

## CHAPTER 164.

[H. B. 188.]

## LOCAL ASSESSMENTS AGAINST STATE LANDS.

AN ACT authorizing the assessment for local improvements of lands owned by the State of Washington and situated within the limits of incorporated cities, towns, diking, drainage or port districts, and also authorizing such assessment of leasehold, contractual or possessory interest in tide and other lands owned by the state, situated within such cities, towns or districts and which have been leased or sold under contract.

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

SECTION 1. That all lands, including school lands, granted lands, escheated lands, tide lands, shore lands, or other lands, (including harbor areas lying between tide or shore lands and outer harbor line) held or owned by the State of Washington in fee simple (in trust or otherwise), situated within the limits of any incorporated city, town, diking, drainage, or port district in this state, may be assessed and charged for the cost of local improvements specially benefiting such lands which may be ordered by the proper authorities of any such city, town, diking, drainage, or port district: *Provided*, that the leasehold, contractual or possessory interest of any person, firm, association, private or municipal corporation in any such lands shall be charged and assessed in the proportional amount such leasehold, contractual or possessory interest is benefited: *Provided, further*, that the interest of the state in such property shall not be sold to satisfy the lien of such assessment, but only such interest or contract or other right therein as may be in private ownership shall be subject to such sale.

State lands benefited by local improvements.

Liability of leased and contracted lands.

SEC. 2. In all local improvement assessment districts in any incorporated city, town, diking,

Charging state for local improvements.

drainage or port district in this state, property in such district, held or owned by the state shall be assessed and charged for its proportion of the cost of such local improvements in the same manner as other property in such district, it being the intention of this act that the state shall bear its just and equitable proportion of the cost of local improvements specially benefiting state lands: *Provided*, that none of the provisions of this act shall have the effect, or be construed to have the effect, to alter or modify in any particular any existing lease of any lands or property owned by the state, or release or discharge any lessee of any such lands or property from any of the obligations, covenants or conditions of the contract under which any such lands or property are leased or held by any such lessee.

Apportion-  
ing cost on  
leaseholds.

SEC. 3. Where state lands are under lease, the proportionate amounts to be assessed against the leasehold interest, and the fee simple interest of the state, shall be fixed with reference to the life of the improvement and the period for which said lease has yet to run.

Notice to  
state of  
intention to  
improve.

SEC. 4. Notice of the intention to make such improvement, together with the estimate of the amount to be charged to each lot, tract or parcel of land, or other property owned by the state to be assessed for said improvement, shall be forwarded by registered mail to the Commissioner of Public Lands, or to the State Board of Control (if such lands are occupied by, or used in connection with, any state institution), at least fifteen (15) days prior to the date fixed for hearing on the resolution or petition initiating said improvement, as provided by Sections 7892-9 and 7892-10, Remington & Balingier's Code. Such city, town, diking, drainage or port district, shall not have jurisdiction to order such improvement as to the interest of the state in

harbor areas and state tide lands until the written consent of the Commissioner of Public Lands to the making of such improvement shall have been obtained, unless other means be provided for paying that portion of the cost which would otherwise be levied on the interest of the State of Washington in and to said tide lands, and nothing herein shall prevent the city from assessing the proportionate cost of said improvement against any leasehold, contractual or possessory interest in and to any tide land or harbor area owned by the state: *Provided, however,* that in the case of tide lands and harbor areas within the boundaries of any port district, notice of intention to make such improvement shall also be forwarded to the commissioners of said port district.

Written  
consent of  
land com-  
missioner.

SEC. 5. Upon the approval and confirmation of the assessment roll for any local improvement ordered by the proper authorities of any incorporated city, town, diking, drainage or port district, the treasurer of such city, town, diking, drainage or port district shall certify and forward to the Commissioner of Public Lands, or to the State Board of Control (if such lands are occupied by, or used in connection with, any state institution), a statement of all the lots or parcels of land held or owned by the state and charged on such assessment roll for the cost of such improvement, separately describing each such lot or parcel of the state's land, with the amount of the local assessment charged against it, or the proportionate amount assessed against the fee simple interest of the state, in case said land has been leased; the Commissioner of Public Lands shall charge against each such lot or parcel of land owned or held by the state, the amount of the local assessment so certified by such treasurer, and shall then certify said statement to the State Auditor;

Certifying  
roll to state  
officials.

Cost met  
by legisla-  
tive appro-  
priation.

Penalty and  
interest.

Liens  
against  
contractual  
interests.

and the State Board of Control shall cause a proper record to be made in its office of the cost of such improvement upon lands occupied by state institutions or used in connection therewith, and shall certify said statement to the State Auditor, and the State Auditor, at the next session of the legislature, shall certify to the legislature the amount of all local improvement assessments charged against such lands of the state, and the legislature shall provide for the payment of the same, with interest, by appropriation out of the general fund of the state: *Provided*, that if said improvement is essential to harbor and waterfront development and improvement, such appropriation may be deducted from the proceeds of rents received from leases of harbor areas and tide lands within port districts wherein the improvement is to be made; *and provided further* that no penalty shall be provided or enforced against the state, and no interest on the assessment levied to pay for said improvement greater than six per cent (6%) per annum shall be taxed to, or allowed by, the state for or on account of making such improvement.

SEC. 6. When any city, town, diking, drainage or port district has made or caused to be made an assessment against such leasehold, contractual or possessory interest for any such local improvement, the treasurer of said city, town, diking, drainage or port district shall immediately give notice to the Commissioner of Public Lands or to the State Board of Control (if such lands are occupied by or used in connection with any state institution); said assessment shall become a lien against the leasehold, contractual or possessory interest in the same manner as the assessments on other property, and its collection may be enforced against such interests as provided by law for the enforcement of other local improvement assessments: *Provided*,

that said assessment shall not be made payable in installments unless the owner of such leasehold, contractual or possessory interest shall first file with such treasurer a satisfactory bond guaranteeing the payment of such installments as they become due.

SEC. 7. Whenever any city, town, diking, drainage or port district shall have foreclosed the lien of any such delinquent assessments, as provided by law, and shall have obtained title to such leasehold, contractual or possessory interest, the Commissioner of Public Lands, or the State Board of Control, as the case may be, shall be notified by registered mail of such action and furnished a statement of all assessments against such leasehold, contractual or possessory interest, and such commissioner shall cause the amount of such assessments to be certified to the legislature for payment, and upon the receipt of an assignment from such city, town, diking, drainage, or port district, shall cancel such lease or contract: *Provided, however*, that unless the municipal corporation making said local improvement and levying said special assessment shall have used due diligence in the foreclosure thereof, the Commissioner of Public Lands or the State Board of Control shall not be required to make such certification for a sum in excess of what they deem to be the special benefits accruing to the state's reversionary interest in said property; *and provided further* that if such delinquent assessment or installment shall be against a leasehold interest in tide lands or harbor areas in a port district, the said Commissioner of Public Lands shall notify the commissioners of said port district of the receipt of such assignment, and said commissioners shall forthwith cancel such lease.

Foreclosure  
of liens.

Cancellation  
of leases and  
contracts.

Delinquent  
leaseholds  
in port  
districts.

SEC. 8. If by reason of default in the payment of rentals or installments, or other causes, the state

Payment by  
state after  
reversion.

shall cancel any lease or contract against which assessments have been levied as herein provided, the Commissioner of Public Lands and the State Auditor shall cause such assessments or installments as shall fall due subsequent to the cancellation of said contract or leasehold interest to be properly certified to the legislature for payment, the same as if the assessments or installments thereof had been levied on the state's interest in said lands.

Assessments added to sale price of state lands.

SEC. 9. When any land, other than lands occupied and used in connection with state institutions, owned or held by the state within incorporated cities, towns, diking, drainage or port districts in this state, against which local improvement assessments have been paid, as herein provided for, is offered for sale, there shall be added to the appraised value of such land, as provided by law, such portion of the local improvement assessment paid by the state as shall be deemed to represent the value added to such lands by such improvement for the purpose of sale, which amount so added shall be paid by the purchaser in cash at the time of the sale of said land, in addition to the amounts otherwise due to the state for said land, and no deed shall ever be executed until such local improvement assessments have been paid, and nothing herein shall be construed as canceling any unpaid assessments on the land so sold by the state, but such land shall be sold subject to all assessments unpaid at the time of sale.

Right of purchaser to assignment of contractual interest.

SEC. 10. Whenever any such tide, state, school, granted or other lands situated within the limits of any city, town, diking, drainage or port district, has been included within any local improvement district by such city, town, diking, drainage or port district, and the contract, leasehold or other interest of any individual has been sold to satisfy the lien of such assessment for local improvement, the pur-

chaser of such interest at such sale shall be entitled to receive from the State of Washington, on demand, an assignment of the contract, leasehold or other interest purchased by him, and shall assume, subject to the terms and conditions of the contract or lease, the payment to the state of the amount of the balance which his predecessor in interest was obligated to pay.

SEC. 11. The provisions of this act shall apply to all municipal corporations, diking, drainage and port districts, any charter or ordinance provisions to the contrary notwithstanding.

Application  
of act.

SEC. 12. The provisions of this act shall apply to all local improvements initiated after the taking effect of this act, including assessments to pay the cost and expense of taking and damaging property by the power of eminent domain, as provided by law: *Provided*, that in case of eminent domain assessments, it shall not be necessary to forward to the Commissioner of Public Lands or to the State Board of Control, as the case may be, notice of the intention to make such improvement, but the eminent domain commissioners, authorized to make such assessment, shall, at the time of filing the assessment roll with the court in the manner provided by law, forward by registered mail to the Commissioner of Public Lands or to the State Board of Control (if such lands are occupied by or used in connection with any state institution) a notice of such assessment, and of the day fixed by the court for the hearing thereof: *Provided*, that no assessment against the state's interest in tide lands or harbor areas shall be binding against the state if the Commissioner of Public Lands shall file a disapproval of the same in court before judgment confirming the roll.

Eminent  
domain as-  
sessments.

When not  
binding on  
state.

Passed the House, February 27, 1919.

Passed the Senate, March 11, 1919.

Approved by the Governor March 18, 1919.