An ordinance granting to Fred E. Sander, incorporated and his assigns, a permit to operate an electric railway in the town of Kent.

BE IT ORDAINED by the council of the town of Kent:

Section 1. That there be and is hereby granted to Fred E. Sander, incorporated of Seattle, Washington, and his assigns, the right, privilege, authority and permit, for and during the period of Fifty years, from the date of the passage of this ordinance and subject to all the conditions, provisions and reservations thereof, to locate, lay down and maintain tracks for an electric railway, and to construct, equip, operate and maintain an electric railway line in the Town of Kent, King County, Washington, and to carry passengers and freight thereon, and to charge and collect fares and freight for such carriage on and along the following designated route in the City of Kent, aforesaid, to wit:

Beginning at the North end of Lincoln Street, thence South to the intersection and across Meeker Avenue, thence East along Meeker Avenue to Northern Pacific Railway, and South from Howe Street on Fifth Street to the North side of City Limits.

Provided: that the right, permit and franchise herein granted, shall be forfeited as to all streets and alleys above named, upon which the said Fred E. Sander, incorporated and his assigns shall have failed to construct, complete, equip and operate an electric railway as herein provided within eighteen months from and after the date of the passage of this ordinance.

Section 2. That there be and is hereby granted to the said Fred E. Sander, incorporated and his assigns, the further right, privilege, authority and permit, for and during the period of Fifty years from the date of the passage of this ordinance, to run their electric railway cars over and through any of the streets of avenues of the said Town of Kent, over the railway tracks of any other person or corporation that shall grant permission
so to do to the same extent and under the same conditions and
restrictions that shall govern the right and franchise of such
person or corporation whose track shall be used.

Section 3. That before the track of the said grantees herein,
on the above designated route, be laid down, all damages or injury
to be occasioned thereby, to property abutting on any street, avenue
or public place along which such track is to be laid down, shall be
ascertained, and compensation made therefor, by said grantees in the
manner provided by law.

Section 4. That said Electric Railway, on the above designated
route, may consist of either a single or double track, or partly
single and double track, and any portion or portions thereof may be
changed from single to double track at any time or times, all at
the option of the said grantees or their assigns, all such single
track as may be laid shall be constructed with all the switches,
turnouts and side tracks necessary to the full and proper equipment
thereof, and such turnouts and sidetracks may be of such length and
so situated as said grantees or their assigns may deem expedient
for the convenient and proper operation of an electric railway,
subject, however, to the approval of the common council of the said
Town of Kent. Where double track shall be laid the tracks shall
be as nearly as may be equal distance from the centre of the street,
on which the same are laid. The track of said electric railway shall
be of standard gauge. The rails of said track shall be of steel,
and shall be laid so that the tops thereof shall be as nearly as
practicable at the established grade of the street at the place
where they are laid, or even with the surface of the travelled road-
way, in streets not brought to the established grade; and the space
between the rails and for one foot on each side thereof shall be
either planked or gravelled, so that vehicles of all kinds may
easily cross the same. Whenever said track or tracks shall be
crossed by the track or tracks of any other line of railway the
rails of each shall be altered or cut so as to permit the cars of
each to pass without obstruction. Said grantees, their successors
and assigns in constructing said railway, shall not tear up the street of obstruct travel thereon any further than is unavoidable, and shall keep said railway at all times in good repair, and upon the completion of the construction thereof and of any repairs thereon shall leave any and all streets torn up or obstructed thereby, in as good repair and condition for travel as the same were in before the beginning of such construction or repair. And whenever and to whatever extent the said Town of Kent shall cause any street or streets in which any part of said railway shall have been laid, to be paved or planked, said grantees herein, their successors or assigns shall at the same time, at his or their own expense, pave or plank the space between the said tracks and the rails thereof, and for one foot on each side of the outer rails in the same manner, at the said level, and with the same materials as shall be used in paving or planking the rest of such street or streets; and whenever said track or tracks shall cross any street or streets, the Town of Kent preserves the right to compel the said grantees, their successors and assigns, to pave or plank between the tracks and for one foot on each side thereof for the full width of said street or streets.

All poles and wires and all appliances connected therewith, and the material and construction of the roadbed shall be built in the approved mode and so as to interfere as little as practicable with any other public use of the streets, and both the material and workmanship thereof shall be of the best kind and quality.

Said grantees herein and their assigns are hereby granted the permission and authority to enter upon any and all the streets above named and comprised in the route hereinabove designated, for all the purposes contemplated in this ordinance, and to construct, maintain, equip and operate thereon said line of railway, authorised hereby, and to cross the tracks of any other lines of railway, that the above designated line may intersect, and to place, erect and maintain any and all necessary posts, columns, wires, tracks, conduits and appliances which may be required in the construction of such lines of railway, or for the operation of the same.

Section 5. That in the operation of the said railway, the said
grantees herein and their assigns, shall employ electricity as the means of traction of its cars, and may use, overhead wire system, or storage battery or other electric system that is known or that may hereafter be invented or discovered; provided, however, that no motive power or means of traction shall be used on said railway, which from its nature, appearance or mode of use shall in any substantial degree interfere with, or impede public travel on any of said streets of said town, or in any substantial degree encroach upon the rights of the public thereon.

The cars used on said railway shall be of proper construction and equipment, for the safety, comfort and convenience of passengers, and shall be provided with brakes and all necessary appliances for stopping the same when required.

Section 6. That the cars used on said railway shall not be run in the business and settled residence portions of the said Town of Kent at a rate of speed exceeding ten miles per hour; and the Town of Kent reserves the right at any and all times to limit by ordinance the rate of speed at which cars shall be moved through any of its streets.

Section 7. That the said grantees herein and their assigns shall have the right at any and all times to make such reasonable rules and regulations for the management and operation of said railway as may be deemed requisite and as shall not conflict with the laws of the State of Washington, or with the ordinances of the said Town of Kent.

Section 8. That the said grantees herein and their assigns shall at all times during the continuance of this permit granted by this ordinance, permit any other person or corporation, that may be authorized by the said Town of Kent so to do, to run his or its railway cars over and along any main track or tracks of said railway, over any of said streets, or upon private rights of way, granted herein upon the above designated route, upon such rates and terms of compensation for the use of said tracks as may be agreed upon between said grantees or their assigns and such other person or corporation, and subject to priority of rights of said
grantees and their assigns and to reasonable regulation by the
said grantees herein or their assigns, of the use of such tracts by
such person or corporation.

Section 9. That any person willfully or unlawfully obstructing
or interfering with either the construction or operation of said
railway, shall be deemed guilty of a misdemeanor and upon conviction
thereof shall be punished by a fine of not less than Five Dollars
nor more than Twenty days, or both.

Section 10. This ordinance shall not be construed so as to
deprive the Town of Kent of any powers, rights or privileges which
it now has or may hereafter receive to regulate the use and control
of the streets and alleys of said Town: and nothing herein contained
shall be construed so as to prevent the Town of Kent from savoring,
grading, macadamizing, paving, planking, repairing, altering, or
improving any of the streets of said town, nor shall the Town of
Kent be liable to the grantees or their assigns for any damage
that they may suffer by reason of the performance of any such work
of street improvement, or by reason of the exercise of any right
reserved in this section. The Town of Kent reserves to itself the
right, at any and all times, whenever it may deem it advisable, to
establish the grade of any street, and to change the established
grade on any street over or along which said railway shall have
been constructed, without thereby incurring any liability to said
grantees or their assigns, and upon receiving notice so to do from
the said Town of Kent or its officers, said grantees or their
assigns shall, promptly, and at their own expense, change the
structure of said railway upon any street, avenue or public place,
whereof the grade shall have been established, or the established
grade changed; and in event of their failure so to do within twenty
days after receiving such notice, then said Town of Kent may change
the structure of said railway, so as to conform the same to such
established grade, and shall not be liable to said grantees and
their assigns for any resulting damage, but said grantees and their
assigns shall be liable to the town of Kent, and on demand, shall
pay to said Town, the entire expense of such change of structure
of said railway.

Section 11. That whenever any person shall have obtained permission to use any of the streets of the said Town of Kent for the purpose of removing any building or buildings, said grantees, their successors or assigns, upon forty-eight hours notice from such person, shall raise or remove any of the wires or poles which may obstruct the removal of such building or buildings, so as to allow the free and unobstructed passage of the same. Said notice shall be in writing, and served by any person competent to be a witness in a civil action, upon said grantees, their successors or assigns, or upon their respective agents and in case of refusal of the grantees or their successors or assigns to comply with such notice, or remove any proper officer of the Town of Kent shall raise such wires or poles and the said grantees, their successors or assigns shall pay said town the expense thereof. Provided, that in moving any building across the said tracks of the said railway there shall be no unnecessary obstruction of the traffic upon or operation of the said railway.

Section 12. That all and singular the rights, privileges, authorities and franchises by this ordinance granted, shall be in force and continuance for the period of fifty years from the date of the passage of this ordinance, except the same and all thereof may at any time on the failure of any of the following specified conditions, or within ten days thereafter, be declared by the common council of the Town of Kent to be forfeited and thereupon, and thereby shall become forfeited; that is to say:

(a) Unless, within thirty days after the passage of this ordinance, the grantees herein or their assigns shall file in the office of the clerk of the said town, their acceptance of the rights, privileges, authorities and franchises herein granted, subject to all the conditions, provisions and reservations herein contained.

(b) Unless from and after the time of completing the construction and equipment of the said line of railway as aforesaid, said grantees herein or their successors or assigns, shall con-
continuously, except at such times as they shall be prevented therefrom by irresistible force or inevitable accident, maintain and operate such complete line of railway, by running at least one car for the transportation of passengers over the whole length of said line from First Avenue South, in the said City of Seattle, to and through the Town of Kent, five times each way between the hour of six o'clock A.M. and the hour of Twelve o'clock Midnight of each day.

(c) Unless the said grantee herein and their assigns shall at all times keep and perform the covenant and indemnity on their part created by the following section of this ordinance:

Section 13. That the grantee herein by accepting the benefits of this ordinance, covenants for himself and his assigns, with the town of Kent, its successors and assigns, that the said grantee and his assigns, will at all times keep and save harmless, said Town of Kent and its successors from and against any and all liability, loss, damages, costs, trouble and expense which may at any time arise or occur by reason of the construction, maintenance, operation or repair of said lines of railway or either thereof or by reason of anything that may at any time be done by said grantee or his assigns, by virtue of this ordinance.

Section 14. That this ordinance shall take effect and be in force from and after five days from its publication.

Passed this 26th day of August, 1900

Approved by me this 27th day of August, 1900.

George Wood
Mayor of the Town of Kent.

Published Sept 1st, 1900.