

Bond Case Briefs

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ASSESSMENTS - WASHINGTON

Gabelein v. Diking Dist. No. 1 of Island County of State

Court of Appeals of Washington, Division 1 - June 30, 2014 - P.3d - 2014 WL 2937080

Property owners brought action against county diking district to challenge methodology by which district developed its benefit assessment roll and calculated the drainage assessment against their property. The Superior Court granted summary judgment in favor of property owners. District appealed.

The Court of Appeals held that:

- Scope of record on judicial review was not limited to administrative record;
- District's methodology to develop benefit assessment roll did not comply with statutory and constitutional requirements; and
- District's prelitigation misconduct warranted award of attorney's fees.

Methodology used by county diking district to develop benefit assessment roll and calculate drainage assessments failed to comply with state constitutional provision governing special assessments and statute permitting diking districts to fund the cost of continuous functioning, where district used hypothetical costs designed solely to provide notice to property owners for comparative purposes to determine actual continuous base benefits, methodology failed to indicate the actual amount of the assessment, district's board of commissioners, consisting of individuals with a financial interest in the outcome, determined the system of assessments, and methodology did not determine benefits to the assessed properties.