

HB 1494 - H AMD 74

By Representative MacEwen

SCOPE AND OBJECT 02/28/2017

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

3 "NEW SECTION. **Sec. 1.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires
5 otherwise.

6 (1) "Easement" means a nonpossessory interest in the land of
7 another that entitles the holders of an interest in the easement to a
8 private road for ingress and egress, embodying the right to pass
9 across another's land.

10 (2) "Holders of an interest in an easement" or "holder" means
11 those with a legal right to use the easement, including the owner of
12 the land across which the easement passes if the owner of the land
13 has the legal right to use the easement.

14 NEW SECTION. **Sec. 2.** (1) The holders of an interest in any
15 easement shall maintain the easement. However, nothing in this
16 section prohibits agreements that allow maintenance obligations,
17 including costs, to be allocated to fewer than all holders of an
18 interest in an easement.

19 (2)(a) The cost of maintaining the easement must be shared by
20 each holder of an interest in the easement as provided in the terms
21 of any agreement entered into by the parties for that purpose.

22 (b) An agreement under (a) of this subsection may be recorded in
23 the real property records with the county auditor in the county or
24 counties in which the easement is located. A failure to record the
25 agreement does not affect the enforceability of the agreement among
26 the parties to the agreement and any other person with notice of the
27 agreement.

28 (3)(a) Except as provided in (b) of this subsection, in the
29 absence of an agreement under subsection (2) of this section, the
30 reasonable and necessary cost of maintaining the easement must be

1 shared by each holder of an interest in the easement in proportion to
2 the use made of the easement by each holder.

3 (b) Each holder of an interest in an easement is solely
4 responsible for damage caused to the easement because of the holder's
5 negligence or abnormal or excessive use. The holder shall repair the
6 damage at his or her own expense.

7 (4)(a) Unless inconsistent with an agreement between the holders
8 of an interest in an easement, in determining proportionate use and
9 settling conflicts the following factors may be considered: (i) The
10 frequency of use by the holders; (ii) the scope of use by the
11 holders, which may be determined by dividing the distance of total
12 usage of all holders into the distance of total usage of each holder;
13 and (iii) the size and weight of vehicles used by the holders.

14 (b) Unless inappropriate, based on the factors contained in (a)
15 of this subsection or other relevant factors, the costs for regular
16 and routine maintenance of the easement and the costs of repair of
17 the easement damaged by natural disasters or other events for which
18 all holders of an interest in the easement are blameless may be
19 shared on the basis of percentages resulting from dividing the
20 distance of total usage of all holders into the usage distance of
21 each holder.

22 NEW SECTION. **Sec. 3.** (1)(a) A civil action for money damages,
23 specific performance, or contribution may be brought in a court of
24 competent jurisdiction against a holder if:

25 (i) The holder fails to maintain the easement according to an
26 agreement; or

27 (ii) After receiving a demand in writing sent certified mail,
28 return receipt requested, the holder fails to pay, within sixty days
29 of the date of the written demand, the holder's proportion of the
30 cost for maintaining the easement as indicated under section 2 of
31 this act.

32 (b) An action under this section may be brought against a holder
33 of an interest in the easement by one or more of the other holders
34 either jointly or severally.

35 (2)(a) In an action brought under this section, the court may
36 order any equitable relief that may be just under the circumstances;
37 and

38 (b) The court shall award the prevailing party all court costs,
39 arbitration fees, and reasonable attorneys' fees.

1 (3) Unless the parties are subject to mandatory arbitration under
2 chapter 7.06 RCW, any holder of an interest in an easement may apply
3 to the court of competent jurisdiction where the easement is located
4 and that has jurisdiction over the amount in controversy for the
5 appointment of an impartial arbitrator to apportion the cost, and the
6 matter may be arbitrated as provided in chapter 7.04A RCW. The
7 application may be made before, during, or after performance of the
8 maintenance work.

9 (4) Nothing in this chapter imposes a maintenance obligation on
10 the holder of an interest in an easement based on the maintenance
11 provisions in an instrument creating the easement if the holder is
12 not a party to the instrument, whether the instrument is recorded or
13 not, after the holder ceases to use the easement.

14 NEW SECTION. **Sec. 4.** (1) Except as provided in subsections (2)
15 and (3) of this section, this chapter applies to all easements
16 existing on or created after January 1, 2018.

17 (2) This chapter does not apply to any entity regulated under
18 chapter 76.09 RCW or railroad company or affiliate, or any easement
19 or right-of-way held by any agency or department of the state, any
20 political subdivision of the state, any public service company as
21 defined in either RCW 80.04.010 or 81.04.010, or any public or
22 private utility provider.

23 (3) Nothing in this chapter authorizes the impairment of a
24 maintenance agreement existing on or before January 1, 2018.

25 NEW SECTION. **Sec. 5.** (1) A city or town may not authorize the
26 financing for the construction, reconstruction, or repair of a
27 private roadway under this chapter unless the city or town receives a
28 petition signed by the owners abutting the roadway, according to the
29 records of the county within which the roadway is located,
30 constituting an aggregate amount of the majority of the lineal
31 frontage upon the contemplated roadway improvement.

32 (2) A petition submitted under this section must set forth the
33 nature and territorial extent of the proposed roadway improvement and
34 the fact that the petition signers are the owners, according to the
35 records of the county within which the roadway is located, of a
36 majority of the lineal frontage upon the contemplated roadway
37 improvement. The petition must also state the financial contribution
38 that will be provided by each of the property owners abutting the

1 portion of the roadway improvement and a proposed timeline for
2 completing the roadway improvement.

3 (3) Upon the filing of a petition under this section, the city or
4 town must determine whether the petition is sufficient. If the city
5 or town finds the petition to be sufficient, the city or town may
6 adopt a resolution under section 7 of this act.

7 NEW SECTION. **Sec. 6.** A city or town may construct, reconstruct,
8 and repair private roadways when the city or town receives a petition
9 under section 5 of this act and adopts a resolution required under
10 section 7 of this act. From any available funds, the city or town may
11 either pay the entire costs of the construction, reconstruction, or
12 repair, or contribute a portion of the funds to pay the costs of such
13 improvements.

14 NEW SECTION. **Sec. 7.** (1) Under this chapter, a city or town may
15 only undertake the construction, reconstruction, or repair of a
16 private roadway pursuant to a resolution of the legislative body of
17 the city or town. The resolution must state whether all or a
18 specified portion of the cost of the improvements will be borne by
19 the abutting property owners at their own cost and expense as
20 provided in the petition under section 5 of this act. The amount of
21 cost and expense borne by the abutting property owners, as provided
22 in the resolution, may not exceed the amount specified in the
23 petition under section 5 of this act. If the abutting owners are
24 required to pay for all or a portion of the costs of the improvements
25 and fail to pay for the costs, the city or town may perform and
26 complete the improvements and assess the cost against the abutting
27 owners for the portion of costs attributable to the property owners
28 in the manner provided in the petition, but adjusted for any
29 modifications authorized under this subsection. The city or town may
30 not increase the total amount of funds that will be contributed by
31 the abutting property owners in excess of the amount specified in the
32 petition submitted under section 5 of this act, but the resolution
33 may modify the amount contributed by each property owner to reflect a
34 more fair allocation among the property owners.

35 (2) Any resolution submitted under subsection (1) of this section
36 must include a declaration of public use that specifically identifies
37 the significant public uses necessitating the construction,
38 reconstruction, or repair of a private roadway.

1 (3) If the abutting owners are required to pay for all or a
2 portion of the costs of the improvements as provided under subsection
3 (1) of this section, the cost assigned to each property owner must be
4 consistent with the allocated contribution amounts specified on the
5 petition, but adjusted for any modifications authorized under
6 subsection (1) of this section.

7 (4) The legislative body of the city or town must provide a
8 public hearing on the resolution prior to its adoption. Notice of the
9 public hearing on the resolution must be published in the official
10 newspaper or regularly published official publication of the city or
11 town for two consecutive weeks before the time of hearing. At least
12 ten days before the date fixed for the hearing, the city or town must
13 provide notice of the date of the hearing to each owner or reputed
14 owner of the abutting property by mailing to the owner or reputed
15 owner of the property a notice of the date of hearing at the address
16 shown on the tax rolls of the county treasurer. An affidavit must be
17 filed with the city or town before the hearing showing that notice,
18 by publication and mailing, was made as required in this section. The
19 hearing may be postponed to a definite date until the hearing is
20 held. At the hearing, the legislative body of the city or town must
21 hear persons who appear for or against the improvement and determine
22 whether it will proceed with the improvement; whether it will make
23 any changes to the original plan; and what the changes will be, if
24 any. This action may be taken by motion adopted in a manner as
25 determined by the legislative body.

26 NEW SECTION. **Sec. 8.** When all or any portion of the cost is to
27 be assessed against abutting property owners, the city or town may
28 create a "private roadway construction fund No. . . ." to be
29 numbered differently for each improvement and with warrants drawn on
30 this fund the cost of the respective improvements may be paid. The
31 city or town may loan the amounts necessary to pay for any costs of
32 the improvement loan to the private roadway construction fund. If
33 assessments are made for the improvement, then payments for the
34 improvement must be paid into the particular private roadway
35 improvement fund. If any funds are available over the amounts
36 necessary to pay outstanding warrants, any advances or loans made to
37 the fund must be repaid. If warrants are drawn on any such fund that
38 are not paid for lack of sufficient funds, they must be stamped as

1 such and bear interest until called and paid at a rate established by
2 the city or town by resolution.

3 NEW SECTION. **Sec. 9.** If any portion of the costs are to be
4 assessed against the abutting property by the city or town, an
5 assessment roll must be prepared by the proper official of the city
6 or town and must conform with the allocation of costs specified in
7 the petition submitted under section 5 of this act, but adjusted for
8 any modifications authorized under this section. The assessment roll
9 must describe the property assessed; state the name of the owner or
10 that the owner is unknown and fix the amount of the assessment. The
11 assessment roll must be filed with the appropriate official of the
12 city or town. When the assessment roll is properly filed, the city or
13 town must, by resolution, fix a date for hearing the proposed
14 assessment roll and direct the clerk of the city or town to give
15 notice of the hearing and the time and place of the hearing. The
16 notice of hearing must be mailed to the person whose name appears on
17 the county treasurer's tax roll as the owner or reputed owner of the
18 property at the address shown on the tax roll, and must be published
19 before the date fixed for the hearing for two consecutive weeks in
20 the official newspaper or regular official publication of the city.
21 The notice must be mailed and first publication made at least ten
22 days before the hearing date. Proof of mailing and publication must
23 be made by affidavit and must be filed with the appropriate official
24 of the city or town before the date fixed for the hearing. Following
25 the hearing the city or town must by resolution affirm, modify, or
26 reject or order recasting of the assessment roll. An appeal may be
27 filed with the superior court from the ordinance confirming the
28 assessment roll in the same manner as provided for appeals from the
29 assessment roll in chapters 35.43 through 35.54 RCW.

30 NEW SECTION. **Sec. 10.** The city or town must by resolution
31 provide whether the full amount of the assessment must be paid in one
32 payment or whether it may be paid in installments and must prescribe
33 the time and amount of such payments. If to be paid in installments,
34 the city or town may by resolution provide for interest on unpaid
35 installments and fix the rate of interest.

36 NEW SECTION. **Sec. 11.** The assessment roll, as affirmed or
37 modified by the city or town, must be filed with the treasurer of the

1 city or town for collection, and the amount of the assessment roll
2 including interest, if any, becomes a lien against the property
3 described therein from the date of the filing. Whenever any payment
4 on any assessment or installment is delinquent and unpaid for a
5 period of thirty days or more, the lien may be foreclosed in the same
6 manner and with the same effect as provided in chapters 35.43 through
7 35.54 RCW. Whenever the deed is issued after the sale therein
8 provided, the regularity, validity, and correctness of the
9 proceedings relating to such improvement and the assessment therefor
10 is final and conclusive and no action may thereafter be brought by or
11 in behalf of any person to set aside such deed.

12 NEW SECTION. **Sec. 12.** The definitions in this section apply
13 throughout this chapter unless the context clearly requires
14 otherwise:

15 (1) "Private roadway" means every way or place in private
16 ownership and used for travel of vehicles by the owner or those
17 having express or implied permission from the owner, but not by other
18 persons. "Private roadway" does not include a road or road segment,
19 other than a residential access road, that crosses land that meets
20 the definition of forestland in RCW 76.09.020.

21 (2) "Public use" means the use of a private roadway by a
22 governmental entity related to police or fire protection services or
23 any other governmental service requiring the use of a private roadway
24 as the vehicular roadway for ingress or egress by the governmental
25 entity.

26 NEW SECTION. **Sec. 13.** (1) A code city may not authorize the
27 financing for the construction, reconstruction, or repair of a
28 private roadway under this chapter unless the code city receives a
29 petition signed by the owners abutting the roadway, according to the
30 records of the county within which the roadway is located,
31 constituting an aggregate amount of the majority of the lineal
32 frontage upon the contemplated roadway improvement.

33 (2) A petition submitted under this section must set forth the
34 nature and territorial extent of the proposed roadway improvement and
35 the fact that the petition signers are the owners, according to the
36 records of the county within which the roadway is located, of a
37 majority of the lineal frontage upon the contemplated roadway
38 improvement. The petition must also state the financial contribution

1 that will be provided by each of the property owners abutting the
2 portion of the roadway improvement and a proposed timeline for
3 completing the roadway improvement.

4 (3) Upon the filing of a petition under this section, the code
5 city must determine whether the petition is sufficient. If the code
6 city finds the petition to be sufficient, the code city may adopt a
7 resolution under section 15 of this act.

8 NEW SECTION. **Sec. 14.** A code city may construct, reconstruct,
9 and repair private roadways when the code city receives a petition
10 under section 13 of this act and adopts a resolution required under
11 section 15 of this act. From any available funds, the code city may
12 either pay the entire costs of the construction, reconstruction, or
13 repair; or contribute a portion of the funds to pay the costs of such
14 improvements.

15 NEW SECTION. **Sec. 15.** (1) Under this chapter, a code city may
16 only undertake the construction, reconstruction, or repair of a
17 private roadway pursuant to a resolution of the legislative body of
18 the code city. The resolution must state whether all or a specified
19 portion of the cost of the improvements will be borne by the abutting
20 property owners at their own cost and expense as provided in the
21 petition under section 13 of this act. The amount of cost and expense
22 borne by the abutting property owners, as provided in the resolution,
23 may not exceed the amount specified in the petition under section 13
24 of this act. If the abutting owners are required to pay for all or a
25 portion of the costs of the improvements and fail to pay for the
26 costs, the code city may perform and complete the improvements and
27 assess the cost against the abutting owners for the portion of costs
28 attributable to the property owners in the manner provided in the
29 petition, but adjusted for any modifications authorized under this
30 subsection. The code city may not increase the total amount of funds
31 that will be contributed by the abutting property owners in excess of
32 the amount specified in the petition submitted under section 13 of
33 this act, but the resolution may modify the amount contributed by
34 each property owner to reflect a more fair allocation among the
35 property owners.

36 (2) Any resolution submitted under subsection (1) of this section
37 must include a declaration of public use that specifically identifies

1 the significant public uses necessitating the construction,
2 reconstruction, or repair of a private roadway.

3 (3) If the abutting owners are required to pay for all or a
4 portion of the costs of the improvements as provided under subsection
5 (1) of this section, the cost assigned to each property owner must be
6 consistent with the allocated contribution amounts specified on the
7 petition, but adjusted for any modifications authorized under
8 subsection (1) of this section.

9 (4) The legislative body of the code city must provide a public
10 hearing on the resolution prior to its adoption. Notice of the public
11 hearing on the resolution must be published in the official newspaper
12 or regularly published official publication of the code city for two
13 consecutive weeks before the time of hearing. At least ten days
14 before the date fixed for the hearing, the code city must provide
15 notice of the date of the hearing to each owner or reputed owner of
16 the abutting property by mailing to the owner or reputed owner of the
17 property a notice of the date of hearing at the address shown on the
18 tax rolls of the county treasurer. An affidavit must be filed with
19 the code city before the hearing showing that notice, by publication
20 and mailing, was made as required in this section. The hearing may be
21 postponed to a definite date until the hearing is held. At the
22 hearing, the legislative body of the code city must hear persons who
23 appear for or against the improvement and determine whether it will
24 proceed with the improvement; whether it will make any changes to the
25 original plan; and what the changes will be, if any. This action may
26 be taken by motion adopted in a manner as determined by the
27 legislative body.

28 NEW SECTION. **Sec. 16.** When all or any portion of the cost is to
29 be assessed against abutting property owners, the code city may
30 create a "private roadway construction fund No. . . ." to be
31 numbered differently for each improvement and with warrants drawn on
32 this fund the cost of the respective improvements may be paid. The
33 code city may loan the amounts necessary to pay for any costs of the
34 improvement loan to the private roadway construction fund. If
35 assessments are made for the improvement, then payments for the
36 improvement must be paid into the particular private roadway
37 improvement fund. If any funds are available over the amounts
38 necessary to pay outstanding warrants, any advances or loans made to
39 the fund must be repaid. If warrants are drawn on any such fund that

1 are not paid for lack of sufficient funds, they must be stamped as
2 such and bear interest until called and paid at a rate established by
3 the code city by resolution.

4 NEW SECTION. **Sec. 17.** If any portion of the costs are to be
5 assessed against the abutting property by the code city, an
6 assessment roll must be prepared by the proper official of the code
7 city and must conform with the allocation of costs specified in the
8 petition submitted under section 13 of this act, but adjusted for any
9 modifications authorized under this section. The assessment roll must
10 describe the property assessed; state the name of the owner or that
11 the owner is unknown and fix the amount of the assessment. The
12 assessment roll must be filed with the appropriate official of the
13 code city. When the assessment roll is properly filed, the code city
14 must, by resolution, fix a date for hearing the proposed assessment
15 roll and direct the clerk of the code city to give notice of the
16 hearing and the time and place of the hearing. The notice of hearing
17 must be mailed to the person whose name appears on the county
18 treasurer's tax roll as the owner or reputed owner of the property at
19 the address shown on the tax roll, and must be published before the
20 date fixed for the hearing for two consecutive weeks in the official
21 newspaper or regular official publication of the city. The notice
22 must be mailed and first publication made at least ten days before
23 the hearing date. Proof of mailing and publication must be made by
24 affidavit and must be filed with the appropriate official of the code
25 city before the date fixed for the hearing. Following the hearing the
26 code city must by resolution affirm, modify, or reject the assessment
27 roll or order recasting of the assessment roll. An appeal may be
28 filed with the superior court from the ordinance confirming the
29 assessment roll in the same manner as provided for appeals from the
30 assessment roll in chapters 35.43 through 35.54 RCW.

31 NEW SECTION. **Sec. 18.** The code city must by resolution provide
32 whether the full amount of the assessment must be paid in one payment
33 or whether it may be paid in installments and must prescribe the time
34 and amount of such payments. If to be paid in installments, the code
35 city may by resolution provide for interest on unpaid installments
36 and fix the rate of interest.

1 NEW SECTION. **Sec. 19.** The assessment roll, as affirmed or
2 modified by the code city, must be filed with the treasurer of the
3 code city for collection, and the amount of the assessment roll
4 including interest, if any, becomes a lien against the property
5 described therein from the date of the filing. Whenever any payment
6 on any assessment or installment is delinquent and unpaid for a
7 period of thirty days or more, the lien may be foreclosed in the same
8 manner and with the same effect as provided in chapters 35.43 through
9 35.54 RCW. Whenever the deed is issued after the sale therein
10 provided, the regularity, validity, and correctness of the
11 proceedings relating to such improvement and the assessment therefor
12 is final and conclusive and no action may thereafter be brought by or
13 in behalf of any person to set aside such deed.

14 NEW SECTION. **Sec. 20.** The definitions in this section apply
15 throughout this chapter unless the context clearly requires
16 otherwise:

17 (1) "Private roadway" means every way or place in private
18 ownership and used for travel of vehicles by the owner or those
19 having express or implied permission from the owner, but not by other
20 persons. "Private roadway" does not include a road or road segment,
21 other than a residential access road, that crosses land that meets
22 the definition of forestland in RCW 76.09.020.

23 (2) "Public use" means the use of a private roadway by a
24 governmental entity related to police or fire protection services or
25 any other governmental service requiring the use of a private roadway
26 as the vehicular roadway for ingress or egress by the governmental
27 entity.

28 NEW SECTION. **Sec. 21.** (1) A county may not authorize the
29 financing for the construction, reconstruction, or repair of a
30 private roadway under this chapter unless the county receives a
31 petition signed by the owners abutting the roadway, according to the
32 records of the county within which the roadway is located,
33 constituting an aggregate amount of the majority of the lineal
34 frontage upon the contemplated roadway improvement.

35 (2) A petition submitted under this section must set forth the
36 nature and territorial extent of the proposed roadway improvement and
37 the fact that the petition signers are the owners, according to the
38 records of the county within which the roadway is located, of a

1 majority of the lineal frontage upon the contemplated roadway
2 improvement. The petition must also state the financial contribution
3 that will be provided by each of the property owners abutting the
4 portion of the roadway improvement and a proposed timeline for
5 completing the roadway improvement.

6 (3) Upon the filing of a petition under this section, the county
7 must determine whether the petition is sufficient. If the county
8 finds the petition to be sufficient, the county may adopt a
9 resolution under section 23 of this act.

10 NEW SECTION. **Sec. 22.** A county may construct, reconstruct, and
11 repair private roadways when the county receives a petition under
12 section 21 of this act and adopts a resolution required under section
13 23 of this act. From any available funds, the county may either pay
14 the entire costs of the construction, reconstruction, or repair; or
15 contribute a portion of the funds to pay the costs of such
16 improvements.

17 NEW SECTION. **Sec. 23.** (1) Under this chapter, a county may only
18 undertake the construction, reconstruction, or repair of a private
19 roadway pursuant to a resolution of the legislative body of the
20 county. The resolution must state whether all or a specified portion
21 of the cost of the improvements will be borne by the abutting
22 property owners at their own cost and expense as provided in the
23 petition under section 21 of this act. The amount of cost and expense
24 borne by the abutting property owners, as provided in the resolution,
25 may not exceed the amount specified in the petition under section 21
26 of this act. If the abutting owners are required to pay for all or a
27 portion of the costs of the improvements and fail to pay for the
28 costs, the county may perform and complete the improvements and
29 assess the cost against the abutting owners for the portion of costs
30 attributable to the property owners in the manner provided in the
31 petition, but adjusted for any modifications authorized under this
32 subsection. The county may not increase the total amount of funds
33 that will be contributed by the abutting property owners in excess of
34 the amount specified in the petition submitted under section 21 of
35 this act, but the resolution may modify the amount contributed by
36 each property owner to reflect a more fair allocation among the
37 property owners.

1 (2) Any resolution submitted under subsection (1) of this section
2 must include a declaration of public use that specifically identifies
3 the significant public uses necessitating the construction,
4 reconstruction, or repair of a private roadway.

5 (3) If the abutting owners are required to pay for all or a
6 portion of the costs of the improvements as provided under subsection
7 (1) of this section, the cost assigned to each property owner must be
8 consistent with the allocated contribution amounts specified on the
9 petition, but adjusted for any modifications authorized under
10 subsection (1) of this section.

11 (4) The legislative body of the county must provide a public
12 hearing on the resolution prior to its adoption. Notice of the public
13 hearing on the resolution must be published in the official newspaper
14 or regularly published official publication of the county for two
15 consecutive weeks before the time of hearing. At least ten days
16 before the date fixed for the hearing, the county must provide notice
17 of the date of the hearing to each owner or reputed owner of the
18 abutting property by mailing to the owner or reputed owner of the
19 property a notice of the date of hearing at the address shown on the
20 tax rolls of the county treasurer. An affidavit must be filed with
21 the county before the hearing showing that notice, by publication and
22 mailing, was made as required in this section. The hearing may be
23 postponed to a definite date until the hearing is held. At the
24 hearing, the legislative body of the county must hear persons who
25 appear for or against the improvement and determine whether it will
26 proceed with the improvement; whether it will make any changes to the
27 original plan; and what the changes will be, if any. This action may
28 be taken by motion adopted in a manner as determined by the
29 legislative body.

30 NEW SECTION. **Sec. 24.** When all or any portion of the cost is to
31 be assessed against abutting property owners, the county may create a
32 "private roadway construction fund No. . . ." to be numbered
33 differently for each improvement; and with warrants drawn on this
34 fund the cost of the respective improvements may be paid. The county
35 may loan the amounts necessary to pay for any costs of the
36 improvement loan to the private roadway construction fund. If
37 assessments are made for the improvement, then payments for the
38 improvement must be paid into the particular private roadway
39 improvement fund. If any funds are available over the amounts

1 necessary to pay outstanding warrants, any advances or loans made to
2 the fund must be repaid. If warrants are drawn on any such fund that
3 are not paid for lack of sufficient funds, they must be stamped as
4 such and bear interest until called and paid at a rate established by
5 the county by resolution.

6 NEW SECTION. **Sec. 25.** If any portion of the costs are to be
7 assessed against the abutting property by the county, an assessment
8 roll must be prepared by the proper official of the county and must
9 conform with the allocation of costs specified in the petition
10 submitted under section 21 of this act, but adjusted for any
11 modifications authorized under this section. The assessment roll must
12 describe the property assessed; state the name of the owner or that
13 the owner is unknown and fix the amount of the assessment. The
14 assessment roll must be filed with the appropriate official of the
15 county. When the assessment roll is properly filed, the county must,
16 by resolution, fix a date for hearing the proposed assessment roll
17 and direct the clerk of the county to give notice of the hearing and
18 the time and place of the hearing. The notice of hearing must be
19 mailed to the person whose name appears on the county treasurer's tax
20 roll as the owner or reputed owner of the property at the address
21 shown on the tax roll, and must be published before the date fixed
22 for the hearing for two consecutive weeks in the official newspaper
23 or regular official publication of the city. The notice must be
24 mailed and first publication made at least ten days before the
25 hearing date. Proof of mailing and publication must be made by
26 affidavit and must be filed with the appropriate official of the
27 county before the date fixed for the hearing. Following the hearing
28 the county must by resolution affirm, modify, or reject the
29 assessment roll or order recasting of the assessment roll. An appeal
30 may be filed with the superior court from the ordinance confirming
31 the assessment roll in the same manner as provided for appeals from
32 the assessment roll in chapters 35.43 through 35.54 RCW.

33 NEW SECTION. **Sec. 26.** The county must by resolution provide
34 whether the full amount of the assessment must be paid in one payment
35 or whether it may be paid in installments and must prescribe the time
36 and amount of such payments. If to be paid in installments, the
37 county may by resolution provide for interest on unpaid installments
38 and fix the rate of interest.

1 NEW SECTION. **Sec. 27.** The assessment roll, as affirmed or
2 modified by the county, must be filed with the treasurer of the
3 county for collection, and the amount of the assessment roll
4 including interest, if any, becomes a lien against the property
5 described therein from the date of the filing. Whenever any payment
6 on any assessment or installment is delinquent and unpaid for a
7 period of thirty days or more, the lien may be foreclosed in the same
8 manner and with the same effect as provided in chapters 35.43 through
9 35.54 RCW. Whenever the deed is issued after the sale therein
10 provided, the regularity, validity, and correctness of the
11 proceedings relating to such improvement and the assessment therefor
12 is final and conclusive and no action may thereafter be brought by or
13 in behalf of any person to set aside such deed.

14 NEW SECTION. **Sec. 28.** The definitions in this section apply
15 throughout this chapter unless the context clearly requires
16 otherwise:

17 (1) "Private roadway" means every way or place in private
18 ownership and used for travel of vehicles by the owner or those
19 having express or implied permission from the owner, but not by other
20 persons. "Private roadway" does not include a road or road segment,
21 other than a residential access road, that crosses land that meets
22 the definition of forestland in RCW 76.09.020.

23 (2) "Public use" means the use of a private roadway by a
24 governmental entity related to police or fire protection services or
25 any other governmental service requiring the use of a private roadway
26 as the vehicular roadway for ingress or egress by the governmental
27 entity.

28 NEW SECTION. **Sec. 29.** Sections 1 through 4 of this act
29 constitute a new chapter in Title 64 RCW.

30 NEW SECTION. **Sec. 30.** Sections 5 through 12 of this act
31 constitute a new chapter in Title 35 RCW.

32 NEW SECTION. **Sec. 31.** Sections 13 through 20 of this act
33 constitute a new chapter in Title 35A RCW.

34 NEW SECTION. **Sec. 32.** Sections 21 through 28 of this act
35 constitute a new chapter in Title 36 RCW.

1 NEW SECTION. **Sec. 33.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 34.** Sections 1 through 4 of this act take
6 effect January 1, 2018."

7 Correct the title.

EFFECT: (1) Requires easement holders to share the reasonable and necessary costs of maintaining an easement to a private road for ingress and egress in proportion to each holder's use of the easement, if the holders have not entered into a maintenance agreement.

(2) Provides a civil cause of action in the event that an easement holder breaches a maintenance agreement or fails to pay his or her portion of the maintenance costs.

(3) Authorizes counties, cities, and towns to construct and repair a private roadway after receiving a signed petition from property owners abutting the roadway and adopting a resolution concerning the improvement of a roadway.

(4) Requires the petition to state: (a) The nature of the proposed roadway improvement; (b) the fact that the petition signers are the true property owners of the property next to the roadway; (c) the financial contribution that will be provided by each property owner; and (d) a proposed timeline for completing the roadway improvement.

(5) Requires the resolution to: (a) Include a declaration identifying the significant public uses necessitating the roadway improvement; and (b) state how the roadway improvement will be financed.

(6) Authorizes local jurisdictions to pay the entire cost, contribute to a portion of the cost, or assess the cost against the property owners for their proportionate share of the roadway improvement.

(7) Defines "private roadway" to mean every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons. Excludes a road or road segment, other than a residential access road, that crosses land that meets the definition of forestland from the definition of "private roadway."

(8) Defines "public use" to mean the use of a private roadway by a governmental entity related to police or fire protection services or any other governmental service requiring the use of a private roadway as the vehicular roadway for ingress or egress by the governmental entity.

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