

CHAPTER 15.

[H. B. No. 159.]

REPEALING ANTI-TIPPING LAW.

AN ACT relating to soliciting or receiving tips and providing a penalty therefor, and repealing sections 2691 and 2692 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and sections 439 and 440 of chapter 249 of the Session Laws of the State of Washington of 1909.

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

SECTION 1. That Sections 2691 and 2692 of Remington & Ballinger's Annotated Codes and Statutes of Washington and sections 439 and 440 of chapter 249, of the Session Laws of the State of Washington of 1909, be and the same are hereby expressly repealed.

Passed the House February 6, 1913.

Passed the Senate February 19, 1913.

Approved by the Governor February 28, 1913.

[Repealing Rem.-Bal., §§ 2691-2; Pierce's Code, 1912, 135 §§ 875-7.]

CHAPTER 16.

[H. B. No. 219.]

AUTHORIZING CITIES OF SECOND AND THIRD CLASS TO FILL LOW LANDS AND ESTABLISH WATERWAYS.

AN ACT relating to cities of the second or third class providing for the drainage and filling of low lands, swamp lands, tide lands or tide flats within their borders and in effecting such fill and drainage and to secure material therefor, empowering such cities to construct and control shipping canals and artificial waterways for public use and to acquire, hold and lease lands abutting upon said canals or waterways for the purpose of erecting public docks, wharves and bridges and to lease said lands to private persons or concerns for manufacturing, shipping and other commercial purposes, and providing for the payment of such improvement by creating special improvement districts assessing the cost of such improvements to the land benefited thereby from the general expense fund or both of such methods and extending to such cities the right of eminent domain for the purpose of carrying into effect the provisions of this act, for the taking or damaging of property and providing a method of making compensation therefor.

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

SECTION 1. Whenever the city council or commission of any city of the second or third class in this state shall

[For laws relating to cities of the second and third class, see Rem.-Bal., §§ 7584 et seq., 7671 et seq., 7767 et seq., 7965 et seq., 7971 et seq.; Pierce's Code, 1912, 77 § 151 et seq., 77 § 295 et seq., 171 § 31 et seq., 77 § 841 et seq. This act is concurrent with ch. 147, L. 1909, §§ 7971-7987 Rem.-Bal.; Pierce's Code, 1912, 77 §§ 853-883; see sec. 22 *infra*.]

deem it necessary or expedient on account of the public health, sanitation, the general welfare, or other cause, to fill or raise the grade or elevation of any marsh lands, swamp lands, tide lands or lands commonly known as tide flats, or any other lands situated within the limits of such city and to clear and prepare said lands for such filling, such city shall have power so to do; and for the purpose of filling and raising the grade or elevation of such lands, and to secure material therefor and to provide for the proper drainage thereof after such fill has been effected, the city council or commission of such city may, if it deems it advisable so to do, acquire rights-of-way (and where necessary or desirable, may vacate, use and appropriate streets and alleys for such purposes) and lay out, build, construct and maintain over and across such low lands, canals or artificial waterways of at least sufficient width, depth and length to provide and afford the quantity of earth, dirt and material required to complete such fill and with the earth, dirt and material removed in digging and constructing such canals and waterways, fill and raise the grade or elevation of such marsh lands, swamp lands, tide lands or tide flats; and such canals or waterways shall be constructed of such width and depth (provided that all the earth, dirt and other suitable material removed in constructing the same shall be used to fill the low lands as herein provided) as will make them available, convenient and suitable to provide water frontage for landings, wharves and other conveniences of navigation and commerce for the use and benefit of the city and the public; and when such canals or waterways shall have been constructed as herein provided, such city may construct and maintain the necessary bridges over and across the same; such canals or waterways shall be forever under the control of such city and shall be and become public thoroughfares and waterways for the use and benefit of commerce, shipping, the city and the public generally. The expense of making such improvement and in doing, accomplishing and effecting all the work provided for in this act, including the cost

(See
Rem.-Bal.,
§ 7971;
Pierce's
Code, 1912,
77 § 853.)

Low lands
may be
filled.

Waterways
may be
constructed

Dredging
must fill
low lands

of making compensation for property taken or damaged, and all other cost and expense incidental to such improvement, shall be assessed to the property benefited, except such amount of such expense as the city council or commission, in its discretion, may direct to be paid out of the current or general expense fund. Proceedings for the filling and for changing the grade and elevation of any such low lands may be had in the manner provided in this act.

SEC. 2. Whenever the city council or commission of any such city shall desire to make any improvement contemplated in the next preceding section, such city council or commission shall provide therefor by ordinance and unless such ordinance shall provide that such improvement shall be paid for wholly or in part by special assessment upon the property benefited, compensation therefor shall be made from any general or special funds of such city applicable thereto. If such ordinance shall provide that such improvement shall be paid for wholly or in part by special assessments upon property benefited, the proceedings for the making of such special assessment shall be as hereafter provided. Such ordinance shall specify the boundaries of the proposed improvement district and shall describe the lands which it is proposed to assess for said improvement, and shall provide for the filling of such low lands and shall outline the general scheme or plan of such fill. Where any parcel of land within the boundaries of such proposed improvement district shall, prior to the initiation of the improvement, be wholly filled to the proposed grade or elevation of the proposed fill, such parcel of land may be excluded from the lands to be assessed when in the opinion of the city council or commission justice and equity require its exclusion. The boundaries of any improvement district may be altered so as to exclude land therefrom at any time up to the levying of the assessment as in this act provided, but such changing of the boundaries shall be by ordinance. Upon the introduction of an ordinance providing for such fill, if the city council

[See
Rem.-Bal.,
§ 7972;
Pierce's
Code, 1912,
77 § 855.]

Funds
applicable.

Certain
lands
excluded.

or commission shall desire to proceed with the filling of such low lands as in this act contemplated, said city council or commission shall fix a time, not less than ten days, in which protests against said fill may be filed in the office of the city clerk. Thereupon it shall be the duty of the clerk of said city to publish in the official newspaper of said city in at least two consecutive issues thereof before the time fixed for the filing of such protests, a notice of the time fixed for the filing of protests, together with a copy of the proposed ordinance as introduced. If protests against the proposed fill by the owners of more than half of the area of land situated within the proposed filling district exclusive of streets, alleys and public places, be filed on or before the date fixed for such filing, the council shall not proceed further with such work unless two-thirds of the members of the said council shall vote to proceed with such work, and if any such city is operating under the commission form of government composed of three commissioners, said commission shall not proceed further with such work except by a unanimous affirmative vote of all the members thereof; if such commission be composed of five members, then at least four affirmative votes thereof shall be necessary before proceeding with such work. If no such protest shall be filed or if such protest be filed and two-thirds of the councilmen shall vote to proceed with such work or in cases where such cities are operating under the commission form of government, such commissioners shall vote unanimously or four out of five commissioners as above mentioned shall vote to proceed with such work, the said city council or commission shall at such meeting or in a succeeding meeting proceed to pass the proposed ordinance for the work, with such amendments and modifications as to the said city council or commission of said city may seem proper. By the provisions of such ordinance the local improvement district shall be called "Filling District No." which shall include all property subject to assessment, and which it may be proposed to assess, and

Protests.

Notice.

Unanimous
vote required
when protest
is filed.

which may be properly included under the provisions of this act.

SEC. 3. Whenever an ordinance shall be passed as in the preceding section of this act provided, and it shall appear that in making of such improvements so authorized, private property shall be taken or damaged thereby, the city shall file a petition in the superior court of the county in which such city is situated, in the name of the city, praying that just compensation to be made for the property to be taken or damaged for the improvement specified in such ordinance, be ascertained by a jury or by the court, in case a jury be waived, and all of the provisions of an act of the legislature of the State of Washington, approved March 13, 1907, entitled: "An act to enable cities of the first, second and third classes and having a population of over one thousand five hundred inhabitants to exercise the right of eminent domain for the taking and damaging of land and property for public purposes, providing a method for making compensation therefor and providing for special assessments in certain cases upon property benefited," and acts amendatory thereof shall be applicable to the proceeding had in the superior court under the provisions of this act for the ascertainment of the compensation to be made for the taking and damaging of property, except in so far as the same may be inconsistent with this act. The filling of unimproved and uncultivated low lands of the character mentioned in section one of this act shall not be considered as a damaging or taking of such lands. The damage, if any, done to cultivated lands or growing crops thereon, or to buildings and other improvements situated within the district proposed to be filled, shall be ascertained and determined in the manner above provided; but no damage shall be awarded to any property owner for buildings or improvements placed upon lands included within said district after the publication of the ordinance referred to in section two, defining the boundaries of the proposed improvement district: *Provided*, That the city shall after the passage of such ordinance, proceed with said improve-

[See Rem.-Bal., § 7973; Pierce's Code, 1912, 77 § 857.]

Eminent domain.

[See ch. 153, L. '07; Rem.-Bal., §§ 7768-7821; Pierce's Code, 1912, 171 §§ 31-141.]

Filling lands not deemed a damage.

ment with due diligence. Where the improvement is to be made at the expense of the property benefited, no account shall be taken of benefits by the jury or court in assessing the amount of compensation to be made to the owner of any property within such district, but such compensation shall be assessed without regard to benefits to the end that said property for which damages may be so awarded, may be assessed the same as other property within the district for its just share, and proportion of the expense of making said improvement, and the fact that compensation has been awarded for the damaging or taking of any parcel of land shall not preclude the assessment of such parcel of land for its just proportion of said improvement as hereinafter provided.

Benefits not considered in fixing damages.

SEC. 4. At the time of the initiation of the proceedings for any improvement as contemplated by this act or at any time afterward, the city council or commission of such city shall cause plans and specifications for said improvement to be prepared and shall cause an estimate to be made of the cost and expense of making said improvement, including the cost of supervision and engineering, abstractor's fees, interest and discounts and all other expenses incidental to said improvement, including an estimate of the amount of damages for property taken or damaged, which plans, specifications and estimates shall be approved by the city council or commission.

[See Rem.-Bal., § 7974; Pierce's Code, 1912, 77 § 859.]

Plans.

Estimate.

SEC. 5. When such plans and specifications shall have been prepared and such estimate of the cost and expense of making such improvement shall be made and adopted by the city council or commission, as set out in the preceding section, and when an estimate has been made of the compensation to be paid for property damaged or taken, either before or after such compensation shall be ascertained in the said superior court as hereinbefore provided, the city council or commission through the proper officer or officers, of such city, shall cause an assessment roll to be prepared containing a list of all the property within said improvement district which it is proposed to assess for such im-

[See Rem.-Bal., § 7975; Pierce's Code, 1912, 77 § 861.]

Assessment roll.

provements, together with the names of the owners, if known, and if unknown, the property shall be assessed to an unknown owner, and opposite each description shall be set the amount assessed to such description. When so ordered by the said city council or commission, the entire amount of compensation paid or to be paid for property damaged or taken, including all of the costs and expenses incidental to the condemnation proceedings and together with the entire cost and expense of making the improvement may be assessed against the property within the district subject to assessment, but the city council or commission may order any portion of such costs paid out of the current or general expense fund of the city, in their discretion. The several parcels of land located within said improvement district to be assessed for such improvement shall be assessed according to and in proportion to surface area, one square foot of surface to be the unit of assessment: *Provided*, That where any parcel of land was wholly or partially filled by the owner prior to the initiation of the improvement an equitable deduction for such filling or partial filling may be allowed. The cost and expense incidental to the filling of the streets, alleys and public places within said assessment district shall be borne by the private property within such district subject to assessment when so ordered by the city council or commission. When the assessment shall be payable in installments, the assessment roll when equalized, as hereinafter provided, shall show the number of installments and the amounts thereof. The assessment herein provided may be made payable in any number of equal annual installments not exceeding fifteen in number.

SEC. 6. When such assessment roll shall be so prepared it shall be filed in the office of the city clerk and thereupon it shall be the duty of the city clerk to give notice by publication in at least three issues of the official paper that such roll is on file in his office and that at a date mentioned in said notice, which shall be at least twenty days after the date of the first publication thereof, the city council or commission of such city will sit as a board of equalization to

Payments
may be
made from
general fund.

Square foot
assessment.

Deduction for
private im-
provement.

[See
Rem.-Bal.,
§ 7976 ;
Pierce's
Code, 1912,
77 § 863.]

Notice of
time of
protests.

equalize said roll and to hear, consider and determine protests and objections against the same. At the time specified in said notice, the city council or commission of said city shall sit as a board of equalization to equalize the said roll and they may adjourn the sitting from time to time until the equalization of such roll is completed. The city council or commission shall have power as such board of equalization to hear, consider and determine objections and protests against any assessment levied under the provisions of this act and shall have power as such board to make such alterations and modifications in the assessment roll as justice and equity may require.

Hearing on protests.

SEC. 7. Any person who has made objections to the assessment as equalized, shall have the right to appeal from the equalization as made by the city council or commission to the superior court of the county in which such city may be situated. Such appeal shall be made by filing a written notice of appeal with the clerk of such city within ten days after the equalization of said assessment by the council or commission, 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, together with a bond to such city 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 clerk 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 with respect to which the appeal was taken, from which judgment an appeal shall lie to the supreme court as in other causes.

[See Rem.-Bal., § 7977; Pierce's Code, 1912, 77 § 865.]

Appeals.

Judgment.

[See
Rem.-Bal.,
§ 7978;
Pierce's
Code, 1912,
77 § 867.]

Assessments,
how collected.

SEC. 8. From and after the equalization of the roll, the several assessments in such roll contained shall become a lien upon the real estate described in such roll, and shall remain such lien until paid, and such lien shall take precedence of all other liens against such property, except the lien of general taxes. The assessments herein provided for shall be collected by the same officers and enforced in the same manner as now provided by law or which may be hereafter enacted for the collection and enforcement of local assessments for street improvements of the class herein described, and all of the provisions of existing laws and ordinances relative to the enforcement and collection of local assessments for street improvements including the certification of delinquent assessments to the county treasurer and the issuance and foreclosure of certificates of delinquency, shall be applicable to the assessments made pursuant to this act.

[See
Rem.-Bal.,
§ 7979;
Pierce's
Code, 1912,
77 § 869.]

Immediate
payment
plan.

SEC. 9. When the improvement contemplated by this act shall be ordained to be made upon the immediate payment plan, the city council or commission shall provide for the payment of the same by the issuance of local improvement fund warrants against the local improvement district, which warrants shall be paid only out of the funds derived from the local assessments in the district. When such improvement shall be ordered to be made upon the bond installment plan, the city council or commission shall provide for the issuance of bonds against the improvement district as hereinafter provided.

[See
Rem.-Bal.,
§ 7980;
Pierce's
Code, 1912,
77 § 871.]

Bonds.

SEC. 10. When it is desired to issue bonds against any such improvement district, the city council or commission shall have full authority to provide for the issuance of such bonds. Such bonds may be in such denominations as the city council or commission may provide, and shall bear such rate of interest as the city council or commission may fix, not exceeding, however, eight per centum per annum; interest shall be paid annually and said bonds shall become due and payable at such time, not exceeding fifteen years from the date thereof, as may be fixed by the said

council or commission and shall be payable out of said local assessment district funds. If so ordered by the council or commission, such bonds may be issued in such a way that different numbers of said bonds may become due and payable at different intervals of time, or they may be so issued that all of the bonds against said district shall mature together. The city, however, may reserve the right to call or mature any bond on any interest-paying date when sufficient funds are on hand for its redemption; but bonds shall be called in numerical order. The city council or commission of any such city shall have authority for and on behalf of such city to guarantee the payment of the whole or any part of the bonds so issued against any such local improvement district, but such guarantees on the part of the city shall only be made by ordinance duly enacted, the passage of which ordinance shall require the vote of not less than two-thirds of the councilmen and the approval of the mayor, or three commissioners in case the governing body consists of three commissioners, or four where such city is governed by five commissioners. The city council or commission shall have power to enact all ordinances necessary for the issuance of the bonds herein provided for, and to give full force and effect to this act.

Guarantee of
bonds by city.

SEC. 11. The city council or commission of any such city shall have power to negotiate sufficient warrants or bonds against any such local improvement district at a price not less than ninety-five per cent of their par value as may be necessary to raise sufficient money to pay any and all compensation which may be awarded for property damaged or taken in the judicial proceedings hereinbefore mentioned, including the costs of such proceedings; but in lieu of so doing, the city council or commission shall have power to negotiate current or general expense fund warrants at par to raise funds for the payment of such compensation and expenses in the first instance, but in that event the current or general expense fund shall be reimbursed out of the first moneys collected in any such local assessment district or realized from the negotiation or sale of local improvement warrants or bonds.

[See
Rem.-Bal.,
§ 7981;
Pierce's
Code, 1912,
77 § 873.]

Minimum
price of
bonds.

SEC. 12. The local assessments herein provided for shall bear interest at such rate as may be fixed by the council or commission, not exceeding the rate of eight per centum per annum from and after the expiration of thirty days after the equalization of the assessment roll and shall bear such interest after delinquency as may be provided by general ordinance of the city: *Provided*, That such assessment shall bear interest at the rate of fifteen per cent per annum from and after the date of the certification of such assessments to the county treasurer of the county, as in cases of local street assessments. Warrants drawn against any such local improvement districts shall bear interest from the date of issuance at the rate of eight per centum per annum.

[See Rem.-Bal., § 7982; Pierce's Code, 1912, 77 § 875.]

Interest.

SEC. 13. The contract for the making of any improvement as contemplated by this act may be let either before or after the making up of the equalization of the assessment roll, and special fund warrants or bonds may be issued against said local improvement district, either before or after the equalization of the roll as in the judgment of the council or commission may best subserve the public interest. When the assessment roll is made up and equalized, based in whole or in part upon an estimate of the cost of the improvement and it shall be later found that such estimate was too high, the excess shall be rebated pro rata to the property owners on the assessment roll, such rebates to be deducted from the last installment, or installments, when the assessment is upon the intallment plan. When it is found that the estimated cost was too low and that the actual *bona fide* cost of the improvement is greater than the estimate, the city council or commission after due notice and a hearing, as in case of the original equalization of the roll, may add the required additional amount to the assessment roll to be apportioned among the several parcels of property upon the same rules and principles as if it had been originally included, except that such additional amount shall be added to the last installment of such assessment

[See Rem.-Bal., § 7983; Pierce's Code, 1912, 77 § 877.]

Contract may be let before assessment.

Rebates.

Supplemental assessment.

in case such assessment be upon the installment plan. The same notice shall be required for adding to the assessment roll in this manner as is required for the original equalization of the roll, and the property owner shall have the right of appeal.

SEC. 14. The city council or commission in its discretion may provide in letting the contract for any such improvement, that the contractor shall accept special fund warrants or local improvement bonds against the local improvement district within which such improvement is to be made, in payment for the contract price of such work, and that such warrants or bonds may be issued to the contractor from time to time as the work progresses, or the city council or commission may negotiate such special fund warrants or bonds against such local improvement district at not less than ninety-five cents in money for each dollar of warrants or bonds, and with the proceeds of such sales pay the contractor for such work and pay the other costs of such improvement.

[See Rem.-Bal., § 7984; Pierce's Code, 1912, 77 § 879.]

Contractor to accept bonds or warrants.

SEC. 15. Whenever money shall accumulate in any such improvement fund and is likely to lay idle awaiting the maturity of the bonds against the district, the city council or commission, under proper safeguards, may invest such money temporarily, or may borrow the same temporarily, at a reasonable rate of interest, but when so invested or borrowed, the city shall be responsible and liable for the restoration to such fund of the moneys so invested or borrowed from any such fund, with interest thereon, whenever required for the redemption of bonds maturing against such district.

[See Rem.-Bal., § 7985; Pierce's Code, 1912, 77 § 881.]

Surplus funds invested.

SEC. 16. In case any assessment made under the provisions of this act should be found to be invalid for any cause or in case the same should be set aside for any reason in any judicial proceeding, then a reassessment may be made and all laws now in force or which may be hereafter enacted relative to the reassessment of local assessments, for street or other improvements, shall, as far as practicable, be applicable hereto.

[See Rem.-Bal., § 7986; Pierce's Code, 1912, 77 § 883.]

Re-assessments.

SEC. 17. When the filling of any marsh land, swamp land, tide land or tide flats shall result in the construction and completion of any canal or water way as contemplated in this act, the same shall not be constructed less than three hundred feet wide at the top between the shore lines and with sufficient slope to the sides or banks thereof to as nearly as practicable render bulkheadings or other protection against caving or falling in of said sides or banks unnecessary and of sufficient depth to meet all ordinary requirements of navigation and commerce. Such canal or water way shall be and remain under the control of the city except as herein provided, and immediately upon the completion of the same the city shall establish outer wharf and dock lines lengthwise of said canal or water way on both sides thereof in such manner and position that not less than two hundred feet of the width thereof shall always remain open between such lines and beyond and between which lines no right shall ever be granted to build docks, wharves or other obstructions except bridges; nor shall any permanent obstruction to the free use of the channel so laid out between said wharf or dock lines, excepting bridges, their approaches, piers, abutments and spans, ever be permitted but the same shall be kept open for navigation. Such city shall have the right to lease the area so created between the said shore lines and the wharf and dock lines so established or any part, parts or parcels thereof during times when the use thereof is not required by the city, for periods not exceeding thirty years, to private individuals or concerns for dock, wharf, warehouse or manufacturing purposes at such annual rate or rental per lineal foot of frontage on the canal or water way as it may deem reasonable. The rates of wharfage, dockage and other charges to the public which such lessee may impose shall be reasonable; and the city council or commission may regulate such rates. The lease so granted by the city shall never be transferred or assigned without the consent of the city council or commission having been

Waterways,
construction
of.

Control of
canal.

Harbor lines.

Structures
permitted on.

Leases,
limitation on.

Wharf rates,
regulation of.

first obtained; and when at the time of granting such leases the city shall own the land abutting upon the shore line and outside of such canal or water way at any given point then the said area lying between the shore line and the said wharf or dock line at that point shall never be leased unless an equal frontage of said abutting property immediately adjoining the same is leased at the same time for the same period to the same individual or concern: *Provided*, That such city shall never lease to any individual or concern more than four hundred (400) lineal feet of frontage of such area lying between the shore lines and the wharf or dock lines and no individual or concern shall ever hold or occupy by lease, sublease or otherwise more than the said four hundred (400) lineal feet of frontage of such area: *Provided, however*, That any individual or concern may acquire by lease or sublease whatever additional number of lineal feet of frontage of such area may in the judgment of the city council or commission be necessary for the use of such individual or concern, upon petition therefor to the city council or commission signed by not less than five hundred (500) resident free holders of said city.

Assignment
of lease.
consent of
city required.

Leases,
conditions of.

SEC. 18. While acquiring the rights-of-way for such canals or water ways or at any time thereafter such city shall have the right to acquire for its own and for public use, by purchase, gift, condemnation or otherwise, and pay therefor out of the current expense fund of such city or by bonding the city or by pledging revenues to be derived from rents and issues of the lands so acquired or through such other means as may be provided by law, lands abutting upon the shore lines or right-of-way of such canals or water ways to a distance, depth or width of not more than three hundred (300) feet back from the banks or shore lines of such canals or water ways on either side or both sides thereof, or not more than three hundred (300) lineal feet back from and abutting on the outer lines of such rights-of-way on either side or both sides of such rights-of-way, and such area of such abutting lands

Lands abut-
ting canal
may be ac-
quired by city.

as the council or commission may deem necessary for its use for public docks, bridges, wharves, streets and other conveniences of navigation and commerce and for its own use and benefit generally; and when the said cities are not using said lands they shall have the right to lease the said abutting lands so acquired or such parts or parcels thereof as may be deemed for the best interest and convenience of navigation, commerce and the public interest and welfare, to private individuals or concerns for terms not exceeding thirty years each at such annual rate or rental as the city council or commission of such city may deem just, proper and fair, for the purpose of erecting docks and wharves for wholesale and retail warehouses and for general commercial purposes and manufacturing sites, but the said city shall never convey or part with title or control of the abutting lands above mentioned and so acquired other than in the manner herein specified: *Provided*, That any lease or leases granted by such city on such abutting lands shall never be transferred or assigned without the consent of the city council or commission having been first obtained. And such city shall never lease to any individual or concern more than four hundred (400) lineal feet of canal or water way frontage of said land and no individual or concern shall ever hold or occupy by lease, sublease, or otherwise more than the said four hundred (400) lineal feet of said frontage: *Provided, however*, That any individual or concern may acquire by lease or sub-lease whatever additional frontage of such abutting land may be in the judgment of the city council or commission necessary for the use of such individual or concern, upon petition presented to the city council or commission therefor signed by not less than five hundred (500) resident free holders of such city; and at the time that the city shall lease to any individual or concern any of such abutting lands such individual or concern must likewise for the same period of time lease all of the area between the shore line and the wharf and dock line of such canal or water way lying contiguous to and immediately in front of the abutting land so leased.

Lease of
dock sites etc.

Petition for
lease of
additional
lands.

SEC. 19. For the purpose of raising revenues to carry on any project under this act, excepting the actual filling of such marsh lands, low lands, swamp lands, tide lands or tide flats, but including funds for the payment for lands taken, purchased, acquired or condemned and the expenses incident to the acquiring thereof, or any other cost or expenses incurred by the city under this act other than the cost of actually filling such lands, any such city is hereby empowered and authorized to levy an annual tax of not exceeding three (3) mills on each dollar of assessed valuation of all property within the city. The city council or commission of any such city may create a fund into which all moneys so derived from taxation and moneys derived from rents and issues of the lands acquired under and by virtue of this act shall be paid and against which special fund warrants may be drawn or negotiable bonds issued to meet expenditures under this act.

Tax levy.

Special fund.

SEC. 20. When such city shall undertake any improvement authorized by this act and the expenditures required for the same exceed the sum of \$500.00, the same shall be done by contract and shall be let to the lowest responsible bidder, after due notice, under such regulation as may be prescribed by ordinance: *Provided*, That the city council or commission may reject all bids presented and readvertise in their discretion, or, if in the judgment of the city council or commission such work can be performed, or supplies or materials furnished by the city independent of contract, cheaper than under the bid submitted, it may after having so advertised and examined the bids, cause such work to be performed or supplies or material to be furnished independent of contract. This section shall be construed as a concurrent and cumulative power conferred on such cities and shall not be construed as in any wise repealing or affecting any law now in force relating to the performing, execution and construction of public works.

Work done
by contract.Day labor,
when.

SEC. 21. The right of eminent domain is hereby ex-

Eminent domain extends beyond city limits.

tended to any such city of the second or third class for the condemnation of lands and other property, either within or without the corporate limits of such city, for the purpose of filling and draining such marsh lands, swamp lands, low lands, tide lands or tide flats and in so doing constructing said canals or water ways as contemplated in this act; and every such city shall have the right to appropriate real estate or other property for the rights-of-way of such canals or water ways or whatever property is necessary to be appropriated or damaged for the construction thereof, and the filling and draining of such marsh lands, low lands, swamp lands, tide lands or tide flats and for other uses provided for in this act; and all the provisions of an act of the legislature of the State of Washington, approved March 13, 1907, entitled "An act to enable cities of the first, second and third classes and having a population of over fifteen hundred inhabitants to exercise the right of eminent domain for the taking and damaging of land and property for public purposes, providing a method for making compensation therefor and providing for special assessments in certain cases upon property benefited" and acts amendatory thereof shall be applicable and used in appropriating and damaging lands as contemplated by this section except in so far as the same may be inconsistent with this act; and the right of eminent domain authorized by this section shall be exercised in the same manner and under the same procedure as is authorized by the said act of the legislature of the State of Washington approved March 13, 1907, and acts amendatory thereof.

[Reference is to ch. 158, L. '07; Rem.-Bal., § 7768 *et seq.*; Pierce's Code, 1912, 171 § 31 *et seq.*]

Construction.

SEC. 22. This act shall not be construed as repealing or in any wise affecting chapter 147 of the laws of 1909 or any other existing laws relative to the making of any such improvements as are embraced within this act, but this act shall be considered as concurrent with such existing laws.

[Reference is to Rem.-Bal., §§ 7971-7987; Pierce's Code, 1912, 77 §§ 853-883.]

Passed by the House February 4, 1913.

Passed the Senate February 17, 1913.

Approved by the Governor February 28, 1913.