Ordinance No. 96.

An ordinance, granting to F. H. Osgood and his assigns, a permit to build and operate an electric railway in the Town of Kent.

Be it ordained by the council of the Town of Kent.

Sec. 1. That there be and is hereby granted to F. H. Osgood, of Seattle, Washington, and his assigns, the right, privilege, authority and permit, for and during the period of fifty years, from the date of the passage of this ordinance, and subject to all the conditions, provisions and reservations thereof, to locate, lay down and maintain tracks for an electric railway, and to construct, equip, operate and maintain an electric railway line in the Town of Kent, in King County, Washington, and to carry passengers and freight thereon, and to charge and collect fares and freight for such carriage on and along the following designated route in the City of Kent, aforesaid, to wit:

Beginning at a point where Smith Street in the Washington Central Improvement Company's First Addition to Kent is intersected by the Township line between Ranges four and five east of the Willamette Meridian, running thence west along said Smith Street to its intersection with Central Avenue in the said Addition, thence south along said Central Avenue to its southern termination. Also beginning at the eastern terminal of Ward Street in the said Addition, running thence west along said
Ward Street to its intersection with State Street in the said Addition, thence south along said State Street to its intersection with Meeker Avenue in said Addition, thence west along said Meeker Avenue to its intersection with said Central Avenue.

Also beginning at the eastern terminal of said Meeker Avenue and running thence west along said Avenue to its intersection with said Central Avenue.

Also along Titus Street in the said Addition from the point of its intersection with said Central Avenue to the point of its intersection with the alleyway running through block four (4) of the said Addition, thence south along the said alley in said block four (4), crossing Saar Street and continuing along the alley through block one (1) of said Addition to its intersection with Harrison Street, thence across said Harrison Street in a straight line into and continuing from that point along Second Street in Kent, as shown upon the Alexander and Gutherson plot thereof, of record in the office of the Auditor of King County, Washington, to the South Boundary line of said town of Kent.

Also along Harrison Street from its eastern terminal to its intersection with said Second Street.

Provided: That the right permit and franchise, herein granted, shall be forfeited as to all streets and alleys above named, upon which the said F. H. Osgood and his assigns shall have failed to construct, complete, equip and operate an electric railway as herein provided within eighteen months from and after the date of the passage of this ordinance.
Sec. 2. That there be and hereby is granted to the said F. H. Osgood and to his assigns, the further right, privilege, authority and permit, for and during the period of fifty years from the date of the passage of this ordinance, to run his and their electric railway cars over and through any of the streets or avenues of the said town of Kent, over the railway tracks of any other person or corporation that shall grant permission to do to the same extent and under the same conditions and restrictions that shall govern the right and franchise of such person or corporation whose track shall be used.

Sec. 3. That before the track of the said grantee herein, on the above designated route, be laid down, all damages or injury to be occasioned thereby, to property abutting on any street, avenue, or public place along which such track is to be laid down, shall be ascertained, and compensation made therefor, by said grantee, in the manner provided by law.

Sec. 4. The said electric railway, on the above designated route, may consist of either a single or a double track, or partly single and partly double track, and any portion or portions thereof, may be changed from single to double track at any time or times, all at the option of the said grantee herein or his assigns. All such single track as may be laid shall be constructed with all the switches, turnouts and side-tracks necessary to the full and proper equipment thereof, and such turnouts and side-tracks may be of such length and so situated as said grantee or his assigns may deem expedient for the con-
venient and proper operation of an electric railway, subject, however, to the approval of the common council of the said town of Kent. Where double track shall be laid the tracks shall be as nearly as may be, equidistant from the center of the street, on which the same are laid. The track of said electric railway shall be of standard gauge. The rails of said track shall be of steel, and shall be laid so that the tops thereof, shall be as nearly as practicable at the height of the established grade of the street at the place where they are laid, or even with the surface of the travelled roadway, in streets not brought to the established grade; and the space between the rails and for one foot on each side thereof shall be either planked or travelled, so that vehicles of all kinds may easily cross the same. Whenever said track or tracks shall be crossed by the track or tracks of any other line of railway, the rails of each shall be so altered or cut as to permit the cars of each to pass without obstruction. Said grantees, his successors and assigns in constructing said railway, shall not tear up the street or obstruct travel therein any further than is unavoidable, and shall keep said railway at all times in good repair, and upon completion of the construction thereof and of any repairs thereof, shall leave any and all street and streets torn up or obstructed thereby, in as good repair and condition for travel as the same were in before the beginning of such construction or repair. And wherever and to whatever extent the said Town of Kent shall cause any street or streets in which
any part of said railway shall have been laid, to be
paved or planked, said grantee herein, his successors or
assigns shall at the same time, at his or their own ex-
pense, pave or plank the space between the said tracks
and the rails thereof, and for one foot on each side of
the outer rails, in the same manner, at the same level,
and with the same materials as shall be used in paving
or planking the rest of such street or streets; and when-
ever said track or tracks shall cross any street or
streets, the Town of Kent reserves the right to compel
the said grantee, his successors and assigns to pave or
plank between the rails and between the tracks and for
one foot on each side thereof for the full width of
said street or streets.

All poles and wires and all appliances connected therewith, and the material and construction of the road bed
shall be built in the most approved mode and so as to
interfere as little as practicable with any other public
use of the streets, and both the material and workman-
ship thereof shall be of the best kind and quality.

Said grantee herein and his assigns are hereby granted
the permission and authority to enter upon any and all
the streets above named and comprised in the
route herein above designated, for all the purposes con-
templated in this ordinance, and to construct, maintain,
equip and operate thereon said line of railway, author-
tized hereby, and to cross the tracks of any other lines
of railway, that the above designated route may inter-
sect, and to place, erect and maintain any and all neces-
sory posts, columns, wires, tracks, conduits, and appliances which may be required in the construction of such lines of railway, or for the operation of the same.

Sec. 5. That in the operation of the said railway, the said grantee herein and his assigns, shall employ electricity as the means of traction of its cars, and may use any overhead wire system, or storage battery or other electric system, that is now known or may hereafter be invented or discovered; provided, however, that no motive power or means of traction shall be used on said railway, which from its nature, appearance or mode of use shall in any substantial degree interfere with, or impede public travel, on any of said streets of said town, or in any substantial degree encroach upon the rights of the public thereon; and provided further, that the Town of Kent reserves to itself, the right to compel the said grantee and his assigns to adopt any approved method which may hereafter be in actual and successful use, to conduct electric currents through said streets in propel ling its cars thereon, and to remove its poles and wires from said streets.

The cars used on said railway shall be of proper construction and equipment, for the safety, comfort and convenience of passengers, and shall be provided with brakes and all necessary appliances for stopping the same when required.

Sec. 6. That the cars used on said railway shall not be run in the business and settled residence portions of the said town of Kent, at a rate of speed exceeding
ten miles per hour; and the town of Kent reserves the
right at any and all times to limit by ordinance the
rate of speed at which such cars shall be moved through
any of its streets.

Sec. 7. That the said grantee herein and his assigns
shall have the right at any and all times to make such
reasonable rules and regulations for the management and
operation of the said railway, as may be deemed requi-
site and as shall not conflict with the laws of the State
of Washington, or with the ordinances of the said town
of Kent.

Sec. 8. That the said grantee herein and his assigns
shall at all times during the continuance of this per-
mit granted by this ordinance, permit any other person
or corporation, that may be authorized by the said town
of Kent so to do, to run his or its railway cars over
and along any main track or tracks of said grantee here
in, upon the above designated route upon such rates and
terms of compensation for the use of said tracks as may
be agreed upon between said grantee herein or his assi-
s and such other person or corporation, and subject
to priority of rights of said grantee and his assigns
and to reasonable regulation by the said grantee herein
or his assigns, of the use of such tracks by such person
or corporation.

Sec. 9. That any person willfully or unlawfully ob-
structing or interfering with, either the constriction
or operation of said railway, shall be deemed guilty of
a misdemeanor and upon conviction thereof shall be pun-
ished by a fine of not less than five dollars nor more than one hundred dollars, or imprisoned not more than twenty days or both.

Sec. 10. This ordinance shall not be construed so as to deprive the town of Kent of any powers, rights or privileges which it now has or may hereafter receive to regulate the use and control of the streets and alleys of said town; and nothing herein contained shall be construed so as to prevent the town of Kent from sewer-ing, grading, macadamizing, paving, planking, repairing, altering or improving any of the streets of the said town; nor shall the town of Kent be liable to the grantee or his assigns for any damage that he or they may suffer by reason of the performance of any such work of street improvement, or by reason of the exercise of any right reserved in this section.

The town of Kent reserves to itself the right, at any and all times, whenever it may deem it advisable, to establish the grade on any street, and to change the established grade on any street, over or along which said railway shall have been constructed, without thereby incurring any liability to said grantee or his assigns, and upon receiving notice so to do from the said town of Kent, or its officers, said grantee or his assigns, shall promptly, and at his or their own expense, change the structure of said railway upon any street, avenue or public place, whereof the grade shall have been established, or the established grade changed; and in the event of their failure so to do within twenty days after re-
ceiving such notice, then said town of Kent may change the structure of said railway, so as to conform the same to such established grade, and shall not be liable to said grantee, or his assigns, for any resulting damage, but said grantee and his assigns shall be liable to said town of Kent, and on demand, shall pay to said town, the entire expense of such change of structure of said railway.

Sec. II. That whenever any person has obtained permission to use any of the streets of the said town of Kent, for the purpose of removing any building or buildings, said grantee, his heirs or assigns, upon forty eight hours notice from such person, shall raise or remove any of the wires or poles which may obstruct the removal of such building or buildings, so as to allow the free and unobstructed passage of the same. Said notice shall be in writing, and served by any person competent to be a witness in a civil action, upon said grantee, his heirs or assigns, or upon his or their respective agent; and in case of refusal of the grantee, or his heirs or assigns to comply with such notice, any proper officer, of such Town of Kent, shall raise such wires or remove such wires or poles, and the said grantee, his heirs or assigns shall pay said town the expense thereof. Provided: That in moving any buildings across the said tracks of the said railway there shall be no unnecessary delay nor any unnecessary obstruction of the traffic upon or operation of the said railway.
Sec. 12. That all and singular the rights, privileges, authorities and franchise by this ordinance granted, shall be in force and continue for the period of fifty years from the date of the passage of this ordinance, except that the same and all thereof may, at any time upon the failure of either or any of the following specified conditions, or within ten days thereafter, be declared by the common council of the town of Kent, to be forfeited, and thereupon, and thereby shall become forfeited; that is to say:

(a) Unless, within thirty days after the passage of this ordinance, the grantee herein or his assigns, shall file in the office of the clerk of the said town, his or their acceptance of the rights, privileges, authorities and franchises herein granted, subject to all the conditions, provisions and reservations herein contained.

(b) Unless grantee herein or his assigns shall begin the work of construction upon the said line of railway and an extension thereof from some point near the shore of Lake Washington, in King County, Washington, to and through said town of Kent, within eight months after the passage of this ordinance.

(c) Unless the grantee herein or his assigns, shall fully construct and equip, and begin to operate said line of railway along the whole of the route from First Avenue South, in the City of Seattle to the town of Kent, within eighteen (18) calendar months after the passage of this ordinance.
(d). Unless, from and after the time of completing the construction and equipment of the said line of railway, as aforesaid, said grantee herein, his heirs or assigns, shall continuously, except at such times as he or they shall be prevented therefrom by irresistible force or inevitable accident, maintain and operate such completed line of railway, by running at least one car for the transportation of passengers over the whole length of said line from First Avenue South, in the said city of Seattle, to and through the town of Kent, five times each way, between said points, between the hour of six o'clock A.M. and the hour of twelve o'clock Midnight of each and every day.

(e). Unless the said grantee herein, and his assigns, shall at all times keep and perform the covenant of indemnity on his and their part created by the following section of this ordinance.

Sec. 13. That the grantee herein, by accepting the benefits of this ordinance, covenants for himself and his assigns, with the town of Kent, its successors and assigns, that the said grantee and his assigns, will at all times keep and save harmless, said town of Kent and its successors from and against any and all liability, loss, damages, costs, trouble and expense which may at any time arise or occur, by reason of the construction, maintenance, operation or repair of said lines of railway or either thereof or by reason of anything that may at any time be done by said grantee or his assigns, by virtue of this ordinance.
Sec. 14. That this ordinance shall take effect and be in force from and after five days from its publication.

Passed February 26th, 1899, March 6th, 1899.
Approved...March 8th, 1899.
Published...March 18th, 1899.

George Wood
Mayor of the Town of Kent.

Attest: S. C. Clark
Clerk of the Town of Kent.
Ordinance No 96.

An ordinance granting to
F.H.Osgood and his assigns a
permit to build and operate an
electric railway in the Town of
Kent.

Passed, March 6th, 1899
Approved, March 8th, 1899.
Published, March 11th, 1899.