

ORDINANCE NO. 3691

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO VACATING A PORTION OF A RIGHT-OF-WAY BASED ON AN APPLICATION FILED BY EARL AND MARGARET BENSEL, FILE NO. VC-98-30.

WHEREAS, by Resolution 4166 adopted on December 15, 1998, 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. 4166 have been satisfied; and

WHEREAS, the area of the right-of-way to be vacated has been reduced to exclude land that would be re-dedicated as right-of-way as part of the applicant's short plat application; and

WHEREAS, a revised appraisal has been submitted that has established a new fair market value of \$4.25 per square foot for the right-of-way to be vacated; and

WHEREAS, the applicants are entitled to a refund of \$43,499.37, based on the revised appraisal and right-of-way area.

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:

That portion of Cedar Street, as shown on the plat of Burke and Farrar's Addition to the City of Seattle Division No. 8, according to the plat thereof recorded in Volume 19 of Plats, Page 71, in King County, Washington, described as follows:

Commencing at the southwest corner of Lot 20, Block 19, of said Burke and Farrar's Addition, Division No. 8;

Thence north 16°56'00" east 21.03 feet to the true point of beginning;

Thence north 76°17'11" west 3.60 feet to a point of curvature to the right.

Thence along said curve having a radius of 25.00 feet and a length of 40.68 feet to the centerline of Cedar Street;

Thence north 16°56'00" east along said centerline 80.65 feet to the southerly margin of City of Kirkland park property;

Thence returning along said southerly margin through a curve to the left having a radius of 20.00 feet and a length of 35.80 feet;

Thence south 86°04'52" east 81.83 feet to a point of curvature;

Thence along said curve, curving to the left, having a radius of 30.00 feet and a length of 37.38 feet, to a point which is the westerly projection of the north line of said Lot 20;

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Thence south 67°27'04" east along said north line projected 30.00 feet to the northwest corner of said Lot 20;
 Thence southwesterly along the westerly property line of said lot 20 through a curve to the right, having a radius of 60.00 feet and a length of 74.74 feet;
 Thence north 86°04'52" west 67.22 feet to a point of curvature to the left;
 Thence through said curve, having a radius of 20.00 feet and a length of 26.87 feet, to a point of tangency;
 Thence south 16°56'00" west 40.66 feet to the true point of beginning.

Containing 6,653 square feet more or less.

Situate in the City of Kirkland, King County, Washington

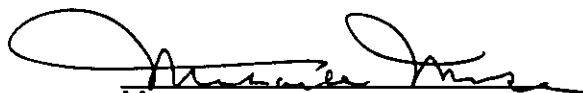
be and the same hereby are vacated, except that the City shall retain and reserve an easement together with the right to grant easements along, over, and under the vacated street for the installation, construction, repair, and maintenance of public utilities and services.

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.

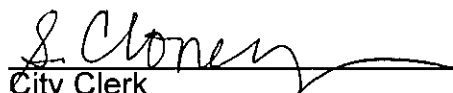
Section 3. A complete copy of this resolution, including findings, Conclusions, and Recommendations adapted by reference, shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 18th day of May, 19 99.


SIGNED IN AUTHENTICATION thereof this 18th day of May, 19 99.


 Mayor

Attest:


 City Clerk

Approved as to Form:


 City Attorney