

RESOLUTION NO. 4057

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY NATIONAL PROPERTIES, FILE NUMBER VC-96-121.

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

WHEREAS, by Resolution Number 4048, 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;

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

Section 1. The Findings and Conclusions as set forth in the Recommendation of the Department of Planning and Community Development contained in File Number VC-96-121 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 meets the following conditions:

- (a) Pays to the City \$1,750.00 as compensation for vacating this portion of the right-of-way.
- (b) Within seven (7) calendar days after the final public hearing, the applicant shall remove the public notice sign and return it to the Department of Planning and Community Development.

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.

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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 West half of the West half, Section 33, Township 26 North, Range 5 East, W.M., King County, Washington, included within a strip of land 60.00 feet width, being more particularly described as follows:

All that 60.00 foot right-of-way for NE 108th Street lying westerly of the westerly line of vacated NE 108th Street as vacated by City of Kirkland Ordinance 2226, as recorded under Recording No. 7307130522, records of said County and easterly of the following described line:


COMMENCING at the intersection of the South right-of-way margin of NE 108th Street, as established, with the West right-of-way margin of Primary State Highway No. 1, S.R. 405, Northup Interchange to NE 140th Street, Sheet 9 of 25, approved April 12, 1967; thence North 89°44'44" West along said South margin 449.77 feet to the POINT OF BEGINNING of said line; thence North 00°15'16" East normal with said South margin 60.00 feet to the North right-of-way margin of NE 108th Street and the terminus of said line.

Section 5. Certified or conformed copies of this Resolution shall be delivered to the following within seven (7) days of the passage to this resolution:

- (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 21st day of January, 19 97.

SIGNED IN AUTHENTICATION THEREOF on the 21st day of January, 19 97.



Mayor

ATTEST:



City Clerk

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