



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

**To:** Kurt Triplett, City Manager

**From:** David Snider, P.E., Capital Projects Manager  
Ray Steiger, P.E., Public Works Director

**Date:** May 24, 2012

**Subject:** NE 85<sup>th</sup> STREET CORRIDOR RIGHT OF WAY ACQUISITION UPDATE

### **RECOMMENDATION:**

It is recommended that City Council review the following update on the status of activities related to the right-of-way acquisition for the NE 85<sup>th</sup> Street corridor improvements.

### **BACKGROUND:**

The NE 85<sup>th</sup> Street corridor improvements include the currently under construction undergrounding of a significant portion of the overhead utilities, the provision of continuous sidewalks and pedestrian improvements on both sides of NE 85<sup>th</sup> Street between 120<sup>th</sup> and 132<sup>nd</sup> Avenues, new sidewalks along both sides of 124<sup>th</sup> Avenue between NE 80<sup>th</sup> and NE 90<sup>th</sup> Streets, traffic signal upgrades and additional capacity improvements at key intersections, and related utility improvements. The improvements were envisioned as a part of the 2001 85<sup>th</sup> Street sub-area plan and further refined by the 2006 Rose Hill business district design guidelines. Combined with funding from Sound Transit, local funds from a number of sources will allow for completion of the improvements estimated to cost a total of approximately \$16 million. In all, nearly 100 commercial and residential properties are impacted by the overall improvements. Impact to properties requires that various rights be secured by the City: temporary and permanent easements, utility easements, sign or property restoration, and for a number of the properties, acquisition (Attachment A).

Throughout the Project, staff has provided a number of updates to the Council on the Project most recently in November of 2010. At their June 15, 2010 meeting, at a time when at least one property owner negotiation had appeared to reach an impasse, City Council authorized the use of eminent domain (a.k.a. "condemnation") via resolution while staff continued to engage in earnest negotiations with the property owner. Council authorized eminent domain at that time in order to advance the Project in the event negotiations were unsuccessful. Recall that a number of steps are required prior to obtaining property through the eminent domain process, and Council's adoption of a resolution is the first step (Attachment B).

Staff is pleased to inform City Council that all property rights, easements, and temporary construction easements for the 31 parcels associated with Phase I – the utility underground conversion have been secured through negotiations and no eminent domain was utilized. The

total cost for the Phase 1 property rights was approximately \$1,029,000. The acquisition process for the remaining parcels, associated with the Phase II – sidewalks and intersection improvements, is also substantially complete. The large majority of these parcels include small to “no-cost” temporary easements; seven of the parcels include negotiated financial settlements and mutual agreements have been reached with all seven property owners. There is a potential eighth parcel that is associated with the HOV By-Pass Project (TR 0056), located at the on-ramp of I-405; however, negotiations have not begun for property rights on this parcel as final design matters with the WSDOT are on-going. This By-Pass Project does not have a direct impact on the remaining NE 85<sup>th</sup> Street Corridor Improvements.

The total cost for all remaining property rights acquisitions is anticipated to be on the order of \$310,000. When combined, the total cost for all property acquisition is approaching \$1,340,000 and compares to an original total right-of-way acquisition budget of \$1,171,000.

What remains are administrative processes for six of the seven parcels (Attachment A) and again, all Phase 2 property rights have been secured through successful negotiations and not through an eminent domain procedure. The process for finalizing the remaining six parcels is expected to be completed in June, 2012 with the City Attorney’s Office currently working on finalizing the necessary ROW documents for Parcels 4 and 26. The total compensation for Parcels 12 and 13, as well as Parcel 18 and Parcel 19 is much less than that for Parcels 4 and 26 and each of these Parcels is currently in the administrative summary paperwork phase.

#### *Construction Update*

As reported to City Council in various memos for the NE 85<sup>th</sup> Street Corridor Improvements, the overall improvements have been separated into smaller, more manageable projects. The first of these separated projects, the NE 85<sup>th</sup> St/114<sup>th</sup> Avenue NE Intersection Improvements (see separate June 5, 2012, Council memo) has been completed. At their meeting of December 12, 2011, Council awarded a contract for the Phase I – Utility Conversion Project that began in March of this year; it is expected to be completed this fall. Design for the Phase II improvements (sidewalks and signals) will be complete this summer, and with the right-of-way acquisition now substantially complete, construction of the 124<sup>th</sup> Avenue NE sidewalks is scheduled to begin in September and construction of the NE 85<sup>th</sup> Street signals and sidewalks work will immediately follow.

Attachments (1)

# ATTACHMENT A



Vicinity Map

## Map Legend

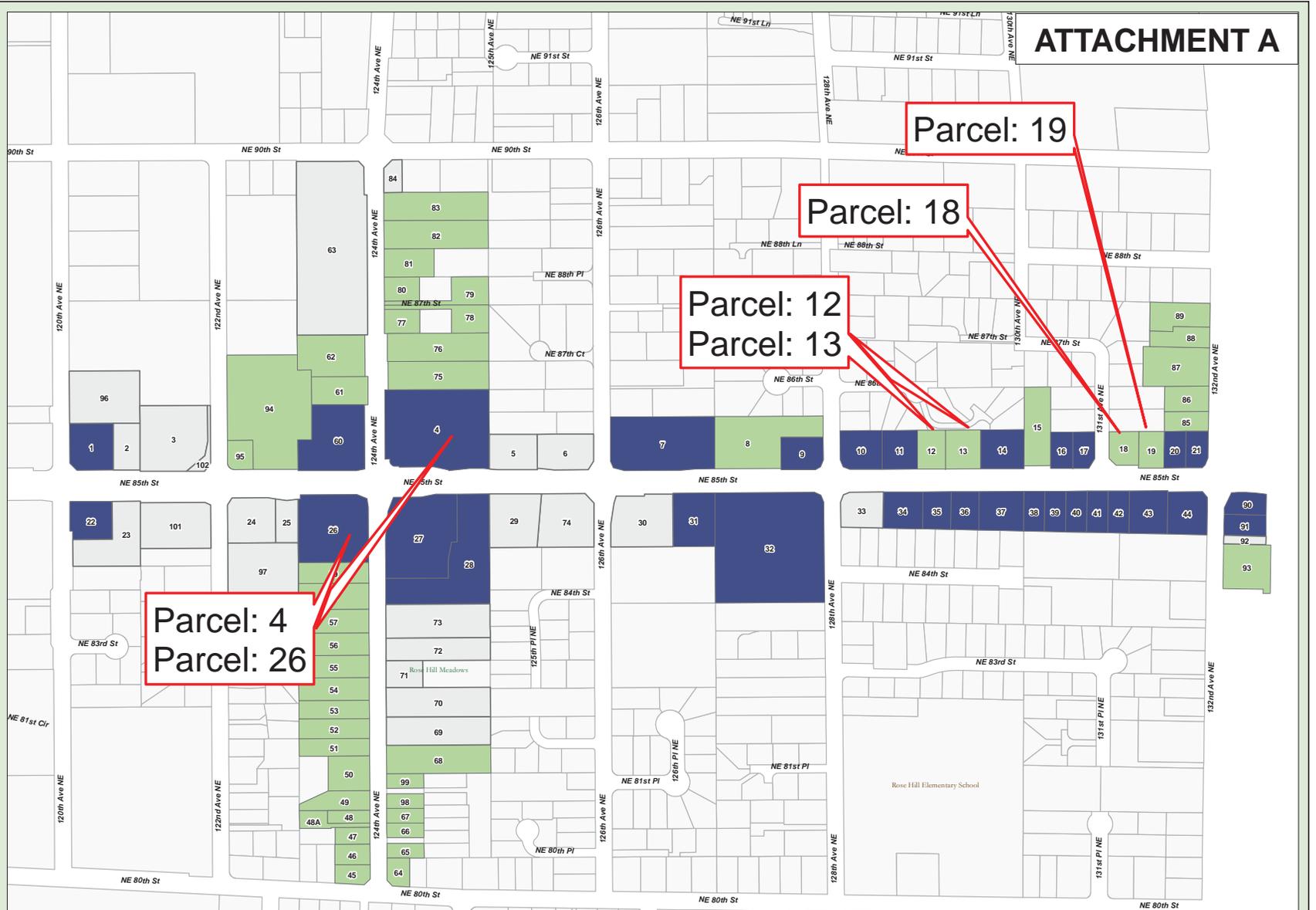
- No Property Rights Needed
- Phase 1
- Phase 2



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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