

Chapter 36.34 RCW
COUNTY PROPERTY

Sections

- 36.34.005 Establishment of comprehensive procedures for management of county property authorized—Exemption from chapter.
- 36.34.010 Authority to sell—May sell timber, minerals separately—Mineral reservation.
- 36.34.020 Publication of notice of intention to sell.
- 36.34.030 Requirements of notice—Posting.
- 36.34.040 Public hearing.
- 36.34.050 Findings and determination—Minimum price.
- 36.34.060 Sales of personalty.
- 36.34.070 Sales and purchases of equipment—Trade-ins.
- 36.34.080 Sales to be at public auction.
- 36.34.090 Notice of sale.
- 36.34.100 Notice of sale—Requirements of.
- 36.34.110 Disposition of proceeds.
- 36.34.120 Used equipment sales.
- 36.34.130 Intergovernmental sales.
- 36.34.135 Leases of county property—Affordable housing.
- 36.34.140 Leases of county property—Airports.
- 36.34.145 Leases of county property to nonprofit organizations for agricultural fairs.
- 36.34.150 Application to lease—Deposit.
- 36.34.160 Notice of intention to lease.
- 36.34.170 Objections to leasing.
- 36.34.180 Lease terms.
- 36.34.190 Lease to highest responsible bidder.
- 36.34.192 Application of RCW 36.34.150 through 36.34.190 to certain service provider agreements under chapter 70A.140 RCW.
- 36.34.200 Execution of lease agreement.
- 36.34.205 Lease of building space—Counties with a population of six hundred thousand or more.
- 36.34.210 Forestlands may be conveyed to United States.
- 36.34.220 Lease or conveyance to United States for flood control, navigation, and allied purposes.
- 36.34.230 Lease or conveyance to United States for flood control, navigation, and allied purposes—State consents to conveyance.
- 36.34.240 Lease or conveyance to United States for flood control, navigation, and allied purposes—Cession of jurisdiction.
- 36.34.250 Lease or conveyance to the state or to United States for military, housing, and other purposes.
- 36.34.260 Lease or conveyance to the state or to United States for military, housing, and other purposes—Procedure.
- 36.34.270 Lease or conveyance to the state or to United States for military, housing, and other purposes—Execution of instrument of transfer.
- 36.34.280 Conveyance to municipality.
- 36.34.290 Dedication of county land for streets and alleys.
- 36.34.300 Dedication of county land for streets and alleys—Execution of dedication—Effective date.
- 36.34.310 Long term leases to United States.

- 36.34.320 Executory conditional sales contracts for purchase of property—Limit on indebtedness—Election, when.
- 36.34.330 Exchange for privately owned real property of equal value.
- 36.34.340 May acquire property for park, recreational, viewpoint, greenbelt, conservation, historic, scenic, or view purposes.
- 36.34.355 Chapter not applicable to certain transfers of property.
- 36.34.360 Community garden.

Acquisition and operation of public cemeteries and funeral facilities: Chapter 68.52 RCW.

Eminent domain by state of county property: Chapter 8.04 RCW.

Federal areas on

generally: Chapters 37.08, 37.16 RCW.

Indians and Indian lands, jurisdiction: Chapter 37.12 RCW.

King county

Auburn general depot: RCW 37.08.260.

Lake Washington ship canal: RCW 37.08.240, 37.08.250.

military installations (permanent United States), county aid in acquisition of land for: Chapter 37.16 RCW.

Flood control by counties jointly, lease or sale of property: RCW 86.13.100.

Industrial development districts, transfer of county lands to: Chapter 53.25 RCW.

Local improvement assessments against county lands: RCW 35.44.140, 35.49.070.

Mineral and petroleum leases on county lands: Chapter 78.16 RCW.

Property subject to diking, drainage or sewerage improvement assessments, resale or lease by county: RCW 85.08.500.

Rights-of-way over by diking districts: RCW 85.05.080.

Tax liens, property, county acquisitions as subject to: RCW 84.60.050.

Television reception improvement district dissolution, disposition of property: RCW 36.95.200.

Underground storage of natural gas, lease of county lands for: RCW 80.40.070.

RCW 36.34.005 Establishment of comprehensive procedures for management of county property authorized—Exemption from chapter.

Pursuant to public notice and hearing, any county may establish comprehensive procedures for the management of county property consistent with the public interest and counties establishing such procedures shall be exempt from the provisions of chapter 36.34 RCW: PROVIDED, That all counties shall retain all powers now or hereafter granted by chapter 36.34 RCW. [1973 1st ex.s. c 196 s 1.]

RCW 36.34.010 Authority to sell—May sell timber, minerals separately—Mineral reservation. Whenever it appears to the board of county commissioners that it is for the best interests of the county and the taxing districts and the people thereof that any part or parcel, or portion of such part or parcel, of property, whether real, personal, or mixed, belonging to the county, including tax title land, should be sold, the board shall sell and convey such property, under the limitations and restrictions and in the manner hereinafter provided.

In making such sales the board of county commissioners may sell any timber, mineral, or other resources on any land owned by the county separate and apart from the land in the same manner and upon the same terms and conditions as provided in this chapter for the sale of real property.

The board of county commissioners may reserve mineral rights in such land and, if such reservation is made, any conveyance of the land shall contain the following reservation:

"The party of the first part hereby expressly saves, excepts, and reserves out of the grant hereby made, unto itself, its successors, and assigns, forever, all oils, gases, coals, ores, minerals, gravel, timber, and fossils of every name, kind, or description, and which may be in or upon said lands above described; or any part thereof, and the right to explore the same for such oils, gases, coals, ores, minerals, gravel, timber and fossils; and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its successors, and assigns, forever, the right to enter by itself, its agents, attorneys, and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing, and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals, gravel, timber, and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors, and assigns, forever, the right by it or its agents, servants, and attorneys at any and all times to erect, construct, maintain, and use all such buildings, machinery, roads and railroads, sink such shafts, remove such oil, and to remain on said lands or any part thereof, for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business, hereby expressly reserving to itself, its successors, and assigns, as aforesaid, generally, all rights and powers in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and the rights hereby expressly reserved."

No rights shall be exercised under the foregoing reservation until provision has been made to pay to the owner of the land upon which the rights reserved are sought to be exercised, full payment for all damages sustained by reason of entering upon the land: PROVIDED, That if the owner for any cause refuses or neglects to settle the damages, the county, its successors, or assigns, or any applicant for a lease or contract from the county for the purpose of prospecting for or mining valuable minerals, or operation contract, or lease, for mining coal, or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in the superior court of the county wherein the land is situated, as may be necessary to determine the damages which the owner of the land may suffer. Any of the reserved minerals or other resources not exceeding two hundred

dollars in value may be sold, when the board deems it advisable, either with or without publication of notice of sale, and in such manner as the board may determine will be most beneficial to the county. [1963 c 4 s 36.34.010. Prior: 1945 c 172 s 3; 1943 c 19 s 1; 1891 c 76 s 1; Rem. Supp. 1945 s 4007.]

RCW 36.34.020 Publication of notice of intention to sell.

Whenever the county legislative authority desires to dispose of any county property except:

- (1) When selling to a governmental agency;
 - (2) When personal property to be disposed of is to be traded in upon the purchase of a like article;
 - (3) When the value of the property to be sold is less than two thousand five hundred dollars;
 - (4) When the county legislative authority by a resolution setting forth the facts has declared an emergency to exist;
- it shall publish notice of its intention so to do once each week during two successive weeks in a legal newspaper of general circulation in the county. [1991 c 363 s 66; 1985 c 469 s 45; 1967 ex.s. c 144 s 1; 1963 c 4 s 36.34.020. Prior: 1945 c 254 s 1; Rem. Supp. 1945 s 4014-1; prior: 1891 c 76 s 2, part; RRS s 4008, part.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Severability—1967 ex.s. c 144: See note following RCW 36.900.030.

RCW 36.34.030 Requirements of notice—Posting. The notice of hearing on the proposal to dispose of any county property must particularly describe the property or portion thereof proposed to be sold and designate the place where and the day and hour when a hearing will be held thereon and be posted in a conspicuous place in the courthouse. Both posting and the date of first publication must be at least ten days before the day set for the hearing. [1963 c 4 s 36.34.030. Prior: 1945 c 254 s 2; Rem. Supp. 1945 s 4014-2; prior: 1891 c 76 s 2, part; RRS s 4008, part.]

RCW 36.34.040 Public hearing. The board shall hold a public hearing upon a proposal to dispose of county property at the day and hour fixed in the notice at its usual place of business and admit evidence offered for and against the propriety and advisability of the proposed action. Any taxpayer in person or by counsel may submit evidence and submit an argument, but the board may limit the number to three on a side. [1963 c 4 s 36.34.040. Prior: 1945 c 254 s 3; Rem. Supp. 1945 s 4014-3; prior: 1891 c 76 s 2, part; RRS s 4008, part.]

RCW 36.34.050 Findings and determination—Minimum price. Within three days after the hearing upon a proposal to dispose of county property, the county legislative authority shall make its findings and determination thereon and cause them to be spread upon its minutes and made a matter of record. The county legislative authority may set a

minimum sale price on property that is proposed for sale. [1991 c 363 s 67; 1963 c 4 s 36.34.050. Prior: 1945 c 254 s 4; Rem. Supp. 1945 s 4014-4; prior: 1891 c 76 s 3; RRS s 4009.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

RCW 36.34.060 Sales of personalty. Sales of personal property must be for cash except when:

- (1) A public auction sale by electronic media is conducted pursuant to RCW 36.16.145;
- (2) Property is transferred to a governmental agency; or
- (3) The county property is to be traded in on the purchase of a like article, in which case the proposed cash allowance for the trade-in must be part of the proposition to be submitted by the seller in the transaction. [2015 c 95 s 4; 1963 c 4 s 36.34.060. Prior: 1945 c 254 s 5; Rem. Supp. 1945 s 4014-5; prior: 1915 c 8 s 1, part; 1891 c 76 s 5, part; RRS s 4011, part.]

Intent—2015 c 95: See note following RCW 36.16.145.

RCW 36.34.070 Sales and purchases of equipment—Trade-ins. The board may advertise and sell used highway or other equipment belonging to the county or to any taxing division thereof subject to its jurisdiction in the manner prescribed for the sale of county property, or it may trade it in on the purchase of new equipment. If the board elects to trade in the used equipment it shall include in its call for bids on the new equipment a notice that the county has for sale or trade-in used equipment of a specified type and description which will be sold or traded in on the same day and hour that the bids on the new equipment are opened. Any bidder on the new equipment may include in his or her offer to sell, an offer to accept the used equipment as a part payment of the new equipment purchase price, setting forth the amount of such allowance.

In determining the lowest and best bid on the new equipment the board shall consider the net cost to the county of such new equipment after trade-in allowances have been deducted. The board may accept the new equipment bid of any bidder without trading in the used equipment but may not require any such bidder to purchase the used equipment without awarding the bidder the new equipment contract. Nothing in this section shall bar anyone from making an offer for the purchase of the used equipment independent of a bid on the new equipment and the board shall consider such offers in relation to the trade-in allowances offered to determine the net best sale and purchase combination for the county. [2009 c 549 s 4072; 1963 c 4 s 36.34.070. Prior: 1945 c 254 s 6; Rem. Supp. 1945 s 4014-6.]

RCW 36.34.080 Sales to be at public auction. (1) All sales of county property ordered after a public hearing upon the proposal to dispose of the property must be supervised by the county treasurer and may be sold:

(a) At a county or other government agency's public auction, including a public auction sale by electronic media conducted pursuant to RCW 36.16.145;

(b) At a privately operated consignment auction that is open to the public; or

(c) By sealed bid to the highest and best bidder.

(2) All sales of county property must meet or exceed the minimum sale price as directed by the county legislative authority. [2015 c 95 s 5; 1993 c 8 s 1. Prior: 1991 c 363 s 68; 1991 c 245 s 10; 1965 ex.s. c 23 s 1; 1963 c 4 s 36.34.080; prior: 1945 c 254 s 7; Rem. Supp. 1945 s 4014-7; prior: 1891 c 76 s 4, part; RRS s 4010, part.]

Intent—2015 c 95: See note following RCW 36.16.145.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Public auction sales, where held: RCW 36.16.140.

RCW 36.34.090 Notice of sale. (1) Whenever county property is to be sold at public auction, consignment auction, or sealed bid, the county treasurer or the county treasurer's designee must:

(a) Publish notice of the sale once during each of two successive calendar weeks in a newspaper of general circulation in the county;

(b) Post notice of the sale in a conspicuous place in the county courthouse; and

(c) If a public auction sale by electronic media will be conducted pursuant to RCW 36.16.145, post notice of the sale on the county's internet website.

(2) The posting and date of first publication must be at least ten days before the day fixed for the sale. [2015 c 95 s 6; 1997 c 393 s 5; 1991 c 363 s 69; 1985 c 469 s 46; 1963 c 4 s 36.34.090. Prior: 1945 c 254 s 8; Rem. Supp. 1945 s 4014-8; prior: 1891 c 76 s 4, part; RRS s 4010, part.]

Intent—2015 c 95: See note following RCW 36.16.145.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

RCW 36.34.100 Notice of sale—Requirements of. The notice of sale of county property by auction sale must particularly describe the property to be sold and designate the day and hour and the location of the auction sale. The notice of sale of county property by sealed bid must describe the property to be sold, designate the date and time after which the bids are not received, the location to turn in the sealed bid, and the date, time, and location of the public meeting of the county legislative authority when the bids are opened and read in public. [1991 c 363 s 70; 1963 c 4 s 36.34.100. Prior: 1945 c 254 s 9; Rem. Supp. 1945 s 4014-9; prior: 1891 c 76 s 4, part; RRS s 4010, part.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

RCW 36.34.110 Disposition of proceeds. The proceeds of sales of county property except in cases of trade-in allowances upon purchases of like property must be paid to the county treasurer who must receipt therefor and execute the proper documents transferring title attested to by the county auditor. In no case shall the title be transferred until the purchase price has been fully paid. [1963 c 4 s 36.34.110. Prior: 1945 c 254 s 10; Rem. Supp. 1945 s 4014-10; prior: (i) 1915 c 8 s 1, part; 1891 c 76 s 5, part; RRS s 4011, part. (ii) 1891 c 76 s 6, part; RRS s 4013, part.]

RCW 36.34.120 Used equipment sales. Proceeds from the sale of used equipment must be credited to the fund from which the original purchase price was paid. [1963 c 4 s 36.34.120. Prior: 1945 c 254 s 11; Rem. Supp. 1945 s 4014-11.]

RCW 36.34.130 Intergovernmental sales. The board of county commissioners may dispose of county property to another governmental agency and may acquire property for the county from another governmental agency by means of private negotiation upon such terms as may be agreed upon and for such consideration as may be deemed by the board of county commissioners to be adequate. [1963 c 4 s 36.34.130. Prior: 1945 c 254 s 12; Rem. Supp. 1945 s 4014-12.]

RCW 36.34.135 Leases of county property—Affordable housing. If a county owns property that is located anywhere within the county, including within the limits of a city or town, and that is suitable for affordable housing, the legislative authority of the county may, by negotiation, lease the property for affordable housing for a term not to exceed seventy-five years to any public housing authority or nonprofit organization that has demonstrated its ability to construct or operate housing for very low-income, low-income, or moderate-income households as defined in RCW 43.63A.510 and special needs populations. Leases for housing for very low-income, low-income, or moderate-income households and special needs populations shall not be subject to any requirement of periodic rental adjustments, as provided in RCW 36.34.180, but shall provide for such fixed annual rents as appear reasonable considering the public, social, and health benefits to be derived by providing an adequate supply of safe and sanitary housing for very low-income, low-income, or moderate-income households and special needs populations. [1993 c 461 s 6; 1990 c 253 s 7.]

Finding—1993 c 461: See note following RCW 43.63A.510.

Legislative finding and purpose—1990 c 253: See note following RCW 43.70.340.

RCW 36.34.140 Leases of county property—Airports. The board of county commissioners, if it appears that it is for the best interests of the county and the people thereof, that any county real property and its appurtenances should be leased for a year or a term of years, may lease such property under the limitations and restrictions and in the manner provided in this chapter, and, if it appears that it is for

the best interests of the county and the people thereof, that any county real property and its appurtenances which is now being, or is to be devoted to airport or aeronautical purposes or purposes incidental thereto, should be leased for a year or a term of years, said board of county commissioners may lease such property under the limitations and restrictions and in the manner provided in this chapter, and said board of county commissioners shall have power to lease such county real property and its appurtenances whether such property was heretofore or hereafter acquired or whether heretofore or hereafter acquired by tax deed under tax foreclosure proceedings for nonpayment of taxes or whether held or acquired in any other manner. Any lease executed under the authority of the provisions hereof creates a vested interest and a contract binding upon the county and the lessee. [1963 c 4 s 36.34.140. Prior: 1951 2nd ex.s. c 14 s 1; prior: (i) 1901 c 87 s 1; RRS s 4019. (ii) 1901 c 87 s 6, part; RRS s 4024, part.]

RCW 36.34.145 Leases of county property to nonprofit organizations for agricultural fairs. The legislative authority of any county owning property in or outside the limits of any city or town, or anywhere within the county, which is suitable for agricultural fair purposes may by negotiation lease such property for such purposes for a term not to exceed seventy-five years to any nonprofit organization that has demonstrated its qualification to conduct agricultural fairs. Such agricultural fair leases shall not be subject to any requirement of periodic rental adjustments, as provided in RCW 36.34.180, but shall provide for such fixed annual rental as shall appear reasonable, considering the benefit to be derived by the county in the promotion of the fair and in the improvement of the property. The lessee may utilize or rent out such property at times other than during the fair season for nonfair purposes in order to obtain income for fair purposes, and during the fair season may sublease portions of the property for purposes and activities associated with such fair. No sublease shall be valid unless the same shall be approved in writing by the county legislative authority: PROVIDED, That failure of such lessee, except by act of God, war or other emergency beyond its control, to conduct an annual agricultural fair or exhibition, shall cause said lease to be subject to cancellation by the county legislative authority. A county legislative authority entering into an agreement with a nonprofit association to lease property for agricultural fair purposes shall, when requested to do so, file a copy of the lease agreement with the department of agriculture or the state fair commission in order to assure compliance with the provisions of RCW 15.76.165. [1986 c 171 s 2; 1963 c 4 s 36.34.145. Prior: 1957 c 134 s 1.]

RCW 36.34.150 Application to lease—Deposit. Any person desiring to lease county lands shall make application in writing to the board of county commissioners. Each application shall be accompanied by a deposit of not less than ten dollars or such other sum as the county commissioners may require, not to exceed twenty-five dollars. The deposit shall be in the form of a certified check or certificate of deposit on some bank in the county, or may be paid in cash. In case the lands applied for are leased at the time they are

offered, the deposit shall be returned to the applicant, but if the party making application fails or refuses to comply with the terms of his or her application and to execute the lease, the deposit shall be forfeited to the county, and the board of county commissioners shall pay the deposit over to the county treasurer, who shall place it to the credit of the current expense fund. [2009 c 549 s 4073; 1963 c 4 s 36.34.150. Prior: 1901 c 87 s 2; RRS s 4020.]

RCW 36.34.160 Notice of intention to lease. When, in the judgment of the board of county commissioners, it is found desirable to lease the land applied for, it shall first give notice of its intention to make such lease by publishing a notice in a legal newspaper at least once a week for the term of three weeks, and shall also post a notice of such intention in a conspicuous place in the courthouse for the same length of time. The notice so published and posted shall designate and describe the property which is proposed to be leased, together with the improvements thereon and appurtenances thereto, and shall contain a notice that the board of county commissioners will meet at the county courthouse on a day and at an hour designated in the notice, for the purpose of leasing the property which day and hour shall be at a time not more than a week after the expiration of the time required for the publication of the notice. [1963 c 4 s 36.34.160. Prior: 1901 c 87 s 3; RRS s 4021.]

RCW 36.34.170 Objections to leasing. Any person may appear at the meeting of the county commissioners or any adjourned meeting thereof, and make objection to the leasing of the property, which objection shall be stated in writing. In passing upon objections the board of county commissioners shall, in writing, briefly give its reasons for accepting or rejecting the same, and such objections, and the reasons for accepting or refusing the application, shall be published by the board in the next subsequent weekly issue of the newspaper in which the notice of hearing was published. [1963 c 4 s 36.34.170. Prior: 1901 c 87 s 5; RRS s 4023.]

RCW 36.34.180 Lease terms. At the day and hour designated in the notice or at any subsequent time to which the meeting may be adjourned by the board of county commissioners, but not more than thirty days after the day and hour designated for the meeting in the published notice, the board may lease the property in such notice described for a term of years and upon such terms and conditions as to the board may seem just and right in the premises. No lease shall be for a longer term in any one instance than ten years, and no renewal of a lease once executed and delivered shall be had, except by a re-leasing and re-letting of the property according to the terms and conditions of this chapter: PROVIDED, That if a county owns property within or outside the corporate limits of any city or town or anywhere in the county suitable for municipal purposes, or for commercial buildings, or owns property suitable for manufacturing or industrial purposes or sites, or for military purposes, or for temporary or emergency housing, or for any requirement incidental to manufacturing, commercial, agricultural, housing, military, or governmental purposes, the board of county commissioners may lease it for such purposes for any period not to exceed thirty-five years: PROVIDED FURTHER, Where

the property involved is or is to be devoted to airport purposes and construction work or the installation of new facilities is contemplated, the board may lease said property for such period as may equal the estimated useful life of such work or facilities but not to exceed seventy-five years.

If property is leased for municipal purposes or for commercial buildings or manufacturing or industrial purposes the lessee shall prior to the execution of the lease file with the board of county commissioners general plans and specifications of the building or buildings to be erected thereon for such purposes. All leases when executed shall provide that they shall be canceled by failure of the lessee to construct such building or buildings or other improvements for such purposes within three years from date of the lease, and in case of failure so to do the lease and all improvements thereon including the rentals paid, shall thereby be forfeited to the county unless otherwise stipulated. No change or modification of the plans shall be made unless first approved by the board of county commissioners. If at any time during the life of the lease the lessee fails to use the property for the purposes leased, without first obtaining permission in writing from the board of county commissioners so to do, the lease shall be forfeited.

Any lease made for a longer period than ten years shall contain provisions requiring the lessee to permit the rentals for every five year period thereafter, or part thereof, at the commencement of such period, to be readjusted and fixed by the board of county commissioners. In the event that the lessee and the board cannot agree upon the rentals for said five year period, the lessee shall submit to have the disputed rentals for the subsequent period adjusted by arbitration. The lessee shall pick one arbitrator and the board one, and the two so chosen shall select a third. No board of arbitrators shall reduce the rentals below the sum fixed or agreed upon for the last preceding period. All buildings, factories, or other improvements made upon property leased shall belong to and become property of such county, unless otherwise stipulated, at the expiration of the lease.

No lease shall be assigned without the assignment being first authorized by resolution of the board of county commissioners and the consent in writing of at least two members of the board endorsed on the lease. All leases when drawn shall contain this provision.

This section shall not be construed to limit the power of the board of county commissioners to sell, lease, or by gift convey any property of the county to the United States or any of its governmental agencies to be used for federal government purposes. [1963 c 4 s 36.34.180. Prior: 1951 c 41 s 1; 1941 c 110 s 2; 1913 c 162 s 1; 1903 c 57 s 1; 1901 c 87 s 4; RRS s 4022.]

RCW 36.34.190 Lease to highest responsible bidder. No lease shall be made by the county except to the highest responsible bidder at the time of the hearing set forth in the notice of intention to lease. [1963 c 4 s 36.34.190. Prior: 1901 c 87 s 6, part; RRS s 4024, part.]

RCW 36.34.192 Application of RCW 36.34.150 through 36.34.190 to certain service provider agreements under chapter 70A.140 RCW. RCW 36.34.150 through 36.34.190 shall not apply to agreements entered into pursuant to chapter 70A.140 RCW provided there is compliance with the

procurement procedure under RCW 70A.140.040. [2020 c 20 s 1021; 1986 c 244 s 12.]

RCW 36.34.200 Execution of lease agreement. Upon the decision of the board of county commissioners to lease the lands applied for, a lease shall be executed in duplicate to the lessee by the chair of the board and the county auditor, attested by his or her seal of office, which lease shall also be signed by the lessee. The lease shall refer to the order of the board directing the lease, with a description of the lands conveyed, the periods of payment, and the amounts to be paid for each period. [2009 c 549 s 4074; 1963 c 4 s 36.34.200. Prior: 1901 c 87 s 7; RRS s 4025.]

RCW 36.34.205 Lease of building space—Counties with a population of six hundred thousand or more. In accordance with RCW 35.42.010 through 35.42.220, a county with a population of six hundred thousand or more may lease space and provide for the leasing of such space through leases with an option to purchase and the acquisition of buildings erected upon land owned by the county upon the expiration of lease of such land. For the purposes of this section, "building," as defined in RCW 35.42.020 shall be construed to include any building or buildings used as part of, or in connection with, the operation of the county. The authority conferred by this section is in addition to and not in lieu of any other provision authorizing counties to lease property. [2009 c 153 s 1; 1998 c 278 s 10.]

RCW 36.34.210 Forestlands may be conveyed to United States. The board of county commissioners of any county which acquires any lands through foreclosure of tax liens or otherwise, which by reason of their location, topography, or geological formation are chiefly valuable for the purpose of developing and growing timber, and which are situated within the boundaries of any national forest, may, upon application by the proper forest service official of the United States government, convey such lands to the United States government for national forest purposes under the national forestland exchange regulations, for such compensation as may be deemed equitable. [1963 c 4 s 36.34.210. Prior: 1931 c 69 s 1; RRS s 4015-1.]

RCW 36.34.220 Lease or conveyance to United States for flood control, navigation, and allied purposes. If the board of county commissioners of any county adjudges that it is desirable and for the general welfare and benefit of the people of the county and for the interest of the county to lease or convey property, real or personal, belonging to the county, however acquired, whether by tax foreclosure or in any other manner, to the United States for the purpose of flood control, navigation, power development, or for use in connection with federal projects within the scope of the federal reclamation act of June 17, 1902, and the act of congress of August 30, 1935, entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," and federal acts amendatory thereof and supplemental thereto, for the reclamation and irrigation of arid lands, the board, by majority vote,

may lease or convey such property to the United States for flood control, navigation, and power development purposes, or for use in connection with federal projects for the reclamation and irrigation of arid lands. This property may be conveyed or leased by deed or other instrument of conveyance or lease without notice and upon such consideration, if any, as shall be determined by the board and the deed or lease may be signed by the county treasurer when authorized to do so by resolution of the board. Any deed issued heretofore by any county to the United States under authority of section 1, chapter 46, Laws of 1937 and the amendments thereto, is ratified and approved and declared to be valid. [1963 c 4 s 36.34.220. Prior: 1945 c 94 s 1; 1941 c 142 s 1; 1937 c 46 s 1; Rem. Supp. 1945 s 4015-6.]

RCW 36.34.230 Lease or conveyance to United States for flood control, navigation, and allied purposes—State consents to conveyance. Pursuant to the Constitution and laws of the United States and the Constitution of this state, consent of the legislature is given to such conveyance by a county to the United States for such purposes. [1963 c 4 s 36.34.230. Prior: 1937 c 46 s 2; RRS s 4015-7.]

RCW 36.34.240 Lease or conveyance to United States for flood control, navigation, and allied purposes—Cession of jurisdiction. Pursuant to the Constitution and laws of the United States and the Constitution of this state, consent of the legislature is given to the exercise by the congress of the United States of exclusive legislation in all cases whatsoever on such tract or parcels of land so conveyed to it: PROVIDED, That all civil process issued from the courts of the state and such criminal process as may issue under the authority of the state against any person charged with crime in cases arising outside of said tract may be served and executed thereon in the same manner as if such property were retained by the county. [1963 c 4 s 36.34.240. Prior: 1937 c 46 s 3; RRS s 4015-8.]

RCW 36.34.250 Lease or conveyance to the state or to United States for military, housing, and other purposes. The board of county commissioners of any county by a majority vote are hereby authorized to directly lease, sell, or convey by gift, all or any portion of real estate, or any interest therein owned by the county, however acquired, by tax foreclosure or in any other manner, to the United States for the use and benefit of any branch of the army, navy, marine corps or air forces of the United States, or for enlarging or improving any military base thereof, or for any governmental housing project, or for the purpose of constructing and operating any federal power project, or to the state of Washington, without requiring competitive bids or notice to the public and at such price and terms as the board may deem for the best interests of the county. The property may be conveyed to the United States or to the state of Washington by deed or other instrument of conveyance and shall not require any consideration, if donated, other than the benefit which may be derived by the county on account of the use thereof and development of such property by the United States government or the state. [1963 c 4 s 36.34.250. Prior: 1941 c 227 s 1; Rem. Supp. 1941 s 4026-1a.]

RCW 36.34.260 Lease or conveyance to the state or to United States for military, housing, and other purposes—Procedure. In any county where the federal government owns and maintains property under the jurisdiction of the navy department or war department, or any other federal department, the board of county commissioners by majority vote may sell, lease or transfer to the United States government any real or personal property owned by said county, however acquired, for the use and benefit of any branch of the army, navy, marine corps or air forces thereof or for enlarging or improving any military base thereof, or for any other governmental housing project, or to the state of Washington, without requiring competitive bids or notice to the public and at such price and terms as the board may deem for the best interests of the county. This property may be conveyed to the government of the United States by bill of sale or other instrument of conveyance and need not require consideration other than the benefit which may be derived by the county on account of the use thereof and development of such property by the United States government. The state of Washington may buy and/or sell such property, or the state of Washington may buy and/or sell such property for the purposes herein stated; or mutually interchange or trade such property or purchase one from the other. [1963 c 4 s 36.34.260. Prior: 1941 c 227 s 2; Rem. Supp. 1941 s 4026-1b.]

RCW 36.34.270 Lease or conveyance to the state or to United States for military, housing, and other purposes—Execution of instrument of transfer. The resolution of the board of county commissioners to grant an option to purchase, contract to sell, lease, sell and convey, or donate, as provided, shall be entered by said board upon its journal, and any option to purchase, contract to sell, lease, sale and conveyance, or donation executed pursuant thereto, shall be signed on behalf of the county by the board of county commissioners, or a majority thereof, and shall be acknowledged in the manner prescribed by law. [1963 c 4 s 36.34.270. Prior: 1941 c 227 s 3; Rem. Supp. 1941 s 4026-1c.]

RCW 36.34.280 Conveyance to municipality. Whenever any county holds title to lands, for county purposes, acquired by grant, patent, or other conveyance from the United States executed under and pursuant to an act of congress, and the board of county commissioners of such county by resolution finds and determines that any portion thereof is not required for county purposes and that it would be for the best interest of the county to have such portion of the lands devoted to use by a municipality lying within the county, the board of county commissioners may, with the consent of the congress of the United States, by a proper instrument of conveyance executed by the board on behalf of the county, convey such lands to the municipality for municipal purposes, either with or without consideration, and shall not be required to advertise or offer such lands for sale or lease in the manner provided by law for the sale or lease of county property. [1963 c 4 s 36.34.280. Prior: 1917 c 69 s 1; RRS s 4015.]

RCW 36.34.290 Dedication of county land for streets and alleys. The boards of county commissioners of the several counties may

dedicate any county land to public use for public streets and alleys in any city or town. [1963 c 4 s 36.34.290. Prior: 1903 c 89 s 1; RRS s 4026.]

RCW 36.34.300 Dedication of county land for streets and alleys—Execution of dedication—Effective date. Whenever the board of county commissioners of any county deems it for the best interests of the public that any county land lying in any city or town should be dedicated to the public use for streets or alleys, it shall make and enter an order upon its records, designating the land so dedicated, and shall cause a certified copy of the order to be recorded in the auditor's office of the county in which the land is situated, and from and after entry of such order of dedication and the recording thereof as herein provided, such lands shall be thereby dedicated to the public use. [1963 c 4 s 36.34.300. Prior: 1903 c 89 s 2; RRS s 4027.]

RCW 36.34.310 Long term leases to United States. Any county in the state may lease any property owned by it to the United States of America or to any agency thereof for a term not exceeding ninety-nine years upon such conditions as may be contained in a written agreement therefor executed on behalf of the county by its board of county commissioners, and by any person on behalf of the United States of America or any agency thereof who has been thereunto authorized: PROVIDED, That any lease made for a longer period than ten years hereunder shall contain provisions requiring the lessee to permit the rentals for every five-year period thereafter, or part thereof, at the commencement of such period, to be readjusted upward and fixed by the board of county commissioners. In the event that the lessee and the board of county commissioners cannot agree upon the rentals for the five-year period, the lessee shall submit to have the disputed rentals for such subsequent period adjusted by arbitration. The lessee shall pick one arbitrator and the board of county commissioners one, and the two so chosen shall select a third. No board of arbitrators shall reduce the rentals below the sum fixed or agreed upon for the last preceding period. All buildings, factories or other improvements made upon property leased under this proviso shall belong to and become property of the county, unless otherwise stipulated, at the expiration of the lease. [1963 c 4 s 36.34.310. Prior: 1949 c 85 s 1; Rem. Supp. 1949 s 4019-1.]

RCW 36.34.320 Executory conditional sales contracts for purchase of property—Limit on indebtedness—Election, when. See RCW 39.30.010.

RCW 36.34.330 Exchange for privately owned real property of equal value. The board of county commissioners of any county shall have authority to exchange county real property for privately owned real property of equal value whenever it is determined by a decree of the superior court in the county in which the real property is located, after publication of notice of hearing is given as fixed and directed by such court, that:

(1) The county real property proposed to be exchanged is not necessary to the future foreseeable needs of such county; and

(2) The real property to be acquired by such exchange is necessary for the future foreseeable needs of such county; and

(3) The value of the county real property to be exchanged is not more than the value of the real property to be acquired by such exchange. [1965 ex.s. c 21 s 1.]

RCW 36.34.340 May acquire property for park, recreational, viewpoint, greenbelt, conservation, historic, scenic, or view purposes. Any county or city may acquire by purchase, gift, devise, bequest, grant or exchange, title to or any interests or rights in real property to be provided or preserved for (a) park or recreational purposes, viewpoint or greenbelt purposes, (b) the conservation of land or other natural resources, or (c) historic, scenic, or view purposes. [1965 ex.s. c 76 s 4.]

Acquisition of interests in land for conservation, protection, preservation, or open space purposes by counties: RCW 64.04.130.

Historic preservation—Authority of county to acquire property: RCW 36.32.435.

Parks, county commissioners may designate name of: RCW 36.32.430.

RCW 36.34.355 Chapter not applicable to certain transfers of property. This chapter does not apply to transfers of property under *sections 1 and 2 of this act. [2006 c 35 s 4.]

***Reviser's note:** The reference to "sections 1 and 2 of this act" appears to be erroneous. Reference to "sections 2 and 3 of this act" codified as RCW 43.99C.070 and 43.83D.120 was apparently intended. RCW 43.99C.070 and 43.83D.120 were recodified as RCW 43.83.400 and 43.83.410, respectively, by the code reviser September 2015.

Findings—2006 c 35: See note following RCW 43.83.400.

RCW 36.34.360 Community garden. A county may, by ordinance, authorize the use of vacant or blighted county land for the purpose of community gardening under the terms and conditions established for the use of the county land set forth by the ordinance. The ordinance may establish fees for the use of the county land, provide requirements for liability insurance, and provide requirements for a deposit to use the county land, which may be refunded. The ordinance must require that a portion of the community garden include habitat beneficial for the feeding, nesting, and reproduction of all pollinators, including honey bees. [2019 c 353 s 18.]

Findings—Intent—2019 c 353: See note following RCW 43.23.300.