

March 8, 1995

Introduced by: KENT PULLEN

BT:lm

Proposed No.: 95 - 178

ORDINANCE NO. **11738**

AN ORDINANCE extending water system franchise numbers 347 and 3938 for the Covington Water District until March 1, 1996, authorizing the issuance of right-of-way construction permits in Council Districts 9 and 12, and declaring an emergency.

STATEMENT OF FACTS

1. The Covington Water District Franchise No. 347 and 3938, to operate and maintain a water system on County road right-of-way, have expired.

2. The district filed an application for a water franchise in Council Districts No. 9 and 12 on April 25, 1994 to construct, operate, and maintain their existing water system to serve mix of single family and multi-family residential and commercial area in accordance with R.C.W. 36.55.010. The proposed water franchise will consolidate nine existing water franchises, including Franchise Number 347 and 3938, into one franchise.

3. The two franchises cover 36 square miles of the district's 55 square mile service area. Within the franchise areas the district has a number of major capital improvement program (CIP) projects planned for 1995 that are critical to the reliability and integrity of the district's water supply, storage capacity and overall water conveyance system.

4. The King County Code 6.27 requires that applications for right-of-way franchises for utilities be approved by the Utilities Technical Review Committee (UTRC) and be consistent with the County comprehensive plan and regulations of the Seattle-King County health department and the state department of health.

5. The district is in the process of obtaining the approval of its water comprehensive plan to bring it in compliance with South King County Coordinated Water System Plan (CWSP). The district anticipates that this process could take two to four months to complete.

6. The UTRC has completed its initial review of the Covington Water District's Comprehensive Plan in which the district agreed to make all necessary corrections, revisions and additions to the plan. Upon the receipt of the revisions, the plan will then be submitted to the King County council for review and approval.

7. In order to provide the district with the time needed to complete its water plan without delaying 1995 capital projects, the UTRC has agreed to submit a request to the County Council to extend the district's water franchises no. 347 and 3938 until March 1, 1996.

8. The extensions for Water Franchises No. 347 and 3938 have been referred to the relevant County departments for review.

9. The County executive has recommended approval of the water franchise extensions.

1 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

2 SECTION 1. Notwithstanding any provision of K.C.C. 13.24 to the contrary, the King County
3 executive is hereby authorized to grant an extension of Water Franchises No. 347 and 3938 for
4 Covington Water District until March 1, 1996, in substantially the same form as Attachment "A".
5 Notwithstanding any provision of K.C.C. 14.44 to the contrary, the executive is also authorized to issue
6 right-of-way construction permits consistent with the terms of these extended franchises.

7 SECTION 2. The county council finds as a fact and declares that an emergency exists and that
8 this ordinance is necessary for the immediate preservation of public peace, health or safety or for the
9 support of county government and its existing public institutions.

10 INTRODUCED AND READ for the first time this 6th day of March, 1995.

11 PASSED by a vote of 13 to 0 this 3rd day of April, 1995.

12 KING COUNTY, COUNCIL
13 KING COUNTY, WASHINGTON

14 Kent Pullen
15 Chair

16 ATTEST:

17 Gerald G. Peterson
18 Clerk of the Council

19 APPROVED this 12th day of April, 1995.

20 Ray Loh
21 King County Executive

22 Attachments:

23 A. Extension Agreements

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FRANCHISE EXTENSION AGREEMENT

RECITALS

WHEREAS, Covington Water District Franchise Numbers 347 and 3938 to construct, operate and maintain a water system in County road right of way have expired, and

WHEREAS, the Covington Water District submitted a request for a new franchise on April 25, 1994, and

WHEREAS, the Covington Water District requested that the Utilities Technical Review Committee recommend that the franchises be extended until March 1, 1996 to give the District the opportunity to complete and obtain King County approval of its water comprehensive plan and franchise to construct, operate and maintain a water system on the County right of way within the existing boundaries of the two expired franchise areas, and

WHEREAS, King County has approved the extension of this water franchise until March 1, 1996 through the passage of Ordinance No. 11738 subject to the conditions contained in the ordinance and agreement.

NOW, THEREFORE, King County, Washington and the Covington Water District agree to the following:

1. The terms of King County Water Franchise Numbers 347 and 3938 are hereby extended so that they will expire on March 1, 1996.
2. All other conditions of King County Water Franchise Numbers 347 and 3938 shall remain in full force and effect and are not modified or amended by this agreement or Ordinance No. 11738.
3. If at the end of this period Covington Water District has not obtained King County's approval of its comprehensive plan and franchise, the Manager of King County, Property Services Division may extend this agreement for up to one additional year, at his or her sole discretion, provided that the District notifies King County of the need to extend the agreement no later than 30 days prior to the expiration date of this agreement.

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THIS AGREEMENT entered into this _____ day of _____, 1995.

COVINGTON WATER DISTRICT
A Washington State Corporation

KING COUNTY, WASHINGTON

BY: _____

BY: _____

TITLE: _____

Benjamin Woo, Director
Department of Construction & Facilities
Management

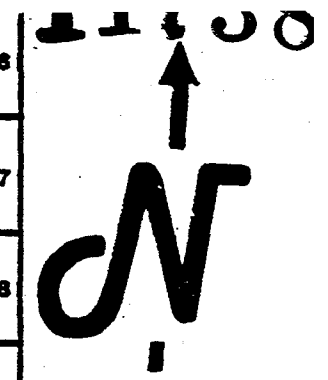
DATE: _____

DATE: _____

APPROVED AS TO FORM:

BY: _____

Robert Stier
Senior Deputy Prosecuting Attorney



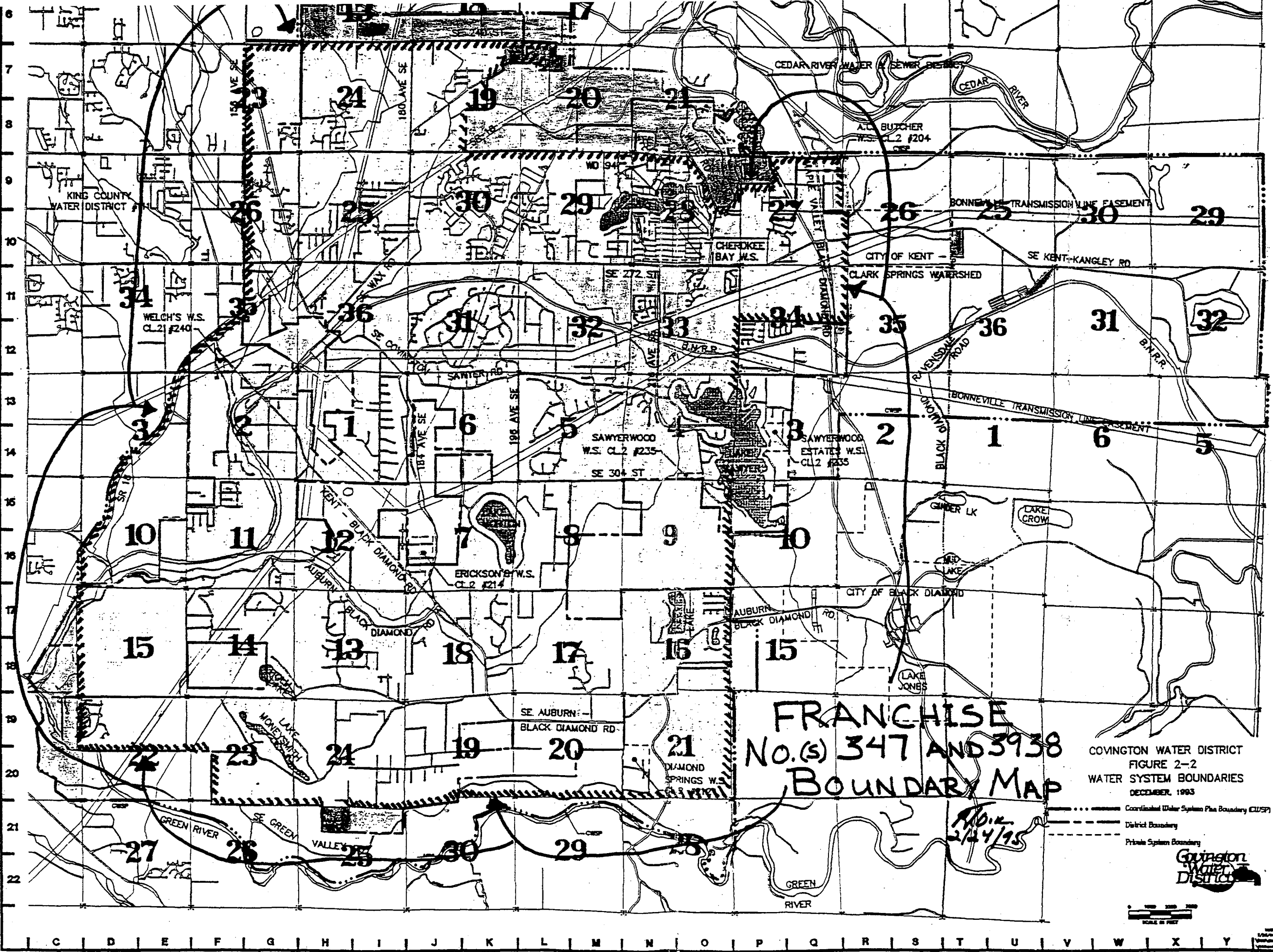
NOT TO SCALE

T-22 N

T-21 N

T-22 N

T-21 N



FRANCHISE No.(s) 347 AND 3938 BOUNDARY MAP

ADP
2/24/95

COVINGTON WATER DISTRICT
FIGURE 2-2
WATER SYSTEM BOUNDARIES
DECEMBER, 1993

- Coordinated Water System Plan Boundary (CWSP)
- - - District Boundary
- Private System Boundary



EXISTING FRANCHISES
PROPOSED FOR
CONSOLIDATION
(located on map
by color indicated)

- 3938
- 347
- 5079
- 5393
- 1312
- 6220
- 6673
- 8238
- 8639

CWSP BOUNDARY
(Proposed Franchise
Expansion Boundary)



C D E F G H I J K L M N O P Q R S T U V W X Y

R-5 E | R-6 E

R-6 E | R-7 E