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**SUBSTITUTE SENATE BILL 5209**

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**State of Washington 57th Legislature**

**2002 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by Senators T. Sheldon, Swecker, Regala, Rossi, Prentice and Costa)

READ FIRST TIME 01/22/2002.

1 AN ACT Relating to the sale of surplus real property by the  
2 department of transportation; amending RCW 47.12.063; and adding a new  
3 section to chapter 47.12 RCW.

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

5 **Sec. 1.** RCW 47.12.063 and 1999 c 210 s 1 are each amended to read  
6 as follows:

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

11 (2) Whenever the department determines that any real property owned  
12 by the state of Washington and under the jurisdiction of the department  
13 is no longer required for transportation purposes and that it is in the  
14 public interest to do so, the department may sell the property or  
15 exchange it in full or part consideration for land or improvements or  
16 for construction of improvements at fair market value to any of the  
17 following governmental entities or persons:

18 (a) Any other state agency;

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

1 (c) Any other municipal corporation;

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

3 (e) The former owner of the property from whom the state acquired  
4 title;

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

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

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

17 (i) To any other owner of real property required for transportation  
18 purposes; ((or))

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

24 (k) A federally recognized Indian tribe within whose reservation  
25 boundary the property is located.

26 (3) Sales to purchasers may at the department's option be for cash,  
27 by real estate contract, or exchange of land or improvements.  
28 Transactions involving the construction of improvements must be  
29 conducted pursuant to chapter 47.28 RCW or Title 39 RCW, as applicable,  
30 and must comply with all other applicable laws and rules.

31 (4) Conveyances made pursuant to this section shall be by deed  
32 executed by the secretary of transportation and shall be duly  
33 acknowledged.

34 (5) All moneys received pursuant to the provisions of this section  
35 less any real estate broker commissions paid pursuant to RCW 47.12.320  
36 shall be deposited in the motor vehicle fund.

37 NEW SECTION. Sec. 2. A new section is added to chapter 47.12 RCW  
38 to read as follows:

1        For the purposes of this chapter "reservation boundary" means the  
2 boundary of the reservation as established by federal law or under the  
3 authority of the United States Secretary of the Interior.

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