



CITY OF KIRKLAND

CITY COUNCIL

James Lauinger, Mayor • Joan McBride, Deputy Mayor • Dave Asher • Mary-Alyce Burleigh
Jessica Greenway • Tom Hodgson • Bob Sternoff • 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, April 4, 2006

6:00 p.m. – Study Session – Peter Kirk Room
7:30 p.m. – Regular Meeting

COUNCIL AGENDA material is available for public review 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.

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.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*, Peter Kirk Room
 - a. Joint Meeting with the Senior Council
4. *EXECUTIVE SESSION*
 - a. To Discuss Labor Negotiations
5. *SPECIAL PRESENTATIONS*
 - a. Child Abuse Prevention Month Proclamation
6. *REPORTS*
 - a. *City Council*
 - (1) Regional Issues
 - b. *City Manager*
 - (1) Calendar Update
7. *COMMUNICATIONS*
 - a. *Items from the Audience*
 - b. *Petitions*

CONSENT CALENDAR consists of those items which are considered routine, for which a staff recommendation has been prepared, and for items which Council has previously discussed and no further discussion is required. The entire Consent Calendar is normally approved with one vote. Any Council Member may ask questions about items on the Consent Calendar before a vote is taken, or request that an item be removed from the Consent Calendar and placed on the regular agenda for more detailed discussion.

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.

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.

RESOLUTIONS are adopted to express the policy of the Council, or to direct certain types of administrative action. A resolution may be changed by adoption of a subsequent resolution.

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.

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.

- 8. *CONSENT CALENDAR*
 - a. *Approval of Minutes:* March 21, 2006
 - b. *Audit of Accounts:*
 - Payroll* \$
 - Bills* \$
 - c. *General Correspondence*
 - d. *Claims*
 - e. *Authorization to Call for Bids*
 - f. *Award of Bids*
 - g. *Acceptance of Public Improvements and Establishing Lien Period*
 - h. *Approval of Agreements*
 - i. *Other Items of Business*

- 9. *PUBLIC HEARINGS*
 - a. Ordinance No. 4048, Annexing Certain Unincorporated Territory Known as the Morning Star Annexation Area; Providing for the Assumption of the Existing Indebtedness; and Zoning Said Territory in Accordance with Section 10.45 of Ordinance No. 3719, as Amended, the Kirkland Zoning Code.

- 10. *UNFINISHED BUSINESS*
 - a. Resolution R-4562, Renaming the Community Senior Center as the "Peter Kirk Community Center."

- 11. *NEW BUSINESS*
 - a. Resolution R-4563, Authorizing the City Manager to Accept a Donation of Real Property from Michael Wiviott.
 - b. Resolution R-4564, Authorizing the City Manager to Execute the Warranty Deed, Quitclaim Deed and Temporary Construction Permits to the City of Redmond.

12. *ANNOUNCEMENTS*

13. *ADJOURNMENT*



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: Mayor and Members of the City Council
David Ramsay, City Manager

From: Kirkland Senior Council

CC: Jennifer Schroder, Parks and Community Services Director
Carrie Hite, Deputy Director
Linda Murphy, Recreation Manager
Dana La Rue, Community Senior Center Supervisor

Date: April 4, 2006

Subject: Kirkland Senior Council Study Session with City Council

The Kirkland Senior Council has completed its third year with great success and is eagerly pursuing this year's goals as outlined in their 2006 Work Plan. This is an overview of the Senior Council's 2005 Accomplishments and the 2006 Work Plan.

ACCOMPLISHMENTS 2005

Community Senior Center Name Change

In collaboration with the Community Senior Center Advisory Board, the Senior Council has agreed on the importance of renaming the Senior Center (dropping "*Senior*" from the name). A public process soliciting name suggestions from the community began in September and concluded December 31, 2005. The Advisory Board and the Senior Council will jointly submit name suggestions to the Park Board. In early 2006, a new name for the Center will be recommended to the City Council by the Park Board.

TV/Video Project

The TV/Video project of 2004 was completed in the first quarter of 2005. The video is an educational tool to enlighten the community about the Senior Council.

Two video projects for 2005 have begun and will be completed in early 2006. The topic of one video is elder abuse, specifically addressing neglect and self-neglect. The second video is a taping of "*Learn Citizen Power*" a community advocacy workshop that the Senior Council sponsored in October 2005.

Baby Boomers and Beyond: *A Healthy Living Expo*

The decision was made to skip 2005 and once again in 2006 sponsor the community event geared toward senior's age 50+, called *Baby Boomers and Beyond: A Healthy Living Expo*. The facilitation of this innovative health/wellness fair increased the Senior Council's visibility in the community, established partnerships with a variety of senior service providers, created a solid relationship with corporate sponsors and availed senior's the opportunity to receive valuable services, i.e. free health screens, massage, reflexology, as well as educational and recreational information. Based on the attendance (approx. 700 in 2004, almost double that of 2003) and the written evaluations, this community event was a smashing hit! The goal for 2006 is to explore co-sponsoring the event with the City of Bellevue's newly forming *Network on Aging* (their senior council).

Cloning the Senior Council

In an ongoing effort to encourage other cities to establish Senior Council's, Bellevue is planning to have their own senior council, called *Bellevue Network on Aging* in place by early 2006. Northshore has expressed interest in establishing a senior council that will represent Bothell, Kenmore, Woodinville and Mill Creek and is targeting 2006/2007.

Volunteer Opportunities

A volunteer brochure detailing the benefits of volunteering was completed and distributed throughout the community. The brochure listed volunteer opportunities through the City of Kirkland, Evergreen Healthcare, Washington State Long-Term Care Ombudsman and the Lake Washington School District. The committee is interested in connecting seniors with meaningful volunteer opportunities.

New Member Recruitment

The annual recruitment process was completed in November and resulted in filling six vacant seats. New members will begin in January 2006. Recruitment will continue to fill two vacated seats.

Community Outreach

Recognizing the importance of encouraging adults age 50+ to be more active, the KSC supported the community "*Kirkland Stepper's*" Walking Program at the Senior Center, by using project money to help pay for the water bottle neck/shoulder straps that walk participants received. Senior Council members also participated in some of the walks and special events throughout the summer.

Community Involvement

Council members engaged in community outreach by networking with local neighborhood associations, civic groups and participating on the Downtown Action Team, Totem Lake Action Team, the Juanita Beach Park Master Plan, Evergreen Hospital Advisory Board, KPAC – soon to be called PACE (Physically Active Communities Everywhere) and the "*Step Up to Health*" planning committee for the health summit in February 2006.

WORK PLAN 2006

The Senior Council's 2006 Work Plan is attached.

KIRKLAND SENIOR COUNCIL - 2006 Work Plan

ATTACHMENT A

Goal / Objective	Description	Timeline	Progress
Goal 1: Advocacy Committee Advocate for senior needs and create programs that advance their well-being.			
<u>Objective 1.1:</u> Attend the Kirkland Health Summit <i>“Step Up to Health”</i> .	Represent the interest of older adults in developing a community plan to get Kirkland residents more physically active and healthy.	February 2006	Completed
<u>Objective 1.2:</u> Complete <i>“Learn Citizen Power”</i> video.	The KSC sponsored <i>“Learn Citizen Power”</i> a community advocacy workshop that taught older adults how to take an active role in civic life through thoughtful, meaningful involvement. Highlights of the program were taped to create an educational video. Review and edit the tape to a final 15 - 18 minutes.	May 2006	
<u>Objective 1.3:</u> Continue partnering with Evergreen Hospital.	Efforts to include but are not limited to: 1) Baby Boomers & Beyond event sponsorship. 2) Select KSC members to participate on Evergreen Hospital's Advisory Board.	April 2006 Throughout 2006	
<u>Objective 1.4:</u> Recommend to the Park Board a new name for the Senior Center.	1) Recommend <i>Peter Kirk Community Center</i> for the new name of the Senior Center at the study session with Park Board. 2) Discuss the new name recommendation at the study session with City Council. 3) Recommend that Park Board take the name suggestion to City Council for approval.	March 8 April 4 April 18	
<u>Objective 1.5:</u> Explore Universal Design Standards.	Develop and produce a video or website to assist older adults with “aging in place” issues/concerns.	October 2006	
<u>Objective 1.6:</u> Continue to be a resource for other Senior Councils.	Collaborate with other Senior Councils to create and promote programs that advance the well-being of older adults.	Ongoing 2006	

KIRKLAND SENIOR COUNCIL - 2006 Work Plan

ATTACHMENT A

Goal / Objective	Description	Timeline	Progress
<p>Goal 2: <i>Visibility Committee</i> Increase visibility of the KSC in the community and in government.</p>			
<p><u>Objective 2.1:</u> Produce and complete TV/Video programs for Kgov TV.</p>	<p>2005 video projects to complete:</p> <ol style="list-style-type: none"> 1) Elder Abuse: <i>Neglect and Self-Neglect</i> 2) Learn Citizen Power: <i>A Community Advocacy Workshop</i> <p>2006 new video projects:</p> <ol style="list-style-type: none"> 1) Aging in Place: <i>Universal Design Standards</i> (video or website) 2) Baby Boomers & Beyond Expo (tape highlights) 	<p>July 2006 May 2006</p> <p>October 2006 December 2006</p>	
<p><u>Objective 2.2:</u> Sponsor Baby Boomers & Beyond: <i>A Healthy Living Expo</i> in the fall of 2006.</p>	<ol style="list-style-type: none"> 1) Decide whether to include a keynote speaker. 2) Identify program sponsors. 3) Schedule health screens, exhibitors, speakers, demonstrations. 4) Develop and implement a marketing plan. 	<p>February 2006 March 2006 May 2006 June 2006</p>	
<p><u>Objective 2.3:</u> Determine if the next Baby Boomers & Beyond Expo will be in 2007 or 2008.</p>	<p>Draft a plan for the next Baby Boomers & Beyond event. Decide if it will be a regional effort and the feasibility of partnering with Bellevue's Network on Aging.</p>	<p>December 2006</p>	
<p><u>Objective 2.4:</u> Explore creating a website to assist older adults access information and resources.</p>	<ol style="list-style-type: none"> 1) Meet with the City's IT Department to learn existing policies and procedures regarding their website and creating a separate site. 2) Outline goals and identify related tasks for developing a website. Determine if this is a feasible project and whether to implement in 2006 or 2007. 	<p>February 2006</p> <p>June 2006</p>	<p>Completed</p>

KIRKLAND SENIOR COUNCIL - 2006 Work Plan

ATTACHMENT A

Goal / Objective	Description	Timeline	Progress
<u>Objective 2.5:</u> Evaluate whether to continue producing videos.	Explore other educational project ideas that could replace the production of two annual videos. Identify funding needs related to a new project.	June 2006	
<u>Objective 2.6:</u> Distribute <i>Volunteer</i> brochure.	Evaluate the need to reproduce and distribute additional copies of the <i>Volunteer</i> brochure.	Throughout 2006	
<u>Objective 2.7:</u> Recruitment to fill two vacated seats.	Fill a two year term and a one year term.	Completed	
<u>Objective 2.8:</u> Recruitment for new KSC members who will begin in 2007.	Determine if the number of seats on the Senior Council needs to be increased from its current size of 15. Advertise position(s), interview and appoint selected candidates.	Interview in October Appoint in November Begin three year term in January 2007	
Goal 3: Senior Council Members Represent senior needs at neighborhood and other community / civic meetings.			
<u>Objective 3.1:</u> Participate in local neighborhood association meetings and other community /civic committees.	Continue and strengthen community outreach efforts by networking with local neighborhood associations and participating on various community committees.	Throughout 2006	
<u>Objective 3.2:</u> Attend the Healthy Aging Summit in Tukwila.	Represent the needs and concerns of Kirkland's older adults on a regional level.	May 2006	

CITY OF KIRKLAND

123 FIFTH AVENUE • KIRKLAND, WASHINGTON 98033-6189 • (425) 587-3001

**CITY MANAGER'S OFFICE
MEMORANDUM**

To: David Ramsay, City Manager

From: Tracy Burrows, Senior Management Analyst

Date: March 23, 2006

Subject: Child Abuse Prevention Month Proclamation

RECOMMENDATION:

Council authorizes the Mayor to sign the Child Abuse Prevention Month Proclamation.

BACKGROUND DISCUSSION:

Keri Andrews, Advisory Board Member of Children's Response Center, will be present at the April 4th City Council meeting to receive the Child Abuse Prevention Month proclamation. Children's Response Center provides services for children who have been sexually assaulted or are victims of other trauma via counseling and legal and medical advocacy. The Center provides training around issues of child maltreatment, prevention of abuse, etc., in addition to trying to raise awareness in the community about the issues.

The City Council has supported the Child Abuse Prevention Month proclamation since 2002.



A PROCLAMATION OF THE CITY OF KIRKLAND

Designating the month of April, 2006 as “Child Abuse Prevention Month” of the City of Kirkland

WHEREAS, child abuse is a community problem and finding solutions depends on collaborative efforts among people in the community; and

WHEREAS, approximately 3 million children are reported abused and neglected in this country each year; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and civic organizations, law enforcement agencies, the medical and business community; and

WHEREAS, all citizens should become more aware of the negative effects of child abuse and its prevention within the community, and become involved in supporting parents to raise their children in a safe, nurturing, and healthy environment; and

WHEREAS, Children’s Response Center and the Washington Council for Prevention of Child Abuse and Neglect are collaborating to promote awareness on issues concerning abused and neglected children;

NOW, THEREFORE, I, James L. Lauinger, Mayor of Kirkland, do hereby proclaim the month of April, 2006 as *Child Abuse Prevention Month* in the City of Kirkland and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to participate in our efforts to prevent child abuse by wearing or displaying a blue ribbon in April, as a positive reminder that together we can prevent child abuse in the communities in which we live.

Signed this 4th day of April, 2006

James L. Lauinger, Mayor

KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES - March 21, 2006

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

Members Present: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

Members Absent: None.

3. STUDY SESSION

a. Joint Meeting with Transportation Commission

Council was joined for the discussion by members of the Transportation Commission including Chair Daniel Fisher, Joel Pfundt, Don Samdahl, Norm Storme, Mitch Amsler, Jon Pascal, Jennifer Holder, and Roland White, as well as City Manager Dave Ramsay and Director of Public Works Daryl Grigsby.

4. EXECUTIVE SESSION

None.

5. SPECIAL PRESENTATIONS

a. Community Emergency Response Team (CERT) Graduates Recognition

Chief Blake presented an overview of the CERT program and introduced training staff and members of the second class of CERT graduates.

b. Introducing Cindy Peterson, Director, Teen Union Building

c. Eastside Community Network

The presentation was postponed.

6. REPORTS

a. City Council

(1) Regional Issues

Council shared information regarding the Waste Management Recycling Center in Woodinville; Carillon Woods Park ivy pull on April 1st and the first Saturday of each month thereafter; annual Cascade Land Conservancy breakfast; Metropolitan Solid Waste Management Advisory

Committee; Kirkland Downtown Association Main Event; Market Neighborhood Council meeting; National League of Cities Congressional City Conference; Councilmember Bob Sternoff elected Chair at last Public Safety Committee meeting; Suburban Cities Association Public Issues Committee meeting; Eastside Transportation Partnership meeting; Cascade Water Alliance Finance Committee special meeting in preparation for first bond sale; Sound Transit Park and Ride dedication in Sammamish; Association of Washington Cities annual conference in Spokane, June 20-23, 2006; Request for Council to send letters to Washington state representatives asking that Community Development Block Grant funding cuts be reinstated (approved);

b. City Manager

(1) 2006 Legislative Status Report

(2) Calendar Update

7. COMMUNICATIONS

a. Items from the Audience

Doreen Marchione, 115 5th Avenue South, Kirkland 98033
Kevin Miller, 12234 NE 97th Street, Kirkland 98033
Mason Morgan, 11303 126th Avenue N.E. Kirkland 98033
Betty Lou Crampton, 12647 NE 87th Street, Kirkland 98033
Betty Spieth, 5927 Meridian Avenue N., Seattle 98103

b. Petitions

8. CONSENT CALENDAR

a. Approval of Minutes: March 7, 2006

b. Audit of Accounts:

Payroll \$ 1,637,059.67
Bills \$ 1,866,589.36
Run # 588 Check #'s 476535 - 476788
Run # 589 Check #'s 476791 - 476935

c. General Correspondence

(1) Jim McElwee, Regarding the City's Sewer Extension Program

d. Claims

(1) Kathryn Campbell

e. Authorization to Call for Bids

- f. Award of Bids
- g. Acceptance of Public Improvements and Establishing Lien Period
- h. Approval of Agreements
- i. Other Items of Business

(1) Resolution R-4561, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING CITY STAFF TO APPLY TO THE STATE COMMUNITY ECONOMIC REVITALIZATION BOARD FOR A GRANT OF UP TO THREE MILLION DOLLARS TO FUND PUBLIC INFRASTRUCTURE ASSOCIATED WITH THE TOTEM LAKE MALL AND BUSINESS CENTER PROJECT."

Motion to Approve the Consent Calendar with changes to the letter to Mr. McElwee as discussed.

Moved by Councilmember Mary-Alyce Burleigh, seconded by Councilmember Jessica Greenway

Vote: Motion carried 7-0

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

- a. Funding for Peter Kirk Pool Diving Board Project

Parks and Community Services Director Jennifer Schroder provided an update for Council on the community's efforts to raise money for a new Peter Kirk Pool diving board. Project costs for the replacement of a new diving board were discussed.

Motion to Approve Funding for Peter Kirk Pool Diving Board Project.

Moved by Deputy Mayor Joan McBride, seconded by Councilmember Bob Sternoff

Vote: Motion carried 7-0

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

- b. Reconsidering Homeless Encampments Ordinance No. 4040

(1) Ordinance No. 4047 and Ordinance No. 4047,* Amending Ordinance No. 4040 Relating to Zoning, Planning and Land Use and Amending Chapter 127, "Temporary Use Permits," of the Kirkland Zoning Code, Ordinance No. 3719 as Amended, to Address Homeless Encampments

Development Review Manager Nancy Cox provided a review of the options for the Homeless Encampment Ordinance.

Motion to Approve Ordinance No. 4047, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING CHAPTER 127, "TEMPORARY USE PERMITS," OF THE KIRKLAND ZONING CODE, ORDINANCE NO 3719 AS AMENDED, TO ADDRESS HOMELESS ENCAMPMENTS, FILE NO. ZON05-00028."

Moved by Councilmember Jessica Greenway, seconded by Deputy Mayor Joan McBride

Vote: Motion carried 6-1

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

No: Councilmember Dave Asher.

c. Totem Lake Neighborhood:

(1) Ordinance No. 4037 and its Summary, Relating to Zoning, Planning and Land Use and Amending Certain Chapters of the Kirkland Zoning Code, Kirkland Municipal Code and Zoning Map

Senior Planner Dorian Collins reviewed the proposed changes to revised Ordinances 4037 and 4038. Council discussed proposed revisions to the Comprehensive Plan relative to housing in the subject zones. Council will conduct a tour/study session of the subject area.

Motion to Approve Ordinance No. 4037 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING AND LAND USE, AMENDING CHAPTERS 1, 5, 10, 35, 55, 57, 60, 92, 95, 105, 110, 142, 162, AND 180 OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE), AND AMENDING ORDINANCE 3710 AS AMENDED, THE KIRKLAND ZONING MAP (FILE NO. ZON04-00020)." Amended to delete references to TL 10E in Section 1. A., 1. E., and Section 2.

Moved by Councilmember Mary-Alyce Burleigh, seconded by Councilmember Bob Sternoff

Vote: Motion carried 7-0

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica

Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

(2) Ordinance No. 4038, Relating to Design Review Guidelines for the Totem Lake Neighborhood and Amending the Kirkland Municipal Code

Motion to Approve Ordinance No. 4038, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DESIGN REVIEW GUIDELINES FOR THE TOTEM LAKE NEIGHBORHOOD AND AMENDING SECTION 3.30.040 OF THE KIRKLAND MUNICIPAL CODE (FILE NO. ZON04-00020)."

Moved by Councilmember Mary-Alyce Burleigh, seconded by Councilmember Jessica Greenway

Vote: Motion carried 7-0

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

Council recessed for a short break.

11. NEW BUSINESS

a. Innovative Housing Evaluation

Deputy Director of Planning and Community Development Paul Stewart provided an overview of the proposed innovative housing evaluation process and implementation of public involvement in the process.

12. ANNOUNCEMENTS

13. ADJOURNMENT

The Kirkland City Council regular meeting of March 21, 2006 adjourned at 10:22 p.m.

City Clerk

Mayor



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225

MEMORANDUM

To: David Ramsay, City Manager

From: Teresa J. Swan, Senior Planner
Eric Shields, AICP, Planning Director

Date: March 23, 2006

Subject: HEARING ON THE MORNING STAR ANNEXATION, FILE NO. ANN05-00001

RECOMMENDATION:

Hold hearing and adopt the attached ordinance approving the annexation.

BACKGROUND DISCUSSION:

On March 1, 2005, Michael Anderson sent in a request asking that the City consider the annexation of the Morning Star subdivision abutting the western city limits of Kirkland (see Enclosures 1 and 2). The 7.46 acre subdivision contains seven single family homes, one vacant parcel and two private tracts for vehicular access. The proposed annexation area is within the Kirkland Planning Area and Finn Hill Potential Annexation Area identified in the Comprehensive Plan (Figure I-2/page I-11). Access to the subdivision is from Kirkland through 93rd Ave NE. Fire and emergency services are currently provided by the City of Kirkland. Northshore Utility provides the area with water and sewer. Police protection would be the one new service that the City would need to provide.

On April 19, 2005, the Kirkland City Council voted to authorize circulation of an annexation petition with assumption of the City indebtedness by the annexed area and comparable zoning at RSX 7.2. RCW 35A.14.120 authorizes a legislative body to consider requiring the assumption of all or of any portion of existing city indebtedness by the area to be annexed.

On May 26, 2005, the City of Kirkland received a Direct Petition for Annexation signed by 7 of the 8 property owners within the Morning Star subdivision requesting annexation into the city. The owner of the vacant parcel did not sign the petition, possible because Michael Anderson did not have access to the ownership information for the property. The Petition for Annexation met the state law requirement of being signed by not less than 60% in value according to the assessed valuation for general taxation of the annexed area.

On December 30, 2005, the King County Boundary Review Board approved the annexation, subject to final approval by the Kirkland City Council.

Memo to City Council

March 23, 2006

Page 2 of 2

Pursuant to RCW 35A.14.140, the City Council must hold a public hearing on a direct petition annexation. Notice of the hearing has been published in the local paper, mailed to the eight property owners in the annexation area, including the owner of the vacant parcel, and posted in three locations within the annexation area as required by state law.

As provided in Kirkland Zoning Code Section 10.45, annexed property is classified as the same or comparable zoning as the property was zoned immediately prior to annexation. Current County zoning for the proposed annexation area is R-6 (residential at 6 dwelling units per acre). The most similar zoning category in Kirkland is RSX 7.2 (6-7 dwelling units per acre) which exists in the area directly to the east of the development (see Enclosure 3).

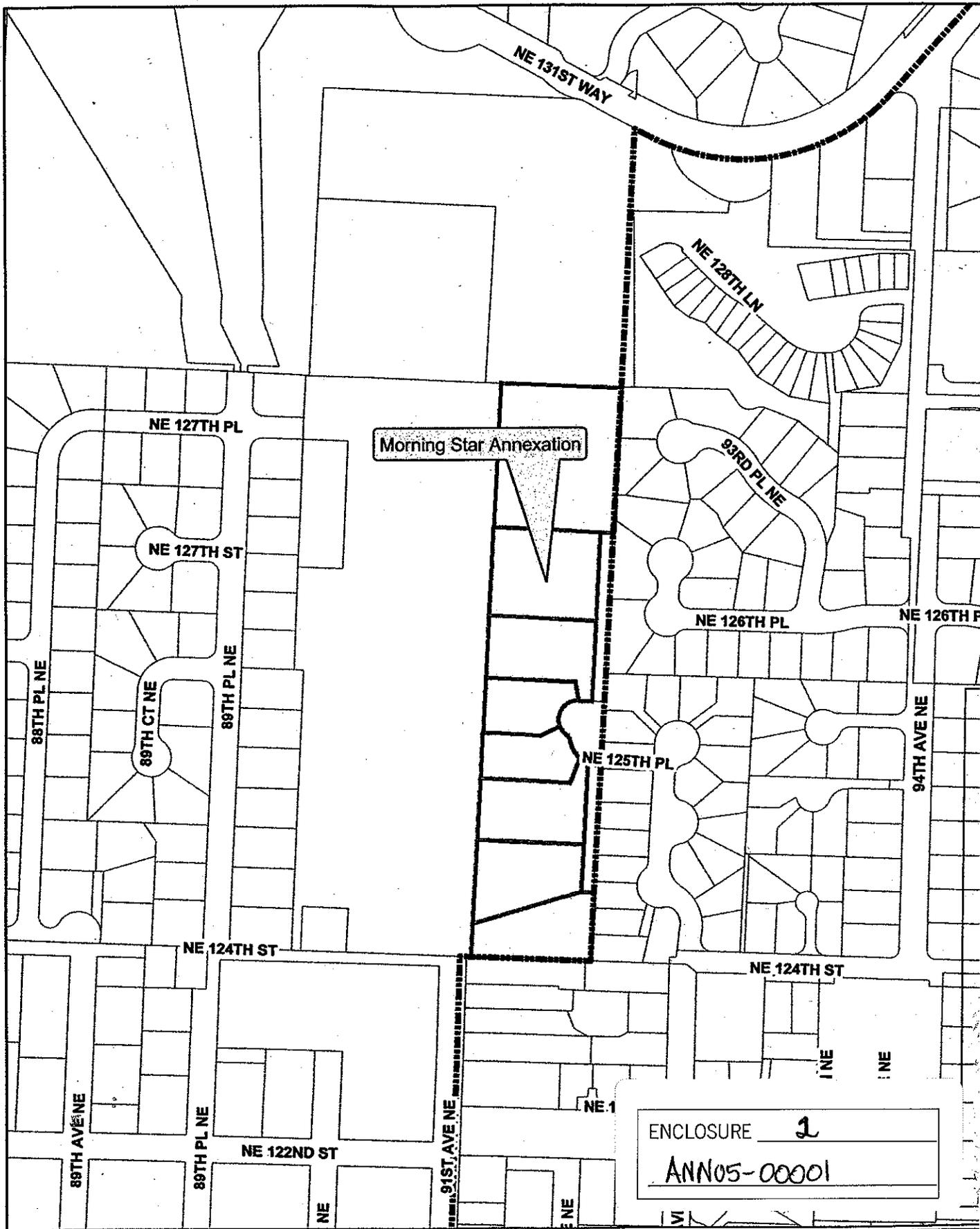
The effective date of the annexation has been set for May 29, 2006, because the State Department of Revenue must be notified at least 75 days in advance of the effective date of the annexation along with a copy of the pending ordinance. Staff mailed out the notice and pending ordinance to the Department of Revenue on March 15, 2006.

Enclosures:

1- Vicinity Map

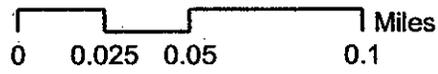
2 –Morning Star Annexation

3 –Morning Star Annexation Zoning



Morning Star Annexation

ENCLOSURE 1
ANN05-00001



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 Kirkland City Limits
 Morning Star Annexation

Morning Star Annexation Zoning

Morning Star Annexation

CITY OF KIRKLAND CORPORATE LIMITS

RUD Moonshadow

RSX 7.2

RSX 7.2

RSX 35

RSX 35

RSX 8.5

RM 3.6 (2)

- Commercial
- Industrial
- Light Manufacturing Park
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space

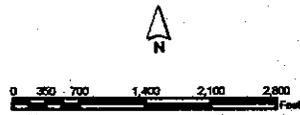
Single Family Residential	RS 35 / RSX 35 RS 25 / RSX 25 RS 15 / RSX 15 RS 5 / RSX 5	Planned Area Public Use Zone Light Industrial Technology Neighborhood Limited Commercial Neighborhood Business Community Business Central Business District Professional Office Jewish Synagogue District	PA LCT P SCB CB PO
Multi-Family Residential	RM 3.6 RM 2.6 RM 1.6 RM 0.6	Planned Area Planned Unit Development	PO
Warehouse District	WD 10 WD 5	PA (Light) Limited SCB Expansion LCT Adult Entertainment	SCB LCT
Professional Office Residential	PO 10 PO 5 PO 2.5 PO 1.25	Subject to Board/Commission or Ordinance No.	PO
Future Commercial	FC 10 FC 5	Neighborhood Business Area	PO

(1) Development proposed must be consistent with applicable neighborhood plan policies, specifically applicable to the property, contained in the Comprehensive Plan and approved through Planning Commission.

(2) Development proposed must be consistent with applicable neighborhood plan policies, specifically applicable to the property, contained in the Comprehensive Plan and approved through Planning Commission.

(3) Development proposed must be consistent with applicable neighborhood plan policies, specifically applicable to the property, contained in the Comprehensive Plan and approved through Planning Commission.

(4) Development proposed must be consistent with applicable neighborhood plan policies, specifically applicable to the property, contained in the Comprehensive Plan and approved through Planning Commission.



ENCLOSURE 3
ANN05-00001

ORDINANCE NO. 4048

AN ORDINANCE OF THE CITY OF KIRKLAND ANNEXING CERTAIN UNINCORPORATED TERRITORY KNOWN AS THE MORNING STAR ANNEXATION AREA; PROVIDING FOR THE ASSUMPTION OF THE EXISTING INDEBTEDNESS; AND ZONING SAID TERRITORY IN ACCORDANCE WITH SECTION 10.45 OF ORDINANCE NO. 3719, AS AMENDED, THE KIRKLAND ZONING CODE. (FILE ANN05-00001).

WHEREAS, having received a legally sufficient request to commence annexation proceedings, the City Council, in a regular public meeting on April 19, 2005, authorized circulation of an annexation petition, in an area known as the Morning Star Annexation Area, with assumption of indebtedness and adoption of comparable zoning at single family RSX 7.2; and

WHEREAS, a petition signed by owners of not less than sixty percent (60%) in value according to the assessed valuation for general taxation of the property described in said petition, was filed with the City and determined to be sufficient; and

WHEREAS, on December 30, 2005, the proposed annexation was approved by the King County Boundary Review Board; and

WHEREAS, pursuant to RCW 35A.14.130, a public hearing on the proposed annexation was duly noticed and held before the City Council on April 4, 2006; and

WHEREAS, the Morning Star Annexation Area is situated within the City of Kirkland's Urban Growth Area and designated as a potential annexation area; and

WHEREAS, the King County Comprehensive Plan/Countywide Planning Policies FW-13 and U-304 support city annexation of County territory within the designated potential annexation area; and

WHEREAS, fire and emergency services are currently provided to the Morning Star Annexation Area by the City of Kirkland and Kirkland police services are adequate and available to support the area upon annexation; and

WHEREAS, the Northshore Utility District currently provides, and will continue to provide, water and sewer service to the area; and

WHEREAS, the proposed annexation is consistent with the Growth Management Act which supports contiguous and orderly development and provision of urban services; and

WHEREAS, the City of Kirkland seeks to fulfill its obligations and responsibilities under the Growth Management Act through annexation of the Morning Star Annexation Area; and

WHEREAS, the Kirkland City Council finds the proposed annexation to be in the public interest.

NOW, THEREFORE, Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. The unincorporated territory of King County known as the Morning Star Annexation Area, which is more particularly described in Section 4, is hereby annexed to and made a part of the City of Kirkland.

Section 2. Pursuant to the terms of the annexation petition, upon annexation said territory shall be assessed and taxed at the same rate and on the same basis as other property within the City of Kirkland, including assessments or taxes in payment of all or any portion of the outstanding voted indebtedness of the City as of the effective date of this annexation ordinance.

Section 3. Said territory shall be zoned in accordance with Section 10.45 of the Kirkland Zoning Code, Ordinance 3719 as amended, which provides that upon annexation to the City, property will be deemed to be zoned with a classification the same as, or as nearly comparable as possible, with the classification that the property was zoned immediately prior to annexation. Pursuant to said section of the Kirkland Zoning Code, the zoning for the annexed territory is hereby declared to be as set forth in this Section and the Director of the Department of Planning and Community Development is hereby directed to make the necessary modifications and extensions of the Zoning Map of the City of Kirkland to so reflect. The real property described in Section 4 shall, under the Zoning and Land Use Policies and Regulations of the City of Kirkland, be zoned single family residential RSX 7.2.

Section 4. The territory annexed to the City of Kirkland by this Ordinance is described as follows and as shown in Exhibit 1, a copy of which is attached hereto and incorporated by this reference as if set forth in full:

The east 275 feet of the southeast quarter of the northwest quarter of Section 30, Township 26 North, Range 5 East, W.M., situate in King County, Washington.

Section 5. The City Clerk is directed to file certified copies of this annexation ordinance with the King County Council. The Clerk is further directed to file a certificate of annexation with the State of Washington Office of Financial Management as directed by RCW 35A.14.700.

Section 6. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. This ordinance and annexation shall be effective on May 29, 2006.

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

Mayor

ATTEST:

City Clerk

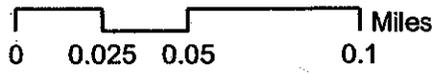
Approved as to Form:

City Attorney



Morning Star Annexation

EXHIBIT 1



Produced by the City of Kirkland.
 (c) 2005, the City of Kirkland, all rights reserved.
 No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

-  Kirkland City Limits
-  Morning Star Annexation



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: Mayor and Members of the City Council

From: Kirkland Park Board
Kirkland Senior Council

CC: Jennifer Schroder, Parks and Community Services Director
Carrie Hite, Deputy Director
Linda Murphy, Recreation Manager
Dana La Rue, Community Senior Center Supervisor

Date: April 4, 2006

Subject: Renaming the Community Senior Center

RECOMMENDATION

The City of Kirkland Park Board and Kirkland Senior Council recommend that the City Council adopt the resolution to rename the Kirkland Community Senior Center to "Peter Kirk Community Center".

BACKGROUND

As the City took up the challenge of becoming a community vital to people as they age, the Parks and Community Services Department launched a Senior Needs Assessment and Strategic Planning effort to define what it would take to achieve this goal. A *Senior Needs Assessment* was completed in March 2000 and a Senior Action Committee (SAC) was formed in May 2001 to be creative, innovative, and to take a leadership role in planning for the health, well being, and independence for people as they age in Kirkland.

The SAC met monthly for one year and was charged with creating a 3-5 year strategic plan by addressing recommendations set forth from the *Senior Needs Assessment*. One of the goals of the *Senior Needs Assessment* was to revitalize the Senior Center, so the committee reviewed the overall role of the Center in the community. Based on a national trend, and local experience, one of the recommendations was to drop the word "Senior" from the Center name. The word "*senior*" was viewed as a word that many needing services were unwilling to identify with, thus setting up barriers to seeking services. In addition, the trend in the nation and with AARP, defines senior as those who are 50+. This population of adults (Baby Boomers) refuse to accept the notion or term "*senior*". These same adults have the perception that a senior center is only for old and frail adults (which couldn't be

farther from the truth). As a result, *“Renaming the Senior Center”* was included in the City of Kirkland’s Senior Services Strategic Plan as a joint effort of the Community Senior Center’s Advisory Board and the Kirkland Senior Council.

PROCESS

The public process to solicit name suggestions was open from September through December 2005. Press releases and promotional material included criteria set forth in Resolution R-3215, (Naming Parks and Facilities).

- Press Releases

Press releases appeared in the Kirkland Courier, King County Journal and Seattle Times. It was the article in the Seattle Times, *Don’t Call it Your Grandmother’s Senior Center: Communities Avoid the “S” Word* that started the tsunami of interest. TV channel 4, 5, 11 and 13 included the story during their news broadcast. KOMO, KIRO, KIXI, and KMPS radio stations also covered the story. Sue Romero, Reporter for KOMO 1000 radio came to the Senior Center and interviewed seniors soliciting comments for their morning program. Between 7am and 9am, the KMPS morning show discussed the topic in great detail, soliciting comments and name suggestions from their listening audience. The Senior Center’s Supervisor called KMPS to participate in a rather lively discussion about the term *“senior”*.

- Public Announcements

In addition to press releases, announcements were sent out through a variety of community and neighborhood email distribution lists. That too unleashed a plethora of responses. Over 60 emails were sent to the Senior Center Supervisor with comments and name suggestions.

- Community Senior Center Advisory Board Involvement

- An Advisory Board committee took on the responsibility to solicit opinions, comments and name suggestions from a variety of people in the community and at the Senior Center, on the subject of dropping “Senior’ from the Center’s name. Through personal interviews over a three month period, comments ranged from *“bad idea”*, *“Boomers need to get over the age thing”* and *“we need our own place”* to *“very supportive”*, *“great idea”*, *“the Center needs some young blood!”* and *“it’s important to stay up on current trends”*. The overall sentiment was positive.
- Members of the Advisory Board had a table at the Senior Center during the Centennial Celebration. They took the opportunity to talk with visitors (all ages) about renaming the Center. Many were not aware that the process was going on and took the time to complete the “Name Suggestion” form.

- Additional Efforts to Solicit Public Comments

- Flyers and Suggestion forms displayed at the Senior Center
- City web site

- City's government channel
- Parks & Community Services Activity Brochure
- Chamber Newsletter
- Local church newsletters
- Flyers and Suggestion forms available at the Wednesday Market
- Flyers posted throughout the downtown businesses

Process Outcome

One hundred forty-nine (149) community members submitted eighty-three (83) different names for the Community Senior Center. There were twenty-six (26) folks who suggested not changing the name. The Senior Center Advisory Board reviewed the list of names and made their recommendation to the Senior Council. The Senior Council agreed with two of the three recommendations. They did not support "*Kirkland Community Senior Center*". They felt it could too easily be confused with the North Kirkland Community Center. The Senior Council added a third alternative name, *Moss Bay Community Center*. The complete list of submitted names is attached (Attachment A).

Senior Council Study Session with Park Board

The Senior Council met with the Park Board on March 8, 2006 and recommended they select "Peter Kirk Community Center" as the new name for the Senior Center. The Park Board voted unanimously to approve the new name change.

Senior Center Name Suggestions

All Names Submitted for Consideration

The following names begin with

KIRKLAND:

Active 50+ Center
Active Adult Senior Center
Adult Center
Alive and Well Center
Baby Boomer Center
Boomer
Cascade Community Center
Centennial Community Center
Center at Park Place
Center for Social Concern
Center for the Youth Challenged
City Club
Classics Center
Club 40
Community Center
Community (+) Plus
Community Gathering Place
Community Playhouse
Community Senior Center – **No Change**
Community Service Center
Cultural and Recreation Center
Decade Center
Downtown Community Center
Elder Center
Friendly Center
Golden Horizons
Happy Days
Heavens Waiting Room
Horizons Community Center
Hub for Mature Adults
International Center

KIRKLAND: (Continued)

Kiva
Legacy Center
Mature Adult Community Center
Moss Bay Community Center
Multigenerational Community Center
Old School
Primetime Pavilion
Adult Center
Second Half Center
Senior Club
Senior and Community Center
Social Activities Center
Social Center
Social Conscience Concern Club *or Center*
Super Society Center
Superannuated Center
Think Young Center
Vibrant Community Center
Vista Center
Welcome Center
Wellness and Fitness Center
Wellness and Recreation Center
Wisdom Center
Young at Heart Center
50+ Adult Activity Center
50+ Adult Center

The following names begin with

PETER KIRK:

Activity Center
50 and More Center
Community and Senior Center
Community Center
Community (+) Plus
Cultural Center
Third Age Center
Social Center

MISCELLANEOUS:

Affinity Center
Center for Enriched Living
Center for Experienced Adults
Chuck Morgan Senior Center
Downtown Kirkland Community Center
Geezerville
Mid-Century Center
Moss Bay Community Center
Moss Bay Gathering Place
Nona Ganz Community Senior Center
Park Place Community Center
Swing on Inn
The Center for Seniors
The Life Center of Kirkland
The Oasis
The Seen More Center
Where We Do More
Woodchuck Community Senior Center
(*Bill Woods + Chuck Morgan*)

RESOLUTION R- 4562

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RENAMING THE COMMUNITY SENIOR CENTER AS THE "PETER KIRK COMMUNITY CENTER."

WHEREAS, a *Senior Needs Assessment* was completed in March 2000 as the result of a strategic planning effort undertaken by the Parks and Community Services Department; and

WHEREAS, one of the goals of the *Senior Needs Assessment* was to revitalize the Senior Center and based on a national trend and local experience, one of the recommendations was to drop the word "Senior" from the Center name; and

WHEREAS, a public process to solicit names was open from September through December 2005, which included press releases, various public announcements, and Community Senior Center Advisory Board committee involvement; and

WHEREAS, a number of names were suggested, considered, and the Senior Council ultimately recommended that the Park Board select "Peter Kirk Community Center" as the new name for the Senior Center which recommendation was unanimously approved; and

WHEREAS, the Senior Council has made the same recommendation to the City Council;

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

Section 1. That the Community Senior Center is hereby renamed the "Peter Kirk Community Center."

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



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: 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



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: Dave Ramsay, City Manager

From: Jennifer Schroder, Director

Date: March 22, 2006

Subject: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE THE WARRANTY DEED, QUITCLAIM DEED AND TEMPORARY CONSTRUCTION PERMITS TO THE CITY OF REDMOND.

Recommendation

It is recommended that the City Council approve the attached resolution authorizing the City Manager to execute a Special Warranty Deed, a Quit Claim Deed, for the specific portion of Snyder's Corner Park for the specific parcel of property within the Old Redmond Road right-of-way to the City of Redmond; and to issue a Temporary Construction Permit to stage equipment and materials for this project on an area of land within Snyder's Corner Park.

Background

Snyder's Corner Park was conveyed from King County to the City of Kirkland in 1990. The 4.5 acre park is in unincorporated King County and within the City of Redmond's Potential Annexation Area.

The City of Redmond (Redmond) is in design for improvements to Old Redmond Road from 132nd Avenue NE to 140th Avenue NE. Improvements will consist of a center median/turn lane, a travel lane in each direction, bike lanes, curb, gutter, landscape strips and sidewalks on each side. To complete this project, a portion of Snyder's Corner Park along Old Redmond Road will be needed to provide enough width for the bike lane, landscape strip and sidewalk on the south side of Old Redmond Road. The section needed from Snyder's Corner Park would be a 515 linear foot strip of property that is approximately 10 feet wide and parallel to Old Redmond Road. Total area is approximately 4,838 square feet. (Map attached)

Redmond's Request

Redmond is requesting a conveyance of the specific portion of park property along Old Redmond Road from Kirkland. Redmond would proceed with the process to annex the conveyed piece of property for "municipal purposes" into the City of Redmond. The annexation would streamline the project's permitting process to involve only one agency.

In addition, while doing the research to determine what was needed from Kirkland for this project, Redmond discovered that Kirkland is also the owner of another property in this area. That property is totally located within the Old Redmond Road right-of-way and is adjacent to the park. Redmond has asked that we convey this to them as well because it is within the right-of-way Redmond maintains.

Redmond has requested a Temporary Construction Permit to stage their equipment and materials for this project on an area of land within the park.

Redmond is requesting that the value of the project improvements associated with the widening of Old Redmond Road along Snyder's Corner Park (bike lane, sidewalk and landscape strip) offset the monetary value for these conveyances. The estimate for design and construction is \$227,300.

Staff Recommendation

The road improvements Redmond has planned will save the City of Kirkland \$227,300 that we would otherwise incur when funds are available for future development of Snyder's Corner Park. Staff briefed the Park Board in January of Redmond's Request. The Park Board has no objections to the conveyance of the portion of Snyder's Corner Park that is necessary for the road improvement. Regarding the parcel located within the Old Redmond Road right-of-way, staff has determined that retaining it is of no benefit to the City given its location and that transferring it to Redmond would be appropriate as further consideration for the savings being realized on the park improvements. Finally, the requested temporary construction permit is also reasonable under the circumstances and staff would recommend that it be granted as well.

The City Attorney's Office reviewed the conditions imposed on the transfer of Snyder's Corner Park to Kirkland and agree the conveyance for the public road is allowed under the terms of the transfer from King County and is exempt from the requirements of first being subdivided pursuant to KCC 19A.08.030. The City Attorney's Office also concluded there were no legal impediments to the proposed transfer of the parcel within the right-of-way or the temporary construction permit.

CITY OF KIRKLAND

132ND AVENUE NE

PROPOSED RIGHT OF WAY ACQUISITION
(QUIT CLAIM DEED)

70'

OLD REDMOND ROAD

10'

PROPOSED RIGHT OF WAY
APPROXIMATE AREA OF ACQUISITION = 4,838 SF
(SPECIAL WARRANTY DEED)

SNYDER'S CORNER PARK
PARCEL NO. 3848500670



MAP SCALE
1" = 100'

SNYDER'S CORNER PARK RIGHT OF WAY ACQUISITION

Please Return To:
City of Kirkland

WASHINGTON STATE COUNTY AUDITOR/RECORDER INDEXING FORM

Document Title(s) (or transactions contained therein):

DEED

Reference Number(s) of Documents assigned or released:

Additional reference numbers on page ____ of document

Grantor(s): (Last name first, then first name and initials)

1. **KIRKLAND, CITY OF**

Additional names on page __ of document

Grantee(s): (Last name first, then first name and initials)

1. **REDMOND, CITY OF**

Additional names on page __ of document

Legal Description: (abbreviated form i.e. lot, block, plat name, section-township-range)

PTN. OF LOTS 22, 23 & 24, BLK. 13, KEYSTONE ADD. TO KIRKLAND, VOL 7, PG. 92, AND TRACTS A

Additional legal is on Exhibit A of document

Assessor's Property Tax Parcel Account Number(s):

384850 0670

City of Redmond Reference: *Old Redmond Road Improvements (132nd – 140th)*

Project Number: **100169**

Permit Number:

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

SPECIAL WARRANTY DEED

THE GRANTOR, **CITY OF KIRKLAND**, a municipal corporation of the state of Washington, for and in consideration of mutual benefit and public purpose, which is hereby acknowledged, conveys and warrants to **CITY OF REDMOND**, a municipal corporation of the state of Washington (hereinafter called "Grantee"), a portion of that certain real property situated in the County of King, State of Washington, which partial conveyance without subdivision is authorized under KCC 19A.08.030, and legally described as follows:

A PORTION OF Lots 22, 23 and 24, Block 13, Keystone Addition to Kirkland, according to the plat thereof recorded in Volume 7 of Plats, page 92, in King County, Washington;

AND Tracts A, B, C and D, Block 12 and the north half of Tracts A, B, C and D, Block 13 of vacated Keystone Addition to Kirkland Supplemental, according to the plat thereof recorded in Volume 9 of Plats, page 8, in King County, Washington;

AND portion of vacated streets adjacent to said blocks;

EXCEPT that portion for 132nd Avenue Northeast, as recorded under Recording Number 7310050058;

AND EXCEPT the easterly 60.52 feet thereof,

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the northeast corner of the above described parcel; thence S.01°41'53"W. along the east line of said parcel, 10.00 feet; thence leaving said east line, N.88°31'43"W. parallel with the north line of said parcel, 420.03 feet to a point of curve of a 460.00 foot radius curve right; thence along the arc of said curve right through a central angle of 11°58'08", a distance of 96.09 feet to the north line of said parcel; thence S.88°31'43"E. along said north line, 515.46 feet to the Point of Beginning.

(Containing an area of 4,837 square feet, more or less.)

and as graphically depicted on Exhibit "A".

This conveyance is conditioned that Grantee shall not charge Grantor for the initial construction/ installation or maintenance of any improvements on or to the real property installed by Grantee or its agents.

Dated this ____ day of _____, 2006.

**GRANTOR:
CITY OF KIRKLAND**

By: _____

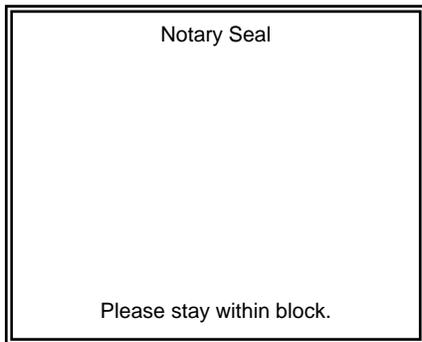
Its: _____

Approved as to Form:

STATE OF WASHINGTON)
) §
COUNTY OF KING)

On this day personally appeared before me _____, to me known to be the _____ of the **CITY OF KIRKLAND**, the municipal corporation of the state of Washington that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such municipal corporation, for the uses and purposes therein mentioned, and on oath stated that [he/she] was duly authorized to execute such instrument.

Given under my hand and official seal this _____ day of _____, 2006.



Notary Signature: _____

Print Name: _____

Notary Public in and for the State of _____

Residing in _____

My Commission Expires: _____

Please Return To:
City of Kirkland

WASHINGTON STATE COUNTY AUDITOR/RECORDER INDEXING FORM

Document Title(s) *(or transactions contained therein):*

QUIT CLAIM DEED

Reference Number(s) of Documents assigned or released:

Additional reference numbers on page ____ of document

Grantor(s): *(Last name first, then first name and initials)*

1. **KIRKLAND, CITY OF**

Additional names on page __ of document

Grantee(s): *(Last name first, then first name and initials)*

1. **REDMOND, CITY OF**

Additional names on page __ of document

Legal Description: *(abbreviated form i.e. lot, block, plat name, section-township-range)*

PTN OF SW 10-25-5

Additional legal is on Exhibit "A" of document

Assessor's Property Tax Parcel Account Number(s):

NO PARCEL NUMBER

City of Redmond Reference: *Old Redmond Road Improvements (132nd – 140th)*

Project Number: **100169**

Permit Number:

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

QUIT CLAIM DEED

THE GRANTOR, CITY OF KIRKLAND, a municipal corporation of the state of Washington, for and inconsideration of mutual benefits, receipt of which is hereby acknowledged, conveys and quit claims unto the Grantee, the **CITY OF REDMOND,** a municipal corporation of the State of Washington, the following described real estate, situate in King County, Washington, as also described under the heading of Statutory Warranty Deed , recorded under recording number 9205290698, records of King County, State of Washington:

See Exhibit "A"

together with all after acquired title of the Grantor herein.

Dated this _____ day of _____, 2006.

GRANTOR:

CITY OF KIRKLAND, a municipal corporation of the state of Washington

By: _____

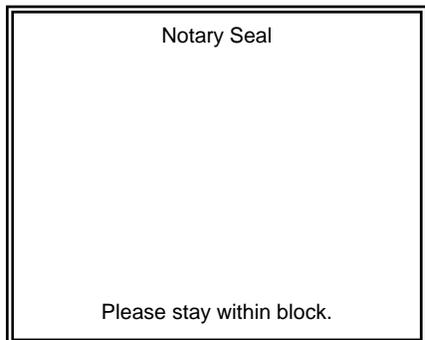
Its: _____

Approved as to Form:

STATE OF WASHINGTON)
) §
COUNTY OF KING)

On this day personally appeared before me _____, to me known to be the _____ of the **CITY OF KIRKLAND,** the municipal corporation of the state of Washington that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such municipal corporation, for the uses and purposes therein mentioned, and on oath stated that [he/she] was duly authorized to execute such instrument.

Given under my hand and official seal this _____ day of _____, 2006.



Notary Signature: _____

Print Name: _____

Notary Public in and for the State of _____

Residing in _____

My Commission Expires: _____

EXHIBIT "A"
Legal Description

A parcel of land lying directly adjacent to and northerly of the north margin of State Aid Road No. 4, hereinafter referred to as N.E. 70th Street. Beginning at a point on the north margin of said N.E. 70th Street, said point being 30.00 feet north of and 152.63 feet east of the intersection of the centerlines of said N.E. 70th Street and 132nd Avenue N.E.; thence north 88°31'36" west, 97.63 feet along said north margin to the beginning of a curve to the right having a radius of 25.00 feet; thence northwesterly along said curve through a central angle of 90°00'58" an arc distance of 39.28 feet; thence north 01°29'23" east along the west line of said parcel 13.30 feet to the beginning of a curve to the left having a radius of 25.00 feet; thence southeasterly along said curve through a central angle of 74°30'11" an arc distance of 32.51 feet to a point of compound curvature of a curve to the left having a radius of 390.00 feet; thence southeasterly along said curve through a central angle of 15°30'48" an arc distance of 105.60 feet to a point on said north margin and the point of beginning, having been a portion of a parcel of land described as follows:

Lots 25 through 28, Block 5, Keystone Addition to Kirkland, according to the plat thereof recorded in Volume 7 of Plats, Page 92, in King County, Washington and west 100 feet of Lot B, Block 5, Supplemental Addition to Kirkland, according to the plat thereof recorded in Volume 9 of Plats, Page 8, in King County, Washington.

The property transfer legal description is as described in instrument recorded under Recording Number 9205290698, records of King County, Washington.

City of Redmond Project No.: 100169
City of Redmond Project Name: Old Redmond Road (132nd – 140th)
Property Tax Account No.: 384850-0670

TEMPORARY CONSTRUCTION PERMIT

THE GRANTOR, **CITY OF KIRKLAND**, a Washington municipal corporation (hereinafter, "Kirkland"), for and in consideration of mutual benefit, does hereby offer, permit and grant the **CITY OF REDMOND**, a municipal corporation of the State of Washington (hereinafter, "Redmond"), or its agents and contractors, during the period of construction of the above-referenced project, permission to enter upon, occupy and use all that portion of the parcel of land as generally shown on the attached Exhibit "A" of this document (hereinafter, the "Property").

Redmond, its successors and assign, shall have the right without prior notice or proceeding of law to enter upon the Property at normal working hours, as mutually agreed upon by Kirkland and Redmond or at anytime when determination has been made by Redmond that public health, safety or welfare is threatened, for the purposes of, but not limited to:

- Staging secured project material and equipment
- Project trailer
- Installation of sidewalk and curb in street right of way
- Installation of project landscaping in street right of way
- Trade parking
- Silt fencing/erosion control
- Installation of driveway apron
- Contour and restore any disturbed areas

Redmond shall not use, store or allow any hazardous wastes (as defined by federal or state law) in or about the Property with the exception of those properly and securely contained in construction equipment. At no time will the Property be used for storage of equipment or materials unless associated with purposes of this Permit. Redmond agrees that it shall carry on its activities on the Property in such a way as to not unreasonably interfere with any of the business activities conducted on the Property. Redmond or its representative will notify a representative of Kirkland at least 14 working days in advance of commencement of any project work.

Redmond, its agents and contractors, agree to hold harmless, indemnify and defend Kirkland from and against any and all claims, losses or liability, for injuries, sickness or death of persons, including employees of Redmond, or damage to property, arising out of Redmond's activities under this Permit, provided, however, that:

A. Redmond's obligations to indemnify, defend and hold harmless shall not extend to injuries, sickness, death or damage caused by or resulting from the sole willful misconduct or sole negligence of Kirkland; and

B. Redmond's obligations to indemnify, defend and hold harmless for injuries, sickness, death or damage caused by or resulting from the concurrent negligence or willful misconduct of Redmond and Kirkland, or of Redmond and a third party other than an officer, agent, contractor or employee of Redmond, shall apply only to the extent of the negligence or willful misconduct of Redmond.

Prior to any work on the Property, Redmond shall require its contractors and agents working under this Permit to defend, indemnify and hold the City of Kirkland harmless to the same extent as it will require for Redmond and to provide proof of insurance naming City of Kirkland as an additional insured in the amount required by the project for the City of Redmond.

Redmond shall, at its sole cost and upon completion of the Project and/or any work within the Property, fully restore the surface of the area and any public or private improvements disturbed by or destroyed during execution of the work, as nearly as practicable, to the conditions that they were in immediately before the commencement of the work or entry by Redmond.

This Temporary Construction Permit shall be effective from the date of its execution and shall expire and terminate automatically and without notice upon completion of the construction and warranty maintenance period of the above-referenced project or December 2007, whichever is earlier.

The terms and obligations expressed herein are not binding upon Redmond unless and until approved and accepted by same.

Dated this _____ day of _____, 2006.

CITY OF KIRKLAND:

The CITY OF REDMOND approves and accepts this Permit:

By: _____

By: **Lisa Singer**

Project Construction Manager

Its: _____

Contact Information:

Contact Information:

Phone: _____

Phone: **425-556-2726**

Alternative Phone: _____

Alternative Phone: _____



EXHIBIT A TEMPORARY CONSTRUCTION PERMIT AREA



OLD REDMOND ROAD

TEMPORARY CONSTRUCTION AREA

132ND AVENUE NE

SNYDER'S CORNER
CITY OF KIRKLAND

RESOLUTION R-4564

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE THE WARRANTY DEED, QUITCLAIM DEED AND TEMPORARY CONSTRUCTION PERMITS TO THE CITY OF REDMOND.

WHEREAS, the City of Redmond will be improving Old Redmond Road between 132nd Avenue NE and 140th Avenue NE ("the Project"); and

WHEREAS, the City of Kirkland owns Redmond Snyders Park ("the Park"), which is adjacent to the Project; and

WHEREAS, to complete the Project using the appropriate design for this right of way, additional property from the Park will be needed as well as a temporary construction permit for staging its equipment and material within the Park; and

WHEREAS, Kirkland would have used a similar design and the same amount of Park property for the road improvements, which improvements need to be done; and

WHEREAS, in the process of determining the Park property needed for the Project, Redmond discovered additional property owned by Kirkland, which is entirely located within the Old Redmond Road right of way that is maintained by Redmond; and

WHEREAS, retaining this property located completely within Redmond's right of way provides no benefit to the City;

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 execute on behalf of the City the Warranty Deed, Quitclaim Deed and Temporary Construction Permit to the City of Redmond in a form substantially similar to the documents 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

Please Return To:
City of Kirkland

EXHIBIT A

WASHINGTON STATE COUNTY AUDITOR/RECORDER INDEXING FORM

Document Title(s) *(or transactions contained therein):*

DEED

Reference Number(s) of Documents assigned or released:

Additional reference numbers on page ____ of document

Grantor(s): *(Last name first, then first name and initials)*

1. **KIRKLAND, CITY OF**

Additional names on page __ of document

Grantee(s): *(Last name first, then first name and initials)*

1. **REDMOND, CITY OF**

Additional names on page __ of document

Legal Description: *(abbreviated form i.e. lot, block, plat name, section-township-range)*

PTN. OF LOTS 22, 23 & 24, BLK. 13, KEYSTONE ADD. TO KIRKLAND, VOL 7, PG. 92, AND TRACTS A

Additional legal is on Exhibit A of document

Assessor's Property Tax Parcel Account Number(s):

384850 0670

City of Redmond Reference: *Old Redmond Road Improvements (132nd – 140th)*

Project Number: **100169**

Permit Number:

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

SPECIAL WARRANTY DEED

THE GRANTOR, **CITY OF KIRKLAND**, a municipal corporation of the state of Washington, for and in consideration of mutual benefit and public purpose, which is hereby acknowledged, conveys and warrants to **CITY OF REDMOND**, a municipal corporation of the state of Washington (hereinafter called "Grantee"), a portion of that certain real property situated in the County of King, State of Washington, which partial conveyance without subdivision is authorized under KCC 19A.08.030, and legally described as follows:

A PORTION OF Lots 22, 23 and 24, Block 13, Keystone Addition to Kirkland, according to the plat thereof recorded in Volume 7 of Plats, page 92, in King County, Washington;

AND Tracts A, B, C and D, Block 12 and the north half of Tracts A, B, C and D, Block 13 of vacated Keystone Addition to Kirkland Supplemental, according to the plat thereof recorded in Volume 9 of Plats, page 8, in King County, Washington;

AND portion of vacated streets adjacent to said blocks;

EXCEPT that portion for 132nd Avenue Northeast, as recorded under Recording Number 7310050058;

AND EXCEPT the easterly 60.52 feet thereof,

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the northeast corner of the above described parcel; thence S.01°41'53"W. along the east line of said parcel, 10.00 feet; thence leaving said east line, N.88°31'43"W. parallel with the north line of said parcel, 420.03 feet to a point of curve of a 460.00 foot radius curve right; thence along the arc of said curve right through a central angle of 11°58'08", a distance of 96.09 feet to the north line of said parcel; thence S.88°31'43"E. along said north line, 515.46 feet to the Point of Beginning.

(Containing an area of 4,837 square feet, more or less.)

and as graphically depicted on Exhibit "A".

This conveyance is conditioned that Grantee shall not charge Grantor for the initial construction/ installation or maintenance of any improvements on or to the real property installed by Grantee or its agents.

Dated this ____ day of _____, 2006.

**GRANTOR:
CITY OF KIRKLAND**

By: _____

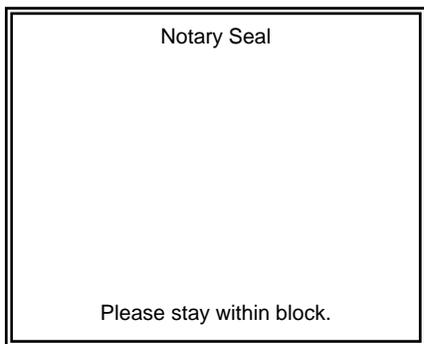
Its: _____

Approved as to Form:

STATE OF WASHINGTON)
) §
COUNTY OF KING)

On this day personally appeared before me _____, to me known to be the _____ of the **CITY OF KIRKLAND**, the municipal corporation of the state of Washington that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such municipal corporation, for the uses and purposes therein mentioned, and on oath stated that [he/she] was duly authorized to execute such instrument.

Given under my hand and official seal this _____ day of _____, 2006.



Notary Signature: _____

Print Name: _____

Notary Public in and for the State of _____

Residing in _____

My Commission Expires: _____

EXHIBIT "A"

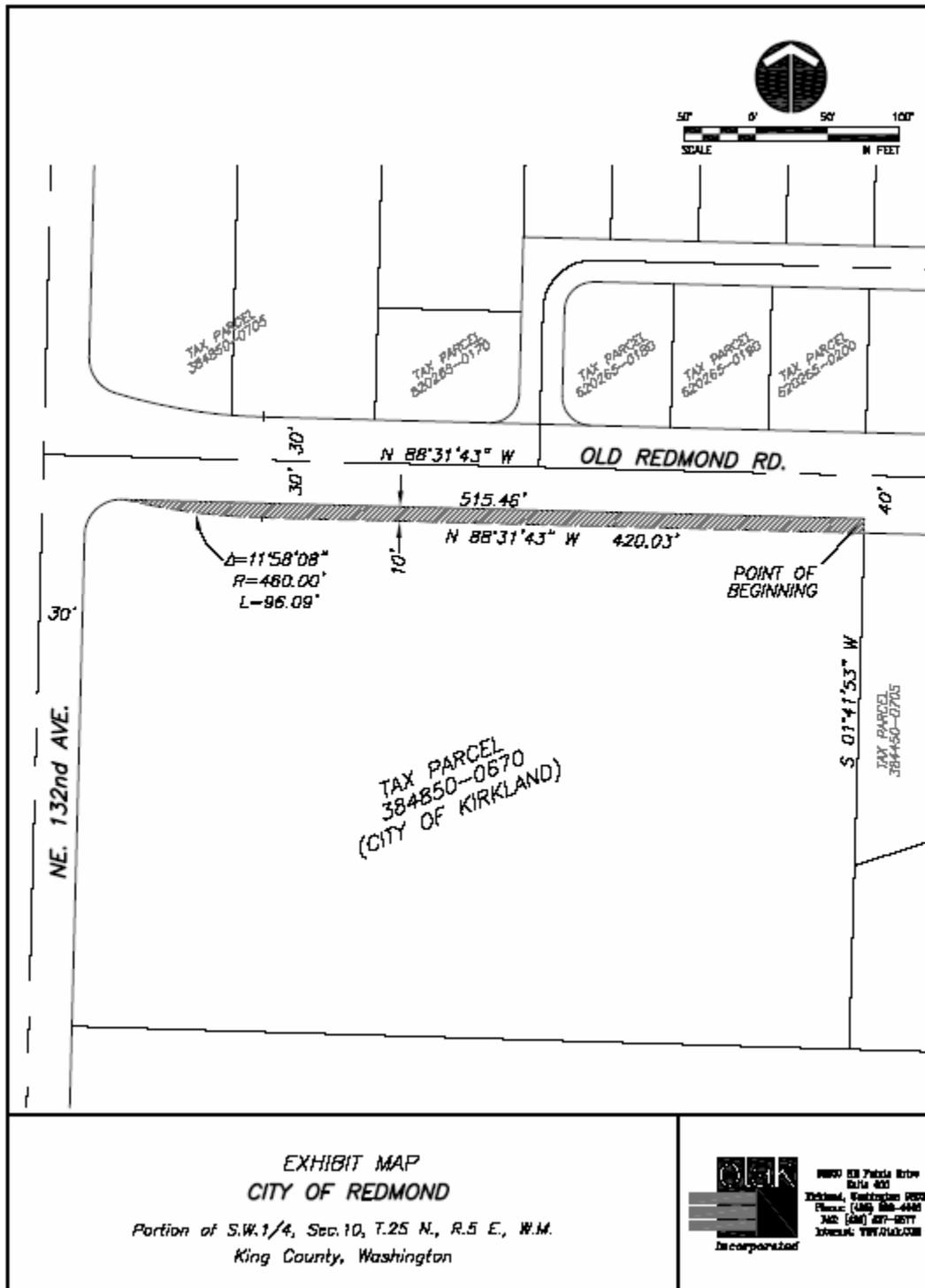


EXHIBIT MAP
CITY OF REDMOND
Portion of S.W.1/4, Sec.10, T.25 N., R.5 E., W.M.
King County, Washington


1900 Hillside Drive
Suite 400
Redmond, Washington 98073
Phone: (425) 888-4488
Fax: (425) 887-8877
Internet: WWW.KCWA.COM
Incorporated

Please Return To:
City of Kirkland

WASHINGTON STATE COUNTY AUDITOR/RECORDER INDEXING FORM

Document Title(s) *(or transactions contained therein):*

QUIT CLAIM DEED

Reference Number(s) of Documents assigned or released:

Additional reference numbers on page ____ of document

Grantor(s): *(Last name first, then first name and initials)*

1. **KIRKLAND, CITY OF**

Additional names on page __ of document

Grantee(s): *(Last name first, then first name and initials)*

1. **REDMOND, CITY OF**

Additional names on page __ of document

Legal Description: *(abbreviated form i.e. lot, block, plat name, section-township-range)*

PTN OF SW 10-25-5

Additional legal is on Exhibit "A" of document

Assessor's Property Tax Parcel Account Number(s):

NO PARCEL NUMBER

City of Redmond Reference: *Old Redmond Road Improvements (132nd – 140th)*

Project Number: **100169**

Permit Number:

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

QUIT CLAIM DEED

THE GRANTOR, CITY OF KIRKLAND, a municipal corporation of the state of Washington, for and inconsideration of mutual benefits, receipt of which is hereby acknowledged, conveys and quit claims unto the Grantee, the **CITY OF REDMOND,** a municipal corporation of the State of Washington, the following described real estate, situate in King County, Washington, as also described under the heading of Statutory Warranty Deed , recorded under recording number 9205290698, records of King County, State of Washington:

See Exhibit "A"

together with all after acquired title of the Grantor herein.

Dated this _____ day of _____, 2006.

GRANTOR:

CITY OF KIRKLAND, a municipal corporation of the state of Washington

By: _____

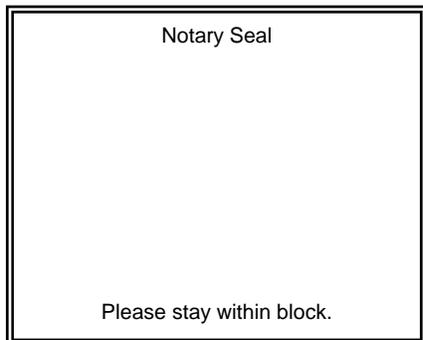
Its: _____

Approved as to Form:

STATE OF WASHINGTON)
) §
COUNTY OF KING)

On this day personally appeared before me _____, to me known to be the _____ of the **CITY OF KIRKLAND,** the municipal corporation of the state of Washington that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such municipal corporation, for the uses and purposes therein mentioned, and on oath stated that [he/she] was duly authorized to execute such instrument.

Given under my hand and official seal this _____ day of _____, 2006.



Notary Signature: _____

Print Name: _____

Notary Public in and for the State of _____

Residing in _____

My Commission Expires: _____

EXHIBIT "A"
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- Staging secured project material and equipment
- Project trailer
- Installation of sidewalk and curb in street right of way
- Installation of project landscaping in street right of way
- Trade parking
- Silt fencing/erosion control
- Installation of driveway apron
- Contour and restore any disturbed areas

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Redmond, its agents and contractors, agree to hold harmless, indemnify and defend Kirkland from and against any and all claims, losses or liability, for injuries, sickness or death of persons, including employees of Redmond, or damage to property, arising out of Redmond's activities under this Permit, provided, however, that:

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This Temporary Construction Permit shall be effective from the date of its execution and shall expire and terminate automatically and without notice upon completion of the construction and warranty maintenance period of the above-referenced project or December 2007, whichever is earlier.

The terms and obligations expressed herein are not binding upon Redmond unless and until approved and accepted by same.

Dated this _____ day of _____, 2006.

CITY OF KIRKLAND:

The CITY OF REDMOND approves and accepts this Permit:

By: _____

By: **Lisa Singer**
Project Construction Manager

Its: _____

Contact Information:

Contact Information:

Phone: _____

Phone: 425-556-2726

Alternative Phone: _____

Alternative Phone: _____