

CHAPTER 72

[House Bill No. 445]

EMINENT DOMAIN—CLAIMANT'S COSTS

AN ACT Relating to eminent domain; amending section 21, chapter 240, Laws of 1971 ex. sess. and RCW 8.25.075; and declaring an emergency.

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

Section 1. Section 21, chapter 240, Laws of 1971 ex. sess. and RCW 8.25.075 are each amended to read as follows:

(1) A superior court having jurisdiction of a proceeding instituted by a condemnor to acquire real property shall award the condemnee costs including reasonable attorney fees and reasonable expert witness fees if(~~(=)~~):

(a) There is a final adjudication that the condemnor cannot acquire the real property by condemnation; or

(b) The proceeding is abandoned by the condemnor.

(2) In effecting a settlement of any claim or proceeding in which a claimant seeks an award from an acquiring agency for the payment of compensation for the taking or damaging of real property for public use without just compensation having first been made to the owner, the attorney general or other attorney representing the acquiring agency may include in the settlement amount, when appropriate, costs incurred by the claimant, including reasonable attorneys' fees and reasonable expert witness fees.

(3) A superior court rendering a judgment for the plaintiff awarding compensation for the taking or damaging of real property for public use without just compensation having first been made to the owner(~~, or the attorney general or other attorney representing the acquiring agency in effecting a settlement of any such proceeding~~) shall award or allow to such plaintiff costs including reasonable attorney fees and reasonable expert witness fees, but only if the judgment awarded to the plaintiff as a result of trial exceeds by ten percent or more the highest written offer of settlement submitted by the acquiring agency to the plaintiff at least thirty days prior to trial.

~~((3))~~ (4) Reasonable attorney fees and expert witness fees as authorized in this section shall be subject to the provisions of subsection (4) of RCW 8.25.070 as now or hereafter amended.

NEW SECTION. Sec. 2. This 1977 amendatory 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 May 13, 1977.

Passed the Senate May 9, 1977.

Approved by the Governor May 24, 1977.

Filed in Office of Secretary of State May 24, 1977.