

RESOLUTION 2101

A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, APPROVING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF NORTH BEND AND PEAK VIEW, L.L.C. AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME

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

WHEREAS, Peak View, 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, a prior Development Agreement authorized the previous property owner to construct ballfields and certain supporting infrastructure, which is to be completed by the Developer and which will result in an athletic complex on the Property with four multi-purpose fields and one indoor athletic facility (the “Project”); and

WHEREAS, the original Development Agreement for the project, approved by the City Council on October 18, 2016, enabled Bendigo Properties, L.L.C. to phase the Project, constructing the ballfields and certain supporting infrastructure in the first phase ahead of availability of sewer, and then construct a later second phase that would include a building housing indoor sports courts and other supporting infrastructure, upon construction of a sewer line; and

WHEREAS, the 1st Amendment to the Development Agreement, approved by the City Council on January 7, 2020, enabled Bendigo Properties, L.L.C. to serve the Project with required sewer connection through participating in the Meadowbrook Sewer Utility Local Improvement District rather than constructing an independent sewer line themselves; and

WHEREAS, the 2nd Amendment to the Development Agreement with Bendigo Properties, L.L.C. extended the time that the Developer is required to construct vault toilet facilities serving the development, from October 31, 2021, to October 31, 2024, if sewer is not installed through the approved Utility Local Improvement District (“ULID”), and extended the overall duration of the Development Agreement to June 30, 2025; and

WHEREAS, Bendigo Properties, L.L.C. sold the project to Peak View, L.L.C. who now owns or controls the property; and

WHEREAS, City staff recommend a new Development Agreement with Peak View,

L.L.C. to transfer obligations of the previous Development Agreement with Bendigo Properties L.L.C. and its associated 1st and 2nd Amendments to new owner Peak View, L.L.C, including completion of existing remaining Project obligations under Phase 1, addressing site improvements necessary to complete Phase 1 of the Project consistent with development obligations of the North Bend Municipal Code should Phase 2 not occur (a Phase 1A), and requirements for Phase 2 of the Project; and

WHEREAS, Phase 2 of the Project will consist of an approximately 75,000 square foot indoor athletic facility to include lobby, basketball courts and/or racquetball courts, restrooms, and water and sewer systems for the building, and connecting them to the City's sewer line when it is completed; and

WHEREAS, the Project obligations under the new Development Agreement with Peak View, LLC, will have a term through December 31, 2026, consistent with the estimated completion date of the sewer system; and

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

WHEREAS, the North Bend Planning Commission held a public hearing on the Development Agreement with Peak View L.L.C. on February 7, 2024, wherein the Commission did not receive any public 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 Development Agreement between the City of North Bend and Peak View L.L.C., in the form attached hereto as Exhibit A, and authorizes the Mayor to execute and administer the same.

PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 20TH DAY OF FEBRUARY, 2024.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Mary Miller, Mayor

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Effective: February 20, 2024

Posted: February 21, 2024

Susie Oppedal, City Clerk