



**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587-3225**  
**www.ci.kirkland.wa.us**

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## **MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Eric R. Shields, AICP, Planning Director  
Stacy Clauson, Associate Planner

**Date:** August 21, 2006

**Subject:** 118th Avenue NE Right-of-Way Vacation Ordinance  
File VAC05-00003

### **RECOMMENDATION**

The Department of Planning and Community Development recommends that the City Council adopt an ordinance to vacate a portion of the 118th Ave NE right-of-way. Under the provisions of KMC 19.16.160, to adopt the ordinance, a motion must be approved by a majority of the entire membership in a roll call vote.

### **BACKGROUND DISCUSSION**

On May 16, 2006 the City Council passed Resolution No. 4577 (see Enclosure 1) setting forth that the City will, by appropriate ordinance, vacate a portion of the 118th Avenue NE right-of-way if, within 90 days of the date of passage of the resolution, the applicant or other person meets the conditions of approval established in the resolution.

The applicant has satisfied the following conditions of approval: 1) payment of monetary compensation for vacating this portion of the right-of-way, and 2) installation of or submittal of a security device for improvements associated with completion of the cul-de-sac at the new terminus of 118th Avenue NE. The applicant is currently in the process of completing the legal documents necessary to establish easements for public utilities and for utility companies having facilities in the right-of-way, as well as the deed of trust for dedication of the cul-de-sac at the new terminus of 118th Avenue NE. These documents are anticipated to be complete prior to the September 5, 2006 City Council meeting.

#### ENCLOSURES:

1. Resolution No. R4577

cc: File VAC05-00003

RESOLUTION R-4577

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY LMJ Enterprises Limited Partnership, FILE NUMBER VAC05-00003.

WHEREAS, the City has received an application filed by LMJ Enterprises Limited Partnership to vacate a portion of a right-of-way; and

WHEREAS, by Resolution Number R-4534 and R-4567, the City Council of the City of Kirkland established a date for a public hearing on the proposed vacation; and

WHEREAS, proper notice for the public hearing on the proposed vacation was given and the hearing was held in accordance with the law; and

WHEREAS, it is appropriate for the City to receive compensation for vacating the right-of-way as allowed under state law; and

WHEREAS, no property owner will be denied direct access as a result of this vacation; and

WHEREAS, it appears desirable and in the best interest of the City, its residents and property owners abutting thereon that said street to be vacated;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The Findings and Conclusions as set forth in the Recommendation of the Department of Planning and Community Development contained in File Number VAC05-00003 are hereby adopted as though fully set forth herein, with the exception of the conclusion set forth in Section II.C.3.b.

Section 2. An independent appraisal of the subject site has been completed by CJM Investment which concluded a market value of \$19.31 per square foot.

Section 3. Except as stated in Section 4 of this Resolution, the City will, by appropriate ordinance, vacate the portion of the right-of-way described in Section 4 of this Resolution if within 90 days of the date

of passage of this Resolution the applicant or other person meets the following conditions:

(a) Pays to the City \$307,782 as compensation for vacating this portion of the right-of-way.

(b) Within seven (7) calendar days after the final public hearing, the applicant shall remove all public notice signs.

(c) Submit to the City a copy of the following recorded easements:

(1) A 20-ft minimum width easement for the sewer main.

(2) A 15-ft minimum width easement for the water main.

(3) A 15-ft minimum width easement shall for the storm main.

(4) An access easement for maintenance of the sewer manhole in the vacated right-of-way should be provided from the end of the new cul-de-sac or through the car dealership site from 120th Ave. NE.

(5) A utility easement encompassing the entire vacated right-of-way unless the applicant prepares individual legal descriptions for each specific easement based on the location and minimum size determined by each utility company.

(d) Install the required improvements as described in Attachment 3. Prior to installing these improvements, plans must be submitted for approval by the Department of Public Works.

In lieu of completing these improvements, the applicant may submit to the Department of Public Works a security device to cover the cost of installing the improvements and guaranteeing installation within one year.

(e) Dedicate the area described in Exhibit B to the city to allow installation of a 70-foot diameter paved cul-de-sac with a 6-ft wide paved parallel parking area on the north and east side of the cul-de-sac and a 4.5-ft minimum landscape strip behind the curb.

Section 4. If the portion of the right-of-way described in Section 5 of this resolution is vacated, the City will retain and reserve an easement, together with the right to exercise and grant easements along, over, under and across the vacated right-of-way for the installation, construction, repair and maintenance of public utilities and services.

Section 5. The right-of-way to be vacated is situated in Kirkland, King County, Washington and is described in Exhibit A.

Section 6. Certified or conformed copies of this Resolution shall be delivered to the following within seven (7) days of the passage to this resolution:

- (a) Applicant;
- (b) Department of Planning and Community Development of the City of Kirkland;
- (c) Fire and Building Departments of the City of Kirkland;
- (d) Public Works Department of the City of Kirkland; and
- (e) The City Clerk for the City of Kirkland.

Passed by majority vote of the Kirkland City Council in open meeting on the 16th day of May, 2006.

SIGNED IN AUTHENTICATION THEREOF on the 16th day of May, 2006.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



# Exhibit A

## JIM HART AND ASSOCIATES

220 6TH STREET, KIRKLAND, WA 98033-6335, 425-822-4171 FAX 425-827-3085

05-41

1/3/06

### TOTAL ROAD VACATION

#### LEGAL DESCRIPTION:

THAT PORTION OF 118TH AVE NE (DONALD STREET) AND THAT PORTION OF LOT 15, BLOCK 1, BURKE AND FARRAR'S KIRKLAND ADDITION, DIVISION No. 6, AS RECORDED IN VOLUME 19 OF PLATS, PAGE 68, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 8, BLOCK 2 OF SAID PLAT; THENCE NORTH  $00^{\circ}15'34''$  WEST ALONG THE WESTERLY LINE OF LOT 7, LOT 6 AND LOT 5, SAID BLOCK 2 OF SAID PLAT 301.85 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY OF S.R. 405; THENCE SOUTH  $47^{\circ}07'18''$  WEST ALONG SAID RIGHT OF WAY 119.50 FEET, MORE OR LESS, TO THE SOUTHWESTERLY LINE OF THAT PORTION OF ABOVE MENTIONED LOT 15 RELINQUISHED TO THE CITY OF KIRKLAND UNDER RECORDING No. 8006200424, BEING A CURVE TO THE SOUTHWEST; THENCE ALONG SAID CURVE HAVING A RADIUS OF 45 FEET THE CENTER OF WHICH BEARS SOUTH  $72^{\circ}52'58''$  EAST, FOR AN ARC LENGTH OF 62.92 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF THE NORTHERLY 82.5 FEET OF SAID LOT 15; THENCE NORTH  $89^{\circ}44'26''$  EAST 5.60 FEET, MORE OR LESS, TO THE EASTERLY LINE OF SAID LOT 15; AND THE WESTERLY MARGIN OF 118TH AVE. NE; THENCE SOUTH  $00^{\circ}15'34''$  EAST ALONG THE WESTERLY MARGIN OF SAID 118TH AVE. NE 167.50, MORE OR LESS; THENCE NORTH  $89^{\circ}44'26''$  EAST ALONG THE SOUTHERLY LINE OF LOT 14, BLOCK 1 OF SAID PLAT, PRODUCED EASTERLY 60 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF LOT 8, BLOCK 2 AND THE TRUE POINT OF BEGINNING.

CONTAINING 18,128 SQUARE FEET, MORE OR LESS.

SITUATE IN THE CITY OF KIRKLAND, KING COUNTY, WASHINGTON.

RECEIVED

JAN - 3 2006

AM \_\_\_\_\_ PM  
PLANNING DEPARTMENT  
BY \_\_\_\_\_





Exhibit B

# JIM HART AND ASSOCIATES

220 5TH STREET, KIRKLAND, WA 98033-6335, 425-822-4171 FAX 425-827-3085

05-41  
1/3-06

## ROAD DEDICATION

### LEGAL DESCRIPTION:

THAT PORTION OF LOT 8, BLOCK 2, BURKE AND FARRAR'S KIRKLAND ADDITION, DIVISION No. 6, AS RECORDED IN VOLUME 19 OF PLATS, PAGE 68, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 8, BLOCK 2 OF SAID PLAT; THENCE SOUTH 00°15'34" EAST 1.18 FEET TO THE TRUE POINT OF BEGINNING; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 46.00 FEET, THROUGH A CENTRAL ANGLE OF 37°18'31" WHOSE RADIAL CENTER BEARS SOUTH 12°42'55" WEST, AN ARC LENGTH OF 29.25 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT WITH A RADIUS 20.00 FEET, THROUGH A CENTRAL ANGLE OF 39°43'00", AN ARC LENGTH OF 13.86 FEET; THENCE SOUTH 00°15'34" EAST 33.23 FEET TO POINT OF CURVE TO THE RIGHT WITH A RADIUS OF 20.00 FEET WITH A CENTRAL ANGLE OF 39°43'00", AN ARC LENGTH 13.86 FEET TO A COMPOUND CURVE TO THE RIGHT WITH A RADIUS OF 46.00 FEET, THROUGH A CENTRAL ANGLE OF 37°18'31" WHOSE RADIAL CENTER BEARS NORTH 50°32'34" WEST AN ARC LENGTH OF 29.25 FEET TO THE WEST LINE OF LOT 8, BLOCK 2, OF SAID PLAT; THENCE NORTH 00°15'34" WEST ALONG THE WEST LINE OF LOT 8, BLOCK 2, A DISTANCE OF 89.65 FEET TO THE TRUE POINT OF BEGINNING

CONTAINING 2,189 SQ FT ±

RECEIVED

JAN - 3 2006

AM \_\_\_\_\_ PM  
PLANNING DEPARTMENT  
BY \_\_\_\_\_



CITY OF KIRKLAND  
123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 (425) 587-3225

Date: 4/27/2006

DEVELOPMENT STANDARDS  
CASE NO.: VAC05-00003  
PCD FILE NO.: VAC05-00003

You can review your permit status and conditions at [www.kirklandpermits.net](http://www.kirklandpermits.net)

**PUBLIC WORKS CONDITIONS**

**Permit Information**

Permit #: VAC05-00003  
Project Name: 118th Ave. NE Street Vacation  
Project Address: 11845 NE 85th St.  
Date: September 1, 2005

**Public Works Staff Contacts**

Land Use and Pre-Submittal Process:  
Rob Jammerman, Development Engineering Manager  
Phone: 425-587-3845 Fax: 425-587-3807  
E-mail: [rjammer@ci.kirkland.wa.us](mailto:rjammer@ci.kirkland.wa.us)

**Building and Land Surface Modification (Grading) Permit Process:**

John Burkhalter, Senior Development Engineer  
Phone: 425-587-3846 Fax: 425-587-3807  
E-mail: [jburkhal@ci.kirkland.wa.us](mailto:jburkhal@ci.kirkland.wa.us)

**General Conditions:**

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site at [www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us).
2. This project will be subject to Public Works Permit Fees. It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees. The fees can also be reviewed on the City of Kirkland web site at [www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us). The applicant should anticipate the following fees:
  - o Right-of-way Fee
  - o Review and Inspection Fee (for utilities and street improvements).
3. This project is exempt from concurrency review.
4. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy titled ENGINEERING PLAN REQUIREMENTS. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.

5. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer; all drawings shall bear the engineers stamp.
6. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are based on the King County datum only (NAVD 88).
7. Utility easements will be retained for any franchise utility companies that express an interest in retaining a utility easement for their existing or future utilities. To date, Comcast, Verizon, and Puget Sound Energy have all expressed an interest in a utility easement. The utility easement will encompass the entire vacated right-of-way unless the applicant desires to have their surveyor prepare individual legal descriptions for each specific easement based on the location and minimum size determined by each utility company.

**Sanitary Sewer Conditions:**

1. The City has an existing 8-inch sewer main in the right-of-way to be vacated. If the vacation is approved, a 20-ft minimum width easement shall be retained for the sewer main. In addition, access for maintenance of the sewer manhole in the vacated right-of-way shall be provided from the end of the new cul-de-sac or through the car dealership site from 120th Ave. NE.

**Water System Conditions:**

1. There is an existing 8-inch water main in the right-of-way to be vacated. If the vacation is approved, a 15-ft minimum width easement shall be retained for the water main. Note: this water is being connected to a new water main that loops through the project site over to 120th Ave. NE. All of the water main will be encompassed in a 15-ft minimum width easement.

**Surface Water Conditions:**

1. At the end of new cul-de-sac, install surface water collection and conveyance.
2. There is an existing public storm main in the right-of-way to be vacated. If the vacation is approved, a 15-ft minimum width easement shall be retained for the storm main.

**Street and Pedestrian Improvement Conditions:**

1. With approval of this street vacation, a new cul-de-sac turn-around will need to be constructed at the new north end of 118th Ave. NE. The improvements in the cul-de-sac shall match the preliminary drawings submitted by Jim Hart and Associates on November 21, 2005 and include the following:
  - " 70-ft diameter paved cul-de-sac
  - " 6-ft wide paved parallel parking area on the north and east side of the cul-de-sac.
  - " 4.5-ft wide landscape strip behind the curb with street trees planted 30-ft on-center
  - " Vertical curb and gutter around the entire perimeter of the cul-de-sac.
  - " Installation of "NO PARKING ANYTIME" signs in the cul-de-sac where parking is not provided for.
  - " Surface water collection and conveyance.
  - " Fire Department access drive from the north end of the cul-de-sac.
  - " Dedication of public right-of-way north the existing 118th Ave. NE right-of-way to encompass these new cul-de-sac improvements.
  - " The existing sidewalk in front of the Spruce Villa Apartments may remain in place.
2. The required street improvements shall be installed, or a Performance Bond posted, prior to recording of the street vacation area. The bond shall be in accordance with Chapter 175 of the Kirkland Zoning Code.
3. Install a new survey monument marker in the center of the new cul-de-sac.
4. It shall be the responsibility of the applicant to relocate any above-ground or below-ground utilities which conflict with the project associated street or utility improvements.

5. Install new street lights in the new cul-de-sac Puget Power design and Public Works approval. Design must be submitted prior to issuance of a permit to install the street improvements.

ORDINANCE NO. 4055

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO VACATING A PORTION OF A RIGHT-OF-WAY BASED ON AN APPLICATION FILED BY LMJ Enterprises Limited Partnership, FILE NO. VAC05-00003.

WHEREAS, by Resolution R-4577 adopted on May 16, 2006, the City Council of the City of Kirkland established that it would vacate a portion of a right-of-way if certain conditions were met; and

WHEREAS, the conditions specified in Resolution No. 4577 have been satisfied.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. The portions of public right-of-way situated in Kirkland, King County, Washington and described as follows:

A portion of the 118th Avenue NE right-of-way as described in Exhibit A

be and the same hereby are vacated, except that the City shall retain and reserve an easement together with the right to grant easements along, over and under the vacated street for the installation, construction, repair and maintenance of public utilities and services.

Section 2. This ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

PASSED by majority vote of the Kirkland City Council in open meeting this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

SIGNED in authentication thereof this \_\_\_\_\_ day \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney



Exhibit A

# JIM HART AND ASSOCIATES

220 6TH STREET, KIRKLAND, WA 98033-6335, 425-822-4171 FAX 425-827-3085

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