

RESOLUTION NO. R-3551

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY LARRY LOEBER, FILE NUMBER VC-89-63.

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

WHEREAS, by Resolution No. 4-3545, 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 the 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 to be vacated; and

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 Number VC-89-63 are hereby adopted as though fully set forth herein, except for the west half of the 117th Avenue NE right-of-way, which shall be removed from consideration and which shall cause a reduction in compensation due to the City.

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 \$104,800.50 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:

That portion of unimproved NE 70th Street (Lake Street), NE 69th Street (Washington), NE 68th Street (Oregon Street), 117th Avenue NE (Pittsburgh Street), and 118th Avenue NE (Cormode Street), abutting Blocks 3 and 6, Cormode and Adsit's First Addition to Kirkland according to the plat recorded in Volume 6 of Plats, page 44, Records of King County, Washington, described as follows:

Commencing at the west quarter corner of Section 9, Township 25 North, Range 5 East, W.M.;

Thence south  $87^{\circ}59'33''$  east along the east-west centerline of said section and the centerline of said NE 70th Street (Lake Street 329.79 feet to its intersection with 117th Avenue NE (Pittsburgh Street) and the True Point of Beginning;

Thence continuing south  $87^{\circ}59'33''$  east along said line 270.06 feet to the southwesterly margin of improved NE 70th Street (State Aid Road No. 4) and a point on a curve;

Thence along said margin and a curve to the left the center of which bears north  $27^{\circ}09'23''$  east 316.48 feet, having a delta of  $11^{\circ}33'55''$ , an arc 63.88 feet to the centerline of said 118th Avenue NE (Cormode Street);

Thence south  $00^{\circ}48'43''$  west along said centerline 513.53 feet to its intersection with NE 68th Street (Oregon Street);

Thence north  $86^{\circ}34'16''$  west along the centerline of said NE 68th Street (Oregon Street) 360.09 feet to its intersection with the southerly projection of the east line of Block 5 in said plat;

Thence north  $00^{\circ}48'43''$  east along said line 294.18 feet to its intersection with the centerline of NE 69th Street (Washington Street);

Thence south  $86^{\circ}34'16''$  east along the centerline of said NE 69th Street (Washington Street) 30.03 feet to its intersection with 117th Avenue NE (Pittsburgh Street);

Thence north  $00^{\circ}48'43''$ : east along the centerline of said 117th Avenue NE (Pittsburgh Street) 232.31 feet to its intersection with NE 70th Street (Lake Street) and the True Point of Beginning.

EXCEPT said block 3 and 6, and EXCEPT that portion of the west half of 117th Place NE (Pittsburgh Street) lying south of the south line of Block 4, Cormode and Adsit's First Addition to Kirkland.

Containing 60,740 square feet, more or less.

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 17th day of October, 1989.

SIGNED IN AUTHENTICATION THEREOF on the 17th day of October, 1989.

  
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 Mayor

ATTEST:

  
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 City Clerk