Appendix A

Signed Vacation Petition

VACATION PETITION TO THE HONORABLE CITY COUNCIL OF THE CITY OF SEATTLE

We, the undersigned, being the owners of more than two-thirds of the property abutting on:

The alley in Block 89, D. T. Denny's 5th Addition to North Seattle

herein sought to be vacated, petition the City to vacate:

THAT PORTION OF 16.00 FOOT WIDE ALLEY BISECTING BLOCK 89, D.T. DENNY'S 5TH ADDITION TO NORTH SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 202, IN KING COUNTY, WASHINGTON, LYING BELOW THE FINISHED GRADE CONCRETE SURFACE, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 89, OF SAID PLAT; SAID POINT OF BEGINNING LYING 33.00 FEET DISTANT AT RIGHT ANGLES TO THE CENTERLINE OF RIGHT OF WAY OF JOHN STREET;
THENCE SOUTH 01°26'19" WEST ALONG THE EAST MARGIN OF SAID ALLEY, A DISTANCE OF 88.50 FEET TO A POINT HAVING AN UPPER LIMIT ELEVATION OF 68.1 FEET;
THENCE CONTINUING SOUTH 01°26'19" WEST ALONG THE EAST MARGIN OF SAID ALLEY, A DISTANCE OF 225.12 FEET TO A POINT HAVING AN UPPER LIMIT ELEVATION OF 68.1 FEET;
THENCE CONTINUING SOUTH 01°26'19" WEST ALONG THE EAST MARGIN OF SAID ALLEY, A DISTANCE OF 47.38 FEET TO THE SOUTHWEST CORNER OF LOT 6, BLOCK 89, OF SAID PLAT, AND A POINT LYING 33.00 FEET DISTANT AT RIGHT ANGLES FROM THE CENTERLINE OF RIGHT OF WAY OF DENNY WAY AND HAVING AN UPPER LIMIT ELEVATION OF 68.5 FEET;
THENCE NORTH 88°30'50" WEST ALONG THE NORTH MARGIN OF RIGHT OF WAY OF SAID DENNY WAY, A DISTANCE OF 16.00 FEET TO THE WEST MARGIN OF SAID ALLEY, ALSO BEING THE SOUTHEAST CORNER OF LOT 7, BLOCK 89, OF SAID PLAT, AND HAVING AN UPPER LIMIT ELEVATION OF 68.8 FEET;
THENCE NORTH 01°26'19" EAST ALONG THE WEST MARGIN OF SAID ALLEY, A DISTANCE OF 47.37 FEET TO A POINT HAVING AN UPPER LIMIT ELEVATION OF 68.4 FEET;
THENCE CONTINUING NORTH 01°26'19" EAST ALONG THE WEST MARGIN OF SAID ALLEY, A DISTANCE OF 225.12 FEET TO A POINT HAVING AN UPPER LIMIT ELEVATION OF 68.4 FEET;
THENCE CONTINUING NORTH 01°26 '19" EAST ALONG THE WEST MARGIN OF SAID ALLEY, A DISTANCE OF 88.50 FEET TO THE NORTHEAST CORNER OF LOT 12, BLOCK 89, OF SAID PLAT, AND A POINT LYING 33.00 FEET DISTANT AT RIGHT ANGLES FROM THE CENTERLINE OF RIGHT OF WAY OF JOHN STREET AND HAVING AN UPPER LIMIT ELEVATION OF 63.3 FEET;

THENCE SOUTH 88°32'11" EAST ALONG THE SOUTH MARGIN OF THE RIGHT OF WAY OF SAID JOHN STREET, A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING, HAVING AN UPPER LIMIT ELEVATION OF 63.3 FEET;
SAID ELEVATIONS DESCRIBED HEREIN ARE EXPRESSED IN TERMS OF NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) AS OF THE DATE OF THIS INSTRUMENT, AND ARE BASED UPON CITY OF SEATTLE BENCHMARK NO. SNV-5007, BEING A 2 INCH SURFACE BRASS DISK IN THE CONCRETE WALK, VICINITY OF THE NORTHWEST CORNER OF WESTLAKE AVENUE AND 9TH AVENUE AND HAVING AN ELEVATION OF 79.14 FEET;
THE ABOVE DESCRIBED PARCEL CONTAINS 5,776 SQUARE FEET (0.1326 ACRE), MORE OR LESS;
SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON

OR in the alternative, to vacate any portion of said right-of-way so particularly described;

RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above described property in the reasonable original grading of any right-of-way abutting upon said property after said vacation; and further,

RESERVING to the City of Seattle the right to reconstruct, maintain and operate any existing overhead or underground utilities in said rights-of-way until the beneficiaries of said vacation arrange with the owner or owners thereof for their removal.

SIGNATURE OF PETTIONERS:
I hereby declare that I am the owner of property that abuts the particular right-of-way described in the petition to the City Council for the above noted right-of-way. I understand the discretionary nature of the City Council decision and I have been informed of the vacation review process and all fees and costs and time frame involved. **For corporately held property, provide documentation of signatory authority.**

OWNER(S)		**PROPERTY:**
By: CITY INVESTORS IV LLC		
Susan Drake	7-14-14	1986200035; Block 89 DT Denny's 5th Add. Less Streets
OWNER	DATE	Parcel No. etc.

Susan Drake, Vice President

VACATION PETITION TO THE HONORABLE CITY COUNCIL OF THE CITY OF SEATTLE

ACKNOWLEDGEMENT:

I/we Susan Drake acknowledge that:

SD any expense that may be incurred in preparing, applying or obtaining any land use or construction permits in contemplation of such vacation is the sole risk of the petitioners;

SD the City Council decision is at the end of the review process;

SD the City Council decision on the vacation is discretionary, and will be based on the City's Street Vacation Policies contained in Clerk File 310078 and other adopted policies; and

SD a Council decision to grant the vacation request does not exempt the property from the requirements of the City's Land Use Code or from conditioning of development pursuant to the State Environmental Policy Act (SEPA).

SD I/we have been informed of the cost, obligations, petition requirements, Street Vacation Policies, the time frame involved in the review of a vacation petition.

SD I/we understand that property owners abutting the vacation area are obligated to pay a vacation fee in the amount of the appraised value of the right-of-way. State, federal or city agencies are not required to pay a vacation fee but are required to pay for all other fees and processing costs.

Susan Drake 7-14-14

Petitioner Date

CONTACT INFORMATION:

Petitioner:
City Investors IV LLC
505 Fifth Ave. S., Suite 900, Seattle, WA 98104
206.342.2016

Contact:
Scott Lien, Vulcan
206.342.2000; scottl@vulcan.com

If you have any questions regarding the vacation process, please call street vacation staff at 206.684.7564.

CITY INVESTORS MM INC.
CONSENT OF DIRECTOR
(BLOCK 89 ALLEY VACATION PETITION)

The undersigned, being the sole director of **CITY INVESTORS MM INC.**, a Washington corporation (the "**Corporation**"), hereby consents to the following corporate action and adopts the following corporate resolutions:

RESOLVED, that:

1. The Corporation is the manager of **CITY INVESTORS LLC**, a Washington limited liability company (the "**Company**"). The Company is the managing member of **CITY INVESTORS IV L.L.C.**, a Washington limited liability company ("**CI IV**").

2. CI IV is the owner of certain real property bounded by Ninth Ave. N. to the west, Denny Way to the south, Westlake Ave. N. to the east and John St. to the north, in Seattle, Washington, as legally described on Exhibit A attached hereto (the "**Property**"). The Corporation hereby approves the execution and delivery by the Company and CI IV of any documents that are deemed necessary or appropriate in their respective sole discretion, to petition the City of Seattle for a vacation of the public alley that bisects the Property, with such vacation area legally described on Exhibit B attached hereto (the "**Petition**").

3. The President or any Vice President of the Company, acting singly, is authorized to execute and deliver on behalf of the Company, as the Managing Member of CI IV, such documents or instruments as such officer deems appropriate, in his or her sole discretion, in connection with the Petition, and to take any and all other actions necessary or appropriate in such officer's sole discretion and judgment to effectuate the Petition, including causing the Company to take any such action. The Vice Presidents of the Company are Ada M. Healey, David R. Stewart and Susan Drake. Any such officer's signature on a document shall be conclusive evidence that such officer has deemed execution thereof to be necessary and/or appropriate.

DATED this 7th day of July, 2014.

SOLE DIRECTOR:

Aunt Jo Allen

Jo Lynn Allen

51378540.1

Exhibit A

Legal Description

LOTS 1 THROUGH 12, INCLUSIVE, BLOCK 89, D.T. DENNY'S FIFTH ADDITION TO NORTH SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 202, IN KING COUNTY, WASHINGTON;
EXCEPT THE EAST 12 FEET OF LOTS 1 THROUGH 6, INCLUSIVE, OF SAID BLOCK 89, CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 47549 FOR STREET PURPOSES, AS PROVIDED BY ORDINANCE NO. 12023 OF THE CITY OF SEATTLE;
AND EXCEPT THAT PORTION OF LOTS 7 AND 8 OF SAID BLOCK 89, CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 80626 FOR STREET PURPOSES, AS PROVIDED BY ORDINANCE NO. 26592 OF THE CITY OF SEATTLE;
AND EXCEPT ANY UNDERGROUND STORAGE TANKS AND ASSOCIATED EQUIPMENT LOCATED WITHIN THE STREET RIGHT-OF-WAY FOR NINTH AVENUE NORTH (INCLUDING THE DIAGONAL STREET CONNECTING NINTH AVENUE AND DENNY WAY) AND ADJACENT SIDEWALKS.
APN: 198620-0035-01

Exhibit B

Alley Vacation Area

(see attached pages)

ALLEY VACATION LEGAL DESCRIPTION

THAT PORTION OF 16.00 FOOT WIDE ALLEY BISECTING BLOCK 89, D.T. DENNY'S 5TH ADDITION TO NORTH SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 202, IN KING COUNTY, WASHINGTON, LYING BELOW THE FINISHED GRADE CONCRETE SURFACE, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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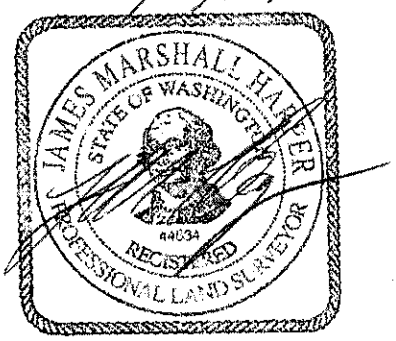
THE ABOVE DESCRIBED PARCEL CONTAINS 5,776 SQUARE FEET (0.1326 ACRE), MORE OR LESS;

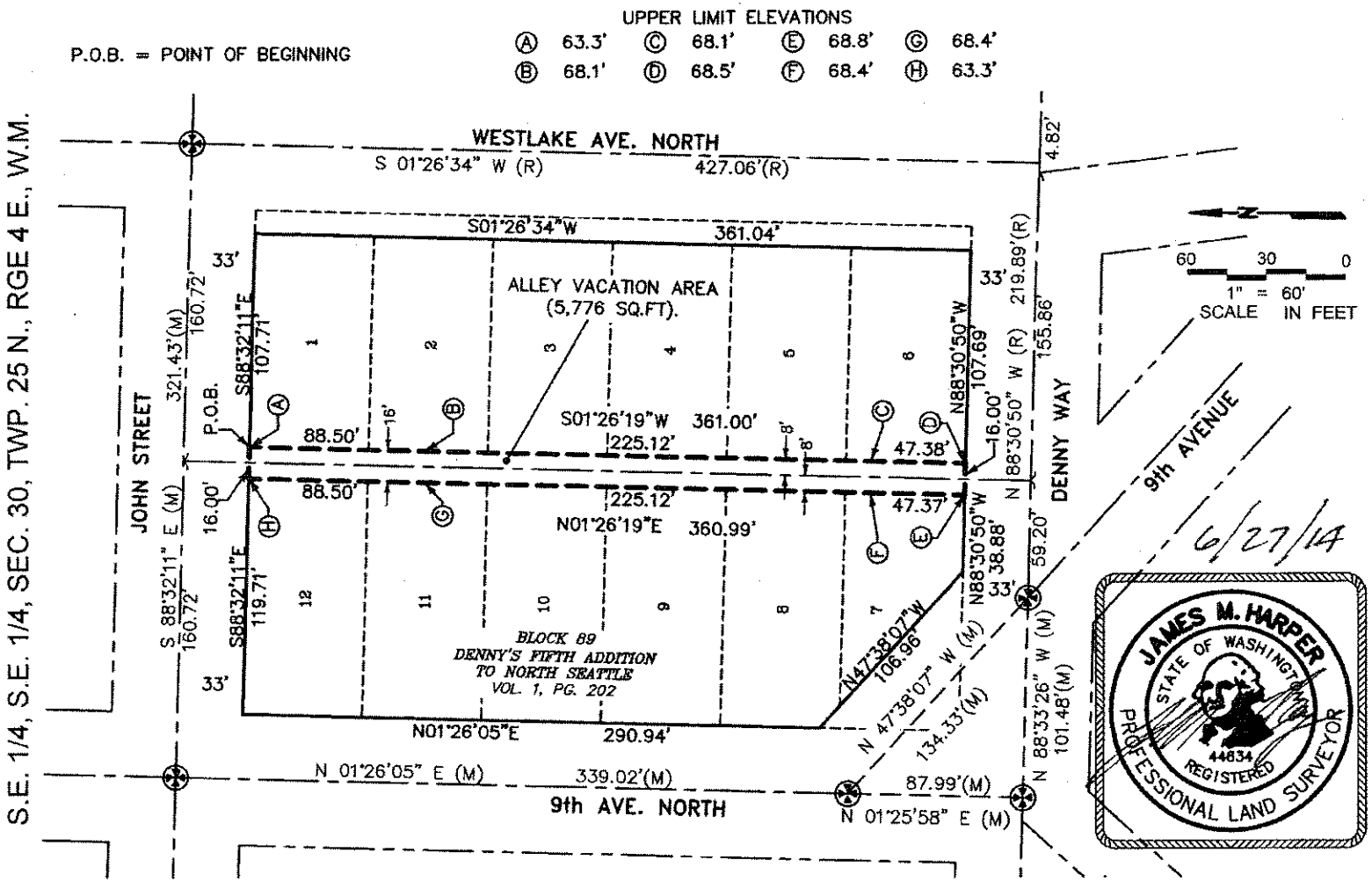
SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON

7/9/14



CITY INVESTORS IV, LLC
VULCAN BLOCK 48
JAMES M. HARPER, P.L.S.
BRH JOB NO. 2013104.03
JUNE 27, 2014
REV. JULY 9, 2014

BUSH, ROED & HITCHINGS, INC.
2009 MINOR AVENUE EAST
SEATTLE, WA 98102
(206) 323-4144



BUSH, ROED & HITCHINGS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
2009 MINOR AVE. E. (206) 323-4144
SEATTLE, WA 98102-3513
BRH JOB. NO 2013104.03 05-28-14 Rev. 06-26-14

ALLEY VACATION MAP EXHIBIT

PREPARED FOR: CITY INVESTORS IV, LLC