

ORDINANCE NO. 47

CITY OF LACEY

AN ORDINANCE GRANTING TO PUGET SOUND POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE, AUTHORITY AND FRANCHISE TO SET, ERECT, CONSTRUCT AND MAINTAIN POLES AND WIRES, OR UNDERGROUND CABLES TOGETHER WITH APPURTENANCES THERETO, UPON, OVER, UNDER, ALONG AND ACROSS THE STREETS, AVENUES, ALLEYS AND PUBLIC PLACES OF THE CITY OF LACEY FOR THE PURPOSE OF THE TRANSMISSION, DISTRIBUTION AND SALE OF ELECTRIC POWER, HEAT AND LIGHT, AND FOR ANY OTHER PURPOSE OR PURPOSES FOR WHICH ELECTRICITY MAY BE USED.

THE CITY COUNCIL OF THE CITY OF LACEY DO ORDAIN AS FOLLOWS:

SECTION 1. That there be and is hereby granted to Puget Sound Power & Light Company, a Washington corporation, hereinafter called the Grantee, and to its successors and assigns, for a period of twenty-five (25) years from and after the passage of this ordinance, the right, privilege, authority and franchise to erect, place, construct, maintain and use poles (with or without crossarms) and all convenient or necessary appurtenances, equipment and facilities for the support of the poles and for the support of wires, or underground cables together with appurtenances thereto where such underground facilities have been specifically contracted for, over, under, along and upon the streets, avenues, alleys and public places of the City of Lacey and to attach wires to such poles and crossarms and stretch such wires from pole to pole over, upon and along such streets, avenues, alleys and public places and to maintain and use such poles and wires or underground facilities for the purpose of the transmission and distribution of electric power, heat and light and for any other purpose for which electricity may be used and to furnish and sell electric current for power, light and heat within the City of Lacey for municipal, domestic and manufacturing uses and for any other purpose or purposes, use or uses to which electricity may be put and to charge and collect tolls, rates and compensation for such current, power, heat, light and other uses.

The grant hereby made is intended to, and does, include any, all and every one of the streets, avenues, alleys, highways and public grounds and places of the City of Lacey as now laid out, platted and dedicated, and all avenues, streets, alleys, highways and public grounds and places that may be hereafter laid out and dedicated within the present limits of the said City and within the limits thereof as the same may be hereafter extended.

SECTION 2. All poles shall be erected and maintained at such places and position upon said streets, avenues, alleys and public places as shall least interfere with the free passage of traffic and in accordance with the laws of the State of Washington regulating such construction. Upon written demand by the City of Lacey, the said Puget Sound Power and Light Company shall remove or relocate any facilities which interfere with any public works construction. Whenever it shall be necessary in the erection, repairs or substitution of any such poles, underground cables, or other apparatus to make any excavation in any street, avenues, alleys or public place, said Grantee, its successors and assigns shall without delay restore the surface of said street, avenue, alley or public place as nearly as practicable to the same condition it was in before the doing of such work.

SECTION 3. The said Grantee, its successors and assigns shall indemnify and hold harmless the City of Lacey against all damages, if any, that may result by reason of the construction, operation and maintenance of said poles, cables, wires and facilities, and the said Grantee, its successors and assigns shall pay all damages for which it, they or the City of Lacey shall be held liable, resulting to any person or persons, association or corporation by reason of the construction, operation and maintenance of said pole lines, wires, cables and facilities,; provided, however, that in case any claim is filed with the City of Lacey or any suit or action is instituted against said City by reason of any such damage or injury, the Council shall cause written notice thereof to be given said Grantee and the said Grantee shall have the right to defend any such suit or action.

SECTION 4. That whenever any person shall have obtained permission of the City of Lacey to use any street of said City for the purpose of moving any building, the Grantee, its successors and assigns, upon seven (7) days written notice from the City Clerk of said City shall raise or remove, at the expense of the person desiring to move said building, any of its or their wires which may obstruct the removal of such building; provided that the moving of such building shall be done in accordance with the regulations and general ordinances of the City at such reasonable hours and in such reasonable manner as shall cause least interference with the business of said Grantee, its successors and assigns and where more than one street is available for the moving of such building the building shall be moved on such street as shall cause least interference with the line of said Grantee, its successors and assigns. It is further provided that the person or persons moving such building shall indemnify and save said Grantee harmless of and from any and all damages or claims of whatsoever kind or nature caused directly or indirectly from such temporary arrangement of the lines and poles of the Grantee.

SECTION 5. This franchise is granted upon the express condition that it shall not be deemed or held to be an exclusive franchise and shall not in any manner prohibit the City of Lacey from granting other and further franchises over, upon and along any of said public streets, avenues, alleys or public places.

The franchises, rights and privileges granted the said Grantee by this ordinance are likewise accepted with the understanding that the City of Lacey, by and through its City Council, reserves the right to regulate the streets, alleys, public ways, parks and grounds where the Grantee shall erect and maintain its poles, as well as the position on said streets, alleys, etc., where said poles shall be erected and maintained. No clause herein contained shall be deemed to foreclose the right of the City of Lacey from specifying any mode or method of construction, operation or maintenance of electric facilities.

SECTION 6. That in order to claim any right or benefit under this ordinance said Grantee shall within sixty (60) days after the passage hereof file with the City Clerk its acceptance in writing of this ordinance.

PASSED this 20<sup>th</sup> day of July, 1967.

E. G. Homann  
MAYOR

APPROVED AS TO FORM:

John G. Krane  
CITY ATTORNEY

ATTEST:  
Paula Bergman  
CITY CLERK

PASSED: \_\_\_\_\_  
POSTED: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_

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