

CHAPTER 248.

[S. B. 221.]

ANNEXATION OF WATER, SEWER AND FIRE DISTRICTS TO CITIES AND TOWNS.

AN ACT permitting annexation to cities and towns of territory which includes all or parts of a water, sewer, or fire protection district; providing for adjusting existing property rights, assets and liabilities between the city and such districts; providing a method for counting the population of the annexed territory; amending section 35.13.020, R.C.W.; and declaring an emergency.

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

Annexation to city or town of territory which includes entire district.

All district property inures to city with power to operate facilities and collect charges subject however to district indebtedness.

City may elect to assume indebtedness.

Credit to district.

Prior to election by city; district property owners remain liable.

Same; function of district officers.

SECTION 1. Whenever any territory which includes all the territory of a water, sewer or fire protection district, hereinafter referred to as "the district," has been heretofore or is hereafter annexed to a city or town, all real and personal property, franchises, rights, assets, water or sewer lines, facilities, or equipment of the district shall become the property of the city to which annexation is made, with full power to manage, control, maintain and operate such facilities and to fix and collect charges to customers, subject, however, to any outstanding indebtedness, bonded or otherwise, of the district, which indebtedness the city may by resolution of its governing body elect to assume and pay at the times and in the manner said indebtedness is due and payable: *Provided*, That such district shall be credited with a reasonable value of any equipment or personal property acquired by the city. Until such election is made, the property annexed and the owners and occupants thereof shall continue liable for its and their proportion of the unpaid indebtedness and the district and its officers shall continue to function for the sole purpose of certifying the amount of property tax to be collected and paid on such indebtedness in the same manner and by the same means as if the annexation had not been made.

If the city elects to assume outstanding indebtedness, and property taxes have been levied but not collected for the district prior to the date the annexation takes effect, the same shall when collected belong and be paid to the annexing city and be used by such city so far as necessary for payment as and when due of the indebtedness of the district existing and unpaid on the date of annexation. If the city takes over any funds which have been collected for paying any bonded or other indebtedness of the district the same shall be used for the purpose for which collected and for no other purpose.

Uncollected taxes inure to city.

when.

Acquisition by city of funds collected for payment of district indebtedness.

SEC. 2. If only a portion of the territory of any such district is annexed to the city, all real estate, facilities, installations or equipment belonging to the district within the annexed territory which are exclusively used for or by the annexed territory, together with a portion of the assets or funds of the district equal to the proportion which the assessed valuation of the real estate of the district located inside the city bears to the total assessed valuation of the real estate of the district, shall belong to the city, subject to the debts and obligations of the district for which such real estate, facilities, installations or equipment, assets or funds would have been liable if no annexation had been made; and, in such case, the real estate annexed, and the owners and occupants thereof, shall continue liable for payments of its and their proportionate share of any unpaid indebtedness, bonded or otherwise, with the right on the part of the district officials to make tax levies and collect charges on such property or owners or occupants, and to enforce such collections as if the annexation had not been made. The city shall have power to manage and control the facilities and fix and collect charges for service for such territory located within the city. If only a portion of any such district is annexed, and there shall be located in the

Annexation of but part of district; district property within annexed area used exclusively by such area, effect.

District's rights as to district properties used exclusively for service to real estate not annexed.

territory annexed any real estate, facilities, installations or equipment which are used exclusively for service to real estate not annexed to the city, the district shall have the right to continue to use such real estate, facilities, installations or equipment for service of the territory of the district not annexed, in the same manner as if the annexation had not been made.

Annexation of but part of district, no facilities exclusively used; effect.

SEC. 3. If a portion of the district is located outside the city and a portion inside, with no facilities or services used exclusively for territory outside or exclusively for territory inside the city, the real and personal property, water or sewer mains, facilities or equipment located within the annexed territory, and all assets and funds of the district in proportion to the assessed valuation of the real estate located inside and outside shall belong to the city; and the city shall have power to manage, control, maintain and operate the same, and fix and collect charges for the use of such facilities for territory located inside the city: *Provided*, That no action of the city shall prejudice or impair the rights or privileges of any creditor under any contract with the district existing at the time the annexation takes effect nor shall the operation of the city affect the right to service of any owner of real estate or any person within the district but outside the city who has paid or contributed towards the cost of installation of any improvements located in the territory annexed: *Provided*, The city shall be under no obligation to maintain, replace or repair any facilities located outside the city but may enter into agreements with such outside owners or users and with the district covering the terms under which such outside service, maintenance and replacement may be made. All funds taken over by a city so far as practicable shall be used for the purpose for which the same were collected and accumulated.

Rights of creditors.

City not obligated to repair facilities outside city.

SEC. 4. Notwithstanding the provisions of this act, the city may through its legislative authority authorize a contract with the district, with respect to rights, duties and obligations of the city and the district as to ownership of property, services, assets, liabilities and debts and any other questions arising out of the annexation, which contract may also make provision for services by the district and use of its facilities for real estate within the city.

City may contract with district notwithstanding act.

SEC. 5. Whenever any territory is annexed to the city the population of the annexed territory shall be determined by a count, made by or under direction of the mayor of the annexing city and chairman of the board of county commissioners of the county in which the property is located, of the number of dwelling units existing in the annexed territory at the time of annexation, multiplied by a factor of 2.95 and the population so determined shall be added to the official population of the annexing city and subtracted from the official population of the unincorporated area of the county in which the annexed territory is located; and when certified as herein-after provided shall become the official population of the unincorporated area of the county and city, respectively, until another population figure is determined therefor under law. The count of the number of dwelling units as herein provided shall be made and a certificate filed with the secretary of state within thirty days following the annexation showing the boundaries of the annexed territory and the population of the city including that added by the annexation and the population of the unincorporated area of the county with the subtraction of the population of the annexed territory as herein provided, and, such population shall thereafter be used for allocating all state funds and for all other purposes until a new population is fixed for the county and city in accordance with law.

Population of annexed territory; how determined.

Population added to city and subtracted from unincorporated area.

Count made and certificate filed, when.

Population used for allocation of state funds.

Population basis for distribution of state funds; when effective.

No change shall be made in the population basis for the distribution of state funds until on and after January 1st, 1952; and whenever annexation is made effective subsequent to September 1st in any year and prior to January 1st next following, such population basis for distribution shall not be used until on and after one year following the next subsequent January 1st; and in all other cases such population basis shall become effective on and after January 1st next following the date annexation becomes effective. Whenever any territory is annexed to a city which is part of a road district of the county and road district taxes have been levied but not collected on any property within the annexed territory the same shall when collected by the county treasurer be paid to the city and by the city placed in the city street fund.

Uncollected road district taxes.

Amendment.

SEC. 6. Section 35.13.020, R.C.W., as derived from section 2, chapter 245, Laws of 1907, is amended to read as follows:

Petition for annexation election.

A petition for an election to vote upon the annexation of a portion of a county to a contiguous city or town signed by qualified voters resident in the area equal in number to twenty per cent of the votes cast at the last election may be filed in the office of the board of county commissioners: *Provided*, That any such petition shall first be filed with the legislative body of the city or town to which the annexation is proposed, and such legislative body shall, by resolution entered within sixty days from the date of presentation, notify the petitioners of its approval or rejection of the proposed action. The approval of the legislative body shall be a condition precedent to the filing of such petition with the board of county commissioners as hereinafter provided.

Filed with county commissioners.

Filed first with legislative body of city.

Approval by city a condition to filing with board.

The costs of conducting such election shall be a charge against the city or town concerned.

Costs of election.

[R.C.W. 35.13.020 was derived from R.R.S. § 8897; part (to comma in line six of first sentence).]

[Proviso in R.C.W. 35.13.020 is new.]

SEC. 7. This act is necessary for the public health, welfare and safety, and shall take effect immediately.

Emergency.

Passed the Senate March 8, 1951.

Passed the House March 6, 1951.

Approved by the Governor March 19, 1951.

CHAPTER 249.

[S. B. 318.]

STATE OFFICIAL BIRD—WILLOW GOLDFINCH.

AN ACT designating the Willow Goldfinch as the official bird of the state of Washington.

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

SECTION 1. The willow goldfinch is hereby designated as the official bird of the state of Washington.

State official bird.

Passed the Senate March 1, 1951.

Passed the House March 6, 1951.

Approved by the Governor March 19, 1951.