

CLARK COUNTY STAFF REPORT

DEPARTMENT: Public Health, Solid Waste and Environmental Outreach & Public Works, Engineering and Construction Division

SR# 2020-1307

DATE: October 6, 2020

REQUESTED ACTION: Authorize County Manager to Execute a Statutory Warranty Deed from Clark County to the City of Vancouver for the sale of 35.16 acres (#105740-000, #199863-000, #199845-000, #199864-000) which is a part of the Leichner master plan which is commonly known as the Koski campus.

Consent Hearing County Manager

BACKGROUND

In 2012, the county purchased 120 acres from the Leichner Brothers Land Reclamation Corporation ("LBLRC"). The property was purchased for \$1,500,000 through a negotiated settlement. The property acquisition included the 80-acre closed Leichner Landfill and 40 acres of adjacent properties including the 32-acre, former Koski property. Public Works Road fund contributed \$350,000 to acquire right of way for the 99th Street Extension Project. The remaining \$1,150,000 was released from the landfill Financial Assurance Reserve Fund (FARF) to purchase the property.

The acquisition of the property was approved through an agreement between Clark County Public Works, LBLRC, the City of Vancouver ("City"), Waste Connections, the Washington State Department of Ecology, and the Washington Utilities and Transportation Commission. The agreement allowed the release of the FARF funds to purchase the property with the intent to master plan and sell the Koski property for a future development. The agreement requires the proceeds from the sale to be deposited in the FARF and the use of the funds is restricted to landfill post-closure care.

In 2014, Public Works purchased 0.16 acres known as the McPherson property (#199864-000) for \$105,000 which included a residential home and has since been removed. This acquisition was a part of the NE 94th Avenue road project in where Road Funds were used to purchase the property in its entirety.

The county master planned for the Leichner landfill included the former Koski property which evaluated multiple potential uses for the property including public utilities. The planning spanned over five years and the master plan was approved on June 28, 2018.

In the summer of 2018, the City Manager and County Manager began informal discussions regarding the purchase the Koski property during their regular monthly meetings. The City hired consultants to evaluate upgrading the current City Public Works Operations facility or constructing a new facility at a different location. They ultimately recommended the acquisition of the Koski property because of its central location met the City's criteria. The County Manager scheduled a Council workshop on

February 20, 2019 to allow the City to provide a presentation on the proposed property transfer and public works project.

On November 6, 2019, the Council authorized the County Manager to enter into a purchase and sale agreement (PSA) with the City. The PSA was executed by the parties on November 21, 2019. The PSA required the value of the Koski property which includes the McPherson property to be established through an appraisal process.

The city commissioned Dean Meyer, of Collier International Valuation, to establish a Fair Market Value. On October 29, 2019, Dean Meyer submitted an appraisal on four tax parcels (#105740-000, #199863-000, #199845-000, #199864-000) comprising of 35.16 acres for value of \$7,020,000.

The proceeds of the sale, after closing costs are deducted, will be deposited in FARF (6310). State and Federal regulations require that the proceeds from the sale of the McPherson property be returned to the county Road Fund (Fund 1012). Staff recommends \$26,900 as Fair Market Value. Public Health will transfer \$26,900 from FARF (6310) to the Road Fund (1012) for the fair market value of the McPherson Property. .

COUNCIL POLICY IMPLICATIONS

CCC 2.33A.110.1 and CCC 2.33A.180.2 provide the Clark County Council's discretion to sell or otherwise dispose property on the county's terms. It is in the best interest of Clark County to execute this property transfer.

ADMINISTRATIVE POLICY IMPLICATIONS

Clark County regularly partners and coordinates with the City to support the Community services that support both County and City residences by improvement and maintenance of local transportation, recreational parks, stormwater systems and long-range planning. The City intends to develop the property to serve as their primary Public Works Operations facility.

COMMUNITY OUTREACH

The county has done extensive community outreach regarding the future development of the property through the master planning process including three open houses and a workshop with local developers. The master plan evaluation process required the input from residents and the local development community. The county has also regularly updated the Leichner Landfill website which includes links to all of the master planning documents.

The county does not anticipate any community outreach associated with the property transfer or the City development project. The City is the lead agency for outreach associated with the property transfer and development of the property. The City of will engage in community outreach pertaining to the project at this location through the development process.

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.

BUDGET DETAILS

Local Fund Dollar Amount	N/A
Grant Fund Dollar Amount	N/A
Account	Financial Assurance Reserve Fund (FARF-6310) and Road Fund
Company Name	N/A

DISTRIBUTION:

Council staff will post all staff reports to the web. <https://www.clark.wa.gov/council-meetings>

ATTACHMENTS: (1) Statutory Warranty Deed; (2) Resolution; and (3) PowerPoint

Travis Dutton

9/25/2020

Alan Melnick

9/23/2020

Travis Dutton,
Solid Waste Program Manager

Alan Melnick MD, MPH, CPH
Public Health Director/Health Officer

Jeff Harbison

9/23/2020

Jeff Harbison
Administrative Services Director

Primary Staff Contact: Mike T Davis, ext. 7343

APPROVED: *Alan J. O'Brien*
CLARK COUNTY, WASHINGTON
CLARK COUNTY COUNCIL

DATE: *Oct 6, 2020*

SR# *134-20*



CLARK COUNTY, WASHINGTON
RESOLUTION NO.: 2020-10-09

IN THE MATTER OF THE SURPLUS OF COUNTY PROPERTY AND EXECUTION OF A STATUTORY WARRANTY DEED FROM CLARK COUNTY

WHEREAS, The Clark County Council is in regular session this 6th day of OCT., 2020; and

WHEREAS, Clark County purchased 120 acres in 2012 from the Leichner Brothers Land Reclamation Corporation utilizing Road Funds and funds from the Leichner Landfill Financial Assurance Reserve Fund ("FARF"); and

WHEREAS, Initial funding for the FARF was generated by garbage rate payers from unincorporated Clark County and the City of Vancouver. The Clark County Treasurer holds the FARF in trust in accordance to landfill agreements between the State of Washington, Clark County and City of Vancouver; and

WHEREAS, Leichner landfill is jointly managed by the Leichner Landfill Oversight Committee ("LLOC") consisting of representatives from the City of Vancouver and Clark County; and

WHEREAS, Clark County has assigned management of the landfill to the Department of Public Health . The County Health Officer represents the County on the LLOC; and

WHEREAS, Clark County purchased 0.16 acres known as the McPherson property in 2014. as part of the NE 94th Avenue road project, and road funds were used for the purchase; and

WHEREAS, The City of Vancouver has made an offer to purchase a 35-acre portion of the Leichner property, commonly known as the Koski Property, and 0.16 acres of the McPherson property, for an appraised value of \$7,020,000; and

WHEREAS, the Department of Public Works manages the McPherson property and believes it to be surplus to the needs of the County, pursuant to CCC 2.33A.120; and

WHEREAS, The LLOC released the Koski Property for development through an MOU dated April 18, 2019. The LLOC manages all aspects of the Leichner property and believes the Koski Property portion of the Leichner property to be surplus to the needs of the County, pursuant to Clark County Code 2.33A.120; and

WHEREAS, CCC 2.33A.120(c) allows for sale of surplus property to other governmental agencies, like the City of Vancouver; and

WHEREAS, The LLOC, Public Health, and Public Works support the sale of the above-mentioned properties to the City of Vancouver as a benefit to the County and the community; and

WHEREAS, the Clark County Council is of the opinion that the subject properties are surplus to the County's foreseeable needs; and

WHEREAS, the Clark County Council is of the opinion that the sale of the subject properties,

through a statutory warranty deed, to the City of Vancouver at the appraised value is beneficial to the County and the Community.

NOW, THEREFORE, it is hereby RESOLVED by the Clark County Council as follows:

The Koski Campus portion of the Leichner property is surplus to the County's foreseeable needs, such that sale to the City of Vancouver at the appraised value is beneficial to the County and the community; and

The County Council execute the Statutory Warranty Deed to enable that sale.

That copies of this Resolution be filed with the County Auditor, County Engineer and in the records of the County Council.

Resolved this 16th day of September, 2020

ATTEST:


Clerk of the Council

County Council
Clark County, Washington

By 
Eileen Quiring O'Brien, Chair

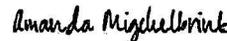
By _____
Temple Lentz, District 1

By _____
Julie Olson, District 2

By _____
John Blom, District 3

By _____
Gary Medvigy, District 4

APPROVE AS TO FORM ONLY:


Amanda Migchelbrink
Deputy Prosecuting Attorney



After recording return to:
City of Vancouver
City Clerk's Office
PO Box 1995
Vancouver, WA 98668-1995

Document Title: Statutory Warranty Deed
Grantor: Clark County, Washington
Grantee: City of Vancouver, Washington
Legal Description: Newton NW 1/2 Lot 1 N1/2 Lot 2, 3, 4 & 5;
#32 James McAllister DLC; #13 James McAllister DLC;
#33 James McAllister DLC Sec 4, T2N R2E WM
Additional Legal Description is attached as Exhibit "A"
Serial #'s: 105740-000; 199863-000; 199845-000; 199864-000

DE 20-14

STATUTORY WARRANTY DEED

THE GRANTOR, **CLARK COUNTY**, a political subdivision of the State of Washington, for and in consideration of valuable consideration as set out in part below, conveys and warrants to **CITY OF VANCOUVER**, a municipal corporation of the State of Washington, its heirs and assigns, the following described real estate situated in the County of Clark, State of Washington, to wit:

**SEE LEGAL DESCRIPTION ATTACHED HERETO, WHICH,
BY THIS REFERENCE, IS INCORPORATED HEREIN**

The Grantor represents and warrants that they are not aware of any hazardous or toxic waste, substance or materials on or under the subject property.

NOTE: It is understood and agreed that the delivery of this deed is hereby tendered and the terms and obligations hereof shall not become binding upon Clark County until this document is accepted and approved by the County Council, Clark County, Washington.

CONSIDERATIONS: Seven Million Twenty Thousand and No/100 (\$7,020,000.00) Dollars.

Statutory Warranty Deed
Serial #'s: 105740-000; 199863-000;
199845-000; 199864-000

Dated this 6th day of October, 2020.

Clark County, Washington

By: Kathleen Otto
Kathleen Otto
Interim County Manager

Approved on behalf of the City
of Vancouver, Washington

Approved as to Form Only:
Anthony F. Golik
Prosecuting Attorney

By: _____
Eric J. Holmes, City Manager

By: Amanda Migchelbrink
Amanda Migchelbrink
Deputy Prosecuting Attorney

STATE OF WASHINGTON

COUNTY OF CLARK

I certify that I know or have satisfactory evidence that Kathleen Otto signed this instrument on oath stated that she is authorized to execute the instrument and acknowledged it as the Interim County Manager of Clark County, Washington, to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: 10/6/2020

Rebecca L. Messinger

Notary Public in and for the State of WA
Residing at Vancouver
My commission expires: 4/26/2021

REBECCA L MESSINGER
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION NUMBER 3715
COMMISSION EXPIRES APRIL 26, 2021