Pree Carpenter
SPU Peterson Lake ORD
June 26, 2012
Version #2

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 117580

AN ORDINANCE relating to Seattle Public Utilities; declaring property interests that may have been acquired by Seattle Public Utilities surplus to utility needs; and authorizing the exchange of quitclaim deeds between the City of Seattle and King County to clarify the northern boundary line of a portion of Seattle Public Utilities' Lake Youngs Supplyline right-of way in the Southwest Quarter of Section 5, Township 22 North, Range 6 East, W.M., and in the Southeast Quarter of Section 6, Township 22 North, Range 6 East, W.M., in King County, Washington.

WHEREAS, the Seattle Water Department in 1898 condemned a 66-foot wide strip of land in the Southeast Quarter of Section 6, Township 22 North, Range 6 East, W.M. for a water supply line right-of-way, as authorized by Ordinance 3990; and

WHEREAS, in 1901, the Seattle Water Department condemned a neighboring 100-foot wide strip of land in the Southwest Quarter of Section 5, Township 22 North, Range 6 East, W.M. for a water supply line right-of-way, as authorized by Ordinance 5803; and

WHEREAS, in 1940, the Seattle Water Department acquired an additional 20-foot wide strip in the Southwest Quarter of Section 5, Township 22 North, Range 6 East, W.M. to the north of the 100-foot supplyline right-of-way and a variable-width strip in the Southeast Quarter of Section 6, Township 22 North, Range 6 East, W.M. to the north of the 66-foot supply line right-of-way, as authorized by Ordinance 70185; and

WHEREAS, these adjoining water supply line rights-of-way are part of the Lake Youngs Supplyline; and

WHEREAS, in 1950, a parcel to the north of and adjacent to the Lake Youngs Supplyline was sold by King County in a tax sale; and

WHEREAS, the ambiguous legal description of the parcel sold by King County in a 1950 tax sale left it unclear whether the property being sold was north of the Lake Youngs Supplyline right-of-way or was part of the northern 20 feet of the supplyline right-of-way; and

WHEREAS, the King County Assessor's records did not accurately reflect the City's ownership of a portion of the property sold in the 1950 tax sale; and

WHEREAS, in 1996 and 2005, King County purchased the property adjacent to and north of the City's Lake Youngs Supplyline for its Peterson Lake Natural Area; and

WHEREAS, in 1996, assets of the Seattle Water Department were transferred to Seattle Public Utilities as authorized by Ordinance 118396; and

WHEREAS, Seattle Public Utilities and King County agree on the correct legal description of the County-owned property and the City-owned property in this area; however, Seattle Public Utilities has determined that there are ambiguities in legal descriptions in certain deeds and tax assessor records that may create confusion regarding the boundary between the two properties; and

WHEREAS, the City of Seattle and King County agree that an exchange of quitclaim deeds will clarify title and reduce the risk of future disputes; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. To the extent the City may have acquired for utility purposes any interest in the real property legally described in the Quitclaim Deed attached hereto as Attachment 1, the property is declared surplus under the provisions of RCW 35.94.040. The acceptance of a quitclaim deed from King County as described in Section 3 is full and fair consideration for any rights the City may be giving up with respect to the surplus property.

Section 2. The Director of Seattle Public Utilities, or his designee, is hereby authorized to execute, for and on behalf of the City, a Quit Claim Deed substantially in the form of the Quitclaim Deed to County attached hereto as Attachment 1, conveying to King County the City's interest in real property located in a portion of the North One-half of the Southwest Quarter of Section 5, Township 22 North, Range 6 East, W.M., and in a portion of the Northeast Quarter of the Southeast Quarter of Section 6, said Township and Range, in King County, Washington, which property is legally described in Attachment 1.

Section 3. The Director of Seattle Public Utilities, or his designee, is hereby authorized to accept, for and on behalf of the City, a Quit Claim Deed substantially in the form of the Quitclaim Deed to City attached hereto as Attachment 2, conveying to the City, King County's interest in real property located in a portion of the Southwest Quarter of Section 5, Township 22

North, Range 6 East, W.M. and in a portion of the Northeast Quarter of the Southeast Quarter of Section 6, said Township and Range, which property is legally described in Attachment 2.

Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2012, and signed by me in open session in authentication of its passage this _____ day of _____, 2012.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2012.

_____

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2012.

_____

Monica Martinez Simmons, City Clerk

(Seal)

Attachment 1 – Quit Claim Deed (Seattle Grantor)
Attachment 2 – Quit Claim Deed (King County Grantor)

Pree Carpenter/pc
SPU Peterson Lake ORD ATT 1
July 7, 2012
Version #3

ATTACHMENT 1

Recording Requested By And
When Recorded Mail To:

King County Parks Division
201 South Jackson Street, Suite 700
Seattle, WA 98104

QUIT CLAIM DEED

Grantor: The City of Seattle, a municipal corporation of the State of Washington.
Grantee: King County, a political subdivision of the State of Washington.
Legal Description (abbreviated): N ½, SW ¼, Sec. 5, T22N, R6E; N ½, SE ¼ Sec. 6, T22N, R6E, Additional legal(s) on Page 1.
Assessor's Tax Parcel ID#: 052206-9020 (portion), 052206-9009 (portion).

THE GRANTOR The City of Seattle, a municipal corporation of the State of Washington, for and in consideration of mutual benefits and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, conveys and quit claims to King County, a political subdivision of the State of Washington, all interest in the following described real estate, situated in the County of King, State of Washington:

A 20 foot wide strip of land in the north half of the southwest quarter of Section 5, Township 22 North, Range 6 East, W.M., lying northerly and northeasterly of a line 20 feet northerly and northeasterly of and parallel with the northerly and northeasterly margin of the 100 foot wide pipe line right of way as condemned in King County Superior Court Cause No. 31510, as provided by Ordinance No. 5803 of the City of Seattle, and southerly and southwesterly of a line 40 feet northerly and northeasterly of and parallel with said northerly and northeasterly margin of the 100 foot wide pipe line right of way as condemned in King County Superior Court Cause No. 31510, said 20 foot wide strip of land further described as follows.

Commencing at the southwest corner of said Section 5, thence N 02° 34' 36" E along the west line of said Section 5 a distance of 2,098.84 feet to the **true point of beginning** and the southwest corner of said 20 foot wide strip of land;

Thence along said northerly and northeasterly margin of the 100 foot wide pipe line right of way as condemned in King County Superior Court Cause No. 31510 the following courses and distances:

N 82° 50' 46" E a distance of 17.90 feet to the beginning of a 929.90 foot radius curve to the right;

Thence along the arc of said curve through a central angle of 7° 46' 30", a distance of 126.19 feet;

Thence S 89° 22' 44" E a distance of 1,035.24 feet to the beginning of a 786.80 foot radius curve to the right;

Thence along the arc of said curve, through a central angle of 34° 20' 44", a distance of 471.64 feet;

Thence S 55° 02' 00" E a distance of 144.45 feet to the beginning of a 789.90 foot radius curve to the left;

Thence along the arc of said curve through a central angle of 8° 04' 00", a distance of 111.21 feet;

Thence S 63° 06' 00" E a distance of 540.45 feet to the beginning of a 453.10 foot radius curve to the right;

Thence along the arc of said curve through a central angle of 20° 05' 32", a distance of 158.89 feet;

Thence S 43° 00' 28" E a distance of 211.18 feet to the southeast corner of said strip of land on the east line of the southwest quarter of said Section 5, from which the south quarter corner of said Section 5 bears S 00° 45' 47" W a distance of 1,382.52 feet;

Thence N 00° 45' 47" E along said east line a distance of 28.91 feet;

Thence N 43° 00' 28" W a distance of 190.30 feet to the beginning of a 473.10 foot radius curve to the left;

Thence along the arc of said curve through a central angle of 20° 05' 32", a distance of 165.90 feet;

Thence N 63° 06' 00" W a distance of 540.45 feet to the beginning of a 769.90 foot radius curve to the right;

Thence along the arc of said curve through a central angle of 8° 04' 00", a distance of 108.39 feet;

Thence N 55° 02' 00" W a distance of 144.45 feet to the beginning of a 806.80 foot radius curve to the left;

Thence along the arc of said curve through a central angle of 34° 20' 44", a distance of 483.63 feet;

Thence N 89° 22' 44" W a distance of 1,035.24 feet to the beginning of a 949.90 foot radius curve to the left;

Thence along the arc of said curve through a central angle of 7° 46' 30 a distance of 128.90 feet;

Thence S 82° 50' 46" W a distance of 14.47 feet to the west line of said Section 5, from which the west quarter corner bears N 2° 34' 36" E a distance of 513.66 feet;

Thence S 2° 34' 36" W along said west line a distance of 20.29 feet to the **true point of beginning.**

Containing 56,289 square feet, or 1.29 acres, more or less.

ALSO that portion of the north half of the northeast quarter of the southeast quarter of Section 6, Township 22 North, Range 6 East, W.M., described as follows.

Commencing at the southeast corner of said Section 6, thence N 02° 34' 36" E along the east line of said Section 6 a distance of 2,098.84 feet to the **true point of beginning** and the southeast corner of said portion;

Thence S 82° 50' 46" W along a line 70 feet northerly of and parallel with the centerline of the pipe line right of way as condemned in King County Superior Court Cause No. 24650; as provided by Ordinance No. 3990 of the City of Seattle, a distance of 109.94 feet to the southerly line of the Honey Creek drainage ditch line, as condemned in King

County Superior Court Cause No. 170523, verdict 6, as provided by City of Seattle Ordinance No. 45259;

Thence N 75° 22' 06" E along said southerly line a distance of 113.43 feet to the east line of said Section 6;

Thence S 2° 34' 36" W along said east line a distance of 14.98 feet to the **true point of beginning.**

Containing 811 square feet, more or less.

Dated this ____ day of _____, _____.

Grantor: The City of Seattle, a municipal corporation of the State of Washington

BY: _____
Title: _____

STATE OF WASHINGTON, }
}SS.
County of King }

I hereby certify that I know or have satisfactory evidence that _____ is/are the person(s) who appeared before me, and said person(s) acknowledged that __he__ signed this instrument, on oath stated that __he__ is/are authorized to execute the instrument and acknowledged it as the _____ of The City of Seattle to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: _____

_____

_____
Printed signature

Notary Public in and for the State of Washington,

residing at _____

My appointment expires _____

Pree Carpenter
SPU Peterson Lake ORD ATT 2
July 7, 2012
Version #6

ATTACHMENT 2

Recording Requested By And
When Recorded Mail To:

City of Seattle SPU – WTR
700 5th Ave, Suite 4900
PO Box 34018
Seattle WA 98124-4018

QUIT CLAIM DEED

Grantor: King County, a political subdivision of the State of Washington.
Grantee: The City of Seattle, a municipal corporation of the State of Washington.
Legal Description (abbreviated): N ½, SW ¼, Sec. 5, T22N, R6E; N ½, SE ¼ Sec. 6, T22N, R6E, Additional legal(s) on Page 1.
Assessor's Tax Parcel ID#: 052206-9018 (portion), 052206-9020 (portion), 052206-9009 (portion)

THE GRANTOR King County, a political subdivision of the State of Washington, for and in consideration of mutual benefits and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, conveys and quit claims to the City of Seattle, a municipal corporation of the State of Washington, all interest in the following described real estate, situated in the County of King, State of Washington:

A 20 foot wide strip of land in the north half of the southwest quarter of Section 5, Township 22 North, Range 6 East, W.M., lying northerly and northeasterly of, and adjoining, the northerly and northeasterly margin of the 100 foot wide pipe line right of way as condemned in King County Superior Court Cause No. 31510, as provided by Ordinance No. 5803 of the City of Seattle, said 20 foot wide strip of land further described as follows.

Commencing at the southwest corner of said Section 5, thence N 02° 34' 36" E along the west line of said Section 5 a distance of 2,078.55 feet to the **true point of beginning** on the north margin of said 100 foot wide right of way and the southwest corner of said 20 foot wide strip of land;

Thence along said northerly and northeasterly margin of the 100 foot wide pipe line right of way as condemned in King County Superior Court Cause No. 31510 the following courses and distances:

N 82° 50' 46" E a distance of 21.33 feet to the beginning of a 909.90 foot radius curve to the right;

Thence along the arc of said curve through a central angle of 7° 46' 30", a distance of 123.47 feet;

Thence S 89° 22' 44" E a distance of 1,035.24 feet to the beginning of a 766.80 foot radius curve to the right;

Thence along the arc of said curve, through a central angle of 34° 20' 44", a distance of 459.65 feet;

Thence S 55° 02' 00" E a distance of 144.45 feet to the beginning of an 809.90 foot radius curve to the left;

Thence along the arc of said curve through a central angle of 8° 04' 00", a distance of 114.02 feet;

Thence S 63° 06' 00" E a distance of 540.45 feet to the beginning of a 433.10 foot radius curve to the right;

Thence along the arc of said curve through a central angle of 20° 05' 32", a distance of 151.88 feet;

Thence S 43° 00' 28" E a distance of 232.06 feet to the southeast corner of said strip of land on the northeasterly margin of said pipe line right of way as condemned in King County Superior Court Cause No. 31510, said southeast corner of said strip being on the east line of the southwest quarter of said Section 5, from which the south quarter corner of said Section 5 bears S 00° 45' 47" W a distance of 1,353.61 feet;

Thence leaving said northeasterly right of way margin, N 00° 45' 47" E along said east line a distance of 28.91 feet;

Thence N 43° 00' 28" W a distance of 211.18 feet to the beginning of a 453.10 foot radius curve to the left;

Thence along the arc of said curve through a central angle of 20° 05' 32", a distance of 158.89 feet;

Thence N 63° 06' 00" W a distance of 540.45 feet to the beginning of a 789.90 foot radius curve to the right;

Thence along the arc of said curve through a central angle of 8° 04' 00", a distance of 111.21 feet;

Thence N 55° 02' 00" W a distance of 144.45 feet to the beginning of a 786.80 foot radius curve to the left;

Thence along the arc of said curve through a central angle of 34° 20' 44", a distance of 471.64 feet;

Thence N 89° 22' 44" W a distance of 1,035.24 feet to the beginning of a 929.90 foot radius curve to the left;

Thence along the arc of said curve through a central angle of 7° 46' 30 a distance of 126.19 feet;

Thence S 82° 50' 46" W a distance of 17.90 feet to the west line of said Section 5, from which the west quarter corner bears N 2° 34' 36" E a distance of 533.95 feet;

Thence S 2° 34' 36" W along said west line a distance of 20.29 feet to the **true point of beginning**.

Containing 56,397 square feet, or 1.29 acres, more or less.

ALSO that portion of the north half of the northeast quarter of the southeast quarter of Section 6, Township 22 North, Range 6 East, W.M., described as follows.

Commencing at the southeast corner of said Section 6, thence N 02° 34' 36" E along the east line of said Section 6 a distance of 2,061.30 feet to the **true point of beginning** on a line 33 feet northerly of and parallel with the centerline of the pipe line right of way as condemned in King County Superior Court Cause No. 24650, as provided by Ordinance No. 3990 of the City of Seattle, and the southeast corner of said portion;

Thence S 82° 50' 46" W along said line a distance of 385.48 feet to the southerly line of the Honey Creek drainage ditch line, as condemned in King County Superior Court Cause No. 170523, verdict 6, as provided by City of Seattle Ordinance No. 45259;

Thence N 75° 22' 06" E along said southerly line a distance of 284.31 feet to a line 70 feet northerly of and parallel with the centerline of said pipe line right of way as condemned in King County Superior Court Cause No. 24650;

Thence N 82° 50' 46" E along said northerly line a distance of 109.94 feet to the east line of said Section 6;

Thence S 2° 34' 36" W along said east line a distance of 37.54 feet to the **true point of beginning**.

Containing 9,165 square feet or 0.21 acres, more or less.

EXCEPT an easement for Petrovitsky Road Extension as conveyed to King County under Recording Number 8401200947.

Dated this ____ day of _____, _____.

Grantor: King County, a political subdivision of the State of Washington

_____

BY: Stephen L Salyer
Title: Manager, Real Estate Services

STATE OF WASHINGTON)
)SS.

COUNTY OF KING)

I certify that I know or have satisfactory evidence that Stephen L Salyer is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he is authorized to execute the instrument and acknowledged it as the Manager, Real Estate Services of King County to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

_____

_____
Printed name

Notary Public in and for the
State of Washington
Residing at _____

My appointment expires _____

Pree Carpenter
SPU Peterson LakeORD FISC
June 22, 2012
Version #8

Form revised: December 6, 2011

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Public Utilities	Pree Carpenter/386-9754	Karl Stickel/684-8085

Legislation Title:
AN ORDINANCE relating to Seattle Public Utilities; declaring property interests that may have been acquired by Seattle Public Utilities surplus to utility needs; and authorizing the exchange of quitclaim deeds between the City of Seattle and King County to clarify the northern boundary line of a portion of Seattle Public Utilities' Lake Youngs Supplyline right-of way in the Southwest Quarter of Section 5, Township 22 North, Range 6 East, W.M., and in the Southeast Quarter of Section 6, Township 22 North, Range 6 East, W.M., in King County, Washington.

Summary of the Legislation:
This legislation involves property rights that are agreed upon between Seattle Public Utilities and King County but that may not be clear in deeds or assessor's records. The legislation authorizes the exchange of quit claim deeds between the City and King County to clarify the boundary between a portion of the City's Lake Youngs Supplyline and King County's Peterson Lake Natural Area. The legislation would declare surplus to the City's needs any property interest the City arguably owns in the County's Peterson Lake Natural Area.

Background:
This ordinance relates to part of the Lake Youngs Supplyline in King County, approximately 1.5 miles east of Lake Youngs Reservation and near the intersection of SE Petrovitsky Road and 196th Avenue SE. The City purchased the supplyline right of way in 1898, 1901 and 1940. In 1950, a 20-foot wide strip adjacent to Lake Youngs Supplyline was sold by King County in a tax sale. The deed for the 1950 tax sale contained an ambiguous legal description which left it unclear whether the property being sold was north of and separate from the Lake Youngs Supplyline or was the northern 20 feet of the supplyline.

In 2005, King County purchased the property north of this section of the Lake Youngs Supplyline for its Peterson Lake Natural Area. King County does not want to own any part of the Lake Youngs Supplyline. Seattle Public Utilities asked King County for clarification of the property boundary between the City and County properties. King County and the City have agreed on an exchange of quit claim deeds to establish the legal boundary between the two properties. The exchange does not alter the physical land currently treated as being under the control and jurisdiction of each party, rather it clarifies title documents. The considerations for each quit claim deed are mutual benefits to the City and the County, with no money changing hands.

_X_ This legislation does not have any financial implications.

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?**
No.

b) **What is the financial cost of not implementing the legislation?**
Unknown. This amicable exchange of quit claim deeds prevents future misunderstandings that might require litigation.

c) **Does this legislation affect any departments besides the originating department?**
No.

d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** None.

e) **Is a public hearing required for this legislation?**
Yes, a public hearing is required because property rights are being surplussed. The Council meeting(s) meet the public hearing requirement.

f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.

g) **Does this legislation affect a piece of property?**
Yes. Please see the Attachment 1 for a map of the affected properties.

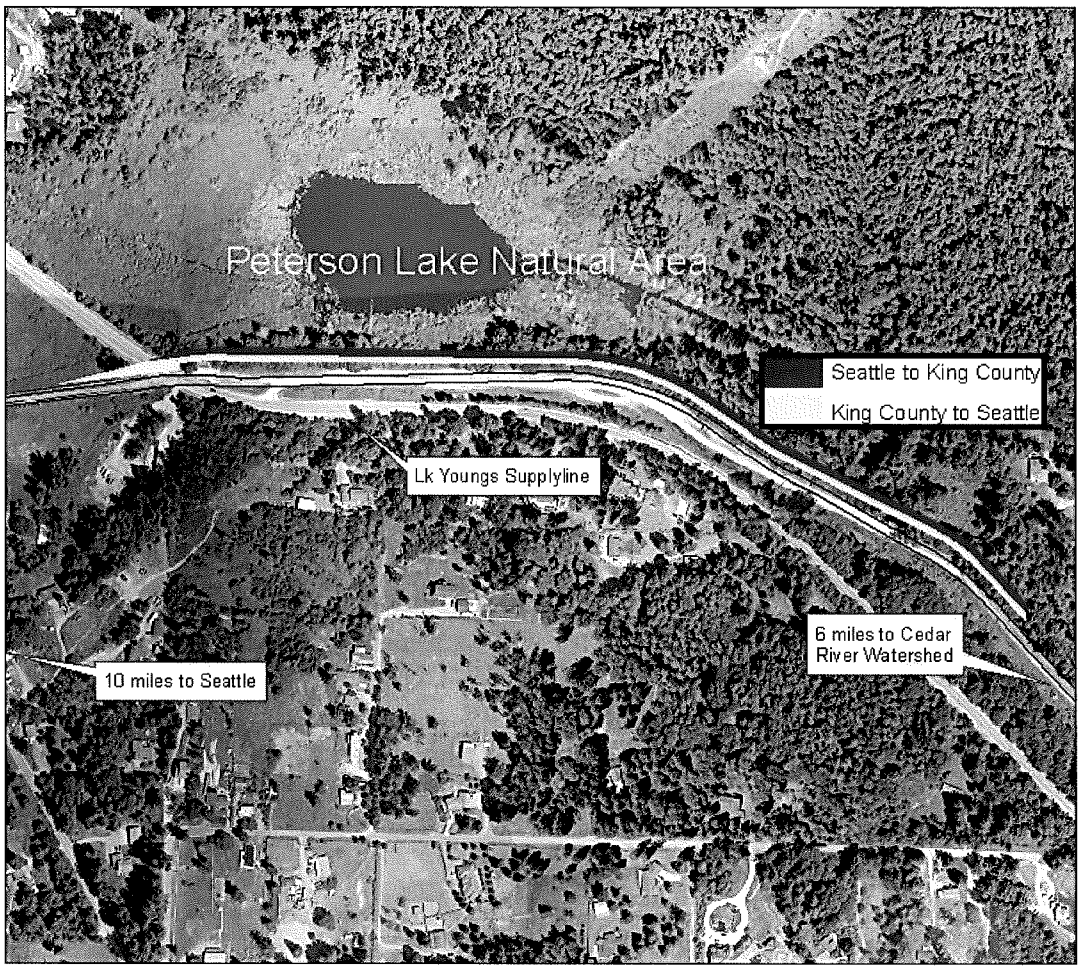
h) **Other Issues:**
None

List attachments to the fiscal note below:

Attachment 1: Map of properties subject to this legislation

Attachment 1

Map showing property deeded from City of Seattle to King County and
Property deeded from King County to City of Seattle



Quit Claim Deeds will transfer any interest each Grantor has in the Grantee's property.

This map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.

N

City of Seattle
Office of the Mayor

July 31, 2012

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill authorizing the Director of Seattle Public Utilities to exchange quit claim deeds with King County. The purpose of the quit claim deed exchange is to clarify the boundary line between a portion of the City's Lake Youngs Supplyline and the County's Peterson Lake Natural Area.

The Lake Youngs Supplyline carries water from the Cedar River Watershed to the Lake Youngs Reservation. It is a vital part of the City's water system. Protecting the City's water supply includes protecting its property rights. The deed for a 1950 tax sale contained an ambiguous legal description which left it unclear whether the property being sold was north of the Lake Youngs Supplyline or the northern 20 feet of the supplyline right-of-way. Fortunately, in 2005 King County purchased this property from a private owner to include in the County's Peterson Lake Natural Area. Seattle Public Utilities asked King County for clarification of the property boundary between the City and County properties. King County agreed to an exchange of quit claim deeds to establish the legal boundary between the two properties. The exchange does not alter the physical land under the control and jurisdiction of each party.

Thank you for considering this legislation and supporting the protection of an important component of the Seattle and the region's water supply. If you have questions, please contact Pree Carpenter at 386-9754.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
Office of the Mayor
600 Fourth Avenue, 7th Floor
PO Box 94749
Seattle, WA 98124-4749

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Fax (206) 684-5360
TDD (206) 615-0476
mike.mcginn@seattle.gov