Hello,

I’m writing to encourage you to restore the Scott Pearson Trail so that pedestrians and cyclists can safely make use of it. It’s a shame to spend the money to build a trail, but then allow it to be overrun by individuals who are not respecting the property. It has clearly become unsafe, especially for women.

Furthermore, allowing people to camp out on the trail (and/or use illegal drugs and/or “claim” parts of the public trail by spreading personal belongings) does nothing to encourage these people to live healthy, constructive lives as productive members of our community.

Thank you for your efforts to keep our city’s public spaces safe for our citizens!

Gratefully,
Michelle Van Someren
To: Mayor Woodward, City Manager Paukli, City Attorney Bache, & All Members of Council

Ref: Vehicle Emissions Mitigation Fee & E.V. Transition

Governor Inslee & The State 2035 Vehicle Emissions Mandate for Internal Combustion vehicle (ICEs) does not address - how are we going to get there? - my template does!

1. A vehicle emissions mitigation fee on fumes at $10. per cylinder will bring in an estimated 24 to 36 million dollars per year to fund a transition for Sounds' diesel vehicle fleet. If the Council passes it, by Dec. 2024 to take effect on Jan 1, 2025 the City can procure EVs at the rate of 10% per year. In 10 years a 100% transition would be in place - it happens to be 2035 when this would happen - meeting the target goal!
Tucumcari Public Utilities (T.P.U.) would be the logical choice to administer this (DEDICATED E.V. FUND) and should have an individual appointed for this. This is logical as TPU oversees rebate for energy conservation and could identify efficient locations for PUBLIC CHARGING STATIONS.

Also, I believe there would be enough funds to offer a $10,000 down payment assistance to individual RESIDENTS of Tucumcari that have 80% of the median family income and have access to installing a charging station in their home or shop. As the average cost of a new vehicle is $45K - it is unaffordable for lower income households to switch to an E.V. Also, it is important to note is that these households have other vehicles that face no or deferred maintenance that have 'greater emissions' that need to be eliminated. $45K = 10K = 35K' is the amount that they would have to qualify for in financial aid in order to get the 'DOWN PAYMENT' assistance. This would help to solve E.V. EQUITY!

Sincerely, Michelle Reich
Toyota's Complete Line-up of Hybrids Helps in their Transition to EV's

By Bill McCollum

As I mentioned, in my 2024 Prius Prime test drive, I was really impressed by the vehicle's performance and efficiency. The Prius Prime is a great example of Toyota's commitment to hybrid technology, and it's clear that the company is investing heavily in electric vehicles.

The 2024 Prius Prime includes a new safety system called Pre-Collision Safety System, which includes Lane Departure Warning and Lane Keep Assist. This system helps keep the driver in their lane and can even apply the brakes if the driver fails to react to avoid a collision.

The Prius Prime also offers a significant increase in fuel efficiency, with an estimated 90 MPGe for electricity and 40 MPG for gasoline. This makes it an attractive option for drivers who want to reduce their carbon footprint.

Overall, the 2024 Prius Prime is a great hybrid that offers a lot of value and is a good step towards a more sustainable future for the automotive industry.
I'm writing to find out how much money is collected for our fire department in 2023 and the estimated amount in 2024.

I understand that fire department gets funding from the general fund taxes that are collected.

Can you tell me how much money from the general fund taxes goes to the fire department

I was quoted by another individual that it was $1.70 per $1,000.

I was told by the county assessor's office that there is no split on the current assessed taxes for my house showing Fire Department

So I'm just wanting to inquire how much money does the fire department get from the general fund and maybe the fire department can give me a distribution of where all the money goes break it down by labor, materials, maintenance Etc and new equipment purchases.

My second question and this probably goes to the TFD Fire Levy person.

The last presentation the fire chief made they wanted to increase the 50 Cent Levee that just approved and they want to up it to 65 cents per thousand.

Is ALL of the money collected on that $0.65 Levy going to go strictly to the fire department or is some of it going to be put into the general fund and the city will reallocate it?

I've been discussing this issue with other individuals in the city and they've been told by some individuals that this tax Levy funds will not go 100% to the fire department and I'd like verification on that.

Last, how can the city in the presentation with the city manager and fire chief had it on the last slide that they want the city to have this enabled to increase 6% per year when the state tax limit is 1%?

Plus the city manager told the council that their number one priority for next year will the Washington State Legislature is to get the state lid lifted to up to 3%

And when you post this Levy in the general election is it going to be stated in the voters guide that there will be a 6% increase per year or are you going to hide that from the voters pamphlet?

Please forward to the appropriate departments or individuals and I look forward to a prompt reply

Thank you
Fred Dowell
Tacoma
I’m writing to voice my disappointment that this meeting started 30 minutes late!

When you have a session scheduled it should start ON TIME!

Too many times the meeting start late, council members are not attending including one individual who I shall not name stated last week that she “assumed” that she didn’t have to attend the study sessions, only council meetings. And then seeing a council member falling asleep during the meeting on 7/9 again totally unacceptable.

I wonder what these Court Commissioners and people from the court would be upset if I would go into their Court for a trial or a hearing and I showed up late they would be unhappy.

I urge that you do a better job of getting these meetings started on time.

You’re doing a disservice to the people of the city of Tacoma. And then hearing that there’s no Zoom because you’re having technical difficulties?

You seem to have a lot of those what did we just pay for this remodel of the council chambers and then you’re having technical difficulties? UNACCEPTABLE

Fred Dowell
Greetings;

Page 7 of 24-0724 shows a motion from CM Bushnell with 8 "aye" votes which directed the City Manager to bring to a committee the issue of consistency in our nondiscrimination code provisions with State law including adding "caste" as a protected class in the code.

The definition of caste: "Caste is the system of dividing people in a society into different social classes"

While the request from CM Bushnell sounds reasonable, it is not. Why? Because of what it means. This is America. All people are respected and have a voice. Add this and you are adding a special class. That is divisive.

I’m sure CM Bushnell meant well, especially given his own background. But stop and see what all of us have – I’m Spanish, French, German, Native, Mexican too. Are we going to create a different system for each of us. Don’t mess with something that is not causing a problem. This CASTE – WILL CAUSE A PROBLEM from folks who might feel that we are specifically identifying on group of people.

Remember this – United We Stand – Divided We Fall. Leave things alone. The only problem is people – who don’t respect. They don’t respect many of us – black, white, Mexican, Native, Russian, Japanese, etc., etc.

Stop creating an issue that does not exist!

Sincerely,

Esther Day
Greetings;

Page 7 of 24-0724 shows a motion from CM Bushnell with 8 "aye" votes which directed the City Manager to bring to a committee the issue of consistency in our nondiscrimination code provisions with State law including of adding "caste" as a protected class in the code.

The definition of caste: "Caste is the system of dividing people in a society into different social classes"

What are you trying to do? Aren't we already so divided and put into different "categories"?

Since you all voted yes on this directive to the City Manager, I would be grateful if you would explain your support for this.

Looking forward to hearing from you. Thank you for your time.

Monika May
Another Saturday, 7/13, when buses 10 and 11 were 40 minutes delayed because of ferry traffic blocking a large portion of Pearl St. Then later hours delays, buses rerouted and stops missed because of some Pride event downtown. In both cases no information was provided. People are supposed to get text notifications! The re-routing streets should be up on the website! There was nothing, absolutely nothing!!!! People stood at bus stops around Tacoma General and Stadium District waiting. Transit app showing bus arriving in 4 minutes and then the bus would vanish and it would say 1 hour. It might have re-routed, but no one could figure out where it went! I walked across 5 bus stops trying to figure out which one would be good. I got lucky. After the app saying 40 min, suddenly it changed to say 1 minute and the bus appeared. I didn't see any of the people on it who were waiting 2 stops away - the bus was probably re-routed around their stop, even though there was no reason for it - streets were clear of events or traffic, also, those people told me that they walked there from another bus stop which had a note posted on it saying the stop temporarily closed and it gave them that other stop address. I told them, don't trust Pierce Transit, walk further out, because the drivers often detour without any concern for bus stops they miss. And I was right looked like.

The ferry traffic needs to be diverted into that large and empty parking lot so it doesn't block and bottleneck Pearl Street. If it's not possible, then you should tell Pierce Transit to have buses detour on such busy days and have drivers physically get down and post a notice on the bus stop, as well as they need to post this on website and notify everyone via texts!!!!

Please help with the horrible bus service in Tacoma!!! I don't know whom to contact. I wrote hundreds of complaints to Pierce Transit, but they don't seem to care at all about any of them. Someone higher up needs to put some pressure on that agency. So far they don't seem to know how to do anything and don't feel like working.
I'm writing in response to the city council's failure to move 24c forward to the July 16th meeting and put this motion on the ballot so that the citizens could have Tacoma determine which type of government they want.

Personally I am amazed, disappointed, mad as hell and pissed off that you did this.

Why won't you let the citizens vote on this?

What are you afraid of?

There are many citizens in this city that want the option to vote and you took it away cuz you think that you're better than the citizens and what we need and that is totally wrong.

I urge the city council to bring another resolution forward on the 16th putting this back for discussion so that we the voters and citizens can have the choice of what we want not just because you don't think it's right.

Many citizens are fed up with how the city council operates and I'm one of them cuz you all have specific little agendas and you don't put the citizens of the city first you want your agenda to go forward and it's totally wrong!

One of the comments I heard from councilmember Bushnell about if the new form of government in place and they can't do anything if the mayor decides to do something. Mr Bushnell you're wrong! All you have to do is get the majority of the city council to override what the mayor does and do a veto! and you tell me you can't do that! You're wrong!

I again urge someone on the city council to step up and reintroduce 24c so that it can be voted on by the voters. I will tell you this, I won't forget this and neither will 1,600 other people on next door social media that have read the post what you people have done.

You have sliced and diced the City Charter committee recommendations. The commission was not truly independent all of you put people on that committee to get things you wanted pushed forward .

Why the hell even have it?

This commission should be done every 5 years if not sooner because times change.

The City Charter Committee which most of you put people on that board and in my opinion you put them on there because of things that you wanted pushed forward for your own agenda.

I watched and listened to a couple of the meetings, the chairman Mr Womback was rude and inconsiderate to other people on the committee and he should have been taken out of that position, but of course I understand Mayor Woodards appointed him to that position.

So the charter committee was not truly independent from the voter rolls and that's disappointing because again the city council has their own agenda and there are many people in the city that you don't care about regardless what you say.

One final thing I will say I hereby request and demand that my letter be read at the city council meeting. All you ever do is how many letters did we get this week City Clerk and she tells you and you don't read them and you don't let the other people in the city know what the let her say and that's wrong! That's not transparency city council and mayor.
All letters should be read at the city council meeting and put into the record.
That is being transparent

I look forward to a reply from all of you.

I will be sharing this on social media with the other 1,800 people that viewed a post on next door by a citizen and the comments.

Maybe the Citizens need to start an initiative to put it on the ballot is that what you want us to do? Maybe it's time!

I and other citizens in the city are going to remember this and the next time you come up for re-election I'm going to remember who didn't want this moved forward so the citizens could vote on it

I look forward and expect replies from all of you at the city council

Fred Dowell
Tacoma
I have put my shipping containers up for sale, on my store's commercial parking lot. I have been very ill so I don't know what condition the signs are in... but they are for sale on 12th St. I tried to get Tacoma to allow for shipping containers to allow to be turned into tiny homes, and I've been told I can hide ONE in the very back yard, if I don't sell both. Even though I have a full extra parcel, the Building dept demands that I hide the ONE in the small area behind the building. But I'm using that space already, and any sales signs can't be seen from there, so it's irreversible. In addition there is no instruction package for converting a shipping container into a tiny home. Tacoma claims to be concerned about the homeless, but I say... Tacoma doesn't actually care. And the City knows they don't!

Instead of having us create backyard ghettos, just have us have setbacks, so the shipping containers are so many feet from the street, and painted with with sedate colors, such as brick, or adobe. In other words, to make them camouflaged.

My statement:

1) Shipping containers are ok to be ADUs. The size limit on ADUs are 1,000 sq. ft. A 40' x 8' container is 320 sq. ft. Three shipping containers mechanically welded to each other, are 960 sq. ft. So three containers welded together, are acceptable. Concrete or asphalt or gravel... are acceptable to place shipping containers on.

2) A main tenet of allowing shipping containers in residential zoning, is as 'tiny houses' for the poor. Isolating people behind the back of a building is destructive to their socialization. So residents constructing 'mini-towns' in open spaces, is an excellent idea. Chain link fencing is consistent with other 'neighbors', is humanitarian. If someone wants to live as an elitist, they won't put a tiny house on their parcel. So people will have 'choice', the current interpretation of the code as separate and divisive, is counter productive. "Hide them in the back!" No.

3) My two containers are covered with ART, so they should be protected structures. The art commission agrees that they are art, and so do my neighbors and customers. But if citizens choose camouflaged coloring... ok.

4) Demanding that the containers are not only placed behind the main building, but must have solid wood fencing around them, adds to the social shaming. When the homeless are treated as social pyorrhea, those who should feel bad for being poor, ...that is evil to them and their children. People who want to help, shouldn't be treated as those who harbor the unwashed.

5) The notion that Tacoma should be elitist and gentrified, is oppressive, and mean. Teaching the poor that they must be hidden and think of themselves as ugly and not included in our world, is... evil.

Clean and trimmed, is acceptable. Make it inexpensive, make it easy... then people will use them.

Mark Slater

As a side note... Tacoma should install electricity, water, sewage, and utility buildings... onto my land in Swan Creek. Your City Manager admitted in writing, that Tacoma stole the land from my neighbors, so... I want to leave it to them when I die. But it needs the facilities of a public park. Tacoma should help me convert the Swan Creek parcel into a park-like facility for the crime Tacoma inflicted on my neighbors.
CITY OF TACOMA CLAIM FOR DAMAGES FORM
General Liability Claim Form

Pursuant to Chapter 4.96 RCW, this form is for filing a claim against the City of Tacoma. Some of the information requested on this form is required by RCW 4.96.020 and may be subject to public disclosure. Pursuant to the new law, Claim for Damages forms cannot be submitted electronically (via e-mail or fax).

PLEASE TYPE OR PRINT IN INK

Mail or deliver original claim to:
City of Tacoma
Office of the City Clerk
747 Market Street, Room 220
Tacoma, WA 98402

Business Hours: Mon. - Fri. 8:00 a.m. - 5:00 p.m. Closed on weekends and holidays.

CLAIMANT INFORMATION
1. Claimant's name: Slater, Mark
   Last name First Middle Date of birth (mm/dd/yyyy)

2. Current residential address: 819 So. 9th St., Tacoma, WA 98405

3. Mailing address (if different):

4. Residential address at the time of the incident (if different from current address):
   3402 6th Ave., Tacoma, WA 98406

5. Claimant's daytime telephone number: 253-572-9455
   Home Business Cell

6. Claimant's e-mail address: stellar.technologies@yahoo.com (stellar.technologies)

INCIDENT INFORMATION
7. Date of the incident: 05/20/2016 Time: 2:52 p.m. □ a.m. □ p.m.
   (mm/dd/yyyy)

8. If the incident occurred over a period of time, date of first and last occurrences:
   from 05/20/2016 Time: 2:52 a.m. □ a.m. □ p.m. to 09/07/2016 Time: 10:00 a.m. □ p.m.
   (check one) (check one) (mm/dd/yyyy)

9. Location of incident: Tacoma, WA City State Place or Address where occurred

10. If the incident occurred on a street or highway:

   Name of street or highway At the intersection with/for Nearest intersecting street

11. City agency or department allegedly responsible for damage/injury: City of Tacoma, Building & Planning

12. Names, addresses, and telephone numbers of all persons involved in or witness to this incident:
    Barbara Stoehr, Dustin Lawrence, Lisa Spadoni, Bob Ferguson,
    Senator Jeannie Darnelle, U.S. Gov., Senator Patty Murray, Mike Lunachan,
    Candy Zilinskas, Wenny Offrill, Illan-VasquezPintith, Senator Maria Cantwell,
    Connie Ladenburg, Rep. Derek Kilmer, Arda Bulak, Sarah Walker, Ruth Holbrook,
    Lisa Wojtanowicz, Gov. Jay Inslee, Jeff Capell, Desiree Omlie, Sarah Thomas, Tana Magoon,
    Debra Scott, Mayor Christy Metz, President of United States, President of United States.
13. Names, addresses and telephone numbers of all City employees having knowledge about this incident:

See #12 (emails available)

14. Names, addresses, and telephone numbers of all individuals not already identified in #12 and #13 above that have knowledge regarding the liability issues involved in this incident, or knowledge of the Claimant’s resulting damages. Please include a brief description as to the nature and extent of each person’s knowledge. Attach additional sheets if necessary.

15. Describe the cause of the injury or damages. Explain the extent of property loss or medical, physical or mental injuries. Attach additional sheets if necessary.

Since my first contact with Building & Planning in May 2016, various bureaucrats within the department have been giving me false information, obstructing me from using my land. On July 20th Steve Victor reached out and vindicated my claims. However since then, various bureaucrats employed by the city of Tacoma have continued their campaign of obstruction & misinformation. (emails available)

Humiliation, pain, stress, sorrow, discrimination & bias have all been used on me. I've met with most of #12, they knew.

16. Has this incident been reported to law enforcement, safety or security personnel? If so, when and to whom?

See #12 (emails available)

17. Names, addresses and telephone numbers of treating medical providers. Attach copies of all medical reports and billings.

18. Please attach documents which support the claim’s allegations.

19. I claim damages from the City of Tacoma in the sum of $250,000.

This Claim form must be signed by the Claimant, a person holding a written power of attorney from the Claimant, by an attorney admitted to practice in Washington State on the Claimant's behalf, or by a court-approved guardian or guardian ad litem on behalf of the Claimant.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

[Signature]
Signature of Claimant or Authorized Agent

2-7-2018
Date and Place (residential address, city and county)
819 5th St., Tacoma, Pierce
98405 WA.
These are the two MAIN letter which PROVE how WRONG Ms. Pauli was, and how her advice throughout this process caused me severe DAMAGE!

Here she admits the City has been UNFAIR, but basically tells me to suck it up!

Steve Victor then straightens her out in the second letter.

I have many emails PROVING that E. Pauli was behind a number of obstructions and BAD legal disinformation, from the Code Enforcement action against me, to the Plat alteration obstruction, to the failure of my last risk claim to be held accountable for results. Ms. Pauli has been at the center of my grief, with a number of Feminist minions following her authority and edicts.

Look at the people copied in her memorandum to Bob Ferguson... these are the parties to the obstruction collusion and to the resulting damage to me!

Mark Slater

Sorry about my writing,
I am suffering from medically diagnosed carpal tunnel. I can hardly hold this pen,
The City of Tacoma TOTALLY dropped the ball on this one, and the price has been immense suffering by me.
TO: Elizabeth Pauli, Interim City Manager
FROM: Jana Magoon, Planning Manager; Jeff H. Capell, Deputy City Attorney
CC: Bob Ferguson, Washington State Attorney General; Peter Huffman, Director, Planning and Development Services; Mark Slater
SUBJECT: City's Response to Complaint No. 498395, forwarded by the Washington Attorney General's Office regarding Tract "A" of Plat of Swan Creek – 2008 East 57th St.
DATE: February 27, 2017

SUMMARY:
The above referenced complaint arises from Mark Slater's purchase of real property commonly known as Tract "A" of the Plat of Swan Creek (the "Property"). He has approached the City of Tacoma about constructing a house on the Property. The City has, to date, declined to issue the requested permit because the Property is designated as an open space tract in the Plat of Swan Creek (the "Plat") and subject to a restrictive covenant. Mr. Slater is apparently seeking a resolution through intervention by the Attorney General's Office (the "AG").

BACKGROUND:
The Swan Creek Plat was recorded in 1969. At recording, Slater's Tract A (the Property) was set aside as open space in the plat and made subject to a protective covenant that reads:

The Open Space adjoining lots 51 through 76 as outlined on the recorded Plat is to be maintained by the property owners of Lots 51 through 76, and each of said lot owners is to have an and each of said lot owners is to have an undivided one twenty-sixth (1/26) share in said Open Space. Once twenty-sixth of the taxes of the Open Space shall be added to the tax statement of the registered owners of Lots 51-76. Golden Ridge, Inc., (Developer) will maintain the Open Space for one (1) year from date of filing of the Plat of Swan Creek. This Open Space area to be utilized as a play area only. No permanent structures will be erected. No tree removal will be permitted without permission of at least 50% of the property owners affected (the "Covenant").

The Property was quit claimed to the Swan Creek Homeowner’s Association on June 15, 1976. It appears when the Property was transferred, it was transferred in its entirety to the Homeowner’s Association, rather than a one twenty-sixth share going to each adjacent property owner as set forth in the Covenant. It also appears that the Homeowner’s Association disbanded and the taxes on the Property were no longer paid leading to foreclosure by the County.

Mr. Slater purchased the Property in 2016 at a County foreclosure auction, apparently without understanding the impact of the Covenant on the Property. He has engaged City staff on multiple occasions since his purchase. Because the Property is subject to the Covenant, the City is unable to permit development of the Property in violation of the Covenant. As a result, Mr. Slater has been informed that he must file for a plat alteration with the City. Even though the adjacent property owners let the Property fall into foreclosure, the City’s hands are effectively tied. RCW 58.17.215 requires that:

If [a] subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in a violation of a covenant, the application shall contain an agreement signed by all parties subject to the
covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

While it may seem unfair that the adjacent property owners still have the protection of the Covenant, the City has no mechanism to make it go away short of Mr. Slater being successful with a plat alteration or obtaining some other form of declaratory relief from the courts. Mr. Slater has indicated that he does not wish to proceed down that path.

MOVING FORWARD:
Staff's opinion is that compliance with RCW 58.17.215 and a plat alteration are required in order to terminate or alter the Covenant. The road to getting there may not be any easy one, however, given the number of other owners involved. As stated above, City staff does not have the authority to unilaterally make the Covenant go away. It is the recommendation of City staff that Mr. Slater confer with legal counsel to explore avenues to resolve this matter.

If you have questions, please contact Planning Manager Jana Magoon at (253) 594-7823 or Deputy City Attorney Jeff Capell at (253) 591-5638.

And this woman, her flawed legal education is how the City Manager? I call for her impeachment.

\[\text{Signature}\]
RE: Swan Creek Plat Issue

From: "Victor, Steve (Legal)" <svictor@cl.tacoma.wa.us>
To: "Stellar Technologies" <stellar@stellar.com>

Mark,

Let's go with 11:00. I am in the Tacoma Municipal Building North which is the shorter building adjacent to the main Muni Building on the 4th Floor. Jeff is fine. He is now the Hearing Examiner. I was recruited back by Tacoma after a 10 year absence.

To briefly summarize why I reached out to you, I reviewed the matter, and have dealt with this exact issue before. There is no question that a plat modification is required, however, the tax foreclosure statute (RCW 84.64) unambiguously operates to extinguish all recorded interests of any kind in the foreclosed property. Therefore, consent of the owners formerly benefitted properties is not required, as they have lost all rights in your property through foreclosure. The foreclosure statute does not modify the plat, so you must still apply for and complete that process.

See you Monday.

Steve Victor
Deputy City Attorney
City of Tacoma
747 Market Street, Rm 1120
Tacoma, WA 98402-3767
Direct: (253) 591-5638

"Get ahead of it!" - Steve Victor

-----Original Message-----
From: Stellar Technologies <stellar@stellar.com>
To: Victor, Steve (Legal) <svictor@cl.tacoma.wa.us>
Subject: Re: Swan Creek Plat issue

Hello,

I'm happy to meet you, I hope Jeff is doing well.

Anywise, I'd rather walk in and sit down, the telephone is inadequate for any real communication.

I'm off the job on Monday, so how about 10 or 11am the 24th July, Monday?

Mark

On Thu, 7/20/17, Victor, Steve(Legal) <svictor@cl.tacoma.wa.us> wrote:

Subject: Swan Creek Plat issue
To: "stellar@stellar.com" <stellar@stellar.com>
Date: Thursday, July 20, 2017, 2:31 PM

Mr. Slater,

I am the new counsel to
Tacoma's Planning and Development Services Department.
Can you please give me a call at your convenience to discuss your property issue relating to the above-referenced plat.
My direct line is (253) 591-5638.

Steve Victor
Deputy City Attorney
City of Tacoma
747 Market Street, Rm 1120
Tacoma, WA 98402-3767
Direct: (253) 591-5638

"Get ahead of it!" - Steve Victor
Hello,

I received your contact from Barbara Stoehr from our office.

I understand that you had some questions regarding how to develop 2008 E 57th Street. This parcel has come up many times over the years. For whatever reason, it was lost by the previously established Home Owners Association and Pierce County ended up acquiring it. It looks like they must have auctioned it off.

Because the property was an Open Space Tract established through a plat recorded by the City, each lot associated with the Plat has a vested interest in the tract. In accordance with RCW 58.17.215 (http://app.leg.wa.gov/rcw/default.aspx?cite=58.17.215), the majority of the properties located within the plat would need to sign the application in which the alteration is sought. Further, if there were any private covenants (this may show up on title), every property that is party to the covenants would have to sign the updated covenants.

If you believe that you can obtain the necessary signatures, we would proceed with the application in accordance with our preliminary plat application review process:


Thank you,

Dustin Lawrence
Planning & Development Services
City of Tacoma
747 Market Street, Room 345
Tacoma, WA 98402
253-591-5845 dlawrence@cityoftacoma.org
www.tacomapermits.org | www.cityoftacoma.org

Please note: Planning and Development Services has implemented a new permitting system - Tacoma Permits. During early implementation, wait times may be longer. You can avoid wait times by using our new on-line interface, located at https://apa.eccela.com/tacoma. For more information about the new permitting system, including Frequently Asked Questions, please visit www.cityoftacoma.org/tacomapermits.
Re: 2008 E 57th Street

From: "Stellatechnologies" <stellatechnologies@yahoo.com>
The: "DustinLawrence" <dlawrence@ct.tacoma.wa.us>

Hello,

No, this is not a sub-division, there is no shared ownership, the entire plat was fully deeded to
by Pierce County. Furthermore there are no 'covenants' or notices or directives, and there
was no agreement to share or commune the property on purchase. So your misunderstanding
is not applicable. Please make note of that, and assign your next response, to your supervisor's
care.

Thank you,
Mark

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On Tue, 5/31/16, Lawrence, Dustin <dlawrence@ct.tacoma.wa.us> wrote:

Subject: 2008 E 57th Street
To: "stellatechnologies@yahoo.com" <stellatechnologies@yahoo.com>
Cc: "Stoehr, Barbara" <BStoehr@ct.tacoma.wa.us>
Date: Tuesday, May 31, 2016, 10:12 AM

Hello,

I received your contact
from Barbara Stoehr from our office.

I understand that you had
some questions regarding how to develop 2008 E
57th Street. This parcel has come up many
times over the years. For whatever reason, it was lost by
the previously established Home Owners Association
and Pierce County ended up acquiring it. It looks like they
must have auctioned it off.

Because the property was
an Open Space Tract established through a plat recorded by
the City, each lot associated with the Plat has a vested
interest in the tract. In accordance with RCW
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would need to sign the application in which the alteration
is sought. Further, if there were any private covenants
(this may show up on title), every property that is party to
the covenants would have
to sign the updated covenants.

If you believe that you
can obtain the necessary signatures, we would proceed with
the application in accordance with our preliminary plat
application review process:

Thank you,

Dustin Lawrence
Planning & Development
Services
City of Tacoma
747 Market Street, Room
345
Tacoma, WA 98402
253-591-5845
Please note: Planning and Development Services has implemented a new permitting system - Tacoma Permits. During early implementation, wait times may be longer. You can avoid wait times by using our new on-line interface, located at https://tpcse.epa.tacoma.gov.
For more information about the new permitting system, including Frequently Asked Questions, please visit www.cityoftacoma.org/tacomapermits.
Tacoma is trying to steal my land.

From: "StellarTechnologies"<stelgrafix@yahoo.com>
To: pmegan@cityoftacoma.org

2 Files 111KB Downloaded All

PDF 55KB  PDF 56KB

2008 E 2009 E
57th 57th
Street Street 2

On 12/15/2015 I purchased vacant land at 2008 57th St. E., Tacoma (Parcel #8867000770) from Pierce County Facilities Management. I paid for it using my cash, and transferred it to my Midnightingale LLC.

http://www.bid4assets.com/auction/index.cfm?auctionID=066907
https://terra.co.pierce.wa.us/changes/er/ter/erates.cfm?parcel=8897000770

A week ago I asked for guidance in obtaining permits necessary to build a house there. I was told to complete a Pre-Application Request by Barbara Sloehr and did. She said she would then set up a 'scoping meeting'.

Apparently she sent a number of emails and one was to a Dustin Lawrence. He says, and she repeated, that I'm not the owner of my own land, that Pierce County perpetrated a vast fraud and subsequent criminal action on me, and that they cannot assist me until the rightful owners approve of it.

I would like you to assist me in gaining the help of the City Attorney, to charge and possibly arrest those responsible. I will likewise have an attorney start civil proceedings against all involved both in City and County governments, so this doesn't happen to anyone else again.

Can we move forward?

Both of the letters I received from the City are attached.

Mark Slater
Letter sent to M. Regan, Director of Planning and Development of me asking to be guided and to be directed to you:

M. Regan,

On 12/15/2015 I purchased vacant land at 2008 57th St. E., Tacoma (Parcel #8867000770) from Pierce County Facilities Management. I paid for it using my cash, and transferred it to my Midnightingale LLC.

http://www.bidassets.com/auctionindex.cfm?auctionID=666907
https://psa.co.pierce.wa.us/cfapps/atf/psa/sales.cfm?parcel=8867000770

A week ago I asked for guidance in obtaining permits necessary to build a house there. I was told to complete a Pre-Application Request by Barbara Stoehr and did. She said she would then set up a 'scoping meeting'.

Apparenty she sent a number of emails and one was to a Dustin Lawrence. He says, and she repeated, that I'm not the owner of my own land, that Pierce County perpetrated a vast fraud and subsequent criminal action on me, and that they cannot assist me until the rightful owners approve of it.

I would like you to assist me in gaining the help of the City Attorney, to charge and possibly arrest those responsible. I will likewise have an attorney start civil proceedings against all involved both in City and County governments, so this doesn't happen to anyone else again.

Can we move forward?

Both of the letters I received from the City are attached.

Mark Slater
Re: 2008 E 57th Street

From: "StellarTechnologies" <stellarTechnologies@yahoo.com>
To: "DustinLawrence" <dlawrence@ci.tacoma.wa.us>

Dustin,

So are you trying to tell me: Pierce County did not have the authority to sell the land, because it is owned by all the people in that area, as community open space property, and therefore was not ‘private property’ which could be conveyed as ‘private property’, and transferred via deed for ‘private ownership’?

Can you help me identify who in particular, within the Pierce County system, should be held liable for this fraud, so I can take this to the appropriate legal agency and press charges?

Thanks for your help,

Mark

On Tue, 5/31/16, Lawrence, Dustin <dlawrence@ci.tacoma.wa.us> wrote:

Subject: 2008 E 57th Street
To: "StellarTechnologies@yahoo.com" <stellarTechnologies@yahoo.com>
Cc: "Sloehr, Barbara" <BSloehr@ci.tacoma.wa.us>
Date: Tuesday, May 31, 2016, 10:12 AM

Hello,

I received your contact from Barbara Sloehr from our office.

I understand that you had some questions regarding how to develop 2008 E 57th Street. This parcel has come up many times over the years. For whatever reason, it was lost by the previously established Home Owners Association and Pierce County ended up acquiring it. It looks like they must have auctioned it off.

Because the property was an Open Space Tract established through a plat recorded by the City, each lot associated with the Plat has a vested interest in the tract. In accordance with RCW 58.17.215 [http://app.leg.wa.gov/RCW/default.aspx?cite=58.17.215], the majority of the properties located within the plat would need to sign the application in which the alteration is sought. Further, if there were any private covenants (this may show up on title), every property that is party to the covenants would have to sign the updated covenants.

If you believe that you can obtain the necessary signatures, we would proceed with the application in accordance with our preliminary plat application review process: [http://tacomapermits.org/wp-content/uploads/2014/03A-044-Plats-10-or-More-Lots.pdf]

Thank you,

Dustin Lawrence
Planning & Development Services
City of Tacoma
747 Market Street, Room 345
Tacoma, WA 98402
253-591-5840

dlawrence@ci.tacoma.org

www.tacomapermits.org
www.cityoftacoma.org
Please note: Planning and Development Services has implemented a new permitting system - Tacoma Permits. During early implementation, wait times may be longer. You can avoid wait times by using our new on-line interface, located at https://aca.accele.com/tacoma/.

For more information about the new permitting system, including Frequently Asked Questions, please visit www.cityoftacoma.org/tacomapermits.
RE: 2008 E 57th Street

From: "Spadoni, Lisa" <dspadoni@cltacom.wa.us>
To: "Stellar Technologies@yahoo.com" <stellar technologies@yahoo.com>
Cc: "Lawrence, Dustin" <dlawrence@cltacom.wa.us>
"Frantz, Shanta" <sfrantz@cityoftacomac ela.org>

Subject: 2008 E 57th Street

Sent: Friday, June 03, 2016 3:43 PM

4 Files 966KB Download All

Swan Creek
Covenants

Swan Creek
Track A

Save Save

Save Save

Good afternoon Mark,

I am Dustin’s supervisor. I understand you’ve been working with him on some questions regarding 2008 E 57th Street. We’ve researched the site history and we have confirmed our findings with our legal staff. Here is our understanding:

- The property is indicated as “Tract A” (Open Space) on the plat map of Swan Creek (attached), recorded in 1969.
- A copy of the “Protective Covenants” of the Plat of Swan Creek (attached) includes a covenant regarding the “The Open Space adjoining lots 51 through 76 as outlined in the recorded Plat that indicates the area is for the use of said lot owners, shall be utilized as a play area only and shall contain no structures.
- Tract “A” was transferred by deed from the developer to the Swan Creek Homeowner’s Association in 1976 (attached).
- At some point, Pierce County took ownership of Tract “A” and sold it as tax title land.

Based on this information, Tract “A” can be developed only after the owner applies for a Plat Alteration in compliance with Tacoma Municipal Code 13.04.070 and RCW 58.17.215. Part of RCW 58.17.215 would require the application to include an agreement signed by all parties subject to the covenants indicating that the parties agree to terminate or alter the relevant covenants.

I understand you have some concerns about the sale of the property. While Pierce County has authority to sell tax title lands, the sale does not change the regulations governing those lands.

Please let me know if you have additional questions.

Regards,

Lisa Spadoni
Principal Planner
Planning and Development Services
(253) 591-5281

Please note: Planning and Development Services has implemented a new permitting system - Tacoma Permits. During early implementation, wait times may be longer. You can avoid wait times by using our new online interface, located at http://taco.ecel.com/tacomapermits. For more information about the new permitting system, including Frequently Asked Questions, please visit www.cityoftacomac ela.org/_tacomapermits.

-----Original Message-----
From: Stellar Technologies [mailto:stellar technologies@yahoo.com]
To: Lawrence, Dustin
Subject: Re: 2008 E 57th Street

Hello,

No, this is not a sub-division, there is no shared ownership, the entire plat was fully deeded to me by Pierce County. Furthermore there are no ‘covenants’ or notices or directives, and there was no agreement to share or commute the property on purchase. So your misunderstanding is not applicable. Please make note of that, and assign your next response, to your supervisor’s care.

Thank you,

Mark

On Fri, 5/6/16, Lawrence, Dustin <dlawrence@cltacom.wa.us> wrote:

Subject: 2008 E 57th Street
To: Stellar Technologies@yahoo.com <stellartechologies@yahoo.com>
Cc: "Stoehr, Barbara" <BSToehr@cltacom.wa.us>
Date: Tuesday, May 31, 2016, 10:12 AM
Hello,

I received your contact from Barbara Stoehr from our office.

I understand that you had some questions regarding how to develop 2008 E. 57th Street. This parcel has come up many times over the years. For whatever reason, it was lost by the previously established Home Owners Association and Pierce County ended up acquiring it. It looks like they must have auctioned it off.

Because the property was an Open Space Tract established through a plat recorded by the City, each lot associated with the Plat has a vested interest in the tract. In accordance with RCW 58.17.215 (http://app.leg.wa.gov/RCW/default.aspx?cite=58.17.215), the majority of the properties located within the plat would need to sign the application in which the alteration is sought. Further, if there were any private covenants (this may show up on title), every property that is party to the covenants would have to sign the updated covenants.

If you believe that you can obtain the necessary signatures, we would proceed with the application in accordance with our preliminary plat application review process: http://tacomapermits.org/wp-content/uploads/2014/03/A-044-Plats-10-or-More-Lots.pdf

Thank you,

Dustin Lawrence
Planning & Development Services
City of Tacoma
747 Market Street, Room 545
Tacoma, WA 98402
253-591-5841
dlawrence@cityoftacoma.org
www.tacomapermits.org
I www.cityoftacoma.org

Please note: Planning and Development Services has implemented a new permitting system - Tacoma Permits. During early implementation, wait times may be longer. You can avoid wait times by using our new on-line interface, located at https://pca.appcda.com/tacomal. For more information about the new permitting system, including Frequently Asked Questions, please visit www.cityoftacoma.org/tacomapermits.
RE: 2008 E 57th Street

From: "Stellar Technologies" <stellar@technology@yahoo.com>
To: "Lisa Spadoni" <spadoni@ci.tacoma.wa.us>

Hello Lisa,

I don't believe either the City or the County would prevail in court, I've been through all of the mentioned RCWs provided by both and I feel confident I would be a successful in my desire to build on the land.

So, since my effort here is to build myself a home... if you would be so kind as to proceed as per the requirements and procedures laid out on page:


Now, as to any public hearing asking for neighbors to give their opinions, Tacoma's instructions are laid out as follows:

"Day 14: A public notice, including instructions for viewing the submitted application materials on-line, is transmitted to internal City departments and external agencies and is mailed to neighbors within 400 feet of the property in the form of a yellow postcard. Public comments for a site rezones may be submitted until the closing of the public hearing. Interested parties may also testify in person at the Public Hearing. A deadline is provided in the public notice for written comments on the Environmental Checklist. The applicant is given a chance to provide a written response to all comments."

When can we have the scoping meeting then? I suggest June 20th.

Mark

On Tue, 6/7/16, Spadoni, Lisa <spadoni@ci.tacoma.wa.us> wrote:

Subject: RE: 2008 E 57th Street
To: "Stellar Technologies" <stellar@technology@yahoo.com>
Cc: "Lawrence, Dustin" <lawrence@ci.tacoma.wa.us>, "Francis, Shanta" <francis@ci.tacoma.wa.us>
Date: Tuesday, June 7, 2016, 2:39 PM

Good afternoon Mark,

I am Dustin's supervisor. I understand you've been working with him on some questions regarding 2008 E 57th Street. We've researched the site history and I have confirmed our findings with our legal staff. Here is our understanding:

- The property is indicated as "Tract A (Open Space)" on the plat map of Swan Creek (attached), recorded in 1969.
- A copy of the "Protective Covenants" of the Plat of Swan Creek (attached) includes a covenant regarding the "The Open Space adjoining lots 51 through 76 as outlined in the recorded Plat that indicates the area is for the use of said lot owners, shall be utilized as a play area only and shall contain no structures.
- Tract A was transferred by deed from the developer to the Swan Creek Homeowner's Association in 1976 (attached).
- At some point, Pierce County took ownership of Tract A and sold it as tax title land.

Based on this information, Tract A can be developed only after the owner applies for a Plat Alteration in compliance with Tacoma Municipal Code 13.04.070 and RCW 58.17.215. Part of RCW 58.17.215 would require the application to include an agreement signed by all parties subject to the covenants indicating that the parties agree to terminate or alter the relevant covenants.

I understand you have some concerns about the sale of the property. While Pierce County has authority to sell tax title lands, the sale does not change the regulations governing those lands.

Please let me know if you have additional questions.

Regards,

Lisa Spadoni
Principal Planner
Planning and Development Services  
(253) 591-5281

Please note: Planning and Development Services has implemented a new permitting system - Tacoma Permits.  During early implementation, wait times may be longer.  You can avoid wait times by using our new on-line interface, located at https://acs.access.com/tacoma/.  For more information about the new permitting system, including Frequently Asked Questions, please visit www.cityoftacoma.org/tacomapermits.

-----Original Message-----
From: StellarTechnologies [mailto:stellarTechnologies@yahoo.com]
Sent: Friday, June 03, 2016 5:43 PM
To: Lawrence, Dustin
Subject: Re: 2008 E 57th Street

Hello,

No, this is not a sub-division, there is no shared ownership, the entire plat was fully deeded to me by Pierce County.  Furthermore there are no 'covenants' or notices or directives, and there was no agreement to share or commute the property on purchase.  So your misunderstanding is not applicable.  Please make note of that, and assign your next response, to your supervisor's care.

Thank you,

Mark

On Tue, 5/31/16, Lawrence, Dustin <lawrence@cl.tacoma.wa.us> wrote:

Subject: 2008 E 57th Street
To: "stellarTechnologies@yahoo.com"
<stellarTechnologies@yahoo.com>
Cc: "Stoehr, Barbara" <bjschofr@cl.tacoma.wa.us>
Date: Tuesday, May 31, 2016, 10:12 AM

Hello,

I received your contact from Barbara Stoehr from our office.

I understand that you had some questions regarding how to develop 2008 E 57th Street.  This parcel has come up many times over the years.  For whatever reason, it was lost by the previously established Home Owners Association and Pierce County ended up acquiring it.  It looks like they must have auctioned it off.

Because the property was an Open Space Tract established through a plat recorded by the City, each lot associated with the Plat has a vested interest in the tract.  In accordance with RCW 58.17.215 (http://apps.leg.wa.gov/billinfo/default.aspx?cite=58.17.215), the majority of the properties located within the plat would need to sign the application in which the alteration is sought.  Further, if there were any private covenants (this may show up on title), every property that is party to the covenants would have to sign the updated covenants.

If you believe that you can obtain the necessary signatures, we would proceed
with the application in accordance with our preliminary plat application review process: http://tacomapermits.org/wp-content/uploads/2014/03/10-044-Plats-10-or-More-Lots.pdf

Thank you,

Dustin Lawrence
Planning & Development
Services
City of Tacoma
747 Market Street, Room 345
Tacoma, WA 98402
253-591-6845
dlawrence@cityoftacoma.org

www.tacomapermits.org
www.cityoftacoma.org

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Good morning Mark,

We do our best to guide customers to the permit process that might get them their desired results. You reference the rezoning sheet below. The site is currently zoned "R-2" single-family dwelling district. This district allows the construction of single-family homes. A rezone would be a mechanism to change the zoning of the site from "R-2" to something else. If your desire is to build a single-family home, a rezone would not be the appropriate permit process. In my previous email, I outlined the permit process that could change the open space designation of the site and therefore potentially allow construction of a home.

The public notice instructions you quoted below apply to applications for Process 1 land use permits, including variances and other minor permit applications. It applies to applications made and paid for by customers wishing to develop in ways that deviate from building setbacks requirements and the like. It does not apply in this situation. The permit process I outlined in my previous email does include a public notice process. That process is in addition to the signatures required by RCW 58.17.215. The City engages in that public notice process only after a complete application has been made and paid for by an applicant.

Scooping meetings can be applied for on-line through your City of Tacoma permitting account. If you haven't set up an account yet, you can see if you can access the Tacoma permits.org and selecting "Getting Started". There is a link to a "Getting Started Guide" and to the "Tacoma Permits ACA" site where you set up your account.

Lisa Spadoni
Principal Planner
Planning and Development Services
(253) 591-5981

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-----Original Message-----
From: Stellarartechologies@stellartechologies@yahoo.com
Sent: Tuesday, June 07, 2016 4:35 PM
To: Spadoni, Lisa
Subject: RE: 2008 E 57th Street

Hello Lisa,

I don't believe either the City or the County would prevail in court, I've been through all of the mentioned RCWs provided by both and I feel confident I would be successful in my desire to build on the land.

So, since my effort here is to build myself a home... if you would be so kind as to proceed as per the requirements and procedures laid out on page: http://TacomaPermits.org/wp-content/uploads/2014/04/650-Rezones-pdf

Now, as to any public hearing asking for neighbors to give their opinions, Tacoma's instructions are laid out as follows,

"Day 14: A public notice, including instructions for viewing the submitted application materials on-line, is transmitted to internal City departments and external agencies and is mailed to neighbors within 400 feet of the property in the form of a yellow postcard. Public comments for a site rezoning may be submitted until the closing of the public hearing. Interested parties may also testify in person at the Public Hearing. A deadline is provided in the public notice for written comments on the Environmental Checklist. The applicant is given a chance to provide a written response to all comments."

When can we have the scoping meeting then? I suggest June 20th.

Mark

-------------------------------------------------------------------------
On Tue, 6/7/16, Spadoni, Lisa <lspadoni@ci.tacoma.wa.us> wrote:

Subject: RE: 2008 E 57th Street
To: "stellartechologies@yahoo.com", "stellartechologies@yahoo.com"
Cc: "Lawrence, Dustin" <lawrence@ci.tacoma.wa.us>, "Franz, Shanta" <frantz@ci.tacoma.wa.us>
Date: Tuesday, June 7, 2016, 2:59 PM

Good afternoon Mark,

I am Dustin's supervisor. I understand you've been working with him on some questions regarding 2008 E 57th Street. We've researched the site history and I have confirmed our findings with our legal staff. Here is our understanding:

- The property is indicated as "Tract A (Open Space) on the plat map of Swan Creek (attached), recorded in 1969.
- A copy of the "Protective Covenant" of the Plat of Swan Creek (attached) includes a covenant regarding the "The Open Space adjoining lots 51 through 76 as outlined in the recorded Plat" that indicates the area is for the use of said lot owners, shall be utilized as a play area only and shall contain no structures.
- Tract A was transferred by deed from the developer to the Swan Creek Homeowner's Association in 1976 (attached).
- At some point, Pierce County took...
ownership of Tract "A" and sold it as tax title land.

Based on this information, Tract "A" can be developed only after the owner applies for a Plat Alteration in compliance with Tacoma Municipal Code 13.04.070 and RCW 58.17.215. Part of RCW 58.17.215 would require the application to include an agreement signed by all parties subject to the covenants indicating that the parties agree to terminate or alter the relevant covenants.

I understand you have some concerns about the sale of the property. While Pierce County has authority to sell tax title lands, the sale does not change the regulations governing those lands.

Please let me know if you have additional questions.

Regards,

Lisa Spadoni
Principal Planner
Planning and Development Services
(253) 591-6291

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---Original Message----

From: StellarTechnologies [mailto:stellartechnologies@yahoo.com]
Sent: Friday, June 03, 2016 3:43 PM
To: Lawrence, Dustin
Subject: Re: 2008 E 57th Street

Hello,

No, this is not a sub-division, there is no shared ownership, the entire plat was fully deeded to me by Pierce County. Furthermore there are no covenants or notices or directives, and there was no agreement to share or commune the property on purchase. So your misunderstanding is not applicable. Please make note of that, and assign your next response, to your supervisor's care.

Thank you,

Mark

On Tue, 5/31/16, Lawrence, Dustin <dlawrence@ci.tacoma.wa.us> wrote:

Subject: 2008 E 57th Street
To: "stellartechnologies@yahoo.com"
<stellartechnologies@yahoo.com>
Cc: "Stoehr, Barbara" <BStoehr@ci.tacoma.wa.us>
Date: Tuesday, May 31, 2016, 10:12 AM

Hello,

I received your contact from Barbara Stoehr from our office.

I understand that you had some questions regarding how to develop 2008 E 57th Street. This parcel has come up many times over the years. For whatever reason, it was lost by the previously established Home Owners Association and Pierce County ended up acquiring it. It looks like they must have auctioned it off.

Because the property was an Open Space Tract established through a plat recorded by the City, each lot associated with the Plat has a vested interest in the tract. In accordance with RCW 58.17.215 (http://app.leg.wa.gov/RCW/default.aspx?cite=58.17.215), the majority of the properties located within the plat would need to sign the application in which the alteration is sought. Further, if there were any private covenants (this may show up on title), every property that is party to the covenants would have to sign the updated covenants.

If you believe that you can obtain the necessary signatures, we would proceed with the application in accordance with our preliminary plat application review process: http://tacomapermits.org/wp-content/uploads/2014/05/8-044-Plats-10-or-More-Lots.pdf
Thank you,

Dustin Lawrence
Planning & Development Services
City of Tacoma
747 Market Street, Room 245
Tacoma, WA 98402
253-591-5845

dlawrence@cityoftacoma.org

www.tacomapermits.org
www.cityoftacoma.org

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RE: 2008 E 57th Street

From: "StellarTechnologies" <stellarTechnologies@yahoo.com>
To: "LisaSpadoni" <spadoni@ci.tacoma.wa.us>

Wednesday, June 8, 2016 2:43 PM

Lisa,

Why is the issue of the sale of this land to me, being skirted by everyone I am in contact with? What responsibility does a city or county government have to disclose to a buyer any lingering contracts they believe they have with the property in question? According to Pierce, they have none... they cheated me, and are laughing about it.

Yet, if I sell a stolen computer to someone, just because there is an absurd notion of laissez faire, doesn't release me from the responsibility of having sold stolen property.

Both the City of Tacoma and Pierce are corporations, under the State of Washington, just like Midnightgale is, yet both Tacoma and Pierce have special rights and laws passed to serve their needs that Midnightgale doesn't have. I understand management facilitation, and I understand that both Pierce and Tacoma might have legal obligations to some financial arrangement they made with either the Native Americans who owned the land or a developer who developed the land, but unless I sign in on that agreement, that has nothing to do with me. Pierce had the chance to reject my money and not give me a deed when the transaction took place, they had the chance to offer me the chance to sign contracts binding me as a party to their previous agreements, but they chose not to, they severed me from both being informed and being bound by whatever they felt still had sway.

I am NOT a party to your agreements or to Pierce County's agreements, so if both Tacoma and Pierce would like to enter negotiations and either buy back the land or compensate me for the difficulties I've suffered to date, there really isn't anything more that either of you two Corporations have to do, but give me my Permits under the normal conditions anyone else who would want to build a house for themselves in that neighborhood, and then allow me to proceed to meet the international building codes, and ecological constraints that anyone in that neighborhood had to.

I applied for a scoping meeting, I provided a simple drawing proposal on your site and informed you of this. I am not going to go about special requirements based on a non-obligation the City believes I have... if the City needs to grapple with their own obligations, let them... It is not my problem. I have no agreement to live up to City perceptions, I bought land, I have a legal deed, it is private property, it is mine, not the neighborhood's, this is not Russia, is it?

Mark

On Wed, 6/8/16, Spadoni, Lisa <spadoni@ci.tacoma.wa.us> wrote:

Subject: RE: 2008 E 57th Street

To: "StellarTechnologies" <stellarTechnologies@yahoo.com>

Date: Wednesday, June 8, 2016, 6:49 AM

Good morning Mark,

We do our best to guide customers to the permit process that might get them their desired results. You reference the rezone tip sheet below.

The site is currently zoned "R-2" single-family dwelling district. This district allows the construction of single family homes. A rezone would be a mechanism to change the zoning of the site from "R-2" to something else. If your desire is to build a single-family home, a rezone would not be the appropriate permit process. In my previous email, I outlined the permit process that could change the open space designation of the site and therefore potentially allow construction of a home.

The public notice instructions you quoted below apply to applications for Process 1 land use permits, including variances and other minor permit applications. It applies to applications made and paid for by customers wishing to develop in ways that deviate from building setback requirements and the like. It does not apply in this situation. The permit process I outlined in my previous email does include a public notice process. That process is in addition to the signatures required by RCW 58.17.215. The City engages in that public notice process only after a complete application has been made and paid for by an applicant.
Scoping meetings can be applied for on-line through your City of Tacoma permitting account. If you haven't set up an account yet, you can do so by accessing tacoma permits.org and selecting "Getting Started". There is a link to a "Getting Started Guide" and to the "Tacoma Permits (ACA)" site where you set up your account.

Lisa Spadoni
Principal Planner
Planning and Development Services
(253) 591-5281

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-----Original Message-----
From: StellarTechnologies <mailto:stellartechnologies@yahoo.com>
Sent: Tuesday, June 07, 2016 4:55 PM
To: Spadoni, Lisa
Subject: RE: 2008 E 57th Street

Hello
Lisa,

I don't believe either the City or the County would prevail in court, I've been through all of the mentioned RCWs provided by both and I feel confident I would be a successful in my desire to build on the land.

So, since my effort here is to build myself a home... if you would be so kind as to proceed as per the requirements and procedures laid out on page:


Now, as to any public hearing requiring neighbors to give their opinions, Tacoma's instructions are laid out as follows.

"Day 14: A public notice, including instructions for viewing the submitted application materials on-line, is transmitted to internal City departments and external agencies and is mailed to neighbors within 400 feet of the property in the form of a yellow postcard. Public comments for a site rezone may be submitted until the closing of the public hearing. Interested parties may also testify in person at the Public Hearing. A deadline is provided in the public notice for written comments on the Environmental Checklist. The applicant is given a chance to provide a written response to all comments."

When can we have the scoping meeting then? I suggest June 20th.

Mark

On Tue, 6/7/16, Spadoni, Lisa <spadoni@cl.tacoma.wa.us> wrote:

Subject: RE: 2008 E 57th Street
To: "stellarTechnologies@yahoo.com"
<stellarTechnologies@yahoo.com>
Cc: "Lawrence, Dustin" <lawrence@cl.tacoma.wa.us>,
"Faint, Shanta" <sfaint@cl.tacoma.wa.us>
Date: Tuesday, June 7, 2016, 2:39 PM
Good afternoon Mark,

I am Dustin's supervisor. I understand you've been working with him on some questions regarding 2008 E 57th Street. We've researched the site history and I have confirmed our findings with our legal staff. Here is our understanding:

- The property is indicated as "Tract A" (Open Space) on the plat map of Swan Creek (attached), recorded in 1999.
- A copy of the "Protective Covenants" of the Plat of Swan Creek (attached) includes a covenant regarding the "The Open Space adjoining lots 51 through 76 as outlined in the recorded Plat" that indicates the area is for the use of said lot owners, shall be utilized as a play area only and shall contain no structures.
- Tract "A" was transferred by deed from the developer to the Swan Creek Homeowner's Association in 1976 (attached).
- At some point, Pierce County took ownership of Tract "A" and sold it as tax title land.

Based on this information, Tract "A" can be developed only after the owner applies for a Plat Alteration in compliance with Tacoma Municipal Code 13.04.070 and RCW 59.17.215. Part of RCW 59.17.215 would require the application to include an agreement signed by all parties subject to the covenants indicating that the parties agree to terminate or alter the relevant covenants.

I understand you have some concerns about the sale of the property. While Pierce County has authority to sell tax title lands, the sale does not change the regulations governing those lands.

Please let me know if you have additional questions.

Regards,

Lisa Spadoni
Principal Planner
Planning and Development Services
(253) 591-2251

Please note: Planning and Development Services have implemented a new permitting system - Tacoma Permits. During early implementation, wait times may be longer. You can avoid wait times by using our new on-line interface, located at https://tacs.arcgis.com/tacpermit/. For more information about the new permitting system, including Frequently Asked Questions, please visit www.cityoftacoma.org/tacomapermits.

-----Original Message-----

From: Stellar Technologies [mailto:stellar technologies@yahoo.com]
Sent: Friday, June 03, 2016 3:43 PM
To: Lawrence, Dustin
Subject: Re: 2008 E 57th Street

Hello,

No, this is not a sub-division, there is no shared ownership, the entire
plai was fully deeded to me by Pierce County.
Furthermore there are no 'covenants' or notices or
directives, and there was no agreement to share or commune
the property on purchase. So your misunderstanding is
not applicable. Please make note of that, and assign
your next response, to your supervisor's care.

Thank you,

Mark

On Tue, 5/31/16, Lawrence, Dustin <dlawrence@cl.tacoma.wa.us>
wrote:

Subject: 2008 E 57th Street
To: *stellar Technologies@yahoo.com*
      <stellar Technologies@yahoo.com>
Cc: *Glow, Barbara* <bglow@cl.tacoma.wa.us>
Date: Tuesday, May 31, 2016, 10:12 AM

Hello,

I received your contact
from Barbara Bloehr from our office.

I understand that
you had
some questions regarding how to
develop 2008 E 57th Street. This parcel has come up
many times over the years. For whatever reason, it was
lost by the previously established Home Owner's
Association
and Pierce County ended up
acquiring it. It looks like they must have auctioned it
off.

Because the property was
an Open Space Tract established through a plat recorded
by the City, each lot associated with the Plats has a
vested interest in the tract. In accordance with
the majority of the properties located
within the plat would need to sign the application in
which the alteration is sought. Further, if there were
any private covenants (this may show up on title),
every property that is party to the covenants would
have
to sign the updated covenants.

If you believe that
you
can obtain the necessary signatures,
we would proceed with the application in accordance with
our preliminary plat application review process:

Thank you,
Dustin Lawrence
Planning & Development
Services
City of Tacoma
747 Market
Street, Room 345
Tacoma, WA 98402
253-591-5845
dlawrence@cityoftacoma.org

www.tacomapermits.org
www.cityoftacoma.org

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I am being vastly bullied by Tacoma, please help.

From: "stellatechnologies" <stellatechnologies@yahoo.com>
To: marilyn.strickland@cityoftacoma.org

Ms. Strickland,

I am continuing to be vastly bullied by both Pierce County and the City of Tacoma. I used due diligence to ask about any issues with two parcels up for sale as tax properties by Pierce County Facilities. There were no notices, no special tags, nothing. I bid for an won the two auctions. I went to their offices and gave them cash and filled in paperwork.

Some time later I received my deeds. On applying for a scoping meeting to get the process for obtaining permits from the City, I am now being told I do not own my land, that through some hidden behind the scenes covenants with the original developer of the area, my land was set off as 'open space' and is community property that the entire neighborhood must now ALL now sign off on, before I can build anything at all on it. That's everyone who lives within 400 feet or rather about 1,000 people who OWN my land??... even though Pierce county took my money and I was issued a deed!?

The City of Tacoma will not proceed with processing my permits until I show up with all of these people's agreement, to allow me to build a home. THAT is not ownership.

Pierce had the option to notice me, to have me sign off on, to agree to any obligations they believed I had at the time I paid them. They could have refused my money then... but they hid all of this, and I never agreed to any of it. I've been back and forward with both people at Pierce and the City of Tacoma, and they all use RCWs to cover themselves, even though those RCWs seem sporadic and non-applicable, that's what they do. I would be ultra careful to buy anything from anyone in the open market, and am... but no one should expect to be ripped off by local government, should they?

If I had bought a house in a tract controlled by a HomeOwner's group, I would have had to sign an agreement to that effect, or they'd refuse the sale... but the county believes it has no obligation to do so. I did not sign anything or agree to anything, I bought the lands, two parcels, and so far, cannot even build my home on one of them, I haven't even begun to approach the other... CMG! I am 61, this is not how I wanted to spend the end of my life, I just wanted to build a small home with a workshop and live there till I died...this is CRAZY!

I would like to schedule a meeting and come in and speak with you, ...how about on the 13th or the 20th of this month?

Mark Stater
Tax parcel being referred to # 8867000770

https://mail.yahoo.com/neob/msg=25&sMid=601&fi...
Good afternoon Mark,

I understand that the land was sold to you and that you hold the deed. As I mentioned previously, this site was created through the Swan Creek Plat under Washington State and City of Tacoma law as an open space tract. It is designated and taxed as a ‘greenbelt common area’ by Pierce County because of this. These use restrictions run with the land regardless of ownership. As the jurisdiction with regulatory responsibility over this property, because it is within the City boundaries, the City is obligated to ensure any permitted use of the property is in compliance with the laws governing it. The laws governing this property do not allow construction of a single-family home or the structure shown in the drawing you submitted with your scoping meeting request. Therefore, any permit applied for to build on the site could not be granted.

As I described previously, a plat alteration application would be the legal route to change the open space status of the property and pursue development of the site.

Regards,

Lisa Spadoni
Principal Planner
Planning and Development Services
(253) 591-5281

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**RE: 2008 E 57th Street**

From: "StellarTechnologies" <stellartechnologies@yahoo.com>

To: "Lisa Spadoni" <spadoni@ci.tacoma.wa.us>

Wednesday, June 8, 2016 6:27 PM

Nope, looks like I will see you in court.

The requirement of meeting with everyone within 400 feet of the property and convincing them to have mercy on my soul... is too much to ask and cannot be achieved. You and your corporation, and the Pierce county Corporation, have cheated and ripped me off, so...

see you in court.

Mark

--------------------------

On Wed, 6/8/16, Spadoni, Lisa <spadoni@ci.tacoma.wa.us> wrote:

Subject: RE: 2008 E 57th Street

To: "stellartechnologies@yahoo.com" <stellartechnologies@yahoo.com>

Date: Wednesday, June 8, 2016, 4:42 PM

Good afternoon Mark,

I understand that the land was sold to you and that you hold the deed. As I mentioned previously, this site was created through the Swan Creek Plat under Washington State and City of Tacoma law as an open space tract. It is designated and taxed as a 'greenbelt common area' by Pierce County because of this. These use restrictions run with the land regardless of ownership. As the jurisdiction with regulatory responsibility over this property, because it is within the City boundaries, the City is obligated to ensure any permitted use of the property is in compliance with the laws governing it. The laws governing this property do not allow construction of a single-family home or the structure shown in the drawing you submitted with your scoping meeting request. Therefore, any permit applied for to build on the site could not be granted.

As I described previously, a plat alteration application would be the legal route to change the open space status of the property and pursue development of the site.

Regards,

Lisa Spadoni
Principal Planner
Planning and
Development Services
(253) 591-5281

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-----Original Message-----
From: StellarTechnologies [mailto:stellartechnologies@yahoo.com]

Sent: Wednesday, June 08, 2016 3:43 PM
To: Spadoni, Lisa
Subject: RE:
2008 E 57th Street

Lisa,

Why is the issue of the sale of this land to me, being skirted by everyone I am in contact with? What responsibility does a city or county government have to disclose to a buyer any lingering
ago complaint - yahoo mail

ago complaint

from: crmail@agt.wa.gov

to: stellarotechnologies@yahoo.com

mark,

thank you for contacting the consumer protection division of the attorney general's office. the consumer complaint you submitted through our online form was received on 6/8/2016. your complaint is very important to us and we have assigned it to a consumer resource center specialist for review. you will be provided with a complaint number and the status of your complaint within 5 business days. during times when we experience peak complaint volumes, it may take up to 7 business days for us to contact you with your complaint number and status. thank you for your patience during this time.

please do not respond to this email address. the mailbox is not monitored. if you have questions, please contact our consumer resource center at 1-800-551-4636.

information submitted:

mark: eliot
2008 57th st. e
tacoma, wa 98406

call phone: 253-572-9455
alternate phone:
email: stellarotechnologies@yahoo.com
age range:

are you an active duty service member, a military dependent, retired from active duty, or a veteran: no

if english is not your first language, what is your first language:

business name: pierce county facilities management
1102 broadway, suite 302
tacoma, wa 98402

bus phone:
email: potentiates@co.pierce.wa.us
website: http://www.piercecountywa.org

names and addresses of any other businesses involved in your complaint:

transaction date: 12-15-2015
amount in dispute: $0.00

explanation of complaint:

pierce county sold me two parcels but didn't tell me i can't build anything on them. the one in tacoma, tacoma is claiming doesn't belong to me, even though i have a deed. they say previous to us, back in the 60's the original plat set my land aside as common open space for the neighborhood. thus i have to get the permission of 1,000 people to build a house on it. these people own my land, the deed is worthless, and pierce says, "buyer beware, tough luck," they don't care, they say they didn't have to inform me, that it's all on me and thanks for the money! this is PIERCE COUNTY, our county government who is stealing from me! who would have thought?? i asked for my money back, they said no. i asked to have tacoma change the zoning or land use or something to give me possession of the land i bought, they said when i walk in with 1000 signatures from everyone within 400 feet of the land, we'll talk! the land in fircrest will likely be the same... i WANT MY MONEY BACK! pierce county is a corporation doing business under the authority of the state of washington... make them give me all my money back! i have all of this on paper, none of it is exaggerated, its all real... and a total nightmare.

complaint as public record: yes
disclosure notices: yes

if you have any questions about the complaint submittal process, you may contact our consumer resource center at 1-800-551-4636 between 10:00 a.m. and 3:00 p.m., monday through friday.

sincerely,

bob ferguson and the ago staff

consumer protection issues constantly change, with new scams and threats emerging every week. to be automatically notified, please consider signing up for one or more of our newsletters (http://ago.wa.gov/newsletters) to keep up-to-date on the latest ago news, opinions, consumer alerts, ask the ag columns, and blog posts.

you can also follow us on the social networking sites twitter (http://twitter.com/ago_wa), youtube (http://www.youtube.com/washingtonago) and facebook (https://www.facebook.com/WAStrateAttorneyGeneral).
RE: 2008 E 57th Street

From: "Spadoni Lisa" <lspadoni@ci.tacoma.wa.us>
To: "stellartechnologies@yahoo.com" <stellartechnologies@yahoo.com>

Friday, June 10, 2016 1:23 PM

Good afternoon Mark,

The complete reference in RCW 58.17.215 reads as follows: Alteration of subdivision—Procedure. When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(9),

It is referring only to subsection (6) in RCW 58.17.040, not to subsection (9).

The City does have a program to manage City-owned open spaces. If you would like to see if the City is interested in including this property in the program, you can contact the City's Environmental Services - Surface Water Department at (253) 591-5588.

Regards,
Lisa Spadoni
Principal Planner
Planning and Development Services
(253) 591-5281

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---Original Message---
From: Stellartechnologies [mailto:stellartechnologies@yahoo.com]
Sent: Friday, June 10, 2016 5:13 AM
To: Spadoni, Lisa
Cc: Frentz, Shanta; Stoehr, Barbara; Pauli, Elizabeth (Legal)
Subject: RE: 2008 E 57th Street

Hello Lisa,

Let's try this:

"RCW 58.17.215 Alteration of subdivision—Procedure. When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040..." So RCW 58.17.040 provides exceptions, to the procedure described in RCW 58.17.215.

I'd like to apply for a sub-division of a portion of my parcel, and rezone that portion to a mixed use as per RCW 58.17.040(9).

The area shown in my preliminary diagram, instead of being a residence, is to be used as a solar electrical generation facility, intended to feed energy into the Tacoma electrical grid, for use by existing and new customers. To this end I will be serving as the resident security personnel, the RCW provides for.

So let's sub-divide a part of my parcel, rezone it for mixed use, and move onto issuing the permits necessary for me to put a building up.

Meanwhile, the majority of that parcel, that part not set aside for my solar generation facility, since Tacoma has such a strong interest in seeing it preserved, will be gated off by Tacoma at Tacoma's cost, and Tacoma will own it and keep it clean. Tacoma will see to the health of its trees, and Tacoma will pay me $1,200. per month, in a 30 year lease, to assure its continued use as an open space and in recognition of it being a 'surface water sump', that the entire neighborhood benefits from. Present this to the City Manager and have the City Attorney draw up the agreement, ...I will then review it.

Thanks,
Mark

Reference:
RCW 58.17.040

*[9] A division of land into lots or tracts of less than three acres that is recorded in accordance with chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. For purposes of this subsection, "electric utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed. *
RE: 2008 E 57th Street

From: "Stellar Technologies" <stellar technologies@yahoo.com>
To: "Lisa Spadoni" <spadoni@ci.tacoma.wa.us>

Hi,

I just spoke with my attorney and he says my original conjecture was correct. Pierce took possession of the property after all the property owners failed to pay their tax, all of them thus gave up their right to the common property. Michael Gonzales at Pierce Facilities concurs, he said they noticed all the the local property owners and offered them a chance to take stewardship of it, and none of them wanted to so... it went into default for years. They finally sold it to private ownership and authorized the issuance of a deed.

So no, that old covenant is null and void, all those surrounding property owners were given the opportunity to lay claim and didn't. The property tax piled up and Pierce county finally decided to take possession and sell it, I bought it. So let's move on to the scoping meeting and get this show on the road. I must start construction before the rainy season, so let's move on this or Tacoma will be backpedaling after structure already goes up.

Mark

On Fri, 6/10/16, Spadoni, Lisa <spadoni@ci.tacoma.wa.us> wrote:

Subject: RE: 2008 E 57th Street
To: "stellar technologies@yahoo.com" <stellar technologies@yahoo.com>
Date: Friday, June 10, 2016, 2:23 PM

Good afternoon Mark,

The complete reference in RCW 58.17.215 reads as follows: Alteration of subdivision—Procedure. When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6)... It is referring only to subsection (6) in RCW 58.17.040, not to subsection (9).

The City does have a program to manage City-owned open spaces. If you would like to see if the City is interested in including this property in the program, you can contact the City's Environmental Services - Surface Water Department at (253) 591-5568.

Regards,
Lisa Spadoni
Principal Planner
Planning and Development Services
(253) 591-5281

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-----Original Message-----
From: Stellar Technologies [<mailto:stellar technologies@yahoo.com>]

Sent: Friday, June 10, 2016 5:13 AM
To: Spadoni, Lisa
Cc: Frantz,
Shanta; Stehr, Barbara; Paul; Elizabeth (Legal)
Subject: RE: 2008 E 57th Street

Hello Lisa,

Let's try this:
I bought a 'tax title property' from Pierce. According to Tacoma, the previous owners retain title because it was open space or common property to their lots. Thus they claim although I hold the deed, I am not the owner. I've tried to explain that I did not buy a tax foreclosure property, where the natural linearity of any obligations such as common ownership by say, some homeowners association is respected, and the idea is to simply get the tax caught up even if that means shuffling who owns it. No, I bought a tax title property, which in my case especially means, the foreclosure procedure occurred, and neither the homeowners association or any of the neighbors elected to step up to the tax debt.

According to Pierce, they were all noticed and no one stepped up, they just let it default and waste away. Years later, Pierce finally decided to sell the land at a tax title sale, vended through the Bid4assets site and sold it to me.

That is NOT the same as a foreclosure sale, it is long past that stage and all of the original people involved had long since abandoned their claims to the land. This is the distinguishing feature, and the reason I bought the land.

But Tacoma's planning dept doesn't understand that distinction, they only know 'foreclosures' and so think the original people are all still involved. So they want me to personally visit everyone in the entire geographic area (that's hundreds of homes) to get a signed contract from each one, allowing me to build a house on the land.

How can WE... that's Pierce Facilities and I, get Tacoma to GET THE POINT and realize those people gave up their claim after the land failed to sale at the first foreclosure sale, and after years of abandonment... so Pierce then transferring the land to me, and my getting the deed, means that I am the sole owner of that land. I am not saying there aren't Federal or State requirements for me to meet, I am just saying Pierce already went through the legal process of foreclosure and those people abandoned their claims and responsibilities which led to the land being a tax title property and to me being the sole owner. So again... how can WE prove this process, its validity and its scope... to Tacoma City?

Mark Glatzer
About some land I bought.

From: "StellarTechnologies" <stellartechnologies@yahoo.com>
To: rskett@co.pierce.wa.us

I bought a 'tax title property' from Pierce. According to Tacoma, the previous owners retain title because it was open space or common property to their lots. Thus they claim although I hold the deed, I am not the owner. I've tried to explain that I did not buy a tax foreclosure property; where the natural linearity of any obligations such as common ownership by say, some homeowners association is respected, and the idea is to simply get the tax caught up even if that means shifting who owes it. No, I bought a tax title property, which in my case especially means, the foreclosure procedure occurred, and neither the homeowners association or any of the neighbors elected to step up to the tax debt.

According to Pierce, they were all notified and no one stepped up, they just let it default and waste away. Years later, Pierce finally decided to sell the land at a tax title sale, vended through the Bid4assets site and sold it to me.

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Mark Slater
RE: 2008 E 57th Street

From: "Spadoni, Lisa" <spadoni@ct.tacoma.wa.us>
To: "Stellar Technologies" <stellar@stellar.com>

Good afternoon Mark,

I understand the history of ownership of the site. However, the legal process for changing (including nullifying) a protective covenant on a plat is the Plat Alteration process that I have previously provided. Construction on the site prior to application and approval of a Plat Alteration would be a violation of City code, which is why we could not approve any building permits.

The City Attorney that I have been consulting is Jeff Capell. His contact number is (253) 591-5838.

Regards,
Lisa Spadoni
Principal Planner
Planning and Development Services
(253) 591-5281

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--- Original Message ---

From: Stellar Technologies <stellar@stellar.com>
Sent: Saturday, June 11, 2016 6:31 PM
To: Spadoni, Lisa
Subject: RE: 2008 E 57th Street

Hi,

I just spoke with my attorney and he says my original conjecture was correct. Pierce took possession of the property after all the property owners failed to pay their tax, all of them thus gave up their right to the common property. Michael Gonzales at Pierce Facilities concurs, he said they noticed all the the local property owners and offered them a chance to take stewardship of it, and none of them wanted to so... it went into default for years.

They finally sold it to private ownership and authorized the issuance of a deed.

So no, that old covenant is null and void, all the surrounding property owners were given the opportunity to lay claim and didn't. The property tax piled up and Pierce county finally decided to take possession and sell it, I bought it. So let's move on to the scoping meeting and get this show on the road. I must start construction before the rainy season, so let's move on this or Tacoma will be backpedaling after structure already goes up.

Mark

-------------------------------

On Fri, 6/10/16, Spadoni, Lisa <spadoni@ct.tacoma.wa.us> wrote:

Subject: RE: 2008 E 57th Street
To: "Stellar Technologies" <stellar@stellar.com>
Date: Friday, June 10, 2016, 2:23 PM

Good afternoon Mark,

The complete reference in RCW
58.17.215 reads as follows: Alteration of subdivision—Procedure. When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6),

It is referring only to subsection (6) in RCW 58.17.040, not to subsection (9).

The City does have a program to manage City-owned open spaces. If you would like to see if the City is interested in including this property in the program, you can contact the City's Environmental Services - Surface Water Department at (253) 591-5598.

Regards,
Lisa Spadoni
Principal Planner
Planning and Development Services
(253) 591-5281

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RE: 2008 E 57th Street

From: "Spadoni  Lisa"<spadoni@ci.tacoma.wa.us>
To: "StellarTechnologies"<stellarTechnologies@yahoo.com>

Friday, June 17, 2016 3:07 PM

Good afternoon again Mark,

My apologies for not including answers to this email as well in the response I just sent you. Here is the applicable RCW again:

RCW 58.17.215
Alteration of subdivision—Procedure.
When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the legislative authority of the city, town, or county where the subdivision is located. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

Because the proposal would be an alteration of the Swan Creek plat, the application would be need to have the signatures of a majority of the property owners within the plat. Since there are also protective covenants and the proposal would be changing one of those covenants, an agreement signed by all parties subject to that covenant would also be required with the application. It appears the protective covenant for the open space tract applies to the owners of lots 51 through 76, so those would be required signatures on the agreement and application. However, the plat contains a total 76 lots and additional tracts, so additional signatures would be needed on the application to meet the majority requirement. It is the applicant's responsibility to obtain the application signatures and signed agreement.

Regards,

Lisa Spadoni
Principal Planner
Planning and Development Services
(253) 591-5981

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-----Original Message-----
From: StellarTechnologies [mailto:stellarTechnologies@yahoo.com]
Sent: Saturday, June 11, 2016 8:29 AM
To: Spadoni, Lisa
Subject: RE: 2008 E 57th Street

Hello,

"The Open Space adjoining lots 51 thorough 76 as outlined in the recorded Plat"

So are these the only people cheated by Pierce that I am required to contact?
The fact that the law allowed Pierce to sell these people's land, does not make it right... does it?

So can I send them a letter and meet the requirements, or do you expect me to go and violate their privacy at their doors?

Mark

-----------------------------------------------------------------------------
On Fri, 6/10/16, Spadoni, Lisa <spadoni@ci.tacoma.wa.us> wrote:

Subject: RE: 2008 E 57th Street
To: "StellarTechnologies@yahoo.com"<stellarTechnologies@yahoo.com>
Date: Friday, June 10, 2016, 2:23 PM

Good afternoon Mark,

The complete reference in RCW 58.17.215 reads as follows: Alteration of subdivision—Procedure. When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6),

It is referring only to subsection (6) in RCW 58.17.040, not to subsection (9).

The City does have a program to manage City-owned open spaces. If you
Mark Slater here, the guy with the tax title land issues.

From:  "StellarTechnologies" <stellarTechnologies@yahoo.com>

To:  droach@cc.pierce.wa.us

Wednesday, July 13, 2016 4:14 PM

Hello, I found more support for what we resolved, that Pierce does indeed have the power to convert tax title lands to both public and private use -> free of any trust.

In the explanation of RCW 36.35.010

http://app.leg.wa.gov/RCW/default.aspx?cite=36.35.010

(the link is below the RCW itself), there is an explicit statement concurring with what we finally resolved, that Pierce, once it possess a property via 36.35.010 can transfer it "free of any trust" to public or private use, which was exactly what I was saying, and I believe you agreed with, is stated concisely and clearly.

Here is the link to the pdf explaining the basis behind RCW 36.35.010


"NEW SECTION. Sec. 4. Whenever the legislative authority of any county deems tax title lands valuable for public use it shall have authority to convey such lands to the county in its proprietary capacity, free from any trust, upon payment by the county of the amount of delinquent taxes, and interest thereon, owing on the land at the time the county acquired same at tax foreclosure sale: PROVIDED, That in the event such lands shall be subsequently sold or leased, or income derived therefrom, the proceeds shall first be used to reimburse the county for the cost of such sale or lease, for the cost of any improvements placed thereon at county expense, and the costs of managing such lands, with the balance of such proceeds to be distributed in the same manner as general taxes collected in the year in which such moneys are received by the county."

And there it is, in the first sentence "free from any trust".

I am so glad I found this, as it is assuring that what we spoke of, and where the conversation went, were exactly on target.

Thanks again, I look forward to receiving the paperwork to present this to both Tacoma and Fircrest.

Mark Slater

Here I discover the state legislature doesn't keep their online records current. For over 10 years in this case.
RE: I'm caught in the grinder between Pierce county and two cities.

From: "Darnelle Sen. Jeanie" <Darnelle@Leg.wa.gov>
To: "Mark Slater" <stellatechnologies@yahoo.com>

Mr. Slater,

As Senator Darnelle's Senior Legislative Assistant, I review all outside email and forward on to her the email she needs to see including those from constituents. I will pass your message on to Sen. Darnelle for her review when we meet next week.

In the meantime, I have taken the liberty of forwarding your concerns on to the Washington Dept. of Revenue alerting them to the issue. Revenue is the state agency that may be able to address the discrepancy between the jurisdictions. Have you also been in touch with your county representation? If not, I would suggest you ask the person that represents you on the county council to review the situation as well.

Lisa Finch
Senior Legislative Assistant to
Sen. Jeanie Darnelle

---Original Message---
From: Mark Slater <mailto:stellatechnologies@yahoo.com>
Sent: Tuesday, July 19, 2016 12:08 AM
To: Darnelle, Sen. Jeanie <Darnelle@Leg.wa.gov>
Subject: I'm caught in the grinder between Pierce county and two cities.

From: Mark Slater <stellatechnologies@yahoo.com>
Subject: I'm caught in the grinder between Pierce county and two cities.

Message Body:
I've been dealing with Pierce county, Tacoma city and Fircrest city on their interpretations of RCW 36.35.010 which gives the county the ability to possess lands with unpaid tax debt, and through their process, recite that land to either public or private parties. On the web page, the under link explains, in Section 4., that the property is conveyed 'free from any trust'.

I met with Dan Roach and he concurs. However, both Tacoma and Fircrest believe, that the previous owners, still have power over the land because they had a recorded trust in place, even though they defaulted on their taxes.

That would be great if we could ALL simply create a trust, and then stop paying taxes and still control the land, but... those cities just don't get it, their vision is flawed, the previous tethers are severed, the tax must flow.

So, I need help. so far the people I've dealt with aside from Dan Roach are very happy to rely on their personal interpretations of the situation, and these cities have no legal department I can speak with aside from there ONLY to protect the city in litigation. I don't want to merely proceed to court, I just want to build a home on 'my' land. Since the law is clear that the lands are conveyed 'free from trusts', you'd think it was obvious, but not to the cities. Can you help me set these people straight? Please don't send me to 'assistants'.

This e-mail was sent from a contact form on Sen. Jeanie Darnelle - Washington State Senate Democrats (http://wde.wastateleg.org/darnelle)

I try to explain the legal fallacy to Darnelle.
Hi Lisa,

Here is the RCW Pierce pointed to as salient to this position we are at. The Legislation details describe how the law supports Pierce foreclosing on the land, taking possession of this parcel, and in the process ...severing it from any land trust agreements:

"RCW 35.35.010
Purpose—Powers of county legislative authority as to tax title lands.
The purpose of this chapter is to increase the power of county legislative authorities over tax title lands. The legislative authority of each county shall have the power to devote tax title lands to public use under its own control or the control of other governmental or quasi-governmental agencies, to exchange such lands for lands worth at least ninety percent of the value of the land exchanged, and to manage such lands to produce maximum revenue therefrom in the manner which derives the most income from such lands. The further purpose of this chapter is to relieve the courts of the obligation of supervising the county legislative authorities in the management and disposition of tax title lands. [1972 ex.s.c 150 § 1.1]"

And at [1972 ex.s.c 150 § 1.1], at 'Section 4', it says,

"NEW SECTION. Sec. L4. whenever the legislative authority of any county deems tax title lands valuable for public use it shall have authority to convey such lands to the county in its proprietary capacity, free from any trust,..."

As you can see in the first sentence, it says -> free from any trust <- The act of possession by the county, cleared the land of all trusts.

Then they sold it to me, as described, and then they worked out how to deal with the money I paid them. I pointed this out in a meeting with both the Board of Equalization and with Dan Roach, and they concurred, the land I bought were severed from any previous trust agreements and are now free of the land trusts that bound them previously, and completely owned by me. They agreed that I did not have to seek permission from any previous owners in order to proceed with any permit process.

So that is that, RCW 35.35.010 is quite clear on the fact this land is 'free of any trust'... so let's move on to obtaining a permit to build the home shown in my preliminary filing.

Thanks for your patience on getting this all straightened up.

Mark

On Fri, 6/17/16, Spadoni, Lisa <lspadoni@cl.tacoma.wa.us> wrote:

Subject: RE: 2008 E 57th Street
To: StellarTechnologies <stellarTechnologies@yahoo.com>
Date: Friday, June 17, 2016, 4:07 PM

Good afternoon again

Mark,

My apologies for not

Including answers to this email as well in the response I

Just sent you. Here is the applicable RCW again:

RCW 58.17.215
Alteration of subdivision—Procedure.
When any person is interested in the alteration
of any subdivision or the altering of any portion thereof,
except as provided in RCW 58.17.040(8), that person shall
submit an application to request the alteration to the
legislative authority of the city, town, or county where
the subdivision is located. The application shall contain
the signatures of the majority of those persons having an
ownership interest of lots, tracts, parcels, sites, or
cisions in the subject subdivision or portion to be
altered. If the subdivision is subject to restrictive
covenants which were filed at the time of the approval of
the subdivision, and the application for alteration would
result in the violation of a covenant, the application shall
contain an agreement signed by all parties subject to the
covenants providing that the parties agree to terminate or
alter the relevant covenants to accomplish the purpose of
the alteration of the subdivision or portion thereof.

Because the proposal would be
an alteration of the Swan Creek plat, the application would
be need to have the signatures of a majority of the property...
Good afternoon Mark,

City staff, including our legal staff, is aware of the laws governing this situation. As stated previously, we understand that you are the sole owner of the property. However, the tax title process does not negate other laws governing the subdivision of land. As we have communicated in earlier emails, the process to change the open space status of the tract is through a Plat Alteration.

Regards,

Lisa Spadoni
Principal Planner
Planning and Development Services
(253) 591-2691

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-----Original Message-----
From: Stellar Technologies [mailto:stellar technologies@yahoo.com]
Sent: Wednesday, July 20, 2016 12:40 AM
To: Spadoni, Lisa
Subject: RE: 2008 E 57th Street

Hi Lisa,

Here is the RCW Pierce pointed to as salient to this position we are at. The Legislation details describe how the law supports Pierce foreclosing on the land, taking possession of this parcel, and in the process ...severing it from any land trust agreements:

"RCW 36.35.010
Purpose—Powers of county legislative authority as to tax title lands.
The purpose of this chapter is to increase the power of county legislative authorities over tax title lands. The legislative authority of each county shall have the power to convey tax title lands to public use under its own control or the control of other governmental or quasi-governmental agencies, to exchange such lands for lands worth at least ninety percent of the value of the land exchanged, and to manage such lands to produce maximum revenue therefrom in the manner which derives the most income from such lands. The further purpose of this chapter is to relieve the courts of the obligation of supervising the county legislative authorities in the management and disposition of tax title lands. [1972 ex.s. c 150 § 1.]

And et 1972 ex.s. c 150 § 1.], at 'Section 4', it says,

"NEW SECTION. Sec. L4. whenever the legislative authority of any county deems tax title lands valuable for public use it shall have authority to convey such lands to the county in its proprietary capacity, free from any trust, upon payment by the county of the amount of delinquent taxes, and interest thereon, owing on the land at the county acquired the same at tax foreclosure sale; PROVIDED, That in the event such lands shall be subsequently sold or leased, or income derived therefrom, the proceeds shall first go to reimburse the county for the cost of such sale or lease, for the cost of any improvements placed thereon at county expense, and the costs resulting from such sales, with the balance of such proceeds to be distributed in the same manner as general taxes collected in the year in which such moneys are received by the county."

As you can see in the first sentence, it says -> free from any trust <-> The act of possession by the county, cleared the land of all trusts.

Then they sold it to me, as described, and then they worked out how to deal with the money I paid them. I pointed this out in a meeting with both the Board of Equalization and with Dan Roach, and they concurred, the lands I bought were severed from any previous trust agreements and are now free of the land trusts that bound them previously, and completely owned by me. They agreed that I did not have to seek permission from any previous owners in order to proceed with any permit process.

So that is that, RCW 36.35.010 is quite clear on the fact this land is 'free of any trust'... so let's move on to obtaining a permit to build the home shown in my preliminary filing.

Thanks for your patience on getting this all straightened up.

Mark

 _____________________________________________________________
On Fri, 6/17/16, Spadoni, Lisa <spadoni@ci.tacoma.wa.us> wrote:

Subject: RE: 2008 E 57th Street
To: Stellar Technologies <stellar technologies@yahoo.com>
Date: Friday, June 17, 2016, 4:07 PM

Good afternoon again
Mark,

My apologies for not including answers to this email as well in the response. I just sent you. Here is the applicable RCW again:

RCW 58.17.215
RE: 2008 E 57th Street

From: "Spadoni , Lisa" <lisa.spadoni@ci.tacoma.wa.us>  
To: "Stellar Technologies" <stellar.technologies@yahoo.com>  

Monday, July 25, 2016 2:09 PM

Good afternoon Mark,

Per the email from Dustin dated May 31, 2016 at the end of this email chain, the majority of the property owners located within the plat would need to sign the application in which the alteration is sought. Further, every property that is party to the covenants would have to sign the updated covenants. So an application would require the signatures of all the property owners of the adjoining lots 51-76 as well as enough of the owners of the rest of the plat to make a majority (51%). The RCW specifically refers to owners. So a tenant/leaseholder would not meet the requirement.

Regards, 

Lisa Spadoni  
Principal Planner  
Planning and Development Services  
(253) 591-5281

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-----Original Message-----  
From: Stellar Technologies <stellar.technologies@yahoo.com>  
Sent: Thursday, July 21, 2016 10:58 PM  
To: Spadoni, Lisa  
Subject: RE: 2008 E 57th Street

Lisa,  
To be clear, are you saying I have to get signatures from the majority, that's 51%, of the homeowner of the adjoining lots 51 through 76 as outlined in the recorded Plat? And if so, what if the home is being leased to someone, can I get their signature instead? My experience with landlords is, sometimes they are remote or even out of state. 

Please be clear as to which lots you believe I need to approach. Thanks.

Mark

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On Fri, 6/17/16, Spadoni, Lisa <lisa.spadoni@ci.tacoma.wa.us> wrote:

Subject: RE: 2008 E 57th Street  
To: Stellar Technologies <stellar.technologies@yahoo.com>  
Date: Friday, June 17, 2016, 3:44 PM

Good afternoon Mark,

I understand the history of ownership of the site. However, the legal process for changing (including nullifying) a protective covenant on a plat is the Plat Alteration process that I have previously provided. Construction on the site prior to application and approval of a Plat Alteration would be a violation of City code, which is why we could not approve any building permits.

The City Attorney that I have been consulting is Jeff Capell. His contact number is (253) 591-5638.

Regards, 

Lisa Spadoni  
Principal Planner  
Planning and Development Services  
(253) 591-5281

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-----Original Message-----  
From: Stellar Technologies <stellar.technologies@yahoo.com>  
Sent: Saturday, June 11, 2016 6:01 PM  
To: Spadoni, Lisa  
Subject: RE:

2008 E 57th Street
FW: Information from DOR

From: "Fisch, Lisa" <Lisa.Fisch@leg.wa.gov>
To: "Mark Slater" <stellartechologies@yahoo.com>

Mark,

Below is the response Sen. Darnellie received from the Washington Department of Revenue regarding your situation. I had initially contacted DOR's Legislative Liaison who forwarded the inquiry to Mr. Duvall, the specialist in this area.

I hope the below email provides some clarity to your situation. If the links below to cited RCW's do not work, please let me know and I will send them in a different format.

Lisa Fisch
Legislative Assistant to
Sen. Jeanne Darnellie

From: Duvall, David (DOR)
Sent: Monday, July 25, 2016 11:40 AM
To: Fisch, Lisa <Lisa.Fisch@leg.wa.gov>
Subject: Sen. Darnellie and Mark Slater

Hi Lisa,

Thank you for contacting the Department of Revenue regarding development restrictions on tax foreclosure properties (tax title lands) purchased by Mark Slater from Pierce County.

Tax Title Lands
Tax title lands are tracts of land acquired by a county for lack of other bidders at a tax foreclosure sale. These properties are held "in trust" for taxing districts, and may be sold by order of the county legislative authority when it is deemed in the county's best interest to sell the property (RCW 84.35).

Mr. Slater observes that tax title land sold by a county "is conveyed free from any trust." This language was passed by the Legislature in 1972 (Section 4, chapter 150, Laws of 1972 1st ex. sess) and appeared in RCW 84.35.030. It appears that Mr. Slater may not be aware that the Legislature repealed this language in 1998 (see chapter 150, Laws 1998).

Please note: Pierce County sells tax title lands in an "as is" condition and advises potential bidders to thoroughly research a property since some properties have limiting attributes, such as a "wetlands" designation.

Properties' Background
According to Pierce County, Mr. Slater was the successful bidder on:
- A 1.55 acre parcel located in Fircrest at Edwards Avenue and Emerson Street. Fircrest has designated this property as "wetlands."
  - A.99 acre parcel located in Tacoma at 2008 East 57th Street. This property is designated as a "greenbelt" common area for the Swan Creek subdivision. This parcel is reserved as an "open space" area on the approved subdivision plat.

Options Available
Since the Department of Revenue is not an expert in local government land use designations, changing such designations, or revising subdivision plats, we reached out to Fircrest and Tacoma.

The cities indicated Mr. Slater's options appear to be limited with each city to see if an accommodation for development can be reached.
- According to Fircrest's Land Use and Planning Department, part of Mr. Slater's land in Fircrest may be available for development. They are already working with Mr. Slater to determine whether any of his wetland parcel might be suitable for development.
- For the property located in Tacoma, the city's land use planner advised that a subdivision plat revision may allow for development of the property.

We hope you have found this information useful. Let us know if we can be of further assistance.

Sincerely,

David Duvall
Tax Policy Specialist
Washington State Department of Revenue

Legislation & Policy I Capital Plaza I PO Box 47467 I Olympia, WA 98504-7467
(360) 534-1545 I F (360) 534-1526 I DavidD@DOR.wa.gov

Working Together to Fund Washington's Future

-----Original Message-----
From: Fisch, Lisa <mailto:Lisa.Fisch@leg.wa.gov>
Sent: Monday, July 18, 2016 10:24 AM
To: Shick, Drew (DOR)
Subject: FW: Constituent RR: Two cities want to nullify state property taxes

Drew,
RE: Slater Creek Open Space Complaint-2008 East 57th Street

According to this code violation, the City has the right to overlook the plat agreement, but not to my benefit.

Mr. Slater,

I have been asked to meet you at the site to answer any questions that you may have. The two options that you have are detailed in the first sentence in the email below. If you are interested in having the city abate the property, an authorization to enter the property should be attached. Please let me know when you would like to meet at the property.

Thanks

-----Original Message-----
From: McConaughy, Daniel
Sent: Thursday, June 22, 2017 7:57 AM
To: Stellartechologies
Cc: Magon, Jana; Wojtanowicz, Lisa; Dorman, Brad
Subject: RE: Slater Creek Open Space Complaint-2008 East 57th Street

Mr. Slater, you would need to provide a 20 foot fire break or remove all overgrowth from the property. I believe that the fire break would be the least costly but that would be up to your contractor to estimate. It is your option on what you choose to do. As far as the trees. We do not require that you cut trees and the trees that are dead you can have removed as they would just add fuel is the case of a fire. Not sure why you would want the city to enter private property to remove vegetation. If there is a part of Chapter 8.30 that I am unfamiliar with where the city is responsible please provide that code section.

Thank you

-----Original Message-----
From: Stellartechologies [mailto:stellartechologies@yahoo.com]
Sent: Thursday, June 22, 2017 7:47 AM
To: McConaughy, Daniel
Subject: RE: Slater Creek Open Space Complaint-2008 East 57th Street

Hi,

Since a 20 foot firebreak would cost me nearly $10,000. It is 'after reflection', not casual. So no, my property is not an acre in size, so the 20 foot firebreak requirement is rendered moot.

Now as to the rest of the property, the City has been remiss in caring for it, and so if you'd like to speak with me about the number of trees that were let to rot and go bad under the cities' watch, and how the city would like permission to enter the land and cut them down, that sounds like a good start.

Also, I don't like phone calls, and in fact carry no portable devices for that purpose, so email contact will be just fine.

Mark

On Thu, 6/22/17, McConaughy, Daniel <DMCCONAUI@cl.tacoma.wa.us> wrote:

Subject: RE: Slater Creek Open Space Complaint-2008 East 57th Street
To: "Stellartechologies" <stellartechologies@yahoo.com>
Cc: "Dorman, Brad" <BDORMAN@cl.tacoma.wa.us>
Date: Thursday, June 22, 2017, 5:34 AM

Mr. Slater, I am glad you emailed me because there was no phone number on your voicemail. Our agreement is a 20 foot fire break around the property. The property is not an acre in size but if I remember correctly it is close.

Thank you

-----Original Message-----
From: Stellartechologies [mailto:stellartechologies@yahoo.com]
Sent: Wednesday, June 21, 2017 4:44 PM
To: McConaughy, Daniel
Subject: RE: Slater Creek Open Space Complaint-2008 East 57th Street

I've left two messages for Brad on his machine... I need some clarification.

(253) 572-9455

Mark Slater

On Wed, 5/17/17, McConaughy, Daniel <DMCCONAU@ci.tacomawwa.us> wrote:

Subject: RE: Slater Creek Open Space Complaint-2008 East 57th Street
To: "Stellar Technologies" <stellar technologies@yahoo.com>
Cc: "Dorman, Brad" <BDORMAN@ci.tacomawwa.us>
Date: Wednesday, May 17, 2017, 7:31 AM

Mr. Slater, thank you for the reply. I believe that this is an acceptable plan as long as the work is completed on or before July 1, 2017. Than gives your contractor over a month to plan this and complete the work.

I have included Brad Dorman on this email. Brad is your case manager so please let him know when he can re-inspect the property for compliance. If your contractor has questions he can call Brad at 253-591-5362.

Thank you in advance.

-----Original Message-----

From: Stellar Technologies [mailto:stellar technologies@yahoo.com]

Sent: Wednesday, May 17, 2017 5:47 AM
To: McConaughy, Daniel
Subject: RE: Slater Creek Open Space Complaint

Hello Daniel,

My gardener will be back from caring for his grandmother at the end of next week, I left a message with his family for him to call as soon as he's back in town. I'll take him to the parcel and assign him to trim back as you described. Once I do this, he'll wait for the first non-rainy day to then get to work, he and his crew are very fast.

I'll then let you know via email and you can do an inspection. Does this sound acceptable to you?

Mark

On Tue, 4/25/17, McConaughy, Daniel <DMCCONAU@ci.tacomawwa.us> wrote:

Subject: RE: Slater Creek Open Space Complaint

To:
"Stellar Technologies" <stellar technologies@yahoo.com>
Cc: "Mageen, Jana" <JAMAGEEN@ci.tacomawwa.us>, "Wojsanowicz, Lisa" <LWOJSTANO@ci.tacomawwa.us>
Date: Tuesday, April 25, 2017, 8:03 AM

This is not what I understand. I have included Lisa Wojsanowicz and Jana Mageen on this email for clarification. From what I understand the Pierce County Assessor records indicate that Midhtingale, LLC as the taxpayer.
Under Chapter 8.30, the taxpayer is the responsible party. Thank you

-----Original Message-----
From: StellarTechnologies [mailto:stellarttechnologies@yahoo.com]
Sent: Tuesday, April 25, 2017 7:59 AM
To: McConaughey, Daniel
Subject: RE: Slater Creek Open Space Complaint

Mr. McConaughey,

According to the plat agreement, which the City of Tacoma proclaims is in effect, the 26 homes surrounding the parcel in question are the responsible parties for maintenance of 2008 E. 57th. not ‘Midnightingale LLC’. See attached.

Mark

On Tue, 4/25/17, McConaughey, Daniel <EMCCONAHL@ct.tacoma.wa.us> wrote:

Subject: RE: Slater Creek Open Space Complaint
To:
"StellarTechnologies" <stellarttechnologies@yahoo.com>
Date: Tuesday, April 25, 2017, 6:49 AM

Mr. Slater, none of this shows me that you appealed the Notice of Violation issued on February 3, 2017. I will need to set up a meeting next week with some of the staff that you have mentioned to see where we are at.

I did send you some information that I believe was previously sent to you. From what I gather, you will need to get an attorney to change the land use issue.

-----Original Message-----
From: StellarTechnologies [mailto:stellarttechnologies@yahoo.com]
Sent: Monday, April 24, 2017 4:32 PM
To: McConaughey, Daniel
Subject: RE: Slater Creek Open Space Complaint

Ok, I found the return receipt and it's to:

Neighborhood & Community Services
747 Mark
Street, Room
108
Tacoma,
WA 98402

That's the
address
Lisa gave me to send my
appeal to and is
also the address I sent my first appeal to back in November. So it may be usual to send a notice of appeal to the city clerk but I did as I was instructed both times now. Your group got the notice in November, your group didn't get the notice this time? I would have a talk with Laura Gilbert, who apparently dropped the ball on this.

Attached is the return receipt from back in November with again, the same address I sent this February's appeal to.

I just
spoke with
Allyson Grilloh and she
says she never
sent the two messages I left with her,
so
I doubt she'll pass on my phone call to Lisa.
You'll want to speak to Lisa to get
all the
paperwork she took copies of in
support of my
appeal, she put them all in
a folder.

Attached you will find a composite of
a return receipt with the signature of Laura
Gilbert, the Certified Mail
receipt, and the note
I wrote on while
sitting in Lisa Wojdanovicz's
office. She said my contact for the Public Nuisance
Notice was Brad Dorman and then gave me the address
I was supposed to send my
appeal to, which was the
same address I
sent the first appeal to in Nov.
2016.

Also attached is
the appeal,
The rest of
the supporting
paperwork was copied in
your offices
by Lisa when I visited
with her.

Again... the plat agreement,
which the City
of Tacoma
says is in effect, clearly
states that
the 26 homes surrounding the parcel in
question, are responsible for maintaining the
parcel. So Public Nuisance Notices
should be sent
to all of them and perhaps
you can meet with them
and decide how
they plan to pay to clean up that
parcel. When you come to an agreement with them,
contact me and I will help supervise the task with
you.

We'll see if we can
resolve this via email, but I'd be glad to come on in and sit down with you... just let me know. If you need me to re-send in a hard copy of the Appeal, I can do that too, let me know.

Mark

On Mon, 4/24/17, McConaughy, Daniel <DMCONAUGHY@ci.tacoma.wa.us> wrote:

Subject: RE: Slater Creek Open Space

Complaint
To: "stellarstechologies@yahoo.com"
<stellarstechologies@yahoo.com>
Date: Monday, April 24, 2017, 3:17 PM

Mailing Address
City of Tacoma
Attn.: Dan McConaughy
747 Market, Room 108
Tacoma,
WA 98402

From:
McConaughy, Daniel

Sent: Monday, April 24, 2017 3:14 PM

To:
't stellarstechologies@yahoo.com'

Subject: FW: Slater Creek Open Space Complaint
Help, the City of Tacoma is drowning me in grief!

From: "Stellar Technologies" <stellartechnologies@yahoo.com>
To: robert.thomes@cityoftacoma.org
Cc: keith.blocker@cityoftacoma.org; conor.mccarthy@cityoftacoma.org

UPDATE: The City Surveyor has now increased the requirements for this redundant survey so that because of it bloated absurdness, he says will cost me $15,000 to get it done. Throughout this two year experience of sweat and tears dealing with the City bureaucracy... I have now filed a Risk Management claim for damages of $60K, and then just now offered a settlement where the City can do part of the work required and also waive fees and charges... in compensation for the damage it inflicted.

This settlement offer reduces the cost to the City to their own internal costs and a waiver of charges it will claim against me, so NO CASH OUT. It’s mostly about ‘not charging me its outrageous fees’, not trying to get money from the City, but no... even this FAIR offer, is likely to be rejected.

To sum up, after screwing me for two years, the City still wants thousands of my dollars in its never ending quest fueled greed. Listen, I have paper proof of the misrepresentations, the misinterpretations of law, the broken promises, the delay tactics, the lack of ethics, the negligence, etc... this is not just some guy asking to have his word believed.

Meanwhile Strickland still continues avoiding a meeting with me, so I guess she figures it’s not her problem anymore with a new Mayor coming in? When is someone going to bring truth, justice and fairness to Tacoma and quit treating our city government as a grinch-style profit sharing racket? EVERYONE I SPEAK TO FEELS THE SAME... except for City workers.

Mark Slater

-------- My Nov. 7th Note to Robert to refresh your memory:

For two years the City has blocked me from building my home on land I won in Tacoma. In fact, even after a legal victory over the neigh sayers, and proving my right to apply for a plat change from open space to build able... the City, aka Planning and Building, continues to make absurdly burdensome decisions that continue to try and force me to waste thousands of dollars, to get to the point of building my home, still blocking me. The last one, is requiring me to give the City an official survey of my parcel, that hasn't changed since 1966, the last survey. This is even though the 26 homes surrounding my parcel, already had surveys? But to obtain a 27th REDUNDANT survey, the City is trying to force me to pay out $6,000.

I'm 62, with no appreciable income, no social security or benefits... $6,000 is HUGE! to me, but my letters to the City are meaningless, Jana Magoon continues to let bureaucracy force me onto living on the streets rather than my building a place to live on land I own.

This is just one of MANY strategies the City has used, so that two years later, I'm now losing my apartment as my landlord sells his building, and I have no place to move to.

I should have had my home up by now, that was my plan, but I'm still fighting the City even after winning my point of having the right to move ahead... and now it's winter, and rain, and I'm out trying to find a small cheap apartment... I hope. I've tried over and over to see the current Mayor... but she doesn't care.

Mark Slater
Hello Brad,

As I noted before, 'Neighborhood and Community Services' sent me a 'Notice of Nuisance' in February of this year. They had also sent me one in November of last year. Last year I was instructed over the phone to send a notice of appeal to them at:

Neighborhood and Community Services
747 Market Street, Room 108
Tacoma, WA 98402

They received it, reviewed it and dismissed it.

This year in Feb. when I received another Notice of Nuisance, I went down to a city council meeting to speak about it and how to cure it. My solution, is for a City Council Resolution to 'set aside' the massive plat alteration requirement, thus letting me build a structure, put up fencing, lights, security cameras and do the right thing for those people's back yards... which has easy access through my parcel. VERY UNSAFE!

At that City Council meeting, Lisa Wojtanowicz approached me and we went to her office, she took a lot of photocopies of my paperwork and told me she would look into the whole thing. She then sent me an email requesting more documents which I sent her and confirmed she got the package. Many days later I wrote for an update and she wrote back saying she was still working on it. Then many days later I wrote again and she never wrote back. I sent a few letters, I left three messages, I left two messages for her assistant and ZERO... so on Feb. 20th I called for the last time (aside from just lately again) and the female voice on the phone confirmed I needed to send the Request to the address on the bottom, which is the same address I sent a Request to back in Nov. What she meant was, to send it to the City Clerk address on the bottom of the back of the Notice.

Now Daniel McCreaughy is saying he never got it, although he did copy most of the paperwork I had left with Lisa. The green return receipt says a 'Laura Gilbert' signed and received my Request, but she obviously did not pass it on to anyone.

So now, the City Clerk did not receive my Request, much less in time, and Daniel is telling me this.

So no I did not send either the Nov. 2016 Request or the next Feb. 2017 Request to the City Clerk. In addition because I waited for Lisa to live up to her word, there was a delay in sending this Feb. 2017 Request for Appeal as it was. That day I sent this latest one I called Lisa's office, and again she was unavailable, and I asked where I should send the Request and the girl on the phone said, "The address is on the bottom of the Notice of Nuisance", which was the address I'd used before so I sent it there, receipt. However, what she meant to say was at the bottom of the back of the Notice.

So now Daniel is treating me like I never sent anything, and certainly Neighborhood and Community Services will say I was late, and yet here you and I are... making progress on how to handle this. Can you get this latest Notice dismissed so that we can continue to move to an actual solution?

Nonetheless I re-iterated, that the plat agreement which the city says is in effect, proclaims that the 28 homes surrounding the parcel are responsible for maintenance, see attached here.

But he says Chapter 8.30 says the taxpayer is responsible.

So let's get this straight... a defunct ancient plat agreement, says my parcel is an open space and I can't do anything with it, without the permission of the surrounding homes, yet... I am required to pay the taxes and to be responsible for maintenance, even though that same plat agreement says I am not. Then in addition, to throw more gas on the fire... I'm not allowed to alter the land necessary to respond to the Notice of Nuisance. So how exactly can I live up to a Notice, when the City says I am not allowed the actions necessary to do so? The city is demanding I cut back trees and bushes by a number feet and thus alter the parcel and yet the plat agreement says I can't.

It's obvious Neighborhood and Community Services is a machine, with no mind and no heart that is trying to place me between a rock and hard place.

I have again attached my proposed City Council Resolution. Conversations I've had with various casual legal experts say they have the power to do this. I mean let's look at this logically... the entity that worked as the collective for the homeowners, refused to pay taxes on the parcel. This should have severed it from the plat agreement. After all, I have to pay the taxes and now am being forced to maintain it... which is the bargain made to keep the parcel as a open space, that they pay the taxes and maintain it... so they are breaking the agreement completely. The plat agreement allows for the open space to be severed... this is the time to do so... to make everything right.

The irony is, that horrible overgrowth is protecting the yards of those homeowners from vandals and druggies which I was told frequent the abandoned parcel as it is, so keeping it horrible, is good for everyone. That of course is lunacy... we need to develop that parcel and make it like everyone else's backyard... fenced, lit, clean, secure. The City Council can do that in one fell swoop... if they'll sign my Resolution or a similar one. But this current Nuisance Notice needs to be dismissed, so we have time to work on this.

Mark

On Mon, 4/24/17, Forbes, Brad <bforbes@ci.tacoma.wa.us> wrote:
Hi Mark:

I talked to my folks internally. Yes, there are the 26 parcels with an interest in yours, and the owners of these properties will need to sign off on any changes to the covenant. If you need information on the owner of record for any of these properties (versus any that may be renter-occupied) the Pierce County Assessor-Treasurer can help you with that. They can be reached at 253-798-6111 if you need to compile the list of home owners to contact. I would recommend working with an attorney on the language for the petition to be signed, as I cannot advise you there.

Brad

-----Original Message-----
From: Stellartechnologies [mailto:stellartechnologies@yahoo.com]
Sent: Monday, April 24, 2017 12:16 PM
To: Forbes, Brad
Subject: RE: Meeting Request

Thanks Brad. Do you think you can get that resolution I sent you signed? The city council has the power to 'set aside' the plat and allow a structure to be built in order to secure and clean the parcel, otherwise since I don't want to develop the land for other purposes, that would pretty well solve all the homeowners surrounding the parcel, the city and me) our problems.

Mark

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On Mon, 4/24/17, Forbes, Brad <forbes@ci.tacoma.wa.us> wrote:

Subject: RE:
Meeting Request
To: "Stellartechnologies" <stellartechnologies@yahoo.com>
Date: Monday, April 24, 2017, 10:35 AM

I am reaching out to my folks internally to get you the information you request in your voice mail. I will let you know as soon as I have more information for you.

Brad

-----Original Message-----
From: Stellartechnologies [mailto:stellartechnologies@yahoo.com]
Sent: Saturday, April 22, 2017 8:20 AM
To: Forbes, Brad
Subject: RE: Meeting Request

Hi Brad,

Just to be clear... the plat agreement explicitly calls out an 'interest' in my parcel by the 26 homes surrounding it,
which correlates well with your statement about
adjacent property owners', how ever your building
department has been unclear on this. The inference is
that I will have to get the approval of hundreds of
people? I am not running for office so the idea of going
door to door in order to get hundreds of signatures is
ludicrous. A simple city council resolution could
interpret plat alterations procedures in this instance to
mean, what the plat explicitly calls out which is the 26
homes surrounding my parcel and in fact, only 51 percent
of them. So if I get 14 of my actual neighbors to
'buy in', then I can build on my land. That
makes sense. So, can you have the city council draft a
simple resolution with this interpretation OR can you have
them sign the attached resolution which more completely
handles this entire issue. This is just for me, it
doesn't change the law or affect others... its a
variance.

Mark

P.S.

Currently Tacoma has my parcel marked as a nuisance
property, since vagrants, drug user, and other criminals are abusing
the open nature of the parcel. In addition after years
of negligence, the entire parcel is severely over grown.
My plan is to build a home, and perhaps even place a
guard/ gardener on the land to take care of it, secure it,
and thus protect the surrounding homeowners who currently
could have anyone break into their homes from their back
yards by using my parcel to access them. I do not want
to treat up the land or harm any but the most minimum
number of trees, but. something has got to be done to
secure and maintain the neighborhood. The plat agreement
states that the
26 homes are responsible
for the maintenance of the parcel, so if my parcel is a
nuisance, then the 26 homes need to be cited as per the
law. That a seems rather unfair, don't you agree?
If Tacoma facilitates my resolution, then I will mow the
lawn, trim the bushes, secure the parcel, etc.

I figure my
request to implement an innovative solution here will be
met with resistance, angst, and 'shooting from the
hip' legal opinion how Tacoma couldn't possibly
flex itself a bit to make things right... I hope you can
convince all parties to come together on this since I
can't get access to present this case myself, it's
in your hands.

On Fri, 4/21/17, Forbes, Brad &lt;br Forbes@ci.tacoma.wa.us&gt;
wrote:

Subject: RE:
Meeting Request
To:

"Stellar Technologies" &lt;stellar technologies@yahoo.com&gt;
Date: Friday, April 21, 2017, 1:36 PM

I understand the issues
you
have
with the
property are legal in nature, which is what I had hoped
to discuss on the phone. As I understand, you would
need to get buy in from adjacent property owners to
change the use of the property unless I misunderstood
something which is entirely possible. I will be at the
desk for most of the rest of the day if you'd like
to give me a call.
---Original
Message-----
From: Stellaretechnologies

[mailto:stellaretechnologies@yahoo.com]

Sent: Friday, April 21, 2017 4:50 AM
To: Forbes, Brad

Subject: RE: Meeting Request

I see. So

how about I come down there on Monday, and we meet and talk, then you take me around to meet city council members and to see the Mayor.

Time is slipping. Let's get this done.

Mark

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On Thu, 4/13/17, Forbes, Brad <forbes@clapoma.wa.us> wrote:

Subject: RE: Meeting Request
To:

"Stellaretechnologies" <stellaretechnologies@yahoo.com>
Date: Thursday, April 13, 2017, 2:38 PM

Hi Mark,
Do you

have a good phone number at which I can reach you? You can also call me to discuss at 253-591-5168. I will be in today until 3:30 and then all day tomorrow.

Brad

-----Original
Message-----
From:
Stellaretechnologies
[mailto:stellaretechnologies@yahoo.com]

Sent: Friday, April 07, 2017 5:53 PM
To: Forbes, Brad

Subject: RE: Meeting Request

Hello,

I never got my appointment
date with the Mayor?

Mark

On Wed, 4/5/17, Forbes, Brad <bforbes@ci.tacoma.wa.us> wrote:

Subject: RE: Meeting Request

To:
"StellarTechnologies" <stellartechnologies@yahoo.com>

Date: Wednesday, April 5, 2017, 10:46 AM

Hi Mark,

Please

tolerate my delay in response. I had some conversation with our Community and Economic Development Housing Division folks about what may be possible, and they had a couple of questions to be able to fully assess what may be done with the property:

1) What is the address of the property?
2) Is it currently a single family residential lot? I know you mentioned it is a nuisance property, but I am not certain what is currently there.

Thank you for your help and I look forward to hearing back.

Best,
Brad

--- Original Message ---
From:
StellarTechnologies
[mailto:stelligenttechnologies@yahoo.com]

Sent: Tuesday, March 28, 2017 6:04 PM

To: Forbes, Brad

Subject: RE: Meeting Request

Thank you. I'm not sure exactly how a conversation will proceed, we will have to wait and see.

Currently I own land, and want to:

1) build a home on it or,
2) have a company build 12 tiny homes on it or,
3) give it to a non-profit and have them house immigrants on it or,
4) turn it into a park or,
5) ??

Currently the property is a nuisance to the neighborhood and needs a lot of attention plus it needs security gating and a custodian installed to assure the neighborhood's well being, as the parcel has direct access to 26 homes.

The plat agreement spells out that the surrounding homes must pay for the maintenance of the property, but the deed was sold to us by the county, so as stewards we need to help solve overall issues to do with the land. As an agent for the LLC, I'd like to come in and speak to either the Mayor and/or Council members, on how we can go about resolving this.

Thanks,
On Tue, 3/28/17, Forbes, Brad <forbes@cl.tacoma.wa.us> wrote:

Subject: RE:
Meeting
Request
To:
"StellarTechnologies" <stellartechnologies@yahoo.com>
Cc: "Scott, Domilza" <DMScott@cityofclinton.com>
Date: Tuesday, March 28, 2017, 3:25 PM

Hello Mark:

Thank you for reaching out. I have copied Domilza.
Scott on this email, and she will get you set up with the councilmembers. Also, can you give me just a little more background on what you'd like to discuss so that I can prep the councilmembers?

Thank you!

Brad Forbes
City Council Assistant

Councilmember Marty Campbell

Councilmember Conor McCarthy
Councilmember

Robert Thoms
O:

253-591-5166 | C: 253-219-0039
CITY OF TACOMA CLAIM FOR DAMAGES FORM
General Liability Claim Form

Pursuant to Chapter 4.96 RCW, this form is for filing a claim against the City of Tacoma. Some of the information requested on this form is required by RCW 4.96.020 and may be subject to public disclosure. Pursuant to the new law, Claim for Damages forms cannot be submitted electronically (via e-mail or fax).

PLEASE TYPE OR PRINT IN INK

Mail or deliver original claim to:
City of Tacoma
Office of the City Clerk
747 Market Street, Room 243
Tacoma, WA 98402
Business Hours: Mon.-Fri. 8:00 a.m. - 5:00 p.m. Closed on weekends and holidays.

CLAIMANT INFORMATION

1. Claimant's name: Slater, Mark 12-2-54
   Last name First Middle Date of birth (mm/dd/yyyy)

2. Current residential address: 2402 6th Ave., Tacoma, WA 98406

3. Mailing address (if different):

4. Residential address at the time of the incident (if different from current address): 

5. Claimant's daytime telephone number: 253-572-9455
   Home Business Cell

6. Claimant's e-mail address: stellearto technologies@yahoo.com

INCIDENT INFORMATION

7. Date of the incident: 2016-2017 Time: 
   (mm/dd/yyyy) (check one)

8. If the incident occurred over a period of time, date of first and last occurrences:
   from 5/12/16 Time: a.m. f.p.m. to 9-19-17 Time: a.m. p.m.
   (mm/dd/yyyy) (check one)

   City State Place or Address where occurred

10. If the incident occurred on a street or highway:

11. City agency or department allegedly responsible for damage/injury: City of Tacoma, Building & Planning

12. Names, addresses, and telephone numbers of all persons involved in or witness to this incident:

   Barbara Steer, Lawrence Dustin, Shanta Frantz, Lisa Spadoni,
   Governor's Office, Pierce County people, Senator Darnelle, David Duval,
   News Tribune, Connie Lademann, Don Pach, Mike Loven, Wash.
   attorney general, Lieutenant Governor, Bob Ferguson, Gov. Inslee,
   Non-vozquez, Joel Rasmussen, Cindy Zilnikas, Wash. state Auditor, Arda Bulak,
   Sarah Walker, Sarah Thoms, Lisa Wittenburg, cccccc

Mayor Woodards from Mark Slater->15896--9-22 Slater.pdf
13. Names, addresses and telephone numbers of all City employees having knowledge about this incident:

See # 12

14. Names, addresses, and telephone numbers of all individuals not already identified in #12 and #13 above that have knowledge regarding the liability issues involved in this incident, or knowledge of the Claimant's resulting damages. Please include a brief description as to the nature and extent of each person's knowledge. Attach additional sheets if necessary.

See #12

15. Describe the cause of the injury or damages. Explain the extent of property loss or medical, physical or mental injuries. Attach additional sheets if necessary.

For nearly two years now, I have been corresponding with dozens of bureaucrats to inform them of my argument. I've spent many hundreds of hours, trying to get people to understand that they are Americans, not Russians. The emotional and direct time cost has been huge. I've suffered physically, mentally and emotionally. I've spent every cent I made during these years I have literally had no life except fighting with this. The Deputy City Attorney has now finally vindicated me.

16. Has this incident been reported to law enforcement, safety or security personnel? If so, when and to whom?

Yes. H.U.D., F.B.I., State Ag. & others

17. Names, addresses and telephone numbers of treating medical providers. Attach copies of all medical reports and billings.

18. Please attach documents which support the claim's allegations.

19. I claim damages from the City of Tacoma in the sum of $60,000.00

This Claim form must be signed by the Claimant, a person holding a written power of attorney from the Claimant, by an attorney admitted to practice in Washington State on the Claimant's behalf, or by a court-approved guardian or guardian ad litem on behalf of the Claimant.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

[Signature]
Signature of Claimant or Authorized Agent

8-9-17 3402 6th Ave, Tacoma, Pierce Co.
Date and Place (residential address, city and county)
To whom it may concern,

This packet is a small sampling of correspondence during the period stated. It is included to show the adamantancy the City has held even though their legal opinion was INCORRECT!

The first sheet is the note from Steve Victor, City Attorney affirming that my original conjecture was CORRECT.

If the City had obtained competent legal opinion and/or gone with my redundantly stated position, I would not have lost nearly two years, suffered immense stress, felt intense pain or now be at risk of having no where to live!

I've had contact with 35+ bureaucrats during this process, none of them helpful, but those are correspondences, meetings, research, and time SPENT.

The estimate of LOSS included in my claim, is conservative... as this has been a tedious and nerve wrecking struggle against a City government, that is mired in minutia and constriction. The level of petty mind numbing counter productive rhetoric and hearsay, will be branded in my mind, forever.

The COMPENSATION requested, will go some distance towards making up, for the pain inflicted... please grant it.

Mark Slater
RE: Swan Creek Plat Issue

From: Victor <victor@ci.tacoma.wa.us>
To: "Stellar Technologies" <stellar technologies@yahoo.com>

Mark,

Let's go with 11:00. I am in the Tacoma Municipal Building North which is the shorter building adjacent to the main Muni Building on the 4th Floor. Jeff is fine. He is now the Hearing Examiner. I was recruited back by Tacoma after a 10 year absence.

To briefly summarize why I reached out to you, I reviewed the matter, and have dealt with this exact issue before. There is no question that a plat modification is required, however, the tax foreclosure statute (RCW 84.64) unambiguously operates to extinguish all recorded interests of any kind the foreclosed property. Therefore, consent of the owners formerly benefited properties is not required, as they have lost all rights in your property through foreclosure. The foreclosure statute does not modify the plat, so you must still apply for and complete that process.

See you Monday.

Steve Victor
Deputy City Attorney
City of Tacoma
747 Market Street, Rm 1120
Tacoma, WA 98402-3767
Direct: (253) 591-5638

"Get ahead of it!" - Steve Victor

-----Original Message-----
From: Stellar Technologies [mailto:stellar technologies@yahoo.com]
Sent: Thursday, July 20, 2017 11:03 PM
To: Victor, Steve(Legal) <victor@ci.tacoma.wa.us>
Subject: Re: Swan Creek Plat issue

Hello,

I'm happy to meet you, I hope Jeff is doing well.

Anywise, I'd rather walk in and sit down, the telephone is inadequate for any real communication.

I'm off the job on Monday, so how about 10 or 11 am the 24th July, Monday?

Mark

On Thu, 7/20/17, Victor, Steve(Legal) <victor@ci.tacoma.wa.us> wrote:

Subject: Swan Creek Plat issue
To: "Stellar Technologies@yahoo.com" <stellar technologies@yahoo.com>
Date: Thursday, July 20, 2017, 2:31 PM

Mr. Slater,

I am the new counsel to Tacoma's Planning and Development Services Department.
Can you please give me a call at your convenience to discuss your property issue relating to the above-referenced plat.

My direct line is (253) 591-5638.

Steve Victor
Deputy City Attorney
City of Tacoma
747 Market Street, Rm 1120
Tacoma, WA 98402-3767
Direct: (253) 591-5638

"Get ahead of it!" - Steve Victor

9/21/17, 1:29 PM
Letter of Noticeability

I'm sorry, but I don't recall.
RE: PRE17-0257 - 2008 E 57th Street - Parcel 8867000770

From: "Kinlow Charla" <CKinlow@ci.tacoma.wa.us>
To: "Stellartechologies" <stellartechologies@yahoo.com>
Cc: "Magoon Jana" <JMAGGOON@ci.tacoma.wa.us> "Victor" Steven(Legal) <svictor@ci.tacoma.wa.us> "Spadoni more ...

Friday, July 28, 2017 6:06 PM

Jana Magoon, the Planning Manager, is out of the office, so I'll wait for her input and deliver to her, but I do see one other item that is an issue. It looks like the permit type that you applied for was the Final Plat. Per the Plan of Action, and after verifying with Steve Victor, this does still require a Plat Alteration, which we would consider a Major Modification of a Permit, which has the associated $2,450.26 fee.

I'm not sure if we can just use the existing file number that you've created (LU17-0167) and change it to be a Major Modification permit, or if we need you to reapply under a new permit number. I will try to find that answer for you on Monday.

Generally though, these are the instructions for adding documents to a record:

1. Log in and accept disclaimer.
2. Under the "Home" option, click "My Records" link.
3. Click on the permit number.
4. Click the "Record Info" Drop Down box.
5. Hit the button that says "Add Attachments."

Charla Kinlow
City of Tacoma
Planning and Development Services

----- Original Message ----- 
From: Stellartechologies <stellartechologies@yahoo.com>
Sent: Friday, July 28, 2017 3:32 PM
To: Kinlow, Charla
Subject: RE: PRE17-0257 - 2008 E 57th Street - Parcel 8867000770

Hi,

I believe I did intend to attach documents but didn't see how. I'm off work on Monday, how about I come in and get a bit of instruction from you then... maybe about 11am?

Mark

On Fri, 7/28/17, Kinlow, Charla <CKinlow@ci.tacoma.wa.us> wrote:

Subject: RE: PRE17-0257 - 2008 E 57th Street - Parcel 8867000770
To: Stellartechologies <stellartechologies@yahoo.com>
Date: Friday, July 28, 2017, 11:30 AM

Thanks Mr. Slator,

I will look in to this. I looked at the application (LU17-0167) and didn't see any documents attached. Did you mean to attach documents to the application?

Charla Kinlow
City of Tacoma
Planning and Development Services

----- Original Message ----- 
From: Stellartechologies <stellartechologies@yahoo.com>
Sent: Friday, July 28, 2017 2:53 AM
To: Kinlow, Charla
Subject: Re: PRE17-0257 - 2008 E 57th Street - Parcel 8867000770

Hello,

Following a meeting with Steve Victor, Deputy City Attorney, it turns out... I was correct after all, starting in 2016, when I said tax parcel 8867000770 has only one party with an ownership interest, and that's midlightingate LLC. Thus the requirements of ROW 59.17.040(8), are hereby met, and I'm making this request, to move ahead with a Plat Alteration.

I've proceeded with an online land use plat alteration:

*Thank you for using Tacoma Permits.
Your Application Record Number is
LU17-0187*

Please make
sure the above is the 'correct application' to alter the plat, 'exactly' as you itemized in your May 15th letter to me (attached), this is very important. If necessary, we can cancel this application and fill in another one, to achieve the same goals as your Plan of Action lays out.

Also
please expedite this alteration so I can move on to the permits necessary to build my home. Your group has literally WASTED 1.5 years of my time, as your department FAILED to ascertain the correct interpretation of law, ....and so I would like the rest of my journey with your group (both this alteration and any subsequent permits), to be 'hand carried' and 'expedited', so I can build before the rainy season starts, preferably in August of this year.

Mark
Slater
midnightlighting LLC

On Mon, 5/15/17, Kirlow, Charla <Charla.Kirlow@ci.tacoma.wa.us> wrote:

Subject: PRE17-0257
- 2008 E 57th Street - Parcel 8867000770

To: "StellarTechnologies" <stellarTechnologies@yahoo.com>
Cc: "Magoon, Jana" <JAGGON@ci.tacoma.wa.us>, " Wojtanowicz, Lisa" <LWOJ@ci.tacoma.wa.us>, "McConigly, Daniel" <DMCCONIGLY@ci.tacoma.wa.us>, "Forbes, Brad" <BForbes@ci.tacoma.wa.us>

Date: Monday, May 15, 2017, 5:47 PM

Good Afternoon Mr.
Slater,

Here is the
updated Plan of Action
document that we
talked about at our meeting last Thursday for moving forward with the Plat Alteration. Let me know if you have any questions.

Charla Kirlow
City of Tacoma
Planning and Development
Services
Good Morning Mr. Slater,

Please refer back to my e-mail dated June 7th (attached). As I indicated, please submit your application with the signatures you have obtained and a letter explaining why you were unable to obtain certain signatures. We will evaluate along with application. I'm going to go out on a limb and believe that it was not the intent of the state law to make it impossible for you to make a change. It was most likely the intent to protect the people that created and/or benefited from the covenant. As I have mentioned in the past, the plat alteration is a public process so, in addition to the signature gathering you are doing, the City will mail notices to property owners.

Jana Magoon
Development Services | City of Tacoma
PHONE/CELL: 253-882-9713 | FAX: 253-591-5433
imagoon@ci.tacoma.wa.us

---Original Message-----
From: StellarTechnologies [mailto:stellar technologies@yahoo.com]
Sent: Wednesday, June 14, 2017 4:04 AM
To: Regan, Michelle
Cc: Magoon, Jana
Subject: RE: Message for Mark Slater

=> Please print out this letter and hand carry it to Peter Huffman:

" Peter Huffman has assigned Jana Magoon to respond to your inquiries. Mr. Huffman and Ms. Magoon have talked and are in agreement how to proceed."

How to proceed? If I can't get 100% consensus of my neighbors under your interpretation of the RCW, I'm dead in the water... how can that conceivably be called "proceed"? That's more like telling me that the angst these nay sayers have, against Pierce county and the City of Tacoma... Is my problem. At least 4 of the homeowners HATE the City of Tacoma, and don't want to sign anything to do with you folks, how is that MY problem? Why are you pulling me out there to solve your issues? Maybe Peter Huffman or Jana Magoon need to walk around that neighborhood, talking to these folks, and try to mend the wounds you folks have inflicted upon them? Can one of them do that? Do they need for me to walk around with them and introduce them to the people who don't like them?

2 of the homes are for sale, no one lives there and the real estate agents say they know nothing about anything to do with my parcel. 4 of the homes hate Pierce county and the City of Tacoma and while they don't have issues with me, will not sign anything to do with the County or the City as they feel ripped off. 4 of the homes are absentee landlords who are not responding to messages so far. I currently have the majority of signatures necessary to move ahead, so that all those people can have a voice in the plat alteration process... but right now, they are being told to shut up since nothing can happen. Meanwhile Tacoma is trying to force me to pay maintenance, which is explicitly called out on the Plat as NOT MY problem, and I'm being billed for Surface Water even though there is ZERO connection to City sewers or drainage. So I understand why the City of Tacoma doesn't care about the people, or about me and only about what money they can wring out of us,... but that's not acceptable.

Mark

---------------------------------------
On Thu, 6/8/17, Regan, Michelle <MREGAN@ci.tacoma.wa.us> wrote:

Subject: RE: Message for Mark Slater
To: StellarTechnologies <stellar technologies@yahoo.com>
Cc: "Magoon, Jana" <JMAGOON@ci.tacoma.wa.us>
Date: Thursday, June 8, 2017, 8:38 AM

Mr. Slater,

Peter Huffman has assigned Jana Magoon to respond to your inquiries. Mr. Huffman and Ms. Magoon have talked and are in agreement how to proceed.

Please refer to yesterday's e-mail from Ms. Magoon (attached). If you have further questions, please contact Ms. Magoon at 253-882-9713 or imagoon@ci.tacoma.wa.us.

Thank you.

Michelle
Regan

-----Original Message-----
From: StellarTechnologies [mailto:stellartechnologies@yahoo.com]
Sent: Wednesday, June 07, 2017 4:22 PM
To: Regan, Michelle
Subject: RE: Message for Mark Slater

Hello again,

This is the original letter sent to Jeff Capell which I'd like for you to print out and hand carry to Peter Huffman before our meeting. This will give him the opportunity to be prepared. So again, when between 10 am and 11 am on Friday should I stop in?

Mark

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---- Original Message ----
From: StellarTechnologies [mailto:stellartechnologies@yahoo.com]
Sent: Monday, May 22, 2017 4:32 PM
To: Capell, Jeff (Legal)
Subject: RE: Slater Creek Open Space
Complaint

Hello Jeff,

I just had a conversation with Dick Muri, my Representative from the Fircrest parcel and spoke with him about 'RCW 58.17.215 Alteration of Subdivision—Procedure'.

"When any person is interested in the alteration of any subdivision or the alteration of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the legislative authority of the city, town, or county where the subdivision is located. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof."

As per the second sentence, only a majority of signatures is required, but in the third sentence, this RCW asks for 'all parties', to concur initially? What?

Asking for a 'majority' in order to move forward on a plat alteration request is reasonable, but then shifting gears and requiring 100% consensus, is ludicrous. In both cases, the request is for a plat alteration is because... some covenant WILL be violated! This is obviously a typo.

There is no condition of a plat alteration, that is not based on a covenant being requested to be violated, that is the WHOLE POINT of a plat alteration, to get approval to violate one or more covenants. Thus, the statement of sentence 2 and sentence 3, are in needless conflict.

Dick Muri said the City can interpret a 'majority' requirement in this case, and so allow me to move ahead without obtaining an initial 100% consensus. This is reasonable since the process of a plat alteration will necessarily draw together all the parties anytime. He also invited me to be involved in officially repealing the second sentence by helping draft the measure for presentation at the next opportunity of state legislature this coming new year, which I agreed to do. These kinds of conflicts, need to be ironed out of the code, but meanwhile I'm trying to enter an application with the City of Tacoma, and have found that two of the houses are on the market for sale and so empty, two or three of the houses are rentals and so I will be contacting absentee landlords, and

4 houses so far have been 'no one home' on the two different visits I've made to talk to everyone, so it's not going to be possible to get 100% I fear. So far I do have 12 signatures from very nice neighbors and no one has refused to support my effort to get this all straight.

So, can I have the 'majority' interpretation requirement, in order to submit a plat alteration with only two more signatures collected so far, so we can all move ahead now?

Mark
FYI

From: Magoon, Jana

Sent: Wednesday, June 07, 2017 9:05 AM

To: westaretechnologies@yahoo.com

Subject: Application for Plat Alteration

Good Morning Mr. Slater,

I am in receipt of your e-mail about the requirement to obtain signatures for a Plat Alteration. I highlighted the relevant section below. I cannot randomly change state law. Before I can complete this task, I ask that you present all the signatures you can get and document by address, why certain signatures are missing. For example, if a house is owned by the bank or the owners are stationed overseas. We will take all of that under consideration at the time of your application.

"RCW 58.17.215

Alteration of subdivision—Procedure. When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the legislative authority of the city, town, or county where the subdivision is located. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof."

Jana
Magoon
Development Services
City of Tacoma
PHONE/CELL: 253.882.9713
Fax: 253-591-5433
magoon@cityoftacoma.org

Take our survey!

Good Morning Mr. Slater,

I am in receipt of your e-mail about the requirement to obtain signatures for a Plat Alteration. I highlighted the relevant section below. I cannot randomly change state law. But what I can do is advise that you present all the signatures you can get and document by address, why certain signatures are missing. For example, if a house is owned by the bank or the owners are stationed overseas. We will take all of that under consideration at the time of your application.

"RCW 58.17.215
Alteration of subdivision—Procedure.
When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the legislative authority of the city, town, or county where the subdivision is located. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

Jenn Magoon
Development Services  City of Tacoma
PHONE/CELL: 253.892.9713 | FX: 253-591-5433
jmagoon@cityoftacoma.org

Take our survey!

Forwarded Message: [ No Subject ]

[ No Subject ]

From: undisclosed-recipients
To: undisclosed-recipients
Good morning.
At this time I am not able to schedule a meeting with Mayor Strickland. We will need the topic/subject of the meeting and what the expected outcomes are to prepare for a meeting.

Thank you! Donlisa

Donlisa Scott, Office Administrator
Office of the Mayor and City Council Support
747 Market Street, Room 1200
Tacoma, WA 98402-3766
TDmscott@cityoftacoma.org
253.594-7848 | Fax: 253.591.5123

----- Original Message ----- 
From: StellarTechnologies [mailto:stellarTechnologies@yahoo.com]
Sent: Tuesday, June 20, 2017 8:22 PM
To: Scott, Donlisa
Subject: RE: Appointment with Mayor

Hello,

Trying to set up my weekly schedule. What day am I supposed to show up on?

Mark

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On Mon, 6/19/17, Scott, Donlisa <DMScott@ci.tacoma.wa.us> wrote:

Subject: RE: Appointment with Mayor
To: **StellarTechnologies** <stellarTechnologies@yahoo.com>
Date: Monday, June 19, 2017, 12:57 PM

Mr. Slater,
I am
in receipt of your request for a meeting with Mayor Strickland. Please provide information regarding the subject of this meeting and the expected outcomes.

Thank you! Donlisa

Donlisa Scott, Office Administrator
Office of the Mayor and City Council Support
747 Market Street, Room 1200
Tacoma, WA 98402-3766
TDmscott@cityoftacoma.org
253.594-7848 | Fax: 253.591.5123

----- Original Message ----- 
From: StellarTechnologies [mailto:stellarTechnologies@yahoo.com]
Sent: Friday, June 09, 2017 4:04 PM
To: Scott, Donlisa
Subject: Appointment with Mayor

Please set up an appointment with the Mayor for this coming week. Mornings will work for me. Let me know when and I’ll be there.

Thanks,

Mark
Slater
FW: Message for Mark Slater

From: "Magoon, Jana" <JAGOON@cl.tacoma.wa.us>
To: "stellartechnologies@yahoo.com" <stellartechnologies@yahoo.com>
Cc: "McConaughy, Daniel" <DMCCONAUGHY@cl.tacoma.wa.us>

FW: Message for Mark Slater

Thursday, June 22, 2017 11:14 AM

Good Morning Mr. Slater,

I have reached out to Dan McConaughy to assist in addressing your comments. As you know, the City Attorney sent a memo on February 27, 2017, which states in part "While it may seem unfair that the adjacent property owners still have the protection of the Covenant, the City has no mechanism to make it go away short of Mr. Slater being successful with a plat alteration or obtaining some other form of declaratory relief from the courts."

I believe the statement you point to in the Nuisance Code Inspection Report, dated January 23, 2017, refers specifically to "who" is responsible for remedying the nuisance. Because you now own the property, you are responsible. However, the property is still encumbered by the covenant. We have provided you the necessary information to proceed with a Plat Alteration.

At this time, the City will not be issuing any development permits for the open space.

Jana Magoon
Development Services | City of Tacoma
PHONE/CELL: 253.882.9713 | FX: 253-591-5433
jmagoon@cityoftacoma.org

---Original Message---
From: stellartechnologies <stellartechnologies@yahoo.com>
Sent: Wednesday, June 21, 2017 10:17 AM
To: Magoon, Jana
Subject: RE: Message for Mark Slater

Hello Jana,

It turns out all this hubbub about a Plat alteration was unnecessary after all.

I originally used the PLAT agreement in Nov. 2016 to defeat the maintenance of the parcel to the 26 homeowners surrounding my parcel as that is what it categorically states. However, the City Attorney has determined the PLAT agreement is severed, nullified, no longer applicable. (attached).

"The City Attorney has determined that the Open Space Covenants document previously submitted is no longer valid due to the sale."

So I am now working to submit my permit applications, so I can finally move ahead on the construction of my home.

Thanks for your attention to the issues at hand.

Mark

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On Wed, 6/14/17, Magoon, Jana <JAGOON@cl.tacoma.wa.us> wrote:

Subject: RE: Message for Mark Slater
To: "stellartechnologies" <stellartechnologies@yahoo.com>, "Regan, Michelle" <MREGAN@cl.tacoma.wa.us>
Date: Wednesday, June 14, 2017, 10:02 AM

Good Morning Mr. Slater,

Please refer back to my e-mail dated June 7th (attached). As I indicated, please submit your application with the signatures you have obtained and a letter explaining why you were unable to obtain certain signatures. We will evaluate along with application. I'm going to go out on a limb and believe that it was not the intent of the state law to make it impossible for you to make a change. It was most likely the intent to protect the people that created and/or benefited from the covenant. As I have mentioned in the past, the plat alteration is a public process so, in addition to the signature gathering you are doing, the City will mail notice to property owners.

Jana Magoon
Development Services | City of Tacoma
PHONE/CELL: 253.882.9713 | FX: 253-591-5433
jmagoon@cityoftacoma.org
-- Original Message --
From: Stellar Technologies
[mailto:stellartechologies@yahoo.com]

Sent: Wednesday, June 14, 2017 4:04 AM
To: Regan, Michelle
Cc: Magoon, Jana
Subject: RE: Message for Mark Slater

=> Please print out this letter and hand carry it to Peter Huffman:

* Peter Huffman has assigned Jana Magoon to respond to your inquiries. Mr. Huffman and Ms. Magoon have talked and are in agreement how to proceed. *

How to proceed? If I can't get 100% consensus of my neighbors under your interpretation of the RCW, I'm dead in the water... how can that conceivably be called 'proceed'? That's more like telling me that the angels these ray sayers have against Pierce county and the City of Tacoma... is my problem. At least 4 of the homeowners HATE the City of Tacoma, and don't want to sign anything to do with you folks, how is that MY problem? Why are you putting me out there to solve your issues? Maybe Peter Huffman or Jana Magoon need to walk around that neighborhood, talking to these folks, and try to mend the wounds you folks have inflicted upon them? Can one of them do that? Do they need for me to walk around with them and introduce them to the people who don't like them?

2 of the homes are for sale, no one lives there and the real estate agents say they know nothing about anything to do with my parcel.

4 of the homes hate Pierce county and the City of Tacoma and while they don't have issues with me, will not sign anything to do with the County or the City as they feel ripped off. 4 of the homes are absentee landlords who are not responding to messages so far. I currently have the majority of signatures necessary to move ahead, so that all these people can have a voice in the plat alteration process, but right now, they are being told to shut up since nothing can happen. Meanwhile Tacoma is trying to force me to pay maintenance, which is explicitly called out on the Plat as not MY problem, and I'm being billed for surface water even though there is ZERO connection to City sewers or drainage. So I understand why the City of Tacoma doesn't care about the people, or about me and only about what money they can wring out of us... but that's not acceptable.

Mark

--------------------------------------------------------------------------------
On Thu, 6/8/17, Regan, Michelle <MREGAN@citiacom.wa.us> wrote:

Subject: RE: Message for Mark Slater
To: *Stellar Technologies* <stellartechologies@yahoo.com>
Cc: "Magoon, Jana" <JMAGOON@citiacom.wa.us>
Date: Thursday, June 8, 2017, 8:38 AM

Mr. Slater,

Peter Huffman has assigned Jana Magoon to respond to your inquiries. Mr. Huffman and Ms. Magoon have talked and are in agreement how to proceed.

Please refer to yesterday's e-mail from Ms. Magoon (attached). If you have further questions, please contact Ms. Magoon at 253-594-7823 or jmagoon@cityoftacoma.org.

Thank you.

Michelle
Regan

-- Original Message --
From: Stellar Technologies
[mailto:stellartechologies@yahoo.com]

Sent: Wednesday, June 07, 2017 4:22 PM
To: Regan, Michelle
Subject: RE: Message for Mark Slater

Hello again,

Here is the original letter sent to Jeff Capell which I'd like for you to print out and hand carry to Peter Huffman before our meeting. This will give him the opportunity to be
prepared. So again, when between 10 am and 11 am on Friday should I stop in?

Mark

====

-----Original Message-----

From: StellarTechnologies [mailto:stellartechnologies@yahoo.com]
Sent: Monday, May 22, 2017 4:32 PM
To: Capell, Jeff (Legal)

Subject: RE: Slater Creek Open Space

Complaint

Hello Jeff,

I just had a conversation with

Dick Muri, my Representative from my

Finest parcel and spoke with him about ‘RCW

58.17.219 Alteration of subdivision—Procedure’.

“When any person is

interested in the

alteration of any

subdivision or the

altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the legislative authority of the city, town, or county where the subdivision is located. The application shall contain the signatures of the majority of all persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.”

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sentence, only a majority of signatures is required, but in the third sentence, this RCW asks for ‘all parties’, to concur. Initially? What?

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‘majority’ in order to move forward on a plat alteration request is reasonable, but then shifting gears and requiring 100% consensus, is ludicrous. In both cases, the request for a plat alteration is because... some covenant WILL BE violated! This is obviously a typo.

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Dick

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so far have been ‘no one home’ on the two different visits I’ve made to talk to everyone, so it’s not going to be possible to get 100% I fear. So far I do have 12 signatures from very nice neighbors and no one has refused to support my effort to get this all straight.

So, can I have

the ‘majority’ interpretation requirement, in order to submit a plat alteration with only two more signatures collected so far, so we can all move ahead now?

Mark
From: Magoon, Jana

Sent: Wednesday, June 07, 2017 9:05 AM

To: "stellartechnologies@yahoo.com"

Subject: Application for Plat Alteration

Good Morning Mr. Slater,

I am in receipt of your e-mail about the requirement to obtain signatures for a Plat Alteration. I highlighted the relevant section below. I cannot randomly change state law. But what I can do is advise that you present all the signatures you can get then document, by address, why certain signatures are missing. For example, if a house is owned by the bank or the owners are stationed overseas. We will take all of that under consideration at the time of your application.

*RCW 58.17.215

Alteration of subdivision—Procedure.
When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the legislative authority of the city, town, or county where the subdivision is located. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

Jana
Magoon
Development Services
City of Tacoma
PHONE/CALL: 253.882.9713
FAX: 253.991-5433
magoon@cityoftacoma.org

Take our survey!

Good Morning Mr.
Slater,

I am in receipt of your e-mail about the requirement to obtain signatures for a Plat Alteration. I highlighted the relevant section below. I cannot randomly change state law. But what I can do, is advise that you present all the signatures you can get then document, by address, why certain signatures are missing. For example, if a house is owned by the bank or the owners are stationed overseas. We will take all of that under consideration at the time of your application.

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relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.*

Jana
Mapcon
Development Services
City of Tacoma
PHONE/CELL: 253.882.9713
FD:
253-591-5433
jmapcon@cityoftacoma.org

Take our survey!
RE: Swan Creek Plat Issue

Friday, July 21, 2017 9:30 AM

Mark,

Let's go with 11:00. I am in the Tacoma Municipal Building North which is the shorter building adjacent to the main Muni Building on the 4th Floor. Jeff is fine. He is now the Hearing Examiner. I was recruited back by Tacoma after a 10 year absence.

To briefly summarize why I reached out to you, I reviewed the matter, and have dealt with this exact issue before. There is no question that a plat modification is required, however, the tax foreclosure statute (RCW 84.64) unambiguously operates to extinguish all recorded interests of any kind the foreclosed property. Therefore, consent of the owners formerly benefited properties is not required, as they have lost all rights in your property through foreclosure. The foreclosure statute does not modify the plat, so you must still apply for and complete that process.

See you Monday.

Steve Victor
Deputy City Attorney
City of Tacoma
747 Market Street, Rm 1120
Tacoma, WA 98402-3767
Direct: (253) 591-5638

"Get ahead of ill" - Steve Victor

----Original Message-----
From: StellarTechnologies [mailto:stellartechologies@yahoo.com]
Sent: Thursday, July 20, 2017 11:03 PM
To: Victor, Steve(legal) <svictor@ci.tacoma.wa.us>
Subject: Re: Swan Creek Plat Issue

Hello,

I'm happy to meet you, I hope Jeff is doing well.

Anywise, I'd rather walk in and sit down, the telephone is inadequate for any real communication. I'm off the job on Monday, so how about 10 or 11am the 24th July, Monday?

Mark

On Thu, 7/20/17, Victor, Steve(Legal) <svictor@ci.tacoma.wa.us> wrote:

Subject: Swan Creek Plat Issue
To: "stellartechologies@yahoo.com" <stellartechologies@yahoo.com>
Date: Thursday, July 20, 2017, 2:31 PM

Mr. Slater,

I am the new counsel to
Tacoma's Planning and Development Services Department.
Can you please give me a call at your convenience to discuss your property issue relating to the above-referenced plat.

My direct line is (253) 591-5638.

Steve Victor
Deputy City Attorney
City of Tacoma
747 Market Street, Rm 1120
Tacoma, WA 98402-3767
Direct: (253) 591-5638

"Get ahead of ill" - Steve Victor
Dear Mark,

The U.S. Department of Housing and Urban Development (HUD), Office of Fair Housing and Equal Opportunity (FHEO) has received your HUD 903 online housing discrimination complaint form. The information listed at the end of this email is the data you submitted. Your complaint of housing discrimination will be routed to the appropriate regional office for processing. Your complaint will be reviewed by a fair housing specialist to determine if it alleges acts that might violate the Fair Housing Act. The specialist will contact you for any additional information needed to complete this review. If your complaint involves a possible violation of the Fair Housing Act, the specialist will assist you in filing an official housing discrimination complaint. Please feel free to contact FHEO at the main discrimination hotline number 800-669-9777 (800-927-9775 for the hearing-impaired) or refer to the state toll-free number breakout listed below.

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont (800-827-5005)
New Jersey, New York, Puerto Rico, Virgin Islands (800-496-4294)
Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia (800-798-2085)
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee (800-440-8091)
Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin (800-765-9372)
Arkansas, Louisiana, New Mexico, Oklahoma, Texas (888-560-8913)
Iowa, Kansas, Missouri, Nebraska (800-743-5323)
Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming (800-877-7353)
American Samoa, Arizona, California, Guam, Hawaii, Marshall Islands, Micronesia, N. Mariana Islands, Nevada, Palau (800-347-3739)
Alaska, Idaho, Oregon, Washington (800-877-0246)

Thank you for your submission. Below is the data you have submitted.

Your Personal Information:
First Name: Mark
Last Name: Slater
E-Mail: stellartechnologies@yahoo.com
Address: 3402 6th
City: Tacoma
State: WA
Zip: 984-9
Day Time Phone: 2535729455
Evening Phone: 
Best Time To Call: Day

Your First Contact Information:
1. First Name: Mark
Last Name: Slater
Organization: 
Day Time Phone: 2535729455
Evening Phone: 
Best Time To Call: Day

Your Second Contact Information:
2. First Name: 
Last Name: 
Organization: 
Day Time Phone: 
Evening Phone: 
Best Time To Call: Day

What happened?:
I've been trying to build a home on a tax title parcel I bought from Pierce County... since the first time I contacted the Building and Planning dept. of City of Tacoma, they've obstructed me, however they could, where ever they could. So far they will not process my applications, or assist me. They'll make take pretenses towards doing so, but only to abuse me further.

Why do you believe you are being discriminated against?:
Example: I went to a 'Pre-Application Meeting' with Code Enforcement and a Senior Building Planner there, she was the second FEMALE planner to block my efforts. She told me to apply for a Plat Alteration (which I did not want), I had to collect the signatures of 100% of the 26 people that surround
my parcel, since in her opinion they all have an 'interest' which is code for partial ownership, in my parcel. I told her they did not, she told me unless I get those signatures she will not process my Plat Alteration or any Building Permits. I continued to explain through the emails that these people had eliminated any 'interest' through the foreclosure process, and possession by the County. I met with 2 Senators, 2 House of Representatives, County Council members, and about 30 other bureaucrats who ALL concurred with me, even the City Attorney said the Plat had been quashed which allowed the City to charge me for Surface Water, for the County to charge me for Property Tax, and so forth... I agreed, I got it... but both the women Senior Planners decided they knew better than everyone and continued to deny me an application or anything else. I got it when I dealt with them, they were bitter and angry, and I could tell right off both of them had NO INTENTION to treat me as per the law. Even last week, the new Assistant City Attorney who looked over the case called me into his office. He told me I WAS RIGHT! That my understanding of the laws involved WERE CORRECT! So that's TO City Attorneys... meanwhile he instructs them to move ahead, and she will not. I was supposed to get a notice to MOVE AHEAD over a week ago, and NOTHING! ZERO. I have been 'friending' these two women for over a year and a half now. On the way to now, the second Planner said she may accept an application if I get less than 100% signatures, IF she saw a reasonable reason why certain signatures couldn't be collected like... someone in the military overseas. The City Attorney told me that's absurd, that is NOT applicable, but now I am going to run into rainy season again, so I will not build for another year. This IS SEXUAL DISCRIMINATION and probably tainted by my Race too. Washington, and in particular Seattle and Tacoma are Marxist Feminist controlled bureaucracies... women rule, and men must kiss their butts or be forced to fall. The attitude is similar to Evergreen College or the other Anti-FA riots you probably saw on TV... Marxist Feminism has gotten a stronghold here, and locked me out of building on my own land, a single family residence, just for me... to live in. Meanwhile I pay the taxes, the fees, live up to cleaning it and caring for it, etc... all my money is going towards it, but... they refuse to process my paperwork. I contacted the City Attorney again, but that may prove fruitless... again. I am willing to swear in court that there is SEX discrimination here, and possibly RACIAL. Seriously!! I'm 62 years old, been around the world and worked for many companies... I've known many thousands of people and usually get along with everyone, but I can tell... I CAN TELL!

Who do you believe discriminated against you?:
First Name: Jana
Last Name: Magoo
Organization: City of Tacoma, Building and Planning
Address: Tacoma, WA

Where did the alleged act of discrimination occur?:
Address: 2008 E. 57th St.
City: Tacoma
State: WA
Zip: 98404

When did the last act of discrimination occur?: 08/04/2017

Is the alleged discrimination continuous or on going?: Yes
Message for Mark Slater

To: "stellartechnologies@yahoo.com" <stellartechnologies@yahoo.com>

Mr. Slater,

I received a voice mail from you asking for an appointment with Peter Huffman tomorrow between 10 and 11am. He already has appointments scheduled for that time.

Please let me know the topic of the meeting you request and some alternate dates and times that you can meet.

Thank you.

Michelle Regan
Office Manager
Planning and Development Services Department
253-591-5056
mregan@cityoftacoma.org
www.cityoftacoma.org

Take our survey!
RE: Slater Creek Open Space Complaint

From: "Capell, Jeff (Legal)"<capell@ci.tacoma.wa.us>
To: "Stellar Technologies"<stelارتtechnologies@yahoo.com>
Cc: "Huffman, Peter"<phuffman@ci.tacoma.wa.us> "Magoon, Jan"<JMagoon@ci.tacoma.wa.us> "Bacha, more...

Mr. Slater:

I am forwarding your e-mail below to the Planning and Development Services Department of the City. It looks to me like you may be on the right track now in pursuing a plat alteration. Your e-mail directed me, however, needed redirecting so I have done that. I am one of the City's legal counsel, but I do not have the decision making authority to grant your Interpretation and kind of status in regard to a plat alteration application. The Planning Department Director can field Interpretational requests of the Tacoma Municipal Code (TMC). The TMC section most relevant to plat alterations is TMC 13.04.070. TMC 13.04 does fall against a backdrop of RCW 58.17, as you seem to have ascertained.

Going forward, any detailed discussions regarding a plat alteration should be had between yourself and the Planning and Development Services Department staff.

Jeff H. Capell
Deputy City Attorney
City of Tacoma
747 Market Street, #1120
Tacoma, WA 98402
Phone: (253) 591-5638
Fax: (253) 591-9795

13.05.030 Director Decision Making Authority.
A. Authority. The Director shall have the authority to act upon the following matters:
1. Interpretation, enforcement, and application of the City's land use regulatory codes as prescribed in this title, including the approval of equivalencies for projects wherein the deviation from code is not substantial and there are alternatives provided that achieve the intent of the code by providing equal or superior results in terms of quantity, quality, location and/or function;
2. Applications for conditional use permits;
3. Applications for site plan approvals;
4. Applications for minor variances and variances;
5. Applications for preliminary and final plats as outlined in Chapter 13.04, Plating;
7. Applications for Shoreline Management Substantial Development Permits/conditional use/variances as outlined in Chapter 13.10;
8. Modifications or revisions to any of the above approvals;
9. Approval of landscape plans;
10. Extension of time limitations;
11. Application for permitted use classification for those uses not specifically classified;
12. Boundary line adjustments, binding site plans, and short plats;
13. Approval of building or development permits requiring Land Use Code and Environmental Code compliance.
B. Interpretation and Application of Land Use Regulatory Code. In interpreting and applying the provisions of the Land Use Regulatory Code, the provisions shall be held to be the minimum requirements for the promotion of the public safety, health, morals, or general welfare. It is not intended by this code to interfere with or abrogate or annul any easements, covenants or agreements between parties. Where this code imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or requires larger yards or setbacks and open spaces than are required in other ordinances, codes, regulations, easements, covenants or agreements, the provisions of this code shall govern. An interpretation shall be utilized where the factual basis to make a determination is unusually complex or there is some problem with the veracity of the facts; where the applicable code provision(s) is ambiguous or its application to the facts unclear; or in those instances where a person applying for a license or permit disagrees with a staff determination made on the application. Requests for interpretation of the provisions of the Land Use Regulatory Code shall be processed in accordance with the requirements of Section 19.05.040.

---Original Message---
From: Stellar Technologies [mailto:stellar technologies@yahoo.com]
Sent: Monday, May 22, 2017 4:32 PM
To: Capell, Jeff (Legal)
Subject: RE: Slater Creek Open Space Complaint

Hello Jeff,

I just had a conversation with Dick Muri, my Representative from my Firecrest parcel and spoke with him about 'RCW 58.17.215 Alteration of subdivision -- Procedure'.

"When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the legislative authority of the city, town, or county where the subdivision is located. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties

8/9/17 4:34 AM
subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof."

As per the second sentence, only a majority of signatures is required, but in the third sentence, this RCW asks for 'all parties', to concur initially? What?

Asking for a 'majority' in order to move forward on a plat alteration request is reasonable, but then shifting gears and requiring 100% consensus is ludicrous. In both cases, the request for a plat alteration is because... some covenant WILL BE violated! This is obviously a typo.

There is NO condition on a plat alteration, that is not based on a covenant being requested to be violated, that is the WHOLE POINT of a plat alteration, to get approval to violate one or more covenants. Thus, the statement of sentences 2 and sentence 3, are in needless conflict.

Dick Muri said the City can interpret a 'majority' requirement in this case, and so allow me to move ahead without obtaining an initial 100% consensus. This is reasonable since the process of a plat alteration will necessarily draw together all the parties anywise. He also invited me to be involved in officially repealing the second sentence by helping draft the measure for presentation at the next opportunity of state legislature this coming new year, which I agreed to do. These kinds of conflicts need to be ironed out of the code, but meanwhile I'm trying to enter an application with the City of Tacoma, and have found that two of the houses are on the market for sale and so empty, two or three of the houses are rentals and so I will be contacting absentee landlords, and 4 houses so far have been 'no one home' on the two different visits I've made to talk to everyone, so it's not going to be possible to get 100% I fear. So far I do have 12 signatures from very nice neighbors and no one has refused to support my effort to get this all straight.

So, can I have the 'majority' interpretation requirement, in order to submit a plat alteration with only two more signatures collected so far, so we can all move ahead now?

Mark

On Fri, 3/10/17, Capell, Jeff (Legal) <jcapell@ct.tacoma.wa.us> wrote:

Subject: RE: Slater Creek Open Space Complaint
To: "Stellar Technologies" <stellartechnologies@yahoo.com>
Cc: "Lauzier, Mark" <mark.lauzier@ci.tacoma.wa.us>, "Chandler Hardy, Nadia" <nadia.chandlerhardy@ci.tacoma.wa.us>, "Slevin, Mike" <mstevin@ct.tacoma.wa.us>, "Huffman, Peter" <phuffman@ct.tacoma.wa.us>, "Magoon, Jana" <jMAGOON@ct.tacoma.wa.us>, "Pauli, Elizabeth (Legal)" <EPauli@ct.tacoma.wa.us>
Date: Friday, March 10, 2017, 8:39 AM

I have seen the plat. Some of the arguments you make below regarding the derelict owners and what their rights are presently may have some validity. Other contentions you make—such as your interpretation of the severability clause—are without merit. Unfortunately, the City is not the arbiter of those issues and cannot unilaterally declare covenants recorded in the plat void. Only a court of general jurisdiction has that ability. I suggest (without giving you actual legal advice) you pursue that route. Beyond that, continuing to try to engage me in debate over your ownership situation will avail you nothing.

The city did not create your situation and cannot resolve it for you either—regrettably.

--- Original Message ---

From: Stellar Technologies
[mailto:stellartechnologies@yahoo.com]
Sent: Thursday, March 09, 2017 6:46 PM
To: Capell, Jeff (Legal)
Cc: Lauzier, Mark; Chandler Hardy, Nadia; Slevin, Mike; Huffman, Peter; Magoon, Jana; Pauli, Elizabeth (Legal)
Subject: RE: Slater Creek Open Space Complaint

Jeff,

It appears to me, that this 'plat' agreement and its 'covenants' you've mentioned... have not been directly witnessed by you. To eliminate the hearsay of your advisement, I'm attaching a copy of the said plat agreement in question, as vended to me by Ms. Spadoni, City of Tacoma Planning Dept.

Referring to the Covenants:

#12 of the Covenants, says that no lot shall be used or 'maintained' as a dumping ground for rubbish. This entire description firmly establishes that those attributes which the City of Tacoma currently is attempting to serve me notice on as a 'nuisance', are part of the Covenants, and described as that which cannot be maintained by any parcel.

Section D of the Covenants, categorically states that the parcel in question, is covered by a detailed 'Open Space Covenant' and it says,
"The Open Space
adjoining lots 51 through 76 as outlined on the recorded plat, is to be maintained by the property owners of Lots 51 through 76, and each of said lot owners is to have an undivided one-twenty-sixth (1/26) share in said
Open Space. One twenty-sixth of the taxes of the Open Space shall be added to the tax statements of the registered owners of Lots 51 through 76."

This means, if the lot owners do not pay their taxes then the plat covenant is 'severed', section F #3, which reads, "Severability: Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect."

However, as per you... the City of Tacoma does not see the severation and thus the tax title sale of this parcel by Pierce County under "RCW 36.35.010 Purpose—Powers of county legislative authority as to tax title lands.", as a legal one, and so according to you, the power of the State legislature has been invalidated by the City of Tacoma. Which says,

"The further purpose of this chapter is to relieve the courts of the obligation of supervising the county legislative authorities in the management and disposition of tax title lands."

Relieving the courts of the obligation of supervising the county legislative authorities in the management and disposition of tax title lands means, ...the 'Open Space' has been 'severed' from being bound by the rest of the plat agreement attached.

The severation and legal sale of the parcel, should be taken as an alteration of the plat, and so allow my Permit application to be processed by the City of Tacoma, because by repossessing and sale of the parcel, an alteration has already been ordered through the authority of the Legislative branch of State Government, as called out by RCW 36.35.010. But that's not what you keep saying is it?

So, in compliance with the Covenants of the Plat, all the trash, dumped materials, and rubbish which Building Enforcement has taken exception to, is to be maintained by the 26 home owners surrounding the parcel, and so any notice of noncompliance directed to these 26 homes called out by the Covenants of the plat agreement you've confirmed the City of Tacoma, respects.

I request a written document mailed to: Midnightgale LLC, 3402 6th Ave., Tacoma, WA 98406... noticing the intent of the City of Tacoma to serve a notice of compliance on the 26 home owners called out by the plat Covenants, as they are responsible for the maintenance of the parcel in question.

Thank you,

Mark

----------------------------------------

On Thu, 3/9/17, Capell,
Jeff (Legal) <jcapell@ct.tacoma.wa.us>

wrote:

Subject: RE: Slater
Creek Open Space Complaint
To:
*StellarTechnologies* <stellartechnologies@yahoo.com>

Cc: "Lauzier,
Mark" <mark.lauzier@cityoftacoma.org>,
"Chandler Hardy, Nadia" <nadia.chandlerhardy@cityoftacoma.org>,
"Slavin, Mike" <mslavin@ct.tacoma.wa.us>, "Huffman, Peter" <phuffman@ct.tacoma.wa.us>,
"Magoon, Jana" <jmagoon@ct.tacoma.wa.us>, "Pauli, Elizabeth (Legal)" <epauli@ct.tacoma.wa.us>

Date: Thursday, March 9, 2017, 3:49 PM

For the record,
Mr. Slater, that is not
what the below response means. The City does not have to be a "party" to the plat to be bound by the covenants it contains.

-----Original Message-----
From: StellarTechnologies [mailto:stellartechnologies@yahoo.com]

Sent: Thursday, March 9, 2017 2:29 PM
To: Capell, Jeff
(Legal)
CC: Lauzier, Mark; Chandler Hardy, Nadia; Slewin, Mike; Huffman, Peter; Magoon, Jana; Pauli, Elizabeth (Legal)
Subject: RE: Slater Creek Open Space Complaint

"[City response] There is no "legal agreement" to which the City is a party in the plat. The City has no intention of insuring your property."

Great, so I'll tell Planning, the city is not bound to the plat agreement and so they can go about issuing a permit to build.

Thanks!
Mark

On Wed, 3/8/17, Capell, Jeff (Legal) <capell@ci.tacoma.wa.us>

wrote:

Subject: RE: Slater Creek Open Space Complaint
To: "StellarTechnologies" <stellartechnologies@yahoo.com>
Cc: "Lauzier, Mark" <mark.lauzier@ci.tacoma.org>, "Chandler Hardy, Nadia" <nadia.chandlerhardy@ci.tacoma.org>,
"Slewin, Mike" <mikeslewin@ci.tacoma.wa.us>, "Huffman, Peter" <peter.huffman@ci.tacoma.wa.us>,
"Magoon, Jana" <jmagoong@ci.tacoma.wa.us>, "Pauli, Elizabeth (Legal)" <epauli@ci.tacoma.wa.us>

Date: Wednesday, March 8, 2017, 10:19 AM

Please see responses below.

----Original Message----

From: StellarTechnologies
[mailto:stellartechnologies@yahoo.com]

Sent: Saturday, March 04, 2017 3:42 AM
To: Capell, Jeff (Legal)
Cc: Inet-City Clerk; Doris; Lauzier, Mark; Chandler Hardy, Nadia; elizabeth.pauli@ci.tacoma.org

Subject: Re: Slater Creek Open Space Complaint
You attached a section of the plat agreement that says,

"The Open Space adjoining lots 51 through 76 as outlined on the recorded Plat is to be maintained by the property owners of Lots 51 through 76, and each of said lot owners is to have an and each of said lot owners is to have an undivided one twenty-sixth (1/26) share in said Open Space."

So since I am not responsible for the maintenance of the 'open space' which includes,

1) security,
2) clean up,
3) clipping,
4) trimming,
5) cutting,
6) mowing, and
7) liability insurance.

A) Is the City of Tacoma going to do these functions and then charge the 26 homeowners?

[City response]
Responsibility for the property and its maintenance is an issue for you and the adjacent property owners to resolve amongst yourselves given the history and current ownership. If you believe you have an avenue for holding the owners referenced in the plat responsible, you are certainly free to pursue that avenue. The City has made no statements indicating that the current owner (your entity) is not responsible for any aspect of owning and maintaining the property. City code enforcement, in almost all cases, will look to the present owner of a given property when there are maintenance/nuisance issues.
To the extent that the City performs any work on the property to address nuisance issues (or otherwise), it will likely look to the present owner for reimbursement— an approach which is well supported in the law.

B ) Or is the City of Tacoma going to hire a contractor and obtain a liability policy through an insurance company, to provide the maintenance as called out in the legal agreement between the City of Tacoma and this open space/Plist ?

[City response]
There is no "legal agreement" to which the City is a party in the plat. The City has no intention of insuring your property.

C ) Or does the city want me to invoice the city for these maintenance services and act as the agent (for a fee), to assure that maintenance is completed on a regular monthly basis?

[City response]
With ownership comes responsibility. The City has no intention of reimbursing you for the maintenance of your own property.

=====

Second issue...
The City has a past due 'Surface Water charge'. They have not been paying their fees and so are far in arrears on. We
have been invoicing
the City Treasurer since January 2016,
for $720.00 per
month. Plus
after the first month
an
additional $2.50
per month late fee.

Attached you will
find the latest invoice which
will also be sent
out to the City Treasurer tomorrow.

Several of
these monthly
invoices have been
sent
certified USPS return
receipt, to
City
Treasurer, Po Box
11010, Tacoma, WA 98411-1010.

Please see that the
City
cuts
a check for this
past due invoice...
and have them put us
on
their monthly
pay
docket so we can merely
bill on a monthly
basis without any
more pay delays.

[City response]

As stated
above, with
ownership comes responsibility.
The City has
no intention of
paying the
surface water charges
due on your
property.

Mark Slater,
agent
Midlightingafe
LLC
3402 8th Avenue
Tacoma, WA
98406

On Wed, 3/1/17,
Capell, Jeff (Legal) <jcapell@ci.tacoma.wa.us>

wrote:

Subject: Slater
Creek Open Space

Complaint
To: "Pauli,
Attached please find a copy of the City of Tacoma’s Memorandum responsive to the complaint forwarded by the State Attorney General’s Office dated January 20, 2017 (also attached).
Hard copy will not follow unless individually requested.

Jeff H. Capell
Deputy City Attorney
City of Tacoma
747 Market Street,
#1120
Tacoma, WA
98402
Phone: (253) 591-6638
Fax: (253) 591-5755
RE: Slater Creek Open Space Complaint

From: "Capell, Jeff (Legal)" <jcapell@ci.tacoma.wa.us>
To: "Stellar technologies" <stellar technologies@yahoo.com>
Cc: "Lauzier, Mark" <mark.lauzier@cityoftacoma.org>, "Chandler Hardy" <nadia.chandlerhardy@cityoftacoma.org>, "Sievin more ...

Please see responses below.

--- Original Message ---

From: Stellar technologies [mailto:stellar technologies@yahoo.com]
Sent: Saturday, March 04, 2017 3:42 AM
To: Capell, Jeff (Legal)
Cc: Inel-City Clerk; Sorum, Doris; Lauzier, Mark; Chandler Hardy, Nadia; elizabeth.paul@cityoftacoma.org
Subject: Re: Slater Creek Open Space Complaint

Jeff Capell (Legal),

You attached a section of the plat agreement that says,

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So since I am not responsible for the maintenance of the 'open space' which includes,

1) security,
2) clean up,
3) clipping,
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5) cutting,
6) moving, and
7) liability insurance.

A) Is the City of Tacoma going to do these functions and then charge the 26 homeowners?

[City response]
Responsibility for the property and its maintenance is an issue for you and the adjacent property owners to resolve amongst yourselves given the history and current ownership. If you believe you have an avenue for holding the owners referenced in the plat responsible, you are certainly free to pursue that avenue. The City has made no statements indicating that the current owner (your entity) is not responsible for any aspect of owning and maintaining the property. City code enforcement, in almost all cases, will look to the present owner of a given property when there are maintenance/nuisance issues. To the extent that the City performs any work on the property to address nuisance issues (or otherwise), it will likely look to the present owner for reimbursement—an approach which is well supported in the law.

B) Or is the City of Tacoma going to hire a contractor and obtain a liability policy through an insurance company, to provide the maintenance as called out in the legal agreement between the City of Tacoma and this open space/Plat?

[City response]
There is no "legal agreement" to which the City is a party in the plat. The City has no intention of insuring your property.

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Attached you will find the latest invoice which will also be sent out to the City Treasurer tomorrow.

Several of these monthly invoices have been sent certified USPS return receipt, to City Treasurer, Po Box 11010, Tacoma, WA 98411-1010.

Please see that the City cuts a check for this past due invoice... and have them put us on their monthly pay docket so we can merely bill on a monthly basis without any more pay delays.

[City response]
As stated above, with ownership comes responsibility. The City has no intention of paying the surface water charges due on your property.

Mark Slater, agent
Midnight Legale LLC
3402 6th Avenue
Tacoma, WA 98406

On Wed, 3/1/17, Capell, Jeff (Legal) <jcapell@ci.tacoma.wa.us> wrote:

Subject: Slater Creek Open Space Complaint
To: "Paul, Elizabeth (Legal)" <EPaulU@ci.tacoma.wa.us>, "Huffman, Peter" <phuffman@ci.tacoma.wa.us>, "stlarttechnologies@yahoo.com" <stlarttechnologies@yahoo.com>, "Magoon, Jana" <jmagoon@ci.tacoma.wa.us>, "Postle, Bill (Legal)" <bill.postle@ci.tacoma.wa.us>
Date: Wednesday, March 1, 2017, 10:30 AM

Attached please find a copy of the City of Tacoma's Memorandum responsive to the complaint forwarded by the State Attorney General's Office dated January 20, 2017 (also attached). Hard copy will not follow unless individually requested.

Jeff H. Capell
Deputy City Attorney
City of Tacoma
747 Market Street,
#1120
Tacoma, WA 98402
Phone: (253)
591-5608
Fax: (253)
591-5755
I have seen the plat. Some of the arguments you make below regarding the derelict owners and what their rights are presently may have some validity. Other contentions you make—such as your interpretation of the severability clause—are without merit. Unfortunately, the City is not the arbiter of those issues and cannot unilaterally declare covenants recorded in the plat void. Only a court of general jurisdiction has that ability. I suggest (without giving you actual legal advice) you pursue that route. Beyond that, continuing to try to engage me in debate over your ownership situation will avail you nothing. The city did not create your situation and cannot resolve it for you either—regrettably.

---Original Message---
From: StellarTechnologies [mailto:stellartechnologies@yahoo.com]
Sent: Thursday, March 09, 2017 6:46 PM
To: Capell, Jeff (Legal)
Cc: Lauzier, Mark; Chandler Hardy, Nadia; Stevin, Mike; Huffman, Peter; Magoon, Jana; Pauli, Elizabeth (Legal)
Subject: RE: Slater Creek Open Space Complaint

Jeff,

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This means, IF the lot owners do not pay their taxes then the plat covenant is 'severed', section F #3. which reads, "Severability : Invalidity of any one of these covenants by judgement or court order shall in no wise affect any of the other provisions which shall remain in full force and effect."

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Mark
On Thu, 3/9/17, Capell, Jeff (Legal) <jcapell@ci.tacoma.wa.us> wrote:

Subject: RE: Slater Creek Open Space Complaint
To: "Stellar Technologies" <stellar technologies@yahoo.com>
Cc: "Lauzier, Mark" <mark.lauzier@cityoftacoma.org>, "Chandler Hardy, Nadia" <nadia.chandlerhardy@cityoftacoma.org>, "Slevin, Mike" <m.slevin@ci.tacoma.wa.us>, "Huffman, Peter" <phuffman@ci.tacoma.wa.us>, "Magoon, Jana" <j.magoon@ci.tacoma.wa.us>, "Pauli, Elizabeth (Legal)" <e.pauli@ci.tacoma.wa.us>
Date: Thursday, March 9, 2017, 3:49 PM
For the record, Mr.
Slater, that is not what the below response means. The City does not have to be a "party" to the plat to be bound by the covenants it contains.

-----Original Message-----
From: Stellar Technologies [mailto:stellar technologies@yahoo.com]
Sent: Thursday, March 09, 2017 2:28 PM
To: Capell, Jeff (Legal)
Cc: Lauzier, Mark; Chandler Hardy, Nadia; Slevin, Mike; Huffman, Peter; Magoon, Jana; Pauli, Elizabeth (Legal)
Subject: RE: Slater Creek Open Space
Complaint
[City response]
There is no "legal agreement" to which the City is a party in the plat.
The City has no intention of insuring your property.
Great, so
I'll tell Planning, the city is not bound to the plat agreement and so they can go about issuing a permit to build.
Thankful
Mark

On Wed, 3/8/17, Capell, Jeff (Legal) <jcapell@ci.tacoma.wa.us> wrote:
Subject: RE: Slater Creek Open Space Complaint
To: "Stellar Technologies" <stellar technologies@yahoo.com>
Cc: "Lauzier, Mark" <mark.lauzier@cityoftacoma.org>, "Chandler Hardy, Nadia" <nadia.chandlerhardy@cityoftacoma.org>, "Slevin, Mike" <m.slevin@ci.tacoma.wa.us>, "Huffman, Peter" <phuffman@ci.tacoma.wa.us>, "Magoon, Jana" <j.magoon@ci.tacoma.wa.us>, "Pauli, Elizabeth (Legal)" <e.pauli@ci.tacoma.wa.us>
Date: Wednesday, March 8, 2017, 10:19 AM
Please see responses below.

-----Original Message-----
From: Stellar Technologies
[mailto:stellar technologies@yahoo.com]
Sent: Saturday, March 04, 2017 3:42 AM
To: Capell, Jeff (Legal)
Cc:

--- City Clerk; Doris Lauzier, Mark; Chandler Hardy, Nadia; elizabeth.pauli@ci.tacoma.org
Subject: Re: Slater Creek Open Space
Complaint

Jeff Capell
(Legal),

You attached a section of the plat agreement that says,

"The Open Space adjoining lots 51 through 76 as outlined on the recorded Plat is to be maintained by the property owners of Lots 51 through 76, and each of said lot owners is to have an undivided one twenty-sixth (1/26) share in said Open Space."
So since I am not responsible for the maintenance of the 'open space' which includes,

1) security,
2) clean up,
3) clipping,
4) trimming,
5) cutting,
6) mowing, and
7) liability insurance.

A) Is the City of Tacoma going to do these functions and then charge the 26 homeowners?

[City response]
Responsibility for the property and its maintenance is an issue for you and the adjacent property owners to resolve amongst yourselves given the history and current ownership. If you believe you have an avenue for holding the owners referenced in the plat responsible, you are certainly free to pursue that avenue.

The City has made no statements indicating that the current owner (your entity) is not responsible for any aspect of owning and maintaining the property. City code enforcement, in almost all cases, will look to the present owner of a given property when there are maintenance/nuisance issues. To the extent that the City performs any work on the property to address nuisance issues (or otherwise), it will likely look to the present owner for reimbursement—an approach which is well supported in the law.

B) Or is the City of Tacoma going to hire a contractor and obtain a liability policy through an insurance company, to provide the maintenance as called out in the legal agreement between the City of Tacoma and this open space/Plat?

[City response]
There is no "legal agreement" to which the City is a party in the plat. The City has no intention of insuring your property.

C) Or does the city want me to invoice the city for these maintenance services and act as the agent (for a fee), to assure that maintenance is completed on a regular monthly basis?
[City response]
With ownership comes responsibility. The City has no intention of reimbursing you for the maintenance of your own property.

Second issue...

The City has a past due ‘Surface Water charge’. They have not been paying their fees and so are far in arrears on. We have been invoicing the City Treasurer since January 2016, for $720.00 per month. Plus after the first month an additional $2.50 per month late fee.

Attached you will find the latest invoice which will also be sent out to the City Treasurer tomorrow.

Several of these monthly invoices have been sent certified USPS return receipt, to City Treasurer, Po Box 11010, Tacoma, WA 98411-1010.

Please see that the City cuts a check for this past due invoice... and have them put us on their monthly pay docket so we can merely bill on a monthly basis without any more pay delays.

[City response]
As stated above, with ownership comes responsibility.
The City has no intention of paying the surface water charges due on your property.

Mark Slater,
agent

Midnightingale LLC
3402 6th Avenue
Tacoma, WA
98406

On Wed, 3/1/17, Capell, Jeff (Legal) <jcapell@ci.tacoma.wa.us> wrote:

Subject: Slater Creek Open Space Complaint
Complaint
To: *Pauli,
Attached please find a copy of the City of Tacoma's Memorandum responsive to the complaint forwarded by the State Attorney General's Office dated January 20, 2017 (also attached). Hard copy will not follow unless individually requested.

Jeff H. Capell
Deputy City Attorney
City of Tacoma
747 Market Street,
#1120
Tacoma, WA 98402
Phone: (253) 591-5638
Fax: (253) 591-5755
RE: 27th District Citizen NEEDS help.

From: "Hitchens Ashana"<Ashana.Hitchens@leg.wa.gov>
To: "StellarTechnologies"<stellartechnologies@yahoo.com>

Friday, April 14, 2017 1:23 PM

Hello Mr. Slater,

Thank you for contacting our office to request assistance. After reviewing your case with our State Government staff person, I contacted the Pierce County Executive’s Constituent Services person, Sarah Thomas. I am committed to working with her to see how we can assist you in this matter. Please feel free to contact me if you have questions. I will be in touch with you when I hear back from her.

Thank you,

Ashana Hitchens
Session Aide
Senator Steve O’Ban
Irw Newhouse Building Rm. 102
(360) 786-7654
Ashana.Hitchens@leg.wa.gov

-----Original Message-----
From: StellarTechnologies [mailto:stellartechnologies@yahoo.com]
Sent: Thursday, April 6, 2017 3:25 AM
To: O’Ban, Sen. Steve <Steve.OBan@leg.wa.gov>
Subject: 27th District Citizen NEEDS help.

I bought the following parcel from Pierce County as a tax title auction item.

https://epio.co.pierce.wa.us/dfappst/ar/epio/map.cfm?
ParcelsID=40021806000&CenterToTopDistance=280

(The satellite view of the parcel, and a close up of the drive way area marked with pinkish color is attached).

Pierce is not required by law to, in any way inform a bidder/buyer that the land they are selling is hopeless mired in any kind of encumbrance. In this case, although the city claims the issue is that it’s a wetland, I’ve spoken to the State of Washington Ecology and they allow single family dwellings to be built on wetlands, and in fact have a special form to make it fast and convenient. So it’s not that it’s a wetland. It’s that back in 2003 the developer made a deal with the city to shift the build rights to his development up the hill and allow him to build large homes on teeny tiny parcels far exceeding any building code requirements. In addition, even after claiming my parcel as a part of the plat, in actuality he kept the deed aside hoping to build more houses on it on his own. He finally went bankrupt and the county too the land and finally sold it to me. None of the documentation is available in any disclosed form for this back alley deal the city made, they simply allowed the plat to say the property is wetland/open space and left it at that. So now on Monday I will have to get to their archives and try to wade through boxes of old papers to see if I can find any documentation at all. When a citizen has to go through archives looking for papers which I had to sign a request for as the owner of the parcel... there is no way Pierce can claim I did not use due diligence to discover encumbrances. I did. In addition, on the state site, the law describing tax title properties and how the county can take land for tax debt points to a paragraph that says the land is transferred to the new buyer ‘free of trusts’. But what I discovered months later was, nearly that entire statute was repeated, almost all the conditions of it, only leaving a simple statement... you owe tax, the county takes your land. The ‘free from trust’ statement is still on the State of Washington site, no one bothered to change it.

So let's add this up. Pierce didn't care that experts in their county knew the land was undevelopable and that there was no way I'd ever discover it until I already bought the land, they say they are under no legal requirement to inform or disclose. In addition, City of Fircrest states they are under no legal requirement to be forthright and disclosing and I had to already know about their 'arrangement' and ask for documentation, and then and only then would they even bother to look for those documents, which they won't... I have to go in and search the stacks myself on Monday.

So the developer was a cheat who refused to deed my parcel to the homeowners association and so lost the parcel when he went bankrupt many years later, the County is a fraud that doesn't mind selling useless and undevelopable properties because... they can. And the City made a deal behind the scenes and either knew it was based on a bogus situation or not, but is resistant to any relief at this point simply stating many times over that the plat is the 'way things are'.

So I've suggested trading my 1.5 acres of land that would be perfect as a city park or community center or some other use for them,... for the driveway area that was set aside in case the parcel were ever converted to development and cars, trucks etc. had to drive into it. But since they will not allow development, that drive way is USELESS and is merely over grown undeveloped land, far smaller than my parcel covered with weeds and shrubs but I will take it, I trade for my parcel, so that it is EQUIVATEIL. I need some help... I cannot afford hiring a lawyer to argue my position, it is so obvious and so simple... I deed my parcel to Fircrest for them to do with as they wish, and in trade I get the driveway area that they will never use because they emphatically never want to fully develop my parcel. If you could help out here, I think all parties would greatly appreciate it. Be our ombudsman, and see if we can arrive at a equitable, low cost solution that serves me, the City, the citizens, the community and finally... will convert that driveway into my home which I will pay taxes on.

Mark Slater
Dear Mr. Slater:

Thank you for contacting the Washington State Auditor's Office regarding the tax title parcel you purchased. We take our job of holding government accountable for the use of public resources seriously and have carefully considered your hotline submission. After reviewing your concerns we have determined this issue is not within our audit authority. You may wish to contact the Attorney General's Office Consumer Protection Division for further assistance.

Consumer Protection Division of the Attorney General's Office
http://www.atg.wa.gov/Safeguarding-Consumers

Thank you again for taking the time and effort to contact us about this issue. While it is outside of our authority, we appreciate you bringing this concern to our attention. Receiving input from concerned citizens is not only a cornerstone of our government, it is paramount in our continued work helping to hold governments accountable.

Thank you,
Hotline Management
Hi Mark, it was Joanne Klein that you connected with. She is the Team Tacoma audit manager. Your request isn't something that typically would do, because follow up is not in our authority, but I will forward it to Joanne for her consideration. Thank you,

Sarah Walker, CFE
Fraud Manager
Washington State Auditor's Office
P. 509.454.3621

-----Original Message-----
From: Stellar Technologies | mailto:stellartechnologies@yahoo.com
Sent: Wednesday, January 18, 2017 2:44 PM
To: Walker, Sarah (SAO) <walkers@sao.wa.gov>
Subject: Re: Confirmation of Report on Suspected Loss of Public Funds or Illegal Activity

Hi Sarah,

Thanks for your call. I found out Thomas Taylor's phone number is (253) 798-7577. Could you please leave a message for him asking him to listen to what I have to say? I think that may help, for me to be treated seriously. Thanks, Mark Slater

________________________________________
On Tue, 1/17/17, mailer@sao.wa.gov <mailer@sao.wa.gov> wrote:

Subject: Confirmation of Report on Suspected Loss of Public Funds or Illegal Activity
To: stellartechnologies@yahoo.com
Date: Tuesday, January 17, 2017, 6:45 PM

Mark Slater

Thank you for notifying the State Auditor's Office of known or suspected losses of public funds or other illegal activity affecting City of Tacoma in accordance with state law (RCW 43.09.185).

This is an automated e-mail to confirm our receipt of your report. For future reference, your case number is F-17-27. Here are a few reminders regarding losses of public funds:

Take steps to protect applicable records from loss or destruction, if necessary. For example, you should secure backup copies of computer records and original paper records related to the situation in a vault, safe or locked cabinet until the investigation is complete. For most situations, you will need to file a police report with the appropriate local or state law enforcement agency.

For example, governments should immediately notify local or state law enforcement agency without waiting to consult our Office in the following circumstances:

Suspected losses involving the health or safety of employees or property.
Losses resulting from breaking and entering or other vandalism of property.
Contact our Office for guidance if you have questions about the necessity or timing of a police report.

RCW 43.09.200 (Local Governments) and RCW 43.09.300 (State Governments) require written approval of the State Auditor and Attorney General before state agencies and local governments make any restitution agreement, compromise, or settlement of loss claims covered by RCW 43.09.185.

If appropriate, report the suspected loss to the Department of Enterprise Risk Management Services Office.
We will do our best to respond to your report as quickly as possible. If you have not received any communication from our Office within five business days, or if you are contemplating immediate action, please contact us at walkers@sao.wa.gov or by phone at (509) 454-3621.

Thank you,

Sarah Walker, CFE
Fraud Manager
Washington State Auditor's Office
Dear Mark:

Thank you for your request to meet with Governor Inslee. Unfortunately, due to high scheduling demands, the Governor is unable to meet with you.

As our office has conveyed, this matter is a local-level issue, which is outside the Governor's jurisdiction. Since you have not had this issue resolved satisfactorily, you may decide to pursue legal action. The Governor cannot provide legal advice or assistance with this matter. Thus, we encourage you to speak with an attorney who can answer any questions you may have and provide legal assistance.

If you need help finding legal representation, please contact the Tacoma-Pierce County Bar Association (CBA) at: (253) 272-8871 or info@tpcba.com, or you may contact the Tacoma-Pierce CBA’s lawyer referral service at (253) 593-3452. For more information, the Tacoma-Pierce CBA’s website is https://www.tpcba.com/. The Tacoma-Pierce CBA also provides information on how to obtain pro bono (free) legal help, which can be found at: https://www.tpcba.com/public/free-legal-services/.

Additionally, if you cannot afford an attorney and this is a civil, non-criminal matter, please contact the Northwest Justice Project's Coordinated Legal Education Advice and Referral (CLEAR) Service at (888) 201-1014. Further, the Washington State Bar Association's (WSBA) Moderate Means Program might be able to assist if you are facing a family, housing, or consumer law issue and your household income falls between 200-400 percent of the Federal Poverty Level. For more information, please go to http://www.wsba.org/Legal-Community/Volunteer-Opportunities/Public-Service-Opportunities/Moderate-Means-Program/Moderate-Means-Legal-Help/ or call (855)-741-6930. The WSBA also provides a resource list for finding legal help, which can be viewed at http://www.wsba.org/Resources-and-Services/Find-Legal-Help.

Again, thank you for your message. The Governor appreciates hearing from you.

Sincerely,
Phil DuBois
Deputy Scheduler
Office of Governor Jay Inslee

Please do not use the 'reply' feature on your e-mail system to respond to this message. E-mails to the govoutbound@iq.wa.gov mailbox are not monitored. To contact the Governor's Office, please go to http://www.governor.wa.gov/contact/contact/send-gov-inslee-e-message.
RE: Constituent RR: I want a refund from Pierce County for undevelopable land they sold me.

From: "Illan-Vazquez, Cinthia" <Illan-Vazquez@leg.wa.gov>
To: "stellartecnologies@yahoo.com" <stellartecnologies@yahoo.com>

Hello Mark,

Our office was informed that you have been in communication with Sen. Darnelle's office regarding your request below.

Rep. Jinkins is available to meet with you on Tuesday September 8th, at 4 PM. The meeting will be held in district at B Sharp Café, located at 706 Court C, Tacoma WA 98402. Please let me know if you would still like to meet with her.

Best,
Cinthia

Cinthia Illa-Vazquez
Legislative Assistant to Representative Laurie Jinkins
Washington State House of Representatives
27th Legislative District
311 John L. O'Brien Building
Olympia, WA 98504
360.786.7930
Note New District Office Number: 253.593.2033
Cinthia.Illa-Vazquez@leg.wa.gov

--- Original Message ---
From: stellartecnologies@yahoo.com [mailto:stellartecnologies@yahoo.com]
Sent: Friday, August 05, 2016 2:48 AM
To: Jinkins, Rep. Laurie <Laurie.Jinkins@leg.wa.gov>
Cc: Darnelle, Sen. Jeannie <Jeannie.Darnelle@leg.wa.gov>; Fey, Rep. Jake <Jake.Fey@leg.wa.gov>
Subject: Constituent RR: I want a refund from Pierce County for undevelopable land they sold me.

HOUSE INTERNET E-MAIL DELIVERY SERVICE
SENATE INTERNET E-MAIL DELIVERY SERVICE

TO: Laurie Jinkins

CC: Jeannie Darnelle,
Jake Fey

FROM: Mark Slater (Constituent)

STREET ADDRESS:
3402 6th Ave
Tacoma, WA 98406

E-MAIL: stellartecnologies@yahoo.com

PHONE:

SUBJECT: I want a refund from Pierce County for undevelopable land they sold me.

MESSAGE:

I would like you to tell Pierce county to give me back my -$6000. for two parcels of land they sold me that are undevelopable. They say I bought them 'as is' and I'm stuck with them. They are a county government, not a used car salesman... is it the idea to get away with cheating me, is that the purpose of county government? How about contacting me and having me come in with my paperwork and we'll go from there, no one... likes being ignored.

RESPONSE REQUESTED: Mark has requested a response to this message.
Good afternoon Mark,

Per the email from Dustin dated May 31, 2016 at the end of this email chain, the majority of the property owners located within the plat would need to sign the application in which the alteration is sought. Further, every property that is party to the covenants would have to sign the updated covenants. So an application would require the signatures of all the property owners of the adjoining lots 51-76 as well as enough of the owners of the rest of the plat to make a majority (51%). The RCW specifically refers to owners. So a tenant/lease holder would not meet the requirement.

Regards,
Lisa Spadoni
Principal Planner
Planning and Development Services
(253) 591-5281

Please note: Planning and Development Services has implemented a new permitting system - Tacoma Permits. During early implementation, wait times may be longer. You can avoid wait times by using our new on-line interface, located at https://tca.accela.com/tacomapermits. For more information about the new permitting system, including Frequently Asked Questions, please visit www.cityoftacoma.org/tacomapermits.

-----Original Message-----
From: Stellatechnologies [mailto:stellatechnologies@yahoo.com]
Sent: Thursday, July 21, 2016 10:58 PM
To: Spadoni, Lisa
Subject: RE: 2008 E 57th Street

Lisa,

To be clear, are you saying i have to get signatures from the majority, that's 51%, of the homeowners of the adjoining lots 51 thorough 76 as outlined in the recorded Plat? And if so, what if the home is being leased to someone, can I get their signature instead? My experience with landlords is, sometimes they are remote or even out of state.

Please be clear as to which lots you believe I need to approach. Thanks.

Mark

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On Fri, 6/17/16, Spadoni, Lisa <spadoni@ci.tacoma.wa.us> wrote:

Subject: RE: 2008 E 57th Street
To: "Stellatechnologies" <stellatechnologies@yahoo.com>
Date: Friday, June 17, 2016, 9:44 PM

Good afternoon Mark,

I understand the history of ownership of the site. However, the legal process for changing (including nullifying) a protective covenant on a plat is the Plat Alteration process that I have previously provided. Construction on the site prior to application and approval of a Plat Alteration would be a violation of City code, which is why we could not approve any building permits.

The City Attorney
that I have been consulting is Jeff Capell. His contact number is (253) 591-6638.

Regards,

Lisa Spadoni
Principal Planner
Planning and Development Services
(253) 591-5281

Please note: Planning and Development Services has implemented a new permitting system - Tacoma Permits. During early implementation, wait times may be longer. You can avoid wait times by using our new on-line interface, located at https://tca.accela.com/tacomapermits. For more information about the new permitting system, including Frequently Asked Questions, please visit www.cityoftacoma.org/tacomapermits.

-----Original Message-----
From: Stellatechnologies [mailto:stellatechnologies@yahoo.com]
Sent: Saturday, June 11, 2016 6:01 PM
To: Spadoni, Lisa
Subject: RE: 2008 E 57th Street
Hi,

I just spoke with my attorney and he says my original conjecture was correct. Pierce took possession of the property after all the property owners failed to pay their taxes, all of them gave up their right to the common property. Michael Gonzales at Pierce Facilities concurs, he said they noticed all of the local property owners and offered them a chance to take stewardship of it, and none of them wanted to so... it went into default for years. They finally sold it to private ownership and authorized the issuance of a deed.

So no, that old covenant is null and void, all those surrounding property owners were given the opportunity to lay claim and didn't. The property tax piled up and Pierce county finally decided to take possession and sell it, I bought it. So let's move on to the scoping meeting and get this show on the road. I must start construction before the rainy season, so let's move on this or Tacoma will be backpedaling after structure already goes up.

Mark

---------------------------------------------------------------
On Fri, 6/10/16, Spadoni, Lisa <unas@co.tacoma.wa.us> wrote:

Subject: RE: 2008 E 57th Street
To: "stellar technologies@yahoo.com"
<stellar technologies@yahoo.com>
Date: Friday, June 10, 2016, 2:23 PM

Good afternoon Mark,

The complete reference in
RCW 59.17.215 reads as follows: Alteration of subdivision—Procedure. When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 59.17.040(8),

It is referring only to subsection (8) in RCW 59.17.040, not to subsection (9).

The City does have a program to manage City-owned open spaces. If you would like to see if the City is interested in including this property in the program, you can contact the City's Environmental Services - Surface Water Department at (253) 591-5588.

Regards,

Lisa Spadoni
Principal Planner
Planning and Development Services
(253) 591-5281

Please note: Planning and Development Services has implemented a new permitting system - Tacoma Permits. During early implementation, wait times may be longer. You can avoid wait times by using our new online interface, located at https://aac.aacela.com/tacoma/. For more information about the new permitting system, including Frequently Asked Questions, please visit www.cityoftacoma.org/tacomapermits.

Original Message:
From: Stellar Technologies
[mailto:stellar technologies@yahoo.com]

Sent: Friday, June 10, 2016 5:13 AM
To: Spadoni, Lisa
Cc: Frentz, Shanta; Stoehr, Barbara; Pauli, Elizabeth (Legal)
Subject: RE: 2008 E 57th Street

Hello Lisa,

Let's try this:
*RCW
59.17.215  Alteration of subdivision—Procedure. When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040,...* So RCW 58.17.040 provides exceptions to the procedure described in RCW 58.17.215.

I'd like to apply for a sub-division of a portion of my parcel, and rezone that portion to a mixed use as per RCW 58.17.040(9).

The area shown in my preliminary diagram, instead of being a residence, is to be used as a solar electrical generation facility, intended to feed energy into the Tacoma electrical grid, for use by existing and new customers. To this end I will be serving as the resident security personnel, the RCW provides for.

So let's sub-divide a part of my parcel, rezone it for mixed use, and move onto issuing the permits necessary for me to put a building up.

Meanwhile,

the majority of that parcel, that part not set aside for my solar generation facility, since Tacoma has such a strong interest in seeing it preserved, will be gated off by Tacoma at Tacoma's cost, and Tacoma will mow it and keep it clean. Tacoma will see to the health of its trees, and Tacoma will pay me $1,200 per month, in a 30 year lease, to assure its continued use as an open space and in recognition of it being a 'surface water sump', that the entire neighborhood benefits from. Present this to the City Manager and have the City Attorney draw up the agreement,...I will then review it.

Thanks,
Mark

-------

Reference:

RCW 58.17.040

*(9) A division of land into lots or tracts of less than three acres that is recorded in accordance with chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. For purposes of this subsection, "electric utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations.

Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed.

* So I'd like to set aside the area shown in my preliminary diagram for the use of developing that area for the research and development of a solar electrical generation facility to feed energy into the Tacoma electrical grid for use by existing and new customers. To this end I will be serving as resident security personnel.

On Tue, 6/7/16, Spadoni, Lisa <lpasadoni@ci.tacoma.wa.us> wrote:

Subject: RE: 2008 E 57th Street

To: "tct@hotmail.com"
"<tct@hotmail.com>
Cc: "Lawrence, Dustin" <lawrence@ci.tacoma.wa.us>, "Frantz, Shanta" <sfrantz@cityoftacoma.org>

Date: Tuesday, June 7, 2016, 2:39 PM

Good afternoon Mark,

I am Dustin's supervisor. I understand you've been working with him on some questions regarding 2008 E 57th Street. We've
researched the site
history and I have
confirmed our
findings

with our legal staff. Here is our understanding:

- The property
  is
  indicated as "Tract
  "A" (Open
  Space)" on the plat map of
  Swan Creek
  (attached),
  recorded in 1969.
- A
  copy of the "Protective
  Covenants" of
  the Plat of Swan Creek
  (attached) includes a
  covenant regarding
  the "The Open Space adjoining lots 51
  thorough 76 as outlined
  in the recorded
  Plat" that
  indicates the
  area is for the use of said lot
  owners,
  shall be utilized as a play area only and shall
  contain no structures.
- Tract "A" was transferred
  by deed from
  the developer
  to the Swan
  Creek Homeowner's Association
  in
  1976
  (attached).
- At some point, Pierce
  County took
  ownership of
  Tract "A" and
  sold it as tax title
  land.

Based on this
information, Tract "A" can be developed
only after the owner applies
for a Plat Alteration In

compliance with
Tacoma Municipal Code
13.04.070 and RCW

58.17.215. Part of RCW 58.17.215 would require the
application to include an agreement signed by all parties
subject to the
covenants
indicating that the parties
agree
to
terminate or
alter the relevant covenants.

I understand you have some
concerns about the sale of the

property. While Pierce
County has
authority to sell
tax title
lands, the sale does not change the
regulations
governing those lands.
Please let me know if you have additional questions.

Regards,

Lisa Spadoni
Principal Planner
Planning and Development Services
(253) 591-5281

Please note: Planning and Development Services has implemented a new permitting system - Tacoma Permits.

During early implementation, wait times may be longer. You can avoid wait times by using our new online interface, located at https://aca.accela.com/tacoma/. For more information about the new permitting system, including Frequently Asked Questions, please visit www.cityoftacoma.org/tacomapermits.

-----Original Message-----

From: StellarTechnologies [mailto:stellarTechnologies@yahoo.com]
Sent: Friday, June 03, 2016 5:43 PM
To: Lawrence, Dustin

Subject: Re: 2008 E 57th Street

Hello,

No, this is not a sub-division, there is no shared ownership, the entire plat was fully deeded to me by Pierce County. Furthermore there are no 'covenants' or notices or directives, and there was no agreement to share or commune the property on purchase. So your misunderstanding is not applicable. Please make note of that, and assign your next response, to your supervisor's care.

Thank you,

Mark

On Tue, 5/31/16, Lawrence, Dustin <dlawrence@cl.tacoma.wa.us> wrote:
Subject: 2008 E 57th Street
To: "stellartechnologies@yahoo.com"
<stellartechnologies@yahoo.com>
Cc: "Stoehr, Barbara"<BStoehr@clascorna.wa.us>
Date: Tuesday, May 31, 2016, 10:12 AM

Hello,

I received your contact from Barbara Stoehr from our office.

I understand that you had some questions regarding how to develop 2008 E 57th Street. This parcel has come up many times over the years. For whatever reason, it was lost by the previously established Home Owners Association and Pierce County ended up acquiring it. It looks like they must have auctioned it off.

Because the property was an Open Space Tract established through a plat recorded by the City, each lot associated with the Plat has a vested interest in the tract. In accordance with RCW 58.17.215 (http://app.leg.wa.gov/RCW/default.aspx?cite=58.17.215), the majority of the properties located within the plat would need to sign the application in which the alteration is sought.

Further, if there were any private covenants (this may show up on title), every property that is party to the covenants would have to sign the updated covenants.

If you believe that you
can obtain the necessary signatures, we would proceed with the application in accordance with our preliminary plat application review process:


Thank you,

Dustin Lawrence
Planning & Development Services
City of Tacoma
747 Market Street, Room 345
Tacoma, WA 98402
253-591-5845

Dlawrence@cityoftacoma.org

www.tacomapermits.org
www.cityoftacoma.org

Please note:
Planning and Development Services has implemented a new permitting system - Tacoma Permits. During early implementation, wait times may be longer. You can avoid wait times by using our new on-line interface.

Located at https://gva.accessa.com/tacomapermits. For more information about the new permitting system, including Frequently Asked Questions, please visit

www.cityoftacoma.org/tacomapermits.
Mark,

Below is the response Sen. Darnelle received from the Washington Department of Revenue regarding your situation. I had initially contacted DOR's Legislative Liaison who forwarded the inquiry to Mr. Duvall, the specialist in this area.

I hope the below email provides some clarity to your situation. If the links below to cited RCW's do not work, please let me know and I will send them in a different format.

Lisa Flisch
Legislative Assistant to
Sen. Jeanne Darnelle

From: Duvall, David (DOR)
Sent: Monday, July 25, 2016 11:40 AM
To: Flisch, Lisa <Lisa.Flisch@leg.wa.gov>
Subject: Sen. Darnelle and Mark Slater

Hi Lisa,

Thank you for contacting the Department of Revenue regarding development restrictions on tax foreclosure properties (tax title lands) purchased by Mark Slater from Pierce County.

**Tax Title Lands**

"Tax title lands" are tracts of land acquired by a county for lack of other bidders at a tax foreclosure sale. These properties are held "in trust" for taxing districts, and may be sold by order of the county legislative authority when it is deemed in the county's best interest to sell the property (RCW 84.35).

Mr. Slater observes that tax title land sold by a county "is conveyed 'free from any trust." This language was passed by the Legislature in 1972 (Section 4, chapter 156, Laws of 1972 ex.sess) and appeared in RCW 84.35.020. It appears that Mr. Slater may not be aware that the Legislature repealed this language in 1998 (see chapter 106, Laws of 1998).

Please note: Pierce County sells tax title lands in an "as is" condition and advises potential bidders to thoroughly research a property since some properties have limiting attributes, such as a "wetland" designation.

**Properties' Background**

According to Pierce County, Mr. Slater was the successful bidder on:
- A 1.55 acre parcel located in Fircrest at Edwards Avenue and Emerson Street. Fircrest has designated this property as "wetlands."
- A 0.99 acre parcel located in Tacoma at 2008 East 7th Street. This property is designated as a "greenbelt" common area for the Swan Creek subdivision. This parcel is reserved as an "open space" area on the approved subdivision plat.

**Options Available**

Since the Department of Revenue is not an expert in local government land use designations, changing such designations, or revising subdivision plats, we reached out to Fircrest and Tacoma.

The cities indicated Mr. Slater's options appear to be limited to working with each city to see if an accommodation for development can be reached.
- According to Fircrest's Land Use and Planning Department, part of Mr. Slater's land in Fircrest may be available for development. They are already working with Mr. Slater to determine whether any of his wetland parcel might be suitable for development.
- For the property located in Tacoma, the city's land use planner advised that a subdivision plat revision may allow for development of the property.

We hope you have found this information useful. Let us know if we can be of further assistance.

Sincerely,

David Duvall
Tax Policy Specialist
Washington State Department of Revenue

Legislation & Policy | Capital Plaza | PO Box 47467 | Olympia, WA 98504-7467
(360) 534-1545 | F (360) 534-1528 | DavidD@ dor.wa.gov

Working Together to Fund Washington’s Future

-----Original Message-----
From: Fisch, Lisa <Lisafisch@leg.wa.gov>
Sent: Monday, July 18, 2016 10:24 AM
To: Shirk, Drew (DOR)
Subject: FW: Constituent RR: Two cities want to nullify state property taxes

Drew,
Hope all is well with you.

Is there any state oversight of the implementation of this RCW (see below)? Any thoughts, aside from legal help, that I might suggest for this constituent?

Thanks,

Lisa Fisch
Legislative Assistant to
Sen. Jeanne Darnelle

-----Original Message-----
From: stellar technologies@yahoo.com (mailto:stellar technologies@yahoo.com)
Sent: Saturday, July 16, 2016 10:09 PM
To: Fey, Rep. Jake <Jake.Fey@leg.wa.gov>
Cc: Darnelle, Sen. Jeanne <JDarnelle@leg.wa.gov>; Jinkins, Rep. Laurie <Laurie.Jinkins@leg.wa.gov>
Subject: Constituent RR: Two cities want to nullify state property taxes

HOUSE INTERNET E-MAIL DELIVERY SERVICE

SENATE INTERNET E-MAIL DELIVERY SERVICE

TO: Jake Fey

CC: Jeanne Darnelle,
Laurie Jinkins

FROM: Mark Slater (Constituent)

STREET ADDRESS:
3402 6th Ave
Tacoma, WA 98406

E-MAIL: stellar technologies@yahoo.com

PHONE:

SUBJECT: Two cities want to nullify state property taxes

MESSAGE:

I've been dealing with Pierce county, Tacoma city and Fircrest city on their interpretations of RCW 36.35.010 which gives the county the ability to possess lands with tax debt, and through their process, resell that land to either public or private parties.

On the web page, the under link explains, in Section 4, that the property is conveyed "free from any trust".

I met with Dan Roach and he concurs. However, both Tacoma and Fircrest believe, that the previous owners, still have power over the land because they had a recorded trust in place, even though they defaulted on their taxes. That would be great if we all could create a trust, and then stop paying taxes and still control the land, but... those cities just don't get it, their vision is flawed, the previous telephers are severed. So, I need help, I don't want to proceed to court, I just want to build a home on 'my' land.

Can you help me set these people straight? Please don't send me to 'assistants'.

RESPONSE REQUESTED: Mark has requested a response to this message.
RE: I'm caught in the grinder between Pierce county and two cities.

From: "Darnelle | Sen. Jeannie" <J.Darnelle@leg.wa.gov>
To: "Mark Slater" <stellartechnologies@yahoo.com>

Mr. Slater,

As Senator Darnelle's Senior Legislative Assistant, I review all outside email and forward on to her the email she needs to see including those from constituents. I will pass your message on to Sen. Darnelle for her review when we meet next week.

In the meantime, I have taken the liberty of forwarding your concerns on to the Washington Dept. of Revenue alerting them to the issue. Revenue is the state agency that may be able to address the discrepancy between the jurisdictions. Have you also been in touch with your county representation? If not, I would suggest you ask the person that represents you on the county council to review the situation as well.

Lisa Fisch
Senior Legislative Assistant to
Sen. Jeannie Darnelle

-----Original Message-----
From: Mark Slater <stellartechnologies@yahoo.com>
Sent: Tuesday, July 19, 2016 12:08 AM
To: Darnelle, Sen. Jeannie <J.Darnelle@leg.wa.gov>
Subject: I'm caught in the grinder between Pierce county and two cities.

From: Mark Slater <stellartechnologies@yahoo.com>
Subject: I'm caught in the grinder between Pierce county and two cities.

Message Body:
I've been dealing with Pierce county, Tacoma city and Fircrest city on their interpretations of RCW 36.35.010 which gives the county the ability to possess lands with unpaid tax debt, and through their process, resell that land to either public or private parties. On the web page, the under link explains, in Section 4., that the property is conveyed ‘free from any trust’.

I met with Dan Roach and he concurs. However, both Tacoma and Fircrest believe, that the previous owners, still have power over the land because they had a recorded trust in place, even though they defaulted on their taxes.

That would be great if we could ALL simply create a trust, and then stop paying taxes and still control the land, but... those cities just don't get it, their vision is flawed, the previous tethers are severed, the tax must flow.

So, I need help. so far the people I've dealt with aside from Dan Roach are very happy to rely on their personal interpretations of the situation, and these cities have no legal department I can speak with aside from there ONLY to protect the city in litigation. I don't want to merely proceed to court, I just want to build a home on 'my' land. Since the law is clear that the lands are conveyed 'free from trusts', you'd think it was obvious, but not to the cities. Can you help me set these people straight? Please don't send me to 'assistants'.

This e-mail was sent from a contact form on Sen. Jeannie Darnelle - Washington State Senate Democrats (http://wastateleg.org/darnelle)
Good afternoon again Mark,

My apologies for not including answers to this email as well in the response I just sent you. Here is the applicable RCW again:

RCW 58.17.215
Alteration of subdivision—Procedure.
When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the legislative authority of the city, town, or county where the subdivision is located. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenant providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

Because the proposal would be an alteration of the Swan Creek plat, the application would be need to have the signatures of a majority of the property owners within the plat. Since there are also protective covenants and the proposal would be changing one of those covenants, an agreement signed by all parties subject to that covenant would also be required with the application. It appears the protective covenant for the open space tract applies to the owners of lots 51 through 76, so those would be required signatures on the agreement and application. However, the plat contains a total 76 lots and additional tracts, so additional signatures would be needed on the application to meet the majority requirement. It is the applicant's responsibility to obtain the application signatures and signed agreement.

Regards,

Lisa Spadoni
Principal Planner
Planning and Development Services
(253) 591-5981

Please note: Planning and Development Services has implemented a new permitting system - Tacoma Permits. During early implementation, wait times may be longer. You can avoid wait times by using our new on-line interface, located at https://app.apeia.com/tacomaportal. For more information about the new permitting system, including Frequently Asked Questions, please visit www.cityoftacoma.org/tacomapermits.

-----Original Message-----
From: StellarTechnologies <stellartecnologies@yahoo.com>
Sent: Saturday, June 11, 2016 8:29 AM
To: Spadoni, Lisa
Subject: RE: 2008 E 57th Street

Hello,

""The Open Space adjoining lots 51 thorough 76 as outlined in the recorded Plat""

So are these the only people cheated by Pierce that I am required to contact? The fact that this law allowed Pierce to sell these people's land, does not make it right... does it?

So can I send them a letter and meet the requirements, or do you expect me to go and violate their privacy at their doors?

Mark

----------------------------------------------------------
On Fri, 6/10/16, Spadoni, Lisa <dspadoni@ct.tacoma.wa.us> wrote:

Subject: RE: 2008 E 57th Street
To: "StellarTechnologies@yahoo.com" <stellartecnologies@yahoo.com>
Date: Friday, June 10, 2016, 2:23 PM

Good afternoon Mark,

The complete reference in RCW 58.17.215 reads as follows: Alteration of subdivision—Procedure. When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6),

It is referring only to subsection (6) in RCW 58.17.040, not to subsection (9).

The City does have a program to manage City-owned open spaces. If you
would like to see if the City is interested in including this property in the program, you can contact the City's Environmental Services - Surface Water Department at (253) 591-5288.

Regards,

Lisa Spadoni
Principal Planner
Planning and Development Services
(253) 591-5281

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-----Original Message-----
From: Stellartechnologies [mailto:stellartechnologies@yahoo.com]
Sent: Friday, June 10, 2016 5:13 AM
To: Spadoni, Lisa
Cc: Frantz, Shanta; Stoehr, Barbara; Pauli, Elizabeth (Legal)
Subject: RE: 2008 E 57th Street

Hello Lisa,

Let's try this:

"RCW 58.17.215 Alteration of subdivision—Procedure. When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040..." So RCW 58.17.040 provides exceptions, to the procedure described in RCW 58.17.215.

I'd like to apply for a sub-division of a portion of my parcel, and rezone that portion to a mixed use as per RCW 58.17.040(9).

The area shown in my preliminary diagram, instead of being a residence, is to be used as a solar electrical generation facility, intended to feed energy into the Tacoma electrical grid, for use by existing and new customers. To this end I will be serving as the resident security personnel, the RCW provides for.

So let's sub-divide a part of my parcel, rezone it for mixed use, and move onto issuing the permits necessary for me to put a building up.

Meanwhile, the majority of that parcel, that part not set aside for my solar generation facility, since Tacoma has such a strong interest in seeing it preserved, will be gated off by Tacoma at Tacoma's cost, and Tacoma will move it and keep it clean, Tacoma will see to the health of its trees, and Tacoma will pay me $1,200 per month, in a 30 year lease, to assure its continued use as an open space and in recognition of it being a 'surface water sump', that the entire neighborhood benefits from. Present this to the City Manager and have the City Attorney draw up the agreement, I will then review it.

Thanks,

Mark

====
Reference:

RCW 58.17.040

"(b) A division of land into lots or tracts of less than three acres that is recorded in accordance with chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. For purposes of this subsection, "electric utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed." 

So I'd like to set aside the area shown in my preliminary diagram for the use of developing that area for the research and development of a solar electrical generation facility to feed energy into the Tacoma electrical grid for use by existing and new customers. To this end I will be serving as resident security personnel.

On Tue, 6/7/16, Spadoni, Lisa <lspadoni@cl.tacoma.wa.us> wrote:

Subject: RE: 2008 E 57th Street

To: "stellartechologies@yahoo.com"

Cc: "Lawrence, Dustin" <dlawrence@cl.tacoma.wa.us>, "Frantz, Shanta" <sfrantz@ci.tacoma.wa.us>,

Date: Tuesday, June 7, 2016, 2:39 PM

Good afternoon Mark,

I am Dustin's supervisor. I understand you've been working with him on some questions regarding 2008 E 57th Street.

We've researched the site history and I have confirmed our findings with our legal staff. Here is our understanding:

- The property is indicated as "Tract A" (Open Space) on the plat map of Swan Creek (attached), recorded in 1969.
- A copy of the "Protective Covenants" of the Plat of Swan Creek (attached) includes a covenant regarding the "The Open Space adjoining lots 51 thorough 76 as outlined in the recorded Plat" that indicates the area is for the use of said lot owners, shall be utilized as a play area only and shall contain no structures.
- Tract "A" was transferred by deed from the developer to the Swan Creek Homeowner's Association in
1976
(affixed).
- At some point, Pierce County took ownership of Tract "A" and sold it as tax title land.

Based on this information, Tract "A" can be developed only after the owner applies for a Plat Alteration in compliance with Tacoma Municipal Code 13.04.070 and RCW 58.17.215. Part of RCW 58.17.215 would require the application to include an agreement signed by all parties subject to the covenants indicating that the parties agree to terminate or alter the relevant covenants.

I understand you have some concerns about the sale of the property. While Pierce County has authority to sell tax title lands, the sale does not change the regulations governing those lands.

Please let me know if you have additional questions.

Regards,
Lisa Spadoni
Principal Planner
Planning and Development Services
(253) 591-6281

Please note: Planning and Development Services has implemented a new permitting system - Tacoma Permits.

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-----Original Message-----

From: StellarTechnologies [mailto:stellartechnologies@yahoo.com]
Sent: Friday, June 03, 2016 3:43 PM
To: Lawrence, Dustin
Subject: RE: 2008 E 57th Street

Hello,

No, this is not a sub-division, there is no shared ownership, the entire plat was fully deeded to me by Pierce County. Furthermore there are no 'covenants' or notices or directives, and there was no agreement to share or commute the property on purchase. So your misunderstanding is not applicable.

Please make note
of that, and assign your
next response, to your supervisor's
care.

Thank you,

Mark

On Tue, 5/31/16, Lawrence, Dustin <dlawrence@ct.tacoma.wa.us> wrote:

Subject: 2008 E 57th Street
To: "stellar technologies@yahoo.com"
    <stellar technologies@yahoo.com>
Cc: "Stoehr, Barbara" <BStoehr@ct.tacoma.wa.us>
Date: Tuesday, May 31, 2016, 10:12 AM

Hello,

I received your contact
from Barbara Stoehr from our office.

I understand that
you had
some questions regarding how to
develop 2008 E 57th
Street. This parcel
has come up many times over the
years.
For whatever reason, it was lost by the
previously established Home Owners Association
and Pierce County ended up acquiring it. It
looks
like they must have auctioned it off.

Because the property was
an Open Space Tract established through a plat recorded
by the City, each lot associated with the
Plat has a
vested interest in the
tract. In accordance with
the majority of the properties located
within the
plat would need to sign the
application in which the
alteration is
sought. Further, if there were any
private
covenants (this may show up on title), every
property that is party to the covenants
would have
to sign the updated
covenants.

If
you believe that you
can obtain the
necessary signatures, we would proceed
with the application in accordance with our preliminary plat application review process:


Thank you,

Dustin Lawrence
Planning & Development Services
City of Tacoma
747 Market Street, Room 345
Tacoma, WA 98402
253-591-5845
dlawrence@cityoftacoma.org

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Bob Ferguson  
ATTORNEY GENERAL OF WASHINGTON  
Consumer Protection Division  
800 Fifth Avenue, Suite 2000 Seattle, WA 98104 (206) 464-6686  

June 17, 2016  

Mark Slater  
3402 6th Ave  
Tacoma, WA 98406  

RE: Pierce County Facilities Management  
File #: 486720  

Dear Mark Slater:  

Thank you for contacting the Consumer Protection Division of the Attorney General's Office. Your complaint has been reviewed and it was determined that the issues presented are under the regulatory authority of another agency. Your complaint has been closed accordingly.  

We referred your complaint to the following agency. Please contact the identified agency directly with questions about the status of your complaint.  

Pierce County Executive  
County-City Building Rm 737  
930 Tacoma Ave S  
Tacoma, WA 98402-2100  

Our office monitors consumer complaints for possible indications of patterns of unfair or deceptive trade practices warranting further attention by our office. We maintain complaint files of business practices that may be useful if enforcement action on behalf of the State of Washington is warranted in the future.  

Consumer complaints are public records and are available to the public for copying or inspection in compliance with the Washington State Public Records Act, RCW 42.56.  

If you have questions or would like to submit additional information regarding this complaint, our email address is CRCComplaints@ATG.WA.GOV. Please include the complaint number given above on any complaint correspondence.  

Sincerely,  

WENCY V. OFFRIL  
Consumer Protection Division  
1-800-551-4636 for in-state callers  
1-206-464-6684 for out-of-state callers
RE: About some land I bought.

Mark

I have spoken to Mr. Gonzales and am aware of your purchasing the tax title property you mentioned from us and the terms it was sold.

It does sound like you have been making some progress but I would suggest you discuss this with your lawyer and get their assistance as you feel is appropriate to solve the issues with the City directly.

Best Regards,

Rick Tackett
Real Property Specialist
Pierce County Department of Facilities Management
1102 Broadway, Suite 302
Tacoma, WA 98032
(253) 798-6200 (Direct)
(253) 798-7223 (Main)
(253) 798-7401 (fax)

-----Original Message-----
From: StellarTechnologies [mailto:stellartechnologies@yahoo.com]
Sent: Wednesday, June 15, 2016 10:12 AM
To: Rick Tackett <rtackett@co.pierce.wa.us>
Subject: About some land I bought.

I bought a 'tax title property' from Pierce. According to Tacoma, the previous owners retain title because it was open space or common property to their lots. Thus they claim although I hold the deed, I am not the owner. I've tried to explain that I did not buy a tax foreclosure property, where the natural linearity of any obligations such as common ownership by say, some homeowners association is respected, and the idea is to simply get the tax caught up even if that means shilling who owes it. No, I bought a tax title property, which in my case especially means, the foreclosure procedure occurred, and neither the homeowners association or any of the neighbors elected to step up to the tax debt.

According to Pierce, they were all noticed and no one stepped up, they just let it default and waste away. Years later, Pierce finally decided to sell the land at a tax title sale, vended through the Bid4assets site and sold it to me.

That is NOT the same as a foreclosure sale, it is long past that stage and all of the original people involved had long since abandoned their claims to the land. This is the distinguishing feature, and the reason I bought the land.

But Tacoma's planning dept doesn't understand that distinction, they only know 'foreclosures' and so think the original people are all still involved. So they now want me to personally visit everyone in the entire geographic area (that's hundreds of homes) to get a signed contract from each one, allowing me to build a house on the land.

How can WE... that's Pierce Facilities and I, get Tacoma to GET THE POINT and realize those people gave up their claim after the land failed to sale at the first foreclosure sale, and after years of abandonment... so Pierce then transferring the land to me, and my getting the deed, means that I am the sole owner of that land. I am not saying there aren't Federal or State requirements for me to meet, I am just saying Pierce already went through the legal process of foreclosure and those people abandoned their claims and responsibilities which led to the land being a tax title property and to my being the sole owner. So again... how can WE prove this process, its validity and its scope... to Tacoma City?

Mark Slater
Dear Mark:

Thank you for communicating with the Governor's Office.
City and county-level government are outside of the Governor's jurisdiction. Thus, we encourage you to speak with an attorney who can answer any questions you may have about your options and provide legal assistance.

If you need help finding legal representation, please contact the Tacoma-Pierce County Bar Association (TPCBA) at 253.272.9871 or the TPCBA's lawyer referral service at 253.390.3432. For more information, the TPCBA's website is https://www.t pca.com/. If you cannot afford an attorney and this is a civil, non-criminal matter, please contact the Northwest Justice Project's Coordinated Legal Education Advice and Referral (CLEAR) Service at 888.201.1014 (or 2-1-1 in King County). Additionally, the Washington State Bar Association's (WSBA) Moderate Means Program might be able to assist you if you are facing a family, housing, or consumer law issue and your household income falls between 200-400 percent of the Federal Poverty Level. For more information, please go to http://www.wsba.org/Legal-Community/Volunteer-Opportunities/Public-Service-Opportunities/Moderate-Means-Program (Moderate-Means-Legal-Help) or call 855.741.6620. The WSBA also provides a resource list for finding legal help, which can be viewed at http://www.wsba.org/Resources-and-Services/Find-Legal-Help.

Thank you again for your message. We hope this information is helpful.

Sincerely,

Constituent Services
Office of Governor Jay Inslee

Please do not use the 'reply' feature on your e-mail system to respond to this message. E-mails to the GovOfficeDoNotReply@paw.gov mailbox are not monitored. To contact the Governor's Office, please go to https://fortress.wa.gov/es/governo

-----Original Message-----

I asked for a meeting with you because land the County of Pierce sold me, and issued me a deed for, is now claimed as NOT actually being my land by the City of Tacoma. This means, I should get my money back... if i bought a car, and got a pink slip, but it turns out all my neighbors owned my car, not me... that would be fraud... right? To sell something to someone that was not yours to sell, and whose possession didn't actually transfer to them after they paid thousands of dollars for it... how is that not fraud? So I got this letter in response to my request: == June 14, 2016 Dear Mark: Thank you for your request to meet with Governor Inslee. Unfortunately, due to high scheduling demands, the Governor is unable to meet with you. This is a city and county issue, which is outside of the Governor's jurisdiction. I encourage you to contact your city and county government, as they may be able to assist you with this matter. Contact information can be found at the following sites: http://www.cityoftacoma.org/ http://www.co.pierce.wa.us/ Again, thank you for your message. Sincerely, Phil Dubois Executive Scheduler Office of Governor Jay Inslee == Contact either Pierce County or the City of Tacoma? That's his suggestion??? OF COURSE I contacted them, that's what I said... and Pierce has laughed at me as the ultimate sucker, they're very happy they got my money, and they don't care in the least that it's not my land after all... they tell me I didn't use 'due diligence' and was foolish to simply trust them. And Tacoma doesn't care if I live in a dumpster instead of building a home, as long as they keep charging me for such things as 'Surface Water', they don't care in the least that they are claiming it is not my land, they in fact couldn't care less... it's not their problem they said. Pierce just wrote and told me to go sell the land! I have the deed, so it doesn't matter if it is community land, it doesn't matter what the City of Tacoma tells them, that it's community land... they said, "Go sell it to someone else..." OMGI!! But your assistant Phil says, it's not your problem either, and I should go contact these two unscrupulous government agencies? AGAIN!! So the state, under which Pierce and Tacoma are incorporated, washes it's hands of this fraud too? Is that your position? No your jurisdiction, not your problem? Mark

-----End Original Message-----
Good afternoon Mark,

I am Dustin's supervisor. I understand you've been working with him on some questions regarding 2008 E 57th Street. We've researched the site history and I have confirmed our findings with our legal staff. Here is our understanding:

- The property is indicated as "Tract A (Open Space)" on the plat map of Swan Creek (attached), recorded in 1989.
- A copy of the "Protective Covenants" of the Plat of Swan Creek (attached) includes a covenant regarding the "The Open Space adjoining lots 51 through 76 as outlined in the recorded Plat that indicates the area is for the use of said lot owners, shall be utilized as a play area only and shall contain no structures.
- Tract "A" was transferred by deed from the developer to the Swan Creek Homeowner's Association in 1976 (attached).
- At some point, Pierce County took ownership of Tract "A" and sold it as tax title land.

Based on this information, Tract "A" can be developed only after the owner applies for a Plat Alteration in compliance with Tacoma Municipal Code 13.04.070 and RCW 88.17.215. Part of RCW 88.17.215 would require the application to include an agreement signed by all parties subject to the covenants indicating that the parties agree to terminate or alter the relevant covenants.

I understand you have some concerns about the sale of the property. While Pierce County has authority to sell tax title lands, the sale does not change the regulations governing those lands.

Please let me know if you have additional questions.

Regards,
Lisa Spadoni
Principal Planner
Planning and Development Services
(253) 591-5281

Please note: Planning and Development Services has implemented a new permitting system - Tacoma Permits. During early implementation, wait times may be longer. You can avoid wait times by using our new on-line interface, located at https://aca.accella.com/tacoma/. For more information about the new permitting system, including Frequently Asked Questions, please visit www.cityoftacoma.org/tacomapermits.

-----Original Message-----
From: Stellarartechologies [mailto:stellarartechologies@yahoo.com]
Sent: Friday, June 03, 2016 3:43 PM
To: Lawrence, Dustin
Subject: Re: 2008 E 57th Street

Hello,

No, this is not a sub-division, there is no shared ownership, the entire plat was fully deeded to me by Pierce County. Furthermore there are no 'covenants' or notices or directives, and there was no agreement to share or commune the property on purchase. So your misunderstanding is not applicable. Please make note of that, and assign your next response, to your supervisor's care.

Thank you,
Mark

On Tue, 5/31/16, Lawrence, Dustin <lawrence@ci.tacoma.wa.us> wrote:

Subject: 2008 E 57th Street
To: stellartechnologies@yahoo.com <stellartechnologies@yahoo.com>
Cc: "Stewie, Barbara" <BSPiehr@ci.tacoma.wa.us> 
Date: Tuesday, May 31, 2016, 10:12 AM

---
Hello,

I received your contact from Barbara Stoehr from our office.

I understand that you had some questions regarding how to develop 2008 E 57th Street. This parcel has come up many times over the years. For whatever reason, it was lost by the previously established Home Owners Association and Pierce County ended up acquiring it. It looks like they must have auctioned it off.

Because the property was an Open Space Tract established through a plat recorded by the City, each lot associated with the Plat has a vested interest in the tract. In accordance with RCW 58.17.215 (http://app.leg.wa.gov/RCW/default.aspx?cite=58.17.215), the majority of the properties located within the plat would need to sign the application in which the alteration is sought. Further, if there were any private covenants (this may show up on title), every property that is party to the covenants would have to sign the updated covenants.

If you believe that you can obtain the necessary signatures, we would proceed with the application in accordance with our preliminary plat application review process: http://tacomapermits.org/wp-content/uploads/2014/03A-044-Plats-10-or-More-Lore.pdf

Thank you,

Dustin Lawrence
Planning & Development
Services
City of Tacoma
747 Market Street, Room 345
Tacoma, WA 98402
253-591-5845	dlawrence@cityoftacoma.org

www.tacomapermits.org
I www.cityoftacoma.org

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Good Morning, Mr. Slater:

I found that there was an inquiry in 2008 under our File Number MTG2008-40000141816 and a current inquiry by you in May of this year under File No. PRE16-0275. I understand that the land use staff is working on your inquiry and will be providing a response directly to you. I will forward this message to them as well.

Sincerely,

Shanta Frantz
City of Tacoma
Land Use & Zoning – Planning and Development Services
747 Market Street, Room 3451 Tacoma, WA 98402-3769
(253) 591-5388 (Direct Line) | sfantz@ci.tacoma.wa.us

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-----Original Message-----

From: StellarTechnologies [mailto:stellartechnologies@yahoo.com]
To: PDS Land Use and Zoning
Subject: Change of Zone and Land Use

Please change tax parcel # 8867000770 Zoning and Land Use code from '7830-GRENBELT COMMON AREAS' to '1101-SINGLE FAMILY DWELLING'.

In December the county of Pierce sold outright to me the land as 'private property', so it is no longer under their stewardship as a greenbelt/common area. I now hold the sole ownership deed to the land and intend to build on it. They've assured me several times that this is so, and the land is completely mine.

Let me know when this has been done.

Also once you do it how long will it take to show up as changed on the Assessor-Treasurer web site?

Thank you,

Mark Slater
Midnightingale LLC
Hello,

I received your contact from Barbara Stoehr from our office.

I understand that you had some questions regarding how to develop 208 E 57th Street. This parcel has come up many times over the years. For whatever reason, it was lost by the previously established Home Owners Association and Pierce County ended up acquiring it. It looks like they must have auctioned it off.

Because the property was an Open Space Tract established through a plat recorded by the City, each lot associated with the Plat has a vested interest in the tract. In accordance with RCW 58.17.215 (http://app.leg.wa.gov/RCW/default.aspx?cite=58.17.215), the majority of the properties located within the plat would need to sign the application in which the alteration is sought. Further, if there were any private covenants (this may show up on title), every property that is party to the covenants would have to sign the updated covenants.

If you believe that you can obtain the necessary signatures, we would proceed with the application in accordance with our preliminary plat application review process: http://tacomapermits.org/wp-content/uploads/2014/03/A-944-Plats-10-or-More-Lots.pdf

Thank you,

Dustin Lawrence
Planning & Development Services
City of Tacoma
747 Market Street, Room 345
Tacoma, WA 98402
253-591-5845 dlawrence@cityoftacoma.org
www.tacomapermits.org | www.cityoftacoma.org

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Pursuant to Chapter 4.96 RCW, this form is for filing a claim against the City of Tacoma. Some of the information requested on this form is required by RCW 4.96.020 and may be subject to public disclosure. Pursuant to the new law, Claim for Damages forms cannot be submitted electronically (via e-mail or fax).

Mail or deliver original claim to:
City of Tacoma
Office of the City Clerk
747 Market Street, Room 243
Tacoma, WA 98402

Business Hours: Mon. - Fri. 8:00 a.m. - 5:00 p.m. Closed on weekends and holidays.

CLAIMANT INFORMATION

1. Claimant's name: Slater Mark
   Last name: Slater  First: Mark
   Date of birth (mm/dd/yyyy)

2. Current residential address: 2501 S. 12th St., Tacoma, WA 98405

3. Mailing address (if different):

4. Residential address at the time of the incident (if different from current address):
   2008 57th St., Tacoma 98404 (My land)

5. Claimant's daytime telephone number:
   Home
   Business
   Cell

6. Claimant's e-mail address: stellartecnologies@yahoo.com

INCIDENT INFORMATION

7. Date of the incident: 12-15-2015 (mm/dd/yyyy)  Time: Noon  a.m.  p.m.  (check one)

8. If the incident occurred over a period of time, date of first and last occurrences:
   from 12-15-2015 (mm/dd/yyyy)  To 9-22-2023 (mm/dd/yyyy)  Time: noon a.m.  p.m.  (check one)

9. Location of incident: Tacoma  Washington  2008 57th St. Tacoma
   City  State  Place or Address where occurred

10. If the incident occurred on a street or highway:

   Name of street or highway
   At the intersection with/or Nearest intersecting street

11. City agency or department allegedly responsible for damage/injury: Tacoma Building and Planning

12. Names, addresses, and telephone numbers of all persons involved in or witness to this incident:
13. Names, addresses and telephone numbers of all City employees having knowledge about this incident:

14. Names, addresses, and telephone numbers of all individuals not already identified in #12 and #13 above that have knowledge regarding the liability issues involved in this incident, or knowledge of the Claimant’s resulting damages. Please include a brief description as to the nature and extent of each person’s knowledge. Attach additional sheets if necessary.

15. Describe the cause of the injury or damages. Explain the extent of property loss or medical, physical or mental injuries. Attach additional sheets if necessary.
   See attachment A

16. Has this incident been reported to law enforcement, safety or security personnel? If so, when and to whom?

17. Names, addresses and telephone numbers of treating medical providers. Attach copies of all medical reports and billings.

18. Please attach documents which support the claim’s allegations.

19. I claim damages from the City of Tacoma in the sum of $650,000.

This Claim form must be signed by the Claimant, a person holding a written power of attorney from the Claimant, by an attorney admitted to practice in Washington State on the Claimant’s behalf, or by a court-approved guardian or guardian ad litem on behalf of the Claimant.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

[Signature of Claimant or Authorized Agent]

[Date and Place (residential address, city and county)]
The City of Tacoma has been bullying me since 2015. First they told me everything I learned by reading the State Code was wrong. The I had to get permission from the hundreds of homes in the plat for building on my land. Then week after week that number of reduced and the signed agreement kept changing. So week after week I have to spend my weekends walking around knocking on doors, getting in conflicts with dogs, trespassing... etc. When Jana's instructions finally shrank to 13 neighbor's signatures, a new and experienced City Attorney was hired, and it turned out, I was right all along. But did the harassment end? No. It's been very painful and I've lost years while the bad information and instructions continued. It started in 2015, so I've been kept off my land for 8 years! Another episode was where I was told that I had to cut all the weeds and trim 20 feet from the fence, but I didn't... the Code is that's required if my land is over an acre, and it's not. Whereupon Code enforcement said it was close enough... NO! Then I wanted to put a simple fence across the one driveway, and I was told I had to get a permit, and when I told them that families were under threat, the City enforcement told me that's their problem. Then I've been charged for surface water every two months, even though there is no water supply and no sewage/drainage lines. Constant harassment. The City Manager admits that the City stole the land from my neighbors, but they've said that's tough for them, and it's been tough for me. I am the invader here because of Tacoma. I have about 2,000 pages of correspondence, proving everything I'm saying, so the City was totally aware of everything... but they don't care! Since I am paying for water utilities, I want to install the utilities. My claim will allow me to do so, as well as compensate me for 8 years of torture. I've tried to get a meeting with the City Manager for 8 years, but no... she refused even one meeting. Included here are a few pages of the correspondence with the City, but like I said, I have over 2,000 pages... total proof! If I need to hire an attorney to sit with me and put together a court case, I will... I feel sorry for them though, it is a long said sequence of events. When I die, my land will go to the neighborhood, so it will go with a bathroom, lights, water, drainage, etc... as the City should have done before I bought it. It cost me thousand$ to clean it up, the City let it go to totally over run and dumped on.
On Fri, 7/21/17, Victor, Steve(Legal) <svictor@ci.tacoma.wa.us> wrote:

Subject: RE: Swan Creek Plat Issue
To: "StellarTechnologies" <stellartechnologies@yahoo.com>
Date: Friday, July 21, 2017, 9:30 AM

Mark,

Let's go with 11:00. I am in the Tacoma Municipal Building North which is the shorter building adjacent to the main Muni Building on the 4th Floor. Jeff is fine. He is now the Hearing Examiner. I was recruited back by Tacoma after a 10 year absence.

To briefly summarize why I reached out to you, I reviewed the matter, and have dealt with this exact issue before. There is no question that a plat modification is required, however, the tax foreclosure statute (RCW 84.64) unambiguously operates to extinguish all recorded interests of any kind the foreclosed property. Therefore, consent of the owners formerly benefitted properties is not required, as they have lost all rights in your property through foreclosure. The foreclosure statute does not modify the plat, so you must still apply for and complete that process.

See you Monday.

Steve Victor
Deputy City Attorney
TO: Elizabeth Pauli, Interim City Manager
FROM: Jana Magoon, Planning Manager; Jeff H. Capell, Deputy City Attorney
CC: Bob Ferguson, Washington State Attorney General; Peter Huffman, Director, Planning and Development Services; Mark Slater
SUBJECT: City’s Response to Complaint No. 498395, forwarded by the Washington Attorney General’s Office regarding Tract “A” of Plat of Swan Creek – 2008 East 57th St.
DATE: February 27, 2017

SUMMARY:
The above referenced complaint arises from Mark Slater’s purchase of real property commonly known as Tract “A” of the Plat of Swan Creek (the “Property”). He has approached the City of Tacoma about constructing a house on the Property. The City has, to date, declined to issue the requested permit because the Property is designated as an open space tract in the Plat of Swan Creek (the “Plat”) and subject to a restrictive covenant. Mr. Slater is apparently seeking a resolution through intervention by the Attorney General’s Office (the “AG”).

BACKGROUND:
The Swan Creek Plat was recorded in 1969. At recording, Slater’s Tract A (the Property) was set aside as open space in the plat and made subject to a protective covenant that reads:

The Open Space adjoining lots 51 through 76 as outlined on the recorded Plat is to be maintained by the property owners of Lots 51 through 76, and each of said lot owners is to have an and each of said lot owners is to have an undivided one twenty-sixth (1/26) share in said Open Space. Once twenty-sixth of the taxes of the Open Space shall be added to the tax statement of the registered owners of Lots 51-76. Golden Ridge, Inc., (Developer) will maintain the Open Space for one (1) year from date of filing of the Plat of Swan Creek. This Open Space area to be utilized as a play area only. No permanent structures will be erected. No tree removal will be permitted without permission of at least 50% of the property owners affected (the “Covenant”).

The Property was quit claimed to the Swan Creek Homeowner’s Association on June 15, 1976. It appears when the Property was transferred, it was transferred in its entirety to the Homeowner’s Association, rather than a one twenty-sixth share going to each adjacent property owner as set forth in the Covenant. It also appears that the Homeowner’s Association disbanded and the taxes on the Property were no longer paid leading to foreclosure by the County.

Mr. Slater purchased the Property in 2016 at a County foreclosure auction, apparently without understanding the impact of the Covenant on the Property. He has engaged City staff on multiple occasions since his purchase. Because the Property is subject to the Covenant, the City is unable to permit development of the Property in violation of the Covenant. As a result, Mr. Slater has been informed that he must file for a plat alteration with the City. Even though the adjacent property owners let the Property fall into foreclosure, the City’s hands are effectively tied. RCW 58.17.215 requires that:

If [a] subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in a violation of a covenant, the application shall contain an agreement signed by all parties subject to the
covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

While it may seem unfair that the adjacent property owners still have the protection of the Covenant, the City has no mechanism to make it go away short of Mr. Slater being successful with a plat alteration or obtaining some other form of declaratory relief from the courts. Mr. Slater has indicated that he does not wish to proceed down that path.

MOVING FORWARD:
Staff’s opinion is that compliance with RCW 58.17.215 and a plat alteration are required in order to terminate or alter the Covenant. The road to getting there may not be any easy one, however, given the number of other owners involved. As stated above, City staff does not have the authority to unilaterally make the Covenant go away. It is the recommendation of City staff that Mr. Slater confer with legal counsel to explore avenues to resolve this matter.

If you have questions, please contact Planning Manager Jana Magoon at (253) 594-7823 or Deputy City Attorney Jeff Capell at (253) 591-5638.
I am a: Individual Person
First Name: Mark
Last Name: Slater
Birth Date: 12/02/1954
Claimant Represented: No

Claimant Contact Information
Email: stellartechnologies@yahoo.com
Address: 2501 S. 12th St.
City: Tacoma
State: Washington
Postal Code: 98405

Incident Information
Incident Date: 12/15/2015
Incident Time: 12:11 PM
Address: 2008 E 57TH ST
City: Tacoma
State: Washington
Describe what happened.
TACOMA in collusion with Pierce County stole the backyards of 24 families by claiming that they were no required to transfer tax responsibility to them. At the time I spoke with Dan Roach who was the Head of the County Council. He told me how Tacoma decided to do this, and all Pierce did was follow their directive. He was going to give me a letter stating this, but his assistant made a call to Marilyn Strickland and so didn’t put the confession into writing.
Meanwhile, under the consultation of Jeff Capell, Jana McGoon had me, after I bought their lands, walk the plat to get signatures, giving me permission to build. It started as 400 signatures, but kept getting cut until I had to get signatures, from the directly surrounding families, then 12+1 of them. That's week after week, walking to houses and knocking. I learned the real story from them.

How was City of Tacoma involved?
City Govt Decided to rip the families off. Then code enforcement decided not to put a fence on the one open to the street driveway so that huge dumping of appliances, car sections, trash, drug deals criminal thugs, the homeless invaded. ASK for details!

Describe any damage or injuries.
Besides the theft of these families' yards.....huge dumping I had to clean up, and Jana and her group were emphatic about the stream of criminals and their activities, right there, that Tacoma fueled and refused to protect. It was shocking and yet Jana’s group including jeff...
I claim damages in this amount: $2,000,000.00

The claimant completed this form.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Claimant Name: Mark Slater

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. I have completed this claim form on behalf of the claimant with their knowledge and consent.

Date Claim Filed: 11/29/2023
City and State: Tacoma, Washington

To Be Completed by the City Clerk’s Office

| Occurrence Number | 5217 |

Files

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</tbody>
</table>
There's more... but you're going to have to contact me... not treat this as single sided. Tacoma really was immoral and is guilty here. I will sell my .99 acre for 2 million and then... Tacoma can cut it up and give it back to the victims.
PROTECTIVE COVENANTS
PLAT OF SWAN CREEK FIRST ADDITION
PIERCE COUNTY, WASHINGTON

A. PREAMBLE

1. On this 4th day of August, 1969, the following named parties:

   SWALLEY, RAYMOND H., 8212 Luzader Lane S.W., Tacoma, Washington 98499
   (President, Golden Ridge Inc., P.O. Box 3349, Tacoma, Wa. 98499).

   SCHWEGER, DONALD E., 11201 96th Ave. S.W., Tacoma, Washington 98498
   (Secretary-Treasurer, Golden Ridge Inc., P.O. Box 3349, Tacoma, Wa. 98499).

   ALEXANDER, ROBERT C., 7802 Phillips Rd. S.W., Tacoma, Washington 98498
   (Member, Board of Directors, Golden Ridge Inc., Tacoma, Washington 98499).

   LEINBACHER, EDGAR G., 6013 Hillcrest Dr. S.W., Tacoma, Washington 98499
   (Member, Board of Directors, Golden Ridge Inc., Tacoma, Washington 98499).

have caused this Protective Covenant pertaining to the Plat of Swan Creek First
Addition, Pierce County, Washington, to be published in order to insure the sound
development of said Plat.

B. AREA OF APPLICATION

1. Fully Protected Residential Area: The residential area covenants in Part
   C in their entirety shall apply to the entire plat (Lots 1 through 76) of Swan
   Creek First Addition.

2. Open Area: The Open Area covenants in Part D shall apply only to Lots 51
   through 76 of the Plat of Swan Creek First Addition.

C. RESIDENTIAL AREA COVENANTS

1. Land Use and Building Type: No lot shall be used except for residential
   purposes. No building shall be erected, altered, placed, or permitted to remain
   on any lot other than one detached single family dwelling not to exceed two (2)
   stories in height and a private garage for not more than two (2) cars except that
   all lots are to have off street parking facilities for at least two (2) cars.

2. Architectural Control: No building shall be erected, placed or altered on
   any lot until the construction plans and specifications and a plan showing the
   location of the structure have been approved by the Architectural Control Commit-
   tee as to quality of workmanship and materials, harmony of external design with
   existing structures, and as to location with respect to topography and finish
   grade elevation. No fence, wall or hedge shall be erected, placed or altered on
   any lot nearer to any street than the building setback line, except that nothing
   shall prevent the erection of a necessary retaining wall, the top of which does
   not extend more than two (2) feet above the finished grade at the back of said
   wall.

3. Dwelling Cost, Quality and Size: No dwelling shall be permitted on any
   lot at a cost of less than $12,750.00 (exclusive of land) based upon cost levels
   prevailing on the date these covenants are recorded, it being the intention and
   purpose of the covenant to assure that all dwellings shall be of a quality of
   workmanship and materials substantially the same or better than that which can
   be produced on the date these covenants are recorded at the minimum cost stated
   herein for the minimum permitted dwelling size. The ground floor area of the
   main structure, exclusive of one story open porches and garages, shall be not
   less than 960 square feet for a one story dwelling, nor less than 900 square feet
   for a dwelling of more than one story.

4. Building Location:
   a. No building shall be located on any lot nearer to the front lot line
      or nearer to the side street line than the minimum building setback lines as re-
required by the City of Tacoma Zoning Ordinance as pertains to R-2 Districts. In any event, no building shall be located on any lot nearer than 20 feet to the front lot line, or nearer than 15 feet to any side street line, except that on corner lots no building shall be located nearer than 15 feet to the side street line.

b. No building shall be located nearer than 7½ feet to an interior lot line, except that no side yard shall be required for a garage or other permitted accessory building located 60 feet or more from the front lot line, and on corner lots shall not project into the required side yard on the street side of such corner lot. No dwelling shall be located on any interior lot nearer than 25 feet to the rear lot line.

c. For the purposes of this covenant, eaves, steps, and open porches shall not be considered as part of a building, provided however, that this shall not be construed to permit any portion of a building, on a lot, to encroach upon another lot.

5. Lot Area and Width: No dwelling shall be erected or placed on any lot having a width of less than 50 feet at the minimum building setback line nor shall any dwelling be erected or placed on any lot having an area of less than 5,000 square feet.

6. Easements:
   a. Utility and Drainage: Easements for utilities and drainage are reserved over a 2½ foot wide strip along each side of interior lot lines and over the rear five (5) feet of each lot. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

   b. Protective Screening: Protective screening areas are established, including a 10 foot strip of land on the rear of the following residential lots:

      (1) Lots 1, 17, 18 and 19: Measured perpendicular to the City of Tacoma Water-Line Right of Way.
      (2) Lots 20 through 30: Measured perpendicular to the Westerly Boundary of said lots.
      (3) Lots 31 through 37: Measured perpendicular to the Northerly Boundary of said lots.

Except as otherwise provided herein, planting, fences or walls shall be maintained throughout the entire length of such areas by the owner or owners of the lots at their own expense to form an effective screen for the protection of the residential area. No building or structure except a screen fence or wall or utilities or drainage facilities shall be placed or permitted to remain in such areas. No vehicular access over the area shall be permitted except for the purpose of installation and maintenance of screening, utilities and drainage facilities.

7. Nuisances: No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

8. Temporary Structures: No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding, shall be used on any lot at any time as a residence either temporarily or permanently.
9. Signs: No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

10. Oil and Mining Operations: No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

11. Livestock and Poultry: No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purposes. However, not to exceed two dogs and/or two cats.

12. Garbage and Refuse Disposal: No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

13. Water Supply: No individual water supply system shall be permitted on any lot.

14. Sewage Disposal: No individual sewage disposal system shall be permitted on any lot. All lots to be connected to sanitary sewers.

D. OPEN SPACE COVENANTS:

1. The Open Space adjoining lots 51 through 76 as outlined on the recorded Plat is to be maintained by the property owners of Lots 51 through 76, and each of said lot owners is to have an undivided one twenty-sixth (1/26) share in said Open Space. One twenty-sixth of the taxes of the Open Space shall be added to the tax statements of the registered owners of Lots 51 through 76. Golden Ridge, Inc., (Developer) will maintain the Open Space for one (1) year from date of filing of the Plat of Swan Creek. This Open Space area to be utilized as a play area only. No permanent structures will be erected. No tree removal will be permitted without permission of at least 50% of the property owners affected.

E. ARCHITECTURAL CONTROL COMMITTEE

1. Membership: The Architectural Control Committee is composed of:
   a. ALEXANDER, ROBERT C., 7802 Phillips Road S.W., Tacoma, Wn. 98498
   b. LEIMBACHER, EDGAR G., 6013 Hillcrest Dr. S.W., Tacoma, Wn. 98499
   c. SCHWERCE, DONALD E., 11201 96th Avenue S.W., Tacoma, Wn. 98498

A majority of this committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time, the then record owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore to it any of its powers and duties.

2. Procedures: The Committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representative, fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the
PROTECTIVE COVENANTS  
FLAT OF SWAN CREEK FIRST ADDITION  
PAGE # 4

Construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

F. GENERAL PROVISIONS

1. Term: These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

2. Enforcement: Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant or agreement to restrain violation of or to recover damages.

3. Severability: Invalidation of any one of these covenants by judgement or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

Raymond H. Swalley, President  
Golden Ridge, Inc.

Donald E. Schweiger, Secretary-Treasurer  
Golden Ridge, Inc.

Robert C. Alexander, Member, Board of Directors  
Golden Ridge, Inc.

Edgar G. Leimbacher, Member, Board of Directors  
Golden Ridge, Inc.

STATE OF WASHINGTON )  
COUNTY OF PIERCE ) ss

On this 12th day of August 1969, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared Raymond H. Swalley, Donald E. Schweiger, Robert C. Alexander and Edgar G. Leimbacher, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged to me that they signed and sealed the said instrument as their free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

Carol A. Allen  
Notary Public, in and for the State of Washington residing at Tacoma
TO: Elizabeth Pauli, Interim City Manager
FROM: Jana Magoon, Planning Manager; Jeff H. Capell, Deputy City Attorney
CC: Bob Ferguson, Washington State Attorney General; Peter Huffman, Director, Planning and Development Services; Mark Slater
SUBJECT: City’s Response to Complaint No. 498395, forwarded by the Washington Attorney General’s Office regarding Tract “A” of Plat of Swan Creek – 2008 East 57th St.
DATE: February 27, 2017

SUMMARY:
The above referenced complaint arises from Mark Slater’s purchase of real property commonly known as Tract “A” of the Plat of Swan Creek (the “Property”). He has approached the City of Tacoma about constructing a house on the Property. The City has, to date, declined to issue the requested permit because the Property is designated as an open space tract in the Plat of Swan Creek (the “Plat”) and subject to a restrictive covenant. Mr. Slater is apparently seeking a resolution through intervention by the Attorney General’s Office (the “AG”).

BACKGROUND:
The Swan Creek Plat was recorded in 1969. At recording, Slater’s Tract A (the Property) was set aside as open space in the plat and made subject to a protective covenant that reads:

The Open Space adjoining lots 51 through 76 as outlined on the recorded Plat is to be maintained by the property owners of Lots 51 through 76, and each of said lot owners is to have an undivided one twenty-sixth (1/26) share in said Open Space. Once twenty-sixth of the taxes of the Open Space shall be added to the tax statement of the registered owners of Lots 51-76. Golden Ridge, Inc., (Developer) will maintain the Open Space for one (1) year from date of filing of the Plat of Swan Creek. This Open Space area to be utilized as a play area only. No permanent structures will be erected. No tree removal will be permitted without permission of at least 50% of the property owners affected (the “Covenant”).

The Property was quit claimed to the Swan Creek Homeowner’s Association on June 15, 1976. It appears when the Property was transferred, it was transferred in its entirety to the Homeowner’s Association, rather than a one twenty-sixth share going to each adjacent property owner as set forth in the Covenant. It also appears that the Homeowner’s Association disbanded and the taxes on the Property were no longer paid leading to foreclosure by the County.

Mr. Slater purchased the Property in 2016 at a County foreclosure auction, apparently without understanding the impact of the Covenant on the Property. He has engaged City staff on multiple occasions since his purchase. Because the Property is subject to the Covenant, the City is unable to permit development of the Property in violation of the Covenant. As a result, Mr. Slater has been informed that he must file for a plat alteration with the City. Even though the adjacent property owners let the Property fall into foreclosure, the City’s hands are effectively tied. RCW 58.17.215 requires that:

If [a] subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in a violation of a covenant, the application shall contain an agreement signed by all parties subject to the
covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

While it may seem unfair that the adjacent property owners still have the protection of the Covenant, the City has no mechanism to make it go away short of Mr. Slater being successful with a plat alteration or obtaining some other form of declaratory relief from the courts. Mr. Slater has indicated that he does not wish to proceed down that path.

MOVING FORWARD:
Staff’s opinion is that compliance with RCW 58.17.215 and a plat alteration are required in order to terminate or alter the Covenant. The road to getting there may not be any easy one, however, given the number of other owners involved. As stated above, City staff does not have the authority to unilaterally make the Covenant go away. It is the recommendation of City staff that Mr. Slater confer with legal counsel to explore avenues to resolve this matter.

If you have questions, please contact Planning Manager Jana Magoon at (253) 594-7823 or Deputy City Attorney Jeff Capell at (253) 591-5638.
**I am a:** Individual Person

<table>
<thead>
<tr>
<th>Field</th>
<th>Value</th>
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<tr>
<td>First Name</td>
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<td>Last Name</td>
<td>Slater</td>
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<tr>
<td>Insurance Claim Number</td>
<td>15896- Slater</td>
</tr>
<tr>
<td>Birth Date</td>
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<td>Claimant Represented</td>
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**Claimant Contact Information**

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<tbody>
<tr>
<td>Email</td>
<td><a href="mailto:stellartechnologies@yahoo.com">stellartechnologies@yahoo.com</a></td>
</tr>
<tr>
<td>Address</td>
<td>2501 S. 12th St.</td>
</tr>
<tr>
<td>City</td>
<td>Tacoma</td>
</tr>
<tr>
<td>State</td>
<td>Washington</td>
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<tr>
<td>Postal Code</td>
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**Incident Information**

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<td>Incident Date</td>
<td>10/13/2023</td>
</tr>
<tr>
<td>Incident Time</td>
<td>11:14 AM</td>
</tr>
<tr>
<td>Where did the incident occur?</td>
<td>2501 S. 12th St, Tacoma, WA 98405</td>
</tr>
<tr>
<td>Address</td>
<td>2501 S. 12th St.</td>
</tr>
<tr>
<td>City</td>
<td>Tacoma</td>
</tr>
<tr>
<td>State</td>
<td>Washington</td>
</tr>
<tr>
<td>Describe what happened</td>
<td>Tacoma's Office Assistant Aundrea Meyers, is using intimidation and harassment through emails. She sent two letters saying I could opt for a hard copy of the City Attorney's finding on my case. I responded with: Thank you for your kind attention. I absolutely do not agree with your finding. I would have suggested you make a appointment to personally talk with me, however...</td>
</tr>
<tr>
<td>Was your vehicle involved or damaged?</td>
<td>No</td>
</tr>
<tr>
<td>Insurance Claim Number</td>
<td>15896- Slater</td>
</tr>
<tr>
<td>Were you injured?</td>
<td>Yes</td>
</tr>
<tr>
<td>Did you miss work because of this incident?</td>
<td>Yes</td>
</tr>
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</table>

**Mayoral Woodards from Mark Slater>17701--10-13-23-Slater_OC5018.pdf**

Please send a hard copy, of your entire finding so far, including your rebuttals of my allegations.

Mark Slater
2501 S. 12th St.
Tacoma, WA 98405-4711

Thanks

How was City of Tacoma involved?

She is an employee of Tacoma. She responded to my response to her letter, where she asked if she should send a hard copy.

she attacked me with: Good morning, Mr. Slater,

Describe any damage or injuries.

Thank you for confirming receipt of Ms. Ryker’s letter. Your request in the below email "Please send a hard copy, of your entire finding so far, including your rebuttals of my allegations" has been determined to be a public disclosure.
request (PDR) and has been forwarded to the City’s Public Records Office (PRO) for appropriate tracking and response. I am certain the PRO will be in contact with you soon to address your request. In case you are interested in entering a PDR prior to hearing from the PRO, here is a link that will take you to the City’s online Public Records webpage: PUBLIC RECORDS CENTER (mycusthelp.com).” This caused mental duress and trauma, and is causing pain and suffering. This was on purpose and targeted me effectively, to cause damage and harm. I now request compensation for her attack.

Sincerely,

Aundrea Meyers
Office Assistant
Tacoma City Attorney’s Office
253.591.5616

I claim damages in this amount: 2,000,000.00
The claimant completed this form. Yes
I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.
Claimant Name: Mark Slater
I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. I have completed this claim form on behalf of the claimant with their knowledge and consent.
Date Claim Filed: 10/13/2023
City and State: Tacoma, Washington

To Be Completed by the City Clerk’s Office

Received by the City Clerk’s Office: Yes
Date Claim Received by City Clerk’s Office: 10/16/2023
Occurrence Number: 5018

Department/Supervisor Notes

Supervisor Notes: HP

Emails

Subject: Notification of Vehicle Incident: OC5018-10132023-
This notification is to inform you that a claim OC5018 was rec'd from an incident on 10/13/2023 and was entered or reviewed by the Clerk's office.

---

Subject: Claims for Damages Incident: OC5018-10/13/2023
To: legalclaims@cityoftacoma.org
From: Susan Haigh
Date: 10/16/2023 8:26 AM
Attachments: OC5018_10_13_2023.pdf

This notification is to inform you that a claim OC5018 was rec'd from for an incident on 10/13/2023 and was entered or reviewed by the Clerk's office.

---

Subject: Action Required-New Claim for Damages - OC5018
To: cityclerk@cityoftacoma.org
From: City of Tacoma OnLine Claim for Damages
Date: 10/13/2023 5:33 PM
Attachments: Notification To City Clerk's Office.pdf

This is to notify you that a claim for damages incident on 10/13/2023 was completed by Mark Slater.

These are the steps:
Please log in to the Origami Risk database: Click Here
Find the incident
Click on edit incident
Complete the 2 fields shown below, based on the date the claim was received by email (this may be different from the day you process the claim).

To Be Completed by the City Clerk's Office
Received by the City Clerk's Office: - None Selected -
Date Claim Received by City Clerk's Office:

Save changes
Exit

If you have any questions, contact the Risk Management Division at risk@cityoftacoma.org.

---

Subject: New Claim for Damages-OC5018
To: legalclaims@cityoftacoma.org
From: City of Tacoma OnLine Claim for Damages
Date: 10/13/2023 5:32 PM
Attachments: AbstractToLegal.pdf

This is to inform you that a claim for damages has been filed under incident number OC5018 ready for your review.

Claimant Name:
Date of Loss: 10/13/2023

---

Subject: Notification to Claimant: Claim for Damages - 10/13/2023
To: stellartechnologies@yahoo.com
From: City of Tacoma OnLine Claim for Damages
Date: 10/13/2023 5:32 PM
Attachments: NotificationToClaimant_20231013.pdf

Attached is a copy of the Claim for Damages incident report for your records excluding the date of birth field.

For claims follow-up or acknowledgement questions, contact the appropriate office below:
1. For non-utility claims at (253) 591-5616 or at legalclaims@cityoftacoma.org
2. For utility (Rail, Power & Water) claims at (253) 502-8357 or at legalclaims@cityoftacoma.org
Please provide copies to the Mayor and Council Members for July 23, 2024, Community Forum. I will be speaking in regard to the Soil Contamination as the Harrison Shooting Range in Northeast Tacoma.

Daren H. Holter
July 23, 2024

To whom it may concern:

Continuing the discussion of the Tacoma Police Harrison Shooting Range after the work was completed installing the new drainage system. The City of Tacoma Police Department produced a Maintenance and Operations Manual. This manual contained procedures to maintain the drainage system and pervious asphalt. By following the procedures as outlined in the manual and providing documentation of those procedures on a twice per yearly basis could lessen the chances of lead contamination entering the storm water system. Since 2011 there has been no documentation of ANY of the procedures as outlined in the M&O Manual. As an employee of the City of Tacoma I was always told to document, document, and document. The reason I was given for this, “absent of information is an admission of guilt.” With that said the City of Tacoma is guilty and negligent in the maintenance and operation of the Harrison Shooting Range.

In early 2022 I stated that I will not direct any employee to perform work at the range. I feel as strongly now as I did then to ensure the City of Tacoma take responsibility for both its actions and inactions regarding the Harrison Shooting Range. Allowing the poisoning of the soil, ground water, and the waters of Puget Sound and putting thousands of people at risk has to end. Ask yourself, how much lead is safe for you to have in the water you drink? How much lead would you allow a child to ingest in his or her food? If you answered NO to both then why are you allowing this to happen?

Daren H. Holter

Daren H. Holter
1823 S Visscher St
Tacoma WA 98465
253-677-0800
darenholter@gmail.com

Attachments: Maintenance and Operations Manual 2011
Bi-yearly test and cleaning Log from M&O Manual
Copy of my email to Safety Officers, City Manager
Operations & Maintenance Manual
Harrison Shooting Range
Tacoma, Washington

September 2011

Prepared By
City of Tacoma Public Works Department
Special Projects
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2.0 PURPOSE
3.0 POROUS ASPHALT
5.0 ACCEPTANCE TEST
6.0 INSPECTION & MAINTENANCE ACTIVITY LOG

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<tr>
<td>1</td>
<td>Vicinity Map</td>
</tr>
<tr>
<td>2</td>
<td>Civil Plan</td>
</tr>
</tbody>
</table>
1.0 PROJECT DESCRIPTION

This Operations and Maintenance Manual (O&M) has been prepared for the Harrison Shooting Range Subsurface Drainage Improvements. The 1.63 acre site is paved with approximately 9,744 sf of porous asphalt to provide a smooth working area for setting up and moving range targets. Precipitation hitting the porous asphalt area is partially captured by two interceptor trenches routing the water to the site's storm sewer. The property (Harrison Shooting Range) is located at 101 McMurray Road NE in Tacoma, Washington. The parcel number is 0321261018.

1.1 BACKGROUND

The site has been and is an active shooting range for the Tacoma Police Department. The project was developed due to the flooding problems experienced on site during the wet season. At these times the shooting area and main shooting building experience flooding making operations difficult.

![Vicinity Map](image)

Figure 1-1: Vicinity Map

2.0 PURPOSE

This Operation and Maintenance Manual (O&M) will describe the porous asphalt, what it does and how it works. It will also outline the maintenance task and frequency required.
This manual will be located at the Shooting Range Property, 101 McMurray Road NE, Tacoma, WA. It will be made available for City inspection.

Responsible Party:
Sgt JD Barrett, Tacoma Police Department
101 McMurray Road NE, Tacoma WA
253-591-2015

3.0 POROUS ASPHALT

Porous asphalt pavement is designed to accommodate operations occurring within the shooting range area including movement of targets and officers conducting training etc. while allowing infiltration and storage of stormwater. The infiltration significantly reduces the runoff from this site, as it is designed to infiltrate 100% of the storm water hitting the pavement and any surface runoff from the grass infield that makes it onto the paved areas. All water infiltrating into the porous asphalt will be captured by and under drain system and piped to the City storm water system. The porous asphalt is designed with a 4-inch rock filter layer supporting the porous asphalt. The trench is filled with a 85% dolomite or limestone gravel backfill to provide water quality treatment. The backfill will bind up any lead contained in the water and keep it on site.

[Diagram of porous asphalt pavement structure]

1 SUBSURFACE DRAINAGE TRENCH – PERMEABLE ASPHALT AREA

0-2 NOT TO SCALE
4.0 MAINTENANCE

Porous asphalt shall be inspected upon completion of the project to correct accumulation of fine material. Bi-annual visual inspections shall be conducted to determine if surfaces are clogged, which may lead to an increase or decrease in the sweeping requirements.

Sweep non-planted surfaces with a high-efficiency sweeper twice per year, one in autumn and one in early spring. Sweeping frequency can be reduced if infiltration rate testing indicates that a rate of 10 inches/hour or greater is being maintained.

Maintenance records shall be retained and provided to the City upon request.

5.0 ACCEPTANCE TEST

Test all permeable surfaces by throwing a bucket of water on the surface. If anything runs off the surface or puddles, additional testing is necessary prior to accepting the construction. The bucket test shall be completed annually.

Test with a 6" ring infiltrometer or sprinkle infiltrometer. Wet the road surface continuously for 10 minutes. Test to determine compliance with 10 inches/hour minimum infiltration rate. It is recommended to do this test annually in autumn in-lieu of the bucket test, as it may reduce the required sweeping.

Test documentation shall be retained with maintenance records.
6.0 INSPECTION & MAINTENANCE ACTIVITY LOG

Sauro Site Porous Parking Lot
101 McMurray Road NE in Tacoma, Washington

Responsible Party:
Sgt JD Barrett, Tacoma Police Department
101 McMurray Road NE, Tacoma WA
253-591-2015

Inspector: ________________________________

Date of Bi-Annual Inspection: ________________________________

1. Visual Inspection:

Notes: Porous asphalt shall be inspected for the accumulation of fine material or fallen leaves/debris.

______________________________

Fine Material:

______________________________

Fallen Leaves/Debris

______________________________

2. Annual Infiltration Rate Test (recommend autumn inspection)
Test with a 6" ring infiltrometer or sprinkle infiltrometer. Wet the road surface continuously for 10 minutes.

Infiltration Rate: ________________________________
Determine compliance with 10 inches/hour minimum infiltration rate. If less than 10-inches/hour maintenance is required, see item 3.

3. Maintenance
Sweep non-planted surfaces with a high-efficiency sweeper twice per year, one in fall and one in early spring.

Date of Sweeping: ________________________________

Maintenance records shall be retained and included with Operations and Maintenance Manual. Return this activity log to Responsible Party listed above.
6.0 INSPECTION & MAINTENANCE ACTIVITY LOG

Sauro Site Porous Parking Lot
101 McMurray Road NE in Tacoma, Washington

Responsible Party:
Sgt JD Barrett, Tacoma Police Department
101 McMurray Road NE, Tacoma WA
253-591-2015

Inspector: ________________________________

Date of Bi-Annual Inspection: ________________________________

1. Visual Inspection:

Notes: Porous asphalt shall be inspected for the accumulation of fine material or fallen leaves/debris.

Fine Material: ________________________________

Fallen Leaves/ Debris: ________________________________

2. Annual Infiltration Rate Test (recommend autumn inspection)
Test with a 6" ring infiltrometer or sprinkle infiltrometer. Wet the road surface continuously for 10 minutes.

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Determine compliance with 10 inches/hour minimum infiltration rate. If less than 10-inches/hour maintenance is required, see item 3.

3. Maintenance
Sweep non-planted surfaces with a high-efficiency sweeper twice per year, one in fall and one in early spring.

Date of Sweeping: ________________________________

Maintenance records shall be retained and included with Operations and Maintenance Manual. Return this activity log to Responsible Party listed above.
Jason,

I will not perform work at the Harrison Pistol Range nor will I instruct any of my employees to work in an area that I feel is unsafe. From the documents that I have submitted to the City of Tacoma it is clear to me that the work we have performed in the past has put our employees, the environment and public health at risk. I have asked in a PDR any contractor that has performed work on site. In my PDR the dates would have covered the date the contract would have been granted to the contractor that is currently on site. I would like to have all information as it relates to current work performed, scope of work, training provided by contractor for its employees and name of company. I would also like to have a copy of the RFP or any document that was put out for bid of the job. I, unlike any one else that works for the City of Tacoma has put the work second and safety first. In my 30 years with the city our Safety office has been there to give a perceived sense of safety and is more concerned with trying to mitigate any liability then anything else. If the meeting were to continue for this Thursday then my suspicion of putting work first and safety last is confirmed.

My PRD requests have been filed as a Citizen of Tacoma. It is unfortunate that this has been brought to light and conflicts with my job. Since what I have discussed above could pose a significant litigation risk I want to be clear that I am not in favor of having any meetings where my thoughts, ideas, comments or concern could be mis-construed in any way. I will be in favor of having any meeting to discuss Harrison Range video and recorded for documentation purposes.

Daren H. Holter
Grounds Maintenance Crew Leader
City of Tacoma
Public Works/Street Operations
Cell: 253-244-4521
Office: 253-591-5259
dholter@cityoftacoma.org
Community Forum
Samvalee Richardson
7/23