

CHAPTER 210.

[S. B. 230.]

RELATING TO CITIES.

AN ACT to amend section 15 of an act entitled "An act to enable cities of the first, second and third class and having a population of over fifteen hundred inhabitants to exercise the right of eminent domain for the taking and damaging of land and property for public purposes, providing a method for making compensation therefor, and providing for special assessments in certain cases upon property benefited," approved March 13, 1907.

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

SECTION 1. That section 15 of an act entitled "An act to enable cities of the first, second and third class and having a population of over fifteen hundred inhabitants to exercise the right of eminent domain for the taking and damaging of land and property for public purposes, providing a method for making compensation therefor, and providing for special assessments in certain cases upon property benefited," approved March 13, 1907, is hereby amended to read as follows:

[Am'd. § 15,
ch. 153, p.
321, L. '07.]

Sec. 15. When the ordinance providing for any such improvement provides that compensation therefor shall be paid in whole or in part by special assessment upon property benefited, the jury or court, as the case may be, shall find separately:

1. The value of land taken at date of trial;
2. The damages which will accrue to the part remaining because of its severance from the part taken, over and above any local or special benefits arising from the proposed improvement. No lot, block, tract or parcel of land found by the court or jury to be so damaged shall be assessed for any benefits arising from such taking only;
3. The gross damages to any land or property not taken (other than damages to a remainder, by reason of its severance from the part taken), and in computing such gross damages shall not deduct any benefits from the proposed improvement. Such finding by the court or jury

Findings of
jury or
court.

Benefits not
to offset
damages.

shall leave any lot, block, parcel or tract of land, or other property subject to assessment for its proportion of any and all local and special benefits accruing thereto by reason of said improvement.

Benefits are offset when payments are out of general fund.

When such ordinance does not provide for any assessment in whole or in part on property specially benefited, the compensation found for land or property taken or damaged shall be ascertained over and above any local or special benefits from the proposed improvement.

Taxes as set off against damages.

Such city or town may off-set against any award of the jury or court for the taking or damaging of any lot, block, tract or parcel of land or other property, any general taxes or local assessments unpaid at the time such award is made. Such off-set shall be made by deducting the amount of such unpaid taxes and assessments at the time of payment of the judgment or issuance of a warrant in payment of such judgment.

Passed by the Senate February 18, 1909.

Passed by the House March 6, 1909.

Approved March 18, 1909.

CHAPTER 211.

[S. B. 232.]

RELATING TO CITIES.

AN ACT to amend section 23 of an act entitled "An act to enable cities of the first, second and third class and having a population of over fifteen hundred inhabitants to exercise the right of eminent domain for the taking and damaging of land and property for public purposes, providing a method for making compensation therefor, and providing for special assessments in certain cases upon property benefited," approved March 13, 1907.

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

[Am'd. § 23,
ch. 153, p.
325, L. '07.]

SECTION 1. That section 23 of an act entitled "An act to enable cities of the first, second and third class and having a population of over fifteen hundred inhabitants to exercise the right of eminent domain for the taking and