



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Katy Coleman, Development Engineering Analyst
Kathy Brown, Public Works Director

Date: December 10, 2014

Subject: RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN A PORTION OF UNOPENED RIGHT-OF-WAY VAC14-01935

RECOMMENDATION:

It is recommended that the City Council adopts the attached Resolution relinquishing interest in a portion of unopened right-of-way abutting the property located at 12117 93rd Ave NE. Specifically, the subject property is identified as the east half of the unopened 92nd Avenue NE ("Rainier Street") abutting the west boundary of the following described property (abbreviated): Lots 21-25 and portion Lots 5-10 & 26, Block 16, Waterfront Addition to Kirkland, as recorded in Volume 6 of Plats, page 92, records of King County, Washington.

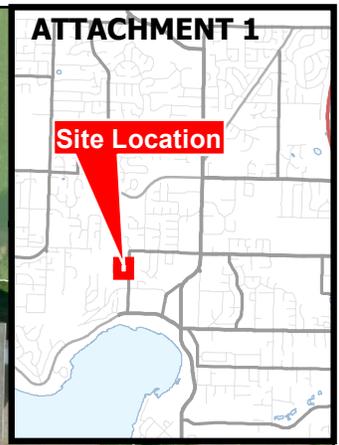
BACKGROUND DISCUSSION:

The unopened portion of the right-of-way abutting the property of 12117 93rd Ave NE (Attachment 1) was originally platted and dedicated in 1890 as Waterfront Addition to Kirkland. The Five Year Non-User Statute provides that any street or right-of-way platted, dedicated, or deeded prior to March 12, 1904, which was outside City jurisdiction when dedicated, and which remains unopened or unimproved for five continuous years, is then vacated. The subject right-of-way has not been opened or improved, but it has never formally been vacated and still appears on the City records as unopened right of way.

Matthew C. Heinz and Elizabeth M. Heinz, owners of the property abutting this right-of-way, submitted information to the City claiming the right-of-way was subject to the Five Year Non-User Statute (Vacation by Operation of Law), Laws of 1889, Chapter 19, Section 32. After reviewing this information, the City Attorney concurs with Mr. and Ms. Heinz, and recommends approval of the enclosed Resolution to bring closure to the matter.

Attachment 1: Vicinity Map
Resolution

Site Location



Heinz Non-User Vacation Exhibit 12117 93rd Ave NE

-  Proposed Vacation
-  Heinz Property
-  Granted Non-User Vacations



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RESOLUTION R-5093

1 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND
2 RELINQUISHING ANY INTEREST THE CITY MAY HAVE IN AN UNOPENED RIGHT-
3 OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNERS
4 MATTHEW AND ELIZABETH HEINZ
5

6 WHEREAS, the City has received a request to recognize that any rights to
7 the land originally dedicated in 1890 as right-of-way abutting a portion of
8 Waterfront Addition to Kirkland has been vacated by operation of law; and
9

10 WHEREAS, the Laws of 1889, Chapter 19, Section 32, provide that any
11 county road which remains unopened for five years after authority is granted for
12 opening the same is vacated by operation of law at that time; and
13

14 WHEREAS, the area which is the subject of this request was annexed to the
15 City of Kirkland, with the relevant right-of-way having been unopened; and
16

17 WHEREAS, in this context it is in the public interest to resolve this matter by
18 agreement,
19

20 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
21 Kirkland as follows:
22

23 Section 1. As requested by the property owners Matthew C. and Elizabeth M.
24 Heinz, the City Council of the City of Kirkland hereby recognizes that the following
25 described right-of-way has been vacated by operation of law and relinquishes all
26 interest it may have, if any, in the portion of right-of-way described as follows:
27

28 A portion of unopened right-of-way being identified as the east half of the
29 unopened 92nd Avenue NE ("Rainier Street") abutting the west boundary of the
30 property described in Exhibit "A".
31

32 Section 2. This resolution does not affect any third party rights in the
33 property, if any.
34

35 Passed by majority vote of the Kirkland City Council in open meeting this 6th
36 day of January, 2015
37

38 Signed in authentication thereof this 6th day of January, 2015.

MAYOR

Attest:

City Clerk

Order No.: 00618671

EXHIBIT "A"

PARCEL A;

LOTS 5 THROUGH 10, INCLUSIVE, AND LOTS 21 THROUGH 26, INCLUSIVE,
EXCEPT THE NORTH 20 FEET OF SAID LOTS 5 AND 26, ALL IN BLOCK 16, WATERFRONT ADDITION
TO KIRKLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 6 OF PLATS, PAGE 92,
RECORDS OF KING COUNTY, WASHINGTON;
EXCEPT THE EAST 85 FEET THEREOF;

TOGETHER WITH THE EAST HALF OF VACATED 92ND AVENUE NORTHEAST ADJOINING ON THE
WEST, AND
TOGETHER WITH VACATED ALLEY ADJOINING AND LYING BETWEEN SAID LOTS 5 TO 10, AND 21
THROUGH 26, INCLUSIVE;
EXCEPT THE NORTH 20 FEET OF SAID LOTS 5 AND 26; AND
EXCEPT THAT PORTION THEREOF LYING WITHIN THE SCOTVOLD PROPERTY AS AWARDED IN KING
COUNTY SUPERIOR COURT CAUSE NO 91-2-20478-1 AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ¼ CORNER OF SECTION 30, TOWNSHIP 26 NORTH, RANGE 5 EAST,
W.M , IN KING COUNTY, WASHINGTON;
THENCE NORTH 87°43'44" WEST ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 30, A
DISTANCE OF
2,473.75 FEET TO THE CENTERLINE INTERSECTION WITH 93RD AVENUE NORTHEAST, AS
ESTABLISHED BY MONUMENTATION AT THE CENTERLINE INTERSECTION AT NORTHEAST 123RD
COURT AND AT NORTHEAST 120TH COURT;
THENCE SOUTH 01°47'17" WEST ALONG SAID MONUMENTED CENTERLINE OF 93RD AVENUE
NORTHEAST A DISTANCE OF 361.20 FEET TO SAID EXISTING MONUMENT AT THE CENTERLINE
INTERSECTION WITH NORTHEAST 123RD COURT;
THENCE CONTINUING SOUTH 01°47'17" WEST ALONG SAID MONUMENTED CENTER A DISTANCE
OF 237.09 FEET;
THENCE NORTH 88°07'28" WEST A DISTANCE OF 30.00 FEET TO THE WESTERLY MARGIN OF 93RD
AVENUE
NORTHEAST AS ESTABLISHED BY AFOREMENTIONED MONUMENTATION AND THE TRUE POINT OF
BEGINNING OF THIS DESCRIPTION,
THENCE SOUTH 01°47'17" WEST ALONG SAID WESTERLY MARGIN OF 93RD AVENUE NORTHEAST
A DISTANCE OF 130.01 FEET;
THENCE NORTH 88°05'54" WEST A DISTANCE OF 85.00 FEET,
THENCE NORTH 01°47'17" EAST A DISTANCE OF 130.00 FEET,
THENCE SOUTH 88°07'28" EAST A DISTANCE OF 85.00 FEET TO THE WESTERLY MARGIN OF 93RD
AVENUE
NORTHEAST AND THE TRUE POINT OF BEGINNING, IN KING COUNTY, WASHINGTON;

PARCEL B:

TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER THE SOUTH 5 FEET
OF THE EAST 85 FEET OF LOT 5 AND THE EAST 85 FEET OF THE NORTH 15 FEET OF LOT 6 OF
SAID ADDITION;

SITUATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON.