

July 20, 1995

Introduced by: BRIAN DERDOWSKI

BT:dh

Proposed No.: 95 - 555

ORDINANCE NO. **11967**

1
2 AN ORDINANCE extending water system franchise No. 2200 for the
3 Upper Preston Water Association until August 1, 1996, authorizing the
4 issuance of right-of-way construction permits, in Council District No.
5 12.

6 STATEMENT OF FACTS

7 1. The Upper Preston Water Association's franchise No. 2200 to operate and
8 maintain a water system on county road right-of-way has expired.

9 2. The Association filed an application for a water franchise in Council District No.
10 12 on February 22, 1995 to construct, operate, and maintain their existing water system to
11 serve primarily single family residences in accordance with R.C.W. 36.55.010.

12 3. King County Code Chapter 6.27 requires that the utility franchise application be
13 approved by the Utilities Technical Review Committee (UTRC) and be consistent with the
14 county comprehensive plan and Seattle-King County health department and the state
15 department of health regulations.

16 4. The Association is in the process of preparing and obtaining approval of its water
17 comprehensive plan to bring it in compliance with the South King County Critical Water
18 Supply Plan (CWSP). The Association anticipates that this process could take a year to
19 complete.

20 5. In order to provide the Association with the time needed to complete its water
21 plan and to allow the Association to continue to obtain the necessary right-of-way
22 construction permits to maintain and operate the existing water system on county road
23 right of way, the Association has requested that franchise No. 2200 be extended.

24 6. The extension of Water franchise No. 2200 has been referred to the relevant
25 county departments for review.

26 7. The county executive has recommended approval of the water franchise
27 extension.

1 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

2 Notwithstanding any provision of K.C.C. Chapter 13.24 to the contrary the King
3 County executive is hereby authorized to grant an extension of Water franchise No. 2200
4 for the Upper Preston Water Association until August 1, 1996, in substantially the same
5 form as Attachment "A". Notwithstanding any provision of K.C.C. Chapter 14.44 to the
6 contrary, the executive is also authorized to issue right-of-way construction permits
7 consistent with the terms of the extended franchise.

8 INTRODUCED AND READ for the first time this 28th
9 day of August, 1995.

10 PASSED by a vote of 10 to 0 this 25th day of September 1995.

11 KING COUNTY, COUNCIL
12 KING COUNTY, WASHINGTON

13 Kent Pullen
14 Chair

15 ATTEST:

16 Gerald A. Peterson
17 Clerk of the Council

18 APPROVED this 6th day of October, 1995.

19 Jim Lohr
20 King County Executive

21 Attachments:
22 A. Extension Agreement

FRANCHISE EXTENSION AGREEMENT

RECITALS

WHEREAS, the Upper Preston Water Association Franchise Number 2200 to construct, operate and maintain a water system in County road right-of-way has expired, and

WHEREAS, the Upper Preston Water Association submitted a request for a new franchise on February 22, 1995, and

WHEREAS, the Upper Preston Water Association and the King County Utilities Technical Review Committee recommend that the said franchise be extended until August 1, 1996 to give the Association the opportunity to complete their water comprehensive plan and obtain the County approval of their plan and water franchise as required by King County Code 13.24 and 6.27, and

WHEREAS, the extension will also allow the Association to obtain the necessary right of way construction permits to enhance their water system and relocate their water line for a County drainage project designed to reduce flooding on a portion of the Upper Preston Road, and

WHEREAS, King County has approved the extension of this franchise until August 1, 1996 through the passage of Ordinance No. 11967 subject to conditions contained in the ordinance and agreement.

NOW, THEREFORE, King County, Washington and the Upper Preston Water Association agree to the following:

1. The term of King County water franchise number 2200 is hereby extended so that it will expire on August 1, 1996.
2. All other conditions of King County water franchise number 2200 shall remain in full force and effect and are not modified or amended by this agreement or Ordinance No. 11967.

11967

THIS AGREEMENT entered into this _____ day of _____ 1995.

UPPER PRESTON WATER ASSOCIATION

KING COUNTY, WASHINGTON

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

Approved as to Form:

BY: _____

DATE: _____