



Department of Public Works
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www.ci.kirkland.wa.us

To: David Ramsay, City Manager

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

Date: December 21, 2006

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

RECOMMENDATION:

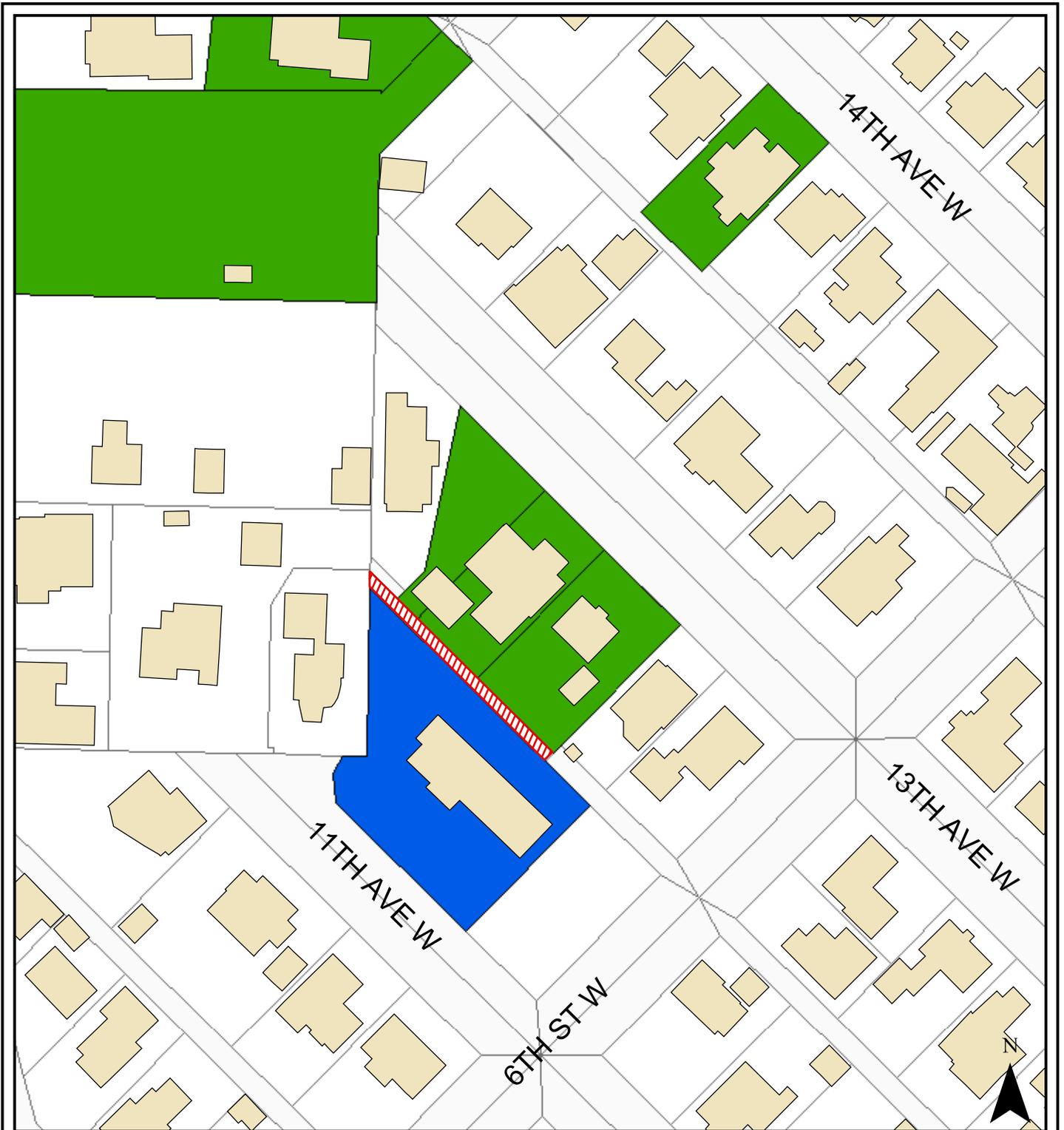
It is recommended that the City Council adopt the enclosed Resolution relinquishing interest, except for a utility easement, in the southwesterly 8 feet of the unopened alley abutting the northeasterly boundary of Lots 23 through 28 of the following described property: Lots 23 through 30, Inclusive, Block 30, Blewett's 1st Addition to Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 82, records of King County, Washington.

BACKGROUND DISCUSSION:

The unopened alley abutting the property of 618 11th Avenue West was originally platted and dedicated in 1890 as the Blewett's 1st 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.

Stephen H. and Ellen O. Lutz, 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: Vicinity Map
Resolution



**LUTZ PROPERTY NON-USER VACATION
618 11TH AVE W**

- | | |
|---|--|
|  Lutz Property |  Building Outline |
|  Proposed Vacation |  School |
|  Granted Non-User Vacation |  Park |
|  Pedestrian Easement | |



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Map Printed November 14, 2006 - Public Works GIS

RESOLUTION R-4622

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE EXCEPT FOR A UTILITIES EASEMENT IN AN UNOPENED ALLEY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNERS STEPHEN H. AND ELLEN O. LUTZ.

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 Blewett's 1st 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 owners Stephen H. and Ellen O. Lutz, 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 the southwesterly 8 feet of unopened alley abutting the northeasterly boundary of Lots 23 through 28 of the following described property: Lots 23 through 30, Inclusive, Block 30, BLEWETT'S 1ST ADDITION TO KIRKLAND, according to the plat thereof recorded in Volume 6 of Plats, page 82, 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 _____, 2007.

Signed in authentication thereof this ____ day of _____, 2007.

MAYOR

Attest:

City Clerk