

SENATE BILL REPORT

SHB 1265

AS REPORTED BY COMMITTEE ON GOVERNMENTAL OPERATIONS,
APRIL 2, 1991

Brief Description: Restricting subdivision alterations that diminish dedications.

SPONSORS: House Committee on Local Government (originally sponsored by Representatives Valle, Heavey and Scott).

HOUSE COMMITTEE ON LOCAL GOVERNMENT

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: Do pass.

Signed by Senators McCaslin, Chairman; Madsen, Matson, and Sutherland.

Staff: Rod McAulay (786-7754)

Hearing Dates: April 2, 1991

BACKGROUND:

Plats for subdivisions or short subdivisions may include dedications of land for public use or for the benefit of those who acquire property within the subdivision. When such a dedication crosses a platted lot or parcel it may be deemed to be an easement for the benefit of the public or other property owners in the subdivision.

The local legislative authority may approve a modification of a plat, including the reduction in size or change of use of a dedication, upon the petition of a majority of those persons having an ownership interest in the subdivision and following a public hearing.

A court of general jurisdiction may modify a dedication as part of the relief granted in a lawsuit in which the size, use and nature of the dedication is at issue.

SUMMARY:

Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owners, unless the document creating the easement provides otherwise.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Need to prevent the impairment of rights-of-way without the consent of owners.

TESTIMONY AGAINST: None

TESTIFIED: Susan and Eugene Hoglund