

COUNTY ENGINEER’S REPORT
FRANCHISE – TELECOMMUNICATIONS FACILITIES
MUKILTEO SCHOOL DISTRICT NO. 6

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), Mukilteo School District No. 6, has applied to Snohomish County (the “County”) for a franchise to install, operate and maintain a telecommunications system, including fiber optic cables and uses incidental thereto. 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

Mukilteo School District No. 6, hereafter referred to as the “District”, is a Washington school district formally organized in 1878 serving over 15,000 K-12 students located in the communities of Mukilteo, south Everett, and unincorporated areas of south Snohomish County. The District boundaries extend from 148th St SW north to Possession Sound and on the west running from the Puget Sound east to the City of Mill Creek. The District was previously granted a telecommunications franchise by Snohomish County via Ordinance 07-144 approved on January 30th, 2008 and recorded under Auditor’s File Number 200804040644, which expired on March 16th, 2023.

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>Section</u>
Twp. 28N	Rge. 4E W. M.	Sects. 10, 14, 15, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35 and 36
Twp. 28N	Rge. 5E W. M.	Sects. 30 and 31

3. Description of Facilities

The District is developing a fiber optic cable telecommunications system within the franchise area for purposes of providing data and voice connections between schools and administration buildings. The District proposes to install facilities within Snohomish County rights-of-way as

needed to operate and provide additional connectivity. The majority of facilities will be installed above ground on existing utility poles however, a limited number of fiber optic lines will be installed underground. 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 District 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 District 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 District 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 District 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 District 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 telecommunications 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

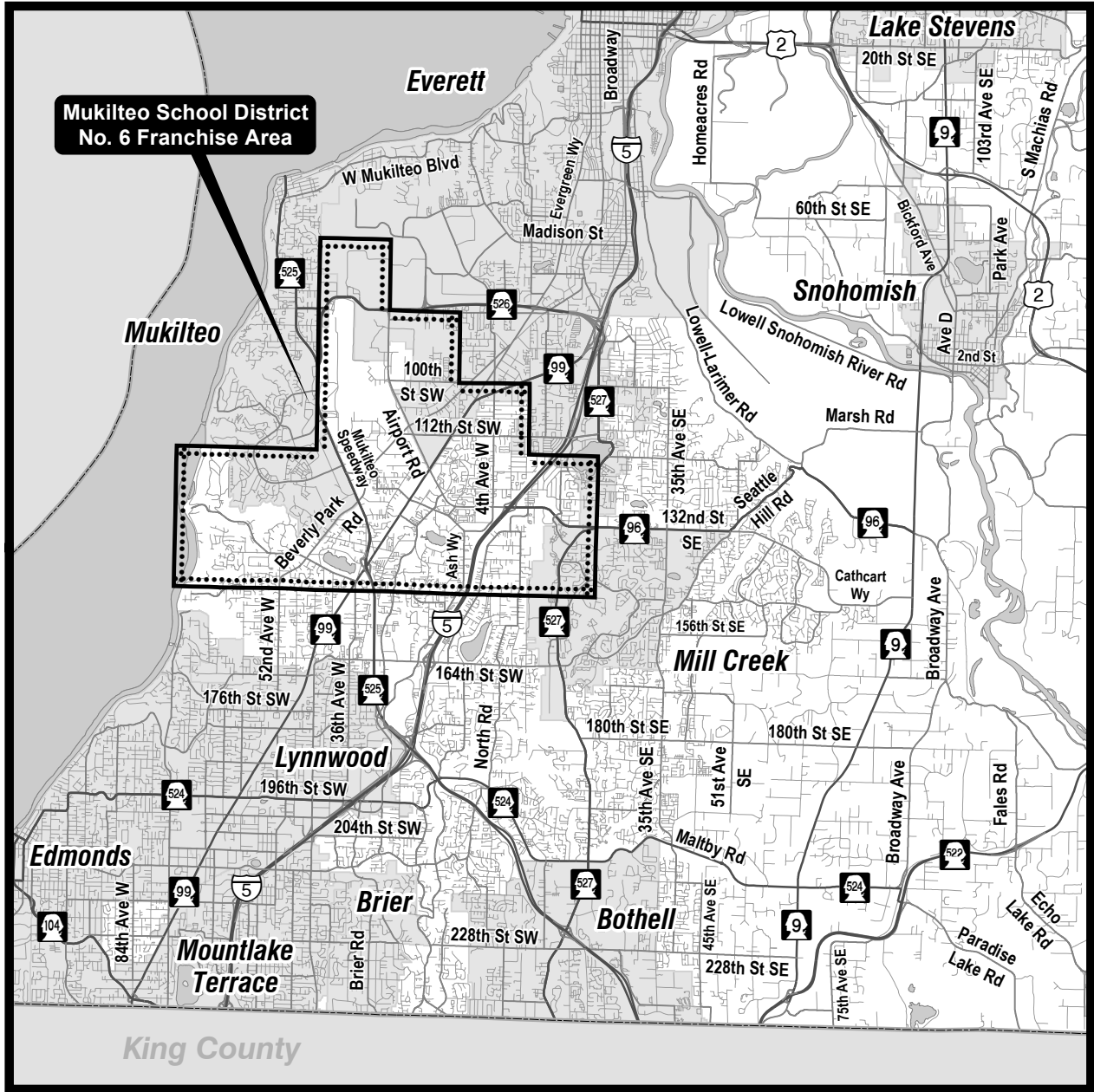
Based on the foregoing findings and pursuant to SCC 13.80.040, the County Engineer recommends the County Council grant a right-of-way franchise to Mukilteo School District No. 6, with an initial term of ten (10) years and an automatic renewal for an additional term of ten (10) years, under the terms 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

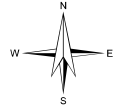
Prepared by:

Brook Chesterfield, P.E. Date
Special Projects Coordinator



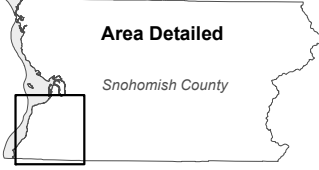
Key to Features:

	Franchise Area		Waterbodies
	State Routes		Cities
	Roads		



0 2 Miles

Area Detailed



Snohomish County

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. Mukilteo School District No. 6 Franchise Area

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