

ORDINANCE No. 121842

COUNCIL BILL No. 115289

AN ORDINANCE relating to the Department of Parks and Recreation, concerning West Seattle Golf and Recreation Area, accepting a Quit Claim Deed from Charlotte Monson Barmore Revocable Living Trust, in accordance with King County Superior Court Agreed Judgment No. 03-2-35533-0 SEA, to quiet title to land held for park and recreation purposes.

COMPTROLLER FILE No. _____

Introduced: <u>JUN 13 2005</u>	By: DELLA
Referred: <u>JUN 13 2005</u>	To: Parks, Neighborhoods & Education
Referred:	To:
Referred:	To:
Reported: <u>6-20-05</u>	Second Reading:
Third Reading: <u>6-20-05</u>	Signed: <u>6-20-05</u>
Presented to Mayor: <u>6-20-05</u>	Approved: <u>6/29/05</u>
Returned to City Clerk: <u>6/30/05</u>	Published: <u>John 3pup.</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

US5047

Law Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported and Adopted

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recommed that the same:

Motion: JG

2nd: PS

Y: 3

N: 0

6-20-05 Passed 8-0 (Excused: Compton)

Committee Chair

(Signature)

(Signature)

1 That portion of the Northwest quarter of the Northwest quarter of Section
2 24, Township 24 North, Range 3 East, W.M., in King County,
Washington, described as follows:

3 Beginning at the intersection of the east right-of-way margin of 35th
4 Avenue Southwest, being 45.00 feet easterly of the centerline thereof,
5 with the northeasterly right-of-way margin of the alley as shown on the
6 plat of Westholme No. 2, according to the plat thereof recorded in
7 Volume 22 of Plats, Page 46, records of King County, Washington;
8 Thence north 00°12'41" east along the east right of way margin of said
9 35th Avenue Southwest, 29.00 feet;
10 Thence at a right angle from the previous course, South 89°47'19" East
11 40.73 feet to a point that lies 50.00 feet northeasterly of, when measured
12 at right angles from the northeasterly right-of-way margin of said alley;
13 Thence South 35°17'19" East, parallel with the northeasterly right-of-way
14 margin of said alley, 90.35 feet;
15 Thence at a right angle from the previous course, South 54°42'41" West
16 50.00 feet to a point on the northeasterly right-of-way margin of said
17 alley;
18 Thence North 35°17'19" West, along the northeasterly right-of-way
19 margin of said alley, 90.39 feet to the point of beginning;

20 Situate in the City of Seattle, County of King, State of Washington.

21 Contains approximately 5,109 square feet or approximately 0.1173 acre.

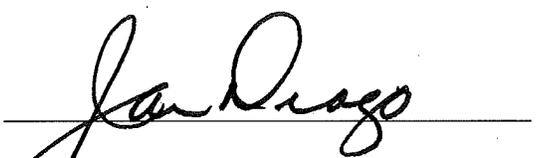
22 Section 2. Any act pursuant to the authorization and prior to the effective date of
23 this ordinance is hereby ratified and confirmed.

24 Section 3. This ordinance shall take effect and be in force thirty (30) days from
25 and after its approval by the Mayor, but if not approved and returned by the Mayor within
26 ten (10) days after presentation, it shall take effect as provided by Municipal Code
27 Section 1.04.020.
28



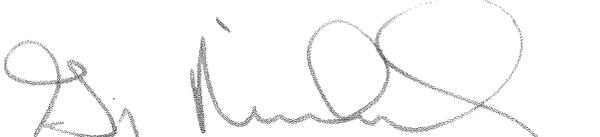
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Passed by the City Council the 20th day of June, 2005, and signed by me
in open session in authentication of its passage this 20th day of June, 2005.



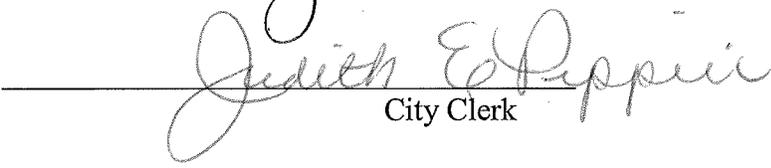
President _____ of the City Council

Approved by me this 29th day of June, 2005.



Gregory J. Nickels, Mayor

Filed by me this 30th day of June, 2005.



City Clerk

(Seal)

Attachment 1: Quit Claim Deed



Recording Requested By and
When Recorded Mail to:

Seattle Parks and Recreation Department
Parks Property Management
800 Maynard Avenue South
Seattle, WA 98134-1336

QUIT CLAIM DEED

Grantor: Charlotte Monson Barmore Revocable Living Trust
a.k.a The Charlotte Monson Barmore Trust uad December 16, 1999

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

Legal Description (abbreviated): Ptn of NW ¼ of NW ¼ Sec 24, Twp 24N, Rng
3E, W.M., King County, Washington

Assessor's Tax Parcel ID#: 242403-9007

The GRANTOR, Charlotte Monson Barmore Revocable Living Trust a.k.a The Charlotte Monson Barmore Trust uad December 16, 1999, Charlotte Barmore, Trustee, pursuant to Agreed Judgment No. 03-2-35533-0 SEA of the Superior Court of the State of Washington in and for the County of King, conveys and quit claims to The City of Seattle, a municipal corporation of the State of Washington, the following described real estate, together with all after acquired title of the Grantor therein:

All that property referenced in Puget Mill Company's quit claim deed to The City of Seattle, dated 6 September 1935, recorded under King County Recording No. 2882628, except the Real Property identified in Agreed Judgment No. 03-2-35533-0 SEA of the Superior Court of the State of Washington in and for the County of King, specifically:

That portion of the Northwest quarter of the Northwest quarter of Section 24, Township 24 North, Range 3 East, W.M., in King County, Washington, described as follows:

Beginning at the intersection of the east right-of-way margin of 35th Avenue Southwest, being 45.00 feet easterly of the centerline thereof, with the northeasterly right-of-way margin of the alley as shown on the plat of



Westholme No. 2, according to the plat thereof recorded in Volume 22 of Plats, Page 46, records of King County, Washington;
Thence north 00°12'41" east along the east right of way margin of said 35th Avenue Southwest, 29.00 feet;
Thence at a right angle from the previous course, South 89°47'19" East 40.73 feet to a point that lies 50.00 feet northeasterly of, when measured at right angles from the northeasterly right-of-way margin of said alley;
Thence South 35°17'19" East, parallel with the northeasterly right-of-way margin of said alley, 90.35 feet;
Thence at a right angle from the previous course, South 54°42'41" West 50.00 feet to a point on the northeasterly right-of-way margin of said alley;
Thence North 35°17'19" West, along the northeasterly right-of-way margin of said alley, 90.39 feet to the point of beginning;

Situate in the City of Seattle, County of King, State of Washington.

Contains approximately 5,109 square feet or approximately 0.1173 acre.

Dated this _____ day of February, 2005.

**GRANTOR: Charlotte Monson Barmore Revocable Living Trust
a.k.a. The Charlotte Monson Barmore Trust uad December 16, 1999**

By: _____
Charlotte Barmore, Trustee



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Parks and Recreation	Terry Dunning/684-4860 or MaryLou Whiteford/684-7388	Tyler Running Deer/684-8075

Legislation Title:

AN ORDINANCE relating to the Department of Parks and Recreation; concerning West Seattle Golf and Recreation Area, accepting a Quit Claim Deed from Charlotte Monson Barmore Revocable Living Trust, in accordance with King County Superior Court Agreed Judgment No. 03-2-35533-0 SEA, to quiet title to land held for park and recreation purposes.

• **Summary of the Legislation:**

This legislation accepts a Quit Claim Deed relinquishing any interest a claimant may have had by adverse possession, except for that portion of the property agreed upon by the parties and ordered by the Court.

• **Background:** The City of Seattle acquired land now known as West Seattle Golf and Recreation Area from Puget Mill Company in 1935. Prior to the City's ownership, basis for a claim of adverse possession of a portion of that property had been established. Sufficient evidence of the adverse possession was presented to a mediator and, by Agreed Judgment filed in Superior Court in November 2004, title to that portion was awarded to the plaintiff. The Quit Claim Deed being accepted by this legislation clears the City's title to the remainder of the property against any further claim of adverse possession by this party.

X This legislation does not have any financial implications.

Notes: The City has operated and maintained the property known as the West Seattle Golf and Recreation Area since its purchase in 1935.





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

May 24, 2005

Honorable Jan Drago
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Drago:

I am transmitting the attached proposed Council Bill, accepting a Quit Claim Deed from the Charlotte Monson Barmore Revocable Living Trust, following a King County Superior Court judgment. This action will be the final step in settling a claim of ownership regarding West Seattle Golf and Recreation Area.

The City of Seattle acquired the property now known as West Seattle Golf and Recreation Area from Puget Mill Company in 1935. Prior to the City's ownership, some neighboring property owners built on a portion of the property and used it as their own for over ten years, thus establishing the basis for a claim of ownership by adverse possession. The current owner of the neighboring property brought suit against the City on the claim, and presented convincing evidence of the adverse possession to a mediator chosen by both parties. By Agreed Judgment filed in King County Superior Court in November 2004, title to the disputed portion (approximately 5,000 square feet) was awarded to the current owner. The Quit Claim Deed being accepted by this legislation clears the City's title to the remainder of the property against any further claim of adverse possession by this party.

Thank you for your consideration of this legislation. Should you have questions, please contact MaryLou Whiteford at 684-7388 or Terry Dunning at 684-4860.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a large, faint circular stamp or watermark.

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) 684-8811 Fax: (206) 684-5360, E:mail: mayors.office@seattle.gov

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.

STATE OF WASHINGTON – KING COUNTY

--SS.

187488
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

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.

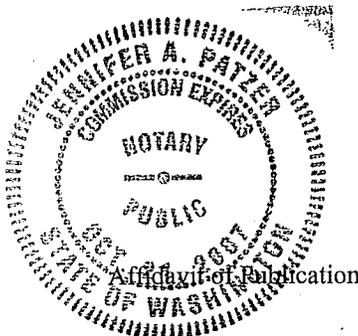
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:121837-121843

was published on

07/05/05

The amount of the fee charged for the foregoing publication is the sum of \$ 106.00, which amount has been paid in full.



Mal

Subscribed and sworn to before me on

07/05/05

[Signature]

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on June 20, 2005, and published here by title only, will be mailed upon request, or can be accessed electronically at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 121843

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

ORDINANCE NO. 121842

AN ORDINANCE relating to the Department of Parks and Recreation, concerning West Seattle Golf and Recreation Area, accepting a Quit Claim Deed from Charlotte Monson Barmore Revocable Living Trust, in accordance with King County Superior Court Agreed Judgment No. 03-2-36533-0 SEA, to quiet title to land held for park and recreation purposes.

ORDINANCE NO. 121841

AN ORDINANCE relating to the Seattle Parks and Recreation Department; accepting a Quit Claim Deed from Seattle Pacific University to the City of Seattle conveying any right, title, or interest in improvements at Interbay Athletic Field.

ORDINANCE NO. 121840

AN ORDINANCE relating to the Burke Gilman Trail; accepting deeds from Adventure Trail, Inc. and the Burlington Northern and Santa Fe Railway Company.

ORDINANCE NO. 121839

AN ORDINANCE relating to the Ship Canal Trail; accepting deeds and easements; transferring jurisdiction of certain real property near the Ballard Bridge from the Fleets and Facilities Department to Seattle Department of Transportation; authorizing the execution and delivery of deeds of right to the State of Washington; authorizing the acquisition of property and acceptance of deeds; and authorizing the execution and delivery of a crossing easement agreement.

ORDINANCE NO. 121838

AN ORDINANCE relating to community development in the Central Area; transferring jurisdiction of land at 20th Ave. South and South Jackson, known as parcel 47 of the Yesler/Atlantic Neighborhood Improvement Project, from the Office of Housing to the Department of Fleets and Facilities; making a related cash transfer from the Emergency Subfund to the Community Development Block Grant Main Fund; amending the 2005 Table of Proposed Projects to the 2005-2008 Consolidated Plan for Housing and Community Development to allocate increased funding resulting from such transfer; increasing appropriations to the Office of Economic Development in the 2005 Budget; and ratifying and confirming prior acts, all by three-quarters vote of the City Council.

ORDINANCE NO. 121837

AN ORDINANCE relating to the Chinatown/International District Parking and Business Improvement Area; increasing the assessment rates; and amending Ordinance 117174, as previously amended by Ordinance 120614, in accordance therewith.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, July 5, 2005.

7/5(187488)