



CITY OF KIRKLAND

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsey, City Manager

From: Katy Coleman, Development Engineering Analyst
Daryl Grigsby, Public Works Director

Date: August 22, 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 a portion of unopened alley being identified as the south 8 feet of the unopened alley abutting the north boundary of the following described property: Lots 14, 15, and the west half of Lot 16, Block 9, Lake Avenue Addition to Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 86, records of King County, Washington.

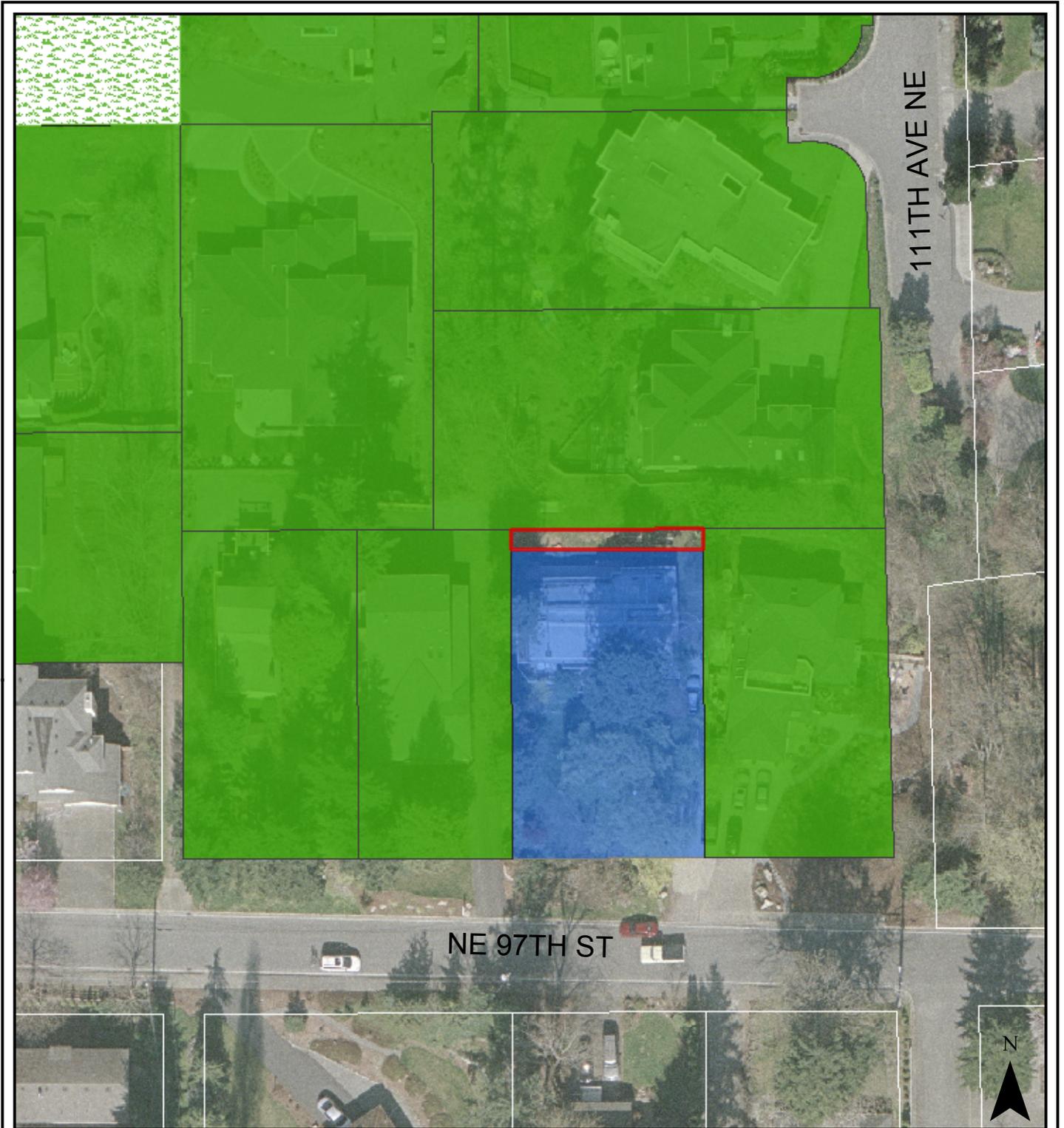
BACKGROUND DISCUSSION:

The unopened portion of the alley abutting the property of 11134 NE 97th Street was originally platted and dedicated in 1890 as Lake Avenue 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.

Luciano Bardinelli, 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

Copy: Rob Jammerman, Development Engineering Manager



**BARDINELLI RESIDENCE NON-USER VACATION
11134 NE 97TH ST**

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



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Map Printed July 27, 2007 - Public Works GIS



**BARDINELLI RESIDENCE NON-USER VACATION
1134 NE 97TH ST**

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



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RESOLUTION R-4663

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNER LUCIANO BARDINELLI

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 Lake Avenue 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 Luciano Bardinelli, 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 south 8 feet of the unopened alley abutting the north boundary of the following described property: Lots 14, 15, and the west half of Lot 16, Block 9, Lake Avenue Addition to Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 86, 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