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HOUSE BILL 2302

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State of Washington

53rd Legislature

1994 Regular Session

By Representatives Rayburn, Foreman, Hansen and Bray

Read first time 01/12/94. Referred to Committee on Agriculture & Rural Development.

1 AN ACT Relating to irrigation districts; amending RCW 87.03.135;  
2 and adding a new section to chapter 87.03 RCW.

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

4 **Sec. 1.** RCW 87.03.135 and 1975 1st ex.s. c 163 s 1 are each  
5 amended to read as follows:

6 ~~((Any))~~ An irrigation district ~~((shall have))~~ has the power to sell  
7 or lease ~~((any real estate or))~~ personal property owned by ~~((such))~~ the  
8 district~~((,))~~ whenever ~~((the))~~ its board of directors ~~((shall, by~~  
9 ~~unanimous vote))~~, by resolution: Determines that ~~((such))~~ the property  
10 is not necessary or needed for the use of the district; and authorizes  
11 the sale or lease. No sale or lease of such property shall be made  
12 until notice ~~((thereof shall be))~~ of the sale or lease is given by  
13 publication at least twenty days before the date of ~~((said))~~ the sale  
14 or lease ~~((of said property))~~ in ~~((some))~~ a newspaper of general  
15 circulation in the county where the property or part ~~((thereof))~~ of the  
16 property is located~~((, if there be one, and if there be none, then))~~  
17 or, if there is no such newspaper in the county, in ~~((some))~~ a  
18 newspaper of general circulation published in an adjoining county~~((,~~  
19 ~~said))~~. The publication ~~((to))~~ shall be made at least once a week

1 during three consecutive weeks before the day fixed for ((the)) making  
2 ((of such)) the sale or lease(~~(, and)~~). The publication shall contain  
3 notice of the intention of the board of directors to make ((such)) the  
4 sale or lease and shall state the time and place at which proposals for  
5 ((such)) the sale or lease will be considered and at which the sale or  
6 lease will be made(~~(: PROVIDED, That the provisions of this section~~  
7 ~~relating to publication of notice shall not apply when the value of the~~  
8 ~~property to be sold or leased is less than five hundred dollars)~~). Any  
9 such property so sold or leased shall be sold or leased to the highest  
10 and best bidder. ((The provisions of this section shall not apply to  
11 the sale or lease of lands acquired by an irrigation district through  
12 its purchase of said lands for the nonpayment of its irrigation  
13 assessments.))

14 The provisions of this section relating to publication of notice  
15 shall not apply when the value of the property to be sold or leased is  
16 less than five hundred dollars.

17 NEW SECTION. Sec. 2. A new section is added to chapter 87.03 RCW  
18 to read as follows:

19 An irrigation district has the power to sell or lease real property  
20 owned by the district whenever its board of directors, by resolution:  
21 Determines that the property is not necessary or needed for the use of  
22 the district; and authorizes the sale or lease. Notice of the  
23 district's intention to sell or lease the property shall be made by  
24 publication at least twenty days before the transaction is executed  
25 regarding the property in a newspaper of general circulation in the  
26 county where the property or part of the property is located or, if  
27 there is no such newspaper in the county, in a newspaper of general  
28 circulation published in an adjoining county. The publication shall be  
29 made at least once a week during three consecutive weeks. The notice  
30 shall state whether the sale or lease will be negotiated by the  
31 district or will be awarded by bid.

32 The district may lease the property from year to year, afford the  
33 lessee the option to purchase the property, sell the property on  
34 contract for deferred payments, sell the property pursuant to a  
35 promissory note secured by a mortgage or deed of trust, or sell the  
36 property for cash and conveyance by deed. The appropriate documents  
37 shall be executed by the president of the board and acknowledged by the  
38 secretary.

1       The resolution authorizing the sale or lease shall be entered in  
2 the minutes of the board and shall fix the price at which the lease,  
3 option, or sale may be made. The price shall be not less than the  
4 reasonable market value of the property; however, the board may,  
5 without consideration, dedicate, grant, or convey district land or  
6 easements in district land for highway or public utility purposes that  
7 convenience the inhabitants of the district if the board deems that the  
8 action will enhance the value of the remaining district land to an  
9 extent equal to or greater than the value of the land or easement  
10 dedicated, granted, or conveyed.

11       All sales or leases of irrigation district real property made  
12 between June 9, 1988, and the effective date of this section that were  
13 made in substantial compliance with the provisions of this section  
14 shall be deemed to have been made within the power and authority of the  
15 district.

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