



CITY OF KIRKLAND

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

MEMORANDUM

To: David Ramsay, City Manager

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

Date: October 3, 2006

Subject: SLATER AVENUE NE RIGHT-OF-WAY VACATION, FILE NO. VAC06-00002

RECOMMENDATION:

The Department of Planning and Community Development recommends that City Council hold a Public Hearing and adopt a Resolution of Intent to Vacate a portion of the Slater Ave NE right-of-way, subject to the conditions established in the Staff Advisory Report.

RULES FOR CITY COUNCIL CONSIDERATION:

The City Council shall consider the vacation at a public hearing. Any interested person may participate in the public hearing by either or both submitting written comments to the City Council or by appearing in person, or through a representative, at the hearing and make oral comments directly to the City Council.

After the public hearing, the City Council shall, by motion approved by a majority of the entire membership in a roll call vote, do one of the following:

1. Adopt an ordinance granting the vacation; or
2. Adopt a motion denying the vacation; or
3. Adopt a resolution of intent to vacate stating that the City Council will, by Ordinance, grant the vacation if the applicant meets specified conditions within 90 days, unless otherwise specified in the ordinance.

BACKGROUND DISCUSSION:

Michael R. Mastro of Mastro Properties has filed a petition to vacate a 3,455 square foot portion of Slater Avenue NE. The owners of two-thirds of the property abutting the right-of-way to be vacated must agree to the vacation. In this case, Mastro Properties represents more than two-thirds of the property abutting the proposed vacation.

In 2002, the City Council adopted Resolution R-4340 expressing an intent to vacate this same portion of right-of-way, processed under File No. VC-01-30. The conditions of approval established in the resolution (e.g. monetary compensation) were not fulfilled within the specified time frame and, as a result, a final ordinance vacating the portion of right-of-way was never adopted by the City Council.

On September 19, 2006, the City Council adopted Resolution No. R-4601 setting a public hearing date the proposed vacation on October 17, 2006.

ATTACHMENTS:

1. Staff Report
2. Resolution of Intent to Vacate



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ADVISORY REPORT

FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

To: Kirkland City Council

From: _____ Eric R. Shields, AICP, Planning Director

_____ Stacy Clauson, Project Planner

Date: October 3, 2006

File: SLATER AVENUE NE RIGHT-OF-WAY VACATION, FILE NO. VAC06-00002

Hearing Date and Place: October 17, 2006
City Hall Council Chamber
123 Fifth Avenue, Kirkland

I. **INTRODUCTION**

A. **APPLICATION**

1. Applicant: Michael R. Mastro, Mastro Properties
2. Site Location: A portion of Slater Avenue NE, adjacent to 12340 NE 115th Place (see Attachment 1).
3. Request: The proposal is to vacate a 3,455 square foot portion of the right-of-way known as Slater Avenue NE (see Attachment 2.a). The vacated right-of-way would be combined with the property located at 12340 NE 115th Place for development. A Design Review application for development of a 5-story mixed-use office and residential project on the property has been submitted for review (see Attachment 2.b). The application is still pending in the design review process before the Design Review Board.
4. Review Process: City Council conducts public hearing. Following the public hearing, the Council makes the final decision by motion approved by a majority of the entire membership in a roll call vote.
5. Summary of Key Issues: Compliance with right-of-way vacation criteria.

B. **RECOMMENDATIONS**

Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, we recommend approval of this application subject to the following conditions:

1. Within ninety (90) days of the passage of the Resolution of Intent to grant the vacation, the applicants shall:

- a. Pay to the City as compensation for vacating the requested portion of right-of-way, the full appraised value of the subject site totaling \$89,075 (see Conclusion II.D.3.b).
- b. Submit to the City a copy of the following recorded easements (see Conclusion II.D.4.b):
 - a. A public utility easement being a minimum of 8 feet in width and directly behind and following the radius of the street vacation.
 - b. 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.

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Site Development and Zoning:
 - a. Facts:
 - (1) Size: The portion of the Slater Avenue NE right-of-way requested to be vacated is 3,455 square feet.
 - (2) Land Use: The right-of-way to be vacated is undeveloped, with the exception of existing utilities (see Section D.4 below) and a gravel driveway serving a single-family residence adjoining the right-of-way to be vacated. The residence is on property also owned by the applicant.
 - (3) Zoning: The right-of-way to be vacated is located in the NRH 1A zone (see Attachment 4).
 - (4) Development Potential: The portion of the right-of-way to be vacated is proposed to be aggregated with the applicant's adjoining property, which is proposed to be redeveloped with a 5-story mixed-use project containing office and residential uses. The zoning for the property (NRH 1A) establishes a minimum setback of 10 feet that would apply to the portion of Slater Avenue that extends into the property, unless it is otherwise vacated. The maximum permissible lot coverage is 80 percent of the lot area. There is no maximum residential density established for the zone (see Attachment 5).
 - (5) Terrain: The portion of right-of-way to be vacated is relatively flat.
 - (6) Vegetation: The portion of right-of-way to be vacated contains a 39" Douglas Fir tree.
 - b. Conclusions: Size, Land Use, Zoning, Terrain, Vegetation and Development Potential are not constraining factors in the proposed street vacation application.
2. Neighboring Development and Zoning:
 - a. Facts: The following are the uses, allowed heights, and zoning of properties adjacent to the subject property:
 - North, West and East: The right-of-way to be vacated adjoins property owned by the applicant on the north, west, and east. This property is currently undeveloped,

with the exception of a single family residence. The property is owned by the applicant and is currently in a Design Review process for development of a new 5-story mixed-use building. In December, 1988, the Kirkland City Council adopted Ordinance No. 3138 vacating a portion of the Slater Avenue NE right-of-way between NE 116th Street and NE 115th Place.

- South: NRH 3 and NRH 1A Zone. On the south side of NE 115th Place, properties to the south contain the Totem Square Office Park, located in the NRH 3 zone. On the west side of Slater Avenue NE, properties to the south contain a vacant property, located in the NRH 1A zone.

- b. Conclusion: The neighboring development and zoning are not constraining factors in the proposed street vacation application.

B. RELEVANT HISTORY

In 2002, the City Council adopted Resolution R-4340 expressing an intent to vacate this same portion of right-of-way, processed under File No. VC-01-30 (see Attachment 6). The conditions of approval established in the resolution (e.g. monetary compensation) were not fulfilled within the specified time frame and, as a result, a final ordinance vacating the portion of right-of-way was never adopted by the City Council.

C. PUBLIC COMMENT

As of issuance of the staff report, the Department of Planning and Community Development has received one written comment. The comment letter and staff response are enclosed as Attachment 13.

D. KIRKLAND MUNICIPAL CODE – COMPLIANCE WITH STREET VACATION CRITERIA

1. Street Vacation Criteria

a. Facts:

- (1) Section 19.16.130 of the Kirkland Municipal Code states: "Criteria for granting Street Vacation - The City Council may, in its discretion vacate a street, alley or public easement if it determines the vacation is in the public interest and that:
 - (a) The street, alley, or public easement is not currently necessary for travel or other street purposes, nor likely to be in the future; and
 - (b) No property will be denied all access as a result of the vacation.
- (2) The City Council may consider any other fact or issue it deems relevant when deciding whether to vacate a street, alley or public easement.
- (3) Slater Avenue NE dead-ends into the site north of NE 115th Place. In December, 1988, the Kirkland City Council adopted Ordinance No. 3138 vacating Slater Avenue NE right-of-way between NE 116th Street and NE 115th Place (see Attachment 7), with the exception of the piece now under consideration for vacation.
- (4) Vacation of an 8 foot wide strip of Slater Avenue NE directly to the south of this proposed vacation was approved by Ordinance 3648A (see Attachment 7). This proposed street vacation will align with the previous street vacation.

- (5) The required public improvements (e.g. public sidewalk and landscape strip) can be accommodated in the remaining right-of-way (see Attachment 2.a).
 - (6) Only the adjoining property owned by the petitioner would access across the vacated area. That property will continue to have direct access onto Slater Avenue NE.
 - (7) There is no anticipated public use of the area for street improvements. The Public Works Department has recommended approval of the proposed street vacation (see Attachment 3, Development Standards).
- b. Conclusion: The proposed street vacation will not deny all access to any lots. There is no anticipated public use of the area for street improvements. The vacated area can be combined with the adjoining parcel for use in future redevelopment.
2. Initiation of Vacation Procedure
- a. Facts:
- (1) Section 19.16.030 of the Kirkland Municipal Code (Initiation of Proceedings) allows a vacation to be initiated by the City Council or by owners of more than two thirds of the property abutting the part of the street or alley to be vacated. The applicants represent more than two-thirds of the property abutting the proposed vacation.
 - (2) A petition signed by Michael R Mastro has been submitted (see Attachment 8).
- b. Conclusion: The requirements of Section 19.16.030 have been met.
3. Street Vacation - Final Decision and Compensation
- a. Facts:
- (1) Section 19.16.160 of the Kirkland Municipal Code indicates that following the public hearing, the City Council shall, by motion approved by a majority of the entire membership in a roll call vote, either (a) adopt an ordinance granting the vacation; or (b) adopt a motion denying the vacation, or (c) adopt a resolution of intent to vacate stating that the City Council will, by ordinance, grant the vacation if the applicant meets specified conditions within 90 days, unless otherwise specified in the resolution.
 - (2) The City may require the following as conditions:
 - (a) Monetary compensation to be paid to the City in an amount of up to one-half the appraised value for the subject property; provided, that compensation may be required in an amount of up to full appraised value of the subject property if either of the following applies to the street vacation:
 - (i) It has been part of a dedicated public right-of-way for twenty five years or more; or
 - (ii) The subject property or portions thereof were acquired at public expense.
 - (b) The grant of a substitute public right-of-way which has value as right-of-way at least equal to the subject property; or

- (c) Any combination of (a) and (b) above, provided that the total value of the combined conditions shall not total more than the maximum amount of monetary compensation allowed under subsection (2) (a) of this section.
 - (3) The City has acquired an independent appraisal of the subject site from Appraisal Group of the Northwest LLP (see Attachment 9) concluding a fair market land value of \$89,075.
 - (4) The King County Assessor Records indicate that Slater Avenue NE, otherwise known as J.W. Edwards (County Road No. 970), was established on February 11, 1914 (see Attachment 10).
 - (5) Since the right-of-way was dedicated more than 25 years ago, the City may require compensation in any amount up to the full-appraised value of the subject site.
- b. Conclusion: The applicant should compensate the City \$89,075 (the full appraised value) for vacating this portion of the Slater Avenue NE right-of-way.

4. Street Vacation – Easements

a. Facts:

- (1) KMC Section 19.16.140 allows the City Council to reserve for the City any easement or the right to exercise and grant any easements for public utilities and services, pedestrian trail purposes; and any other type of easement relating to the City's right to control, use and manage rights-of-way.
 - (2) The Public Works Department has requested that a public utility easement being a minimum of 8 feet in width and directly behind and following the radius of the street vacation be retained within the vacated area (see Attachment 3).
 - (3) The City has obtained written comments from applicable franchise utilities regarding their need to retain a utility easement over the area to be vacated (see Attachment 11.a-e). To date, Verizon, Puget Sound Energy, and Comcast have expressed an interest in a utility easement.
- b. Conclusion: If the vacation is approved, an 8 foot wide utility easement located directly behind and following the radius of the street vacation shall be retained within the vacated area.

In addition, 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, including Verizon, Puget Sound Energy, and Comcast. The utility easement should encompass 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.

A copy of the completed easements should be submitted to the City within ninety (90) days of the passage of the Resolution of Intent to grant the vacation.

E. COMPREHENSIVE PLAN

1. Fact: The subject property is located within the North Rose Hill Neighborhood. The North Rose Hill Neighborhood Land Use Map identifies the subject property as being in the North Rose Hill Business District 1A, a commercial zone (see Attachment 12).
2. Conclusion: The vacation of the right-of-way would not change the Comprehensive Plan Land Use Designation.

F. STATE ENVIRONMENTAL POLICY ACT (SEPA)

Street Vacations are categorically exempt from SEPA pursuant to WAC 197-77-800 (2)(h).

III. APPENDICES

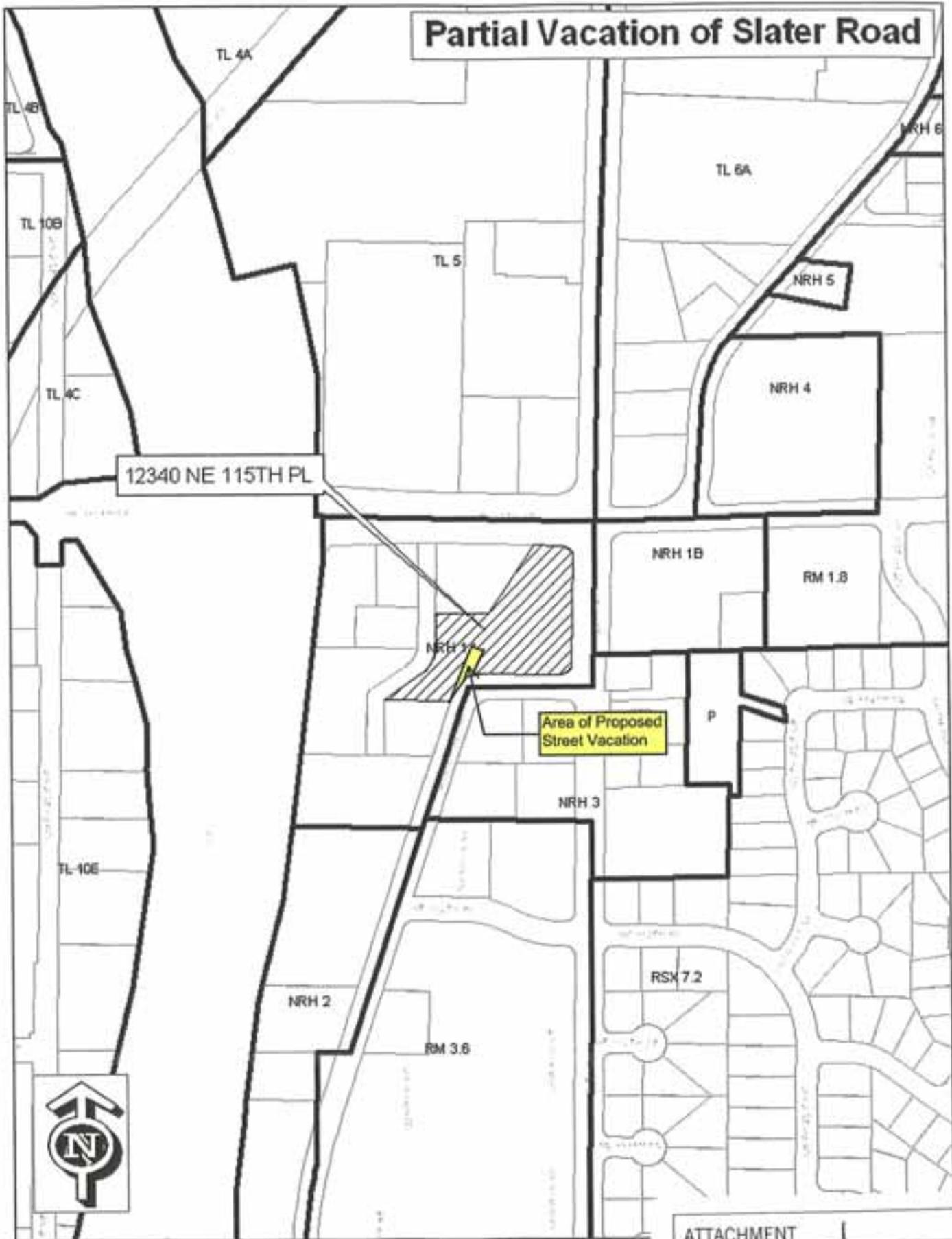
Attachments 1 through 12 are attached.

1. Vicinity Map
- 2.a Site Map
- 2.b Development Proposal
3. Development Standards
4. Zoning Map
5. NRH 1A Use Zone Chart
6. Resolution No. 4340
7. Map depicting neighboring street vacations
8. Petition to Vacate Right-of-Way
9. Land Appraisal Report
10. Assessor Map
11. Letters from Utility Companies
 - a. E-mail from King County Wastewater Treatment Division
 - b. E-mail from Verizon
 - c. E-mail from Puget Sound Energy
 - d. Letter from Northshore Utility District
 - e. E-mail from Seattle City Light
12. North Rose Hill Land Use Map
13. E-mail correspondence with Maureen Harris

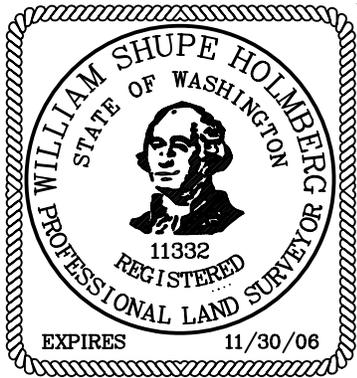
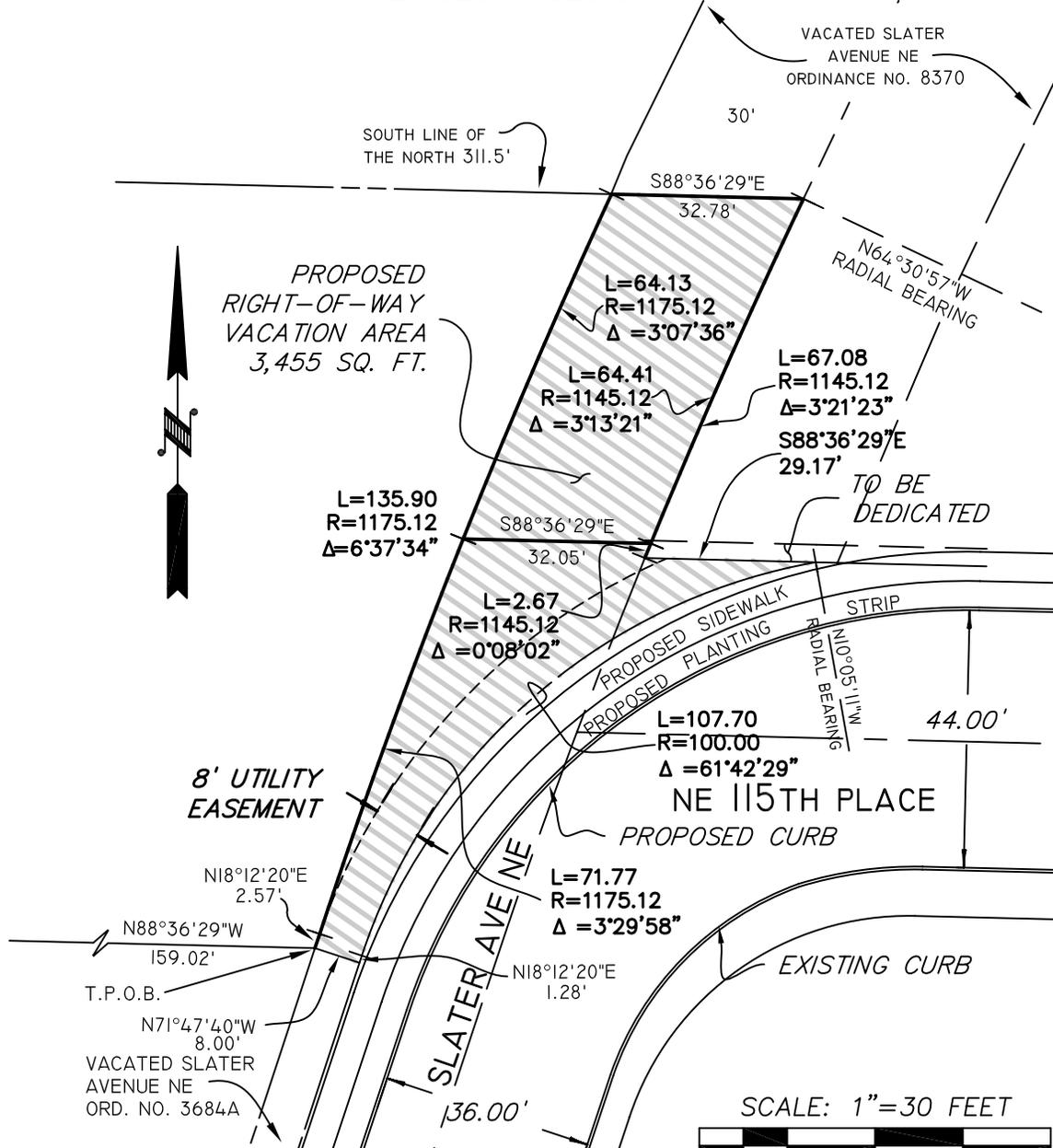
IV. PARTIES OF RECORD

Applicant, Michael R. Mastro, Mastro Properties, 510 Rainier Ave S, Seattle, WA 98144
Mary Hanna Murphy, 7350 Alonzo Avenue Northwest, Seattle, WA 98117
Maureen Harris, 12307 NE 97th St #A, Kirkland 98033
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services

Partial Vacation of Slater Road



RIGHT-OF-WAY VACATION SLATER AVENUE NE



Baima & Holmberg Inc.

ENGINEERS & SURVEYORS
100 FRONT STREET SOUTH
ISSAQUAH, WASHINGTON 98027
(425) 392 - 0250

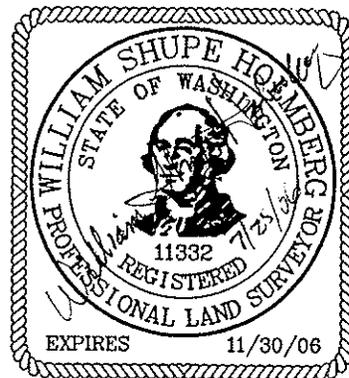
STREET VACATION LEGAL DESCRIPTION

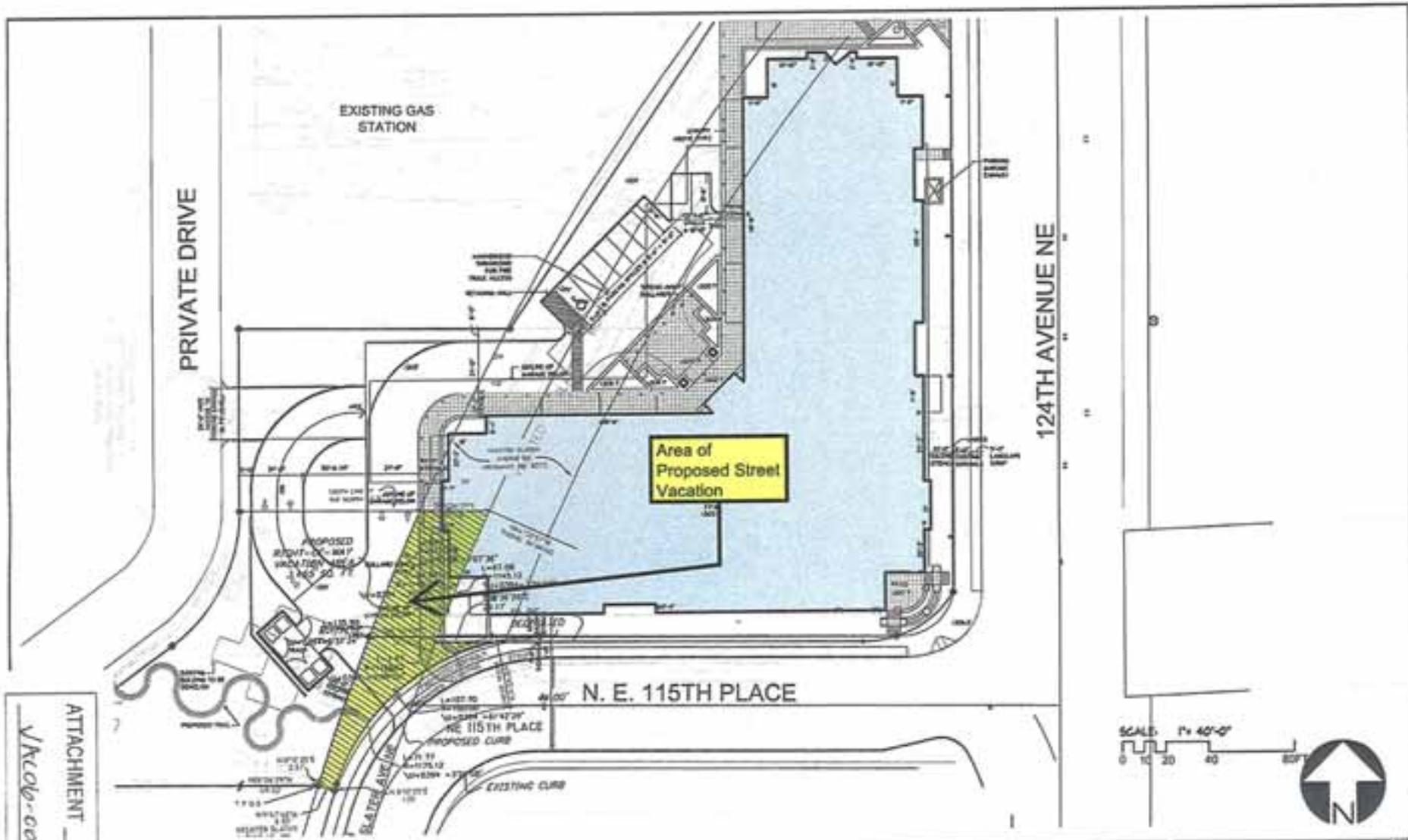
That portion of unopened Right-Of Way known as Slater Avenue N.E. within a portion of the Northeast Quarter of the Northwest Quarter of Section 33, Township 26 North, Range 5 East, W.M., described as follows:

Beginning at the North Quarter Corner of said Section 33;
Thence North 88° 36' 29" West along the North line thereof, 384.65 feet;
Thence South 00° 51' 09" west parallel with the North-South centerline of said Section 33, 311.51 feet, more or less, to the South line of the North 311.5 feet of said subdivision and the beginning of a curve to the right having a radius of 78.00 feet;
Thence Southwesterly along said curve 73.67 feet through a central angle of 54° 06' 55";
Thence South 54° 58' 04" West 112.00 feet, more or less to the North line of Lot 1 in Short Plat No. 778140, according to the Short Plat survey recorded under King County Recording No. 7912100778;
Thence South 88° 36' 29" East, along said North line, 159.02 feet to the Westerly margin of Slater Avenue N.E. and the True Point Of Beginning;
Thence North 18° 12' 20" East along said Westerly margin, 2.57 feet, to the beginning of a curve to the right, having a radius of 1175.12 feet;
Thence along said curve and said Westerly margin 135.90 feet through a central angle of 06° 37' 34" to the South line of the North 311.5 feet of said subdivision;
Thence South 88° 36' 29" East along said South line and the South Margin of Vacated Slater Avenue N.E., recorded under King County Ordinance No. 8370, 32.78 feet to the Westerly margin of said Vacated Slater Avenue N.E. and the beginning of non-tangent curve to the left, having a radius of 1145.12 feet and a radial line through said point bearing North 64° 30' 57" West;
Thence along said curve and said Westerly margin 67.08 feet through a central angle of 03° 21' 23" to the North margin of N.E. 115th Place;
Thence South 88° 36' 29" East along said North margin 29.17 feet, to the beginning of a non-tangent curve to the left, having a radius of 100.00 feet and a radial line through said point bearing North 10° 05' 11" West;
Thence along said curve 107.70 feet through a central angle of 61° 42' 29";
Thence South 18° 12' 20" West 1.28 feet to the Northerly margin of Vacated Slater Avenue N.E., recorded under City of Kirkland Ordinance No. 3684A;
Thence North 71° 47' 40" West along said Vacated Slater Avenue N.E. 8.00 feet to the True Point Of Beginning.

Said Vacated Right-Of-Way contains
3,455 square feet, more or less.

Situate in City of Kirkland, King County, Washington





ATTACHMENT 2.b
 V100-0002

VACATION W/ SITE OVERLAY
 TH MIXED USE SITE PLAN

FREIHEIT & HO
 ARCHITECTS, INC., P.S.

DATE: 08/11/2010	PROJECT: 100-0002	SCALE: 1/4" = 40'-0"	
DRAWN BY: J. H. HO	CHECKED BY: J. H. HO	DATE: 08/11/2010	
PROJECT NO: 100-0002	PROJECT NAME: 100-0002	PROJECT ADDRESS: 100-0002	
PROJECT OWNER: 100-0002	PROJECT CONTACT: 100-0002	PROJECT PHONE: 100-0002	

A0.1

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

Date: 10/3/2006

DEVELOPMENT STANDARDS

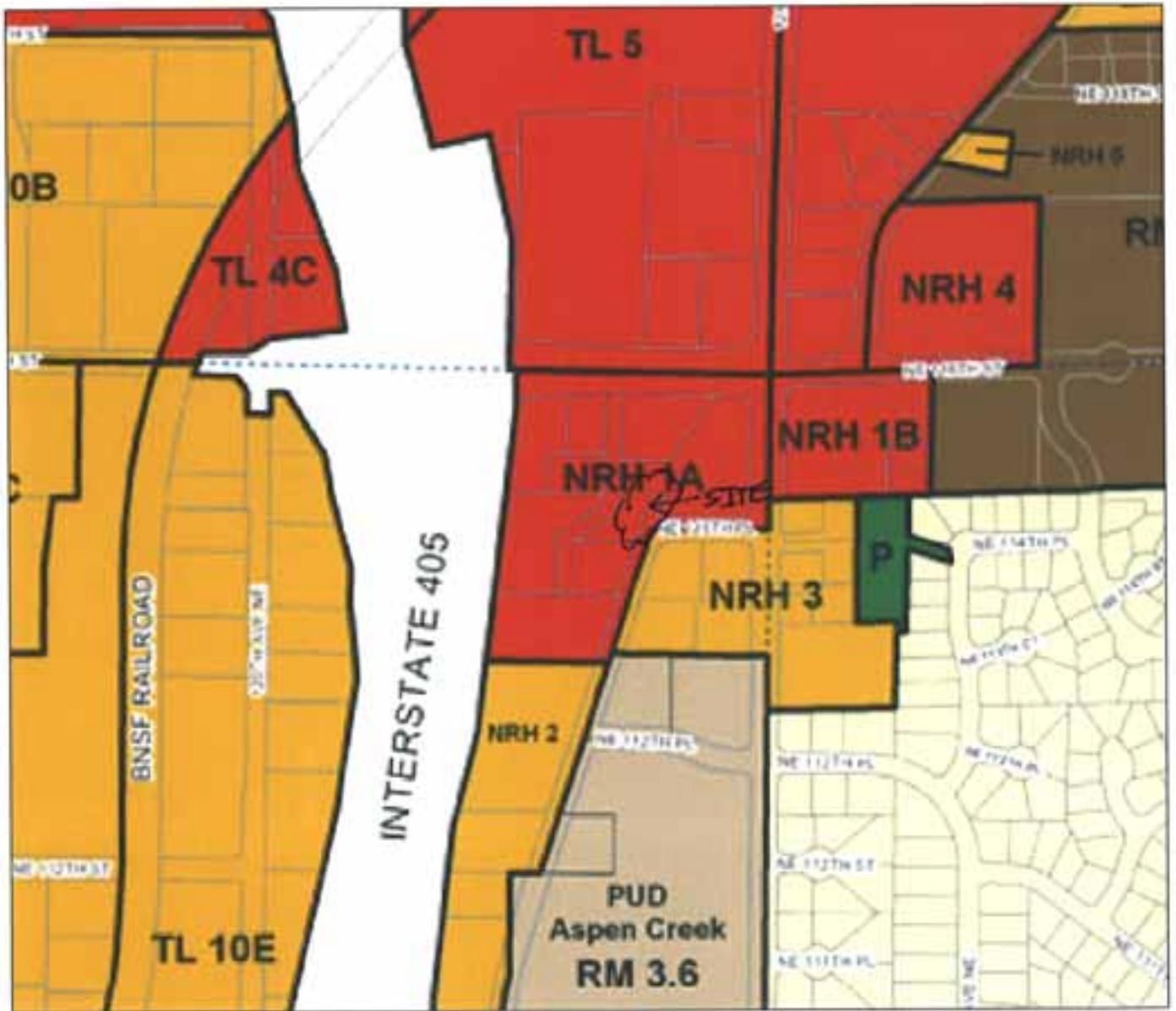
CASE NO.: VAC06-00002

PCD FILE NO.: VAC06-00002

PUBLIC WORKS CONDITIONS:

- 1) Public Works supports the proposed street vacation because the portion of Slater Ave. that extends into the subject property is not needed and should have been vacated previously when the other portions of Slater Ave. were vacated.
- 2) An 8 ft. wide strip along Slater Avenue, directly south of the proposed vacation, was approved by Ordinance 3648A; this proposed vacation will align with the previous vacation.
- 3) The required street improvement will fit into the remaining right-of-way.
- 4) A public utility easement, being 8 ft wide and directly behind and following the radius of the street vacation, shall be retained within the vacated area.

ATTACHMENT <u> 3 </u>
<u> VAC06-00002 </u>



ATTACHMENT 4
VAc06-00002

54.02 User Guide.

The charts in KZC 54.06 contain the basic zoning regulations that apply in the NRHBD 1A zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

	<p>54.04 – GENERAL REGULATIONS</p>
	<p>The following regulations apply to all uses in this zone unless otherwise noted:</p>
	<p>1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.</p>
	<p>2. In cases where the height of a structure is specified in number of stories, the following applies:</p> <p>a. Height measured at the midpoint of the frontage of the subject property on the abutting right-of-way. If the site abuts more than one right-of-way, the applicant may select the right-of-way from which to measure.</p> <p>b. The following heights per story are allowed:</p> <p>i. Ground floor retail; ground floor restaurant and tavern; ground floor entertainment/cultural and/or recreational facility shall be a minimum of 13 feet in height and a maximum of 15 feet.</p> <p>ii. Office; private club or lodge; church; school; day-care center; public utility, government facility, or community facility; public park, ground floor hotel or motel; retail above the ground floor shall be a maximum of 13 feet.</p> <p>iii. Residential; hotel or motel above the ground floor shall be a maximum of 10 feet.</p> <p>c. To determine the allowed height of a structure, determine the number of stories allowed in the use zone charts and apply the allowed height per story specified in subsection (2)(b) of this section. For example, if three stories are allowed and the proposed use is ground floor retail with two stories of residential above, the allowed height would be 35 feet.</p> <p>d. Height shall be measured above the point of measurement (e.g., above average building elevation, or above right-of-way) as specified in the particular use zone charts. For purposes of measuring building height above the abutting right(s)-of-way, alleys shall be excluded.</p> <p>e. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in NRHBD zones are established:</p> <p>i. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.</p> <p>ii. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal or greater than four feet vertical to 12 feet horizontal.</p>
<p>3. The minimum required front yard is 10 feet, unless otherwise prescribed in the use zone chart. Ground floor canopies and similar entry features may encroach into the front yard; provided, the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.</p>	
<p>4. A pedestrian connection should be developed to link Slater Avenue NE with NE 116th Street.</p>	

ATTACHMENT <u>5</u>
<u>VA 106-00002</u>



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 54.06	USE ↓ REGULATIONS ↑	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Office Use See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	None	10'	0'	0'	80%	2 stories above abutting right-of-way.	B	D	If a medical, dental, or veterinary office, then 1 per each 200 square feet of gross floor area. Otherwise, 1 per 300 square feet of gross floor area.	<ol style="list-style-type: none"> Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are subordinate to and are dependent upon this use. The outward appearance and impacts of this use with ancillary assembly or manufacturing must be no different from other office uses. The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> May only treat small animals on the subject property. Outside runs and other outside facilities for the animals are not permitted. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. A veterinary office is not permitted if the subject property contains dwelling units.
.020	Vehicle Service Station See Spec. Regs. 1 and 2.		22,500 sq. ft.	40'	15' on each side	15'			A	E	See KZC 105.25.	<ol style="list-style-type: none"> This use is permitted only if the subject property abuts NE 116th Street. May not be more than two vehicle service stations at an intersection. Gas pump islands must be setback at least 20 feet from all property lines. Canopies and covers over gas pump islands may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
.030	Restaurant or Tavern		None	10'	0'	0'			B	D	1 for each 100 sq. ft. of gross floor area.	
.040	Fast Food Restaurant See Spec. Regs. 1, 2 and 3.								A		1 per each 80 sq. ft. of gross floor area.	<ol style="list-style-type: none"> This use is permitted only if the subject property abuts NE 116th Street. This use may not be oriented towards nor take access from NE 115th Place or Slater Avenue NE. Drive-in and drive-through facilities are not permitted. Must provide one outdoor waste receptacle for every eight parking stalls.
.050	Hotel or Motel							4 stories above abutting right-of-way.	B		1 per each room. See Spec. Reg. 2.	<ol style="list-style-type: none"> May include ancillary meeting and convention facilities. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.

Section 54.06



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 54.06	USE REGULATIONS ↓ ↑	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.060	Any retail establishment, other than those specifically listed in this zone and prohibited by Spec. Reg. 1, selling goods and providing services including banking and other financial services. See Spec. Reg. 2.	D.R., Chapter 142 KZC.	None	10'	0'	0'	80%	2 stories above abutting right-of-way.	B	D	1 per each 300 square feet of gross floor area.	1. The following uses and activities are prohibited: <ol style="list-style-type: none"> Vehicle or boat sales or rental facilities; Retail establishments providing storage services unless accessory to another permitted use; Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses. Outdoor storage of bulk commodities, except in the following circumstances: <ol style="list-style-type: none"> If the square footage of the storage area is less than 20 percent of the retail structure; or If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers. 2. This use may not exceed 60,000 sq. ft. of gross floor area.
.070	Automotive Service Center See Spec. Regs. 1, 2, 3, 5 and 6.								A		1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 4.	1. This use specifically excludes new or used vehicle or boat sales or rentals, and any vehicle or boat body work. 2. This use may not exceed 60,000 sq. ft. of gross floor area. 3. No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of the building adjoining a residential use. Windows are permitted if they are triple-paned and unable to be opened. 4. Ten percent of the required parking spaces on-site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use. 5. Storage of used parts and tires must be conducted entirely within an enclosed structure. See also KZC 115.105 for additional regulations. 6. Site must be designed so noise from this use adjoining to any residential use complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property. A certification to this effect, stamped by an Acoustical Engineer, must be submitted with the development permit application.
.080	Private Lodge or Club								C		1 per each 300 square feet of gross floor area.	

(Revised 9/03)



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 54.06	USE ↓ REGULATIONS ↑	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.090	Stacked Dwelling Unit See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	None	Same as regulations for the ground floor use.			5 stories above abutting right-of-way.	Same as regulations for the ground floor use.	A	See KZC 105.25.	<ol style="list-style-type: none"> This use may not be located on the ground floor of a structure. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 	
.100	Church See Spec. Reg. 1			10'	0'	0'	80%	30' above average building elevation.	C	B	1 for every four people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	<ol style="list-style-type: none"> May include accessory living facilities for staff persons. No parking is required for day-care or school ancillary to this use.
.110	School or Day-Care Center See Spec. Regs. 2, 5, and 7.			10' See Spec. Reg. 3.	0' See Spec. Reg. 3.	0' See Spec. Reg. 3.		2 stories above abutting right-of-way. See Spec. Reg. 1.	D		See KZC 105.25. See Spec. Regs. 4 and 6.	<ol style="list-style-type: none"> A six-foot-high fence is required only along the property lines adjacent to the outside play areas. Hours of operation may be limited to reduce impacts on nearby residential uses. Structured play areas must be setback from all property lines as follows: <ol style="list-style-type: none"> 20 feet if this use can accommodate 50 or more students or children; 10 feet if this use can accommodate 13 to 49 students or children; Otherwise, five feet. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. May include accessory living facilities for staff persons. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 54.06



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 54.06	USE REGULATIONS	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	Side	Rear							
.120	Mini-School or Mini-Day-Care See Spec. Regs. 2, 6, and 7.	D.R., Chapter 142 KZC.	None	10' See Spec. Reg. 3.	0' See Spec. Reg. 3.	0' See Spec. Reg. 3.	80%	2 stories above abutting right-of-way. See Spec. Reg. 1.	D	B	See KZC 105.25. See Spec. Regs. 4 and 5.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required only along the property lines adjacent to the outside play area. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by at least five feet. 4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 	
.130	Assisted Living Facility See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	None	Same as regulations for the ground floor use.			80%	5 stories above abutting right-of-way.	B	A	1 per assisted living unit.	<ol style="list-style-type: none"> 1. This use may be located on the street level floor of a building only if there is a commercial space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the commercial space if the applicant demonstrates that the proposed configuration of the commercial use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 	
.140	Convalescent Center or Nursing Home			10'	0'	0'			2 stories above abutting right-of-way.	C	B	1 for each bed.	See KZC 105.25.
.150	Public Utility			A	B	C		See Spec. Reg. 1.					
.160	Government Facility or Community Facility												



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 54.06	USE REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.170	Public Park	D.R., Chapter 142 KZC. See Special Regs. 1 and 2.	None	Will be determined on a case-by-case basis.			-	B	See KZC 105.25.	1. Except as provided for in Special Regulation 2 below, any development or use of a park must occur consistent with a Master Plan. A Master Plan shall be reviewed through a community review process, established by the Parks and Community Services Director, which shall include at a minimum: <ol style="list-style-type: none"> a. One formal public hearing, conducted by the Parks Board, preceded by appropriate public notice. b. The submittal of a written report on the proposed Master Plan from the Parks Board to the City Council, containing at least the following: <ol style="list-style-type: none"> 1) A description of the proposal; 2) An analysis of the consistency of the proposal with adopted Comprehensive Plan policies, including the pertinent Park and Recreation Comprehensive Plan policies; 3) An analysis of the consistency of the proposal with applicable developmental regulations, if any; 4) A copy of the environmental record, if the proposal is subject to the State Environmental Policy Act; 5) A summary and evaluation of issues raised and comments received on the proposed Master Plan; and 6) A recommended action by the City Council. c. City Council review and approval. The City Council shall approve the Master Plan by resolution only if it finds: <ol style="list-style-type: none"> 1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and 2) It is consistent with the public health, safety, and welfare. In addition to the features identified in KZC 5.10.505, the Master Plan shall identify the following: <ol style="list-style-type: none"> a. Location, dimensions, and uses of all active and passive recreation areas; b. Potential users and hours of use; c. Lighting, including location, hours of illumination, lighting intensity, and height of light standards; d. Landscaping; e. Other features as appropriate due to the character of the neighborhood or characteristics of the subject property. 		

REGULATIONS CONTINUED ON NEXT PAGE

Section 54.06



USE ZONE CHART

Section 54.06		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
Front	Side	Rear										
.170	Public Park (continued)									REGULATIONS CONTINUED FROM PREVIOUS PAGE		
										2. Development and use of a park does not require a Master Plan under this code if it will not involve any of the following: <ul style="list-style-type: none"> a. Lighting for outdoor nighttime activities; b. The construction of any building of more than 4,000 square feet; c. The construction of more than 20 parking stalls; d. The development of any structured sports or activity areas, other than minor recreational equipment including swing sets, climber toys, slides, single basketball hoops, and similar equipment. 		

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY MICHAEL R. MASTRO, FILE NUMBER VC-01-30.

WHEREAS, the City has received an application filed by Michael R. Mastro to vacate a portion of a right-of-way; and

WHEREAS, by Resolution Number 4332, 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.

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 VC-01-30 are hereby adopted as though fully set forth herein.

Section 2. Except as stated in Section 3 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 \$64,573.95 as compensation for vacating this portion of the right-of-way.

ATTACHMENT 6

VAC06-00002

(b) Within seven (7) calendar days after the final public hearing, the applicant shall remove all public notice signs and return them to the Department of Planning and Community Development.

(c) Obtain written comments from applicable franchise utilities regarding their need to retain a utility easement over the area to be vacated. If an easement is required, the City will retain a utility easement as part of the ordinance approving the street vacation.

(d) Submit to the City a recorded copy of a 10-foot pedestrian easement along the entire length of the west side of the vacated right-of-way.

Section 3. If the portion of the right-of-way described in Section 4 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 4. The right-of-way to be vacated is situated in Kirkland, King County, Washington and is described as follows:

That portion of unopened Right-of-Way known as Slater Avenue NE, within a portion of the Northeast Quarter of Section 33, Township 26 North, Range 5 East, W.M., described as follows:

Beginning at the North Quarter corner of said Section 33:

Thence North $88^{\circ}36'29''$ west along the north line thereof; 384.66 feet;

Then South $00^{\circ}51'09''$ west parallel with the north-south centerline of said Section 33, 311.51 feet, more or less, to the south line of the north 311.5 feet of said subdivision and the beginning of a curve to the right having a radius of 78.00 feet;

Thence southwesterly along said curve 73.67 feet through a central angle of $54^{\circ}06'55''$; Thence south $54^{\circ}53'04''$ west 112.00 feet, more or less, to the north line of Lot 1 in Short Plat No. 778140, according to the Short Plat survey recorded under King County Recording No. 791210-0778;

Thence south $88^{\circ}36'29''$ east, along said north line, 159.02 feet to the westerly margin of Slater Avenue NE and the true point of beginning;

Thence north $18^{\circ}12'20''$ east along said westerly margin 135.90 feet through a central angle of $06^{\circ}37'34''$ to the south line of the north 311.5 feet of said subdivision;

Thence south $88^{\circ}36'29''$ east along said south line and the south margin of vacated Slater Avenue NE, recorded under King County Ordinance No. 8370, 32.78 feet to the westerly margin of said vacated Slater Avenue NE and the beginning of a non-tangent curve to the left, having a radius of 1145.12 feet and a radial line through said point bearing north $64^{\circ}30'57''$ west;

Thence along said curve and said westerly margin 67.08 feet through a central angle of $03^{\circ}21'23''$ to the north margin of NE 115th Place;

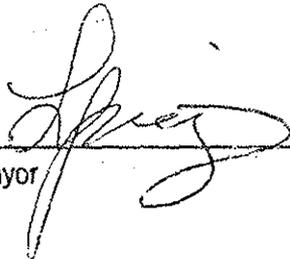
Thence south 88°36'29" east along said north margin 29.17 feet, to the beginning of a non-tangent curve to the left, having a radius of 100.00 feet and a radial line through said point bearing north 10°05'11" west;
Thence along said curve 107.70 feet through a central angle of 61°42'29";
Thence south 18°12'20" west 1.28 feet to the northerly margin of vacated Slater Avenue NE, recorded under City of Kirkland Ordinance No. 3684A;
Thence north 71°47'40" west along said vacated Slater Avenue NE 8.00 feet to the true point of beginning.

Section 5. 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
- (e) The City Clerk for the City of Kirkland.

Passed by majority vote of the Kirkland City Council on the 16th day of April, 2002.

SIGNED IN AUTHENTICATION THEREOF on the 16th day of April, 2002.

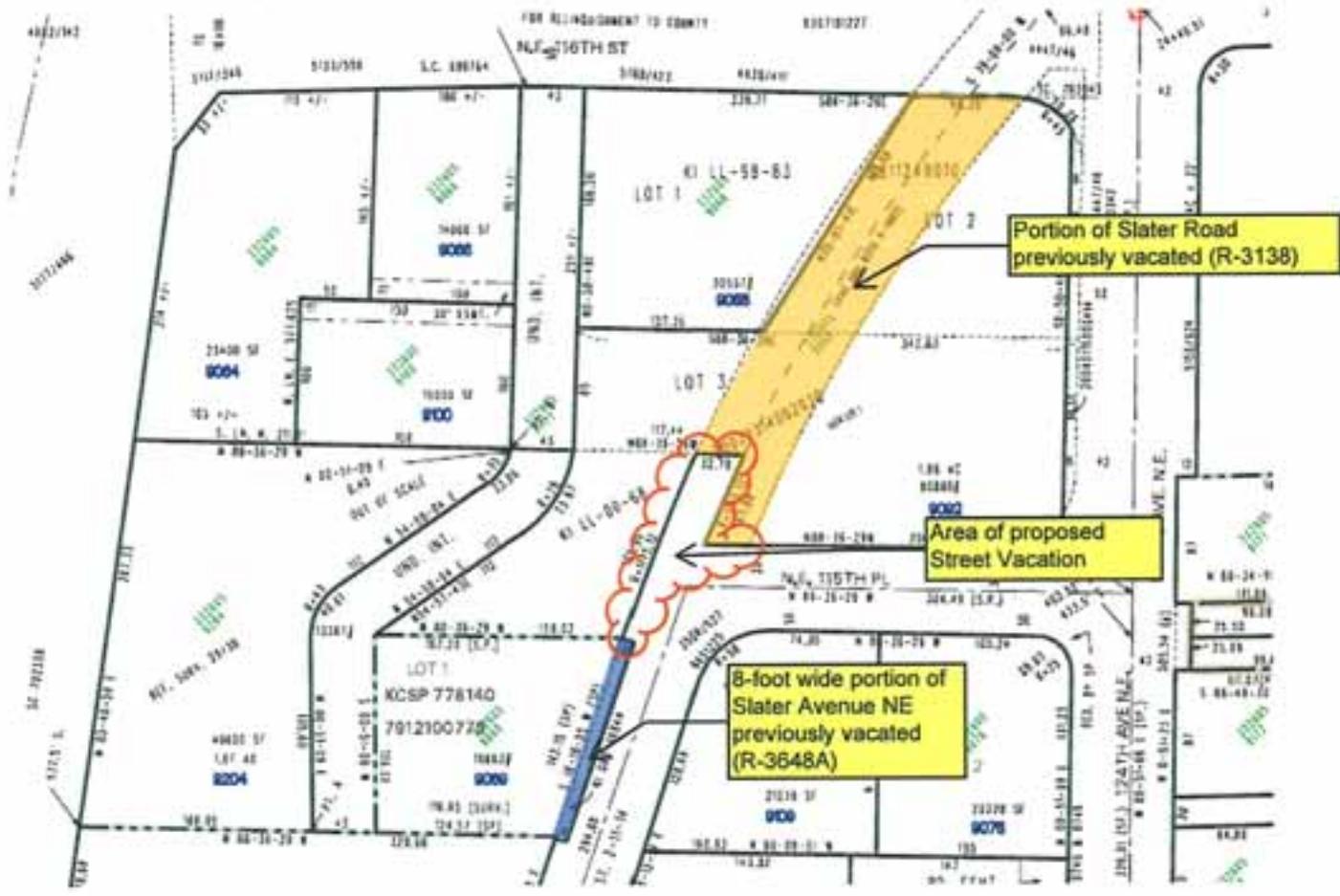


Mayor

ATTEST:



City Clerk



Portion of Slater Road
previously vacated (R-3138)

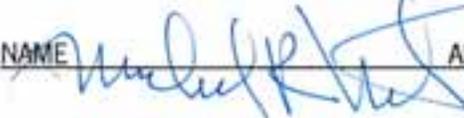
Area of proposed
Street Vacation

8-foot wide portion of
Slater Avenue NE
previously vacated
(R-3648A)

ATTACHMENT 7
VAC-00002

PETITION TO VACATE A STREET, ALLEY OR PUBLIC EASEMENT

We, the owners of two-thirds of the real property abutting the street, alley, or part thereof, or underlying the public ease-ment, or part thereof, legally described on page 1 of this Petition, petition the City Council of the City of Kirkland to vacate this street, alley, public easement, or part thereof:

NAME	ADDRESS	LEGAL DESCRIPTION
		

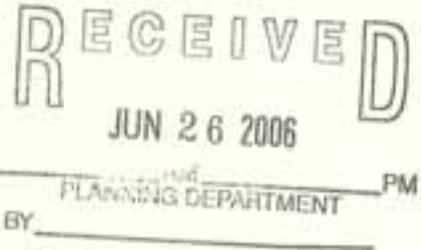
ATTACHED TO
JUNE 13, 2006
LETTER

(Attach additional sheets if necessary)

NOTE: If any petitioner is purchasing the property under a real estate contract, the signature of the contract seller is also required.

ATTACHMENT <u>6</u>
<u>JACOB 00002</u>

Mary Hanna Murphy
7350 Alonzo Avenue Northwest
Seattle, Washington 98117
Phone: (206) 784-1133



City of Kirkland
Stacey Clausen, Associate Planner
City Hall, 123 5th Avenue
Kirkland, Washington 98033-6189

RE: Petition to vacate a portion of Slater Avenue NE

Dear Stacey:

On behalf of Mastro Properties, I am resubmitting a request to vacate a portion of Slater Avenue NE. As you know under Vacation Application No. VC-01-30, the City of Kirkland passed Resolution No. R-4340 and R-4332 indicating intent to vacate the exact same ROW as put forth to you today. Due to market demand, the old application was never completed by the proponent. Market conditions have changed again and Mastro Properties would like to proceed with the ROW vacation process. As before, the portion of the street within this request is adjacent to and surrounded by a parcel owned by Michael R. Mastro (Tax Parcel No. 332605-9092).

The area that we are requesting to have vacated is bounded on the north and south by a previously vacated Right of Way (King County Ordinance No. 8370 and City of Kirkland Ordinance No. 3684A respectively).

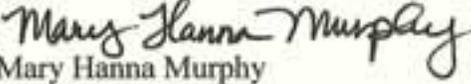
Transportation demand and development conditions in the area have not changed since the previous Vacation Application/Approval. For example, no parcel will be denied legal access, there is no anticipated public use of the road and is not necessary for travel or other street purposes. Further, the applicant owns 100% of the adjacent property and the road vacation area serves only the Mastro parcel and no other. Finally, future development on the Mastro property will continue to have direct access to Slater Avenue/115th Place which we are told is preferred by the City.

Any and all existing utilities within the proposed vacation area shall be provided with easements allowing their continue existence on the site. Mastro Properties is prepared to pay the cost of an updated appraisal of the vacation area.

City of Kirkland
June 21, 2006
Page 2

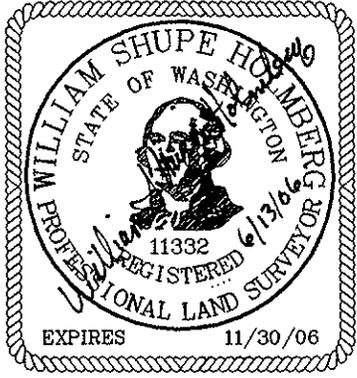
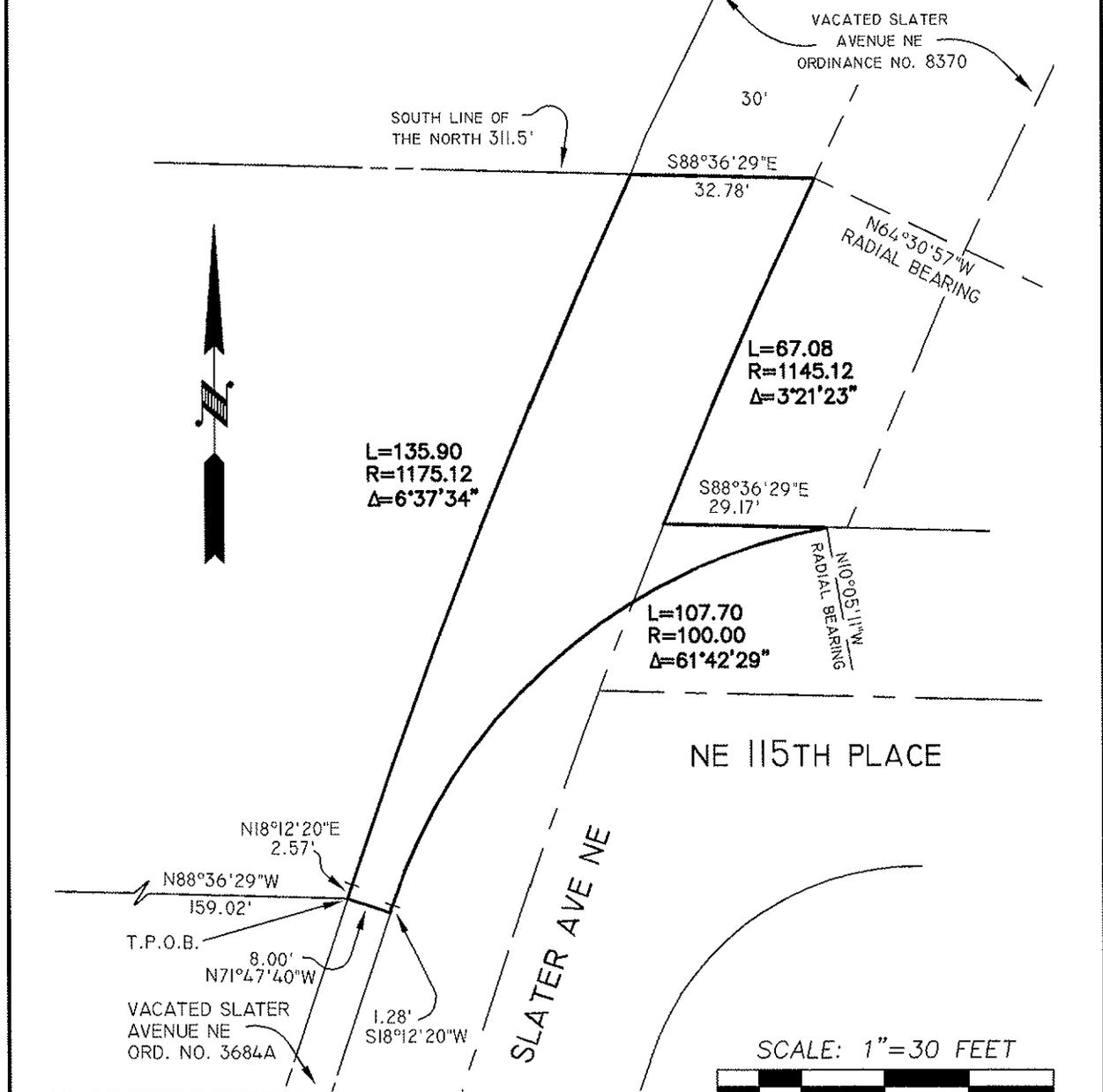
I will be your contact during this process and I can be reached at (206) 784-1133. Thanks
you for your attention on this matter.

Sincerely,


Mary Hanna Murphy
Land Use Consultant

Cc: Rick Grimes, Architect
Michael Mastro, Jr., Owner

RIGHT-OF-WAY VACATION SLATER AVENUE NE



Baima & Holmberg Inc.

ENGINEERS & SURVEYORS
100 FRONT STREET SOUTH
ISSAQUAH, WASHINGTON 98027
(425) 392 - 0250

RECEIVED

JUN 26 2006

PLANNING DEPARTMENT

PM

STREET VACATION LEGAL DESCRIPTION

That portion of unopened Right-Of Way known as Slater Avenue N.E. within a portion of the Northeast Quarter of the Northwest Quarter of Section 33, Township 26 North, Range 5 East, W.M., described as follows:

Beginning at the North Quarter Corner of said Section 33;
Thence North $88^{\circ} 36' 29''$ West along the North line thereof, 384.65 feet;
Thence South $00^{\circ} 51' 09''$ west parallel with the North-South centerline of said Section 33, 311.51 feet, more or less, to the South line of the North 311.5 feet of said subdivision and the beginning of a curve to the right having a radius of 78.00 feet;
Thence Southwesterly along said curve 73.67 feet through a central angle of $54^{\circ} 06' 55''$;
Thence South $54^{\circ} 58' 04''$ West 112.00 feet, more or less to the North line of Lot 1 in Short Plat No. 778140, according to the Short Plat survey recorded under King County Recording No. 7912100778;
Thence South $88^{\circ} 36' 29''$ East, along said North line, 159.02 feet to the Westerly margin of Slater Avenue N.E. and the True Point Of Beginning;
Thence North $18^{\circ} 12' 20''$ East along said Westerly margin, 2.57 feet, to the beginning of a curve to the right, having a radius of 1175.12 feet;
Thence along said curve and said Westerly margin 135.90 feet through a central angle of $06^{\circ} 37' 34''$ to the South line of the North 311.5 feet of said subdivision;
Thence South $88^{\circ} 36' 29''$ East along said South line and the South Margin of Vacated Slater Avenue N.E., recorded under King County Ordinance No. 8370, 32.78 feet to the Westerly margin of said Vacated Slater Avenue N.E. and the beginning of non-tangent curve to the left, having a radius of 1145.12 feet and a radial line through said point bearing North $64^{\circ} 30' 57''$ West;
Thence along said curve and said Westerly margin 67.08 feet through a central angle of $03^{\circ} 21' 23''$ to the North margin of N.E. 115th Place;
Thence South $88^{\circ} 36' 29''$ East along said North margin 29.17 feet, to the beginning of a non-tangent curve to the left, having a radius of 100.00 feet and a radial line through said point bearing North $10^{\circ} 05' 11''$ West;
Thence along said curve 107.70 feet through a central angle of $61^{\circ} 42' 29''$;
Thence South $18^{\circ} 12' 20''$ West 1.28 feet to the Northerly margin of Vacated Slater Avenue N.E., recorded under City of Kirkland Ordinance No. 3684A;
Thence North $71^{\circ} 47' 40''$ West along said Vacated Slater Avenue N.E. 8.00 feet to the True Point Of Beginning.

Said Vacated Right-Of-Way contains
3,455 square feet, more or less.

Situate in City of Kirkland, King County, Washington

**PETITIONER'S PARCEL
TAX ACCOUNT NO. 332605-9092**

Lots 2 and 3, City of Kirkland Alteration of Lot Line No. LL-98-83, recorded under Recording Number 9811249010; being a portion of the northeast quarter of the northwest quarter of Section 33, Township 26 North, Range 5 East, W.M., in King County, Washington; EXCEPT the east 8 feet conveyed to the City of Kirkland by deed recorded under Recording Number 20040115000414;

TOGETHER WITH that portion of the northeast quarter of the northwest quarter of Section 33, Township 26 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the north quarter corner of said Section 33;
thence north $88^{\circ}36'29''$ west along the north line thereof, 384.64 feet;
thence south $00^{\circ}51'09''$ west parallel with the north-south centerline of said Section 33, 311.51 feet, more or less, to the south line of the north 311.5 feet of said subdivision and the beginning of a tangent curve to the right having a radius of 78.00 feet and the TRUE POINT OF BEGINNING;
thence southwesterly along said curve an arc distance of 73.67 feet through a central angle of $54^{\circ}06'55''$ to a point of tangency;
thence south $54^{\circ}58'04''$ west 112.00 feet, more or less, to the north line of Lot 1 in Short Plat Number 778140, according to Short Plat recorded under King County Recording Number 7912100778;
thence south $88^{\circ}36'29''$ east along said north line, 159.02 feet to the westerly line of Slater Avenue Northeast;
thence northeasterly along said westerly margin, 138.48 feet, more or less, to the south line of the north 311.5 feet of said subdivision;
thence north $88^{\circ}36'29''$ west along said south line, 84.70 feet to the TRUE POINT OF BEGINNING;

(ALSO KNOWN AS Lot 2 of unrecorded King County Lot Line Adjustment Number 982059);

TOGETHER WITH an undivided interest in that portion of the northeast quarter of the northwest quarter of Section 33, Township 26 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the north quarter corner of said Section 33;
thence north $88^{\circ}36'29''$ west along the north line thereof, 384.64 feet;

(continued)

LEGAL DESCRIPTION, continued:

thence south 0°51'09" west parallel with the north-south centerline of said Section 33, 60.00 feet to the TRUE POINT OF BEGINNING;
thence continue south 0°51'09" west 251.51 feet to the beginning of a tangent curve to the right having a radius of 78.00 feet;
thence along said curve an arc distance of 73.67 feet through a central angle of 54°06'55" to a point of tangency;
thence south 54°58'04" west 112.00 feet;
thence south 0°51'09" west 136.00 feet;
thence north 88°36'29" west 43.00 feet;
thence north 0°51'09" east 135.60 feet to the beginning of a tangent curve to the right having a radius of 43.00 feet;
thence along said curve an arc distance of 40.61 feet through a central angle of 54°06'55" to a point of tangency;
thence north 54°58'04" east 112.00 feet to the beginning of a tangent curve to the left having a radius of 35.00 feet;
thence along said curve an arc distance of 33.06 feet through a central angle of 54°06'55" to a point of tangency;
thence north 0°51'09" east 251.91 feet to the southerly margin of that additional right-of-way conveyed to the State of Washington for State Road 405;
thence south 88°36'29" east 43.00 feet to the TRUE POINT OF BEGINNING;

(ALSO KNOWN AS "New Lot 1", City of Kirkland Alteration of Lot Line No. LL-00-68, as recorded under Recording Number 20020314002030);

AND TOGETHER WITH easements as provided for in document recorded January 19, 1984 under Recording Number 8401190381.



APPRAISAL GROUP OF THE NORTHWEST LLP

Central Park Building
1980 112th Ave. N.E., Suite 270
Bellevue, WA 98004-2940

(425) 453-9292
(800) 453-4408
FAX: (425) 455-9740
E-Mail: agnw@appraisalgroupnw.com

September 20, 2006

Stacy Clauson
Associate Planner
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033

Re: Appraisal of a proposed vacation of a portion of Slater Ave. NE at NE 115th Place, also know as File VAC06-00002, in Kirkland, Washington.

Dear Ms. Clauson:

In accordance with your request, we have completed an appraisal of fee simple interest in the subject property referenced above. The most pertinent data gathered and the techniques of valuation are described in this appraisal report. This appraisal is intended to comply with the Uniform Standards of Professional Appraisal Practice (USPAP) as adopted by the Appraisal Foundation.

In our opinion, the value as of September 8, 2006 of the portion of Slater Ave. NE at NE 115th (File VAC06-00002) to be vacated is:

EIGHTY NINE THOUSAND SEVENTY FIVE DOLLARS

\$89,075

Thank you for the opportunity to be of service. If you have any questions regarding this appraisal, please feel free to contact us.

Sincerely,

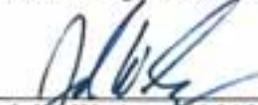
John Arney, MAI
Certified General R.E. Appraiser, WA
Certification No. 1100473

Jerry C. Sidwell
Certified General R.E. Appraiser, WA
Certification No. 1100494

CERTIFICATION

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. I certify that, to the best of my knowledge and belief, the reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics, the Standards of Professional Appraisal Practice of the Appraisal Institute and the Uniform Standards of Professional Appraisal Practice (USPAP).
8. I, John Arney, MAI, and I, Jerry C. Sidwell, have made a personal inspection of the property that is the subject of this report.
9. No one has provided significant real property appraisal assistance to the persons signing this certification.
10. The use of this report is subject to the requirements of the Appraisal Institute regarding review by its duly authorized representatives.
11. As of the date of this report, John Arney, MAI, has completed the requirements under the continuing education program of the Appraisal Institute.



John W. Arney, MAI

September 20, 2006
Date



Jerry C. Sidwell, Appraiser

September 20, 2006
Date

SUMMARY OF FACTS AND CONCLUSIONS

Subject Property

The subject property is a 3,455-square-foot street allocation of Slater Ave. NE, being the north portion of the intersection of Slater Ave. NE and NE 115th Place, Kirkland, Washington.

Improvements

The subject property is an undeveloped portion of Slater Ave. NE.

Lot Size

The subject contains 3,455 square feet.

Zoning

The subject property has the NRH1A zoning of the City of Kirkland, a North Rose Hill Business District Commercial zoning.

Date of Appraisal

September 8, 2006

Highest and Best Use

As if Vacant: assemblage to adjacent parcel.

Value Estimates by Each Approach

Cost Approach	N/A
Sales Comparison Approach	\$89,075
Income Capitalization Approach	N/A

Appraised Value

\$89,075

TABLE OF CONTENTS

LETTER OF TRANSMITTAL..... i
 CERTIFICATION..... ii
 SUMMARY OF FACTS AND CONCLUSIONS iii
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INTRODUCTION

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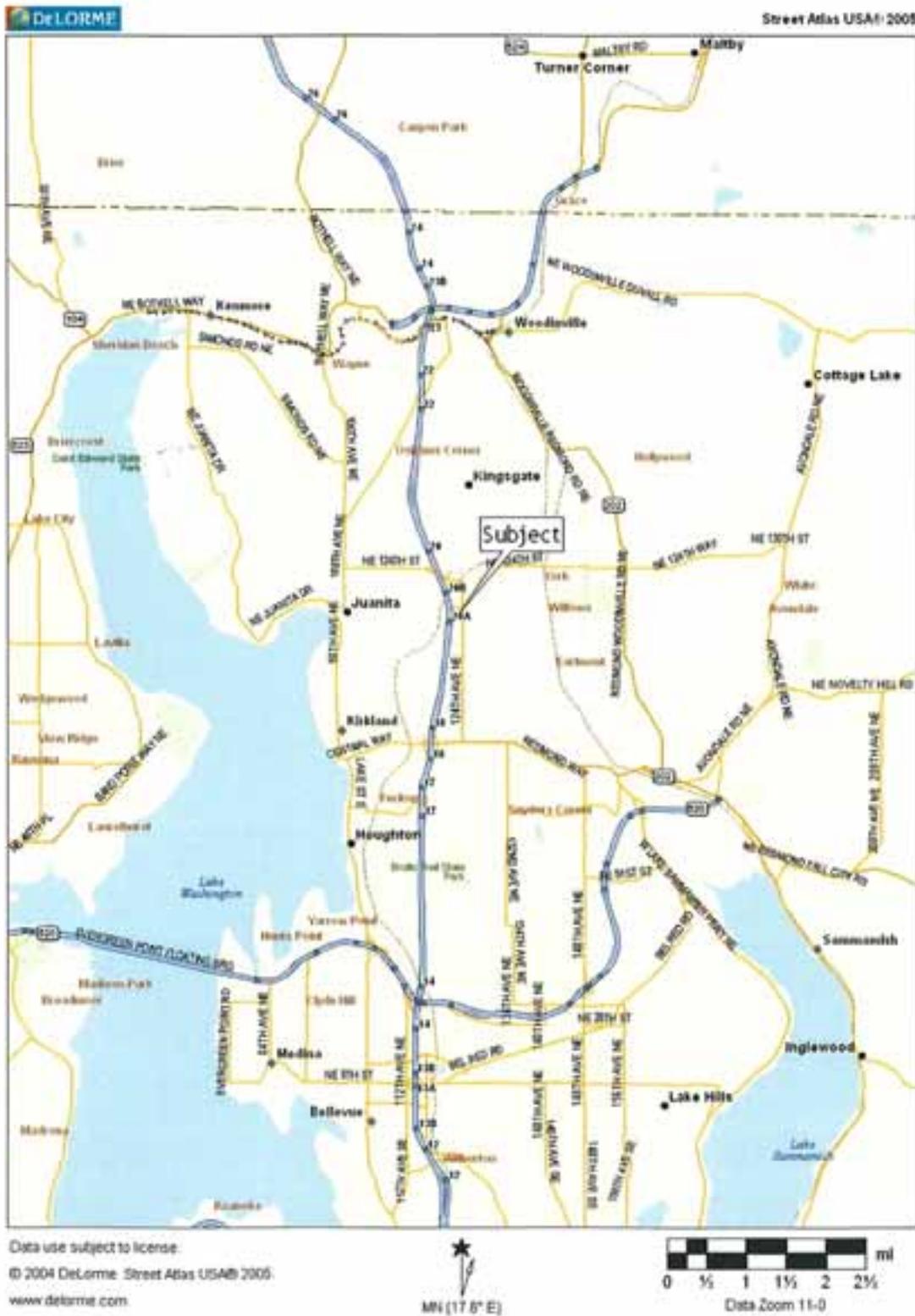
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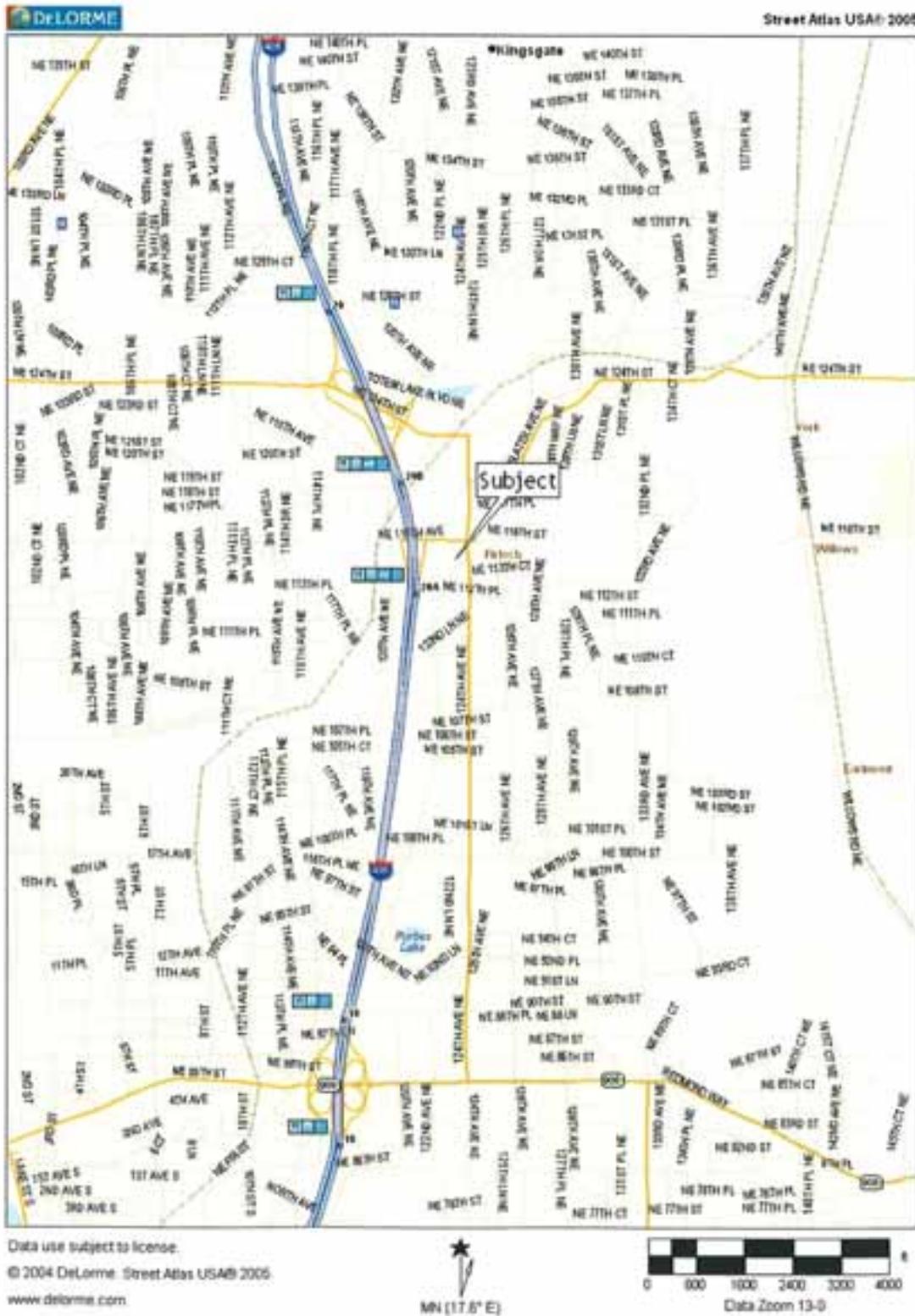
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General Area Map



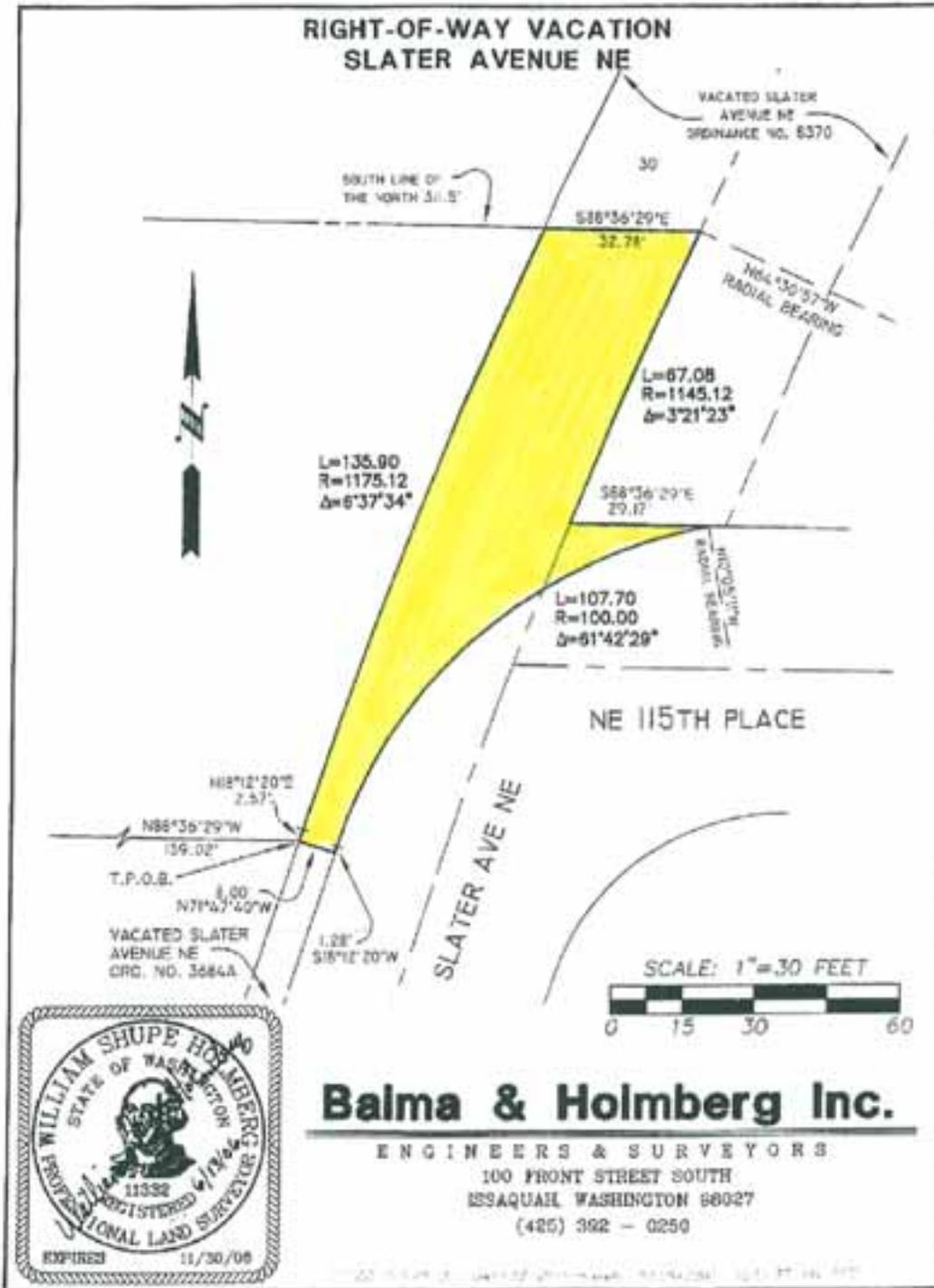
Location Map



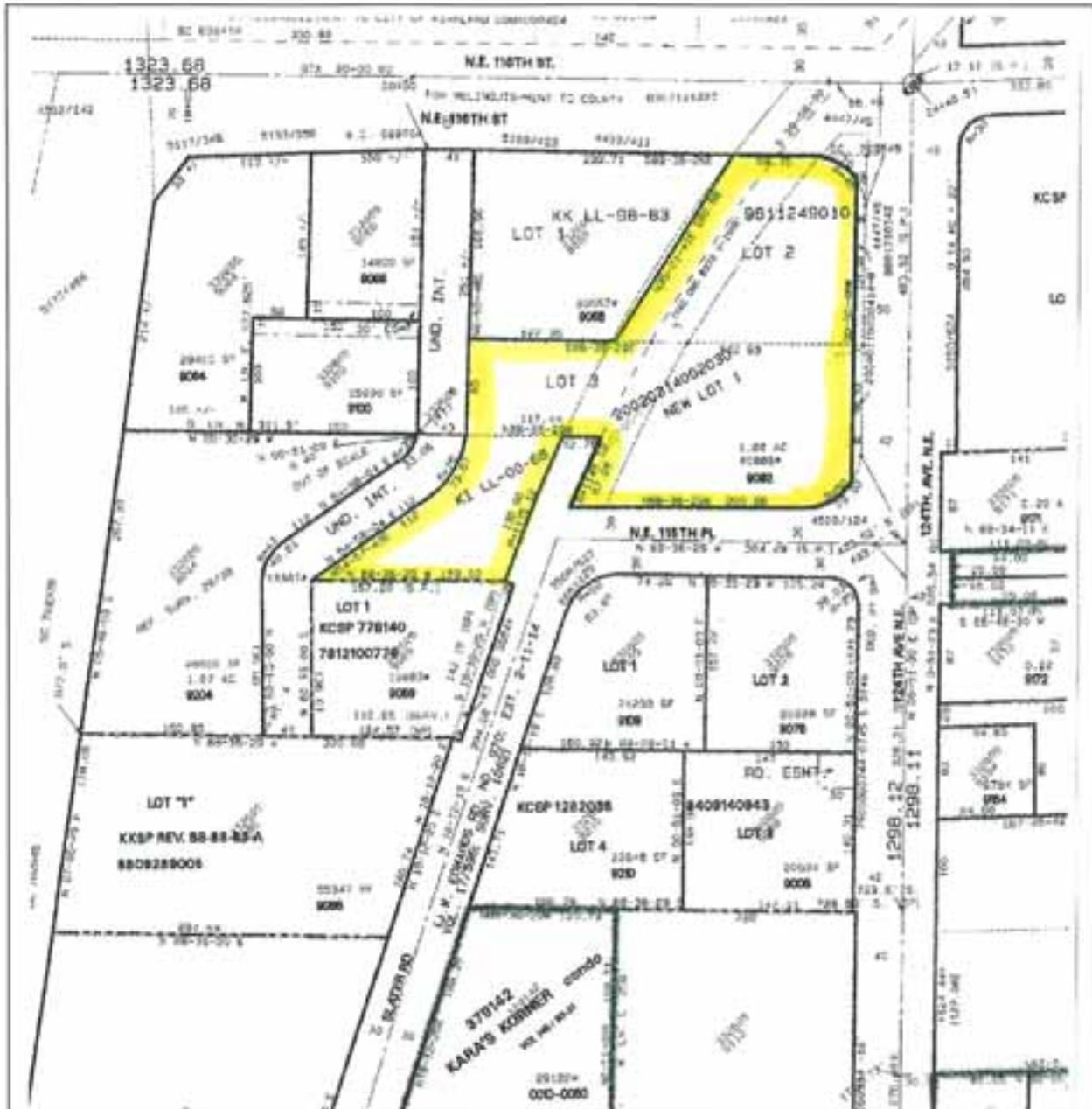
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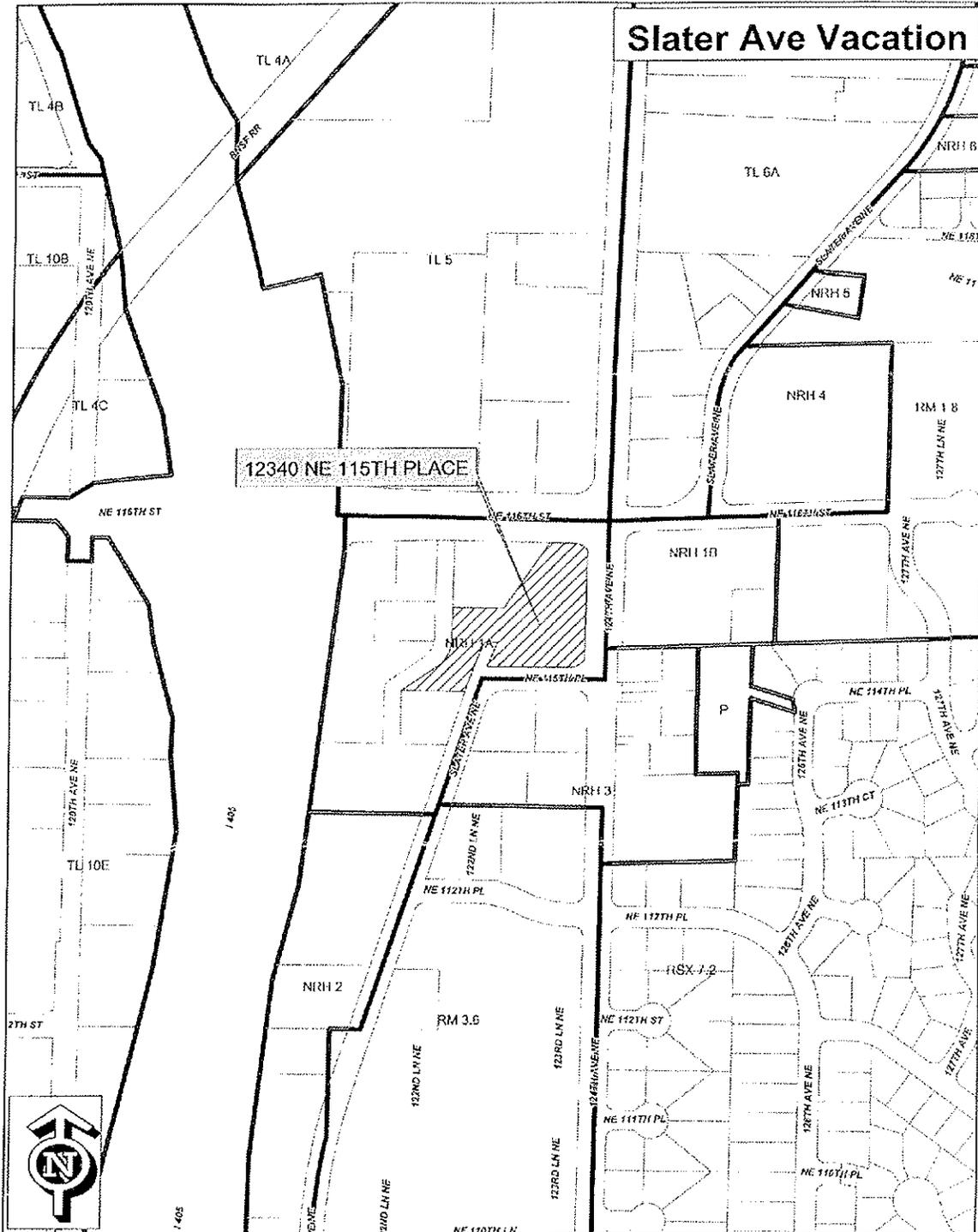
Plat Map Street Vacation



Plat Map Adjacent Parcel



Zoning Map



SUBJECT PHOTOS

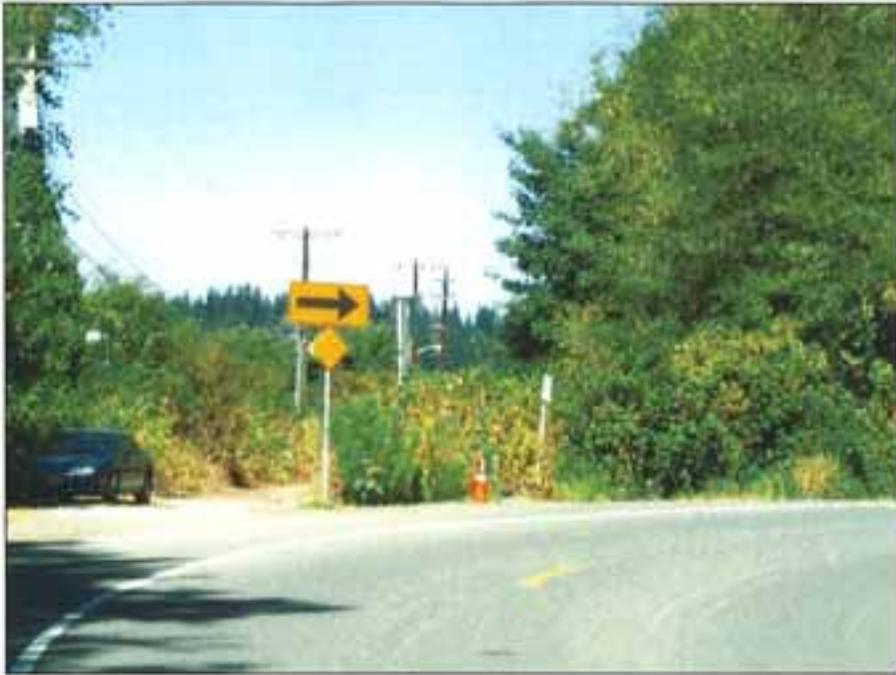


1. Looking North along Slater Ave. NE at Street Vacation



2. Looking North along Slater Ave. NE at Curve of Street Vacation

SUBJECT PHOTOS



3. Looking North where Slater Ave. NE turns and becomes NE 115th Place



4. Looking Northeast along NE 115th Place – Street Vacation on Left

SUBJECT PHOTOS



5. Looking South along Slater Ave. NE from North Portion of Street Vacation



6. Looking North from proposed Street Vacation along previously Vacated Portion of Slater Ave. NE.

PROPERTY IDENTIFICATION - DESCRIPTIVE DATA

IDENTIFICATION

Property Identification

The subject property is a 3,455-square-foot street allocation, situated where Slater Ave. NE would continue north of NE 115th Place in Kirkland, Washington.

Ostensible Owner

According to the King County Assessor's maps, the subject property is currently indicated to be an undeveloped portion of Slater Ave. NE, which is owned by the City of Kirkland.

Legal Description

The subject property has a lengthy legal description and as such is included in the Addenda.

MARKET OVERVIEW

Marketing Time

Reasonable marketing time may be defined as an estimate of the amount of time it might take to sell an interest in real property at its estimated market value during the period immediately after the effective date of an appraisal. Alternatively, marketing time is the anticipated time required to expose a property to a pool of prospective purchasers and to allow appropriate time for negotiation, the exercise of due diligence, and the consummation of a sale at a price supportable by market conditions.

Marketing times for properties with characteristics similar to the subject's may vary due to location and a realistic listing price. It is anticipated that the subject, offered at a reasonable listing price, and considering current market conditions, would have a marketing period of less than one year.

Exposure Time

Exposure time may be defined as the length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal. Exposure time differs from marketing time, in that exposure time is always presumed to precede the effective date of the appraisal.

Based on the supply and demand conditions as of the effective date of the appraisal, the exposure time for a property with characteristics similar to the subject, if placed on the open market at a reasonable list price, is estimated to be less than one year.

Prior Sales

No recorded sales or listings involving the subject property have occurred in the past five years. The surrounding property that is currently owned by Mr. Michael Mastro was purchased on April 16, 2001 for \$250,000 from Mr. Donald Wahlquist, in what appears to be an arms-length transaction. This purchase was for 13,486 square feet of land and was considered to be a land only sale for an indicated \$18.54 per square foot. (It was noted that the single-family residence remains on the site at the present time and that it was indicated to have nominal value. Any income from renting of the structure would be used to offset any demolition costs.)

REPORT CRITERIA

Date of the Inspection

September 8, 2006

Client

City of Kirkland

Function of the Appraisal Report

It is our understanding that the report will be used by the client for documentation in negotiations to vacate the property and sell it to the adjacent owners.

Purpose of the Appraisal

The purpose of this appraisal is to estimate the market value of fee simple interest in the subject property. Market value is defined as follows:

Market value is the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale; the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. The buyer and seller are typically motivated;
2. Both parties are well-informed or well-advised, and acting in what they consider their own best interests;
3. A reasonable time is allowed for exposure in the open market;

4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.¹

Scope of the Appraisal

This report is intended to comply with the Uniform Standards of Professional Appraisal Practice (USPAP). As it is intended to be a summary report, a complete description of the appraisal process, such as a depiction of the region and city, a highest and best use analysis, and all three major approaches to valuation, are considered. Due to the nature of the subject property (i.e. vacant land), only the sales comparison approach is an appropriate method for valuing the subject.

The sales comparison approach involves description and analysis of sale properties similar to the subject and estimation of the subject property's value by various physical units of comparison. Sale information is generally confirmed through interviews with parties involved in the transactions, as well as data sources including NWMLS, CBA, CoStar Comps, MetroScan and County records.

The subject right-of-way does not constitute a stand-alone developable property. Rather, it gains its value from the abutting properties it serves. While the subject roadway currently serves only the surrounding undeveloped property owned by Mr. Michael Mastro, it was to have benefited the other properties along Slater Ave. NE. Therefore, an "across-the-fence" valuation type approach is considered appropriate. In this approach, the subject right-of-way is valued on the basis of the adjacent parcels and especially the surrounding Mastro site, to which it is most similar.

Disclosure of Competency

We have performed appraisals of a variety of properties in and around Kirkland, Washington, and have had recent experience in street vacation and the valuation of both commercially and mixed-use zoned land similar to the subject. Please see the appraisers' qualifications in the Addenda.

¹ 12 CFR 323, Federal Register, Volume 55, No. 161, August 20, 1990

Assumptions

This appraisal is contingent upon the following assumptions:

1. The legal description is correct, and title to the property is good and marketable.
2. The title to the property is free and clear of liens or encumbrances.
3. The property has responsible owner(s) and competent property manager(s).
4. The information furnished by others is reliable, but no warranty is given for its accuracy.
5. All engineering is correct.
6. There are no hidden, unapparent conditions of the property, subsoil, or structures that render it more or less valuable. This includes any toxic waste or asbestos insulation that may be present. We take no responsibility for such conditions or for arranging for engineering studies that may be required to discover them.
7. There is full compliance with all applicable federal, state, and local environmental regulations and laws.
8. The property conforms to all applicable zoning and use regulations and restrictions.
9. All required licenses, certificates of occupancy, consents, and other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
10. The use of the land and improvements is within the boundaries or property lines of the property described and there is no encroachment or trespass.
11. We did not observe any hazardous materials, which may or may not be present, on the property. We have no knowledge of the existence of such materials on or in the property, but are not qualified to detect such substances. The presence of such substances as asbestos, urea-formaldehyde foam insulation, and other potentially hazardous materials may affect the value of the property. The value is estimated under the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for such conditions or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

Limiting Conditions

This appraisal report is subject to the following conditions:

1. Any allocation of the total value estimated in this report between the land and the improvements applies only under the stated program of utilization. The separate values allocated to the land must not be used in conjunction with any other appraisal and are invalid if so used. Any value estimates provided in the report apply to the entire property, and any proration or division of the total into fractional interests will invalidate the value estimate, unless the proration or division of interests has been set forth in the report.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication.
3. No appraiser, by reason of this appraisal, is required to give further consultation or testimony or to be in attendance in court with reference to the property in question unless prior arrangements have been made.
4. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of any appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the appraiser.
5. Appraisal Group of the Northwest and its associate appraisers and employees assume liability only to the client and only up to the amount of the fee actually received for this assignment.
6. Appraisal Group of the Northwest and its associate appraisers and employees are not responsible for any costs incurred to discover or correct any deficiency in the property. If a lawsuit is instigated by a lender, partner, part owner in any form of ownership, tenant, or any other party wherein this report is used in evidence; in the disposition of any and all awards, settlements, or cost, regardless of outcome, Appraisal Group of the Northwest and its associate appraisers and employees will be held completely harmless.
7. The forecasts, projections, or operating estimates contained herein are based on current market conditions, anticipated short-term supply-and-demand factors, and a continued stable economy. These forecasts are, therefore, subject to changes with future conditions.

REGIONAL DATA

The Central Puget Sound Region consists of four counties, with 82 cities and towns, located in Western Washington from west of Puget Sound to the western slope of the Cascade Range. This strip varies in width from 30 to 50 miles, with the length approximately 100 miles. The four counties in this region - Snohomish, King, Pierce and Kitsap - contain approximately 9% of Washington State's land area and over 55% of its population with 3,460,400 people.

Population

King County has the greatest concentration of population in Washington State with an estimated 2006 population of 1,835,300. This county's largest city, Seattle, has approximately 578,700 residents. Snohomish County, to the immediate north of King County, has a population of 671,800 with its largest city, Everett, at 101,100 residents. Pierce County, adjoining King County on the south, has a population of 773,500. The largest city in this county, Tacoma, has 199,600 residents. Kitsap County, which is located across Puget Sound from Seattle, has a population of 243,400. While its largest city, Bremerton, has gained slightly in population this last year to 35,910, it is still lower than the 2004 population estimate due to the deployment of military personnel. The other cities in the county, Port Orchard, Poulsbo and Bainbridge Island, have continued to grow as more people move to the Kitsap peninsula. The Washington State Ferries, as part of the state highway system, provide commuters from Kitsap County access to the employment markets of the greater Seattle Metropolitan Area.

The trend in population growth from urban centers to suburban and outer areas has been reversing in recent years. Legislative attempts to deal with problems associated with growth and sprawl resulted in the Growth Management Act passed in 1990. Urban areas are starting to encourage residential projects as a way of stemming urban decay and providing attractive urban multi-family living and, as traffic worsens and fuel costs continue to rise, more people want to take advantage of shorter commute times. A greater emphasis on exercise for general health has also sent many residents back to cities with more pedestrian-friendly neighborhoods. The residential market continues to be strong, putting pressure on property values as well as providing more revenue in taxes. The City of Seattle has recently passed new zoning laws to encourage higher density in the downtown area. Reducing growth in non-urban areas has been addressed recently in King County by the Critical Areas Ordinance recently passed, which has been hotly debated among rural residents.

Topography and Climate

The Cascade Mountains divide the western part of Washington State from the colder winters and hotter summers of Eastern Washington. The Olympic Mountains to the west protect the Puget Sound basin from the heavy rainfall and high winds along the coast. Consequently, the area has a relatively mild climate year-round with average daytime temperatures between 46° and 75° Fahrenheit, and an average annual rainfall of 41 inches.

Economy and Employment

From March 2005 to March 2006, 71% of the job growth originated in the Puget Sound region. The following table illustrates the top 20 employers in the region:

Top Employers (full-time only)			
Company	# of Employees	Company	# of Employees
The Boeing Company	63,804	Multicare Health Systems	5,546
Microsoft Corporation	30,255	Bank of America	5,463
University of Washington	21,358	Nordstrom's, Inc.	5,349
Kroger Co. (Fred Meyer & QFC)	17,300	Seattle School District	5,125
Starbucks Corporation	8,806	Macy's Northwest	4,905
Providence Health	8,499	Safeway, Inc.	4,881
Group Health Co-op	8,422	Sears, Roebuck & Co.	4,173
Washington Mutual Inc.	7,968	Safeco Corporation	3,700
Weyerhaeuser Co.	10,000	Swedish Health Services	3,583
Costco Wholesale Corp.	6,526	Paccar Inc.	3,000

*Puget Sound Business Journal Book of Lists 2006; www.enterprisescattle.org; www.boeing.com

The aerospace industry continues to provide the greatest number of the area's jobs, with the Boeing Company, the world's largest aircraft manufacturer, employing over 63,000 in the Puget Sound region. Although Boeing did move their headquarters out of Washington State, the commercial manufacturing division is still located in the Puget Sound area. Everett was chosen as the final assembly point of the new 7E7, generating an estimated 800 to 1,200 new jobs. Plus, with new orders for the 737 which is manufactured in Renton, Washington, more hiring was required at that site. Although Boeing's dominance in the economy has declined as growth has increased in such sectors as international trade, computer and medical technology, tourism, and natural resources, its size and influence on the Puget Sound Region is still significant.

Since companies here sell into national markets, the state of the national economy has a bearing on the local economy. But the economy is expanding, especially due to tourism, technology and construction. By March 2006, the Puget Sound area had an average unemployment rate of 4.85%, slightly below the national rate of 5.0%. Washington State's overall rate is 5.3%.

Import/Export Trade

In 2004, Washington State ranked 5th in the nation in terms of overall exports value (behind only Texas, California, New York and Michigan in that order) with 209 foreign destinations. The total value of merchandise exports from Washington State exceeded \$34 billion in 2004. Nearly three-quarters of Washington's exports are from the central Puget Sound region. Washington State is the most trade-dependent state in the nation - one out of three jobs is related to international trade.

The Port of Seattle is a municipal corporation originally created in 1911, by the voters of King County. It is a public enterprise with unique authority operating in an international, market-driven environment. The Port of Seattle's vision "is to be the most effective and respected provider of transportation facilities and services to promote

international trade and commerce, and to be the best publicly-owned catalyst for sustained regional prosperity in the nation. Our services and facilities accommodate transportation of cargo and passengers by air, water and land; provide a home for the fishing industry; and foster regional economic vitality and a quality life for King County citizens.”

Maritime Industry

The Ports of Seattle and Tacoma have developed modern containerized cargo facilities and have become world-class facilities that, combined, move the 2nd largest container load center in the Western Hemisphere and the eleventh largest in the world. This area is ideally positioned to connect the northern half of the United States with Alaska and the Pacific Rim countries. Puget Sound is a full day closer in sailing time to most Asian ports than Los Angeles and Long Beach.

Top Ten Washington State Trading Partners
(in billions of dollars - 2004)

Japan	6.3
Canada	4.0
China	3.0
Korea	2.0
Ireland	1.5
Singapore	1.4
France	1.2
United Kingdom	1.0
Australia	1.0
Netherlands	0.9

Source: World Institute for Strategic Economic Research

The Port of Seattle is a leading gateway for Washington State and the nation. The Port was North America’s fastest growing container port in 2005, the second year in a row it has grown faster on a percentage basis than any other U.S. port. The Seaport’s 2,088,000 TEUs that crossed the Port’s docks in 2005 marked a 17.6% increase over the previous year. The Port has invested nearly \$1 billion in its maritime facilities and infrastructure over the past 12 years. Facilities at Terminal 46 in Seattle recently underwent a \$12.5 million upgrade, and now have state-of-the-art electronic cargo-handling equipment to move freight from Hanjin’s worldwide shipping operations. Hanjin Shipping, recently signed a lease keeping them at their present location through 2015, with options for an additional 10 years. The 32-acre Terminal 25 is scheduled to reopen for container handling in July 2005. The Port has been requested to improve the northern terminal apron of Terminal 18 to accommodate larger cranes.

To the south in Pierce County, the Port of Tacoma has approved a five-year capital improvement plan implemented between 2003 and 2007. The Port of Tacoma is spending up to \$341 million on new projects and investments to meet the needs of its existing customers and to attract additional new customers. More than 28,400 jobs in Pierce County are related to Port of Tacoma activities. The Port invested \$95 million in capital projects in 2005, highlighted by the grand opening of three new and renovated container terminals – Pierce County Terminal (Evergreen Marine, Hatsu Marine and Lloyd Triestino), Husky Terminal ("K" Line) and Olympic Container Terminal (Yang Ming Line). A recent study indicated that over 43,000 family-wage jobs are related to Port of Tacoma activities.

Air Freight

Sea-Tac International Airport is the country's 28th busiest cargo airport and offers almost 900,000 square feet (85,000 square meters) of cargo warehouse, airmail, and office space for the dynamic mix of domestic and international air cargo activity, totaling 338,591 metric tons in 2005. The airport also has more than 1.5 million square feet of aircraft parking apron.



www.portseattle.org/business/airport/aircargo.shtml

Transportation

Transportation in the area is facilitated by several local and interstate highways. Interstate Highway 5 connects the Seattle Metropolitan Area with most of the other regional economic centers along the West Coast. Interstate Highway 90, which connects with Interstates 5 and 405, provides access to markets in the East. Interstate Highway 405 and State Highways 167, 509, and 99 provide alternate routes.

The Seattle-Tacoma International Airport is located west of Interstate Highway 5, midway between Seattle and Tacoma. For business or pleasure, Sea-Tac Airport serves over 29 million passengers annually, one in 10 of them on an international flight to such destinations as Europe, Central America, and Asia. Seattle is equidistant between Tokyo and London at approximately 9 hours each way. The Port is completing a \$4.1 billion airport expansion program, including the new airport subway system, completion of the third runway, scheduled to be fully completed in 2008, and the Central Terminal, which opened May 2, 2005, and features the Pacific Marketplace, a dining and shopping mall with 20 restaurants and cafés, bookstores, museum shops and other retail stores.

Railroads/Heavy Commuter Rail/Light Rail

There are three major rail lines running through the region: Amtrak, Burlington Northern, and Union Pacific. Rail lines extend north to Canada, south to Oregon and California, and east over the Cascade Mountains to the East Coast.

Commuter transportation in the area is predominantly highway travel. However, with the recent emphasis on such problems as traffic congestion and cost of fuel, a regional rapid transit system (Sound Transit) connecting various population centers was proposed and funded by popular vote. This system is designed to be a combination of buses, light rail and commuter rail linking the region together. The construction is currently underway for the 14-mile segment of the light-rail system between downtown Seattle and Sea-Tac Airport, and by the end of 2009, it is projected that the passengers will be able to ride the new Sound Transit light rail from downtown Seattle to the

airport in 33 minutes. The Sounder heavy-rail commuter train operates a train service from Tacoma to Seattle, stopping at stations in Puyallup, Sumner, Auburn, Kent and Tukwila. A service from Everett, in Snohomish County, to Seattle is also underway, stopping at a station in Edmonds and then continuing on to Seattle. Tacoma's light rail system, the Link, opened in August 2003 at a cost of \$80.4 million. It provides free shuttle service across the downtown area, serving Freighthouse Square and the Tacoma Dome, the University of Washington – Tacoma, the new convention center, and the Theater District, over a 1.6-mile route. The Link has connections with Sound Transit weekday rail service to Seattle at Tacoma Dome Station.

Education

In the Puget Sound region, there is the University of Washington in Seattle and its branch campuses in Bothell and Tacoma, eight private colleges and universities, and 17 community and technical colleges. Of residents 25 years and older, nearly 90% have completed high school, and the percentage of those who have received bachelor's degrees or higher is 35%, although in King County, it is 40%. In November 2005, Seattle received the No. 1 ranking of "America's Most Literate Cities" from Central Connecticut State University's annual survey based on six factors: a city's number of bookstores per population, educational attainment, newspaper circulation, the number of journals and magazines published there, library holdings and usage and an Internet category, which measures the number of Internet book orders per capita and the percentage of adults who've read a newspaper online, plus the number of library Internet connections and public wireless access.

Tourism

With the Puget Sound's picturesque setting, easy access to both the water and the mountains, and diversity of recreational amenities, the tourist and convention industries have grown rapidly. Tourism is the fourth largest industry in the state. There are 80 hotels in the Puget Sound region with conference or convention meeting space and 28,000 hotel rooms. Leisure and hospitality services provided 104,300 jobs to the region during 2005.

The Port of Seattle is focusing on three overseas tourism markets with the most potential for the region: Japan, the United Kingdom and France. In 2004, 8.73 million visitors to King County spent nearly \$4 billion. Also, in 2006, the new cruise ship industry in Seattle will welcome nearly 200 cruise-ship visits with nearly 735,000 in total passenger volume for an 18% increase in cruise-ship traffic. Five cruise ship companies are served at the Seattle waterfront.

High Technology

The high technology industry has been a fast-growing employment base in the regional economy. There are many companies dealing in computers, software, biotechnology, and medical technology, including Microsoft, Nintendo, Advanced Digital Information Corporation, Amgen, Icos, Cell Therapeutics, Inc., and the Fred Hutchinson Cancer Research Center. The area provides: a favorable environment for these companies because of its well-educated work force; a quality of life that is attractive to out-of-state workers; a major research university, the University of Washington, which ranks fourth in the nation in corporate grants for scientific research; and the technical training

grounds that such companies as Microsoft and Boeing provide. One in 4.5 jobs in the State is dependent on technology-based industries. There has been a major emphasis on attracting biotechnology companies to the region, especially at facilities on Lake Union owned by Paul Allen, as well as at the University of Washington.

Summary

The Puget Sound region has an unemployment rate similar to the national average, and the job market is continuing to expand. Due to location and a highly educated workforce, this area remains competitive in creating and sustaining white collar industries and global trading relationships which make long-run contributions to growth.

NEIGHBORHOOD DESCRIPTION

A neighborhood can be defined as an area of complementary land uses. A neighborhood's boundaries identify the area that influences the value of the subject property. The subject is located in the North Rose Hill area of North Kirkland, about 12 miles northeast of the Seattle CBD and 3 miles northeast of the Kirkland CBD. The City of Kirkland, with an estimated population of more than 47,000, is a suburban community located on the eastern shores of Lake Washington and immediately north of the City of Bellevue, the largest commercial center on the east side of Lake Washington.

Kirkland was founded in 1888 and incorporated in 1905. Historically significant for its ship-building industry, since World War II, Kirkland has grown into a community that is in high demand for its residential real estate. Between 1968 and 1988, several adjacent neighborhoods were annexed, including Houghton, Totem Lake, Juanita and Rose Hill. Today, Kirkland encompasses some 11 square miles, including 5.75 miles of Lake Washington shoreline.

The Rose Hill area is bordered by I-405 to the west, 132nd Avenue NE to the east, NE 116th Street to the north (which continues as Slater Ave. NE for a short distance north and east of the intersection of NE 116th Street and 126th Ave. NE) and NE 85th Street to the south. The district is mixed-use in nature, with retail services and commercial office space at both the northern and southern portions, and then a mix of single-family and attached residential housing and condominiums towards the center.

West of the southern portion is the main downtown Kirkland business district. Further north of this area and to the west of the neighborhood is the newly developing mixed-use commercial Juanita Village development. The first phase of the development includes a Walgreen's drug store, a Bank of America branch bank, a freestanding Starbucks store and a mixed-use retail and residential structure. Existing development in the area includes a diverse mixture of older retail and office buildings and several new retail strip centers and condominium projects.

To the north of this neighborhood, east of Interstate 405 and north of NE 124th Street, is the Totem Lake commercial district which includes the Totem Lake Mall, currently undergoing a major renovation. Upon completion, the Totem Lake Mall will include

438,000 square feet of retail space, 145,000 square feet of office space, a 144-room hotel and 208 residential units. Evergreen Hospital and associated medical buildings are located just north of the mall area. The southwest portion of the neighborhood is dominated by Lake Washington Technical College.

Located immediately west of Interstate 405, in the vicinity of NE 124th Street and NE 116th Street, is additional commercial activity, including several shopping centers, the new Costco Home Store, and several business parks. The entire Totem Lake area has undergone a revision of the neighborhood plan by the City of Kirkland Planning Commission, identifying 12 districts, and revising zoning and design regulations to allow more dense development, containing affordable housing in a pedestrian-friendly environment.

In summary, the subject property is located in a mature, but changing, historic district of Kirkland. Overall, Kirkland has traditionally been in strong demand for retail, housing and office uses due to its proximity to the lakefront with its view amenities. In addition, the subject has excellent vehicular access to Interstate 405 to both the northern and southern business areas, which then support the residential area bracketed by these commercial areas. The desirability of the area and its excellent access results in greater market appeal to those living in and around this North Rose Hill area.

SITE DESCRIPTION

Location and Access

The subject property is located at NE 115th Place where Slater Ave. NE extends north. This area is an unimproved graveled area that would be Slater Ave. NE if it were to continue north onto a portion of the Mastro property, but now turns to the east as NE 115th Place and connects with 112th Ave. NE. Both Slater Ave. NE and NE 115th Place are two-lane (one in either direction) paved roads with a combination of sidewalks and unimproved shoulders, depending on current development of properties adjacent to the roads.

Immediate Surroundings

The subject extends a short distance into the Michael Mastro property, which is currently an under-developed property. There is currently an older residence on the site, but permits are in the process for the construction of a 66,124-square-foot office building with 78 dwelling units. It is to be 5-story building, which includes 282 parking stalls. Other surrounding properties include an older service station, hotel, restaurant, office buildings and multi-family housing. To the north of the subject is commercial development, to the south and west is office and hotel, to the northeast is commercial and to the east and south is residential.

Shape and Size

The subject site is an irregularly-shaped area, which extends north of NE 115th Place approximately 60 feet and is approximately 30 feet wide. South of NE 115th Place it is more triangular in shape and follows the curve of Slater Ave. NE as it turns east and becomes NE 115th Place. The site consists of 3,455 square feet.

Topography

The subject site is a graveled area that is generally level, at street grade of Slater Ave. NE and NE 155th Place.

Soils, Drainage and Toxic Hazards

From direct observation of the site, the soils appear adequately drained and stable. No indications of toxic hazards were observed; however, detailed analysis of such potential is beyond the scope of this appraisal. It is assumed that the soil conditions are stable, adequately drained, supportive of the improvements, and free of toxic materials.

Identification of Possible Flood Hazard

The appropriate Federal Emergency Management Agency (FEMA) map shows that the subject property is in area zone X, areas determined to be outside of the 500-year flood plain. The corresponding flood map number for the subject is 53033-C0360G, dated November 8, 1999.

Easements and Restrictions

No title report has been provided for review. From direct observation, there is an existing electric transmission line that lies on the subject's area. No other easements, encroachments or other adverse conditions were noted or observed, but from conditions of the street vacation, a reserve utility easement will be required on the street side.

Utilities

Electricity, gas, telephone, water, sanitary sewer, and refuse collection are all available.

Site Improvements

The subject property is comprised of a graveled area that extends from the point where Slater Ave. NE turns east and becomes NE 115th Place.

Assessment and Taxes

The subject property is owned by the City of Kirkland, and is not taxed.

Zoning

The subject property is zoned North Rose Hill Business District 1A (NRH1A) by the City of Kirkland. The following points are presented as an overview of this zoning: west of 124th Ave. NE. is a mixed-use retail commercial/residential designation; this area should have a regional commercial character that supports and promotes the residential development that is being encouraged to locate there. Uses should be compatible with residential development; the types of commercial uses allowed in this area should be compatible with the community and the region. Car and boat dealerships and big box retail uses are prohibited; increased building heights should be allowed in order to provide sufficient incentive to develop a range of housing choices in conjunction with commercial development; buildings exceeding two stories must be developed with residential uses above the ground floor. A maximum of five stories is permitted; hotel uses are appropriate to a maximum of four stories. These facilities should be designed to be compatible with the residential character of the area; with any

development at the corner of NE 116th Street and 124th Ave. NE, neighborhood gateway features, such as open space, plaza, or signage should be integrated with a pedestrian connection linking Slater Avenue NE and NE 116th Street. In the alternative, a corner feature should be provided.

Uses permitted under the zoning include office, vehicle service, restaurant or tavern, fast food restaurant, hotel or motel, retail, automotive service center, stacked dwelling unit, church, school or daycare center, mini-school or mini-day-care, assisted living facility, convalescent center or nursing home, public utility government facility or community facility and public park. Front yard setbacks range from 10 to 40 feet. In general, there is no side or rear setbacks, with the exception of vehicle service stations, stacked dwelling units, and schools and assisted living usages. Lot coverage is set at a maximum of 80%. The height of the structures that can be built ranges from 2 (for more intense uses such as office) to 5 stories (for less intense such as stacked dwelling units) depending on both use and or uses (such as combined office and residential uses) and is to be determined on submittal of plans. Parking is of a similar nature ranging from 1 for each 80 square foot of gross floor area for fast food restaurants to 1 for each 300 square feet of retail space, with more specialized of 1 space per hotel room or 1 for every 4 people based on the load capacity of a church. More specific regulations are on a case by case basis and specific to actual location within the Business District and location on specific streets.

DESCRIPTION OF THE IMPROVEMENTS

The subject property has no improvements.

HIGHEST AND BEST USE ANALYSIS

The highest and best use of a property is defined in The Appraisal of Real Estate (Twelfth Edition; Chicago: Appraisal Institute, 2001; p. 305), as “the reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value.”

Highest and best use analysis is a method of inquiry in which the optimum use of a property, in light of market conditions, is determined. Because the price that potential purchasers consider feasible to pay for a property tends to be based on the use they plan for it, the highest and best use of the property is a major factor affecting its market value. This concept aids in determining what improvements should be constructed on a site if it were vacant, and how any present improvements can best be utilized.

Land may be analyzed “as though vacant” and “as improved” to determine its highest and best use. The highest and best use of a site as though vacant may be different from the highest and best use of the same property as presently improved. For example, although a site may have a particular highest and best use if it were vacant and available for new development, the current use may be retained so long as the existing improvements continue to contribute to the overall value of the property.

To determine the highest and best use of a property, four significant factors are analyzed. These are the possible uses that are (1) legally permitted, (2) physically possible, (3) economically feasible, and (4) maximally productive.

1. The subject property is zoned NRH1A, which is similar to the adjacent parcels which, in this case, is the single Mastro parcel.
2. The soils appear suitable for most types of development. The site does not have adequate area to be developed, but when assembled with the adjacent surrounding properties of similar zoning, will provide a wide variety of development potential.
3. A realistic assessment of market demand for the proposed use of the property is important. For a site to be economically feasible for a given use, the proposed use must be compatible with the surrounding neighborhood and have sufficient demand. Currently, there is a strong demand for development of the surrounding vacant lot. Additionally, the subject site does not provide any needed public access.
4. In our opinion, of the uses that satisfy the above three criteria, the highest and best use of the subject property, as if vacant, would be a street vacation of the subject to allow assemblage to the adjacent parcel, and development within the zoning requirements. The proposed mixed-use office/residential of the surrounding property falls within this criteria.

Therefore, the highest and best use of the subject is assemblage to the adjacent (Mastro) parcel.

APPRAISAL TECHNIQUES

There are three distinct approaches to valuing property: the cost approach, the sales comparison approach, and the income capitalization approach. Depending on the type of

property and the data available, one or more of these approaches are used in any valuation assignment. For the subject property, only the sales comparison approach is considered to be an appropriate method for valuation. The sales comparison approach involves description and analysis of sale properties similar to the subject and estimation of the subject property's value by various physical units of comparison.

SALES COMPARISON APPROACH

In the sales comparison approach, the value of a property is estimated by comparing it with similar properties in its market area. This approach is based on the premise that the value of a property is set by the prices of equally desirable substitute properties in the same area. Furthermore, since the subject property is a street, the valuation is performed using an across the fence (ATF) value, the preferred method. This method is a means of estimating the value of land adjacent to or "across the fence" from the street as distinguished from valuing the street right-of-way as a separate entity.

PROCEDURE

Recent sales of similar and competing properties are selected for comparison with the subject property. An appropriate unit of comparison is determined (e.g., entire property, price per square foot, price per room, etc.), and adjustments are made to each comparable sale in order to account for value differences between these properties and the subject. The adjustments are made for such property and transaction characteristics as financing terms, conditions of sale, date of sale, location, and physical attributes. The result of appropriate adjustments applied to sales of comparable properties should be a relatively narrow indicated value range. From within this range, a specific estimate of the subject property's value is often selected.

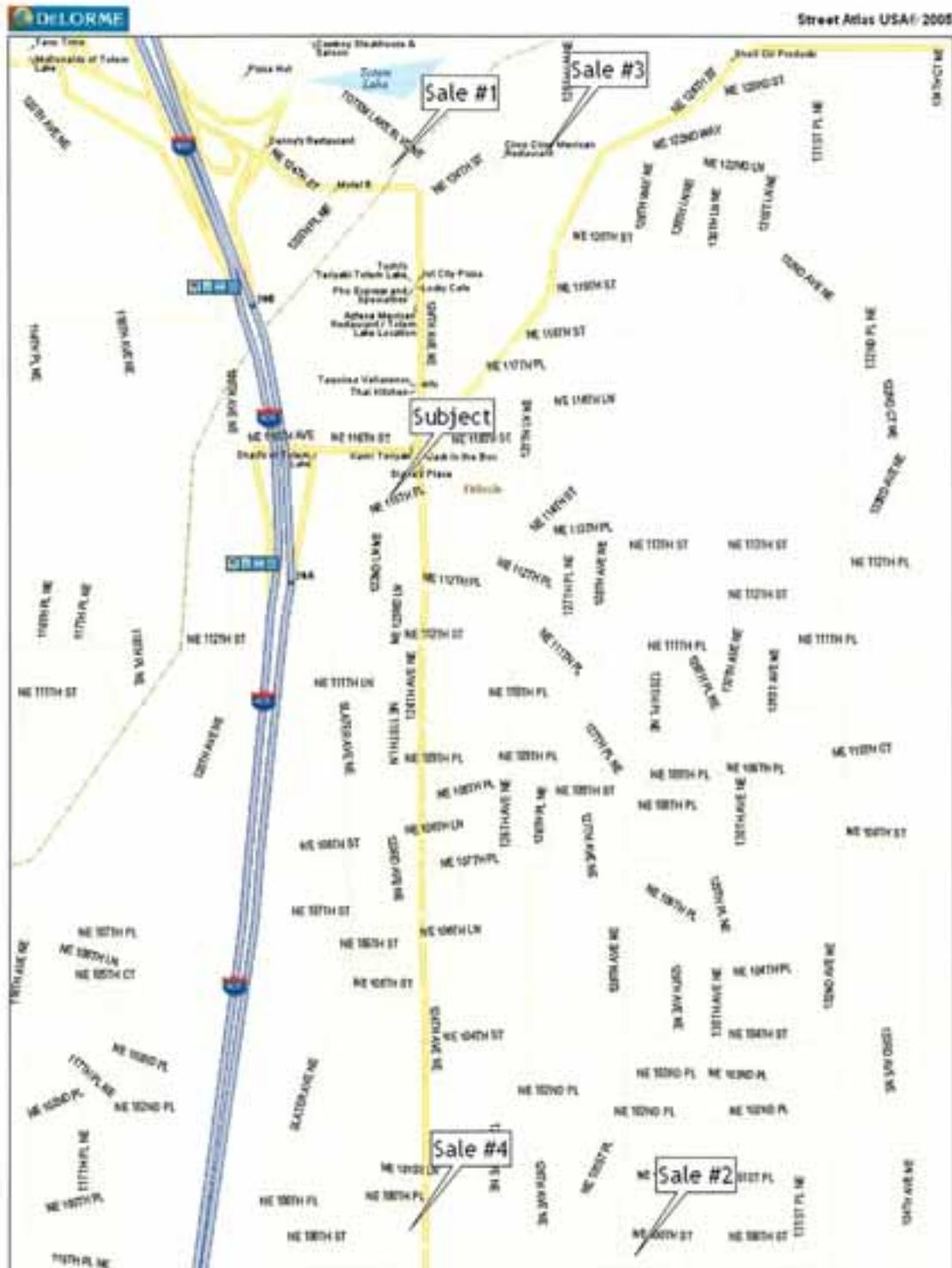
The most widely recognized and market-oriented unit of comparison for a commercial or mixed-use facility is the price per square foot. The market search for comparable sales was undertaken in the local subject area that resulted in closed sales and listings, proximate in time to the date of appraisal, of comparables in the subject neighborhood. After being inspected, confirmed, and analyzed for their applicability and comparability with the subject, the sales summarized on the following pages were considered to be the best indicators of fee simple market value for the subject by the sales comparison approach.

The following elements of comparison were considered and adjusted, as appropriate, to the subject: property rights conveyed, financing, condition of sale, market conditions, location, and physical characteristics. Maps and a summary table of the comparables are presented on the following pages. Photographs are also enclosed with a summary of sales.

Summary of Comparable Land Sales

Sale No.	Location	Sale Date	Zoning	Sale Price	Area (SF)	Price / SF
1	12431 Totem Lk. Blvd.	10/21/2005	TL 4/A	\$3,600,000	40,900	\$88.02
2	12801 NE 85 th St.	4/25/2005	BCX	\$945,000	18,900	\$50.00
3	127XX 124 th Ave. St.	9/22/2005	LI/TL6 A	\$1,443,940	62,780	\$23.00
4	8529 124 th Ave. NE	3/11/2005	PR3.6/O	\$550,000	19,988	\$27.52

Comparable Land Sales Map



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SALE NUMBER 1

(1) ADDRESS or LOCATION:

12431 Totem Lake Boulevard, Kirkland, WA 98034

(2) SALE SKETCH and PHOTO are on following page;

- (3) a. Access: NE 124th Street & Totem Lake Boulevard
- b. Use at Sale: Car Wash
- c. H & B Use: Retail
- d. Zoning: TL 7
- e. Dimensions: Irregular
- f. Area: 40,900 sq. ft.
- g. Sale Date: 10/21/2005
- h. Sale Price: \$3,600,000
- i. Instrument Type: Warranty Deed
- j. Terms: Cash
- k. Ex. Tax # or AF #: 3349
- l. Seller: Car Wash Enterprises, Inc.
- m. Buyer: Gunna Development LLC
- n. Confirmed with: Vic Odermat
 Phone #: 206-789-3026
 Date: 7/17/06
- o. Confirmed by: JWA
- p. Date Inspected: 7/16/06

(4) LEGAL DESCRIPTION or TAX PARCEL NUMBER:

Tax Parcel No. 282605 9138; Lengthy legal description is retained in appraisers file;

(5) PHYSICAL CHARACTERISTICS (description at sale, confirmation information, changes since sale, etc.):

- A.) Property Description: The sale property is located at the prime intersection of NE 124th Street and Totem Lake Boulevard in the Totem Lake area of Kirkland, near the Totem Lake Mall and just down the hill from Evergreen Hospital. The site is level at street grade with the fronting streets. It is located at the northeast corner of NE 124th Street and Totem Lake Boulevard. The site was improved with a car wash at the time of sale. Since the sale, the car wash has been removed to make way for the construction of a new Rite Aid drug store. All utilities are available.
- B.) Confirmation Data and Comments: Since the time of sale, the buyer is currently constructing a Rite Aid drug store on the site.

(6) ANALYSIS:

ITEM	CONTRIBUTION VALUE	MARKET UNIT
Land: 40,900 SF	\$ 3,600,000	\$ 88.02
Buildings:	\$	\$
Other (Site, Yard, etc.):	\$	\$
TOTAL SALE PRICE	\$ 3,600,000	\$ 88.02

SALE SKETCH AND PHOTOGRAPHS
SALE NO. 1



Taken By: John W. Arney

Date: July 16, 2006

SALE NUMBER 2

(1) ADDRESS or LOCATION:

12801 NE 85th Street, Kirkland, WA 98034

(2) SALE SKETCH and PHOTO are on following page;

- (3) a. Access: NE 85th Street & 128th Avenue NE
- b. Use at Sale: Former Automotive Service Building
- c. H & B Use: Commercial
- d. Zoning: BCX, Kirkland
- e. Dimensions: 150' x 133'
- f. Area: 18,900 sq.ft.
- g. Sale Date: 4/25/2005
- h. Sale Price: \$945,000
- i. Instrument Type: Warranty Deed
- j. Terms: Cash
- k. Ex. Tax # or AF #: 2293
- l. Seller: Walter E. & Sharon L. Austin, husband & wife
- m. Buyer: Seawest Investment Associates LLC
- n. Confirmed with: Walter E. Austin, Seller
 Phone #: (253) 531-1934
 Date: 7/17/06
- o. Confirmed by: JWA
- p. Date Inspected: 7/16/06

(4) LEGAL DESCRIPTION or TAX PARCEL NUMBER:

Tax Parcel No. 124190-0040; Lengthy legal description contained in appraisers file.

(5) PHYSICAL CHARACTERISTICS (description at sale, confirmation information, changes since sale, etc.):

- A.) Property Description: This is the April 2005 sale of a commercial site located at 12801 NE 85th Street in the Rose Hill area of Kirkland. The 18,900-square-foot site has ±150 feet of frontage on the south side of NE 85th Street and ±133 feet of frontage on the east side of 128th Avenue NE. At the time of sale, the property was improved with an old service station that had been converted to a Walt's Auto Care Center.
- B.) Confirmation Data and Comments: The seller reported that the buyer is developing a commercial office building. The buyer has subsequently applied for a building permit. The project calls for the construction of a two-story 6,772-square-foot building with a single drive-through. Twenty-nine parking spaces are proposed to serve the uses.

(6) ANALYSIS:

ITEM	CONTRIBUTION VALUE	MARKET UNIT
Land: 18,900 SF	\$ 945,000	\$ 50.00
	\$	\$
Buildings:	\$	\$
	\$	\$
Other (Site, Yard, etc.):	\$	\$
	\$	\$
TOTAL SALE PRICE	\$ 945,000	\$ 50.00

SALE SKETCH AND PHOTOGRAPHS
SALE NO. 2



Taken By: John W. Arney

Date: July 16, 2006

SALE NUMBER 3

(1) ADDRESS or LOCATION:

127XX NE 124th Street, Kirkland, WA 98034

(2) SALE SKETCH and PHOTO are on following page;

- (3) a. Access: NE 124th Street
- b. Use at Sale: Parking Lot
- c. H & B Use: Commercial
- d. Zoning: LI, Kirkland
- e. Dimensions: Irregular
- f. Area: 62,780 sq ft.
- g. Sale Date: 3/24/2005
- h. Sale Price: \$1,443,940
- i. Instrument Type: BARGAIN & SALE
- j. Terms: Cash
- k. Ex. Tax # or AF #: 522
- l. Seller: Verizon Northwest Inc.
- m. Buyer: Medina Park Place, LLC
- n. Confirmed with: David Miller, Broker
 Phone #: 425-462-6917
 Date: 9/22/2005
- o. Confirmed by: JCS
- p. Date Inspected: 9/13/2008, reinspected on 9/8/08

(4) LEGAL DESCRIPTION or TAX PARCEL NUMBER:

Tax Parcel No. 282605 9044; STR 282605 TAXLOT 44 LOT BKIRKLAND LLA #LLA-04-00011 REC; Located in the SE Quarter of Section 28, Township 26N, Range 05E, W.M, in King County, Washington

(5) PHYSICAL CHARACTERISTICS (description at sale, confirmation information, changes since sale, etc.):

- A.) Property Description: This is the March 2005 sale of a commercial site located in the 12700 block of NE 124th street, in Kirkland. It has 471 feet of frontage on the south side of NE 124th Street. The east boundary is 181 feet, and the south boundary meanders in a generally southwest direction 429 feet to the west boundary that is 152 feet and returns back to NE 124th Street. The sale is generally level at eight feet above street grade and is improved as a parking lot. There are retaining walls on the west and south boundaries, with a pedestrian staircase that goes up near the middle of the south boundary. There is an underlying storm drain that crosses on the east and an underlying sewer line that crosses on the west, dividing the site into thirds.
- B.) Confirmation Data and Comments: The site is currently zoned light industrial, but is part of the area that the City of Kirkland is planning on rezoning to commercial. It was indicated that the purchaser was planning on building a tavern on the site, with a second story that would be leased. The rezoning was pending, and the owner did not proceed with his plans, but instead has put the site back on the market at \$1,883,400 or \$30.00 per square foot. The zoning has now changed to "TL6 A" (commercial). From a direct observation the site now is occupied as a parking lot for new vehicles.

(6) ANALYSIS:

ITEM	CONTRIBUTION VALUE		MARKET UNIT
Land: 62,780 SF	\$	1,443,940	\$ 23.00
	\$		\$
Buildings:	\$		\$
Other (Site, Yard, etc.):	\$		\$
TOTAL SALE PRICE	\$	1,443,940	\$ 23.00

SALE SKETCH AND PHOTOGRAPHS SALE NO. 3

Include: Site dimensions, access frontages, improvement locations and identification labels, "north arrow", camera locations and directions corresponding to the photos shown on this page.



Taken By: Jerry C. Sidwell

Date: 9/13/2005

SALE NUMBER 4

(1) ADDRESS or LOCATION:

5829 124th Ave. NE, Kirkland, WA 98033

(2) SALE SKETCH and PHOTO are on following page;

- (3) a. Access: 124th Ave. NE
- b. Use at Sale: Office Building
- c. H & B Use: Mixed use
- d. Zoning: RH 4 (Office), Kirkland
- e. Dimensions: rectangular
- f. Area: 19,988 sq ft.
- g. Sale Date: 3/10/2005
- h. Sale Price: \$550,000
- i. Instrument Type: Warranty Deed
- j. Terms: Cash
- k. Ex. Tax # or AF #: E2106925 / 20050310000953
- l. Seller: T & H International LLC
- m. Buyer: Mi S. Song
- n. Confirmed with: Michael Moore, Broker
 Phone #: 425-519-4205
 Date: 9/13/2006
- o. Confirmed by: JCS
- p. Date Inspected: 9/8/2006

(4) LEGAL DESCRIPTION or TAX PARCEL NUMBER:

Tax Parcel No. 123850 0245; Located in the Sw Quarter of Section 04, Township 25N, Range 05E, W.M, in King County, Washington

(5) PHYSICAL CHARACTERISTICS (description at sale, confirmation information, changes since sale, etc.):

- A.) Property Description: This is the March 2005 sale of a commercial site located behind the McDonald's Restaurant (on the corner of 124th Ave. NE and 85th Street), thus being the second lot north of 124th Ave. NE and 85th Street in the Rose Hill portion of Kirkland. It has 160 feet of frontage on the west side of 124th Ave. NE. The site is generally a gentle slope down to the west. There was a 1,760-square-foot residential/office structure on the site at the time of sale.
- B.) Confirmation Data and Comments: The listing agent indicated that city zoning would allow redevelopment of the site to office with multifamily on the second floor. The buyer was going to use the site for his Japanese import business, but did not due to a downturn in that market. Since the time of sale, the building has been improved (including work on the roof) and was permitted for use as a "Tai Chi Healing Arts". The building was indicated to have nominal value and the sale price was indicated to be land value. It is assumed that the cost to remove the building will be offset by the interim use and income of the building while holding for future development. Although there is contamination on the site to the west, the subject was indicated to be contamination free.

(6) ANALYSIS:

ITEM	CONTRIBUTION VALUE	MARKET UNIT
Land: 19,988 SF	\$ 550,000	\$ 27.52
	\$	\$
Buildings:	\$	\$
Other (Site, Yard, etc.):	\$	\$
TOTAL SALE PRICE	\$ 550,000	\$ 27.52

SALE SKETCH AND PHOTOGRAPHS SALE NO. 4

Include: Site dimensions, access frontages, improvement locations and identification labels, "north arrow", camera locations and directions corresponding to the photos shown on this page.



Taken By: Jerry C. Sidwell

Date: 9/8/2006

Analysis of Comparable Land Sales

Each sale is compared with those parcels adjacent to the subject by making adjustments for variations in such property and transaction features as site size, zoning, date of sale, location, and various physical characteristics. These adjustments are applied to a unit of comparison, which in this case is the price per square foot. This unit of comparison is the preferred pricing method for such land in this area. The limited number of sales in the subject's immediate area and lack of uniformity within this market prevent direct extraction of reliable paired-sale adjustments from the marketplace. Any attempt to apply paired-sales adjustments is somewhat subjective and unreliable. Therefore, a general bracketing analysis reflecting market behavior is utilized to determine which comparables are generally superior or inferior to the subject site. This analysis establishes value parameters for the subject allowing for a final conclusion of value. It should be recognized that the comparable sales vary from the subject in several factors, but allow a bracketing process to be used to establish a reasonable value range for the subject. The following comparable sale summary chart is provided for illustrative purposes.

Comparable Land Sale Summary Grid

Parameter	Subject	No. 1	No. 2	No. 3	No.4
Sale Price/SF	N/A	\$88.02	\$50.00	\$23.00	\$27.52
Location	Slater Ave. NE	Superior	Superior	Similar	Similar
Access	Slater Ave. NE	Superior	Superior	Similar	Similar
Exposure	Slater Ave. NE	Superior	Superior	Similar	Similar
Zoning	RH 1A	Superior	Superior	Similar	Similar
Size	80,889 SF (Mastro) (3,455 SF – Subject)	Smaller	Smaller	Similar	Smaller
Shape	Irregular	Similar	Similar	Similar	Similar
Topography	Level at Street Grade	Similar	Similar	Similar	Similar
Utilities	All available	Similar	Similar	Similar	Similar
Adjusted Value	N/A	\$41.58	\$35.92	\$27.32	\$30.06

Time of Sale – The four transactions occurred between March 2005 and October 2005, and are considered the most recent comparable land sales available. Based on conversations with a number of realtors, buyers and sellers familiar with Kirkland and Eastside market areas, there has been increasing demand for mixed-use land. On the basis of our interviews with realtors, buyers, sellers and developers, a market conditions adjustment of 20 percent per year is applied.

Location – All sales are located in the Eastside King County market area of Kirkland. Comparable Sale 1 is located in the Totem Lake area of Kirkland, and Comparable Sale 2 is located in the Rose Hill area of Kirkland, are in areas that are considered superior in location, requiring downward adjustments for location. Comparable Sale 3 is also in the Totem Lake area and Comparable Sale 4 is also in the Rose Hill area of Kirkland, in areas which are considered similar to that of the subject and thus no adjustment is made for these sales.

Access– Comparable Sales Nos. 1 and 2 have major access from two streets and are considered superior to the subject, thus requiring downward adjustments. Comparable Sales Nos. 3 and 4 are considered similar to the subject in access and thus require no adjustments.

Exposure – Comparable Sales Nos. 1 and 2 have superior exposure, requiring downward adjustments, while Comparable Sales 3 and 4 have similar exposure, requiring no adjustments.

Zoning – Comparable Sales 1 and 2 have superior zoning, requiring downward adjustments. Comparable Sales 3 and 4 have similar zoning compared to the subject, requiring no adjustments.

Size – The subject site size is only 3,455 square feet, but the surrounding parcel which provides some sense for the ACF value, is 80,889 square feet. All of the comparable sales, except Comparable Sale 3 which is similar and requires no adjustment, are smaller in size, requiring a downward adjustment, as smaller-sized parcels generally sell for more per unit value than larger parcels.

Topography/Shape – The topography of the subject, which is level at the grade with the fronting street, is considered similar to all the sales. The subject's irregular-shaped lot is considered to be similar in shape to all the comparable sales.

Utilities -- All normal utilities are available to the subject as well as to all the comparable sales, so no adjustments would be needed.

Land Value Conclusion

Prior to adjustment, the above comparable land sales indicate a range of sale prices per square foot from \$23.00 to \$88.02. The range after adjustments changed to \$27.32 to \$41.58 per square foot. Consideration was given to all the sales. The mixed-use land value surrounding the subject is concluded to be near the middle portion of the range at \$35.00 per square foot. Thus the fee simple value of the subject is indicated to have the following value:

$$3,455 \text{ square feet @ } \$35.00 \text{ per square foot} = \$120,925$$

The subject parcel will need to retain an easement for the existing power lines, a potential pedestrian walkway and the 8 feet behind the curvature of Slater Ave. NE as it becomes NE 115th Place for possible future utilities.

The power lines currently are overhead, but as part of the permit and development process will need to be put underground. Puget Sound Energy will retain an easement for these power lines. This easement is currently undefined, but assuming that the lines remain in close proximity to their current location it could affect up to 1,000 square feet. A typical easement of this type would remove 75% of fee value. Thus, using the fee value of \$35.00 per square foot and applying the easement to accommodate the power line would remove \$26,250 ($\$35.00/\text{SF} \times 1,000 \text{ SF} \times 75\% = \$26,250$) from the \$120,925 fee value, resulting in an interim value of \$94,675 ($\$120,925 - \$26,250 = \$94,675$).

The pedestrian walkway is part of the zoning development requirements of the site and may not necessarily be located on the street vacation portion that will become part of the site. Furthermore, the potential pedestrian walkway could be placed where it would have no effect on the remainder bundle of rights, such as within the power line easement. Therefore, no deduction has been made for the potential pedestrian walkway.

Furthermore, as stated in the conditions of the street vacation: "A public utility easement being a minimum of 8 ft. in width and directly behind and following the radius of the street vacation shall be retained within the vacated area." There appears to be no plan on using this reserved easement at the present time, but the potential exists and must be reserved as a condition of the vacation. This reserve easement would affect an estimated 800 square feet. This easement would be in the setback area and would have minimal impact on the bundle of rights. A typical easement of this type would remove 20% of fee value. Thus, using the fee value of \$35.00 per square foot and applying the easement to the area of the reserved utilities easement would remove \$5,600 ($\$35.00/\text{SF} \times 800 \text{ SF} \times 20\% = \$5,600$) from the previously indicated interim value of \$94,675, resulting in an adjusted value of \$89,075 ($\$94,675 - \$5,600 = \$89,075$).

Summary

The concluded underlying fee value of the \$120,925 for the 3,455 square feet of proposed street vacation is adjusted down by \$26,250 for the retention of a power line easement and \$5,600 for the retention of a public utility easement, resulting in a concluded value for the proposed street vacation of **\$89,075**.

RECONCILIATION AND FINAL VALUE ESTIMATE

The three appraisal approaches indicate the following value estimates:

Cost Approach	N/A
Sales Comparison Approach	\$89,075
Income Capitalization Approach	N/A

FINAL VALUE ESTIMATE

The evidence best supports a market value estimate for the subject property, as of September 8, 2006 of:

\$89,075

EIGHTY NINE THOUSAND SEVENTY FIVE DOLLARS

ADDENDA

- ◆ **Qualifications of Appraisers**
- ◆ **Exhibits**

**QUALIFICATIONS
OF
APPRAISERS**

QUALIFICATIONS OF APPRAISER

JOHN W. ARNEY, MAI

EXPERIENCE: Over 25 years

- 2001 - Current: Appraisal Group of the Northwest, Bellevue, Washington
Real Estate Appraiser and Consultant
- 1992 - 2001: KeyBank Real Estate Technical Services, Bellevue, Washington
Senior Review Appraiser
- 1984 – 1992: Arney Appraisal Associates, Redmond, WA
Real Estate Appraiser and Consultant
- 1983 – 1984 Metropolitan Mortgage & Securities Co., Spokane, Washington
Real Estate Appraiser
- 1981 – 1983 Kootenai County Assessor's Office, Coeur d'Alene, Idaho
Chief Commercial Appraiser
- 1979 – 1981 Haines Borough, Haines, Alaska
Borough Assessor
- 1978 - 1979: Assessor's Office of City and Borough of Juneau, Alaska
Real Estate Appraiser
- 1977 - 1978: Western Appraisal & Surveys Company, Inc., Lewiston, Idaho
Real Estate Appraiser

EDUCATION:

Bachelor of Business Administration, Real Estate, Boise State University, Boise, Idaho

Appraisal Institute Classes:

- Real Estate Appraisal Principles
- Basic Valuation Procedures
- Rural Valuation
- Hotel/Motel Valuation
- Capitalization Theory & Techniques, Parts A & B
- Reviewing Appraisals Seminar
- Case Studies in Real Estate Valuation
- Valuation Analysis Report Writing
- Standards of Professional Practice, Parts A & B
- Understanding Limited Appraisals
- Business Valuation
- Condemnation Appraising: Basic Principles & Applications
- Condemnation Appraising: Advanced Topics & Applications

Other Classes:

- Property Taxation & Income Valuation, IAAO
- Personal Property Valuation, IAAO
- Leasehold Valuation, IAAO
- Real Estate Appraisal Reform Seminar, OTS
- Inspection of Real Estate, NW Insp. Engineers

PROFESSIONAL AFFILIATIONS:

Member of Appraisal Institute
Washington General Certified Real Estate Appraiser
(Certificate No. 1100473)

CLIENTS SERVED

American Pacific Fisheries
Attorneys and Private Clients
Bancshares Mortgage
Bank of America
Bank of California
Center Mortgage
City of Auburn
City of Bellevue
City of Issaquah
City of Kirkland
City of Snohomish
CityFed Mortgage
Coast Mortgage Exchange
CWA Construction
Diversified Apt. Realty Co.
First Mutual Bank
First National Bank of Anchorage

Fisher Properties
GNA (Division of Weyerhaeuser)
Harmon & Associates, R.E.
Heritage Federal S & L
Indonesian Development Co.
KeyBank
Lilak Construction
Malapor Development Co.
McDonnell Douglas Mtg. Co.
Michael R. Mastro Properties
Money Store
Northwest Bank
Pen-Mar Investment Services
Seattle Mortgage
US Bank
Washington Mortgage
Wells Fargo Bank

**QUALIFICATIONS OF APPRAISER
JERRY C. SIDWELL**

EDUCATION

Bachelor of Science in Mechanical Engineering:
University of Washington, Seattle, Washington (1980)

CONTINUING EDUCATION

Eminent Domain Law Basics for Right of Way Professionals. IRWA (February 2005)
Advanced Income Capitalization. Appraisal Institute (March, 2004)
Appraisal Review Overview. WSDOT (November, 2003)
400 USPAP Update 2003, Standards & Ethics for Professionals. Appr. Inst. (October 2003)
Partial Interest Valuation. Appraisal Institute (October 2001)
Standards of Professional Practice, Part C. Appraisal Institute (November, 2000)
Appraisal of Partial Acquisitions. IRWA (October, 1998)
Highest and Best Use and Market Analysis. Appraisal Institute (April, 1998)
Advanced Income Capitalization. Appraisal Institute (May, 1997)
General Applications. Appraisal Institute (April, 1996)
Basic Income Capitalization. Appraisal Institute (February, 1996)
Standards of Professional Practice, Part B. Appraisal Institute (September, 1994)
Standards of Professional Practice, Part A. Appraisal Institute (September, 1994)
Appraisal Practices. Appraisal Institute (April, 1994)
Principles of Real Estate. Bellevue Community College (Winter Quarter, 1994)

EXPERIENCE: Over 10 years

Currently: Partner, Appraisal Group of the Northwest LLP

Formerly: Staff Appraiser, Appraisal Group of the Northwest (1993-1996)

Appraised properties include commercial, industrial, and residential; and reports include self-contained, summary, right of way, and computerized mass property types—both narrative and form.

AFFILIATIONS

Appraisal Institute – Associate Member

International Right of Way Association – Member

International Right of Way Association –President, Chapter 4 (Seattle) (2005 – 2006);
President-Elect (2004-2005); Vice President (2003-2004); Treasurer (2000-2003)

ACCREDITATION

Currently certified in Washington State as a General Appraiser (#1100494)

Washington State Dept. of Transportation approved appraiser

CLIENTS SERVED

Abeyta & Associates
Alderwood Water and Sewer District
Bank of California
Bellevue School District
Bricklin & Gendler
Central Washington Bank
Century Telephone
Certified Land Services Corporation
CH2M Hill Corporation
Chevron USA, Inc.
City of Auburn
City of Des Moines
City of Federal Way
City of Mercer Island
City of Mt. Vernon
City of Newcastle
City of Redmond
City of Renton
City of SeaTac
City of Shoreline
City of Snohomish
City of Tacoma
City of Tukwila
Coca-Cola Enterprises, Inc.
Coldwell Banker Relocation Services
Columbia Bank
David Evans & Associates
ECS, Inc.
Enumclaw School District
Foundation Bank
Graham & Dunn
Hallmark Mortgage
Kent School District
King County Library System
King County Metro Transit Division
Korea Exchange Bank
Lane & Associates
Langabeer, Tull and Lee
Leonard, Boudinot & Skodje, Inc.
National Mortgage Company
Nationwide Consulting Company, Inc.
Nevada First Bank
O.R. Colan Associates, Inc.
O'Rourke, John, Attorney
Pacific Northwest Bank
Pharos Corporation
Port Blakely Communities
Port of Seattle
Preston, Gates and Ellis LLP
Prudential Relocation Management
Puget Sound Energy
Reid Middleton, Inc.
Saehan Bank
Shiers Chrey Cox Caulkins DiGiovanni & Zak
Snohomish County
Sound Transit
State Farm Bank
Union Bank of California
United Savings and Loan Bank
United States Fidelity and Guaranty Co.
Universal Field Services
Washington Capital Management, Inc.
Washington Cities Insurance Authority (WCIA)
Washington State Dept. of Transportation
Washington State Parks & Recreation
Commission
Weyerhaeuser Co.

EXHIBITS

RECEIVED
JUN 26 2006
PLANNING DEPARTMENT
BY _____

STREET VACATION LEGAL DESCRIPTION

That portion of unopened Right-Of Way known as Slater Avenue N.E. within a portion of the Northeast Quarter of the Northwest Quarter of Section 33, Township 26 North, Range 5 East, W.M., described as follows:

Beginning at the North Quarter Corner of said Section 33;
Thence North 88° 36' 29" West along the North line thereof, 384.65 feet;
Thence South 00° 51' 09" west parallel with the North-South centerline of said Section 33, 311.51 feet, more or less, to the South line of the North 311.5 feet of said subdivision and the beginning of a curve to the right having a radius of 78.00 feet;
Thence Southwesterly along said curve 73.67 feet through a central angle of 54° 06' 55";
Thence South 54° 58' 04" West 112.00 feet, more or less to the North line of Lot 1 in Short Plat No. 778140, according to the Short Plat survey recorded under King County Recording No. 7912100778;
Thence South 88° 36' 29" East, along said North line, 159.02 feet to the Westerly margin of Slater Avenue N.E. and the True Point Of Beginning;
Thence North 18° 12' 20" East along said Westerly margin, 2.57 feet, to the beginning of a curve to the right, having a radius of 1175.12 feet;
Thence along said curve and said Westerly margin 135.90 feet through a central angle of 06° 37' 34" to the South line of the North 311.5 feet of said subdivision;
Thence South 88° 36' 29" East along said South line and the South Margin of Vacated Slater Avenue N.E., recorded under King County Ordinance No. 8370, 32.78 feet to the Westerly margin of said Vacated Slater Avenue N.E. and the beginning of non-tangent curve to the left, having a radius of 1145.12 feet and a radial line through said point bearing North 64° 30' 57" West;
Thence along said curve and said Westerly margin 67.08 feet through a central angle of 03° 21' 23" to the North margin of N.E. 115th Place;
Thence South 88° 36' 29" East along said North margin 29.17 feet, to the beginning of a non-tangent curve to the left, having a radius of 100.00 feet and a radial line through said point bearing North 10° 05' 11" West;
Thence along said curve 107.70 feet through a central angle of 61° 42' 29";
Thence South 18° 12' 20" West 1.28 feet to the Northerly margin of Vacated Slater Avenue N.E., recorded under City of Kirkland Ordinance No. 3684A;
Thence North 71° 47' 40" West along said Vacated Slater Avenue N.E. 8.00 feet to the True Point Of Beginning.

Said Vacated Right-Of-Way contains
3,455 square feet, more or less.

Situate in City of Kirkland, King County, Washington

Stacy Clauson

From: Eric Davison [eric.davison@metrokc.gov]
Sent: Tuesday, September 12, 2006 7:15 AM
To: Stacy Clauson
Subject: Re: Street Vacation Request - Portion of Slater Avenue NE

KCWTD has no facilities within this property.

On 9/11/06 11:47 AM, "Stacy Clauson" <SClauson@ci.kirkland.wa.us> wrote:

Dear Eric,

Attached is a vicinity map showing the area of proposed street vacation, together with a legal description of the area proposed for street vacation. Please let me know if you have any questions or whether King County has any facilities in the area that you would be interested in retaining a utility easement. Thank you,

Stacy Clauson

Planner

City of Kirkland

Planning and Community Development

123 Fifth Avenue

Kirkland, WA 98033

425-587-3248

sclauson@ci.kirkland.wa.us

ATTACHMENT <u>11 a</u>
<u>✓ Acolb-00002</u>

Stacy Clauson

From: chung-i.lin@verizon.com
Sent: Tuesday, September 12, 2006 10:44 AM
To: Stacy Clauson
Subject: Re: Street Vacation Request - Portion of Slater Avenue NE

Dear Stacy,

Verizon has aerial facilities on the west side of Slater Ave in the area for the street vacation. Please let me know what needs to be done to retain a utility easement. The senior fielder said that PSE and Comcast are on the same poles.

Thanks,
Chung

"Stacy Clauson"
<SClauson@ci.kirkland.wa.us>

09/11/2006 11:54
AM

To
Chung-I Lin/EMPL/WA/Verizon@VZNotes
cc

Subject
Street Vacation Request - Portion
of Slater Avenue NE

Dear Chung-I,

Attached is a vicinity map showing the area of proposed street vacation, together with a legal description of the area proposed for street vacation. Please let me know if you have any questions or whether Verizon has any facilities in the area that you would be interested in retaining a utility easement. Thank you,

Stacy Clauson
Planner
City of Kirkland
Planning and Community Development
123 Fifth Avenue
Kirkland, WA 98033
425-587-3248
sclauson@ci.kirkland.wa.us

[attachment "3773_001.pdf" deleted by Chung-I Lin/EMPL/WA/Verizon] [attachment "2828
001.pdf" deleted by Chung-I Lin/EMPL/WA/Verizon]

ATTACHMENT 116

✓Acol-00002

From: Biggs, Carol M [carol.biggs@pse.com]
Sent: Wednesday, August 30, 2006 9:07 AM
To: Stacy Clauson
Subject: Street Vacation City File No. VC-06-00002 / Slater Ave NE

Follow Up Flag: Follow up
Flag Status: Red

Hi Stacey,

Puget does have existing electrical facilities within the proposed vacation area. The location of these facilities must be secured by easement rights prior to vacation.

I will prepare the necessary documents and send them out as soon as possible.

Please call me if you have any questions,

Carol Biggs
Right Of Way Representative
Puget Sound Energy
P.O. Box 90868 / EST-06W
Bellevue, WA 98009
Voice: (425)456-2741 / 81-2741
Fax: (425)456-2688

ATTACHMENT 11.e

JACOB-00002

RECEIVED

AUG 21 2006

Pat, does this impact us?
RECEIVED

AM _____ PM
PLANNING DEPARTMENT

Done 8/18/06
AUG 17 2006
NORTHSHORE
UTILITY DISTRICT

BY _____

A petition for Slater Ave NE vacation has been submitted
(street or alley) Kirkland, Wa

by Mastro Properties to the City of Kirkland. We request a
(name of applicant)

statement within fourteen (14) days of receipt of this notice furnishing the following pertinent information in order to complete the City's review of the requested vacation:

1. There is an existing utility route within the area described.
2. There is not an existing utility route within the area described.
3. We have no interest in a potential utility route being retained in the vacated right-of-way or alley.
4. We do have an interest in a potential utility route being retained in the vacated right-of-way or alley. If so, please describe.
5. Call 425-587-3248 (City Project Planner phone number) if additional information is needed.
(City ^A File No. VC-06-10002).

Please address reply to:

Planner Stacy Clausen
City of Kirkland
Department of Planning and Community Development
123 Fifth Avenue
Kirkland, WA 98033

Attachments: Address and Legal Description of Proposed Street Vacation Request
Vicinity Map

NORTHSHORE UTILITY DISTRICT
Pat Saund
NORTHSHORE UTILITY DISTRICT

ATTACHMENT 11
VA06-0002

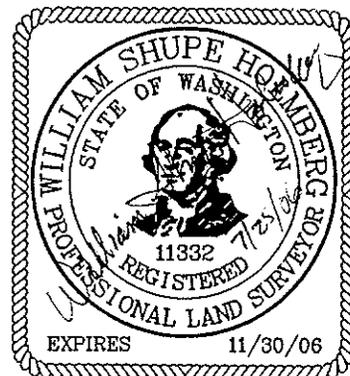
STREET VACATION LEGAL DESCRIPTION

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Thence South 54° 58' 04" West 112.00 feet, more or less to the North line of Lot 1 in Short Plat No. 778140, according to the Short Plat survey recorded under King County Recording No. 7912100778;
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Thence along said curve and said Westerly margin 135.90 feet through a central angle of 06° 37' 34" to the South line of the North 311.5 feet of said subdivision;
Thence South 88° 36' 29" East along said South line and the South Margin of Vacated Slater Avenue N.E., recorded under King County Ordinance No. 8370, 32.78 feet to the Westerly margin of said Vacated Slater Avenue N.E. and the beginning of non-tangent curve to the left, having a radius of 1145.12 feet and a radial line through said point bearing North 64° 30' 57" West;
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Thence North 71° 47' 40" West along said Vacated Slater Avenue N.E. 8.00 feet to the True Point Of Beginning.

Said Vacated Right-Of-Way contains
3,455 square feet, more or less.

Situate in City of Kirkland, King County, Washington



From: Dennis Anderson [dennis.anderson@Seattle.Gov]
Sent: Wednesday, September 13, 2006 7:12 AM
To: Stacy Clauson
Subject: Re: Street Vacation Request - Portion of Slater Avenue NE (File No. VAC06-00002)

Dear Ms. Clauson:

I have reviewed the attached map and have run out the attached legal description of the portion of Slater Ave. NE proposed for vacation. I submit, on behalf of Seattle City Light, for the requested statement, comments relative to the respective numbered statements below, in their corresponding numerical order:

1. We do not know. To my knowledge, no City Light personnel have researched either the King County records or those of the City of Kirkland to determine if there are any utility routes in the area described.
2. We do not know. To my knowledge, no City Light personnel have researched either the King County records or those of the City of Kirkland to determine if there are any utility routes in the area described.
3. Yes. We have no interest in any such route.
4. No. We do not have any interest in any such route.

If you have any questions, please call me at (206) 684-3328

Yours truly,

Dennis Anderson
Real Property Agent

>>> "Stacy Clauson" <SClauson@ci.kirkland.wa.us> 9/12/2006 1:02 PM >>>
Dear Mr. Anderson,

A petition for a partial street vacation of Slater Avenue NE has been submitted by Mastro Properties to the City of Kirkland.

Please submit a statement within fourteen (14) days of receipt of this notice furnishing the following pertinent information in order to complete the City's review of the requested vacation:

1. There is an existing utility route within the area described.
2. There is not an existing utility route within the area described.
3. We have no interest in a potential utility route being retained in the vacated right-of-way or alley.
4. We do have an interest in a potential utility route being retained in the vacated right-of-way or alley.

If so, please describe.

Please feel free to contact me if additional information is needed.

Attachments: Legal Description of Proposed Street Vacation Request
Vicinity Map

ATTACHMENT II .e
VAC06-00002

Stacy Clauson
Planner
City of Kirkland
Planning and Community Development
123 Fifth Avenue
Kirkland, WA 98033
425-587-3248
sclauson@ci.kirkland.wa.us

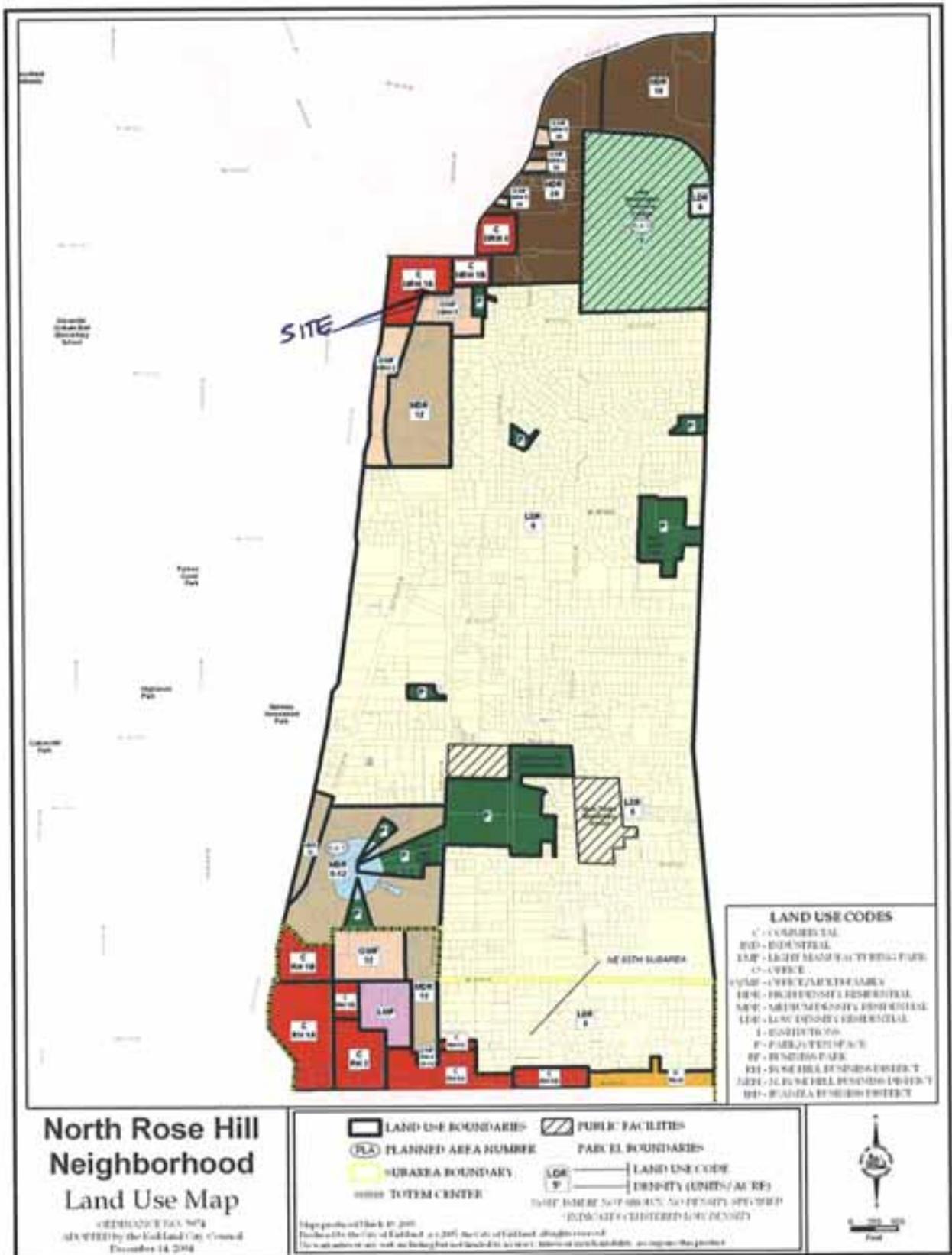


Figure NRH-4: North Rose Hill Land Use

Stacy Clauson

From: Stacy Clauson
Sent: Tuesday, October 03, 2006 9:18 AM
To: 'Maureen Harris'
Subject: RE: File No. VAC06-00002
Attachments: Map.pdf

Dear Maureen,

Thank you for your e-mail. Please see my responses to your questions below. Please feel free to contact me if you have any questions or concerns. Thank you,

Stacy Clauson
 Planner
 City of Kirkland
 Planning and Community Development
 123 Fifth Avenue
 Kirkland, WA 98033
 425-587-3248
 sclauson@ci.kirkland.wa.us

From: Maureen Harris [mailto:maur99@gmail.com]
Sent: Tuesday, October 03, 2006 7:38 AM
To: Stacy Clauson
Subject: File No. VAC06-00002

Dear Stacy,

I am a very concern resident on North Rose Hill.

1: What does Slater Ave Vacation mean? There is a small portion of a 30-foot right-of-way at the corner of Slater Avenue NE and NE 115th Place that projects north into the site. Please see the attached map which shows the general area of the right-of-way that is proposed to be vacated. The applicant has requested that the City vacate its ownership interest in this property so that the property can be incorporated into their surrounding site. In considering this issue, the City Council will review a number of issues, including whether the right-of-way is necessary for travel or other purposes and how much monetary compensation to charge the applicant in order to vacate the property. The hearing before the Council on this item is scheduled for Tuesday, October 17th.

2: What was the result of the September hearing regarding the same site and a 5 story building proposa? The September hearing was before the Design Review Board, who will be reviewing the project design, including the building mass. At the September meeting, the Design Review Board (DRB) focused on issues relating to building massing and scale and pedestrian access. The DRB expressed the need for significant changes to revise the mass of the building. The revised project will be reviewed by the DRB on Monday, October 16th. The meeting will be held at City Hall in the Council Chambers and will start at 7pm and is open to the public to attend and comment on the application.

Due to work I am unable to view both files at the planing department. Please note that we are posting

ATTACHMENT 13

VAC06-00002

10/3/2006

some of the project drawings for the design review application (DRC06-00003) on-line so that you can view these without needing to come down to City Hall. To access these drawings, please go to www.kirklandpermits.net and "search" for permits. Enter file number (DRC06-00003) and when the next screen loads, click on the case number for case details. Scroll down to the bottom of the page, where there is a section of downloadable documents. Click on any of the files to open. I will be posting the newest set of drawings as soon as I receive those.

Is a email response considered a written comment? Yes, e-mail is considered a written comment.

282 parking stalls on the corner of 124th Ave NE and NE 116th St is incomprehensible. One has to wait through 5 lights now at that corner during rush hour. Slater Ave NE also has been so severely impacted by recent development that traffic has made walking far less safe not to mention other negative impacts.

The project will need to undergo a traffic review, at which point the City will be evaluating the traffic and congestion issues associated with the project. That review is conducted by staff as part of the review of the proposal under the State Environmental Policy Act (SEPA). At this time, a SEPA application has not been submitted to the City for review. The SEPA review will need to be conducted before any building permits are issued on the project. As part of the SEPA application, the applicant will be responsible for submitting a traffic study completed by a qualified Transportation Engineer. This study will be evaluated by the City's Transportation Division for consistency with the City's Traffic Impact Analysis Guidelines, which address issues such as the level of service at nearby intersections that would be impacted by the proposal. If you have comments that you would like to share about traffic or congestion, please forward those on to me so that staff can consider these issues when the SEPA application is submitted.

3. Do any of the developers or anyone on the planning department live on North Rose Hill? I don't know the answer to this question, but can let you know that the land use and zoning for this property was adopted by City Council a couple of years ago after an extensive community input process, which included a Neighborhood Advisory Group that advised staff and the Planning Commission on issues relating to land use and zoning. I would also encourage you to participate in the specific review of the pending permit applications by submitted written or oral comments.

4. What kind of other responses are acceptable to the planning department and Kirkland City Council? Do you accept petitions? Etc? Please note that there are currently two separate applications pending before the City, an application for the street vacation and an application for design review of a new five-story building. The City Council will be focusing on issues related to the vacation while the Design Review Board will be reviewing issues relating to the building and site design. Staff will be reviewing issues related to traffic and congestion as part of the review of the proposal under the State Environmental Policy Act (SEPA).

Any interested person may participate in the public hearing for the street vacation to be held on October 17th in either or both of the following ways:

- (a) By submitting written comments to the city council either by delivering the comments to the planning department prior to the hearing or by giving the comments directly to the city council at the hearing; and
- (b) By appearing in person, or through a representative, at the hearing and making oral comments directly to the city council. The city council may reasonably limit the extent of these oral comments to facilitate the orderly and timely conduct of the hearing.

You may similarly participate in the public meeting before the Design Review Board on October 16th by submitting written or oral comments.

Please respond asap

Thank you,

Maureen Harris
12307 NE 97th St #A
Kirkland 98033
Hm phone 889-8848 wk phone 557-0958

RESOLUTION R-4610

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY MICHAEL R. MASTRO OF MASTRO PROPERTIES, FILE NUMBER VAC06-00002.

WHEREAS, the City has received an application filed by Micheal R. Mastro to vacate a portion of a right-of-way; and

WHEREAS, by Resolution Number R-4601, 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.

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 VAC06-00002 are hereby adopted as though fully set forth herein.

Section 2. Except as stated in Section 3 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 \$89,075 as compensation for vacating this portion of the right-of-way.

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

1. A public utility easement being a minimum of 8 feet in width and directly behind and following the radius of the street vacation.
2. 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.

(c) Within seven (7) calendar days after the final public hearing, the applicant shall remove all public notice signs and return them to the Department of Planning and Community Development.

Section 3. If the portion of the right-of-way described in Section 4 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 4. The right-of-way to be vacated is situated in Kirkland, King County, Washington and is described in Exhibit A.

Passed by majority vote of the Kirkland City Council in open meeting on the _____ day of _____, 20____.

SIGNED IN AUTHENTICATION THEREOF this _____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

EXHIBIT A

STREET VACATION LEGAL DESCRIPTION

That portion of unopened Right-Of Way known as Slater Avenue N.E. within a portion of the Northeast Quarter of the Northwest Quarter of Section 33, Township 26 North, Range 5 East, W.M., described as follows:

Beginning at the North Quarter Corner of said Section 33;
 Thence North $88^{\circ} 36' 29''$ West along the North line thereof, 384.65 feet;
 Thence South $00^{\circ} 51' 09''$ west parallel with the North-South centerline of said Section 33, 311.51 feet, more or less, to the South line of the North 311.5 feet of said subdivision and the beginning of a curve to the right having a radius of 78.00 feet;
 Thence Southwesterly along said curve 73.67 feet through a central angle of $54^{\circ} 06' 55''$;
 Thence South $54^{\circ} 58' 04''$ West 112.00 feet, more or less to the North line of Lot 1 in Short Plat No. 778140, according to the Short Plat survey recorded under King County Recording No. 7912100778;
 Thence South $88^{\circ} 36' 29''$ East, along said North line, 159.02 feet to the Westerly margin of Slater Avenue N.E. and the True Point Of Beginning;
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Situate in City of Kirkland, King County, Washington

