

CHAPTER 63.

[H. B. 179.]

SWAMP LANDS AND CANALS AND WATERWAYS IN CITIES.

AN ACT relating to cities of the first, 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, and amending Sections 9449, 9456, 9460, 9469 and 9470 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That section 9449 of Remington's Compiled Statutes of Washington be amended to read as follows:

Section 9449. Whenever the city council or commission of any city of the first, second or third class in this state shall 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

Amends
§ 9449 Rem.
Comp. Stat.

Council or
commission
to determine
necessity for
fill of low
lands,
swamp
lands, etc.

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 lowlands, 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 lowlands 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 of making compensation for property taken or damaged, and all other cost and expense incidental to such improvement, shall be as-

May acquire rights of way and build canals and waterways.

May construct and maintain bridges.

Expense to be assessed to property benefited.

sessed 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 lowlands may be had in the manner provided in this act.

SEC. 2. That section 9456 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends
§ 9456 of
Rem. Comp.
Stat.

Section 9456. 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 guaranty, enforcement and collection of local assessments for street improvements including foreclosure in case of delinquency, shall be applicable to the assessments made pursuant to this act.

Assessments
to be lien
upon real
estate.

Collection of
assessments.

SEC. 3. That section 9460 of Remington's Compiled Statutes of Washington be amended to read as follows:

Section 9460. 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

Rate of
interest on
assessments.

general ordinance of the city. Warrants drawn against any such local improvement district shall bear interest from the date of issuance at the rate of eight per centum per annum.

Warrants
to bear
interest.

SEC. 4. That section 9469 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends
§ 9469
Rem. Comp.
Stat.

Section 9469. The right of eminent domain is hereby extended to any such city 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, lowlands, tide lands, or tide flats and in so doing constructing said canals or waterways 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 waterways or whatever property is necessary to be appropriated or damaged for the construction thereof, and the filling and draining of such marsh lands, lowlands, swamp lands, tide lands or tide flats and for other uses provided for in this act; and all the provisions of sections 9215 to 9280, 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 said sections 9215 to 9280, and acts amendatory thereof.

Right of
eminent
domain.

Real estate
may be
appropriated
for canals.

Procedure
for eminent
domain.

SEC. 5. That section 9470 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends
§ 9470 Rem.
Comp. Stat.

Section 9470. This act shall not be construed as repealing or in any wise affecting sections 9426 to 9448, or any other existing laws relative to the

Construction
limited.

making of any such improvements as are embraced within this act, but this act shall be considered as concurrent with such existing laws.

Passed the House February 9, 1929.

Passed the Senate February 18, 1929.

Approved by the Governor February 27, 1929.

CHAPTER 64.

[H. B. 18.]

CONSOLIDATION OF MUNICIPAL CORPORATIONS.

AN ACT relating to the consolidation of municipal corporations, and repealing certain acts relating thereto.

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

SECTION 1. Two or more contiguous municipal corporations may become consolidated into one corporation after proceedings had as required by this act. When municipal corporations are separated by water and/or tide or shore lands upon which no *bona fide* residence is maintained by any person, they shall be deemed contiguous for all the purposes of this act, and may be consolidated under the terms hereof, and upon such consolidation any such intervening water and/or tide or shore lands shall become a part of the consolidated corporation.

SEC. 2. The council, or other legislative body, of either of such contiguous corporations, upon receiving a petition therefor signed by not less than one-fifth of the qualified electors of such corporation, as shown by the votes cast at the last general municipal election held in such corporation, shall, within ninety days after receiving such petition, submit to the electors of each of such corporations, at a special election to be held for that purpose, the question whether such corporations shall become

Contiguous municipal corporations may become consolidated.

Petition presented to council.