

RESOLUTION NO. 2957

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY CUMBERLAND NORTHWEST, INC., FILE NO. VC-82-28.

WHEREAS, the City has received an application filed by Cumberland Northwest, Inc. to vacate a portion of a right-of-way; and

WHEREAS, by Resolution No. R-2940 the City Council of the City of Kirkland established a date for a public hearing on the proposed vacation; and

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

WHEREAS, an Environmental Checklist was filed pursuant to the State Environmental Policies Act and applicable state guidelines and local implementing ordinances, which was reviewed by the Responsible Official of the City of Kirkland who issued a negative declaration on the proposed vacation; and

WHEREAS, this Environmental Checklist and Negative Declaration have been available and accompanied this application through the entire review process; and

WHEREAS, it is appropriate for the City to receive compensation for vacating the right-of-way as allowed under state law; and

WHEREAS, no property owner will be denied direct access as a result of this vacation.

WHEREAS, it appears desirable and in the best interest of the City, its residents and property owners abutting thereon that said street be vacated;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions, and Recommendations of the Department of Community Development contained in File No. VC-82-28 are hereby adopted as though fully set forth herein.

Section 2. Except as stated in Section 3 of this resolution the City will, by appropriate ordinance, vacate the portion of the right-of-way described in Section 4 of this resolution if within 90 days of the date of passage of this resolution the applicant or other person pays to the City \$10,090.50 as compensation for vacating this portion of the right-of-way.

Section 3. If the portion of the right-of-way described in Section 4 of this resolution is vacated, the City will 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 4. The right-of-way to be vacated is situated in Kirkland, King County, Washington and is described as follows:

All that portion of 5th Street (also known as 107th Ave. N.E.), City of Kirkland, State of Washington, extending from the northerly right-of-way of Kirkland Way northerly to the southerly right-of-way of 2nd Avenue (also known as N.E. 83rd Street), all in the Southeast one-quarter of the Southwest one-quarter of Section 5, Township 25 North, Range 5 East of the Willamette Meridian.

ALSO, a portion of 2nd Avenue (also known as N.E. 83rd Street) described as follows: bounded on the west by the northerly prolongation of the westerly right-of-way of 5th Street (also known as 107th Avenue N.E.); bounded on the east by a line which is radial to the centerline of 2nd Avenue and which lies 15.00 feet westerly, as measured along the northerly right-of-way of 2nd Avenue, from the southeasterly corner of Lot 23, Block 174, Burke and Farrars Kirkland Addition, all in the Southeast one-quarter of the Southwest one-quarter of Section 5, Township 25 North, Range 5 East of the Willamette Meridian.

Section 5. The Director of the Department of Community Development shall send a copy of this resolution and the Notice of Decision to the applicant for this proposed vacation within five (5) work days of the date of passage of this resolution.

Section 6. Certified or conformed copies of this Resolution shall be delivered to the following:

- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Fire and Building Departments of the City of Kirkland
- (d) Public Service Department of the City of Kirkland
- (e) Project and Construction Management Division of the Public Services Department of the City of Kirkland
- (f) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland.

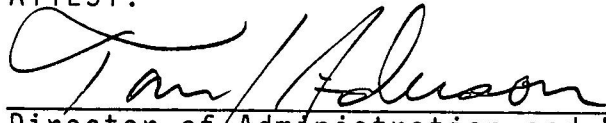
Passed by majority vote of the Kirkland City Council on the 20th day of September, 1982.

SIGNED IN AUTHENTICATION THEREOF on the 20th day of September, 1982.



Mayor

ATTEST:



Director of Administration and Finance
(Ex officio City Clerk)

1519B/bk

