

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5658**

62nd Legislature  
2011 Regular Session

Passed by the Senate April 20, 2011  
YEAS 47 NAYS 0

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**President of the Senate**

Passed by the House April 7, 2011  
YEAS 93 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5658** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5658**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2011 Regular Session

**State of Washington                      62nd Legislature                      2011 Regular Session**

**By** Senate Transportation (originally sponsored by Senators King, Haugen, and Shin)

READ FIRST TIME 02/23/11.

1            AN ACT Relating to the sale or exchange of surplus real property by  
2 the department of transportation; amending RCW 47.12.063 and 47.12.063;  
3 providing an effective date; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 47.12.063 and 2010 c 157 s 1 are each amended to read  
6 as follows:

7            (1) It is the intent of the legislature to continue the  
8 department's policy giving priority consideration to abutting property  
9 owners in agricultural areas when disposing of property through its  
10 surplus property program under this section.

11            (2) Whenever the department determines that any real property owned  
12 by the state of Washington and under the jurisdiction of the department  
13 is no longer required for transportation purposes and that it is in the  
14 public interest to do so, the department may sell the property or  
15 exchange it in full or part consideration for land or improvements or  
16 for construction of improvements at fair market value to any person  
17 through the solicitation of written bids through public advertising in  
18 the manner prescribed under RCW 47.28.050 or in the manner prescribed  
19 under RCW 47.12.283.

1       (3) The department may forego the processes prescribed by RCW  
2 47.28.050 and 47.12.283 and sell the real property to any of the  
3 following ((governmental)) entities or persons at fair market value:

4       (a) Any other state agency;

5       (b) The city or county in which the property is situated;

6       (c) Any other municipal corporation;

7       (d) Regional transit authorities created under chapter 81.112 RCW;

8       (e) The former owner of the property from whom the state acquired  
9 title;

10       (f) In the case of residentially improved property, a tenant of the  
11 department who has resided thereon for not less than six months and who  
12 is not delinquent in paying rent to the state;

13       (g) Any abutting private owner but only after each other abutting  
14 private owner (if any), as shown in the records of the county assessor,  
15 is notified in writing of the proposed sale. If more than one abutting  
16 private owner requests in writing the right to purchase the property  
17 within fifteen days after receiving notice of the proposed sale, the  
18 property shall be sold at public auction in the manner provided in RCW  
19 47.12.283;

20       ~~(h) ((To any person through the solicitation of written bids~~  
21 ~~through public advertising in the manner prescribed by RCW 47.28.050;~~

22       ~~(i))~~ To any other owner of real property required for  
23 transportation purposes;

24       ~~((+j))~~ (i) In the case of property suitable for residential use,  
25 any nonprofit organization dedicated to providing affordable housing to  
26 very low-income, low-income, and moderate-income households as defined  
27 in RCW 43.63A.510 and is eligible to receive assistance through the  
28 Washington housing trust fund created in chapter 43.185 RCW;

29       ~~((+k))~~ (j) A federally qualified community health center as  
30 defined in RCW 82.04.4311; or

31       ~~((+l))~~ (k) A federally recognized Indian tribe within whose  
32 reservation boundary the property is located.

33       ~~((+3))~~ (4) When selling real property pursuant to RCW 47.12.283,  
34 the department may withhold or withdraw the property from an auction  
35 when requested by one of the entities or persons listed in subsection  
36 (3) of this section and only after the receipt of a nonrefundable  
37 deposit equal to ten percent of the fair market value of the real  
38 property or five thousand dollars, whichever is less. This subsection

1 does not prohibit the department from exercising its discretion to  
2 withhold or withdraw the real property from an auction if the  
3 department determines that the property is no longer surplus or chooses  
4 to sell the property through one of the other means listed in  
5 subsection (2) of this section. If a transaction under this subsection  
6 is not completed within sixty days, the real property must be put back  
7 up for sale.

8 (5) Sales to purchasers may at the department's option be for cash,  
9 by real estate contract, or exchange of land or improvements.  
10 Transactions involving the construction of improvements must be  
11 conducted pursuant to chapter 47.28 RCW (~~(6)~~) and Title 39 RCW, as  
12 applicable, and must comply with all other applicable laws and rules.

13 ~~((4))~~ (6) Conveyances made pursuant to this section shall be by  
14 deed executed by the secretary of transportation and shall be duly  
15 acknowledged.

16 ~~((5))~~ (7) Unless otherwise provided, all moneys received pursuant  
17 to the provisions of this section less any real estate broker  
18 commissions paid pursuant to RCW 47.12.320 shall be deposited in the  
19 motor vehicle fund.

20 **Sec. 2.** RCW 47.12.063 and 2006 c 17 s 2 are each amended to read  
21 as follows:

22 (1) It is the intent of the legislature to continue the  
23 department's policy giving priority consideration to abutting property  
24 owners in agricultural areas when disposing of property through its  
25 surplus property program under this section.

26 (2) Whenever the department determines that any real property owned  
27 by the state of Washington and under the jurisdiction of the department  
28 is no longer required for transportation purposes and that it is in the  
29 public interest to do so, the department may sell the property or  
30 exchange it in full or part consideration for land or improvements or  
31 for construction of improvements at fair market value to any person  
32 through the solicitation of written bids through public advertising in  
33 the manner prescribed under RCW 47.28.050 or in the manner prescribed  
34 under RCW 47.12.283.

35 (3) The department may forego the processes prescribed by RCW  
36 47.28.050 and 47.12.283 and sell the real property to any of the  
37 following (~~governmental~~) entities or persons at fair market value:

- 1 (a) Any other state agency;
- 2 (b) The city or county in which the property is situated;
- 3 (c) Any other municipal corporation;
- 4 (d) Regional transit authorities created under chapter 81.112 RCW;
- 5 (e) The former owner of the property from whom the state acquired
- 6 title;
- 7 (f) In the case of residentially improved property, a tenant of the
- 8 department who has resided thereon for not less than six months and who
- 9 is not delinquent in paying rent to the state;
- 10 (g) Any abutting private owner but only after each other abutting
- 11 private owner (if any), as shown in the records of the county assessor,
- 12 is notified in writing of the proposed sale. If more than one abutting
- 13 private owner requests in writing the right to purchase the property
- 14 within fifteen days after receiving notice of the proposed sale, the
- 15 property shall be sold at public auction in the manner provided in RCW
- 16 47.12.283;
- 17 ~~((To any person through the solicitation of written bids~~
- 18 ~~through public advertising in the manner prescribed by RCW 47.28.050;~~
- 19 ~~(i))~~ To any other owner of real property required for
- 20 transportation purposes;
- 21 ~~((+j))~~ (i) In the case of property suitable for residential use,
- 22 any nonprofit organization dedicated to providing affordable housing to
- 23 very low-income, low-income, and moderate-income households as defined
- 24 in RCW 43.63A.510 and is eligible to receive assistance through the
- 25 Washington housing trust fund created in chapter 43.185 RCW; or
- 26 ~~((+k))~~ (j) A federally recognized Indian tribe within whose
- 27 reservation boundary the property is located.
- 28 ~~((+3))~~ (4) When selling real property pursuant to RCW 47.12.283,
- 29 the department may withhold or withdraw the property from an auction
- 30 when requested by one of the entities or persons listed in subsection
- 31 (3) of this section and only after the receipt of a nonrefundable
- 32 deposit equal to ten percent of the fair market value of the real
- 33 property or five thousand dollars, whichever is less. This subsection
- 34 does not prohibit the department from exercising its discretion to
- 35 withhold or withdraw the real property from an auction if the
- 36 department determines that the property is no longer surplus or chooses
- 37 to sell the property through one of the other means listed in

1 subsection (2) of this section. If a transaction under this subsection  
2 is not completed within sixty days, the real property must be put back  
3 up for sale.

4 (5) Sales to purchasers may at the department's option be for cash,  
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6 Transactions involving the construction of improvements must be  
7 conducted pursuant to chapter 47.28 RCW (~~(6)~~) and Title 39 RCW, as  
8 applicable, and must comply with all other applicable laws and rules.

9 ~~((4))~~ (6) Conveyances made pursuant to this section shall be by  
10 deed executed by the secretary of transportation and shall be duly  
11 acknowledged.

12 ~~((5))~~ (7) Unless otherwise provided, all moneys received pursuant  
13 to the provisions of this section less any real estate broker  
14 commissions paid pursuant to RCW 47.12.320 shall be deposited in the  
15 motor vehicle fund.

16 NEW SECTION. Sec. 3. Section 1 of this act expires June 30, 2012.

17 NEW SECTION. Sec. 4. Section 2 of this act takes effect June 30,  
18 2012.

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