

**SHB 1585 - H AMD 1002**

By Representative Young

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 47.12.063 and 2015 3rd sp.s. c 13 s 2 are each  
4 amended to read as follows:

5 (1) It is the intent of the legislature to continue the  
6 department's policy giving priority consideration to abutting  
7 property owners in agricultural areas when disposing of property  
8 through its surplus property program under this section, unless the  
9 property is eligible to be sold under subsection (4) of this section.

10 (2) Whenever the department determines that any real property  
11 owned by the state of Washington and under the jurisdiction of the  
12 department is no longer required for transportation purposes and that  
13 it is in the public interest to do so, the department may sell the  
14 property or exchange it in full or part consideration for land or  
15 building improvements or for construction of highway improvements at  
16 fair market value to any person through the solicitation of written  
17 bids through public advertising in the manner prescribed under RCW  
18 47.28.050 or in the manner prescribed under RCW 47.12.283.

19 (3) The department may forego the processes prescribed by RCW  
20 47.28.050 and 47.12.283 and sell the real property to any of the  
21 following entities or persons at fair market value, unless the  
22 property is eligible to be sold under subsection (4) of this section:

- 23 (a) Any other state agency;
- 24 (b) The city or county in which the property is situated;
- 25 (c) Any other municipal corporation;
- 26 (d) Regional transit authorities created under chapter 81.112  
27 RCW;
- 28 (e) The former owner of the property from whom the state acquired  
29 title;
- 30 (f) In the case of residentially improved property, a tenant of  
31 the department who has resided thereon for not less than six months  
32 and who is not delinquent in paying rent to the state;

1 (g) Any abutting private owner but only after each other abutting  
2 private owner (if any), as shown in the records of the county  
3 assessor, is notified in writing of the proposed sale. If more than  
4 one abutting private owner requests in writing the right to purchase  
5 the property within fifteen days after receiving notice of the  
6 proposed sale, the property shall be sold at public auction in the  
7 manner provided in RCW 47.12.283;

8 (h) To any other owner of real property required for  
9 transportation purposes;

10 (i) In the case of property suitable for residential use, any  
11 nonprofit organization dedicated to providing affordable housing to  
12 very low-income, low-income, and moderate-income households as  
13 defined in RCW 43.63A.510 and is eligible to receive assistance  
14 through the Washington housing trust fund created in chapter 43.185  
15 RCW; or

16 (j) A federally recognized Indian tribe within whose reservation  
17 boundary the property is located.

18 (4) If the department determines that all or a portion of real  
19 property or an interest in real property that was acquired through  
20 condemnation by judgment or decree within the previous ten years is  
21 no longer necessary for a transportation purpose, the former owner  
22 has a right of repurchase, at current market value, as described in  
23 this subsection. For the purposes of this subsection, "former owner"  
24 means the person or entity from whom the department acquired title.  
25 At least ninety days prior to the date on which the property is  
26 intended to be sold by the department, the department must mail  
27 notice of the planned sale to the former owner of the property at the  
28 former owner's last known address or to a forwarding address if that  
29 owner has provided the department with a forwarding address. If the  
30 former owner of the property's last known address, or forwarding  
31 address if a forwarding address has been provided, is no longer the  
32 former owner of the property's address, the right of repurchase is  
33 extinguished. If the former owner notifies the department within  
34 thirty days of the date of the notice that the former owner intends  
35 to repurchase the property, the department shall proceed with the  
36 sale of the property to the former owner for fair market value and  
37 shall not list the property for sale to other owners. If the former  
38 owner does not provide timely written notice to the department of the  
39 intent to exercise a repurchase right, or if the sale to the former  
40 owner is not completed within ninety days of the date of notice that

1 the former owner intends to repurchase the property, the right of  
2 repurchase is extinguished.

3 (5) When selling real property pursuant to RCW 47.12.283, the  
4 department may withhold or withdraw the property from an auction when  
5 requested by one of the entities or persons listed in subsection (3)  
6 of this section and only after the receipt of a nonrefundable deposit  
7 equal to ten percent of the fair market value of the real property or  
8 five thousand dollars, whichever is less. This subsection does not  
9 prohibit the department from exercising its discretion to withhold or  
10 withdraw the real property from an auction if the department  
11 determines that the property is no longer surplus or chooses to sell  
12 the property through one of the other means listed in subsection (2)  
13 of this section. If a transaction under this subsection is not  
14 completed within sixty days, the real property must be put back up  
15 for sale.

16 ~~((+5))~~ (6) Sales to purchasers may, at the department's option,  
17 be for cash, by real estate contract, or exchange of land or highway  
18 improvements. Transactions involving the construction of improvements  
19 must be conducted pursuant to chapter 47.28 RCW and Title 39 RCW, as  
20 applicable, and must comply with all other applicable laws and rules.

21 ~~((+6))~~ (7) Conveyances made pursuant to this section shall be by  
22 deed executed by the secretary of transportation and shall be duly  
23 acknowledged.

24 ~~((+7))~~ (8) Unless otherwise provided, all moneys received  
25 pursuant to the provisions of this section less any real estate  
26 broker commissions paid pursuant to RCW 47.12.320 shall be deposited  
27 in the motor vehicle fund.

28 ~~((+8))~~ (9) The department may not enter into equal value  
29 exchanges or property acquisitions for building improvements without  
30 first consulting with the office of financial management and the  
31 joint transportation committee."

32 Correct the title.

EFFECT: Clarifies that real property could have been acquired from the previous owner through judgment or decree. The former owner has a right of repurchase at current market value. The duration of time that the department of transportation and the previous owner of a property has to complete a repurchase transaction is reduced from

six months to ninety days before the previous owner's right of repurchase is extinguished. The emergency clause is removed.

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