



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 Shields, AICP, Planning Director
Ronald Hanson, Project Planner, Consultant
Dawn Nelson, AICP, Planning Supervisor

Date: August 17, 2007

Subject: Pawluskiewicz Right-of-Way Vacation, File No. VAC07-00001

RECOMMENDATION

The Department of Planning and Community Development recommends that the City Council hold a public hearing and adopt a Resolution of Intent to Vacate granting a vacation of a portion of the NE 110th Street right-of-way located at 10521 NE 111th Place, subject to the following condition:

Within ninety days (90) of the passage of the Resolution of Intent to Vacate granting the vacation, the applicant shall pay to the City as compensation for vacating the requested portion of NE 110th Street right-of-way, the full appraised value of the subject site totaling \$58,800.

RULES FOR CITY COUNCIL CONSIDERATION

The City Council shall consider the vacation at a public hearing. Any interested person may participate in the public hearing by submitting written comments to the City Council or by appearing in person, or through a representative, at the hearing and make oral comments directly to the City Council.

After the public hearing, the City Council shall, by motion approved by a majority, do one of the following:

- (a) Adopt an Ordinance granting the vacation; or
- (b) Adopt a motion denying the vacation; or
- (c) Adopt a resolution of intent to vacate stating that the City Council will, by Ordinance, grant the vacation if the applicant meets specified conditions within 90 days, unless otherwise specified in the resolution.

Staff recommends option C above since monetary compensation is recommended.

The City may require that monetary compensation be paid to the City in an amount of up to one-half the appraised value for the vacated property, provided that compensation may be required in an amount of up to full appraised value if either the vacated area has been part of a dedicated public right-of-way for twenty five years or more; or if the subject property were acquired at a public expense. In this case, the NE 110th Street right-of-way was dedicated prior to the recording of the plat of Mattson Subdivision No. 1 in 1959, more than 25 years ago.

BACKGROUND DISCUSSION

Andrzej and Bart Pawluskiewicz submitted a petition to vacate a 1,470 square foot portion of the NE 110th Street right-of-way located adjacent to 10521 NE 111th Place. The vacation must be initiated by owners of more than two-thirds of the property abutting the right-of-way to be vacated. In this case, Andrzej Pawluskiewicz is the only owner that abuts the proposed vacated right-of-way.

On July 3, 2007 the City Council adopted Resolution No. 4652 setting a public hearing date for the proposed vacation on September 4, 2007.

ENCLOSURES

1. Staff Report
2. Resolution of Intent to Approve the Vacation



CITY OF KIRKLAND

Planning and Community Development Department
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ADVISORY REPORT FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

To: Kirkland City Council

From: _____ Eric R. Shields, AICP, Planning Director

_____ Ronald Hanson, Project Planner (Consultant)

_____ Dawn Nelson, AICP, Planning Supervisor

Date: August 16, 2007

File: PAWLUSKIEWICZ RIGHT-OF-WAY VACATION, NE 110TH STREET, (FILE NO. VAC07-00001)

Hearing Date and Place: September 4, 2007
City Hall Council Chamber
123 Fifth Avenue, Kirkland

I. INTRODUCTION

A. APPLICATION

1. Applicant: Andrzej and Bart Pawluskiewicz.
2. Site Location: NE 110th Street right-of-way to the south of 10521 NE 111th Place (See Attachment 1)
3. Request: Vacation of a 1,470 square foot portion of the NE 110th Street right-of-way (See Attachments 2a-c). The applicants are proposing to use the vacated right-of-way for a portion of the site area for a future 2-lot short plat on the property at 10521 NE 111th Place.
4. Review Process: City Council conducts public hearing and makes final decision.
5. Summary of Major Issues and Recommendations: Compliance with right-of-way vacation criteria.

B. RECOMMENDATIONS

Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, we recommend approval of this application subject to the following conditions:

1. Within ninety (90) days of the passage of the Resolution of Intent to Vacation granting the vacation, the applicants shall pay to the City as compensation for vacating the requested portion

of NE 110th Street right-of-way, the full appraised value of the subject site totaling \$58,800 (See Conclusion II.C.3).

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Site Development and Zoning:

a. Facts:

- (1) Size: The portion of the NE 110th Street right-of-way requested to be vacated is 11 feet wide and 133.64 feet long along the site's street frontage (1,470 square feet).
- (2) Land Use: The right-of-way to be vacated is undeveloped.
- (3) Zoning: RS 8.5 (single family residential; 8,500 sq.ft. minimum lot area).
- (4) Development Potential: The existing property at 10521 NE 111th Place is currently 14,684 square feet. With the proposed vacated area of 1,470 square feet, the total site area will be 16,154 square feet. The applicant intends to submit to the City of Kirkland a two-lot short plat of the site if the proposed right-of-way vacation is approved. A total of 17,000 square feet is normally required for a two-lot short plat in the RS 8.5 zone. However, Kirkland Subdivision Code Section 22.28.030 allows a subdivision to still proceed if the property is smaller than required for subdivision by an amount less than or equal to ten percent of the minimum lot size of zoning district (16,150 square feet). In this case, the total site area, including vacated area will be 16,154 square feet, which is approximately 9.5 % less than the normally required 17,000 square feet for a two-lot short plat.
- (5) Terrain: The NE 110th Street right-of-way slopes down from the south property line of the adjacent site to the southern edge of the NE 110th Street right-of-way.
- (6) Vegetation: The portion of the right-of-way proposed for vacation currently contains blackberries and other undergrowth.

b. Conclusions: Size, Land Use, Zoning, Terrain, Vegetation and Development Potential are not constraining factors in the proposed street vacation application.

2. Neighboring Development and Zoning:

a. Facts: The area of the proposed street vacation and adjoining site is surrounded by single-family homes. The site and neighboring properties are zoned RS 8.5.

b. Conclusion: The neighboring development and zoning are not constraining factors in the proposed street vacation application.

B. PUBLIC COMMENT

There was one letter received by the Department of Planning and Community Development prior to the completion of this staff report. The letter is from Bob and Marjorie Cochran who reside at 10434 NE 110th Street. Their concern is that the existing pedestrian trail located within the NE 110th Street

right-of-way remain open. They are also questioning the City's requirements for improving the trail (See Attachment 3).

Staff Response: The existing unimproved pedestrian trail will remain open within the NE 110th street right-of-way between 106th Avenue NE and where the improved paved trail currently ends at the west property line of the subject site. The City of Kirkland Public Works Department will recommend that this portion of the trail be paved as a condition of approval of the proposed future short plat of the subject site.

C. KIRKLAND MUNICIPAL CODE – COMPLIANCE WITH STREET VACATION CRITERIA

1. Street Vacation Criteria

a. Facts:

- (1) Section 19.16.130 of the Kirkland Municipal Code states: "Criteria for granting Street Vacation - The City Council may, in its discretion vacate a street, alley or public easement if it determines the vacation is in the public interest and that:
 - (a) The street, alley, or public easement is not currently necessary for travel or other street purposes, nor likely to be in the future; and
 - (b) No property will be denied all access as a result of the vacation.
- (2) The City Council may consider any other fact or issue it deems relevant when deciding whether to vacate a street, alley or public easement.
- (3) The property located at 10521 NE 111th Place currently has direct access from NE 111th Place. No other lots will be affected by the proposed street vacation.
- (4) NE 110th Street is classified as a Neighborhood Access street. Chapter 110 of the Kirkland Zoning Code requires this type of street to have between 30-50 feet of right-of-way. The existing right-of-way is 60 feet in width. With the approval of the vacation, the remaining 49 foot wide right-of-way will still exceed the standard for this type of street and provide enough width for current and future street improvements.

The city currently has no plans to construct a street within the remaining right-of-way. There is a ravine to the southwest that makes the road extension infeasible. There have been short plats to the west of the subject property that were not required to extend the street improvements along this portion of NE 110th Street due to the ravine. There are no properties in the immediate vicinity that have further development potential that would be affected by the proposed vacation.

- (5) The Public Works Department has recommended approval of the proposed street vacation subject to a 5 foot wide public utility easement being retained along the south edge of the proposed vacation (See Attachment 4, Development Standards).

- b. Conclusion: The proposed street vacation will not deny direct access to any affected properties, and the proposed area to be vacated is not needed to provide enough width for current and future street improvements.

2. Initiation of Vacation Procedure

a. Facts:

- (1) Section 19.16.030 of the Kirkland Municipal Code (Initiation of Proceedings) allows a vacation to be initiated by the City Council or by owners of more than two thirds of the property abutting the part of the street or alley to be vacated. The applicants represent all of the owners with properties abutting the proposed vacation.
 - (2) A petition signed by all the abutting property owners of the proposed street vacation has been submitted (see Attachment 5).
 - b. Conclusion: The requirements of Section 19.16.030 have been met.
3. Street Vacation – Final Decision and Compensation
 - a. Facts:
 - (1) Section 19.16.160 of the Kirkland Municipal Code indicates that following the public hearing, the City Council shall (a) adopt an ordinance granting the vacation; or (b) adopt a motion denying the vacation, or (c) adopt a resolution of intent to vacate stating that the City Council will, by ordinance, grant the vacation if the applicant meets specified conditions within 90 days, unless otherwise specified in the resolution.
 - (2) The City may require the following as conditions:
 - (a) Accept monetary compensation to be paid to the City in an amount of up to one-half the appraised value for the subject property; provided, that compensation may be required in an amount of up to full appraised value of the subject property if either of the following applies to the street vacation:
 - (i) It has been part of a dedicated public right-of-way for twenty five years or more; or
 - (ii) The subject property or portions thereof were acquired at public expense;
 - (b) The grant of a substitute public right-of-way which has value as right-of-way at least equal to the subject property; or
 - (c) Any combination of (a) and (b) above, provided that the total value of the combined conditions shall not total more than the maximum amount of monetary compensation allowed under subsection (2) (a) of this section.
 - (3) The City has acquired an independent appraisal of the subject site from O'Connor Group, LLC (See Attachment 6) based on a fair market land value of \$40.00 per square foot.
 - (4) The value of the area to be vacated is \$58,800 (1,470 square feet times \$40.00 per square foot).
 - (5) The NE 110th Street right-of-way was dedicated prior to the recording of the plat of Mattson Subdivision No. 1 in 1959.
 - (6) Since the right-of-way was dedicated more than 25 years ago, as required above, payment to the City of the full-appraised value of the subject site is required.

b. Conclusion: The applicant should compensate the City \$58,800 (the full appraised value) for vacating this portion of the NE 110th Street right-of-way.

4. Street Vacation – Easements

a. Facts:

(1) KMC Section 19.16.140 allows the City Council to reserve for the City any easement or the right to exercise and grant any easements for public utilities and services, pedestrian trail purposes; and any other type of easement relating to the City's right to control, use and manage rights-of-way.

(2) The applicant contacted the applicable franchise utilities including Puget Sound Energy, Comcast, AT&T Cable, Seattle City Light, and Verizon regarding their need to retain a utility easement over the area to be vacated. None of the above has requested easements.

b. Conclusion: No public utility or services easements are required with the proposed vacation.

D. COMPREHENSIVE PLAN

1. Fact: The subject property is located within the South Juanita Neighborhood. The Land Use Map designates the subject property for low-density residential (See Attachment 7).
2. Conclusion: With vacation of the right-of-way, the use of the property will remain low density single-family.

E. STATE ENVIRONMENTAL POLICY ACT (SEPA)

Facts: Street Vacations are categorically exempt from SEPA pursuant to WAC 197-77-800 (2)(h).

III. APPENDICES

Attachments 1 through 7

1. Vicinity Map
2. Site Maps
3. Public comments
4. Development Standards
5. Petition to Vacate Right-of-Way
6. Land Appraisal
7. South Juanita Neighborhood Land Use Map

IV. PARTIES OF RECORD

Andrzej and Bart Pawluskiewicz, 7425 140th Place NE, Redmond, Wa. 98052
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services

Pawluskiewicz



ATTACHMENT	1
VAC07-00001	

Pawluskiewicz



10521 NE 111th Place

Unopened Right of Way

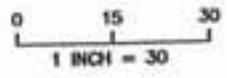


ATTACHMENT 2a

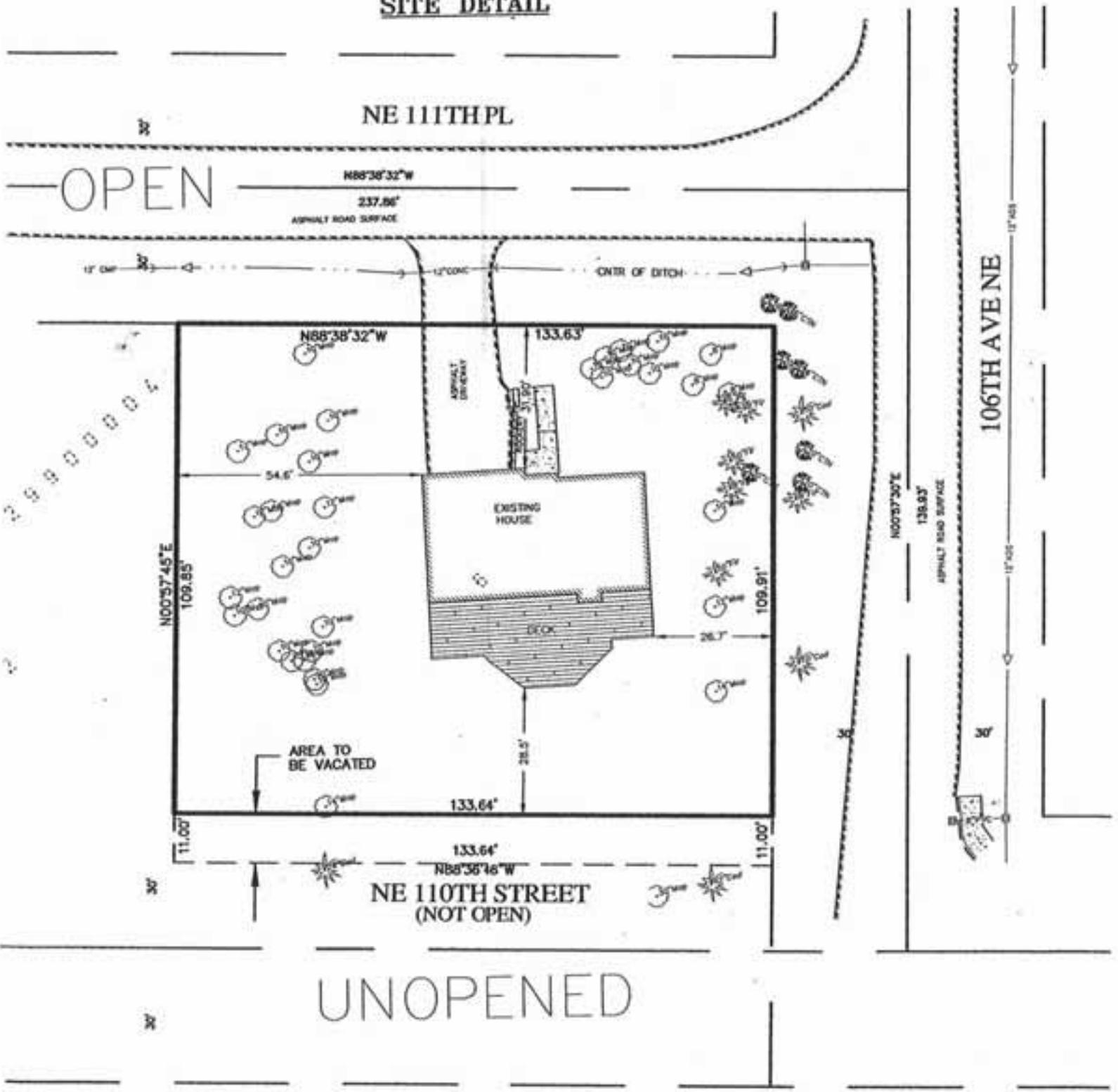
VAC 07-00001



ATTACHMENT 26
VAC07-00001



SITE DETAIL



ATTACHMENT 20
VAC07-00001

RECEIVED

AUG 20 2007

CITY OF KIRKLAND

CITY MANAGER'S OFFICE

Kirkland City Council

Re. VAC07-00001

Aug 18-2007

We would strongly object to losing the walking trail (the N.E. 110th St. right-of-way adjacent to 10521 NE 111th Pl.)

This has been used as a walking trail for many years by many people. In a area where there are so few sidewalks and so few safe places to walk, it made a very enjoyable walk, enabling you to access other areas

a few years ago when Kip Hollander who lived at the other end of this walkway

ATTACHMENT 3

VAC07-00001

wanted to develop his property
the city wanted him to
pave the whole thing from
one end of the block to
the other and put in all
kinds of improvements

They settled for him just
black topping to the end of
his property, about a quarter
of the way up.

If the other several property
owners adjacent to this
right of way request the same
privilege, will it be granted
to them too.

The sign should be in a
less obscure spot, at either
end of the trail where walkers
will see it.

Bob + Marjorie Cochran
no-e-mail 10434 NE 110th St
(425) 828-4384

CITY OF KIRKLAND
123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 (425) 587-3225

Date: 8/22/2007

DEVELOPMENT STANDARDS

CASE NO.: VAC07-00001
PCD FILE NO.: VAC07-00001

PUBLIC WORKS CONDITIONS:

Public Works can support the proposed partial street vacation for the following reasons:

1. Due to existing topography to the west, Public Works does not anticipate the opening of NE 110th Street for vehicular use.
2. The existing pedestrian path within the NE 110th Street right-of-way will not be impacted by the proposed vacation.
3. As a condition of the vacation, a 5 ft public utility easement shall be retained along the south edge of the proposed vacation.

ATTACHMENT 4

VAC07-00001

RECEIVED

PETITION TO VACATE A STREET, ALLEY OR PUBLIC EASEMENT

MAY 03 2007

Name of Person Filing Petition (Agent): ANDRZEJ PAWLUSKIEWICZ ^{PLANNING DEPARTMENT} PM

Address: 7425 140th PI NE, REDMOND, WA 98052

Phone: (425) 885-6994

Name of additional recipient of staff report, meeting agendas and final decision:
BART PAWLUSKIEWICZ

Address: _____

Daytime Phone: (206) 409-6721

Legal Description of Street, Alley, or Public Easement to be Vacated:

SEE EXHIBIT "A"

Tax parcel number: 5212000060

Does the Street, Alley, Public Easement or Part Thereof abut any body of water? No If so, please describe:

Will the vacation result in any parcel of land being denied direct access? NO, THE PRESENT ROW IS UNOPENED

How is the vacation in the public interest? REVENUE FOR THE CITY; PAVED WALKING PATH FOR NEIGHBORHOOD

Size of Street, Alley, Public Easement, or Part Thereof to be vacated (in square feet):
1470 SF

ATTACHMENT 5
VAC07-0001

PETITION TO VACATE A STREET, ALLEY OR PUBLIC EASEMENT

We, the owners of two-thirds of the real property abutting the street, alley, or part thereof, or underlying the public ease-ment, or part thereof, legally described on page 1 of this Petition, petition the City Council of the City of Kirkland to vacate this street, alley, public easement, or part thereof:

NAME ADDRESS LEGAL DESCRIPTION

ANDRZEJ PAWLUSKIEWICZ

(Attach additional sheets if necessary)

NOTE: If any petitioner is purchasing the property under a real estate contract, the signature of the contract seller is also required.



O'CONNOR
CONSULTING
GROUP, LLC

500 UNION STREET
SUITE 650
SEATTLE, WA 98101

August 3, 2007
OCG Ref. No. 07-237

Mr. David Barnes
City of Kirkland Planning and Development
123 5th Ave
Kirkland, WA 98033

RE: Appraisal of an unimproved street of NE 110th Street in Kirkland, WA

Dear Mr. Barnes:

In accordance with your request, we have written an appraisal in a *summary* format and formed an opinion of the Market Value of the Fee Simple interest in the above-referenced property. The subject is an unimproved street and based on the land area survey it represents approximately a total gross land area of 1,470 square feet, or 0.03 acres.

Mr. Andrzej Pawluskiewicz who owns the site located directly to the north intends to purchase this undeveloped land (street).

The accompanying appraisal report identifies the subject property, describes the market for this type of property and presents the specific market data and analyses leading to our estimate of value. The report has been prepared to comply with the Standards of Professional Practice of the Appraisal Institute and the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation. It has also been prepared to comply with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as revised, governing appraisals for federally related transactions.

As a result of the inspection, investigation, and analyses, it is our opinion that the Market Value for the subject, recognizing the Assumptions and Limiting Conditions contained in the following report is:

<u>Value Premise</u>	<u>Effective Date</u>	<u>Market Value</u>
"As Is" Market Value	August 1, 2007	\$59,000

Thank you for the opportunity to work with you on this assignment.

Sincerely,

O'CONNOR CONSULTING GROUP, LLC

Brian R. O'Connor, MAI

Ollie Peterson, Associate

ATTACHMENT <u>6</u>
<u>UN07-0001</u>

SALES COMPARISON APPROACH

Introduction

The Sales Comparison Approach provides an indication of property value in what is perhaps the most direct manner possible: It measures what someone is willing to pay for it. A fundamental premise of the Sales Comparison Approach is that the market will determine the price of the property being appraised in the same manner it determines the price for comparable, competitive properties. Essentially, the Sales Comparison Approach is a systematic procedure for carrying out comparative shopping.

Real Estate Principles

The Sales Comparison Approach reflects primarily the real estate principle of supply and demand. This principle holds, that prices, and hence values, are driven by the relative supply of property in the market place, in relation to the demand for that type of property.

Procedures

The procedures used in the Sales Comparison Approach are to research the surrounding market to obtain sales and listing information on comparable properties. Relevant measures of comparison are then made between the sale comparables and the appraised property. These units of comparison are then adjusted to the appraised property using market-derived adjustment data. The result of this process is typically expressed as a value per unit, and is then used to derive an estimated value for the property.

Section Outline

Comparable Sales Data
Comparable Analysis and Conclusion

Land Sales Comparables Data

Land is customarily valued as though unimproved and available for development for the use which would justify the highest price and the greatest net return. Land sales most similar to the subject were investigated and the most appropriate transactions were analyzed and compared to the subject. A summary of pertinent data from these sales is found below.

The Sales Comparison Approach provides an indication of property value in what is perhaps the most direct manner possible: It measures what someone is willing to pay for it. A fundamental premise of the Sales Comparison Approach is that the market will determine the price of the property being appraised in the same manner it determines the price for comparable, competitive properties. Essentially, the Sales Comparison Approach is a systematic procedure for carrying out comparative shopping.

We have found nine land sale comparables with Fee Simple property rights, zoned for single family residential use and sold within the two years. These comparables are all located in the subject's immediate area of Kirkland. The following table summarizes pertinent data from the comparables with the map showing their location relative to the subject on the following page.

Commercial Land Sales Comparables Summary

No.	Project	Zoning	Sale Date	Sale Price	Finished Lot Adjustment	Demolition Adjustment	Adjusted Sale Price	Time of Sale Adjustment	Net Area S.F.	Price per S.F.
Sub.	Portion of NE 110th St Kirkland, WA								1,470	
1	12045 Ne 70th St Kirkland, Wa.	RS 8.5	11/27/06	\$325,000	\$25,000	\$10,000	\$290,000	5%	10,413	\$29.24
2	9208 124th Ave NE Kirkland, Wa	RSX 7.2	3/15/2006	\$231,750	\$25,000		\$206,750	10%	6,846	\$33.22
3	10911 116th Ave NE Kirkland, WA.	RS 8.5	3/27/06	\$335,000	\$25,000		\$310,000	10%	8,677	\$39.30
4	8017 126th Ave NE Kirkland, WA	RSX 7.2	1/25/06	\$320,000	\$25,000	\$10,000	\$285,000	10%	7,555	\$41.49
5	12005 93rd Ave NE Kirkland, WA.	RSX 7.2	6/28/06	\$280,000	\$25,000	\$10,000	\$245,000	10%	6,719	\$40.11
6	10011 128th Ave NE Kirkland, WA.	RSX 7.2	1/13/06	\$315,000	\$25,000	\$10,000	\$280,000	10%	7,202	\$42.77
7	9423 114th Ave NE Kirkland, WA.	RS 8.5	8/10/06	\$390,000	\$25,000		\$365,000	7%	8,880	\$43.98
8	6127 111th Pl NE Kirkland, WA.	RS 8.5	3/8/06	\$375,000	\$25,000		\$350,000	10%	7,484	\$51.45
9	13611 88th Pl NE Kirkland, WA.	R6	1/19/07	\$388,300	\$25,000	\$10,000	\$353,300	5%	7,412	\$50.05

Land Sales Comparable Map

Land Comparable No. 9
13611 88th Pl NE
Kirkland, WA

Subject Property
Portion of NE 110th St
Kirkland, WA

Land Comparable No. 3
10911 116th Ave NE
Kirkland, WA

Land Comparable No. 6
10011 128th Ave NE
Kirkland, WA

Land Comparable No. 5
12005 93rd Ave NE
Kirkland, WA

Land Comparable No. 2
9208 124th Ave NE
Kirkland, WA

Land Comparable No. 7
9423 114th Ave NE
Kirkland, WA

Land Comparable No. 4
8017 126th Ave NE
Kirkland, WA

Land Comparable No. 8
6127 111th Pl NE
Kirkland, WA

Land Comparable No. 1
12045 NE 70th St
Kirkland, WA

Comparable Analysis and Conclusion:

We have searched the Kirkland area for land sales that will be improved with single family development. We have found 9 such land sales that sold within the last two years and are all located within five miles of the subject. These sales were all confirmed through King County Public Records. Each of these sales is a fully finished lot. The subject is not quite a finished lot. However, utilities, streets and access are all present. Development of the subject parcel, in conjunction with the adjacent single family parcel will require some improvements such as clearing, grading, and utility hook-ups. Therefore we have deducted \$25,000 from each of the comparables sales price. In addition to this, comparables 1,4,5,6, and 9 will require demolition as there are existing old improvements on them. We have deducted \$10,000 from these comparables. Finally we have made a time of sale adjustment to each of the comparables.

Conclusion: The comparables indicate a range of \$29.24 to \$51.45 per square foot, averaging at \$41.20 per square foot. Comparables 3, 5 and 6 are the closest in proximity to the subject. They indicate market values of \$39.30, \$40.11, \$42.77 per square foot. We conclude to market value for the subject of \$40.00 per square foot or \$58,800 rounded to:

Land Value:
\$59,000
\$40.00/S.F.

RESOLUTION R-4666

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY ANDRZEJ PAWLUSKIEWCZ, FILE NUMBER VAC07-00001.

WHEREAS, the City has received an application filed by Andrzej and Bart Pawluskiewicz to vacate a portion of a right-of-way; and

WHEREAS, by Resolution Number 4652, 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 VAC07-00001 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 \$58,800 as compensation for vacating this portion of the right-of-way.

(b) 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 as follows:

A portion of the NE 110th Street Right-of-Way located at 10521 NE 111th Place as described in Exhibit A

Section 5. Certified or conformed copies of this Resolution shall be delivered to the following within five (5) working days of the passage of this resolution:

- (a) Applicant
- (b) Department of Planning and Community Development of the City of Kirkland
- (c) Fire and Building Departments of the City of Kirkland
- (d) Public Works Department of the City of Kirkland
- (e) The City Clerk for the City of Kirkland.

Passed by majority vote of the Kirkland City Council in open meeting on the _____ day of _____, 19____.

SIGNED IN AUTHENTICATION THEREOF on the _____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

EXHIBIT "A"
RIGHT OF WAY VACATION

RECEIVED

MAY 03 2007

PLANNING DEPARTMENT PM

BY ~~TOWNSHIP~~
THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP
26 NORTH, RANGE 5 EAST, W.M., CITY OF KIRKLAND, KING COUNTY,
WASHINGTON, DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6, MATTSON
SUBDIVISION NO. 1 AS RECORDED IN VOLUME 63 OF PLATS, PAGE 53,
RECORDS OF KING COUNTY;
THENCE SOUTH 0°57'30" WEST A DISTANCE OF 11.00 FEET;
THENCE NORTH 88°36'46" WEST A DISTANCE OF 133.64 FEET;
THENCE NORTH 0°57'45" EAST A DISTANCE OF 11.00 TO THE SOUTHWEST
CORNER OF SAID LOT;
THENCE SOUTH 88°36'46" EAST ALONG THE SOUTH LINE OF SAID LOT A
DISTANCE OF 133.64 FEET TO THE POINT OF BEGINNING.

CONTAINING 1470 SF, MORE OR LESS

