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KING COUNTY  
SUPERIOR COURT CLERK  
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CASE NUMBER: 14-2-27901-9 SEA

The Honorable Laura Inveen

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

LFP COVE, LLC

Plaintiff,

vs.

KING COUNTY, et al.

Defendants.

No. 14-2-27901-9 SEA

DEFENDANT KING COUNTY'S  
ANSWER AND COUNTER CLAIM TO  
COMPLAINT TO QUIET TITLE

COMES NOW Defendant KING COUNTY, and in answer to the Plaintiff's Complaint,  
admits, denies and alleges as follows:

**1. IDENTIFICATION OF PARTIES/JURISDICTION**

1.1 King County lacks sufficient information to form a belief as to the truth or falsity  
of the allegations contained in Paragraph 1.1 of Plaintiff's Complaint, and therefore the  
allegations are denied.

1.2. Admitted.

**2. RIGHT OF WAY/PLAINTIFF'S PROPERTY**

2.1 King County admits that upon information and belief, a Mr. George Hill  
conveyed property in portions of Government Lot 4, Section 15, Township 26 North, Range 4

DEFENDANT KING COUNTY'S ANSWER  
AND COUNTERCLAIM TO COMPLAINT TO  
QUIET TITLE - 1

Daniel T. Satterberg,  
King County Prosecuting Attorney  
CIVIL DIVISION  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-0430

1 East, to the Seattle Lake Shore and Eastern Railway Company. King County lacks sufficient  
2 information to form a belief as to the truth or falsity of the remaining allegations contained in  
3 paragraph 2.1 of Plaintiff's Complaint, therefore the allegations are denied.

4 2.2 King County admits that the Interstate Commerce Commission granted  
5 Burlington Northern, the successor to the Seattle Lake Shore and Eastern Railway Company,  
6 authority to abandon railroad operations in approximately 1972. All other or different  
7 allegations are denied.

8 2.3 King County admits that Burlington Northern conveyed all of its interest in the  
9 right of way to King County in approximately 1974. All other or different allegations are denied.

10 2.4 King County lacks sufficient information to form a belief as to the truth or falsity  
11 of the allegation that Plaintiff is the owner of the parcel in King County legally described on  
12 Exhibit No. 2 of Plaintiff's Complaint. All other or remaining allegations are denied.

13 2.5 Paragraph 2.5 has been OMITTED from Plaintiff's Complaint.

14 2.6 King County denies that Plaintiff has any interest in any King County property  
15 described in Paragraph 2.6 of Plaintiff's Complaint. King County lacks sufficient information  
16 and belief as to the description of the property claimed by Plaintiff and therefore the remaining  
17 allegations are denied.

18 **3. FEE INTEREST IN RIGHT OF WAY/ADVERSE POSSESSION**

19 3.1 Denied.

20 3.2 Denied

21 //

22 //

1 **RELIEF REQUESTED**

2 The remainder of Plaintiff's Complaint contains Plaintiff's request for relief, to which no  
3 response is required. To the extent that a response is required, King County denies, generally  
4 and specifically, each such request for relief.

5 **KING COUNTY'S COUNTERCLAIM FOR QUIET TITLE AND EJECTMENT**

6 Counterclaim ¶1. As Counterclaim Plaintiff, King County re-alleges its answers to  
7 sections I-III of the Complaint as if fully set forth herein.

8 Counterclaim ¶2. King County owns the fee title to the former railroad corridor that is  
9 adjacent to plaintiff's property.

10 Counterclaim ¶3. Plaintiffs have erected a fence across King County's property, which  
11 blocks King County's access to a portion of its property and prevents public enjoyment of a  
12 portion of that property.

13 Counterclaim ¶4. Under RCW 7.28.010, title to the disputed portion of property should  
14 be quieted in King County.

15 Counterclaim ¶5. Plaintiffs should be required to remove their fence and restore King  
16 County's access to its property.

17 **AFFIRMATIVE DEFENSES**

18 BY WAY OF FURTHER ANSWER AND AFFIRMATIVE DEFENSES, defendant  
19 alleges as follows:

- 20 1. Plaintiffs have failed to state a claim upon which relief can be granted.  
21 2. Property held by King County devoted to public use is not subject to taking by  
22 adverse possession.  
23

1           3.       Plaintiff has failed to name and join an indispensable party.

2           4.       Plaintiff's claims are barred by the doctrine of laches and estoppel and by  
3 applicable statutes of limitations.

4           5.       Plaintiffs, in whole or in part, have stated claims that fail because plaintiffs  
5 acquiesced in the acts about which plaintiffs now complain.

6           6.       Plaintiffs, in whole or in part, have stated claims that they, or their predecessors in  
7 title, have previously released.

8           WHEREFORE, having answered Plaintiff's Complaint, King County requests that this  
9 Court DISMISS Plaintiff's Complaint with prejudice, GRANT King County's Counterclaims,  
10 and award Defendant King County its costs and reasonable attorney's fees, and award such other  
11 and further relief as this Court may deem just and equitable.

12           DATED this 26<sup>th</sup> day of November, 2014.

13  
14                                   DANIEL T. SATTERBERG  
                                  King County Prosecuting Attorney

15  
16                                   By: s/ David J. Hackett  
17                                   DAVID J. HACKETT, WSBA #21236  
                                  Senior Deputy Prosecuting Attorney  
18                                   Attorneys for King County

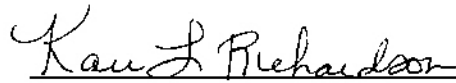
1                                    **CERTIFICATE OF FILING AND SERVICE**

2            I hereby certify that on November 26, 2014 I electronically filed the foregoing  
3 document(s) with the Clerk of the Court using the KCSC e-Filing System and caused the same to  
4 be sent via First Class U.S. mail to the following:

5                                    Daryl A. Deutsch, WSBA  
6                                    Rodgers, Deutsch & Turner  
7                                    Three Lake Bellevue Drive, Suite 100  
8                                    Bellevue, WA 98005

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

11                                   DATED this 26<sup>th</sup> day of November, 2014.

12                                     
13                                   KAREN RICHARDSON  
14                                   Legal Secretary  
15                                   King County Prosecuting Attorney's Office