



## **CITY OF KIRKLAND**

**Planning and Community Development Department**  
**123 Fifth Avenue, Kirkland, WA 98033 425-587-3225**  
**www.ci.kirkland.wa.us**

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### **MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Dawn Nelson, AICP, Planning Supervisor  
Eric Shields, AICP, Planning Director

**Date:** November 30, 2005

**Subject:** Clarification of City Boundary along 92<sup>nd</sup> Avenue NE

### **RECOMMENDATION**

It is recommended that City Council adopt the enclosed Resolution, clarifying the location of the city boundary along 92<sup>nd</sup> Avenue NE between NE Juanita Drive and NE 120<sup>th</sup> Street.

### **BACKGROUND DISCUSSION**

Since the city's annexation of South Juanita in 1987, there has been a discrepancy between the way the City of Kirkland and King County have shown the city limits along the portion of 92<sup>nd</sup> Avenue NE between NE Juanita Drive and NE 120<sup>th</sup> Street (see Exhibit A of proposed resolution). The original annexation ordinance was ambiguous in the legal description along the western boundary of the annexation area. Subsequently, the city has identified the boundary as the eastern margin of 92<sup>nd</sup> Avenue NE while King County has identified the boundary as the north-south center of section line for Section 30, Township 26N, Range 5E. The owners of a parcel adjoining this area requested clarification of the boundary because they are interested in acquiring the unopened right-of-way adjacent to their property. The eastern portion of 92<sup>nd</sup> Avenue NE was originally platted and dedicated in 1890 as part of the Waterfront 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 has not been opened or improved.

RCW 35.13.340 allows the boundaries of a city to be adjusted to include whole parcels of land without review by the Boundary Review Board. The city's clarifying Resolution will be sent to King County, where staff will present a similar clarifying Resolution to the County Council for adoption. Once that has been completed, the property owners will be able to file a request with the city that the unopened portion of 92<sup>nd</sup> Avenue NE east of the Section line be vacated pursuant to the Five Year Non-User Statute.

RESOLUTION R-4538

A RESOLUTION OF THE CITY OF KIRKLAND APPROVING AND CLARIFYING CITY BOUNDARIES ALONG UNOPENED 92<sup>ND</sup> AVENUE NE BETWEEN NE JUANITA DRIVE AND NE 120<sup>TH</sup> STREET.

WHEREAS, on November 23, 1987, the City of Kirkland passed Ordinance 3062, enacting its “Lower Juanita Annexation”, which was located generally east of 92<sup>nd</sup> Avenue NE, and extending north of Lake Washington to NE 132<sup>nd</sup> Street; and

WHEREAS, on September 6, 1988, the City of Kirkland passed Ordinance 3121, enacting another annexation, which included the area between the east margin of 91<sup>st</sup> Avenue NE and the east margin of 92<sup>nd</sup> Avenue NE between NE 120<sup>th</sup> Street and NE 124<sup>th</sup> Street; and

WHEREAS, the “Lower Juanita Annexation” was ambiguous in the legal description along the western boundary such that the City of Kirkland identified the boundary as the eastern margin of the 92<sup>nd</sup> Avenue NE right-of-way and King County identified the boundary as the north-south center of section line for Section 30, Township 26N, Range 5E (see Exhibit A); and

WHEREAS, south of NE 120<sup>th</sup> Street, the eastern portion of the 92<sup>nd</sup> Avenue NE right-of-way was dedicated as part of the Water Front Addition to Kirkland on November 8, 1890 and has remained unopened since its dedication and was automatically vacated as a matter of law pursuant to the laws of 1889-90, Chapter 19, Section 32, page 603, amended in Laws of 1909, chapter 90, section 1, page 189, now codified in RCW 36.87.090; and

WHEREAS, an owner of properties abutting the east side of 92<sup>nd</sup> Avenue NE south of NE 120<sup>th</sup> Street has requested that the City of Kirkland recognize the historical road vacation, to adjust its boundary to the north-south center of section line pursuant to RCW 35.13.340, and to support the clearing of title for those parcels still showing encumbrances for the portion of 92<sup>nd</sup> Avenue NE vacated pursuant to the laws of 1889-90, Chapter 19, Section 32, page 603, amended in Laws of 1909, chapter 90, section 1, page 189, now codified in RCW 36.87.090; and

WHEREAS, adjustment of the boundary line will ensure that the City boundary line remains contiguous with the property lines along unopened 92<sup>nd</sup> Avenue NE;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. Pursuant to RCW 35.13.340, the City of Kirkland hereby approves modification of the City boundary line to include the eastern portion of the unopened 92<sup>nd</sup> Avenue NE right-of-way within the boundaries of the City of Kirkland as depicted in Exhibit A. A description of the area in question is attached hereto as Exhibit B and incorporated herein by this reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in full force and effect five days from and after its passage by the City Council and publication, as required by law.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 13<sup>th</sup> day of December, 2005.

SIGNED IN AUTHENTICATION thereof this 13<sup>th</sup> day of December, 2005.

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Mayor

Attest:

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City Clerk

Approved as to Form:

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City Attorney

# Exhibit A: 92nd Avenue NE City Boundary Clarification

NE 120TH ST

91ST PL NE

92ND AVE NE

City Limit as Identified  
by the City of Kirkland

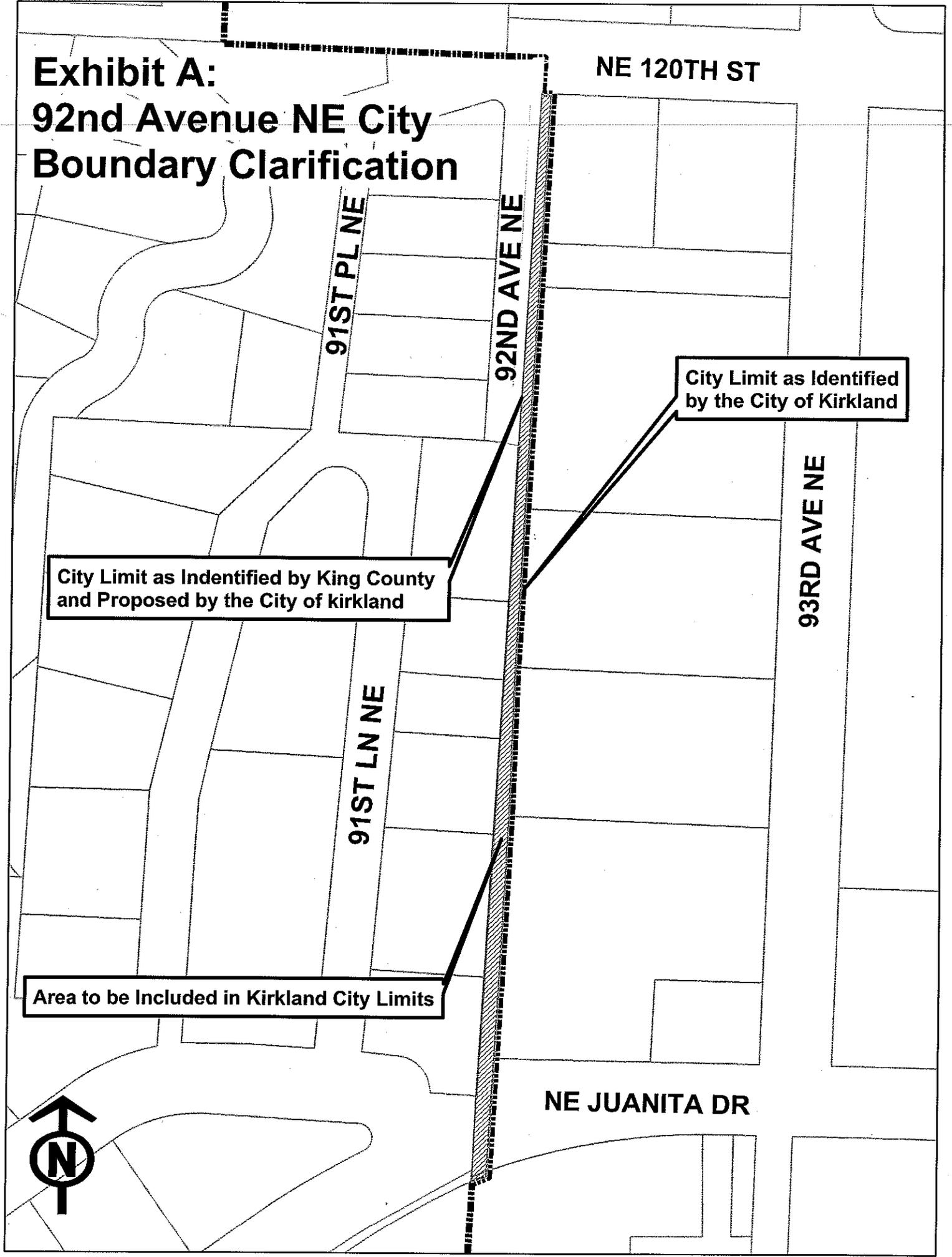
City Limit as Identified by King County  
and Proposed by the City of Kirkland

93RD AVE NE

91ST LN NE

Area to be Included in Kirkland City Limits

NE JUANITA DR



## Exhibit B

### Legal Description for 92<sup>nd</sup> Avenue NE (Rainier Street) City of Kirkland boundary clarification:

Located in the SE quarter of Section 30, Township 26 North, Range 5 East, WM, in King County, Washington.

That portion of 92<sup>nd</sup> Avenue NE (Rainier Avenue) lying east of the west line of said quarter section that is south of the centerline of the NE 120<sup>th</sup> Street right-of-way and north of the southern margin of the NE Juanita Drive right-of-way (and the northern boundary of the Juanita Bay Condominiums).