



**CITY OF KIRKLAND**  
**City Manager's Office**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001  
www.kirklandwa.gov

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## **MEMORANDUM**

**To:** City Council

**From:** Kurt Triplett, City Manager

**Date:** July 20, 2021

**Subject:** MEMORANDUM OF UNDERSTANDING WITH KING COUNTY REGARDING USE OF THE EASTRAIL CORRIDOR AT 134<sup>TH</sup> COURT NE AND RELATED WILLOWS ROAD NE EXTENSION

### **Recommendation**

That City Council approve Resolution R-5487 that authorizes the City Manager to sign a Memorandum of Understanding with King County that will help accomplish two main goals:

1. Provide the City with a 20 to 30-year use agreement to construct, use and maintain a road crossing of a portion of the County's Eastrail Corridor that lies within the City's boundaries at 134<sup>th</sup> Court NE, to complete a transportation connection identified on the Connections Transportation Connections Map, and to spur economic development by facilitating the redevelopment of the adjacent properties for auto dealerships that will provide significant sales tax revenue to the City.
2. Facilitate construction and opening of a safe interim trail extension from the City-owned Cross Kirkland Corridor (CKC) east along the County-owned Eastrail Corridor to the north side of the Willows Road NE crossing.

### **Background**

Both the County and the City are owner jurisdictions of portions of the Eastrail Corridor. Subject to easements by other entities, the City owns portions of the Eastrail Corridor located within the City limits, known as the Cross Kirkland Corridor ("the CKC"); and the County owns portions of the Eastrail Corridor that are located both outside of and within the City limits of Kirkland. As noted above, the main purpose of the MOU is assist the City with obtaining a long term use agreement with King County to construct, use and maintain a road crossing of a portion of the County's Eastrail corridor that lies within the City limits.

In October 2013, the Eastrail Regional Advisory Council adopted the "Recommendations for the Eastside Rail Corridor" (since renamed the Eastrail) stating that the Eastrail should be a multi-use corridor that supports mobility and transportation connections, economic opportunities, cultural opportunities, natural areas, scenic vistas, historic legacy, public health, public safety, equity and sustainability. The proposed MOU implements several of these goals.

In May 2019, the "Completing the Eastrail" Funding Commission Report reiterated that the historic railroad line, will be "more than a trail" and will be a "multi-use corridor enhancing transportation for the region and supporting utility infrastructure" and "a centerpiece for urban and economic development, offering substantial advantages for local businesses competing to recruit and retain top talent." Again, the proposed MOU is consistent with these stated goals.

Lee Johnson Chevrolet is a multi-decade business owner in the City whose different lines of auto sales provide substantial sales tax to both the City and the County. Lee Johnson Chevrolet currently has an auto dealership located near I-405 and NE 85<sup>th</sup> Street near the proposed Sound Transit Bus Rapid Transit (BRT) I-405/NE 85<sup>th</sup> Street Station. The company wishes to allow their property to redevelop to maximize the benefit of the BRT station to the City and the region, but desires to stay located in the City. Thus, it purchased two parcels of real property in the Totem Lake area which together comprise "the Site." This new property requires access across the Eastrail Corridor at 134<sup>th</sup> Court NE in order for business to be conducted on the Site. The City wishes to enter into a 20- to 30-year renewable use agreement with the County for the City to create, use and maintain a new public roadway crossing of the Eastrail Corridor at 134<sup>th</sup> Court NE. This public roadway crossing and street extension is also identified as a desired mobility connection in the Citywide Transportation Connections Map as described on Kirkland's website. [Citywide Transportation Connections Map–City of Kirkland \(kirklandwa.gov\)](http://www.kirklandwa.gov/Citywide-Transportation-Connections-Map)

In order to keep vehicular traffic crossings of the Eastrail Corridor to a minimum, which is a County objective, the City is agreeing to two other conditions. First, the City will enter into a binding agreement with Lee Johnson Chevrolet that will require staff and deliveries to access the site from NE 126<sup>th</sup> Place, not from the new Eastrail Corridor crossing. The auto dealership traffic over the Eastrail Corridor is intended to be limited to customer and public safety traffic. Second, a business adjacent to the new Lee Johnson Chevrolet site currently has an easement to cross the Eastrail Corridor granted by the County. This current easement is close to where the new crossing that is the subject of the MOU will be located. County policy is to minimize the number of automobile crossings of the Eastrail and the County intends to extinguish the existing easement when the new crossing is built. The City and Lee Johnson Chevrolet have agreed with this existing business owner to provide new access to the business so that the existing Eastrail crossing can be closed by the County once the new crossing is open.

Finally, the City and County agree that they have shared goals to extend a safe interim trail from the CKC, east along the Eastrail to the north side of the Willows Road NE crossing of the Eastrail Corridor as soon as possible. To that end, and as compensation for granting the new use agreement, the City has agreed to reimburse King County up to \$600,000 for actual costs associated with rail removal and construction on an interim, gravel trail between 132<sup>nd</sup> Place NE and 139<sup>th</sup> Avenue NE/Willows Road NE, where the Eastrail Corridor trail connects with the City's Willows Road Connector project. The contribution may be provided by the City, by Lee Johnson Chevrolet, or a combination of the City and Lee Johnson Chevrolet. The City will only reimburse the County after the County provides it with documentation of actual costs expended, not to exceed \$600,000. The City will also construct and operate interim trail crossings of the Eastrail Corridor at 132<sup>nd</sup> Place NE/Slater Ave NE and Willows Road NE consistent with applicable City and County regional trail standards, to be completed no later than 2023.

Following approval of the MOU, the City and the County will finalize the use agreement and all related documents for adoption by the Council at a future Council meeting.