

RECORDED THIS DAY 85
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BY THE DIVISION OF
RECORDS & ELECTIONS
KING COUNTY

ORDINANCE NO. 2801

AN ORDINANCE OF THE CITY OF KIRKLAND VACATING A PORTION OF THE SOUTH HALF OF FIFTH AVENUE (NORTHEAST 85TH STREET) LYING WITHIN PLANNED AREA 5 AND EXTENDING ALONG THE NORTH LINE OF LOTS 2 THROUGH 6 OF MARSHALL'S ADDITION ACCORDING TO PLAT THEREOF, RECORDS OF KING COUNTY.

Whereas, the City of Kirkland has, in conjunction with the public improvements to be constructed through Local Improvement District 121, initiated a street vacation procedure pursuant to RCW Chapter 35.79 and Chapter 19.16 of the Kirkland Municipal Code, to vacate a portion of the south half of the public right-of-way known as Fifth Avenue (Northeast 85th Street) within Planned Area 5 within the City of Kirkland; and

Whereas, by Resolution R-3052, the City Council of the City of Kirkland established a date for a public hearing on the proposed street vacation; and

Whereas, proper notice of the public hearing on the proposed vacation was given and the hearing was held in accordance with law; and

Whereas, an environmental checklist and negative declaration have been available and accompanied this matter through the entire review process; and

Whereas, following said public hearing the Kirkland City Council, by Resolution R-3059 as amended, determined:

1. It is appropriate for the City to vacate public street right-of-way in exchange for the acquisition of alternative or replacement street right-of-way; and
2. No property owner will be denied direct access as a result of this street vacation and realignment of public street, pursuant to the public improvements to be constructed through Local Improvement District 121; and
3. It is desirable and in the best interest of the City, its residents, the general public and the property owners abutting upon the portion of public right-of-way to be vacated that said right-of-way be vacated;

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4. That the City will, by appropriate ordinance, vacate the portion of right-of-way, extending along the north line of Lots 2 through 6 inclusive of Marshall's Addition according to plat thereof, records of King County as specifically described in Section 4 of Resolution R-3059 provided that within 180 days of the date of passage of said resolution the exchange and conveyance of real properties, including conveyance to the City of Kirkland for replacement right-of-way, as set forth in that certain agreement, dated June, 1983 between the City of Kirkland, the United States Postal Service, Linda Nordstrom Mowat and John Bruce Flynn, have been accomplished; and

Whereas, the conveyances to the City of Kirkland for replacement right-of-way have been deposited in escrow No. 16730 with First American Title Insurance Company, Seattle, Washington, under instructions to deliver same to the City of Kirkland upon vacation of the hereinafter described public right-of-way, and all conditions for such vacation established by Resolution R-3059 having been met, now, therefore,

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. That certain public right-of-way commonly known as Fifth Avenue and/or Northeast 85th Street and specifically described as follows:

The south 30 feet of N.E. 85th Street adjacent to Lots 2, 3 and 4 of said Marshall's Addition and that portion of the south 30.00 feet of N.E. 85th Street lying east of the northerly prolongation of the west line of Lot 5 of said Marshall's Addition to the City of Seattle, and lying northwesterly of the following described tract of land:

A strip of land 50 feet in width over those portions of Lots 1, 2, 3, 4 and 5, said plat of Marshall's Addition to the City of Seattle, and other lands, the northerly and northwesterly margin of which is described as follows:

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Beginning at the southwest corner of said Lot 1; thence N 00°15'48" W along the west line thereof to an intersection with the northerly line of the south 17 feet of said Lot 1; thence N 89°47'43" E along said northerly line and its easterly production 154.50 feet to a point of tangency with a 75 foot radius curve to the left; thence northwesterly along said curve an arc length of 68.12 feet through a central angle of 52°02'12"; thence N 37°45'31" E 307.80 feet to the northwest corner of said Lot 5; thence continuing N 37°45'31" E 2.57 feet to a point of tangency with 124.93 foot radius curve to the right; thence northeasterly along said curve an arc length of 113.34 feet through a central angle of 51°58'41" to the terminus of the herein described margin.

Be the same hereby is vacated except that the City shall 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 2. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and posting or publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 2nd day of April, 1984.

Signed in authentication thereof this 2nd day of April, 1984.

George W. Cox
MAYOR Pro Tem

ATTEST:

Tom J. Adelson
Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:

[Signature]
City Attorney

CERTIFICATION OF POSTING

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 3rd day of April, 1984 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.

Janice Perry
Clerk

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RECORDED AT THE REQUEST OF:

City of Kirkland
Deputy City Clerk
123 Fifth Avenue
Kirkland, WA 98033