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The Alaskan Earthquake of 1964 and Some of the Problems in Law Occasioned Thereby

By RICHARD R. B. POWELL*

GOOD Friday, March 27, 1964, was a terrifying day in the 500,000 square miles, extending northward from Anchorage and the Gulf of Alaska. By good fortune, the astonishingly low number of 111 lost their lives. But the surface of an area almost 200 miles square was moved, in a generally northwesterly direction, close to eighteen feet. The more troublesome legal problems centered on the lesser and more localized shifts, especially in the towns and cities. The towns of Cordova, Seward and Valdez were extensively damaged, both by the leveling of structures and by the distortion of the existing boundaries of privately owned parcels of land, and of the areas dedicated to public use as streets. One of the important downtown streets of Anchorage sank nearly thirty feet, along with its bordering buildings. The Tournagam area of Anchorage, containing some of the most recently constructed and most luxurious private residences, sank below the ocean level. In the so-called "L Street Slide" the boundaries of streets and lots shifted locally, sometimes as much as four feet north and nine feet west. An earthquake measured on the Richter scale, as having the unprecedented magnitude in America of 8.5, left immediate desolation in its wake; but, more importantly, created uncertainties for the future as to who owned what, thus hindering efforts toward reconstruction and expansion. The City of Anchorage felt this pinch acutely, as its expectations for the construction of a major highway with Federal funds were balked by doubts as to what lands it could contribute to the project on the ground that they were already dedicated streets.

For a time some feared that the re-establishment of the boundaries of dedicated streets might require resort to expensive proceedings in condemnation and such proceedings would provide no remedy as to private boundaries. This approach was discarded as soon as it was realized that there had been no "taking." The forces of Nature (in the form of the earthquake) had lessened the value of some ownerships by shaking buildings into debris and of other ownerships by altering

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the shape or size of the owned surface of the earth. Unfortunately human law provided neither forum nor procedure for the recovery from Nature, of the resulting damages.

A second proposed solution, conceived by the officers of the Security Title & Trust Co. of Alaska would have helped greatly, if it had not been completely impractical. The proposal, with specific reference to the 300 lots in the "L Street Slide" area, was that the Company serve as trustee to whom *all* the owners of *all* the original 300 lots would convey title. The Company would then accomplish "the replatting and vacation of streets" to fit the post-earthquake facts; and then the Company would "convey title to the replatted lots to the persons entitled thereto."¹ The impracticability of the plan arose from the fact that there could be no hope of finding *all* the owners of 300 lots, *and* of finding *all* of them adult, competent and willing to make the basically required conveyances to a single trustee.

It was at this juncture that the author of this article was asked by the City Attorney of Anchorage to consider the problems of the earthquake-stricken areas of Alaska generally; and to come up with some practicable suggestion as to their handling, if he could find one. A fairly diligent search showed that no exactly helpful precedents could be found in either statutes or decisions of American jurisdiction. In fact, the displacement of land boundaries appears to have occurred in the United States only (a) in the Charleston, South Carolina, quake of 1886, (b) in the area affected by the New Madrid earthquake of 1812, and (c) at various times, in unpopulated parts of the Imperial County, California. In no one of these events had the problem been dealt with by statutes or by court decisions. The experience of California with the destruction of land records by the fire, which accompanied the earthquake of 1906; and the similar experience of Illinois with the loss of land records caused by the great Chicago fire of 1871² caused the author to begin to think along the line of some type of new "quiet title" legislation. Any such legislation, first, would have to find a justification in the serving of the public welfare of Alaska, second, would have to follow a procedure sure to produce a judgment binding on the whole world. This required research as to the accepted scope of the "police power" in the twenty-one volumes of Alaskan reports, as to the Alaskan procedures prescribed for actions *in rem*; and, as to the requirements of constitutional due process. The McEnerney Act

¹ Letter from Security Title & Trust Co. of Alaska to Mr. Victor D. Carlson, Assistant City Attorney of Anchorage, October 13, 1965.

² As to the Illinois Burnt Record Act see *Bertrand v. Taylor*, 87 Ill. 235 (1877).

of California,³ and the cases testing its binding force became of great value.⁴

The background acquired by the above described research made it increasingly clear that no hypothetical solution could be finally accepted as useful without an inspection of the areas of devastation, into which the proposed solution was hoped to bring help. In November of 1965, the author visited Alaska. The trip was of relatively short duration, but the helpfulness of officials both on the city, borough⁵ and state levels made it highly useful. Maps of the "before" and "after" were available for study. Airplane pictures of the affected areas in and near Anchorage were examined, and copies of some of these were furnished for future study. Local problems concerning subdivision maps and the vacating of public streets, concerning the plenary control of procedure by the Supreme Court of the State and the mechanics of securing legislation with bipartisan support were explored in conferences.

Subsequent to the author's return to his office in San Francisco, the consensus of the conferences held in Alaska was put into a "project for Legislation," a copy of which is attached hereto as Appendix A. This project included a legislative authorization for a judicial quiet title action "so conducted as to bind all the world," resulting in a recordable decree fixing "the boundaries of land, both public and private as they shall be found to exist subsequent to an Act of God, consisting of a landslide either great or small." Public authorities were to be authorized to narrow or to vacate erstwhile public streets so as to minimize as far as possible the loss of surface square footage by private landowners. The authorized action could be brought as to any specific area having distorted boundaries by the borough, city or school district charged with the control of land maps in that area. This plan received the tentative approval of several of the municipalities which needed help.

The author thereupon began the drafting of the proposed legislation. The procedure included in the California McEnerney Act of 1906 had been tested both in the courts of California, and of the United States Supreme Court as to due process.⁶ It was, therefore, the

³ CAL. CODE CIV. PROC. §§ 751.01-28.

⁴ See note 6 *infra*.

⁵ The Alaskan borough is a government entity larger than its central city. It is not an exact replica of the county in our older states.

⁶ Prior to the California legislation, the propriety of a court in the state containing land rendering a judgment settling conflicting claims to land had been broadly estab-

author's desire to model the new Alaskan procedure upon the tested procedure of the California legislation. Thus the statute, if enacted, would have a ready-made brief supporting it as to due process, and as to the completeness of its binding force. On this point the statute, as finally enacted,⁷ deviated somewhat from this author's proposal. The Supreme Court of Alaska had firmly established its primary control over procedure.⁸ With justified pride in its established rules, and with a firm resolve to sustain its rule-making power, it was made clear that substantial deviation from established Alaskan procedure would be disliked. It is entirely possible that the procedure prescribed by the new legislation will be found just as efficacious "to bind the world" as the procedure proposed by the author which had been modelled on the California McEnerney Act. The one difference is that the procedure proposed in the new legislation will have to withstand new court tests, which can easily stretch over a period of five to ten years, and be quite costly. A ready-made brief establishing its due process, would have saved both time and money. Retention of primary control over procedure by the courts is highly desirable, but elasticity in the manner of exercising this primary control also has its values.

Under the statute as enacted, Sec. 09.45.805(b) describes broadly the defendant parties who must be joined; Sec. 09.45.820 provides for publication and a posting of notices on each separate parcel of affected land; Sec. 09.45.825 makes applicable the general court rules of civil procedure; Sec. 09.45.840 authorizes a *lis pendens*; and Sec. 09.45.850, wisely follows the McEnerney Act,⁹ by requiring that "judgment shall not be given by default, but the court must require proof of the

lished by *Parker v. Overman*, 59 U.S. 137 (1855) and by *Arndt v. Gnggs*, 134 U.S. 316 (1890).

In *Title & Document Restoration Co. v. Kerrigan*, 150 Cal. 289, 88 Pac. 356 (1906), the Supreme Court of California had sustained the constitutionality of the McEnerney Act, saying: "The legislature may provide entirely novel and unprecedented methods of procedure, provided that they afford the parties affected the substantial securities against arbitrary and unjust spoliation which are embraced within the system of jurisprudence prevailing throughout the land." *Id.* at 313, 88 Pac. at 361. This position was reiterated and strengthened in *Hoffman v. Superior Court*, 151 Cal. 386, 90 Pac. 939 (1907). The question finally reached the Supreme Court of the United States in *American Land Co. v. Zeiss*, 219 U.S. 47 (1911). It would be hard to find a more thorough, or a more sound, exposition of the prerequisites for a land judgment binding the whole world than is here given in the opinion of Mr. Chief Justice White. Further challenges to the act failed in *Bradford v. Trapp*, 49 Cal. App. 493, 193 Pac. 584 (1920) and in *Crittenden v. Dorn*, 274 Fed. 520 (9th Cir. 1921) *cert. demed* 257 U.S. 648 (1921).

⁷ Alaskan Laws 1966, ch. 80.

⁸ A rule of procedure promulgated by the supreme court could be changed only by an act of the legislature, declaring the legislative intent to change such rule, and passed by a two-thirds vote.

⁹ CAL. CODE CIV. PROC. § 751.14.

facts alleged in the complaint and other pleadings." (See attached Appendix B.)

One other aspect of this Alaskan legislation deserves note. It begins with a declaration that it is "enacted as an exercise of the police power of the State, for the purpose of serving the public welfare of the people of Alaska." It is common knowledge that "police power" and "public welfare" are terms as to which different people have different ideas. The author, therefore, thought it important to discover the scope of these terms as revealed by the prior decisions of Alaskan courts. Cases were found including (a) the conservation of natural resources (salmon) despite detrimental effects on some private individuals;¹⁰ (b) safeguarding public morals;¹¹ (c) the promotion of public safety;¹² (d) the preservation of public health;¹³ and dealing with some aspects of land control.¹⁴ This review of Alaskan decisions caused the author to conclude that Alaskan law had recognized the police power as an inherent ingredient in the existence of government and had permitted the exercise of this power (without compensation to the persons thereby caused loss) whenever such an exercise has been shown to be

¹⁰ *Metlakatla Indian Community v. Egan*, 362 P.2d 901 (Alaska 1961).

¹¹ *Territory v. House No. 24*, 7 Alaska 611 (1927) (suppression of prostitution); *Boehl v. Sabre Jet Room, Inc.*, 349 P.2d 585 (1960) (regulating the liquor industry).

¹² *City of Kodiak v. Valtman*, 17 Alaska 123 (1957) (taxing automobiles of non-residents driven on the streets of Kodiak).

Cf. Mathews v. Quanton, 362 P.2d 932 (Alaska 1961) (transportation of school children to non-public schools). The majority asserted the legislative power to provide for the health and safety of school children but found the statute in litigation "failed to effectuate" the legislature's declared intent. Justice Dimond, dissenting, urged a more inclusive scope for the police power of the state.

¹³ *Territory of Alaska v. Craig Enterprises*, 355 P.2d 397 (Alaska 1960), sustained the validity of a lien provided for under the Alaska Employment Security Act, saying (Justice Dimond):

"The Alaska legislature has found that economic insecurity due to unemployment was a serious menace to the health, morals and welfare of the people of Alaska. There can be no question but that this was well within the authority of the Alaska legislature." *Id.* at 401.

Three things deserve notice in this case, (a) its reaffirmation of the propriety of caring for general welfare via the police power; (b) the weight properly accorded by the court to a legislative declaration of the need for the enactment to serve the public welfare; and (c) the propriety of sustaining the details of a program, which, viewed as a whole, serves public welfare.

¹⁴ See, e.g., *Valentine v. McGrath*, 4 Alaska 102 (1910); *Alaska Gold Recovery Co. v. Northern Mining and Trading Co.*, 7 Alaska 386 (1926). In the second of these cases the opinion quoted, with approval, the statement of Mr. Justice Holmes in *Noble State Bank v. Haskell*, 219 U.S. 104 (1911):

"We have few scientifically certain criteria of legislation, and as it often is difficult to mark the line where what is called the police power of the States is limited by the Constitution of the United States, judges should be slow to read into the latter a *nolimus mutare* as against the law making power." *Id.* at 110.

reasonably needed for the safeguarding of morals, health or safety, or for the conservation of natural resources, or for the promotion of public welfare. It is true that the shortness of Alaskan history and the sparseness of its population have combined to make the number and variety of cases involving the police power less than those which can be found in older and more populous states. This, however, is unimportant. The basic doctrine has had ample and generous acceptance. As new problems arise new applications of the basic doctrine can be expected. The situation of uncertainty as to land boundaries is declared by the Alaskan Legislature to be such a new problem.¹⁵

During the period of more than three months between the time when this author submitted a proposed statute, with accompanying notes, and the time of the final legislative action enacting the statute, reproduced in Appendix B, the problems covered, and the provisions to be included were considered by many persons, including the City Attorney of Anchorage, the Attorney General of the State and the Joint Committees of the two houses of the legislature. Doubtless each one wished to contribute some new excellence to the final product. Unfortunately, the severity of the falling and blowing snow in March 1966, frustrated two flights by the author to present his viewpoints to the joint committees of the two houses of the legislature. Whether the modifications thus made were necessary to secure the statute's enactment, and whether they improved or deteriorated the final product, the author lacks sufficient facts to form a judgment. Time and experience with the practical workings of the statute, as enacted, will furnish at least partial answers to these questions.

Both as drafted, and as enacted, this statute has important relevance to (a) the prerequisites for due process in a judgment desired to bind all the world; (b) the scope of a state's police power to serve the public welfare of its people; and (c) the interplay of the judicial rule-making power and the legislative power over procedure.

Appendix A

Project for Legislation

Authorizing courts in a quiet title action so conducted as to bind all the world

- (a) to embody in a recordable decree, the boundaries of land, both public and private, as they shall be found to exist subsequent to an act of God, consisting of a landslide either great or small; and

¹⁵ Alaskan Laws 1966, ch. 80, § 1. See text in annexed Appendix B.

- (b) to accept land areas made available by proper authorities by the vacating or narrowing of streets or other public ways, to the extent they serve public welfare by minimizing the land losses caused by the said act of God; and
- (c) to approve for filing new land maps embodying the existing boundaries, both public and private, to be substituted for those approved and filed heretofore pursuant to law, modified only as modifications result from the facts recited in Clauses (a) and (b)

(Such legislation is necessary

- (1) to avoid the complexity involving problems incapable of a practical solution, caused by a solar survey restoring all borderlines to the places where they existed before the landslides;
- (2) so as to make each parcel owned, fully available for structures (thus avoiding what one cautious Anchorage owner recently did, namely building with sufficient set backs on *all* sides so as to make it certain that the building be on *his* land, however, the boundaries might be found to have been affected by the earth slides of 1964);
- (3) to assure safety in the purchasing, mortgaging or leasing of land;
- (4) to permit the issuance of title insurance policies, without the exceptions now necessary to care for the existing uncertainties as to boundaries;
- (5) to confirm and establish the areas available for public uses in dedicated streets;
- (6) to correct the heretofore approved and filed public records, consisting of land plats, so that they will accurately represent existing land boundaries
- (7) to substitute one action for each affected area, instead of the scores or maybe hundreds of separate quiet title actions otherwise likely to be brought.)

Essential features of the proposed new legislation

Designation of the court in which action shall be brought as the court having general original jurisdiction in the segment of the state in which the land affected by the action (or the major part thereof) is located

Authorization of bringing of the action by

- any borough, with or without the joinder of the city or cities included therein;
- any city not included within the boundaries of a borough with respect to land within such city (Nome) or outside such city as to which the city has power, under statute to approve a land map (Cordova);
- any school district which has the power, under statute, to approve a land map.

Permit the bringing of the action as to all, or as to a part only, of the land within the boundaries of the plaintiff, affected by a particular land slide

Authorize the plaintiff bringing such action in its discretion to vacate or to narrow existing streets, in such manner as it believes will serve public welfare, so that the court can resort to such land to minimize the square footage loss caused by the act of God to individuals

Appendix B

An Act

Relating to establishment of land boundaries affected by earthslides; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA.

* Section 1. PURPOSES. (a) This Act is enacted as an exercise of the police power of the state, for the purpose of serving the public welfare of the people of Alaska by

(1) making fully available for new constructions the entire area owned by each entity, either public or private, which purpose can only be served by a re-establishment of certainty as to the present location of land boundaries;

(2) facilitating the sale, mortgage or lease of land parcels in the state;

(3) confirming and establishing the exact areas available for public uses in streets and other public ways;

(4) minimizing the losses suffered by land owning entities, which have been caused by an earthslide, by allocating to adjacent owners areas of land released by the narrowing or vacating of streets owned by a municipality, with the consent of the municipality, given for the promotion of the general welfare of the people of Alaska, thus reducing in an equitable manner the number of landowners having losses, caused by an act of God, in the square footage of land owned before the earthslide;

(5) correcting existing public records, consisting of land plats, which no longer are accurate, so that a substitute plat, judicially found to be in accordance with existing boundaries as fixed by the earthslide, which was an act of God, and filed subsequent to judicial approval will accurately represent the existing land boundaries;

(6) permitting these ends to be accomplished in a single action in rem, brought with respect to a large area affected by an earthslide, rather than in numerous separate actions;

(7) safeguarding the due process of the remedial procedure in rem, established by the provision of this Act by allowing deviations from the rules of civil procedure wisely established by the Supreme Court of Alaska for all other actions and proceedings of a civil nature, legal, equitable or otherwise. It is expressly declared to be the purpose of the legislature to change these established rules to the extent, but only to the extent, autho-

rized in this Act, and only in the conduct of the actions authorized in this Act.

(b) The legislature finds that the attainment of each of the objectives enumerated in this section will significantly promote the welfare of all the people in the state.

* Sec. 2. AS 09.45 is amended by adding new sections to read:

ARTICLE 10. EARTHSLIDE RELIEF ACT.

Sec. 09.45.800. PREREQUISITE EARTHSLIDE CHANGING LAND BOUNDARIES. If the boundaries of land, owned either by public or by private persons have been moved by an act of God, consisting of an earthslide, so that they are in a location different from that at which, by solar survey, they were located before the earthslide, an action in rem to recognize the boundaries as they presently exist and to quiet title within the boundaries in the persons judicially found entitled to title under secs. 800-880 of this chapter, is authorized, maintainable by the persons and with the procedures in secs. 800-880 of this chapter for the handling of the emergencies dealt with in this chapter.

Sec. 09.45.805. PARTIES. (a) An action authorized by secs. 800-880 of this chapter may be commenced by

(1) a borough with the jownder of a city or cities included in the borough;

(2) a city not included within the boundaries of a borough, if the earthslide has affected land in the city, or land outside the city as to which outside land the city has statutory power to approve a land map;

(3) a school district which has statutory power to approve a land map; or

(4) any other entity or person, granted permission by the court to bring the action.

(b) In an action authorized by secs. 800-880 of this chapter every person in actual and peaceable possession of, or having an estate or interest in any of the land affected by the action, whose possession or evidence of estate or interest is either recorded or known to the plaintiffs, must be designated in the complaint of the action, and given notice in the manner required by secs. 800-880 of this chapter and the court rules of civil procedure.

(c) All unknown parties, including owners, claimants, heirs, devisees, legatees or assigns, may be described in the caption and complaint as "all persons claiming any interest in or lien upon, the real property hereim described or any part of it"

Sec. 09.45.810. SEPARATE ACTIONS AS TO SEPARATE SLIDE AREAS. An entity which is a permissible plaintiff under sec. 805 of this chapter, may, in its discretion, bring a separate action under secs. 800-880 of this chapter with respect to each separate slide area located within its boundaries and its decision regarding the desirability of the separate action, and regarding the area to be dealt with in each action is final.

Sec. 09.45.815. COMPLAINT. The complaint shall substantially include

(1) a statement of the facts making the provisions in secs. 800-880 of this chapter applicable;

(2) a description of the entire real property sought to be affected by the action;

(3) a specification of the estate, title and interest owned, and in the actual possession of the plaintiff or plaintiffs in described parts of the entire real property sought to be affected by the action;

(4) a specification of the estate, title and interest, so far as they are known to the plaintiffs or either of them, and so far as they are capable of being discovered by reasonably diligent search by the plaintiff or plaintiffs, in each separate part of the entire real property sought to be affected by the action;

(5) a specification of the street areas offered by the plaintiff, or plaintiffs, to be vacated in whole or in part for judicial equitable allocation to landowners for the mitigation of the losses inflicted upon the landowners by the act of God consisting of the earthslide;

(6) a proposed replatting of the entire real property sought to be affected by the action, embodying the land boundaries as fixed by the act of God, except as these have been liberalized by judicially directed use of the vacated lands.

Sec. 09.45.820. PUBLICATION AND POSTING OF NOTICE. The notice required by Rule 4(e)(5) of the court rules of civil procedure shall be published as provided in the rules and a copy of the notice shall be posted in a conspicuous place on each separate parcel of the entire real property described in the complaint within 20 days after the first publication of the notice.

Sec. 09.45.825. PROCEDURE APPLICABLE. Except as otherwise provided in secs. 800-880 of this chapter, the court rules of civil procedure shall apply to actions authorized by secs. 800-880 of this chapter.

Sec. 09.45.830. JURISDICTION. Upon the completion of the service, publication and posting of the summons, as may be required by secs. 800-880 of this chapter and the court rules of civil procedure, the court has complete jurisdiction over the parties plaintiff or plaintiffs and the entire real property described in the complaint as intended to be affected by the action and over the person of everyone having or claiming an estate, right, title or interest in or to, or lien upon, all or any part of the property and shall be considered to have obtained the possession and control of the property for the purposes of the action with complete jurisdiction to render the judgment provided for in secs. 800-880 of this chapter.

Sec. 09.45.835. ANSWER. (a) An answer to the complaint must be served within 90 days after the first publication of the notice, or such further time not exceeding 30 days, as the court for good cause may grant.

(b) An answer must

(1) specifically set out the particulars in which the claimant's estate, right, title, or interest in or to, or lien upon all or any part of the property is

different from, or greater than, the interest of the claimant as it is described in the complaint;

(2) be confined to rights based on events occurring at the time of, or since the time of the act of God, consisting of the earthslide.

(c) To whatever extent, if at all, the answering party has rights against anyone whatsoever, based upon facts or events which occurred before the earthslide, the claims shall remain unaffected by the action brought under secs. 800-880 of this chapter and shall be assertable subsequent to the conclusion of the action at any time and in any manner permitted by law, notwithstanding the judgment granted in this action, recognizing however the finality of this judgment as to the consequences, with respect to land boundaries, of the earthslide.

Sec. 09.45.840. LIS PENDENS. A party to an action authorized by secs. 800-880 of this chapter may file a notice of the pendency of the action in the form and at the place and with the effects specified in sec. 790 of this chapter.

Sec. 09.45.845. VACATING OF STREETS IN WHOLE OR IN PART. The vacating of streets in whole or in part by the voluntary action of a municipality, for the purpose of making it possible for the court to mitigate the hardships suffered by individuals because of the change in land boundaries caused by the act of God, consisting of an earthslide, can be accomplished by the offer of the municipality expressed in the complaint followed by the court's approval of it in the action authorized in secs. 800-880 of this chapter, without other formalities. This provision is a special emergency substitute for the provisions contained in AS 40.15.140-40.15.180.

Sec. 09.45.850. PROOF OF FACTS. In an action of the type authorized in secs. 800-880 of this chapter, judgment shall not be given by default, but the court must require proof of the facts alleged in the complaint and other pleadings.

Sec. 09.45.855. SCOPE OF JUDGMENT. The judgment shall

(1) determine the land boundaries of each parcel of land located within the entire area of real property sought to be affected by the action, whether owned publicly or privately after judicial equitable allocation of lands voluntarily vacated by a municipality under sec. 845 of this chapter;

(2) determine the person or persons having estates, rights, titles, interests and claims in and to each parcel, whether legal or equitable, present or future, vested or contingent, or whether they consist of mortgages or liens of any description;

(3) approve and direct the proper filing of a new plat map covering the entire area of real property sought to be affected by the action, as a substitute for the plat maps previously filed, but rendered inaccurate by the act of God consisting of an earthslide.

Sec. 09.45.860. STANDARDS FOR JUDGMENT. In reaching the conclusions called for by sec. 855 of this chapter the court shall give effect to the changes in land boundaries caused by the earthslide, mitigated, however, so far as can equitably be done, by allocating to contiguous lots parts of the land released by a municipality by its voluntary vacation of areas

formally constituting public ways, which vacatings of streets shall be approved in this judgment.

Sec. 09.45.865. **EFFECT OF JUDGMENT.** The judgment shall be conclusive with respect to land boundaries upon every person who at the commencement of the action had or claimed an estate, right, title or interest in or to a part of the entire area of real property described in the complaint as intended to be affected by this action, and upon every person claiming under any such person by title subsequent to the commencement of the action.

Sec. 09.45.870. **RECORDING OF JUDGMENT.** A certified copy of the judgment shall be recorded, at the expense of the plaintiff or plaintiffs in the action, in the office of the recorder of the recording district in which the affected land is situated.

Sec. 09.45.875. **CUMULATIVE REMEDIES.** The remedies provided for by secs. 800-880 of this chapter are cumulative and in addition to any other remedy provided by law for quieting or establishing title to real property or the boundaries of it.

Sec. 09.45.880. **SHORT TITLE.** Secs. 800-880 of this chapter may be cited as the Earthslide Relief Act.

* Sec. 3. **DEVIATION FROM COURT PROCEDURE.** This Act provides for deviations from the court Rules of Civil Procedure and therefore the Act must receive an affirmative vote of at least two-thirds of the full membership of each house in order to be effective.

* Sec. 4. **EFFECTIVE DATE.** This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved by Governor April 9, 1966

Actual effective date: April 10, 1966