

**Annie Albritton**

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**From:** "Lee McEnery" <LeeM@co.san-juan.wa.us>  
**To:** "Annie Albritton" <albritton@rockisland.com>  
**Sent:** Wednesday, February 03, 2010 3:30 PM  
**Subject:** RE: Process to Vacate a Plat on Lopez  
 Yes – an alteration is needed for changes to the face of the plat.  
 Thanks  
 Lee

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**From:** Annie Albritton [mailto:albritton@rockisland.com]  
**Sent:** Wednesday, February 03, 2010 1:45 PM  
**To:** Lee McEnery  
**Subject:** Re: Process to Vacate a Plat on Lopez

This plat encompasses probably 1/3 to 1/4 of our total downtown area and the face of the original plat has a lot of things on it such as:

Lot coverage 25% except A&B which are 100%  
 Building height - 1 story commercial 2 story residential  
 All lots are commercial unless shown residential

and a Note: "The Lopez Village Restrictions, a Declaration of Restrictive Covenants and Conditions - a separate document - is an integral part of the Planned Unit Development Plan"

So I assume this will involve the county.....A

— Original Message —

**From:** Lee McEnery  
**To:** Annie Albritton  
**Sent:** Wednesday, February 03, 2010 1:29 PM  
**Subject:** RE: Process to Vacate a Plat on Lopez

Hi

If the restrictions you want to get rid of are written on the face of the plat, we would be involved. If they are not on the face of the plat, they are private and we may not be involved and a plat alteration might not be necessary, unless I have misunderstood something.

Lee

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**From:** Annie Albritton [mailto:albritton@rockisland.com]  
**Sent:** Wednesday, February 03, 2010 1:18 PM  
**To:** Lee McEnery  
**Subject:** Re: Process to Vacate a Plat on Lopez

Thanks again - you are right - we do not want to eliminate lot lines. We simply want to do away with the owner association and restrictive covenants and fall under the jurisdiction of county regulations rather than plat regulations. I'll let you know if I need to come over and chat. Annie

— Original Message —

**From:** Lee McEnery  
**To:** Annie Albritton  
**Sent:** Wednesday, February 03, 2010 12:58 PM  
**Subject:** RE: Process to Vacate a Plat on Lopez

Hi

Application form – use the long/short subdivision application form, I suppose, for lack of a specific

2/4/2010

form. A letter explaining what you want to do and a new map showing the end result would also be necessary. You say "vacate" the plat - but I don't think you mean to get rid of all the existing lot lines. Maybe you really want to "alter" the plat so you end up doing something else with those common areas. That part is not clear.

Parking - start with John Van Lund at Public Works. He is familiar with that agreement. You may need some sort of consent of the County Council to extinguish the agreement, as I think they (BOCC) participated in establishing it.

370-0500

If you need to come here so we can talk and look at plans, let me know.  
Lee

Talk to Ms Shannon Wilbur  
370-0522

**From:** Annie Albritton [mailto:albritton@rockisland.com]  
**Sent:** Wednesday, February 03, 2010 12:51 PM  
**To:** Lee McEnery  
**Subject:** Re: Process to Vacate a Plat on Lopez

Colleen Macouk Long Range Plan  
370-7573

Lee - that is very helpful. So is there an application form we should use? Would help us to have some idea what information to submit to the Hearing Examiner.....and who should we talk to in the county about the parking issue - Annie

— Original Message —

**From:** Lee McEnery  
**To:** Annie Albritton  
**Sent:** Wednesday, February 03, 2010 12:40 PM  
**Subject:** RE: Process to Vacate a Plat on Lopez

Hi  
I think I remember doing one plat vacation on Crescent Beach a long time ago, so there are not a lot of comparisons to offer. Plat vacation is subject to Hearing Examiner approval and the fee is \$2550. It sounds like you have already thought about consent of owners, the parking situation, and so on. Once the application is complete, we would advertise the application and schedule a hearing date. A report would be written before and presented at the hearing. The Hearing Examiner would issue a decision within a couple weeks of the hearing.

I hope that helps.  
Thanks  
Lee

**From:** Annie Albritton [mailto:albritton@rockisland.com]  
**Sent:** Tuesday, February 02, 2010 11:57 AM  
**To:** Lee McEnery  
**Subject:** Process to Vacate a Plat on Lopez

lee:

I have owned Lot 23 in The Village Plat for 25 years, served on the Owner Association for 15 years, own the Friendly Isle Building and Windermere Real Estate. here on Lopez. My husband and I built the first commercial building within the plat in 1986.

A majority of the membership has voted to research vacating the plat and disposing of the common areas therein. Easy to say but in all my years in real estate, I have never seen a plat vacated. I know we will need 100% of the membership behind this to succeed.

Although the CC&R's are quite extensive and specific, they have not been adhered to over the years and many feel they are more restrictive than what the county regulations set forth for unincorporated commercial zoned property. The UGA issue together with a proposed subarea overlay designation being sought by some downtown owners, leaves the Village Plat Restrictions and Covenants as another layer of confusion.

2/4/2010

I am seeking guidance as to how we get the process started and to see what legal steps must be taken so we can put together a cost estimate for owners. We have common areas within the plat, as well as two affordable housing projects. Although not currently on the BOD, I was asked to make an initial inquiry and it was suggested I contact you.

Over the years, San Juan County has taken over our Park property as well as the roads within the plat. I do know that parking has always been an issue and each lot within the Village Plat comes with "parking allotments". What happens to these if the plat is vacated is very important to our lot owners.

Any general information you can provide will be appreciated - if you can just point me in the right direction I will do the research.

I would like to know if you have experienced vacating a plat in San Juan County before. I'm sure it's not a frequent occurrence.

Thanking you in advance for your advice.

Annie Albritton  
Designated Broker  
Windermere/Lopez Island

2/4/2010

From: Annie Albritton <albritton@rockisland.com>  
Subject: **Re: Alteration of Plat for Lopez Village**  
Date: May 6, 2010 10:43:51 AM PDT  
To: Ellie Roser <ellieroser@me.com>

Ellie - Just returned to Lopez and am back at my desk - Annie

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

**From:** Ellie Roser  
**To:** Annie Albritton  
**Sent:** Saturday, February 20, 2010 9:28 PM  
**Subject:** Re: Alteration of Plat for Lopez Village

Thank you Annie. We all appreciate the work you have done and will try to follow up while you are gone. Do you get email while you are gone, or would you like to completely "gone" until you return?

On Feb 20, 2010, at 10:52 AM, Annie Albritton wrote:

Good Morning:

The first thing I learned is the proper terminology for what we are trying to accomplish which is Alteration of Plat.

If we Vacate the Plat, we would erase all the lot lines and go back to having one big piece of acreage.

I am attaching a string of e-mail between myself and Lee McEnery which outlines the basics as follows:

1. We have to file an Application for Plat Alteration and Lee suggests we use the standard Land Division Review form (attached).
2. The application will have to clearly outline our intent and a new map showing the end results; how we will dispose of the common elements and how we will deal with parking.
3. The application goes to the County Council for their review and approval since the BOCC were originally. The agreement will take 100% vote of all owners.

I was also advised to contact Shannon Wilbur 730-0522 and Cullen Moyock in Long Range Planning 370-7573.

It also happened that Jamie Stephens asked if he could have a copy of our Village Plat parking map which I gave him. He is working on an overall parking plan for the entire Village area trying to find a common sense answer to the commercial area parking problems. so I think it would be to our advantage to bring him into the conversation at some point.

I have not had time to contact Colon Good.

One thing we need to remember is that each of us has an undivided interest in the common elements and parking spaces "written into our deeds" so these have value to each owner and cannot be disposed of lightly. It is also noted that filing the application form alone will cost \$2,250, plus any attorney fees, for preparing our legal documents and having a surveyor prepare a new map.

I leave the island Monday and will not return until May 5th.

I hope this information is helpful. I am glad to offer more help once I return in May as I think this will be at least a year long process.

Annie

<E-Mail String & Application Form.pdf>