An ordinance granting to the Pacific Coast Condensed Milk Company, a corporation, permission to lay and maintain a four inch water pipe along, upon and across certain portions of First Street and Smith Street, and a certain unnamed street extending southward from Smith Street at a point about 1875 feet east from its intersection with First Street, in the Town of Kent, and prescribing conditions and limitations incident thereto.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF KENT:

Section 1. There shall be and is hereby granted to the Pacific Coast Condensed Milk Company, a corporation, organized, existing and doing business under and by virtue of the laws of the State of Washington and to its assigns and successors in interest, permission and authority to locate, lay down and maintain a four inch water pipe along across and upon First Street and Smith Street and that certain unnamed street leading southerly from Smith Street at a point about 1875 feet east of its intersection with First Street, in the town of Kent, following approximately the following lines, to wit:

Entering the said First Street from the factory of the said company and intersecting the west marginal line of said street at lot 3 in block 4 of Yepler's First Addition to Kent, running thence across the said First Street diagonally in a north easterly direction to a point about eight feet west of the east marginal line of said street, thence north along said First Street to a point about eight feet north of the south marginal line of said Smith Street, thence east along said Smith Street about 1793 feet keeping about eight feet north of its south marginal line, thence southeasterly to the south marginal line of said Smith Street; also across the said unnamed street at a point about 80 feet south of its intersection with said Smith Street. Said water pipe to be used for the purpose of conveying water to the said factory of the said company for use in operating said factory and for no other purpose whatsoever.

Section 2. The rights, privileges and permission herein granted shall be in force and continue during a period of ten years from the date of the passage of this ordinance; provided that the same may at any time be revoked by the council of the said town, upon the failure of the Pacific Coast Condensed Milk Company to comply with the conditions of this ordinance or any of them, after thirty days notice in writing first given to the said company.
Section 3. The said Town of Kent reserves and shall at all times reserve the right to the full and complete control of the said streets the same as it now has, and the same as it has over other streets in the said town. And the said company shall in laying and maintaining moving and removing, covering and uncovering the said pipe line or any portion thereof at any time, and at all times, do and perform any and all work therein and thereon in such a manner as not in any way to molest or obstruct any of the lines of water pipe or any sewer pipes or conduits belonging to the said town. And in case the said town shall at any time wish to lay water pipes or sewers or conduits for any purpose across or along the line occupied by the water pipes the said company shall immediately upon ten days notice by the said town, in writing, remove such of its water pipe as shall in any way interfere with or impede the said town in placing such water pipe, sewers or conduits; and shall at all times keep their line in such condition as to afford the least possible obstruction to the said town in the control and care of the said streets.

Section 4. The said Company shall be liable primarily to any and all persons who may sustain damages by reason of the negligence of the said company in the laying and maintaining of the said pipe line, or by reason of any structures or excavations of the said company made or erected in the process of laying, maintaining or repairing or removing the said pipe line.

Section 5. Upon the termination of the permit herein granted, either by lapse of time, or by its earlier forfeiture by the said Company, it shall remove all of the said water pipe and carefully fill all excavation made for the purpose of such removal, to the level of the balance of said streets.

Section 6. If at any time during the life of this permit, any person living along or having a riparian interest or right in the waters
of the stream known as the Smith Mill Creek, below the point where
the said Company shall take water therefrom, shall have good cause
to complain and shall make complaint to the said Town in writing that
water is being taken from the said creek by the said company in such
quantities as to reduce the volume of water therein at the point
where the complainants riparian rights attach, to such an extent as
to be a material damage to such complainant, and it shall appear to the
said town after investigation by its council that the complaint is
just and true, then upon five days notice the said company shall cease
to take water from the said stream until the consent of the said town
in writing be first obtained therefor; and any violation of the con-
ditions of this section shall work a forfeiture of the permit herein
granted.
Section 7. The said company shall within thirty days from the passage
in writing of this ordinance accept the permit herein granted and accept the
conditions under which it is granted, otherwise the said permit shall
be and stand annulled without further act of the said Town.
Section 8. This ordinance shall be in force from and after it pas-
sage/approval and publication.

Passed ____________ 1903.
Approved ____________ 1903.
Published ____________ 1903.