



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 3, 2016

Subject: RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN A PORTION OF UNOPENED RIGHT-OF-WAY VAC16-00714

RECOMMENDATION:

It is recommended that the City Council adopt the attached Resolution acknowledging a de facto relinquishment of interest, except for utility, pedestrian, and right-of-way improvement easements, in a portion of unopened right-of-way abutting the vacant parcel located at 111xx NE 95th Street. Specifically, the subject right-of-way is identified as the north 30 feet of unopened NE 95th Street (Jefferson Avenue) abutting the southern boundary of the following described property: Wetland Area Tract of Kirkland Short Plat SP 90-77 (Nordby short plat) per Recording #9206189002.

Approval of this memo by adopting the Consent Calendar will acknowledge that the property is relinquished under the provisions of the Non-User Statute.

BACKGROUND DISCUSSION:

The unopened portion of NE 95th Street (Jefferson Avenue) abutting the property of the vacant property at 111xx NE 95th Street (Attachment A) was originally platted and dedicated in 1890 as Lake Avenue Addition 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 was not opened or improved for five consecutive years prior to 1904, although City sewer and trail facilities currently exist in this right-of-way. It has never formally been vacated and still appears on the City records as unopened right-of-way.

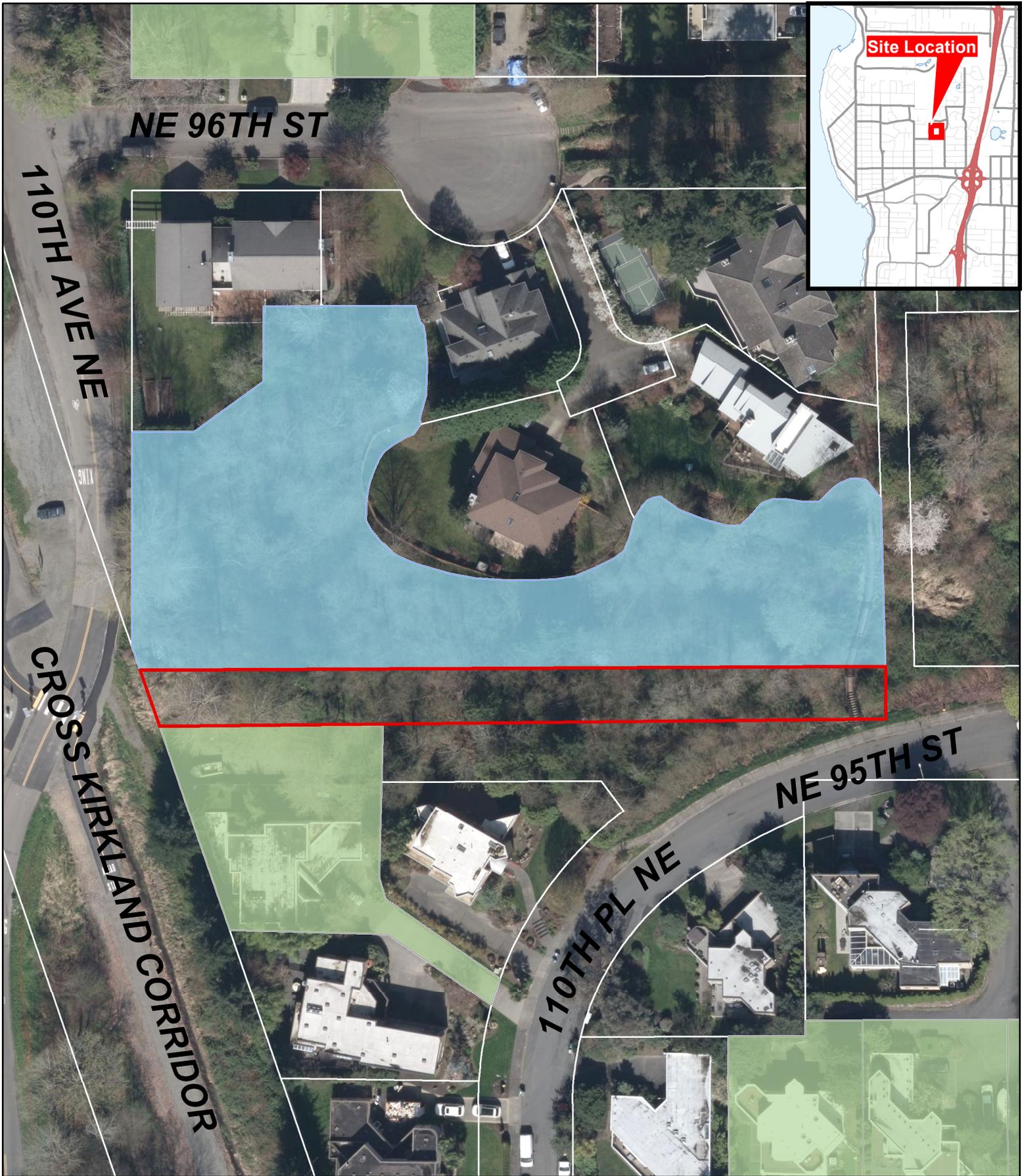
Wayne Seminoff of Trudel LLC, owner of the property abutting this right-of-way, submitted information to the City claiming the right-of-way was subject to the Five Year Non-User Statute (Vacation by Operation of Law), Laws of 1889, Chapter 19, Section 32. After reviewing this information, the City Attorney concurs with the owners, and recommends approval of the enclosed Resolution to bring closure to the matter.

Trudel LLC has granted several easements (Attachment B) over the right-of-way to be relinquished. A Pedestrian Easement has been granted over the entire length of the right-of-way, which will allow for a future pedestrian link to the Cross Kirkland Corridor, as identified in the Cross Kirkland Corridor Master Plan; also, a Pedestrian Easement that covers the north-south stairway/boardwalk that already exists on the east side of the owner property. A Utility Easement has been granted for the existing sanitary sewer main and side sewer connections. A Right-Of-Way Improvement Easement has been granted for the existing roadway and grade.

Attachment A: Vicinity Map

Attachment B: Easement Exhibits

Resolution



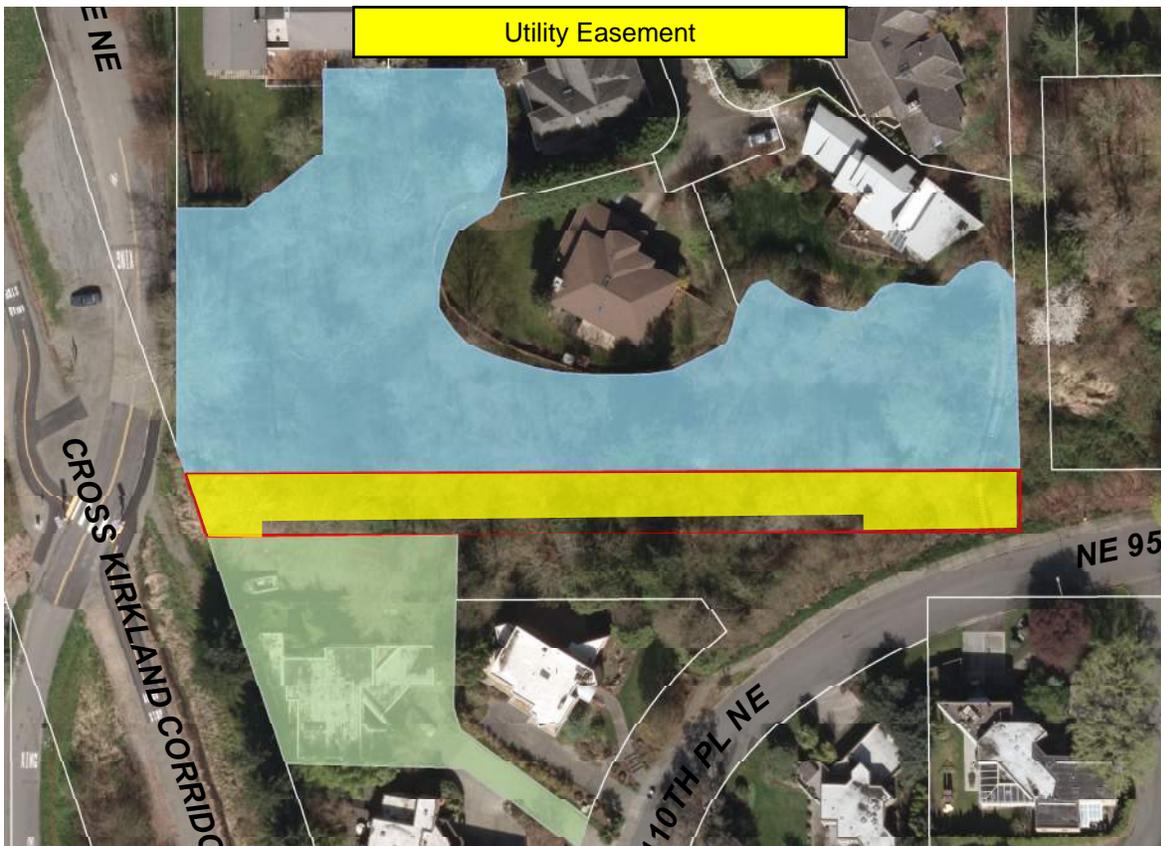
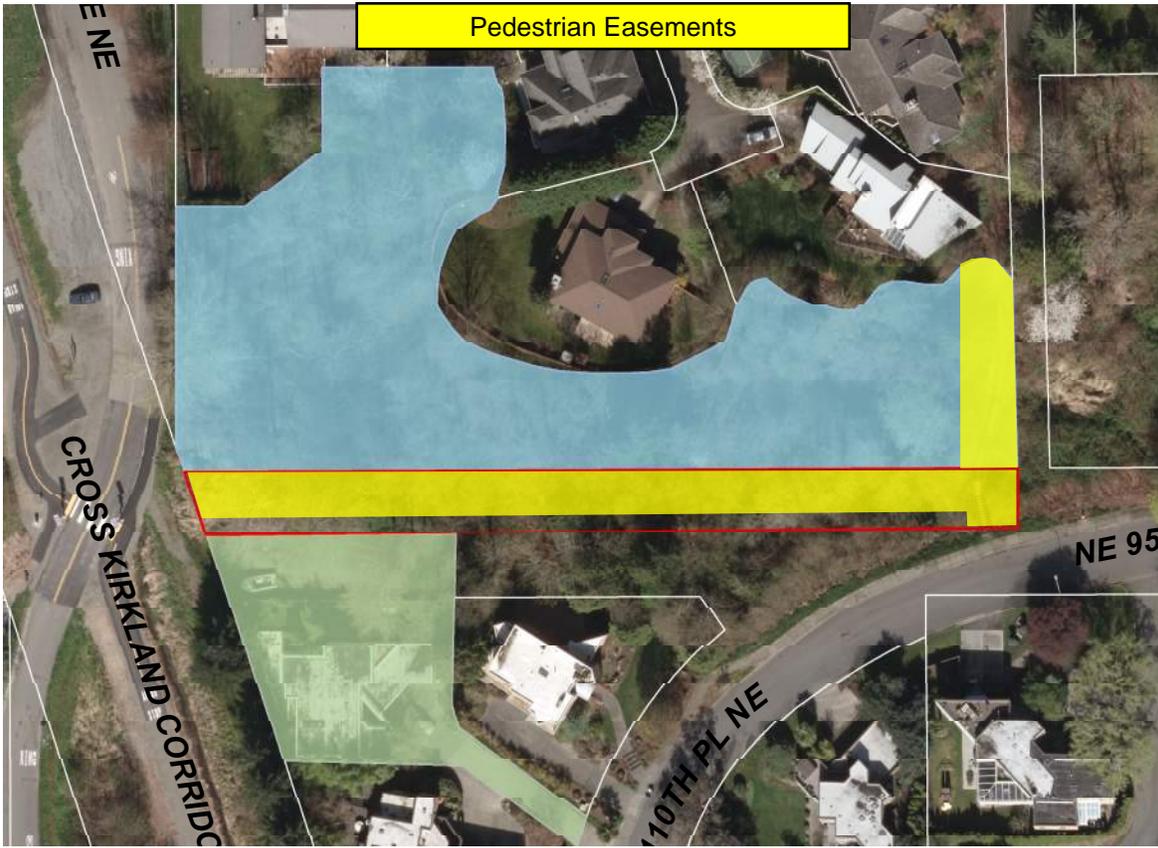
**Trudel LLC Property
Non-User Vacation Exhibit
111xx NE 95th Street**

- Proposed Vacation
- Granted Non-User Vacations
- Trudel LLC Property



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Trudel LLC Easement exhibits
for illustration purposes only





RESOLUTION R-5219

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE, EXCEPT FOR UTILITY, PEDESTRIAN, AND RIGHT-OF-WAY IMPROVEMENT EASEMENTS IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNER TRUDEL 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 Lake Avenue Addition to Kirkland 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 Wayne Seminoff
22 of Trudel LLC, the City Council of the City of Kirkland hereby recognizes
23 that the following described right-of-way has been vacated by operation
24 of law and relinquishes all interest it may have, if any, except for utility,
25 pedestrian, and right-of-way improvement easements, in the portion of
26 right-of-way described as follows:

27
28 A portion of unopened right-of-way being identified as the north 30 feet
29 of unopened NE 95th Street ("Jefferson Avenue") abutting the southern
30 boundary of the following described property: Wetland Area Tract of
31 Kirkland Short Plat SP 90-77 (Nordby short plat) per Recording
32 #9206189002; said short plat described as follows: Blocks 17 and 18,
33 Lake Avenue Addition to Kirkland, as recorded in Volume 6 of Plats, page
34 86, records of King County Washington; together with adjacent vacated
35 alleys per Kirkland Vacation Ordinance #3284; less R/R R/W.

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

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Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2016

Signed in authentication thereof this ____ day of _____, 2016.

MAYOR

Attest:

City Clerk