



**January 2000 Update  
Surveys,  
Subdivision and Platting,  
and Boundaries.**

**With**

**State and Federal Laws, Administrative Regulations  
and Judicial Decisions**

**Report No. 14  
(Revision of Report No. 4)  
May, 1987**

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## **Introduction:**

Report No. 14 of the Municipal Research and Services Center of Washington, and the Municipal Research Council in cooperation with the Association of Washington Cities has long been valued by surveyors and attorneys as a source of common law covering boundaries and platting in Washington. Although the Land Surveyors Association of Washington has reprinted the textual material (the first 149 pages) of this book for several years with permission of the original publishers, there has been no update since 1987. Consequently the statute and regulation section in the back of the book is out of date and has generally been supplanted by the Land Surveyors Association Reference Manual which is updated every year.

This supplement is not intended in any way to rewrite the text of Report No. 14. The authors of that book should be commended as it is still the best treatise on the common law of boundaries available specific to Washington law. I have merely attempted to update the statutory and case law cites to mirror significant changes since 1987, and have not changed or copied any of the original text. This has been a difficult task, and I have no doubt that I missed some areas that could be improved upon. Wholesale revisions of the underlying statutory law has made certain chapters completely obsolete. Rather than rewrite those chapters I have merely given references to lead the reader to the present laws governing those topics. All of the revised statutes and regulations can be found in the LSAW Reference Manual.

I intend this supplement to be only a tool for finding newer case and statutory law on the subjects discussed in Report No. 14. Consequently, I have added no textual material, even when I have my own opinions or information on the subject discussed. This supplement is not a book of boundary law by me. I have elected to merely add citations, with short explanatory notes, to the footnotes of Report No. 14. This supplement is of no value unless used in conjunction with the 1987 edition of Report No. 14. To be kept reasonably up to date you will need a copy of the latest LSAW Reference Manual, a copy of the textual material from Report No. 14 (1987 edition) and this supplement. All can be obtained from the Land Surveyors Association of Washington. Furthermore, this supplement will only lead you to the more recent cases; if you believe any of the cases might be of interest you should read the cases themselves. These can be found in any county law library or can be obtained on CD-ROM from the Washington State Office of the Code Reviser.

Neither the author nor the Land Surveyors Association of Washington intends any of these publications to be taken as legal advice. If you have a specific legal problem you should consult with an attorney. This update was done as a volunteer project for the Association.

Jerry R. Broadus  
January, 2000.

## **Updates to the footnotes of Report No. 14**

### **Chapter II, Need for Surveys and Maps**

P. 5 Note 4: RCW 60.48.010 has been repealed and replaced by RCW 60.04.021.

P. 9 Note 4: Add to footnote that a county has no duty to notify an applicant when a shot plat application is about to expire. Wolfe v. Bennett, PS & E, 95 Wn. App. 71, 974 P. 2d 355 (1999).

### **Chapter IV, State Plane Coordinate System (SPCS)**

Entire chapter is out of date. Refer to RCW 58.20.110-901 for replacement provisions relating to the Washington coordinate system of 1983.

### **Chapter V, Technical Standards for Property Surveys**

P. 16 Note 1: Add to footnote that RCW 58.24.030 substitutes the name “Department of Natural Resources” for the name “Division of Engineering”.

### **Chapter VI, Survey Recording Act**

P. 20 Note 1: Add to footnote that extensive revisions to the map requirements were added in 1999.

P. 23 Note 15: Add to footnote that 1992 amendment to RCW 58.09.090 added that a record of survey is not required of a resurvey of a previously surveyed lot in a platted or short platted subdivision if no discrepancy is found.

P. 24 Note 17: Add to footnote that 1999 amendments to RCW 58.09.050 and RCW 58.09.110 allow for the recording of any survey map that can be scanned or filmed permanently by the county, as long as the county has an archival process for doing so. In such cases the original map may be returned to the surveyor.

### **Chapter VII, Platting and Subdivision**

Pp. 26-28: The discussion in the text concerning subdivisions not subject to RCW 58.17 is out of date due to amendments in 1989 and 1992. Refer to RCW 58.17.040, 1992 or later version, for the text over which subdivisions are exempt from platting requirements.

P. 29: Short plat procedures were changed by amendments to RCW 58.17.060 in 1989 and 1990. Refer to RCW 58.17.060, 1990 or later version.

P. 30, Note 6: Refer to RCW 58.17.090, 1995 or later version, for public hearing requirements.

P. 30, Note 7: Refer to RCW 58.17.100, 1995 or later version, for planning commission requirements.

P. 31 Notes 11 and 12: 1990 and 1995 amendments to RCW 58.17.110 added significant requirements before a subdivision can be approved, including positive findings that adequate means to protect the public welfare have been met.

P. 33: The discussion in the text relating to Dedications is out of date, largely due to a codification of impact fees. See a 1995 or later version of RCW 58.17.110 and RCW 82.02.070-090.

### **Chapter VIII, Land Development Act**

The entire text of chapter VIII is out of date due to amendments to the Land Development Act in 1992. Refer to 1992 or later version of RCW 58.19.

### **Chapter X, Problems Pertaining to the Location of Tracts of Land in Relationship to Water**

P. 69: Harbor Lines. Add to the text: The state DNR may charge rent for the use of aquatic lands lying between the harbor line and the federal pierhead line. Draper Machine Works v. DNR, 117 Wn. 2d 306, 815 P. 2d 770 (1991).

Pp. 72-73: The discussion in the text concerning the reservation of tidelands for public highways is out of date. RCW 79.94.340-380 were repealed in 1989. See RCW 79A.05.605 for establishment of these lands as a seashore conservation area.

### **Chapter XI, Shoreline Management Act of 1971**

The text in Chapter XI is largely still correct today except for minor details. However practically the entire Shoreline Management Act was amended in 1995 and 1996 and the text of RCW 90.58, in its 1996 or later version, should be consulted.

## Chapter XII, Land Boundaries and Monuments

Pp. 117-118: Add to text: Proportionate measurement in a plat is not to be undertaken if the results are impractical or inequitable. Reitz v. Knight, 62 Wn. App. 575, 814 P. 2d 1212 (1991).

P. 120 Note 81: Add to footnote: However, an adjoining line itself must be ascertainable before it will control. A call to the “West right of way line,” if said line cannot be mathematically determined with certainty, does not control over course and distance. Kesinger v. Logan, 113 Wn. 2d 320, 779 P. 2d 263 (1989). Also, when a metes and bounds description runs up against a right of way, and then calls a course along the right of way, the deed does not pass title to the center of the right of way. Northlake Marine Works v. Seattle, 70 Wn. App. 491, 857 P.2d 283 (1983). Lots described by lot numbers against a right of way do extend to the center of the right of way. *Id.*

P. 121 Note 84: Add to footnote: Common grantor theory applies to the creation of entire lots by a common grantor, not to the addition of a strip of land to a neighbor’s parcel. Levien v. Fiala, 79 Wn. App. 294, 902 P. 2d 171 (1995).

P. 122 Note 89: Add to footnote: An owner was not estopped from denying that the wall of a boat ramp was the property line absent clear and convincing proof the neighbor relied on a letter sent concerning the line. Lilly v. Lynch, 88 Wn. App. 306, 945 P. 2d 727 (1997).

P. 124 Note 98: Add to footnote: Placement of concrete blocks and oyster cultivation held insufficient to prove a line by mutual recognition and acquiescence. Lloyd v. Montecucco, 83 Wn. App. 846, 924 P. 2d 927 (1996).

P. 125: Statutory Settlement of Disputed Boundaries: See 1996 or later version of RCW 58.04 to describe statutory method of resolving an uncertain or disputed boundary.

P. 129: The Statutes: Add to text: In 1998 RCW 7.28.085 added that adverse possession of forest land required either an honest belief based on surveying stakes that the land possessed was owned by the possessor, or the maintenance of improvements valued at \$50,000 or more.

P. 130 Note 122: Add to footnote: Wild land must be occupied as a true owner would; temporary camping is not sufficient. ITT Rayonier v. Bell, 112 Wn. 2d 754, 774 P. 2d 6 (1989).

P. 131 Note 126: Add to footnote: More recent cases have found sufficient possession from a fence and patio, Timberlane Homeowners Assoc. v. Brame, 79 Wn. App. 303, 901 P. 2d 1074 (1995); and use of land for a playground area and storage of old cars. Selby v. Knudson, 77 Wn. App. 189, 890 P. 2d 514 (1995).

P. 133 Note 141: Add to footnote: A dirt road, when adopted by a neighbor as a boundary for an

area used to store cars, is sufficiently open and notorious to put true owner on notice that a claim was being made. Byant v. Palmer Coking and Coal, 86 Wn. App. 204, 936 P. 2d 1163 (1997).

P. 136 Note 157: Add to footnote: If the true owner brings civil or criminal trespass complaints and destroys fences erected by possessor, the possession is not exclusive. Thomas v. Bremer, 88 Wn. App. 728, 946 P. 2d 800 (1997).

P. 136: Add to end of text on “Hostile and Exclusive”: Permissive use of a neighbor’s property is not hostile. Permission can be implied when it is reasonable to assume that the claimant’s use was permitted by acquiescence. Miller v. Anderson, 91 Wn. App. 822, 964 P. 2d 365 (1998).