

CHAPTER 140.

[ S. B. 155. ]

DEPARTMENT OF NATURAL RESOURCES—ACCESS TO STATE TIMBER AND VALUABLE MATERIALS.

AN ACT relating to the acquisition, maintenance, control and disposal of access rights to state timber and other valuable materials by the department of natural resources; and amending sections 1, 2, 3 and 4, chapter 239, Laws of 1945 and RCW 76.16.010, 76.16.020, 76.16.030 and 76.16.040.

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

SECTION 1. Section 1, chapter 239, Laws of 1945 and RCW 76.16.010 are each amended to read as follows:

RCW 76.16.010 amended.

Whenever the department of natural resources, hereinafter referred to as the department, shall find it to be for the best interests of the state of Washington to acquire any property or use of a road in private ownership to afford access to state timber and other valuable material for the purpose of developing, caring for or selling the same, the acquisition of such property, or use thereof, is hereby declared to be necessary for the public use of the state of Washington, and said department is hereby authorized to acquire such property or the use of such roads by gift, purchase, exchange or condemnation, and subject to all of the terms and conditions of such gift, purchase, exchange or decree of condemnation to maintain such property or roads as part of the department's land management road system.

Access to state timber. Acquisition of property for, authorized.

SEC. 2. Section 2, chapter 239, Laws of 1945 and RCW 76.16.020 are each amended to read as follows:

RCW 76.16.020 amended.

The attorney general of the state of Washington is hereby required and authorized to condemn said property interests found to be necessary for the public purposes of the state of Washington, as pro-

—Condemnation—Duty of attorney general.

vided in RCW 76.16.010, and upon being furnished with a certified copy of the resolution of the department, describing said property interests found to be necessary for the purposes set forth in RCW 76.16.010, the attorney general shall immediately take steps to acquire said property interests by exercising the state's right of eminent domain under the provisions of chapter 8.04 RCW, and in any condemnation action herein authorized, the resolution so describing the property interests found to be necessary for the purposes set forth above shall, in the absence of a showing of bad faith, arbitrary, capricious or fraudulent action, be conclusive as to the public use and real necessity for the acquisition of said property interests for a public purpose, and said property interests shall be awarded to the state without the necessity of either pleading or proving that the department was unable to agree with the owner or owners of said private property interest for its purchase. Any condemnation action herein authorized shall have precedence over all actions, except criminal actions, and shall be summarily tried and disposed of.

RCW 76.16.030  
amended.

SEC. 3. Section 3, chapter 239, Laws of 1945 and RCW 76.16.030 are each amended to read as follows:

Access to state  
timber.  
Disposition of  
unnecessary  
property—  
Procedure—  
Limitations.

In the event the department should determine that the property interests acquired under the authority of this act are no longer necessary for the purposes for which they were acquired, the department shall dispose of the same in the following manner, when in the discretion of the department it is to the best interests of the state of Washington to do so, except that property purchased with educational funds or held in trust for educational purposes shall be sold only in the same manner as are public lands of the state:

(1) Where the state property necessitating the acquisition of private property interests for access

purposes under authority of this chapter is sold or exchanged, said acquired property interests may be sold or exchanged as an appurtenance of said state property when it is determined by the department that sale or exchange of said state property and acquired property interests as one parcel is in the best interests of the state.

(2) If said acquired property interests are not sold or exchanged as provided in the preceding subsection, the department shall notify the person or persons from whom the property interest was acquired, stating that said property interests are to be sold, and that said person or persons shall have the right to purchase the same at the appraised price. Said notice shall be given by registered letter or certified mail, return receipt requested, mailed to the last known address of said person or persons. If the address of said person or persons is unknown, said notice shall be published twice in an official newspaper of general circulation in the county where the lands or a portion thereof is located. The second notice shall be published not less than ten nor more than thirty days after the notice is first published. Said person or persons shall have thirty days after receipt of the registered letter or five days after the last date of publication, as the case may be, to notify the department, in writing, of their intent to purchase the offered property interest. The purchaser shall include with his notice of intention to purchase, cash payment, certified check or money order in an amount not less than one-third of the appraised price. No instrument conveying property interests shall issue from the department until the full price of the property is received by said department. All costs of publication required under this section shall be added to the appraised price and collected by the department upon sale of said property interests.

Access to state timber. Disposition of unnecessary property—Procedure—Limitations.

(3) If said property interests are not sold or exchanged as provided in the preceding subsections, the department shall notify the owners of land abutting said property interests in the same manner as provided in the preceding subsection and their notice of intent to purchase shall be given in the manner and in accordance with the same time limits as are set forth in the preceding subsection (2):

Proviso.

*Provided*, That if more than one abutting owner gives notice of intent to purchase said property interests the department shall apportion them in relation to the lineal footage bordering each side of the property interests to be sold, and apportion the costs to the interested purchasers in relation thereto:

Proviso.

*Provided further*, That no sale is authorized by this section unless the department is satisfied that the amounts to be received from the several purchasers will equal or exceed the appraised price of the entire parcel plus any costs of publishing notices.

(4) If no sale or exchange is consummated as provided in subsections (1), (2) and (3) hereof, the department shall sell said properties in the same manner as public lands of the state of Washington are sold.

(5) Any disposal of property interests authorized by this act shall be subject to any existing rights previously granted by the department.

RCW 76.16.040 amended.

SEC. 4. Section 4, chapter 239, Laws of 1945 and RCW 76.16.040 are each amended to read as follows:

Source of payment for acquired property.

The department in acquiring any property interests under the provisions of this chapter, either by purchase or condemnation, is hereby authorized to pay for the same out of any moneys available to the department of natural resources for this purpose.

Passed the Senate February 8, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.