



**CITY OF KIRKLAND**  
**Department of Public Works**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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**MEMORANDUM**

**To:** David Ramsay, City Manager

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

**Date:** September 21, 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 a portion of unopened alley within the City of Kirkland being identified as that portion of 92<sup>nd</sup> Avenue NE (Rainier Avenue) lying east of the west line of the SE quarter of Section 30, Township 26 North, Range 5 East, WM, in King County, Washington 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) which is adjacent to the following described property: Lot 6 and part of Lot 7, EXCEPT the south 12 and ½ feet, Lot 25 and all of Lot 24, EXCEPT the south 12 and ½ feet, Block 31, WATERFRONT ADDITION TO KIRKLAND, according to the plat thereof recorded in Volume 6 of Plats, page 92, records of King County, Washington, TOGETHER WITH that portion of the adjoining vacated alley which attached by operation of law.

BACKGROUND DISCUSSION:

The unopened alley abutting the property of 11925 93<sup>rd</sup> Avenue NE was originally platted and dedicated in 1890 as 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.

J Bay Properties, LLC, the 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 believes the approval of the enclosed Resolution is permissible.

Attachments: Vicinity Map  
Resolution



**J BAY PROPERTIES, LLC NON-USER VACATION  
11925 93RD AVE NE**

- |   |                           |   |                  |
|---|---------------------------|---|------------------|
|  | J Bay Properties LLC      |  | Building Outline |
|  | Proposed Vacation         |  | School           |
|  | Granted Non-User Vacation |  | Park             |
|  | Pedestrian Easement       |   |                  |



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Map Printed August 24, 2006 - Public Works GIS

RESOLUTION R-4608

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 OWNER J BAY PROPERTIES, LLC.

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 the Waterfront Addition 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 the property owner J Bay Properties, LLC, 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 within the City of Kirkland being identified as that portion of 92<sup>nd</sup> Avenue NE (Rainier Avenue) lying east of the west line of the SE quarter of Section 30, Township 26 North, Range 5 East, WM, in King County, Washington 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) which is adjacent to the following described property:

Lot 6 and the North half of Lot 7, Block 31, WATERFRONT ADDITION TO KIRKLAND, according to the plat thereof recorded in Volume 6 of Plats, page 92, records of King County, Washington

Together with that portion of the vacated alley adjoining or abutting thereon, which upon vacation, attached to said premises by operation of law

Except the South 12 and ½ feet of Lot 7.

Lot 25 and the North half of Lot 24, Block 31, WATERFRONT ADDITION TO KIRKLAND, according to the plat thereof recorded in Volume 6 of Plats, page 92, records of King County, Washington

Together with that portion of the vacated alley adjoining or abutting thereon, which upon vacation, attached to said premises by operation of law

Except the South 12 and 1/2 feet of Lot 24.

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