
HOUSE BILL 1092

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Shea, Overstreet, and Hargrove

Read first time 01/16/13. Referred to Committee on Transportation.

1 AN ACT Relating to providing a right of first repurchase for
2 surplus transportation property; amending RCW 47.12.063; providing an
3 effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 47.12.063 and 2011 c 376 s 2 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, unless the property is
11 eligible to be sold under subsection (4) of this section.

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

1 the manner prescribed under RCW 47.28.050 or in the manner prescribed
2 under RCW 47.12.283.

3 (3) The department may forego the processes prescribed by RCW
4 47.28.050 and 47.12.283 and sell the real property to any of the
5 following entities or persons at fair market value, unless the property
6 is eligible to be sold under subsection (4) of this section:

7 (a) Any other state agency;

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

9 (c) Any other municipal corporation;

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

11 (e) The former owner of the property from whom the state acquired
12 title;

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

16 (g) Any abutting private owner but only after each other abutting
17 private owner (if any), as shown in the records of the county assessor,
18 is notified in writing of the proposed sale. If more than one abutting
19 private owner requests in writing the right to purchase the property
20 within fifteen days after receiving notice of the proposed sale, the
21 property shall be sold at public auction in the manner provided in RCW
22 47.12.283;

23 (h) To any other owner of real property required for transportation
24 purposes;

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

30 (j) A federally recognized Indian tribe within whose reservation
31 boundary the property is located.

32 (4) If the department determines that all or a portion of real
33 property or an interest in real property that was acquired through
34 condemnation within the previous ten years is no longer necessary for
35 a transportation purpose, the former owner has a right of repurchase as
36 described in this subsection. For the purposes of this subsection,
37 "former owner" means the person or entity from whom the department
38 acquired title. At least ninety days prior to the date on which the

1 property is intended to be sold by the department, the department must
2 mail notice of the planned sale to the former owner of the property at
3 the former owner's last known address or to a forwarding address if
4 that owner has provided the department with a forwarding address. If
5 the former owner of the property's last known address, or forwarding
6 address if a forwarding address has been provided, is no longer the
7 former owner of the property's address, the right of repurchase is
8 extinguished. If the former owner notifies the department within
9 thirty days of the date of the notice that the former owner intends to
10 repurchase the property, the department shall proceed with the sale of
11 the property to the former owner for fair market value and shall not
12 list the property for sale to other owners. If the former owner does
13 not provide timely written notice to the department of the intent to
14 exercise a repurchase right, or if the sale to the former owner is not
15 completed within six months of the date of notice that the former owner
16 intends to repurchase the property, the right of repurchase is
17 extinguished.

18 (5) When selling real property pursuant to RCW 47.12.283, the
19 department may withhold or withdraw the property from an auction when
20 requested by one of the entities or persons listed in subsection (3) of
21 this section and only after the receipt of a nonrefundable deposit
22 equal to ten percent of the fair market value of the real property or
23 five thousand dollars, whichever is less. This subsection does not
24 prohibit the department from exercising its discretion to withhold or
25 withdraw the real property from an auction if the department determines
26 that the property is no longer surplus or chooses to sell the property
27 through one of the other means listed in subsection (2) of this
28 section. If a transaction under this subsection is not completed
29 within sixty days, the real property must be put back up for sale.

30 ((+5)) (6) Sales to purchasers may at the department's option be
31 for cash, by real estate contract, or exchange of land or improvements.
32 Transactions involving the construction of improvements must be
33 conducted pursuant to chapter 47.28 RCW and Title 39 RCW, as
34 applicable, and must comply with all other applicable laws and rules.

35 ((+6)) (7) Conveyances made pursuant to this section shall be by
36 deed executed by the secretary of transportation and shall be duly
37 acknowledged.

1 (~~(7)~~) (8) Unless otherwise provided, all moneys received pursuant
2 to the provisions of this section less any real estate broker
3 commissions paid pursuant to RCW 47.12.320 shall be deposited in the
4 motor vehicle fund.

5 NEW SECTION. **Sec. 2.** Section 1 of this act is necessary for the
6 immediate preservation of the public peace, health, or safety, or
7 support of the state government and its existing public institutions,
8 and takes effect July 1, 2013.

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