

**SOUND TRANSIT
STAFF REPORT**

RESOLUTION NO. R2003-05

**Acquire Needed Property Rights for the Construction and
Operation of the Kirkland Direct Access Project**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	4/17/03	Discussion/Possible Action to Recommend Board Approval Action	Joann H. Francis, Chief Administrative Officer Don Vogt, Senior Real Estate Representative	(206) 689-4934
Board	4/24/03			(206) 689-3396

Contract/Agreement Type:		Requested Action:	
Competitive Procurement	3	Execute New Contract/Agreement	3
Sole Source		Amend Existing Contract/Agreement	
Memorandum of Agreement		Contingency Funds Required	
Purchase/Sale Agreement		Budget Amendment Required	

4 Applicable to proposed transaction.

OBJECTIVE OF ACTION

- To acquire needed property rights for the construction and operation of the Kirkland Direct Access Project.

ACTION

- Authorizing the Executive Director to acquire, dispose, or lease certain real property interests by negotiated purchase or by condemnation and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction, operation, and permanent location of the Regional Express Kirkland Direct Access Project, and to execute all documents necessary to convey those interests to the Washington State Department of Transportation consistent with the 1997 Memorandum of Agreement between Sound Transit and the Washington State Department of Transportation.

KEY FEATURES

- Authorizes the Executive Director to acquire, dispose, or lease certain real property interests by negotiated purchase or by condemnation and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction and operation of the Kirkland Direct Access Project.
- Authorizes the acquisition of interests in 18 parcels for the Kirkland Direct Access Project.
- Authorizes the Executive Director to transfer property rights acquired to WSDOT as required.

BUDGET IMPACT SUMMARY

Project Description: Kirkland Transit Enhancements

Current Status: Preliminary Engineering / Environmental Documentation

Projected Completion Date: 4th Quarter 2005

Action Outside of Adopted Budget:	Y/N	Y	Requires Comment
This Line of Business	N		
This Project	N		
This Phase	N		
This Task	N		
Budget amendment required	N		
Key Financial Indicators:	Y/N	Y	Requires Comment
Contingency funds required	N		
Subarea impacts	N		
Funding required from other parties other than what is already assumed in financial plan	N		

N = Action is assumed in current Board-adopted budget. Requires no budget action or adjustment to financial plan

BUDGET DISCUSSION

The project budget is shown in the table under Summary for Board Action. Note that the budget amount shown for construction and right-of-way (ROW) acquisition has been combined to show as one line item. The combined budget amount for both phases is \$15,948,000 of which, \$221,700 has been spent and/or obligated. The remaining budget amount available for construction and ROW acquisition is \$15,726,000. It is anticipated that this action will be achieved within the available Board-adopted ROW budget. The specific ROW budget amount is available under executive session.

REVENUE, SUBAREA, AND FINANCIAL PLAN IMPACTS

The proposed action is anticipated to be affordable within Sound Transit's current long-term financial plan and will be consistent with subarea financial capacity.

SUMMARY FOR BOARD ACTION

Action Item: Right of Way Acquisition/Relocation for Kirkland Transit Enhancements Project (no. 141)

	Current Board Adopted Budget (A)	Obligations (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
(1) Project Budget					
Agency Administration	1,161	99	-	99	1,062
Preliminary Engineering / Environmental Doc	914	830		830	83
Final Design	978	889		889	89
(2) ROW Acquisition/Permits and Construction	15,948	222	*	222	15,726
Contingency	1,000	-	-	-	1,000
Total Project Budget	20,000	2,040	-	2,040	17,960
Phase Budget Detail					
ROW Acquisition/Permits and Construction	15,948	222	*	222	15,726
	-	-	-	-	-
Total Phase	15,948	222	-	222	15,726
Contract Budget	Current Approved Contract Value (F)	Obligations (G)	Proposed Action (H)	Proposed Total Contract (I)	
ROW Acquisition	N/A	N/A	*	N/A	
Contingency	N/A	N/A	N/A	N/A	
Total	N/A	N/A	N/A	N/A	
Percent Contingency	N/A	N/A	N/A	N/A	
Budget Shortfall	\$ (J)	Potential Revenues (K)	Funding Source (L)		
N/A	N/A	N/A	N/A		

Notes:

(1) Budget amounts shown are based on the 2003 Adopted budget, all amounts shown are in thousands.

(2) Phase budget amount shown reflects ROW Acquisition and Construction combined.

* The specific ROW budget amount is available under Executive Session.

M/W/DBE – SMALL BUSINESS PARTICIPATION

Not applicable to this action

HISTORY OF PROJECT

In order to build the Kirkland Direct Access Project and operate Regional Express bus service, it will be necessary for Sound Transit to acquire real property. Sound Transit's authorizing legislation provides the agency with the power of eminent domain to accomplish such acquisitions. The acquisition of real property may, in some cases, result in the temporary displacement of property owners, tenants, or businesses.

The project is located in the northeast section of the City of Kirkland in King County. The Project components include an overpass at NE 128th Street High Occupancy Vehicle (HOV) Direct Access Ramps from I-405, and a pedestrian connection to the Kingsgate Park-and-Ride lot. A related, but separate, Sound Transit project would be a new Transit Center to be located at approximately the southeast corner of NE 128th Street and 120th Avenue NE.

The new HOV Direct Access Ramps would be constructed from the inside northbound and southbound realigned lanes of Interstate 405 (I-405) to a new overpass at NE 128th Street that crosses over I-405. The new overpass would include in-line flyer stops to serve Sound Transit riders and act as transfer points between the regional and local bus systems. The overpass would consist of three traffic lanes, a bicycle lane, and sidewalks in each direction. In addition, NE 128th Street, between Totem Lake Blvd. and 120th Avenue NE, would be widened to accommodate traffic using the new overpass. The widening of NE 128th Street east of the overpass is a City of Kirkland-funded component of the project. The pedestrian connection would join the in-line transit stops on the new overpass with the Kingsgate Park-and-Ride facility.

An Environmental Assessment (EA) was prepared by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) in coordination with Sound Transit and WSDOT in compliance with the National Environmental Policy Act (NEPA). FTA and FHWA were the co-lead federal agencies for the Totem Lake Regional Express Project Environmental Assessment. The EA was issued on May 13, 2002, and made available to the public, agencies, jurisdictions, and affected tribes. A public hearing for the EA was held on June 20, 2002. Comments were received on the EA through June 28, 2002. FTA and FHWA found that the proposed Kirkland Direct Access Project would have no significant adverse impacts on the environment. A Finding of No Significant Impact (FONSI) was issued by FTA and FHWA on November 13, 2002. After carefully considering the information presented in the EA and the FONSI, supporting documents, and the public comments and responses, Sound Transit adopted the EA and the FONSI, and issued a Determination of Non-Significance (DNS) pursuant to the Washington State Environmental Policy Act (SEPA) on November 13, 2002.

In 1997, Sound Transit entered into a Memorandum of Understanding with WSDOT (GCA 1218) providing that WSDOT would accept HOV access improvements and title upon completion. Accordingly, this resolution authorizes the Executive Director to transfer ownership of acquired properties to WSDOT.

The proposed resolution authorizes the acquisition of interests in 18 parcels. One parcel (SNG Associates parcel number 2826059103) would be acquired in fee. Partial fee, easements, and/or access restrictions are currently anticipated to be needed from the other listed parcels.

**Prior Board or Committee Actions
and Relevant Board Policies**

Motion or Resolution Number	Summary of Action	Date of Action
M2002-134	Authorizes a Project Level Agreement with WSDOT for final design and P,S,& E	12/5/02
R2001-07	Change to Sound Move for an interchange in Kirkland	6/14/01
M2000-111	Task Order with WSDOT for Completion of Design File	11/9/00
R98-12	Master Agreement with WSDOT for Civil Support Services	4/9/98
R98-11	PE/ED for Seven Community Connections Projects and Four HOV Access Projects	4/9/98

CONSEQUENCES OF DELAY

The current schedule anticipates going to bid and starting construction on the project during the first half of 2004. ROW activities can begin as soon as the Board approves the proposed resolution.

REGIONAL PARTNERSHIP AND COOPERATION

A Project Management Team and an Executive Advisory Committee have been established for the Kirkland I-405 HOV Access Improvements project to assist staff in making project decisions. The Project Management Team (PMT) is comprised of technical staff from Sound Transit, WSDOT, the City of Kirkland, and King County Metro. The Executive Advisory Committee (EAC) is comprised of elected officials, key agency management staff, and city business and community leaders, whose responsibility is to advise Sound Transit on the Kirkland projects.

The EAC will be disbanded at the completion of PE/ED and resolution of major planning issues. The PMT will be continued in a different format.

Sound Transit worked with WSDOT, FTA, and FHWA to process the FONSI.

Sound Transit worked with WSDOT to process the DNS.

PUBLIC INVOLVEMENT

Sound Transit and its project partners (the City of Kirkland, WSDOT, and King County Metro) have hosted four public open houses to present ideas about the proposed transit improvements in the Kirkland area. Overall feedback from the open houses has been positive.

The public is encouraged to call or email Sound Transit at any stage of the project to request information or to provide comment.

LEGAL REVIEW

BN 3/10/03

SOUND TRANSIT

RESOLUTION NO. R2003-05

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to acquire, dispose, or lease certain real property interests by negotiated purchase or by condemnation and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction, operation, and permanent location of the Regional Express Kirkland Direct Access Project, and to execute all documents necessary to convey those interests to the Washington State Department of Transportation consistent with the 1997 Memorandum of Agreement between Sound Transit and the Washington State Department of Transportation.

WHEREAS, a Regional Transit Authority, hereinafter referred to as Sound Transit, has been created for the Pierce, King, and Snohomish County region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, on November 5, 1996, Central Puget Sound area voters approved local funding for Sound Move, the ten-year plan for regional high-capacity transit in the Central Puget Sound Region; and

WHEREAS, Sound Move provided for the implementation of a series of Regional Express bus routes and transit improvements, and further provided for the construction, operation, and permanent location of the Kirkland Direct Access Project; and

WHEREAS, an Environmental Assessment (EA) was prepared by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) in coordination with Sound Transit and the Washington State Department of Transportation (WSDOT) in compliance with the National Environmental Policy Act (NEPA). FTA and FHWA were the co-lead federal agencies for the Totem Lake Regional Express Project Environmental Assessment. The EA was issued on May 13, 2002, and made available to the public, agencies, jurisdictions, and affected tribes. A public hearing for the EA was held on June 20, 2002. Comments were received on the EA through June 28, 2002. FTA and FHWA found that the proposed Kirkland Direct Access Project would have no significant adverse impacts on the

environment. A Finding of No Significant Impact (FONSI) was issued by FTA and FHWA on November 13, 2002. After carefully considering the information presented in the EA and the FONSI, supporting documents, and the public comments and responses, Sound Transit adopted the EA and the FONSI and issued a Determination of Non-Significance (DNS) pursuant to the Washington State Environmental Policy Act (SEPA) on November 13, 2002; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction, operation, and permanent location of the Kirkland Direct Access Project in Kirkland, Washington, which properties are reasonably described in Exhibit A attached hereto; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation, and permanent location of the Kirkland Direct Access project, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain lands and rights in property for public purposes, and to pay eligible relocation and re-establishment benefits to affected parties; and

WHEREAS, Sound Transit has commissioned or will commission appraisals to determine the fair market value of the properties and will continue to negotiate in good faith with the owners of the properties authorized to be acquired by negotiated purchase or condemned, with the intent of reaching agreements for the voluntary acquisition of the property for fair market value; and

WHEREAS, the funds necessary to acquire the property by voluntary purchase or to pay just compensation adjudged due after condemnation and the funds necessary to pay eligible relocation and re-establishment costs shall be paid from Sound Transit general funds.

NOW, THEREFORE, BE IT RESOLVED by the Central Puget Sound Regional Transit Authority that:

SECTION 1. The Executive Director is hereby authorized to execute such agreements as are customary and necessary for the acquisition, lease, or disposal of the real property interests described in Exhibit A and for the payment of eligible relocation and re-establishment costs, said property to be used for the construction, operation, and permanent location of the Kirkland Direct Access project in Kirkland, Washington. In accordance with Sound Transit's adopted Real Property Acquisition and Relocation Policies, Procedures, and Guidelines, the acquisition price of the properties shall not exceed the fair market value to be determined through the appraisal process; provided that in the event the total of the acquisition, relocation, and re-establishment costs of the properties for the Kirkland Direct Access project exceeds Sound Transit's approved budget for right-of-way (ROW) acquisition (plus contingency), then the Executive Director shall obtain approval from the Executive Committee or the Board, per Resolution No. 78-1, before the acquisition of the property for the Kirkland Direct Access project by purchase or by condemnation and the payment of eligible relocation and re-establishment costs.

SECTION 2. The Executive Director is hereby authorized to settle condemnation litigation or enter administrative settlements (a settlement in lieu of initiating condemnation litigation) for the acquisition of the real property interests described in Exhibit A. Such settlements shall be made only upon the recommendation of legal counsel, for amounts deemed to be a reasonable estimation of fair market value, and shall not exceed established budgets. For all other settlements proposed, the Executive Director shall obtain prior approval of the Executive Committee or the Board, per Resolution No. 78-1.

SECTION 3. The Sound Transit Board of Directors deems the Kirkland Direct Access project to be constructed in Kirkland, Washington, to be a public use for a public purpose. The Board deems it necessary and in the best interests of the citizens residing within Sound Transit's boundaries to acquire the property identified herein as being necessary for the

construction, operation, and permanent location of the Kirkland Direct Access project. Said properties being described in Exhibit A incorporated herein by reference and that eligible parties be paid relocation and re-establishment costs associated with displacements from the properties.

SECTION 4. The Sound Transit Board of Directors finds that the public health, safety, necessity, convenience, and welfare demand and require that the above-described properties be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Kirkland Direct Access project in Kirkland, Washington.

SECTION 5. In addition to the authority granted the Executive Director in Section 1 above, condemnation proceedings are hereby authorized to acquire all, or any portion thereof, of the properties and property rights and/or rights in those of the properties described in the attached Exhibit A, for the purpose of constructing, owning, and operating a permanent location of the Kirkland Direct Access project in Kirkland, Washington. The Executive Director is also authorized to make minor amendments to the legal descriptions of the properties described in the attached Exhibit A, as may be necessary to correct scrivener's errors and/or to conform the legal description to the precise boundaries of the property required for the projects.

SECTION 6. The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from Sound Transit general funds.

SECTION 7. The Executive Director is authorized to execute all documents necessary to convey to WSDOT the property interests acquired pursuant to this resolution consistent with the 1997 Memorandum of Agreement between Sound Transit and WSDOT (GCA 1218), which contemplates that these property interests will become permanent additions to the Interstate Highway System.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on April 24, 2003.

A handwritten signature in black ink, appearing to read "Ron Sims", written over a horizontal line.

Ron Sims
Board Chair

ATTEST:

A handwritten signature in black ink, appearing to read "Marcia Walker", written over a horizontal line.

Marcia Walker
Board Administrator

EXHIBIT A

Kirkland Direct Access

Order No.	Owner/Contact	Parcel #	Site Address
895544	HERITAGE HOUSE KIRKLAND L.L.C., A WASHINGTON LIMITED LIABILITY COMPANY	292605 9210	12629 116 th Ave. NE

LEGAL DESCRIPTION:

PARCEL A:

LOT 3 OF KING COUNTY SHORT PLAT NO. 178071, ACCORDING TO SHORT PLAT RECORDED JUNE 30, 1978 UNDER RECORDING NO. 7806301007, IN KING COUNTY, WASHINGTON.

PARCEL A-1:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 30 FEET OF LOT 4 OF SAID SHORT PLAT.

PARCEL B:

LOT 4 OF KING COUNTY SHORT PLAT NO. 178071, ACCORDING TO SHORT PLAT RECORDED JUNE 30, 1978 UNDER RECORDING NO. 7806301007, IN KING COUNTY, WASHINGTON.

Order No.	Owner/Contact	Parcel #	Site Address
895540	MCDONALD'S CORPORATION, A DELAWARE CORPORATION	282605 9178	12414 116 th Ave. NE

LEGAL DESCRIPTION:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;
THENCE NORTH 1°57'51" EAST ALONG THE WEST LINE THEREOF A DISTANCE OF 401.07 FEET;
THENCE SOUTH 88°02'09" EAST A DISTANCE OF 42.00 FEET TO THE EASTERLY MARGIN OF 116TH AVENUE NORTHEAST, AND THE TRUE POINT OF BEGINNING;
THENCE NORTH 1°57'51" EAST ALONG SAID EASTERLY MARGIN A DISTANCE OF 186.00 FEET;
THENCE SOUTH 88°02'09" EAST A DISTANCE OF 155.22 FEET;
THENCE SOUTH 53°03'39" EAST A DISTANCE OF 83.86 FEET;
THENCE SOUTH 1°57'51" WEST PARALLEL WITH 116TH AVENUE NORTHEAST A DISTANCE OF 137.93 FEET;
THENCE NORTH 88°02'09" WEST A DISTANCE OF 223.93 FEET TO THE TRUE POINT OF BEGINNING.

Order No.	Owner/Contact	Parcel #	Site Address
895534	EDWARD HECHT AND BOBBY L. LOCKE, EACH AS THEIR RESPECTIVE SEPARATE ESTATES	282605 9096	12504 116 th Ave. NE

LEGAL DESCRIPTION:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;

THENCE NORTH 0°42'30" EAST ALONG THE WEST LINE THEREOF 376.07 FEET;
 THENCE SOUTH 89°17'30" EAST 42 FEET TO THE EASTERLY MARGIN OF 116TH AVENUE
 NORTHEAST AND THE TRUE POINT OF BEGINNING;
 THENCE NORTH 0°42'30" EAST ALONG SAID EASTERLY MARGIN 265.62 FEET;
 THENCE SOUTH 85°13'30" EAST 115.29 FEET;
 THENCE SOUTH 54°10'00" EAST 201.85 FEET TO THE WESTERLY MARGIN OF PRIMARY STATE
 HIGHWAY NO. 1 (SR 405) AS CONDEMNED UNDER KING COUNTY SUPERIOR COURT CAUSE NO.
 698418;
 THENCE SOUTH 14°33'46" EAST ALONG SAID MARGIN 73.97 FEET;
 THENCE SOUTH 17°55'20" WEST ALONG SAID MARGIN 73.68 FEET TO A POINT WHICH BEARS
 SOUTH 89°17'30" EAST FROM THE TRUE POINT OF BEGINNING;
 THENCE NORTH 89°17'30" WEST 278.08 FEET TO THE TRUE POINT OF BEGINNING;
 EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;
 THENCE NORTH 1°57'51" EAST ALONG THE WEST LINE THEREOF A DISTANCE OF 401.07 FEET;
 THENCE SOUTH 88°02'09" EAST A DISTANCE OF 42.00 FEET TO THE EASTERLY MARGIN OF 116TH
 AVENUE NORTHEAST AND THE TRUE POINT OF BEGINNING;
 THENCE NORTH 1°57'51" EAST ALONG SAID EASTERLY MARGIN A DISTANCE OF 186.00 FEET;
 THENCE SOUTH 88°02'09" EAST A DISTANCE OF 155.22 FEET;
 THENCE SOUTH 53°03'39" EAST A DISTANCE OF 83.86 FEET;
 THENCE SOUTH 1°57'51" WEST, PARALLEL WITH 116TH AVENUE NORTHEAST, A DISTANCE OF
 137.93 FEET;
 THENCE NORTH 88°02'09" WEST A DISTANCE OF 223.93 FEET TO THE TRUE POINT OF BEGINNING.

Order No.	Owner/Contact	Parcel #	Site Address
895533	LAKE TOTEM ASSOCIATES, A WASHINGTON LIMITED LIABILITY PARTNERSHIP	282605 9007	13014 118 th Pl. NE

LEGAL DESCRIPTION:

PARCEL B AND THE EASTERLY 6.97 FEET OF PARCEL A, CITY OF KIRKLAND SHORT PLAT NUMBER
 K424W-78-8 (DRC), RECORDED UNDER RECORDING NUMBER 7906210953 IN KING COUNTY,
 WASHINGTON;
 (ALSO KNOWN AS LOT B, CITY OF KIRKLAND ALTERATION OF LOT LINE NO LL-91-25, RECORDED
 UNDER RECORDING NUMBER 9103120628.)

Order No.	Owner/Contact	Parcel #	Site Address
895547	THE ELIZABETH A. LYNN TRUST	692840 0010	NE 128 th St.

LEGAL DESCRIPTION:

LOT B OF KING COUNTY SHORT PLAT NO. 78-7-24, ACCORDING TO SHORT PLAT RECORDED
 AUGUST 16, 1978 UNDER RECORDING NO. 7808161050, IN KING COUNTY, WASHINGTON.

Order No.	Owner/Contact	Parcel #	Site Address
895546	RADOVICH PROPERTIES, L.L.C., A WASHINGTON LIMITED LIABILITY COMPANY	292605 9252	No Site Address

LEGAL DESCRIPTION:

THAT PORTION OF LOTS 1 AND 2 OF KING COUNTY SHORT PLAT NO. 178071, NOW KNOWN AS
 ADJUSTED LOT NO. 2 OF KING COUNTY SHORT PLAT NO. 178071, ACCORDING TO PLAT RECORDED

JUNE 30, 1978 IN VOLUME 7806301007 OF SHORT PLATS, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SUBDIVISION, SAID CORNER BEING A CONCRETE MONUMENT IN A CASE AT THE INTERSECTION OF NORTHEAST 128TH STREET AND 116TH AVENUE NORTHEAST IN THE CITY OF KIRKLAND;
THENCE NORTH 88°33'37" WEST (BEARINGS REFER TO KING COUNTY SHORT PLAT NO. 178071 MERIDIAN) ALONG THE NORTH LINE OF SAID SUBDIVISION, A DISTANCE OF 657.39 FEET TO THE NORTHWEST CORNER OF SAID SUBDIVISION;
THENCE SOUTH 01°52'28" WEST ALONG THE WEST LINE OF SAID SUBDIVISION, A DISTANCE OF 309.90 FEET;
THENCE SOUTH 88°42'49" EAST, A DISTANCE OF 313.44 FEET TO THE SOUTHEAST CORNER OF LOT NO. 1 OF KING COUNTY SHORT PLAT NO. 178071, AS RECORDED UNDER KING COUNTY RECORDING NO. 7806301007;
THENCE NORTH 88°42'49" WEST, A DISTANCE OF 68.52 FEET TO THE TRUE POINT OF BEGINNING OF ADJUSTED LOT NO. 2;
THENCE NORTH 01°55'20" EAST, PARALLEL WITH THE WEST LINE OF SAID LOT NO. 2, A DISTANCE OF 78.02 FEET;
THENCE NORTH 88°42'49" WEST PARALLEL WITH THE SOUTH LINE OF SAID LOT NO. 1 OF SAID SHORT PLAT, A DISTANCE OF 22.15 FEET;
THENCE NORTH 01°55'20" EAST, A DISTANCE OF 201.28 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF NORTHEAST 128TH STREET, THE CENTERLINE OF SAID RIGHT-OF-WAY LINE BEING 30.00 FEET NORTHERLY WHEN MEASURED AT RIGHT ANGLES;
THENCE SOUTH 88°33'37" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 379.11 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT;
THENCE ALONG SAID CURVE TO THE RIGHT IN A SOUTHEASTERLY DIRECTION, HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 90°31'51", AN ARC DISTANCE OF 39.50 FEET TO THE WEST RIGHT-OF-WAY LINE OF 116TH AVENUE NORTHEAST, THE CENTERLINE OF SAID RIGHT-OF-WAY BEING 30.00 FEET EASTERLY WHEN MEASURED AT RIGHT ANGLES;
THENCE SOUTH 01°58'14" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 252.99 FEET TO THE SOUTHEAST CORNER OF SAID LOT NO. 2;
THENCE NORTH 88°42'49" WEST ALONG THE SOUTH LINE OF SAID LOT NO. 2, A DISTANCE OF 313.44 FEET TO THE SOUTHWEST CORNER OF LOT NO. 2;
THENCE CONTINUE NORTH 88°42'49" WEST ALONG THE SOUTH LINE OF SAID LOT 1 OF SAID SHORT PLAT A DISTANCE OF 68.52 FEET TO THE TRUE POINT OF BEGINNING OF ADJUSTED LOT NO. 2.

(BEING A PORTION OF CITY OF KIRKLAND LOT LINE ADJUSTMENT NO. LL96-36, RECORDED UNDER RECORDING NO. 9607170342.)

Order No.	Owner/Contact	Parcel #	Site Address
895535	SNG ASSOCIATES, L.L.C., A WASHINGTON LIMITED LIABILITY COMPANY	282605 9098, 282605 9103	116 th Ave. NE

LEGAL DESCRIPTION:

PARCEL A:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING WEST OF SECONDARY STATE HIGHWAY NO. 2-A, AS CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER RECORDING NO. 4569595 AND NORTH OF A LINE BEGINNING AT A POINT ON THE WEST LINE OF SAID SUBDIVISION WHICH IS NORTH 0°42'30" EAST 644.68 FEET FROM THE SOUTHWEST CORNER THEREOF;
THENCE SOUTH 85°13'30" EAST 157.40 FEET;

THENCE SOUTH 54°19'00" EAST 475.93 FEET, MORE OR LESS, TO THE WEST LINE OF SAID STATE HIGHWAY;
 EXCEPT THE WEST 30.00 FEET THEREOF CONVEYED TO KING COUNTY FOR ROAD BY DEED RECORDED UNDER RECORDING NO. 2660265;
 AND EXCEPT THAT PORTION OF THE SOUTH 100 FEET OF THE NORTH 115 FEET, AS MEASURED ALONG THE WEST LINE THEREOF LYING WEST OF A LINE PARALLEL WITH AND 15 FEET WESTERLY OF, MEASURED AT RIGHT ANGLES TO THE WESTERLY LINE OF SAID SECONDARY STATE HIGHWAY NO. 2-A;
 AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED TRACT LYING EASTERLY OF A LINE DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 280 FEET DISTANT WESTERLY, WHEN MEASURED AT RIGHT ANGLES FROM THE L LINE SURVEY OF PSH 1 (SR 405), NORTHRUP INTERCHANGE TO N. E. 140TH STREET AT HIGHWAY ENGINEER'S STATION L 690+00;
 THENCE NORTHERLY 403 FEET, MORE OR LESS, TO A POINT 230 FEET DISTANT WESTERLY, WHEN MEASURED AT RIGHT ANGLES FROM SAID L LINE AT HIGHWAY ENGINEER'S STATION L 694+00;
 THENCE NORTHERLY 104 FEET, MORE OR LESS, TO A POINT 200 FEET DISTANT WESTERLY, WHEN MEASURED AT RIGHT ANGLES FROM SAID L LINE AT HIGHWAY ENGINEER'S STATION L 695+00;
 THENCE NORTH 20°25'57" WEST 450 FEET TO A POINT, AND THE END OF THIS LINE DESCRIPTION;
 EXCEPT THAT PORTION APPROPRIATED BY THE CITY OF KIRKLAND IN KING COUNTY SUPERIOR COURT CAUSE NO. 93-2-10440-5, FOR WHICH A CERTIFIED COPY OF THE DECREE HAS BEEN RECORDED UNDER KING COUNTY RECORDING NO. 9504120772.

PARCEL B:
 THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, AND OF THE SOUTH 100 FEET OF THE NORTH 115 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION LYING EASTERLY OF 116TH AVENUE NORTHEAST AND LYING SOUTHWESTERLY OF A LINE DRAWN PARALLEL WITH AND 200 FEET SOUTHWESTERLY, WHEN MEASURED AT RIGHT ANGLES, FROM THE L LINE SURVEY OF SR 405 (PSH NO. 1), NORTHRUP INTERCHANGE TO NORTHEAST 140TH STREET.

Order No.	Owner/Contact	Parcel #	Site Address
895538	THOMAS STEPHENS, KEITH JACKSON AND JEFFREY SCOTT LYNN AS CO-TRUSTEES, OF THE ELIZABETH A. LYNN TRUST CREATED UNDER TRUST AGREEMENT DATED DECEMBER 30, 1980, AS AMENDED AND RESTATED ON MARCH 15, 1984	282605 9170	11800 NE 128 th St.

LEGAL DESCRIPTION:
 THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT A, PUGET SOUND CENTER, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 92 OF PLATS, PAGES 95 AND 96, RECORDS OF KING COUNTY, WASHINGTON;
 THENCE NORTH 89°56'25" EAST ALONG THE SOUTH LINE OF SAID TRACT A 100.00 FEET;
 THENCE NORTH 01°50'44" EAST PARALLEL TO THE EAST LINE OF SAID TRACT A, 205.00 FEET;
 THENCE SOUTH 89°56'25" WEST PARALLEL TO THE SOUTH LINE OF SAID TRACT A, AND SAID LINE EXTENDED WESTERLY 321.44 FEET TO AN INTERSECTION WITH A LINE PARALLEL TO AND 42 FEET NORTHEASTERLY FROM, AS MEASURED PERPENDICULAR TO THE CENTERLINE OF 116TH AVENUE N.E. (RELOCATED);
 THENCE SOUTH 26°17'28" EAST ALONG SAID PARALLEL LINE 228.41 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID TRACT A;

THENCE NORTH 89°56'25" EAST ALONG SAID WESTERLY EXTENSION 113.67 FEET TO THE POINT OF BEGINNING.

Order No.	Owner/Contact	Parcel #	Site Address
895542	LAWRENCE PESCE AND PEARL E. PESCE, HUSBAND AND WIFE	282605 9221	11811 NE 128 th St.

LEGAL DESCRIPTION:

LOT A OF CITY OF KIRKLAND SHORT PLAT NO. IIA-83-30, ACCORDING TO PLAT RECORDED UNDER RECORDING NO. 8402229002, IN KING COUNTY, WASHINGTON.

Order No.	Owner/Contact	Parcel #	Site Address
895539	HIGH RISK INVESTMENTS I, L.L.C., A WASHINGTON LIMITED LIABILITY COMPANY	282605 9010	12525 Totem Lake Blvd.

LEGAL DESCRIPTION:

PARCEL A:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING EASTERLY OF THE EASTERLY MARGIN OF PRIMARY STATE HIGHWAY NO. 1, AS ESTABLISHED UNDER KING COUNTY SUPERIOR COURT CAUSE NO. 701538, AND WESTERLY OF THE WESTERLY MARGIN OF KINGSGATE WAY NORTHEAST, AS ESTABLISHED BY DEED RECORDED UNDER KING COUNTY RECORDING NUMBER 6668217.

PARCEL B:

THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY MARGIN OF KINGSGATE WAY NORTHEAST, AS ESTABLISHED BY DEED RECORDED UNDER KING COUNTY RECORDING NO. 6668217, AND NORTHEASTERLY OF THE NORTHEASTERLY MARGIN OF THE PRIMARY STATE HIGHWAY NO. 1, AS ESTABLISHED UNDER KING COUNTY SUPERIOR COURT CAUSE NO. 701538.

PARCEL C:

THAT PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OPPOSITE HIGHWAY ENGINEER'S STATION (HEREINAFTER REFERRED TO AS HES) L 683+00 ON THE L LINE SURVEY OF STATE ROAD 405, NORTHUP INTERCHANGE TO NORTHEAST 140TH STREET AND 210 FEET NORTHEASTERLY THEREFROM;
 THENCE SOUTHEASTERLY TO A POINT OPPOSITE HES L 681+87.01 ON SAID LINE SURVEY AND 348.41 FEET NORTHEASTERLY THEREFROM;
 THENCE SOUTHEASTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1,276.92;
 TO A POINT OPPOSITE HES L 678+73.55 ON SAID LINE SURVEY AND 576.58 FEET NORTHEASTERLY THEREFROM;
 THENCE NORTHWESTERLY TO A POINT OPPOSITE HES L 682+41.30 ON SAID LINE SURVEY AND 211.60 FEET NORTHEASTERLY THEREFROM;
 THENCE NORTHWESTERLY TO THE POINT OF BEGINNING, BEING EXCESS RIGHT OF WAY CONVEYED BY THE STATE OF WASHINGTON UNDER RECORDING NUMBER 8505130438.

Order No.	Owner/Contact	Parcel #	Site Address
895537	KINGSGATE PLACE BLDG. ASSOCIATES, LLC, A WASHINGTON LIMITED LIABILITY COMPANY	282605 9111	12910 Totem Lake Blvd.

LEGAL DESCRIPTION:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING EASTERLY OF KINGSGATE WAY NORTHEAST, AS DEEDED TO KING COUNTY FOR ROAD BY INSTRUMENT RECORDED UNDER RECORDING NO. 7103170408; EXCEPT THE SOUTH 30 FEET THEREOF; AND EXCEPT THAT PORTION LYING SOUTH OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED TRACT;
THENCE NORTH 89°56'25" EAST ALONG THE NORTH MARGIN OF THE NORTHEAST 128TH STREET 100.00 FEET;
THENCE NORTH 01°50'44" EAST 205.00 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED LINE;
THENCE SOUTH 89°56'25" WEST TO THE EASTERLY MARGIN OF SAID KINGSGATE WAY NORTHEAST AND THE TERMINUS OF THE HEREIN DESCRIBED LINE.

Order No.	Owner/Contact	Parcel #	Site Address
895536	AEGIS OF KIRKLAND L.L.C., A CALIFORNIA LIMITED LIABILITY COMPANY	282605 9107	13020 Totem Lake Blvd.

LEGAL DESCRIPTION:

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON; EXCEPT THE NORTH 330 FEET; ALSO EXCEPT THE SOUTH 30 FEET; ALSO EXCEPT THE EAST 350 FEET; ALSO EXCEPT THAT PORTION THEREOF CONDEMNED BY THE STATE OF WASHINGTON IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 484603 FOR SECONDARY STATE HIGHWAY NO. 2-A; ALSO EXCEPT THAT PORTION THEREOF CONDEMNED BY THE STATE OF WASHINGTON IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 700940 FOR PRIMARY STATE HIGHWAY NO. 1 "SR-405"; ALSO EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF KIRKLAND BY DEED RECORDED UNDER RECORDING NUMBER 19990723001917;

TOGETHER WITH THAT PORTION CONVEYED BY THE STATE OF WASHINGTON BY GOVERNMENT DEED RECORDED UNDER KING COUNTY RECORDING NUMBER 7509170465.

Order No.	Owner/Contact	Parcel #	Site Address
895554	COUNTRY TRACE CONDOMINIUM	178940 0010 to 178940 0800	12800 116 th Ave. NE

LEGAL DESCRIPTION:

COUNTRY TRACE, A CONDOMINIUM, PHASE 1 RECORDED UNDER VOLUME 31 OF CONDOMINIUMS, PAGES 58-85, AND PHASE 2 RECORDED UNDER VOLUME 38 OF CONDOMINIUMS, PAGES 71-78, RECORDS OF KING COUNTY, WASHINGTON, LOCATED IN THE N.E. QUARTER OF SEC. 29, TWP. 26 NORTH, RANGE 5 EAST, W.M., CONSISTING OF EIGHTY (80) UNITS, UNDER KING COUNTY ASSESSOR'S TAX PARCELS 178940-001-0 THROUGH 178940-080-0.

Order No.	Owner/Contact	Parcel #	Site Address
900709	BPP RETAIL, LLC, A DELAWARE LIMITED LIABILITY CORPORATION	692840-0020-04	12600 Totem Lake Blvd.

LEGAL DESCRIPTION

THAT PORTION OF TRACT B OF PUGET SOUND CENTER, ACCORDING TO PLAT RECORDED IN VOLUME 92 OF PLATS AT PAGE(S) 95 AND 96, IN KING COUNTY, WASHINGTON, ACCORDING TO THE CORRECTION MAP THEREOF RECORDED UNDER RECORDING NO. 7105100304, LYING SOUTH OF THE SOUTH LINE AND SAID SOUTH LINE EXTENDED EASTERLY OF THAT TRACT OF LAND CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER KING COUNTY RECORDING NO. 4569596 AS SHOWN ON SAID PLAT OF PUGET SOUND CENTER; EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF KIRKLAND UNDER KING COUNTY RECORDING NO. 8507250580; ALSO EXCEPT THOSE PORTIONS THEREOF CONVEYED TO THE STATE OF WASHINGTON BY DEEDS RECORDED UNDER RECORDING NOS. 8911150820 AND 9007022009; ALSO EXCEPT THEREFROM THAT PORTION LYING SOUTHERLY AND EASTERLY OF THE FOLLOWING DESCRIBED LINE:

THAT PORTION OF TRACT B OF PUGET SOUND CENTER, ACCORDING TO PLAT RECORDED IN VOLUME 92 OF PLATS AT PAGE(S) 95 AND 96, IN KING COUNTY, WASHINGTON, ACCORDING TO THE CORRECTION MAP THEREOF AS RECORDED UNDER KING COUNTY RECORDING NO. 7105100304, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINES OF KINGSGATE WAY N.E. (A.K.A. TOTEM LAKE BOULEVARD) AND 120TH AVENUE N.E. AS SHOWN ON SAID CORRECTION MAP; THENCE NORTH 17°49'33" EAST ALONG THE CENTERLINE OF SAID 120TH AVENUE N.E. 200.05 FEET; THENCE NORTH 72°10'27" WEST 41.00 FEET TO THE WEST LINE OF 120TH AVENUE N.E. AS CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER KING COUNTY RECORDING NO. 9007022009 AND THE TRUE POINT OF BEGINNING; THENCE NORTH 72°10'27" WEST 109.79 FEET; THENCE SOUTH 56°45'00" WEST 73.02 FEET; THENCE SOUTH 28°56'32" WEST 81.24 FEET TO THE SOUTHERLY LINE OF SAID TRACT B AND THE TERMINUS OF SAID LINE DESCRIPTION; ALSO EXCEPT THAT PORTION OF SAID TRACT B, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID TRACT B AND THE EASTERLY MARGIN OF KINGSGATE WAY; THENCE SOUTHERLY ALONG SAID EASTERLY MARGIN 543.22 FEET TO THE POINT OF BEGINNING; THENCE NORTH 56°50'44" EAST 129.91 FEET; THENCE SOUTH 33°09'16" EAST 200 FEET; THENCE SOUTH 56°50'44" WEST 156.27 FEET TO SAID EASTERLY MARGIN; THENCE NORTHERLY ALONG SAID MARGIN TO THE POINT OF BEGINNING.

Order No.	Owner/Contact	Parcel #	Site Address
895543	PINE FOREST CO., A WASHINGTON CORPORATION, WHICH ACQUIRED TITLE AS PINE FOREST TRANSITORY CO., A WASHINGTON CORPORATION	2926059091	1215 120 th Ave. NE

LEGAL DESCRIPTION

THE EAST HALF OF THE NORTH HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;

EXCEPT THE NORTH 30 FEET DEEDED BY KING COUNTY FOR NORTHEAST 128TH STREET BY DEED RECORDED UNDER RECORDING NUMBER 7912180718.

Order No.	Owner/Contact	Parcel #	Site Address
15921	APOLLO INVESTMENTS	282605-9095-00	12750 Totem Lake Blvd NE

LEGAL DESCRIPTION

LOT C OF CITY OF KIRKLAND SHORT PLAT NO.L IIA-82-30, ACCORDING TO SHORT PLAT RECORDED FEBRUARY 22, 1984 UNDER RECORDING NO. 8402229002, IN KING COUNTY, WASHINGTON.

Order No.	Owner/Contact	Parcel #	Site Address
15924	TOTEM LAKE WEST PHASE I	292605-9251-09	12525 116 th Ave NE

LEGAL DESCRIPTION

PARCEL A:

LOT 1 OF KING COUNTY SHORT PLAT NUMBER. 383075, RECORDED JANUARY 26, 1984 UNDER RECORDING NO. 8401260756, BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON.

PARCEL B:

AN EASEMENT FOR INGRESS AND EGRESS OVER THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 5 EAST W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOW:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;
 THENCE NORTH 1°57'91" EAST 205.02 FEET ALONG THE EAST LINE OF SAID SUBDIVISION;
 THENCE NORTH 88°51'46" WEST 42.00 FEET TO THE WESTERLY MARGIN OF 116TH AVENUE NORTHEAST;
 THENCE CONTINUING NORTH 88°51'46" WEST 163.02 FEET;
 THENCE SOUTH 1°57'51" WEST 25.00 FEET;
 THENCE NORTH 88°51'46" WEST 102.01 FEET TO THE TRUE POINT OF BEGINNING;
 THENCE SOUTH 1°57'51" WEST 150.02 FEET TO THE NORTH MARGIN OF NORTHEAST 124TH STREET;
 THENCE NORTH 88°51'46" WEST ALONG SAID MARGIN 20.60 FEET TO A JOG IN SAID NORTH MARGIN;
 THENCE NORTH 1°55'08" EAST 20.00 FEET TO THE NORTH MARGIN OF NORTHEAST 124TH STREET;
 THENCE NORTH 88°51'46" WEST ALONG SAID NORTH MARGIN 27.63 FEET;
 THENCE NORTH 1°52'19" EAST 291.02 FEET;
 THENCE SOUTH 88°51'46" EAST 48.72 FEET TO A POINT WHICH BEARS NORTH 1°57'51" EAST FROM THE TRUE POINT OF BEGINNING;
 THENCE SOUTH 1°57'51" WEST 161.02 FEET TO THE TRUE POINT OF BEGINNING.