

**FIRST AMENDMENT
NON-EXCLUSIVE RIGHT OF USE AGREEMENT &
NON-EXCLUSIVE FRANCHISE
F-69**

AN ORDINANCE approving an Amendment to the renewal period of the current non-exclusive Right of Use Agreement and non-exclusive Franchise between the City of Tacoma and Pierce Transit, extending the renewal term an additional five-years and amending the current expiration from January 1, 2024 to January 1, 2029, for transit-related infrastructure within City rights-of-way.

WHEREAS the Pierce County Public Transportation Benefit Area Corporation (“Pierce Transit”) was established under RCW 36.57A and is vested with the powers necessary to construct and operate a public transportation system benefitting Pierce County residents, and

WHEREAS, pursuant to Ordinance No. 28365, passed July 12, 2016, the City entered into a non-exclusive Right of Use Agreement and non-exclusive Franchise with Pierce Transit, retroactive to January 1, 2014, to construct, install, operate, own, control, repair, and maintain bus stops, shelters, amenities, and advertising shelters within the public right-of-way areas, and

WHEREAS the initial term of the agreement was for a five-year period, which expired on January 1, 2019, and

WHEREAS the agreement included an option to renew for an additional five-year period, expiring January 1, 2024, which Pierce Transit had exercised under approval of Ordinance No. 28535 on November 20, 2018, and

WHEREAS during this additional five-year renewal extension, staff from the City and Pierce Transit will work toward an amendment to the agreement, with the intent to establish an extended term and to consider any other adjustments to current language that either party feels are necessary,

WHEREAS, all remaining terms and provisions shall remain unchanged; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That the extension of the renewal term of the non-exclusive Right of Use Agreement and non-exclusive Franchise between the City of Tacoma and Pierce

Transit for an additional five-year period, from January 1, 2024, to January 1, 2029, for transit-related infrastructure within City rights-of-way, is hereby approved.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney