

1 FILE NO. 85

2

3	In the Matter of the Application of)	EXHIBIT "A"
4	City of Auburn, a Municipal Corporation)	ORDINANCE NO. <u>2005-38</u>
5	of the State of Washington, for a)	
6	Supplemental Franchise to construct,)	
7	operate, and maintain sanitary sewer)	S U P P L E M E N T A L
8	pipelines in, across, under, and)	F R A N C H I S E
9	along certain Public Roads and)	
10	Highways in Pierce County, Washington)	NO. 1

7

8 Application of City of Auburn, a Municipal Corporation of the
9 State of Washington, for Supplemental Franchise No. 1 to that certain
10 Franchise granted to City of Auburn, a Municipal Corporation of the
11 State of Washington, dated November 24, 2003, bearing File No. 81,
12 having been before the Council of Pierce County, Washington, for
13 public hearing under the provisions of Chapter 36.55, Revised Code of
14 Washington (RCW), and it appearing to Council that Notice of said
15 hearing having been duly given as required by law, and it is in the
16 public interest to supplement said Franchise dated November 24, 2003,
17 by granting authority to construct, operate, and maintain sanitary
18 sewer pipelines for the purpose of maintaining and operating a
19 sanitary sewer pipeline system in, across, under, and along public
20 roads and highways in Pierce County, Washington.

21

22 NOW, THEREFORE, IT IS ORDERED, that the Franchise granted to
23 City of Auburn, a Municipal Corporation of the State of Washington,
24 on November 24, 2003, bearing File No. 81, is hereby supplemented to

25

1 add thereto certain additional County roads and highways and other
2 County owned property(ies) and by such supplement give and grant to
3 the City of Auburn, a Municipal Corporation of the State of
4 Washington, with respect to the additional roads and highways
5 hereinafter described, identical Franchise rights, subject to the
6 identical express terms and conditions as are contained in said
7 Franchise bearing File No. 81, as amended by Ordinance 2003-74, as
8 follows:

9
10 The Franchise boundaries are hereby amended to include the North
11 100 feet of the East 400 feet of the Northwest quarter of the
12 Northwest quarter of Section 8, Township 20 North, Range 5 East,
13 W.M.

14
15 The full acceptance of this Supplement to the Franchise and all
16 its terms and conditions within 60 days from _____,
17 _____, by City of Auburn, a Municipal Corporation of the State
18 of Washington, organized and existing under and by virtue of the laws
19 of the State of Washington, in writing, is to be filed with the Clerk
20 of the Pierce County Council and shall be a condition precedent to
21 its taking effect, and unless this Supplemental Franchise No. 1 is
22 accepted within such time, said Supplemental Franchise No. 1 shall be
23 null and void.

1 All other terms and conditions of the Franchise granted
2 November 24, 2003, remain in full force and effect.

3
4 Pursuant to RCW 36.55.080, a copy of Supplemental Franchise
5 No. 1 shall be recorded in the office of the Pierce County Auditor.

6
7 DATED at Tacoma, Washington, this ____ day of _____,
8 200__.

9
10 _____
John W. Ladenburg
PIERCE COUNTY EXECUTIVE

11 We hereby accept and agree to comply with all the terms and
12 conditions of this Franchise.

13 _____
Name

14 _____
Title

15
16
17 Approved for Insurance and
Bonding Requirements: _____
(Name of Town)

18 _____
Date
19 Risk Management

20
21 Date of Publication of
Notice of Public Hearing: _____

22 Effective Date of Ordinance: _____
23
24

1 FILE NO. 85 PROPOSAL NO. 2005-38

2 Sponsored by: Councilmember Terry Lee

3 Requested by: County Executive/Public Works & Utilities

4

5 **ORDINANCE NO. 2005-38**

6

7 **AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING SUPPLEMENTAL**
8 **FRANCHISE NO. 1 TO THE CITY OF AUBURN, A MUNICIPAL**
9 **CORPORATION OF THE STATE OF WASHINGTON, FOR**
10 **LOCATION OF SANITARY SEWER PIPELINES ON CERTAIN**
11 **RIGHTS-OF-WAY.**

12

13 WHEREAS, the City of Auburn, a Municipal Corporation of the
14 State of Washington, has applied for a nonexclusive Supplemental
15 Franchise No. 1 to construct, operate, and maintain sanitary
16 sewer pipelines in, under, and along certain County roads,
17 highways, and other County properties in Pierce County,
18 Washington, as hereinafter set forth; and

19

20 WHEREAS, Said application came on regularly for hearing
21 before the Pierce County Council on the date set forth below
22 under the provisions of Chapter 36.55 Revised Code of Washington
23 (RCW); and

24

25 WHEREAS, It appears to the Council that notice of said
26 hearing has been duly given as required by law, and that it is

27

1 in the public interest to grant Supplemental Franchise No. 1;
2 NOW THEREFORE,

3
4 BE IT ORDAINED by the Council of Pierce County:

5
6 Section 1. Supplemental Franchise, No. 1, a copy of which
7 is attached hereto and identified as Exhibit "A," is hereby
8 given and granted to the City of Auburn, a Municipal Corporation
9 of the State of Washington, hereinafter referred to as the
10 Grantee, to construct, operate, and maintain sanitary sewer
11 pipelines in, under, and along those certain County roads,
12 highways, and County property(ies) in Pierce County, Washington,
13 described in said Supplemental Franchise No. 1.

14
15 Section 2. Supplemental Franchise No. 1 is granted for a
16 period of 15 years from and after November 24, 2003, the date of
17 the granting of the original Franchise to the Grantee.

18
19 Section 3. Supplemental Franchise No. 1 is granted on the
20 express condition that Pierce County may unilaterally at any
21 time upon 90 days' written notice to the Grantee change, amend,
22 modify, or amplify this Supplemental Franchise to conform to any
23 state statute, order of the Washington Utilities and
24 Transportation Commission, or County regulation, ordinance, or
25 right-of-way regulation, as may hereafter be enacted, adopted,
26 or promulgated, and this Franchise may be terminated at any time

1 if the Grantee fails to comply with such change, amendment,
2 modification, or amplification.

3

4 Section 4. Supplemental Franchise No. 1 is in accordance
5 with the Pierce County Sewage General Plan for the area.

6

7 Section 5. The Executive of Pierce County is hereby
8 authorized to execute Supplemental Franchise No. 1.

9

10 PASSED this _____ day of _____, 20____.

11

12 ATTEST: PIERCE COUNTY COUNCIL
13 PIERCE COUNTY, Washington

14 _____
15 Denise D. Johnson
16 Clerk of the Council

Shawn Bunney
Council Chair

16

17 PIERCE COUNTY EXECUTIVE

18

19 _____
20 Risk Management Approved _____ Vetoed _____
this _____ day of _____, 200_____

21

22 Date of Publication of
23 Notice of Public Hearing: _____

24 Effective Date of Ordinance: _____

25

26

27