
HOUSE BILL 1264

State of Washington

58th Legislature

2003 Regular Session

By Representatives Sump, Bush and Mielke

Read first time 01/22/2003. Referred to Committee on Local Government.

1 AN ACT Relating to mineral rights; and amending RCW 58.17.020,
2 58.17.165, and 58.17.212.

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

4 **Sec. 1.** RCW 58.17.020 and 2002 c 262 s 1 are each amended to read
5 as follows:

6 As used in this chapter, unless the context or subject matter
7 clearly requires otherwise, the words or phrases defined in this
8 section shall have the indicated meanings.

9 (1) "Subdivision" is the division or redivision of land into five
10 or more lots, tracts, parcels, sites, or divisions for the purpose of
11 sale, lease, or transfer of ownership, except as provided in subsection
12 (6) of this section.

13 (2) "Plat" is a map or representation of a subdivision, showing
14 thereon the division of a tract or parcel of land into lots, blocks,
15 streets and alleys, or other divisions and dedications.

16 (3) "Dedication" is the deliberate appropriation of land by an
17 owner for any general and public uses, reserving to himself or herself
18 no other rights than such as are compatible with the full exercise and

1 enjoyment of the public uses to which the property has been devoted.
2 The intention to dedicate shall be evidenced by the owner by the
3 presentment for filing of a final plat or short plat showing the
4 dedication thereon; and, the acceptance by the public shall be
5 evidenced by the approval of such plat for filing by the appropriate
6 governmental unit.

7 A dedication of an area of less than two acres for use as a public
8 park may include a designation of a name for the park, in honor of a
9 deceased individual of good character.

10 (4) "Preliminary plat" is a neat and approximate drawing of a
11 proposed subdivision showing the general layout of streets and alleys,
12 lots, blocks, and other elements of a subdivision consistent with the
13 requirements of this chapter. The preliminary plat shall be the basis
14 for the approval or disapproval of the general layout of a subdivision.

15 (5) "Final plat" is the final drawing of the subdivision and
16 dedication prepared for filing for record with the county auditor and
17 containing all elements and requirements set forth in this chapter and
18 in local regulations adopted under this chapter.

19 (6) "Short subdivision" is the division or redivision of land into
20 four or fewer lots, tracts, parcels, sites, or divisions for the
21 purpose of sale, lease, or transfer of ownership. However, the
22 legislative authority of any city or town may by local ordinance
23 increase the number of lots, tracts, or parcels to be regulated as
24 short subdivisions to a maximum of nine. The legislative authority of
25 any county planning under RCW 36.70A.040 that has adopted a
26 comprehensive plan and development regulations in compliance with
27 chapter 36.70A RCW may by ordinance increase the number of lots,
28 tracts, or parcels to be regulated as short subdivisions to a maximum
29 of nine in any urban growth area.

30 (7) "Binding site plan" means a drawing to a scale specified by
31 local ordinance which: (a) Identifies and shows the areas and
32 locations of all streets, roads, improvements, utilities, open spaces,
33 and any other matters specified by local regulations; (b) contains
34 inscriptions or attachments setting forth such appropriate limitations
35 and conditions for the use of the land as are established by the local
36 government body having authority to approve the site plan; and (c)
37 contains provisions making any development be in conformity with the
38 site plan.

1 (8) "Short plat" is the map or representation of a short
2 subdivision.

3 (9) "Lot" is a fractional part of divided lands having fixed
4 boundaries, being of sufficient area and dimension to meet minimum
5 zoning requirements for width and area. The term shall include tracts
6 or parcels.

7 (10) "Block" is a group of lots, tracts, or parcels within well
8 defined and fixed boundaries.

9 (11) "County treasurer" shall be as defined in chapter 36.29 RCW or
10 the office or person assigned such duties under a county charter.

11 (12) "County auditor" shall be as defined in chapter 36.22 RCW or
12 the office or person assigned such duties under a county charter.

13 (13) "County road engineer" shall be as defined in chapter 36.40
14 RCW or the office or person assigned such duties under a county
15 charter.

16 (14) "Planning commission" means that body as defined in chapter
17 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to
18 perform a planning function or that body assigned such duties and
19 responsibilities under a city or county charter.

20 (15) "County commissioner" shall be as defined in chapter 36.32 RCW
21 or the body assigned such duties under a county charter.

22 (16) "Nonmineral ownership interest" means any ownership interest
23 in a parcel of land that is not exclusively limited to the ownership of
24 the parcel's mineral rights.

25 **Sec. 2.** RCW 58.17.165 and 1981 c 293 s 9 are each amended to read
26 as follows:

27 Every final plat or short plat of a subdivision or short
28 subdivision filed for record must contain a certificate giving a full
29 and correct description of the lands divided as they appear on the plat
30 or short plat, including a statement that the subdivision or short
31 subdivision has been made with the free consent and in accordance with
32 the desires of the owner or owners of all nonmineral ownership
33 interests.

34 If the plat or short plat is subject to a dedication, the
35 certificate or a separate written instrument shall contain the
36 dedication of all streets and other areas to the public, and individual
37 or individuals, religious society or societies or to any corporation,

1 public or private as shown on the plat or short plat and a waiver of
2 all claims for damages against any governmental authority which may be
3 occasioned to the adjacent land by the established construction,
4 drainage and maintenance of said road. Said certificate or instrument
5 of dedication shall be signed and acknowledged before a notary public
6 by all parties having any nonmineral ownership interest in the lands
7 subdivided and recorded as part of the final plat.

8 Every plat and short plat containing a dedication filed for record
9 must be accompanied by a title report confirming that the title of the
10 lands as described and shown on said plat is in the name of the owners
11 signing the certificate or instrument of dedication.

12 An offer of dedication may include a waiver of right of direct
13 access to any street from any property, and if the dedication is
14 accepted, any such waiver is effective. Such waiver may be required by
15 local authorities as a condition of approval. Roads not dedicated to
16 the public must be clearly marked on the face of the plat. Any
17 dedication, donation or grant as shown on the face of the plat shall be
18 considered to all intents and purposes, as a quitclaim deed to the said
19 donee or donees, grantee or grantees for his, her or their use for the
20 purpose intended by the donors or grantors as aforesaid.

21 **Sec. 3.** RCW 58.17.212 and 1987 c 354 s 3 are each amended to read
22 as follows:

23 Whenever any person is interested in the vacation of any
24 subdivision or portion thereof, or any area designated or dedicated
25 for public use, that person shall file an application for vacation with
26 the legislative authority of the city, town, or county in which the
27 subdivision is located. The application shall set forth the reasons
28 for vacation and shall contain signatures of all parties having (~~an~~)
29 a nonmineral ownership interest in that portion of the subdivision
30 subject to vacation. If the subdivision is subject to restrictive
31 covenants which were filed at the time of the approval of the
32 subdivision, and the application for vacation would result in the
33 violation of a covenant, the application shall contain an agreement
34 signed by all parties subject to the covenants providing that the
35 parties agree to terminate or alter the relevant covenants to
36 accomplish the purpose of the vacation of the subdivision or portion
37 thereof.

1 When the vacation application is specifically for a county road or
2 city or town street, the procedures for road vacation or street
3 vacation in chapter 36.87 or 35.79 RCW shall be utilized for the road
4 or street vacation. When the application is for the vacation of the
5 plat together with the roads and/or streets, the procedure for vacation
6 in this section shall be used, but vacations of streets abutting bodies
7 of water may not be made that are prohibited under RCW ((~~35.79.030~~)
8 35.79.035, and vacations of roads may not be made that are prohibited
9 under RCW 36.87.130.

10 The legislative authority of the city, town, or county shall give
11 notice as provided in RCW 58.17.080 and 58.17.090 and shall conduct a
12 public hearing on the application for a vacation and may approve or
13 deny the application for vacation of the subdivision after determining
14 the public use and interest to be served by the vacation of the
15 subdivision. If any portion of the land contained in the subdivision
16 was dedicated to the public for public use or benefit, such land, if
17 not deeded to the city, town, or county, shall be deeded to the city,
18 town, or county unless the legislative authority shall set forth
19 findings that the public use would not be served in retaining title to
20 those lands.

21 Title to the vacated property shall vest with the rightful owner as
22 shown in the county records. If the vacated land is land that was
23 dedicated to the public, for public use other than a road or street,
24 and the legislative authority has found that retaining title to the
25 land is not in the public interest, title thereto shall vest with the
26 person or persons owning the property on each side thereof, as
27 determined by the legislative authority. When the road or street that
28 is to be vacated was contained wholly within the subdivision and is
29 part of the boundary of the subdivision, title to the vacated road or
30 street shall vest with the owner or owners of property contained within
31 the vacated subdivision.

32 This section shall not be construed as applying to the vacation of
33 any plat of state-granted tide or shore lands.

--- END ---