ORDINANCE No. 4

An ordinance granting a franchise for a sidetrack to the
Washington Condensed Milk Company.

Be it ordained by the council of the town of Kent:

Section 1. That there is hereby granted to the Washington
Condensed Milk Company, a corporation, the right and privilege to
construct, maintain and operate a railroad sidetrack connecting with
the Northern Pacific Railway Company's tracks at a point north of
the station, and extending thence southwesterly across First Street
to lot 2 block 4 Yesler's First Addition to the town of Kent.

Section 2. That the tops of the ties of said sidetrack shall
be at the established grade at the center of said First Street.
Said company shall, immediately on laying said sidetrack across
said First Street construct a crossing therein of planks of such
thickness that their upper surfaces shall be even with the tops
of the rails on said sidetrack; and said crossing shall extend the
full width of said street, and shall have easy approaches constructed
in such manner and at such an angle as shall be satisfactory
to the officers of said town having control of its streets, and
shall be kept in repair by said company at its own expense, and
should the grade of said street at any time after said track is
constructed be changed, said company will, when required, at its own
expense raise or lower said track and crossing to conform to such
new grade.

Section 3. That for any or all negligence, or wrongful or
negligent operation of said sidetrack, said company shall be liable
for any injuries resulting therefrom, and for any damages resulting
from the faulty or negligent or improper manner of constructing
said sidetrack, or from want of care in protecting the public from
injury from excavations or structures made, erected or employed in
the construction maintenance or repair of said sidetrack, and to
damages to any property abutting on said street by reason of the
construction of said sidetrack, whether said damage be to the town
of Kent, either expressly, or as it shall be compelled to pay
damages at the suit of any person or corporation (in which latter
case, said company shall pay to said town the amount of any such
judgment, with all costs and will employ and pay counsel to defend
such suits) or to any person or property whomso-ever or whatso-
ever.

Section 4. That upon the failure of the said company to ful-
fill any of the conditions imposed upon it by this ordinance, with-
in ten days after notice to it so to do, or upon failure of said
company to complete said sidetrack within two years from the date
of the passage of this ordinance or in case said company shall
fail to remove its factory now located at Seattle to said
town of Kent and have the same in full operation to its capacity
(for shall close its factory and abandon its business,) within ninety days after the passage of this ordinance, the rights
and privileges granted by this ordinance shall be forfeited and null.

Section 5. This franchise is given upon the further express
consideration and condition that said company shall not sell,
transfer or assign any of the rights granted it hereby, or suffer
the same to be sold under execution issuing out of any court, or
under any writ issuing out of any court, or on foreclosure proceed-
ing in any court, or at all.

Section 6. This ordinance shall take effect and be in force
from and after its passage and approval.
Passed this ______ day of __________, 1893.

Approved by me this ______ day of ______, 1893

__________________________
George Wood
Mayor of the town of Kent.

Published this ______ day of __________, 1893

__________________________
D. C. Clark
Clerk of the town of Kent.
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<td>Mar 20, 1898</td>
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