

CHAPTER 14.

[House Engrossed Bill No. 17.]

RELATING TO VIADUCTS.

AN ACT authorizing cities of the first class in the State of Washington which at the government census of 1900 had a population in excess of 80,000, to construct and maintain, upon public streets, and upon the extensions or connections thereof across waterways, rivers, canals or other channels, wherever public necessity may require, bridges, draw-bridges, viaducts, elevated roadways and tunnels, with or without street railways thereon or therein, and providing for the levy and collection of assessments upon property specially benefited thereby, to pay therefor, and declaring an emergency.

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

SECTION 1. That all cities of the first class in the State of Washington which at the government census of 1900 had a population in excess of 80,000, are hereby authorized to construct and maintain upon public streets, and upon the extensions or connections thereof across waterways, rivers, canals or other channels, wherever public necessity may require, bridges, draw-bridges, viaducts, elevated roadways and tunnels, or any combination thereof, together with all necessary approaches thereto, with or without street railway tracks thereon or therein, and to assess or re-assess property, which the city council of such city shall find to be specially benefited thereby, to defray the whole or any part of the cost of such improvement, whether such property to be assessed or re-assessed is adjoining, contiguous or proximate to said improvement or not.

SEC. 2. The city council of such city may establish local improvement districts, the property within which shall be assessed to defray the cost of any such improvement or any part thereof, which district may include the real estate of such portion of such city as the city council thereof deems to be specially benefited by the construction of such improvement. The boundaries of such district shall be established and fixed by ordinance. Prior to the pas-

sage of said ordinance, notice by resolution, shall be given in the usual manner as required by the charter of such city by publication in the official newspaper, giving the hour and place at which the limits of said proposed district will be considered by the council of such city for the purpose of amending, changing or adopting the same, at which time any persons who desire to object to the establishment of the limits, as set out in said resolution, shall be heard. Said hearing may be adjourned from time to time for further consideration if the city council should so desire. After such hearing and consideration the determination by the city council as to the boundaries of the district to be assessed, shall be final and conclusive.

SEC. 3. Such council may prescribe by general ordinance, the mode and manner in which the charge upon property in such local improvement district shall be assessed and determined for the purpose of paying the cost and expense of establishing and constructing such improvement: *Provided, however,* That no assessment shall be levied on any such district, the aggregate of which is a greater sum than 25% of the assessed value of all the real property in such district according to the last equalized assessment thereof for general taxation: *And provided further,* That there shall be, in all cases, an opportunity for a hearing upon objections to the assessment roll by the parties affected thereby, before the council as a board of equalization, which hearing shall be after publication of a reasonable notice thereof, such notice to be published in such manner and for such time as may be prescribed by ordinance. At such hearing, or at legal adjournments thereof, such changes may be made in such assessment roll as the city council may find necessary to make the same just and equitable. Railroad rights-of-way shall be assessed for such benefits as shall inure or accrue to the owners, lessees or operators of the same, resulting or to result from the construction and maintenance of any such improvement, whether such right-of-way lie within the limits of any street or highway or not; such assessment to lie against the franchise rights when such right-of-way is

Limit of
assessment.

Hearing.

Rights-of-
way.

within such street or highway. When such assessment roll shall have been finally confirmed by the city council, the charges therein made shall be and become a lien against the property or franchise therein described, paramount to all other liens (except liens for assessments and taxes) upon the property assessed from the time the assessment roll shall be placed in the hands of the collector.

Special tax
a lien.

SEC. 4. As a part of the original construction of any improvement herein authorized, or afterwards as an alteration or renewal thereof, any such city, notwithstanding any charter provision to the contrary, may, at its own cost, construct, maintain and operate street railway tracks in the roadway thereof, and may provide electric power for the propulsion of cars, and may lease the use of such tracks and power for the operation of street cars or interurban railways; or such city may authorize any operator of the street or interurban railways to construct and furnish such street railway tracks and electric power and use the same for street or interurban purposes, under lease or franchise ordinance: *Provided*, That no such lease or franchise shall be exclusive, but shall at all times reserve the right to such city to permit other lines of street or interurban railway to use such street railway tracks in common with any preceding lessee or grantee, upon equal terms. The rate of lease or use of such street railway tracks for streets or interurban cars shall be as fixed by the legislative authority of such city, but shall not be less than one mill for each passenger carried, or ten cents for each freight car moved over such improvement. The income from such charges, rental and leasing shall be used wholly for the maintenance, repair and betterment of said improvement and the extinguishment of any debt incurred by said city in constructing the same.

City may
operate
railways.

SEC. 5. The provisions and remedies provided by this act are and shall be cumulative of existing provisions and remedies, and nothing in this act contained shall be held to repeal any provision of the existing law or of any charter of any city upon the subject matter thereof, but such

This act
cumulative.

existing law or charter provision shall continue in full force and effect, and it shall be optional with the city authorities to proceed under either such existing law, charter provision or act.

Emergency.

SEC. 6. An emergency exists and this act shall take effect immediately.

Passed by the House August 18, 1909.

Passed by the Senate August 19, 1909.

Approved by the Governor August 23, 1909.

CHAPTER 15.

[House Bill No. 21.]

RELATING TO TEACHERS' INSTITUTES.

AN ACT relating to teachers' institutes and amending section 5, chapter 6, title 3, of chapter 97, Session Laws of 1909.

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

[Am'd. § 5,
sub. ch. 6,
title III, ch.
97, L. '09,
Reg. Ses. 1

SECTION 1. That section 5, chapter 6, title 3 of an act establishing, providing for the maintenance of, and relating to a general and uniform public school system for the State of Washington, being chapter 97, Session Laws of 1909, approved March 11, 1909, be amended to read as follows: Section 5. Each county superintendent shall determine the time for holding the teachers' institute.

Time of hold-
ing institute.

Passed by the House August 17, 1909.

Passed by the Senate August 20, 1909.

Approved by the Governor August 23, 1909.