

ing of new assessments or re-assessments, but shall be considered as providing a concurrent remedy in such cases. This act a concurrent remedy; not a repeal of existing provisions. And any city whose charter provides for any such new assessment or re-assessment may provide [proceed] either under such charter provisions or under this act.

SEC. 11. That the city council of any city which is composed of two or more cities which have been or may hereafter be consolidated, as provided by law, shall have power to make and pass all necessary ordinances, orders and resolutions for such new assessment or re-assessment, where the improvement for which an alleged assessment has been made by any such former cities prior to the consolidation thereof into one city, and to fully carry out and enforce the provisions of this act.

SEC. 12. Whereas, the assessments for local improvements in the cities of this state have in several instances been set aside and declared void for irregularities, and no adequate law now exists for re-assessments: therefore, an emergency is declared to exist, and this act shall take effect and be in force from and after its approval by the governor. Emergency.

Approved March 9, 1893.

CHAPTER XCVI.

[H. B. No. 88.]

BONDS TO BE ISSUED FOR INTERNAL IMPROVEMENTS IN CITIES AND TOWNS.

AN ACT relating to internal improvements in cities, authorizing the issuance and collection of bonds upon the property benefited by local improvements, and declaring an emergency.

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

SECTION 1. That whenever the mayor and council of any city shall, under authority vested in them by any law of this state and the charter of such city, cause any street, avenue or alley in such city to be graded, curbed, guttered, paved, repaired or macadamized, or re-macadamized,

Provision for payment of expenses in installments.

Bonds may be issued to contractor or sold.

Amount of bonds issued.

Assessments levied and collected, how.

planked or re-planked, or any sewer to be constructed or make any other local improvements, the expense of which is chargeable to the abutting, adjoining, contiguous or approximate property, they may, in their discretion, provide for the payment of the cost and expenses thereof by installments, instead of levying the entire tax or special assessment for such costs at one time, and for such installments they may issue, in the name of such city, improvement bonds of the district, which shall include the adjoining, contiguous and approximate property liable to assessment for such local improvement according to the city charter, payable in installments of equal amounts each year, none of which bonds nor any of the installments thereof shall run longer than ten years, nor bear interest exceeding nine per centum per annum. Such bonds may be issued to the contractor constructing the improvement in payment thereof, or the mayor and council, or by charter and ordinance of said city, other authorized officer or officers of said city, may sell the same at not less than their par value, net, and pay the proceeds thereof to the contractor. Such bonds shall not be issued in amount in excess of the contract price of the work or improvement, except that the installment coupons shall include the interest on such installments to the maturity thereof. The bonds shall be of such denominations as the mayor and council shall deem proper. Where district bonds are issued under this act for improvements, the cost of which is by law charged by special assessment against specific property, the mayor and council or other authorized officer, board or body shall levy special assessments each year sufficient to redeem the installments of such bonds next thereafter maturing, but in computing the amount of special assessment to be levied against each piece of property liable therefor, interest thereon at a rate not exceeding nine per centum per annum from the date of the issuance of said bonds until the maturity of the installment of bonds next thereafter maturing. Such assessments shall be made upon the property chargeable for the cost of such improvements, respectively, and shall be levied and collected in the same manner as may be provided by law and the charter and ordinance of such

city for the levy and collection of special assessments for such improvements where no bonds are issued, except as otherwise provided by this act. But the basis of such assessment, whether upon assessed valuation, frontage or otherwise liable for such costs, shall be retained for the assessment of succeeding installments of said bonds. The owner of any piece of property liable to any such special assessment may redeem his property from such liability by paying the entire assessment chargeable against his property (upon the city clerk mailing him a written or printed notice) thirty days before the issuance of the bonds, or after the issuance of the bonds by paying all the installments of the assessments which have been levied and also the amount of unlevied installments with interest on the latter at the rate of eight per centum per annum from the date of the issuance of the bonds to the time of maturity of the last installment. In all cases where installments of assessments not yet levied and paid as above provided, whether before or after the issuance of the bonds, the same shall be paid to the city treasurer, who shall receipt therefor, and all sums so paid shall be applied solely to the payment of such improvements or the redemption of the bonds issued therefor. Where any piece of property has been redeemed from liability for the cost of any improvement as herein provided, such property shall not thereafter be liable for further special assessment for the cost of such improvement except as hereinafter provided. No suit to set aside the said special assessment or to enjoin the making of the same shall be brought, nor any defense to the validity thereof be allowed after the expiration of thirty days from the time the amount due on each lot or piece of ground liable for such assessment is ascertained and confirmed by the council. The funds raised by such assessments shall be applied solely towards the redemption of said bonds.

Basis of assessment.

How property may be redeemed from assessment charge.

Suit to enjoin or set aside may not be brought after thirty days.

SEC. 2. Such bonds, when issued to the contractor constructing the improvement in payment therefor, or when sold as above provided, shall transfer to the contractor or other owner or holder all the right and interest of such city in and with respect to every such assessment, and the lien thereby created against the property of such owners

Bonds issued to contractor, transfer city's lien on the property.

Foreclosure
of lien.

assessed as shall not have availed themselves of the provisions of this act in regard to the redemption of their property as aforesaid, shall authorize said contractor and his assigns and the owners and holders of said bonds to receive, sue for and collect or have collected every such assessment embraced in any such bond by or through any of the methods provided by law for the collection of assessments for local improvements. And if the city shall fail, neglect or refuse to pay said bonds, or to promptly collect any of such assessments when due, the owner of any such bonds may proceed in his own name to collect such assessment and foreclose the lien thereof in any court of competent jurisdiction, and shall recover in addition to the amount of such bonds and interest thereon, five per centum, together with the costs of such suit. Any number of holders of such bonds for any single improvement may join as plaintiffs, and any number of owners of the property on which the same are a lien may be joined as defendants in such suit. And such bonds shall be equal liens upon the property for the assessments represented by such bonds without priority of one over another to the extent of the several assessments against the several lots and parcels of land.

Council may
re-assess.

SEC. 3. That in all cases of special assessment for local improvements of any kind against any property, persons or corporations whatsoever wherein said assessments have failed to be valid in whole or in part for want of form or insufficiency, informality or irregularity or non-conformance with the charter provisions or laws governing such assessments, the city council or other authorized board or body shall be and they are hereby authorized to re-assess such special taxes or assessments and to enforce their collection in accordance with the provisions of law existing at the time the re-assessment is made: *And it is further provided,* That whenever, for any cause, mistake or inadvertence the amount assessed shall not be sufficient to pay the cost of the improvement made and enjoyed by owners of property in the local assessment district where the same is made, that it shall be lawful and the city council or other authorized board or body is hereby directed and author-

ized to make re-assessments on all the property in said local assessment district sufficient to pay for such improvement, such re-assessment to be made and collected in accordance with the provisions of the law or ordinance existing at the time of its levy.

SEC. 4. That nothing herein shall be construed as repealing or modifying any existing manner and method for cities of the first class to make improvements as herein provided for, but shall be construed as an additional and concurrent power and authority. Any city whose charter provides for the issuance of bonds for local improvements, payable only from the proceeds of special assessments, is hereby authorized to issue such bonds in the manner and with the effect provided in such charter, and the holder of any such bond shall look only to the fund provided by such assessment for the principal or interest of such bond.

SEC. 5. The holder of any bond issued under the authority of this act shall have no claim therefor against the city by which the same is issued, in any event, except from the collections of the special assessment made for the improvement for which such bond was issued, but his remedy, in case of no payment, shall be confined to the enforcement of such assessments. A copy of this section shall be plainly written, printed or engraved on the face of each bond so issued.

Remedy for non-payment of bonds, confined to enforcement of assessments.

SEC. 6. Whereas, there is no law providing for the establishment of local improvement districts in the cities of this state; and, whereas, the establishment of such districts is essential to the interests of such cities: therefore, an emergency is hereby declared to exist, and this law shall take effect and be in force from and after its passage and approval.

Approved March 9, 1893.