

cate the bed of such railway or canal upon any part of the track now occupied by any established State or county road, said corporation shall be responsible to the county commissioners of said county or counties in which such State or county road so appropriated is located, for all expenses incurred by such county or counties in relocating and opening the part of such road so appropriated. The term land as herein used includes tide and shore lands but not harbor areas; it also includes any interest in land or contract right relating thereto, including any leasehold interest therein.

Passed the House March 11, 1907.

Passed the Senate March 13th, 1907.

Approved by the Governor March 18, 1907.

CHAPTER 245.

[H. B. 349.]

ANNEXATION OF UNINCORPORATED TERRITORY TO CITIES OF THE FIRST CLASS.

AN ACT providing for the annexation to cities of the first class of unincorporated territory contiguous thereto and providing a method therefor.

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

Contiguous
territory
may be an-
nexed.

SECTION 1. Any portion of a county not heretofore incorporated as a municipal corporation, lying contiguous to any city of the first class, may become annexed to such city under the provisions of this act, and when so annexed shall become a part of said city: *Provided*, That whenever any such unincorporated territory is separated from any city of the first class by water, or by tide or shore lands on which no *bona fide* residence is maintained by any person, said unincorporated territory shall be deemed contiguous for all the purposes of this act.

Petition to
county com-
missioners.

SEC. 2. A petition shall be presented to the board of county commissioners of such county, signed by at least twenty per centum of the qualified electors of such county,

residents within the limits of the territory proposed to be annexed to such city, who voted at the last previous election as shown by the official poll books, which petition shall set forth and particularly describe the boundaries of such territory, and state the number of qualified electors residing within such boundaries as nearly as may be, and shall pray that an election shall be called and held within the limits of such territory for the purpose of submitting to the qualified electors residing therein, the question of such annexation under the provisions of this act. Such petition shall be filed in the office of such board and at the next regular or special meeting of said board thereafter, said board shall fix date for the hearing of the same, which shall be had not less than two weeks, nor more than four weeks thereafter, and notice of the hearing on said petition shall be published by said petitioners for at least two weeks prior thereto in some newspaper printed and published in such city to which it is proposed to annex such territory. After the filing of said petition as aforesaid, and pending the hearing of the same and pending the election to be called thereunder, said board shall not consider any other petition involving any portion of the territory embraced therein, provided that said petition may be withdrawn or a new petition embracing other or different boundaries substituted therefor by a majority of the signers thereof, when the same proceeding shall be taken as in the case of an original petition. Upon the date fixed for the hearing of said petition as aforesaid said board of county commissioners shall hear the same, or may continue such hearing from time to time not exceeding two weeks thereafter, and upon such hearing, if said petition be regular, said board shall grant the prayer thereof.

Notice of hearing.

Hearing.

SEC. 3. Upon the granting of said petition said board shall thereupon give notice of an election to be held in such proposed territory to be annexed, not less than thirty nor more than sixty days thereafter, for the purpose of determining whether the qualified electors thereof desire the annexation of the same to such city. Such notice shall particularly describe the boundaries of said territory and

Notice of election.

shall state the objects thereof as prayed in said petition, and shall be published for at least two weeks prior to the date of such election in a newspaper printed and published within the limits of the said territory to be annexed, or, if there be no such newspaper, then in a newspaper printed and published in the city to which said territory is proposed to be annexed and by posting notice of such election, for at least two weeks in four public places within such territory. Such notices shall require the voters to cast ballots which shall contain the words "For Annexation," or "Against Annexation," or words equivalent thereto, which said ballots shall be furnished by said board of county commissioners.

Publication of notice.

Ballots.

Qualifications of voters.

SEC. 4. Such election shall be conducted in accordance with the general election laws of the State, and no person shall be entitled to vote thereat unless he shall be a qualified elector and shall have resided within the limits of the territory so proposed to be annexed for the period of thirty days next preceding such election. The board of county commissioners shall meet on the Monday next succeeding such election and proceed to canvass the votes cast thereat; and if upon such canvass, it appears that a majority of the votes cast are for annexation, the board shall, by an order entered upon their minutes, declare such finding, and shall forthwith transmit to and file with the city clerk of such city to which said annexation is proposed, a duly certified copy of such finding and order, together with a certified abstract of such vote, which abstract shall show the whole number of electors voting at such election, the number of votes cast for annexation and the number of votes cast against annexation.

Canvass of returns.

Abstract of vote to be filed with city clerk.

Abstract shall be transmitted to council.

SEC. 5. Upon the filing of such finding and order, together with such abstract with said city clerk as prescribed in section 4 hereof, said clerk shall transmit the same to the city council of such city at its next regular meeting held thereafter, for the consideration by said council at such meeting, or as soon thereafter as may be practicable, and if said council deem it wise or expedient to take or annex such contiguous territory to said city, then said council

shall adopt a resolution requiring its corporate counsel to prepare an ordinance providing for the annexation of said territory in due form of law, and upon the adoption of such ordinance by said council and the taking effect thereof the said territory so annexed shall thereupon become a part of such city and subject to all its laws and ordinances then and thereafter in force: *Provided*, That no property within the limits such territory so annexed shall ever be taxed or assessed to pay any portion of any indebtedness of such city to which it shall so be annexed, contracted prior to, or existing at, the date of such annexation.

Ordinance.

Property shall not be taxed to pay existing indebtedness

SEC. 6. Nothing herein contained shall be deemed to supersede or repeal any existing law providing for the annexation of adjacent territory or extension of the boundaries of cities of the first class, but the same shall be considered as an alternative or concurrent proceeding herewith.

Construction of act.

Passed the House March 8th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 19th, 1907.

CHAPTER 246.

[H. B. 17.]

FORMATION AND MANAGEMENT OF ROAD DISTRICTS.

AN ACT relating to the formation and management of road districts and the appointment of supervisors therefor, amending sections 7 and 12 of chapter 119 of the Session Laws of 1903 and repealing section 1 of chapter 156 of the Session Laws of 1905 and sections 2, 3, 4, 5, and 6 of chapter 119 of the Session Laws of 1903.

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

SECTION 1. That section 1 of chapter 119 of the Session Laws of 1903 be amended to read as follows: Section 1. The board of county commissioners shall, as often as they deem it necessary, but not oftener than once each year, divide their respective counties or any part

Commissioners shall divide counties into districts.