

Bond Case Briefs

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City of Union Gap v. Printing Press Properties, L.L.C.

Court of Appeals of Washington, Division 3 - January 25, 2018 - P.3d - 2018 WL 545756

City, which designed, constructed, and maintained boulevard, filed action against owner of commercial property abutting the boulevard, alleging breach of development agreement and seeking to obtain injunction precluding owner from cutting curbing along the boulevard and building driveway to access the boulevard.

The Yakima Superior Court granted owner's motion for summary judgment. City appealed.

The Court of Appeals held that:

- City's action arose independently of other city's decision to issue permits for owner's driveway, and thus, city's failure to appeal other city's decision under Land Use Petition Act (LUPA) did not bar the action;
- Development agreement between city and owner precluded owner from directly accessing the boulevard from its property without permit from city; and
- Declaratory judgment, stating that owner would violate development agreement with city by cutting curb along boulevard to gain direct access from its land to boulevard without permit from city, was warranted as remedy.