

ORDINANCE NO. 363

AN ORDINANCE TO GRANT A NEW TELEPHONE FRANCHISE TO  
THE LAKE WASHINGTON TELEPHONE COMPANY REPEALING

ORDINANCE NO. 29 Passed 1/14/1907.

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Be it ordained by the council of the town of Kirkland:

Section I

The Town of Kirkland hereby grants unto the Lake Washington Telephone Company, a corporation organized under the laws of the State of Washington, its successors and assigns, the right and privilege to do a telephone business within said Town, and to place, erect, lay, maintain and operate in, over, and under the streets, avenues, alleys and highways within said Town, wires and other appliances and conductors for the transmission of electricity for telephone purposes; such wires or conductors may be strung upon poles or other fixtures above ground, or at the option of the said grantee, its successors and assigns, may be laid underground in pipes or conduits, or otherwise protected and such other apparatus may be used as may be necessary or proper to operate and maintain the same.

Section II.

It shall be lawful for said Company, its successors or assigns, to make all needful and convenient excavations in any said streets, avenues, alleys and highways for the purpose of erecting and maintaining poles and other supports, or laying pipes or conduits, for said wires. But it shall be the duty of said Company to properly protect any such excavations, and in case of any accident or injury to any person by reason of any such excavations of said Company, shall save and keep harmless said Town from any and all liability on that account.

Section III.

Any and all work done by said Company shall be done with promptness and dispatch and any street, avenue, alley or highway disturbed shall be restored to its original condition.

Section IV

Before proceeding to disturb any street, avenue, alley or highway, said Company shall file with the Town Clerk specifications of the work intended to be done, and shall get the same approved by the Superintendent of Streets; but such approval shall not be withheld unless such work will interfere with property of the Town. All work shall be done under the supervision of the Superintendent of Streets. In case of any change in the officers of the Town, this right of supervision and approval is hereby reserved to such officer or officers as may have charge of the streets.

Section V

The Town of Kirkland shall have the right to suspend upon the poles of the Company, or lay in its conduits, any and all wires it may hereafter require for fire alarm or police telegraph or electrical control wires, providing such installation shall not interfere with the conduct, efficiency and safety of the telephone service.

Section VI.

Whenever it may be necessary in the opinion of the Town Council to change the location of any pole or poles erected under Town permit the Company shall upon reasonable notice change the same. When such a change is made at the instance of the Town, the Town shall pay the cost of removal but not be liable for any interference with business of the Company. Such poles as it may be necessary to move because of the

widening, grading of streets, new paving or side walks must be moved at the expense of the Company. When changes are requested by property owners the cost shall be paid by the parties requesting the change.

Section VII.

No rights herein granted shall be construed to convey to the grantee the exclusive rights to pole line locations on parts of streets, alleys or places in the Town of Kirkland and the Town may require the grantee to accept from present or future utility companies operating under a franchise granted by the Town of Kirkland, such reasonable contracts as may be entered into for joint use or joint ownership of the grantee's pole lines, providing the said joint use or joint ownership shall cause no detriment whatsoever to the operating efficiency or safety of the plant of the grantee.

Section VIII.

When it becomes necessary on account of movement of buildings or machinery to rearrange, remove, lower or raise the aerial wire or aerial cable of the grantee, said grantee shall be given not less than seven (7) days written notice, given by the parties desiring to move such buildings or machinery and bearing the approval of the City Engineer, and detailing the route of movement of such building or machinery and providing that the actual cost of such re-arrangement of the grantee's aerial equipment shall be at the expense of the parties requiring such re-arrangement.

Section IX.

On the request of the Town of Kirkland the Company agrees to paint all poles located on paved streets. Also when possible and practical to route their new extensions via alley ways.

Section X

The Company agrees at any time after fifteen years from date of the franchise to enter into a hearing before the Department of Public Works of the State of Washington, for the specific purpose of considering the justification of a change of line construction within the business zone of the Town from aerial to underground or any substitute system which would eliminate pole and cable lines from certain desired business blocks.

Section XI.

The Company shall furnish service in accordance with the laws, rules and regulations of the Department of Public Works of the State of Washington, referring to extensions of service and charges therefore.

Section XII.

The Company shall furnish to the Town, free of charge all telephone service necessary to the conduct of it's exclusive business, at the regular meeting place of its town council, at its City Hall, Fire Stations, Police Stations and its water and street department headquarters. This service shall not include telephones in private homes or places of business of any town officials or employees or provide for service in locations where the Company lines do not extend.

Section XIII.

All the terms, conditions and provisions of this ordinance shall be binding on said Company, and its successors and assigns; and for any violation thereof the Town Council may declare the same forfeited.

Section XIV.

Within fifteen (15) days after the passage of this ordinance, the Company shall file with the Town Clerk an acceptance thereof agreeing to be bound by all the terms thereof; and in case of its failure so to do the grant herein contained shall lapse.

Section XV.

Previously issued construction permits held by the Lake Washington Telephone Company shall continue valid under this ordinance.

Section XVI.

This grant herein contained shall extend for the period of 25 years from the passage of this ordinance.

Approved this 18 day of February 1929<sup>25</sup><sub>1954</sub>

C. E. Newberry  
Mayor

Attest

W. B. Sittman  
Town Clerk

I, *W. B. Williams* Town Clerk of the  
Town of Kirkland, in the County of King, and State of Washington,  
do hereby certify that the foregoing ordinance is a true and  
correct copy of an ordinance of the Town of Kirkland, numbered  
367 and entitled "An Ordinance to grant a Telephone  
Franchise to the Lake Washington Telephone Company"; and I hereby  
certify that the same was passed by the Council of said Town on  
the 18 day of February<sup>1929</sup> and that the same has  
been passed according to law.

*W. B. Williams*  
Town Clerk of the Town of Kirkland.