

CHAPTER 55.

[S. B. 200.]

WITHDRAWAL OF TERRITORY FROM WATER DISTRICTS.

AN ACT relating to water districts for public supply systems; providing for the withdrawal from water districts of territory included therein and specifying the conditions upon which withdrawal may be made.

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

Territory within water district may be withdrawn.

Petition. Contents.

Signatures.

For welfare of district.

SECTION 1. Territory within an established water district for public supply systems may be withdrawn therefrom in the following manner and upon the following conditions: The petition for withdrawal shall be in writing and shall designate the boundaries of the territory proposed to be withdrawn from the district and shall be signed by at least twenty-five per cent (25%) of the qualified electors residing within the territory so designated who are qualified electors on the date of filing such petition. The petition shall set forth that the territory proposed to be withdrawn is of such location or character that water cannot be furnished to it by such water district at reasonable cost, and shall further set forth that the withdrawal of such territory will be of benefit to such territory and conducive to the general welfare of the balance of the district.

Petition to be filed with County Auditor.

Auditor to examine and certify.

SEC. 2. The petition for withdrawal shall be filed with the County Auditor of the county in which such water district is located, and after such filing no person having signed such petition shall be allowed to withdraw his name therefrom. Within ten (10) days after such filing, the County Auditor shall examine the signatures thereon and certify to the sufficiency or insufficiency thereof and for such purpose the County Auditor shall have access to all appropriate registration books in the possession of

the officers of any incorporated city or town within the water district. If such petition be found by the County Auditor to contain sufficient signatures, he shall transmit the same, together with his certificate of sufficiency attached thereto, to the commissioners of the water district.

Transmit to water district commissioners.

SEC. 3. In the event there are no qualified electors residing within the territory proposed to be withdrawn, then the petition for withdrawal may be signed by such persons as appear of record to own at least a majority of the acreage within such territory, in which event the petition shall also state the total number of acres and the names of all record owners of the land within such territory. The petition so signed shall be filed with the commissioners of the water district, and after such filing no person having signed the same shall be allowed to withdraw his name.

Petition may be signed by majority of owners.

Names not to be withdrawn from petition.

SEC. 4. Upon receipt by the commissioners of the water district of any petition and certificate of sufficiency of the County Auditor, or in case the petition be one signed by land owners as provided by section 3, and the commissioners are satisfied as to the sufficiency of the signatures thereon, then and in either of such events, such commissioners shall at a regular or special meeting fix a date for hearing on such petition and cause notice to be given that such petition has been filed, stating the time and place of the meeting of the commissioners at which such petition will be heard and setting forth the boundaries of the territory proposed to be withdrawn. Such notice shall be published for at least two (2) weeks in two (2) successive issues of a weekly newspaper printed and published in the county in which such water district is located and of general circulation throughout such district and in case no such newspaper is printed or published in such county, then in some newspaper of general

Commissioners to fix date for hearing.

Notice to be published.

circulation in said county and water district. Any additional notice of such hearing may be given as the commissioners may by resolution direct.

Additional notice.

SEC. 5. The petition for withdrawal shall be heard at the time and place specified in such notice or the hearing may be adjourned from time to time, not exceeding one (1) month in all, and any person may appear at such hearing and make objections to the withdrawal of such territory or to the proposed boundary lines thereof. Upon final hearing on the petition for withdrawal, the commissioners of the water district shall make such changes in the proposed boundary lines as they deem to be proper, except that no changes in the boundary lines shall be made by the commissioners to include lands not within the boundaries of the territory as described in such petition. In establishing and defining such boundaries the commissioners shall exclude any property which is then being furnished with water by said water district or which is included in any distribution system the construction of which has been duly authorized or which is included within any duly established local improvement district or utility local improvement district, and the territory as finally established and defined must be substantial in area and consist of adjoining or contiguous properties. The said commissioners shall thereupon make and by resolution adopt findings of fact as to the following questions:

Hearing may be continued.

Final hearing.

Commissioners to make proper changes.

No changes made unless included in petition.

To establish new boundaries.

Restrictions.

Adopt resolution.

Questions to be found in resolution.

Benefit.

General welfare.

(1) Is the territory as so established and defined of such location or character that water cannot be furnished to it by such water district at reasonable cost?

(2) Would the withdrawal of such territory be of benefit to such territory?

(3) Would such withdrawal be conducive to the general welfare of the balance of the district?

(4) Does it appear that such territory was im-
providently included within such water district at
the time of the establishment thereof or annexation
thereto? Such findings shall be entered in the
records of the water district, together with any
recommendations the said commissioners may by
resolution adopt.

Findings
part of
record.

SEC. 6. Within ten (10) days after such final
hearing the commissioners of such water district
shall transmit to the County Commissioners of the
county in which such water district is located the
said petition for withdrawal together with a copy
of the findings and recommendations of the com-
missioners of the water district certified by the sec-
retary of such water district to be a true and correct
copy of such findings and recommendations as the
same appear on the records of such water district.

Must trans-
mit to Co.
Commis-
sioners.

Recommen-
dations.

SEC. 7. Upon receipt of such petition and certi-
fied copy the County Commissioners at a regular or
special meeting shall fix a time and place for hear-
ing thereon and shall cause to be published for at
least two (2) weeks in two (2) successive issues of
a weekly newspaper printed and published in said
county and in general circulation throughout the
said water district, and in case no newspaper is
printed or published in said county, then in some
newspaper of general circulation in said county and
water district, a notice that such petition has been
presented to the County Commissioners stating the
time and place of the hearing thereon, setting forth
the boundaries of the territory proposed to be with-
drawn as such boundaries are established and de-
fined in the findings or recommendations of the
commissioners of the water district.

To fix time
for further
hearing.

Publication
of notice.

Contents
of notice.

SEC. 8. Such petition shall be heard at the time
and place specified in such notice, or the hearing may
be adjourned from time to time, not exceeding

Hearing may
be continued.

one (1) month in all, and any person may appear at such hearing and make objections to the withdrawal of such territory. Upon final hearing on such petition the said County Commissioners shall thereupon make, enter and by resolution adopt their findings of fact on the questions above set forth. If such findings of fact answer said questions affirmatively, and if they are the same as the findings made by the water district commissioners, then the County Commissioners shall by resolution declare that such territory be withdrawn from such water district, and thereupon such territory shall be withdrawn and excluded from such water district the same as if it had never been included therein except for the lien of taxes as hereinafter set forth, provided, that the boundaries of the territory withdrawn shall be the boundaries established and defined by the said water district commissioners and shall not be altered or changed by the County Commissioners unless the unanimous consent of the water district commissioners be given in writing to any such alteration or change.

Objections may be made at hearing.

Resolution on findings.

Final resolution fixing boundaries.

Boundaries not to be altered.

Exception.

Negative findings petition deemed denied.

To call special election.

Question on ballot.

SEC. 9. If the said findings of the County Commissioners answer any of such questions of fact in the negative, or if any of the findings of the County Commissioners are not the same as the findings of the water district commissioners upon the same question, then in either of such events, the petition for withdrawal shall be deemed denied. Thereupon, and in such event, the said County Commissioners shall by resolution cause a special election to be held not less than thirty (30) days or more than sixty (60) days from the date of the final hearing of the said County Commissioners upon the said petition for withdrawal, at which election the proposition expressed on the ballots shall be substantially as follows:

"Shall the territory established and defined by the water district commissioners at their meeting

held on the (insert date of final hearing of water district commissioners upon the petition for withdrawal) be withdrawn from water district (naming it).

YES NO

SEC. 10. The County Commissioners shall cause notice of such election to be posted and published in the same manner provided by law for the posting and publication of notice of elections to annex territory to water districts. The territory described in such notice shall be that established and defined by the water district commissioners as above provided. All qualified voters residing within such water district shall have the right to vote at such election. If a majority of the votes cast at such election favor the withdrawal from the water district of such territory, then within ten (10) days after the official canvass of such election the said County Commissioners shall by resolution establish that such territory has been withdrawn, and such territory shall thereupon be withdrawn and excluded from such water district the same as if it had never been included therein except for the lien of any taxes as hereinafter set forth.

Notice of election.

Electors of district may vote.

Majority needed.

Official canvass.

Final resolution after election.

SEC. 11. Any and all taxes or assessments levied or assessed against property located in territory withdrawn from a water district shall remain a lien and be collectible as by law provided when such taxes or assessments are levied or assessed prior to such withdrawal or when such levies or assessments are duly made to provide revenue for the payment of general obligations or general obligation bonds of the water district duly incurred or issued prior to such withdrawal.

Existing taxes remain a lien.

Passed the Senate February 27, 1941.

Passed the House March 6, 1941.

Approved by the Governor March 10, 1941.