

RESOLUTION NO. 3595

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY PAN TERRA INC., FILE NUMBER VC-89-133.

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

WHEREAS, by Resolution Number R-3574, 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, 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 of 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 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-89-133 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 \$775.12 and dedicates 4,695 square feet of substitute 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:

Part 1:

The Southerly 10.00 feet of the Westerly 540.92 feet of 17th Avenue (Victoria Avenue) lying East of the Easterly margin of 6th Street;

EXCEPT that portion lying Easterly of the following described line:

Commencing at the Northwest corner of Block 5, Lake Avenue Addition to City of Kirkland, according to the plat thereof as recorded in Volume 6 of Plats, page 86, records of King County Washington;

Thence North 89°42'45" East along the South margin of said Avenue a distance of 540.92 feet to a point of curvature to the right whose radial bearing is North 60°52'52" East, said point also being the True Point of Beginning;

Thence along said curve to the right, having a radius of 56.00 feet, an arc length of 7.51 feet thru a central angle of 7°41'09" to a point of reverse curve, said point having a radial bearing of South 68°34'01" West;

Thence along said curve to the left, having a radius of 5.00 feet, an arc length of 6.01 feet, through a central angle of 68°51'16" to the terminus of this line.

Containing 5384 square feet ±.

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.

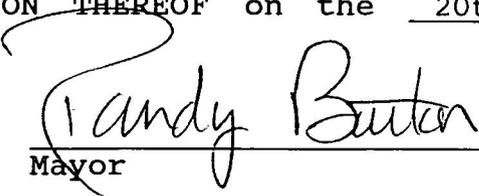
Section 6. Certified or conformed copies of this Resolution shall be delivered to the following:

- (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.

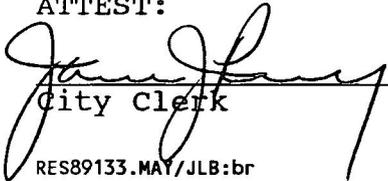
PASSED by majority vote of the Kirkland City Council on the
20th day of March, 1990.

SIGNED IN AUTHENTICATION THEREOF on the 20th day of
March, 1990.



Mayor

ATTEST:



City Clerk

RES89133.MAY/JLB:br