

RESOLUTION R-4093

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND GRANTING A STREET USE FRANCHISE TO DARRELL AXON, DBA CLASSIC CARRIAGE COMPANY.

Be it resolved by the City Council of the City of Kirkland as follows:

Section 1. A non-exclusive street use franchise shall be issued to Darrell Axon dba Classic Carriage Company ("Applicant") for the purpose of providing horse and carriage rides along the following route which includes public streets within the City of Kirkland:

Route 1. From area adjacent to Marina Park next to ticket booths, right on Lake Washington Boulevard, left on 5th Avenue South, turn around on 5th Avenue South, right and northbound onto Lake Washington Boulevard, left on Kirkland Avenue, northbound through Marina Park, turn around near the pavilion, and southbound through Marina Park to unload zone next to ticket booths adjacent to Marina Park.

Route 2. From area adjacent to Marina Park next to ticket booths, left on Lake Street, right on Park Lane, right on Main Street, left on Kirkland Avenue, right on State Street, right and westbound on Second Avenue South, turn around and travel eastbound on Second Avenue South, left on State Street, left on Kirkland Avenue to area next to ticket booths adjacent to Marina Park.

Other Routes. Such other route or routes as may be authorized by, and subject to such additional conditions as may be required by, the Director of the Department of Public Works. The Director shall file with the City Clerk a detailed description of the route and any additional conditions accompanied by a report setting forth the reasons justifying the Director's decision.

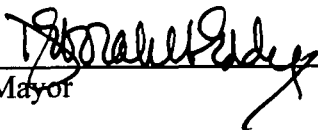
Section 2. Issuance of the said street use franchise is subject to the following conditions and a breach of any one of said conditions by the Applicant shall be grounds for immediate revocation of the street use franchise:

1. Applicant shall be in compliance with all applicable state, federal, and city laws and safety regulations, such as City of Kirkland business license requirements and laws prohibiting entry upon private property when such entry would constitute criminal trespass.
2. Applicant's activities shall not result in blockage of parking or service areas in Marina Park.
3. No horse or carriage will use said routes on Monday through Friday between the hours of 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 7:00 p.m.
4. Carriage will be equipped with flashers, brake lights, and turn signals.
5. All traffic signs and signals must be obeyed.
6. The horse and carriage shall not stop or load in any traveled-way portion of City streets, except in marked loading zones.
7. No cart or horse trailer associated with Applicant's activities will be stored on City right-of-way.

- 8. No animal waste is permitted. The horse will be diapered. Applicant will ensure that animal waste is not deposited on City right-of-way or in any place or in a manner which constitutes a public nuisance or otherwise fail to comply with all applicable state and city laws governing the disposal of such waste.
- 9. Applicant shall empty a garbage can/waste container at horse and carriage loading sites at least daily, and more frequently if directed to do so by the Director of the Department of Public Works.
- 10. Applicant shall clean, by broom, horse and carriage loading sites daily, at the end of the day's usage.
- 11. Applicant shall maintain public liability insurance that covers \$1,000,000.00 of insurance coverage per person and \$2,000,000.00 of insurance coverage per occurrence. This coverage shall list the City of Kirkland as an additional named insured. A copy of the coverage is to be on file with the City Clerk.
- 12. This non-exclusive street use franchise shall expire as of midnight, August 5, 1998.

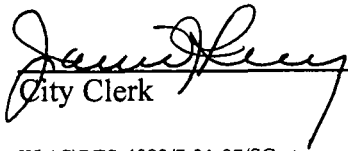
Passed by majority vote of the Kirkland City Council in regular, open meeting this 5th day of August, 1997.

Signed in authentication thereof this 5th day of August, 1997.



 Mayor

Attest:



 City Clerk

WVASRES-4093/7-31-97/SC:ct