AN ORDINANCE granting to the CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY OF WASHINGTON, and its successors and assigns, the right, privilege and authority to locate, lay down, construct maintain and operate railway tracks in, along, upon, over and across certain public streets in the town of Kent, King County, Washington, together with all telegraph and telephone lines, necessary or convenient to the operation of said railway.

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

Section 1. The Town of Kent, King County, Washington, does hereby grant to the Chicago, Milwaukee & St. Paul Railway Company of Washington, its successors and assigns, in perpetuity, the right privilege and authority to locate, lay down, construct, maintain and operate one or more tracks of standard gauge railway, together with all needful crossovers, and connections between any of said tracks and any other thereof, or any other tracks adjacent thereto, and all necessary side or spur tracks, turnout, yard tracks or connecting tracks, along, upon, over and across the streets, within the limits of said town, herein-after named, and also a right of way over and across the same for said railway tracks, and for such telegraph and telephone lines as may be necessary or convenient for the operation and maintenance thereof, and the right to operate locomotives and cars upon said tracks or any thereof. The construction and operation of a single track, under this ordinance, shall not be construed as a waiver or abandonment of the right to construct and operate additional tracks thereafter.

Section 2. The tracks of standard gauge railway and the telegraph and telephone lines, the locating, laying down, construction, maintenance and operation thereof are authorized by
this ordinance and the right of way hereby granted for the same are described as follows:

Such tracks of standard gauge railway, including main, side, spur, and crossover tracks and connections, and such telegraph and telephone lines, the construction of which may at any time be necessary or convenient for the operation and maintenance of the railway tracks aforesaid, in, along, upon, over and across, at grade, all those portions of the streets hereinafter described, to wit:-

That portion of Crowe Avenue, lying between the east and west lines of lot six (6), Block A, Crowe's Addition, produced south across said Crowe Avenue.

That portion of Willis Street lying between the west line of lot one (1), Block A Crowe's Addition, produced north across said Willis Street and the west line of lot three (3), Block three (3), Car Line Addition, produced south across said Willis Street.

That portion of Meeker Avenue lying between the west line of lot nine (9), Block one (1), Rasmussen's Addition, produced south across said Meeker Avenue and a line drawn across said Avenue from a point, one hundred eighty (180) feet west of the north west corner of Block fifteen (15), Yesler's First Addition, measured along the south line of said Meeker Avenue, to the southeast corner of lot ten (10), Block one (1), Rasmussen's Addition.

That portion of Shinn Avenue lying between the east and west lines of lot one (1), Block one (1), Rasmussen's Addition, produced north across said Shinn Avenue, as said streets are shown on the plats of the Town of Kent, on file in the office of the County Auditor of King County.
Section 3. The grant in this ordinance contained is made expressly subject to the following conditions and requirements, to wit:—

1st. The Town of Kent shall retain the same control of the streets in and across which such railway tracks shall be laid down, as over other streets, and shall have such further control over such right of way as the laws of the State of Washington, now or hereafter permit; and said town reserves to itself, and its grantees, the right to carry water mains, sewer mains, gas pipes, conduits and other public utilities, underneath, or wires above, any and all of the tracks herein authorized to be laid in, upon, over and across such public streets, which rights shall be exercised however, so as to interfere as little as practicable with the use of the said tracks, and so as to leave the said right of way occupied thereby restored to as good condition as may be, consistent with the reasonable exercise of such rights by said town.

2nd. That in the operation of the tracks authorized by this ordinance, said grantee, its successors and assigns, shall have the right to use steam power, or any other motive power as it or they may deem suitable, subject to the lawful and reasonable control of the Town of Kent.

3rd. That the grade of the tracks to be constructed shall conform to the established grade of said streets, and said grantee its successors and assigns, shall construct and maintain good and sufficient crossings of such tracks at places where the same shall cross said streets.

4th. That said grantee and its assigns shall install and forever maintain, a tile drain or culvert of the capacity of a pipe of two feet diameter underneath its grade at each street intersection on each side of the following named streets, to wit:—
4

Willis Street, Mocker Avenue and Shinn Avenue; such tile drains to be on a grade uniform with the general drainage of the said town at the points where they are placed; and shall carry their and its tracks on bridge or trestle work for a distance of at least forty feet at the intersection of its right of way with Crowe Avenue.

5th. In the construction, alteration or repair of said tracks or appurtenances, the said grantee, and its assigns, shall cause as little obstruction to traffic and travel as possible, consistent with the practicable performance of the work, and shall cause as little disturbance to the soil and property as is practicable in all such work; and upon the completion of any such work, the streets and avenues shall be at once, by the grantee, restored to as good condition as they were before such work was begun.

6th. That the grantee and its assigns shall as soon as they begin operation of the said railway and railway tracks, install at the street crossings of all main thoroughfares intersecting the said right of way, and forever after maintain, such signals, alarms, bars, gates, or other device or devices for the protection of the travelling public, as the said town may from time to time prescribe, and as provided by law, and as shall be reasonable under the circumstances and conditions existing at any time.

7th. That the said town shall at all times have and retain the right to regulate the speed of trains and locomotives upon the said track or tracks, and shall have the right to fix the maximum time, during which any train or locomotive may blockade the street crossing at any point and shall have such further control and police power over said right of way as by law provided; provided that all such rights, power and control
shall be lawfully and reasonably exercised.

Section 4. The said grantee, its successors and assigns, by the acceptance of this franchise do agree that it and they will forever protect and save harmless the said Town of Kent, from all claims, actions or damages of any and every kind, which may accrue to or be suffered by any person or persons, by reason of any defective construction or maintenance or improper occupation of said right of way, or by reason of the negligent operation of any railway trains or locomotives over, across or upon any of the right of way herein granted, and in case any suit or action is commenced against the said town for damages arising out of or by reason of such defective construction or maintenance or improper occupation or negligent operation, said grantee, its successors and assigns will upon notice to it or them of the commencement of such suit or action, defend the same at its or their cost and expense, and in case judgment be rendered against the said town therein, will satisfy the said judgment within ninety days after the same shall have been fully determined, if determined adversely to the said town.

Section 5. The rights, privileges and franchises herein granted are subject to the right of the council of the said town at any time hereafter to change or modify the same, having due regard however, to the rights of the parties and the interests of the public.

Section 6. In order to obtain the benefits of this franchise the grantee, its successors or assigns, shall within thirty days after the passage of this ordinance, file with the clerk of the said town, their, or its acceptance in writing, under the corporate seal of the said grantee or its successors or
assigns, executed in legal form, agreeing to the terms and conditions set forth in this ordinance; and if such acceptance be not so filed within such time this ordinance shall be void.

Section 7. That the right of way and all rights, privileges and authorities granted by this ordinance, and all benefits hereof shall be assignable by said grantee, its successors or assigns, as it or they may at any time see fit, either as an entirety or as respects any one or more of the tracks or parts of the tracks embraced within the scope of such grants.

Section 8. This ordinance is upon the further condition, that the grantee, its successors or assigns, shall complete its line of railroad through the Town of Kent, within two years.

Section 9. This ordinance shall take effect and be in force on and after its passage, approval and publication as required by law.

Passed the Council of the said Town of Kent, this day of November, A.D., 1907.

Approved: __________ Mayor.

Attest: __________ Clerk.