

ORDINANCE 1717

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, REVISING THE CITY LIMITS TO INCLUDE A PORTION OF 436TH AVENUE SE AND SE 136TH STREET RIGHT-OF-WAY LOCATED AT THE INTERSECTION OF THESE TWO STREETS; AMENDING THE CITY OF NORTH BEND OFFICIAL ZONING MAP; DIRECTING THE GIS DEPARTMENT TO CHANGE THE STREET NAMES AS MAY BE NECESSARY AND PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the applicant for the River Run Apartments development will be constructing a roundabout at the intersection of 436th Avenue SE and SE 136th Street; and

WHEREAS, the applicant proposes splitter islands in the right-of-way as part of the roundabout construction, including a short segment of 436th Avenue (to the south) and a short segment of SE 136th Street (to the west), both of which are currently located within right-of-way owned by King County and outside of the City limits; and

WHEREAS, the two segments described above are within the City's Urban Growth Area and Proposed Annexation Area; and

WHEREAS, by Deed of Dedication recorded on January 1, 2020 under recording number 20200121001662, certain property was dedicated for public right of way at the intersection of 436th Avenue SE and SE 136th Street in order to facilitate construction of the roundabout; and

WHEREAS, the City and the County have mutually determined that it is beneficial to have the entirety of the roundabout, including the segments of 436th Avenue and SE 136th Street described above and including the public rights of way segments of King County Tax Parcels Nos. 1523089066, 0192460390 and 1523089261, within the City's corporate limits and under the City's jurisdiction; and

WHEREAS, annexation of these segments will allow the applicant to construct the improvements under City codes and standards; and

WHEREAS, maintenance of the roundabout, including the annexed segments upon adoption of this ordinance, will be the responsibility of the City; and

WHEREAS, RCW 35.21.790 allows a revision to corporate boundaries with a public street, road, or highway by substitution of a right-of-way line so as to fully include the right-of-way within one particular jurisdiction upon adoption of an ordinance by both the City and the County;

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

Section 1. Revision of Corporate Boundaries: Upon approval of a similar ordinance or resolution by the King County Council, the corporate boundaries of the City of North Bend are and shall be revised to include that portion of 436th Avenue SE and SE 136th and those portions of King County Tax Parcel Nos. 1523089066, 0192460390 and 1523089261, all street right-of-way as legally described on Exhibit “A” for Existing Legal Descriptions and Exhibit “B” Annexation Legal Descriptions hereto and depicted on the map attached as Exhibit “C” hereto, all of the exhibits are incorporated herein by this reference as if set forth in full (“Revised Right of Way”). The Revised Right-of-Way shall now all be included within the corporate boundaries of the City of North Bend.

Section 2. Amending Official Zoning Map: The Official Zoning Map as designated pursuant to Section 18.08.010 of the North Bend Municipal Code shall be amended to reflect incorporation of the real property described in Exhibit “B.”

Section 3. Verification by North Bend GIS Department: Upon adoption of this ordinance by the North Bend City Council and a parallel ordinance by the Metropolitan King County Council, the City of North Bend GIS Department is directed to verify and to make any necessary changes to street names caused by this annexation.

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

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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 3RD DAY OF
MARCH, 2020.**

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Rob McFarland, Mayor

Michael R. Kenyon, City Attorney

Published: March 13, 2020
Effective: March 18, 2020

ATTEST/AUTHENTICATED:

Susie Oppedal, City Clerk