

From: [CDS User](#)
To: [Lindsey Ozbolt](#); [Chelsea Benner](#); [Jeremy Johnston](#)
Cc: [Dan Carlson](#)
Subject: FW: Berlin Setback Variance Application VA-19-00001
Date: Tuesday, August 6, 2019 11:51:37 AM
Attachments: [VA-19-00001 Berlin Notice of Application Legal.pdf](#)
[Crouse v Berlin Adverse Possession Site Plan and Legal Description.pdf](#)
[Lis Pendens 201907300018.pdf](#)

From: Michele McNeill [mailto:michele@skylinelaw.com]
Sent: Tuesday, August 6, 2019 11:46 AM
To: CDS User
Cc: lindsey.ozbolt@co.kittitas.wa.us; DAVE CROUSE
Subject: Berlin Setback Variance Application VA-19-00001

To Kittitas County Community Development Services:

I represent the owners of the parcel adjacent to Daniel and Michelle Berlin's property located in Snoqualmie Pass on parcel # 088335 that is currently under review for a Variance. My clients do not object to the setback Variance application but they do have concerns regarding possible use by the Berlins of a portion of the Berlin property that my clients have acquired by adverse possession. I would also like to be notified of any and all action taken on the Berlin's Application.

I have attached my client's Lis Pendens that was recorded with the Kittitas County Auditor's Office under recording no. 201907300018, along with a survey of the alleged adversely acquired portion of the Berlin's property that is the subject of my clients' lawsuit against the Berlins. Again, my clients have no objection to the Berlin's setback Variance application or their desire to build a new home provided neither requires actual use of the adversely possessed portion of the Berlin's property pending a final determination in the parties' lawsuit.

Please let me know if I need to submit this information via facsimile. The attached Notice was not clear regarding methods of submitting comments.

Michele K. McNeill, Esq.

Skyline Law Group PLLC

2155 112th Ave NE

Bellevue, WA 98004

Phone: (425) 455-4307

Fax: (800) 458-1184

www.skylinelaw.com

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Notice: Email sent to Kittitas County may be subject to public disclosure as required by law.

message id: 38eb45916c6dcbdac24bb8719d004a14

**Notice of Application
Berlin Setback Variance
VA-19-00001**

NOTICE IS HEREBY given that Dan and Michelle Berlin, landowners, submitted a setback Variance application on February 28, 2019 pursuant to Kittitas County Code 17.84. The application was deemed complete on July 16, 2019. As stated, the variance is requested to accommodate a single family residence on a parcel limited in buildable area by encroaching structures built on a neighboring parcel, and to facilitate snow removal by reducing the rear setback requirement. The subject property is located in Snoqualmie Pass on parcel # 088335, bearing Assessor's parcel number 22-11-15050-0005, Section 15, Township 22, Range 11, WM, Kittitas County.

Any person desiring to express their views or to be notified of the action taken on this application should contact Kittitas County Community Development Services (CDS). The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> and navigating to "Variances" and then to the project number. Phone: (509) 962-7079

Written Comments on this proposal can be submitted to CDS any time prior to 5:00 p.m. on **August 6, 2019**. Any person has the right to comment on the application and request a copy of the decision once made.

Under Title 15A.03.080 and 17.84.010, Zoning Variances are processed in an abbreviated administrative format, which does not involve a public hearing. All comments will be considered in the decision making process, and any person has the right to comment on this application and receive notification of the Community Development Services administrative decision, once made. Appeals to an administrative land use decision may be filed within 10 working days with the board of county commissioners as outlined in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$1560.

Designated Permit Coordinator (staff contact): Lindsey Ozbolt, Planning Official: (509) 962-7506; email at lindsey.ozbolt@co.kittitas.wa.us.

Notice of Application: Monday, July 22, 2019
Application Received: Thursday, February 28, 2019
Application Deemed Incomplete: Monday, March 18, 2019
Application Complete: Wednesday, July 17, 2019

Dated: Monday, July 22, 2019

Publish Daily Record: Monday, July 22, 2019
Publish NKC Tribune: Thursday, July 25, 2019

ADVERSE POSSESSION EXHIBIT

PREPARED FOR
MR. DAVID CROUSE
SECTION 15, T.22N.,R.11E. W.M.

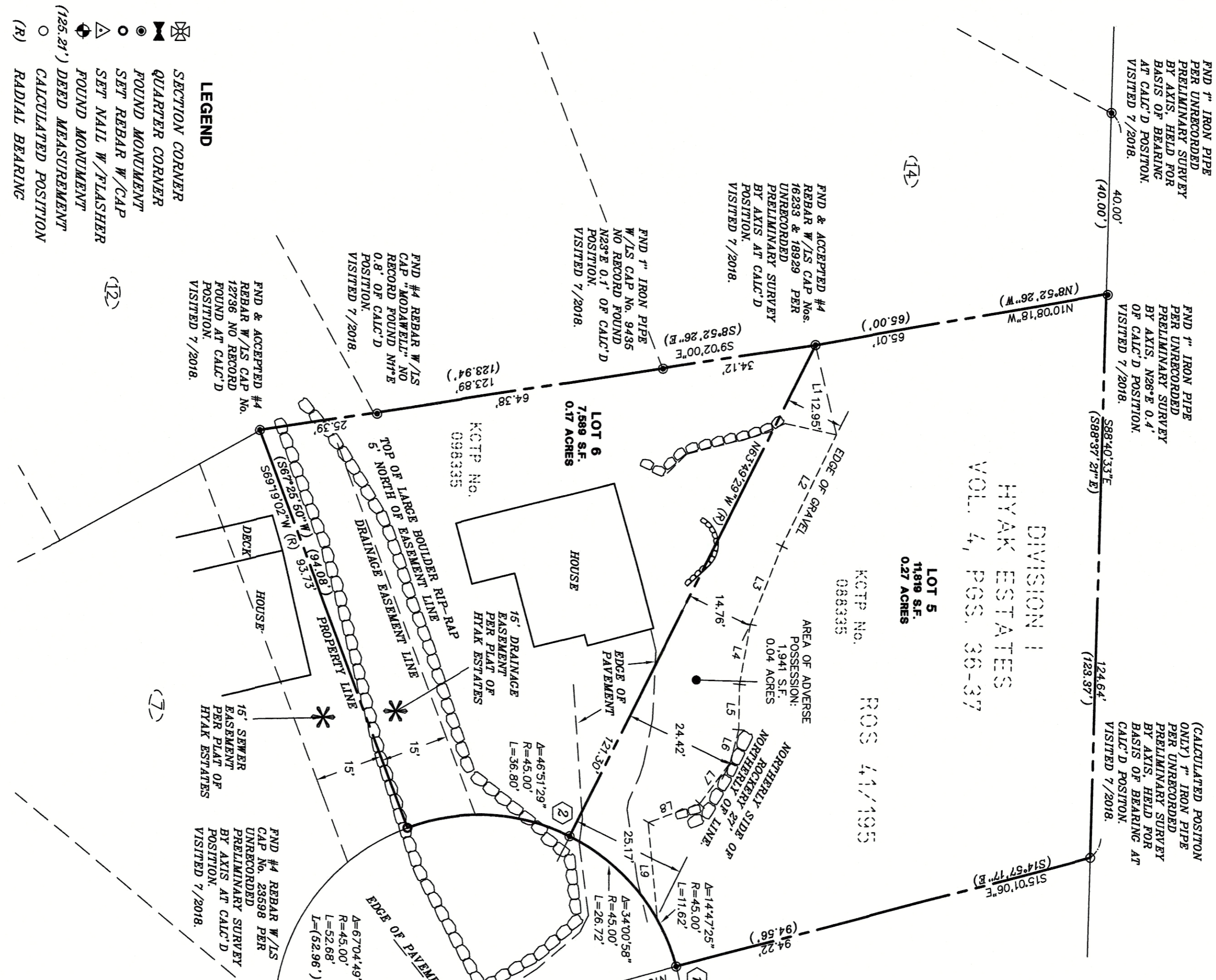
EXISTING LEGAL DESCRIPTIONS:
LOT NO. 5, DIVISION 1, HYAK ESTATES,
SECTION 15, TOWNSHIP 22 NORTH, RANGE 11 EAST, WILLAMETTE MERIDIAN,
KITITAS COUNTY, WASHINGTON.
LOT NO. 6, DIVISION 1, HYAK ESTATES,
SECTION 15, TOWNSHIP 22 NORTH, RANGE 11 EAST, WILLAMETTE MERIDIAN,
KITITAS COUNTY, WASHINGTON.

**DESCRIPTION OF PROPERTY TO BE
TRANSFERRED FROM LOT 5 TO LOT 6 THROUGH
ADVERSE POSSESSION:**

THAT PORTION OF LOT NO. 5, DIVISION 1, HYAK ESTATES AS FILED IN VOLUME 4 OF PLATS ON PAGES 36 AND 37, BEING A PORTION OF SECTION 15, TOWNSHIP 22 NORTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, KITITAS COUNTY, WASHINGTON, LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:
BEGINNING AT THE NORTHWESTERN MOST CORNER OF SAID LOT 5; THENCE SOUTH 10°08'18" EAST ALONG THE WEST LINE OF SAID LOT 5 A DISTANCE OF 65.01 FEET TO THE NORTHERN MOST CORNER OF LOT 6 OF SAID HYAK ESTATES AND THE TRUE POINT OF BEGINNING;
THENCE NORTH 76°37'42" EAST A DISTANCE OF 20.34 FEET;
THENCE SOUTH 68°37'29" EAST A DISTANCE OF 18.88 FEET;
THENCE SOUTH 80°03'48" EAST A DISTANCE OF 13.50 FEET;
THENCE SOUTH 89°20'26" EAST A DISTANCE OF 10.02 FEET;
THENCE SOUTH 75°44'34" EAST A DISTANCE OF 7.63 FEET;
THENCE SOUTH 53°37'49" EAST A DISTANCE OF 11.26 FEET;
THENCE SOUTH 19°48'52" EAST A DISTANCE OF 12.00 FEET;
THENCE NORTH 84°44'32" EAST A DISTANCE OF 21.25 FEET; MORE OR LESS TO THE RIGHT OF WAY MARGIN OF KITZBUHEL PLACE AND THE TERMINUS OF SAID LINE.

SURVEY NOTES

1. THE PURPOSE OF THIS SURVEY IS TO ASCERTAIN THE EXTERIOR BOUNDARIES OF THE PARCEL AS DESCRIBED HEREON, IDENTIFY SIGNIFICANT IMPROVEMENTS ALONG THESE BOUNDARIES IF ANY AND TO THEN SET PROPERTY CORNERS AND POINTS ON LINE TO SHOW THE POSSIBILITY OF ADVERSE POSSESSION.
2. INSTRUMENT: USING A SOKKA SET 5 30R FIVE SECOND TOTAL STATION IN CONJUNCTION WITH TRIMBLE RS SERIES GRS UNIT WITH RESULTING CLOSURES EXCEEDING THE MINIMUM ACCURACY STANDARDS AS SET FORTH BY WAC 332-130.
3. THE BOUNDARY LINES AND CORNERS DEPICTED ON THE MAP ARE PER RECORD TITLE INFORMATION AND REPRESENT DEED LINES ONLY. THEY DO NOT PURPORT TO SHOW OWNERSHIP LINES THAT MAY OTHERWISE BE DETERMINED BY A COURT OF LAW.
4. ALL FIELD WORK FOR THIS PROJECT WAS PERFORMED DURING JULY OF 2018 AND THIS MAP IS THEREFORE A REFLECTION OF CONDITIONS AT THAT TIME.
5. ANY FENCE LINES SHOWN ON THIS SURVEY WERE FIELD LOCATED AT OBVIOUS ANGLE POINTS IN THE FENCE ALIGNMENT. THE ACTUAL OCCUPATION OF THE FENCE OR THE SUPPORTING POSTS ARE NOT ASSURED BEYOND THE OVERALL WIDTH OF THE FENCE STRUCTURE. OBVIOUS CONCRETE SUPPORTING THE POSTS BELOW GROUND LEVEL IS BEYOND THE SCOPE OF THIS SURVEY.
6. THE LEGAL DESCRIPTION AS SHOWN HEREON IS PER SURVEYOR'S INTERPRETATION OF THE ABBREVIATED LEGAL SHOWN ON THE KITITAS COUNTY ASSESSORS PAGE.
7. WHENEVER POSSIBLE, WE HAVE ATTEMPTED TO ACCEPT LOCAL CORNERS IN ORDER TO PROVIDE A HARMONIOUS BOUNDARY SURVEY WHILE PROTECTING THE ADJACENT OWNERS' RIGHTS.
8. AND/OR ACCEPTAIN THE BOUNDARY AS SHOWN HEREON... THE PLAT OF HYAK ESTATES VOL. 4, PAGES 36-37, ROS VOL. 41, PAGE 195.

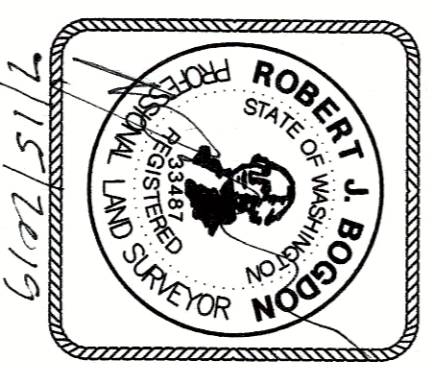


LINE TABLE

LINE #	BEARING	DISTANCE
L1	S76°37'42"W	20.34
L2	N64°20'22"W	27.39
L3	N68°37'29"W	18.88
L4	N80°03'48"W	13.50
L5	N89°20'26"W	10.02
L6	N75°44'34"W	7.63
L7	N53°37'49"W	11.26
L8	N19°48'52"W	12.00
L9	S84°44'32"W	21.25

BASIS OF BEARING:

HOLDING A BEARING OF NORTH 88°40'30" WEST ALONG THE MONUMENTED NORTH PLAT LINE OF HYAK ESTATES, DIV. 1 FROM THE FOUND 1" I.D. IRON PIPES AT THE NORTHWEST CORNER OF LOT 14 & THE NORTHEAST CORNER OF LOT 5.



INDEX LOCATION:
SEC. 15 T. 22N. R. 11E. W.M.

ADVERSE POSSESSION EXHIBIT

PREPARED FOR
MR. DAVID CROUSE
SECTION 15, T.22N.,R.11E. W.M.

KITITAS COUNTY	DATE	JOB NO.
DWN BY	07/2019	18085
CKHD BY	SCALE	SHEET
R. BOGDON	1"=20'	1 OF 1

EASTSIDE CONSULTANTS, INC.
ENGINEERS-SURVEYORS
1320 N.W. WALL ST., SUITE B
ISSAQUAH, WASHINGTON 98027
PHONE: (425)992-5351
FAX: (425)992-4676

AFTER RECORDING MAIL TO:
Skyline Law Group, PLLC
2155 112th Ave NE
Bellevue, WA 98004



Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document **must** be filled in)

Lis Pendens

Reference Number(s) of Documents assigned or released:

Additional reference #'s on page ____ of document

Grantor(s) (Last name, first name, initials)

- 1. BERLIN, DANIEL L.
- 2. BERLIN, MICHELLE A.

Additional names on page ____ of document.

Grantee(s) (Last name first, then first name and initials)

- 1. CROUSE, DAVID L.
- 2. CROUSE, DONNA W.

Additional names on page ____ of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

LOT 5, HYAK ESTATES, AS PER PLAT THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGES 36 AND 37, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON.

Additional legal is on page ____ of document.

Assessor's Property Tax Parcel/Account Number

088335

Assessor Tax # not yet assigned

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

"I am signing below and paying an additional \$50 recording fee (as provided in RCW 36.18.010 and referred to as an emergency nonstandard document), because this document does not meet margin and formatting requirements. Furthermore, I hereby understand that the recording process may cover up or otherwise obscure some part of the text of the original document as a result of this request."

Signature of Requesting Party

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IN THE SUPERIOR COURT IN THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KITTITAS

DAVID L. CROUSE and DONNA W.
CROUSE, husband and wife,
Plaintiffs,

NO. 19-2-00222-19

v.

LIS PENDENS

DANIEL L. BERLIN and MICHELLE A.
PAGAN-BERLIN, husband and wife; and
ALL PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE,
ESTATE, LIEN, OR INTEREST IN THE
REAL PROPERTY DESCRIBED HEREIN;
and JOHN DOES 1-10.
Defendants.

NOTICE IS HEREBY GIVEN that the Plaintiffs in the above-captioned case have commenced legal action against the above-named Defendants in the Superior Court for Kittitas County by filing a Summons and Complaint. This is notice of pendency of said case.

The objective of the above-captioned case is to establish legal title and rights regarding a portion of the following described real estate situated in Kittitas County, Washington:

LOT 5, HYAK ESTATES, AS PER PLAT THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGES 36 AND 37, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON.

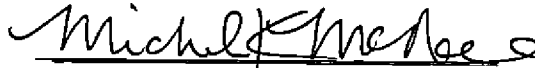
Tax Parcel No. 088335.

Commonly known as 50 Kitzbuhel Place, Snoqualmie Pass, Washington 98068.

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All persons dealing with said real estate subsequent to the filing hereof will take subject to the rights of the Plaintiff as established in this action.

DATED this 22 day of July 2019



WSBA #32052
Attorney for Plaintiffs
Skyline Law Group PLLC
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Bellevue, WA 98004
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Fax: (800) 455-1184
Email: michele@skylinelaw.com