
SENATE BILL 5762

State of Washington

54th Legislature

1995 Regular Session

By Senators Winsley, Haugen and Fraser

Read first time 02/06/95. Referred to Committee on Government Operations.

1 AN ACT Relating to judicial determination of just compensation; and
2 amending RCW 43.98A.090 and 84.34.220.

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

4 **Sec. 1.** RCW 43.98A.090 and 1990 1st ex.s. c 14 s 10 are each
5 amended to read as follows:

6 Moneys made available under this chapter for land acquisition shall
7 not be used to acquire land through condemnation. However, this
8 prohibition does not apply to judicial determinations of just
9 compensation when the parties have waived adjudication of public use
10 and have agreed or stipulated that the contemplated use for which the
11 land is sought is a valid public use of the state, county, city, or
12 town seeking to acquire the land.

13 **Sec. 2.** RCW 84.34.220 and 1993 c 248 s 2 are each amended to read
14 as follows:

15 In accordance with the authority granted in RCW 84.34.210, a
16 county, city, town, metropolitan park district, metropolitan municipal
17 corporation, nonprofit historic preservation corporation as defined in
18 RCW 64.04.130, or nonprofit nature conservancy corporation or

1 association, as such are defined in RCW 84.34.250, may specifically
2 purchase or otherwise acquire, except by eminent domain, rights in
3 perpetuity to future development of any open space land, farm and
4 agricultural land, and timber land which are so designated under the
5 provisions of chapter 84.34 RCW and taxed at current use assessment as
6 provided by that chapter. The prohibition of eminent domain does not
7 include judicial determinations of just compensation when the parties
8 have waived adjudication of public use and have agreed or stipulated
9 that the contemplated use for which the land is sought is a valid
10 public use of the state, county, city, or town seeking to acquire the
11 land. For the purposes of (~~this 1971 amendatory act~~) chapter 243,
12 Laws of 1971 ex. sess., such developmental rights shall be termed
13 "conservation futures". The private owner may retain the right to
14 continue any existing open space use of the land, and to develop any
15 other open space use, but, under the terms of purchase of conservation
16 futures, the county, city, town, metropolitan park district,
17 metropolitan municipal corporation, nonprofit historic preservation
18 corporation as defined in RCW 64.04.130, or nonprofit nature
19 conservancy corporation or association, as such are defined in RCW
20 84.34.250, may forbid or restrict building thereon, or may require that
21 improvements cannot be made without county, city, town, metropolitan
22 park district, metropolitan municipal corporation, nonprofit historic
23 preservation corporation as defined in RCW 64.04.130, or nonprofit
24 nature conservancy corporation or association, as such are defined in
25 RCW 84.34.250, permission. The land may be alienated or sold and used
26 as formerly by the new owner, subject to the terms of the agreement
27 made by the county, city, town, metropolitan park district,
28 metropolitan municipal corporation, nonprofit historic preservation
29 corporation as defined in RCW 64.04.130, or nonprofit nature
30 conservancy corporation or association, as such are defined in RCW
31 84.34.250, with the original owner.

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