



**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:** September 17, 2015

**Subject:** RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN A PORTION OF UNOPENED RIGHT-OF-WAY VAC14-01931

## **RECOMMENDATION:**

It is recommended that the City Council adopt the attached Resolution relinquishing interest, except for a utility easement, in a portion of unopened right-of-way abutting the parcel located at 634 9<sup>th</sup> Avenue. Specifically, the subject right-of-way is identified as the south 8 feet of the unopened alley abutting the north boundary of the following described property: Lots 46 and 47, Block 169, Town of Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 53, records of King County, Washington.

Approval of this memo by adopting the Consent Calendar will authorize relinquishing interest, except for a utility easement, in said right-of-way.

## **BACKGROUND DISCUSSION:**

The unopened portion of the alley abutting the property of 634 9<sup>th</sup> Avenue (Attachment 1) was originally platted and dedicated in 1890 as Town of Kirkland (aka Kirkland Addition or Map of 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.

Jennifer C. Brewer and Coridon M. Brewer, 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



**10TH AVE**

**9TH AVE**

**Brewer Property  
Non-User Vacation Exhibit  
634 9th Avenue**

Attachment A

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



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RESOLUTION R-5154

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 JENNIFER AND CORIDON BREWER.

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 Town of Kirkland has been vacated by operation of law; and  
4

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

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

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

17           NOW, THEREFORE, be it resolved by the City Council of the City  
18 of Kirkland as follows:  
19

20           Section 1. As requested by the property owners Jennifer C.  
21 Brewer and Coridon M. Brewer, the City Council of the City of Kirkland  
22 recognizes that the following described right-of-way has been vacated  
23 by operation of law and relinquishes all interest it may have, if any,  
24 except for a utility easement, in the portion of right-of-way described as  
25 follows:  
26

27           A portion of unopened alley being identified as the south 8 feet  
28 of the unopened alley abutting the north boundary of the  
29 following described property: Lots 46 and 47, Block 169, Town  
30 of Kirkland, according to the plat thereof recorded in Volume 6  
31 of Plats, page 53, records of King County, Washington.  
32

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

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

38  
39

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

\_\_\_\_\_  
MAYOR

Attest:

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