
HOUSE BILL 3264

State of Washington 59th Legislature 2006 Regular Session

By Representatives Springer, Rodne, Strow, Ericks, Buri, Jarrett,
Hunter, Dunn and Morrell

Read first time 01/30/2006. Referred to Committee on Judiciary.

1 AN ACT Relating to eminent domain; amending RCW 8.25.010 and
2 8.25.020; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature recognizes that in
5 condemnation proceedings individual property owners are often severely
6 disadvantaged in trying to compete with the resources available to many
7 of the entities, both governmental and corporate, that possess the
8 power of eminent domain. The legislature finds that individual
9 property owners are often effectively coerced into selling their
10 property because they cannot afford to contest a condemnation
11 proceeding. The legislature further finds that the current law does
12 not properly encourage entities with the power of eminent domain to
13 exercise that power as sparingly as possible. It is the intent of the
14 legislature, therefore, to provide property owners with the possibility
15 of more realistic reimbursement of costs they may incur in responding
16 to a threatened condemnation of their property, and to require the
17 exploration of alternatives to condemnation before the power of eminent
18 domain is used.

1 **Sec. 2.** RCW 8.25.010 and 1965 ex.s. c 125 s 1 are each amended to
2 read as follows:

3 In all actions for the condemnation of property, or any interest
4 therein, at least thirty days prior to the date set for trial of such
5 action the condemnor shall serve on each condemnee who has made an
6 appearance in the action:

7 (1) A written statement showing the amount of total just
8 compensation to be paid in the event of settlement ((~~on each condemnee~~
9 who has made an appearance in the action)); and

10 (2) A written statement documenting the condemnor's consideration
11 of and reasons for rejecting alternatives to the condemnation sought or
12 to the nature or extent of the condemnation sought, including but not
13 limited to any reasonable alternative suggested in writing by a
14 condemnee at least sixty days prior to the date set for trial.

15 **Sec. 3.** RCW 8.25.020 and 1999 c 52 s 1 are each amended to read as
16 follows:

17 There shall be paid by the condemnor in respect of each parcel of
18 real property acquired by eminent domain or by consent under threat
19 thereof, in addition to the fair market value of the property, a sum
20 equal to the various expenditures actually and reasonably incurred by
21 those with an interest or interests in said parcel in the process of
22 evaluating the condemnor's offer to buy the same, (~~but not to exceed~~
23 ~~a total of seven hundred fifty dollars~~) such expenditures to include,
24 but not be limited to, reasonable fees of appraisers, attorneys,
25 architects, engineers, or others reasonably retained by the condemnee.
26 In the case of multiple interests in a parcel, the division of such sum
27 shall be determined by the court or by agreement of the parties. To
28 the extent that payment of any such expenditures is not made under
29 other provisions of this chapter or under other law, the condemnor
30 shall pay for expenditures as required by this section regardless of
31 whether a trial of the condemnation action is held and regardless of
32 the outcome of any trial that is held.

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