AN ORDINANCE of the City of Kent, Washington, granting to the Burlington Northern Railroad Company, its successors and assigns, the right, privilege and authority to construct, maintain and operate a railroad spur track upon and across 80th Place South and 84th Avenue South (East Valley Highway) in the City of Kent, King County, Washington.

WHEREAS, the Kent City Council has previously approved a railroad spur crossing of 84th Avenue South (East Valley Highway) in the City of Kent, in addition to those spur crossings already in existence, and

WHEREAS, the Burlington Northern Railroad Company has petitioned the Washington Utilities and Transportation Commission for permission to cross 84th Avenue South and also 80th Place South, and

WHEREAS, in order to reach 84th Avenue South it is necessary to cross 80th Place South, and

WHEREAS, a separation of grade of said crossings is neither practicable or justified, and

WHEREAS, Burlington Northern Railroad Company has filed with the City of Kent acceptable plans for both crossings and said plans have been approved;

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

Section 1. The City of Kent, hereinafter called "THE CITY" does hereby grant to the Burlington Northern Railroad Company, 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) and 80th Place South in the City of Kent, Washington, described as follows:

That portion of the following described centerline lying within 80th Place South and East Valley Highway.

A strip of land 20.00 feet in width which center-
The line is described as follows: Beginning at a point on the west line of 80th Avenue South which is north 1°47'28" west a distance of 414.14 feet from the centerline of South 188th Street being the true point of beginning of the centerline herein described, thence south 88°16'32" east a distance of 60.00 feet, thence south 81°54'47" east a distance of 51.75 feet, thence on a curve to the right with a radius of 459.28 feet with a central angle of 42°09'34" to a point of tangency, thence south 39°04'33" east a distance of 82.03 feet, thence on a curve to the left with a radius of 459.28 feet with a central angle of 48°31'09" to a point of tangency, thence south 88°16'32" east a distance of 805.70 feet, more or less, to a point on the east margin of East Valley Highway, being the terminus of the centerline herein described. The above described centerline lies within a portion of the southeast quarter, Section 36, Township 23 North, Range 4, E., W.M. of the southwest quarter of Section 31, Township 23 North, Range 5, E., W.M. EXCEPT any portion thereof lying within 80th Avenue South.

Provided that the construction of said track at common grade on and across said avenues 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 avenues as they now exist or as they 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 avenues as said grade now exists, or as said grade may be hereafter changed by the City of Kent, and the Grantee shall plank or otherwise suitably surface the travel portion of said avenues between the rails and for one foot on each side thereof and shall maintain said planking or other suitable surface in good repair.

Section 4. The Grantee shall not store cars within or upon said avenues nor shall Grantee stop cars on said avenues 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 avenues; and, further Grantee shall not conduct switching operations on said spur track across said avenues.
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 avenues where said track is located for the purpose of locating, relocating, 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 avenues 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. 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. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ISABEL HOGAN, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

DONALD E. MIRK, CITY ATTORNEY
PASSED the 3 day of October, 1977.
APPROVED the 4 day of October, 1977.
PUBLISHED the 6 day of October, 1977.

I hereby certify that this is a true copy of Ordinance No. 2054, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Seal]
MARIE JENSEN, CITY CLERK