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SENATE BILL 5146

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State of Washington

56th Legislature

1999 Regular Session

By Senators Patterson and Winsley

Read first time 01/14/1999. Referred to Committee on State & Local Government.

1 AN ACT Relating to valuation of property acquired for public  
2 improvements; and amending RCW 8.26.180.

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

4 **Sec. 1.** RCW 8.26.180 and 1988 c 90 s 12 are each amended to read  
5 as follows:

6 Every acquiring agency shall, to the greatest extent practicable,  
7 be guided by the following policies:

8 (1) Every reasonable effort shall be made to acquire expeditiously  
9 real property by negotiation.

10 (2) Real property shall be appraised before the initiation of  
11 negotiations, and the owner or his designated representative shall be  
12 given an opportunity to accompany at least one appraiser of the  
13 acquiring agency during his inspection of the property, except that the  
14 lead agency may prescribe a procedure to waive the appraisal in cases  
15 involving the acquisition of property with a low fair market value.

16 (3) Before the initiation of negotiations for real property, the  
17 acquiring agency shall establish an amount which it believes to be just  
18 compensation therefor, and shall make a prompt offer to acquire the  
19 property for the full amount so established. In no event shall such

1 amount be less than the agency's approved appraisal of the fair market  
2 value of such property. Any decrease or increase in the fair market  
3 value of the real property to be acquired prior to the date of  
4 valuation caused by the public improvement for which such property is  
5 acquired, or by the likelihood that the property would be acquired for  
6 such improvement, other than that due to physical deterioration within  
7 the reasonable control of the owner, will be disregarded in determining  
8 the compensation for the property. The acquiring agency shall provide  
9 the owner of real property to be acquired with a written statement of,  
10 and summary of the basis for, the amount it established as just  
11 compensation. Where appropriate the just compensation for the real  
12 property acquired, for damages to remaining real property, and for  
13 benefits to remaining real property shall be separately stated.

14 (4) No owner shall be required to surrender possession of real  
15 property before the agreed purchase price is paid or deposited with a  
16 court having jurisdiction of condemnation of such property, in  
17 accordance with applicable law, for the benefit of the owner an amount  
18 not less than the acquiring agency's approved appraisal of the fair  
19 market value of such property, or the amount of the award of  
20 compensation in the condemnation proceeding of such property.

21 (5) The construction or development of a public improvement shall  
22 be so scheduled that, to the greatest extent practicable, no person  
23 lawfully occupying real property shall be required to move from a  
24 dwelling or to move his business or farm operation without at least  
25 ninety days written notice of the date by which such move is required.  
26 The acquiring agency shall not give this ninety-day written notice to  
27 move until after it has control of the property by possession  
28 agreement, stipulation, or judgment.

29 (6) If an owner or tenant is permitted to occupy the real property  
30 acquired on a rental basis for a short term or for a period subject to  
31 termination on short notice, the amount of rent required shall not  
32 exceed the fair rental value of the property to a short-term occupier.

33 (7) In no event shall the time of condemnation be advanced, on  
34 negotiations or condemnation and the deposit of funds in court for the  
35 use of the owner be deferred, or any other coercive action be taken to  
36 compel an agreement on the price to be paid for the property.

37 (8) If an interest in real property is to be acquired by exercise  
38 of the power of eminent domain, formal condemnation proceedings shall  
39 be instituted. The acquiring agency shall not intentionally make it

1 necessary for an owner to institute legal proceedings to prove the fact  
2 of the taking of his real property.

3 (9) If the acquisition of only a portion of a property would leave  
4 the owner with an uneconomic remnant, the head of the agency concerned  
5 shall offer to acquire that remnant. For the purposes of this chapter,  
6 an uneconomic remnant is a parcel of real property in which the owner  
7 is left with an interest after the partial acquisition of the owner's  
8 property and that the head of the agency concerned has determined has  
9 little or no value or utility.

10 (10) A person whose real property is being acquired in accordance  
11 with this chapter may, after the person has been fully informed of his  
12 right to receive just compensation for the property, donate the  
13 property, any part thereof, any interest therein, or any compensation  
14 paid for it to any agency as the person may determine.

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