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ORDINANCE NO. 840

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON EXTENDING AND RESTATING THE FRANCHISE GRANTED TO PUGET SOUND ENERGY BY ORDINANCE NO. 798 FOR A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE, AND REPAIR A NATURAL GAS DISTRIBUTION SYSTEM IN, ACROSS, OVER, ALONG, UNDER, THROUGH, AND BELOW PUBLIC RIGHTS-OF-WAY OF THE CITY OF SHORELINE, WASHINGTON .

WHEREAS, on October 9, 2017, pursuant to RCW 35A.11.020, RCW 35A.47.040, and Chapter 12.25 SMC, the Shoreline City Council passed Ordinance No. 798 granting a one-year non-exclusive franchise for a natural gas distribution system within the public-rights-of-way of the City to Puget Sound Energy; and

WHEREAS, this one year non-exclusive franchise was granted to allow the City and Puget Sound Energy to complete negotiations on a new long-term franchise agreement; and

WHEREAS, despite this extension, the City and Puget Sound Energy are continuing to negotiate a franchise agreement and such negotiations may continue beyond the October 31, 2018 expiration date of the current franchise; and

WHEREAS, by providing a one-year extension of the Franchise granted by Ordinance No. 798, the City and Puget Sound Energy will be able to complete negotiations that benefit the residents of the City of Shoreline; and

WHEREAS, the City Council finds that it is in the best interests of the health, safety, and welfare of the residents of the City of Shoreline to grant a two-year non-exclusive franchise to Puget Sound Energy for a natural gas distribution system within the City rights-of-way to allow for productive negotiations to occur;

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

Section 1. Ordinance No. 798 Amended. Ordinance No. 798, granting a non-exclusive franchise to Puget Sound Energy, is hereby amended as follows:

> 3. **Franchise Term**. The <u>amended and extended</u> term of the Franchise granted hereunder shall be for the period of one (1) year from the last day of the calendar month in which this Ordinance becomes effective.

Section 2. Terms and Conditions of Non-Exclusive Franchise Granted by Ordinance No. 798 Remain the Same. Except as specifically provided in this Ordinance, the terms and conditions of the non-exclusive franchise granted to Puget Sound Energy by Ordinance No. 798 continue in full force and effect.

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Section 3. Directions to City Clerk. The City Clerk is hereby authorized and directed to forward certified copies of this Ordinance to Puget Sound Energy. No later than 11:59 pm PST, October 31, 2018, Puget Sound Energy shall accept in writing the extension authorized by this Ordinance and the continuation of the non-exclusive franchise granted by Ordinance No. 798. If Puget Sound Energy fails to provide written acceptance, this Ordinance shall become null and void.

Section 4. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 5. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

Section 6. Publication and Effective Date. In accordance with state law, this Ordinance shall be published in full in the official newspaper. The cost of such publication shall be borne by Puget Sound Energy. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON OCTOBER 15, 2018.

Will Hall

Mayor Will Hall

ATTEST:

Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:

Margaret King
City Attorney

Date of Publication: October 18, 2018
Effective Date: October 23, 2018