

RESOLUTION NO. 4087

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY GARY NASH, FILE NUMBER VC-97-44.

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

WHEREAS, by Resolution Number 4080, 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;

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-97-44 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) Pay to the City \$16,784 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 all public notice signs and return them to the Department of Planning and Community Development.
- (c) Submit for City Attorney review and approval, documents creating an access easement for the property to the east over the proposed vacated area, generally as shown on Attachment 4.
- (d) Propose utility easement locations and widths, and obtain written approval of the proposed easements from all utility franchise holders in the NE 80th Street 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.

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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:

Beginning at the southeast corner of the westerly 75 feet of the southerly 88 feet, as measured along the east and west side lines of Lot 12, Block 1, Burke and Farrar's Kirkland Addition to the City of Seattle, Division No. 6, according to the plat thereof recorded in Volume 19 of Plats, page 68, records of King County, Washington. Said corner being shown on survey recorded in Book 102 of Surveys, page 55, under recording no. 9502019007, records of said county; thence south 89°51'20" west along the south line of said westerly 75 feet a distance of 75.11 feet to a point on the east margin of S.R. 405; thence south 03°13'45" east along said margin 78.09 feet to a point of non-radial intersection with a curve, concave to the southeast, the center of which bears south 35°11'36" 430.00 feet distant; thence in a northeasterly direction along the arc of said curve, passing through a central angle of 11°10'22" a distance of 83.85 feet; thence north 03°13'45" west along the southerly prolongation of the east line of said westerly 75 feet a distance of 36.85 feet to the point of beginning.

Containing 4,196 sq. ft. more or less.

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 1st day of July, 1997.

SIGNED IN AUTHENTICATION THEREOF on the 1st day of July, 1997.

Thorall Eddy
Mayor

ATTEST:

J. Cloney
Deputy City Clerk

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