

RESOLUTION NO. 35 - 2010

**A RESOLUTION TO ACQUIRE AND ACCEPT THE STATUTORY WARRANTY
DEED FOR THE BUCK 'FEE TRACT' ON SAN JUAN ISLAND**

BACKGROUND

A. San Juan County has agreed, through the San Juan County Land Bank, to purchase approximately 40 acres of land located on San Juan Island known as the Buck Fee Tract legally described in Exhibit A (the "Fee Tract") for \$350,000 under a purchase and sale agreement with Samuel R. Buck and Barbara B. Buck (the "Seller") dated August 18, 2010.

B. All contingencies in the purchase and sale agreement for the Fee Tract have been satisfied except for final approval by the County Council.

C. The purchase of the Fee Tract was considered before the Land Bank Commission at a public hearing held on March 19, 2010, and was approved by the Land Bank Commission on March 19, 2010.

D. The purchase of the Fee Tract was considered before the County Council at a public hearing held on March 30, 2010, and was approved by the County Council on March 30, 2010.

E. San Juan County now desires to purchase the Fee Tract from the Seller for the sum of \$350,000.

F. The Seller intends that the San Juan Preservation Trust ultimately share ownership with San Juan County in the Fee Tract in order to further ensure the long term protection of the property.

G. San Juan County intends to transfer its fee title interest in the Fee Tract to the San Juan Preservation Trust in order to finance the purchase. San Juan County will retain a conservation easement over the property.

H. The Seller also intends to donate and convey simultaneously a conservation easement to San Juan County on an adjacent tract remaining in their ownership (the "Conservation Easement Tract").

NOW, THEREFORE, BE IT RESOLVED by the County Council of San Juan County, state of Washington, as follows:


1. That the County Council accepts a Statutory Warranty Deed from the Seller conveying the Property legally described in Exhibit A (the "Fee Tract") to San Juan County.
2. That Samuel R. Buck and Barbara B. Buck shall be paid \$350,000 less credits at closing from the Conservation Area Fund for the Fee Tract.

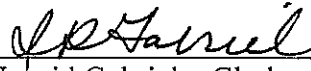
3. That the County Administrator and the Director of the Land Bank shall be authorized to execute all other documents necessary to effect the purchase of the Fee Tract and any necessary closing documents.


ADOPTED this 24th day of August 2010.

COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON

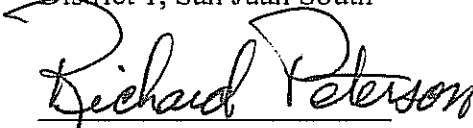
ATTEST: Clerk of the Council


Richard Fralick, Chair
District 4, Orcas West/Waldron

By: 
Ingrid Gabriel - Clerk
Date: August 24, 2010

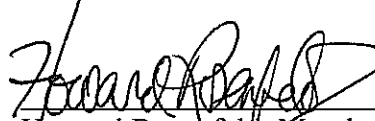

Lovel Pratt, Vice-Chair
District 1, San Juan South

REVIEWED BY COUNTY
ADMINISTRATOR



Richard Peterson, Member
District 2, San Juan North


Pete Rose Date: 8-17-10

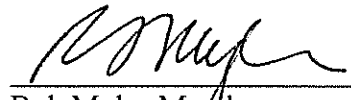
APPROVED AS TO FORM ONLY
RANDALL K. GAYLORD


Howard Rosenfeld, Member
District 3, Friday Harbor

By: Karen Vedder 8/17/10
Date:


Gene Knapp, Member
District 5, Orcas East

ATTEST: Land Bank Director


Bob Myhr, Member
District 6, Lopez/Shaw

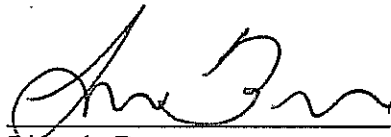
By: 
Lincoln Bormann
Date: 8-23-10

EXHIBIT A

LEGAL DESCRIPTION OF THE FEE TRACT

LEGAL DESCRIPTION

Exempt Segregation Parcel for Fee Simple purchase by San Juan County Land Bank

A portion of the South half of Sections 9 & 10, Township 35 North, Range 3 West, W.M. situate in San Juan County, Washington more particularly described as follows:

That portion of the Northeast quarter of the Southeast quarter of said Section 9 lying northerly of Beaverton Valley County Road AND lying southerly and easterly of the following described line:

Commencing at the Quarter corner common to said Sections 9 & 10 from which the Section corner common to Sections 3, 4, 9 & 10, said Township and Range bears North 01°40'01" East a distance of 2647.80 feet; thence along the East – West center of section line South 88°16'53" East a distance of 27.59 feet; thence leaving said East – West center of section line South 26°42'07" West a distance of 72.85 feet; thence South 20°11'57" East a distance of 47.18 feet; thence South 50°12'26" East a distance of 59.99 feet; thence South 02°00'54" West a distance of 58.56 feet; thence South 29°23'18" West a distance of 73.63 feet; thence South 49°51'21" West a distance of 36.11 feet to a point on the Section line common to said Sections 9 & 10 and the line True Point of Beginning;

Thence continue South 49°51'21" West a distance of 22.07 feet; thence North 85°27'44" West a distance of 94.80 feet; thence South 50°50'21" West a distance of 33.37 feet; thence South 84°11'44" West a distance of 161.19 feet; thence South 81°12'37" West a distance of 303.27 feet; thence South 20°26'58" West a distance of 152.59 feet; thence South 43°49'38" East a distance of 303.08 feet; thence South 06°26'37" East a distance of 172.18 feet, more or less to the north margin of said Beaverton Valley County Road and the terminus of this line description.

TOGETHER WITH that portion of the Northwest quarter of the Southwest quarter of said Section 10 lying northerly of Beaverton Valley County Road.

EXCEPT that portion thereof lying westerly of the following described line:

Commencing at the Quarter corner common to said Sections 9 & 10 from which the Section corner common to Sections 3, 4, 9 & 10, said Township and Range bears North 01°40'01" East a distance of 2647.80 feet; thence along the East – West center of section line South 88°16'53" East a distance of 27.59 feet to the line True Point of Beginning;

Thence leaving said East – West center of section line thence South 26°42'07" West a distance of 72.85 feet; thence South 20°11'57" East a distance of 47.18 feet; thence South 50°12'26" East a distance of 59.99 feet; thence South 02°00'54" West a distance of 58.56 feet; thence South 29°23'18" West a distance of 73.63 feet; thence South 49°51'21" West a distance of 36.11 feet, more or less to a point on the Section line common to said Sections 9 & 10 and the terminus of this line description.

Comprising an area of 39.47 acres.

SUBJECT TO an Agreement and easement concerning Beaverton Valley Ditch, recorded in Vol. 3 of Miscellaneous, pages 488-490, records of San Juan County.

SUBJECT TO an easement for electric transmission and distribution line as recorded under Auditor's File No. 91148.

SUBJECT TO an easement for telephone lines as disclosed by instrument recorded under Auditor's File No. 108362.

SUBJECT TO an easement for slopes for cuts and fills recorded under Auditor's File No. 88792.

SUBJECT TO a water and pipeline agreement with the Town of Friday Harbor as recorded in Vol. 4 of Miscellaneous, at page 37 and 38, records of San Juan County.