ORDINANCE NO. 958

AN ORDINANCE, GRANTING TO THE NORTHERN PACIFIC RAILWAY COMPANY, A WISCONSIN CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, MAINTAIN AND OPERATE A RAILROAD SPUR TRACK UPON AND ACROSS FIRST AVENUE SOUTH IN THE CITY OF KENT, KING COUNTY, WASHINGTON.

WHEREAS, the Northern Pacific Railway Company has filed with the City of Kent a petition, with explanatory map attached thereto, requesting a franchise to construct, maintain and operate a railroad spur track upon and across First Avenue South in the City of Kent, the center line of said track intersecting the center line of said avenue at a point distant approximately 274 feet north, measured along said avenue center line, from the south corporate limits of the City of Kent, a copy of said petition and attached explanatory map being on file in the office of the City Clerk; and

WHEREAS, at the hearing held on said petition on the 14th day of August, 1957, said petition was duly granted by the City Council; Now Therefore,

THE CITY COUNCIL OF KENT DO ORDAIN AS FOLLOWS:

SECTION I. That the City of Kent, hereinafter called "the City", does hereby grant to the Northern Pacific Railway Company, a Wisconsin corporation, its successors and assigns, hereinafter called "the grantee", the franchise right, privilege and authority to construct, maintain and operate a railroad spur track upon and across First Avenue South in the City of Kent, the center line of said track intersecting the center line of said avenue at a point distant approximately 274 feet north, measured along said avenue center line, from the south corporate limits of the City of Kent, provided, that the construction of said track upon and across said avenue shall be completed in a manner satisfactory to the City Engineer.

SECTION II. The Grantee shall pay the entire cost and expense of constructing said track across said avenue; provided, however, that nothing contained herein, shall prevent the Grantee from charging any other railroad company or companies, which may hereafter acquire an interest in said track or the franchise hereby granted, a portion of the cost and expense of constructing and maintaining said track.

SECTION III. Said track shall be laid and maintained at the grade of said avenue as said grade now exists, or as said grade may hereafter changed, and the Grantee shall plank the traveled portion of said avenue between the rails and for one foot on each side thereof and shall maintain said planking in good repair.

SECTION IV. The Grantee shall not store cars within or upon said avenue, nor use said track in such manner as to unreasonably interfere with travel upon and along said avenue, and locomotives and cars shall not be permitted to stand upon said track so as to blockade said avenue nor any portion thereof for a time longer than that permitted by the ordinances of said City.

SECTION V. The franchise, hereby granted, shall not be taken to restrict the rights of the City to enter upon that portion of said avenue 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 avenue as it has over other public streets in said city.

SECTION VI. 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 VII. This ordinance shall take effect thirty days from and after the date of its passage, provided the Grantee files its written acceptance hereof with the City Clerk within sixty (60) days from and after said date of passage.

PASSED by the City Council this 3 day of April, 1957.

APPROVED by the Mayor this 4 day of April, 1957.

Attest:

[Signature]

City Clerk

Approved as to form:

[Signature]

City Attorney
ORDINANCE
No. 958

Granting Franchise to Northern Pacific Railway Co. - spur

Track across 1st Avenue So.