

CHAPTER 171.

[H. B. 595.]

AUTHORIZING VACATION OF WATERWAYS.

AN ACT to amend an act approved March 6, 1909, entitled: "An act to provide for the vacation of portions of waterways and the extension of streets over the portions so vacated, and for the sale and disposition of the portions so vacated not embraced within any street or streets extended over the same."

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

SECTION 1. That section 1 of an act approved March 6, 1909, entitled: "An act to provide for the vacation of portions of waterways and the extension of streets over the portions so vacated, and for the sale and disposition of the portions so vacated not embraced within any street or streets extended over the same," be and is hereby amended to read as follows:

Section 1. Whenever any waterway heretofore established under the authority of the laws of this state, or any portion of such waterway, shall not have been excavated, or shall not be in use for the purposes of navigation, or shall no longer be required in the public interest to exist as a waterway, such waterway or portion thereof may be vacated by written order of the commissioner of public lands of the state of Washington whenever he shall be requested so to do by ordinance or resolution of the city council of the city in which such waterway is situate, in whole or in part, or, in case such waterway is situate, in whole or in part, in a port district organized under the laws of the state of Washington, whenever he shall be requested so to do by resolution of the port commission of such port district; and upon the making of such order the waterway or portion thereof shall thereupon be deemed to be and shall be thereby vacated: *Provided, however,* that if the waterway or portion thereof so vacated be navigable water of the United States, or otherwise within the jurisdiction of the United States, a copy of such resolution or ordinance, together with a copy of said order

[Amends
Rem.-Bal.,
§ 8117;
Pierce's
Code, 1912,
77 § 1193.]

Waterway
may be
vacated.

Resolution
requesting
vacation.

Federal
government
to approve.

of the commissioner of public lands certified to by him, shall be submitted to the secretary of war and chief of engineers of the United States for their approval, and if they approve the same such waterway or portion thereof shall thereupon be deemed to be and shall be thereupon vacated.

SEC. 2. That section 3 of said act be and is hereby amended to read as follows:

[Amends
Rem.-Bal.,
§ 8119;
Pierce's
Code, 1912,
77 § 1197.]

Section 3. Should such city fail to make such selection within such time, or having within such time made such selection, the title of the remaining portions of such waterway so vacated shall vest in the state of Washington, unless the same be situate within the territorial limits of a port district created under the laws of the state of Washington, in which event such title shall vest in said port district. If subsequent to such vacation, the vacated waterway or portion of waterway shall be embraced within the limits of a port district created under the laws of the state of Washington, the title to such portions thereof as shall then remain undisposed of by the state shall vest in such port district. Such title so vesting shall be subject to any railroad or street railway crossings existing at the time of such vacation.

Title of
vacated
portion.

Port district
beneficiary.

SEC. 3. All preference rights of purchase created by the act of which this act is amendatory are hereby annulled.

Preference
rights
annulled.

SEC. 4. The provisions of this act shall not apply to any waterway or portion of waterway which forms, or by improving same may be made to form, a connection between a river or another waterway and any tidal water.

Act not to
apply to
connecting
waterways.

Passed the House, March 12, 1913.

Passed the Senate, March 12, 1913.

Approved by the Governor, March 24, 1913.