CB 117088
#4

ORDINANCE _____

AN ORDINANCE relating to the City Light Department, authorizing the acceptance of a deed to certain land in Skagit County, Washington for wildlife habitat protection purposes, placing said land under the jurisdiction of the City Light Department, and ratifying and confirming certain prior acts.

WHEREAS, in connection with the relicensing of the Skagit River Hydroelectric Project by the Federal Energy Regulatory Commission and pursuant to Resolution 28349, City Light entered into the Settlement Agreement Concerning Wildlife, incorporating by reference the Wildlife Habitat Protection and Management Plan, (collectively, "Wildlife Agreement"), dated April 1991, with the Washington Department of Wildlife (now, Washington Department of Fish and Wildlife); U.S. Department of the Interior, National Park Service, U.S. Fish and Wildlife Service and Bureau of Indian Affairs; U.S. Department of Agriculture, U.S. Forest Service; Upper Skagit Tribe; Sauk-Suiattle Tribe; Swinomish Indian Tribal Community; and the North Cascades Conservation Council; and

WHEREAS, Ordinance 118226 authorizes the Superintendent of City Light to negotiate for and purchase parcels of land pursuant to the principles and procedures of the Wildlife Agreement; and

WHEREAS, under authority of Ordinance 118226, City Light has acquired land known as the "Goodwin Property" in the Skagit River watershed, said property being consistent with the lands sought under the principles of the Wildlife Agreement; and

WHEREAS, the City is able to manage the acquired property in concert with the City's existing wildlife habitat lands in a protected status; and

WHEREAS, this property acquisition adds approximately 80 acres of land to the City's wildlife habitat land holdings in the Skagit River basin; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Statutory Warranty Deed executed by Daniel G. Goodwin and Joan R. Goodwin on June 9, 2010, as Grantors,recorded under Skagit County Auditor's File Number 201006180169 on June 18, 2010, and legally described in Attachment A, is hereby accepted, and the real property conveyed therein is placed under the jurisdiction of the City Light Department.

CITY CLERK

Section 2. Any acts pursuant to the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

Section 3. This ordinance shall take effect and be in force 30 days from and 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 _____, 2011, and signed by me in open session in authentication of its passage this

_____ day of _____, 2011.

_____
President _____of the City Council

Approved by me this ____ day of _____, 2011.

_____
Michael McGinn, Mayor

Filed by me this ____ day of _____, 2011.

_____
City Clerk

(Seal)

Attachment A --Goodwin Statutory Warranty Deed

CITY CLERK

Ron Tressler
SCL Goodwin Deed Acceptance ATT A
October 13, 2010
Version #1

AFTER RECORDING MAIL TO:
Seattle City Light
Real Estate Services, SMT 3012
Attention: Mary Davis
700 – 5th Ave., Suite 3300
P.O. Box 34023
Seattle, WA 98124-9871

201006180169
Skagit County Auditor
6/18/2010 Page 1 of 4 3:44PM

Filed for Record at Request of:

LAND TITLE OF SKAGIT COUNTY

135141-0

STATUTORY WARRANTY DEED

THE GRANTOR(S) Daniel G. Goodwin and Joan R. Goodwin, husband and wife,* for
*on 8/1/1991 and at all times since
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 Skagit, State of Washington:

Abbreviated Legal: SW ¼ NW ¼, 28-36-11 E W.M.; SE ¼ NE ¼, 29-36-11 E W.M. and fully set forth on page 3, as Exhibit A.

SUBJECT TO: Easements, Reservations, Covenants, Conditions, Restrictions and Agreements of record including matters disclosed under the attached Exhibit B at page 3.

Assessor's Property Tax Parcel/Account Number: P99022, P99020

Skagit County Auditor
Real Estate Excise Tax
JUN 18 2010
Amount Paid $3031.00
Skagit County Treasurer
By CN

UNOFFICIAL DOCUMENT

DNS CITY CLERK

UNOFFICIAL DOCUMENT

Dated: 6-9-10

By _____
Daniel G. Goodwin

By: _____
Joan R. Goodwin

STATE OF WASHINGTON)
)-ss
COUNTY OF King)

I certify that I know or have satisfactory evidence that Daniel G. Goodwin and Joan R. Goodwin, are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: June 9th, 2010

Name: Grant W. Huang
Notary Public in and for the state of Washington
My appointment expires: 08-07-2012

GRANT W. HUANG
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
08-07-12

201006180169
Skagit County Auditor
6/18/2010 Page

BNS CITY CLERK

UNOFFICIAL DOCUMENT

EXHIBIT A

Legal Description

Parcel "A":

The Southwest ¼ of the Northwest ¼ of Section 28, Township 36 North, Range 11 East, W.M.,

EXCEPT road rights-of-way.

Situate in the County of Skagit, State of Washington.

Parcel "B":

The Southeast ¼ f the Northeast ¼ of Section 29, Township 36 North, Range 11 East, W.M.,

EXCEPT road rights-of-way.

Situate in the County of Skagit, State of Washington.

201006180169
Skagit County Auditor
6/18/2010 Page 3 of 4 3:44PM

CITY CLERK

UNOFFICIAL DOCUMENT

EXHIBIT B

1. Reservation from Scott Paper Company, a Pennsylvania Corporation dated July 7, 1989 recorded July 7, 1989 under Auditor's No. 8907070037. Statement of Mineral Claim was recorded March 18, 2009, under Auditor's File No. 200903180041 wherein Kimberly-Clark Corporation claims ownership of the mineral estate as reserved in said instrument noted and desires to preserve such interest and does not intend to abandon same.

2. Restrictions imposed by instrument recorded July 7, 1989, under Auditor's File No. 8907070037.

End of Exhibit "B"

201006180169
Skagit County Auditor
6/18/2010 Page 4 of 4 3:44PM

BNS CITY CLERK

Form revised: August 9, 2010

FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	CBO Analyst/Phone:
City Light	Ron Tressler / 386-4506	Calvin Chow 684-4652

Legislation Title: SCL Goodwin Deed Acceptance ORD

AN ORDINANCE relating to the City Light Department, authorizing the acceptance of a deed to certain land in Skagit County, Washington for wildlife habitat protection purposes, placing said land under the jurisdiction of the City Light Department, and ratifying and confirming certain prior acts.

Summary and background of the Legislation:

This legislation authorizes the Superintendent to accept a Deed to the Goodwin property in Skagit County, Washington, for wildlife habitat mitigation purposes. The property subject to this legislation was purchased as part of the Skagit Hydroelectric Project Mitigation under the authority of Ordinance 118226. 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.

- **Background:** In connection with the relicensing of the Skagit River Hydroelectric Project by the Federal Energy Regulatory Commission and pursuant to Resolution 28349, City Light entered into the Settlement Agreement Concerning Wildlife, incorporating by reference the Wildlife Habitat Protection and Management Plan, (collectively, "Wildlife Agreement"), dated April 1991, with several Federal, State, Tribal, and private non-profit parties. Ordinance 118226 authorizes the Superintendent of City Light to negotiate for and purchase parcels of land pursuant to the principles and procedures of the Wildlife Agreement.

Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:
Skagit Hydro Mitigation	6991	Skagit and Nooksack watersheds	1991	n/a

Please check any of the following that apply:

____ **This legislation creates, funds, or anticipates a new CIP Project.**

____ **This legislation does not have any financial implications.**

__X__ **This legislation has financial implications.** (Please complete all relevant sections that follow.)

Appropriations: No appropriations were required for this land acquisition.

CITY CLERK

Appropriations Notes: The $171,629.58 used for this 80-acre land acquisition was from the existing Project 6991 budget and no additional appropriations are required.

Spending Plan and Future Appropriations for Capital Projects:
No funds are authorized by this legislation and no additional appropriations are anticipated in the future.

Spending Plan and Budget Notes: The property will be maintained as wildlife habitat. Sufficient funds for the management (one or two inspections by City Light Environmental Affairs Division staff) of the property are available in the existing Project 6991 budget for Skagit River Hydroelectric Project Mitigation and no future appropriations are anticipated.

Funding Source:
Operational and Maintenance costs are described in Uses and Sources for Operational and Maintenance Costs section.

Funding Source Notes: n/a

Bond Financing Required:
Not applicable

Uses and Sources for Operation and Maintenance Costs for the Project:

O&M	2011	2012	2013	2014	2015	2016	Total
Uses							
Start Up							
On-going							
Sources: Skagit Mitigation - 6991	$200	$200	$200	$200	$200	$200	**$1,200**

Operation and Maintenance Notes: Only operational and maintenance costs anticipated are for access maintenance and periodic visits by SCL EAD staff.

Periodic Major Maintenance Costs for the Project:
No major maintenance costs are anticipated but if one were to arise, existing Skagit Mitigation budget would be utilized.

Funding sources for replacement of project:
n/a

Total Regular Positions Created, Modified, or Abrogated through this Legislation,

DS CITY CLERK

Including FTE Impact: No positions are affected by this legislation.

Position Notes: Existing position in SCL is responsible for managing the Skagit Wildlife Mitigation Lands.

Do positions sunset in the future? n/a

What is the financial cost of not implementing the legislation?
If the legislation were not implemented, SCL would risk not being in compliance with the requirements of the Skagit Hydroelectric Project Settlement Agreement on Wildlife.

Does this legislation affect any departments besides the originating department?
No

What are the possible alternatives to the legislation that could achieve the same or similar objectives?
No other alternatives exist.

Is the legislation subject to public hearing requirements?
No

Other Issues: The property will be part of the Skagit Wildlife Mitigation Lands created pursuant to the Skagit River Wildlife Settlement Agreement Wildlife. SCL may seek external grants and partners for additional funding to restore habitat on these properties.

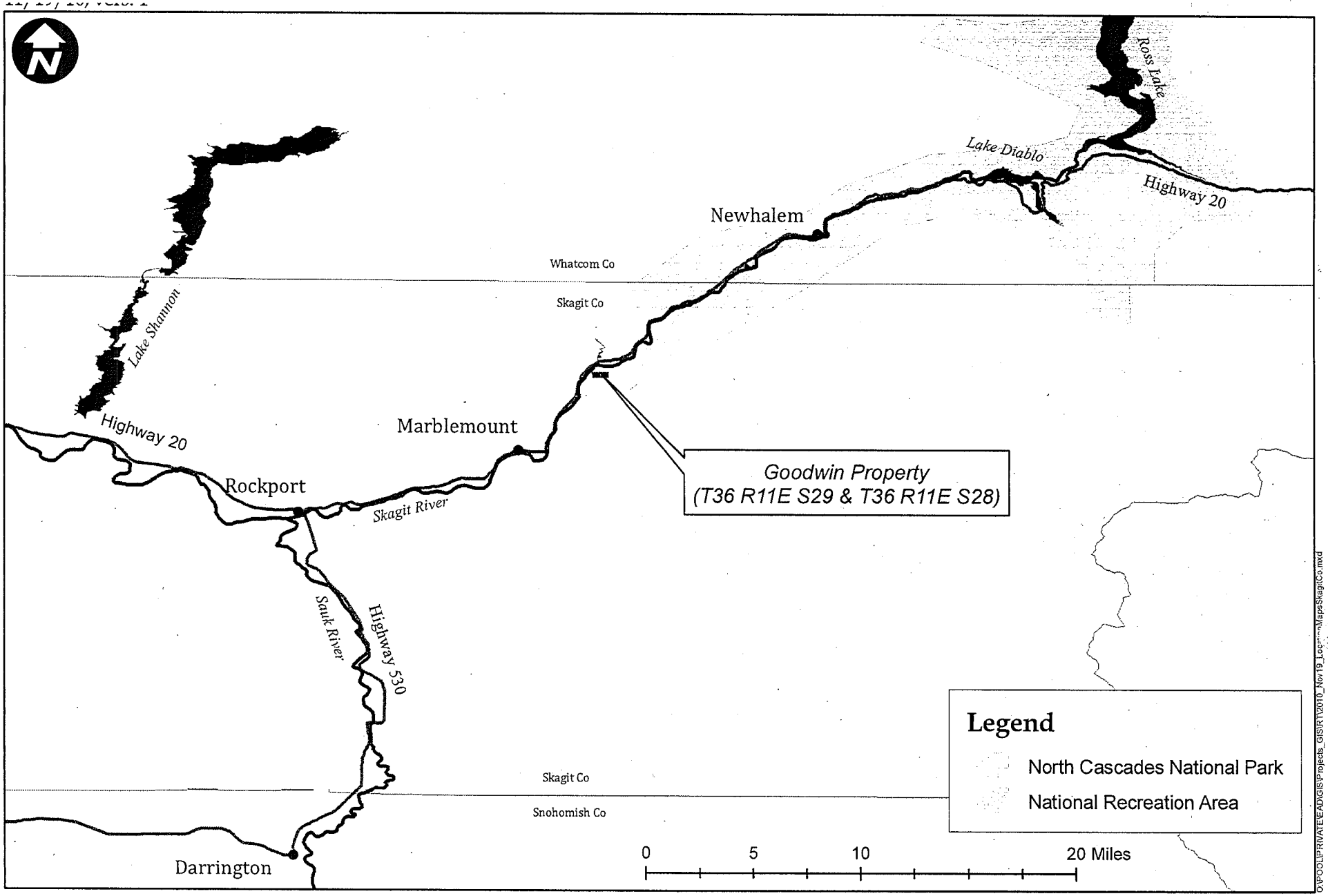
List attachments to the fiscal note below:

N/A

Attachment A: Map of Goodwin Property

bns CITY CLERK

Ron Tressler
SCL Goodwin Deed Acceptance FISC ATT A
October 13, 2010
Version #1



Attachment A to the SCL Goodwin Deed Acceptance Ordinance Fiscal Note

CITY CLERK

City of Seattle
Office of the Mayor

January 11, 2011

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

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill which would authorize Seattle City Light to accept the deed for the Goodwin property in Skagit County, Washington for wildlife habitat protection purposes, and authorize the acceptance of the Statutory Warranty Deed thereto, and placing said lands under the jurisdiction of the City Light Department.

The City manages over 8,000 acres of wildlife mitigation lands in the Skagit and South Fork Nooksack watersheds in connection with re-licensing requirements for the Skagit River Hydroelectric Project. The purchase of the 80-acre Goodwin property was approved by the Wildlife Management Review Committee that oversees the wildlife habitat acquisitions under the Skagit Hydroelectric Project Settlement Agreement on Wildlife. This acquisition helps to ensure that the City is in compliance with the federal license and the Settlement Agreement.

Thank you for your consideration of this legislation. Should you have questions, please contact Ron Tressler, Seattle City Light Environmental Affairs Division, at 386-4506.

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

Tel (206) 684-4000
Fax (206) 684-5360
TDD (206) 615-0476
mike.mcginn@seattle.gov

CITY CLERK