

CHAPTER 236.

[S. B. 227.]

RIVER, LAKE, CANAL OR HARBOR IMPROVEMENTS.

AN ACT authorizing any county or adjoining counties in this state, under certain conditions, to establish and create an assessment district and to levy an assessment for the purpose of paying the expenses of River, Lake, Canal, or Harbor Improvements; providing for the appointment of a commission in connection therewith, and for special assessments upon the properties benefited, and for the issuance of bonds in payment of such improvements, and declaring an emergency.

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

County
com-
mis-
sioners
may estab-
lish district.

SECTION 1. Every county in this State is hereby authorized and empowered, by and through its county commissioners, whenever the government of the United States is intending or proposing the construction or operation of any river, lake, canal or harbor improvement, partly or wholly within such county, and whenever said board of county commissioners shall adjudge, upon a petition therefor filed with it and signed by at least one hundred (100) freeholders of said county who each own realty of the assessed valuation of not less than \$5,000, situated within the limits of the improvement district sought to be created, that it is for the general benefit and welfare of the people of the county, that such river, lake, canal or harbor improvement be made and completed to define and establish an assessment district within such county and to levy an assessment upon so much of the taxable real estate of such county as shall be specially benefited by such improvement as hereinafter provided, for the purpose of paying the expenses of such improvement, or so much thereof as said board of county commissioners shall determine, not in any instance exceeding one per cent. of the taxable valuations of all real and personal property in the entire county as appearing on the then last assessment roll. Such improvement shall be known as river and harbor improvement.

SEC. 2. Whenever the board of county commissioners of any such county shall have adjudged as provided in

section 1 of this act, said board shall thereupon apply to the person, who, for the time being, shall be judge of the United States District Court, for the district within which the county shall be situated, to name eleven reputable citizens and freeholders of such county and file a list thereof with said board of county commissioners. The persons so named, or a majority of them, shall act as a commission, and be known as the "River and Harbor Improvement Commission of County," and shall receive no compensation, except their actual necessary expenses, including necessary clerical assistance, to be audited by the board of county commissioners; and they shall be deemed the agents of the county in the performance of the duties imposed upon them by this act. Each member of such commission shall, before entering upon his duties, take and subscribe an oath, substantially as follows:

Appoint-
ment of
Commis-
sion.

Expenses.

Oath.

"State of Washington }
County of } ss.

I, the undersigned, a member of the River and Harbor Improvement Commission of County, to define and establish the assessment district and assess the costs of the following improvement (here give the general description of the improvement), do solemnly swear (or affirm, as the case may be), that I will well and truly discharge my duties as a member of said Commission." In case the person who is United States Judge shall be unable or decline to act, the board of county commissioners shall name the eleven persons to act as such Commission.

SEC. 3. It shall be the duty of such Commission to define and establish an assessment district, within such county, comprising all the taxable real property, and also (with the limitations hereinafter expressed) the State shore lands, which shall be specially benefited by said river, lake, canal or harbor improvement, and to apportion and assess the amount of separate, special and particular benefits against each lot, block, parcel or tract of land or shore land within such district, by reason of such improvement. The Commission in making the assessment shall include in

Commis-
sion to
establish
district and
make
assessment.

the properties upon the assessment is laid, all shore lands of the State, whether unsold or under contract of sale and subject to sale by it and as against all purchasers from the State or under contract to purchase such lands, the assessment shall be a charge upon such land and the purchaser's interest therein. The county auditor shall certify to the State Commissioner of Public Lands a schedule of the State shore lands so assessed and of the assessment thereon, and the purchaser shall from time to time pay to the proper county treasurer the sums due and unpaid under such assessment, and at the time of such payment the county treasurer shall give him, in addition to a regular receipt for such payment, a certificate that such payment has been made, which certificate the purchaser shall immediately file with the Commissioner of Public Lands, and no patent from the State nor deed shall issue to such purchaser, nor shall any assignment of his contract to purchase be approved by the Commissioner of Public Lands until every matured installment of such assessment shall have first been fully paid and satisfied:

State lands
not to be
assessed.

Provided, however, That no such assessment shall create any charge against such shore land or affect the title thereof as against the State, and the State shall be as free to forfeit or annul such contract and again sell such land as if the assessment had never been made, and in case of such forfeiture or annulment the State shall be free to sell again such land entirely disembarassed and unencumbered of all right and claim of such former purchaser, and such purchaser shall have no right, interest or claim upon or against such land or the State or such new purchaser or at all, but every such sum paid by such former purchaser upon such assessment shall be utterly forfeited as against him, his personal representatives and assigns, and shall inure to the benefit of such new purchaser.

Assessment
roll.

SEC. 4. Such Commission shall also make, or cause to be made, an assessment roll, in which shall appear the names of the owners of the property assessed, so far as known, the description of each lot, block, parcel or tract of land within such assessment district, and the amount

assessed against the same, as separate, special or particular benefits, and certify such assessment roll to the board of county commissioners, of such county, within ten weeks after their appointment, or within such further time as may be allowed by the board of county commissioners of such county.

SEC. 5. After the return of the assessment roll to the board of county commissioners they shall make an order setting a day for the hearing upon any objections to the assessment roll by any parties affected thereby who shall be heard by said board of county commissioners as a board of equalization, which date shall be at least twenty (20) days after the filing of such roll. It shall be the duty of the board of county commissioners to give, or cause to be given, notice of such assessment, and of the day fixed for the hearing, as follows:

Hearing on assessment roll.

Notice.

(a) They shall send or cause to be sent, by mail, to each owner of premises assessed, whose name and place of residence is known to them, a notice, substantially in this form, to-wit:

“

“Your property (here describe the property) is assessed \$..... for River and Harbor Improvement to be made in this county.

“Hearing on the assessment roll will be had before the undersigned, at the office of the county commissioners, on the day of 19.....

.....
.....
.....

“Board of County Commissioners.”

But failure to send, or cause to be sent, such notice, shall not be fatal to the proceedings herein prescribed.

(b) They shall cause at least ten days' notice of the hearing to be given by posting notice in at least ten public places in such county, three of which shall be in the neighborhood of such proposed improvement, and by publishing the same at least five successive days in a daily newspaper of said county (if one is published daily).

otherwise, for two weeks in a weekly newspaper of said county; which notice shall be signed by the board of county commissioners, and shall state the day and place of the hearing of objections to the assessment roll, and the nature of the improvement, and that all interested parties will be heard as to any objections to said assessment roll.

Objections
to assess-
ment.

SEC. 6. Any person interested in any real estate affected by such assessment may appear and file objections to the assessment roll, and the board of county commissioners may make an order regarding the time of filing such objections, as to them seems proper. As to all parcels, lots or blocks as to which no objections are filed within the time so fixed, the assessment thereon shall be confirmed. On the hearing, each party may offer proof and the board shall then have authority to affirm, modify, change and determine the assessment in such sum as to them appears just and right. When the assessment is finally equalized and fixed by the board of county commissioners, the clerk thereof shall certify the same to the county treasurer for collection, or if appeal has been taken from any part thereof, then so much thereof, as has not been appealed from, shall be certified.

Clerk shall
certify to
treasurer
for col-
lection.

Appeals.

SEC. 7. Any person who feels aggrieved by the final assessment made against any lot, block or parcel of land owned by him may appeal therefrom to the superior court of such county. Such appeal shall be taken within the time, and substantially in the manner prescribed by the laws of this State for appeals from justice's courts. All notices of appeal shall be filed with the board of county commissioners, and served upon the prosecuting attorney of the county. The clerk of the board of county commissioners shall at appellant's expense certify to the superior court so much of the record, as appellant may request, and the cause shall be tried in the superior court *de novo*.

Any person desiring to appeal from any final order or judgment, made by the superior court concerning any assessment authorized by this act, may appeal therefrom

to the Supreme Court, in accordance with the laws of this State relative to such appeals, except that all such appeals shall be taken within thirty days after the entry of such judgment.

SEC. 8. The final assessment shall be a lien, paramount to all other liens, except liens for taxes and other special assessments, upon the property assessed, from the time the assessment roll shall be approved by said board of county commissioners and placed in the hands of the county treasurer, as collector. After said roll shall have been delivered to the county treasurer for collection, he shall proceed to collect the same, in the manner as other taxes are collected: *Provided*, That such treasurer shall give at least ten (10) days' notice in the official newspaper (and shall mail a copy of such notice to the owner of the property assessed, when the postoffice address of such owner is known, but failure to mail such notice shall not be fatal when publication thereof is made), that such roll has been certified to him for collection, and that unless payment be made within thirty (30) days from the date of such notice, that the sum charged against each lot or parcel of land shall be paid in not more than ten (10) equal annual payments, with interest upon the whole sum so charged at a rate not to exceed seven per cent. per annum. Said interest shall be paid semi-annually, and the county treasurer shall proceed to collect the amount due each year by the publication of notice as hereinabove provided.

SEC. 9. That all moneys paid or collected on account of any assessments made pursuant to this act, shall be kept by the county treasurer in the county depository separate and apart from the other funds of the county, in a fund to be established by the board of county commissioners and to be known as "Local Improvement Fund, District No. of County"; and said money shall at all times be subject to the order of the United States Government Engineer, having said river and harbor improvement in said county in charge, and the county treasurer shall pay said money out upon drafts, drawn upon said fund, for the cost of said improvement, by

Lien of assessment.

Collection of tax.

Payment in installments.

Interest.

Local improvement fund.

Expenditure of money.

said United States Government Engineer. If such Government Engineer is unable or unauthorized to act in the premises, then the county treasurer shall pay out said money for the costs of said improvement, upon the order of the board of county commissioners.

Bonds.

SEC. 10. In all cases, the county, as the agent of the local improvement district, shall, by resolution of its board of county commissioners, cause to be issued in the name of the county, the bonds for such local improvement district for the whole estimated cost of such improvement, less such amounts as shall have been paid within the thirty (30) days provided for redemption, as hereinabove specified. Such bonds shall be called "Local Improvement Bonds, District No., County of, State of Washington," and shall be payable not more than ten (10) years after date, and shall be subject to annual call by the county treasurer, in such manner and amounts as he may have cash on hand to pay the same in the respective local improvement fund from which such bonds are payable, interest to be paid at the office of the county treasurer. Such bonds shall be issued and delivered to the contractor for the work from month to month in such amounts as the Engineer of the Government, in charge of the improvement, shall certify to be due on account of work performed, or, if said board of county commissioners resolve so to do, such bonds may be offered for sale after thirty (30) days public notice thereof given, to be delivered to the highest bidder therefor, but in no case shall such bonds be sold for less than par, the proceeds to be applied in payment for such improvement: *Provided*, That unless the contractor for the work shall agree to take such bonds in payment for his work at par, such work shall not be begun until the bonds shall have been sold and the proceeds shall have been paid into a fund to be called "Local Improvement Fund No., County of," and the holder or holders of such bonds shall look only to such fund for the payment of either the principal or interest of such bonds.

Sale of
bonds.

Such bonds shall be issued in denominations of one hundred dollars each, and shall be substantially in the following form:

Form of
bonds.

“Local Improvement Bond, District Number
of the County of, State of Washington.
No..... N. B..... \$.....

This bond is not a general debt of the county of
..... and has not been authorized by the voters of
said county as a part of its general indebtedness. It is
issued in pursuance of an act of the Legislature of the
State of Washington, passed the day of
..... A. D. 1907, and is a charge against the fund
herein specified and its issuance and sale is authorized by
the resolution of the board of county commissioners, passed
on the day of A. D. 1907.

The County of, a municipal corporation of
the State of Washington, hereby promises to pay to
....., or bearer, one hundred (100)
dollars, lawful money of the United States of America, out
of the fund established by resolution of the board of
county commissioners on the day of
A. D. 19...., and known as local improvement fund dis-
trict number of County, and not
otherwise.

“This bond is payable ten years after date, and is
subject to annual call by the county treasurer at the
expiration of any year before maturity in such manner
and amounts as he may have cash on hand to pay the same
in the said fund from which the same is payable, and
shall bear interest at the rate of seven per cent. per annum,
payable semi-annually; both principal and interest pay-
able at the office of the county treasurer. A coupon is
hereto attached for each installment of interest to accrue
thereon, and said interest shall be paid only on presenta-
tion and surrender of such coupon to the county treas-
urer, but in case this bond is called for payment before
maturity each and every coupon representing interest not
accrued at the expiration of the call shall be void. The
board of county commissioners of said county, as the agent

of said local improvement district No., established by resolution No., has caused this bond to be issued in the name of said county, as the bond of said local improvement district, the proceeds thereof to be applied in part payment of so much of the cost of the improvement of the rivers, lakes, canals or harbors of county, under resolution No., as is to be borne by the owners of property in said local improvement district, and the said local improvement fund, district No. of county, has been established by resolution for said purpose; and the holder or holders of this bond shall look only to said fund for the payment of either the principal or interest of this bond.

“The call for the payment of this bond or any bond, issued on account of said improvement, may be made by the county treasurer by publishing the same in an official newspaper of the county for ten consecutive issues, beginning not more than twenty days before the expiration of any year from date hereof, and if such call be made, interest on this bond shall cease at the date named in such call.

“This bond is one of a series of bonds, aggregating in all the principal sum of dollars, issued for said local improvement district; all of which bonds are subject to the same terms and conditions as herein expressed.

“In witness whereof the said county of has caused these presents to be signed by its chairman of its board of county commissioners, and countersigned by its county auditor and sealed with its corporate seal, attested by its county clerk, this day of, in the year of our Lord one thousand nine hundred and

The County of
 By

Chairman Board of County Commissioners.

Countersigned, County Auditor.

Attest, Clerk.”

There shall be attached to each bond such number of coupons, not exceeding twenty, as shall be required to represent the interest thereon, payable semi-annually, for the term of said bonds, which coupon shall be substantially in the following form:

Form of interest coupons.

“Number \$.....

On theday of A. D. 19...., the county of, Washington, promises to pay to the bearer at the office of its county treasurer dollars, being one-half year’s interest due that day on Bond No..... of the bonds of ‘local improvement district No.....,’ ‘the same being payable only from the fund of said district known as ‘Local Improvement Fund, District No..... of county,’ and not otherwise: *Provided*, That this coupon is subject to all the terms and conditions contained in the bond to which it is annexed, and if said bond be called for payment before maturity hereof, then this coupon shall be void.

.....
County Auditor.”

SEC. 11. Each and every bond issued for any such improvement shall be signed by the chairman of the board of county commissioners and the county auditor, sealed with the corporate seal of the county, and attested by the county clerk. Each of such coupons shall bear the signature of the county auditor. The bonds issued for each local improvement district shall be in the aggregate for such an amount as authorized by the resolution of the board of county commissioners with reference to such river, lake, canal or harbor improvement, and each issue of such bonds shall be numbered consecutively, beginning with number 1. The county auditor shall keep in his office a register of all such bonds, in which he shall enter the local improvement district, for which the same are issued, and the number and total amount of each bond, and the term of payment.

Execution of bonds.

SEC. 12. The owner of any lot or parcel of land charged with any assessment as provided for hereinabove,

Redemption.

may redeem the same from all liability by paying the entire assessment charged against such lot or parcel of land, or part thereof, without interest, within thirty (30) days after notice to him of such assessment, as herein provided, or may redeem the same at any time after the bonds above specified shall have been issued, by paying the full amount of all the principal and interest to the end of the interest year then expiring, or next to expire. The county treasurer shall pay the interest on the bonds authorized to be issued under this act out of the respective local improvement funds from which they are payable, and whenever there shall be sufficient money in any local improvement fund, against which bonds have been issued under the provision of this act, over and above the amount necessary for the payment of interest on all unpaid bonds, and sufficient to pay the principal of one or more bonds, the county treasurer shall call in and pay such bonds, provided that such bonds shall be called in and paid in their numerical order: *Provided, further,* That such call shall

Payment of interest.

Publication of notice.

be made by publication in the county official newspaper, on the day following the delinquency of the installment of the assessment, or as soon thereafter as practicable, and shall state that bonds numbers (giving the serial number or numbers of the bonds called), will be paid on the day the proper interest coupon on said bonds shall become due, and interest upon such bonds shall cease upon such date. If the county shall fail, neglect or refuse to pay said bonds or promptly to collect any of said assessments when due, the owner of any such bonds may proceed in his own name to collect such assessment and foreclose the lien thereof in any court of competent jurisdiction, and shall recover in addition to the amount of such bonds and interest thereon, five per centum, together with the costs of such suit. Any number of holders of such bonds for any single improvement, may join as plaintiffs and any number of owners of the property on which the same are a lien may be joined as defendants in such suit.

Improvements in adjoining county.

SEC. 13. Two or more adjoining counties, in which are lands to be benefited by any such improvement as is

hereinbefore mentioned, and as will be partly or wholly within one or more of them, may jointly take advantage of the provisions of this act, and the procedure in such cases shall, as nearly as may be, conform to the procedure above prescribed, but with the modifications hereinafter expressed.

SEC. 14. In every case of such joint action, the preliminary procedure of section 1 having been first had in each county severally, the board of county commissioners of the several counties proposing to join shall unite in such an application as is prescribed in section 2, and the application shall be made to any person, who, for the time being, shall be a Judge of the United States District Court in any district in which such counties, or any of them, may lie, and the list mentioned in section 2 shall be made in as many counterparts as there are counties so joining, and one counterpart shall be filed with the board of county commissioners of each county, and if the person who is such United States Judge shall decline or be unable to act, then, the board of such counties shall meet in joint session, at the county seat of such one of the counties as shall be agreed upon and shall organize as a joint board by appointing a chairman and clerk, and by resolution in which a majority of all the commissioners present, and at least one commissioner from each county, shall concur, name the eleven persons for the Commission, which eleven in such case shall be citizens of the counties concerned, and as nearly as may be the same number from each county. A counterpart of such resolution shall be recorded in the minutes of the proceedings of the board of each county. The Commission shall make as many assessment rolls as there are counties joining and one counterpart roll shall be certified by such chairman and clerk of the joint board, and by such clerk filed with the board of each of such counties. Procedure.

SEC. 15. For purposes of a board of equalization, said boards shall from time to time meet as a joint board as aforesaid, and have a chairman and clerk as aforesaid, and for all purposes under sections 5 and 6 of this act, in Joint board.

case of counties joining, the word board wherever occurring in said sections shall be interpreted to mean such joint board, and the word clerk shall be deemed to mean the clerk of such joint board, and the posting of notices shall be in at least ten public places in each county, and the publication of the same shall be in a newspaper of each county, and the objections mentioned in said section 6 shall be filed with the clerk of the joint board, who shall cause a copy thereof, certified by him to be filed with the clerk of the board of county commissioners of the county where the real estate of the party objecting is situated.

Duplicate
assessment
roll.

SEC. 16. The minutes of the proceedings of the joint board and the assessment roll as finally settled by such board shall be made up in as many counterparts as there are counties joining as aforesaid, and shall be signed by the chairman and clerk of said board, and one of said counterparts so signed shall be filed by said clerk with the clerk of the board of county commissioners of each of said counties, and any appeals and subsequent proceedings under sections 7 to 12, inclusive, of this act, as far as relates to real estate in any individual county, shall be as nearly as may be the same as if the local improvement district and bond issue concerned that county only.

Expenses.

SEC. 17. The joint board shall keep careful account of its necessary expenses and shall apportion and charge the same to the counties joining, and certify to the board of county commissioners of each such county an itemized statement of the entire account and of the proportionate part of such expense charged to such county and the board of county commissioners of such county shall cause the same to be paid out of the general fund of the county.

Notification
of com-
missioners.

SEC. 18. The board of county commissioners of the county, or of the oldest county in case of counties joining, shall cause the persons named for the Commission to be notified of their appointment in a notice that shall name all such persons and shall designate the time and place of the first meeting of the Commission. The Commission, having come together pursuant to such notice, and its members having taken the oath hereinbefore prescribed,

shall have full powers to organize and proceed with its business as a deliberative body.

SEC. 19. An emergency exists and this act shall take Emergency. effect immediately.

Passed the Senate February 27th, 1907.

Passed the House March 6th, 1907.

Approved by the Governor March 18th, 1907.

CHAPTER 237.

[S. B. 125.]

CONSOLIDATION OF CITIES AND TOWNS.

AN ACT to amend an act entitled "An act amending section 10 of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency,' approved March 27, 1890," approved March 16, 1903.

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

SECTION 1. That an act amending section 10 of an act entitled "An Act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency," approved March 16, 1903, be and the same is hereby amended to read as follows: That section 10 of an act entitled "An Act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency," approved March 27, 1890, be amended to read as follows: Sec. 10. Two or more contiguous municipal corporations may become consolidated into one corporation after proceedings had as required in this section. The council, or other legislative body, of either of such corporations, shall upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors of each of such corporations, as shown by the votes cast at the last municipal election held in each of such corporations, submit to the electors of each of such corporations the question whether such corporations shall become consolidated into one corporation. Such Legisla-

Consolida-
tion.

Petition.