



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: June 20, 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 Lot 1, City of Kirkland Lot Line Adjustment Number K429E-SMITH as recorded under Recording Number 7909260755 records of King County, Washington.

BACKGROUND DISCUSSION:

The unopened alley abutting the property of 643 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.

Francis X. and Maria A. P. Fialho, 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



**FIALHO RESIDENCE NON-USER VACATION
643 12TH AVE**

- | | | | |
|---|---------------------------|---|------------------|
|  | Fialho Residence |  | Building Outline |
|  | Proposed Vacation |  | School |
|  | Granted Non-User Vacation |  | Park |
|  | Pedestrian Easement | | |



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Map Printed April 6, 2006 - Public Works GIS

RESOLUTION R-4581

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 FRANCIS X. AND MARIA A. P. FIALHO.

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 Francis X. and Maria A. P. Fialho, 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:

Lot 1, City of Kirkland Lot Line Adjustment Number K429E-SMITH as recorded under Recording Number 7909260755, being a portion of the southwest quarter of the northeast quarter of section 5, Township 25 North, Range 5 East, Willamette Meridian, in King County, Washington, LAKE AVENUE ADDITION TO KIRKLAND, according to the Plat thereof recorded in Volume 6 of Plats, page 86, AND the SUPPLEMENTARY PLAT TO KIRKLAND, according to the plat thereof recorded in Volume 8 of Plats, page 5, records of King County, Washington;
Commencing at a monument 5 feet east of the centerline of 6th Street; thence North 86° 46' 15" east a distance of 484.36 along the centerline of 12th Avenue;
Thence south 3° 13' 45" east a distance of 30' feet to the northwest corner of Lot 10 and the True Point of Beginning;
Thence south 3° 13' 45" east a distance of 120.00 feet to the southwest corner of Lot 17;
Thence north 86° 45' 15" east a distance of 180.00 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 120.00 feet to the northwest corner of Lot 10 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