
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0340.1/07

ATTY/TYPIST: KT:rmh

BRIEF DESCRIPTION: Requiring notice to property owners before
condemnation decisions.

AN ACT Relating to adequate notice to property owners regarding governmental acquisition of property for public purposes; adding a new section to chapter 8.25 RCW; adding a new section to chapter 8.08 RCW; adding a new section to chapter 8.12 RCW; adding a new section to chapter 8.16 RCW; and adding a new section to chapter 8.20 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** A new section is added to chapter 8.25 RCW to read as follows:

(1) Prior to a public meeting at which:

(a) A county takes a final action deeming a specific parcel or other property to be "for county purposes" as provided in RCW 8.08.010;

(b) A city or town takes a final action authorizing condemnation as provided in RCW 8.12.040;

(c) A school district takes a final action selecting property for condemnation as provided in RCW 8.16.010; or

(d) Any other corporation authorized to condemn property takes a final action to authorize condemnation as provided in RCW 8.20.010; the condemnor must provide notice as required by this section.

(2)(a)(i) Notice of the public meeting shall be mailed by certified mail to each and every property owner of record as indicated on the tax rolls of the county to the address provided on such tax rolls, for each parcel subject to the declaration of necessity, at least fifteen days before the public meeting. If no address is provided for a parcel on the tax rolls of the county, the condemnor shall conduct a reasonably diligent search for the address for each and every parcel owner of record and send the notice to that address.

In case the property sought to be appropriated is school or county land, such notice shall be mailed to the auditor of the county in which the property sought to be acquired and appropriated is situated.

(ii) The notice must contain a general description of the property such as an address, lot number, or parcel number. The notice must also describe the date, time, and location of the public meeting at which the condemnor will decide whether or not to authorize the condemnation of the property.

(iii) Mailing of the certified letter to the proper addressee or addressees is deemed to be sufficient notice under this subsection (2)(a).

(b)(i) Notice of all meetings described in subsection (1) of this section shall also be given by publication in the legal newspaper with the largest circulation in the jurisdiction where such lands are situated once a week for two successive weeks before the public meeting. Proof of circulation shall be established by publisher's affidavit filed with the governing body of the condemnor. Such publication shall be deemed sufficient notice in lieu of a certified letter for each owner of record for the property whose residence is unknown or cannot be ascertained after a reasonably diligent inquiry.

(ii) The notice published under this subsection (2)(b) shall contain the same information as is required under (a) of this subsection.

(3) Lack of sufficient notice under this section shall render the subsequent proceedings void as to the person not served, but the subsequent proceedings shall not be void as to all persons or parties having been served with notice as provided in this section, either by publication or otherwise. In a subsequent condemnation action subject to this section in which a condemnee alleges insufficient notice under this section, the court may determine whether the condemnor made a good-faith attempt to provide sufficient notice and issue a finding on

the sufficiency of the notice.

(4) For the purposes of this section, "final action" has the same meaning as that provided in RCW 42.30.020.

NEW SECTION. **Sec. 2.** A new section is added to chapter 8.08 RCW to read as follows:

Proceedings under this chapter are subject to the notice requirements of section 1 of this act. Compliance with section 1 of this act is required before an action can be filed under this chapter.

NEW SECTION. **Sec. 3.** A new section is added to chapter 8.12 RCW to read as follows:

Proceedings under this chapter are subject to the notice requirements of section 1 of this act. Compliance with section 1 of this act is required before an action can be filed under this chapter.

NEW SECTION. **Sec. 4.** A new section is added to chapter 8.16 RCW to read as follows:

Proceedings under this chapter are subject to the notice requirements of section 1 of this act. Compliance with section 1 of this act is required before an action can be filed under this chapter.

NEW SECTION. **Sec. 5.** A new section is added to chapter 8.20 RCW to read as follows:

Proceedings under this chapter are subject to the notice requirements of section 1 of this act. Compliance with section 1 of this act is required before an action can be filed under this chapter.