

CHAPTER 156.

[ Sub. H. B. 221. ]

EMINENT DOMAIN—SEVERAL OWNERSHIPS.

AN ACT relating to eminent domain by the state; permitting the state to file one condemnation action against several parties owning lands, property, or property rights held by different ownerships or interests and providing for the selection of one jury for separate trials to determine the compensation and damages, if any, to be awarded therefor; prescribing measure of damages to buildings and for the removal in certain cases; eliminating necessity of final offer prior to filing petitions; adding two new sections to chapter 8.04 RCW; and amending section 1, chapter 64, Laws of 1911 and RCW 8.04.010.

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

Acquisition by state of tracts held in different ownerships or interests; petition.

SECTION 1. Whenever it becomes necessary on behalf of the state to acquire by condemnation more than one tract of land, property, or property rights, existing in any one county, and held in different ownerships or interests, the state may consolidate and file a single petition as one action against the several tracts of land, property, or property rights held by said different ownerships or interests, setting forth separately the descriptions of the tracts of land, property, or property rights needed, and the owners, persons, or parties interested therein.

Order adjudicating public use.

SEC. 2. At the time and place appointed for hearing the petition, the court may enter an order adjudicating public use as affecting all tracts of land, property, or property rights as described therein, which order shall be final as to those respondents not seeking a review to the supreme court within five days after the entry thereof.

Selection of single jury.

SEC. 3. Thereafter, if requested by the state, a single jury shall be selected to hear and determine in separate trials, the amount of compensation and damages, if any, that shall be paid for the different

tracts, parcels, property, or property rights, as set forth in the petition.

SEC. 4. A new section is added to chapter 8.04 RCW to read as follows: New section.

If there is a building standing, in whole or in part, upon any land to be taken, the jury shall add to their finding of the value of the land taken, the damages to the building. If the entire building is taken, or if the building is damaged, so that it cannot be readjusted to the premises, then the measure of damages shall be the fair market value of the building. If part of the building is taken or damaged and the building can be readjusted or replaced on the part of the land remaining, and the state agrees thereto, then the measure of damages shall be the cost of readjusting or moving the building, or the part thereof left, together with the depreciation in the market value of the building by reason of such readjustment or moving. Damage to buildings.

SEC. 5. A new section is added to chapter 8.04 RCW to read as follows: New section.

If damages are based upon readjustment or moving of building or buildings, the court shall order and fix the time in the judgment and decree of appropriation within which any such building must be moved or readjusted. Upon failure to comply with said order, the state may move said building upon respondent's remaining land and recover its costs and expenses incidental thereto. The state shall have a lien upon the building and the remaining land from the date of the judgment and decree of appropriation for the necessary costs and expenses of removal until the order of the court has been complied with. The amount of the lien and satisfaction thereof shall be by application and entry of a supplemental judgment in said proceedings and execution thereon. Decree where damages based on readjustment or moving of building.  
Lien.

## Amendment.

SEC. 6. Section 1, chapter 64, Laws of 1911 and RCW 8.04.010 are each amended to read as follows:

## Petition for appropriation.

Whenever any officer, board, commission, or other body representing the state is authorized by the legislature to acquire any land, real estate, premises, or other property, deemed necessary for the public uses of the state, or any department or institution thereof, the attorney general shall present to the superior court of the county in which the land, real estate, premises, or other property so sought to be acquired or appropriated is 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 therein, or any part thereof, insofar as can be ascertained from the public records, the object for which the property is sought to be appropriated, and praying that a jury be impanelled to ascertain and determine the compensation to be made in money to such owner or owners, respectively, and to all tenants, encumbrancers, and others interested, for taking such land, real estate, premises, or other property, or in case a jury is 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 and determined by the court.

Passed the House February 27, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 15, 1955.