CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Eric R. Shields, AICP, Planning Director
Stacy Clauson, Associate Planner

Date: April 5, 2007

Subject: SLATER AVENUE NE RIGHT-OF-WAY VACATION, FILE NO. VAC06-00002

RECOMMENDATION

The Department of Planning and Community Development recommends that the City Council adopt an ordinance to vacate a portion of the Slater Ave NE right-of-way (see Enclosure 1). Under the provisions of KMC 19.16.160, to adopt the ordinance, a motion must be approved by a majority of the entire membership in a roll call vote.

BACKGROUND DISCUSSION

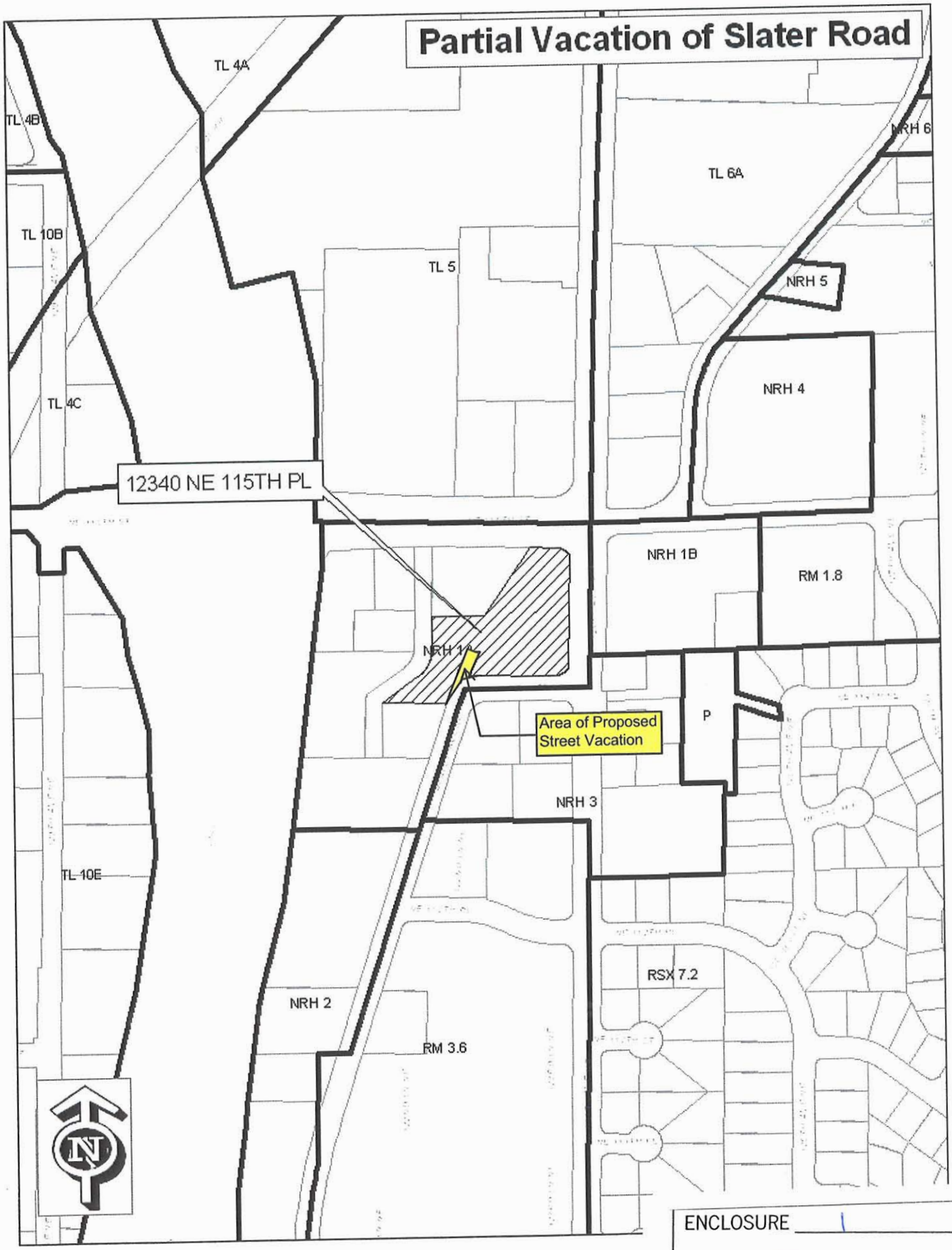
On October 17, 2006 the City Council passed Resolution No. 4610 (see Enclosure 2) setting forth that the City will, by appropriate ordinance, vacate a portion of the 118th Avenue NE right-of-way if, within 90 days of the date of passage of the resolution, the applicant or other person meets the conditions of approval established in the resolution. The timeframe for completion of the conditions was extended for an additional 90-days by City Council with the adoption of Resolution No. R-4616 (see Enclosure 3) on January 2, 2007.

The applicant has now satisfied the conditions of approval, which include: 1) payment of monetary compensation for vacating this portion of the right-of-way, 2) completion of utility easements encompassing the entire vacated right-of-way for utility companies having facilities in the right-of-way (Puget Sound Energy, Comcast, and Verizon), and 3) completion of a public utility easement being a minimum of 8 feet in width and directly behind and following the radius of the street vacation.

ENCLOSURES:

1. Vicinity Map
2. Resolution No. R-4610
3. Resolution No. R-4616

cc: File VAC06-00002



ENCLOSURE 1

VAC06-00002

RESOLUTION R-4610

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY MICHAEL R. MASTRO OF MASTRO PROPERTIES, FILE NUMBER VAC06-00002.

WHEREAS, the City has received an application filed by Micheal R. Mastro to vacate a portion of a right-of-way; and

WHEREAS, by Resolution Number R-4601, the City Council of the City of Kirkland established a date for a public hearing on the proposed vacation; and

WHEREAS, proper notice for the public hearing on the proposed vacation was given and the hearing was held in accordance with the law; and

WHEREAS, it is appropriate for the City to receive compensation for vacating the right-of-way as allowed under state law; and

WHEREAS, no property owner will be denied direct access as a result of this vacation.

WHEREAS, it appears desirable and in the best interest of the City, its residents and property owners abutting thereon that said street to be vacated;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The Findings and Conclusions as set forth in the Recommendation of the Department of Planning and Community Development contained in File Number VAC06-00002 are hereby adopted as though fully set forth herein.

Section 2. Except as stated in Section 3 of this resolution, the City will, by appropriate ordinance, vacate the portion of the right-of-way described in Section 4 of this resolution if within 90 days of the date of passage of this resolution the applicant or other person meets the following conditions:

(a) Pays to the City $89,075 as compensation for vacating this portion of the right-of-way.

ENCLOSURE 2
VAC06-00002

(b) Submit to the City a copy of the following recorded easements:

1. A public utility easement being a minimum of 8 feet in width and directly behind and following the radius of the street vacation.

2. A utility easement encompassing the entire vacated right-of-way unless the applicant prepares individual legal descriptions for each specific easement based on the location and minimum size determined by each utility company.

(c) Within seven (7) calendar days after the final public hearing, the applicant shall remove all public notice signs and return them to the Department of Planning and Community Development.

Section 3. If the portion of the right-of-way described in Section 4 of this resolution is vacated, the City will retain and reserve an easement, together with the right to exercise and grant easements along, over, under and across the vacated right-of-way for the installation, construction, repair and maintenance of public utilities and services.

Section 4. The right-of-way to be vacated is situated in Kirkland, King County, Washington and is described in Exhibit A.

Passed by majority vote of the Kirkland City Council in open meeting on the 17th day of October, 2006.

SIGNED IN AUTHENTICATION THEREOF this 17th day of October, 2006.

Mayor

ATTEST:

City Clerk

EXHIBIT A

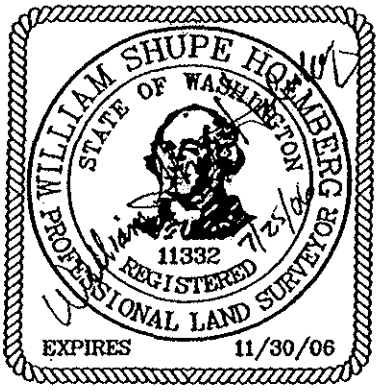
STREET VACATION LEGAL DESRIPTION

That portion of unopened Right-Of Way known as Slater Avenue N.E. within a portion of the Northeast Quarter of the Northwest Quarter of Section 33, Township 26 North, Range 5 East, W.M., described as follows:

Beginning at the North Quarter Corner of said Section 33;
Thence North 88° 36' 29" West along the North line thereof, 384.65 feet;
Thence South 00° 51' 09" west parallel with the North-South centerline of said Section 33, 311.51 feet, more or less, to the South line of the North 311.5 feet of said subdivision and the beginning of a curve to the right having a radius of 78.00 feet;
Thence Southwesterly along said curve 73.67 feet through a central angle of 54° 06' 55";
Thence South 54° 58' 04" West 112.00 feet, more or less to the North line of Lot 1 in Short Plat No. 778140, according to the Short Plat survey recorded under King County Recording No. 7912100778;
Thence South 88° 36' 29" East, along said North line, 159.02 feet to the Westerly margin of Slater Avenue N.E. and the True Point Of Beginning;
Thence North 18° 12' 20" East along said Westerly margin, 2.57 feet, to the beginning of a curve to the right, having a radius of 1175.12 feet;
Thence along said curve and said Westerly margin 135.90 feet through a central angle of 06° 37' 34" to the South line of the North 311.5 feet of said subdivision;
Thence South 88° 36' 29" East along said South line and the South Margin of Vacated Slater Avenue N.E., recorded under King County Ordinance No. 8370, 32.78 feet to the Westerly margin of said Vacated Slater Avenue N.E. and the beginning of non-tangent curve to the left, having a radius of 1145.12 feet and a radial line through said point bearing North 64° 30' 57" West;
Thence along said curve and said Westerly margin 67.08 feet through a central angle of 03° 21' 23" to the North margin of N.E. 115th Place;
Thence South 88° 36° 29" East along said North margin 29.17 feet, to the beginning of a non-tangent curve to the left, having a radius of 100.00 feet and a radial line through said point bearing North 10° 05' 11" West;
Thence along said curve 107.70 feet through a central angle of 61° 42' 29";
Thence South 18° 12' 20" West 1.28 feet to the Northerly margin of Vacated Slater Avenue N.E., recorded under City of Kirkland Ordinance No. 3684A;
Thence North 71° 47' 40" West along said Vacated Slater Avenue N.E. 8.00 feet to the True Point Of Beginning.

Said Vacated Right-Of-Way contains
3,455 square feet, more or less.

Situate in City of Kirkland, King County, Washington



RESOLUTION R - 4616

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND GRANTING A 90-DAY EXTENSION TO THE APPLICANT, MICHAEL R. MASTRO OF MASTRO PROPERTIES, TO SATISFY THE CONDITIONS FOR RIGHT-OF-WAY VACATION SET FORTH IN RESOLUTION NO. 4610, FILE NO. VAC06-00002.

WHEREAS, Kirkland Municipal Code Section 19.16.160(1) requires that the applicant for a right-of-way vacation meet conditions specified in a resolution of intent to vacate within 90 days, unless otherwise specified in the resolution; and

WHEREAS, following public hearing, the City Council passed Resolution No. 4610, expressing its intent to vacate certain right-of-way, in regular meeting on October 17, 2006; and

WHEREAS, Michael R. Mastro has requested an extension of the time to satisfy the conditions set forth in Resolution No. 4610 for a period of 90 days to 180 days;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The conditions specified in Resolution No. 4610 shall be satisfied within 180 days of adoption of Resolution No. 4610.

Section 2. A copy of this Resolution shall be delivered to the applicant of record in the Department of Planning and Community Development File No. VAC06-00002.

Passed by majority vote of the Kirkland City Council in open meeting this 2nd day of January, 2007.

Signed in authentication thereof this 2nd day of January, 2007.

Mayor

ATTEST:

City Clerk

Approved as to Form:

City Attorney

ENCLOSURE 3

VAC06-00002

ORDINANCE 4094

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO VACATING A PORTION OF A RIGHT-OF-WAY BASED ON AN APPLICATION FILED BY Michael R. Mastro, Mastro Properties, FILE NO. VAC06-00002.

WHEREAS, by Resolution R-4610 adopted on October 17, 2006, the City Council of the City of Kirkland established that it would vacate a portion of a right-of-way if certain conditions were met; and

WHEREAS, the conditions specified in Resolution No. 4610 have been satisfied.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. The portions of public right-of-way situated in Kirkland, King County, Washington and described as follows:

A portion of the Slater Avenue right-of-way as described in Exhibit A

be and the same hereby are vacated.

Section 2. This ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

PASSED by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 20___.

SIGNED in authentication thereof this _____ day _____, 20___.

_____
Mayor

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

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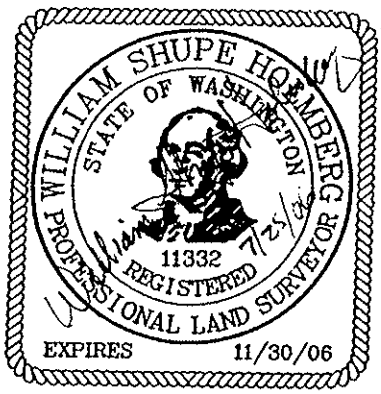
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