

ORIGINAL

ORDINANCE NO. 450

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING ORDINANCE NO. 432, A NON-EXCLUSIVE FRANCHISE FOR ELECTRIC LIGHTWAVE, LLC.

WHEREAS, RCW 35A.11.020 grants the City broad authority to regulate the use of the public right-of-way; and

WHEREAS, RCW 35A.47.040 grants the City broad authority to grant nonexclusive franchise agreements; and

WHEREAS, the Council finds that three amendments are necessary to better reflect existing law and to be responsive to the concerns of Electric Lightwave, LLC ("ELI").

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, AMENDS ORDINANCE 432 AS FOLLOWS:

Section 1. Amendment. Section 7.3 of Ordinance No. 432 is amended to read as follows:

Cost - ELI agrees to bear its proportionate share of all reasonable costs common to participants in any joint trenching project and to bear the entire cost of all materials and labor particularly necessary for the underground installation of its facilities and, upon the completion of that installation, the removal of the overhead facilities replaced thereby.

Section 2. Amendment. Section 20 of Ordinance No. 432 is amended to read as follows:

Bond. No later than ten days after the effective date of this franchise, ELI shall furnish a bond executed by ELI and a corporate surety authorized to do a surety business in the State of Washington, in a sum of \$30,000 ~~to be set and approved by the Director of Public Works as sufficient~~ to ensure performance of ELI's obligations under this franchise. The bond shall be conditioned so that ELI shall observe all the covenants, terms and conditions and faithfully perform all of the obligations of this franchise, and to erect or replace any defective work or materials discovered in the replacement of the City's streets or property within a period of two years from the date of the replacement and acceptance of such repaired streets by the City.

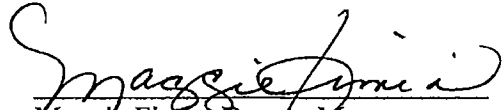
Section 3. Deletion. Section 28 of Ordinance No. 432 is deleted in its entirety. ~~Most Favored Community. In the event that the Grantee enters into any agreement, franchise or other understanding with an other city, town, or county in the State of Washington and which provides terms or conditions more favorable to the city, town, or county than those provided in this franchise, such as, but not limited to, free or reduced fee hookups, access or service, the City of Shoreline shall be entitled to request at the~~

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~~City's option, and the Grantee shall be required to execute, an amendment to this franchise that incorporates the more favorable terms and conditions.~~


Section 4. Extension. Pursuant to Section 26 of Ordinance No. 432, the acceptance date of the franchise is extended to 30 days after City approval of Ordinance 450.

PASSED BY THE CITY COUNCIL ON NOVEMBER 13, 2006.

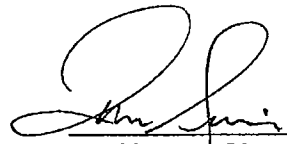

Maggie Fimia, Deputy Mayor

ATTEST:

APPROVED AS TO FORM:



Scott Passey, CMC
City Clerk



Ian Sievers, City Attorney

Date of Publication: Nov. 16, 2006
Effective Date: Dec. 13, 2006