

Honorable Steven Scott

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

CITY OF BOTHELL, a municipal corporation,

NO. 04-2-11578-7 SEA

Plaintiff,

FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

v.

CORPORATION OF THE CATHOLIC ARCHBISHOP OF SEATTLE, a Corporation Sole, acting through St. Brendan Parish; and SEATTLE HOUSING AND RESOURCE EFFORT AND THE WOMEN'S HOUSING, EQUALITY AND ENHANCEMENT LEAGUE, a Washington nonprofit corporation,

Defendants.

I. INTRODUCTION

1.1 This is a complaint by the City of Bothell, a municipal corporation, ("Plaintiff" or "City") against Defendant Corporation of the Catholic Archbishop of Seattle, a Corporation Sole, acting through St. Brendan Parish ("St. Brendan Parish"), and Defendant Seattle Housing and Resource Effort and Women's Housing, Equality and

1 Enhancement League ("SHARE/WHEEL").

2 1.2 Plaintiff seeks a declaratory ruling that Defendants have violated, and
3 continue to violate, Chapter 12.28 of the Bothell Municipal Code ("BMC") and seeks an
4 abatement of the nuisance presently occurring on undeveloped property in the 10100
5 block of NE 195th Street, Bothell, Washington 98011 (King County Assessor's Parcel
6 Number 0526059228) ("Subject Property"). Further, Plaintiff seeks an injunction
7 ordering Defendants to cease and desist from using or allowing the use of the Subject
8 Property as a campground until such time as St. Brendan Parish and/or SHARE/WHEEL
9 has in its possession a current and valid Conditional Use Permit issued by the City for
10 operation of a campground on the Subject Property or, in the alternative, an order placing
11 reasonable conditions on the use of the Subject Property as a campground until such time
12 as St. Brendan Parish and/or SHARE/WHEEL has in its possession a current and valid
13 Conditional Use Permit issued by the City for operation of a campground on the Subject
14 Property.
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16 II. PARTIES

17 2.1 Plaintiff City of Bothell is a political subdivision of the State of
18 Washington, and is authorized by Article XI, Section 11 of the Washington State
19 Constitution to make and enforce ordinances for the incorporated City of Bothell.

20 2.2 Defendant Corporation of the Catholic Archbishop of Seattle is a
21 corporation sole under Chapter 24.12 Revised Code of Washington ("RCW"), acting
22 through St. Brendan Parish.

23 2.3 Defendant Seattle Housing and Resource Effort and the Women's
24 Housing, Equality and Enhancement League, is a Washington nonprofit corporation.
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1 5.5 The Subject Property is located in a single-family residential area, directly
2 adjacent to the grade school playground of Heritage Christian School. Three elementary
3 schools are currently in operation within two blocks of the Tent City 4 campsite.

4 5.6 SHARE/WHEEL's illegal occupancy and use of the Subject Property
5 endangers the public health, safety, and welfare and constitutes a public nuisance by
6 annoying, injuring, and endangering the comfort, repose, health, and safety of the
7 residents of the neighborhood surrounding Tent City 4, and renders those residents
8 insecure in their safety in and about their homes.

9 5.7 Since Tent City 4 opened at the Subject Property on Monday, May 17,
10 2004, Bothell police officers have investigated a number of incidents and circumstances
11 in and around Tent City 4 and involving Tent City 4 residents.

12 5.8 At the time of their contact with Bothell police officers, a number of Tent
13 City 4 residents had current warrants for their arrest.

14 5.9 One individual was arrested on a warrant for failure to appear in Auburn
15 Municipal Court related to a Domestic Violence Assault conviction, and for Violation of
16 a No Contact Order arising out of the aforementioned Assault conviction. The Violation
17 of the No Contact Order occurred at Tent City 4. This individual pleaded guilty on
18 Monday, May 24, 2004 to this Violation of a No Contact Order.

19 5.10 Following a disturbance, Bothell police officers arrested a resident of Tent
20 City 4 on a felony Escape From Community Custody warrant. This individual is
21 classified as a Violent Offender, and has been convicted of Robbery, Burglary, Violation
22 of the Uniform Controlled Substances Act with Intent to Sell, and Assault 4.

23 5.11 On Thursday, May 20, 2004, a resident of Tent City 4 was evicted from
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1 the encampment due to his status as a Registered Level II Sex Offender. He had been in
2 residence at Tent City 4 since Monday, May 17, 2004. To the City's knowledge, this
3 individual had not committed any crimes in the City of Bothell, and was therefore
4 escorted to public transportation outside the City.

5 VI. PRAYER FOR RELIEF

6 WHEREFORE, Plaintiff requests the following relief:

7 6.1 For an Order declaring St. Brendan Parish to be in violation of the Bothell
8 Municipal Code by failing to obtain a Conditional Use Permit for operation of a
9 campground;

10 6.2 For a preliminary injunction and a permanent injunction ordering
11 Defendants to cease and desist from using or allowing the use of the Subject Property as a
12 campground until such time as St. Brendan Parish has in its possession a valid
13 Conditional Use Permit issued by the City for operation of a campground on the Subject
14 Property;

15 6.3 For a preliminary injunction and a permanent injunction ordering
16 SHARE/WHEEL to cease and desist from occupying the Subject Property until such time
17 as St. Brendan Parish has in its possession a valid Conditional Use Permit issued by the
18 City for operation of a campground on the Subject Property;

19 6.4 As an alternative to the preliminary relief sought in section 6.2 and 6.3
20 above, an order placing reasonable conditions on the use of the Subject Property as a
21 campground until such time as St. Brendan Parish and/or SHARE/WHEEL has in its
22 possession a current and valid Conditional Use Permit issued by the City for operation of
23 a campground on the Subject Property.
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