

Bond Case Briefs

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ANNEXATION - WASHINGTON

Ronald Wastewater District v. Olympic View Water and Sewer District

Supreme Court of Washington - October 15, 2020 - P.3d - 2020 WL 6106955

Wastewater district brought action against sewer district, town, and county, seeking a declaration confirming that its corporate boundary included a particular area, based on a prior annexation ordered by a court.

The Superior Court granted wastewater district's partial motion for summary judgment. Sewer district and town appealed. The Court of Appeals reversed. Wastewater district's petition for review was granted.

The Supreme Court held that:

- Sewer district did not relinquish its authority over disputed area;
- To be properly transferred and annexed, the territory must be exclusively within the transferring county's geographic service area, unless the existing district relinquishes its sewerage authority;
- Prior annexation order was void for lack of personal jurisdiction; and
- Prior annexation order was void for lack of subject matter jurisdiction.

Original sewer district did not relinquish its authority over disputed area, and thus wastewater district and county adjacent to area had no right to unilaterally annex area; even though sewer district gave county permission by contract to provide water service to area, and even if permission extended beyond water service and included provision of sewer service, sewer district did not relinquish primary sewerage authority, and sewer district and area's actual county was not involved in annexation process.

To be properly transferred and annexed under the former statutory scheme, the sewer-service territory must be exclusively within the transferring county's geographic service area and cannot be within another district's service area, unless the existing district relinquishes its sewerage authority to the transferring county; the statutory authority does not permit a hostile takeover of another district's service area without notice or permission.