

RESOLUTION R-5647

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

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, which was dedicated in 1891, having been unopened for over  
15 five years at the time of annexation and remaining unopened ever  
16 since; and  
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18           WHEREAS, in consideration for the abutting property owner  
19 granting the City a utility easement in the unopened right-of-way area  
20 and for reimbursing the City its administrative costs for reviewing the  
21 request, the City is willing to recognize the statutory vacation may have  
22 occurred.  
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24           NOW, THEREFORE, be it resolved by the City Council of the  
25 City of Kirkland as follows:  
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27           Section 1. The City Council of the City of Kirkland hereby  
28 recognizes that the following described right-of-way may have been  
29 statutorily vacated by operation of law; and the City relinquishes all  
30 interest, except for a utility easement to be recorded following this  
31 resolution, that the City may have in that portion of right-of-way  
32 described as follows:  
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34           The north 8 feet of unopened alley right-of-way, or  
35 whatever portion remains for recognition of possible  
36 vacation by this Resolution, abutting the south boundary of  
37 the following described property: Lots 11 and 12, Block 28,  
38 Lake Avenue Addition to Kirkland, according to the plat  
39 thereof recorded in Volume 6 of Plats, Page 86, in King  
40 County, Washington; together with Lots 18 and 19, Block  
41 240, Supplementary Plat To Kirkland, according to the plat  
42 thereof recorded in Volume 8 of Plats, Page 5, in King  
43 County, Washington.

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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 1<sup>st</sup> day of October, 2024

Signed in authentication thereof this 1<sup>st</sup> day of October, 2024.

  
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Kelli Curtis, Mayor

Attest:

  
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Emilee Ferguson, Deputy City Clerk