

CITY OF MAPLE VALLEY

ORDINANCE NO. O-97-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, GRANTING FRANCHISES TO SOOS CREEK WATER AND SEWER DISTRICT, WASHINGTON NATURAL GAS (PUGET SOUND ENERGY), PUGET SOUND POWER AND LIGHT (PUGET SOUND ENERGY), AND U.S. WEST TELECOMMUNICATIONS

WHEREAS, the City of Maple Valley will incorporate on August 31, 1997; and

WHEREAS, RCW 35.02.160 provides that any franchise or permit theretofore granted to any person, firm or corporation by the State or County is automatically canceled upon incorporation, but that the City must grant such business a franchise to continue for a term of not less than the remaining term of the original franchise or permit, or seven years, whichever is the shorter; and

WHEREAS, franchises have been granted by King County to the businesses and companies set forth herein; and

WHEREAS, the City of Maple Valley intends to allow the following businesses and companies to continue operation under the same terms and conditions as preexisting franchises with King County for the remaining term of the original franchises, or seven years, whichever is the shorter period; and

WHEREAS, this ordinance has been passed by a majority of the City Council, NOW, THEREFORE

THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Soos Creek Water and Sewer. The City of Maple Valley hereby grants to the Soos Creek Water and Sewer District a franchise under the same terms and conditions as set forth in Franchise No. 9351 previously issued by King County. This franchise shall expire on August 31, 2004.

Section 2. Washington Natural Gas. The City of Maple Valley hereby grants to the Washington Natural Gas Company (Puget Sound Energy) a franchise under the same terms and conditions as set forth in Franchise No. 11609 previously issued by King County. This franchise shall expire on August 31, 2004.

Section 3. Puget Sound Power and Light. The City of Maple Valley hereby grants to the Puget Sound Power and Light Company (Puget Sound Energy) a franchise under the same

terms and conditions as set forth in Franchise No. 5052 previously issued by King County. This franchise shall expire on August 31, 2004.

Section 4. U.S. West Communications. The City of Maple Valley hereby grants to U.S. West Communications a franchise under the same terms and conditions as previously issued by King County. This franchise is grandfathered under state law.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Directions to City Clerk. The City Clerk is hereby authorized and directed to forward certified copies of this ordinance to the franchisees set forth in this ordinance. The franchisee shall have 30 days from receipt of a certified copy of this ordinance to accept in writing the terms of the franchise granted herein.

Section 7. Official Bonds. The franchisee shall take all necessary steps to transfer any bonds, certificates of insurance or other security currently held by King County to the City of Maple Valley. The franchise rights granted herein shall not be effective until such transfers are made.

Section 8. Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force on August 31, 1997, at 12:01 a.m.

ADOPTED BY THE CITY COUNCIL ON AUGUST 11, 1997.

Mayor Laure Iddings

ATTEST:

Irvalene Moni, Interim City Clerk

APPROVED AS TO FORM:

Lisa M. Marshall, Interim City Attorney

Date of Publication:

Effective Date: