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ENGROSSED SUBSTITUTE HOUSE BILL 2716

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State of Washington

61st Legislature

2010 Regular Session

**By** House Transportation (originally sponsored by Representatives Shea, Condotta, Orcutt, Klippert, Johnson, McCune, Angel, Rodne, Kristiansen, Roach, Schmick, Fagan, Hasegawa, Pearson, Campbell, and Warnick)

READ FIRST TIME 02/09/10.

1 AN ACT Relating to providing a right of first repurchase for  
2 surplus transportation property; amending RCW 47.12.063; and providing  
3 an effective date.

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

5 **Sec. 1.** RCW 47.12.063 and 2006 c 17 s 2 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, unless the property is  
11 eligible to be sold under subsection (3) of this section.

12 (2) Whenever the department determines that any real property owned  
13 by the state of Washington and under the jurisdiction of the department  
14 is no longer required for transportation purposes and that it is in the  
15 public interest to do so, the department may sell the property or  
16 exchange it in full or part consideration for land or improvements or  
17 for construction of improvements at fair market value to any of the  
18 following governmental entities or persons, unless the property is  
19 eligible to be sold under subsection (3) of this section:

1 (a) Any other state agency;  
2 (b) The city or county in which the property is situated;  
3 (c) Any other municipal corporation;  
4 (d) Regional transit authorities created under chapter 81.112 RCW;  
5 (e) The former owner of the property from whom the state acquired  
6 title;

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

10 (g) Any abutting private owner but only after each other abutting  
11 private owner (if any), as shown in the records of the county assessor,  
12 is notified in writing of the proposed sale. If more than one abutting  
13 private owner requests in writing the right to purchase the property  
14 within fifteen days after receiving notice of the proposed sale, the  
15 property shall be sold at public auction in the manner provided in RCW  
16 47.12.283;

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

19 (i) To any other owner of real property required for transportation  
20 purposes;

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

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

28 (3) If the department determines that all or a portion of real  
29 property or an interest in real property that was acquired through  
30 condemnation within the previous ten years is no longer necessary for  
31 a transportation purpose, the former owner has a right of repurchase as  
32 described in this subsection. For the purposes of this subsection,  
33 "former owner" means the person or entity from whom the department  
34 acquired title. At least ninety days prior to the date on which the  
35 property is intended to be sold by the department, the department must  
36 mail notice of the planned sale to the former owner of the property at  
37 the former owner's last known address or to a forwarding address if  
38 that owner has provided the department with a forwarding address. If

1 the former owner of the property's last known address, or forwarding  
2 address if a forwarding address has been provided, is no longer the  
3 former owner of the property's address, the right of repurchase is  
4 extinguished. If the former owner notifies the department within  
5 thirty days of the date of the notice that the former owner intends to  
6 repurchase the property, the department shall proceed with the sale of  
7 the property to the former owner for fair market value and shall not  
8 list the property for sale to other owners. If the former owner does  
9 not provide timely written notice to the department of the intent to  
10 exercise a repurchase right, or if the sale to the former owner is not  
11 completed within six months of the date of notice that the former owner  
12 intends to repurchase the property, the right of repurchase is  
13 extinguished.

14 (4) Sales to purchasers may at the department's option be for cash,  
15 by real estate contract, or exchange of land or improvements.  
16 Transactions involving the construction of improvements must be  
17 conducted pursuant to chapter 47.28 RCW or Title 39 RCW, as applicable,  
18 and must comply with all other applicable laws and rules.

19 ((+4)) (5) Conveyances made pursuant to this section shall be by  
20 deed executed by the secretary of transportation and shall be duly  
21 acknowledged.

22 ((+5)) (6) Unless otherwise provided, all moneys received pursuant  
23 to the provisions of this section less any real estate broker  
24 commissions paid pursuant to RCW 47.12.320 shall be deposited in the  
25 motor vehicle fund.

26 NEW SECTION. Sec. 2. This act takes effect July 1, 2010.

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