



CONCEPT ENGINEERING, INC.

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November 24, 2010

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KITTITAS COUNTY
DEPT OF PUBLICWORKS

Mr. Jeff Watson, Planner 1
Mr. Kirk Holmes, Director
KITTITAS COUNTY
Community Development Services
411 North Ruby, Suite 1
Ellensburg, WA 98926

Re: Kittitas County File Nos. SG-10-00003 through SG-10-00008 for recognition of pre-existing platted government lots – Concept Job Number 30009

Dear Jeff and Kirk:

The attached documents contain the supplemental information you requested in the August meeting. This information supports Plum Creek's request that the County recognize Plum Creek's pre-existing platted government lots. I am providing this information in advance of our proposed meeting so you will have adequate time to review the material and my comments below.

Chain of Title

In the August meeting we showed you a hand-written chain of title outline prepared by Stewart Title Company. At the County's request, Plum Creek had Stewart Title Company provide all the recorded instruments in the chain of title. These instruments range from the original patents to the current vesting deeds. You will find this information bound in book form with cover pages citing the Kittitas County application number and the section, township and range for each location (Exhibits "A" through "F"). As we are prepared to discuss at a meeting with you, each chain of title shows that the government lots were, and remain, separately surveyed and platted lots, created by federal government survey, and recognized at the time of the original patent and transfer into private ownership. Those platted lots remain valid legal and separate lots in Kittitas County.

Disposal of Public Lands

You will notice in each case the title was derived from the United States federal government by the original patent. In order for the United States to dispose of the public lands, those lands had to first be surveyed, then a township plat prepared, and finally, the Surveyor General for the Washington Territory had to approve the plats. Plum Creek's government lots represent legally platted and existing segregated land.

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Legal Subdivisions

When the United States conveys land by section, township and range, it is by reference to the approved township plat and all its legal subdivisions. Quarter – quarter subdivisions and government lots are recognized as legal subdivisions of sections within a township plat. Washington courts have recognized government plats as legal subdivisions, as exemplified by a 1930 Washington Supreme Court case affirming this in *Greenblum v. Gregory*, 160 Wash. 42, 294 P.2d 971 (1930)- - (*"The phrase 'legal subdivisions'... has a definite meaning, [and] applies only to divisions of land which result from application of the ordinary methods used in making of a government survey; the smallest of these being the 40-acre square, or quarter-quarter section, except where by reason of special conditions lots of more or less irregular shape are laid out, as in the case of fractional sections....No authority has been cited, nor are we able to find any, which permits the county officials to resurvey, replat, or change the legal subdivisions as established."* *Greenblum* at 46-48 which I have included as Exhibit "G".) Plum Creek's platted government lots represent legal subdivisions. As these government lots represent legal subdivisions, Plum Creek's application is not one for segregation or subdivision, but merely a request to the County for lot recognition. The platted nature of these legal subdivisions supports this recognition. While the Kittitas County forms I used to request lot recognition are the same forms used to request parcel segregation, parcel combination and boundary line adjustment, I made it clear in the application that Plum Creek is requesting lot recognition, not segregation, as there is no need to segregate something that is already a legal subdivision.

Government Lots

By way of additional background, the purpose of the government lot is to create a unit of land that is not otherwise capable of description as an aliquot part of the section. Aliquot parts are described as a quarter – quarter (approximate 40 acres) subdivision of a section. Typical locations where you will find government lots are along the north and west tiers of sections within a township plat. It is standard to create lots in these locations to contain areas of excess or deficiency due to converging longitudinal range lines. As you can see from the 1881-1906 GLO surveys that are attached as Exhibit "H", this is precisely what the federal government did in the Sections that are the subject of Plum Creek's applications. You will also find lots along lakes and rivers, completion surveys that close against senior surveys where limits of closure are exceeded and against donation land claim and mining claims just to cite a few examples. I have included as Exhibit "K" information about government lots by the Department of Interior Bureau of Land Management and excerpts from "Land Survey Systems" by John G. McEntyre.

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Previous Tax Parcels

Some confusion may have arisen due to the fact that the government lots do not necessarily currently show up on the Kittitas County Assessor's website as discrete tax parcels. This is likely due to the fact that, as a matter of billing convenience to the prior owners, a single tax bill was prepared for multiple lots. This does not affect the government lots' status as separately platted and surveyed segregated lots. The Real Property Assessment Records at the Washington State Archives branch at Central Washington University provide additional evidence that Plum Creek's government lots were always considered separately platted and segregated lots. These records are from 1916-1917 tax rolls and list the subject properties in quarter - quarter designations. In the ledger, each separate lot number corresponding to the government lots created by the township plat are separately listed and called out. These historic tax rolls provide supplementary evidence that the County has historically recognized these government lots as separate lots. I have included as Exhibit "I" an excerpted copy of these tax rolls for your review.

Legislature Orders Creation of Tax Parcels

A brief background on the initial creation of tax parcels is helpful in considering this issue. In Washington State Session Laws of 1899 & 1901 (which I have included as Exhibit "J"), the legislature directed all county assessors to list all real property according to the largest legal subdivision (which may have been a section of land). An option was given to the Board of County Commissioners of any county to create tax parcels according to the smallest platted or government subdivision. Note, the smallest government subdivision in a GLO Township Plat is a quarter - quarter section (approximately 40 acres) or the government lot. This supports the information on the old tax rolls. Again, Kittitas County's archived tax rolls show that Kittitas County separately identified each platted government lot presented by Plum Creek in its applications. I have attached a copy of the Session Laws for your review.

Summary

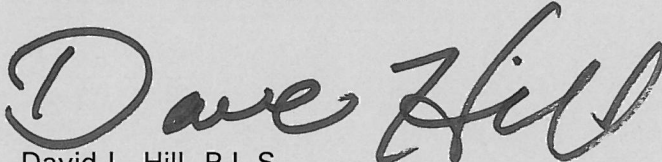
In summation, government lots are legal subdivision created by the United States federal government in the prescribed standard method of the time. They have been transferred from the public domain into private ownership, recognized as legal subdivisions by the State of Washington, and recorded in the public County tax rolls. Plum Creek's pending applications request that the County recognize the enumerated platted government lots as legal lots within Kittitas County. Based on the foregoing, we respectfully ask that Kittitas County approve the current applications for lot recognition as has been the past practice.

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Thank you for your consideration of this supplemental information. We look forward to meeting with you before the end of the year.

Sincerely,

CONCEPT ENGINEERING, INC.


David L. Hill, P.L.S.

DLH:rh

- Enclosures: Exhibit A – Chain of Title for Lots 1, 2, and 3
(S. 1, T. 20 N, R 14 E. W.M.)
Exhibit B – Chain of Title for Lots 5, 6, 7, and 8
(S. 5, T. 20 N, R 15 E. W.M.)
Exhibit C – Chain of Title for Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10
(S. 6, T. 20 N, R 15 E. W.M.)
Exhibit D – Chain of Title for Lot 1 (S. 7, T. 20 N, R. 15 E. W.M.)
Exhibit E – Chain of Title for Lots 1, 2, 3, and 4
(S. 25, T. 21 N, R 14 E. W.M.)
Exhibit F – Chain of Title for Lots 1, 2, 3, and 4
(S. 36, T. 21 N, R. 14 E. W.M.)
Exhibit G – *Greenblum v. Gregory*
Exhibit H - Government Survey dated 1881-1906
Exhibit I – Kittitas County Real Property Assessment Records
(1916-1917)
Exhibit J – Session Laws of 1899 and 1901
Exhibit K – Background Information on Government Lots