

RESOLUTION NO. 4251

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY PATRICK BRENNAN FOR ERIK & MARY HORVITZ, FILE NUMBER VC-00-6.

WHEREAS, the City has received an application filed by Patrick Brennan for Erik & Mary Horvitz to vacate a portion of a right-of-way; and

WHEREAS, by Resolution Number 4250, 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-00-6 are hereby adopted as though fully set forth herein.

Section 2. Except as stated in Section 2b of 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) Pay to the City \$33,500 as compensation for vacating this portion of the right-of-way.
- (b) Obtain written comments from applicable franchise utilities regarding their need to retain a utility easement over the area to be vacated. If an easement is required, the City will retain a utility easement as part of the ordinance approving the street vacation.
- (c) 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. The right-of-way to be vacated is situated in Kirkland, King County, Washington and is described as follows:

That portion of Waverly Way and 5th Avenue West according to the plat of Town of Kirkland as recorded in Volume 6 of Plats, Page 53 Records of King County, Washington, described as follows;

Beginning at the most southerly corner of Lot 14 of Block 10 of said plat;

Thence north 45°20'14" west along the southwesterly line of said lot 14 a distance of 33.80 feet to the westerly line of lot 14;

Thence north 14°12'11" west along the westerly line of Lot 14 and Lot 13 of said Block 10 a distance of 77.70 feet to the northwesterly line of said Lot 13;

Thence south 44°41'09" west along the southwesterly extension of said northwesterly line 11.68 feet;

Thence south 14°12'11" east parallel with said westerly line 100.27 feet to a curve to the right, the center which bears south 7°41'18" east a distance of 60.00 feet;

Thence easterly along said curve through a central angle of 18°57'30" an arc length of 19.85 feet;

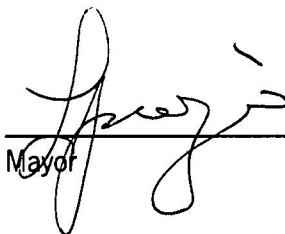
Thence north 44°39'46" east perpendicular to the aforementioned southwesterly line of Lot 14 a distance of 9.90 feet to the Point of Beginning.

Section 4. 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.

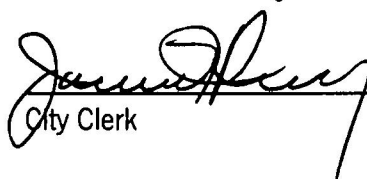
Passed by majority vote of the Kirkland City Council on the 19th day of September, 2000.

SIGNED IN AUTHENTICATION THEREOF on the 19th day of September, 2000.



Mayor

ATTEST:



City Clerk