



CITY OF KIRKLAND CITY COUNCIL

Joan McBride, Mayor • Penny Sweet, Deputy Mayor • Dave Asher • Jessica Greenway
Doreen Marchione • Bob Sternoff • Amy Walen • David Ramsay, City Manager

123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • TTY 425.587.3111 • www.ci.kirkland.wa.us

AGENDA KIRKLAND CITY COUNCIL MEETING City Council Chamber Tuesday, February 16, 2010 6:00 p.m. – Study Session – Peter Kirk Room 7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website www.ci.kirkland.wa.us, at the Public Resource Area at City Hall or at the Kirkland Library on the Friday afternoon prior to the City Council meeting. Information regarding specific agenda topics may also be obtained from the City Clerk's Office on the Friday preceding the Council meeting. You are encouraged to call the City Clerk's Office (587-3190) or the City Manager's Office (587-3001) if you have any questions concerning City Council meetings, City services, or other municipal matters. The City of Kirkland strives to accommodate people with disabilities. Please contact the City Clerk's Office at 587-3190, or for TTY service call 587-3111 (by noon on Monday) if we can be of assistance. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Council by raising your hand.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*, Peter Kirk Room
 - a. Joint Meeting with Houghton Community Council
4. *EXECUTIVE SESSION*
 - a. To Discuss Labor Negotiations
5. *HONORS AND PROCLAMATIONS*
6. *COMMUNICATIONS*
 - a. *Announcements*
 - b. *Items from the Audience*
 - c. *Petitions*
7. *SPECIAL PRESENTATIONS*
 - a. Committee to End Homelessness, 10 Year Plan Update, Bill Block, Project Director
 - b. Green Tips
8. *CONSENT CALENDAR*
 - a. *Approval of Minutes:* (1) January 27, 2010
(2) February 2, 2010

EXECUTIVE SESSIONS may be held by the City Council to discuss matters where confidentiality is required for the public interest, including buying and selling property, certain personnel issues, and lawsuits. An executive session is the only type of Council meeting permitted by law to be closed to the public and news media

ITEMS FROM THE AUDIENCE provides an opportunity for members of the public to address the Council on any subject which is not of a quasi-judicial nature or scheduled for a public hearing. (Items which may not be addressed under Items from the Audience are indicated by an asterisk*.) The Council will receive comments on other issues, whether the matter is otherwise on the agenda for the same meeting or not. Speaker's remarks will be limited to three minutes apiece. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council.

P - denotes a presentation from staff or consultant

- b. Audit of Accounts:*
 - Payroll \$
 - Bills \$

GENERAL CORRESPONDENCE

Letters of a general nature (complaints, requests for service, etc.) are submitted to the Council with a staff recommendation. Letters relating to quasi-judicial matters (including land use public hearings) are also listed on the agenda. Copies of the letters are placed in the hearing file and then presented to the Council at the time the matter is officially brought to the Council for a decision.

c. General Correspondence

- (1) Bill Dunlap, Regarding Signs in Parks About Budget Reductions
- (2) Gary Greenberg, Regarding the Former Burlington Northern Santa Fe Eastside Rail Corridor
- (3) Liv Grohn, Regarding Continuing the Neighborhood Connection Program for 2010
- (4) JonErik Johnson, Regarding Parking and Construction Impacts to Downtown Business
- (5) Gary Rubens, Regarding the City of Kirkland’s Business Tax

d. Claims

- (1) Heath and Krista Albers
- (2) Dennis A. Conrad
- (3) Lavelle R. Johnson
- (4) King County Risk Management Program

ORDINANCES are legislative acts or local laws. They are the most permanent and binding form of Council action, and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five days after the ordinance is published in the City’s official newspaper.

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

- (1) NE 124th Street and 124th Avenue NE Intersection (Phase 1) and Water Quality Improvements Project, Johansen Excavating, Inc.

g. Approval of Agreements

h. Other Items of Business

- (1) Fire Paging and Alerting
- (2) Ordinance No. 4233, Relating to a Salary Reduction for City Manager
- (3) Ordinance No. 4234, Relating to Parking Regulations and Amending Chapter 12.45 of the Kirkland Municipal Code to Add a New Section 12.45.320
- (4) Ordinance No. 4235, Vacating the Juanita Bay Park Townhomes Plat Based on an Application Filed by John Parsaei of Morgan Design Group, File No. PSB09-00001

- (5) Resolution R-4801, Relinquishing Any Interest the City May Have, Except for a Utility Easement, in an Unopened Right-of-Way as Described Herein and Requested by Property Owner Lester E. Hill
- (6) Resolution R-4802, Relinquishing Any Interest the City May Have, Except for a Utility Easement, in an Unopened Right-of-Way as Described Herein and Requested by Property Owner Susan R. Libak
- (7) Surplus Vehicles/Equipment for Sale

PUBLIC HEARINGS are held to receive public comment on important matters before the Council. You are welcome to offer your comments after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment and the Council proceeds with its deliberation and decision making.

9. *PUBLIC HEARINGS*

10. *UNFINISHED BUSINESS*

- a. Parking Advisory Board Update
- b. Lodging Tax Advisory Committee Structure and Recruitment
- c. N.E. 85th Street Corridor Improvements Projects Update
- d. Street Maintenance Strategy
- e. Burlington Northern Santa Fe Railroad/Eastside Rail Corridor Update

NEW BUSINESS consists of items which have not previously been reviewed by the Council, and which may require discussion and policy direction from the Council.

11. *NEW BUSINESS*

- a. Ordinance No. 4236 and its Summary, 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
- b. Annexation Area Appointments to Boards and Commissions
- c. Annexation State Sales Tax Credit:
 - (1) Ordinance No. 4237, Relating to Adopting a New Chapter 5.07 of the Kirkland Municipal Code Imposing a Sales and Use Tax as Authorized by RCW 82.14.415 as a Credit Against the State Tax Relating to Annexations
 - (2) Resolution R-4803, Authorizing the City of Kirkland to Impose a Sales and Use Tax as Authorized by RCW 82.14.415 as a Credit Against State Tax, Relating to Annexations

12. *REPORTS*

a. *City Council*

- (1) Regional Issues

b. City Manager

(1) 2010 Legislative Update 4

(2) Calendar Update

13. *ADJOURNMENT*



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

MEMORANDUM

To: David Ramsay, City Manager

From: Eric Shields, AICP, Planning Director
Nancy Cox, AICP, Development Review Manager

Date: February 4, 2010

Subject: JOINT MEETING OF THE CITY COUNCIL AND THE HOUGHTON
COMMUNITY COUNCIL

RECOMMENDATION

Staff recommends the Council conduct the joint meeting with the Houghton Community Council (HCC). Rick Whitney, Chair of the HCC, has drafted a memo on behalf of the HCC that is in Attachment 1. The HCC discussed the items listed in the memo at a Special Meeting on February 4, 2010 and proposes to review them with the City Council at the joint meeting. Staff has provided a summary recommendation at the end of this memo.

BACKGROUND DISCUSSION

Members of the HCC

Rick Whitney, Chair
Elsie Weber, Vice-Chair
Bill Goggins
Lora Hein
John Kappler
Kathleen McMonigal
Betsy Pringle

Communication between the City Council and HCC

The HCC has disapproval authority over two types of land use decisions that are decided by the City Council. The two types of decisions are quasi-judicial Process IIB permits and legislative items such as plan or code amendments. Because the HCC "final action" occurs after the City Council adopts ordinances or resolutions and the City Council and HCC want to avoid disapprovals, several years ago the City Council and HCC agreed on procedures for communication in the event there is disagreement. The Planning Review Procedures are maintained in the HCC's Orientation Manual and can be found in

Attachment 2. The Planning Review Procedures are quite different for quasi-judicial Process IIB permits and plan or code amendments primarily because of the applicability of the Appearance of Fairness doctrine to quasi-judicial actions. In general, the lines of communication between the City Council and HCC can be more open with legislative than quasi-judicial items. Addressing differences of opinion on legislative long range projects, however, can still be challenging.

Following is background information about two long range projects from 2009 where significant differences of opinion between the City Council and HCC resulted in the HCC exercising/or considering their disapproval authority.

Tree Regulation Amendments – An issue relating to tree removal permits has created a difference of opinion between the City Council and HCC. In short, the Planning Commission recommended to the City Council and the City Council agreed that a tree removal permit for two trees per year be required at no charge at such time as an online tree removal permit system is created. Language in the City Council’s adopting ordinance (Whereas statement) and in the regulations themselves directs staff to process a code amendment once an online permit system is available at no charge to an applicant.

The HCC exercised their disapproval authority on the entire ordinance on February 4th based on this one issue because the HCC doesn’t have the ability to disapprove selected elements. Staff can bring an ordinance back to the City Council for their March 2 meeting if there is agreement between the City Council and the HCC on an approach to the permit issue.

Development Incentives for Affordable Housing – The critical issue in this package of zoning code amendments relates to the minimum requirement that at least 10 percent of the units be affordable for four or more new detached, attached or stacked dwelling units in commercial, high density residential, medium density and office zones. The HCC did not agree with the mandatory approach. Language exempting applicable projects within the disapproval jurisdiction of the HCC was adopted by the City Council on December 15, 2009 and approved by the HCC on January 25th, 2010. By creating different rules in Houghton, then, the City Council avoided a disapproval vote by the HCC.

Working Together Efficiently

The HCC is aware of the budget shortfall facing the City and is interested in exploring ways at the joint meeting to work together as efficiently as possible on all projects within their jurisdiction. Understanding which issues may lead to disapproval and determining the best way to work together on these issues could potentially avoid the inefficiencies created when it is necessary to act on an ordinance twice and/or when there are different rules in Houghton.

Upcoming Projects

The draft Planning Work Program (see Attachment 3) contains several projects that will involve Houghton in the next few years.

The Central Houghton and Lakeview Neighborhood Plans - These two neighborhood plans are currently being updated. Each has a Houghton member acting as Chair of the Advisory Groups (Betsy Pringle for Central Houghton and John Kappler for Lakeview). Houghton is taking the lead and the Planning Commission will be less involved in these updates than the typical process for neighborhood plans because of Houghton's jurisdiction.

Other projects – The Bridle Trails and South Rose Hill Neighborhood Plans, the Transit Oriented Development Park and Ride project, the Low Impact Development Green Codes, other code amendment projects, and updating the Comprehensive Plan are all significant projects that will be reviewed and acted upon by the HCC.

Summary

At the joint meeting, staff recommends:

- 1) The City Council provide general direction on the tree regulation amendment project; and
- 2) The City Council and HCC review the Planning Review Procedures in Attachment 2 and determine if they should be changed to allow for more positive outcomes. Looking at a process now may facilitate the major projects that are in the work program. If change to the procedures is desired, staff is requesting direction from the City Council regarding a process and timeline for accomplishing this work.

ATTACHMENTS

- 1 Memo from Rick Whitney, Chair of the HCC
- 2 Planning Review Procedures Involving HCC
- 3 Draft Planning Work Program

File MIS10-00005

MEMORANDUM

Date: February 4, 2010
To: Kirkland City Council
From: Rick Whitney, Chair
Houghton Community Council
Subject: Joint Meeting with the City Council

On behalf of the Houghton Community Council, we appreciate the opportunity to meet with the Kirkland City Council on February 16, 2010. In the brief time that we will have together, we hope to achieve a better working relationship and understanding between us.

To make the most of our time, we propose to discuss the following topics:

1. What can we do to enhance communications between our two councils?
2. Given Kirkland's budget constraints, how can we work together more efficiently?
3. Lakeview and Central Houghton Neighborhood Plan updates.
4. Other matters of mutual interest, if time allows.

We look forward to meeting with you on February 16.

Houghton Community Council Orientation Manual

Chapter 2: Role and Procedures of the Houghton Community Council

2.4 PLANNING REVIEW PROCEDURES INVOLVING HOUGHTON COMMUNITY COUNCIL

Project Stage	Type of Action	
	Quasi-judicial Process IIB Application	Legislative Plan or Code Amendment
Project Initiation	Notice of Application issued by City and forwarded to HCC within statutory time period.	<p>Planning staff discusses project with HCC to learn HCC's desired level of input.</p> <p>Planning staff discusses with Planning Commission HCC's desired level of input. Staff and Planning Commission develop a work plan to incorporate desired HCC involvement, including the possibility of joint Planning Commission/HCC study sessions.</p>
SEPA	<p>SEPA determination made by City Responsible Official and forwarded to HCC within statutory time period.</p> <p>HCC decides whether to comment on SEPA. If so, comments are forwarded to City Responsible Official.</p>	
Public Hearing	Planning staff coordinates date of joint public hearing with HCC and Hearing Examiner, transmits administrative record to both, and issues Notice of Public Hearing.	When agreed to by Planning Commission and HCC, hearing will be held jointly. Otherwise, HCC hearing will be held prior to Planning Commission hearing.
	Hearing Examiner and HCC conduct joint open record public hearing.	
	Hearing Examiner leaves after public hearing. He leaves record open to allow HCC deliberations and HCC's written recommendation.	
HCC Comments/ Recommendation	HCC deliberates after open record public hearing and agrees to a recommendation, identifies critical and non-critical issues, and directs Planning staff to prepare recommendation in writing and transmit to the Hearing Examiner.	HCC makes a recommendation and directs Planning staff to prepare recommendation in writing and transmit to Planning Commission.

Houghton Community Council Orientation Manual

Chapter 2: Role and Procedures of the Houghton Community Council

Project Stage	Type of Action	
	Quasi-judicial Process IIB Application	Legislative Plan or Code Amendment
Hearing Examiner/ Planning Commission Action	Hearing Examiner incorporates HCC's comments into administrative record and issues recommendation. Planning staff forwards Hearing Examiner recommendation to City Council.	After considering HCC recommendation, Planning Commission makes its recommendation.
Conflict Resolution	HCC or planning staff determine whether attorneys should discuss any divergence in Hearing Examiner's decision and HCC's comments.	Planning staff forwards Planning Commission recommendation to HCC.
	If necessary, attorneys for City Council and HCC discuss their client's positions and resolve issues.	Planning Commission and HCC may meet to discuss and reconcile differences.
	HCC does not contact City Council in this process. All interaction is between attorneys.	
City Council Decision	Planning staff schedules a meeting for City Council consideration of HCC and Hearing Examiner recommendation.	Planning staff forwards HCC and Planning Commission recommendations to City Council.
	City Council members read agenda packet and determine whether attorneys should discuss any divergence in Hearing Examiner's and HCC's recommendations. If necessary, City Council also may ask staff to reschedule the meeting to allow time for discussions.	City Council considers proposal at Council meeting. HCC and Planning Commission members are invited to attend to explain their recommendations.
	If necessary, attorneys for City Council and HCC discuss their client's positions and resolve issues.	HCC and City Council (and individual members) may discuss proposal at any time.
	City Council issues final decision.	City Council passes ordinance.
HCC Decision	Planning staff forwards City Council ordinance or resolution to HCC at next regular meeting. HCC 60-day disapproval period expires before decision becomes final, or HCC adopts resolution concurring with the City Council.	



KIRKLAND CITY COUNCIL SPECIAL MEETING MINUTES
January 27, 2010

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

Members Present: Deputy Mayor Penny Sweet, Councilmember Dave Asher,
Councilmember Jessica Greenway, Councilmember Doreen
Marchione, Councilmember Bob Sternoff, and Councilmember Amy
Walen.

Members Absent: Mayor Joan McBride.

Mayor Joan McBride was absent/excused as she was out of town.

3. CITY MANAGER RECRUITMENT

Executive recruitment consultant Bob Murray shared information with the Council gathered during his interviews with staff and the January 26th public forum. Council provided additional input for inclusion in the recruitment criteria and process.

4. ADJOURNMENT

The Special City Council meeting of January 27, 2010 was adjourned at 8:47 a.m.

City Clerk

Mayor



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
February 02, 2010

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

Members Present: Councilmember Dave Asher, Councilmember Jessica Greenway,
Councilmember Doreen Marchione, Mayor Joan McBride,
Councilmember Bob Sternoff, Deputy Mayor Penny Sweet, and
Councilmember Amy Walen.

Members Absent: None.

3. STUDY SESSION

a. Joint Meeting with Planning Commission

Joining Councilmembers for this discussion in addition to City Manager Dave Ramsay were Director of Planning and Community Development Eric Shields, Deputy Director of Planning and Community Development Paul Stewart, and Planning Commission members Jay Arnold, Carolyn Hayek, Byron Katsuyama, Patti Sutter, Karen Tennyson, Vice Chair C. Ray Allshouse and Chair Andy Held.

4. EXECUTIVE SESSION

a. To Discuss Labor Negotiations

Following announcements indicating the extension of the length of the Executive Session, Council reconvened into their regular meeting and called to order at 7:40 p.m.

5. HONORS AND PROCLAMATIONS

a. Kirkland Founders Week Proclamation

Loita Hawkinson, Kirkland Heritage Society, shared a presentation on Kirkland's "Foundering Fathers." Heritage Society member Bob Burke accepted the proclamation.

6. COMMUNICATIONS

a. Announcements

None

b. Items from the Audience

Mariah Mash
Jerald Aranas
Toby Nixon
Stephanie Leckness
Jean Guth
Rod Giffels
Diane DeWitt

c. Petitions

(1) Off Leash Dog Parks, Kirkland, Washington

7. SPECIAL PRESENTATIONS

8. CONSENT CALENDAR

a. Approval of Minutes: January 19, 2010

b. Audit of Accounts:

Payroll \$ 1,917,536.59
Bills \$ 2,471,953.73
run # 885 check # 514573
run # 886 check #'s 514599 - 514697
run # 887 check # 514700
run # 888 check #'s 514701 - 514824

c. General Correspondence

(1) David and Anna Aubry, Regarding Anonymous Complaints

This item was pulled from the Consent Calendar for discussion under New Business as item 11.d.

d. Claims

- (1) Roland Bahr
- (2) Houghton Partners, LLC
- (3) David Russell Myrland

(4) Puget Sound Energy

- e. Award of Bids
- f. Acceptance of Public Improvements and Establishing Lien Period
 - (1) 2009 Slurry Seal Project, Intermountain Slurry Seal, Inc., Watsonville, California

g. Approval of Agreements

h. Other Items of Business

(1) Cabaret Music License

A license was approved for Tiki Bar and Grill at 106 Kirkland Avenue.

(2) Procurement Activities

(3) ARCH Work Program and Administrative Budget

This item was pulled from the Consent Calendar for discussion under New Business.

Motion to Approve the Consent Calendar with the exception of items 8.c.(1). and 8 .h.(3). which were pulled for discussion under New Business.

Moved by Councilmember Doreen Marchione, seconded by Councilmember Jessica Greenway

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Doreen Marchione, Mayor Joan McBride, Councilmember Bob Sternoff, Deputy Mayor Penny Sweet, and Councilmember Amy Walen.

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

a. Kirkland Teen Union Building Operating Options

Parks and Community Services Deputy Director Carrie Hite briefed Council on a number of options for continued operations at the KTUB and proposed next steps for a process and recommendation. Council provided feedback on

the options and directed that the department undertake a Request for Proposals process and return with the results for review.

Council recessed for a short break at 8:55 p.m.

b. Park Lane Pedestrian Corridor Enhancements

Neighborhood Outreach Coordinator Kari Page and Project Engineer Gina Hortillosa provided an update on the Park Lane project and received Council input.

11. NEW BUSINESS

ARCH Work Program and Administrative Budget

This item, 8.h.(3)., was pulled from the Consent Calendar for consideration under New Business.

Motion to Approve ARCH 2010 Work Plan and Administrative Budget.
Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Doreen Marchione, Mayor Joan McBride, Councilmember Bob Sternoff, Deputy Mayor Penny Sweet, and Councilmember Amy Walen.

a. ARCH Housing Trust Fund Recommendation

Program Manager Arthur Sullivan reviewed the Executive Board fund allocation recommendations.

Motion to Approve the ARCH housing trust fund recommendation.
Moved by Councilmember Dave Asher, seconded by Councilmember Doreen Marchione

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Doreen Marchione, Mayor Joan McBride, Councilmember Bob Sternoff, Deputy Mayor Penny Sweet, and Councilmember Amy Walen.

b. ARCH Interlocal Agreement

Mr. Sullivan reviewed proposed changes to the agreement and received Council feedback.

c. Ethics Policy Process

Assistant City Manager Marilynne Beard requested Council direction on a preferred scope and process to develop a code of ethics. Council agreed to form a subcommittee made up of Mayor McBride and Councilmembers Asher and Marchione to begin the process.

d. David and Anna Aubry Correspondence

Motion to Approve sending the draft response to the Aubrey Correspondence with the inclusion of a copy of the staff report on the subject.

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion carried 6-0

Yes: Councilmember Dave Asher, Councilmember Jessica Greenway, Mayor Joan McBride, Councilmember Bob Sternoff, Deputy Mayor Penny Sweet, and Councilmember Amy Walen.

12. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding efforts by King County to form a regional transit advisory committee; Puget Sound Regional Council Executive Committee meeting; Suburban Cities Association Public Issues Committee work; Association of Washington Cities legislative conference; Washington Environmental Council agenda; National New Partners for Smart Growth conference and pedestrian friendly "best of the northwest cities" tour which included Kirkland.

b. City Manager

(1) 2010 Legislative Update 3

(2) Calendar Update

13. ADJOURNMENT

The Kirkland City Council regular meeting of February 2, 2010 was adjourned at 10:30 p.m.



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

MEMORANDUM

To: David Ramsay, City Manager
From: Jennifer Schroder, CPRP, Parks and Community Services Director
Date: February 5, 2010
Subject: Draft response to Mr. Bill Dunlap's email regarding signs in parks about Budget Reductions

RECOMMENDATION:

It is recommended that the City Council authorize the Mayor to sign a letter of response to Mr. Dunlap who emailed comments regarding signs in parks about budget reductions.

BACKGROUND DISCUSSION:

On January 31, 2010, Mr. Dunlap emailed the City Council regarding a sign that was posted in his local park regarding service reductions in neighborhood parks. Jason Filan, Park Maintenance Manager immediately followed up with a phone call.

The sign was developed in response to several phone calls inquiring as to why garbage cans were removed from neighborhood parks. The removal of garbage cans from 17 neighborhood parks, the elimination of portable toilets throughout the park system, and the year-round closure of restrooms at the North Kirkland Community Center Park, Phyllis Needy Houghton Park and South Rose Hill Park are among the many reductions in service approved by Council.

The sign will be in place temporarily to inform park visitors why the reduction in amenities at their park. Attached to this memorandum is a copy of the sign that is installed.

Att.

CITIZENS OF KIRKLAND

Service Reductions in Kirkland's Park System

The City of Kirkland regrets to advise that due to the failure of the voted private utility tax in the November 2009 election, service reductions are in effect. Impacts to Kirkland's park system include: removal of garbage cans from 17 neighborhood parks, the elimination of portable toilets throughout the park system, and the year-round closure of restrooms at the North Kirkland Community Center Park, Phyllis Needy Houghton Park and South Rose Hill Park. We take pride in our parks system and apologize for any inconvenience. We appreciate your help in keeping Kirkland's parks clean.



From: Bill and Carla Dunlap [mailto:104dunlaps@comcast.net]

Posted At: Sunday, January 31, 2010 9:23 PM

Posted To: Kirkland Council

Conversation: Park service reduction sign

Subject: Park service reduction sign

Dear City Council,

A City sign was posted at my local park that states that reductions to park services were necessary do to the "failure of the proposed utility tax increase". This statement made me angry and defensive, especially since I did not vote for the utility tax.

I couldn't help to think that the City was trying to send the voters a message on the ramification of voting down the utility tax. These cuts were necessitated I believe by decisions made by you to work within the City budget. The sign conveys a negative attitude in my opinion and should be removed or reworded.

Sincerely,

Bill Dunlap

12821 NE 104th Street

February 16, 2010

D R A F T

Mr. Bill Dunlap
12821 NE 104th Street
Kirkland, WA 98033

Dear Mr. Dunlap,

Thank you for your recent email to the Kirkland City Council about the service reduction sign you observed at a neighborhood park. I understand Jason Filan, our Parks Maintenance Manager immediately followed up with you in response to your concern.

The City has been experiencing unprecedented revenue loss in the past two years which significantly impacts our budget. It is the responsibility of the City Council to adopt and maintain a balanced budget where expenses equal revenue. The City Council approved service level and expenditure cuts, the use of reserves and the implementation of revenue increases to balance the 2009-2010 budget. One of the revenue increasing strategies was to place a proposed tax rate increase on private utilities (telephone, electricity and natural gas) on the November 2009 General Election ballot. As you are aware, the proposition failed and an unfortunate consequence is that further reductions had to be implemented beginning the first of this year.

Probably the most notable reductions Kirkland residents and visitors are experiencing is the lack of trash cans and portable toilets and the closure of restrooms at many of our neighborhood parks. It was an extremely difficult decision to make such reductions because Kirkland prides itself on its park system. The intent of the signs posted at impacted parks was to explain to park users the reason why certain services were no longer available. We apologize if the sign created a negative impression. Over time the signs in our parks will have served their purpose and will eventually be removed. In the meantime, it's important that residents are aware of budget impacts that are occurring citywide.

The City is committed to communicating budget issues that impact citizens and we value the feedback we receive from citizens. We encourage residents and businesses to stay informed and involved in the decision making of the City Council. In March, the City Council will begin its 2011-2012 Budget adoption process. This process will be challenging like the last as the City continues to have economic challenges to overcome.

The City Council appreciates you sharing your thoughts. Should you have further questions about the budget process, please contact our Finance and Administration Department at 425-587-3100. To receive email alerts regarding Budget Updates, please subscribe to Kirkland Email Alerts at www.ci.kirkland.wa.us/E-Bulletins.

Sincerely,
Kirkland City Council

By: Joan McBride, Mayor



CITY OF KIRKLAND

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.ci.kirkland.wa.us

To: Dave Ramsay, City Manager

From: Ray Steiger, Interim Public Works Director
David Godfrey, P.E., Transportation Engineering Manager

Date: February 4, 2010

Subject: CORRESPONDENCE FROM MR. GARY GREENBERG

RECOMMENDATION:

It is recommended that the City Council authorize the Mayor to sign a letter of response to Mr. Greenberg who emailed comments on the process for developing improvements on the Eastside Rail Corridor.

BACKGROUND DISCUSSION:

Mr. Greenberg wishes to alert the Council to the process that is being taken to develop the Eastside Rail Corridor and to urge the Council to communicate the City of Kirkland's vision for the corridor to the County and Port. Mr. Greenberg also references a [report](#) prepared for the Legislature by Sound Transit and PSRC, showing the costs and ridership of a potential rail line. An update on the Eastside Rail Corridor is also on the Council agenda for February 16th and contains more details about the corridor's purchase and potential use.

Following Mr. Greenberg's email is an email from Karen Rasmussen to Port and County officials that questions the propriety of a proposal from the Cascadia institute to host a tour of the Eastside Rail corridor.

From: Gary Greenberg [mailto:g.greenberg@comcast.net]
Sent: Sunday, January 17, 2010 4:27 PM
To: Bob Sternoff; Doreen Marchione; Jessica Greenway; Dave Asher; Amy Walen; Penny Sweet; Joan McBride
Subject: BNSF Corridor

Dear Kirkland City Council:

Thank you for your service to our city!

I am forwarding an e-mail sent by one of our members to both Mike Merritt (Port of Seattle) and Pam Bissonnette (King County), regarding serious concerns that we have in reference to current control and usage of the BNSF corridor, public process and other issues. The e-mail was also cc'd to King County Council, Port of Seattle Commissioners and Sound Transit Board Members. There is the e-mail below, and another one that follows that.

The City of Kirkland needs to make clear to King County, the Port of Seattle and Sound Transit, its' vision of the "cross Kirkland trail" (for biking, walking and green commuting), and that a through (and formally promised) public process is necessary prior to any decisions whatsoever are made as to the uses of the corridor. Furthermore, just last year a State and Sound Transit sponsored PSRC report was released showing the substantial costs and safety concerns that surround running passenger rail on the corridor...seems to me that this is being ignored, especially since quite a few of the concerns addressed were within the city limits of Kirkland.

I look forward to hearing back from you.

Thank You...

Gary Greenberg
Eastside Trail Advocates
425-822-0941

I am forwarding a
----- Original Message -----

From: [Karen Rasmussen](#)
To: merritt.m@portseattle.org ; [Bissonnette, Pam](#)
Cc: steering@eastside-trailadvocates.org
Sent: Saturday, January 16, 2010 1:36 PM
Subject: BNSF Corridor - follow up concerns

Mike and/or Pam – again, thank you both for talking with me last week about Eastside Trail Advocates' hopes to stage a celebratory walk on (and draw attention to the greenway potential of) the BNSF corridor, as it winds along the shores of Lake Washington.

We have a follow up question / concern regarding claims as to current control and usage of the corridor. At the end of this email is an excerpt from an email sent out by the Cascadia / Discovery Institute (who are pushing, with GNP, for commuter rail on the corridor), inviting local government officials to a complimentary dinner and tour program on the Eastside corridor on February 3. Were you aware that Cascadia is intending to host an event on the corridor? This didn't come up in our discussions regarding permission to promote a walk on the corridor.

Aside from the conflict of interest issues that arise when private entities seeking public money provide gratuities to public officials, how can Cascadia circumvent the mandatory public process that is supposed to be conducted by public bodies – after acquisition by the various public bodies is finalized - to determine

what appropriate usage of the corridor in the public interest? They seem to be placing themselves in a position of stewardship over the corridor. The inclusion of Snohomish County Executive Reardon in this event adds a legitimacy which some might find offensive given the supposedly unsettled nature of the corridor.

One other point that occurred to us is that perhaps many of the public officials and decision makers have not actually traversed the corridor to view how it winds through neighborhood centers and backyards, beside parks and schools, and through forest and wetlands areas. This came up in the context of a meeting that several of ETA's members recently had with Jane Hague. When Jane was showed what a dual RR Track plus a trail and fences would look like (and the space it would take along the corridor) through the heart of the oldest neighborhoods in Kirkland, she seemed genuinely surprised and concerned about the type of development that would severely impact the greenway value and the character and value of one of the best residential towns on the Eastside.

If you haven't walked the corridor, particularly through Kirkland, we would encourage you to do so and/or would be happy to join you to provide narrative about the area – or if it would be helpful in advance of actually walking the corridor, we would be happy to meet and provide pictures and descriptions of various segments of the corridor. Please let us know if you are interested and we can schedule a time that is convenient for you.

Thank you again for your consideration of these issues. We look forward to hearing back regarding the public process issues raised above.

Karen Rasmussen
Eastside Trail Advocates
425-822-4649

steering@eastsidetrailadvocates.org
www.eastsidetrailadvocates.org

“In late December 2009, the Port of Seattle and BNSF reached an agreement that will allow the Renton to Snohomish rail line to remain intact. Under the agreement, King County, Sound Transit, the City of Redmond, Puget Sound Energy and the Cascade Water Alliance will purchase segments of the corridor.

This purchase agreement represents an unprecedented opportunity for the future development of transportation in the corridor – a corridor that can and should accommodate trail and commuter rail needs. In addition, we believe the corridor can be a shining example for smart and sustainable growth with numerous opportunities for transit oriented development at possible station sites.

The Cascadia Center for Regional Development cordially invites you to participate in a complimentary tour and dinner program on the Eastside Rail and Trail Corridor on February 3, 2010. The tour will depart from The Bellevue Club in downtown Bellevue at 3 p.m., and travel through Bellevue, Redmond, Kirkland and Woodinville - and the BNSF line - and return to Bellevue at 6 p.m.. Following the tour, we invite you to join us for a hosted dinner at The Bellevue Club from 6:00 – 9:00 p.m. On February 4 and 5, Seattle will host the New Partners for Smart Growth Conference for 2010. Attending the conference and joining the Cascadia Center's tour and dinner

program will be Andy Peri and Deb Hubsmith of the Marin County Bicycle Coalition, who will be in Seattle to attend the conference. Mr. Peri and Ms. Hubsmith are closely involved with the [Sonoma Marin Area Rail Transit \(SMART\)](#) in San Francisco's North Bay. SMART serves as a model of how to unite different communities in a common cause and offers a clear example of how a publicly owned railroad right of way can be developed to accommodate the needs of the community for **both** trail and bike users and commuter trains. We will find out how they successfully united bicycle clubs, train supporters, local communities and other user groups to achieve 70 percent support for the SMART project.

We have also confirmed that Sound Transit Board Chair and Snohomish County Executive Aaron Reardon will join us for the February 3 dinner, to discuss Sound Transit's successes and potential partnerships with the BNSF line. The evening concludes with a community response panel of elected leaders, local bicycle organizations from the Eastside and two organizations Cascadia works with on rail issues - All Aboard Washington and Transportation Choices – who will provide their perspectives on multiple use corridors on the Eastside.

We encourage you to participate in the tour and evening program, on February 3, to learn about the corridor, the issues involved and the challenges and opportunities that this corridor presents.

To RSVP to participate in the tour, the dinner or both, please contact Mollie Tschida at The Discovery Institute at molliet@discovery.org or at (206) 292-0401 ext. 111.

Bruce Agnew
Director
Cascadia Center for Regional Development
206-228-4011
bagnew@discovery.org”

D R A F T

February 17, 2010

Mr. Gary Greenberg
10335 NE 55th St.
Kirkland, WA 98033

Dear Mr. Greenberg:

Thank you for your email to the Kirkland City Council regarding the former Burlington Northern Santa Fe Eastside Rail Corridor. There is great interest by citizens and advocacy groups in how the corridor will be developed in the short and long term.

Over the next months, the City of Kirkland will be clarifying its position on the corridor and transmitting it to King County, the Port of Seattle, Sound Transit and other entities involved in ownership of the corridor. The City Council is aware of the studies concerning rail use that have been completed in the past and will consult them as we consider our position. We are committed to making sure that a full public process takes place before decisions about the corridor's use are finalized.

The City Council appreciates your thoughts and interest in how the Eastside Rail Corridor is developed. Please contact David Godfrey, Transportation Engineering Manager at (425)587-3865 or dgodfrey@ci.kirkland.wa.us if you have further questions on this or other transportation matters affecting Kirkland.

Sincerely,

Kirkland City Council

By Joan McBride, Mayor



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Kari Page, Neighborhood Outreach Coordinator
Marilynne Beard, Assistant City Manager

Date: February 4, 2010

Subject: GROHN EMAIL REGARDING 2010 NEIGHBORHOOD CONNECTION PROGRAM IN THE NORKIRK NEIGHBORHOOD

RECOMMENDATION:

City Council approve the attached response letter to Liv Grohn regarding the 2010 Neighborhood Connection Program in the Norkirk Neighborhood

BACKGROUND DISCUSSION:

History of Neighborhood Connection Program

The Neighborhood Connection Program was created in 2000 with an annual allocation of \$100,000 from Capital Improvement Program Funding. In 2008, the annual allocation increased to \$125,000. The program targeted four of the 13 neighborhoods each year and cycled around the entire City in three years.

The goals of the program include:

- Provide neighborhoods with resources to address needs;
- Strengthen the relationship between City Hall and the neighborhoods;
- Support the neighborhood associations in expanding their membership;
- Increase awareness of City services; and
- Build partnerships to improve Kirkland's neighborhoods.

Although the popularity of the program has been fueled by the capital projects funding, the program addressed hundreds of non capital citizen inquiries each year. Only thirty percent of the requests typically end up on the ballot for the neighborhood to prioritize for their Neighborhood Connection Program funding allocation (\$25,000 per neighborhood).

Since the Program's inception, the program has addressed over 2000 requests and completed over 85 small capital projects totaling \$900,000. The projects fall into the following categories:

- \$167,000 Pedestrian improvements: asphalt walkways, gravel paths, sidewalk connections
- \$160,000 Pedestrian crossings: sidewalk bump outs, traffic islands, flashing beacons, overhead signs

\$150,000	Park capital investments: playgrounds, gazebos, swings
\$102,000	Traffic calming: islands, street narrowing, and radar signs
\$82,000	Street lighting
\$65,000	Park major maintenance: resurfacing basketball courts, hoops and backboards, resurfacing trails
\$61,500	Art: sculptures (including "Save the Animals")
\$50,000	Benches: along city right of way
\$32,500	Park vegetation: removal of invasive plants and re-vegetating with native plants
\$30,000	Landscaping and street trees along public right of way

City Council Budget Reduction Decision

During the 2009/2010 budget process, the City Council discussed eliminating the Neighborhood Connection Program funding completely (as part of the budget reductions for the biennial budget). In addition, the Neighborhood Matching Grant Program was reduced from \$3,500 to \$615 per neighborhood.

However, after much deliberation the Council decided to include \$25,000 in the biennial budget so the Program would not disappear entirely. The thinking was that keeping the "line item" in the budget would recognize the Program's importance even during these hard times and create a slate for future increases once the City's financial condition recovered. The Council adopted the 2009/2010 biannual budget with no program funding in 2009 and \$25,000 for 2010.

Staff met with the Kirkland Alliance of Neighborhoods in early 2009 and obtained consensus on funding the Norkirk Neighborhood in 2010. The Norkirk Neighborhood is the last neighborhood to complete the third cycle around the entire City. All other neighborhoods have received three cycles of funding.

Norkirk Neighborhood Connection Program 2010

At the February 3, 2010 Norkirk Neighborhood meeting, the group discussed project ideas to compete for the \$25,000. Examples of project ideas submitted to date include:

- Re-landscape the traffic islands to reduce maintenance costs and remove bulky vegetation reducing driver's site distance.
- Leverage funding with neighborhood volunteers to improve a vacated street end
- Sponsor one or more concerts in the park.
- Install benches at the pea patch in Tot Lot Park and popular Metro bus stops.
- Create an outdoor fitness course at one of the neighborhood parks.
- Implement a forest restoration project at Crestwoods Park using volunteers and possibly goats.
- Restore some level of garbage service in neighborhood parks.
- Return a portion or all of the funding to the City to help with the budget shortfall.

Returning the money to the City has been suggested in the past, but never before under these kinds of City budget conditions. The program empowers the neighborhood association to make the final decision on what goes on the ballot for voting. From the discussion at the February 3 meeting, returning the money to this City is a likely possibility. The Norkirk Neighborhood will further discuss these and other ideas submitted by their neighborhood at their next meeting (April 7) prior to finalizing the ballot.

After that time, a postcard will be mailed to all Norkirk residents directing them to the online ballot site to learn more about the projects and vote.

EMAIL FROM LIV GROHN:

From: Liv Grohn [livgrohn@verizon.net] Sent: Sun 1/24/2010 8:44 PM
To: Amy Walen; Bob Sternoff; Joan McBride; Doreen Marchione; Penny Sweet; Jessica Greenway; Dave Asher
Cc: Larry Springer; Roger Goodman; Kari Page; Eric Eng
Subject: Neighborhood Connections Program

Honorable Mayor McBride, and Honorable City Council members,

I am a bit at odds with the continuation of the Neighborhood Connections Program for 2010.

While I recognize that the annual funding has been reduced from 100K to 25K and only one neighborhood is receiving funding this year (mine-- Norkirk) it seems less than prudent to be using scarce city funds to purchase art or other discretionary items--even though they might improve our quality of life.

This concept is a wonderful program--when times are good. But in these tough economic times, it simply does not seem wise particularly when noting employee job losses and cuts to other programs which we all know actually do have a direct affect on our communities.

Thank you for your consideration.

Liv Grohn
338 Tenth Avenue
Kirkland, WA 98033
hm: 425.828.9445
cell: 425.736.8011

February 17, 2010

Liv Grohn
338 Tenth Avenue
Kirkland, WA 98033

D R A F T

Re: Neighborhood Connection Program

Dear Ms. Grohn:

Thank you for your email to the Kirkland City Council expressing concerns about continuing the Neighborhood Connection Program for 2010.

During the 2009/2010 budget process, the City Council did discuss eliminating the Neighborhood Connection Program funding completely (as part of the budget reductions for the biannual budget). In addition, the Neighborhood Matching Grant Program was reduced from \$3,500 to \$615 per neighborhood.

However, after much deliberation the Council decided to include \$25,000 in the biannual budget so the Program would not disappear entirely. The thinking was that keeping the "line item" in the budget would recognize the Program's importance even during these hard times and create a slate for future increases once the City's financial condition recovered. The Council adopted the 2009/2010 biannual budget with no program funding in 2009 and \$25,000 for 2010.

Staff met with the Kirkland Alliance of Neighborhoods in early 2009 and obtained consensus on funding the Norkirk Neighborhood in 2010. The Norkirk Neighborhood is the last neighborhood to complete the third cycle around the entire City. All other neighborhoods have received three cycles of funding.

As you may know, the program empowers the neighborhood association to make the final decision on what appears on the neighborhood's ballot for voting. Over a dozen project requests have been submitted to date including returning the funding to the City. Your recommendation has been added to the list of potential items on the ballot. The Norkirk Neighborhood Association will further discuss these and other ideas submitted by their neighborhood at their next meeting (April 7) prior to finalizing the ballot.

Thank you for sharing your concerns. Please stay involved with your neighborhood as the process continues. Should you have further questions about the Neighborhood Connection Program, please contact Kari Page, Neighborhood Outreach Coordinator at (425) 587-3011 or kpage@ci.kirkland.wa.us.

Sincerely,
KIRKLAND CITY COUNCIL

by Joan McBride
Mayor



CITY OF KIRKLAND

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.ci.kirkland.wa.us

To: Dave Ramsay, City Manager

From: Ray Steiger, Interim Public Works Director
David Godfrey, P.E., Transportation Engineering Manager

Date: February 4, 2010

Subject: CORRESPONDENCE FROM MR. JONERIK JOHNSON

RECOMMENDATION:

It is recommended that the City Council authorize the Mayor to sign a letter of response to Mr. Johnson who addressed the Council and sent a follow up email with concerns about parking and construction impacts to downtown businesses.

BACKGROUND DISCUSSION:

Mr. Johnson outlines a series of observations and recommendations about how downtown construction and parking concerns are impacting downtown businesses. Many of these observations concern construction of the downtown transit center. Others concern parking. Staff has reviewed the observations and concerns, and many of them have been or are being addressed, such as access to the Library garage, improved lighting on Park Lane and adding parking supply.

Mr. Jack Wherry, chair of the Parking Advisory Board had a productive conversation with Mr. Johnson leading to a better understanding of Mr. Johnson's concerns and how they might be resolved. Mr. Wherry has shared that information with staff and with the Parking Advisory Board.

From: JonErik Johnson [mailto:jonerik@live.com]
Posted At: Wednesday, January 20, 2010 12:49 PM
Posted To: Kirkland Council
Conversation: Downtown core Parking issues
Subject: Downtown core Parking issues

Attention to: Mayor, Deputy Mayor, City Council and City Manager

Regarding: Downtown Core Parking, impact of construction projects

Thank you for allowing me to follow up with you regarding my presentation last night at the Kirkland City Council Meeting. I appreciate your time, attention and the request for the balance of the information I have gathered.

Before I came to you, I wanted it to be sure I was accurate, balanced and fair. To achieve this end, I interviewed several Business owners, employees and business patrons. I also have many years experience in the categories of Business development, parking and the affects of construction. I am always open to your questions and concerns related to this challenge; this is something we all share.

Start speech:

I am JonErik Johnson founder and chair of the Eastside Business Project, which is a partnership of eastside professionals. Through Business development and other related events, I have learned about serious challenges regarding parking in the downtown core.

You should know I am not attempting to cause trouble; I simply want to present a scenario that may reveal the true urgency of a known situation in downtown Kirkland. Many feel that swift action has not been taken, or at the very least communication has been poor between the city and the business owners.

I have talked to many business owners downtown, and their feedback on the issue is essentially the same.

"This process has not been transparent, and it has taken to long; we're dying on the vine!"

Many of the downtown businesses have struggled for the last 3 years, while sales dropped in 2007, and then for 2 more years during the recession. Now, they are approaching what we hoped is the finish line, and construction has created an entire new challenge for them. Many businesses have experienced a drop in revenue of 10% or more. This loss started the day construction created access issues, "just like a light switch was turned off".

I have a lot of experience in these types of situations, and you must act swiftly, before many more businesses are forced to close their doors. It has started, and it will continue until more parking is made available to customers.

Recently, I organized a social at a restaurant downtown, I could not find parking. Several of my colleagues were experiencing the same thing. It took us all from 20 to 30 minutes to find parking, if we were regular customers we would be gone to spend our money elsewhere.

Observations:

- Parking available at the Library is not properly marked.
- The construction on 3rd Street is a mess; it is filthy and unsafe to pass; creates confusion.
- Top many traffic cones, tape and barriers; everyone interviewed said it's very confusing.
- Many people cannot see the access to library parking after dark.
- I have seen Library completely blocked off, no access to parking, nobody managing situation.
- Project on Kirkland Ave and Lake St is managed well, but parking stalls do not have to be taken all day.
- Valet parking at Hotel took 2 more parking stalls; 2 stall loss has had enormous affect on Businesses.
- Patrons must park across town, increase in tickets is destroying revenues of business; they absorb costs.
- Street parking requirements change, tickets issued to regular patrons; including disabled and elderly.
- Changing 2hr parking to 30 minute kills business; it takes 45 minutes to get hair cut and tickets kill revenue.
- Much parking capacity is being utilized by construction personnel, a solution is needed to balance needs of business and progress of projects.

Recommendations:

- 3rd St. project doesn't need so much space; I have never seen anything like it in a downtown core.
- Give the 3rd St Contractor what they need during day, take it back clean after 4pm.
- Staging a job shack on an important road is amateurish, open up Park Ln.
- No Staging on road; a main road in downtown core must be kept open whenever possible.
- Baker tank should be on sidewalk or in a Bus Zone; split it if necessary for safety.
- Never allow contractor to stage equipment on our roads; long term staging needlessly blocks our access.
- Valet parking at Hotel needs to be mixed use, Valet doesn't need them all day; 2 stall loss to other businesses that were present first.
- Kirkland Ave, take back the street after 4pm. Approach contractor gently, they may jump on board without a problem.
- Kirkland Ave Project will finish street level soon; ask to bring all exterior staged items into building footprint. This includes sanicans/portolets and garbage receptacles'.
- Kirkland parking management should open up parking on street until the construction issues are gone.
- Antique mall being available on March 1st is inadequate, and weeks to late; open up now. Kirkland can close it temporarily to seal, paint stalls and install metering equipment; open it now, adapt later to generate revenues.
- Work with Business owners and contractors to get employees to park in Antique mall area or library; free up street parking as much as possible.

Your immediate response is respectfully requested, in order to preserve the downtown core businesses existence; some have been present for more than 30 years. Many may suggest that the challenge is more complex than meets they eye, I tend to agree. This is not,

however, a time to debate actual cause and affects, when business are failing and forced to shut their doors. Please act now, please act swiftly and diligently. I will be working with Business owners to be sure everything is being done to assure that employee parking and deliveries are not abusing the parking that is opened up for patrons.

I appreciate your attention in this matter

Best regards

JonErik Johnson
Keller Williams Realty Kirkland
Direct 425-442-2964
jonerik@live.com
<http://jonerik.eastsidepowersearch.com>

Founder, Chair
Eastside Business Project

To learn more about EBP, please click the link below...
[Eastside Business Project](#)

Attention: The information contained in this email may be confidential and privileged. It is intended for the individual or entity named above. If you are not the intended recipient, please be notified that any use, review, distribution or copying of this email is strictly prohibited. If you have received this email by error, please delete it and notify the sender immediately. Thank you

February 17, 2010

DRAFT

Mr. JonErik Johnson
Keller Williams Realty Kirkland
13131 NE 85th Street
Kirkland, WA 98033

Dear Mr. Johnson:

Thank you for your remarks at a recent Kirkland City Council meeting and your follow-up email regarding parking and construction impacts to downtown business.

As you are aware, construction of the new Kirkland Transit Center is underway. When it is complete in early 2011, Kirkland will enjoy an exciting new asset. During the planning and pre-construction phases of the project, City and Sound Transit staff did extensive outreach to the business community to discuss the potential construction impacts and to listen to concerns. A webpage and email subscription system were established by the City to keep downtown businesses informed of the Transit Center project and other associated capital improvement projects.

Thank you for your observations about the construction staging for the Transit Center. Allowing the contractor to close streets and stage equipment near the site reduces costs to the public and decreases construction time but these benefits must be balanced against the need for the public to travel freely. During the City and Sound Transit's outreach, businesses contacted agreed that keeping a lane of vehicular traffic open on 3rd Street and allowing staging on Park Lane --while ensuring pedestrian access-- was the best way to move forward. If you have more specific comments on the transit center project please feel free to comment directly to the City's project manager, Mr. Ray Steiger at (425) 587-3833 or rsteiger@ci.kirkland.wa.us.

Your suggestion about the Bank of America/Merrill Gardens II project on Kirkland Avenue is appreciated. We agree that working with the contractor to free up on-street space as quickly as possible will benefit business owners and their customers.

Despite the over 1200 parking stalls in downtown Kirkland, the City is always striving to add more parking. For example, you mentioned the parking changes on Kirkland Avenue near the Heathman Hotel. As a bit of background, working with the surrounding businesses and properties, three new stalls were added on the west side of State Street just south of the Hotel prior to converting two stalls on Kirkland Avenue to valet parking. The two new valet stalls compliment the rearrangement of the Hotel's operations during the Transit Center construction which now requires patrons to use the alley when picking up their cars. We understand that the Chair of the City's Parking Advisory Board has been in contact with you to see how the Board can help resolve some of the other parking issues you've observed. If you have other specific parking related observations, please contact Tami White, Parking Coordinator at (425) 587-3871 or twhite@ci.kirkland.wa.us.

Letter to Mr. JonErik Johnson

February 17, 2010

Page 2

Additional lighting on Park Lane is being constructed, the former Antique Mall site will soon be open for public parking, and staff is continuing to work with businesses and contractors to get their employees to park appropriately. Also, the library garage entrance from 3rd Street will be open except when directly impacted by construction and the Kirkland Avenue entrance is open at all times.

The City Council appreciates your thoughts and interest in making Kirkland's downtown business climate the very best it can be. We're working hard to limit the impacts of construction in anticipation of our new downtown transit center, an improvement that will benefit Kirkland for years to come.

Sincerely,
Kirkland City Council

By Joan McBride, Mayor



CITY OF KIRKLAND
City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay
From: Ellen Miller-Wolfe
Date: February 4, 2010
Subject: Draft Response to Letter from Gary Rubens

RECOMMENDATION:

City Council review the draft letter to Gary Rubens.

BACKGROUND DISCUSSION:

This draft letter is in response to a letter from Mr. Gary Rubens, President/CEO of Allied Trade Group, Inc. Mr. Rubens expressed concerns about the new business tax. He questions the tax on number of employees, both in regard to its timing – in a down economy – and its potential impact on Kirkland's competitiveness with surrounding cities relating to business attraction and retention.

E-Page 38

From: Gary Rubens [mailto:grubens@alliedtradegroup.com]

Posted At: Sunday, January 24, 2010 8:08 AM

Posted To: Kirkland Council

Conversation: [SPAM] Business License

Subject: [SPAM] Business License

Hello Kirkland City Council,

My Name is Gary Rubens, I have conducted business in Kirkland for over 20 years, First with Architectural Details Inc, and currently with Allied Trade Group (ATG Stores.com), this is the first time in my life I have ever written a letter to a government official.

I love Kirkland, but it is becoming difficult to support the City as I watch it become more and more alienated from businesses within its core, I feel the polices towards business are going to drive away employees, employees and ultimately supporting businesses.

I know times are tough, budgets need to be cut and revenue needs to increase, all this while Washington State is experiencing its highest unemployment rate since 1984. However, I feel the direction of Taxing business in excess for their successes of hiring and keeping employees is sort of a "Slap in the Face" to those who have supported the ideals of Kirkland for many years. Ultimately this leads to employers either cheating or letting non essential employees go instead of keeping them on staff at the end of the year.

When I started my business in 1990 I paid the city's \$40 business license fee and went about my goal of growing my business, last week, my accounting manager brought me a bill to pay the City for \$10,600.00 for the city business license. Plus the City wants \$200 for a warehouse location we keep.

In this economy this bill alone could force a small company into bankruptcy. I had planned on hiring more employees in 2010, but now I am seriously looking at another expansion location outside of Kirkland, the Benefits that Kirkland brings me are not so much greater than another city.

I know the city collects revenue off our State taxes; my recommendation is to "Make Kirkland the new Renton" and become business friendly. I fear that if the City continues down this path, you will eventually run every large employer away, which means their employees will move, small supporting business will also not be needed.

Taxing Business is not the answer to long term growth.

Thanks for listening

Gary Rubens

Gary Rubens | President/CEO

Allied Trade Group, Inc.

11410 NE 122nd Way

Suite 200

Kirkland, WA 98034

P: 425-814-2515 ext 2310

F: 425-284-2154

E: grubens@atgstores.com

www.ATGStores.com



February 16, 2010

D R A F T

Gary Rubens
President/CEO
Allied Trade Group, Inc.
11410 NE 122nd Way, Suite 200
Kirkland, WA 98034

Dear Mr. Rubens:

Thank you for contacting the Kirkland City Council to share your thoughts about the City of Kirkland's business tax. We appreciate hearing from the business community. In your email, you express concerns that the City's current business tax thwarts business recruitment and retention.

As part of our strategies to balance the 2009-2010 Budget, the Council explored the option of changing the business license "base fee" structure to a "per employee" fee structure. The City Council's decision to adopt a per employee business license fee was based on its conclusion that, if Kirkland's economic future was tied to attracting knowledge-based high technology companies, its tax policy should reflect this. At the time, large companies were paying a minimal tax, which did not reflect the impact of providing city services to them. The City's business license structure is intended to better recognize the service impacts of larger companies, with fees varying based on the number of full time equivalent employees.

During the study of changing the structure, the City was careful to analyze the business tax structures of other communities to make sure that Kirkland was competitive in attracting businesses. Our assessment determined that the business tax the City adopted was either consistent or lower than those of adjacent cities.

Business license fees ensure businesses receive essential City services that the City provides such as police protection, security, emergency services, a clean city, parks and amenities. In addition, through our Economic Development Program, we fund a part-time business consultant, Duncan Milloy. Mr. Milloy offers monthly orientation sessions for new businesses, provides one-on-one technical assistance at no cost, including how to navigate City processes and helps companies make connections to other business resources. We also work routinely with commercial brokers, developers and businesses to find locations for new businesses and opportunities for existing businesses to expand in place or find new locations in the city. Last year, a 'buy local program' and website called "KirklandFirst" (www.KirklandFirst.org) was created in response to the down economy as a means to promote business-to-business activity and instill resident awareness of local offerings and patronage of those businesses. The KirklandFirst website now features 300 Kirkland businesses and notes their discounts and special events.

The City is supportive of its business community and we're glad that Allied Trade Group, Inc. is part of our community. If you'd like to learn more about programs that support businesses, please contact Ellen Miller-Wolfe, Economic Development Manager at 425-587-3014 or emwolfe@ci.kirkland.wa.us .

Sincerely,
Kirkland City Council

By Joan McBride, Mayor



CITY OF KIRKLAND
Department of Finance and Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager
From: Kathi Anderson, City Clerk
Date: February 4, 2010
Subject: CLAIM(S) FOR DAMAGES

RECOMMENDATION

It is recommended that the City Council acknowledge receipt of the following Claim(s) for Damages and refer each claim to the proper department (risk management section) for disposition.

POLICY IMPLICATIONS

This is consistent with City policy and procedure and is in accordance with the requirements of state law (RCW 35.31.(040)).

BACKGROUND DISCUSSION

The City has received the following Claim(s) for Damages from:

- (1) Heath and Krista Albers
3005 NW Harrison #5
Corvallis, OR 97330

Amount: \$354.93

Nature of Claim: Claimant states damage resulted from insufficient parking restriction notice.

- (2) Dennis A. Conrad
10143 NE 62nd Street
Kirkland, WA 98033

Amount: \$1,467.26

Nature of Claim: Claimant states damage to residence resulted from debris blocking storm-water drain covers as well as blocking a large grate protecting access to a culvert.

- (3) Lavelle R. Johnson
3128 35th Ave. S.
Seattle, WA 98144

Amount: \$50,000.00

Nature of Claim: Claimant states damages resulted from police arrest.

- (4) King County Risk Management Program
Dept. of Executive Services
400 Yesler Way, Room 410
Seattle, WA 98104

Amount: \$66.54

Nature of Claim: Claimant states damage to vehicle resulted from being struck by a City vehicle.



CITY OF KIRKLAND
Department of Public Works
 123 Fifth Avenue, Kirkland, WA 98033 425.587.3000
 www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Ray Steiger, P.E., Interim Public Works Director
Rod Steitzer, P.E., Project Engineer

Date: February 3, 2010

Subject: NE 124th Street/124th Avenue NE Intersection (Phase 1) and Water Quality Improvements - ACCEPT WORK

RECOMMENDATION:

It is recommended that the City Council accept the NE 124th Street/124th Avenue NE Intersection (Phase 1) and Water Quality Improvements Project (124/124 Phase 1) as constructed by Johansen Excavating, Inc. of Buckley, Washington, and establish the required 45-day lien period.

BACKGROUND DISCUSSION:

The 124/124 Phase 1 improvements were constructed to enhance traffic control, relieve congestion, improve pedestrian safety and advance water quality and surface water management in the area. The specific work elements included road widening, the installation of two additional northbound travel lanes, added bike lanes, new pavement markings, four new signal poles, a new signal cabinet with signal control equipment, a new video traffic detection system, new streetlights, new ADA curb ramps with concrete curbs, gutters, sidewalks, and retaining walls. The road widening and new channelization resulted in two northbound (NB) to westbound left turn lanes, two NB through lanes, one NB to eastbound right turn lane, and two southbound through lanes (Attachment A). The work also included the installation of a 31,000 gallon concrete detention vault with four separate additional surface water quality treatment systems to treat storm water drainage from the surrounding commercial areas prior to discharge into Totem Lake; Totem Lake is the headwater for Juanita Creek.



Road widening with new vehicle and bicycle lanes on the south leg

The 124/124 Phase 1 improvements were the first part of a two-phased construction plan for the intersection. Capacity improvements to this intersection are critical in maintaining concurrency in the Totem Lake sub-area, and this phase of the project included approximately \$700,000 in funding provided by Evergreen Hospital as a condition of their expansion. Design of Phase 2 will begin in 2011.

At their meeting of July 1, 2008, Council awarded the construction contract to Johansen Excavating in the amount of \$1,297,747.70. The project was physically complete on October 16, 2009, with payments to the contractor totaling \$1,343,178.64. Included in these payments were four change orders amounting to \$85,689.72. The largest change order (\$70,541) was for relocating a large surface water control vault necessitated by a significant survey error and existing utility conflicts. The survey and design consultant, Parametrix, Bellevue, WA, provided the City with approximately \$90,000 worth of additional services including a revised vault location survey, design, detail drawings, and field support at no extra cost to the City in response to their error.

Total cost to construct the 124/124 Phase 1 Project was \$2,395,481.17, which is significantly below the approved budget of \$3,488,100 (Attachment B). The cost savings are again attributable to the bidding climate and to the economies-of-scale realized through combining the intersection improvements (CTR 0070) with a surface water control and water quality project (CSD 0029). More specifically, CTR 0070 saved approximately \$615,612, while CSD 0029 saved \$477,006; totaling \$1,092,619 (Attachment B). However, due to a funding shortfall in the surface water element of CTR 0070, an additional \$15,126 is needed to close out the project, as outlined in the attached Fiscal Note (Attachment C); remaining funds for both projects will be returned to appropriate funding sources.

Attachments: (3)



The 31,000 gallon concrete detention vault required large equipment and coordination with Seattle City Light. The work was timed to coincide with the power in the overhead lines being turned off in order for a crane to place 7 separate concrete vault sections. The work was done on a Saturday.



Totem Lake Park

BNSF RR

4 NEW SURFACE WATER QUALITY VAULTS

FOUR NEW SIGNAL LIGHT POLES

NE 124th Street

RELOCATED SIDEWALK

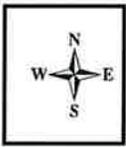
RELOCATED SIDEWALK

2 SOUTH BOUND LANES AND 1 BIKE LANE

5 NORTH BOUND LANES AND 1 SHARED BIKE LANE

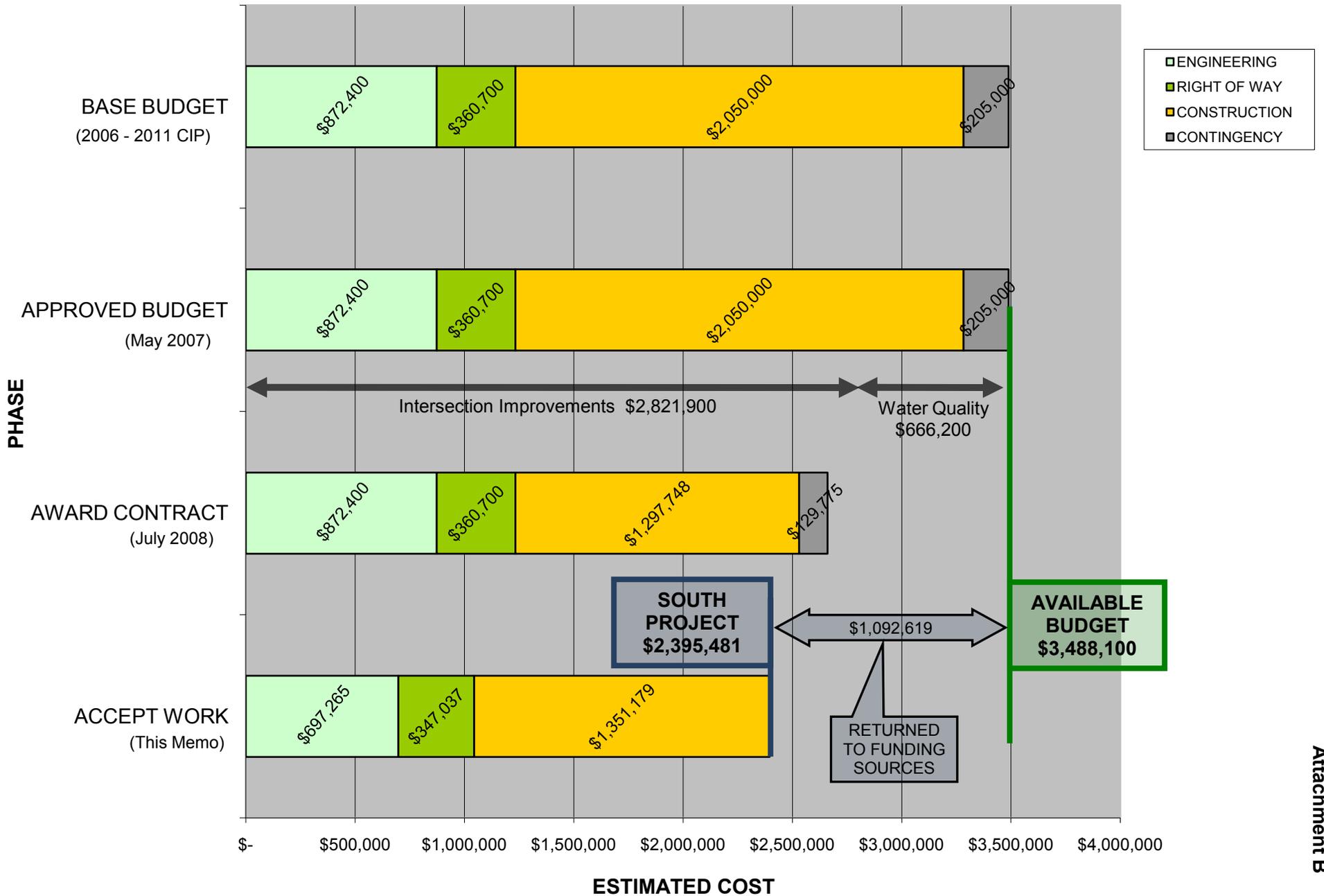
NEW SURFACE WATER CONTROL VAULT

124th Ave NE



Vicinity Map
NE 124th Street/124th Avenue NE
Intersection and Water Quality Improvements

NE 124 STREET / 124 AVENUE NE INTERSECTION AND WATER QUALITY IMPROVEMENTS PROJECT BUDGET REPORT



FISCAL NOTE

CITY OF KIRKLAND

Source of Request							
Ray Steiger, P.E., Interim Public Works Director							
Description of Request							
Request for additional funding of \$15,126 from the Surface Water Capital Transportation Reserve to close the NE 124th Street/124th Avenue NE Intersection Improvement Project-Surface Water component (C TR 070 423)							
Legality/City Policy Basis							
Fiscal Impact							
One-time use of \$15,126 of the Surface Water Capital Transportation Reserve designated for surface water capital transportation projects. The reserve is fully able to fund this request.							
Recommended Funding Source(s)							
Reserve	Description	2010 Est End Balance	Prior Auth. 2009-10 Uses	Prior Auth. 2009-10 Additions	Amount This Request	Revised 2010 End Balance	2010 Target
	Surface Wtr Transp. Capital Rsv	1,302,179	23,000	0	15,126	1,264,053	N/A
	2009-2010 Prior Authorized Uses of this reserve include: \$23,000 for the Downtown Transit Center Local Funding Request (surface water component)						
Revenue/Exp Savings							
Other Source							
Other Information							

Prepared By	Neil Kruse, Budget Analyst	Date	February 3, 2010
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CITY OF KIRKLAND
Fire & Building Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3000
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager
From: Kevin Nalder, Director Fire & Building
Date: February 6, 2010
Subject: Paging and Alerting Project

RECOMMENDATION:

Reallocate funds to pay the final invoice for the department paging and alerting system of \$80,236.

BACKGROUND DISCUSSION:

The Fire paging and alerting CIP project has been a multi-year project. The first payment for this project was \$80,266.00 in 2007 with no other payment requested. In September/October, the Finance Department reviewed the CIP to identify potential completed/outdated projects to "redirect" the unused funds to the General Fund. The Fire and Building Department authorized the project to be closed, not realizing that a final invoice for Fire Paging and Alerting was pending from the City of Bellevue in the amount of \$80,236. The project was closed inadvertently before a final invoice was paid.

The final invoice can be covered by reallocating unspent 2009 funds from other accounts. The department requests that Council authorize using \$22,508 from the department budgeted Bellevue Dispatch wireless services. The dispatching of Kirkland Fire is now provided by NORCOM who will now cover these costs making \$22,508 of the 2010 basic budget available to cover a portion of the paging and alert system project. The Department also requests authorization to use \$57,728.00 of the unused 2009 contingency reserve approved to fund the overtime estimate; in September 2009 the department estimated a total overage in personnel overtime of \$272,000. The actual usage was \$201,342.

This totals \$80,236 which will complete the Fire Paging and Alerting project.



CITY OF KIRKLAND

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

www.ci.kirkland.wa.us

MEMORANDUM

To: City Council

From: Robin S. Jenkinson, City Attorney

Date: February 4, 2010

Subject: City Manager Salary

RECOMMENDATION:

The Council passes the attached ordinance to decrease the City Manager's salary by 3.4 percent which is equal to the decrease received by Management and Confidential employees in the City.

BACKGROUND DISCUSSION:

The City's Management and Confidential (MAC) employees will receive a 3.4 percent salary reduction in 2010. Passage of the attached ordinance would decrease the City Manager's salary by the same 3.4 percent. This salary reduction would be effective for 2010, commencing January 1, 2010.

The 3.4 percent salary reduction for MAC employees was part of the Council's strategy to balance the projected budget shortfall for 2010. Other City employees in represented bargaining units participated in voluntary salary concessions, or equivalent reductions, in response to Council direction to achieve a 3.4 percent reduction in personnel costs.

This action has the net effect of reducing the City Manager's salary. Council action on such a salary reduction is provided for and is consistent with the Employment Agreement currently in place for the position.

ORDINANCE NO. 4233

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO A SALARY REDUCTION FOR CITY MANAGER.

The City Council of the City of Kirkland do ordain as follows:

Section 1. The salary for the City Manager is decreased by a percentage amount equal to the reduction received by the Management and Confidential employees in the City which is a decrease of 3.4 percent to \$157,500 per year effective from January 1, 2010.

Section 2. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2010.

Signed in authentication thereof this ____ day of _____, 2010.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney



CITY OF KIRKLAND

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Robin S. Jenkinson, City Attorney

Date: February 4, 2010

Subject: Parking Regulations Ordinance

RECOMMENDATION:

The Council passes the attached ordinance to amend Chapter 12.45 of the Kirkland Municipal Code to add parking regulations.

BACKGROUND DISCUSSION:

The attached ordinance incorporates RCW 46.61.575 relating to the distance vehicles may be parked from the curb into the Kirkland Municipal Code (KMC). This ordinance was requested by the Kirkland Municipal Court and Kirkland Police Department to enable officers to write citations under the KMC rather than the State law and correct an inconsistency.

ORDINANCE NO. 4234

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PARKING REGULATIONS AND AMENDING CHAPTER 12.45 OF THE KIRKLAND MUNICIPAL CODE TO ADD A NEW SECTION 12.45.320.

The City Council of the City of Kirkland do ordain as follows:

Section 1. A new Section 12.45.330 of the Kirkland Municipal Code is hereby added as follows:

12.45.330 Additional parking regulations.

It is a civil infraction to park or stand a motor vehicle in violation of the following parking regulations:

(1) Every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or a close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

Section 2. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2010.

Signed in authentication thereof this ____ day of _____, 2010.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney



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

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 2nd 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 16th: 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 21st. 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 21st, 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**

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 99th 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 99th 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 99th 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 21st day of January, 2010.

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 14TH Avenue NE, Seattle, WA 98115

Current Property Owner: Oskoui Family Limited Partnership, 11400 98th 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

**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 99th 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 CRITERIA1. Process IIB Zoning Permita. 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 99th Place NE that were a condition of the approved plat.
 - (4) Public Works Department Staff recommends that the dedicated portion of 99th 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 99th 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.

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.

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 14TH Avenue NE, Seattle, WA 98115

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

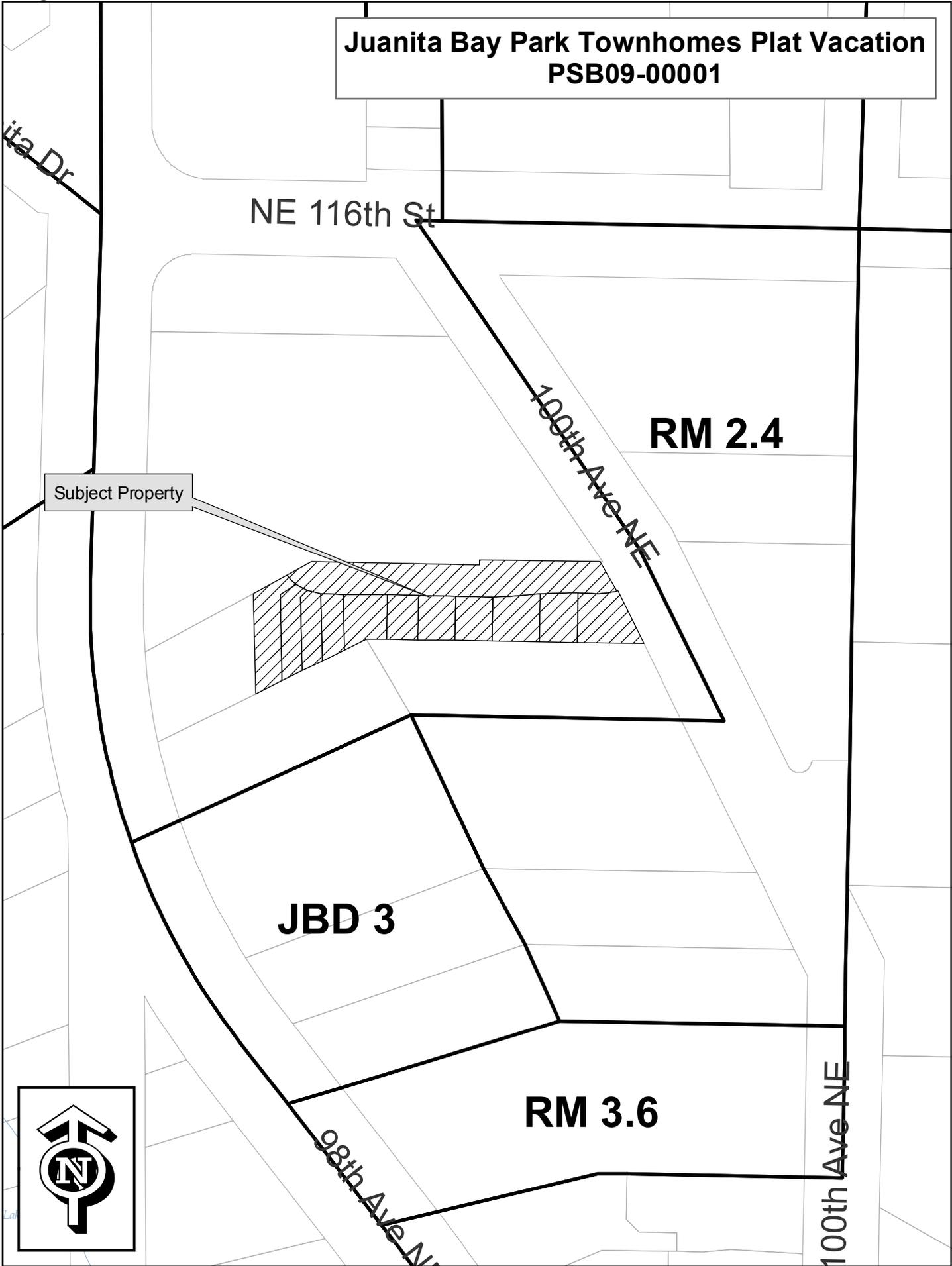
Department of Planning and Community Development

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

NE 116th St

100th Ave NE

RM 2.4

JBD 3

RM 3.6

100th Ave NE

98th Ave NE



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:

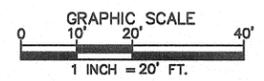
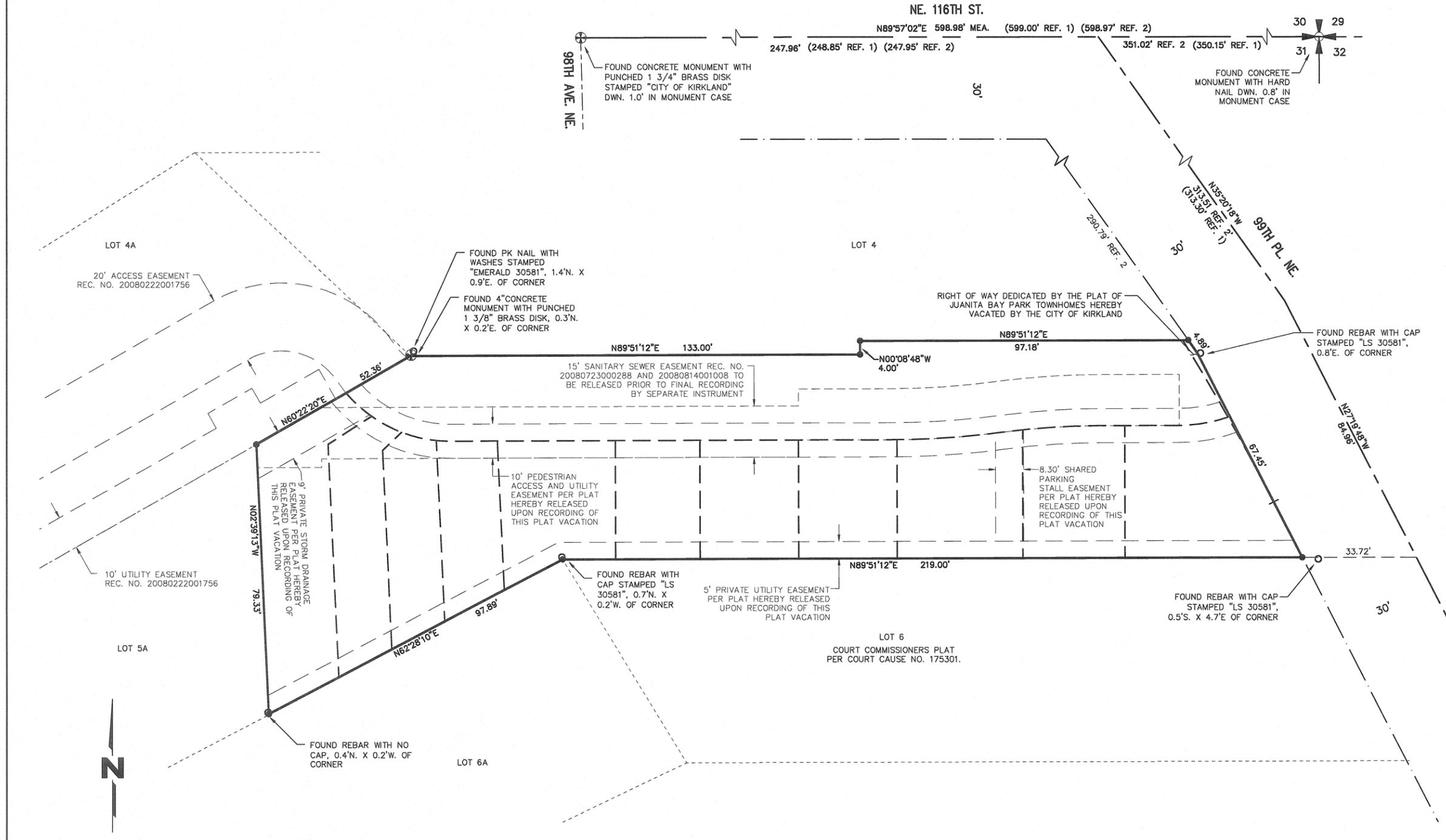
1. THE PLAT OF JUANITA BAY PARK TOWNHOMES RECORDED IN VOLUME 248 OF PLATS, PAGES 83 THROUGH 89, UNDER RECORDING NUMBER 20080829000591, RECORDS OF KING COUNTY, WASHINGTON.
2. CITY OF KIRKLAND LOT LINE ALTERATION NO. LLA06-00002, REC. NO. 20060726900018, RECORDS OF KING COUNTY, WASHINGTON;

		<p>JUANITA BAY PARK TOWNHOMES PLAT VACATION</p>	 <p>D.R. STRONG CONSULTING ENGINEERS</p> <p>ENGINEERS PLANNERS SURVEYORS</p> <p>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</p>												
<p>GOV'T LOT 4, (NE 1/4, NE 1/4), SEC 31, T.26 N, R.5 E., W.M.</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">DWN. BY:</td> <td style="width: 33%;">DATE:</td> <td style="width: 33%;">JOB NO.:</td> </tr> <tr> <td>SJS</td> <td>10/07/09</td> <td>06019</td> </tr> <tr> <td>CHKD. BY:</td> <td>SCALE:</td> <td>SHEET:</td> </tr> <tr> <td>SJS</td> <td>N/A</td> <td>2 OF 3</td> </tr> </table>		DWN. BY:	DATE:	JOB NO.:	SJS	10/07/09	06019	CHKD. BY:	SCALE:	SHEET:	SJS	N/A	2 OF 3
DWN. BY:	DATE:	JOB NO.:													
SJS	10/07/09	06019													
CHKD. BY:	SCALE:	SHEET:													
SJS	N/A	2 OF 3													

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

CITY OF KIRKLAND
FILE NO. FSB08-00001

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.

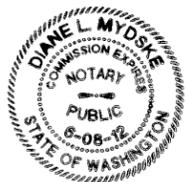
DATED: 8/22/08

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 23rd DAY OF August, 2008.

ATTEST: [Signature]

DEPARTMENT OF PUBLIC WORKS

EXAMINED AND APPROVED THIS 27th 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 22nd 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 29th DAY OF August, 2008.

[Signature]
DIRECTOR, DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

KING COUNTY

DEPARTMENT OF ASSESSMENT

EXAMINED AND APPROVED THIS 24th 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 29th 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. _____

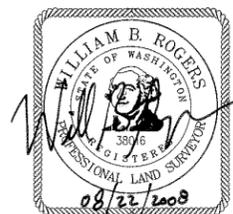
ITH DEVELOPMENT

[Signature]
S.U.P.T. 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
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425.827.3063 OFFICE
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www.drstrong.com

M:\06\019\p\psa\2424\p08019 pgs 18,20mg B/22/2008 B/147 AN PDI

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

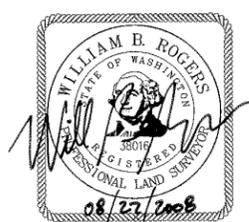
EACH PROPERTY SHALL BE RESPONSIBLE FOR KEEPING THE SIDEWALK ABUTTING THE SUBJECT PROPERTY CLEAN AND LITTER FREE. THE PROPERTY OWNER SHALL ALSO BE RESPONSIBLE FOR THE MAINTENANCE OF THE VEGETATION WITHIN THE ABUTTING LANDSCAPE STRIP. THE MAINTENANCE SHALL "RUN WITH THE LAND" AND WILL BE BINDING ON ALL 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.)

- (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.
- TAX MATTERS
- 9207300895--NOTICE OF TAP OR CONNECTION CHARGES.
- 476380--RESTRICTIONS.
- 477129--RESTRICTIONS.
- 6159154--AN EASEMENT IN FAVOR OF THE MUNICIPALITY OF METROPOLITAN SEATTLE.
- 6192921--AN EASEMENT IN FAVOR OF NORTHEAST LAKE WASHINGTON SEWER DISTRICT.
- 6192923--AN EASEMENT IN FAVOR OF NORTHEAST LAKE WASHINGTON SEWER DISTRICT.
- 6266809--AN EASEMENT IN FAVOR OF NORTHEAST LAKE WASHINGTON SEWER DISTRICT, A MUNICIPAL CORPORATION.
- 7304170099--AN EASEMENT IN FAVOR OF KING COUNTY, WASHINGTON.
- 73204170100--AN EASEMENT IN FAVOR OF KING COUNTY, WASHINGTON.
- 7504140371--AN EASEMENT IN FAVOR OF PUGET SOUND POWER AND LIGHT COMPANY.
- COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS OR OTHER SERVITUDES, IF ANY, DISCLOSED BY THE SURVEY RECORDED UNDER RECORDING NO. 7509050567 AND 7601060386.
- COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS OR OTHER SERVITUDES, IF ANY, DISCLOSED BY THE SURVEY RECORDED UNDER RECORDING NO. 8003279006.
- 8101280659--AN EASEMENT IN FAVOR OF PUGET SOUND POWER AND LIGHT COMPANY.
- 8303230455--AN EASEMENT AGREEMENT.(TO BE EXTINGUISHED)
- 9308181175--KIRKLAND RESOLUTION NO. R-3827.
- 9309171853--UTILITY EASEMENT VACATED LAKE WASHINGTON BOULEVARD.
- 20080222001756--AGREEMENT AND THE TERMS AND CONDITIONS THEREOF.
- COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS OR OTHER SERVITUDES, IF ANY, DISCLOSED BY THE BOUNDARY LINE ADJUSTMENT RECORDED UNDER RECORDING NO. 20060726900018.
- 20080723000288--SEWER EASEMENT AND THE TERMS AND CONDITIONS THEREOF.
- 20060915002376--DEED OF TRUST.
- 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
 RECORDED UNDER RECORDING NO. 20080829000591
 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
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 www.drstrong.com

H:\05\019\plots\2121p06019.dwg 8/22/2008 8:11:47 AM PLOT

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

REFERENCES:

- 1-COURT COMMISSIONERS PLAT PER COURT CAUSE NO. 175301.
- 2-RECORD OF SURVEY, AFN: 7601060386, 6 JANUARY, 1976, BOOK 5 OF SURVEYS, PAGE 204, RECORDS OF KING COUNTY, WASHINGTON.
- 3-DEED FILED UNDER RECORDING NO. 8009090683.
- 4-DEED FILED UNDER RECORDING NO. 8011180668.
- 5-RECORD OF SURVEY, AFN: 20041022900003, 22 OCTOBER, 2004, BOOK 178 OF SURVEYS, PAGES 93 & 94, RECORDS OF KING COUNTY, WASHINGTON.
- 6-LOT LINE ALTERATION, AFN: 20060726900018, 26 JULY, 2006, BOOK 208 OF SURVEYS, PAGES 260 & 261, RECORDS OF KING COUNTY, WASHINGTON.
- 7-COMMONWEALTH LAND TITLE COMPANY ORDER NO. RM-20159809, DATED JULY 27, 2005.

SURVEYOR'S NOTES:

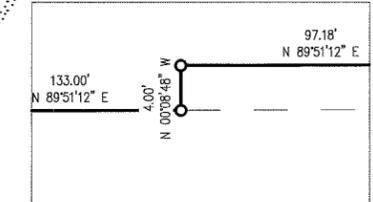
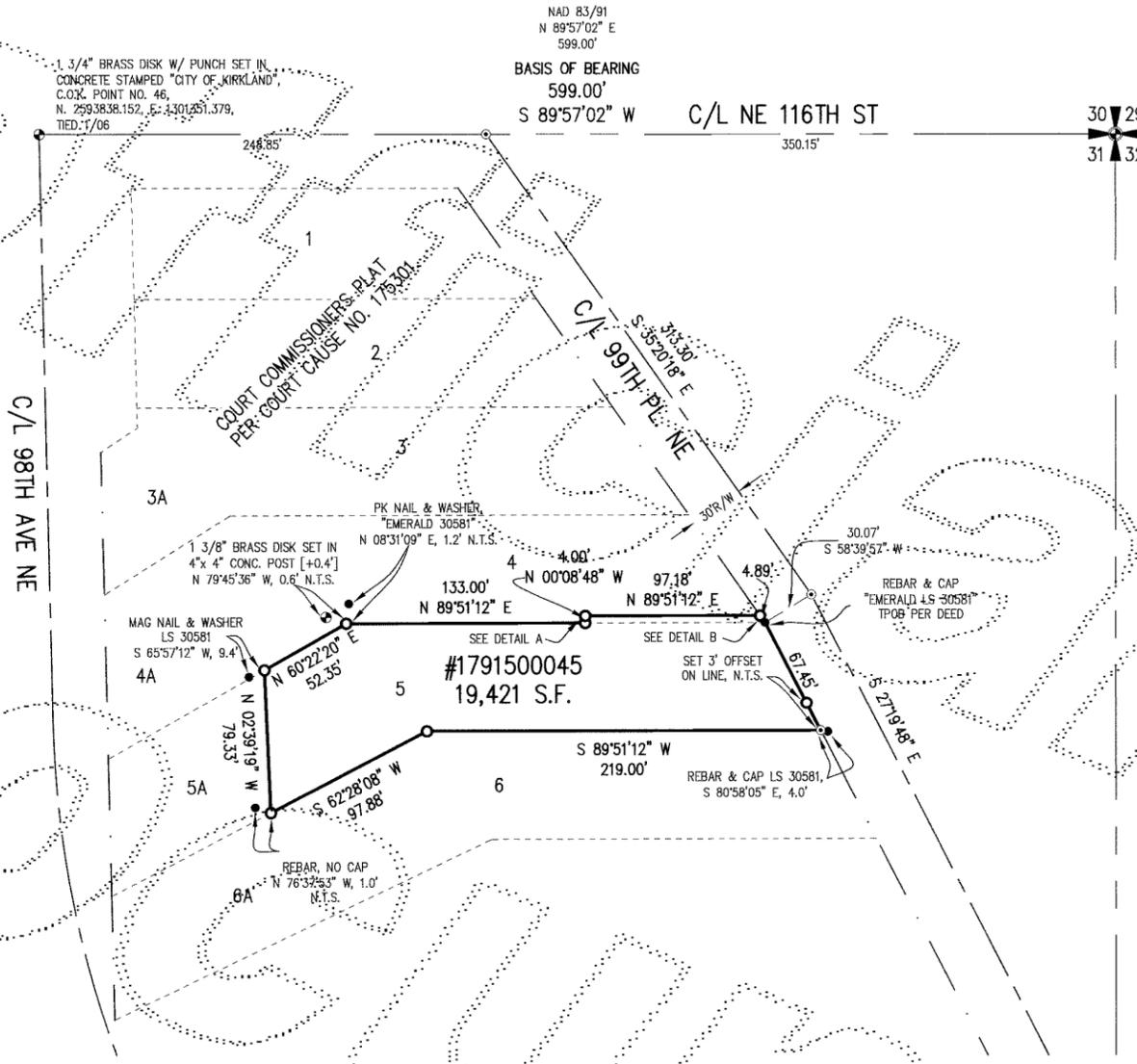
- 1-BASIS OF BEARING FOR THIS SURVEY IS THE MONUMENTED CENTERLINE OF NE 116TH ST PER SURVEY REFERENCE NO. 1, BEARING BEING S 89°57'02" W.
- 2-EQUIPMENT:
5" TOTAL STATION USED (ALL PHASES).
ALL EQUIPMENT MAINTAINED IN ADJUSTMENT TO MANUFACTURER SPECIFICATIONS.
- 3-PROCEDURES:
FIELD TRAVERSE METHOD MEETS OR EXCEEDS MINIMUM REQUIREMENTS IN ACCORDANCE WITH WAC 332-150.

ABBREVIATIONS:

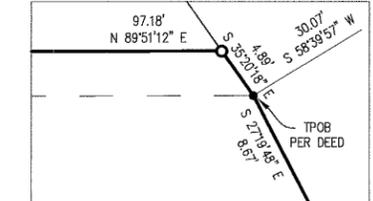
- AFN AUDITOR'S FILE NUMBER
- C/L CENTERLINE
- LS LICENSED SURVEYOR
- NTS NOT TO SCALE
- R/W ... RIGHT OF WAY
- W.M. ... WILLAMETTE MERIDIAN
- P.I. ... POINT OF INTERSECTION
- S.F. SQUARE FEET
- AC. ACREAGE
- TPOB... TRUE POINT OF BEGINNING
- [+/-]... DISTANCE OF MONUMENT ABOVE OR BELOW GROUND

LEGEND:

- (123.45')RECORD DATA AS PER SURVEY REFERENCE #1
- {123.45'}RECORD DATA AS PER SURVEY REFERENCE #2
- ⊙MONUMENT FOUND AS NOTED
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- ⊙SECTION CORNER

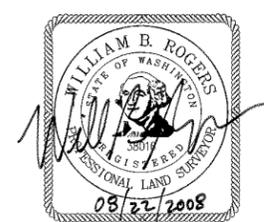


DETAIL A
SCALE: 1" = 10'



DETAIL B
SCALE: 1" = 10'

20080829000591
CITY OF KIRKLAND PLAT 110.00
RECORD OF SURVEY
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:	DATE:	JOB NO.:
EJV	8.22.2008	06019.800
CHKD. BY:	SCALE:	SHEET:
WBR	1" = 60'	3 OF 7

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

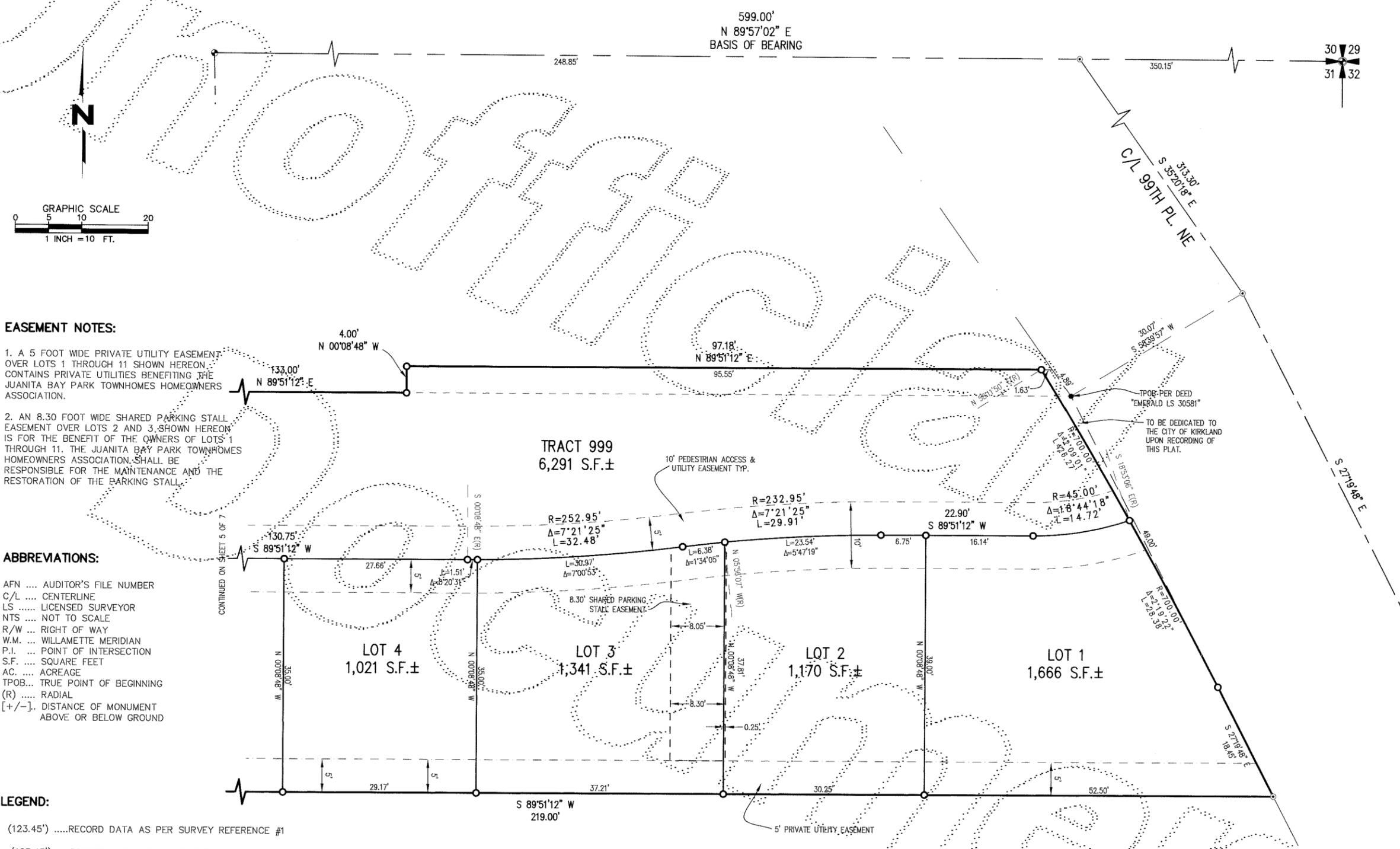
K:\Projects\2008\FSB08-00001\Final\08272008_08222008_082024.dwg 8/22/2008 9:20:24 AM PLOT

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
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LEGEND:

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-CALCULATED POSITION, NOT SET OR FOUND
-1/4 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

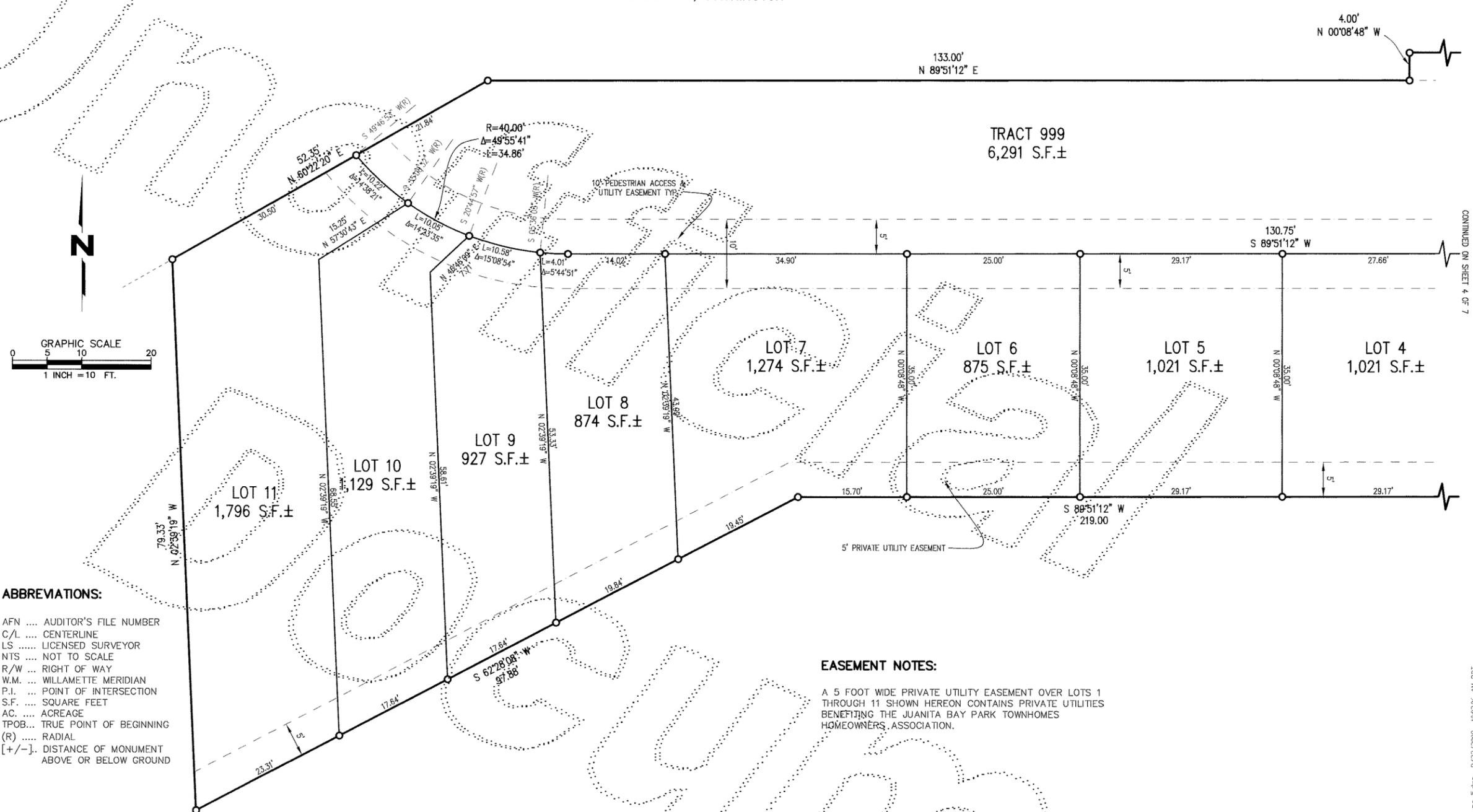
ENGINEERS PLANNERS SURVEYORS
 10604 NE 38th PLACE, SUITE 101
 KIRKLAND, WA 98033
 425.827.8063 OFFICE
 800.982.1402 TOLL FREE
 425.827.2423 FAX
 www.drstrong.com

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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:

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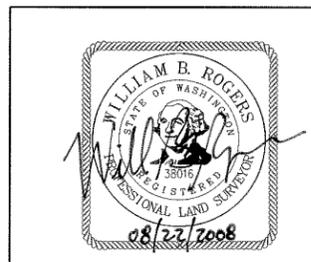
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EASEMENT NOTES:

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
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
CONSULTING ENGINEERS

ENGINEERS PLANNERS SURVEYORS

10604 NE 38th PLACE, SUITE 101
KIRKLAND, WA 98033

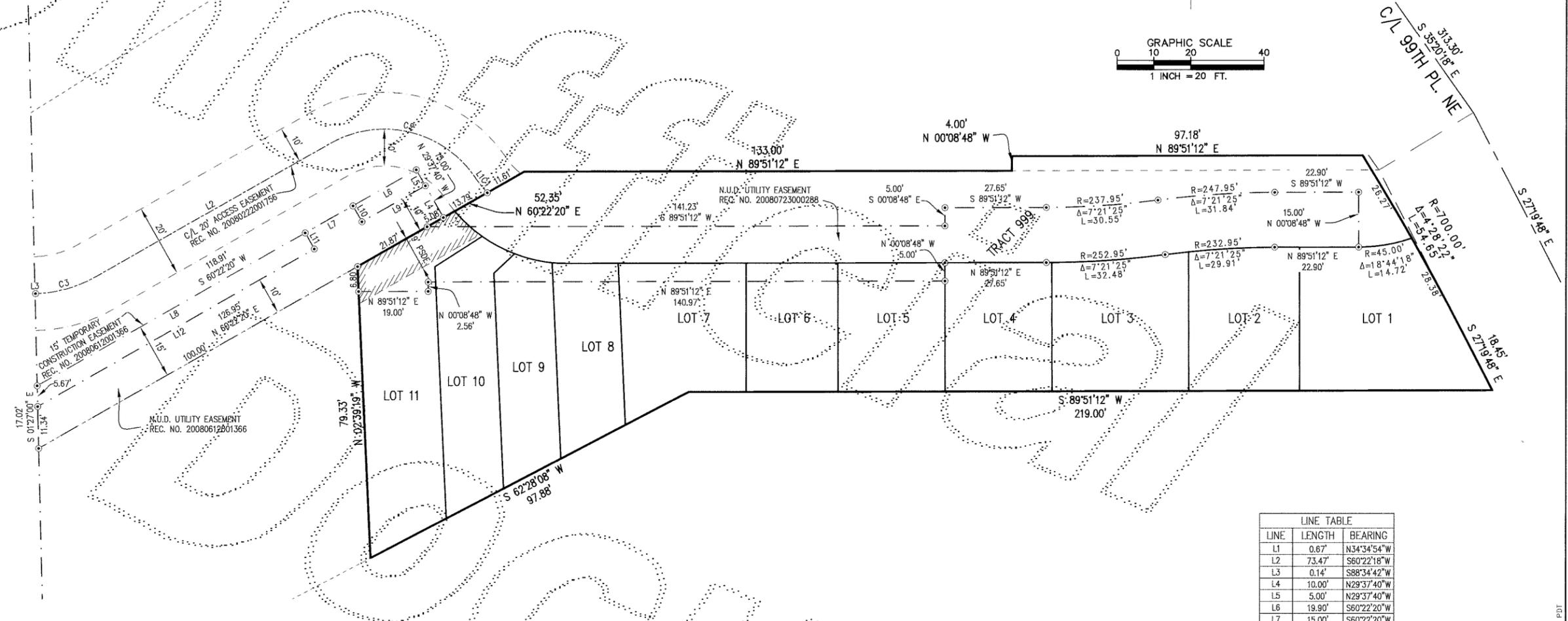
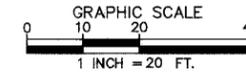
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CONTINUED ON SHEET 4 OF 7

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

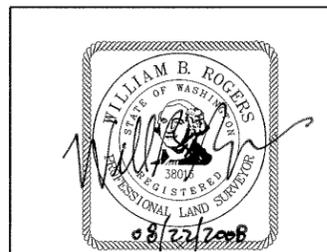
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- P.I. POINT OF INTERSECTION
- S.F. SQUARE FEET
- AC. ACREAGE
- (R) RADIAL
- N.U.D. NORTSHORE UTILITY DISTRICT
- PSDE .. PRIVATE STORM DRAINAGE EASEMENT

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
PAGE 06 OF 067
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

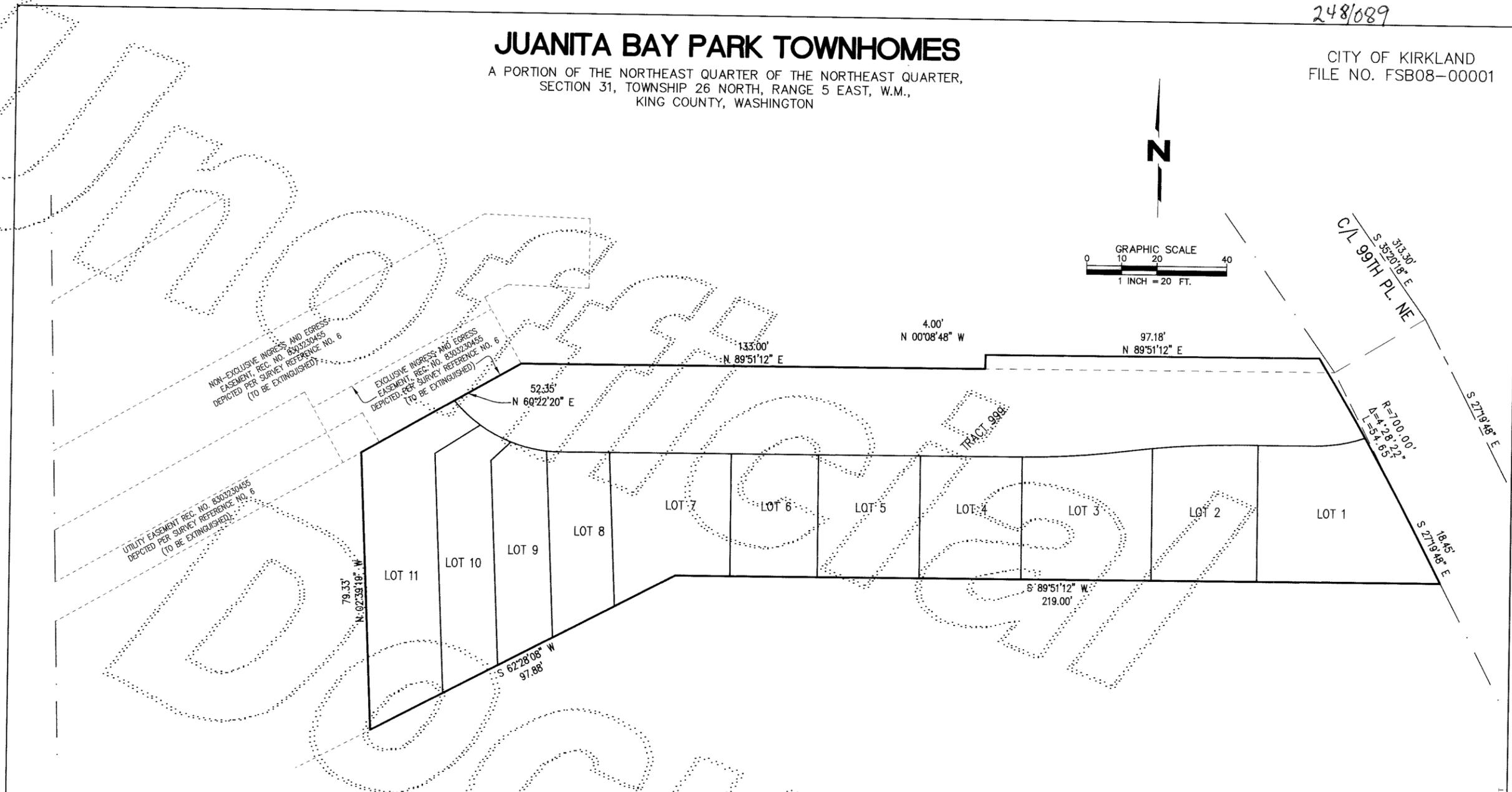
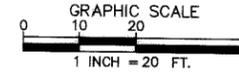
DRS D.R. STRONG CONSULTING ENGINEERS
ENGINEERS PLANNERS SURVEYORS
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425.827.3063 OFFICE
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425.827.2423 FAX
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DRS\06\019\plots\2\FB08019 PG 6.dwg 8/22/2008 10:40:16 AM PLOT

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:

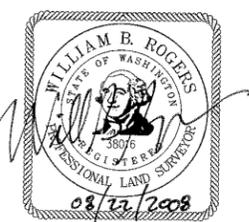
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- (R) RADIAL
- N.U.D. NORTHSHORE UTILITY DISTRICT
- PSDE .. PRIVATE STORM DRAINAGE EASEMENT

20080829000591
 CITY OF KIRKLAND
 CLERK OF THE RECORDS
 KING COUNTY, WA

10/20/08
 W 58033-9188
 LH VALENTE
 KIRKLAND
 CLERK



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

DRS D.R. STRONG
 CONSULTING ENGINEERS

ENGINEERS PLANNERS SURVEYORS

10604 NE 38th PLACE, SUITE 101
 KIRKLAND, WA 98033
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 www.drstrong.com

\\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

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 99th 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 99th 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 99th 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 99th 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 99th 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



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Katy Coleman, Development Engineering Analyst
Daryl Grigsby, Public Works Director

Date: January 27, 2010

Subject: RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN A PORTION OF UNOPENED RIGHT-OF-WAY

RECOMMENDATION:

It is recommended that the City Council adopt the enclosed Resolution relinquishing interest, except for a utility easement, in a portion of unopened right-of-way being identified as the north 8 feet of the unopened alley abutting the south boundary of the following described property: Lots 15 through 19, Block 239, Supplementary Plat To Kirkland, according to the plat thereof recorded in Volume 8 of Plats, page 5, records of King County, Washington.

BACKGROUND DISCUSSION:

The unopened portion of the right-of-way abutting the property of 645 11th Avenue was originally platted and dedicated in 1891 as Supplementary Plat to Kirkland. The Five Year Non-User Statute provides that any street or right-of-way platted, dedicated, or deeded prior to March 12, 1904, which was outside City jurisdiction when dedicated and which remains unopened or unimproved for five continuous years is then vacated. The subject right-of-way has not been opened or improved.

Aleta Hill for Lester Hill, the owner of the property abutting this right-of-way, submitted information to the City claiming the right-of-way was subject to the Five Year Non-User Statute (Vacation by Operation of Law), Laws of 1889, Chapter 19, Section 32. After reviewing this information, the City Attorney believes the approval of the enclosed Resolution is permissible.

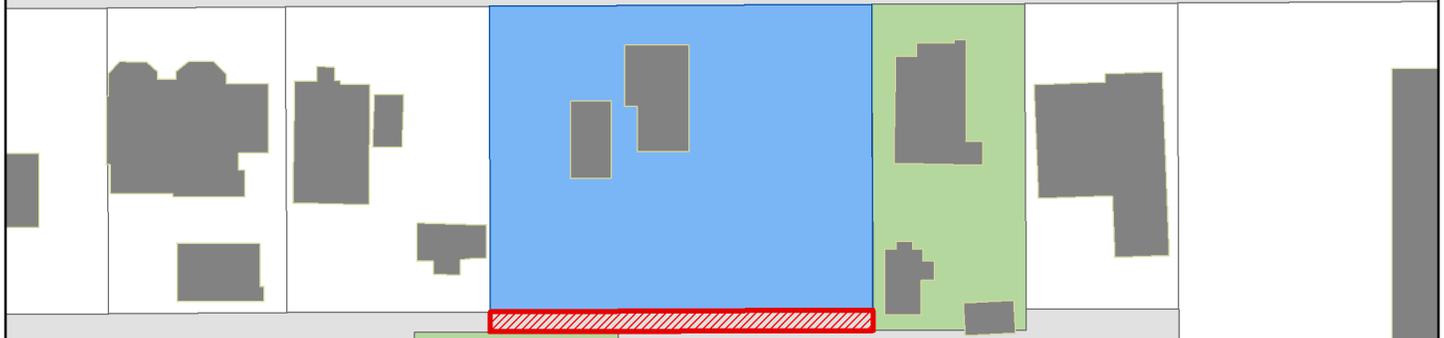
Attachments: Vicinity Maps
Resolution

Copy: Rob Jammerman, Development Engineering Manager

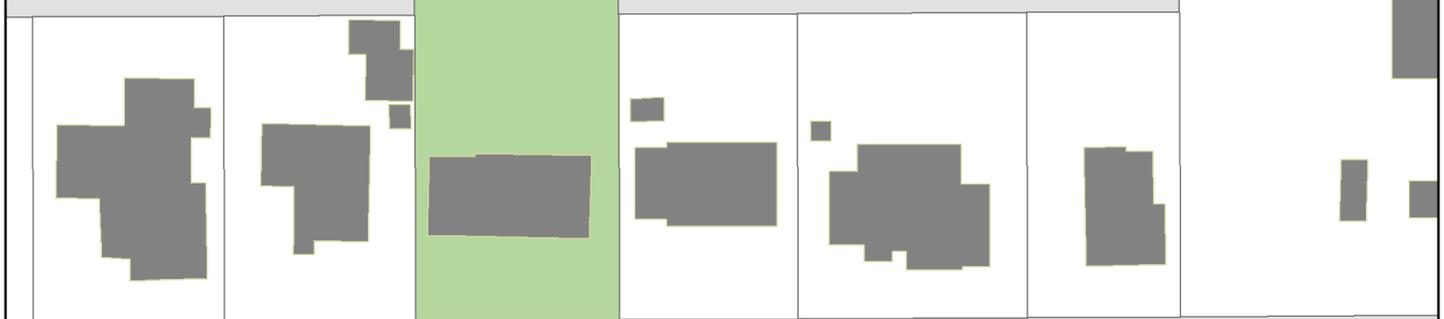
12TH AVE



11TH AVE



10TH AVE



Hill Residence Non-User Vacation 645 11th Avenue

-  Hill Property
-  Proposed Vacation
-  Other Proposed Vacation
-  Building Outline
-  Granted Non-User Vacations

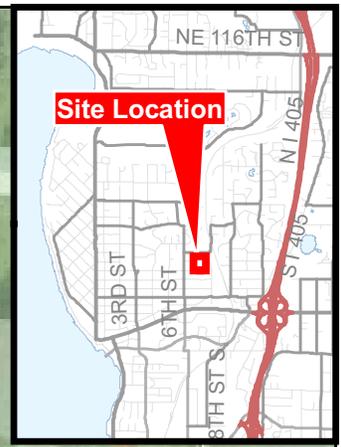


Produced by the City of Kirkland.

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No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

Printed January 25, 2010 - Public Works GIS



Hill Residence Non-User Vacation 645 11th Avenue

- Hill Residence
- Proposed Vacation
- Other Pending Vacation
- Granted Non-User Vacations



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 No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

RESOLUTION R-4801

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE, EXCEPT FOR A UTILITY EASEMENT, IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNER LESTER E. HILL

WHEREAS, the City has received a request to recognize that any rights to the land originally dedicated in 1891 as right-of-way abutting a portion of the Supplementary Plat to Kirkland have been vacated by operation of law; and

WHEREAS, the Laws of 1889, Chapter 19, Section 32, provide that any county road which remains unopened for five years after authority is granted for opening the same is vacated by operation of law at that time; and

WHEREAS, the area which is the subject of this request was annexed to the City of Kirkland, with the relevant right-of-way having been unopened; and

WHEREAS, in this context it is in the public interest to resolve this matter by agreement,

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

Section 1. As requested by the property owner Lester E. Hill, the City Council of the City of Kirkland hereby recognizes that the following described right-of-way has been vacated by operation of law and relinquishes all interest it may have, if any, except for a utility easement, in the portion of right-of-way described as follows:

The north 8 feet of the unopened alley abutting the south boundary of the following described property: Lots 15 through 19, Block 239, Supplementary Plat To Kirkland, according to the plat thereof recorded in Volume 8 of Plats, page 5, records of King County, Washington.

Section 2. This resolution does not affect any third party rights in the property, if any.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2010

Signed in authentication thereof this ____ day of _____, 2010.

MAYOR

Attest:

City Clerk



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Katy Coleman, Development Engineering Analyst
Daryl Grigsby, Public Works Director

Date: January 27, 2010

Subject: RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN A PORTION OF UNOPENED RIGHT-OF-WAY

RECOMMENDATION:

It is recommended that the City Council adopt the enclosed Resolution relinquishing interest, except for a utility easement, in a portion of unopened right-of-way being identified as the south 8 feet of the unopened alley abutting the north boundary of the following described property: Lots 47 and 48, Block 240, Supplementary Plat To Kirkland, according to the plat thereof recorded in Volume 8 of Plats, page 5, records of King County, Washington.

BACKGROUND DISCUSSION:

The unopened portion of the right-of-way abutting the property of 640 11th Avenue was originally platted and dedicated in 1891 as Supplementary Plat to Kirkland. The Five Year Non-User Statute provides that any street or right-of-way platted, dedicated, or deeded prior to March 12, 1904, which was outside City jurisdiction when dedicated and which remains unopened or unimproved for five continuous years is then vacated. The subject right-of-way has not been opened or improved.

Susan Libak, the owner of the property abutting this right-of-way, submitted information to the City claiming the right-of-way was subject to the Five Year Non-User Statute (Vacation by Operation of Law), Laws of 1889, Chapter 19, Section 32. After reviewing this information, the City Attorney believes the approval of the enclosed Resolution is permissible.

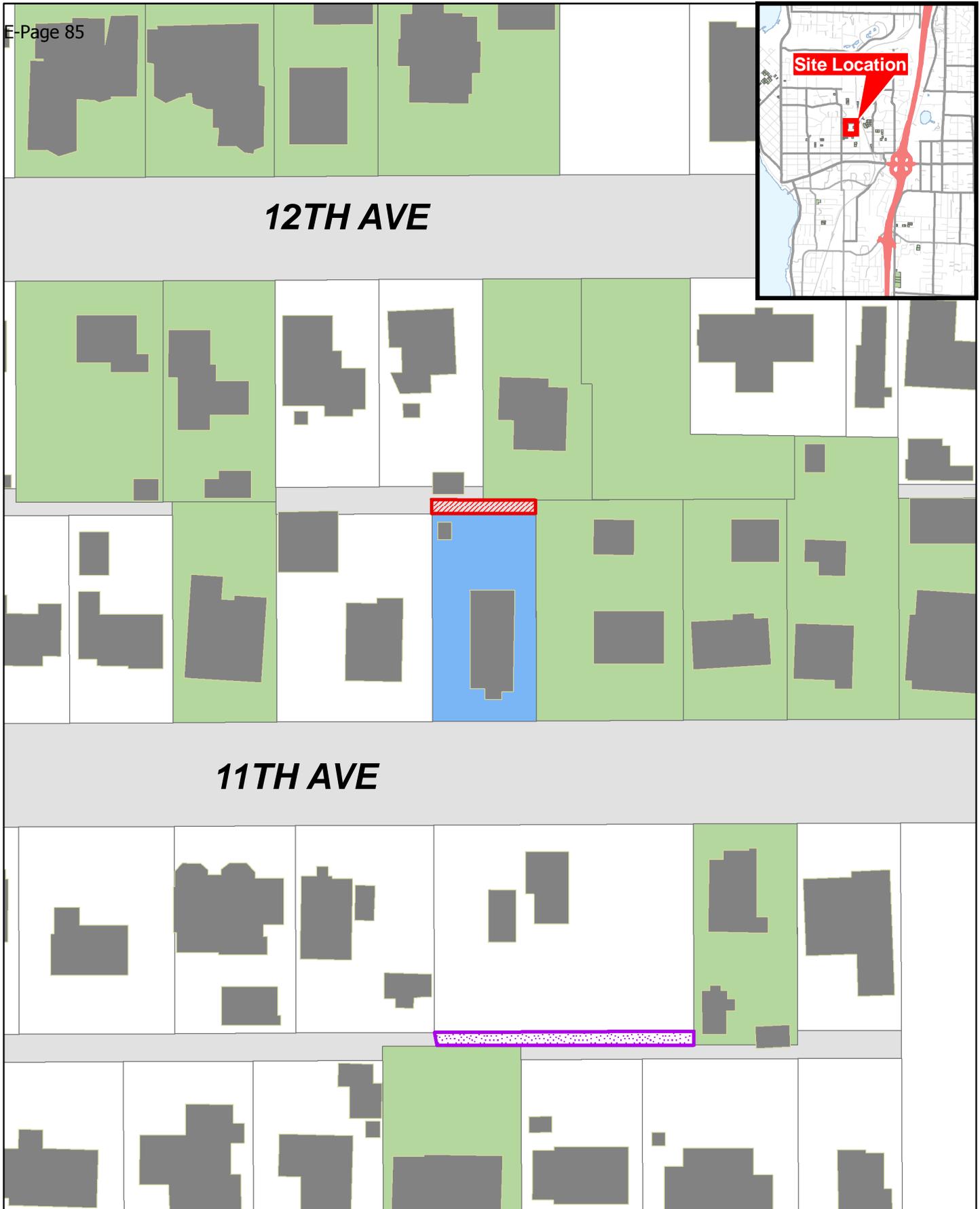
Attachments: Vicinity Maps
Resolution

Copy: Rob Jammerman, Development Engineering Manager



12TH AVE

11TH AVE



**Libak Residence Non-User Vacation
640 11th Avenue**

- Libak Residence
- Proposed Vacation
- Other Pending Vacation
- Building Outline
- Granted Non-User Vacations



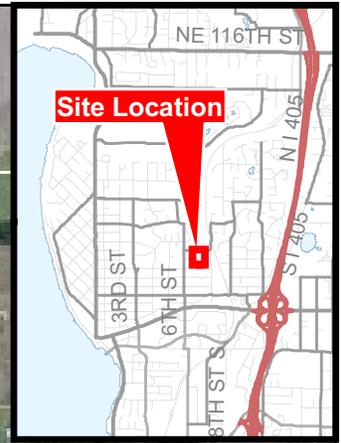
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Printed January 25, 2010 - Public Works GIS

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RESOLUTION R-4802

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE, EXCEPT FOR A UTILITY EASEMENT, IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNER SUSAN R. LIBAK

WHEREAS, the City has received a request to recognize that any rights to the land originally dedicated in 1891 as right-of-way abutting a portion of the Supplementary Plat to Kirkland have been vacated by operation of law; and

WHEREAS, the Laws of 1889, Chapter 19, Section 32, provide that any county road which remains unopened for five years after authority is granted for opening the same is vacated by operation of law at that time; and

WHEREAS, the area which is the subject of this request was annexed to the City of Kirkland, with the relevant right-of-way having been unopened; and

WHEREAS, in this context it is in the public interest to resolve this matter by agreement,

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

Section 1. As requested by the property owner Susan R. Libak, the City Council of the City of Kirkland hereby recognizes that the following described right-of-way has been vacated by operation of law and relinquishes all interest it may have, if any, except for a utility easement, in the portion of right-of-way described as follows:

The south 8 feet of the unopened alley abutting the north boundary of the following described property: Lots 47 and 48, Block 240, Supplementary Plat To Kirkland, according to the plat thereof recorded in Volume 8 of Plats, page 5, records of King County, Washington.

Section 2. This resolution does not affect any third party rights in the property, if any.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2010

Signed in authentication thereof this _____ day of _____, 2010.

MAYOR

Attest:

City Clerk



CITY OF KIRKLAND
Department of Public Works
 123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
 www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Tim Llewellyn, Fleet Supervisor
Daryl Grigsby, Public Works Director

Date: January 19, 2010

Subject: SURPLUS EQUIPMENT RENTAL VEHICLES/EQUIPMENT FOR SALE

RECOMMENDATION:

It is recommended that the City Council approve the surplusing of the Equipment Rental vehicles/equipment listed below:

BACKGROUND DISCUSSION:

The surplusing of vehicles or equipment which have been replaced with new vehicles or equipment, or no longer meet the needs of the City, is consistent with the City's Equipment Rental Replacement Schedule Policy. The following equipment has been replaced by new equipment, and if approved for surplusing, will be sold in accordance with purchasing guidelines at public auction or to public agencies.

<u>Fleet #</u>	<u>Year</u>	<u>Make</u>	<u>VIN/Serial Number</u>	<u>License #</u>	<u>Mileage</u>
PU-31	2002	Chevrolet Silverado 1500	1GCEC14V92Z256015	34405D	59,806
PU-33	2002	Chevrolet Silverado 1500	1GCEC14VX2Z255147	34406D	83,245
PXX-59	1999	Saab Sedan	YS3EF48E2X3023230	49182D	116,830

For clarification purposes, PU-31 and PU-33 are Parks Maintenance vehicles which have both achieved their anticipated useful life of 8 years.

PXX-59 was a drug seizure which was forfeited to the City by court action. The Police Department utilized this vehicle for various law enforcement efforts, and the vehicle has now exceeded its usefulness to the Police Department.

The above vehicles will be sold at public auction.

Cc: Donna Burris, Internal Services Manager

**CITY OF KIRKLAND****Department of Public Works****123 Fifth Avenue, Kirkland, WA 98033 425.587.3800****www.ci.kirkland.wa.us**

To: City Council

From: Parking Advisory Board, Jack Wherry Chair

Date: February 4, 2010

Subject: STAKEHOLDER PROCESS AND PAB WORK ITEMS

RECOMMENDED ACTION

The Parking Advisory Board (PAB) wishes to update the Council on the recently completed stakeholder process and to receive Council direction on four proposed work items. The work items are based on outcomes from the stakeholder processes plus subsequent discussions by the PAB.

BACKGROUND*Stakeholder meetings*

We've had two rounds of Stakeholder meetings. The first was in spring of 2008 and the second was in late fall of 2009. Some of the stakeholders from the first round also participated in the second round but the second group was made up mainly of people who had not participated in the first set of discussions, although they represented the same interests. This brought some fresh thinking while still providing continuity. The stakeholder processes are depicted in Figure 1 on the next page.

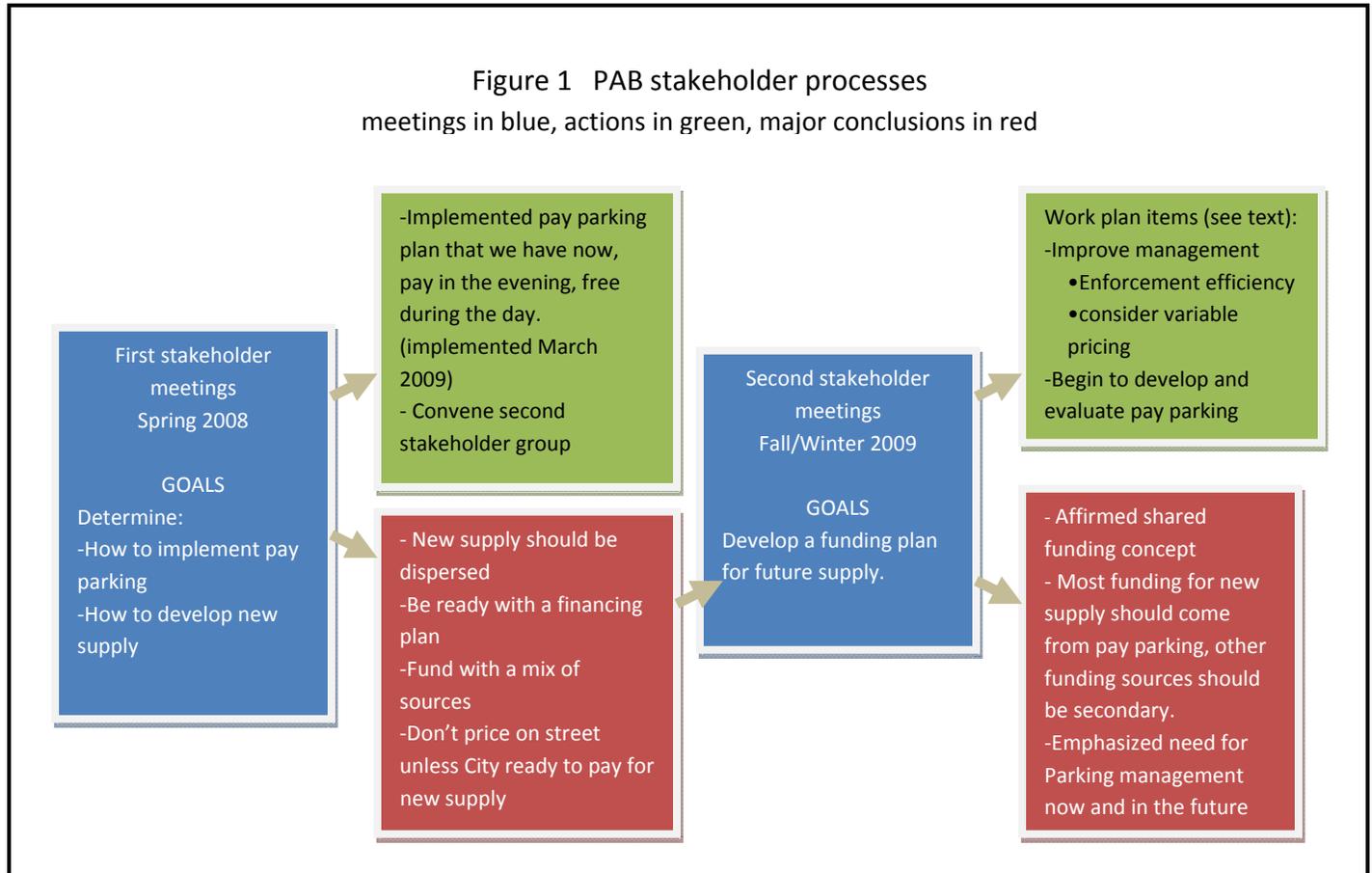
The first stakeholder meetings were held to accomplish two purposes. The first purpose was to develop an implementation strategy for pay parking in the evening at the two City owned lots. The second purpose was to gain insight on how to move forward on securing more parking supply. In March 2009 we implemented pay parking as developed by the stakeholders. As for the issue of new parking supply, in our July 9, 2009 memo to the Council, we stated:

Following Council direction given at the Council/PAB study session in December of 2007 and in February of 2008, the PAB convened a group of downtown stakeholders¹ to help us move forward in the area of pay parking and in securing new parking supply.

The process of engaging stakeholders to enlarge the perspective of the PAB resulted in two recommendations: 1) do not price on-street parking until there is a firm commitment to construct new supply, and 2) partner with a developer rather than build a dedicated parking facility. *This second recommendation calls for a commitment on the part of the city to be ready to partner by preparing a financing plan so that a developer is not delayed by the City.* Such a financing plan will likely involve a mix of: 1) expanding pay parking, 2) assessing nearby benefited properties/businesses by means of a Parking Benefit District, and 3) general revenue. ... Stakeholders will be reconvened to develop an efficient and equitable financing plan to increase parking supply.

¹ Stakeholders included representatives from Downtown Commercial Property owners, KDA, Chamber, Restaurant operators, Gallery owners, Salon and Spa operators, Park Board, Downtown Condo Owners and Moss Bay Neighborhood Association

As mentioned above, we have completed this second round of discussion with stakeholders. Our main goal was to engage stakeholders in a discussion of three sources of financing outlined in our July memo



excerpted above. The stakeholder report is included as Attachment 1. It says that parking revenue should be the primary source of funding for new supply, with general revenue and a parking benefit district making up the difference. The amount of parking revenue depends on how parking is managed downtown. The stakeholder process has reinforced the need for a thorough re-examination of the parking management in downtown.

The stakeholder group considered an addition of around 125 stalls, a reasonable amount to be added to the current supply of about 1200 public stalls –approximately 600 of which are on street.

Some of the stakeholders questioned the conclusions developed in the first stakeholder process. Namely, they expressed a desire to build a dedicated parking facility instead of partnering with a developer (s) to build a dedicated floor (s) of public parking. They cited the economic recession and the City's zoning limitations; there will not be any opportunities to partner with a developer, like at the Antique Mall site, in the near future.

While considering development of a contingency financing plan to hold ready to partner with developers, stakeholders examined the usual three sources of funding; parking revenue, general revenue, and a benefit district. Stakeholders noted that a benefit district was used in 1980 to acquire and prepare the Lake & Central lot for parking. Subsequently, the City built the library garage using general revenue. Stakeholders feel revenue from pay parking should be the primary source of funding for the next additions to parking supply in downtown, but until there is a more experience with pay parking and a reliable parking revenue stream, all three sources might be needed to fund supply.

The stakeholders also emphasized a need for better parking management. This included parking rates that are variable perhaps by season, time of day, and unusual demands such as special events. They felt that regardless of whether or not new supply was secured, better parking management would be helpful.

PAB Work items

This section of the memo describes potential work items on which the PAB would like to focus its actions in the upcoming months. Most of the items are based in part on our work with the stakeholder groups however they are not limited to what the stakeholders recommended. The work items have been shaped by PAB discussion and our interpretation of logical next steps. We offer these work plan items for Council reaction and comment.

1. Building on the stakeholder's emphasis on parking management, the first item involves acquisition of new technology to increase the efficiency of parking enforcement. We propose the City acquire GPS-based license plate scanning equipment that eliminates the need to chalk tires. The new equipment tracks the duration of vehicles parked at the same location or within the same zone, which not only identifies overtime parkers, it identifies those that move to avoid detection. This will speed up the enforcement process and thereby increase efficiency and effectiveness of parking enforcement. The initial new equipment will cost on the order of \$60,000. One of the benefits of this new technology is that it could radically simplify how Park Smart, our employee parking program, is managed. The PAB would develop a structure for how the new equipment should be used, propose a reorganization of Park Smart and help with outreach to the public.
2. The second item stems from the second stakeholder group's recommendation to consider variable pricing. Parking demand downtown varies by time of day, season and weather. There is little reason to price parking when there is ample space. But when there is a strong demand for parking we need to manage it by pricing it. An important goal for measuring performance of pay parking is occupancy. Ideally, close to 85% of stalls would be occupied

Developing a variable pricing program will be a learning process. The first step will be to price the leased lot at the Antique Mall site from 9 AM to 9 PM to gain experience with daytime pricing and market response. A possible second step could be to operate city lots (Lake & Central, Lakeshore Plaza, and Antique Mall) for special events and charge a flat rate with no time limit. Thirdly, we would like to consider seasonal or summer peak demands that might increase the current hourly rate of \$1. The pay stations are equipped to change rates within the same day, for example if morning demands are not as high as evening demands.

Based on experience with variable pricing, the PAB would develop a recommendation on pricing on-street parking and charging for parking in the Library Garage. We see problems with giving parking away on street and in the Library Garage. Free on-street parking leads to cruising, which adds to traffic congestion and free parking in the Library Garage does not generate revenue that could be used to improve maintenance and security. The lack of maintenance and security in the garage deters some potential users.

3. The third item is based in the second stakeholders recommendation to use pay parking as the major revenue stream for funding new parking supply. We believe that gauging the ability of pay parking to generate revenue and demonstrating the willingness of the city to implement pay parking, will be necessary to gain support from downtown property owners to invest their money to fund a portion of new parking supply.

To begin with, we would like to explore linking of pay parking revenue with other downtown improvements, including projects that would improve sidewalks, lighting or other elements to make downtown more livable. This is an idea that has been used successfully elsewhere in the US and which is supported by parking experts like Donald Shoup. Attachment 2 is an article by Dr. Shoup which describes parking management techniques used in the City of Pasadena California. It says stakeholders should have a large say in parking management and in budgeting revenue generated for downtown improvements. This would involve earmarking parking revenue, after operating and maintenance costs, both for new parking supply and/or downtown improvements. For example, parking revenue could be used first to fund updates to, and better maintenance of, the library garage. Remaining revenue could then be used for funding of downtown improvements. If an opportunity for more supply became available, the revenue stream could be directed to funding more supply.

4. The final work item involves parking requirements for new buildings. The PAB would like to study parking requirements to see if they can be reduced so that appropriate development can be made more financially feasible, but without adding to the parking problem. Shared parking and mixed-use development reduces the need for parking, but the current parking requirements are based on suburban single-use sites without street parking. The PAB would develop draft recommendations and consult with the Planning Commission and Council.

Taken together, these four work items will result in a coordinated and thorough re-examination of parking management in downtown Kirkland. The Parking Advisory Board looks forward to your consideration and critique of our ideas.

ATTACHMENT 1

Parking Stakeholder's Report

December 2009

City of Kirkland Parking Advisory Board

This document consists of three sections, each section describing funding from one of the major funding categories, Public Funding, Pay Parking Revenue and Property owner's (benefit district) funding. Each section was written by one of the participants in the group that discussed that funding source.

Section 1 Parking Benefit District Group

Joe Castleberry, Ken Dueker, Andy Loos, Bonny McLeod, Jeremy McMahan,

The stakeholders explored assessment methods by which properties that receive special benefit due to walking distance proximity share in the cost of providing new parking supply. They started by examining the way the cost of the parking lot at Lake & Central was allocating among benefited properties in 1980, and then discussed ways in which to improve upon that method.

In 1980 cost was allocated by the share of land area. This was modified to reduce the share by one half for properties farther than 400 feet, and reduced by the amount of land area devoted to parking. This was equitable in 1980 when most buildings in downtown were one story and most parking was surface. But today land area would not be an equitable method for allocating costs among benefited properties.

Consequently, an alternative method was examined that employed share of assessed value. Assessed value is a better proxy for income potential of properties. Instead of an abrupt reduction at 400 feet a gradual distance gradient was employed to reduce the rate of assessment by distance. Then the assessed value was reduced by the value of surface and structured parking spaces. Scenarios were examined that showed the amounts of assessment for typical properties, that showed parcels in the range of \$1M of assessed value at a distance of 500 feet would be levied 1% of the cost of new parking that might be assigned to a parking benefit district. For example, if \$1M were to be the amount to be raised from a parking benefit district, the share for a property assessed at \$1M would be about \$4000, or \$300 per year, based on bonds at 5% over 20 years.

Although this method seemed more equitable to the stakeholders, there were suggestions to modify the approach to assess more heavily land uses that require more parking, and to factor out residential portions of properties. Stakeholders concluded that refinements may be needed to insure that the method to allocate cost among property owners is equitable.

In addition, the amount or share of cost of providing new supply assigned to a benefit district depends on the location. A location such as Lake & Central is in the heart of the commercial district and warrants a larger share from downtown properties than does a location at the periphery of downtown, such as beneath Lee Johnson Field or as part of a city hall expansion.

Section 2 Pay Parking Group:

Georgie Kilrain, Lakeshore Gallery
Rob Brown, Portsmouth
Mike Nelson, Frontier Bank
Joel Ostroff, Property Owner
Jennifer Lindsay, PAB
Tami White, City
Jack Wherry, PAB

Pay Parking Option for \$1,000,000 toward 100 additional parking spaces from a Private/Public joint venture.

After a lot of discussion the group decided that a plan utilizing a larger number of pay parking spaces resulting in a significantly lower hourly cost per space would make pay parking much more attractive, fair and likely to succeed.

A discussion of who should pay was then taken up. It was noted that shoppers do not like to pay for parking and that restaurant and bar customers were less affected, but not entirely immune to pay parking. Employee parking was very sensitive to pay parking and often resulted in increased street parking.

It was pointed out that without a plan that included integrated management of street as well as pay lots there would be little incentive for parkers to utilize pay parking except as a last resort. A plan should include all downtown lots to be pay and street parking should be managed to produce adequate turnover for the benefit of the downtown business. Lots should be priced at a level that would lead to about an 85-90% utilization rate.

The group then tackled the problem of slow periods in the downtown. During late fall, the winter months, and early spring there is plenty of parking, yet during the late spring and summer as well as during events finding parking can be quite difficult. Parking is plentiful most days until late morning. The solution to this seems to be variable pricing. The cost to park would change by time and season. During the slow months the price could be lower or even free. The same for morning parking. The challenge is to make this understandable to the users. The very reason we change from half pay all day to pay only 5-9pm was to simplify the process and make it easier to understand.

Through the use of Parking Stations additional incentives could be created by retailers paying for parking for customers that make purchases. With variable pay parking this benefit would be only needed during the high demand time of the year when parking is hard to find.

The group then took up the pricing question. It was felt that \$1.00 per hour was a good starting point. With the use of proper monitoring this price could be adjusted if necessary.

Each table was asked to come up with an estimate of what the chances were that their plan would be able to achieve a cash flow level that would fund \$1,000,000 over a 20 year period

toward the creation of 100 new parking spaces now. The group felt that there was a 7 out of 10 chance of success based on a utilization rate of 5 hrs per day per at \$1.00 per hr and a 40% utilization rate.

Section 3 Public funding group: Chris Dotson, Vince Isaacson, Michael Olson, Dave Godfrey

We looked at two types of financing, voted and Councilmanic or non-voted. The group felt that getting the Council to commit general funds to support new debt for downtown parking was highly unlikely and so we spent most of our time discussing voted debt. However, we did feel that the current payments on the library garage were a possible source of funding from the general fund that was worth pursuing. These payments are about \$400,000 a year and would become available when the current bonds are retired in 2014. Interestingly, this amount would be adequate to finance about \$5.5 million dollars at 4% for 20 years. Therefore even a portion of the current funding would be adequate to fund \$1,000,000.

The Finance Department supplied us with a formula for computing the property tax necessary to raise a given amount of money. In order to finance \$1,000,000 over 20 years at 4%, an annual tax of about 51¢ per \$100,000 of assessed value would be necessary.

The group felt that this small amount would be an advantage to city funding, but also felt there were several major political and logistical hurdles to overcome. These included questions around timing; if a developer were ready to begin work, the City could not commit until a successful vote were taken, and this would not occur until a November general election. On the other hand, it would be difficult to consider a ballot measure unless a specific development opportunity were identified. The fact that any tax increase is viewed negatively by many is also a difficulty that would require a strong and unified "yes" campaign in response. Downtown businesses and property owners would have to spearhead such a campaign. The group thought that the overall likelihood of obtaining city funding was 3 on a 1 to 10 scale.

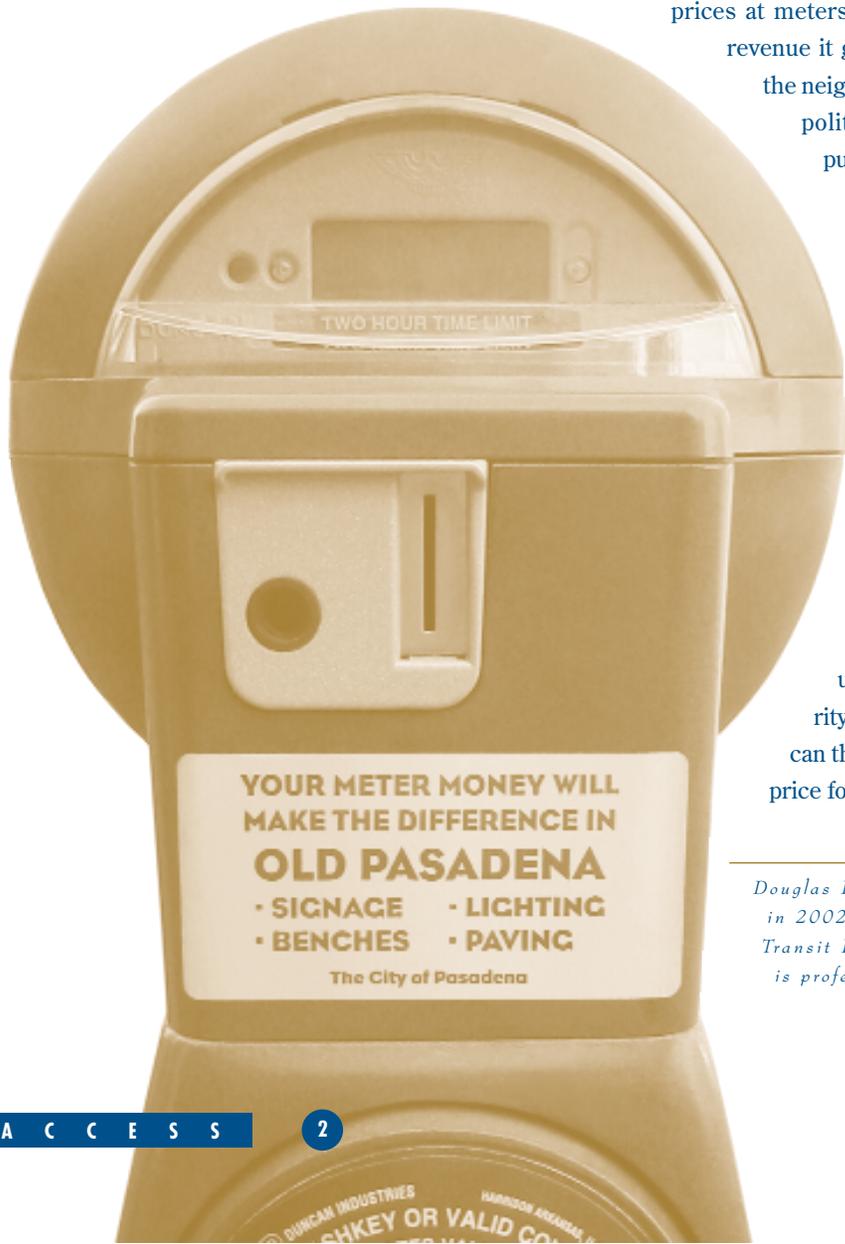
TURNING SMALL CHANGE INTO BIG CHANGES

BY DOUGLAS KOLOZSVARI AND DONALD SHOUP

THE MONEY YOU PUT INTO a parking meter seems to vanish into thin air. No one knows where the money goes, and everyone would rather park free, so politicians find it easier to require ample off-street parking than to charge market prices at meters. But if each neighborhood could keep all the parking revenue it generates, a powerful new constituency would emerge—the neighborhoods that receive the revenue. Cities can change the politics of parking if they earmark parking revenue for public improvements in the metered neighborhoods.

Consider an older business district where few stores have off-street parking, and vacant curb spaces are hard to find. Cruising for curb parking congests the streets, and everyone complains about a parking shortage. Parking meters would create a few curb vacancies, and these vacancies would attract customers willing to pay for parking if they don't have to spend time hunting for it. Nevertheless, merchants fear that charging for parking would keep some customers away. Suppose in this case the city promises to use all the district's meter revenue to pay for public amenities that can attract customers, such as cleaning the sidewalks, planting street trees, putting overhead utility wires underground, improving store facades, and ensuring security. Using curb parking revenue to improve the metered area can therefore create a strong local interest in charging the right price for curb parking.

Douglas Kolozsvari received the MA in urban planning from UCLA in 2002 and is now associate planner at the San Mateo County Transit District (kolozsvavid@samtrans.com), and Donald Shoup is professor of urban planning at the University of California, Los Angeles (shoup@ucla.edu).



RIGHT PRICES

The right price for curb parking is the lowest price that keeps a few spaces available to allow convenient access. If no curb spaces are available, reducing their price cannot attract more customers, just as reducing the price of anything else in short supply cannot increase its sales. A below-market price for curb parking simply leads to cruising and congestion. The goal of pricing is to produce a few vacant spaces so that drivers can find places to park near their destinations. Having a few parking spaces vacant is like having inventory in a store, and everyone understands that customers avoid stores that never have what they want in stock. The city should reduce the price of curb parking if there are too many vacancies (the inventory is excessive), and increase it if there are too few (the shelves are bare).

Underpricing curb parking cannot increase the number of cars parked at the curb because it cannot increase the number of spaces available. What underpricing can do, however, and what it *does* do, is create a parking shortage that keeps potential customers away. If it takes only five minutes to drive somewhere else, why spend fifteen cruising for parking? Short-term parkers are less sensitive to the price of parking than to the time it takes to find a vacant space. Therefore, charging enough to create a few curb vacancies can attract customers who would rather pay for parking than not be able to find it. And spending the meter revenue for public improvements can attract even more customers.

We can examine the effects of this charge-and-spend policy because Pasadena, California, charges market prices for curb parking and returns all of the meter revenue to the business districts that generate it. An evaluation of Pasadena's program shows it can help revitalize older business districts by improving their parking, transportation, and public infrastructure.

OLD PASADENA

Pasadena's downtown declined between 1930 and 1980, but it has since been revived as "Old Pasadena," one of Southern California's most popular shopping and entertainment destinations. Dedicating parking meter revenue to finance public improvements in the area has played a major part in this revival.

Old Pasadena was the original commercial core of the city, and in the early 20th century it was an elegant shopping district. In 1929, Pasadena widened its main thoroughfare, Colorado Boulevard, by 28 feet, and this required moving the building facades on each side of the street back 14 feet. Owners removed the front 14 feet of their buildings, and most constructed new facades in the popular Spanish Colonial Revival or Art Deco styles. However, a few owners put back the original facades (an early example of historic preservation). The result is a handsome circa-1929 streetscape that is now the center of Old Pasadena.

The area sank into decline during the Depression. After the war the narrow storefronts and lack of parking led many merchants to seek larger retail spaces in more modern surroundings. Old Pasadena became the city's Skid Row, and by the 1970s much of it was slated for redevelopment. Pasadena's Redevelopment Agency demolished >





three historic blocks on Colorado Boulevard to make way for Plaza Pasadena, an enclosed mall with ample free parking whose construction the city assisted with \$41 million in public subsidies. New buildings clad in then-fashionable black glass replaced other historic properties. The resulting “Corporate Pasadena” horrified many citizens, so the city reconsidered its plans for the area. The *Plan for Old Pasadena*, published in 1978, asserted “if the area can be revitalized, building on its special character, it will be unique to the region.” In 1983, Old Pasadena was listed in the National Register of Historic Places. However, despite these planning efforts, commercial revival was slow to come, in part because lack of public investment and the parking shortage were intractable obstacles.

PARKING METERS AND REVENUE RETURN

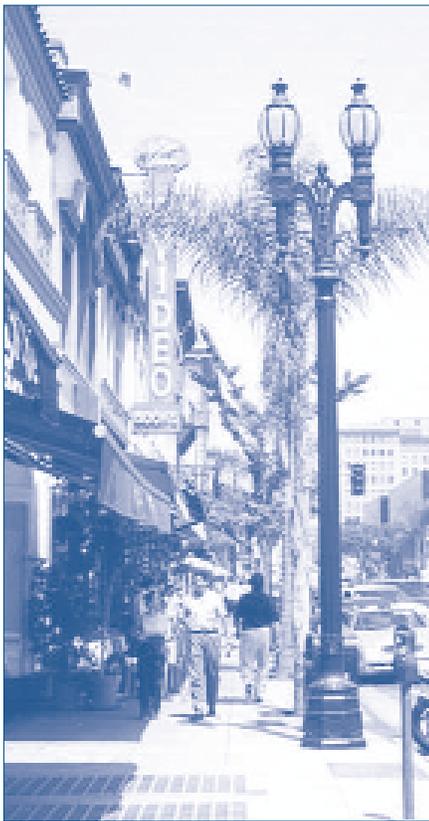
Pasadena devised a creative parking policy that has contributed greatly to Old Pasadena’s revival: it uses Old Pasadena’s parking meter revenue (\$1.2 million in 2001) to finance additional public spending in the area.

Old Pasadena had no parking meters until 1993, and curb parking was restricted only by a two-hour time limit. Customers had difficulty finding places to park because employees took up the most convenient curb spaces, and moved their cars every two hours to avoid citations. The city’s staff proposed installing meters to regulate curb parking, but the merchants and property owners opposed the idea. They feared that paid parking would discourage people from coming to the area at all. Customers and tenants, they assumed, would simply go to shopping centers like Plaza Pasadena that offered free parking. Meter proponents countered that employees rather than customers occupied many curb spaces, and making these spaces available for short-term parking would attract more customers. Any customers who left because they couldn’t park free would also make room for others who were willing to pay if they could find a space, and who would probably spend more money in Old Pasadena if they could find a space.

Debates about the meters dragged on for two years before the city reached a compromise with the merchants and property owners. To defuse opposition, the city offered to spend all the meter revenue on public investments in Old Pasadena. The merchants and property owners quickly agreed to the proposal because they would directly benefit from it. The city also liked it because it wanted to improve Old Pasadena, and the meter revenue would pay for the project.

The desire for public improvements that would attract customers to Old Pasadena soon outweighed fear that paid parking would drive customers away. Businesses and property owners began to see the parking meters in a new light—as a source of revenue. They agreed to an unusually high rate of \$1 an hour for curb parking, and to the unusual policy of operating the meters on Sundays and in the evenings when the area is still busy with visitors. The city also didn’t *lose* anything in the process. Because there had been no parking meters anywhere in the city before, returning the revenue to Old Pasadena didn’t create a loss to the city’s general fund. Indeed, the city gained revenue from overtime fines. Both business and government thus had a stake in the meter money, and so the project went ahead.

Only the blocks with parking meters receive the added services financed by the meter revenue. The city worked with Old Pasadena’s Business Improvement District (BID) to establish the boundaries of the Old Pasadena Parking Meter Zone (PMZ). The



city also established the Old Pasadena PMZ Advisory Board, consisting of business and property owners who recommend parking policies and set spending priorities for the zone's meter revenues. Connecting the meter revenue directly to added public services and keeping it under local control are largely responsible for the parking program's success. "The only reason meters went into Old Pasadena in the first place," said Marilyn Buchanan, chair of the Old Pasadena PMZ, "was because the city agreed all the money would stay in Old Pasadena."

The city installed the parking meters in 1993, and then borrowed \$5 million to finance the "Old Pasadena Streetscape and Alleyways Project," with the meter revenue dedicated to repaying the debt. The bond proceeds paid for street furniture, trees, tree grates, and historic lighting fixtures throughout the area. Dilapidated alleys became safe, functional pedestrian spaces with access to shops and restaurants. To reassure businesses and property owners that the meter revenues stayed in Old Pasadena, the city mounted a marketing campaign to tell shoppers what their meter money was funding.

As the area attracted more pedestrian traffic, the sidewalks needed more maintenance. This would have posed a problem when Old Pasadena relied on the city for cleaning and maintenance, but now the BID has meter money to pay for the added services. The BID has arranged for daily sweeping of the streets and sidewalks, trash collection, removal of decals from street fixtures, and steam cleaning of Colorado Boulevard's sidewalks twice a month. Dedicating the parking meter revenue to Old Pasadena has thus created a "virtuous cycle" of continuing improvements. The meter revenue pays for public improvements, the public improvements attract more visitors who pay for curb parking, and more meter revenue is then available to pay for more public improvements.

Old Pasadena's 690 parking meters yielded \$1.2 million *net* parking revenue (after all collection costs) to fund additional public services in FY 2001. The revenue thus amounts to \$1,712 per meter per year. The first claim on this revenue is the annual debt service of \$448,000 that goes to repay the \$5 million borrowed to improve the sidewalks and alleys. Of the remaining revenue, \$694,000 was spent to increase public services in Old Pasadena, above the level provided in other commercial areas. The city provides some of these services directly; for example, the Police Department provides additional foot patrols, and two horseback officers on weekend evenings, at a cost of \$248,000. The parking enforcement officers who monitor the meters until well into the night further increase security, at no additional charge. The city also allocated \$426,000 of meter revenue for added sidewalk and street maintenance and for marketing (maps, brochures, and advertisements in local newspapers). Drivers who park in Old Pasadena finance all these public services, at no cost to the businesses, property owners, or taxpayers.

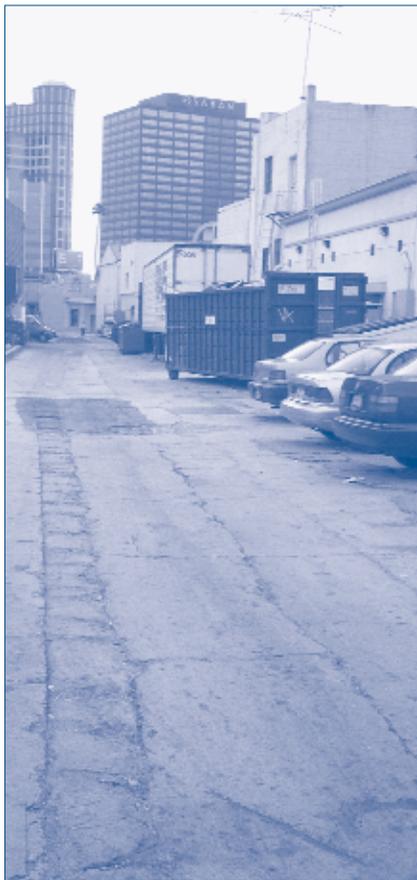
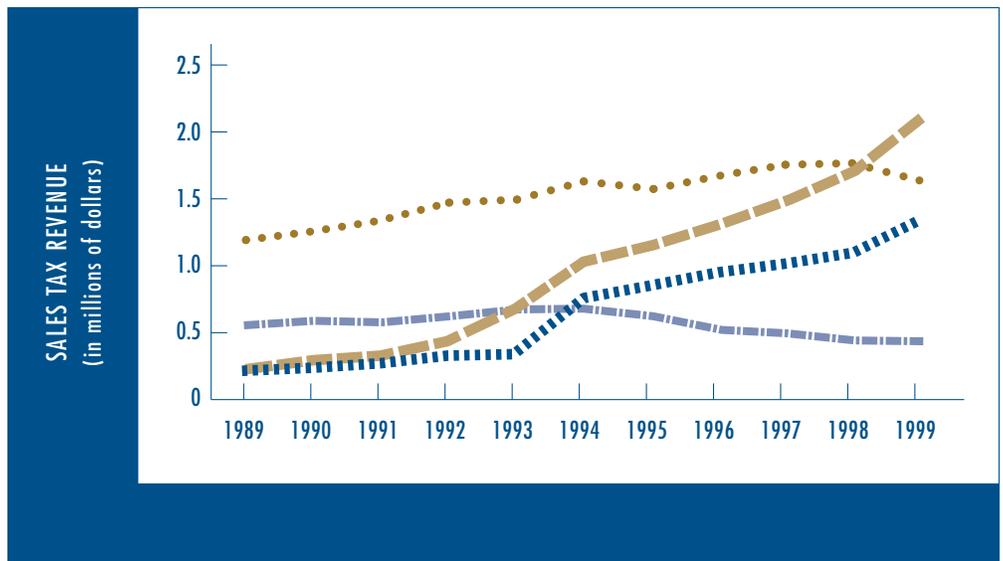
Old Pasadena has done well in comparison with the rest of Pasadena. Its sales tax revenue increased rapidly after parking meters were installed in 1993, and is now higher than in the other retail districts in the city. Old Pasadena's sales tax revenues quickly exceeded those of Plaza Pasadena, the nearby shopping mall that had free parking. With great fanfare, Plaza Pasadena was demolished in 2001 to make way for a new development—with storefronts that resemble the ones in Old Pasadena.

Would Old Pasadena be better off today with dirty sidewalks, dilapidated alleys, no street trees or historic street lights, and less security, but with free curb parking? Clearly, no. Old Pasadena is now a place where everyone wants to be, rather than merely another place where everyone can park free. ➤



Pasadena retail sales-tax revenue

- Old Pasadena
- ⋯ Playhouse District
- Plaza Pasadena
- South Lake



Westwood Village

A TALE OF TWO BUSINESS DISTRICTS' PARKING POLICIES

To see how parking policies affect urban outcomes, we can compare Old Pasadena with Westwood Village, a business district in Los Angeles that was once as popular as Old Pasadena is now. In 1980, anyone who predicted that Old Pasadena would soon become hip and Westwood would fade would have been judged insane. However, since then the Village has declined as Old Pasadena thrived. Why?

Except for their parking policies, Westwood Village and Old Pasadena are similar. Both are about the same size, both are historic areas, both have design review boards, and both have BIDS. Westwood Village also has a few advantages that Old Pasadena lacks. It is surrounded by extremely high-income neighborhoods (Bel Air, Holmby Hills, and Westwood) and is located between UCLA and the high-rise corridor of Wilshire Boulevard, which are both sources of many potential customers. Old Pasadena, by contrast, is surrounded by moderate-income housing and low-rise office buildings. Tellingly, although Westwood Village has about the same number of parking spaces as Old Pasadena, merchants typically blame a parking shortage for the Village's decline. In Old Pasadena, parking is no longer a big issue. A study in 2001 found that the average curb-space occupancy rate in Old Pasadena was 83 percent, which is about the ideal rate to assure available space for shoppers. The meter revenue has financed substantial public investment in sidewalk and alley improvements that attract visitors to the stores, restaurants, and movie theaters. Because all the meter revenue stays in Old Pasadena, the merchants and property owners understand that paid parking helps business.

In contrast, Westwood's curb parking is underpriced and overcrowded. A 1994 parking study found that the curb-space occupancy rate was 96 percent during peak hours, making it necessary for visitors to search for vacant spaces. The city nevertheless reduced



Westwood Village

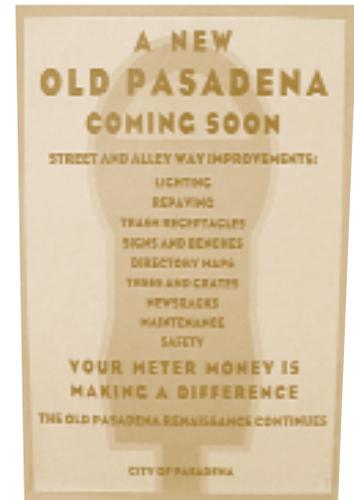
and leave other areas trapped in a slump. If Westwood Village had always charged market prices for curb parking and had spent the revenue on public services, it probably would have retained its original luster rather than fallen into a long economic decline. If Old Pasadena had kept curb parking free and not spent \$1.2 million a year on public services, it probably would still be struggling. The exactly opposite parking policies in Westwood Village and Old Pasadena have surely helped determine their different fates. As the signs on Old Pasadena's parking meters say, "Your meter money makes a difference."

CONCLUSION

Charging market prices for curb parking and returning the meter revenue for public improvements have helped pave the way for Old Pasadena's renaissance. The meter revenue has paid to improve the streetscape and to convert alleys into pleasant walkways with shops and restaurants. The additional public spending makes the area safer, cleaner, and more attractive for both customers and businesses. These public improvements have increased private investment, property values, and sales tax revenues. Old Pasadena has pulled itself up by its parking meters. ♦

meter rates from \$1 to 50¢ an hour in 1994, in response to merchants' and property owners' argument that cheaper curb parking would stimulate business. Off-street parking in any of the nineteen private lots or garages in Westwood costs at least \$2 for the first hour, so drivers have an incentive to hunt for cheaper curb parking. The result is a shortage of curb spaces, and underuse of the off-street ones. The 1994 study found that only 68 percent of the Village's 3,900 off-street parking spaces were occupied at the peak daytime hour (2 p.m.). Nevertheless, the shortage of curb spaces (which are only 14 percent of the total parking supply) creates the illusion of an overall parking shortage. In contrast to Old Pasadena, Westwood's sidewalks and alleys are crumbling because there is no source of revenue for repairing them—the meter revenue disappears into the city's general fund.

The Old Pasadena/Westwood Village comparison suggests that parking policies can help some areas rebound,



FURTHER READING

Douglas Kolozsvari. *Parking: The Way to Revitalization. A Case Study on Innovative Parking Practices in Old Pasadena*. Comprehensive project submitted for the Master of Arts in Urban Planning, UCLA, 2002.

Donald Shoup, "Cashing in on Curb Parking," *Access*, no. 4, Spring 1994, pp. 20–26.

Donald Shoup, "An Opportunity to Reduce Minimum Parking Requirements," *Journal of the American Planning Association*, vol. 61, no. 1, Winter 1995, pp. 14–28.

Donald Shoup, "Buying Time at the Curb," in *The Half-Life of Policy Rationales: How New Technology Affects Old Policy Issues*, Fred Foldvary and Daniel Klein, eds. (New York: New York University Press, 2003).

Donald Shoup, "The Ideal Source of Local Public Revenue," *Regional Science and Urban Economics*, forthcoming.

Donald Shoup, *The High Cost of Free Parking*. (Chicago: The Planners Press of the American Planning Association, forthcoming.)



CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.ci.kirkland.wa.us

MEMORANDUM

To: Dave Ramsay, City Manager
From: Kathi Anderson, City Clerk
Date: February 3, 2010
Subject: Lodging Tax Advisory Committee Recruitment and Structure

RECOMMENDATION

That the City Council provide direction on the recruitment and appointment process for the Lodging Tax Advisory Committee (LTAC).

BACKGROUND DISCUSSION

Kirkland Municipal Code (KMC) Chapter 5.19 establishes the LTAC and sets forth its membership, duties and procedures. Consistent with State law, before the City proposes an increase in the rate or use of the lodging excise tax, LTAC is to review and submit comments to the City Council. In addition, under KMC Chapter 5.19, the LTAC is to be an ongoing advisory committee to the City Council as to the use of the lodging tax fund revenue for tourism promotion.

The minimum number of members required by state statute to comprise the LTAC is five. The number of members who are representatives of businesses required to collect the tax must equal the number of members who are involved in activities authorized to be funded by the revenue. State law does require that an elected official of the municipality serve as chair. KMC 5.19 establishes membership of the LTAC as seven voting members appointed annually by City Council.¹ One member is a City Councilmember who serves as chair. Three members are representatives of businesses required to collect the lodging excise tax (typically hoteliers). Finally, three members are persons involved in activities authorized to be funded by revenue from the lodging tax fund. Local ordinance provides for annual review of appointments to the LTAC on June 30 of each year.

Current Lodging Tax Advisory Committee (LTAC) members' terms were scheduled to be reviewed June 30, 2009. At its August 4, 2009 meeting, the City Council was presented with applications for the LTAC but chose not to take action on the applications at that time. Further, at its September 1, 2009 meeting, the Council voted to re-examine the selection process and to retain the existing members until that time.

¹ KMC 5.19.220(b) provides: The city council shall review the membership of the advisory committee annually and make changes as appropriate.

In past years, as the membership requirements provide for a select pool of eligible applicants and the number of applicants has historically been no more than the number of seats available on the LTAC, Council has not typically interviewed LTAC applicants individually rather it approved the slate of applicants as recommended by staff.

During the 2009 recruitment, applications were received from a number of individuals, some of whom are current members. Since the time the original recruitment was held, some applicants have withdrawn their applications, and one new application has been submitted to replace a representative from the Woodmark Hotel who is not longer with that business. At this time there are not enough applicants to fill all of the seats on the seven-member LTAC, and a new recruitment will be initiated this month.

Currently we have applications from the following:

Representing hoteliers (3 seats)

Jac Cooper, Controller, Woodmark Hotel, Yacht Club & Spa
Ryan Noel, General Manager, Courtyard by Marriott Hotel
Les Utley, General Manager, Heathman Hotel

Representing businesses (3 seats)

Shirley Day, Crab Cracker Restaurant, representing the Greater Kirkland Chamber of Commerce
Daniel Mayer, representing the Kirkland Performance Center

Council must also select a Councilmember to serve as Chair of the Committee. The Mayor appointed Deputy Mayor Penny Sweet as Chair of the LTAC in January 2009.

Staff requests that Council provide direction on several matters:

1. Does Council believe the current seven member structure is appropriate or would Council like to consider changes (e.g. a five-member LTAC as allowed by state law)?
2. Does the Council want to include the current LTAC applicants in the Council's March interview process along with other City Boards and Commissions or use some other process to make appointments?
3. Does the Council want to change the annual date for reviewing membership from June 30 to March 31, concurrent with other board and commission terms?

Changes to the structure and term dates would require an ordinance to be brought back to Council for adoption.

c: Ellen Miller-Wolfe, Economic Development Manager
Marilynne Beard, Assistant City Manager
Tracey Dunlap, Director of Finance & Administration

**CITY OF KIRKLAND****Department of Public Works**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

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MEMORANDUM

To: David Ramsay, City Manager

From: Ray Steiger, P.E., Interim Public Works Director
Don Anderson, P.E., Project Engineer

Date: February 16, 2010

Subject: NE 85th Street Corridor Improvements – Project Update

RECOMMENDATION:

It is recommended that the City Council review and discuss the NE 85th Street Corridor Improvement status.

BACKGROUND AND DISCUSSION:

In December of 2009, City Council was provided with a reading file update on this project which focused on the status of the scope, schedule, and budget issues, while also highlighting recent public outreach and the project's new *Communications Plan*. As identified at that time, staff is presenting this project update on the various work efforts related to the project: right-of-way acquisition, engineering design and community outreach, and the proposed channelization and channelized islands along 85th Street as required by the City's Comprehensive Plan.

The Project originally combined six funded CIP projects into one overall improvement to the NE 85th Corridor between 114th Avenue NE and 132nd Avenue NE. These improvements have been divided into two separate contracts: the underground utility conversion contract, and the street/sidewalk improvement contract. Due to complexities of completing necessary right-of-way acquisition along the corridor between 120th Avenue and 132nd Avenue, staff has accelerated the intersection improvements at 114th Avenue NE (west of I-405) into a third contract (Attachment A). This project is not hindered by right-of-way acquisition needs and design can be completed this year with construction beginning prior to the end of 2010.

The undergrounding conversion and street/sidewalk improvement contracts will continue on their schedule. Design of the undergrounding construction is approaching the 100% bid set with the last few details being coordinated with the individual private utility companies (e.g., Puget Sound Energy, Verizon, etc.). Design of the roadway improvements is at approximately 30% with much of the remaining engineering work to occur in the next six to eight months.

State Route 908 Jurisdiction

In December's update Council was informed on the status of the joint application made by the Cities of Kirkland and Redmond to the State for the transfer of State Route 908 to the local jurisdictions. In

January, Kirkland and Redmond staff attended hearings held in both the Senate and House Transportation Committees which saw positive results. Both bills were sent out of committee with momentum for them to be approved during this session.

While taking over the jurisdiction of NE 85th Street will allow for more local control over channelization, access, and landscaping decisions, the State has also agreed to provide funding of the overlay of the roadway upon the completion of the 85th Street corridor improvements. This overlay was previously budgeted by WSDOT in 2008, however was delayed in order to coordinate with the Kirkland project. The amount of this funding transfer to Kirkland for the overlay of 85th Street is still being negotiated however, early estimates indicate Kirkland will receive all of the approximately \$1 million estimated to overlay the former SR 908 from I-405 to 132nd Ave NE.

Right-of-Way Acquisition

The number of parcels originally requiring property rights to be acquired for the project was over 100. As the design has been further developed and refined, staff has been able to reduce the number of impacted properties to 73 by performing minor alignment modifications. 33 of these impacted properties are part of the undergrounding construction, and 40 properties are impacted by the roadway construction (Attachment B). Due to the staggered construction schedule, right of way acquisition is proceeding first for properties that are associated with the underground conversion; properties associated only with the roadway improvements will follow.

Since December, the City's project team has completed almost all appraisals and/or administrative offer summaries and had the City's right-of-way agent begin negotiations with the majority of property owners. Staff had anticipated that the majority of right-of-way negotiations necessary for the underground conversion would be completed by the end of March, 2010. Staff continues to target completion of the majority of acquisitions in this time frame, however, as has been our experience on other capital projects, the use of the eminent domain process is likely in order to facilitate the acquisition in the event that negotiations reach an impasse. As in all previous cases, resolution through continued negotiations will be sought and are the preferred alternative. Staff expects to be able to make a recommendation in April whether or not for Council to move forward with an ordinance to acquire right of way through eminent domain.

Channelization

The City's comprehensive plan requires that City Council approve any proposed medians within the NE 85th Street corridor. This memo includes exhibits depicting the proposed channelization and access control measures (c-curbing) and planted channelized islands where possible (Attachment C). This attachment highlights the plan presented to the neighborhoods, the Chamber of Commerce, local businesses and individual property owners, as well as the Kirkland Transportation Commission. The channelization plan has been developed to maximize where possible landscaped, channelized islands and also to maintain business and property access as much as practicable. These attempts are balanced against the public safety and engineering design standards and requirements.

Communications/Outreach

Staff is continuing to engage in 'shuttle diplomacy' with key stakeholders within the business community, the neighborhoods and directly with property owners. These discussions have identified

possible project scope refinements and to a large part are being addressed as the design proceeds. Some of the issues are as follows:

QUESTION: Why is the largest channelization island east of 124th Avenue NE necessary? Locations and plantings of channelization islands are concerns for both adjacent businesses and some neighborhood residents.

- *DESIGN RESPONSE: The proposed channelization is a direct result of the conditions of existing land development along the corridor. Along the west end, parcels are larger, blocks are shorter, and existing driveways are already fewer. The east end contains smaller parcels, more driveways, larger blocks, and more conflicting traffic movements. Remaining true to the comprehensive plan charge to provide aesthetic greening of the corridor while allowing left-turn access into businesses is a difficult challenge. Staff is balancing the overall vision against the current conditions. Design steps later in the roadway project can help visualize how the eastern end of the 85th corridor could contain more planted, channelized islands as parcels redevelop and driveways are eliminated.*

QUESTION: Is the additional left-turn lane (eastbound-to-northbound) at the intersection of NE 85th Street at 124th Avenue NE necessary? Is the need warranted?

- *DESIGN RESPONSE: While balancing the needs for future growth and existing traffic needs against real traffic impacts is difficult, the proposed additional left turn lane provides added capacity that helps the entire corridor operate more efficiently and with greater throughput (new considerations also follow in this memo).*

QUESTION: Why isn't the project undergrounding overhead utility lines from 128th Avenue NE to 132nd Avenue NE (especially since it is installing the conduit along that stretch anyway)?

- *DESIGN RESPONSE: Even with current franchise agreements in place, funding is not available to direct the private utilities to make the underground conversion on this easternmost stretch of the corridor. Additionally, this portion of 85th is the most anticipated to redevelop, where development is required by code to perform undergrounding at its cost. It is a prudent planning effort to build the dry conduit for future conversion while the city is rebuilding 85th with sidewalks, landscape strips and new pavement overlay.*

NE 85th Street/124th Ave NE Intersection

While staff recommends that the proposed channelization be approved as the best plan for the 85th Street projects at this time, discussions with business stakeholders and property owners have yielded a new option for the project's configuration of the intersection at 124th Avenue NE: Acquire the area needed to build the project to its final configuration, but only open one left turn (east to north) lane to traffic. As growth occurs and traffic levels warrant, the second left turn lane could be open to meet this need. While this option balances current potential traffic impacts, it delays operational decisions which would be expected to continue to have similar traffic impacts.

Opening the lane in the future will have advantages and disadvantages. These should be weighed carefully before a decision to open the lane is made. For example, opening the lane may reduce delay for vehicles, but it could also impact operations of nearby businesses by preventing current ingress and egress patterns. The advantages and disadvantages will be based on several factors

which may include performance factors such as vehicle delay, traffic volumes and queuing. Impacts to the neighborhood, nearby businesses and safety are other factors that should also be considered.

Another specific consideration for opening the lane is concurrency. Under the City's concurrency system, opening the lane may be necessary to avoid impacts to development. At this time, using just a single lane is sufficient to meet concurrency (i.e. V/C ratio less than 1.4) and does not render previous concurrency decisions invalid. The need to open the lane for concurrency will be directly affected by factors such as increase in traffic volumes, along with the location and magnitude of new development none of which can be predicted with certainty. Improvements at this intersection were critical in Sound Transit's decision to provide funding for the overall project. Corridor travel time improvements will occur with the addition of the dual left turns with future traffic volumes.

Schedule

With the project repackaging concept, separating out the intersection improvements at 114th Avenue NE at NE 85th Street, and with diligent and successful finalization of right-of-way negotiations, staff is proposing to adjusted the project schedule as follows:

Project Contract	December Update	Present Status	Schedule Impact
1. 114 th / 85 th Intersection	n/a	Starts Summer 2010	Accelerate 16 months
2. Underground Conversion	Starts Spring 2010	Starts Summer 2010	Delay of 4 months
3. Roadway Improvements	Starts Spring 2011	Starts Summer 2011	Delay of 4 months

Next update

Staff will continue frequent, regular updates to Council through reading files and/or regular session updates, and anticipates an early April update in regards to progress on right-of-way acquisition, and potential follow on schedule impacts.

- Attachment A: Vicinity Map
- Attachment B: Property Rights Status Map
- Attachment C: Channelization Exhibits

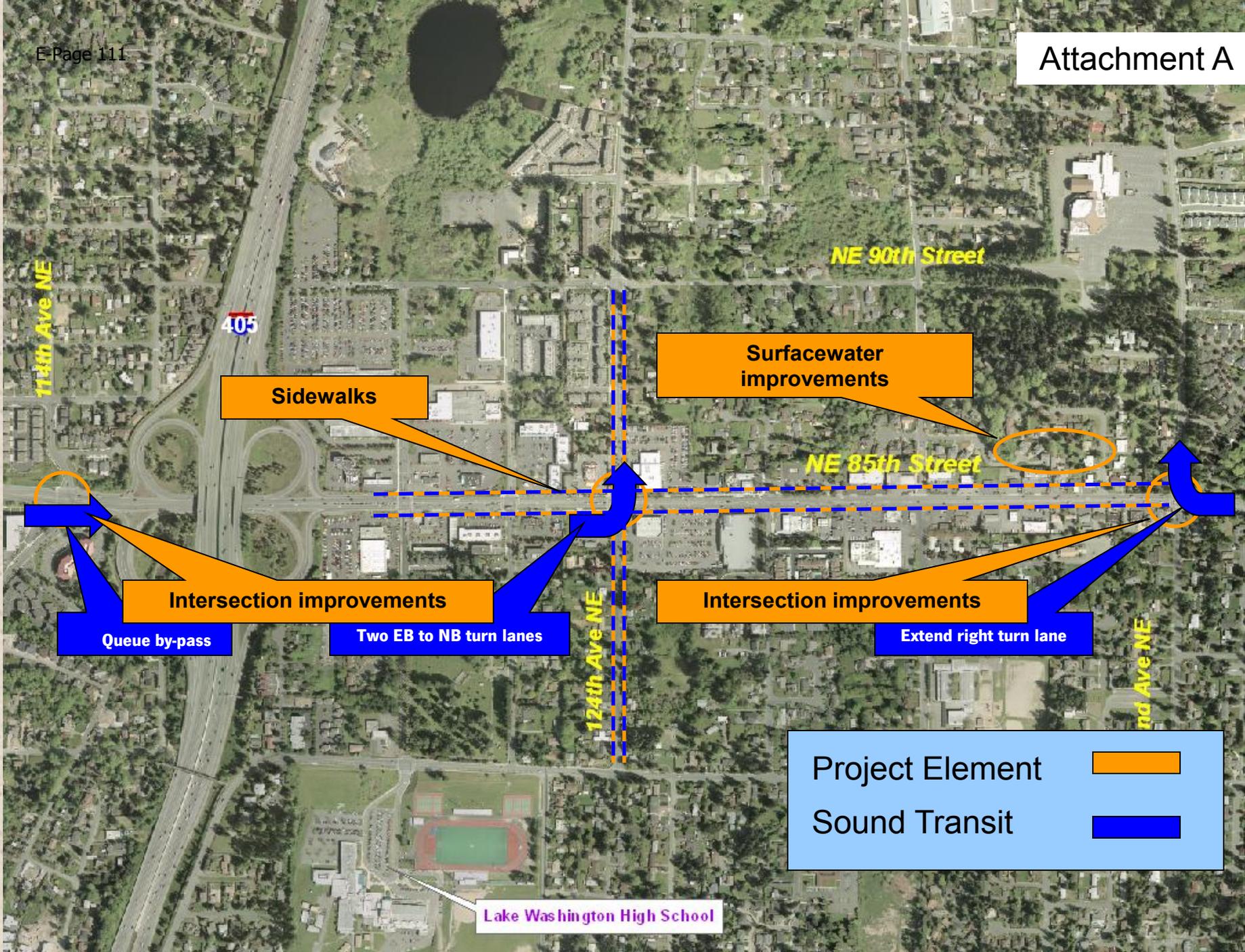
NE 85th Street Corridor Improvements

- Sound Transit – Transit corridor (Route 540)
- Kirkland CIP – non motorized/motorized
- Scope of project:
 - Intersection improvements
 - Landscape strips & sidewalks
 - Surface water treatment/detention
 - Approx \$8.5 funding (ST+City)
- Rose Hill Action Team process
- Considering underground conversion



COSTCO

Lake Washington High School



Sidewalks

Surfacewater improvements

NE 85th Street

NE 90th Street

114th Ave NE

405

124th Ave NE

132nd Ave NE

Intersection improvements

Intersection improvements

Queue by-pass

Two EB to NB turn lanes

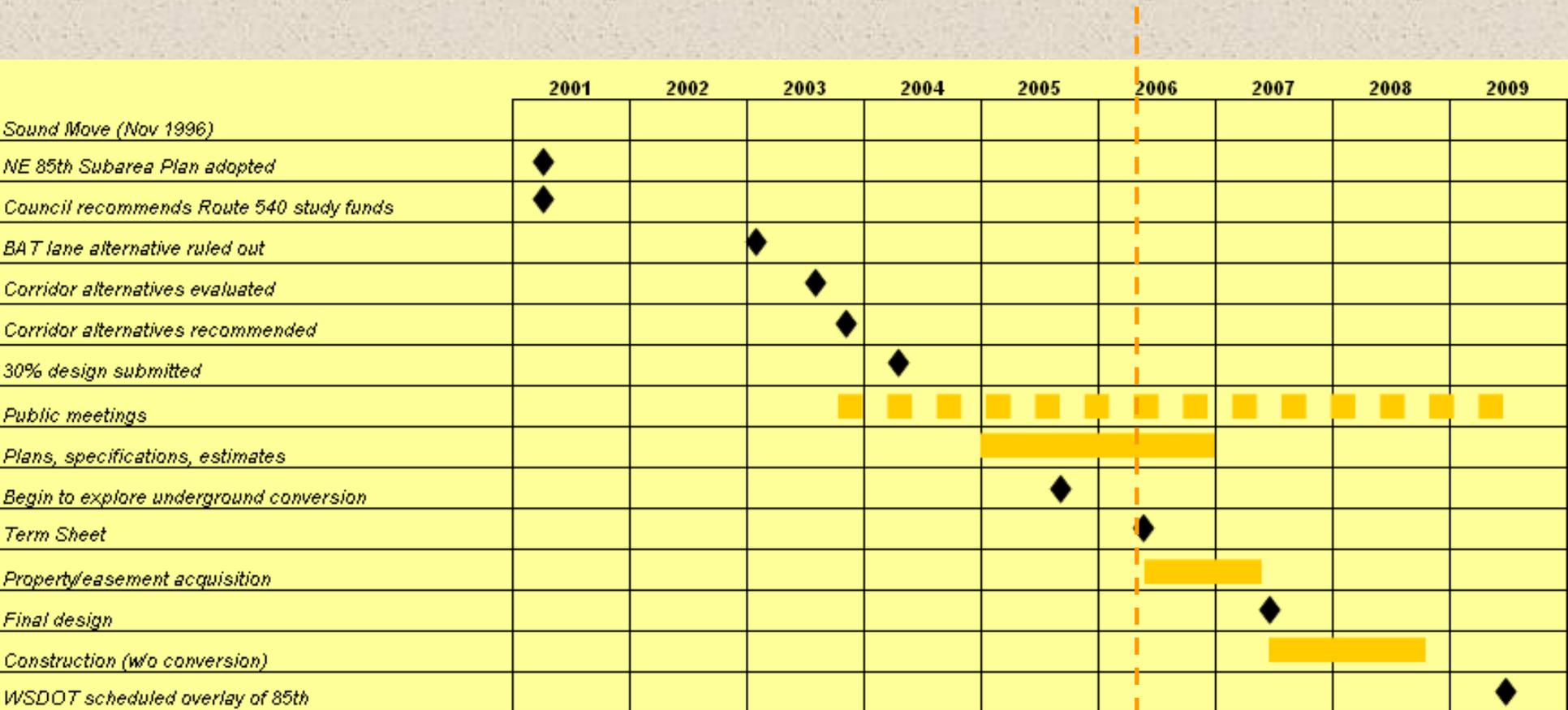
Extend right turn lane

Project Element 

Sound Transit 

Lake Washington High School

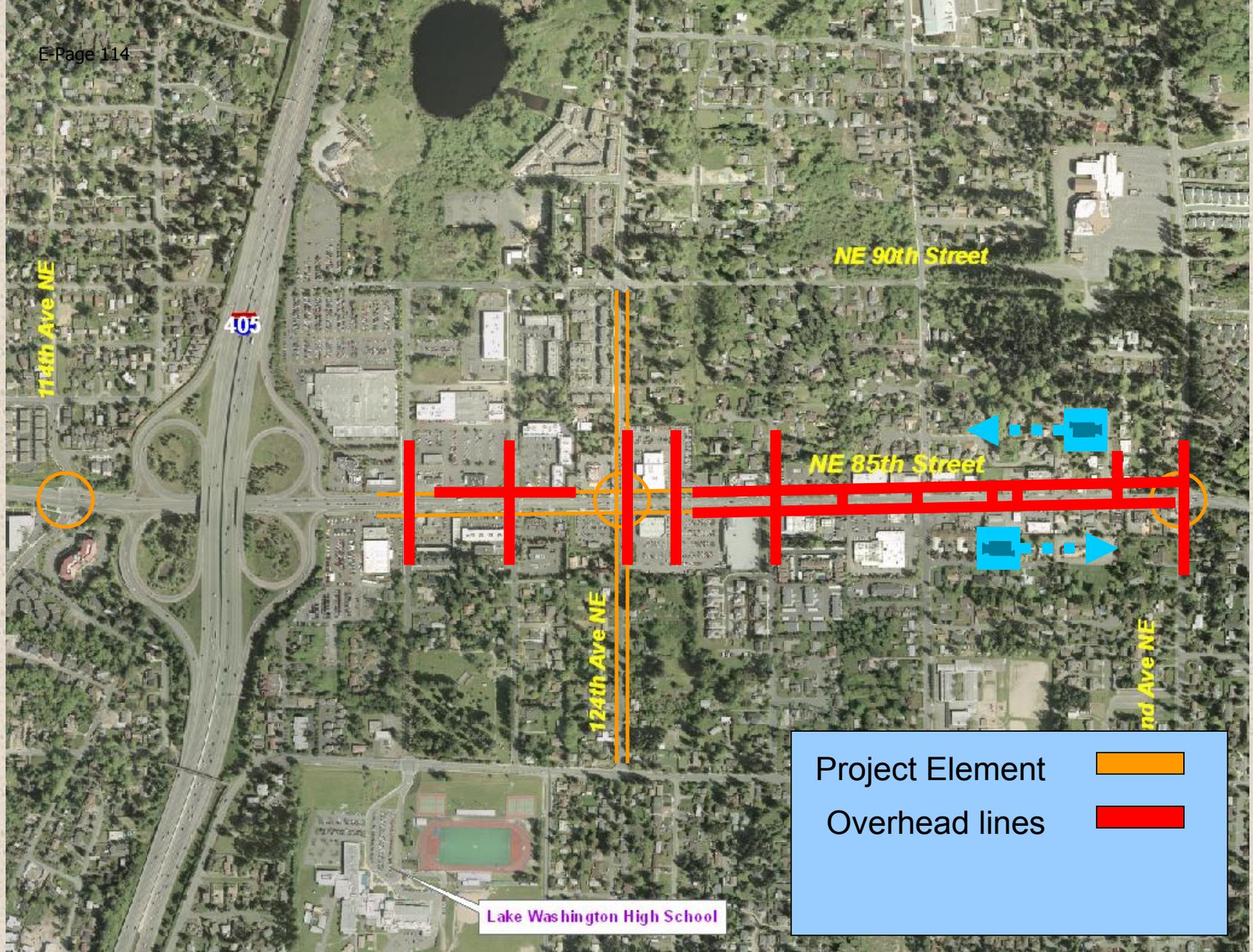
NE 85th Street Corridor Improvements



Tonight

NE 85th Street Corridor Improvements

- Sound Transit
 - Contribute \$3.7 Million
 - Enhance travel time and patron access
- Term Sheet with City
 - Outlines scope of improvements
 - Outlined responsibilities
 - Kirkland as lead agency
 - Joint design development



Project Element



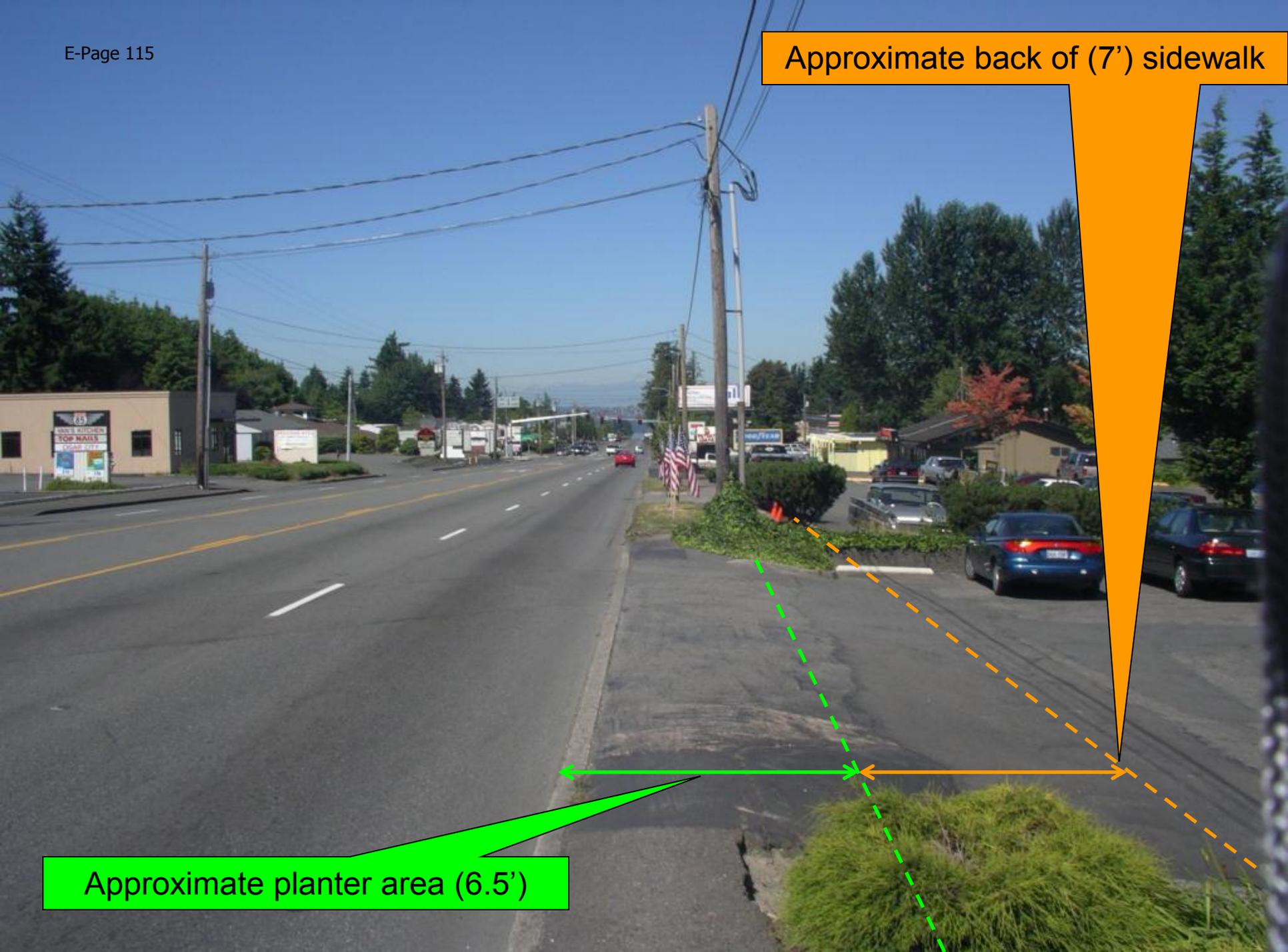
Overhead lines



Lake Washington High School

Approximate back of (7') sidewalk

Approximate planter area (6.5')



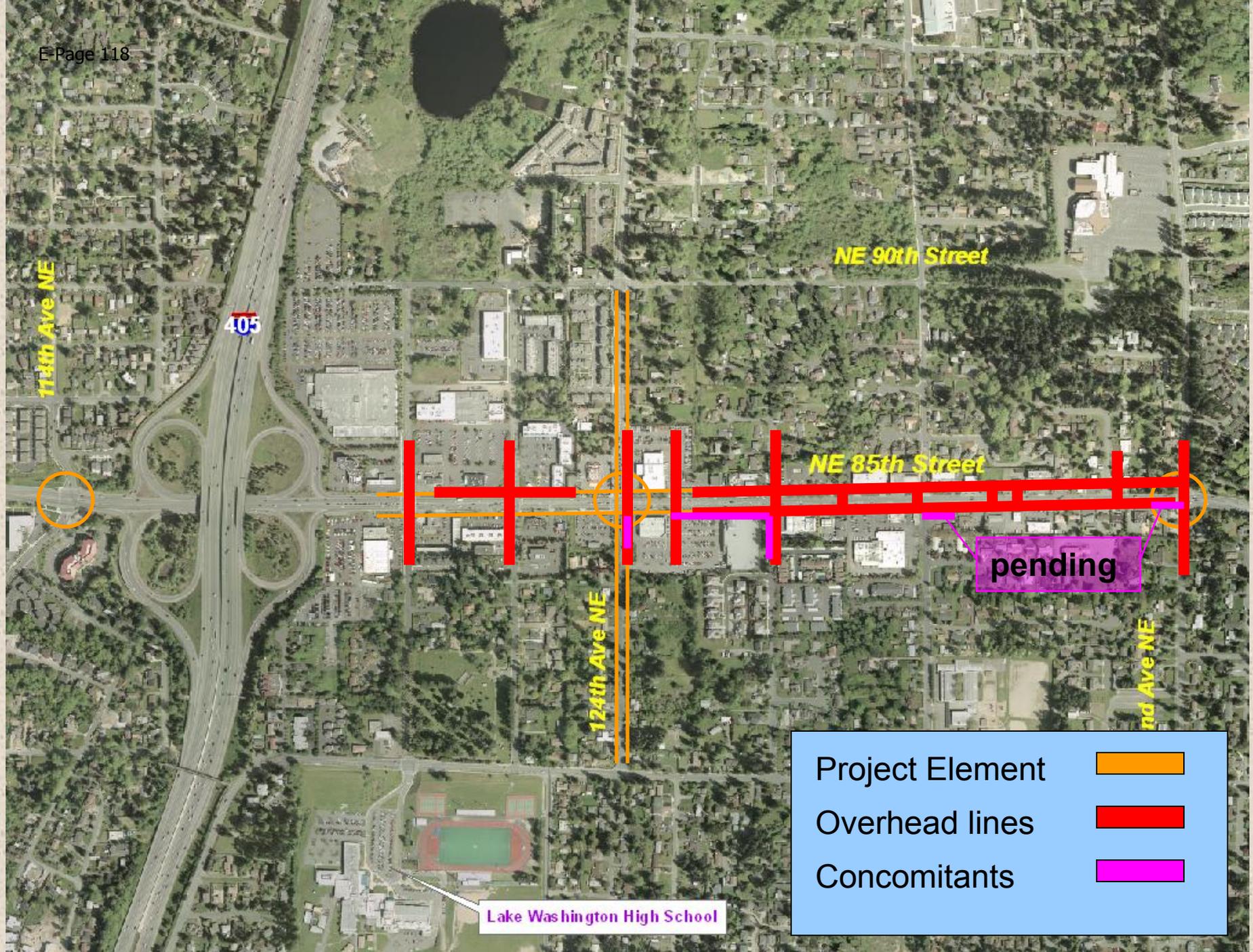


Approximate planter area (6.5')

Approximate back of (7') sidewalk

NE 85th Street Corridor Improvements

- Summary of Under-grounding Costs
 - \$2.5 million City
 - \$0.5 million private service upgrades
 - \$0.6 million PSE Contribution
 - \$3.6 million total cost
- Funding Options
 - Concomitants



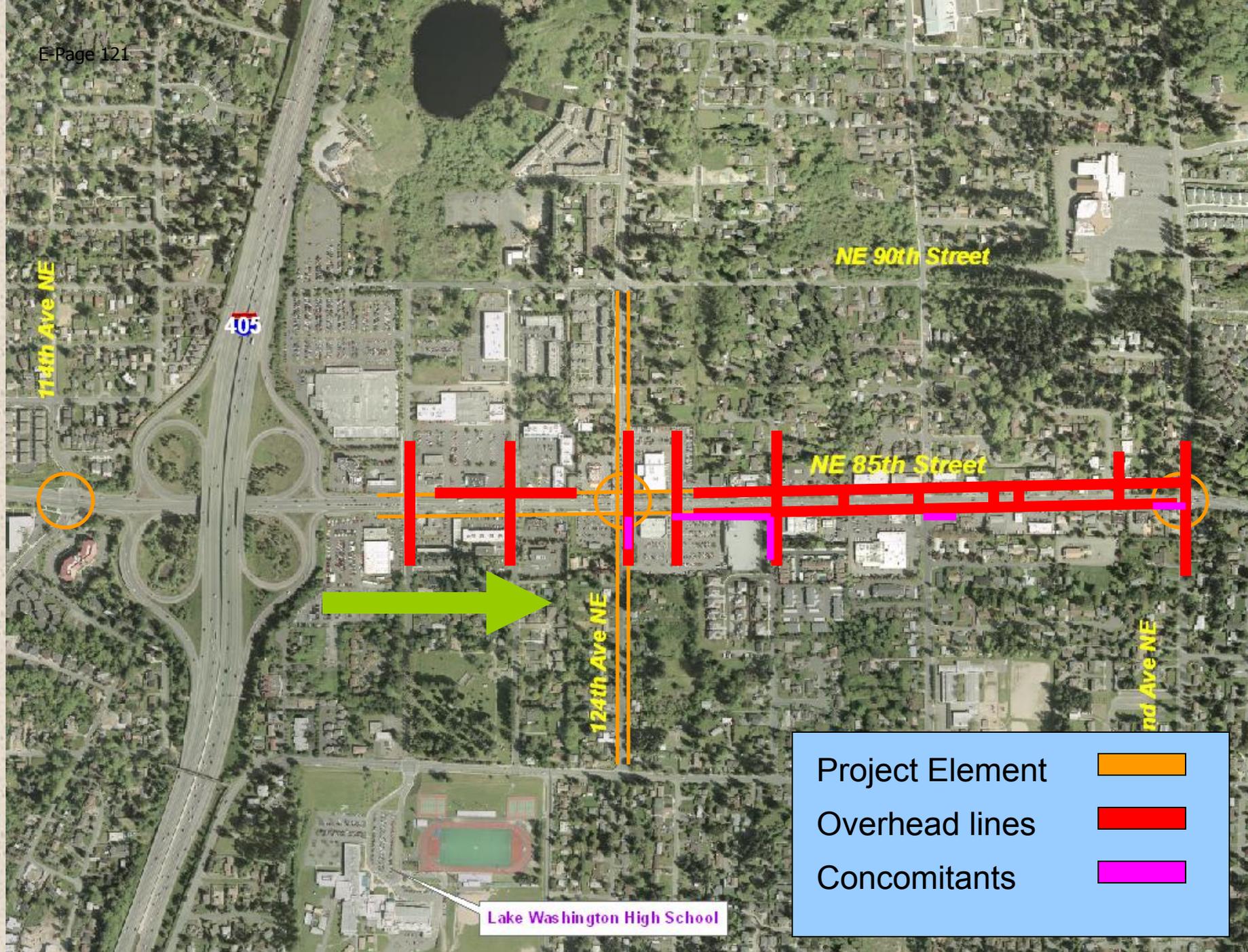
NE 85th Street Corridor Improvements

- Summary of Under-grounding Costs
 - \$2.5 million City
 - \$0.5 million private service upgrades
 - \$0.6 million PSE Contribution
 - \$3.6 million total cost
- Funding Options
 - Concomitants (approx 15%)
 - Local Improvement District
 - Some amount of City reserves

NE 85th Street Corridor Improvements

- Summary of Eligible Reserves:

RESERVE	EST 12/06 (w/o 85 th St)	TARGET (per policy)	OVER (UNDER) TARGET
General Capital Contingency	\$3,518,000	\$5,900,000	(\$2,382,000)
REET I	\$3,990,000	\$1,435,000	\$2,555,000
REET II	\$2,343,000	\$6,034,000	(\$3,691,000)



114th Ave NE

405

NE 90th Street

NE 85th Street

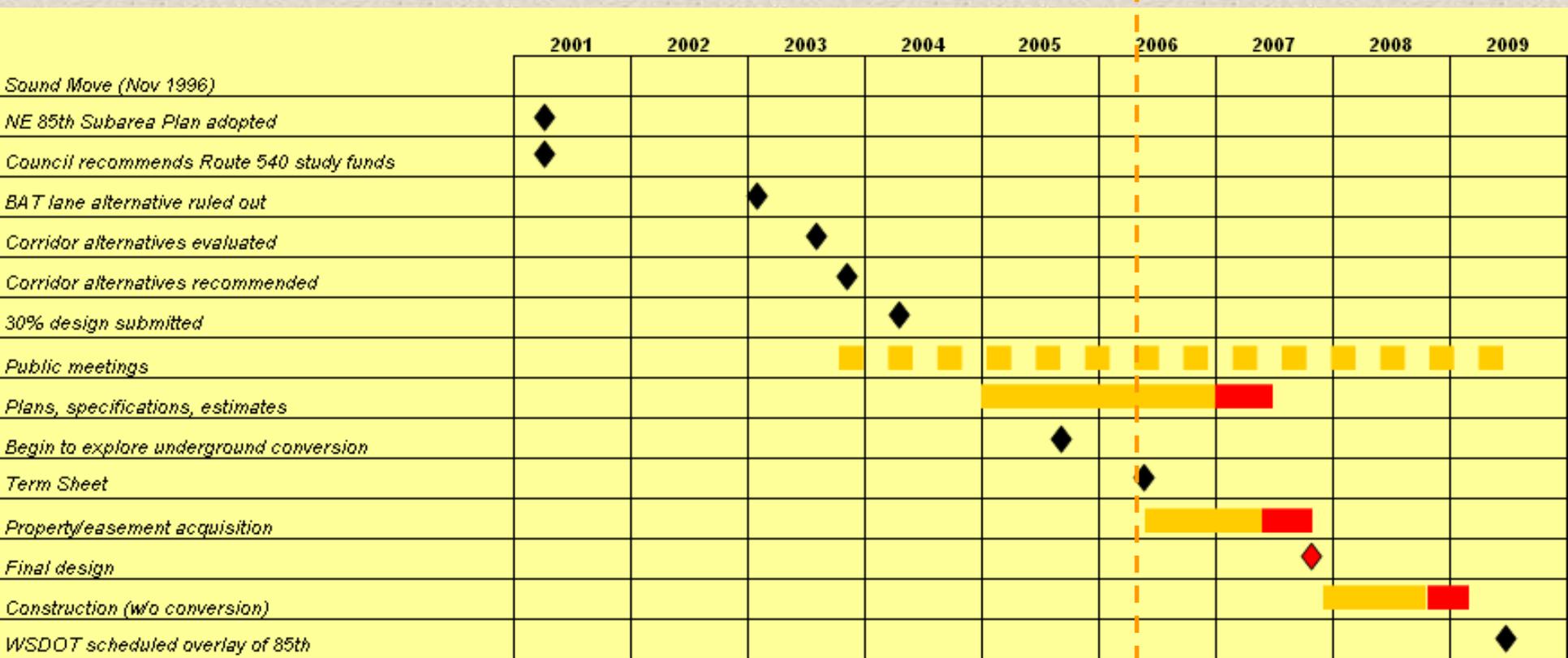
124th Ave NE

128th Ave NE

Lake Washington High School

Project Element	
Overhead lines	
Concomitants	

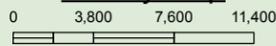
NE 85th Street Corridor Improvements



Tonight



Vicinity Map



Map Legend

No Property Rights Needed

1st Contract Status

- Info Packets
- Appraisals
- Negotiations
- 2nd Offer
- Rights Secured

2nd Contract Status

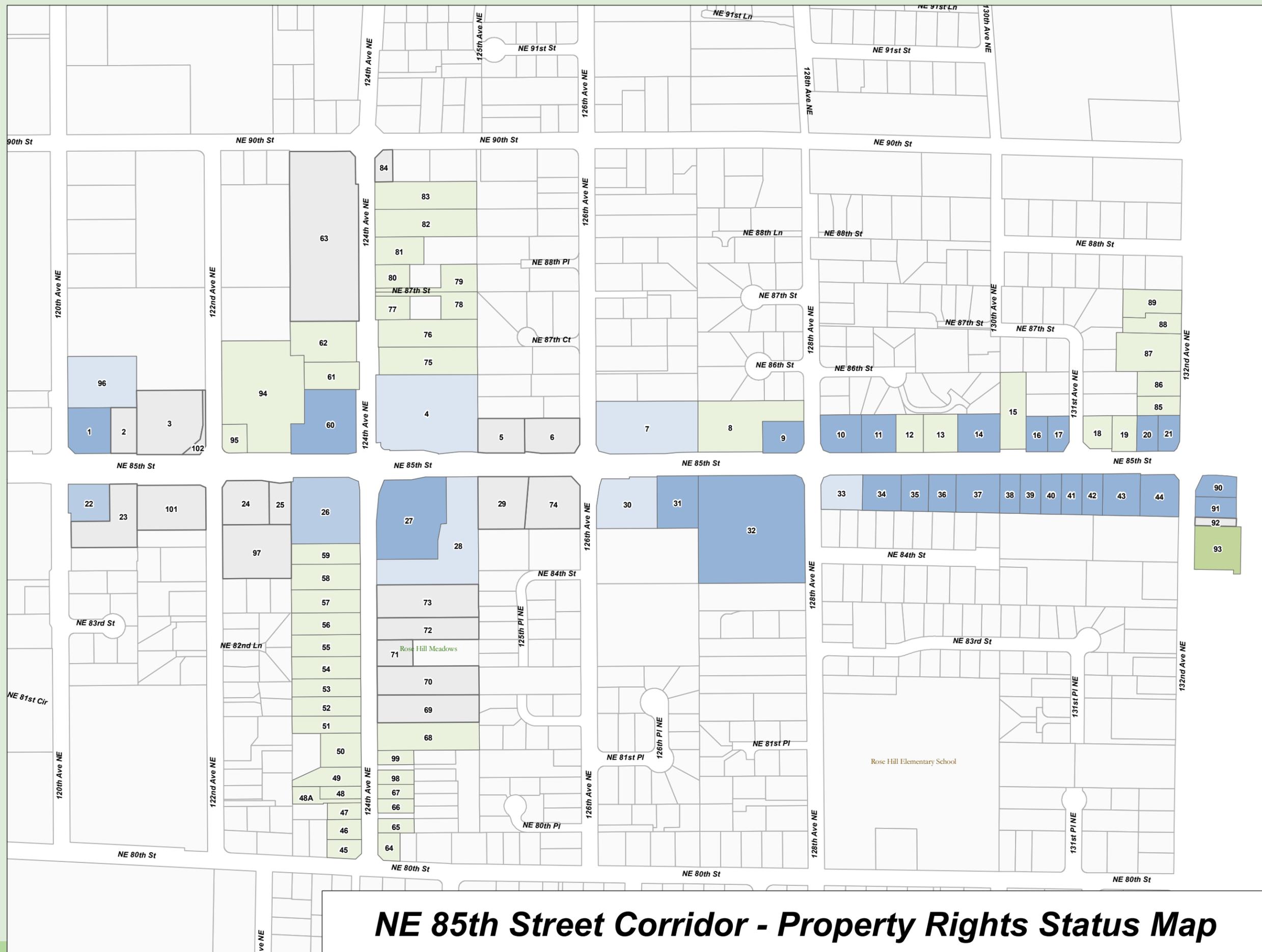
- Info Packets
- Appraisals
- Negotiations
- 2nd Offer
- Rights Secured



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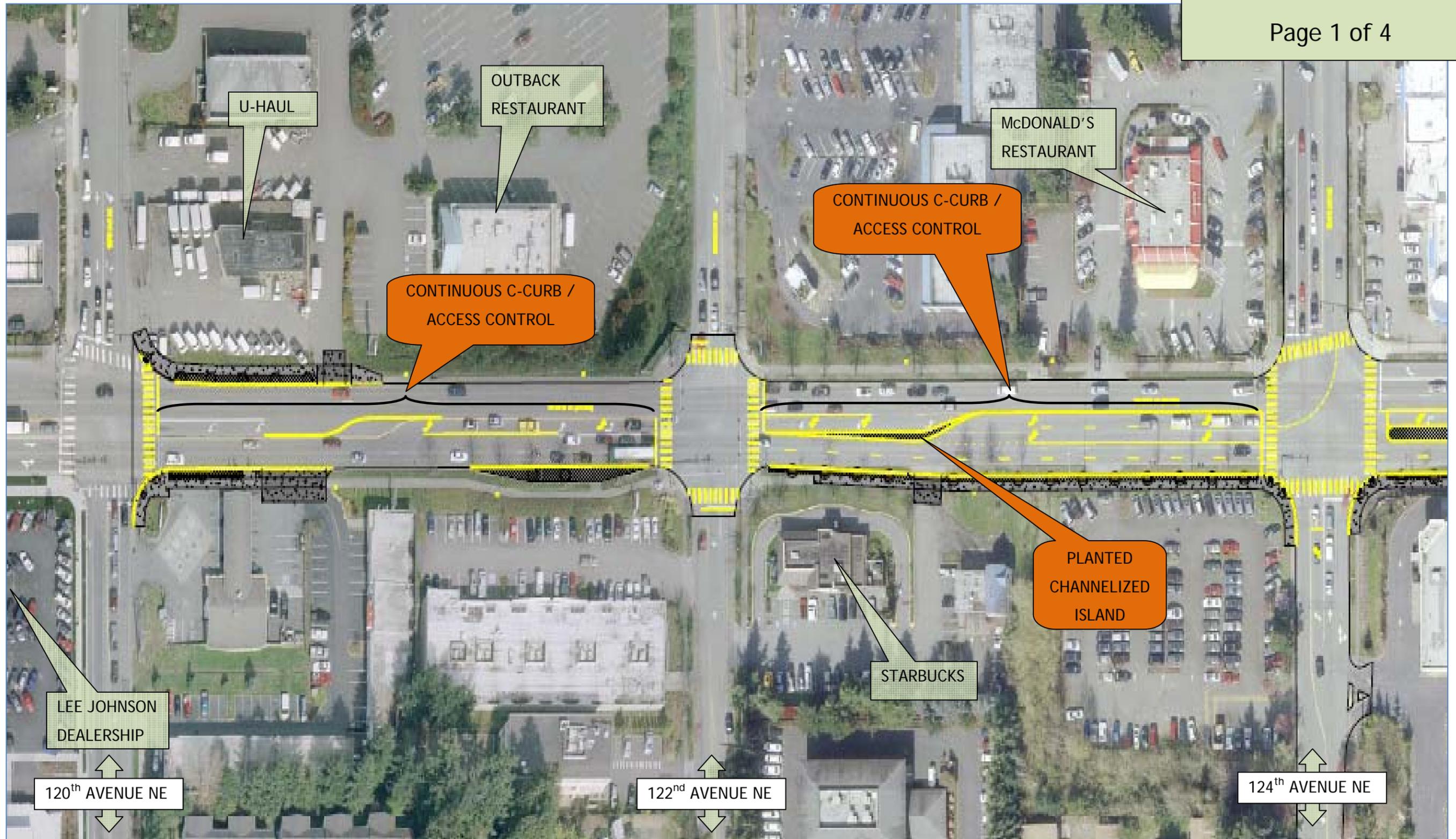
Map Created - May 15, 2009
Map Revised - May 18, 2009

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NE 85th Street Corridor Improvements\ROW\Status Graphics\
NE_85th_Map_11x17.mxd



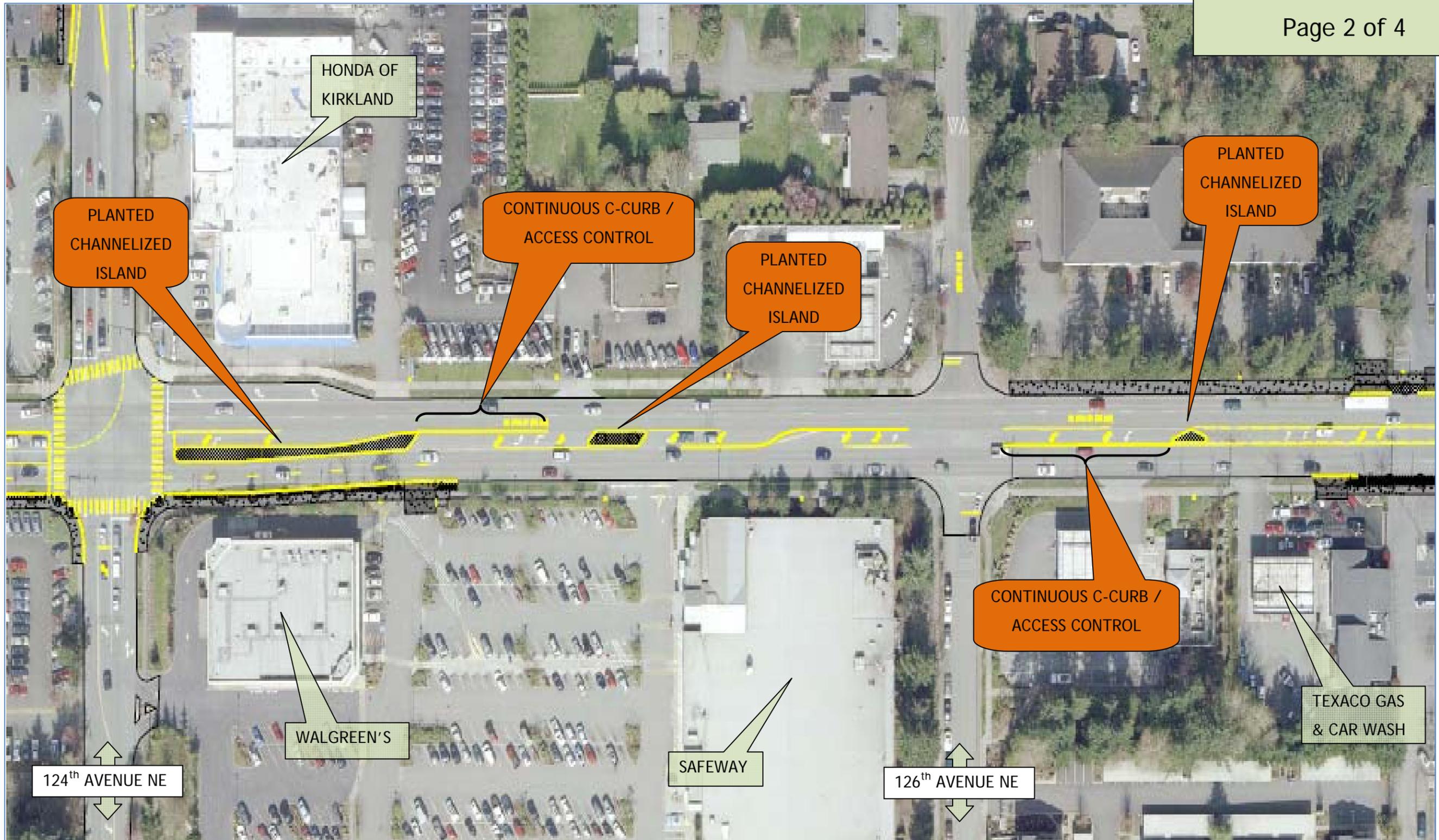
NE 85th Street Corridor - Property Rights Status Map

NE 85th STREET PROPOSED CHANNELIZATION: 120th AVENUE NE TO 124th AVENUE NE



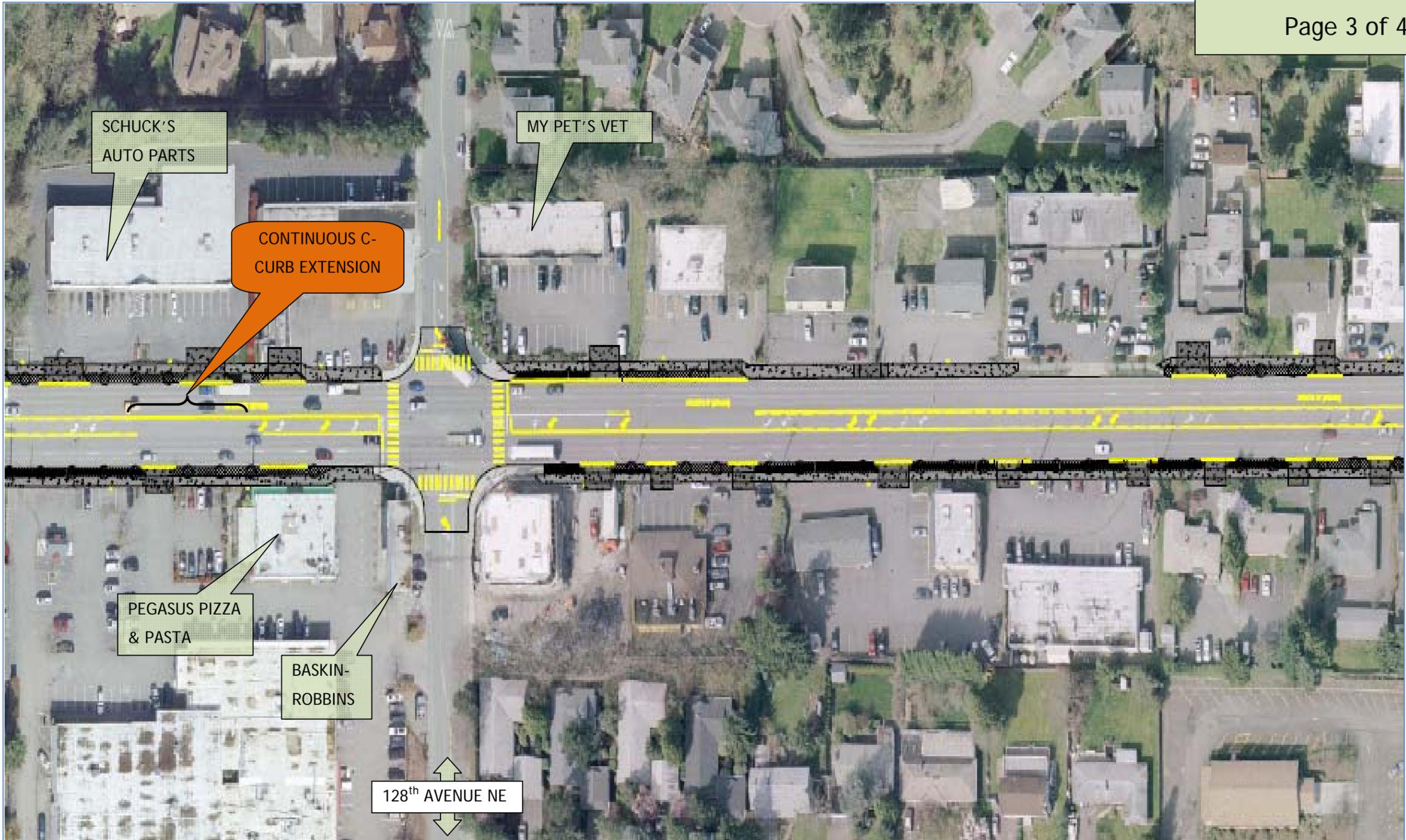
* NOT TO SCALE

NE 85th STREET PROPOSED CHANNELIZATION: 124th AVENUE NE TO 12700 BLOCK NE 85th STREET



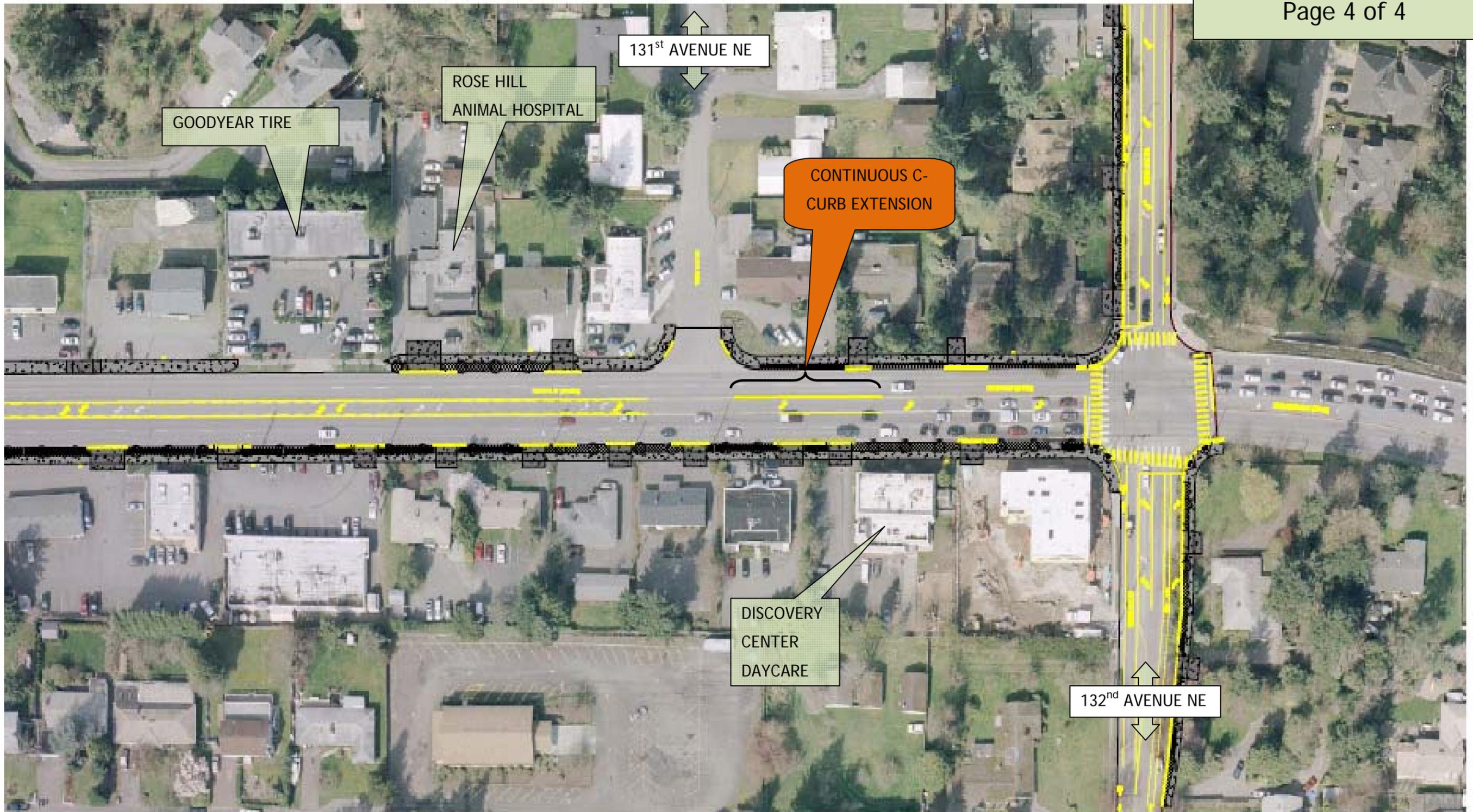
* NOT TO SCALE

NE 85th STREET PROPOSED CHANNELIZATION: 12700 BLOCK TO 13100 BLOCK NE 85th STREET



* NOT TO SCALE

NE 85th STREET PROPOSED CHANNELIZATION: 13000 BLOCK TO 132nd AVENUE NE



* NOT TO SCALE

**CITY OF KIRKLAND****Department of Public Works**

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MEMORANDUM

To: David Ramsay, City Manager

From: Ray Steiger, P.E., Interim Public Works Director
Andrea Mast, P.E., Project Engineer

Date: February 10, 2010

Subject: STREET PRESERVATION STRATEGIES

RECOMMENDATION:

It is recommended that the City Council review and discuss the proposed street preservation strategies.

BACKGROUND AND DISCUSSION:

This memo summarizes the work of the Transportation Commission, the Council Finance Committee, and Public Works Staff over the last year to develop a proposal to stabilize and/or increase the overall pavement quality in the City of Kirkland. Staff has included a number of options for consideration and is seeking additional comment, feedback, and direction from the Council.

Pavement Condition Index and Deferred Maintenance

In 2002, 2005, and 2009, Staff presented Council with reports that summarized the City's Pavement Management System (PMS), the roadway network pavement condition, and made recommendations for funding of the City's Annual Street Preservation Program based on a ten year projection of the street system condition. Using information presented in the reports, and after discussions with Staff, Council established budgets for the Annual Street Preservation Program in the Capital Improvement Program. Additionally, based on the 2005 report, Council approved the purchase of a commercial grade asphalt paving machine for use by City maintenance personnel to supplement the Annual Preservation Program.

In the 2009 report to Council, Staff indicated that the overall Pavement Condition Index (PCI) for the City's street network had declined to 65 and was trending downward; this compared to an overall PCI of 70 and 67 in the 2005 and 2002 reports respectively. As a point of reference, a newly paved roadway has a PCI of 100, and over time, the PCI decreases depending on environmental exposure, traffic volumes, and other factors (Figure A). The PCI of the overall City street network is a combination of *all* individual roadways (150 miles of City streets) and their respective PCI's; it is this overall PCI that is used to summarize the "health" of the network. This measure is utilized for objective comparisons over time, with other agencies, and in grant funding applications. Other factors also need to be considered when assessing the complete picture of street network health such as the type of road vs. the PCI (for example, maintaining higher PCI's on the arterials helps commerce and transit in addition to cars; neighborhood street speeds are lower and PCI for driver comfort is not as crucial), however the PCI is a good benchmark to use for comparisons.

Besides sufficient funding, optimizing the investment level for a street network over its lifetime requires two considerations: 1) determining the best treatment measure for given conditions (the PCI rating among those conditions), and 2) determining the correct time to apply the measure. To start with, Kirkland has identified a

number of acceptable treatment measures for pavement repair ranging in cost and applicability; they include: slurry seal, patching, overlay, and total reconstruction. An *unacceptable* treatment measure, tried in the mid 1990's, is called "chip seal", and this measure is not used in Kirkland; the materials used in chip seal were incompatible with the urban nature of Kirkland and community feedback took that measure off the list of options. Slurry seal on the other hand (also a low cost preventative maintenance measure) is used on certain roads with good PCI's (typically above 80), and it allows for the roadway's life to be extended a number of years at a low cost (Figure B). Slurry seal cannot be applied indefinitely, since over time the structure of the underlying asphalt will break down, but it can be applied on repeating cycles (say every 5 – 8 years) thereby saving the cost of the more expensive overlay treatment. As graphically shown in Figure B, a number of low costs slurry seals can be applied to keep the pavement in the "good" range rather than immediately overlaying at the early signs of degradation. On the other end of the cost spectrum is total reconstruction.

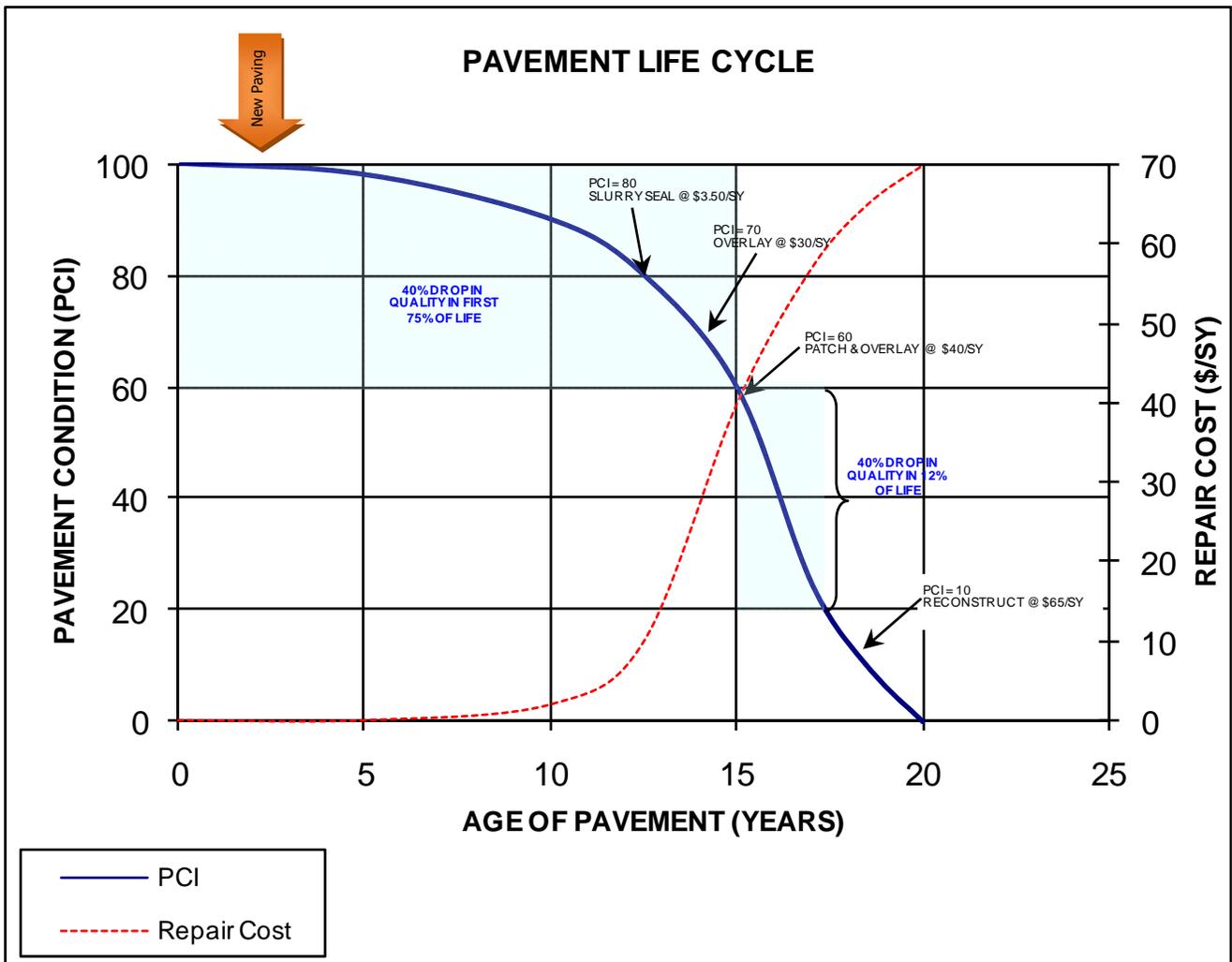


Figure A – Typical asphalt degradation curve over time

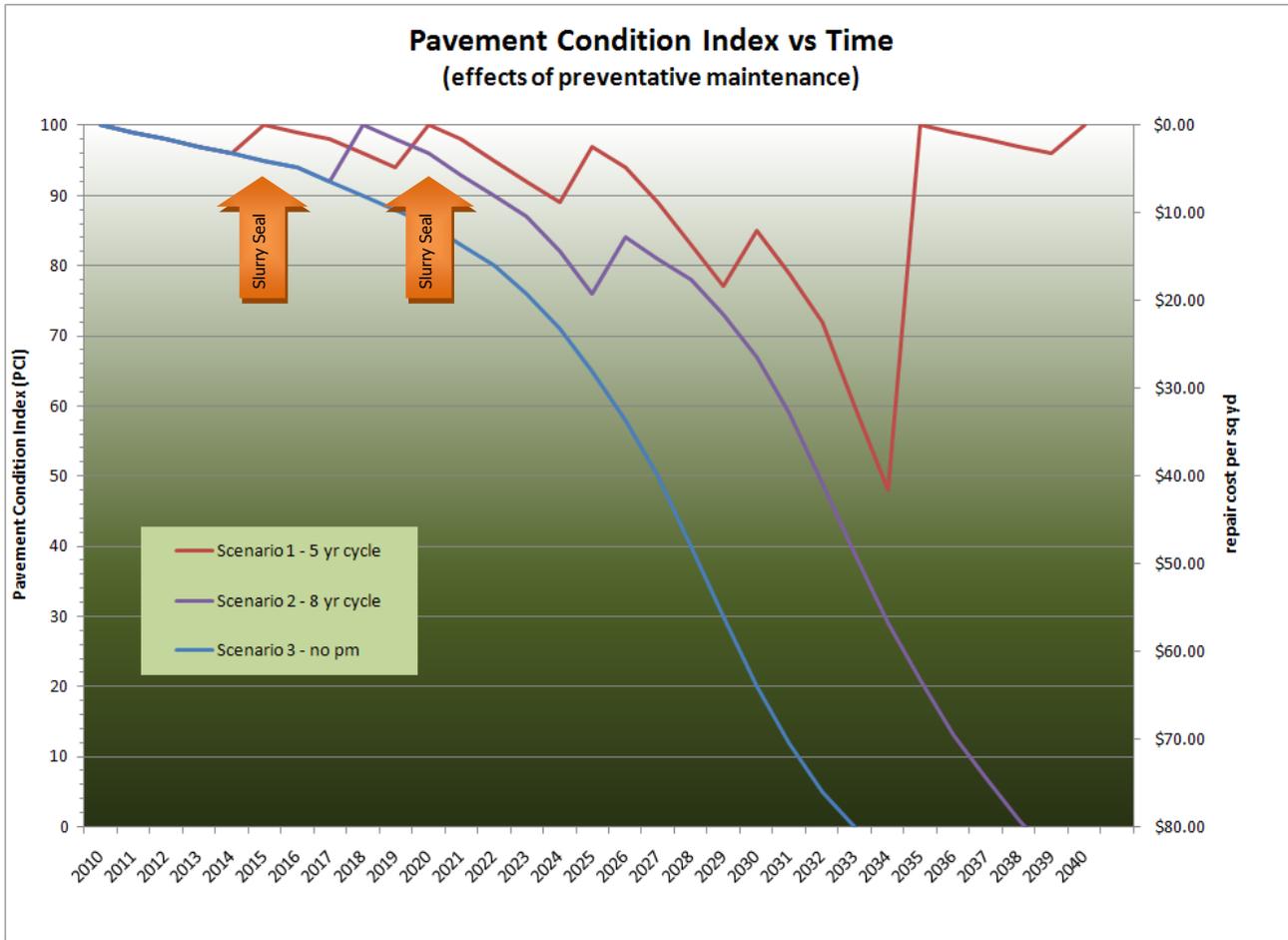


Figure B – lifecycle cost comparison of asphalt treatment measures

Reconstruction involves complete removal of the roadway section down to the native soil, and then the road is reconstructed with excellent materials using appropriate construction methods under good weather conditions; this is the most expensive measure and represents the largest impact to residents, commuters, and other users during the construction activities. This measure is typically used once a roadway has degraded below the 20 PCI range. The direct cost of reconstruction does not increase significantly as the road degrades further than this PCI range, but the indirect cost, tire damage, complaints, and general community dissatisfaction, will continue to go up. Most of the roadways under Kirkland’s current funding level and overall PCI fall within the more moderately priced overlay treatment measure.

Along with the PCI, a second attribute that can be looked at globally with the PMS is the deferred maintenance of the network – the estimated repair cost in current dollars to bring the whole system to a PCI of 85. A PCI of 85 for the entire network represents the optimum investment in the system. At this level, repair costs are minimized since the low cost treatment measures are applicable at that level. An overall PCI of 100 as a target would not consider the useful life of the pavement and is virtually impossible to attain for a large roadway system. A typical roadway will function completely well between the PCI 85 and 100 level without any maintenance. On the other hand, a PCI that slips into the “steeper” portion of the degradation curve, not only costs more to repair but degrades at an accelerated rate. Thus, industry wide a PCI at 85 is recognized to optimize investment over the life of a system; this sweet spot on the degradation curve balances expenditures and amount of useful life of the pavement. For comparison, Figure C shows a number of comparable agencies.

Questions	Mill Creek	Marysville	Kent	Olympia	Bellevue	Redmond	Bothell
Network PCI	NA	76	81	78	83 (OCI)	85 (estimated)	68 (OCI)

						OCI)	
Year of Survey	2008	2008	2009	2007	2007	2008	
Annual Investment	\$400K in 2010 \$500K in 2013	\$800K in CIP + \$80K in-house annually \$0 spent 2009 & 2010 due to budget	\$5.4M annually \$0 spent 2008 & 2009 due to budget	\$2,225,000 annually	\$5.5M annually	\$1M annually	\$630K annually
Centerline Miles	50	196		206	390	135	118
Lane Miles	104	411		500	942	332	264

Figure C – Puget Sound comparable agency Street System report

In 2005, the deferred maintenance of the City’s street network was approximately \$9,000,000; in the 2009 report, replacement of the network would cost an estimated \$15,500,000 (2008 \$). The cost per ton of asphalt increased from approximately \$42 in 2005 to \$80 in 2008. If no repairs had been conducted on the system and if there were no degradation (i.e. a static system), a doubling of the cost of repair would have doubled the deferred maintenance – this however was not the case. Repairs were done and the system did degrade further. However, since the system deferred maintenance did not double, using this as one more measuring attribute suggests that the backlog was being somewhat mitigated with spending during that timeframe. However, significantly more remains to be done.

The annual street preservation program is one category of the City’s transportation program. Other categories are building the capacity network to comply with concurrence under GMA, other maintenance programs, and building the non-capacity (or non-motorized) network. Approximately \$7.4 million of funding is annually available for the transportation system from a number of sources and for the 2009-2014 CIP were targeted as shown in Figure D.

Average Annual Transportation funding 2009 through 2014:	
Current revenue:	
Gas Tax	\$ 544,000
Sales Tax	\$ 270,000
REET 1	\$ 567,000
REET 2	\$ 1,701,000
Impact fees	\$ 2,104,000
Surface Water	\$ 950,000
Subtotal	\$ 6,136,000
REET 2 (grant match reserve)	\$ 480,000
Grants (avg '93-'03)	\$ 792,500
Total annual funding	\$ 7,408,500

Target allocation per Category	Concurrence (94% of "req'd")	\$ 3,860,000
	Sidewalk Maintenance	\$ 200,000
	Street Maintenance	\$ 2,000,000
	Striping Program	\$ 250,000
	Non-capacity (target)	\$ 1,098,500

Figure D – transportation funding components and allocation (per 2009 report)

In light of the 10-year projections of the street network under the 2009-2014 CIP budgeted amounts (a PCI=54 and a deferred maintenance of \$142 million) and after presentation of the 2009 report, the Council asked staff to review any and all possible innovations and funding sources to increase Kirkland’s PCI. The alternatives were to examine both the revenue and expenditure side of the issue. In addition, we were asked to work with the Finance Committee and the Transportation Commission and return with a plan to enhance our overall street maintenance program.

Since the 2009 report

Staff has worked on this issue for the last several months. In addition, we presented draft proposals at three Transportation Commission meetings during 2009, and each time were provided with useful feedback and direction. In July, 2009 Staff updated the Finance Committee with information on the components and requirements of a Transportation Benefit District (TBD). At that time, the Finance Committee asked that Staff present the TBD option in context of the full array of funding options. Staff was asked to continue to work with the Transportation Commission on developing options.

The recommendations in this memo are a result of feedback from the Transportation Commission. There were several recommendations the Transportation Commission noted which are incorporated in this summary. It should be noted the Transportation Commission also reviewed our recommendations in light of the recently developed 'Transportation Conversation' document and with consideration of the recent Council Goal on 'Dependable Infrastructure.' In addition, Staff has attended pavement management workshops, researched practices in other cities, and evaluated our internal procedures and processes in order to develop this set of recommendations.

A detailed presentation of our recommendations is included as Figure E, and staff is prepared to review in detail each of the proposals. Below are two summaries of the information on the spreadsheet, and are most easily understood read alongside the information on Figure E.

Summary of the Current Situation and Proposed Strategy

1. The annual revenue required to attain and sustain a PCI of 70, Council's adopted LOS, is highly dependent upon the prevailing inflation rate. In general terms, staff estimates approximately \$5-7 M/year, depending on the rate of inflation. Given the long-term nature of investment in the street network, the inflation rates dramatically change the annual cost requirements.
2. Currently the city has \$2.7 M available in annual preservation funds. This includes \$2.0 M for the Annual Preservation program, \$400 K for the Street Maintenance Division's pavement program, and an estimated \$300 from other various roadway restoration projects (i.e. grant projects).
3. The gap, therefore, is between \$2.3 M and \$4.3 M/yr.
4. We are assuming there will be no single source of revenue in the near future to close that gap.
5. Therefore, we have developed a four-tiered strategy for increasing funding levels. The details of each tier are included in the attached spreadsheet. The Tiers are:
 - a. Efficiencies
 - b. Regulatory and Policy Changes
 - c. Partnerships
 - d. New Revenue Sources
6. In addition, we have reviewed each of the strategies and placed them in four somewhat additive alternatives based on their relative ease of implementation. These are color-coded on the attached spreadsheet. The alternatives are:
 - a. Base Program (existing 2009-2014 CIP)
 - b. Administrative Changes made with Council knowledge (recommended in the 2011-2016 CIP)
 - c. Changes requiring Council decisions and/or financial impacts to third parties
 - d. Changes requiring State Legislative Action or third party agreements
7. Staff is recommending we proceed with the administrative changes (Alternative B) and are currently developing a community outreach/involvement program for pursuing Alternative C (upon input from the Council Finance Committee). Primary among the strategies requiring Council action is community feedback regarding the Transportation Benefit District (explanation later in this memo). Input gained from the community feedback would also be applicable in the event legislation is passed for the Street Utility also.

Street Maintenance Strategy

Element	Annual Investment Alternatives			Annual cost or notes	
	Base	1	2		3
	2009-2014 CIP	Administrative changes (implement in 2011-2016 CIP)	Council decisions or potential impacts to other parties	State legislature or 3rd Party agreements required	
Current Budget					
Overlay	\$ 1,800,000	✓	✓	na	CIP - Phase I
Preventative Maintenance (i.e. slurry seal)	\$ 200,000	✓	✓	na	CIP - Phase II
Operating Fund for Street Maint crews	\$ 400,000	✓	✓	na	TIF
1. Efficiencies					
a. More aggressive crack sealing	\$ (10,000)	✓	✓	✓	deprec., materials
b. Increased utilization of Paver	\$ (11,500)	✓	✓	✓	deprec., materials
c. Acquisition of Milling machine			\$ (31,667)	✓	deprec., materials
2. Regulatory and Policy Changes					
a. Past Improvements to paving standards	\$ 57,600	✓	✓	✓	
b. Utilize more CDF in backfill			\$ 20,000	✓	
c. Expand standard street patch width			\$ 20,000	✓	
d. Implement Street Cut Fee (researched other cities)			\$ 38,000	\$ 195,000	
e. Water, Sewer, Storm contribution for pavement impacts	\$ 190,000	✓	✓	✓	
f. Modify PCI from 70 to 70 for arterials and 65 for neighborhood streets	\$ 50,000	✓	✓	na	
3. Be an active partner					
a. Prior grants and 3rd party contributions	\$ 350,000	✓	✓	✓	
b. Additional third party contributions beyond 3.a	\$ 20,000	✓	✓	✓	
c. Eliminate studded tires				\$ 100,000	\$5000 for lobby
d. Regional partnerships - efficiencies in joint contracts with other cities			\$ 50,000	\$ 50,000	
e. Gas Tax Increase - statewide					
4. Pursue new revenues					
a. Additional \$500K in 2011					Milling machine?
b. Reallocate funds from Capacity to Street Maintenance and Overlay			\$ 50,000	na	
c. Solid Waste haulers fee - new contract discussion				\$ 300,000	(Bothell's #)
d. Transportation Benefit District, 2011			\$ 750,000	na	\$20/vshicle/yr
e. Proposed Street Utility Legislation				\$ 4,700,000	\$5/month/SF
Total Annual Funding Level	\$ 2,827,600	\$ 3,067,600	\$ 4,055,600	\$ 6,400,600	

		2008 \$'s				
by end of 2020 @ 4% inflation	PCI	Arterials	55 -	70 +	70 +	70 +
		Non-arterial	70 +	50 -	58 -	62
	Optimum one time investment \$ million		15.5	54.8 -	48.9	43.8 -
		2008 \$'s				
by end of 2020 @ 6% inflation	PCI	Arterials	55 -	68 +	70 +	70 +
		Non-arterial	70 +	47 -	54 -	60
	Optimum one time investment \$ million		15.5	69.1 +	62.1 +	57.1 +

Notes:
 ✓ Indicates that element is included in the Alternative
 na Indicates that element is not included in the Alternative
 - value is decreasing
 + value is increasing

Figure E – Street Maintenance Strategies and projected outcomes

Summary Discussion of Figure E

1. The current total annual investment for pavement maintenance and preservation, shown in beige, is \$2.8 Million. This alternative includes existing City funding and also considers existing third party funding such as TIB grants, WSDOT paving of City streets, and franchise paving.
2. By including the additional elements, identified as Administrative in the green column, the annual investment increases to \$3.0 Million. This requires City utilities (water, sewer, storm) to pay into the

- street preservation fund if roads are impacted by utility projects; past practice has allowed utilities to patch sufficiently well if roads were in good condition and paving contribution was "waived" if the road was in poor condition. This cost will be reflected in utility estimates in the CIP.
3. The third column includes areas requiring Council direction. This column, shown in **yellow**, includes the Transportation Benefit District (TBD) and purchase of a commercial grade asphalt milling machine. Staff is recommending Council consider implementing a TBD in 2011. Essentially, cities can create a Transportation Benefit District for all or part of their jurisdiction. The process is
 - a. Governing Body determines need, creates boundary, and establishes revenue source
 - b. Projects must be in state or regional plan, street maintenance projects are allowable
 - c. Four funding mechanisms are available; only one, a vehicle license fee of \$20 per vehicle or less, are available without public vote. This would generate between \$750-850 K annually in pre-annexation Kirkland. If post-annexation Kirkland is included, it would generate approximately \$1.3 M annually.
 - d. Six cities in Washington have implemented TBD's with a \$20 vehicle license fee
 - e. The Transportation Commission supported a TBD after careful debate, and included the following comments.
 - i. It is important to consider this in light of annexation, specifically, whether to include the annexation area or not.
 - ii. If the PCI in the annexation area is higher than existing Kirkland's, consider use of TBD for other projects like sidewalks, active transportation projects, or other efforts; and continue to use TBD in existing Kirkland for annual overlay
 - iii. If the Street Utility ever becomes a viable option, consider the TBD as a temporary measure for street maintenance purposes. If a Street Utility was approved and utilized, the City could sunset the TBD, or utilize it for specific beneficial transportation projects.
 - f. If Council provides direction to proceed, staff could return with a report on the schedule, issues, and process for a Kirkland Transportation Benefit District
 4. The fourth column in **red** includes items beyond the City to implement. Primary among these is the proposed Street Utility currently under discussion in the state legislature. Specifically, the proposed legislation eliminates the past legal barriers and replaces a flat per parcel fee with a fee directly tied to land use and estimated travel patterns and system usage. These are very preliminary numbers, but some estimates are that, for single-family homes, the monthly fees would range from \$2 to \$8. Small retail would be \$11.17, and large retail \$83.20. In addition, the way a Street Utility would operate; the cost of maintaining the entire street system (pavement, signals, markings) would be paid by the users. Therefore, if we estimated our annual need at \$7 M, the rates would be set to generate that amount. Consequently, the maintenance needs of the city would be fully funded. There is still much debate to come on this bill, but it does have the potential to resolve urban street maintenance needs. As the Transportation Commission suggested, the TBD, if implemented, could be redirected or eliminated with use of the Street Utility. This option is the only that fully funds our needs.
 5. Other recommendations of the Transportation Commission.
 - a. The Commission also suggested that sometime in the future, Kirkland staff develop a quantitative measure for the active transportation network. They believed that sidewalks, paths and trails and bike lanes could benefit from a measure similar to the PCI for pavement. They recognized this was potentially a difficult and time-consuming effort, but urged staff to consider a low-cost way to measure that network, particularly the sidewalk network.
 - b. The Commission reviewed the information for the Deferred Maintenance figures as presented in the staff recommendation. They urged us to find a more straightforward and understandable way to present that information. Specifically, they suggested we look at whether deferred maintenance is simply increasing or decreasing; rather than focus on the total dollar amount of the backlog or of deferred maintenance.

Summary Policy Issues

1. Does Council support staff implementation of the Administrative Changes in the Green column?
2. Does Council support implementation of the recommendations in the Yellow Column regarding third parties (excluding TBD)

3. Does Council support a TBD in Kirkland in 2011, and if so, what are the boundaries?
4. Council supports the Street Utility in the 2010 Legislative Agenda, consistent with Association of Washington Cities priorities

**CITY OF KIRKLAND****Department of Public Works****123 Fifth Avenue, Kirkland, WA 98033 425.587.3800****www.ci.kirkland.wa.us**

To: David Ramsay, City Manager

From: Ray Steiger, Interim Public Works Director
David Godfrey, P.E., Transportation Engineering Manager

Date: February 4, 2010

Subject: EASTSIDE RAIL CORRIDOR UPDATE

RECOMMENDATION:

It is recommended that the Council receive information on the Eastside Rail Corridor, consider questions posed in this update, and direct staff on additional actions as appropriate.

BACKGROUND:*Current status*

The Eastside Rail Corridor runs between the City of Snohomish and the City of Renton. It includes the Redmond spur which extends between Redmond and Woodinville (see Map 1).

For several years, the Port, King County and the Burlington Northern Santa Fe Railroad have attempted to complete an agreement that would put the Eastside Rail Corridor in public ownership and create a trail for walking and bicycling on the right-of-way. Continued or future rail was also a possible use. The parties were close to completing a deal when the recent financial crisis made selling bonds difficult for the Port, and therefore consummation of the agreement was postponed.

In December 2009, the Port of Seattle completed purchase of the Eastside Rail Corridor from the Burlington Northern Santa Fe Railroad for \$81 million. King County, Sound Transit, the City of Redmond, Puget Sound Energy, and the Cascade Water Alliance will each negotiate with the Port in order to obtain certain interests in the corridor in exchange for payments to the Port. The initial interests of the various parties were outlined in a November 2009 Memorandum of Understanding (MOU). The interests in the November MOU are summarized on Map 1, and Attachment 1 is the full MOU. Currently, the parties are working on refining the nature and value of their various interests which will determine their share of the corridor costs.

Freight service will be maintained between Snohomish and Woodinville through an agreement between the Port of Seattle and a third-party operator. A service similar to the former dinner train may also be operated in this segment. The rest of the corridor will be preserved for both rail and trail uses under the federal rail banking¹ program.

¹ Rail banking is a way of using federal regulations to achieve two purposes. One is to preserve the integrity of the corridor; it doesn't allow property owners to suspend easements previously granted for rail operations and the other is to preserve the ability to operate rail on the corridor in the future.

Map 1 Eastside Rail Corridor
Showing tentative interests of various parties and terms used in the November 2009 MOU

The entire corridor is known as the Woodinville subdivision. The northern portion consists of the freight portion and the Redmond spur. The rest of subdivision is the southern portion.

Port of Seattle, King County, Sound Transit, Redmond, Puget Sound Energy and Cascade Water Alliance are parties to a non-binding 2009 Memorandum of Understanding. That MOU proposes that the Corridor is dual use; "Recreational trail" and high capacity transit or bus transportation.



Freight portion, to remain in ownership of the Port of Seattle. GNP railroad is the operator.

Redmond spur. Redmond to own portion in Redmond, King County to own remainder. Trail planned for this segment.

The southern portion of the corridor contains the section through Kirkland. King County is interested in deed ownership of this portion for construction of a trail. King County currently owns a trail easement. Sound Transit is interested in deed ownership of a section of the line between downtown Bellevue and SR 520 for potential EastLink alignments. Sound Transit is also interested in an easement for future use along the entire southern portion. Cascade Water Alliance is interested in obtaining an easement in this area, and PSE is interested in preserving its rights to existing crossings.

The party's interests

The portion of the spur in the City of Redmond, essentially the portion south of NE 124th Street, will be owned by Redmond and a trail is planned. Redmond may also construct other non-transportation projects.

King County is interested in developing a trail on the northern portion of the Redmond spur, from approximately NE 124th Street north. King County also intends to secure a real property interest in the portion of the corridor that runs from Woodinville to Renton. The County previously purchased a trail easement along the corridor.

Sound Transit is interested in owning a portion of the corridor for the light rail line between Seattle and Overlake/Redmond and in having the ability to potentially operate elsewhere on corridor in the future.

The Cascade Water Alliance is seeking an utility easement over the corridor and Puget Sound Energy is interested in securing easements for their future and existing facilities.

A study of rail feasibility

In 2008, the Legislature directed Sound Transit and PSRC to conduct a study of the feasibility of rail in the corridor. That study has two volumes; [the first is a review of previous plans, studies and other documents](#). The [second volume is a feasibility study for rail in the corridor](#). Supporting materials are available on the [PSRC website](#). Key findings as reported in the Executive Summary are as follows:

- The operation of commuter/passenger rail on the corridor is feasible through a variety of capital improvements to facilitate higher speeds than can be achieved today and to improve the safety of the track, structures, and roadway crossings in the corridor.
- The capital cost estimate for commuter/passenger rail is within the range for other lines that have been implemented across the country, although at the high end of that range. This is due to the neglected condition of the corridor and the lack of safety and communication systems along the line.
- The estimated capital costs for rail are \$1.0 to \$1.3 billion. Annual operating costs were estimated at \$24 to \$32 million. These costs were reported in 2008 dollars.
- The BNSF Eastside Corridor has the potential for significant transit ridership, connecting the regional growth centers of Renton, Bellevue, Kirkland/Totem Lake and Redmond, with trips as high as 6,070 per day.
- Downtown Bellevue is the key ridership destination along the corridor, due to its concentrations of population, employment and commercial activity.
- Implementation of service along the corridor requires a vehicle storage and maintenance facility, which appears to be located most readily north of downtown Bellevue where there are appropriately-zoned large parcels adjacent to the track.
- A pedestrian/bike trail could also fit within the existing right-of-way throughout much of the corridor. However, in some locations, property acquisition would be required to accommodate commuter/passenger rail and a trail.
- The estimated capital cost for a fully improved pedestrian/bike trail parallel to the rail line ranges from \$297 million to \$432 million depending on the width of the trail area.

Sound Transit funding

Sound Transit II, a plan approved by the voters in November of 2008, includes a provision by which Sound Transit could invest in rail operation in the Eastside Rail Corridor, outside the East Link program. Wording from the Sound Transit II plan is as follows:

Any future passenger rail service along this corridor would be implemented and operated by other public and/or private parties, particularly along the portion of the corridor located in Snohomish County outside the Sound Transit District. The ST2 Plan does not include funds to operate such passenger rail service. Sound Transit's investment in this project is limited to a maximum contribution of \$50 million dollars, which may be used for engineering and design, and for the purchase of capital equipment and real estate that can either be sold or used on Sound Transit's existing transportation system. Sound Transit's investment is also contingent upon the satisfaction of the following conditions prior to December 31, 2011:

- a. Completion of the Sound Transit/PSRC feasibility study and determination that passenger rail on the Eastside BNSF corridor is feasible and would be a meaningful component of the region's future transportation system, as required by state law;*
- b. The Sound Transit Board's determination that the ridership forecasts, financing plan, and capital and operating cost estimates and operating plan are reasonable and that the service will provide substantial benefits to the regional transportation system in the Sound Transit District; and*
- c. Execution of an agreement with other public or private parties regarding the implementation of a passenger rail system.*

If a partnership for passenger rail on the BNSF corridor in East King County is not executed by December 31, 2011, the \$50 million included in the ST2 Plan for a partnership will be reprogrammed to further the implementation of HOV BRT service in the I-405 corridor in East King County.

Note that condition a) has been met by completion of and determinations in the feasibility study described beginning on page 3.

Groups and positions

Previously, the Kirkland City Council has taken a position of strongly supporting a trail and not wishing to preclude development of rail. At that time, Council had a number of questions around rail development including location of stations, parking, ridership etc.

In March of 2009, the Kirkland Council adopted an Active Transportation Plan with the following goal.

Goal G1 Develop the Cross Kirkland Trail.

For more than 15 years, the railroad right-of-way that passes through Kirkland has been seen as the preeminent site for developing an exceptionally useful off-road, shared use facility for active transportation.

Objective G1.1 By 2015, open a section of Cross-Kirkland Trail on the Eastside Rail Corridor.

Strategy G1.1.1 Thoroughly understand the process which King County and Port of Seattle will use to develop the trail and proactively work to make Kirkland an area where the trail is developed first. *Timing: current through completion of plan for development of trail.*

The Transportation Commission feels strongly that Kirkland should be proactive in advocating its position, helping to influence how and when the corridor will be developed. As the Commission has discussed its Transportation Conversation document with groups throughout the community, many people have expressed an interest in learning more about the corridor and how it will be used. The Active Living Task Force has been following the negotiations between the Port and County and is supportive of trail development. Groups have formed to advance various interests in the corridor. [Eastside Trail Advocates](#), supports a trail and [Eastside Rail Now](#) supports rail. The Cascadia Institute has also been supportive of rail in the corridor. The GNP Railroad operates on the freight section of the corridor and has expressed interest in operating rail on other portions of the corridor.

Policy options

If the City Council agrees that proactive engagement with the parties involved in current and future negotiations is important, it would be helpful for Council to reaffirm and/or expand its position on the corridor. As stated above, Council's most recent position is in strong support of a trail for active transportation while not precluding the development of rail in the future if certain important issues can be satisfactorily resolved. Based on staff conversations with King County officials, there are several issues that are of interest to the County as they continue discussions with the Port. These include timing, regional process, what level of trail should be constructed and the type of rail that might operate in the corridor. Therefore, Council may wish to add to or modify its most recent position by taking positions on questions such as:

Timing:

- Should Kirkland support action to develop a trail soon or are we willing to wait for a period of 10 or more years to develop a trail?
- The same question applies to rail. Should Kirkland advocate for development of rail soon or should we be willing to wait for a period of 10 or more years before rail would operate?

Process:

- What are the elements of a regional process that are important to Kirkland? For example should it include extensive outreach to those who live near the corridor?

Type of trail and type of rail:

- How important is a paved trail? Would a gravel trail be adequate for a period of years?
- Does Kirkland feel strongly about heavy rail versus light rail. Would one be more desirable than another?

Other issues:

- Is it important that the existing rails remain in the corridor?

- Should a new trail be developed in such a way that rail operations could be developed without disturbing the trail? Or, should it be assumed that any trail will be rebuilt if rail is operated in the corridor?
- Would Kirkland potentially be a partner in funding trail or rail development?
- Is it a priority that a first segment of a trail be developed in Kirkland?
- Are there locations for rail stations in Kirkland that should be given high priority?

Clearly, the Council may need more information before answering such questions. In addition to City staff, other resources for gaining that information could include:

- The Community. City of Kirkland staff could organize events that would allow Council to understand the views and opinions of Kirkland's citizens on how the corridor should be used.
- The Transportation Commission. The Commission is interested in supporting the Council by recommending further policy clarification, helping to gauge public support for various options or in any other manner the Council would find helpful.
- Outside agency staff. Staff from King County, Sound Transit, Port of Seattle or other agencies could be available to present to Council. King County staff is scheduled to give an update to the Transportation Commission at the Commission's February 24 meeting.

MEMORANDUM OF UNDERSTANDING
Regarding Acquisition of the
Woodinville Subdivision

This MEMORANDUM OF UNDERSTANDING is made by and among the Port of Seattle, a Washington municipal corporation ("Port"), Sound Transit, a regional transit authority ("Sound Transit"), King County, a political subdivision of Washington ("King County"), the City of Redmond, a Washington municipal corporation ("Redmond"), the Cascade Water Alliance, a Washington non-profit corporation ("Cascade"), and Puget Sound Energy, Inc., a Washington corporation ("PSE") (collectively, the "Parties") as of the 5th day of November, 2009.

WHEREAS:

(A) BNSF desires to sell in part and donate in part the Woodinville Subdivision, which is a railroad corridor extending from the City of Renton northerly to the City of Snohomish, and including a spur corridor extending from the City of Woodinville to the City of Redmond; and

(B) The Port, King County and BNSF previously executed a purchase and sale agreement and donation agreement for the acquisition and partial railbanking of the Woodinville Subdivision; and

(C) Additional regional partners have been identified to share in the cost of acquiring the Woodinville Subdivision for public ownership; and

(D) The alignments under consideration for Sound Transit's Eastlink light rail project require property rights within the Woodinville Subdivision; and

(E) Sound Transit, Redmond, Cascade and PSE have each expressed an interest in participating in the acquisition and preservation of the Woodinville Subdivision in public ownership for recreational trail use, as well as for use as a public transportation and utility corridor.

(F) It is the express purpose of Sound Transit, King County, and Redmond, that the Woodinville Subdivision be developed and operated to ensure that it is available for the dual purposes of recreational trail and public transportation use; and

(G) Consistent with federal railbanking requirements, King County and Redmond have interests in developing a recreational trail within the Woodinville Subdivision; and

(H) The financial contributions to be made by the Port, King County, Sound Transit and Redmond towards this collective acquisition may not be in proportion to the fair market value of the rights in the Woodinville Subdivision that are expected to be received by these entities and, in all instances, the fair market value of the rights to be received by each governmental entity in the Woodinville Subdivision may materially exceed the amount of such entity's respective financial contribution.

NOW, THEREFORE, the Parties have reached the following understanding:

SECTION 1. Purpose.

The Port intends to close its acquisition of the Woodinville Subdivision in 2009. The Parties have envisioned and are working to complete a future transaction for their mutual benefit and for the benefit of the public. The Parties wish to set forth their understandings in this Memorandum of Understanding ("MOU") with respect to their respective interests in the transaction. This MOU is a non-binding document that creates no rights and imposes no obligations on any Party. While the Parties are committed to working cooperatively, expeditiously and efficiently to document the components of the transaction through binding agreements ("Agreements") using this MOU as a guide, the allocation of interests described in this MOU are tentative and subject to review and modification as the Parties move forward with their discussions.

SECTION 2. Key Acquisition Elements.

The key elements of the proposed transaction are as follows:

2.1 This transaction concerns the portion of the Woodinville Subdivision main line corridor between Renton and Snohomish (approximately mile posts 5.0 and 38.4), and a spur corridor between Woodinville and Redmond (between approximately mile posts 0.0 and 7.3) ("Redmond Spur"). Collectively, the main line corridor and the Redmond Spur constitute the "Woodinville Subdivision." The portion of the Woodinville Subdivision north of mile post 23.8 in Woodinville to milepost 38.4 in Snohomish County is referred to as the "Freight Portion." The portion of the Redmond Spur between approximately mileposts 0.0 and 3.1 is referred to as the "County Portion of the Redmond Spur." The portion of the Redmond Spur between approximately mileposts 3.1 and 7.3 is referred to as the "City Portion of the Redmond Spur." Together, the Freight Portion and the Redmond Spur are referred to as the "Northern Portion." The portion of the Woodinville Subdivision south of Woodinville, excluding the Redmond Spur, is referred to as the "Southern Portion." The specific line segments and designated portions will be further defined in the Agreements.

2.2 The Parties have expressed a desire for the future allocation of interests in the Woodinville Subdivision as follows:

2.2.1 The Port will retain, subject to a freight rail easement granted by BNSF to a freight rail operator, all of the title, interest and obligations in the real and personal property of the Freight Portion.

2.2.2 Sound Transit is interested in acquiring a real property interest in the Southern Portion and the Redmond Spur.

2.2.3 King County is interested in acquiring a real property interest in the Southern Portion and the County Portion of the Redmond Spur.

2.2.4 Redmond is interested in acquiring a real property interest in the City Portion of the Redmond Spur.

2.2.5 Cascade is interested in acquiring a utility easement over the Southern Portion and will have the right to negotiate with the County and Redmond for utility easements over the Redmond Spur.

2.2.6 PSE is interested in acquiring utility easements throughout the entirety of the Woodinville Subdivision, except for the City Portion of the Redmond Spur, for PSE's existing and future facilities and infrastructure. For the City Portion of the Redmond Spur, PSE and Redmond anticipate a value for value exchange of perpetual easements for existing PSE facilities and infrastructure within the Redmond right-of-way and Redmond trail facilities on PSE properties, based on the appraised value of the properties in question. Provided, that PSE's new facilities and infrastructure shall be subject to otherwise applicable public approval, construction and permitting processes.

2.3 The identification of which entities will grant and which entities will receive these interests and the order in which these interests will be acquired will be further defined in the Agreements.

SECTION 3. Proposed Key Future Use Elements.

3.1 Freight rail service subject to the jurisdiction of the Surface Transportation Board ("STB") will continue on the Freight Portion.

3.2 Utility corridor uses by PSE and Cascade.

3.3 Interim trail use ("railbanking") will be established on the Southern Portion and the Redmond Spur under the National Trails Systems Act, 16 U.S.C. 1247(d) as of the closing of the Port's transaction with BNSF. The Parties recognize that for any portion subject to railbanking, future local, regional or national transportation needs may require reconstruction and reactivation of the right-of-way for freight rail service. King County will be the trail sponsor for the Southern Portion and the County Portion of the Redmond Spur. The Agreements will provide that in the event Redmond acquires an interest in the City Portion of the Redmond Spur, King County and Redmond will cooperate in seeking Surface Transportation Board authorization for Redmond to assume the role of trail sponsor for the City Portion of the Redmond Spur.

3.4 The Parties intend that the Agreements will provide that, consistent with railbanking, the Southern Portion and the Redmond Spur will, in addition to public trail use, be available for public transportation uses such as high capacity transit or bus transportation. The Freight Portion may be made available for public transportation purposes and recreational trail purposes to the extent consistent with ongoing freight rail operations. Should the Freight Portion ever be proposed for abandonment, the Parties with an interest in the Freight Portion shall cooperate to allow the Freight Portion to be railbanked.

3.5 Upon consummation of the Agreements, a process will be established for the entities with interests in the Southern Portion and the Redmond Spur to periodically meet in order to consult and coordinate activities related to the development, maintenance and use of those portions of the Woodinville Subdivision. Said entities agree to coordinate planning and development activities to the extent possible to ensure effective use of the Southern Portion and the Redmond Spur for the uses outlined in this MOU, based on the ownership interests acquired by

each, and consistent with the express goal of developing and operating a dual use corridor for recreational trail and transit purposes. The Agreements shall ensure that no party may frustrate dual use of the corridor for both public transportation and recreational trail purposes.

3.6 If the Port ever determines to offer or to agree to transfer any or all of the Freight Portion, then Sound Transit, King County and any other public agency in the State authorized to provide transit, rail services or public trails shall have a right of first refusal to acquire such property.

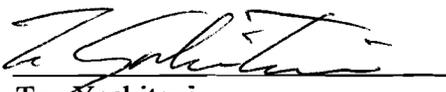
3.7 If BNSF ever determines to offer or to agree to transfer any or all of that portion of the Woodinville Subdivision between approximately mileposts 0-5.0, King County will have the right of first refusal to acquire that portion of such property. If King County acquires this property, it will make it available to the other Parties on terms similar to their interests in the acquired portions of the Woodinville Subdivision.

SECTION 4. Negotiation, Cooperation, and Timing.

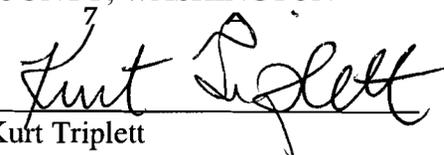
4.1. The Parties shall cooperate to (i) reach agreement on press releases and other public announcements related to the transactions described herein, and (ii) make any filings with the STB to the extent such filings are necessary to effectuate the transactions contemplated by this MOU.

4.2 By no later than December 14,2009, the Parties shall seek any necessary authorizations from their respective boards or legislative bodies to negotiate the transactions contemplated in this MOU.

PORT OF SEATTLE

By: 
Tay Yoshitani
Chief Executive Officer

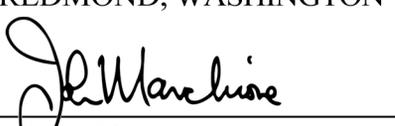
KING COUNTY, WASHINGTON

By: 
Kurt Triplett
County Executive

SOUND TRANSIT

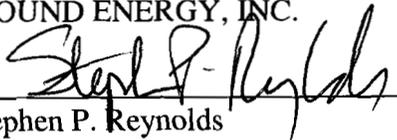
By: 
Joni Earl
Chief Executive Officer

CITY OF REDMOND, WASHINGTON

By: 
John Marchione
Mayor

PUGET SOUND ENERGY, INC.

By:



Stephen P. Reynolds
President and Chief Executive Officer

CASCADE WATER ALLIANCE

By:



Chuck Clarke
Chief Executive Officer

**CITY OF KIRKLAND**

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.ci.kirkland.wa.us**MEMORANDUM**

To: David Ramsay, City Manager

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

Date: February 16, 2010

Subject: NE 68TH STREET/108TH 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 68th ST/108TH AVE NE St Intersection Improvement Project.

BACKGROUND DISCUSSION:

The NE 68th St/108th Ave NE Intersection Improvement project is approved in the 2009-2014 CIP as CTR-0085, "NE 68th St/108th 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 108th 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.

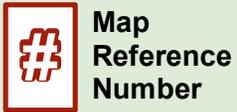
Attachments



Vicinity Map



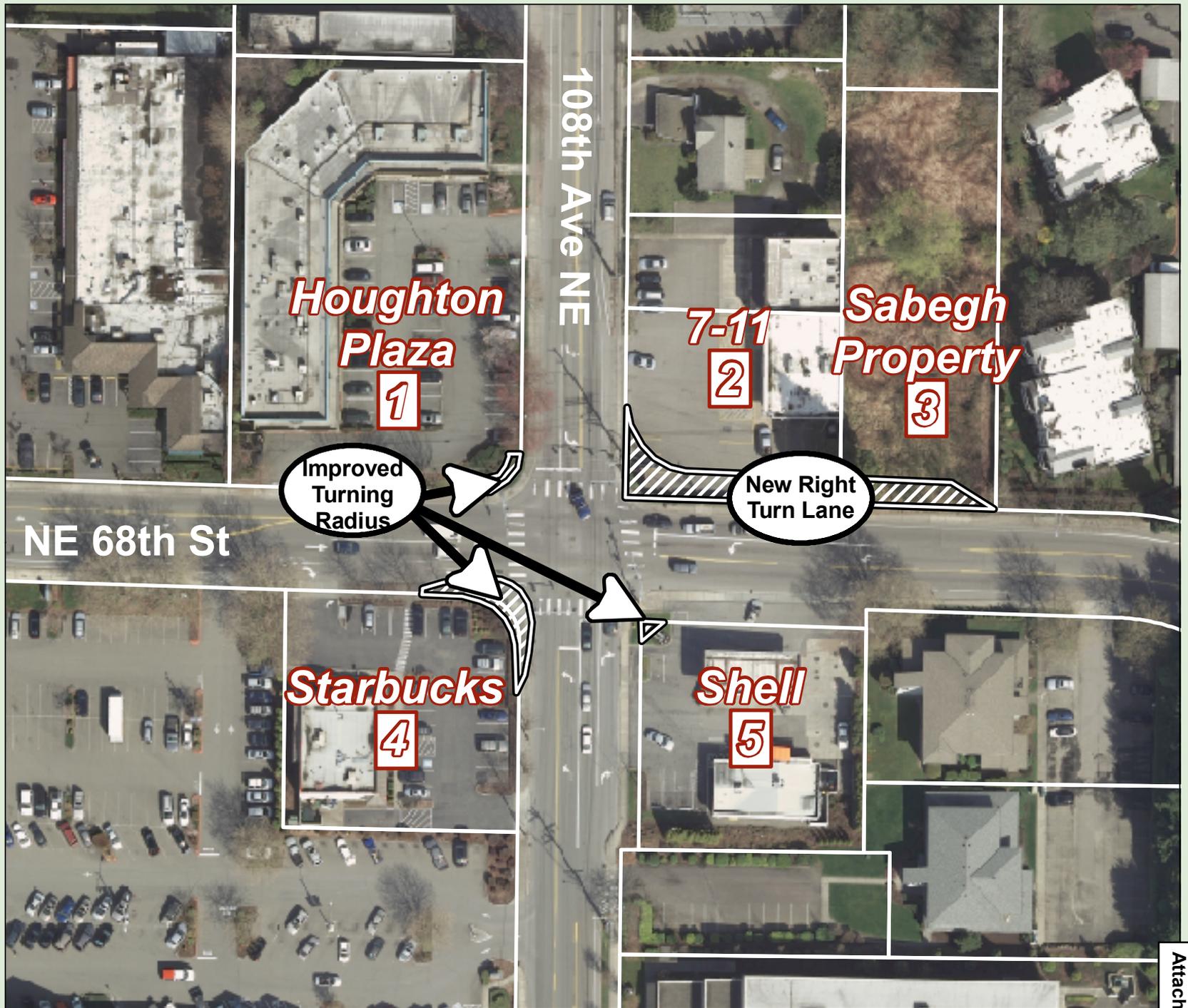
Legend



Map Reference Number



Produced by the City of Kirkland.
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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

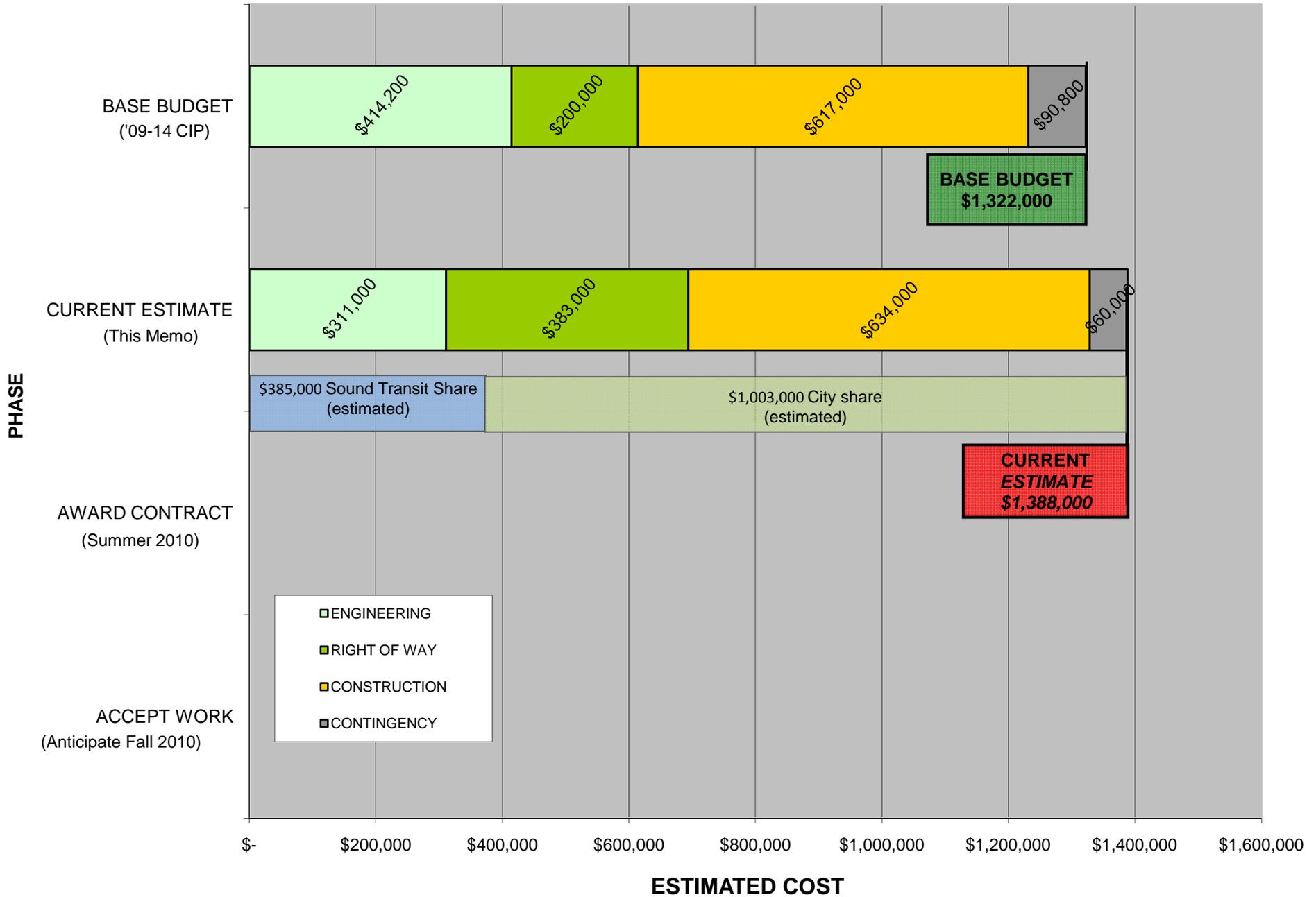
Attachment A

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 68th Street/108th 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

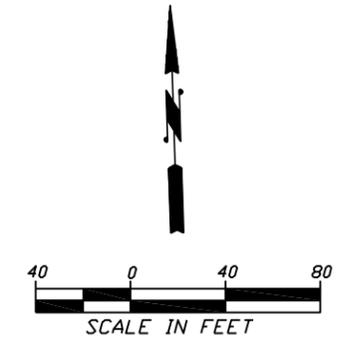
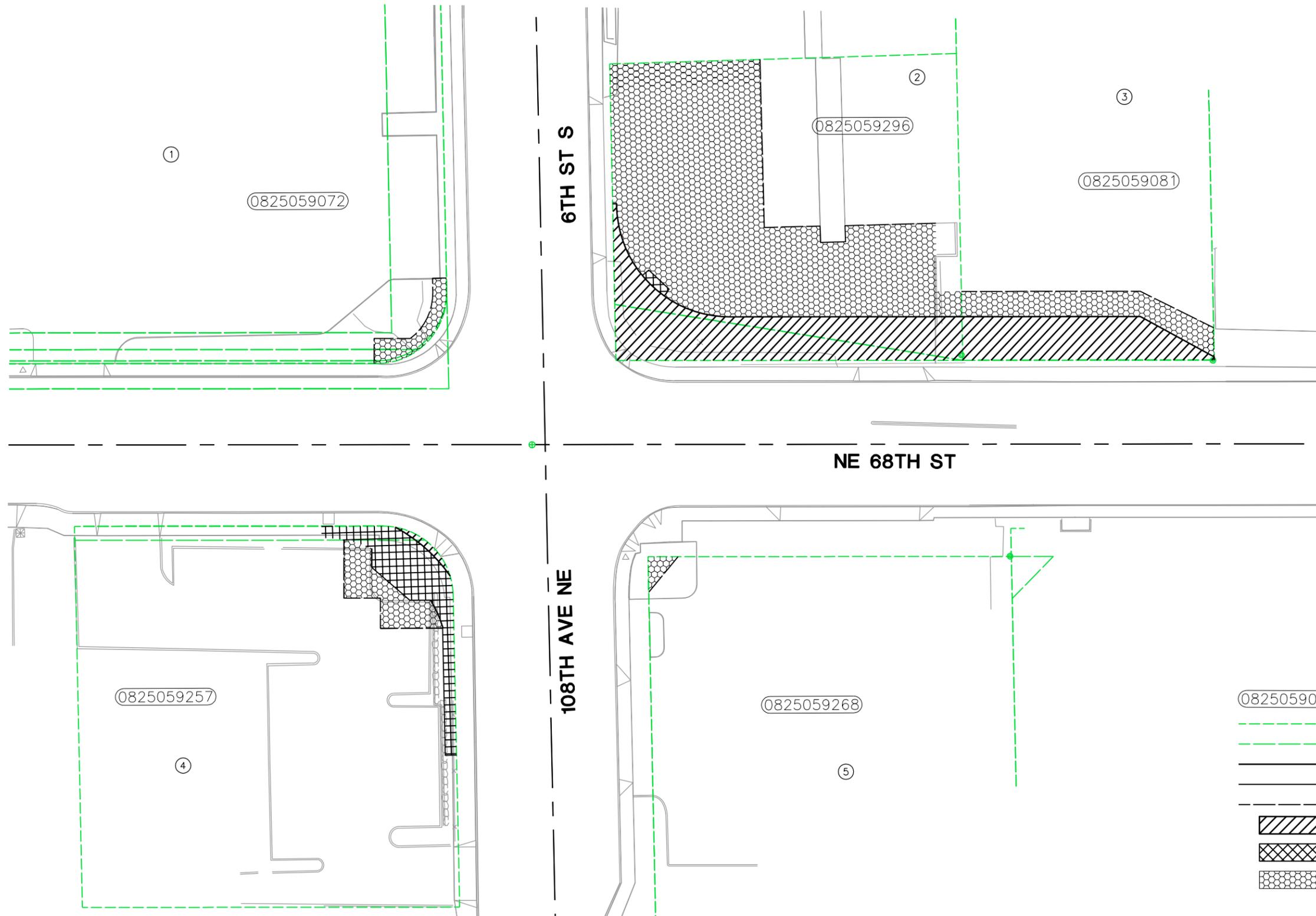
Attest:

City Clerk

Approved as to Form:

City Attorney

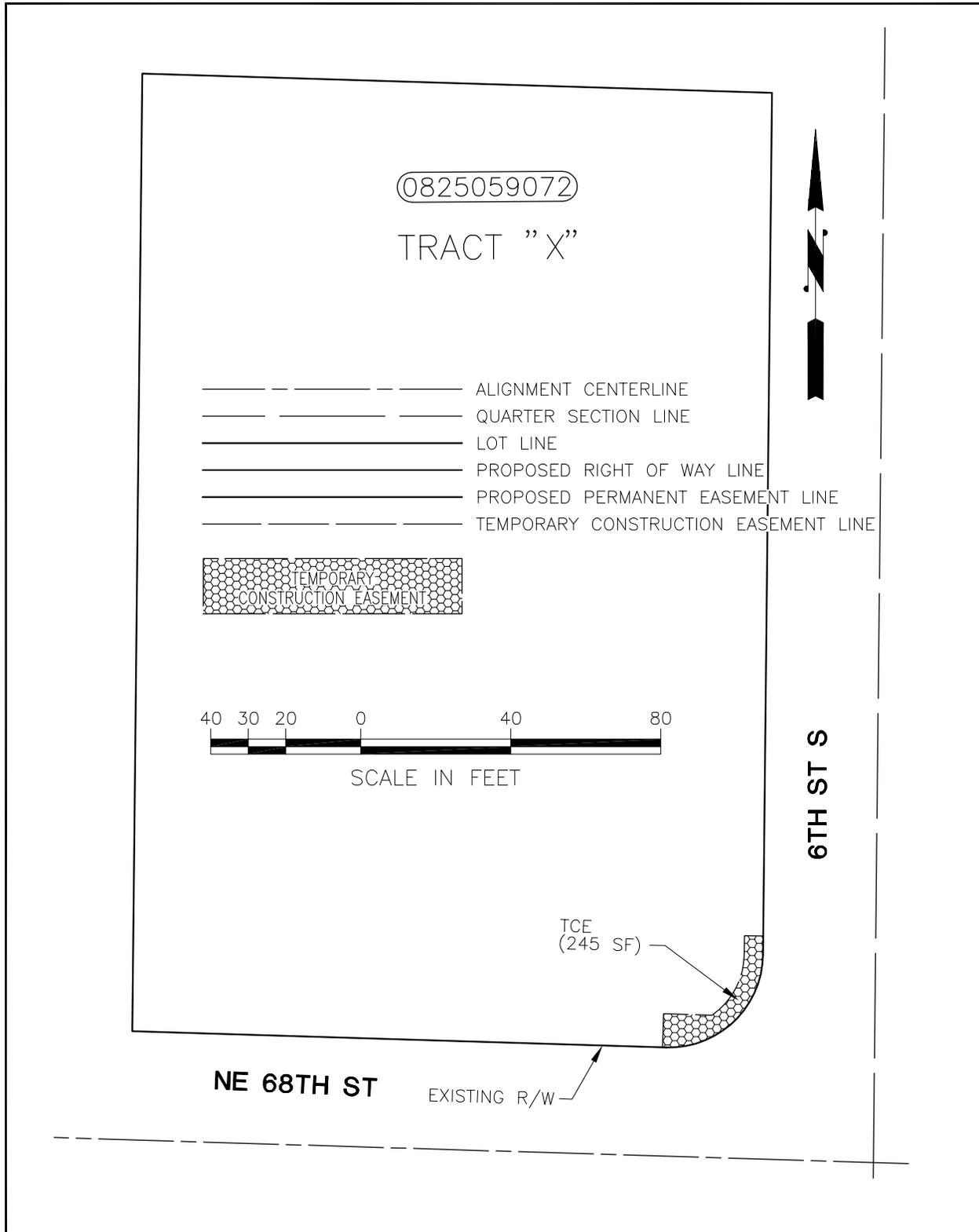
SEC. 8 NE., T. 25 N., R. 5E



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

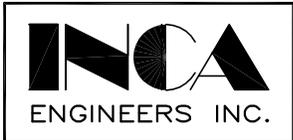


TEMPORARY CONSTRUCTION EASEMENT AREA DESCRIPTION:

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.

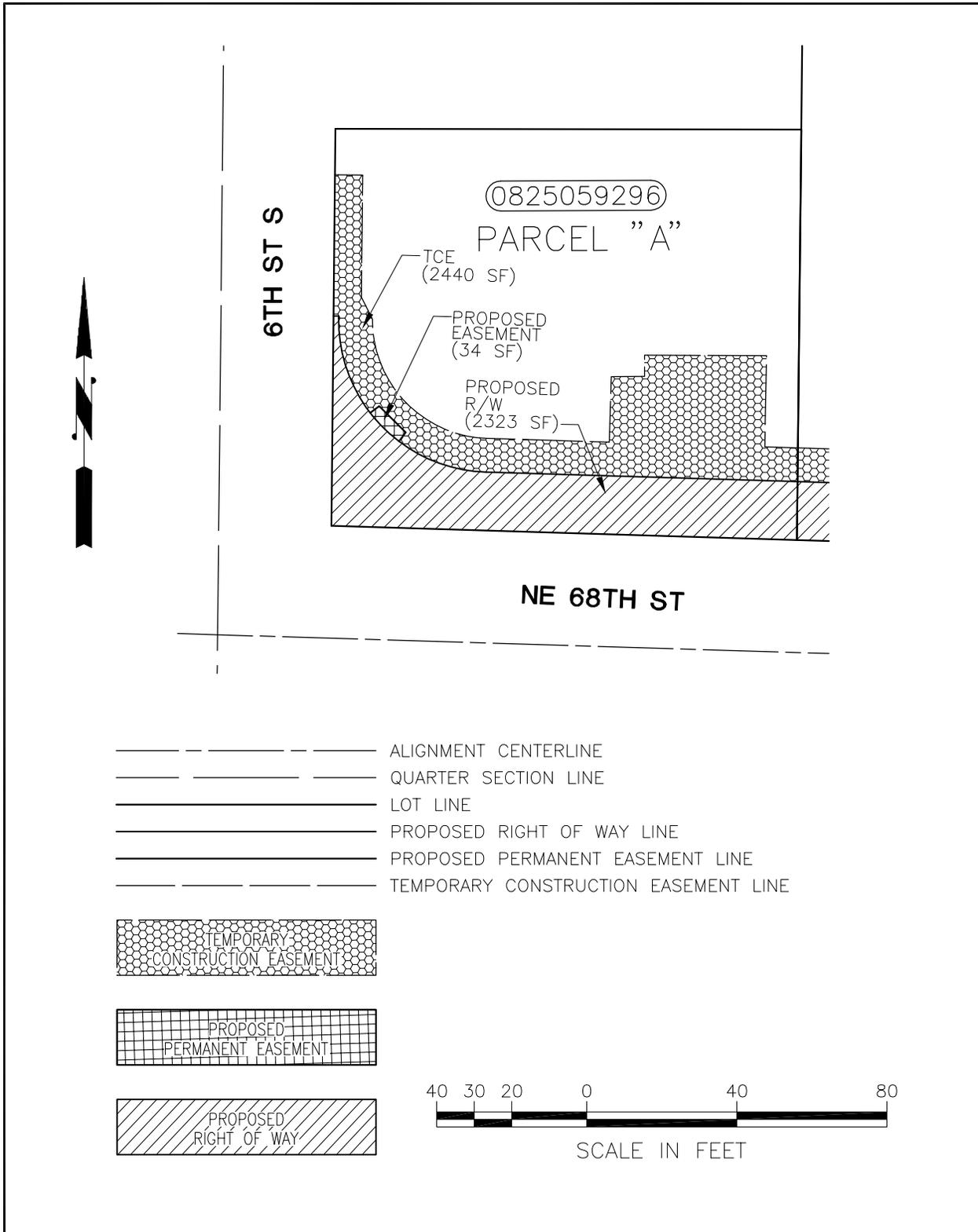
TRACT "X" IS THAT PORTION OF TRACT "B", SOUTH KIRKLAND ACREAGE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 94, RECORDS OF KING COUNTY, WASHINGTON, SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, 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 #
0825059072

PAGE 2
OF 2



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



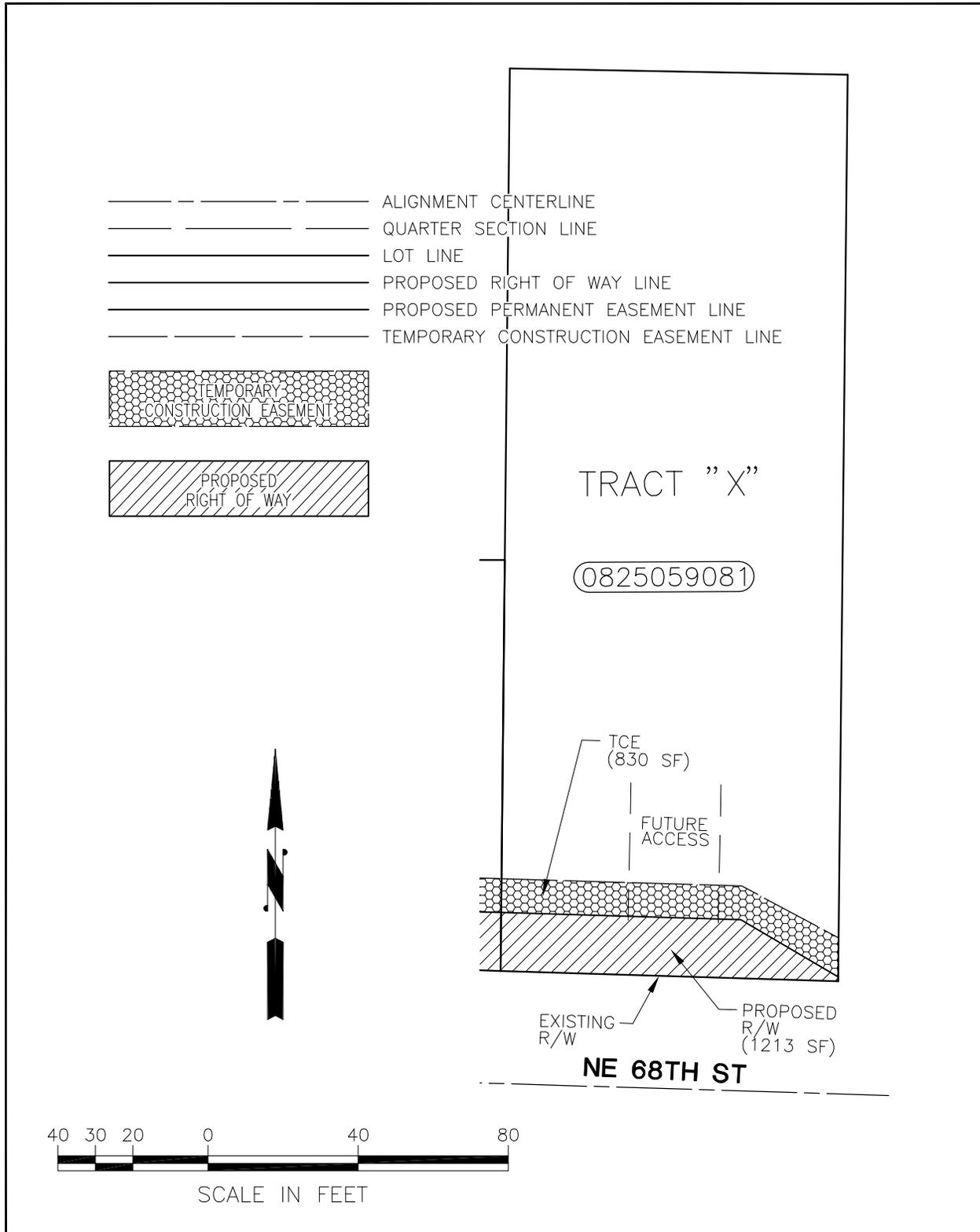
TEMPORARY CONSTRUCTION EASEMENT AREA DESCRIPTION:

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.

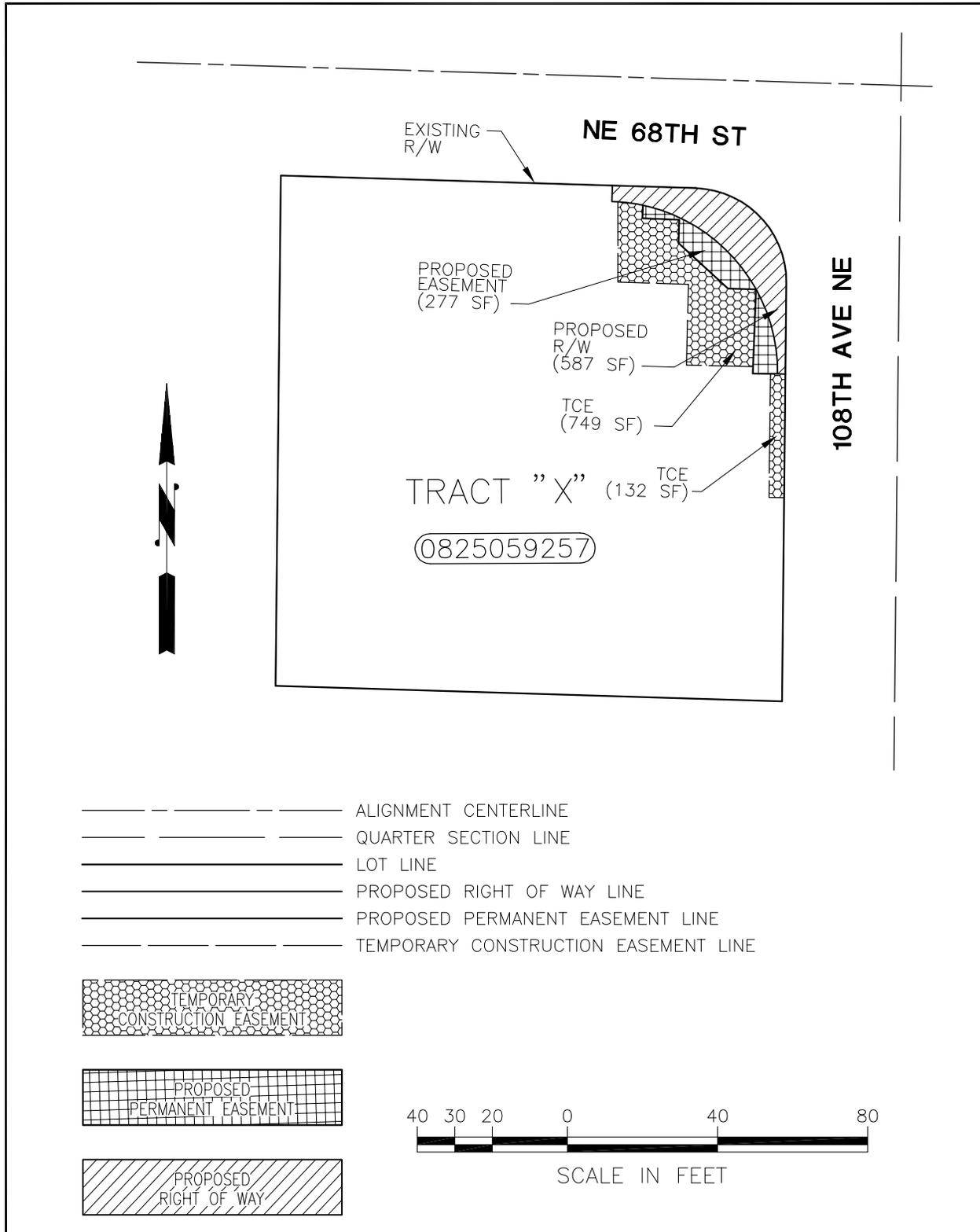
TRACT "X" IS THE SOUTH ONE-HALF OF THE FOLLOWING DESCRIBED TRACT: BEGINNING 154.08 FEET EAST AND 30.00 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON; THENCE N 89°39'02" E 89.95 FEET; 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 #
0825059081

PAGE 3
OF 3



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:

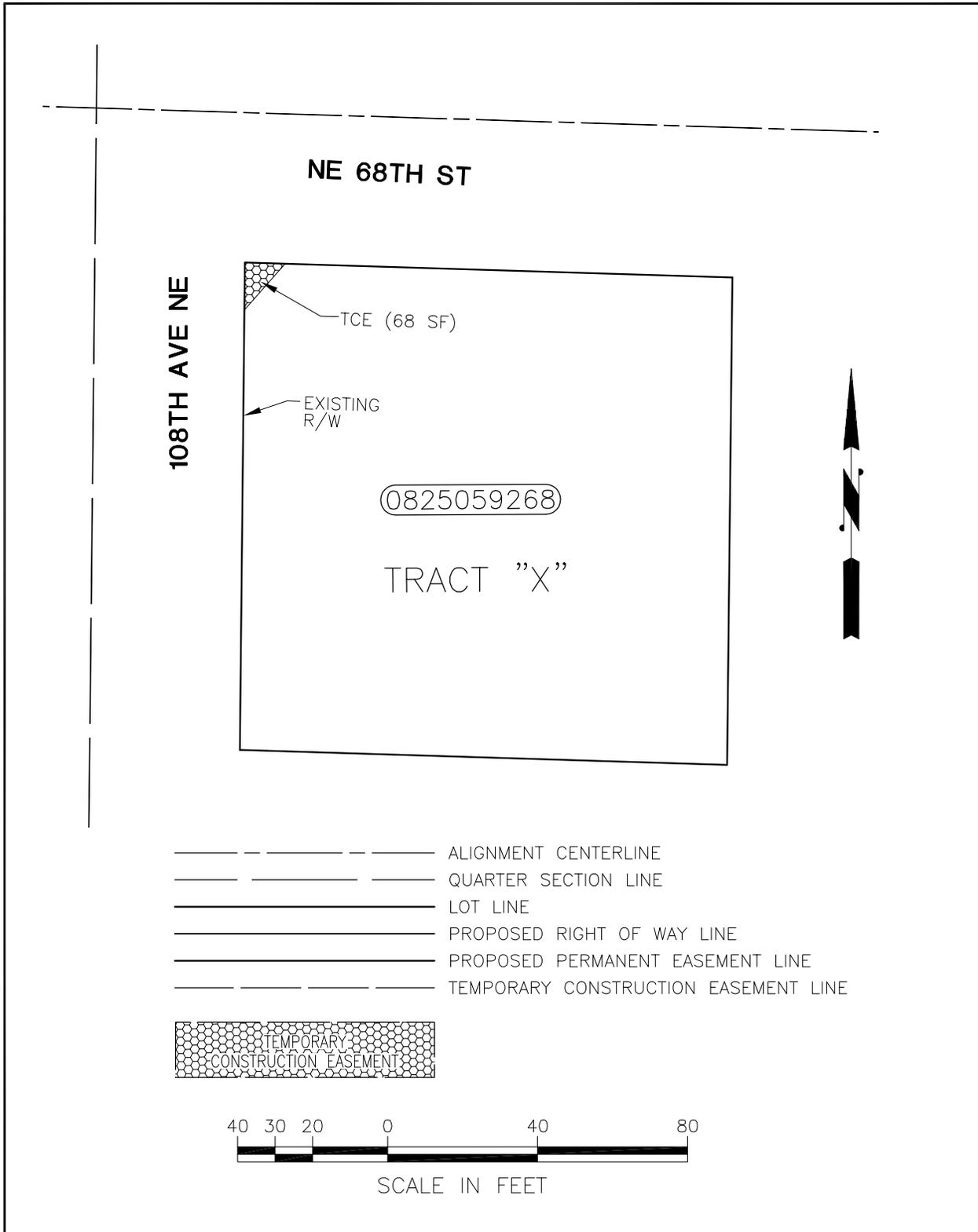
A TEMPORARY CONSTRUCTION EASEMENT BEING ALL THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE NORTHWEST CORNER OF TRACT "X" AS DESCRIBED BELOW; THENCE S 88°14'41" E ALONG THE NORTH LINE OF SAID TRACT "X" 88.41 FEET; THENCE S 1°44'55" W 4.24 FEET TO THE BEGINNING OF A CURVE 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





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



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 68th Street/108th 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

**CITY OF KIRKLAND**

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

www.ci.kirkland.wa.us

MEMORANDUM

To: Dave Ramsay, City Manager

From: Marilynne Beard, Assistant City Manager

Date: February 4, 2010

Subject: ANNEXATION AREA PARTICIPATION ON BOARDS AND COMMISSIONS

RECOMMENDATION:

City Council provides direction regarding additions to board and commission memberships for annexation area residents.

BACKGROUND DISCUSSION:

The City Council expressed an interest in temporarily expanding and/or altering the membership of selected boards and commissions in order to allow for participation by annexation area residents. In addition, more information was requested regarding the potential for temporary advisory appointments to the City Council of annexation area residents. The purpose of this memo is to provide background on existing board and commission memberships, policy considerations related to the appointments and options for Council consideration.

BOARDS AND COMMISSIONS**Practice in Past Annexations**

In 1987, the City Council passed Resolution R-3394 "...regarding the structure and membership of the Kirkland Planning Commission in the event of the annexation of any or all of the potential annexation areas of North Rose Hill, South Rose Hill, and Lower Juanita." A copy of the resolution is attached. The appointments took place effective January 1, 1988 (the date the annexation was effective) following the election in November 1997. One person from each of the annexation areas was appointed, temporarily increasing the size of the Planning Commission from seven to ten for a period not to exceed four years. After four years the Planning Commission was reduced through attrition to seven with all positions to be "at large" rather than representing specific areas. The stated purpose of the appointments was to provide "representative membership on the Kirkland Planning Commission during review of the Land Use Policies Plan for neighborhoods within their respective areas."

Summary of Current Board and Commission Purpose and Membership

There are thirteen boards and commissions that advise the City Council on policy matters. Each board or commission is established either by ordinance or resolution and has specific duties and membership criteria. Some boards and commissions are governed by state law which may also dictate purpose and membership criteria. Resolution R-3680 approved by the City Council in 1995 lists the eligibility

requirements applicable to the Disability Board, Human Services Advisory Committee, Library Board, Park Board, Planning Commission and Plaza of Champions Committee:

A person must be at least 18 years of age and resident of the City of Kirkland to be considered eligible for appointment to a City advisory board or commission.

Subsequent to the adoption of Resolution R-3680, additional board and commissions were formed in some cases with different eligibility requirements. Youth members were also added following the initial resolution. Unless the eligibility requirements were specifically changed, Resolution R-3680 would be followed.

Following is a summary of the purpose and membership requirements for the existing boards and commissions. As you will see, some boards and commissions already allow membership of individuals that reside outside of the current City limits and, in fact, annexation area residents already serve on some boards and commissions.

Board/Commission	Purpose	Membership
Cultural Council	To promote strategic planning and development for arts, culture and heritage in the community.	Seven to fifteen members that are residents of Kirkland or that own a business within the city or its annexation area and have an interest in the arts.
Design Review Board (DRB)	Review and make decisions upon proposed development projects for compliance with City of Kirkland design regulations and guidelines in design districts.	Seven members with the majority having professional expertise in the areas of design or building and construction. Individuals who are residents of Kirkland and/or whose place of business is located within Kirkland are preferred
Disability Board	Performs all functions, exercises all powers and makes all determinations as specified in RCW 41.26.	Five members composed of two City Council members, one firefighter, one law enforcement officer and one resident of Kirkland who is appointed by majority vote of the other members (RCW 41.26).
Human Services Advisory Committee	Advise the City Council on all matters concerning human services and develop recommendations on priorities, planning, funding and the delivery of human services.	Five members that are residents of Kirkland and do not have any proprietary interest in human service organizations nor serve as a board or staff member of any human service organization.
Kirkland Senior Council	Participate in the advocacy, education and creation or programs that meet their needs.	No less than 11 and no more than 21 members, 51% of whom must be over the age of 50, and/or live, work or serve a population in the City of Kirkland. Members are appointed by the Senior Council.

Board/Commission	Purpose	Membership
Kirkland Youth Council	Provide a vital link between the youth of Kirkland, the greater community and the government.	24 to 26 members composed of nine to ten students from each of the two Kirkland high schools, one student each from "choice school," two students from each junior high school, one student from BEST High School, and one home-schooled student. Members are appointed by the Youth Council
Library Board	Serve as an advisory body to the Kirkland City Council and the Kirkland City Manager and to serve as liaison to the King County rural library district.	Six members that are residents of Kirkland.
Lodging Tax Advisory Committee	Performs the functions of a lodging tax advisory committee under RCW 67.28.187 and KMC 5.19.	Seven members composed of one City Council member, three representatives from businesses required to collect the tax and three members involved in activities authorized to be funded by lodging tax revenue.
Park Board	Advise the City Council on matters relating to parks, recreation and community services.	Eight members that reside in Kirkland.
Parking Advisory Board	Advise the City Council regarding those parking issues in or adjacent to the downtown or as referred to them by the City Council.	Eight members composed of individuals who are downtown property owners or who own manage or work in a downtown retail or restaurant establishment or who are residents of downtown and one at-large member who is resident of Kirkland and one youth member.
Planning Commission	Advise the City Council on matters relating to city planning documents and to specific texts of land use regulations.	Seven members who reside Kirkland.
Salary Commission	Review the salaries paid by the city to the mayor and city council.	Three members that reside in Kirkland
Transportation Commission	Advise the City Council regarding planning and development of those transportation issues referred to them by the Council.	Eight members that reside or work in Kirkland or the annexation area. At least three members are to have some background in transportation issues.

For the purposes of this discussion, the boards and commissions divide roughly in two categories.

- Advisory bodies that already allow and/or have membership from the annexation area and those whose membership is governed by state law. No action is recommended with regard to membership of these groups.
 - Cultural Council
 - Design Review Board
 - Kirkland Youth Council*
 - Kirkland Senior Council*
 - Lodging Tax Advisory Committee
 - Parking Advisory Board
 - Transportation Commission

*The Youth Council and Senior Council appoint their own members. The Youth Council already includes members from the annexation area and the Senior Council is planning to expand its membership to include annexation area residents. The Cultural Council appoints all additional members beyond the first five seats.

- Advisory bodies that currently limit membership to City residents that have a core mission that may impact the annexation area
 - Human Services Advisory Committee
 - Library Board*
 - Park Board
 - Planning Commission
 - Salary Commission

*After the effective date of annexation, Kirkland will have two libraries under the jurisdiction of the Library Board (Kirkland downtown branch and the Kingsgate Branch).

Since each of these bodies were created by an ordinance or resolution adopted by the City Council, formal action would be needed to change the eligibility requirements.

Options for Making Appointments of Annexation Area Residents

A board and commission recruitment is currently underway for appointments that expire on March 31, 2010. The City's policies limit individual appointments to a maximum of two four-year terms and require that all vacancies are filled using a competitive process. The effective date for the annexation is June 1, 2011. There are several options the Council can consider in order to accommodate annexation area representation beginning in 2010.

1. Temporarily expand the number of seats on the selected boards and commissions designated specifically for annexation area residents and to conduct a second recruitment in 2010 for terms that would end on March 31, 2012. At that time, the City Council would hold its annual recruitment and all residents could compete for available positions and the board or commission would return to the original membership numbers. Current appointees that are ending their first term in 2012 would need to compete for their second term (as they do now). However, annexation area appointees would not serve full terms (i.e. if their appointment was effective May 1, 2010 they would still serve until March 31, 2011 rather than a four-year term).
2. Temporarily expand the number of seats on the selected boards and commissions designated for annexation area residents and appoint members for terms in length consistent with existing

terms (i.e. four years, two years, etc.). If a vacancy occurs during the member's term, the vacancy would not be filled until the membership fell below the original number of members for the board or commission.

Policy Questions

1. Which board and commissions should be increased to allow for annexation area participation?
2. How many additional seats should be added?
3. When should terms expire and/or how long should the boards or commissions continue at the larger size?

ADVISORY APPOINTMENTS TO CITY COUNCIL

City Council also requested information regarding the City of Vancouver's action to appoint two non-voting members to the City Council to represent the annexation area prior to the next regular City Council election. The City of Vancouver approved a major annexation petition in 1996. The same annexation had previously been presented in an election in 1985, but had been defeated. In an effort to create connections between the annexation residents and the City, the City Council appointed a Citizen's Advisory Group on Representation to provide input to the City Council as to whether the City Charter should be amended with regard to the process for electing Council members. Specifically, the group was to provide a recommendation to the City Council regarding the size of the Council and whether positions would be elected by district or at large (at the time, there were six Council members and a separately-elected mayor who were elected at large).

The Citizen Advisory Committee recommended that two non-voting members from the annexation area be appointed to serve beginning on the effective date of annexation until the results of the next regular Council election were known. A districting plan was also recommended by the committee but ultimately was not taken further by the City Council.

The purpose of the appointments was to provide citizens from the annexation area "a voice in City affairs before the next general municipal election in 1997, [which] would benefit efforts to build a unified urban community." The non-voting council members began their service on January 1, 1997 and the next regular council election was held in November 1997.

A copy of the resolution authorizing the temporary appointive positions is included as an attachment to this memo. Key provisions included:

- Created two appointive, non-voting council positions with the status of "appointive officers" of the City of Vancouver
- Required non-voting members to be registered voters and residents of the annexation area for at least two years prior to their appointment
- Provided that the Mayor would appoint non-voting members with majority approval of the voting members of the City Council
- Established the term of office to begin January 1, 1997 and expire upon certification of the results of the November 1997 council election.

- Established authority and responsibilities as follows:
 - "Shall be entitled to a seat on City Council during Council meetings, except in quasi-judicial matters."
 - "May recommend an action, policy, or plan of City Council on any matter affecting the City."
 - "May be appointed to participate as an advisory member to the city council committees."
 - "May perform such other official or ceremonial duties as may be assigned by the Mayor."
- Provided that non-voting council members would receive no salary but would be reimbursed for expenses incurred per city reimbursable expense policies.

In Vancouver, the non-voting members were city residents at the beginning of their term which coincided with the effective date of the annexation. Vancouver did not expand their boards and commissions since they added seats at the Council level and citizens were eligible to apply for board and commission vacancies in any event. In Kirkland's case, the effective date of annexation is June 1, 2011 and the next general council election will be held in November 2011. Since the appointees are non-voting members, there would technically be nothing preventing the Council from making the appointments prior to the effective date.

Policy Question:

1. Does the City Council want to pursue this further and, if so, what additional information would be needed?

Attachments:

- Resolution R-3394 Providing for Temporary Expansion of the Kirkland Planning Commission (1987)
- Resolution R-3860 Establishing Policies and Procedures for Appointment of Board and Commission Members
- City of Vancouver Staff Reports and Ordinance Creating Temporary Non-Voting Members to the Vancouver City Council

RESOLUTION NO. R-3394

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND REGARDING THE STRUCTURE AND MEMBERSHIP OF THE KIRKLAND PLANNING COMMISSION IN THE EVENT OF THE ANNEXATION OF ANY OR ALL OF THE POTENTIAL ANNEXATION AREAS OF NORTH ROSE HILL, SOUTH ROSE HILL, AND LOWER JUANITA

WHEREAS, the Kirkland City Council heretofore by Resolution 3320 delineated three potential annexation areas, namely North Rose Hill, South Rose Hill, and Lower Juanita as shown in Attachment 1; and

WHEREAS, citizen advisory committees for each of the three potential annexation areas have studied the implications, costs, and benefits of potential annexation of their unincorporated neighborhoods to the City of Kirkland; and

WHEREAS, a major focus of the committee's analysis was land use planning and zoning; and

WHEREAS, these committees have concluded that new growth in their areas should be guided by land use policies and regulations developed with the active participation of residents of those areas; and

WHEREAS, the City of Kirkland's current "Planning Work Program" as shown in Attachment 2 indicates that the Planning Commission will undertake review of the Land Use Policies Plan neighborhoods for Rose Hill and Lower Juanita in 1988; and

WHEREAS, it has always been the policy of the City of Kirkland to maximize citizen participation in the formulation of land use plans and regulations and likewise to provide a geographic balance to the membership of the Planning Commission; and

WHEREAS, an election on the question of annexation of each of the three potential annexation areas may be placed before the voters as November 3, 1987; and

WHEREAS, the present members of the City Council believe that it will be in the best interest of the City and such of the areas as may become annexed to the City for said areas to have representative membership on the Kirkland Planning Commission during review of the Land Use Policies Plan for neighborhoods within their respective areas.

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

Section 1. It is the declared policy of the present City Council that in the event that any or all of the three potential annexation areas shown in Attachment 1 do vote to annex to the City of Kirkland at the November 3, 1987 general election, then, effective January 1, 1988, the structure of the Kirkland Planning Commission should be revised as follows:

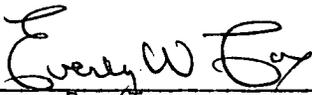
- a. One new Planning Commission member should be appointed from each of the areas that do, in fact, annex. Such newly appointed members should hold positions for four years (one term) and should function as regular members of the Planning Commission.
- b. The current number of Planning Commission members may be expanded to accommodate any newly appointed positions, but in no event should the Commission exceed nine members nor consist of an even number of members.
- c. In the event that the Planning Commission does expand beyond its present size it should be the City's intent and objective to return its size to seven members as soon as circumstances permit.

Section 2: It is the declared policy of the present City Council of the City of Kirkland to maintain a geographic balance in the membership of the Planning Commission; however, it is not the policy of the present City Council, nor the intent of this resolution, to create or perpetuate a district or precinct system, as evidenced by the four year life of any additional position created pursuant to Section 1.a. above.

Section 3. A copy of this Resolution shall be distributed to all members of the Kirkland Planning Commission and the Citizen Advisory Committees for North Rose Hill, South Rose Hill, and Lower Juanita.

PASSED by majority vote of the Kirkland City Council in regular, open meeting on the 15th day of June, 1987.

SIGNED in authentication thereof on the 15th day of June, 1987.



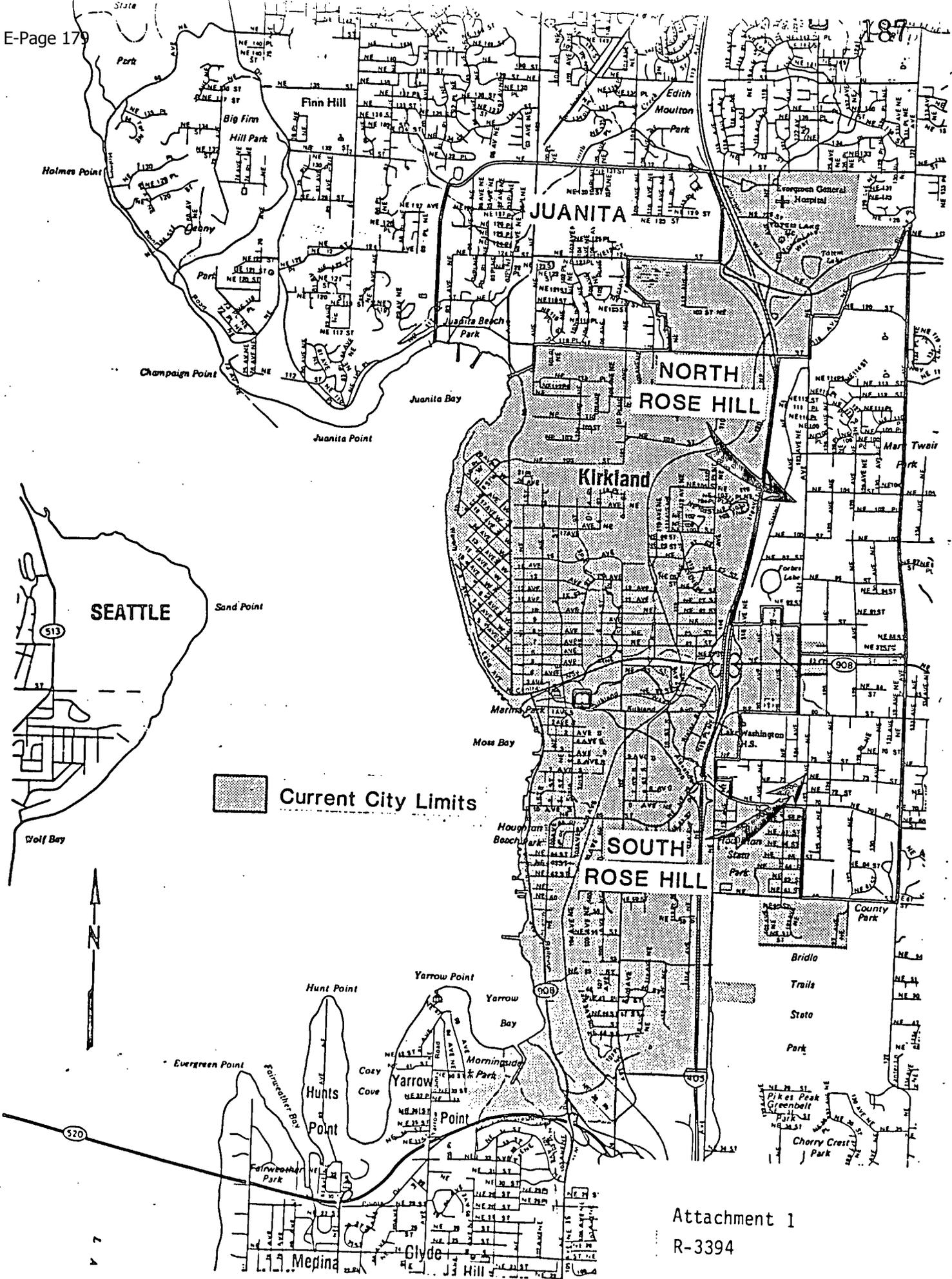
 Mayor Pro Tem

Attest:



 City Clerk

7067C/275A:JWT:rk



Attachment 1
R-3394



Planning Work Program

* Task Completed
 □□□□ Staff
 ■ PC

	1986												1987												1988													
	J F M A				M J J A				S O N D				J F M A				M J J A				S O N D				J F M A				M J J A				S O N D					
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D		
1	Goals and Policies																																				*	
2	Bridle Trs. Neighborhood																																				*	
3	Norkirk LI Study																																					
4	Totem West Study																																				*	
5	Central Neighborhood																																					
5.a	Perimeter Areas																																					
5.b	CBD																																					
6	Norkirk Neighborhood																																					
7	Market Neighborhood																																					
8	Highlands Neighborhood																																					
9	Everest Neighborhood																																					
10	Totem Lake Neighborhood																																					
11	S. Rose Hill Neighborhood																																					
12	N. Rose Hill Neighborhood																																					
13	Juanita Neighborhood																																					
14	PLA 2/3 Study																																					
15	Shoreline Master Program																																				*	
16	Zoning Code Amendments																																					
16.a	Phase I - Misc.																																					
16.b	Phase II - Use Zones																																					
16.c	Phase III																																					
17	Greater Kirkland																																					
18	Interlocal Agreements																																					
19	Eastside Trans. Program																																					
20	L.W. Blvd. Master Plan																																					
21	T. Skyline Master Plan																																				*	
22	Shipyard Master Plan																																					
23	Ev. Hos. Master Plan																																					
24	PLA 9 Final P.U.D.																																					
25	Harbortown Center																																					
26	Waverly School Prsg.																																					
27	Juanita Park Plan																																				?	

RESOLUTION NO. R-3680**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND SETTING FORTH THE CITY COUNCIL POLICY FOR APPOINTMENT AND REAPPOINTMENT TO CITIZENS ADVISORY BOARDS AND COMMISSIONS**

Be it resolved by the City Council of the City of Kirkland as follows:

Section 1. Boards and Commissions. The provisions of this Resolution apply to the following City of Kirkland citizen advisory boards and commissions whose members are appointed by the City Council:

- A. Human Services Advisory Committee
- B. Library Board
- C. Park Board
- D. Planning Commission
- E. Plaza of Champions Committee
- F. Such other Citizens Advisory Boards, Commissions or Task Forces, as now exist or may hereafter be created by the City Council, and whose members are to be appointed by the City Council, except those Boards and Commissions for which the term, appointment, or "appointing authority" or qualification for membership are otherwise established by State statute. (Examples: Civil Service Commission, Disability Board).

Section 2. Eligibility for Appointment: To be eligible for appointment to a board or commission subject to the provisions of this Resolution, a candidate must be at least 18 years of age and a resident of the City of Kirkland. Relatives or family members of Council members will not be eligible to serve on such boards or commissions. Members of the family of a City employee who works in a department which provides staff assistance or support to a board or commission shall not be eligible to serve on that board or commission. At no time shall any person serve concurrently as a member of more than one City board or commission, nor may an elected official of the City serve as a member of any appointive board or commission while also serving as an elected official.

Section 3. Non-discrimination: The City Council shall not discriminate in making appointments on the basis of an applicant's race, ethnic background, creed, age, sex, marital status or sensory or physical handicap.

Section 4 Term of Appointment: An appointment shall be made for a four-year term. Except as otherwise provided in this section, no individual shall serve more than two full four-year terms as a member of a City of Kirkland appointed board or commission. Where circumstances warrant a limited extension, the Council may extend a second term for a specific period of time not to exceed one year.

Section 6 Application and Appointment Process: Openings for Board or Commission positions shall be widely advertised in local newspapers including but not limited to the City's official newspaper. Such other means available and appropriate may also be utilized to announce the opening. Applicant's must complete a City application form provided for this purpose and file a completed application by the specified recruitment deadline. Late applications will not be accepted, however, the Council may choose to extend an application deadline if necessary in order to obtain a sufficient number of applicant's for consideration. Copies of all applications filed with the City will be provided to the City Council.

Upon receipt of applications, the Council may choose to interview all applicants or in the event of a large number of applicants, use a screening process to reduce the number of candidates for interview. The Council may establish criteria for screening. Preliminary screening may be performed by the Council serving as a committee of the whole or by a Council subcommittee appointed by the Mayor for this purpose. In the event a subcommittee is utilized to screen applications, non-subcommittee council members will be invited to convey their comments and questions regarding the qualifications of applicants to the screening subcommittee.

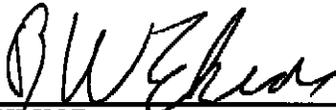
Interviews of applicants shall be conducted in open session. The chairperson of the respective board or commission will also be invited to attend the interviews and may participate in the process to the degree desired by the Council. Upon completion of interviews the Council will convene in executive session to discuss the qualifications

of candidates as provided for by law. The Council shall make its appointment in open session. Following appointment, the appointee, as well as all other candidates, shall be notified in writing of the Council's decision.

Section 7. Reappointment: At the conclusion of a first four-year appointive term the City Council will initiate an open and competitive application process and solicit applications for the position. If the Council wishes to consider an incumbent for reappointment and the incumbent desires to be considered for reappointment to a second four-year term, then three months prior to the expiration of the term the chairperson of the respective board or commission may be invited to meet with the Council in executive session to review the level of participation, performance and contributions of the individual as a basis for possible reappointment to a second term. Based upon this review, the Council will either reappoint the individual to a second term or proceed with the normal open and competitive recruitment process and solicit applications.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 2nd day of July, 1991.

Signed in authentication thereof this 2nd day of July, 1991.



 MAYOR Pro Tem

ATTEST:



 City Clerk

DEPUTY
CLERK

o-r\advisory

941487

#7

STAFF REPORT NO. 237-96

TO: Mayor and City Council
FROM: Vernon E. Stoner, City Manager

DATE: 11/25/96

Subject: Resolution Establishing Two Temporary Appointive, Non-voting City Council Positions for Citizens of Newly Annexed Areas.

Objective: To provide immediate representation for citizens of newly-annexed areas through advisory participation in City Council deliberations and activities.

Present Situation: In anticipation of large areas of East Clark County being annexed to the City of Vancouver January 1, 1997, City Council appointed a Citizens Committee on Representation in the spring of 1996 to explore and make recommendations regarding representation on City Council. On November 18, 1996, Council heard public testimony on the Committee's recommendations and unanimously agreed that adding two, non-voting members from the newly-annexed areas would assist in providing citizens of those areas a voice in City affairs before the next general municipal election in 1997, and would benefit efforts to build a unified urban community.

Proposal: Adopt a resolution establishing two appointive, non-voting positions on City Council.

Advantage: Provides immediate local representation on City Council for citizens in the newly-annexed East County area.

Disadvantage: The ad hoc members will be unable to vote on Council issues; however, they may participate fully in all Council deliberations.

Action Requested: Adopt resolution establishing two ad hoc City Council positions.

Attachment: Resolution

11-25-96

RESOLUTION NO. M-3071

A RESOLUTION relating to City Council and establishing pursuant to Vancouver City Charter Section 11.02, two temporary, appointive, non-voting positions on the Vancouver City Council; setting forth the method of appointment, qualifications, term of office, grounds for removal, authority and responsibility, and terms of compensation; and initiating immediate recruitment of candidates for such positions.

WHEREAS, the City of Vancouver will undergo unprecedented growth due to annexations which become effective January 1, 1997; and

WHEREAS, residents of the newly-annexed areas have expressed a strong desire for immediate representation of their needs and concerns on City Council; and

WHEREAS, residents within the current city limits have expressed a desire to build formal and informal bridges to the citizens of the newly-annexed areas in order to heal and prevent divisions within the community; and

WHEREAS, the Citizens Advisory Committee on Representation, appointed by City Council to evaluate current City Council representation, has recommended that City Council appoint two ad hoc non-voting members to City Council from the newly-annexed areas as soon as possible; and

WHEREAS, Vancouver City Charter Section 11.02 provides for non-voting members of City Council to be designated by vote of the City Council; and

RESOLUTION - 1

WHEREAS, City Council held a public meeting on the representation options presented by the Committee November 18, 1996, at which public support for the appointment of non-voting Councilmembers was voiced; and

WHEREAS, it is the unanimous position of City Council that such non-voting, temporary members from the newly-annexed areas would benefit the entire City in its efforts to build a new and united community.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. Positions Created. There are hereby created pursuant to City Charter Section 11.02 two appointive, non-voting Vancouver City Council positions. Such non-voting members shall have the status of appointive officers of the City of Vancouver.

Section 2. Qualifications. The non-voting Councilmembers shall have been registered voters and residents of the newly-annexed areas of the City of Vancouver described in Exhibit "A" to this resolution for a continuous period of at least two years prior to their appointment, and shall hold no other public office or employment under city government.

Section 3. Appointment. The non-voting members of City Council shall be appointed by the Mayor, with approval by majority vote of the voting members of City Council.

Section 4. Term of Office/Removal. The terms of office for non-voting councilmembers shall commence upon appointment, and in any event, as soon practicable after January 1, 1997. The terms of office of such appointees shall expire upon certification of the

results of the November 1997, general municipal election for Vancouver City Council positions. A non-voting councilmember may be removed at any time by the Mayor, upon approval by majority vote of the voting members of City Council, in the event that the member ceases to have the qualifications set forth in Section 2 of this Resolution, or for misconduct or for unexcused absences from more than three City Council meetings.

Section 5. Authority and Responsibilities. A non-voting City Councilmember:

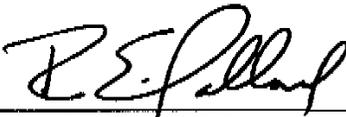
- (a) Shall be entitled to a seat on City Council during Council meetings, except in quasi-judicial matters.
- (b) May recommend an action, policy, or plan of City Council on any matter affecting the City.
- (c) May be appointed to and participate as an advisory member to city council committees.
- (d) May perform such other official or ceremonial duties as may be assigned by the Mayor.

Section 6. Compensation. The non-voting Councilmembers shall receive no salary, but shall be reimbursed for expenses in accordance with City policies governing reimbursement for appointive members of City boards and commissions.

Section 7. Recruitment. The City Manager is directed to commence recruitment of candidates for the non-voting City Councilmember positions immediately upon adoption of this resolution.

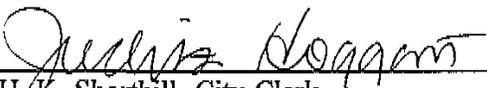
ADOPTED at a regular session of the Council of the City of Vancouver, this

25th day of November, 1996.



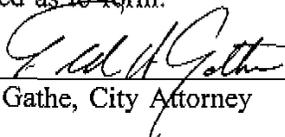
Royce E. Pollard, Mayor

Attest:



H. K. Shorthill, City Clerk
By: Judith Hoggatt, Deputy

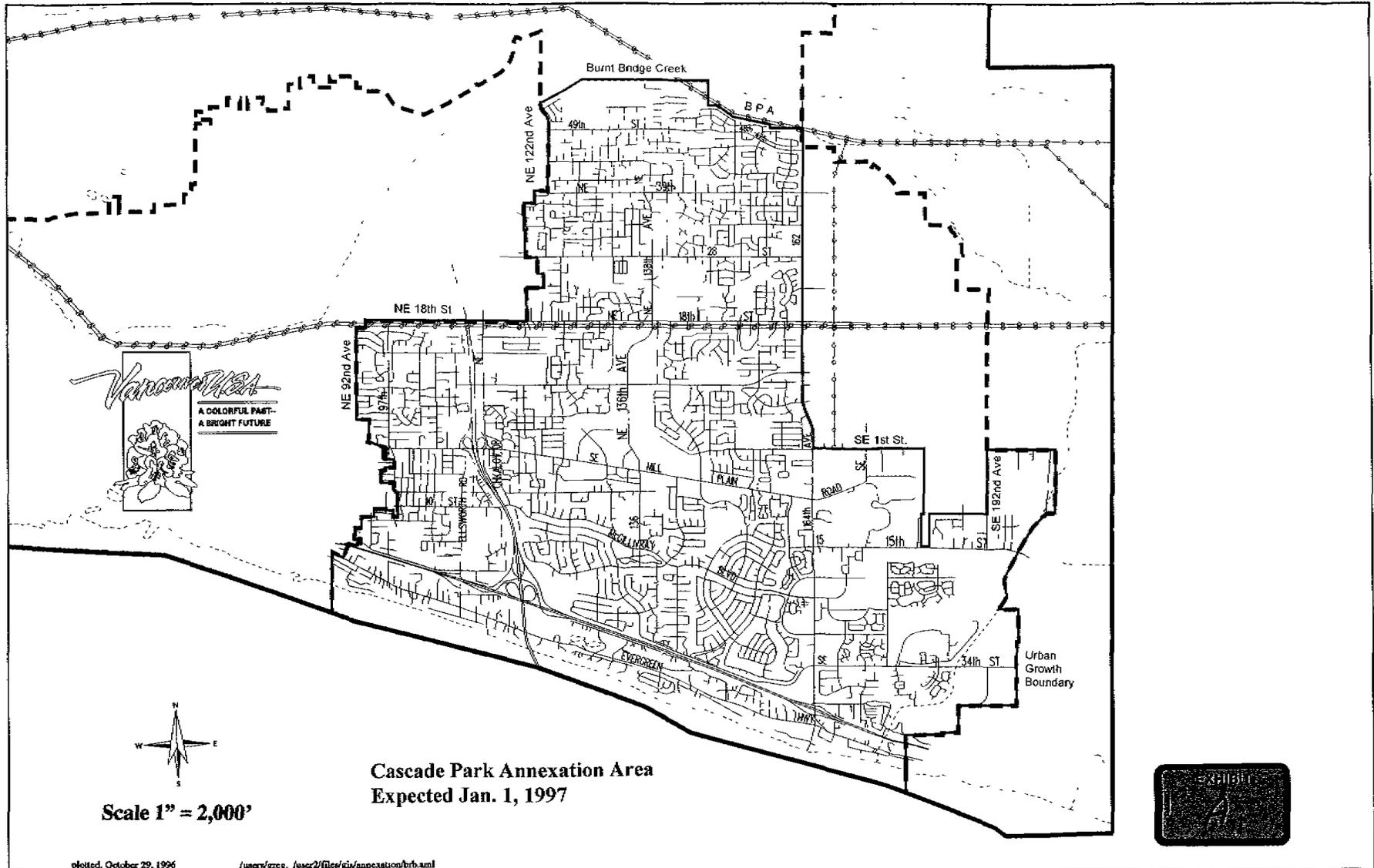
Approved as to form:



Ted H. Gathe, City Attorney

Attachment: Exhibit "A"

G6112001/1Z.MV



plotted, October 29, 1996

/user/greg./user2/files/gis/annexation/brb.xml



CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Tracey Dunlap, Director of Finance and Administration
Robin Jenkinson, City Attorney
Erin Leonhart, Intergovernmental Relations Manager

Date: February 4, 2010

Subject: Annexation State Sales Tax Credit

RECOMMENDATION:

City Council approve the resolution and ordinance implementing the annexation state sales tax credit effective July 1, 2010.

BACKGROUND DISCUSSION:

An important part of the implementation strategy for annexation is the use of the annexation state sales tax credit to assist the City in providing municipal services in the area where the revenues are not yet sufficient to fund those services. To be eligible for the credit this year, the Department of Revenue (DOR) must be notified not later than March 1, 2010. This necessitates adoption of the credit at the February 16 City Council meeting. This memorandum provides a summary of the relevant legislation and an overview of our current discussions regarding the City's eligibility to receive the credit in 2010.

Summary of Legislation

In 2006 the legislature enacted the annexation sales tax credit. The following excerpt from the bill report of a 2009 bill that amended the original legislation provides a useful recap of the key provisions of the 2006 legislation:

"Background: In 2006 legislation was enacted allowing a city to impose a sales and use tax to provide, maintain, and operate municipal services within a newly annexed area. The tax is a credit against the state sales tax, so it is not an additional tax to a consumer. The tax is for cities that annex an area where the newly received revenues received from the annexed area do not offset the costs of providing services to the area.

There are several requirements that have to be met before a city may impose the tax. The city must:

- *Have a population less than 400,000;*
- *Be located in a county with a population greater than 600,000;*

- *Annex an area consistent with its comprehensive plan;*
- *Commence annexation of an area having a population of at least 10,000 prior to January 1, 2010; and*
- *Adopt a resolution or ordinance stating that the projected cost to provide municipal services to the annexation area exceeds the projected general revenue the city would otherwise receive from the annexed area on an annual basis.*

The tax rate is 0.1 percent for each annexation area with a population between 10,000 and 20,000 and 0.2 percent for an annexation area over 20,000. The maximum cumulative tax rate a city can impose is 0.2 percent. The tax must be imposed at the beginning of a fiscal year and must continue for no more than ten years from the date it is first imposed. All revenue from the tax must be used to provide, maintain, and operate municipal services for the annexation area. The revenues may not exceed the difference of the amount the city deems necessary to provide services for the annexation area and the general revenue received from the annexation. If the revenues do exceed the amount needed to provide the services, the tax must be suspended for the remainder of the fiscal year. Prior to March 1 of each year, the city must notify the Department of Revenue of the maximum amount of distributions it is allowed to receive for the upcoming fiscal year."

During the 2009 Legislative Session, Senate Bill 5321 amended the original State Sales Tax Legislation. There were several changes related to populations of cities eligible for the credit, the rates of the credit cities could collect and an extension of the credit to 2015. Since Kirkland "commenced" annexation by the original deadline of January 1, 2010, the extension to 2015 is immaterial as are changes related to populations of areas annexed. The primary portion of SB 5321 that does impact Kirkland is Section 2, which addresses the ability to grandfather casinos licensed by the State Gambling Commission as of July 26, 2009.

Sales Tax Credit Mechanics

The ten-year state sales tax credit is an integral part of the annexation financial plan. The State has not issued formal guidance as to how the state sales tax credit will be administered and what specific documentation will be required to demonstrate shortfalls, however, meetings have been initiated with the State Auditor's Office to discuss the issue. At this stage, we are monitoring the experiences of Auburn and Renton, which had annexations that qualify for the credit and will be subject to audit of the sales tax credit for 2008. Auburn's experience to date has provided two insights: (1) that detailed record-keeping will be necessary to demonstrate qualifying costs, and (2) that timing is critical to maximize the credit. We will continue to stay in contact with both jurisdictions, and others considering this option, to track their "lessons learned."

The state sales tax credit will help bridge the gap between revenues and expenditures in the annexation area. It is important to note that the credit is only available up to the amount needed to offset shortfalls due to annexation. RCW 82.14.415 requires the City to provide DOR with an estimate of the revenues, expenditures, and anticipated shortfall (labeled, "new threshold amount") in the annexation area for the next fiscal year. The estimates are based on the State's fiscal year which is July 1 through June 30. The City must also provide notice of any applicable tax rate changes by March 1 of each year. DOR will then begin the monthly distributions on July 1 and continue until the threshold amount has been reached or end on June 30 of the following year. The distribution is also set up to match the State's fiscal year of July through June.

DOR has indicated that because the annexation is not effective until June 1, 2011, the City is not eligible for the credit until July 1, 2011. As a result, the City would not receive the first distribution until September 30, 2011. This is based on DOR's interpretation of the language in the statute that provides that the tax may only be imposed by a city "that annexes an area." The City's position is that Ordinance 4229 accepting the annexation and setting the effective date meets the intent of "annexing an area," as no further legislative action is required for the annexation to take place.

Other factors supporting our position include:

- The City has been and will continue making expenditures necessary to serve the annexation area well in advance of the effective date of the annexation. For example, the City has begun to hire and train police officers to ensure that sufficient staffing is in place on June 1, 2011. Both DOR and the State Auditor's Office have indicated that the City can begin accumulating costs toward the credit in advance of the effective date. It stands to reason that the sales tax credit can be implemented to help fund those costs.
- The effective date of the annexation, June 1, 2011, falls within the State's fiscal year that begins July 1, 2010.
- Beginning the credit in 2010 does not obligate the State to pay more; it starts the ten-year period sooner. In fact, it results in less outlay by the State overall because:
 - Kirkland will begin drawing on the funding during an historical low point in sales tax revenue; and
 - The first year's draw will be based upon the current City sales tax receipts (without the annexation area).

If the credit is not effective until mid-2011, the City will have incurred several million dollars in transition costs for which no revenue is received from the annexation area or the state sales tax credit. Attachment A provides a graphic representation of the sales tax mechanics under both interpretations.

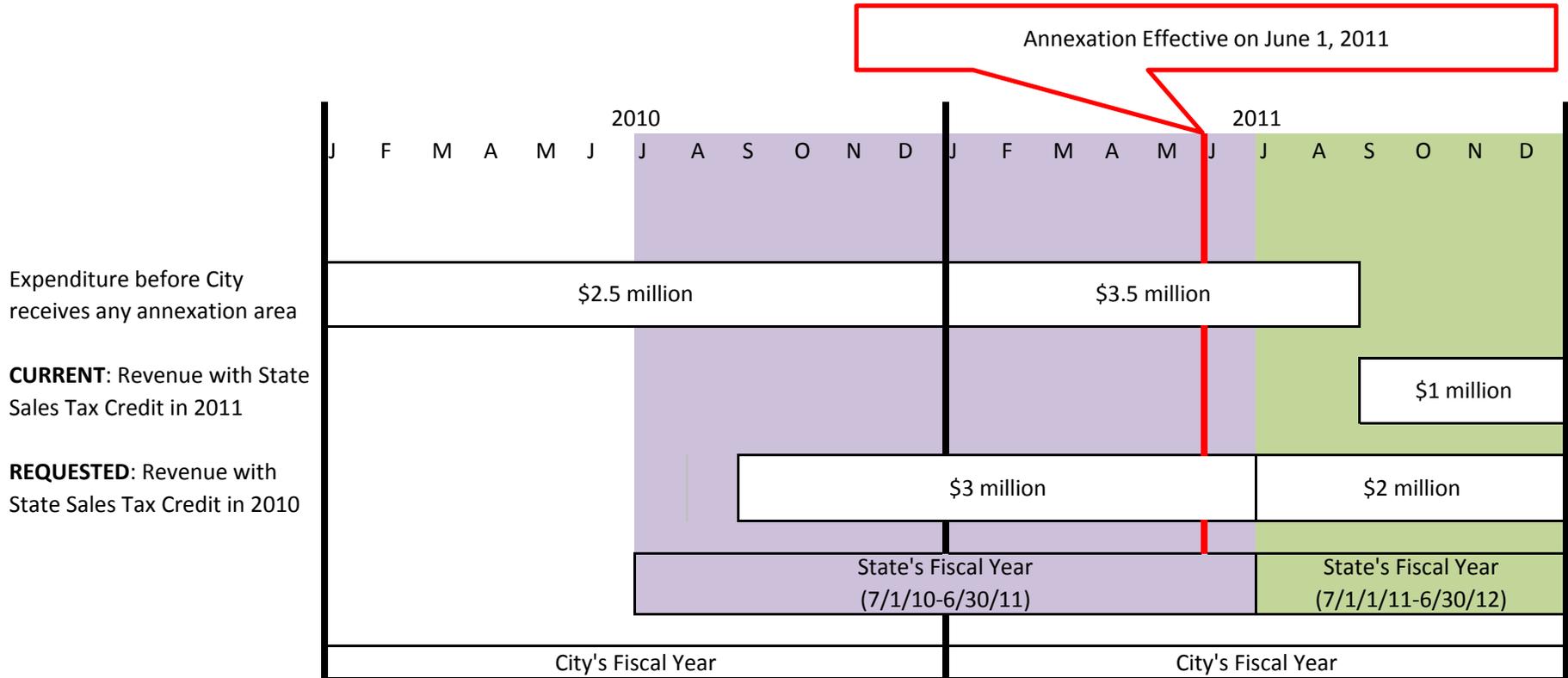
Earlier projections of the available state sales tax credit estimated that an average of \$4.4 million per year would be available over ten years (with the amount lower than the average in the early years, growing as retail sales increased). That average amount has declined since those projections due to the decline in sales tax of almost 20% to about \$3.5 million. If the first year of the credit begins in 2011, the estimated state sales tax credit available would be about \$3.2 million based on estimated sales tax in the existing City and the annexation area. By taking the credit one year early (starting in 2010), the credit will only apply to the existing City sales tax, so the City will forego the credit on the annexation area, which is approximately \$225,000. However, as the graphic in Attachment A illustrates, taking the credit in 2010 offers a significant cash flow benefit and provides the City with a means to fund incremental annexation staffing during the transition.

Current Status

On January 25, as a follow up to conversations with Representative Larry Springer, the City Council sent a letter to our local legislators requesting that they pursue a clarification of legislative intent during the current legislative session to confirm that funding can be accessed prior to the effective date of annexation. Attachment B contains a copy of the letter, which further articulates the City's rationale. As of the date of this memo, it appears that our

legislators will assist us in pursuing clarification of our eligibility with DOR. Due to the notification deadlines, staff recommends that Council pass the attached resolution and ordinance to ensure that Kirkland can begin drawing on the state sales tax credit in 2010.

City of Kirkland Pre-Annexation Expenditures versus State Sales Tax Credit Receipts



Notes:

1. Only currently known expenditures shown -- does not include accumulated prior costs
2. Annexation effective date is in State's current fiscal year (2011-2012)

January 25, 2010

Sent via email to:
Washington State Representatives & Senators



RE: ANNEXATION SALES TAX CREDIT

Dear...:

After many years of study, the City of Kirkland is proceeding with annexation of the three neighborhoods to our north. The Kirkland City Council adopted an ordinance annexing the area on December 15, 2009 with an effective date of June 1, 2011. Kirkland's current population of 49,010 will increase to approximately 81,000 and the land area will increase from seven square miles to over eleven square miles. This annexation represents a major increase in population and land area and will require a significant investment of resources. It is toward that end that we are seeking your support.

The City of Kirkland seeks legislative clarification that the City can impose the annexation sales tax credit provided for in RCW 82.14.415 on the City's revenues beginning in 2010 to pay for costs incurred preparing for the effective date, using the logic that the City "annexed" when the City Council approved Ordinance 4229, formally accepting the annexation area to the City of Kirkland and setting an effective date.

The City's goal is to plan for as smooth a transition as possible to providing services in the annexation area. Financial constraints preclude hiring and training all of the needed staff before the effective date of annexation, when revenues from the area begin to accrue to the City. Some services will be phased in as resources become available to the City. However, we recognize that public safety services are essential, the City will be hiring staff in advance in order to be prepared to provide police service on the effective date of annexation. Because of the substantial lead time for training of new officers, we will be hiring police officers well before the effective date of annexation and, more importantly, before revenues from the annexation area begin to accrue to offset those costs.

The pre-annexation cost of the staffing transition for selected, general fund department staff is projected to be \$6 million. This does not include the pre-annexation cost of staff in many support departments, nor does it include street maintenance and surface water staffing. In addition, the City will incur the start-up costs of equipping new staff with computers, police vehicles, and other equipment.

Given the significant start-up costs of annexation, we are requesting that the State partner with Kirkland on the immediate pre-annexation transition costs attributable to public safety and related staffing.

The State of Washington is a critical partner in the annexation effort and the State's 10-year annexation financial assistance will help with essential transition funding as we move forward with annexation. The sooner we can access those funds, the better our financial position will be on the effective date (see attached graphic illustration). If allowed this flexibility, over the 10 year period of the credit, the total amount for which Kirkland would be eligible will be a lesser burden to the State because Kirkland would begin drawing on the funding during an historical low point in sales tax revenue and the first year's draw will be based upon current City of Kirkland (without annexation area) sales tax revenues. Thank you for your consideration.

Sincerely,
KIRKLAND CITY COUNCIL

By Joan McBride, Mayor

Attachment

ORDINANCE NO. 4237

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ADOPTING A NEW CHAPTER 5.07 OF THE KIRKLAND MUNICIPAL CODE IMPOSING A SALES AND USE TAX AS AUTHORIZED BY RCW 82.14.415 AS A CREDIT AGAINST THE STATE TAX RELATING TO ANNEXATIONS.

WHEREAS, on April 7, 2009, the City Council of the City of Kirkland passed Resolution R-4751 which directed the City Clerk to file a notice of intent to annex the Finn Hill, Kingsgate and North Juanita Annexation Area with the King County Boundary Review Board; and

WHEREAS, the Boundary Review Board held a public hearing on the proposed annexation on June 8, 2009, and approved the annexation on July 9, 2009; and

WHEREAS, the City Council passed Resolution R-4763 calling for an election which was held pursuant to State statute on November 3, 2009; and

WHEREAS, the King County Council transmitted a certified abstract of the vote in the November 3, 2009, general election; and

WHEREAS, the annexation of the Finn Hill, Kingsgate and North Juanita Annexation Area was approved by the voters residing in the area; and

WHEREAS, the City Council passed Ordinance No. 4229 on December 15, 2009, annexing the Finn Hill, Kingsgate and North Juanita Annexation Area, an area that has a population of at least ten thousand people; and

WHEREAS, the City Council finds and determines that the projected cost of at least \$5 million to provide municipal services to the annexation area exceeds the projected general revenue estimated to be zero that the City would otherwise receive from the annexation area for the July 1, 2010 – June 30, 2011 fiscal year; and

WHEREAS, pursuant to RCW 82.14.415, the City is authorized, under the circumstances of this annexation, to impose a sales and use tax as authorized with that tax being a credit against the state tax.

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

Section 1. A new Chapter 5.07 of the Kirkland Municipal Code is hereby created to read as follows:

5.07.010 Imposition of tax.

(a) There is imposed a sales or use tax, as authorized by RCW 82.14.415, which tax shall be collected from those persons who are taxable by the state under Chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the city.

(b) The rate of the tax imposed under this chapter shall be 0.2 percent, and shall be in addition to other taxes authorized by law.

5.07.020 Definitions.

1. "Annexation area" means the Finn Hill, Kingsgate and North Juanita annexation area, as described in Exhibit A to Resolution No. R-4751, passed April 7, 2009, and includes all property described in the Ordinance.

2. "Municipal services" means those services customarily provided to the public by city government.

3. "Fiscal year" means the State's fiscal year beginning July 1st and ending the following June 30th.

4. "Threshold amount" means the maximum amount of tax distributions as determined by the city in accordance with KMC 5.07.070 that the Washington State Department of Revenue shall distribute to the city generated from the tax imposed under this chapter in a fiscal year.

5.07.030 Credit against state tax.

The tax authorized under this section shall be a credit against the state tax under Chapter 82.08 or 82.12 RCW. The Washington State Department of Revenue shall perform the collection of such taxes on behalf of the city, at no cost to the city, and shall remit the tax to the city as provided in RCW 82.14.060 and 82.14.415.

5.07.040 Term of tax.

(a) The tax imposed by this chapter shall only be imposed at the beginning of a fiscal year and shall continue for no more than 10 years from the date the tax is first imposed. Tax rate increases due to additional annexed areas shall be effective on July 1st of the fiscal year following the fiscal year in which the annexation occurred; provided, that notice is given to the Washington State Department of Revenue as set forth in KMC 5.07.070.

(b) The tax shall also cease to be distributed to the city for the remainder of the fiscal year once the threshold amount, as set forth pursuant to KMC 5.07.070, has been reached. Distributions of tax under this chapter shall begin again on July 1st of the next fiscal year and continue until the new threshold amount has been reached or June 30th, whichever is sooner. Any revenue generated by the tax in excess of the threshold amount shall belong to the state of Washington. Any amount resulting from the threshold amount less the total fiscal year distributions, as of June 30th, shall not be carried forward to the next fiscal year.

5.07.050 Use of tax revenue.

All revenue collected under this chapter shall be used solely to provide, maintain, and operate municipal services for the Finn Hill, Kingsgate and North Juanita annexation area.

5.07.060 Limitation of revenues.

The revenues from the tax authorized in this chapter may not exceed that which the city deems necessary to generate revenue equal to the difference between the city's cost to provide, maintain, and operate municipal services for the Finn Hill, Kingsgate and North Juanita annexation area and the general revenues that the city would otherwise expect to receive from the annexation during a year. If the revenues from the tax authorized in this chapter and the revenues from the Finn Hill, Kingsgate and North Juanita annexation area exceed the costs to the city to provide, maintain, and operate municipal services for the annexation area during a given year, the city shall notify the department and the tax distributions authorized in this section shall be suspended for the remainder of the year.

5.07.070 Thresholds.

(a) The threshold amount for the first fiscal year following the annexation and adoption of the tax authorized by this chapter is as follows: \$5 million.

(b) The city finance director shall forward to the Washington State Department of Revenue the amount of the threshold amount for the first fiscal year following the annexation and adoption of the tax.

(c) No later than March 1st of each year, the finance director shall provide the Washington State Department of Revenue with a new threshold amount for the next fiscal year, and notice of any applicable tax rate changes.

Section 2. The City Manager is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 3. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2010.

Signed in authentication thereof this ____ day of _____, 2010.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

RESOLUTION R-4803

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY OF KIRKLAND TO IMPOSE A SALES AND USE TAX AS AUTHORIZED BY RCW 82.14.415 AS A CREDIT AGAINST STATE TAX, RELATING TO ANNEXATIONS.

WHEREAS, on April 7, 2009, the City Council of the City of Kirkland passed Resolution R-4751 which directed the City Clerk to file a notice of intent to annex the Finn Hill, Kingsgate and North Juanita Annexation Area with the King County Boundary Review Board; and

WHEREAS, the Boundary Review Board held a public hearing on the proposed annexation on June 8, 2009, and approved the annexation on July 9, 2009; and

WHEREAS, the City Council passed Resolution R-4763 calling for an election which was held pursuant to State statute on November 3, 2009; and

WHEREAS, the King County Council transmitted a certified abstract of the vote in the November 3, 2009, general election; and

WHEREAS, the annexation of the Finn Hill, Kingsgate and North Juanita Annexation Area was approved by the voters residing in the area; and

WHEREAS, the City Council passed Ordinance No. 4229 on December 15, 2009, annexing the Finn Hill, Kingsgate and North Juanita Annexation Area, an area that has a population of at least ten thousand people; and

WHEREAS, the City Council finds and determines that the projected cost of at least \$5 million to provide municipal services to the annexation area exceeds the projected general revenue estimated to be zero that the City would otherwise receive from the annexation area for the July 1, 2010 – June 30, 2011, fiscal year; and

WHEREAS, pursuant to RCW 82.14.415, the City is authorized, under the circumstances of this annexation, to impose a sales and use tax as authorized with that tax being a credit against the state tax.

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

Section 1. Purpose. The City Manager is hereby authorized and directed to set the threshold for imposing the sales and use tax credit at \$5 million related to the Finn Hill, Kingsgate and North Juanita Annexation Area to be implemented for July 1, 2010 – June 30, 2011,

fiscal year through the State sales taxes connected with the current City of Kirkland.

Section 2. Implementation. The City Manager is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this Resolution.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2010.

Signed in authentication thereof this ____ day of _____, 2010.

MAYOR

Attest:

City Clerk

**CITY OF KIRKLAND**

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.ci.kirkland.wa.us**MEMORANDUM**

To: David Ramsay, City Manager

From: Erin Leonhart, Intergovernmental Relations Manager

Date: February 4, 2010

Subject: 2010 LEGISLATIVE UPDATE 4

As of the February 16 Council meeting, the 2010 State Legislative session will be in its sixth week. February 16 will be the last day to consider bills in the house of origin. This is an update on the City's interests as of February 4. A status report from Gordon Thomas Honeywell for February 1 is attached to this memorandum (Attachment A). Reports from February 8 and 15 will be emailed to Council in advance of the meeting on February 16.

COUNCIL LEGISLATIVE COMMITTEE – FEBRUARY 1

The Council Legislative Committee (Mayor McBride, Council Member Asher, Council Member Marchione) met on February 1 to discuss the status of bills and other legislative issues as the first cut-off of the 2010 Legislative Session approached.

State Sales Tax Credit – Deputy Mayor Sweet and Council Members Marchione and Walen had very positive meetings with Legislators while in Olympia. (See additional information below.)

Fiscal Flexibility Package (HB2650, HB2749, HB2773/SB6424)

- House Finance Committee working on a combined bill and looking for input from cities about which aspects to keep. Senate Bill 6424 (companion to HB2773, requested by Gov. Gregoire) has been referred to Senate Ways & Means. Hearing in Senate on Tuesday at 3:30pm. King County and the Association of Washington Cities asked for an elected official from Kirkland to testify; however, none were available due to the Council meeting that evening.
- Greatest opposition has been to liberalizing use of Hotel-Motel Tax followed by concern about Utility Tax expansion.
- Rep. Hunter is promoting utility tax expansion as a way to help Kirkland with annexation. I analyzed this with Finance & Public Works and the ability to tax water-sewer districts does not have as high a value as other options in the package. Councilmember Marchione phoned Representative Hunter and followed up with an email. Representative Springer asked about Kirkland's Real Estate Excise Tax and future projected gambling revenues on Tuesday and Intergovernmental Relations Manager, Erin Leonhart responded with information.

I-405 Tolling - Representative Eddy requested a letter indicating Kirkland's support of I-405 tolling. Staff emailed a letter to Representatives Eddy and Springer on Monday.

Eastside Human Services Forum - Deputy Parks Director Carrie Hite will be requesting Council support on a joint letter about funding for Washington Information Network 211 and Housing Trust Fund. Rough draft letters were provided to committee and are attached (Attachments B & C). Issues are within the

Legislative Agenda and previous Council action so the committee gave approval for the Mayor to sign when ready.

Stormwater Funding

- House (Ormsby) and Senate (Ed Murray) bills will be dropped early next week
- New recommended funding source - MTCA (Toxics Control Account), increase existing tax from 0.7% to approximately 2% on pollutants (oil, toxic chemicals, etc.)

Senate Growth Management Act (GMA) Extension Bill (SB 6611) – The Association of Washington Cities requested that Kirkland contact Senator Oemig in support of his amendment to make the proposed GMA extension to ten years ongoing instead of just this cycle. Councilmember Marchione phoned Senator Oemig and sent a follow up email. Since the meeting, Senator Oemig decided against the amendment out of concern that the bill would fail, whereby losing the temporary extension.

Federal Projects – Committee requested information about transportation projects submitted for ARRA/federal stimulus funds. Ray Steiger from Public Works is developing a reading file memo and information will be provided to the Legislative Committee in advance of the reading file.

State Route 520 Project – Seattle City Council sent a letter to the Governor and Chairs from Senate and House Transportation Committees. (See additional information below.)

Transportation Benefit District (TBD) Legislation (HB 2855) – This legislation would allow public transit agencies to impose up to \$20 on vehicle license fees within their service district. Includes a “no-stacking” provision that would limit the total addition per license to \$20 where a TBD is in place. The no-stacking provision does not apply to TBD’s in existence before July 1, 2010.

Sharmila Swenson, Congressman Inslee's Office – Mayor McBride and Council Member Marchione met with Ms. Swenson to discuss Federal Appropriations Requests on February 2.

ANNEXATION SALES TAX CREDIT

Intergovernmental Relations Manager Erin Leonhart is continuing to work with legislators to seek clarification that the City can impose the annexation sales tax credit provided for in RCW 82.14.415 on the City’s revenues beginning in 2010 to pay the cost incurred preparing for the effective date, using the logic that the City “annexed” when the City Council approved Ordinance 4229 on December 15, 2009, formally accepting the annexation area to the City of Kirkland.

As directed by the City Council on January 19, staff from the City Manager’s Office and Finance and Administration Department developed talking points for City Council Members and a letter to Legislators from the 45, 48 and 32 Legislative Districts related to this issue. The letter was sent on January 25. The letter included an illustrative graph that was also presented to Council on February 1.

Representatives Springer and Hunter with Senator Tom are reconsidering an administrative fix instead of legislation. Also, Cindy Zehnder from Gordon Thomas Honeywell (formerly Governor Gregoire’s Chief of Staff) is discussing options with the Governor’s office and the Department of Revenue on Kirkland’s behalf. Ms. Zehnder is scheduled to meet with Representative Springer on February 4. Information has been provided to legislators and Ms. Zehnder.

STATE ROUTE 520 PROJECT

In response to an exchange between the City of Seattle and the State of Washington in which Seattle requested an addition 120 days to study west side options, a news conference was held on Thursday, February 4. The primary purpose was to underscore the urgency to proceed with replacement of the existing State Route 520 Bridge and express concerns about any further delays or studies. The news conference included a broad coalition of state and local government and business leaders, neighborhood

councils and transit groups emphasized the project needed to proceed due to safety issues, to create jobs and promote regional economic development.

Participants included elected leaders from the communities of Bellevue, Redmond, Kirkland (Deputy Mayor Sweet), Medina, Hunts Point, Beaux Arts Village; state legislators; and representatives from the Greater Seattle Chamber of Commerce, Bellevue Chamber of Commerce, Bellevue Downtown Association, AAA, King County Labor Council, Washington State Building & Construction Trades Council, and AFL-CIO.

Attachments



LEGISLATIVE REPORT

To: City of Kirkland

From: Briahna Taylor

Date: February 1, 2010

THANK YOU TO THE CITY FOR VISITING OLYMPIA!

Policy Cutoff Deadline is THIS WEEK. All bills that have not passed the policy committee by the following deadlines will no longer be up for consideration.

House: Tuesday, February 2, 2010

Senate: Friday, February 5, 2010

CONTENTS:

1. Upcoming this Week
2. Bill Tracking

TIB/ CRAB/ WSDOT Consolidation

Last week, the Governor's office agreed to not move forward with the TIB/CRAB/WSDOT consolidation and to instead work over the interim to see whether/how the transportation organizations can be streamlined.

Impact Fee Legislation

[House Bill 3067](#) obligates jurisdictions that collect impact fees to establish a process that allows building permit applicants to delay the payment impact fees until certain approvals have been granted by the jurisdiction. Specifies that applicants participating in the delayed payment process must record a covenant against title to the property that includes specific provisions for the payment of applicable impact fees.

[Senate Bill 5548](#) would have allows developers to get an impact fee credit for development completed by the developer that is not in the jurisdiction's transportation plans. GTH-GA worked with stakeholders to get this narrowed to transit improvements.

1. UPCOMING THIS WEEK

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Tacoma, WA 98401
Phone: (253) 620-6500
Fax: (253) 620-6565

www.gth-gov.com

203 Maryland Ave., NE
Washington, DC 20002
Phone: (202) 544-2681
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GMA Comprehensive Plan Deadline Extensions, [Senate Bill 6611](#) – SENATE HEARING MONDAY

Legislation extending the deadline for cities and counties to update their comprehensive plans is up for a hearing in the Senate Government Operations Committee on Monday, February 1, 2010. The City drafted a letter of support for last week's house hearing on the legislation. GTH-GA recommends letters of support be sent to the Senate Committee as well.

Fiscal Flexibility – SENATE HEARING TUESDAY

The Senate Committee will hear the fiscal flexibility legislation on Tuesday at 3:30PM. The Senate Government Operations Committee will hear [Senate Bill 6164](#) and [Senate Bill 6424](#), the latter of which is Governor-request legislation.

Last week's hearing on fiscal flexibility in the House went well. The House Committee is developing language to be included in the House Governor-request. This language would include:

- Eliminate the non-supplant clauses:
 - .1 % criminal justice sales tax for cities and counties
 - .3 % public safety sales tax for cities and counties
- Allow county council/commission authority for the .3% public safety sales tax through 2014. Voter approval required post 2014.
- Allow the city council authority to levy .1% of the .3% public safety tax after 2010. Retain the current 85-15 split. Voter approval required post 2014.
- Allow the second quarter REET to be used for the same purposes as the first quarter through 2014.
- Allow both quarters of the REET to be used for park maintenance and operation expenditures and maintenance of capital facilities through 2014.
- Expand the gambling tax to include public safety. It is currently authorized for law enforcement only.
- County utility tax in the entire unincorporated areas (not just UGA).

Concerning Infrastructure Financing for Local Governments – [House Bill 2985](#)

Increases the total "state contribution" for the Local Revitalization Financing program by \$1.95 million, and dedicates the increase to six named demonstration projects for 2010. The hearing is Monday at 1:30PM.

REET Legislation – [House Bill 1744](#)

This legislation is carrying over from last year's legislative session. The prime sponsor of the legislature is Rep. Mark Erick (1st District). The bill provides for REET harmonization and also indicates that REET revenues can be used on park maintenance and operations. These same concepts are expected to be put forth in the fiscal health package, however, it appears that this legislation will also serve as a vehicle for REET. The hearing on this legislation is Monday at 1:30PM.

Transportation Benefit District Governance – [Senate Bill 6774](#)

The legislation provides an alternative governance structure for a TBD that includes an area within more than one jurisdiction. A multi-jurisdiction TBD may be governed by the governing

body of the metropolitan planning organization serving the district. Senate Bill 6774 will be heard on Monday at 3:30PM.

Concerning Maintenance Inspections of On-site Sewage Systems – [House Bill 2870](#)

Requires local boards of health to offer the option to property owners to self-inspect their on-site sewage systems. The bill will be heard Tuesday at 3:30PM.

Consolidating the Growth Management Hearings Boards – [House Bill 2442](#)

Consolidates the powers, duties, and functions of the three regional Growth Management Hearings Boards into a single Growth Management Hearings Board. Reduces the total number of Growth Management Hearings Board members from nine to seven. Specifies that petitions for review before the consolidated Growth Management Hearings Board must be heard and decided by a regional panel of three board members. Hearing is scheduled for Tuesday at 8:00AM.

Changing Remedies under the Public Records Act – [House Bill 2910](#)

Makes discretionary the awarding of costs by a court to a person who prevails in court, against an agency in any action seeking the right to inspect or copy any public record or the right to receive a response to a public record request within a reasonable amount of time.

Eliminates court awards to a person who prevails against an agency in a PRA action an amount of not less than \$5 but not to exceed \$100 for each day that he or she was denied the right to inspect or copy the public record.

Imposes a fine of not less than \$5 but not to exceed \$100 on the responsible agency which shall be deposited in the Archives and Records Management Account.

The bill will be heard Tuesday at 1:30 PM

Special Meetings under the Open Public Meetings Act – [Senate Bill 6741](#)

Senate Bill 6741 allows notice for special meetings in the Open Public Meetings Act to be made electronically by posting a hyperlink to the meeting agenda on a prominent location on the agency's website. Legislation will be heard Tuesday at 1:30PM.

Authorizing Counties to Impose Local Sales and Use Tax for Criminal Justice Purposes – [Senate Bill 6680](#)

Senate Bill 6680 makes the .3 sales and use tax for criminal justice purposes councilmatic, rather than voter approval, and remove non-supplant language. Sunsets in 2015. These concepts are also included in the House fiscal health package. The bill is scheduled for a hearing on Tuesday at 1:30PM.

2. BILL TRACKING

Bill Tracking

GTH-GA has started this year's bill tracking. While legislation from last year will carry over into this next legislative session, we are starting the bill tracking with those bills that have been filed this year. Very few bills that were introduced last legislative session will move this session. GTHGA will identify those bills that were introduced last year that are likely to move and add them to this bill tracking sheet the first two weeks of the legislative session.

Below is a link to all legislation that GTH-GA is monitoring on behalf of the City. If there is legislation you would like added or removed from this please contact GTH-GA.

[Monitored Legislation](#)

This link updates in REAL-TIME. GTH-GA suggests that you bookmark it and refer to it anytime you would like to view the tracking list.

If there is any legislation and/or notes that you would like added to the bill tracking lists, please let us know.

January 29, 2010

Dear Senator/Representative _____:

The Eastside Human Services Forum is deeply concerned about the future of the **Washington Information Network 211**. 211 provides a critical service for disaster response and uses a centralized resources database to identify services for callers in need of the spectrum of human services in Washington State, including, among others, emergency shelter, counseling, food banks, and eviction prevention.

Support for WIN 211 must be maintained at the \$1 million level. This relatively small state contribution is leveraged many times over by the services WIN 211 provides.

- Calls to 211 increased by 20% in 2008 compared to 2007, and in 2009 there was an additional 10% increase over 2008's call volume. Last year, in King County alone, WIN 211 answered more than 170,000 calls for help. The trend is expected to continue in 2010 as the effects of the recession linger.
- It's becoming harder to keep up with the many changes taking place as human and social services and programs are cut due to funding constraints at the same time demand for these services is higher than ever as a result of the economic recession. WIN 211 provides a centralized resource for residents who would have no other way of knowing what programs are (still) available and what the eligibility requirements are.
- WIN 211 provides both English and non-English speakers with access to these critical services.
- In King County, WIN 211 is intended to have a primary role in a planned system for coordinated entry for (homeless) shelter and housing, which has been in the making for years. 211 is slated to be the initial gatekeeper, but will not be able to serve that function without adequate funding.
- 211 is a lifeline for our *rural communities* in particular. With fewer services available in rural areas, many people in the rural parts of Washington State rely on 211 as a main source of help.
- Recently, King County 211 logged a record high of 2,500 calls in a single day.

It took an enormous amount of planning, effort and support to make a statewide integrated 211 system a reality in Washington State. **More of your constituents than ever before know about-- and count on-- the fact that they can now pick up the phone and reach information and referral specialists.** 211 is an essential component in our statewide disaster response activities. **It would be senseless to dismantle such a vital resource that can be sustained with \$1 million in support.**

Sincerely,

Board Chair, Eastside Human Services Forum

January 25, 2010

Dear Senator/Representative _____:

On behalf of the Eastside Human Services Forum (EHSF), I am writing to encourage you to support two bills that are high priorities in East King County for preventing and ending homelessness. First, we support restoring the **Housing Trust Fund** to \$200 million to keep pace with the need for affordable housing. As you know, East King County continues to have the *lowest* proportion of affordable housing compared to other regions in King County, while the need is nearly as great as other areas. Among East King county cities, the average percentage of rental housing that is affordable to low income households earning 50% or less of median income is 7.4%, *far below* the King County average of 33.8%. (Source: *King County 2008-2009 Benchmarks Report: Affordable Housing*). The 2009 Eastside median condominium price of \$340,000 is nearly \$45,000 greater than the “affordable” price for a median income family. (Source: *Housing 101 East King County from A Regional Coalition for Housing, Sept. 2009. Available online at www.archhousing.org/FINAL_9-15-09.pdf.*)

With the current economic recession leaving more people without jobs, or losing their homes due to the mortgage crisis, the wise approach is to invest more now in affordable housing, rather than deal with an increased homeless population in the near future. Building housing also stimulates the economy; for every \$1 invested in affordable housing, an additional \$10-\$15 of economic benefit is generated for the surrounding community.

As the Gates Foundation has reported, research shows that it takes more than a roof overhead to break the cycle of homelessness; it takes an array of services tailored to a family’s unique situation. In 2004, the **Washington Families Fund** [WFF] became the nation’s first reliable, long-term source of funding for support services to homeless children and their families.

And, it’s working! The recently released 5-year report shows that 73% of 1,009 homeless families served were able to move into permanent housing. By the time they completed WFF programs, the number of families who were employed increased by 54%. Private sector partners are supporting WFF, leveraging legislative dollars. Let’s continue to invest in making a real difference. Support the Washington Families Fund to reach many more families in the coming years.

The decisions being made now have the potential to support economic recovery and stabilize investments we know to be successful, such as the Housing Trust Fund and the Washington Families Fund. The more families we have in secure housing and the more people employed, the more our economy and communities will thrive. Thank you for your consideration.

Sincerely,

Board Chair, Eastside Human Services Forum