CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

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

Date: March 17, 2008

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 north 8 feet of the unopened alley abutting the south boundary of the following described property: Lots 1 and 2, except the east 22 feet of said Lot 2, Block 140, Burke and Farrar's Kirkland Addition to the City of Seattle, Division No. 27, according to the plat thereof recorded in Volume 21 of Plats, page 90, records of King County, Washington.

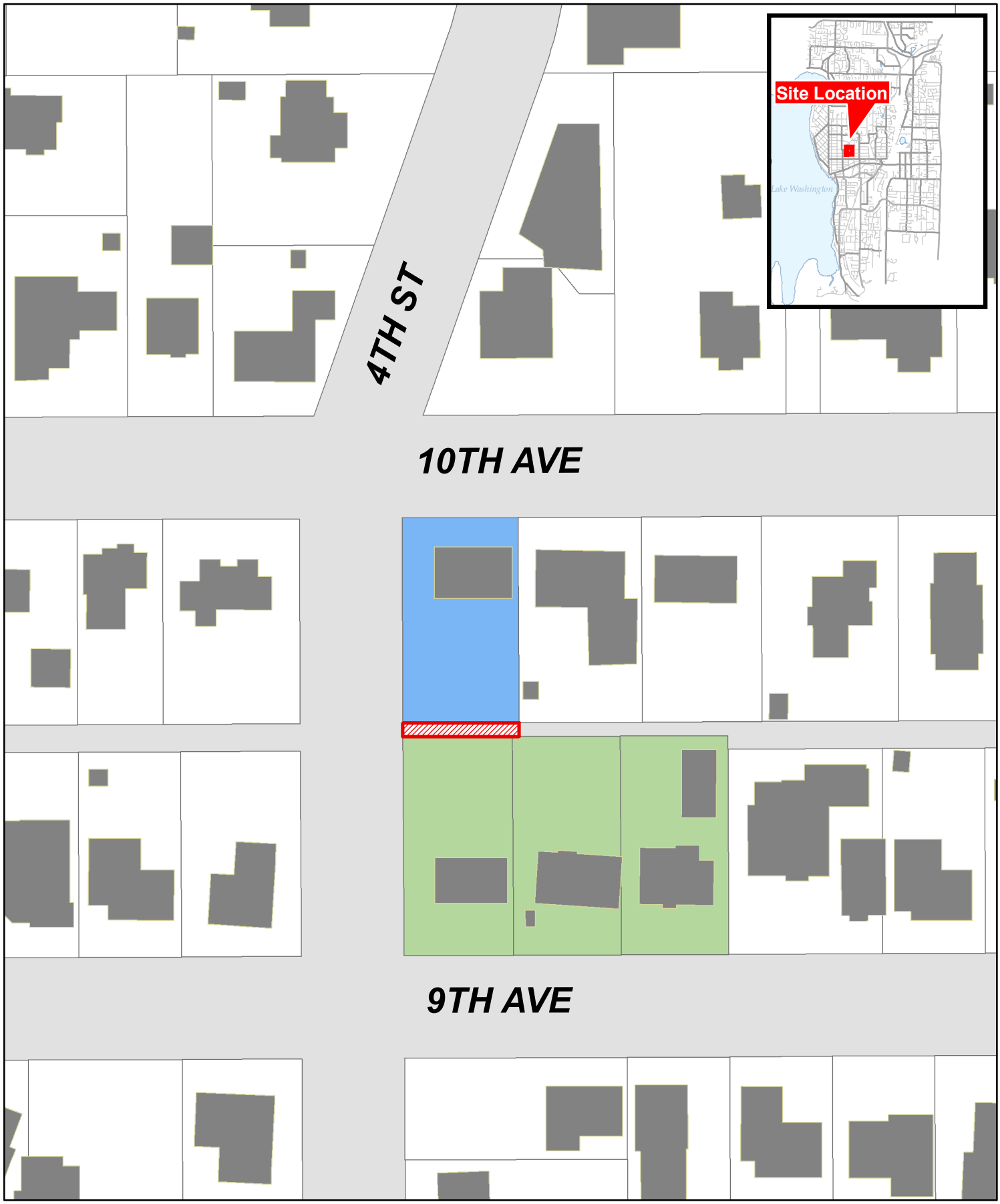
BACKGROUND DISCUSSION:

The unopened portion of the alley abutting the property of 403 10th Avenue was originally platted and dedicated in 1890 as Town of 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.

Shirl Hollingsworth, 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 Maps
Resolution

Copy: Rob Jammerman, Development Engineering Manager



Hollingsworth Residence Non-User Vacation
403 10th Ave

Hollingsworth Residence
Granted Non-User Vacations
Proposed Vacation
Pedestrian Easement
Building Outline

CITY OF KIRKLAND WASHINGTON

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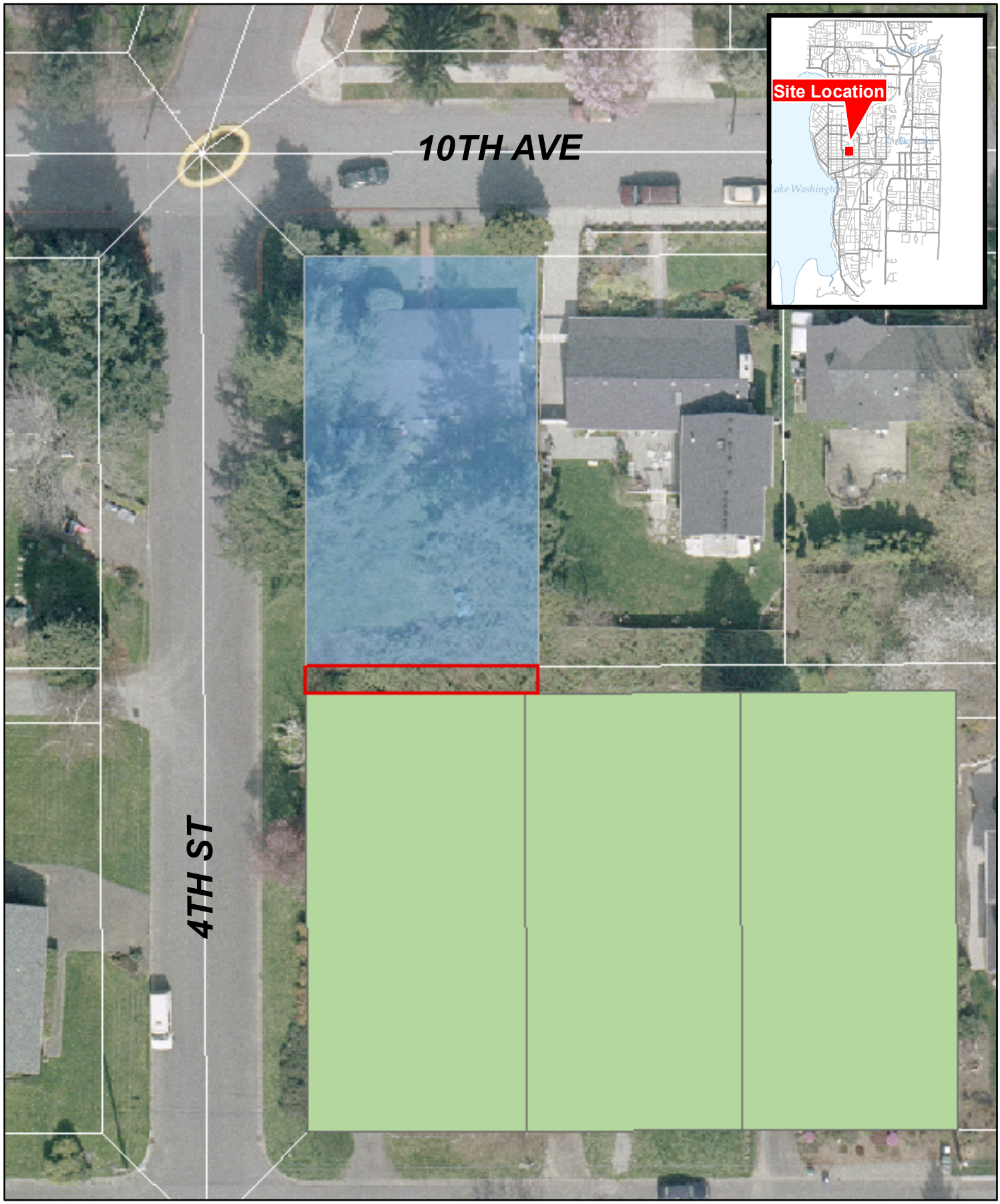

Hollingsworth Residence Non-User Vacation
403 10th Ave

Hollingsworth Residence

Granted Non-User Vacations

Proposed Vacation

Pedestrian Easement

CITY OF KIRKLAND WASHINGTON

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RESOLUTION R-4694

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 SHIRL HOLLINGSWORTH

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 Town of 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 Shirl Hollingsworth, 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 north 8 feet of the unopened alley abutting the south boundary of the following described property: Lots 1 and 2, except the east 22 feet of said Lot 2, Block 140, Burke and Farrar's Kirkland Addition to the City of Seattle, Division No. 27, according to the plat thereof recorded in Volume 21 of Plats, page 90, 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 _____, 2008

Signed in authentication thereof this _____ day of _____, 2008.

_____
MAYOR

Attest:

_____
City Clerk