



**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  
Kathy Brown, Public Works Director

**Date:** May 28, 2015

**Subject:** RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN A PORTION OF UNOPENED RIGHT-OF-WAY VAC15-00926

### **RECOMMENDATION:**

It is recommended that the City Council adopt the attached Resolution relinquishing interest in a portion of unopened right-of-way abutting the property located at 9219 114<sup>th</sup> Avenue NE. Specifically, the subject right-of-way is identified as the north 8 feet of the unopened alley abutting the south boundary of the following described property: The south half of Lots 71 and 72, Block 30, Burke and Farrar's Kirkland Addition to the City of Seattle, Division No. 10, according to the plat thereof recorded in Volume 19 of Plats, page 85, records of King County, Washington.

### **BACKGROUND DISCUSSION:**

The unopened portion of the right-of-way abutting the property of 9219 114<sup>th</sup> Avenue NE (Attach A) was originally platted and dedicated in 1891 as Supplementary Plat 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.

Edward and Oraphin Miller, 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 the owners, and recommends approval of the enclosed Resolution to bring closure to the matter.

Attach A: Vicinity Map  
Resolution



**Miller Non-User Vacation Exhibit  
9219 114th Avenue NE**

**Attach A**

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



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RESOLUTION R-5131

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 EDWARD AND ORAPHIN MILLER

1 WHEREAS, the City has received a request to recognize that any  
2 rights to the land originally dedicated in 1891 as right-of-way abutting  
3 a portion of Supplementary Plat to Kirkland has been vacated by  
4 operation of law; and

5  
6 WHEREAS, the Laws of 1889, Chapter 19, Section 32, provide  
7 that any county road which remains unopened for five years after  
8 authority is granted for opening the same is vacated by operation of law  
9 at that time; and

10  
11 WHEREAS, the area which is the subject of this request was  
12 annexed to the City of Kirkland, with the relevant right-of-way having  
13 been unopened; and

14  
15 WHEREAS, in this context it is in the public interest to resolve  
16 this matter by agreement,

17  
18 NOW, THEREFORE, BE IT RESOLVED by the City Council of the  
19 City of Kirkland as follows:

20  
21 Section 1. As requested by the property owners Edward S and  
22 Oraphin Miller, the City Council of the City of Kirkland hereby recognizes  
23 that the following described right-of-way has been vacated by operation  
24 of law and relinquishes all interest it may have, if any, in the portion of  
25 right-of-way described as follows:

26  
27 A portion of unopened alley being identified as the north 8 feet of the  
28 unopened alley abutting the south boundary of the following described  
29 property: The south half of Lots 71 and 72, Block 30, Burke and Farrar's  
30 Kirkland Addition to the City of Seattle, Division No. 10, according to the  
31 plat thereof recorded in Volume 19 of Plats, page 85, records of King  
32 County, Washington.

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

36  
37 Passed by majority vote of the Kirkland City Council in open  
38 meeting this \_\_\_\_ day of \_\_\_\_\_, 2015

39  
40 Signed in authentication thereof this \_\_\_\_ day of  
41 \_\_\_\_\_, 2015.

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MAYOR

Attest:

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City Clerk