ORDINANCE NO. 1278

AN ORDINANCE of the City of Kent, Washington, granting a franchise to the White River Valley Water Company to lay certain water pipes under certain public streets and rights of way, and providing for expiration of said franchise on December 28, 1969.

THE CITY COUNCIL OF THE CITY OF KENT do ordain as follows:

Section 1. The City of Kent, Washington (hereinafter called the "City") herewith grants to the White River Valley Water Company (hereinafter called the "Company") a franchise for purposes and upon locations hereinafter set forth, which shall expire December 28, 1969.

Section 2. This franchise shall be for the purpose of permitting the Company to install and maintain under certain public streets and rights of way, hereinafter set forth, said Company's four (4) inch (or smaller, at Company's option) line for water service to Company's customers.

Section 3. The privileges granted Company in this franchise shall not be exclusive.

Section 4. The City, during the term of this franchise, reserves the right to amend the terms of this Ordinance and the privileges granted herein upon the giving of thirty (30) days' written notice to the Company.

Section 5. The City reserves the right to change the grade of streets, alleys, and other public rights of way affected by this Ordinance, and further, to require the Company to place its water lines at least __ inches below the surface of any such streets, alleys, and other public rights of way as changed.

Section 6. The Company shall obtain a permit from the City prior to any cutting into of any curb, sidewalk, alley, street or other public right of way surface in installing, constructing or maintaining its water lines under the terms of
this Ordinance.

Section 7. The Company shall restore to their former condition all curbs, sidewalks, alleys, streets, or other public rights of way which it has disturbed in exercising its privileges under the terms of this Ordinance; and where fills are made, upon closing an excavation. Further, since the ground in time may settle and thereby create hazards to vehicle or pedestrian safety, the Company shall be required to keep said construction areas in good condition for a period of six (6) months after said construction.

Section 8. The Company shall bear the expense and cost of relocating any of its lines covered by this franchise because of relocations, street vacations or other modifications of the public rights of way covered by the terms of this Ordinance.

Section 9. Should the City, during the term of this franchise, desire to install any utilities in City streets, alleys or public rights of way that do not call for the Company to move or relocate any of its facilities covered by this franchise, then the Company, upon written notice by the City, shall temporarily remove any of its said facilities during such installation and replace the same under the supervision of the City, and at the Company's cost.

Section 10. The privileges granted Company under this Ordinance and franchise shall not be assigned without the written consent of the City; and in the event such consent is given, the terms in this Ordinance shall be binding upon the Company's heirs, successors and assigns.

Section 11. If, in the future, the City shall find it necessary to condemn all or part of Company's facilities covered by the terms of this Ordinance, the Company, in agreeing to the terms of this Ordinance, waives compensation for franchise value, future earning capacity, or future good will resulting from the
terms of this franchise.

Section 12. In the event the Company shall fail to comply with any of the terms of this Ordinance and the franchise privileges granted herein, the City shall notify the Company of such non-compliance in writing, and the Company's rights under the terms of this Ordinance shall then cease and be null and void.

Section 13. In the event of a valid forfeiture of this Ordinance and franchise by the Company, or in the event of the termination thereof without renewal, the Company (or its successors in interest) shall remove its facilities from the City's streets and other public rights of way covered by this Ordinance at said Company's own expense, and if it becomes necessary for the City to do so, the City shall be paid for the reasonable cost of such removal by the Company.

Section 14. The terms of this Ordinance and the franchise privileges granted herein shall cover the City alleys, streets, and other public rights of way along the following described routes, located in the City of Kent, County of King, State of Washington:

In the northerly portion of the right of way on 212th Street South from its intersection with the easterly boundary of the right of way for Russell Road to a point 800 feet west of its intersection with the west boundary of the right of way for 68th Avenue South (West Valley Highway).

Section 15. The terms of this Ordinance and the franchise privileges granted herein shall be voidable by the City of Kent unless, within ten days of its effective date as provided by Section 16 hereof, the Company shall file with the City Clerk of the City of Kent its written acceptance of the terms of this Ordinance and the franchise privileges granted herein.

Section 16. This Ordinance shall take effect and be
in force only after:

(A) It has first been submitted to the City Attorney;
and

(B) It is introduced at a regular meeting of the
Kent City Council; and

(C) It is passed upon favorably at a subsequent
regular meeting of the Kent City Council by at least five (5)
members thereof; and

(D) It is published at least once in a legal newspaper
published in the City of Kent, Washington.

ALEX THORNTON, MAYOR

ATTEST:

CHARLES BRIDGES, CITY CLERK

APPROVED AS TO FORM:

JOHN E. BERREITER, CITY ATTORNEY

SUBMITTED to City Attorney on the 7th day of December, 1964.
INTRODUCED the 11th day of , 1964.
APPROVED the 22nd day of , 1964.
PUBLISHED the 30th day of , 1964.