

ORDINANCE NO. 157

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, GRANTING FRANCHISES, PURSUANT TO RCW 35A.14.900 FOR FIVE YEARS TO UNIVERSITY PLACE REFUSE, INC.; CITY OF TACOMA DEPARTMENT OF PUBLIC UTILITIES LIGHT AND WATER DIVISIONS; CITY OF FIRCREST ELECTRIC, WATER AND SANITARY SEWER UTILITIES; PUGET SOUND ENERGY, INC.; TCI COMMUNICATIONS, INC., AND TO ENTITIES WHICH PROVIDE PUBLIC UTILITY AND PUBLIC SERVICE BUSINESS TO THAT AREA OF THE CITY, COMMONLY KNOWN AS THE WEST END ADDITION, WHICH WAS ANNEXED TO UNIVERSITY PLACE BY ORDINANCE NO. 135

WHEREAS, the City of University Place incorporated on August 31, 1995; and

WHEREAS, RCW 35A.14.900 provides that an annexation by a code city shall cancel, as of the effective date of the annexation, any franchise or permit theretofore granted to any person, firm or corporation by the state of Washington, or by the governing body of such annexed territory, authorizing or otherwise permitting the operation of any public utility, including but not limited to, public electric, water, transportation, garbage collection and/or disposal or other similar public service business or facility within the limits of the annexed territory, but the holder of any such franchise or permit canceled pursuant to this section shall be forthwith granted by the annexing code city a franchise to continue such business within the annexed territory for a term of not less than five years from the date of issuance thereof; and

WHEREAS, by Ordinance No. 135, the City of University Place annexed the territory known as the West End Addition and is required to extend franchises for five years; NOW THEREFORE:

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Granting a Permit to University Place Refuse, Inc. University Place Refuse, Inc., is hereby granted a permit to collect solid waste under the same terms and conditions as set forth in the contract between the City of University Place and University Place Refuse, Inc., dated October 30, 1995, and amended on March 11, 1997.

Section 2. Granting a Franchise to the City of Tacoma, Department of Public Utilities, Light Division. The City of Tacoma, Department of Public Utilities, Light Division, is hereby granted a franchise to construct, maintain and operate transmission and distribution lines for transmitting and distributing electrical energy, as set forth in more particularity in the Franchise Agreement adopted by the Pierce County Council on August 29, 1978. This franchise shall expire on June 30, 2002.

Section 3. Granting a Franchise to the City of Tacoma, Department of Public Utilities, Water Division. The City of Tacoma, Department of Public Utilities, Water Division, is hereby granted a franchise to construct and maintain water pipelines for a water system, as set forth in more particularity in the franchise agreement adopted by the Pierce County Council on February 27, 1978 and the supplemental franchise No. 3 adopted on November 21, 1978. This franchise shall expire on June 30, 2002.

Section 4. Granting a Franchise to the City of Fircrest Electric Utility The City of Fircrest Electric Utility is hereby granted a franchise to construct, maintain and operate electrical transmission and distribution lines as set forth in more particularity in the franchise agreement adopted by the Pierce County Council on August 25, 1987 and the supplemental franchise No. 1 on October 4, 1994. This franchise shall expire on June 30, 2002.

Section 5. Granting a Franchise to the City of Fircrest Sanitary Sewer Utility. The City of Fircrest Sanitary Sewer Utility is hereby granted a franchise to construct, operate and maintain a sanitary sewer system as set forth in more particularity in the franchise agreement adopted by the Pierce County Council on September 18, 1990. This franchise shall expire on June 30, 2002.

Section 6. Granting a Franchise to the City of Fircrest Water Utility. The City of Fircrest Water Utility is hereby granted a franchise to construct, operate and maintain a water system as set forth in more particularity in the franchise agreement adopted by the Pierce County Council on October 4, 1994. This franchise shall expire on June 30, 2002.

Section 7. Granting a Franchise to Puget Sound Energy, Inc. Puget Sound Energy, Inc., is hereby granted a franchise to construct, operate and maintain a gas distribution system as set forth in more particularity in the franchise agreement adopted by the Pierce County Council on January 21, 1975. This franchise shall expire June 30, 2002.

Section 8. Granting a Franchise to TCI Communications Inc. TCI Communications Inc. is hereby granted a franchise to operate and maintain a cable television system, as set forth in the franchise agreement originally granted by Pierce County to Cable TV Puget Sound, Inc. on September 23, 1983 and subsequently amended by County Ordinances Numbers 95-123, 87-17, and 87-60S. This franchise shall expire on June 30, 2002.

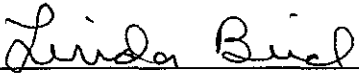
Section 9. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 10. Directions to City Clerk. The City Clerk is hereby authorized and directed to forward certified copies of this ordinance to the franchisees and permit holders as set forth in this ordinance.

Section 11. Official Bonds. The franchisee shall take all necessary steps to transfer any bonds, certificates of insurance, or other security currently held by Pierce County or the Washington Utilities and Transportation Commission to the City of University Place, if the franchisee has not already done so.

Section 12. Publication and Effective Date. This Ordinance shall be published in the official newspaper of the City. This Ordinance shall be effective five days after its publication.

PASSED BY THE CITY COUNCIL ON JUNE 16, 1997.



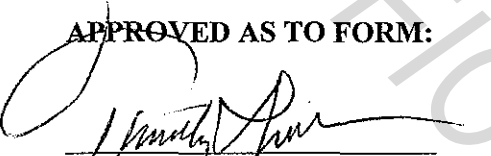
Linda Bird, Mayor

ATTEST:



Susan Matthew, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Date of Publication: 6/18/97

Effective Date: 6/23/97