



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: January 29, 2007

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 northeasterly 8 feet of the unopened alley abutting the southwesterly boundary of the following described property: Lots 9 through 14, Inclusive, Block 30, BLEWETT'S 1ST ADDITION TO KIRKLAND, according to the plat recorded in Volume 6 of Plats, page 82, records of King County, Washington, EXCEPT that portion described as follows: Beginning at the Northeast corner of Lot 9; Thence North 48°53'45" west along the north line of said Lots 9, 10 and 11, which line is the south margin of 13th Avenue West, a distance of 84.63 feet; Thence South 8°53'45" West 119.07 feet; Thence South 41°46'15" West 20 feet; Thence South 48°13'45" East along the north line of the alley in Block 30, 20 feet; Thence North 41°46'15" East 120 feet to the point of beginning; Situate in the City of Kirkland, County of King, State of Washington.

BACKGROUND DISCUSSION:

The unopened alley abutting the property of 625 13th 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.

Ryan Leopold, 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



**LEOPOLD RESIDENCE NON-USER VACATION
625 13TH AVE W**

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



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Map Printed November 27, 2006 - Public Works GIS

RESOLUTION R-4627

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 OWNER RYAN LEOPOLD.

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 owner Ryan Leopold, 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 utilities easement, in the portion of right-of-way described as follows:

A portion of unopened alley being identified the northeasterly 8 feet of unopened alley abutting the southwesterly boundary of the following described property: Lots 9 through 14, Inclusive, Block 30, BLEWETT'S 1ST ADDITION TO KIRKLAND, according to the plat recorded in Volume 6 of Plats, page 82, records of King County, Washington, EXCEPT that portion described as follows: Beginning at the Northeast corner of Lot 9; Thence North 48°53'45" west along the north line of said Lots 9, 10 and 11, which line is the south margin of 13th Avenue West, a distance of 84.63 feet; Thence South 8°53'45" West 119.07 feet; Thence South 41°46'15" West 20 feet; Thence South 48°13'45" East along the north line of the alley in Block 30, 20 feet; Thence North 41°46'15" East 120 feet to the point of beginning; Situate in the City of Kirkland, County of King, State of 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