AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, GRANTING FRANCHISES TO SAMMAMISH PLATEAU WATER AND SEWER DISTRICT, NORTHEAST SAMMAMISH WATER AND SEWER DISTRICT, AND PUGET SOUND ENERGY

WHEREAS, the City of Sammamish incorporated on August 31, 1999; and

WHEREAS, RCW 35.02.160 provides that any franchise or permit heretofore 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 shorter; and

WHEREAS, franchises have previously been granted by King County to a number of businesses and companies operating within the City of Sammamish; and

WHEREAS, the City of Sammamish desires to allow such businesses and companies to continue operation under the same terms and conditions as the pre-existing King County franchises for the remaining term of the original franchises, or seven years, whichever is the shorter period;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Term of Franchises. In accordance with RCW 35.02.160, the term of each franchise granted herein shall be not less than the remaining term of the original franchise, or not less than seven years, whichever is the shorter period.

Section 2. Sammamish Plateau Water and Sewer District. The City of Sammamish hereby grants to the Sammamish Plateau Water and Sewer District a franchise under the same terms and conditions as set forth in the following franchises previously issued by King County:

A. Franchise No. 6311, expiring July 29, 2010 (water);
B. Franchise No. 7542, expiring July 29, 2010 (water);
C. Franchise No. 6301, expiring July 8, 2010 (sewer); and
D. Franchise No. 1519, expiring December 31, 1999 (sewer).

Section 3. Northeast Sammamish Water and Sewer District. The City of Sammamish hereby grants to the Northeast Sammamish Water and Sewer District a franchise under the same terms and conditions as set forth in the following franchises previously issued by King County:
A. Franchise No. 9281, expiring May 9, 2019 (water); and
B. Franchise No. 13609, expiring August 23, 2024 (sewer).

Section 4. Puget Sound Energy. The City of Sammamish hereby grants to Puget Sound Energy a franchise under the same terms and conditions as set forth in the following franchises previously issued by King County:
A. Franchise No. 5052, expiring October 13, 2005 (electric); and
B. Franchise no. 11609, expiring December 19, 2019 (natural gas).

Section 5. Directions to City Clerk. The City Clerk is hereby authorized and directed to forward certified copies of this Ordinance to the franchisee 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 6. 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 Sammamish. The franchise rights granted herein shall not be effective until such transfers are made.

Section 7. 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 pre-empted 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 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 five (5) days after publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 29TH DAY OF September, 1999.

CITY OF SAMMAMISH

Mayor Phil Dyer

- 2 -

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ATTTEST/AUTHENTICATED:

Ruth Muller, Interim City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: Sept. 17, 1999
Passed by the City Council: Sept. 22, 1999
Ordinance No. 099-32
Date of Publication: Oct. 12, 1999