CITY OF KIRKLAND
Department of Public Works
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www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Katy Coleman, Development Engineering Analyst
Kathy Brown, Public Works Director

Date: October 5, 2015

Subject: RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN A PORTION OF UNOPENED RIGHT-OF-WAY VAC15-01906

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 located at 11246 NE 92nd Street. 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 31 and 32, Block 242, Supplementary Plat to Kirkland, as per plat recorded in Volume 8 of Plats, page 5, records of King County, Washington.

Approval of this memo by adopting the Consent Calendar will authorize relinquishing interest in said right-of-way.

BACKGROUND DISCUSSION:

The unopened portion of the alley abutting the property of 11246 NE 92nd Street (Attachment 1) 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.

Kirk R. Warburton and Janet D. Moore, 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

Moore/Warburton Property
Non-User Vacation Exhibit
11246 NE 92nd Street

Proposed Vacation

Granted Non-User Vacations

Moore/Warburton Property

Produced by the City of Kirkland.

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RESOLUTION R-5162

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 KIRK WARBURTON AND JANET MOORE

WHEREAS, the City has received a request to recognize that any rights to the land originally dedicated in 1891 as right-of-way abutting a portion of Supplementary Plat to Kirkland has 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 Kirk R. Warburton and Janet D. Moore, 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, in the portion of right-of-way described as follows:

A portion of unopened alley being identified as the south 8 feet of the unopened alley abutting the north boundary of the following described property: Lots 31 and 32, Block 242, Supplementary Plat to Kirkland, as per plat recorded in Volume 8 of Plats, page 5, records of 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 _____, 2015

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

_____
MAYOR

Attest:

_____
City Clerk