

RESOLUTION NO. R-4340

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY MICHAEL R. MASTRO, FILE NUMBER VC-01-30.

WHEREAS, the City has received an application filed by Michael R. Mastro to vacate a portion of a right-of-way; and

WHEREAS, by Resolution Number 4332, 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-01-30 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 \$64,573.95 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) 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.

(d) Submit to the City a recorded copy of a 10-foot pedestrian easement along the entire length of the west side of the vacated 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.

Section 4. The right-of-way to be vacated is situated in Kirkland, King County, Washington and is described as follows:

That portion of unopened Right-of-Way known as Slater Avenue NE, within a portion of the Northeast Quarter of Section 33, Township 26 North, Range 5 East, W.M., described as follows:

Beginning at the North Quarter corner of said Section 33:

Thence North $88^{\circ}36'29''$ west along the north line thereof; 384.65 feet;

Then South $00^{\circ}51'09''$ west parallel with the north-south centerline of said Section 33, 311.51 feet, more or less, to the south line of the north 311.5 feet of said subdivision and the beginning of a curve to the right having a radius of 78.00 feet;

Thence southwesterly along said curve 73.67 feet through a central angle of $54^{\circ}06'55''$; Thence south $54^{\circ}58'04''$ west 112.00 feet, more or less, to the north line of Lot 1 in Short Plat No. 778140, according to the Short Plat survey recorded under King County Recording No. 791210-0778;

Thence south $88^{\circ}36'29''$ east, along said north line, 159.02 feet to the westerly margin of Slater Avenue NE and the true point of beginning;

Thence north $18^{\circ}12'20''$ east along said westerly margin 135.90 feet through a central angle of $06^{\circ}37'34''$ to the south line of the north 311.5 feet of said subdivision;

Thence south $88^{\circ}36'29''$ east along said south line and the south margin of vacated Slater Avenue NE, recorded under King County Ordinance No. 8370, 32.78 feet to the westerly margin of said vacated Slater Avenue NE and the beginning of a non-tangent curve to the left, having a radius of 1145.12 feet and a radial line through said point bearing north $64^{\circ}30'57''$ west;

Thence along said curve and said westerly margin 67.08 feet through a central angle of $03^{\circ}21'23''$ to the north margin of NE 115th Place;

Thence south 88°36'29" east along said north margin 29.17 feet, to the beginning of a non-tangent curve to the left, having a radius of 100.00 feet and a radial line through said point bearing north 10°05'11" west;
Thence along said curve 107.70 feet through a central angle of 61°42'29";
Thence south 18°12'20" west 1.28 feet to the northerly margin of vacated Slater Avenue NE, recorded under City of Kirkland Ordinance No. 3684A;
Thence north 71°47'40" west along said vacated Slater Avenue NE 8.00 feet to the true point of beginning.

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
16th day of April, 2002.

SIGNED IN AUTHENTICATION THEREOF on the 16th day of
April, 2002.



Mayor

ATTEST:



City Clerk