



CITY OF KIRKLAND

Department of Parks & Community Services

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MEMORANDUM

To: Dave Ramsay, City Manager

From: Jennifer Schroder, Director

Date: March 23, 2006

Subject: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION OF REAL PROPERTY FROM MICHAEL WIVIOTT

Background

Mr. Michael Wiviott owns a vacant lot (.67 acre parcel) at the corner of 100th Ave N.E. and N.E. 140th Street. The parcel is not within the city limits of Kirkland but is within the City's potential annexation area (Juanita). Mr. Wiviott is willing to gift the property and for the City to only pay for the costs associated with the transfer of the title.

The size of the parcel would support development as a neighborhood park for this community similar to Tot Lot Park or Phyllis Needy Park when the area is annexed and when capital funds can be allocated.

The Park Board reviewed Mr. Wiviott's proposal in January and supported staff's recommendation to order a title report to see if there are restrictions that prevent developing the parcel for the purpose of a public neighborhood park.

Findings

On January 18, 2006 Pacific Northwest Title Company provided to the City a title report for Mr. Wiviott's property, referred to as "Tract B," Boyd Farm Estates (Parcel number 101550-0370-02). According to the title, Mr. Wiviott was granted a Statutory Warranty Deed for the property from Graecen Construction, Inc. in May, 1980.

Staff, along with the City Attorney's Office, reviewed the title report and the Declaration of Covenants for Boyd Farm Estates and found two specific items to bring to Council's attention that could have some bearing on the ability to develop this property as an improved park:

- 1983 Quit Claim Deed granted from Robert G. Stewart and Shirley D. Stewart to the County of King. (*Robert Stewart is listed as president of Graecen Construction, Inc., that granted the Statutory Warranty Deed to Wiviott in 1980*). The title report notes that Pacific Northwest Title "questioned the effect of Quit Claim Deed from the Stewarts to King County . . . " and states that ". . . on the date the deed was recorded, the Stewarts held no record interest in the property and has since acquired no record interest."

The King County Real Estate Division is of the opinion that no interest in the subject property was transferred with the 1983 Quit Claim Deed as referenced in the title. Confirming this opinion is difficult because we do not know if Graecen Construction or the Stewarts might have retained an interest in the

property when they sold it to the Wiviotts. The title report suggests that nothing was conveyed but it does not go so far as to say that the Quit Claim deed had no effect; it simply says they “question” the effect.

The simplest way to ensure the County does not have an interest in the property that might later create an obstacle to development would be for the County to Quit Claim anything it might have received to the City. As the County does not believe they have anything, they will hopefully see no problem in doing this. Therefore, staff recommends clearing this matter up by requesting King County to grant Kirkland a Quit Claim Deed.

- Declaration of Covenants states *“No lots shall be used except for residential purposes.”* The covenants do not call out Tract B as not being a “lot” and therefore exempt from this provision. However, the parcel is on the tax rolls as “exempt” and Tract B is shown as “Dedicated Open Space.” Therefore, using it for an improved park may be permissible and even if not, there is certainly sufficient value in maintaining it as open space for staff to recommend that we accept Mr. Wiviott’s gift.

Current Use

The tract is a vacant parcel that is neither maintained by the owner nor by the neighborhood. It is a fairly flat, grassy meadow area with no wetlands or steep slopes. A row of evergreens line the property along 100th Ave N.E., and there is no public park within a 1 mile radius.

Park Board Recommendation

On February 8th the Park Board passed a motion to recommend for City Council’s approval, acceptance of the transfer of land (Parcel number 101550-0370-02) from Mr. Wiviott and to bank the land for a future open space or park when the area is annexed and when capital funds can be allocated.

Wiviott Property - Parcel No. 101550-0370-02



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RESOLUTION R-4563

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION OF REAL PROPERTY FROM MICHAEL WIVIOTT.

WHEREAS, Mr. Michael Wiviott is the owner of a parcel of land located within the Juanita section of the City's potential annexation area ("the Property"), which is dedicated open space; and

WHEREAS, Mr. Wviott would like to donate the Property to the City of Kirkland for use as park property or to be maintained as dedicated open space;

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

Section 1. The City Manager is hereby authorized and directed to accept the donation of Mr. Wiviott's Property by a quitclaim deed substantially similar to the deed attached hereto as Exhibit A.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2006.

Signed in authentication thereof this ____ day of _____, 2006.

MAYOR

Attest:

City Clerk

