

April 23, 1996

Introduced By: Rob McKenna
Brian Derdowski

renton.sdw
CLERK: 5/13/96

Proposed No.: 96-220

ORDINANCE NO. **12267**

1
2 AN ORDINANCE approving a franchise for
3 City of Renton to construct, operate and
4 maintain a sewer system in Council
5 District 12, and authorizing the
6 Executive to execute the franchise
7 agreement and declaring an emergency.

8 Statement of Facts:

9 1. The Maplewood Heights Elementary
10 School located within the subject area is
11 proceeding forward to solicit bids on a
12 major remodel project which will require
13 hook-up to a sewer system.

14 2. The City of Renton has filed an
15 application for a franchise in Council
16 district 12 to construct, operate and
17 maintain a sewer system to serve the
18 Maplewood Heights Elementary School.

19 3. The City of Renton's comprehensive
20 sewer plan was approved on July 1, 1985
21 by King County Council Ordinance 7248.

22 4. The application has been referred to
23 the relevant county departments for
24 review.

25 5. The King County executive has
26 recommended approval of the franchise.

27 6. The Utilities Technical Review
28 Committee reviewed and approved the City
29 of Renton's franchise, legal description
30 and map on December 13, 1995.

31 7. The area which is the subject of this
32 franchise request is currently covered by
33 a franchise granted to Water District No.
34 90.

35 8. The issue of whether the City of
36 Renton will annex the area which is the
37 subject of this franchise request, is
38 addressed in a lawsuit currently before
39 King County Superior Court and therefore,
40 the King County Council is not in a
41 position at this time to grant the
42 original franchise request.

1 9. The Maplewood Heights Elementary
2 School located within the subject area is
3 proceeding forward to solicit bids on a
4 major remodel project which will require
5 the hook-up to a sewer system.

6 10. Water District No. 90 is not able to
7 provide sewer hook-up to the school at
8 this time.

9 11. In order to allow the school project
10 to move forward, the King County Council
11 is willing at this time to grant a
12 franchise to the City of Renton for the
13 purpose of serving the Maplewood Heights
14 Elementary School only.

15 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

16 SECTION 1. The granting of a franchise to the City of
17 Renton to construct, operate and maintain a pumped two and
18 one-half inch sewer line to serve the Maplewood Heights
19 Elementary School only is hereby approved, provided however,
20 that third party connections to this line are not permitted.
21 The King County executive is authorized to enter into and
22 execute the sewer system franchise, which by this reference
23 is fully incorporated herein. Said franchise shall include
24 all of the general and special conditions required by the
25 county.

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

6 SECTION 3. The county council finds as a fact and
7 declares that an emergency exists and that this ordinance is
8 necessary for the immediate preservation of public peace,
9 health or safety or for the support of county government and
10 its existing public institutions.

11 INTRODUCED AND READ for the first time this 11th
12 day of March, 1996.

13 PASSED by a vote of 12 to 0 this 13th day of
14 May, 1996.

15 KING COUNTY COUNCIL
16 KING COUNTY, WASHINGTON

17 Gene Hager
18 Chair

19 ATTEST:

20 Gerald A. Peter
21 Clerk of the Council

22 APPROVED this 24th day of May, 1996.

23 Ray Locke
24 King County Executive

25 Attachments: A. Revised Franchise Agreement dated April 25,
26 1996 & Revised Exhibit A.

April 25, 1996

FRANCHISE NO. **12267**

In the matter of the application for a limited franchise to operate, maintain, repair and construct sewer mains and service lines and appurtenances in, over, along and under County roads and rights-of-way in King County, Washington.

The application of the CITY OF RENTON for a franchise for the sole purpose and use of operating, maintaining, repairing and constructing a pumped two and one-half inch (2 1/2") sewer service line, and appurtenances to serve the Maplewood Heights Elementary School in, over, along and under County roads and rights-of-way located within the area described in attached Exhibit "A" has been heard on this 13th day of May, 1996. All of the property described in Exhibit "A" lies outside the limits of any incorporated Town or City.

Legal notice of the franchise application and of the hearing has been given as is required by law.

The King County Council, having considered the interests proposed and advanced, and finding that the granting of this franchise is in the public interest, ORDERS that a limited franchise be granted to the CITY OF RENTON, the Grantee. This limited franchise grants the right, privilege, authority and franchise to operate, maintain, repair and construct only the following: a pumped two and one-half inch (2 1/2") sewer service line to serve the Maplewood Heights Elementary School and appurtenances only in, over, along and under County roads and rights-of-way located within the area described in Exhibit "A". Connections in this line by parties other than the Maplewood Heights Elementary School are not permitted.

This limited franchise is granted subject to all of the terms and conditions contained within, and shall expire upon the earlier to occur of May 13, 2021 or the provision of permanent sewer service to the Maplewood Heights Elementary School by the permanent sewer service provider. Permanent sewer extension fees and special facility charges shall be paid to the authority providing permanent service according to its applicable rules and regulations.

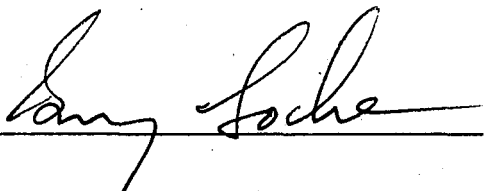
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5/13/96 clerk

Nothing in this limited franchise shall be construed to be in derogation of or otherwise affect any rights granted in Motion No. 2188, granted October 6, 1975 granting a Franchise to King County Water District No. 90, including especially the Water District's rights to provide permanent sewer service to the Maplewood Heights Elementary School or any other properties within the boundaries of said franchise.


DATED this 24th day of May, 1996.

KING COUNTY, WASHINGTON

By 
Title _____

The undersigned accepts all the rights, privileges, and duties of this franchise subject to all terms, conditions, stipulations, and obligations contained within.

CITY OF RENTON
GRANTEE

By 
Jesse Tanner
Title Mayor

Dated this 11th day of June, 1996.

ATTEST: 
Marilyn J. Petersen, City Clerk

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**EXHIBIT A
City of Renton Sewer
Franchise Legal Description**

Beginning at corporate boundary of the City of Renton also known as that portion of Southeast 128th Street located in the southeast quarter of Section 10, Township 23, Range 5 east and the northeast quarter of Section 15, Township 23, Range 5 East ,extending to a point where it intersect with the east margin of 144th Avenue Southeast located in said Sections 10 and 15, thence south along said street to its intersection with the north margin of Southeast 136th Street all being located in the northeast quarter of Section 15, Township 23, Range 5 East..