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Park district sues property owner in an effort to end boundary dispute

By [LESLIE BROWN](#)
Vashon-Maury Island Beachcomber Editor
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A simmering [property dispute between the Vashon Park District and Gay Rosser](#) went to court Monday, where the park district obtained a temporary restraining order against the longtime Vashon resident for what it sees as her ongoing interruption of its field project.

David Hackett, a commissioner on the park district's five-member board, said the agency decided to file a lawsuit after other efforts — including a proposed settlement that gave Rosser and her mother Margaret access to one of the parcels in question — failed. What's more, despite frequent conversations and efforts at mediation, Gay Rosser continues to try to obstruct the project, he said — most recently last month, when she used trucks to block access to the work site during a critical moment in the construction process.

"After a year and a half of trying to get her to sign some kind of settlement agreement, it became apparent to us there would always be something in the way of reaching some kind of agreement, so we decided it would be better to have the court resolve it," Hackett said.

Rosser, who shares the home with her mother, did not return telephone calls. However, in an email that she sent to nearly 100 Islanders Friday, she expressed dismay over the lawsuit, noting that she received a summons to Monday's hearing only Thursday night, after her 90-year-old mother answered the door and was handed papers by a man standing on her porch.

"This allows one business day to gather and respond to these actions by Parks," Rosser wrote in her email, adding that the family doesn't have a lawyer and urging Islanders to write letters to The Beachcomber, The Loop and the park district in support of her cause.

The Rossers' family home, initially owned by Margaret and her late husband Leon and now owned by Gay, sits on a five-acre parcel on the eastern edge of the park district's sports field project. The park district is leasing the adjacent 10-acre site on Vashon Highway, where the Harbor School is located and where it is building several new sports fields; the 10-acre parcel is owned by the Vashon Island School District.

At issue is the ownership of two strips of property at the site — the 100-foot driveway to the Rossers' home, which runs along the southern edge of the sports field project, and a grassy swath along the eastern edge of the park project, next to the Rossers' property.

According to the Rossers, that driveway is owned by them — with an easement that gives the school district use of it. And the grassy swath on the eastern edge of the park project, they say, is owned by the school district — with an easement that gives the Rossers full access to it. The swap was part of a handshake

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agreement between Leon Rosser and then-school superintendent Hal Barton in 1947, the Rossers say, as a way to give the Rossers access to the back half of their property and the school access to its land.

But despite a thorough search of their records, school district officials say, they can find no documentation of the Rossers' easement claim and in fact unearthed a 1957 document that appears to counter it. What's more, both a title search and a survey by long-time Island surveyor Jerry O'Hare show that the driveway belongs to the school district, with an easement that allows the Rossers to use it, not the other way around.

Without documentation, school Super-intendent Michael Soltman said, the district can't give an easement on the eastern swath to the Rossers, as that amounts to giving away public property, a violation of state law. The park district, however, has crafted a settlement proposal that would give the Rossers use of the strip on an as-needed basis. The Rossers, according to Hackett, have declined the offer.

On Monday, a King County court commissioner granted the part district's request for a temporary order restraining Rosser from doing anything but driving or walking along the driveway on the southern edge of the property. The park district did not get a restraining order forcing her to stay off of the eastern swath, Hackett said, since the area is fenced and thus the commissioner did not see an imminent threat.

The issue will now go to a judge, who will "quiet the title," or determine exactly where the property's boundaries are.

Hackett said the park district did not want to take the issue to court, as it will cost the district several thousand dollars in legal fees. But he said a series of incidents has forced the district's hand, the most egregious of which was when Rosser parked two trucks in the driveway last month, bringing a part of the project — the installation of field lights — to a temporary standstill.

"We have a project to complete, and Gay Rosser is standing in the way of it," Hackett said.

Ray Aspiri, a longtime Islander who stepped in last year to try to help resolve the conflict, said he's sorry it's come to this.

The Rossers, he added, "genuinely feel they've been taken advantage of." Initially, he said, park district officials didn't communicate as well or clearly with the Rossers as they should have. But the settlement the park district has come up with seems to make sense, Aspiri said, and he's disappointed the Rossers won't agree to it.

"I feel badly that they can't find a resolution. I thought we got the school district and the park district to reach out to them, but it wasn't enough to satisfy Gay and Margaret," he said.

Vashon-Maury Island Beachcomber Editor Leslie Brown can be reached at editor@vashonbeachcomber.com or 206-463-9195.

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