

**COUNTY ENGINEER’S REPORT**  
**FRANCHISE – WATER & SEWER FACILITIES**  
**MUKILTEO WATER & WASTEWATER DISTRICT**

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 Mukilteo Water & Wastewater District has applied to Snohomish County (the “County”) for a franchise to construct, maintain, operate, replace, and repair its water distribution and wastewater conveyance system 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**

Mukilteo Water & Wastewater District (“the District”), is a Washington municipal corporation and special purpose water-sewer district operating under Title 57 RCW. The water-sewer district was created in November 2007 by the voter-approved merger of Olympus Terrace Sewer District into Mukilteo Water District, and the name was changed in 2008. The Mukilteo Water District first formed in 1920 and has utilized utility franchise permits from Snohomish County since 1922, the most recent of which was granted via Ordinance 08-059 approved on June 25, 2008, and recorded under Auditors File Number 200808270474, which will expire on August 17, 2023. The District is governed by a three-member Board of Commissioners who are elected by the ratepayers to serve staggered six-year terms. The total District boundary encompasses approximately 5,300 acres or 8.2 square miles and lies within the jurisdictions of the City of Mukilteo, the City of Everett, and Snohomish County.

**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	4E	10, 14, 15, 22, 23, & 24

### **3. Description of Facilities**

Of the District's total area, approximately 1,644 acres or 2.6 square miles are in unincorporated Snohomish County. The District purchases treated potable drinking water from Alderwood Water and Wastewater District (via the City of Everett) through two master meters at Paine Field and Harbor Pointe. It owns and maintains the storage, transmission and distribution systems within its service area. The District water system is primarily a gravity-fed system composed of cast and ductile iron pipe with some newer HDPE. The District wastewater conveyance system collects sewage in an area located east of Paine Field in southwest Everett and unincorporated Snohomish County, and transmits it to interceptors east of the District for treatment by the City of Everett.

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 District 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. Water main routes within the right-of-way would generally be 10-feet northerly or easterly of the street centerline, while sewer main routes within the right-of-way would be generally 5-feet southerly or westerly of the road centerline.

### **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 water-sewer system franchise, as more fully described in franchise Section 18.
- Be exempt from the requirement to secure the performance of a County-issued permit with a surety bond or other financial security device in accordance with RCW 36.32.590 and SCC 13.10.104(4), as more fully described in franchise Section 19.
- 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**

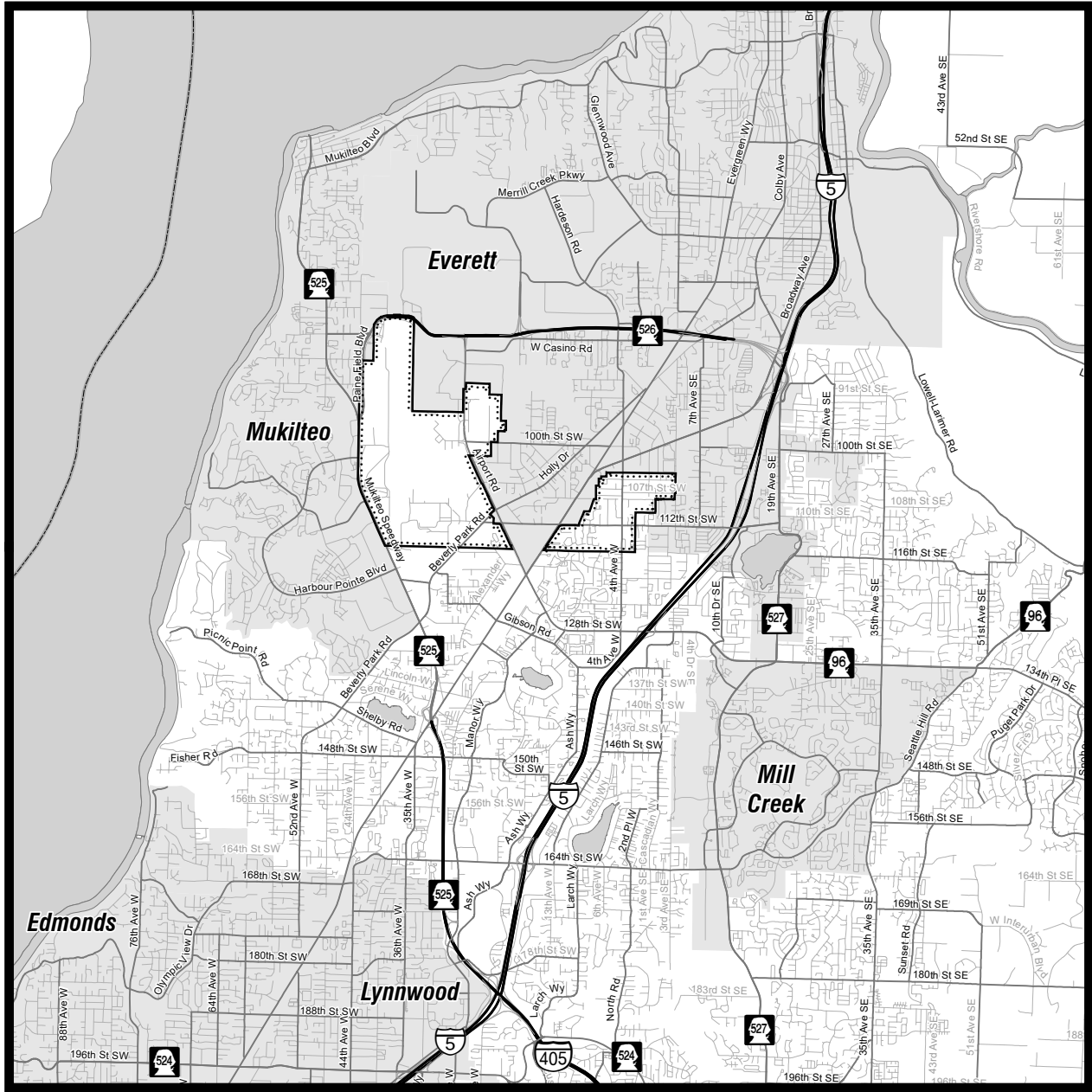
Based on the foregoing findings and pursuant to SCC 13.80.040, the County Engineer recommends the County Council grant a right-of-way franchise to the Mukilteo Water & Wastewater District with an initial term of ten (10) years and an automatic renewal for an additional term of ten (10) years, under the 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

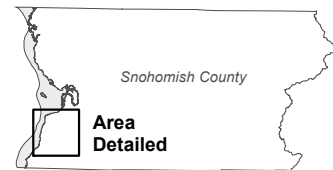
Prepared by:

\_\_\_\_\_  
Mary Madole      Date  
Senior Planner – Special Projects



**Key to Features:**

- |  |                                 |  |             |
|--|---------------------------------|--|-------------|
|  | District Service 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. Mukilteo Water and Wastewater District Utility Proposed Franchise Area**

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