ORDINANCE NO. 531

AN ORDINANCE granting to Puget Sound Power & Light Company, a corporation, its successors and assigns, the right, privilege, authority and franchise to purchase, acquire and use poles and wires in place, and to erect, construct, maintain, operate and use poles and wires, in, over, along, upon and across the streets, avenues, alleys and public places of the City of Kent, for the purpose of the transmission, distribution and sale of electric current for electric power, heat and for any other purpose for which electricity may be used, except for light, and to place private telephone wires on such poles.

The City Council of the City of Kent do Ordain as follows:

Section 1. That there be and hereby is granted to Puget Sound Power & Light Company, a Massachusetts corporation, authorized to do and doing business in the State of Washington, its successors and assigns, from the date this ordinance goes into effect until and including the 31st day of December, 1951, the right, privilege, authority and franchise to purchase, acquire, maintain, operate and use poles and wires in place, and to erect, construct, maintain, operate and use poles, with or without cross-arms, in, over, along, upon and across all of the streets, avenues, alleys and public places within the corporate limits of the City of Kent, as said corporate limits now exist or may hereafter be extended, and to attach wires and other appurtenances to such poles and cross-arms, and stretch such wires from pole to pole and to the premises of patrons, and to maintain and use such poles, cross-arms, wires and appurtenances for the transmission, distribution and sale of electric current for power, heat and for any other purpose for which electricity may be used, except light, and to furnish electric current for power, heat and
any other purpose for which electricity may be used, except light, within the City of Kent, for municipal, domestic, commercial, and manufacturing purposes, and to fix, establish, charge and collect reasonable tolls, rates and compensation for such power, heat and use, and to attach to such poles and cross-arms and maintain wires for its private telephones used in connection with its private business.

Section 2. Nothing herein contained shall ever be construed as granting to said grantee any right, privilege or franchise to engage in the City of Kent, either directly or indirectly, in the sale or distribution of electricity for lighting purposes; Provided, that said grantee, its successors and assigns, shall have the right to furnish and supply electric current for lighting purposes within said City to any person, firm or corporation having a franchise from said City to furnish and supply electric lighting service therein; Provided further, that nothing herein contained shall prevent said grantee, its successors and assigns, from selling electric current to the City of Kent for municipal lighting purposes.

Section 3. That all poles and wires erected and maintained in said streets, avenues, alleys and public places shall be erected and maintained in such manner as to least interfere with the use of such streets, avenues, alleys and public places for public travel, and at such location or locations, and at such elevations, as the City Council may reasonably require. That all of such poles, wires, cross-arms and appurtenances shall be constructed and maintained in accordance with the requirements of the laws of the State of Washington regarding such construction, and in accordance with the rules and regulations governing and
regulating such construction which may heretofore have been, and
which may hereafter be, lawfully promulgated by the proper authorities
of the State of Washington.

Section 4. That whenever it shall be necessary in the
erecting, maintenance, repair or substitution of any of such poles
or appurtenances to make any excavation in any street, avenue, alley
or public place, such street, avenue, alley or public place shall,
upon the completion of such construction or repairs, be left in as
good condition for public travel as it was before the commencement
of such work.

Section 5. Said grantee, its successors and assigns, shall,
upon reasonable notice from the City Council, and at its or their own
expense, move any pole, and raise or lower any wires, maintained by
it or them, necessary to permit the making of any public local
improvement, and shall, at its or their own expense, upon reasonable
previous written notice from the owner of any lot or tract of land in
said City, move any such pole and raise any such wires as may interfere
with reasonable access to any such lot or tract of land, or to any
improvement thereon, and shall, at its or their own expense, upon
reasonable previous written notice from the owner of any building or
structure, raise any wires maintained by it or them which may be
necessary to enable such owner to move such building or structure
across, but not along, any of said streets, avenues, alleys or public
places on which the grantee may have a line of poles and wires;
Provided, that such owner shall have first obtained proper authority
from the City of Kent to move such building or structure; and,
Provided, that such building or structure shall be moved under
such wires between such hours as said grantee, its successors and
assigns, may designate, and at such time as will cause the
least interference with the service furnished by such wires;
and Provided, further, that when the moving of any such
building or structure beneath any such wires has been commenced, the work of so moving the same shall be diligently prosecuted without unnecessary interruption or delay until such wires shall have been cleared.

Section 6. This franchise shall not be deemed to be exclusive, and the City Council reserves the right to grant to any other person, persons, companies or corporations similar privileges and franchises.

Section 7. That said grantee, its successors and assigns, shall indemnify and save the City of Kent harmless from any and all claims and demands made against it on account of injury or damage to the person or property of another, caused by the construction, operation or maintenance of said poles, wires or appurtenances; Provided, however, that in the event any such claim or demand be presented to or filed with the City Council of the City of Kent, the City shall promptly notify the grantee, its successors or assigns, thereof, and the grantee, its successors or assigns, shall have the right, at its or their election, and at its or their sole cost and expense, to compromise and settle such claim or demand; Provided, further, that in the event any suit or action be begun against the City of Kent based upon any such claim or demand, the City shall likewise promptly notify the grantee, its successors or assigns, thereof, and the grantee, its successors or assigns, shall have the right, at its or their election, and at its or their sole cost and expense, to settle and compromise such suit or action, or defend the same, at its or their sole cost and expense, by attorneys of its or their own selection.

Section 8. That said grantee, its successors and
assigns, shall forfeit and shall be deemed to have forfeited and abandoned the rights, privileges and franchises conferred by this ordinance unless within thirty (30) days after the approval of this ordinance it file in the office of the City Clerk its written acceptance of the rights and privileges hereby conferred, subject to the terms, conditions and restraints hereby imposed, and in case of its failure so to do this ordinance shall be null and void and of no force or effect whatsoever.

Section 9. This ordinance shall take effect and be in force from and after five (5) days from the date of its publication.

Introduced at a regular meeting the 3rd day of March, 1924.

Passed by the City Council at a regular meeting of the Council held this 5th day of May, 1924, by the affirmative vote of 5 members, after having been first submitted to the City Attorney of the City of Kent.

Approved and signed by the Mayor this 6th day of May, 1924.

Attest:

L. E. Price
City Clerk.

I, the undersigned, City Attorney of the City of Kent, hereby certify that the foregoing ordinance was submitted to me as such City Attorney before its passage by the City Council.

Published May 8, 1924.
CITY OF KENT ORDINANCE
NO. 531

Granting franchise to Puget Sound Power & Light Company.

Passed May 5, 1924.

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Acceptance of franchise
5/6/24