

ORDINANCE NO. 174

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, GRANTING A FRANCHISE TO PUGET SOUND ENERGY, INC., (FORMERLY KNOWN AS WASHINGTON NATURAL GAS) FOR OPERATION OF A GAS DISTRIBUTION SYSTEM IN THAT PORTION OF THE CITY OF SHORELINE ANNEXED THERETO BY CITY ORDINANCE NO. 172

WHEREAS, the City of Shoreline, by Shoreline City Ordinance No. 172, annexed additional property as described therein as of November 2, 1998; and

WHEREAS, RCW 35A.14.900 provides that any franchise or permit theretofore granted to any person, firm, or corporation by the state or county authorizing or otherwise permitting the operation of any public transportation, or other similar public service business or facility, is automatically canceled upon the annexation of that franchised area by a city, but that upon annexation the City must grant such businesses a franchise or permit to continue such business within the annexed area of the City for a term of not less than seven years; and

WHEREAS, Puget Sound Energy has been granted a franchise by King County in the annexed area that has terms substantially different from the existing franchise under which Puget Sound Energy has the authority to provide services to Shoreline; and

WHEREAS, the City has offered to grant Puget Sound Energy a franchise in accordance with King County franchise #11069 for the period of seven (7) years as required by RCW 35.13.280, but that Puget Sound Energy has declined the same; and

WHEREAS, the City of Shoreline and Puget Sound Energy desire to add the annexed territory to the terms and conditions of the existing Puget Sound Energy franchise granted thereto by Shoreline City Ordinance No. 45 through which they are granted the authority to operate in the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Franchise Granted. Puget Sound Energy, Inc., is granted a franchise to operate, maintain, repair and construct gas mains within the territory annexed by Shoreline City Ordinance No. 172, in accordance with and under the terms and conditions as granted by Shoreline City Ordinance No. 45.

Section 2. Directions to City Clerk. The City Clerk is hereby authorized and directed to forward a certified copy of this ordinance to the franchisee set forth in this ordinance. The franchisee shall have 60 days from receipt of the certified copy of this ordinance to accept in

writing the terms of the franchise granted by this ordinance. Failure to accept this offered franchise within that time frame shall result in the termination of the authority granted hereby.

Section 3. Official Bonds. The franchisee shall take all necessary steps to transfer any bonds, certificates of insurance, or other security currently held by, or for the benefit of, King County to the City of Shoreline within 60 days of receipt of the notification provided by Section 2 hereof. The rights granted herein shall not be effective until such transfers are made.

Section 4. 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 5. Effective Date. This ordinance shall take effect and be in full force upon the effective date of Shoreline City Ordinance No. 172. The City Clerk is hereby directed to publish this ordinance in full.

PASSED BY THE CITY COUNCIL ON OCTOBER 26, 1998




Mayor Scott Jepsen

ATTEST:



Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:



Bruce L. Disend
City Attorney

Date of Publication: October 28, 1998
Effective Date: November 2, 1998