

Time limit. diction, in the same manner as mechanics' and materialmen's liens are now foreclosed and enforced. Any such foreclosure action shall be brought within eight calendar months after the filing of such claim of lien as provided herein, and in any such action, the court shall allow as part of the costs therein the money paid for making, filing and recording such claim of lien and a reasonable attorney's fee.

Passed the House January 27, 1943.

Passed the Senate February 17, 1943.

Approved by the Governor February 23, 1943.

CHAPTER 19.

[H. B. 22.]

SALE OF REAL AND PERSONAL PROPERTY OWNED BY COUNTIES.

AN ACT relating to counties and to the sale of real and personal property owned by counties, including sale of timber and reservations of mineral rights by counties and amending section 1, chapter LXXVI, Laws of 1891, being section 4007, Remington's Revised Statutes.

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

Amendments. SECTION 1. That section 1, chapter LXXVI, Laws of Washington, 1891, being section 4007, Remington's Revised Statutes, be and the same is hereby amended to read as follows:

Commissioners may sell. Section 1. Whenever it shall appear to the Board of County Commissioners of any county in this state that it is for the best interests of such county and the taxing districts and the people thereof that any part or parcel, or portion of such part or parcel, of the property, whether real, personal, or mixed, belonging to said county, including tax title land, should be sold, it shall be the duty of such board, and they are hereby authorized and empowered, to

sell and convey such property, under the limitations and restrictions and in the manner hereinafter provided. In making such sales the Board of County Commissioners may sell any timber, mineral or other resources on any land owned by the county separate and apart from the land in the same manner and upon the same terms and conditions as provided in this act for the sale of real property. The Board of County Commissioners may reserve mineral rights in such land and, if such reservation is made, any conveyance of such lands shall contain the following reservation:

Resources may be sold separately.

May reserve mineral rights.

The party of the first part hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors, and assigns, forever, all oils, gases, coals, ores, minerals and fossils of every name, kind or description, and which may be in or upon said lands above described; or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals and fossils; and it also hereby expressly saves reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right to enter by itself, its agents, attorneys and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right by it or its agents, servants and attorneys at any and all times to erect, construct, maintain and use all such buildings, machinery, roads and railroads, sink such shafts, remove such oil, and to remain on said lands or any part thereof, for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business,

Reservation.

Payment of
damages
for entry.

Right of
action
under
certain
conditions.

hereby expressly reserving to itself, its successors and assigns, as aforesaid, generally, all rights and powers in, to and over, said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and the rights hereby expressly reserved. No rights shall be exercised under the foregoing reservation, by the county, its successors or assigns, until provision has been made by the county, its successors or assigns, to pay to the owner of the land upon which the rights herein reserved to the county, its successors or assigns, are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land: *Provided*, That if said owner from any cause whatever refuses or neglects to settle said damages, then the county, its successors or assigns, or any applicant for a lease or contract from the county for the purpose of prospecting for or mining valuable minerals, or operation contract, or lease, for mining coal, or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in the Superior Court of the county wherein the land is situated, as may be necessary to determine the damages which said owner of said land may suffer.

Passed the House February 4, 1943.

Passed the Senate February 17, 1943.

Approved by the Governor February 23, 1943.