

CHAPTER 84.

[ H. B. 385. ]

COUNTY ROAD IMPROVEMENT DISTRICTS.

AN ACT relating to the formation of county road improvement districts; amending sections 36.88.010, 36.88.015, 36.88.030, 36.88.060, 36.88.080 and 36.88.370, chapter [4], (Senate Bill No. 47), Laws of 1963 and RCW 36.88.010, 36.88.015, 36.88.030, 36.88.060, 36.88.080 and 36.88.370.

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

RCW 36.88.010 amended.

SECTION 1. Section 36.88.010, chapter [4], (Senate Bill No. 47), Laws of 1963 and RCW 36.88.010 are each amended to read as follows:

County road improvement districts. Authorized—Purposes—Limitations.

All counties shall have the power to create county road improvement districts for the improvement of existing county roads and for the construction or improvement of necessary drainage facilities therefor, bridges, culverts, sidewalks, curbs and gutters, and said counties shall have the power to levy and collect special assessments against the real property specially benefited thereby for the purpose of paying the whole or any part of the cost of such construction or improvement: *Provided*, That no road improvement district shall be created under this chapter unless the property within the proposed district shall be so developed by the construction of permanent urban improvements that the average number of units per one thousand feet of property fronting upon the portion of road to be improved shall be at least six, said units to be defined and allowed for the purpose herein mentioned as follows:

Proviso.

- (1) Each single family dwelling shall be one unit;
- (2) Each business occupancy one hundred feet in length or less, as measured along the portion thereof fronting on the road to be improved, shall be one unit;
- (3) Each business occupancy one hundred feet in length or more, as measured along the portion thereof fronting on the road to be improved, shall

be one unit per each one hundred feet of length or fraction thereof;

(4) Each building improvement not otherwise provided for herein, public or private, after deducting the total length of any and all portions thereof occupied by any units otherwise provided for herein, shall be one unit per each one hundred feet of length or fraction thereof, as measured along the portion of said building improvement fronting on the road to be improved.

**Note:** See also section 36.88.010, chapter 4, Laws of 1963.

SEC. 2. Section 36.88.015, chapter [4], (Senate Bill No. 47), Laws of 1963 and RCW 36.88.015 are each amended to read as follows:

RCW 36.88.015 amended.

All counties shall have the power to create county road improvement districts for the construction, installation, improvement, operation and maintenance of street and road lighting systems for any county roads, and subject to the approval of the state highway commission, state highways, and for safeguards to protect the public from the hazards of open canals, flumes, or ditches, and said counties shall have the power to levy and collect special assessments against the real property specially benefited thereby for the purpose of paying the whole or any part of the cost of such construction, installation or improvement together with the expense of furnishing electric energy, maintenance and operation: *Provided*, That no road improvement district shall be created for any such purpose under this chapter unless the property within the proposed district shall be so developed by the construction of permanent urban improvements that the average number of units as defined and allowed in section 1 of this amendatory act shall be at least six per one thousand feet of property fronting upon the roads within the area to be so improved: *And provided further*, That

Districts authorized—  
Purposes—  
Limitations.

Proviso.

Proviso.

said exception shall not apply to improvements for the purpose of protecting against open canal dangers.

**Note: See also section 36.88.015, chapter 4, Laws of 1963.**

RCW 36.88.030  
amended.

SEC. 3. Section 36.88.030, chapter [4], (Senate Bill No. 47), Laws of 1963 and RCW 36.88.030 are each amended to read as follows:

County road  
improvement  
districts.  
Formation by  
resolution of  
intention—  
Procedure.

In case the board of county commissioners shall desire to initiate the formation of a county road improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed road improvement district and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, stating the average number of units as defined and allowed in section 1 of this amendatory act per one thousand feet of property fronting upon the portion of road to be improved, notifying the owners of property therein to appear at a meeting of the board at the time specified in such resolution, and directing the county road engineer to submit to the board at or prior to the date fixed for such hearing a diagram or print showing thereon the lots, tracts and parcels of land and other property which will be specially benefited thereby and the estimated amount of the cost and expense of such improvement to be borne by each lot, tract or parcel of land or other property, and also designating thereon all property which is being purchased under contract from the county. The resolution of intention shall be published in at least two consecutive issues of a newspaper of general circulation in such county, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of county commissioners.

Notice of the adoption of the resolution of intention shall be given each owner or reputed owner of any lot, tract or parcel of land or other property within the proposed improvement district by mailing said notice to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at the address shown thereon at least fifteen days before the date fixed for the public hearing. The notice shall refer to the resolution of intention and designate the proposed improvement district by number. Said notice shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract or parcel, the date and place of the hearing before the board of county commissioners, and shall contain the directions hereinafter provided for voting upon the formation of the proposed improvement district.

The clerk of the board shall prepare and mail, together with the notice above referred to, a ballot for each owner or reputed owner of any lot, tract, or parcel of land within the proposed improvement district. This ballot shall contain the following proposition:

“Shall ..... county road improvement district No. .... be formed?

Yes .....

No .....

and, in addition, shall contain appropriate spaces for the signatures of the property owners, and a description of their property, and shall have printed thereon the direction that all ballots must be signed to be valid and must be returned to the clerk of the board of county commissioners not later than five o'clock p.m. of a day which shall be one week after the date of the public hearing.

The notice of adoption of the resolution of in-

tention shall also contain the above directions, and, in addition thereto, shall state the rules by which the election shall be governed.

**Note:** See also section 36.88.030, chapter 4, Laws of 1963.

RCW 36.88.060  
amended.

SEC. 4. Section 36.88.060, chapter [4], (Senate Bill No. 47), Laws of 1963 and RCW 36.88.060 are each amended to read as follows:

County road  
improvement  
districts.  
Formation—  
Hearing—  
Resolution  
creating  
district.

Whether the improvement is initiated by petition or resolution the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing, the board may make such changes in the boundaries of the district or such modifications in the plans for the proposed improvement as shall be deemed necessary: *Provided*, That the board may neither so alter the improvement as to increase the estimated cost by an amount greater than ten percent above that stated in the notice, nor increase the proportionate share of the cost to be borne by assessments from the proportion stated in the notice, nor change the boundaries of the district to include property not previously included therein without first passing a new resolution of intention and giving a new notice to property owners, in the manner and form and within the time herein provided for the original notice.

At said hearing, the board shall select the method of assessment, ascertain whether the plan of improvement or construction is feasible and whether the benefits to be derived therefrom by the property within the proposed district, together with the amount of any county road fund participation, exceed the costs and expense of the formation of the proposed district and the contemplated construction or improvement and shall make a written finding thereon. In case the proceedings have been initiated by petition, the board shall find whether the petition including all additions thereto or withdrawals therefrom made prior to five o'clock p.m. of the day before

the hearing is sufficient within the boundaries of the district so established at said hearing by the board. If said petition shall be found insufficient the board shall by resolution declare the proceedings terminated. In case the proceedings have been initiated by resolution if the board shall find the improvement to be feasible, it shall continue the hearing until a day not more than fifteen days after the date for returning ballots for the purpose of determining the results of said balloting.

After the hearing the board may proceed to adopt a resolution creating the district and ordering the improvement. Such resolution shall establish such district as the "..... county road improvement district No. ...." Such resolution shall describe the nature and territorial extent of the improvement to be made and the boundaries of the improvement district, shall describe the method of assessment to be used, shall declare the estimated cost and the proportion thereof to be borne by assessments, and shall contain a finding as to the result of the balloting by property owners in case the improvement shall have been initiated by resolution.

Upon the adoption of the resolution establishing the district, the board shall have jurisdiction to proceed with the improvement. The board's findings on the sufficiency of petitions or on the results of the balloting shall be conclusive upon all persons.

**Note: See also section 36.88.060, chapter 4, Laws of 1963.**

SEC. 5. Section 36.88.080, chapter [4], (Senate Bill No. 47), Laws of 1963 and RCW 36.88.080 are each amended to read as follows:

RCW 36.88.080 amended.

Every resolution ordering any improvement mentioned in this chapter, payment for which shall be in whole or in part by special assessments shall establish a road improvement district which shall embrace as near as may be all the property specially benefited by such improvement and the board shall apply

Property included in district—  
Method of assessment—  
Limitation.

thereto such method of assessment as shall be deemed most practical and equitable under the conditions prevailing: *Provided*, That no assessment as determined by the board of commissioners shall be levied which shall be greater than the special benefits derived from the improvements.

Proviso.

**Note:** See also section 36.88.080, chapter 4, Laws of 1963.

RCW 36.88.370 amended.

SEC. 6. Section 36.88.370, chapter [4], (Senate Bill No. 47), Laws of 1963 and RCW 36.88.370 are each amended to read as follows:

County road improvement districts. Signatures on petitions, ballots, objections— Sufficiency.

Wherever herein petitions, ballots or objections are required to be signed by the owners of property, the following rules shall govern the sufficiency thereof: (1) The signature of the record owner as determined by the records of the county auditor shall be sufficient without the signature of his or her spouse; (2) in the case of mortgaged property, the signature of the mortgagor shall be sufficient; (3) in the case of property purchased on contract the signature of the contract purchaser shall be deemed sufficient; (4) any officer of a corporation owning land in the district duly authorized to execute deeds or encumbrances on behalf of the corporation may sign on behalf of such corporation: *Provided*, That there shall be attached to the ballot or petition a certified excerpt from the bylaws showing such authority; (5) if any property in the district stands in the name of a deceased person or any person for whom a guardian has been appointed, the signature of the executor, administrator or guardian as the case may be shall be equivalent to the signature of the owner of the property.

**NOTE:** See also section 36.88.370, chapter 4, Laws of 1963.

Passed the House February 23, 1963.

Passed the Senate March 10, 1963.

Approved by the Governor March 25, 1963.