



**CITY OF KIRKLAND**

**City Manager's Office**

**123 Fifth Avenue, Kirkland, WA 98033 425.587.3001**

**www.ci.kirkland.wa.us**

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**MEMORANDUM**

To: David Ramsay, City Manager

From: Eric R. Shields, AICP, Planning Director  
David Barnes, Planner

Date: October 2, 2007

Subject: Van Buskirk Street Vacation, File No.VAC07-00002

RECOMMENDATION

The Department of Planning and Community Development recommends that City Council adopt an Ordinance to vacate a portion of NE 97<sup>th</sup> PL NE right-of-way lying east of Slater Avenue NE and west of Interstate 405 as filed by John Van Buskirk and Johal Karnail.

BACKGROUND DISCUSSION

John Van Buskirk and Johal Karnail submitted a petition to vacate a 10,211 square foot portion of NE 97<sup>th</sup> PL located adjacent to their property lying east of Slater Avenue NE and west of Interstate 405.

On May 17, 2005, City Council adopted Resolution 4648 that set July 17, 2007 as the hearing date for this application. The hearing was continued to August 7, 2007.

On August 7, 2007 City Council adopted Resolution 4658 expressing an Intent to Vacate.

The resolution stated that the applicant had 90 days or until November 5, 2007 to meet three conditions. All three of the conditions have been met by the applicant.

**ATTACHMENTS:**

1. Vicinity Map and Site Plan
2. Intent to Vacate Resolution
- 3a. Ordinance to Vacate
- 3b. Legal Description



RESOLUTION R-4658

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY John VanBuskirk and Johal Karnail, FILE NUMBER VAC07-00002.

WHEREAS, the City has received an application filed by John VanBuskirk and Johal Karnail to vacate a portion of a right-of-way; and

WHEREAS, by Resolution Number 4648, 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, an Environmental Checklist was filed pursuant to the State Environmental Policies Act and applicable state guidelines and local implementing ordinances, which was reviewed by the Responsible Official of the City of Kirkland who issued a negative declaration of the proposed vacation; and

WHEREAS, this Environmental Checklist and Negative Declaration have been available and accompanied this application through the entire review process; 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 VAC07-00002 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 \$210,000 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.

(c) Within ninety (90) days of the passage of the Resolution of Intent to grant the vacation, the applicants should submit to the City a copy of the recorded easement as requested by Washington State Department of Transportation.

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:

See Attachment 1 for legal description

Section 5. Certified or conformed copies of this Resolution shall be delivered to the following within seven (7) days of the passage to this resolution:

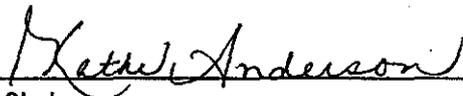
- (a) Applicant;
- (b) Department of Planning and Community Development of the City of Kirkland;
- (c) Fire and Building Departments of the City of Kirkland;
- (d) Public Works Department of the City of Kirkland; and
- (e) The City Clerk for the City of Kirkland.

Passed by majority vote of the Kirkland City Council in open meeting on the 7th day of August, 2007.

SIGNED IN AUTHENTICATION THEREOF this 7th day of August, 2007.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

ORDINANCE NO. 4114

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO VACATING A PORTION OF A RIGHT-OF-WAY BASED ON AN APPLICATION FILED BY JOHN VAN BUSKIRK AND JOHAL KARNAIL, FILE NO. VAC07-00002.

WHEREAS, by Resolution adopted on August 7<sup>th</sup> 2007, 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. 4658 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 NE 97<sup>th</sup> Place Right-of-way as described in Attachment 1,

be and the same hereby are vacated, except that the City shall retain and reserve an easement together with the right to grant easements along, over and under the vacated street for the installation, construction, repair and maintenance of public utilities and services.

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\_\_.

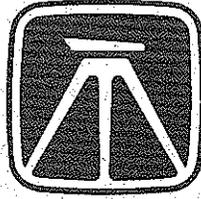
\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney



# JIM HART AND ASSOCIATES

220 6TH STREET, KIRKLAND, WA 98033-6335, 425-822-4171 FAX 425-827-3086

07-25  
5/24/07

## ROAD VACATION NORTH ONE HALF NE 97<sup>TH</sup> PLACE

### LEGAL DESCRIPTION:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 4, BLOCK 45, BURKE AND FARRAR'S KIRKLAND ADDITION, DIVISION NO. 14, AS RECORDED IN VOLUME 20 OF PLATS, PAGE(S) 14, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THENCE SOUTH 17°45'17" WEST 30.00 FEET TO THE CENTERLINE OF NE 97<sup>TH</sup> PLACE (MORETON AVENUE);

THENCE NORTH 72°14'43" WEST ALONG SAID CENTERLINE 109.07 FEET;

THENCE NORTH 41°01'43" WEST ALONG SAID CENTERLINE 61.14 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY OF I-405 WHOSE RADIAL CENTER BEARS NORTH 77°16'24" WEST 23,043.22 FEET;

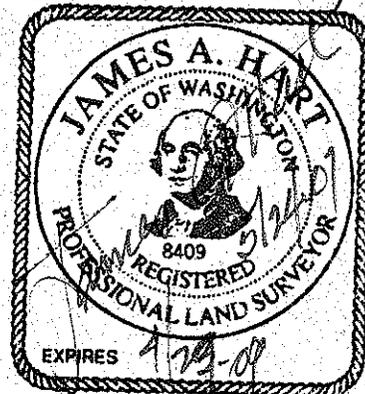
THENCE ALONG A CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 00°05'32" AN ARC DISTANCE OF 37.06 FEET ALONG SAID RIGHT OF WAY TO THE NORTHERLY MARGIN OF NE 97<sup>TH</sup> PLACE (MORETON AVENUE) AND THE SOUTHWESTERLY LINE OF LOT 4, BLOCK 45, OF SAID PLAT;

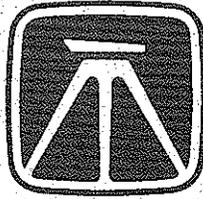
THENCE SOUTH 41°01'43" EAST ALONG THE NORTHERLY MARGIN OF NE 97<sup>TH</sup> PLACE 74.52 FEET;

THENCE SOUTH 72°14'43" EAST ALONG THE NORTHERLY MARGIN OF NE 97<sup>TH</sup> PLACE 100.69 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 5,178 SQUARE FEET, MORE OR LESS.

SITUATE IN THE CITY OF KIRKLAND, KING COUNTY, WASHINGTON.





# JIM HART AND ASSOCIATES

220 6TH STREET, KIRKLAND, WA 98033-6335, 425-822-4171 FAX 425-827-3085

07-25  
5/21/07

## ROAD VACATION SOUTH ONE HALF NE 97<sup>TH</sup> PLACE

### LEGAL DESCRIPTION:

BEGINNING AT THE NORTHEAST CORNER OF LOT 9, BLOCK 47, BURKE AND FARRAR'S KIRKLAND ADDITION, DIVISION NO. 14, AS RECORDED IN VOLUME 20 OF PLATS, PAGE(S) 14, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THENCE NORTH 17°45'17" EAST 30.00 FEET TO THE CENTERLINE OF NE 97<sup>TH</sup> PLACE (MORETON AVENUE);

THENCE NORTH 72°14'43" WEST ALONG SAID CENTERLINE 109.07 FEET;

THENCE NORTH 41°01'43" WEST ALONG SAID CENTERLINE 61.14 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY OF I-405 WHOSE RADIAL CENTER BEARS NORTH 77°16'24" WEST 23,043.22 FEET;

THENCE ALONG A CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 00°05'31" AN ARC DISTANCE OF 37.02 FEET ALONG SAID RIGHT OF WAY TO THE SOUTHERLY MARGIN OF NE 97<sup>TH</sup> PLACE (MORETON AVENUE) AND THE NORTHEASTERLY LINE OF LOT 9, BLOCK 47, OF SAID PLAT;

THENCE SOUTH 41°01'43" EAST ALONG THE SOUTHERLY MARGIN OF NE 97<sup>TH</sup> PLACE 47.84 FEET;

THENCE SOUTH 72°14'43" EAST ALONG THE SOUTHERLY MARGIN OF NE 97<sup>TH</sup> PLACE 117.45 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 5,033 SQUARE FEET, MORE OR LESS.

SITUATE IN THE CITY OF KIRKLAND, KING COUNTY, WASHINGTON.

