

20070124002165

RESOLUTION R - 4622

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE EXCEPT FOR A UTILITIES EASEMENT IN AN UNOPENED ALLEY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNERS STEPHEN H. AND ELLEN O. LUTZ.

WHEREAS, the City has received a request to recognize that any rights to the land originally dedicated in 1890 as right-of-way abutting a portion of the Blewett's 1<sup>st</sup> Addition to Kirkland have been vacated by operation of law; and

WHEREAS, the Laws of 1889, Chapter 19, Section 32, provide that any county road which remains unopened for five years after authority is granted for opening the same is vacated by operation of law at that time; and

WHEREAS, the area which is the subject of this request was annexed to the City of Kirkland, with the relevant right-of-way having been unopened; and

WHEREAS, in this context it is in the public interest to resolve this matter by agreement,

Now, therefore, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. As requested by the property owners Stephen H. and Ellen O. Lutz, the City Council of the City of Kirkland hereby recognizes that the following described right of way has been vacated by operation of law and relinquishes all interest it may have, if any, except for a utility easement, in the portion of right-of-way described as follows:

A portion of unopened alley being identified the southwesterly 8 feet of unopened alley abutting the northeasterly boundary of Lots 23 through 28 of the following described property: Lots 23 through 30, Inclusive, Block 30, BLEWETT'S 1<sup>ST</sup> ADDITION TO KIRKLAND, according to the plat thereof recorded in Volume 6 of Plats, page 82, records of King County, Washington.

Section 2. This resolution does not affect any third party rights in the property, if any.

Passed by majority vote of the Kirkland City Council in open meeting this 16th day of January, 2007.

Signed in authentication thereof this 16th day of January, 2007.

  
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MAYOR

Attest:

  
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City Clerk