

# RESOLUTION 1617

## A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, GRANTING FINAL PLAT APPROVAL FOR DIVISION II OF THE CEDAR FALLS SUBDIVISION SUBJECT TO SUBMISSION OF SECURITY FOR THE COMPLETION OF IMPROVEMENTS

**WHEREAS**, the City’s Hearing Examiner previously granted Preliminary Plat Approval for the Cedar Falls Subdivision; and

**WHEREAS**, in the Examiner’s preliminary plat approval and consistent with City regulations, the Council has authorized the development of the plat in phases; and

**WHEREAS**, the owner of Division II has requested final plat approval for Division II; and

**WHEREAS**, City staff has reviewed the proposed final plat of Division II for compliance with North Bend Municipal Code 20.01.004, finds that there is still additional work that must be completed within a designated time frame, but recommends approval as set forth on the attached Exhibit A subject to submission of adequate security to insure the completion of the remaining work in the event the developer should fail to comply with the terms of the preliminary plat approval and execute an Agreement to Bond for Stormwater Facilities and Release of Claim in form and content acceptable to the City (Bond Agreement); and

**WHEREAS**, the Council finds that the final plat of Division II, as conditioned by Exhibit A, conforms to all the terms and conditions of the Preliminary Plat Approval, as approved by the Hearing Examiner, and that the final plat of Division II meets the requirements of applicable laws; and

**WHEREAS**, the applicant shall secure a bond or letter of credit, or execute a cash set aside agreement, and execute the Bond Agreement, all in a form acceptable to the City Attorney, guaranteeing completion of the infrastructure improvements required by the Preliminary Plat Approval and maintenance of all plat improvements, and shall further complete Bills of Sale and other necessary administrative tasks as set forth in the Developer Extension Agreement;

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

**Section 1. Authorization.** The Council finds that all conditions of the Cedar Falls Preliminary Plat Approval set forth in the Hearing Examiner’s decision dated February 24, 2011 (“Decision”) have been satisfied, or that adequate security can be posted to ensure the full and prompt completion of said improvements. Accordingly, the final plat of Division II of the Cedar Falls Subdivision is hereby approved on condition that the owner shall secure a bond or letter of credit, or execute a cash set aside agreement and shall execute the Bond Agreement, all in a form

acceptable to the City Attorney, guaranteeing completion of the infrastructure improvements and maintenance of the improvements required by the Preliminary Plat Approval. The required infrastructure improvements are set forth on pages 16 – 22 of the Decision as Condition Nos. 1-49 and the required maintenance obligations are set forth in either the North Bend Municipal Code and/or the Bond Agreement. The owner shall further complete Bills of Sale and other necessary administrative tasks as set forth in and required by the Developer Extension Agreement.

**PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON,  
AT A REGULAR MEETING THEREOF, THIS 16<sup>TH</sup> DAY OF APRIL, 2013.**

**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**

Effective: April 16, 2013  
Posted: April 17, 2013

**ATTEST/AUTHENTICATED:**

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**Susie Oppedal, City Clerk**