



**CITY OF KIRKLAND**

Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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**MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Eric Shields, AICP, Planning Director  
Ronald Hanson, Project Planner, Consultant  
Dawn Nelson, AICP, Planning Supervisor

**Date:** February 5, 2008

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

**RECOMMENDATION**

Staff recommends that the City Council adopt the enclosed Ordinance to vacate a portion of the NE 110<sup>th</sup> Street right-of-way located adjacent to 10521 NE 111<sup>th</sup> Place.

**BACKGROUND DISCUSSION**

Andrzej and Bart Pawluskiewicz submitted a petition to vacate a 1,470 square foot portion of the NE 110<sup>th</sup> Street right-of-way located adjacent to 10521 NE 111<sup>th</sup> Place (See Attachments 1 and 2). On July 3, 2007 the City Council adopted Resolution No. 4652 setting a public hearing date for the proposed vacation. On September 4, 2007 the City Council adopted Resolution No. 4666 expressing intent to vacate the right-of-way (See Attachment 3).

The resolution stated that the applicant had until December 3, 2007 to meet the following condition:

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

The applicant met the above condition within the required 90 days.

**ATTACHMENTS**

1. Vicinity Map
2. Site Plan
3. Resolution 4666 - Intent to Vacate

# Pawluskiewicz

NE 112TH ST

105TH AVE NE

106TH AVE NE

108TH PL NE

NE 111TH PL

10521 NE 111th Place

NE 110TH ST

PORTION OF  
NE 110TH STREET  
TO BE VACATED

NE 109TH ST

NE 100TH ST

100TH CT NE

108TH AVE NE

102TH PL NE

NE 108TH ST



ATTACHMENT 1  
VAC07-00001



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.

ATTACHMENT <u>3</u>
<u>VAC07-00001</u>

(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:

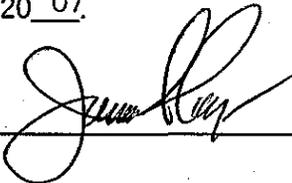
A portion of the NE 110<sup>th</sup> Street Right-of-Way located at 10521 NE 111<sup>th</sup> Place as described in Exhibit A

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 4th day of September, ~~19~~ 2007

SIGNED IN AUTHENTICATION THEREOF on the 4th day of September, 2007.

  
 \_\_\_\_\_  
 Mayor

ATTEST:

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

EXHIBIT "A"  
RIGHT OF WAY VACATION

RECEIVED

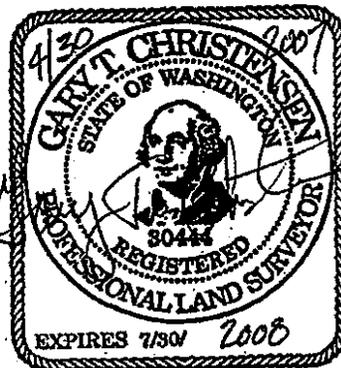
MAY 03 2007

PLANNING DEPARTMENT PM

BY ~~PLANNING DEPARTMENT~~  
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



ORDINANCE NO. 4133

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO VACATING A PORTION OF A RIGHT-OF-WAY BASED ON AN APPLICATION FILED BY ANDRZEJ PAWLUSKIEWCZ, FILE NO. VAC07-00001.

WHEREAS, by R-4666 adopted on September 4, 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. R-4666 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 110<sup>th</sup> Street 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

EXHIBIT "A"  
RIGHT OF WAY VACATION

RECEIVED  
MAY 03 2007

BY PLANNING DEPARTMENT PM

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