



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 17, 2014

Subject: RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN A PORTION OF UNOPENED RIGHT-OF-WAY VAC14-01397

RECOMMENDATION:

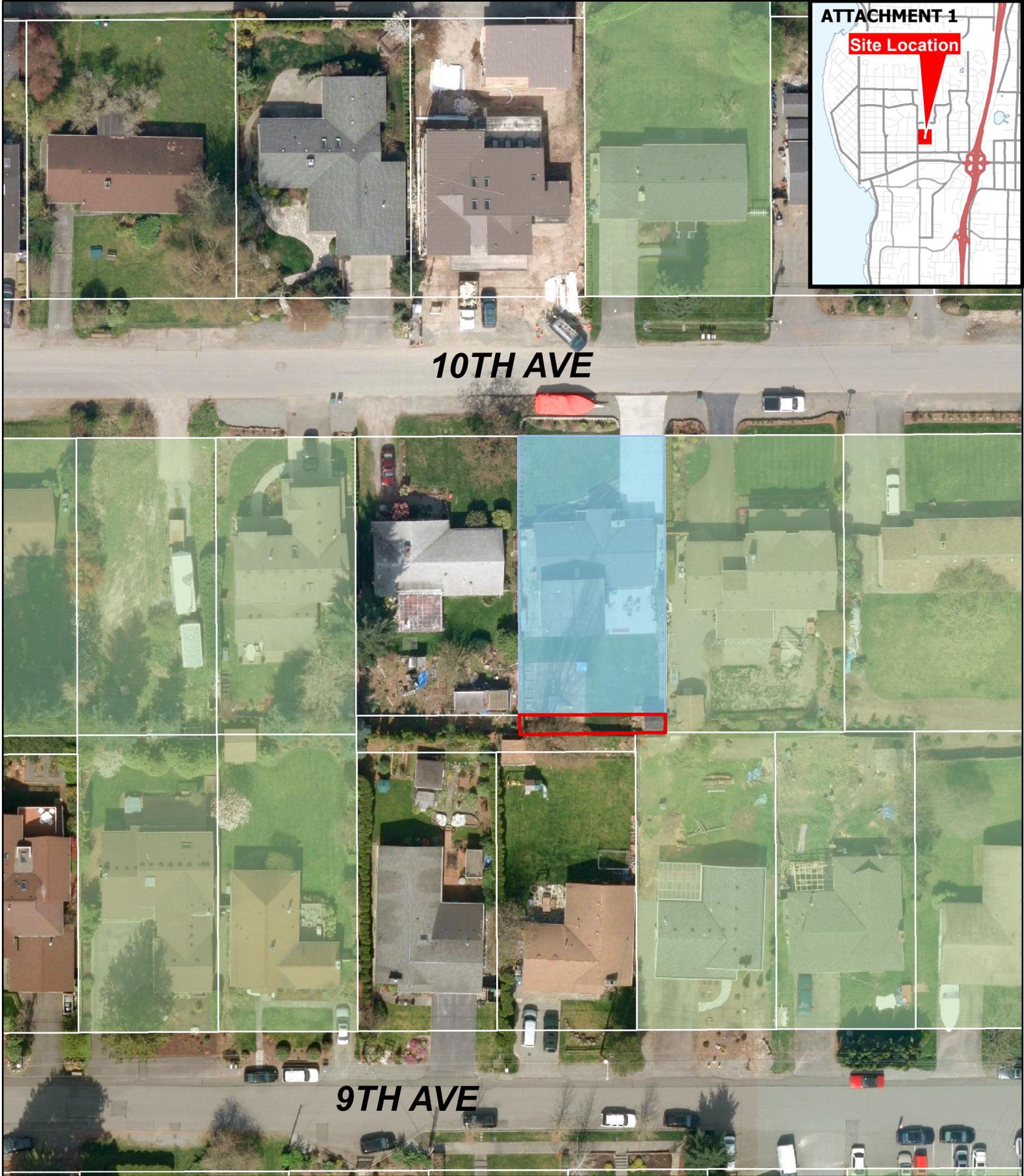
It is recommended that the City Council adopts the attached Resolution relinquishing interest, except for a utility easement, in a portion of unopened alley abutting the property located at 641 10th Avenue. Specifically, the subject property is identified as the north 8 feet of the unopened alley abutting the south boundary of the following described property: The east 20 feet of Lot 21, all of Lot 20, and the west 13 feet of Lot 19, Block 169, Town of Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 53, records of King County, Washington.

BACKGROUND DISCUSSION:

The unopened portion of the alley abutting the property of 641 10th 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.

John Michael May and Janeen Diana May, 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 Ms. May and Mr. May, and recommends approval of the enclosed Resolution to bring closure to the matter.

Attachment 1: Vicinity Map
Resolution



**May Non-User Vacation Exhibit
641 10th Avenue**

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



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RESOLUTION R-5089

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 JOHN MICHAEL MAY AND JANEEN DIANA MAY

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 Town of 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 John Michael May and Janeen Diana May, 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 north 8 feet of the unopened alley abutting the south boundary of the following described property: The east 20 feet of Lot 21, all of Lot 20, and the west 13 feet of Lot 19, Block 169, Town of Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 53, 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