



SEATTLE CITY COUNCIL

Legislative Summary

CB 118743

Record No.: CB 118743

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125098

In Control: City Clerk

File Created: 06/23/2016

Final Action: 08/03/2016

Title: AN ORDINANCE relating to the City Light Department; declaring certain real property rights surplus to utility needs; authorizing the General Manager and Chief Executive Officer to grant a permanent flowage easement to allow for a relocated portion of Cumberland Creek to occasionally flood conservation land owned by The City of Seattle in Skagit County, Washington; and ratifying and confirming certain prior acts.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Sawant

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att 1 – Permanent Flowage Easement, Att 1 Ex A – Project Flowage Area Legal Description, Att 1 Ex A-1 – Project Flowage Area Depiction, Att 1 Ex B – Permanent Flowage Easement Area, Att 1 Ex C – Scope of Work-Project Description, Att 1 Ex D – Project Completion Confirmation Letter

Drafter: Denise.Krownbell@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	07/12/2016	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk						
	Notes:						
1	City Clerk	07/12/2016	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						

- 1 Council President's Office 07/15/2016 sent for review Energy and Environment Committee
Action Text: The Council Bill (CB) was sent for review. to the Energy and Environment Committee
Notes:
- 1 Full Council 07/25/2016 referred Energy and Environment Committee
- 1 Energy and Environment Committee 07/26/2016 pass Pass
Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
Notes: A Public Hearing was held
In Favor: 2 Chair Sawant, Vice Chair Juarez
Opposed: 0
Absent(NV): 1 Member González
- 1 Full Council 08/01/2016 passed Pass
Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
In Favor: 9 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant
Opposed: 0
- 1 City Clerk 08/02/2016 submitted for Mayor's signature Mayor
Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:
- 1 Mayor 08/03/2016 Signed
Action Text: The Council Bill (CB) was Signed.
Notes:
- 1 Mayor 08/03/2016 returned City Clerk
Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:
- 1 City Clerk 08/03/2016 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:
-

CITY OF SEATTLE

ORDINANCE

125098

COUNCIL BILL

118743

AN ORDINANCE relating to the City Light Department; declaring certain real property rights surplus to utility needs; authorizing the General Manager and Chief Executive Officer to grant a permanent flowage easement to allow for a relocated portion of Cumberland Creek to occasionally flood conservation land owned by The City of Seattle in Skagit County, Washington; and ratifying and confirming certain prior acts.

WHEREAS, The City of Seattle owns by recorded deed certain parcels of conservation land in Sections 14 and 23, Township 35 North, Range 6 East, W.M., Skagit County Tax Parcel numbers P41167, P41168, and P41865, and these parcels were acquired for the purpose of protecting fish and wildlife habitat; and

WHEREAS, the Skagit County Department of Public Works is constructing the Cumberland Creek Habitat Mitigation Project on land adjoining the City's conservation parcels; and

WHEREAS, as a condition of approval of the Cumberland Creek Habitat Mitigation Project, the U.S. Army Corps of Engineers (USACE) is requiring that The City of Seattle grant a permanent flowage easement to Skagit County to allow for occasional flooding from Cumberland Creek on the City's property; and

WHEREAS, the Cumberland Creek Habitat Mitigation Project will increase available spawning, rearing, foraging, and refuge habitat for salmonids and other resident fish in the Skagit River system and will benefit the City's fish and wildlife habitat conservation purposes; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Pursuant to the provisions of RCW 35.94.040 and after public hearing, certain real property rights acquired for fish and wildlife habitat conservation purposes are no longer

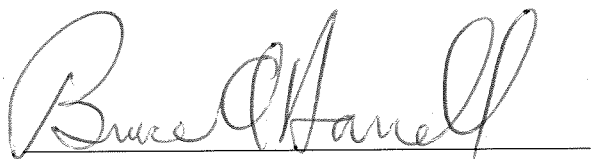
1 needed exclusively for The City of Seattle's utility purposes, over, through, and upon the
2 property described in Exhibit "B" to Attachment 1 hereto (the "Easement Area"), and are
3 declared surplus to City needs.

4 Section 2. The General Manager and Chief Executive Officer of the City Light
5 Department, or designee, is authorized to execute for and on behalf of The City of Seattle a
6 Permanent Flowage Easement to Skagit County, over, through, and upon the Easement Area,
7 substantially in the form attached hereto as Attachment 1.

8 Section 3. Any act consistent with the authority of this ordinance taken prior to its
9 effective date is ratified and confirmed.

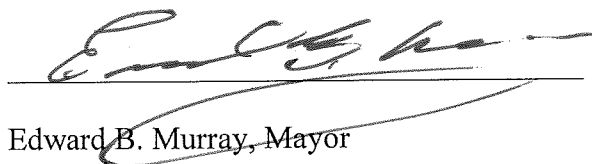
Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 1st day of AUGUST, 2016,
and signed by me in open session in authentication of its passage this 1st day of
AUGUST, 2016.



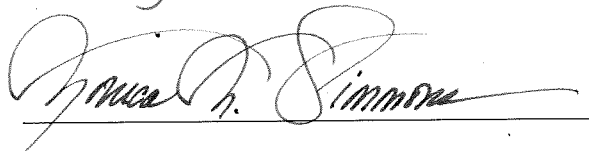
President _____ of the City Council

Approved by me this 3rd day of August, 2016.



Edward B. Murray, Mayor

Filed by me this 3rd day of AUGUST, 2016.



Monica Martinez Simmons, City Clerk

(Seal)

Denise Krownbell
SCL Cumberland Creek Flowage Easement ORD
D1a

1 Attachments:

2 Attachment 1 – Permanent Flowage Easement

3 Exhibit A – Project Flowage Area Legal Description

4 Exhibit A-1 – Project Flowage Area Depiction

5 Exhibit B – Permanent Flowage Easement Area

6 Exhibit C – Scope of Work/Project Description

7 Exhibit D – Project Completion Confirmation Letter

Attachment 1

Recording Requested By
And When Recorded Mail To:

Skagit County
Public Works Department
Attn: Jan Flagan
1800 Continental Place
Mount Vernon, Washington 98273

<u>DOCUMENT TITLE:</u>	PERMANENT FLOWAGE EASEMENT
<u>RELATED DOCUMENTS:</u>	AFN Nos. 201405130012 and 201403100100
<u>GRANTOR:</u>	City of Seattle , a municipal corporation of the State of Washington.
<u>GRANTEE:</u>	Skagit County , a political subdivision of the State of Washington.
<u>ABBREVIATED LEGAL DESCRIPTION:</u>	Ptn GL 4, 5, & 6, SEC 14, TWN 35 N, R 6 E, WM aka Tracts 1 & 2, Survey 8009250002, and fully set forth and described in Exhibit B
<u>ASSESSOR'S TAX / PARCEL NUMBER(S):</u>	P41167, P41168, and P41865

PERMANENT FLOWAGE EASEMENT FOR OCCASIONAL FLOODING

The undersigned, **City of Seattle**, a municipal corporation in the State of Washington, acting by and through its City Light Department (“Grantor”), for good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, hereby grants to **Skagit County**, a political subdivision of the State of Washington (“Grantee”), a permanent flowage easement for occasional flooding (“Permanent Easement”), as provided herein. Grantor and Grantee may be individually referred to herein as a “Party”, and may be collectively referred to herein as the “Parties.” The terms of this Permanent Easement are further provided as follows:

1. Nature and Location of Permanent Easement. The Permanent Easement hereby granted by Grantor herein shall be a Permanent Easement for occasional flooding for the benefit of Grantee, Grantee’s agents, employees, and contractors over, upon, across, through, a portion of Grantor’s Property (the “Easement Area”) in connection with Grantee’s Cumberland Creek

Mitigation Project (“Project”). The flowage area for the entire Project is legally described and depicted on *Exhibits “A”* and *“A-1”*, attached hereto and incorporated herein by this reference (the “Project Flowage Area”). The Easement Area is that portion of Grantor’s property that is within the Project Flowage Area. The legal description of the Easement Area is attached hereto as *Exhibit “B”*, and is hereby incorporated by reference. The Project is further described in *Exhibit “C”* (Scope of Work), attached hereto and incorporated herein by this reference. *Exhibit “D”* (copy of a letter dated, July 9th, 2015, from Janice Flagan, Skagit County Surface Water Section Manager to Douglas T. Weber, project manager for the Cumberland Creek/Cockreham Levee Mitigation project for the U.S. Army Corps of Engineers) provides confirmation that the Project was completed in accordance with the agreed upon scope of work and was constructed by the U.S. Army Corps of Engineers in 2014. The Permanent Easement shall be for the purpose of providing the right, power, privilege, and easement occasionally to overflow, flood, and submerge the Easement Area in connection with the completed construction and on-going operation and maintenance of the Project together with all right, title, and interest in and to the structures and improvements now situate on the Grantor’s Property; provided that no structures for human habitation shall be constructed or maintained on the Easement Area on Grantor’s Property, that no other structures shall be constructed or maintained on the Easement Area on Grantor’s Property except as may be approved in writing by the Grantee, and that no excavation shall be conducted and no landfill placed on the Easement Area on Grantor’s Property without such approval as to the location and method of excavation and/or placement of landfill by the Grantee, with said approvals not to be unreasonably withheld by Grantee. This Permanent Easement is granted subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; reserving, however, to the Grantor, and Grantor’s heirs, successors, and assigns, all such rights and privileges as may be used and enjoyed without interfering with the use of the Project or abridging the rights and Permanent Easement hereby acquired; provided further that any use of the Grantor’s Property shall be subject to Federal and State laws with respect to pollution.

2. Term of Permanent Easement. This Permanent Easement shall commence upon mutual execution by the parties, and shall be perpetual in nature and shall run with the land. This Permanent Easement shall remain in effect in perpetuity as provided by the terms of the Cooperative Agreement executed by and between the parties regarding the Project (Skagit County Contract # C20130376, as amended by Amendment # A20140061). Upon mutual execution, this Permanent Easement shall be promptly recorded with the Skagit County Auditor.

3. Use of Permanent Easement. Grantor and Grantor’s successors and assigns releases Grantee from any all claims, loss, damages, and/or harm arising from or in any way related to any discharges, releases, and/or inundations of drainage water, storm water, water flows and flowage, and flood water (of an indeterminate and unspecified origin, volume, duration, and quantity) onto the Grantor’s Property within the Easement Area. Grantor specifically recognizes and agrees that the terms of this Permanent Easement may result in drainage and flooding impacts to Grantor’s Property within the Easement Area including, but not necessarily limited to flowing, pooling, and/or standing water on Grantor’s Property within the Easement Area of an unknown quantity, origin, depth, volume and velocity, at any time for an unknown duration.

3.1 Except as provided to the contrary herein (including pursuant to the terms of Section 3. above), Grantee shall be responsible for Grantee's own negligence and that of its employees, agents, consultants, or contractors, and shall indemnify and hold harmless Grantor, its officials, officers, agents, and employees therefrom. Grantee shall not be required to indemnify, defend, and hold harmless Grantor, its officials, officers, agents, or employees if the claims and/or damages result from the negligence and/or intentional acts or omissions of the Grantor or Grantor's officials, officers, agents, or employees. To the extent a claim arises out of or alleges the concurrent negligence of both of the Parties, each Party shall only be responsible for its own negligence and that of its employees, officers, officials, agents, consultants, or contractors. It is further provided that no liability shall attach to either Party by reason of entering into this Permanent Easement except as expressly provided herein. The Parties specifically and expressly intend their indemnity duties hereunder stated to constitute a waiver of their immunity under Washington's Industrial Insurance Act, RCW Title 51 to the extent necessary to provide the other Party with a full and complete indemnity.

4. Non-Interference with Permanent Easement. Grantor shall not undertake, authorize, permit, allow, or otherwise consent to any activity, construction, or use of Grantor's Property within the Easement Area which would be inconsistent with the use of the Easement Area for the discharge and/or flowage of drainage, storm water, and/or flood water in accordance with the terms of this Permanent Easement; provided that the Grantor shall otherwise have full use of the Easement Area at Grantor's Property so long as such use does not interfere with the Grantee's use of the Easement Area for the purposes provided herein.

5. Governing Law; Venue. This Permanent Easement shall be construed under the laws of the State of Washington. It is agreed by the parties that the venue for any legal action brought under or relating to the terms of this Permanent Easement shall be in Skagit County, State of Washington.

6. Entire Agreement. Subject to the terms of the above-referenced amended Cooperative Agreement by and between the parties, this Permanent Easement contains the entire agreement between the parties hereto and incorporates and supersedes all prior negotiations or agreements. It may not be modified or supplemented in any manner for form whatsoever, either by course of dealing or by parol or written evidence of prior agreements and negotiations, except upon subsequent written agreement of the parties or their successors.. Waiver or breach of any term or condition of this Permanent Easement shall not be considered a waiver of any prior or subsequent breach.

DATED this _____ day of _____, 2016.

GRANTOR:

By: _____

Printed Name: _____

Title: _____

Seattle City Light

STATE OF WASHINGTON }
COUNTY OF KING } ss.

I certify that I know or have satisfactory evidence that _____, as the _____ of the City Light Department of the City of Seattle, a municipal corporation, is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was duly authorized to execute this instrument and executed the forgoing instrument as his/her free and voluntary act for the uses and purposes herein mentioned.

DATED this _____ day of _____, 2016.

Notary Public
Print name: _____
Residing at: _____
My appointment expires: _____

(SEAL)

GRANTEE:

DATED this _____ day of _____, 2016.

**BOARD OF COUNTY
COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Kenneth A. Dahlstedt, Chair

Lisa Janicki, Commissioner

Ron Wesen, Commissioner

Attest:

Clerk of the Board

Authorization per Resolution R20050224:

Recommended:

County Administrator

Department Head

Approved as to form:

Civil Deputy Prosecuting Attorney

Att 1 – Permanent Flowage Easement
V1

Approved as to indemnification:

Risk Manager

Approved as to budget:

Budget & Finance Director

EXHIBIT "A"

PROJECT FLOWAGE AREA LEGAL DESCRIPTION

BEGINNING AT the SW corner of the NW1/4 of the NW1/4 of Section 23 Twp.35 Rg.6 WM. and also described as the SW corner of Lot 4 as shown on the Short Plat of Wild Bird Estates, recorded in Volume 4 of Short Plats on Page 97 under Skagit County Auditor file no. 8011060001; **thence** N 01° 13' 01" E 365.05', **thence** N 61° 47' 15" E 387.40', **thence** N 71° 22' 41" E 155.56', **thence** N 53° 18' 56" E 242.11', **thence** S 89° 43' 41" E 89.46', **thence** N 07° 01' 07" E 71.68', **thence** N 64° 47' 56" E 70.01', **thence** S 56° 53' 21" E 88.0', **thence** S 25° 27' 47" W 74.54', **thence** S 04° 08' 42" E 110.85', **thence** N 61° 46' 56" E 74.56', **thence** N 42° 47' 49" E 176.89', **thence** S 76° 47' 49" E 27.98', **thence** N 02° 08' 53" W 128.28', **thence** N 14° 02' 09" E 92.50', **thence** N 48° 40' 03" E 177.12', **thence** N 28° 53' 55" E 213.63', **thence** N 55° 37' 14" E 173.91', **thence** N 83° 11' 29" E 194.64', **thence** S 78° 11' 42" E 167.61', **thence** N 77° 37' 39" E 254.28', **thence** S 74° 27' 08" E 183.51', **thence** S 60° 19' 57" E 523.21', **thence** S 17° 43' 31" W 84.45', **thence** S 62° 58' 34" W 47.92', **thence** S 07° 03' 33" W 251.92' more or less to the north right-of-way of South Skagit Highway, **thence** Westerly along said north right-of-way of South Skagit Highway 46.77', **thence** N 01° 23' 40" W 57.24', **thence** N 52° 38' 27" W 77.12', **thence** N 88° 19' 41" W 38.23', **thence** N 09° 46' 58" W 93.47', **thence** N 65° 13' 57" E 84.25', **thence** N 12° 27' 55" W 64.13', **thence** S 59° 51' 30" W 47.25', **thence** N 68° 21' 21" W 44.67', **thence** S 66° 24' 15" W 90.38', **thence** N 21° 48' 06" W 43.15', **thence** S 54° 19' 30" W 420.29', **thence** N 56° 42' 35" W 162.42', **thence** N 05° 27' 06" W 111.06', **thence** S 78° 33' 57" W 59.85', **thence** S 02° 58' 35" W 154.45', **thence** S 27° 31' 25" W 221.04', more or less to the north right-of-way of South Skagit Highway, **thence** Southwesterly along said north right-of-way of South Skagit Highway 347.35', **thence** S 65° 19' 04" E 36.04', **thence** S 62° 51' 58" W 178.91', **thence** N 41° 47' 06" W 33.12', more or less to the north right-of-way of South Skagit Highway, **thence** Southwesterly along said north right-of-way of South Skagit Highway 241.73', **thence** N 77° 47' 05" W 159.03', **thence** S 35° 06' 41" W 226.44', more or less to the north right-of-way of South Skagit Highway, **thence** Southwesterly along said north right-of-way of South Skagit Highway 353.12', more or less to its intersection with the south line of Lot 4 as shown on the Short Plat of Wild Bird Estates, recorded in Volume 4 of Short Plats on Page 97 under Skagit County Auditor file no. 8011060001, **thence** westerly along the south line of said Lot 4 445.94', more or less to the **POINT OF BEGINNING**.

Situate in the County of Skagit, State of Washington.

EXHIBIT "A-1"

PROJECT FLOWAGE AREA DEPICTION

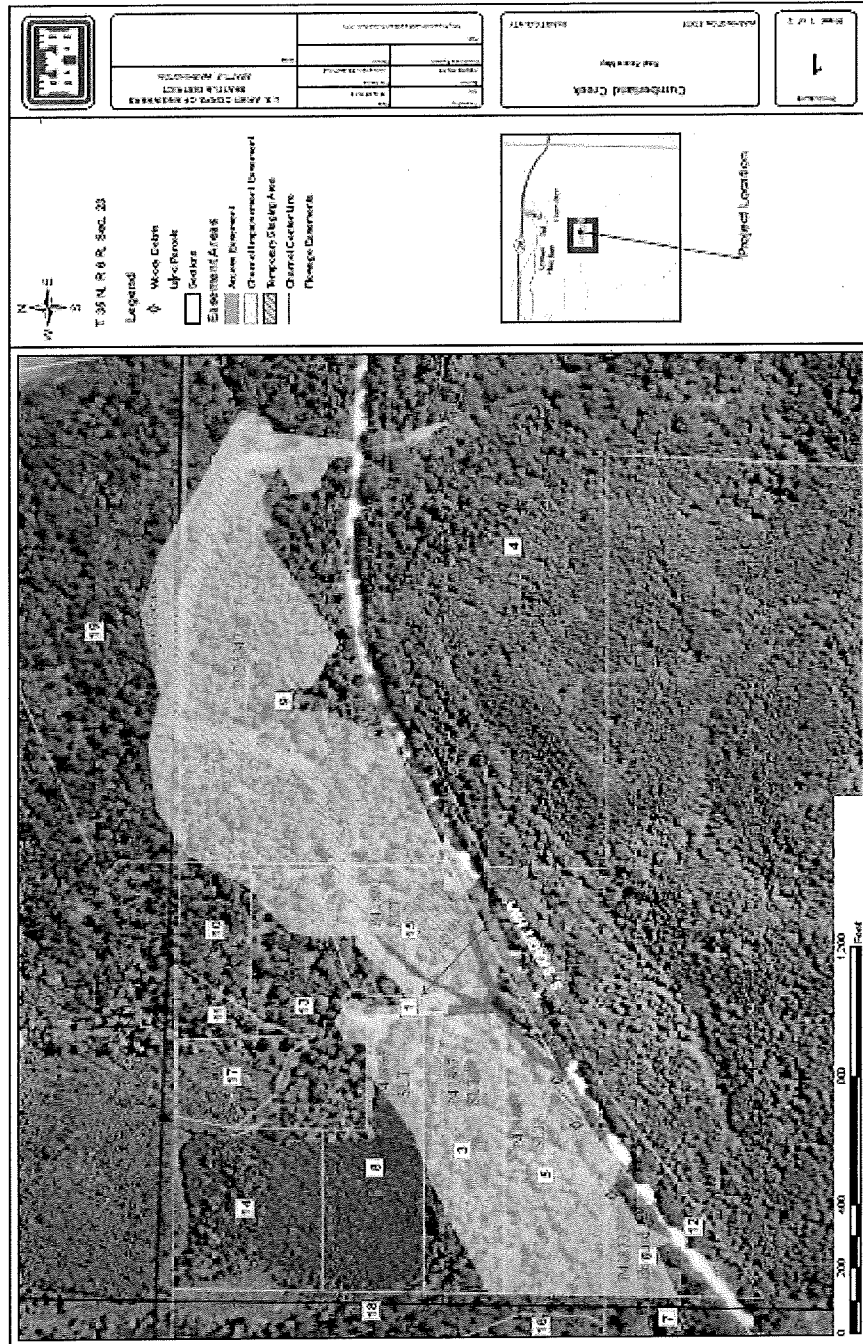


EXHIBIT "B"

PERMANENT FLOWAGE EASEMENT AREA

Legal Description

Portions of Tracts 1 and 2 of that certain Survey recorded September 25, 1980 under Auditor's File No. 8009250002, in Volume 3 of Surveys, page 67, records of Skagit County, Washington; being a portion of Government Lot 3 of Section 23, Township 35 North, Range 6 East, W. M., and also being a portion of Government Lots 4, 5, and 6 of Section 14, Township 35 North, Range 6 East, W. M., described as follows:

The South 185 feet of Tract 1 and the East 200 feet of the portion of Tract 2 that lies within Section 23;

All situate in Skagit County, Washington State.

EXHIBIT “C”

Scope of Work/Project Description

Cumberland Creek Mitigation Project

Purpose

- Relocate Cumberland Creek to its historic alignment across the Cumberland peninsula, restoring habitat for wildlife species and improving the overall ecological health of the Skagit River system.

Project Goals

- Reconnect Cumberland Creek to its historic channel utilizing 4,380 linear feet (LF) of existing, historic stream channel.
- Increase available spawning, rearing, foraging, and refuge habitat for salmonids and other resident fish in the Skagit River system.
- Restore natural conditions to areas impacted by Project construction.

Project Elements (See, **Exhibit A-1** “Real Estate Map”)

- **Diversion to Historic Channel:** Create a diversion channel to the west of the existing creek that reunites Cumberland to its historic alignment. The diversion will begin about 80 feet downstream of the South Skagit Highway Bridge. It will be excavated 2-3 feet deep for approximately 200 feet where it will then reconnect with a more well-defined relic channel. The diversion will be about 25 feet wide and will include buried, cross-channel grade control logs to mitigate for the possibility of downcutting. Large woody debris will be scattered on the right bank of the diversion to direct flow away from the existing channel.
- **Aggradation of Existing Channel:** The existing creek bed, beginning at the diversion point and ending at the existing logjam, will be aggraded 2-4 feet with gravel/boulder substrate. Grade control structures will be added to prevent bed erosion when the new diversion channel overtops into the existing alignment. Large wood will be added to the existing log jam to strengthen it as a flow impediment, to the existing right bank to

prevent further bank erosion and downcut, and to the upstream end of the aggraded reach to deflect flow into the diversion.

- **Road Deflection LWD Structures:** To prevent future migration of the creek to the South Skagit Highway, three woody debris flow deflectors will be installed along the lower half of the creek below the access road. The flow deflectors would consist of buried logs with the rootwads protruding into the channel to deflect flow from the left bank and create habitat.
- **Vegetative Restoration:** All trees larger than three inches diameter at breast height (dbh) removed for equipment access and to establish the appropriate channel width shall be mitigated through 3:1 plantings of conifers along the historical channel alignment. Willow stakes shall also be planted along the banks where the historic channel has been disturbed. The construction staging area shall also be revegetated per design specifications. All vegetation restoration shall be conducted per the specifications as described in the US Army Corps of Engineers final full plan set for the Project #SKA 06-07 and Cumberland Creek Planting Specifications appendix.
- **Bridge:** In order to widen the channel capacity under the existing access road and maintain landowner access a railcar bridge will be installed in place of the existing deteriorated box culvert. Skagit County shall maintain the bridge to preserve current landowner access.
- **Monitoring:** The US Army Corps of Engineers shall evaluate the effectiveness of the Project and report to the stakeholder group on the general condition of each key features on the design one year after the Project completion.

Project Design and Specifications

The Project is to be implemented per the final specifications shown in the design packet U.S. Army Corps of Engineers Project # SKA 06-07 – FY 13 "Public Law 84-99 Levee Rehabilitation; Cumberland Creek Mitigation Project; Skagit County, WA, to be reviewed and accepted by the parties prior to finalization.

EXHIBIT “D”
PROJECT COMPLETION CONFIRMATION LETTER



SKAGIT COUNTY
PUBLIC WORKS DEPARTMENT

1800 Continental Place, Mount Vernon, WA 98273-5625
(360) 416-1400 FAX (360) 336-9478

July 9, 2015

Douglas T. Weber
U.S. Army Corps of Engineers
Emergency Management Branch
P.O. Box 3755
4735 East Marginal Way South
Seattle, WA 98134-2385

RE: PL 84-99 Project SKA-06-07, Cockreham Levee

Dear Mr. Weber:

The completion of the Cumberland Creek / Cockreham Levee Mitigation Project was finalized by your project financial closeout notification, as well as the return of excess funds provided by the County. This project is a success for several stakeholders.

The U.S. Army Corps of Engineers, Seattle District (USACE) worked closely with the County, as well as other stakeholders, during the project development and construction. After numerous meetings and correspondence over several years with the Upper Skagit Indian Tribe, Skagit River System Cooperative, NOAA Fisheries, Skagit County, and USACE, an agreement on design was reached. The County received easements from Seattle City Light and the Skagit Land Trust, the two property owners in the project area. The County also purchased the access parcel for bridge installation and USACE contracted for bridge procurement. The project was constructed by USACE in 2014.

The construction was completed by USACE in accordance with the approved project design, and is now functioning and is accepted. This project is a success for all of the participants, and we look forward to future collaborations with USACE.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janice Flagan".

Janice Flagan
Surface Water Section Manager

cc: Dan Berentson, Public Works Director / Natural Resources Division Manager
Brian Nelson, USACE
Project File
Correspondence

SUMMARY and FISCAL NOTE*

Department:	Contact Person/Phone:	Executive Contact/Phone:
Seattle City Light	Lynn Best / 386-4586	Greg Shiring / 386-4085

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to the City Light Department; declaring certain real property rights surplus to utility needs; authorizing the General Manager and Chief Executive Officer to grant a permanent flowage easement to allow for a relocated portion of Cumberland Creek to occasionally flood conservation land owned by The City of Seattle in Skagit County, Washington; and ratifying and confirming certain prior acts.

Summary and background of the Legislation: This legislation will declare as surplus, and authorize Seattle City Light to grant a flowage easement to Skagit County, to accommodate occasional flooding from Cumberland Creek on conservation lands owned by the City of Seattle in Skagit County, Washington.

In November, 2006, a major flood damaged the Cockreham Island Levee, on the opposite bank of the Skagit River from the City's conservation parcels, near Hamilton, Washington. The damaged levee was subsequently repaired by the Skagit County Department of Public Works, acting under contract to the US Army Corps of Engineers (USACE).

In accordance with the National Environmental Policy Act (NEPA), Snohomish County was required to provide appropriate mitigation measures as part of the Cockreham Island Levee repair project.

The Skagit Land Trust, Seattle City Light, and other environmental stakeholders recommended that Cumberland Creek, on the south bank of the Skagit River, be relocated into a historic channel across Skagit Land Trust and other lands, together with the installation of certain habitat improvements, as mitigation for the Cockreham Levee repair project.

The Cumberland Creek Habitat Mitigation Project will increase the available spawning, rearing, foraging and refuge habitat for salmonids and other resident fish in the Skagit River system. As a condition of approval of this project, the USACE is requiring that The City of Seattle provide a permanent flowage easement to Skagit County, to allow for occasional flooding of the City's property from the relocated Cumberland Creek.

The Cumberland Creek Habitat Mitigation Project and the permanent flowage easement required by the USACE will benefit the City's fish and wildlife habitat conservation purposes. No additional monetary compensation is necessary for this easement.

2. CAPITAL IMPROVEMENT PROGRAM

— This legislation creates, funds, or amends a CIP Project.

3. SUMMARY OF FINANCIAL IMPLICATIONS

 X This legislation does not have direct financial implications.

3.a. Appropriations

 This legislation adds, changes, or deletes appropriations.

3.b. Revenues/Reimbursements

 This legislation adds, changes, or deletes revenues or reimbursements.

3.c. Positions

 This legislation adds, changes, or deletes positions.

4. OTHER IMPLICATIONS

- a) Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?
No.
- b) Is there financial cost or other impacts of not implementing the legislation?
No.
- c) Does this legislation affect any departments besides the originating department?
No.
- d) Is a public hearing required for this legislation?
Yes. A public hearing is required pursuant to RCW 35.94.040.
- e) Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?
No.
- 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. A map of the property is provided as Exhibit “A-1” to Attachment 1 to the ordinance
- h) Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

No.

- i) If this legislation includes a new initiative or a major programmatic expansion:
What are the long-term and measurable goals of the program? Please describe how
this legislation would help achieve the program's desired goals.**

N/A

- j) Other Issues:**

None.

List attachments/exhibits below:

None.

STATE OF WASHINGTON -- KING COUNTY

--SS.

340402

No. 125093,94,95,96,97,98,99

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.

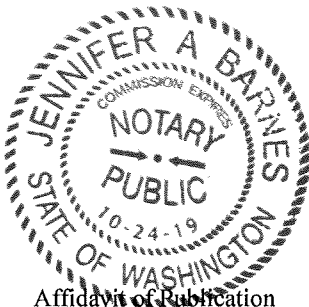
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TOTLE ONLY ORDINANCES

was published on

08/09/16

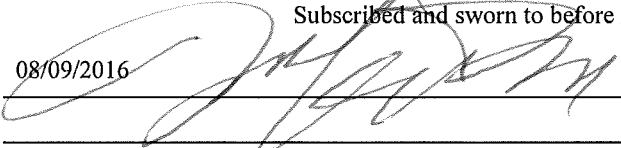
The amount of the fee charged for the foregoing publication is the sum of \$151.53 which amount has been paid in full.



Affidavit of Publication


Subscribed and sworn to before me on

08/09/2016


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle Title Only Ordinances

The full text of the following legislation, passed by the City Council on August 1, 2016, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125093

Council Bill 118709

AN ORDINANCE relating to the City Light Department; declaring the former University Substation property as surplus to the City's needs and no longer required for providing public utility service or other municipal purpose; authorizing the sale of this property for appraised value to the University of Washington, or to be sold through a brokered sale managed by the Department of Finance and Administrative Services; authorizing the General Manager and Chief Executive Officer of the City Light Department or designee to execute all necessary documents to accomplish such property sale, and to deposit the proceeds of the sale in the City Light Fund.

Ordinance 125094

Council Bill 118719

AN ORDINANCE related to the Municipal Arts Fund; amending Section 20.32.050 of the Seattle Municipal Code to allow for expenditures related to public art maintenance; and ratifying and confirming certain prior acts.

Ordinance 125095

Council Bill 118720

AN ORDINANCE relating to the City Light Department; authorizing the General Manager and Chief Executive Officer to enter into a lease agreement with the Washington State Department of Natural Resources for use of the Gold Mountain communications facility in Kitsap County, Washington; and ratifying and confirming certain prior acts.

Ordinance 125096

Council Bill 118741

AN ORDINANCE related to the City Light Department; accepting certain easements for overhead and underground electrical rights in King County, Washington; placing said easements under the jurisdiction of the City Light Department; and ratifying and confirming certain prior acts.

Ordinance 125097

Council Bill 118742

AN ORDINANCE relating to the City Light Department; accepting certain easements for overhead and underground electrical rights in King County, Washington; placing said easements under the jurisdiction of the City Light Department; and ratifying and confirming certain prior acts.

Ordinance 125098

Council Bill 118743

AN ORDINANCE relating to the City Light Department; declaring certain real property rights surplus to utility needs; authorizing the General Manager and Chief Executive Officer to grant a permanent flowage easement to allow for a relocated portion of Cumberland Creek to occasionally flood conservation land owned by The City of Seattle in Skagit County, Washington; and ratifying and confirming certain prior acts.

Ordinance 125099

Council Bill 118744

AN ORDINANCE relating to the City Light Department, declaring certain real property rights surplus to utility needs; authorizing the General Manager and Chief Executive Officer to enter into a five party Reciprocal Easement Agreement with

ELA, LLC; Echo Lake Senior Apartments; The Young Men's Christian Association of Greater Seattle; and the Ronald Wastewater District; authorizing the conveyance and acceptance of easements; and ratifying and confirming certain prior acts.

Date of publication in the Seattle Daily Journal of Commerce, August 9, 2016.

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