



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 VAC15-00921

RECOMMENDATION:

It is recommended that the City Council adopt the attached Resolution relinquishing interest in a portion of unopened right-of-way abutting the vacant parcel 118xx 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: Lots 11, 12, and 13, Block 11, Kirkland Steel Works Addition, according to the plat thereof recorded in Volume 6 of Plats, page 25, records of King County, Washington; except the west 5 feet of Lot 11 and except the east 15 feet of Lot 13.

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.

K & D Homes Enterprises LLC, owner 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
- K&D Homes Enterprises Property

**K&D Homes Enterprises LLC
Non-User Vacation Exhibit
118xx NE 74th Street**



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RESOLUTION R-5138

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 OWNER K & D HOMES ENTERPRISES LLC

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 owner K & D Homes
22 Enterprises LLC, the City Council of the City of Kirkland hereby
23 recognizes that the following described right-of-way has been vacated
24 by operation of law and relinquishes all interest it may have, if any, in
25 the portion of right-of-way described as follows:

26
27 A portion of unopened alley being identified as the south 7.5 feet of
28 the unopened alley abutting the north boundary of the following
29 described property: Lots 11, 12, and 13, Block 11, Kirkland Steel
30 Works Addition, according to the plat thereof recorded in Volume 6 of
31 Plats, page 25, records of King County, Washington; except the west 5
32 feet of Lot 11 and except the east 15 feet of Lot 13.

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

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

MAYOR

Attest:

City Clerk