
SENATE BILL 5658

State of Washington

62nd Legislature

2011 Regular Session

By Senators King, Haugen, and Shin

Read first time 02/03/11. Referred to Committee on Transportation.

1 AN ACT Relating to the sale or exchange of surplus real property by
2 the department of transportation; amending RCW 47.12.063 and 47.12.063;
3 providing an effective date; and providing an expiration date.

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

5 **Sec. 1.** RCW 47.12.063 and 2010 c 157 s 1 are each amended to read
6 as follows:

7 ~~(1) ((It is the intent of the legislature to continue the~~
8 ~~department's policy giving priority consideration to abutting property~~
9 ~~owners in agricultural areas when disposing of property through its~~
10 ~~surplus property program under this section.~~

11 ~~(2))~~ Whenever the department determines that any real property
12 owned by the state of Washington and under the jurisdiction of the
13 department is no longer required for transportation purposes and that
14 it is in the public interest to do so, the department may sell the
15 property or exchange it in full or part consideration for land or
16 improvements or for construction of improvements at fair market value
17 to any person through the solicitation of written bids through public
18 advertising in the manner prescribed under RCW 47.28.050 or in the
19 manner prescribed under RCW 47.12.283.

1 (2) The department may forego the processes prescribed by RCW
2 47.28.050 and 47.12.283 and sell the real property to any of the
3 following ((governmental)) entities or persons at fair market value:

4 (a) Any other state agency;

5 (b) The city or county in which the property is situated;

6 (c) Any other municipal corporation;

7 (d) Regional transit authorities created under chapter 81.112 RCW;

8 (e) The former owner of the property from whom the state acquired
9 title;

10 (f) In the case of residentially improved property, a tenant of the
11 department who has resided thereon for not less than six months and who
12 is not delinquent in paying rent to the state;

13 (g) Any abutting private owner but only after each other abutting
14 private owner (if any), as shown in the records of the county assessor,
15 is notified in writing of the proposed sale. If more than one abutting
16 private owner requests in writing the right to purchase the property
17 within fifteen days after receiving notice of the proposed sale, the
18 property shall be sold at public auction in the manner provided in RCW
19 47.12.283;

20 (h) ~~((To any person through the solicitation of written bids~~
21 ~~through public advertising in the manner prescribed by RCW 47.28.050;~~

22 *(i)*) To any other owner of real property required for
23 transportation purposes;

24 *(j)*) (i) In the case of property suitable for residential use,
25 any nonprofit organization dedicated to providing affordable housing to
26 very low-income, low-income, and moderate-income households as defined
27 in RCW 43.63A.510 and is eligible to receive assistance through the
28 Washington housing trust fund created in chapter 43.185 RCW;

29 *(k)*) (j) A federally qualified community health center as
30 defined in RCW 82.04.4311; or

31 *(l)*) (k) A federally recognized Indian tribe within whose
32 reservation boundary the property is located.

33 (3) When selling real property pursuant to RCW 47.12.283, the
34 department may only withhold or withdraw the property from an auction
35 when requested by one of the entities or persons listed in subsection
36 (1) of this section and only after the receipt of a nonrefundable
37 deposit equal to ten percent of the fair market value of the real

1 property or five thousand dollars, whichever is less. If a transaction
2 under this subsection is not completed within sixty days, the real
3 property must be put back up for sale.

4 (4) Sales to purchasers may at the department's option be for cash,
5 by real estate contract, or exchange of land or improvements.
6 Transactions involving the construction of improvements must be
7 conducted pursuant to chapter 47.28 RCW (~~(or)~~) and Title 39 RCW, as
8 applicable, and must comply with all other applicable laws and rules.

9 ~~((4))~~ (5) Conveyances made pursuant to this section shall be by
10 deed executed by the secretary of transportation and shall be duly
11 acknowledged.

12 ~~((5))~~ (6) Unless otherwise provided, all moneys received pursuant
13 to the provisions of this section less any real estate broker
14 commissions paid pursuant to RCW 47.12.320 shall be deposited in the
15 motor vehicle fund.

16 **Sec. 2.** RCW 47.12.063 and 2006 c 17 s 2 are each amended to read
17 as follows:

18 ~~(1) ((It is the intent of the legislature to continue the~~
19 ~~department's policy giving priority consideration to abutting property~~
20 ~~owners in agricultural areas when disposing of property through its~~
21 ~~surplus property program under this section.~~

22 ~~(2))~~ Whenever the department determines that any real property
23 owned by the state of Washington and under the jurisdiction of the
24 department is no longer required for transportation purposes and that
25 it is in the public interest to do so, the department may sell the
26 property or exchange it in full or part consideration for land or
27 improvements or for construction of improvements at fair market value
28 to any person through the solicitation of written bids through public
29 advertising in the manner prescribed under RCW 47.28.050 or in the
30 manner prescribed under RCW 47.12.283.

31 (2) The department may forego the processes prescribed by RCW
32 47.28.050 and 47.12.283 and sell the real property to any of the
33 following ((governmental)) entities or persons at fair market value:

- 34 (a) Any other state agency;
- 35 (b) The city or county in which the property is situated;
- 36 (c) Any other municipal corporation;
- 37 (d) Regional transit authorities created under chapter 81.112 RCW;

1 (e) The former owner of the property from whom the state acquired
2 title;

3 (f) In the case of residentially improved property, a tenant of the
4 department who has resided thereon for not less than six months and who
5 is not delinquent in paying rent to the state;

6 (g) Any abutting private owner but only after each other abutting
7 private owner (if any), as shown in the records of the county assessor,
8 is notified in writing of the proposed sale. If more than one abutting
9 private owner requests in writing the right to purchase the property
10 within fifteen days after receiving notice of the proposed sale, the
11 property shall be sold at public auction in the manner provided in RCW
12 47.12.283;

13 (h) ~~((To any person through the solicitation of written bids
14 through public advertising in the manner prescribed by RCW 47.28.050;
15 (+i)))~~ To any other owner of real property required for
16 transportation purposes;

17 ~~((+j))~~ (i) In the case of property suitable for residential use,
18 any nonprofit organization dedicated to providing affordable housing to
19 very low-income, low-income, and moderate-income households as defined
20 in RCW 43.63A.510 and is eligible to receive assistance through the
21 Washington housing trust fund created in chapter 43.185 RCW; or

22 ~~((+k))~~ (j) A federally recognized Indian tribe within whose
23 reservation boundary the property is located.

24 (3) When selling real property pursuant to RCW 47.12.283, the
25 department may only withhold or withdraw the property from an auction
26 when requested by one of the entities or persons listed in subsection
27 (1) of this section and only after the receipt of a nonrefundable
28 deposit equal to ten percent of the fair market value of the real
29 property or five thousand dollars, whichever is less. If a transaction
30 under this subsection is not completed within sixty days, the real
31 property must be put back up for sale.

32 (4) Sales to purchasers may at the department's option be for cash,
33 by real estate contract, or exchange of land or improvements.
34 Transactions involving the construction of improvements must be
35 conducted pursuant to chapter 47.28 RCW ~~((or))~~ and Title 39 RCW, as
36 applicable, and must comply with all other applicable laws and rules.

37 ~~((+4))~~ (5) Conveyances made pursuant to this section shall be by

1 deed executed by the secretary of transportation and shall be duly
2 acknowledged.

3 ~~((+5+))~~ (6) Unless otherwise provided, all moneys received pursuant
4 to the provisions of this section less any real estate broker
5 commissions paid pursuant to RCW 47.12.320 shall be deposited in the
6 motor vehicle fund.

7 NEW SECTION. **Sec. 3.** Section 1 of this act expires June 30, 2012.

8 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect June 30,
9 2012.

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