

Ordinance No. 123828

Council Bill No. 117385

AN ORDINANCE relating to the City Light Department, authorizing the acceptance of the transfer of the "Pressentin Creek" state trust land in Skagit County, Washington from the Washington State Department of Natural Resources, authorizing the acceptance of the quitclaim deed thereto, placing said land under the jurisdiction of the City Light Department, and ratifying and confirming certain prior acts.

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: [Signature]  
Councilmember

## Committee Action:

2/14/12 Passed (TB, SC, MO) 3:0

CF No. \_\_\_\_\_

Date Introduced:	<u>1.17.12</u>	
Date 1st Referred:		To: (committee) <u>Energy + Environment</u>
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	<u>Feb. 21, 2012</u>	Full Council Vote: <u>W-O</u>
Date Presented to Mayor:	<u>Feb. 23, 2012</u>	Date Approved: <u>3.1.12</u>
Date Returned to City Clerk:	<u>3.1.12</u>	Date Published: T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoed by Mayor:		Date Veto Published:
Date Passed Over Veto:		Veto Sustained:

Full Council: 2/21/12 Passed W-O (excused: Conlin, Budden, Rosmussen)

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_ (initial/date)

*Law Department*

Law Dept. Review	OMP Review	City Clerk Review	Electronic Copy Loaded	Indexed
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ORDINANCE 123828

1  
2 AN ORDINANCE relating to the City Light Department, authorizing the acceptance of the  
3 transfer of the "Pressentin Creek" state trust land in Skagit County, Washington from  
4 the Washington State Department of Natural Resources, authorizing the acceptance of  
5 the quitclaim deed thereto, placing said land under the jurisdiction of the City Light  
6 Department, and ratifying and confirming certain prior acts.

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

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

20 WHEREAS, the City Light Department has acquired approximately 10,000 acres of land in  
21 Skagit County to be set aside as wildlife habitat; and

22 WHEREAS, the Washington State Department of Natural Resources ("DNR") administers the  
23 Trust Land Transfer Program, which removes economically unproductive land from the  
24 State's Common School Construction Trust and transfers ecologically important lands to  
25 public agencies that are able to manage them in a protected status; and

26 WHEREAS, the City of Seattle has been identified by DNR as a potential recipient under the  
27 Trust Land Transfer Program appropriation for the fiscal period 2009-2011;

28 WHEREAS, a letter of intent (Exhibit A) that outlines the process and conditions for transfer  
was signed by City Light Environmental Affairs Division Director; and

WHEREAS, the DNR land proposed for transfer to the City has certain attributes that are  
consistent with the lands sought under the principles of the Wildlife Agreement; and



1 WHEREAS, the DNR land proposed for transfer to the City are very near City-owned wildlife  
2 habitat lands, and

3 WHEREAS, the City is able to manage these DNR lands in concert with the City's existing  
4 wildlife habitat lands in a protected status; and

5 WHEREAS, this transfer will add approximately 640 acres of land to the City's wildlife habitat  
6 land holdings in the Skagit River basin, NOW, THEREFORE,

7 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

8 Section 1. That the Superintendent of the City Light Department, or his designee, is  
9 authorized to accept on behalf of The City of Seattle the Quitclaim Deed executed by the  
10 Governor of the State of Washington, as Grantor, conveying approximately 640 acres of land  
11 located in the Skagit River basin known as the Pressentin Creek Parcel, described as follows and  
12 on the attached Exhibit B:  
13

14  
15 All of Section 36, Township 35 North, Range 7 East, Willamette Meridian, Skagit  
16 County, Washington, according to U.S. Government subdivision procedures and the real property  
17 conveyed by said Quitclaim Deed is placed under the jurisdiction of the City Light Department.  
18

19  
20 Section 2. Any act pursuant to the authority and prior to the effective date of this  
21 ordinance is hereby ratified and confirmed.  
22  
23  
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28



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

5 Passed by the City Council the 21<sup>st</sup> day of February, 2012, and  
6 signed by me in open session in authentication of its passage this  
7

8 21<sup>st</sup> day of February, 2012.  
9

10   
11 President \_\_\_\_\_ of the City Council

12 Approved by me this 1<sup>st</sup> day of March, 2012.  
13

14   
15 Michael McGinn, Mayor  
16

17 Filed by me this 1<sup>st</sup> day of March, 2012.  
18

19   
20 \_\_\_\_\_  
21 Monica Martinez Simmons, City Clerk  
22

23 (Seal)  
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28



1 Exhibit A – Letter of Intent executed by Seattle City Light and Washington Department of  
2 Natural Resources

3 Exhibit B – Presentin Creek Quit Claim Deed  
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WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**

PETER GOLDMARK  
*Commissioner of Public Lands*

SCL Trust Land Transfer Program Property Deed Acceptance EXH A

July 30, 2009

Ronald Tressler  
Seattle City Light  
Environmental Affairs Division  
700 5<sup>th</sup> Avenue, Suite 3200  
P.O. Box 34023  
Seattle, WA 98124

Dear Ron,

Enclosed are two originals of the signed Letter of Intent for transfer of the Finney Creek, Olivine Ends, Pressentin Creek, and South Marble 40 Trust Land Transfers to Seattle City Light. We look forward to working with you this biennium to complete these transactions. Please contact me at (360) 902-1482 if additional information is needed.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Whitney".

Deborah Whitney  
Property & Acquisition Specialist  
Asset Management and Protection Division  
PO Box 47014  
Olympia, WA 98504-7014

Enclosures

RECEIVED

JUL 31 2009

Environmental  
Affairs  
Division



WASHINGTON STATE  
DEPARTMENT OF NATURAL RESOURCES  
LETTER OF INTENT

TRUST LAND TRANSFER  
SEATTLE CITY LIGHT

**1. Introduction.** Seattle City Light (Receiving Agency) has been designated to receive state trust land identified as Pressentin Creek, South Marble 40, Finney Creek and Olivine Ends in the Trust Land Transfer (TLT) legislative appropriation for the 2009–2011 biennium. The purpose of this Letter of Intent (LOI) is to identify the process and terms of the transfer as provided by legislative direction and the Department of Natural Resources (DNR) trust management obligations. This LOI is an expression of the good faith intent of both parties to move this transaction to completion and is not a legally binding document.

**2. Trust Land Transfer Program.** The Trust Land Transfer program was created by legislation to protect special trust lands, provide funds for school construction and reposition Common School Trust lands to increase revenues and reduce management costs. Trust lands included in the program are recognized as having special characteristics desirable for uses other than timber harvest and trust revenue production. The legislature appropriates funds to acquire or lease the property at market value and directs the timber value be deposited to the common school construction account and the land value be used to acquire other common school trust land better suited for producing trust revenues. The selected property is transferred to the designated receiving agency to be managed for the intended special public use. Additional program information may be found on the DNR web site at [http://www.dnr.wa.gov/BusinessPermits/Topics/OtherLandTransactions/Pages/amp\\_tlt.aspx](http://www.dnr.wa.gov/BusinessPermits/Topics/OtherLandTransactions/Pages/amp_tlt.aspx).

**3. Authority.** Authority and funding for the transfer is provided by Chapter 497, Section 3203 of the 2009 Capital Budget Bill, RCW 79.17.200, and other statutes that may apply. The legislature has appropriated \$94 million to transfer or lease 34 properties. A copy of the Budget Bill is attached as Exhibit D.

**4. Receiving Agency.** The receiving agency as identified on LEAP Capital Document No. 2009-2a, referenced in 3203(1) as the approved property list, is "Seattle City Light". The conveyance deed will identify the City of Seattle as the Grantee.

**5. Property.** Pressentin Creek, South Marble 40, Finney Creek and Olivine Ends, (herein referred to as "The Property") proposed for transfer comprises approximately 1,500 acres in four locations within Skagit County. Some of the property is currently managed for trusts other than Common School and must be exchanged for equal valued Common School Trust land before the transfer can be completed. This extra step will be included as part of our administrative process. The Property is identified in Exhibit A.



6. **Title.** Title will be conveyed by quitclaim deed substantially in form as set forth in Exhibit B. The property will be conveyed AS IS, WHERE IS. The deed shall contain a release of liability relating to the condition of the property. The applicable deed will be submitted to the Receiving Agency for approval prior to conveyance.

7. **Title Insurance.** DNR will not provide title insurance. The Receiving Agency may acquire title insurance at its own expense.

8. **Reservations.** DNR will reserve minerals as required by RCW 79.11.210. DNR will also retain the property as "Permit Lands" as defined in the Department's Habitat Conservation Agreement entered into on January 30, 1997. Retaining The Property as Permit Lands is essential to protect the integrity of DNR's Habitat Conservation Plan. Both reservations are identified in Exhibit B.

9. **Property Value.** The Legislative appropriation will be used to compensate the Common School Trust for the value of The Property. The Receiving Agency will receive The Property without charge, but will be responsible for all future costs after ownership has been transferred.

10. **Appraisal.** DNR will complete an appraisal of The Property to determine market value. The appraisal will include a value for land and timber that will provide the basis for distributions to the land replacement and school construction accounts as required by legislation. The appraisal will remain confidential to DNR until the transfer is complete.

11. **Board of Natural Resources.** The transfer is conditioned upon approval by the Board of Natural Resources. The transfer will be presented to the Board after the appraisal is complete and the property transfer is desirable to both parties. The Board has the legal obligation to establish value for all lands leaving trust ownership.

12. **Administrative Costs.** DNR costs to complete trust land transfers are paid for by the appropriation. Such costs include staff time, equipment, travel, appraisals, closing costs, etc. Costs incurred by the Receiving Agency to receive, hold and manage The Property are the responsibility of the Receiving Agency.

13. **Use Restriction.** As required in Section 3203(6), a use restriction will be included in the deed that dedicates The Property for the appropriate public use as identified in Section 3203(1). The public use restriction proposed for Pressentin Creek, South Marble 40, Finney Creek and Olivine Ends is that it be conveyed to be used exclusively for fish and wildlife habitat, open space or recreation. Refer to the second paragraph in the deed (Exhibit B).



**14. Prorations.** All lease/rental income, if any, and assessments and other expenses relating to The Property shall be prorated as of closing. The Receiving Agency will assume responsibility for any assessments remaining unpaid as of the closing date.

**15. Leases and Encumbrances.** Leases and encumbrances will be transferred with the property unless other arrangements are made. A DNR title records report with copies of lease and encumbrance documents will be provided for review.

**16. Access.** Legal access appurtenant to The Property will be conveyed when available. However, DNR does not guarantee legal access to all properties. Access to some properties may be unavailable or restricted by easement language.

**17. Removal from List.** DNR and the Receiving Agency will attempt to complete the transfers as provided by legislation, however, either party may remove a property from the list as provided for in Section 3203(7) if determined the transfer is not in the state wide interest of the Common School Trust or Receiving Agency.

**18. Continuing Forest Obligation.** The Notice of Continuing Forest Land Obligation form will be signed by DNR and then the Receiving Agency prior to closing as required by RCW 76.09.070, RCW 76.09.390, and WAC 222-20-055. A sample of the form is attached as Exhibit C. All continuing forest obligations will become the responsibility of the Receiving Agency following closing.

**19. Closing.** Closing shall be carried out at the Olympia office of the Department of Natural Resources. The Receiving Agency acknowledges that DNR staff is acting as interested parties and not as escrow agents in preparing documentation and closing this transfer. Closing (Closing Date) will usually occur within 45 days following approval by the Board of Natural Resources. Each party will execute sufficiently in advance of the Closing Date all documents necessary to carry out this transfer including but not limited to real estate excise tax affidavits, assignment of any leasehold rights, etc. The cost of recording will be paid by DNR.

**20. Lease Transfer.** *This clause does not apply to any of the Seattle City Light Transfers.*

**21. Schedule.** DNR is initiating appraisal contracts for higher elevation properties first in order to take advantage of the summer operating season. Properties with high timber to land values also have an earlier schedule. We expect to begin work during the summer of 2009 and should have the first properties ready for transfer by early 2010.

**22. Notices.** Notices affecting this LOI or the subject transfers should be addressed to the following:



City of Seattle	Department of Natural Resources
Seattle City Light Environmental Affairs Division Attn: Ronald Tressler P.O. Box 34023 Seattle, WA 98124 Fax: 206-386-4589 Phone: 206-386-4506 email: ron.tressler@seattle.gov	State of Washington Department of Natural Resources Asset Management and Recreation Division Attn: Evert Challstedt P. O. Box 47014 1111 Washington Street SE Olympia, WA 98504-7014 Fax: (360) 902-1789 Phone: (360) 902-1605 email: evert.challstedt@dnr.wa.gov

**23. Acknowledgments.** The acknowledgments below indicate that both parties are committed to proceed with the Trust Land Transfer and/or Lease as provided by legislation and conditions as set forth in this document. It is understood that the decision to proceed is based on current knowledge and that new information could change the desirability of the transfer for either party. This LOI is not intended to have a legally binding effect, but is an expression of good faith intentions of both parties.

Please return the signed original to the above address and an executed copy will be returned when signed by DNR. Signature is requested by August 25, 2009 to maintain the indicated schedule.

**City of Seattle**

Signed:   
 Printed: LYNN BEST  
 Title: DIRECTOR EAD  
 Date: 7/24/09

**Department of Natural Resources**

Signed:   
 Printed: Stephen Saunders  
 Title: Division Mgr. AM & R  
 Date: 7-30-09



**AFTER RECORDING RETURN TO:**  
Department of Natural Resources  
Asset & Property Management Division  
ATTN: Trust Land Transfer Program  
PO Box 47014  
Olympia, WA 98504-7014

  
201106140030  
Skagit County Auditor  
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SCL Trust Land Transfer Program Property Deed Acceptance EXH B

**QUITCLAIM DEED**  
Skagit County

Grantor: State of Washington, by and through the Department of Natural Resources

Grantee: City of Seattle, by and through the Seattle City Light Department

Abbreviated

Legal Desc: All of Section 36, Township 35 North, Range 7 East, W.M., Skagit County

Tax Parcel #: P43302

THE GRANTOR, STATE OF WASHINGTON, acting by and through the Department of Natural Resources, for and in consideration of the sum of TEN MILLION THREE HUNDRED THIRTY THOUSAND Dollars (\$10,330,000), which amount has been paid by state legislative appropriation pursuant to Laws of 2010, chapter 36, section 3037 and RCW 79.17.200, hereby conveys and quitclaims to City of Seattle, by and through the Seattle City Light Department, GRANTEE, all interest in the real property situated in Skagit County, Washington, and described in EXHIBIT A, attached hereto, which by this reference is made a part hereof.

This transfer is subject to a restriction on use of the property for the public purposes of fish and wildlife habitat, open space, or recreation. Grantee may request approval for alternative uses of the property that are compatible with these public purposes from the Department and the Legislature.

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

Quitclaim Deed No. 26831 <sup>\$ 1749</sup> Pressentin Creek Trust Land Transfer No. 02-084794 Page 1 of 6

JUN 14 2011

Amount Paid \$0  
Skagit Co. Treasurer  
By *mm* Deputy

Exhibit B to the SCL Trust Land Transfer Program Property Deed Acceptance Ordinance



The real property described in Exhibit A is conveyed subject to the Department's Habitat Conservation Agreement entered into as of the 30th day of January, 1997 by and between the Secretary of the Interior acting through the United States Department of the Interior, as represented by the United States Fish and Wildlife Service ("USFWS"), an agency of the federal government, the Secretary of Commerce acting through the National Oceanic & Atmospheric Administration as represented by the National Marine Fisheries Service ("NMFS"), an agency of the federal government, and the Washington State Department of Natural Resources ("DNR"), an agency of the State of Washington, which includes the Washington State Board of Natural Resources ("Board"). All lands conveyed for the above-stated purposes are also to be used consistent with management as "PERMIT LANDS" as defined in the Habitat Conservation Plan Implementation Agreement as long as the Habitat Conservation Plan Implementation Agreement is in effect. Grantee accepts the property for management as "PERMIT LANDS" and by accepting the property agrees to comply with the requirements of the Habitat Conservation Plan Implementation Agreement. A Memorandum of the Habitat Conservation Plan Implementation Agreement is attached hereto as Exhibit B and incorporated herein by this reference.

The above-described lands are subject to that certain statutory reserved right as set forth in RCW 79.36.370 and to the following reservation:

The Grantor hereby expressly saves, excepts, and reserves out of the grant hereby made, unto itself and its successors and assigns forever, all oils, gases, coal, ores, minerals, and fossils of every name, kind, or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, and fossils; and it also hereby expressly saves and reserves out of the grant hereby made, unto itself and its successors and assigns forever, the right to enter by itself or its agents, attorneys, and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing, and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals, and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right by its or their agents, servants, and attorneys at any and all times to erect, construct, maintain, and use all such



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Skagit County Auditor



buildings, machinery, roads, and railroads, sink such shafts, remove such soil, and to remain on said lands or any part thereof for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business, hereby expressly reserving to itself and its successors and assigns, as aforesaid, generally, all rights and powers in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and the rights hereby expressly reserved.

No rights shall be exercised under the foregoing reservation, by the state or its successors or assigns, until provision has been made by the state or its successors or assigns, to pay to the owner of the land upon which the rights reserved herein to the state or its successors or assigns, are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land: PROVIDED, That if said owner from any cause whatever refuses or neglects to settle said damages, then the state or its successors or assigns, or any applicant for a lease or contract from the state for the purpose of prospecting for or mining valuable minerals, or option contract, or lease, for mining coal, or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in the superior court of the county wherein the land is situate, as may be necessary to determine the damages which said owner of said land may suffer.

Grantee accepts the Property "AS IS, WHERE IS" with all faults. The Grantor disclaims any warranties, express or implied, including any warranty of merchantability or fitness for a particular purpose about the Property, including but not limited to improvements located thereon, and no employee or agent of the Grantor is authorized otherwise. The foregoing specifically includes warranties with respect to the existence or nonexistence of any pollutants, contaminants, or hazardous waste or claims based thereon arising out of the actual or threatened discharge, disposal, seepage, migration, or escape of such substances at, from, or into the Property. Grantee hereby fully releases the Grantor from any and all liability to Grantee arising out of or related to the condition of the Property prior to, at, or after Grantee accepts title to the Property, including but not limited to the deposit or release of hazardous or toxic wastes or material and pollutants.



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Skagit County Auditor



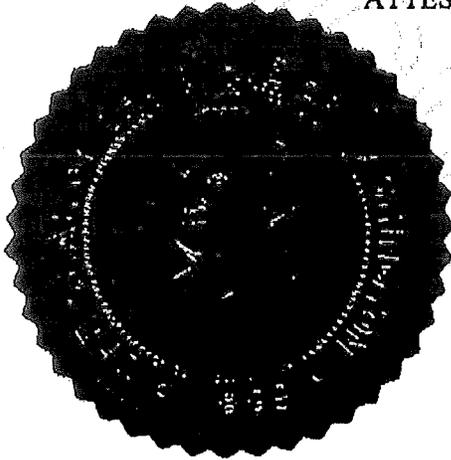
This Deed is executed and delivered pursuant to RCW 79.02.270 at the request of the Commissioner of Public Lands with the approval of the Board of Natural Resources, State of Washington.

WITNESS the Seal of the State of Washington, affixed this 26<sup>th</sup> day of May, 2011.

Christine Gregoire  
GOVERNOR

ATTEST:

Debra L. J. ...  
SECRETARY OF STATE



Approved as to form this 12<sup>th</sup> day  
of April, 2011.  
Avenue Smith  
Assistant Attorney General

Deed No. 26831.  
State Record of Deeds, Volume 14, Page 43.  
Transaction File No. 02-084794.



201106140030  
Skagit County Auditor

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DEPARTMENT OF NATURAL RESOURCES

EXHIBIT B

MEMORANDUM OF IMPLEMENTATION AGREEMENT FOR  
THE WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES  
HABITAT CONSERVATION PLAN

The Agreement for the Washington State Department of Natural Resources Habitat Conservation Plan dated January 30, 1997, was entered into as a result of the completion of an approved habitat conservation plan prepared pursuant to the Endangered Species Act for DNR-managed forest lands within the range of the northern spotted owl and other federally listed species in the State of Washington, simultaneous with the issuance of an incidental take statement, Incidental Take Permit No. 812521 issued on January 30, 1997, which has been amended subsequently to add requirements with respect to additional species. The Habitat Conservation Plan and amendments, Implementation Agreement, and Incidental Take Permits associated therewith (collectively referred to as "HCP") define obligations with respect to lands defined in the HCP as "PERMIT LANDS." The term of the HCP is seventy (70) years from January 30, 1997, unless otherwise revoked or amended, with the possibility of renewal for three (3) additional terms of ten (10) years each. The documents and agreements comprising the HCP are in a format not capable of recording. Pursuant to RCW 42.56, these documents are maintained at the offices of DNR at the following address and may be reviewed upon request to:

DNR Public Disclosure Program  
Public Records Administrator  
[publicdisclosure@dnr.wa.gov](mailto:publicdisclosure@dnr.wa.gov)  
1111 Washington Street SE  
PO Box 47014  
Olympia, WA 98504-7014

Approved as to form this 12<sup>th</sup> day  
of May, 2011.  
Annelle Smith  
Assistant Attorney General



201106140030  
Skagit County Auditor

8/14/2011 Page 5 of 6 12:52PM



DEPARTMENT OF NATURAL RESOURCES

EXHIBIT A

PRESSENTIN CREEK TRUST LAND TRANSFER  
LEGAL DESCRIPTION

The following describes the State land to be transferred to City of Seattle, by and through the Seattle City Light Department:

All of Section 36, Township 35 North, Range 7 East, W. M., Skagit County, Washington, according to U. S. Government subdivision procedures.



Dennis J. Gelvin, PLS 21674  
Land Description & R/W Specialist  
Land Survey Unit  
Engineering Division  
PO Box 47060  
Olympia, WA 98504-7060

Dated 4-4-11



201106140030  
Skagit County Auditor  
6/14/2011 Page 6 of 6 12:52PM



**FISCAL NOTE FOR CAPITAL PROJECTS ONLY**

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

**Legislation Title:**

AN ORDINANCE relating to the City Light Department, authorizing the acceptance of the transfer of certain state trust land in Skagit County, Washington from the Washington State Department of Natural Resources, authorizing the acceptance of the quitclaim deed thereto, placing said lands under the jurisdiction of the City Light Department, and ratifying and confirming certain prior acts.

**Summary and background of the Legislation:**

The ordinance would authorize the Superintendent of City Light or his designee to accept on behalf of The City of Seattle the Quitclaim Deed executed by the Governor of the State of Washington, as Grantor, conveying the "Pressentin Creek" property of approximately 640 acres, located in Skagit County, for wildlife habitat protection purposes.

- **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.

The parcel will be managed by City Light as part of the Skagit Wildlife Mitigation Lands Program. The property is being transferred at no cost to City Light by Washington Department of Natural Resources and does not require a new appropriation. A map of the property is attached as Attachment A.

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

X  **This legislation has financial implications.**

**Appropriations:**

This legislation requires no appropriations.



Appropriations Notes: No appropriations were required for this land transfer.

**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 property visits and inspections annually by a City Light Environmental Affairs Division staff member) of the property is available in the existing CIP budget for Skagit River Hydroelectric Project Mitigation, approximately \$200 per year.

**Funding Source:**

The existing CIP, -6991, will be used for the annual monitoring of the property.

Funding Source Notes:

**Bond Financing Required:**

Not applicable

Bond Notes:

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

Not applicable.

Operation and Maintenance Notes: The only operational and maintenance costs anticipated are for periodic monitoring 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, 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**

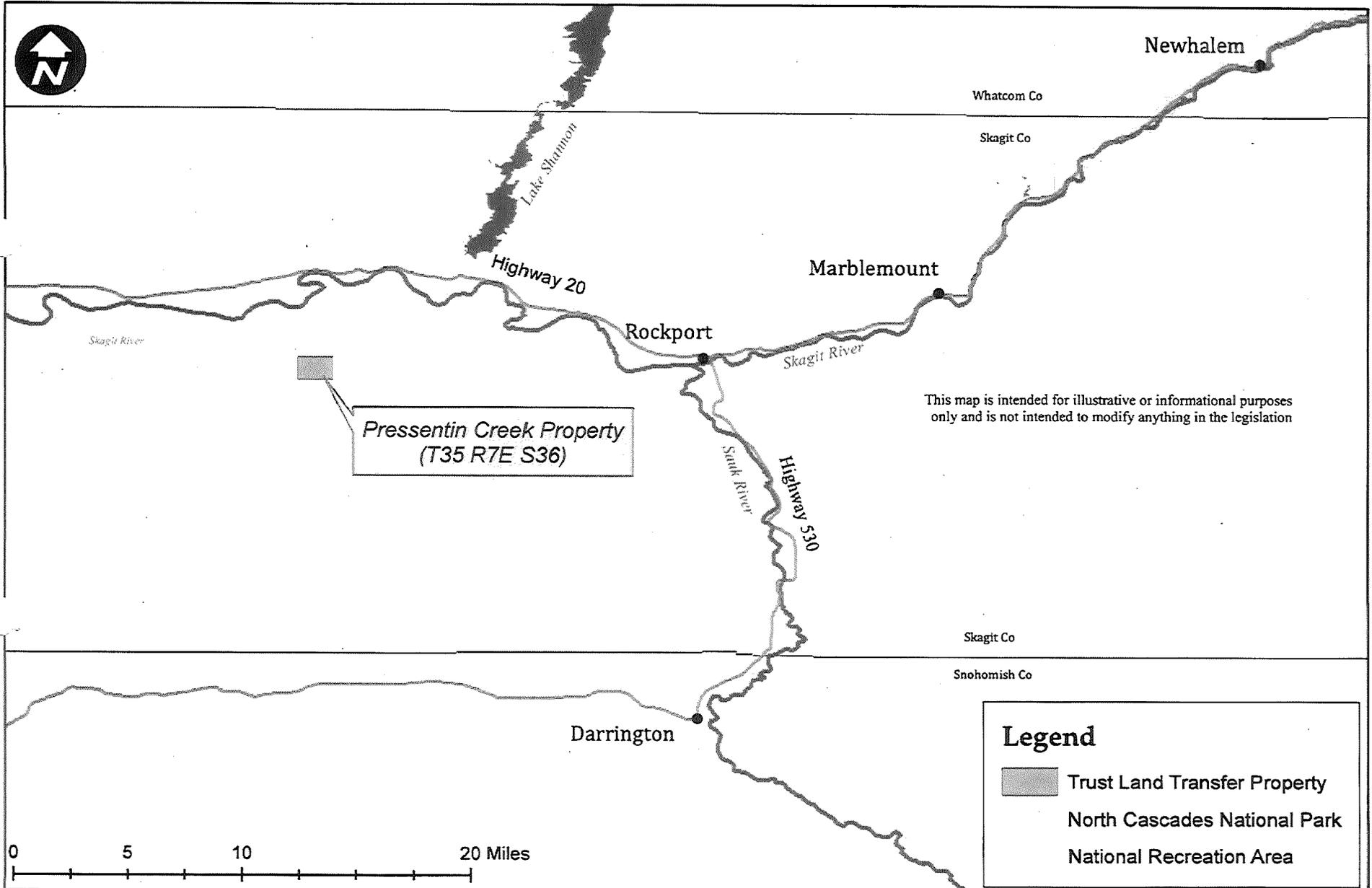
**Other Implications:**

- a) **Does the legislation have indirect financial implications, or long-term implications?**  
Long-term management of this property will require one or two site visits per year by SCL personnel to check that no trespass or resource damage is occurring. The existing Skagit Migration budget is adequate to cover this cost.
- b) **What is the financial cost of not implementing the legislation?**  
If the legislation were not implemented, SCL would be out of compliance with the terms of the signed closing documents with the Washington Department of Natural Resources. This would result in SCL not receiving the deed to the property and would subject SCL to reimbursing DNR for costs incurred.
- 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?** No other alternatives exist at this time.
- e) **Is a public hearing required for this legislation?**  
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, see attached map.
- h) **Other Issues:**  
The property will be part of the Skagit Wildlife Mitigation Lands created pursuant to the Skagit River Wildlife Settlement Agreement for fish and wildlife habitat protection. SCL may seek external grants and partners for additional funding to restore habitat on the property.

**List attachments to the fiscal note below:**

Attachment A to the SCL Trust Land Transfer Program Deed Acceptance Ordinance: Map indicating location of Pressentin Creek Property.







**City of Seattle**  
Office of the Mayor

December 20, 2011

Honorable Richard Conlin  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill which would authorize Seattle City Light to accept the transfer of a 640-acre "Pressentin Creek" parcel of state trust land in Skagit County, Washington from the Washington State Department of Natural Resources ("DNR") for wildlife habitat protection purposes. The legislation will also authorize the acceptance of the deed to the property, and place the properties under the jurisdiction of City Light.

The City manages approximately 10,000 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 DNR has identified the City of Seattle as a potential recipient of Trust Land Transfer Program land. The DNR has determined that this ecologically important land cannot be managed for maximum timber harvest and is removing them from the State's Common School Construction Trust by transferring the land to public agencies that are able to manage the area in a protected status. By accepting the transfer of 640 acres, the City will be continuing to fulfill its obligations under the Skagit Hydroelectric Project federal license.

Thank you for your consideration of this legislation. Should you have questions, please contact Lynn Best, Director, Seattle City Light Environmental Affairs, at 386-4586 or Ron Tressler 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, 7<sup>th</sup> Floor  
PO Box 94749  
Seattle, WA 98124-4749

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



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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281937  
CITY OF SEATTLE, CLERKS OFFICE

No. 123826,828,829,830,831,32

**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 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

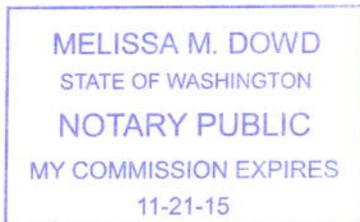
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY ORDINANCE

was published on

03/14/12

The amount of the fee charged for the foregoing publication is the sum of \$ 97.65, which amount has been paid in full.



*[Handwritten Signature]*

Subscribed and sworn to before me on

03/14/12

*[Handwritten Signature]*

Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication

# State of Washington, King County

## City of Seattle Title Only Ordinances

The full text of the following legislation, passed by the City Council on February 21, 2012, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

### ORDINANCE NO. 123826

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 60 and page 61 of the Official Land Use Map to rezone property located at 4715 - 4735 15th Avenue Northeast from Lowrise 3 Multifamily Residential to Neighborhood Commercial 2 with a 65 foot height limit, and approving and accepting a Property Use and Development Agreement in connection therewith. (C.F. 309434, DPD Project 3004384)

### ORDINANCE NO. 123828

AN ORDINANCE relating to the City Light Department, authorizing the acceptance of the transfer of the "Pressentin Creek" state trust land in Skagit County, Washington from the Washington State Department of Natural Resources, authorizing the acceptance of the quitclaim deed thereto, placing said land under the jurisdiction of the City Light Department, and ratifying and confirming certain prior acts.

### ORDINANCE NO. 123829

AN ORDINANCE relating to the King Street Station Rehabilitation Phase 2B Project; ratifying and confirming Seattle Department of Transportation's execution of a grant agreement with the Washington State Department of Transportation for and on behalf of the City of Seattle, under which agreement the City will receive over 16 million dollars in funding for the restoration of King Street Station.

### ORDINANCE NO. 123830

AN ORDINANCE relating to street and sidewalk use; amending Chapters 15.02 and 15.04 of the Seattle Municipal Code, to correct typographical errors, correct section references, clarify regulations, and make minor amendments.

### ORDINANCE NO. 123831

AN ORDINANCE related to the Board of Park Commissioners; changing the meeting frequency requirement; and amending Section 3.26.020 of the Seattle Municipal Code.

### ORDINANCE NO. 123832

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

Date of publication in the Seattle Daily Journal of Commerce, March 14, 2012.

3/14(281937)

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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03/14/12

*Melissa Bond*

Subscribed and sworn to before me on

04/13/201

*Jennifer Patzer*

Notary public for the State of Washington,  
residing in Seattle



# State of Washington, King County

## City of Seattle Title Only Ordinances

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