

RESOLUTION R - 5627

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST, EXCEPT FOR A UTILITY EASEMENT, THE CITY MAY HAVE IN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY ABUTTING PROPERTY OWNERS CURTIS AND MICHELLE FERGUSON.

1           WHEREAS, the City has received a request to recognize that  
2 any rights the City may have to the land originally dedicated in 1891 as  
3 right-of-way abutting a portion of the plat of Supplementary Plat to  
4 Kirkland have been vacated by operation of law; and  
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6           WHEREAS, under Washington State's Non-User Statute, Laws  
7 of 1889, Chapter 19, Section 32, any county road that was dedicated  
8 prior to March 12, 1904, and remained within County jurisdiction and  
9 unopened for five years after authority was granted for opening the  
10 same, was statutorily vacated by operation of law; and  
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12           WHEREAS, the area that is the subject of this request was part  
13 of an annexation to the City of Kirkland in 1905, with the relevant right-  
14 of-way having been unopened for over five years at that time and  
15 remaining unopened ever since; and  
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17           WHEREAS, in consideration for the abutting property owner  
18 granting the City a utility easement in the unopened right-of-way area  
19 and for reimbursing the City administrative costs for reviewing the  
20 request, the City is willing to recognize the statutory vacation may have  
21 occurred.  
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23           NOW, THEREFORE, BE IT RESOLVED by the City Council of  
24 the City of Kirkland as follows:  
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26           Section 1. The City Council of the City of Kirkland hereby  
27 recognizes that the following described right-of-way may have been  
28 statutorily vacated by operation of law; and the City relinquishes all  
29 interest, except for a utility easement to be recorded following this  
30 resolution, that the City may have in that portion of right-of-way  
31 described as follows:  
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33           The north 8 feet of unopened alley right-of-way, or whatever  
34 portion remains for recognition of possible vacation by this  
35 Resolution, abutting the south boundary of the following  
36 described property: Lots 13 and 14, Block 28, Lake Avenue  
37 Addition to Kirkland, according to the plat thereof recorded  
38 in Volume 6 of Plats, Page 86, in King County, Washington;  
39 together with Lots 20 and 21, Block 240, Supplementary

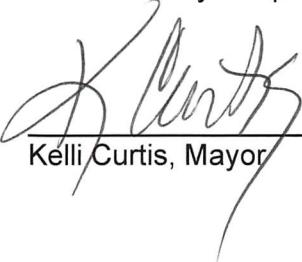
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Plat To Kirkland, according to the plat thereof recorded in  
Volume 8 of Plats, Page 5, in King County, Washington.

Section 2. This resolution does not affect any third party's rights  
in the property, if any.

Passed by majority vote of the Kirkland City Council in open  
meeting this 2<sup>nd</sup> day of April, 2024

Signed in authentication thereof this 2<sup>nd</sup> day of April, 2024.

  
\_\_\_\_\_  
Kelli Curtis, Mayor

Attest:

  
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Kathi Anderson, City Clerk