

August 27, 1985
0328E/1t

Introduced by: Bill Reams
Proposed No.: 85-392

MOTION NO. 6332

A MOTION authorizing the County Executive to execute a Receipt and Release Agreement between King County, City of Bellevue, Washington State Department of Transportation (WSDOT), and the plaintiff property owners in the case Kelleran v.s. State (King County No. 81-2-04940-1).

WHEREAS, a public works hydraulics study, "S.E. 60th Street, Lakehurst Lane Drainage Complaint," prepared in 1981 in cooperation with the City of Bellevue and Washington State Department of Transportation recommended alternative measures to address erosion, siltation, and flooding problems experienced by the residents of Lakehurst Lane, and

WHEREAS, subsequent negotiations among the jurisdictions and Lakehurst Lane residents resulted in tentative agreement to implement certain measures by each jurisdiction in exchange for release by the residents from past and future claims for damages due to water run off and siltation, King County agreeing to construct a siltation pond, and

WHEREAS, Ordinance 6940, adopted September 24, 1984 appropriated \$70,000 of County and State monies to fund C.I.P. Project No. 045237, Lakehurst Lane Settling Pond, and

WHEREAS, King County has constructed a siltation pond to remove, under normal conditions, heavy sand particles and gravel, adjacent to the south end of the Newport Hills Park and Ride Lot located at 112th Ave. S.E. and will maintain this facility, and

WHEREAS, execution of the Receipt and Release Agreement between King County, City of Bellevue, Washington State Department of Transportation (WSDOT), and the plaintiff property owners in the case Kelleran v.s. State (King County No. 81-2-04940-1),

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attached as Exhibit A, will release King County from past and future claims in this matter.

NOW, THEREFORE, BE IT MOVED by the Council of King County:

The county executive is hereby authorized to sign the Receipt and Release, which is attached as Exhibit A.

PASSED this 3rd day of September, 1985.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Gary Grant
Chairman

ATTEST:

Josely M. Rivera
Clerk of the Council

RECEIPT AND RELEASE

The undersigned plaintiffs, on behalf of themselves, their successors and assigns, do hereby release the Washington State Department of Transportation (WSDOT), King County and the City of Bellevue from all claims, past and future, for damages to their real and personal property due to water runoff from, or siltation carried by an unnamed stream which flows under the WSDOT Park and Ride Lot located at 112th Avenue Northeast, across and under property owned by plaintiffs, and thence into Lake Washington. In return for such Receipt and Release, the WSDOT, King County and the City of Bellevue agree to the following:

- (1) Subject to acquisition of necessary lands or easements, King County agrees to construct and maintain a siltation pond adjacent to the south end of the Park and Ride Lot no later than October 15, 1984. The purpose of this siltation pond is to remove, under normal conditions, heavy sand particles and gravel from the unnamed stream;
- (2) The City of Bellevue agrees to replace and realign the drainage pipe under Lakehurst Lane by October 15, 1985. The City also agrees to tightline the flow from the culvert under the Burlington Northern tracks to the outfall on the lake shore. The City also agrees to grade the property owned by Frances J. Lee which is affected by this project, leaving it in a condition suitable for seeding or sodding, and to restore, as far as practicable, the Fogleman and Haslam property disturbed by placement of the pipe to its condition before such work was commenced. In connection with this project, the undersigned plaintiffs agree to grant easements to the City for installation and maintenance of this pipe at no cost.

Handwritten notes and signatures in the top right corner, including a signature that appears to be "James R. Brew" and other illegible text.

(3) WSDOT agrees to make payment to plaintiffs in the amount of \$20,000, said amount to be used to remove sedimentation from plaintiffs' beach.

SIGNED AND SWORN To this _____ day of _____, 1985 by:

James R. Brew
Approved as to Form
Attorney for King County

KING COUNTY EXECUTIVE

Robert J. [illegible] *subject to approval by Bellevue City Council.*
Attorney for City of Bellevue

Judith L. Weigand
JUDITH L. WEIGAND
Assistant Attorney General
Attorney for Washington State
Department of Transportation

Approved as to form:

By: *[Signature]*
Attorney for Plaintiffs

PLAINTIFFS

[Signature]
[Signature]
Virginia E. Buringrud
Elmore S. Buringrud

Mary Ann Smith

Walter M. Kerikering

Barney H. Fogelman

Bruce & Brown

Patricia A. Brown

Frank K... simple person

James J. ...

John ...

Dean Voelker Successor in Interest To Cooleys

Shelley Successor in Interest To Cooleys

Sylvia Matthews

Jerry J. Matthews

Lloyd E. Cooley

Margorie J. Cooley

Sally A. Hulan

TR Hulan

W. Fogelman

Receipt and Release
Kelleran v. State
King County No. 81-2-04940-1

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