

# ORDINANCE 1364

## AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, REVISING THE CITY LIMITS TO INCLUDE ALL OF SE 136<sup>TH</sup> STREET RIGHT-OF-WAY

**WHEREAS**, the City is currently designing and constructing a sewer system to serve the Tanner and Truck Town areas of the City under the financing of Utility Local Improvement District No. 6; and

**WHEREAS**, the City of North Bend's corporate boundary currently extends along the north margin of SE 136<sup>th</sup> Street from 436<sup>th</sup> Avenue SE eastward to the terminus of SE 136<sup>th</sup> Street, and

**WHEREAS**, a portion of the sewer system is planned to be located in the right-of-way of SE 136<sup>th</sup> Street which is currently within the jurisdiction of King County; and

**WHEREAS**, the proposed location of the sewer main is the most advantageous for routing and future service to the area; and

**WHEREAS**, it is in the City and King County's best interest to have this right-of-way under the City's jurisdiction so that the City may accomplish the construction of the sewer main in the roadway and other necessary road repairs under City codes and standards; and

**WHEREAS**, RCW 35.21.790 allows a revision of corporate boundaries within a public street, road, or highway by substitution of a right-of-way line so as to fully include the right-of-way within one particular jurisdiction; and

**WHEREAS**, a revision of corporate boundaries to include all of SE 136<sup>th</sup> Street in the City of North Bend would be a timely solution to allowing a sewer main in the roadway;

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

**Section 1. Revision of Corporate Boundaries.** Upon approval of a similar ordinance or resolution by the Metropolitan King County Council, the corporate boundaries of the City of North Bend are and shall be revised to include all of SE 136<sup>th</sup> Street East in King County, Washington, between 436<sup>th</sup> Avenue SE and the easterly terminus of SE 136<sup>th</sup> Street, along with that portion of 436<sup>th</sup> Avenue SE at the intersection with SE 136<sup>th</sup> Street. The revised right-of-way, all of which is now included within the corporate boundaries of the City of North Bend, is legally described on the attached Exhibit "A"

and depicted on the map attached hereto as Exhibit “B”, both of which exhibits are incorporated herein by this reference as if set forth in full.

**Section 2.** The Official Zoning Map as designated pursuant to Section 18.08.010 of the North Bend Municipal Code shall be amended to reflect incorporation of the real property described in Exhibit “A”.

**Section 3. 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 4. 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 6<sup>TH</sup> DAY OF OCTOBER, 2009.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Kenneth G. Hearing, Mayor**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: October 14, 2009  
Effective: October 19, 2009

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**Cheryl Proffitt, City Clerk**

# **City of North Bend/King County Boundary Adjustment**

## **Legal Description**

Those portions of the Northwest Quarter and the Southwest Quarter of Section 14 and the Northeast Quarter and the Southeast Quarter of Section 15, Township 23 North, Range 08 East, W.M., in King County, Washington described as follows:

Beginning at the Northwest corner of the Southwest Quarter of Section 14, Township 23 North, Range 08 East, W.M., in King County, Washington, also being the True Point of Beginning;

Thence east along the north line of said Quarter to the intersection of the East margin of 436<sup>th</sup> Avenue SE and the South margin of SE 136<sup>th</sup> Street;

Thence continuing East, North, East, and South East along said South margin of SE 136<sup>th</sup> Street to the West line of Lot 2, King County Short Plat 486045 under Recording No 8710191150;

Thence Northeast along the westerly line of said Lot 2 to the Northern most property corner of said Lot 2 and the former centerline of SR 90 – Echo Lake Interchange to Tanner per approved June 18, 1971 plans;

Thence North 36 40' 10" East along the Southeasterly right-of-way line of SE 136<sup>th</sup> Street, 60 feet to the Northeast right-of-way line of SE 136<sup>th</sup> Street;

Thence following said Northeast right-of-way line Northwest and West to the West right-of-way line of 436<sup>th</sup> Avenue SE;

Thence Southerly to the intersection of the South margin of SE 136<sup>th</sup> Street and the West margin of 436<sup>th</sup> Avenue SE;

Thence Southerly along said West margin of 436<sup>th</sup> Avenue SE to the North line of the Southeast Quarter of Section 15, Range 23 North, 08 East, W.M.;

Thence East along the North line of said Section to the True Point of Beginning.