

# ORIGINAL

0147-ORD  
03/25/98

## CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5062

AN ORDINANCE relating to the lease of City properties by telecommunications carriers and providers; setting forth a procedure for considering lease applications; adding a new Chapter 6.06 Telecommunications Facilities Lease to Title 6 of the Bellevue City Code; and establishing an effective date.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A new Chapter 6.06 Telecommunications Facilities Lease is added to Title 6 of the Bellevue City Code to read as follows:

### CHAPTER 6.06

#### TELECOMMUNICATIONS FACILITIES LEASE City Property

Sections	6.06.010	Lease of City Property.
	6.06.020	Lease Procedure.
	6.06.030	Consideration by City.
	6.06.040	Facilities Lease Agreement.
	6.06.050	Nonexclusive Lease.
	6.06.060	Rights Granted.
	6.06.070	Compensation to the City.
	6.06.080	Expansion, Modification or Relocation.

Section 6.06.010 Lease of City Property. The City Council may, in its sole discretion, which is hereby reserved, approve Facilities Leases for the location of telecommunications facilities upon City property. Neither this Chapter, nor any other provision of this Title 6 shall be construed to create an entitlement or vested right in any person or entity to use or otherwise occupy City property.

Section 6.06.020 Lease Procedure. Any telecommunications carrier or provider that desires to solicit the City's approval of a Facilities Lease pursuant to this Chapter shall file a lease application with the City department responsible for the property sought to be leased. City staff is authorized and directed to develop application requirements and lease criteria consistent with each department's goals, policies and mission statements.

Section 6.06.030 Consideration by City. Recognizing that the City is under no obligation to grant a Facilities Lease for the use of City property and must remain

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capable of providing its services to its citizens and users at all times, the City shall strive to consider and take action on applications for Facilities Leases within 120 days after receiving a complete application for such a lease.

The applicable Department Director, or his designee, shall review the application and if the application is complete and meets the lease criteria and the requirements of this Chapter, shall negotiate a proposed Facilities Lease Agreement with the applicant which shall be submitted to the City Council for its review and approval or disapproval.

Section 6.06.040 Facilities Lease Agreement. No Facilities Lease shall be deemed to have been authorized hereunder until the applicant and the City have executed a written Facilities Lease Agreement setting forth the particular terms and provisions under which the lessee has been granted the right to occupy and use the City property.

Section 6.06.050 Nonexclusive Lease. No Facilities Lease granted under this Chapter shall confer any exclusive right, privilege, license or franchise to occupy or use City property for the provision of telecommunications services or any other purposes.

Section 6.06.060 Rights Granted. No Facilities Lease authorized under this Chapter shall convey any right, title or interest in City property, but shall be deemed authorization only to use and occupy such City property for the limited purposes and term stated in the Facilities Lease Agreement. No Facilities Lease shall take effect or otherwise authorize use of such City property until all necessary City permits and/or approvals have been obtained. No Facilities Lease shall be construed as a warranty of title.

Section 6.06.070 Compensation to the City. Each Facilities Lease granted under this Chapter is subject to the City's right, which is expressly reserved, to fix fair and reasonable compensation to be paid the City based on the fair market value of the rights granted to the lessee.

Section 6.06.080 Expansion, Modification or Relocation. Except as may be provided by an existing Facilities Lease Agreement, a new Facilities Lease application and Agreement shall be required of any telecommunications provider or carrier that desires to expand, modify, or relocate its telecommunications facilities or other equipment located upon City property.

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Section 2. This ordinance shall take effect and be in force thirty days after its passage.

PASSED by the City Council this 30<sup>th</sup> day of March, 1998, and signed in authentication of its passage this 30<sup>th</sup> day of March, 1998.

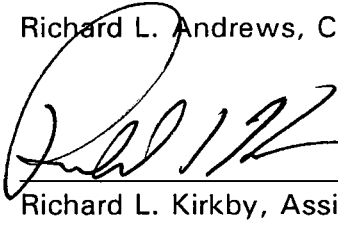
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Mike Creighton, Mayor

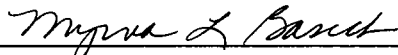
Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Kirkby, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published April 3, 1998