



SEATTLE CITY COUNCIL

Legislative Summary

CB 119498

Record No.: CB 119498

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125909

In Control: City Clerk

File Created: 03/14/2019

Final Action: 09/06/2019

Title: AN ORDINANCE relating to the City Light Department; accepting statutory warranty deeds to the Massnick and Levins properties in Pend Oreille County, Washington, both to be managed as Project Habitat Lands as required by the Federal Energy Regulatory Commission (FERC) License Order for the Boundary Hydroelectric Project; and placing said lands under the jurisdiction of the City Light Department.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Mosqueda

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att 1 – Massnick Statutory Warranty Deed, Att 2 – Levins Statutory Warranty Deed

Drafter: Alan.Matthews@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	04/09/2019	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	04/09/2019	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	04/11/2019	sent for review	Housing, Health, Energy, and Workers' Rights Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Housing, Health, Energy, and Workers' Rights Committee						
	Notes:						

1	City Council	04/15/2019	referred	Housing, Health, Energy, and Workers' Rights Committee	
1	City Council	07/29/2019	re-referred	Finance and Neighborhoods Committee	
	Action Text: The Council Bill (CB) was re-referred. to the Finance and Neighborhoods Committee				
1	Finance and Neighborhoods Committee	08/14/2019	pass		Pass
	Action Text: The Committee recommends that City Council pass the Council Bill (CB).				
			In Favor: 2	Chair Bagshaw, Mosqueda	
			Opposed: 0		
1	City Council	09/03/2019	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 González , Council President Harrell, Councilmember Herbold, Councilmember Juarez, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Pacheco, Councilmember Sawant	
			Opposed: 0		
1	City Clerk	09/06/2019	submitted for Mayor's signature	Mayor	
1	Mayor	09/06/2019	Signed		
1	Mayor	09/06/2019	returned	City Clerk	
1	City Clerk	09/06/2019	attested by City Clerk		
	Action Text: The Ordinance (Ord) was attested by City Clerk.				

CITY OF SEATTLE

ORDINANCE

125909

COUNCIL BILL

119498

AN ORDINANCE relating to the City Light Department; accepting statutory warranty deeds to the Massnick and Levins properties in Pend Oreille County, Washington, both to be managed as Project Habitat Lands as required by the Federal Energy Regulatory Commission (FERC) License Order for the Boundary Hydroelectric Project; and placing said lands under the jurisdiction of the City Light Department.

WHEREAS, Ordinance 125072 authorized the General Manager and Chief Executive Officer of City Light, within and subject to appropriation authority, to negotiate for and purchase parcels of land and flood easements, and to acquire other real property rights in accordance with the Federal Energy Regulatory Commission (FERC) license for the Boundary Hydroelectric Project; and

WHEREAS, under authority of Ordinance 125072, the City Light Department acquired the Massnick and Levins properties in Pend Oreille County, in the Pend Oreille River watershed, said properties being consistent with the lands sought under the principles of the FERC License Order; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Statutory Warranty Deed executed by Jeffrey P. Massnick on February 21, 2018, as Grantor, recorded under Pend Oreille County Auditor's File Number 20180330930, a copy of which is included as Attachment 1 to this ordinance, conveying approximately 24.7 acres of real property located adjacent to the Pend Oreille River and Boundary Wildlife Preserve (BWP) Addition #2 to The City of Seattle is hereby accepted; and the real property conveyed therein is placed under the jurisdiction of the City Light Department to be managed as Project

1 Habitat Lands consistent with the Federal Energy Regulatory Commission (FERC) license for
2 the Boundary Hydroelectric Project.

3 Section 2. The Statutory Warranty Deed executed by Gerald C. Levins and Richele L.
4 Levins on May 30, 2018, as Grantor, recorded under Pend Oreille County Auditor's File Number
5 20180331705, a copy of which is included as Attachment 2 to this ordinance, conveying
6 approximately 40 acres of real property located along Flume Creek in the Pend Oreille River
7 watershed to The City of Seattle is hereby accepted; and the real property conveyed therein is
8 placed under the jurisdiction of the City Light Department to be managed as Project Habitat
9 Lands consistent with the FERC license for the Boundary Hydroelectric Project.

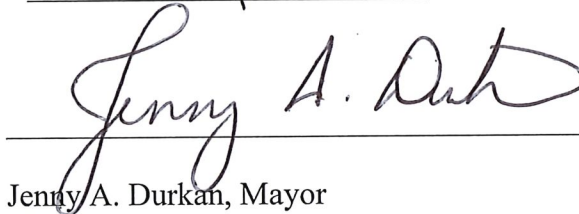
Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 3rd day of September, 2019,
and signed by me in open session in authentication of its passage this 3rd day of September, 2019.

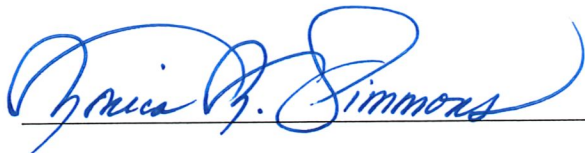


President _____ of the City Council

Approved by me this 6th day of September, 2019.


Jenny A. Durkan, Mayor

Filed by me this 6th day of September, 2019.



Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Attachment 1 – Massnick Statutory Warranty Deed
Attachment 2 – Levins Statutory Warranty Deed

AFN #20180330930
02/23/2018 at 02:06 PM
DOCTYPE: DEED # PAGES: 2
MARIANNE NICHOLS, AUDITOR, PEND OREILLE COUNTY, W,
FILED BY: FRONTIER TITLE AND ESCROW

AFTER RECORDING RETURN TO:

Real Estate Department
The City of Seattle
P.O. Box 34023
Seattle, WA 98124-4023

Excise Tax on Real Estate Sale
Amount Paid \$ 1836.00
Date 2-23-2018
By [Signature] Treasurer
Pend Oreille County, Washington

#7345

Statutory Warranty Deed

THE GRANTORS **Jeffrey P. Massnick, a single man**, for and in consideration of Ten Dollars and Other Valuable Consideration, in hand paid, conveys and warrants to **The City of Seattle, *** the following described real estate situated in the County of Pend Oreille, State of Washington:

*a municipal Corporation of the State of Washington

That part of Government Lot 1 lying Westerly of the Chicago, Milwaukee, St. Paul & Pacific Railroad, and the North 100 feet of Government Lot 4; all in Section 8, Township 38 North, Range 43 E.W.M., in Pend Oreille County, Washington.

SUBJECT TO: See **EXHIBIT "A"**, attached hereto and made a part hereof by reference.

Assessor's Parcel No.: **433808010002**

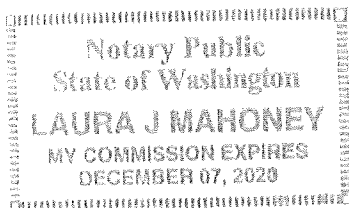
Dated : 2-27-18

[Signature]
Jeffrey P. Massnick

State of Washington }
County of Pend Oreille } ss.

I certify that I know or have satisfactory evidence that **Jeffrey P. Massnick** 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 this 21 day of February 2018.



[Signature]
Laura J. Mahoney
Notary Public in for the State of Washington
Residing at Newport, WA
My Commission Expires: 12/7/20

Exhibit "A"

Attachment to Stat. Warranty Deed

Massnick to Seattle

Dated: February 21, 2018

SUBJECT TO:

1. Right of way for county road, Lehigh Hill Road.
2. Easement, including the terms and provisions contained in document:
Recorded: 12/13/1985
Recording No.: 188739
In favor of: General Telephone Company of Northwest, Inc.
For: provide communication service, power service, and other related services

Assignment and Assumption of recorded easement and right-of-way between GTE Northwest Incorporated (formerly known as General Telephone Company of the Northwest, Inc.), as grantor and Pend Oreille Telephone Company, as grantee recorded 02/29/1997, Recording No. 237394.

3. Any question as to the true location of the lateral boundaries of said Pend Oreille River.
4. Any question that may arise due to the shifting and changing in the course of Pend Oreille River.
5. Right of the general public to the unrestricted use of all the waters of a navigable body of water not only for the primary purpose of navigation, but also for corollary purposes, including (but not limited to) fishing, boating, bathing, swimming, water skiing and other related recreational purposes, as those waters may affect the tidelands, shorelands, or adjoining uplands and whether the level of the water has been raised naturally or artificially to a maintained or fluctuating level, all as further defined by the decisional law of this state. (Affects all of the premises subject to such submergence).

END Exhibit "A"

AFN #20180331705

05/31/2018 at 03:18 PM

DOCTYPE: DEED # PAGES: 2

MARIANNE NICHOLS, AUDITOR, PEND OREILLE COUNTY, W,
FILED BY: FRONTIER TITLE AND ESCROW

AFTER RECORDING RETURN TO:

SEATTLE CITY LIGHT
Real Estate Services
700 Fifth Avenue, SMT 3338
P.O. Box 34023
Seattle, WA 98124-4023

7576
EXCISE TAX ON Real Estate Sale
Amount Paid \$ 1071.00
Date 05-31-18
Treasurer
Pend Oreille County, Washington
By [Signature] Deputy

Statutory Warranty Deed

THE GRANTORS **Gerald C. Levins and Richele L. Levins, husband and wife**, for and in consideration of Ten Dollars and Other Valuable Consideration, in hand paid, conveys and warrants to **The City of Seattle, a municipal corporation of the State of Washington**, the following described real estate situated in the County of Pend Oreille, State of Washington:

The Northwest Quarter of the Northwest Quarter of Section 9, Township 39 North, Range 43 E.W.M., Pend Oreille County, Washington

SUBJECT TO: See **EXHIBIT "A"**, attached hereto and made a part hereof by reference.

Assessor's Parcel No.: 433909000002

Dated: 5/30/18

[Signature]
Gerald C. Levins

[Signature]
Richele L. Levins

State of California

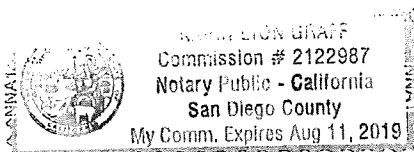
County of San Diego } ss.

I certify that I know or have satisfactory evidence that **Gerald C. Levins and Richele L. Levins** are the person(s) who appeared before me, and said person(s) acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated this 30 day of May 2018.

[Signature]
[Signature]
Notary Name printed or typed
Notary Public in for the State of California

My Commission Expires: 08/11/2019



Attachment to Stat. Warranty Deed
Levins to Seattle
Dated: May 31, 2018

Exhibit "A"

SUBJECT TO:

1. Easement, including the terms and provisions contained in document:
Recorded: May 24, 1950
Recording No.: 74651
In favor of: United States of America
For: Easement and right-of-way 60-feet wide
2. Easement, including the terms and provisions contained in document:
Recorded: September 13, 1962
Recording No.: 107670
In favor of: City of Seattle
For: Electric transmission and distribution lines
3. Easement, including the terms and provisions contained in document:
Recorded: February 21, 1963
Recording No.: 108940
In favor of: United States of America
For: Transmission line and access road easement
4. Easement, including the terms and provisions contained in document:
Recorded: October 2, 1968
Recording No.: 127405
In favor of: United States of America
For: Access road easement
5. Covenants, conditions, restrictions, reservations and/or exceptions contained in instrument:
From: Elsie B. Thayer, a single woman
Recorded: September 18, 1980
Recording No.: 169554
As follows: Grantor reserves the one-half of any and all mineral rights.
6. Covenants, conditions, restrictions, reservations and/or exceptions contained in instrument:
From: Albert Koziuk
Recorded: May 10, 1984
Recording No.: 183129
7. Easement, including the terms and provisions contained in document:
Recorded: July 8, 2003
Recording No.: 269586
In favor of: United States of America, Dept. of Agriculture, Forest Service
For: Right-of-way easement
8. Easement, including the terms and provisions contained in document:
Recorded: December 22, 2009
Recording No.: 20090304001
In favor of: Gerald C. Levins and Richele L. Levins
For: Perpetual, non-exclusive easement 30 feet in width for ingress, egress, and all utilities

END Exhibit "A"

SUMMARY and FISCAL NOTE

Department:	Dept. Contact/Phone:	CBO 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; accepting statutory warranty deeds to the Massnick and Levins properties in Pend Oreille County, Washington, both to be managed as Project Habitat Lands as required by the Federal Energy Regulatory Commission (FERC) License Order for the Boundary Hydroelectric Project; and placing said lands under the jurisdiction of the City Light Department.

Summary and background of the Legislation:

This legislation authorizes the General Manager and Chief Executive Officer to accept statutory warranty deeds to the two properties referenced above. Both the properties were purchased in compliance with Seattle City Light's Boundary Hydroelectric Project's Federal Energy Regulatory Commission (FERC) license under the authority of Ordinance 125072. These properties meet the criteria described in the FERC License Order for new Project Habitat Lands (PHL) and were approved by the Boundary Terrestrial Resources Working Group. Boundary License implementation funds were used to purchase the 24.7-acre Massnick property (\$120,915.74) and the 40-acre Levins property (\$70,921.51). 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.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ☐ Yes ☒ No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

The properties will require monitoring to restore wildlife habitat per the FERC License Order and the Boundary Hydroelectric Project Terrestrial Resources Management Plan. A habitat management plan was developed for the existing PHL Program and funding has been set aside for both management and monitoring of these properties.

Is there financial cost or other impacts of *not* implementing the legislation?

City Light would be out of compliance with the Boundary Federal Energy Regulatory Commission License.

4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?**
No.
- b. **Is a public hearing required for this legislation?**
No.
- c. **Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**
No.
- d. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.
- e. **Does this legislation affect a piece of property?**
Yes, see attachment listed below.
- f. **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.
- g. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**
N/A.

List attachments/exhibits below:

Summary Attachment 1 – Boundary Project Habitat Land Map

STATE OF WASHINGTON -- KING COUNTY

--SS.

377833

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.

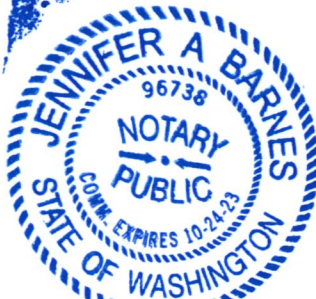
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125898-125912 TITLE

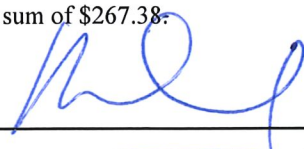
was published on

09/19/19

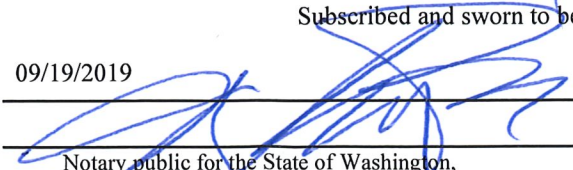
The amount of the fee charged for the foregoing publication is the sum of \$267.38.



Affidavit of Publication


Subscribed and sworn to before me on

09/19/2019


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on September 03, 2019, 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 125898

Council Bill 119611

AN ORDINANCE appropriating money to pay certain audited claims for the week of August 5, 2019 through August 9, 2019 and ordering the payment thereof.

Ordinance 125899

Council Bill 119612

AN ORDINANCE appropriating money to pay certain audited claims for the week of August 12, 2019 through August 16, 2019 and ordering the payment thereof.

Ordinance 125900

Council Bill 119613

AN ORDINANCE appropriating money to pay certain audited claims for the week of August 19, 2019 through August 23, 2019 and ordering the payment thereof.

Ordinance 125901

Council Bill 119584

AN ORDINANCE relating to residential rental properties; conforming the Seattle Municipal Code with changes in state law; amending Sections 7.24.020, 7.24.030, 22.202.080, 22.206.160, 22.206.180, 22.210.030, and 22.902.120 of the Seattle Municipal Code.

Ordinance 125902

Council Bill 119601

AN ORDINANCE relating to the construction of protected bicycle lanes; requiring major paving projects to include protected bicycle lanes as identified in The City of Seattle Bicycle Master Plan; and adding a new Chapter 15.80 to the Seattle Municipal Code.

Ordinance 125903

Council Bill 119516

AN ORDINANCE relating to the City Light Department; authorizing a large solar program for customers with solar photovoltaic systems sized larger than 100 kilowatts and not greater than two megawatts; and adding a new Section 21.49.083 to the Seattle Municipal Code.

Ordinance 125904

Council Bill 119571

AN ORDINANCE relating to the City Light Department; authorizing the Department to enter and participate in the Western Energy Imbalance Market, including the ability to execute additional agreements necessary or convenient to participating in the Western Energy Imbalance Market.

Ordinance 125905

Council Bill 119577

AN ORDINANCE relating to City employment; adopting a 2019 Citywide Position List.

Ordinance 125906

Council Bill 119578

AN ORDINANCE relating to City employment; adjusting the pay zones for titles in the City's Power Marketing Compensation Program; establishing changes to provisions in the Power Marketing Compensation Program; and ratifying and confirming certain prior acts.

Ordinance 125907

Council Bill 119591

AN ORDINANCE relating to the City Light Department; declaring certain real property rights surplus to the needs of the City Light Department and authorizing the sale of a portion of the property to Snohomish County for road purposes; reserving an easement for electric transmission line purposes; and accepting the payment of fair market value for the property rights sold.

Ordinance 125908

Council Bill 119603

AN ORDINANCE relating to the transfer of City real property for housing development; declaring the property located at 1314, 1326, and 1336 Yakima Avenue South ("PMA 1594") surplus to the City's needs; transferring the jurisdiction of this property from the Department of Finance and Administrative Services to the Office of Housing; authorizing its transfer to Homestead Community Land Trust or its designee; and authorizing the Director of the Office of Housing to execute and deliver the contract for transfer of land, deed, and related documents.

Ordinance 125909

Council Bill 119498

AN ORDINANCE relating to the City Light Department; accepting statutory warranty deeds to the Massnick and Levins properties in Pend Oreille County, Washington, both to be managed as Project Habitat Lands as required by the Federal Energy Regulatory Commission (FERC) License Order for the Boundary Hydroelectric Project; and placing said lands under the jurisdiction of the City Light Department.

Ordinance 125910

Council Bill 119533

AN ORDINANCE relating to the City Light Department; accepting various 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 125911

Council Bill 119534

AN ORDINANCE relating to the City Light Department; accepting various 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 125912

Council Bill 119592

AN ORDINANCE relating to the City Light Department; authorizing the General Manager and Chief Executive Officer to negotiate for and purchase or lease up to two parcels of land and acquire other real property rights as necessary or desirable for the purpose of providing temporary housing for City Light personnel and contractors at the Boundary Hydroelectric Project in Pend Oreille County, Washington, and for other municipal utility purposes.

Date of publication in the Seattle Daily Journal of Commerce, September 19, 2019.

9/19(377833)