



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

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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Katy Coleman, Development Engineering Analyst  
Pam Bissonnette., Interim Public Works Director

**Date:** January 13, 2014

**Subject:** RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN A PORTION OF UNOPENED RIGHT-OF-WAY; FILE #VAC13-00852

### **RECOMMENDATION:**

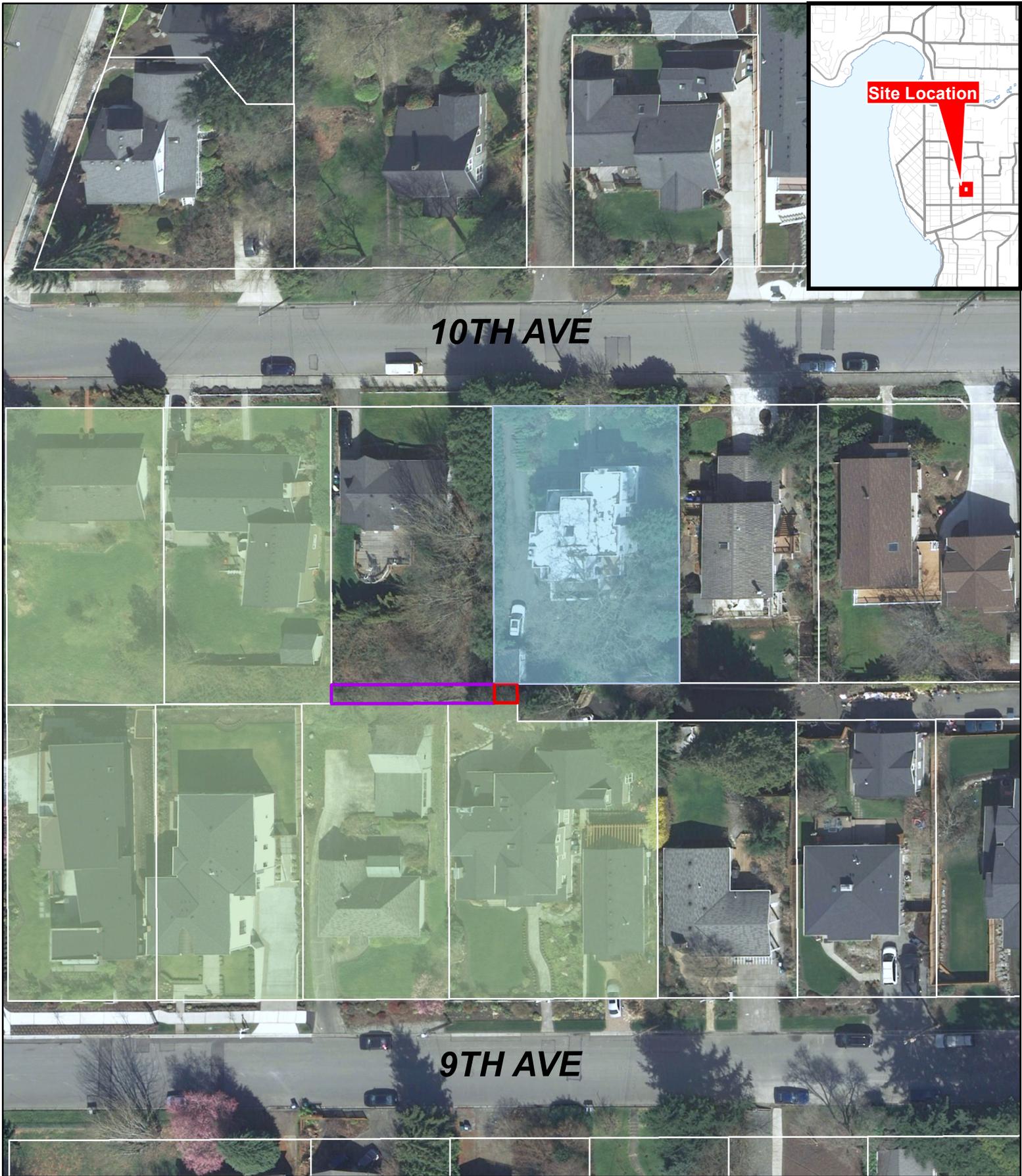
It is recommended that the City Council adopt the enclosed Resolution relinquishing interest, except for a utility easement, in a portion of unopened alley being identified as the west 10 feet of the north 8 feet of the unopened alley abutting the south boundary of the following described property: Lots 6 and 7, Block 140 of Burke & Farrar's Kirkland Addition to the City of Seattle Division No. 27, according to the plat recorded in Volume 21 of Plats, page 90, records of King County, Washington.

### **BACKGROUND DISCUSSION:**

The unopened portion of the alley abutting the property of 425 10<sup>th</sup> Avenue (Attachment 1) was originally platted and dedicated in 1890 as Kirkland Addition. 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.

Gregory and Lisa Kostal, the 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 believes the approval of the enclosed Resolution (Attachment 2) is permissible.

Attachments (2)



**10TH AVE**

**9TH AVE**

**Kostal Non-User Vacation Exhibit  
425 10th Avenue**

- Kostal Property
- Proposed Vacation
- Other Pending Vacation
- Granted Non-User Vacations



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RESOLUTION R-5032

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE, EXCEPT FOR A UTILITY EASEMENT, IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNERS GREGORY AND LISA KOSTAL

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

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

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

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

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

Section 1. As requested by the property owners Gregory and Lisa Kostal, the City Council of the City of Kirkland hereby recognizes that the following described right-of-way has been vacated by operation of law and relinquishes all interest it may have, if any, except for a utility easement, in the portion of right-of-way described as follows:

A portion of unopened alley being identified as the west 10 feet of the north 8 feet of the unopened alley abutting the south boundary of the following described property: Lots 6 and 7, Block 140 of Burke & Farrar's Kirkland Addition to the City of Seattle Division No. 27, according to the plat recorded in Volume 21 of Plats, page 90, records of King County, Washington.

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

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2014

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk