

**ORDINANCE NO. 213**

**AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, RELATING TO THE NON-EXCLUSIVE FRANCHISE OF THE WOODINVILLE WATER DISTRICT FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF A WATER AND SEWER SYSTEM UPON THE PUBLIC STREETS, WAYS, ALLEYS, AND PLACES WITHIN THE CITY OF WOODINVILLE, GRANTING AN EXTENSION THEREOF, AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, prior to incorporation of the City of Woodinville, King County granted to Water District No. 104 a non-exclusive sewer system franchise under King County Ordinance No. 1586 and a non-exclusive water line franchise under King County Ordinance No. 5002; and

WHEREAS, the City was incorporated as a non-charter code city effective March 31, 1993; and

WHEREAS, pursuant to RCW 35.02.160, the water and sewer franchises were automatically cancelled with respect to the City upon its incorporation, except that, by operation of law, new franchises must be granted by an incorporating city for a term not less than the remaining term of the original franchises; and

WHEREAS, pursuant to RCW 35A.11.030, the City has the power to grant franchises and manage its public rights-of-way; and

WHEREAS, the City granted to Water District No. 104, presently known as Woodinville Water District, an extension of its King County Franchises under the same terms and conditions, expiring on April 1, 1998, pursuant to Ordinance No. 42; and

WHEREAS, it is in the best interest of the City, Woodinville Water District, and the public at large to grant a further extension of said franchise while the City develops uniform policies and regulations related to the management of public rights-of-way within the City; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO

ORDAIN AS FOLLOWS:

Section 1. Extension Granted. The City Council hereby grants to Woodinville Water District an extension of the franchise approved under Ordinance No. 42. This extension shall expire on October 30, 1999, or six months after the adoption of comprehensive right-of-way management policies and regulations by the City, whichever occurs sooner. During the period of extension, said franchise shall continue under the same terms and conditions as set forth therein. A copy of the franchise agreement approved under Ordinance No. 42 is attached hereto as Exhibit A, and incorporated by reference as if set forth fully herein.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

ADOPTED by the City Council of the City of Woodinville this 27th Day of July, 1998

APPROVED:

  
\_\_\_\_\_  
Mayor, Donald J. Brocha

ATTEST/AUTHENTICATED:

By: Sandra C. Steffler/CMC  
Sandra C. Steffler/CMC  
City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By: Dawn L. Findley

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO. 213

## ORIGINAL

0046.080.002/3/4/5

WDT/srf  
03/11/93ORDINANCE NO. 42

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, GRANTING FRANCHISES TO THE WASHINGTON NATURAL GAS COMPANY, PUGET SOUND POWER & LIGHT COMPANY, NORTSHORE UTILITY DISTRICT, WOODINVILLE WATER DISTRICT, VIACOM CABLE, WOODINVILLE WATER DISTRICT, AND THE SEATTLE WATER DEPARTMENT FOR OPERATION OF PUBLIC SERVICE BUSINESSES IN THE CITY OF WOODINVILLE.

WHEREAS, the City of Woodinville will incorporate as of March 31, 1993, 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 cancelled upon incorporation, but that the City must grant such businesses a franchise to continue for a term of not less than the remaining term of the original franchise or permit or five 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 Woodinville intends to allow the following businesses and companies to continue operation under the same terms and conditions as the preexisting franchises with King County for the remaining term of the original franchise or five years, whichever is the shorter period, and

# ORIGINAL

WHEREAS, this ordinance has been passed by a majority of the City Council more than five days after introduction, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Washington Natural Gas. The City of Woodinville hereby grants a franchise to Washington Natural Gas Company under the same terms and conditions as set forth in Franchise No. 607 previously issued by King County. This franchise shall expire February 1, 1994.

Section 2. Puget Sound Power & Light Company. The City of Woodinville hereby grants to Puget Sound Power & Light Company a franchise under the same terms and conditions as Franchise No. 5052 granted by King County. This franchise shall expire April 1, 1998.

Section 3. Northshore Utility District. The City of Woodinville hereby grants to the Northshore Utility District a franchise under the same terms and conditions as King County Franchise No. 5287. This franchise shall expire April 1, 1998.

Section 3. Woodinville Water District. The City of Woodinville hereby grants to the Woodinville Water District a franchise under the same terms and conditions as King County Franchise No. 1586. This franchise shall expire April 1, 1998.

Section 4. Viacom Cable. The City of Woodinville hereby grants to Vista Television Cable, Inc., d/b/a Viacom Cable, a franchise under the same terms and conditions as King County

# ORIGINAL

Franchise Nos. 548, 550 and 614. This franchise shall expire April 1, 1994.

Section 5. Woodinville Water District. The City of Woodinville hereby grants to the Woodinville Water District a franchise under the same terms and conditions as King County Franchise Nos. 496 and 5002. This franchise shall expire April 1, 1998.

Section 6. Seattle Water Department. The City of Woodinville hereby grants to the Seattle Water Department a franchise under the same terms and conditions as King County Franchise Nos. 435 and 504. This franchise shall expire December 1, 2010.

Section 7. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 8. 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 either accept or reject in writing the terms of the franchise granted herein.

Section 9. Official Bonds. The franchisees shall take all necessary steps to transfer any bonds, certificates of

# ORIGINAL

insurance or other security currently held by King County to the City of Woodinville. The franchise rights granted herein shall not be effective until such transfers are made.

Section 10. Effective Date. This ordinance shall be effective after publication of this ordinance in full in the City's official newspaper. The City Clerk is hereby directed to publish this ordinance in full.

PASSED by the City Council of the City of Woodinville this 22<sup>nd</sup> day of March, 1993.

APPROVED:

Lucy DeVoung  
MAYOR, LUCY DEVOUNG

ATTEST/AUTHENTICATED:

Marie K. O'Connell  
CITY CLERK, MARIE O'CONNELL

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY Wagner

FILED WITH THE CITY CLERK: 3/18/93  
PASSED BY THE CITY COUNCIL: 3/22/93  
PUBLISHED: 3/29/93  
EFFECTIVE DATE: 3/31/93  
ORDINANCE NO. 39

## CERTIFICATION

I, the undersigned, Marie K. O'Connell, CMC, City Clerk of the City of Woodinville, Washington, certify that this is a true and correct copy of Ordinance No. 39 subscribed this 22<sup>nd</sup> day of March, 1993.

Marie K. O'Connell, CMC  
City Clerk

Marie K. O'Connell