To: Kurt Triplett, City Manager

From: Joel Pfundt, AICP CTP, Transportation Manager
Erin Devoto, Deputy Public Works Director
Kathy Brown, Public Works Director

Date: March 3, 2017

Subject: BOUNDARY LINE ADJUSTMENT WITHIN THE RIGHT-OF-WAY BETWEEN THE CITIES OF KIRKLAND AND BELLEVUE

RECOMMENDATION:

It is recommended that the City Council approve the resolution directing the City Manager to sign an interlocal agreement between the cities of Kirkland and Bellevue adjusting the municipal boundary within the rights-of-way of Northup Way NE, Points Dr. NE, Bellevue Way NE and 104th Avenue NE. The signed agreement is sufficient to cause the adjustment to occur.

BACKGROUND DISCUSSION:

The Washington State Department of Transportation (WSDOT) intends to relinquish right-of-way to Bellevue as a result of completing the SR 520 construction project. As a result of this process being initiated, Bellevue contacted Kirkland to review the cities’ shared boundary in the vicinity of the Bellevue Way/104th Avenue NE and Northup Way/Points Drive NE intersection (See Attachment A).

Bellevue and Kirkland staff met and reviewed the current boundary location and its effect on operations and maintenance issues in the area. The existing municipal boundary is the result of past circumstances and does not align with existing infrastructure. The boundary line does not run down the center of roadways, nor does it run along one side of the current transportation network, including the newly constructed SR 520. The existing boundary is counterintuitive and confusing. WSDOT’s relinquishment of right-of-way to Bellevue increases the misalignment between the existing infrastructure and the existing boundary location. The confusion created from this misalignment negatively impacts infrastructure maintenance and operations, as well as police and emergency responder awareness.

The two cities’ staff have cooperatively identified a boundary line adjustment action that would clean up the jurisdictional issues caused by the current boundary. The boundary line adjustment action results in each street in the vicinity of the subject intersection being placed under a single jurisdictional responsibility (Attachment B).
There is no fiscal impact from this action because the adjustment takes place fully within existing right-of-way, so no potentially taxable property is exchanged between the two cities.

The Kirkland Transportation Master Plan provides policy support for coordination with Bellevue on adjusting the boundary line within the right-of-way. Policy T-7.6 states that the City should “Coordinate multi-modal transportation systems with neighboring jurisdictions” so that transportation users can benefit from a single, efficient and well maintained transportation system.

RCW 35.13.310 describes a method to adjust the boundary line between two cities where two cities share a common boundary within a right-of-way of a public street. Based on the RCW, Kirkland and Bellevue simply enter into and execute an agreement to alter those portions of their boundaries that are necessary to eliminate this situation and create a partial common boundary on either edge of the right-of-way of the public street.

The Bellevue City Council passed Resolution 9231 (Attachment C) February 21, 2017, authorizing the Bellevue City Manager to sign the Interlocal Agreement.

**Attachments**

Attachment A – Map of existing municipal boundary between Kirkland and Bellevue in the affected area
Attachment B – Map of proposed municipal boundary adjustment
Attachment C – City of Bellevue Council Resolution 9231
Bellevue-Kirkland boundary/SR 520

The City of Bellevue does not guarantee that the information on this map is accurate or complete. This data is provided on an "as is" basis and disclaims all warranties.
CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 9231

A RESOLUTION authorizing the City Manager to prepare and sign an agreement between Bellevue and Kirkland adjusting the municipal boundary within the rights-of-way of Northup Way NE, Points Dr. NE, Bellevue Way NE and 104th Ave NE.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City Manager or his designee is hereby authorized to execute an agreement between Bellevue and Kirkland adjusting the municipal boundary within the rights-of-way of Northup Way NE, Points Dr. NE, Bellevue Way NE and 104th Ave NE, a copy of which agreement has been given Clerk’s Receiving No. ____________.

Passed by the City Council this _____ day of ________________, 2017, and signed in authentication of its passage this _____ day of ________________, 2017.

(SEAL)

John Stokes, Mayor

Attest:

Kyle Stannert, City Clerk
RESOLUTION R-5249

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT ADJUSTING THE BOUNDARY LINE BETWEEN THE CITIES OF KIRKLAND AND BELLEVUE.

WHEREAS, due to past circumstances the boundary line between Kirkland and Bellevue around the intersection of Bellevue Way/104th Ave NE and Northup Way/Points Dr. NE does not align correctly with the existing infrastructure there; and

WHEREAS, the Washington State Department of Transportation intends to relinquish right-of-way to Bellevue as a result of completing the SR 520 construction project, which will have the effect of increasing this misalignment; and

WHEREAS, this negatively impacts infrastructure maintenance and operations, and police and emergency responder awareness of jurisdiction in the area, which would be improved with a boundary line adjustment; and

WHEREAS, RCW 35.13.310(1) allows for an agreement to effect such an adjustment of a common boundary between two cities where they share that common boundary within the right-of-way of a public street, road, or highway, which is not subject to potential review by the Boundary Review Board for King County; and

WHEREAS, the Bellevue City Council approved this Agreement at its meeting of February 21, 2017.

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

Section 1. The City Manager is authorized and directed to execute on behalf of the City of Kirkland the Agreement between the City of Bellevue and the City of Kirkland Revising the Municipal Boundary of Bellevue and of Kirkland within the Public Right-of-Way of NE Points Dr., Bellevue Way NE, 104th Ave. NE and Northup Way substantially similar to that attached to this Resolution as Exhibit “A.”

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of __________, 2017.

Signed in authentication thereof this ____ day of __________, 2017.

________________________________________
MAYOR

Attest:

_____________________________________
City Clerk
INTERLOCAL AGREEMENT BETWEEN THE CITY OF BELLEVUE AND THE CITY OF KIRKLAND REVISING THE MUNICIPAL BOUNDARY OF BELLEVUE AND OF KIRKLAND WITHIN THE PUBLIC RIGHT-OF-WAY OF NE POINTS DR.; BELLEVUE WAY NE, 104TH AVE NE, AND NORTHUP WAY.

THIS AGREEMENT is made and entered into this day by and between the City of Bellevue, a municipal corporation in the State of Washington (hereinafter referred to as “Bellevue”) and the City of Kirkland, a municipal corporation in the State of Washington (hereinafter referred to as “Kirkland”).

WHEREAS, RCW 35.13.310 (1) provides a method to adjust the boundary lines between two cities where the two cities share a common boundary within a right-of-way of a public street, road, or highway; and

WHEREAS, the jurisdictional boundary, respectively, between the two cities and located generally around the intersection of Bellevue Way/104th Ave NE and Northup Way/Points Dr. NE. and more legally described in Attachment A hereto has created a situation subject to adjustment through RCW 35.13.310; and

WHEREAS, the councils of any two cities in a situation described in RCW 35.13.310 (1) may enter into an agreement to alter those portions of their boundaries that are necessary to eliminate this situation; and

WHEREAS, this agreement is authorized by the Interlocal Agreement Act, RCW 39.34; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures; and

WHEREAS, a municipal boundary adjustment under RCW 35.13.310 is not subject to potential review by the Boundary Review Board for King County;

NOW, THEREFORE, in consideration of the terms and provisions herein, it is agreed by and between Bellevue and Kirkland as follows:

1. The municipal boundary between Bellevue and Kirkland shall be adjusted so as to create a partial common boundary on either edge of the right-of-way of the public street, road, or highway as described hereto in Attachment A.

IN WITNESS THEREOF, the parties have caused this agreement to be executed.

BELLEVUE

_________________
Brad Miyake, City Manager

_________________
Date

Approved as to Form

KIRKLAND

_________________
Kurt Triplett, City Manager

_________________
Date

Lori Riordan, City Attorney