

HOUSE BILL REPORT

HB 1048

As Passed House:

February 13, 2009

Title: An act relating to the sale, lease, or conveyance of municipal property in commercial areas to private parties for free public parking facilities in cities with populations over three hundred thousand.

Brief Description: Repealing provisions addressing the sale, lease, or conveyance of municipal property in commercial areas to private parties for free public parking facilities in cities with populations over three hundred thousand.

Sponsors: Representatives Simpson, Hudgins, Nelson, Santos, Chase and Kenney.

Brief History:

Committee Activity:

Local Government & Housing: 1/14/09 [DP].

Floor Activity

Passed House: 2/13/09, 95-0.

Brief Summary of Bill

- Repeals statutes regulating specified municipalities with respect to the conveyance of interests in unused real property to a private corporation or association established to develop and maintain free public parking facilities.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: Do pass. Signed by 10 members: Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Ericksen, Miloscia, Short, Springer, Upthegrove, White and Williams.

Staff: Thamas Osborn (786-7129)

Background:

Chapter 35.87 of the Revised Code of Washington regulates real estate transactions by certain large municipalities regarding the conveyance of specified types of real property to a

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private corporation or association established to develop and maintain free public parking facilities. The statutory scheme applies only to those municipalities with populations exceeding 300,000 which, subject to specified requirements, must allow a qualifying corporation or association the first right of purchase or lease with respect to the acquisition of an interest in the property.

The conveyance of the property interest by the municipality must comply with the following requirements:

- The property must be in an area zoned for retail businesses and must no longer be used or needed by the municipality.
- In order to be given first priority with respect to acquiring the property, the purchaser must be a private corporation or association established to develop and maintain free public parking facilities and must agree to dedicate the property for free public parking.
- The municipality has complete discretion as to the price, terms, and conditions of sale to a qualifying corporation or association, except that the price may not exceed the fair market value of the property.
- If the property is conveyed to a qualifying corporation or association, the instrument of conveyance must provide that the rights to the property shall revert back to the municipality in the event the property ceases to be used as a free public parking facility.
- Fifteen days prior to sale, the municipality must meet specified public notice requirements which include a description of the property and the disclosure of the municipalities intention to sell, lease, or convey an interest in the property.
- The public notice of sale must state that a qualifying corporation or association shall have the first right of purchase or lease of the property provided the corporation or association agrees to dedicate such property for free public parking.

The statutory provisions set forth in the chapter are not applicable with respect to the sale, lease, or conveyance of property to any federal, state, or municipal entity or agency.

Summary of Bill:

The act repeals chapter 35.87 RCW in its entirety.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill repeals an obsolete chapter in the Revised Code of Washington that places unnecessary burdens on the City of Seattle when it endeavors to sell unused city property. Under current law, the city cannot sell any unused property without first offering it for sale to a corporation or association for the purpose of developing free city parking. This procedure creates a series of burdensome property sale requirements that no longer serve any public purpose. For example, if the city proposes the sale of a major city-owned office building, the city must first complete procedural requirements involving offering it first to purchasers interested in developing the property for public parking.

(Opposed) None.

Persons Testifying: (In support) David Foster, City of Seattle.

Persons Signed In To Testify But Not Testifying: None