

RESOLUTION NO. 4110

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY SECO DEVELOPMENT AND JAMES LANDWEER, FILE NUMBER VC-97-15.

WHEREAS, the City has received an application filed by SECO Development and James Landweer to vacate a portion of a right-of-way; and

WHEREAS, by Resolution Number 4102, 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-97-15 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 \$124,000.00 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 all public notice signs and return them to the Department of Planning and Community Development.
- (c) Submits agreement(s) to run with the abutting properties, in a form acceptable to the City Attorney for recording with King County, establishing the requirement to revise the existing storm water conveyance system prior to redevelopment and maintain service access to existing uses until redevelopment occurs (see Conclusion II.C.1.b.).

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:

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That portion of the 16-foot wide alley as attached by law to Lots 1 through 28 inclusive, Block 97, Kirkland Terrace, according to the plat thereof recorded in Volume 21 of Plats, Page 42, in King County, Washington.


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.

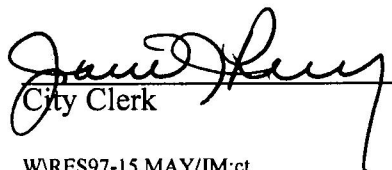
PASSED by majority vote of the Kirkland City Council on the 4th day of November, 19 97.

SIGNED IN AUTHENTICATION THEREOF on the 4th day of November, 19 97.

980219/13/16


Deputy Mayor

ATTEST:


City Clerk

WRES97-15.MAY/JM:ct