

Chapter 36.88 RCW
COUNTY ROAD IMPROVEMENT DISTRICTS

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RCW 36.88.010 Districts authorized—Purposes. All counties have the power to create county road improvement districts for the acquisition of rights-of-way and improvement of county roads, existing private roads that will become county roads as a result of this improvement district process and, with the approval of the state department of transportation, state highways; for the construction or improvement of necessary drainage facilities, bulkheads, retaining walls, and other appurtenances therefor, bridges, culverts, sidewalks, curbs and gutters, escalators, or moving sidewalks; and for the draining or filling of drainage potholes or swamps. Such counties have the power to levy and collect special assessments against the real property specially benefited thereby for the purpose of paying the whole or any part of the cost of such acquisition of rights-of-way, construction, or improvement. [1985 c 400 § 3; 1985 c 369 § 7; 1965 c 60 § 1; 1963 c 84 § 1; 1963 c 4 § 36.88.010. Prior: 1959 c 134 § 1; 1951 c 192 § 1.]

Reviser's note: This section was amended by 1985 c 369 § 7 and by 1985 c 400 § 3, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

County may fund improvements to state highways: RCW 36.75.035.

RCW 36.88.015 Additional purposes. All counties have the power to create county road improvement districts for the construction, installation, improvement, operation, and maintenance of street and road lighting systems for any county roads, and subject to the approval of the state department of transportation, for state highways, and for safeguards to protect the public from hazards of open canals, flumes, or ditches, and the counties have the power to levy and collect special assessments against the real property specially benefited thereby for the purpose of paying the whole or any part of the cost of the construction, installation, or improvement together with the expense of furnishing electric energy, maintenance, and operation. [1984 c 7 § 41; 1965 c 60 § 2; 1963 c 84 § 2; 1963 c 4 § 36.88.015. Prior: 1959 c 75 § 4; 1953 c 152 § 1.]

RCW 36.88.020 Formation of district—How initiated. County road improvement districts may be initiated either by resolution of the

board of county commissioners or by petition signed by the owners according to the records of the office of the county auditor of property to an aggregate amount of the majority of the lineal frontage upon the contemplated improvement and of the area within the limits of the county road improvement district to be created therefor. [1963 c 4 § 36.88.020. Prior: 1951 c 192 § 2.]

RCW 36.88.030 Formation of district—By resolution of intention—

Procedure. In case the board of county commissioners shall desire to initiate the formation of a county road improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed road improvement district and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, notifying the owners of property therein to appear at a meeting of the board at the time specified in such resolution, and directing the county road engineer to submit to the board at or prior to the date fixed for such hearing a diagram or print showing thereon the lots, tracts and parcels of land and other property which will be specially benefited thereby and the estimated amount of the cost and expense of such improvement to be borne by each lot, tract or parcel of land or other property, and also designating thereon all property which is being purchased under contract from the county. The resolution of intention shall be published in at least two consecutive issues of a newspaper of general circulation in such county, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of county commissioners.

Notice of the adoption of the resolution of intention shall be given each owner or reputed owner of any lot, tract or parcel of land or other property within the proposed improvement district by mailing said notice to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at the address shown thereon at least fifteen days before the date fixed for the public hearing. The notice shall refer to the resolution of intention and designate the proposed improvement district by number. Said notice shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract or parcel, the date and place of the hearing before the board of county commissioners, and shall contain the directions hereinafter provided for voting upon the formation of the proposed improvement district.

The clerk of the board shall prepare and mail, together with the notice above referred to, a ballot for each owner or reputed owner of any lot, tract or parcel of land within the proposed improvement district. This ballot shall contain the following proposition:

"Shall county road improvement
district No. be formed?
Yes.....
No.....

and, in addition, shall contain appropriate spaces for the signatures of the property owners, and a description of their property, and shall

have printed thereon the direction that all ballots must be signed to be valid and must be returned to the clerk of the board of county commissioners not later than five o'clock p.m. of a day which shall be one week after the date of the public hearing.

The notice of adoption of the resolution of intention shall also contain the above directions, and, in addition thereto, shall state the rules by which the election shall be governed. [1970 ex.s. c 66 § 2; 1963 c 84 § 3; 1963 c 4 § 36.88.030. Prior: 1951 c 192 § 3.]

RCW 36.88.035 Notice must contain statement that assessments may vary from estimates. Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a county road improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property. [1989 c 243 § 5.]

RCW 36.88.040 Formation of district—By resolution of intention—Election—Rules. The election provided herein for cases where the improvement is initiated by resolution shall be governed by the following rules: (1) All ballots must be signed by the owner or reputed owner of property within the proposed district according to the records of the county auditor; (2) each ballot must be returned to the clerk of the board not later than one week after the public hearing; (3) each property owner shall have one vote for each full dollar of estimated assessment against his or her property as determined by the preliminary estimates and assessment roll; (4) the valid ballots shall be tabulated and a majority of the votes cast shall determine whether the formation of the district shall be approved or rejected. [2009 c 549 § 4140; 1963 c 4 § 36.88.040. Prior: 1951 c 192 § 4.]

RCW 36.88.050 Formation of district—By petition—Procedure. In case any such road improvement shall be initiated by petition, such petition shall set forth the nature and territorial extent of such proposed improvement, and the fact that the signers thereof are the owners, according to the records of the county auditor of property to an aggregate amount of a majority of the lineal frontage upon the improvement to be made and of the area within the limits of the assessment district to be created therefor.

Upon the filing of such petition the board shall determine whether the same shall be sufficient and whether the property within the proposed district shall be sufficiently developed and if the board shall find the district to be sufficiently developed and the petition to be sufficient, it shall proceed to adopt a resolution setting forth the nature and territorial extent of the improvement petitioned for, designating the number of the proposed improvement district and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, notifying the owners of property therein to appear at a meeting of the board at the time specified in such resolution, and directing the county road engineer to submit to the board at or prior to the date fixed for such

hearing a diagram or print showing thereon the lots, tracts and parcels of land and other property which will be specially benefited thereby and the estimated amount of the cost and expense of such improvement to be borne by each lot, tract or parcel of land or other property, and also designating thereon all property which is being purchased under contract from the county. The resolution of intention shall be published in at least two consecutive issues of a newspaper of general circulation in such county, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of county commissioners.

Notice of the adoption of the resolution of intention shall be given each owner or reputed owner of any lot, tract or parcel of land or other property within the proposed improvement district by mailing said notice to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at the address shown thereon at least fifteen days before the date fixed for the public hearing. The notice shall refer to the resolution of intention and designate the proposed improvement district by number. Said notice shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract or parcel, the date and place of the hearing before the board of county commissioners, and the fact that property owners may withdraw their names from the petition or add their names thereto at any time prior to five o'clock p.m. of the day before the hearing. [1963 c 4 § 36.88.050. Prior: 1951 c 192 § 5.]

RCW 36.88.060 Formation of district—Hearing—Resolution creating district. Whether the improvement is initiated by petition or resolution the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing, the board may make such changes in the boundaries of the district or such modifications in the plans for the proposed improvement as shall be deemed necessary: PROVIDED, That the board may neither so alter the improvement as to increase the estimated cost by an amount greater than ten percent above that stated in the notice, nor increase the proportionate share of the cost to be borne by assessments from the proportion stated in the notice, nor change the boundaries of the district to include property not previously included therein without first passing a new resolution of intention and giving a new notice to property owners, in the manner and form and within the time herein provided for the original notice.

At said hearing, the board shall select the method of assessment, ascertain whether the plan of improvement or construction is feasible and whether the benefits to be derived therefrom by the property within the proposed district, together with the amount of any county road fund participation, exceed the costs and expense of the formation of the proposed district and the contemplated construction or improvement and shall make a written finding thereon. In case the proceedings have been initiated by petition, the board shall find whether the petition including all additions thereto or withdrawals therefrom made prior to five o'clock p.m. of the day before the hearing is sufficient within the boundaries of the district so established at said hearing by the board. If said petition shall be found insufficient the board shall by resolution declare the

proceedings terminated. In case the proceedings have been initiated by resolution if the board shall find the improvement to be feasible, it shall continue the hearing until a day not more than fifteen days after the date for returning ballots for the purpose of determining the results of said balloting.

After the hearing the board may proceed to adopt a resolution creating the district and ordering the improvement. Such resolution shall establish such district as the ". county road improvement district No." Such resolution shall describe the nature and territorial extent of the improvement to be made and the boundaries of the improvement district, shall describe the method of assessment to be used, shall declare the estimated cost and the proportion thereof to be borne by assessments, and shall contain a finding as to the result of the balloting by property owners in case the improvement shall have been initiated by resolution.

Upon the adoption of the resolution establishing the district, the board shall have jurisdiction to proceed with the improvement. The board's findings on the sufficiency of petitions or on the results of the balloting shall be conclusive upon all persons. [1963 c 84 § 4; 1963 c 4 § 36.88.060. Prior: 1951 c 192 § 6.]

RCW 36.88.062 Formation of district—Committee or hearing officer may conduct hearings—Report to legislative authority. In lieu of the county legislative authority holding the hearing under RCW 36.88.060 to create the road improvement district, the county legislative authority may adopt an ordinance providing for a committee of the county legislative authority or an officer to conduct the hearings. The committee or hearing officer shall report recommendations on the resolution to the full county legislative authority for final action, which need not hold a hearing on the proposed assessment role and shall either adopt or reject the recommendations. [1994 c 71 § 3.]

RCW 36.88.065 Formation of district—Alternative method. If the county legislative authority desires to initiate the formation of a county road improvement district by resolution, it may elect to follow either the procedure set forth in chapter 35.43 RCW or the procedure set forth in RCW 36.88.030, and shall indicate the procedure selected in the resolution of intention. [1985 c 369 § 10.]

RCW 36.88.070 Diagram only preliminary determination. The diagram or print herein directed to be submitted to the board shall be in the nature of a preliminary determination upon the method, and estimated amounts, of assessments to be levied upon the property specially benefited by such improvement and shall in no case be construed as being binding or conclusive as to the amount of any assessments which may ultimately be levied. [1963 c 4 § 36.88.070. Prior: 1951 c 192 § 7.]

RCW 36.88.072 Waivers of protest—Recording—Limits on enforceability. If an owner of property enters into an agreement with a county waiving the property owner's right under RCW 36.88.030,

36.88.040, 36.88.050, 36.88.060, and 36.88.065 to protest formation of a road improvement district, the agreement must specify the improvements to be financed by the district and shall set forth the effective term of the agreement, which shall not exceed ten years. The agreement must be recorded with the auditor of the county in which the property is located. It is against public policy and void for an owner, by agreement, as a condition imposed in connection with proposed property development, or otherwise, to waive rights to object to the property owner's individual assessment (including the determination of special benefits allocable to the property), or to appeal to the superior court the decision of the county council affirming the final assessment roll. [1988 c 179 § 12.]

Severability—Prospective application—Section captions—1988 c 179: See RCW 39.92.900 and 39.92.901.

RCW 36.88.074 Preformation expenditures. The county engineer or other designated official may contract with owners of real property to provide for payment by the owners of the cost of the preparation of engineering plans, surveys, studies, appraisals, legal services, and other expenses associated with improvements to be financed in whole or in part by a local improvement district (not including the cost of actual construction of such improvements), that the owners elect to undertake. The contract may provide for reimbursement to the owner of such costs from the proceeds of bonds issued by the district after formation of a district under this chapter, from assessments paid to the district as appropriate, or by a credit in the amount of such costs against future assessments assessed against such property. Such reimbursement shall be made to the owner of the property at the time of reimbursement. The contract shall also provide that such costs shall not be reimbursed to the owner if a district to construct the specified improvements (as the project may be amended) is not formed within six years of the date of the contract. The contract shall provide that any preformation work shall be conducted only under the direction of the county engineer or other appropriate county authority. [1988 c 179 § 13.]

Severability—Prospective application—Section captions—1988 c 179: See RCW 39.92.900 and 39.92.901.

RCW 36.88.076 Credits for other assessments. A county ordering a road improvement upon which special assessments on property specifically benefited by the improvements are levied and collected, may provide as part of the ordinance creating the road improvement district that moneys paid or the cost of facilities constructed by a property owner in the district in satisfaction of obligations under chapter 39.92 RCW, shall be credited against assessments due from the owner of such property at the time the credit is made, if those moneys paid or facilities constructed directly defray the cost of the specified improvements under the district and if credit for such amounts is reflected in the final assessment roll confirmed for the district. [1988 c 179 § 14.]

Severability—Prospective application—Section captions—1988 c 179: See RCW 39.92.900 and 39.92.901.

RCW 36.88.078 Assessment reimbursement accounts. A county ordering a road improvement upon which special assessments on property specifically benefited by the improvement are levied and collected, may provide as part of the ordinance creating the road improvement district that the payment of an assessment levied for the district on underdeveloped properties may be made by owners of other properties within the district if they so elect, subject to terms of reimbursement set forth in the ordinance. The terms for reimbursement shall require the owners of underdeveloped properties on whose behalf payments of assessments have been made to reimburse all such assessment payments to the party who made them when those properties are developed or redeveloped, together with interest at a rate specified in the ordinance. The ordinance may provide that reimbursement shall be made on a one-time, lump sum basis, or may provide that reimbursement shall be made over a period not to exceed five years. The ordinance may provide that reimbursement shall be made no later than the time of dissolution of the district, or may provide that no reimbursement is due if the underdeveloped properties are not developed or redeveloped before the dissolution of the district. Reimbursement amounts due from underdeveloped properties under this section are liens upon the underdeveloped properties in the same manner and with like effect as assessments made under this chapter. For the purposes of this section, "underdeveloped properties" may include those properties that, in the discretion of the county legislative authority, (1) are undeveloped or are not developed to their highest and best use, and (2) are likely to be developed or redeveloped before the dissolution of the district. [1988 c 179 § 15.]

Severability—Prospective application—Section captions—1988 c 179: See RCW 39.92.900 and 39.92.901.

RCW 36.88.080 Property included in district—Method of assessment—Assessment limited by benefit. Every resolution ordering any improvement mentioned in this chapter, payment for which shall be in whole or in part by special assessments shall establish a road improvement district which shall embrace as near as may be all the property specially benefited by such improvement and the board shall apply thereto such method of assessment as shall be deemed most practical and equitable under the conditions prevailing: PROVIDED, That no assessment as determined by the board of commissioners shall be levied which shall be greater than the special benefits derived from the improvements. [1963 c 84 § 5; 1963 c 4 § 36.88.080. Prior: 1951 c 192 § 8.]

RCW 36.88.085 Exemption of farm and agricultural land from special benefit assessments. See RCW 84.34.300 through 84.34.380 and 84.34.922.

RCW 36.88.090 Assessment roll—Hearing—Notice—Objections—New hearing. Whenever the assessment roll for any county road improvement district has been prepared, such roll shall be filed with the clerk of the county legislative authority. The county legislative authority shall thereupon by resolution set the date for hearing upon such roll before a board of equalization and direct the clerk to give notice of such hearing and the time and place thereof.

Such notice shall specify such time and place of hearing on such roll and shall notify all persons who may desire to object thereto to make such objection in writing and to file the same with the clerk of the county legislative authority at or prior to the date fixed for such hearing; and that at the time and place fixed and at such other times as the hearing may be continued to, the county legislative authority will sit as a board of equalization for the purpose of considering such roll and at such hearing will consider such objections made thereto, or any part thereof, and will correct, revise, raise, lower, change, or modify such roll or any part thereof, or set aside such roll in order that such assessment be made de novo as to such body shall appear just and equitable and then proceed to confirm the same by resolution.

Notice of the time and place of hearing under such assessment roll shall be given to the owner or reputed owner of the property whose name appears thereon, by mailing a notice thereof at least fifteen days before the date fixed for the hearing to such owner or reputed owner at the address of such owner as shown on the tax rolls of the county treasurer; and in addition thereto such notice shall be published at least two times in a newspaper of general circulation in the county. At least fifteen days must elapse between the date of the first publication of the notice and the date fixed for such hearing. However, mosquito control districts are only required to give notice by publication.

The board of equalization, at the time fixed for hearing objections to the confirmation of the roll, or at such time or times as the hearing may be adjourned to, has power to correct, revise, raise, lower, change, or modify the roll or any part thereof, and to set aside the roll in order that the assessment be made de novo as to the board appears equitable and just, and then shall confirm the same by resolution. All objections shall be in writing and filed with the board and shall state clearly the grounds objected to, and objections not made within the time and in the manner described in this section shall be conclusively presumed to have been waived.

Whenever any such roll is amended so as to raise any assessments appearing thereon, or to include property subject to assessment which has been omitted from the assessment roll for any reason, a new hearing, and a new notice of hearing upon such roll, as amended, shall be given as in the case of an original hearing. At the conclusion of such hearing the board may confirm the same or any portion thereof by resolution and certify the same to the treasurer for collection. Whenever any property has been entered originally on such roll, and the assessment upon such property shall not be raised, no objections to it may be considered by the board or by any court on appeal, unless such objections are made in writing at or prior to the date fixed for the original hearing upon such roll. [1985 c 369 § 8; 1972 ex.s. c 62 § 1; 1963 c 4 § 36.88.090. Prior: 1951 c 192 § 9.]

RCW 36.88.095 Assessment roll—Committee or officer may conduct hearing—Recommendations to legislative authority—Appeals. In lieu of the county legislative authority holding the hearing on assessment roll under RCW 36.88.090 as the board of equalization, the county legislative authority may adopt an ordinance providing for a committee of the county legislative authority or an officer to conduct the hearing on the assessment roll as the board of equalization.

A committee or an officer that sits as a board of adjustment [equalization] shall conduct a hearing on the proposed assessment roll and shall make recommendations to the full county legislative authority, which need not hold a hearing on the proposed assessment roll and shall either adopt or reject the recommendations. The ordinance shall provide for an appeal procedure by which a property owner may protest his or her assessment that is proposed by the committee or officer to the full county legislative authority and the full county legislative authority may reject or accept any appealed protested assessment and if accepted shall modify the assessment roll accordingly. [1994 c 71 § 4.]

RCW 36.88.100 Appeal—Reassessment. The decision of the board upon any objections made within the time and in the manner herein prescribed may be reviewed by the superior court upon an appeal taken thereto in the manner provided for taking appeals from objections in local improvement districts of cities and towns.

The board shall have the same powers of reassessment and shall proceed to make such reassessments in the same manner and subject to the same limitations as are provided by law for the making of reassessments in local improvement districts of cities and towns. [1963 c 4 § 36.88.100. Prior: 1951 c 192 § 10.]

RCW 36.88.110 Assessment roll—Conclusive. Whenever any assessment roll for construction or improvements shall have been confirmed by the board, as provided in this chapter, the regularity, validity and correctness of the proceedings relating to such construction or improvement and to the assessment therefor, including the action of the board on such assessment roll and the confirmation thereof, shall be conclusive in all things upon all parties and cannot in any manner be contested or questioned in any proceeding whatsoever by any person not filing written objection to such roll in the manner and within the time provided in this chapter, and not appealing from the action of the board in confirming such assessment roll in the manner and within the time provided in this chapter. No proceedings of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any such assessment or for the sale of any property to pay such assessment or any certificate of delinquency issued therefor or the foreclosure of any lien issued therefor, but this section shall not be construed as prohibiting the bringing of injunction proceedings to prevent the sale of any real estate upon the grounds that the property about to be sold does not appear upon the assessment roll, or that the assessment has been paid. [1963 c 4 § 36.88.110. Prior: 1951 c 192 § 11.]

RCW 36.88.120 Assessment is lien on property—Superiority. The charge on the respective lots, tracts, parcels of land and other property for the purpose of special assessment to pay the cost and expense in whole or in part of any construction or improvement authorized in this chapter, when assessed, and the assessment roll confirmed by the board shall be a lien upon the property assessed from the time said assessment rolls shall be placed in the hands of the county treasurer for collection. Said liens shall be paramount and superior to any other lien or encumbrance whatsoever, theretofore or thereafter created, except a lien for general taxes. [1963 c 4 § 36.88.120. Prior: 1951 c 192 § 12.]

RCW 36.88.130 County treasurer—Duties. The county treasurer is hereby designated as the treasurer of all county road improvement districts created hereunder, and shall collect all road improvement district assessments, and the duties and responsibilities herein imposed upon him or her shall be among the duties and responsibilities of his or her office for which his or her bond is given as county treasurer. [2009 c 549 § 4141; 1963 c 4 § 36.88.130. Prior: 1951 c 192 § 13.]

RCW 36.88.140 Payment of assessment—Delinquent assessments—Penalties—Lien foreclosure. The county legislative authority shall prescribe by resolution within what time such assessment or installments thereof shall be paid, and shall provide for the payment and collection of interest and the rate of interest to be charged on that portion of any assessment which remains unpaid over thirty days after such date. Assessments or installments thereof which are delinquent, shall bear, in addition to such interest, such penalty not less than five percent as shall be prescribed by resolution. Interest and penalty shall be included in and shall be a part of the assessment lien. All liens acquired by the county hereunder shall be foreclosed by the appropriate county officers in the same manner and subject to the same rights of redemption provided by law for the foreclosure of liens held by cities or towns against property in local improvement districts. [1981 c 156 § 11; 1970 ex.s. c 66 § 3; 1963 c 4 § 36.88.140. Prior: 1951 c 192 § 14.]

RCW 36.88.145 Property donations—Credit against assessments. The county legislative authority may give credit for all or any portion of any property donation against an assessment, charge, or other required financial contribution for transportation improvements within a county road improvement district. The credit granted is available against any assessment, charge, or other required financial contribution for any transportation purpose that uses the donated property. [1987 c 267 § 11.]

Right-of-way donations: Chapter 47.14 RCW.

RCW 36.88.150 Payment of assessment—Record of. Whenever before the sale of any property the amount of any assessment thereon, with interest, penalty, costs and charges accrued thereon, shall be paid to

the treasurer, he or she shall thereon mark the same paid with the date of payment thereof on the assessment roll. [2009 c 549 § 4142; 1963 c 4 § 36.88.150. Prior: 1951 c 192 § 15.]

RCW 36.88.160 District fund—Purposes—Bond redemptions. All moneys collected by the treasurer upon any assessments under this chapter shall be kept as a separate fund to be known as "., county road improvement district No. fund." Such funds shall be used for no other purpose than the payment of costs and expense of construction and improvement in such district and the payment of interest or principal of warrants and bonds drawn or issued upon or against said fund for said purposes. Whenever after payment of the costs and expenses of the improvement there shall be available in the local improvement district fund a sum, over and above the amount necessary to meet the interest payments next accruing on outstanding bonds, sufficient to retire one or more outstanding bonds the treasurer shall forthwith call such bond or bonds for redemption as determined in the bond authorizing ordinance. [2003 c 139 § 3; 1963 c 4 § 36.88.160. Prior: 1951 c 192 § 16.]

Effective date—2003 c 139: See note following RCW 35.45.180.

RCW 36.88.170 Foreclosed property—Held in trust for district. Whenever any property shall be bid in by any county or be stricken off to any county under and by virtue of any proceeding for enforcement of the assessment provided in this chapter said property shall be held in trust by said county for the fund of the improvement district for the creation of which fund said assessment was levied and for the collection of which assessment said property was sold: PROVIDED, Such county may at any time after the procuring of a deed pay in to such fund the amount of the delinquent assessment for which said property was sold and all accrued interest and interest to the time of the next call for bonds or warrants issued against such assessment fund at the rate provided thereon, and thereupon shall take and hold said property discharged of such trust: PROVIDED FURTHER, That property deeded to any county and which shall become a part of the trust being exercised by the said county for the benefit of any local improvement district fund of the said county, shall be exempt from taxation for general, state, county and municipal purposes during the period that it is so held. [1963 c 4 § 36.88.170. Prior: 1951 c 192 § 17.]

RCW 36.88.180 Foreclosed property—Sale or lease—Disposition of proceeds. Any county may at any time after a deed is issued to it under and by virtue of any proceeding mentioned in this chapter, lease or sell or convey any such property at public or private sale for such price and on such terms as may be determined by resolution of the board, and all proceeds resulting from such sale shall ratably belong to and be paid into the fund of the county road improvement district or districts concerned after first reimbursing any fund or funds having advanced any money on account of said property. [1963 c 4 § 36.88.180. Prior: 1951 c 192 § 18.]

RCW 36.88.190 Improvement bonds, warrants authorized. (1) The county legislative authority may provide for the payment of the whole or any portion of the cost and expense of any duly authorized road improvement by bonds and/or warrants of the improvement district which bonds shall be issued and sold as herein provided, but no bonds shall be issued in excess of the cost and expense of the project nor shall they be issued prior to twenty days after the thirty days allowed for the payment of assessments without penalty or interest.

(2) Notwithstanding subsection (1) of this section, such bonds and warrants may be issued and sold in accordance with chapter 39.46 RCW. [1983 c 167 § 93; 1963 c 4 § 36.88.190. Prior: 1951 c 192 § 19.]

Liberal construction—Severability—1983 c 167: See RCW 39.46.010 and note following.

RCW 36.88.200 Improvement bonds—Form, contents, execution. (1) Such bonds shall be numbered from one upwards consecutively, shall be in such denominations as may be provided by the county legislative authority in the resolution authorizing their issuance, shall mature on or before a date not to exceed twenty-two years from and after their date, shall bear interest at such rate or rates as authorized by the legislative authority payable annually or semiannually as may be provided by the legislative authority, shall be signed by the chair of the legislative authority and attested by the county auditor, shall have the seal of the county affixed thereto, and shall be payable at the office of the county treasurer or elsewhere as may be designated by the legislative authority. Such bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030. In lieu of any signatures required in this section, the bonds and any coupons may bear the printed or engraved facsimile signatures of said officials.

Such bonds shall refer to the improvement for which they are issued and to the resolution creating the road improvement district therefor.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW. [2009 c 549 § 4143; 1983 c 167 § 94; 1980 c 100 § 5; 1970 ex.s. c 56 § 55; 1969 ex.s. c 232 § 73; 1963 c 4 § 36.88.200. Prior: 1951 c 192 § 20.]

Liberal construction—Severability—1983 c 167: See RCW 39.46.010 and note following.

Purpose—1970 ex.s. c 56: See note following RCW 39.52.020.

Validation—Saving—Severability—1969 ex.s. c 232: See notes following RCW 39.52.020.

RCW 36.88.210 Improvement bonds—Issuance—Sale—Deposit of proceeds. (1) The bonds issued under the provisions of this chapter may be issued to the contractor or sold by the county legislative authority as authorized by the resolution directing their issuance at not less than their par value and accrued interest to the date of delivery. No bonds shall be sold except at public sale upon competitive bids and a notice calling for bids shall be published once

a week for two consecutive weeks in the official newspaper of the county. Such notice shall specify a place and designate a day and hour subsequent to the date of last publication thereof when sealed bids will be received and publicly opened for the purchase of said bonds. The proceeds of all sales of bonds shall be deposited in the county road improvement district fund and applied to the cost and expense of the district.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter 39.46 RCW. [1983 c 167 § 95; 1963 c 4 § 36.88.210. Prior: 1951 c 192 § 21.]

Liberal construction—Severability—1983 c 167: See RCW 39.46.010 and note following.

RCW 36.88.220 Improvement bonds—Guaranty fund. All counties may establish a fund for the purpose of guaranteeing to the extent of such fund and in the manner hereinafter provided, the payment of its road improvement district bonds and warrants issued to pay for any road improvement ordered under this chapter. If the county legislative authority shall determine to establish such fund it shall be designated ". . . . county road improvement guaranty fund" and from moneys available for road purposes such county shall deposit annually in said guaranty fund such sums as may be necessary to establish and maintain a balance therein equal to at least five percent of the outstanding obligations guaranteed thereby and to make necessary provision in its annual budget therefor. The moneys held in the guaranty fund may be invested in accordance with the laws relating to county investments. [1997 c 393 § 7; 1967 ex.s. c 145 § 63; 1963 c 4 § 36.88.220. Prior: 1959 c 134 § 2; 1951 c 192 § 22.]

RCW 36.88.230 Improvement bonds—Guaranty fund in certain counties—Operation. Whenever there shall be paid out of a guaranty fund any sum on account of principal or interest of a road improvement district bond or warrant, the county, as trustee for the fund, shall be subrogated to all the rights of the owner of the bond or any interest coupon or warrant so paid, and the proceeds thereof, or of the assessment underlying the same, shall become part of the guaranty fund. There shall also be paid into each guaranty fund the interest received from investment of the fund, as well as any surplus remaining in any local improvement fund guaranteed hereunder after the payment of all outstanding bonds or warrants payable primarily out of such road improvement fund. Warrants drawing interest at a rate or rates not to exceed the rate determined by the county legislative authority shall be issued, as other warrants are issued by the county, against a guaranty fund to meet any liability accruing against it, and at the time of making its annual budget and tax levy the county shall provide from funds available for road purposes for the deposit in the guaranty fund of a sum sufficient with other resources of such fund to pay warrants so issued during the preceding fiscal year. As among the several issues of bonds or warrants guaranteed by the fund no preference shall exist, but defaulted bonds, interest payments, and warrants shall be purchased out of the fund in the order of their presentation.

Every county establishing a guaranty fund for road improvement district bonds or warrants shall prescribe by resolution appropriate rules and regulations for the maintenance and operation of the guaranty fund not inconsistent herewith. So much of the money of a guaranty fund as is necessary may be used to purchase underlying bonds or warrants guaranteed by the fund, or to purchase certificates of delinquency for general taxes on property subject to local improvement assessments, or to purchase such property at tax foreclosures, for the purpose of protecting the guaranty fund. Said fund shall be subrogated to the rights of the county, and the county, acting on behalf of said fund, may foreclose the lien of general tax certificates of delinquency and purchase the property at the foreclosure sale for the account of said fund. Whenever the legislative authority of any county shall so cause a lien of general tax certificates of delinquency to be foreclosed and the property to be so purchased at a foreclosure sale, the court costs and costs of publication and expenses for clerical work and/or other expense incidental thereto, shall be chargeable to and payable from the guaranty fund. After so acquiring title to real property, a county may lease or sell and convey the same at public or private sale for such price and on such terms as may be determined by resolution of the county legislative body, and all proceeds resulting from such sales shall belong to and be paid into the guaranty fund. [1997 c 393 § 8; 1983 c 167 § 96; 1981 c 156 § 12; 1963 c 4 § 36.88.230. Prior: 1951 c 192 § 23.]

Liberal construction—Severability—1983 c 167: See RCW 39.46.010 and note following.

RCW 36.88.235 Improvement bonds—Guaranty fund assets may be transferred to county general fund—When. (1) Any county maintaining a local improvement guaranty fund under this chapter, upon certification by the county treasurer that the local improvement guaranty fund has sufficient funds currently on hand to meet all valid outstanding obligations of the fund and all other obligations of the fund reasonably expected to be incurred in the near future, may by ordinance transfer assets from such fund to its general fund. The net cash of the local improvement guaranty fund may be reduced by such transfer to an amount not less than five percent of the net outstanding obligations guaranteed by such fund.

(2) If, at any time within five years of any transfer of assets from the local improvement guaranty fund to the general fund of the county, the net cash of the local improvement guaranty fund is reduced below the minimum amount specified in subsection (1) of this section, the county shall, to the extent of the amount transferred, pay valid claims against the local improvement guaranty fund as a general obligation of the county. In addition, such county shall pay all reasonable costs of collection necessarily incurred by the holders of valid claims against the local improvement guaranty fund. [1991 c 245 § 12.]

RCW 36.88.240 Improvement bonds—Repayment restricted to special funds—Remedies of bond owner—Notice of restrictions. The owner of any bond or warrant issued under the provisions of this chapter shall not have any claim therefor against the county by which the same is

issued, except for payment from the special assessments made for the improvement for which said bond or warrant was issued and except as against the improvement guaranty fund of such county, and the county shall not be liable to any owner of such bond or warrant for any loss to the guaranty fund occurring in the lawful operation thereof by the county. The remedy of the owner of a bond, or warrant in case of nonpayment, shall be confined to the enforcement of any assessments made in such road improvement district and to the guaranty fund. In case the bonds are guaranteed in accordance herewith a copy of the foregoing part of this section shall be plainly written, printed or engraved on each bond issued and guaranteed hereunder. [1983 c 167 § 97; 1963 c 4 § 36.88.240. Prior: 1951 c 192 § 24.]

Liberal construction—Severability—1983 c 167: See RCW 39.46.010 and note following.

RCW 36.88.250 Improvement bonds—Remedies of bond owners—Enforcement. If the board fails to cause any bonds to be paid when due or to promptly collect any assessments when due, the owner of any of the bonds may proceed in his or her own name to collect the assessments and foreclose the lien thereof in any court of competent jurisdiction and shall recover in addition to the amount of the bonds outstanding in his or her name, interest thereon at five percent per annum, together with the costs of suit, including a reasonable attorney's fee to be fixed by the court. Any number of owners of bonds for any single project may join as plaintiffs and any number of the owners of property upon which the assessments are liens may be joined as defendants in the same suit. [2009 c 549 § 4144; 1963 c 4 § 36.88.250. Prior: 1951 c 192 § 25.]

RCW 36.88.260 Assessment where bonds issued—Payment in installments. In all cases where the board shall issue bonds to pay the cost and expense of any county road improvement district and shall provide that the whole or any part of the cost and expense shall be assessed against the lots, tracts, parcels of land, and other property therein, the resolution levying such assessment shall provide that the sum charged thereby against each lot, tract, or parcel of land or any portion of said sum may be paid during the thirty day period provided for in RCW 36.88.270 and that thereafter the sum remaining unpaid may be paid in equal annual installments, the number of which installments shall be less by two than the number of years which the bonds issued to pay for the improvement may run. Interest upon all unpaid installments shall be charged at a rate fixed by said resolution. Each year such installments together with interest due thereon shall be collected in the manner provided in the resolution for the collection of the assessments. [1963 c 4 § 36.88.260. Prior: 1951 c 192 § 26.]

RCW 36.88.270 Assessment where bonds issued—Payment in cash—Notice of assessment. The owner of any lot, tract, or parcel of land, or other property charged with any such assessments may redeem the same from all or any portion of the liability for the cost and expense of such improvement by paying the entire assessment or any portion thereof charged against such lot, tract, or parcel of land without

interest within thirty days after notice to him or her of such assessment, which notice shall be given as follows: The county treasurer shall, as soon as the assessment roll has been placed in his or her hands for collection, publish a notice for two consecutive daily or weekly issues in the official newspaper of the county in which the district is located, which notice shall state that the assessment roll is in his or her hands for collection and that any assessment thereon or any portion of such assessment may be paid at any time within thirty days from the date of the first publication of said notice without penalty interest or costs. [2009 c 549 § 4145; 1963 c 4 § 36.88.270. Prior: 1951 c 192 § 27.]

RCW 36.88.280 Assessment where bonds issued—Payment in cash during installment period—Duties of county treasurer—Use of funds. The owners of any lot, tract, or parcel of land may save the same from all liability for the unpaid amount of the assessment, at any time after the thirty-day period herein provided for their payment without interest, by paying the entire amount or all installments on said assessment together with all interest due to the date of maturity of any installment next falling due. All such payments shall be made to the county treasurer whose duty it shall be to collect all assessments under this chapter and all sums so paid or collected shall be applied solely to the payment of the cost and expense of the district and payment of principal and/or interest of any bonds issued. [1963 c 4 § 36.88.280. Prior: 1951 c 192 § 28.]

RCW 36.88.290 Limitation of actions. An action to collect any special assessment or installment thereof for road improvements, or to enforce the lien of any such assessment or installment, whether such action be brought by the county or by the holder of any certificate of delinquency, or by any other person having the right to bring such action, shall be commenced within ten years after such assessment shall have become delinquent or within ten years after the last installment of any such assessment shall have become delinquent, when said special assessment is payable in installments.

Actions to set aside or cancel any deed issued after midnight, June 6, 1951, upon the sale of property for road improvement assessments, or for the recovery of property sold for delinquent road improvement assessments must be brought within three years from and after date of the issuance of such deed. [1963 c 4 § 36.88.290. Prior: 1951 c 192 § 29.]

RCW 36.88.295 Refunding bonds—Limitations. The legislative authority of any county may issue and sell bonds to refund outstanding road improvement district or consolidated road improvement district bonds issued after June 7, 1984, on the earliest date such outstanding bonds may be redeemed following the date of issuance of such refunding bonds. Such refunding shall be subject to the following:

(1) The refunding shall result in a net interest cost savings after paying the costs and expenses of the refunding, and the principal amount of the refunding bonds may not exceed the principal balance of the assessment roll or rolls pledged to pay the bonds being refunded at the time of the refunding.

(2) The refunding bonds shall be paid from the same local improvement fund or bond redemption fund as the bonds being refunded.

(3) The costs and expenses of the refunding shall be paid from the proceeds of the refunding bonds, or the same road improvement district fund or bond redemption fund for the bonds being refunded, except the county may advance such costs and expenses to such fund pending the receipt of assessment payments available to reimburse such advances.

(4) The last maturity of refunding bonds shall be no later than one year after the last maturity of bonds being refunded.

(5) The refunding bonds may be exchanged for the bonds being refunded or may be sold in the same manner permitted at the time of sale for road improvement district bonds.

(6) All other provisions of law applicable to the refunded bonds shall apply to the refunding bonds. [1984 c 186 § 67.]

Purpose—1984 c 186: See note following RCW 39.46.110.

RCW 36.88.300 District costs and expenses—What to include.

Whenever any district is organized hereunder, there shall be included in the cost and expense thereof: (1) The cost of all of the construction or improvement authorized in the district, including that portion of the construction or improvement within the limits of any street or road intersection, space or spaces; (2) the estimated costs and expenses of all engineering and surveying necessary to be done by the county engineer or under his or her direction or by such other engineer as may be employed by the county commissioners; (3) the cost of all advertising, mailing, and publishing of all notices; (4) the cost of legal services and any other expenses incurred by the county for the district or in the formation thereof, or by the district in connection with such construction or improvement and in the financing thereof, including the issuance of any bonds. [2009 c 549 § 4146; 1963 c 4 § 36.88.300. Prior: 1951 c 192 § 30.]

RCW 36.88.305 District costs and expenses—Credit or reduction of assessments. At its option, a county may include the value of right-of-way or property that is donated or given to the county for purposes of an improvement to be financed by a road improvement district, together with the costs of acquiring other rights-of-way or property for the improvement that was not donated or given to the county, in the costs of the improvement and credit or reduce the assessments imposed on benefited property for the value of the right-of-way or property that the owner of the benefited property donated or gave to the county for the improvement. [1991 c 363 § 90.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

RCW 36.88.310 Acquisition of property—Eminent domain. All land, premises or property necessary for right-of-way or other purposes in the construction or improvement of any county road, including bridges, sidewalks, curbs and gutters and the drainage facilities therefor, under this chapter may be acquired by the county

acting through its board of county commissioners, either by gift, purchase or by condemnation. In the event of any exercise of the power of eminent domain, the procedure shall be the same as is provided by law for the securing of right-of-way for county roads. The title to all property acquired for any construction or improvement under this chapter shall be taken in the name of the county. The county commissioners in any eminent domain action brought to secure any property for construction or improvement under this chapter may pay any final judgment entered in such action with county road funds and take possession of the particular property condemned. In the event of any such payment the county commissioners may require that the county road fund be reimbursed out of the particular county road improvement fund of the district for which the property was acquired. [1963 c 4 § 36.88.310. Prior: 1951 c 192 § 31.]

RCW 36.88.320 Construction or improvement—Supervision—Contracts—Standards. All construction or improvement performed under this chapter shall be under the direction of the board of county commissioners, acting by and through the county road engineer, or such other engineer as the board of county commissioners shall designate. Contracts let and/or work performed upon all construction or improvement hereunder shall be in accordance with the laws pertaining to work upon county roads. The construction and improvement standards of the respective counties for engineering and performance of work, shall apply to all construction or improvement under this chapter. [1963 c 4 § 36.88.320. Prior: 1951 c 192 § 32.]

RCW 36.88.330 Warrants—Issuance—Priority—Acceptance. The board may provide by resolution for the issuance of warrants in payment of the costs and expenses of any project, payable out of the county road improvement fund. The warrants shall be redeemed either in cash or by bonds for the same project authorized by the resolution. All warrants issued against any such improvement fund shall be claims and liens against said fund prior and superior to any right, lien or claim of any surety upon the bond given to the county by or for the contract to secure the performance of his or her contract or to secure the payment of persons who have performed work thereon, furnished materials therefor, or furnished provisions and supplies for the carrying on of the work.

The county treasurer may accept warrants against any county road improvement fund upon such conditions as the board may prescribe in payment of: (1) Assessments levied to supply that fund in due order of priority; (2) judgments rendered against property owners who have become delinquent in the payment of assessments to that fund; and (3) certificates of purchase in cases where property of delinquents has been sold under execution or at tax sale for failure to pay assessments levied to supply that fund. [2009 c 549 § 4147; 1980 c 100 § 6; 1963 c 4 § 36.88.330. Prior: 1951 c 192 § 33.]

RCW 36.88.340 Participation of county road fund—Arrangements with other public agencies, private utilities. Except as they may establish continuing guaranty fund requirements, the board of county commissioners shall be the sole judges as to the extent of county road

fund participation in any project under this chapter and the decisions of the board shall be final; the said board may receive grants from or contract with any other county, municipal corporation, public agency or the state or federal government in order to effect any construction or improvement hereunder, including the construction, installation, improvement, operation, maintenance of and furnishing electric energy for any street and road lighting system, and to effect the construction, installation, improvement, operation and maintenance of and furnishing electric energy for any such street and road lighting system, may contract with any private utility corporation. [1963 c 4 § 36.88.340. Prior: 1953 c 152 § 2; 1951 c 192 § 34.]

RCW 36.88.350 Maintenance—Expense. After the completion of any construction or improvement under this chapter, all maintenance thereof shall be performed by the county at the expense of the county road fund, excepting furnishing electric energy for and operating and maintaining street and road lighting systems: PROVIDED, That maintenance of canal protection improvements may, at the option of the board of commissioners of the county, be required of the irrigation, drainage, flood control, or other district, agency, person, corporation, or association maintaining the canal or ditch. If such option is exercised reimbursement must be made by the county for all actual costs of such maintenance. [1963 c 4 § 36.88.350. Prior: 1959 c 75 § 8; 1953 c 152 § 3; 1951 c 192 § 35.]

RCW 36.88.360 State, county, school, municipal corporation lands—Assessment—Recipients of notices, ballots. Lands owned by the state, county, school district or any municipal corporation may be assessed and charged for road improvements authorized under this chapter in the same manner and subject to the same conditions as provided by law for assessments against such property for local improvements in cities and towns.

All notices and ballots provided for herein affecting state lands shall be sent to the department of natural resources whose designated agent is hereby authorized to sign petitions or ballots on behalf of the state. In the case of counties or municipal or quasi municipal bodies notices and ballots shall be sent to the legislative authority of said counties or municipality and petitions or ballots shall be signed by the officer duly empowered to act by said legislative authority. [1963 c 4 § 36.88.360. Prior: 1951 c 192 § 36.]

RCW 36.88.370 Signatures on petitions, ballots, objections—Determining sufficiency. Wherever herein petitions, ballots or objections are required to be signed by the owners of property, the following rules shall govern the sufficiency thereof: (1) The signature of the record owner as determined by the records of the county auditor shall be sufficient without the signature of his or her spouse; (2) in the case of mortgaged property, the signature of the mortgagor shall be sufficient; (3) in the case of property purchased on contract the signature of the contract purchaser shall be deemed sufficient; (4) any officer of a corporation owning land in the district duly authorized to execute deeds or encumbrances on behalf of the corporation may sign on behalf of such corporation: PROVIDED, That

there shall be attached to the ballot or petition a certified excerpt from the bylaws showing such authority; (5) if any property in the district stands in the name of a deceased person or any person for whom a guardian has been appointed, the signature of the executor, administrator or guardian as the case may be shall be equivalent to the signature of the owner of the property. [1963 c 84 § 6; 1963 c 4 § 36.88.370. Prior: 1951 c 192 § 37.]

RCW 36.88.375 Consolidated road improvement districts—

Establishment—Bonds. For the purpose of issuing bonds only, the governing body of any county may authorize the establishment of consolidated road improvement districts. The road improvements within such consolidated districts need not be adjoining, vicinal, or neighboring. If the governing body orders the creation of such consolidated road improvement districts, the money received from the installment payments of the principal of and interest on assessments levied within original road improvement districts shall be deposited in a consolidated road improvement district bond redemption fund to be used to redeem outstanding consolidated road improvement district bonds. The issuance of bonds of a consolidated road improvement district shall not change the number of assessment installments in the original road improvement districts, but such bonds shall run two years longer than the longest assessment installment of such original districts. [1981 c 313 § 19.]

Severability—1981 c 313: See note following RCW 36.94.020.

RCW 36.88.380 Safeguarding open canals or ditches—Assessments and benefits. Whenever a county road improvement district is established for the safeguarding of open canals or ditches as authorized by RCW 36.88.015 the rate of assessment per square foot in the district may be determined by any one of the methods provided in chapter 35.44 RCW for similar improvements in cities or towns, and the land specially benefited by such improvements shall be the same as provided in chapter 35.43 RCW for similar improvements in cities or towns. [1963 c 4 § 36.88.380. Prior: 1959 c 75 § 5.]

RCW 36.88.390 Safeguarding open canals or ditches—Authority. Every county shall have the right of entry upon every irrigation, drainage, or flood control canal or ditch right-of-way within its boundaries for all purposes necessary to safeguard the public from the hazards of open canals or ditches, including the right to clean such canals or ditches to prevent their flooding adjacent lands, and the right to cause to be constructed and maintained on such rights-of-way or adjacent thereto safeguards as authorized by RCW 36.88.015: PROVIDED, That such safeguards must not unreasonably interfere with maintenance of the canal or ditch or with the operation thereof. [1963 c 4 § 36.88.390. Prior: 1959 c 75 § 6.]

RCW 36.88.400 Safeguarding open canals or ditches—Installation and construction—Costs. Any county, establishing a road improvement district for canal protection, notwithstanding any laws to the

contrary, may require the district, agency, person, corporation, or association, public or private, which operates and maintains the canal or ditch to supervise the installation and construction of safeguards, and must make reimbursement to said operator for all actual costs incurred and expended. [1963 c 4 § 36.88.400. Prior: 1959 c 75 § 7.]

RCW 36.88.410 Underground electric and communication facilities, installation or conversion to—Declaration of public interest and purpose. It is hereby found and declared that the conversion of overhead electric and communication facilities to underground facilities and the initial underground installation of such facilities is substantially beneficial to the public safety and welfare, is in the public interest and is a public purpose, notwithstanding any resulting incidental private benefit to any electric or communication utility affected by such conversion or installation. [1971 ex.s. c 103 § 1; 1967 c 194 § 1.]

Severability—1967 c 194: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1967 c 194 § 9.]

Cities and towns, conversion of overhead electric and communication facilities to underground facilities: Chapter 35.96 RCW.

RCW 36.88.420 Underground electric and communication facilities, installation or conversion to—Definitions. As used in RCW 36.88.410 through 36.88.480, unless specifically defined otherwise, or unless the context indicates otherwise:

"Conversion area" means that area in which existing overhead electric and communication facilities are to be converted to underground facilities pursuant to the provisions of RCW 36.88.410 through 36.88.480.

"Electric utility" means any publicly or privately owned utility engaged in the business of furnishing electric energy to the public in all or part of the conversion area and includes electrical companies as defined by RCW 80.04.010 and public utility districts.

"Communication utility" means any utility engaged in the business of affording telephonic, telegraphic, cable television or other communication service to the public in all or part of the conversion area and includes telephone companies and telegraph companies as defined by RCW 80.04.010. [1967 c 194 § 2.]

RCW 36.88.430 Underground electric and communication facilities, installation or conversion to—Powers of county relating to—Contracts—County road improvement districts—Special assessments. Every county shall have the power to contract with electric and communication utilities, as hereinafter provided, for any or all of the following purposes:

(1) The conversion of existing overhead electric facilities to underground facilities.

(2) The conversion of existing overhead communication facilities to underground facilities.

(3) The conversion of existing street and road lighting facilities to ornamental street and road lighting facilities to be served from underground electrical facilities.

(4) The initial installation, in accordance with the limitations set forth in RCW 36.88.015, or [of] ornamental street and road lighting facilities to be served from underground electrical facilities.

(5) The initial installation of underground electric and communication facilities.

(6) Any combination of the improvements provided for in this section.

To provide funds to pay the whole or any part of the cost of any such conversion or initial installation, together with the expense of furnishing electric energy, maintenance and operation to any ornamental street lighting facilities served from underground electrical facilities, every county shall have the power to create county road improvement districts and to levy and collect special assessments against the real property specially benefited by such conversion or initial installation. For the purpose of ascertaining the amount to be assessed against each lot or parcel of land within any county road improvement district established pursuant to RCW 36.88.410 through 36.88.480, in addition to other methods provided by law for apportioning special benefits, the county commissioners may apportion all or part of the special benefits accruing on a square footage basis or on a per lot basis.

That portion of the assessments levied in any county road improvement district to pay part of the cost of the initial installation of underground electric and communication facilities shall not exceed the cost of such installation, less the estimated cost of constructing overhead facilities providing equivalent service. [1971 ex.s. c 103 § 2; 1967 c 194 § 3.]

RCW 36.88.440 Underground electric and communication facilities, installation or conversion to—Contracts with electric and communication utilities—Authorized—Provisions. Every county shall have the power to contract with electric and communication utilities for the conversion of existing overhead electric and communication facilities to underground facilities, for the conversion of existing street and road lighting facilities to ornamental street and road lighting facilities to be served from underground electrical facilities[,] for the initial installation of ornamental street and road lighting facilities to be served from underground electrical facilities and for the initial installation of underground electric and communication facilities. Such contracts may provide, among other provisions, any of the following:

(1) For the supplying and approval by the electric and communication utilities of plans and specifications for such conversion or installation;

(2) For the payment to the electric and communication utilities for any work performed or services rendered by it in connection with the conversion project or installation;

(3) For the payment to the electric and communication utilities for the value of the overhead facilities removed pursuant to the conversion;

(4) For ownership of the underground facilities and the ornamental street and road lighting facilities by the electric and communication utilities. [1971 ex.s. c 103 § 3; 1967 c 194 § 4.]

RCW 36.88.450 Underground electric and communication facilities, installation or conversion to—Notice to owners to convert service lines to underground—Objections—Hearing—Time limitation for conversion.

When service from the underground electric and communication facilities is available in all or part of a conversion area, the county shall mail a notice to the owners of all structures or improvements served from the existing overhead facilities in the area, which notice shall state that:

- (1) Service from the underground facilities is available;
- (2) All electric and communication service lines from the existing overhead facilities within the area to any structure or improvement must be disconnected and removed within one hundred twenty days after the date of the mailing of the notice;
- (3) Should such owner fail to convert such service lines from overhead to underground within one hundred twenty days after the date of the mailing of the notice, the county will order the electric and communication utilities to disconnect and remove the service lines;
- (4) Should the owner object to the disconnection and removal of the service lines he or she may file his or her written objections thereto with the secretary of the board of county commissioners within one hundred twenty days after the date of the mailing of the notice and failure to so object within such time will constitute a waiver of his or her right thereafter to object to such disconnection and removal.

If the owner of any structure or improvement served from the existing overhead electric and communication facilities within a conversion area shall fail to convert to underground the service lines from such overhead facilities to such structure or improvement within one hundred twenty days after the mailing to him or her of the notice, the county shall order the electric and communication utilities to disconnect and remove all such service lines: PROVIDED, That if the owner has filed his or her written objections to such disconnection and removal with the secretary of the board of county commissioners within one hundred twenty days after the mailing of said notice then the county shall not order such disconnection and removal until after the hearing on such objections.

Upon the timely filing by the owner of objections to the disconnection and removal of the service lines, the board of county commissioners shall conduct a hearing to determine whether the removal of all or any part of the service lines is in the public benefit. The hearing shall be held at such time as the board of county commissioners may establish for hearings on such objections and shall be held in accordance with the regularly established procedure set by the board. The determination reached by the board of county commissioners shall be final in the absence of an abuse of discretion. [2009 c 549 § 4148; 1967 c 194 § 5.]

RCW 36.88.460 Underground electric and communication facilities, installation or conversion to—Utility conversion guaranty fund—Establishment authorized—Purpose—Deposits—Investments. Every county

may establish a fund for the purpose of guaranteeing to the extent of such fund and in the manner hereinafter provided, the payment of its county road improvement district bonds and warrants issued to pay for the underground conversion of electric and communication facilities and the underground conversion or installation of ornamental road and street lighting facilities ordered under this chapter. If the board of county commissioners shall determine to establish such fund it shall be designated ". . . . utility conversion guaranty fund" and from moneys available such county shall deposit annually in said guaranty fund such sums as may be necessary to establish and maintain a balance therein equal to at least five percent of the outstanding obligations guaranteed thereby and to make necessary provision in its annual budget therefor. The moneys held in the guaranty fund may be invested in certificates, notes, or bonds of the United States of America, or in state, county, municipal or school district bonds, or in warrants of taxing districts of the state; provided, only, that such bonds and warrants shall be general obligations. [1967 c 194 § 6.]

RCW 36.88.470 Underground electric and communication facilities, installation or conversion to—Utility conversion guaranty fund—

Operation. Whenever there shall be paid out of the guaranty fund any sum on account of principal or interest of a county road improvement district bond or warrant, the county, as trustee for the fund, shall be subrogated to all the rights of the owner of the bond or any interest coupon or warrant so paid, and the proceeds thereof, or of the assessment underlying the same, shall become part of the guaranty fund. There shall also be paid into each guaranty fund the interest received from investments of the fund, as well as any surplus remaining in any county road improvement fund guaranteed hereunder after the payment of all outstanding bonds or warrants payable primarily out of such utility conversion county road improvement district fund. Warrants drawing interest at a rate or rates not to exceed the rate determined by the county legislative authority shall be issued, as other warrants are issued by the county, against the guaranty fund to meet any liability accruing against it, and at the time of making its annual budget and tax levy the county shall provide from funds available for the deposit in the guaranty fund of a sum sufficient with other resources of such fund to pay warrants so issued during the preceding fiscal year. As among the several issues of bonds or warrants guaranteed by the fund no preference shall exist, but defaulted bonds, interest payments, and warrants shall be purchased out of the fund in the order of their presentation.

Every county establishing a guaranty fund for utility conversion road improvement district bonds or warrants shall prescribe by resolution appropriate rules and regulations for the maintenance and operation of such guaranty fund not inconsistent herewith. So much of the money of a guaranty fund as is necessary may be used to purchase underlying bonds or warrants guaranteed by the fund, or to purchase certificates of delinquency for general taxes on property subject to local improvement assessments, or to purchase such property at tax foreclosures, for the purpose of protecting the guaranty fund. The fund shall be subrogated to the rights of the county and the county, acting on behalf of the fund, may foreclose the lien of general tax certificates of delinquency and purchase the property at the foreclosure sale for the account of said fund. Whenever the

legislative authority of any county shall so cause a lien of general tax certificates of delinquency to be foreclosed and the property to be so purchased at a foreclosure sale, the court costs and costs of publication and expenses for clerical work and/or other expense incidental thereto, shall be chargeable to and payable from the guaranty fund. After so acquiring title to real property, a county may lease or sell and convey the same at public or private sale for such price and on such terms as may be determined by resolution of the county legislative authority, and all proceeds resulting from such sales shall belong to and be paid into the guaranty fund. [1983 c 167 § 98; 1981 c 156 § 13; 1967 c 194 § 7.]

Liberal construction—Severability—1983 c 167: See RCW 39.46.010 and note following.

RCW 36.88.480 Underground electric and communication facilities, installation or conversion to—Applicability of general provisions relating to county road improvement districts. Unless otherwise provided in RCW 36.88.410 through 36.88.480, the general provisions relating to county road improvement districts shall apply to local improvements authorized by RCW 36.88.410 through 36.88.480. [1967 c 194 § 8.]

RCW 36.88.485 Underground electric and communication facilities, installation or conversion to—Recording of underground utility installations. All installations of underground utilities made on and after August 9, 1971 shall be recorded on an "as constructed" map and filed with the county engineer of the county in which the underground utilities are installed. [1971 ex.s. c 103 § 4.]

RCW 36.88.900 Construction—Chapter applicable to state registered domestic partnerships—2009 c 521. For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships. [2009 c 521 § 82.]