

CLARK COUNTY STAFF REPORT

DEPARTMENT: Public Works / Parks Division

DATE: June 28, 2016

REQUESTED ACTION: Approve and authorize the County Manager to accept a Quit Claim Deed for the donation of 33.63 acres of land from the trust/estate of Elizabeth Swanson for a wildlife habitat area in Parks District 7. Tax Parcel Number: 155766-000.

Consent Hearing County Manager

BACKGROUND

On May 3, 2011, the Board of County Commissioners authorized the Clark County Public Works Director to accept and approve a Gifting Agreement for a future donation of a 33.63 acre parcel of land, upon the death of Elizabeth Swanson. Per the agreement, the land known as Curtain Springs Wildlife Habitat is to be improved and managed by Clark County for the purpose of passive recreation and wildlife habitat. Elizabeth Swanson passed away on April 16, 2016, and a quit claim deed has been prepared for the transfer of property ownership to Clark County.

Park Impact Fee (PIF) District 7 acquisition funds (estimated at \$150,000) will be used for a level 1 cleanup, signage and security of the property. The Metropolitan Parks District (MPD) maintenance fund will be utilized for ongoing maintenance of the property. The house on the property is currently being leased and the funds can be used as an off-set for MPD maintenance expenses.

COUNCIL POLICY IMPLICATIONS

No

ADMINISTRATIVE POLICY IMPLICATIONS

No

COMMUNITY OUTREACH

The property has been identified for acquisition in the Capital Facilities section of the Parks, Recreation and Open Space plan. Staff notified the Parks Advisory Board (PAB) on March 2015 of the pending property gift to Clark County. PAB voted to support the property transfer on June 10, 2016.

BUDGET IMPLICATIONS

YES	NO	
X		Action falls within existing budget capacity.
	X	Action falls within existing budget capacity but requires a change of purpose within existing appropriation
	X	Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

*mgw
OK*


PW16-071

BUDGET DETAILS

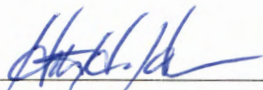
Local Fund Dollar Amount	\$150,000
Grant Fund Dollar Amount	
Account	PIF District 7 Acquisition Fund
Company Name	Clark County PUBLIC Works- Parks Division

DISTRIBUTION:


Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>



Bill Bjerke
Parks Division Manager



Heath H. Henderson, PE
Public Works Director/County Engineer

APPROVED: 
CLARK COUNTY, WASHINGTON
BOARD OF COUNTY COUNCILORS
DATE: 6/29/16
SR# 136-16

BUDGET IMPACT ATTACHMENT

Part I: Narrative Explanation

I. A – Explanation of what the request does that has fiscal impact and the assumptions for developing revenue and costing information

- PIF District 7 Acquisition Fund will be utilized for a level 1 cleanup, signage and security of the property.
- The Metropolitan Parks District (MPD) maintenance fund will be utilized for ongoing maintenance of the property.
- The house on the property is currently being leased and the funds can be used as an off-set for MPD maintenance expenses.

Part II: Estimated Revenues

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	GF	Total	GF	Total	GF	Total
3077/PIF 7 Acquisition Fund- one time		150,000				
1032/ Lease Revenue to MPD Fund		21,000		21,000		21,000
Total		171,000		21,000		21,000

II. A – Describe the type of revenue (grant, fees, etc.)

Use of the PIF 7 Acquisition fund is a one-time expense to prepare the site for public use and safety.

The house on the property is currently being leased at a rate of \$1,750 per month. It is anticipated that staff will continue to lease the house on an annual basis for revenue purposes until such time that longer term decisions are made.

Part III: Estimated Expenditures

III. A – Expenditures summed up

Fund #/Title	FTE's	Current Biennium		Next Biennium		Second Biennium	
		GF	Total	GF	Total	GF	Total
3077/PIF 7 Acquisition Fund			150,000				
1032/ MPD Maintenance Fund			5,500		12,500		12,500
Total			155,500		12,500		12,500

III. B – Expenditure by object category

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	GF	Total	GF	Total	GF	Total
Salary/Benefits		3,500		7,500		7,500
Contractual				1,500		1,500
Supplies		22,000		1,000		1,000
Travel						
Other controllables				2,500		2,500
Capital Outlays		130,000				
Inter-fund Transfers						
Debt Service						
Total		155,500		12,500		12,500

Filed for Record at Request of:

Daniel G. Marsh
Attorney at Law
1112 Daniels Street, Suite 200
P.O. Box 54
Vancouver, WA 98666

QUIT CLAIM DEED

THE GRANTOR, JOHN E. NORD, Successor Trustee of the SWANSON LIVING TRUST, dated December 28, 2001, and Restated October 28, 2008, May 19, 2001 and June 27, 2011, and as Amended April 4, 2013, for valuable consideration, and fulfillment of Gifting and Acquisition Agreement of Grantor with Clark County, a Political Subdivision of the State of Washington, Grantee, conveys and quit claims to CLARK COUNTY, a Political Subdivision of the State of Washington, the following described real estate, situated in the County of Clark, State of Washington, including any interest therein which Grantor may hereafter acquire:

Tax Parcel No. 155766-000

Abbreviated Legal Description: #23 SEC 5 T2N R2EWM 33.63A

The South one-half of the West one-half of the Southwest one-quarter of Section 5, Township 2 North, Range 2 East of the Willamette Meridian.

EXCEPT County or public roads.

SUBJECT TO:

1. Easement for a perpetual right of way in and over said premises, for the purpose of erecting or installing, maintaining and operating thereon or thereover pole lines, and conductors for transmission of electric energy, including communication facilities; together with the right to cut, remove and destroy such trees and brush as

QUIT CLAIM DEED - 1

may be necessary in constructing, maintaining and protecting such lines from damage, as granted by Elizabeth McKenna to Public Utility District No. 1 of Clark County, a municipal corporation of the State of Washington, by instrument dated April 28, 1960, recorded May 3, 1960, under Auditor's File No. G 284691. (Said easement to be over the West 2 feet.)

2. Right to drain the land conveyed by deed onto and through the land of the grantor, as disclosed by deed executed by Eugene White and Erma White, husband and wife, recorded March 18, 1870, in Volume "H" of deeds, page 18.

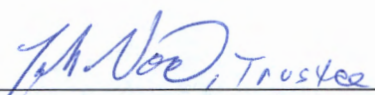
SUBJECT to the terms and provisions of the ELIZABETH SWANSON LIVING TRUST GIFTING AND ACQUISITION AGREEMENT WITH CLARK COUNTY, a Political Subdivision of the State of Washington dated May 19, 2011, and recorded under Clark County Auditor's File No. 5291186 AGR.

SUBJECT also to the provisions of WAC 458-30-300(6) exempting this transfer from the imposition of any additional tax, interest, or penalty.

SUBJECT also to the terms and provisions of the Lease Agreement between Real Property Management Vancouver on behalf of Elizabeth Swanson Living Trust as Landlord and Jamie Morris and Lightspeed Simulation Systems as Tenant, dated August 15, 2014 and the Renewal Extension agreement thereto dated December 15, 2015.

DATED this 8th day of June, 2016.

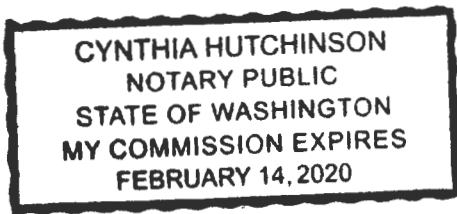
SWANSON LIVING TRUST


By: John E. Nord, CFP, Successor Trustee
of the Swanson Living Trust
dated December 28, 2001

STATE OF WASHINGTON)
 : ss.
County of Clark)

On this 8th day of June, 2016, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared JOHN E. NORD, CFP to me known to be the Successor Trustee of the SWANSON LIVING TRUST, dated December 28, 2001, and Restated October 28, 2008, May 19, 2001 and June 27, 2011, and as Amended April 4, 2013, the entity that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of the said entity, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument on behalf of the said entity.

WITNESS my hand and official seal the day and year first above written.



Cynthia Hutchinson
NOTARY PUBLIC
Residing at Vancouver
My Appointment Expires: 2-14-20

ACCEPTANCE OF QUIT CLAIM DEED

This will confirm that Clark County, a Political Subdivision of the State of Washington, hereby accepts the above and foregoing Quit Claim Deed subject to the provisions of such Deed. I further confirm that the rent received on the Lease Agreement referenced therein will be deposited in the Metropolitan Park District Maintenance Fund and used for the maintenance and development of the above described real estate.

DATED this 29 day of June, 2016.

Approved as to form only:

By: *Aracelis M. [Signature]*
Deputy Prosecuting Attorney

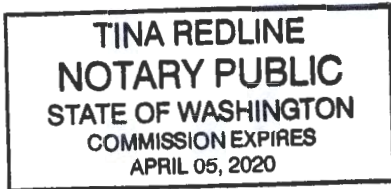
Clark County, a Political Subdivision
of the State of Washington

Mark McCauley
Mark McCauley, Acting County Manager

STATE OF WASHINGTON)
 : ss.
County of Clark)

On this 29 day of June, 2016, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared MARK MCCAULEY to me known to be the Acting County Manager of Clark County, a Political Subdivision of the State of Washington, the entity that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of the said entity, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument on behalf of the said entity.

WITNESS my hand and official seal hereto affixed the day and year in the certificate above written.



Tina Redline

NOTARY PUBLIC
Residing at Vancouver, WA.
My Appointment Expires: April 5, 2020



ELIZABETH SWANSON
February 12, 1917 ~ April 16, 2016

Elizabeth Swanson, 99, peacefully passed away on April 16, 2016. She was born in Chattanooga, TN on Feb. 12, 1917 and lived in Oklahoma, Idaho, Nevada, California, and Washington.

Elizabeth completed a secretarial degree in Seattle and worked at the Bonneville Power Administration where she met her husband, Julian O. Swanson.

They lived in Vancouver, WA on their farm raising Hereford cattle, driving the tractor and baling hay, while enjoying the abundant wildlife that found refuge on their property. Elizabeth loved the openness and gentle rolling terrain of her nearly 34 acres of land in northeast Vancouver with open views to Mt. Hood and Curtin Creek.

*Her love of animals will become a living legacy
as she has chosen to have their farm property become
a permanent, public open space and refuge for the wildlife
that brought Elizabeth so much joy throughout
her many years on Curtin Creek.*

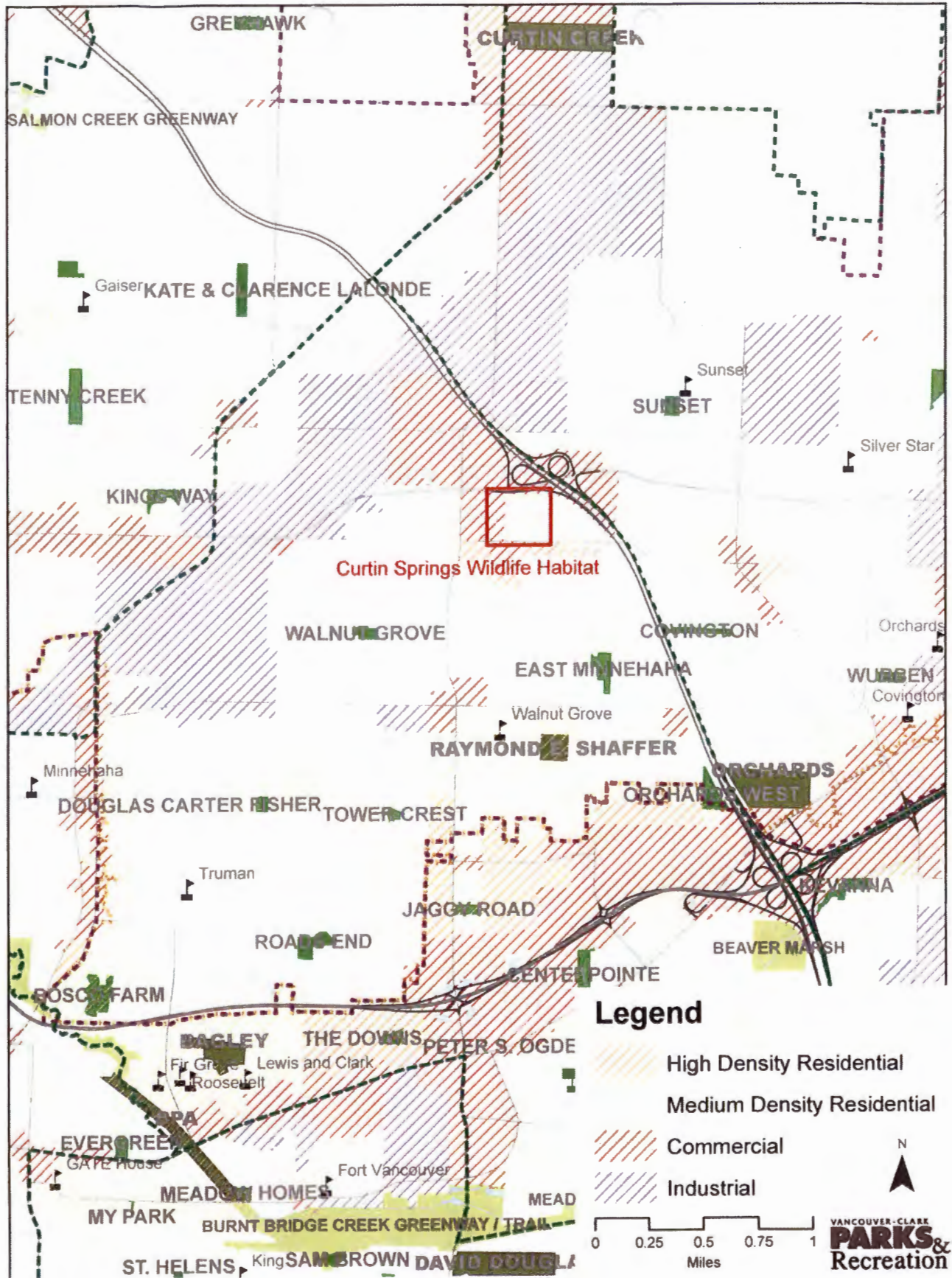
She was a member of Barberton Grange and she and Julian were members of Board for the Clark County Fair.

Elizabeth is survived by her step-son, Orin Swanson; her half-sister, Sally Widen; as well as step-grandchildren and step-great-grandchildren.

She was preceded in death by her husband, Julian O. Swanson; and sister, Margaret McCulley.

A memorial service will be held at 11:00 a.m. on Thurs., April 28th at Cascades Presbyterian Church, 9503 NE 86th St., Vancouver, WA 98662.

Please sign her guest book at: www.columbian.com/obits.



Curtin Springs Wildlife Habitat



Legend

- Parcels
- Roads
 - Alley
 - Arterial
 - DNR
 - DNR (Private Land)
 - Driveway
 - Interstate
 - Interstate Ramp
 - Primary Arterial
 - Private Roads
 - Private Roads w/o Names
 - Public Roads
 - SR Ramp
 - State Route
- Waterbodies
- Rural Centers
- City Boundaries
- Urban Growth Boundaries
- County Boundary

0 375 750 1125 ft.

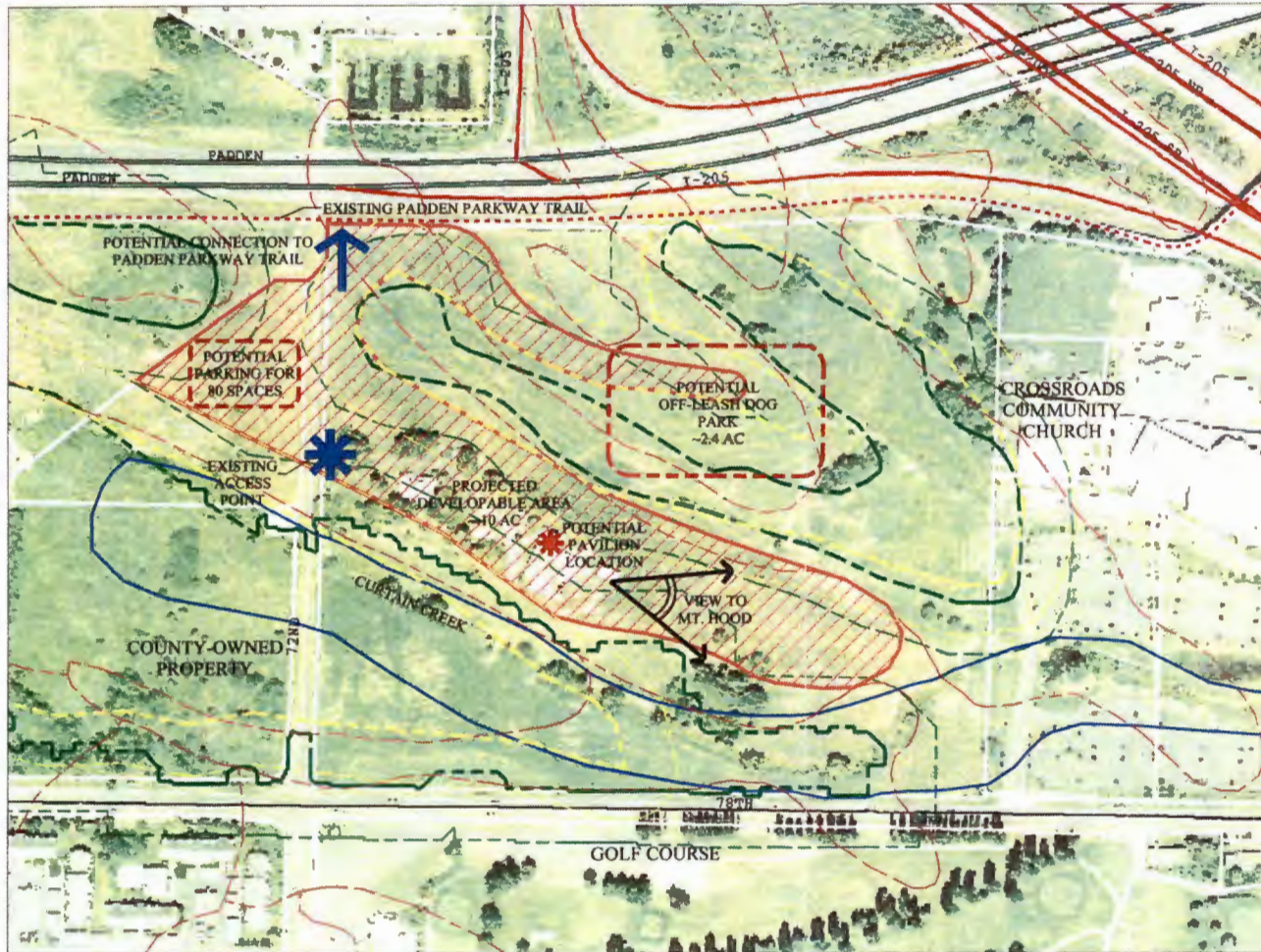
Map center: 1104256, 133718



Scale: 1:3,878

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.





LEGEND

-  POTENTIAL CONNECTION TO PADDEN PARKWAY TRAIL
-  EXISTING ACCESS POINT
Potential to use existing access point for entry from NE 72nd Ave.
-  BARN OWL
Wildlife on-site offers potential for wildlife protection and interpretation.
-  VIEW TO MT. HOOD
-  POTENTIAL WETLAND LOCATION
-  POTENTIAL WETLAND BUFFER
-  WDFW PRIORITY HABITAT
-  WDFW PRIORITY HABITAT BUFFER
-  FLOODWAY FRINGE
-  HYDRIC SOIL
-  PROJECTED DEVELOPABLE AREA
Approximate area of projected developable land with a minimized level of permitting/mitigation potentially required. Area may change upon wetland review.

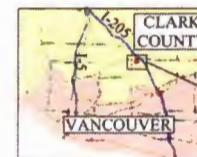
COMMUNITY PARKS

Usually 20 to 100 acres in size and generally serve residents from a one- to three-mile service area. Community parks often include recreation facilities for organized activities, such as sports fields, skate parks, and play courts. Community parks may also incorporate passive recreation space and community facilities, such as community or senior centers. Because of their large service area, community parks require more support facilities, such as parking and restrooms.

PIF DISTRICT: 7

TOTAL AREA: 33.63 ACRES

**SWANSON PROPERTY
OPPORTUNITIES AND CONSTRAINTS
OCTOBER 2007**

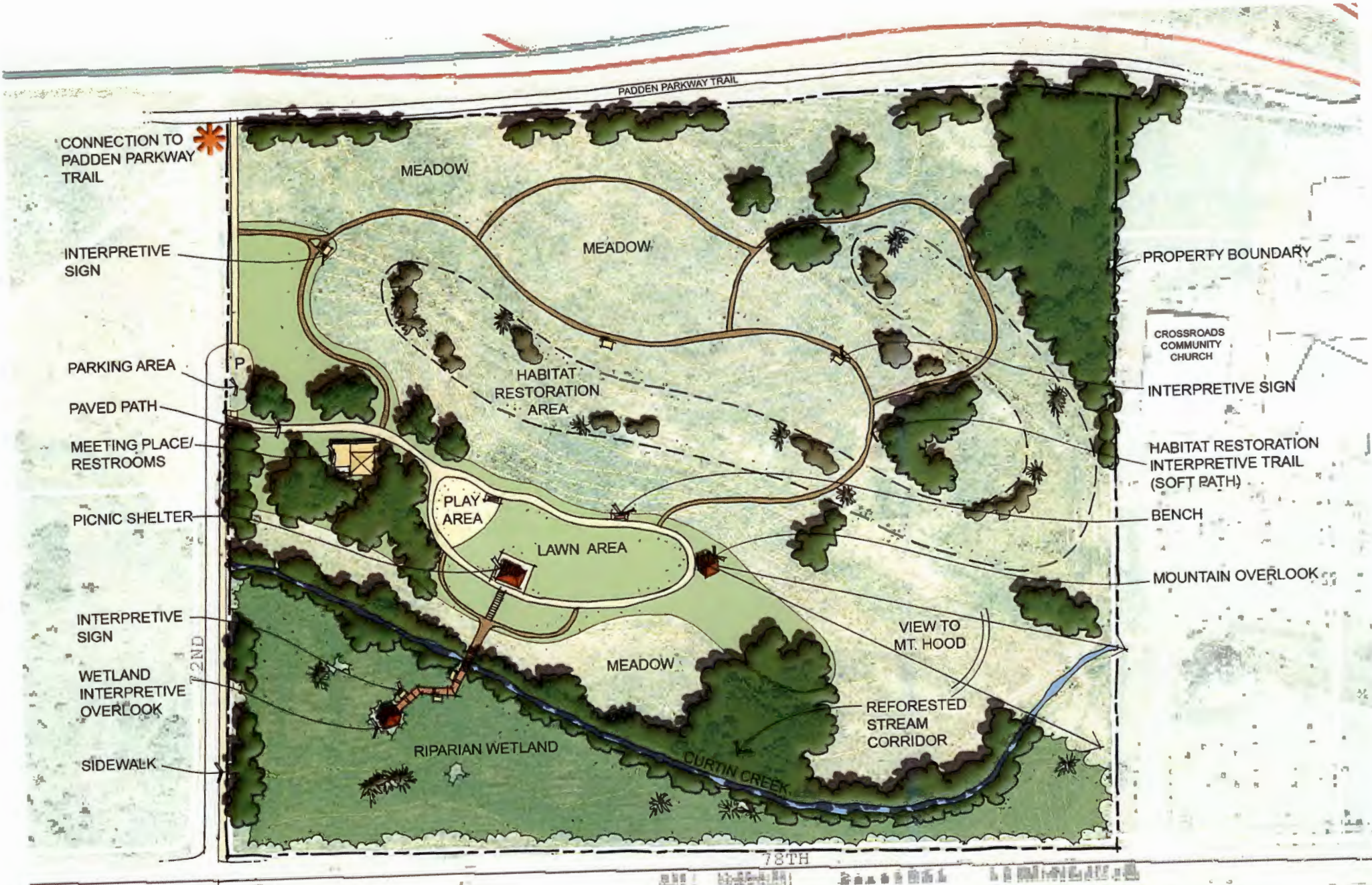


PROJECT LOCATION



Scale 1" = 100'

**VANCOUVER-CLARK
PARKS &
Recreation**



SWANSON PROPERTY
 PRELIMINARY CONCEPTUAL SITE PLAN
 DECEMBER 2007
 TOTAL AREA= 33.63 ACRES

PAVED PATH= 800 L.F.
 72ND AVE. PAVED PATH= 890 L.F.
 SOFT PATH= 2,530 L.F.

DRAFT






CLARK COUNTY
STAFF REPORT

ORIGINAL

DEPARTMENT/DIVISION: Public Works/Vancouver-Clark Parks & Recreation/Real Property Services

DATE: May 3, 2011

REQUEST: Authorize Peter Capell, Director of Public Works as signatory for Clark County to accept and approve a Gifting Agreement for future donation of one parcel of land in Park District 7 as wildlife habitat and passive-use parkland.

Property – Tax parcel # 155766-000 containing 33.63 acres, within the riparian corridor and associated wetlands of Curtin Creek.

CHECK ONE: Consent Chief Administrative Officer

BACKGROUND: The Parks Department requests approval to accept the gifting agreement for 33.63 acres of farmland with house, barn and outbuildings. The proposed donation in perpetuity would be effective upon the death of the Trustee. The property, located in park District 7, is being offered to the parks department as wildlife habitat with the expectation that restoration enhancement activities will begin within three years of deed transfer and that the property will be named "Curtin Springs Wildlife Habitat". The property is currently under reduced property tax status as farmland.

Park Potential - The agreement conditions allow for passive use, foot paths and trails and restricts vehicular parking to the existing developed areas adjacent to the house, barn and outbuildings. Within the adopted park system standards, this property can meet community park or urban open space needs for Park District 7 at the time of deed transfer.

Restoration Value - The site contains a portion of Curtin Creek (due to the deepening of a drainage ditch in the early 1990's) with adjacent wetlands just downstream from a county-owned wetland mitigation site. The property's proximity to the intersection of Padden Parkway and Andresen Road provide immediate opportunities for future mitigation credits essential for road infrastructure improvements. County Public Works and Environmental Services wetland scientists and biologists are familiar with the site and its potential to fulfill program mandates for wetland restoration and habitat preservation and enhancement.

COMMUNITY OUTREACH: The Parks Capital Facilities Plan was adopted in November 2009, following numerous public meetings and hearings. The subject property was designated as a potential acquisition on that plan. The future park land with its trails and restored wildlife habitat follow the goals of the adopted comprehensive parks, trails and open space plan. Negotiations with the landowner have not been subject to specific community outreach to respect their wishes for privacy.

BUDGET AND POLICY IMPLICATIONS: The proposed land donation is consistent with the Vancouver-Clark Parks and Recreation Comprehensive Parks and Recreation Plan, the Park Impact Fee Technical Document, and previous Board actions regarding parkland acquisitions.

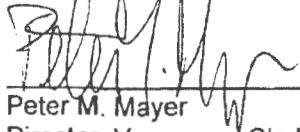
FISCAL IMPACTS: Yes (see Fiscal Impacts Attachment) No



PW11-043

ACTION REQUESTED: Authorize Peter Capell as signatory for Clark County for the Gifting and Acquisition Agreement with the donor of 33.63 acres in Park District 7 for a future wildlife habitat and passive community park.


DISTRIBUTION: Please notify the Real Property Services Department of the Board's action by calling extension 4376 for pick up.



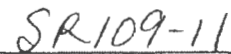
Peter M. Mayer
Director, Vancouver-Clark Parks & Recreation

APPROVED: 

CLARK COUNTY, WASHINGTON
BOARD OF COMMISSIONERS



Peter Capell, P.E.
Public Works Director/County Engineer



PMM/PC/PAM/pmm
Attachments: Gifting Agreement
cc: Jean Akers - Parks, PW Central File

**ELIZABETH SWANSON LIVING TRUST
GIFTING AND ACQUISITION AGREEMENT WITH CLARK COUNTY,
a Political Subdivision of the State of Washington** *ES*

ES
This Agreement entered into effective as of the 19 day of ~~April~~^{MAY}, 2011, by Swanson Living Trust dated December 28, 2001, and restated October 28, 2008, and ~~April~~^{MAY} 19, 2011, the Trustor and Trustee of which is Elizabeth Swanson, hereinafter referred to as "ELIZABETH", and CLARK COUNTY, Washington, a political subdivision of the State of Washington, hereinafter referred to as "CLARK COUNTY".

RECITALS

SUBJECT PROPERTY: The subject property is a 33.63 parcel of real property located at 8007 NE 72nd Avenue, Vancouver, Washington, 98665, which is bordered to the North by NE Padden Parkway, on the West by NE 72nd Avenue, and to the South by NE 78th Street (APN 155766-000) and which is legally described as follows:

Tax Parcel No. 155766-000

The South one-half of the West one-half of the Southwest one-quarter of Section 5, Township 2 North, Range 2 East of the Willamette Meridian.

EXCEPT County or public roads.

SUBJECT TO:

1. Easement for a perpetual right of way in and over said premises, for the purpose of erecting or installing, maintaining and operating thereon or thereover pole lines, and conductors for transmission of electric energy, including communication facilities; together with the right to cut, remove and destroy such trees and brush as may be necessary in constructing, maintaining and protecting such lines from damage, as granted by Elizabeth McKenna to Public Utility District No. 1 of Clark County, a municipal corporation of the State of Washington, by instrument dated April 28, 1960, recorded May 3, 1960, under Auditor's File No. G 284691. (Said easement to be over the West 2 feet.)

PMM
PMM

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PC

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2. Right to drain the land conveyed by deed onto and through the land of the grantor, as disclosed by deed executed by Eugene White and Erma White, husband and wife, recorded March 18, 1870, in Volume "H" of deeds, page 18.

hereinafter referred to as "the Swanson Real Property". The Swanson Real Property contains over 17 acres of wetlands that could be restored and is within a Clark County Designated Non-Riparian Habitat Conservation Area. The Swanson Real Property also has a number of trees along the north side and a portion of the west side of the property. Curtin Creek flows through the real property, and a home, barn and other structures are on the real property.

CURRENT USE AND OWNERSHIP: The Swanson Real Property is owned by the Swanson Living Trust and is currently leased for haying. ELIZABETH, the Trustor and Trustee of the Swanson Living Trust, wishes the Trustee of the Swanson Living Trust to deed the real property to CLARK COUNTY on her death, to be used as a Wildlife Habitat for wildlife of all kinds, except raccoons and coyotes, and that such gift of the Swanson Real Property to CLARK COUNTY be subject to a condition subsequent providing that the real property be used as a Wildlife Habitat forever, to be named Curtin Springs Wildlife Habitat and subject to the terms of this Gifting and Acquisition Agreement.

AGREEMENT

In consideration of the mutual provisions and covenants set forth below, it is agreed as follows:

1. After the death of the Trustor, the Trustee of the Swanson Living Trust shall deed to CLARK COUNTY, by a Trustee's Deed the Swanson Real Property consisting of 33.63 acres, and legally described as follows:

Tax Parcel No. 155766-000

The South one-half of the West one-half of the Southwest one-quarter of Section 5, Township 2 North, Range 2 East of the Willamette Meridian.

		
PMM	PC	ES

EXCEPT County or public roads.

SUBJECT TO:

1. Easement for a perpetual right of way in and over said premises, for the purpose of erecting or installing, maintaining and operating thereon or thereover pole lines, and conductors for transmission of electric energy, including communication facilities; together with the right to cut, remove and destroy such trees and brush as may be necessary in constructing, maintaining and protecting such lines from damage, as granted by Elizabeth McKenna to Public Utility District No. 1 of Clark County, a municipal corporation of the State of Washington, by instrument dated April 28, 1960, recorded May 3, 1960, under Auditor's File No. G 84691.

(Said easement to be over the West 2 feet. Trees presently existing parallel to 72nd Avenue were planted and replanted by Elizabeth Swanson to make sure that they did not infringe on the space needs of District No. 1)

2. Right to drain the land conveyed by deed onto and through the land of the grantor, as disclosed by deed executed by Eugene White and Erma White, husband and wife, recorded March 18, 1870, in Volume "H" of deeds, page 18.

2. The Swanson Living Trust Trustee's deed shall provide that the Swanson Real Property described in paragraph 1 above is gifted to CLARK COUNTY, subject to a condition subsequent providing that the Swanson Real Property shall be used by CLARK COUNTY as a Wildlife Habitat forever, to be named Curtin Springs Wildlife Habitat, and providing that if CLARK COUNTY fails to fulfill within three (3) years of the date of the death of ELIZABETH SWANSON, the terms of this Gifting and Acquisition Agreement entered into by the Trustor and Trustee of the Swanson Living Trust, and CLARK COUNTY dated ~~MAY~~ 19, 2011, title to such real property shall then vest in the default beneficiary, namely, the COMMUNITY FOUNDATION OF SOUTHWEST WASHINGTON, which shall have a right to enter into possession and if necessary.

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a right to proceed with an action to terminate the interest of CLARK COUNTY and to quiet title in such real property.

3. CLARK COUNTY agrees to accept the real property described in paragraph 1 SUBJECT to a condition subsequent providing that the real property shall be used by CLARK COUNTY as a wildlife habitat forever, to be named Curtin Springs Wildlife Habitat and providing that if CLARK COUNTY fails to use or continue to use such real property as a wildlife habitat, title to such real property shall then vest in the default beneficiary, namely, the COMMUNITY FOUNDATION OF SOUTHWEST WASHINGTON and that such gift of real property shall be subject to the following additional provisions:

(a) CLARK COUNTY may phase in the improvements described in this Agreement in that portion of the real property described in paragraph 1 above, over a period of time not to exceed three (3) years from the date such real property is deeded to CLARK COUNTY;

(b) CLARK COUNTY shall maximize the habitat value and minimize any vehicular access or intrusion into the real property;

(c) CLARK COUNTY shall endeavor to develop the wildlife habitat in such a way that the trees will not be destroyed;

(d) Beginning within thirty (30) days of the deeding of the real property described in paragraph 1 to CLARK COUNTY, CLARK COUNTY agrees to schedule the following maintenance: thistle control, blackberry control in interior patches and along Curtin Creek, and yellow flag iris control;

(e) Beginning no later than three (3) years from the date of the deed to CLARK COUNTY, CLARK COUNTY shall establish a salt lick for deer and shall construct foot paths and trails that are thoughtfully designed to allow access into the less sensitive areas and overlooks where humans can enjoy the site and wildlife encounters without disturbing sensitive wildlife areas and activities;

(f) Any future parking for a natural area or access for maintenance vehicles shall use the existing pavement and developed areas surrounding the house;


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(g) No structured formal playgrounds shall be constructed on the site; and

(h) Clark County shall ensure that native plants are replanted and wetland meadow systems are actively restored.

4. CLARK COUNTY acknowledges that if it fails to abide by the conditions and obligations set forth in paragraph 2 above, or the deed effectuating such paragraph, or paragraph 3 of this Gifting and Acquisition Agreement, CLARK COUNTY'S title to such real property shall be terminated, CLARK COUNTY shall vacate such property within thirty (30) days of being requested to do so by the default beneficiary, namely, the COMMUNITY FOUNDATION OF SOUTHWEST WASHINGTON, and such default beneficiary shall then be vested in title to the real property.

5. If any provision of this Agreement shall be invalid or unenforceable, the remaining provisions thereof shall continue to be fully effective.

6. The provisions and covenants of this Agreement herein contained shall be binding upon the heirs, personal representatives, legal representatives, successors, and assigns of all the parties hereto.

7. It is mutually understood and agreed that this Gifting and Acquisition Agreement is specifically conditioned upon approval of the CLARK COUNTY Board of Commissioners.

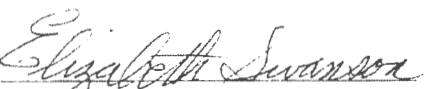
AGREED, ACCEPTED AND ACKNOWLEDGED:

Clark County, Washington:

By: 
Peter M. Mayer,
Director of Vancouver Clark
Parks & Recreation

By: 
Peter Capell, PE
Clark County Public Works Director

Swanson Living Trust

By: 
Elizabeth Swanson,
Trustor and Trustee


PMM

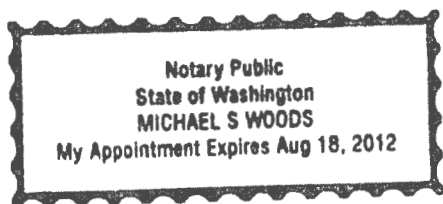
PC

ES

STATE OF WASHINGTON)
 : ss.
County of Clark)

On this 25 day of April, 2011, before me, the undersigned, A Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Peter M. Mayer to me known to be the Director of Vancouver-Clark Parks & Recreation Department of Clark County, the entity that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of Clark County, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument on behalf of the said entity.

WITNESS my hand and official seal hereto affixed the day and year in the certificate above written.



Michael S Woods
NOTARY PUBLIC
Residing at Clark County
My Appointment Expires: 8/18/12

STATE OF WASHINGTON)
 : ss.
County of Clark)

On this 5 day of ^{May} April, 2011, before me, the undersigned, A Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Peter Capell, PE to me known to be the Clark County Public Works Director, the entity that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of Clark County, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument on behalf of the said entity.

PMM *PC* *ES*
PMM PC ES

WITNESS my hand and official seal hereto affixed the day and year in the certificate above written.

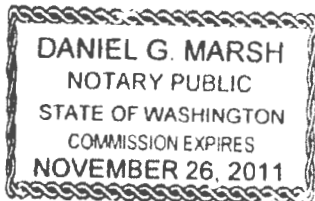


Laura E. Henry Slye
NOTARY PUBLIC
Residing at Ridgefield, WA
My Appointment Expires: 1-1-12

STATE OF WASHINGTON)
: ss.
County of Clark)

On this 19th day of ~~April~~ ^{May} 2011, before me, the undersigned, A Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Elizabeth Swanson to me known to be the Trustor and Trustee of the Swanson Living Trust that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of the said entity, for the uses and purposes therein mentioned, and on oath stated that she is authorized to execute the said instrument on behalf of the said entity.

WITNESS my hand and official seal hereto affixed the day and year in the certificate above written.



Daniel G. Marsh
NOTARY PUBLIC
Residing at Vanouver
My Appointment Expires: 11/26/11

PMM *PC* *ES*
PMM PC ES



Michael G. Beaty**
David J. Feeney, LL.M.
Jeffrey J. Hatch
Michael P. Higgins**
Daniel G. Marsh
Laura L. Mancuso**
**Oregon & Washington Bars
LL.M. Master in International Commercial Transactions

1112 Daniels Street, Suite 200
P.O. Box 54
Vancouver, WA 98666
(360) 695-7909
(503) 283-3232
Fax (360) 694-1758
www.Marsh-Higgins.com

June 27, 2011

Jean K. Akers, RLA, AICP
Parks Planning
Vancouver-Clark Parks and Recreation Department
610 Esther Street
Vancouver, WA 98668-1995

RE: Swanson – Stipulation Re Correct Name of Default Beneficiary

Dear Jean:

Enclosed you will find two originals of the Stipulation Re Correct Name of Default Beneficiary, named in the Gifting and Acquisition Agreement dated May 19, 2011. Please coordinate signing of both enclosed originals and return one of them to our office. The other signed original is for your Clark County file.

Thank you for assistance in this matter.

Sincerely,

Daniel G. Marsh

DGM: ckh
Enclosure

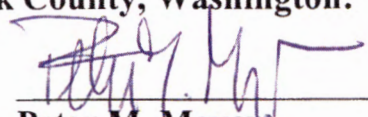
cc: Elizabeth Swanson

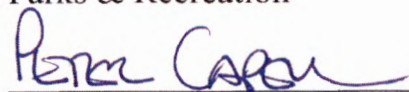
**STIPULATION RE CORRECT NAME
OF DEFAULT BENEFICIARY**

Elizabeth Swanson; and Clark County, Washington, a political subdivision of the State of Washington, hereby stipulate that the correct legal name of the default beneficiary named in paragraphs 2,3, and 4 of the Gifting and Acquisition Agreement entered into by them on May 19, 2011, is **Community Foundation for Southwest Washington**, not "Community Foundation of Southwest Washington", and by this Stipulation agree that wherever "Community Foundation of Southwest Washington" appears in such instrument, it shall mean **Community Foundation for Southwest Washington**, and that this Stipulation shall be incorporated as part of the Gifting and Acquisition Agreement entered into by them on May 19, 2011.

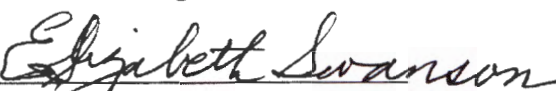
STIPULATED and ACKNOWLEDGED this 18th day of July, 2011.



Clark County, Washington:

By: 
Peter M. Mayer,
Director of Vancouver – Clark
Parks & Recreation

By: 
Peter Capell, PE
Clark County Public Works Director

Swanson Living Trust

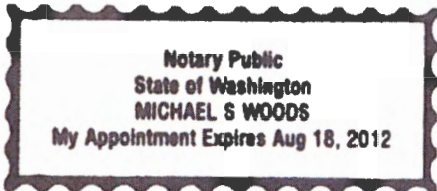
By: 
Elizabeth Swanson,
Trustor and Trustee

 
PMM PC ES

STATE OF WASHINGTON)
: ss.
County of Clark)

On this 18 day of July, 2011, before me, the undersigned, A Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Peter M. Mayer to me known to be the Director of Vancouver-Clark Parks & Recreation Department of Clark County, the entity that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of Clark County, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument on behalf of the said entity.

WITNESS my hand and official seal hereto affixed the day and year in the certificate above written.



Michael Woods
NOTARY PUBLIC
Residing at Clark County.
My Appointment Expires: 8/18/12

STATE OF WASHINGTON)
: ss.
County of Clark)

On this 18th day of July, 2011, before me, the undersigned, A Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Peter Capell, PE to me known to be the Clark County Public Works Director, the entity that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of Clark County, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument on behalf of the said entity.

PMM
PMM
PC
PC
ES
ES

Tubberville, Monica

From: Akers, Jean
Sent: Thursday, May 19, 2011 4:55 PM
To: Capell, Peter; Gray, Kevin; Mayer, Pete
Cc: Streeter, Karen; Mason, Pam; Davis, Brent; Tubberville, Monica; Kleiner, Jane; Lee, Patrick; Wierenga, Ron; Johnson, Anita
Subject: Swanson (future) Land Donation
Attachments: 1089_001.pdf

Pete, Kevin & Pete:

We now have the fully signed gifting agreement (attached document for your records) from Elizabeth Swanson for the future donation of her 33.63-acre land for a wildlife habitat (and passive community park). Dan Marsh, Mrs. Swanson's attorney, guided Elizabeth through this process and today expressed **their** gratitude at how helpful folks have been in the course of this deliberation and final resolution to fulfill her wishes to leave a legacy. There have been many players involved who have contributed to the final donation in one form or another. Bill Wright and Louie Benedict helped resolve the rights-of-way access concerns. Over the last several years, the acquisition and conservation experts at the Columbia Land Trust were engaged in helping Mrs. Swanson evolve in her process and explore the many variables and possibilities of land contribution, property tax implications, conservation tools, etc. County professionals in wetlands, wildlife habitat, real estate and land conservation have provided their advice and expertise at different points in the process as well. The Board quietly (thank you!) endorsed the gifting agreement on consent earlier this month.

For those of you who have only been peripherally involved, let me give you the quick synopsis of the (future) donation:

- First and foremost, this donation is offered upon the death of Mrs. Swanson. While she is in her 90's, **she is still alive and well and the land remains as private property.**
- The subject parcel (155766-000) is located along the Curtin Creek between the Crossroads Church and the new mini-storage facility east and north of the intersection of NE 72nd Avenue and NE 88th Street.
- The site includes a 1916 2-story house, barn and outbuildings, hayfields, wetlands and the (re-aligned/ditched) Curtin Creek.
- The gifting agreement has been recorded and is accessible through the Property Information Center.
- The Assessor's value of the land is over \$3.3M.

Terms of the gifting agreement that we should all be aware of:

- **The over-riding intent for the donation is that the land be used as wildlife habitat, then as a passive public park.**
- **The land shall be named Curtin Creek Wildlife Habitat.**
- **A control program for invasive plant species (thistle, blackberry & yellow iris) shall be established within 30 days of the deed transfer to the County.**
- **Improvements must be made to enhance the wildlife habitat within three (3) years from the date the deed is conveyed to the County.**
- **Preserve existing trees to their greatest extent.**
- **Beginning no later than three (3) years from date of deed transfer the County shall establish a salt lick for deer and construct footpaths for public access for humans.**
- **Any future parking for the site must stay within the existing developed area.**
- **No structured formal playgrounds on the site.**
- **Native plants and wetlands shall undergo restoration.**

Overall, the restrictions are not very onerous and will allow for ample restoration opportunities. The required improvements that carry deadlines are not significant capital improvements and should be feasible within the dictated timeframe.

This is a great example of a property that has more value to the community as public open space and environmental restoration than for its very limited future development potential.

Thanks to all the many players who contributed to making this a success for our community. Especially to Elizabeth Swanson (**who wants this donation to remain quiet!**) for choosing to leave a legacy.

Celebrate the success however you'd like.

Thanks to you all.

Jean

Jean K. Akers, RLA, AICP

Parks Planning

Vancouver-Clark Parks & Recreation Department (VCPRD)

610 esther street

po box 1995


Vancouver, Wa 98668-1995

p: 360-487-8320

e: jean.akers@cityofvancouver.us

www.vanclarkparks-rec.org

We create community through people, parks, programs and partnerships.

 *Please consider our environmental responsibilities before printing this e mail & any attached documents*

From: PPPARK05@cityofvancouver.us [mailto:PPPARK05@cityofvancouver.us]

Sent: Thursday, May 19, 2011 12:51 PM

To: Akers, Jean

Subject: Attached Image

5/20/2011

VANCOUVER-CLARK
PARKS &
Recreation

June 16, 2010

Mrs. Elizabeth Swanson
8007 NE 72nd Avenue
Vancouver, WA 98665

Mr. Dan Marsh
Marsh, Higgins, Beaty, Hatch
1112 Daniels Street
Vancouver, WA 98660

SUBJECT: Options for property conveyance and continued residency

Hello Mrs. Swanson and Mr. Marsh,

Thank you again for the opportunity to meet with you on June 3rd at the Swanson home site. We are very excited to be able to work with you to conserve the amazing and beautiful homestead. We appreciate your patience in awaiting our reply to the questions regarding options to convey the property.

We did have an opportunity to meet with the ^{real estate specialist} representative from the County late last week, and she was able to provide some additional information to us this week.

At this point, we have identified several options to convey the property to Clark County. Each option has different implications regarding property tax responsibilities, estate tax liabilities, and land maintenance and management.

- 1) The entire property could be donated to the County for use as a future park and open space, after both Elizabeth and Cynthia have lived on the property for as long as they wish. The resident/owner would retain maximum flexibility in terms of use of the property. The property donation could be designated in Elizabeth's will, perhaps, with some interim trust instrument to allow for Cynthia to reside as trustee for as long as she chooses. This choice may provide the cleanest option in terms of ownership, liability and maintenance.
- 2) The entire property could be conveyed to the County, with the provisions that Elizabeth be granted a life estate on the residential portion (3-5 acres). The County would assume maintenance/management responsibility for the other 27-28 acres. Upon Elizabeth's departure from the property, Cynthia could be granted a life tenancy for the homesite portion of the property (to include the house and all other structures on the property). Since the County would own the residential portion, she would be required to pay market rate rent for that designated area. The County would be responsible for any significant repair while Cynthia was responsible for routine maintenance, as a normal tenant.

We create community through people, parks, programs and partnerships.

P.O. Box 1995 - Vancouver, WA 98668-1995
(360) 619-1111 - www.vanclarkparks-rec.org



WETLAND ASSESSMENT AND DELINEATION
FOR
SWANSON PROPERTY, NE 78th ST. AT NE 72nd AVE.

Prepared by Philip K. Gaddis Ph.D., P.W.S., Clark County Dept. Public Works

January 26, 1998

The Swanson property lies to the northeast of the intersection of NE 78th Street and NE 72nd Ave. (Figure 1). Except for a small, elevated area along NE 78th Street, the area between NE 78th Street and the drainage ditch known as Curtin Creek is low-lying wetland. This report identifies the boundary between the wetland and upland areas and enables the calculation of the area of the two habitat types.

METHODS

The wetland delineation was conducted on December 4, 1997, according to the 1987 Corps of Engineers Wetland Delineation Manual. This procedure calls for evaluation of vegetation, soils, and hydrology for one typical observation point in each distinctive habitat type of the subject area. A determination of the jurisdictional status of the observation point requires independent confirmation of wetland characteristics in each of these three parameters.

Three sample stations were evaluated, two in the wetland area and one in the upland portion of the site. Additional soil and hydrology samples were taken at other locations throughout the transitional area from wetland to upland in order to locate the wetland boundary. The primary soil and hydrology samples were taken by digging a hole 16 inches deep, examining the soil profile and evaluating the depth of standing water in the hole after allowing ground water to seep into the hole. The other samples were taken using a 1 1/4 inch diameter soil augur. A given sample station was considered to have wetland hydrology if water stood in the hole at a depth of 12 inches or less. The soil was considered to be hydric if it contained a significant proportion of brightly colored mottles and/or had a low matrix chroma at a depth of 10 inches from the surface.

The dominant plant species were identified and their wetland status determined. The vegetation was considered to be hydrophytic if more than 50 % of the dominant species were classified as Obligate, Facultative Wetland, or Facultative.

RESULTS

Vegetation: The subject site is an abandoned pasture which is now maintained in herbaceous vegetation by mowing. Dominant species in the wetland were foxtail (*Alopecurus pratensis*), bentgrass (*Agrostis* sp.), velvet grass (*Holcus lanatus*), creeping buttercup (*Ranunculus repens*), and softtrush (*Juncus effusus*). This vegetation meets the criteria for hydrophytic vegetation.

Soils: According to McGee (1972), the site contains McBee silt loam (MIA) and Semiahmoo muck (Sr). The soil on the site, however, did not match the characteristics of these soil types. Throughout most of the site and especially at medium elevations, the soil was a very dark gray (10YR 3/1) silty clay loam that more closely resembled Cove silty clay loam. At higher elevations near the wetland boundary, the soil was a paler and brighter brown color (7.5YR 5/2) with extensive mottles of yellowish brown (10YR 5/6). At the lowest elevations in the wetland, the soil closely resembled Semiahmoo muck in texture but was grayer (10YR 3/1) than the typical Semiahmoo muck (5YR 2/2). Nevertheless, the soils found on the site met the criteria for hydric soils.

Hydrology: Curtin Creek runs along the northern boundary of the site. This "creek" is actually a ditch that drains the wetlands west of Andresen Rd. and partially drains the subject site. The ditch was deepened in the early 1990's, but the site remains very poorly drained. The primary sources of water on the site appear to be high ground water and rainfall. Water was standing above the surface throughout most of the low elevation areas with muck soil. Water typically stood at a few inches below the surface in the silty clay loam areas.

DETERMINATION

The property to the south of Curtin Creek contains approximately 10,370 square feet (0.24 acre) of upland in a long narrow strip of upland along NE 78th Street (Figure 3). The remainder of this area is jurisdictional wetland belonging to category IV of the Clark County Wetland Protection Ordinance.

FIGURE 1. VICINITY MAP

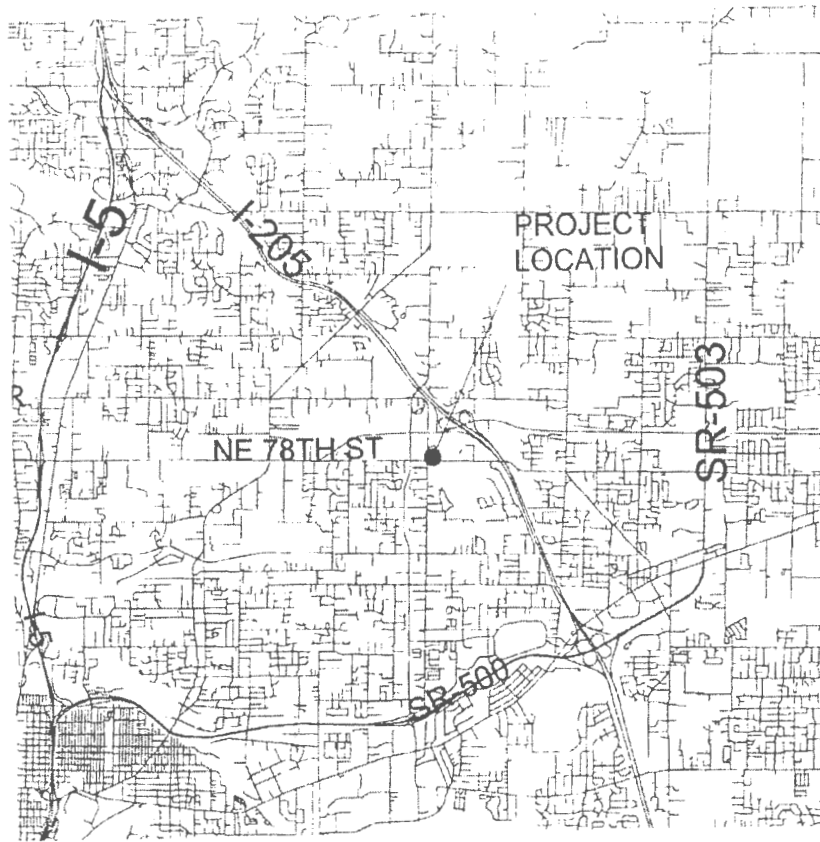
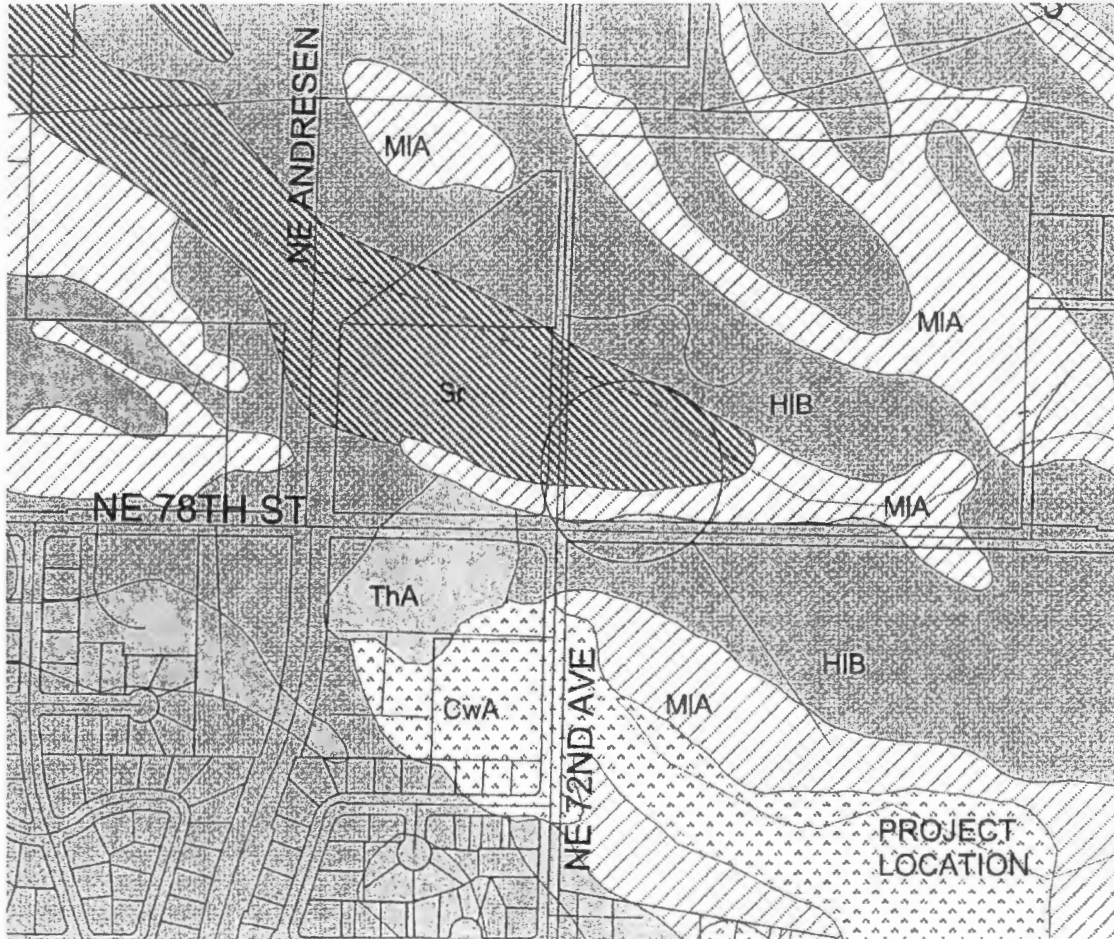


FIGURE 3. SOILS SWANSON PROPERTY



MIA- McBEE SILT LOAM, COARSE VARIANT
HIB- HILLSBORO LOAM
Sr- SEMIAHMOO MUCK
ThA- TISCH SILT LOAM
CwA- COVE SILTY CLAY LOAM THIN SOLUM

500 0 500 1000 1500 Feet



DATA FORM 1
WETLAND DETERMINATION

Applicant Name: Symon Application Number: _____ Project Name: _____
 State: _____ County: _____ Legal Description: _____ Township: _____ Range: _____
 Date: _____ Plot No.: 4 Section: _____

Vegetation [list the three dominant species in each vegetation layer (5 if only 1 or 2 layers)]. Indicate species with observed morphological or known physiological adaptations with an asterisk.

<u>Species</u>	<u>Indicator Status</u>	<u>Species</u>	<u>Indicator Status</u>
<u>Trees</u>		<u>Herbs</u>	
1.		7. <i>Agrostis</i>	
2.		8. <i>Festuca</i>	
3.		9.	
<u>Saplings/shrubs</u>		<u>Woody vines</u>	
4.		10.	
5.		11.	
6.		12.	

% of species that are OBL, FACW, and/or FAC: _____. Other indicators: _____.
 Hydrophytic vegetation: Yes ____ No . Basis: _____

Soil

Series and phase: 11P₁g₁ On hydric soils list? Yes ____; No .
 Mottled: Yes ____; No . Mottle color: _____; Matrix color: 11P₁g₁.
 Gleyed: Yes ____ No ____ Other indicators: _____.
 Hydric soils: Yes ____ No ; Basis: _____

Hydrology

Inundated: Yes ____; No . Depth of standing water: _____.
 Saturated soils: Yes ____; No . Depth to saturated soil: 7/2.
 Other indicators: _____.
 Wetland hydrology: Yes ____; No ____ . Basis: _____.
 Atypical situation: Yes ____; No ____.
Normal Circumstances? Yes ____ No ____.
Wetland Determination: Wetland _____; Nonwetland _____.

Comments:

Determined by: _____