

Meeting with Rich Curtis

November 13, 2017

11:43 a.m.

Present: Commissioner Stamper, Commissioner Fund, Commissioner Jackson, Erik Martin, Tim Fife, Rich Curtis

Guests: Larry Bilyeu, BJ Roland, Colleen Hammontree

Recorder: Rieva Lester

Commissioner Stamper said Rich Curtis contends the county has a 30-foot road easement on his property.

Erik Martin said the county's legal department has established that the easement is 60 feet.

Commissioner Stamper left at 11:47 a.m. and returned at 11:48 a.m.

Rich Curtis said he has been examining documents from archives regarding his easements, and he gave an overview of his findings. He said a 1949 document indicates the road is 40 feet wide. He cited RCW 36.86.10 regarding easements. Rich Curtis said WSDOT officials agree with his stance. He said the distance from his fence to the center line of the road is 20 feet.

Rich said he wants the county to agree that the road is 40 feet in width.

Commissioner Stamper asked what Rich Curtis is looking for. Rich said the trouble is that Public Works has indicated the road is a 60-foot road. Rich said he discovered the discrepancy when he decided to replace his fence three years ago.

Larry Bilyeu said he installed a fence on North Prairie in 2005 and was told to stay back 20 feet from the center line.

Erik Martin said Larry Unzelman and Glenn Carter have determined it is 60 feet. He said the road was established without naming a width, therefore making it a 60-foot road. He said the only way to reduce right of way is through the vacation process, which has not taken place.

Erik Martin said it's likely the county was in error when Larry Bilyeu wanted to build his fence in 2005.

Commissioner Jackson discussed his own personal experiences with easements.

Erik reiterated that the county's legal opinion is that it's a 60-foot easement because the original road establishment did not specify a width, so it defaults to 60.

Rich said he will not install a fence not knowing where the boundary is. He said he is paying taxes on the full amount.

Erik said Public Works can again review the documents. Tim Fife said if there is evidence supporting that it's 30 feet, the county can review those archival documents.

Tim stressed that this would be a legal question.

Commissioner Stamper said he would meet with Glenn Carter, Erik Martin, and Tim Fife.

Erik said Rich wanted a true legal opinion so the county provided him with one. Unfortunately for Rich, it wasn't what Rich had hoped for.

Meeting ended at 12:31 p.m.