

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF BAINBRIDGE ISLAND**

In the Matter of the Application of)	No. PLN 50589 SUB
)	
David Smith, on behalf of Central)	
Highlands, Inc.)	Wallace Cottages Housing Design
)	Demonstration Project Subdivision
)	
)	MEMORANDUM ON
<u>For Approval of a Preliminary Plat</u>)	ADVERSE POSSESSION CLAIM

TO: Mr. Hayes Gori, Attorney for Applicant
Via email to: Hayes@Hayesthelawyer.com

Mr. Stephen Crampton
Via email to: SteveSings@gmail.com

Ms. Kelly Tayara, Associate City Planner
Via email to: ktayara@bainbridgewa.gov

The Hearing Examiner held an open-record hearing on the above referenced application on April 20, 2018. At the outset of the hearing, Stephen Crampton entered into the record a claim of ownership of a portion of the property submitted by the Applicant for subdivision. Following a recital of applicable law by the Hearing Examiner, including an expression of concern about the advisability of processing the application if property ownership is disputed, the Applicant conceded that the property claimed by Mr. Crampton would be transferred to him so that the hearing could continue without a disputed ownership claim. To implement this agreement, it was agreed as follows:

- By April 27, 2018, the Applicant and Mr. Crampton will sign an agreement whereby the property claimed by Mr. Crampton will be assigned to him by the Applicant by agreement to properly execute and record a quit claim deed, perpetual easement, or other appropriate document whereby the Applicant no longer can claim a property interest in that property claimed by Mr. Crampton by adverse possession.
- By April 27, 2018, the Applicant will submit a revised site plan to the City without inclusion of that portion of the property claimed by Mr. Crampton.

*Memorandum on Adverse Possession Claim
City of Bainbridge Island Hearing Examiner
Wallace Cottages HDDP and Preliminary Plat, No. PLN 50589 SUB*

- By April 27, 2018, the City shall identify any parties of record who may have provided written comment on the application prior to the hearing to determine who should be notified of any revised site plan submitted for subdivision approval. This list shall be provided to the Applicant and Hearing Examiner. No one from the public other than Mr. Crampton testified on the property dispute at the April 20th hearing.
- By May 4, 2018, the City will prepare a report to the Hearing Examiner and Applicant that either confirms the initial recommendation to approve the application, with conditions made by the Associate Planner at the April 20th hearing, or notifies the Applicant of any recommendation to the Hearing Examiner that includes a recommendation for modification of the proposed conditions. If modifications are made to the initial recommendation, the City shall provide the revised recommendation to those identified as parties of record.
- By May 8, 2018, the Applicant shall provide a response to any recommendations for modification to the City, which shall provide a copy to the Hearing Examiner upon receipt. If objections to proposed modifications are made, the Hearing Examiner may re-open the hearing, with notice, to take testimony on the revised recommendation of the City.
- A decision on the application will be issued by the Hearing Examiner, following review and consideration of all evidence submitted, within ten business days of the close of the record.

This memorandum is a good faith effort by the Hearing Examiner to memorialize the agreement reached between the Applicant, Mr. Crampton, and the City during the hearing on April 20th. It is not a final decision, but is intended to facilitate review of the subdivision application in an efficient and timely manner.

Dated this 23rd day of April 2018.



THEODORE PAUL HUNTER
Hearing Examiner
Sound Law Center