

14
2
1600

COPY
SKAGIT COUNTY, WASH.
FILED

NOV - 1 1991

Phyllis Coole-McKeethen, Co. Clerk
Deputy

9111010074

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR SKAGIT COUNTY BY

JEFFREY A. REED and SUSAN G.)
 REED, husband and wife;)
 EDWARD W. SHALLENBERGER and)
 INGRID SHALLENBERGER, husband)
 and wife; and FRANK K.)
 SHALLENBERGER and MARY ANN)
 SHALLENBERGER, husband and)
 wife, (as tenants-in-common);)
 BRADLEY MAXIM (NEE; Elvebak), a)
 man; STEVE M. OSMAN,)
 THERESA L. OSMAN, and KATHY)
 OSMAN (as tenants-in-common);)
)
 Plaintiffs)
)
 vs.)
)
 SKAGIT COUNTY, a municipal)
 corporation,)
)
 Defendant.)

NO. 91-2-00549-7

AGREED JUDGMENT QUIETING
TITLE IN TENTH STREET,
ELEVENTH STREET, WOODLAND
AVENUE, OLIVER AVENUE, PEORIA
AVENUE AND LAKE AVENUE, single
PLATTED STREETS WITHIN THE
PLAT OF FIDALGO ADDITION TO
ANACORTES; and TO LONNIS
LAKE AVENUE, MARSHALL AVENUE,
AND TENTH STREET, PLATTED
STREETS WITHIN THE PLAT OF
"LAKEVIEW ADDITION" TO FIDALGO
CITY, WASHINGTON, TOGETHER
WITH PLATTED ALLEYS

THIS MATTER having come on for hearing in the above-entitled
 Court upon the stipulation of the Plaintiffs above and herein
 named, appearing by and through their attorney, PAUL H. REILLY,
 and the Defendant appearing through its attorney, JOHN R. MOFFAT,
 Chief Civil Deputy, Skagit County Prosecuting Attorney's office,
 whereby the parties agree that judgment should be entered upon
 Plaintiffs' claims, which are well-founded in fact and law, and
 Defendant does not have any affirmative or other defenses to
 claim for relief, and the Court being fully otherwise advised,
 NOW THEREFORE,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

VOL 1023 PAGE 01

Return

AGREED JUDGMENT
QUIETING TITLE

9111010074

COPY

PAUL H. REILLY
ATTORNEY AND COUNSELOR AT LAW
1229 CLEVELAND - PO BOX 337
MOUNT VERNON, WA 98273
(206) 338-3111
(206) 293-6484

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

1. That Plaintiffs are the owners of certain real properties within the Plat of Fidalgo City, and/or the Plat of Lakeside Addition to Fidalgo City, said plats being filed for record in the office of the Skagit County Auditor, in Volume 2 of Plats, page 113, on or about November 7, 1889 and in Volume 2 of Plats, page 47, on or about November 13, 1890, respectively.

2. That the real property owned by these Plaintiffs herein abut upon certain portions of streets and alleyways as set forth in the above-referenced plats as follows:

A. The Property owned by the Plaintiffs REED fronts upon Tenth Street and Oliver Avenue within the Plat of Fidalgo City. The legal description of the Plaintiffs Reeds' is set forth on Exhibit "A" attached hereto and incorporated by this reference as if fully set forth.

B. The property owned by the Plaintiffs SHALLENBERGER fronts upon Lake Avenue, Woodland Avenue and Tenth Street, all within the Plat of Fidalgo City. The legal description of the Plaintiffs Shallenbergers' is set forth on Exhibit "B" attached hereto and incorporated by this reference as if fully set forth.

C. The property owned by the Plaintiff MAXIM fronts upon Oliver Avenue, Woodland Avenue, and Ninth Street all within the Plat of Fidalgo City. The legal description of the Plaintiff Maxim is set forth on Exhibit "C" attached hereto and incorporated by this reference as if fully set forth.

D. The property owned by the Plaintiffs Osman fronts upon Lake Avenue, Tenth Street, Eleventh Street, Peoria Avenue, and Oliver Avenue, all within the Plat of Fidalgo City. The legal

AGREED JUDGMENT
QUIETING TITLE 9111010074

PAUL H. REILLY
ATTORNEY AND COUNSELOR AT LAW
1229 CLEVELAND - P.O. BOX 337
MOUNT VERNON, WA 98273
(206) 336-3111
(206) 293-8181

VOL 1023 PAGE 02

1
2 description of the Plaintiffs' Osman is set forth on Exhibit "D"
3 attached hereto and incorporated by this reference as if fully
4 set forth.

5 E. The Plaintiffs Osman are also owners of certain real
6 property which fronts upon Lake Avenue, Marshall Avenue, Lonnis
7 Avenue and Peoria Avenue, and Tenth Street all within the Plat
8 of Lakeview Addition of Fidalgo City. The legal description of
9 the Plaintiffs' Osman is set forth on Exhibits "E" and "F"
10 attached hereto and incorporated by this reference as if fully
11 set forth.

12 3. That none of the real property subject to this lawsuit
13 lies within the boundaries of any incorporated town or city and
14 that these portions of the described streets, together with
15 adjacent alleyways, and which abut upon Plaintiffs property have
16 never been opened and used as public rights-of-way.

17 4. That, according to the provisions of the laws of 1889-
18 1890, Chapter 19, Section 32, those portions of the described
19 streets and alleyways abutting upon the Plaintiffs properties
20 were vacated and abandoned by operation of law, not having been
21 opened and used as a public rights-of-way within five (5) years
22 of the date of the dedication and the filing of the said Plats,
23 and to the centerline thereof, has been and is the property of
24 these individual Plaintiffs insofar as the said streets and
25 alleyways abut the Plaintiffs properties.

26 5. That the Defendant has no right, title, interest, or
27 right of possession in or to the said portion of the said rights
28 of way described in paragraph 2 above.

AGREED JUDGMENT
QUIETING TITLE - 3

9111010074

VOL 1023 PAGE 03

PAUL H. REILLY
ATTORNEY AND COUNSELOR AT LAW
1225 CLEVELAND - P O BOX 327
MOUNT VERNON, WA 98273
(206) 336-3111
(206) 293-8484

1
2
3 6. That the Plaintiffs prayer for relief is granted and
4 title to the property described in paragraph 2 above,
5 specifically the streets and alleyways, is quieted in the
6 Plaintiffs to the centerline of the described streets insofar as
7 they appear in the _Plat of Fidalgo City and/or the Plat of
8 Lakeview Addition to Fidalgo City, and as they abut the
9 Plaintiffs properties.

10 DONE IN OPEN COURT this 1st day of November 1991.

11 G. E. MULLEN

JUDGE/COURT COMMISSIONER

12 Presented By:

13 
14 PAUL H. REILLY, WSBA #10709
Attorney for Plaintiffs

15 COPY RECEIVED & APPROVED AS TO
16 FORM; NOTICE OF PRESENTATION WAIVED:

17 15/
18 JOHN R. MOFFAT, Chief Civil Deputy
WSBA #5887, Attorney for Defendant

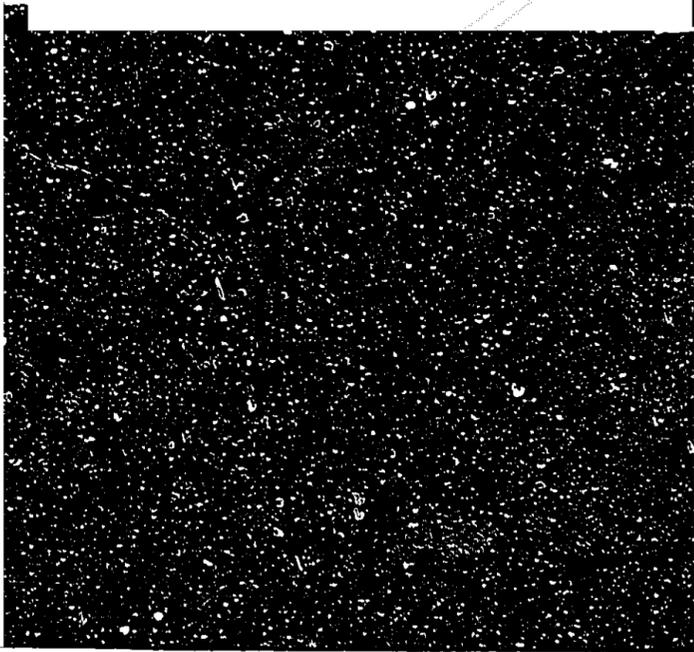
19 wpdata\civil\judge.ree

20
21
22
23
24
25
26
27
28
VOL 1023 PAGE 04

AGREED JUDGMENT
QUIETING TITLE - 4

9111010074

PAUL H. REILLY
ATTORNEY AND COUNSELOR AT LAW
1229 CLEVELAND - PO BOX 337
MOUNT VERNON, WA 98273
(206) 336-3111
(206) 293-6464



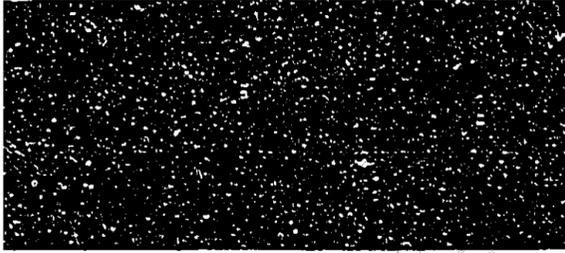
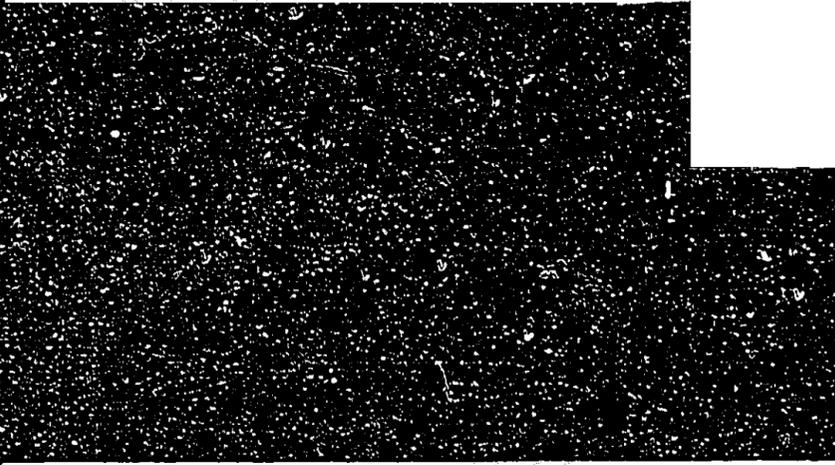
Lots 8 through 14, inclusive, Block 9, MAP OF FIDALGO CITY, according to the plat thereof, recorded in Volume 2 of Plats, page 113, records of Skagit County, Washington.

TOGETHER WITH and SUBJECT TO stairway easement rights may be established.

"EXHIBIT A"

VOL. 1023 PAGE 05

9111010074



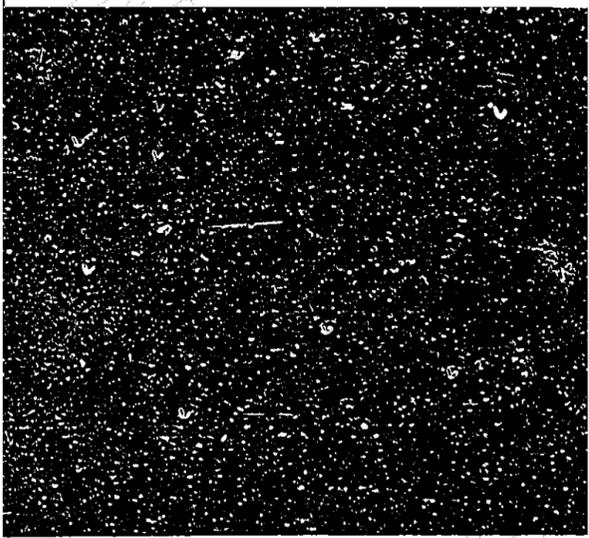
LOTS 1 THROUGH 7, BLOCK 9, AND THE WEST HALF OF VACATED WOODLAND AVENUE LYING
ADJACENT TO BLOCK 9, MAP OF FIDALGO CITY, ACCORDING TO THE PLAT THEREOF
RECORDED IN VOLUME 2 OF PLATS, PAGE 113, RECORDS OF SKAGIT COUNTY, WASHINGTON;

EXCEPT THE EAST HALF AND THE WEST HALF OF VACATED WOODLAND AVENUE LYING
BETWEEN LOTS 5 THROUGH 7, BLOCK 9, AND LOTS 5 THROUGH 7, BLOCK 10, OF SAID
PLAT.

"EXHIBIT B"

VOL 1023 PAGE 06

9111010074



The South half of Lot 4, and the South half of Lot 11, and all of Lots 5, 6, 7, 8, 9, and 10, all located in Block 40 of the plat of Fidalgo City, Skagit County, Washington.

"EXHIBIT C"

VOL 1023 PAGE 07

9111010074

Lots One(1) to Seven (7) Block Seven (7), Lots One (1) to Fourteen (14), Block Eight (8) and Lots One (1) to Fourteen (14) in Block Forty-one (41) MAP OF FIDALGO CITY, SKAGIT CO., WASHINGTON, as per plat recorded in Volume 2 of Plats, Page ~~114~~ 113

Also that portion of Government Lot Four (4) in Section Thirteen (13), Township Thirty-four (34) North, Range One (1) East of the Willamette Meridian lying between the Northerly line of Block Seven (7) in Map of Fidalgo City, Skagit Co., Washington, as per plat recorded in Volume 2 of Plats, Page 114, records of Skagit County, and the meander line, EXCEPT road;

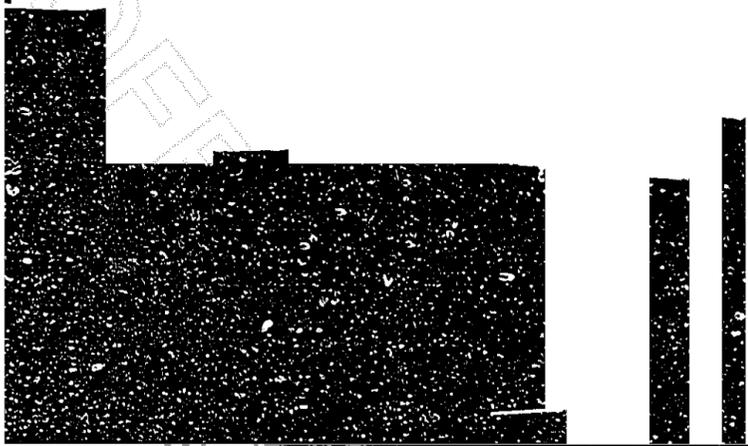
"EXHIBIT D"

Lots one (1) to Twenty-four (24) inclusive
in Block (1); Lots One (1) to Ninth (9th),
inclusive in Block three (3) and Lots (1);
to eleven (11), inclusive, in Block four (4);
all Lake View Addition to Pidalgo City,
Wash., as per plat recorded in Volume 2 of
Plats, page 47, records of Skagit County.

"EXHIBIT E"

9111010074

VOL 1023 PAGE 09



Shorelands of the second class, situate in front of, adjacent to or abutting upon that portion of Government Lot 3, Section 13, Township 34 North, Range 1 East of the Willamette Meridian, records of Skagit County, Washington, lying East of the East line of Marshall Avenue in Lake View Addition to Fidalgo City, Washington, according to the plat thereof recorded in Volume 2 of Plats, page 47, records of Skagit County, Washington, and said East line produced Northerly, with a frontage of 11.44 lineal chains, more or less.