

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 3192

Chapter 88, Laws of 2006

59th Legislature
2006 Regular Session

REAL PROPERTY--STREET, SEWER PROJECT REIMBURSEMENT

EFFECTIVE DATE: 6/7/06

Passed by the House February 13, 2006
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 2, 2006
Yeas 45 Nays 0

BRAD OWEN

President of the Senate

Approved March 17, 2006.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 3192** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

March 17, 2006 - 10:44 a.m.

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 3192

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By Representatives B. Sullivan, Ericks and Sells

Read first time 01/24/2006. Referred to Committee on Local Government.

1 AN ACT Relating to reimbursement by property owners for street,
2 road, and water or sewer projects; and amending RCW 35.72.020,
3 35.91.020, and 57.22.020.

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

5 **Sec. 1.** RCW 35.72.020 and 1983 c 126 s 2 are each amended to read
6 as follows:

7 ((1)) Except as otherwise provided in subsection (2) of this section,
8 the contract may provide for the partial reimbursement to the owner or
9 the owner's assigns for a period not to exceed fifteen years of a
10 portion of the costs of the project by other property owners who:

11 ((+1)) (a) Are determined to be within the assessment
12 reimbursement area pursuant to RCW 35.72.040;

13 ((+2)) (b) Are determined to have a reimbursement share based upon
14 a benefit to the property owner pursuant to RCW 35.72.030;

15 ((+3)) (c) Did not contribute to the original cost of the street
16 project; and

17 ((+4)) (d) Subsequently develop their property within the
18 ((fifteen-year)) period of time that the contract is effective and at

1 the time of development were not required to install similar street
2 projects because they were already provided for by the contract.

3 Street projects subject to reimbursement may include design,
4 grading, paving, installation of curbs, gutters, storm drainage,
5 sidewalks, street lighting, traffic controls, and other similar
6 improvements, as required by the street standards of the city, town, or
7 county.

8 (2)(a) The contract may provide for an extension of the
9 fifteen-year reimbursement period for a time not to exceed the duration
10 of any moratorium, phasing ordinance, concurrency designation, or other
11 governmental action that prevents making applications for, or the
12 approval of, any new development within the benefit area for a period
13 of six months or more.

14 (b) Upon the extension of the reimbursement period pursuant to (a)
15 of this subsection, the contract must specify the duration of the
16 contract extension and must be filed and recorded with the county
17 auditor. Property owners who are subject to the reimbursement
18 obligations under subsection (1) of this section shall be notified by
19 the appropriate county, city, or town of the extension filed under this
20 subsection.

21 (3) Each contract shall include a provision requiring that every
22 two years from the date the contract is executed a property owner
23 entitled to reimbursement under this section provide the appropriate
24 county, city, or town with information regarding the current contract
25 name, address, and telephone number of the person, company, or
26 partnership that originally entered into the contract. If the property
27 owner fails to comply with the notification requirements of this
28 subsection within sixty days of the specified time, then the
29 contracting county, city, or town may collect any reimbursement funds
30 owed to the property owner under the contract. Such funds must be
31 deposited in the capital fund of the county, city, or town.

32 **Sec. 2.** RCW 35.91.020 and 1999 c 153 s 38 are each amended to read
33 as follows:

34 (1) Except as provided under subsection (2) of this section, the
35 governing body of any city, town, county, water-sewer district, or
36 drainage district, hereinafter referred to as a "municipality" may
37 contract with owners of real estate for the construction of storm,

1 sanitary, or combination sewers, pumping stations, and disposal plants,
2 water mains, hydrants, reservoirs, or appurtenances, hereinafter called
3 "water or sewer facilities," within their boundaries or (except for
4 counties) within ten miles from their corporate limits connecting with
5 the public water or sewerage system to serve the area in which the real
6 estate of such owners is located, and to provide for a period of not to
7 exceed fifteen years for the reimbursement of such owners and their
8 assigns by any owner of real estate who did not contribute to the
9 original cost of such water or sewer facilities and who subsequently
10 tap onto or use the same of a fair pro rata share of the cost of the
11 construction of said water or sewer facilities, including not only
12 those directly connected thereto, but also users connected to laterals
13 or branches connecting thereto, subject to such reasonable rules and
14 regulations as the governing body of such municipality may provide or
15 contract, and notwithstanding the provisions of any other law.

16 (2)(a) The contract may provide for an extension of the
17 fifteen-year reimbursement period for a time not to exceed the duration
18 of any moratorium, phasing ordinance, concurrency designation, or other
19 governmental action that prevents making applications for, or the
20 approval of, any new development within the benefit area for a period
21 of six months or more.

22 (b) Upon the extension of the reimbursement period pursuant to (a)
23 of this subsection, the contract must specify the duration of the
24 contract extension and must be filed and recorded with the county
25 auditor. Property owners who are subject to the reimbursement
26 obligations under subsection (1) of this section shall be notified by
27 the contracting municipality of the extension filed under this
28 subsection.

29 (3) Each contract shall include a provision requiring that every
30 two years from the date the contract is executed a property owner
31 entitled to reimbursement under this section provide the contracting
32 municipality with information regarding the current contract name,
33 address, and telephone number of the person, company, or partnership
34 that originally entered into the contract. If the property owner fails
35 to comply with the notification requirements of this subsection within
36 sixty days of the specified time, then the contracting municipality may
37 collect any reimbursement funds owed to the property owner under the

1 contract. Such funds must be deposited in the capital fund of the
2 municipality.

3 (4) To the extent it may require in the performance of such
4 contract, such municipality may install said water or sewer facilities
5 in and along the county streets in the area to be served as hereinabove
6 provided, subject to such reasonable requirements as to the manner of
7 occupancy of such streets as the county may by resolution provide. The
8 provisions of such contract shall not be effective as to any owner of
9 real estate not a party thereto unless such contract has been recorded
10 in the office of the county auditor of the county in which the real
11 estate of such owner is located prior to the time such owner taps into
12 or connects to said water or sewer facilities.

13 **Sec. 3.** RCW 57.22.020 and 1996 c 230 s 802 are each amended to
14 read as follows:

15 (1) Except as otherwise provided in subsection (2) of this section,
16 the contract shall also provide, subject to the terms and conditions in
17 this section, for the reimbursement to the owner or the owner's assigns
18 for a period not to exceed fifteen years of a portion of the costs of
19 the facilities constructed pursuant to such contract from connection
20 charges received by the district from other property owners who
21 subsequently connect to or use the facilities within the ((fifteen-
22 year)) period of time that the contract is effective and who did not
23 contribute to the original cost of such facilities.

24 (2)(a) The contract may provide for an extension of the
25 fifteen-year reimbursement period for a time not to exceed the duration
26 of any moratorium, phasing ordinance, concurrency designation, or other
27 governmental action that prevents making applications for, or the
28 approval of, any new development for a period of six months or more
29 within the benefit area of the system extensions authorized under this
30 chapter.

31 (b) Upon the extension of the reimbursement period pursuant to (a)
32 of this subsection, the contract must specify the duration of the
33 contract extension and must be filed and recorded with the county
34 auditor. Property owners who are subject to the reimbursement
35 obligations under subsection (1) of this section shall be notified by
36 the water-sewer district of the extension filed under this subsection.

1 (3) Each contract shall include a provision requiring that every
2 two years from the date the contract is executed a property owner
3 entitled to reimbursement under this section provide the water-sewer
4 district with information regarding the current contract name, address,
5 and telephone number of the person, company, or partnership that
6 originally entered into the contract. If the property owner fails to
7 comply with the notification requirements of this subsection within
8 sixty days of the specified time, then the water-sewer district may
9 collect any reimbursement funds owed to the property owner under the
10 contract. Such funds must be deposited in the capital fund of the
11 water-sewer district.

Passed by the House February 13, 2006.

Passed by the Senate March 2, 2006.

Approved by the Governor March 17, 2006.

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