

CHAPTER 172.

[S. B. 211.]

SALE OF TAX FORECLOSED PROPERTY BY COUNTIES.

AN ACT relating to the sale by counties of real property acquired for delinquent taxes; providing for the reservation from sale of coal, oil, gas, minerals, ores, fossils, timber and other resources on or in said real property and for the sale thereof apart from the land; and amending section 133, chapter 130, Laws of Extraordinary Session, 1925, as last amended by section 1, chapter 68, Laws of 1937 (section 11294, Remington's Revised Statutes, also Pierce's Perpetual Code 979-325); and amending section 134, chapter 130, Laws of Extraordinary Session, 1925, as amended by section 2, chapter 263, Laws of 1927 (section 11295, Remington's Revised Statutes, also Pierce's Perpetual Code 979-327), and amending section 1, chapter LXXVI, Laws of 1891, as amended by section 1, chapter 19, Laws of 1943 (section 4007, Rem. Supp. 1943, also Pierce's Perpetual Code 487-1).

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

Amendments. SECTION 1. Section 133, chapter 130, Laws of Extraordinary Session, 1925, as last amended by section 1, chapter 68, Laws of 1937 (section 11294, Remington's Revised Statutes, also Pierce's Perpetual Code 979-325), is amended to read as follows:

Sale of real property by counties.

Section 133. Real property heretofore or hereafter acquired by any county of this state by foreclosure of delinquent taxes may be sold by order of the Board of County Commissioners of the county when in the judgment of the members of the Board they deem it for the best interests of the county to sell the same. When the Board desires to sell any such property it may, if deemed advantageous to the county, combine any or all of the several lots and tracts of such property in one or more units, and may reserve from sale coal, oil, gas, gravel, minerals, ores, fossils, timber, or other resources on or in said lands, and the right to mine for and remove the same, and it shall then enter an order on its records fixing the unit or units in which the

property shall be sold and the minimum price for each of such units, and reserving from sale such of said resources as it may determine and from which units such reservations shall apply, and directing the County Treasurer to sell such property in the unit or units and at not less than the price or prices and subject to such reservations so fixed by said Board: *Provided*, That the said order shall be subject to the approval of the County Treasurer if several lots or tracts of land are combined in one unit. It shall be the duty of the County Treasurer upon receipt of such order to publish once a week for three consecutive weeks a notice of the sale of such property in a newspaper printed and published in the county where the land is situated: *Provided*, That in counties where there is no newspaper published, the Treasurer of such county shall cause such notice to be published in some newspaper in the state of general circulation in such county having no resident newspaper, said notice shall describe the property to be sold, the unit or units, the reservations, and the minimum price fixed in said order, together with the time and place and terms of sale, which said sale shall be made at the front door of the county courthouse in the county in which the land is situated between the hours of 9 o'clock a. m. and 4 o'clock p. m., and all sales so made shall be to the highest and best bidder at such sale, and sales to be made under the provisions of this act may be adjourned from day to day by the County Treasurer by public announcement made by the Treasurer at the time and place designated in the notice of such sale, or at the time and place to which said sale may be adjourned. The person making the bid shall state whether he will pay cash for the amount of his bid or accept a real estate contract of purchase in accordance with the provisions hereinafter contained. The person making the highest bid shall become the purchaser of said prop-

Procedure.

Notice.

How sale made.

Cash or contract sales.

erty. If the highest bidder is a contract bidder the purchaser shall be required to pay twenty per cent of the total purchase price at the time of said sale and shall enter into a contract with the county as vendor and the purchaser as vendee which shall obligate and require the purchaser to pay the balance of said purchase price in ten equal annual installments commencing November 1st and each year following the date of said sale, and shall require said purchaser to pay six per cent interest on all deferred payments, interest to be paid at the time the annual installment is due; and may contain a provision authorizing the purchaser to make payment in full at any time of any balance due on the total purchase price plus accrued interest on such balance. Said contract shall contain a provision requiring the purchaser to pay before delinquency all subsequent taxes and assessments that may be levied or assessed against said property subsequent to the date of said contract, and shall contain a provision that time is of the essence of the contract and that in event of a failure of the vendee to make payments at the time and in the manner required and to keep and perform the covenants and conditions therein required of him that the said contract may be forfeited and terminated at the election of the vendor, and that in event of said election all sums theretofore paid by the vendee shall be forfeited as liquidated damages for failure to comply with the provisions of said contract; and shall require the vendor to execute and deliver to the vendee a deed of conveyance covering said property upon the payment in full of the purchase price, plus accrued interest: *Provided further*, That said Board may, by order entered in its records, direct said coal, oil, gas, gravel, minerals, ores, timber, or other resources sold apart from the land, such sale to be conducted in the manner hereinabove prescribed for the sale of the land: *Provided further*, That any such re-

Subsequent
taxes.

Sale of
mineral
rights or
timber apart
from the
land.

served minerals or resources not exceeding two hundred dollars (\$200) in value may be sold, when said Board deems it advisable, either with or without such publication of the notice of sale, and in such manner as the Board may determine will be most beneficial to the county.

SEC. 2. Section 134, chapter 130, Laws of Extraordinary Session, 1925, as amended by section 2, chapter 263, Laws of 1927 (section 11295, Remington's Revised Statutes, also Pierce's Perpetual Code 979-327), is amended to read as follows: Amendments.

Section 134. The County Treasurer shall upon payment to him of the purchase price for said property and any interest due, make and execute under his hand and seal, and issue to the purchaser, a deed in the following form for any lots or parcels of real property sold under the provisions of the preceding section.

State of Washington }
 County of } ss.

This indenture, made this day of
, 19....., between,
 as Treasurer of County, State of
 Washington, the party of the first part, and
, party of the second part. Form of
deed.

WITNESSETH, That whereas, at a public sale of real property, held on the day of, A. D., 19....., pursuant to an order of the Board of County Commissioner of the County of, State of Washington, duly made and entered, and after having first given due notice of the time and place and terms of said sale, and, whereas, in pursuance of said order of the said Board of County Commissioners, and of the laws of the State of Washington, and for and in consideration of the sum of dollars, lawful money of the United States of America, to me in hand paid, the receipt whereof is hereby acknowledged, I have this

day sold to the following described real property, and which said real property is the property of County, and which is particularly described as follows, towit:

Form of deed.

....., the said being the highest and best bidder at said sale, and the said sum being the highest and best sum bid at said sale;

Now, Therefore, Know ye that I,, County Treasurer of said County of, State of Washington, in consideration of the premises and by virtue of the statutes of the State of Washington, in such cases made and provided, do hereby grant and convey unto, heirs and assigns, forever, the said real property hereinbefore described, as fully and completely as said party of the first part can by virtue of the premises convey the same.

Given under my hand and seal of office this..... day of, A. D. 19.....

.....
County Treasurer,

By.....

Deputy:

Procedure when mineral rights reserved.

Provided, That when by order of the Board of County Commissioners any of the minerals or other resources enumerated in section 133, chapter 130, Laws of Extraordinary Session, 1925, as amended by section 1 of this act are reserved, the deed or contract of purchase shall contain the following reservation:

The party of the first part hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors, and assigns, forever; all oils, gases, coals, ores, minerals, gravel, timber and fossils of every name, kind or description, and which may be in or upon said lands above described; or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, gravel, tim-

ber and fossils; and it also hereby expressly saves reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right to enter by itself, its agents, attorneys and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals, gravel, timber and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right by it or its agents, servants and attorneys at any and all times to erect, construct, maintain and use all such buildings, machinery, roads and railroads, sink such shafts, remove such oil, and to remain on said lands or any part thereof, for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business, hereby expressly reserving to itself, its successors and assigns, as aforesaid, generally, all rights and powers in, to and over, said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and the rights hereby expressly reserved. No rights shall be exercised under the foregoing reservation, by the county, its successors or assigns, until provision has been made by the county, its successors or assigns, to pay to the owner of the land upon which the rights herein reserved to the county, its successors or assigns, are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land: *Provided*, That if said owner from any cause whatever refuses or neglects to settle said damages, then the county, its successors or assigns, or any applicant for a lease or contract from the county for the purpose of prospecting for or mining valuable minerals, or operation contract, or lease,

Form of
reservation
of mineral
or timber
rights.

for mining coal, or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in the Superior Court of the county wherein the land is situated, as may be necessary to determine the damages which said owner of said land may suffer: *Provided*, The County Treasurer shall cross out of such reservation any of said minerals or other resources which were not reserved by order of the said Board.

Amendments. SEC. 3. Section 1, chapter LXXVI, Laws of 1891, as amended by section 1, chapter 19, Laws of 1943 (section 4007, Rem. Supp. 1943, also Pierce's Perpetual Code 487-1), is amended to read as follows:

Commiss-
sioners may
sell.

Section 1. Whenever it shall appear to the Board of County Commissioners of any county in this state that it is for the best interests of such county and the taxing districts and the people thereof that any part or parcel, or portion of such part or parcel, of the property, whether real, personal, or mixed, belonging to said county, including tax title land, should be sold, it shall be the duty of such Board, and they are hereby authorized and empowered, to sell and convey such property, under the limitations and restrictions and in the manner hereinafter provided. In making such sales the Board of County Commissioners may sell any timber, mineral or other resources on any land owned by the county separate and apart from the land in the same manner and upon the same terms and conditions as provided in this act for the sale of real property. The Board of County Commissioners may reserve mineral rights in such land and, if such reservation is made, any conveyance of such lands shall contain the following reservation:

Resources
may be sold
separately.

The party of the first part hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors, and assigns, forever, all oils, gases, coals, ores, minerals, gravel, timber and

fossils of every name, kind or description, and which may be in or upon said lands above described; or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, gravel, timber and fossils; and it also hereby expressly saves reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right to enter by itself, its agents, attorneys and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals, gravel, timber and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right by it or its agents, servants and attorneys at any and all times to erect, construct, maintain and use all such buildings, machinery, roads and railroads, sink such shafts, remove such oil, and to remain on said lands or any part thereof, for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business, hereby expressly reserving to itself, its successors and assigns, as aforesaid, generally, all rights and powers in, to and over, said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and the rights hereby expressly reserved. No rights shall be exercised under the foregoing reservation, by the county, its successors or assigns, until provision has been made by the county, its successors or assigns, to pay to the owner of the land upon which the rights herein reserved to the county, its successors or assigns, are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land: *Provided*, That if said owner from any cause whatever refuses or neglects to settle said damages, then

Reservation.

Payment of damages for entry.

the county, its successors or assigns, or any applicant for a lease or contract from the county for the purpose of prospecting for or mining valuable minerals, or operation contract, or lease, for mining coal, or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in the Superior Court of the county wherein the land is situated, as may be necessary to determine the damages which said owner of said land may suffer: *Provided further*, That any of such reserved minerals or other resources not exceeding two hundred dollars (\$200) in value may be sold, when said Board deems it advisable, either with or without such publication of notice of sale, and in such manner as the Board may determine will be most beneficial to the county.

Limitation.

Passed the Senate February 26, 1945.

Passed the House March 5, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 173.

[S. B. 229.]

DIVISION OF PROGRESS AND INDUSTRY DEVELOPMENT.

AN ACT relating to state government; creating the Division of Progress and Industry Development in the Department of Conservation and Development; providing and making an appropriation for the support thereof; abolishing the Washington State Progress Commission and the Washington State Planning Council; and declaring an emergency.

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

SECTION 1. In addition to the divisions of the Department of Conservation and Development of the State of Washington now established by law there is hereby established in the said Department the Division of Progress and Industry Development.

Division of
Progress and
Industry
Develop-
ment.