

# **RESOLUTION 1996**

## **A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, APPROVING THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF NORTH BEND AND BENDIGO PROPERTIES, L.L.C. FOR THE SNOQUALMIE VALLEY ATHLETIC COMPLEX AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME**

**WHEREAS**, RCW 36.70B.170 and North Bend Municipal Code (NBMC) Section 18.27.010 authorize the City to enter into a development agreement with a person having ownership or control of real property within its jurisdiction; and

**WHEREAS**, Bendigo Properties, L.L.C. (“Developer”) owns or controls approximately 12 acres of land located between Bendigo Boulevard and Boalch Avenue NW, immediately south of Gardiner Creek (the “Property”); and

**WHEREAS**, the Developer desires to construct an athletic complex on the Property with approximately four multi-purpose fields and one indoor athletic facility (the “Project”); and

**WHEREAS**, RCW 36.70B.200 requires that a development agreement be approved by ordinance or resolution after a public hearing; and

**WHEREAS**, following a public hearing and recommendation by the Planning Commission, the City Council approved a Development Agreement between the Developer and the City of North Bend for the Snoqualmie Valley Athletic Complex on October 18, 2016 to allow construction of the Project in two phases (the “Development Agreement”); and

**WHEREAS**, following a public hearing and recommendation by the Planning Commission, the City Council approved a First Amendment to the Development Agreement on January 7, 2020, which enabled the Developer to serve the second phase of the project with required sewer connection through participating in the Meadowbrook Sewer Utility Local Improvement District rather than the Developer constructing an independent sewer line themselves; and

**WHEREAS**, the City and the Developer wish to amend the Development Agreement to extend the timeframe by which the Developer is required to construct vault toilet facilities serving the Project, from October 31, 2021 to October 31, 2024 if sewer is not installed, given the timeframe necessary for the City’s completion of the sewer line serving this area through the Meadowbrook Sewer Utility Local Improvement District (ULID); and

**WHEREAS**, the City has agreed to an extension of the Development Agreement's Initial Term to June 30, 2025; and

**WHEREAS**, the North Bend Planning Commission held a public hearing on the Second Amendment to the Development Agreement on September 9, 2021 (receiving no comments), and provided a recommendation of approval following the public hearing.

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

**Section 1. Approval and Authority to Execute:** The City Council of the City of North Bend hereby approves the Second Amendment to the Development Agreement between the City of North Bend and Bendigo Properties L.L.C. for the Snoqualmie Valley Athletic Complex, in the form attached hereto as Exhibit A, and authorizes the Mayor to execute the same.

**PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 5<sup>TH</sup> DAY OF OCTOBER, 2021.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Rob McFarland, Mayor**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Effective: October 5, 2021  
Posted: October 6, 2021

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**Susie Oppedal, City Clerk**