

4071
5.13.08
JSLC
08-106

MEMORANDUM OF INTENT
BETWEEN CITY OF WOODINVILLE, WASHINGTON STATE DEPARTMENT OF
TRANSPORTATION, KING COUNTY, WOODINVILLE VILLAGE ASSOCIATES, AND
TMR ASSOCIATES REQUIRED FOR THE CONSTRUCTION OF THE WOODINVILLE
TOURIST DISTRICT ROUNDABOUT TRANSPORTATION PROJECT

PARTIES:

1. City of Woodinville, Washington (“Woodinville”)
2. Washington State Department of Transportation (“WSDOT”)
3. King County, Washington (“King County”)
4. Woodinville Village Associates, LLC (“Woodinville Village Associates”)
5. TMR Associates, LLC (“TMR Associates”)

RECITALS:

WHEREAS, exchange of property along the street frontage of SR 202 (NE 145th Street, Woodinville, WA) is necessary for the construction of the City of Woodinville’s Tourist District Roundabout Project, a public transportation improvement project; and

WHEREAS, the Roundabout Project requires the dedication of 3,406 square feet of real property; and 1,360 square feet of easement area, on the north side of NE 145th Street, from King County-owned parcel 152605-9070; and

WHEREAS, King County’s property was purchased with certain grant funds that require the land interest only be released through the exchange for other recreational land of equal or higher value; and

WHEREAS, King County desires to widen the Sammamish River Trail between NE 145th Street and NE 143rd Street; and

WHEREAS, King County is agreeable to exchange its land for recreation land along the Sammamish River trail; and

WHEREAS, Woodinville Village Associates and TMR Associates are the owners of the real property adjacent to the Sammamish River trail and are willing to exchange this portion of land for a portion of public right-of-way along the south side of NE 145th Avenue, just east of the Sammamish River; and

WHEREAS, the Washington State Department of Transportation is the owner of the public right-of-way along the south side of NE 145th Avenue, just east of the Sammamish River, and it has declared the property surplus to the needs of WSDOT and is willing transfer its ownership interest in its property to the City of Woodinville for the construction of the Roundabout Project; and

WHEREAS, the Woodinville City Council has determined that the Roundabout Project is a needed public benefit and is willing to vacate its ownership interest in portion of public right-of-way along the south side of NE 145th, just east of the Sammamish River to Woodinville

Village Associates, upon the condition that a non-motorized public use easement is granted and maintained upon the property; and

WHEREAS, pursuant to Chapter 35.79 RCW, the City of Woodinville has initiated proceedings to vacate its interest in a portion of the public right-of-way along the south side of NE 145th, just east of the Sammamish River, upon the declaration of WSDOT that the property in question is surplus to its needs and ownership transfer to the City of Woodinville; and

WHEREAS, no private land will be denied direct access onto a public right-of-way as a result of any actions hereunder taken;

NOW, THEREFORE, THE PARTIES, in consideration of the mutual benefits to be received from the land transfers described above in the recitals, endeavor as follows:

1. This Letter of Intent sets forth the intent of the parties only and does not create any binding obligation on the part of any party. Each party's actions provided for herein will require the negotiation and execution of subsequent agreements to carry out the intent of this agreement.
2. The parties agree to take the actions necessary for the following actions and conveyances to occur as concurrently as reasonably possible and as allowed by applicable law:
 - a) WSDOT transfers ownership of the approximate 3,026 square feet of "surplus SR 202 right-of-way" described in Attachment "A" hereto, to City of Woodinville at no cost; and
 - b) Woodinville agrees to vacate and transfer via the street vacation, the approximate 3,026 square feet of "surplus SR 202 right-of-way" described in Attachment "A" to Woodinville Village Associates at no cost, but shall retain a "non-motorized" public use easement on the transferred property as shall be set forth in the City Ordinance approving the street vacation; and
 - c) Woodinville Village Associates and TMR Associates transfers the approximate 3,026 square feet of its property along the Sammamish River, described in Attachment "B" hereto, to King County at no cost;
 - d) King County transfers the approximate 3,406 square feet of real property and 1,360 square feet easement described in Attachment "C" to the City of Woodinville at no cost, for public road and right-of-way purposes.

CITY OF WOODINVILLE

By: Richard A. Tully

Date: 8/12/2008

KING COUNTY, WASHINGTON

By: Wayne Richardson

Date: 6/25/08

WOODINVILLE VILLAGE ASSOCIATES, LLC

By: 

Title: Manager

Date: 7/10/08

TMR ASSOCIATES, LLC

By: 

Title: Manager

Date: 7/10/08

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION:

By: _____

Title: _____

Date: _____

WOODINVILLE VILLAGE ASSOCIATES, LLC

By: _____

Title: _____

Date: _____

TMR ASSOCIATES, LLC

By: _____

Title: _____

Date: _____

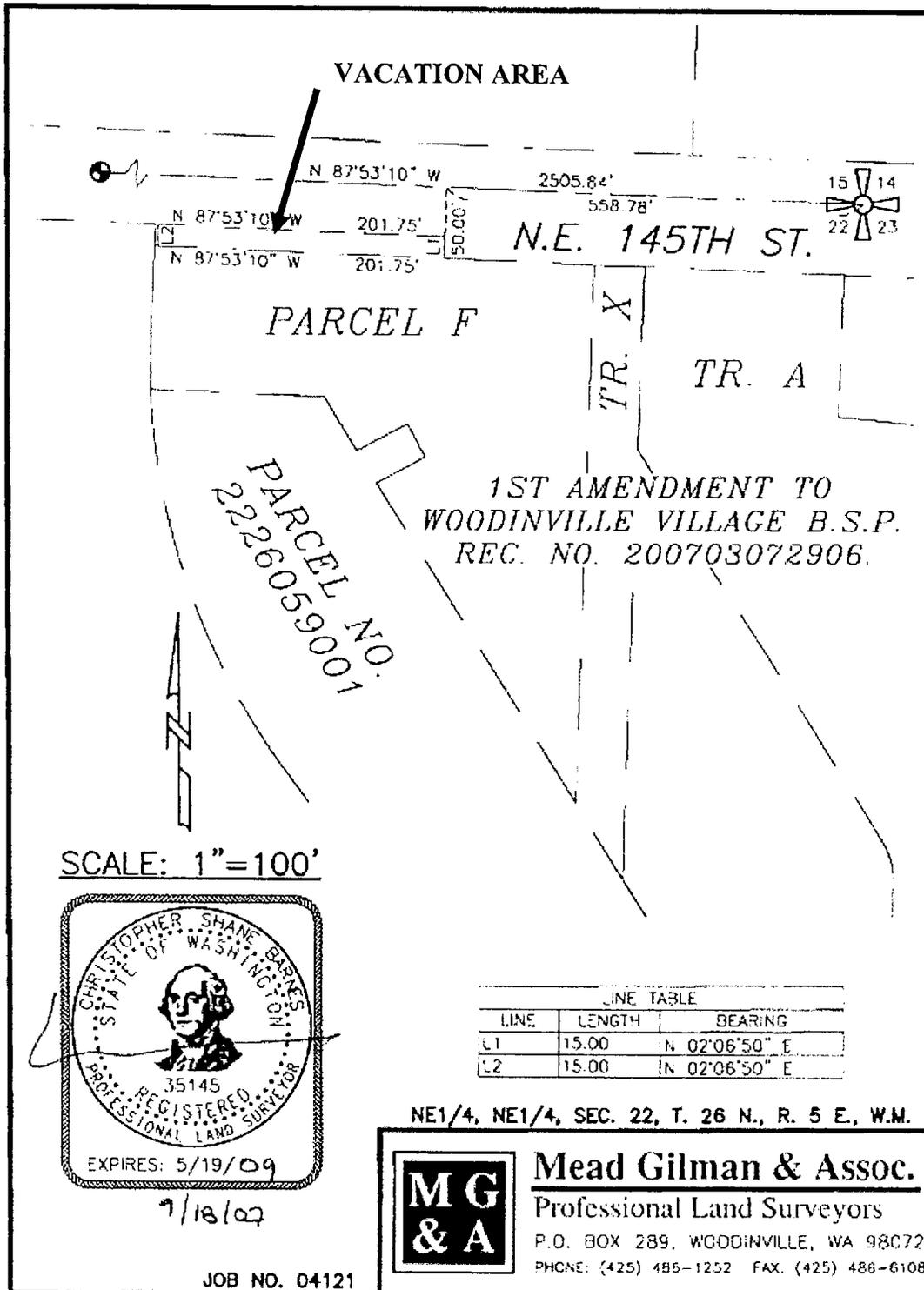
WASHINGTON STATE DEPARTMENT OF TRANSPORTATION:

By: *[Signature]*

Title: **DIRECTOR, REAL ESTATE SERVICES**

Date: *July 28, 2008*

Attachment A

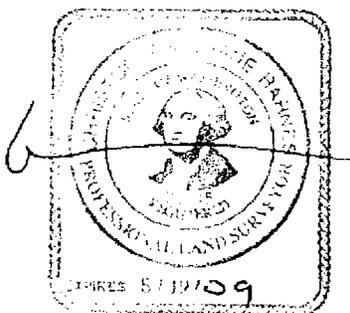


Attachment A-1

VACATION LEGAL DESCRIPTION

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., DESCRIBED AS FOLLOWS:

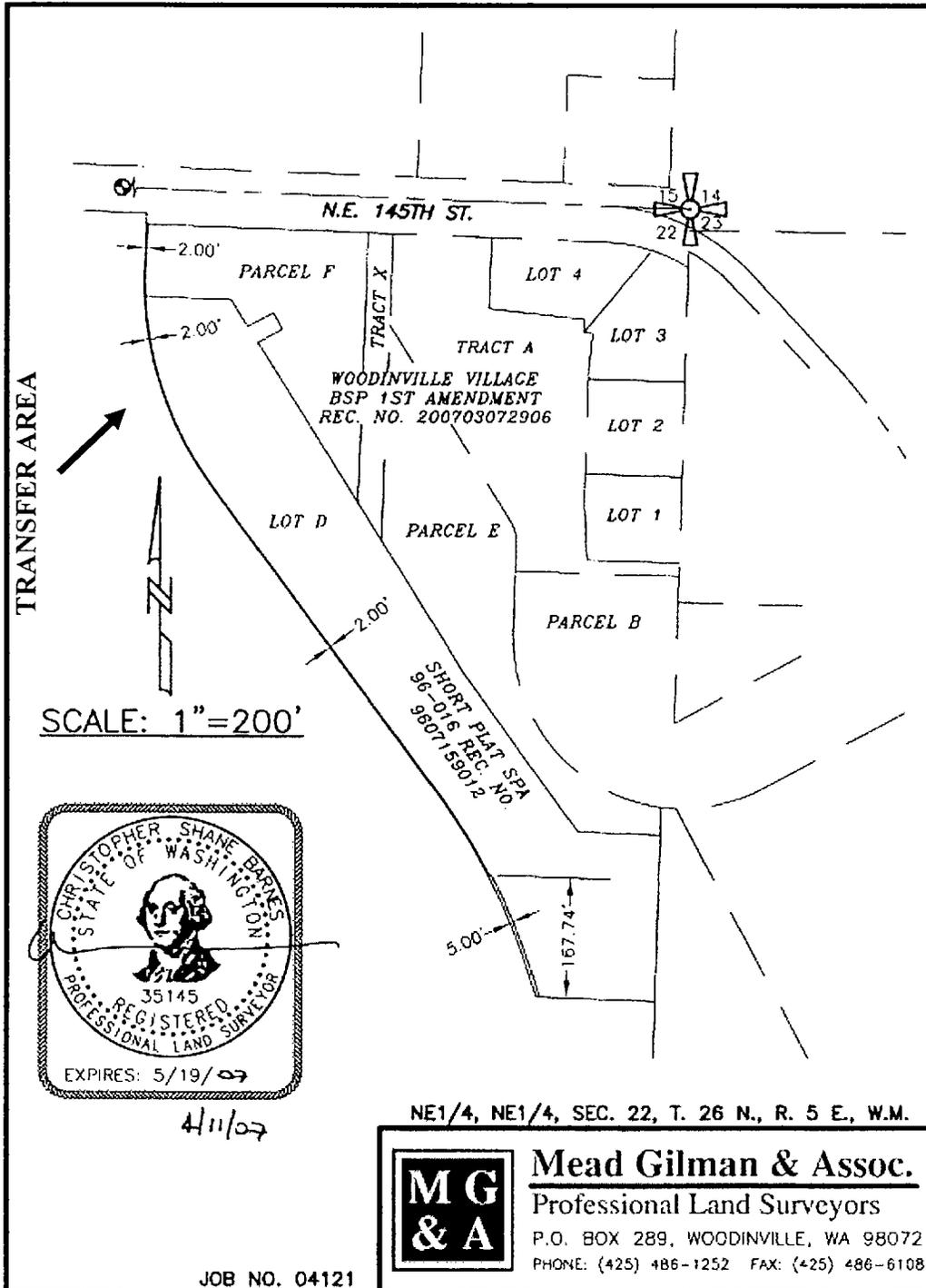
BEGINNING AT THE NORTHEAST CORNER THEREOF;
THENCE NORTH 87°53'10" WEST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER 558.78 FEET;
THENCE SOUTH 2°06'50" WEST PERPENDICULAR TO SAID NORTH LINE 50.00 FEET TO THE SOUTHERLY MARGIN OF NE 145TH STREET AND THE **TRUE POINT OF BEGINNING**;
THENCE NORTH 87°53'10" WEST ALONG THE SOUTHERLY MARGIN OF NE 145TH STREET 201.75 FEET,
THENCE NORTH 2°06'50" EAST 15.00 FEET;
THENCE SOUTH 87°53'10" EAST PARALLEL TO THE SOUTHERLY MARGIN OF NE 145TH STREET 201.75 FEET;
THENCE SOUTH 2°06'50" WEST 15.00 FEET TO THE **TRUE POINT OF BEGINNING**;



9/13/07

Attachment B

Area To Be Transferred To King County



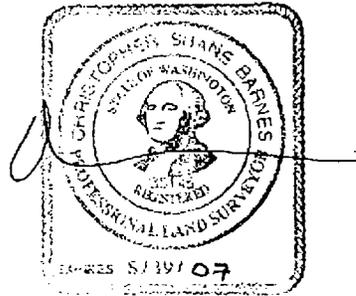
Attachment B-1

**Legal Description of Strip of Land
Along Sammamish River Trail**

THE MOST WESTERLY 2.00 FEET OF PARCEL F OF WOODINVILLE VILLAGE BINDING SITE PLAN 1ST
AMENDMENT AS RECORDED IN VOLUME 239 OF BINDING SITE PLANS, AT PAGES 90-93, UNDER
RECORDING NUMBER 200703072906, RECORDS OF KING COUNTY, WASHINGTON

TOGETHER WITH THE WEST 2.00 FEET LYING NORTH OF THE SOUTH 167.74 FEET AND THE WEST 5.00
FEET OF THE SOUTH 167.74 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

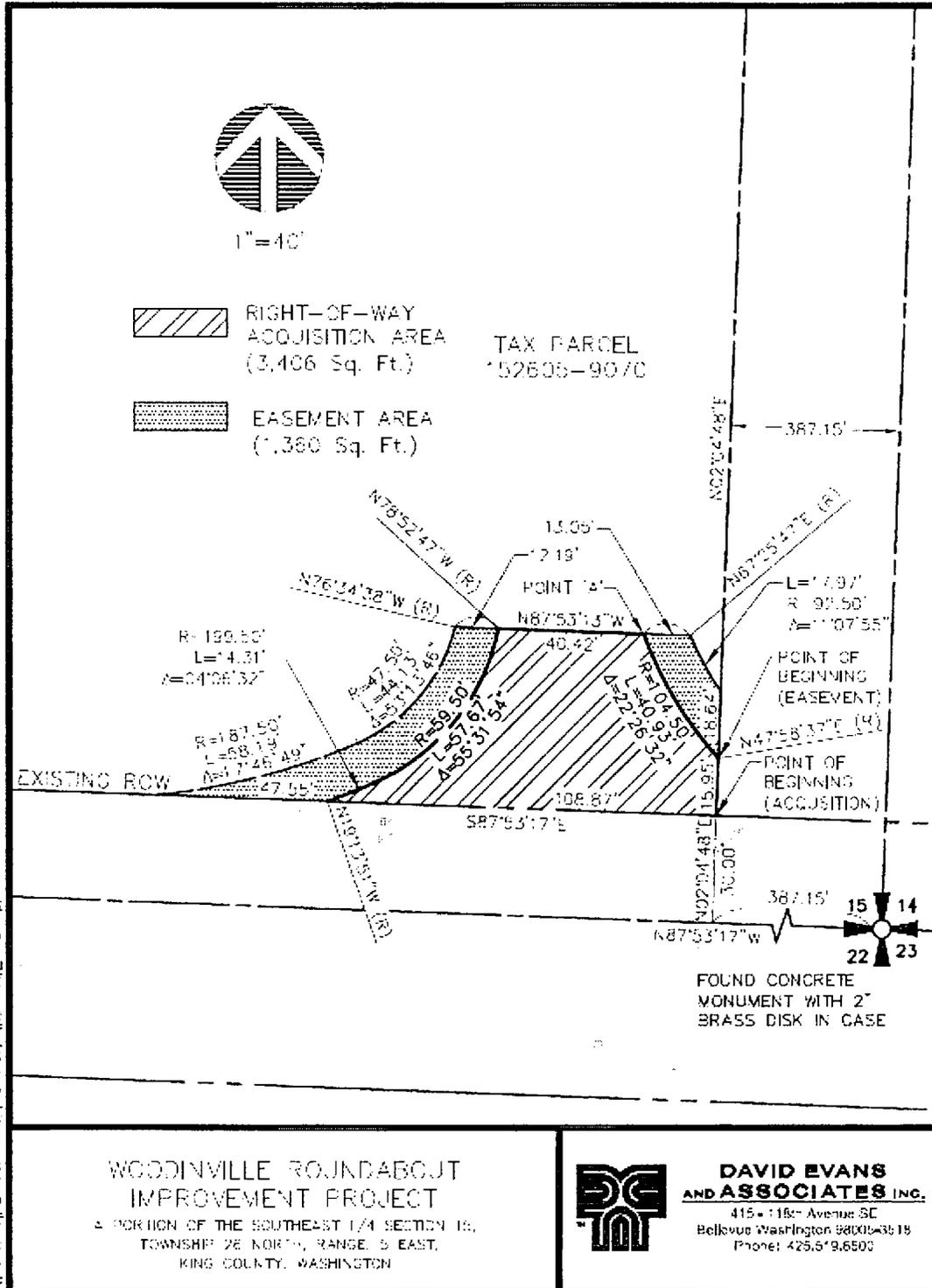
LOT D, CITY OF WOODINVILLE SHORT PLAT NUMBER SPA96-016, AS RECORDED UNDER RECORDING
NUMBER 9607159012.



4/11/07

Attachment C

King County Parcel For dedication to right-of-way



Attachment C-1

**Legal Description of King County
Parcel**

PARCEL 152605-9070

THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER, SECTION 15, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., KING COUNTY WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION, A 2 INCH BRASS DISC IN CONCRETE MONUMENT IN CASE, FOUND IN PLACE; THENCE NORTH 87°53'17" WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION ALSO BEING THE CENTERLINE OF PRIMARY STATE HIGHWAY NO. 2, (STATE ROUTE 202), A DISTANCE OF 387.15 FEET TO THE WEST LINE OF THE EAST 387.15 FEET OF SAID SUBDIVISION; THENCE NORTH 02°04'48" EAST ALONG SAID WEST LINE, A DISTANCE OF 30.00 FEET TO THE NORTH RIGHT-OF-WAY MARGIN OF SAID HIGHWAY AND THE **POINT OF BEGINNING**;

THENCE CONTINUING NORTH 02°04'48" EAST ALONG SAID WEST LINE 15.95 FEET TO A NON-RADIAL INTERSECTION WITH AN ARC OF A CURVE CONCAVE TO THE NORTHEAST FROM WHICH ITS CENTER BEARS NORTH 47°58'37" EAST 104.50 FEET DISTANT;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22°26'32" A DISTANCE OF 40.93 FEET;

THENCE NORTH 87°53'13" WEST 40.42 FEET TO A NON-RADIAL INTERSECTION WITH AN ARC OF A CURVE CONCAVE TO THE NORTHWEST FROM WHICH ITS CENTER BEARS NORTH 78°52'47" WEST 59.50 FEET DISTANT;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 55°31'54" A DISTANCE OF 57.67 FEET TO A POINT OF COMPOUND CURVATURE AND THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 199.50 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°06'32" A DISTANCE OF 14.31 FEET TO SAID NORTH MARGIN;

THENCE SOUTH 87°53'17" EAST ALONG SAID MARGIN A DISTANCE OF 108.87 FEET TO THE **POINT OF BEGINNING**;

CONTAINING 3,406 SQUARE FEET OR 0.08 ACRES, MORE OR LESS.