



**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:** October 21, 2014

**Subject:** RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN A PORTION OF UNOPENED RIGHT-OF-WAY VAC14-01930

## **RECOMMENDATION:**

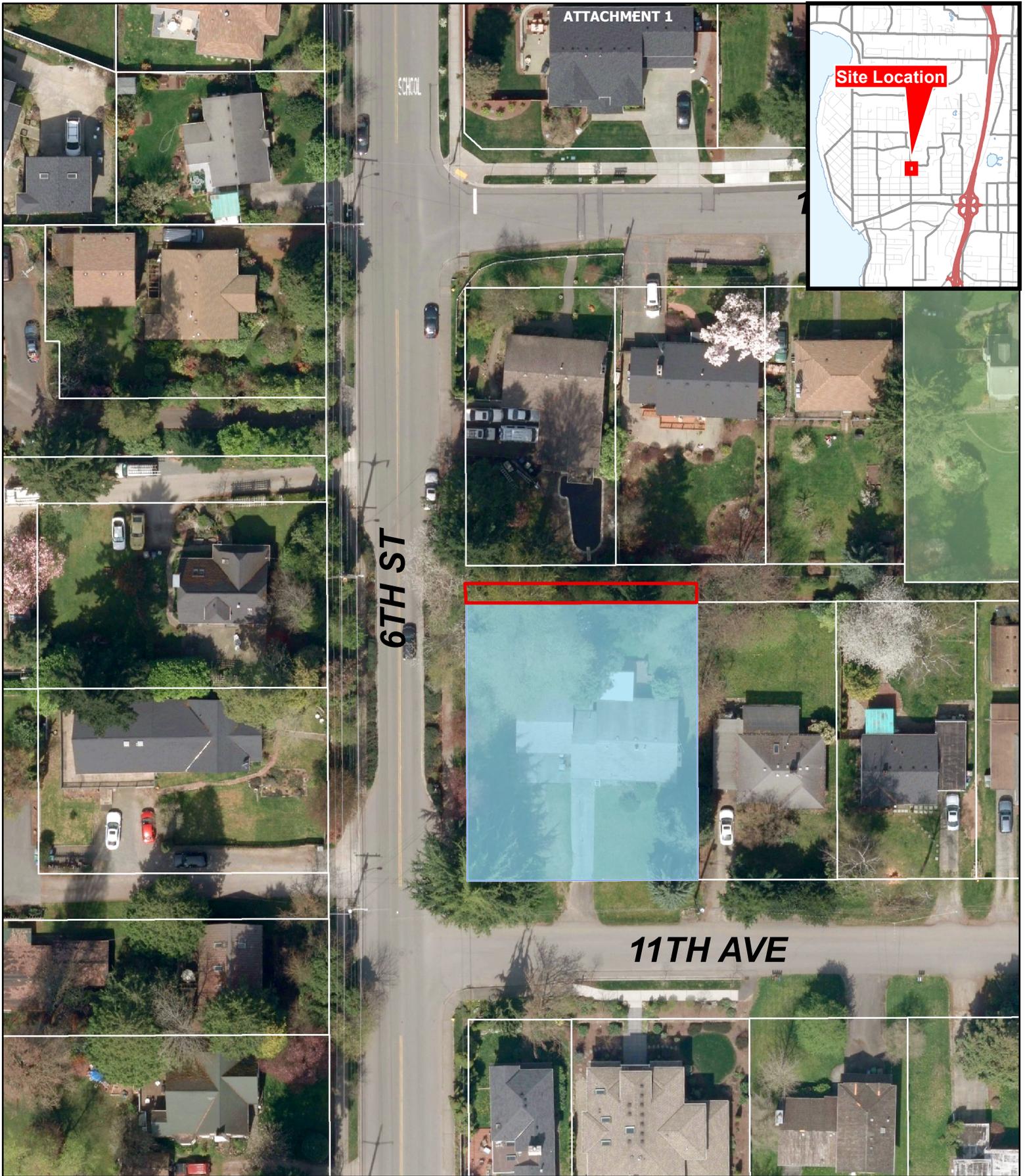
It is recommended that the City Council adopts the attached Resolution relinquishing interest, except for a utility easement, in a portion of unopened alley abutting the property located at 606 11<sup>th</sup> Avenue. Specifically, the subject property is identified as the south 8 feet of the unopened alley abutting the north boundary of the following described property: Lots 33, 34, and 35, Block 240, Supplementary Plat to Kirkland, according to the plat thereof recorded in Volume 8 of Plats, page 5, records of King County, Washington; together with: Lot L, Supplementary Plat of Central Addition, according to the plat thereof recorded in Volume 6 of Plats, page 85, records of King County, Washington.

## **BACKGROUND DISCUSSION:**

The unopened portion of the alley abutting the property of 606 11<sup>th</sup> Ave (Attachment 1) was originally platted and dedicated in 1890 as Supplementary Plat of Central Addition, and 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.

Eva L. Hopp, 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 Ms. Hopp, and recommends approval of the enclosed Resolution to bring closure to the matter.

Attachment 1: Vicinity Map  
Resolution



**Hopp Non-User Vacation Exhibit  
606 11th Avenue**

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



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RESOLUTION R-5080

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 OWNER EVA L. HOPP

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 Supplementary Plat of Central Addition and in 1891 as right-of-way abutting a portion of Supplementary Plat 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 Eva L. Hopp, 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:

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 33, 34, and 35, Block 240, Supplementary Plat to Kirkland, according to the plat thereof recorded in Volume 8 of Plats, page 5, records of King County, Washington; together with Lot L, Supplementary Plat of Central Addition, according to the plat thereof recorded in Volume 6 of Plats, page 85, 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 \_\_\_\_\_, 2014

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
MAYOR

Attest:

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