
SENATE BILL 5886

State of Washington

63rd Legislature

2013 Regular Session

By Senators King and Eide

Read first time 03/27/13. Referred to Committee on Transportation.

1 AN ACT Relating to department of transportation surplus property;
2 and amending RCW 47.12.283.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 47.12.283 and 2010 c 8 s 10006 are each amended to
5 read as follows:

6 (1) Whenever the department of transportation determines that any
7 real property owned by the state of Washington and under the
8 jurisdiction of the department is no longer required for highway
9 purposes and that it is in the public interest to do so, the department
10 may, in its discretion, sell the property under RCW 47.12.063 or under
11 subsections (2) through (6) of this section.

12 (2) Whenever the department determines to sell real property under
13 its jurisdiction at public auction, the department shall first give
14 notice thereof by publication on the same day of the week for two
15 consecutive weeks, with the first publication at least two weeks prior
16 to the date of the auction, in a legal newspaper of general circulation
17 in the area where the property to be sold is located. The notice shall
18 be placed in both the legal notices section and the real estate
19 classified section of the newspaper. The notice shall contain a

1 description of the property, the time and place of the auction, and the
2 terms of the sale. The sale may be for cash or by real estate
3 contract.

4 (3) The department shall sell the property at the public auction,
5 in accordance with the terms set forth in the notice, to the highest
6 and best bidder providing the bid is equal to or higher than the
7 appraised fair market value of the property.

8 (4) If no bids are received at the auction or if all bids are
9 rejected, the department may, in its discretion, enter into
10 negotiations for the sale of the property or may list the property with
11 a licensed real estate broker. No property shall be sold by
12 negotiations or through a broker for less than the property's appraised
13 fair market value. Any offer to purchase real property pursuant to
14 this subsection shall be in writing and may be rejected at any time
15 prior to written acceptance by the department.

16 (5) ~~((Before the department shall approve any offer for the~~
17 ~~purchase of real property having an appraised value of more than ten~~
18 ~~thousand dollars, pursuant to subsection (4) of this section, the~~
19 ~~department shall first publish a notice of the proposed sale in a local~~
20 ~~newspaper of general circulation in the area where the property is~~
21 ~~located. The notice shall include a description of the property, the~~
22 ~~selling price, the terms of the sale, including the price and interest~~
23 ~~rate if sold by real estate contract, and the name and address of the~~
24 ~~department employee or the real estate broker handling the transaction.~~
25 ~~The notice shall further state that any person may, within ten days~~
26 ~~after the publication of the notice, deliver to the designated state~~
27 ~~employee or real estate broker a written offer to purchase the property~~
28 ~~for not less than ten percent more than the negotiated sale price,~~
29 ~~subject to the same terms and conditions. A subsequent offer shall not~~
30 ~~be considered unless it is accompanied by a deposit of twenty percent~~
31 ~~of the offer in the form of cash, money order, cashiers check, or~~
32 ~~certified check payable to the Washington state treasurer, to be~~
33 ~~forfeited to the state (for deposit in the motor vehicle fund) if the~~
34 ~~offeror fails to complete the sale if the offeror's offer is accepted.~~
35 ~~If a subsequent offer is received, the first offeror shall be informed~~
36 ~~by registered or certified mail sent to the address stated in his or~~
37 ~~her offer. The first offeror shall then have ten days, from the date~~
38 ~~of mailing the notice of the increased offer, in which to file with the~~

1 ~~designated state employee or real estate broker a higher offer than~~
2 ~~that of the subsequent offeror. After the expiration of the ten day~~
3 ~~period, the department shall approve in writing the highest and best~~
4 ~~offer which the department then has on file.~~

5 (6)) All moneys received pursuant to this section, less any real
6 estate broker's commissions paid pursuant to RCW 47.12.320, shall be
7 deposited in the motor vehicle fund.

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