ORDINANCE NO. 217

An ordinance granting to Thomas Chapman, his associates, representatives and assigns, the right, privilege and authority to build, equip, operate and maintain a railway operated by electric or other power, but not by steam or horse power, upon certain public streets and highways in the City of Kent, State of Washington.

Section 1. There shall be and is hereby granted to Thomas Chapman and his associates, representatives and assigns, the right, privilege, franchise and authority to build, construct, lay down, equip, operate and maintain and to use for the operation thereof any power other than horse or steam power, a single or double track railway line, with all necessary switches, turns to, connections and other necessary and convenient appliances for the operation of the same, including the erecting, mainining, and operating of such poles and wires with their attachments as may be necessary and convenient for operating said railway, upon, over, along and across the streets, alleys and highways in the said City of Kent, as follows, to wit:

On Central Avenue from the north boundary line of the City to the south terminal of said Central Avenue; on Gowen Street from State Street to Railroad Avenue; on railroad Avenue from Gowen Street to Smith Street; on Smith Street from Railroad Avenue to Central Avenue; on Meeker Avenue from Railroad Avenue to Central Avenue; on Harrison Street in the original plat of Kent; from Second Street in said original plat of Kent, from an intersection with the west line of Central Avenue produced south; and on Second Street in the said original Plat of Kent, from Harrison Street to the south terminus of said Second Street.

The center line of the tracks of the said railway, when there is a single track shall be not less than five nor more than eight feet from the center line of the street; and where there are double tracks they shall be not less than five and not more than seven feet apart, and the center line of the street shall be midway between the two tracks.
Section 2. The tracks of the said railway shall be of standard gauge, the rails thereof shall be of steel, laid so that the tops thereof shall be as nearly as practicable uniform with the surface of the street where laid, at the established grade thereof; and the space between the tracks and for one foot each side thereof, shall be planted or paved, so that vehicles of any and all kinds can easily cross the same at any and all points; and whenever and wherever the said City shall cause any street or streets in or on which the said railroad or any portion thereof, the said railroad or any portion thereof shall be, to be improved by paving or planking, the owner of this franchise shall at the same time cause the space between the rails and for one foot on each side thereof to be improved in like manner in the street where such improvement is made.

Wherever the track or tracks of the said railway shall be crossed, by or shall cross the track or tracks of another railway the rails of each shall be so altered as to permit the cars of each to pass without obstruction.

The owner of this franchise in constructing, maintaining and operating the said railways shall avoid so far as possible, consistent with the practicable progress of work, and reasonable operating facilities of the road, the tearing up and obstruction of streets and alleys. And all streets and alleys disturbed or obstructed by work of construction or repair, shall be placed and left in as good condition after the work is completed, as it was in before being so disturbed.

All poles and wires and all appliances connected therewith, and all materials entering into the construction of the said railway shall be of first class material, and all construction shall interfere as little as practicable with the ordinary use of the streets and alleys by the public.

Section 3. The City of Kent shall retain all right to the control
of the said streets over which the said railway shall pass, that are
now or may hereafter be given it by law for the control of any of
its streets and alleys; provided that in the improvement of streets
or the placing or removing of any public utilities pipes, wires or
other conveyors of any kind, or any public improvement whatsoever,
due care shall be used to cause as little hindrance or obstruction
to the operation of the said railway as shall be practicable under
the circumstances, and in case it shall become necessary or conven-
ient during the progress of such work for the said railway to shift
its tracks temporarily, it shall have the privilege of so doing
under the supervision of the City authorities.

Section 4. The said Thomas Chapman by accepting the benefits of
the provisions of this ordinance, covenants to and with the said City
of Kent, for himself and his heirs and assigns, that he will and they
shall keep and save the said City harmless at all times from and
against any and all loss and liability, damages and costs, which
may at any time arise by reason of negligence in the construction,
maintenance, operation or repair of the said railway or any part
or portion thereof.
Section 5. The City of Kent reserves the right at any future time to grant a franchise to any other railway over, upon, along and across any and all of the streets and alleys named in this ordinance, and any railway upon receiving such franchise shall have the right to the common use of the tracks of the owner of this franchise, upon paying to him or them a reasonable rental therefor, and complying with any and all reasonable conditions of the said owner of this franchise as to the operation of cars upon the said tracks, and in case of failure to agree as to what are reasonable rentals and reasonable regulations for the operation of cars and trains, then the question of what is reasonable under the circumstances shall be submitted to arbitration by a board consisting of one member appointed by the owner of this franchise, one appointed by the railway having opposing interests, and in case of failure to agree by the said two arbitrators, then a third to be appointed by the City Council of the said City, and such board shall have all the powers and their acts and decisions shall have the same binding effect upon the parties to the controversy as provided by law in other cases of arbitration.

The City of Kent further reserves the right to regulate the speed of trains and cars upon the said railway and railway tracks within the City limits.

Section 6. The fare for one continuous passage over the said railway shall never exceed the sum of five cents from any point in the said City to any other point therein, and the payment of fare by the passenger shall entitle him to a transfer to any other line or system of railways within the said City, which may give and receive transfers to and from the system of line operated under this franchise.

Section 7. Failure on the part of the owner of this franchise to begin construction of the said railway within the limits of the said City within two years after the passage of this ordinance, or to complete and operate the said railway within the said City limits within three years after the acceptance of this franchise,
shall give thesaid city the right to revoke the same, upon thirty
days notice in writing first given to the owner of this franchise.

Section 8. This franchise may be assigned by the said Thomas Chap-
man, but before such assignment shall become operative, so far as the
interests of the said City are affected thereby, notice thereof in
writing shall be filed with the Clerk of the said City.

Section 9. In case of failure to operate the said railway for a
period of six consecutive months, at any time after its completion,
the said City may declare this franchise forfeited as to the streets
and alleys over which such operation has ceased for that length
of time, upon thirty days notice to the owner of this franchise to
show cause why such forfeiture should not be declared.

Section 10. The rights, privileges and authority here by granted
shall extend and continue over a period of thirty years from and
after the date of acceptance of the same by the said Thomas Chapman
his representatives or assigns.

Section 11. The said Thomas Chapman shall be deemed to have abandoned
all rights and privileges granted by this ordinance unless within
thirty days after its publication as by law required, he or his asso-
ciates, representatives or assigns shall file his or thier acceptance
in writing of the same, subject to all the provisons and conditions
of this ordinance.

Section 12. The right to amend this ordinance at any time is reser-
v ed to the said City, subject only to the condition that due regard
shall be shown to the rights of persons interested and to the in-
terests of the public.

Passed the council Feb 21, 1910.
Approved by the mayor Feb 22, 1910.

Attest
City Clerk.