



CITY OF KIRKLAND

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

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

Date: July 26, 2012

Subject: NE 120TH STREET EXTENSION PROJECT -- AUTHORIZE CONDEMNATION

RECOMMENDATION:

It is recommended that City Council approve the attached ordinance authorizing staff to proceed with acquisition of right-of-way and associated property rights through eminent domain (condemnation) for parcels along the NE 120th Street Extension project limits.

BACKGROUND DISCUSSION:

The NE 120th Street Extension Project will result in a new public roadway between 124th Avenue NE and Slater Avenue NE. The Project is designed to improve multi-modal mobility as well as provide emergency vehicle access and congestion mitigation in the Totem Lake Neighborhood. The planned improvements for the new roadway include a 3-lane street section, bicycle lanes, planter strips and five-foot concrete sidewalks. The Project also includes a new Intelligent Transportation System (ITS) signal at 124th Avenue NE and ITS signal modifications to the existing signal at Slater Avenue NE, new street lights and significant surface water quality enhancements (Attachment A).

In 2010, the Project's design was used as a University of Washington College of Civil Engineering pilot project and is eligible for a Greenroads™ Certification throughout final design and construction phases. The Greenroads Foundation is a non-profit, third-party entity established in summer 2010 to manage certification reviews for roadway projects using a proprietary rating system. Greenroads™ is a collection of sustainability best practices, called "credits," that relate to roadway design and construction. The Greenroads™ score is then used as an indicator of sustainability for the roadway and the process provides a holistic way of considering a roadway's design and construction implementation. Ultimately, the goal of the program is to reduce impacts on the environment and improve life-cycle costs through the implementation of low impact designs (LID), energy efficient and low light polluting lighting fixtures, and through the use recycled materials in road base and pavements.

Schedule

To complete the Project in a timely manner, and to remain in compliance with two separate Project grants awarded to the City (a Federal Surface Transportation Program (STP) grant for \$2,502,640 and a Transportation Improvement Board Urban Arterial Program (UAP) grant for \$800,000) and to meet current CIP scheduling, staff is intending to advertise for contractor bids during the 4th quarter of 2012; construction would then begin in the 1st quarter of 2013. The currently outstanding elements for the Project include finalizing the design, completing the environmental documentation, and the right-of-way acquisition process (including design modifications/agreements, if any, through on-going right-of-way negotiations). The environmental documentation and engineering plan revisions are scheduled to be completed by the end of September 2012.

Right-of-Way Acquisition

The Project requires the acquisition of right-of-way and/or temporary construction easements affecting four parcels (Attachment B). Staff and the City's right-of-way consulting firm, Certified Land Services Corporation, following the City's Right-of-Way Procedures, as updated in January of this year (R-4908 – Attachment C), have expeditiously worked on all issues related to the negotiations with the individual property owners; settlements with two of the four separate property owners have been completed. The City does not yet have signed agreements with two remaining property owners and, as time is of the essence for meeting the terms of two existing Project grants, staff is recommending the use of a Condemnation Ordinance to help facilitate the acquisitions should negotiations reach an impasse. For a chronology of contacts and property negotiation meetings with the affected property owners, please see Attachment B.

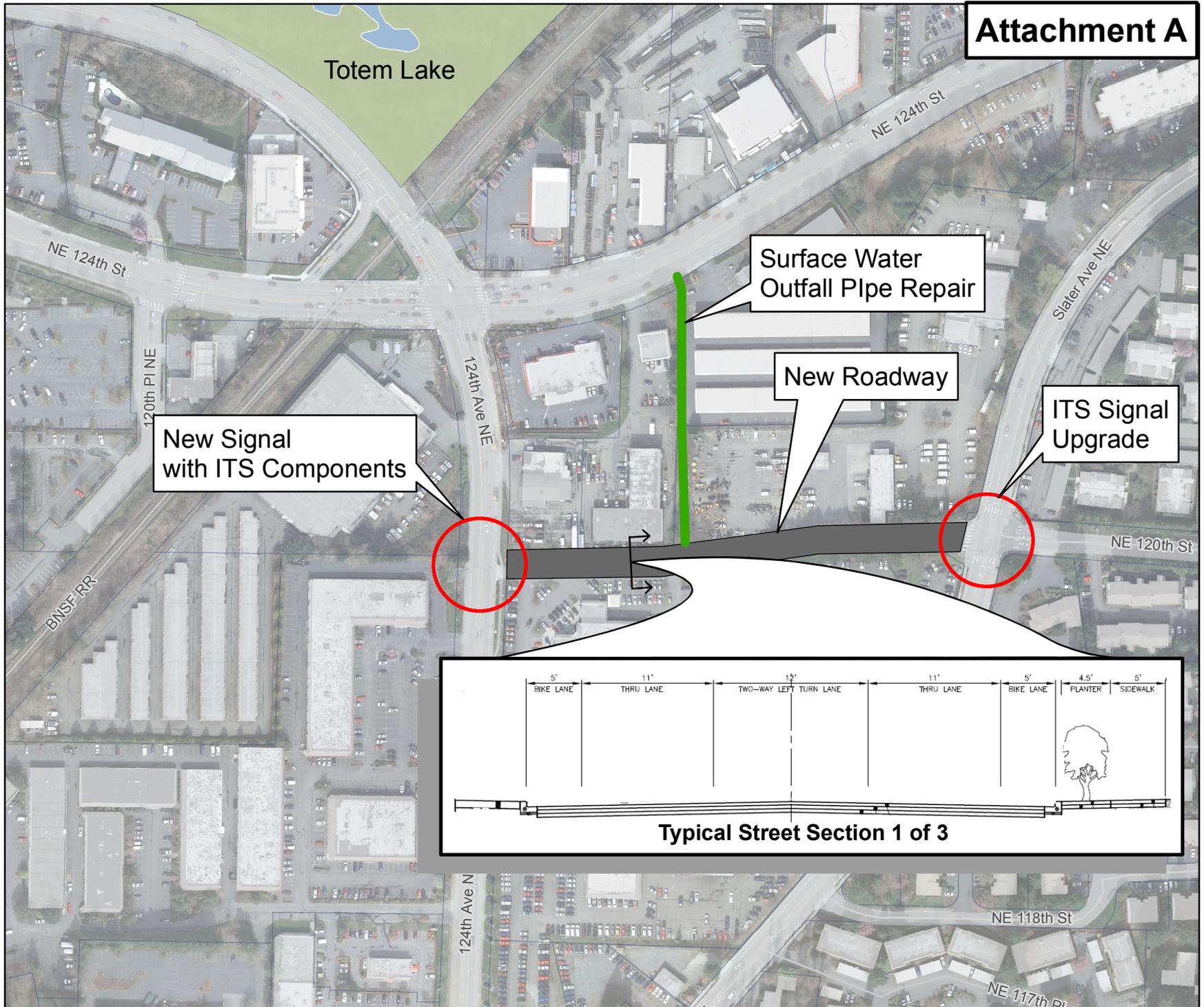
The Revised Code of Washington (RCW 8.12) authorizes and empowers cities to acquire land and property rights for public improvements through a process known as eminent domain. This authority is granted to public agencies as a means and method to allow progress for those improvements deemed to be in the best public interest. The statute was written to prevent unreasonable demands and/or delays being placed on public agencies while also insuring property owners receive a fair market value for the sale of their property. The passing of this Ordinance by City Council does not require condemnation proceedings through the courts. It will, however, enable the City to move towards beginning the Project's construction in the event an impasse is reached with one or both of the two identified property owners. A best case scenario will be for staff to resolve the right-of-way acquisition without undertaking a condemnation action. Staff has worked closely with the City Attorney's Office in preparing the attached Ordinance in order to comply with the requirements of the eminent domain process.

In order to meet the Project's key completion dates, having the Condemnation Ordinance in place will allow a judicial process to be scheduled, as it can take several months for that process to reach a completion, should it be required for one or both of the remaining parcels (Attachment D). As in the past when City Council has approved the use of eminent domain on other parcels, staff and the City's right-of-way consultant remain committed to exhausting all possible means of coordination and negotiation with the affected property owners prior to starting an eminent domain action.

Attachments (4)



Area Map

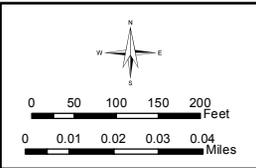
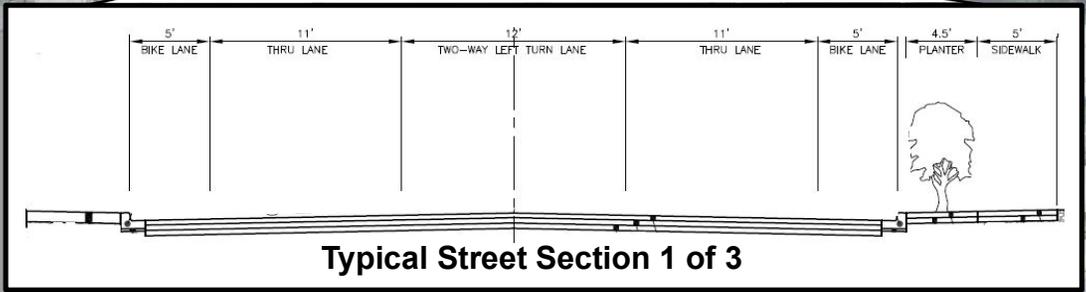


New Signal with ITS Components

Surface Water Outfall Pipe Repair

New Roadway

ITS Signal Upgrade



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Property Rights Status Table
NE 120th Street Extension Project

Attachment B

PARCEL #	TAX PARCEL NO	PROPERTY OWNER/NAME	PROPERTY ADDRESS	DATE OFFER	OFFER AMOUNT	SETTLEMENT AMOUNT	COMMENTS
112	2826059046	S & I of WA, LLC (common reference: Infiniti of Kirkland)	11932 124th Ave NE	1/12/2012	\$641,600		Attorney Ken Davidson recently hired by S & I to facilitate acquisition process.
113	2826059177	Colin W & Nerlyna M. Radford	12350 124th Ave NE	1/12/2012	\$264,700	\$264,700	
114	2826059163	Totem Lake 1, LLC (common reference: Doug Waddell)	12427 NE 124th St	1/12/2012	\$222,200	\$240,000	
115	2826059181	Frontier Communications	12055 Slater Ave NE	1/30/2012	\$1,062,000		Frontier to submit counter offer to address driveway/gate/security needs.
total					\$2,190,500	\$504,700	

112 Property Negotiation Log

- 1-12-12 Met with Mr. David Hannah and presented City's offer verbally and in writing. Provided owner with a copy of the appraisal used to set Just Compensation. Mr. Hannah confirmed he would be main contact for the property and relay information to vested owners.
- 1-23-12 By email, Certified Land clarified that the compensation amount is not necessary the replacement value but the value in place or what is considered salvage value for the items taken within the fee area.
- 1-27-12 Met with Perteet (design consultant), and Mr. Hannah on site to discuss the project. Mr. Hannah expressed concerns about access requested Certified Land contact Mr. Rick Grimes of Freiheit & Ho (Infiniti's architect).
- 1-30-12 Phone call with Mr. Grimes to discuss project. Mr. Grimes to follow up with Mr. Hannah.
- 2-27-12 Meeting at City Hall with David Hannah, the owner, Rick Grimes and Nancy Chang, Freight & Ho architects, Rob Jammerman, development engineering manager for Public Works department, Jeremy McMahan, Planning supervisor for City of Kirkland, Jesse Thomsen, PE Perteet, Regina Raichart, PM CERTIFIED Land services, and Sonja Kraus to discuss offer. Discussed owners concerns of impacts to site from taking.
- 3-16-12 Meeting at Infinity with Dave Hannah, Rick Grimes and his assistant, Infinity Parts Manager, Rod Steitzer and Regina. Discussed impacts to property and their proposal that the service bays need to be relocated. Regina requested cost estimates and justification because this concept is based on property not owned by Infinity being a big element in the site "before" configuration.
- 4-13-12 meeting at Infinity. Attendees were Dennis (parts manager) and Dave Hannah of Infinity, Rick and Nancy of Freiheit (architects), Dan and Spencer of SB Deacon Construction, Rod S from the City, Jesse Thompson of Perteet and Regina. Ownership group presented service bay relocation plan and schedule with costs for counter offer. Requested specific counter offer in writing.
- 4-26-12 email from Rick Grimes outlining requested "soft costs" to be added to SD Deacons cost estimates for service bay relocation. Response that we needed a formal counter offer. Multiple calls and emails asking for clarification of verbal counter offer. No definitive answer received.
- 6-6-12 Letter and call with Dave Hanna regarding composition of ownership and requesting LLC docs. Rec'd LLC docs, but pending litigation and directive granting Mr. Hannah sole authority to convey property unclear.
- 6-12-12 Call with owner attorney Ken Davidson requesting meeting. Multiple calls setting up meeting for 7-2 with City Attorney and Infinity.
- 6-26-12 EM to Oskar Rey with complete summary of issues and maps to help prep hi for meeting on 7-2.
- 7-2-12 Meeting with Ken Davidson Rick Grimes, Oskar Rey, Rob Jammerman, and Rod Steitzer. Discussed survey of existing storm system and vehicle service entrance.

115 Property Negotiation Log

- 1/23/12 contacted sight manager Leo Church & Dean Christiansen and Kelly Stewart, Transaction manager 203-614-5217, [Connecticut] to discuss project. Follow up email was received by Mary Anne Kolb, property acquisition contact.
- 2-22-12 Perteet and Sonja met on site with Frontier to discuss the project with their operations folks, Dean Christianson and others.
- 3-6-12 contacted Dean Christiansen to coordinate required soil sample work; access denied.
- 3-8-12 Kelly Stewart called Rod Steitzer and stating Frontier encouraged by the project and willing to move forward. Certified Land contacted Mary Anne Kolb requesting all information processed through Certified Land.
- 3-9-12 Mary Ann Kolb emailed requesting a couple of weeks for internal review. Facilities crews are concerned about trucks access without a traffic signal for their driveway. We discussed additional signal would likely impede the traffic flow for a traffic grid concurrency project and add significant cost.
- 4-10-12 requested status update from Mary Ann Kolb. Email from Kelley at Frontier requesting traffic analysis.
- 4-11-12 Mary Ann Kolb stating City drawings do not address the issue of red light timing and their ability to access their site from 120th. City stated they don't anticipate a queuing problem however; there is a "no turn on red light" policy for the signals. Mary Anne Kolb stated Frontier can't move forward until the question of red light timing and queuing is addressed.
- 4-12-12 Frontier requested a storm pipe replace the ditch area with no additional easement cost. City agreed, this would be a storm water control improvement.
- 5-29-12 City provided traffic analysis to Frontier.
- 6-5-12 requested status update. None received.
- 6-8-12 Frontier requested help to understand the traffic analysis.
- 6-11-12 Rod met Frontier on-site to review traffic analysis and Slater traffic island request.
- 6-12-12 Frontier stated that they will provide Certified with agreements.
- 6-20-12 Frontier submitted conditional agreement to traffic analysis and requested time to review compensation cost for access gate.
- 7-2-12 Frontier denied request for City access for soil samples.
- 7-20-12 Frontier submitted counter offer with an additional \$152,116 requested settlement for installing a temporary gate. City's appraisal included \$68,000 for damages; cost difference is \$84,116.



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

Attachment C

MEMORANDUM

To: Kurt Triplett, City Manager
From: Dave Snider, P.E., Capital Projects Manager
Ray Steiger, P.E., Public Works Director
Date: January 5, 2012
Subject: UPDATE THE CITY RIGHT-OF-WAY ACQUISITION PROCEDURES

RECOMMENDATION:

It is recommended that City Council adopt the attached Resolution that updates the City's Right-of-Way Acquisition Procedures. It is further recommended that City Council authorize the City Manager to sign the attached Washington State Department of Transportation (WSDOT) Conformance Agreement.

BACKGROUND DISCUSSION:

For Kirkland projects to be eligible for federal funding the City must agree to conform to State and the Federal Highway Administration (FHWA) right-of-way acquisition procedures; such procedures are regulated under Chapter 8.26 RCW, WAC 468-100, WSDOT LAG Manual (M36-6), and Right-of-Way Manual (M26-01).

The City Right-of-Way Procedures were last updated on March 20, 2001 (Resolution 4286). Since that time the organizational structure of the Public Works Department, and the regulatory requirements of right-of-way acquisition have changed. Adoption of the updated procedures ensures compliance with the current regulations and protects the City's interest in securing federal funding.

The following must occur in order for the procedures to be approved by WSDOT:

- The City Manager signs the WSDOT Conformance Agreement stating the city's compliance with WSDOT Right-of-Way procedures (Attachment A).
- The City identifies the Public Works Director as responsible for administering the Process (Attachment A – Section 1).
- The City provides a list of personnel qualified for City's Right-of-Way Process (Attachment B).
- Establish a Waiver of Appraisal Process (Attachment C).
- Establish a policy for administrative settlements including the approving authority and process (Resolution Exhibit A).

With adoption of the Resolution and signing of the conformance agreement, staff will submit all documentation to the Washington State Department of Transportation for approval.

Attachments (4)

Right-of-Way Procedures Conformance Agreement

Attachment C

AGENCY: CITY OF KIRKLAND

The City of Kirkland ("AGENCY"), desiring to acquire Real Property in accordance with the state Uniform Relocation Assistance and Real Property Acquisition Act (Ch. 8.26 RCW) and state regulations (Ch. 468-100 WAC) and applicable federal regulations hereby adopts the following procedures to implement the above statutes and Washington Administrative Code. The Public Works Department ("DEPARTMENT") of the AGENCY is responsible for the real property acquisition and relocation activities on projects administered by the AGENCY. To fulfill the above requirements the DEPARTMENT will acquire right-of-way in accordance with the policies set forth in the Washington State Department of Transportation Right of Way Manual (M 26-01) and Local Agency Guidelines manual (M 36-6). The AGENCY has the following expertise and personnel capabilities to accomplish these functions:

1. Include the following as they relate to the AGENCY's request.
 - a. List the functions below for which the agency has qualified staff and the responsible position. Attach a list of the individuals on the AGENCY staff who currently fill those positions and a brief summary of their qualifications. This list will need to be updated whenever staffing changes occur. An AGENCY will be approved to acquire based upon staff qualifications.
 - (1) PROGRAM ADMINISTRATION
Public Works Director with support from Project Engineer(s)
 - (2) APPRAISAL
WSDOT R/W Office or Approved Consultant
 - (3) APPRAISAL REVIEW
WSDOT R/W Office or Approved Consultant
 - (4) ACQUISITION
WSDOT R/W Office or Approved Consultant
 - (5) RELOCATION
WSDOT R/W Office or Approved Consultant
 - (6) PROPERTY MANAGEMENT
Public Works Director with support from Project Engineer(s)
 - b. Any functions for which the Agency does not have staff will be contracted for with WSDOT, another local agency with approved procedures or an outside contractor. An AGENCY that proposes to use outside contractors for any of the above functions will need to work closely with the WSDOT Local Agency Coordinator and Highways and Local Programs to ensure all requirements are met. When the AGENCY proposes to have a staff person negotiate who is not experienced in negotiation for FHWA funded projects the Coordinator must be given a reasonable opportunity to review all offers and supporting data before they are presented to the property owners.
 - c. An AGENCY wishing to take advantage of an Appraisal Waiver process on properties valued at \$25,000 or less should make their proposed waiver process a part of these procedures. The process outlined in LAG manual appendix 25.176 has already been approved. The AGENCY may submit a process different than that shown and it will be reviewed and approved if it provides sufficient information to determine value.
 - d. Attach a copy of the Agency's administrative settlement policy showing the approving authority(s) and the process involved in making administrative settlements.

Attachment C

- 2. All projects shall be available for review by the FHWA and the state at any time and all project documents shall be retained and available for inspection during the plan development, right-of-way and construction stages and for a three year period following acceptance of the projects by WSDOT.

- 3. Approval of the AGENCY's procedures by WSDOT may be rescinded at any time the Agency is found to no longer have qualified staff or is found to be in non-compliance with the regulations. The rescission may be applied to all or part of the functions approved.

Kurt Triplett, City Manager

Date

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

Approved by: _____
Real Estate Services

Date

Right-of-Way Procedures Qualified Personnel

Attachment C

AGENCY: CITY OF KIRKLAND

The following personnel are qualified for the AGENCY's Right-of-Way Program Administration and Property Management in accordance with their identified job title responsibilities and as required by the WSDOT LAG manual.

Title	Personnel	Qualifications
PUBLIC WORKS DIRECTOR	Ray Steiger, P.E.	22 years experience that includes managing and directing all aspects of Public Works capital improvements construction and administration.
CAPITAL PROJECTS MANAGER	Dave Snider, P.E.	21 years experience that includes administration and management of municipal construction and other capital improvement projects from the conceptual planning phase to contract closeout.
PROJECT ENGINEER	Don Anderson, P.E.	8 years experience in managing municipal construction and other capital improvement projects from the conceptual planning phase to contract closeout.
PROJECT ENGINEER	Andrea Dasovich, P.E.	5 years experience in managing municipal construction and other capital improvement projects from the conceptual planning phase to contract closeout.
PROJECT ENGINEER	Gina Hortillosa, P.E.	10 years experience in managing municipal construction and other capital improvement projects from the conceptual planning phase to contract closeout.
PROJECT ENGINEER	Noel Hupprich, P.E.	8 years experience in managing municipal construction and other capital improvement projects from the conceptual planning phase to contract closeout.
PROJECT ENGINEER	Aaron McDonald, P.E.	3 years experience in managing municipal construction and other capital improvement projects from the conceptual planning phase to contract closeout.
PROJECT ENGINEER	Denise Pirolo, P.E.	8 years experience in managing municipal construction and other capital improvement projects from the conceptual planning phase to contract closeout.
PROJECT ENGINEER	Rod Steitzer, P.E.	8 years experience in managing municipal construction and other capital improvement projects from the conceptual planning phase to contract closeout.

Right-of-Way Procedures Waiver of Appraisal

Attachment C

AGENCY: CITY OF KIRKLAND

The City of Kirkland ("AGENCY"), desiring to acquire Real Property according to 23 CFR, Part 635, Subpart C and State Directives A and desiring to take advantage of the \$25,000.00 appraisal waiver process approved by the Federal Highway Administration for Washington State, hereby agrees to follow the procedures approved for the Washington State Department of Transportation as follows:

Rules

- A. The City of Kirkland ("AGENCY") may elect to waive the requirement for an appraisal if the acquisition is simple and the compensation estimate indicated on the Project Funding Estimate (PFE) is \$25,000.00 or less including cost to cure items.
- B. The Agency must make the property owner(s) aware that an appraisal has not been done on the property and one will be completed if they desire.
- C. Special care should be taken in the preparation of the waiver. As no review is mandated, the preparer needs to assure that the compensation is fair and that all the calculations are correct.

Procedures

- A. An administrative Offer Summary (AOS) is prepared using data from the PFE.
- B. The AOS is submitted to the Public Works Director for approval.
- C. The Public Works Director signs the AOS authorizing a first offer to the property owner(s).

BY:

APPROVED:

Ray Steiger, P.E.
City of Kirkland
Public Works Director

Real Estate Services
Washington State
Department of Transportation

RESOLUTION R-4908

Attachment C

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING RIGHT-OF-WAY ACQUISITION AND RELOCATION POLICIES AND PROCEDURES.

WHEREAS, on March 20, 2001 the City Council passed Resolution No. 4286 which adopted City Right-of-Way Acquisition and Relocation Policies and Procedures; and,

WHEREAS, those policies and procedures need to be updated to accurately reflect and comply with Chapter 8.26 RCW, Chapter 468-100 WAC, and other current applicable regulations; and

WHEREAS, for City projects to be eligible for federal funding on any part of the project, the project's right-of-way must be acquired in accordance with the WSDOT Local Agency Guidelines (M36-6 and the WSDOT Right-of-Way Manual (M26-01)); and

WHEREAS, it appears desirable and in the best interest of the City that the new policies and procedures be adopted;

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

Section 1. The Right-of-Way and Procedures adopted under Resolution 4286 are replaced by new Right-of-Way Policies and Procedures that are hereby adopted by the City of Kirkland as set forth in Exhibit A which by this reference is incorporated herein.

Section 2. The City agrees to conform to the WSDOT Right-of-Way Procedures as required for those projects that contain any portion of federal funding.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2012.

Signed in authentication thereof this ____ day of _____, 2012.

MAYOR

Attest:

City Clerk

CITY OF KIRKLAND
RIGHT-OF-WAY ACQUISITION
AND RELOCATION ASSISTANCE PROCEDURES

Attachment C

I. CERTIFICATION AND SCOPE

The City of Kirkland certifies that it will comply with Chapter 8.26 RCW and WAC 468-100 in connection with the acquisition or real property, and relocation of persons displaced by its program or project.

For a project to be eligible for federal funding on any part of the project, the project's right-of-way must be acquired in accordance with the Washington State Department of Transportation (WSDOT) Local Agency Guidelines (LAG) Manual. For those projects the City of Kirkland will acquire right-of-way in accordance with the policies set forth in the WSDOT Right of Way Manual (M 26-01) and Local Agency Guidelines manual (M 36-6).

II. PERSONNEL

The City of Kirkland Public Works Department is responsible for real property acquisition and relocation activities on Public Works projects administered by the City. The Public Works Director (or designee) shall administer all aspects of right-of-way acquisition and relocation assistance on Public Works projects. This includes administration of appraisals, appraisal review, acquisition, relocation, and administrative settlements.

III. ADMINISTRATIVE SETTLEMENTS

The fair market value of any real property and relocation of persons resulting from right-of-way acquisition shall be determined by the required appraisal and appraisal review process and shall be the basis for the Just Compensation offer made on behalf of the City.

If during acquisition an agreement to purchase cannot be reached based on the original Just Compensation offer, the following parameters will serve as a guideline for an administrative settlement.

- a. The Public Works Director is authorized to offer and approve for each individual parcel an administrative settlement up to \$25,000 in excess of the amount of the Just Compensation offer.
- b. The Public Works Director must submit administrative settlements in excess of the approval authority amount to the City Manager for review and approval.
- c. The Public Works Director may submit proposed administrative settlements to the City Council for concurrence, even if such proposed settlement is within the Public Works Director's approval authority.

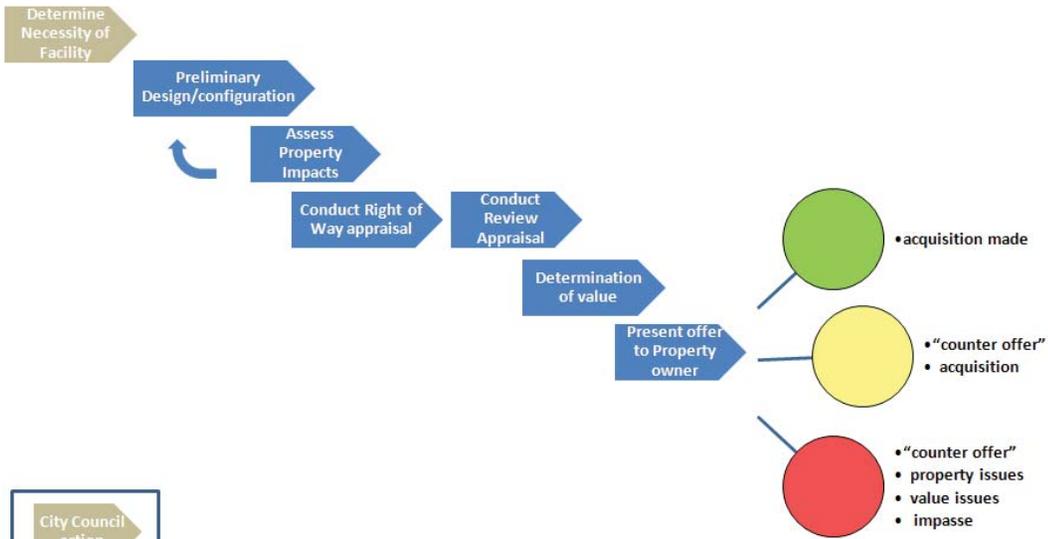
If a settlement cannot be reached within these guidelines, alternatives including condemnation will be discussed and considered by the City Council.

Attachment C

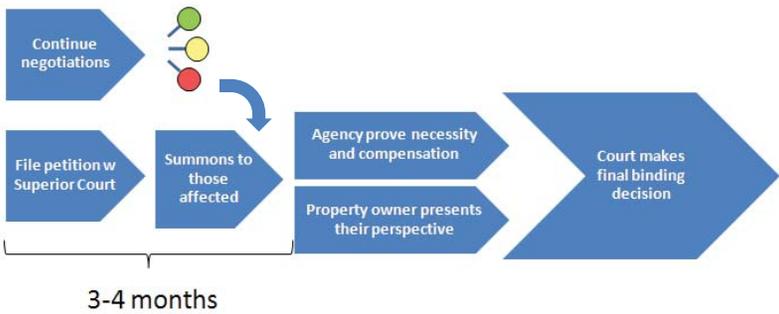
IV. APPRAISAL WAIVER PROCESS

In certain cases where the acquisition is uncomplicated the City of Kirkland may desire to take advantage of the \$25,000 appraisal waiver process as outlined in the WSDOT LAG Manual. In such cases the City will comply with the procedures approved by the Federal Highway Administration for Washington State.

Property Acquisition for Public Improvements



Intent to pursue eminent domain (ordinance)



ORDINANCE O-4368

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 120TH STREET ROADWAY EXTENSION PROJECT WITHIN THE CITY OF KIRKLAND, PROVIDING FOR THE COST OF PROPERTY ACQUISITION AND AUTHORIZING THE INITIATION OF APPROPRIATE EMINENT DOMAIN PROCEEDINGS IN THE MANNER PROVIDED FOR BY LAW.

WHEREAS, the NE 120th Street Roadway Extension Project ("Project") is an approved and funded project in the City's Capital Improvement Program ("CIP"); and

WHEREAS, the Project improvements are necessary to improve multimodal mobility and provide emergency vehicle access and congestion mitigation in the Totem Lake Neighborhood; 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 and taken 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 _____, 2012.

Signed in authentication thereof this ____ day of _____, 2012.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

PERTEET, INC.
PROJECT NO. 27043.000
January 12, 2012

Frontier full parcel legal description

EXHIBIT A

Lot A, City of Kirkland Lot Line Adjustment Number LLA-04-00011, recorded under Recording Number 20041216900011, said lot line adjustment being a portion of the Northwest Quarter of the Southeast Quarter of Section 28, Township 26 North, Range 5 East, W.M., in King County, Washington.

PERTEET, INC.
PROJECT NO. 27043.000
January 12, 2012

Frontier - Right of Way to be acquired by City

EXHIBIT B

That portion of Lot A, City of Kirkland Lot Line Adjustment Number LLA-04-00011, recorded under Recording Number 20041216900011, said lot line adjustment being a portion of the Northwest Quarter of the Southeast Quarter of Section 28, Township 26 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the Southwest corner of said boundary which bears South 89°09'12" West from the Southeast corner of said boundary;
Thence North 01°43'56" East, along said boundary, a distance of 20.34 feet to a non-tangent curve to the left having a radius of 468.00 feet, the radius point of which bears North 05°10'19" West;
Thence Easterly along said curve through a central angle of 2°48'47" and an arc distance of 22.98 feet;
Thence North 82°00'54" East a distance of 83.06 feet;
Thence South 07°59'06" East a distance of 4.00 feet;
Thence North 82°00'54" East a distance of 84.54 feet to a curve to the right having a radius of 528.00 feet;
Thence along said curve through a central angle of 5°29'28" and an arc distance of 50.60 feet;
Thence North 87°30'22" East a distance of 263.40 feet to the Westerly margin of Slater Avenue Northeast;
Thence South 13°06'54" West, along said Westerly margin, a distance of 52.47 feet to the Southerly line of said boundary;
Thence South 89°09'12" West, along said boundary, a distance of 491.64 feet to the Point of Beginning.

Containing 19,868 square feet, more or less.

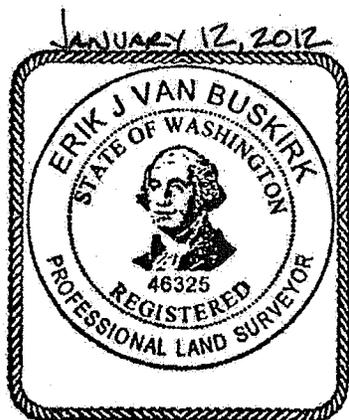
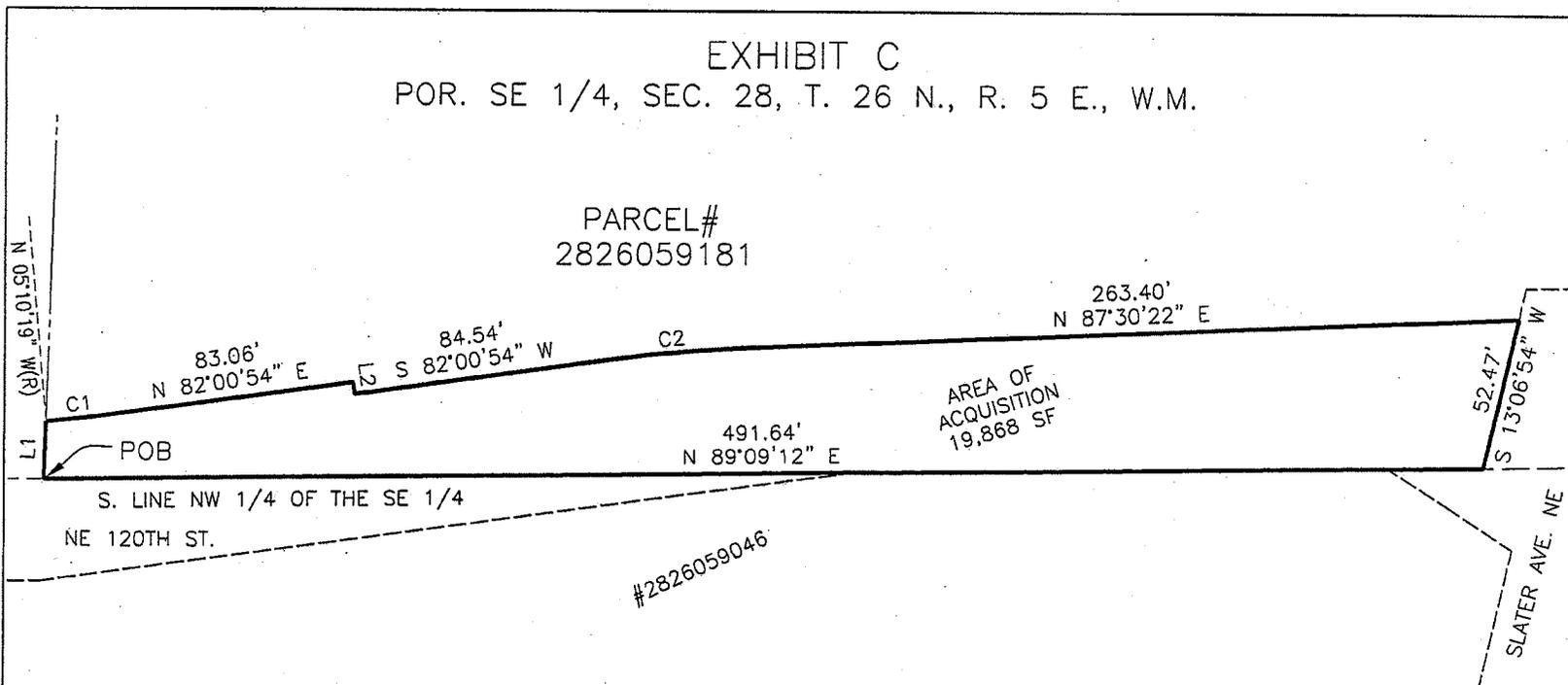


EXHIBIT C
POR. SE 1/4, SEC. 28, T. 26 N., R. 5 E., W.M.

PARCEL#
2826059181



LINE	BEARING	DISTANCE
L1	N 01°43'56" E	20.34'
L2	S 07°59'06" E	4.00'

CURVE	RADIUS	DELTA ANGLE	LENGTH
C1	468.00'	02°48'47"	22.98'
C2	528.00'	05°29'28"	50.60'

PROJECT PARCEL NO.	282605-9181
TOTAL AREA (SF±)	X
FEE ACQUISITION	19,868
REMAINDER (SF±)	X
EASEMENT (SF±)	X

EXHIBIT MAP of
TAX LOT PARCEL NO. 282605-9181
CITY OF KIRKLAND

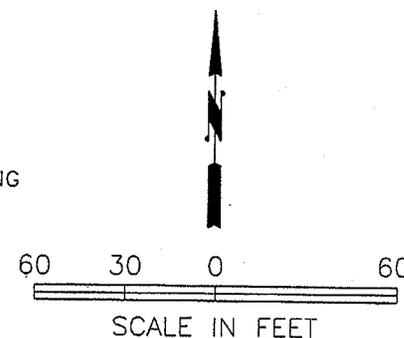
For: Kirkland, City of

DATE: January 12, 2012 Sheet 1 of 1

LEGEND:
SF..... SQUARE FEET
(R).... RADIAL
POB... POINT OF BEGINNING



Perteet Inc.
425-252-7700 | 1-800-615-9900
2707 Colby Avenue, Suite 900
Everett, Washington 98201



PERTEET, INC.
PROJECT NO. 27043.000
January 10, 2012

Frontier East Temporary Construction Easement

EXHIBIT "B"

That portion of Lot A, City of Kirkland Lot Line Adjustment Number LLA-04-00011, recorded under Recording Number 20041216900011, said lot line adjustment being a portion of the Northwest Quarter of the Southeast Quarter of Section 28, Township 26 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the Southeast corner of said boundary which bears North 89°09'12" East from the Southwest corner of said boundary;
Thence North 13°06'54" East, along said boundary, a distance of 52.47 feet to the Point of Beginning;
Thence South 87°30'22" West a distance of 138.95 feet;
Thence North 02°29'38" West a distance of 10.00 feet;
Thence North 87°30'22" East a distance of 23.09 feet;
Thence North 02°29'38" West a distance of 40.00 feet;
Thence North 87°30'22" East a distance of 146.24 feet to the Easterly line of said boundary;
Thence South 12°59'55" West, along said boundary, a distance of 41.50 feet;
Thence South 88°53'43" West, along said boundary, a distance of 16.40 feet;
Thence South 13°06'54" West, along said boundary, a distance of 10.81 feet to the Point of Beginning.

Containing 7,028 square feet, more or less.

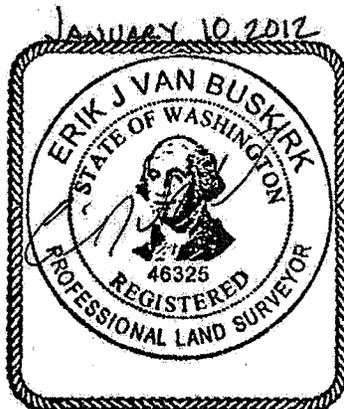
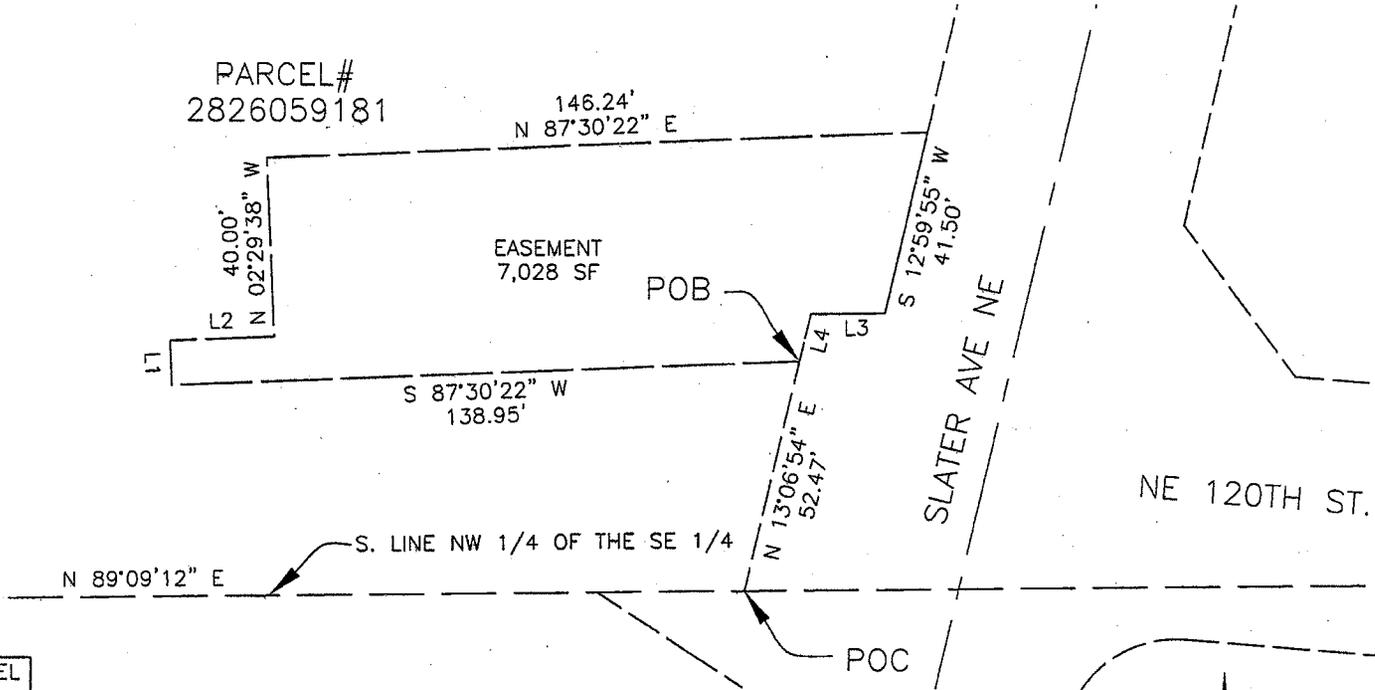


EXHIBIT C
POR. SE 1/4, SEC. 28, T. 26 N., R. 5 E., W.M.

PARCEL#
2826059181



PROJECT PARCEL NO.	282605-9181
TOTAL AREA (SF±)	X
FEE ACQUISITION (SF±)	X
REMAINDER (SF±)	X
EASEMENT (SF±)	7,028

LINE	BEARING	DISTANCE
L1	N 02°29'38" W	10.00'
L2	N 87°30'22" E	23.09'
L3	S 88°53'43" W	16.40'
L4	S 13°06'54" W	10.81'

EXHIBIT MAP of
TAX LOT PARCEL NO. 282605-9181
CITY OF KIRKLAND

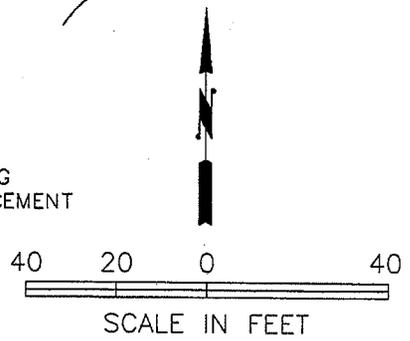
For: Kirkland, City of

DATE: January 10, 2012 Sheet 1 of 1

LEGEND:
SF..... SQUARE FEET
(R).... RADIAL
POB... POINT OF BEGINNING
POC... POINT OF COMMENCEMENT



Perteet Inc.
425-252-7700 | 1-800-615-9900
2707 Colby Avenue, Suite 900
Everett, Washington 98201



PERTEET, INC.
PROJECT NO. 27043.000
April 16, 2012

Frontier - West Temporary Construction Easement

EXHIBIT "B"

That portion of Lot A, City of Kirkland Lot Line Adjustment Number LLA-04-00011, recorded under Recording Number 20041216900011, said Lot being a portion of the Northwest Quarter of the Southeast Quarter of Section 28, Township 26 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the Southwest corner of said Lot A which bears South 89°09'12" West from the Southeast corner of said Lot;

Thence North 01°43'56" East, along the Westerly boundary of said Lot, a distance of 100.93 feet;

Thence North 82°00'54" East a distance of 30.44 feet to the Point of Beginning;

Thence North 82°00'54" East a distance of 71.99 feet;

Thence South 07°59'06" East a distance of 74.00 feet;

Thence North 82°00'54" East a distance of 74.54 feet to a tangent curve to the right having a radius of 538.00 feet;

Thence along the arc of said curve through a central angle of 5°29'28" and an arc distance of 51.56 feet;

Thence North 87°30'22" East a distance of 83.16 feet;

Thence South 00°14'53" West a distance of 10.01 feet;

Thence South 87°30'22" West a distance of 82.68 feet to a tangent curve to the left having a radius of 528.00 feet;

Thence along the arc of said curve through a central angle of 5°29'28" and an arc distance of 50.60 feet;

Thence South 82°00'54" West a distance of 84.54 feet;

Thence North 07°59'06" West a distance of 4.00 feet;

Thence South 82°00'54" West a distance of 75.69 feet to a point which lies 30.00 feet Easterly of the Westerly boundary of said Lot A;

Thence North 01°43'56" East, parallel with the Westerly boundary of said Lot, a distance of 81.16 feet to the Point of Beginning.

Containing 8,433 square feet, more or less.



PERTEET, INC.
PROJECT NO. 27043.000
January 12, 2012

Infiniti Parcel - Full legal description

EXHIBIT A

The North 3.5 acres of that portion of the Southwest Quarter of the Southeast Quarter of Section 28, Township 26 North, Range 5 East, W.M., in King County, Washington, lying West of County Road No. 970 (Slater Avenue Northeast, being 60 feet in width);

TOGETHER WITH that portion of the Southwest Quarter of the Southeast Quarter of said Section 28, described as follows:

Beginning at the intersection of the Northwestern margin of County Road No. 970 (Slater Avenue Northeast) and the South line of the North 3.5 acres of said subdivision;
Thence South $89^{\circ}05'54''$ West, along the South line of said North 3.5 acres to the West line of said subdivision;
Thence Southerly along the West line 20.7 feet;
Thence South $88^{\circ}34'56''$ East to the Westerly margin of County Road No. 970 (Slater Avenue Northeast);
Thence Northeasterly along said Westerly margin to the Point of Beginning;

EXCEPT that portion thereof lying Westerly of the Easterly boundary of 124th Avenue Northeast, and its Southerly extension, as conveyed by deed recorded under Recording Number 7101070324;

AND EXCEPT any portion thereof lying Southerly of the boundary line established in King County Superior Court Cause Numbers 718510 and 719479, and as described as follows:

Beginning at the intersection of the South line of the North 3.5 acres of that portion of said Southwest Quarter of the Southeast Quarter of said Section 28 lying Westerly of County Road No. 970, and the Westerly margin of said County Road No. 970;
Thence Westerly along said South line to the West line of said subdivision;
Thence Southerly along said West line 20.7 feet to the TRUE POINT OF BEGINNING of said boundary line;
Thence Easterly 100 feet to a point which is 23.24 feet Southerly, measured at right angles, from said South line;
Thence Easterly 100 feet to a point which is 27.30 feet Southerly, measured at right angles, from said South line;
Thence Easterly 100 feet to a point which is 31.90 feet Southerly, measured at right angles, from said South line;
Thence easterly 100 feet to a point which is 35.60 feet Southerly, measured at right angles, from said South line;
Thence Easterly 100 feet to a point which is 39.40 feet Southerly, measured at right angles, from said South line;
Thence Easterly 100 feet to a point which is 43.50 feet Southerly, measured at right angles, from said South line;

Thence Easterly 100 feet to a point which is 46.40 feet Southerly, measured at right angles, from said South line;

Thence Easterly 59 feet to a point which is 49.10 feet Southerly, measured at right angles, from said South line;

Thence continuing on the same course to the Westerly margin of said County Road No. 970 and the terminus of said boundary line.

AND EXCEPT that portion conveyed to the City of Kirkland for road purposes by deed recorded under Recording Number 20020502002012;

AND EXCEPT that portion conveyed to the City of Kirkland for road purposes by deed recorded under Recording Number 20070919002477 (said deed being a correction of deeds recorded under Recording Numbers 20070419001940 and 20070718001655).

PERTEET, INC.
PROJECT NO. 27043.000
January 12, 2012

Infiniti - Right of way to be acquired by City

EXHIBIT B

That portion of the North 3.5 acres of that portion of the Southwest Quarter of the Southeast Quarter of Section 28, Township 26 North, Range 5 East, W.M., in King County, Washington, lying West of County Road No. 970 (Slater Avenue Northeast, being 60 feet in width);

TOGETHER WITH that portion of the Southwest Quarter of the Southeast Quarter of said Section 28, described as follows:

Beginning at the intersection of the Northwesterly margin of County Road No. 970 (Slater Avenue Northeast) and the South line of the North 3.5 acres of said subdivision;
Thence South $89^{\circ}05'54''$ West, along the South line of said North 3.5 acres to the West line of said subdivision;
Thence Southerly along the West line 20.7 feet;
Thence South $88^{\circ}34'56''$ East to the Westerly margin of County Road No. 970 (Slater Avenue Northeast);
Thence Northeasterly along said Westerly margin to the Point of Beginning;

EXCEPT that portion thereof lying Westerly of the Easterly boundary of 124th Avenue Northeast, and its Southerly extension, as conveyed by deed recorded under Recording Number 7101070324;

AND EXCEPT any portion thereof lying Southerly of the boundary line established in King County Superior Court Cause Numbers 718510 and 719479, and as described as follows:

Beginning at the intersection of the South line of the North 3.5 acres of that portion of said Southwest Quarter of the Southeast Quarter of said Section 28 lying Westerly of County Road No. 970, and the Westerly margin of said County Road No. 970;
Thence Westerly along said South line to the West line of said subdivision;
Thence Southerly along said West line 20.7 feet to the TRUE POINT OF BEGINNING of said boundary line;
Thence Easterly 100 feet to a point which is 23.24 feet Southerly, measured at right angles, from said South line;
Thence Easterly 100 feet to a point which is 27.30 feet Southerly, measured at right angles, from said South line;
Thence Easterly 100 feet to a point which is 31.90 feet Southerly, measured at right angles, from said South line;
Thence easterly 100 feet to a point which is 35.60 feet Southerly, measured at right angles, from said South line;
Thence Easterly 100 feet to a point which is 39.40 feet Southerly, measured at right angles, from said South line;
Thence Easterly 100 feet to a point which is 43.50 feet Southerly, measured at right angles, from said South line;

Thence Easterly 100 feet to a point which is 46.40 feet Southerly, measured at right angles, from said South line;
Thence Easterly 59 feet to a point which is 49.10 feet Southerly, measured at right angles, from said South line;
Thence continuing on the same course to the Westerly margin of said County Road No. 970 and the terminus of said boundary line.

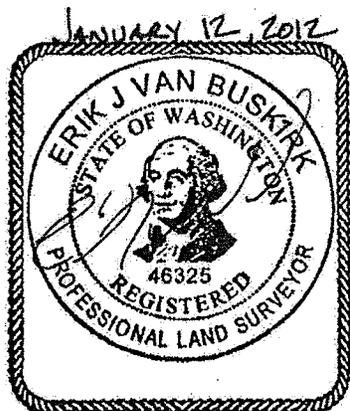
AND EXCEPT that portion conveyed to the City of Kirkland for road purposes by deed recorded under Recording Number 20020502002012;

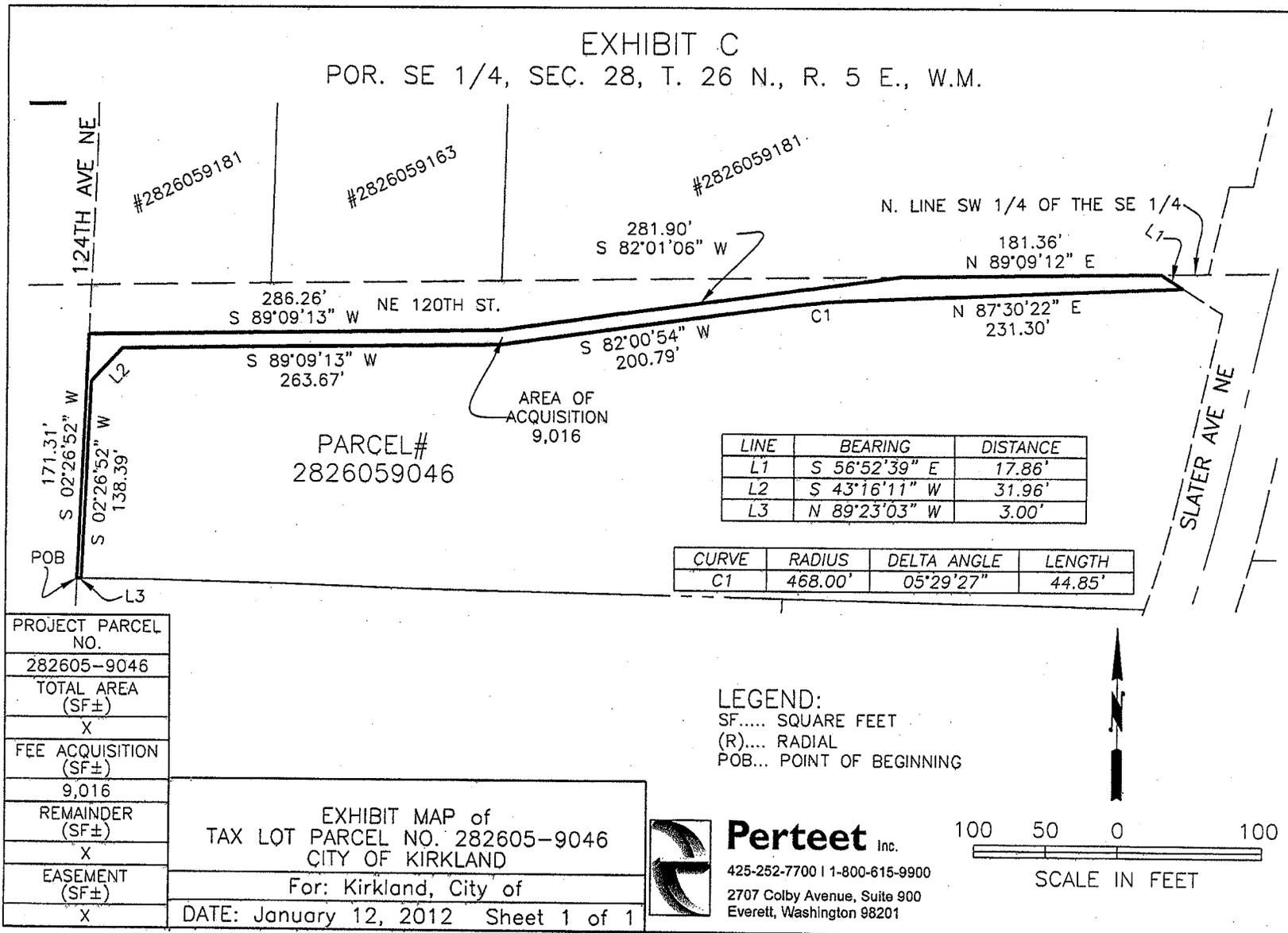
AND EXCEPT that portion conveyed to the City of Kirkland for road purposes by deed recorded under Recording Number 20070919002477 (said deed being a correction of deeds recorded under Recording Numbers 20070419001940 and 20070718001655).

More particularly described as follows:

Beginning at the Southwest corner of said boundary;
Thence North $02^{\circ}26'52''$ East, along said boundary, a distance of 171.31 feet to the Northwest corner of said boundary;
Thence North $89^{\circ}09'13''$ East, along said boundary, a distance of 286.26 feet;
Thence North $82^{\circ}01'06''$ East, along said boundary, a distance of 281.90 feet;
thence North $89^{\circ}09'12''$ East a distance of 181.36 feet to the Westerly margin of Slater Avenue Northeast;
Thence South $56^{\circ}52'39''$ East, along said margin, a distance of 17.86 feet;
Thence South $87^{\circ}30'22''$ West a distance of 231.30 feet to a curve to the left having a radius of 468.00 feet;
Thence along said curve through a central angle of $5^{\circ}29'27''$ and an arc distance of 44.85 feet;
Thence South $82^{\circ}00'54''$ West a distance of 200.79 feet;
Thence South $89^{\circ}09'13''$ West a distance of 263.67 feet;
Thence South $43^{\circ}16'11''$ West a distance of 31.96 feet;
Thence South $02^{\circ}26'52''$ West a distance of 138.39 feet to the Southerly line of said boundary;
Thence North $89^{\circ}23'03''$ West, along the Southerly line of said boundary a distance of 3.00 feet to the Point of Beginning.

Containing 9,016 square feet, more or less.





PROJECT PARCEL NO.	282605-9046
TOTAL AREA (SF±)	X
FEE ACQUISITION (SF±)	9,016
REMAINDER (SF±)	X
EASEMENT (SF±)	X

EXHIBIT MAP of
 TAX LOT PARCEL NO. 282605-9046
 CITY OF KIRKLAND
 For: Kirkland, City of
 DATE: January 12, 2012 Sheet 1 of 1



Perteet Inc.
 425-252-7700 | 1-800-615-9900
 2707 Colby Avenue, Suite 900
 Everett, Washington 98201

PERTEET, INC.
PROJECT NO. 27043.000
January 10, 2012

Infiniti - Wall Easement

EXHIBIT "B"

That portion of the North 3.5 acres of that portion of the Southwest Quarter of the Southeast Quarter of Section 28, Township 26 North, Range 5 East, W.M., in King County, Washington, lying West of County Road No. 970 (Slater Avenue Northeast, being 60 feet in width);

TOGETHER WITH that portion of the Southwest Quarter of the Southeast Quarter of said Section 28, described as follows:

Beginning at the intersection of the Northwesterly margin of County Road No. 970 (Slater Avenue Northeast) and the South line of the North 3.5 acres of said subdivision;
Thence South 89°05'54" West, along the South line of said North 3.5 acres to the West line of said subdivision;
Thence Southerly along the West line 20.7 feet;
Thence South 88°34'56" East to the Westerly margin of County Road No. 970 (Slater Avenue Northeast);
Thence Northeasterly along said Westerly margin to the Point of Beginning;

EXCEPT that portion thereof lying Westerly of the Easterly boundary of 124th Avenue Northeast, and its Southerly extension, as conveyed by deed recorded under Recording Number 7101070324;

AND EXCEPT any portion thereof lying Southerly of the boundary line established in King County Superior Court Cause Numbers 718510 and 719479, and as described as follows:

Beginning at the intersection of the South line of the North 3.5 acres of that portion of said Southwest Quarter of the Southeast Quarter of said Section 28 lying Westerly of County Road No. 970, and the Westerly margin of said County Road No. 970;
Thence Westerly along said South line to the West line of said subdivision;
Thence Southerly along said West line 20.7 feet to the TRUE POINT OF BEGINNING of said boundary line;
Thence Easterly 100 feet to a point which is 23.24 feet Southerly, measured at right angles, from said South line;
Thence Easterly 100 feet to a point which is 27.30 feet Southerly, measured at right angles, from said South line;
Thence Easterly 100 feet to a point which is 31.90 feet Southerly, measured at right angles, from said South line;

Thence easterly 100 feet to a point which is 35.60 feet Southerly, measured at right angles, from said South line;
Thence Easterly 100 feet to a point which is 39.40 feet Southerly, measured at right angles, from said South line;
Thence Easterly 100 feet to a point which is 43.50 feet Southerly, measured at right angles, from said South line;
Thence Easterly 100 feet to a point which is 46.40 feet Southerly, measured at right angles, from said South line;
Thence Easterly 59 feet to a point which is 49.10 feet Southerly, measured at right angles, from said South line;
Thence continuing on the same course to the Westerly margin of said County Road No. 970 and the terminus of said boundary line.

AND EXCEPT that portion conveyed to the City of Kirkland for road purposes by deed recorded under Recording Number 20020502002012;

AND EXCEPT that portion conveyed to the City of Kirkland for road purposes by deed recorded under Recording Number 20070919002477 (said deed being a correction of deeds recorded under Recording Numbers 20070419001940 and 20070718001655).

Described as follows:

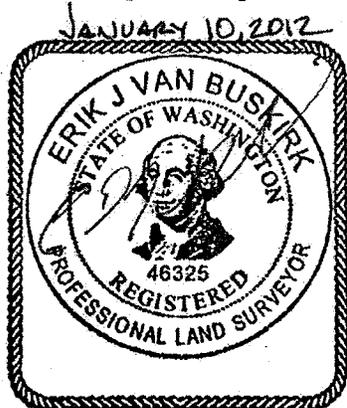
Commencing at the center of said Section 28;

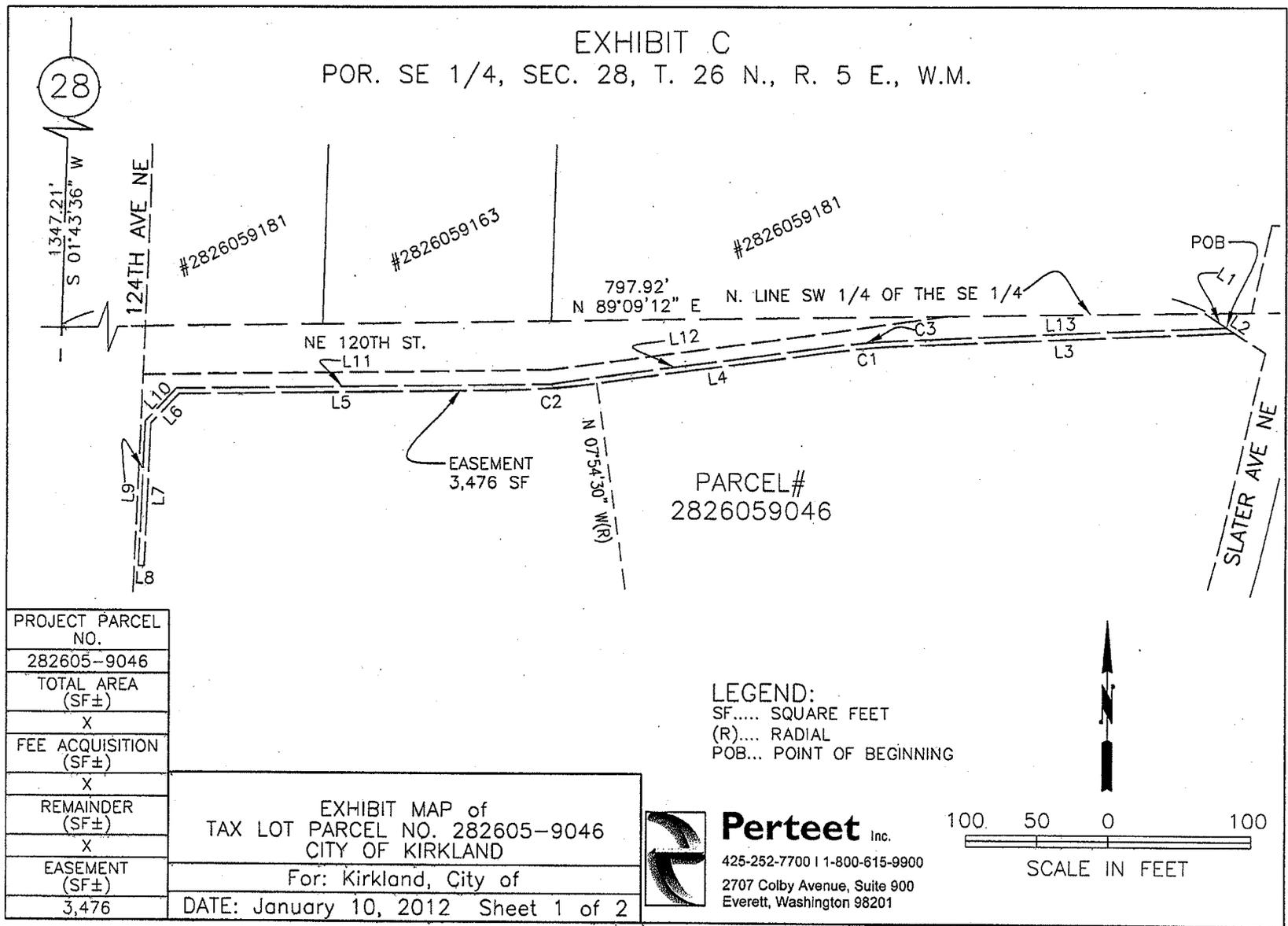
Thence South $01^{\circ}43'36''$ West, along the centerline of said section 28, a distance of 1347.21 feet to the North line of the Southwest Quarter of the Southeast Quarter of said Section 28;
Thence North $89^{\circ}09'12''$ East, along said North line, a distance of 797.92 feet to the most Northerly Northeast corner of said boundary;
Thence South $56^{\circ}52'39''$ East, along said boundary, a distance of 17.86 feet to the Point of Beginning;

Thence continuing South $56^{\circ}52'39''$ East, along said boundary, a distance of 6.87 feet;
Thence South $87^{\circ}30'22''$ West a distance of 236.88 feet to a tangent curve to the left having a radius of 464.00 feet;
Thence along said curve through a central angle of $05^{\circ}29'28''$, and an arc distance of 44.47 feet;
Thence South $82^{\circ}00'54''$ West a distance of 168.32 feet to a non-tangent curve to the right having a radius of 536.00 feet, the radius point of which bears North $07^{\circ}54'30''$ West;
Thence along said curve through a central angle of $07^{\circ}03'43''$, and an arc distance of 66.06 feet;
Thence South $89^{\circ}09'13''$ West a distance of 228.79 feet;
Thence South $43^{\circ}16'11''$ West a distance of 28.78 feet;
Thence South $02^{\circ}26'52''$ West a distance of 101.15 feet;
Thence North $87^{\circ}33'08''$ West a distance of 4.00 feet;
Thence North $02^{\circ}26'52''$ East a distance of 102.64 feet;
Thence North $43^{\circ}16'11''$ East a distance of 31.96 feet;

Thence North $89^{\circ}09'13''$ East a distance of 263.67 feet;
Thence North $82^{\circ}00'54''$ East a distance of 200.79 feet to a tangent curve to the right having a radius of 468.00 feet;
Thence along said curve through a central angle of $05^{\circ}29'27''$, and an arc distance of 44.85 feet;
Thence North $87^{\circ}30'22''$ East a distance of 231.30 feet to the Point of Beginning.

Containing 3,476 square feet, more or less.





PROJECT PARCEL NO.	282605-9046
TOTAL AREA (SF±)	X
FEE ACQUISITION (SF±)	X
REMAINDER (SF±)	X
EASEMENT (SF±)	3,476

EXHIBIT MAP of
TAX LOT PARCEL NO. 282605-9046
CITY OF KIRKLAND
For: Kirkland, City of
DATE: January 10, 2012 Sheet 1 of 2



Perteet Inc.
425-252-7700 | 1-800-615-9900
2707 Colby Avenue, Suite 900
Everett, Washington 98201

EXHIBIT C
POR. SE 1/4, SEC. 28, T. 26 N., R. 5 E., W.M.

LINE	BEARING	DISTANCE
L1	S 56°52'39" E	17.86'
L2	S 56°52'39" E	6.87'
L3	S 87°30'22" W	236.88'
L4	S 82°00'54" W	168.32'
L5	S 89°09'13" W	228.79'
L6	S 43°16'11" W	28.78'
L7	S 02°26'52" W	101.15'
L8	N 87°33'08" W	4.00'
L9	N 02°26'52" E	102.64'
L10	N 43°16'11" E	31.96'
L11	N 89°09'13" E	263.67'
L12	N 82°00'54" E	200.79'
L13	N 87°30'22" E	231.30'

CURVE	RADIUS	DELTA ANGLE	LENGTH
C1	464.00'	05°29'28"	44.47'
C2	536.00'	07°03'43"	66.06'
C3	468.00'	05°29'27"	44.85'

PROJECT PARCEL NO.	
282605-9046	
TOTAL AREA (SF±)	
X	
FEE ACQUISITION (SF±)	
X	
REMAINDER (SF±)	
X	
EASEMENT (SF±)	
3,476	

EXHIBIT MAP of
TAX LOT PARCEL NO. 282605-9046
CITY OF KIRKLAND
For: Kirkland, City of
DATE: January 10, 2012 Sheet 2 of 2



Perteet Inc.
425-252-7700 | 1-800-615-9900
2707 Colby Avenue, Suite 900
Everett, Washington 98201

PERTEET, INC.
PROJECT NO. 27043.000
January 10, 2012

Infiniti - Temporary Construction Easement

EXHIBIT "B"

That portion of the North 3.5 acres of that portion of the Southwest Quarter of the Southeast Quarter of Section 28, Township 26 North, Range 5 East, W.M., in King County, Washington, lying West of County Road No. 970 (Slater Avenue Northeast, being 60 feet in width);

TOGETHER WITH that portion of the Southwest Quarter of the Southeast Quarter of said Section 28, described as follows:

Beginning at the intersection of the Northwestern margin of County Road No. 970 (Slater Avenue Northeast) and the South line of the North 3.5 acres of said subdivision;
Thence South $89^{\circ}05'54''$ West, along the South line of said North 3.5 acres to the West line of said subdivision;
Thence Southerly along the West line 20.7 feet;
Thence South $88^{\circ}34'56''$ East to the Westerly margin of County Road No. 970 (Slater Avenue Northeast);
Thence Northeasterly along said Westerly margin to the Point of Beginning;

EXCEPT that portion thereof lying Westerly of the Easterly boundary of 124th Avenue Northeast, and its Southerly extension, as conveyed by deed recorded under Recording Number 7101070324;

AND EXCEPT any portion thereof lying Southerly of the boundary line established in King County Superior Court Cause Numbers 718510 and 719479, and as described as follows:

Beginning at the intersection of the South line of the North 3.5 acres of that portion of said Southwest Quarter of the Southeast Quarter of said Section 28 lying Westerly of County Road No. 970, and the Westerly margin of said County Road No. 970;
Thence Westerly along said South line to the West line of said subdivision;
Thence Southerly along said West line 20.7 feet to the TRUE POINT OF BEGINNING of said boundary line;
Thence Easterly 100 feet to a point which is 23.24 feet Southerly, measured at right angles, from said South line;
Thence Easterly 100 feet to a point which is 27.30 feet Southerly, measured at right angles, from said South line;
Thence Easterly 100 feet to a point which is 31.90 feet Southerly, measured at right angles, from said South line;

Thence easterly 100 feet to a point which is 35.60 feet Southerly, measured at right angles, from said South line;
Thence Easterly 100 feet to a point which is 39.40 feet Southerly, measured at right angles, from said South line;
Thence Easterly 100 feet to a point which is 43.50 feet Southerly, measured at right angles, from said South line;
Thence Easterly 100 feet to a point which is 46.40 feet Southerly, measured at right angles, from said South line;
Thence Easterly 59 feet to a point which is 49.10 feet Southerly, measured at right angles, from said South line;
Thence continuing on the same course to the Westerly margin of said County Road No. 970 and the terminus of said boundary line.

AND EXCEPT that portion conveyed to the City of Kirkland for road purposes by deed recorded under Recording Number 20020502002012;

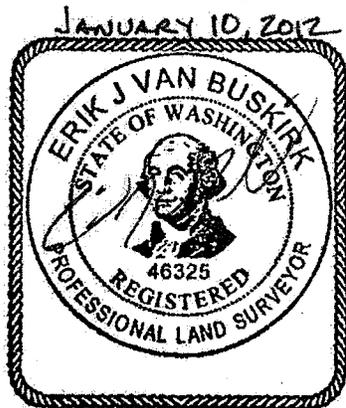
AND EXCEPT that portion conveyed to the City of Kirkland for road purposes by deed recorded under Recording Number 20070919002477 (said deed being a correction of deeds recorded under Recording Numbers 20070419001940 and 20070718001655).

Described as follows:

Commencing at the center of said Section 28;
Thence South $01^{\circ}43'36''$ West, along the centerline of said section 28, a distance of 1347.21 feet to the North line of the Southwest Quarter of the Southeast Quarter of said Section 28;
Thence North $89^{\circ}09'12''$ East, along said North line, a distance of 797.92 feet to the to most Northerly Northeast corner of said boundary;
Thence South $56^{\circ}52'39''$ East, along said boundary, a distance of 24.73 feet to the Point of Beginning;
Thence continuing South $56^{\circ}52'39''$ East, along said boundary, a distance of 17.17 feet;
Thence South $87^{\circ}30'22''$ West a distance of 250.84 feet to a tangent curve to the left having a radius of 454.00 feet;
Thence along said curve through a central angle of $05^{\circ}29'28''$, and an arc distance of 43.51 feet;
Thence South $82^{\circ}00'54''$ West a distance of 144.54 feet;
Thence South $07^{\circ}59'06''$ East a distance of 16.00 feet;
Thence South $82^{\circ}00'55''$ West a distance of 23.81 feet to a non-tangent curve to the right having a radius of 562.00 feet, the radius point of which bears North $07^{\circ}54'30''$ West;
Thence along said curve through a central angle of $06^{\circ}26'26''$, and an arc distance of 63.17 feet;
Thence North $01^{\circ}31'42''$ West a distance of 20.00 feet;
Thence South $89^{\circ}08'44''$ West a distance of 232.11 feet;
Thence South $43^{\circ}16'11''$ West a distance of 33.18 feet;
Thence North $02^{\circ}26'52''$ East a distance of 9.18 feet;
Thence North $43^{\circ}16'11''$ East a distance of 28.78 feet;

Thence North $89^{\circ}09'13''$ East a distance of 228.79 feet to a tangent curve to the left having a radius of 536.00 feet;
Thence along said curve through a central angle of $07^{\circ}03'43''$, and an arc distance of 66.06 feet;
Thence North $82^{\circ}00'54''$ East a distance of 168.32 feet to a tangent curve to the right having a radius of 464.00 feet;
Thence along said curve through a central angle of $05^{\circ}29'28''$, and an arc distance of 44.47 feet;
Thence North $87^{\circ}30'22''$ East a distance of 236.88 feet to the Point of Beginning.

Containing 8,130 square feet, more or less.



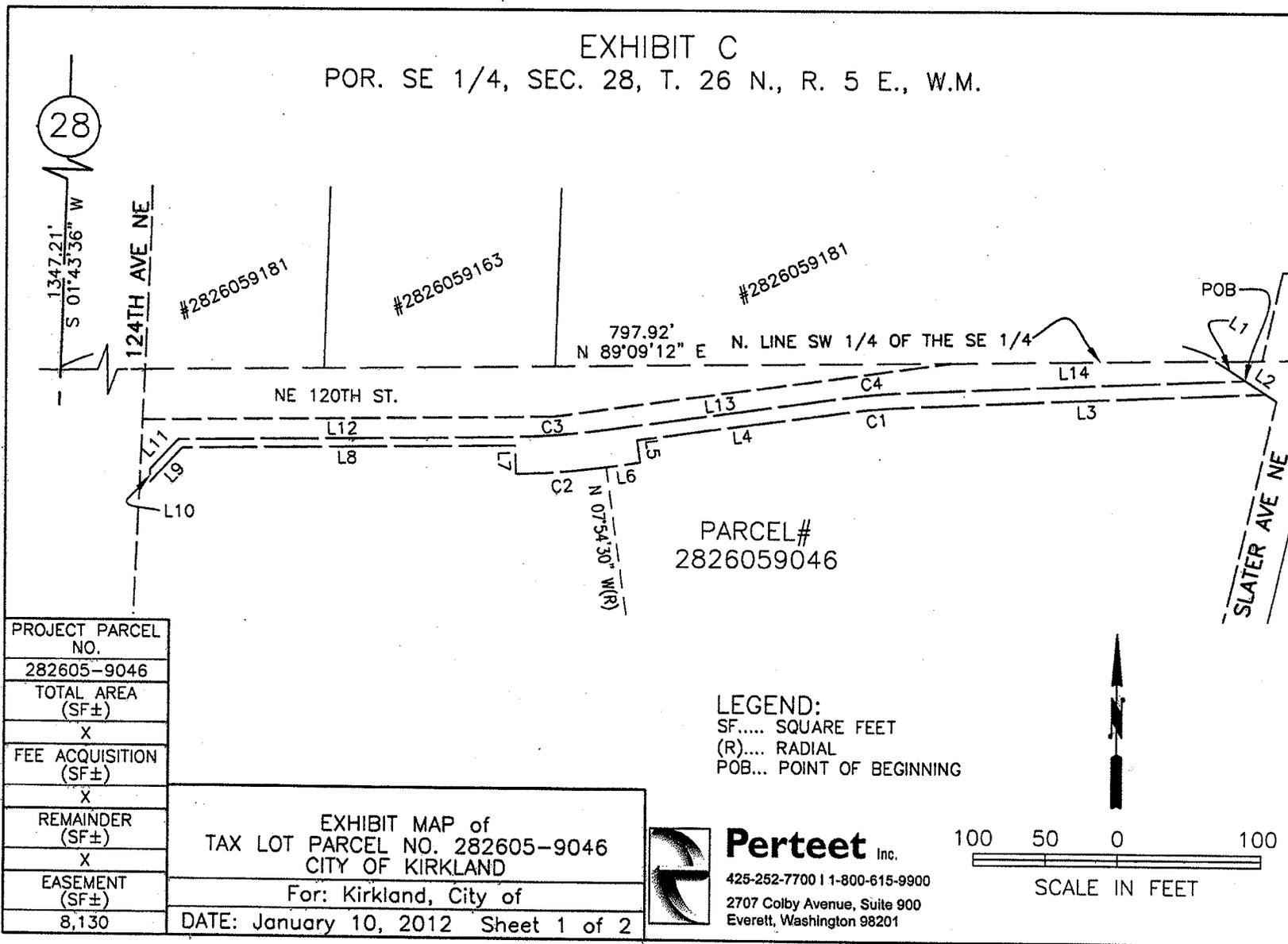


EXHIBIT C
POR. SE 1/4, SEC. 28, T. 26 N., R. 5 E., W.M.

LINE	BEARING	DISTANCE
L1	S 56°52'39" E	24.73'
L2	S 56°52'39" E	17.17'
L3	S 87°30'22" W	250.84'
L4	S 82°00'54" W	144.54'
L5	S 07°59'06" E	16.00'
L6	S 82°00'55" W	23.81'
L7	N 01°31'42" W	20.00'
L8	S 89°08'44" W	232.11'
L9	S 43°16'11" W	33.18'
L10	N 02°26'52" E	9.18'
L11	N 43°16'11" E	28.78'
L12	N 89°09'13" E	228.79'
L13	N 82°00'54" E	168.32'
L14	N 87°30'22" E	236.88'

CURVE	RADIUS	DELTA ANGLE	LENGTH
C1	454.00'	05°29'28"	43.51'
C2	562.00'	06°26'26"	63.17'
C3	536.00'	07°03'43"	66.06'
C4	464.00'	05°29'28"	44.47'

PROJECT PARCEL NO.	
282605-9046	
TOTAL AREA (SF±)	
X	
FEE ACQUISITION (SF±)	
X	
REMAINDER (SF±)	
X	
EASEMENT (SF±)	
5,320	

EXHIBIT MAP of
TAX LOT PARCEL NO. 282605-9046
CITY OF KIRKLAND
For: Kirkland, City of
DATE: January 10, 2012 Sheet 2 of 2



Perteet Inc.
425-252-7700 | 1-800-615-9900
2707 Colby Avenue, Suite 900
Everett, Washington 98201

PUBLICATION SUMMARY
OF ORDINANCE O-4368

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 120TH STREET ROADWAY EXTENSION PROJECT WITHIN THE CITY OF KIRKLAND, PROVIDING FOR THE COST OF PROPERTY ACQUISITION AND AUTHORIZING THE INITIATION OF APPROPRIATE EMINENT DOMAIN PROCEEDINGS IN THE MANNER PROVIDED FOR BY LAW.

SECTION 1. Authorizes condemnation of property necessary for the NE 120th Street Roadway Extension Project ("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 _____, 2012.

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

City Clerk