

**RESOLUTION 2017-L**

**A RESOLUTION OF THE TOWN OF EATONVILLE, WASHINGTON,  
AUTHORIZING THE MAYOR TO ACCEPT A DONATION OF LAND  
FROM THE NISQUALLY LAND TRUST**

**WHEREAS**, the Nisqually Land Trust has acquired Pierce County parcel number 0416242033, which totals 4.8 acres and includes Mashel River shoreline just downstream of Alder Cutoff Road; and

**WHEREAS**, the Nisqually Land Trust would like to transfer ownership of that land to the Town of Eatonville as part of their collaboration on the Mashel River Protection and Restoration Initiative, and;

**WHEREAS**, the Nisqually Land Trust acquired the property with funding from the Washington Salmon Recovery Funding Board and the Pierce County Conservation Futures program, with the intent of transferring the property to the Town for long-term management and;

**WHEREAS**, the funding contracts included provisions for the property to be managed, in part, as a component of the Eatonville Trails Plan, and;

**WHEREAS**, the Land Trust began habitat restoration on the property in 2014, including debris clean up, invasive-weed control, and planting and maintenance of native trees and shrubs, and;

**WHEREAS**, the property to be donated is legally described on Exhibit A, attached to this resolution; now therefore;

**THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, WASHINGTON,  
HEREBY RESOLVES AS FOLLOWS:**

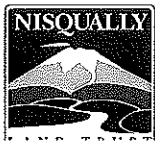
**THAT:** The Mayor is authorized to accept a donation of property as legally described in the form attached hereto as Exhibit A; and,

PASSED by the Town Council of the Town of Eatonville and attested by the Town Clerk in authentication of such passage this 10<sup>th</sup> day of April, 2017.

\_\_\_\_\_  
Mike Schaub, Mayor

ATTEST:

\_\_\_\_\_  
Kathy Linnemeyer, Town Clerk



*Nisqually Land Trust*

*Dedicated to acquiring and managing  
critical lands to permanently benefit the water,  
wildlife, and people  
of the Nisqually River Watershed.*

**BOARD OF DIRECTORS**

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Mollie Parsons  
*Administrative Assistant*

Cris Peck  
*Outreach Coordinator*

April 3, 2017

Town of Eatonville  
201 Center Street West  
Eatonville, WA 98328

Re: Transfer of Pierce County Assessor's Parcel No. 0416242033

Dear Mayor Mike Schaub and Members of the Eatonville Town Council:

In December 2013 the Nisqually Land Trust acquired Pierce County parcel number 0416242033, which totals 4.8 acres and includes Mashel River shoreline just downstream of Alder Cutoff Road.

We are pleased to be able to transfer this property to the Town of Eatonville as part of our collaboration on the Mashel River Protection and Restoration Initiative.

We acquired the property with funding from the Washington Salmon Recovery Funding Board and the Pierce County Conservation Futures program, and with the intent of transferring the property to the Town for long-term management. The funding contracts included provisions for the property to be managed, in part, as a component of the Eatonville Trails Plan.

The Land Trust began habitat restoration on the property in 2014, including debris cleanup, invasive-weed control, and planting and maintenance of native trees and shrubs. We completed supplemental weed control and planting in 2015 and 2016.

Our ongoing partnership with the Town of Eatonville is one of the most rewarding and enjoyable things we do, and we really appreciate it.

Sincerely,

Joe Kane  
Executive Director

When recorded return to:  
Town of Eatonville  
PO Box 309  
Eatonville WA 98328

**STATUTORY WARRANTY DEED**

**THE GRANTOR(S)**

**Nisqually Land Trust, a Washington non-profit corporation**

For and in consideration of Ten Dollars and Other Good and Valuable Consideration in hand paid, conveys, and warrants to

**Town of Eatonville**

The following described real estate, situated in the County of Pierce, State of Washington:

SEE EXHIBIT "A" ATTACHED HERETO

Abbreviated Legal: NW quarter of NW quarter of 24

Subject to easements, covenants, conditions and restrictions shown on Exhibit "B" as hereto attached and by this reference made a part hereof.

Tax Parcel Number(s): 0416242033

Dated: \_\_\_\_\_

\_\_\_\_\_  
Joe Kane, Nisqually Land Trust Executive Director

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STATE OF WASHINGTON COUNTY OF PIERCE

I, \_\_\_\_\_, a Notary Public of the County and State first above written, do hereby certify that Joe Kane personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public in and for the State of Washington

Residing at \_\_\_\_\_

(SEAL)

My Commission Expires: \_\_\_\_\_

## Exhibit "A"

Commencing at the northwest corner of Section 24, Township 16 North, Range 4 East of the Willamette Meridian;

thence south  $89^{\circ}38'57''$  east along the north line of said Section, a distance of 657.08 feet to the southwesterly right of way of Alder Cutoff Road East;

thence south  $47^{\circ}40'17''$  east along said right of way, a distance of 155.60 feet, more or less, to the geographic center of Mashel River and the point of beginning of this description;

thence continuing along said right of way the following courses: southerly  $47^{\circ}40'17''$  east, a distance of 90.29 feet to a one-half inch diameter rebar with an orange plastic cap stamped "JWM&A PLS 35972", hereinafter referred to as a "JMW&A Marker", said JWM&A Marker is at the beginning of a curve tangent to said line;

thence southeasterly a distance of 372.97 feet along the curve concave to the southwest, having a radius of 1880.00 feet and a central angle of  $11^{\circ}22'00''$  to a JWM&A Marker;

thence south  $36^{\circ}18'17''$  east, a distance of 32.04 feet to a JWM&A Marker;

thence departing from said right of way, south  $84^{\circ}26'08''$  west, a distance of 93.67 feet to a JWM&A Marker;

thence south  $76^{\circ}05'50''$  west, a distance of 167.53 feet to a JWM&A Marker;

thence south  $16^{\circ}00'40''$  west, a distance of 363.33 feet to a JWM&A Marker at the centerline of Walker Road, being a point of cusp on a curve concave to the northeast having a radius of 329.78 feet and a central angle of  $4^{\circ}22'53''$  and being subtended by a chord which bears north  $59^{\circ}21'12''$  west 25.21 feet;

thence along the centerline of said Walker Road the following courses: northwesterly along said curve, a distance of 25.22 feet to a JWM&A Marker at a point of compound curvature;

thence northwesterly a distance of 146.66 feet along the arc of said curve concave to the northeast having a radius of 325.00 and a central angle of  $25^{\circ}51'20''$  to a JWM&A Marker;

thence north  $31^{\circ}18'25''$  west tangent to said curve, a distance of 108.81 feet to a JWM&A Marker at the beginning of a curve tangent to said line;

thence northwesterly a distance of 110.30 feet along the curve concave to the southwest, having a radius of 210.00 feet and a central angle of  $30^{\circ}05'43''$ , to a JWM&A Marker;

thence north  $61^{\circ}24'08''$  west tangent to said curve, a distance of 6.80 feet, more or less, to the geographic center of the Mashel River;

thence departing from the centerline of said Walker Road, along said geographic center the following courses; north  $26^{\circ}15'57''$  east, a distance of 154.95 feet; thence north  $28^{\circ}56'11''$  east, a distance of 120.65 feet; thence north  $17^{\circ}35'58''$  east; a distance of 121.24 feet; thence north  $26^{\circ}05'17''$  east, a distance of 72.6 feet; thence north  $52^{\circ}46'34''$  east, a distance of 55.22 feet; thence north  $72^{\circ}21'25''$  east, a distance of 48.59 feet to the point of beginning of this description.

Containing 4.84 acres, more or less.

Situate in the County of Pierce, State of Washington.

Subject to and together with easements, restrictions and reservations of record.

## EXHIBIT "B"

### Subject To:

1. Restrictions and covenants, including the terms and provisions of the Pierce County Conservation Futures Stewardship Agreement and Restrictive Covenant recorded December 31, 2013, Auditor File 201312310611, a record of Pierce County, Washington.
2. Rights to use land for conservation purposes and the terms and conditions thereof:  
Grantee: The State of Washington  
Recorded: November 14, 2014  
Recording No.: 201411140170
3. Right to make necessary slopes for cuts or fills upon property herein described as granted in deed:  
To Pierce County  
Recording number: 1170448
4. Easements, including the terms, covenants and provisions thereof, for the purpose of construction, maintenance and operation of a road 50 feet in width for the removal of timber thereon or other produce therefrom, granted to Weyerhaeuser Timber Company in instruments recorded under Auditor's Nos. 1356164 and 1356165.  
The location of said easements is not a matter of record.
5. Covenant to maintain road lying east of the Eatonville-Elbe Cut Off Road, to share the cost of expense of maintenance in case of heavy hauling by two or more parties, and to leave the road in a condition equal or better than the prior condition existing, as set forth in instruments recorded under Auditor's Nos. 2067742 and 2213648.
6. Existing easement road along the south line of the premises, as disclosed by description contained on Contract of Sale recorded under Auditor's No. 2882031.
7. 12 foot wild power easement to be created with conveyance of land as shown on Record of Survey of Pierce County Segregation-2013, Job No. 513128 as submitted to the company.
8. Covenant not to pollute within 100 feet of a well to keep the water supplied from said well free from impurities which might be injurious to public health, contained in instrument recorded under recording number 9407130477.
9. Rights of the public to use that portion of Eatonville Elbe Cut Off Road lying outside of the dedicated right of way.
10. Question of the exact location of Eatonville Elbe Cut Off Road.
11. Conditions, Restrictions, Reservations, Easements, Easement Provisions, Dedication, set back lines and statements if any as set forth / delineated on an unrecorded Large Lot, notice of said Large Lot being given on the County tax rolls.

12. Rights of the State of Washington in and to that portion, if any, of the Land which lies below the line of ordinary high water of Mashel River.
13. Any question that may arise due to shifting and changing in the course or boundaries of Mashel River.
14. Any prohibition or limitation of use, occupancy or improvement of the Land resulting from the rights of the public or riparian owners to use any portion which is now or was formerly covered by water.
15. Paramount rights and easements in favor of the United States for commerce, navigation, fisheries and the production of power.