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SENATE BILL 5863

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State of Washington

52nd Legislature

1991 Regular Session

By Senator Sellar.

Read first time February 26, 1991. Referred to Committee on Transportation.

1 AN ACT Relating to technical changes in rail freight property  
2 acquisition statutes; amending RCW 47.76.040, 47.76.050, 47.76.060,  
3 47.76.070, 47.76.080, and 47.76.090; and declaring an emergency.

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

5 **Sec. 1.** RCW 47.76.040 and 1985 c 432 s 3 are each amended to read  
6 as follows:

7 The department shall sell property acquired under RCW (~~47.76.030~~)  
8 47.76.140 to a county rail district established under chapter 36.60  
9 RCW, a port district, or any other public or private entity authorized  
10 to operate rail service. Any public or private entity which originally  
11 donated funds to the department pursuant to RCW (~~47.76.030~~) 47.76.140  
12 shall receive credit against the purchase price for the amount donated  
13 to the department, less management costs, in the event such public or  
14 private entity purchases the property from the department.

1 If no county rail district, port district, or other public or  
2 private entity authorized to operate rail service offers to purchase  
3 such property within six years after its acquisition by the department,  
4 the department may sell such property in the manner provided in RCW  
5 47.76.050. Failing this, the department may sell or convey all such  
6 property in the manner provided in RCW 47.76.060 or 47.76.080.

7 **Sec. 2.** RCW 47.76.050 and 1985 c 432 s 4 are each amended to read  
8 as follows:

9 (1) If real property acquired by the department under RCW  
10 (~~47.76.030~~) 47.76.140 is not sold to a public or private entity  
11 authorized to operate rail service within six years of its acquisition  
12 by the department, the department may sell the property at fair market  
13 value to any of the following governmental entities or persons:

14 (a) Any other state agency;

15 (b) The city or county in which the property is situated;

16 (c) Any other municipal corporation;

17 (d) The former owner, heir, or successor of the property from whom  
18 the property was acquired;

19 (e) Any abutting private owner or owners.

20 (2) Notice of intention to sell under this section shall be given  
21 by publication in one or more newspapers of general circulation in the  
22 area in which the property is situated not less than thirty days prior  
23 to the intended date of sale.

24 (3) Sales to purchasers may at the department's option be for cash  
25 or by real estate contract.

26 (4) Conveyances made under this section shall be by deed executed  
27 by the secretary of transportation and shall be duly acknowledged.

28 (5) All moneys received under this section shall be deposited in  
29 the essential rail assistance account of the general fund.

1       **Sec. 3.** RCW 47.76.060 and 1985 c 432 s 5 are each amended to read  
2 as follows:

3       If real property acquired by the department under RCW ((47.76.030))  
4 47.76.140 is not sold to a public or private entity authorized to  
5 operate rail service within six years of its acquisition by the  
6 department, the department may transfer and convey the property to the  
7 United States, its agencies or instrumentalities, to any other state  
8 agency, to any county or city or port district of this state when, in  
9 the judgment of the secretary, the transfer and conveyance is  
10 consistent with the public interest. Whenever the secretary makes an  
11 agreement for any such transfer or conveyance, the secretary shall  
12 execute and deliver to the grantee a deed of conveyance, easement, or  
13 other instrument, duly acknowledged, as necessary to fulfill the terms  
14 of the agreement. All moneys paid to the state of Washington under  
15 this section shall be deposited in the essential rail assistance  
16 account of the general fund.

17       **Sec. 4.** RCW 47.76.070 and 1985 c 432 s 6 are each amended to read  
18 as follows:

19       The department is authorized subject to the provisions and  
20 requirements of zoning ordinances of political subdivisions of  
21 government, to rent or lease any lands acquired under RCW ((47.76.030))  
22 47.76.140, upon such terms and conditions as the department determines.

23       **Sec. 5.** RCW 47.76.080 and 1985 c 432 s 7 are each amended to read  
24 as follows:

25       (1) If real property acquired by the department under RCW  
26 ((47.76.030)) 47.76.140 is not sold to a public or private entity  
27 authorized to operate rail service within six years of its acquisition  
28 by the department, the department may, in its discretion, sell the

1 property at public auction in accordance with subsections (2) through  
2 (5) of this section.

3 (2) The department shall first give notice of the sale by  
4 publication on the same day of the week for two consecutive weeks, with  
5 the first publication at least two weeks before the date of the  
6 auction, in a legal newspaper of general circulation in the area where  
7 the property to be sold is located. The notice shall be placed in both  
8 the legal notices section and the real estate classified section of the  
9 newspaper. The notice shall contain a description of the property, the  
10 time and place of the auction, and the terms of the sale. The sale may  
11 be for cash or by real estate contract.

12 (3) In accordance with the terms set forth in the notice, the  
13 department shall sell the property at the public auction to the highest  
14 and best bidder if the bid is equal to or higher than the appraised  
15 fair market value of the property.

16 (4) If no bids are received at the auction or if all bids are  
17 rejected, the department may, in its discretion, enter into  
18 negotiations for the sale of the property or may list the property with  
19 a licensed real estate broker. No property may be sold by negotiations  
20 or through a broker for less than the property's appraised fair market  
21 value. Any offer to purchase real property under this subsection shall  
22 be in writing and may be rejected at any time before written acceptance  
23 by the department.

24 (5) Conveyances made under this section shall be by deed executed  
25 by the secretary of transportation and shall be duly acknowledged.

26 (6) All moneys received under this section shall be deposited in  
27 the essential rail assistance account of the general fund.

28 **Sec. 6.** RCW 47.76.090 and 1985 c 432 s 8 are each amended to read  
29 as follows:

1 Transfers of ownership of property acquired under RCW ((47.76.030))  
2 47.76.140 are exempt from chapters 8.25 and 8.26 RCW.

3 NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
4 preservation of the public peace, health, or safety, or support of the  
5 state government and its existing public institutions, and shall take  
6 effect immediately.