

ORDINANCE NO. 1243

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, GRANTING TO XO COMMUNICATIONS SERVICES, LLC, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE, AUTHORITY, AND NONEXCLUSIVE MASTER PERMIT, FOR FIVE YEARS, TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE, AND REPAIR A TELECOMMUNICATION SYSTEM, IN, ACROSS, OVER, ALONG, UNDER, THROUGH, AND BELOW THE PUBLIC RIGHTS-OF-WAY OF THE CITY

WHEREAS, XO Communications Services, LLC, a limited liability company (the “Company”) owns and operates a telecommunications system; and

WHEREAS, the City Council of Lake Forest Park (the “City”) has previously approved Master Use Permits for the Company by adoption of Ordinance no. 1017 and Ordinance no. 1131. The later will expire October 1, 2022; and

WHEREAS, the Company desires to obtain from the City a new Master Use Permit to continue to allow the Company to install, operate, and maintain a telecommunications system in the public rights-of-way of the City; and

WHEREAS, the City Council has the authority to grant Master Use Permits for the use of its streets and other public properties pursuant to RCW 35A.47.040, RCW Ch. 35.99, and Chapter 5.26 of the Lake Forest Park Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. GRANT MUP. The City Council hereby grants a Master Use Permit to Company for a telecommunications system, with terms and conditions substantially as set forth in Exhibit A hereto. The initial term of the Master Permit shall be 5 (five) years commencing on the effective date of this Ordinance, after which time the Master Use Permit may be renewed or reinstated by ordinance of the City Council for a term determined by the City Council. This Master Permit is issued pursuant to Chapter 5.26 LFPMC, which is incorporated herein by reference. Further, the City Attorney is authorized to make non-substantive, administrative edits to the Master Use Permit.

Section 2. SEVERABILITY. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court, the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance shall not be affected, unless the rights, privileges, duties, or obligations hereunder are materially altered, whereupon either party may request renegotiation of those remaining terms.

Section 3. EFFECTIVE DATE. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED BY A MAJORITY of the Lake Forest Park City Council this ____ day of _____, 2022.

APPROVED:

Jeff Johnson
Mayor

ATTEST/AUTHENTICATED:

Matt McLean, CMC
City Clerk

APPROVED AS TO FORM:

Kim Adams Pratt
City Attorney

Introduced: June 23, 2022
Adopted: _____
Posted: _____
Published: _____
Effective: _____