knocked unconscious by the accident and his vehicle totaled. When he came to, there was no other car on the scene. Mr. Enyeart indicated that he had recently purchased his car from a junk yard for $300 and was planning to fix it up, but it was totalled as a result +f this accident. Mr. Enyeart felt that the County was at fault because the vegetation within the County right of way had blocked his view, causing him to exit out into the path of an on-coming car. He felt that the County should pay this bill.

Dave Jamieson asked Mr. Enyeart if the person who was driving the other vehicle that struck his car was cited by the police for leaving the scene of an accident. Mr. Enyeart indicated that the accident had not been reported to the police and was wondering if he could now cause that to happen. Mr. Enyeart indicated that the driver of the other car that struck him was the wife of Allen A. Walters and to the best of his knowledge there was no injury to either party other than his knocked unconscious at the time of the accident. Mr. Enyeart stated that he did not learn of the name of the other party in the accident until he received the United Services Automotive Insurance Company's bill just prior to his phone conversation with Dave Jamieson.

Dave Jamieson did not ask Mr. Enyeart if he had ever complained to the Road Department about the bushes obscuring the vision from his driveway prior to getting the bill from USAA. Mr. Jamieson indicated that he would pass this information along to the Road Department, and that the Road Department may contact him sometime in the future. Marvin Koorn, District Road Shop Supervisor, checked his complaint log and could not find any record of Mr. Enyeart ever calling to ask for bushes within the right of way be trimmed by the Road Department Mr. Koorn inspected Mr. Enyeart's driveway and noted that most all of the view-obstructing vegetation is alongside Mr. Enyeart's driveway and not in the County right of way. Please refer to the attached photos. The County right of way in front of Mr. Enyeart's residence is prescriptive right of way, that is, the right of way is not deeded. We normally claim 40' wide rights of way obtained through prescriptive use unless challenged. In the case of Mr. Enyeart's property line, the sight blocking brush is in the fence line and on the claimant's resident property itself. Apparently the claimant is making no attempt at self-help to clear away the brush in his driveway to improve his sight distance despite the fact he experienced an accident there.

RCW 36.45.010, Time for Filing, states that 'all claims for damage against any county must be presented before the Board of County Commissioners and filed with the clerk thereof within one hundred and twenty days from the date the damage occurred or the injury sustained.'

In view of the above, I recommend that the claim be denied for the following reasons:

a. Late submission of claim - date of accident 30 June 85, date of claim 1 October 87;

b. Claim form required billing, invoice or two estimates of repair and none were included with the claim;

c. No accident report was filed with the State Patrol to validate the claim;

d. Claimant not performing any self-help at his own residence to clear away offending sight-blocking brush;

e. Island County Oak Harbor Road Supervisor has no record of any request to clear brush at claimant's driveway prior to accident;

f. Blocking brush is on private property."

After hearing the recommendation of the Engineer, comments from Mr. Enyeart were to confirm that he did file an accident report; that he knows Mrs. Walters name but did not learn it until after 3 days after the accident happened.

The Board by unanimous motion postponed action on the Claim pending receipt of a copy of the accident report, and the matter continued to November 2, 1987 at 10:30 a.m.

DISCUSSION: SALE OF PORTION OF LAGOON PIT PROPERTY TO LAGOON POINT WATER DISTRICT

Mr. Allen informed the Board that the Lagoon Point Water District remains interested in obtaining title to 1.5 -/+ County Property, offering $3,000.00. Appraisal of Island County Assessor and private appraiser is in the area of $7,000; Road Department does not agree, and believes that figure too high due to the fact this is zoned Forest Management (FM); therefore concur with their offer of $3,000. If the property were zoned Rural Residential (RR) $7,000 would be appropriate. Letter dated December 19, 1986 from then Acting Planning Director confirmed that the County's 21.3 acre ownership is zoned FM; adjacent parcel owned by Lagoon Point Water District RR.

Mr. Allen requested authorization to proceed with the sale to the District for $3,000, subject to boundary line adjustment. Since the property is used for the two wells for the Water District, Larry Kwarsick, Assistant County Engineer, believes it would be unlikely that there would be a situation of development of the property at all.

The Board directed that the Engineer: (1) discuss with the Planning Department the significance of taking development rights off or not taking development rights; (2) the issue of whether or not to retain a full 20 acre parcel in County ownership; (3) significance of proposed action in the future; (4) come back to the Board with a report and recommendation next week.

ESCROW AGREEMENT - KRIEG CONSTRUCTION

On recommendation of the Engineer, the Board by unanimous motion approved an Escrow Agreement with Krieg Construction Company for the retained percentage on the Ault Field Road Project to be placed in escrow with First Interstate Bank, relating to County Road Project #CRP 87-09.

HEARING HELD: RECEIPT OF BIDS FOR TITLE REPORTS

A Public Hearing was held for the purpose of receiving bids for Title Reports, with bids received as follows:

(1) Land Title, Oak Harbor: $242.55 each for platted property; 362.21 each for acreage property; minimum reports provided monthly-85 (55 acreage or 63 combination)

(2) Pioneer Title Company, Oak Harbor: $339.57 per report. Addendum indicates conditions.

Commissioner Caldwell moved acceptance of the bids, referring same to the Island County Treasurer for examination and recommendation back to the Board. Motion, seconded by Commissioner Koetje, carried unanimously.

RESOLUTION #R-81-87 - INITIATE TRADE OF REAL PROPERTY OWNED BY ISLAND COUNTY FOR THAT OWNED BY MURRAY D. AND JOYCE M. GILES AND BOUNDARY LINE ADJUSTMENT APPLICATION

The Board by unanimous motion approved Resolution #R-81-87 initiating a trade of real property owned by Island County for that owned by Murray D. Giles and Joyce M. Giles, to be accomplished by the