

tourists and visitors and the display of relief maps, pictures, photographs and other exhibits designed to extol the natural beauties of the state and the magnitude and diversity of its natural resources.

Aim and purpose of Tourist Center.

SEC. 3. The aim and purpose of the Washington State Tourist Center shall be to provide vista points where the view of the Coulee Dam is considered to be most spectacular, to provide facilities for the convenience, comfort and entertainment of tourists and visitors, and to provide facilities whereby a campaign may be conducted to encourage tourists to visit the many incomparable scenic and recreation areas of the State of Washington.

Emergency.

SEC. 4. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 8, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 177.

[H. B. 179.]

CITIES AND TOWNS—SIDEWALKS, GUTTERS, CURBS, AND DRIVEWAYS.

AN ACT relating to cities and towns; authorizing the construction, reconstruction or repair of sidewalks, gutters, curbs and driveways in cities and towns and providing a method by which the cost thereof may be assessed against the abutting property owner.

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

Repair of sidewalks, gutters and curbs by cities and towns.

SECTION 1. Any city or town, hereinafter referred to as city, is authorized to construct, reconstruct, and repair sidewalks, gutters and curbs along and driveways across sidewalks, which work is hereafter re-

ferred to as the improvement, and to pay the costs thereof from any available funds, or to require the abutting property owner to construct the improvement at his own cost or expense, or to assess all or any portion of the costs thereof against the abutting property owner.

Cost of improvement.

SEC. 2. No such improvement shall be undertaken or required except pursuant to a resolution of the Council or Commission of the city or town, hereinafter referred to as the City Council. The resolution shall state whether the cost of the improvement shall be borne by the city or whether all or a specified portion shall be borne by the city or whether all or a specified portion shall be borne by the abutting property owner; or whether the abutting owner is required to construct the improvement at his own cost and expense. If the abutting owner is required to construct the improvement the resolution shall specify the time within which the construction shall be commenced and completed; and further that if the improvement or construction is not undertaken and completed within the time specified that the city will perform or complete the improvement and assess the cost against the abutting owner.

Improvement must be initiated by resolution of the council.

Contents of resolution.

SEC. 3. If all or any portion of the cost is to be assessed against the abutting property owner, or if the abutting property owner is required to construct the improvement, the resolution shall fix a time from and after its passage, and a place, for hearing on the resolution. The resolution shall be published for two consecutive weeks before the time of hearing in the official newspaper or regularly published official publication of the city or town and a notice of the date of such hearing shall be given each owner or reputed owner of the abutting property by mailing to the owner or reputed owner of the property as shown on the tax rolls of the County Treasurer, at the address shown thereon a

Assessment of portion of cost on abutting property owner.

Resolution shall fix a time and place of hearing and shall be published.

Notice of hearing shall be mailed to owners.

Time of mailing.

notice of the date of hearing, such mailing to be at least ten days before the date fixed for such hearing. If there be no official newspaper or official publication in the city the resolution may be published in any newspaper of general circulation therein. If the

Proof of publication and mailing.

publication and mailing is made as herein required, proof thereof by affidavit shall be filed with the City Clerk, Comptroller or Auditor of the city before the hearing. The hearing may be postponed from time to time to a definite date until the hearing is held.

Hearing.

At the time of hearing the Council shall hear persons who appear for or against the improvement, and determine whether it will or will not proceed with the improvement and whether it will make any changes in the original plan, and what the changes shall be. This action may be taken by motion adopted in the usual manner.

Sidewalk Construction Fund.

SEC. 4. When all or any portion of the cost is to be assessed against the abutting property owner, the City Council may create a "Sidewalk Construction Fund No." to be numbered differently for each improvement; and with warrants drawn on this fund the cost of the respective improvements may be paid. The city may advance as a loan to the Sidewalk Construction Fund from any available funds the amounts necessary to pay any costs of the improvement. When any assessments are made for the improvement payments therefor shall be paid into the particular Sidewalk Improvement Fund; and whenever any funds are available over the amounts necessary to pay outstanding warrants any advances or loans made to the Fund shall be repaid. Whenever warrants are drawn on any such fund which are not paid for want of sufficient funds, they shall be so stamped and shall bear interest until called and paid at a rate established by the City Council by resolution.

Warrants.

Assessments paid into fund.

SEC. 5. Where all or any portion of the costs are to be assessed against the abutting property, an assessment roll shall be prepared by the proper city official or by the City Council which shall to the extent necessary be based on benefits and which shall describe the property assessed, the name of the owner, if known, otherwise stating that the owner is unknown and fixing the amount of the assessment. The assessment roll shall be filed with the City Clerk, and when so filed the Council shall by resolution fix a date for hearing thereon and direct the Clerk to give notice of such hearing and the time and place thereof. The notice of hearing shall be mailed to the person whose name appears on the County Treasurer's tax roll as the owner or reputed owner of the property, at the address shown thereon, and shall be published before the date fixed for the hearing for two consecutive weeks in the official newspaper or regular official publication of the city, or if there is no official newspaper or official publication, in a newspaper of general circulation in the city. The notice shall be mailed and first publication made at least ten days before the hearing date. Proof of mailing and publication shall be made by affidavit and shall be filed with the City Clerk before the date fixed for the hearing. Following the hearing the City Council shall by ordinance affirm, modify or reject or order recasting of the assessment roll. An appeal may be taken to the Superior Court from the ordinance confirming the assessment roll in the same manner as is provided for appeals from the assessment roll by chapter 98, Laws of 1911 (section 9352, *et seq.* Rem. Rev. Stat.; section 401-1, *et seq.* P.P.C.); as now or hereafter amended.

SEC. 6. The City Council shall by resolution provide whether the full amount of the assessment shall be paid in one payment or whether it may be paid in installments and shall prescribe the time and amount

Assessment roll.

Roll filed with City Clerk.

Notice of hearing on roll.

Notice to be mailed to named persons on roll and published.

Proof of mailing and publication.

Appeal from ordinance confirming assessment roll.

Method of payment provided by resolution.

of such payments; and if more than one payment is provided for, the City Council may by resolution provide for interest on unpaid installments and fix the rate thereof.

Assessment roll filed with treasurer for collection.

Amount due a lien on property.

Foreclosure for delinquent payments.

SEC. 7. The assessment roll as affirmed or modified by the City Council shall be filed with the City Treasurer for collection, and the amount thereof including interest, if any, shall become a lien against the property described therein from the date of such filing. Whenever any payment on any assessment or installment is delinquent and unpaid for a period of thirty days or more the lien may be foreclosed in the same manner and with the same effect as is provided by chapter 98, Laws of 1911, as amended (section 9352, *et seq.*, Rem. Rev. Stat.; section 401-1, *et seq.*, P.P.C.); as now or hereafter amended. Whenever the deed is issued after the sale therein provided, the regularity, validity and correctness of the proceedings relating to such improvement and the assessment therefor shall be final and conclusive and no action shall thereafter be brought by or in behalf of any person to set aside said deed.

Act is supplemental to existing acts.

SEC. 8. This act is supplemental and additional to any and all other acts relating to construction, reconstruction and repair of sidewalks, gutters and curbs along driveways across sidewalks in cities and towns.

Passed the House February 18, 1949.

Passed the Senate March 9, 1949.

Approved by the Governor March 16, 1949.