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FILED
 AUG 16 2013
 SUPERIOR COURT
 BETTY J. GOULD
 THURSTON COUNTY CLERK



SUPERIOR COURT OF THE STATE OF WASHINGTON
 FOR THURSTON COUNTY

RUTH MILROY, an individual
 Plaintiff,
 v.
 CITY OF OLYMPIA, a municipal corporation,
 Defendant.

NO. **13-2-01755-2**
 COMPLAINT TO VACATE STREET
 AND TO QUIET TITLE

COMES NOW Plaintiff Ruth Milroy, and for causes of action, hereby asserts, complains,
 and alleges as follows:

I. PARTIES

1.1 Plaintiff Ruth Milroy ("Plaintiff") is an individual and a resident of Thurston
 County and the State of Washington. Plaintiff is the owner of real property commonly described
 as at 1506 Wilson Street SE, Olympia, in Thurston County, Washington, and legally described as
 follows:

Lot 4 in Block 1 of Wilson's Addition to Olympia, as per plat
 recorded in Volume 3 of Plats, Page 37, records of Thurston
 County Auditor

Situate in the City of Olympia, County of Thurston County, State
 of Washington.

Tax Parcel Number 84100100400.

COPY

1 Examination of the records discloses that McClellan Street adjoining said Lot 4 on the
2 north, and the north half of the alley adjoining said Lot 4 of said Block 1 on the south have never
3 been vacated of record and have never been opened to the public.

4 1.2 Defendant City of Olympia is a municipal corporation located in Thurston County,
5 Washington.

6 II. JURISDICTION

7 2.1 Plaintiff incorporates by reference all preceding paragraphs as if fully set forth
8 herein.

9 2.2 This is an action for declaration of vacation of a street in the City of Olympia,
10 Thurston County, Washington. The court has jurisdiction over the parties and the subject matter
11 of this action as this matter involves issues of Washington law and the action concerns real
12 property situated in the State of Washington.

13 2.3 Venue is proper in Thurston County Superior Court as Defendant City of Olympia
14 is a municipal corporation within Thurston County and this action concerns real property situated
15 in Thurston County.

16 III. FACTS AND BACKGROUND

17 3.1 Plaintiff incorporates by reference all preceding paragraphs as if fully set forth
18 herein.

19 3.2 Plat. Wilson's Addition to Olympia was platted and filed February 15, 1889, in
20 Thurston County, as shown in Volume 3 of Plats, page 37, records of the Thurston County
21 Auditor. Plaintiff's property, consisting of Lot 4 of Block 1, as described above, is a part of the
22 Wilson's Addition plat. On information and belief, at the time of filing the plat, the area was
23 outside of any city or town and was situated in unincorporated Thurston County. Lot 4 is a lot on
24 the northern perimeter of the Wilson's Addition plat.

25 3.3 Streets. At the time Wilson's Addition to Olympia was platted, certain areas were
26 dedicated as right-of-ways for public areas. Included in the dedicated area were the right-of-ways
27 on McClellan Street adjoining said Lots 1 through 4 on the north and the alley between Lots 1

1 through 4 and Lots 5 through 8 in Block 6. The area where McClellan Street adjoins Lots 1
2 through 4 on the north represents the northern perimeter of the Wilson's Addition to Olympia plat
3 and lies entirely within the plat. This street and alley, as they adjoin Plaintiff's property, have
4 never been developed, opened as a public street, or used as a public right-of-way by any person
5 since the time of the dedication of the plat.

6 3.4 Plaintiff's Property. Plaintiff's property, described as Lot 4 in Block 1 of Wilson's
7 Addition to Olympia, is abutted on the north by the unopened McClellan Street and on the south
8 by the unopened alley, each as described in the plat.

9 **IV. CAUSE OF ACTION (CONFIRM STREET VACATION AND QUIET TITLE)**

10 4.1 Plaintiff incorporates by reference all preceding paragraphs as if fully set forth
11 herein.

12 4.2 Plaintiff is a person interested under a deed to her property and whose rights are
13 affected by a statute, and chapter 7.24 RCW entitles her to a determination of any question of
14 construction or validity arising under the instrument, statute, ordinance, contract or franchise and
15 obtain a declaration of rights, status, or other legal relations thereunder.

16 4.3 LAWS OF 1889-1890, Section 32, Chapter 19 provides:

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

21 *See also* LAWS OF 1909, page 188-189 (amending the above). This law applies to this case.

22 4.4 The right-of-ways known as the street and alley as described above in the Wilson's
23 Addition to Olympia were county roads or right-of-ways that remained unopened for five years
24 within the meaning of the above-cited statute and accordingly were vacated by operation of law
25 five years after the right-of-ways had been dedicated, but remained unopened.

26 4.5 Plaintiff is entitled to an order declaring and confirming the vacation of the
27 entirety of McClellan Street adjoining Plaintiff's property on the north (consisting of the abutting

1 60 feet in width) and the north one-half of the alley between Lot 4 and Lot 5 of Block 6 adjoining
2 Plaintiff's property on the south (consisting of the abutting 10 feet).

3 **IV. RELIEF REQUESTED**

4 WHEREFORE, having stated the above causes of action, Plaintiff Ruth Milroy prays for
5 judgment in her favor as follows:

6 A. For entry of an order and declaratory judgment declaring the rights of way known
7 as McClellan Street adjoining Lot 4 of Block 1 on the north, and the north one-half of the alley
8 adjoining said Lot 4 of said Block 1 on the south, all in the Wilson's Addition to Olympia as
9 recorded in Volume 3 of Plats, Page 37, records of Thurston County as alleged above be declared
10 vacated;

11 B. For entry of an order and declaratory judgment declaring that title to the vacated
12 right-of-way or street and north one-half of the vacated alley as described be vested according to
13 law, and be quieted in favor of Plaintiff Ruth Milroy and confirmed as part of her property; and

14 C. For such other and further relief as the Court deems just and equitable.

15

16 DATED this 14th day of August 2013.


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