

**Chapter 36.85 RCW**  
**ROADS AND BRIDGES—RIGHTS-OF-WAY**

**Sections**

- 36.85.010 Acquisition—Condemnation.
- 36.85.020 Aviation site not exempt from condemnation.
- 36.85.030 Acceptance of federal grants over public lands.
- 36.85.040 Acceptance of federal grants over public lands—Prior acceptances ratified.

**RCW 36.85.010 Acquisition—Condemnation.** Whenever it is necessary to secure any lands for a right-of-way for any county road or for the drainage thereof or to afford unobstructed view toward any intersection or point of possible danger to public travel upon any county road or for any borrow pit, gravel pit, quarry, or other land for the extraction of material for county road purposes, or right-of-way for access thereto, the board may acquire such lands on behalf of the county by gift, purchase, or condemnation. When the board so directs, the prosecuting attorney of the county shall institute proceedings in condemnation to acquire such land for a county road in the manner provided by law for the condemnation of land for public use by counties. All cost of acquiring land for right-of-way or for other purposes by purchase or condemnation shall be paid out of the county road fund of the county and chargeable against the project for which acquired. [1963 c 4 s 36.85.010. Prior: 1937 c 187 s 9; RRS s 6450-9.]

**RCW 36.85.020 Aviation site not exempt from condemnation.** Whenever any county has established a public highway, which, in whole or in part, abuts upon and adjoins any aviation site in such county, no property shall be exempt from condemnation for such highway by reason of the same having been or being dedicated, appropriated, or otherwise reduced or held to public use. [1963 c 4 s 36.85.020. Prior: 1925 ex.s. c 41 s 1; RRS s 905-2.]

**RCW 36.85.030 Acceptance of federal grants over public lands.** The boards in their respective counties may accept the grant of rights-of-way for the construction of public highways over public lands of the United States, not reserved for public uses, contained in section 2477 of the Revised Statutes of the United States. Such rights-of-way shall henceforward not be less than sixty feet in width unless a lesser width is specified by the United States. Acceptance shall be by resolution of the board spread upon the records of its proceedings: PROVIDED, That nothing herein contained shall be construed to invalidate the acceptance of such grant by general public use and enjoyment, heretofore or hereafter had. [1963 c 4 s 36.85.030. Prior: 1937 c 187 s 17; RRS s 6450-17.]

**RCW 36.85.040 Acceptance of federal grants over public lands—Prior acceptances ratified.** Prior action of boards purporting to accept the grant of rights-of-way under section 2477 of the Revised Statutes of the United States for the construction of public highways

over public lands of the United States, as provided in RCW 36.85.030, is hereby approved, ratified and confirmed and all such public highways shall be deemed duly laid out county roads and boards of county commissioners may at any time by recorded resolution cause any of such county roads to be opened and improved for public travel. [1963 c 4 s 36.85.040. Prior: 1937 c 187 s 18; RRS s 6450-18.]