



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

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

Date: November 13, 2015

Subject: RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN A PORTION OF UNOPENED RIGHT-OF-WAY VAC15-01907

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 11239 NE 91st Street. Specifically, the subject right-of-way is identified as the north 8 feet of the unopened alley abutting the south boundary of the West 10 feet of Lot 2, all of Lot 3, and the East 20 feet of Lot 4, all in Block 234, Supplementary Plat to Kirkland, according to the plat thereof recorded in Volume 8 of Plats, page 5, records of King County, Washington.

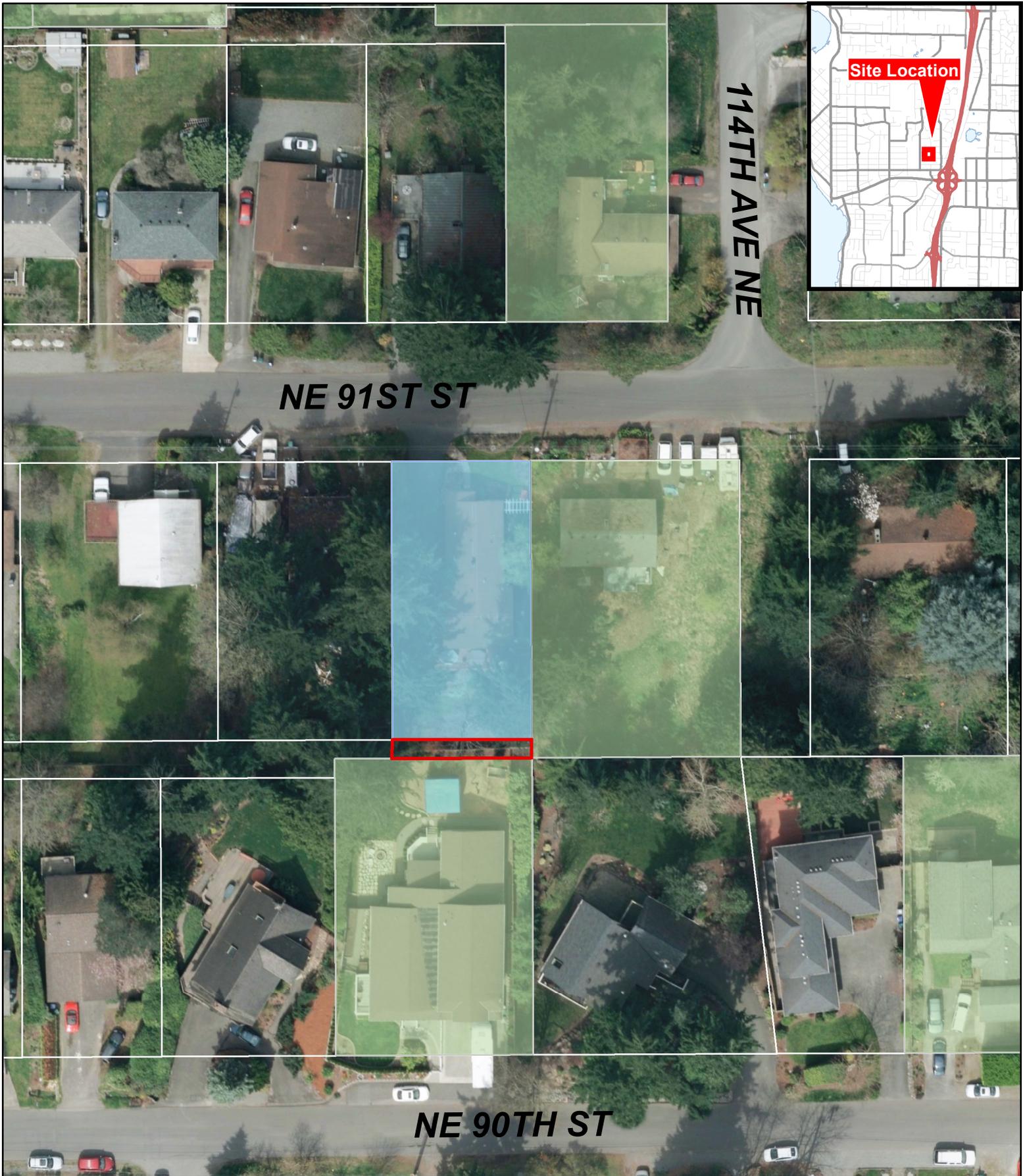
Approval of this memo by adopting the Consent Calendar will authorize relinquishing interest, except for a utility easement, in said right-of-way.

BACKGROUND DISCUSSION:

The unopened portion of the alley abutting the property of 11239 NE 91st Street (Attachment A) 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.

Nancy Hopen, 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 owner, and recommends approval of the enclosed Resolution to bring closure to the matter.

Attachment A: Vicinity Map
Resolution



NE 91ST ST

114TH AVE NE

NE 90TH ST

**Hopen Property
Non-User Vacation Exhibit
11239 NE 91st Street**

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



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RESOLUTION R-5175

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST, EXCEPT FOR A UTILITY EASEMENT, THE CITY MAY HAVE IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNER NANCY HOPEN

1 WHEREAS, the City has received a request to recognize that any
2 rights to the land originally dedicated in 1891 as right-of-way abutting
3 a portion of Supplementary Plat 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 Nancy Hopen,
22 the City Council of the City of Kirkland hereby recognizes that the
23 following described right-of-way has been vacated by operation of law
24 and relinquishes all interest it may have, if any, except for a utility
25 easement, in the portion of right-of-way described as follows:

26
27 A portion of unopened alley being identified as the north 8 feet of the
28 unopened alley abutting the south boundary of the West 10 feet of Lot
29 2, all of Lot 3, and the East 20 feet of Lot 4, all in Block 234,
30 Supplementary Plat to Kirkland, according to the plat thereof recorded
31 in Volume 8 of Plats, page 5, 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
40 _____, 2015.

MAYOR

Attest:

City Clerk