
HOUSE BILL 1585

State of Washington 64th Legislature 2015 Regular Session

By Representatives Young, Shea, Scott, G. Hunt, Taylor, and Santos

Read first time 01/23/15. 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; providing an
3 effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 47.12.063 and 2011 c 376 s 2 are each amended to
6 read as follows:

7 (1) It is the intent of the legislature to continue the
8 department's policy giving priority consideration to abutting
9 property owners in agricultural areas when disposing of property
10 through its surplus property program under this section, unless the
11 property is eligible to be sold under subsection (4) of this section.

12 (2) Whenever the department determines that any real property
13 owned by the state of Washington and under the jurisdiction of the
14 department is no longer required for transportation purposes and that
15 it is in the public interest to do so, the department may sell the
16 property or exchange it in full or part consideration for land or
17 improvements or for construction of improvements at fair market value
18 to any person through the solicitation of written bids through public
19 advertising in the manner prescribed under RCW 47.28.050 or in the
20 manner prescribed under RCW 47.12.283.

1 (3) The department may forego the processes prescribed by RCW
2 47.28.050 and 47.12.283 and sell the real property to any of the
3 following entities or persons at fair market value, unless the
4 property is eligible to be sold under subsection (4) of this section:

5 (a) Any other state agency;

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

7 (c) Any other municipal corporation;

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

10 (e) The former owner of the property from whom the state acquired
11 title;

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

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

22 (h) To any other owner of real property required for
23 transportation purposes;

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

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

32 (4) 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
36 as 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
39 property is intended to be sold by the department, the department
40 must mail notice of the planned sale to the former owner of the

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

16 (5) When selling real property pursuant to RCW 47.12.283, the
17 department may withhold or withdraw the property from an auction when
18 requested by one of the entities or persons listed in subsection (3)
19 of this section and only after the receipt of a nonrefundable deposit
20 equal to ten percent of the fair market value of the real property or
21 five thousand dollars, whichever is less. This subsection does not
22 prohibit the department from exercising its discretion to withhold or
23 withdraw the real property from an auction if the department
24 determines that the property is no longer surplus or chooses to sell
25 the property through one of the other means listed in subsection (2)
26 of this section. If a transaction under this subsection is not
27 completed within sixty days, the real property must be put back up
28 for sale.

29 ~~((+5))~~ (6) Sales to purchasers may at the department's option be
30 for cash, by real estate contract, or exchange of land or
31 improvements. Transactions involving the construction of improvements
32 must be conducted pursuant to chapter 47.28 RCW and Title 39 RCW, as
33 applicable, and must comply with all other applicable laws and rules.

34 ~~((+6))~~ (7) Conveyances made pursuant to this section shall be by
35 deed executed by the secretary of transportation and shall be duly
36 acknowledged.

37 ~~((+7))~~ (8) Unless otherwise provided, all moneys received
38 pursuant to the provisions of this section less any real estate
39 broker commissions paid pursuant to RCW 47.12.320 shall be deposited
40 in the motor vehicle fund.

1 NEW SECTION. **Sec. 2.** Section 1 of this act is necessary for the
2 immediate preservation of the public peace, health, or safety, or
3 support of the state government and its existing public institutions,
4 and takes effect July 1, 2015.

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