

CITY OF SEATTLE
ORDINANCE 126273
COUNCIL BILL 119980

AN ORDINANCE relating to the City Light Department; authorizing the acceptance of the Statutory Warranty Deed for the “Glacier View Ranch Property” in Skagit County, Washington; placing said land under the jurisdiction of the City Light Department; and ratifying and confirming certain prior acts.

WHEREAS, in connection with the relicensing of the Skagit River Hydroelectric Project by the Federal Energy Regulatory Commission and pursuant to Resolution 28349, the City Light Department (“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 the Washington Department of Wildlife (now, Washington Department of Fish and Wildlife); U.S. Department of the Interior, National Park Service, U.S. Fish and Wildlife Service, and Bureau of Indian Affairs; U.S. Department of Agriculture, U.S. Forest Service; Upper Skagit Tribe; Sauk-Suiattle Tribe; Swinomish Indian Tribal Community; and the North Cascades Conservation Council; and

WHEREAS, Ordinance 118226 authorizes the General Manager and Chief Executive Officer of City Light to negotiate for and purchase parcels of land pursuant to the principles and procedures of the Wildlife Agreement; and

WHEREAS, under authority of Ordinance 118226, City Light has acquired land known as the “Glacier View Ranch Property” (also known as the “Corkindale Creek Property”) in the Skagit River watershed, said property being consistent with the lands sought under the principles of the Wildlife Agreement; and

1 WHEREAS, The City of Seattle (“City”) is able to manage the acquired property in concert with
2 the City’s existing wildlife habitat lands in a protected status; and

3 WHEREAS, this property acquisition adds approximately 140 acres of land to the wildlife
4 habitat land holdings in the Skagit River basin that will be managed under the City’s
5 Skagit River Hydroelectric Project Wildlife Habitat Mitigation Program;

6 NOW, THEREFORE,

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

8 Section 1. The Statutory Warranty Deed executed by A. Cunningham, individually and as
9 a partner of Glacier View Ranch, and by Cheryl A. Cunningham, individually and as a partner of
10 Glacier View Ranch; and by Cheryl A. Cunningham as Personal Representative of the Estate of
11 Robert J. Cunningham deceased and as Trustee of the Robert J. Cunningham Revocable Living
12 Trust dated January 28, 1998, as a partner of Glacier View Ranch, and by Craig A. Holmquist,
13 individually and as a partner of Glacier View Ranch, PO Box 153, Marblemount, WA 98267, as
14 Grantor, recorded on October 11, 2019, under Skagit County Auditor’s File Number
15 201910110064, conveying approximately 140 acres to The City of Seattle as legally described in
16 said Deed, a copy of which is included as Attachment A to this ordinance, is hereby accepted;
17 and the real property conveyed therein is placed under the jurisdiction of the City Light
18 Department.

19 Section 2. Any acts pursuant to the authority and prior to the effective date of this
20 ordinance are hereby ratified and confirmed.

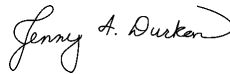
1 Section 3. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 25th day of January, 2021
5 and signed by me in open session in authentication of its passage this 25th day of
6 January, 2021.



7 _____
8 President _____ of the City Council

9 Approved / returned unsigned / vetoed
10 this 28th day of January, 2021.



11 _____
12 Jenny A. Durkan, Mayor

13 Filed by me this 28th day of January, 2021.



14 _____
15 Monica Martinez Simmons, City Clerk

16 (Seal)

17 Attachments:
18 Attachment A - Statutory Warranty Deed

201910110064
10/11/2019 10:57 AM Pages: 1 of 5 Fees: \$107.50
Skagit County Auditor

When recorded return to:

City of Seattle
700 5th Avenue, Ste 3300
Seattle, WA 98104

STATUTORY WARRANTY DEED 18-1097
GUARDIAN NORTHWEST TITLE CO.

THE GRANTOR(S) Robert A. Cunningham, individually and as a partner of Glacier View Ranch, and by Cheryl A. Cunningham, individually and as a partner of Glacier View Ranch; and by Cheryl A. Cunningham as Personal Representative of the Estate of Robert J. Cunningham deceased and as Trustee of the Robert J. Cunningham Revocable Living Trust date January 28, 1998 as a partner of Glacier View Ranch; and by Craig A. Holmquist, individually and as a partner of Glacier View Ranch, PO Box 153, Marblemount, WA 98267, for and in consideration of **ten dollars and other valuable consideration** in hand paid, conveys, and warrants to City of Seattle, a municipal corporation of the State of Washington the following described real estate, situated in the County Skagit, State of Washington:

FOR PROPERTY DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.


Abbreviated legal description: Portions of the SW 1/4 of Section 14 and of the SE 1/4 of Section 15 all in Township 35 North, Range 10 East, W.M.

This conveyance is subject to covenants, conditions, restrictions and easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey as described in Exhibit "B" attached hereto

Tax Parcel Number(s): P45351 & 351014-3-001-0004 & P45354 & 351014-3-004-0001 & P45357 & 351015-4-001-0001 & as to easements P45359 & 351015-4-003-0009 & P45360 & 351015-4-004-0008 & P45361 & 351015-4-005-0007

The City of Seattle (Grantee) shall cooperate with the owner of the servient property to define the actual location of the non-exclusive non-residential 20-foot-wide easement for ingress and egress, described in the legal description of this deed, over tax parcels nos. P45359 and P35360, extending from the Northwest corner of Lot 3 of Skagit County Short Plat No. PL 06-1023 recorded as Auditor's File No 200811180001 northerly to the South line of the Northeast 1/4 of the Southeast 1/4 of Section 15, Township 35 North, Range 10 East, W.M. The easement location shall meet the needs of the Grantee as well as minimize the impact on the use of the servient property. Upon agreement on the easement location, a document shall be recorded with Skagit County Recorder's Office to describe and confirm the easement location. If the owner of the servient property (tax parcels P45360 and P45359) fails to construct a roadway reasonably adequate for grantee's agricultural or conservation purposes for Grantee's use, the Grantee may elect to construct a roadway within this easement. The Grantee shall have no obligation to maintain or repair the roadway, except for any damage caused by the Grantee's de minimus use of the roadway.

Accepted and Approved:
City of Seattle




William Devereaux, authorized agent

Statutory Warranty Deed
LPB 10-05

Order No.: 18-1097-KH

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

2019 4432
OCT 11 2019

Amount Paid \$ 9905.00
By  Skagit Co. Treasurer
Deputy  Page 1 of 4

Dated: Sept 30, 2019

Glacier View Ranch Partnership, a Partnership

By: Cheryl A Cunningham
Cheryl A. Cunningham, Partner

By: Craig A. Holmquist 9/28/19
Craig A. Holmquist, Partner

By: Robert A. Cunningham
Robert A. Cunningham, Partner

By: Cheryl A Cunningham
Cheryl A. Cunningham, Personal Representative of the Estate of Robert J. Cunningham deceased and as Trustee of the Robert J. Cunningham Revocable Living Trust dated January 28, 1998, Partner

Robert A. Cunningham
Robert A. Cunningham, individually

Cheryl A Cunningham
Cheryl A. Cunningham, individually

Craig A. Holmquist 9/28/19
Craig A. Holmquist, individually

STATE OF
COUNTY OF

I certify that I know or have satisfactory evidence that Cheryl A. Cunningham, individually, as Partner of the Glacier View Ranch Partnership and as Personal Representative of the Estate of Robert J. Cunningham and as Trustee of the Robert J. Cunningham Revocable Living Trust, Partner of Glacier View Ranch Partnership, Robert A. Cunningham, individually and as partner of the Glacier View Ranch Partnership, and by Craig A. Holmquist, individually and as partner of the Glacier View Ranch Partnership is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 7 day of ~~June~~ October, 2019

Patrick M. Hayden
Signature PATRICK M. HAYDEN

Notary Public
Title

My appointment expires: 4.27.21

EXHIBIT A
LEGAL DESCRIPTION

Parcel A:

The North ½ of the Southwest ¼ and all that portion of the Southeast ¼ of the Southwest ¼, lying North and West of the Southeasterly line of the former 100 foot wide City of Seattle Railway right-of-way as condemned in Skagit County Superior Court Cause No. 9510. All in Section 14, Township 35 North, Range 10 East, W.M., EXCEPT that portion lying North and East of existing fence as delineated on the face of Survey recorded under Auditor's File No. 8102020023.

TOGETHER WITH easements for ingress, egress and utilities as conveyed on November 14, 2005 and December 14, 2005 under Auditor's File Nos. 200511140270 and 200512140133.

ALSO TOGETHER WITH a sixty (60) foot wide non-exclusive easement for ingress, egress and utilities, over across and through that portion of the East 60.00 feet of the Southeast 1/4 of the Southeast 1/4 of Section 15, Township 35 North, Range 10 East., W.M.

AND, FURTHER TOGETHER WITH a non-exclusive, non-residential 20-foot wide easement for ingress and egress over and across a Westerly portion of the Southeast 1/4 of the Southeast 1/4 of Section 15, Township 35 North, Range 10 East, W.M., being an extension of Liberty Bell Lane at the Northwest corner of Lot 3 of Skagit County Short Plat No. PL 06-1023 recorded as Auditor's File No. 200811180001 and extending Northerly to the South line of the Northeast 1/4 of the Southeast 1/4 of Section 15, Township 35 North, Range 10 East, W.M.

AND, FURTHER TOGETHER WITH a non-exclusive easement labelled "Easement No. 2" on that certain Easements document in favor of Glacier View Ranch Partnership dated September 9, 2019 and recorded as Auditor's File No. 201910110063.

EXCEPT that portion of the Southwest quarter of the Section 14, lying to the North and East of an existing fence thereon. Such excluded area is hereby quitclaimed, without any warranty whatsoever to Grantees. The Grantees and their heirs, successors and assigns hereby accept such excluded area with notice of adverse possession claims of third parties. Grantees and their heirs, successors and assigns hereby agree to indemnify, defend and hold Grantors and their heirs, successors and assigns harmless from and against any and all damages incurred by reason of such claims and further from and against any and all disputes, claims suits, costs, obligations and liabilities, known or unknown as may now or hereafter exist concerning the ownership use and possession of such excluded area.

Parcel B:

The Northeast ¼ of the Southeast ¼ of Section 15, Township 35 North, Range 10 East, Willamette Meridian.

TOGETHER WITH easements for ingress, egress and utilities as conveyed on November 14, 2005 and December 14, 2005 under Auditor's File Nos. 200511140270 and 200512140133.

ALSO TOGETHER WITH a sixty (60) foot wide non-exclusive easement for ingress, egress and utilities, over across and through that portion of the East 60.00 feet of the Southeast 1/4 of the Southeast 1/4 of Section 15, Township 35 North, Range 10 East., W.M.

AND, FURTHER TOGETHER WITH a non-exclusive, non-residential 20-foot wide easement for ingress and egress over and across a Westerly portion of the Southeast 1/4 of the Southeast 1/4 of Section 15, Township 35 North, Range 10 East, W.M., being an extension of Liberty Bell Lane at the Northwest corner of Lot 3 of Skagit County Short Plat No. PL 06-1023 recorded as Auditor's File No. 200811180001 and extending Northerly to the South line of the Northeast 1/4 of the Southeast 1/4 of Section 15, Township 35 North, Range 10 East, W.M.

AND, FURTHER TOGETHER WITH a non-exclusive easement labelled "Easement No. 2" on that certain Easements document in favor of Glacier View Ranch Partnership dated September 9, 2019 and recorded as Auditor's File No. 201910110063.

Statutory Warranty Deed
LPB 10-05

EXHIBIT B
18-1097-KH

1. Easement, affecting a portion of subject property for the purpose of electric transmission system including terms and provisions thereof granted to City of Seattle recorded 10/22/1929 as Auditor's File No. 227885
2. Easement, affecting a portion of subject property for the purpose of electric transmission system including terms and provisions thereof granted to City of Seattle recorded xxx as Auditor's File No. Condemned in Skagit Cause No. 13420
3. Easement, affecting a portion of subject property for the purpose of electric transmission line including terms and provisions thereof granted to City of Seattle recorded xxx as Auditor's File No. Condemned in Skagit Cause No. 20724.
4. Easement, affecting a portion of subject property for the purpose of transmission and distribution line facilities including terms and provisions thereof granted to City of Seattle recorded 8/20/1965 as Auditor's File No. 670628
5. Any and all offers of dedications, conditions, restrictions, easements, fence line/boundary discrepancies and encroachments, notes, provisions and/or any other matters as disclosed and/or delineated on the face of the following plat/short plat/survey named Survey; recorded 02/02/1981 as Auditor's File No. 8102020023.
6. Lot certification, including the terms and conditions thereof dated xxx, recorded 07/22/2002 as Auditor's File No. 200207220007. Reference to the record being made for full particulars. The company makes no determination as to its affects.
7. Easement, affecting a portion of subject property for the purpose of electric transmission system including terms and provisions thereof granted to City of Seattle recorded 08/29/1929 as Auditor's File No. 229305.
Affects: Parcel "B"

Said easement was modified by document recorded as Auditor's File No. 295893.
8. Lot certification, including the terms and conditions thereof recorded 02/22/2002 as Auditor's File No. 200207220010. Reference to the record being made for full particulars. The company makes no determination as to its affects. Affects: Parcel "B".
9. Easement, affecting a portion of subject property for the purpose of view including terms and provisions thereof granted to Thomas P. Hammond, et ux, recorded 08/05/2002 as Auditor's File No. 200208050161
11. Any and all offers of dedications, conditions, restrictions, easements, fence line/boundary discrepancies and encroachments, notes, provisions and/or any other matters as disclosed and/or delineated on the face of the following plat/short plat/survey named Survey recorded 01/23/2012 as Auditor's File No. 201201230068.
12. Easement affecting a portion of subject property for utility lines and related facilities and provisions therein, granted to Puget Sound Energy and/or its predecessors on 09/26/2011 and recorded 01/02/2014, as Auditor's File No. 201401020089.
13. Grantors shall not pay any back taxes, interest or penalty for withdrawal of the property from open space or current use tax classification.

Exhibit B, Continued.

14. The Easement referred to as "Easement No. 2" in favor of Glacier View Ranch Partnership dated September 9, 2019, on Exhibit A, is conveyed without warranty, and is subject to encumbrances of record, if any.