
HOUSE BILL 1441

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Shea, Clibborn, Rodne, Armstrong, Taylor, Crouse, Condotta, Kristiansen, Kretz, Short, McCune, Schmick, Hargrove, Klippert, Johnson, Angel, Rivers, Asay, Ryu, Rolfes, Ahern, Overstreet, and Warnick

Read first time 01/21/11. Referred to Committee on Transportation.

1 AN ACT Relating to providing a right of first repurchase for
2 surplus transportation property; amending RCW 47.12.063 and 47.12.063;
3 providing effective dates; providing an expiration date; and declaring
4 an emergency.

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

6 **Sec. 1.** RCW 47.12.063 and 2010 c 157 s 1 are each amended to read
7 as follows:

8 (1) It is the intent of the legislature to continue the
9 department's policy giving priority consideration to abutting property
10 owners in agricultural areas when disposing of property through its
11 surplus property program under this section, unless the property is
12 eligible to be sold under subsection (3) of this section.

13 (2) Whenever the department determines that any real property owned
14 by the state of Washington and under the jurisdiction of the department
15 is no longer required for transportation purposes and that it is in the
16 public interest to do so, the department may sell the property or
17 exchange it in full or part consideration for land or improvements or
18 for construction of improvements at fair market value to any of the

1 following governmental entities or persons, unless the property is
2 eligible to be sold under subsection (3) of this section:

3 (a) Any other state agency;

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

5 (c) Any other municipal corporation;

6 (d) Regional transit authorities created under chapter 81.112 RCW;

7 (e) The former owner of the property from whom the state acquired
8 title;

9 (f) In the case of residentially improved property, a tenant of the
10 department who has resided thereon for not less than six months and who
11 is not delinquent in paying rent to the state;

12 (g) Any abutting private owner but only after each other abutting
13 private owner (if any), as shown in the records of the county assessor,
14 is notified in writing of the proposed sale. If more than one abutting
15 private owner requests in writing the right to purchase the property
16 within fifteen days after receiving notice of the proposed sale, the
17 property shall be sold at public auction in the manner provided in RCW
18 47.12.283;

19 (h) To any person through the solicitation of written bids through
20 public advertising in the manner prescribed by RCW 47.28.050;

21 (i) To any other owner of real property required for transportation
22 purposes;

23 (j) In the case of property suitable for residential use, any
24 nonprofit organization dedicated to providing affordable housing to
25 very low-income, low-income, and moderate-income households as defined
26 in RCW 43.63A.510 and is eligible to receive assistance through the
27 Washington housing trust fund created in chapter 43.185 RCW;

28 (k) A federally qualified community health center as defined in RCW
29 82.04.4311; or

30 (l) A federally recognized Indian tribe within whose reservation
31 boundary the property is located.

32 (3) If the department determines that all or a portion of real
33 property or an interest in real property that was acquired through
34 condemnation within the previous ten years is no longer necessary for
35 a transportation purpose, the former owner has a right of repurchase as
36 described in this subsection. For the purposes of this subsection,
37 "former owner" means the person or entity from whom the department
38 acquired title. At least ninety days prior to the date on which the

1 property is intended to be sold by the department, the department must
2 mail notice of the planned sale to the former owner of the property at
3 the former owner's last known address or to a forwarding address if
4 that owner has provided the department with a forwarding address. If
5 the former owner of the property's last known address, or forwarding
6 address if a forwarding address has been provided, is no longer the
7 former owner of the property's address, the right of repurchase is
8 extinguished. If the former owner notifies the department within
9 thirty days of the date of the notice that the former owner intends to
10 repurchase the property, the department shall proceed with the sale of
11 the property to the former owner for fair market value and shall not
12 list the property for sale to other owners. If the former owner does
13 not provide timely written notice to the department of the intent to
14 exercise a repurchase right, or if the sale to the former owner is not
15 completed within six months of the date of notice that the former owner
16 intends to repurchase the property, the right of repurchase is
17 extinguished.

18 (4) Sales to purchasers may at the department's option be for cash,
19 by real estate contract, or exchange of land or improvements.
20 Transactions involving the construction of improvements must be
21 conducted pursuant to chapter 47.28 RCW or Title 39 RCW, as applicable,
22 and must comply with all other applicable laws and rules.

23 ((+4)) (5) Conveyances made pursuant to this section shall be by
24 deed executed by the secretary of transportation and shall be duly
25 acknowledged.

26 ((+5)) (6) Unless otherwise provided, all moneys received pursuant
27 to the provisions of this section less any real estate broker
28 commissions paid pursuant to RCW 47.12.320 shall be deposited in the
29 motor vehicle fund.

30 **Sec. 2.** RCW 47.12.063 and 2006 c 17 s 2 are each amended to read
31 as follows:

32 (1) It is the intent of the legislature to continue the
33 department's policy giving priority consideration to abutting property
34 owners in agricultural areas when disposing of property through its
35 surplus property program under this section, unless the property is
36 eligible to be sold under subsection (3) of this section.

1 (2) Whenever the department determines that any real property owned
2 by the state of Washington and under the jurisdiction of the department
3 is no longer required for transportation purposes and that it is in the
4 public interest to do so, the department may sell the property or
5 exchange it in full or part consideration for land or improvements or
6 for construction of improvements at fair market value to any of the
7 following governmental entities or persons, unless the property is
8 eligible to be sold under subsection (3) of this section:

9 (a) Any other state agency;

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

11 (c) Any other municipal corporation;

12 (d) Regional transit authorities created under chapter 81.112 RCW;

13 (e) The former owner of the property from whom the state acquired
14 title;

15 (f) In the case of residentially improved property, a tenant of the
16 department who has resided thereon for not less than six months and who
17 is not delinquent in paying rent to the state;

18 (g) Any abutting private owner but only after each other abutting
19 private owner (if any), as shown in the records of the county assessor,
20 is notified in writing of the proposed sale. If more than one abutting
21 private owner requests in writing the right to purchase the property
22 within fifteen days after receiving notice of the proposed sale, the
23 property shall be sold at public auction in the manner provided in RCW
24 47.12.283;

25 (h) To any person through the solicitation of written bids through
26 public advertising in the manner prescribed by RCW 47.28.050;

27 (i) To any other owner of real property required for transportation
28 purposes;

29 (j) In the case of property suitable for residential use, any
30 nonprofit organization dedicated to providing affordable housing to
31 very low-income, low-income, and moderate-income households as defined
32 in RCW 43.63A.510 and is eligible to receive assistance through the
33 Washington housing trust fund created in chapter 43.185 RCW; or

34 (k) A federally recognized Indian tribe within whose reservation
35 boundary the property is located.

36 (3) If the department determines that all or a portion of real
37 property or an interest in real property that was acquired through
38 condemnation within the previous ten years is no longer necessary for

1 a transportation purpose, the former owner has a right of repurchase as
2 described in this subsection. For the purposes of this subsection,
3 "former owner" means the person or entity from whom the department
4 acquired title. At least ninety days prior to the date on which the
5 property is intended to be sold by the department, the department must
6 mail notice of the planned sale to the former owner of the property at
7 the former owner's last known address or to a forwarding address if
8 that owner has provided the department with a forwarding address. If
9 the former owner of the property's last known address, or forwarding
10 address if a forwarding address has been provided, is no longer the
11 former owner of the property's address, the right of repurchase is
12 extinguished. If the former owner notifies the department within
13 thirty days of the date of the notice that the former owner intends to
14 repurchase the property, the department shall proceed with the sale of
15 the property to the former owner for fair market value and shall not
16 list the property for sale to other owners. If the former owner does
17 not provide timely written notice to the department of the intent to
18 exercise a repurchase right, or if the sale to the former owner is not
19 completed within six months of the date of notice that the former owner
20 intends to repurchase the property, the right of repurchase is
21 extinguished.

22 (4) Sales to purchasers may at the department's option be for cash,
23 by real estate contract, or exchange of land or improvements.
24 Transactions involving the construction of improvements must be
25 conducted pursuant to chapter 47.28 RCW or Title 39 RCW, as applicable,
26 and must comply with all other applicable laws and rules.

27 ((+4)) (5) Conveyances made pursuant to this section shall be by
28 deed executed by the secretary of transportation and shall be duly
29 acknowledged.

30 ((+5)) (6) Unless otherwise provided, all moneys received pursuant
31 to the provisions of this section less any real estate broker
32 commissions paid pursuant to RCW 47.12.320 shall be deposited in the
33 motor vehicle fund.

34 NEW SECTION. Sec. 3. Section 1 of this act is necessary for the
35 immediate preservation of the public peace, health, or safety, or
36 support of the state government and its existing public institutions,
37 and takes effect July 1, 2011.

1 NEW SECTION. **Sec. 4.** Section 1 of this act expires June 30, 2012.

2 NEW SECTION. **Sec. 5.** Section 2 of this act takes effect June 30,
3 2012.

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