

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1835

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING ORDINANCE NO. 944 TO PROVIDE A 90-DAY EXTENSION OF SPRINT COMMUNICATIONS COMPANY L.P.'S NON-EXCLUSIVE LICENSE FOR PLACEMENT OF TELECOMMUNICATIONS FIBER-OPTIC CABLE WITHIN THE CITY RIGHT OF WAY

WHEREAS, Ordinance No. 944, effective June 9, 1988 granted U.S. Sprint Communications Company a non-exclusive license to place telecommunications fiber-optic cable within the City right of way; and

WHEREAS, Sprint Communications Company L.P., a Delaware limited partnership ("Sprint") is the successor-in-interest to U.S. Sprint Telecommunications Company; and

WHEREAS, the nonexclusive license granted in Ordinance No. 944 is set to expire on June 9, 2013; and

WHEREAS, the City Council adopted Ordinance 1402 on April 10, 2001, a telecommunications ordinance now codified as Title 11 FMC, which governs the rights and responsibilities of operators of telecommunications systems and telecommunications service within the City of Fife; and

WHEREAS, Sprint has filed an application in accordance with FMC 11.02.010, requesting renewal of its license/franchise; and

WHEREAS, City Staff and Sprint are in the process of negotiating a new franchise, but need additional time beyond the June 9, 2013 license expiration, to reach agreement; and

WHEREAS, the City Council finds that it is consistent with the purposes and policies set forth in FMC 11.01.010 and 11.01.020 to grant a 90-day extension of Sprint's current license to allow additional time for the parties to negotiate a new franchise agreement in accordance with FMC Title 11; now therefore

THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 944 is hereby amended to extend the term of the license granted therein 90 days. The license shall expire September 7, 2013.

Section 2. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 3. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced on the 14th day of May 2013.

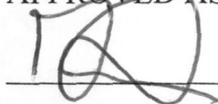
Passed by the City Council on the 14th day of May, 2013.


David K. Zabell, City Manager

ATTEST:


Carol Etgen, City Clerk

APPROVED AS TO FORM:


Loren D. Combs, City Attorney

Published: 5 / 17 / 2013
Effective Date: 5 / 22 / 2013

