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City Council

Approval of Stephens Quiet Title Action Regarding an Unopened Street (2103 Beacon Street)

Agenda Date: 6/10/2014

Agenda Item Number: 4.E

File Number: 14-0525

Type: decision **Version:** 1 **Status:** Passed

Title

Approval of Stephens Quiet Title Action Regarding an Unopened Street (2103 Beacon Street)

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to authorize the City Attorney and/or his designee to enter into a stipulated judgment with regard to *Stephens v. City of Olympia*, Thurston County Superior Court cause number 14-2-00754-7.

Report

Issue:

The City of Olympia was named as a defendant in a quiet title action in *Stephens v. City of Olympia*, Thurston County Superior Court cause number 14-2-00754-7.

Staff Contact:

Darren Nienaber, Deputy City Attorney, 360.753.8044

Presenter(s):

None - Consent calendar item

Background and Analysis:

The City of Olympia was named and served as a defendant in a quiet title action in *Stephens v. City of Olympia*, Thurston County Superior Court cause number 14-2-00754-7. The complaint alleges that certain City right-of-way was vacated by operation of state law and that the City has no claim to it. Based on a reasonably diligent review of the pertinent records, the City's Legal and Public Works Departments agree with the allegations in the complaint. The City has no legal claim to the "right-of-way" because the right-of-way does not exist. City Council action is considered necessary because, under OMC 3.16.020(B), the Council retains most decision making authority over real estate. The land in question is graphically depicted on the two maps, Vicinity Map and the Site Map. The maps are intended to be submitted for illustrative purposes rather than for legal purposes.

Two laws enacted by the legislature vacated certain County rights-of-way that were dedicated prior to 1904 and unopened for a five-year period. See MRSC article, attached. The purpose of the law is unclear. Some theorize that the legislature was trying to clear up the numerous paper plats that were being filed all around the state at that time. Although the right-of-way does not exist, a judicial determination is considered necessary to clean up the title and the official maps and records.

The City's Legal Department forwarded the complaint and stipulated judgment to the City's Surveyor, Ladd Cluff. The right-of-way was platted in 1889 and 1890. It was in the county at the time of the plat. Public Works is of the opinion that the street was never opened for public use. Furthermore, there is no known current or future City use of the property.

Based on the analysis of the City's Surveyor, the Legal Department is of the opinion that it is appropriate for the City to sign the stipulated judgment, a copy of which is attached. This stipulation acknowledges that the City has no legal interest in the platted rights-of-way.

Neighborhood/Community Interests (if known):

No known concerns.

Options:

Option 1 - authorize the City Attorney and/or his designee to sign the stipulated judgment that recognizes that the City of Olympia does not have title to the road.

Option 2 - do not authorize the signature of the stipulated order.

Financial Impact:

None known.