

Chapter 36.08 RCW
TRANSFER OF TERRITORY WHERE CITY'S HARBOR LIES IN TWO COUNTIES

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RCW 36.08.010 Petition and notice of election. If a harbor, inlet, bay, or mouth of river is embraced within two adjoining counties, and an incorporated city is located upon the shore of such harbor, bay, inlet, or mouth of river and it is desired to embrace within the limits of one county, the full extent of the shore line of the harbor, port, or bay, and the waters thereof, together with a strip of the adjacent and contiguous upland territory not exceeding three miles in width, to be measured back from highwater mark, and six miles in length, and not being at a greater distance in any part of said strip from the courthouse in the county seat of the county to which the territory is proposed to be annexed, as such county seat and courthouse are now situated, than ten miles, a majority of the qualified electors living in such territory may petition to have the territory stricken from the county of which it shall then be a part, and added to and made a part of the county contiguous thereto.

The petition shall describe with certainty the bounds and area of the territory, with the reasons for making the change and shall be presented to the board of county commissioners of the county in which the territory is located, which shall proceed to ascertain if the petition contains the requisite number of petitioners, who must be bona fide residents of the territory sought to be stricken off and transferred to the contiguous county.

If satisfied that the petition is signed by a majority of the bona fide electors of the territory, and that there will remain in the county from which it is taken more than four thousand inhabitants, the board shall make an order that a special election be held within the limits of the territory described in the petition, on a date to be named in the order.

Notices of the election shall contain a description of the territory proposed to be transferred and the names of the counties from and to which the transfer is intended to be made, and shall be posted and published as required for general elections. [1963 c 4 s 36.08.010. Prior: 1891 c 144 s 1; RRS s 3972.]

RCW 36.08.020 Conduct of election—Proclamation of change. The election shall be conducted in all respects as general elections are conducted under the laws governing general elections, in so far as they may be applicable, except that there shall be triplicate returns made, one to each of the respective county auditors and another to the

office of the secretary of state. The ballots used at such election shall contain the words "for transferring territory," or "against transferring territory." The votes shall be canvassed, as by law required, within twenty days, and if three-fifths of the votes cast in the territory at such election are "for transferring territory," the territory described in the petition shall become a part of and be added to and made a part of the county contiguous thereto, and within thirty days after the canvass of the returns of the election, the governor shall issue his or her proclamation of the change of county lines. [2009 c 549 s 4001; 1963 c 4 s 36.08.020. Prior: 1891 c 144 s 2; RRS s 3973.]

RCW 36.08.030 Official proceedings not disturbed by transfer.

All assessments and collection of taxes, and all judicial or other official proceedings commenced prior to the governor's proclamation transferring territory to a contiguous county, shall be continued, prosecuted, and completed in the same manner as if no such transfer had been made. [1963 c 4 s 36.08.030. Prior: 1891 c 144 s 3; RRS s 3974.]

RCW 36.08.040 Local officers to serve out terms. All township, precinct, school, and road district officers within the transferred territory shall continue to hold their respective offices within the county to which they may be transferred until their respective terms of office expire, and until their successors are elected and qualified. [1963 c 4 s 36.08.040. Prior: 1891 c 144 s 4; RRS s 3975.]

RCW 36.08.050 Transferee county liable for existing debts—

Exception. Every county which is thus enlarged by territory taken from another county shall be liable for a just proportion of the existing debts of the county from which such territory is stricken, which proportion shall be paid by the county to which such territory is transferred at such time and in such manner as may be agreed upon by the boards of county commissioners of both counties: PROVIDED, That the county to which the territory is transferred shall not be liable for any portion of the debt of the county from which the territory is taken, incurred in the purchase of any county property, or the construction of any county building then in use or under construction, which shall fall within and be retained by the county from which the territory is taken. [1963 c 4 s 36.08.050. Prior: 1891 c 144 s 5; RRS s 3976.]

RCW 36.08.060 Adjustment of indebtedness. The county auditors of the respective counties interested in the transfer of territory, as in this chapter provided, are constituted a board of appraisers and adjusters, to appraise the property, both real and personal, owned by the county from which the territory is taken, and to adjust the indebtedness of such county with the county to which such territory is transferred, in proportion to the amount of taxable property within the territory taken from the one county and transferred to the other. [1963 c 4 s 36.08.060. Prior: 1891 c 144 s 6; RRS s 3977.]

RCW 36.08.070 Arbitration of differences. If the board of appraisers and adjusters do not agree on any subject, value, or settlement, they shall choose a third person from an adjoining county to settle their differences, and the decision thus arrived at shall be final. [2009 c 549 s 4002; 1963 c 4 s 36.08.070. Prior: 1891 c 144 s 7; RRS s 3978.]

RCW 36.08.080 Expense of proceedings. The expense of the proceedings and election provided for in this chapter shall be paid by the county to which the territory is attached. [1963 c 4 s 36.08.080. Prior: 1891 c 144 s 8; RRS s 3979.]

RCW 36.08.090 Transcript of records by county auditor. The county auditor of the county to which any territory may be transferred may take transcripts of all records, books, papers, etc., on file in the office of the county auditor of the county from which the territory has been transferred, which may be necessary to perfect the records of his or her county, and for this purpose he or she shall have access to the records of the county from which such territory is stricken, free of cost. [2009 c 549 s 4003; 1963 c 4 s 36.08.090. Prior: 1891 c 144 s 9; RRS s 3980.]

RCW 36.08.100 Construction—Limitations. Nothing in this chapter shall be construed to authorize the annexing of territory of one county to a neighboring county, where the territory proposed to be annexed, or any part thereof, is at a greater distance than ten miles from the courthouse in the county seat of the county to which said territory is proposed to be annexed, as said courthouse is now located, nor to authorize the annexation of any territory at a greater distance than three miles from high water mark of tide water, but such annexation shall be strictly confined within said limits. [1963 c 4 s 36.08.100. Prior: 1891 c 144 s 10; RRS s 3981.]