

CHAPTER 27.

[H. B. 259.]

MAINTENANCE OF APPROACHES TO HIGHER EDUCATIONAL INSTITUTIONS.

AN ACT relating to certain higher educational institutions; authorizing the acquisition of real estate rights and interests and the construction and maintenance of approaches, streets and highways to the University of Washington and the Washington State College; making appropriations, and declaring that this act shall take effect immediately.

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

Approach to Washington State College.

SECTION 1. The Director of Highways is hereby authorized and directed to locate, construct, pave and maintain a suitable highway on the most feasible route beginning in the vicinity of the stadium of the Washington State College and extending in a northwesterly direction to a connection with Primary State Highway No. 3, near the north boundary of the City of Pullman.

Approach to University of Washington.

SEC. 2. The Director of Highways is hereby authorized and directed to select and locate a suitable and fitting street and highway approach to the University of Washington campus in the City of Seattle, from Roosevelt Way to Fifteenth Avenue northeast, including an underpass beneath the surface of Roosevelt Way, and necessary approaches to said underpass.

Acquisition of right of way.

SEC. 3. The Director of Highways is hereby authorized and directed in the name of the State of Washington to acquire by purchase, gift or condemnation, any and all private real estate, rights and interests necessary to locate, construct and maintain the Washington State College highway and the University of Washington approach provided for herein.

SEC. 4. The use of the private real estate, rights and interests, selected by said director as necessary

for said approach, underpass and highway, is hereby declared to be a public use. Public use.

SEC. 5. In case of condemnation to secure any real estate, rights or interests, herein authorized, the court actions shall be brought in the name of the State of Washington in the respective counties in which the real estate is located, in the manner provided by law for acquiring property for public uses for the state, and in such actions the selection of the real estate, rights and interests by the Director of Highways is, in the absence of bad faith, arbitrary, capricious or fraudulent action conclusive upon the court and judge before which the action is brought that said real estate, rights and interests are necessary for public use for the purposes sought. Procedure.

SEC. 6. If, in any condemnation proceeding authorized herein, it appears that there is any building wholly or partially upon any of the real estate to be taken, the jury, or the court, if the jury be waived, shall add to the value of the land taken the amount of damages to the building. If the entire building is taken, or if the building is damaged so that it cannot be readjusted to the real estate not taken, then the measure of damages shall be the fair cash value of the building. If part of a building is taken or damaged and the building can be readjusted or replaced on the real estate remaining, then the measure of damages shall be the cost of readjusting or moving the building, or part thereof left, together with the depreciation in the market value of said building by reason of said readjustment or moving. Measure of damages.

SEC. 7. The Director of Highways shall have power to sell at public or private sale any building, equipment or fixtures, acquired in the acquisition of said real estate for such price as he shall fix, and to execute to the purchaser upon payment of the purchase price a bill of sale in the name of the state; Sale of buildings, fixtures.

Temporary
use.

and the proceeds of said sale shall be placed in the Motor Vehicle Fund of the State Treasury. The Director of Highways shall have power to permit occupation of buildings on real estate so acquired for such specified limited time as he deems will lapse before construction of the approach, underpass and highway can be undertaken; and in behalf of the state it may be shown in any condemnation proceeding the period during which such occupancy will be permitted for the purpose of mitigating damages.

Cooperation
by City of
Seattle.

SEC. 8. No action shall be taken by the Director of Highways for the acquisition of real estate, rights and interests for the approach and underpass to the University of Washington unless and until the City of Seattle, through its legislative authority shall enact an ordinance providing the City of Seattle will, within three (3) months after the necessary real estate, rights and interests have been secured by the state as herein provided, begin the work of grading, paving and such other work as is necessary to complete and render available for use of the public, said approach and underpass and approaches to said underpass, and further providing that the City of Seattle shall thereafter keep and maintain said approach and underpass and approach to said underpass in a good state of repair and suitable for public travel and use, which construction and maintenance work the City of Seattle is hereby authorized and empowered to do and perform.

Maintenance.

Appropriations.

SEC. 9. That there is hereby appropriated from the Motor Vehicle Fund of the State Treasury the sum of one hundred thirty thousand dollars (\$130,000) or so much thereof as may be necessary, for the purpose of acquiring the necessary real estate, rights and interests, including engineering costs, court costs for condemnation proceedings and payment of awards and judgments in condemnation

cases and for the construction and maintenance of the highway from Washington State College campus, as provided in section 1 hereof; and there is hereby appropriated from the Motor Vehicle Fund of the State Treasury the sum of three hundred and ninety-five thousand dollars (\$395,000), or so much thereof as may be necessary, for the purposes of acquiring the necessary real estate, rights and interests, including engineering costs, court costs for condemnation proceedings and payment of awards and judgments in condemnation cases in connection with the approach and underpass and approaches to said underpass for the University of Washington, as provided in section 2 hereof.

SEC. 10. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions and shall take effect immediately. Effective immediately.

Passed the House February 27, 1945.

Passed the Senate February 28, 1945.

Approved by the Governor March 3, 1945.

CHAPTER 28.

[H. B. 294.]

RELATING TO INSURANCE.

AN ACT relating to insurance and amending section 26, chapter 49, Laws of 1911, as last amended by section 1, chapter 10, Laws of 1939 (section 7071, Remington's Revised Statutes, Supplement, also Pierce's Perpetual Code 674-3), and declaring an emergency.

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

SECTION 1. Section 26, chapter 49, Laws of 1911, as last amended by section 1, chapter 10, Laws of 1939 (section 7071 of Remington's Revised Statutes, Amendments.