ORDINANCE NO. 1497

AN ORDINANCE of the City of Kent, Washington, granting to the Northern Pacific Railway Company, a Wisconsin corporation, its successors and assigns, the right, privilege and authority to construct, maintain and operate a railroad spur track upon and across 84th Avenue South (East Valley Highway) in the City of Kent, King County, Washington.

WHEREAS, the Northern Pacific Railway Company, a Wisconsin 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 84th Avenue South (East Valley Highway) in the City of Kent, the centerline of said crossing described as follows:

Beginning at the intersection of the west line of East Valley Highway, also known as 84th Avenue South, with the intersection of the center line of South 212th Street; thence north along said west line 440 feet to the true point of beginning of line herein described; thence east parallel with said center line of said South 212th Street to the east margin of said highway being the terminus of line herein described, all lying within the northeast quarter of Section 12, Township 22 North, Range 4 E.W.M. and the northwest quarter of Section 7, Township 22 North, Range 5 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; and

WHEREAS, at the hearing held on said Petition on the 20th day of November, 1967, said Petition was favorably approved by a vote of at least five (5) members of the Kent City Council;

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 Northern Pacific Railway Company, a Wisconsin 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 84th Avenue South (East Valley Highway) in the City of Kent, Washington, the centerline of said crossing described as follows:

Beginning at the intersection of the West line of East Valley Highway also known as 84th Avenue South with the intersection of the center line of South 212th Street; thence North along said West line 440 feet to the true point of beginning of line herein described; thence East parallel with said center line of said South 212th Street to the East margin of said highway being the terminus of line herein described, all lying within the Northeast quarter of Section 12, Township 22 North, Range 4 E.W.M. and the Northwest quarter of Section 7, Township 22 North, Range 5 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. The grades on all crossings referred to in this franchise shall be according to the standards established by the City of Kent.

Section 8. 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 9. The franchise privileges granted herein shall be effective for ten (10) years from and after the final passage of this Ordinance.

Section 10. 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.

ATTEST:

MAYOR

MARTIE JENSEN, CITY CLERK
Approved as to form:

JOHN B. BEREITER, CITY ATTORNEY
INTRODUCED THIS 20 DAY OF November, 1968.
PASSED THIS 19 DAY OF Dec., 1968.
APPROVED this 20 day of Feb., 1968.
PUBLISHED this 28 day of Feb., 1968.

I hereby certify that this is a true copy of Ordinance No. 1497
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)