

CHAPTER 54.

[S. B. 174.]

RELATING TO COUNTY ROADS, AND RIGHT OF EMINENT DOMAIN.

AN ACT relating to the establishment and widening of county roads and to the exercise of the right of eminent domain by counties in condemning land and other property for county roads and to secure property containing gravel, stone or other road building materials and rights-of-way in and to such property and repealing all acts in conflict herewith.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. *Laying Out.*

County roads shall be laid out and established by order of the county commissioners of the proper county in the manner hereinafter provided. [Superseding § 5623, Rem.-Bal.]

SEC. 2. *Resolution.*

When deemed advisable that a road be established, the board of county commissioners shall, at a regular meeting, by unanimous vote pass a resolution and enter same on the minutes of the board, which resolution shall describe the terminal points of such proposed road and the width and general course of same. The resolution need not set forth the manner of construction, the cost, nor describe the several tracts or parcels of land through which the same shall run. The resolution shall declare that the laying out and establishment of the road is considered a public necessity and shall direct the county engineer to make an examination of the proposed route of said road as hereinafter provided. [Amending §§5623-5624, Rem.-Bal.]

Resolution to establish. (See, also, Sec. 4 *infra*.)

SEC. 3. *Engineer's Duty.*

The county engineer shall make an examination of the proposed route of such road and, if necessary, a survey of same. If, however, after an examination, he deems the same to be impracticable, he may so report to the board of county commissioners without making a survey, or he may examine or survey any other route that would subserve that purpose, and make a report thereon.

Engineer examine.

[This and §6 *infra*, amend § 5627, Rem.-Bal.]

SEC. 4. *Petition of Householders.*

In addition to the method hereinabove provided, ten or more householders of the county residing in the vicinity of a proposed road may petition the board of county commissioners for the establishment of such road. Such petition shall describe the terminal points of said road and the general course of same.

[Amending
§5624,
Rem.-Bal.]

Pettitlon to
establish.

SEC. 5. *Bond.*

If the board of county commissioners so order the petition shall be accompanied by a bond in the penal sum of three hundred dollars (\$300) payable to the county, executed by one or more persons as principal or principals, with two or more sufficient sureties, and conditioned that the petitioners will pay into the county treasury the amount of all costs and expenses incurred in examining and surveying the proposed road and in the proceedings in case the road shall not be established, or in case the application is for the purpose of changing the road for the benefit of the land owner or owners, and no such change shall be made until such cost bill has been paid and the road graded. When the cost is assessed against the principal petitioner, the clerk of the board of county commissioners shall file the cost bill with the county treasurer, who shall proceed to collect the same. Before considering the petition the board may require the petitioners to secure waivers for the right-of-way from the land owners, and, in such case, before an examination or survey is ordered, the waivers shall be filed with the board of county commissioners.

Bond.

[Amending
§ 5626,
Rem.-Bal.]

Cost bill
filed with
treasurer.

[This por-
tion modifies
§5628,
Rem.-Bal.,
when estab-
lished on
petition.]

SEC. 6. *Examination by Engineer.*

Upon the filing of said petition and said bond, if required, the board of county commissioners shall examine and approve same and if found sufficient shall direct the county engineer to make an examination and survey, as provided for in section three (3) of this act.

(See note to
§3, *supra*.)

SEC. 7. At the time of the hearing on the establishment of said road as provided for by law, the board of county commissioners shall direct the auditor to draw warrants

in favor of the record owner or owners of said property appropriated in said proceeding for the amount of the award made by the board for the appropriation thereof. The auditor shall cash said warrants if the same be not accepted by said owner or owners by the time said petition to condemn is filed with the clerk of the superior court as provided for by law and shall deposit said moneys in court for the use and benefit of said owner or owners. If said warrants be accepted by said owner or owners, or if said money be withdrawn from the registry of the court, the county shall be entitled to a decree of appropriation vesting full title to the property in the county.

Relating to warrants.

[Amending §5638, Rem.-Bal.]

SEC. 8. *Right-of-Way May Be Condemned.*

If any award of damages is not accepted at the time of said hearing it shall be deemed rejected, and the board must then, by order, direct proceedings to procure the right-of-way to be instituted in the superior court of the county by the county attorney of the county in the manner provided by law for the taking of private property for public use.

[See §5635, Rem.-Bal.]

Condemn right-of-way.

SEC. 9. *Condemning Gravel Beds and Stone Quarries.*

Counties shall have the right in the manner provided for in this act, to condemn land or other property for the purpose of securing gravel beds, stone quarries or other material suitable for the construction, building or repair of county roads, and shall have the right to condemn the right-of-ways to reach such property and to gain access thereto. The proceedings shall be the same as provided for herein for the establishment and condemnation of county roads.

[See §5603, Rem.-Bal.]

Gravel beds, stone quarries.

SEC. 10. *Widening County Roads.*

The county shall have the right, in the manner provided for in this act, to condemn land and other property for the purpose of widening county roads already established, to any width allowed by law, and to condemn land and other property for the purpose of changing the course or location of roads already established.

Widening established roads.

[See §§5645-6, Rem.-Bal., as to width of road.]

SEC. 11. *Repealing Clause.*

Repeal.

All laws and parts of laws in conflict herewith are hereby repealed.

Passed by the Senate March 1, 1911.

Passed by the House March 6, 1911.

Approved by the Governor March 11, 1911.

CHAPTER 55.

[S. S. B. 165.]

RELATING TO EXPENDING ROAD AND BRIDGE FUNDS.

AN ACT relating to the expenditure of road and bridge funds in the construction, improvement and repair of public highways and bridges, and amending section 5585 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

[Amending
§5585,
Rem.-Bal.]

SECTION 1. That section 5585 of Remington and Ballinger's Annotated Codes and Statutes of Washington, be and the same is hereby amended to read as follows: Section 5585. All the funds in the county treasury raised by the taxation herein provided shall be expended by the county commissioners and all road and bridge construction, improvements or repairs shall be made by the county commissioners in the following manner:

When under
\$2,500.00.

First. All road construction, improvement or repairs of which the estimated cost shall be under \$2,500, and all bridge construction, improvement or repairs of which the estimated cost shall be under \$500, may be done under the direction of the county commissioners and the county engineer.

When above
\$2,500.00.

Second. All road construction, improvement or repairs, of which the estimated cost shall be \$2,500 or more shall be let by contract by the county commissioners on plans and specifications previously prepared by the county engineer under the direction of the board of county commissioners to the lowest and best bidder; calls for said bids