

ORDINANCE 1674

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, VACATING A PORTION OF AN ALLEY IN THE VICINITY OF 440 MAIN AVENUE SOUTH, NORTH BEND, WASHINGTON; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of North Bend (“City”) initiated a potential vacation of a portion of an alley in the vicinity of 440 Main Avenue South, North Bend, Washington (“alley”), through passage of Resolution No. 1850 on October 16, 2018; and

WHEREAS, the alley is on property that is in the process of being purchased by the Mount Si Senior Center, a 501(c)(3) nonprofit corporation and a Washington Public Benefit Corporation; and

WHEREAS, the Mount Si Senior Center desires to continue the use of the property to provide affordable housing for low income seniors; and

WHEREAS, upon passage of Resolution No. 1850, the City gave notice of the pendency of the resolution and the time and place fixed for hearing of the potential vacation by a written notice posted in three of the most public places in the City and a like notice posted in a conspicuous place on the alley of which a portion is sought to be vacated; and

WHEREAS, the City further mailed a similar notice to the owners or reputed owners of all lots, tracts, or parcels of land or other property abutting the alley, a portion of which is sought to be vacated, as shown on the rolls of the County Treasurer; and

WHEREAS, a public hearing was held on the vacation of said right-of-way on November 20, 2018; and

WHEREAS, a building currently occupies the right-of-way to be vacated and there will be difficulty in surveying such right-of-way; and

WHEREAS, the right-of-way to be vacated is no longer needed for right-of-way and public vehicular travel as part of the City’s street system, and there is no remaining public use or benefit to maintaining the area in question as right-of-way; and

WHEREAS, vacation of the portion of the alley is in the public interest;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Street Vacation and Reservation of Easements: The City shall vacate by quit claim deed the following described portion of right-of-way commonly known as a portion of the alley abutting 440 Main Avenue South, located in North Bend, Washington, and legally described as set forth below:

THAT PORTION OF THE 15 FOOT WIDE NORTHEAST-SOUTHWEST ALLEY, LYING SOUTHWESTERLY OF A LINE BETWEEN THE EASTERLY CORNER OF LOT 8 AND THE NORTHERLY CORNER OF LOT 11, TO MAIN STREET, ALL WITHIN BLOCK 6, STOW-HEALY ADDITION TO NORTH BEND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 49 OF PLATS, PAGE(S) 77-78, RECORDS OF KING COUNTY, WASHINGTON.

Such quit claim deed effectuating the vacation shall be executed and recorded simultaneously with an express condition of this vacation that the City retains an easement over, under, through, and along the vacated area for the purpose of construction, maintenance, and repair of public utilities and services. The City shall execute the quit claim deed simultaneously with the date that the Mount Si Senior Center closes on its purchase of the property underlying the alley to be vacated. The aforementioned quit claim deed shall be in a form substantially the same as that attached as Exhibit A and incorporated herein, in a final form and content acceptable to the City Attorney.

Section 2. Consideration for Street Vacation: In consideration for the vacation of the portion of right-of-way legally described in Section 1 of this Ordinance, the landowner adjoining the alley shall pay to the City a sum of \$10.00. Pursuant to RCW 35.79.030, one-half of this amount shall be dedicated to transportation capital projects within the City of North Bend. The vacation authorized by this ordinance shall not become effective until such payment is actually received by the City. As additional compensation, the landowner shall record a restrictive covenant providing that the underlying parcel shall remain as low-income senior housing and that in the event the land use is changed, that the landowner shall then pay to the City full fair market value for the alley vacated by this ordinance. This restrictive covenant shall be executed and recorded simultaneously with the closing documents on the date that the Mount Si Senior Center closes on its purchase of the property underlying the alley to be vacated by quit claim deed. The aforementioned covenant shall be in a form substantially the same as that attached as Exhibit B and incorporated herein, in a final form and content acceptable to the City Attorney.

Section 3. Recording With County Auditor: The City Clerk or her designee is hereby requested to deliver and have recorded with the King County Auditor a certified copy of this Ordinance.

Section 4. Severability: Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the

validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Effective Date: This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 20TH DAY OF NOVEMBER, 2018.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: November 30, 2018

Effective: December 5, 2018

Susie Oppedal, City Clerk