



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: July 7, 2015

Subject: RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN A PORTION OF UNOPENED RIGHT-OF-WAY VAC15-01362

RECOMMENDATION:

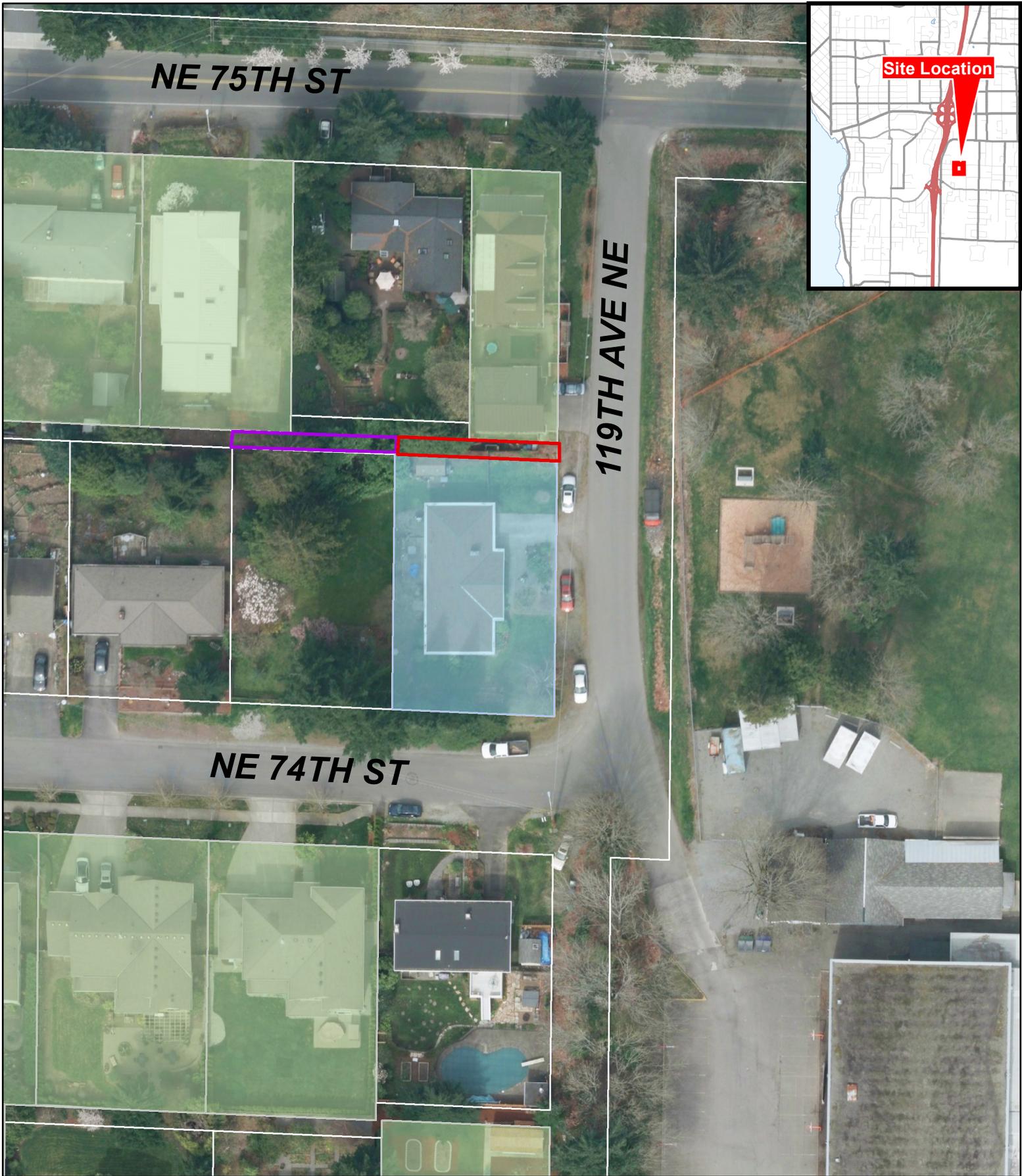
It is recommended that the City Council adopt the attached Resolution relinquishing interest in a portion of unopened right-of-way abutting the parcel 11840 NE 74th Street. Specifically, the subject right-of-way is identified as the south 7.5 feet of the unopened alley abutting the north boundary of the following described property: The east half of Lot 13, and all of Lots 14 and 15, all in Block 11, Kirkland Steel Works Addition, according to the plat thereof recorded in Volume 6 of Plats, page 25, records of King County, Washington.

BACKGROUND DISCUSSION:

The unopened portion of the right-of-way abutting the subject property (Attachment 1) was originally platted and dedicated in 1890 as Kirkland Steel Works 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, but it has never formally been vacated and still appears on the City records as unopened right-of-way.

Alvin Chang, Andy Man-Wah Chang, and Siki Ka-Ling Leung Chang, 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.

Attachment 1: Vicinity Map
Resolution



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

**Chang Property
Non-User Vacation Exhibit
11840 NE 74th Street**



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RESOLUTION R-5137

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 ALVIN CHANG, ANDY MAN-WAH CHANG, AND SIKI KA-LING LEUNG CHANG

1 WHEREAS, the City has received a request to recognize that any
2 rights to the land originally dedicated in 1890 as right-of-way abutting
3 a portion of Kirkland Steel Works Addition 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 Alvin Chang,
22 Andy Man-Wah Chang, and Siki Ka-Ling Leung Chang, the City Council
23 of the City of Kirkland hereby recognizes that the following described
24 right-of-way has been vacated by operation of law and relinquishes all
25 interest it may have, if any, in the portion of right-of-way described as
26 follows:
27

28 A portion of unopened alley being identified as the south 7.5 feet of
29 the unopened alley abutting the north boundary of the following
30 described property: The east half of Lot 13, and all of Lots 14 and 15,
31 all in Block 11, Kirkland Steel Works Addition, according to the plat
32 thereof recorded in Volume 6 of Plats, page 25, records of King
33 County, Washington.
34

35 Section 2. This resolution does not affect any third party rights
36 in the property, if any.
37

38 Passed by majority vote of the Kirkland City Council in open
39 meeting this ____ day of _____, 2015

Signed in authentication thereof this _____ day of _____, 2015.

MAYOR

Attest:

City Clerk