
HOUSE BILL 3192

State of Washington 59th Legislature 2006 Regular Session

By Representatives B. Sullivan, Ericks and Sells

Read first time 01/24/2006. Referred to Committee on Local Government.

1 AN ACT Relating to reimbursement by property owners for street,
2 road, and water or sewer projects; and amending RCW 35.72.020,
3 35.91.020, and 57.22.020.

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

5 **Sec. 1.** RCW 35.72.020 and 1983 c 126 s 2 are each amended to read
6 as follows:

7 (1) Except as otherwise provided in subsection (2) of this section,
8 the contract may provide for the partial reimbursement to the owner or
9 the owner's assigns for a period not to exceed fifteen years of a
10 portion of the costs of the project by other property owners who:

11 ~~((1))~~ (a) Are determined to be within the assessment
12 reimbursement area pursuant to RCW 35.72.040;

13 ~~((2))~~ (b) Are determined to have a reimbursement share based upon
14 a benefit to the property owner pursuant to RCW 35.72.030;

15 ~~((3))~~ (c) Did not contribute to the original cost of the street
16 project; and

17 ~~((4))~~ (d) Subsequently develop their property within the
18 ~~((fifteen-year))~~ period of time that the contract is effective and at

1 the time of development were not required to install similar street
2 projects because they were already provided for by the contract.

3 Street projects subject to reimbursement may include design,
4 grading, paving, installation of curbs, gutters, storm drainage,
5 sidewalks, street lighting, traffic controls, and other similar
6 improvements, as required by the street standards of the city, town, or
7 county.

8 (2) The contract may allow for an extension of the fifteen-year
9 period for an amount of time not to exceed the duration of time that
10 any moratoria, phasing ordinance, or concurrency designation exists and
11 restricts new developments from being applied for within the benefit
12 area.

13 **Sec. 2.** RCW 35.91.020 and 1999 c 153 s 38 are each amended to read
14 as follows:

15 The governing body of any city, town, county, water-sewer district,
16 or drainage district, hereinafter referred to as a "municipality" may
17 contract with owners of real estate for the construction of storm,
18 sanitary, or combination sewers, pumping stations, and disposal plants,
19 water mains, hydrants, reservoirs, or appurtenances, hereinafter called
20 "water or sewer facilities," within their boundaries or (except for
21 counties) within ten miles from their corporate limits connecting with
22 the public water or sewerage system to serve the area in which the real
23 estate of such owners is located, and to provide for a period of not to
24 exceed fifteen years for the reimbursement of such owners and their
25 assigns by any owner of real estate who did not contribute to the
26 original cost of such water or sewer facilities and who subsequently
27 tap onto or use the same of a fair pro rata share of the cost of the
28 construction of said water or sewer facilities, including not only
29 those directly connected thereto, but also users connected to laterals
30 or branches connecting thereto, subject to such reasonable rules and
31 regulations as the governing body of such municipality may provide or
32 contract, and notwithstanding the provisions of any other law.
33 However, the contract may allow for an extension of the fifteen-year
34 period for an amount of time not to exceed the duration of time that
35 any moratoria, phasing ordinance, or concurrency designation exists and
36 restricts new developments from being applied for within the benefit
37 area.

1 To the extent it may require in the performance of such contract,
2 such municipality may install said water or sewer facilities in and
3 along the county streets in the area to be served as hereinabove
4 provided, subject to such reasonable requirements as to the manner of
5 occupancy of such streets as the county may by resolution provide. The
6 provisions of such contract shall not be effective as to any owner of
7 real estate not a party thereto unless such contract has been recorded
8 in the office of the county auditor of the county in which the real
9 estate of such owner is located prior to the time such owner taps into
10 or connects to said water or sewer facilities.

11 **Sec. 3.** RCW 57.22.020 and 1996 c 230 s 802 are each amended to
12 read as follows:

13 (1) Except as otherwise provided in subsection (2) of this section,
14 the contract shall also provide, subject to the terms and conditions in
15 this section, for the reimbursement to the owner or the owner's assigns
16 for a period not to exceed fifteen years of a portion of the costs of
17 the facilities constructed pursuant to such contract from connection
18 charges received by the district from other property owners who
19 subsequently connect to or use the facilities within the ((fifteen-
20 year)) period of time that the contract is effective and who did not
21 contribute to the original cost of such facilities.

22 (2) The contract may allow for an extension of the fifteen-year
23 period for an amount of time not to exceed the duration of time that
24 any moratoria, phasing ordinance, or concurrency designation exists and
25 restricts new developments from being applied for within the benefit
26 area.

--- END ---