

Chapter 53.48 RCW
DISSOLUTION OF PORT AND OTHER DISTRICTS

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Dissolution of

- air pollution control authorities: RCW 70A.15.2570.*
- cemetery districts: RCW 68.52.320.*
- fire protection districts, election method: RCW 52.10.010.*
- flood control districts: 1937 act—RCW 86.09.622, 86.09.625.*
- inactive special purpose districts: Chapter 36.96 RCW.*
- irrigation districts: Chapters 87.52, 87.53, 87.56 RCW.*
- metropolitan park districts: RCW 35.61.310.*
- soil conservation districts: RCW 89.08.350 through 89.08.370.*
- water-sewer districts, election method: RCW 57.04.090, 57.04.100, and chapter 53.48 RCW.*

RCW 53.48.001 Dissolution of certain districts subject to review by boundary review board. The dissolution of a metropolitan park district, fire protection district, water-sewer district, or flood control zone district under chapter 53.48 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW. [1999 c 153 s 62; 1989 c 84 s 46.]

Part headings not law—1999 c 153: See note following RCW 57.04.050.

RCW 53.48.010 Definitions. The following words and terms shall, whenever used in this chapter, have the meaning set forth in this section:

(1) The term "district" as used herein, shall include all municipal and quasi-municipal corporations having a governing body, other than cities, towns, counties, and townships, such as port districts, school districts, water-sewer districts, fire protection districts, and all other special districts of similar organization, but shall not include local improvement districts, diking, drainage and irrigation districts, special districts as defined in RCW 85.38.010, nor public utility districts.

(2) The words "board of commissioners," as used herein, shall mean the governing authority of any district as defined in subdivision (1) of this section. [1999 c 153 s 63; 1986 c 278 s 17; 1979 ex.s. c 30 s 10; 1941 c 87 s 1; Rem. Supp. 1941 s 8931-11.]

Part headings not law—1999 c 153: See note following RCW 57.04.050.

Severability—1986 c 278: See note following RCW 36.01.010.

Purpose—1941 c 87: "This act is intended to authorize the dissolution of all types of municipal corporations having governing bodies, other than those excepted from the application of this act, in cases where the occasion or reason for continued existence of such corporation has ceased, or where the best interests of all persons concerned would be served by such dissolution, and shall be liberally construed to effect such intent." [1941 c 87 s 12.]

Severability—1941 c 87: "If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable." [1941 c 87 s 11.]

RCW 53.48.020 Petition. For the purpose of dissolution of a district, a petition for an order of dissolution signed by the majority of the board of commissioners, or other governing authority of such district shall be presented to the superior court of the county in which the board of commissioners is situated. [1941 c 87 s 2; Rem. Supp. 1941 s 8931-12.]

RCW 53.48.030 Order for hearing—Notice. Upon the filing of such petition for an order of dissolution, the superior court shall enter an order setting the same for hearing at a date not less than thirty days from the date of filing, and the petitioner shall give notice of such hearing by publication in a newspaper of general circulation in the county in which the district is located once a week for three successive weeks, and by posting in three public places in the county in which the district is located at least twenty-one days before said hearing. At least one notice shall be posted in the district. The notices shall set forth the filing of the petition, its purpose and the date and place of the hearing thereon. [2016 c 93 s 6; 1941 c 87 s 3; Rem. Supp. 1941 s 8931-13.]

RCW 53.48.040 Order of dissolution—Sale of assets. After said hearing the court shall enter its order dissolving or refusing to dissolve said district. A finding that the best interests of all persons concerned will be served by the proposed dissolution shall be essential to an order of dissolution. If the court find that such district is solvent, the court shall order the sale of such assets, other than cash, by the sheriff of the county in which the board is

situated, in the manner provided by law for the sale of property on execution. [1941 c 87 s 4; Rem. Supp. 1941 s 8931-14.]

Execution: Chapter 6.17 RCW.

RCW 53.48.050 Payment of debts and costs—Balance to school district. The proceeds of the sale, together with moneys on hand in the treasury of the district, shall after payment of all costs and expenses, be paid to the treasurer of the same county and placed to the credit of the school district, or districts, in which such district is situated. [1941 c 87 s 5; Rem. Supp. 1941 s 8931-15.]

Port districts in counties with populations of from eight thousand to less than twelve thousand—Disposition of funds: Chapter 53.49 RCW.

RCW 53.48.060 Insolvency—Second hearing. Upon a finding of insolvency the court shall then determine the indebtedness of the district, the creditors thereof and their claims. The court shall then set a date and a place for a second hearing, which hearing shall be not less than sixty days nor more than one hundred twenty days from the hearing as provided in RCW 53.48.030.

The purpose of such hearing shall be to determine ways and means of retiring the established indebtedness of the district and paying all costs and expenses of proceedings hereunder. Such ways and means may include the levy of assessments against the property in the district as provided in RCW 53.48.080. [1941 c 87 s 6; Rem. Supp. 1941 s 8931-16.]

RCW 53.48.070 Notice of second hearing. The clerk shall give notice of the second hearing by publication in a newspaper of general circulation in the county in which the district is located once a week for three successive weeks, and by posting in three public places in the county in which the district is located at least twenty-one days before the hearing, and shall give such other notice to creditors and other interested parties as the court may deem necessary or advisable. At least one notice shall be posted in the district. The notices shall set forth the filing of the petition, its purpose, the finding of the court on the petition, the date and place of the second hearing and the purpose of the hearing as stated in RCW 53.48.060. [1941 c 87 s 7; Rem. Supp. 1941 s 8931-17.]

RCW 53.48.080 Sale of property—Levy to pay deficit. At the second hearing the court shall have authority to order the sale of any district property. If the proceeds of such sale together with any cash remaining on hand to the credit of the district are insufficient to retire such indebtedness together with all costs and expenses, the court shall have authority to order the board of commissioners to levy assessments in the manner provided by law against the property in the district in amounts sufficient to retire said indebtedness and pay the costs and expenses. At such hearing any property owner within the district may appear and be heard for or against such levy. [1941 c 87 s 8; Rem. Supp. 1941 s 8931-18.]

RCW 53.48.090 Order of dissolution or refusal. After the indebtedness of the district has been settled or paid, the court shall determine whether the best interests of all persons concerned will be served by the proposed dissolution and shall make a finding thereon. The court shall then enter its order dissolving or refusing to dissolve said district. [1941 c 87 s 9; Rem. Supp. 1941 s 8931-19.]

RCW 53.48.120 Provision for costs and expenses. In all proceedings brought under this chapter the court shall make provision for the costs and expenses of proceedings hereunder and for the payment of the same. [1941 c 87 s 10; Rem. Supp. 1941 s 8931-20.]

RCW 53.48.140 Dissolution of district which has no active commission—Powers of county commissioners. See RCW 53.46.060.