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KING COUNTY  
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CASE NUMBER: 14-2-27901-9 SEA

**SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

LFP COVE, LLC, a Washington limited  
liability company,

Plaintiff,

vs.

KING COUNTY, a subdivision of the  
State of Washington; the Unknown Heirs  
of Clyde C. Chittenden, Grace C.  
Chittenden, and Ida L. Chittenden, and all  
other persons or parties unknown claiming  
any right, title, estate, lien, or interest in the  
real estate described in the complaint  
herein,

Defendant.

No.

**COMPLAINT TO QUIET TITLE**

The plaintiff herein, by and through its counsel, alleges as follows:

**1. IDENTIFICATION OF PARTIES/JURISDICTION**

1.1 The plaintiff claims an interest in the real property located in King County, WA that  
is the subject of this action (the "Disputed Property").

1.2 The defendants may claim an interest in the Disputed Property.

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

2             2.1 On or about June 27, 1887, a Mr. George D. Hill conveyed a railroad right of way  
3 over portions of Government Lot 4, in Section 15, Township 26 North, Range 4 East, W.M., to  
4 the Seattle Lake Shore and Eastern Railway Company (the "Right of Way"). The conveyance  
5 was recorded under King County Auditor's No. 14022. A typed transcript of the text of the  
6 conveyance is attached as Ex. No. 1.

7             2.2 The Interstate Commerce Commission granted Burlington Northern ("BN"), as the  
8 successor to the Seattle Lake Shore and Eastern Railway Company, authority to abandon railroad  
9 operations over the Right of Way in approximately 1972. BN abandoned operations a short time  
10 thereafter. The interest of BN in the Right of Way easement terminated upon its abandonment of  
11 railroad operations.

12            2.3 BN, in a Quit Claim Deed dated June 1, 1974, conveyed all of its interest in the Right  
13 of Way to King County. However, King County did not acquire any actual interest in the Right  
14 of Way since the only interest held by BN therein was an easement for railroad purposes which  
15 easement terminated upon abandonment of railroad operations.

16            2.4 The plaintiff is the owner of the parcel in King County legally described on Exhibit  
17 No. 2 ("Plaintiff's Property"). Plaintiff's Property includes that portion of the Right of Way  
18 extending to the centerline thereof.

19            2.6 The Disputed Property is located between the north and south boundaries of  
20 Plaintiff's Property, and east of the following described line:

21                     "A line parallel to and 25 feet east of the centerline of the Right of Way."  
22 This line is approximate, and is based upon communication from King County. The precise  
23 location will be later proven.

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

2 3.1 Plaintiff is the fee owner of the Right of Way adjacent to Plaintiff's Property up to  
3 the centerline thereof, except that Plaintiff claims no interest in that portion that the County has  
4 occupied for trail purposes for the period of time necessary to acquire prescriptive or adverse  
5 rights (which portion is west of the Disputed Property).

6 3.2 Plaintiff, and members of plaintiff, their families, and their guests and predecessors  
7 since 1979, have openly and exclusively used the Disputed Property, without the consent of any  
8 third party, for uses that include, but are not necessarily limited to, (i) the construction of a  
9 cyclone fence with ivy planted thereon which fence, and locked gate, has been used since  
10 approximately 1979 to exclude access to the Disputed Property by King County and third parties,  
11 (ii) the construction and use of a storage shed, (iii) the construction and use of steps, (iv) the  
12 planting and seasonal mowing of a lawn, and (v) regular use for recreational purposes. The  
13 Disputed Property has never been used or improved by the County for recreational trail or related  
14 purposes or for any purpose, and certainly not so for the period necessary to acquire an interest  
15 by adverse use or prescription.

16 **WHEREFORE, the Plaintiff requests the following relief:**

17 1. That the court declare and confirm that Plaintiff is the fee owner of the Disputed  
18 Property.

19 2. Alternatively, that the court declare that Plaintiff has adversely possessed, for the  
20 statutory period described in RCW 7.28 et seq., the Disputed Property.

21 3. That title to the Disputed Property be quieted in favor of Plaintiff, and that all right,  
22 title and interest of the defendants therein, or any person or party claiming and right, title or  
23 interest by or through them, be forever extinguished.

24 4. For such other and further relief as this court deems just and equitable.  
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2 DATED this 10<sup>th</sup> day of OCTOBER, 2014  
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5 RODGERS DEUTSCH & TURNER, P.L.L.C.

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8 Daryl A. Deutsch, WSBA #11003  
9 Attorney for Plaintiff  
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**EXHIBIT NO. 1**

In Consideration of the benefits and advantages to accrue to me from the location, construction and operation of the Seattle Lakeshore and Eastern Railway in the County of King, in Washington Territory, I do hereby donate, grant and convey unto said Seattle Lakeshore and Eastern Railway Company a right of way one hundred (100) feet in width through my lands in said County described as follows, to-wit:

Lot 4, Section 15, Township 26 North, Range 4 East. Such right of way strip to be fifty (50) feet in width on each side of the center line of the railway track as located across my said lands by the Engineer of said Railway Company which location is described as follows, to-wit: Beginning at the Southeast corner of Lot 4, Section 15, Township 26 North, Range 4 East, which is 1630 feet due east of the southwest corner of said section 15; thence N. 13°06' W. 177 feet, thence on a 4° curve to the left 257 feet, thence N. 24°34' W. 567 feet, thence on a 7° curve to the right 380 feet to the northeast corner of said lot 4, 1240 feet east and 1320 feet north of the southwest corner of section 15 aforesaid. And the said Seattle Lakeshore and Eastern Railway Company shall have the right to go upon the land adjacent to said line for a distance of two hundred (200) feet on each side thereof and cut down all trees dangerous to the operation of said road. To have and to Hold the said premises, with the appurtenances, Unto the said party of the second part, and to its successors and assigns forever. In Witness Whereof, the party of the first part has hereunto set his hand and seal this 27th day of June, 1887.

S/George D. Hill (Text of acknowledgment omitted) .

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**EXHIBIT NO. 2**

That portion of Block 12, Chittenden's Terrace Park, according to the plat recorded in Volume 30 of Plat, Page 37, in King County, Washington described as follows:

Beginning at northwest corner of said Block 12, thence southeasterly along the westerly line of said block 281.14 feet, more or less, to the north line of a tract of land conveyed to Nancy I. Miller by deed recorded under Auditor's file number 3381873; thence easterly along said northerly line to the Inner Harbor Line; thence northerly along said Inner Harbor Line to the north line of said Block 12; thence west along said north line to the point of beginning.

EXCEPT the south 95 feet thereof.