

SUPREME COURT OF THE STATE OF WASHINGTON

Crystal Ridge Homeowners Ass'n v. City of Bothell

Crystal Ridge · No. 89533-3 · Decided February 12, 2015

SUMMARY

The Washington Supreme Court considered whether the City of Bothell, as successor to Snohomish County, was responsible for maintaining an underground interceptor pipe in a residential subdivision. The court held that the plat's drainage easement included the interceptor pipe and that the County, and therefore the City, had assumed maintenance responsibility. The court declined to reach the City's argument under article VIII, section 7 of the Washington Constitution because it was not timely raised.

CASE DETAILS

COURT	Supreme Court of the State of Washington
WRITING FOR THE COURT	Wiggins, J.
JURISDICTION	Washington
DECIDED	February 12, 2015
DOCKET	89533-3
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from summary judgment concerning whether the City of Bothell, as successor to Snohomish County, was responsible for maintaining an interceptor drainage pipe in a residential subdivision.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. Summary judgment is proper when, viewing the facts and reasonable inferences in favor of the nonmoving party, no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published en banc Washington Supreme Court opinion; precedential
PARTIES	City of Bothell v. Crystal Ridge Homeowners Association, J. Abultz, Laurie and Wilson Amaral, Craig Arno, Caron Bear, David A. Bennett, Gloria Blades, Duane and Gwen Bowman, Thomas and Cyndy Boyer, Jeff and Keri Brown, Don Coleman, Don Dachenhausen III and Dawn Moncalieri, Anh-Viet and Lisa Dang, Brad and Julie DeLuca, Belarmino Diaz, Gary J. and Johann J. Felt, Nicholas and Myung Fix, Barry and Bonnie Fretwell, Tatsuichiro Furukawa, J. Chris and Margaret Gazey, Phillip and Anne Marie Hastings, Jerome J. and

Linda L. Hodges, Raymond and Pam Hutchinson, Steve L. and Manti L. Jollensten, Peter and Beverly Johnson, James R. and Maille A. Kessenich, Brian and Kristi King, John and Vicki Klein, Corrie Krap, John and Debbie Lamb, Richard R. and Janet E. Larson, Jeff Longaker, Robert and Lynne Luckey, Tom McKey, Phyllis M. and Wayne Murphy, Michael A. Meyer, Bruce and Katherine Ngyuen, Clifford and Kathleen O'Connell, Jaz Jang and Choon Park, Steven J. Pfister, Russell and Pauline Porter, Larry and Janice Rendahl, Diane and Paul Roberts, Craig and Karen Renfrow, Margaret Romano, Aaron and Shauna Ruckman, Faye N. Scannell, Ben and Jaclyn Setter, Steven Rubenstein and Marianne Shaw, John and Karin Shipman, Michele Sinkula, Donald and Marilyn Sides, John Smith, Richard F. and Norma S. Smith, Scott and Shari Trail, John Traxler, Dean and Marie Vaughan, Diane Wing, Kenneth and Lea Wood, Maria K. Wyatt

TOPICS

real estate

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PRACTICE AREAS

Real estate law

Municipal law

Land-use law

Civil procedure

QUESTIONS PRESENTED

1. Whether the drainage easement shown on the Crystal Ridge plat included the underground interceptor pipe.
2. Whether Snohomish County, and therefore the City of Bothell as successor, assumed responsibility for maintaining the interceptor pipe.
3. Whether the City could raise its Washington Constitution article VIII, section 7 public-funds argument for the first time in its petition for review.

HOLDINGS

1. The only reasonable interpretation of the Crystal Ridge plat is that the drainage easement in Tract 999 includes the interceptor pipe.
2. Snohomish County assumed responsibility for maintaining the interceptor pipe, and the City of Bothell assumed that responsibility as the County's successor in interest.
3. The court declined to reach the City's argument that maintenance of the interceptor pipe would violate article VIII, section 7 of the Washington Constitution because the City failed to raise the issue properly below.

KEY QUOTATIONS

“We disagree and hold that the only reasonable interpretation of the Crystal Ridge plat is that Snohomish County-and therefore the City-assumed responsibility for maintaining the drainage pipe.” (3)

“We do not hold that plats cannot distinguish between stormwater and groundwater facilities; we simply hold that this particular plat did not make that distinction and that reading such a distinction into this plat would be inappropriate under the particular circumstances of this case.” (15)

FACTUAL BACKGROUND

Crystal Ridge was developed from two residential plats approved by Snohomish County in 1987 and was annexed into the City of Bothell in 1992. Because of substantial wet-soil and drainage problems, the county hearing examiner required installation of an underground interceptor pipe in Tract 999. The recorded plat designated Tract 999 as subject to a 25-foot sanitary sewer and drainage easement and granted the drainage easement to Snohomish County for ingress and egress to maintain and operate stormwater facilities. After the pipe failed and allegedly damaged properties, the homeowners sought a declaration that the City was responsible for its maintenance.

PROCEDURAL HISTORY

The homeowners and their association sued the City after the interceptor pipe failed and allegedly damaged properties. The trial court granted respondents' motion for summary judgment and denied the City's cross-motion, then certified the issue to the Court of Appeals, which affirmed. The Washington Supreme Court granted review and affirmed.

DISPOSITION

affirmed

CASES CITED

- Roeder Co. v. Burlington N., Inc., 105 Wash. 2d 269, 273, 714 P.2d 1170 (1986)
- Rainier View Court Homeowners Ass'n v. Zenker, 157 Wash. App. 710, 720, 238 P.3d 1217 (2010)
- Camus v. Culpepper, 157 Wash. App. 1046, 2010 WL 3420379, at *5
- Hollis v. Garwall, Inc., 137 Wash. 2d 683, 696-97, 974 P.2d 836 (1999)
- State v. Benn, 161 Wash. 2d 256, 262 n.1, 165 P.3d 1232 (2007)
- In re Rosier, 105 Wash. 2d 606, 616, 717 P.2d 1353 (1986)
- United States v. Phillips, 433 F.2d 1364, 1366 (8th Cir. 1970)
- LaCoursiere v. Camwest Dev., Inc., 181 Wash. 2d 734, 740, 339 P.3d 963 (2014)
- Kiely v. Graves, 173 Wash. 2d 926, 932, 271 P.3d 226 (2012)
- Sunnyside Valley Irrig. Dist. v. Dickie, 149 Wash. 2d 873, 880, 73 P.3d 369 (2003)
- Zobrist v. Culp, 95 Wash. 2d 556, 560, 627 P.2d 1308 (1981)
- City of Seattle v. Nazarenus, 60 Wash. 2d 657, 665, 374 P.2d 1014 (1962)
- City of Spokane v. Catholic Bishop of Spokane, 33 Wash. 2d 496, 503, 206 P.2d 277 (1949)

- Corning v. Aldo, 185 Wash. 570, 576, 55 P.2d 1093 (1936)
- HJS Dev., Inc. v. Pierce County, 148 Wash. 2d 451, 481-83, 61 P.3d 1141 (2003)
- Friends of the Law v. King County, 123 Wash. 2d 518, 522, 869 P.2d 1056 (1994)
- World Wide Video, Inc. v. City of Tukwila, 117 Wash. 2d 382, 392, 816 P.2d 18 (1991)
- City of Spokane v. Fischer, 110 Wash. 2d 541, 542, 754 P.2d 1241 (1988)
- Christensen v. Ellsworth, 162 Wash. 2d 365, 373, 173 P.3d 228 (2007)
- Dep't of Ecology v. Campbell & Gwinn, LLC, 146 Wash. 2d 1, 9-12, 43 P.3d 4 (2002)
- Kiely v. Graves, 173 Wash. 2d 926, 934-35, 271 P.3d 226 (2012)

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