

Ordinance No. 122976

Council Bill No. 116512

AN ORDINANCE relating to the City Light Department; accepting Deeds to the Sjoboen and Wild Fish Conservancy properties in Skagit County, Washington, ratifying the associated Deeds of Right conveyed to the State of Washington for both properties, and ratifying the Road Maintenance Agreement for the Sjoboen property; all for salmonid habitat protection purposes.

CF No. _____

Date Introduced:	<u>4-27-09</u>	
Date 1st Referred:	To: (committee)	Energy & Technology (ETC)
<u>4-27-09</u>		
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
<u>5-11-09</u>	<u>9-0</u>	
Date Presented to Mayor:	Date Approved:	
<u>5-12-09</u>	<u>5-19-09</u>	
Date Returned to City Clerk:	Date Published:	T.O. _____ F.T. <input checked="" type="checkbox"/>
<u>5-20-09</u>	<u>3 P</u>	
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Bruce D. Hill

Councilmember

Committee Action:

5/6/09 BH, RC, JG Aye

5-11-09 Pass 9-0

This file is complete and ready for presentation to Full Council. Committee: _____
(Initial/date)

LAW DEPARTMENT

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

ORDINANCE 122976

AN ORDINANCE relating to the City Light Department; accepting Deeds to the Sjoboen and Wild Fish Conservancy properties in Skagit County, Washington, ratifying the associated Deeds of Right conveyed to the State of Washington for both properties, and ratifying the Road Maintenance Agreement for the Sjoboen property; all for salmonid habitat protection purposes.

WHEREAS, Ordinance 121114 authorizes the Superintendent of City Light, within and subject to appropriation authority and based on appraised market value, to negotiate for and purchase parcels of land in the Skagit River and the Tolt/Snoqualmie River watersheds in furtherance of the City's Early Action Program, which was approved by Resolution 29905; and

WHEREAS, under authority of Ordinance 121114, City Light acquired the Sjoboen and Wild Fish Conservancy properties in the Skagit River watershed; and

WHEREAS, City Light's purchases of the Sjoboen and Wild Fish Conservancy properties were made possible by Salmon Recovery Funding Board Grants ("SRFB Grants") from the State of Washington for \$335,000 and \$75,000, respectively; and by a National Fish and Wildlife Foundation Grant ("NFWF Grant") for \$136,000 for the Sjoboen property only; and

WHEREAS, the SRFB Grants required City Light to convey Deeds of Right to the State of Washington, which includes conditions under which properties purchased with grant funds may be used or sold; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Statutory Warranty Deed executed by Robert V. Sjoboen and Marion L. Sjoboen on December 2, 2008, as Grantors, recorded under Skagit County Auditor's File Number 200812040080, a copy of which is included as Attachment A, conveying approximately 91 acres located along the Skagit River to the City Light Department along with an access



1 easement to the property, is hereby accepted; the real property conveyed therein is placed under
2 the jurisdiction of the City Light Department; and the Deed of Right executed by the City Light
3 Department on December 10, 2008, as Grantor, recorded under Skagit County Auditor's File
4 Number 200901160131, a copy of which is included as Attachment B, is hereby ratified in
5 fulfillment of the SRFB Grant, Project Number 07-1783P, and the Road Maintenance
6 Agreement, recorded under Skagit County Auditor's File Number 200812050122, a copy of
7 which is included as Attachment C, is hereby accepted.

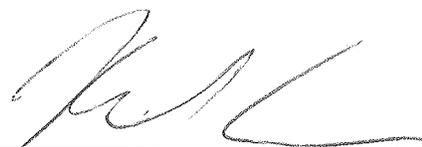
9 Section 2. The Statutory Warranty Deed executed by Kurt Beardslee of the Wild Fish
10 Conservancy on January 28, 2009, as Grantor, recorded under Skagit County Auditor's File
11 Number 20001280181, conveying approximately 36 acres located along the Skagit River to the
12 City Light Department, a copy of which is included as Attachment D, is hereby accepted; the real
13 property conveyed therein is placed under the jurisdiction of the City Light Department; and the
14 Deed of Right executed by the City Light Department on December 10, 2008, as Grantor,
15 recorded under Skagit County Auditor's File Number 200901280182, a copy of which is
16 included as Attachment E, is hereby ratified in fulfillment of the SRFB Grant, Project Number
17 07-2017P.
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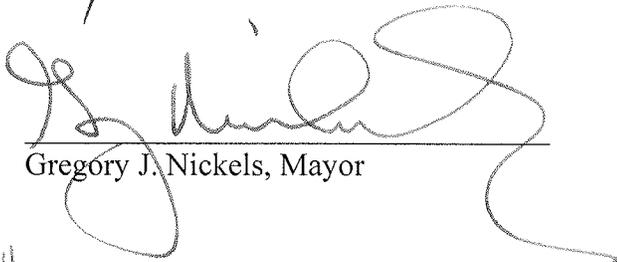
1 Section 3. This ordinance shall take effect and be in force thirty (30) days from and after
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 11th day of May, 2009, and
5 signed by me in open session in authentication of its passage this

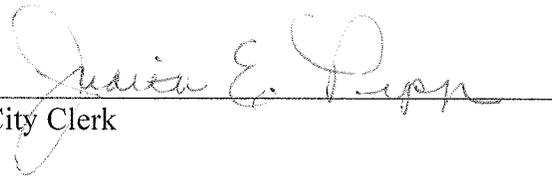
6
7 11th day of May, 2009.

8
9
10 
11 _____
12 President _____ of the City Council

13 Approved by me this 19th day of May, 2009.

14
15 
16 _____
17 Gregory J. Nickels, Mayor

18 Filed by me this 20th day of MAY, 2009.

19
20 
21 _____
22 City Clerk

23 (Seal)

- 24 Attachment A: Statutory Warranty Deed (Sjoboen)
25 Attachment B: Deed of Right (for Salmon Recovery)
26 Attachment C: Road Maintenance Agreement
27 Attachment D: Statutory Warranty Deed (Wild Fish Conservancy)
28 Attachment E: Deed of Right (for Salmon Recovery)



AFTER RECORDING MAIL TO:
Filed for Record at Request of:
City of Seattle
Seattle City Light Department
P O Box 34023
Seattle, WA. 98124-4023



200812040080
Skagit County Auditor

12/4/2008 Page 1 of 4 3:44PM



LAND TITLE OF SKAGIT COUNTY

STATUTORY WARRANTY DEED

THE GRANTOR(S) ROBERT V. SJOBOEN and MARION L. SJOBOEN for and in consideration of Ten Dollars and other good and valuable considerations, in hand paid, conveys, and warrants to CITY OF SEATTLE, a Municipal corporation acting by and through the Seattle City Light Department, the following described real estate, situated in the County of King.

Abbreviated Legal Description: Ptn Gov. Lots 4 & 5, 19-35-9 E W.M. & Ptn Gov. Lot 8 & E 1/2 NE 1/4, 24-35-8 E W.M. (aka Ptn Lot 4 SP#94-044; NOW Lot 2, SP#PL07-0253 and more fully described in Exhibit "A"

SUBJECT TO: Easements, Reservations, Covenants, Conditions, Restrictions and Agreements of record, and fully set forth under attached Exhibit 'B'

Assessor's Property Tax Parcel/Account Number: 350824-0-010-0001 P44167, ~~350824-1-007-0100 P108125, 350824-1-007-0004 P44195, 350824-0-015-0200 P105111, 350919-0-009-0000 P44491, 350919-0-010-0007 P44493.~~

Dated: December 1, 2008

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX
3920

DEC 04 2008

Amount Paid \$ 13,088.00
Skagit Co. Treasurer
By *mam* Deputy



Dated: 12/2/08

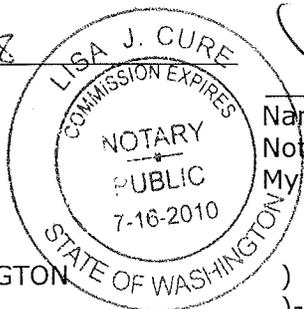
By Robert V. Sjoboen
Robert V. Sjoboen

By: Marion L. Sjoboen
Marion L. Sjoboen

STATE OF WASHINGTON)
)-ss
COUNTY OF Skagit)

I certify that I know or have satisfactory evidence that Robert V. Sjoboen, is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 12/2/08

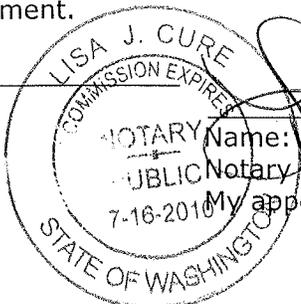


[Signature]
Name: Lisa J. Cure
Notary Public in and for the state of Washington
My appointment expires: 7-16-2010

STATE OF WASHINGTON)
)-ss
COUNTY OF Skagit)

I certify that I know or have satisfactory evidence that Marion L. Sjoboen, is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 12/2/08



[Signature]
Name: Lisa J. Cure
Notary Public in and for the state of Washington
My appointment expires: 7-16-2010



200812040080
Skagit County Auditor



DESCRIPTION:

Lot 2, including Tract 'A' Fish and Wildlife Habitat Area, Short Plat No. PL07-0253, approved November 9, 2008, recorded November 21, 2008, under Auditor's File No. 200811210030, being a portion of Lot 4, Short Plat No. 94-044, approved January 11, 1995, recorded January 12, 1995 under Auditor's File No. 9501120094, all records of Skagit County, Washington, lying within the Northeast ¼ of the Northeast ¼, the Southeast ¼ of the Northeast ¼, and the Northeast ¼ of the Southeast ¼ of Section 24, Township 35 North, Range 8 East, W.M.; And also lying within the Northwest ¼ of the Northwest ¼, the Southwest ¼ of the Northwest ¼, and the Northwest ¼ of the Southwest ¼ of Section 19, Township 35 North, Range 9 East, W.M.;

TOGETHER WITH a non-exclusive easement for ingress, egress and utilities depicted as "Henry Lane (PVT)" on the face of said Short Plat No. PL07-0253;

Situate within the County of Skagit, State of Washington.

M.L.S. R.V.S.



200812040080

Skagit County Auditor



EXHIBIT B

1. Terms and provisions contained in Short Plat 94-044, recorded in Volume 11 of Short Plats, page 163 and 164, Auditor's File No. 9501120094.
2. Floodway and Floodplain as derived from FEMA Firm Map No. 550151 03050 dated January 3, 1985.
3. Covenants contained in instrument:

Dated: November 10, 1994
Recorded: January 17, 1995
Auditor's File No.: 9501170010
4. Terms and Conditions of Non-Exclusive Easement and Maintenance Declaration executed by Robert Sjoboen, et ux

Dated: November 10, 1994
Recorded: January 17, 1995
Auditor's File No. 9501170011
5. Terms and conditions of Waiver of Six Year Development Moratorium

Dated: July 23, 2007
Recorded: August 7, 2007
Auditor's File No: 200708070101
6. Order on Waiver of Development Moratorium MV07-0197, and the terms and conditions thereof:

Dated: July 23, 2007
Recorded: October 4, 2007
Auditor's File No.: 200710040112
7. Terms and conditions contained in Skagit County Planning & Development Services Lot of Record Certification, PL07-0793:

Dated September 13, 2007
Recorded: October 5, 2007
Auditor's File No.: 200710050127



200812040080
Skagit County Auditor

12/4/2008 Page 4 of 4 3:44PM



Return Address:

Seattle City Light
Real Estate Services
Seattle Municipal Tower, Room 3012
700 - 5th Ave., Suite 2800
P.O. Box 34023
Seattle, WA 98124-9871



200901160131
Skagit County Auditor

1/16/2009 Page 1 of 4 3:23PM

LAND TITLE OF SKAGIT COUNTY
12-1987-00
ACCOMMODATION RECORDING

Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled in)

DEED OF RIGHT TO USE LAND FOR SALMON RECOVERY

Reference Number(s) of Documents assigned or released:

Additional reference #'s on page _____ of document

Grantor(s) (Last name, first name, initials)

SEATTLE CITY LIGHT

Additional names on page _____ of document.

Grantee(s) (Last name first, then first name and initials)

STATE OF WASHINGTON
STATE OF WASHINGTON FOR THE PEOPLE OF THE STATE OF WASHINGTON

Additional names on page 2 of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

Lot 1-902, 2-908, 3-910 and 4-912A, Thunderbird Lane, and fully set forth on page 3, as Exhibit A.

Additional legal is on page 3 of document.

Assessor's Property Tax Parcel/Account Number

Assessor

Tax # not yet assigned

350824-0-010-0001 P44167; 350919-0-010-0007 P44493; ~~350824-1-007-0500 P127872~~



**DEED OF RIGHT TO USE LAND FOR
SALMON RECOVERY**

The Grantor, Seattle City Light for and in consideration of monies coming in whole or in part from the Salmon Recovery Funding Board of the State of Washington and in fulfillment of terms of the Project Agreement identified below, conveys and grants to the State of Washington individually and as the representative of the people of the State, the right to use the real property described below forever for salmon recovery and conservation purposes.

Those purposes are described in the Project Agreement entered into between the Grantor and the State of Washington through the Salmon Recovery Funding Board, titled Skagit Floodplain Acquisition and Restoration, Project Number 07-1783P signed by the Grantor on the 19th day of May, 2008, and by the Salmon Recovery Funding Board on the 17th day of April, 2008, and the application and supporting materials which are on file with the Grantor and the State in connection with the Project Agreement.

The Grantor will not make or permit to be made any use of the real property described in this deed, or any part of it, which is inconsistent with the right to use for salmon recovery and conservation purposes herein granted unless the State, through the Salmon Recovery Funding Board or its successors, consents to the inconsistent use. This consent shall be granted only upon the following conditions, which will ensure other land will be substituted.

The conditions are that the substituted salmon recovery and conservation land must be: (1) of at least equal fair market value at the time of change of use and of as nearly as feasible equivalent (2) qualities, (3) characteristics and (4) location for salmon recovery and conservation purposes for which state assistance was originally granted.

139
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

JAN 16 2009

Amount Paid \$ 0
Skagit Co. Treasurer
By MF Deputy

DEED OF RIGHT

Page 1 of 3



200901160131
Skagit County Auditor

1/16/2009 Page 2 of 4 3:23PM



The real property covered by this deed is described as follows:

Lot 2, including Tract 'A' Fish and Wildlife Habitat Area, Short Plat No. PL07-0253, approved November 9, 2008, recorded November 21, 2008, under Auditor's File No. 200811210030, being a portion of Lot 4, Short Plat No. 94-044, approved January 11, 1995, recorded January 12, 1995 under Auditor's File No. 9501120094, all records of Skagit County, Washington, lying within the Northeast ¼ of the Northeast ¼, the Southeast ¼ of the Northeast ¼, and the Northeast ¼ of the Southeast ¼ of Section 24, Township 35 North, Range 8 East, W.M.; And also lying within the Northwest ¼ of the Northwest ¼, the Southwest ¼ of the Northwest ¼, and the Northwest ¼ of the Southwest ¼ of Section 19, Township 35 North, Range 9 East, W.M.;

TOGETHER WITH a non-exclusive easement for ingress, egress and utilities depicted as "Henry Lane (PVT)" on the face of said Short Plat No. PL07-0253;

Situate within the County of Skagit, State of Washington.



200901160131

Skagit County Auditor



After recording return to:

Seattle City Light
Real Estate Services
700 Fifth Avenue, Suite 3300
Post Office Box 34023
Seattle, WA 09124-9871



200812050122
Skagit County Auditor

12/5/2008 Page 1 of 5 3:26PM

LAND TITLE OF SKAGIT COUNTY

127989-0W

ROAD MAINTENANCE AGREEMENT

Grantors: (1) Robert V. Sjoboen and Marion L. Sjoboen, husband and wife

Grantees: (1) City of Seattle, a municipal corporation

Legal Description: Henry Lane private road as shown on Short Plat PL07-0253

Assessor's Property Tax Parcel Numbers: P105111, P44493, and P44167.

THIS AGREEMENT is made and executed effective December 2, 2008 by and between Robert V. Sjoboen and Marion L. Sjoboen, husband and wife ("Sjoboens"), and City of Seattle ("City"), a Washington municipal corporation, acting by and through Seattle City Light.

Recitals

- a. Sjoboens are the current or former owners of all that certain real property, located in Skagit County, Washington known as Short Plat PL07-0253, approved November 21, 2008, and recorded under Auditor's File No. 200811210030, records of Skagit County, Washington ("Short Plat PL07-0253"), including the private road called Henry Lane.
- b. The City and Sjoboens entered into a purchase and sale agreement, dated August 1st, 2008, for City's purchase of Lot 2 of Short Plat PL07-0253 for conservation purposes ("Lot 2") along with a perpetual ingress, egress and utility easement over Henry Lane ("Access Easement"), which is recorded under Auditor's File No. 200811210030, records of Skagit County, Washington (collectively "City Property").

ROAD MAINTENANCE AGREEMENT

Page 1 of 4



- c. The purchase and sale agreement for the City Property required the Sjoboens to deliver at closing, an acceptable recordable document that recognizes the City's use of the Access Easement as de minimus and requires that Sjoboens will perform or cause to perform reasonable maintenance of Henry Lane at no cost to the CITY.

Agreement

Therefore, inconsideration of the mutual promises and covenants herein, the sufficiency of which is acknowledged by all parties, and for no monetary consideration, IT IS HEREBY AGREED AS FOLLOWS:

1. The parties acknowledge and agree that the City's use of Henry Lane for ingress and egress to Lot 2 pursuant to the Access Easement is de minimus and that the City will not be responsible for any costs related to routine maintenance, upgrades, improvements, or repairs of Henry Lane.
2. The Sjoboens agree to perform or cause to perform reasonable routine or required maintenance, upgrades, improvements or repairs to Henry Lane at no cost to the City.
3. In the event the City, its employees, agents, invitees or contractors cause any damage to Henry Lane in excess of normal wear and tear or resulting from any negligent action or omission of the City, or its employees, agents, invitees or contractors, the City, at its expense, will repair the damage to Henry Lane to return it to the same or better condition as existed immediately prior to the damage caused.
4. The provisions set forth herein shall touch, concern, and run with the land and premises herein described and shall be binding upon all heirs, successors and assigns, and all persons claiming under or through them.

EXECUTED effective on the date first set forth above.

Grantors:

Robert V. Sjoboen 12/2/08
ROBERT V. SJOBOEN (date)

DAVE BARBER, (date)
Real Property Manager
Seattle City Light

Marion L. Sjoboen 12-2-08
MARION L. SJOBOEN (date)

ROAD MAINTENANCE AGREEMENT

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200812050122
Skagit County Auditor

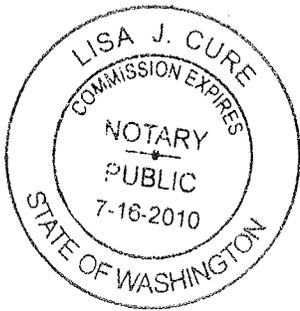


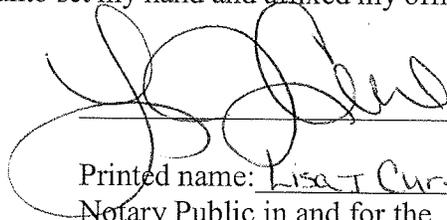
ACKNOWLEDGEMENTS:

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

I the undersigned, a Notary Public, do hereby certify that on this 2nd day of December, 2008, personally appeared before me **Robert V. Sjoboen** and **Marion L. Sjoboen**, husband and wife, to me known to be the individuals described in and who executed the within instrument, and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.





Printed name: Lisa J. Cure
Notary Public in and for the
State of Washington,
residing at Bow
My commission expires: 7/16/2010

Notary Seal



- c. The purchase and sale agreement for the City Property required the Sjoboens to deliver at closing, an acceptable recordable document that recognizes the City's use of the Access Easement as de minimus and requires that Sjoboens will perform or cause to perform reasonable maintenance of Henry Lane at no cost to the CITY.

Agreement

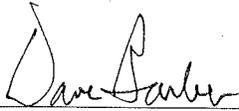
Therefore, inconsideration of the mutual promises and covenants herein, the sufficiency of which is acknowledged by all parties, and for no monetary consideration, IT IS HEREBY AGREED AS FOLLOWS:

1. The parties acknowledge and agree that the City's use of Henry Lane for ingress and egress to Lot 2 pursuant to the Access Easement is de minimus and that the City will not be responsible for any costs related to routine maintenance, upgrades, improvements, or repairs of Henry Lane.
2. The Sjoboens agree to perform or cause to perform reasonable routine or required maintenance, upgrades, improvements or repairs to Henry Lane at no cost to the City.
3. In the event the City, its employees, agents, invitees or contractors cause any damage to Henry Lane in excess of normal wear and tear or resulting from any negligent action or omission of the City, or its employees, agents, invitees or contractors, the City, at its expense, will repair the damage to Henry Lane to return it to the same or better condition as existed immediately prior to the damage caused.
4. The provisions set forth herein shall touch, concern, and run with the land and premises herein described and shall be binding upon all heirs, successors and assigns, and all persons claiming under or through them.

EXECUTED effective on the date first set forth above.

Grantors:

ROBERT V. SJOBOEN (date)

 12/3/2008

DAVE BARBER, (date)
Real Property Manager
Seattle City Light

MARION L. SJOBOEN (date)

ROAD MAINTENANCE AGREEMENT

Page 2 of 4



200812050122
Skagit County Auditor

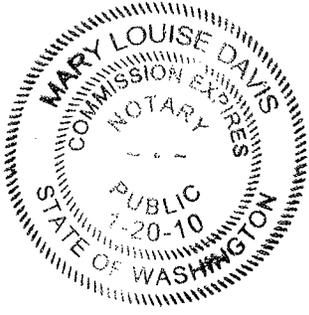
12/5/2008 Page 4 of 5 3:26PM



STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that **Dave Barber** signed this instrument, on oath stated that he was authorized to execute this instrument, and acknowledged it as Real Property Manager of the CITY Light Department of the CITY of Seattle to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Date 12/3/08



Mary Louise Davis
Printed Name Mary Louise Davis
Notary Public in and for the State of WA
Residing at Edmonds WA
My commission expires 1-20-2008

Notary Seal



AFTER RECORDING MAIL TO:
Seattle City Light
Real Estate Services
Attention: Mary Davis
700 5th Avenue, Suite 3300
P O Box 34023
Seattle, WA. 98124-4023
Filed for Record at Request of:



200901280181
Skagit County Auditor

1/28/2009 Page 1 of 4 3:46PM



128024-0W

STATUTORY WARRANTY DEED

THE GRANTOR(S) WILD FISH CONSERVANCY, formerly known as **WASHINGTON TROUT**, a Washington non-profit corporation, for and in consideration of Ten Dollars and other good and valuable considerations, in hand paid, conveys, and warrants to **CITY OF SEATTLE ACTING BY AND THROUGH SEATTLE CITY LIGHT** the following described real estate, situated in the County of Skagit, State of Washington:

Abbreviated Legal Description: Ptn. SE 1/4 SW 1/4, 26-35-5 E, W.M., and more fully described on attached Exhibit "A"

SUBJECT TO: Easements, Reservations, Covenants, Conditions, Restrictions and Agreements of record, and fully set forth under attached Exhibit 'B'

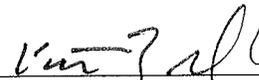
Assessor's Property Tax Parcel/Account Number: 350526-3-003-0005, 350526-3-004-0004, 350526-3-005-0003, P40236, P40237, P40238

Dated: January 22, 2009

WILD FISH CONSERVANCY formerly known as
WASHINGTON TROUT

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

243
JAN 28 2009

By: 
Kurt Beardslee, Executive Director

Amount Paid \$ *2675.00*
Skagit Co. Treasurer
By *mm* Deputy



(Entity)

STATE OF WASHINGTON

)

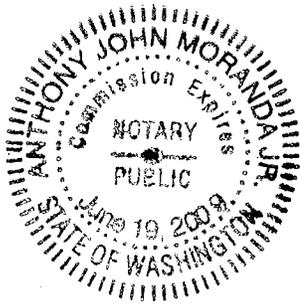
)-ss

COUNTY OF KING

)

I certify that I know or have satisfactory evidence that Kurt Beardslee, is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath and stated that he is authorized to execute the instrument and acknowledged it as the Executive Director of the Wild Fish Conservancy, formerly known as Washington Trout, a Washington non-profit corporation to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: 01-27-2009



Anthony John Moranda Jr.

ANTHONY JOHN MORANDA JR.

Notary Public in and for the state of WA

My appointment expires: 06-19-2009



200901280181

Skagit County Auditor



EXHIBIT 'B'

1. Easement and the terms and conditions thereof grantee Michael L. Darland and Myrna Darland, husband and wife, its successors and assigns, a perpetual, non-exclusive right of way and easement for the purpose of access to property recorded October 28, 2005 under Auditor's No. 200510280154.
2. Matters disclosed by record of survey prepared by Northwest Surveying recorded June 19, 1996 under Auditor's File No. 9606190013.
3. Lot Certifications and the Terms and Conditions recorded January 22, 2008 under Auditor's File Nos. 200801220150, 200801220151, 200801220152.

END OF EXHIBIT 'B'



200901280181
Skagit County Auditor



Schedule "A-1"

128024-OW

DESCRIPTION:

PARCEL "A":

That portion of the Southeast ¼ of the Southwest ¼ of Section 26, Township 35 North, Range 5 East, W.M., lying Southerly of an unnamed slough, as it presently exists,

EXCEPT the East 800 feet thereof.

Situate in the County of Skagit, State of Washington.

PARCEL "B":

That portion of the Southeast ¼ of the Southwest ¼ of Section 26, Township 35 North, Range 5 East, W.M., lying Northerly of an unnamed slough, as it presently exists.

Situate in the County of Skagit, State of Washington.

PARCEL "C":

The East 800 feet of that portion of the Southeast ¼ of the Southwest ¼ of Section 26, Township 35 North, Range 5 East, W.M., lying Southerly of an unnamed slough, as it presently exists.

TOGETHER WITH that easement for road and utilities as granted to Michael Leroy Darland and Myrna Darland, their successors and assigns, by instrument dated November 29, 1968 and recorded under Auditor's File No. 721509, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.



200901280181
Skagit County Auditor

1/28/2009 Page 4 of 4 3:46PM





200901280182

Skagit County Auditor

1/28/2009 Page 1 of 4 3:47PM

AFTER RECORDING MAIL TO:

Seattle City Light
Real Estate Services - Attention: Mary Davis

Address P O Box 34023

City/State Seattle, WA 98124-4023

LAND TITLE OF SKAGIT COUNTY 128024-06

Document Title(s): (or transactions contained therein)

1. Deed of Right to use land for salmon recovery
- 2.

Reference Number(s) of Documents assigned or released:

Additional numbers on page of document

Grantor(s): (Last name first, then first name and initials)

1. Seattle City Light
- 2.
- 3.
4. Additional names on page of document

Grantee(s): (Last name first, then first name and initials)

1. State of Washington
- 2.
- 3.
4. Additional names on page of document

Abbreviated Legal Description as follows: (i.e. lot/block/plat or section/township/range/quarter/quarter)
Ptn. SE 1/4 SW 1/4, 26-35-5 E, W.M., and more fully described on attached Exhibit "A"

Assessor's Property Tax Parcel/Account Number(s): 350526-3-003-0005, 350526-3-004-0004, 350526-3-005-0003, P40236, P40237, P40238

NOTE: *The auditor/recorder will rely on the information on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.*

I AM REQUESTING AN EMERGENCY NONSTANDARD RECORDING FOR A ADDITIONAL FEE AS PROVIDED IN RCW 36.18.010. I UNDERSTAND THAT THE RECORDING PROCESSING REQUIREMENTS MAY COVER UP OR OTHERWISE OBSCURE SOME PART OF THE TEXT OF THE ORIGINAL DOCUMENT

RECORDPA



**DEED OF RIGHT TO USE LAND FOR
SALMON RECOVERY**

The Grantor, Seattle City Light for and in consideration of monies coming in whole or in part from the Salmon Recovery Funding Board of the State of Washington and in fulfillment of terms of the Project Agreement identified below, conveys and grants to the State of Washington individually and as the representative of the people of the State, the right to use the real property described below forever for salmon recovery and conservation purposes.

Those purposes are described in the Project Agreement entered into between the Grantor and the State of Washington through the Salmon Recovery Funding Board, titled Middle Skagit Acquisition and Assessment, Project Number 07-2017P signed by the Grantor on the 1st day of May, 2008, and by the Salmon Recovery Funding Board on the 17th day of April, 2008, and the application and supporting materials which are on file with the Grantor and the State in connection with the Project Agreement.

The Grantor will not make or permit to be made any use of the real property described in this deed, or any part of it, which is inconsistent with the right to use for salmon recovery and conservation purposes herein granted unless the State, through the Salmon Recovery Funding Board or its successors, consents to the inconsistent use. This consent shall be granted only upon the following conditions, which will ensure other land will be substituted.

The conditions are that the substituted salmon recovery and conservation land must be: (1) of at least equal fair market value at the time of change of use and of as nearly as feasible equivalent (2) qualities, (3) characteristics and (4) location for salmon recovery and conservation purposes for which state assistance was originally granted.

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

JAN 28 2009

Amount Paid \$ 6
Skagit Co. Treasurer
By MM Deputy

DEED OF RIGHT

Page 1 of 7



200901280182

Skagit County Auditor

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The real property covered by this deed is described as follows:

PARCEL "A":

That portion of the Southeast ¼ of the Southwest ¼ of Section 26, Township 35 North, Range 5 East, W.M., lying Southerly of an unnamed slough, as it presently exists,

EXCEPT the East 800 feet thereof.

Situate in the County of Skagit, State of Washington.

PARCEL "B":

That portion of the Southeast ¼ of the Southwest ¼ of Section 26, Township 35 North, Range 5 East, W.M., lying Northerly of an unnamed slough, as it presently exists.

Situate in the County of Skagit, State of Washington.

PARCEL "C":

The East 800 feet of that portion of the Southeast ¼ of the Southwest ¼ of Section 26, Township 35 North, Range 5 East, W.M., lying Southerly of an unnamed slough, as it presently exists.

TOGETHER WITH that easement for road and utilities as granted to Michael Leroy Darland and Myrna Darland, their successors and assigns, by instrument dated November 29, 1968 and recorded under Auditor's File No. 721509, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.



200901280182

Skagit County Auditor

1/28/2009 Page

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4 3:47PM



FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Seattle City Light	Denise Krownbell/5-1127	Karl Stickle/4-8085

Legislation Title: AN ORDINANCE relating to the City Light Department; accepting Deeds to the Sjober and Wild Fish Conservancy properties in Skagit County, Washington, ratifying the associated Deeds of Right conveyed to the State of Washington for both properties, and ratifying the Road Maintenance Agreement for the Sjober property; all for salmonid habitat protection purposes.

Summary and background of the Legislation:

This legislation authorizes the Superintendent to accept a Deed and Deed of Right to both the Sjober and Wild Fish Conservancy properties in Skagit County, Washington, and a Road Maintenance Agreement for the Sjober property, for salmonid habitat protection purposes. The Deeds of Right are required by the granting agency and describe the conditions under which a property may be sold. The Road Maintenance Agreement specifies that SCL is not responsible for routine maintenance and repairs on the access road to the Sjober property. The properties subject to this legislation were purchased as part of Endangered Species Act (ESA) Early Actions under the authority of Ordinance 121114. This legislation places the acquired properties under the jurisdiction of the City Light Department. The funding for these acquisitions was already budgeted and does not require a new appropriation.

Project Name:	Project I.D.	Project Location:	Start Date:	End Date
Endangered Species Mitigation	6990	Skagit County	2000	2010

- *Please check any of the following that apply:*

 This legislation creates, funds, or anticipates a new CIP Project. *(Please note whether the current CIP is being amended through this ordinance, or provide the Ordinance or Council Bill number of the separate legislation that has amended/is amending the CIP.)*

 This legislation does not have any financial implications. *(Stop here and delete the remainder of this document prior to saving and printing.)*

 x **This legislation has financial implications.** *(Please complete all relevant sections that follow.)* This Ordinance accepts Deeds and Deed of Right to properties purchased in 2008 pursuant to Ordinance 121114. The financial implications of adopting this legislation are explained in the spending plan and other issues section of this fiscal note.



Appropriations: *This table should detail existing appropriations and reflect appropriations that are a direct result of this legislation. In the event that the projects associated with this ordinance had, or will have, appropriations in other legislation, please provide details in the Notes section below. If this legislation does not directly change an appropriation, but results in budget authority being moved within a Budget Control Level, or to another Budget Control Level (up to 10%), please explain in the Notes section below.*

Fund Name and Number	Department	Budget Control Level*	Existing 2008 Appropriation	New 2008 Appropriation (if any)	2009 Anticipated Appropriation
TOTAL					

*See budget book to obtain the appropriate Budget Control Level for your department.

Notes:

Spending Plan and Future Appropriations for Capital Projects: *Please list the timing of anticipated appropriation authority requests and expected spending plan. In addition, please identify your cost estimate methodology including inflation assumptions, the projected costs of meeting applicable LEED standards, and the percent for art and design as appropriate.*

Spending Plan and Budget	2008	2009	2010	2011	2012	2013	Total
Spending Plan							
Current Year Appropriation							
Future Appropriations							

Notes: A total of \$885,000 in expenditures are associated with these properties, including \$339,000 of City Light dollars for the purchase of the properties in conjunction with \$410,000 of funds from the Salmon Recovery Funding Board and \$136,000 from the National Fish and Wildlife Foundation. The funding for these acquisitions was already budgeted and does not require a new appropriation.

Funding source: *Identify funding sources including revenue generated from the project and the expected level of funding from each source.*

Funding Source (Fund Name and Number, if applicable)	2008	2009	2010	2011	2012	2013	Total
TOTAL							

Notes:



Bond Financing Required: *If the project or program requires financing, please list type of financing, amount, interest rate, term and annual debt service or payment amount. Please include issuance costs of 3% in listed amount.*

Type	Amount	Assumed Interest Rate	Term	Timing	Expected Annual Debt Service/Payment
TOTAL					

Uses and Sources for Operation and Maintenance Costs for the Project: *Estimate cost of one-time startup, operating and maintaining the project over a six year period and identify each fund source available. Estimate the annual savings of implementing the LEED Silver standard. Identify key assumptions such as staffing required, assumed utility usage and rates and other potential drivers of the facility's cost.*

O&M	2008	2009	2010	2011	2012	2013	Total
Uses							
Start Up							
On-going							
Sources (itemize)							

Notes: This legislation is for land acquisition only.

Periodic Major Maintenance costs for the project: *Estimate capital cost of performing periodic maintenance over life of facility. Please identify major work items, frequency.*

Major Maintenance Item	Frequency	Cost	Likely Funding Source
TOTAL			

Funding sources for replacement of project: *Identify possible and/or recommended method of financing the project replacement costs. Not applicable.*

Total Regular Positions Created, Modified, Or Abrogated Through This Legislation, Including FTE Impact: *This table should only reflect the actual number of positions created by this legislation. In the event that positions have been, or will be, created as a result of previous or future legislation or budget actions, please provide details in the Notes section below the table.*



Position Title and Department*	Position # for Existing Positions	Fund Name & #	PT/FT	2008 Positions	2008 FTE	2009 Positions **	2009 FTE **
TOTAL							

* List each position separately

** 2009 positions and FTE are total 2009 position changes resulting from this legislation, not incremental changes. Therefore, under 2009, please be sure to include any continuing positions from 2008.

Notes: No positions will be created.

- **Do positions sunset in the future?** (If yes, identify sunset date): NA
- **What is the financial cost of not implementing the legislation:** (Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented): SCL would be out of compliance with the terms of the signed grant with the Salmon Recovery Funding Board and the National Fish and Wildlife Foundation. This may ultimately result in a loss of the award for the properties and subject SCL to funding the purchase of the property with other resources.
- **What are the possible alternatives to the legislation that could achieve the same or similar objectives:** (Include any potential alternatives to the proposed legislation, including using an existing facility to fulfill the uses envisioned by the proposed project, adding components to or subtracting components from the total proposed project, contracting with an outside organization to provide the services the proposed project would fill, or other alternatives): No other alternatives are known at this time.
- **Is the legislation subject to public hearing requirements:** (If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future?) No
- **Other Issues:** (Including long-term implications of the legislation): The property is part of the ESA Early Action Program and purchased to protect salmonid habitat. SCL may seek external grants and partners for additional dollars to augment SCL dollars to restore salmonid habitat on these properties.

Please list attachments to the fiscal note below: N/A





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

April 21, 2009

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the proposed Council Bill that accepts deeds to both the Sjoboen and Wild Fish Conservancy properties in Skagit County, which Seattle City Light (SCL) purchased for salmon habitat pursuant to the authority of Ordinance 121114. The Bill also authorizes a Deed of Right with the State of Washington to fulfill a Salmon Recovery Funding Board grant requirement and authorizes a Road Maintenance Agreement, which specifies that SCL is not responsible for routine maintenance or repairs on the access road to the Sjoboen property.

SCL purchased the 91-acre Sjoboen property in the Skagit watershed in order to protect a half mile of Skagit River frontage in an important area for Chinook spawning, and the 36-acre Wild Fish Conservancy property in the Skagit watershed, which is located in an important salmonid rearing and refuge area. This section of the Skagit River is also an important Chinook spawning area. Passage of this legislation will further demonstrate the City of Seattle's commitment through the Endangered Species Act Program to salmon recovery and habitat preservation for the benefit of its citizens and future generations. These acquisitions support the Puget Sound Chinook Recovery Plan's goal of protecting Chinook spawning and rearing areas through key acquisitions and the Puget Sound Partnership's Action Agenda for recovering Puget Sound.

Thank you for your consideration of this legislation. Should you have questions, please contact Lynn Best at (206) 386-4586.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a circular stamp that is partially obscured by the signature.

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 615-0476 Fax: (206) 684-5360, Email: mayors.office@seattle.gov

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STATE OF WASHINGTON – KING COUNTY

--SS.

239421

No.

CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

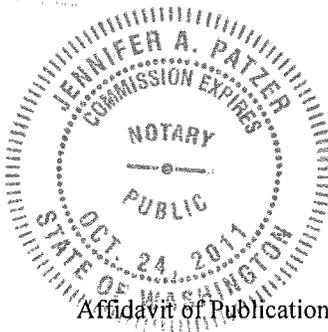
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122976 ORDINANCE

was published on

05/28/09

The amount of the fee charged for the foregoing publication is the sum of \$ 162.73, which amount has been paid in full.



Affidavit of Publication

[Signature]

Subscribed and sworn to before me on

05/28/09

[Signature]

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 122976

AN ORDINANCE relating to the City Light Department; accepting Deeds to the Sjoboen and Wild Fish Conservancy properties in Skagit County, Washington, ratifying the associated Deeds of Right conveyed to the State of Washington for both properties, and ratifying the Road Maintenance Agreement for the Sjoboen property; all for salmonid habitat protection purposes.

WHEREAS, Ordinance 121114 authorizes the Superintendent of City Light, within and subject to appropriation authority and based on appraised market value, to negotiate for and purchase parcels of land in the Skagit River and the Tolt/Snoqualmie River watersheds in furtherance of the City's Early Action Program, which was approved by Resolution 29905; and

WHEREAS, under authority of Ordinance 121114, City Light acquired the Sjoboen and Wild Fish Conservancy properties in the Skagit River watershed; and

WHEREAS, City Light's purchases of the Sjoboen and Wild Fish Conservancy properties were made possible by Salmon Recovery Funding Board Grants ("SRFB Grants") from the State of Washington for \$335,000 and \$75,000, respectively; and by a National Fish and Wildlife Foundation Grant ("NFWF Grant") for \$136,000 for the Sjoboen property only; and

WHEREAS, the SRFB Grants required City Light to convey Deeds of Right to the State of Washington, which includes conditions under which properties purchased with grant funds may be used or sold; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Statutory Warranty Deed executed by Robert V. Sjoboen and Marion L. Sjoboen on December 2, 2008, as Grantors, recorded under Skagit County Auditor's File Number 200812040080, a copy of which is included as Attachment A, conveying approximately 91 acres located along the Skagit River to the City Light Department along with an access easement to the property, is hereby accepted; the real property conveyed therein is placed under the jurisdiction of the City Light Department; and the Deed of Right executed by the City Light Department on December 10, 2008, as Grantor, recorded under Skagit County Auditor's File Number 200901160131, a copy of which is included as Attachment B, is hereby ratified in fulfillment of the SRFB Grant, Project Number 07-1783P, and the Road Maintenance Agreement, recorded under Skagit County Auditor's File Number 200812050122, a copy of which is included as Attachment C, is hereby accepted.

Section 2. The Statutory Warranty Deed executed by Kurt Beardslee of the Wild Fish Conservancy on January 28, 2009, as Grantor, recorded under Skagit County Auditor's File Number 20001280181, conveying approximately 36 acres located along the Skagit River to the City Light Department, a copy of which is included as Attachment D, is hereby accepted; the real property conveyed therein is placed under the jurisdiction of the City Light Department; and the Deed of Right executed by the City Light Department on December 10, 2008, as Grantor, recorded under Skagit County Auditor's File Number 200901280182, a copy of which is included as Attachment E, is hereby ratified in fulfillment of the SRFB Grant, Project Number 07-2017P.

Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 11th day of May, 2009, and signed by me in open session in authentication of its passage this 11th day of May, 2009.

Richard Conlin

President of the City Council

Approved by me this 19th day of May, 2009.

Gregory J. Nickels, Mayor

Filed by me this 20th day of May, 2009.

(Seal) Judith Pippin

City Clerk

Attachment A: Statutory Warranty Deed (Sjoboen)

Attachment B: Deed of Right (for Salmon Recovery)

Attachment C: Road Maintenance Agreement

Attachment D: Statutory Warranty Deed (Wild Fish Conservancy)

Attachment E: Deed of Right (for Salmon Recovery)

See City Clerk for Attachments

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, May 28, 2009.

5/28(239421)