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**SENATE BILL 6486**

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**State of Washington****53rd Legislature****1994 Regular Session****By Senator Sutherland**

Read first time 01/25/94. Referred to Committee on Energy &amp; Utilities.

1       AN ACT Relating to reimbursement contracts with local governments;  
2 and amending RCW 35.91.020, 56.22.040, and 57.22.040.

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

4       **Sec. 1.** RCW 35.91.020 and 1981 c 313 s 11 are each amended to read  
5 as follows:

6       The governing body of any city, town, county, sewer district, water  
7 district, or drainage district, hereinafter referred to as a  
8 "municipality" may contract with owners of real estate for the  
9 construction of storm, sanitary, or combination sewers, pumping  
10 stations, and disposal plants, water mains, hydrants, reservoirs, or  
11 appurtenances, hereinafter called "water or sewer facilities," within  
12 their boundaries or (except for counties) within ten miles from their  
13 corporate limits connecting with the public water or sewerage system to  
14 serve the area in which the real estate of such owners is located, and  
15 to provide for a period of not to exceed fifteen years for the  
16 reimbursement of such owners and their assigns by any owner of real  
17 estate who did not contribute to the original cost of such water or  
18 sewer facilities and who subsequently tap onto or use the same of a  
19 fair pro rata share of the cost of the construction of said water or

1 sewer facilities, including not only those directly connected thereto,  
2 but also users connected to laterals or branches connecting thereto,  
3 subject to such reasonable rules and regulations as the governing body  
4 of such municipality may provide or contract, and notwithstanding the  
5 provisions of any other law. To the extent it may require in the  
6 performance of such contract, such municipality may install said water  
7 or sewer facilities in and along the county streets in the area to be  
8 served as hereinabove provided, subject to such reasonable requirements  
9 as to the manner of occupancy of such streets as the county may by  
10 resolution provide. The provisions of such contract shall not be  
11 effective as to any owner of real estate not a party thereto unless  
12 notice of the contract is given by mail at least fifteen days before  
13 the contract is entered into to the owners or reputed owners of all  
14 lots, tracts, or parcels of land or other property over which, or  
15 within one hundred feet of which, the water or sewer facilities will  
16 pass, as shown on the rolls of the county treasurer, directed to the  
17 address thereon shown, and such contract has been recorded in the  
18 office of the county auditor of the county in which the real estate of  
19 such owner is located prior to the time such owner taps into or  
20 connects to said water or sewer facilities. ((The power of the  
21 governing body of such municipality to so contract also applies to  
22 water or sewer facilities in process of construction on June 10, 1959,  
23 or which have not been finally approved or accepted for full  
24 maintenance and operation by such municipality upon June 10, 1959.)) If  
25 any property owner requests a hearing in writing within fourteen days  
26 of the mailing of the notice, a hearing shall be held before the  
27 legislative body, notice of which shall be given to all affected  
28 property owners. The legislative body's ruling is determinative and  
29 final.

30       **Sec. 2.** RCW 56.22.040 and 1989 c 389 s 7 are each amended to read  
31 as follows:

32       The procedures for reimbursement contracts shall be governed by the  
33 following:

34       (1) A reimbursement area shall be formulated by the board of  
35 commissioners within a reasonable time after the acceptance of the  
36 extension. The reimbursement shall be based upon a determination by  
37 the board of commissioners of which parcels would require similar sewer  
38 improvements upon development.

1       (2) The contract shall not be effective as to any owner of real  
2 estate not a party thereto unless notice of the contract is given by  
3 mail at least fifteen days before the contract is entered into to the  
4 owners or reputed owners of all lots, tracts, or parcels of land or  
5 other property over which, or within one hundred feet of which, the  
6 sewer improvements will pass, as shown on the rolls of the county  
7 treasurer, directed to the address thereon shown. If any property  
8 owner requests a hearing in writing within fourteen days of the mailing  
9 of the notice, a hearing shall be held before the legislative body,  
10 notice of which shall be given to all affected property owners. The  
11 legislative body's ruling is determinative and final. The contract  
12 must be recorded in the appropriate county auditor's office after the  
13 final execution of the agreement.

14      **Sec. 3.** RCW 57.22.040 and 1989 c 389 s 14 are each amended to read  
15 as follows:

16      The procedures for reimbursement contracts shall be governed by the  
17 following:

18       (1) A reimbursement area shall be formulated by the board of  
19 commissioners within a reasonable time after the acceptance of the  
20 extension. The reimbursement shall be based upon a determination by  
21 the board of commissioners of which parcels would require similar water  
22 improvements upon development.

23       (2) The contract shall not be effective as to any owner of real  
24 estate not a party thereto unless notice of the contract is given by  
25 mail at least fifteen days before the contract is entered into to the  
26 owners or reputed owners of all lots, tracts, or parcels of land or  
27 other property over which, or within one hundred feet of which, the  
28 water improvements will pass, as shown on the rolls of the county  
29 treasurer, directed to the address thereon shown. If any property  
30 owner requests a hearing in writing within fourteen days of the mailing  
31 of the notice, a hearing shall be held before the legislative body,  
32 notice of which shall be given to all affected property owners. The  
33 legislative body's ruling is determinative and final. The contract  
34 must be recorded in the appropriate county auditor's office after the  
35 final execution of the agreement.

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