

RESOLUTION NO. 4238

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY BRIAN BRAND, FILE NUMBER VC-99-21.

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

WHEREAS, by Resolution Number 4220, 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-99-21 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) Dedicate, as compensation for vacating a portion of the right-of-way, fee simple ownership of an area, as shown on Attachment 2 of the Advisory Staff Report, containing approximately 600 square feet.
- (b) Pay to the City \$8,750 as compensation for vacating the remaining 350 square feet of right-of-way adjacent to the vacant parcel south of 618 11th Avenue West.
- (c) Dedicate to the City an easement for utilities within the area being vacated. An additional 5-foot-wide sewer easement shall be dedicated to the City along the west property line of Lots 24, 25, and 26 of Block 30 of Blewett's 1st Addition to the City of Kirkland.
- (d) 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.

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:

That portion of 11th Avenue West lying 5.00 feet southwest of Block 30, Blewett's First Addition to Kirkland, according to the plat recorded in Volume 6 of Plats, Page 82, Records of King County, Washington, described as follows:

Beginning at the southernmost corner of said Block 30, said point being the true point of beginning;

Thence north 46°24'00" west along the southwesterly line of said Block 30 for a distance of 193.43;

Thence south 07°17'13" east 7.93 feet to a point 5.00 feet southwesterly of the southwest line of said Block 30;

Thence south 46°24'00" east 187.28 feet to the northwesterly margin of 6th Street West;

Thence north 34°36'00" east 5.00 feet to the true point of beginning.

Containing 952 square feet 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 21st day of March, 19 2000.

SIGNED IN AUTHENTICATION THEREOF on the 21st day of March, 19 2000.

Mayor

ATTEST:

City Clerk