ORDINANCE NO. 108

An Ordinance approving the location of the line of railway of Seattle-Tacoma Interurban Railway, a corporation, along and across certain streets, alleys and avenues in the Town of Kent and granting to said corporation the right, authority and permission to locate, lay down and maintain railway tracks, poles, wires and appurtenances and to run and operate cars on and across said avenues, alleys and streets.

WHENAS Seattle-Tacoma Interurban Railway, a Washington corporation, has definitely located its line of railway to be constructed and operated as a common carrier of passengers and freight through the Town of Kent on a strip of land one hundred (100) feet wide, being fifty (50) feet on each side of a center line described as follows: Beginning on the south boundary of the Town of Kent at a point fixed by starting from the south line of section twenty-four (24), township twenty-two (22) north of range four (4) east, at a point five hundred twenty (520) feet west of the quarter section corner on the south line of said section twenty-four (24), and running thence north, five degrees and fifty-three minutes west, to the south boundary of the Town of Kent, and from said point on the south boundary of the Town of Kent running north, five degrees and fifty-three minutes west, to a point which bears north, five degrees and fifty-three minutes west, twenty-eight hundred seventy-six (2876) feet from said starting point on the south line of said section twenty-four (24), thence with a one degree curve to the right through five degrees and forty-two minutes of curvature, five hundred seventy (570) feet, thence north, no degrees and eleven minutes west, seventeen hundred seventy-nine and four tenths (1779.4) feet to the north line of said section twenty-four (24) at a point eight hundred twenty-nine (829) feet west
of the quarter section corner on the north line of said section twenty four(24), thence continuing north, no degrees and eleven minutes west, to the north boundary of the Town of Kent, and

WHEREAS the said location of said line of railway includes a portion of Seventh Street in Crow's First Addition to Kent and also crosses Willis Street and Meeker Avenue and other streets, alleys or avenues, and

WHEREAS the construction and operation of said line of railway for the carriage of passengers and freight is for the public interest of the Town of Kent,

NOW THEREFORE, AS IT IS ORDAINED BY THE COUNCIL OF THE TOWN OF KENT:

Section 1. That the definite location of the line of railway of the Seattle-Tacoma Interurban Railway, a Washington corporation, which definite location is recited in the preamble of this ordinance, be and the same is hereby approved along and across the streets, alleys and avenues of the Town of Kent and that there be and is hereby granted to said corporation, its successors and assigns, the right, authority and permission to locate, lay down and perpetually maintain tracks for its railway along Seventh Street in Crow's First Addition to Kent and across Willis Street, Meeker Avenue and along and across any and all other streets, alleys and avenues of the Town of Kent within fifty (50) feet on each side of the center line set forth in the preamble of this ordinance, and perpetually to run and operate therewith cars for the transportation of passengers and freight, subject to the provisions and requirements of this ordinance.

Section 2. Before the track of said grantees on the above designated route shall 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, its
successors or assignees, in the manner provided by law.

Section 3. That said line of railway on the above designated route may consist or either a single or double track, or partly single and partly 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 said grantee, its successors or assignees, and the same may be constructed with all the switches, turnouts and side-tracks necessary to the full and proper equipment thereof. The tracks of said 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 or avenue where they are laid and the space between the rails and for one(1) foot on each side thereof shall be either planked or gravelled so that vehicles of all kinds can 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. The said grantee, its successors or assignees, in constructing said railway, shall not tear up the street or 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 thereof, 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
grantee herein, its successors or assigns, shall at the same time
at its or their own expense pave or plank the space between the
said tracks and the rails thereof and for one(1) foot on each
side of the outer rails, at the same level and with the same
material as shall be used in paving or planking the abutting
portions of said street or streets.

All poles and wires and all appliances connected
therewith and the material and construction of the road-bed shall
be such as to interfere as little as is practicable with any
other public use of the streets, and both material and workman-
ship shall be of first class kind and quality.

Said grantee, its successors and assigns, are hereby
granted the right, authority and permission to enter upon any and
all streets, avenues and alleys on said designated route for all
purposes contemplated in this ordinance and to construct, equip
and perpetually maintain and operate said line of railway on said
designated route and to place, erect and perpetually maintain on
any and all such streets, avenues and alleys any and all necessary
posts, columns, wires, tracks, conduits and appliances which may be
required in the construction, maintenance or operation of such
railway.

Section 4. That, in the operation of said railway, said
grantee, its successors and assigns, may employ electricity or
other power as the means of traction of its cars and, if electricity
is employed, any electrical system that is now known or that may
hereafter be invented or discovered may be used; provided however
that no motive power or means of traction shall be used in said
railway which, from its nature, appearance or mode of use, shall
substantially and unreasonably interfere with or imperil public
travel on any of said streets or avenues or encroach upon the
rights of the public thereon. The cars used on said railway shall be of proper construction and equipment and shall be provided with brakes and all necessary appliances for stopping the same when required. Said railway shall be subject to the laws and regulations of the State of New York. Section 5. This ordinance shall not be construed so as to deprive the Town of Kent of any rights, powers or privileges which it now has or may hereafter receive to regulate the use and control of streets and alleys of said town and nothing herein contained shall be construed so as to prevent the Town of Kent from sewer ing, 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 grantee, its successors or assigns, for any damage which 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.

Section 6. That whenever any person shall have obtained permission of the Town of Kent to use any street of said town for the purpose of moving any building, the said grantee, its successors or assigns, upon forty-eight (48) hours' written notice from the Mayor of said town, shall raise or remove any of its or their wires which may obstruct the removal of such building so as to allow the passage of such building across, but not along, any street on which the trolley wire of said grantee, its successors or assigns, may be erected; provided that such crossing shall be done at such reasonable hour of the night and in such reasonable manner as shall cause least interference with the traffic on the lines of said grantee, its successors or assigns.

Section 7. The grantee herein, by accepting the benefits of this ordinance, covenants for itself and its successors and assigns...
with the Town of Kent and its successors, that said grantee, its successors and assigns, will at all times keep and save harmless said Town of Kent and its successors from and against any and all liability, loss, damage, cost and expense which may at any time arise or occur by reason of the construction, maintenance, operation or repair of said line of railway, or any part thereof, or by reason of anything that may at any time be done by said grantee, its successors or assigns, by virtue of this ordinance.

Section 8. Within thirty(30) days after the passage of this ordinance, the grantee herein shall file in the office of the Clerk of said Town its acceptance of the rights, authorities and permission hereby granted, subject to all the requirements, provisions and reservations herein contained; and unless such written acceptance be so filed this ordinance shall thereupon become null and void.

Section 9. This ordinance shall take effect on and after five days from its publication.

Passed the Town Council this 21st day of September 1901.

Mayor of the Town of Kent.

Approved by me this 21st day of September 1901.

Mayor of the Town of Kent.

Attent:

Clerk of the Town of Kent.