

COUNTY ENGINEER’S REPORT
FRANCHISE – WATER & SEWER FACILITIES
CITY OF SNOHOMISH

Pursuant to chapter 36.55.010 Revised Code of Washington (RCW), Section 9.20 Snohomish County Charter, and Title 13 of the Snohomish County Code (SCC), the City of Snohomish has applied to Snohomish County (the “County”) for a franchise to construct, maintain, operate, replace, and repair its water distribution and wastewater conveyance facilities in County public rights-of-way, and for no other purpose or use whatsoever. Chapter 36.55 RCW and Snohomish County Charter Section 9.20 authorize the County to grant nonexclusive franchises for use of County public rights-of-way. Snohomish County’s franchise procedure is contained in Chapter 13.80 SCC. The County Engineer has examined the application and submits the following report to council in accordance with SCC 13.80.040.

FINDINGS

1. Applicant

The City of Snohomish (“the City”), is a Washington municipal corporation that incorporated in 1890 and provides water and wastewater services to customers within the City limits and the City’s surrounding urban growth area in unincorporated Snohomish County, encompassing approximately 5.3 square miles. Additionally the City serves water to residents northeast of the city limits via a water transmission main previously connected to their now decommissioned Pilchuck River water treatment plant. The City was previously granted water franchises by Snohomish County via Ordinance 80-078 approved on October 20th, 1980 and recorded under Auditor’s File Number 8011190180, which expired on November 18th, 2005 and via Ordinance 83-174 approved on January 30th, 1984 and expired on January 31st, 2009.

2. Description of County Roads Included in the Proposed Franchise

The proposed franchise includes all county rights-of-way located in the portions of unincorporated Snohomish County as shown in Exhibit A and within the township, range, and section below:

<u>Township</u>	<u>Range</u>	<u>Sections</u>
28N	5E	1, 12, 13, 14, 24
28N	6E	5, 6, 7, 8, 17, 18, 19
29N	5E	36
29N	6E	14, 15, 20-24, 28, 29, 31, 32
29N	7E	7, 8, 18, 19

3. Description of Facilities

The City's purchases treated potable drinking water from the City of Everett and Snohomish County PUD No. 1, but owns and maintains the storage, transmission and distribution systems within its service area. The City water system is primarily composed of cast iron and ductile iron pipe along with lesser amounts of permastran, galvanized iron, copper polyethylene, PVC, and steel, and asbestos cement. The City wastewater conveyance system is comprised of a network of gravity mains, force mains, and lift stations to move flows to the wastewater treatment plant located on the southwest side of the City along the Snohomish River.

Work proposed in the county right-of-way would consist of the construction, operation, and maintenance of the water and sewer facilities, such as water mains, water services, fire hydrants, blow-offs, sample stations, sewer mains, and sewer laterals that provide service to City customers. Facility access is needed for reading water meters, fire hydrants usage, routine maintenance, and emergency repairs. Open trench excavation or spot excavation would be utilized for water and/or sewer main installations. All work shall be performed in compliance with all federal, state and local laws, rules and regulations (including, but not limited to, the County's comprehensive plan, zoning code, and other development regulations) that are applicable to any and all work or other activities performed by the the City pursuant to or under authority of the Franchise as more fully described within the proposed franchise and Section 6 of this report.

4. Insurance

The City has agreed to obtain and maintain insurance for the term of the franchise in accordance with SCC 13.10.100 and Section 18 of the franchise. The Risk Management Division has reviewed and approved the insurance requirements in the proposed franchise. As provided in franchise Section 33, the franchise will not take effect until the City provides evidence of insurance acceptable to the Risk Management Division.

5. Term of Franchise

The initial term of the proposed franchise is for a period of ten (10) years (the "Initial Term"), beginning on the Effective Date as defined in Section 33 of the franchise, and automatically renew for an additional term of ten (10) years (the "Extended Term"). The County would have the right to unilaterally open negotiations with the City at any time after the Initial Term, as more fully described in franchise Section 3.3.

6. Provisions of Franchise

Under the proposed franchise, the City will:

- Obtain a right-of-way permit pursuant to Title 13 SCC prior to commencing any work within the public rights-of-way, as more fully described in franchise Section 4.
- Comply with the requirements of State law, County Charter, Title 13 SCC, the Engineering Design and Development Standards (EDDS), the county's Utility Accommodation Policy, and all right-of-way use permit application, review and construction standards, as more fully described in franchise Section 6.

- Promptly, at its own expense, relocate or remove its facilities from county rights-of-way when the County Engineer determines that it is necessary due to: traffic conditions; public safety; dedications, improvements and vacations of rights-of-way; and other reasons more fully described in franchise Section 9.
- Not in any event abandon in place all or a portion of their facilities without the express written consent of the county as more fully described in franchise Section 14.
- Compensate the county for its administrative expenses in preparing and processing the proposed franchise, as more fully described in franchise Section 15.2.
- Indemnify, defend and hold harmless any County Party from any and all claims, demands, liability, suits, and judgments, including costs of defense thereof, for bodily injury to persons, death, or property damage arising out of its use of public rights-of-way under the proposed franchise, as more fully described in franchise Section 16.
- Provide the county with adequate insurance appropriate for a water-sewer system franchise, as more fully described in franchise Section 18.
- Not assign any franchise rights or obligations without prior written consent of the county, as more fully described in franchise Section 22.
- Comply with Title VI Assurances and Non-Discrimination requirements, as more fully described in franchise Section 29.

COUNTY ENGINEER’S RECOMMENDATION

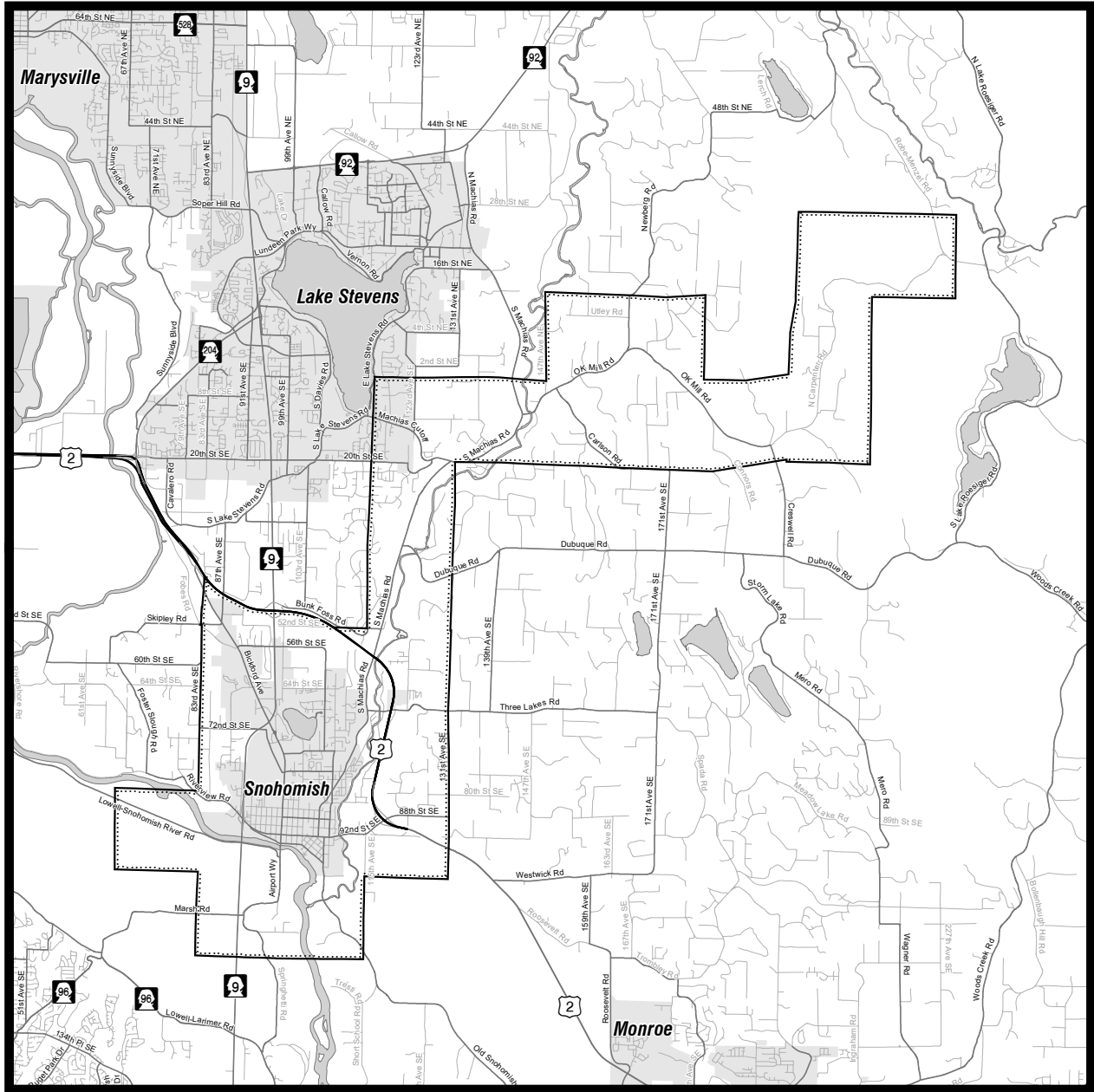
Based on the foregoing findings and pursuant to SCC 13.80.040, the County Engineer recommends the County Council grant a right-of-way franchise to the City of Snohomish with an initial term of ten (10) years and an automatic renewal for an additional term of ten (10) years, under the terms and conditions of County Charter, County Code and the proposed ordinance granting a franchise.

SNOHOMISH COUNTY PUBLIC WORKS








 Douglas W. McCormick, P.E. Date
 Deputy Director/County Engineer

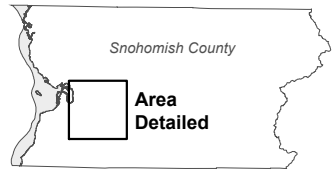
Prepared by:

 Brook Chesterfield, P.E. Date
 Special Projects Coordinator



Key to Features:

- | | | | |
|---|---------------------------------|---|-------------|
|  | Utility Franchise Area |  | Freeways |
|  | Arterial Roads |  | Local Roads |
|  | Unincorporated Snohomish County |  | Cities |
|  | Waterbodies | | |



Snohomish County disclaims any warranty of merchantability or warranty of fitness of this map for any particular purpose, either express or implied. Any user of this map assumes all responsibility for use thereof, and further agrees to hold Snohomish County harmless from and against any damage, loss, or liability arising from any use of this map.

Exhibit A. City of Snohomish Proposed Utility Franchise Area

(The proposed franchise applies exclusively to county rights-of-way located in the portions of unincorporated Snohomish County depicted above.)