

1 **SHB 2609 - H AMD 0157 WITHDRAWN 2/18/92**

2 By Representatives Brunsickle, Bowman, Fraser, Belcher, P.
3 Johnson and Sheldon

4 On page 4, after line 16, insert

5 "**Sec. 4.** RCW 14.08.030 and 1945 c 182 ú 2; are each amended
6 to read as follows:

7 (1) Every municipality is hereby authorized, through its
8 governing body, to acquire property, real or personal, for the
9 purpose of establishing, constructing, and enlarging airports and
10 other air navigation facilities and to acquire, establish,
11 construct, enlarge, improve, maintain, equip, operate, and regulate
12 such airports and other air navigation facilities and structures
13 and other property incidental to their operation (~~(either)~~) within
14 (~~or without~~) the territorial limits of such municipality (~~and~~
15 ~~within or without this state~~); to make, prior to any such
16 acquisition, investigations, surveys, and plans; to construct,
17 install and maintain airport facilities for the servicing of
18 aircraft and for the comfort and accommodation of air travelers;
19 and to purchase and sell equipment and supplies as an incident to
20 the operation of its airport properties. It may not, however,
21 acquire or take over any airport or other air navigation facility
22 owned or controlled by any other municipality of the state without
23 the consent of such municipality. It may use for airport purposes

1 any available property within the municipality that is now or may
2 at any time hereafter be owned or controlled by it. Such air
3 navigation facilities as are established on airports shall be
4 supplementary to and coordinated in design and operation with those
5 established and operated by the federal and state governments.

6 (2) Property needed by a municipality for an airport or
7 restricted landing area, or for the enlargement of either, or for
8 other airport purposes, may be acquired by purchase, gift, devise,
9 lease or other means if such municipality is able to agree with the
10 owners of said property on the terms of such acquisition, and
11 otherwise by condemnation in the manner provided by the law under
12 which such municipality is authorized to acquire like property for
13 public purposes, full power to exercise the right of eminent domain
14 for such purposes being hereby granted every municipality (~~both~~
15 ~~within and without its territorial limits~~). If but one
16 municipality is involved and the charter of such municipality
17 prescribes a method of acquiring property by condemnation,
18 proceedings shall be had pursuant to the provisions of such charter
19 and may be followed as to property within or without its
20 territorial limits. Any title to real property so acquired shall
21 be in fee simple, absolute and unqualified in any way. The fact
22 that the property needed has been acquired by the owner under power
23 of eminent domain, shall not prevent its acquisition by the
24 municipality by the exercise of the right of eminent domain herein
25 conferred.

26 (3) Where necessary, in order to provide unobstructed air

1 space for the landing and taking off of aircraft utilizing airports
2 or restricted landing areas acquired or operated under the
3 provisions of this chapter, every municipality is authorized to
4 acquire, in the same manner as is provided for the acquisition of
5 property for airport purposes, easements through or other interests
6 in air spaces over land or water, interests in airport hazards
7 outside the boundaries of the airports or restricted landing areas
8 and such other airport protection privileges as are necessary to
9 insure safe approaches to the landing areas of said airports or
10 restricted landing areas and the safe and efficient operation
11 thereof. It is also hereby authorized to acquire, in the same
12 manner, the right or easement, for a term of years or perpetually,
13 to place or maintain suitable marks for the daytime marking and
14 suitable lights for the nighttime marking of airport hazards,
15 including the right of ingress and egress to or from such airport
16 hazards, for the purpose of maintaining and repairing such lights
17 and marks. This authority shall not be so construed as to limit
18 any right, power or authority to zone property adjacent to airports
19 and restricted landing areas under the provisions of any law of
20 this state.

21 (4) It shall be unlawful for anyone to build, rebuild, create,
22 or cause to be built, rebuilt, or created any object, or plant,
23 cause to be planted or permit to grow higher any tree or trees or
24 other vegetation, which shall encroach upon any airport protection
25 privileges acquired pursuant to the provisions of this section.

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1 Any such encroachment is declared to be a public nuisance and may
2 be abated in the manner prescribed by law for the abatement of
3 public nuisances, or the municipality in charge of the airport or
4 restricted landing area for which airport protection privileges
5 have been acquired as in this section provided may go upon the land
6 of others and remove any such encroachment without being liable for
7 damages in so doing.

EFFECT: Eliminate power of ports to acquire property anywhere within or without the state of Washington.

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By Representatives Brunsickle, Bowman, Fraser, Belcher, P. Johnson and SheldonBrumsickle

On page 1, line 1 of the title, after "030" insert "14.08.030"

EFFECT: Title amendment.