

ORDINANCE NO. 2153

AN ORDINANCE OF THE CITY OF KIRKLAND GRANTING A FRANCHISE TO KING COUNTY WATER DISTRICT NO. 1 TO CONSTRUCT, OPERATE AND MAINTAIN A WATER PIPELINE WITHIN A PORTION OF LAKE WASHINGTON BOULEVARD FOR A PERIOD OF 10 YEARS.

BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. A franchise be, and the same hereby is given and granted to King County Water District No. 1, a Municipal Corporation, its Successors and Assigns, hereinafter referred to as "The Holder", to construct, operate and maintain a water pipeline, together with the necessary appurtenances upon and across the following described portion of Lake Washington Boulevard within the City of Kirkland, Washington, for a period of 10 years from the date of passage of this ordinance, subject to the terms and conditions hereinafter enumerated:

Beginning at a point on the westerly side of Lake Washington Boulevard a distance of approximately 225 feet southerly of the centerline of N.E. 52nd Street; thence northerly along a line 30 feet west of the centerline of Lake Washington Boulevard a distance of approximately 535 feet; thence easterly a distance of 7 feet; thence northerly along a line 23 feet west of the centerline of Lake Washington Boulevard a distance of approximately 615 feet; thence easterly to the east margin of Lake Washington Boulevard.

Section 2. Only one line of water pipe shall be placed upon the highway under this franchise. The water pipeline shall be laid to a true line and grade, and shall be placed on a location described hereinbefore, or on such location as will be satisfactory to the Director of Public Services.

Section 3. Said water pipeline shall at all times be constructed and maintained so as not to interfere with the use of the street for travel or maintenance.

Section 4. Whenever necessary for the construction, repair, improvement, alteration or relocation of all or any portion of said street as determined by the City of Kirkland, any or all of said water pipeline shall be immediately removed from said street, relaid or relocated thereon as required by the City, acting through its Director of Public Services.

Section 5. The work of constructing, removing and relocating any and all of said water pipeline shall be done at the expense of the holder, and with the least possible interference with travel upon said street, and to the entire satisfaction of the City of Kirkland and under the supervision of the Director of Public Services; none of such work shall be undertaken or carried on without ten days written notice having first been given to the City of Kirkland by delivery to its Director of Public Services.

Section 6. Any and all damage or injury done or caused said street or any portion thereof in the construction, operation, maintenance or repair of said water pipeline shall be immediately repaired and reconstructed under the supervision and to the satisfaction of the Director of Public Services. In the event the holder shall fail, neglect or refuse to immediately repair and reconstruct said damage or injury to said street, the same may be done by the City of Kirkland, and the expense and cost thereof shall be immediately repaid by the holder to the City.

Section 7. The holder shall defend, save and keep the City of Kirkland harmless from any and all damages, claims or injuries, real or imaginary, that may result from the construction, maintenance and/or operation of said water pipeline.

Section 8. Upon failure, neglect or refusal of the holder to immediately do and perform any change, removal, relaying or relocating of said water pipeline or any repairs or reconstruction of said street herein required by the holder, the City may undertake and perform such requirement and the cost and expense thereof shall be immediately repaid to the City by the holder.

Section 9. Any breach of any of the conditions and requirements herein made, or failure on the part of the holder of this franchise to proceed with due diligence and in good faith after its acceptance, with construction work hereunder, shall subject this franchise to cancellation after a hearing before the City Council, of which said hearing the holder shall be given at least ten days written notice.

Section 10. This franchise is not exclusive and the City reserves the right to grant franchises to other persons or companies to use the street or any part thereof covered by this franchise, for the same purpose as herein authorized, or for any other purpose authorized by law.

Section 11. In constructing, operating, maintaining and repairing said water pipeline, the holder shall conform to any and all requirements made by the City of Kirkland, acting through its Director of Public Services, or any City department or officer authorized to supervise and regulate such work and utility for the protection and safety of the public.

Section 12. The construction that is authorized through the granting of this franchise shall be commenced within one year from the date hereof; otherwise, the franchise shall be null and void and terminated upon notice as provided by law. Time is of the essence of this provision.

Section 13. This franchise is granted under the provisions and subject to the conditions and requirements of the laws of the State of Washington.

Section 14. The holder shall, within 20 days from receipt of a copy of this ordinance, file with the City its written acceptance of the terms and conditions of the franchise herein granted, together with the sum of \$ 100.00 as the franchise fee herein established.

Section 15. This ordinance shall be in force and take effect five days from and after its passage by the council and publication as required by law.

INTRODUCED at regular meeting of the Kirkland City Council on the 3rd day of May, 1971.

PASSED by majority vote of the Kirkland City Council in regular meeting on the 17th day of May, 1971.

SIGNED in authentication thereof on the 17th day of May, 1971.

Attest:

Tom J. Adelson
Director of Administration and Finance
(ex officio City Clerk)

William C. Woods
Mayor

Approved as to form:

[Signature]
City Attorney

~~The foregoing franchise grant is approved by the Department of Highways for the State of Washington this _____ day of _____, 1971.~~

Assistant Director of Highways