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Island family contends school district is failing to honor old easement

By **LESLIE BROWN**
Vashon-Maury Island Beachcomber Editor
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For decades, the Rosser family has lived next door to property owned by the Vashon Island School District — and for decades, the relationship between the two neighbors has been amicable.

In fact, several members of the multi-generational Island family have worked for the school district over the years. Margaret Rosser, 88, was the district's first female bus driver, she says.

Now, however, the Ross-ers are locked in a bitter property dispute with the school district and the Vashon Park District over the existence — or nonexistence — of an easement.

The park district is about to begin building much-needed sports fields on the school district property, located on the east side of Vashon Highway adjacent to The Harbor School.

It's garnered \$650,000 in grant money for the ambitious project. And after having completed both a survey and a title search, park district officials say they know exactly where the property lines are on the 15-acre spread and expect to break ground this spring.

The Rossers, however, contend that the park district's plans fail to honor an easement the school district gave them in 1947. According to Gay Rosser, Margaret's daughter and the current owner of the family homestead, the school district wanted to use the Rossers' driveway to access its adjacent land. So the school superintendent at the time approached her father, Leon Rosser, she said, and the two struck a deal:

The district could have use of the Rossers' 660-foot driveway; in exchange, she says, the school district gave the family a 20-by-310-foot easement along the western edge of their property.

The family, however, can find no paperwork to support their claim, and the park district's title search did not reveal existence of the easement. But that shouldn't matter, the Rossers contend.

"Sometimes things were

done on handshakes," Gay Rosser said.

"We cannot find a copy of that easement, but that's because I'm not sure that we ever received the paperwork," added her mother.

School Superintendent Michael Soltman, who re-cently met with Gay Rosser, said he's sympathetic to her plight. But without proof of

the easement, the school dis-

trict can do little to help re-solve the problem, he said.

"The school district property is public property, so the school district can't just give an easement, give public property away, which is basically what they're asking us to do, unless there's documentation of the easement," he said.

"I'm trying to find it; if I can help them, that would be great. But it's their duty to produce evidence of an easement," he said.

The school district's record search is not complete, Soltman said. So far, however, the district has found evidence that seems to contradict the Rossers' claim, said parks commissioner Joe Wald.

According to minutes from a school board meeting on Dec. 23, 1957, Leon Rosser requested an easement to gain access to the back of his property; "It was stated," the minutes continue, "that he should give an easement over his own property and not over the schools."

Gay Rosser said she disputes the accuracy of that document. She notes that her father is not listed as being in attendance. What's more, she added, "Why would my father go to a meeting and ask for something that had been in existence ... for nearly 10 years?"

Asked why she hasn't done a title search of her own, she says she can't afford it and has opted instead to use her limited resources to hire a lawyer to help her with her claim.

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"What we're doing is requesting from the school district to come forth with any information they have," she added.

In a letter her lawyer, Jeffrey Downer, sent to the school district, he says he'll urge the Rossers to sue if the school district allows the project to move forward as planned, adding, "We consider it to be incumbent on you to ensure that you are not violating my client's rights before proceeding with construction."

The dispute goes beyond the issue of the easement along the western boundary of the Rossers' property. Also in dispute is the situation around their driveway, a long dirt road that goes from the highway to their home. According to the Rossers, it belongs to them, and the district has an easement to use it. According to the park district's title search, Wald said, the situation is exactly opposite: The school district owns that land, and the Rossers have an easement to access it.

The Rossers also contend that the park district's survey is within their property line, suggesting they'd lose land they own if the park district moves forward with its plans.

Wald, who has played a key role in creating the new sports complex, said he's frustrated by the dispute.

"We're not out to steal anyone's land. We're just trying to follow the law," he said.

Margaret Rosser, though, said she and her daughter plan to push their claim.

"We don't want the community to be divided or split in any way. But neither am I going to be walked on," she said.

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

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