

ORDINANCE NO. 753

**AN ORDINANCE OF THE TOWN OF NACHES, WASHINGTON,
authorizing the acquisition of certain real property from Upper Valley Sports &
Recreation Association, a Washington non-profit corporation**

WHEREAS, the Revised Code of Washington Section 35.21.100 provides that a town may, by ordinance, accept any property donated to it and carry out the terms of the donation in accordance with law; and

WHEREAS, the Town of Naches has been offered the opportunity to accept a donation of approximately 44.57 acres of land from the Upper Valley Sports & Recreation Association, a Washington nonprofit corporation, consisting of Yakima County Parcel No. 171411-32002 (appx. 12.73 acres) and the adjacent parcel to the west, Yakima County Parcel No. 171410-14002 (appx. 31.84 acres), both located within the Town limits of Naches, as depicted on the Plat Map appended hereto as Attachment “A” and legally described on Attachment “B” (hereinafter collectively referred to as the “Property”); and

WHEREAS, the Property is subject to a Development Agreement between Upper Valley Sports & Recreation Association and the County of Yakima dated February 28, 2006, recorded March 2, 2006 under Yakima County Auditor's File No. 7496864 restricting use of the Property to those associated with parks and recreation and consistent with the Shoreline Master Program in effect at the time and consistent with the October 4, 2005 Final MDNS issued by Yakima County (SEP04-61); and

WHEREAS, the Purchase and Sale/Donation Agreement dated June 19, 2020 between Upper Valley Sports & Recreation Association, as Seller or Donor and the Town of Naches, as Purchaser or Donee, as amended by First Amendment to Purchase and Sale/Donation Agreement effectively dated September 20, 2020, conditions transfer of the subject Property upon mutual agreement on the form of deed requiring continuing use of the Property for Little League baseball and other sporting and recreational activities for the community; and

WHEREAS, the Town Council deems it to be in the best interest of the residents of the Town of Naches to accept the donation of the subject Property upon the conditions set forth in the parties Purchase and Sale Agreement, as amended, and subject to the limitations expressed in the aforementioned Development Agreement which may only be amended following public review and comment procedures in accordance with law before the appropriate governmental authorities; and

WHEREAS, the Town Council of the Town of Naches desires to authorize the Town Mayor, Town Administrator and Town Clerk/Treasurer to proceed with closing of the transaction contemplated by the aforementioned Purchase and Sale Agreement, as amended, and to authorize each of them to execute any documents deemed reasonable and necessary by the Mayor and Staff to complete the transaction as set forth in the Purchase and Sale Agreement, as amended.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Naches, Washington, as follows:

Section 1. The Town of Naches hereby authorizes the acquisition of the subject Property as described on the attached Attachment "B" for future public use for park and recreation purposes including, but not limited to, Little League baseball, sporting and recreational activities and projects which enhance and improve the public's access to, and use and enjoyment of, the Property.

Section 2. The Mayor, Town Administrator, and Town Clerk/Treasurer are hereby authorized and directed to take any and all steps deemed reasonably necessary to effectuate the purposes of this Ordinance, including, but not limited to, acceptance of a deed from Upper Valley Sports & Recreation Association, in form generally consistent with the deed appended hereto as Attachment "C".

Section 3. That no debt is to be authorized by the enactment and passage of this Ordinance other than payment by the Town of Naches of all costs and expenses incident to closing and transfer of title of the Property from Upper Valley Sports & Recreation Association to the Town of Naches, such costs and expenses to include payment of any and all outstanding real property taxes due and unpaid, assessments due and unpaid, the cost of title insurance, and excise tax, if any. In addition the Town of Naches agrees to accept the subject Property in its "AS IS" condition.

PASSED BY THE TOWN COUNCIL, of the Town of Naches, Washington this 12th day of October, 2020.



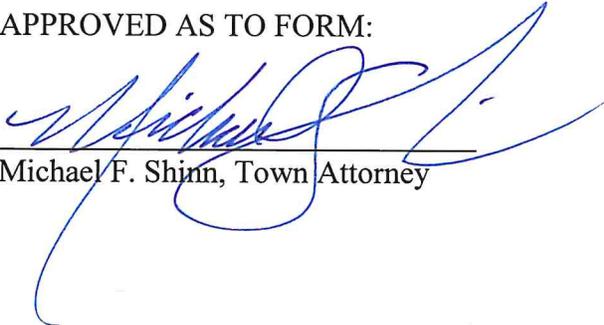
Paul Williams, Mayor

ATTEST:



Elvira Birrueta, Town Clerk/Treasurer

APPROVED AS TO FORM:



Michael F. Shinn, Town Attorney

Attachment "A" Plat Map

Yakima County GIS

http://www.yakimap.com/servlet/com.cstri.esrimap.Esrimap?name..

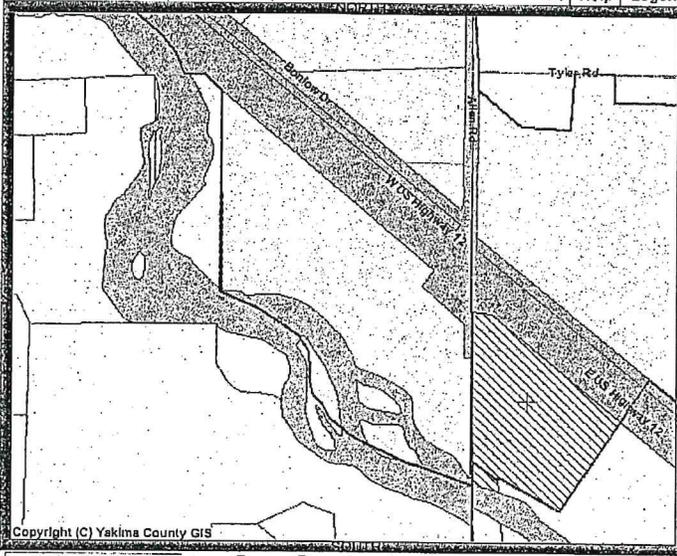
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Easting(N) : Northing(N)
Longitude(W) : Latitude(N)

Click Map to: [Get Information](#)

One Inch = 600 Feet
Foot: 250 500 750 1000

Search By: Parcel Number

Parcel #:

Enter a complete or partial PARCEL NUMBER. Parcel Numbers must be at least 5 characters. Click the Search button to continue.

Search

Map Scale: 1 Inch = 600 Feet

Overlays: Aerial Photography
 FEMA Critical Areas
 Contours Utilities

Map Size: Small (600x600)

Maps brought to you by

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Title Insurance & Escrow Service
www.vtgco.com
(509) 248-4442

Map Report

PROPERTY PHOTOS: 1	PROPERTY INFORMATION AS OF 4/12/2020 11:06:10 PM	PRINTING
	Parcel Address: 8894 US HWY 12, NACHES, WA 98937	Printer-Friendly Page
	Parcel Owner(s): UPPER VALLEY SPORTS & REC ASSN	
	Parcel Number: 17141132002 (Parcel Size: 12.73 Acre(s))	Detailed Report
	Property Use: 76 Parks	
TAX AND ASSESSMENT INFORMATION		Print Detailed MAP
Tax Code Area (TCA): 310	Tax Year: 2020	
Improvement Value: \$452800	Land Value: \$415000	SECTION MAPS
Current Use Value: \$0	Current Use Improvement: \$0	
New Construction: \$0	Total Assessed Value: \$867800	Section Map 1in=400ft
RESIDENTIAL INFORMATION		Qtr SECTION MAPS
Quality	Year Built	
Stories	Main SqFt	NE-Qtr 1"=200ft
Upper SqFt	Bamt SqFt	SW-Qtr 1"=200ft
Bedrooms	Bathrooms (full/3/4, 1/2)	SE-Qtr 1"=200ft
Garage (open/closed/built)	Carport	
No Residence Information Found.		
SALE INFORMATION		
Excise	Sale Date	
Sale Price	Grantor	
No Sales Information Found.		
DISCLAIMER		
While the information is intended to be accurate, any manifest errors are unintentional and subject to correction. Please let us know about any errors you discover and we will correct them. To contact us call either (509) 574-1100 or (800) 572-7354, or email us.		

OVERLAY INFORMATION			
Zoning:		Jurisdiction:	County
Urban Growth Area:	Not in a UGA	Future Landuse Designation:	Rural Remote/ELDP (Yakima County Plan 2015)
FEMA 100 Year:	FEMA Map	FIRM Panel Number:	53077C0683D Download Map
LOCATION INFORMATION			
* Latitude: 45° 42' 57.141"		* Longitude: -120° 40' 39.074"	
Range: 17		Township: 14	
Section: 11			
Narrative Description: TH PT OF NW1/4 SW1/4 LY SW1/4 OF ST. HIWAY R-W EX BEG AT W1/4 COR OF SEC. TH S 87 D 42'30 E 264.06 FT MOR L TO S1/4 R-W OF ST. HIWAY, TH S49 D 27' E AL R/W 1393.6 FT TO TRUE POB, TH N 49 D 27' W 673.60 FT, TH S33 D 07' W 717.90 FT, TH N 60 D 20' W 369.46 FT, TH S 1 D 33'30 E 439.96 FT TO S LN OF NW1/4 SW1/4, TH S 88 D 01'24 E 1199.78 FT TO SE COR OF NW1/4 SW1/4, TH NW1/4 TO TRUE POB. & EXR-W OF NEW ST. HIWAY			
DISCLAIMER			

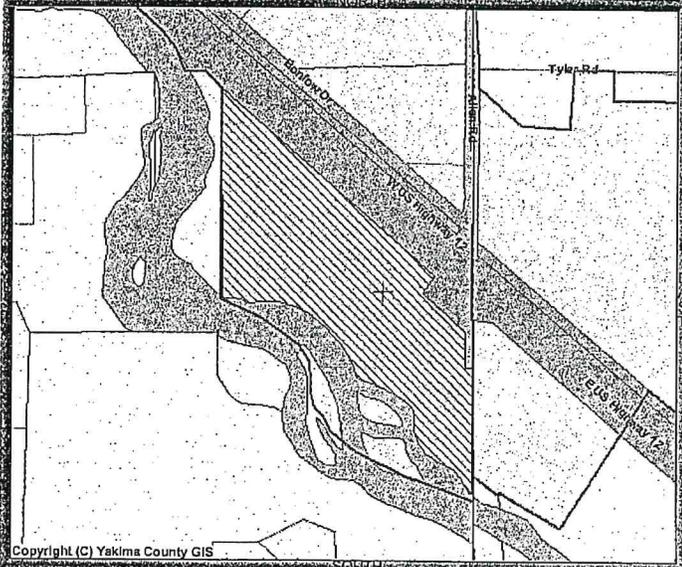
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Yakima County, WA



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Search By: Parcel Number

Parcel #

Enter a complete or partial PARCEL NUMBER. Parcel Numbers must be at least 8 characters. Click the Search button to continue.

Search

Map Scale: 1 inch = 600 ft.

Overlays: Aerial Photography:
 FEMA
 Critical Areas
 Contours
 Utilities

Map Size: Small (800x600)

Maps brought to you by:

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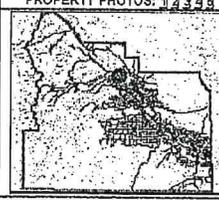
Easting(N): Northing(R)

Longitude(W): Latitude(N):

One Inch = 600 Feet

Feet: 250 500 750 1000

Map Report

PROPERTY PHOTOS: 1 2 3 4 5		PROPERTY INFORMATION AS OF 4/12/2020 11:06:10 PM		PRINTING						
	Parcel Address: HWY12/ALLEN RD, WA		Parcel Owner(s): UPPER VALLEY SPORTS & REC ASSN		Printer-Friendly Page					
	Parcel Number: 17141014002		Parcel Size: 31.84 Acres(s)		Detailed Report					
	Property Use: 76 Parks									
	TAX AND ASSESSMENT INFORMATION				Print Detailed MAP					
Tax Code Area (TCA): 310	Tax Year: 2020									
Improvement Value: \$77100	Land Value: \$34800									
Current Use Value: \$0	Current Use Improvement: \$0									
New Construction: \$0		Total Assessed Value: \$111900								
RESIDENTIAL INFORMATION										
Quality	Year Built	Stories	Main SqFt	Upper SqFt	Bsmr SqFt	Bedrooms	Bathrooms (full/3/4, 1/2)	Garage (bsmr/att /b/1tn)	Carpot	SECTION MAPS
No Residence Information Found.										
SALE INFORMATION						Qtr SECTION MAPS				
Excise	Sale Date	Sale Price	Grantor		Portion					
No Sales Information Found.										
DISCLAIMER										
While the information is intended to be accurate, any manifest errors are unintentional and subject to correction. Please let us know about any errors you discover and we will correct them. To contact us call either (509) 674-1100 or (800) 572-7354, or email us.										
NW-Qtr 1"=200ft		NE-Qtr 1"=200ft		SW-Qtr 1"=200ft		SE-Qtr 1"=200ft				

OVERLAY INFORMATION					
Zoning:			Jurisdiction: Naches		
Urban Growth Area:	Naches	Future Land Use Designation: Urban (City Limits) (Yakima County Plan 2015)			
FEMA 100 Year:	FEMA Map	FIRM Panel Number:	53077C0683D	Download Map	
LOCATION INFORMATION					
+ Latitude: 46° 43' 03.382"		+ Longitude: -120° 40' 59.176"		Range: 17 Township: 14 Section: 10	
Narrative Description: TH PT OF SE 1/4 NE 1/4 LY 6 OF ST. HWY, ALSO NE 1/4 SE 1/4 LY N OF NACHES RIVER					
DISCLAIMER					
MAP AND PARCEL DATA ARE BELIEVED TO BE ACCURATE, BUT ACCURACY IS NOT GUARANTEED; THIS IS NOT A LEGAL DOCUMENT AND SHOULD NOT BE SUBSTITUTED FOR A TITLE SEARCH, APPRAISAL, SURVEY, FLOODPLAIN OR ZONING VERIFICATION					

Attachment "B"
Legal Description

Parcel No. 171411-32002

A parcel of land within the Northwest 1/4 of the Southwest 1/4 of Section 11, Township 14 North, Range 17, E.W.M., bounded as follows:

Beginning at the Northwest corner of said Northwest 1/4; thence South 88°42' East 263 feet to the Southerly right of way line of State Highway No. 5; thence South 50°27' East 1,393.5 feet along said right of way line; thence South 1°16' East 448 feet to the Southeast corner of said Northwest 1/4; thence North 89°02' West to a line bearing South 2°33' East from the point of beginning; thence North 2°33' West 1,343 feet, more or less, to the point of beginning;

EXCEPT that part of the Northwest 1/4 of the Southwest 1/4 of Section 11, Township 14 North, Range 17, E.W.M., bounded as follows: Commencing at the West quarter corner of said Section 11; thence South 87°42'30" East along the North line of said subdivision 264.06 feet, more or less, to the Southerly right of way line of Primary State Highway No. 5; thence South 49°27' East along the said Southerly right of way line 1,393.50 feet to the point of beginning; thence North 49°27' West 673.60 feet; thence South 33°07' West 717.90 feet; thence North 60°20' West 369.46 feet; thence South 1°33'30" East 439.96 feet to the South line of said subdivision; thence South 88°01'24" East along said South line of said subdivision 1199.78 feet to the Southeast corner of said subdivision; thence Northwesterly to the point of beginning.

AND EXCEPT right of way for State Road #12, as conveyed by instrument recorded in Volume 739 of Official Records, under Auditor's File Number 2194355, records of Yakima County, Washington.

Parcel No. 171410-14002

That part of the Northeast 1/4 of the Southeast 1/4 of Section 10, Township 14 North, Range 17, E.W.M., lying North of the Naches River, and that portion of the Southeast 1/4 of the Northeast 1/4 of said section lying Southerly of the right of way of State Highway No. 5. EXCEPT that portion condemned for highway purposes in Yakima County Superior Court Cause 52557.

Attachment "C"
Form of Deed

RETURN TO:

Town of Naches
Attn: Jeff Ranger
PO Box 95
Naches, WA 98937

STATUTORY WARRANTY DEED

Grantor(s): Upper Valley Sports & Recreation Association, a Washington non-profit corporation

Grantee(s): Town of Naches, a municipal corporation

Abbreviated Legal Description: Ptn NW SW Sec11 T14N R17E, WM and Ptn NE1/4 SE1/4 and Ptn SE1/4 NE1/4 in Sec10, T14N, R17E, WM

Complete legal description is on Pages 3-5

Assessor's Tax Parcel ID No.: 171411-32002, 171410-14002

For and in consideration of Ten Dollars (\$10.00) and Other Valuable Consideration, the receipt of which is hereby acknowledged, Grantor Upper Valley Sports & Recreation Association, a Washington non-profit corporation ("Grantor"), hereby grants to Grantee, Town of Naches, a municipal corporation ("Grantee") all right, title and interest in that certain real property described in Exhibit A attached hereto and made a part hereof.

DATED: _____, 2020

GRANTOR:

**UPPER VALLEY SPORTS & RECREATION
ASSOCIATION**

By: _____
Its: _____

[ACKNOWLEDGMENT ON FOLLOWING PAGE]

STATE OF WASHINGTON)
) ss.
County of Yakima)

On this ____ day of _____, 2020, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ the _____ of Upper Valley Sports & Recreation Association, the Washington non-profit corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that (s)he is authorized to execute the same instrument on behalf of the corporation.

Witness my hand and official seal hereto affixed the day and year first above written.

NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission Expires: _____

Exhibit "A"
Legal Description

Parcel A: A parcel of land within the Northwest 1/4 of the Southwest 1/4 of Section 11, Township 14 North, Range 17, E.W.M., bounded as follows:

Beginning at the Northwest corner of said Northwest 1/4; thence south 88°42' East 263 feet to the Southerly right of way line of State Highway No. 5; thence South 50°27' East 1,393.5 feet along said right of way line; thence South 1°16' East 448 feet to the Southeast corner of said Northwest 1/4; thence North 89°02' West to a line bearing South 2°33' East from the point of beginning; thence North 2°33' West 1,343 feet, more or less, to the point of beginning;

EXCEPT that part of the Northwest 1/4 of the Southwest 1/4 of Section 11, Township 14 North, Range 17, E.W.M., bounded as follows:

Commencing at the West quarter corner of said Section 11; thence South 87°42'30" East along the North line of said subdivision 264.06 feet, more or less, to the Southerly right of way line of Primary State Highway No. 5; thence South 49°27' East along the said Southerly right of way line 1,393.50 feet to the point of beginning; thence North 49°27' West 673.60 feet; thence South 33°07' West 717.90 feet; thence North 60°20' West 369.46 feet; thence South 1°33'30" East 439.96 feet to the South line of said subdivision; thence South 88°01'24" East along said South line of said subdivision 1199.78 feet to the Southeast corner of said subdivision; thence Northwesterly to the point of beginning.

AND EXCEPT right of way for State Road #12, as conveyed by instrument recorded in Volume 739 of Official Records, under Auditor's File Number 2194355, records of Yakima County, Washington.

Parcel B: That part of the Northeast quarter of the Southeast quarter of Section 10, Township 14 North, Range 17 East, W.M., lying North of the Naches River, and that portion of the Southeast quarter of the Northeast quarter of said Section lying Southerly of the right of way of State Highway No. 5;

EXCEPT that portion condemned for highway purposes in Yakima County Superior Court Cause No. 52557.

All situate in the County of Yakima, State of Washington.

TOGETHER WITH any and all improvements thereon and all rights and appurtenances thereto, easements, water and access rights, and rights and privileges used in conjunction with the Property, however evidenced;

SUBJECT TO levies and assessments of the Kelley-Lowery Ditch Company;

SUBJECT TO an easement in favor of Pacific Power & Light Company, recorded October 11, 1949, in Volume 475, page 569;

SUBJECT TO as easement in favor of Pacific Power & Light Company recorded September 1, 1950, under Instrument No. 1323210 in Volume 489 of Deeds;

SUBJECT TO an agreement between Allen Bros. Inc and Roberg J. Allen and Hope Allen, husband and wife, recorded March 31, 1967, under Instrument No. 2124457;

SUBJECT TO relinquishment of access to State Highway, and of light, view and air, by Deed to the State of Washington, recorded May 2, 1969, under Auditor's File No. 2191939;

SUBJECT TO an easement in favor of the State of Washington, recorded May 2, 1969, under Instrument No. 2191940;

SUBJECT TO an easement in favor of the State of Washington, recorded May 29, 1969, under Instrument No. 2194355;

SUBJECT TO relinquishment of access to State Highway, and of light, view and air, by Deed to the State of Washington, recorded May 29, 1969, under Auditor's File No. 2194356;

SUBJECT TO an easement in favor of Pacific Power & Light Company, recorded August 18, 1971, under Instrument No. 2259207;

SUBJECT TO any rights, interests, or claims which may exist or arise by reason of matters disclosed by Survey dated January 1, 1983, prepared by Robert Seward, recorded March 16, 1983, Book 33, Page 62, Instrument No. 2669851. Matters shown (1) shared roadway; and (2) fences may not represent true boundary lines;

SUBJECT TO an easement in favor of PacifiCorp, an Oregon corporation, dba Pacific Power & Light Company, recorded May 17, 1999, under Instrument No. 7116873;

SUBJECT TO Development Agreement between Upper Valley Sports & Recreation Association and Yakima county, recorded March 2, 2006, under Instrument No. 7496864;

SUBJECT TO any question of location, boundary or area related to the Naches River, including, but not limited to, any past or future changes in it;

SUBJECT TO easement or right of way for necessary canals, tunnels or other water conduits and for telephone and transmissions lines required in connection with the Kelley Lowery Ditch Company and Lower Wapatox Ditch Company, contained in instrument of record;

SUBJECT TO pendency of Yakima County Superior Court Cause No. 77-2-01484-5, State of Washington, Department of Ecology, Plaintiff vs. (numerous named defendants), notice of which is given by Lis Pendens recorded under Yakima County Auditor's File No. 2479271, being an action for the determination of the rights to divert, withdraw or otherwise make use of the surface waters of the Yakima River

Drainage Basin, in accordance with the provisions of chapters 90.03 and 90.44 of the Revised Code of Washington. (Attorney for Plaintiffs; Charles B. Roe, Jr. Senior Assistant Attorney General);

SUBJECT TO restrictions on use of the Property to park and recreation purposes including, but not limited to, Little League baseball, sporting and recreational activities and projects which enhance and improve the public's access to, and use and enjoyment of, the Property;

SUBJECT TO rights reserved in federal patents, state or railroad deeds, building or use restrictions general to the area, zoning, environmental or protected species regulations, utility easements of record, rights of way or easements shown on the plat, a recorded survey or visible by inspection, reserved oil and/or mineral rights and any future adjudication of surface or groundwater rights by any appropriate federal and/or state proceeding.