

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1992

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, EXTENDING AND AMENDING ORDINANCE NO. 1166, AS PREVIOUSLY AMENDED BY ORDINANCE NOS. 1972 AND 1984, REGARDING THE GRANT OF A FRANCHISE TO PUGET SOUND ENERGY, INC., TO OCCUPY THE CITY RIGHT OF WAY FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF NATURAL GAS TRANSMISSION AND DISTRIBUTION FACILITIES.

WHEREAS, on February 28, 1994, the City Council adopted Ordinance No. 1166 granting a franchise to Washington Natural Gas Company to lay, construct, maintain, repair, and replace natural gas pipes, mains, appurtenances, and accessories within the City right of way for the transmission, sale, and distribution of natural gas, with a termination date of January 1, 2018; and

WHEREAS, Puget Sound Energy, Inc. ("PSE"), is the successor in interest to the rights of Washington Natural Gas Company under the franchise, and on January 11, 2017, the City received a request from PSE to extend the term of the franchise until August 30, 2026; and

WHEREAS, on December 12, 2017 the Council adopted Ordinance No. 1972 amending Ordinance Nos. 1166 to extend the term of the franchise to July 1, 2018, and to amend other provisions; and

WHEREAS, on June 26, 2018 the Council adopted Ordinance No. 1984 amending Ordinance Nos. 1166 and 1972 to extend the term of the franchise to October 1, 2018; and

WHEREAS, the purpose of the extensions were to allow PSE and the City sufficient time to (1) conduct good faith negotiations as required by the existing franchise; and (2) provide notice to and obtain input from the public and other stakeholders; and

WHEREAS, the parties have engaged in good faith negotiations and are close to reaching agreement on the language of a new franchise ordinance but need additional time to negotiate the final wording and present to the Council for consideration; and

WHEREAS, in order to allow sufficient time and avoid the possibility of the franchise expiring before a final franchise ordinance is ready for adoption, the City is willing to extend the existing franchise an additional three months; and

WHEREAS, the City Council has the authority under RCW 35A.47.040 to grant franchises for the use of its right of way; and

WHEREAS, the City Council finds that it is in the public interest to extend the term of the franchise for three months; now therefore

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

Section 1. Section 2 of Ordinance No. 1166, as amended by Ordinance Nos. 1972 and 1984 is hereby amended to read as follows:

Section 2. Franchise Term. The term of this franchise shall be from March 14, 1994 until January 31, 2019, at which time this franchise shall terminate. Provided, however, the parties shall negotiate in good faith to extend the franchise upon such terms as are in the best interests of the parties hereto.

Section 2. The provisions of Ordinance No. 1166, as previously amended by Ordinance Nos. 1972 and 1984, as further amended herein, remain in full force and effect.

Section 3. Ordinance Effective Date. This Ordinance shall be in full force and effect no sooner than five (5) days after publication as required by law; and after acceptance of the ordinance by Franchisee. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Section 4. Severability. 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.

Introduced the 25th day of September 2018.

Passed by the City Council on the 25th day of September, 2018.


Hyun Kim, City Manager

ATTEST:


Brodie Rota, Acting City Clerk

APPROVED AS TO FORM:



Gregory F. Amann, Assistant City Attorney

Published: Sept. 27, 2018
Effective Date: Oct. 2, 2018

ACCEPTANCE OF FRANCHISE AMENDMENT

Puget Sound Energy, Inc., accepts the terms and conditions of this Ordinance and approves and accepts the amendment to the Franchise as set forth herein.

Dated this _____ day of _____, 2018

Puget Sound Energy, Inc.

By: _____

Its: _____

STATE OF _____)
County of _____)

ss.

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath, stated that he was authorized to execute the instrument and acknowledged it as the _____ of Puget Sound Energy, Inc., be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: _____.

NOTARY PUBLIC
Print Name: _____
My appointment expires: _____