

# RESOLUTION 2093

## A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AN AQUATIC LANDS OUTFALL EASEMENT WITH THE WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES FOR THE WASTEWATER TREATMENT PLANT OUTFALL AREA

**WHEREAS**, the City of North Bend owns and operates a Wastewater Treatment Plant (WWTP) with the outfall structure located below the Ordinary High Water Mark (“OHWM”) on the east bank of the South Fork of the Snoqualmie River; and

**WHEREAS**, the State of Washington controls all property below the OHWM of all rivers and streams in the State of Washington; and

**WHEREAS**, Chapters 43.12 and 43.30 RCW, and RCW Title 79, grant authority to the Washington State Department of Natural Resources (“DNR”) to enter into easements for use of state-owned aquatic lands to discharge effluent from an outfall pipeline; and

**WHEREAS**, the earlier lease agreement between the City and State for the land occupying the City’s WWTP outfall structure expired on June 5, 2000; and

**WHEREAS**, the City desires to continue use of the existing WWTP outfall structure, and the State has proposed to grant said use under the terms of a proposed easement;

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

**Section 1.** The Mayor is authorized to execute the proposed Aquatic Lands Outfall Easement attached hereto as Exhibit A.

**PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 5<sup>TH</sup> DAY OF DECEMBER, 2023.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Rob McFarland, Mayor**

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**Kendra Rosenberg, City Attorney**

**ATTEST/AUTHENTICATED:**

Effective: December 5, 2023

Posted: December 6, 2023

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**Susie Oppedal, City Clerk**