

R4 5/12/2009 SKE

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

2 IN AND FOR LINCOLN COUNTY

3 STEPHEN K. EUGSTER)

4 Plaintiff,)

5 v.)

6 SPOKANE COUNTY,)

7 Defendants.)

No. 09-2-00052-3

8 DEFENDANT SPOKANE COUNTY'S
ANSWER TO COMPLAINT
(AMENDED) FOR DECLARATORY
JUDGMENT

9
10 COMES NOW, Steven J. Tucker, Spokane County Prosecuting Attorney, by and through
11 Ronald P. Arkills, Deputy Prosecuting Attorney, representing the Defendant, Spokane
12 County("Defendant"), and answers Plaintiff's Complaint (Amended) For Declaratory
13 Judgment("Complaint") as follows:

14 I.

15
16 The Defendant admits Paragraphs 1-3, 5-8, 12, 16, 19, 21-26, and subparagraphs a-d, f(i), h-j, n
17 and o of Paragraph 28 of the Complaint.

18 II.

19 The Defendant denies Paragraph 15, and subparagraphs f and f(ii), g, l, p, q, and s-ff of
20 Paragraph 28, as well as Paragraphs 29-32 of the Complaint.

21 SPOKANE COUNTY'S ANSWER--1

22 SPOKANE COUNTY
Prosecuting Attorney
W. 1115 Broadway Ave.
Spokane, WA 99260
23 (509) 477-5764

1 III.

2 The Defendant is without knowledge of the facts alleged in Paragraphs 9-11, and 18 of the
3 Complaint; and, therefore, denies the same.
4

5 IV.

6 With regard to Paragraph 4, the Defendant admits that the court has the authority to render
7 declaratory judgments as permitted by Chapter 7.24 RCW.

8 V.

9 With regard to Paragraph 17, the Plaintiff has labeled the Spokane County Assessor's
10 website information on the subject property as Exhibit E, not Exhibit F.
11

12 VI.

13 With regard to Paragraph 20, the Defendant admits that Exhibit F is a map of the subject
14 property.

15 VII.

16 With regard to Paragraph 27, the Plaintiff denies there is a justiciable controversy.
17

18 VIII.

19 With regard to subparagraph m of Paragraph 28, the Defendant admits the actual text of
20 RCW 84.34.020(1), but denies Plaintiff's characterization of that language.

21 IX.

22 With regard to subparagraph r of Paragraph 28, the Defendant admits that the subject
23 property is actually designated as open space in the City of Spokane Comprehensive Plan.
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