



CITY OF KIRKLAND
Department of Public Works
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MEMORANDUM

To: Kurt Triplett, City Manager

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

Date: August 16, 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 enclosed Resolution relinquishing interest, except for a utility easement, in a portion of unopened right-of-way being identified as the east 59 feet of the south 7.5 feet of the unopened alley abutting the north boundary of the following described property: Lots 4 and 5 and the west 15 feet of Lot 6, Block 11, Kirkland Steel Works Addition to Kirkland.

BACKGROUND DISCUSSION:

The City processes five to ten non-user street vacations each year. Non-user Street Vacations (Vacation by Operation of Law) Laws of 1889, Chapter 19, Section 32, are vacations that must meet the following criteria:

- The right-of-way was platted, dedicated, or deeded prior to March 12, 1904;
- The right-of-way was outside of the City jurisdiction when it was dedicated; and
- The right-of-way remained unopened or unimproved for five continuous years after it was dedicated.

Because Non-user Street Vacations have occurred by operation of law, they are not subject to the City's Street Vacation process within Chapter 19.16 of the Kirkland Municipal Code. When a resolution to approve a Non-user Street Vacation is brought to the City Council, the resolution is recognizing that the subject right-of way meets the criteria of the Non-user Street Vacation and has been vacated by operation of law.

John Hoffman and Tracy Rockwell, owners of the property at 11812 NE 74th St abutting this subject right-of-way, submitted information to the City claiming the right-of-way was subject to the Five Year Non-User Statute. This right-of-way was originally platted and dedicated in 1890 as Kirkland Steel Works Addition to Kirkland and has not been opened or improved. After reviewing this information, the City Attorney believes the approval of the enclosed Resolution is permissible.

Attachments: Vicinity Maps
Resolution



Hoffman/Rockwell Non-User Vacation
11812 NE 74th St

- Hoffman/Rockwell Residence
- Proposed Vacation
- Granted Non-User Vacations



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RESOLUTION R-4835

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 JOHN T. HOFFMAN AND TRACY L. ROCKWELL

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 Kirkland Steel Works 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 John T. Hoffman and Tracy L. Rockwell, 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:

The east 59 feet of the south 7.5 feet of the unopened alley abutting the north boundary of the following described property: Lots 4 and 5 and the west 15 feet of Lot 6, Block 11, Kirkland Steel Works Addition to Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 25, in 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 _____, 2010

Signed in authentication thereof this ____ day of _____, 2010.

MAYOR

Attest:

City Clerk