



BOARD OF YAKIMA COUNTY COMMISSIONERS

Agenda Request Form (ARF)

Deliver completed ARF and finalized agenda item to the Clerk or Deputy Clerk of the Board at the Yakima County Commissioners' Office, Room 232.

Prepared by: MATT PIETRUSIEWICZ
Department: YAKIMA COUNTY ROADS
Requested Agenda Date: 2/25/2025
Presenting: JAMIE WEST

Board of County Commissioners Record Assigned

#

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Action Requested – Check Applicable Box:

PASS RESOLUTION

EXECUTE or AMEND

PASS ORDINANCE

AGREEMENT, CONTRACT, or GRANT

ISSUE PROCLAMATION

OTHER _____

Document Title:

GRANTING A NON-EXCLUSIVE SYSTEM WIDE FRANCHISE FOR INTERNET COMMUNICATIONS SYSTEMS TO BE CONSTRUCTED, OPERATED AND MAINTAINED BY GIGABEAM INTERNET, LLC.

Background Information:

GIGABEAM INTERNET, LLC. IS REQUESTING A NON-EXCLUSIVE FRANCHISE AGREEMENT WITH YAKIMA COUNTY TO CONSTRUCT, OPERATE AND MAINTAIN INTERNET COMMUNICATION SYSTEMS IN, ALONG, AND UNDER VARIOUS PUBLIC RIGHTS-OF-WAY WITHIN YAKIMA COUNTY, WASHINGTON.

Describe Fiscal Impact:

NONE

Summary & Recommendation:

APPROVE

Department Head/Elected Official Signature

Corporate Counsel Initial (for Agreements Only)

BOARD OF YAKIMA COUNTY COMMISSIONERS RESOLUTION

**IN THE MATTER GRANTING A NON-
EXCLUSIVE SYSTEM-WIDE FRANCHISE
TO GIGABEAM INTERNET, LLC, TO
CONSTRUCT, OPERATE AND
MAINTAIN A NETWORK OF INTERNET
COMMUNICATIONS INFRASTRUCTURE
IN, ALONG, AND UNDER VARIOUS
YAKIMA COUNTY RIGHTS-OF-WAY
WITHIN YAKIMA COUNTY,
WASHINGTON**

04 1 - 2025

WHEREAS, Morgan Collins, hereby representing Gigabeam Internet, a Washington Limited Liability Company ("LLC"), has filed with the Board of County Commissioners of Yakima County, Washington, an application for a non-exclusive franchise to construct, operate and maintain a network of internet communication equipment in, along, and under various Yakima County Rights-of-Way, all within the County of Yakima, State of Washington, and not within the incorporated limits of any incorporated city or town; **and**,

WHEREAS, it appears from the affidavit of the Yakima County Auditor filed with this Board that the County Auditor has given notice of the time and place of said hearing on Tuesday February 18th, 2025, by publishing two (2) like notices twice in the Yakima Herald Republic, a daily newspaper of general circulation, published in Yakima County, Washington, said newspaper being the official newspaper for County printing, and it appears from said affidavit that notice published stated the name of the applicant and a description of the County roads, highways, streets, alleys and public places described in said petition and application. After hearing all persons interested in the matter of said petition, the Board deemed it in the public interest to grant the Non-Exclusive Franchise and authority so applied for; **now, therefore**,

BE IT HEREBY RESOLVED by the Board of Yakima County Commissioners,

1. It is hereby granted to GIGABEAM INTERNET LLC the right, privilege and non-exclusive utilities franchise for the term of 25 years from and after the date hereof to construct, operate, and maintain a network of internet communications infrastructure in, along, and under various Yakima County rights-of-way in GIGABEAM INTERNET LLC's service area within unincorporated Yakima County, Washington.
2. This franchise is not exclusive, and the Board of County Commissioners reserves the right to grant franchises to other individuals, firms or corporations to use said County roads or any part thereof for the same purpose as herein authorized, or for any other purpose authorized by law.

3. Said County of Yakima shall in no case be liable or responsible for any damage to the said network of internet communications infrastructure caused by any work carried on by said County in a reasonable, careful manner and the owner(s) of GIGABEAM INTERNET LLC shall in all cases protect, indemnify and save harmless said County from any claim for damages arising out of any and all personal injury or property damage caused by the presence of such internet communications infrastructure and appurtenances upon any of said roads, or rights-of-way, whether such injury be the result of careless construction or operation, of any other thing whatsoever.
4. All facilities shall be so constructed, operated and maintained as not to interfere with or obstruct ordinary use of travel upon said roads and in case said roads, alleys, rights-of-way, streets or public places shall be damaged or impaired in any manner thereby then and in that event, said roads, streets, alleys, rights-of-way or public places shall be repaired, and restored to as good condition as existed prior to such impairment, all by and at GIGBEAM INTERNET LLC's expense. Repairing and restoration of all such roads, streets, alleys, rights-of-way or public places shall be deemed to include but not be restricted to the ballasting, settling and resurfacing and patching of asphalt or concrete surfaces of roads and streets, restoration and resurfacing of shoulder lines; and the removal of all large rock materials from the surface where required by the County.
5. GIGABEAM INTERNET shall, prior to any impairment of, or disturbance to said public highways, streets, roads, rights-of-way or parts thereof by reason installing, repairing or operating internet communication infrastructure, or other operations contemplated hereunder, excepting emergency repairs made necessary by breakage of internet communication infrastructure, apply in writing for permit to the County Engineer of Yakima County giving notice of such intention, describing the operations, amount of trench to be left open at any one time, location and areas affected, and shall proceed with said operations, only upon permit first obtained from the County Engineer. In case of emergency repairs, as aforesaid, notice thereof within ten days after effected shall be deemed sufficient.
6. GIGABEAM INTERNET LLC shall rebuild, replace and resurface all sections of the roads and highways, opened or torn up by it, by reason of operations, performed prior to or after the granting of this franchise in as satisfactory a condition as existed prior to the beginning of its excavation and operations, all under the direction of the Yakima County Engineer, and subject to final approval of the Board of County Commissioners. Should GIGABEAM INTERNET LLC fail within sixty days from commencement of such excavation operations to impairing right-of-way to restore such portions to the satisfaction of Yakima County, Yakima County may complete the work upon all, or any portion, of the restoration involved, all cost and expense of such work to be repaid by GIGABEAM INTERNET LLC to Yakima County upon demand.

7. The Board of The Board of County Commissioners reserves the right to require the owner(s) of GIGABEAM INTERNET LLC to make, at the latter's own cost and expense, such changes or change in location of any particular internet communication infrastructure located by the company hereunder as may be necessary for the convenience or safety of the public along said roads, or rights-of-way, or when necessary for the construction, repair, improvement, alteration or relocation of all or any portion of said roads or rights-of-way.
8. The franchise hereby granted shall not be assigned, leased, transferred or otherwise alienated, or shall not inure to the benefit of GIGABEAM INTERNET LLC successors in interest without the express consent of the Board of County Commissioners of Yakima County, Washington, by written order authorizing the same; but consent is hereby given to the mortgaging of the said franchise, together with internet communication infrastructure and facilities of the company constructed thereunder any presently outstanding or future mortgage given to secure any bond or other bona fide indebtedness of said company.
9. The franchise hereby granted may be revoked and forfeited by the Board of County Commissioners of Yakima County, Washington, in the event that GIGABEAM INTERNET LLC shall fail, after reasonable notice or demand, to comply with any of the terms, conditions or obligations imposed upon the parcel owner(s) hereunder.
10. All expenses in connection with the posting and publishing of the notice of this hearing, as required by statute, shall be paid by GIGABEAM INTERNET LLC.

DONE this 25th day of February, 2025.

Attest:

Julie Lawrence, Clerk of the Board *or*
Erin Franklin, Deputy Clerk of the Board

Kyle Curtis, Chair

LaDon Linde, Commissioner

Amanda McKinney, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*