

## **Chapter 85.24 RCW**

### **DIKING AND DRAINAGE DISTRICTS IN TWO OR MORE COUNTIES**

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## NOTES:

Special district creation and operation: Chapter 85.38 RCW.

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### 85.24.010

#### Districts authorized—Powers—Designation.

Whenever a portion of two or more counties require diking, drainage, or the erection of flood dams or drift barriers to prevent inundations, such portion of two or more counties may be organized into a district; and the board of commissioners, hereinafter provided for, shall have and possess the powers herein conferred, or that may hereafter be conferred by law upon such districts and board of commissioners, and all such powers not in conflict with those herein granted, which now exist under the provisions of the laws of the state relating to the establishment, construction and maintenance of dikes and drains; and such districts shall be known and designated as "Diking and Drainage District No. . . . . in . . . . . and . . . . . counties (here insert name of counties), of the state of Washington"; and shall have the right to sue and be sued by, in the name of its board of commissioners herein provided for, and shall have perpetual succession, and shall adopt and use a seal.

[ 1923 c 140 § 1; 1909 c 225 § 1; RRS § 4361.]

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### 85.24.015

#### Certain powers and rights governed by chapter 85.38 RCW.

Intercounty diking and drainage districts shall possess the authority and shall be created, district voting rights shall be determined, and district elections shall be held as provided in chapter 85.38 RCW.

[ 1985 c 396 § 34.]

## NOTES:

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### 85.24.025

#### Annexation of territory—Consolidation of special districts—Suspension of operations—Reactivation.

Intercounty diking and drainage improvement districts may annex territory, consolidate with other special districts, and have their operations suspended and be reactivated, in accordance with chapter 85.38 RCW.

[ 1986 c 278 § 14.]

## NOTES:

**Severability—1986 c 278:** See note following RCW 36.01.010.

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**85.24.065****Special assessments—Budgets—Alternative methods.**

RCW **85.38.140** through **85.38.170** constitute a mutually exclusive alternative method by which intercounty diking and drainage districts in existence as of July 28, 1985, may measure and impose special assessments and adopt budgets. RCW **85.38.150** through **85.38.170** constitute the exclusive method by which intercounty diking and drainage districts created after July 28, 1985, may measure and impose special assessments and adopt budgets.

[ **1985 c 396 § 27.** ]

**NOTES:**

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**85.24.070****Board of commissioners—Oath, bond—Plan of improvement—Levy of assessment, procedure.**

A three-member board of commissioners shall be the governing body of an intercounty diking and drainage district. The initial commissioners shall be appointed, and the elected commissioners elected, as provided in chapter **85.38** RCW.

The members of such board, before entering upon their duties, shall take and subscribe on oath substantially as follows:

|                     |                              |
|---------------------|------------------------------|
| State of Washington | <input type="checkbox"/>     |
|                     | <input type="checkbox"/>     |
|                     | <input type="checkbox"/> ss. |
| County of . . . .   | <input type="checkbox"/>     |
|                     | <input type="checkbox"/>     |

I, the undersigned, a member of the board of commissioners of the diking and drainage district No. . . . ., in . . . . . and . . . . . counties, do solemnly swear (or affirm) that I will faithfully discharge my duties as a member of the commission.

Upon the taking of such oath and the entering into a bond, as provided in RCW **85.38.080**, the county legislative authority shall enter an order upon its records that the three persons named have qualified as the board of commissioners for diking and drainage district No. . . . ., in . . . . . and . . . . . counties, and that those persons and their successors do and shall constitute a board of commissioners for the diking and drainage district. The order when made shall be conclusive of the regularity of the election and qualification of the board of diking and drainage commissioners for the particular district, and the persons named therein shall constitute the board of diking and drainage commissioners.

The board of diking and drainage commissioners shall thereupon immediately organize and elect one of their number as chair and may either appoint a voter of the district or another diking and drainage commissioner to act as secretary. The board shall then proceed to make and cause to be made specifications and details of a system which may be adopted by the board for the improvements to be made, together with an estimate of the total cost thereof; and shall, upon the adoption of the plan of improvement of the district, proceed to acquire the necessary property and property rights for the construction, establishment, and maintenance of the system either by purchase or by power of eminent

domain as hereinafter provided. Upon such acquisition being had, the board shall then proceed with the construction of the diking and drainage system and in doing so shall have the power to do the work directly or in its discretion to have all or any part of the work done by contract. In case the board shall decide upon doing the same by contract, it shall advertise for bids for the construction work, or such part thereof as they may determine to have done by contract, and shall have the authority to let a contract to the lowest responsible bidder after advertising for bids.

Any contractor doing work hereunder shall be required to furnish a bond as provided by the laws of the state of Washington relating to contractors of public work.

The board shall have the right, power, and authority to issue vouchers or warrants in payment or evidence of payment of any and all expenses incurred under this chapter, and shall have the power to issue the same to any contractor as the work progresses, the same to be based upon the partial estimates furnished from time to time by engineers of the district. All warrants issued hereunder shall draw interest at a rate determined by the board.

Upon the completion of the construction of the system, and ascertainment of the total cost thereof including all compensation and damages and costs and expenses incident to the acquiring of the necessary property and property right, the board shall then proceed to levy an assessment upon the taxable real property within the district which the board may find to be specially benefited by the proposed improvements; and shall make and levy such assessment upon each piece, lot, parcel, and separate tract of real estate in proportion to the particular and special benefits thereto. Upon determining the amount of the assessment against each particular tract of real estate as aforesaid, the commissioners shall make or cause to be made an assessment roll, in which shall appear the names of the owners of the property assessed, so far as known, and a general description of each lot, block, parcel, or tract of land within the district, and the amount assessed against the same, as separate, special, or particular benefits. The board shall thereupon make an order setting and fixing a day for hearing any objections to the assessment roll by any one affected thereby, which day shall be at least twenty days after the mailing of notices thereof, postage prepaid, as herein provided. The board shall send or cause to be sent by mail to each owner of the premises assessed, whose name and place of residence is known, a notice, substantially in the following form:

To . . . . .: Your property (here describe the property) is assessed \$ . . . . . A hearing on the assessment roll will be had before the undersigned at the office of the board at . . . . . on the . . . . day of . . . . . at which time you are notified to be and appear and to make any and all objections which you may have as to the amount of the assessment against your property, or as to whether it should be assessed at all; and to make any and all objections which you may have to the assessment against your lands, or any part or portion thereof.

The failure to send or cause to be sent such notice shall not be fatal to the proceedings herein described. The secretary of the board on the mailing of the notices shall certify generally that he or she has mailed such notices to the known address of all owners, and such certificate shall be prima facie evidence of the mailing of all such notices at the date mentioned in the certificate.

The board shall cause at least ten days' notice of the hearing to be given by posting notice in at least ten public places within the boundaries of the district, and by publishing the same at least five successive times in a daily newspaper published in each of the counties affected; and for at least two successive weeks in one or more weekly newspapers within the boundaries of the district, in each county if there are such newspapers published therein, and if there is no such newspaper published, then in one or more weekly newspapers, having a circulation in the district, for two successive weeks. The notice shall be signed by the chair or secretary of the board of commissioners, and shall state the date and place of hearing of objections to the assessment roll and levy, and of all other objections; and that all interested parties will be heard as to any objection to the assessment roll and the levies as therein made.

**85.24.073, 85.24.075, 85.24.077, and 85.24.079.** Formerly RCW **85.24.070, 85.24.090, 85.24.100, 85.24.110, and 85.24.120.**]

## NOTES:

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### **85.24.071**

#### **Board of commissioners—Power to conduct business, make contracts, etc.**

The commissioners herein provided for and their successors in office, shall from the time of their election and qualifications aforesaid, have the power, and it shall be their duty, to manage and conduct the business affairs of the district, making and executing all necessary contracts, appoint such agents and employees as may be required, and prescribe their duties, and perform any and all acts which may be necessary, proper or requisite to carry into effect their duties as commissioners, and all such other acts as may be provided in this chapter or in any other act.

[ **1909 c 225 § 9**; RRS § 4369. Formerly RCW **85.24.070**, part.]

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### **85.24.073**

#### **Board of commissioners—Construction and maintenance powers.**

Said board of commissioners herein provided for shall have the exclusive charge of the construction and maintenance of all dikes and drainage systems which may be constructed within the said district, and shall be the executive officers thereof, with full power to bind said district by their acts in the performance of their duties as provided by law.

[ **1909 c 225 § 11**; RRS § 4371. Formerly RCW **85.24.070**, part.]

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### **85.24.075**

#### **Board of commissioners—Duties of board officers—Quorum.**

The chair of the board shall preside at all meetings and shall have the right to vote upon all questions the same as other members, and shall perform such duties in addition to those in this chapter prescribed as may be fixed by the board. The secretary of the board shall perform the duties in this chapter prescribed, and such other duties as may be fixed by the board. A majority of the board shall constitute a quorum for the transaction of business, but it shall require a majority of the entire board to authorize any action by the board.

[ **2013 c 23 § 432**; **1909 c 225 § 21**; RRS § 4381. Formerly RCW **85.24.070**, part.]

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### **85.24.077**

#### **Board of commissioners—Power to adjourn proceedings.**

The board of commissioners shall have power to adjourn any and all proceedings before them from time to time.

[ 1909 c 225 § 28; RRS § 4388. Formerly RCW 85.24.070, part.]

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## **85.24.079**

### **Board of commissioners—Rules and regulations.**

The board shall have power and authority to make rules and regulations for the purpose of carrying into effect any of the provisions of this chapter.

[ 1909 c 225 § 32; RRS § 4392. Formerly RCW 85.24.070, part.]

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## **85.24.080**

### **Board of commissioners—Compensation and expenses.**

The members of the board may receive as compensation up to ninety dollars per day or portion thereof spent in actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district: PROVIDED, That such compensation shall not exceed eight thousand six hundred forty dollars in one calendar year: PROVIDED FURTHER, That the board may fix a different salary for the secretary thereof in lieu of the per diem. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. The salary and expenses shall be paid by the treasurer of the fund, upon orders made by the board. Each member of the board must before being paid for expenses, take vouchers therefore from the person or persons to whom the particular amount was paid, and must also make affidavit that the amounts were necessarily incurred and expended in the performance of his or her duties.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing

more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

[ 2007 c 469 § 11; 1998 c 121 § 11; 1991 c 349 § 23; 1985 c 396 § 54; 1909 c 225 § 33; RRS § 4393.]

## NOTES:

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### 85.24.130

#### Objections to assessment—Procedure.

Any person interested in any real estate affected by said assessment may, within the time fixed, appear and file objections. As to all parcels, lots, or blocks as to which no objections are filed, within the time as aforesaid, the assessment thereon shall be confirmed and shall be final. On the hearing, each person may offer proof, and proof may also be offered on behalf of the assessment, and the board shall affirm, modify, change, and determine the assessment, in such sum as to the board appears just and right. The commissioners may increase the assessment during such hearing upon any particular tract by mailing notice to the owner at his or her last known address, to be and appear within a time not less than ten days after the date of the notice, to show cause why his or her assessment should not be increased. When the assessment is finally equalized and fixed by the board, the secretary thereof shall certify the same to the county treasurer of each county in which the lands are situated, for collection; or if appeal has been taken from any part thereof, then so much thereof as has not been appealed from shall be certified. In case any owner of property appeals to the superior court in relation to the assessment or other matter when the amount of the assessment is determined by the court finally, either upon determination of the superior court, or review by the supreme court or the court of appeals, then the assessment as finally fixed and determined by the court shall be certified by the clerk of the proper court to the county treasurer of the county in which the lands are situated and shall be spread upon and become a part of the assessment roll hereinbefore referred to.

[ 2013 c 23 § 433; 1988 c 202 § 82; 1971 c 81 § 167; 1909 c 225 § 6; RRS § 4366.]

## NOTES:

**Severability—1988 c 202:** See note following RCW [2.24.050](#).

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### 85.24.140

#### Judicial review.

Any person who feels aggrieved by the final assessment made against any lot, block, or parcel of land owned by him or her, may appeal therefrom to the superior court of the county in which the land is situated. Such appeal shall be taken within the time and substantially in the manner prescribed by the laws of this state for appeals from justices' courts. All notice of appeal shall be filed with the said board, and shall be served upon the prosecuting attorney of the county in which the action is brought. The secretary of the board shall, at appellant's expense, certify to the superior court so much of the record as appellant may request, and the cause shall be tried in the superior court de novo.

Any person aggrieved by any final order or judgment made by the superior court concerning any assessment authorized by this chapter, may seek appellate review of the order or judgment as in other civil cases.

[ 2013 c 23 § 434; 1988 c 202 § 83; 1971 c 81 § 168; 1909 c 225 § 7; RRS § 4367.]

## NOTES:

**Severability—1988 c 202:** See note following RCW 2.24.050.

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### 85.24.150

#### **Lien of assessments—Notice and collection.**

The final assessment shall be a lien paramount to all other liens except liens for taxes and other special assessments upon the property assessed, from the time the assessment roll shall have been finally approved by the board, and placed in the hands of the county treasurers as collectors. After the roll shall have been delivered to the county treasurers for collection, each treasurer shall proceed to collect the amounts due in the manner that other taxes are collected as to all lands situated within the county of which he or she is treasurer. The treasurer shall give at least ten days' notice in one or more newspapers of general circulation in the counties in which the lands are situated for two successive weeks, that the roll has been certified to him or her for collection, and that unless payment be made within thirty days from the date of the notice, that the sum charged against each lot or parcel of land shall be paid in not more than ten equal annual payments, with interest upon the whole sum so charged, at a rate not to exceed seven percent per annum. The interest shall be paid annually. The county treasurer shall proceed to collect the amount due each year upon the publication of notice as hereinafter provided. In such publication notice it shall not be necessary to give a description of each tract, piece or parcel of land, or of the names of the owners thereof.

The treasurer shall also mail a copy of the notice to the owner of the property assessed, when the post office address of the owner is known to the treasurer; but the failure to mail the notice shall not be necessary to the validity of the collection of the tax.

[ 2013 c 23 § 435; 1985 c 469 § 83; 1909 c 225 § 8; RRS § 4368.]

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### 85.24.160

#### **Payment of assessment without interest.**

The owner of any lot or parcel of land charged with any assessment, as hereinbefore provided, may redeem the same from all liability by paying the entire assessment charged against such lot or parcel of land, or part thereof, without interest, within thirty days after notice to him or her of such assessment, as herein provided.

[ 2013 c 23 § 436; 1986 c 278 § 38; 1983 c 167 § 199; 1909 c 225 § 17; RRS § 4377.]

## NOTES:

**Severability—1986 c 278:** See note following RCW [36.01.010](#).

**Liberal construction—Severability—1983 c 167:** See RCW [39.46.010](#) and note following.

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## **85.24.170**

### **District treasurer—Collection, remittance and disbursement of assessments.**

The treasurer of each county shall collect the taxes levied and assessed hereunder upon all that portion of the property situated within the county for which the treasurer is acting. The treasurer of the county in which the smaller or minor portion of the taxes are to be collected shall forward the amount collected by him or her quarterly each year on the first Monday in January, April, July, and October, to the treasurer of the county in which the larger or major portion of the taxes are to be collected. The treasurer of the county in which the larger portion of the taxes have been levied and assessed shall be the disbursing officer of such diking and drainage district, and shall pay out the funds of such district upon orders drawn by the chair and secretary of the board acting under authority of the board, and shall be the treasurer of the fund.

[ [2013 c 23 § 437](#); [1909 c 225 § 22](#); RRS § 4382.]

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## **85.24.180**

### **Sale of property for delinquency—Procedure—Purchaser's interest.**

If any of the installment of taxes are not paid as herein provided, the county treasurer shall sell all lots or parcels of land on which taxes have been levied and assessed, whether in the name of the designated owner or the name of an unknown owner, to satisfy all delinquent and unpaid assessments, interest, penalties, and costs. The treasurer must commence the sale of property upon which taxes are delinquent within sixty days after the same become delinquent, and continue such sale from day to day thereafter until all the lots and parcels of land upon which taxes have not been paid are sold. Such sales shall take place at the front door of the courthouse. The proper treasurer shall give notice of such sales by publishing a notice thereof once a week for two successive weeks in two or more newspapers published within the district, or if no such newspaper is published, within the district, then within any two or more newspapers having a general circulation in such district; such notice shall contain a list of all lots and parcels of land upon which such assessments are delinquent, with the amount of interest, penalty, and cost at the date of sale, including costs of advertising had upon each of such lots, pieces, or parcels of land, together with the names of the owners thereof, if known to the treasurer, or the word "unknown" if unknown to the treasurer, and shall specify the time and place of sale, and that the several lots or parcels of land therein described, or so much as may be necessary, will be sold to satisfy the assessment, interest, penalty, and cost due upon each. All such sales shall be made between the hours of ten o'clock a.m. and three o'clock p.m. Such sales shall be made in the manner now prescribed by the general laws of this state for the sale of property for delinquent taxes, and certificates and deeds shall be made to the purchasers and redemptions made as is now prescribed by the general laws of this state in the manner and upon the terms therein specified: PROVIDED, That no tax deeds shall be made until after the expiration of one year after the issuance of the certificate, and during such year any person interested may redeem. A certificate of purchase shall be issued to the district for all lots and parcels of land not sold. Certificates issued to the district shall be delivered to the board of commissioners of the district. The board of commissioners of the district may sell and transfer any such certificate to any person who is willing to pay to the district the amount for which the lot or parcel of land therein described was stricken

off to the district, with the interest subsequently accrued thereon. Within ten days after the completion of sale of all lots, pieces, and parcels of land authorized to be sold as aforesaid, the treasurer must make a return to the board of commissioners with a statement of the doings thereon, showing all lots and parcels of land sold by him or her, to whom sold and the sum paid therefor. The purchaser at improvement sales acquires a lien on the lot, piece, or parcel of land sold for the amount paid by him or her at such sales for all delinquent taxes and assessments, and all costs and charges thereon, whether levied previously or subsequently to such sale, subsequently paid by him or her on the lot or parcel of land, and shall be entitled to interest thereon at the rate of ten percent per annum from the date of such payment.

[ [2013 c 23 § 438](#); [1909 c 225 § 23](#); RRS § 4383. Formerly RCW [85.24.180](#) and [85.24.190](#), part.]

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### **85.24.190**

#### **Disposal by commissioners of lands not redeemed from sale—Use of proceeds.**

The board of commissioners of the district shall have the power to sell, lease and dispose of any and all lands which may be acquired by it by virtue of deeds issued to it by the treasurer for lands not redeemed from sale, and the funds derived from any disposition of such land shall become the fund of the district to be used for the benefit of the district under the direction of its board of commissioners.

[ [1909 c 225 § 24](#); RRS § 4384. FORMER PART OF SECTION: 1909 c 225 § 23, part, now codified as RCW [85.24.180](#).]

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### **85.24.200**

#### **Reassessments.**

If because of a substantial reduction of the amount of the assessment upon any lands, the result would be to leave the amount of the assessment upon other lands insufficient, or if for any cause the assessment should be held invalid or become inoperative, then the board shall have power to make a reassessment of all lands to the same extent as the original assessment.

[ [1909 c 225 § 30](#); RRS § 4390.]

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### **85.24.220**

#### **Segregation of assessments.**

When a piece, lot, or tract of land has been assessed in one body, if the same is subsequently subdivided by the owner, or there should be purchasers of different portions of such tract, then the owner or purchaser may pay the taxes upon such piece or tract of land, paying the proportion which is proper upon such separate piece or tract.

[ [1909 c 225 § 25](#); RRS § 4385.]

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### **85.24.235**

#### **Special assessment bonds.**

Special assessment bonds and notes shall be issued and sold in accordance with chapter **85.38** RCW.

[ **1986 c 278 § 26.**]

## NOTES:

**Severability—1986 c 278:** See note following RCW **36.01.010**.

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### **85.24.240**

#### **Counties to contribute for benefits to roads, bridges, or health of people.**

Whenever any highways, roads, or bridges are maintained by either county in which a diking and drainage district may be established, as herein provided, and it shall appear that the construction and maintenance of such diking and drainage system will be beneficial to such highways, roads, and bridges, or which will be beneficial to such highways, roads and bridges as may thereafter be constructed or maintained by the county, in which any part of the system of dikes and drains is situated, then the board of county commissioners of such county may, and it shall be the duty of such board to appropriate to such diking and drainage district an amount of money sufficient to pay the proportionate share of such county in accordance with the benefits received or to be received; and whenever it may appear to the board of county commissioners of any county that any improvements made or to be made in any diking or drainage district under the provisions of this chapter, shall on account of the health of the people of the county be beneficial in respect thereto, the board of county commissioners may make an appropriation of money to such diking and drainage district in such an amount to such board as may seem proper.

[ **1909 c 225 § 18;** RRS § 4378.]

## NOTES:

**Basis of supplemental assessments:** RCW **85.07.050**.

**Benefits to public roads, how paid:** RCW **85.07.040**.

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### **85.24.250**

#### **Municipality may contribute.**

Whenever it appears to the council of any incorporated city or town not included or not wholly included within the limits of any diking or drainage district established hereunder, which incorporated city or town may be within a county in which a portion of such district is located that the construction and maintenance of such diking and drainage system will be beneficial to the health and general welfare of the inhabitants of the incorporated city or town, then the city or town council may appropriate money out of the general funds of the city or town to such diking and drainage system, or the council may for such purpose impose assessments upon all the property in the city or town that benefits from facilities and activities of the diking or drainage district, and give the assessments to the diking or drainage district.

[ 1991 c 349 § 7; 1973 1st ex.s. c 195 § 119; 1909 c 225 § 19; RRS § 4379.]

## NOTES:

**Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195:** See notes following RCW [84.52.043](#).

**Limitation of levies:** RCW [84.52.050](#).

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### 85.24.260

#### **Acquisition of property—Eminent domain.**

The districts organized under the provisions of this chapter, and the commissioners appointed and qualified as such shall have the right of eminent domain with the power by and through the board of commissioners to condemn and cause to be condemned and appropriated private property for the use of said district in the construction and maintenance of the system of dikes, drains, flood dams and drift barriers, and for any other purpose proper, necessary and convenient for the purpose of carrying into effect the powers vested in said district and the commissioners thereof; and that the property of private corporations shall be subject to the same rights of eminent domain as private individuals. Said board of commissioners shall also have the power to acquire by purchase, in the name of the district, any and all real property necessary to make the improvements herein provided for.

[ 1909 c 225 § 10; RRS § 4370. FORMER PART OF SECTION: 1909 c 225 §§ 12, 20, 27, now codified as RCW [85.24.261](#), [85.24.263](#), and [85.24.265](#).]

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### 85.24.261

#### **Eminent domain—Procedure.**

In the exercise of the right of eminent domain, all proceedings shall be prosecuted by the board of commissioners for and on behalf of the district, or in the name of the district itself, and such proceedings shall be conducted in the superior court of the county in which the lands sought to be condemned are situated, and shall be in the manner and in accordance with the procedure now provided by law regulating the mode of procedure to appropriate lands, real estate, or property by corporations for corporate purposes.

[ 1909 c 225 § 12; RRS § 4372. Formerly RCW [85.24.260](#), part.]

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### 85.24.263

#### **Eminent domain—Rights-of-way.**

In the construction and maintenance of the improvements herein provided for, the said district may acquire by purchase or otherwise, and by the exercise of the right of eminent domain, any right-of-way through, over and across any property situated without said district which may be necessary or proper to the completion of the system of improvements.

[ 1909 c 225 § 20; RRS § 4380. Formerly RCW 85.24.260, part.]

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### **85.24.265**

#### **Eminent domain—Against public lands.**

Any district created hereunder is hereby granted the right to exercise the power of eminent domain against any lands or other property belonging to the state of Washington or any municipality thereof, and such power of eminent domain shall be exercised under and by the same procedure as is now, or may hereafter be, provided by the laws of this state for the exercise of the right of eminent domain by ordinary railroad corporations.

[ 1909 c 225 § 27; RRS § 4387. Formerly RCW 85.24.260, part.]

#### **NOTES:**

**Corporations, eminent domain: Chapter 8.20 RCW.**

**Railroads, corporate powers: Chapter 81.36 RCW.**

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### **85.24.270**

#### **Cities may be included in district.**

Within the limits of said diking or drainage district may be included any incorporated city or town, or any part thereof.

[ 1909 c 225 § 14; RRS § 4374. FORMER PART OF SECTION: 1909 c 225 § 15, now codified as RCW 85.24.275.]

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### **85.24.275**

#### **Assessment of state lands.**

Any of the state, school, or granted land within the district, shall also be assessed the same as other lands are assessed in proportion to the benefit, but any such lands shall not be sold for delinquencies, but the amount of the assessment shall be paid by the state at the time, in the manner, under the circumstances, and in accordance with the provisions of the act relating to the payment by the state of assessments made on state, school and granted lands for the construction and maintenance of dikes and drains benefiting such lands, approved March 5, 1907; Laws of 1907, pp. 125-126.

[ 1909 c 225 § 15; RRS § 4375. Formerly RCW 85.24.270, part.]

#### **NOTES:**

**Reviser's note:** The 1907 act referred to herein appears to be superseded by chapter 164, Laws of 1919 codified as chapter **79.44** RCW. See **Paine v. State**, 156 Wash. 31, 40, 286 P. 89, 93 (1930). See also reviser's notes following RCW **85.05.110** and **85.06.110**.

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### **85.24.280**

#### **Improvement of streams—Scope of powers.**

Any district so established as aforesaid through its board of commissioners shall have the right, power and authority to straighten, deepen and improve any and all rivers, watercourses, or streams, whether navigable or otherwise, flowing through or located within the boundaries of said diking or drainage district, whenever necessary or proper in carrying out the objects of the system. The district by and through its board of commissioners shall also have the power to construct all needed auxiliary ditches, canals, flumes, locks, flood barriers, and all necessary artificial appliances in the construction of the system, and which shall be necessary and advisable to protect the land in any such district from overflow or to assist, or which may become necessary in the preservation or maintenance of such system.

[ **1909 c 225 § 13**; RRS § 4373. FORMER PART OF SECTION: 1909 c 225 § 26, now codified as RCW **85.24.285**.]

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### **85.24.285**

#### **Improvement of streams—Stream beds are property of district—Disposition.**

The board shall have power and authority to straighten, widen, deepen and improve any and all rivers, watercourses or streams, whether navigable or otherwise, flowing through or located within the boundaries of such district; and the beds of any streams or rivers which may be changed, shall become the property of the district, and the board shall have the power to sell and dispose of the same, or exchange the same or any portion thereof for other lands.

[ **1909 c 225 § 26**; RRS § 4386. Formerly RCW **85.24.280**, part.]

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### **85.24.290**

#### **Service of notices on agent of owner.**

When any notice is required to be given to the owner under any of the provisions of this chapter, such notice shall be given to the agent instead of the owner, in case the owner prior to the giving of the notice required by the board or proper officer has filed with the board or proper officer the name of the agent with his or her post office address.

[ **2013 c 23 § 439**; **1909 c 225 § 29**; RRS § 4389.]

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### **85.24.900**

#### **Validation of existing districts—1923 c 140.**

The organization, establishment and creation of all diking and drainage districts in this state situated in two or more counties heretofore had or made, or attempted to be had or made, pursuant to the provisions of chapter 4, Title XXVII of Remington's Compiled Statutes, relating to the creation and establishment of such diking and drainage districts, and all acts, steps or proceedings had or attempted to be had by any such district, are hereby for all purposes declared legal and valid, and such districts situated in two or more counties are hereby declared duly organized, established and created, and all contracts, obligations or debts heretofore made or incurred by or in favor of such diking and drainage district situated in two or more counties so attempted to be organized, established and created, and all official bonds or other obligations executed in connection with or in pursuance of such organization, are hereby declared legal and valid, and of full force and effect.

[ 1923 c 140 § 6; RRS § 4376-1.]