ORDINANCE NO. 843

An ORDINANCE granting to Puget Sound Power & Light Company the right, privilege, authority and franchise to set, erect, construct, maintain and use poles, wires and other electrical equipment, including private telephone wires, in, upon, over, along and across the public streets, avenues, alleys, highways, grounds and places in the City of Kent for the transmission, distribution and sale of electricity for power, heat, light and any other purpose or purposes for which electricity may be used.

THE CITY COUNCIL OF THE CITY OF KENT DO ORDAIN AS FOLLOWS:

SECTION 1.

There is hereby granted to Puget Sound Power & Light Company, a corporation created and existing under the laws of the State of Massachusetts, for the term of 10 years beginning on the 1st day of Jan., 1952, and ending on the 31st day of Dec., 1961, the right, privilege, authority and franchise to set, erect, construct, maintain and use poles and lines of poles (with or without crossarms) and all convenient appurtenances, equipment and facilities for the support thereof, in, upon, over, along and across the public highways and places, as hereinafter defined, in the City of Kent, and to attach wires to such poles and crossarms and stretch such wires from pole to pole and to the premises of patrons for the transmission, distribution and sale of electricity for power, heat, light and any other purpose or purposes for which electricity may be used, whether for municipal, domestic, manufacturing or other uses and purposes, and to charge and collect tolls, rates and compensation for such electricity, and also the right to attach to such poles and crossarms and maintain private telephone wires for the use of the grantee in connection with its electric business.

SECTION 2

The grant hereby made is intended to, and does, include any and all and every of the public streets, avenues, alleys, highways, and public grounds and places in the City of Kent as now laid out, platted and dedicated, and all public streets, avenues, alleys
highways and public grounds and places that may hereafter be laid out and dedicated within the present limits of said city or within the limits thereof as the same may hereafter be extended, all of which are included within the words "public highways and places" wherever such words are used in this ordinance.

SECTION 3

All poles shall be erected and maintained at such places and in such positions upon said public highways and places as shall least interfere with the free passage of traffic thereon, and in accordance with the laws of the State of Washington regulating such construction. Whenever it shall be necessary to move any poles or wires constructed hereunder by reason of the grade of any street, or the establishing, changing or altering the grade of any sidewalk, or for any improvement thereof for street purposes, the grantee hereunder shall, upon reasonable notice from the city, change such poles and wires at its own sole cost and expense. Whenever it shall be necessary to make any excavation in any public highway or place for the erection, repair or substitution of any pole or other equipment or facilities, the grantee shall without delay restore the surface of said public highway or place as nearly as practicable to the same condition it was in before the doing of such work.

SECTION 4

The grantee shall indemnify the City of Kent for, and hold it harmless from, all damages that may result from the construction, maintenance or operation by such grantee of any of its property in said public highways or places pursuant to this franchise and shall pay all damages for which the grantee or the City of Kent shall be held liable as the result of injuries suffered by any person, association or corporation by reason of the construction, maintenance or operation of such property, provided,
that in case any claim is filed with the City of Kent or any suit or action is instituted against said city by reason of any such damage or injury the City Council shall promptly cause written notice thereof to be given to the grantee and the grantee shall have the right to defend any such suit or action.

SECTION 5

Whenever any person shall have obtained permission from the City of Kent to use any public highway or place in said city for the purpose of moving any building the grantee, upon seven (7) days' written notice from the City Clerk of said city, shall raise or remove any of the wires which may obstruct the removal of such building; provided, that the moving of such building shall be done in accordance with the regulations and general ordinances of the city and at such reasonable hours and in such reasonable manner as shall cause the least interference with the business of the grantee, and where more than one street is available for the moving of such building it shall be moved on such street as shall cause the least interference with the business of the grantee.

The person or persons moving such building shall reimburse the grantee for reasonable costs thereof to include labor, materials, and a reasonable amount to cover general overhead charges incurred in the rearrangement of said facilities; and provided further, that the person moving such building shall indemnify the grantee from, and save it harmless from, any and all damages or claims therefore of whatsoever kind or nature that may be caused directly or indirectly by such temporary arrangement of the poles, wires or other property of the grantee.

SECTION 6

During such time as the grantee shall be furnishing street lighting service under a street lighting contract with the city unmetered any/electricity now being used by the city for lighting in the City Hall shall continue to be furnished to the city free of charge.
SECTION 7

If, during the term of this franchise, the City of Kent shall acquire by purchase or condemnation any or all of the grantee's property maintained or used hereunder, no sum shall be allowed the grantee for the value of the rights herein granted.

SECTION 8

This franchise is granted upon the express condition that it shall not be deemed or held to be an exclusive franchise and shall not in any manner prohibit the City of Kent from granting other and further franchises in, upon, over, along or across any of said public highways and places.

SECTION 9

In order to claim any right or benefit under this franchise the grantee shall file its written acceptance of this franchise with the City Clerk within thirty (30) days after the approval hereof by the Mayor and the publication of this ordinance as required by Law.

SECTION 10

The rights or interest contained herein shall not be assigned by Puget Sound Power and Light Company without the consent of the city.

Introduced the 3rd day of December, 1951.
Passed by the City Council of the City of Kent, 1952.
Approved by me this 8th day of January, 1953.

[Signature]
Mayor of the City of Kent

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
City Attorney.
Granting Franchise to Freight Sound Power & Light Electrical & Telephone 10 years Renewed by 1107