

Bond Case Briefs

Municipal Finance Law Since 1971

EMINENT DOMAIN - WASHINGTON

Public Utility Dist. No. 1 of Okanogan County v. State

Supreme Court of Washington, En Banc - January 29, 2015 - P.3d - 2015 WL 388301

Public utility district (PUD) filed a condemnation petition against property owners to obtain easements that were necessary to build a new electrical transmission line. One property owner was the state, which owned school trust lands that were required for the project. Conservation group filed a motion to intervene, which was granted. Group and Department of Natural Resources (DNR) each filed a motion for summary judgment, arguing that PUD did not have the authority to condemn the school trust lands. The Superior Court denied the motions and granted summary judgment in favor of PUD. Group and DNR appealed, and PUD cross appealed. The Court of Appeals affirmed. DNR and PUD sought review, which the Supreme Court granted.

The Supreme Court of Washington held that:

- Statute does not prohibit a court from exercising its authority under the court rules to join individuals challenging a condemnor's authority with respect to certain property;
- Trial court could allow group to be a permissive intervenor;
- Public utility districts have express statutory authority to condemn school lands held in trust by the state;
- A present or prospective public use does not categorically exempt property from condemnation by a municipal corporation; abrogating *State ex rel. City of Cle Elum v. Kittitas County*, 107 Wash. 326, 173 P. 698;
- Condemnation of an easement through school lands by public utility districts does not violate the Washington Constitution; and
- Legislative grant of authority to public utility districts to condemn school lands is not a breach of the state's fiduciary duties as trustee of school lands.