

715348

71534-8

NO. 71534-8-I

COURT OF APPEALS  
DIVISION ONE  
OF THE STATE OF WASHINGTON

---

MCCAULEY FALLS, LLC a Washington limited liability company;  
ABACULO, LLC, a Washington limited liability company,  
Respondents,

v.

KING COUNTY, a political subdivision of the State of Washington,  
Respondents,

v.

STEVEN NICHOLS and LINDA NICHOLS, husband and wife,  
Appellants/Intervenors



---

RESPONDENTS' REPLY BRIEF

---

William B. Foster, WSBA #8270  
Attorney for Respondents  
4300 - 198th St. SW, Suite 100  
Lynnwood, WA 98036  
(425) 776-2147

## TABLE OF CONTENTS

I.	<u>INTRODUCTION</u> .....	1
II.	<u>STATEMENT OF THE CASE</u> .....	2
III.	<u>ARGUMENT AND AUTHORITIES</u> .....	4
	The Decree Vacating the Road Was Proper .....	4
	The Decision of the Trial Court Was Factually Correct ...	7
	The Statutory Procedure Is Not Available to the Petitioners .....	10
	The Plaintiffs Were Not Required to Follow the Statutory Procedure Contained in RCW 36.87.020 .....	12
	The Trial Court Properly Denied Nichols Motion to Intervene .....	12
IV.	<b>CONCLUSION</b> .....	14
Appendix A	Decree of Condemnation	
Appendix B	Stipulated Judgment and Decree Quieting Title	
Appendix C	Stipulated Findings of Fact and Conclusions of Law	

## TABLE OF AUTHORITIES

<i>Am. Cont'l Ins. Co. v. Steen</i> , 151 Wash.2d 512, 518, 91 P.3d 864 (2004) .....	11
<i>Automotive United Trades Organization v. State</i> , 175 Wn.2d 214, 223, 285 P.3d 52 (2012) .....	13
<i>Howell v. King County</i> , 16 Wn.2d 557, 134 P.2d 80 (1943) .....	9
<i>Miller v. County of King</i> , 59 Wn.2d 601, 369 P.2d 304 (1962) ..	7
<i>Stevens County v. Burrus</i> , 180 Wash. 420, 40 P.2d 125 (1935) .	9
<i>Tamblin v. Crowley</i> , 99 Wash. 133, 168 P. 982 (1917) .....	9
<i>Turner v. Davisson</i> , 47 Wn.2d 375, 287 P.2d 726 (1955) .....	6
 <u>STATUTES</u>	
RCW 36.87.020 .....	10, 12
RCW 36.87.090 .....	4, 6, 7
Road Laws of 1890 (Laws of 1889-90, ch. 19, § 32, p. 603) .....	5

## I. INTRODUCTION

The Respondent, McCauley Falls, LLC (McCauley) was the owner of a parcel of property in King County, Washington. The property is agricultural, and contains a house and several agricultural type buildings, including a barn and associated outbuildings.

In 1913 King County acquired by condemnation a right-of-way (ROW) over McCauley's property, which ROW was called either "Road 978" or "John McGee Road". However, the ROW was never improved by the County.

Access to the McCauley property instead was provided by a primitive road located along the eastern boundary of the McCauley property ("the historic road"). This historic road ran in a north-south direction all the way to the southerly boundary of the McCauley property. The historic road is not in the location of the ROW except in a few places which lie on the south end of the McCauley property. At the north end of the McCauley property the historic road is located nowhere near the ROW. Portions of the ROW bisect a large barn located on the property. Over the years property owners to the south of the McCauley property have used the historic road for access to their property.

McCauley commenced this action to vacate the ROW relying upon the "ancient road statute". A Decree vacating the ROW was entered, but the only portion of the ROW vacated was where the ROW and the historic road did not coincide.

The Appellants (Nichols) brought a motion that sought permission to intervene after the entry of the Decree, and to vacate the Decree. The trial court denied Nichols' motion.

## **II. STATEMENT OF THE CASE**

On November 14, 1914 King County established by condemnation a right of way ("ROW") over certain property located north of the City of Duvall, and east of SR 203. CP 1.<sup>1</sup> This Decree created a potential access to the Abaculo/McCauley Falls parcels from SR 203.

On the 13th day of November, 1914, King County acquired by condemnation a right of way known as either County Road 978 or the John McGee Road ("ROW") creating a potential access to the Abaculo/McCauley Falls parcels from SR 203. CP \_\_\_\_\_.<sup>2</sup> Under

---

<sup>1</sup> Decree of Condemnation, King County Superior Court Cause No. 10094; Appendix A hereto.

<sup>2</sup> As of the submittal of this Brief, the King County Superior Court Clerk has yet to index the Declaration of Thomas E. Barry. Respondent will submit an errata identifying the proper designation once the index is submitted.

Decree of Condemnation, King County was granted the authority to open County Road 978 or the John McGee Road within the ROW. However, within the five (5) years after the ROW was established King County did nothing to open at least the northern portion of the ROW. CP 1. In fact, the ROW went right through the middle of certain buildings on the Abaculo parcel.<sup>3</sup>

Although when is not known, a roadway a primitive road was constructed across the property now owned by the Plaintiffs in a north-south direction, which has been referred to as the "historic road".<sup>4</sup> The only evidence in the record before the trial court was that the historic road, or some portion at some location unknown, existed as of 1927. CP 166-67; 170-71; 172;74; 177-79. Nichols used this historic road as a secondary access to their property that lies to the south of the Plaintiffs' property. CP 53-54.

The historic road is located, at least partially, within the ROW in the southerly portion of the McCauley Property.<sup>5</sup> The northern end of the historic road on the property owned by Abaculo the historic

---

<sup>3</sup> Declaration of Thomas E. Barry; see footnote 2.

<sup>4</sup> *Id.*

<sup>5</sup> Declaration of Thomas E. Barry; see footnote 2.

road is not even close to the ROW, but instead is located east of the ROW. There are several large buildings, including a barn, that are within the ROW.<sup>6</sup>

McCauley vacated the ROW because the ROW was never opened as defined in RCW 36.87.090. McCauley and King County agreed that the ROW should be vacated, and as a result a stipulated Decree was entered. However, it is critical to note that only the portion of the ROW vacated was the portion that lies entirely outside of the historic road.<sup>7</sup> It is also important to understand and that the decree did not affect "any private interest or easements".<sup>8</sup>

Nichols could not at the trial court, nor can they here, establish that the entry of the decree was factually or legally incorrect. Because the decree does not in any manner impact their ability to use the historic road, the only road that has ever existed, there was no reason to vacate the previously entered Order.

### **III. ARGUMENT AND AUTHORITIES**

#### **A. The Decree Vacating the Road Was Proper.**

---

<sup>6</sup> Declaration of Thomas E. Barry; see footnote 2.

<sup>7</sup> Stipulation and Decree of Quieting Title, Appendix B; Declaration of Thomas E. Barry; see footnote 2.

<sup>8</sup> Stipulation and Decree of Quieting Title, Appendix B

Nichols argues that the Decree vacating the road was proper as the proper procedure was not followed. Nichols fails to recognize that the procedure used, the quiet title action, was a proper procedure, just not the procedure that Nichols argues should have used. Vacation of the ROW occurred by operation of law on November 14, 1918, and use of any legislative authority to vacate the ROW was not required.

The Road Laws of 1890 (Laws of 1889-90, ch. 19, § 32, p. 603), in effect when authority was granted to open County Road 978 or the John McGee Road, states, in relevant part:

"[a]ny county road, or part thereof, which has heretofore been or may hereafter be authorized, which remains unopened for public use for the space of five years after the order is made or authority granted for opening same, shall be and the same is hereby vacated, and the authority for building the same barred by lapse of time."<sup>9</sup>

This statute remains relatively unchanged, and currently states:

"Any county road, or part thereof, which remains unopen for public use for a period of five years after the order is made or authority granted for opening it, shall be thereby vacated, and the authority for building it barred by lapse of time: PROVIDED, That this section shall not apply to any highway, road, street, alley, or other public place dedicated as such in any plat, whether the land included in such plat is within or

---

<sup>9</sup> Laws of 1890 (Laws of 1889-90, ch. 19, § 32, p. 603)

without the limits of an incorporated city or town, or to any land conveyed by deed to the state or to any county, city or town for highways, roads, streets, alleys, or other public places."<sup>10</sup>

A portion of the right-of-way has never been opened by King County, as defined in Road Laws of 1890 (Laws of 1889-90, ch. 19, § 32, p. 603) or RCW 36.87.090.<sup>11</sup> The authority of the King County, to open any portion of County Road 978 or the John McGee Road in the location of the right-of-way described in the Decree has lapsed as a matter of law as of November 14, 1918.

The vacation of a ROW under this statute occurs as a matter of law.<sup>12</sup> No action is required by the abutting landowners to make such vacation effective.<sup>13</sup> Accordingly, the critical time period that is relevant is the time between November 14, 1914 and November 13, 2019, the five (5) year period after the effective date of the condemnation.

---

<sup>10</sup> *RCW 36.87.090*

<sup>11</sup> Stipulated Findings of Fact and Conclusions of Law entered under King County Superior Court Cause No. 10-2-29550-0; As of the submittal of this Brief, the King County Superior Court Clerk has yet to index the Stipulated Findings of Fact and Conclusions of Law. Respondent will submit an errata identifying the proper designation once the index is submitted. The Stipulated Findings of Fact and Conclusions of Law are attached hereto as Appendix C.

<sup>12</sup> *Turner v. Davisson*, 47 Wn.2d 375, 287 P.2d 726 (1955).

<sup>13</sup> *Id.*

The vacation of the ROW occurs when

"Any county road, or part thereof, which remains unopen for public use for a period of five years after the order is made or authority granted for opening it, shall be thereby vacated."<sup>14</sup>

The statute requires that the county open, or improve, the road within five years or its right to build a road thereon is barred by the lapse of time. By this statute, the legislature fixed a statutory time limit within which the county had to open the road, and in failure thereof, the county loses all right to open the road.<sup>15</sup>

Because the ROW had been vacated as a matter of law, this action was commenced by both McCauley and Abaculo to obtain a determination of the parties', including King County, right to open the road. McCauley could have done nothing, but the end result would remain the same. Even without McCauley's lawsuit, the ROW was vacated.

B. The Decision of the Trial Court Was Factually Correct.

The Petitioners cited several facts which they contend supports the conclusion that the ROW still exists. These facts include the

---

<sup>14</sup> RCW 36.87.090

<sup>15</sup> *Miller v. County of King*, 59 Wn.2d 601, 369 P.2d 304 (1962).

following:

Declaration of Floyd Carlson (CP 166-67); county performed road work between 1930s through 1947.

Declaration of Doris Carlson (CP 170); county performed road work during the "mid 40's";

Declaration of William Carlson (CP 172-74); county performed road work between 1927 through 1939;

Accordingly, the earliest date that can be associated with any work done on the ROW is 1927, eight (8) years after the ROW was vacated as a matter of law. Even if this evidence would support the conclusion that King County ever "opened" the ROW, there is absolutely no evidence in this record that the ROW was opened prior to the date it was vacated as a matter of law, November 13, 1919. Similarly, none of the evidence that pertains to events that occurred within the last 10 - 20 years alters the fact that there is no evidence that the road was "opened" by King County before November 13, 1919.

In addition to the lack of evidence that the road was opened prior to November 14, 1918, common sense dictates that it was not. The only road present was the historic road, and at least a portion of the ROW went right through several buildings that were and are still

located on the property.<sup>16</sup> Because of the existence of these long standing improvements, it is simply not possible that the ROW was ever “opened” where the buildings were located.

A similar fact pattern was presented in *Stevens County v. Burrus*, 180 Wash. 420, 40 P.2d 125 (1935)<sup>17</sup>, where there was no evidence that the county had done anything to open a road within the five years after it was created. Based upon a lack of any showing of any actions by the county, the court held that the road was vacated by operation of law.<sup>18</sup>

The failure of King County to open the road prior to November 14, 1918, is a death knell to Nichols argument. Nichols presented no facts from which the trial court could have found some action taken by King County to open the ROW prior to November 14, 1918. Based upon the record, the trial court correctly determined that the vacation of the ROW was proper.

---

<sup>16</sup> Declaration of Thomas E. Barry; CP 1.

<sup>17</sup> *Stevens County v. Burrus*, 180 Wash. 420, 40 P.2d 125 (1935)

<sup>18</sup> See also *Howell v. King County*, 16 Wn.2d 557, 134 P.2d 80 (1943); *Tamblin v. Crowley*, 99 Wash. 133, 168 P. 982 (1917)

C. The Statutory Procedure Is Not Available to the Petitioners.

Nichols argued to the trial court, and appears to argue here, that McCauley was required to follow the road vacation procedures codified in either State statute or King County ordinance.<sup>19</sup>

While a property owner may petition the county to vacate a road where the road "is useless as part of the county road system and that the public will be benefitted by its vacation and abandonment"<sup>20</sup>, by no means is this the exclusive mechanism available to vacate a road. These statutes/ordinances provide only one basis under which a county road may be vacated. However, this process is unavailable to Nichols. The statutory procedure is only available to property owners who own "frontage" on that road. The salient portion of the statute provides:

**"RCW 36.87.020. County road frontage owners' petition -- Bond, cash deposit, or fee. Owners of the majority of the frontage on any county road or portion thereof may petition the county legislative authority to vacate and abandon the same or any portion thereof. The petition must show the land owned by each petitioner and set forth that such county road is useless as part of the county road system and that the public**

---

<sup>19</sup> Brief of Appellant, p. 11.

<sup>20</sup> *RCW 36.87.020*

will be benefitted by its vacation and abandonment."<sup>21</sup>

The Petitioners are without the authority to seek the vacation of the ROW as they own no "frontage" on the ROW. When engaging in statutory construction, the primary objective is to ascertain and give effect to the intent and purpose of the legislature in creating the statute.<sup>22</sup> The legislative intent must be first derived from the statute itself, and if the statute is clear on its face, its meaning must be ascertained from that language.<sup>23</sup> The statute is to be interpreted in a manner to give the terms their plain and ordinary meaning ascertained from a standard dictionary.<sup>24</sup>

In the instant case the statute is free from any ambiguity. It affords the right of owners of property that "front" the ROW to seek the vacation of the ROW. Conversely, that right is not available to others whose property does not front the ROW. To construe the statute in a manner contrary to its express language would arguably grant the right to seek the vacation of the ROW to anyone without

---

<sup>21</sup> *RCW 36.87.020 (emphasis added).*

<sup>22</sup> *Am. Cont'l Ins. Co. v. Steen*, 151 Wash.2d 512, 518, 91 P.3d 864 (2004).

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

regard to their proximity to the ROW. Taking such an interpretation to its logical conclusion, a resident of Seattle could petition for the vacation of a ROW in Spokane. That was not the intent of the legislature.

D. The Plaintiffs Were Not Required to Follow the Statutory Procedure Contained in RCW 36.87.020.

McCauley concedes that RCW 36.87.020 provides one method whereby property owners may seek the vacation of a ROW. However, this statute does not provide the only method. RCW 36.87.020 has no application here, as the basis of the road vacation is not because the road is "useless as part of the county road system".

The road was not vacated because of these ordinances, but instead was vacated by operation of law. That the county failed to open the road within five years of its establishment operates to vacate the road without applying any other statute.

E. The Trial Court Properly Denied Nichols Motion to Intervene.

Nichols argues that the trial court erred in denying their motion to intervene.<sup>25</sup> Assuming for the sake of argument that Nichols had a legally protected interest in the portion of the ROW located on the

---

<sup>25</sup> Brief of Appellant, p. 11.

McCauley property, they must also establish that their absence impaired their ability to protect that interest.<sup>26</sup> Nichols cannot satisfy this second and required prong of the test.

The only portion of the ROW vacated was the portion that lies entirely outside of the historic road. The Order entered March 28, 2012 did not affect the rights of Nichols to use the historic road. It specifically provided:

"While this action confirms the absence of any and all interest of King County in the subject property, it does not affect any private interest or easements, including those owned by utility companies, over said property."<sup>27</sup>

Nichols argues that the Decree Quieting Title on the ROW impairs their prescriptive rights to use the historic road. This contention fails both factually and legally.

Assuming for the sake of argument that the Nichols have a prescriptive easement, it could only exist over the historic road. It is only the historic road has been available for access by anyone, including Nichols.

---

<sup>26</sup> *Automotive United Trades Organization v. State*, 175 Wn.2d 214, 223, 285 P.3d 52 (2012).

<sup>27</sup> Stipulated Findings of Fact and Conclusions of law (see footnote 11); Stipulated Decree of Quiet Title (see footnote 7).

There is equally no question that Nichols do not claim a prescriptive right over the portion of the ROW never used, and lies partially in the middle of improvements that have existed for decades. The vacation of the ROW does not impair in any manner the Petitioners' prescriptive rights that may exist. As specifically stated in the Decree the "private interest or easements" are unaffected by the Decree.

#### IV. **CONCLUSION**

The precise language of the Decree does not affect Nichols right to use the historic road. Neither does the Decree affect the right of anyone to use the historic road. Nichols can establish no prejudice because of the Decree, and the trial court properly denied Nichols motion to intervene.

The vacation of the road occurred based upon the facts in this record on November 14, 1918, because the county had not opened the road by that date. This would be the result had McCauley taken no formal action to vacate the road. Based upon the record presented to the trial court, not only was the decision the correct one, it was the only decision available to the trial court upon this record and the proper application of the law.

The decision of the trial court should be affirmed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. B. Foster', is written over a horizontal line. A thin black arrow points from the signature up towards the word 'submitted' in the preceding line.

William B. Foster WSBA #8270  
of Hutchison & Foster  
Attorneys for Respondents  
McCauley & Abaculo

**APPENDIX A  
DECREE OF CONDEMNATION  
CAUSE NO. 100924**

IN THE SUPREME COURT OF THE STATE OF WASHINGTON IN AND FOR KING COUNTY.

KING COUNTY,

Petitioner,

vs.

No. 100922

ESTATE OF JOHN F. DOUGHERTY,  
Deceased, et al.,

Defendants.

DECREE OF APPROPRIATION AND JUDGMENT ON VERDICTS.

This cause having come on for trial before the court on the 20th day of October, 1914, a jury having been duly summoned and sworn to try the issues herein, and petitioner having obtained an order of adjudication to public use, and the respective parties having submitted their evidence to the jury, the jury having returned into court a verdict in favor of the defendants Estate of John F. Dougherty, deceased, and the said Estate, executrix, in the sum of \$175.00, for the taking, appropriation, condemnation and damage to the property of said defendants described in petitioner's petition and notice of taking, and the jury having returned a verdict in favor of the defendant Sisters of Charity of the House of Providence in the sum of \$1.00, for the taking, appropriation, condemnation and damage to the property of said defendant described in petitioner's petition and notice,

And the jury having returned a verdict into court in favor of the defendants Puret Sound Traction, Light & Power Co., in the sum of \$1.00, for the taking, appropriation, condemnation and damage to the old Nelson Street, in the sum of \$1.00, for the taking,

condemnation, appropriation and usage to the property of defendants described in petitioner's petition and notice.

Now, therefore, be it here and now ORDERED, ADJUDGED AND DECREED that judgment be entered upon the several verdicts as follows:

1. That judgment be entered upon the verdict in said case in favor of the defendants Estate of John F. Dougherty deceased, Kate W. Dougherty, executrix, in the sum of \$100.00.

2. That judgment be entered upon the verdict in said case in favor of the defendant Sisters of Charity of the House of Providence, in the sum of \$1.00.

3. That judgment be entered upon the verdict in said case in favor of the defendants Puget Sound Traction, Light and Power Co., and the Old Colony Trust Co., in the amount of \$100.00.

And be it further ORDERED, ADJUDGED AND DECREED that the respective sums for which judgment is granted herein, be paid in full to the defendants, appropriation and distribution of several lots, tracts and parcels of land condemned by the defendants from the said defendants herein.

And it is further ORDERED, ADJUDGED AND DECREED that upon payment into court of said moneys in the manner and to the order provided by the statutes of this state, that petitioner be deemed and adjudged to be the owner of the several lots, tracts and descriptions of property condemned from said defendants herein.

Done in open court this 17th day of November, 1922.

*Boyd J. Hall*

**APPENDIX B**  
**STIPULATION AND DECREE QUIETING TITLE**  
**CAUSE NO. 10-2-29550-0**

1 **FILED**  
KING COUNTY, WASHINGTON

2 MAR 28 2012

3 SUPERIOR COURT CLERK

4 **EXP07**

5  
6 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**

7  
8 **IN AND FOR THE COUNTY OF KING**

9 McCAULEY FALLS, LLC, a Washington  
10 limited liability company; ABACULO,  
11 LLC, a Washington limited liability  
company,

12 Plaintiff,

13 vs.

14 KING COUNTY, a political subdivision of  
15 the State of Washington,

16 Defendant.

No. 10-2-29550-0 SEA

**STIPULATION AND DECREE  
QUIETING TITLE**

17  
18 **THIS MATTER** coming on regularly for hearing this day in open court, Plaintiff,  
19 McCAULEY FALLS, LLC, a Washington limited liability company; ABACULO, LLC, a  
20 Washington limited liability company being represented by its attorney of record, William B.  
21 Foster of Hutchison & Foster; the Plaintiff, ABACULO, LLC, a Washington limited liability  
22 company being represented by its attorney of record Gregory E. Gladnick, and defendant King  
23 County being represented by Daniel T. Satterberg, Prosecuting Attorney, through his deputy,  
24 John F. Briggs, Senior Deputy Prosecuting Attorney, as attorneys for Defendant King County,  
25 and said attorneys having previously agreed to the entry of Findings of Fact and Conclusions of  
26 Law, and also agreeing to entry of this Decree and Judgment, and the court being fully advised  
27  
28

**STIPULATION AND  
DECREE QUIETING TITLE**

1

**HUTCHISON & FOSTER**  
Attorneys at Law  
4300 - 19<sup>th</sup> Street SW  
P.O. Box 69  
Lynnwood, WA 98046-0069  
Telephone: (425) 776-2147  
Facsimile: (425) 776-2140

1 in the premises, having previously entered herein its written Findings of Fact and Conclusions  
2 of Law, NOW, THEREFORE,

3 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** as follows:

4 1. Judgment is entered that title in and to the following described real estate,  
5 situated in King County, Washington, to-wit:

6  
7 THAT PORTION OF ROAD NO. 978, AS DESCRIBED IN THAT CERTAIN  
8 CONDEMNATION DOCUMENT DATED NOVEMBER 14, 1914, UNDER  
9 KING COUNTY SUPERIOR COURT CAUSE NO. 100924, SAID PORTION  
10 IS LOCATED IN THE SOUTHEAST QUARTER OF SECTION 6,  
11 TOWNSHIP 26 NORTH, RANGE 7 EAST, W.M., BEING A STRIP OF  
12 LAND 60 FEET IN WIDTH HAVING 30 FEET OF SUCH WIDTH ON  
13 EACH SIDE OF A CENTER LINE AS LOCATED BY KING COUNTY  
14 ENGINEERS SURVEY FOR ROAD NO. 978, RECORDS OF KING  
15 COUNTY, WASHINGTON, AND THE CENTERLINE OF SAID ROAD IS  
16 DESCRIBED AS FOLLOWS;

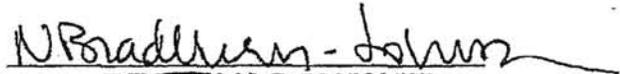
17 **COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 6;**  
18 **THENCE NORTH 79°37'58" WEST, ALONG THE SOUTH LINE OF THE**  
19 **SAID SOUTHEAST QUARTER OF SECTION 6, A DISTANCE OF 1319.53**  
20 **FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER**  
21 **OF THE SOUTHEAST QUARTER OF SAID SECTION 6; THENCE NORTH**  
22 **5°49'13" EAST, ALONG THE WEST LINE OF THE SOUTHEAST**  
23 **QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 6, A**  
24 **DISTANCE OF 910.46 FEET; THENCE SOUTH 84°10'47" EAST, A**  
25 **DISTANCE OF 15.34 FEET TO THE TRUE POINT OF BEGINNING OF**  
26 **THE HEREIN DESCRIBED CENTERLINE; THENCE, NORTHERLY,**  
27 **ALONG A CURVE TO THE RIGHT, WHOSE RADIUS POINT BEARS**  
28 **SOUTH 83° 47' 51" EAST, HAVING A RADIUS OF 404.96 FEET, AN ARC**  
**LENGTH OF 57.46 FEET; THENCE , NORTHERLY, ON A CURVE TO**  
**THE LEFT, WHOSE RADIUS POINT BEARS NORTH 75°40'05" WEST,**  
**HAVING A RADIUS OF 283.29 FEET, AN ARC LENGTH OF 155.75 FEET;**  
**THENCE, NORTHERLY, ALONG A CURVE TO THE RIGHT, WHOSE**  
**RADIUS POINT BEARS NORTH 72°49'56" EAST, HAVING A RADIUS OF**  
**283.29 FEET, AN ARC LENGTH OF 144.21 FEET; THENCE NORTH**  
**12°00'25" EAST, A DISTANCE OF 149.56 FEET; THENCE, NORTHERLY,**  
**ON A CURVE TO THE LEFT, WHOSE RADIUS POINT BEARS NORTH**  
**77°59'35" WEST, HAVING A RADIUS OF 283.29 FEET, AN ARC LENGTH**  
**OF 150.80 FEET; THENCE, NORTHERLY, ON A CURVE TO THE RIGHT,**  
**WHOSE RADIUS POINT BEARS NORTH 71°30'25" EAST, HAVING A**  
**RADIUS OF 283.29 FEET, AN ARC LENGTH OF 108.78 FEET; THENCE**  
**NORTH 3°30'25" EAST, A DISTANCE OF 229.91 FEET; THENCE,**

1 NORTHWESTERLY, ON A CURVE TO THE LEFT, WHOSE RADIUS  
2 POINT BEARS NORTH 86°29'35" WEST, HAVING A RADIUS OF 377.79  
3 FEET, AN ARC LENGTH OF 229.65 FEET; THENCE, NORTHERLY,  
4 ALONG A CURVE TO THE RIGHT, WHOSE RADIUS POINT BEARS  
5 NORTH 58°40'56" EAST, HAVING A RADIUS OF 188.87 FEET, AN ARC  
6 LENGTH OF 166.45 FEET; THENCE NORTH 19°10'25" EAST, A  
7 DISTANCE OF 68.99 FEET TO THE SOUTHERLY MARGIN OF THAT  
8 CERTAIN COUNTY ROAD KNOWN AS "JOHN MCGEE ROAD NO. 68"  
9 AND THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

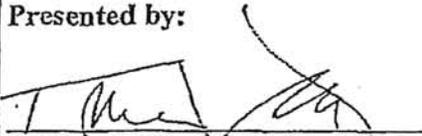
10 be and it hereby is quieted, as against King County, as fee title interest, in Plaintiffs,  
11 McCAULEY FALLS, LLC, a Washington limited liability company; ABACULO, LLC, a  
12 Washington limited liability company, as their respective interests may appear. Any right, title,  
13 lien, estate or interest claimed by any other party hereto, or any and all persons claiming under  
14 or through it, is subordinate to the ownership of Plaintiffs, subject only to paragraph 2 below.

15 2. While this action confirms the absence of any and all interests of King County in  
16 the subject property, it does not affect any private interest or easements, including those owned  
17 by utility companies, over said property.

18 *DONE IN OPEN COURT* this 28 day of March, 2012.

19   
20 JUDGE/COMMISSIONER

21 Presented by:

22   
23 William B. Foster WSBA #8270  
24 of Hutchison & Foster  
25 Attorneys for Plaintiff, McCAULEY FALLS, LLC  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Approved as to Form and for Entry;  
Notice of Presentation Waived;  
Consent to Final Hearing:

  
\_\_\_\_\_  
John F. Briggs, WSBA # 24301  
Senior Deputy Prosecuting Attorney  
Attorney for Defendant King County

\_\_\_\_\_  
Gregory E. Gladnick, WSBA # 13728  
Attorney for Plaintiff, ABACULO, LLC

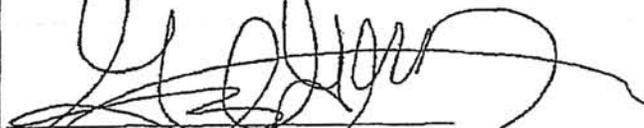
STIPULATION AND  
DECREE QUIETING TITLE

HUTCHISON & FOSTER  
Attorneys at Law  
4300 - 194<sup>th</sup> Street SW  
P.O. Box 69  
Lynden, WA 98946-0069  
Telephone: (425) 776-2117  
Facsimile: (425) 776-2140

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Approved as to Form and for Entry;  
Notice of Presentation Waived;  
Consent to Final Hearing:

John F. Briggs, WSBA # 24301  
Senior Deputy Prosecuting Attorney  
Attorney for Defendant King County



Gregory E. Gladnick, WSBA # 13728  
Attorney for Plaintiff, ABACULO, LLC

STIPULATION AND  
DECREE QUIETING TITLE

HUTCHISON & FOSTER  
Attorneys at Law  
4300 - 198<sup>th</sup> Street SW  
P.O. Box 69  
Lynnwood, WA 98046-0069  
Telephone: (206) 776-2447  
Facsimile: (206) 776-2440

**APPENDIX C  
STIPULATED FINDINGS OF FACT AND  
CONCLUSIONS OF LAW  
CAUSE NO. 10-2-29550-0**

1 **FILED**  
KING COUNTY, WASHINGTON

2 MAR 28 2012

3 SUPERIOR COURT CLERK

4 EXP07

5  
6 IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR KING COUNTY

7 McCAULEY FALLS, LLC, a Washington limited )  
8 liability company; ABACULO, LLC, a )  
9 Washington limited liability company, )

10 Plaintiff, )

11 vs. )

12 KING COUNTY, a political subdivision of the )  
State of Washington, )

13 Defendant. )

No. 10-2-29550-0 SEA

STIPULATED FINDINGS OF FACT  
AND CONCLUSIONS OF LAW

14  
15 THIS MATTER coming on regularly for hearing before the court this day, plaintiffs  
16 appearing by their attorney, William B. Foster of Hutchison & Foster, and defendant King County  
17 being represented by Daniel T. Satterberg, King County Prosecuting Attorney, through his deputy,  
18 John F. Briggs, Senior Deputy Prosecuting Attorney, and said attorneys agreeing to entry of these  
19 Findings of Fact and Conclusions of Law; and the court, having reviewed the records and files  
20 herein, being fully advised in the premises, makes the following:

21 **FINDINGS OF FACT**

22 1. That at all times material to this action, Plaintiff McCAULEY FALLS, LLC is the  
23 owner in fee and in possession of several parcels of real property, located in King County,

STIPULATED FINDINGS OF FACT AND  
CONCLUSIONS OF LAW - 1

1 Washington, and fully described in Exhibit A attached hereto.

2         2. That at all times material to this action, Plaintiff ABACULO, LLC is the owner in fee  
3 simple title and in possession of several parcels of real property, located in King County,  
4 Washington, and fully described in Exhibit B attached hereto.

5         3. King County ("County") is a governmental agency in the State of Washington.

6         4. As early as 1890, a road was established over a portion of Plaintiffs' property.  
7 Subsequent to construction of the road, the County carried out intermittent limited maintenance of  
8 the road ("Historic Road"). See Attached legal description of the Historic Road, Exhibit C

9         5. In 1914, the County purchased and condemned road right-of-way over portions of  
10 Plaintiffs' property in an attempt to include the already established road within County road right-of-  
11 way ("County ROW").

12         6. Modern survey work has revealed that the alignment of the County ROW and the  
13 Historic Road do not coincide over a majority of their length.

14         7. Plaintiffs are seeking to clear title to that portion of the County ROW that does not  
15 coincide with the Historic Road. ("Vacation Area") The Vacation Area is legally described in  
16 Exhibit D attached hereto.

17         8. The applicable statute at the time the County ROW was condemned provides as  
18 follows:

19             Any county road, or part thereof, which has heretofore been or may hereafter be  
20 authorized, which remains unopened for public use for the space of five years after the  
21 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 lapse of time.

22         9. The County ROW and Vacation Area were within unincorporated King County  
23 during the five year period between 1914 and 1919, and there are no records found within King

1 County Department of Transportation that indicate the County opened for public use that portion of  
2 the County ROW that Plaintiffs seek to clear title to in this action.

3 FROM THE FOREGOING FINDINGS OF FACT, the court makes the following:

4 **CONCLUSIONS OF LAW**

5 1. The court has jurisdiction over the parties and subject matter of this action.

6 2. The Historic Road is a currently unmaintained county road. King County shall have  
7 no right to expand or otherwise alter the Historic Road from its present configuration except where  
8 the Historic Road lies within the portion of the ROW that is not vacated as provided herein. The  
9 Plaintiffs, their successors and/or assigns shall have the right, but not the obligation, to maintain the  
10 Historic Road. The improvements existing on the Plaintiff's property shall be allowed to exist in  
11 their current location and configuration, notwithstanding the fact that their location may not be in  
12 compliance with current building, zoning and/or setback ordinances in King County.

13 3. There are no records found within King County Department of Transportation that  
14 indicate the County ROW within the Vacation Area were open within the required five-year period  
15 after the recording of the plat.

16 4. The County ROW was within unincorporated King County during the five-year  
17 period after the recording of the plat.

18 5. The County ROW is currently located within unincorporated King County.

19 6. Although the County ROW was condemned for public road purposes in 1914, the  
20 portion of the County ROW within the Vacation Area has never been opened or maintained for  
21 public use. Failure to open said road or alley right of way within five years after its dedication  
22 resulted in its vacation pursuant to laws now codified in RCW 36.87.090.

23 7. Because the County ROW within the Vacation Area was unopened to public use for

1 more than five years after being condemned by the County in 1914, the County ROW within the  
2 Vacation Area was vacated by operation of law.

3 8. The County has not acquired any prescriptive rights to the rights-of-way.

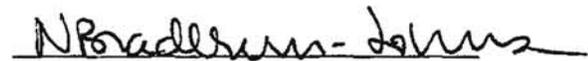
4 9. By reason of the failure to open those portions of the County ROW within the  
5 Vacation Area to public use, title to said properties vested in equal portions in the owners of the  
6 property abutting each side of said portions and passed to their successors in interest, including  
7 Plaintiffs.

8 10. By reason of the facts above, Plaintiffs' title, right or interest in the Vacation Area  
9 described above in paragraph 7 of the Findings of Fact Section are superior to the title, right or  
10 interest of the County.

11 11. While this action confirms the absence of any and all interests of King County in  
12 Vacation Area, it does not affect any private rights, interests or easements over said property.  
13 Furthermore, if there are any utility lines located in the subject property, the utility in question shall  
14 retain an easement for the utility.

15 12. That in the event any party to this action, their successors and/or assigns, shall apply  
16 for any development proposal with regard to their property, they shall comply with any and all land  
17 use regulations in effect at the time of submittal of any such application.

18 *DONE IN OPEN COURT* this 28 day of March, 2012.

19  
20   
21 JUDGE/COMMISSIONER  
22  
23

1 Presented by:

2



3

William B. Foster WSBA #8270  
of Hutchison & Foster  
Attorneys for Plaintiff

4

5

Approved as to Form and for Entry;  
Notice of Presentation Waived;  
Consent to Final Hearing:

6

7

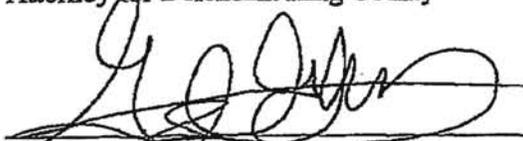
8

---

John F. Briggs, WSBA # 24301  
Senior Deputy Prosecuting Attorney  
Attorney for Defendant King County

9

10



11

12

---

Gregory E. Gladnick, WSBA # 13728  
Attorney for Plaintiff, ABACULO, LLC

13

14

15

16

17

18

19

20

21

22

23

1 Presented by:

2

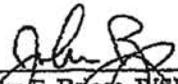
3 William B. Foster WSBA #8270  
4 of Hutchison & Foster  
Attorneys for Plaintiff

5

6 Approved as to Form and for Entry;  
7 Notice of Presentation Waived;  
Consent to Final Hearing:

7

8

  
9 John F. Briggs, WSBA # 24301  
Senior Deputy Prosecuting Attorney  
Attorney for Defendant King County

10

11

12 Gregory E. Gladnick, WSBA # 13728  
Attorney for Plaintiff, ABACULO, LLC

13

14

15

16

17

18

19

20

21

22

23

1 EXHIBIT "A"

2 Parcel H:

3 The East half of the Southeast Quarter of Section 6, Township 26 North, Range 7 East, W. M., in  
4 King County, Washington; Together with any portion of the West half of the Southeast Quarter lying  
East of the West Boundary of existing road Right of Way No. 978.

5 Parcel I:

6 All that Portion of the West half of the Southeast Quarter of Section 6, Township 26 North, Range 7  
7 East, W. M., in King County, Washington, described as follows:

8 Beginning at a point on the South Line of Section 6, North  $81^{\circ}23'52''$  West, a distance of 1355.43  
feet from the Southeast of corner of said Section, said point being in the Center of the John W.  
McGee Road as existing and maintained;

9 Thence North  $20^{\circ}00'00''$  East along the center of said road a distance of 340.0 feet;

10 Thence continuing along the center of said road North  $2^{\circ}30'00''$  East, a distance of 550.0 feet;

11 Thence North  $15^{\circ}25'37''$  East, a distance of 170.34 feet;

12 Thence North  $4^{\circ}40'00''$  East, a distance of 270.0 feet;

13 Thence North  $4^{\circ}40'00''$  West, along the center of said road a distance of 273.79 feet;

14 Thence South  $87^{\circ}21'43''$  West, a distance of 87.03 feet;

15 Thence South  $37^{\circ}13'13''$  West, a distance 538.43 feet to a point which is 40.0 feet as measured at  
right angles, from the center of Cherry Creek;

16 Thence South  $11^{\circ}48'48''$  East, parallel to and 40.0 feet Easterly of the center of Cherry Creek, a  
distance of 28.71 feet;

17 Thence South  $17^{\circ}44'48''$  East, continuing parallel to and 40 feet Easterly of the center of said Creek,  
a distance of 580.13 feet;

18 Thence South  $21^{\circ}20'12''$  West, a distance of 486.06 feet;

19 Thence South  $8^{\circ}59'48''$  East, a distance of 78.34 feet to a point on South line of said Section, 40.0  
feet Easterly as measured at right angles of the center of said Creek;

20 Thence South  $81^{\circ}23'52''$  East, along the South line of said section, a distance of 211.61 feet to the  
point of beginning;

21 Except the Easterly 30.0 feet thereof.

22 Subject to: Right granted to King County, State of Washington, by deed recorded under Auditor's  
23 File No. 1518361, to alter, straighten, deepen and otherwise improve the channel of Cherry Creek;  
and

Further subject to easement, including terms and provisions contained therein, recorded November  
28, 1962, under Recording No. 4074151 in favor of Puget Sound Power and Light Company for  
electric transmission and distribution line.

Situated in the County of King, Washington.

1 EXHIBIT "B"

2 PARCEL A:

3 All that portion of Government Lot 8 and all of that portion of the Northwest quarter of the  
4 Southeast quarter of Section 6, Township 26 North, Range 7 East, W.M., in King County,  
5 Washington, lying Westerly of the Westerly margin of the Chicago, Milwaukee, St Paul & Pacific  
6 Railroad Company right of way

7 PARCEL B:

8 All of Government Lot 13 in Section 6, Township 26 North, Range 7 East, W.M., in King County,  
9 Washington;  
10 EXCEPT that portion conveyed to the Everett & Cherry Valley Traction Co., by deed recorded  
11 under Recording Number 643416;  
12 AND EXCEPT that portion conveyed to the Chicago, Milwaukee & Puget Sound Railroad Co. by  
13 deed recorded under Recording Number 698277;  
14 AND EXCEPT that portion lying within State Highway No 15-B.

15 PARCEL C:

16 All that portion of Government Lot 14 in Section 6, Township 26 North, Range 7 East, W.M., in  
17 King County, Washington lying Westerly of the Westerly margin of the Chicago Milwaukee St Paul  
18 & Pacific Railroad right of way.

19 PARCEL D

20 That portion of the West half of the Southeast quarter of Section 6, Township 26 North, Range 7  
21 East, W.M., in King County, Washington, lying Northerly of lateral "A" of the Cherry Creek  
22 Drainage Ditch and Westerly of the Main Cherry Creek Drainage Ditch as both are described under  
23 Recording Number 1518361;  
24 EXCEPT that portion lying Northwesterly of the Southeasterly margin of State Highway No. 15-B

25 PARCEL E

26 That portion of the West half of the Southeast quarter of Section 6, Township 26 North Range 7  
27 East, W.M., in King County, Washington, lying Easterly of the Easterly margin of State Highway  
28 No. 15 and Easterly of Easterly margin of Cherry Creek Drainage Ditch No. 15 and Westerly of the  
29 Westerly margin of 286th Avenue NE, also known as County Road No. 978, and John McGee Road  
30 No 68;  
31 EXCEPT County Roads or rights of ways;  
32 AND EXCEPT that portion described in deed to Edward W. Hayes, said deed recorded under  
33 Recording Number 6584326.

1 PARCEL F:

2 That portion of the Northwest quarter of the Northeast quarter AND of Government Lot 1 in Section  
3 7, Township 26 North, Range 7 East, in King County, Washington, described as follows:

4 Beginning at the North quarter corner of said Section 7; thence Westerly along the North line of said  
5 section 7, a distance of 1047.3 feet to the Southeasterly margin of State Highway 15-B;

6 THENCE Southwesterly along said Southeasterly margin 808.2 feet;

7 THENCE Easterly to a point on the East line of said subdivision 921.8 feet Southerly of said North  
8 quarter corner;

9 THENCE Northerly along said East line 921.8 feet to the point of beginning;

10 EXCEPT that portion, if any lying within Drainage Ditch Lateral "A" by deed recorded under  
11 Recording Number 1516360;

12 TOGETHER WITH that portion of the Northwest quarter of the Northeast quarter of Section 7,  
13 Township 26 North, Range 7 East, W.M. in King County, Washington, lying Northwesterly of  
14 lateral "A" of Cherry Creek Drainage Ditch as described under Recording Number 1518361;

15 AND TOGETHER WITH that portion of Government Lot 1 in Section 7, Township 26 North,  
16 Range 7 East W.M. , in King County, Washington, lying Westerly of the Westerly margin of the  
17 Chicago, Milwaukee, St. Paul & Pacific Railroad Company right of way.

18 PARCEL G:

19 All that portion of Government Lots 8 and 9 in Section 12, Township 26 North, Range 6 East, W.M.,  
20 in King County, Washington, lying Westerly of the Westerly margin of the Chicago Milwaukee, St.  
21 Paul & Pacific Railroad Company right of way;

22 EXCEPT the Easterly 50 feet of Government Lot 9

23 *Situated in the County of King, Washington.*

EXHIBIT C

1  
2 THAT PORTION OF THE S.W. 1/4 OF THE S.E. 1/4, S.E. 1/4 OF THE S.E. 1/4, N.W. 1/4 OF  
3 THE S.E. 1/4 AND N.E. 1/4 OF THE S.E. 1/4 SECTION 6, TOWNSHIP 26 NORTH, RANGE 07  
4 EAST, W.M. BEING 20.00 FEET IN WIDTH, LYING 10.00 FEET EACH SIDE OF THE  
5 FOLLOWING DESCRIBED CENTERLINE;  
6 COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 6;  
7 THENCE N 79°37'58" W, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF  
8 SAID SECTION 6, A DISTANCE OF 1359.70 TO THE CENTER LINE OF AN EXISTING  
9 GRAVEL ROAD, ALSO KNOWN AS THE TRUE POINT OF BEGINNING;  
10 THENCE N 04°07'20" E A DISTANCE OF 24.35 FEET;  
11 THENCE N 18°19'47" E A DISTANCE OF 58.82 FEET;  
12 THENCE N 26°50'48" E A DISTANCE OF 92.77 FEET;  
13 THENCE N 25°49'45" E A DISTANCE OF 152.53 FEET;  
14 THENCE N 08°06'03" E A DISTANCE OF 155.88 FEET;  
15 THENCE N 09°07'39" E A DISTANCE OF 99.24 FEET;  
16 THENCE N 01°57'32" E A DISTANCE OF 292.71 FEET;  
17 THENCE N 09°45'08" E A DISTANCE OF 48.53 FEET;  
18 THENCE N 20°01'43 E A DISTANCE OF 46.73 FEET;  
19 THENCE N 14°27'59" E A DISTANCE OF 106.46 FEET;  
20 THENCE N 01°09'50" E A DISTANCE OF 149.99 FEET;  
21 THENCE N 17°26'15" E A DISTANCE OF 109.95 FEET;  
22 THENCE N 05°35'37" W A DISTANCE OF 58.56 FEET;  
23 THENCE N 00°00'31" E A DISTANCE OF 55.59 FEET TO A POINT ON THE NORTH LINE OF  
THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 6 WHICH BEARS N  
81°03'02" W 1232.41 FEET FROM THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF  
THE SOUTHEAST 1/4 SECTION 6;  
THENCE N 00°00'31" E A DISTANCE OF 39.50 FEET;  
THENCE N 07°04'30" W A DISTANCE OF 70.47 FEET;  
THENCE N 06°38'35" W A DISTANCE OF 198.19 FEET;  
THENCE N 05°06'33" W A DISTANCE OF 51.79 FEET TO A POINT ON THE WEST LINE OF  
THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 6 WHICH BEARS S  
05°49'13" W A DISTANCE OF 1084.96 FEET FROM THE NORTHWEST CORNER OF THE  
NORTHEAST 1/4 OF THE SOUTH EAST QUARTER OF SECTION 6;  
THENCE N 05°06'33" W A DISTANCE OF 15.66 FEET;  
THENCE N 00°28'59" W A DISTANCE OF 49.16 FEET;  
THENCE N 04°17'50" E A DISTANCE OF 106.08 FEET;  
THENCE N 08°34'40" W A DISTANCE OF 52.95 FEET;  
THENCE N 05°24'06" W A DISTANCE OF 39.32 FEET;  
THENCE N 15°55'18" E A DISTANCE OF 37.84 FEET;  
THENCE N 00°20'34" W A DISTANCE OF 160.69 FEET;  
THENCE N 11°01'36" E A DISTANCE OF 92.94 FEET;  
THENCE N 00°28'09" E A DISTANCE OF 36.16 FEET:

1 THENCE N 10°13'10" E A DISTANCE OF 130.34 FEET TO A POINT ON THE  
2 SOUTHEASTERLY MARGIN OF JOHN McGEE ROAD NO.68 SAID POINT IS ON THE  
3 SOUTH LINE OF THE NORTH 369.59 FEET OF THE SOUTHEAST 1/4 OF SECTION 6  
4 TOWNSHIP 26 NORTH RANGE 07 EAST W.M., AND THE TERMINUS OF THE HEREIN  
5 DESCRIBED CENTER LINE.  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

EXHIBIT "D"

1  
2 THAT PORTION OF ROAD NO. 978, AS DESCRIBED IN THAT CERTAIN CONDEMNATION  
3 DOCUMENT DATED NOVEMBER 14, 1914, UNDER KING COUNTY SUPERIOR COURT  
4 CAUSE NO. 100924, SAID PORTION IS LOCATED IN THE SOUTHEAST QUARTER OF  
5 SECTION 6, TOWNSHIP 26 NORTH, RANGE 7 EAST, W.M., BEING A STRIP OF LAND 60  
6 FEET IN WIDTH HAVING 30 FEET OF SUCH WIDTH ON EACH SIDE OF A CENTER LINE  
7 AS LOCATED BY KING COUNTY ENGINEERS SURVEY FOR ROAD NO. 978, RECORDS  
8 OF KING COUNTY, WASHINGTON, AND THE CENTERLINE OF SAID ROAD IS  
9 DESCRIBED AS FOLLOWS;

10 COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 6; THENCE NORTH  
11 79°37'58" WEST, ALONG THE SOUTH LINE OF THE SAID SOUTHEAST QUARTER OF  
12 SECTION 6, A DISTANCE OF 1319.53 FEET TO THE SOUTHWEST CORNER OF THE  
13 SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 6; THENCE  
14 NORTH 5°49'13" EAST, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE  
15 SOUTHEAST QUARTER OF SAID SECTION 6, A DISTANCE OF 910.46 FEET; THENCE  
16 SOUTH 84°10'47" EAST, A DISTANCE OF 15.34 FEET TO THE TRUE POINT OF  
17 BEGINNING OF THE HEREIN DESCRIBED CENTERLINE; THENCE, NORTHERLY,  
18 ALONG A CURVE TO THE RIGHT, WHOSE RADIUS POINT BEARS SOUTH 83° 47' 51"  
19 EAST, HAVING A RADIUS OF 404.96 FEET, AN ARC LENGTH OF 57.46 FEET; THENCE,  
20 NORTHERLY, ON A CURVE TO THE LEFT, WHOSE RADIUS POINT BEARS NORTH  
21 75°40'05" WEST, HAVING A RADIUS OF 283.29 FEET, AN ARC LENGTH OF 155.75 FEET;  
22 THENCE, NORTHERLY, ALONG A CURVE TO THE RIGHT, WHOSE RADIUS POINT  
23 BEARS NORTH 72°49'56" EAST, HAVING A RADIUS OF 283.29 FEET, AN ARC LENGTH  
OF 144.21 FEET; THENCE NORTH 12°00'25" EAST, A DISTANCE OF 149.56 FEET;  
THENCE, NORTHERLY, ON A CURVE TO THE LEFT, WHOSE RADIUS POINT BEARS  
NORTH 77°59'35" WEST, HAVING A RADIUS OF 283.29 FEET, AN ARC LENGTH OF 150.80  
FEET; THENCE, NORTHERLY, ON A CURVE TO THE RIGHT, WHOSE RADIUS POINT  
BEARS NORTH 71°30'25" EAST, HAVING A RADIUS OF 283.29 FEET, AN ARC LENGTH  
OF 108.78 FEET; THENCE NORTH 3°30'25" EAST, A DISTANCE OF 229.91 FEET; THENCE,  
NORTHWESTERLY, ON A CURVE TO THE LEFT, WHOSE RADIUS POINT BEARS NORTH  
86°29'35" WEST, HAVING A RADIUS OF 377.79 FEET, AN ARC LENGTH OF 229.65 FEET;  
THENCE, NORTHERLY, ALONG A CURVE TO THE RIGHT, WHOSE RADIUS POINT  
BEARS NORTH 58°40'56" EAST, HAVING A RADIUS OF 188.87 FEET, AN ARC LENGTH  
OF 166.45 FEET; THENCE NORTH 19°10'25" EAST, A DISTANCE OF 68.99 FEET TO THE  
SOUTHERLY MARGIN OF THAT CERTAIN COUNTY ROAD KNOWN AS "JOHN MCGEE  
ROAD NO. 68" AND THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.



