

Biggs Rapids bridge. Agreements between agencies authorized. Certain provisions.

penses have been submitted to and been approved by all parties to such agreement.

(6) A provision that during the period of operation of such bridge and approaches thereto as a toll facility all maintenance and repair may be performed by either the Oregon state highway commission or the Washington state highway commission with a provision for reimbursement of the costs of such maintenance and repair from revenue derived from the collection of tolls on such bridge.

Passed the Senate February 28, 1957.

Passed the House March 8, 1957.

Approved by the Governor March 20, 1957.

CHAPTER 143.

[S. B. 46.]

CITIES AND TOWNS—LOCAL IMPROVEMENT ASSESSMENTS—APPEALS.

AN ACT relating to local improvements in cities and towns; and amending section 22, chapter 98, Laws of 1911 and RCW 35.44.200 through 35.44.270.

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

Division and amendment.

SECTION 1. Section 22, chapter 98, Laws of 1911 (heretofore divided and codified as RCW 35.44.200 through 35.44.270), is divided and amended as set forth in sections 2 through 9 of this amendatory act.

RCW 35.44.200 amended. Procedure upon appeal—Perfecting appeal.

SEC. 2. (RCW 35.44.200) The decision of the council or other legislative body, upon any objections made in the manner and within the time herein prescribed, shall be final and conclusive, subject however to review by the superior court upon appeal. The appeal shall be made by filing written notice of appeal with the city or town clerk and with the clerk of the superior court of the county in which the city or town is situated.

SEC. 3. (RCW 35.44.210) The notice of appeal must be filed within ten days after the ordinance confirming the assessment roll becomes effective and shall describe the property and set forth the objections of the appellant to the assessment.

RCW 35.44.210
enacted
without
amendment.

SEC. 4. (RCW 35.44.220) At the time of filing the notice of appeal with the clerk of the superior court, the appellant shall execute and file with him a sufficient bond in the penal sum of two hundred dollars, with at least two sureties to be approved by the judge of the court, conditioned to prosecute the appeal without delay and, if unsuccessful, to pay all costs to which the city or town is put by reason of the appeal. Upon application therefor, the court may order the appellant to execute and file such additional bonds as the necessity of the case may require.

RCW 35.44.220
enacted
without
amendment.

SEC. 5. (RCW 35.44.230) Within ten days from the filing of the notice of appeal, the appellant shall file with the clerk of the superior court a transcript consisting of the assessment roll and his objections thereto, together with the ordinance confirming the assessment roll and the record of the council with reference to the assessment. This transcript, upon payment of the necessary fees therefor, shall be furnished by the city or town clerk and shall be certified by him to contain full, true and correct copies of all matters and proceedings required to be included in the transcript. The fees payable therefor shall be the same as those payable to the clerk of the superior court for the preparation and certification of transcripts on appeal to the supreme court in civil actions.

RCW 35.44.230
enacted
without
amendment.

SEC. 6. (RCW 35.44.240) Within three days after the filing of the transcript with the clerk of the superior court, the appellant shall give notice to the head of the legal department of the city or town and to its clerk that the transcript has been filed. The notice shall also state a time (not less than three days

RCW 35.44.240
enacted
without
amendment.

from the date of service thereof) when the appellant will call up the cause for hearing.

RCW 35.44.250
amended.
Procedure on
appeal—Hear-
ing by superior
court.

SEC. 7. (RCW 35.44.250) At the time fixed for hearing in the notice thereof or at such further time as may be fixed by the court, the superior court shall hear and determine the appeal without a jury and the cause shall have preference over all other civil causes except proceedings relating to eminent domain in cities and towns and actions of forcible entry and detainer. The judgment of the court shall confirm, unless the court shall find from the evidence that such assessment is founded upon a fundamentally wrong basis and/or the decision of the council or other legislative body thereon was arbitrary or capricious; in which event the judgment of the court shall correct, change, modify, or annul the assessment insofar as it affects the property of the appellant.

RCW 35.44.260
amended.
Procedure on
appeal—
Appeal to
supreme court.

SEC. 8. (RCW 35.44.260) An appeal shall lie to the supreme court from the judgment of the superior court as in other cases if taken within fifteen days after the date of the entry of the judgment in the superior court. The record and the opening brief of the appellant must be filed in the supreme court within sixty days after the filing of the notice of appeal: *Provided*, That the time for filing the record and the serving and filing of briefs may be extended by order of the superior court or by stipulation of the parties concerned.

RCW 35.44.270
enacted
without
amendment.

SEC. 9. (RCW 35.44.270) A certified copy of the decision of the superior court pertaining to assessments for local improvements shall be filed with the officer having custody of the assessment roll and he shall modify and correct the assessment roll in accordance with the decision. In case of appeal to the supreme court, a certified copy of its order shall be filed with the officer having custody of the assess-

ment roll and he shall thereupon modify and correct the assessment roll in accordance with the order.

Passed the Senate March 5, 1957.

Passed the House March 10, 1957.

Approved by the Governor March 20, 1957.

CHAPTER 144.

[S. B. 49.]

CITIES AND TOWNS—LOCAL IMPROVEMENTS— AUTHORITY, ASSESSMENTS.

AN ACT relating to local improvements in cities and towns; and amending sections 1, 15 and 58, chapter 98, Laws of 1911 and section 1, chapter 190, Laws of 1945 and RCW 35.43.040 and 35.43.110 and sections 9, 16, 17 and 18, chapter 98, Laws of 1911 and section 4, chapter 209, Laws of 1927 and section 1, chapter 97, Laws of 1929 and section 1, chapter 28, Laws of 1949 as last amended by sections 1 and 2, chapter 26, Laws of 1953 and section 1, chapter 177, Laws of 1953 and RCW 35.43.090 and RCW 35.43.120 through 35.43.180, and section 1, chapter 155, Laws of 1947 and section 2, chapter 97, Laws of 1929 and RCW 35.43.050, 35.43.080, 35.44.010 and RCW 35.44.030 through 35.44.050.

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

SECTION 1. Sections 1, 15 and 58, chapter 98, Laws of 1911 and section 1, chapter 190, Laws of 1945 (heretofore divided, combined, and codified as RCW 35.43.040 and 35.43.110) are amended to read as set forth in sections 2 and 3 of this amendatory act.

Combination,
division and
amendment.

SEC. 2. (RCW 35.43.040) Whenever the public interest or convenience may require, the legislative authority of any city or town may order the whole or any part of any local improvement including but not restricted to those listed below to be constructed, reconstructed, repaired, or renewed and the planting, setting out, cultivating, maintaining, and renewing of shade or ornamental trees and shrubbery thereon; may order any and all work to be done necessary

RCW 35.43.040
amended.
Authority
generally.