

CHAPTER 71.

[H. B. 278.]

AUTHORIZING CITIES AND TOWNS TO CONSTRUCT AND
MAINTAIN DIKES.

AN ACT authorizing and empowering cities and towns to construct and maintain dikes and embankments to protect such cities or towns, or any part thereof, from overflow, and to pay the cost and expenses thereof out of its current expense fund, or by a special assessment upon the property benefitted, or by both, and declaring an emergency.

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

SECTION 1. All incorporated cities and towns within the State of Washington are hereby authorized and empowered to construct and maintain dikes, levees, embankments or other structures and works to protect such city or town, or any part thereof from overflow, and the cost and expense of securing right of way for the same, damages accruing and the constructing and maintaining of said works may be paid for by a special assessment upon the lots and lands protected or benefitted by such improvement, such assessment to be made according to the benefits received by each tract, block, lot or smaller subdivision of land included in the special assessment district provided for the levy of such special tax.

Construction of dikes, levees and embankments.

Special assessments on property benefitted.

SEC. 2. The city council shall, before the beginning of the actual construction of such improvement, if the same is to be paid by a special tax as hereinbefore provided, first pass a resolution or ordinance declaring its intention to make such improvement, and stating in such resolution or ordinance the place of commencement and ending of such improvement, the route to be used, the nature of such improvement, the estimated cost of construction, and maintenance thereof, and the boundaries of the special assessment district to be formed, and shall, by resolution, or ordinance, fix a time not less than thirty (30) days in which protests against such proposed improvement may be filed in the office of the city clerk. It shall be the duty of such clerk to cause such resolution or ordinance to be published in the official newspaper of such city or town in at least four

Resolution describing improvement.

Publication of resolution.

Protest of property owners.

consecutive issues before the time fixed for the termination of the filing of said protests. If protests are filed by more than two-thirds in number of the owners of property included in said proposed assessment district against such improvement, the council of such city or town shall not proceed further with the work.

Ordinance creating improvement district

SEC. 3. If such number of protests are not filed, the council may proceed to enact an ordinance for such improvement, by the provisions of which ordinance, if the cost and expense, or any part thereof, is to be paid by a special tax as hereinbefore provided, a local improvement district shall be established to be called "Local Improvement District No.," which shall include all the real property included within the boundaries of the district described in the resolution or ordinance of intention to make such improvement; each tract, block, lot or smaller subdivision thereof, shall be assessed to pay its proportion of the cost and expense of securing the necessary rights of way, all damages occasioned by such improvement and the construction and maintenance of such improvement according to the benefits derived by said property from such proposed improvement.

Council may make payment from current expense fund.

SEC. 4. The city or town council may construct and maintain the improvements provided for by this act out of its current expense fund, or such council may expend from its current expense fund for such purpose, such sums as in their judgment may be fair and equitable in consideration of benefits accruing to the general public by reason of such improvements, and levy a special assessment as hereinbefore provided for the remainder of such cost and expense.

When city included in diking district.

SEC. 5. That the fact that any city or town or any part thereof, is now or shall hereafter be placed within the boundaries of any diking district organized under the general diking laws of this State, shall not deprive such city or town of the benefit of this act, but any such city or town for the purpose of constructing new improvements, or of repairing or improving any dikes, embankments or other structures or work constructed by it, or

any diking district, or other municipal corporation, shall be entitled to proceed under this act and may use the rights of way and improvements erected by any other such organization: *Provided, however,* That this act shall not deprive such other diking district, or organization of the right to enter upon and improve and repair such improvement if it deem it necessary to do so: *And provided further,* That this act shall not release any real estate from assessment and payment of any lawful diking taxes, levied for the payment of any indebtedness existing for the construction or maintenance of such former improvement.

SEC. 6. After the establishment of the assessment district by the city or town council, for such improvement, the city or town clerk shall at once proceed to make, complete and file in his office an assessment roll which shall contain a description of all the lots, blocks or parcels of land included within said assessment district so established; which roll, in addition to said description, shall contain the name of the owner or reputed owner of each separate lot or parcel of land so far as the same is shown by the county records and the said city or town clerk shall enter upon said roll, opposite each property description, the respective amounts computed by the engineer in charge of, or who has designed said improvement or defined the boundaries of the assessment district, in behalf of said city or town, such amounts to be an apportionment made by said engineer of the cost and expense of such improvement, or so much thereof as has been determined upon, on all the property included within such assessment district and said city or town clerk, from the computations and information furnished by said engineer, shall assess each parcel, block, lot or smaller subdivision thereof with its just portion of said cost and expenses, according to the benefits received by it from such proposed improvement, and shall fix a time for the consideration and equalization of such assessment by the city or town council, and give notice thereof by publication in at least two consecutive issues of the official newspaper of such city or town, which hearing shall not be less than ten days from the first publication of such notice.

Assessment
roll.

Notice by
publication.

Council to
hear objec-
tions.

SEC. 7. The city or town council shall meet at the time fixed in such notice or at such other time as said meeting may be adjourned to, and shall hear and decide all objections made to such assessment, whether the same may be to the regularity of the proceedings, the correctness of the assessment or the amount thereof, and may correct any and all irregularities and proceedings, and make corrections of assessments and equalize the said assessment, and shall make an order confirming said roll after such equalization; which roll shall thereupon become the assessment roll of said assessment district, and the amount charged to and assessed against each parcel, block, lot or smaller subdivision of land, in such assessment roll, shall be a first and prior lien upon the same, excepting other taxes levied for State, county or other municipal purposes, and shall become delinquent sixty days after such order of confirmation and bear interest after delinquency at the rate of twelve (12) per cent. per annum; and said lien may be foreclosed and said property sold for the payment thereof.

Confirma-
tion of roll.

Assessments
a lien upon
property.

Delin-
quency.

Appeals to
the superior
court.

SEC. 8. Any person who has made objections to the assessment as made by the clerk, shall have the right to appeal from the equalization as made by the city or town council to the superior court of the county in which such city or town may be situated. Such appeal shall be made by filing a written notice of appeal with the clerk of such city or town within ten days after the equalization of said assessment by the council, and said notice shall describe the property and the objections of such appellant to such assessment; and the appellant shall also file with the clerk of the superior court aforesaid within ten (10) days from the time of taking such appeal a copy of said notice, appeal, assessment and proceedings thereon, certified by the clerk of such city or town, together with a bond to such city or town conditioned to pay all costs that may be awarded against appellant in such sums not less than two hundred dollars and with such security as shall be approved by the judge of such court, and the case shall be docketed by the clerk of such court in the name of the person taking such appeal as plaintiff and such city or town as defendant. Said cause shall then be at issue and shall be tried

immediately by such court as in the case of equitable causes, except that no further pleadings shall be necessary. The judgment of the court shall be either to confirm, modify or annul the assessment in so far as the same affects the property of the appellant, from which judgment an appeal shall lie to the Supreme Court as in other causes.

SEC. 9. That the levy and collection of said special tax, the foreclosure of the lien thereof and the sale of said property, and all other matters and things with relation to such improvement shall be governed by the laws relating to the levy of special assessments to pay for street improvements in the class to which said city or town belongs, except in so far as modified by this act.

Laws relat-
to assess-
ments for
street im-
provements
applicable.

SEC. 10. That this act shall be concurrent with all other laws now in force and shall not repeal nor affect any law now in force relating to dikes or the prevention of lands from overflow.

Act concu-
rent with
existing
laws.

SEC. 11. That an emergency exists and this act shall take effect immediately.

Emergency.

Passed the House February 15th, 1907.

Passed the Senate February 25th, 1907.

Approved by the Governor March 5th, 1907.

CHAPTER 72.

[H. B. 320.]

APPROPRIATION FOR STATE ROADS.

AN ACT appropriating the sum of forty-two thousand one hundred and forty-two dollars and seventy-five hundredths of a dollar (\$42,142.75) from the state highway fund to complete contracts now in force on state roads.

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

SECTION 1. That the sum of forty-two thousand one hundred and forty-two and seventy-five hundredths dollars (\$42,142.75), or so much thereof as may be necessary be,

Appropriation
\$42,142.75.