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 Hearing is set
Date: _____
Time: _____
Judge/Calendar: _____

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CITY OF OLYMPIA
CUSTOMER CARE CENTER

SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

JOHN F. STEPHENS and
MARILYNN A. STEPHENS,
husband and wife,

No. _____

Plaintiffs,

COMPLAINT TO VACATE
STREET AND TO QUIET TITLE

vs.

CITY OF OLYMPIA, a Municipal
corporation,

Defendant.

1. JURISDICTION. This is an action for declaration of vacation of a street in the city of Olympia, Thurston County, Washington. The court has jurisdiction over the parties and the subject matter of this action.

2. PARTIES.

2.1 Plaintiffs, STEPHENS, are the owners of the following described real property located in Thurston County, Washington:

Lots 1 and 2 in Block 11 of East Side Addition to Olympia, as recorded in Volume 4 of Plats, page 2;

In Thurston County, Washington.

1 Tax Parcel No. 45601100100

2 The property to the south of Plaintiffs is owned by Wayde R. Holmquist and
3 Susan A. Holmquist, husband and wife. The property is described as follows:

4 Parcel A:
5 Lots 10 and 11, Block 11, East Side Addition to the City of Olympia, as recorded
6 in Volume 4 of Plats, Page 2.

7 Parcel B:
8 Lots 12, 13 and 14, Block 11, East Side Addition to the City of Olympia, as
9 recorded in Volume 4 of Plats, Page 2.

10 In Thurston County, Washington.

11 Subject to: Covenants, Conditions, Restrictions, Reservations, Easements and
12 Agreements of Record, if any.

13 Tax Parcel Nos. 4560110100, 45601101300.

14 Examination of the records discloses that the northern half of the alley between
15 the above-described lots and between the properties of the Plaintiffs and the Holmquists as
16 described above has never been vacated of record, but has never been opened.

17 2.2 In an action filed on April 13, 2001, in this Court, Case Number 01-2-00667-
18 1, Wayde and Susan Holmquist obtained ownership of the southern half of the alley described
19 above via a Judgment and Decree Quieting Title filed on April 25, 2001.

20 2.3 Defendant, City of Olympia, is a municipal corporation located in
21 Thurston County, Washington.

22 1. PLAT. The plat of East Side Addition to Olympia was platted and filed March 15,
23 1890, in Thurston County, as shown in Volume 4 of Plats page 2, records of the Thurston County

1 Auditor. That alley in portions of Block 11, as described above, adjoining the property of
2 Plaintiffs' is part of the East Side Addition to the City of Olympia.

3 2. STREETS. At the time of the platting of the plat East Side Addition to Olympia,
4 certain areas were dedicated as rights of way for public streets and alleys. Included in the
5 dedicated area was the right-of-way shown as an alley between Lots 1, 2, 10, 11, 12, 13 and 14,
6 all in Block 11 of said plat. This alley as it adjoins Plaintiffs' property has never been developed
7 or opened as a public street and has never been used as a public way by any person since the time
8 of the dedication of the plat.
9

10 3. LAW. Laws of 1889-1890, Section 32, Chapter 19 provides:

11 Any county road, or part thereof, which has heretofore been, or
12 may hereafter be authorized, which remains unopened for
13 public use for the space of five years after the order is made or
14 authority granted for opening the same, shall be and the same is
hereby vacated, and the authority for building the same barred
by lapse of time.

15 See also Laws of 1890, page 603, § 32; Ballinger's Code, § 3803; Laws of 1909, page
16 188; Rem. Code, § 5673.

17 This law was in effect at the time of the recording of the plat of East Side Addition to
18 Olympia for more than five years thereafter. This law applies to this case.

19 The rights of way known as the alley between Lots 1, 2, 10, 11, 12, 13 and 14, all in
20 Block 11 of said plat was a county road or right of way which remained unopened for five years
21 within the meaning of the above-cited statute, and accordingly was vacated by operation of law
22 five years after the right of way had been dedicated, but remained unopened.
23

24 WHEREFORE, Plaintiffs seeks a decree which will grant the following relief:

25 COMPLAINT TO VACATE
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CULLEN PALMER LAW OFFICE LLP
SUITE 104
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1 1. The right of way known as the alley between Lots 1, 2, 10, 11, 12, 13 and 14, all
2 in Block 11 of said plat all in the East Side Addition to Olympia as alleged be declared vacated.

3 2. That title to that vacated right of way or street be vested according to law as
4 follows:

5 The northern half of the alley between Lots 1, 2, 10, 11, 12, 13 and 14, all in
6 Block 11 of said plat all in the East Side Addition to Olympia as recorded in
7 Volume 4 of Plats, page 2.

8 3. For such other and further relief as the court deems appropriate and just.

9 Dated this 21ST day of APRIL, 2014.

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12 
13 _____
14 BENJAMIN EDWARDS, WSBA NO. 43716
15 Attorney for Plaintiffs
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