENT TITLE SEARCH NOR IS D.R. STRONG CONSULTING ENGINEERS INC. AWARE OF ANY TITLE ISSUES AFFECTING THE SURVEYED PROPERTY OTHER THAN THOSE SHOWN ON THE MAP AND DISCLOSED BY REFERENCED STEWART TITLE GUARANTY ALTA POLICY. D.R. STRONG CONSULTING ENGINEERS INC. HAS RELIED WHOLLY ON STEWART TITLE GUARANTY COMPANY REPRESENTATIONS OF THE TITLE'S CONDITION TO PREPARE THIS SURVEY AND THEREFOR D.R. STRONG CONSULTING ENGINEERS INC. QUALIFIES THE MAP'S ACCURACY AND COMPLETENESS TO THAT EXTENT.
2. ALL SURVEY CONTROL INDICATED AS "FOUND" WAS RECOVERED FOR THIS PROJECT IN JANUARY, 2006.
3. ALL DISTANCES ARE IN FEET.
4. THIS IS A FIELD TRAVERSE SURVEY. A LEICA FIVE SECOND COMBINED ELECTRONIC TOTAL STATION WAS USED TO MEASURE THE ANGULAR AND DISTANCE RELATIONSHIPS BETWEEN THE CONTROLLING MONUMENTATION AS SHOWN. CLOSURE RATIOS OF THE TRAVERSE MET OR EXCEEDED THOSE SPECIFIED IN WAC 332-130-090. ALL MEASURING INSTRUMENTS AND EQUIPMENT ARE MAINTAINED IN ADJUSTMENT ACCORDING TO MANUFACTURER'S SPECIFICATIONS.

### TITLE RESTRICTIONS:

1. THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF A NOTICE OF TAP OR CONNECTION CHARGES AS DISCLOSED BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 9207300895.
2. THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF A JOINT EASEMENT AGREEMENT AS DISCLOSED BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 20080222001756. SAID EASEMENT STATES THAT IT TERMINATES AND VOIDS PREVIOUS EASEMENT RECORDED UNDER RECORDING NUMBER 8303230455.
3. THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN EASEMENT IN FAVOR OF NORTHSORE UTILITY DISTRICT AS DISCLOSED BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 20080723000288 AND 20080814001008.
4. THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN EASEMENT IN FAVOR OF THE CITY OF KIRKLAND AS DISCLOSED BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 20080815001004.
5. THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF A CITY OF KIRKLAND LOCAL IMPROVEMENT DISTRICT WAIVER/AGREEMENT AS DISCLOSED BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 20080815001005.
6. THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF A CITY OF KIRKLAND LOCAL IMPROVEMENT DISTRICT WAIVER/AGREEMENT AS DISCLOSED BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 20080917001122.

### REFERENCES:

1. THE PLAT OF JUANITA BAY PARK TOWNHOMES RECORDED IN VOLUME 248 OF PLATS, PAGES 83 THROUGH 89, UNDER RECORDING NUMBER 20080829000591, RECORDS OF KING COUNTY, WASHINGTON.
2. CITY OF KIRKLAND LOT LINE ALTERATION NO. LLA06-00002, REC. NO. 20060726900018, RECORDS OF KING COUNTY, WASHINGTON;



## JUANITA BAY PARK TOWNHOMES PLAT VACATION

GOV'T LOT 4, (NE 1/4, NE 1/4), SEC 31, T.26 N, R.5 E., W.M.

DWN. BY: SJS	DATE: 10/07/09	JOB NO.: 06019
CHKD. BY: SJS	SCALE: N/A	SHEET: 2 OF 3

**DRS** D.R. STRONG  
CONSULTING ENGINEERS

ENGINEERS PLANNERS SURVEYORS

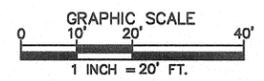
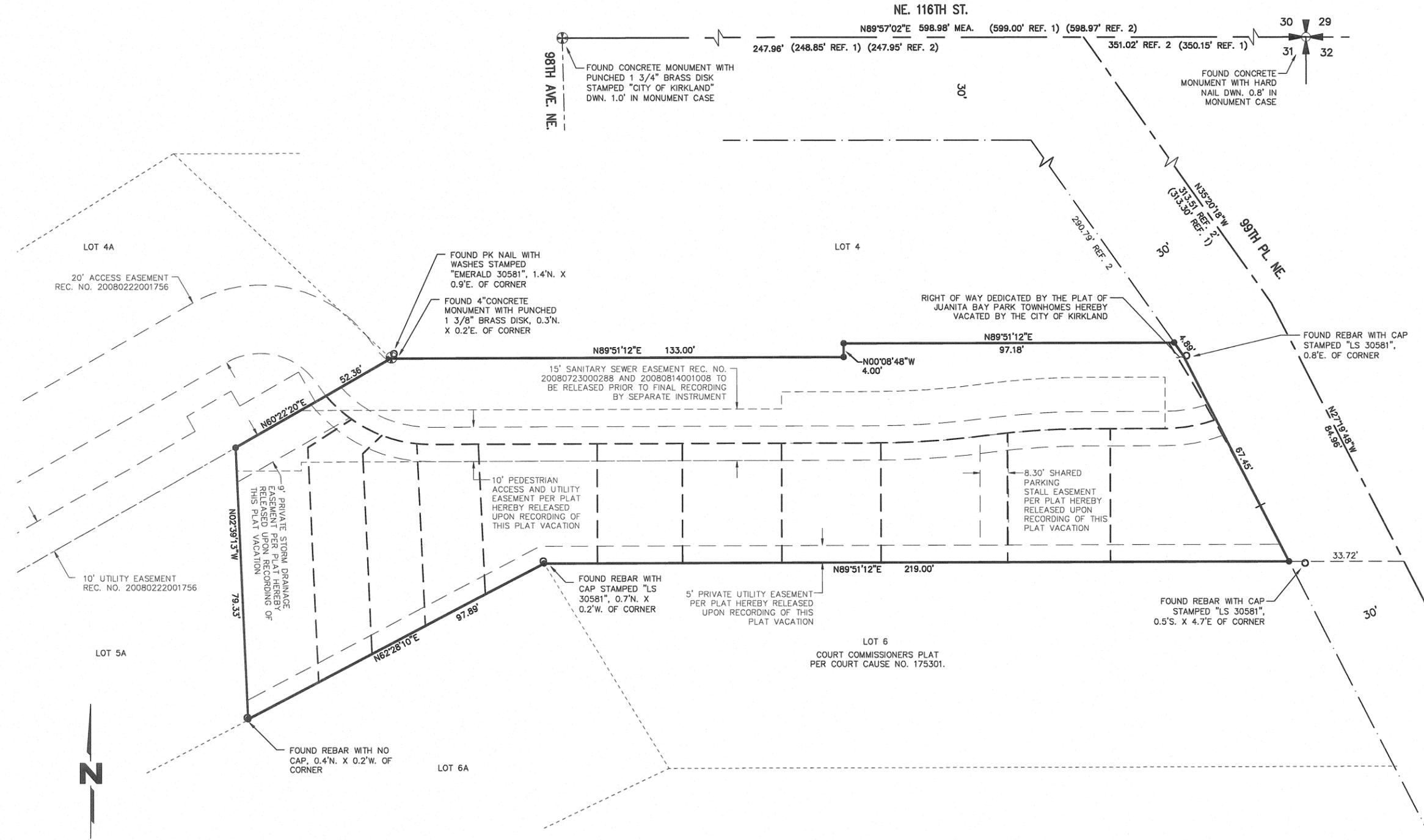
10604 NE 38th PLACE, SUITE 101  
KIRKLAND, WA 98033  
425.827.3063 OFFICE  
800.962.1402 TOLL FREE  
425.827.2423 FAX  
www.drstrong.com

# JUANITA BAY PARK TOWNHOMES

## PLAT VACATION

A PORTION OF GOV'T LOT 4 (THE NE. 1/4 OF THE NE. 1/4),  
SECTION 31, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,  
KING COUNTY, WASHINGTON

CITY OF KIRKLAND  
FILE NO. \_\_\_\_\_



**BASIS OF BEARINGS:**  
N89°57'02"E BETWEEN THE  
MONUMENTS FOUND IN PLACE ALONG  
THE NORTH LINE OF SECTION  
31-26-5 PER REF. 1 AND 2

- LEGEND:**
- ⊕ FOUND MONUMENT AS NOTED
  - FOUND CORNER MONUMENT AS AS NOTED.
  - SET 5/8" X 24" REBAR WITH PLASTIC CAP STAMPED "DRS 37555"



### JUANITA BAY PARK TOWNHOMES PLAT VACATION

GOV'T LOT 4, (NE 1/4, NE 1/4), SEC 31, T.26 N, R.5 E., W.M.

DWN. BY: SJS	DATE: 10/07/09	JOB NO.: 06019
CHKD. BY: SJS	SCALE: 1"=20'	SHEET: 3 OF 3



**ENGINEERS PLANNERS SURVEYORS**  
10604 NE 38th PLACE, SUITE 101  
KIRKLAND, WA 98033  
425.827.3063 OFFICE  
800.962.1402 TOLL FREE  
425.827.2423 FAX  
www.drstrong.com

# JUANITA BAY PARK TOWNHOMES

A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER,  
SECTION 31, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,  
KING COUNTY, WASHINGTON

## DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF INTEREST IN 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 THEREON 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 THEREON, INCLUDING, BUT NOT LIMITED TO, PARKS, OPEN SPACE, UTILITIES, AND DRAINAGE UNLESS SUCH EASEMENTS OR TRACTS ARE SPECIFICALLY IDENTIFIED ON THIS SHORT 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 ANY GOVERNMENTAL AUTHORITY, INCLUDING 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 ANY GOVERNMENTAL AUTHORITY, INCLUDING THE CITY OF KIRKLAND, ITS SUCCESSORS AND ASSIGNS.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS TO INDEMNIFY AND HOLD ANY GOVERNMENTAL AUTHORITY, THE CITY OF KIRKLAND, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY DAMAGE, INCLUDING ANY COSTS 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 RELEASING ANY GOVERNMENTAL AUTHORITY, 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 ANY GOVERNMENTAL AUTHORITY, 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.

BY: [Signature]  
NORTHWEST TOWNHOMES, LLC  
ITS: Manager

BY: [Signature]  
HOMESTREET BANK  
ITS: Assistant Vice President

## ACKNOWLEDGEMENTS

STATE OF WASHINGTON )  
COUNTY OF KING )

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT Gordon Stephenson SIGNED THIS DECLARATION, ON OATH STATED THAT HE/SHE WAS AUTHORIZED TO EXECUTE

THIS INSTRUMENT AND ACKNOWLEDGED IT AS THE Partner OF NORTHWEST TOWNHOMES, LLC TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED: August 22, 2008

SIGNATURE OF NOTARY PUBLIC [Signature]

PRINTED NAME OF NOTARY PUBLIC Michelle Jore

TITLE Public Notary

MY APPOINTMENT EXPIRES 6/16/09

STATE OF WASHINGTON )  
COUNTY OF KING )

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT James Owens SIGNED THIS DECLARATION, ON OATH STATED THAT HE/SHE WAS AUTHORIZED TO EXECUTE

THIS INSTRUMENT AND ACKNOWLEDGED IT AS THE Assistant Vice Pres. OF HOMESTREET BANK TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED: 8/22/08

SIGNATURE OF NOTARY PUBLIC [Signature]

PRINTED NAME OF NOTARY PUBLIC Diane L. Mydske

TITLE Notary

MY APPOINTMENT EXPIRES 6/09/2012



## APPROVALS

CITY OF KIRKLAND

KIRKLAND CITY COUNCIL

APPROVED BY THE KIRKLAND CITY COUNCIL THIS 25<sup>th</sup> DAY OF August, 2008.

ATTEST: [Signature]

DEPARTMENT OF PUBLIC WORKS

EXAMINED AND APPROVED THIS 27<sup>th</sup> DAY OF August, 2008.

[Signature]  
CITY ENGINEER (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 22<sup>nd</sup> DAY OF August, 2008.

[Signature]  
TREASURER, CITY OF KIRKLAND

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 25<sup>th</sup> DAY OF

August, 2008.  
[Signature]  
DIRECTOR, DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

KING COUNTY

DEPARTMENT OF ASSESSMENT

EXAMINED AND APPROVED THIS 24<sup>th</sup> DAY OF August, 2008.

[Signature] [Signature]  
KING COUNTY ASSESSOR DEPUTY KING COUNTY ASSESSOR

KING COUNTY DEPARTMENT OF TREASURY

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 29<sup>th</sup> DAY OF August, 2008.

[Signature] [Signature]  
MANAGER, FINANCE DIVISION DEPUTY



20080829000591  
CITY OF KIRKLAND PLAT 118-08  
PAGE 001 OF 007  
08/29/2008 11:17  
KING COUNTY, WA  
MANAGER

2008 AT \_\_\_\_\_ IN VOL. \_\_\_\_\_

ITH DEVELOPMENT

[Signature]  
SUPT. OF RECORDS

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF JUANITA BAY TOWNHOMES IS BASED ON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 30, TOWNSHIP 26 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.

[Signature]  
WILLIAM B. ROGERS  
CERTIFICATE NO. 38016



## JUANITA BAY PARK TOWNHOMES

NE 1/4, NE 1/4, SEC 31, T.26 N, R.5 E., W.M.

DWN. BY:	DATE:	JOB NO.:
EJV	8.22.2008	06019.800
CHKD. BY:	SCALE:	SHEET:
WBR	N/A	1 OF 7

**DRS** D.R. STRONG CONSULTING ENGINEERS

ENGINEERS PLANNERS SURVEYORS  
10604 NE 38th PLACE, SUITE 101  
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425.827.2423 FAX  
www.drstrong.com

M:\06\019\p\psa\2424\p08019 pgs 18,20mg B/22/2008 B/14/7 AN PDF

248/084

# JUANITA BAY PARK TOWNHOMES

A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER,  
SECTION 31, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,  
KING COUNTY, WASHINGTON

CITY OF KIRKLAND  
FILE NO. FSB08-00001

## LEGAL DESCRIPTION

(PER LAND AMERICA COMMONWEALTH TITLE)

PARCELS A AND B OF CITY OF KIRKLAND LOT LINE ALTERATION NO. 11A06-00009, AS RECORDED UNDER RECORDING NO. 2006092609018, RECORDS OF KING COUNTY, WASHINGTON, BEING A PORTION OF GOVERNMENT LOT 4 IN SECTION 31, TOWNSHIP 26 NORTH, RANGE 5 EAST W.M., IN KING COUNTY WASHINGTON;

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

## TRACT NOTES

TRACT '999' IS A PRIVATE ACCESS TRACT FOR INGRESS AND EGRESS, PRIVATE STORM DRAINAGE, PRIVATE SEWER AND UTILITIES FOR THE BENEFIT OF THE OWNERS OF LOTS 1-11. AN EASEMENT OVER, UNDER AND ACROSS TRACT 999, AS DEPICTED HEREIN, IS HEREBY DEDICATED TO THE NORTHSORE UTILITY DISTRICT FOR INGRESS AND EGRESS, THE CONSTRUCTION, RECONSTRUCTION AND THE MAINTENANCE OF THE PUBLIC SEWER FACILITIES AND FURTHER DESCRIBED HEREON IN THE EASEMENT PROVISIONS.

## EASEMENT PROVISIONS

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO PUGET SOUND ENERGY, NORTHSORE UTILITY DISTRICT, ANY TELECOMMUNICATIONS AND CABLE TELEVISION PROVIDER, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR 10 FEET, PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS AND TRACTS, IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, CABLE, PIPELINE, AND WIRES WITH THE NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVICE TO THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, GAS, CABLE T.V., SEWER AND WATER, TOGETHER WITH THE RIGHT TO ENTER UPON THE EASEMENTS AT ALL TIMES FOR THE PURPOSES STATED. THESE EASEMENTS ENTERED UPON FOR THESE PURPOSES SHALL BE RESTORED AS NEAR AS POSSIBLE TO THEIR ORIGINAL CONDITION BY THE UTILITY. NO LINES OR WIRES FOR THE TRANSMISSION OF ELECTRIC CURRENT, TELEPHONE OR CABLE TV SHALL BE PLACED OR BE PERMITTED TO BE PLACED UPON ANY LOT UNLESS THE SAME SHALL BE UNDERGROUND OR IN CONDUIT ATTACHED TO A BUILDING.

## HOMEOWNERS ASSOCIATION COVENANT

THE OWNERS OF ALL LOTS 1 THROUGH 11, INCLUSIVE, ARE RESPONSIBLE FOR PROVIDING THAT THE JUANITA BAY PARK TOWNHOMES HOMEOWNERS ASSOCIATION CONTINUES TO BE A VIABLE AND FUNCTIONING LEGAL ENTITY. SAID HOMEOWNERS ASSOCIATION SHALL OWN AND MAINTAIN THE TRACT AND EASEMENTS AS INDICATED AND COVENANTED HEREIN, UNLESS OTHERWISE APPROVED BY THE CITY OF KIRKLAND PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT OR ITS LEGAL SUCCESSOR AGENCY. THIS COVENANT SHALL RUN WITH THE LAND AND IS BINDING UPON THE OWNERS OF LOTS 1 THROUGH 11, INCLUSIVE, THEIR HEIRS, SUCCESSORS AND ASSIGNS.

## ADDRESSING

ADDRESSING SHALL BE IN ACCORDANCE WITH KIRKLAND BUILDING DIVISION POLICY MANUAL NUMBER 9.001, ASSIGNMENT OF STREET NUMBERS AND ROAD SIGNAGE.

## ROAD DRAINAGE NOTE

THE ROAD AND STORM DRAINAGE SYSTEMS SHALL BE CONSTRUCTED ACCORDING TO

THE PLAN AND PROFILE, \_\_\_\_\_, ON FILE WITH THE CITY OF KIRKLAND PUBLIC WORKS DEPARTMENT. ANY DEVIATION FROM THE APPROVED PLANS WILL REQUIRE WRITTEN APPROVAL FROM THE PROPER AGENCY, CURRENTLY DDES.

## UTILITY MAINTENANCE

EACH PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE SANITARY SEWER OR STORM WATER STUB 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 STUB, WHICH JOINTLY SERVES MORE THAN ONE PROPERTY, SHALL BE JOINTLY MAINTAINED AND REPAIRED BY THE PROPERTY OWNERS SHARING SUCH STUB. THE JOINT USE AND MAINTENANCE SHALL "RUN WITH THE LAND" AND WILL BE BINDING ON ALL PROPERTY OWNERS WITHIN THIS SUBDIVISION, INCLUDING THEIR HEIRS, SUCCESSORS AND ASSIGNS.

## PUBLIC RIGHT-OF-WAY SIDEWALK AND VEGETATION MAINTENANCE

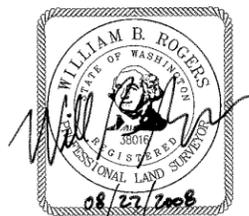
EACH PROPERTY SHALL BE RESPONSIBLE FOR KEEPING THE SIDEWALK ABUTTING THE SUBJECT PROPERTY CLEAN AND LITTER FREE. THE PROPERTY OWNER SHALL ALSO BE RESPONSIBLE FOR THE MAINTENANCE OF THE VEGETATION WITHIN THE ABUTTING LANDSCAPE STRIP. THE MAINTENANCE SHALL "RUN WITH THE LAND" AND WILL BE BINDING ON ALL PROPERTY OWNERS WITHIN THIS SUBDIVISION, INCLUDING THEIR HEIRS, SUCCESSORS AND ASSIGNS.

## TITLE EXCEPTIONS

(PER LAND AMERICA COMMONWEALTH TITLE ORDER NO.: 20271380, DATED 28 JULY, 2008.)

1. (A) UNPATENTED MINING CLAIMS; (B) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (C) INDIAN TREATY OR ABORIGINAL RIGHTS, INCLUDING BUT NOT LIMITED TO, EASEMENTS OR EQUITABLE SERVITUDES; OR, (D) WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT THE MATTERS EXCEPTED UNDER (A), (B), (C) OR (D) ARE SHOWN BY PUBLIC RECORDS.
2. TAX MATTERS
3. 9207300895--NOTICE OF TAP OR CONNECTION CHARGES.
4. 476380--RESTRICTIONS.
5. 477129--RESTRICTIONS.
6. 6159154--AN EASEMENT IN FAVOR OF THE MUNICIPALITY OF METROPOLITAN SEATTLE.
7. 6192921--AN EASEMENT IN FAVOR OF NORTHEAST LAKE WASHINGTON SEWER DISTRICT.
8. 6192923--AN EASEMENT IN FAVOR OF NORTHEAST LAKE WASHINGTON SEWER DISTRICT.
9. 6266809--AN EASEMENT IN FAVOR OF NORTHEAST LAKE WASHINGTON SEWER DISTRICT, A MUNICIPAL CORPORATION.
10. 7304170099--AN EASEMENT IN FAVOR OF KING COUNTY, WASHINGTON.
11. 73204170100--AN EASEMENT IN FAVOR OF KING COUNTY, WASHINGTON.
12. 7504140371--AN EASEMENT IN FAVOR OF PUGET SOUND POWER AND LIGHT COMPANY.
13. COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS OR OTHER SERVITUDES, IF ANY, DISCLOSED BY THE SURVEY RECORDED UNDER RECORDING NO. 7509050567 AND 7601060386.
14. COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS OR OTHER SERVITUDES, IF ANY, DISCLOSED BY THE SURVEY RECORDED UNDER RECORDING NO. 8003279006.
15. 8101280659--AN EASEMENT IN FAVOR OF PUGET SOUND POWER AND LIGHT COMPANY.
16. 8303230455--AN EASEMENT AGREEMENT.(TO BE EXTINGUISHED)
17. 9308181175--KIRKLAND RESOLUTION NO. R-3827.
18. 9309171853--UTILITY EASEMENT VACATED LAKE WASHINGTON BOULEVARD.
19. 20080222001756--AGREEMENT AND THE TERMS AND CONDITIONS THEREOF.
20. COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS OR OTHER SERVITUDES, IF ANY, DISCLOSED BY THE BOUNDARY LINE ADJUSTMENT RECORDED UNDER RECORDING NO. 20060726900018.
21. 20080723000288--SEWER EASEMENT AND THE TERMS AND CONDITIONS THEREOF.
22. 20060915002376--DEED OF TRUST.
23. UNRECORDED LEASEHOLDS, IF ANY; RIGHTS OF VENDORS AND HOLDERS OF SECURITY INTERESTS ON PERSONAL PROPERTY INSTALLED UPON THE LAND; AND RIGHTS OF TENANTS TO REMOVE TRADE FIXTURES AT THE EXPIRATION OF THE TERM.

20080829000591  
CITY OF KIRKLAND PLAT  
PAGE 02 OF 007 PLAT  
K9126008 11.147  
KING COUNTY, WA



## JUANITA BAY PARK TOWNHOMES

NE 1/4, NE 1/4, SEC 31, T.26 N, R.5 E., W.M.

DWN. BY: EJV	DATE: 8.22.2008	JOB NO.: 06019.800
CHKD. BY: WBR	SCALE: N/A	SHEET: 2 OF 7

**DRS D.R. STRONG**  
CONSULTING ENGINEERS

ENGINEERS PLANNERS SURVEYORS

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KIRKLAND, WA 98033

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425.827.2423 FAX  
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H:\05\019\plots\2121p06019.dwg 18:20wg 8/22/2008 8:11:47 AM P.T.

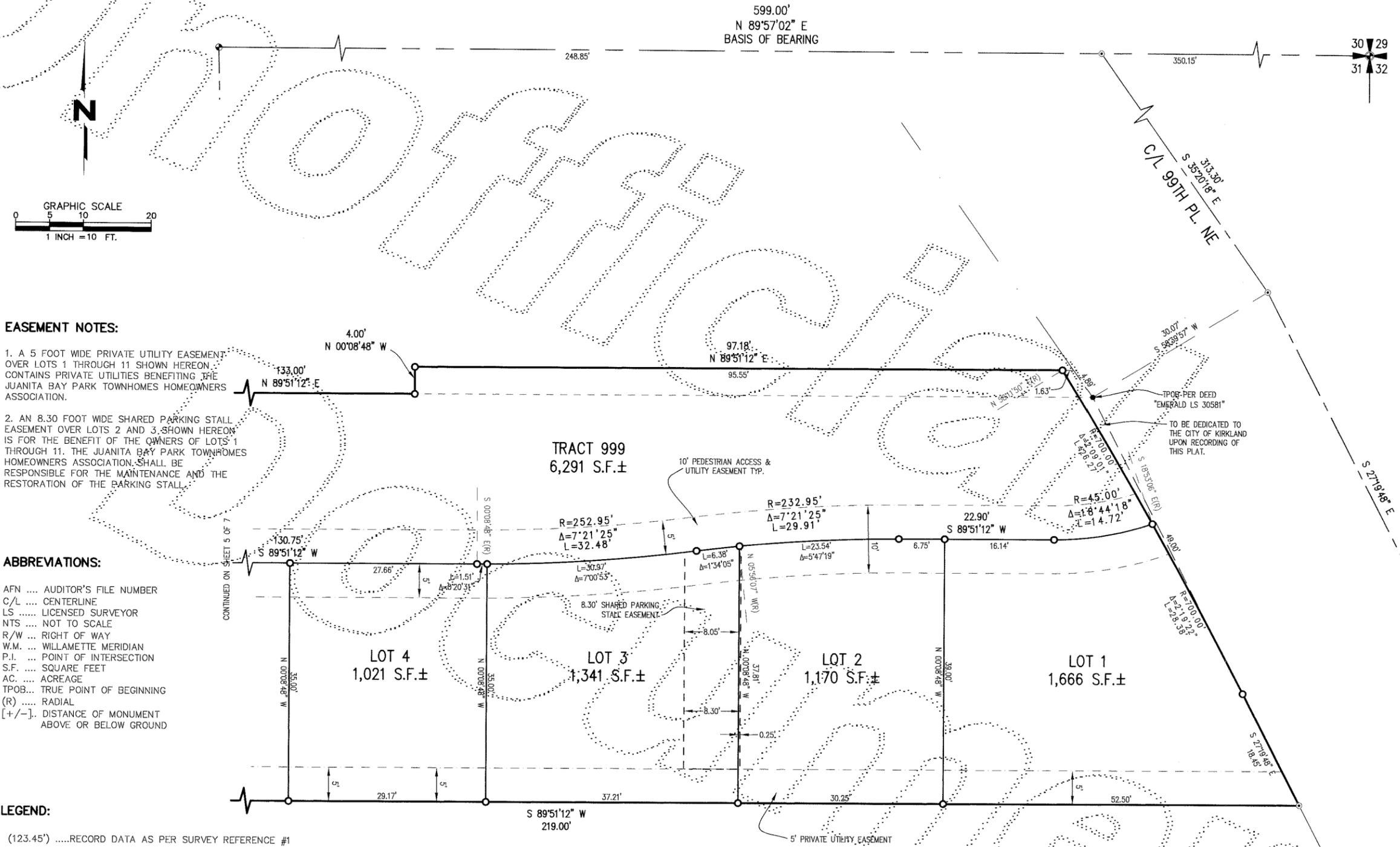


248/086

# JUANITA BAY PARK TOWNHOMES

A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER,  
SECTION 31, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,  
KING COUNTY, WASHINGTON

CITY OF KIRKLAND  
FILE NO. FSB08-00001



### EASEMENT NOTES:

1. A 5 FOOT WIDE PRIVATE UTILITY EASEMENT OVER LOTS 1 THROUGH 11 SHOWN HEREON CONTAINS PRIVATE UTILITIES BENEFITING THE JUANITA BAY PARK TOWNHOMES HOMEOWNERS ASSOCIATION.
2. AN 8.30 FOOT WIDE SHARED PARKING STALL EASEMENT OVER LOTS 2 AND 3 SHOWN HEREON IS FOR THE BENEFIT OF THE OWNERS OF LOTS 1 THROUGH 11. THE JUANITA BAY PARK TOWNHOMES HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND THE RESTORATION OF THE PARKING STALL.

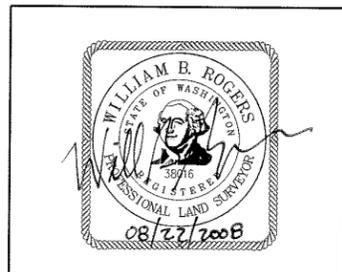
### ABBREVIATIONS:

- AFN .... AUDITOR'S FILE NUMBER
- C/L .... CENTERLINE
- LS ..... LICENSED SURVEYOR
- NTS .... NOT TO SCALE
- R/W ... RIGHT OF WAY
- W.M. ... WILLAMETTE MERIDIAN
- P.I. ... POINT OF INTERSECTION
- S.F. .... SQUARE FEET
- AC. .... ACREAGE
- TPOB... TRUE POINT OF BEGINNING
- (R) .... RADIAL
- [+/-]... DISTANCE OF MONUMENT ABOVE OR BELOW GROUND

### LEGEND:

- (123.45') .....RECORD DATA AS PER SURVEY REFERENCE #1
- {123.45'} .....RECORD DATA AS PER SURVEY REFERENCE #2
- ⊙ .....MONUMENT FOUND AS NOTED
- .....REBAR & CAP FOUND AS NOTED
- .....SET REBAR & CAP, LS 34134 OR LS 38016
- ⊙ .....CALCULATED POSITION, NOT SET OR FOUND
- ⊕ .....¼ SECTION
- ⊗ .....SECTION CORNER

20080829000591  
 CITY OF KIRKLAND  
 PREPARED BY: J. PLATT  
 DATE: 08/27/2008 11:47 AM  
 KING COUNTY, WA



JUANITA BAY PARK TOWNHOMES		
NE 1/4, NE 1/4, SEC 31, T.26 N, R.5 E., W.M.		
DWN. BY: EJV	DATE: 8.22.2008	JOB NO.: 06019.800
CHKD. BY: WBR	SCALE: 1" = 10'	SHEET: 4 OF 7

**DRS D.R. STRONG CONSULTING ENGINEERS**  
 ENGINEERS PLANNERS SURVEYORS  
 10604 NE 38th PLACE, SUITE 101  
 KIRKLAND, WA 98033  
 425.827.8063 OFFICE  
 800.982.1402 TOLL FREE  
 425.827.2423 FAX  
 www.drstrong.com

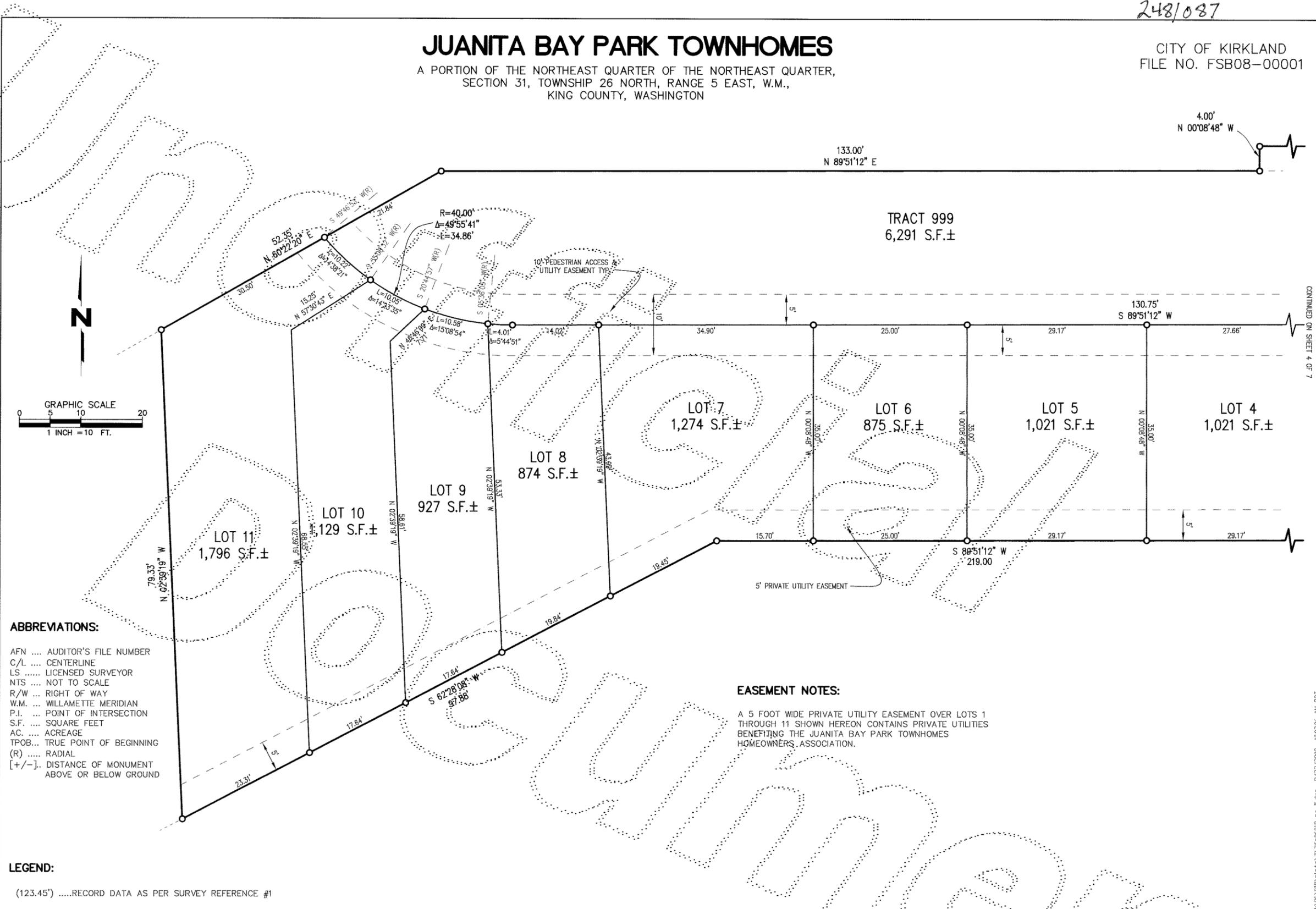
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248/087

# JUANITA BAY PARK TOWNHOMES

A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER,  
SECTION 31, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,  
KING COUNTY, WASHINGTON

CITY OF KIRKLAND  
FILE NO. FSB08-00001



### ABBREVIATIONS:

- AFN .... AUDITOR'S FILE NUMBER
- C/L .... CENTERLINE
- LS .... LICENSED SURVEYOR
- NTS .... NOT TO SCALE
- R/W .... RIGHT OF WAY
- W.M. .... WILLAMETTE MERIDIAN
- P.I. .... POINT OF INTERSECTION
- S.F. .... SQUARE FEET
- AC. .... ACREAGE
- TPOB... TRUE POINT OF BEGINNING
- (R) .... RADIAL
- [+/-]... DISTANCE OF MONUMENT ABOVE OR BELOW GROUND

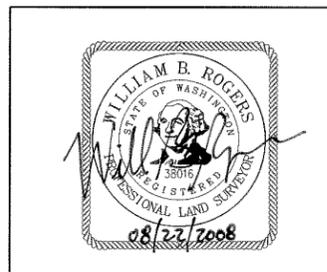
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- {123.45'} .....RECORD DATA AS PER SURVEY REFERENCE #2
- ⊕ .....MONUMENT FOUND AS NOTED
- .....REBAR & CAP FOUND AS NOTED
- .....SET REBAR & CAP, LS 34134 OR LS 38016
- ⊙ .....CALCULATED POSITION, NOT SET OR FOUND
- ⊙ .....¼ SECTION
- ⊙ .....SECTION CORNER

### EASEMENT NOTES:

A 5 FOOT WIDE PRIVATE UTILITY EASEMENT OVER LOTS 1 THROUGH 11 SHOWN HEREON CONTAINS PRIVATE UTILITIES BENEFITING THE JUANITA BAY PARK TOWNHOMES HOMEOWNERS ASSOCIATION.

20080829000591  
CITY OF KIRKLAND FILE # 110-00  
PROJECT OF 087  
KING COUNTY, WA



JUANITA BAY PARK TOWNHOMES		
NE 1/4, NE 1/4, SEC 31, T.26 N, R.5 E., W.M.		
DWN. BY: EJV	DATE: 8.22.2008	JOB NO.: 06019.800
CHKD. BY: WBR	SCALE: 1" = 10'	SHEET: 5 OF 7

**DRS D.R. STRONG**  
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CONTINUED ON SHEET 4 OF 7

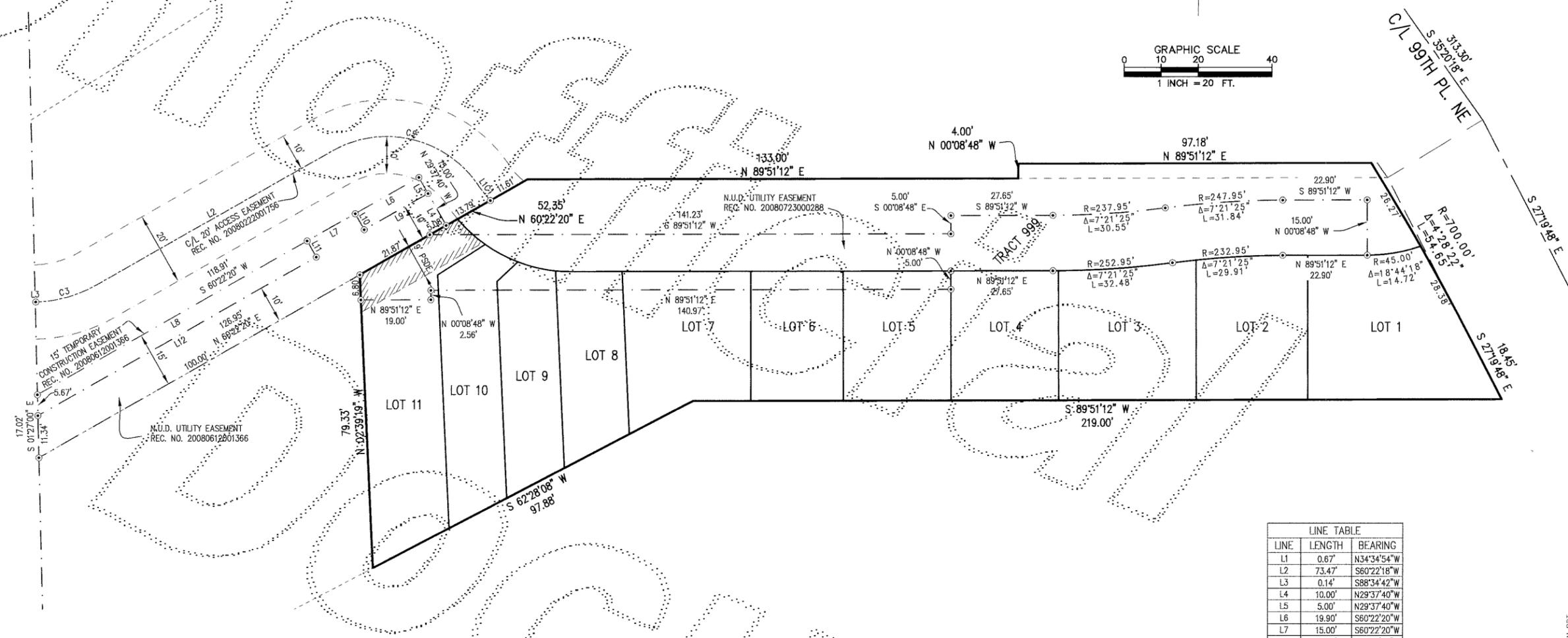
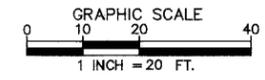
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248/088

# JUANITA BAY PARK TOWNHOMES

A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER,  
SECTION 31, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,  
KING COUNTY, WASHINGTON

CITY OF KIRKLAND  
FILE NO. FSB08-00001



LINE	LENGTH	BEARING
L1	0.67'	N34°34'54\"W
L2	73.47'	S60°22'18\"W
L3	0.14'	S88°34'42\"W
L4	10.00'	N29°37'40\"W
L5	5.00'	N29°37'40\"W
L6	19.90'	S60°22'20\"W
L7	15.00'	S60°22'20\"W
L8	84.01'	S60°22'20\"W
L9	19.90'	S60°22'20\"W
L10	5.00'	N29°37'40\"E
L11	5.00'	S29°37'40\"E
L12	86.69'	S60°22'20\"W

CURVE	LENGTH	RADIUS	DELTA
C1	4.83'	30.00'	91°3'52\"
C2	44.53'	30.00'	85°02'48\"
C3	17.23'	35.00'	28°12'24\"

### LEGEND:

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- ⊙ .....1/4 SECTION
- ⊙ .....SECTION CORNER
- ▨ .....PSDE

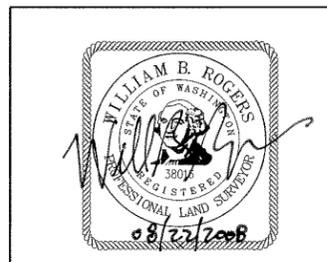
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- S.F. .... SQUARE FEET
- AC. .... ACREAGE
- (R) ..... RADIAL
- N.U.D. .... NORTSHORE UTILITY DISTRICT
- PSDE .. PRIVATE STORM DRAINAGE EASEMENT

### EASEMENT NOTES:

A 9 FOOT WIDE PRIVATE STORM DRAINAGE EASEMENT OVER LOT 11, SHOWN HEREON CONTAINS A PRIVATE STORM DRAINAGE SYSTEM BENEFITING THE JUANITA BAY PARK TOWNHOMES HOMEOWNERS ASSOCIATION.

20080829000591  
 118.00  
 PLAT  
 OF 897  
 05/29/2008, 11:17  
 KING COUNTY, WA



**JUANITA BAY PARK TOWNHOMES**  
 NE 1/4, NE 1/4, SEC 31, T.26 N, R.5 E., W.M.

DWN. BY: EJV	DATE: 8.22.2008	JOB NO.: 06019.800
CHKD. BY: WBR	SCALE: 1" = 20'	SHEET: 6 OF 7

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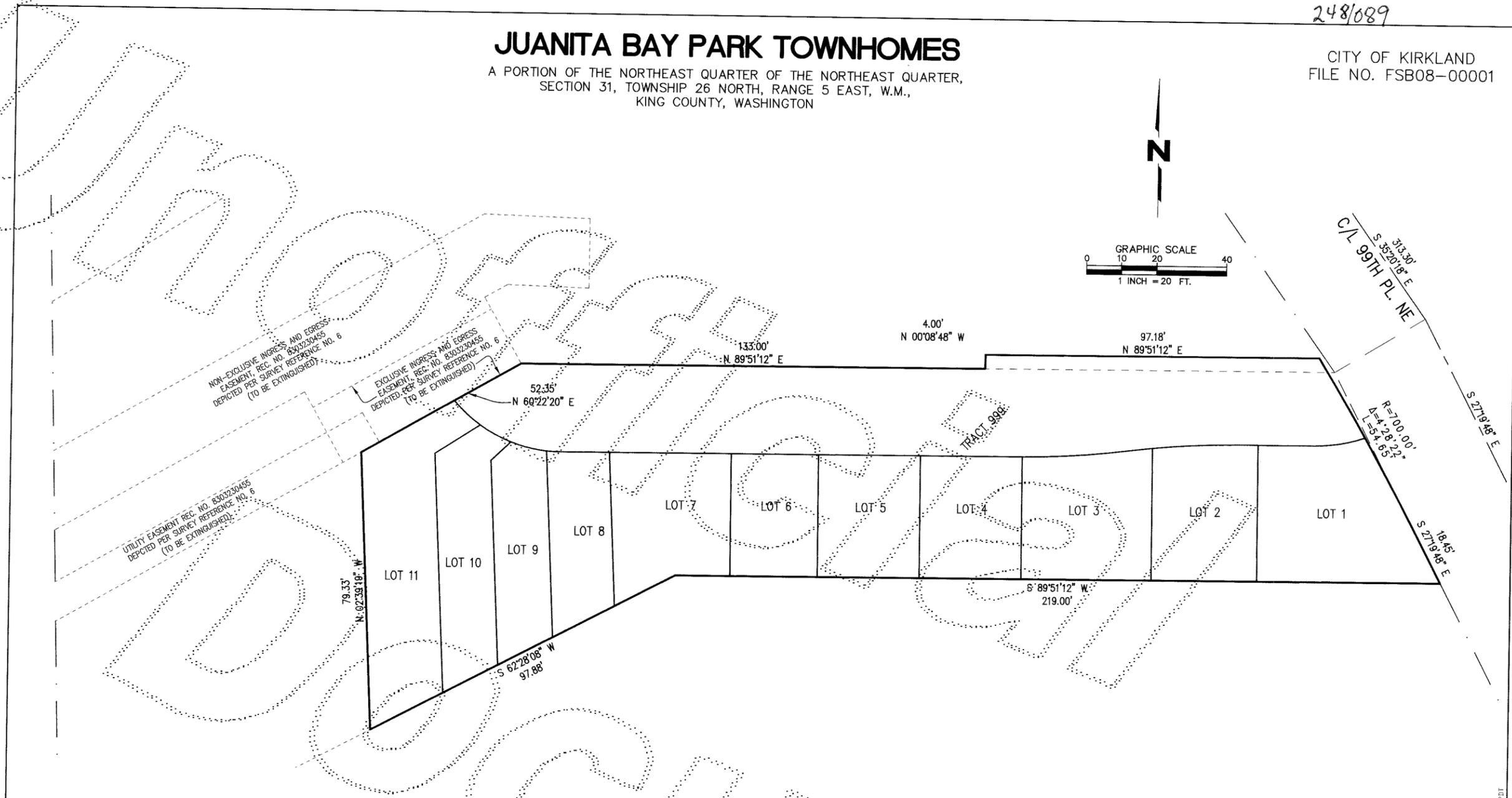
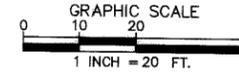
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248/089

# JUANITA BAY PARK TOWNHOMES

A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER,  
SECTION 31, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,  
KING COUNTY, WASHINGTON

CITY OF KIRKLAND  
FILE NO. FSB08-00001



### LEGEND:

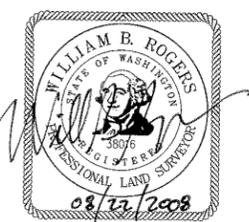
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- AC. .... ACREAGE
- (R) ..... RADIAL
- N.U.D. .... NORTHSHORE UTILITY DISTRICT
- PSDE .. PRIVATE STORM DRAINAGE EASEMENT

**20080829000591**  
CITY OF KIRKLAND  
REGISTERED CLERK  
KING COUNTY, WA

10/20/08  
THE REGISTERED CLERK  
KIRKLAND  
WA 98033-9188



## JUANITA BAY PARK TOWNHOMES

NE 1/4, NE 1/4, SEC 31, T.26 N, R.5 E., W.M.		
DWN. BY: EJV	DATE: 8.22.2008	JOB NO.: 06019.800
CHKD. BY: WBR	SCALE: 1" = 20'	SHEET: 7 OF 7

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\\s01019\pldts\user\p8019\_09\_7.dwg 8/22/2008 10:45:41 AM PLOT

## NORTHWEST TOWNHOMES, LLC

November 3, 2009

Re: Juanita Bay Park Townhomes  
Plat Vacation

Dear Mr. Leavitt:

Due to the current economic crises and market conditions, our lender, HomeStreet Bank, has rescinded their loan commitment for construction. We have been unable to secure financing for this project and have been seeking other alternatives. We have a tentative purchase and sale agreement with the neighboring property owner. As a condition of the P&S agreement, we must vacate the plat and return it to a single lot.

Additionally, no site work has been commenced thus far except for demolition of the existing structures onsite which occurred in 01/2009.

Given the current state of economy we feel fortunate having an offer to purchase our otherwise vacant property. It is therefore of utmost importance moving forward with request for vacation of the final plat.

I thank you in advance for your assistance in this matter.

Do not hesitate to contact me should you have any questions or require additional information.

Sincerely,  
Northwest Townhomes LLC



A. Jay Young  
Member



**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)

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## MEMORANDUM

**To:** Tony Leavitt, Planner

**From:** Rob Jammerman, Development Engineering Manager

**Date:** January 12, 2010

**Subject:** Juanita Townhomes Plat Vacation, File No. PSB09-00001 – Justification for Right-of-way Vacation

The Public Works Department has reviewed and approved the proposed Juanita Townhomes plat vacation. The public right-of-way that was dedicated with the plat along the west side of 99<sup>th</sup> Place NE should also be vacated with the plat. The new owner of the property has applied for a Land Surface Modification Permit to install a parking lot on the subject property and the required 99<sup>th</sup> Place NE street improvements. A new right-of-way dedication will be completed with this permit to accommodate the improvements.

ORDINANCE NO. 4235

AN ORDINANCE OF THE CITY OF KIRKLAND VACATING THE JUANITA BAY PARK TOWNHOMES PLAT BASED ON AN APPLICATION FILED BY JOHN PARSAEI OF MORGAN DESIGN GROUP, FILE NO. PSB09-00001.

WHEREAS, the Department of Planning and Community Development has received an application, pursuant to Process IIB, for a Plat Vacation filed by John Parsaie of Morgan Design Group as Department of Planning and Community Development File No. PSB09-00001 to vacate the Juanita Bay Park Townhomes Plat (recorded under King County Recording No. 20080829000591) within the JBD 2 zone; and

WHEREAS, this action is exempt from the concurrency management process; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C, and the Administrative Guideline and local ordinance adopted to implement it, this action is exempt from the environmental checklist process; and

WHEREAS, the application was submitted to the Kirkland Hearing Examiner who held a hearing on the application January 21, 2010; and

WHEREAS, the Kirkland Hearing Examiner, after the public hearing and consideration of the recommendations of the Department of Planning and Community Development, adopted Findings, Conclusions and Recommendations and recommended approval of the Plat Vacation subject to the specific conditions set forth in said recommendations; and

WHEREAS, the City Council considered the entire record, including the recommendation of the Hearing Examiner, in light of the criteria for the vacation of plats set forth in KMC Chapter 22.26 and RCW 58.17.212;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions, and Recommendations of the Kirkland Hearing Examiner as signed by her and filed in the Department of Planning and Community Development File No. PSB09-00001 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The City Council finds that the public interest would not be served by the City retaining title to the dedicated portion of 99<sup>th</sup> Place NE. The current property owner has applied for a land surface modification permit to install a parking lot on

the property and will dedicate right of way and install street improvements along 99<sup>th</sup> Place NE as part of that permit process.

Section 3. The Juanita Bay Park Townhomes Plat, recorded under King County Recording No. 20080829000591, including the right of way dedicated along 99<sup>th</sup> Place NE, is hereby vacated.

Section 4. Nothing in this ordinance shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein.

Section 5. This ordinance shall be in full force and effect five (5) days from and after its passage by the City Council and publication as required by law.

Section 6. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Section 7. A certified copy of this Ordinance shall be recorded with the King County Recorder's Office.

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

SIGNED IN AUTHENTICATION THEREOF on this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to Form:

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