

Jefferson County
Board of Commissioners
Agenda Request

To: Board of Commissioners
Philip Morley, County Administrator

From: Frank Gifford, Public Works Director *FG*

Agenda Date: January 10, 2011

Subject: Deed of Right to Use Land for Public Recreation Purposes.

Statement of Issue:

This DEED OF RIGHT TO USE LAND FOR PUBLIC RECREATION PURPOSES is a standard requirement of the Grant Agreement with the State of Washington Recreation and Conservation Office, RCO Project No 08-1773C. This Deed affects the acquisitions concluded January 2009 through May 2010, from approximate Trail MP 6.4 to Trail MP 7.3, using funds from RCO (formerly IAC), for the Larry Scott Memorial Trail Project CR1069.

Analysis/Strategic Goals/Pro's & Con's:

This deed grants and conveys to the State of Washington individually and as the representative of all the people of the State, the right to use the real property described forever for Outdoor Recreation purposes as a condition of accepting grant funds for the acquisitions.

Fiscal Impact/Cost Benefit Analysis:

This project was funded in part by the RCO grant. The Deed of Right is a standard requirement for RCO grant agreements.

Recommendation:

The Department of Public Works recommends approval of this Deed of Right for the completion of the RCO Project No 08-1773C. Please execute and notarize the attached Deed and return to Valerie Greene, Department of Public Works, for further processing.

Department Contact:

Monte Reinders, County Engineer, 385-9242

Reviewed By:


Philip Morley, County Administrator

Date

After recording, return document to:

Jefferson County
Department of Public Works
623 Sheridan St.
Port Townsend, WA 98368

Document Title: DEED OF RIGHT
Grantor: JEFFERSON COUNTY
Grantee: State of Washington
Legal Description: Portions of Section 29 & 32, Twp 30 N, Range 1 West, W.M.
Additional Legal Description is on Pages 2, 3 and 4 of Document
Assessor's Tax Parcel Nos.: APN 001293006, 001322005, 001321003; 001321003; 001321049;
001321001; 001321000, 001321006.

DEED OF RIGHT TO USE LAND
FOR PUBLIC RECREATION PURPOSES

The Grantor, Jefferson County, a Municipal Corporation, for and in consideration of monies coming in whole or in part from the Outdoor Recreation Account of the General Fund of the State of Washington and in fulfillment of terms of the Project Agreement identified below, conveys and grants to the State of Washington individually and as the representative of all the people of the State, the right to use the real property described below forever for the outdoor recreation purposes.

Those purposes are described in the Project Agreement entered into between the Grantor and the State of Washington through the Recreation and Conservation Office entitled Larry Scott Memorial Trail, RCO Project Number 08-1773C signed by the Grantor on the 26th day of October, 2009, and by the Interagency Committee on the 30th day of October, 2009, and the application and supporting materials which are on file with the Grantor and the state in connection with the Project Agreement.

The Grantor will not make or permit to be made any use of the real property described in this deed, or any part of it, which is inconsistent with the right to use for public outdoor recreation herein granted unless the state, through the Recreation and Conservation Office or its successors, consents to the inconsistent use, which consent shall be granted only upon conditions which will ensure that other outdoor recreation land of at least equal fair market value at the time of change of use and of as nearly as feasible equivalent usefulness and location for the public recreation purposes for which state assistance was originally granted will be substituted in the manner provided in RCW 79A.25.100 for marine recreation land, whether or not the real property covered by this deed is marine recreation land. RCW 79A.25.100 reads as follows:

"Marine recreation land with respect to which money has been expended under RCW 43.99.080 (recodified as RCW 79A.25.080) shall not, without the approval of the committee, be converted to uses other than those for which such expenditure was originally approved. The committee shall only approve any such conversion upon conditions which will assure the substitution of other marine recreation land of at least equal fair market value at the time of conversion and of as nearly as feasible equivalent usefulness and location."

The real property subject to public easements that are conveyed by this deed consists of **Exhibit 1A, Exhibit 1B, Exhibit 1C, Exhibit 1D, and Exhibit 1E** described as follows:

Exhibit 1A

LEGAL DESCRIPTION

APN 001293006, 001322005, 001321003

LEGAL DESCRIPTION of record for subject property, as conveyed by Deed Recorded in Volume 300 of Deeds, Page 408, Auditor's File Number 328849, Records of Jefferson County, Washington, said portion being more particularly described therein, as follows:

ALL OF THAT PORTION OF CMC REAL ESTATE CORPORATION'S (THE FORMER CHICAGO, MILWAKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY) 100 FOOT WIDE RIGHT OF WAY IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29 AND IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, ALL BEING IN TOWNSHIP 30 NORTH, RANGE 1 WEST, W.M., County of Jefferson, State of Washington.

**Situate in the County of Jefferson, State of Washington
Containing an area of approximately 4.9 Acres.**

Exhibit 1B

LEGAL DESCRIPTION

APN 001321003

That portion of the Northwest ¼ of the Northwest ¼ of the Northeast ¼ in Section 32, Township 30 North, Range 1 West, W.M., Jefferson County, Washington, lying Southwesterly of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company's 100-foot wide right-of-way (said 100-foot right-of-way being the same conveyed to Jefferson County by instrument recorded February 12, 2009 under Auditor's File No. 540583).

**Situate in the County of Jefferson, State of Washington
Containing an area of approximately 0.10 Acres.**

Exhibit 1C

LEGAL DESCRIPTION

APN 001321049

That portion of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 32, Township 30 North, Range 1 West, W.M., Jefferson County, Washington, lying Northerly of the centerline of S. Discovery Road (County Road No. 601508), and lying Southerly

of the Southerly boundary of Lot 1 of the Earnest Short Plat, as recorded under Volume 2 of Short Plats, Page 30, Auditor's File No. 283082, records of said county, said Southerly boundary being the Southerly boundary of the right of way for Milo Curry Road as dedicated and shown on said Short Plat;

Subject to: right-of-way for said S. Discovery Road;

And subject to: right-of-way granted to the public for Milo Curry Road (County Road No. 603509) as dedicated under said Auditor's File No. 283082, records of said county;

Together with that portion of the 100-foot wide Chicago Milwaukee, St. Paul and Pacific Railway right-of-way lying within Government Lot 3 of Section 32, Township 30 North, Range 1 West, W.M., Jefferson County, Washington. Said 100 feet wide right of way consists of that 60 foot wide right of way conveyed under Volume 31 of deeds, pages 154 and 155, together with that 40 foot wide right of way conveyed under auditor's file number 145930, records of said county;

Except: those portions conveyed by instruments recorded February 21, 1997 under Auditor's File No. 398477 and June 24, 1997 under Auditor's File No. 401483.

Subject to the right of way for that portion of Milo Curry Road lying within said Government Lot 3.

Situate in the County of Jefferson, State of Washington.

Containing an area of approximately 3.4 Acres.

Exhibit 1D
LEGAL DESCRIPTION
APN 001321001

That portion of the North 60 feet of Government Lot 3, Section 32, Township 30 North, Range 1 West, W.M., Jefferson County, Washington, being a portion of parcel C of Exhibit B on Quit Claim Deed as conveyed to the Anna Bernice Simcoe Revocable Living Trust dated 16 December 2000, Anna Bernice Simcoe, Trustee, recorded under Auditor File No. 443489, (being a re-recording of Auditor File No. 439943).

Said 60 feet is bounded on the east by the former railroad Right of Way (said Right of Way being the same conveyed to Jefferson County by instrument recorded under Auditor's File No. 545899, dated August 18, 2009) and bounded on the west by that certain property described as Parcel B on Exhibit A of Statutory Warranty Deed recorded January 25, 2006 under Auditor's File No. 507784 (said recording being a re-recording of AFN 505923), records of Jefferson County.

All situate in the County of Jefferson, State of Washington
Containing an area of approximately 0.08 Acres.

Exhibit 1E
LEGAL DESCRIPTION
APN 001321000, 001321006

The South 50 feet; the West 40 feet except the East 10 feet of the West 40 feet of the North 350.32 feet of the following described property per Auditor's File Number 525333, Records of Jefferson County:

The West 1/3 of the South 1/2 of the Northwest 1/4 of the Northeast 1/4 of section 32, Township

30 North, Range 1 West, W.M.,

Together with any portion of the subject property previously described that lies within the portion of the Port Townsend Southern Railroad Company right of way (the former Chicago, Milwaukee, St. Paul and Pacific railroad company) as recorded under Volume 29 of Deeds, pages 75 & 76, Records of Jefferson County, Washington, lying and being within the following described property:

The West 1/3 of the South 1/2 of the Northwest 1/4 of the Northeast 1/4 of section 32, Township 30 North, Range 1 West, W.M.,

Together with non-exclusive easements for ingress and egress created by instruments recorded under recording Nos. 497659 and 513720 and filed in Jefferson County Superior Court Case No. 05-2-00292-1 on May 16, 2007 in Jefferson County, Washington.

Situate in the County of Jefferson, State of Washington.
Containing an area of approximately 0.98 Acres.

This deed shall in no way modify or extinguish the functions of the Grantor under the Project Agreement, including the Grantor's functions to operate and maintain the land as set out in the Project Agreement.

Dated this _____ day of _____, 20____

GRANTOR:
JEFFERSON COUNTY BOARD OF COMMISSIONERS

By: _____
John Austin, Chair Date _____

By: _____
Phil Johnson, Member Date _____

By: _____
David Sullivan, Member Date _____

Approved as to form only this ^{December} ~~22~~ day of _____, 2010.

Paul [Signature]
Deputy Prosecuting Attorney

Frank Gifford
Public Works Director

STATE OF WASHINGTON)
: SS.)
COUNTY OF JEFFERSON)

On this ____ day of _____, 20____, before me personally appeared David W. Sullivan, Phil Johnson, and John Austin known to be the entire body of the Board of Jefferson County Commissioners that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said county for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument and that the seal affixed is the seal of said county.

GIVEN under my hand and official seal the day and year last above written.

Notary Public in and for the State of Washington

Residing at _____

My appointment expires _____