



CITY OF KIRKLAND

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Elaine Borjeson, Solid Waste Coordinator
Daryl Grigsby, Public Works Director

Date: January 5, 2006

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

RECOMMENDATION:

It is recommended that the City Council adopt the enclosed Resolution, relinquishing interest in the north 8 feet of the unopened alley abutting the south boundary of the property described by the following abbreviated legal description: Ptn Lots 7-9, LAKE AVE ADDN., Vol. 6, Pg 86. (the full legal description is included in the Resolution).

BACKGROUND DISCUSSION:

The unopened alley abutting the property of 649 12th Avenue was originally platted and dedicated in 1891 as the 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.

Roger Paul Quincoses and Lisa James, the 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 believes the approval of the enclosed Resolution is permissible.

Attachments: Resolution
Vicinity Map



**QUINCOSES PROPERTY NON-USER VACATION
649 12TH AVE**

- | | | | |
|-------------------------------------------------------------------------------------|---------------------------|-------------------------------------------------------------------------------------|------------------|
|  | Quinco's Property |  | Building Outline |
|  | Proposed Vacation |  | School |
|  | Granted Non-User Vacation |  | Park |
|  | Pedestrian Easement | | |



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Map Printed October 27, 2005 - Public Works GIS

RESOLUTION R - 4544

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE IN AN UNOPENED ALLEY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNERS ROGER PAUL QUINCOSES AND LISA JAMES.

WHEREAS, the City has received a request to recognize that any rights to the land originally dedicated in 1891 as right-of-way abutting a portion of the 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 property owners Roger Paul Quincoses and Lisa James, 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, in the portion of right-of-way described as follows:

A portion of unopened alley being identified as the north 8 feet of unopened alley abutting the south boundary of the following described property:

That portion of Lots 7, 8 and 9, Block 28, LAKE AVENUE ADDITION TO KIRKLAND, according to the plat thereof recorded in Volume 6 of Plats, page 86, records of King County, Washington; AND that portion of Lots 12, 13, 14 and 15, Block 240, SUPPLEMENTARY PLAT TO KIRKLAND, according to the plat thereof recorded in Volume 8 of Plats, page 5, records of King County, Washington, described as follows:

Commencing at a monument 5 feet east of the center line of 6th Street;
thence north $86^{\circ}46'15''$ east along the center line of 12th Avenue a distance of 541.36 feet;
thence south $3^{\circ}13'45''$ east a distance of 30 feet to a point 3 feet westerly of the northeast corner of Lot 9 and the TRUE POINT OF BEGINNING;
thence south $3^{\circ}13'45''$ east a distance of 60.00 feet;
thence north $86^{\circ}46'15''$ east a distance of 6.00 feet;
thence south $3^{\circ}13'45''$ east a distance of 60.00 feet to a point 3.00 feet easterly of the

southeast corner of Lot 16;
thence north 86°46'15" east a distance of 117.00 feet to the southeast corner of Lot 12;
thence north 3°13'45" west a distance of 28.50 feet to the northeast corner of Lot 12;
thence south 87°34'59" west a distance of 60.00 feet to the northwest corner of Lot 13;
thence north 3°13'45" west a distance of 90.65 feet to the northeast corner of Lot 7;
thence south 86°46'15" west a distance of 63.00 feet to a point 3 feet westerly of the
northeast corner of Lot 9 and the TRUE POINT OF BEGINNING.

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 _____, 2006.

Signed in authentication thereof this ____ day of _____, 2006.

MAYOR

Attest:

City Clerk