

CHAPTER 225.

[S. B. 245.]

RELATING TO DIKES AND DRAINS.

AN ACT to provide for the establishment and creation, and the construction and maintenance of a system of dikes and drainage, including flood and drift barriers; for the establishment and creation of districts and boards for such purposes, and providing methods of raising funds for such purposes, when the lands affected are situated in two or more counties, and declaring an emergency.

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

SECTION 1. Whenever a portion of two or more counties, which contain one hundred or more inhabitants and freeholders therein, require diking, draining, or the erection of flood dams or drift barriers to prevent inundations, such portion of two or more counties may be organized into a district; and the board of commissioners, hereinafter provided for, shall have and possess the powers herein conferred, or that may hereafter be conferred by law upon such district and board of commissioners, and all such powers not in conflict with those herein granted, which now exist under the provision of the laws of the state relating to the establishment, construction and maintenance of dikes and drains; and such districts shall be known and designated as "Diking and Drainage District No. . . . ., in . . . . . and . . . . . Counties (here insert name of counties), of the State of Washington;" and shall have the right to sue and be sued by, in the name of its board of commissioners herein provided for, and shall have perpetual succession, and shall adopt and use a seal.

One hundred inhabitants may petition.

In two or more counties.

SEC. 2. For the purpose of the formation of such diking district, a petition shall be presented to the board of county commissioners of each of the two or more counties in which the portion of said counties are situated; which petition shall set forth the objects for the creation of said district, and shall designate in a general way the boundaries thereof, and set forth therein approximately the number of acres of land to be benefited by the proposed system,

Petition filed in both counties.

Contents of petition.

and shall also contain a brief description of the proposed system, and approximately the route over which the same is to be constructed, together with the proposed flood dams or drift barriers, if any, and approximately the termini thereof. The petition shall also set forth the further fact that the establishment of the said district and the proposed system will be conducive to the public health, convenience and welfare, and will increase the public revenue, and that the establishment of said district will be of special benefit to the property included in each of the counties in such district. The petition shall be signed by at least one hundred of the freeholders in the proposed district, or by a majority of the freeholders in said district in each of the counties, in case there are less than two hundred freeholders in the proposed district. Said petition shall ask that a district be organized under the provisions of this act. A duplicate of the petition shall be filed with each of the board of county commissioners in each of the counties in which the proposed district is situated. At the time of filing of the petition, the petitioners shall file a bond with the board of county commissioners, running to the State of Washington, in the penal sum of \$1,000, with two or more sureties, to be approved by the board of county commissioners, conditioned that they will pay all costs in case said district for any reason shall not be established.

Petitioners  
must be  
freeholders.

Bond.

SEC. 3. Immediately thereafter the chairman of each of the respective boards of county commissioners shall notify the Commissioner of Public Lands of the State of Washington that such petition and bond has been filed praying for the establishment and maintenance of a district, as aforesaid, and thereupon the Commissioner of Public Lands shall at once give written notice to the board of county commissioners of each county that the said boards, together with the Commissioner of Public Lands, will hold a joint meeting, at a time and place specified, not less than five or more than twenty days after the mailing of such notice, to consider the petition and to determine upon the matters therein prayed for. At such joint

Commis-  
sioner of  
Public Lands  
to call  
meeting.

meeting said joint body, including the Commissioner of Public Lands, shall proceed to consider the said petition and determine whether such proposed diking and drainage district shall be established in the locality and vicinity of the proposed system. If such body finds the district should be established, it shall then enter an order upon its minutes creating such district, and defining the boundaries thereof, and the boundaries so established may embrace more or less land than that embraced in the original petition, and the proposed boundaries may be enlarged or diminished as [to] the board may seem proper; such body shall not establish such district, however, unless they find that the proposed system of dikes and drains will be conducive to the public health, welfare and convenience, and will increase the public revenue and be of benefit to the majority of the lands included within the boundaries of the district. Said body shall at this first meeting elect a secretary, and the Commissioner of Public Lands shall act as chairman of the body. If such body after consideration determines that a diking and drainage system shall be established, then the chairman and secretary shall certify to the board of county commissioners of each county a copy of the resolutions of the body creating such district, and a certificate to the same effect shall be made to the Commissioner of Public Lands, and such certificates shall be filed with the board of county commissioners of each county, and in the office of the Commissioner of Public Lands, and shall be recorded in the records and journals of the respective offices; a majority of all the members of said body shall be necessary to establish any diking and drainage system hereunder, and a majority of the body shall constitute a quorum for the transaction of any business. If such district is established the aforesaid body shall at its first meeting also designate the day upon which the first election shall be held under the provisions of this act, which shall not be less than thirty nor more than sixty days from the time when the day of election is fixed.

Boundaries  
may be  
changed.

Certificate of  
formation of  
district.

Time of  
election  
fixed.

Notice of  
election.

Publication  
of notice.

Ballots.

SEC. 4. Upon the establishment of a district as aforesaid, the said body shall give notice of an election to be held in the diking and drainage district established, as aforesaid, for the purpose of determining whether the same shall be approved and become an organized diking and drainage district, and for the further purpose of choosing at such election five commissioners, who shall be known and designated as "Commissioners for Diking and Drainage District No. . . . ; (here insert number), in . . . . . and . . . . . Counties (here insert names of counties), State of Washington," and such notice shall particularly describe the boundaries as established, and shall state the name of such proposed diking and drainage district, and the same shall be published for at least two weeks prior to such election in two or more weekly newspapers published within the proposed district, and in case no such newspaper be published in such district, then in two or more newspapers of general circulation in such district for two successive issues; and shall be posted for the same period in at least ten public places within the boundaries of such proposed district, which notice shall designate the places within the proposed district where the said election shall be held, and require the voters to cast ballots which shall contain the words "Diking and Drainage District 'yes,'" or "Diking and Drainage District 'no,'" and also the names of the persons voted for as commissioners of such district. The voting places shall be designated by such body; said body shall also appoint two judges, one inspector and two clerks for such election, to act at each polling place, whose compensation shall be the same as in elections for county and state officers, and which shall be a charge upon such district in case the same be established; in case such district be not established, then all costs and expenses shall be collected from the bond hereinbefore provided for. The election shall be held on the day designated in the notice, and shall be conducted in accordance with the general election laws of the State of Washington, as far as applicable. The returns of all the elections hereunder shall be made by the judges of

election to the Commissioner of Public Lands. No person shall be entitled to vote at such election unless he be a qualified elector in the county in which said district is located, and shall have resided within the boundaries of such proposed district for a period of not less than ninety days next preceding the election. The Commissioner of Public Lands shall, within fifteen days next succeeding said election, canvass the vote, and if upon such canvass and count it appears that the majority of votes cast in each of the counties are for "Diking and Drainage District 'yes'," then the said body shall immediately certify to the board of county commissioners of each county interested and to the Commissioner of Public Lands the result of such election, and shall in such certificate declare the proposed territory duly organized as a drainage and diking district; and that the five persons receiving the highest number of votes are duly elected commissioners of such diking and drainage districts. The commissioners so elected shall hold their position for the period of two years from and after their election and until their successors are elected and qualified. Not more than three commissioners shall be elected from any one county when the district is composed of two counties, and not more than two commissioners shall be elected from any county when the district is composed of three or more counties. All commissioners must be qualified electors of the district. Any vacancies occurring upon said board by failure to qualify, death or resignation, or otherwise, shall be filled by the board of county commissioners of the county in which the vacancy occurs. After the first election a general election for the election of such board of commissioners for the diking and drainage district shall be held every second year thereafter, on the first Tuesday of October, and the returns thereof shall be canvassed by the Commissioner of Public Lands, who shall certify the result to the respective boards of county commissioners. The Commissioner of Public Lands at the time of certifying any election shall also issue a certificate to each person elected as a member of the board that he has been duly

Qualifications  
of electors.

Canvass  
of vote.

Term of  
office of com-  
missioners.

Vacancies.

General  
election.

Certificates  
of election.

elected as one of the commissioners for Diking and Drainage District No. . . . ., in the Counties of . . . . . and . . . . ., State of Washington. No official ballot shall be required at the first or any subsequent election, and the law known as the "Direct Primary Law" of this state shall have no application to the elections held under this act. The ballots shall designate the county from which the commissioners are to be elected, for example:

For Commissioners from . . . . . County.

For Commissioners from . . . . . County.

SEC. 5. The members of such board, before entering upon their duties, shall take and subscribe an oath substantially as follows:

State of Washington, County of . . . . .ss.

Oath.

I, the undersigned, a member of the board of commissioners of the Diking and Drainage District No. . . . ., in . . . . . and . . . . . counties, do solemnly swear (or affirm) that I will well and truly discharge my duties as a member of said commission.

Bond of commissioners.

The members shall also, before entering upon their duties, give a bond to the State of Washington for the benefit of such diking and drainage district, for the faithful performance of their duties as such board of commissioners, in the penal sum of \$5,000.00, with a company or corporation as surety, authorized to make and execute official bonds under the laws of the state, the district to bear the expense of such bond; and upon the oath and bond being filed with the Commissioner of Public Lands, that officer shall enter an order upon his records that the five persons named as aforesaid have qualified as the board of commissioners for Diking and Drainage District No. . . . ., in . . . . . and . . . . . counties, and that said persons and their successors do and shall constitute a board of commissioners for the aforesaid diking and drainage district; which order when made shall be conclusive of the regularity of the election and qualification of the board of diking and drainage commissioners for the particular district, and the persons named therein

shall constitute such board of diking and drainage commissioners.

The said board of diking and drainage commissioners shall thereupon immediately organize and elect one of their number as chairman and another as secretary. Officers of board.

The said board shall then proceed to make and cause to be made specifications and details of a system which may be adopted by the board for the improvements to be made, together with an estimate of the total cost thereof; and shall, upon the adoption of a plan of improvement of the district as aforesaid, proceed to levy an assessment upon the taxable real property within the said district which the board may find to be specially benefited by the proposed improvements; and shall make and levy such assessment upon each piece, lot, parcel and separate tract of real estate in proportion to the particular and special benefits thereto. Assessment according to benefits.

Upon determining the amount of the assessment against each particular tract of real estate as aforesaid, the commissioners shall 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, and a general description of each lot, block, parcel or tract of land within such district, and the amount assessed against the same, as separate, special or particular benefits. The board shall thereupon make an order setting and fixing a day for hearing any objections to the assessment roll by any one affected thereby, which day shall be at least twenty days after the mailing of notices thereof, postage prepaid, as herein provided. Board to fix time of hearing. The board shall send or cause to be sent by mail to each owner of the premises assessed, whose name and place of residence is known, a notice, substantially in the following form, to-wit:

To.....: Your property (here describe the property) is assessed \$..... A hearing on the assessment roll will be had before the undersigned at the office of the said board at....., ....., on the.....day of....., at which time you are notified to be and appear and to make any and all Notice of hearing.

objections which you may have as to the amount of the assessment against your property, or as to whether it should be assessed at all; and to make any and all objections which you may have to the said assessment against your lands, or any part or portion thereof.

The failure to send or cause to be sent such notice shall not be fatal to the proceedings herein described. The secretary of the board on the mailing of said notices shall certify generally that he has mailed such notices to the known address of all owners, and such certificate shall be *prima facie* evidence of the mailing of all such notices at the date mentioned in the certificate.

Publication  
of notice.

The board shall cause at least ten days' notice of the hearing to be given by posting notice in at least ten public places within the boundaries of the district, and by publishing the same at least five successive times in a daily newspaper published in each of the counties affected; and for at least two successive weeks in one or more weekly newspapers within the boundaries of said district, in each county if there be such newspapers published therein, and if there be no such newspaper published, then in one or more weekly newspapers, having a circulation in the district, for two successive weeks, which notice shall be signed by the chairman or secretary of the said board of commissioners, and shall state the date and place of hearing of objections to the assessment roll and levy, and of all other objections; and that all interested parties will be heard as to any objection to said assessment roll and the levies as therein made.

Objections to  
assessment.

SEC. 6. Any person interested in any real estate affected by said assessment may, within the time fixed, appear and file objections. As to all parcels, lots or blocks as to which no objections are filed, within the time as aforesaid, the assessment thereon shall be confirmed and shall be final. On the hearing, each person may offer proof, and proof may also be offered on behalf of the assessment, and the board shall affirm, modify, change and determine the assessment, in such sum as to the board appears just and right. The commissioners may increase



the assessment during such hearing upon any particular tract by mailing notice to the owner at his last known address, to be and appear within a time not less than ten days after the date of the notice, to show cause why his assessment should not be increased. When the assessment is finally equalized and fixed by the board, the secretary thereof shall certify the same to the county treasurer of each county in which the lands are situated, 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. In case any owner of property appeals to the superior court in relation to the assessment or other matter when the amount of the assessment is determined by the court finally, either upon determination of the superior court, or appeal to the supreme court, then the assessment as finally fixed and determined by the court shall be certified by the clerk of the proper court to the county treasurer of the county in which the lands are situated and shall be spread upon and become a part of the assessment roll hereinbefore referred to.

Modification  
of assess-  
ment.

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 the county in which the land is situated. Such appeal shall be taken within the time and substantially in the manner prescribed by the laws of this state for appeals from justices' courts. All notice of appeal shall be filed with the said board, and shall be served upon the prosecuting attorney of the county in which the action is brought. The secretary of the board 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*.

Appeals to  
superior  
court.

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 appeals, except that all such appeals

Appeals to  
supreme  
court.

shall be taken within thirty days after the entry of such judgment.

Assessment  
a lien.

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 have been finally approved by the said board, and placed in the hands of the county treasurers as collectors. After the roll shall have been delivered to the county treasurers for collection, each treasurer shall proceed to collect the amounts due in the manner that other taxes are collected as to all lands situated within the county of which he is treasurer. Such treasurer shall give at least ten days' notice in one or more daily newspapers published in the counties in which the lands are situated for two successive weeks, that such roll has been certified to him for collection, and that unless payment be made within thirty days from the date of the notice, that the sum charged against each lot or parcel of land shall be paid in not more than ten 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 annually. The county treasurer shall proceed to collect the amount due each year upon the publication of notice as hereinafter provided. In such publication notice it shall not be necessary to give a description of each tract, piece or parcel of land, or of the names of the owners thereof.

County  
treasurer to  
give notice of  
assessment.

Collection of  
assessment.

The treasurer shall also mail a copy of the notice to the owner of the property assessed, when the postoffice address of such owner is known to the treasurer; but the failure to mail such notice shall not be necessary to the validity of the collection of such tax.

Powers of  
commission.

SEC. 9. The commissioners herein provided for and their successors in office, shall from the time of their election and qualifications aforesaid, have the power, and it shall be their duty, to manage and conduct the business affairs of the district, making and executing all necessary contracts, appoint such agents and employes as may be required, and prescribe their duties, and perform any and

all acts which may be necessary, proper or requisite to carry into effect their duties as commissioners, and all such other acts as may be provided in this act or in any other act.

SEC. 10. The districts organized under the provisions of this act, and the commissioners appointed and qualified as such shall have the right of eminent domain with the power by and through the board of commissioners to condemn and cause to be condemned and appropriated private property for the use of said district in the construction and maintenance of the system of dikes, drains, flood dams and drift barriers, and for any other purpose proper, necessary and convenient for the purpose of carrying into effect the powers vested in said district and the commissioners thereof; and that the property of private corporations shall be subject to the same rights of eminent domain as private individuals. Said board of commissioners shall also have the power to acquire by purchase, in the name of the district, any and all real property necessary to make the improvements herein provided for.

Eminent  
domain  
powers.

SEC. 11. Said board of commissioners herein provided for shall have the exclusive charge of the construction and maintenance of all dikes and drainage systems which may be constructed within the said district, and shall be the executive officers thereof, with full power to bind said district by their acts in the performance of their duties as provided by law.

Dikes and  
drains.

SEC. 12. In the exercise of the right of eminent domain, all proceedings shall be prosecuted by the board of commissioners for and on behalf of the district, or in the name of the district itself, and such proceedings shall be conducted in the superior court of the county in which the lands sought to be condemned are situated, and shall be in the manner and in accordance with the procedure now provided by law regulating the mode of procedure to appropriate lands, real estate, or property by corporations for corporate purposes.

Procedure in  
eminent  
domain.

SEC. 13. Any district so established as aforesaid through its board of commissioners shall have the right,

Water courses may be improved.

power and authority to straighten, deepen and improve any and all rivers, water courses, or streams, whether navigable or otherwise, flowing through or located within the boundaries of said diking or drainage district, whenever necessary or proper in carrying out the objects of the system. The district by and through its board of commissioners shall also have the power to construct all needed auxiliary ditches, canals, flumes, locks, flood barriers, and all necessary artificial appliances in the construction of the system, and which shall be necessary and advisable to protect the land in any such district from overflow or to assist, or which may become necessary in the preservation or maintenance of such system.

Works against overflow.

City in diking district.

SEC. 14. Within the limits of said diking or drainage district may be included any incorporated city or town, or any part thereof.

State lands assessed.

SEC. 15. Any of the state, school, or granted land within the district, shall also be assessed the same as other lands are assessed in proportion to the benefit, but any such lands shall not be sold for delinquencies, but the amount of the assessment shall be paid by the state at the time, in the manner, under the circumstances, and in accordance with the provisions of the act relating to the payment by the state of assessments made on state, school and granted lands for the construction and maintenance of dikes and drains benefiting such lands, approved March 5, 1907; Laws of 1907, pp. 125-126.

Ch. 74, pp. 125-6, L. '07.

Bonds may be issued.

SEC. 16. Any such district by and through its board of commissioners, may, by resolution of such board, cause to be issued in the name of the district, bonds for the whole estimated cost of the improvement, less such amounts as shall have been paid within the thirty days provided for redemption, as herein specified. Such bonds shall be called Local Improvement Bonds, Diking and Drainage District No. . . . . in . . . . . and . . . . . Counties, State of Washington, and shall be payable in not more than ten years after date, and shall be subject to annual call by the board, in such manner and amount as there may be cash on hand to pay, in the respective local im-

provement fund, from which such bonds are payable, interest to be paid at the office of the treasurer of the fund. Such bonds shall be executed and delivered to the contractor for the work from month to month in such amounts as the engineer in charge of the improvement shall certify to be due on account of work performed; however, if the said board resolve so to do, such bonds may be offered for sale after thirty days' public notice by it to be delivered to the highest bidder therefor, but in no case shall said bonds be sold for less than par, the proceeds to be applied in payment for the improvement: *Provided*, That unless the contractor for the work shall agree to take such bonds in payment of the work, such work shall not be begun until the bonds shall have been sold and the proceeds shall have been paid into the fund, the fund to be called Local Improvement Fund, Diking and Drainage District No. . . . ., in . . . . . and . . . . . Counties, 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 bond. Said bond shall be issued in the denomination of one hundred dollars each, and shall be substantially in the following form:

Special fund.

Local Improvement Bond, Diking and Drainage District No. . . . . in the Counties of . . . . . and . . . . ., State of Washington. No. . . . . Dollars. This bond is not a general debt of the counties of . . . . . or either of them, and has not been authorized by the voters of said counties, or either of them, as a part of the indebtedness of said counties; it is issued in pursuance of an act of the legislature of the State of Washington, passed the . . . . . day of . . . . ., 1897, and is a charge against the fund herein specified, and its issuance and sale is authorized by the resolution of the board of commissioners of said district, passed on the . . . . . day of . . . . ., A. D. . . . . The Diking and Drainage District No. . . . . in counties . . . . ., a municipal corporation of the State of Washington, hereby promises to pay to . . . .

Form of bonds.

Form of bond continued.

..... or bearer one hundred (\$100.00) dollars, lawful money of the United States of America, out of the fund established by resolution of the board of commissioners on the ..... day of ....., A. D. ...., and known as Local Improvement Fund, Diking and Drainage District No. ...., in ..... and .....

Maturity of bonds.

Counties, State of Washington, and not otherwise. This bond is payable ten years after date and is subject to annual call by the treasurer of the board at the expiration of any year before maturity, in such manner and amounts as there may be cash on hand to pay the same in the said fund from which the same is payable, and shall bear interest at ..... per centum per annum, payable annually, both principal and interest payable at the office of the treasurer of the fund. A coupon is hereby attached for each installment of interest to accrue thereon and said interest shall be paid only on presentation and surrender of such coupon to the treasurer of the fund, 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 commissioners of said diking and drainage district has caused this bond to be issued as a bond of said district and the proceeds thereof to be applied in part payment of so much of the cost of said improvement as is to be borne by the owners of property in said district and the said district has been established for such 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 board, by publishing the same in a newspaper in each county for ten consecutive issues, beginning not more than twenty days before the expiration of any year from the 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 such district, all of which bonds are

Interest coupons.

Call of bonds.

subject to the same terms and conditions as herein expressed.

In Witness Whereof, said board of commissioners of such Diking and Drainage District No. . . . . has caused these presents to be signed by its chairman and countersigned by its secretary and sealed by its corporate seal, this . . . . . day of . . . . ., A. D., 190. . . . .

Form  
of bond  
continued.

The Diking and Drainage District No. . . . . in . . . . . and . . . . . Counties, Washington. By . . . . ., chairman of its board of commissioners. Countersigned . . . . ., secretary of said board.

There shall be attached to each bond such number of coupons as shall be required to represent the interest thereon, payable semi-annually for the term of said bonds, which coupons shall be substantially in the following form:

No. . . . . \$. . . . . On the . . . . day of . . . . ., the Diking and Drainage District No. . . . ., in the Counties of . . . . . and . . . . ., Washington, promise to pay to the bearer, at the office of . . . . ., . . . . . dollars, being one year's interest due that day on bond No. . . . . of the bonds of the said diking and drainage district. The sum being payable only from the fund of the said district known as Local Improvement Fund thereof, and not otherwise: *Provided*, That this coupon is subject to all 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.

Form of  
coupons.

The Diking and Drainage District No. . . . . in . . . . . and . . . . . Counties, Washington. By . . . . ., chairman of the board of commissioners. Countersigned, . . . . ., secretary of said board.

The bonds issued for each district shall be in the aggregate for such an amount as authorized by the board of commissioners for the respective district, and each issue of said bonds shall be numbered consecutively, beginning with number "one." The board of commissioners shall keep a register of all such bonds, in which shall be en-

tered the local improvement districts for which the same were issued and the number and total amount of each bond, with terms of payment.

Lien may be lifted.

SEC. 17. The owner of any lot or parcel of land charged with any assessment, as hereinbefore provided, 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 days after notice to him of such assessment, as herein provided, or may redeem same 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 board 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 of such fund against which bonds have been issued under provisions 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 board shall call in and pay such bond: *Provided*, Said bonds shall be called in and paid in their numerical order: *Provided further*, That such call shall be made by publication in one or more newspapers on the day following the delinquencies of the installment of the assessment, or as soon thereafter as practicable and shall state that bonds Nos. . . . . (giving serial number and numbers of the bonds called) will be paid on the day the interest coupons on such bonds shall become due, and interest upon such bonds shall cease upon such date.

Interest, how paid.

Road districts assessed.

SEC. 18. Whenever any highways, roads, or bridges are maintained by either county in which a diking and drainage district may be established, as herein provided, and it shall appear that the construction and maintenance of such diking and drainage system will be beneficial to such highways, roads, and bridges, or which will be beneficial to such highways, roads and bridges as may thereafter be constructed or maintained by the county, in which



any part of the system of dikes and drains is situated, then the board of county commissioners of such county may, and it shall be the duty of such board to appropriate to such diking and drainage district an amount of money sufficient to pay the proportionate share of such county in accordance with the benefits received or to be received; and whenever it may appear to the board of county commissioners of any county that any improvements made or to be made in any diking or drainage district under the provisions of this act, shall on account of the health of the people of the county be beneficial in respect thereto, the board of county commissioners may make an appropriation of money to such diking and drainage district in such an amount to such board as may seem proper.

County  
may pay  
part of cost.

SEC. 19. Whenever it shall appear to the city council of any incorporated city or town not included or not wholly included within the limits of any diking or drainage district established hereunder, which incorporated city or town may be within a county in which a portion of such district is located that the construction and maintenance of such diking and drainage system will be beneficial to the health of the inhabitants of said incorporated city and to the general welfare of the said city, then the city council of said city is hereby empowered and authorized to appropriate such amount of money out of the general funds of the city as may to the city council seem proper and just to such diking and drainage system, or the city council may for such purpose levy an assessment upon all the property in said city subject to taxation by said city, which shall not exceed one-half mill for each dollar of property.

Cities  
may pay  
part of cost.

SEC. 20. In the construction and maintenance of the improvements herein provided for, the said district may acquire by purchase or otherwise, and by the exercise of the right of eminent domain, any right-of-way through, over and across any property situated without said district which may be necessary or proper to the completion of the system of improvements.

District may  
condemn  
right-of-way.

Duties of  
officers.

SEC. 21. The chairman of the board shall preside at all meetings and shall have the right to vote upon all questions the same as other members, and shall perform such duties in addition to those in this act prescribed as may be fixed by the board. The secretary of the board shall perform the duties in this act prescribed, and such other duties as may be fixed by the board. A majority of the board shall constitute a quorum for the transaction of business, but it shall require a majority of the entire board to authorize any action by the board.

County  
treasurer  
to collect  
assessments.

SEC. 22. The treasurer of each county shall collect the taxes levied and assessed hereunder upon all that portion of the property situated within the county for which the treasurer is acting. The treasurer of the county in which the smaller or minor portion of the taxes are to be collected shall forward the amount collected by him quarterly each year on the first Monday in January, April, July and October, to the treasurer of the county in which the larger or major portion of the taxes are to be collected. The treasurer of the county in which the larger portion of the taxes have been levied and assessed shall be the disbursing officer of such diking and drainage district, and shall pay out the funds of such district upon orders drawn by the chairman and secretary of the board acting under authority of the board, and shall be the treasurer of the fund.

Property  
may be sold  
to pay  
assessments.

SEC. 23. If any of the installment of taxes are not paid as herein provided, the county treasurer shall sell all lots or parcels of land on which taxes have been levied and assessed, whether in the name of the designated owner or the name of an unknown owner, to satisfy all delinquent and unpaid assessments, interests, penalties and costs. The treasurer must commence the sale of property upon which taxes are delinquent within sixty days after the same become delinquent, and continue such sale from day to day thereafter until all the lots and parcels of land upon which taxes have not been paid are sold. Such sales shall take place at the front door of the courthouse. The proper treasurer shall give notice of such sales by publishing a

notice thereof once a week for two successive weeks in two or more newspapers published within the district, or if no such newspaper is published, within the district, then within any two or more newspapers having a general circulation in such district; such notice shall contain a list of all lots and parcels of land upon which such assessments are delinquent, with the amount of interest, penalty and cost at the date of sale, including costs of advertising had upon each of such lots, pieces or parcels of land, together with the names of the owners thereof, if known to the treasurer, or the word "unknown" if unknown to the treasurer, and shall specify the time and place of sale, and that the several lots or parcels of land therein described, or so much as may be necessary, will be sold to satisfy the assessment, interest, penalty and cost due upon each. All such sales shall be made between the hours of 10 o'clock a. m. and 3 o'clock p. m. Such sales shall be made in the manner now prescribed by the general laws of this state for the sale of property for delinquent taxes, and certificates and deeds shall be made to the purchasers and redemptions made as is now prescribed by the general laws of this state in the manner and upon the terms therein specified: *Provided*, That no tax deeds shall be made until after the expiration of one year after the issuance of the certificate, and during such year any person interested may redeem. A certificate of purchase shall be issued to the district for all lots and parcels of land not sold. Certificates issued to the district shall be delivered to the board of commissioners of the district. The board of commissioners of the district may sell and transfer any such certificate to any person who is willing to pay to the district the amount for which the lot or parcel of land therein described was stricken off to the district, with the interest subsequently accrued thereon. Within ten days after the completion of sale of all lots, pieces and parcels of land authorized to be sold as aforesaid, the treasurer must make a return to the board of commissioners with a statement of the doings thereon, showing all lots and parcels of land sold by him, to whom

Notice  
of sale.

Time  
of sale.

Deed, when  
to issue.

Report  
of sales.

Rights of  
purchaser.

sold and the sum paid therefor. The purchaser at improvement sales acquires a lien on the lot, piece or parcel of land sold for the amount paid by him at such sales for all delinquent taxes and assessments, and all costs and charges thereon, whether levied previously or subsequently to such sale, subsequently paid by him on the lot or parcel of land, and shall be entitled to interest thereon at the rate of 10 per cent. per annum from the date of such payment.

Control  
of lands  
bid in by  
district.

SEC. 24. The board of commissioners of the district shall have the power to sell, lease and dispose of any and all lands which may be acquired by it by virtue of deeds issued to it by the treasurer for lands not redeemed from sale, and the funds derived from any disposition of such land shall become the fund of the district to be used for the benefit of the district under the direction of its board of commissioners.

Cancellation  
of lien on  
part of land.

SEC. 25. When a piece, lot, or tract of land has been assessed in one body, if the same is subsequently subdivided by the owner, or there should be purchasers of different portions of such tract, then the owner or purchaser may pay the taxes upon such piece or tract of land, paying the proportion which is proper upon such separate piece or tract.

General  
powers of  
board.

SEC. 26. The board shall have power and authority to straighten, widen, deepen and improve any and all rivers, water courses or streams, whether navigable or otherwise, flowing through or located within the boundaries of such district; and the beds of any streams or rivers which may be changed, shall become the property of the district, and the board shall have the power to sell and dispose of the same, or exchange the same or any portion thereof for other lands.

District may  
condemn  
state lands.

SEC. 27. Any district created hereunder is hereby granted the right to exercise the power of eminent domain against any lands or other property belonging to the State of Washington or any municipality thereof, and such power of eminent domain shall be exercised under and by the same procedure as is now, or may hereafter be,

provided by the laws of this state for the exercise of the right of eminent domain by ordinary railroad corporations.

SEC. 28. The board of commissioners shall have power to adjourn any and all proceedings before them from time to time.

Adjournments.

SEC. 29. When any notice is required to be given to the owner under any of the provisions of this act, such notice shall be given to the agent instead of the owner, in case the owner prior to the giving of the notice required by the board or proper officer has filed with the board or proper officer the name of the agent with his postoffice address.

Notice may be served on agent.

SEC. 30. If because of a substantial reduction of the amount of the assessment upon any lands, the result would be to leave the amount of the assessment upon other lands insufficient, or if for any cause the assessment should be held invalid or become inoperative, then the board shall have power to make a re-assessment of all lands to the same extent as the original assessment.

Re-assessments.

SEC. 31. It shall be the duty of the board to levy an annual tax upon all property within the district, for the purpose of maintaining such diking and drainage system. Such levy shall be made and the taxes collected in the manner now provided by law for the levying and collection of school district taxes.

Annual tax levy.

SEC. 32. The board shall have power and authority to make rules and regulations for the purpose of carrying into effect any of the provisions of this act.

Rules.

SEC. 33. The members of the board shall receive as compensation the sum of \$5.00 per day for each day while engaged in the actual performance of their duties, and in addition thereto their actual incurred expenses in the performance of their duties: *Provided*, That the board may fix a different salary for the secretary thereof in lieu of the per diem. The salary and expenses shall be paid by the treasurer of the fund, upon orders made by the board. Each member of the board must before being

Compensation of commissioners.

paid for expenses, take vouchers therefor from the person or persons to whom the particular amount was paid, and must also make affidavit that the amounts were necessarily incurred and expended in the performance of his duties.

**Emergency.** SEC. 34. An emergency exists and this act shall take effect immediately.

Passed by the Senate March 1, 1909.

Passed by the House March 6, 1909.

Approved March 20, 1909.

## CHAPTER 226.

[H. B. 103.]

### RELATING TO THE ACQUISITION AND PREPARATION OF ROAD MATERIAL.

AN ACT providing for a field examination of the state, with a view to ascertaining the existence and location of suitable road making materials, and for the acquisition by the state of quarries of such materials and the installation at such quarries of suitable rock crushing machinery and other conveniences for operating said quarries by convict labor or free labor and for the disposition of the output of such quarries, and making an appropriation therefor.

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

Survey  
for road  
materials.

SECTION 1. That the board of geological survey shall cause to be made, under the superintendence of the state geologist, a field examination and survey of the state for the purpose of ascertaining and determining the existence within the state of suitable road making materials; and shall likewise cause to be compiled and made a map or maps showing the locations and areas, as nearly as can be ascertained, of the various deposits of such material; and shall cause to be made suitable analyses and laboratory tests necessary to determine the relative merits or value for road building purposes of the various deposits so located. Upon final completion of said work, said board of geological survey shall file in the office of the state high-

Tests of  
materials.