



Post Office Box 90012 • Bellevue, Washington • 98009 9012

February 9, 1998

Ms. Sue Ann Spens  
Acting Town Clerk  
Town of Yarrow Point  
4030 95th Ave. NE  
Bellevue, WA 98004

Dear Ms. Spens :

Per your request, I am today signing the Franchise Agreement between the Town of Yarrow Point and the City of Bellevue that was inadvertently left unsigned in 1994 by then City Manager Phil Kushlan. I understand that the knowledge of this unsigned franchise agreement became apparent through an audit of the Town of Yarrow Point.

The signing of this franchise agreement will properly execute this agreement effective November 15, 1994.

Sincerely,

*Linda M. Barton*  
Linda Barton  
Deputy City Manager

Attachments:

- 1) City of Bellevue Resolution No. 5828, dated November 7, 1994
- 2) Town of Yarrow Point Ordinance No. 433, dated November 15, 1994

## FRANCHISE AGREEMENT

WHEREAS, the Town of Yarrow Point and the City of Bellevue desire to enter into a franchise agreement to allow the City of Bellevue to continue to use the public rights-of-way in the Town of Yarrow Point for the purpose of operating the City of Bellevue's water distribution and wastewater utilities within the Town of Yarrow Point; now therefore,

The Town of Yarrow Point and the City of Bellevue agree as follows:

Section 1. Grant of Franchise. The Town of Yarrow Point hereby grants to the City of Bellevue, Washington, and its successors and assigns, the right, privilege, authority and non-exclusive franchise to continue to enter upon, use and occupy the public rights-of-way and utility easements of the Town of Yarrow Point, Washington, for constructing, maintaining, repairing, renewing and operating water distribution and wastewater collection systems and accessories, in, upon, under, across and through said public rights-of-way and utility easements within the Town of Yarrow Point.

Section 2. Franchise Area. For water service, the City of Bellevue shall serve that portion of the Town of Yarrow Point lying South of N.E. 38th St. and that portion of the Town of Yarrow Point lying West of 92nd Ave. N.E. and South of N.E. 42nd St. For wastewater collection, the City of Bellevue shall serve the entire Town of Yarrow Point.

Section 3. Franchise Fee. The City of Bellevue agrees to pay the Town of Yarrow Point a quarterly franchise fee in the amount of 5% of the quarterly gross revenues of the City of Bellevue's water and sanitary sewer utilities derived from the operations of said utilities within the Town of Yarrow Point. The franchise fee provided herein shall be in lieu of any other tax, fee or charge, direct or indirect, imposed by the Town of Yarrow Point on the operations of the Town's utilities within the Town of Yarrow Point. The City of Bellevue is authorized to withhold an amount not to exceed \$100 from any individual payment to recover its costs of processing such payment.

Section 4. Adjustment to Rate of Franchise Fee. The franchise fee rate set forth in Section 2 above may be modified at any time by the Town of Yarrow Point. The Town of Yarrow Point shall provide the City of Bellevue with written notice of any modification of such rate no later than forty-five (45) days prior to the effective date of such modification.


Section 5. Term and Effective Date. This agreement shall take effect upon execution by both parties and shall remain in effect for a period of ten (10) years

No longer true  
WD#1  
Sold out to  
COB in  
2005.

from the effective date of this agreement. Upon the expiration of the ten year term, this agreement shall be automatically extended on a year to year basis unless either party gives the other party written notice of its intent to terminate this agreement at least sixty (60) days prior to the next succeeding automatic renewal date.

Town Of Yarrow Point

City of Bellevue



By: Paul E. Wilcox

Its: Mayor

Date:



By: ~~Phillip Kuchlan~~

Linda Barton

Its: ~~City Manager~~

Deputy City Manager

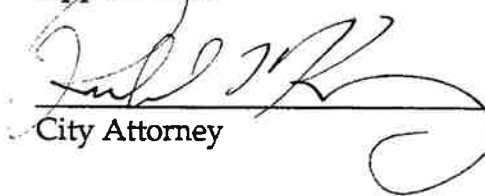
Date:

Approved as to form:



Wayne Stewart, Town Attorney

Approved as to form:



City Attorney

TOWN OF YARROW POINT

ORDINANCE NO 433

AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON, REPEALING ORDINANCE NO. 432 AND AUTHORIZING THE MAYOR TO EXECUTE A FRANCHISE AGREEMENT WITH THE CITY OF BELLEVUE FOR THE USE AND OCCUPATION OF THE STREETS, AVENUES AND OTHER PUBLIC RIGHTS-OF-WAY IN THE TOWN FOR OPERATION, MAINTENANCE AND REPAIR OF A WATER DISTRIBUTION SYSTEM AND WASTEWATER SERVICE WITHIN THE TOWN LIMITS.

WHEREAS, the City of Bellevue desires to amend the franchise granted to it by the Town in Ordinance No. 432; NOW, THEREFORE,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YARROW POINT:

Section 1. The Mayor of the Town of Yarrow Point is hereby authorized to execute a franchise agreement with the City of Bellevue, which franchise agreement is attached hereto as Exhibit A and incorporated herein by this reference.

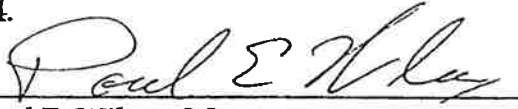
Section 2. Ordinance 432 of the Town of Yarrow Point is hereby repealed and the Mayor is authorized to execute the franchise agreement attached hereto as Exhibit A.

Section 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

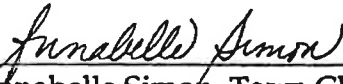
Section 4. This ordinance shall take effect and be in full force after publication of the attached approved summary thereof consisting of the title.

PASSED BY THE COUNCIL OF THE TOWN OF YARROW POINT THIS  
15th DAY OF November, 1994.

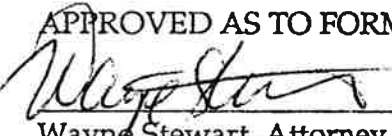
APPROVED BY THE MAYOR OF THE TOWN OF YARROW POINT  
THIS 15th DAY OF November, 1994.

  
\_\_\_\_\_  
Paul E. Wilcox, Mayor

ATTEST:

  
\_\_\_\_\_  
Annabelle Simon, Town Clerk/Treasurer

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Wayne Stewart, Attorney