RESOLUTION NO. $\frac{4171}{}$

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY SLATER ROAD L.L.C., FILE NUMBER VC-98-48.

WHEREAS, the City has received an application filed by Slater Road L.L.C. to vacate a portion of a right-of-way; and

WHEREAS, by Resolution Number 4163, 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; and

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:

- <u>Section 1.</u> The Findings and Conclusions as set forth in the Recommendation of the Department of Planning and Community Development contained in File Number VC-98-48 are hereby adopted as though fully set forth herein.
- <u>Section 2.</u> Except as stated in Section 3 or this resolution, The City will, by appropriate ordinance, vacate the portion of the right-of-way described in Section 3 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 \$5,582.00 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.
- <u>Section 3.</u> 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.
- <u>Section 4.</u> The right-of-way to be vacated is situated in Kirkland, King County, Washington and is described as follows:

A portion of Slater Avenue Northeast adjacent to Lot 1 of King County Short Plat No. 778140 as recorded under Recording Number 7912100778, the boundary of said Lot 1 is as shown in the Record of Survey recorded in Book 29 of Surveys, Page 38, Records of King County, Washington, said portion being defined as follows:

Beginning at the southeast corner of said Lot 1 as shown on said Record of Survey;

Thence north 18°12'20" east, along the west margin of Slater Avenue Northeast, 142.07 feet to the northeast corner of said lot;

Thence south 71°47'40" east, perpendicular to the centerline of Slater Avenue Northeast, 8.00 feet:

Thence south 18°12'20" west, parallel with said centerline 142.07 feet;

Thence north 71°47'40" west, 8.00 feet to the point of beginning.

Being a portion of the northeast quarter of the northwest quarter of Section 33, Township 26 North, Range 5 East, W.M.

<u>Section 5.</u> 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 I	by majority	vote of the	Kirkland Cir	y Council on the	19th	day of	January	
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SIGNED IN AUTHENTICATION THEREOF on the 19th day of January , 1999

Mayor

ATTEST: