



Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.ci.kirkland.wa.us

To: David Ramsay, City Manager

From: Rob Jammerman, Development Engineering Manager
Daryl Grigsby, Public Works Director

Date: February 21, 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 in the west 11 feet of the north 8 feet of the unopened alley abutting the south boundary of Lot 5, Block 191, Town of Kirkland, according to the plat thereof recorded in Volume 6 of Plats, pages 53 through 67 inclusive, records of King County, Washington.

BACKGROUND DISCUSSION:

The unopened portion of the alley abutting the property of 127 7th Avenue was originally platted and dedicated in 1890 as the Town of 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.

Chester B. and Susan K. Creger, 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

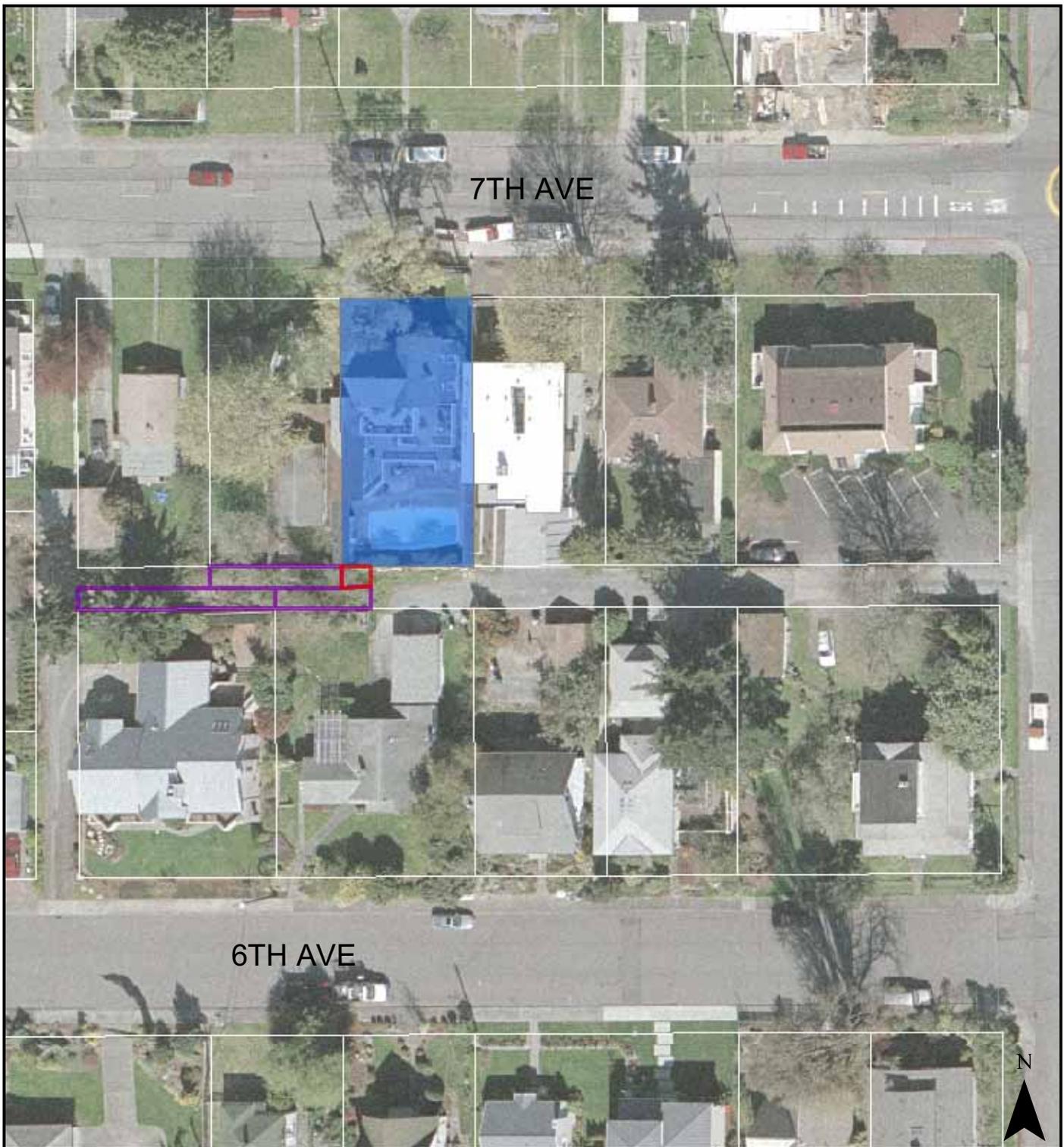


**CREGER RESIDENCE NON-USER VACATION
127 7TH AVE**

- | | | | |
|---|---------------------------|---|---------------------|
|  | Creger Residence |  | Building Outline |
|  | Proposed Vacation |  | School |
|  | Other Pending Vacations |  | Park |
|  | Granted Non-User Vacation |  | Pedestrian Easement |



Produced by the City of Kirkland.
 (c) 2007, the City of Kirkland, all rights reserved.
 No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.
 Map Printed February 16, 2007 - Public Works GIS



**CREGER RESIDENCE NON-USER VACATION
127 7TH AVE**

- | | | | |
|---|---------------------------|---|---------------------|
|  | Creger Residence |  | School |
|  | Proposed Vacation |  | Park |
|  | Other Pending Vacations |  | Pedestrian Easement |
|  | Granted Non-User Vacation | | |



Produced by the City of Kirkland.
 (c) 2007, the City of Kirkland, all rights reserved.
 No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.
 Map Printed February 26, 2007 - Public Works GIS

RESOLUTION R-4633

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 CHESTER B. AND SUSAN K. CREGER.

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 Town of 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 Chester B. and Susan K. Creger, 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 west 11 feet of the north 8 feet of the unopened alley abutting the south boundary of Lot 5, Block 191, TOWN OF KIRKLAND, according to the plat thereof recorded in Volume 6 of Plats, pages 53 through 67 inclusive, 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