



**CITY OF KIRKLAND**  
**Department of Public Works**  
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## MEMORANDUM

**To:** Marilynne Beard, Interim City Manager

**From:** Ray Steiger, P.E., Interim Public Works Director  
Rob Jammerman, Development Engineering Manager

**Date:** June 2, 2010

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

### RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution relinquishing the City's interest in a portion of unopened alley abutting the property of 809 16<sup>th</sup> Ave W.

### BACKGROUND DISCUSSION:

The unopened portion of the alley was originally platted and dedicated in 1890 as Blewett's First Addition to Kirkland. The Five Year Non-User Statute (Vacation by Operation of Law), Laws of 1889, Chapter 19, Section 32, provides that any street or right-of-way platted, dedicated, or deeded prior to March 12, 1904, which was outside of a City jurisdiction when dedicated and which remains unopened or unimproved for five continuous years is then vacated. The subject right-of-way, further described as: *the easterly 8 feet of the unopened alley abutting the westerly boundary of the following described property: Lot 5, Block 42, Map of Kirkland, as per plat recorded in Volume 6 of Plats, page 53, and Lot 5 in Block 42 of Blewett's First Addition to Kirkland, as per plat recorded in Volume 6 of Plats, page 82, records of King County Auditor,* has not been opened or improved and thus is subject to the non-user statute.

Robert and Viera Lee, 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. After reviewing this information, the City Attorney believes and Public Works concurs that the approval of the enclosed resolution is permissible.

Attachments (2)



## Lee Residence Non-User Vacation 809 16th Avenue West

- Lee Residence
- Proposed Vacation
- Granted Non-User Vacations



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RESOLUTION R-4821

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNERS ROBERT M. AND VIERA H. LEE

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 Blewett's First Addition to 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 Robert M. and Viera H. Lee, 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, in the portion of right-of-way described as follows:

A portion of unopened alley being identified as the easterly 8 feet of the unopened alley abutting the westerly boundary of the following described property: Lot 5, Block 42, Map of Kirkland, as per plat recorded in Volume 6 of Plats, page 53, AND Lot 5 in Block 42 of Blewett's First Addition to Kirkland, as per plat recorded in Volume 6 of Plats, page 82, records of King County Auditor; situate in the City of Kirkland, County of King, State of 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 \_\_\_\_\_, 2010

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
MAYOR

Attest:

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