

**RESOLUTION NO. 2013-09**

**A RESOLUTION** of the City Council of the City of Bainbridge Island delegating authority to the City Manager to approve licenses, permits, and agreements for the use of the City right-of-way.

**WHEREAS**, each year the City of Bainbridge Island receives a number of requests for license agreements relating to use of the City's right-of-way; and

**WHEREAS**, consistent with RCW 35A.11.010 (which provides in part that the City may "by and through its legislative body" enter into contracts), license agreements are generally considered and approved by City Council in open public session; and

**WHEREAS**, RCW 35A.13.080(1) provides that the City Manager shall have general supervision over the administrative affairs of City government; and

**WHEREAS**, RCW 35A.13.080(9) provides that the City Manager shall perform such other duties as the Council may determine by ordinance or resolution; and

**WHEREAS**, in order to streamline this license agreement process, the City Council has determined that the City Manager should be delegated the authority to issue licenses, permits and agreements for use of the City's right-of-way, subject to certain parameters set forth in this Resolution; now, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND:**

Section 1. Delegation of Authority. The City Manager is hereby authorized to issue and to enter into such licenses, permits or other agreements as the City Manager may determine to be necessary and proper in order to manage the use of the City's right-of-way. Any such license, permit, or other agreement shall contain the following provisions:

A. Use. All licenses, permits, and agreements shall specify the use or improvement to be authorized. No use or improvement other than that specified in the license, permit, or agreement shall be allowed.

B. Interference. The allowed use or improvement shall not interfere with existing or planned City uses or improvements.

C. Nature of Rights. All licenses, permits, and agreements shall grant only the permission to use the specified land for the specified purpose; no right, title, or interest in the land itself shall be conveyed.

D. Revocation and Termination. All licenses, permits, and agreements issued or agreed to by the City Manager shall be revocable and terminable at any time at the will of the City, with no cause required for such revocation or termination.

E. Indemnity. All licenses, permits, and agreements issued or agreed to by the City Manager shall provide for the City, its officers, agents, and employees, to be indemnified, defended and held harmless from any and all claims, demands, losses, expenses, liens, charges, and liabilities of any description (including attorney's fees and costs incurred by grantor in

connection therewith) for injury, sickness, or death of persons or damage to, loss of, or destruction of property arising, in whole or in part, from the licensee's, permittee's, or user's use or improvement of the right-of-way under the license, permit or agreement. To the extent necessary to fulfill this obligation, the licensee, permittee, or user must expressly agree that the indemnity obligations shall apply to claims brought against the City, its officers, agents, and employees, by employees of the licensee, permittee, or user, notwithstanding any immunity provisions of the worker's compensation or industrial insurance statutes.

F. Non-Transferable. All licenses, permits, or other agreements shall be personal to the licensee, permittee, or user and shall not be transferable to any person, firm, or entity without the express written consent of the City.

G. Other Permits. Obtaining a license, permit, or other agreement authorized by this Resolution shall not operate to relieve the licensee, permittee, or user from obtaining any and all other permits required by the City or any other governmental agency for the use or improvement authorized.

H. Compliance with Laws. All uses authorized under licenses, permits, and agreements issued or entered into under the authority of this Resolution shall comply with all federal, state, and local laws, rules, regulations, ordinances and codes.

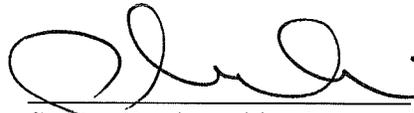
I. Non-Motorized Transportation Plan. All uses shall be consistent with the Non-Motorized Transportation Plan.

J. Other Reasonable Terms. The City Manager is authorized to impose such other reasonable terms and conditions on licenses, permits, and agreements issued or entered into under the authority of this Resolution which the City Manager determines are necessary for the proper management of the City's right-of-way.

Section 2. Effective Date. This Resolution shall become effective immediately upon passage by the City Council.

**PASSED** by the City Council this 24<sup>th</sup> day of April, 2013.

**APPROVED** by the Mayor this 24<sup>th</sup> of April, 2013.

  
Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:

  
Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK: April 19, 2013  
PASSED BY THE CITY COUNCIL: April 24, 2013  
RESOLUTION NO. 2013-09