AN ORDINANCE of the City of Kent, Washington granting to the Union Pacific Railroad Company, a Utah corporation, its successors and assigns, the right, privilege and authority to construct, maintain and operate a railroad spur track upon and across 68th Avenue South (S. R. 181-West Valley Highway) in the City of Kent, King County, Washington.

WHEREAS, the Union Pacific Railroad Company, a Utah Corporation, has filed with the City of Kent a Petition with explanatory map attached thereto, requesting a franchise to construct, maintain and operate a railroad spur track at common grade upon and across 68th Avenue South (S. R. 181-West Valley Highway) in the City of Kent, the centerline of said track intersecting the centerline of said avenue at a point distant approximately 435.93 feet South, measured along said avenue centerline, of the Northwest corner of Section 13, Township 22 North, Range 4, E. W. M., located in King County, Washington, a copy of said Petition and attached explanatory map being on file in the office of the City Clerk; and

WHEREAS, a separation of grade of said crossing is neither practicable or justified;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. That the City of Kent, Washington, hereinafter called "The City," does hereby grant to the Union Pacific Railroad Company, a Utah Corporation, its successors and assigns, hereinafter called "The Grantee" the franchise and privilege of constructing,
maintaining and operating a railroad spur track at common grade upon
and across 68th Avenue South (S. R. 181-West Valley Highway) in the
City of Kent, Washington, the centerline of said track intersecting the
centerline of said avenue at a point distant approximately 435.93 feet
south, measuring along said avenue centerline, of the Northwest corner
of Section 13, Township 22 North, Range 4, E. W. M., located in Kent,
King County, Washington, provided that the construction of said track at
common grade upon and across said avenue shall be completed in a
manner satisfactory to the Kent City Engineer and any other applicable
authority.

Section 2. The Grantee shall pay the entire cost and expense of
constructing said track across said avenue as it now exists or as it may
be changed from time to time; provided, however, that nothing contained
herein shall prevent the Grantee from charging any other railroad company,
or companies, to which grantee may grant or assign an interest in said
track, or the franchise hereby granted, a portion of the cost and expense
of constructing and maintaining said track.

Section 3. Said track shall be laid and maintained at common
grade with said avenue as said grade now exists, or as said grade may
be hereafter changed by the City of Kent, and the Grantee shall plank the
travel portion of said avenue between the rails and for one foot on each
side thereof and shall maintain said planking in good repair.

Section 4. The Grantee shall not store cars within or upon said
avenue, nor shall said Grantee stop cars on said avenue for switching
operations, and further said Grantee shall not use said track in such a
manner as to unreasonably interfere with travel upon and along said avenue;
and, further, the Grantee shall not conduct switching operations on said
spur track across said avenue during the hours of 6:30 A. M. to 9:00 A. M.
and 3:00 P. M. to 6:00 P. M. daily.
Section 5. The franchise hereby granted shall not be taken to restrict the rights of the City to enter upon that portion of said avenue where said track is located for the purpose of locating, re-locating, constructing, maintaining, repairing, or removing any public works, utilities, or facilities under or over said track, but said work shall be so prosecuted by the City, its contractors, servants and agents as to not unnecessarily interfere with the movements of railroad engines, cars and traffic over said track, the City reserving the same control over that portion of said avenue as it has over other public streets in said City.

Section 6. The Grantee shall hold the City harmless from any and all liability and damage occasioned by the construction and operation of said track, or by the operation of any engine, train, railway car or cars upon said track.

Section 7. As partial consideration for the granting of this franchise, the Grantee promises the City that the Grantee shall pay the cost of constructing any future grade crossings of said track with 72nd Ave. So. or 64th Ave. So., and the Grantee shall pay for any equipment for constructing any such crossings and shall construct such crossings to the standards of the City and other applicable public authority.

Section 8. The grades on all crossings referred to in this franchise shall be according to the standards established by the City of Kent.

Section 9. Prior to exercising the franchise privileges granted herein, the Grantee shall obtain any permits necessary to operate said spur line from applicable public authority.

Section 10. The franchise privileges granted herein shall be effective for ten (10) years from and after the final passage of this Ordinance.

Section 11. This Ordinance shall not take effect until it is passed upon during a regular Council meeting, subsequent to its introduction at a
previous regular Council meeting; once it has received the favorable votes of five (5) members of the Kent City Council it shall thereafter take effect five (5) days after its passage, approval and publication as provided by law.

ALEX THORNTON, MAYOR

Attest:

MARIE JENSEN, CITY CLERK

Approved as to form:

JOHN B. BEREITER, CITY ATTORNEY

PASSED THIS 20 DAY OF ___________ 1967.

APPROVED this 21 day of ___________ 1967.

PUBLISHED this 27 day of ___________ 1967.

I hereby certify that this is a true copy of Ordinance No. 1491 passed by the City Council of the City of Kent and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK (SEAL)