

May 17, 1996

INTRODUCED BY BRIAN QERDOWSKI

BT:ts

PROPOSED NO. 96-486

ORDINANCE NO. **12367**

AN ORDINANCE extending water system franchises 347, 606, 3938, 5079 and 5393 for the Covington Water District until May 1, 1997, and authorizing the issuance of right-of-way construction permits in Council Districts 9 and 12 and declaring a emergency.

STATEMENT OF FACTS

1. Covington Water District's Franchises 347, 606, 3938, 5079 and 5393 to operate and maintain a water system on County road rights-of-way have expired.

2. The District obtained an extension of expired Water Franchises 347 and 3938 on May 15, 1995 under Ordinance 11738, however the extension expired on March 1, 1996.

3. The District filed an application for a water franchise in Council Districts 9 and 12 on April 25, 1994 to construct, operate, and maintain their existing water system to serve a mix of single family and multi-family residential and commercial areas in accordance with R.C.W. 36.55.010. The proposed water franchise will consolidate nine existing franchises into one franchise.

4. 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. The plan was resubmitted to King County on May 6, 1996. Upon receipt of the revisions, the plan will then be submitted to the King County council for review and approval.

5. The District has a number of major capital improvement program (CIP) projects planned for 1996 and 1997 that are critical to the reliability and integrity of the District's water supply, storage capacity and overall water conveyance system. The extensions are necessary for the timely completion of the capital projects.

6. The extensions for Water Franchises 347, 606, 3938, 5079 and 5393 have been referred to the relevant County departments for review.

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Notwithstanding any provision of K.C.C. Chapter 13.24 to the contrary, the King County executive is hereby authorized to grant an extension of Water Franchises 347, 606, 3938, 5079 and 5393 for the Covington Water District until May 1, 1997, in substantially the same form as Attachment "A". Notwithstanding any provision of K.C.C. Chapter 14.44 to the contrary, the executive is also authorized to issue right-of-

1 way construction permits consistent with the terms of the extended
2 franchise.

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

8 INTRODUCED AND READ for the first time this 10th day of
9 June, 1996.

10 PASSED by a vote of 11 to 0 this 1st day of July,
11 1996.

12 KING COUNTY COUNCIL
13 KING COUNTY, WASHINGTON

14 Ronnie Miller
15 VICE Chair

16 ATTEST:

17 Gerald A. Peterson
18 Clerk of the Council

19 APPROVED this 12th day of July, 1996.

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21 Ray Lohr
22 King County Executive

23 Attachments:

- 24 A. Extension Agreement
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FRANCHISE EXTENSION AGREEMENT

RECITALS

WHEREAS, the Covington Water District currently holds Water Franchises 347, 606, 3938, 5079 and 5393 granted by King County, Washington for the operation of its water system in unincorporated King County; and

WHEREAS, the referenced Covington Water District franchises have expired; and

WHEREAS, Covington Water District has submitted a request for a new franchise of said franchises; and

WHEREAS, the Covington Water District, King County and the Utilities Technical Review Committee recommend that said franchises be extended until May 1, 1997 to give the District the opportunity to complete and obtain approval of its water comprehensive plan and franchise to construct, operate and maintain a water system on County rights-of-way within the existing boundaries of the expired franchises; and

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

WHEREAS, King County has approved the extension of these franchises until May 1, 1997 through the passage of Ordinance No. _____ subject to the conditions contained in the ordinance and agreement.

NOW, THEREFORE, King County, Washington and the Covington Water District, agree as follows:

1. The terms of King County Water Franchises 347, 606, 3938, 5079 and 5393 are hereby approved and extended so that they will now expire on May 1, 1997.
2. All other conditions of King County Water Franchises 347, 606, 3938, 5079 and 5393 shall remain in full force and effect and are not modified or amended by this agreement or Ordinance No. _____.

12367

THIS AGREEMENT entered into this _____ day of _____, 1996.

COVINGTON WATER DISTRICT
A Washington State Corporation

KING COUNTY, WASHINGTON

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____