

Ordinance No. 2229

AN ORDINANCE OF THE CITY OF KIRKLAND VACATING CERTAIN PORTIONS OF 118th AVENUE N.E., N.E. 69TH STREET, AND 119TH AVENUE N.E., AS SPECIFICALLY DESCRIBED HEREIN, ALL SITUATED WITHIN CORMODE AND ADSIT'S FIRST ADDITION TO KIRKLAND ACCORDING TO PLAT THEREOF, RECORDED IN VOLUME 6 OF PLATS, PAGE 44, RECORDS OF KING COUNTY, WASHINGTON.

WHEREAS, petition has been filed valid in form with the City of Kirkland requesting the vacation of portions of certain streets as hereinafter more specifically described, all in connection with a proposed plat to be known as Bridle Tree No. 3, and

WHEREAS, by Resolution No. 2192 adopted by the City Council of Kirkland on June 28, 1973, a date was set for public hearing upon the proposed street vacations, and

WHEREAS, due and proper notice of said hearing was given in accordance with law, and

WHEREAS, following said public hearing held July 16, 1973, a vote of the Council was taken favoring said street vacations, provided that the applicant pay to the City 50% of the fair market value of those portions of streets to be vacated as described in Section 1(1) and Section 1(3) hereinafter set forth. and

WHEREAS, it appears desirable and to the best interests of the City, its residents and property owners abutting thereon that said streets be vacated, with such vacation to become effective only upon the filing in the manner required by law of the proposed plat known as Bridle Tree No. 3 with the inclusion of the easement road within said proposed plat as submitted to the appropriate officials of the City of Kirkland,

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. The following specifically described portions of streets located within Cormode and Adsit's First Addition to Kirkland according to Plat thereof, recorded in Volume 6 of Plats, Page 44, records of King County, shall and hereby are declared to be vacated upon the filing with the King County Department of Elections and Records of that certain proposed plat given preliminary approval by the Kirkland City Council in regular meeting on July 16, 1973, and known as Bridle Tree No. 3 (which proposed plat includes the area within which the hereinafter described streets are situate);

- (1) The east 1/2 of 118th Ave. N.E. lying between the southerly margin of N.E. 70th Street and the center-line of N.E. 69th Street.

- (2) The north 1/2 of N.E. 69th Street lying between the easterly margin of 118th Ave. N.E. and the westerly margin of 119th Ave. N.E.
- (3) That portion of the west 1/2 of 119th Ave. N.E. bounded by the southerly margin of N.E. 70th Street on the north, the centerline of N.E. 69th Street on the south and on the east by a line lying 50.00 feet westerly of and parallel to the easterly margin of 119th Ave. N.E. in the plat of Bridle Tree No. 2 as recorded in Volume 95 on pages 22 and 23 records of King County, Washington.

Section 2. To the extent that the subject matter and provisions of this ordinance are within the disapproval jurisdiction of the Houghton Community Council as created by Ordinance No. 2001, this ordinance shall become effective, either upon approval of the Houghton Community Council, or failure of said community council to disapprove within 60 days from the date of passage of this ordinance.

Section 3. Except as provided in Section 1 and 2, this ordinance shall be in full force and effect five days from and after its passage by the council and publication as required by law.

PASSED by the Kirkland City Council in regular meeting on the 16th day of July, 1973.

SIGNED in authentication thereof on the 16th day of July, 1973.

William C. Woods  
Mayor

Attest:  
[Signature]  
Director of Administration and Finance  
(ex officio City Clerk)

Approved as to form:  
[Signature]  
City Attorney

SUPPLEMENTARY ADMINISTRATIVE REPORT  
STREET VACATION APPLICATION BY WICK HOMES

ORD. NO.: 2229

REPORT PREPARED: June 7, 1973 FILE NO.: SUB-13-2-121  
 NAME: Wick Homes, Inc. HEARING BODY: Planning Commission  
 PROPERTY LOCATION: Northwest of 118th Ave. N.E. & N.E. HEARING DATE: June 14, 1973  
 69th Street  
 SUBJECT: STREET VACATION APPLICATION (BRIDLE TREE #3)

BACKGROUND ANALYSIS:

The above street vacation application is being considered in conjunction with a preliminary subdivision application of Bridle Tree No. 3. This report only deals with the Street Vacation Application and includes the Houghton Community Council recommendations.

FINDINGS:

1. The south side of N.E. 69th St. adjacent to that portion of N.E. 118th St. that is now being requested for vacation, has already been vacated to Bridle Tree No. 2.
2. 118th Ave. N.E. contains a full 60 foot right-of-way.
3. Both existing rights-of-way are unimproved.
4. At the meeting of May 8, 1973, several property owners in the vicinity stated they objected to 118th Ave. N.E. going through and connecting to N.E. 70th St. due to the increased traffic that would result and further due to the blind corner in that area.
5. The property owner to the west and adjacent to 118th Ave. N.E. is not a co-applicant for the street vacation, however, he is on file as being in favor of the vacation of the easterly 30 feet of 118th Ave. N.E. subject to two conditions as follows:
  - a. That he be allowed to continue using his existing driveway which now goes across the eastern portion of the 118th Ave. right-of-way or that Wick Homes push that graveled driveway over to the western portion of 118th Ave. N.E. and improve that to a similar state.

- b. That a settling basin had developed near Lot 4 in Bridle Tree No. 2 which causes drainage and erosion problems on his property and that storm drainage be installed from that point to the existing storm drainage system on N.E. 70th St.
6. At the time of the writing of this report, a Street Vacation Application has not been received by the City, however, the developer has indicated it will be submitted prior to the date of the hearing.
7. At the date of the writing of this report, the applicant has not submitted an appraisal estimating the fair market value of this property. This would also be submitted with the vacation application mentioned above in Item No. 6.
8. The alternate access in lieu of 118th Ave. N.E. to serve the property to the west has been shown on the proposed preliminary subdivision map. The owner of that property has agreed that this would be the most desirable access to his property.

CONCLUSIONS:

The following conclusions relate directly to the above-numbered Findings:

1. The fact that the southern 30' of N.E. 69th St. has been vacated adjacent to that portion which is now being requested for vacation has set a precedent for this entire right-of-way to be vacated.
2. Only the easterly 30' of the right-of-way of 118th Ave. N.E. is being requested for vacation at this time. The property owner to the west is not requesting the vacation of the westerly 30' at this time, however, he may do so at a later date.
3. There have been no costs involved to the public in the improvement of either of the rights-of-way for which vacation applications are being applied for.
4. The majority of area residents present at the last public hearing before the Community Council indicated they were against 118th Ave. N.E. going through and connecting to N.E. 70th St., indicating that this is not a controversial matter.
5. The owner to the west is not a co-applicant, however, he has indicated that he is in favor of the City granting the Street Vacation Application to the applicant for the east 30' of 118th Ave. N.E. subject to certain conditions as indicated in Item No. 5 under Findings in this report.
6. A recommendation can be made by the Community Council on whether or not the applied for street should be vacated without a street vacation application in possession of the City.

7. The Community Council could also make a recommendation on the Street Vacation request applied for without a professional appraisal being submitted and in possession of the City.
8. The fact that an alternate access route has been developed for Lots 3 and 6 to the west would indicate that 118th Ave. N.E. could be vacated.

RECOMMENDATIONS:

We hereby adopt the Findings and Conclusions in this report and recommend approval of the Street Vacations as applied for subject to the following conditions:

1. That the gravel driveway now located in the eastern right-of-way of 118th Ave. N.E. which is being used as a driveway by Mr. Stafford, the property owner to the west, is to be moved by the developer to the western portion of the 118th Ave. right-of-way and improved to a standard similar to the existing driveway.
2. That drainage from the existing settling pond near Lot 4 in Bridle Tree #2 be connected by a storm drainage system to the existing storm drainage system on N.E. 70th Street.
3. That a 5 foot drainage and utility easement be granted to the City of Kirkland along the westerly 5 feet of the property, that is, the 5 feet eastward from the centerline of 118th Ave. N.E.
4. That the City Council consider this application as a trade rather than as a vacation since the developer has made many improvements in Bridle Tree #2, including the connecting road to 116th Ave. N.E. providing dual access to that area.

  
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Chairman  
Kirkland Planning Commission

  
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Associate Planner  
Department of Community Development

KS:bk