

RESOLUTION NO. 656

A RESOLUTION granting to Puget Sound Power & Light Company, its successors and assigns, a franchise to set, erect, maintain and use poles, conduits, cables, wires and other incidental equipment, including private telephone wires, in, upon, over, along and across the streets, avenues, alleys and public places in the City of Bellevue for the transmission, distribution and sale of electricity.

THE CITY COUNCIL OF THE CITY OF BELLEVUE DO
RESOLVE AS FOLLOWS:

Section 1. There hereby is granted to Puget Sound Power & Light Company, a corporation created and existing under the laws of the State of Massachusetts, and to its successors and assigns, for the term of thirty (30) years, beginning on the effective date hereof, the right, privilege, authority and franchise to set, erect, construct, maintain and use poles (with or without crossarms), conduits, cables, wires and all convenient appurtenances, equipment and facilities for the support of such poles, conduits, cables and wires in, upon, over, along and across the public highways and places, as hereinafter defined, in the City of Bellevue, and to attach wires to such poles and crossarms and stretch such wires from pole to pole and to the premises of patrons for the transmission, distribution and sale of electricity for power, heat, light and any other purpose or purposes for which electricity may be used, whether for municipal, domestic, manufacturing or other uses and purposes, and to charge and collect tolls, rates and compensation for such electricity, and also the right to attach to such poles and crossarms and maintain private telephone wires for the use of the grantee in connection with its electric business.

Section 2. The word "Grantee" is used in this resolution to refer to and include not only Puget Sound Power & Light Company, the immediate grantee hereof, but also the successors and assigns of said Puget Sound Power & Light Company who may successively become the owners of the rights granted by this resolution.

Section 3. The grant hereby made is intended to, and does, include any, all and every of the public streets, avenues, alleys, highways, and public grounds and places in the City of Bellevue as now laid out, platted and dedicated, and all public streets, avenues, alleys, highways and public grounds and places that may be hereafter laid out and dedicated within the present limits of said city or within the limits thereof as the same may hereafter be extended, all of which are included within the words "public highways and places" wherever such words are used in this resolution.

Section 4. All poles shall be erected and maintained at such places and in such positions upon said public highways and places as shall least interfere with the free passage of traffic thereon and in accordance with the laws of the State of Washington and the ordinances of the City of Bellevue reasonably regulating such location and construction and adopted as a lawful exercise of the police power of the city.

Section 5. In the event that permission is granted by the city to any person to move any building or other object upon the city streets requiring the removal of raising of grantee's equipment or other improvements, the city shall give grantee not less than seven (7) days' notice of the time and the route set for such moving. The grantee, at the expense of the person desiring to move such building or object, shall remove or raise the equipment or other improvement of the grantee which may obstruct such moving; provided, that such removing or raising of equipment or other improvement shall be scheduled to be done at such reasonable hours and in such manner as to cause the least interference with the business of the grantee, having due regard to the problems of traffic control and other governmental functions of the city.

Section 6. In construing the application of the provisions of Ordinance No. 31, passed August 11, 1953, to this franchise, any terms such as pipes, mains, pipe lines and other improvements shall be construed to mean and include wires, poles, cables, conduits and other equipment or improvements of any kind or nature whatsoever required, used or useful in the business of grantee, and installed in, over or across the public ways of the City of Bellevue. In the event of the amendment or repeal of all or any portion of the said Ordinance 31, the terms thereof, subject to the modifications expressed herein, shall continue as the terms of this franchise in the absence of the mutual assent to such amendment or repeal by the city and the grantee to be evidenced by a subsequent resolution of the City Council and acceptance thereof by the grantee.

Section 7. The provisions of Sections 2 and 6 of Ordinance No. 31 above mentioned, shall have no application to this franchise.

Section 8. If, during the term of this franchise, the City of Bellevue shall acquire, by purchase or condemnation, any of the grantee's property maintained or used hereunder, no greater sum shall be allowed for the value of the rights herein granted, in addition to all other elements affecting the value of such purchased or condemned property, than the actual cost of obtaining this franchise.

Section 9. The provisions of Section 5 of said Ordinance No. 31 shall apply to the following extent only: The grantee shall install poles, lines, cables, conduits and other authorized equipment and improvements in the designated streets, avenues, and other places pursuant to plans approved by the city's Department of Streets and Public Works, as to the location of such installation, and the method and process of backfilling, street restoration or repair of other public or private improvements located within the right-of-way shall be subject to the supervision and inspection of an inspector provided by the city at the expense of the grantee.

Section 10. The provisions of Section 7 of said Ordinance No. 31 shall apply to the following extent only: The location of poles, lines, conduits, cables and other improvements to be installed by the grantee, including the depth below the surface and the height above the surface or grade of any street or public place shall be subject to approval by the city, which approval shall not be unreasonably withheld and shall be influenced only by considerations of safety with reference to other installations and uses of such ways by the public. Before granting such approval, and at any time thereafter, the city may require grantee to submit a copy of grantee's work sketches of proposed improvements to be installed within, over or upon such public street

or way, or, at the city's option, the grantee, in lieu of furnishing such copy, shall permit the authorized city official to examine the grantee's work sketches and work records with reference to such proposed or completed installations. The city may require the grantee to specify and obtain approval as to the types of equipment to be employed and the mode of safeguarding and facilitating public travel during construction; The manner of excavation, construction, installation, backfill and types and sizes of temporary structures, barricades, bridging and traffic safeguards shall be submitted for the approval of the city.

Section 11. The provisions of Section 8 of said Ordinance No. 31 shall apply to the following extent only: The grantee, after entrance upon, into or across, streets, alleys or other public ways or places or installation, construction or repair of grantee's equipment or improvements therein, shall, at grantee's expense, repair or restore and leave such streets, alleys and other public ways and places, together with other public or private improvements thereto or contained therein, in as good, safe and useful condition in all respects as such streets, ways, places and improvements were before the damage or displacement thereof by the grantee, its agents or contractors. In the event that grantee, its agents or contractors fail to repair or restore any streets, ways, property or improvements damaged, or surveyors' monuments lost or moved by work of grantee, its employees, agents or contractors, promptly after notice of the damage and necessity for repair or restoration thereof, the City Superintendent of Streets or other representative authorized to do so by the city, may do, order and have done any and all work necessary to restore such street, way, improvement or monument.

Section 12. This grant shall not be exclusive and shall in no manner prohibit the City of Bellevue from granting other franchises of a like nature or franchises for other public or private utilities over, along, across, under and upon any of such streets, avenues, roads, alleys, lanes, public places and ways, and shall in no wise prohibit or prevent the City of Bellevue from using any of said streets, avenues, roads, alleys, lanes, public places and ways, with full power to make all necessary changes, relocations, repairs, maintenance, etc., of same as said City of Bellevue may deem fit.

Section 13. If the grantee, its successors or assigns, shall wilfully violate or fail to comply with any of the provisions of this grant, or through wilful or unreasonable negligence fail to heed or comply with any notice given to the grantee under the provisions of this franchise, then the said grantee, its successors or assigns, shall, at the election of the Council of the City of Bellevue, forfeit all rights conferred hereunder and this franchise may be revoked or annulled by the City Council of Bellevue after a hearing held upon reasonable notice given to the holder of this franchise.

Section 14. The provisions of Section 15 of Ordinance 31 shall be construed to permit changes, amendments or modifications of the provisions or conditions of this franchise to conform to city regulations only to the extent that such new or additional regulations may be a valid exercise of the police powers of the city.

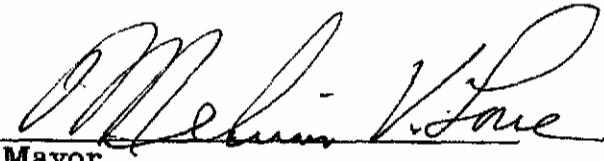
Section 15. In order to claim any right or benefit under this franchise, the grantee shall file its written acceptance of this franchise with the City Clerk within thirty (30) days after the adoption hereof.

Section 16. The provisions of Section 19 of said Ordinance No. 31 are modified to the extent that the same are inconsistent with the following: Before undertaking any of the work or improvements authorized by this franchise, the city may require the grantee to furnish to the city a bond to be executed for the purposes specified in Section 19 of Ordinance No. 31. The amount of such bond may be varied from time to time or entirely excused from time to time during the term of this franchise as the construction and maintenance activities or operations of the grantee may vary the need thereof.

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~~Section 17. The city may set and collect a franchise fee, which shall be limited to a reasonable compensation, for grantee's use of the city streets and which may be so imposed as to result in an increased payment as the use or extent of the grantee's use of the city's streets is increased.~~

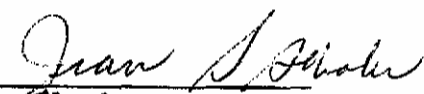
Section 18. The franchise granted by this resolution shall be effective immediately after the adoption of the resolution and the filing with the city clerk of acceptance by the grantee.

First introduced the 31st day of May, 1955, and passed by the affirmative votes of five (5) members of the City Council on the 21st day of June, 1955, and signed in authentication of its passage this 21st day of June, 1955.



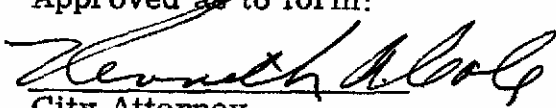
Mayor

Attest:



City Clerk

Approved as to form:



City Attorney