

thereof not adjudged to be invalid or unconstitutional.

Passed the Senate February 3, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 79.

[S. B. 132.]

COUNTIES—RIGHT OF EMINENT DOMAIN.

AN ACT authorizing counties to exercise the right of eminent domain; and declaring an emergency.

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

SECTION 1. Every county is hereby authorized and empowered to condemn land and property within the county for public use; whenever the Board of County Commissioners deems it necessary for county purposes to acquire such land, real estate, premises or other property, and is unable to agree with the owner or owners thereof for its purchase, it shall be the duty of the Prosecuting Attorney to present to the Superior Court of the county in which said land, real estate, premises, or other property so sought to be acquired or appropriated shall be situated, a petition in which the land, real estate, premises, or other property sought to be appropriated shall be described with reasonable certainty, and setting forth the name of each and every owner, encumbrancer, or other person or party interested in the same, or any part thereof, so far as the same can be ascertained from the public records, the object for which the land is sought to be appropriated, and praying that a jury be impaneled to ascertain and determine the compensation to be made in money to such owner or owners respectively, and to all tenants, encumbrancers, or others interested,

Eminent domain.

Condemnation proceedings.

Petition.

Contents of petition.

for taking such lands, real estate, premises, or other property, or in case a jury be waived, as in other civil cases in courts of record, in the manner prescribed by law, then that the compensation to be made as aforesaid be ascertained or determined by the Court or the Judge thereof.

County
purpose and
public use.

SEC. 2. Any condemnation, appropriation or disposition intended in this act shall be deemed and held to be for a county purpose and public use within the meaning of this act when it is directly or indirectly, approximately or remotely for the general benefit or welfare of the county or of the inhabitants thereof.

Notice of
presentation
of petition.

SEC. 3. A notice, stating the time and place when and where such petition shall be presented to the Court or the Judge thereof, together with a copy of such petition, shall be served on each and every person named therein as owner or otherwise interested therein, at least ten days previous to the time designated in such notice for the presentation of such petition. Such notice shall be signed by the Prosecuting Attorney of the county wherein the real estate or property sought to be taken is situated, and may be served in the same manner as a summons in a civil action in such Superior Court is authorized by law to be served.

Hearing of
petition.

SEC. 4. At the time and place appointed for hearing said petition, or to which the same may have been adjourned, if the Court or Judge thereof shall have satisfactory proof that all parties interested in the land, real estate, premises or other property described in said petition have been duly served with said notice as prescribed herein, and shall be further satisfied by competent proof that the contemplated use for which the lands, real estate, premises, or other property sought to be appropriated is a public use of the county, the Court or Judge

thereof may make and enter an order adjudicating that the contemplated use is really a public use of the county, and which order shall be final unless review thereof to the Supreme Court be taken within five days after entry of such order, adjudicating that the contemplated use for which the lands, real estate, premises or other property sought to be appropriated is really a public use of the county, and directing that determination be had of the compensation and damages to be paid all parties interested in the land, real estate, premises, or other property sought to be appropriated for the taking and appropriation thereof, together with the injury, if any, caused by such taking or appropriation to the remainder of the lands, real estate, premises, or other property from which the same is to be taken and appropriated, after offsetting against any and all such compensation and damages, special benefits, if any, accruing to such remainder by reason of such appropriation and use by the county of such lands, real estate, premises, and other property described in the petition; such determination to be made by a jury, unless waived, in which event the compensation or damages shall be determined by the Court without a jury.

Order.

Review to
Supreme
Court.Determina-
tion of
compensation
and damages.

SEC. 5. The jury selected to hear the evidence and determine the compensation to be paid to the owner or owners of such real estate or property to be appropriated for public use, shall be selected, impaneled and sworn in the same manner that juries in other civil actions are selected, impaneled and sworn, and in case a jury is waived, such compensation or damages shall be ascertained and determined by the Court or Judge thereof and the proceedings shall be the same as in trial of an issue of fact by the Court. Upon the close of the evidence, the Court shall instruct the jury as to the matters submitted to them and the law pertaining thereto.

Jury to
determine
compensa-
tion.

Whereupon the jury shall retire and deliberate and determine upon the amount of the compensation of damages and money that shall be paid to the owner or owners of the real estate or property sought to be appropriated, which shall be the amount found by the jury to be the fair and full value of such premises, and when the jury shall have determined upon their verdict, they shall return the same to the Court as in other civil actions.

Payment
of compen-
sation.

SEC. 6. Upon the verdict of the jury or upon the determination of the Court of the compensation or damages to be paid for the real estate or property appropriated, judgment shall be entered against such county in favor of the owner or owners of the real estate or property so appropriated for the amount found as just compensation therefor, and upon the payment of such amount by such county to the Clerk of such Court for the use of the owner or owners of the persons interested in the premises sought to be taken, the Court shall enter a decree of appropriation of the real estate or property sought to be taken, thereby vesting the title to the same in such county; and a certified copy of such decree of appropriation may be filed in the office of the County Auditor of the county wherein the real estate taken is situated and shall be recorded by such Auditor like a deed of real estate and with like effect. The money so paid to the Clerk of the Court shall be by him paid to the person or persons entitled thereto upon the order of the Court.

Decree of
appropriation.

Copy of
decree to
County
Auditor.

Costs.

SEC. 7. All the costs of such proceedings in the Superior Court shall be paid by the county initiating such proceedings.

Appeal to
Supreme
Court.

SEC. 8. Either party may appeal from the judgment for compensation* of the damages awarded in the Superior Court to the Supreme Court within thirty days after the entry of judgment as aforesaid,

and such appeal shall bring before the Supreme Court the propriety and justice of the amount of damage in respect to the parties to the appeal: *Provided*, That upon such appeal no bonds shall be required: *And provided further*, That if the owner of land, real estate, or premises accepts the sum awarded by the jury or the Court, he shall be deemed thereby to have waived conclusively an appeal to the Supreme Court, and final judgment by default may be rendered in the Superior Court as in other cases.

No bond
required on
appeal.

Waiver of
appeal.

SEC. 9. This act is necessary for the immediate preservation of the public peace, health, welfare and safety, and for the support of the state government and its existing public institutions, and shall take effect immediately.

Emergency.

Passed the Senate February 17, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 80.

[S. B. 229.]

STATE FOREST BOARD—BONDS AUTHORIZED.

AN ACT relating to the acquiring, seeding, reforestation and administration of lands for state forests; and amending section 1, chapter 117, Laws of 1933, as last amended by section 1, chapter 66, Laws of 1947.

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

SECTION 1. Section 1, chapter 117, Laws of 1933, as last amended by section 1, chapter 66, Laws of 1947 (sec. 5812-11, Rem. Supp. 1947), is amended to read as follows:

Amendment.

Section 1. For the purpose of acquiring, seeding reforestation and administering land for forests and of carrying out the provisions of chapter 154 of