

# AGENDA REQUEST FORM

**Return completed form and complete agenda item to the Clerk of the Board  
Yakima County Commissioners' Office, Room 232**

Prepared by:  
Matt Pietrusiewicz

Department: County Roads

Requested Agenda Date: 02/02/2021

Presenting: \_\_\_\_\_

Document Title: \_\_\_\_\_

*Board of County Commissioners Record Assigned*

# **035-2021**

**APPROVED FOR AGENDA:**

Consent       Regular

*Board of County Commissioners Determined*

In the Matter of Granting a Non-exclusive Systemwide Franchise to the Town of Harrah hereby Represented by Barbara Harrer, Mayor, P.O. Box 10, 11 E Pioneer Street Harrah, Washington 98933, to Construct, Operate, and Maintain Domestic Water and Sewer Facilities In, Along, Over and Under Various Yakima County Rights-Of-Way within Yakima County, Washington

Action Requested: *Check Applicable Box*

PASS RESOLUTION     EXECUTE or AMEND **AGREEMENT CONTRACT** or GRANT

ISSUE PROCLAMATION     PASS ORDINANCE     OTHER \_\_\_\_\_

Describe Fiscal Impact:

N/A

Background Information:

A petition was filed by the Town of Harrah, and has been approved for a non-exclusive Systemwide franchise to construct, operate, and maintain Domestic Water and Sewer Facilities in, along, over and under various Yakima County Rights-Of-Way, all within the County of Yakima, State of Washington, and not within the Yakima County.

Summary & Recommendation:


Approval of the resolution granting the Town of Harrah the right, privilege and non-exclusive Systemwide franchise for the term of 25 years from and after the date hereof to construct, operate, and maintain domestic water and sewer facilities in, along, over and under various Yakima County Rights- Of-Way within the Town of Harrah's service area within Yakima County, Washington.

Motion:

\_\_\_\_\_

Department Head/ Elected Official

**AGREEMENT** Attached Is Approved as to Form  
Corporate Counsel Initial

  
\_\_\_\_\_  
Signature

*Late Agenda Requests Require BOCC Chairman Signature:*

\_\_\_\_\_

**BOARD OF YAKIMA COUNTY COMMISSIONERS  
RESOLUTION**

**IN THE MATTER OF GRANTING A NON-EXCLUSIVE  
SYSTEMWIDE FRANCHISE TO THE TOWN OF HARRAH  
HEREBY REPRESENTED BY BARBARA HARRER, MAYOR,  
P.O. BOX 10, 11 E PIONEER STREET HARRAH, WASHINGTON  
98933, TO CONSTRUCT, OPERATE, AND MAINTAIN  
DOMESTIC WATER AND SEWER FACILITIES IN, ALONG,  
OVER AND UNDER VARIOUS YAKIMA COUNTY RIGHTS-  
OF-WAY WITHIN THE TOWN OF HARRAH SERVICE  
AREA WITHIN YAKIMA COUNTY, WASHIGTON**

**035-2021**

**FRANCHISE NO. 03-2020**

**WHEREAS**, the petition filed by The Town of Harrah represented by Barbara Harrer, has been approved for a non-exclusive systemwide franchise to construct, operate and maintain domestic water and sewer facilities in, along, over and under 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 January 19<sup>th</sup>, 2021, 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 County Commissioners of Yakima County, Washington:

1. There is hereby granted to The Town of Harrah the right, privilege and non-exclusive franchise for the term of 25 years from and after the date hereof to construct, operate, and maintain domestic water and sewer facilities in, along, over and various Yakima County rights-of-way within The Town of Harrah service area within 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 system of pipelines caused by any work carried on by said County in a reasonable, careful manner and The Town of Harrah 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 system of domestic water and sewer facilities and

# **BOARD OF YAKIMA COUNTY COMMISSIONERS RESOLUTION**

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 the expense of The Town of Harrah. 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 reballasting, 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. The Town of Harrah shall, prior to any impairment of, or disturbance to said public highways, streets, roads, rights-of-way or parts thereof by reason of the laying domestic water and sewer facilities or repairing, or other operations contemplated hereunder, excepting emergency repairs made necessary by breakage of pipeline, 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. The Town of Harrah 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 the parcel owner(s) 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 the parcel owner(s) to Yakima County upon demand.
7. The Board of County Commissioners reserves the right to require The Town of Harrah to make, at the latter's own cost and expense, such changes or change in location of any particular domestic water and sewer facilities 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 pipeline owner(s) successors in interest without the express consent of the Board of County Commissioners of Yakima County, Washington, by written

**BOARD OF YAKIMA COUNTY COMMISSIONERS  
RESOLUTION**

order authorizing the same; but consent is hereby given to the mortgaging of the said franchise, together with the system of domestic water and sewer line(s) 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 is hereby granted to the aforementioned Town of Harrah, currently represented by the parcel owner(s), and is thus only transferable should the parcel owner(s) transfer ownership of said parcels. In the event that all or any part of the parcel owner's properties located on the above described property of Yakima County, Washington, for which this franchise is given are disposed of by direct sale, condemnation or otherwise to a public or municipal corporation, then this franchise shall terminate and become null and void, and it is hereby ordered that this franchise shall never be considered or claimed as an asset or a thing of value entitling said company to special compensation in any sale of such properties to any public or municipal corporation or in any condemnation suit by public or municipal corporation against said company wherein the value of said company's properties located upon the above described real property is an issue.
10. The franchise hereby granted may be revoked and forfeited by the Board of County Commissioners of Yakima County, Washington, in the event that the owner(s) shall fail, after reasonable notice or demand, to comply with any of the terms, conditions or obligations imposed upon the parcel owner(s) hereunder.
11. All expenses in connection with the posting and publishing of the notice of this hearing, as required by statute, shall be paid by the parcel owner(s).

**DONE**      FEB 02 2021

*Attest:*

\_\_\_\_\_  
Julie Lawrence, Clerk of the Board *or*  
Linda Kay O'Hara, Deputy Clerk of the Board

\_\_\_\_\_  
Ron Anderson, Chairman

\_\_\_\_\_  
Amanda McKinney, Commissioner

\_\_\_\_\_  
LaDon Linde, Commissioner  
*Constituting the Board of County Commissioners  
for Yakima County, Washington*