

CHAPTER 112.

[H. B. 109.]

WATER SYSTEMS ACQUIRED BY CITIES AND TOWNS
OTHER THAN FIRST CLASS.

Repeals
Rem.-Bal.
§§ 8010-1-
8010-7.

AN ACT authorizing cities and towns to purchase, lease or otherwise acquire water or water rights for irrigation and domestic purposes, to construct or otherwise acquire systems and means of distribution thereof, to levy and collect special assessments and taxes to pay for the same and for annual maintenance, operation charges and expenses and for unpaid installments where a city or town has heretofore contracted for the purchase of a water right, providing modes of payment therefor, repealing sections 8010-1 to 8010-7, both inclusive, of Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

Purchase or
lease of water
systems
authorized.

SECTION 1. That any city or town within the state, other than cities of the first class, situated within the limits of any irrigation project, owned or operated by the United States Government, any Water Users' Association, private individuals or corporation, or any other city or town where the council may deem it feasible to furnish water for irrigation and domestic purposes, and where the water used for irrigation and domestic purposes is appurtenant or may become appurtenant to the land located within the limits of any such city or town be, and hereby is authorized to purchase, lease or otherwise acquire water, water rights or additional water rights for the purpose of furnishing said city or town and the inhabitants thereof with a supply of water for irrigation and domestic purposes; to purchase, construct or otherwise acquire systems and means of distribution and delivery of such water within and without the limits of such city or town, or for the delivery of water where the owner of land within such city or town owns a water right appurtenant to his land, with full power to maintain, repair, reconstruct, regulate and control the same, and if private property be necessary for such purposes, such city or town may condemn and purchase or purchase and acquire such property, to enter into any contract and to order any and all work to be done

which shall be necessary to carry out such purposes, and it may do so either by the entire city or town or by assessment districts, consisting of the whole or any portion thereof, as the council of said city or town may determine.

SEC. 2. That for the purpose of paying the cost of purchasing a water right or additional water right, paying for a water right or an additional water right heretofore contracted to be purchased by the city or town from the United States Government where the purchase price for said water right has not been fully paid, paying annual maintenance or annual rental charge to the United States Government or other corporation or individual furnishing the water for irrigation and domestic purposes, paying assessments made by any water users' association, paying the cost and expense of constructing or otherwise acquiring any system or means of distribution or delivery of water for said purposes, the up-keep, repair, reconstruction, operation and maintenance thereof and any expense incidental to said purposes, such city or town be, and hereby is authorized to levy and collect special assessments and taxes to pay the whole or any part of the cost and expense of any such improvement.

Special assessments to pay for acquisition and maintenance.

SEC. 3. All assessments and special taxes provided for in this act shall be levied and assessed upon the several parcels of land located within the local improvement district in accordance to the special benefits conferred on such property in proportion to the surface area, one square foot of surface to be the unit of assessment: *Provided*, That where the water right or additional water right shall be purchased or acquired or a special improvement shall be made for a portion of any district, then and in that event the cost of such water right or the cost of such special improvement shall be levied and assessed in the same manner upon such portion of said district as shall be specially benefited thereby: *And provided further*, That whenever a special improvement shall be constructed for a portion of any district, the land assessed for the cost of such special improvement shall be entitled

Assessment based on special benefits.

Local improvement districts.

Reduction of assessments.

to an equitable reduction in the annual assessments in proportion to the reduced cost of operation on account of the construction of said improvement.

Districts of
non-contig-
uous territory.

SEC. 4. One local improvement district may be established for any or all of the purposes embraced in this act even though the area assessed for such purposes may not coincide or be contiguous: *Provided*, That whenever the council shall decide to construct a special improvement in a distribution system, a separate local improvement district may be formed for such portion and bonds may be issued for the same as provided in the general local improvement law.

Bonds of
local
districts.

Mode of
assessment.

SEC. 5. Whenever any such city or town shall make local improvements for the purposes herein provided, the proceedings relative to the creation of districts, levying and collecting assessments and all other procedure shall be had, and the council of such city or town is hereby authorized to proceed in accordance with all the provisions of sections 7892-1 to 7892-72, both inclusive, of Rem. & Bal. Code, and any statute which may be enacted relative to local improvements, in so far as the same is not inconsistent with this act: *Provided*, That when such improvement or improvements shall be initiated upon petition, such petition shall set forth the fact that the signers are the owners according to the records in the office of the county auditor, of property to an aggregate amount of a majority of the surface area within the limits of the assessment district to be created therefor: *Provided further*, That when such assessment is made for any other purpose or purposes than the construction or reconstruction of any system or means of distribution or delivery of water, it shall not be necessary for the council to be furnished with a statement of the aggregate assessed valuation of the real estate exclusive of improvements in said district according to the valuation last placed upon it for purposes of general taxation, nor the estimated amount of the cost and expense of such improvement to be borne by each lot, tract, or parcel of land or other property, but a statement

Petition of
majority
owners.

by the engineer or other officer, showing the estimated cost of such improvement per square foot, shall be deemed sufficient: *Provided further*, That when an assessment roll is once prepared and does not include the cost of purchase, construction or reconstruction of works of delivery or distribution and the council of such city or town shall decide to raise a similar amount the ensuing year, it shall not be necessary to prepare a new assessment roll, but the council may pass a resolution of intention estimating the cost for the ensuing year to be the same as the preceding year, and directing the clerk to give notice stating the estimated cost per square foot of all land within the district and refer persons interested to the books of the treasurer. The treasurer shall be present at the hearing and shall note any changes or corrections on his books. The council shall have the same right to make changes or corrections in said assessment roll as in an original assessment, and after all changes and corrections have been made the council shall, by ordinance, confirm said assessment and direct the treasurer to extend the same on the books of his office.

Supplemental assessments.

Hearings.

Confirmation of roll.

SEC. 6. Whenever the word council is used in this act, it shall be construed to mean the council or other legislative body of such city or town.

"Council" defined.

SEC. 7. Sections 8010-1 to 8010-7, both inclusive, of Rem. & Bal. Code are hereby repealed: *Provided*, That all actions and proceedings, which may be pending in any court under said law, and any proceedings under said law commenced by any city or town before the taking effect of this act, shall proceed without being in any manner affected by the passage of this act.

Repealing and saving clause.

Passed the House March 2, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 17, 1915.