

RESOLUTION R-5093

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 OWNERS MATTHEW AND ELIZABETH HEINZ

1           WHEREAS, the City has received a request to recognize that any rights to  
2 the land originally dedicated in 1890 as right-of-way abutting a portion of  
3 Waterfront Addition to Kirkland has been vacated by operation of law; and  
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5           WHEREAS, the Laws of 1889, Chapter 19, Section 32, provide that any  
6 county road which remains unopened for five years after authority is granted for  
7 opening the same is vacated by operation of law at that time; and  
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9           WHEREAS, the area which is the subject of this request was annexed to the  
10 City of Kirkland, with the relevant right-of-way having been unopened; and  
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12           WHEREAS, in this context it is in the public interest to resolve this matter by  
13 agreement,  
14

15           NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
16 Kirkland as follows:  
17

18           Section 1. As requested by the property owners Matthew C. and Elizabeth M.  
19 Heinz, the City Council of the City of Kirkland hereby recognizes that the following  
20 described right-of-way has been vacated by operation of law and relinquishes all  
21 interest it may have, if any, in the portion of right-of-way described as follows:  
22

23           A portion of unopened right-of-way being identified as the east half of the  
24 unopened 92<sup>nd</sup> Avenue NE ("Rainier Street") abutting the west boundary of the  
25 property described in Exhibit "A".

26           Section 2. This resolution does not affect any third party rights in the  
27 property, if any.  
28

29  
30           Passed by majority vote of the Kirkland City Council in open meeting this 6th  
31 day of January, 2015  
32

33           Signed in authentication thereof this 6th day of January, 2015.

  
MAYOR

Attest:

  
City Clerk

Order No.: 00618671

**EXHIBIT "A"**

PARCEL A;

LOTS 5 THROUGH 10, INCLUSIVE, AND LOTS 21 THROUGH 26, INCLUSIVE,  
EXCEPT THE NORTH 20 FEET OF SAID LOTS 5 AND 26, ALL IN BLOCK 16, WATERFRONT ADDITION  
TO KIRKLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 6 OF PLATS, PAGE 92,  
RECORDS OF KING COUNTY, WASHINGTON;  
EXCEPT THE EAST 85 FEET THEREOF;

TOGETHER WITH THE EAST HALF OF VACATED 92ND AVENUE NORTHEAST ADJOINING ON THE  
WEST, AND  
TOGETHER WITH VACATED ALLEY ADJOINING AND LYING BETWEEN SAID LOTS 5 TO 10, AND 21  
THROUGH 26, INCLUSIVE;  
EXCEPT THE NORTH 20 FEET OF SAID LOTS 5 AND 26; AND  
EXCEPT THAT PORTION THEREOF LYING WITHIN THE SCOTVOLD PROPERTY AS AWARDED IN KING  
COUNTY SUPERIOR COURT CAUSE NO 91-2-20478-1 AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ¼ CORNER OF SECTION 30, TOWNSHIP 26 NORTH, RANGE 5 EAST,  
W.M , IN KING COUNTY, WASHINGTON;  
THENCE NORTH 87°43'44" WEST ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 30, A  
DISTANCE OF  
2,473.75 FEET TO THE CENTERLINE INTERSECTION WITH 93RD AVENUE NORTHEAST, AS  
ESTABLISHED BY MONUMENTATION AT THE CENTERLINE INTERSECTION AT NORTHEAST 123RD  
COURT AND AT NORTHEAST 120TH COURT;  
THENCE SOUTH 01°47'17" WEST ALONG SAID MONUMENTED CENTERLINE OF 93RD AVENUE  
NORTHEAST A DISTANCE OF 361.20 FEET TO SAID EXISTING MONUMENT AT THE CENTERLINE  
INTERSECTION WITH NORTHEAST 123RD COURT;  
THENCE CONTINUING SOUTH 01°47'17" WEST ALONG SAID MONUMENTED CENTER A DISTANCE  
OF 237.09 FEET;  
THENCE NORTH 88°07'28" WEST A DISTANCE OF 30.00 FEET TO THE WESTERLY MARGIN OF 93RD  
AVENUE  
NORTHEAST AS ESTABLISHED BY AFOREMENTIONED MONUMENTATION AND THE TRUE POINT OF  
BEGINNING OF THIS DESCRIPTION,  
THENCE SOUTH 01°47'17" WEST ALONG SAID WESTERLY MARGIN OF 93RD AVENUE NORTHEAST  
A DISTANCE OF 130.01 FEET;  
THENCE NORTH 88°05'54" WEST A DISTANCE OF 85.00 FEET,  
THENCE NORTH 01°47'17" EAST A DISTANCE OF 130.00 FEET,  
THENCE SOUTH 88°07'28" EAST A DISTANCE OF 85.00 FEET TO THE WESTERLY MARGIN OF 93<sup>RD</sup>  
AVENUE  
NORTHEAST AND THE TRUE POINT OF BEGINNING, IN KING COUNTY, WASHINGTON;

PARCEL B:

TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER THE SOUTH 5 FEET  
OF THE EAST 85 FEET OF LOT 5 AND THE EAST 85 FEET OF THE NORTH 15 FEET OF LOT 6 OF  
SAID ADDITION;

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