

RESOLUTION NO. R-3454

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY TRIAD ASSOCIATES, AGENT FOR STEVEN W. LUSA, FILE NO. VC-88-47A.

WHEREAS, the City has received an application filed by Triad Associates, agent for Steven W. Lusa to vacate a portion of a right-of-way; and

WHEREAS, by Resolution No. R-3444 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, 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 Planning and Community Development contained in File No. VC-88-47A 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: 1) pays to the City \$445.00 as compensation for vacating this portion of the right-of-way; 2) dedicates the following described property as public right-of-way to substitute for the vacated right-of-way:

That portion of the north 15.00 feet of the south 30.00 feet of the west half of the southwest quarter of the southwest quarter of the northeast quarter of Section 30, Township 26 North, Range 5 East, W.M., in King County, Washington lying easterly of the following described line:

Beginning at the southeast corner of said subdivision; thence N87°43'44"W along the south line thereof 142.46 feet to the TRUE POINT OF BEGINNING of this described line; thence N06°47'56"E to the north line of the south 30.00 feet of said subdivision and the terminus of this described centerline.

3) Installs, to City standards, the improvements required for the to-be-dedicated right-of-way or deposits with the City a performance bond, issued by a surety company licensed to do business in the State of Washington, to guarantee installation of said improvements within 12 months of the date of this resolution; and 4) dedicates a 10-foot-wide pedestrian access easement for the benefit of the public over the area to be vacated for access to Juanita Heights Park.

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:

That portion of the South 15 feet of the Southwest quarter of the Southwest quarter of the Northeast quarter of Section 30, Township 26 North, Range 5 East, W.M., in King County, lying westerly of the northerly extension of the westerly margin of 93rd Avenue Northeast (60 feet wide).

Section 5. The Director of the Department of Planning and 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 Planning and Community Development of the City of Kirkland
- (c) Fire and Building Departments of the City of Kirkland
- (d) Public Works Department of the City of Kirkland
- (e) The City Clerk for the City of Kirkland.

Passed by majority vote of the Kirkland City Council on the 19th day of April, 1988.

SIGNED IN AUTHENTICATION THEREOF on the 19th day of April, 1988.

Arcia Cooper
Mayor

ATTEST:

Janice Perry
City Clerk

386D/42A/NC:br