

RESOLUTION R 3060

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE 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 1 THROUGH 6 OF MARSHALL'S ADDITION ACCORDING TO PLAT THEREOF, RECORDS OF KING COUNTY, CITY OF KIRKLAND FILE NO. CC-83-72.

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; 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 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 were reviewed by the responsible official of the City of Kirkland who issued a negative declaration on the proposed street vacation; and

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

Whereas, 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

Whereas, 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

Whereas, the City council finds that 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; now, therefore

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

Section 1. The findings, conclusions and recommendations contained in Exhibit N/A of the staff advisory report in File No. CC-83-72 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 right-of-way (being a portion of the south half of Fifth Avenue [Northeast 85th Street] extending along the north line of Lots 1 through 6, inclusive of Marshall's Addition according to plat thereof records of King County) specifically described in Section 4 of this resolution, provided that within 90 days of the date of passage of this resolution there has been conveyed to the City of Kirkland for replacement right-of-way, the real property described as the south 17 feet of Lot 1, Marshall's Addition to the City of Seattle according to the plat thereof recorded in Volume 22 of plats, Page 81, records of King County, Washington and situate in Kirkland, King County, Washington.

It is understood by the City Council that the aforementioned "replacement right-of-way will not be so conveyed to the City of Kirkland, by the owners thereof, until such time as said owners have received [from the owners of the real property, to which the real property described in Section 4 (right-of-way subject to vacation) will attach by operation of law upon such vacation] a conveyance of the following described real property situate in Kirkland, King County, Washington to-wit: the south 20.76 feet of the north 178.5 feet as measured along the west line of Lot 1 Marshall's Addition to the City of Seattle, according to the plat thereof recorded in Volume 22 of plats, page 81, records of King County, Washington; except that portion thereof conveyed to the State of Washington by deed recorded under King County recording No. 5589127.

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 situate in Kirkland, King County, Washington and is described as follows:

Beginning of the northeast corner of Lot 1, Marshall's Addition to the City of Seattle, according to the plat thereof recorded in Volume 22 of plats, page 81, in King County, Washington. Thence running south $68^{\circ}33'16''$ west a distance of 97.87 feet to a point 12 feet east of the west boundary of said Lot 1. Thence running north $00^{\circ}15'48''$ west parallel to the west boundary of said Lot 1 a distance of 30 feet. Thence running north $68^{\circ}33'16''$ east a distance of 97.87 feet to the intersection of the east boundary of said Lot 1 extended and the centerline of 5th Avenue. Thence running south $01^{\circ}30'39''$ east a distance of 30.0 feet to the northeast corner of Lot 1 Marshall's Addition said point being the true point of beginning.

Section 5. The Director of the Department of Planning and Community development shall provide copies of this resolution to the Director of the Department of Public Works for distribution to Cheng-Jung Chen and Marjory J. McCrory within five working 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. Department of Planning and Community Development of the City of Kirkland;

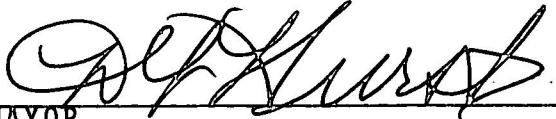
B. Fire and Building Departments of the City of Kirkland;

C. Public Works Department of the City of Kirkland;


D. 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 in regular, open meeting this 7th day of November, 1983.

Signed in authentication thereof this 7th day of November, 1983.


MAYOR

ATTEST:


Director of Administration & Finance
(ex officio City Clerk)