



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

Version:	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.

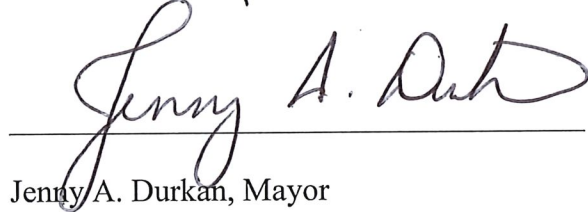
1 Section 3. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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

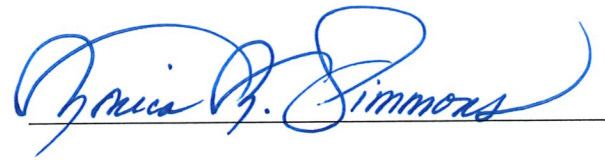
7 

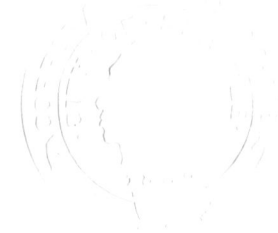
8 President _____ of the City Council

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

10 
11 Jenny A. Durkan, Mayor

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

13 
14 Monica Martinez Simmons, City Clerk

15 (Seal) 

16 Attachments:
17 Attachment 1 – Massnick Statutory Warranty Deed
18 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

#7345
Excise Tax on Real Estate Sale
Amount Paid \$ 18,310.00
Date 2-23-2018
Treasurer
Pend Oreille County, Washington
By [Signature] County

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 }
 } ss.
County of Pend Oreille }

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.

Notary Public
State of Washington
LAURA J MAHONEY
MY COMMISSION EXPIRES
DECEMBER 07, 2020

[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

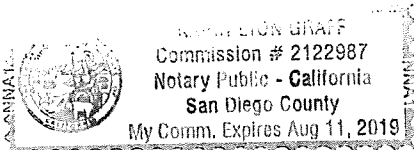
State of California }
County of San Diego } ss.

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"