

# **Bond Case Briefs**

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## **LAND USE - WASHINGTON**

### **Friends of North Spokane County Parks v. Spokane County**

**Court of Appeals of Washington, Division 3 - October 21, 2014 - P.3d - 2014 WL 5361986**

After board of county commissioners amended its acceptance of dedicated parkland to permit construction of a road serving an adjoining residential development, county taxpayers challenged the legality of the board's action. The Superior Court dismissed action on standing and for failure to state a claim. Taxpayers appealed.

The Court of Appeals held that:

- Taxpayers had standing to challenge legality of the amendment;
- Taxpayers stated claim that amendment violated deed which dedicated park;
- County received legally sufficient consideration to support its grant of an easement;
- Court properly denied taxpayers' motion to disqualify county prosecutor.

County taxpayers had standing to challenge legality of county's amendment to its acceptance of a dedicated parkland to permit construction of a road serving adjoining residential development based solely upon their status as taxpayers and their prior demand on state attorney general to take action.

County received legally sufficient consideration to support its grant of an easement through dedicated parkland, to private real estate developer in order to construct a road, and thus easement was not a gift of public property in violation of state constitution, where county had concluded that the road would be beneficial to area traffic circulation and would relieve pressure on a state highway intersection.