
HOUSE BILL 2915

State of Washington

54th Legislature

1996 Regular Session

By Representative Hargrove

Read first time 01/25/96. Referred to Committee on Government Operations.

1 AN ACT Relating to county road improvement districts; and amending
2 RCW 36.88.030, 36.88.050, 36.88.078, and 36.88.080.

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

4 **Sec. 1.** RCW 36.88.030 and 1970 ex.s. c 66 s 2 are each amended to
5 read as follows:

6 In case the board of county commissioners shall desire to initiate
7 the formation of a county road improvement district by resolution, it
8 shall first pass a resolution declaring its intention to order such
9 improvement, setting forth the nature and territorial extent of such
10 proposed improvement, designating the number of the proposed road
11 improvement district and describing the boundaries thereof, stating the
12 estimated cost and expense of the improvement and the proportionate
13 amount thereof which will be borne by the property within the proposed
14 district, notifying the owners of property therein to appear at a
15 meeting of the board at the time specified in such resolution, and
16 directing the county road engineer to submit to the board at or prior
17 to the date fixed for such hearing a diagram or print showing thereon
18 the lots, tracts, and parcels of land and other property which will be
19 specially benefited thereby or is likely to be specially benefited

1 thereby at any time during the existence of the district and the
2 estimated amount of the cost and expense of such improvement to be
3 borne by each lot, tract, or parcel of land or other property, and also
4 designating thereon all property which is being purchased under
5 contract from the county. The resolution of intention shall be
6 published in at least two consecutive issues of a newspaper of general
7 circulation in such county, the date of the first publication to be at
8 least fifteen days prior to the date fixed by such resolution for
9 hearing before the board of county commissioners.

10 Notice of the adoption of the resolution of intention shall be
11 given each owner or reputed owner of any lot, tract, or parcel of land
12 or other property within the proposed improvement district by mailing
13 said notice to the owner or reputed owner of the property as shown on
14 the tax rolls of the county treasurer at the address shown thereon at
15 least fifteen days before the date fixed for the public hearing. The
16 notice shall refer to the resolution of intention and designate the
17 proposed improvement district by number. ((Said)) The notice shall
18 also set forth the nature of the proposed improvement, the total
19 estimated cost, the proportion of total cost to be borne by
20 assessments, the estimated amount of the cost and expense of such
21 improvement to be borne by the particular lot, tract, or parcel, the
22 date and place of the hearing before the board of county commissioners,
23 and shall contain the directions hereinafter provided for voting upon
24 the formation of the proposed improvement district.

25 The clerk of the board shall prepare and mail, together with the
26 notice above referred to, a ballot for each owner or reputed owner of
27 any lot, tract, or parcel of land within the proposed improvement
28 district. This ballot shall contain the following proposition:

29 "Shall county road improvement district No.
30 be formed?
31 Yes 1
32 No 1 "

33 and, in addition, shall contain appropriate spaces for the signatures
34 of the property owners, and a description of their property, and shall
35 have printed thereon the direction that all ballots must be signed to
36 be valid and must be returned to the clerk of the board of county
37 commissioners not later than five o'clock p.m. of a day which shall be
38 one week after the date of the public hearing.

1 The notice of adoption of the resolution of intention shall also
2 contain the above directions, and, in addition thereto, shall state the
3 rules by which the election shall be governed.

4 **Sec. 2.** RCW 36.88.050 and 1963 c 4 s 36.88.050 are each amended to
5 read as follows:

6 In case any such road improvement shall be initiated by petition,
7 such petition shall set forth the nature and territorial extent of such
8 proposed improvement, and the fact that the signers thereof are the
9 owners, according to the records of the county auditor of property to
10 an aggregate amount of a majority of the lineal frontage upon the
11 improvement to be made and of the area within the limits of the
12 assessment district to be created therefor.

13 Upon the filing of such petition the board shall determine whether
14 the same shall be sufficient and whether the property within the
15 proposed district shall be sufficiently developed and if the board
16 shall find the district to be sufficiently developed and the petition
17 to be sufficient, it shall proceed to adopt a resolution setting forth
18 the nature and territorial extent of the improvement petitioned for,
19 designating the number of the proposed improvement district and
20 describing the boundaries thereof, stating the estimated cost and
21 expense of the improvement and the proportionate amount thereof which
22 will be borne by the property within the proposed district, notifying
23 the owners of property therein to appear at a meeting of the board at
24 the time specified in such resolution, and directing the county road
25 engineer to submit to the board at or prior to the date fixed for such
26 hearing a diagram or print showing thereon the lots, tracts, and
27 parcels of land and other property which will be specially benefited
28 thereby or is likely to be specially benefited thereby at any time
29 during the existence of the district and the estimated amount of the
30 cost and expense of such improvement to be borne by each lot, tract, or
31 parcel of land or other property, and also designating thereon all
32 property which is being purchased under contract from the county. The
33 resolution of intention shall be published in at least two consecutive
34 issues of a newspaper of general circulation in such county, the date
35 of the first publication to be at least fifteen days prior to the date
36 fixed by such resolution for hearing before the board of county
37 commissioners.

1 Notice of the adoption of the resolution of intention shall be
2 given each owner or reputed owner of any lot, tract, or parcel of land
3 or other property within the proposed improvement district by mailing
4 said notice to the owner or reputed owner of the property as shown on
5 the tax rolls of the county treasurer at the address shown thereon at
6 least fifteen days before the date fixed for the public hearing. The
7 notice shall refer to the resolution of intention and designate the
8 proposed improvement district by number. Said notice shall also set
9 forth the nature of the proposed improvement, the total estimated cost,
10 the proportion of total cost to be borne by assessments, the estimated
11 amount of the cost and expense of such improvement to be borne by the
12 particular lot, tract, or parcel, the date and place of the hearing
13 before the board of county commissioners, and the fact that property
14 owners may withdraw their names from the petition or add their names
15 thereto at any time prior to five o'clock p.m. of the day before the
16 hearing.

17 **Sec. 3.** RCW 36.88.078 and 1988 c 179 s 15 are each amended to read
18 as follows:

19 A county ordering a road improvement upon which special assessments
20 on property specifically benefited by the improvement are levied and
21 collected, ~~((may))~~ shall provide as part of the ordinance creating the
22 road improvement district that the payment of an assessment levied for
23 the district on underdeveloped properties may be made by owners of
24 other properties within the district if they so elect, subject to terms
25 of reimbursement set forth in the ordinance. The terms for
26 reimbursement shall require the owners of underdeveloped properties on
27 whose behalf payments of assessments have been made to reimburse all
28 such assessment payments to the party who made them when those
29 properties are developed or redeveloped or at the dissolution of the
30 district, whichever is sooner, together with interest at a rate
31 specified in the ordinance. The ordinance may provide that
32 reimbursement shall be made on a one-time, lump sum basis, or may
33 provide that reimbursement shall be made over a period not to exceed
34 five years. The ordinance ~~((may))~~ shall provide that reimbursement
35 shall be made no later than the time of dissolution of the district ~~((~~
36 ~~or may provide that no reimbursement is due if the underdeveloped~~
37 ~~properties are not developed or redeveloped before the dissolution of~~
38 ~~the district))~~ or within fifteen years, whichever is later.

1 Reimbursement amounts due from underdeveloped properties under this
2 section are liens upon the underdeveloped properties in the same manner
3 and with like effect as assessments made under this chapter. For the
4 purposes of this section, "underdeveloped properties" may include those
5 properties that, in the discretion of the county legislative authority,
6 (1) are undeveloped or are not developed to their highest and best use,
7 and (2) are likely to be developed or redeveloped before the
8 dissolution of the district.

9 **Sec. 4.** RCW 36.88.080 and 1963 c 84 s 5 are each amended to read
10 as follows:

11 Every resolution ordering any improvement mentioned in this
12 chapter, payment for which shall be in whole or in part by special
13 assessments shall establish a road improvement district which shall
14 embrace as near as may be all the property specially benefited by such
15 improvement and any property likely to be specially benefited by such
16 improvement at any time during the existence of the district and the
17 board shall apply thereto such method of assessment as shall be deemed
18 most practical and equitable under the conditions prevailing:
19 PROVIDED, That no assessment as determined by the board of
20 commissioners shall be levied which shall be greater than the special
21 benefits derived from the improvements.

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