

COPY

EXPEDITE  
 Hearing is set  
Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Judge: \_\_\_\_\_  
Calendar: \_\_\_\_\_

**FILED**  
NOV - 3 2014  
SUPERIOR COURT  
BETTY J. GOULD  
THURSTON COUNTY CLERK

**SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY**

LORRAINE J. CRAMER, an individual,  
Plaintiff,  
vs.  
CITY OF OLYMPIA, a Municipal  
Corporation,  
Defendants.

No. 14-2-02109-4  
**COMPLAINT TO QUIET TITLE  
AND VACATE STREET**

COMES NOW Plaintiff, LORRAINE J. CRAMER, by and through their attorney,  
THOMAS J. WESTBROOK, and for complaint against Defendant allege and aver as  
follows:

**I. PARTIES, JURISDICTION AND VENUE**

1.1. This is an action for declaration of vacation of a street in the City of Olympia,  
Thurston County, Washington. The Court has jurisdiction over this case pursuant to  
RCW 2.08.010.

1.2. The Plaintiff, Lorraine J. Cramer is a resident of Thurston County residing at 719  
SE Sawyer Street, Olympia, Washington.

1.3. The Defendant, City of Olympia, is a Municipal Corporation located in Thurston  
County whose business address is 601 4th Ave East, Olympia, Washington 98501.

1 1.4. Venue is property laid with this Court because this action involves quieting title to  
2 certain real property located in Thurston County, Washington and both parties are  
3 located in Thurston County.

4 **II. ALLEGATIONS OF FACT**

5 2.1. Property affected. Plaintiff, Lorraine J. Cramer is the owner of the following  
6 described real property in Thurston County, Washington (hereinafter referred to as the  
7 "Cramer Property") commonly referred to as 719 SE Sawyer Street, Olympia,  
8 Washington; tax parcel number 48700502000 and legally described as:

9 Lot 20 and the South ½ of Lot 21 of Block 5 of Fourth Street Addition to  
10 Olympia, as recorded in Volume 3 of Plats, page 45.

11 Examination of the records discloses that the alley (street) west of and adjacent  
12 to the Cramer property has never been opened nor used by the City of Olympia and  
13 has never been vacated.

14 2.2. Plat. The plat of Fourth Street Addition to the City of Olympia was platted and filed  
15 March 15, 1889 as shown in Volume 3 of Plats at page 45, records of the Thurston  
16 County Auditor. The alley (street) in portions of Block 5, as described above, adjoining  
17 the Cramer property is part of the Fourth Street Addition to Olympia. At the time of filing  
18 the plat, the area was outside of any city or town and was in Thurston County; by  
19 Ordinance No. 2540 on April 15, 1947, the City of Olympia annexed all the lots and the  
20 alleys in Block 5, including the alley adjacent to the Cramer property.

21 2.3. Streets. At the time the Fourth Street Addition to City of Olympia was platted,  
22 certain areas were dedicated as rights of way for public streets and alleys. Included  
23 within that dedicated area were the alley adjoining the Cramer property. The alley as it  
24 adjoins the Cramer property has never been opened or developed as a public street  
25 and has never been used as a public way by the City of Olympia or any person since  
26 the time of dedication.

27 2.4. Law. The Laws of 1889 – 1890, Section 32, Chapter 19 provides:

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

4 See also Laws of 1890, page 603, § 32; Ballinger's Code, § 3803; Laws of 1909, page  
5 188; Rem. Code, § 5673.

6 These laws were in effect at the time of recording the Plat of Fourth Street  
7 Addition to the City of Olympia for more than five years thereafter. This law applies to  
8 this case.

9 The right of way known as the westerly ½ of the alley adjoining the Cramer  
10 property and in fact, the entire alley South to 9<sup>th</sup> Street and North to 7<sup>th</sup> Street, all within  
11 Block 5 of said plat were county roads or rights of way which remained unopened for  
12 more than five years within the meaning of the above-cited statute, and accordingly  
13 were vacated by operation of law five years after the right of way had been dedicated,  
14 but unopened or used.

### 15 III. RELIEF REQUESTED


16 WHEREFORE, Plaintiff having asserted her claims for relief, now prays that the Court  
17 for a Decree granting the following relief:

18 3.1. Vacation of Alley. The right of way known as the alley adjoining the Cramer  
19 property lying west of and adjacent to Lot 22 and the South ½ of Lot 21 of Block 5 of  
20 Fourth Street Addition to Olympia, be declared vacated by operation of law; and,

21 3.2. Vesting of vacated alley. That title to the ½ of the vacated alley adjoining the  
22 Cramer property be vested according to law with the Cramer property, being Lot 22  
23 and the South ½ of Lot 21 of Block 5 of Fourth Street Addition to Olympia, as recorded  
24 in Volume 3 of Plats, page 45.

1 DATED: October 31, 2014.

2 LAW OFFICE OF  
3 THOMAS J. WESTBROOK, PLLC.

4  
5 By:   
6 THOMAS J. WESTBROOK, WSBA #4986  
7 Attorney for Plaintiff  
8 PO Box One  
9 Littlerock, Washington 98556

10  
11 **Verification of Complaint**

12 STATE OF WASHINGTON }  
13 COUNTY OF THURSTON } ss:

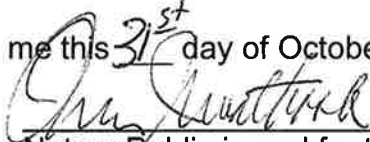
14 LORRAINE J. CRAMER, being first duly sworn, upon oath, states that I have read  
15 the foregoing Complaint, know the contents thereof, and believe the same to be true.

16 I declare under the penalty of perjury under the laws of the State of Washington  
17 that the foregoing is true and correct.

18 Signed at Olympia, Washington this 31 day of October, 2014.

19  
20   
21 Lorraine J. Cramer

22 SUBSCRIBED AND SWORN to before me this 31<sup>st</sup> day of October, 2014.

23   
24 Notary Public in and for the State of  
25 Washington, residing at Olympia.  
26 My Commission Expires April 21, 2016.