

ORDINANCE 1772

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, VACATING A PORTION OF THE PUBLIC RIGHT-OF-WAY OF NORTH BEND WAY ADJACENT TO 247 E. NORTH BEND WAY; 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 the public right-of-way of North Bend Way adjacent to 247 E. North Bend Way, North Bend, Washington (“ROW”), through passage of Resolution No. 2006 on January 4, 2022; and

WHEREAS, upon passage of Resolution No. 2006, the City gave notice of the pendency of the resolution and the time and place fixed for a public hearing regarding the potential ROW vacation in the manner required by state law; 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 portion of the public ROW sought to be vacated, as such owners or reputed owners are shown on the rolls of the County Treasurer; and

WHEREAS, a public hearing was held on the vacation of said ROW on March 1, 2022; and

WHEREAS, vacation of the portion of the ROW 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 property benefitting from the subject street vacation is commonly known as 247 E. North Bend Way (King County parcel number 8570900259) and legally described in Exhibit A hereto. The City shall vacate by quit claim deed that portion of the public right-of-way of North Bend Way adjacent to 247 E. North Bend Way located in North Bend, Washington, legally described in Exhibit B and depicted on Exhibit C. The aforementioned quit claim deed shall be substantially in the form attached hereto as Exhibit D, in a final form and content acceptable to the City Attorney.

Such quit claim deed effectuating the vacation shall be executed and recorded by the Mayor or his designee, and shall include as an express condition of this vacation that the City retains a perpetual easement over, under, through, and along the vacated area for the purpose of construction, maintenance, and repair of public utilities and services.

Section 2. Consideration for Street Vacation: In consideration for the vacation of the portion of ROW legally described in Section 1 of this Ordinance, William M. Glazier, the landowner as shown on the rolls of the County Treasurer adjoining the ROW, shall simultaneously convey from the parent parcel legally described in Exhibit E hereto to the City by quit claim deed the following property known as a portion of the property commonly known as 247 E. North Bend Way located in North Bend, Washington, and legally described in Exhibit F and depicted on Exhibit G. The aforementioned quit claim deed shall be substantially in the form attached hereto as Exhibit H, in a final form and content acceptable to the City Attorney.

The vacation authorized by this ordinance shall not become effective until the quit claim deed described in this Section 2 is executed and recorded.

Section 3. Recording With County Auditor: Pursuant to RCW 35.79.030, 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 and the two quit claim deeds after their execution.

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 1ST DAY OF
MARCH, 2022.**

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Rob McFarland, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: March 11, 2022
Effective: March 16, 2022

Susie Oppedal, City Clerk