

ORDINANCE 1810

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, VACATING A PORTION OF THE PUBLIC RIGHT-OF-WAY OF STATE HIGHWAY NO. 2; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, King County road rights-of-way within the City of North Bend (“City”), including portions of SE Cedar Falls Way and adjacent surplus right-of-way (“Subject Property”) were transferred to the City as part an annexation in 1987; and

WHEREAS, prior to the City annexation, the Washington State Department of Transportation (“WSDOT”) owned the Subject Property and transferred such property to King County pursuant to chapter 47.12 RCW. The remaining portion of the WSDOT State Route 90 roadway adjacent to the Subject Property was retained by the State for use as a “Future Park and Ride Lot.” Si View Metropolitan Park District (“Si View”) acquired this park and ride lot from the State in a separate transaction unrelated to this Ordinance; and

WHEREAS, the City Council initiated the proposed vacation of a segment of the public right-of-way of State Highway No. 2 in North Bend Way, North Bend, Washington (“ROW”), through passage of a Resolution attached to Agenda Bill 24-056 on June 4, 2024; and

WHEREAS, upon passage of Resolution No. 2106, the City gave notice of the time and place fixed for a public hearing regarding the potential ROW vacation in the manner required by state law and to allow public testimony regarding the ROW vacation; 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 proposed vacation of said ROW on July 16, 2024; and

WHEREAS, the City Council finds there are sufficient grounds for the proposed vacation and that said portions of City ROW are not needed for any public purpose, and that vacation thereof would be in the public interest; and

WHEREAS, the City Council finds that there is sufficient consideration to dedicate the legal parcel to Si View, a public entity, because the property previously belonged to King County and in exchange Si View will agree to release all property ownership interest in

Torguson Park located within North Bend such that the City of North Bend will be the sole owner of Torguson Park;

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 following described portions of City right-of-way legally described in Exhibit A attached hereto and as shown on the survey marked Exhibit B attached hereto are hereby vacated.

A. The existing parcel within the vacated right-of-way shall inure and be owned and maintained by Si View following the effective date of this ordinance and the execution of a quit claim deed. Such a deed shall only be executed after the mutual adoption of the Consolidated Interlocal Agreement between the City of North Bend and Si View Metropolitan Park District - 2024 and shall be delivered in accordance with RCW 35.79.040.

Section 2. 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 quit claim deed after their execution.

Section 3. Mayor Authorized to Administer and Execute Required Transaction Documents: The City Council hereby authorizes the Mayor or Mayor's designee to administer and execute all required transaction documents to legally create the parcel described in Section 1 of this ordinance, to authorize the quit claim deed following the legal creation of the parcel, and to take all necessary administrative measures to assign the parcel ownership to Si View following execution of a quit claim deed. Such a deed shall only be executed upon the mutual adoption of the Consolidated Interlocal Agreement between the City of North Bend and Si View Metropolitan Park District - 2024.

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 16TH DAY OF JULY, 2024.

CITY OF NORTH BEND:

Mary Miller, Mayor

APPROVED AS TO FORM:

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Published: July 26, 2024

Effective: July 31, 2024

Susie Oppedal, City Clerk