
HOUSE BILL 1402

State of Washington 56th Legislature 1999 Regular Session

By Representatives Fisher, K. Schmidt, Regala, Carrell and Lantz

Read first time . Referred to Committee on .

1 AN ACT Relating to the priority of county condemnation proceedings
2 in superior courts; and amending RCW 8.08.040.

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

4 **Sec. 1.** RCW 8.08.040 and 1971 c 81 s 37 are each amended to read
5 as follows:

6 At the time and place appointed for hearing said petition, or to
7 which the same may have been adjourned, if the court or judge thereof
8 shall have satisfactory proof that all parties interested in the land,
9 real estate, premises or other property described in said petition have
10 been duly served with said notice as prescribed herein, and shall be
11 further satisfied by competent proof that the contemplated use for
12 which the lands, real estate, premises, or other property sought to be
13 appropriated is a public use of the county, the court or judge thereof
14 may make and enter an order adjudicating that the contemplated use is
15 really a public use of the county, and which order shall be final
16 unless review thereof to the supreme court or the court of appeals be
17 taken within five days after entry of such order, adjudicating that the
18 contemplated use for which the lands, real estate, premises or other
19 property sought to be appropriated is really a public use of the

1 county, and directing that determination be had of the compensation and
2 damages to be paid all parties interested in the land, real estate,
3 premises, or other property sought to be appropriated for the taking
4 and appropriation thereof, together with the injury, if any, caused by
5 such taking or appropriation to the remainder of the lands, real
6 estate, premises, or other property from which the same is to be taken
7 and appropriated, after offsetting against any and all such
8 compensation and damages, special benefits, if any, accruing to such
9 remainder by reason of such appropriation and use by the county of such
10 lands, real estate, premises, and other property described in the
11 petition; such determination to be made by a jury, unless waived, in
12 which event the compensation or damages shall be determined by the
13 court without a jury. Superior courts shall ensure that proceedings
14 under this chapter take precedence over all other superior court cases
15 except criminal cases.

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