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117289

ORDINANCE _____

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AN ORDINANCE relating to Seattle Public Utilities; authorizing the transfer of approximately 173 acres located in Sections 30, 31, and 32, Township 22 North, Range 8 East W.M., to the Muckleshoot Indian Tribe in satisfaction of the City's obligations under the Cedar River Settlement Agreement; and declaring said property to be surplus to the City's needs and not required for continued utility needs.

WHEREAS, in 2006 the City of Seattle (City) entered into the Cedar River Settlement Agreement with the Muckleshoot Indian Tribe (MIT), authorized by City of Seattle Ordinance 122131, that resulted in the dismissal of claims the MIT had brought against the United States National Marine Fisheries Service challenging the issuance of an Incidental Take Permit to the City; and

WHEREAS, the Cedar River Settlement Agreement requires the City to use its best efforts to acquire certain real property, known as the Yakima Pass property, from the United States Forest Service (Forest Service) and transfer the property to the MIT; and

WHEREAS, the City met with Forest Service officials and determined that acquisition of the Yakima Pass property would be a difficult, lengthy process that could ultimately fail; and

WHEREAS, the City identified approximately 173 acres located within the Cedar River Watershed that is considered surplus to the City's needs; and

WHEREAS, the MIT has agreed to accept these 173 acres in lieu of the Yakima Pass property and in satisfaction of the City's obligations under the Cedar River Settlement Agreement relating to the Yakima Pass property; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. After a public hearing and pursuant to the provisions of RCW 35.94.040, certain real property in the Cedar River Watershed in King County, Washington, legally described in Attachment A, is hereby declared to be no longer required for providing public utility service and to be surplus to the City's needs.

Section 2. For purposes of satisfying the City's obligations under the Cedar River Settlement Agreement relating to the Yakima Pass property, the Director of Seattle Public Utilities, or his designee, is authorized to execute a quit claim deed, substantially in the form of



1 Attachment A, and such other documents as the Director shall deem necessary in order to
2 transfer title of the real property described in Attachment A to the Muckleshoot Indian Tribe.

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

6
7 Passed by the City Council the ____ day of _____, 2011, and
8 signed by me in open session in authentication of its passage this
9 ____ day of _____, 2011.

10
11 _____
12 President _____ of the City Council

13
14 Approved by me this ____ day of _____, 2011.

15
16 _____
17 Michael McGinn, Mayor

18
19 Filed by me this ____ day of _____, 2011.

20
21 _____
22 Monica Martinez Simmons, City Clerk

23 (Seal)

24
25
26 Attachment A – Quit Claim Deed including Legal Description and Property Map



ATTACHMENT A

Recording Requested By And
When Recorded Mail To:

City of Seattle SPU - WTR
700 Fifth Avenue Suite 4900
Seattle, WA 98104-5004

DRAFT QUIT CLAIM DEED

Reference #s of Document Released or Assigned:	None
Grantor:.....	The City of Seattle, Seattle Public Utilities
Grantee:.....	The Muckleshoot Indian Tribe
Legal Description (abbreviated).....	Portions of: Sections 30, 31 & 32, Twp 22 N, Rng 8 E WM;
Assessor's Tax Parcel ID#:.....	<u>TO BE DETERMINED</u>

MIT Land Transfer in Lieu of Yakima Pass
BPA Transmission Line Easement
SPU R/W File #'s C47-902, C48-902, C53-901

THE GRANTOR, THE CITY OF SEATTLE, acting by and through its Department SEATTLE PUBLIC UTILITIES, for and in consideration of the terms and conditions as stipulated in the SETTLEMENT AGREEMENT between the MUCKLESHOOT INDIAN TRIBE and the CITY OF SEATTLE in the matter of Civ. No. 03-377JLR in United States District Court for the Western District of Washington, and as authorized by Seattle City Ordinance Number 122131, hereby conveys and quitclaims to GRANTEE, THE MUCKLESHOOT INDIAN TRIBE, all of its right, title and interest in the real property depicted in attached EXHIBIT A, and described as follows:

SECTION 30 - 22 - 08

That portion of Section 30, Township 22 North, Range 8 East, W.M. lying between the southwesterly margin of the permanent easement described as Tract No. VC-462 in the TRANSMISSION LINE AND ACCESS ROAD EASEMENT AND AGREEMENT as granted to the UNITED STATES OF AMERICA on May 21, 1965 as authorized by City of Seattle Ordinance 93780 and recorded under recording number 5887521 in the County of King, State of Washington. (Commonly known as the Vantage to Covington Line No. 2) and the northeasterly margin of the permanent easement described in the TRANSMISSION LINE EASEMENT AND AGREEMENT as granted to the UNITED STATES OF AMERICA on December 26, 1941 as authorized by City of Seattle Ordinance 70805 and recorded in Volume 2020 and Pages 188 through 192 in the County of King, State of Washington. (Commonly known as the Covington to Grand Coulee Line No. 1)

All situated in County of King, State of Washington



SECTION 31 – 22 - 08

That portion of Section 31, Township 22 North, Range 8 East, W.M. lying between the southwesterly margin of the permanent easement described as Tract No. VC-462 in the TRANSMISSION LINE AND ACCESS ROAD EASEMENT AND AGREEMENT as granted to the UNITED STATES OF AMERICA on May 21, 1965 as authorized by City of Seattle Ordinance 93780 and recorded under recording number 5887521 in the County of King, State of Washington. (Commonly known as the Vantage to Covington Line No. 2) and the northeasterly margin of the permanent easement described in the TRANSMISSION LINE EASEMENT AND AGREEMENT as granted to the UNITED STATES OF AMERICA on December 26, 1941 as authorized by City of Seattle Ordinance 70805 and recorded in Volume 2020 and Pages 188 through 192 in the County of King, State of Washington. (Commonly known as the Covington to Grand Coulee Line No. 1)

All situated in County of King, State of Washington

SECTION 32 – 22 - 08

That portion of Section 32, Township 22 North, Range 8 East, W.M. lying southwesterly of the northeasterly margin of the permanent easement described in the TRANSMISSION LINE EASEMENT AND AGREEMENT as granted to the UNITED STATES OF AMERICA on December 26, 1941 as authorized by City of Seattle Ordinance 70805 and recorded in Volume 2020 and Pages 188 through 192 in the County of King, State of Washington. (Commonly known as the Covington to Grand Coulee Line No. 1)

All situated in County of King, State of Washington

The above-described lands are subject to all existing easements, covenants, restrictions, conditions, reservations, exceptions and agreements, and the City of Seattle makes no warranties of any kind as to the title of said lands.



ACCEPTANCE

I, _____, duly authorized representative of the THE MUCKLESHOOT INDIAN TRIBE, certify that the interest in real property conveyed to THE MUCKLESHOOT INDIAN TRIBE, a sovereign nation, by this **Quit Claim Deed** dated the date first above written, is hereby accepted on behalf of THE MUCKLESHOOT INDIAN TRIBE.

By: _____

Print Name: _____

Title: _____

On this ____ day of _____, 20 __, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, known to me (or proved to me on the basis of satisfactory evidence) and whom executed the foregoing document, and stated on oath that he/she was authorized to execute the foregoing document on behalf of **THE MUCKLESHOOT INDIAN TRIBE** and signed the same as the free and voluntary act and deed of said municipal corporation for the uses and purposes therein mentioned.

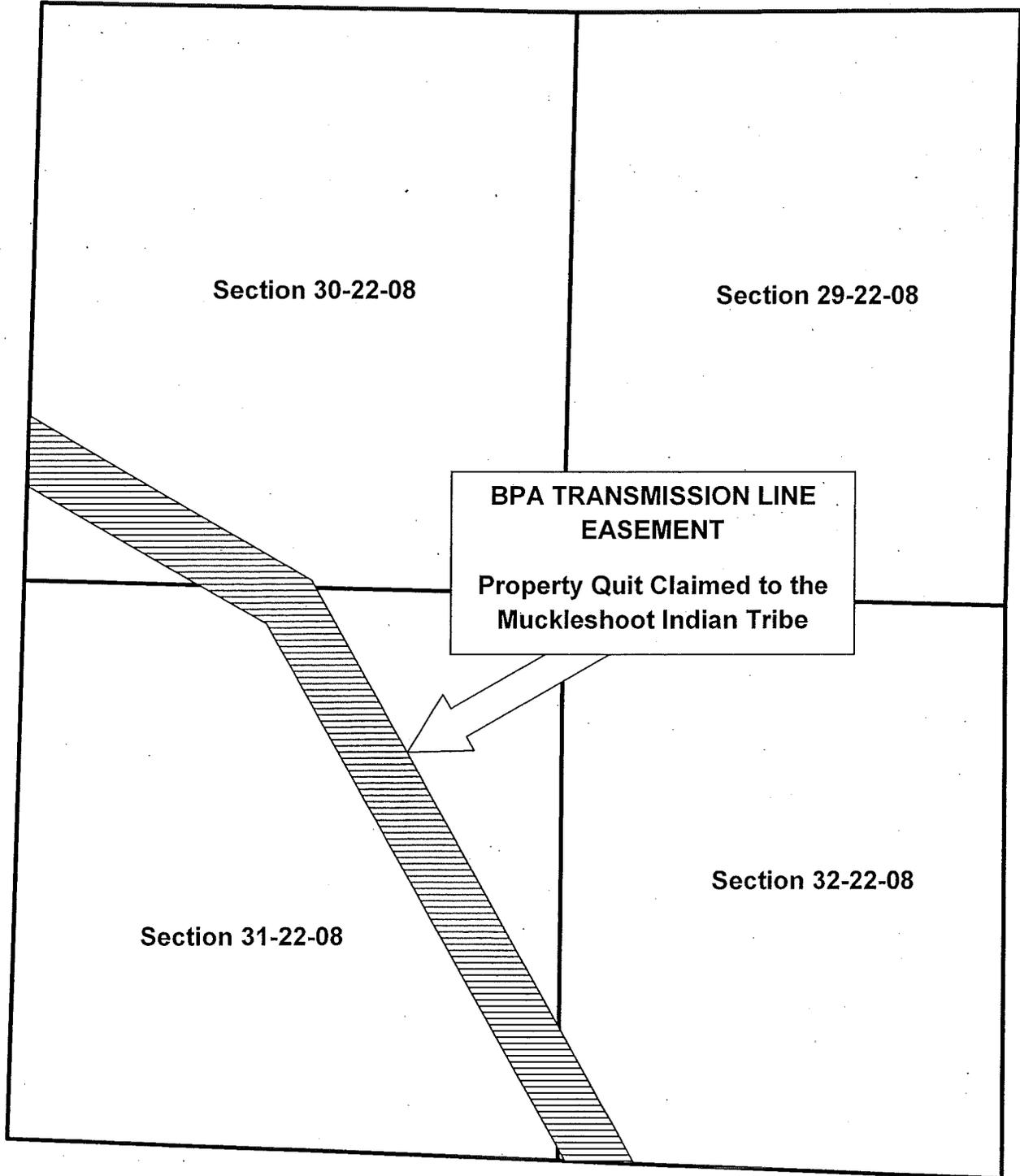
WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

Print Name: _____
NOTARY PUBLIC in and for the State of Washington,
residing at:

My commission expires: _____



EXHIBIT A



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Public Utilities	Bob Gambill /4-5969	Karen Grove/4-5805

Legislation Title:

AN ORDINANCE relating to Seattle Public Utilities; authorizing the transfer of approximately 173 acres located in Section 30, 31, and 32, Township 22 North, Range 8 East W.M., to the Muckleshoot Indian Tribe in satisfaction of the City's obligations under the Cedar River Settlement Agreement; and declaring said property to be surplus to the City's needs and not required for continued utility needs.

Summary of the Legislation:

This ordinance would declare as surplus and authorize the transfer of ownership of City land adjacent to the Cedar River Watershed to the Muckleshoot Indian Tribe (MIT).

Background:

A provision of the 2006 Cedar River Settlement Agreement between the City and MIT states the City will seek to acquire ownership of Yakima Pass property from the United States Forest Service and transfer that ownership to the MIT. After futile attempts to acquire ownership of the Yakima Pass parcel, Seattle Public Utilities offered the MIT land which would provide the tribe better access to land it owns outside the Cedar River Watershed. In 2010, the MIT passed an ordinance authorizing it to accept the property offered by Seattle Public Utilities in lieu of the Yakima Pass parcel and, thereby, fulfilling that provision of the Cedar River Settlement Agreement.

Please check one of the following:

 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?**
This legislation could save the utility money and resources by making possible the transfer of property it already owns as opposed to property, such as Yakima Pass, which SPU would have to acquire before transferring to the Tribe.
- 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?

SPU could transfer an alternative parcel of property to MIT. The alternative piece of property would have to meet similar objectives and qualities to meet MIT needs.

e) Is a public hearing required for this legislation?

Yes

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

h) Other Issues:

None

List attachments to the fiscal note below:

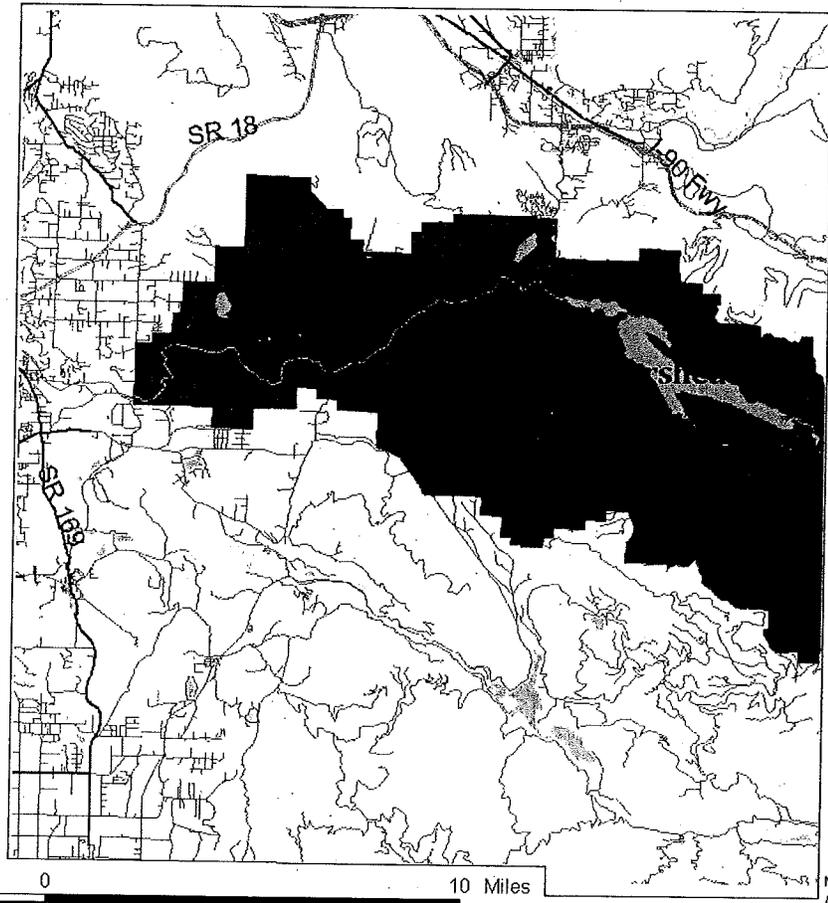
Exhibit A – Proposed transfer of a portion of the Cedar River Watershed to the Muckleshoot Indian Tribe (map).



EXHIBIT A

Proposed Transfer
of a portion of the
Cedar River Watershed
to the
Muckleshoot Indian Tribe

■ Proposed Transfer to MIT



This map is for informational purposes only and is not intended to modify the legal description in Attachment A to the Ordinance





City of Seattle
Office of the Mayor

August 30, 2011

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

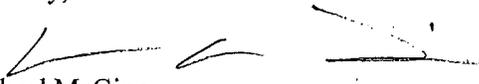
Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill which would declare a 173-acre parcel adjacent to the Cedar River Watershed owned by Seattle Public Utilities surplus to the City's needs and authorize its transfer to the Muckleshoot Indian Tribe.

The 2006 Cedar River Settlement Agreement between the City and the Muckleshoot Tribe requires the City seek to secure ownership from the U.S. Forest Service of a parcel of land known as the Yakima Pass property. The City would then transfer ownership of the property to the Tribe. After many unsuccessful efforts to purchase the Yakima Pass parcel, SPU offered the Tribe a different piece of land that provides better access to land the Tribe owns outside the Cedar River Watershed. Late last year, the Muckleshoot Tribal Council approved an ordinance accepting the property owned by SPU in lieu of the Yakima Pass parcel, thereby clearing the way for the City to fulfill that provision of the Cedar River Settlement Agreement.

This property transaction has been years in the making and it represents one more example of a cooperative relationship between our two governments. Thank you for your consideration of this legislation. Should you have questions, please contact Bob Gambill at 684-5969.

Sincerely,



Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

