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RESOLUTION R-4538

A RESOLUTION OF THE CITY OF KIRKLAND APPROVING AND CLARIFYING CITY BOUNDARIES ALONG UNOPENED 92ND AVENUE NE BETWEEN NE JUANITA DRIVE AND NE 120TH STREET.

WHEREAS, on November 23, 1987, the City of Kirkland passed Ordinance 3062, enacting its "Lower Juanita Annexation", which was located generally east of 92nd Avenue NE, and extending north of Lake Washington to NE 132nd Street; and

WHEREAS, on September 6, 1988, the City of Kirkland passed Ordinance 3121, enacting another annexation, which included the area between the east margin of 91st Avenue NE and the east margin of 92nd Avenue NE between NE 120th Street and NE 124th Street; and

WHEREAS, the "Lower Juanita Annexation" was ambiguous in the legal description along the western boundary such that the City of Kirkland identified the boundary as the eastern margin of the 92nd Avenue NE right-of-way and King County identified the boundary as the north-south center of section line for Section 30, Township 26N, Range 5E (see Exhibit A); and

WHEREAS, south of NE 120th Street, the eastern portion of the 92nd Avenue NE right-of-way was dedicated as part of the Water Front Addition to Kirkland on November 8, 1890 and has remained unopened since its dedication and was automatically vacated as a matter of law pursuant to the laws of 1889-90, Chapter 19, Section 32, page 603, amended in Laws of 1909, chapter 90, section 1, page 189, now codified in RCW 36.87.090; and

WHEREAS, an owner of properties abutting the east side of 92nd Avenue NE south of NE 120th Street has requested that the City of Kirkland recognize the historical road vacation, to adjust its boundary to the north-south center of section line pursuant to RCW 35.13.340, and to support the clearing of title for those parcels still showing encumbrances for the portion of 92nd Avenue NE vacated pursuant to the laws of 1889-90, Chapter 19, Section 32, page 603, amended in Laws of 1909, chapter 90, section 1, page 189, now codified in RCW 36.87.090; and

Exhibit A: 92nd Avenue NE City Boundary Clarification

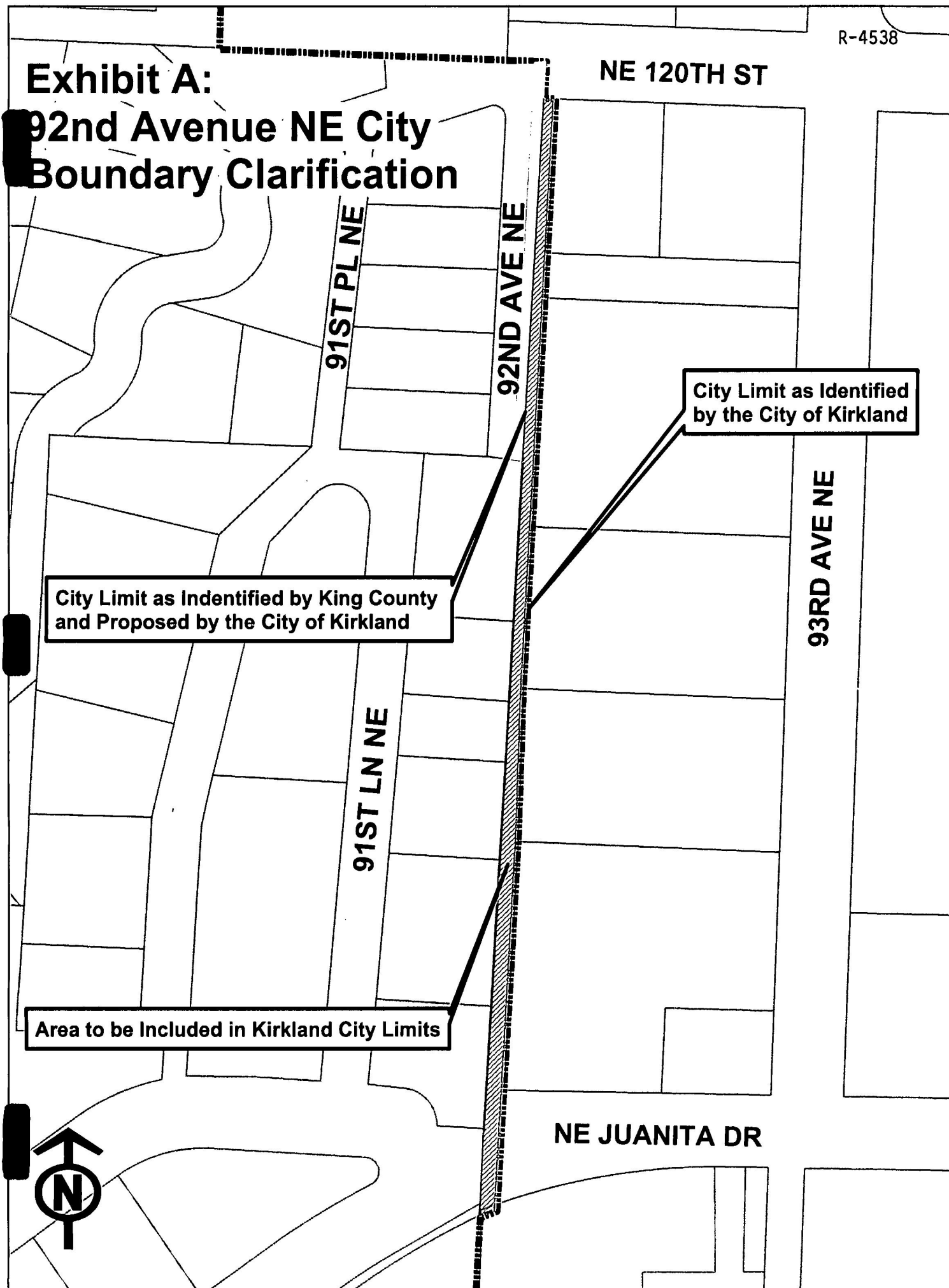


Exhibit B

Legal Description for 92nd Avenue NE (Rainier Street) City of Kirkland boundary clarification:

Located in the SE quarter of Section 30, Township 26 North, Range 5 East, WM, in King County, Washington.

That portion of 92nd Avenue NE (Rainier Avenue) lying east of the west line of said quarter section that is south of the centerline of the NE 120th Street right-of-way and north of the southern margin of the NE Juanita Drive right-of-way (and the northern boundary of the Juanita Bay Condominiums).

WHEREAS, adjustment of the boundary line will ensure that the City boundary line remains contiguous with the property lines along unopened 92nd Avenue NE;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. Pursuant to RCW 35.13.340, the City of Kirkland hereby approves modification of the City boundary line to include the eastern portion of the unopened 92nd Avenue NE right-of-way within the boundaries of the City of Kirkland as depicted in Exhibit A. A description of the area in question is attached hereto as Exhibit B and incorporated herein by this reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

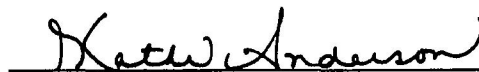
Section 3. This ordinance shall be in full force and effect five days from and after its passage by the City Council and publication, as required by law.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 13th day of December, 2005.

SIGNED IN AUTHENTICATION thereof this 13th day of December, 2005.


Mayor

Attest:


City Clerk

Approved as to Form:

City Attorney