

**ORDINANCE NO. 4348**

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, GRANTING TO NEW CINGULAR WIRELESS PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, SUCCESSOR IN INTEREST TO AT&T WIRELESS SERVICES OF WASHINGTON, LLC, AN OREGON LIMITED LIABILITY COMPANY, D/B/A AT&T WIRELESS ITS SUCCESSORS AND ASSIGNS, AN EXTENSION OF THE FRANCHISE GRANTED UNDER ORDINANCE 3441, ESTABLISHING AN EFFECTIVE DATE

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**RECITALS**

**WHEREAS**, New Cingular Wireless PCS, LLC, successor in interest to AT&T Wireless Services of Washington, LLC, an Oregon limited liability company, d/b/a AT&T Wireless; its successors and assigns (“Permittee”), has an existing Master Use Agreement with the City of Edmonds that is ordinance 3441 (the “Underlying Agreement”), extended by Ordinance 4322, authorizing the installation of certain macro facilities in the city’s right of way with a term of twenty years; and

**WHEREAS**, the Underlying Agreement, as extended by Ordinance 4322, states an expiration of January 31, 2024; and

**WHEREAS**, the City invoiced Permittee in December 2023 the amount of \$4,900.05 for monies due under the Underlying Agreement, and Permittee has paid that amount; and

**WHEREAS**, the City has begun the process of obtaining an appraisal; and

**WHEREAS**, Permittee holds another franchise under Ordinance 3534 expiring in approximately one year; and

**WHEREAS**, both Permittee and the City would like to sync the Underlying Agreement with the franchise held under Ordinance 3534; and

**WHEREAS**, both Permittee and the City desire that the Underlying Agreement remain in effect for another several months to allow the City more time to explore funding for an appraisal and to sync the two franchises; and

**WHEREAS**, the City Council has the authority under RCW 35A.47.040, RCW 35.99.020 and Chapter 20.50 of the Edmonds Community Development Code to grant franchise agreements for the use of city right-of-way.

**NOW, THEREFORE,**

**THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON DO ORDAIN AS FOLLOWS:**

1. Term Extended. The Master Use Agreement authorized by Ordinance 3441 (the “Underlying Agreement”), the term thereof extended by Ordinance 4322, is amended to further extend its term: the term shall extend through August 31, 2024. For the avoidance of doubt, while the effective date of this ordinance may be after January 31, 2024, both Permittee and City agree all franchise rights and obligations extend continuously through August 31, 2024.
2. Annual Compensation Prorated During the Extended Term. The annual compensation as provided for in the Underlying Agreement shall be prorated during the extended term authorized in Section 1 of this ordinance. This prorated annual compensation shall be due and payable to the City of Edmonds within thirty (30) days of Permittee’s receipt of the City’s invoice. The City’s invoice may be sent to the following address:

AT&T Mobility TAG - Lease Administration  
Re: Urgent – City of Edmonds Franchise Invoice  
1025 Lenox Park Blvd NE  
3<sup>rd</sup> Floor  
Atlanta, GA 30319-5309

An electronic copy shall also be sent by the City to Permittee’s designated recipient.

3. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.
4. In all other respects, the Underlying Agreement between the parties is unchanged and shall remain in full force and effect.
5. 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 the passage and publication of an approved summary thereof consisting of the title.

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CITY OF EDMONDS

  
MAYOR MIKE ROSEN

ATTEST/AUTHENTICATED:

  
CITY CLERK SCOTT PASSEY

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

By:   
JEFF TARADAY

FILED WITH THE CITY CLERK:	February 14, 2024
PASSED BY THE CITY COUNCIL:	February 20, 2024
PUBLISHED:	February 23, 2024
EFFECTIVE DATE:	February 28, 2024
ORDINANCE NO.:	4348



**SUMMARY ORDINANCE NO. 4348**

of the City of Edmonds, Washington

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On the 20<sup>th</sup> day of February, 2024, the City Council of the City of Edmonds, passed Ordinance No. 4348. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, GRANTING TO NEW CINGULAR WIRELESS PCS, LLC, SUCCESSOR IN INTEREST TO AT&T WIRELESS SERVICES OF WASHINGTON, LLC, D/B/A AT&T WIRELESS, ITS SUCCESSORS AND ASSIGNS, AN EXTENSION OF THE FRANCHISE GRANTED UNDER ORDINANCE 3441, ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 20<sup>th</sup> day of February, 2024.



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CITY CLERK, SCOTT PASSEY

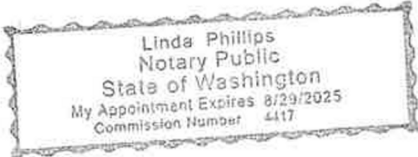
# Everett Daily Herald

## Affidavit of Publication

State of Washington }  
County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of ED1991956 ORDINANCE SUMMARY as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 02/23/2024 and ending on 02/23/2024 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$84.28. *[Signature]*



Subscribed and sworn before me on this 26<sup>th</sup> day of February, 2024

*[Signature]*

Notary Public in and for the State of Washington.  
City of Edmonds - LEGALADS - 14101416  
SCOTT PASSEY

**ORDINANCE SUMMARY**

of the City of Edmonds, Washington  
On the 20th Day of February, 2024, the City Council of the City of Edmonds, passed the following Ordinances, the summaries of said ordinances consisting of titles are provided as follows:

**ORDINANCE NO. 4343**

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING SECTION 1.03.020 ECC ENTITLED "POSTING OF NOTICES" TO REMOVE THE EDMONDS PUBLIC LIBRARY AS A POSTING LOCATION; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

**ORDINANCE NO. 4344**

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE CITY'S AUTHORIZED EMPLOYEE POSITIONS AND PAY RANGES AND REPEALING ORDINANCE 4336.

**ORDINANCE NO. 4345**

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CHAPTER 5.34 ECC (PERSONS, CRIMES RELATING TO) TO UPDATE THE REFERENCE TO STATE LAW REGARDING INTERFERENCE WITH HEALTH CARE FACILITIES OR PROVIDERS; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

**ORDINANCE NO. 4346**

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CHAPTER 5.34 ECC (PERSONS, CRIMES RELATING TO) TO ADOPT BY REFERENCE STATUTE PROHIBITING ABANDONMENT OF A DEPENDENT PERSON AND TO REMOVE REFERENCE TO CYBER STALKING STATUTE; PROVIDING FOR SEVERABILITY, AND SETTING AN EFFECTIVE DATE.

**ORDINANCE NO. 4347**

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CHAPTER 5.28 ECC (FRAUDS, SWINDLES AND FALSE REPRESENTATIONS) TO ADOPT BY REFERENCE STATE LAW PROHIBITING POSSESSION OF ANOTHER'S IDENTIFICATION; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

**ORDINANCE NO. 4348**

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, GRANTING TO NEW CINGULAR WIRELESS PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, SUCCESSOR IN INTEREST TO AT&T WIRELESS SERVICES OF WASHINGTON, LLC, AN OREGON LIMITED LIABILITY COMPANY, D/B/A AT&T WIRELESS ITS SUCCESSORS AND ASSIGNS, AN EXTENSION OF THE FRANCHISE GRANTED UNDER ORDINANCE 3441, ESTABLISHING AN EFFECTIVE DATE.

DATED this 20th Day of February, 2024,  
CITY CLERK, SCOTT PASSEY

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