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SENATE BILL 6190

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State of Washington

56th Legislature

2000 Regular Session

By Senators Patterson, Horn, Haugen, Johnson, Costa, Goings, McCaslin and Winsley

Read first time 01/10/2000. Referred to Committee on Judiciary.

1 AN ACT Relating to the expeditious resolution of public use  
2 disputes in eminent domain proceedings; and amending RCW 8.08.040.

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

4 **Sec. 1.** RCW 8.08.040 and 1971 c 81 s 37 are each amended to read  
5 as follows:

6 At the time and place appointed for hearing said petition, or to  
7 which the same may have been adjourned, if the court or judge thereof  
8 shall have satisfactory proof that all parties interested in the land,  
9 real estate, premises or other property described in said petition have  
10 been duly served with said notice as prescribed herein, and shall be  
11 further satisfied by competent proof that the contemplated use for  
12 which the lands, real estate, premises, or other property sought to be  
13 appropriated is a public use of the county, the court or judge thereof  
14 may make and enter an order adjudicating that the contemplated use is  
15 really a public use of the county, and which order shall be final  
16 unless review thereof to the supreme court or the court of appeals be  
17 taken within five days after entry of such order, adjudicating that the  
18 contemplated use for which the lands, real estate, premises or other  
19 property sought to be appropriated is really a public use of the

1 county, and directing that determination be had of the compensation and  
2 damages to be paid all parties interested in the land, real estate,  
3 premises, or other property sought to be appropriated for the taking  
4 and appropriation thereof, together with the injury, if any, caused by  
5 such taking or appropriation to the remainder of the lands, real  
6 estate, premises, or other property from which the same is to be taken  
7 and appropriated, after offsetting against any and all such  
8 compensation and damages, special benefits, if any, accruing to such  
9 remainder by reason of such appropriation and use by the county of such  
10 lands, real estate, premises, and other property described in the  
11 petition; such determination to be made by a jury, unless waived, in  
12 which event the compensation or damages shall be determined by the  
13 court without a jury. Proceedings under this chapter shall have  
14 precedence over all cases in court except criminal cases.

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