

CHAPTER 109.

[Senate Bill No. 381.]

COUNTIES, POPULATION 170,000 OR OVER—
HIGHWAYS—OPEN SPACES.

AN ACT relating to counties; authorizing the construction of highways and the acquisition of land for open spaces; providing for the issuance of general obligation bonds and prescribing powers, duties, and functions in relation thereto; authorizing an election on the issuance of bonds for more than one project as a single proposition; providing for joint planning and financing with other governmental agencies; and providing an effective date.

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

Counties.
Highways—
Open spaces—
Definitions.

Section 1. The words “governmental agency” as used in this act mean the state or any agency, subdivision, taxing district or municipal corporation thereof.

The word “highways” as used in this act means all public roads, streets, expressways, parkways, scenic drives, bridges and other public ways, including without limitation, traffic control facilities, special lanes, turnouts or structures in, upon, over or under such public ways for exclusive or nonexclusive use by public transit vehicles, and landscaping, visual and sound buffers between such public ways and adjacent properties.

The words “open space” as used in this act mean any land, interest in land and facilities thereon set aside for public park, recreational, green belt, arboretum, historic, scenic, viewpoint, aesthetic, ornamental or natural resource preservation purposes.

Counties as used in this act shall mean counties containing a population of not less than one hundred seventy thousand persons.

Legislative
declaration of
county pur-
pose.

Sec. 2. The legislature finds that the open spaces and highways within any county of this state, whether located partly or wholly within or without

the cities and towns of such county are of general benefit to all of the residents of such county. The open spaces within such county provide public recreation, aesthetic, conservation and educational opportunities accessible to all of the residents of such county. The highways within such county, whether under the general control of the county or the state or within the limits of any incorporated city or town, provide an inter-connected system for the convenient and efficient movement of people and goods within such county. The use of general county funds for the purpose of acquisition or development of open spaces and for the purpose of acquisition, construction or improvement of highways or to participate with any governmental agency to perform such purposes within such county pursuant to this act is hereby declared to be a strictly county purpose.

Sec. 3. Counties are authorized to establish, construct and improve highways and to acquire and develop open spaces pursuant to the provisions of this act within and without the cities and towns of such county and for such purposes shall have the power to acquire lands, buildings and other facilities by gift, grant, purchase, condemnation, lease, devise and bequest and to construct, improve or maintain buildings, structures and facilities necessary for such purposes: *Provided*, That for visual or sound buffer purposes the county shall not acquire by condemnation, less than an owner's entire interest or right in the particular real property to be so acquired if said owner objects to the taking of said lesser interest or right.

Authority of counties.

Sec. 4. To carry out the purposes of this act counties shall have the power to issue general obligation bonds within the limitations now or hereafter prescribed by the Constitution and laws of this

General obligation bonds—
Submission to electors.

General obligation bonds—
Submission to
electors.

state. Such general obligation bonds shall be authorized, issued and made payable as provided in Title 39 RCW. The board of county commissioners shall determine the manner of execution of such bonds and may provide in the principal amount of such bond issue for costs of engineering, architectural, planning, financial, legal and other services incident to the acquisition and development of open spaces or the acquisition, construction or improvement of highways within the county.

The question of issuance of bonds for any undertaking which relates to a number of different highways or parts thereof, whether situated wholly or partly within the limits of any city or town within the county, and whether such bonds are intended to supply the whole expenditure or to participate therein, may be submitted to the voters of the county as a single proposition. If the board of county commissioners in submitting a proposition relating to different highways or parts thereof declare that such proposition has for its object the furtherance and accomplishment of the construction of a system of connected public highways within such county and constitutes a single purpose, such declaration shall be presumed to be correct and upon the issuance of the bonds the presumption shall become conclusive.

The question of the issuance of bonds for any undertaking which relates to a number of different open spaces, whether situated wholly or partly within the limits of any city or town within the county, and whether such bonds are intended to supply the whole expenditure or to participate therein may be submitted to the voters as a single proposition. If the board of county commissioners in submitting a proposition relating to different open spaces declare that such proposition has for its object the furtherance, accomplishment or preserva-

tion of an open space system available to, and for the benefit of, all the residents of such county and constitutes a single purpose, such declaration shall be presumed to be correct and upon the issuance of the bonds the presumption shall become conclusive.

Sec. 5. A county may finance, acquire, construct, develop, improve, maintain and operate any highways and any open space lands or facilities authorized by this act either solely or in conjunction with one or more governmental agencies. Any governmental agency is authorized to participate in such financing, acquisition, construction, development, improvement, maintenance and operation and to convey, dedicate or lease any lands, properties or facilities to any county for highway or open space purposes, on such terms as may be fixed by agreement between the respective governing commissions or legislative bodies without submitting the matter to a vote of the electors unless the provisions of general law applicable to the incurring of public indebtedness shall require such submission.

Authority—
Transfer of
property.

No county shall proceed under the authority of this act to construct or improve any highway or part thereof lying within the limits of a city or town except with the prior consent of such city or town. By agreement between their respective legislative bodies, cities, towns and counties may provide that upon completion of any highway or portion thereof constructed pursuant to this act within any city or town, the city or town shall accept the same for maintenance and operation and that such highway or portion thereof shall thereupon become a part of the highway system of the city or town.

A county may transfer to any other governmental agency the ownership, operation and maintenance of any open space acquired by the county pursuant to this act, which lies wholly or partly within such governmental agency, pursuant to an

agreement entered into between the legislative bodies of the county and such governmental agency: *Provided*, That such transfer shall be subject to the condition that either such open space shall continue to be used for open space purposes or that other equivalent open space within the county shall be conveyed to the county in exchange therefor.

Authority is supplemental and cumulative.

Sec. 6. The powers and authority conferred upon governmental agencies under the provisions of this act, shall be construed as in addition and supplemental to powers or authority conferred by any other law, and nothing contained herein shall be construed as limiting any other powers or authority of such governmental agencies.

Severability.

Sec. 7. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Application—Counties over 170,000 population.

Sec. 8. This act shall not apply to counties containing a population of less than one hundred seventy thousand persons.

Effective date.

Sec. 9. This act shall take effect on June 9, 1967.
Passed the Senate March 9, 1967.
Passed the House March 8, 1967.
Approved by the Governor March 21, 1967.