

CITY OF CHENEY, WASHINGTON

RESOLUTION C-611

A Resolution granting to the Inland Power and Light Company, its successors and assigns, a franchise for the use of public right-of-way in certain territory in the City of Cheney, and establishing terms for the franchise.

WHEREAS, the Inland Power and Light Company ("Inland"), an electric utility organized as a not-for-profit corporation under the laws of the State of Washington, has requested the City of Cheney to grant Inland a franchise for the use of public right-of-way in an area described as follows:

Alki Street, from the northeasterly right-of-way line of Mound Street to the southwesterly right-of-way line of Steptoe Street, and,

WHEREAS, RCW 35A.47.040 states that the City of Cheney shall have authority to grant nonexclusive franchises for the use of public streets, bridges or other public ways for poles, conduits, tunnels, towers, structures, pipes and wires and appurtenances thereof for distribution of electrical energy, among other uses, and

WHEREAS, RCW 35A.47.040 further states that no resolution granting a franchise may be passed by the City Council on the day of its introduction nor for five days thereafter, nor at any other than a regular meeting, nor without first being submitted to the city attorney, nor without having been granted by the approving vote of at least a majority of the entire Council, nor without being published at least once in a newspaper of general circulation in the city before becoming effective, and

WHEREAS, RCW 80.32.040 states that the granting of an electric franchise is subject to popular referendum under the general laws of the State of Washington and as provided by city ordinance, and

WHEREAS, it is the policy of the City of Cheney that all areas within the city limits should be served by the City of Cheney Light Department;

NOW, THEREFORE, be it resolved by the City Council of the City of Cheney, Washington as follows:

Section 1. That Inland Power and Light Company, its successors and assigns, is granted a franchise for use of the area described as follows:

Alki Street, from the northeasterly right-of-way line of Mound Street to the southwesterly right-of-way line of Steptoe Street,

The date of issuance of this franchise shall be the date of its publication after approval.

Section 2. This franchise includes the right to place, operate and maintain in, upon and under the streets, alleys, and public highways of the City such poles, wires, conductors, conduits or other apparatus as are necessary for the distribution of electricity in the area described above.

Section 3. Inland shall obtain a permit from the City prior to making any excavation in any public way. Said work shall be done in compliance with the City's rules, regulations, ordinances or orders which are now in effect and which may be adopted during the term of the franchise.

Section 4. Whenever it shall be deemed necessary by the City for the public convenience that any of Inland's poles, wires, conductors, conduits or other apparatus, be moved or removed in the making of improvements to the City's streets and alleys, or in making of any other improvement by the City, then Inland shall move or remove the same, at its sole expense, upon thirty (30) days notice from the City, and if Inland shall fail, neglect or refuse to do so, then the City may remove the same at the expense of Inland.

Section 5. Whenever it becomes necessary to temporarily rearrange, remove, lower or raise the aerial cables, wires, or other apparatus of Inland to permit the passage of any building, machinery or other object, Inland will perform such rearrangement on not less than seven (7) days written notice from the person or persons requesting the rearrangement.

This notice shall contain an agreement on the part of the person or persons giving such notice that he, she or they will pay promptly to Inland, upon presentation of a bill therefore, all reasonable costs incurred by Inland in making such rearrangement of its aerial plant.

This notice shall also provide that the person or persons giving such notice will indemnify and save Inland harmless from any and all damages or claims caused directly or indirectly from such temporary rearrangement of the aerial plant, except that caused by the negligence of Inland's employees or agents.

Section 6. Whenever it becomes necessary to trim or remove trees in streets, alleys and public highways for the proper operation of Inland's lines and conductors, such trimming shall be done by competent workers and in accordance with the regulations of the City's Public Works Department.

Section 7. Inland and the City each agree to hold the other party harmless for any injuries, damages or claims arising from the granting of this franchise.

Section 8. The rights, privileges and franchise hereby granted shall continue to be in force for the period of twenty-five (25) years from and after the date of issuance.


Section 9. Inland shall, within thirty (30) days after the passage of this resolution, file with the clerk of the City of Cheney its written acceptance of all of the terms and conditions of this franchise, provided that acceptance shall not be deemed necessary for commencement of the term of this franchise.

Section 10. The City Clerk of the City of Cheney is hereby directed to publish this resolution at least once in a newspaper of general circulation in Cheney.

Introduced this 14th day of November, 1995.

Passed by a majority of the entire City Council this 28th day of November, 1995.

Approved by the Mayor this 28th day of November, 1995.



Mayor

ATTEST:



City Clerk

~~APPROVED AS TO FORM:~~

~~City Attorney -~~