

ORDINANCE NO. 6859

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AUBURN WASHINGTON, AMENDING ORD. 6759 AND
EXTENDING THE DEADLINE TO COMPLETE CONDITIONS
ASSOCIATED WITH VACATING RIGHT-OF-WAY OF A
PORTION OF THE ALLEY NORTH OF 3RD STREET NE
BETWEEN B STREET NE AND AUBURN AVENUE WITHIN
THE CITY OF AUBURN, WASHINGTON

WHEREAS, the City of Auburn, Washington ("City"), passed Ordinance No. 6759 on March 16, 2020, vacating its right-of-way located within a portion of the alley north of 3rd Street NE, between B Street NE and Auburn Avenue, within the City, subject to conditions outlined in that Ordinance; and,

WHEREAS, Section 1, Paragraph G of Ordinance No. 6759 required all conditions of the vacation to be completed by September 16, 2021 or the vacation and Ordinance would be null and void; and,

WHEREAS, pursuant to Auburn City Code (ACC) 12.48.090 and before the September 16 deadline in Ordinance No. 6759, the applicant requested additional time to complete the required vacation conditions in Ordinance No. 6759. The City Council granted the request by passing Ordinance No. 6823, which amended Ordinance No. 6759 to extend its vacation condition deadline to September 16, 2022. A copy of Ordinance No. 6823 is attached as Exhibit A to this Ordinance; and,

WHEREAS, by letter dated March 31, 2022, the applicant has indicated that due to factors outside the applicant's control, they will not be able to complete the vacation conditions by the September 16, 2022 deadline set by Ordinance No. 6823. The applicant

requests additional time to complete the conditions, and estimates completion by April 30, 2023; and,

WHEREAS, the City has determined that the applicant has made a good faith effort to meet the vacation conditions required by Ordinance 6759, and that the applicant's request to extend the condition completion deadline to April 30, 2023 is reasonable and in the public interest given the unforeseeable circumstances encountered by the applicant; and,

WHEREAS, the City Council has considered and approves the applicant's request for extension.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON DO ORDAIN as a non-codified ordinance as follows:

Section 1. Amendment of City Ordinance. Section 1, paragraph G of Ordinance No. 6759 is amended to read as follows:

G. This vacation shall be effective upon completion of the provisions in paragraph E and F, above. The above described provisions must be completed by ~~September 16, 2021~~ April 30, 2023 or the vacation and Ordinance will be null and void.

All other provisions of Ordinance No. 6759 shall remain in full force and effect.

Section 2. Constitutionality or Invalidity. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provisions to other persons or circumstances shall not be affected.

Section 3. Implementation. The Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 4. Effective Date. This Ordinance shall take effect and be in force

five (5) days from and after passage, approval, and publication as provided by law.

Section 5. Recordation. The City Clerk is directed to record this Ordinance together with Ordinance No. 6823 and Ordinance No. 6759 with the office of the King County Auditor only upon completion of those provisions set forth in Ordinance No. 6759, at which time the vacation pursuant to Ordinance No. 6759 shall be effective under Auburn City Code 12.48.080.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

PUBLISHED: _____