

June 16, 1995

Introduced by CHRISTOPHER VANCE

BT:lm

Proposed No.: 95-403

ORDINANCE NO. **11926**

AN ORDINANCE authorizing the Executive to execute an extension of City of Auburn water franchises 250, 542, 576, 605 and sewer and water franchise 7543 until May 31, 1996 in Council District No. 9.

STATEMENT OF FACTS:

1. The city of Auburn has filed an application for a franchise in Council District No. 9 to construct, operate and maintain a water system to serve a mix of single and multi-family residential and some commercial area in accordance with R.C.W. 36.55.010.

2. King County Code 6.27 requires that applications for right of way franchises for utilities must be approved by the Utilities Technical Review Committee (UTRC) and be consistent with the county comprehensive plan.

3. On January 27, 1993 the UTRC reviewed the City of Auburn's franchise for compliance with King County Code 13.24 and determined that the city's water comprehensive plan, approved in 1983 by King County Council Ordinance 6563, was inconsistent with King County Code 13.28.045. King County Code 13.28.045 required that all water utilities within the South King County Coordinated Water System Plan's boundaries revise their water comprehensive plans within one year of King County's adoption of the CWSP.

4. The city's water franchises 542 and 576 were extended until January 31, 1995 by Motion No. 8958 to give the city of Auburn additional time to revise their water plan to comply with the CWSP.

5. The UTRC reviewed the city of Auburn's water comprehensive plan on April 26, 1995 and granted conditional approval of the plan upon the receipt of additional information pertaining to the service area policy, water supply, water storage and satellite system management.

6. While the city has been revising its water comprehensive plan, water franchises 250 and 605 expired on December 1, 1994, and February 13, 1994, respectively, and sewer and water franchise 7543 expired on November 30, 1994.

7. The city of Auburn has agreed to a timetable for completion of the necessary revisions to its water comprehensive plan for compliance with the South King County Coordinated Water System Plan. The city will pursue the county's approval for both the water comprehensive plan and franchise by May 31, 1996.

8. The extensions of referenced franchises have been approved by the UTRC.

9. The county executive has recommended approval of the franchise extensions.

**BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

SECTION 1. The extension of city of Auburn's water franchises 250, 542, 576, 605 and water and sewer franchise 7543 until May 31, 1996 is hereby approved. The county executive is authorized to enter into and execute the franchise extension agreements, which by this reference are fully incorporated herein. Said extensions shall be

1 subject to the terms and special conditions set forth in the referenced franchise extension  
2 agreements and water franchises 250, 542, 576, 605 and water and sewer franchise 7543.

3 SECTION 2. If within 30 days after the granting of this franchise, the applicant  
4 shall have failed to sign the written acceptance incorporated herein, then the rights and  
5 privileges granted herein shall be forfeited and said franchise shall be null and void.

6 INTRODUCED AND READ for the first time this 19<sup>th</sup> day of June, 1995.

7 PASSED by a vote of 11 to 0 this 14<sup>th</sup> day of August, 1995.

8 KING COUNTY COUNCIL  
9 KING COUNTY, WASHINGTON

10 Kent Pullen  
11 Chair

12 ATTEST:

13 Gerald A. Peterson  
14 Clerk of the Council

15 APPROVED this 22<sup>nd</sup> day of August, 1995.

16 Greg Lake  
17 King County Executive

18 Attachments:  
19 A. Franchise Extension Agreements

## FRANCHISE EXTENSION AGREEMENT

## RECITALS

WHEREAS, the City of Auburn currently holds water franchise numbers 250, 542, 576, 605 and water and sewer franchise 7543 granted by King County, Washington for the operation of a portion of its water and sewer system in unincorporated King County; and

WHEREAS, the referenced City of Auburn's franchises have expired; and

WHEREAS, the City of Auburn has requested a renewal of said franchises; and

WHEREAS, the City of Auburn and King County, Utilities Technical Review Committee recommend that said franchise be extended until May 31, 1996 to give the City the opportunity to complete and obtain approval of its water comprehensive plan and franchise; and

WHEREAS, no objections have been raised to the granting of the requests; and

WHEREAS, King County has approved the extension of this franchise until May 31, 1996 through the passage of Ordinance No. 11926 subject to the conditions contained in the ordinance and agreement.

NOW, THEREFORE, King County, Washington and the City of Auburn, Washington agree as follows:

1. The terms of King County Water Franchise Numbers 250, 542, 576, 605 and Water and Sewer 7543 are hereby approved and extended so that they will now expire on May 31, 1996.
2. All other conditions of King County Water Franchise Numbers 250, 542, 576, 605 and Water and Sewer Franchise 7543 shall remain in full force and effect and are not modified or amended by this agreement or Ordinance No. 11926.

THIS AGREEMENT entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

CITY OF AUBURN, WASHINGTON  
A Washington State Corporation

KING COUNTY, WASHINGTON

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

Benjamin Woo, Director  
Department of Construction & Facilities  
Management

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

BY: \_\_\_\_\_

Robert Stier  
Senior Deputy Prosecuting Attorney