

ORDINANCE NO. 446

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING ORDINANCE NO. 438, WHICH VACATED A PORTION OF THE ORIGINAL ALIGNMENT OF WOODINVILLE-DUVALL ROAD (AKA KING COUNTY ROAD NO. 537); REVISING THE PERMANENT EGRESS RESTRICTION IMPOSED THEREUNDER; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 438 vacated a portion of the original alignment of Woodinville-Duvall Road (AKA King County Road No. 537) and set forth various conditions for said vacation; and

WHEREAS, the right-of-way vacation authorized by Ordinance No. 438 is expressly contingent upon the execution by the petitioner and the City of a Purchase and Sale Agreement and the imposition of a permanent egress restriction from the adjacent development site; and

WHEREAS, the permanent egress restriction requires that a binding covenant be executed and recorded permanently prohibiting left-turn egress from Lot 1 and Lot 2 of SPA2005050 onto east-bound Woodinville-Duvall Road aka NE 185th Street; and

WHEREAS, Lot 1 was erroneously included in Ordinance No. 438 and it should be removed and excluded from the conditions of right-of-way vacation contained in Ordinance No. 438; and

WHEREAS, the changes set forth herein will revise and clarify the requirements of the permanent egress restriction;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Amendment of Section 3(C) of Ordinance No. 438. Section 3(C) of Ordinance No. 438 is hereby amended to provide in its entirety as follows:

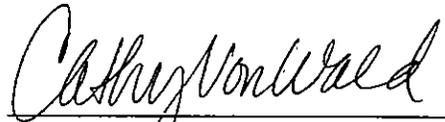
"C. Purchase and Sale Contingency: Permanent Egress Restriction. The Purchase and Sale Agreement shall be expressly contingent upon the execution and recording of a binding covenant permanently prohibiting left-turn egress from Lot 2 of SPA2005050 onto east-bound Woodinville-Duvall Road aka NE 185th Street. Said covenant shall be in a form approved by the City Attorney,

shall run with the land and bind all future owners thereof, and shall be recorded against the property title of Lot 2 of SPA2005050 at the petitioner's sole expense."

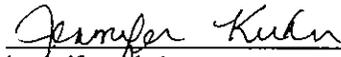
Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance, being an exercise of power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of the ordinance or a summary thereof consisting of the title.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 9th DAY OF JULY 2007.

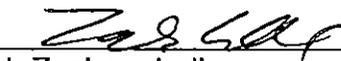

Cathy VonWald, Mayor

ATTEST/AUTHENTICATED:


Jennifer Kuhn
City Clerk/CMC

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY


J. Zachary Lell
City Attorney

PASSED BY THE CITY COUNCIL: 07-09-2007
PUBLISHED: 07-16-2007
EFFECTIVE DATE: 07-23-2007
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