

## CLARK COUNTY STAFF REPORT

**DEPARTMENT:** Public Works

**DATE:** Dec. 18, 2018

**REQUESTED ACTION:** Approve donation agreement with Mark Hinton for 19-acre property, Tax Parcel No. 199477-000, and authorize the County Manager to accept the property's deed.

Consent       Hearing       County Manager

---

### BACKGROUND

Mark Hinton acquired this property as an off-site mitigation area for the Costco and Padden Employment Center developments at Northeast 84th Street and Northeast Andresen Road. Wetland impacts resulting from the development were large enough that the Washington Department of Ecology regulated the mitigation under its authority to administer Section 401 of the federal Clean Water Act. The mitigation performance standards have been met, and the Washington State Department of Ecology has issued a close-out letter for the site.

Curtin Creek runs through the parcel and was enhanced as part of the mitigation plan for the property to compensate for wetland impacts resulting from the previously mentioned development. Along a 1.8-mile section of Curtin Creek between Padden Parkway and undeveloped Curtin Creek Community Park, a lot of public land has been assembled by various agencies, including Clark County, Evergreen Public Schools, the city of Vancouver and Washington State Department of Transportation. These public lands are illustrated in the attached map, with the Hinton parcel shown in red horizontal striping.

Accepting this donation would add to the public greenway and contribute to a future trail connection as additional lands are assembled. The Curtin Creek corridor is shown as a high value conservation area in Clark County's Conservation Areas Acquisition Plan and acquiring the Curtin Creek trail corridor is a priority in Clark County's Parks, Recreation and Open Space Plan/six year capital improvement plan.

Curtin Creek is a primary cold water tributary of Salmon Creek, and 2.5 acres of the proposed donation on the west side of the creek could provide a mitigation opportunity for future county projects.

### COUNCIL POLICY IMPLICATIONS

None

### ADMINISTRATIVE POLICY IMPLICATIONS

None.

### COMMUNITY OUTREACH

None.

### BUDGET IMPLICATIONS

The property is recommended for acceptance as a Legacy Lands site. Ongoing maintenance costs are estimated at \$1,900 per year.

PW18-139

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**


NA


Local Fund Dollar Amount	\$1,900
Grant Fund Dollar Amount	NA
Account	Conservation Futures 3085
Company Name	NA

**DISTRIBUTION:**

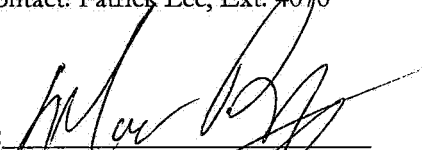
Council staff will post all staff reports to the county website, [www.clark.wa.gov/council-meetings](http://www.clark.wa.gov/council-meetings).

**Attachments:** Map of public ownership in the Curtin Creek corridor  
Donation agreement

  
Kevin Tyler  
Lands Manager

  
Ahmad Qayoumi, PE  
Public Works Director/County Engineer

Primary Staff Contact: Patrick Lee, Ext. 4070

APPROVED:   
CLARK COUNTY, WASHINGTON  
CLARK COUNTY COUNCIL

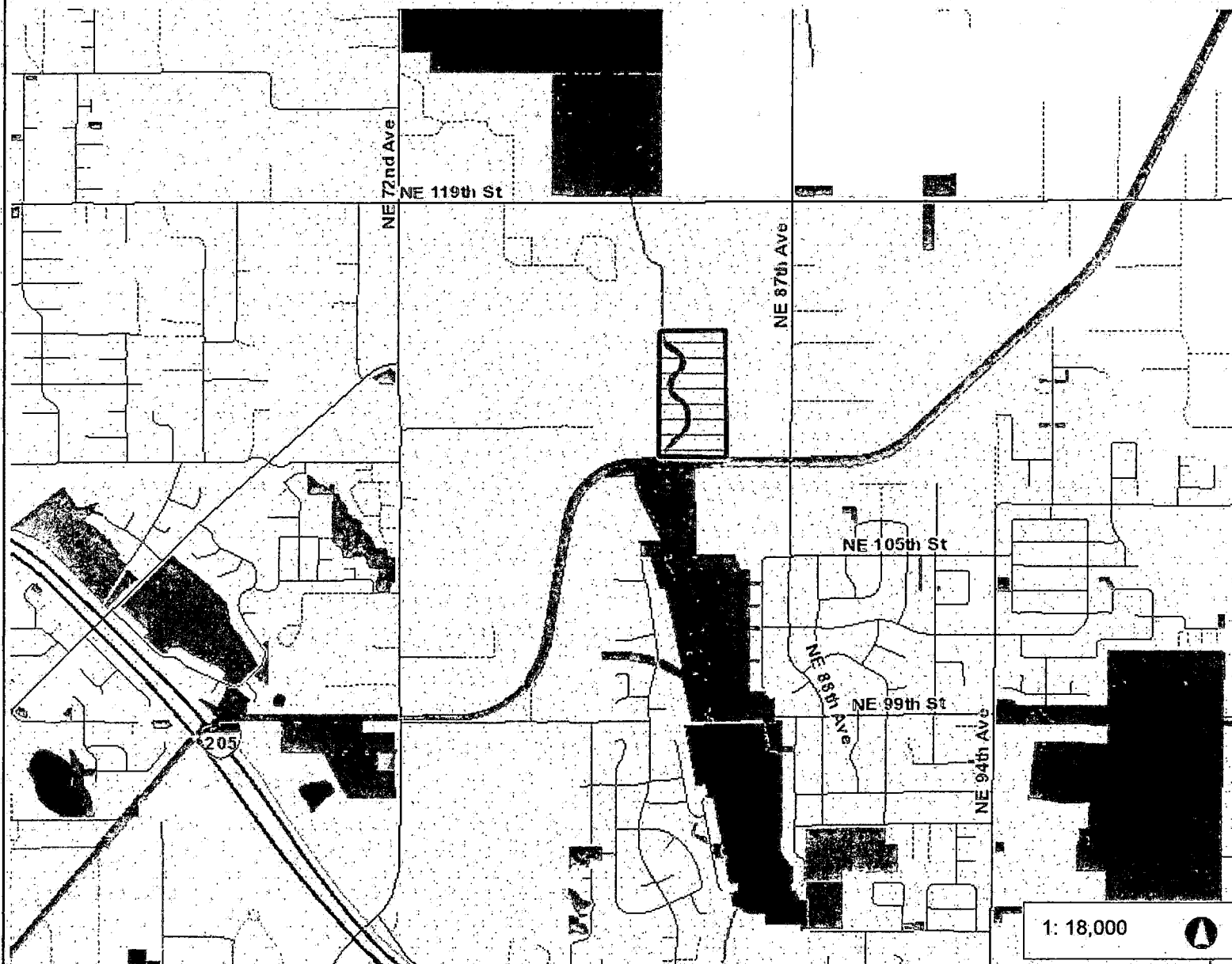
DATE: Dec. 18, 2018

SR# 201-18





# Curtain Creek Public Lands and Hinton Parcel



- Legend**
- Public Land - Cemetery District
  - Public Land - Cities
  - Public Land - County
  - Public Land - Federal
  - Public Land - Fire Districts
  - Public Land - Housing Authorit
  - Public Land - Port Districts
  - Public Land - School Districts
  - Public Land - State
  - Public Land - Utility Districts
  - Cities Boundaries
  - Urban Growth Boundaries

**Notes:**

3,000.0 0 1,500.00 3,000.0 Feet  
 WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
 Clark County, WA. GIS - <http://gis.clark.wa.gov>

This map was generated by Clark County's "MapsOnline" website. Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this information.

## REAL ESTATE DONATION AGREEMENT

Mark Hinton, hereafter referred to as "DONOR", agrees to donate Assessor's Parcel Number 199477-000, abbreviated legal description LOT #108, SECTION 32, TOWNSHIP 3 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, approximately 19 Acres in size, fully described on attached legal description, Exhibit A, to Clark County, a political subdivision of the State of Washington, hereafter referred to as "COUNTY," for recreation and open space purposes. COUNTY agrees to accept the donation. DONOR and COUNTY mutually agree to this real estate transaction subject to the following terms and conditions.

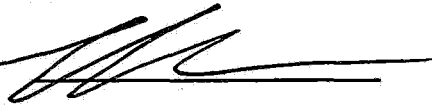
1. If requested by DONOR, COUNTY, will furnish documentation sufficient for tax deduction substantiation purposes, including information needed for DONOR to submit an IRS Form 8283 for the tax year in which COUNTY accepts the real property donation.
2. DONOR shall prepare and record a full boundary survey of the subject property and an associated legal description to be attached as Exhibit A to this agreement. DONOR further authorizes Clark County, its agents and designees, the right to access the property for the purpose of making any investigation, test or survey reasonably related to the acceptance of the real property donation.
3. DONOR warrants it is not aware of any claims or potential claims against title of the subject parcel. DONOR authorizes the closing agent, at DONOR's expense, to furnish a standard form owner's policy of title insurance, to be issued to Clark County. Should COUNTY notify DONOR of its disapproval of the condition of title prior to closing, this agreement shall terminate and have no further effect. Beyond the foregoing, DONOR makes no representations regarding title to the real property.
4. DONOR represents and warrants that it does not know, or have reason to know, that there is any contamination of hazardous wastes or toxic substances of any type whatsoever in existence, within and upon the subject property, including, but not limited to, contamination of the soil and/or groundwater. Upon closing, COUNTY agrees to accept the real property as is, and agrees to indemnify and protect DONOR from any and all liabilities and obligations that DONOR did not know, or have reason to know or anticipate, which obligation shall survive closing. "Closing" means the date on which all documents are recorded. DONOR shall provide COUNTY access to property to allow COUNTY to conduct any tests or inspections it deems necessary.
5. COUNTY warrants that, prior to accepting the deed, COUNTY, its agents and designees, will have visited the property and concluded, based on personal inspection, that the property is adequate and acceptable for the intended purposes.

6. Fidelity National Title Company Attn: Becky Smith is designated as the closing agent for this transaction by DONOR and COUNTY. Closing shall be via Statutory Warranty Deed.
7. DONOR and COUNTY shall deposit with the closing agent all documents and monies required to complete this transaction in accordance with the agreement.
  - a. DONOR shall pay for:
    - i. One half of the escrow fee charged by the closing agent;
    - ii. The standard form owner's policy of title insurance referenced in terms and conditions 4 above; and
    - iii. Real property taxes for the full year in which closing occurs.
  - b. COUNTY shall pay for:
    - i. One half of the escrow fee charged by the closing agent;
    - ii. Recording of the deed;
    - iii. Excise-exempt processing fee.
8. Any amendments to this agreement shall be in writing and signed by both DONOR and COUNTY.

Executed this 18<sup>th</sup> day of Dec., 2018

Mark Hinton

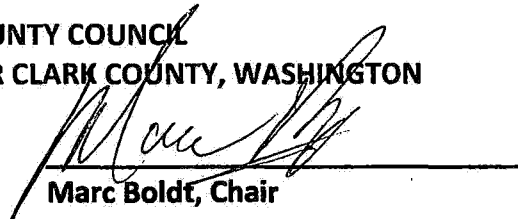
BY:



CLARK COUNTY COUNCIL

FOR CLARK COUNTY, WASHINGTON

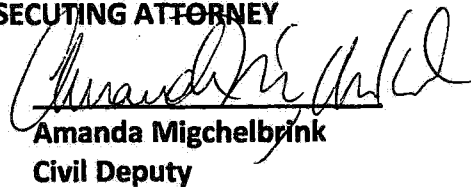
BY:



Marc Boldt, Chair

APPROVED AS TO FORM ONLY  
ANTHONY F. GOLIK  
PROSECUTING ATTORNEY

BY:



Amanda Migchelbrink  
Civil Deputy

BY:

Jeanne E. Stewart, Councilor

BY:

Julie Olson, Councilor

BY:

Eileen Quiring, Councilor

BY:

John Blom, Councilor



**Noncash Charitable Contributions**

▶ Attach to your tax return if you claimed a total deduction of over \$500 for all contributed property.

▶ Information about Form 8283 and its separate instructions is at [www.irs.gov/form8283](http://www.irs.gov/form8283).

OMB No. 1545-0008

Attachment Sequence No. 155

Name(s) shown on your income tax return

Identifying number

Mark Hinton

536-72-0523

Note. Figure the amount of your contribution deduction before completing this form. See your tax return instructions.

**Section A. Donated Property of \$5,000 or Less and Publicly Traded Securities**—List in this section only items (or groups of similar items) for which you claimed a deduction of \$5,000 or less. Also list publicly traded securities even if the deduction is more than \$5,000 (see instructions).

**Part I Information on Donated Property**—If you need more space, attach a statement.

1	(e) Name and address of the donee organization	(b) If donated property is a vehicle (see instructions), check the box. Also enter the vehicle identification number (unless Form 1098-C is attached).	(c) Description of donated property (For a vehicle, enter the year, make, model, and mileage. For securities, enter the company name and the number of shares.)
A		<input type="checkbox"/>	
B		<input type="checkbox"/>	
C		<input type="checkbox"/>	
D		<input type="checkbox"/>	
E		<input type="checkbox"/>	

Note. If the amount you claimed as a deduction for an item is \$500 or less, you do not have to complete columns (e), (f), and (g).

	(d) Date of the contribution	(e) Date acquired by donor (mo., yr.)	(f) How acquired by donor	(g) Donor's cost or adjusted basis	(h) Fair market value (see instructions)	(i) Method used to determine the fair market value
A						
B						
C						
D						
E						

**Part II Partial Interests and Restricted Use Property**—Complete lines 2a through 2e if you gave less than an entire interest in a property listed in Part I. Complete lines 3a through 3c if conditions were placed on a contribution listed in Part I; also attach the required statement (see instructions).

**2a** Enter the letter from Part I that identifies the property for which you gave less than an entire interest ▶  
 If Part II applies to more than one property, attach a separate statement.

**b** Total amount claimed as a deduction for the property listed in Part I: (1) For this tax year ▶  
 (2) For any prior tax years ▶

**c** Name and address of each organization to which any such contribution was made in a prior year (complete only if different from the donee organization above):  
 Name of charitable organization (donee)

Address (number, street, and room or suite no.)

City or town, state, and ZIP code

**d** For tangible property, enter the place where the property is located or kept ▶

**e** Name of any person, other than the donee organization, having actual possession of the property ▶

**3a** Is there a restriction, either temporary or permanent, on the donee's right to use or dispose of the donated property? Yes No

**b** Did you give to anyone (other than the donee organization or another organization participating with the donee organization in cooperative fundraising) the right to the income from the donated property or to the possession of the property, including the right to vote donated securities, to acquire the property by purchase or otherwise, or to designate the person having such income, possession, or right to acquire?

**c** Is there a restriction limiting the donated property for a particular use?

Name(s) shown on your income tax return <b>Mark Hinton</b>	Identifying number <b>536-72-0523</b>
---	--

**Section B. Donated Property Over \$5,000 (Except Publicly Traded Securities)**—Complete this section for one item (or one group of similar items) for which you claimed a deduction of more than \$5,000 per item or group (except contributions of publicly traded securities reported in Section A). Provide a separate form for each property donated unless it is part of a group of similar items. An appraisal is generally required for property listed in Section B. See instructions.

**Part I Information on Donated Property**—To be completed by the taxpayer and/or the appraiser.

4 Check the box that describes the type of property donated:

<input type="checkbox"/> a Art* (contribution of \$20,000 or more)	<input type="checkbox"/> d Art* (contribution of less than \$20,000)	<input type="checkbox"/> g Collectibles**	<input type="checkbox"/> j Other
<input checked="" type="checkbox"/> b Qualified Conservation Contribution	<input type="checkbox"/> e Other Real Estate	<input type="checkbox"/> h Intellectual Property	
<input type="checkbox"/> c Equipment	<input type="checkbox"/> f Securities	<input type="checkbox"/> i Vehicles	

\*Art includes paintings, sculptures, watercolors, prints, drawings, ceramics, antiques, decorative arts, textiles, carpets, silver, rare manuscripts, historical memorabilia, and other similar objects.  
 \*\*Collectibles include coins, stamps, books, gems, jewelry, sports memorabilia, dolls, etc., but not art as defined above.

Note. In certain cases, you must attach a qualified appraisal of the property. See instructions.

5	(a) Description of donated property (if you need more space, attach a separate statement)	(b) If tangible property was donated, give a brief summary of the overall physical condition of the property at the time of the gift	(c) Appraised fair market value
A	Vacant land with a conservation covenant	Good, with wetland enhancement performed over the last several years.	N/A
B			
C			
D			

(d) Date acquired by donor (mo., yr.)	(e) How acquired by donor	(f) Donor's cost or adjusted basis	(g) For bargain sales, enter amount received	See instructions	
				(h) Amount claimed as a deduction	(i) Date of contribution
A	09 / 2003	Purchase	\$487,500	\$487,500	
B					
C					
D					

**Part II Taxpayer (Donor) Statement**—List each item included in Part I above that the appraisal identifies as having a value of \$500 or less. See instructions.

I declare that the following item(s) included in Part I above has to the best of my knowledge and belief an appraised value of not more than \$500 (per item). Enter identifying letter from Part I and describe the specific item. See instructions. ▶

Signature of taxpayer (donor) ▶ *[Signature]* Date ▶ *11/7/18*

**Part III Declaration of Appraiser**

I declare that I am not the donor, the donee, a party to the transaction in which the donor acquired the property, employed by, or related to any of the foregoing persons, or married to any person who is related to any of the foregoing persons. And, if regularly used by the donor, donee, or party to the transaction, I performed the majority of my appraisals during my tax year for other persons.

Also, I declare that I perform appraisals on a regular basis; and that because of my qualifications as described in the appraisal, I am qualified to make appraisals of the type of property being valued. I certify that the appraisal fees were not based on a percentage of the appraised property value. Furthermore, I understand that a false or fraudulent overstatement of the property value as described in the qualified appraisal or this Form 8283 may subject me to the penalty under section 6701(a) (aiding and abetting the understatement of tax liability). In addition, I understand that I may be subject to a penalty under section 6693A if I know, or reasonably should know, that my appraisal is to be used in connection with a return or claim for refund and a substantial or gross valuation misstatement results from my appraisal. I affirm that I have not been barred from presenting evidence or testimony by the Office of Professional Responsibility.

Sign Here Signature ▶ \_\_\_\_\_ Title ▶ \_\_\_\_\_ Date ▶ \_\_\_\_\_

Business address (including room or suite no.)	Identifying number
--	--------------------

City or town, state, and ZIP code

**Part IV Donee Acknowledgment**—To be completed by the charitable organization.

This charitable organization acknowledges that it is a qualified organization under section 170(c) and that it received the donated property as described in Section B, Part I, above on the following date ▶ \_\_\_\_\_

Furthermore, this organization affirms that in the event it sells, exchanges, or otherwise disposes of the property described in Section B, Part I (or any portion thereof) within 3 years after the date of receipt, it will file Form 8282, Donee Information Return, with the IRS and give the donor a copy of that form. This acknowledgment does not represent agreement with the claimed fair market value.

Does the organization intend to use the property for an unrelated use? ▶  Yes  No

Name of charitable organization (donee) <b>Clark County</b>	Employer identification number <b>91-6001299</b>
Address (number, street, and room or suite no.) <b>1300 Franklin St.</b>	City or town, state, and ZIP code <b>Vancouver, WA 98666</b>
Authorized signature <i>[Signature]</i>	Title <b>County Manager</b> Date <b>12-18-18</b>