DINANCE No	117481	
INCIL BILL No	110519	
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JAN 1 7 1995	TO: TRANSPORTATION AND ECONOMIC DEVELOPMENT	
	То:	
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ljan z 3 1995	Second Reading:	
ing: Pan 2 3 1991	Signed: JAN 2 3 1997	

Approved;

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Veto Sustained:

City Clerk:

Mayor:

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## Law Department

# The City of Seattle--Legisl

## REPORT OF COMMI

Honorable President:				
Your Committee on	Trans	perfection		
to which was referred the within Council Bill No				
	2-0			
Ju	el Council	9-0		
	Me	wha Chi		
e s		Committee Chair		

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AN ORDINANCE repealing the franchise granted to the Great Northern Railway Company and the Northern Pacific Railway Company, their successors and assigns, by Ordinances 57179 and 58867, and amendatory Ordinances 92566 and 92567, to provide for changes in the franchise right-of-way occasioned by the elimination of train operations along the Seattle Waterfront; and granting a perpetual franchise to the Burlington Northern Railroad Company, successor to the Great Northern Railway Company and the Northern Pacific Railway Company, for the right, privilege, and authority to operate trains and maintain certain portions of trackage laid under the terms of franchise Ordinances 57179, 58867, 92566 and 92567.

## BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

#### Section 1. Ordinance 57179 entitled:

AN ORDINANCE granting to the Great Northern Railway Company and the Northern Pacific Railway Company, rights-of-way for, and the right, privilege and authority to locate, lay down, construct, mairtain and operate sundry railway tracks in, along and across sundry streets, avenues, and other public places within the limits of The City of Seattle.

## and amendatory Ordinance 92566 entitled:

AN ORDINANCE relating to the franchise granted to the Great Northern Railway Company and the Northern Pacific Railway Company, their successors and assigns, by Ordinance No. 57179; amending said ordinance to provide for changes in the franchise right-of-way occasioned by the construction and maintenance of the Alaskan Way Viaduct; specifically amending Section 1 thereof with a view to providing for such changes,

## and Ordinance 58867 entitled:

ORDINANCE granting to the Northern Pacific Railway Company, rights-of-way for, and the right, privilege and authority to locate, lay down, construct, maintair and operate sundry railway tracks in, along and across sundry streets, avenues and other public places within the limits of the City of Seattle,

### and amendatory Ordinance 92567 entitled:

AN ORDINANCE relating to the franchise granted to the Northern Pacific Railway Company, a corporation, its successors and assigns, by Ordinance No. 58867; amending said ordinance to provide for changes in the franchise right-of-way occasioned by the construction and maintenance of the Alaskan Way by the Viaduct; specifically amending Section 2 thereof with a view to providing for such changes,

and all other ordinances or part of ordinances in conflict herewith are, to the extent they apply to Burlington Northern Railroad Company, hereby repealed and all rights-of-way granted

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thereunder and all rights, privileges and benefits conferred thereby are, to the extent they apply to Burlington Northern Railroad Company, hereby declared forfeited and to be null and void and of no force or effect.

Section 2. As they apply to Burlington Northern Railroad Company, these ordinances are repealed according to the terms of Section 9 of Ordinance 57179 and Section 7 of Ordinance 58867 which expressly states that the grant of franchise rights is subject to the right of the City Council to repeal, amend or modify the grant at any time, with due regard to the rights of the grantees, their successors and assigns, and the interests of the public.

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Section 3. The City of Seattle does hereby grant to the Burlington Northern Railroad Company in perpetuity, the right, privilege and authority to maintain and operate tracks of standard gauge railway upon the franchise rights-of-way hereinafter designated and specified, and such cross-overs and connections between said tracks as may be reasonably necessary, all of which rights, privileges, authority and franchise rights-of-way are mereby granted, subject to the conditions, restrictions, specifications and requirements set forth in this ordinance.

Section 4. The franchise rights-of-way hereby granted for the tracks of standard gauge railway, the maintenance and operation of which are authorized by this ordinance, are described as follows:

A right-of-way of variable widths along the northeasterly side of Alaskan Way and Alaskan Way West, the northeasterly line of the right-of-way being the same as the northeasterly line of Alaskan Way and Alaskan Way West, the southwesterly

line is described as follows:

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Beginning at the intersection of the northeasterly line of Alaskan Way and the northwesterly line of Lot 3, Block 171B, Seattle Tide Lands; thence northwesterly along a straight line to a point on the production southwesterly of the northwesterly line of Lot 6, Block 171A, Seattle Tide Lands, distance fortythree (43) feet southwesterly of said northeasterly line of Alaskan Way; thence northwesterly parallel to and forty-three (43) feet southwesterly of the northeasterly line of Alaskan Way to the northwesterly line of Battery Street produced southwesterly; thence northwesterly along a straight line to a point fifty-six (56) feet northwesterly of the northwesterly line of Wall Str of produced southwesterly and sixty-eight (68) feet southwesterly of the northeasterly line of Alaskan Way, said distance measured at right angles thereto; thence northwesterly parallel and concentric to and sixty-eight (68) feet southwesterly of the northeasterly lines of Alaskan Way and Alaskan Way West to a point measured along said parallel and concentric line, two hundred fifty (250) feet northwesterly of the centerline of Bay Street produced southwesterly, thence northwesterly along a straight line to a point measured along said parallel and concentric line, four hundred thirty (430) feet northwesterly of the centerline of Bay Street produced southwesterly and ninety-three (93) feet southwesterly of the northeasterly line of Alaskan Way West, said distance measured at right angles thereto; thence northwesterly parallel to and ninety-three (93) feet southwesterly of the northeasterly line of Alaskan Way West to the northwesterly line of West Galer Street produced southwesterly; thence northeasterly at right angles to the northeasterly line of Alaskan Way West, ninetythree (93) feet to the intersection of said northeasterly line and the northwesterly line of West Galer Street.

Also, a right-of-way ninety-three (93) feet in width

beginning at the end of the above described right-of-way and extending northwesterly to the northerly line of West Garfield Street and the westerly line of Seventeenth Avenue West (also described as the south and east lines of Block 130, Seattle Tide Lands); the northeasterly boundary line of said nivety-three (93) foot right-of-way being the production northwesterly (north 41°10′23" west) of the northeasterly line of Alaskan Way West.

Also, a right-of-way in Bell Street described as follows: Beginning at the intersection of the northeasterly line of Alaskan Way and the southeasterly line of Bell Street; thence northeasterly along said southeasterly line of Bell Street a distance of fifteen (15) feet; thence northwesterly along a straight line to a point on the northwesterly line of Bell Street, ten (10) feet northeasterly of its intersection with the northeasterly line of Alaskan Way; thence southwesterly along said northwesterly line of Bell Street ten (10) feet to its intersection with the northeasterly line of Alaskan Way; thence southeasterly along said northeasterly line of Alaskan Way; thence southeasterly along said northeasterly line of Alaskan Way to the point of beginning.

Also, a right-of-way of variable width across West Prospect, West Lee, and West Galer Streets, being those portions of said streets lying between the easterly margin of Alaskan Way West and a straight line begining on a point on the southerly line of West Prospect Street fourteen and one-half (14.5) feet easterly from the easterly margin of Alaskan Way West and terminating at a point on the northerly line of West Galer Street twenty-one (21) feet easterly from the easterly margin of Alaskan Way West, said distance being measured along said respective street lines.

Section 5. The grant contained in this ordinance is made expressly subject to the following conditions and requirements:

FIRST: The City of Seattle shall retain the same control of streets, avenues and alleys in and over which tracks have been laid as in all other streets, avenues and alleys in the City. Speed of locomotives, cars and trains within the limits of the franchise rights-of-way herein granted, and the maximum period of time for which such locomotives, cars and trains shall be allowed to block travel along and across the streets or intersecting streets embraced in this grant shall be regulated at all times by The City under general ordinance. The City shall have such further control and police power over the franchise rights-of-way and the use thereof, as the City Charter and the State Constitution and Laws may now or hereafter permit.

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SECOND: The City of Seattle hereby reserves to itself and Burlington Northern the right to construct all necessary public improvements and to install and carry all public utility facilities across, underneath or above any and all of the tracks hereby authorized, and above or below any and all bridges, trestles or culverts, if any, which have been constructed under the provisions of Ordinances 57179, 58867, 92566 and 92567, and the City reserves to itself full and complete right of access to any space occupied by such tracks and to all of said franchise rights-of-way within the limits of any streets, alleys, avenues or public places, together with the right to open and excavate the ground beneath said tracks or within said franchise rights-of-way, for all purposes of construction, maintenance, repair, operation and inspection of any public utilities and public improvements which rights shall, however, be exercised in such manner which will not interfere with the safe operation of locomotives, cars and trains on said tracks. In all cases involving a possibility of such interference, or removal of lateral support or excavation beneath the tracks of Burlington Northern forty-

five (45) days written notice shall be given to Burlington Northern, its successors, or assigns, and Burlington Northern, its successors and assigns shall, at its own cost and expense, remove, relocate, support, reinforce said tracks as necessary and provide flagging, and shall also furnish an authorized agent or representatives at Burlington Northern's own cost and expense, who shall supervise such removal, relocation, support, reinforcement or excavation or other work; provided that, in case of emergency repairs, the length of such notice may be less than forty-five (45) days, but not less than twelve (12) hours. Burlington Northern shall have the option of requiring that any such construction, repair, renewal, maintenance or inspection of municipally owned utility be done by tunnelling or jacking beneath said tracks, if such utility determines that tunnelling or jacking is practicable, and upon Burlington Northern providing assurances satisfactory to such municipally owned utility that Burlington Northern will pay the extra cost of tunnelling or jacking, over the cost of open cutting. If it is necessary that such tracks should be removed, relocated, reinforced during the progress supported, orof the construction, repair, renewal, maintenance, or inspection of any municipally operated utility, orfor any public improvement, Burlington Northern, its successors or assigns, shall remove or relocate said tracks and shall construct and place such support and provide flagmen as necessary, and shall attend to the replacement and readjustment of its track, all at its own cost and expense.

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THIRD: Burlington Northern shall, to such width or extent within said franchise rights-of-way as The City of Seattle may from time-to-time by ordinance require to be improved or reimproved, cause such parts of the streets, avenues or other public places lying within the franchise rights-of-way as herein defined, to be paved, repaved, graded, regraded or

otherwise improved or re-improved at the same time with the same material and in the same manner as the adjoining parts of such streets, avenues or other public places shall be so paved, repaved, graded, regraded or otherwise improved or re-improved by the City. All such original or subsequent improvement and the maintenance thereof shall be done wholly at the cost of Burlington Northern, and under the supervision and subject to the approval and acceptance of the Director of Engineering of The City of Seattle.

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FOURTH: Burlington Northern, by its acceptance of this ordinance, covenants and agrees with The City of Seattle as follows:

- (a) To erect and maintain all such safety devices, warning signals, lights and appliances as may be necessary to protect and facilitate public travel; and
- (b) To protect and save harmless The City of Seattle from all claims, actions or damages of every kind and description which may accrue to or be suffered by any person or property by reason of any defective construction or maintenance of any part of the franchise rights-of-way. If any suit or action is begun against The City of Seattle for damages arising out of such defective construction or maintenance, then Burlington Northern shall, upon notice to it of the commencement of such suit or action, defend the same at its sole cost and expense; and
- (c) That if Burlington Northern shall carelessly or negligently operate over any of the tracks constructed under this ordinance, and through such careless or negligent operation, damage shall result to any person or property, Burlington Northern shall protect and save harmless The City of Seattle from all claims, actions or damages by reason thereof. In case any suit or action shall be begun against The City of Seattle because of careless or negligent operation,

Burlington Northern shall, upon notice to it of such suit or action, defend the same at Burlington Northern's sole cost and expense.

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(d) That in case judgment shall be rendered against The City, Burlington Northern shall fully satisfy such judgment within ninety (90) days after such suit or action shall have been finally determined, if determined adversely to The City.

Burlington Northern shall maintain the tracks herein authorized so that the top of the rail thereof shall at all times conform to the street ( (except where change is made in separation of grades), and cor City hereby reserves the right to change the grade of any streets at any time. If the City changes such grade, Burlington Northern, by the acceptance of this ordinance, hereby covenants and agrees with The City to waive any and all damages that it may sustain on account of having to readjust the tracks by reason of such change of grade. Such waiver is made, however, only upon the condition that any change of grade hereafter made by the said City in the streets affected by the franchise shall be reasonable, or not interfere with the proper and practical operation of said tracks herein authorized, or with the tracks after adjustment to the new grade.

SIXTH: Grantee shall be solely responsible for the maintenance and safety of the rights-of-way granted herein, including all tracks and all grade crossings, and shall cooperate and coordinate with the City of Seattle Director of Engineering to assure adequate rehabilitation, repair and maintenance of all tracks and grade crossings herein authorized, in compliance with the Letter of Understanding between Burlington Northern Railroad, Union Pacific Railroad and the City of Seattle (City of Seattle Comptroller File No. 296593) dated July 18, 1988 and with all existing and future City of Seattle, State and/or Federal railroad grade crossing

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standards and regulations, and under the direction of and to the satisfaction of the Director of Engineering, all at Grantee's sole expense.

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Section 6. Nothing in this ordinance shall be construed as granting an exclusive franchise or privilege for the use of any street, alley, avenue or other public place, or any part thereof. The grant contained herein shall be subject to the right of the City Council at any time hereafter to repeal, change or modify said grant, if the franchise is not operated in accordance with the provisions of such grant, or at all. The City of Seattle reserves the right at any time hereafter to repeal, amend or modify said grant, with due regard to the rights of the grantee, its successors and assigns, and the rights of the public.

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In order to claim the benefits of this Section 7. ordinance and to acquire the rights, privileges and authorities hereby granted, Burlington Northern, on behalf of itself, its successors and assigns, must file in the Office of the City Clerk, a copy of a duly adopted resolution of Burlington Northern's Board of Directors within six (6) months after this ordinance becomes effective. The resolution shall be duly certified and attested by the proper officers under their corporate seal, accepting the benefits of this ordinance and the rights, privileges and authorities hereby granted, subject to all the conditions, restrictions, specifications and requirements herein expressed, and relinquishing all franchises heretofore granted by the City of Seattle to them or their predecessors in interest insofar as such franchises pertain to the trackage, crossings and related facilities described in Section 4 of this ordinance, in the central waterfront area of downtown Seattle.

Section 8. At the expiration of ninety (90) days from the date on which this ordinance becomes effective and upon compliance with the terms and conditions herein, this ordinance shall become fully operative and Burlington Northern shall proceed to carry out the provisions thereof.

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Section 9. Except as herein provided, this franchise and the rights herein granted or any interest in them, shall not be sold, assigned or mortgaged without the consent of the City Council by ordinance. Nor shall the same in such event accrue to the benefit of the purchaser, assignee or mortgagee unless sixty (60) days after such consent, the purchaser shall file with the City Clerk of the City of Seattle an acceptance of all the rights, privileges and authorities hereby granted, subject to all the conditions, restrictions, specifications and requirements herein expressed.

Section 10. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code 1.04.020.

Passed by the City Council the 23 day of 1995, and signed by me in open session in authentication of

passage this 23 day of

President of the City Council

Approved by me this 20 day of ANWAVA

Mayor

Filed by me this 20 day of auuany

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Hachenent 110519 Ord # 117481

TICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ORDINANCE NO. 947

ha ordinance of the City of Scattle granting to the Seattle and Montana Radirosi Company, its successors and assigns, the right, privilege and suther to lay down, construct, maintain and operate really railway tracks along and across sundry streets, averages and other public places within the City of Seattle, and upon other property within the limits of said city, and granting to said company, its auccessors and assigns, rights of way for such tracks along and across all such streets, svenues and other publish places of said oity.

BE IT ORDANIED BY THE CITY OF STATTLE AS POSSIOWS:

Section 1. The City of Seattle does dereby grant to the Seattle and Montana Railroad Company its successors and assigns, in parastuity, the richt, privilege and authority to lay down, construct, maintain and eperate sundry tracks of standard gauge railway, as hereinbelow designated and specifical, together with mall needful crossovers and connections between any of said tracks and any other therefor, or any other rack, adda. cent therete, slong and sorous sendry street savenues and other public places within the limits of anid city; and also a right of we for said tracks along and across all aid sundry streets, avenues and ther public places of said city, which said right of way whall be fifteen Teet in width for each such track herein authorized, wing seven and one half feet on each side of the comper line of such track together with such additional right of way for such tracks or way thereof as shall be requisite for the construction thereen of proper slopes and regulating walls for the roughed of such treeks; provided, however, that after that part of any street or avenue crossed by such tracks shall have been incided, no such additional right of way for slopes or setaining walls within the limits of such street or avenue shall be used: All which rights, privileges and suthorisies are hereby granted subject w all the conditions, sestrictions, pocifications and requirements

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this ordinance, and the rights of way hereby granted for the same, are described as follows:

First, four tracks of standard gauge railway, the center lines of which tracks shall be as nearly as may be perallel with and respectively 7.5 feet and 293 feet distant on either side from the center line of the right of way therefor next hereinbelow specified, and a right of way 60 feet in width for such tracks, the center line of which right of way shall begin on a line in Railroad avenue parallel with and 68 feet westerly of the easterly line of said avenue, measured at right angles thereto, at the intersection of said last lascribed line with a line drawn at right angles across Railroad avenue from the intersection of the emeterly line thereof with the north line of Yesler way, and shall run thence southerly on a curve to the right, through 31 degrees 45 minutes 10 seconds of curvature, to a point where such curve shall become tangent to a line in Railroud avenue parallel with and 148 feet east of the west ling of said avenue and point being as marly as may be at the intersection of said last described line with a line drawn parallel with and To feet north of the north line of Main street produced westward- said right of way, herever, tapering uniformly, as nearly as may be; from 60 feet in width at the northerly end of said curve to 30 feet in width at said last mentioned point, and said four tracks converging into two tracks in the course of said curve; and two tracks of standard gauge railway, the center lines of which tracks shall be as nearly as may be parallel with and 7.5 feet listant on either side from the center line of the right of way therefor next hereinbelow specifie i, oni a right of way 30 feet in width for such tracks, the center line of which right of way shall begin at the point last designated and shall run thence south, on a line parallel with and 143 feet's east of the west line of Railroad gremue, to a point as nearly as may be at the integrection of said list described lis with the sentialine of blook four (4)

of D.S.Maynard's Plat of the Town (now City) of Seattle produced westwari, thence on a curve to the left with a radius of 940.4 feet, through 30 degrees 30 minute of curvature, to a point where such curve is tangent to a line in Reilroad, Way parallel with ant 15 feet northeasthrly of the center line of said Reilroad Way, measured at ri ht angles thereto, thence southeasterly along said last described tang....t to a point as nearly as may, be at the intersection thereof with a line drawn parallel with and 10 feet north of the north line of lot 18 in block 325 of Seattle Tide Lenis (as laid out on the map of said tide lands filed on March 15, 1895, in the office of the Board of State Land Commissioners of the State of Washington) and produced west mard, thence on a curve to the right with a radius of 970,4 feet, through 80 degrees 30 minutes of curvature, to a point where such curve is tangent to a line parallel with and 45 feet east of the west line of block 32% of said Seattle Tide Lends, as nearly as may be at the intermection of said last described line with an east and west line drawn through the center of lot 26 in said block.

Secondly, a single track of standard gauge railway, the enter line whereof shall be as nearly as may be coincident with the center line of the right of way therefor mext hereinbelow specified, and a right of way 15 feet in width for such track, the center line of which right of way shall begin at a point 44.5 feet west of the southwest corner of block 4 in D.S.Maymerd's Plat of the Town (now City) of Seattle, and shall run thence south along Railroad avenue, 44.5 feet west of the east line of said avenue, to a point as nearly as may be at the intersection thereof with an east and west line drawn through the center of lot 12 in block 368 of said Seattle Tide Lands and produced esatward, thence on a curve to the right with a radius of 962.9 feet, through 17 degrees 14 minutes 15 seconds, of curvature, to a point where such curve is tangent to a line in Railroad Avenue parallel with and 155.5 feet easterly of the westerly line of said avenue, measured at right angles thereto, thence southerly an said last described line to a soint as nearly as may be at

the intersection of soid line with the north line of lot 9 in block 331 of said Seattle Tide Lands produced westward, thence on a curve to the left with a radius of 932.9 feet for a distance of about 150 feet, said track terminating at the end of such curve in and making a connection with such railway track, if any, as may be laid down by authority of the City of Seattle on that part of Railroad avenue lying next easterly of the right of way last defined.

Section 3. The grant in this ordinance contained is made expressly subject to the following conditions and requirements, to wit:

The City of Seattle shall retain the same control of the streets, evenues and allegs in and across which said railing tracks shall be laid down, as over other strests, averages and alleys, and shall have the right at all times, by general ordinance, to regulate the speed of locomotives and trains within the limits of the rights of way herein granted, and the maximum period of time for which locomotives, cars or trains shall be alsowed to blockade travel along or across the streets embraced in this grant, or intersecting streets, and shall have such further control and police powers over such right of way as the gity Charter and State laws permit. And said city reserves to itself and its grantees the right to carry all water mains, sawer mains, gas pipes, conduits and other public utilities undermath any and all of the tracks herein suthorized, below any and all bridges herein provided for and underneath any street, avenue or other public place which may be vacated concurrently with or after the anastment of this ordinance, and the right of access to any spaces occupied by such tracks within the limits of any such street, avenue or other public place, and the right to open the ground beneath said tracks, for all purposes of construction, maintenance, repair, alteration and inspection of any such public utilities; which rights shall be exercised, however, so as to interfere as little as practicable with the use of said tracks and so as to leave the right of way occupied thereby restored to as good a condition as prior to any exercise of such right

Whenever any of the tracks herein authorized shall run Second: slong or across any street, avenue or other public place in said city other than those for the travel on which overhead bridges shall have been constructed as herein provided for, and other than such streets, if any, as shall be vacate i by ordinance or ordinances of the City of Seattle enacted genourrently with or subsequently to the enactment of this ordinance, said grantee, its successors or assigns, shall cause the parts of such streets, we mues or other public places lying within the right of way of each such track, as herein defined and granted, to be graded, planked, paved, or otherwise improved whenever the adjoining parts of such streets, avenues or other public places small be so grade (planked, paved or otherwise improved by the city if not hitherto done, er, if such improvement shall have been already made, to be regraded, replayed, repaved or otherwise reimproved, so as to be, when such tracks shall have been constructed and shall be ready for use, in as good and substantial a condition as the adjoining parts thereof, onl whenever any such street, evenue or other public place, after having been so graded or inproved by the city, shall be regraded, replanked, repayed or otherwise reimproved, said grantee, its successors or assigms, shall cause the parts thereof lying within such right of way of each such track to de correspondingly regrated, replanted, repayed or otherwise reimproved, all such original or subsequent grading or improvement to be done wholly at the cost of said grantee, its successors and assigns, and under the supervision and control and subject to the adceptance of the board of public works of the city: Provided, however, that said grants, its sur lessore or espigns, shall not be required to bear the expense of maintenance of 30 much of the flooring or pawing of such : rests as shall have been or shall be required to be borne by the owners or owners of any street railway track or tracks now upon or that may hereafter be laid sown upon such streets respectively, by the terms of the franchises granted or to be granted by said city authorizing the laying down and

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maintenance of such tracks upon such atrects, so long as such atrect relieve franchises respectively shall remain in force.

Third: At every travelled street intersection srouted at grade by the rights of way hereinabove granted, where if rected by the City of Seattle, the grantee herein, its successors or assigns, shall erect, and at its or their own cost and expense maintain, lamps of equal power with the lamps maintained by the City of Seattle at street crossings in the central business part of the city, and shall keep each of said lamps illuminated during the same hours of the night during which the street lighting system of the City of Seattle generally may be in operation, and streets meeting and forming s "T" shall come under this provision as well as streets actually crossing: Provided, that at those intersections upon or acros; which other railroad franchises may be sperated, said grantee, its successors or assigns, shall be required to seer the burden of its proportional part only, such proportion being appared by the width of the right of way owned by each road at such intersection.

Fourth: Said grantee by its acceptance of this grant, loss agree and covenant, for itself, its successors and assigns, to and with the City of Seattle, to protect and save harmless said city from all claims, actions or damages of every kind and description which may morue to, or be suffered by, any person or persons by reason of any defective construction or maintenance or improper occupation of said rights of way, or by reason of the negligent operation by said grantee, its successors or assigns, of its or their resilvey trains over the rights of way here—imbefore described. And is case any action or suit shall be begun against said city for issages arising out of, or by reason of, such defective construction or maintenance or improper occupation or negligent operation, said grantee, its successors or assigns, may, and shall upon notice to it or them of the commencement of such action or auit, defend the same against said city is and these expects, and, in case independent shall be redered against said city in any and in case independent.

satisfy such judgment within ninety (90) days after such action or suit shall have been finally determined, if determined adversely to sail city.

Pifth: - Said grantee, its successors or massigns, shall allow each owner or occupant of a wharf or warehouse contiguous to any of the tracks herein authorized, or to any street, avenue or other public place along which many of said tracks shall be constructed, and who shall have first produced from the board of public works of said city a permit therefor, a spurtrack connecting the tracks of such railway with such wharf or warmhouse: Provided, however, that said grantee, its successors or as signs, may at its or their option require that such spurmack shall be constructed and maintained at the expense of such owner or occupant of much wharf or watchouse, including the reasonable Balue of any right of way not within a street requisite therefor, and provided further that any such spurtrack shall start from such of the guilway tracks in the neighborhood of such wharf or warehouse and which said grantee, its muccessors or assigns, shall own er shall be entitled to use as it or they shall determine upon as the most proper therefor, and shall be subject to such reasonable rules and regulations as to the opening and closing of the switch controlling access thereto, and as the use of such tracks, as said grantee, its successors or assigns, may from time And said grantee, its successors and assigns, shall to time establish. have the right to lay down, construct, maintain and operate any such spurtrack for the use of the owner or occupant of any such what or warehouse, crossing in its course the track or tracks of any other railway company! Provided however, that in no case shall said grantee, its successors or assign , occupy any more of the right of way of any such other railway company for the purpose of such crossing than shell be ressonably necessary therefor, nor shall such space be occupied otherwise than in the course of the transit of lecomotives and cars across the same in the use of such spurtrack, nor for that purpose say oftener or longer than shell be reasonably me

At such time as the City of Septtle by resolution or ordinance of the city council shall require the came to be lone, said granted, its successors or ensigns, shall join with the City of Seattle, or with such of its grantees in any other ordinance or ordinances of said city as may be required in and by such ordinance or ordinances to join therein, in the construction and maintenance, at the intersection of the tracks herein authorized with First Avenue south, of an overhead bridge to carry travel on said evenue above and scross said tracks, which bridge and its sbutments shall be constructed of proper and suitable materials, and in such manner as may be approved by the City of Seattle, and with a clear height of twenty two (22) feet above the togs of the rails of the tracks crossed thereby, and so as to provide such width, of rosdway thereon (not exceeding the width of said avenue) as the city may from time to time require, but at no time less than fifty (50) feet in width, and the south face of the north abutment of which bridge shall be as nearly as may be on a line drawn at right angles across First Averue south from the intersection of the west line of said grenue with a lin parallel with and thirty feet norther erly of the conter line of Railroad Way, and the north face of the south abutment of which bridge shall be as nearly as may be on a line drawn at right angles scross First Avenue south from the intersection of the east line of said avenue with a line parallel with and thirty feet southwesterly of the center line of Railroad Way. Said grantee, its successors or assigns, shall bear one helf of the entire expense of the construction and merpetual maintenance of the abutments, and of the superstructure (including the flooring or paving) for the entire length thereof between the exterior lines of the abutments, of so much of said bridge as shall lie outside and on either side of the central twenty two (22) feet in width of said P' it Avenue south, but the City of Seatthe, or its grantees as aforesaid, shall bear the other half of said expense above specified and the entire expense of the construction and perpetual maintenance of the abutments and apporatructure of so much of said aridge as shall lie within

seld central twenty two (22) feet of sold First Avenue nouth, and seld cast whall construct and maintain the whole of the approaches of said bridge, at either end thereof, beyond the exterior lines of the abutments, without expense to said grantec, its successors or wasigns, other that 'w such sasess ents for loss improvements as may be legally made against the property owned by it or them: Provided however, that said grantee by its so ptance of the benefit of this ordinance shall be deemed to have watver, for itself, its successors and assigns any claim of damage, by reason or we erection or weightenance of any of said approsches, te any property that it, its successions or masigns hay own abutting upon or adjacent to such approaches or either thereof. bridge shall be completed and ready for passio a well within eighteen months efter the City of Seattle shall have required the construction of the same by resolution or ordinance as aforesaid, and the construction thereof shell be carried on so as to interfere as little as practicable with the use of said evenue for public travel.

Seventh: Seld grantee, its successors or essigns, shall begin work upon the resdjustment of its railway tracks at present occupying any areas within those parts of Railroad seenue and Reilros Way, respectively, lying between the northerly and the southerly ends of the tracks authorized by the first cleuse of section 2 hereof, to that such treeks shall conform substantially in their alignment to the tracks herein authorized to be laid down uson and slong said parts of Reilroad evenue and Reilroad Way lest specified, within eighteen months efter this ordinance shall take effect, and shall complete much readjustment of at least one of said tracks throughout said entire distance, within two years after this ordinance shall take effect. Mand if said work of readjustment shell not be begun within the time in this clause prescribed, or if one of said tracks shall not be so as aforesaid realjusted throughout said entire distance within the time in this clause prescribed, then, unless the beginning or the completion to the extent afores 110 ms the case maybe, of seld work of reddjustment thell have

been provented by injunctions, unsvoidable delays in condemnation suits, strikes, riots, or some occurrence beyond the control of said grantee, its successors or assigns, the city council of said city shall have the right, after simty days' notice to said grantee, its successors or assigns, to declare, by ordinance, the forfeiture of all rights, privileges and authorities herein granted.

Said grantee shall agree and covenant, in behalf of Eighth: itself, its successors and assigns, with the City of Seattle, in and by its acceptance of the benefit of this ordinance hereinbelow provided for that said grantee, its successors or assigns, will readjust all its railway tracks at present accupying any areas within those parts of Railroad swenue and Railroad Way, respectively, lying between the northerly and southerly ends of the tracks suthorized by the first clause of section 2 hereof, so the such tracks shall conform substantially in their elignment to end shall not exceed in number, the tracks herein authorized to be laid down upon and slong said parts of Railroad Vavenue and Reilroad Way last specified, and that it or they will slao take up and remove all its other railway tracks at present occupying mry part of Railroad avenue or Railroad Way.respectively, lying between the northerly end of the tracks suthorized by the first clause and the coutherly ends of the tracks authorized respectively by the first and second clauses of section 2 hereof, and that it on they will also file in the office of the city comptroller a copy, tally certified and attested by its or their secretary under its or their corporate scallof a resolution duly adorted by its or their board of trustees, relinquishing and surrendering all franchises, rights, privileges and authorities heretofore granted by the City of Seattle in respect of the maintenance, use or operation of any railway tracks within the above specified parts of Reilroad avenue and Reilroad Way respectively, and all rights of way therefor conferred in the grant of any such franchises, rights, privileges or muthorities, all within two years after this ordinance shall take effect; and if soid greated, its successors or assigns, shalf fail to per

been provented by injunctions, unswoodable delays in condemnation suits, strikes, riots, or some occurrence beyond the control of said grantee, its successors or saigns, the city council of said city shall have the right, after simty days' notice to said grantee, its successors or saigns, to declare, by ordinance, the forfeiture of all rights, privileges and authorities herein granted.

Eighth: Said grantee shall agree and covenant, in behalf of itself, its successors and sssigns, with the City of Seattle, in and by its acceptance of the benefit of this ordinance hereinbelow provided for that said grantee its successors or assigns, will readjust all its railway tracks at present accupying any areas within those parts of Railroad swenue and Railroad Way, respectively, lying between the northerly and southerly ends of the tracks suthorized by the first clause of section 2 hereof, so the such tracks shall comform substantially in their sligmment to, and shall not exceed in number, the tracks herein authorized to be laid down upon and slong said parts of Railroad Vavenue and Reilroad Way last specified, and that it, or they will she take up! and remove all its other railway tracks at present occupying mry part of Railroad avenue or Railroad Way.respectively,lying between the northerly end of the tracks sathorized by the first clause and the coutherly ends of the tracks sutherized respectively by the first and second oleuses of section 2 hereof, and that it on they will also file in the office of the city comptroller a copy, only certified and attested by its or their secretary under its or their corporate scallof a resolution duly adopted by its or their board of trustees, relinquishing and surrendering all franchises, rights, privileges and authorities heretofore granted by the City of Seattle in respect of the maintenance, use or operation of any railway tracks within the above specified parts of Reilroad evenue and Reilroad Wey respectively, and all rights of way therefor conferred in the grant of any such franchises, rights, privileges or authorities, all within two years after this ordinance shall take or assigns, shall fail to per effect; and if soid granted, its successor

form such agreement and covenant, the city council of said city shall have the right, after sixty days' notice to said grantee, its successors or assigns, to cause all such rathway tracks to be readjusted or removed as above specified, at the expense of the grantee herein, its successors or assigns, and said grantee, its successors and assigns, shall be liable to the sity for all the expense of such removal: Provided, however, that neither the agreement and covenant in this clause required, nor the performance of the same, nor anything occurring in consequence of any provision of this clause, all in any way affect the force of any such franchise, right, privilege or authority heretofore granted by the City of Seattle as aforesaid, nor affect any right of way conferred in any such grant, except in respect of said railway tracks to be readjusted or removed as above specified.

Minth: Seid grantee shall switch and transfer cars chippen from any non-competitive point on the lines of any other railway company outside the limits of the City of Seattle and delivered via the tracks of the Worthern Pacific Reilway Company or the Columbia & Puget Sound Reilroad Company to said grantee, its successors or assigns, at a point within that part of the City of Seattle bounded on the north by Yesler Way and on the south by the present south boundary line of the city, for transfer to the consignee at a point situated on the tracks of said grantee, its successors or assigns, within said limit, or shipped from a point on the tracks of said grantee, its successors or assigns, within said limit and consigned via the lines of the Northern Pacific Reilway Company or the Columbia & Fuget Sound Reilroad Company to a non-competitive point outside the limits of the City of Seattle, at charges not in excess of the following:

Where the length of the switching service between the point of destination or origin of such shipment on the tracks of said grantee, its successors or assigns, and the point of receipt or delivery of such car from or to either of the other companies above named, measured by the

shortest precticable track route, shall not exceed one-half mile, \$1.50 per loaded car;

Where the length of such switching service, as aforesaid, shall not exceed one and one-half mile, \$2.00 per loaded car;

Where the length of such switching service, as aforesaid, small not exceel two and one-half miles, \$2.50 per loaded cer.

The above specified charges shall include the service of returning the empty car, or placing the empty car to be loaded, as the same may be. In case an empty car is moved both ways, the charge for the double movement shall be the same as for a loaded cars.

Section 4. In the operation of the gracks authorized by this ordinance said grantee, its successors and essigns, shall have the right to use steam power or any other motive power that it or the may deem suitable, subject to the reasonable control and regulation of the City of Seattle.

section 5. The rights of way, and all the rights, privileges and authorities granted by this ordinance, and all benefit hereef, shall be assignable by said grantee, its successors or assigns, as it or they may at any time see fit, either as an entirety or as respects any one or more of the tracks, or parts of the same, embraced within the score of such grants: Provided, however, that no such assignment, either total or partial, shall be of any force or effect until a copy thereof, sartified as such by the secretary of the assignment in the behalf, shall have been filed in the office of the city comptroller.

Section 6. Nothing in this ordinance contained shall be construct as granting on exclusive franchise or privilege for the use of any street, avenue, alley or highway or other public place, of any part thereof; and the grant herein contained shall be subject to the right of the city council at any time hereafter to repeal, change or modify said grant, if the franchise granted thereby is not operated in accordance with the provisions of such grant or at all, and the City of Seattle

reserves the right at any time hereafter so to repeal, amend or modify said grant.

Section 7. In order to claim the benefit of this ordinance and to acquire the rights, privileges and authorities hereby granted, said grantee, its successors or assigns, must within sixty days after the taking effect of this ordinance file in the office of the city comptroller a copy, duly certified and attested by its secretary under its corporate seal, of a resolution duly adopted by its board of trustees, accepting the benefit of this ordinance and the rights, privileges and authorities hereby granted, subject to all the conditions, restrictions; apecifications and requirements herein expressed, and agreeing and covenanting with the City of Seattle as is required in end by the eighth clause of section 3 of this ordinance; and if such a certified copy of such a resolution of acceptance shall not be so filed before the expiration of said time, this ordinance shall thereupon become void and of no effect.

Section 8. This ordinance shall take effect and be in force from and after its passage and approval, if approved by the layer; otherwise it shall take effect at the time when it shall become a law under the provisions of the city charter.

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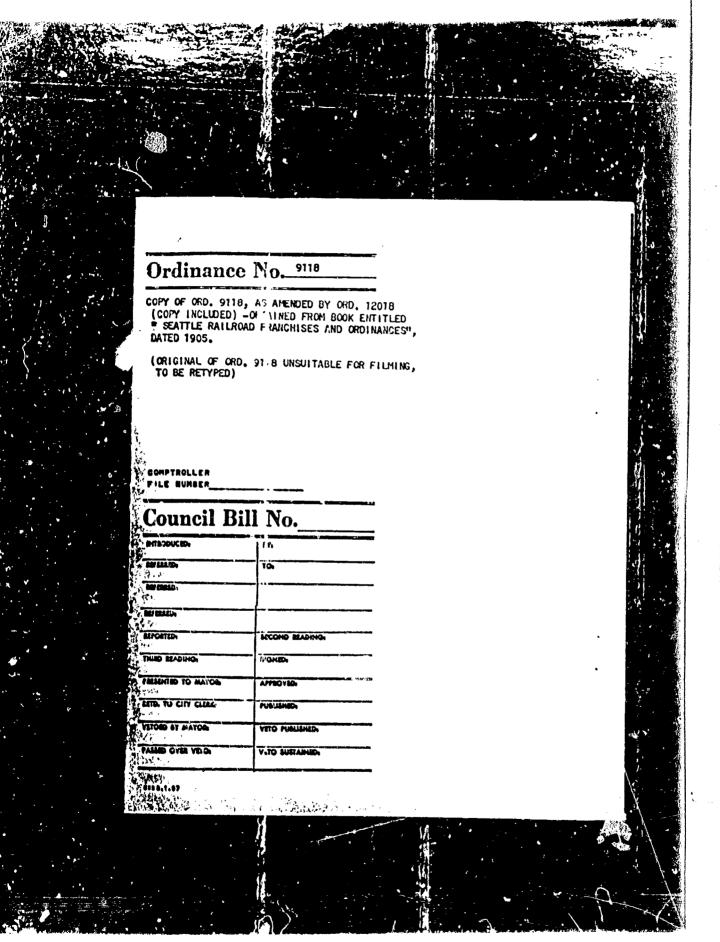
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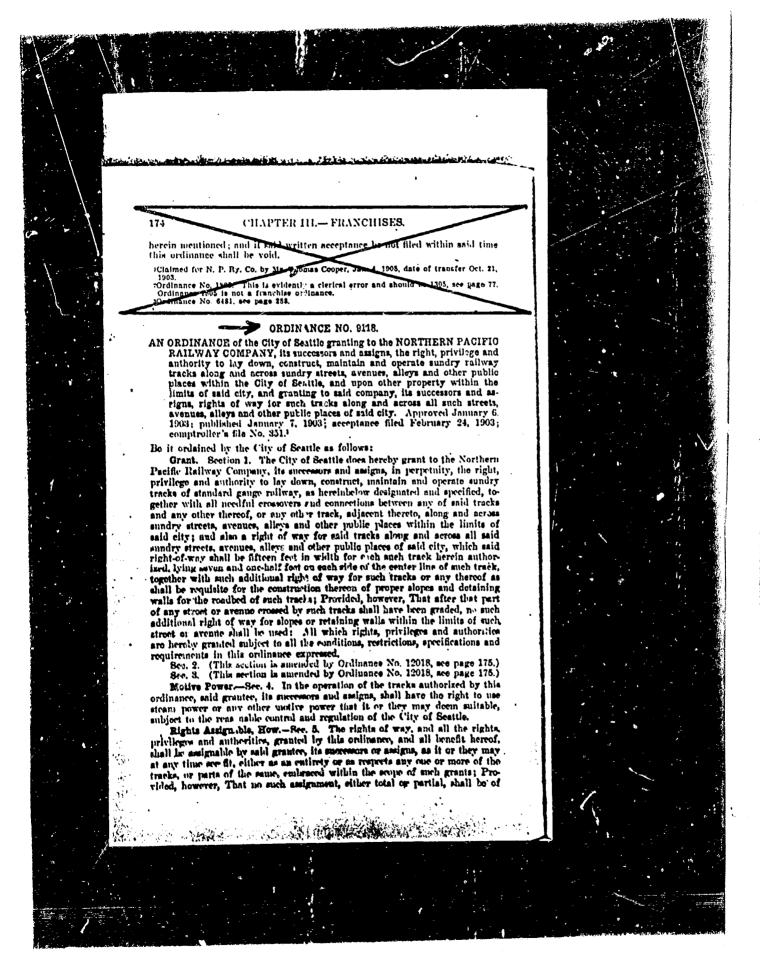
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Franchise Not Exclusive; Subject to Repeal or Modification.—Sec. 6. Nothing in this ordinance contained shall be construed as granting an exclusive franchise or privilege for the use of any street, avenue, alley or highway or other public place, or any part thereof; and the grant herein contained shall be subject to the right of the city council at any time hereafter to repeal, change or modify said grant, if the franchise granted thereby is not operated in accordance with the provisions of such grant or at all, and the City of Scattle reserves the right at any time hereafter so to repeal, amend or modify said grant.

Acceptance, When and How; Void Unless Accepted. Sec. 7. In order to claim the benefit of this ordinance and to acquire the rights, privileges and authorities hereby granted, said grantee, its successors or assigns, must within sixty days after the taking effect of this ordinance file in the office of the city comptroller a copy, duly certified and attested by its secretary, under its corporate seal, of a resolution duly adopted by its board of trustees, accepting the benefit of this ordinance and the rights, privileges and authorities hereby granted; subject to all the conditions, restrictions, specifications and requirements herein expressed, and agreeing and covenanting with the City of Seattle ds is required in and by the ninth clause of section 3 of this ordinance; and if such a certified copy of such a resolution of acceptance shall not be so filed before the expiration of said time, this ordinance shall thereupon become void and of no effect.

Minimed for N. P. Ry. Co. by Mr. Thomas Cooper, Jan. 4, 1908.

#### ORDINANCE NO. 13018.

ORDINANCE amending Sections 2 and 3 of an ordinance of the city of Seattle, No. 9118, entitled "An ordinance of the City of Seattle granting to the HORTHERN PACIFIC RAILWAY COMPANY, its successors and assigns, the right, privilege and authority to lay down, construct, maintain and operate sundry railway tracks along and across sundry streets, avenues, alleys and other public places within the City of Seattle, and upon other properly within the limits of said city, and granting to said company, its successors and assigns, rights of way for such tracks along and across all such streets, avenues, alleys and other public places of said city."

Approved January 25, 1905; published January 26, 1905; acceptance flied March 23, 1905; comptroller's file No. 27321.

Be it ordained by the City of Seattle as follows:

section 1. That Sec. 2 of an ordinance of the City of Scattle No. 9118 entitled "An Ordinance of the City of Scattle granting to the Northern Pacific Rallway Company its successors and assigns the rights, privileges and authority to lay down, construct, maintain and operate anning railway tracks along and seroes sundry streets, avenues, alleys and other public places within the Oity of Scattle, and upon other property within the limits of said city, and granting to said company, its successors and assigns, rights of way for such tracks along and across all such streets, avenues, alleys and other public place of said city," is hereby amended to read as follows:

OTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Descriptions.—"Sec. 2. The tracks of standard gauge railway, the laying down, construction, maintenance and operation whereof are authorized by this ordinance and the rights of way hereby granted for the same, are described as follows:

Tracks on Second Avenue South.—First: Two tracks of standard gaugeraliway, the center lines of which tracks shall be as nearly as practicable parallel with and seven and shalf (7½) feet distant on either side from the center line of Second avenue south, beginning at the intersection of the south boundary line of the City of Seattle with said center line of Second Avenue South, and running thence northerly on said Second Avenue South to Canal Waterway as the same is now platted. Said right of way on Second Avenue South for such tracks, shall be thirty (30) feet in width. From the south side of Canal Waterway running nor herly, the right to cross intervening streets is hereby granted, so that the grantee shall have the right and authority to constuct and operate its lines of railway from the south side of said Canal Waterway in a general northerly direction between Oriental and Occidental Avenues to the south line of Connecticut Street.

Wys Tracks to Fourth Avenue South.—Secondly: A "wys" track on Second Avenue South and Spokane Avenue and on the public areas cost of Second Avenue South intervening between the same and Spokane Avenue, the two branches of which "wye" track shall start from the more easterly of the two tracks authorized by the first clause of this section, and shall run thence easterly on 10 degree curves to a junction thereof at or near the west line of Fourth Avenue South.

Track to Rinth Avenue South. Thirdly: A single track of standard gauge railway, the center line whereof shall be as nearly as may be coincident with the center line of the right of way therefor next hereinbelow specifical. and a right of way 15 feet in width for such track, the center line of which right of way shall begin at the junction of the two branches of the "wye" track authorized by the second clause of this section, at or near the west line of Fourth Avenue South, and shall run thence east along the center line of Spokane Avenue, to a point about 190 feet cast of the east line of Sixth Avenue South, thence on a curve to the left with a radius of 573.6 feet, through 47 degrees, 54 minutes, 46 seconds of curvature, to a point where such curve is taugent to a line parallel with and 30 feet northwesterly of the southeasterly line of the Scattle Boulevard, thence along the last described line to a point about 180 feet southwesterly of the intersection of the west line of Ninth Ave nue Bouth, produced southerly, with the south line of the Canal Waterway, produced easterly, as laid out on the map of Seattle Tide Lands filed March 15, 1802, in the office of the Board of State Land Commissioners of the State of Washington, thence on a curve to the left with a radius of 410.2 feet through 80 degrees 40 minutes 14 seconds of curvature, to a point where such curve is tangent to the center line of the present existing track of the Columbia & Puret Bound Railroad Company in Ninth Avenue South.

way, the center lines of which tracks shall be as nearly as may be parallel with and 7.5 feet distant on sither side from the center line of the right of way therefor next herefulsely specified, and a right of way 30 feet in width for such tracks, the center line of which right of way shall begin at a point in the intersection of the easth humalary line of the City of Scattle with the alky it

block 28 of J. J. Mose's addition to South Scattle, which point is 166-17 feet east of the center line of Eighth Avenue South, is d shall ron thence northerly on a tangent bearing north 4 degrees 18 minutes is seen is cost according to the city's star dard meridian a distance of 482.6 feet, to a result in the center line of Charastown Street, which point is distant 210 by feet east of intersection of said outer line of Charlestown Street with the center line of Eighth Avenue South

Thence continuing on the same course a distance of 1008-89 feet more or less, to a point on the line between the E. Hant of Donation Claim, and the J. J. Moss I nation Claim, which point is 43 feet more or less, distant, south 89 degrees 35 minutes 15 seconds cast from the mearaber corner on the line between the b. Hanford Donation Claim, and the J. J. Moss Donathus Ciarres.

Thence continuing on the same course at an angle to the said donation claim line of 93 degrees 54 minutes or northwest angles, a distance of 40 feet more or less, making a total distance of 246 or test from the place of beginning; sence on a curve to the right with a radius of 111628 feet, through 10 degrees 28 minutes 17 seconds of our ature, 209.43 feet, thence on a tangent bearing north 14 degrees 47 minutes 15 seconds east, 1127.97 feet, to a point near the east margina! bue of Terth Avenue South, thence on a curve to the left with a radius of 1763.18 feet, turnigh 23 degrees 28 minutes 23 seconds of survature, 722.4 feet to a point in her 2 in block 10 of Bayside Addition:

Thence on a tangent bearing north 8 degrees 41 minutes 8 seconds west, a distance of 782.01 feet to a point in lot 7 in block 65 of McNaught's addition to Central Seattle;

Thence on a curve to the right with a padius of 9549.34 feet, through 6 degrees 0 minutes 50 seconds of curvature, 1002.22 feet.

Thence on a tangent bearing north 2 degrees 40 minutes 18 seconds west, 820.86 feet to a point near the south line of Lot 1 in Block 6 of McNaught's Third Addition; thence on a curve to the left with a tadius of 1910.08 feet. through 15 de, vees 25 minutes 26 seconds of curvature, 514-13 feet to a point in Ninth Avenue South;

Thence on a tangent bearing north 18 degree - 5 minutes 44 seconds west. 604.53 feet, to a point in lot 7 block 5 of Judkin's Addition

Thence on a curve to the left with a radius of 1754,19 feet, through 4 degrees of curvature, 122.45 feet, to a point in his 5 in block 5 of Julkin's Addition;

Thence on a curve to the right with a radius of 677 338 feet, through 6 degrees 36 minutes 3 seconds of curvature, 77.96 for to a point in Addition Street;

Thence on a tangent bearing north 15 degrees 29 minutes 44 seconds west, 105.5 feer to a point in Eighth Avenue South

Thence on a curve to the right with a radius of 955,366 feet, through 17 degrees 20 minutes 14 seconds of curvature 288,95 feet;

Thence on a tangent bearing north 1 degree 50 minutes 33 seconds east, 103.13 feet:

Thence on a curve to the left with a radius of 1348,45 feet through 12 degrees 18 minutes 15 seconds of curvature, 289.51 feet;

Thence on it curve to the left with a radius of 606.5 feet, through 14 degrees 24 minutes 15 seconds of curvature, 174.95 feet;

Thence on a curve to the left with a radius of 1809,57 feet, through 15

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degrees 12 minute [16] seconds of curvature, 180.14 feet, to a point in Seventh Avenue South:

Thence on a tangent bearing north 40 degrees 4 countes 13 Seconds west, 321.75 feet;

Thence on a curve to the right with a radius of 3137.87 feet, through 4 degrees 4 minutes 5 seconds of curvature, 314.03 feet to a point in the center line of Dearborn Street which point is distance (7.60 feet west of the intersection of the center line of Dearborn Street and Maynard Avenue, the angle formed by the tangent to the curve at the southerly terminals of same and the center box of Dearborn Street being 40 degrees 40 cannotes 17 seconds, (a northwey angle);

Thence along the are of the same curve through 6 degrees 31 minutes 33

seconds of curvature, 391.64 feet;

Thence on a tangent bearing north 29 degrees 28 minutes 35 seconds west, 152.01 feet to a point in Sixth Avenue South;

Thence on a curve to the left with a radius of +4, 943 teet, through 10

degrees 46 minutes 15 seconds of curvature, 100,04 teet;

There earlinging on a curve to the left with a radius of 955,366, through 19 degrees 37 minutes 21 seconds of curvature, 327-04 feet, to a point in Fifth Avenue South;

Thence on a curve to the left with a radius of \$127.50 feet, through 16 degrees 06 min tes 51 seconds of curvature 317 feet. The point in the cost line of Fourth I venue South, which point is 16.2 feet more or less south of

the northwest econer of block 26 of Maynard's plat.

Provided, however, That the grant of this ordinance of the right of wry in this fourth clause of this section specified, and the authorization herely of the railway cracks in this clause specified are and shall be subject in all respects to the existing rights of the Columbia & Puget Sound Railroad Company in respect of said right of way and its track now occupying the same.

Track on Colorado Street, Etc .- Fifthly: A ongle track of standard gauge railway, the center line whereof shall be as marly as may be coincident with the center line of the right of way therefor next hereinbelow specified, and a right of way 15 feet in width for such track the center line of which right of way shall begin at the intersection of the south boundary line of the City of Seattle with a line parallel with and 37.5 feet east of the west line of Colorado Street produced south, and shall can thence northward on said last described line to its intersection with an east and west line drawn through a point about 75 feet north of the north end of Block 366 of Scattle Tide Lands, as laid out on said map, and shall run thence northward on a curve to the right, with a radius of 955.4 feet, through 17 degrees 14 minutes 15 seconds of curvature, to a point where such curve is tangent to a line in Railroad Avenue narallel with and 170.5 feet easterly of the westerly line of said avenue, measured at right angles thereto, thence northerly on said last described line to a point as nearly as may be at the intersection thereof with a line drawn parallel with and 15 feet south of the north line of lot 17 in block 329 of said Scattle Tide Lands and produced westward, thence on a curve to the left with a radius of 992.0 feet, through 17 degrees 14 minutes 15 seconds of arresture to a point where such curve is tangent to a line in Railroad Avenue parallel with and 29.5 feet west of the east line of said avenue, thence north on said last described line to an intersection with the center line of Railroad Way.

Tracks Connecting With Franchise 1451 .- Sixthly Two tracks of stand ard gauge railway, the center lines whereof shall be as nearly as may be parallel with and 7.5 feet distant on either side from the center line of the right of way therefor next hereinbelow specified, and a right of way to feet in width for such tracks, the center line of which right of way shall isgin as nearly as may be at the intersection of a line parallel with and 150 feet north of the north line of Atlantic Street produced westward with a line parallel with and 163 feet easterly of the westerly ion of Rollroad Avenue. measured at right aughs thereto, and shall run thence southely along soul last described line for a distance of about 150 feet to a point such that a curve to the right with a coding of 573.1 feet starting at said point and there rangent to said last do ribed line, and running thence through 57 degrees to minutes and 25 seconds of curvature will become tangent at the end of such curvature to the center line of the existing right of we of the Scattle and San Francisco Railway & Navigation Company, as graps I by Orderson No. 1351 and amended by Ordinance No. 1451 of the City of Scattle

Tracks From Cornecticut Street to Yesler Way. - Sec enthic Two tracks of standard gauge redway, the center lines whereof shall be as nearly as may be parallel with and 7.5 feet distant on either side from the center line of the right of way therefor next begeinbelow specified and a right of way 30 feet in width for such tracks, the center line of which right of way shall be gin at a point in the south line of Connecticut Street 187 54 feet east of the northwest corner of Block 322, Seattle Tide Lands, and shall run thence N 11 degrees 25 minutes west along a tangent a distance of 868-43 teet to a point in Lot 23 Block 325, Scattle Tide Lands, 9.64 feet east of and 754,25 feet north of the southwest corner of said Block 325, thence in a northwest erly direction on a curve to the left having a radius of 240.4 feet through an angle of 19 degrees 05 minutes a distance of \$13.07 feet to a point where said curve is tangent to a line in Railroad Way parallel with and 15 feet southwesterly of the center line of said Railroad Way measured at right singles thereto, said point being 101.88 feet west of the cost line of Occidental Avenue and 1042.39 feet north of the north line of Connectiont Street; thence northwesterly along said last described tangent 748,22 feet more or less; thence on a curve to the right with a radius of 970.4 feet, through 30 degrees 30 minutes of curvat re, to a point where such curve is taugent to a line in Railroad Avenue, parallel with and 113 feet east of the west line of said avenue, said point being as nearly as may be at the intersection thereof with the north line of King Street produced westward, thence north on said last described tangent to tre point of intersection the coof with the south line of Washington Street produced westward, thence on a curve to the left through 31 degrees 45 minutes 10 seconds of curvature, to a point where such curve shall become targent to a line in Railroad Avenue paral d with and 8 feet westerly of the easterly line of said avenue, measured at right angles thereto, said point being as nearly as may be at the intersection of the last described line with a line drawn at right angles across said avenue from the intersection of the easterly line thereof with the north line of Yesler Way said right of way, however widening uniformly, as nearly as may be, from 30 feet in width at the couth end of said last defined curve to 60 feet in width at the north end thereof, and said two tracks diverging into four tracks in the course of said curve.

line of Yesler Way.

HAPTER III. The area (And Andrew (1972) Track From Main Street to Yesler Way.-Eighthly! A single track of simulard gauge railway, the center line whereof shall be as nearly as may be coincident with the center line of the right of way therefor next hereinbelow specified, and a right of way 15 feet in width for such track, the center line of which right of way shall begin at the intersection of the north line of Main Street produced werward with a line on Railroad Avenue parallel with and 20.3 feet east of the west line of said avenue, and shall run thence north along said last described line to a point as nearly as may be at the intersection thereof with the north line of lot 8 in block 100 of said Scattle Tide Lands produced eastward, thence on a curve to the left with a radius of 818 feet, through 81, degrees 45 minutes 10 seconds of currature to a point as nearly as may be at the intersection of a line in Railroad Avenue parallel with and 103.5 feet southwesterly from the east line of said avenue, measured at right angles thereto with a line drawn at right angles across said avenue from the intersection of said east line thereof with the north

See 3. Section 3 of Ordinance of the City of Scattle No. 0118 entitled Section 5 of Trumance of the City of Seattle granting to the Northern Pacific Railway Company, its successors and assigns, the right, privilege and authority to lay down, construct, maintain and operate aundry railway tracks along and across sundry atrects, avenues, alleys and other public places within the City of Seattle and upon other property within the limits of said city, and granting to said company, its successors and assigns, right of way for such tracks along and across all such streets, avenues, alleys and other public places of said city. hereby amended to read as follows — Recht and the contained is made exis hereby amended to read as follows

pressly subject to the following conditions and requirements, to-wite parties and requirements to wite of the following conditions and requirements, to-wite of the following conditions and requirements. City Retains Control of Streets Right to Regulate Speed and Obstruction of Streets, and Police Powers; Reserves Right to Cross Tracks and Va-cated Streets With Public Utilities Firsts The City of Seattle shall retain the same control of the streets armines and alleys in and scross which said railway tracks shall be laid down as over other streets, arenues and alleys and shall have the right at all times by general ordinance; to regulate the speed of the locomotives and trains within the limits of the rights of way herein granted, and the maximum period of time for which such locomotives cars and trains shall be allowed to blockade travel along and across the streets embraced in this grant, or intersecting streets, and shall have such further control and police powers over such right of way as the City Charter and State laws permit And said city reserves to itself and its grantees the right to carry all water mains sewer mains, gas pipes conduits and other public utilities underneath any and all of the tracks herein authorized, below any and all bridges herein (provided for and underneath any atreet, arenue or other public place which may be varated concurrently with or after the enaction ment of this ordinance, and the right of access to any spaces occupied by such tracks within the limits of any mich street, a come or other public place, and the right to open the ground beneath said tracks for all purposes of construc-ling maintenance frequity alteration and inspection of any such public utili-right which rights shall be correlectly knowners, so say to interfere as little a practicable with the parter said fracks and so as to leave the right of way

WAS THE WAR TONG occupied thereby restored to as good a condition as prior to any exercise of

such rights.

Improvement of Grade Crossings.—Second: Whenever any of the tracks herein authorized shall run along or scross any street, avenue or other publio place in said city, other than those for the travel on which overhead bridges shall have been constructed as herein provided for, and other than such streets, if any, as shall be vacated by ordinance or ordinances of the City of Scattle enacted concurrently with or subsequently to the enactment of this ordinance, said grantee, its successors or assigns, shall cause the parts of such streets, avenues or other public places lying within the right of way of each such track, as herein defined and granted, to be graded, planked, paved or otherwise improved whenever the adjoining parts of such streets, avenues or other public places shall be so graced, planked, paved by otherwise improved by the city if not hitherto done, or, if such improvement shall have been already made, to be regraded, replanked, repaved or otherwise reimproved, so as to be, when such tracks shall have been constructed and shall be ready for use, in as good and substantial conditior as the adjoining parts thereof, and whenover any such street, avenue or other public place, after having been so graded or improved by the city, shall be regraded, replanted, repared or otherwise reimproved, said grantee, its successors or assigns, shall cause the parts thereof lying within such right of way of each such track to be correspondingly regraded, replanted, repared or otherwise reimproved, all such original or subsequent grading or improvement to be done wholly at the cost of said grantee, its successors and assigns, and no or the supervision and subject to the so-its successors and assigns, and no or the supervision and subject to the so-ceptance of the board of public works of the city; Provided, however, that said grantee, its successors or assigns, shall not be required to bear the ex-pense of maintenance of so much of the flooring or paving of such stricts as ahall have been or shall be required to be borne by the owner or owners of any street railway track or tracks now upon or that may hereafter be laid down upon such streets respectively, by the terms of the franchises granted or to be granted by said city authorizing the laying down and maintenance of such tracks upon such streets, so long as such street fallway franchises respectively shall remain in force.

Lights at Street Intersection. Thirds At every traveled atrect intersection crossed at grade by the rights of way hereinabove granted, where directed by the City of Scattle, the grantee herein, its successors or sasigns shall erect, and at its or their own cost and expense maintain, lamps of equal power with and at its or meir own cost and expense maintain, samps of equal power that the lamps maintained by the City of Scattle at street crossings in the central business part of the city, and shall keep each of said lamps illuminated during the same hours of the night during which the street lighting system of the City of Scattle generally may be in operation, and streets neeting and the City of Scattle generally may be in operation, as well as streets actually forming a "To shall come under this provision as well as streets actually accessing. Provided That at these intermedions much or seroes which other crossing; Provided, That at those intersections upon or across which other crossing; Provided, That at those intersections upon or across which other railway tracks may be operated, said grantee, its successors or assigns, shall be required to bear the burden of its proportional part only, such proportion. being measured by the width of right of way by each road at such intersections.

Covenant to Bave City Harraless From Damages, Etc.—Fourth? Said grantee, by its acceptance of this grant, does agree and covenant for itself, its

successors and assigns, to and with the City of Scattle, in project and save

harmless said city from all claims, actions or damages of every kind and description which may accrne to, or be suffered by, any person or persons by reason of any defective construction or maintenance or improper occupation of said rights of way, or by reason of the negligent operation of said grantee, its successors or assigns, of its or their railway trains over the rights of way hereinlasfore described. And in case any action or suit shall be lagun against said city for the damages arising out of or by reason of such defective construction or maintenance or improper occupation or negligent operation, said grantee, its successors or assigns, may, and shall upon notice to it or them of the commencement of such action or suit, defend the same at its or their sole cost and expense, and, in case judgment shall be rendered against said city in such action or suit, shall fully satisfy said judgment within ninety (100) days after such action or suit shall have been finally, determined, if determined adversely to said city.

Spurs to Wharves and Warehouses,-Fifth: Said grantee, its successors or assigns, shall allow each owner or occupant of a wharf or warehouse contiguous to any of the tracks herein authorized, or to any street, avenue or other public place along which any of said tracks shall be constructed, and who shall have first procured from the board of public works of said city a permit therefor, a spur track connecting the tracks of such railway with such wharf we warehouse, Provided, however, That said grantee, its successors or assigns. may at its or their option require that such apar track shall be constructed and maintained at the expense of such owner or occupant of such wharf or warehouse, including the reasonable value of any right of way, not within a street requisite therefor, and provided further that any such spur track shall start from such of the railway tracks in the neighborhood of such wharf or warehouse and which said grantee, its successors or assigns, shall own or he entitled to use, as it or they shall sletermine upon as the most proper therefor, and shall be subject to such reasonable rules and regulations as to the opening and closing of the switch controlling access thereto, and as to the use of such track, as said graptee, its successors or assigns, may from time to time catablish. And said grantee, its successors and assigns, shall have the right to lay down, construct, maintain and operate any such apur track for the use of the owner or occupant of any such wharf or warehouse crossing in its course the track or tracks of any other railway company; Provided, however, That in no case shall said grantee, its successors or assigns, occupy any more of the right of way of any such other railway company for the purpose of such crossing than shall be reasonably necessary there for, nor shall such space be occupied otherwise than in the course of the transit of locomotives and curneroes the same in the use of such spur track, nor for that purpose any oftener or longer than shall be reasonably necessary.

Overhead Bridge on First Avenus South.— At such time as the City of Scattle, by resolution or ordinance of a council, shall require the same to be done, said granter, its successors or assigns, shall join with the City of Scattle, or with such of its grantees in any other ordinance or ordinance of said city as may be required in and by such ordinance or ordinances of said city as may be required in and by such ordinance or ordinances of said city as may be required in and by such ordinance or ordinances of join therein, in the construction and maintenance at the intersection of the tracks herein authorized with First Avenue South, of an overhead bridge to carry travel on said avenue shove and serpes said tracks, which bridge and its abunuants shall be constructed of proper and suitable materials, and

in such manner as may be approved by the City of Scattle, and with a clear height of twenty-two (22) feet above the top of the rails of the tracks crossed thereby, and so as to provide such width of roadway thereon (not exceeding the width of said avenue) as the city may from time to time require, but at no time less than fifty (50) feet in width, and the south face of the north abutment of which bridge shall be as nearly as may be on a line drawn at right angles across First Avenue South from the intersection of the west line of said avenue with a line parallel with and thirty feet northeasterly of the center line of Railroad Way, and the north face of the south abutment of which bridge shall be as nearly as may be on a line drawn at right angles across the First Avenue South from the intersection of the east line of said avenue with a line parallel with and thirty feet southwesterly of the center line of Railroad Way. Said granter, its successors or assigns, shall bear onehalf of the entire expense of the construction and perpetual maintenance of the abutments, and of the superstructure, (including the flooring or paving) for the entire length thereof between the exterior lines of the abutments, of so much of said bridge as shall lie outside and on either side of the central twenty-two (22) feet in width of said First Avenue South, but the City of Scattle, or its grantees as aforesaid, shall hear the other half of said expense above specified, and the entire expense of the construction and perpetual maintenance of the abutments and superstructure of so much of said bridge as shall lie within said contral twenty-two (22) feet of said First Avenue South, and said city shall construct and maintain the whole of the approaches of said bridge, at either end thereof, beyond the exterior lines of the abutments, without expense to said grantee, ite successors or assigns, other than by such assessments for local improvements as may to legally made against the property owned by is or them; provided, however, that said grantee by its acceptance of the benefit of this ordinance, shall be deemed to have wieved, for itself, its successors and assigns, ray claim of damage, by reason of the erection or maintenance of any of said approaches, to any property that it, its successors or assigns may own abutting upon or adjacent to such opproaches of either thereof. Said bridges shall be completed and ready for public travel within eighteen months after the City of Scattle shall have required the construction of the same by resolution or ordinance as aforesaid; and the construction thereof shall be carried on so as to interfere as little as practicable with the use of said avenue for public travel.

Overhead Bridges East of 8300nd Avenue Bouth.—Seventh: At such time or times, after ten years from the time when this ordinance shall take effect, as the City of Scattle, by resolution or ordinance of the city council shall require the same to be done, said grantee, its successors or assigns, shall construct and maintain everhead bridges, not exceeding five in number, at the intersection of the tracks hereia authorized with such streets of said city, among those lying east of Second Avenue South, as the city council shall from among those lying east of Second Avenue South, as the city council shall from among those lying east of Second Avenue South, as the city council shall from among those lying east of Second Avenue South, as the city council shall from among those lying east of Second Avenue South, as the city council shall from among those lying east of Second Avenue South, as the city council shall from above and across such tracks, which bridges and their abutments above and across such tracks, which bridges and their abutments shall be constructed of proper and suitable materials, and in, such manner as may be approved by the City of Scattle, and with a clear height of manner as may be approved by the City of Scattle, and with a clear height of twenty-two (22) feet above the tops of the rails of the tracks crossed thereby, and so as to provide such width of readways thereon (not exceeding the width of such streets respectively) as the city may from time to time require, but at no time less than twenty-six (20) feet in width, and of such length between at no time less than twenty-six (20) feet in width, and of such length between

the abutanents as to span the street across which said bridge may be constructed. Said grantee, its successors or assigns, shall buik' and maintain the entire length of each such bridge, with its abutanents, but the City of Scattle shall provide for the erection, maintenance and renewal of the approaches of such bridges at either end without expense to said grantee, its successors or assigns, other than by such assessments for local improvements as may be legally made against the property oward by it or them? Provided, however, That said grantee by its acceptance of the benefit of this ordinance shall be deemed to have weived, for itself, its successors and assigns, any claim of damage, by reason of the crection or maintenance of any of said approaches to any property that it, to successors or assigns, may own abutting upon or adjacent to such approach so or any thereof. Said bridges shall be completed and ready for public travel within eighteen months after the City of Scattle shall have required the construction of the same respectively by resolution or ordinance as aforesaid.

Construction; Time limit; Forfeiture. - Eighth Said grantee, its succosors or assigns, shall begin work upon the construction of the tracks authorized by the first clause of section 2 hereof, within three months after this ordinance shall take effect, and shall complete the construction of at least one of said tracks from the south boundary line of the city continuously to the north line of Walker Street and shall establish a connection thence northward by some railway track or tracks with its existing tracks on Railroad Avenue north of Bell Street in said Cir , so that such track for the distance above specified, and such connection ex the same with said tracks morth of Bell Street, shall be ready for use for r dway traffic within two years after this ordinance shall take effect. And it said work shall not be begun within the time in this clause prescribed, or if one of said tracks shall not be completed and ready for nee to the extent aforesaid, with a connection northward as eforced, within the time in this clause prescribed, then, unless the beginning of said work or the completion of such track with its connection northward to the extent sforesaid, as the care may be, shall have been prevented by injunctions, unavoidable delays in condemnation suits, strikes, riots, or some occurrence beyond the control, of said grantee, its successors or ussigns, the city council of said city shall have the right, after sixty days' notice to said grantee, its successors or assigne, to declare, by ordinance, the forfeiture of all rights, privileges and authorities herein granted.

Readjustment of Tracks on Colorado Street and Railroad Avenue; Removal of Tracks Between Yesler Way and Atlantic Street; Surrender of Rights; City May Readjust and Remove Track.—Ninth: Said grantee shall agree and covenant in behalf of itself, its successors and assigns, with the City of Scattle in and ay its acceptance of the benefits of this ordinance hereinbelow provided for, that said grantee, its successors or a signs, will, within six months, after Colorado Street has been filled to grade, readjust all its railiain months, after Colorado Street has been filled to grade, readjust all its railiain tracks at present assupping any areas within those parts of Colorado Street and Railroad Avenue, respectively, lying between the southerly bunded ary line of the City of Scattle and a point in Railroad Avenue four hundred (400) feet northward from the northerly end of block 300, Scattle Tide Lands, so that such tracks shall conform substantially in their alignments to and shall not exceed in number, the tracks herein authorized to be haid down upon and along said parts of Colorado Street and Railroad Avenue last specified, and so that the surface of the street thereby vacated will be placed in equal condi-

In Force After Acceptance .- Sec. 3. This or linance shall be in full force and effect from and after its passage, approval and publication and its acceptance by the president and secretary of the Northern Pacific Railway Company, duly authorized.

iCompliance with this agreement was accepted by the city by Ordinance No. 9864, see page 263.

# ORDINANCE NO. 9298.

N ORDINANCE granting to the NORTHERN PACIFIC RAILWAY COM-PANY, its successors and assigns, the right and authority to lay down construct, maintain and operate a terminal yard, with certain lead and urnout tracks thereto, upon and over certain public streets and avolues ail; across certain lands in the City of Scattle, King County, Washington. Approved February 24, 1903; published February 25, 1903; acceptance filed May 21, 1903; comptroller's file No. 349.

Be it ordained by the City of Seattle as follows:

the letters the the trade

Grant .- Section 1. That there is hereby granted to the No thern Pacific Railway Company, its successors and assigns. he right and onthority to lay down, construct, unintain and operate a terminal yard with certain lead and turnout tracks thereto, upon and over certain public street and avenues and across certain lands in the City of Scattle, and the right to construct certain tracks leading from aid yard across Hanford Street to a round house to be constructed upon a polyton of block 359, Sertile Tite Lands; all of which rights, privileges and authorities are hereby granter subject to all the conditions, restrictions, specifications and requirements in this ordinance expressed.

Descriptions.—Sec. 2. That the following is a description of the rights of way upon and along which said company its successors and assigns, is hereby authorized to locate, construct, lay down, maintain and operate a track hereby authorized to locate, construct, lay down, maintain and operate a track. leador tracks of railroad, the same to be known as lead and turnout tracks, leading to its terminal yards, said yards to be located upon blocks 359, 360, 361, 362, 363, 364, 365 and 366 of the Searly Tide Lands and across certain of the

Lead and Turn-out Tracks. A crip of land 30 feet in width, being 71-2 feet on the easterly side and 221-7 feet on the westerly side of the following described line: Beginning at a paint in Colorado Street on the north line of the Canal Waterway, which point is 221-2 feet easterly from the westerly of the Canal Waterway, which point is 221-2 feet easterly from the westerly of the Canal Waterway, which point is 221-2 feet easterly from the westerly of the Canal Waterway, which point is 221-2 feet easterly from the westerly since a feet of the Canal Waterway. or the Canal Waterway, which point is 221-2 test ensuring from the westerfy line of said Colorado Street; hence northerly to a line parallel to and 221.2 feet easterly from the westerly line of Colorado Street, a distance of 50 feet; thence on a curve to the lit, with a radius of 5737 feet, through 26 degrees of 30 minutes of arc, a distance of 260.5 feet, thence on a curve to the right, with a radius of 573.7 cet, through 26 degrees 63 minutes of arc, a distance of 100.5 feet to a point which resint is 60.0 feet northers. with a radius of 573.7 feet, through 26 degrees 63 manutes of arc, a distance of 260.5 feet to a point, which point is 69.9 fret northers, from the north line of Hanford Street; hence northerly on the tangent to the test described curve, which tangent is formable to and 91 feet westerly from the westerly line of which point is about Colorado Street to a point in Massachusetts Street, which point is about 14 feet north at the south line of Massachusetts Street; thence on a curve to the sight wish a galling of 2863 9 feet through 17 degrees 14 maintes 15 sec. the right with a radius of 2864.9 feet through 17 degrees 14 mountes 15 seconds of are a distance of 861.0 feet, to a point in Railroad avenue, at which point sale curve is tangent to a line parallel to and 170.6 feet enterly from the westerly line of Railroad avenue; thence on said tangent a distance of about \$50 feet.

est sirect, Lander street, Sincey street, Holgate street, Walker street shall have the same tores and binding effect upon the parties thereto as shall be provided by such law in other cases of arbitration.

Switching and Switching Charges.—Eleventh: Said grantee shall switch and transfer cars shipped from any non-competitive point on the lines of any other rail any company outside the limits of the City of Scattle and delivered via the tracks of the Scattle and Montana Railroad Company or the Columbia & Puget Sound Railroad Company to said grantee, its successors or assigns, at a point within that part of the City of Scattle bounded on the north by Yesler Way and on the south by the present south boundary line of the city for transfer to the consignee at a point situat d on the tracks of said grantee, its successors or assigns, within said limit, or shipped from a point on the tracks of said grantee, its successors or assigns, within said limit and consigned via the lines of the Scattle and Montana Railroad Company or the Columbia Puget Sound Railroad Company to a non-competitive point outside the limits of the city of Scattle, at charges not in excess of the following:

Where the length of the switching service between the point of destination or origin of such shipment on the tracks of said grantee, its successors or sasigns, and the point of receipt or delivery of such car from or to either fof the other companies above named, measured by the shortest practicable track route, shall not exceed one-half mile \$1.50 per loaded car:

Where the length of such switching service, as aforesaid, shall not exceed the sud one half nile, \$2.00 per loaded ears with the sud one half nile, \$2.00 per loaded ears with the sud of the sud one half nile, \$2.00 per loaded ears with the sud of the su

Wilere the length of such switching service, as aforesaid, shall not exceed two and one-half miles \$2.50 per loaded cars.
Provided however That the sharps for switching service to and from the sant shore line shall not exceed \$3.00 per loaded ears and Provided further. That where any such switching service shall involve the crossing of the Canal, Waterway upon any drawbridge that may hereafter be constructed over the same the actual cost of drawbridge service necessitated by such switching may be added to the charges above prescribed therefor.

The above specifical charges shall include the service of returning the empty car is moved both ways the charge for the double movement shall be the same as for a louded car.

Covenant to Dedicale Street.—Twelfth Said grantee shall agree and covenant to Dedicale Street.—Twelfth Said grantee shall agree and covenant to Dedicale Street.—Twelfth Said grantee shall agree and covenant to Dedicale Street.—Twelfth Said grantee shall agree and covenant to Dedicale Street.—Twelfth Said grantee shall agree and covenant to Dedicale Street.—Twelfth Said grantee shall agree and covenant to Dedicale Street.—Twelfth Said grantee shall agree and covenant to Dedicale Street.

Covenant to Dedicate Street.—Twelfth: Said grantee shall agree and covenant is behalf of itself, its successors and assigns, with the City of Seattle in said by its acceptance of the benefits of this ordinance, that it, its successors or assigns, will dedicate for street purposes a strip of land twenty (20) feet in width, being the northerly twenty (20) feet of their right of way lying between the United States Government Canal right of way and the casterly insign of Woodland Park Avenue, said strip to be added to and become a part of Ewing Street, formerly Ewing Avenue, as delineated on the Denny & Hayt Addition in the City of Seattle, and extending as aforesaid, from the inortherly and resteriorable of the right of way of the United States Government Canal, which is initial assign industry between the extension of First Avenue, Northwest and of Phinney Avenue, and extending thence casterly a forward a street in argin of width margin of the present existing Ewing Street, to the margin of width margin of the present existing Ewing Street, to the margin of width woodland Park Avenue, Said deed of dedicate the first the life of the taking effect of this ordinance.

tion for public travel as the adjacent and contiguous part thereof, and that it or they will also take up and remove all its other railway tracks at present occupying any street or avenue, or any part of the same lying within the area bounded by the northerly line of Yesler Way on the north, the easterly line of the Scattle Boulevard on the east, and the northerly line of Atlantic Street on the south, and the westerly line of Railroad Avenue on the west, and that it, or they, will also file in the office of the City Comptroller a copy duly certified and a tested by its secretary, under its or their corporate scal, of a restified and a tested by its secretary, under its or their corporate scal, of a restified and a tested by its secretary. olution duly adopted by its or their board of trustees relinquishing and surrendering all franchises, rights, privileges and authority heretofore granted by the City of Scattle in respect of the maintenance, use or operation of said railway tracks to be re-adjusted or removed as above specified, and all rights of way therefor conferred in the grant of any such franchises, rights, privilego or authority, all except Colorado Street and the extension of the Colorado Street line to a point in Railroad Avenue four hundred (400) feet northward from the northerly end of Block 300, Scuttle Tide Lands, as hereinbefore specified, on or before the 31st day of December, 1905; and if said grantee, its successors or assigns, shall fail to perform such agreement and covenant, the city council of said city shall have the right, after 60 days' notice to said grantee, its successors or assigns, to cause all such railway tracks to be re-a justed or ramoved, as above specified, at the expense of the grantee, herein, its successors or assigns, and said grantee, its successors and assigns, shall be liable to the city for all the expense of such removal. Provided, however, That neither the agreement nor covenant in this clause required, nor the performance of the same, nor anything occurring in consequence of any provision of this clause, shall in any way affect the force or any such franchises, rights, privileges or authorities heretofore granted by the City of Seattle as aforesaid, nor affect any right of way conferred in any such grant.

except in respect of said railway tracks to be re-adjusted or removed as above specified. Other Roads to Use Tracks; Arbitration.—Tenth: Any other railway company Leresiter constructing a standard gauge railway to the City of Seattle, upor obtaining a franchise from said city giving access to any point therein from which it can reach with the cars any point on the tracks hereinbelow specified, shall, have the right to the common case with the grantee herein, its successors or assigns, for the running thereon of the cars of such other railway company, of all or any part of the track specified in the fifth clause, and so much as lies within Railroad Avenue of the tracks specified in the seventh clause of section 2 of this ordinance upon payment to the grantee herein, its successors or assigns, of such monthly or annual rental or other compensation as may be just and equitable, and subfeet to such reasonable rules and regulations as may be consistent with the Prior rights of the grantees herein, its successors and assigns, and as shall not interfere with or impede the transaction and disputch of the husiness of the granice hereing its successors or assigns. And in case such railway company eaunot agree with the granice herein, its successors or assigns, upon the rental or compensation to be paid for such use of said trucks as aforesaid. any controversy or difference between them respecting the proper amount of such rental or other compensation, or respecting the condition, terms, rules and regulations of such use, shall be submitted to arbitration in conformity the laws of the State of Washington in that regard, and such submission

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any force or effect until a copy thereof, certified as such by the secretary of the assignee, or other officer or person having the propor custody of such assignment in its behalf, shall have been filed in the office of the city comptroller.

Pranchise Not Exclusive; Subject to Repeal or Modification.—Sec. 6. Nothing in this ordinance contained shall be construed as granting an exclusive franchise or privilege for the use of any street, avenue, alley or highway or other public place, or any part thereof; and the grant herein contained shall be subject to the right of the city council at any time hereafter to repeal, change or modify said grant, if the franchise granted thereby is not operated in accordance with the provisions of such grant or at all, and the City of Scattle reserves the right at any time hereafter so to repeal, amend or modify said grant.

Acceptance, When and How; Void Unless Accepted. Sec. 7. In order to claim the benefit of this ordinance and to acquire the rights, privileges and authorities hereby granted, said grantee, its successors or assigns, must within sixty days after the taking effect of this ordinance file in the office of the city comptroller a copy, duly certified and attested by its secretary, under its corporate seal, of a resolution duly adopted by its board of trustees, accepting the benefit of this ordinance and the rights, privileges and authorities hereby granted; subject to all the conditions, restrictions, specifications and requirements herein expressed, and agreeing and covenanting with the City of Seattle as is required in and by the minth clause of section 3 of this ordinance; and if such a certified copy of such a resolution of acceptance shall not be so filed before the expiration of said time, this ordinance shall thereupon become void and of no effect.

iClaimed for N. P. Ry. Co. by Mr. Thomas Cooper, Jan. 4, 1905.

#### ORDINANCE NO. 12018.

AN ORDINANCE amending Sections 2 and 3 of an ordinance of the city of Seattle, No. 9118, entitled "An ordinance of the City of Seattle granting to the NORTHERN PACIFIC RAILWAY COMPANY, its successors and assigns, the right, privilege and authority to lay down, construct, maintain and operate sundry railway tracks along and across sundry streets, avenues, alleys and other public places within the City of Seattle, and upon other property within the limits of said city, and granting to said company, its successors and assigns, rights of way for such tracks along and across all such streets, avenues, alleys and other public places of said city." Approved January 25, 1905; published January 26, 1905; acceptance filed March 23, 1905; comptroller's file No. 27321

Be it ordained by the City of Scattle as follows:

Section 1. That Sec. 2 of an ordinance of the City of Seattle No. 9118 entitled "An Ordinance of the City of Seattle granting to the Northern Pacific Railway Company its successors and assigns the rights, privileges and authority to lay down, construct, maintain and operate sundry railway tracks along and across sundry streets, avenues, alleys and other public places within the City of Seattle, and upon other property within the limits of said city, and granting to said company, its successors and assigns, rights of way for such tracks along and across all such streets, avenues, alleys and other public place of said city," is hereby amended to read as follows:

Descriptions.—"See, 2. The tracks of standard gauge railway, the laying down, construction, in intenance and operation whereof are authorized by the ordinance and the rights of way hereby granted for the same, are described as follows:

Tracks on Second Avenue South.—First: Two tracks of standard gaugarailway, the center lines of which tracks shall be as nearly as practicable parallel with and seven and a half (7½) feet distant on either side—on the center line of Second avenue south, beginning at the intersetion of the south boundary line of the City of Seattle with said center line of Second Avenue South, and running thence northerly on said Second Avenue South to Canal Waterway as the same is now platted. Said right of way on Second Avenue South for such tracks, shall be thirty (30) feet in width. From the south side c Canal Waterway running northerly, the right to cross intervening streets is nerely granted, so that the grantee shall have the right and authority to constuct and operate its lines of railway from the south side of said Canal Waterway in a general northerly direction between Oriental and Occidental Avenues to the south line of Connecticut Street.

Wye Tracks to Fourth Avenue South.—Secondly: A "wye" track on Second Avenue South and Spokane Avenue and on the public areas cest of Second Avenue South intervening between the same and "pokane Avenue, the two branches of which "wye" track shall start from the more easterly of the two tracks authorized by the first clause of this section, and shall run thence easterly on 10 degree curves to a junction thereof at or near the west line of Fourth Avenue South.

Track to Ninth Avenue South. Thirdly: A single track of standard gauge railway, the center line whereof shall be as nearly as may be coincident with the center line of the right of way therefor next hereinbelow specifical. and a right of way 15 feet in width for such to k, the center line of which right of way shall begin at the junction of the two branches of the "wyo track authorized by the second clause of this section, at or near the west line of Fourth Avenue South, and shall run thence east along the center line of Spokane Avenue, to a point about 190 feet east of the east line of Sixth Avenue South, thence on a curve to the left with a radius of 573.6 feet, through 47 degrees, 54 minutes, 46 seconds of curvature, to a point where such curve is tangent to a line parallel with and 30 feet northwesterly of the southeasterly line of the Scattle Boulevard, thence along the last described line to a point about 180 feet southwesterry of the intersection of the west line of Ninth Ave mie South, produced southerly, with the south line of the Canal Waterway, produced easterly, as hid out on the map of Scattle Tide Lands filed March 15 1895, in the office of the Board of State Land Commissioners of the State of Washington, thence on a curve to the left with a radius of 410.2 feet through 36 degrees 49 minutes 14 seconds of curvature, to a point where such curve is tangent to the center line of the present existing track of the Columbia & Paget Sound Railroad Company in Ninth Avenue South.

"Shore Line" Tracks.—Fourthly: Two tracks of standard gauge rad way, the center lines of which tracks shall be as nearly as may be parallel wire and 7.5 feet distant on either side from the center line of the right of way therefor next hereinischew specified, and a right of way 30 feet in width for such to asks, the center line of which right of waysshall begin at a point in the intersection of the south boundary line of the City of Scuttle with the alley is

block 25 of J. J. Moss's addition to South Scattle, which point is 166.47 feet east of the center line of Eighth Avenue South, and shall run thence northerly on a te cent bearing north 4 degrees 18 minutes 58 seconds east according to n lard meridian - distance of 482.6 feet, to a point in the center stown Street, which point is distant 210.15 feet east of intersecline of Ch. tion of said center line of Charlestown Street with the center line of Eighth Avenue South:

Thence continuing on the same course a distance of 1938.89 feet more or less, to a point on the line between the E. Hanford Donation Claim, and the J. J. Moss Donation Claim, which point is 43 feet more or less, distant, south 89 degrees 35 minutes 15 second, east from the meander corner on the line between the E. Hanford Donation Claim, and the J. J. Moss Donation Claim;

Thence continuing on the same course at an angle to the said donation claim line of 93 degrees 54 minutes (a northwest angle), a distance of 40 feet more or less, making a total distance of 2461.49 feet from the place of beginning; thence on a curve to the right with a radius of 1146.28 feet, through 10 degrees 28 minutes 17 seconds of curvature, 209.43 feet; thence on a tangent bearing north 14 degrees 47 minutes 15 seconds east, 1127.97 feet, to a point near the east marginal line of Tenth Avenue South; thence on a curve to the left with a radius of , 763.18 feet, through 23 degrees 28 minutes 23 seconds of curvature, 722.4 feet a point in let 2 in block 10 of Bayside Addition;

Thence on a tangent bearing north 8 degrees 41 minutes 8 seconds west, a distance of 782.01 feet to a point in lot 7 in block 65 of McNaught's addition to Central Seattle;

Thence on a curve to the right with a radius of 9549.34 feet, through 6

degrees 0 minutes 50 seconds of curvature, 1002.22 feet;

Thence on a tangent bearing north 2 degrees 40 minutes 18 seconds west, 620.86 feet to a point near the south line of Lot 4 in Block 6 of McNaught's Third Addition; thence on a curve to the left with a radius of 1910.08 feet. through 15 degrees 25 minutes 26 seconds of curvature, 514.13 feet to a point in Ninth Avenue South;

Thence on a tangent bearing north 18 degrees 5 minutes 44 seconds west,

604.53 feet, to a point in lot 7 block 5 of Judkin's Addition.

Thence on a curve to the left with a radius of 1754.19 feet, through 4 degrees of curvature, 122.45 feet, to a point in lot 5 in block 5 of Judkin's Addition;

Thence on a curve to the right with a radius of 677.338 feet, through 6 degrees 36 minutes 3 seconds of curvature, 77.96 feet, to a point in Addition

Theree on a tangent bearing north 15 degrees 29 minutes 41 seconds west, 165.5 feet a a point in Eighth Avenue South;

Thence on a curve to the right with a radius of 955,366 feet, through 17 degrees 20 minutes 14 seconds of curvature 288.95 feet;

Thence on a tangent bearing north 1 degree 50 minutes 33 seconds east, 103.13 feet;

Theree on a curve to the left with a radius of 1348,45 feet through 12 degrees 18 minutes 15 seconds of curvature, 289.51 feet;

Thence on a curve to the left with a radius of 696,5 feet, through 14 de-

grees 24 minutes 15 seconds of curvature, 174.95 feet: Thence on a curve to the left with a radius of 1809.57 feet, through 15

CHAPTER 411. - FRANCHISES. 178 degrees 12 minutes 16 seconds of curvature, 480.14 feet, to a point 1 Thence on a tangent hearing north 40 degrees 4 minutes 13 seconds west, Avenue South; Thence on a curve to the right with a radius of 3437,87 feet, through 321.75 feet; 4 degrees 4 minutes 5 seconds of curvature, 244.03 feet to a point in the center line of Dearborn Street which point is distant 47.60 feet west of the intersection of the center line of Dearborn Street and Maynard Avenue, the angle formed by the tangent to the curve at the southerly terminus of same rhern Street being 49 degrees 49 minutes 17 secand the center line of onds, (a northwest angle,
Thence along the arc of the same curve through 6 degrees 31 minutes 33 seconds of curvature, 391.64 feet; Thence on a tangent hearing north 29 degrees 28 minutes 35 seconds west, 152.01 feet to a point in Sixth Avenue South; Thence on a curve to the left with a radius of 532.943 feet, through 10 degrees 46 minutes 15 seconds of curvature, 100.04 feet; Thence continuing on a curve to the left with a radius of 955.366, through 10 degrees 37 minutes 21 seconds of curvature, 327.04 feet, to & point in Fifth Avenue South; Thence on a curve to the left with a radius of 1127.50 feet, through 16 degrees 06 minutes 51 seconds of curvature 317 feet, to a point in the east line of Fourth Avenue South, which point is 16.2 feet more or less south of the northwest corner of block 26 of Maynard's plat. Provided, however, That the grant of this ordinance of the right of way in this fourth clause of this section specified, and the authorization hereby of the railway tracks in this clause specified are and shall be subject in all respects to the existing rights of the Columbia & Puget Sound Railroad Company in respect of said right of way and its track now occupying the same. Track on Colorado Street, Etc.-Fifthly: A single track of standard gauge railway, the center line whereof shall be as nearly as may be coincident with the center line of the right of way therefor 1. xt hereinbelow specified, and a right of way 15 feet in width for such track the center line of which right of way shall begin at the intersection of the south boundary line of the City of Scattle with a line parallel with and 37.5 feet east of the west line of Colorado Street produced south, and shall run thence northward on said last described line to its intersection with on cast and west line drawn through a point about 75 feet north of the north ead of Block 306 of Seattle Tide Lands, as laid out on said map, and shall run thence northward on a curve to the right, with a radius of 955.4 feet, through 17 degrees 14 minutes 15 seconds of curvature, to a point where such curve is tangent to a line in Railroad Avenue parallel with and 170.5 feet easterly of the westerly line of said avenue, measured at right angles thereto, thence northerly on said last described line to a point as scarly as may be at the intersection thereof with a line drawn parallel with and 15 feet south of the north line of lot 17 in block 329 of said Scattle Tide Lands and produced westward, thence on a curve to the left with a radius of 1992.0 feet, through 17 degrees 14 minutes 15 seconds of curvature to a point where such curve is tangent to a line in Railroad Avenue parallel with and 29.5 feet west of the cast line of said avenue, thence north on said last described line to an intersection with the center line of Railroad Way.

Tracks Connecting With Franchise 1451 .- Sixthly: Two tracks of standard gauge railway, the center lines whereof shall be as nearly as may be parallel with and 7.5 feet distant on either side from the center line of the right of way therefor next hereinbelow specified, and a right of way 30 feet in width for such tracks, the center line of which right of way shall begin as nearly as may be at the intersection of a line parallel with and 150 feet north of the north line of Atlantic Street produced westward with a line parallel with and 163 feet easterly of the westerly line of Railroad Avenue, measured at right angles thereto, and shall run thence southely along said last described line for a distance of about 150 feet to a point such that a curve to the right with a radius of 573.7 feet starting at said point and there tangent to said last described line, and running thence through 57 degrees 02 minutes and 25 seconds of curvature will become tangent at the end of such curvature to the center line of the existing right of way of the Seattle and San Francisco Railway & Navigation Company, as granted by Ordinance No. 1351 and amended by Ordinance No. 1451 of the City of Seattle.

Tracks From Connecticut Street to Yesler Way .- Seventhly: Two tracks of standard gauge railway, the center lines whereof shall be as nearly as may be parallel with and 7.5 feet distant on either side from the center line of the right of way therefor next hereinbelow specified and a right of way 30 feet in width for such tracks, the center line of which right of way shall begin at a point in the south line of Connecticut Street 181.54 feet east of the northwest corner of Block 322. Seattle Tide Lands, and shall run thence ... 11 degrees 25 minutes west along a tangent a distance of 868.43 feet to a point in Lot 23 Block 325, Seattle Tide Lands, 9.64 cet east of and 751.25 feet north of the southwest corner of said Block 325, thence in a northwesterly direction on a curve to the left having a radius of 940.4 feet through an angle of 19 degrees 05 minutes a distance of 313.07 feet to a point where said curve is tangent to a line in Railroad Way parallel with and 15 feet southwesterly of the center line of said Railroad Way measured at right angles thereto, said point being 101.88 feet west of the east line of Occidental Avenue and 1042.39 feet north of the north line of Connecticut Street; thence northwesterly along said last described tangent 748.22 feet more or less: thence on a curve to the right with a radius of 970.4 feet, through 30 degrees 30 minutes of curvature, to a point where such curve is tangent to a line in Railroad Avenue, parallel with and 113 feet east of the west line of said avenue, said point being as nearly as may be at the intersection thereof with the north line of King Street produced westward, thence north on said last described tangent to the point of intersection thereof with the south line of Washington Street produced westward, thence on a curve to the left through 31 degrees 45 minutes 10 seconds of curvature, to a point where such curve shall become tangent to a line in Railroad Avenue parallel with and 8 feet westerly of the easterly line of said avenue, measured at right angles thereto, said point being as nearly as may be at the intersection of the last described line with a line drawn at right angles across said avenue from the intersection of the easterly line thereof with the north line of Yesler Way-said right of way, however, widening uniformly, as nearly as may be, from 30 feet in width at the s. a end of said last defined curve to 60 feet in width at the north end thereof, and said two tracks diverging into four tracks in the course of said curve.

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180 Track From Main Street to Yesler Way .- Eighthly . A single track of standard gang railway, the center line whereof shall be as nearly as may be coincident with the center line of the right of way therefor next hereinle low specified, and a right of way 15 feet in width for such track, the center line of which right of way shall begin at the inter-section of the north line of Main Street produced westward with a lim on Railroad Avenue parallel with and 903 feet east of the west line of said avenue, and shall run thence north along said last described line to a point as nearly as may be at the intersection thereof with the north line of lot 3 in block 199 of said Scattle Tide Lands produced eastward, thence on a curve to the left with a radius of \$18 feet, through 31 degrees 45 minutes 10 seconds of curvature to a point as nearly as may be at the intersection of a line in Railroad Avenue parallel with and 105.5 feet southwesterly from the east line of said avenue, measured at right angles thereto, with a line drawn at right angles across said avenue from the intersection of said east line therrof with the north line of Yesler Way.

Sec. 2. Section 3 of Ordinance of the City of Scattle No. 9118 entitled; "An ordinance of the City of Scattle granting to the Northern Pacific Rankay Company, its successors and assigns, the right, privilege and authority to lay down, construct, maintain and operate sundry railway tracks along and across sundry streets, avenues, alleys and other public places within the City of Scattle and upon other property within the limits of said city, and granting to said company, its successors and assigns, right of way for such tracks along and across all such streets, avenues, alleys and other public places of said city," is hereby amended to read as follows:—

Conditions.— Sec. 3. The grant in this ordinance contained is made expressly subject to the following conditions and requirements, to-wit:

City Retains Control of Streets, Right to Regulate Speed and Obstruction of Streets, and Police Powers; Reserves Right to Cross Tracks and Vacated Streets With Public Utilities .- First: The City of Scattle shall retain the same control of the streets, avenues and alleys in and across which said railway tracks shall be laid down, as over other stre : avenues and alleys and shall have the right at all times, by general ordinance, to regulate the ste ed of the locomotives and trains within the limits of the rights of way he ein granted, and the maximum period of time for which such locomotives. errs and trains shall be allowed to blockade travel along and across the streets subraced in this grant, or intersecting streets, and shall have such further control and police powers over such right of way as the City Charter and State laws permit. And said city reserves to itself and its grantees the right to carry all water mains, sewer mains, gas' pipes, conduits and other public utilities underneath any and all of the tracks herein authorized, below any and all bridges herein previded for and undermeath any street, avenue or other public place which may be vacated concurrently with or after the ensetment of this ordinance, and the right of access to any spaces occupied by such tracks within the limits of any such street, avenue or other public place, and the right to open the ground beneath said tracks for all purposes of construction, maintenance, repair, alteration and inspection of any such public utilition; which rights shall be exercised, however, so us to interfere as little apracticable with the use of said tracks and so as to leave the right of way exempted thereby restored to us good a condition as prior to and excresse of such raches.

Emprovement of Grar', Crossings .- Second Whenever any of the tracks such rights. here in authorized shall run along or across any street, avenue or other pubby place in said cay, other than those for the travel on which overhead bridges shall have been constructed as herein provided for, and other than such streets, it any, as shall be vacated by ordinance or ordinances of the Uniof Scattle enacted concurrently with or subsequently to the enactment of this ordinance, said grantee, its successors or assigns, shall cause the parts of such streets, avenue, or other bubble places lying within the right of way of each such track, as herein defined and greated to be graded planked paved or otherwise improved whenever the adjoining parts of such streets, avenues or other public places shall be so graded, planked, payed to otherwise improved by the city if not hitherto done, or, if such improvement shall have been already made, to be regraded, replant of repayed or otherwise remagneted, so as to be, when such tracks shall have been constructed and shall be ready for use, in as good and substantial condition as the adjoining parts thereof, and whenever any such street, avenue or other public place, after having been so gradest or improved by the city, shall be regraded, replanked, repayed or otherwise reimproved, said granter, its successors or assigns, shall cause the parts thereof lying within such right of way of each such track to be correspondingly regraded, replanked, repayed or otherwise reimproved, all such original or subsequent grading or improvement to be done wholly at the cost of said granter. its successors and assigns, and under the supervision and subject to the seceptence of the board of public works of the city; Provided, however, that said granter, its successors or assigns, shall not be required to lear the expense of maintenance of so much of the flooring or paying of such streets as shall have been or shall be required to be borne by the owner or owners of any street railway track or tracks now upon or that may hereafter be laid down upon such streets respectively, by the terms of the franchises granted or to be granted by said city authorizing the laving down and maintenance of such tracks upon such streets, so leng as such street railway franchises respectively shall remain in force.

Lights at Street Intersection.—Third: At every traveled street intersection crossed at grade by the rights of way here makes, chancel, when directed by the City of Seattle, the grantee herein, its successors or assigns shall crest, and at its or their own cost and exposes maintain. It may of equal power with the lamps maintained by the City of Seattle at street crossings in the central business part of the city, and shall keep each of said lamps illuminated our business part of the city, and shall keep each of said lamps illuminated our ling the same hours of the night during which the street lighting system of the City of Seattle generally may be in operation, and streets meeting and forming a "T" shall come under this prevision as well as streets actually crossing: Provided. That at those intersections upon or across which other required to bear the burden of its propertional part only, such proportion being measured by the width of right of way by each road at such intersections.

Covenant to have City Harmless From Damages, Etc. Fourth: Sand grantee, by its neceptance of this grant, does agree and covenant for itself, its successors and assigns, to and with the City of Scattle, to protect and save successors and assigns, to and with the City of Scattle,

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152 harmless said city from all claims, actions or diemages of every kind and de scription which may accrue to, or be suffered by, any person or persons by reason of any defective construction or maintenance or improper occupation of said rights of wa or by reason of the negligent operation of said granter, its successors or a gus, of its or their railway trains over the rights of way hereinbefore described. And in case any action or suit shall be begun against said city for the damages arising out of or by reason of such defeetive construction or maintenance or improper occupation or negligent oper ation, said grance, its successors or assigns, may, and shall upon notice to it or them of the commencement of such action or suit, defend the same at its or their sole cost and expense, and, in case judgment shall be rendered against said city in such action or suit, shall fully satisfy said judgment with in ninety (50) days after such action or suit shall have been finally, determined, if determined adversely to said city,

Spurs to Wharves and Warehouses .- Fifth: Said grantee, its successors or assigns, shall allow each owner or decupant of a wharf or warehouse conrignous to any of the tracks herein authorized, or to any street, avenue or other public place along which any of said tracks shall be constructed, and who shall have first procured from the board of public works of said city a permit therefor, a spar track connecting the tracks of such railway with such wharf or w chouse: Provided, however, That said grantee, its successors or assigns. may at its or their option require that such spur track shall be constructed and uninterined at the expense of such owner or occupant of such wharf or warehouse, including the reasonable value of any right of way, not within a street requisite therefor, and provided further that any such spur track shall start from such of the railway tracks in the neighborhood of such wharf or warehouse and which said grantee, its successors or assigns, shall own or be entitled to use, as it or they shall determine upon as the most proper therefor, and shall be subject to such reasonable rules and regulations as to the opening and closing of the switch controlling access thereto, and as to the use of such track, as said grantee, its sucressors or assigns, may from time to time establish. And said grantee, its successors and assigns, shall have the right to lay down, construct, maintain and operate any such spar track for the use of the owner or occupant of any such wharf or warehouse crossing in its course the track or tracks of any other railway company; Previded, however, That in ne case shall said grantee, its successors or assigns, occupy any more of the right of way of any such other railway company for the purpose of such crossing than shall be reasonably necessary therefor, nor shall such space be occupied otherwise than in the course of the transit of locomotices and cars across the same in the use of such spur track, nor for that purpose any oftener or longer than shall be reasonably necessary.

Overhead Bridge on First Avenue South, Sixth: At such time as the City of Seattle, by resolution or ordinance of the city council, shall require the same to be done, said grantee, its successors or assigns, shall join with the City of Senttle, or with such of its grantees in any other ordinance or ordinnances of said city as may be required in and by such ordinance or ordinances to join therein, a the construction and maintenance at the intersection of the tracks herein authorized with First Avenue South, of an overhead bridge to carry travel on aid avenue above and negoes said tracks, which bridges and its abutments shell be constructed of proper and suitable materials, and in such manner as may be approved by the City of Scattle, and with a clear height of twenty-two (22) feet above the top of the rails of the tracks crossed thereby, and so as to provide such width of roadway thereon (not exceeding the width of said evenue) as the city may from time to time require, but at no time less than fifty (50) feet in width, and the south face of the north abutment of which bridge shall be as nearly as may be on a line drawn at right angles across First Avenue South from the intersection of the west line of said avenue with a line parallel with and thirty feet northeasterly of the center line of Railroud Way, and the north face of the south abutment of which bridge shall be as nearly as may be on a line drawn at right angles across the First Avenue South from the intersection of the east line of said avenue with a line parallel with and thirty feet southwesterly of the center line of Railroad Way. Said grantee, its successors or assigns, shall bear onehaif of the entire expense of the construction and perpetual maintenance of the abutments, and of the superstructure, (including the flooring or paving) for the entire length thereof between the exterior lines of the abatments, of so much of said bridge as shall lie outside and on either side of the central twenty-two (22) feet in width of said First Avenue South, but the City of Scattle, or its grantees as aforesaid, shall bear the other half of said expense above specified, and the entire expense of the construction and perpetual manitenance of the abutments and superstructure of so much of said bridge as shall lie within said central twenty-two (22) feet of said First Avenue South, and caid city shall construct and a tintein the whole of the approaches of said bridge, at either end thereof, beyond the exterior lines of the abutments. without expense to said grantee, its successors or assigns, other than by such assessments for local improvements as may be legally made against the property owned by it or them; provided, however, that said grantee by its acceptance of the benefit of this ordinance, shall be deemed to have winved, for itself, it, successors and assigns, any chain of damage, by reason of the erection or maintenance of any of said approaches, to any property that it, its successors or assigns may own abutting upon or adjacent to such opporaches or either thereof. Said bridges shall be completed and ready for public travel within eighteen months after the City of Scattle shall have required the construction of the same by resolution or ordinance as aforesaid; and the construction thereof shall be arried on so as to interfere as little as practicable with the use of said avenue for public travel.

Overhead Bridges East of Second Avenue South.—Seventh: At such time or times, after ten years from the time when this ordinance shall take effect, as the City of Seattle, by resolution or ordinance of the city conveil shall require the same to be done, said grantce, its successors or assigns, shall construct and maintain overhead bridges, not exceeding five in number, at the intersection of the tracks herein authorized with such streets of said city, among those lying cast of Second Avenue South, as the city conneil shall from time to time designate, so as to carry travel along such streets respectively above and across such tracks, which bridges and their abutments shall be constructed of proper and anitable materials, and in such manner as may be approved by the City of Seattle, and with a clear height of twenty-two (22) feet above the tops of the rails of the tracks crossed thereby, and so as to provide such width of condways, thereon that exceeding the width of such streets respectively) as the city may from time to time require, but at no time less than twenty-ix (20) feet in widths, and of such length between

the abitainents as to span the street across which said bridge may be constructed. Said grantee, its successors or assigns, shall build and maintain the entire length of each such bridge, with its abutments, but the City of Scattle shall provide for the erection, maintenance and renewal of the approaches of such bridges at either end without expense to said grantee, its successors or assigns, other than Ly such assessments for local improvements as , ay he legally made against the property owned by it of them: Provided, however. That said grantee by its acceptance of the benefit of this ordinance shall be deemed to have waived, for itself, its successors and assigns, any claim of damage, by reason of the erection or maintenance of any of said approaches to any property that it, its successors or assigns, may own abutting upon or adjacent to such approaches or any thereof. Said bridges sla li be completed and ready for public travel within eighteen months after the City of Scattle shall have required the construction of the same respectively by resolution

Construction; Time Limit; Forfeiture .- Eighth. Said grantee, its sucor ordinance as aforesaid. cessurs or assigns, shall begin work upon the construction of the tracks authorized by the first clause of section 2 hereof, within three months after this ordinance shall take effect, and shall complete the construction of at least one ordinance shall take encer, and shall complete the construction of at least only of said tracks from the south boundary line of the city continuously to the north line of Walker Street and shall establish a connection thence northward by some railway track or tracks with its existing them. ing tracks on Railroad Avenue north of Bell Street in said City, so that such track for the distance above specifical, and such connection of the same with said tracks north of Pell Street, shall be ready for use for railway traffic within two years after this ordinance shall take effect. And if said work shall not be begun within the time in this clause prescribed, or if one of said tracks shall not be completed and ready for use to the extent aforesaid, with a connection northward as aforesaid, within the time in this chuse prescribed, then, unless the beginning of said work or the completion of such truck with its connection northward to the extent aforesaid, as the case may be, shall have been prevented by anunctions, unavoidable delays in condemnation suits, strikes, riots, or some occurrence beyond the control, of said grantee, its successors or assigns, the city conneil of said city shall have the right, after sixty days' notice to said grantee, its successors or assigns, to declare, by ordinance, the forfeiture of all rights, privileges and authorities herein granted.

Readjustment of Tracks on Colorado Street and Railroad Avenue; Removal of Tracks Between Yesler Way and Atlantic Street; Surrender of Rights; City May Readjust and Remove Track .- Ninth: Said grantee shall agree and coverant in behalf of itself, its successors and assigns, with the City of Scattle in and by its acceptance of the benefits of this ordinance hereinbelow provided for, that said grantee, its successors or assigns, will, within six months, after Cebrado Street has been filled to grade, readjust all its railway tracks at present occupying any areas within those parts of Colorado Street and Railroad Avenue, respectively, lying between the southerly boundary line of the City of Scattle and a point in Railroad Avenue four hundred (100) feet northward from the northerly end of block 366, Scattle Tide Lands. so that such tracks shall conform substantially in their alignments to and shall not exceed in number, the tracks berein authorized to be haid down upon and along said parts of Colorado Street and Railroad Avenue last specified, and so that the surface of the street thereby vacated will be placed a equal condi-

tion for public travel as the adjacent and contiguous part thereof, and that it or they will also take up and remove all its other railway ticks at present occupying any street or avenue, or any part of the same lying within the area bounded by the northerly line of Yesler Way on the north, the easterly line of the Scattle Boulevard on the east, and the northerly line of Atlantic Street on the south, and the westerly line of Railroad Avenue on the west, and that it, or the;, will also file in the office of the City Comptroller a copy duly certified and attested by its secretary, under its or their corporate seal, of a resolution duly adopted by its or their board of trustees relinquishing and surrendering all franchises, rights, privileges and authority heretofore granted by the City of Scattle in respect of the maintenance, use or operation of said railway tracks to be re-adjusted or removed as above specified, and all rights of way therefor conferred in the grant of any such franchises, rights, privilege or authority, all except Colorado Street and the extension of the Colorado Street line to a point in Railroad Avenue four hundred (400) feet northward from the northerly end of Block 366, Scattle Tide Lands, as hereinbefore specified, on or before the 31st day of December, 1905; and it said grantee, its successors or assigns, shall f il to perform such agreement and covenant, the city council of said city shall have the right, after 60 days' notice to said grantee, its successors or assigns, to cause all such railway tracks to be re-adjusted or removed, as above specified, at the expense of the grantee herein, its successors or assigns, and said grantee, its successors and assigns. shall be liable to the city for all the expense of such removal. Provided, however, That neither the agreement nor covenant in this clause required, nor the performance of the same, nor anything occurring in consequence of any provision of this clause, shall in any way affect the force or any such franchises, righte, privileges or authorities heretofore granted by the City of Seattle as aforesaid, nor affect any right of way conferred in any such grant. except in respect of said railway tracks to be re-adjusted or removed as above specified.

Other Roads to Use Tracks; Arbitration .- Tenth: Any other railway company hereafter constructing a standard gauge railway to the City of Seattle, upon obtaining a franchise from said city giving access to any point therein from which it can reach with its cars any point on the tracks hereinbelow specified, shall have the right to the common use with the grantee herein, its successors or assigns, for the running thereon of the cars of such other railway company, of all or any part of the track specified in the fifth clause, and so much as lies within Railroad Avenue of the tracks specified in the seventh clause of section 2 of this ordinance upon payment to the grantee herein, its successors or assigns, of such monthly or annual rental or other compensation as may be just and equitable, and subject to such reasonable rules and regulations as may be consisent with the prior rights of the gruntees herein, its successors and assigns, and as shall not interfere with or impede the transaction and dispatch of the business of the grantee herein, its successors or assigns. And in case such railway company cannot agree with the grantee herein, its successors or assigns, upon the rental or compensation to be poid for such use of said tracks as aforesaid, any controversy or difference between them respecting the proper amount of such rental or other compensation, or respecting the condition, terms, rules and regulations of such use, shall be submitted to arbitration in conformity with the laws of the State of Washington in that regard, and such submission

LESS CLEAR THAN THIS NOTICE

(Compliance with this agreement was accepted by the city by Ordinance No. 9864, see page 263.

## ORDINANCE NO. 9296.

N ORDINANCE granting to the NORTHERN PACIFIC RAILWAY COM-PANY, its successors and assigns, the right and authority to lay down construct, maintain and operate a terminal yard, with certain lead and rnout tracks thereto, upon and over certain public streets and ave across certain lands in the City of Seattle, King County, Washington. Approved February 24, 1903; published February 25, 1903; acceptance filed May 21, 1903; comptroller's file No. 349.

Be it ordained by the City of Seattle an follows:

Be it ordained by the City of Seattle as follows:

Grant.—Section 1. That there is hereby granted to the Northern Pacific Railway Company, its successors and assigns, the right and authority to lay down, construct, paintain and operate a terminal yard with certain lead and turnout tracks theleto, upon and over certain public streets and avenues and across certain lands in the City of Seattle, and the right to construct certain tracks leading from said yard across Hanford Street to a round house to be constructed upon a polition of block 359. Seattle Tip Lands: all of which rights, privileges and authorities are hereby granted subject to all the conditions, restrictions, specifications and requirements in this ordinance expressed.

Descriptions.—Sec. 2. That the following it a description of the rights of way upon and along which said company its successors and assigns, is hereby authorized to locate, construct, lay down, maintain and operate a track or tracks of railroad, the same to be known as lead and turnout tracks, leading to its terminal yards, said yards to be located upon blocks 359, 360, 361, 362, 363, 364, 365 and 366 of the Scalibe Fide Lands and across certain of the intervening streets.

Lead and Turn-out Tracks. A crip of land 30 feet in width, being 7.1-2 feet on the easterly side and 22.1-2 feet on the westerly side of the following described line: Beginning at a point in Colorado Street on the north line of the Canal Waterway, which point is 22.1-2 feet easterly from the westerly line of said Colorado Street. of the Canal Waterway, which point is 22 1-2 feet easterly from the westerly line of said Colorado Street; mence northerly to a line parallel to and 22 1-2 feet easterly from the westerly line of Colorado Street, a distance of 50 feet; thence on a curve to the left, with a radius of 573.7 feet, through 26 degrees of 30 minutes of arc, a distance of 260.5 feet; thence on a curve to the right, with a radius of 573.7 feet, through 26 degrees 03 minutes of arc, a distance of 260.5 feet to a point, which point is 699 feet northerly from the morth line of Hanford Street; mence northerly on the tangent to the last described curve, which tangent is parallel to and 94 feet westerly from the westerly line of Colorado Street to a point in Massachusetts Street, which point is about 14 feet north 1 the south line of Massachusetts Street; thence on a curve to the right with a radius of 28649 feet through 17 degrees 14 manutes 15 seconds of arg a distance of 861.9 feet, to a point in Railrond avenue, at which point sair curve is tangent to a line parallel to and 170.5 feet easterly from the westerly line of Railrond avenue; thence on said tangent a distance of cerly line of Railroad avenue; thence on said tangent a distance of the west

ferminal Yard Tracks .- Also, a right of way across, over said street, Lander street, Storey street, Holgate street, Walker street ORDINANCE NO. 12191

and 3 of Ordinance No.9117 of the district Statute, empirised: "An ordinance of the district of Statute, empirised: "An ordinance of the district of Statute grantle of the Statute and one tank bailtoad Company, its successors and assign, the right, privilege and authority to lay down, construct, maintain and operate sundry railway tracks along and across sundry streets, avenues and other public places within the City of Scattle, and upon other properly within the limits of said city, and granting to said company, its successors and assigns, rights of way for such tracks along and across all such streets, avenues and other public places of said city", approved the oth day of January, A.D.1903.

Be it ordained by the City of Seattle as follows:

of Seattle, entitled: "An Ordinance of the City of Seattle granting to the Seattle and Formana Railread Company, its successors and assigns, the right, privilege and authority to lay down, construct, maintain and operate sundry railway tracks along and across sundry streets, avenues and other public places within the City of Seattle and upon other property within the limits of said city, and ing to said company, its successors and assigns, rights of way for such tracks along and across all such streets, avenues and other public places of said city", approved the 6th day of January; A.D. public places of said city", approved the 6th day of January; A.D.

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down, construction, maintenance and operation whereof are authorized by this ordinance, and the rights of way hereb, (ranted for the same, are described as follows:

First, four tracks of standard guage railway, the center lines of which tracks shall be as near as may be parallel with and res ectively 7.5 fest and 22.5 feet distant on either side from the center lines of the right of way therefor next hereinbelow specified, and a right of way 60 feet in width for such tracks, the center line of which right of way shall begin on a line in Railroad Avenue parallel with and 68 feet westerly of the easterly line of said Avenue, ressured at right angles thereto at the intersection of said last described line, with a line drawn at right angles westerly across Railroad Avenue from the intersection of the easterly line thereof with the north line of Yesler Way, and thende running southerly to a point 271.8 feet north of the intersection of the last described line with a line parallel to and 143 feet east of the west line of Railroad Avenue; thence on a uniform curve to the right with a radius of 955.4 feet through a total angle of 31 degrees, 45 minutes 10 seconds, said right of way tapering in width as near as may be uniformly from 60 feet at the north end of above described curve to a width of 30 feet at the south end of said curve, the termination of said curve being at a point where the curve becomes tangent to a line in Railroad Avenue, parallel with and 143 feet East of the West line of said Avenue, and said four bracks converging into two tracks in the course of said curve, the center line of each of said two tracks shall be 7.5 feet distant on elther side of said curve at 1 be torein tion; two bracks of stindard graph railway, the conter line of dich shall be as near as may be puralled did ned 7.5 feet distant on wither side from the center line of the right of way therefor mext hereing show enjectived, and a rist of way 30 feet in widt, for such tracks, the center line of which right of way

shall begin at the point last designated and shall run thence south on a line parallel with and 143 feet east of the west line of Reilroad Avenue to a point as nearly as may be at the intersection of said last described line with the south line of Block 4 of D. S. Maymard's plat of the Town (now City) of Seattle produced westward; thence on a curve to the left with a radius of 940.4 feet through 30 degrees 30 minutes of curvature to a point where such curve is tangent to a line in Railroad Way, parallel with . . and 15 feet north-easterly of the center line of said Railroad Way measured at right angles thereto; thence south-easterly along said W. Hallenad Arthur last described tangent, to a point as nearly as may be at the inter section thereof with a line produced westward, parallel with and Seant on 2.39 feet south of the north line of Lot 18 in Block 325 of Seattle Tide Lands (as laid out on the map of said Tide Lands filed March J 10 8 12 15, 1895, in the office of the Board of Land Commissioners of the 1.5 376 252 State of Washington); thence on a curve to the right with a radius anniet, en enem is end andre et erren of 970.4 feet through a total angle of 19 degrees 5 minutes of production of the reserve of the distribution BOTHER AND ACT curvature to a point in said Block 325 Seattle Tide Lands. Gity of Reciti 14 1 6 W COUNTY OF WHATER AT 1.13. Ar AT

Second, a single track of standard guage railway, the center lity was all a same and a region of the right of way therefor next hereinbelow specified, and a right of way 15 feet in width for such track, the center discount of which right of way shall begin at a point 44.5 feet west of the southwest corner of block transmissional and a round a region of Seattle, and shall run thence south along Rail-road Avenue, 44.5 feet west of the east line of said avenue, to a point as nearly as may be at the intersection thereof with an east and west line drawn through the center of lot 12 in block 368 of said Seattle Tide Lands and produced eastward, thence on a curve to the right with a radius of 962.9 feet, through 17 degrees 14 minut-

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es 15 seconds of curvature, to a point where such curve is tangent to a line in Railroad Avenue parallel with and 155.5 feet easterly of the westerly line of said avenue, measured at right angles thereto, thence southerly on said last described line to a point as rearly as may be at the intersection of said line with the north line of lot 9 in clock 331 of said Sentile Tide Lands produced westward, thence on a curve to the left with a radius of 932.9 feet for a distance of about 150 feet, said track terminating at the end of such curve in and making a connection with such railed tracks, if any, as may be laid down by authority of the City of Seattle on that part of Railroad Avenue lying next easterly and mext westerly of the right of way last defined.

of Seattle, entitled: "An Ordinance No. 9117 of the City of Seattle, entitled: "An Ordinance of the City of Seattle grant-ing to the Seattle and Montana Railroad Company, its successors and assigns, the right, privilege and authority to lay down, constituct, maintain and operate sundry railway tracks along and across sundry streets, avenues and other public places within the City of Seattle, and upon other property within the limits of said city, and granting to said company, its successors and assigns, rights of way for such tracks along and across all such streets, avenues and other public places of said city", approved the 6th day of January, 1903, be, and the sume hereby is, amended so as to read as follows:

Section 3. The grant in this ordinance contained is waite expressly subject to the following conditions and requirements, to-wit:

First: The City of Seattle, shall retain the same control of the streets, avenues and alleys in and across which said railway

tracks shall be laid down, as over other streets, avenues and alle s, and shall have the right at all times, by general ordinance to regulate the speed of locomotives and trains within the limits of the rights of way, herein granted, and the maximum period of time for which locomotives, cars or trains shall be allowed to blockade travel along or across the stroots embraced in this grant, or intersecting streets, are shall have such further control and police powers over such right of way as the City Charter and State laws permit. And said city reserves to itself and its grantees the right to carry all water mains, sewer mains, gas pipes, conduits and other public utilities underneath any and all of the tracks herein authorized, below any and all bridges herein provided for and underneath any street, avenue or other public place which may have been vacated on or subsequent to the 6th day of January A.D.1905, and the right of access to any spaces occupied by such tracks within the limits of any such street, avenue or other public place, and the right to open the ground beneath said tracks, for all purposes of construction, maintenance, repair, alteration" and inspection of any such public utilities; which rights shall be exercised, however, so as to interfere as little as practicable with the use of said tracks and so as to leave the right of way occupied thereby restored to as good a condition as prior to any exercise of such rights.

run along or across any street, avenue or other public place in said city, other than those for the travel on which overhead bridges shall have been constructed as herein provided for, and other than such streets, if any, as have been vacated by ordinance or ordinances of the City of Seattle enacted on or subsequent to the 6th day of January, A.D.1903, said grantee, its successors or

assigns, shall cause the parts of such streets, avenues or other public places lying within the right of way of each such track, as herein defined and granted, to be graded, planked, paved or otherwise improved whenever the adjoining parts of such streets, avenues or other public places shall be so graded, planked, paved or otherwise improved by the city if not hitherto done, or, if such improvement shall have been already made, to be regraded, replanked, repayed or otherwise reimproved, so as to be, when such tracks shall have been constructed and shall be ready for use in as good and substantial a condition as the adjoining parts thereof, and whenver any such street, avenue or other public place, after having been so graded or improved by the city, shall be regraded, replanks ed; repayed or otherwise reimproved, said grantee, its successors or assigns, shall cause the parts thereof lying within such right of way of each such track to be correspondingly regraded, replank ed, repayed or otherwise reimproved, all such original or subsect quent grading or improvement to be done wholly at the cost of said grantee, its successors and assigns, and under the supervision and control and subject to the acceptance of the board of public works of the city: Provided, however, that said grantee, its successors or assigns, shall not be required to bear the expense of maintenance of so much of the flooring or paving of such streets as shall have been or shall be required to be borne by the owner or owners of any street railway tracks of tracks now upon or that may hereately be laid down upon such streets respectively, by the terms of the franchises granted or to be granted by said city authorizing the laying down and maintenance of such tracks upon such streets, so long as such street railway franchises respectively shall remain in force.

Third, at every traveled street intersection crossed at grade

by the rights of way hereinabove granted, where directed by the City of Seattle, the grantee herein, its successors or assigns ... shall erect, and at its or their own cost and expense maintain, ... lamps of equal power with the lamps maintained by the City of Seattle at street crossings in the central business part of the city, and shall keep each of said lamps illuminated during the same hours of the night during which the street lighting system of the City of Seattle generally may be in operation, and streets con. meeting and forming a "T" shall come under this provision as well as streets actually crossing: Provided, that at those intersections upon or across which other railroad franchises may be operate ed, said grantee, its successors or assigns, shall be required to bear the burden of its proportional part only, such proportion being measured by the width of the right of way owned by each road at such intersections. the first and the state of the state of

Egree and covenant, for itself, its successors and assigns, to and with the City of Seattle, to protect and save harmless said city from all claims, actions or damages, of every kinds and description, which may accrue to, or be suffered by, any person or persons by reason of any defective construction or maintenance or improper at occupation of said rights of way, or by reason of the hegligent operation by said grantee, its successors or assigns, of its or their reliway trains over the rights party of a person of the hegligent of any action or suit shall be begun against said city for damages arising out of, or by reason of, such defective construction or maintenance or improper occupation or negligent operation, said grantee, its successors or assigns, may, and shall upon notice to it or them of the commencement of such action or suit, defend the same at its or their sole cost and expense, and, in case judg-

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shall fully satisfy such judgment within ninety (90) days after such action or suit shall have been finally determined, if determined adversely to said city.

Fifth, said grantee, its successors or assigns, shall allow each owner or occupant of a wharf or warehouse contiguous to any of the tracks herein suthorized, or to any street, avenue or other public place along which any of said tracks shall be constructed, and who shall have first procured from the board of public works of said city a permit therefor, a spurtrack connecting the tracks of such railway with such wharf or warehouse: Provided, however, that said grantee, its successors or assigns, may at its or their abption require that such spurtrack shall be constructed and maintained at the expense of such owner or occupant of such wharf or warehouse, including the reasonable value of any right of way not within a street requisite therefor, and provided further, that any such spurtrack shall start from such of the railway tracks in the neighborhood of such wharf or warehouse and which said grantee its successors or assigns, shall own or shall be entitled to use, as it or they shall determine upon as the most proper therefor, and shall be subject to such reasonable rules and regulations as the opening and closing of the switch controlling access thereto and as to the use of such tracks, as said grantee, its successors or assigns, may from time to time establish. And said grantes, its successors and assigns, shall have the right to lay down, construct, maintain and operate any such spurtrack for the use of the ewner or occupant of any such wharf or warehouse, crossing in its course the track or tracks of any other railway company; provided, however, that in no case shall said grantee, its successors or

railway company for the purp se of such crossing than shall be reasonably necessary therefor, nor shall such space be occupied otherwise than in the course of the transit of locomotives and cars across the same in the use of such spurtrack, nor for that purpose any oftener or longer than shall be reasonably necessary.

Sixth, at such time as the City of Seattle by resolution or ordinance of the City Council shall require the same to be done, said grantee, its successors or asd gns, shall join with the City of Seattle, or with such of its grantees in any other ordinance or ordinances of said city as may be required in and by such ordinance or ordinances to join therein, in the construction and maintenance at the intersection of the tracks herein authorized with First denuationthese transporter to carry travel on gold avenue above and across said tracks, which bridge and its abutments, shall be constructed of proper and suitable materials, and in such manner as ray be approved by the City of Seattle, with the clear height of twenty-two (22) feet above the tops of the rails of the tracks crossed thereby, and so as to provide such width of roadway thereon (not exceeding the width of said avenue) as the city may from time to time require, but at no time less than fifty (50) feet in width, and the south face of the north abutment of which bridge shall be as nearly as may he on a line drawn at right angles across First Avenue South from the intersection of the west atme or must a avenue with a line parallel with and thirty feet northeasterly of the center line of Railroad War, and the north face of the south abutment of which bridge shall be so nearly as may be on a line drawh at right angles serosg First Avenue South from the intersection of the cast line of said avenue with a line parallel with and thirty feet southwesterly of the center line of Railroad Way.

Said grantee, its successors or assigns, shall bear one-half of the entire expense of the construction and perpetual maintenance of the abutments, and of the superstructure (including the flooring or paving) for the entire length thereof between the exterior lines of the abuments, of so much of said bridge as shall lie out side and on either side of the central twinty-two (22) feet in width of said First Avenue South, but the City of Scattle, grantees as aforeseid, shall bear the other half of said expense above specified and the entire expense of the construction and perpatual maintenance of the abutments and superstructure of so much of said bridge as shall lie within said central twenty (22) feet of said First Avenue South, and said city shall and maintain the whole of the approaches of said bridge, beyond the exterior lines of the abutments, expense to said grantee, its successors or assigns, such assessments for local improvements as may be legally made the property owned by it or them: said grantee by its acceptance of the benefit of this ordinane to have waived, for itself, its successors assigns, any claim of damage, by reason of the successors or assigns, may own abutting upon or adjacent to such approaches or either the reof. Said bridge shall be completed forpublic travel within eighteen months, after Seattle shall have required the construction of the same by reso lution or a dinance as aforesaid, and the construction in ereof shall be carried on so as to interfere as little as practicable with the use of said evenue for public travel.

Seventh: Said grantee, its successors or assigns, shall begin work upon the readjustment of its railway tracks at present Cocupying any areas within those parts of Railroad Avenue and Failroad Way, respectively, lying between the northerly and their southerly ends of the tracks authorized by the first clause of section 2 of said Ordinance No. 9117, as amended by section 1 hereof, so that such tracks shall conform substantially in their alignment to the tracks herein authorized to be laid down upon and along said parts of Railroad Avenue and Railroad Way last specified, on or before December 31st, 1905, and shall complete such residuation of at least one of said tracks throughout said entired distance on or before the 1st day of July, 1906. And if said work of readjustment shall not be begun within the time in this clause prescribed, or if one of said tracks shall not be so as aforesaid readjusted throughout said entire distance within the time in this

to the extent aforesaid, as the case may be, of said work of readjustment shall have been prevented by injunctions, unavoidable
delays in condemnation suits, strikes, riots, or some occurrence
beyond the control of said grantee, its successors or assigns, the
City Council of said city shall have the right, after sixty days
notice to said grantee, its successors or assigns, to declare, by
ordinance, the forfeiture of all rights, privileges and a uthorities
herein granted.

Righth, said grantee shall agree and covenant, in behalf of itself, its successors and assigns, with the City of Seattle and by its acceptance of the benefit of this ordinance hereinbelow provided for, that said grantee, its successors or assigns, will readjust all its railway tracks at present occupying any areas within those parts of Railroad Avenue and Railroad Way, respectively, lying between the northerly and southerly ends of the tracks authorized by the first clause of section 2 of Ordinance: No. 9117, as amended by section 1 hereof, so that such tracks shall

conform substantially in their alignment to; and shall not exceed in number, the tracks herein authorized to be laid down upon and "along said parts of Railroad Avenue and Railroad Way last specified and that it or they will also take up and remove all its other railway tracks at present occupying any part of Railroad Avenue or Railroad Way, respectively, lying between the northerly and southerly ends of the tracks authorized respectively by the first and second clauses of section 2 of Ordinance No. 9117, as amended by section I hereof, and that it or they will also file in the office of the city comptroller's copy, duly certified and attested by its or their secretary under its or their corporate seal, of a resolution duly adopted by its or their board of trustees, relinquishing. nd surrendering all franchises, rights, privileges and authorities wanted by the City of Seattle in respect of the maintenance, use or operation of any railway tracks withithe above specified parts of Railroad Avenue and Railroad Way respectively, and all rights of way therefor conferred in the grant of any such Tranchises, rights, privileges or authorities, all within eighteen (18) months after this amendatory ordinance shall takeeffect; and if said grantee; its successors or assigns, shall fail to perform such agreement and covenant, the City Council of said city shall have the right, after sixty days! notice to said grantee, its successors or assigns, to cause all such railway tracks to be readjusted or removed as above specified, at the expense of the grantee herein, its successors or assigns, and said grantee, its successors and a seigns, shall be liable to the city for all the expense of such removal: provided, however, that neither the agreement and covenant in this clause required, nor the performance of the same, nor anything occurring in consequence of any provision of this clause, shall in any way affect the force of any

such franchise, right, privilege or authority heretofore granted, by the City of Seattle as aforesaid, nor affect any right of way conferred in any such grant, except in respect of said railway tracks to be readjusted or removed as above specified.

Ninth, said grantee shall switch and transfer cars shipped from any non-competitive point on the lines of any other railway company outside the limits of the City of Seattle and delivered via the tracks of the Northern Pacific Railway Company or the Columbia & Puget Sound Railroad Company to said grantee, its successors or assigns, at a point within that part of the city of Seattle bounded on the north by Yesler Way and on the South by the present south boundary line of the city, for transfer to the consignee at a point situated on the tracks of said grantee, its successors or assigns, within said limit, or shipped from a point on the tracks of said grantee, its successors or assigns, within said limit and consigned via the lines of the Northern Pacific Railway Company or the Columbia & Puget Sound Railroad Company to a non-competitive point outside the limits of the City of Seattle, at charges not in excess of the following:

where the length of the switching service between the point of destination or origin of such shipment on the tracks of said grantee, its successors or assigns, and the point of receipt or delivery of such car from or to either of the other companies above named, measured by the shortest practicable track route, shall not exceed one-half mile, \$1.50 per loaded car;

Where the length of such switching service, as aforesaid, shall not exceed one and one-half miles, \$2.00 per loaded car; Where the length of such switching service, as aforesaid, shell not exceed two and one-half miles, \$2.50 per loaded car.

The above specified charges shall include the service of returning the empty car, or placing the empty car to be loaded, as the case may be. In case an empty car is moved both ways, the charge for the double movement shall be the same as for a loaded car.

Section 3. In order to claim the benefit of this ordinance and to acquire the rights, privileges and authorities hereby granted, said grantee, its successors for assigns, must within ninety days after the taking effect of this ordinance file in the office of the city comptroller a copy, duly certified and attested by its secretary under its corporate seal, of a resolution duly adopted by its board of trustees, accepting the benefit of this ordinance and the rights, privileges and authorities hereby grant ed, subject to all the conditions, restrictions, specifications and requirements herein expressed, and agreeing and covenanting ith the City of Seattle as is required in and by the eighth clause of section 3 of Ordinance No. 9117 of the City of Seattle as amended by the eighth clause of section 2 of this ordinance, and if such a certified copy of such a resolution of acceptance shall not be so filed before the expiration of said time, this ordinance shall thereupon become yold and of no effect.

Section 4. This ordinance shall take effect and be in force from and after its passage and approval, if approved by the mayor; otherwise, it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City	Council of the City of Seattle this
13 day of MARCH	, A.D.1905, and signed by me in open
session in authentication of	its passage this 13 day of
	A.D. 1805.
\	Lille
i deringge	President of the Caty Council.

Approved by me this 15 day of March, A.D. 1905. Filed by me this 15 day of March, A.D. 1905. lity Comotroller and lx-off cio Cit, Clerk. Nation Pushertin MAR 161905 Distip

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# ORDINANCE NO. 9419.

in Ordinance of the City of Scattle granting to the Collectic Lie & Fugal Scattle Relifered Company, its successors and assigns, the right, privilege and authority to lay down, construct, maintain and operate sundry railway tracks along and across sundry streets, avenues and other public places within the City of Scattle, and upon other property within the limits of said city, and granting to maid company, its successors and assigns, rights of way for such tracks along and across all such streets, avenues and other public places of said city.

ME IT ORDANIED BY THE CITY OF MATTLE as follows: Section 1. The City of Seattle doss hereby grapt to the Columbia & Fuget Sound Mailroad Company its successors and acsigns, in perpetuity, the right, privilege and authority to lay down, construct, maintain and operate sundry tracks of mandard gauge railway, as hereighelow designated and specified, megether I needful crossovers and connectans between any of said tracks and any other thereof, or any other track, adjacent tierete, along and across suntry streets, avenues and other public places within the limits of paid city; and also a right of we for maid tracks along and across all said sundry Breets, avenues and other public maces of said city, which said right of way shall be figteem feet in width for each such track herein authorized. lying seven and one half feet on each side of the center line of such track, together with such additional right of way for made tracks er any thereof as shall to requiette to the emetrotion to of proper alopes and well mine with to

PROFIERD, however, that after that part of an street or average or ordered by such tracks shall have been graded, no such additional right of way for slopes or retaining walls within the limits of such street or avenue shall be used: All which rights, privileges and authorities are hereby granted subject to all the conditions, restrictions, specifications and requirements in this ordinarie expressed.

Sec. 2. The tracks of standard gauge railway the laying down, construction, maintenance and speration thereof are authorized by this ordinates, and the rights of way hereby granted for the same, are described as follows:

A single track of standard gauge railway, the center line whereof shall be as nearly as may be commeident with the center limit of the right of way herefor next hereinbelow specified, and a right of way 15 feet in width for sigh track, the center line of which right of way mall begin at the intersection of the south boundary line of the City of Seattle with a line drawn parallel with and 22.5 feet east of the west line of Colorado Street in said , and shall run thence north along said last described line to the north line of the Canal Waterway, as laid out on the map of Seattle tide lands Filed on March 18 1895, in the Fice of the Board of State Land Commissioners of the State of Washington; and two tracis of standard gauge railway, the center links of which tracks shall be as Bearly as may be parallel with and 7.5 feet distail on either side from the center line of the right of way there for next hereinbelow specified, and a right of way \$0 feet in width formuch tracks, the center line of which right of way shall begin at the interesection of the north life of maid Countings. 114 peralled with **a4 12 1**0

street, and shall run thence north along said last demoribed line to a point as nearly as may be at the intersection thereof with the south line of Atlantic street produced westward, thence on a curve to the right with a radius of 955.4 feet, through 17 degrees 14 minutes 15 seconds of curvature, to a point where such curve is tangent to a line in Railroad Avenue marallel with and 135 feet easterly of the westerly line of said avenue, measure at right angles thereto, thence northerly on said last described line to a point as nearly as may be at the intersection thereof with the north line of lot 17 in block 329 of said Settle tide land produced westward, thence on a murve to the left with a rudius of 955.4 feet, through 17 degrees 14 minutes 15 seconds of curvature, to a point where such curve is tangent to a line in Railroad avenue parailel with and 67 feet west of the east ling of said avenue thence north on said last described line to a point as nearly as me he at the intersection thereof with the north line of lot 8 in block 367 of said meattle tide land produced eastward, and thence an a reverse ourve, curving first to the left and then to the right each branch thereof with a radius of 985.4 feet, 🀞 a point where the north to = ly branch of such reverse curve is taugent to a line in Railroad avenue parallel with and 90.5 feet each of the west lime of said avenue, which point is as nearly as may be at the intersection of said fast described line with an east and west line dream through the north line of lot \$ in block 367 of said Seattle tide lands raid right of way, however, tapering uniformly, as nearly as may be, from feet in width at the Bouth end of the southerly branch of said feverse surve to 16 feet in width at said last medianed point rests stook to be and said two tracks emverging two a

the center line whereof shall be as nearly as may be coincident with the center line of the right of way therefor next hereinbeld specified, and a right of way 15 feet in width for such track, the Senter line of which right of way shall begin at said last mentideed point, to-with at the north end of the northerly branch of the geverse curve above designated, and shall run thence north, on any Fine parallel with and 90.5 feet east of the west line of Railro avenue, to the intersection the soft with the comer line of Main street produced sestward, thence on a curve to the left with a re ius of 262 feets through 90 degrees of curvatures to a point where such ourve is tengent to a line parallel with and 7.5 feet morth of the north line of block 199 of said Seattle tide lands, and thence west on said last described line to the inner harbor line of the arbor of the City of Seattle; and a single track of standard s allway, the center line wherees whall be as nearly as may be est sident with the gente line of the right of way therefor mext he Inbelow specifics, and a right of way 15 feet in bidth for such track, the center line of which right of way shall begin as nearly as may be at the intersection of a line parallel with and 196.4 feet South of the south line of Jacks Street, as laid out on said of said Seattle gide lands, with a line parallel with and 90.8 f ast of the west line of Railron Avenue, and shall run thence Sorthmesterly, as a ourve to the left with a radius of 287.9 feet Angent at said goint of haginning to said last carribed line in Railroad Avenue. Through 90 degrees of curvature to a point in Jackson Street 7.5 feet south of the morth line thereof, thence west men tangent parallel with and 7.5 Rest south of the north line of ackson street, to the inner har by line of the Brbor of the Si Souttle

Sec. 3. The grant in this ordinance commained is made expressly subject to the following conditions and requirements, that:

First: The City of Seattle shall retain the same control of The streets, avenues and alleys in and across which said railway gracks shall be laid down, as over other streets avenues and alleys, and shall have the right, at all times, by general ordinance, to regulate the speed of locomotives and trains within the limits of the rights of way herein granted, and the maximum period of the or which locomotives, ours or thins shall be allowed to blocks gravel along or scross the streets embraced in this grant, or in Sersecting streets, and shall have such further centrol and policy powers over such right of way as the City Chartes and State laws permit. And same city reserves to itself and its grantees the right to carry all week mains, sever mains, gas pipes conduits and other public utilities, underneath any and all of the tracks herein and horized, below may and all bridges herein provided for, and und beath any street arenue or other public place which may be vacat d concurrently with or after the enactment of this ordinance, as The right of access to any spaces occupied by such tracks within the limits of and such street, avenue or other papilic place, and the gight to open the ground beneath maid tracks, for all purposes on onstruction, maintenance, repair alteration and inspection of do such public utilities; which rights shall be exercised, however, as to interfere as little as practicable with the use of said broks and so as to leade the right of by occupied the by restored to be as prior to any exercise of such rights. good a condition

Beconds Whenever may of the tracks herein authorized shall run

city, other than those for the travel on which everhead bridges sh have been constructed as herein provided for, and other than such streets, if any, as shall be vacated by ordinance of ordinances of the City of Senttle enacted concurrently with or suggequent to the enactment of this ordinance, said grantee, its successors or assigns, shall cause the parts of such streets, avenues or other public places lying within the right of way of each such track, as herein defined and granted, to be graded, planked, paved or otherwise improved when ever the adjoining parts of such streets, avenues of other public pleses shall be so graded, planked, paved or otherwise improved by the city, if not higherto done, or, if such improvement shall have been already made, so be regraded, replanked, repayed or otherwise reimproved, so as to be, when such tracks shall have been construct ed and shall be ready for use, in a good and substantial a conditich as the adjoin as parts thereof and whenever and such street, avegue or other public place, after having been so maded or impreved by the city, shall be regraded, splanked, repayed or otherwise reimproved, said grantee, its successors or assigns ashall cause : the parts thereof lying within such right of way of much such track to be correspondingly regraded, replanted, repaved or otherwise feimphoved, all such original or subsequent grading orgimprovement to be some wholly at the cost of said mantee, its successors and assigns, and under the supervision and control and subject to the secepance of the board of public works of the city; Provided, however, that said grantee, its successors or assigns, shall not be required to bear the expense of maintenance of so much of the flooring or paving of such streets as shall have been or shall be require ed go be borne by the owner or owner of any street failway track or tacks now upon or that may hereafter be laid down upon such

be granted by said City authorizing the laying down and maintenance of such tracks upon such streets, so long as such street railways franchises respectively shall remain in force.

Third: At every travelled street intersection crossed at grade by the rights of way hereinabove granted, where directed in the City of Seattle, the grantee herein, its successors or gas, shall erect, and at its or their cwn post and expense maintain, samps of equal power with the lamps maintained by the City of Seattle it street crossings in the central business part of the city, and wall keep each of said lamps illuminated during the lime hours of the night during which the street lighting system of the City of Seattle generally may be in operation, and streets masting and forming a street shall come under this provision as well as streets actually coposing; provided, that at their intersections upon or across the cessors or assims, shall be remained to bear the burden of its portional part only, such proportion being measured by the widthest the right of war owned by each load at such intersection.

Pourth Said grantee, by its acceptance of this grant, does agree and covenant, for itself, its successors and assigns, to and with the City of Seattle, to protect and save harmless said city from all claimed actions or damages of every kind and description which may accrue to. or be suffered by, any person or persons to reason of any effective construction or maintenance or improper cupation of said rights of way, or by reason of the negligent of ation by said grantee, its successors or assigns, of its or their railway trains over the rights of way hereinbefore described. In case any action or suit shall be begun against said city for the ages grising out of, or by reason of, such defeative construction.

or maintenance or improper occupation or negligent operation, said grantee, its successors or assigns, may, and shall upon notice to it or them of the commencement of such action or suit, defend the same at its or their sole cost and expense, and, in case judgment shall be rendered against said city in such action of suit, shall fully satisfy such judgment within minety (90) days after such action or suit shall have been finally determined, if determined adversely to said city.

Fifth: Said grantee, its soccessors or assigns, shall allow each owner or occupant of a what or warehouse contiguous to any of the tracks hereis a thorized, or to any street, asemue or other public place along movement which any of said tracks shall be constructed, and who shall have first procured from the Board of Pablic Works of said ofty a permit themefor, a spurtrage connecting the tracks of such railing with such where or warehouse Frowided, howthat said grantee, its successors or assigns, may at its er their option require that such spur wack shall be of structed and maintained at the empense of such owner or occupant of such wharf or farehouse, including the reasonable value of any right of way not within a street requisite therefor, and provided further that any such spurtrack shall start from such of the railway gracks in the neighborhood of such wharf or warehouse and which said grantee, its successors or assign, shall own or whall be entitle to use, as it or they shall determine upon as the most proper therefor, and shall be subject to such reasonable rule" and regulations as to the operinguand closing of the switch controlling access thereto, and as to the use of such tracks, as said grantes, its successors or assigned. may from time to time establish. Ind said grantee tits successors and assigns, shall have the right to lay down, construct, maintain

pant of any such spurtrack for the use of the owner or occupant of any such wharf or warehouse, crossing in its course the
track or tracks of any other railway company: Provided, however,
that in no case shall said grantee, its successors or assigns, occapy any more of the right of way of any such other reliesy company
for the parpose of such crossing than shall be reasonably necessary
therefore nor shall such space be occupied otherwise than in the
course of the transit of locomotives and cars across the same in
the use of such spurtrack, nor for that strpose any oftener or longer than shall be reasonably necessary.

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Sixth: Said gratee, its successors or assigns, shall construct and maintain at the intersections of the tracks herein asthorized with Connecticut Street, Holgate Street and Lander Street respectively, overhead bridges to carry travel on said respective streets move and across said tracks, sum bridges respectively to be constituted at such times as the City of Seatthe by resolution or ordinance of the city council shall require the same to be done. ) Such bridges and their abutments shall be constitucted of proper and suitable materials, and in such manner as may be approve ed by the City of Seattle, and with a clear height of twenty-twe (22) feet above the tops of the rails of the tracks crossed thereby, and so as to provide such width of readways thereon (not exceeding the widths of said streets) as the city my from time to sime require, but at no time less than twenty-six (26) feet in with, and the length of each of said bridges between the abutments shall be equal to the entire width of the street avenue spanned thereby, provided however, that such bridges at blgate and lander streets respectively may be erected with one or three intermediate supports between the abutments thereof, of such member and at sucepplaces as

the Board of Public Works of said city shall approve, and that such bridge at Connecticut acreet may be erected with three or more intermediate supports between the abutments thereof, one of which shall be erected with the west face as nearly as may be on a line paraild with and twenty-two feet west of the east line of Railroad Agenue and another of which shall be erected with its east face as needly as may be on a line parallel with and eighty-two feet west of the seast line of Ramiroad Avenue, and the others of which shall be of Juch number and greeted at such places as the Board of Public Works shall approve; and provided further, that in case any other railroad company shall hereafter be authorized to lay wwn any railroad tracks in that past of Railroad Avenue, lying west of said grantes tracks herein authorized, or sing Connecticut street, or in Commado Street ordesing Holgate and Lander streets, or either of them, a proportionals part of the ofet of construction of so much overhead inidges on Connecticut, Holgate and Lander streets hereinabove required as may then be not yet constructed, and a proportionate part of the expense of maintenance thereafter of said entire bridges, shall be devolved upon such other railroad company by the terms and conditions of the grant authorizing it to

lay down such tracks. Said grantee, its successors or assigns, shall build and maintain such bridges with their abutionts, throughout the entire length thereof between the outer lines of the abutionable but the City of Seattle shall wovide for the effection, maintenance and renewal of the approaches thereof at either end, without empense to said grantee, its successors or assigns, other than out empense to said grantee, its successors or assigns, other than by such assessments for local improvements as may be legally made by such assessments for local improvements as may be legally made against property awned by it or them; Frovided, However, that said grantee by its acceptance of the benefit of this ordinance shall be deemed to have waised, for itself, its successors and assigns, be deemed to have waised, for itself, its successors and assigns, any daim of damage, by reason of the erection or maintenance of any quality of said approaches, to any property that it, its successors or any assigns, may own abutting upon or adjacent to such approaches or any assigns, may own abutting upon or adjacent to such approaches or any thereof. Said bridges respectively shall be completed and ready for public travel within eighteen months after the City of Seattle for public travel within each construction from the same respectively by shall have required the construction from the same respectively by resolution or ordinance as aforesaid; and the construction thereof shall be carried on so as to interfed as little as gracticable with the use of said streets for public travel.

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Seventh: Said grantee, its successors or assigns, shall begin work upon the construction of the tracks herein muthorised within three months after this ordinance shall take effect, and shall complete the construction of at least one of the trucks herein authorized, from the south boundary line of the city continuously to an intersection with the center line of Main street produced westwards so that such track for that distance shall be ready for use for milway traffic, within two years after this ordinance shall takeneffect. And if said work shall not be begun within the time in this clause prescribed, or if one of said tracks dall not be completed and ready for use to the extent aforesaid within the time is clause prescribed, then, unless the beginning of said work or the completion of such track to the extent aforesaid, as the case may be, shall have been prevented by injunctions, undivoidable delayer in condemnation suits, strikes, riots, or some grourrence leyour the control of maid grantee, it successors or masigns, the city council of said city shall have the right, after sixty days' notine to said grantee, its successors or assigns, to declare, by ordinance, the forfeiture of all rights, privileges and authorities herein granted.

Eighth: Said grantee shall agree and coverent, in behalf of teelf, its successors and assigns, with the City of Seattle, in and by the acceptance of the benefit of this ordinarce hereinbelow provided for, that said grantee, its successors or assigns, will take up and remove all its railway tracks at present occupying any past of the area bounded by the north line of Washington street on the north, the east line of Fourth avenue south on the east, the north line of Connecticut street on the south, and the east boundary

line of the right of way for new tracks granted to it by this erdinance on the west, and that it or they will also remove its seal bunkers at present situated in or near ging Street produced westward and the treatle approaches leading thereto, and all its buildings lying within the limits of King Street, and that it or they will restore all streets, avenues and other public places, or parts thereof, at present ecompled by any such tracks, seal bunkers, treatle appreaches and buildings to a condition suitable for their use for general public travel, and will relinquish to said city all the interest in that certain franchise granted by Ordinance No. 3019 of the Gity of Southle, extitled An Ordinance greating to the columbia & Paget bound Ballmad Campany, its messessors and and applyer, the right and authority to locate, lay foun, construct nd tedigue, the regree was measured, along, upon and or mixtally and operate railway tracks along, upon and or while streets and allows of the fity of Boattle," app and the fact of the tracks the mant over certain mered the 4th ember, 1886, so far as any of the tra A of way thereof, may be compared, 1 to trees and lates of said Bailof i ptower, 180 Avenue of Bearborn Street between the intersection of said Bail-read Avenue with the easter line of Washington Street and the sout line of Bearborn Street, and that it or they will also file in the office of the City Comptroller a copy, any certified and attented by its or their secretary under its or their corporate seal, of a resolution day adopted by its or their beard of trusteds, relimquishing and surrendering all frenchises, zights, privileges, a authorities heretofore granted by the gity of Scottle in respec of the maintenance, use or operation of said railway tracks, coal bunkers and trouble approaches so to be removed, and all rights of way therefor conferred in the grant of any such franchises, rights, privileges or authorities, all within two years after this ordinance and an ordinance of the fity of Scattle vacating that part of Bearborn Street (feamerly Alaska Street), lying west of First Aramo South, shall take effect; and if said grantee, its successors and assigns, shall fail to perform such agreement and covenant, the city equall of said city shall have the right, after sixty days' metice to said grantee, its successors or assigns, to cause all such railway tracks, coal bunkers and treetle approaches to be removed at the empense of the greates herein, its successors or assigns, and said greates, its successors and assigns, shall be liable to the city for all the common of such receyal; Provided, however, that neither the agreement and covenant in this classe required, nor the performance of the same, nor anything occurring in consequence of any provision of this clause, shall it any way affect the force of any such franchise, right, privilege or authority heretofore granted by the City of Seattle as afgresaid, nor affect any right of way conferred in any such grant, except in respect of said railway tracks, coal lankers, trestle approaches and but lings to be removed as above specified.

Kinth: Any other railway despany hereafter constructing andard gauge ratioway to the Cition Seattle, upon obtaining a framehise from said ity giving it meess to any point therein from which it can reach with its cars any point on the tracks hereinbelouispecified, shall have the right to the common use with the grantee herein, its successors or agaigns, for the running thereon of the cars of such other railway company, on all or any part of tracks specified in the first lause of section 2 of this ornce lying between the south boundary line of the city and the center line of Main street produced westward, upon payment to the grantee herein, its successors or assigns, of such mentaly or annual rental or other compensation as may be just and equitable, and subject to such reasonable rules and regulations as may be consistentwith the prior shifts of the grantee herein, its successors and assigns, and as shall not interfere with or impede the transaction and dispatch of the business of the grantee herein, its successors and assigns. And in case such railway company canno agree with the grantee herein, its successors or assigns, upon the rental or compensation to be paid for such use of said tracks as aforesaid, any contropersy or difference between them respecting the proper amount of such rental or other compensation, of respecting the conditions, terms rules and regulations of such use, shall be submitted to arbitraregard, and such submission shall have the same force and binding effect upon the parties thereto as shall be provided to such law in other cases of arbitration.

any non-competitive point on the lines of any other railway company outside the limits of the city of Seattle and delivered via the tracks of the Seattle & Montana Railrand Company or the Morthern Facilitie milway Company to said grantee, its successors of assigns, at a point within that part of the city of Seattle bounded on the north by Taller Way and on the south by the present south beindary line of the city, for transfer to the consignee at a point situated on the tracks of said grantee, its successors or assigns, within said limit, of shipped from a point on the tracks of said grantee, its successors or assigns, within said limit, of shipped from a point on the tracks of said grantee, its successors or assigns, within said limit and consigned with the lines of the Sattle & Montana Mailroad Company or the Morthern Pacific Bailway Campany to a non-competitive point outside the limits of the city of Seattle, at oberges not in excess of the following:

Where the length the switching service between the point of destination or origin of such shipment on the tracks of said grantee, its successors or assigns, and the point of receipt or delivery of such car from or to either of the other companies above named, measured by the shortest practicable thack route, shall not exceed one-nalf mile, \$1.50 per loaded car.

Where the length of such switching service, as aforesaid, shall not exceed one and one half mile, \$2.00 per loaded cast.

where the length of such switching service, as aforesaid, shall not exceed two and one, half miles, \$2.30 per loaded car:

Provided, however that the charge for switching service to and from points on the east shore line shall not exceed \$3,000 per loaded car; and provided further, that where any such switching service shall not exceed \$3,000 per loaded car; and provided further, that where any such switching service shall not exceed \$3,000 per loaded car; and provided further, that where any such switching service shall not exceed \$3,000 per loaded car; and provided further, that where any such switching service shall not exceed \$3,000 per loaded car; and provided further, that where any such switching service shall not exceed \$3,000 per loaded car; and provided further, that where any such switching service shall not exceed \$3,000 per loaded car; and provided further, that where any such switching service shall not exceed \$3,000 per loaded car; and provided further and the same shall not exceed \$3,000 per loaded car; and provided further and the same shall not exceed \$3,000 per loaded car; and provided further and the same shall not exceed \$3,000 per loaded car; and provided further and the same shall not exceed \$3,000 per loaded car; and provided further and the same shall not exceed the

involve the crossing of the Canal Watermay upon any drawbridge that may hereafter be constructed over the same, the actual test of drawbridge service necessitated by such switching may be added to the charges above prescribes therefor.

The above specified charges shall include the service of returning the empty car, or placing the empty car to be loaded, as the
case may be. In case as empty car is mived both ways, the charge
for the double movement shall be the same as for a loaded car.

Sec. 4. In this operation of the tracks authorized by this ordinance, said grantees its successors and assigns, shall have the right to use steam power or any other motive power that it or they may deep suitable, subject to the reassemble centrol and regulation of the lity of Seattle.

sec. 5. The rights of way, and all the rights privileges and althorities, granted by this ordinance, and all limefit hereof, shall be assignable by said grantee its successors or assigns, as it or they may at anytime see fit, either as an entirity or as respects any one or more of the tracks, or parts of the mass, embraced within the scope of such grants; provided, however, that ne such assignment, either total or partial shall be of any ferce or effect intil a copy them of, certified as such by the secretary of the assignment in the behalf, shall have been filed in the office of the city comptred or.

strued of granting an exclusive franchise or privilege for the use of any street, avenue, alley or highway or other public place, or any part thereof; and the grant herein contained shall be subject to the right of the city council at any time hereafter to repeal, change or modify said grant, if the franchise granted thereby is not operated in accordance with the profisions of such grant or at all, and the City of Scottle reserves the right at any time more

after so to repeal, amend or modify said grant.

and to acquire the rights, privileges and authorities hereby granted, said grantee, its successors or assigns, must within sixty days after the takin, effect of this ordinance file in the office of the sity comptroller a copy, duly certified and attended by its secretary under its corporate seal, of a resolution cally adopted by its board of trustees, accepting the beneft of this ordinance and the rights, privileges and authorities hereby granted, subject to all the conditions, gestrictions, specifications and requirements herein expressed, and agreeing and effectations and requirements this ordinance; and if such a certified copy of such a resolution of diseptance shall not be so filed before the expiration of said this ordinance shall not be so filed before the expiration of said this ordinance shall therespondbecome void and of no effect.

Sec. 8. This ordinance shall take effect and be in ferce from and after its passed and approval, if approved by the major; otherwise it shall take effect at the time when it shall become a law under the provisions of the city charter.

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NANCE No 26204.

ORDINANCE NO. 18030

AN ORDINANCE OF THE CITY OF SEATTLE granting to the OREGON AID WASHINGTON RAILROAD COMPANY, a corporation organized under the laws of the State of Oregon, its successors and assigns and to the joint owners hereafter acquiring an interest in this franchise, in accordance with the provisions thereof, the right, privileges, and authority to locate, lay down, cone struct, maintain, and operate sundry railway tracks in, along and across sundry stracts, avenues, alleys, and other public places within the limits of said City, and granting to said Company, its successors and assigns, rights of way for such tracks in, along, across and over all such streets, avenues, alleys, and other public places of said city.

BE IT ORDAINED BY THE CITY OF SEATTLE AS POLLOWS: Section 1. That the City of Seattle does hereby grant to the OREGON AND WASEINGTON RAILROAD COMPANY, a corporation organized under the laws of the State of Oregon, its successors and ansigns, and to the joint owners hereafter acquiring an interest in this franchise, in accordance with the provisions thereof, in perpetuity, the right, pruvilege and authority to lay down, construct, maintain and operate sundry tracks of standand gauge railway as hereinbelow designated and specified, together with all needful cross-overs and connections between any of said tracks, or any other tracks edjacent thereto, along and across sundry streets, avenues, alleys and other public places within the limits of said City; and also a right of way for said tracks along and across all sundry streets, evenues, alleys, or other public places of said City as hereinafter described, together with such additional right of way for such tracks, or any thereof, as shall be requisite for the construction thereon of proper slopes and retaining walls for the road-bod of such tracks; provided, however, that after that part of any street or avenue crossed by such tracks shall have been graded, no such additional right of way for slopes or retaining walls within the limits of such street or avenue shall be used; all of which rights, privileges, and authorities are hereby granted subject to all the conditions, restrictions, specifications, and requirements in this ordinance expressed.

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Section 2. The tracks of standard gauge railway, the laying down, construction, maintenance, and operation whereof are authorized by this ordinance, and the rights of way hereby granted for the same are described as follows, to-wit:

First. A right of way thirty (30) feet in width for two tracks of standard gauge railway, the center line of which is described as follows:

Beginning at a point on the southerly boundary line of the City of Seattle where the same is intersected by the center line of Duwamish Avenue, as the same is shown on the official plat of Ladd's Factory Sites, which said point is one hundred twenty-eight and eighty-four hundredths (128.84) feet west of the stone monument at the northeast corner of Ell B. Maple's Donation Claim No. 59; thence north forty-one degrees, one minute andforty-five seconds west on the center line of Duwamish Avenue, to a point that is one hundred thirty-five and ning y eight hundredths (135.98) feet north of and two hundred nicety-seven and seventy-five hundredths (207.75) feet west of Meander Post No. 2, as the same is shown on Sheet forty (40) of the official plat of Seattle Tide Lands; thence on a curve to the right with a radius of seven hundred sixty-four and fortyrine hundredths (764:49) feet through eight degrees, nineteen minutes of arc a distance of one hundred eleven (111) feet; thence north thirty-two degrees, forty-two min utes and fortyfive seconds west a distance of six hundred fourteen and seventy-

six hundredths (614.76) feet; thence on a curve to the left of a radius of seven hundred sixty-four and forty-nine hundredths (704.49) feet through eight degrees, nineteen minutes of arc, a distance of one hundred eleven (111) feet to a point sixty (60) feet northeasterly from, when measured at right angles to, the southerly marginal line of Duwamish Avenue, as the same is shown on Sheet forty (40) of the official plat of Seattle Tide Lands; thence north forty-one degrees, one minute and forty-five seconds west on a line that is sixty (60) feet distant from and parallel with the southerly marginal line of Duwamish Avenue, and Duwamish Avenue produced to a point that is ninety-eight and fifty-four hundredths (98,54) feet west of and two hundred four and sixty-five hundredths (204.65) feet north of the northwest corner of block three hundred seventy-eight (378). Seattle Tide Lands; thence on a curve to the left of a radius of nine hundred fifty-five and thirty-six hundredths (955, 36) feet through thirty degrees, thirty minutes of arc, a distanceof five hundred eight and thirty-three hundredths (508, 33) Teet; thence north seventy-one degrees, thirty-one minutes and forty-five seconds west to a point in lot fifteen (15), block three hundred ninetythree (393). Seattle Tide Lands, where a curve to the right with a radius of five hundred seventy-three and sixty-eight hundredths (573,68) feet produced westerly and northerly would become tangent to a line drawn one hundred ten (110) feet distant west of, when measured at right angles to the easterly marginal line of Kitsap Avenue; thence north on a line that is one hundred ten (110) feet distant west from and parallel to the masterly line of Kitsap Avenue to the inner harbor line, said line in its course, crossing block "C" Wallingford's Addition; Sixth Avenue South, blocks two (2), and three (3), Painter's Addition, Fifth Avenue South, block three (3), Elliott Bay Addition and Fourth Avenue South, First Avenue South, Seattle Poulevard.

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Whatcom Avenue, Montana Street, Spokene Avenue, East Waterway and Missouri Street.

Also the right, privilege and authority to lay down, construct, maintain and operate such tracks as the said grantse, its successors and assigns, may see fit to construct within the following described territorys

All ofthat part of Ladd's Factory Sites, including streets and private property; between Duwamish Avenue and Colorado Street; all of Painter's, Black's Elliott Bay and Wallingford & Additions, including streets and private property, that lies southerly and westerly of the Puget Sound Electric Company's right of way; all of that unplatted portion of what would be the mortherly half of block three hundred fifty-one (351), Seattle Tide Lands, as shown on the official plat thereof; all that unplatted portion of what would be block three hundred fiftyfive (535), Seattle Tide Lands, as shown on the official plat thereof; all that unplatted portion of what would be Colorado Street between blocks three hundred fifty-one (351) and three hundred fifty-five (355), Seattle Tide Lands, as shown on the official plit thereof; also all of lots one (1) to thirteen (13) inclusive, and thirty-six (36) to forty-five (45), inclusive, block three bundred fifty-five (555), Seattle Tide Lands; all of block three hundred fifty-six (356), Seattle Tide Lands, and all that unplatted portion of what would be the easterly part of block three hundred fifty-six (356), Seattle Tide Lands, as the same is shown on the official plat thereof; all of Dakota Street, and what would be Dakota Street batween blocks three hundred fifty-five (355) and three hundred fifty-six (356), Seattle Tide Lands, as shown on the official plat thereof; all that part of what would be Duwamish Avenue if the same were established, as shown on Sheet forty (40) of the official plat of Seattle Tide Lands, bounded as follows: on the west by the Government

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Meander line, on the south by the southerly line of

Duwamish Avenue produced, on the east and north by that certain

thirty (30) foot right of way above described. Lots eight

(8) to eleven (11) inclusive, block three hundred eighty-six

(386), Seattle Tide Lands; block three hundred ninety-two (392),

Seattle Tide Lands; Missouri Street between blocks three hundred

ninety-two (392) and three hundred ninety-three (393), Seattle

Tide Lands; block three hundred ninety-three (393), Seattle

Lands; Chelan Avenue between blocks three hundred ninety-three

(393) and three hundred ninety-four (394), Seattle Tide Lands;

block three hundred n inety-four, (394), Seattle Tide Lands; Missippi

Street between blocks three hundred ninety-four (394) and

three hundred ninety-five (395), Seattle Tide Lands; blocks

three hundred n inety-five (395) and three hundred ninety-six

(396), Seattle Tide Lands.

Second: A right of way thirty (30) feet in width for two tracks of standard gauge railway, the center line of which is described as follows:

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Beginning at a point in that certain thirty (30) foot right of way described in the first paragraph above, where a curve to the right with a radius of seven hundred sixty-four and forty-nine hundredths (764.49) feet, consuming an angle of thirty-two degrees, forty-two minutes and forty-five seconds of arc, would become tangent to a line drawn forty-five (45) feet distant east from, when measured at right angles to the westerly line of Colorado Street produced southerly across Island No. one (1), as the same is shown on Sheet forty (40) of the official plat of Seattle Tide Lands; thence north on a line that is forty-five (45) feet distant east of, when measured at right angles to and parallel with the westerly line of Colorado Street produced, to that old boundary line of the City of Seattle coincident with the east and west center line of Section eighteen (18), township twenty-four (24) north range four (4) east Willamette

Meridian.

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A right of way fifteen (15) feet in width for one track of standard gauge railway, the center line of which is described as follows: Beginning at the intersection of that old boundary line of the City of Seattle which is coincident with the east and west center line of section eighteen (18), township twenty-four (24) north range four (4) east Willamette Meridian, with a line parallel with and thirty-seven and five-tenths (37.5) feet east of the west line of Colorado Street produced south, run thence northward on said last described line to its intersection with the south line of Atlantic Street. The above and foregoing in this sub-paragraph has been granted and allowed by the City of Seattle in ordinance No. 9118, amended by ordinance No. 12018 approved January 25, 1905, and entitled "Angordinance amending sections two (2) and three (3) of an ordinance of the City of Seattle, No. 9118 entitled An ordinance of the City of Seattle granting to the Northern Pacific Railway Company, its successors and assigns, the right, privilege and authority to lay down, construct, maintain and operate sundry railway tracks along and across sundry streets, avenues, alleys and other public places within the City of Seattle, and upon other property within the limits of said City, and grantA. ing to said company, its successors and assigns, rights of way for such tracks along and across all such streets, avenues, alleys and other public places of said City's.

Fourth: A right of way fifteen (15) feet in width for one (1) track of standard gauge railway, the center line of which is described as follows: peginning at the intersection of that old boundary line of the City of Seattle coincident with the east and west center line of section eighteen (18), township twenty-four (24) north range four (4) east Williamette Meridian, and a line seven and five-lenths (7.5) feet east of the

westerly marginal line of Colorado Street produced south, run thence north on a line seven and one-half (7 1/2) feet easterly of and parallel with the westerly marginal line of Colorado Street to the north line of the canal waterway.

A right of may fifteen (15) feet in width for Fifth. one track of standard gauge railway the center line of which is described as follows: Beginning at the intersection of that part of the old south boundary line of the City of Seattle which crosses Island No. 112 with a line parallel with and forty-seven and five tenths (47.5) feet, measured at right angles, west of the east line of Colorado Street produced south, and shall run thence north on last described line to and in said Colorado Street to a point as near as may be eight (8) feet south of the north line of lot ten (10), block three hundred thirty-one (331), Seattle Tide Lands, produced west; thence on a curve to the right with a radius of nine hundred ninety-five (995) feet to a point where said center line becomes tangent to said curve and identical with the center line of the tright of way for & track laid parallel with and one hundred ten and ofive tenths (110.5) feet easterly of, measured at right angles to, the west line of Railroad Avenue, as granted and described in the first subdivision of section two (2) of ordinance no. 13633 of the City of Seattle, passed on the 23rd day of April, 1908, approved on the second day of May, 1906, and entitled "An ordinance of the City of Seattle granting to the Chicago, Milwaukee and St. Paul Pailway Company of Washington, its successors and assigns, and to the joint owners hereafter acquiring an interest in this franchise, in accordance with the provisions thereof, the right, privilege and authority to Iccate, lay down; construct, maintain and operate sundry railway tracks in, along and across sundry streets, avenues, alleys and other public places within the limits of said city, and granting to said company, its

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successors and assigns, rights of way for such tracks in, along and across all such streets, avenues alloys and other public places of said city.

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A right of way fifteen (15) feet in width for Sixth. one track pistandard gauge railway, the center line of which is described as follows: Speginning at a point on the north 12 line of the canal waterway, twenty-two and five tenths (22.5) feet east of the westerly margin of Colorado Street; thence north on wiline that is twenty-two and one half (22 1/2) feet east of and parallel with the westerly marginal line of Colorado Street to the north line of Massachusetts Street; and from this point a right of way thirty (50) feet in width for two (2) tracks of standard gauge railway the center line of Beginning at the intersection which is described as follows: of the north line of Massachusetts Street produced with a line parallel with and fifteen (15) feet east of the west line of Colorado Street and shall run thence north elong said last described line to a point as nearly as may be at the intersection thereof with the south line of Atlantic Street produced westward, whence on a curve to the right with a radius of nine hundred fifty-five and four tenths (955.4) feet, through seventeen degrees, fourteen minutes and fifteen seconds of curvature. to a point where such curve is tangent to cline in Railroad Avenue parallel with one hundred thirty-three (133) feet easterly of the westerly line of said avenue, measured at right angles thereto, thence northerly on said last described line to a point as nearly as may be at the intersection thereof with the north line of lot seventeen (17) in block three hundred and twentyhine (329) of said Seattle Tide Lands produced westward, thence on a curve to the left with a radius of nine hundred fiftyfive and four tenths (955.4) feet, through seventeen (17) degrees, fourteen (14) minutes and fifteen (15) seconds of

curvature, to a point where such curve is tangent to a line in Railroad Avenue parallel with and sixty-geven (67) feet west of the East line of said avenue, thence north on said last described line to a point as nearly as may be at the intersection thereof with the north line of lot eight (8) in block three hundred sixty-seven (367) Seattle Tide Lands produced eastwards, thence on a reverse curve, curving first togthe left and then to the right, each branch thereof with a radius of nine hundred fifty-five and four tenths (955,4) feet, to a point where the northerly branch of such reverse curve is tangent to a line in Fallroad Avenue parallel with and minety and five tenths (90.5) feet east of the west line of said avenue, which point is as nearly as may be at the intersection of said last described line with an east and west line drawn through the north line of lot four (4) in block three hundred and sixty-seven (367) cresaid Seattle Tide Lands said right of way, however, tapering uniformly, as nearly as may be from thirty (30) feet in width at the south end of the southerly branch of said reverse curve to fifteen (15) feet in width at said last mentioned point, and said two (2) tracks converging into a single track in the course of said reverse purve, and a single track of standard gauge railway, the center line whereof shall be as nearly as may be coincident with the centergline of the right of way therefor next hereinbelow specified, and a right of way fifteen (15) feet in width for such track, the center line of which right of way shall begin at said last mentioned point, to-wit: at the north end of the northerly branch of the reverse eurve above designated, and shall run thence north on a line parallel with and ninety and five tenths (90.5) feet east of the west line of Railroad Avenue, to the intersection thereof with the north line of Main Street produced westward.

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The above and foregoing in this sub-paragraph has been granted and allowed by the City of Seattle in ordinance No. 9119.

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approved January 6, 1903, and entitled "An ordinance of the City of Seattle granting to the Columbia & Puget Sound Railroad Company, its successors and assigns the right, privilege and authority to lay down, construct, maintain and operate sundry railway tracks along and across sundry streets, avenues, and other public places within the City of Seattle and upon other property within the limits of said City, and granting to said Company, its successors and assigns, rights of way for said tracks along and across all such streets, evenues and other public places of said City".

A right of may fifteen (15) feet in width Seventh. for one (1) track of standard gauge railway the center of which is described as follows: Beginning at a point in that part of the old south boundary line of the City of Seattle, which crosses Island No. 1, one hundred twenty-five (125) feet east of the west line of block three hundred fifty-six (356). Scattle Tide Lands, and which point is on the arc of a curve having a radius of one thousand two midred seventy-three and gix tenths (1273.0) feet consuming a total angle of forty-one degrees, one minute and forty-five seconds, the beginning of which curve is on a tangent drawn parallel with and eighty-two (82) feet northeasterly of and measured at right angles to the southwesterly line of Duwamish Avenue; produced southeasterly; thence northerly curving to the right on the said curve of said radius to a point where said center line becomes tangent to a line drawn parallelatith and one hundred and five tenths (100.5) feet west of the east line of Whatcom Avenue produced south; thence north in said Whatcom Avenue parallel with said east line to an intersection with the north line of the Canal Waterway; thence northerly in said Whatcom Avenue curving to the left with a radius of five hundred seventy-three and seven tenths (573.7) feet through a total angle of fourteen degrees, seven minutes and

seven seconds; thence on a tangent running north lourteen degrees, seven minutes and seven seconds west a distance of two hundred ten and forty-seven hundredths (210.47) feet; thence curving to the right with a radius of five hundred seventy-three and seven tenths (573.7) feet through a total angle of fourteen degrees, seven minutes, and seven seconds to a point where it intersects the south line of block three hundred and sixty (Sto), Seattle Tide Lands, produced west, and where it also becomes tangent to a line parallel with and one hundred and eighty six and five tenths (18, ) feet west of the east line of Whatcom Avenue; thence north in said whatcom Avenue on said last described line to an intersection with the north line of block three hundred sixty-four (364), Seattle Tide Lands, produced westerly; thence curving to the right along the arc of a curve having a radius of six hundred eighteen (618) feet through an angle of thirty-two degrees, sixteen minutes and twenty-three seconds; thence on a tangent a distance of about four hundred forty-five (445) feet along a line parallel with and one hundred four and five tenths (104.5) feet westerly of the west line of lots one (1) and two (2) and three (3), plack three hundred sixty-five (365), Seattle Tide Lands, produced; thence curving to the left along the arc of a curve having a radius of fifteen hundred twenty-five and five tenths (1525.5) feet through an angle of fifteen degrees, two minutes and eight seconds to a tangent, which tangent is parallel with and ninety-five and five tenths (95.5) feat easterly of the westerly line of Railroad Avenue; thence northeasterly along said tangent in Railroad Avenue to a point where it intersects the north line of lot eight (8), block three hundred sixty-nine (369), Seattle Tide Lands, produced east; thence on a reverse curve having a uniform radius of seven hundred sixty-four and five tenths (764.5) feet to a connection with a tangent partitle with and one hundred ten and five

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tenths (110.5) feet easterly of the westerly line of Railroad Avenue; thence northerly in said tangent line along Railroad Avenue to a point as near as may be on the north line of lot seventeen (17), block three hundred twenty-nine (326), Seattle Tide Lands, produced westerly; thence on a curve to the left with a radius of nine hundred thirty-two and nine tenths (932.9) feet through an angle of seveteen degrees, fourteen minutes and fifteen seconds to a point where said curve is tangent to a line in Railroad Avenue parallel with and ninety and five tenths (90.5) feet east of the west line of Railroad Avenue; thence north on said last described line to a point as nearly as may be at the intersection thereof with the north line of lot eight (8), block three hundred sixty-seven (367), Seattle Tide Lands produced easterly; thence on a geverse curve burning first to the left then to the right with a radius of nine hundred thirty-two and nine tenths (932.9 feet and nine hundred seventy and Your tenths (970.4) feet respectively to a point where the northerly curve bacomes tangent to a line in Railroad Avenue papallel with and seventy-five and five tenths (75.5) feet east of the west line of Railroad Avenue, and which point is as nearly as may be at the intersection of said last described line with an east and west line drawn through the north line of lot four (4), block three hundred sixty-seven (367), Seattle Tide Lands; thence north on said line parallel with and seventy-five and five tenths (75.5) fect east of the west line of said agenue to a point where it intersects the north line of lot three (8), block one hundred minety-nine (199), Seattle Tide Lands, produced east; thence on a curve to the left with a radius of eight hundred three (803) feet through thirty-one degrees, forty-five minutes and ten seconds of curvature to a point where it becomes tangent to a line parallel with and fifty-nine and five tenths (59.5) feet northeasterly from the southwesterly line of Railroad Avenue; thence mortherly and fifty-nine and five tenths (59.5) feet northeasterly from the southwesterly line of said Railroad Avenue to a point where it intersects the north line of Yesler way, produced west; with the right to said grantee, its successors and assigns, to connect the track so as to be laid on the right of way hereinabove described with the socalled "transfer track" as laid and maintained upon the right of way granted to the Seattle and International Railway Company by Ordinance No. 8094, entitled "An Ordinance granting to the Seattle and International Railway Company 1ts successors and assigns, and to the joint owners hereafter acquiring an interest in this franchise in accordance with the provisions thereof, the right and authority to locate, lay down, construct, maintain and operate a railway track in, along, upon and over certain portions of Railroad Avenue and connecting streets in the City of Seattle".

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The above and foregoing in this sub-paragraph has been granted and allowed by the City of Seattle in Ordinance No. 13633 passed on the 23rd day of April, 1906, approved on the second day of May, 1906, and entitled An Ordinance or the City of Seattle granting to the Chicago, Milwaukee and St. Paul Railway Company of Washington, its successors and assigns and to the joint comers hereafter acquiring an interest in this franchise, in accordance with the profisions thereof, the right, privilege and authority to locate, lay down, construct, maintain and operate sundry railway tracks in, along and across sundry streets, avenues, alleys and other public places within the limits of said city, and granting to said company, its successors and assigns, rightsof way for such tracks in, along and across all such streets, avenues, alleys and other public places of gaid city.

Fighth. A right of way fifteen (15) feet in width for one (1) track of standard gauge railway the center line of which

peginning at a point seven and oneis described as follows: half ( 7 1/2) feet easterly of, when measured at right angles to that certain point of curve to the left withis radius of seven hundred sixty-four and forty nine hundredths (764.49) feet described in that thirty (30) foot right of way in paragraph one above, thence north thirty-two degrees, forty-two minutes and forty five seconds west to a point where a curve to the left with a radius of seven hundred sixty-four and forty-nine hundredthse (764.49) feet containing eight degrees and mineteen minutes of are would become tangent to a line drawn parallel with and one hundred twelve (112) feet northerly measured at right angles to the southwesterly line of Duwamish Avenue produced southeasterly, thence north forty-one degrees, one minute and forty-five seconds west on a line one hundred trelve (112) feet northerly and parallel to the mouthwesterly line of Duwamish Avenue produced to a point where a curve to the right with a radius of one thousand two hundred forty-three and six tenths (1243,0) feet produced northerly would become tangent to a line in Whatcom Avenue drawn parallel with and seventy and five tenths (70.5) feet west of the east line of said Whatcom Avenue; thence on above described curve to the right consuming forty-one degrees, one minute and fortyfive seconds of arc to a point where said curve becomes tangent to a line in Whatcom Avenue drawn parallel with and seventy and five tenths (70,8) feet west of the east line of said Whatcom Avenue; thence north on said last described line to a point on the north line of the Canal Waterway seventy and five tenths (70.5) feet west of the east line of said Whatcom Avenue; thence northerly in said Whatcom Avenue curving to the left with a radius of one thousand one hundred sixty-one and three tenths (1161,3) feet through a total angle of seven degrees, thirtythree minutes and forty-six seconds; thence on a tangent running north seven degrees, thirty-three minutes and forty-six seconds west a distance of one hundred eighty-two and aventy-

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eight hundredths (182.78) feet, thence curving to the right with a radius of one thousand one hundred thirty-one and three tenths (1131.3) feet through a total angle of seven degrees, thirty-three minutes and forty-six seconds to a point where it intersects the south line of block three hundred sixty-(360). Seattle Tide Lands, produced west, and where it also becomes tangent tota line drawn in said Whatcom Avanue parallel with and one mindred fourteen and five tenths (114.5) feet west of the east line of said Whatcom Evenue, thence north on said last described line to a point of curve, which point of curve is as near as may be, one hundred (100) feet south of the south line of Holgate Street produced Best one hundred Yourteen and five tenths (1145) feet thence on a curve to the right with a radius of one thousand one hundred thirty-one and three tenths (1131.5) fait through an angle of thirty-two degrees, sixteen minutes and twenty-three seconds to a point where said curve becomes tangent to a line drawn parallel with and seventy-four and five tenths (74.5) feet horthwesterly of the southeasterly line of Railroad Avenue between lots three (3) and eighteen (18), inclusive, of block three hundred sixty-five (365), Seattle Tide Lands, thence northeasterly on said last described line a distance of two hundred five (205) feet more or less; thence on a curve to the left with a radius of one thousand five hundred fifty-five and five tenths (1555.5) feet through an angle of fifteen degrees, two minutes and eight seconds to the point where said curve becomes tangent to a line drawn. in Railread Avenue parallel with and one hundred twenty-five and five tenths (125.5) feet easterly from the westerly line of Railroad Avenue. thence northeasterly on said last described line in Railroad Avenue, to a point of intersection with the south line of block three hundred thirty-one (331), Seattle Tide Lands, produced westerly, thence on reverse curves both branches having

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a radius of seven hundred sixty-four and five tenths (764,5) feet, curving first to the left through eleven degrees, twenty-two minutes and seven seconds of curvature thence to the right through eleven degrees, twenty-two minutes and seven seconds of curvature to a point in Railroad Avenue where said last branchof above curves becomes tangent to a line in Railroad Avenue ninety-five and five tenths: (95.5) feet easterly from and measured at right angles to the westerly line of said Railroad Avenue, thence northerly on las above described line to a point of curve, which point of curve is as near as may be, fifteen (15) feet northarly from the south line of lot sixteen (16), block three hundred sixty-eight (258), Seattle Tide Lands, produced easterly, thence on a curve to the left with a radius of nine hundred seventeen and nine tenths ( 917.9)+ feet through seventeen degrees, fourteen minutes and fifteen seconds of a curvature to a point in Railroad Avenue where said curve becomes tangent to a line drawn seventy-give and five tenths (75.5) feet east of the west line of Railroad Avenue, thence north on a line parallel with and seventy-five and five tenths (75.5) feet east of the westerly line of Railroad Avenue to a point as nearly as may be at the intersection, thereof with the north line of lot eight (8) block three hundred sixty-seven (367), Seattle Tide Lands, produced easterly, thence on a reverse curve turning first to the left and then to the right with a radius of nine hundred seventeen and nine tenths (917.9) and nine hundred eighty-five end four tenths (985.4) feet respectively to a point where the northerly curve becomes tangent to a line in Railroad Avenue parallel with and sixty and five tenths (60/\$) feet east of the westerly line of Railroad Avenue, and which point is as nearly as may be at the intersection of said last described line with an east and west line drawn through the north line of lot four (4), block three

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hundred sixty-seven (367), Seattle Tide Lands, thence north on said line parallel with and sixty and five tenths (60.5) feet east of the west line of said avenue to a point where it intersects the north line of lot three (3), block one hundred ninety-nine (199). Seattle Tide Lands, produced east, thence on a curve to the left with a radius of seven hundred eighty-eight (788) feet to a point where said curve would intersect the southerly line of Washington Street.

Finth. A right of way one hundred (100) feet in width for as many tracks of standard gauge railway as thesaid grantee, its successors, or assigns, may see fit to construct, the center line of which is described as follows:

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Beginning at a point on the easterly line of S. A. Maple's Donation Claim where a line drawn fifty (50) feet distant westerly from and parallel with the westerly margin of the county road; thence north thirty-eight degrees, forty-six minutes west a distance of ten hundred and sixty (1060) feet to the boundary line of the City of Seattlelin S. A. Maple's Donation Claim.

Tenth. A right of way thirty (30) feet in width and for two (2) tracks of standard gauge railway the center line of which is described as follows:

forty (40) feet test of the east margin of Colorado Street and the north line of lot four (4), bhock three hundred thirty-two (332) Seattle Tide Lands produced west, thence north on a line forty (40) feet east of and parallel to the easterly line of Colorado Street to where a curve with a radius of nine hundred thirty-two and nine tenths (932.9) feet produced to the right would become tangent to a line drawn seven (7) feet westerly from whem measured at right angles to the easterly line of Railroad Avenue, thence on above described curve to the right with a radius or nine hundred thirty-two and nine tenths (932.9)

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fest through seventeen degrees, fourteen minutes and fifteen seconds of curvature to a point where such curve is tangent to a line in Railroud Avenue which is seven (7) feet westery from, when measured at right angles to the easterly line of Railroad Agenue; thence north seventeen degrees, fourteen minutes and firteen seconds east along a line that is seven (7) feet westerly from and parallel with the easterly line of Railroad Avenue, to a point as mear as may be at the intersection thereof with the north line of lot seventeen (17), block three hundred twentynine (329), Seattle Tide Lands, produced westward; thence on a curve to the left with a radius of one thousand fifteen and four tenthe (1015.4) feet through seventeen degrees, fourteen minutes and fifteen second of curvature to a point where such curveds tangent to a gine in Railroad Avenue, and parallel with and seven (7) feet west of the east line of Railroad Avenue; thence north to a point fifty-seven (57) feet north of the south line of lot five (5) block three hundred twenty-nine (529) Seattle Tide Lands and from this point a right of way fifteen (15% feet in width with for one (1) Frack of standard gauge railway the center line of which is described as follows: Beginning at a point in Railroad Avenue that is fourteen and one half (12 1/2) feet west of a point fifty seven (57) feet north of the south line of jot five (5) block three hundred twenty-nine (329) Seattle Tide Lands; thence nonth to the south line of Dearborn Spreet as the same now exists.

Also the right, privilege, and authority to lay down, construct, maintain, and operate such tracks as the said grantee, its successors or assigns may see fit to construct within the following described lim its: The north marginal line of Atlantic Street on the south, the south marginal line of Dearborn Street, as the same now exists, on the north, and the west

marginal line of First Avenue South on the east, and the east marginal line of Railroad Avenue on the west, excepting across that part of Connecticut Street lying within seventy-five (75) feet of the west margin of First Avenue South.

Also the right to lay down, construct, maintain, and operate such tracks for the purpose of turn-out tracks in the above described property in all that portion of Atlantic Street, west of the center line of block three hundred thirty-one (331) produced south.

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Section 3. The grant in this ordinance contained is made expressly subject to the following conditions and requirements, to-wit:

The City of Seattle shall retain the same First. control of the streets, avenues and alleys in and across which said railway tracks shall be laid down, as over other streets, avenues, and alleys, and shall have the right at all times, by general ordinance, to regulate the speed of the locomotives and trains within the limits of the rights of way herein granted, and the maximum period of time for which such locometives, cars and trains shall be allowed to blockade travel, along and across the streets embraced in this grant, or intersecting streets, and shall have such further control and police power over such rights of way as the City Charter and State laws may now or hereafter permit. (And said City reserves to itself and its grantees the right to carryell rater mains, sewer mains, gas pipes, conduits and other public utilities underneath or wires above any and all of the tracks herein authorized, and underneath or wires above any street, avenue or other public place which may be vacated concurrently with or after the enactment of this ordinance, and the right of access to any spaces occupied by such tracks within the limits of any such street, avenue or other public place, and the right to open the ground beneath said tracks for all purposes of construction, maintenance, repuir, alteration

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and inspection of any such public utilities; which rights shall be exercised, however, so as to interfere as little as practicable with the use of said tracks and so as to leave the right of way eccupied thereby restored to as good a condition as prior to any exercise of such rights.

Second: Whenever any of the tracks herein authorized shall rungalong or across any street, avenue or other public place in said city, other than such streets, if any, as shall be vacated by erdinance or ordinances of the City of Seattle enacted concurrently with or subsequently to the enactment of this ordinance said grantee, its successors or assigns, shall cause the parts of such streets, avenues or other public place lying within the right of way of each such tracks, as herein defined, to be graded, planked, paved or otherwise improved whenever the adjoining parts of such streets avenues or other public places shall be so graded, planked, payed or otherwise improved by the City, if not hitherts done, or, if such improvements shall have been already made, to be regraded, replanked repayed or otherwise reimproved, so as to be when such tracks shall have been constructed and shall be ready for use, in as good and substantial condition as adjoining parts thereof, and whenever any such street, avenue or other public place, after having been so graded or improved by the City, shall be regraded, replanked, repayed or otherwise reimproved, said grantee, its successors or assigns, shall cause the parts thereof lying within such right of way of each such track to be correspondingly regraded, replanked, repaved, or otherwise reimproved, all such original or subsequent grading or improvement to be done wholly at the cost of said grantse, its successors and agins, and under the supervision and subject to the acceptance of the Board of Public Works of the City; provided, however,

that said grantee, its successors or assigns, shall not be required to bear the expense of maintenance of so much of the flooring or paving of such streets as shall have been or shall be required to be borne by the owner or owners of any street railway track or tracks now upon or that may hereafter be laid down upon such streets respectively by the terms of the franchise granted or to be granted by said city authorizing the laying down and maintenance of such tracks upon such streets, so long as such street railway franchises respectively shall remain in force.

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Thirds At every traveled street crossed at grade by the rights of way hereinabove granted and at a distance of not more than one hundred (100) feet apart on any street used for grade travel along the right of way granted herein, where directed by the City of Seattle, the grantee herein, its successors or assigns, shall erect; and at its or their own cost and expense maintain lamps of equal power with the lamps maintain ed by the City of Seattle at street crossings in the central business part of the City, and shall keep each of said lamps illuminated during the same hours of the night during which the street lighting system of the City of Seattle, generally may be in operation, and the streets meeting and forming a "T" shall come under this provision as well as streets actually crossed; provided, that at those intersections upon or across which other railway tracks may be operated, said grantee, its successors or assigns, shall be required to bear the burden of its proportional part only, such proportion being measured by the width of right of way owned by each road at such intersection.

Fourth: Said grantee, by its acceptance of this grant does agree and covenant for itself its successors and assigns, to and with the City of Ssattle, to erect and maintain at all crossings, by its tracks of streets at grade, all such

safe y devices and a purtenances as may be necessary to protect and facilitate public travel; and with reference to all parts of said rights of way to protect and save harmless said city from all claims, actions or damages of every kind and description, which may accrue, to or be suffered by any person or persons by reason of any defective construction or maintenance or improper occupation of said right of way, or by reason of the negligent operation by said grantee, its successors and > assigns, of its or their railway trains over the rights of way hereinbefore described. And in case any action or suit shall. be begun against said City for damages arising out of or by reason of such defective construction or maintenance or improper occupation or negligent operation, said grantee, its successors or assigns, may, and shall upon notice to them or it of the commencement of such action or suit, defend the sme at its or their sole cost and expense and in case judgment shall be rendered against said city in such action or suit, shall fully satisfy such judgment within ninety (9) days after such action or suit shall have been finally determined, if detormined adversely to said city.

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shall allow each owner or occupant of a wharf, warehouse or industry contiguous to any of the tracks horein authorized er to my street, avenue or other public place along which any of said tracks shall be constructed and who shall have first procured from the Board of Public Works of said City a permit therefor, a spur track connecting the tracks of such railway with such wharf, warehouse or industry; provided, however, that said grantee, its successors and assigns, may at its or their option require that such spur track and all street grading, planking or paving apportaining to the right of way of such spur track, shall be constructed and maintained at the expense of such owner or occupant of such wharf, warehouse or industry, including the

reasonable value of any right of way, not within a street and requisite therefor, and provided further that any such spur track shall start from such of the railway tracks in the heighborhood of such wharf, warehouse or industry and which said grantee its successors and assigns, shall own or be entitled to use, as it or they shall determine upon as the most proper therefor, and shall be subject to such reasonable rules and regulations as to the opening and closing of the switch controlling access thereto and as to the use of such track as said grantes, its successors or assigns, may from time to time està liah. And said grantes, its successors and assigns shall have the right to lay down, construct, maintain and operate any such spur track for the use of the owner or eccupant of any such wharf, warehouse or industry, crossing in its course the track or tracks of any other railway company; provided, however, that in no case shall said grantee, its successors or assigns, occupy any more of the right of way of any such other railway company for the purpose of such grossing than shall be reasonably necessary therefor, nor shall such space be occupied otherwise than in the course of the transit of lecomotives and cars across the same in the use of such spur tracks, nor for that purpose any oftener or longer than shall be reasonably necessary.

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Section 4. The grantee, for itself, its successors and assigns, in and by its acceptance of the benefit of this ordinance agrees that the track mentioned and described in paragraph seven (7) of section two (2) of this ordinance shell be subject to the following provisions, to-wit:

That any railway company or companies now owning or operating a standard gauge railway or railways in the City of Seattle, under franchise from said City, upon and over Whatcom Avenue or Railroad Avenue in said City, or any railway company or companies, or terminal railway company or companies, hereafter receiving a franchise from said City of Seattle and con-

structing and operating or operating thereunder a standard gauge railway or railways, upon and over said avenues or either of them, shall have the right to acquire by purchase upon the basis of cost of construction, as hereinafter fixed, and interest thereon from the date of completion thereof, at the rate of four (4) per cent. per annum (except as hereinafter provided), an absolutely equal joint interest with the grantee herein, or with any of the successors or assigns of the grantee, to any interest thereof, or the then joint ewners thereof, is and to the truck constructed and operated under this franchise and in and to the rights and privileges conferred by this franchise, subject to all the provisions of this ordinance, and said, grantee, its successors and assigns, or the then joint owners of said track and franchise, upon receiving a tender of its or their prograta proportion of such purchase price, as aforesaid, shall convey to such company or companies such pro rata proportion of its or their interest in said track and this franchise as to enable such company or companies to pecome an absolute equal owner with the other then owners of said track and this franchise. Thereafter such joint owners shall own and operate said railway track constructed under the terms of this franchises so far as concerns the cost of maintenance and operation theraof, upon a wheelage basis, or upon such other basis as may be agreed upon by them.

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In computing the purchase price of such equal interest in said track and franchise, no interest shall be paid upon the cost of construction by any railway company or companies now owning or operating a standard gauge railway in the City of Seattle, under a franchise from the said City, provided such railway company or companies shall pay for and acquire such interest within six (6) months after the completion thereof, as herein provided, nor shall any such interest upon the cost of construction be paid by any new railway company or companies not now owning or operating under, but hereafter receiving a

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franchise from the City of Seattle, and constructing and operating thereunder a standard gauge railway upon or over said avenues, or either of them provided such railway company or companies acquire and pay for such interest in said track and this franchise, within one (1) year from the date of the acceptance by it or them of said franchise from said City; but as to any such railway company or companies last above described so failing to purchase and pay for such interest within said period of one (1) year, but thereafter electing to purchase such interest, interest at the rate of four (4) per cent, per annum upon the cost of construction thereof, as aforesaid, shall be computed and paid by it or them from the date of the acceptance of it or them of its or their franchise or franchises to the date of such purchase.

In case any of the said railway companies or terminal company or companies cannot agree with the said grantee; its successors or assigns, or with any of the than joint owners of the railway track to be constructed under the terms of this franchise, as to the terms and compensation to be paid for the acquistition of their equal joint interest in such crack and franchise, or in case of a controversy as to any question arising under the terms of this franchise, or the construction, maintenance and operation of said track to be constructed hereunder, respecting the amount to be paid to the said grantee, its successors and assigns, or such joint owners; for the purchase and acquisition of an equal joint interest in such track and franchise, and the conditions, terms and regulations of such use, such controversy shall be submitted for ambitration to a board of disinterested arbitrators, one to be appointed by each of the said railway com-Panies so interested in, or desiring to become interested in said track and franchise, nd in case such board of arbitratons shall consist of an even number, and they cannot agree upon a basis of arbitration or upon another arbitrator, then

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the Board of Public Works of the City, of Seattle, or such board or body as may be its successor shall have the right to appoint such additional arbitrator. And in case any such company or companies fail, after receiving fifteen (15) days! notice in writing requesting the appointment thereof, to appoint such an arbitrator, for the purpose of determining any such dispute or controversy, then the Board of Public Works of the City of Seattle, or such board or body as may be its successor, shall have the right to appoint any such arbitrator for such company or companies so failing to appoint, and such controversy shall be without delay submitted to such board of arbitrators, appointed as aforesaid, according to the claws in force in the State of Washington, relating to arbitrations, and such submission and the decision of such arbitrators thereon shall have the same force and binding effect upon the parties thereto as shall be provided by such laws in other cases of arbitration.

In determining the dompensation to be paid for the purchase of any interest therein, as hereinbefore provided, no value shall be assigned to the franchise herein granted.

provided, however, that any railway company or companies, upon adquiring a right to a joint ownership in said track as herein authorized, shall, as to said track, be subject to and become bound by the terms and provisions of section six (6) hereof, and shall pay an aquitable and ratable proportion of the value of any overhead bridges and approaches theretofore constructed, and shall thereafter pay an equitable and ratable proportion of the cost of renewal and maintenance of said bridges and approaches theretofore constructed, and of the cost of construction, renewal, and maintenance of any overhead bridges and approaches thereafter required by the City of Seattle, in pursuance of the provisions of section six (6)

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hereof, and shall also pay an equitable and ratable proportion of all abutting damages which said grantee, its successors or assigns, shall have paid, or become liable to pay, under the provisions of said section six (6) hereof.

With minety (90) days from and after the time of the completion of the track referred to in this section, the said grantee shall, for the purpose of preserving evidence of the cost thereof, file with the City Clerk of the said City of Seattle a sworn statement of the cost of such construction, and upon being required so to do by either the City Council or the Board of Public Works, shall submit the items of such cost of construction, together with the vouchers therefor.

Section 5. The use of that part of the track described in paragraph eight(8) of section two (2) of this ordinance, lying between Canal Waterway and a point at or mear the intersection of the same with the north line of lot five (5), block three hundred sixty-nine (369), Seattle Tide Lands, produced east, shall be limited strictly to the switching or transfer of cars, and that part of said track shall not be used as a through track nor for the purpose of the transfer and delivery of cars from one railroad company a line to another reilroad company a line simply as a transfer, nor from one section of any company's line to another section of the same company's line by transfer but shall be used wholly and strictly as a track for the accommodation of wharves, warehouses or industries contiguous therato, in the legitimate switching and transfer of cars destined to and from such wharves, warehouses or industries; and all turnouts, and spurs to wharves, warehouses or industries between Whatcom Avenue and the East Waterway, shall be connected with said track.

Section 6. The City of Seattle hereby reserves the right, in the exercise of its police powers, to provide, by ordinance, for the construction, renewal and maintenance of a system of overhead bridges in that part of the City of Seattle lying east of the benter of Kitsap Avenue and said; line produced south to its intersection with Seattle Boulevard produced southerly, and extending to or near Tenth Avenue South, in and along Connecticut Street and the streets and avenues south thereof in said City, to and inclusive of said Seattle Boulevard subject to the further bridge provisions herein contained); where such bridges may hereafter be deemed necessary by the City of Seattle, together with the necessary approaches therete and to prescribe by erdinance the height, width and character of such bridges and approaches, and the time when the same or any portion thereof shall be so constructed or widened; and the said granteo, in and by its acceptance of this ordinance, consents and agrees to construct, renew and maintain its ratable and equitable proportion, as between all of the railway companies affected thereby, of such necessary everhead bridges and approaches, or such portions thereof, as may from time to time be lawfully required by ordinances of said City to be constructed renewed, or maintained by said railway companies; provided, herever, that in case any railway company shall hereafter, by ordinance, be granted the right to lay, maintain and operate tracks, or the right to the common use of any tracks, on any streets or street in said City, which said tracks shall be afforded any benefit or portection by said overhead bridges and approaches, a like burden in respect to the construction and maintenance of such bridges and approaches shall be imposed upon the holder of such franchise, and in case any portion of said overhead bridges and approaches shall

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have been theretofore constructed, it shall also be required to re-pay the company or companies constructing the same a ratable and equitable proportion of the value thereof; and provided, further, that in case said City of Seattle shall hereafter grant to any railway company the right to lay, maintain and operate tracks in any street or streets in said City intersected by said bridges, or whose tracks shall be protected thereby, and more favorable terms or conditions shall in such ordinance be granted or imposed upon the grantee therein, the benefit of every such condition or provision in such ordinance shall inure to and be received and enjoyed by the grantee herein.

The said bridges and approaches shall be constructed by and under the authority and direction of the City of Seattle, and shall at all times be under its sole control and supervision.

And the said grantee, for itself, its successors and assigns hereby waters my claim for damages by reason of the construction and maintenance of any of said bridges or approaches to any property it, or its successors or assigns, may own abutting upon or adjacent to such bridges or approaches, or any of them.

The City of Scattle shall, as goon as it shall deem it proper so to do, proceed to establish, or re-establish, the grades of said streets and to ascertain by proper proceedings at law the total amount of damages, if any, to abutting property by reason of such overhead bridges and approaches, and shall thereupon take the proper legal steps, by filing a supplementary petition, to levy assessments against the property specially benefitted for the purpose of paying such damage awards; and in the event any portion of said damages shall be ultimately assessed against the City of Scattle and said City be required to pay the same out of its general fund, or in the event of the

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City of Seattle being required to pay any further damages to abutting property in any action at law, by reason of the comstruction or maintenance of said overhead bridges or approaches, the grantee herein hereby agrees, for itself, its successors and assigns, to repay to the said City of Seattle its ratable and equitable propertion thereof, which shall be ascertained upon the same ratio as for the construction and maintenance of said bridges and approaches.

Nothing herein contained shall be construed as a restraint upon the City in granting any franchise, or franchises, for the construction and operation of street railways, or as affecting the terms and conditions to be imposed by the City in granting any such franchises.

Section 7. Any other railway company heretofore h wing constructed or hereafter constructing a standard gauge railway to the City of Seattle, upon obtaining a franchise from the said City, giving access to any point therein from which it can feach with its engines and cars any point on any track constructed upon any right of way lying within any public street or highway and also a franchise permitting it or them to use and run its engines and cars upon the same, shall have the right to the common use, with the grantee herein, its successors or assigns, and the companies hereinafter acquiring a joint interest in this franchise and the tracks herein mentioned where joint use or joint ownership is provided for, for the running thereon of the engines and cars of such other railway company or companies on all or any part of uch tracks, upon the payment to the grantee herein, its successors or assigns, tof such monthly or annual rental or other compensation as may be just en equitable, and subject to such reasonable rules and regulations as may be consistent with the prior rights of the grantee herein, its successors and assigns, and

as shall not unnecessarily interfere with or impede the transaction and dispatch of the business of the grantee herein, its successors or assigns. In case such railway company cannot agree with the grantee herein, its successors or assigns, upon the rental or ampensation to be paid for such use of said tracks as aforesaid, any controversy or difference between them respecting the proper amount of such rental or other compensation, or respecting the conditions, terms, rules and regulations of such use, shall be submitted to arbitration as provided in section four (4) hereof. Any railway company or companies acquiring a right to the common use of the tracks mentioned in this section under the terms thereof shall be subject to and become bound by the terms and provisions of section six (d) hereof.

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Section 8. Within six (6) months after the taking effect of this ordinance the grantee, its successors and assigns, shall convey to the City of Seattle an easement granting to said City the right to lay down and maintain all necessary sewers, water mains, conduits and other public utilities underneath the burface of the ground in blocks G and I of Ladd's Pactory Sites, so far as the same may lie in a true extension of Fourth Avenue South as the same now exists between Ladd's First Addition to South Seattle and Blocks B and C of said Ladd's Factory Sites; in addition thereto said grantee, its successors and assigns, agree to erect and maintain an overhead bridge or roadway across said Blocks G and I of Ladd's Factory Sites in the extension of said Fourth Avenue South above described and the intervening parts of First Avenue South as shown in said plat of Ladd's Factory Sites, all at its own proper cost and expense and shall reimburse the City of Seattle in such sum as may be the cost of constructing proper approaches thereto from ordinary street grade elevations or gradients of three and one-half (31) per cent. so far as the cost and expense of the conを見るないるる。

ments legally levied, and shall thereafter, when necessary, reconstruct or renew said bridge or approaches to the same extent. The City of Seattle, on its part, agrees to secure the erection and maintenance of any necessary extension of said bridge or approaches across other railway or street railway tracks and grounds necessarily falling within the limits of such structures, without expense to grantee herein, its successors or assigns, and to use every legal means to recover from any other person or corporation interested in or benefitted by the construction, renewal or reconstruction of such overhead bridge and approaches, its or their equitable and ratable proportion of the cost of such structures, and to relieve grantee of so much of the cost of such structures as shall be thus recovered.

Within six (6) months after the taking effect of this 2 ordinance grantes, its successors and assigns, also agree to convey to the City of Seattle an easement granting to said City the right to lay down and maintain all necessary sewers, water mains, conduits and other public utilities underneath the surface of the ground in block K of Ladd's Factory Sites, so far as the same may lie in a true extension of First Avenue South as the same is delineated on the plat of Seattle Tide Lands; in addition thereto said grantee, its successors and assigns agree to erect and maintain an overhead bridge or roadway in said extension of First Avenue South between the north margin of Duwamiah Avenue and the north margin of Colorado Street, together with inclines or approaches extending on the north to Dakota Street and on the south to Convercial Street in said Ladd's Factory Sites, all at its own proper cost and expense, and shall thereafter, when necessary, reconstruct or renew

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said bridge: and approaches; provided, however, that the City of Seattle on its part agrees to use every proper legal means to recover from any other person or corporation interested in or benefitted by the construction, renseal or reconstruction of such overhead bridge and approaches, its er their equitable and ratable proportion of the cost of such structures and to relieve grantee of so much of the cost of said structures as shall be thus recovered.

Said grantee, its successors and assigns shall also construct, a bridge to carry ordinary street travel along Seattle Boulevard between First Avenue South and Colorado Street togother with an approach to the west either along Seattle Boulevard or along Seattle Boulegard to its intersection with Nebraska Street and thence along Nebraska Street to an intersection with the ordinary street grade level of said Seattle Boulevard on Nebraska Street, said approach to be built upon a grade of three and one-half (3) per cent. and shall thereafter, when necessary reconstruct or renew said bridge or approach. The City of Seattle on its part agrees to use every legal means to recover from any other person or corporation interested infor benefitted by the construction, renewal or reconstruction of such overhead bridge and approach, its or their equitable and ratable proportion of the cost of such structures, and to relieve grantee of so much of the cost of said structures as shall be thus récovered.

Within six (6) months after the taking effect of this ordinance, grantee, its successors and assigns, shall convey to the City of Seattle for bridge roadway purposes, the easterly seventy-five (75) feet of lots one (1), two (2)% three (3), four (4), five (5), and six (6) of block three hundred thirty (330) Seattle Tide Lands, and whenever an overhead bridge shall be provided for on .nnecticut Street between First Avenue South

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and Railroud Avenue, grantee, its successors and assigns, shall construct upon said tracts, and thereafter maintain an incline roadway, rising first toward the south, then toward the north, connecting the ground level with the overhead level of said Connecticut Street. Prior to the construction of such incline, the possession of said tracts shall remain in the said grantee, its successors and assigns, and after the erection of said incline said grantee shall be allowed to occupy any and all under spaces, so long as such occupancy shall not interfere with or obstruct public travel.

In the event the City of Seattle change or modify the existing system of levying assessments upon property specially benefitted, for the purpose of paying the cost of local improvements, and make such improvements or any portion thereof by means of general assessments or by bond issues to be repaid by general assessment, then and in that case the costs hereinbefore provided to be paid by the levying of special assessments, then levying of special assessments, shall be borne by the General Fund to the relief of grantse, to the same extent that other property in the city is so relieved.

Said grantee, its successors and assigns, covenant and agree with the City of Seattle to not, at any time, occupy the westerly ends of lets six (6) and seven (7) of block three hundred twenty-eight (328), lets one (1), two (2), three (3), and four (4), of block three hundred twenty-nine (329) and the vacated Dearborn Street lying between said blocks, all in Seattle Tide Lands, so as to leave an open public roadway of less than thirty (30) feet in width between improvements on said property and any occupied rd lway right of way in kailroad Avenue; provided, that at no time shall, it or they be required to give more than twenty-three (23) feet off the westerly end of said above described tracts for such roadway pruposes.

If public convenience requires such roadway to be improved, grantee, its successors and assigns, agree to pay the same proportionate amount of the cost of improving the same as it or they would pay for improving the surface of a public street in the same location.

The various bridges in this section provided for shall be erected by grantee, its successors and assigns, within the following time or times, to-wit: a temporary structure may be required to be built on Fourth Avenue South to the width of twenty-six (26) feet within eighteen (18) months after the City Council shall by Ordinance direct the erection of the same; provided that the completion of such temporary structure shall not be required prior to July 1, 1910. A permanent structure may be required to be built to wwwidth of twenty-six (26) feet and to such greater width as public necessary may demand, and additions required to be made to the width of such permanent bridge until the full width of said street shall have been occupied, at such times as the City Council may by Ordinance require; provided that no portion of said permanent structure shall be required to be completed prior to the first day of July, 1917.

(26) feet in width may be required to be constructed within twelve (12) months after the City of Seattle shall have acquired a right of way for street purposes along said First Avenue South tother than over the lands upon which easement is to be granted by grantee) between Spokane Avenue and Junction Street, and a permanent structure may be required to be built to a width of twenty-six (26) feet and to such greater width as public necessity may demand, and additions required to be made to the width of such permanent bridge until the full width of said street shall have been occupied, at such times as the City

Council may by Ordinance require; provided that no portion of said permanent structure shall be required to be completed prior to the first day of July, 1917.

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On Seattle Boulevard, extending from First Avenue South towards the west a temporary bridge of not less than twenty-six (26) feet width may by ordinance be required to be built at any time so that the same shall be ready for use at whatever time the City of Seattle shall have so improved Nabraska Street that it may be in use or in readiness for use for actual travel. A permanent structure may be required to be built to a winth of twenty-six (26) feet and to such greater width as public necessity may demand, and additions required to be made to the width of such permanent bridge until the full width of said street shall have been occupied, at such times as the City Council may by Ordinance require; provided that no portion of said permanent structure shall be required to be completed prior to the first day of July, 1917.

On Connecticut Strent a bridge not less than twenty-six (26) feet in width may be required to be erected within twelve (12) months after such time as the City Council shall by Ordinance give notice required the erection of the same. A permanent structure may be required to be built to a width of twenty-six (26) feet and to such greater width as public necessity may demand, and additions required to be made to the width of such permanent bridge until the full width of said street shallwhave been occupied, at such times as the City Council may by Ordinance require; provided that no portion of said permanent structure shall be required to be completed prior to the lirst an of July, 1917.

The clearance to be allowed in the construction of all of said bridges from the underside of the girders thereof to the top of the rails of the track of grantee, its successors or assigns, shall be twenty-two (22) feet.

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Said grantee, its successors or assigns, chall Section'9. begin work on the construction of the tracks herein mithorised within six (6) months after the taking or her of this ordinance, and within two (3) years after the taking effect of this ordinance shall have completed the construction of, or shall have sentired operating rights over tracks so as to . who somewhat and continuous operation along Duwarich Avenue and said Avenue extended, from Jungalon Stroot, to Colorada Stroot, and themos along Colorado Street to Reilroad Avenue, thence along Railroad Avenue to and into the made to be established by granten, its suscessors and abutans, on block three hundred tuenty-nine (329) Seattle Tide Lands, Sand also at least a single track in Railroad Avenue between Atlantic Street and the south line of Washington Street; and within three (3) years from the texing offect of this ordinance shall have completed at least a single track in continuation of the line along Duvanish Avenue, as expressed, northerly and nesterly across the East Taterway to Kitsap Averue and along Kituch Averue so far as business interests may ramile, and shall construct all the remaining portions of the tracks herein provided for, within such time an shall be required to meet the demands of the sublic in providing Franks for the use thereof. If geld work shall not be begun within the time is time dame prescribed, or if said trocks shall not be completed and gendy for use to the extent aforereid, within the time in this classes prescribet, or within such further period of time as shall have been granted by ordinaces, then, unloss the beginning of sold work or the resplanation the serge to the extent seem weld, as the owner may bo, shall have be so prevented by injunctions, unavoidable dolars in the terribet; whose converse ation suits, strikes, riots or some to meremes beyond the control of said granter, for storages as as assigna, the they compact of unid city shall have the right after aixty (90) drys matter to neid gramman, its mercalara or an Alam, to the tree by the trees the forfaiture of all rights, privileges such auto all a a

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section 10. Said grantee, its successors and assigns shall switch and transfer dark shipped from any point on the lines of any other railway company outside the limits of the city of santtle and belivered via the tracks of any such other railway company to said grantee, its successors or assigns, at a point on the track of the grantes, its successors or assigns for transfer to the consignee at a point situated on the track of said grantee, its successors or assigns, or shipped from a point on the tracks of said grantee, its successors or assigns, and consigned via the lines of any other railway company to a point outside of the limits of the city of seattle, at charges not in excess of the following:

where the length of such switching bervice between the point of destination or origin of such shipment on the tracks of said grantse, its successors or sasigns, and the roint of receipt or delivers of such car from or to such other so panies, measured by the shortest practicable tree: routs, shall not exceed one-half mile, saven and one-half (71/2) cents per ton for each toniof load in such car, subject, however, to a minimum of twenty (20) tons of load as hereinofter provided.

more the length of war exitching service as aforemaid shall not exceed one and one half mile, teng(10) cents per ton for each ton of load in such cap, subject, horner, to a minimum of twenty (10) tons of load as hereinefter provided.

where the length of such schooling simples as aforeseld shall not exceed so will one-helf siles, twelve and one-half (10 1/2) cents per ten for each ten of lead in such car, subject, however, to a riddram of themly (20) tons of lead as hereinefter provided.

where the length of much switching service as aforegoid shell not exceed four miles, twenty (20) cents per ten for each ten of load is such one, subject. however, to a minimum or twenty (20) tens of load as now instant, a provided.

where the length of such switching service as aforesaid shall be in excess of our miles and within the corporate limits of the city of Seattle, twenty-five (25) cents per ton for each ton of load in such car, subject, however, to a minimum of twenty (20) tons of load as hereinarter provided.

Provided further, that where any such smitched a service shell involve the crossing of the capal watermay upon any described that may investigate be constructed over the same, the actual cont of the drawbridge service necessitated by such switching may at added to the charges above described the vector.

and unloaded by the consignee. The above specified charges shall include the service of returning the empty car or of plant the corpe empty car to be loaded, as the case may be, but if the car is loaded both ways then charges shall be collected on the basis of the weight of each load each way. Cars containing a load of less that thenty (20) tons shall be subject to assiming a load of twenty tones; thich would be charged on a car bentaining a load of twenty tones; form loaded in excess of twenty tone shall be subject to charges based on the actual weight of the load. In case a car is noved a same as though wild our had been loaded with twenty (20) tons one way.

Provided, however, that the foregoing shall not be constructed as requiring said greater, her successors or assigns, to exist cars for any person whomeower to or from the tracks of the original railway company, which shall not perform a like switching evices and it the rise after wide, or rates again the test of the granter, the successors or assigns, by much other railway expery as assigns, it much other railway expery as assigns, liftly (at) cents per located car may be added to the arrange or also granter, that when ours rove in convey a container or the fifty (at) cents per located car may be added to the arrange and in the first testions against the

Section 11. In the population of the tracks of chorized by this ordinance, and gradient, the population and an image which have the right to use steam power or any other native power as it or they may deem out table, subject to the reasonable control and regulation of the lity of senttle.

section 12. The rights of way, and all the rights, priviloges and authorities granted by this endingness and all benefit
thereof, shall be assignable by said grantee, its successors or
assigns, at it or there may at any time elect, either as an entirety or as respects any one or more of the tracks, or parts of
tracks, empraced within the scope of much grants, provided, however,
that no much assignment, either total or partial shall be of any
force or effect until a copy thereof, certified at the by the
scor stary of the assignment of the officer or person having the
proper custody of such assignment in its behalf, shall he to been
filed in the office of the city comptroller.

construed as granting an exclusive franchise or privilege for the use of any street, adenue, alley or highway, or other mulic place or any part thereof; and the great herein contained field by subject to the right of the city council at any same hereafter to repeal, change, or modify said grant, if the franchise hereby granted is not operated in accordance with the previous of such grant or at all, and the city of Seattle reserves the right at any time herebyter us to repeal, amend, or modify said grant.

section 14. In order to alaim the benefit of this ordinance und to acquire the rights, privileges and authorities hereby granted, said grantes, its sacces on a condition, must, within sixty (60), days after the taking effect of this ordinance, file in the office of the city domptroller a copy, dair certified and attested by its secretary, under its corporate seed, of a resolution daily adopted by its a condition of relations, accepting the leadifit of this ordinance and the rights, privileges and authorities benefit granted, subject to all the gardeness are purely and provided by the secretary of the secretary.

## Affidavit of Publication

STATE OF WASHINGTON,

County of King, City of Seattle.				_
JOSEPH BLETHEN, being duly swor	n, says he is the publ	lisher of THE MOR	NING TIMES and the	į
SEATTLE DAILY BULLETIN, n dai	per, printed and	published at Seatt's	, King County, State	
of Washington; that it is a newspapty nor	wsperal circulation in	said County and S	tate, and that the ac-	
Spaxed, being Ordinance No. 110 Fer of	ge## was publ	lished in said newsp.	per, and not in a sup-	
Sement thereof, and is a true copy of the		,	nd entire issue of said it said newspaper was	)
otherly distributed to its subscribers on a NOTORDINANCE NO. 1888. (1.5.) St ORDINANCE of the City of Section graphing to the Origin and Washing.	erid day,	Joseph B	Sent.	
ton Railrade Campany, a expectation expension from the term of the State of Oragon, the assessors and assigns that the term of the State of Oragon, the assessors in the franction with assessors in the franction.	ibed and sworn to be	, s	li day	
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City	Comptroller an	-	City Clerk.	
(SEAL)	Ву	•	)	
Published MAR - 7	1908	Alm Car	puty Clerk.	<del></del> .
City	Comptroller an	d-ex-officio	City Clerk.	
		Diat "		

AN ORDINANCE NO. 20254.

AN ORDINANCE of the City of Seattle, teamending Sections two (2), find nine (3) of Ordinance No. 18030 of the City of Seattle, entitled;

An ordinance of the City of Seattle granting to the Oregon & Washington Railroad Company, a corporation organized under the laws of the State of Oregon, its successors and assigns, and to the joint owners hereafter acquiring an interest in this franchise, in accordance with the provisious thereof, the right, privileges and authority to locate, lay down, construct maintain and operate sundry ralway tracks in, along, and across rundry streets; avenues, alleys and other public places within the limits of said city, and granting to said company, its successors and assigns, rights of way for such tracks be, along, across and over all such streets, avenues, alleys and other public places of said city, passed the City Council March (1908, approved and filed Ma

or the pane, are described as wit; '.'.
A right of way thirty (30) ith for two tracks of shandard way, the center line of which is a follows:
In of the City of Scattle same is intersected by the of Dawamish Avenue, ar the hown on the official plat of troty Sites, which said point dref, twenty-eight and eighty radius (128.84) rect wost of monument at the northeast [13]. B. Maple's Donation Claimence north forty-one Cegrees a and forty-one counts west ter line of Dawamish Avenue, one alloute and forty-five seconds west in the center line of Duwamish Avenue, to a point that is one hundred thirty-five and ulnely-eight hundredths (15.95) feet north of and two hundred intely-sevens (and seventy-five hundredths (277.75) feet west of Meander Post No. 2, as the same is shown on slicet forty (48) of the official plat, of Seattle Aido. four sea forty-nine hundredths (\$4.85) feet through eight degrees in historia minutes of any a distance of one hundred sixty of a distance of one hundred sixty of content of six hundred fourteen and soventy-six hundred fourteen and soventy-six hundred fourteen and soventy-six hundred sixty-four and forty-nine hundred for hundred eleven (11) feet to a point sixty (60) feet portheasterly from, when measured at right angles to, the southerly marginal line of Duwamish Avenue, as the same is shown on sheet forty (40) of the official plat of. Seattle Tide Lands; thence north forty-one degrees one minute and forty-five seconds went on a line that is sixty (60) feet distance from and parallel with the seutherly marginal line of Duwamish Avenue, and Duwamish Avenue, and Duwamish Avenue, and Duwamish Avenue, and Runamish Avenue, produced to a point that is one, hundred linety-six and ninety-six hundred linety-six and ninety-six hundred linety-six and ninety-six hundred hinety-six hundre

Additions, including streets and private property, that lies southerly and westerly of the Projet Sound Electric Coingany's right of way, all on that including the portion of what would be introduced by the northerly helf of block three house as shown on the official plat increased that unplatted portion of what "official be block three hundred fifty-five (3) he block three hundred fifty-five (3) he official plat thereof, all that unplatted fifty-one (351) and three hundred fifty-five (355). Scattle Tide Lands, as shown

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convitie official philipper (13) inclusive, block (11) to fibrithen (13) inclusive, block three hundred fifty-fine (185). Seattle Tide Lands; ally of block three hundred fifty-six (356). Seattle Tide Lands, and all that unplated portion of what would be the carterly part of block three hundred fifty-six (356), Seattle Tide Lands, and all that unplated portion of what would be the carterly part of block three hundred fifty-six (356), Seattle Tide Lands, as the same is shown on the official plat thereof; all of Dakota Street, and what would be Dakota Street between blocks three hundred fifty-six (356), Seattle Tide Lands, es shown on the official plat thereof; all that part of what would be Duwamish Avenue if the same were established, as shown on Sheet Forty (49) of the official plat of Seattle Tide Lands, bounded as follows: On the west by the Government Meander line, on the south by the southerly line of Duwamish Avenue produced, on the east and north by that certain thirty (30) foot right of way above described. Lots eight (8) to eleven (11) inclusive, block three hundred cighty-six (385), Seattle Tide Lands; block three hundred ninety-two (392). Seattle Tide Lands; Missouri Street between blocks three hundred ninety-three (393). Seattle Tide Lands; block three hundred ninety-four (394). Seattle Tide Lands; block three hundred ninety-four (394). Seattle Tide Lands; block three hundred ninety-four (394). Seattle Tide Lands; block three hundred ninety-five (395). Seattle Tide Lands; block three hundred ninety-four (394). Seattle Tide Lands; block three hundred ninety-five (395). Seattle Tide Lands; block three hundred ninety-five (396). Seattle Tide Lands; block t

distributed the string to the Northern Pacific Reliwer Townson, its successors and absigns, of the right, privileges and authority the lay of way, construct maintain and operate sundry rallway, tracks sitong, and aproved the sundry rallway, tracks within the eight of Seattle, and monoither property within the limits of said city; and granting to said company, its successors and assigns, rights of way for such tracks along and across all successors and assigns, rights of way such streets, avenues, alleys and other public places of said city. The lance of said city; and is described as follows: Beginning at the intersection of that old boundary line of the City of Seattle coincident with the cast and west center line of section eighteen (18), township twenty-four (24) north, range four (4) east. Willamette Meridian, and a line seven and five-tenths (7:5) feet east of the westerly marginal line of Colorado Street produced south, run thence north on a line seven and one-late (7:5) feet east of the westerly marginal line of Colorado Street produced south, run thence north on a line seven and one-late (7:4) feet east of the westerly marginal line of Colorado Street for and parallel with the westerly marginal line of Colorado Street for sindard gauge railway the center line of which is described as follows: Beginning at the intersection of the city of Seattle which crosses Island-No, 1-with a line parallel with and forty-seven and five-tenths (47:5) feet measured at right arrived and in said Colorado Street to a point as near as may be eight (8). Seet south of the north line of the City of Seattle which crosses Island-No, 1-with a line to and in said Colorado Street to a point as near as may be eight (8). Seet south of the north line of the capta of the line of the ca

finced with a Time recalled with and lifteen (15) feet east of the west, line of Colorado Street and shall run thoreon of Colorado Street and shall run thoreon of the point as nearly as may be at the increction thereof with the south line to a point as nearly as may be at the increction thereof with the south increase on a curve to the right with the control of the received with the south four-tenths (355.4) feet, through seventeen degrees, four-teen minutes and fifteen seconds of curvature to a point where such curve is tangent to a line in failtrond Avenue parallel with one lumined thirty-three (123) feet eastering of the westerly line of said avenue, measured at right angles thereto, thence portherly on said last described line of lot seventeen (17) in block three huadred and twenty-nine (329) of said Scattle Tide Lands produced westward thence on a curve to the left with a radius of nine hundred fifty-five and four-tenths (355.4) feet, through seventeen (17) degrees four-teen (14) minutes and fifteen (15) seconds of curvature to a point where such curve is tangent to a line in Rollroad Avenue parallel with and sixty-seven (37) feet west dine to a line in Rollroad Avenue parallel with an east line of said avenue, thence not to the right, each branch thereof with a radius of nine hundred fifty-five and four-tenths (355.4) feet, to a point where the northerly branch of the cast and week. Jine Jinesh the north line of said avenue, which solutions are said week. Jine Jinesh the north line of said avenue, which solutions are said as a said week. Jine Jinesh the north line of said avenue, which solutions are said as week. Jine Jinesh Jinesh the north line of said avenue, which solutions are said said sections of said avenue, which solutions are said said sections of said avenue, which solutions are said sections of said avenue, which solutions are said sections of said avenue, which solut

Sevential for one (1) frack of standard gauge rather the center of which if described as follows altering at a decident and follows altering at the center of the City of Seculture, which crosses (125) feet cast of the madred twenty-fire and No. I see although three handred fifty-six (668) seatte Tide Lands, and which point is on the are of a curve having a seventy-fire and six tenths (1,272) feet consuming a total angle of forty-one degrees one minute and forty-five seconds, the beginning of which curve is on a tangent drawn parallel with and eighty-two (32) feet northeasterly of and measured at right angles to the southeasterly line of Duwardshause of the southeasterly in the fight on the said curve of said radius to a point where said center line incomes tangent to a line drawn parallel with and one hundred and five tenths (1605) feet west of the east line of a point where said center line incomes tangent to a line drawn parallel with and one hundred and five tenths (1605) feet west of the cast line of outly thence northerly and seventy-three and seventy-thence and waterway; thence northerly in said Whatcom Avenue produced south; thence on the said carve in the least line of the cast line of the cast line of the cast waterway; thence northerly in said whatcom avenue, and seventy-three and seventy-tenths (573.7) feet through a total angle of fourteen degrees, seven minutes and sevent seconds; thence on a tangent running north fourteen degrees, seven minutes and seventy seconds; the seconds west a distance of two hundred to and forty-seven hundred line to a fine parallel with and one hundred and elafuses of two hundred seventy-three northeast seconds; the center of the cast line of other cast line of parallel with and one hundred and elafuses of the cast line of his set which a langent a distance of about four hundred forty-five (45). Seattle-Tide Lands, produced westerly; then

Eighther right of way fifteen (15) feet in width for one (1) track of slandard gauge failway, the center line of which is described as follows: Heriming at a point seven and one-half (73) feet easterly of, when measured at right angles to that certain point of curve to the left with a radius of seven hundred sixty-four and forty-nine hundred sixty-four and forty-nine hundred sixty-four and forty-nine hundred sixty-four and forty-live seconds west to a point where a curve to the left with a radius of seven hundred sixty-four and forty-nine hundredths (764.49) feet, containing eight degrees and nineteen minutes of are would become tangent to a line drawn parallel with, and one hundred twelve (112) feet northerly measured in right angles to the southwesterly line of Duwanish Avenue produced southeasterly, thence north forty-one degrees, one minute and forty-five measured in right angles to the southwesterly line of Duwanish Avenue produced to a point where a curve to the southwesterly line of Duwanish Avenue produced to a point where a curve to the right with a radius of one thousand two hundred forty-three and six-tenths (1.13.5) feet produced northerly would become tangent to a line in Whatcom Avenue drawn parallel with and seventy and five-tenths (70.3 feet west of the east line of said Whatcom Avenue drawn parallel with and seventy and five-tenths (70.3 feet west of the east line of said whatcom Avenue drawn parallel with and seventy and five-tenths (70.5) feet west of the east line of said Whatcom Avenue drawn parallel with and seventy and five-tenths (70.5) feet west of the east line of said Whatcom Avenue drawn parallel with and seventy and five-tenths (70.5) feet west of the east line of said whatcom Avenue drawn parallel with and seventy and five-tenths (70.5) feet west of the east line of said whatcom Avenue drawn in a languant on the right with a radius of one hundred line on said last described line to a point where said curve becomes tangent to hundred line of block three hundred sixty-tine and three-

on a curve to the left with a radius of one thousand five bundred fifty-five and five-tonths (1.55.5). feet through an angle of fifteen degrees, two minutes and eight seconds to the point where said curve becomes tangent to as line drawn in Radiroad Avenue parallel with and one bondred twenty-five and five-tenths (125.5) feet easterly from the westerly line of Radiroad Avenue, the new mortheasterly on said first described line in Radiroad Avenue, as a point of the tersection with the most into or block three hundred thirty-one (321). Settle fide Lands, produced westerly, the new on reverse curves both branches saving a radius of seven hundred safty-four and five-tenths (76.5) feet, curving first to the left through eleventhes seconds of curvature, thence to the right through eleven degrees, twenty-two minutes and seconds esconds of curvature, thence to the right through eleven degrees, twenty-two minutes and seconds where said last branch of above curves becomes tangent to a line in Radiroad Avenue, where said last branch of above curves becomes tangent to a line in Radiroad Avenue of the tenths (35.5) feet easterly from and measured at right angles to the westerly line of said Radiroad Avenue thence north-city on last above described line to a point of curve, which point of curve is a mear as may be fifteen (15) feet northerly from the south line of lot sixteen (16), block three hundred sixty-eight (158), Seattle Time of a curve to the left with a radius of hird line of said line degrees, fourteen, minutes and fifteen, accounted and seaterly, thence on a curve to the left with a radius of hird line of said line degrees, fourteen, minutes and fifteen accounted of a curve to the left with a radius of hird line of said line degrees, line of said line of line degrees, line of said line degrees, line of said line of line degrees, line of said line degrees, line of said line of line degrees, line of said line of line degrees, line of sa 160.5) Leef east of the westerly line of lialited Avenue, and which point is an early as may be at the intersection of said inst described line with an east and worst line drawn through the north line of, leef four (4), block three hundred and sixty-seven (357), Scattlo Tide Lauds, thence north on said line parallel with and sixty and five-tenths (60.5) teel east of the west line of said avenue to a point where it intersects the north line of lot three (3), block one hundred ninety-nife (199), Scattle Tide Lands, produced east, thence on a curve to the left with a radius of seven hundred eighty-eight (78x) feet to a point where said curve would intersect the southerly line of Washington Sitect.

Ninth: A right of way one hundred (160) feet in width for as many tracks of standard gauge railway as the said grantee, its successors of sastgam, may bee fit to construct, the center line of which is described as follows:

Inspinding at a point on the easterly line of S. A. Maple's Dynation Claim where a line drawn, fity (50) feet distant westerly margin of the county road intersels and parallel water the westerly margin of the county road intersels and principle more than sixty (1986) feet of the hundred Lad sixty (1986) feet to boundary line of the cutt of Scattle in S. A. Maple's Donation Claim.

Teath: A tight of way (2) tracks of standard gauge raths ay, the center line of which is done the law (2) tracks of standard gauge raths ay, the center line of which is done the law (2) tracks of standard gauge raths ay, the center line of which is done the law (2) tracks of standard gauge raths ay, the center line of which is done the law (2) tracks of standard gauge raths ay, the center line of which is done the law (2) tracks of standard gauge raths ay the law (3) tracks of standard gauge raths ay the laws (3) tracks of standard gauge raths ay the laws (3) tracks of standard gauge raths ay the laws (3) tracks of standard gauge raths ay the laws (3) tracks of standard gauge raths ay the laws (3) tracks of standard gauge r

Heginning at Repoint of intersection with a line drawn fforty (40) feet west of the east margin of Colorudo Streat and the north line of lot four (4), block three hindred thirty-two (332), East to Tide Lands, produced west, thence north, on a line forty (40) feet wast of and parallel to the casterly line of Colorade Street, to where a curve with a radius of nine hundred thirty-two and ginetents (932.9) feet produced to the right would become tangent to a line drawn soven (7) feet westerly from when measured at right angles to the easterly line of Railroad Avenue; thence on above described curve to the right with a radius of nine hundred thirty-two and nine-tents (932.9) feet through seventeen degrees fourteen ninutes and fifteen seconds of curvature to a line in Railroad Avenue, which is seven (7) feet westerly from when neasured at right angles to, the easterly line of Railroad Ayenue; thence sorth fifteen seconds of the satisficular venue which is seven (7) feet westerly from and parallel with the casterly line of Railroad Ayenue; thence sorth fifteen seconds of the satisfication of the content of the second of the left with the fasterly line of Railroad Ayenue, the produced and parallel with the casterly line of Railroad Ayenue, the produced and parallel with the casterly line of Railroad Ayenue, the produced westward thanks the intersection thereof with the north line of lot seventeen (17), block three liandred twent-nine (132). Seattly Tido Curve to the left with z radius of one thousand Rifeen and tour earlies feet the seaters.

which is described as following. Beeing at a point in Railroad Avenue that is fourteen and one-tail (184); feet north of the south line of lot in Reilroad Avenue that west of a point fill seed that is following the fill seed that is the south line of lot in Reill seed the south line of lot in the south line of bearborn Street as the seed grantee, it is successors or assigns, may see fit to construct within the following described limits: The north marginal line of Actions and west marginal line of Dearborn Street as the seed grantee, it is successors or assigns line of the south marginal line of Dearborn Street as the same now exists, on the north, and have west marginal line of First. Avenue south on the east, and the east, maken as line of Railroad Avenue on the west, excepting across that part of Councetted Street Iring within seventy-five (Ts) feet of the west margin of First Avenue South.

Also the right to lay down, construct, maintain and operate such tracks for the purpose of turn-out tracks in the above described property. In all that portion of Vilantic Street west of the centr line of block three hundred thirty-one (321) pro-inced south.

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Regented by word. 30947

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Section 2. That Section 2 of said Ordinance No. 18030, entitled. "An ordinance of the City of Seattle granting to the Oregon and Washington Railroad company, a corporation organized under the laws of the State of Oregon, its successors and assigns, and to the folm owners hereafter acquiring an interest in this franchise, in accordance with the provisions thereok the right, privileges and authority to locate, lay down, construct, maintain and operate sundry railway tracks in along and across sundry streets, avenues, alleys and other public places within the limits of said city, and granting to said company, its successors and assighs, rights of way for such tracks in along, across and over all such streets, avenues, alleys and other public places of said city," passed the City Council March 2nd, 1908, approved and filed March 5th, 1908, published March 7th, 1908, be and the same hereby is amended to read as a fail washes.

Section 9. Said grantee, its successors or assigns, shall begin work on the construction of the tracks herein athorized within six (6), months after the taking effect of this ordinance, and ithin two (2) years after the taking fect of this ordinance about the taking of time as mail have been granted by ordinance; then, unless the beginning of said work or the completion of the same to the extent aforsaid, as the case may be, shall have been provented by injunctions, inavoldable delays in the termination of condemnation suits termination of condemnation suits strikes, right of said grantee, its successions or essigns, the City Council of said city shall have the right after sixty (60) days notice to said grantee, its successors or assigns, to declare by ordinance the foreture of all cights, privileges and subjorting herein section. granted. In order to close the benefits of this amendatory ordinance and to acquire the rights, privileges and authorities hereby granted, said grantee, its successors and assigns must withe in nicely (10) days after, the taking effect of this ordinance file in the office of the City Comptiolicy of copy doly certified and attested by its Secretary under its corporary and of a resolution duly adopted by its Board of trustees accepting the herefits of this ordinance and the rights, privileges and nuthorities hereby granted, subject to all the conditions, restrictions, specifications and requirements herein expressed, and if such certified copy of such a resolution of acceptance shall not be so filed before the axpiration of said time, this ordinance shall have upon become void and of no each; section I. This ordinance shall take effect at the time it shall become a law under the provisions of the city chalter.

Passed the City Council the 50th day of January, 1811, and skaled by me in open session in authentication of its passage this 20th day of January, 1811, President of the City Council.

Approved by me this 4th day of February, 1911.

H. C. Gilla, Mayor.

Filed by me this 4th day of February, 1811.

Attest: (Scal) WM, J. ROTJIWELL.

City Comptroller and Ex-Officio City.

Flied by me tills at any variable.

Attest: (Scal) WM. J. BOTHWELL
City Comptroller and Ex-Officio City
Cterk.
Published February 10, 1511.

Acceptiones

The. # 44060

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Supplement Sections

Sim 49 144 19.

ORDINANCE RO. 2047. A.

AN ORDINANCE of the city of Sections dots (1) and two (2) of Ordinanca No. 25254 of the City of Seattle entitled: An Ordinance of the City of Seattle amending Sections two (2) only nine (2) of ordinance No. 13030 of the City of Seattle, entitled: An Ordinance of the City of Seattle, growing to the Orgon & Washington Relirod Company, a corporation organizate under the laws of the State of Orgon, its successors and assisted, and to the John owners hereefter sequiring an interest in this franchise, in accordinance with the provisions thereof, the right, privilege and authority to locate, lay down, construct, maintain and operate sundry sativay tracks in, along and across soudry streets, avenues, alleys and other public places within the limits of said city, and granting to said company, its successors and oversit, a given of way for such tracks in, shore, across and over all euch streets, avenues, alloys and other public places of said city, passed the City Council March 2nd, 1995, published March 7th, 1965, which amendatory Ordinance passed the City Council January 20, 1911, was approved and filed March 6th, 1995, published March 7th, 1966, which amendatory Ordinance passed the City of Seattle, entitled: An Ordinance of the City of Seattle, entitled: An Ordinance of the City of Seattle, entitled: An Ordinance No. 19929 of the City of Seattle, in accordance with the provisions three, in accordance with the provisions three, in accordance with the provisions three of the sign of way for such tracks in along and across sundry risk power becomes languaged to the Power and Silver and the public places of said city, passed the City of Seattle, in the ordinance of the City of Seattle, in accordance with the provisions three of nine flowers and other public places of said city, passed the City Council January 20, 1911, which reads as follows:

Landa of the we

name numered eighty-five and four-tontine (1988.8) feel respecificity to a splint where the northerly catty abactomic targent to a line in Rullroad Avenue parsited with and give and five-lentine 160.51 feet east of the west-civ line of Rullroad Avenue has been and which looks as afty as may be at the inference ion of said last described line with an east and west has drawn through the north line of lot four (4). Clark three hundred and skity-seven 150.51, Scalife Tibe Lacks, thence north on said line parallel with and skity and five-lontine (10.51). Feet wast of the west line of said ovenue to a point where it intersects the north line of Iot fittee (12.51), bluck one hundred almety-nine (12.52). Scalife Tibe Lacks, thence north on said line parallel with and skity and five-lontine (10.51). Feet wast of the west line of said ovenue to a point where it intersects the north line of Iot littee (12.51), bluck one hundred almety-nine (12.51). Scalife Tibe Lands, produced cast, thence on a curve to line of the city of scalife the point where and curve would intersect the outlierly line of the City of Scalife. Cuttled of the City of Scalife and the same is nevely repeated.

Section: That that portion of Section two (2) of Ordinance No. 26251 of the City of Scalife, entitled: An Ordinance of the City of Scalife and said as the same is nevely repeated.

Section: That that portion of Section two (2) and rine (0) of Ordinance No. 26251 of the City of Scalife, entitled: An Ordinance of the City of Scalife and said of the long of the City of Scalife continues. In a said to the long owners here after acquiring an interest in this franchise, in accordance with the provisions thereof, the right, privites, and anothering to locate, lay downers here after acquiring an interest in this franchise, in accordance with the provisions thereof, the right of the long of the City Council and colors and the said of the City of the City council such states and said part of the City of the City of the council such states in a said last a si

January 39, 1911, was approved and filed February 19, 1911, which reads as follows:

"And also at least a single track in finited Arenue between Ariantic Street and the south line of Washington Street."

be and the south line of Washington Street, and the south line of Washington Street."

be and the south line of Washington Street, and the south line of Washington Street."

be and the south line of Washington Street.

Baction 3. Said grastee, it is successful and several south of the office of the City Comptroller a copy, daily sertified and attested by its Becretary, under the Cripton Street, of a Received and attested by its Becretary, under the corporate south of a Received and accepting the arealist of Received and consenting to the conditions and consenting to the conditions and services and the services have been a service to the conditions of a such a Resolution of Acceptions herein expressed and first in the Ordinance shall thereupon become word and Acceptions the inforce thirty days from a service the inforce thirty days from a service its passage and approved it shall take effect at the time it shall become after.

Fassad the City Council the 2rd day of March, 1913, and signed by me in open services and day of March, 1913.

President of the City Courcil, Approved by me this 14th day of March, 1913.

BOBT, It HESELTH,

President of the City Courcil, Approved by me this 14th day of March, 1913.

City of the Courtilities and Harding tilly Allert, 1913.

Attest, 1913, M. Collities tilly

Filed by me toos can us.

Attest; identy H. W. CARROLL,
be comparader and Landicio filly (
19th.
Ford P. Achtew, Deputy Clerk,
control March 25, 1912.

ORDINANCE NO. 77271

ORDINANCE NO. 77271

AN ORDINANCE relating to the franchise granted by Ordinance No. 18020 and repealing a portion of Section 8 thereof so as to omit therefrom the obligation of the grantee, its successors and assigns, to convey an easement for an approach to a bridge in Connecticut Street, and construct such approach thereon.

WHEREAS. OREGON - WASHINGTON PACIFIC RAHLROAD COMPANY and UNION PACIFIC RAHLROAD COMPANY lave requested (Comptroller's File No. 1825-09) to be relieved from the obligation contained in Jection 8 of franchise Orderance No. 18026, to convey an easement for an approach to a bridge in Connecticut Sireet, and construct such approach thereon, NOW, THERE-FORE,

DE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:
Section 1. That that portion of Section 3 of Ordinance No. 18030, while reads as follows:

"Within six months after the taking effect of this ordinance. Examined its successors and assigns, abail convey to the City of Seattle for bridge roadway purposes, the easterly seventy-live (75) feed look one (1), two (2), three oil look one (1), two (2), three oil look three hundred thirty of block three hundred thirty of block three hundred thirty shall be provided for on Connection Street between First Avenue grantee, its successors and assigns, whall construct upon asid tracter with the readway rising it i toward the readway rising it is toward the readway rising it is toward the roadway rising it is toward the south, then toward the north connecting the ground level with the overhead barel of said Connecting the ground the roath connecting the ground the interesting of such incline, the provided in the said grantee, the seartion of such incline, the provided in the said grantee, the seartion of such incline, the provided in the said grantee, the seartion of and incline, and situation and and such provides and all under spaces, so form as such occupancy shall not later for a well."

fore with or obstruct public forwell."

or and the same is beselv repealed forwell."

Section 2. Changes Commany and Excitors Puckle Enkilohad Company and Excitors is to drespon and Marketing Commany and Company about a change of the Changes of the Change of the England of the Change of the and the office of the Change Change of the Analyst Change is an overplance before the England of t

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## ORDINANCE NO. 92571

Strain Committee of the Committee of the

AN CRDINANCE relating to the franchise granted to Oregon & Washington Railroad Company, a corporation, its successors and assisms, by Ordinance No. 18030; amending said ordinance to provide for changes in the franchise right of way occationed by the construction and maintence of the Alaskan Way Viaduct Extension; specifically amending Section 2 thereof with a view to providing for such changes; and providing for the acceptance by the Oregon-Washington Railroad & Hawigation Company and Union Pacific Railroad Company, successors in interest to said Oregon & Washington Railroad Company, of said franchise as so modified.

heretofore granted to the Oregon & Washington Railroad Company, a corporation, its successors and assigns, the right to lay down, construct, maintain and operate sundry railway tracks along and across sundry streets, avenues, alloys and other public places within the limits of said City, including certain tracks on Alaskan Way South (formerly Railroad Avenue) and East Marginal Way South, which the said Railroad Company and its successors constructed and had maintained and operated for many years, until with the construction of the Alaskan Way Viaduct Extension in 1955, it became necessary to relocate and rearrange portions of said trackage to accommodate said Viaduct; and WHEREAS, the City by agreement dated October 19, 1955, contracted for the changes to be made in said trackage and therein agreed to the modification of the franchise ordinances affected thereby; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF STATILE AS POLLOWS:

Section 1. That Section 2 of Ordinance No. 18030, entitled:

WAN ORDINANCE of the City of Seattle granting to the Oregon and Washington Railroad Company, a corporation organized under the laws of the State of Oregon, its successors and assigns, and to the joint owners hereafter acquiring an interest in this franchise, in accordance with the provisions thereof, the right, privileges and authority to locate, lay down, construct, maintain and operate sundry railway tracks in, along and across sundry streets, avenues, alleys and other public places within the limits of safe City, and granting to said Company, its successors and assigns, rights of way for such tracks in, along, across and over all such streets, avenues, elleys, and other public places of said City.

approved March 6, 1908, as heretofore amended by Ordinances Nos. 26254, 30947 and 75816, be and the same is hereby amended to read as follows:

Section 2. The tracks of standard gauge railway, the laying down, construction, maintenance and operation whereof are authorized by this ordinance, and the rights of way hereby granted for the same are described as follows, to-wit:

Pirst. A right of way thirty (30) feet in width for two tracks of standard gauge railway, the center line of which is described as follows:

Beginning at a point on the southerly boundary line of the City of Seattle where the same is intersected by the center line of <u>Duwamish Avenue South</u>, as the same is shown on the official plat of Ladd's Factory Sites, which said point is one hundred twenty-eight and eighty-four hundredths (126.84) feet west of the stone monument at the northeast corner of Eli B. Kaple's Donation Claim No. 39; thence north forty-one degrees one minute and forty-five seconds west on the center line of Duwanish Avenue South, to a point that is one hundred thirty-five and ninety-eight hundredths (135.90) feet north of and two hundred ninety-seven and seventy-five hundredths (297.75) feet west of Meander Post No. 2, as the same is shown on sheet forty (40) of the official plat of Seattle Tide Lands; thence on a curve to the right with a radius of seven hundred sixty-four and forty-nine hundredths (764.49) feet through eight degrees nineteen minutes of arc a distance of one hundred eleven (111) feet; thence north thirtytwo degrees forky-two minutes and forty-fire seconds west a distance of six hundred fourteen and seventy-six hundredths (614.76) feet; thence on a curve to the left of a radius of seven hundred sixty-four and forty-nine hundredths (764.49) feet through eight degrees mineteen minutes of arc distance of one hundred eleven (111) feet to a point sixty (60) feet northeasterly from, when measured at right angles to, the southerly marginal line of Duwamish Avenue South, as the same is shown on sheet forty (40) of the official plat of Seattle Tide Lands; thence north fortyone degrees one minute and forty-five seconds west on a line that is sixty (60) feet distant from and parallel with the southerly marginal line of Duwamish Avenue South, and Duwamish Avenue South produced to a point that is one hundred fifty-seven and eleven hundredths (157.11) feet south of and two hundred sixteen and twenty-four hundredths (216.24) feet east of the north corner of Block 378, Seattle Tide Lands; thence on a curve to the left with a radius of eleven hundred fifty-three and seventy-eight hundredths (1153.78) feet through five degrees fourteen minutes of are a distance of one hundred five and thirty-five hundredths (105.35) feet; thence north forty-six degrees fifteen minutes fortyfive seconds west a distance of seventy-nine and eighty-four hundredths (79.64) feet to a point that is twenty-five and sixty-eight hundredths (25.68) feet south

of and eighty-five and eighty-five hundredths (85.85) feet east of the north corner of Block 378, Seattle Tide Lands; and from this point a right of way thirty-five and sixty-six hundredths (35.66) feet in width for two (2) tracks of standard gauge railway, the center line of which shall begin at the last mentioned point, thence northwesterly along a curve to the left having a radius of four hundred sixty-six and seven hundred seventy-six thousandths (466.776) feet a distance of three hundred fifty-five and sixty-four hundredths (355.64) feet to a point on the center line of the Northern Pacific Railway Company's franchise, granted by Ring Gounty, Washington; January 22nd, 1904, also a right of way thirty (30) feet in width for two tracks of standard gauge railway, the center line of which is described as follows: Beginning at a print one hundred minety-five (195) feet south of and thirty-four and nine hundred and ninety-six thousandths (34.996) feet east of the northwest corner of Block 390. Seattle Tide Lands; thence northwesterly along a Gury. o the right having a radius of six hundred thirty-seven and two hundred and seventy-five thousandths (637.275) feet a distance of one thousand (1,000) feet to a point on a line distant one hundred ten (110) feet west of the east line of Eleventh Avenue S.W. (formerly Eitsap Avenue); thence

HOTTH PEFALIEL to the east line of Eleventh Avenue S.W. (formerly Eitsap Avenue); thence

HOTTH PEFALIEL to the east line of Eleventh Avenue S.W. (formerly Eitsap Avenue); thence

HOTTH PEFALIEL to the east line of Eleventh Avenue S.W. (formerly Kitsap Avenue); thence

HOTTH PEFALIEL to the east line of Eleventh Avenue S.W. (formerly Kitsap Avenue); Saxth Avenue S.W. (formerly Montana Avenue),

Est Waterway, Tenth Avenue S.W. (formerly Hissouri Avenue) and South Spokane Street.

Also the right, privilege and authority to lay down, construct, maintain and operate such tracks as the said grantee, its successors and assigns, may see fit to construct within the following described territory:

All of that part of Ladd's Pactory Sites, including streets and private property, between Dummish Avenue South and Colorado Avenue South (formerly Colorado Street); all of Painter's, Black's, Elliott Bay and Wallingford's Additions, including streets and private property, that lies southerly and westerly of the Puget Sound Blectric Company's right of way; all of that unplatted

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portion of what would be the northerly half of block
three hundred fifty-one (351), Seattle Tide Lands, as
shown on the official olat thereof; all that unplatted
portion of what would be block three hundred fiftyfive (355), Soattle Tide Lands; as shown on the official
plat thereof; all that unplatted portion of what would
be Golorado Avenue South (formerly Golorado Street)
between blocks three hundred fifty-one (351) and three
hundred fifty-five (355), Seattle Tide Lands; as shown
on the official plat thereof; also all of lots one (1)
to thirteen (13) inclusive, block three hundred fifty-five
(355), Seattle Tide Lands; all of block three hundred
fifty-six (356), Seattle Tide Lands, and all that unplatted portion of what would be the easterly part of
block three hundred fifty-six (356), Seattle Tide Lands,
as the same is shown on the official plat thereof; all
of South Dakota Street, and what would be South Dakota
street between blocks three hundred fifty-five (355) and
three hundred fifty-six (356), Seattle Tide Lands, as shown
on the official plat thereof; all that part of what
would be Dunamish Avenue South if the same were established,
as shown on Sheet Forty (40) of the official plat of
Seattle Tide Lands, bounded as follows: On the west by
the Government Meander line, on the south by the
southerly line of Dunamish Avenue South by the
southerly line of Dunamish are all that produced, on the
east ant north by that deficial thirty (30) foot right of
way above described. Lots eight (8) to eleven (11)
inclusive, block three hundred ninety-two (392), seattle
Tide Lands; block three hundred ninety-two (392), seattle
Tide Lands; block three hundred ninety-four (394), and three
hundred ninety-five (395), Seattle Tide Land

Second: A right of way thirty (30) feet in width for two tracks of standard gauge railway, the center line of which is described as follows:

Beginning at a point in that certain thirty (30) foot right of way described in the first paragraph above, there a curve to the right with a radius of seven hundred sixty-four and forty-nine hundredths (764.49) feet, consuming an angle of thirty-two degrees, forty-two minutes and forty-five seconds of arc, would become tangent to a line drawn forty-five (45) feet distant east from, when measured at right angles to, the westerly line of Colorado Avenue South (formerly Colorado Street) produced southerly across Island No. one (1), as the same is shown on Sheet Forty (40) of the official plat of Seattle Tide Lands; thence north on a line that is forty-five (45) feet distant east of, when measured at right angles to and parallel with the westerly line of Colorado Avenue South (formerly Colorado Street) produced, to that old boundary line of the City of Seattle coincident with the east and west center line of Section eighteen (18) township twenty-four (24) north, range four (4) east, Willamette Meridian.

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Third: A right of way fifteen (15) feet in width for one track of standard gauge railway the center line of which is described as follows: Beginning at the intersection of that old boundary line of the City of Seattle which is coincident with the east and west center line of section eighteen (18), township twenty—four (2h) north, range four (h) east, Willamette Meridian; with a line parallel with and thirty-seven and five-tenths (37.5) feet east of the west line of Colorado Avenue South (formerly Colorado Street) produced south, run thence northward on said last described line to its intersection with the south line of South Atlantic Street. The acove and foregoing in this sub-paragraph was seen granted and allowed by the City of Seattle in Ordinance 9118, amended by Ordinance Mo.12018, approved Jamary 25, 1905, and encitled An ordinance amending sections two (2) and three (3) of an ordinance of the City of Seattle, No. 9118, entitled An Ordinance of the City of Seattle granting to the Eorthern Pacific Railway Company, its successors and assigns, the right, privileges and authority to lay down, construct, maintain and operate sundry railway tracks along and across sundry streets, avenues, alleys, and other public places within the City of Seattle, and upon other property within the limits of said city, and granting to said company, its successors and assigns, rights of way for

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such tracks along and across all such streets, avenues, alleys and other public places of said city. \*\*

Fourth: A right of way fifteen (15) feet in width for one (1) track of standard gauge railway, the center line of which is described as follows: Beginning at the intersection of that old boundary line of the City of Seattle coincident with the east and west center line of section eighteen (18), township twenty-four (24) north, range four (4) east, Willamette Meridian, and a line seven and five-tenths (7.5) feet east of the westerly marginal line of Colorado Avenue South (formerly Colorado Street) produced south, run thence north on a line seven and one-half (72) feet easterly of and parallel with the westerly marginul line of Colorado Avenue South (formerly Colorado Street) to the north line of South Horton Street (formerly the canal waterway).

Fifth: A right of way fifteen (15) feet in width
for one track of standard gauge railway the center line
of which is described as follows: Beginning at the intersection of that part of the old south boundary line of
the City of Seattle which crosses Island No. 1 with a
line parallel with and forty-seven and five-tenths (47.5)
feet measured at right angles, west of the east line of
Colorado Avenue South (formerly Colorado Street) produced
south, and shall run thence north on last described line
to and in said Colorado Avenue South (formerly Colorado
Street) to a point as near as may be eight (8) feet south
of the north line of lot ten (10), block three hundred
thirty-one (331), Seattle-rine Lands, produced west;
thence on a surve to the right with a radius of nine
hundred ninety-five (995) feet; to a point; where said
center line becomes tangent; to said curve and identical
with the senter line of the right of way for a track
laid parallel with and one hundred ten and five-tenths
(110.5) feet easterly of, measured at right engles to,
the west line of Alaskan Way South (formerly Railroad
Avenue), as granted and described in the first subdivision of section two (2) of Ordinance No. 13633 of the City
of Seattle, passed on the 23rd day of April, 1906, approved
on the second day of May, 1906, and entitled "An ordinance
of the City of Seattle granting to the Chicago, Milwaukse
and St. Faul Railway Company of Washington, its successors
and assigns, and to the joint owners hereafter acquiring
an interest in this franchise, in accor ance with the provisions thereof, the right, privilege and authority to

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locate, lay down, construct, maintain and option and ry railway tracks in, along and across sundry structured avenues, alleys and other public places within the limits of said city, and granting to said company, its successors and assigns, rights of way for such tracks in, along and across all such streets, avenues, alleys and other public places of said city."

Sixth: A right of way fifteen (15) feet in width for one track of standard gauge railway, the center line of which is described as follows: Beginning at a point on the north line of South Rorton Street (formerly the canal waterway), twenty-two and five-tenths (22.5) feet cast of the westerly margin of Colorado Avenue South (formerly Colorado Street); thence north on a line that is twenty-two and one-half (22.5) feet cast of and parallel with the wasterly marginal line of Colorado Avenue South (formerly Colorado Street) to the morth line of South Massachusetts
Street; and from this point a right of way thirty (30) feet in width for two (2) tracks of standard gauge railway the center line of which is described as follows: Beginning at the intersection of the morth line of. South Massachusetts.
Street produced with a line parallel with and fifteen (15) feet east of the west line of Colorado Avenue South (formerly Colorado Street) ani shall run thence north along said last described line to a point as nearly as may be at the intersection thereof with the south line of South Atlantic Street produced westward, thence on a curve to the right with a radius of nine humired fifty-five and four-tenths (955.4) feet, through seventeen degrees, fourteen minutes and fifteen seconds of curvature to a point where such curve is tangent to a line in Alaskan Way South (formerly Rail-road Avenue) parallel with and one hundred thirty-three (133) feet easterly of the westerly line of said evenue, measured at right angles thereto, thence northerly on said last described line to a point as nearly as may be at the intersection thereof with the north line of lot seventeen (14) ninutes and fifteen (15) seconds of curvature to a point where such curve is tangent to a line in Alaskan Way South (formerly Railroad Avenue) parallel with and sity-seven (67) feet west of the east line of said avenue, thence north on said last described line to a point as nearly as may be at the intersection thereof with the north line of lot eight (8) in block t

locate, lay down, construct, maintain and operation andry railway tracks in, along and across sundry streets; avenues, alleys and other public places within the limits of said city, and granting to said escenary, its successors and assigns, rights of way for such tracks in, along and across all such streets, avenues, alleys and other public places of said city.

Sixth: A right of way fifteen (15) feet in width for one track of standard gauge railway, the center line of which is described as follows: Beginning at a point on the north line of South Horton Street (formerly the canal waterway), twenty-Ew3 and five-tenths (22.5) feet cast of the westerly margin of Colorado Avenue South (formerly Colorado Street); thence north on a line that is twenty-two and one-half (22.5) feet cast of and parallel with the westerly marginal line of Colorado Avenue South (formerly Colorado Street) to the north line of South Massachusetts Street; and from this point a right of way Marty (30) feet in width for two (2) tracks of standard gauge railway the center line of which is described as follows: Beginning at the intersection of the north line of South Massachusetts. Street produced with a line parallel with and fifteen (15) feet east of the west line of Colorado Avenue South (formerly Colorado Street) and shall run thence north along said last described line to a point as nearly as may be at the intersection thereof with the south line of South Atlantic Street produced westward, thence on a Sourth to the Fight With a radius of nine humbred fifty-five and four-tenths (955.4) feet, through seventeen degrees, fourteen minutes and fifteen seconds of curvature to a point where such curve is tangent to a line in Alaskam Way South (forwerly Railroad Avenue) parallel with and one humbred thiry-three (133) feet easterly of the westerly line of said avenue, measured at right angles thereto, thence northerly on said last described line to a point as mearly as may be at the intersection thereof with the morth line of lot seventeen. (121) in block three humbred affity-five and four-tenths (955.4) feet, through seventeen (17) degrees, fourteen (11a) includes and fifteen (15) seconds of curvature to a point where such surve is tangent to a line in Alas-kan Way South (forwerly Railroad Avenue) parallel with and sixty-seven (67) feet west of the east line of said avenue, thence morth on said last describ

Seattle Tide Lands produced eastwards, thence on a reverse curve, curving first to the left and then to the right, each branch thereof with a radius of nine hundred fifty-five and four-tenths (955.4) feet, to a point where the northerly branch of such reverse curve is tangent to a line in Alaskan Way South (formerly Reilroad Avenue) narallel with and ninety and five-tenths (90.5) feet east of the west line of said avenue, which point is as nearly as may be at the intersection of said last described line with an east and west line drawn through the north line of lot four (1) in block three hundred and sixty-seven (367) of said Seattle Tide Lands, said right of way nowever, tapering uniformly, as nearly as may be from thirty (30) feet in width at the south end of the southerly branch of said reverse curve to fifteen (15) feet in width at said last mentioned point, and said two (2) tracks converging into a single track in the course of said reverse curve, and a single track of standard gauge railway, the center line whereof shall be as nearly as may be coincident with the center line of the right of way fifteen (15) feet in width for such track, the center line of which right of way shall begin at said last mentioned point, to-wit: At the north end of the northerly branch of the reverse curve above designated, and a right of the thence north on a line parallel with and ninety and five-tenths (90.5) feet east of the west line of Alaskan Way South (formerly Railroad Avenne), to the intersection thereof with the north line of South Main
Street produced westward.

The above and foregoing in this subparagraph has been granted and allowed by the City of Seattle in Ordinance No. 9119; approved January 6, 1903, and entitled "An ordinance of the City of Seattle granting to the Columbia & Puget Sound Railroad Company, its successors and assigns, the right, privilege and authority to lay down, construct, maintain and operate sundry railway tracks along and across sundry streets, avenues, and other public places within the City of Seattle and upon other property within the limits of said city, and granting to said company, its successors and assigns, rights of way for said tracks along and across all such streets, avenues and other public places of said city."

A right of way fifteen (15) feet in width for one (1) track of standard gauge railway, the center of which is described as follows: Beginning at a point in that part of the old south boundary line of the City of Seattle, which crosses Island No. 1, one hundred twenty-five (125) feet east of the west line of block three hundred fifty-six (356). Seattle Tide Lands, and which point is on the arc of a curve having a radius of one thousand two hundred seventy-three and six-tenths (1,273.6) fest, consuming a total angle of forty-one degrees, one minute and forty-five seconds, the beginning of which curve is on a tangent drawn parallel with and eighty-two (82) feet northeasterly of and received at right angles to the southeasterly line of a mish Avenue South, produced southeasterly; thence northerly durying to the right on the said curve of said radius to a point where said center line becomes tangent to a line drawn parallel with and one hundred and five-tenths (100.5) feet west of the east line of East Karginal Way South (formerly Whatcom Avenue) produced south; thence north in said East Harginal Way South (formerly Whatcom Avenue) parallel with said east line to an intersection with the north line of South Acrton Streat (formerly the canal waterway); thence northerly in said East Marginal May South (formerly Line of Avenue), surving to the left with a radius of Whatcom Avenue), curving to the left with a radius of five hundred seventy-three and seven tenths (573.7) feet through a total angle of fourteen degrees, seven minutes and seven seconds; thence on a tangent ruming north fourteen dogrees, seven minutes and seven seconds west distance of two hundred ten and forty-seven hundredths (210.47) feet; thence curving to the right with a radius of five hundred seventy-three and seven tentes (573.7) feet through a total angle of fourteen degrees, seven minutes and seven seconds to a point where it intersects the south line of block three hundred and sixty (360), Seattle Tide lands, produced west, and where it also becomes tangent to a line parallel with and one hundred and eighty-six and fivetenths (186.5) feet west of the east line of Rest Marginal Way South (formerly Whatcom Avenue); thence north in said East Marginal Way South (formerly Whatcom Avenue) on said last described line to an intersection with the north line of block three hundred sixty-four (354), Seattle Tide Lands, produced westerly; thence ourving to the right along the ero of a curve having a radius of six hundred eighteen (618) feet through an angle of thirty-two degrees, sixteen minutes and twenty-three seconds; thence on a tangent a distance of about four hundred forty-five (445) feet along a line

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suches actant parallel with and one hundred four and five-tenths (104.5) feet westerly of the west line of lots one (1) and two (2) and three (3), block three hundred sixty-five (365), Seattle Tide Londs produced; thence curving to the left along the arc of a curve having a radius of fifteen hundred twenty-five and five-tenths
(1,525.5) feet through an angle of fifteen degrees, two
minutes and eight seconds to a tangent, which tangent is
parallel with and ninety-five and five-tenths (95.5) feet
easterly of the westerly line of Alaskan Way South (formerly
Reilroad Avenue); themse northeasterly along said tangent
in Alaskan Way South (formerly Reilroad Avenue) to a noint Restroad Avenue); themes northeasterly along said tangent in Alaskan Way South (formerly Railroad Avenue) to a point where it intersects the north lino of lot eight (8), block three hundred sixty-nine (369), Seattle Tide Lands, he produced east; thence on a reverse curve having a uniform radius of seven hundred sixty-four and five tenths (764.5) feet to a commention with a tangent pare let with and one hundred ten and five-tenths (110.5) acot easterly of the westerly line of Alaskan Way South (formerly Railroad Avenue); thence northerly on said tangent line along Alaskan Way South (formerly Railroad Avenue) to a point as near as may be on the morth line of lot seventeen point as near as may be on the north line of lot seventeen (17), block three hundred twenty-nine (129), Seattle Wilder Lands, produced herterly; thence on a curve to the left with a radius of nine hundred thirty-two and nine tenths (5)2.9) feet through an angle of seventeen de-WIL gress, fourteen minutes and firteen seconds to a point where said ourse is tangent to a line in Alaskan vay South where said curve is tangent to a line in Alaskan 'ay South (formerly Railroad Avenue) parallel with and ninety and five-tenths (90.5) feet east of the west line of Alaskan Way South (formerly Railroad Avenue); thence north on said last described line to a point as nearly as may be at the intersection thereof with the north line of lot eight (8), block three hundred sixty-seven (367). Seattle Tide Lands, produced easterly; thence on a reverse curve turning first to the left, then to the right; with a radius of nine hundred thirty-two and nine-tenths (932.9) feet and nine hundred seventy and four tenths (970.4) feet respectively to a point where the northerly curve becomes tangent to a line in where the northerly curve becomes tangent to a line in Alaskan Way South (formerly Reilroad Avenue) parallel with and seventy-five and five-tenths (75.5) feet east of the west line of Alaskan Way South (formerly Railroad Avenue), and which point is as nearly as may be at the intersection of said last described line with an east and west line drawn

north sking through the north line of lot four (h) block three hundred sixty-seven (167), Seattle Tide Lands; thence north on said line parallel with and reventy-five and five tenths (75.5) Test east of the west line of said avenue to a point where it intersects the north line of lot three (3), block one hundred ninety-nine (199), Seattle Tice Lands, produced east; thence on a curve to the left with a radius of eight hundred three (603) feet through thirty-one degrees, forty-five minutes and ten seconds of curvature to a point where it becomes tangent to a line parallel with and fifty-nine and five tentas (59.5) feet mortheasterly from the southwesterly line of Alaskan Way South (formerly Reilroad Avenue); thence mortherly and fifty-nine and five tenths (53.5) feet northeastorly from the southwesterly line of said Alaskan Way South (formerly Railroad Avenue) to a roint where it intersects the north line of Yesler Yay, produced west; with the right to warm grantee, its successors and assigns, to connect the track so as to be laid on the right of may hereinabove described with the so-called "transfer track" as laid and maintained upon the right of way granted to the Seattle & International Pailway Company by Ordinance No. 6094, entitled "An ordinance granting to the Scattle & International Railway Company, its successors and assigns, and to the foint owners hereafter acquiring an interest in this franchise in accordance with the provisions thereof, the right and authority to locate, lay down, construct, maintain and operate a failway track in, along, upon and over certain portions of Alaskan Way South (formerly Railroad Avenue) and connecting atreets in the City of Seattle.

The above and foregoing in this subparagraph has been granted and ellowed by the City of Seattle in Ordinance So. 13633 passed on the 23rd day of April, 1966, approved on the second day of May, 1906, and entitled "An Ordinance of the City of Seattle granting to the Chicago, Kilwaukee & Et. Paul Reilroad Company of Washington, Its successors and assigns, and to the joint owners bereafter acquiring an interest in this franchise, in ascordance with the provisions thereof, the right, privilege and authority to locate, lay down, construct, maintain and operate sundry railway tracks in, along and across sundry streets, avenues, alleys and other public places within the limits of said city, and granting to said company, its successors and assigns, rights of way for such tracks in, clong and across all such streets, avenues, alleys and other public places of said city."

Eighth. A right of way fifteen (15) feet in width, being seven and one-half (7.5) feet on each side of the following described center line: Beginning at a point on the center line of the right of way granted to the Chicago, Hilwaukee, St. Paul & Pacific Railroad as described in paragraph 1 of Section 2 of Ordinance No. 13633, where it intersects the Bouth Line of Block Three Hundred Fifty-mine (359) Seattle Tide Lands; thence north along a straight line a distance of 104.3 feet; thence along a tangent curve to the left having a radius of 764.49 feet a distance of 104.4 feet; thance along a reversed curve to the right having a radius or 764.49 feet a distance of 104.4 feet to a pos shere said curve becomes tangent to a line drawn in F at large reginal Way South parallel with and 114.5 feet west of the 92 line of said East Harginal Way South; thence mort ong at last above described line a distance of 171.5 feet to a point where it intersects the South line of block 360, Seattle Tide Lands, produced west; thence continuing north on said last above described line to a point of curve, .ong said which point of curve is, as near as may be, one hundred (100) feet south of the south line of South Holeate Street produced wast one hundred fourteen and five-tenths (114.5) feet, thence on a curve to the right with a radius of one thousand one hundred thirty-one and three-tenths (1,131.3) feet one hundred thirty-one and three-tenths (1,131.3) feet through an angle of thirty-two degrees, sixteen minutes and twenty-three seconds to a point where said curve becomes tangent to a line drawn parallel with and seventy-four and five-tenths (74.5) feet northwesterly of the southeasterly line of Aleskan Way South (formerly Reilroad Avenue) between lots three (3) and eighteen (18) inclusive, of block three hundred sixty-five (365); Seattle Tide Lands, thence northwesterly on said last described line a distance of two hundred five (205) feet more or less; thence on a curve to the left with a radius of one thousand five hundred fitty-five and five-tenths (1,555.5) feet through an angle fifty-five and five-tenths (1,555.5) feet through an angle of fifteen degrees, two minutes and eight seconds to the point where said ourve becomes tangent to a line. drawn in Alaskan May South (formerly Railroad Avenue) parallel with and one hundred twenty-five and five-tenths (125.5) feet easterly from the wasterly line of Alaskan Way South (formerly Railroad Avenue) thence northeasterly on said last described line in Alaskan Way South (formerly Railroad Avenue), a distance of 95 feet more or less;

thence northeasterly through a No. 7 turnout to the left having a frog angle of 8°10' a distance of 70.2 feet to the heel of frog; thence continuing northeasterly along a streight line tengent to the lest above described turnout a distance of 24.6 feet to the heel of frog of a No. 7 turnout; thence through said No. 7 turnout having a frog angle of 6°10' a distance of 70.2 feet to the point of switch, in Alaskan Way South (formerly Railroad Avenue), said point of switch being 110.9 feet easterly from and measured at right angles to the westerly line of said Alaskan Way South (formerly Railroad Avenue).

Winth. A right of way one hundred (100) feet in width for as many tracks of standard gauge railway as the said grantee, its successors or assigns, may see fit to construct, the center line of which is described as follows:

Beginning at a point on the easterly line of S. A. Maple's Donation Claim where a line drawn fifty (50) feet distant westerly from and parallel with the westerly margin of the county road intersects same; thence north thirty-eight degrees iorty-six minutes west a distance of ten hundred and sixty (1060) feet to the boundary line of the City of Seattle in S. A. Maple's Donation Glaim.

Tenth. A right of way thirty (30) feet in width and for two (2) tracks of standard gauge railway, the center line of which is described as follows:

Beginning at a point of intersection with a line drawn forty (40) feat west of the east margin of Colorado Avenue South (formerly Colorado Street) and the north line of lot four (4), block three hundred and thirty-two (332), Seattle Tide Lends, produced west, thence north on a line forty (40) feet west of and parallel to the easterly line of Colorado Avenue South (formerly Colorado Street) to where a curve with a radius of nine hundred thirty-two and nine-tenths (932.9) feet produced to the right would become tangent to a line drawn sevon (7) feet westerly from, when measured at right angles to the easterly line of Alaskan Way South (formerly Railroad Avenue); thence on above described curve to the right with a radius of nine hundred thirty-two and nine-tenths (932.9) feet through seventeen degrees fourteen minutes and fifteen seconds of curvature to a point where such

curve is tangent to a line in Alaskan Way South (formerly Railroad Avenue) which is seven (?) feet westerly from, when measured at right angles to, the easterly line of Alaskan Way South (formerly Railroad Avenue); thence north seventeen degrees fourteen minutes and fifteen seconds east along a line that is seven (7) fert westerly from and parallel with the easterly line of Alasken Way South (formerly Railroad Avenue), to a point as near as may be at the intersection thereof with the north line of lot north & RALindas seventeen (1?), block three hundred twenty-nine (329), Seattle Tide Lands produced westward; thence on a curve to the left with a radius of one thousand fifteen and four-tenths (1,015.4) feet through seventeen degrees fourteen minutes and fifteen seconds of curvature to a point where such curve is tangent to a line in Alaskan Way South (formerly Railroad Avenue), and parallel with and seven (7) feet west of the east line of Alaskan Way South (formerly Railroad Avenue); thence torth to a point fifty-soven (57) feet north of the south line of lot five (5), block three hundred twenty-nine (329), Seattle Tide Lands, and from this point a right of way fifteen (15) feet in width for one (1) track of standard gauge rail-way, the center line of which is described as follows: Beginning at a point in Alaskan way South (formerly Railroad Avenue) that is fourteen and one-half (142) feet west of a point fifty-seven (57) feet north of the - th line of lot five (5), block three handred twenty-raile (323). Seettle Fide Yender there north to the (329), Seattle Tide Lends; thence north to the aoi h line of South Dearborn Street as the same now exists.

Also the right, privilege and authority to lay down, construct, maintain and operate such tracks as the said grantee, its successors or assigns, may see fit to construct within the following described limits: The north marginal line of South Atlantic Street on the south, the south marginal line of South Dearborn Street, as the same now exists, on the north, and the west marginal line of First Avenue South on the east, and the east marginal line of Alaska Way South (formerly Railroad Avenue) on the west, undertine ecross that part of South Connecticut Street lying within seventy-five (75) feet of the west margin of First Avenue South.

Also, the right to lay down, construct, maintain and operate such tracks for the purpose of turn-out tracks in the above described property, in all that pertion of South Atlantic Street west of the center line of block three hundred thirty-one (331) produced south.

Section 2. It is acknowledged that the grantee has completed the construction or relocation of the tracks along the routes authorized under Section 1 of this ordinance; and is now maintaining said tracks and operating thereon.

Section 3. The prantee, its successors and easigns, shall within six (5) months after the teling effect of this ordinance, file in the office of the City Comptroller a copy, duly certified and attested to by its Secretary under its comparate seal, of a resolution duly adopted by its Board of Directors or by the Executive Committee or finance Committee of said Board, thereunde duly authorized, accepting the benefits of this ordinance and the rights, privileges and authorities herety granted, subject to all the conditions, restrictions, specifications and requirements herein empressed. In lieu of such resolution, the grantee may, within the time aforessid, file with the City Clerk a written acceptance signed by any comporate officer thereunted duly authorized; provided such acceptance shall be accompanied by evidence of such officer's authority, duly certified and attested by the Secretary or Assistant Secretary of the comporation.

Section 4. This ordinence thell take effect and be in force thirty (30) days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the City Charter.

PASSED BY THE CITY COURCIL the December day of December 1963, and signed by me in open session in authentication of its passage this December, 1953.

Free ident of the City Council

APPROVED by me this 3/ day of December , 1963.

Jackon Id. Clinton

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## ORDIHANCE No. 57179

AN OPDINANCE Granting to the Great Northern Railway Company and the Northern Pacific Railway Company, rights of way for, and the right, privilege and authority to locate, lay down, construct, maintain and operate sundry railway tracks in, along and across sundry streets, avenues and other public places within the limits of the City of Seattle.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That the City of Seattle does hereby grant to the Great Northern Railway Company, a corporation, and the Horthern Pacific Railway Company, a corporation in perpetuity the right. privilege and authority to locate, lay down, construct maintain and operate sundry tracks of standard gauge railway upon the franchise rights of way hereinalter designated and specified, and such crossoversiand connections between said tracks, or between said tracks and any other tracks adjacent thereto as may be reasonably, necessary, and upon germit granted by the Board of Public Works, or such other body in the future he by law authorized to act; Provided, however, hat no crossovers are to be permitted across the main line tracks hereinafter designated between Wall Street and West Prospect Street except by authority of the City Council, all of which wights, privifand authorities and franchise rights of way, are hereby granted, subject to all the denditions, restrictions, specifications and requirements in this ordinance expressed.

for the purpose of more readily etermining the track or tracks in question in the eactions and peragraphs hereinal terminitioning particular tracks, the following numbers or designations will governs

Track No. 1. The track on the franchise rights of way described in Section 2, paragraphs 4, 8 and 9, and the most westerly track on the right of way described in Section 2, paragraph 7, designated the Westerly Switching track.

ed in Section 2, paragraphs 2 and 10, the most westerly track on the franchise right of way described in Section 2, paragraph 3, and the most easterly track on the right of way described in Section 2, paragraph 3, and the most easterly track on the right of way described in Section 2, paragraph 7, designated the Westerly Running track.

Track No. 3. The most westerly track on the franchise right of way described in Section 2, paragraph 11, designated the South Bound Main track.

Track No. 4. The most easterly track on the franchise right of way described in Section 2, paragraph 11, designated the North Bound Main track.

Track No. 5. The most westerly track on the franchise right of way described in the first part of Section 2, paragraph 1, and the middle track on the franchise right of way described in the second parts of Section 2, paragraph 1, the middle track on the franchise right of way described in Section 2, paragraph 3, the track on the franchise right of way described in Section 2, paragraph 6, designated the Easterly Running track.

Track No. 6. The most easterly track on the franchise right of may described in Section 2, paragraphs 1 and 3, the track on the franchise right of way described in Section 2, paragraph 5, designated the Easterly Switching track.

Section 2. The franchise rights of way hereby granted for the tracks of standard gauge railway, the laying down, construction, maintenance and operation whereof are authorized by this ordinance, are described as follows, 'o-wits

most easterly thirty (30) feet of Reilroad Avenue from a connection with existing right of way of the railway companies at a line drawn right angles to the east line of Railroad Avenue at its intersection with

the north line of Yesler Way and extending northerly to a line drawn at right angles to Railrond Avenue at a point two hundred seventy-three and seven one-hundredths (273,07) feet, more or less, north of the north line of University Street.

Thence a right of way of variable width in Railroad Avenue, the center line of which is described as follows: beginning at a point in the northerly boundary of the above description, being two hundred seventy-three and seven one-hundredths (273.07) feet, more or less, north of the north line of University Street and fifteen (15) feet measured westerly at right angles from the east line of Railroad Avenue; thence northerly along a seven degree thirty minute (7°30;) curve to the left through an angle of seventeen degrees four minutes forty-one seconds (17°04\*41") a distance of two hundred twenty-seven and eightyseven one-hundredths (227.87) feet, to a point of tangency on a line twenty-one and five-tenths (21.5) feet measured westerly at right angles from the east line of Railroad Avenue produced southerly, said right of way being thirty (30) feet in width at the point of beginning and increasing uniformly to forty-three (43) feet in width at the end of the last described curve; thence a right of way forty-three (43) feet in width, and contiming northerly parallel to the east boundary of Railroad Avenue to a line drawn at right angles therete from the northwest corner of Block One Hundred Seventy-five (175), Beattle Tide Lands, a swhich point the northerly boundary of the right of way above described is coincident with the southerly boundary of the easterly forty-three (43) foot/described in paragraph 3.

(2) A right of way fourteen (14) feet in width in Railroad Avenue, the center line of which is described as follows: Commencing at the intersection of the east line of Railroad Avenue with the north line of Yesler Way; thence westerly at right angles to Railroad Avenue a distance of ninety-one and five-tenths (91.5) feet to the true point of beginning of this description; thence northerly ninety-one and five-tenths

(91.5) feet westerly from and parallel to that portion of the east line of Railroad Avenue lying south of Union Street and said portion produced northerly to a point forty-six and seventy one-hundredthe (46.70) feet, more or less, north of the north line of Union Street; thence along a seven degree thirty minute (7°30°) curve to the left through an angle of seventeen degrees four minutes forty-one seconds (17.04441") a distance of two hundred twenty-seven and eighty-seven one-hundredths (227.87) feet to a point of tangency on a line thirtysix (36) feet westerly measured at right angles from the easterly line of Railroad Avenue produced southerly; thence continuing northerly parallel to the easterly line of Railroad Avenue produced southerly to a line drawn at right angles thereto from the northwest corner of Block One Hundred Seventy-five (175), Seattle Tide Lands, at which point the northerly boundary of the right of way above described is coincident with the southerly boundary of the westerly fourteen (14) feet of the forty-liree (43) foot right of way described in paragraph 3.

- Avenue, beginning at a line at right angles to the east line of Railroad Avenue produced southerly drawn from the northwest corner of Block One Hundred Seventy-five (175), Seattle Tide Lands, and extending northerly to the center line of the right of way of the Tunnel tracks described in parigraph 11, said forty-three (43) foot right of way being the most easterly forty-three (43) feet of Railroad Avenue.
- Avenue, beginning at a line at right angles to Mailroad Avenue drawn from the intersection of the easterly line thereof with the northerly line of Yesler Way and extending northerly to the southwesterly boundary of the right of way of the Tunnel tracks in the vicinity of Battery Street described in Paragraph II, the easterly boundary of said fourteen (14) foot right of way being coincident with the westerly

boundary of the rights of way described in paragraphs 2 and 3.

and Railroad Avenue West, beginning at the center line of the right of way of the Tunnel tracks in the vicinity of Battery Street, described in paragraph 11, and extending northerly along Railroad Avenue and Railroad Avenue West to a line drawn at right angles to Failroad Avenue West Trom a point on the east line thereof three hundred sixty-two and ninety-nine one-thousandths (362-099) feet northerly from the north line of West Galer Street, the east boundary of said fifteen (15) foot right of way being coincident with the east line of Railroad Avenue, and the east line of Railroad Avenue Fest. Also a right of way fifteen (15) set in width, beginning at the end of the above description and extending northerly to the west line of 17th Avenue West, the easterly boundary line of said lifteen (15) food right of way being the production northerly of the last boundary of the right of way first above described.

(7) A right of way of irregular width in Railroad Avenue for turnout tracks and to connect the right of way described in paragraphs 4, 8 and 10, said right of way being described as follows:

Beginning at the intersection of the north line of Battery Street produced westerly, with the westerly boundary of the right of way decribed in paragraph 4; thence northerly along a direct line to a line fifty-cight (58) feet southerly from and parallel to the center line of Vine Street, and ninety-three (93) feet westerly of, measured at right

angles to the easterly line of Railroad Avenue; thence casterly along said rarallel line to the west boundary of the right of way for Tunnel tracks described in paragraph II, a distance of twenty-nine and fivetenths (29.5) feet; thence southerly along said west boundary of right of way for Tunnel tracks to the westerly boundary of the right of way described in paragraph 4; thence southerly along said mesterly boundary to the point of beginning.

- (8) A right of way fourteen (14) feet in width in Railroad Avenue, beginning at Fline fifty-eight (58) feet southerly from and parallel to the center line of Vine Street; thence northerly to the north line of Bread Street produced westerly, the center line of said fourteen (14) foot right of way being lifty-five and five-tenths (55.5) feet mest of the westerly boundary of the fifteen and (170-tenths (15.5) foot right of way described in paragraph 6.
- 19) A right of may fourteen (14) ree in width in Railroad Avenue and Railroad Avenue West, beginning at the north line of Broad Street produced wesherly; thence northerly to the north line of West Garfield Street, the center line of said fourteen (14) foot right of ways being fifty-five and fige-tenths (55.5) feet west of the west boundary of the Lifteen and five tenths (15.5) foot right of way Rescribed in paragraph 6.

(10) A right of any fifteen and five-tenths (15.5) feet in width in Railroad Avenue and Railroad Avenue West, beginning at a 1:no fifty-eight (58) feet southerly from and parallel to the center line of Vine Street; thence northerly to the north line of West Garfield Street and the west line of Seventuenth Avenue West, the center line of said fifteen and five-tenths (15.5) foot right of way being forty and seventyfive one-hundredths (40.75) feet west of the west boundary of the fifteen and five tenths (15.5) foot right of way described in paragraph. 6.

(11) A right of way thirty-three (33) feet in width for main or tunnel tracks in Mailrond Avenue and Railrond Avenue West, the conter line of which is described as follows, to - wit: Beginning at a point in the east line of Railroud Avenue sixty-three (63) feet southerly from the Bouth line of Eattery Street; thence northwesterly three hundred forty-four and sixteen one-hundredths (344.16) feet along a tangent making a northwesterly included angle of six degrees twenty-two minutes (6°22') with said east boundary of Railroad Avenue; thence slong a four degree no minute (4°00') curve to the right one hundred fifty-nine and seventeen one-hundredths (159.17) feet to a point sixteen and five-tenths (16.5) feet westerly at right angles from the west boundary of the right of way described in Paragraph 6; thence northerly sixteen and five-tenths (16.5) feet westerly from and parallel to said west boundary of right of way described in Paragraph 6 to the west line of Seventeenth Avenue West.

Section 3. The grant in this ordinance contained is made expressly subject to the following conditions and requirements, to-with

of the streets, avenues and alleys in and across which said railway tracks shall be laid down as over other streets, avenues and alleys in said City, and shall have the right at all times, by general ordinance to regulate the speed of the language tracks, cars and trains within the limits of the franchise rights of way herein granted, and the maximum period of time for which such locomotives, cars and trains shall be allowed to blockade travel along and across the streets embraced in this grant, or intersecting streets, and shall have such further control and police power over such franchise rights of way and the use thereof, as the City Charter and the State Constitution and laws may now or hereafter permit.

SECOND: The City of Scattle hereby reserved to itself, and its grantees the right to install and carry all public utility facultities undermeath, or above, any and all of the trucks hereby authorized, and above or below any and all bridges, trestles or culverts, if any, which

may be constructed or installed under the provisions of this ordinance, and the City reserves to itself full and complete right of access to any space occupied by any of such tracks and to all of said franchise rights of way, within the limits of any streets, alleys, evenues or other public places, together with the right to open and excavate the ground beneath said tracks, or within said franchice rights of way, for all purposes of construction, maintenance, repair, operation and inspection of any public utilities, which rights shall, however, be exercised in such manner as not to interfere with the safe operation of traing on said tracks. In all cases involving a possibility of such interference or of removal of lateral support or excavation beneath the thoke of the granices, fitteen (1%) days written motice shall be given the railroad or railroads whose track or tracks are affected, and such railroad or railroads shall furnish an authorized agent or representative who shall supervise such removation excavation, or other work. If it be necessary that such tracks should be supported or reinforced & during the progress of the construction, repair, renewal, maintenance or inspection of any municipally operated utility, the said grantees, their successors or agaigns, shall construct and place such support and will attend to the readjustment of their tracks at their own cost and expense.

THIRD: Said grantees, their successors or assigns, shall, to such fidth or extent within said franchise rights of way as the City Seattle may from time to time by ordinance require to be improved or reimproved, cause cuch parts of the streets, avenues or other public places lying within the franchise rights of way as herein defined, to & be planked, replanked, paved, repayed, graded, regraded or otherwise improved or reimproved at the same time with the same material and in the same manner as the adjoining parts of such streets, avenues or other public places shall be so planked, replanked, paved, repayed, graded, regraded or otherwise improved or reimproved by the City. All tuch original or subsequent improvement and the maintenance thereof

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shall be done wholly at the cost of said grantees, their successors and assigns, and under the supervision and subject to the approval and acceptance of the Board of Public Works of the City, or such board or body as may be its successor.

and such other railway company or companies, as may hereafter acquire a joint interest by the acquisition of such interest, do covenant and agree with the City of Seattle, for themselves, their successors and comigned as follows:

- signals, lights and appliances ar may be necessary to protect and facilitate public travel;
- chains, factions or damages of every kindland description which may accrue to or be suffered by any person of property by reason of any defective construction or maintenance of any part of the jointly owned franchise rights of way. That in case any cuit or action shall be begun against the city of Scattle for damages arising out of such defective construction or maintenance, then the grantess, their successors and lassigns, shall, upon notice to them of the commencement of such surfaces action, desend the same at their sole cost and expenses
- That if any of the grantees, their successors or assigns, whell carelessly or negligently operate over any of the tracks constructed under this ordinance, and through such carelesslor negligent operation damage shall result to any person, or property, the Railway Company or Railway Companies so carelessly or negligently causing such damage shall protect and save harmless the City of Scattle from all claims, sotions or damages by reason thereof; that in case any suit or action shall be begun against the City of Scattle because of careless or negligent operation, the Railway Company or Railway Companies alleged at fault shall, upon notice to it or them of such suit or action, defend the same at its or their sole cost and expense.

(d) In case judgment shall be rendered against the City, the Railway Company or Railway Companies made responsible by this ordinance for the protection of the City shall fully satisfy such judgment within ninety (90) days after such suit or action shall have been finally determined, if determined adversely to the City.

FIRTH: Said Grantees, their successors or assigns, shall, upon permit is ted oy the Board of Public Works, or such other body as may in the future be by law authorized to act, allow each owner or occupant of a wharf, warehouse or industry configuous or adjacent to the most westerly or the most/sesterly switching tracks herein authorized, or to any street, avenue or other public place along or across which either of said tracks shall be constructed; a spur track or tracks connecting said track with such wharf, warehouse or industry; provided, however, That no crossovers of main line tracks will be permitted north of mall Streat, except as provided in Section 1 of this ordinance, and that said grantees, their successors and assigns, may, at their option, require that such spur track or tracks and all street grading, planking or paving appertaining to the right of way of such spur tracks or tracks be constructed and maintained at the expense of The owner or occupant of such wharf, warehouse or industry; and provided, further, that any such spur track shall start from such point on the said easterly or westerly switching tracks to be constructed as the grantees, their successors and assigns, shall determine upon as the most proper therefor, consistent with the right of the public at street crossings, and shall be subject to such reasonable rules and regulations as to the opening and closing of the switch controlling access thereto, and as to the use of such track, as said grantees, their successors for assigns, may from time to time establish. And said grantees their aucoresors or assigns, or either or any of them, shall have the right to kay down, construct, maintain and operate Pay such spur track or tracks, for the use of the owner or occupant of any such wharf, warehouse or industry, crossing when necessary any other railway track

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or tracks, consistent with the provisions of the franchise herein granted; provided, however, if all of the then joint owners of the portion of the track from which said industrial spur leads do not at the time of construction join therein, the owner or owners not so joining, or any subsequent joint owner of such portion of such track, may thereafter acquire an equal interest therein and the right to use the same, upon paying such proportion of the rost of construction, with interest during construction at the rate of five per cont (5%) per annum, plus interestiffrom the date of completion of construction at the rate of four persont (4%) per sinum, as one is to the number of railroads mership in said spur track, and an no case shall said grantees, their successors or assigns, occupy any more of the righthof way, for the purpose of such crossing, than shall be reasonably necessary therefor, nor shall such space be occupied otherwise than for the transit of logomotives and cars across the same, nor for that purpose any oftener of lenger than shall be reasonably necessary.

表示を言語はませい FIXTH: The said grantees, their successors or agaigns, shall construct and maintain the track or tracks herein authorized so that the top of rail thereof shall at all times conform to the struct grade (except where change is made in separation, of grades), and the said City hereby reserves the right to change the grade of any streets at any time, gand when the said City shall change such grade the said grantees, by the acceptance of this ordinance, hereby covenant and agree with the City, for themselves, their suggestors and assigns, to waive any and all damages that they, or any of them, may sustain on account of having to readjust their track or tracks by reason of such change of grade. Such waiver is made, however, only upon condition that any change of grade hereafter made by the said City in the Streets upon which the franchise is hereby granted shall not be unreasonable, or such as to interfere with the proper and practical operation of said tracks herein authorized, or any of them, when the same shall have

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been sijusted to said new grade.

Section 4. The said grantees, in and by their acceptance of the benefits of this ordinance, agree for themselves, their successors and assigns, that the franchise rights of way and tracks mentioned and described in this ordinance shall be subject to the following provisions, to-wit: That any railway company now owning or operating a standard gauge railway in the City of Seattle under franchise from said city, or any railway company or terminal railway company hereafter receiving a franchise from the City of Seattle and constructing and operating or operating thereunder a standard gauge railway, shall have the right to acquire by purchase, upon the basis of cost of construction, as hereinofter fixed, and interest thereon from the date of the completion of construction at the rate of four per cent (4%) per annum (except as hereinafter provided), an absolute equal joint interest with the grantees herein, or with any of the successors or assigns of the grantees, or the then joint owners thereof, in and to the franchise rights of way and tracks constructed and operated under this frenchise, and in and to the rights and privileges conferred hereby subject to all the provisions of this ordinance; except that no such railway company shall have the right under this ordinance to acquire any interast in the main or tunnel tracks described in Section 2, paragraph 11, hereof, nor shall any such railway company have the right under this ordinance to acquire by yurchase any interest in the franchiss right of way for said main or tunnel tracks, or in and to the rights and privileges therefor conferred by this ordinance; and said grantees, their successors and assigne, or the then joint owners of said tracks and franchise, upon receiving a tender of their prorata proportion of such purchase price, as aforesaid, shall join in a conveyance to such purchaser of such equal joint interest in said franchise rights of way/and tracks and this franchise, except the main or

tunnel tracks and the rights of may and franchise therefor. Provided, however, that the foregoing exceptions shall not affect or impair the equal rights granted by this ordinance to acquire an interest in all other tracks, crossevers and connections authorized by this ordinance and the franchise and rights of way therefor. Thereafter such joint owners shall maintain the tracks jointly owned by them under the terms of this franchise, as follows: The cost of maintenance of jointly owned tracks shall be apportioned between and borne by the joint owners thereof as follows: Sixty per cent (60%) of such cost shall be apportioned between and borne by the joint owners in equal proportions, and forty per cent (40%) of such cost shall be apportioned between and borne by the joint owners upon a car basis, or upon such other basis as may be agreed upon by the joint owners thereof.

The rights and obligations of any owners of an interest in any part of the rights of way, tracks and this franchise, shall not be increased or diminished by the consolidation or merger, howsoever effected, of such owner with any other such owner, or of the property or interests of such

Any railway company now owning separately or jointly a franchise right in Sailroad Avenue and Sailroad Avenue West, within the limits of the franchise herein granted, which said franchise or rights are surrendered as hereinafter provided, shall have the right to purchase an equal joint interest in both running tracks, being Tracks 2 and 5, as described in Section 1 of this ordinance, from Yesler Way to the south line of west Garfield Street, under the provision for maintenance hereinbefore imposed: and having purchased such interest in said running tracks, may purchase and equal joint interest in one or both of the switching or outside tracks, being Tracks 1 and 6, under the provisions hereintefore stated; and if it first purchase only one of such tracks, it may later so purchase the other; provided, that it may elect, at the time of so purchasing an equal joint interest in either of said switching or outside tracks, to except therefrom any portion or portions thereof where the property abutting thereon, other than streets, is owned or controlled exclusively by another railway. company operating upon said Hailroad Avenue and Railroad Avenue west under

franchise; provided further, that no portion or portions of said track or tracks shall be so excepted which are less than fifteen hundred (1500) feet in continuous length; and provided further, that any one or all of such excepted portion of either of said switching tracks; or any part thereof, not less than fifteen hundred (1500) feet in length, may at any time thereafter be purchased by such railway company under the provisions hereinbefore stated. No purchase of a portion of any one of such excepted portions of Tracks 1 or 6 shall be permitted if the portion of the excepted track remaining unpurchased shall abut upon railroad owned or rellroad controlled property fronting upon Railroad Avenue or Railroad Avenue fest which is less than Affteen hundred (1500) feet in continuous length (streets included) but inseach case the entire excepted portion must be purchased. The limitation as to the length of the excepted portions of said Tracks 1 and 6 that may be purchased as above provided, shall not prevent the purchase of less than fifteen hundred (1500) feet for use in connection with grossovers or interlocking systems at or near the northerly terminale of said tracks

ompanies other than the grantees to purchase an interest in the rights and franchises hereby granted, and the tracks laid pursuant thereto, shall not apply to the interest in Track No. 1, which may be acquired by certain railroad companies upon the terms provided in Section 5 of this ordinance.

Interest during construction at the rate of five per cent (5%)

per annum shall be allowed as a part of the cost of construction. In

computing the purchase poice for such equal interest in said franchise

rights of way, tracks and franchise, no interest subsequent to com
pletion of construction shall be paid by any new railway company or

terminal company not now owning or operating, but hereafter receiving

a franchise from the City of Scattle and constructing and operating

or operating thereunder a standard gauge railway therein; provided such purchaser acquire and pay for such interest in said franchise rights of way, tracks and this franchise within one (1) year from the date of the acceptance by it of such franchise from said City, but as to any such purchaser so failing to purchase and pay for such interest within said period of one (1) year, but thereafter electing to purchase such interest, interest at the rate of four per cent (4%) per annum upon the cost of construction thereof shall be computed and paid by it from the date of the acceptance by it of such franchise to the date of such purchase.

of any interest therein, as hereinbefore provided, no value shall be assigned to the franchise hereby granted, but to the extent that filling, riprapping, bridging or other work heretofore done, shall become a part of the roadbed and tracks to be laid down under this franchise, the party who placed it shall have credit, calculated at the cost of reproducing the work at the unit prices prevailing at the time such material was placed, but without depreciation or interest during construction. If the grantees, their successors and assigns, shall make any improvements, additions or betterments, properly chargeable to capital account, to the tracks or right of way herein authorized, the cost thereof so chargeable to capital account shall be included in the cost of construction.

of the railway tracks constructed or to be constructed under this franchise as to the compensation to be paid for the acquisition of such equal joint interest in such franchise rights of way, tracks and franchise, or in case of a controversy as to any matter arising under this franchise or the construction or operation of the tracks constructed or to be constructed thereunder, such controversy shall be submitted for arbitration to a board of disinterested arbitrators, one to be appointed by the then owners of said franchise rights of way, tracks

and franchise, and another by the party deziring to purchase a joint interest therein and in case they cannot agree within fifteen (15) days after appointment, the Board of Public Works of the City of Seattle, or such board or body as may be its successor, shall appoint an additional arbitrator. The controversy shall be submitted without delay to such board of arbitrators, appointed as aforesaid, according to the laws in force in the state of Washington relating to arbitration, and such submission and the decision of such arbitrators thereon shall have the same force and binding effect upon the parties thereto as shall be provided by such laws in other cases of arbitration.

Within nine (9) months from and after the time of the completion of each of the tracks hereinafter referred to in this paragraph, the grantees, or the one of them that constructs such tracks shall, for the purpose of preserving evidence of the cost thereof, file with the City Comptroller and ex-officio City Clerk of said City of seattle a sworn statement of the cost of such construction. Such sworn statement shall separately show the cost of construction of the following: (a) Westerly Switching track, Yesler Way to Broad Street; (b) Westerly Switching track, Broad Street North; (c) Easterly Switching track; (d) Westerly Running track; (e) Easterly Running track; (f) Those portions of the Masterly and Westerly Switching tracks, abutting on exclusively caned railway property in excess of fifteen hundred (1500) fest in length; and upon being required so to do by either the City Council or the Board of Public Works or such other body as may in the future be by law authorized to act, shall submit the items of such cost, together with the vouchers therefor. The tracks authorized hereby may be constructed by said grantees jointly, but if either of the grantees shall refuse to join the other in the construction of such tracks, such other grantee may construct the same at its own cost and expense.

Section 5. The most westerly track now existing on Railroad Avenue between the north line of resler way and the north line of Broad Street, and the franchise authorizing the same, is now owned jointly by the granteegherein; the Oregon-Washington Railroad & Navigation Company, and the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, each owning one-fourth thereof. The grant herein for a franchise for Track No. 1 is coincident with said track between Yesler Way and Union Street. It is understood that the said Oregon-Washington RailFond & Mavigation Company and the Chicago, Milwaukee, St. Paul and Pacific Railroad Company will surrender all their existing franchises on Railroad Avenue and Railroad Avenue West north of the north line of Yesler Way and south of the north line of West Garfield Street except such parts of the existing franchises as may be necessary for connections between the tracks thereby withorized and the tracks herein provided for, at or near the terminals of the rights of way described ction 2 hereof, and it is desired by said Railroad Companies, the grantees and the City to preserve to said companies, upon equitable parity sights about to these they we have in each dreak, and if the said Oregon-Washington Hailroad & Mavigation Company and the Chicago, Milwaukee, St. Paul and Pacific Mailroad Company, having surrendered and released their franchises on Mailroad Avenue and Mailroad Avenue West, as aforesaid, shall within ninety (90) days from the acceptance of this ordinance by the grantees herein each pay to the grantees herein one-fourth of the cost of the readjusting and reconstructing said most westerly track, beir; designated herein as Track Ho. 1, between the north line of reeler ay and the north line of Broad Street, or shall agree in writing to make such payment within thirty (30) days from the rendition of proper bills by the grantees to said companies for their proportionate parts of the cost of said readjustment. and reconstruction, which bills shall be rendered during the progress of, or promptly upon completion of said work, then the

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said grantees, their successors and assigns, shall convey to the Oregon-Washington Hailroad & Mavigation Company and the Chicago, Milwaukee, St. Paul and Pacific Hailroad Company each a one-fourth . interestin said most westerly track No. 1 south of the north line of Broad Street, and the franchise rights therefor. In case only one of said companies shall pay or agree to pay the cost before mentioned, then such company shall be entitled to a conveyance of its one-fourth interest; If either said Oregon Washington Was broad & Mayigation Company or said Chicago, Milwaulne, Wis Bash and Facific Bailroad Company Whall fail to release and surrection the franchises on Hailroad Avenue and Railroad Avenue West, as herein sefore provided; or shall fail to make the payment or agree in writing, as herein provided, all rights given it under this section shall cease and tensinate so far as concerns the company so failing. That portion of said Track No. 1 and the franchise rights therefor lying between the north line of Broad street and the northerly terminus shall be an all respects subject to the provisions of Section 4 hereof.

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Section 6. in the operation of the tracks authorized by this ordinance, said grantees, their successors and assigns, shall have the right to use steam, electric or any other suitable motive power subject to the reasonable control and regulations of the City of seattle.

begin work upon the readjustment and reconstruction of the railway tracks now occupying Mailroad Avenus between the north line of Yesler way and the south line of Union Street, within one year from the time this ordinance becomes operative under the terms and conditions of Section 10 herein, and shall complete said work within six (6) months from the dute of the completion of the filling of Railread Avenue from Yadison Street to the south line of Union Street, and shall complete the readjustment and reconstruction of the remainder of the

tracks lying between the northerly and southerly ends of the rights of wayidescribed in Section 2 hereof, within one year after Kaitroad Avenue and Mailroad Avenue West, from the south line of Union Street to the northerly terminal under this ordinance, shall have been completely filled. Provided, however, that upon those portions of mailrond Avenue and Hailroad Avenue Fest as may be from time to time permanently improved by or under directions of the City of Seattle, the granteen herein, their successors and assigns, shall at the same time readjust and relocate such of their present tracks as may fall within the agea between the new location of Track No. 1 (the Westerly Switching track) and the westerly line of Kailroad Avenue and Railroad Avenue West, in such manner that their most westerly track shall be coincident with the location provided for said Track Bo. 1 in this ordinance. > If said readjustment and reconstruction shall not be begun within the time in this section prescribed, or if said tracks shall not be completed and ready for use within the time in this section prescribed. or within such further period of time as shall be granted by ordinance, then Juntees the beginning of said work or the completion of such tracks to the extent aforesaid, as the case may be, shall have been prevented by injunctions, unavoidable delays in terminating condemnation strikes, riots or some other occurrence beyond the control of said grantees, their successors and assigns, the City Council of said City shall have the right after sixty (60) days! notice to said grantees, their auccessure and assigns, to declare by ordinance the forfeiture of all rights; privileges and authorities herein granted. excepting only those pertaining to Track No. 1 south of the north line of Broad Street.

Section 8. The grantees, for themselves and their successors and assigns, do severally agree with the City of Seattle by the acceptance of this ordinance that they will, within the time specified in

Section 7 of this ordinance, readjust all railway tracks which they
may have within those parts of Mailroad Avenue and Mailroad Avenue
West lying between the northerly and southerly ends of the franchise
rights of way described in Section 2 hereof, so that such tracks shall
conform substantially in their alignment to the alignment of the rights
of way described in Section 2 of this Ordinance.

Section 9% Nothing in this ordinance contained shell be construed as granting an exclusive franchise or privilege for the use of any street, avenue, alley or highway, or other public place, or any part thereof, and the grant herein contained shall be subject to the right of the City Council at any time hereafter to repeal, change or modify said grant, if the franchise hereby granted is not operated in accordance with the provisions of such grant, or at all, and the city of Seattle reserves the right at any time hereafter so to repeal, amend or modify said grant, with due regard to the rights of the grantees, their buccessors and savigns, and the interest of the public.

Mection 10. In somer to claim the benefits of this ordinance and to acquire the rights, provileges and authorities hereby granted, the grantees, is behalf of the malives, their successors or ausigns, must, within nivers (90) days after this ordinance because effective, filt in the office of the City Samptroller and ex-officio City Clerk, a copy of a resolution, duly suppose by their Board of Directors, which copy shall be duly certified and attested by their proper officers under their corporate seal, accepting the benefits of this ordinance and the rights, privileges and authorities bereby granted, subject to all the conditions, restrictions, specifications and requirements herein expressed, and also relinquishing and surrendering all franchises heretofore granted by the City of Deattle to them or their predecessors in interest in so far as such franchises appertain to that part of mailroad Avenue and mailroad Avenue west, north of the north line of

Yesler way and south and east of the north line of west varield street, and of the west line of Seventeenth Avenue west, except such parts of such franchises as may be necessary for connections between the tracks thereby authorized and the tracks herein provided for, at or near the terminals of the rights of way described in Section 2 hereof.

section 11. in order to claim the benefits of this ordinance, and to acquire the right to purchase an interest in the rights of way, tracks, privileges and authorities hereby granted, in accordance with the Storms hereof, the Uregon-Washington Hailroad & Havigation Company and the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, each in behalf of itself, its successors and assigns, shall concurrently with the acceptance of this ordinance by the grantees herein, as provided in Section 10 hereof, file in the office of the City Comptroller and ex-officio City Clerk a partified copy of a resolution duly adopted by its Board of Directors, which copy shall be duly certified and attested by its proper officers under its corporate seal, relinquishing and surrendering all franchises heretofore granted by the City of Seattle to it or its predecessors in interest, in so far as such framchises apportain to that part of Railroad Avenue and Bailroad Avenue West, north of the north line of Yesler Way and southeasterly of the north line of West Unrield Street, and the westerly line of Seventeenth Avenue West, except such parts of such frenchises as may be necessary for houndctions between the tracks thereby authorized and the tracks herein provided for, at or new the terminals of the rights of may desoribed in Section 2 hereof. The Oregon-washington Railroad & Mavigation Company, its successors and assigns, shallnot be required under this section, to relinquish and surrender any franchise right of way heretofore granted on Hollroad Avenue West and Beventeenth Avenue West. lying northerly of the easterly line of the right of way described in I regraph 5, Section 2, of this ordinance.

Section 12. Notwithstanding the surrender and release of franchises made pursuant to Sections 10 and 11 hereof, the grantees, the Oregon-Tashington Hailroad & Mavigation Company and the Cricago, Milwaukee, St. Paul and Pacific Hailroad Company, shall, until the completion of the work of reconstruction and readjustment of the trackage on Mailroad Avenue and Railroad Avenue West have, and they hereby are granted the right to operate on and over the tracks on Mailroad Avenue and Hailroad Avenue west, in accordance with the terms of franchises now existing so long as such operation does not interfere with the work of reconstruction and readjustment.

Section 13. At the expiration of ninety (90) days from the date on which this ordinance becomes effective and upon compliance with the terms and conditions of Section 10 herein by said grantees, this ordinance shall become, as to such prantees, fully operative, and they shall proceed to carry out the provisions thereof.

Section 14. Except as herein provided, this franchise and the rights herein granted or any interest in them, shall not be sold, assigned or mortgaged without the consent of the City Council by ordinance. Nor shall the same in such event accrue to the benefit of the purchaser, assignee or mortgages unless within sixty (60) days after such consent it or they shall file with the City Comptroller and exofficio City Clerk of the City of Seattle, an acceptance of all the rights, privileges and authorities hereby granted, subject to all the conditions, restrictions, specifications and requirements herein expressed. Provided, that the rights acquired hereunder by the grantees, their successors and assigns, shall be decade spourtenant to and running with the railroad of each thereof, and each may sell, assign, least or mortgage such rights as an entirety in connection with and as a part of its railroad, without such consent or acceptance.

Section 15. This ordinance shall take effect and be in force thirty (30) days from and after its passage and approval, if approved by the mayor; otherwise it shall take effect at the time it shall

under the provisions of the City Charter. City Council the 18th day of March, 1929, and signed by intopen esseion in authentication of its passage this 18th day of March, osident of the City Council. では という

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## ORDINANCE NO. 58867\_

All ORDINAICE granting to the Horthern Pacific Rail-way Company, rights of way for, and the right, privilego and authority to locate, lay down, construct, maintain and operate sundry railway tracks in along and across sundry streets, avenues and other public places within the limits of the City of Seattle.

BE IT OFDAINED BY THE CITY OF SEATTLE AS FOILOWS:

Section 1. That the City of Scattle does hereby grant to the Northern Pacific Railway Company, a corporation, in perpetuity, the right, privilege and authority to locate, lay down, construct, maintain and operate sundry tracks of standard gauge railway upon the franchise rights of way hereinafter designated and specified, the location of said track and said right of way to be as shown on Exhibit A attached and made a part of this franchise, and such crossovers and connections between said tracks and any other tracks adjacent therete as may be reasonably necessary, and upon permit granted by the Board of Public Works, or such other body as may in the future be by law authorized to act; all of which rights, privileges and authorities and franchise rights of way, are hereby granted, subject to all the conditions, restrictions, specifications and requirements in this ordinance expressed.

ARENDED COD.

Section 2. The franchise rights of way hereby granted for the tracks of standard gase railway, the laying down, construction, maintenance and operation whereof are authorized by this ordinance, are described as follows, to-wit:

Pirst: right of way 14 feet in width, being 7 feet wide on oac; side of the following described center line.

Hoginming at the point of intersection of the north line of Meeler Way, with a line parallel to and 4 foot easterly from when measured at right angles to the easterly line of Hailroad Avenue; thence northerly along said parallel line to the northerly line of Union Struct produced westerly; thence along the arc of a curve to the right, having a radius of 963.334 foot, subtending an angle of 7°00115" a distance of 110.99 foot to a point of reverse curve; thence along the arc of a curve to the left, having a radius of 963.334 foot, subtending an angle of 7°09115" a distance of 119.99 feet to a point of tangency and intersection with the line by ween Lota 2 and 3 in Block 175, Seattle Tide Lands; thence Borth 31°

45'10" West, a distance of 119.974 feet to a point on the southerly line of Pike Street, which point is 131.00 feet westerly of the westerly line of Western Avenue, when along a curve to the left, having a radius of 557.06 feet to the westerly line of the alley in Block "H" of A. A.

Said center line crossing in its course Columbia, Marion, Madison, Spring, Seneca, University, Union and Pike

Second: Also a right of way of variable width across West Prospect, West Lee and West Galer Streets, being those portions of said streets lying between the easterly margin of Railroad Avenue West and a straight line beginning at a point on the scutherly line of West Prospect Street 14.5 feet easterly from the easterly margin of Railroad Avenue West and terminating at a point on the northerly line of West Galer Street 21 ft. easterly from the easterly margin of Railroad Avenue West, said distances being measured along said respective street lines.

Section 3. The grant in this ordinance contained is made expressly subject to the following conditions and requirements, to-wit:

FIRST: The City of Seattle shall retain the same control of the streets, avenues and alleys in and across which said railway tracks shall be laid down as over other streets, avenues and alleys in said City, and shall have the right at all times, by general ordinance, to regulate the speed of the locomotives, cars and trains within the limits of the franchise rights of way herein granted, and the maximum period of time for which such locomotives, cars and trains shall be allowed to blockade travel along and across the streets embraced in this grant, or intersecting streets, and shall have such further control and police power over such franchise rights of way and the use thereof, as the City Charter and the State Constitution and laws may now or hereafter permit.

SECOND: The City of Seattle hereby reserves to itself, and its grantees the right to install and carry all public utility facilities underneath, or above, any and all of the tracks hereby authorized, and above or below any and all bridges, trestles or culverts, if any, which may be constructed or installed under the provisions of this or-

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dinance, and the City reserves to itself full and complete right of access to any space occupied by any of such tracks and to all of said franchise rights of way, within the limits of any streets, alleys, avenues or other public places, together with the right to open and excavate the ground beneath said tracks, or within said franchise rights of way, for all purposes of construction, maintenance, repair, operation and inspection of any public utilities, which rights shall, however, be exercised in such manner as not to interfere with the safe operation of trains on said tracks. In all cases involving a possibility of such interference or of removal of lateral support or excavaretion beneath the tracks of the grantes, fifteen (15) days written notice shall be given the grantee, its successors or assigns, who shall furnish an authorized agent or representative to supervise such removal or excavation, or other work. If it be necessary that such tracks should be supported or reinforced during the progress of the construction, repair, renewal, maintenance or inspection of any municipally operated utility, the said grantee, its successors or assigns, shall construct and place such support and will attend to the readjustment of its tracks at its own cost and expense.

THIRD: Said grantee, its successors or assigns, shall, to such width or extent within said franchise rights of way as the City of Seattle may from time to time by ordinance require to be improved or reimproved, cause such parts of the streets, avenues or other public places lying within the franchise rights of way as herein defined, to be planked, replanked, paved, repaved, aregraded or otherwise improved or reimproved at the same time with the same material and in the same manner as the adjoining parts of such streets, avenues or other public places shall be so planked, replanked, paved, repaved, graded, regraded or otherwise improved or reimproved by the City. All such original or subsequent improvement and the maintenance thereof shall be done wholly at the cost of said grantee, its successors and

assigns, and under the supervision and subject to the approval and acceptance of the Board of Public Works of the City, or such board or body as may be its successor.

FOURTH: The grantee, by its acceptance of this ordinance does covenant and agree with the City of Seattle for itself, its successors and assigns, as follows:

- (a) To erect and maintain all such safety devices, warning signals, lights and appliances as may be necessary to protect and facilitate public travel;
- (b) To protect and save harmless the City of Seattle from all claims, actions or damages of every kind and description which may accrue to or be suffered by any person or property by reason of any defective construction or maintenance of any part of the rights of way herein granted. That in case any suit or action shall be begun against the City of Seattle for damages arising out of such defective construction or maintenance, then the grantee, its successors and assigns, shall, upon notice to it of the commencement of such suit or action, defend the same at its sole coat and expense;
- carelessly or negligently operate over the tracks constructed under this ordinance, and through such careless or negligent operation damage shall result to any person, or property, the grantee, its successors or assigns, shall protect and save harmless the City of Scattle from all claims, actions or damages by reason thereof; that in case any suit or action shall be begun against the City of Scattle because of careless or negligent operation, the grantee, its successors or assigns, shall, upon notice to it of such suit or action, defend the same at its sole cost and expense.
- (d) In case judgment shall be rendered against the City, the grantee, its successors or assigns, shall fully satisfy such judgment within ninety (90) days after such suit or action shall have been fi-

nally determined, if determined adversely to the City.

construct and maintain the tracks herein authorized so that the top of rail thereof shall at all times conform to the street grade (except where change is made in separation of grades), and the said city hereby reserves the right to change the grade of any streets at any time, and when the said city shall change such grade the said grantee, by the acceptance of this ordinance, hereby covenants and agrees with the city, for itself, its successors and assigns, to waive any and all damages that it may sustain on account of having to readjust its tracks by reason of such change of grade. Such waiver is made, however, only upon condition that any change of grade hereafter made by the said city in the Streets upon which the franchise is hereby granted shall not be unreasonable, or such as to interfere with the proper and practical operation of said tracks herein authorized, when the same shall have been adjusted to said new grade.

SIXTH: In the operation of the tracks authorized by this ordinance, said grantee, its successors and assigns, shall have the right to use steam, electric or any other suitable motive power subject to the reasonable control and regulations of the City of Scattle.

SEVENTH: Nothing in this ordinance contained shall be construed as granting an exclusive franchise or privilege for the use of any street, avenue, alley or highway, or other public place, or any part thereof, and the grant herein contained shall be subject to the right of the City Council at any time hereafter to repeal, change or modify said grant, if the franchise hereby granted is not operated in accordance with the provisions of such grant, or at all, and the City of Seattle reserves the right at any time hereafter so to repeal, amend or modify said grant, with due regard to the rights of the grantee, its successors and assigns, and the interest of the public.

EIGHTH: In order to claim the benefits of this ordinance and

to acquire the rights, privileges and authorities hereby granted, the grantee, in behalf of itself, its successors or assigns, must, within ninety (90) days after this ordinance becomes effective, file in the office of the City Comptroller and ex-officio City Clerk, a copy of a resolution, duly adopted by its Board of Directors, which copy shall be dul; certified and attested by its proper officers under its corperate seal, accepting the benefits of this ordinance and the rights, privileges and authorities hereby granted, subject to all the conditions, restrictions, specifications and requirements herein expressed.

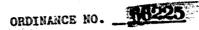
NINTH: Except as herein provided, this franchise and the rights herein granted or any interest in them, shall not be sold, assigned or mortgaged without the consent of the City Council by ordinance. Nor shall the same in such event accrue to the benefit of the purchaser, assignee or mortgagee unless within sixty (50) days after such consent it or they shall file with the City Comptroller and exofficio City Clerk of the City of Seattle, an acceptance of all the rights, privileges and authorities hereby granted, subject to all the conditions, restrictions, specifications and requirements herein expressed. Provided, that the rights acquired hereunder shall be deemed appurtenant to and running with the railroad system of the grantee, its successors or assigns, and may be sold, assigned, leased or mortgaged as an entirety in connection with and as a part of said railroad system without such consent or acceptance.

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its passage and approval, if approved by the mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the City Charter.

Passed the City Council the 13 day of ANIJARY

1930, and signed by me in open sage this 13 day of	session in authentication of its pas- IANUARY 1930.
	The Saure Fresident of the City Council
Approved by me this	1/3 day of
	France Edena
Filed by me this	Attest: City Conptroller and ex-officio
Jäk (Sosel)	By: Deputy Clerk

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AN ORDINANCE granting to the confidences R.R. Co., a corporation, its successors and assigns, a right of way for, and the right, privilege and authority to locate, lay down, construct, maintain and operate thereon, a spur track connecting with its existing and operate thereon, a spur track connecting with its existing spur track in Jackson Street west of Railroad Avenus, and amending Section 2 of franchise Ordinance No. 9119.

assignments and acceptances, the Pacific Coast R.R. Co. has acquired, and now owns and holds, the franchise granted by Ordinance No. 9112, together with the sundry railway tracks and facilities No. 9112 together with the sundry railway tracks and facilities not stalled pursuant thereto, including a hereinafter mentioned spur track in Jackson Street connecting with which said company desires track in Jackson Street connecting with which said company desires authority to construct a turnout spur track furnishing railway service to a new dock now under construction on the waterfront service to a new dock now under construction on the waterfront north of Jackson Street, company known as allow Pier B.W, and such turnout spur track being necessary, desirable, and in the public interest;

NOW, THEREFORE, in order to effectuate such purpose, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Grant: That there be, and is hereby, granted to Pacific Coast R.R. Co. a right of way in Jackson Street for, and the right, privilegs and authority to locate, lay down, construct, maintain and operate thereon, a turnout spur track connecting with said company's existing spur track in said street west of Railroad Avenue, all under, and by virtue of, franchise Ordinance No. 9119, entitled:

"AN ORDINANCE of the City of Seattle granting to the COLUMBIA & PUGET SOUND RAILROAD COMPANY, its successors and assigns, the right privilege and authority to lay down, construct, maintain and operate sundry railway tracks along and across sundry streets, avenues and other public places within the City of Seattle, and upon other property within the limits of said City, and granting to said company, its successors and assigns, rights of way for such tracks along and across all such streets, avenues and other public places of said City."

approved January 6, 1903, and upon, and subject to, the terms, conditions, restrictions, specifications and requirements in said Ordinance contained, the said right of way and the location of said turnout spur track being hereafter more specifically designated and provided for in Section 2, and being graphically depicted on the attached plat marked Exhibit "i" which is hereby made a part hereof.

Section 2. That Section 2 of said Ordinance No. 9119, be, and the same is hereby, amended to read as follows:

Section 2. Description: The tracks of standard gauge railway the laying down, construction, maintenance and operation whereof are authorized by this ordinance, and the rights of may hereby granted for the same, are described as follows: A single track of standard gauge railway, the center line whereof shall be as nearly as may be coincident with the center line of the right of way therefor next hereinbelow specified, and a raght of way 15 feet in width for such track, the center line of which right of way shall begin at the intersection of the south boundary line of the City of Scattle with a line drawn parallel with and 22.5 feet east of the west line of Colorado Street in said City, and shall run thence north along said last described line to the north line of the Canal Waterway, as laid out on the map of Seattle Tide Lands filed on March 15, 1895, in the office of the Board of State Land Commissioners of the State of Washington; and two tracks of standard gauge railway, the center lines of which tracks shall be as nearly as may be parallel with and 7.5 feet distant on either side from the center line of the right of way therefor next hereinbelow specified, and a right of way 30 feet in width for such tracks, the center line of which right of way shall begin at the intersection of the north line of said Canal Waterway with a line parallel with and 15 feet east of the rest line of Colorado Street, and

shall run thence north along said last described line to a point as nearly as may be at the intersection thereof with the south line of Atlantic Street produced westward, thence on a curve to the right with a radius of 955.4 feet, through 17 degrees 14 minutes 15 seconds of curvature, to a point where such curve is tangent to a line in Reilroad Avenue parallel with and 133 feet easterly of the westerly line of said avenue, measured at right angles thereto, thence northerly on said last described line to a point as nearly as may be at the intersection thereof with the north line of lot 17 in block 329 of said Seattle Tide Lands produced westward, thence on a curve to the left with a radius of 955.4 feat, through 17 degrees 14 minutes 15 seconds of curvature, to a point where such curve is tangent to & line in Railroad Avenue parallel with and 67 feet west of the east line of said avenue, thence north on said last described line to a point as nearly as may be at the intersection thereof with the north line of lot 8 in block 367 of said Seattle Tide Lands produced eastward, and thence on a reverse curve, curving first to the left and then to the right, each branch thereof with a radius of 955.4 feet, to a point where the northerly branch of such reverse curve is tangent to a line in Railroad Avenue parallel, with and 90.5 feet east of the west line of said avenue, which point is as nearly as may be at the intersection of said last described line with an east and west line drawn through the north line of lot 4 in block 367 of said Seattle Tide Lands - said right of way, however, tapering uniformly, as nearly as may be, from 30 feet in width at the south end of the southerly branch of said reverse curve to 15 feet in width at said last mentioned point, and said two tracks converging into a single track in the course of said reverse curve; and a single track of standard gauge railway, the center line

whereof shall be as nearly as may be coincident with the center line of the right of way therefor next hereinbelow specified, and a right of way 15 feet in width for such track, the center line of which right of way shall begin at said last mentioned point, to-wit: At the north end of the northerly branch of the reverse curve above designated, and shall run thence north, on a line parallel with and 90.5 feet east of the west line of Railroad Avenue, to the intersection thereof with the center line of Wain Street produced westward, thence on a curve to the left with a radius of 262 feet, through 90 degrees of curvature to a point where such curve is tangent to a line parallel with and 7.5 feet north of the north - line of block-199 of said Seattle Tide Lands, and thence west on said last-described line to the inner harbor line of the harbor of the Gity of Seattle; and a single track of standard gauge railway, the center line whereof shall be as nearly as may be coincident with the center line of the right of way therefor next hereinbelow specified, and a right of way 15 feet in width for such track, the center line of which right of way shall begin as nearly as may be at the intersection of a line parallel with and 195.4 feet in a line parallel with a line par of the south line of Jackson Street, as laid out on said map of said Seattle Tide Lands, with a line parallel with and 90.5 feet ..... east of the west line of Railroad Avenue, and shall run thence northwesterly, on a curve to the left with a radius of 287.9 feet, tangent at said point of beginning to said last described line in Railroad Avenue, through 90 degrees of ourvature to a point in Jackson Street, 7.5 feet south of the north line thereof, thence west, on a tangent parallel with and 7.5 feet south of the north line of said Jackson Street, to the inner harbor line of the harbor of the City of Seattle; and a single track of standard gauge railway, with the center line whereof shall be as nearly as may be coincident with the center line of the right of way therefor next hereinbelow specified, and a right of way 15 feet in width for such track, the center line of which right of way shall begin as nearly as may be at a true point of beginning, situate in Jackson Street west of Railroad Avenue and in the arc of the curve described by the 287.9 foot radius next hereinabove mentioned, and dis (measured along a 15 foot chord subtending said arc) 15 feet northwesterly from the point of intersection of seid arc and the west line of Railroad Avenue, and which center line shall run thence northwesterly in a straight line tangent to said arc at said true point of beginning, intersecting the north line of Jackson Street as nearly as may be 101 feet west of the west line of Railroad Avenue, and lies feet distant from said true point of beginning.

Section 3. Acceptance: In order to claim the benefit of this ordinance and to acquire the right, privilege and authority hereby granted, said grantee must, within 90 days after the effective date of this ordinance, file in the office of the City Comptroller and Ex-Officio City Clerk a copy, duly certified and attested by its Secretary under its corporate seal, of its duly adopted corporate resolution accepting the same, subject to all of the conditions, restrictions, specifications and requirements herein expressed and/or contained in said Ordinance No. 9119, in the absence of which this ordinance and the grant herein contained shall be null and void and of no force or effect.

(To be used for all Ordinances except Emergency.)

Passed the City Council the 13 day of	APRIL	.,36
d signed by me in open session in authensication of its	passage this /3	. 19
APRIL , 1936	Frank J. S	ande
	President	the City Counci
Approved by me this 16 day of A	PRIL 1936	Ony Counci
	Charles C	2-11
Filed by me this /6 day of	OPRIL 1936	Mayor.
	Mar	₩.
APR 27 1936	Attest: VI Comptroller and Exa	White Ciny Class
AL)	ByCt	Whenit.
APR ~ 1936		Deputy Clerk.

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JES:MS. 5-17-43

## ORDINANCE NO. 72613

AN ORDINANCE accepting the relinquishment by the Northern Pacific Railway Company of apportion of the franchise rights and privileges granted by Ordinance No. 9118 as amended by Ordinance No. 12018.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That the relinquishment (Comptroller's File No. 176493) by the Northern Pacific Railway Company of the franchise rights and privileges granted by Ordinance No. 9118, as amended by Ordinance No. 12018, in so far as said ordinance as amended relates to the following described rights of way:

- l. The Southwesterly 15 feet of that portion of the 30-foot right of way in Railroad Way described in paragraph Seventhly of section 2 of said ordinance as amended, lying between the East margin of First Avenue Scuth, produced across Railroad Way, and a line parallel with and 22 feet West of, measured at right angles to the West line of Block 328, Seattle Tide Lands produced North; and
- 2. All that portion of the 30-foot right of way described in paragraph Sixthly in section 2 of said ordinance as amended, which lies in Railroad Avenue (now Alaskan Way South);

be and the same is hereby accepted on the conditions contained in said relinquishment.

Section 2. That the City Engineer be and he is hereby authorized and directed, For and on behalf of the City, to execute said relinquishment and to enforce the conditions thereof.

Section 3.... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed the City Council the24	day of May	19 43
and signed by me in open session in authentica	tion of its passage this	Thel,
	PresidentPro.Ten.	of the City Council.
Approved by me this27day o	May 19 42	<u> </u>
		Mayor.
Filed by me thisday of.	May 19-	<i>3</i> 4.5
	Attest:	Officio City Clerk.
	By II Bur	nes
(SEAL)	Dynamia	Deputy Clerk.
	City Comptroller and the	-Officio City Clerk.
Published		
	Ву	Deputy Clerk.
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# CRDINAMOR NO. 75816

AT CADIMANCE relating to the franchise granted by Ordinance No. 13030 and amending Section 2 thereof to authorize a change in the right of way for certain railway tracks.

WHEREAS, Oregon-Washington Reilroad and Navigation Company and Union Facific Railroad Company have requested (Comptroller's File No. 192101) a change in the right of way granted for certain railway tracks granted by Ordinance No. 18030; Now, Therefore,

BE IT CRDAINED BY THE CITY OF SEASTLE AS FOLICUS:

Section 1. That Section 2 of Ordinance No. 18030 as amended by Ordinances Nos. 26254 and 30947 is hereby amended to read as follows:

Section 2. The tracks of standard gauge railway, the laying down, construction, maintenance and operation whereof are authorized by this ordinance, and the rights of way hereby granted for the same are described as follows, to-wit:

First. A right of way thirty (30) feet in width for two tracks of standard gauge railway, the center line of which is described as follows:

Beginning at a point on the southerly boundary line of the City of Seattle where the same is intersected by the center line of Duwamish Avenue, as the same is shown on the official plat of L add's Factory Sites, which said point is one hungred twenty-eight and eighty-four hundredths (126.84) feet west of the stone monument at the northeast corner of Eli B. Maple's Donation Claim No. 39; thence north forty-one degrees one minute and forty-five seconds west on the center line of Duwamish Avenue, to a point that is one hundred thirty-five and ninety-eight numbered this (135.98) feet north of and two hundred ninety-eight numbered this (135.98) feet north of and two hundred ninety-eight numbered this (297.75) feet west of Keander Fost No. 2, as the same is shown on sheet forty (40) of the official plat of Seattle Tide Lands: thence on a curve to the official plat of Seattle Tide Lands; thence on a curve to the right with a radius of seven hundred sixty-four and forty-nine hundredths (764.49) feet through eight degrees nineteen minutes of are a distance of one hundred eleven (111) feet; thence north thirty-two degrees forty-two minutes and forty-five secest a distance of six hundred fourteen and seventy-six ths (614.76) feet; thence on a curve to the left of a Of of seven hundred sixty-four and forty-nine hundredths hu: ros ) feet through eight degrees nineteen minutes of are a e of one hundred eleven (111) feet to a roint sixty (60) orthoasterly from, when measured at right angles to, the law marginal line of Dumanish Avenue, as the same is the forty (40) of the circular plat of Scattle Tide A: west on a line that in sixty (50) feet distant from called with the scutherly marginal line of Duwamish Avenuc, and Duwnmish Avenue produced to a point that is one hun-dred fifty-seven and eleven hundredths (157.11) feet south of and two hundred sixteen and twenty-four hundredths (216.24) and two hundred sixteen and twenty-four hundredths (216.24) feet east of the north corner of Block 378, Seattle Tide Lands; thence on a curve to the left with a radius of eleven hundred

fifty-three and seventy-eight hundredths (1153.78) feet fifty-three and seventy-eight hundredths (1153.78) feet through live degrees fourteen minutes of are a distance of one hundred five and thirty-five hundredths (105.35) feet; thence north forty-six degrees fifteen minutes forty-five seconds west a distance of seventy-nine and eighty-four hundredths (73.84) feet to a point that is twenty-five and sixty-eight hundredths (25.68) feet south of and eighty-five and eighty-five hundredths (85.85) feet east of the north corner of Block 378, Seattle Tide Lands; and from this point a right of may thirty-five and sixty-six hundredths (35.66) feet in width for two (2) tracks of standard gauge railway, the center line of which shall begin at the last mentioned point, thence northwesterly along a curve to the left having a radius of four hundred sixtycurve to the left having a radius of four hundred sixty-six and seven hundred seventy-six thousandths (466.776) feet a distance of three hundred fifty-five and sixty-four hundredths (355.64) feet to a point on the center line of the Northern Pacific Railway Company's franchise, granted the Northern Pacific Railway Company's franchise, granted by King County, Washington, January 22nd, 1904, also a right of way thirty (30) feet in width for two tracks of standard gauge railway, the center line of which is described as follows: Beginning at a point one hundred ninety-five (195) feet south of and thirty-four and nine hundred and ninety-six thousandths (34.996) feet east of the northwest corner of block 390, Seattle Tide Lands; thence northwesterly along a curve to the right having a radius of six hundred thirty-seven and two hundred and seventy-five thousandths (637.275) feet a distance of one thousand (1,000) feet to a point on a line distant one hundred ten (110) feet west of the east line of Kitsap Avenue; thence north parallel to the east line of Kitsap Avenue; thence north parallel to the east line of Kitsap Avenue to the inner harbor line, said line in its course crossing block "C", Wallingford's Addition; Sixth Avenue South, Block two (2) and three (3), Painter's Addition, Fifth Avenue South, block three (3), Elliott Bay Addition, and Fourth Avenue South, First Avenue South, Seattle Boulevard, Whatcom Avenue, Montana Avenue, East Waterway, Missouri Avenue and West Spokane Street.

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Also the right, privilege and authority to lay down, construct, maintain and operate such tracks as the said grantee, its successors and assigns, may see fit to construct within the following described territory:

All of that part of Ladd's Factory Sites, including streets and private property, between Duwanish Avenue and Colorado Street; all of Painter's, Black's, Elliott Bay and Wallingford's Additions, including streets and private property, that lies southerly and westerly of the Puget Sound Electric Company's right of way; all of that unplatted portion of what would be the northerly half of block three hundred fifty-one (351), Scattle Tide Lands, as shown on the official plat thereof; all that unplatted portion of what would be block three hundred cifty-five (355), Centhe lide Lands; as shown on the official that thereof; all that unplatted portion of what would be Colorado Street between bloc's three hundred fifty-one (351) and three hundred fifty-five (355), Deattle Tide Lands, as shown on the official plat thereof; also all of lots one (1) to thirteen (13) inclusive, and thirty-six (36) to forty-five

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(15) inclusive, block three hundred fifty-five (355), Scattle Tide Lands; all of block three hundred fifty-six (356), Scattle Tide Lands; and all that unplatted portion of what would be the easterly part of block three hundred fifty-six (356), Scattle Tide Lands, as the same is shown on the official plat thereof; all of Dakota Street, and what would be Dakota Street between blocks three hundred fifty-five (355) and three hundred fifty-six (355), Scattle Tide Lands, as shown on the official plat thereof; all that part of what would be Dakota Street plat thereof; all that part of what would be Dakota Street if the care were established, as shown on Sheet Forty (40) of the official plat of Scattle Tide Lands, bounded as follows: On the west by the Government Ecander line, on the south by the southerly line of Dawanish Avenue produced, on the east and north by that certain thirty (30) foot right of way above described. Lots eight (8) to aleven (11) inclusive, block three hundred cighty-six (366), Scattle Tide Lands; Missouri Street between blocks three hundred ninety-two (392), Scattle Tide Lands; Missouri Street between blocks three hundred ninety-three (393), Scattle Tide Lands; Chelan Avenue between blocks three hundred ninety-three (394), Scattle Tide Lands; Chelan Avenue between blocks three hundred ninety-four (394), Scattle Tide Lands; Block three hundred ninety-four (394), Scattle Tide Lands; block three hundred ninety-four (394), Scattle Tide Lands; blocks three hundred ninety-five (395), Scattle Tide Lands;

Second: A right of way thirty (30) feet in width for two tracks of standard gauge railway, the center line of which is described as follows:

Beginning at a point in that certain thirty (30) foot right of way described in the first paragraph above, where a curve to the right with a radius of seven hundred sixty-four and forty-nine hundredths (764.49) feet, consuming an angle of thirty-two degrees, forty-two minutes and forty-five seconds of arc, would become tangent to a line drawn forty-five (45) feet distant east from, when measured and right angles to, the westerly line of Colorado Street produced southerly across Island No. one (1), as the same is shown on Sheet forty (10) of the official plat of Seattle Tide Lands; thence north of a line that is forty-five (45) feet distant east of, when measured at right angles to and parallel with the westerly line of Colorado Street produced, to that old boundary line of the City of Seattle coincident with the east and west center line of Section eighteen (18), township twenty-four (24) north, range four (4) east, Willamet's Meridian.

Third: A right of way fifteen (15) feet in width for one track of standard gauge railway, the center line of which is described as follows: Beginning at the intersection of that old boundary line of the City of Seattle which is coincident with the east and west center line of section eighteen (18), township twenty-four (24) north, range four (4) east, Willamette Moridian; with a line rarallel with and thirty-seven and five tenths (37.5) feet east of the west line of Colorado Street produced south, run thence northward on said last described line to its intersection with the south line of Atlantic Street. The above and

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foregoing in this sub-paragraph has been granted and allowed by the City of Seattle in Ordinance 2118, amended by Ordinance No. 12018, Approved January 25, 1205, and entitled "An ordinance amending sections two (2) and three (3) of an ordinance of the City of Seattle, No. 2118, entitled 'An ordinance of the City of Scattle granting to the Northern Pacific Railway Company, its successors and assigns, the right, privileges and authority to lay down, construct, maintain and operate sundry railway tracks along and across sundry streets, avenues, alleys, and other public places within the city of Seattle, and upon other property within the limits of said city, and granting to said company, its successors and assigns, rights of way for such tracks along and across all such streets, avenues, alleys and other public places of said city."

Fourth: A right of way fifteen (15) feet in width for one (1) track of standard gauge railway, the center line of which is described as follows: Beginning at the intersection of that old boundary line of the City of Scattle coincident with the east and west center line of section eighteen (18), township twenty-four (24) north, range four (4) east, Willamette Heridian, and a line seven and five-tenths (7.5) feet east of the westerly marginal line of Colorado Street produced south, run thence north on a line seven and one-half (72) feet easterly of and parallel with the westerly marginal line of Colorado Street to the north line of the canal waterway.

Fifth: A right of way fifteen (15) feet in width for one track of standard gauge railway the center line of which is described as follows: Beginning at the intersection of that part of the 1d south houndary line of the City of Seable which crosses Island No. I with a line parallel with and forty-seven and five-tenths (47.5) feet measured at right angles, west of the east line of Colorado Street produced south, and shall run thence north on last described line to and in said Colorado Street to a point as near as may be eight (8) feet south of the north line of lot ten (10) block three hundred thirty-one (331), Seattle Tide Lends, produced west; thence on a curve to the right with a radius of nine hundred ninety-five (905) feet to a point where said center line becomes tangent to said curve and identical with the center line of the right of way for a track laid parallel with and one hundred ten and five-tenths (110.5) feet easterly of, measured at right angles to, the west line of Railroad Avenue, as granted and described in the first subdivision of section two (2) of Ordinance No. 13633 of the City of Seattle, passed on the 23rd day of April, 1906, approved on the second day of May, 1906, and entitled "An ordinance of the City of Seattle granting to the Chicago, Milwaukec and St. Paul Railway Company of Mashington, its successors and assigns, and to the joint owners hereafter acquiring an interest in this framelies, in accordance with the previsions thereof, the right, privilege and authority to Locate, lay down, construct, maintain and operate sundry railway tracks in, along and across sundry streets, avenues, alleys and other public places within the limits of said city, and gracting to said company, its successors and assigns, rights

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of way for such tracks in, along and across all such streets, pyenues, alleys and other public places of said city."

Hills Hoston St Sixth: a right of way fifteen (15) feet in width for one track of standard gauge railway, the center line of which is described as follows: Beginning at a point on the north line of the canal katerway, twenty-two and five-tenths (22.5) feet east of the westerly margin of Colorado Street; thence north on a line that is twenty-two and one-half (22%) feet east of and parallel with the westerly marginal line of Colorado Street to the north line of Colorado Street to the north line of lassachusetts street, and from Street to the north line of lassachusetts Street; and from this point a right of way thirty (30) feet in width for two (2) tracks of standard gauge railway the center line of which is described as follows: Beginning at the intersection of the Soi. 14 J of lot eight (8) in block three hundred sixty-seven (367), Seattle Tide Lands produced eastwards, thence on a reverse curve, curving first to the left and then to the right, each branch thereof with a radius of nine hundred fifty-five and four-tenths (%)5.4) feet, to a point where the northerly branch of such reverse curve is tangent to a line in Railroad Avenue parallel with and ninety and five-tenths (90.5) feet east of the west line of said avenue, which point is as nearly as may be at the intersection of said last described line with an east and west lane drawn through the north line of lot four (h) in block three hundred and sixty-seven (367) of said Seattle Tide Lands, said right of way, however, tapering uniformly, as nearly as may be from thirty (30) feet in width at the south end of the southerly branch of said reverse curve to fifteen (15) feet is width at said last mentioned point, and said two (2) tracks converging into a single track in the course of said reverse curve. North 2x course of said reverse curve, and a single track of standard gauge railway, the center line whereof shall be as nearly as may be coincident with the center line of the right of way therefor next hereinbelow specified, and a right of way fifteen (15) feet in width for such track, the center line of which right of vay shall begin at said last mentioned point, to-wit: At the north and of the northerny branch of the new terms above designate. end of the northerly branch of the reverse curve above designated, and shall run thence north on a line parallel with and ninety and five-tenths (90.5) feet cast of the west line of Railroad Avenue,

to the intersection thereof with the north line of Pain Street produced westward.

The above and foregoing in this subparagraph has been granted and allowed by the City of Beattle in Ordinance Ho. 9119, approved January 6, 1903, and entitled "An ordinance of the City of Beattle granting to the Columbia & Fuget Cound Railroad Company, its successors and assigns, the right, privilege and authority to lay down, construct, maintain and operate sundry railway tracks along and across sundry streets, avenues, and other public places within the City of Seattle and upon other property within the limits of said city, and granting to said company, its successors and assigns, rights of way for said tracks along and across all such streets, avenues and other public places of said city."

Seventh. A right of way fifteen (15) feet in width for one (1) track of standard gauge railway, the center of which is described as follows: Beginning at a point in that part of the old south boundary line of the City of Seattle, which crosses Island No. 1,one munded twenty-five (125) feet east of the west line of blockthree hundred fifty-six (350), Seattle Tide Lands, and which point is on the arc of a curve having a radius of one thousand two hundred seventy-three and six tenths (1,273.6) feet, consuming a total angle of forty-one degrees, one minute and forty-five seconds, the beginning of which curve is on a tangent drawn parallel with and eighty-two (52) feet northeasterly of and measured at right engles to the southeasterly line of Duwanish Avenue, produced southeasterly; thence northerly curving to the right on the said curve of said radius to a point whore said center line becomes tangent to a line drawn parallel with and one hundred and five tenths (100.5) feet west of the east line of Whatcom Avenue, produced south; thence northerly in said Whatcom Avenue, curving to the left with a radius of five hundred sevent-three and seven tenths (573.7) feet through a total angle of fourteen degrees, seven minutes and seven seconds west a distance of two hundred ten and forty-seven hundredths (210.47) feet; thence curving to the right with a radius of five hundred seventy-three and seven tenths (573.7) feet through a total angle of fourteen degrees, seven minutes and seven seconds west a distance of two hundred ten and forty-seven hundredths (210.47) feet; thence curving to the right with a radius of five hundred and sixty (360). Seattle Tide Lands, produced weat, and where it also becomes tangent to a line parallel with and one hundred and sixty (360). Seattle Tide Lands, produced weaterly; thence curving to the right on the hundred and sixty (360). Seattle Tide Lands, produced weaterly; thence curving to the right on the hundred four and five-tenths (104.5) feet westerly of the west line of long the produced w

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Sc. 1(4 & sixty-five (365), Scattle Tide Lands produced; thence curving to the lift along the arc of a curve having a radius of fifteen hundred twenty-five and five-tenths (1,525.5) feet through an angle of fifteen degrees, two minutes and right seconds to a tangent, which tangent is parallel with and ninety-five and five-tenths (95.5) feet casterly of the westerly line of Rail-road Avenue; thence northeasterly along said tangent in Railroad Avenue to a point where it intersects the north line of lot eight (2), Block three hundred sixty-nine (369), Centile Lines produced east; thence on a reverse curve having a satt uniform radius of seven hundred sixty-four and five tenths (764.5) feet to a connection with a tangent parallel with and one hundred ten and rive-tenths (110.5) feet easterly of the westerly line of Railroad Avenue; thence northerly on said tangent line along Railroad Avenue to a point as near as may be on the north line of lot seventeen (17), block three hundred twenty-nine (329), Scattle Tide Lands, produced westerly; thence on a curve to the left with a radius of nine hundred thirty-two and nine tenths (932.9) feet through an angle of seventeen degrees, fourteen minutes and fifteen seconds to a point where said curve is tangent to a line in Railroad Avenue parallel degrees, fourteen minutes and fifteen seconds to a moint where said curve is tangent to a line in Railroad Avenue parallel with and ninety—and five-tenths (90.5) feet east of the west line of Railroad Avenue; thence north on mid last described line to a point as nearly as may be at the intersection thereof with the north line of lot eight (8), block three hundred sixty—seven (367), Seattle Tide Lands, produced easterly; thence on a roverse curve turning first to the left, then to the right, with a radius of nine hundred thirty—two and nine—tenths (932.9) feet and nine hundred soventy and four tenths (970.4) feet respectively to a point where the northerly curve becomes tangent to a line in Railroad Avenue parallel with and seventy—five and five—tenths (75.5) feet east of the west line of Railroad Avenue, and which point is as nearly as may be at the intersection of and which point is as nearly as may be at the intersection of said last described line with an east and west line drawn through the north line of lot four (4), block three hundred sixty-seven (367), Seattle Tide Lands; thence north en said line parallel with and seventy-five and five tenths (75.5) feet east of the West line of said avenue to a point where it intersects the north line of lot three (3), block one hundred ninety-nine (199), Seattle Tide Lands, produced east; thence on a curve to the left with a radius of eight hundred three (803) feet through thirty-one Souther radius of eight hundred three (803) feet through thirty-one degrees, forty-five ninutes and ten seconds of curvature to a point where it becomes tangent to a line parallel with and fifty-nine and five tenths (59.5) feet northeasterly from the south-westerly line of Railroad Avenue; thence northerly and fifty-nine and five tenths (79.5) feet northeasterly from the south-westerly line of said Railroad Avenue to a point where it intersects the north lite of Yesler May, produced west; with the right to said granter, its successors and assigns, to connect the track so as to be laid on the right of way hereinabove described with the so-called "transfer track" as laid and maintained upon the right of way grantel to the Scattle & International Railway Company by Crimance De. 6591, entitled "An Ordinance granting to the Jeattle I International Railway Congany, its successors and assigns, and to the joint owners hereafter acquiring an interest in this franchise in accordance with the provisions thereof, the right and authority to locate, by down, construct, maintain and operate a railway track in, along, upon and over certain portions of Lailroad Avenus and connecting streets in the City of Seartle."

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The above and foregoing in this subparagraph has been granted and allowed by the City of Jenttle in Ordinance No. 13633 parsed on the 13rd day of April, 1006, approved on the second day of Mr. 1006, and entitled "An Ordinance of the City of Seattle granting to the Chicago, Milwaukee & St. Paul Railroad Company of Mashington, its successors and assigns, and to the joint owners hereafter acquiring an interest in this franchise, in accordance with the provisions thereof, the right, privilege and authority to locate, lay down, construct, maintain and operate sundry railway tracks in, along and across sundry streets, avenues, alleys and other public places within the limits of said city, and granting to said company, its successors and assigns, rights of way for such tracks in, along and across all such streets, avenues, alleys and other public places of said city."

Eighth. A right of way fifteen (15) feet in width for one (1) track of standard gauge railway, the center line of which is described as follows: Beginning at a point seven and one-half (7½) feet easterly of, when measured at right angles to that certain point of curve to the left with a radius of seven hundred sixty-four and forty-nine hundredths (754.49) feet described in that thirty (30) feet right of way in paragraph one above, thence north thirty-two.degrees, forty-two minutes and forty-five seconds west to a point where a curve to the left with a radius of seven hundred sixty-four and forty-nine hundredths (764.49) feet, containing eight degrees and nineteen minutes of arc would become tangent to a line drawn parallel with, and one hundred twelve (112) feet northerly measured at right angles to the southwesterly line of Duwanish Avenue produced southeasterly, thence north forty-one degrees, one minute and forty-five seconds west on a line one hundred twelve (112) feet northerly and parallel to the southwesterly line of Duwanish Avenue produced to a point where a curve to the right with a radius of one thousand two hundred forty-three and six-tenths (1,243.6) feet produced northerly would become tangent to a line in Whatcom Avenue grawn parallel with and seventy and five-tenths (70.5) feet west of the east line of said Whatcom Avenue curve becomes tangent to a line in Whatcom Avenue and man parallel with and seventy and five-tenths (70.5) feet west of the east line of said Whatcom Avenue; thence north en said last described line to a point on the north line of the Canal Watcomay parallel with and seventy and five-tenths (70.5) feet west of the east line of said Whatcom Avenue; thence north en said last described line to a point on the north line of the Canal Watcomay parallel with and seventy and five-tenths (70.5) feet west of the east line of said Whatcom Avenue; thence north en said Whatcomayenue curving to the left with a radius of one thousand one hundred sixty-one and three-tenths (1,61.3) feet throug

a line drawn in said Maatcom Avenue parallel with and one hundred fourteen and five-tenths (114.5) feet west of the east line of said Matcom Avenue, thence north on said last described line to a point of curve, which point of curve is, as near as ray be, one hundred (100) feet south of the south line of Holgite Street produced west one hundred fourteen and line of Holgite Street produced west one hundred fourteen and line of Holgite Street produced west one hundred fourteen and line of Holgite Street produced west one hundred fourteen and line of Holgite Street produced west one hundred thirty-one and three-tenths (1,131.3) feet through an angle of thirty-two degrees, sixteen minutes and twenty-three seconds to a point where said curve becomes tangent to a line drawn parallel with and seventy-four and five-tenths (74.5) feet northwesterly of the southeasterly line of Railroad Avenue between lots three (3) and eighteen (18) inclusive, of block three hundred SIXTy-five (365), Seattle Tide Lands, thence northeasterly on said last described line a distance of two hundred five (205) feet more or less; thence on a curve to the left with a radius of one thousand five hundred fifty-five and five-tenths (1,575.5) feet through an angle of fifteen degrees, two minutes and eight seconds to the point where said curve becomes tangent to a line drawn in Railroad Avenue parallel with and one hundred twenty-five and five-tenths (125.5) feet easterly from the westerly line of Railroad Avenue, thence northeasterly on said last described line in Railroad Avenue, to a point of intersection with the south-line of block three hundred thirty-one (331), Seattle Tide lands, produced westerly, thence on reverse curves both branches having a radius of seven hundred sixty-four and five-tenths (764.5) feet, curving first to the left through eleven degrees, twenty-two minutes and seven seconds of curvature, thence to the right through eleven degrees twenty-two minutes and seven seconds of curvature, where said last branch of above curves bec

Ninth. A right of way one hundred (190) feet in width for as many tracks of standard gauge railway as the said grantee, its successors or assigns, may see fit to construct, the center line of which is described as follows:

Beginning at a point on the easterly line of S. A. Maple's Donation Claim where a line drawn fifty (50) feet distant westerly from'and parallel with the westerly margin of the county roud; thence north thirty-eight degrees forty-six minutes west a distance of ten hundred and sixty (1060) feet to the boundary line of the City of Scattle in S. A. Maple's Donation's Claim.

Tenth. A right of way (30) feet in width and for two (2) tracks of standard gauge relikely, the center line of which is described as follows:

Beginning at a point of intersection with a line drawn forty (40) feet west of the east nurgin of Colorado Street and the north line of lot four (b), block three hundred thirty-two (332), Seattle Tide Lands, Freduced west, thence north on a line forty

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(40) feet west of and parallel to the easterly line of Colorado Street to where a curve with a radius of nine hundred whirty-two and nine-tenths (932.9) feet produced to the right would become tangent to a line drawn seven (7) feet westerly from, when measured at right angles to the easterly line of Railroad Avenue; thence on above described curve to the right with a radius of nine hundred thirty-two and nine-tenths (932.9) feet through seventeen degrees fourteen ninutes and fifteen seconds of curvature to a point where such curve is tangent to a line in Railroad Avenue which is seven (7) feet westerly from, when measured at right angles to, the easterly line of Railroad Avenue, thence north seventeen degrees fourteen minutes and fifteen seconds east along a line that is seven (7) feet westerly from and parallel with the easterly line of Railroad Avenue, to a point as near as may be at the intersection thereof with the north line of lot seventeen (12), block three hundred twenty-nine (120). Seattle Tide Lands produced westward; thence on a curve to the left with a radius of one thousand fifteen and four-tenths (1015.4) feet through seventeen degrees fourteen minutes and fifteen seconds of curvature to a point where such curve is tangent to a line in Railroad Avenue, and prallel with and seven (7) feet west of the east line of Railroad Avenue; thence north to a point fifty-seven (57) feet north of the south line of lot five (5), block three hundred twenty-nine (129), feet in width for one (1) track of standard gauge railway, the center line of which is described as follows: Beginning at a point in Railroad Avenue that is fourteen and one-half (142) feet west of a point fifty-seven (57) feet north of the south line of lot five (5), block three hundred twenty-nine (329), Seattle Tide Lands; thence north to the south line of Dearborn Street as the same now exists.

Also the right, privilege and authority to lay down, construct, maintain and operate such tracks as the said grantee, its successors or assigns, may see fit to construct within the following described limits: The north marginal line of Atlantic Street on the south, the south marginal line of Dearborn Street, as the same now exists, on the north, and the west marginal line of First Avenue South on the east, and the east marginal line of Railroad Avenue on the west, excepting across that part of Connecticut street lying within seventy-five (75) feet of the west margin of First Avenue South.

Also the right to lay down, construct, maintain and operate such tracks for the purpose of turn-out tracks in the above described property, in all that portion of Atlantic Street west of the center line of block three hundred thirty-one (331) produced south.

and signed by me in open session in authentication of its passage this day of March President of the City Council.

Approved by me this day of March 19 47

Filed by me this 12 day of March 1947

Attest: OShomas
City Comptroller and Ex Officio City Clerk.

By Deputy Clerk.

(SEAL)

Deputy Clerk.

Published MAR 14 1947

City Compteuller and Ex-Officio City Clerk.

Deputy Clerk.

TO THE QUALITY OF

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#### ORDINANCE NO. 92566

AN ORDINANCE relating to the franchise granted to the GREAT NORTHERN RAIDWAY

COMPANY and the NORTHERN PACIFIC RAILWAY COMPANY, their successors and assigns, by

Ordinance No. 57179; amending said ordinance to provide for changes in the franchise

right of way occasioned by the construction and maintenance of the Alaskan Way Viaduct;

specifically amending Section 1 thereof with a view to providing for such changes.

WHEREAS, the City of Seattle by Ordinance No. 57179 has heretofore granted to the Great Northern Railway Company and the Northern Pacific Railway Company, their successors and assigns, right of way for, and the right, privilege and suthority to locate, lay down, construct, maintain and operate sundry railway tracks in, along and across sundry streets, avenues and other public places within the limits of the City of Seattle, including certain tracks on Alaskan Way (formerly Railroad Avenue) which the said Railways constructed and have maintained and operated for many years, until with the construction of the Alaskan Way Viaduct it became necessary to relocate and rearrange portions of said trackage to accommodate said Viaduct; and

WHEREAS, the City by agreement dated March 23, 1951, contracted for the change to be made in said trackage and therein agreed to the modification of the franchise ordinances affected thereby; NOW THEREFORE, HE IT OFDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. That Section 1 of an ordinance of the City of Seattle No. 57179 entitled "An ordinance granting to the GREAT MORTHERN RATIMAY COMPANY and the MORTHERN PACIFIC RAILMAY COMPANY, rights of way for, and the right, privilege and suthority to locate, lay down, construct, maintain and operate sundry railway tracks in, along and across sundry streets, avenues and other public places within the limits of the Lity of Seattle", approved March 21, 1929, is hereby smended to read as follows:

Section 1: That the City of Seattle does hereby grant to the Great Northern Railway Company, a corporation, and the Morthern Pacific Railway Company, a corporation, in perpetuity, the right, privilege and suthority to locate, lay down, construct maintain and operate sundry tracks of standard gauge railway upon the franchise rights of way hereinafter designated and specified, and such cross-overs and connections between said tracks or between said tracks and any other tracks adjacent thereto as may be reasonably necessary, and upon permit granted by the Board of Public Works, or such other body as may in the future be by 1sw suthor-

#### (continued)

ized to act; Provided, however, that no crossovers are to be permitted across the main line tracks hereinafter designated, between Wall Street and West Prospect Street except by suthority of the City Council, all of which rights, privileges and authorities and franchise rights of way, are hereby granted, subject to all the conditions, restrictions, specifications and requirements in this ordinance expressed.

For the purpose of more readily determining the track or tracks in question in the sections and paragraphs hereinafter mentioning particular tracks, the following numbers or designations will govern:

Track No. 1. The track on the franchise rights of way described in Section 2, paragraphs 4, 8 and 9, and the most westerly track on the right of way described in Section 2, paragraph 7, designated the Westerly Switching track.

Track No. 2. The track on the franchise rights of way described in Section 2, paragraphs 2 and 10, the most westerly track on the franchise right of way described in Section 2, paragraph 3, and the most easterly track on the right of way described in Section 2, paragraph 7, designated the Westerly Running track.

Track No. 3. The most westerly track on the franchise right of way described in Section 2, paragraph 11, designated the South Bound Main track.

Track No. 4. The most easterly track on the franchise right of way described in Section 2, paragraph 12, designated the North Bound Main track.

Track No. 5. The track on the franchise right of way described in the first part of Section 2, paragraph 1, and the middle track on the franchise right of way described in the second part of Section 2, paragraph 1, the middle track on the franchise right of way described in Section 2, paragraph 3, the track described in Section 2, paragraph 6, designated the Easterly minning track.

Track No. 6. The most easterly track on the franchise right of way described in the second part of Section 2, paragraph 1, and the most easterly track on the franchise right of way described in Section 2, paragraph 3, the track on the franchise right of way described in Section 2, paragraph 5, designated the Easterly Switching track.

Section 2. That Section 2 of City of Senttle Ordinance to. 57179, is hereby amended to read as follows:

Section 2. The franchise rights of way hereby granted for the tracks of standard gauge rails and he laying down, construction, maintenance and operation whereof are authorized by the ordinance, are described as follows, to wit:

(1) A right of way ( "eas 1.7.00) feet in width being seven and one-half (7.50) feet c. "ade of the fallowing described center line:

"ine parts), it to ead thirty-seven and one-Beginning at a point half (37.50) feet from when measured of right angles to to Tost line of Aleskan Way (formerly Reilroad Avenue) at its interaction of the North Line of Yesler Way, thence northerly along said parallel line for a district of 116.73 feet to a point of curve, which point being 152.66 feet south of the south I me of Columbia to met produced westerly, thence along the arc of a 10° curve to the right, the fight. radius of 573.69 feet and subtending an angle of 10° 26', for a distance of 104.47 feet to a point of tangency, which point being 48.77 feet South of the South line of Columbia Street produced westerly and 28.01 feet measured westerly at right angles from the East line of Alaskan Way, thence northerly along said tangent a distance of fifty-seven one-hundredths (0.57) feet to a point of curve, which point being 48.20 feet South of the South line of Columbia Street produced westerly and 27.91 feet measured westerly at right angles from the East line of Alaskan Way, thence along the arc of a 10° curve to the left, having a radius of 573.69 feet and subtending an angle of 6° 21' 35", for a distance of 63.68 feet to a point of tangency, which point being 11.93 feet North of the South line of Columbia Street produced westerly and 19.88 feet measured westerly at right angles from the East line of Alaskan Way, thence northerly along said tangent for a distance of 52.29 feet to a point of curve, which point being 1.09 feet North of the North line of Columbia Street produced westerly and 16.16 feet measured westerly at right angles from the East line of Alaskan Way, thence along the arc of a 7° 301 curve to the left; having a radius of 764.49 feet and subtending an angle of 4° 41 25", for a distance of 54.35 feet to a point of tangency, which point being 55.40 feet North of

Section 2. That Section 2 of City of Senttle Ordinance to. 57179, is hereby as mided to read as follows:

Section 2. The franchise rights of way hereby granted for the tracks of standard gauge railway, "he laying down, construction, maintenance and operation whereof are authorized by this ordinance, are described as follows, to wit:

(1) A right of way f "ean (15.00) feat in width being seven and one-half (7.50) feat care and also of the following described center line:

Deginning at a point . 'ine paralish to and thirty-seven and onehalf (37.50) feet from when measured at right angles to the Cost line of Alaskan Way (formerly Railroad Avenue) at its intersection of the North line of Tesler Way, thence northerly along said parallel line for a distance of 11h.73 feet to a point of curve, which point being 152.66 feet south of the south in of Columbia St. et produced westerly, thence along the erc of a 10° curve to the right, earling a radirs of 573.69 feet and subtending an angle of 10° 26', for a distance of 106.47 feet to a point of tangency, which point being 48.77 feet South of the South line of Columbia Street produced westerly and 28.01 feet measured westerly at right angles from the East line of Alaskan Way, thence northerly slong said tangent a distance of fifty-seven one-hundredths (0.57) feet to a point of curve, which point being 48.20 feet South of the South line of Columbia Street produced westerly and 27.91 feet measured westerly at right angles from the East line of Alaskan Way, thence along the arc of a 10° curve to the left, having a radius of 573.69 feet and subtending an angle of 6° 21' 35", for a distance of 63.68 feet to a point of tengency, which point being 14.93 feet North of the South line of Columbia Street produced westerly and 19.88 feet measured westerly at right angles from the East line of Alaskan Way, thence northerly along said tangent for a distance of 52.29 feet to a point of curve, which point being 1.09 feet North of the North line of Columbia Street produced westerly and 16.16 feet measured westerly at right angles from the East line of Alaskan Way, thence along the arc of a 7° 30' ourve to the left, having a radius of 764,49 feet and subtending an angle of 4° 4' 25", for a distance of 54.35 feet to a point of tangency, which point being 55.40 feet North of

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the North line of Columbia Street produced westerly and 11.23 feet measured westerly at right angles from the East line of Alaskan Way, thence northerly along said tangent, said tangent being parallel to and 14.23 feet from when measured westerly at right angles to the East line of Alaskan Way, for a distance of 546.58 feet to a point of curve, which point being 9.72 feet South of the North line of Madison Street produced westerly, thence along the arc of a 12° 30' curve to the left, having a radius of 459.28 feet and subtending an angle of 10° 37° h2", for a distance of 85.20 feet to a point of tangency, which point being 74.99 feet North of the North line of Medison Street produced westerly and 22.11 feet measured westerly at right angles from the East line of Alaskan Way, thence northwesterly along said tangent for a distance of 73.26 feet to a point of curve, which point being 92.81 feet South of the South line of Spring Street produced westerly and 35.62 feet measured westerly at right angles from the East line of Alaskan Way, thence along the arc of a 12° 30° curve to the right, having a radius of 459.28 feet and subtending an angle of 10° 37° 42", for a distance of 85.20 feet to a point of tangency, which point being 8.10 feet South of the South line of Spring Street produced westerly and 43.50 feet measured westerly at right angles from the East line of Alaskan Way, thence northerly along said tangent, said tangent being parallel to and 43.50 feet from when measured westerly at right angles to the East line of Alaskan Way, for a distance of 368.01 feet to a point of curve, which point being 12.09 feet South of the North line of Seneca Street produced westerly, thence along the arc of a lh" curve to the right, having a radius of 110.28 feet and subtending an angle of lh. 12, for a distance of 101.68 feet to a point of tangency, which point being 68.55 feet North of the North line of Seneca Street produced westerly and 30.96 feet measured westerly at right angles from the East line of Alaskan Way, thence northerly along said tangent for a distance of 12.40 feet to a point of curve, which point being 100.57 feet North of the North line of Seneca Street produced westerly and 27.92 feet measured westerly at right angles from the East line of Alaskan Way, thence along the arc of a lh curve to the left, having a radius of 410.28 feet and subtending an angle of 7° 50° 25%, for a distance of 56.14 feet to a point of compound curve, which point being 86.23 feet South of the South line of University Street produced westerly and 17.91 feet measured westerly

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at right angles from the East line of Alaskan Way, thence along the arc of a 0° 55' curve to the left, having a radius of 6,250.51 feet and subtending an angle of 0° 26' 25", for a distance of 48.03 feet to a point of reverse curve, which point being 36.49 feet South of the South line of University Street produced westerly and 12.78 feet measured westerly at right angles from the East line of Alaskan Way, thence along the arc of a 0° 55' curve to the right, having a radius of 6,250.51 feet and subtending an angle of 0° 26° 25°, for a distance of L6.03 feet to a point of tangency, which point being 11.25 feet North of the South line of University Street produced westerly and 7.65 feet measured wosterly at right angles from the East line of Alaskan Way, thence northerly along said tangent for a distance of 22.57 feet to a point of curve, which point being 32.32 feet South of the North line of University Street produced westerly and 5.15 feet measured westerly at right augles from the East line of Alaskan Way, thence slong the arc of a 10° 34° curve to the left, having a radius of 543.00 feet and subtending an angle of 6° 21' 35", for a distance of 60.27 feet to a point of tangency, which point being 27.86 feet North of the North line of University Street produced westerly and 1.80 feet measured westerly at right angles from the East line of Alaskan Way, thence along said tangent, said tangent being parallel to and 1.80 feet from when measured westerly at right angles to the East line of Alaskan Way, for a distance of 331-35 feet to a point of curve, which point being 0.83 feet South of the South line of Union Street produced westerly, thence along the arc of a 1h 30' curve to the left, having a radius of 396.20 feet and subtending an angle of 25° 91 16", for a distance of 173.9k feet to a point of tangency, which point being 101.58 feet North of the North line of Union Strest produced westerly and 39.37 feet measured westerly at right angles from the East line of Alaskan Way, themps northwesterly along said tangent for a distance of 100.55 feet to a point of curve, which point being 192.59 feet North of the North line of Union Street produced westerly and 17.88 feet measured westerly at right angles from the East line of Alsekan Way produced southerly, thence along the arc of a 15° 45° curve to the right, having a radius of 364.93 feet and subtending as ragio of 8° Oh; 35", for a distance of 51.hh feet to a point of Thence along said parallel line for a distance of 66.03 feet at which point the width of right of way on the right hand side has increased uniformly from 7.50 feet at the last described point of tangency to 21.50 feet, the total right of way width now being \$13.00 feet, thence a right of way \$13.00 feet in width and continuing northerly parallel to the East line of Alexan Way to a line drawn at right angles thereto from the Northwest corner of Block One Hundred Seventy-five (175) Seattle Tide Lends, at which toint the mortherly toundary of the right of way above described is coincident with the southerly boundary of the easterly (53) foot right of way described in paragraph 3.

(2) A right of way fifteen (15) feet in width in Alaskan Way (formerly Railroad Avenue), the center line of which is described as follows:

Commencing at the intersection of the east line of Alaskan Way (formerly Railroad Avenue) with the north line of Yesler Way; thence westerly at right angles to Alaskan Way (formerly Railroad Avenue) a distance of ninety-one and five-tenths (91.5) feet to the true point of beginning of this description; thence northerly ninety-one and five-tenths (91.5) feet westerly from and parallel to that portion of the east line of Alaskan Wry (formerly Railroad Avenue) lying south of Union Street and said portion produced northerly to a point one-hundred and twenty-five and two-tenths (125.2) feet south of the

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North line of Union Street produced westwardly; thence along a one degree (1°0°) curve to the left through an angle of two degrees six minutes forty-one seconds (2°06° hl°) a distance of two hundred eleven and one-tenth (211.1) feet to a point of compound curve; thence continuing on a seven degree thirty minute (7°30°) curve to the left through an angle of fourteen degrees fifty-eight minutes (1h°58°) a distance of one hundred minety-nine and six tenths (199.6) feet to a point of tangency on a line thirty-six (36) feet westerly :wassared at right angles from the exterly line of Alaskan Way (formerly Railroad Avenue) produced southerly; thence continuing northerly parallel to the easterly line of Alaskan Way (formerly Railroad Avenue) produced southerly to a line drawn at right angles thereto from the northwest corner of Block One Hundred Seventy-five (175), Seattle Tide Lands, at which point the northerly boundary of the right of way above described is coincident with the southerly boundary of the westerly fourteen (1h) feet of the forty-three (h3) foot right of way described in Paragraph 3.

- (3) A right of way forty-three (43) feet in width in Alaskan Way (formerly Railroad Avenue) beginning at a line at right angles to the east line of Alaskan Way (formerly Railroad Avenue) produced southerly drawn from the Horthwest corner of Block One Mandred Seventy-five (175), Seattle Tide Lands, and extending mortherly to the certer line of the right of way of the Tennel tracks described in paragraph 11, said forty-three (43) foot right of way being the most easterly forty-three (43) feet of Alaskan Way (formerly Railroad Avenue).
- (b) A right of way fifteen (15) feet in width in Alaskan Way (formerly Railroad Avenue) beginning at a line at right angles to Alaskan Way (formerly Railroad Avenue) drawn from the intersection of the easterly line thereof with the northerly line of Yesler Way and extending northerly to the southwesterly boundary of the right of way of the Tunnel Sacks in the vicinity of Battery Street described in Paragraph 11, the easterly boundary of said fifteen (15) foot right of way, being coincident with the westerly.

boundary of the rights of way described in paragraphs 2 and 3.

- A right of way fifteen (15) feet in width in Alaskan Way (formerly Railroad Avenue) and Alaskan Wey West (formerly Railroad Avenue West) beginning at the (enter line of the right of way of the Tunnel tracks in the vicinity of Battery Street, described in paragraph 11 and extending ortherly along Alaskan Way (formerly Reilroad Avenue) and Alaskan Way West (formerly Railroad Avenue West) to a line drawn at right angles to Alaskan Way West (formerly Railroad Avenue West) from a point on the east line thereof three hundred sixty-two and minety-nine one-thousandths (362.029) feet northerly from the north line of L s' | Ver Street, the east boundary of said fifteen (15) foot right of way being .oincident with the east line of Alaeken Way (formerly Railroad Avenue) and the east line of Alaskan Way West (for rly Reilroad Avenue West). Also a right of way fifteen (15) feet in width, be, inning at the end of the above description and extending northerly to the west line of 17th Avenue West, the easterly boundary line of said fifteen (15) foot right of way being the production northerly of the east boundary of the right of way first above described.
- (6) A right of way fifteen and five-tenths (15.5) feet in width in Alaskan Way (formerly Railroad Avenue) and Alaskan Way West (formerly Railroad Avenue West) beginning at the center line of the right of way of the Tunnel tracks in the vicinity of Battery Street described in paragraph 11, and extending northerly along Alaskan Way (formerly Railroad Avenue) and Alaskan Way west (formerly Railroad Avenue West) to the west line of 17th Avenue West, the easterly boundary of said fifteen and five-tenths (15.5) foot right of way being coincident with the westerly boundary of the fifteen (15) foot right of way described in paragraph 5.
- (7) A right of way of irregular width in Alaskan Way (formerly Reilroad Avenue) for turnout tracks and to connect the rights of way described in paragraphs 4, 8 and 10, said right of way being described as follows:

  Beginning at the intersection of the north line of Battery Street

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produced westerly, with the westerly boundary of the right of way described in paragraph h; thence northerly along a direct line to a line fifty-eight (58) feet southerly from and parallel to the center line of Vine Street, and ninety-three (93) feet westerly of, measured at right angles to the easterly line of Alaskan Way (formerly Railroad Avenue) thence easterly along said parallel line to the west boundary of the right of way for Tunnel tracks described in paragraph 11, a distance of twenty-nine and five-tenths (29.5) f. at; thence scutherly along said west boundary of right of way for Tunnel tracks to the westerly boundary of the right of way described in paragraph h; thence southerly along said westerly boundary to the point of beginning.

- (8) A right of way fourteam (1b) feet in width in Alaskan Way

  (formerly Railroad Avenue) beginning at a line fifty-eight (58) feet southerly

  from and perallel to the center line of Vine Street; thence northerly to the

  north line of Froad Street produced westerly, the center line of said fourteen

  (1b) foot right of way being fifty-five and five-tenths (55.5) feet went of

  the westerly boundary of the fifteen and five-tenths (15.5) foot right of way

  described in paragraph 6.
- (9) A right of way fourteen (14) feet in width in Alaskan Way

  (formerly Railroad Avenue) and Alaskan Way West (formerly Railroad Avenue West)

  beginning at the north line of Broad Street produced westerly; thence northerly

  to the north line of West Garfield Street, the center line of said fourteen

  (14) foot right of way being fifty-five and five-tenths (55.5) feet west of

  the west boundary of the fifteen and five-tenths (15.5) foot right of way

  described in paragraph 6.
- (10) A right of war fifteen and five-tenths (15.5) feet in width in Alaskan Way (formerly Railmad Avenue) and Alaskan Way West (formerly Railmad Avenue West) beginning at a line fifty-eight (58) rest southerly from and parallel to the center line of Vine Street; themse northerly to the north line of West Carfield Street and the west line of Seventeenth Avenue West.

the center line of said fifteen and five-tenths (15.5) foot right of way being forty and seventy-five one-hundredths (40.75) feet west of the west boundary of the fifteen and five-tenths (15.5) foot right of way described in paragraph 6.

tunnel tracks in Battery Street, Alaskan Way (formerly Railroad /venue) and Alaskan Way West (formerly Railroad Avenue West), the center line of which is described as follows, to wit: Beginning at a point in the east line of Alaskan Way (formerly Railroad Avenue) sixty-three (63) feet southerly from the south line of Battery Street; thence northwesterly three hundred forty-four and sixteen one-hundredths (3hh.16) feet along a tengent making a northwesterly included angle of six degrees twenty-two minutes (6° 22°) with said east boundary of Alaskan Way (formerly Railroad Avenue) thence along a four degree no minute (h° 00°) curve to the right one hundred fifty-nine and seventeen one-hundredths (159.17) feet to a point sixteen and five-tenths (16.5) feet westerly at right angles from the west boundary of the right of way described in Paragraph 6; thence northerly sixteen and five-tenths (16.5) feet westerly from and parallel to said west boundary of right of way described in Paragraph 6 to the west line of Seventeenth Avenue West.

Section 2. It is acknowledged that the grantee has complisted the construction or relocation of the tracks along the routes suthorized under Section 1 of this ordinance; and is now maintaining said tracks and operating thereon.

Section 3. The grantee, its successors and assigns, shall within six (6) months after the taking effect of this ordinance, file in the office of the City Comptroller a copy, duly certified and attested to by its Secretary under its corporate seal, of a resolution duly adopted by its Board of Directors or by the Executive Committee or Finance Committee of Said Board,

Ordinance No. (continued)
(

thercunto duly authorized, accepting the benefits of this ordinance and the rights, privileges and authorities hereby granted, subject to all the conditions, restrictions, specifications and requirements herein expressed. In lieu of such resulution, the grantee may, within the time aforesaid, file with the City Clerk a written acceptance signed by any corporate officer thereunto duly authorized; provided such acceptance shall be accompanied by evidence of such officer's authority, duly certified and attested by the Secretary or Assistant Secretary of the corporation.

Section b. This ordinance shall take effect and be in force thirty (30) days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the City Charter.

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3, and sign	ed by a	o in open s	ession in en	thenticat	ion of it	s passage	
•	20	_ day of	December	19 م	63.		
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APPROVE	D by 200	his _3	dey of			1963.	
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filed by	y me thi	le <u>31</u>	_ day of	nece (	nber 2	_, 1963. d	i-on
			ATTEST:	Hty Comp	roller an	d City Clark	
			Ву:	N.	a. 4	erm	
Date of	officia	l publicati	on of this C	rdinance	JAN	8 1964	1963

### ORDINANCE NO. 912567

AN ORDINANCE relating to the franchise granted to the MORTHERN PACIFIC RAILWAY COMPANY, a Corporation, its successors and assigns, by Ordinance No. 58867; amending said ordinance to provide for changes in the franchise right of way occasioned by the construction and maintenance of the Alaskar Way Viaduct; specifically amending Section 2 thereof with a view to providing for such changes.

WHEREAS, the City of Seattle by Ordinance No. 58867 has heretofore granted to the Northern Pacific Railway Company, a corporation, its successors and assigns, the rights of way for, and the right, privilege and authority to locate, lay down, construct, maintain and operate sundry railway tracks in, along and across sundry streets, avenues and other public places within the limits of the City of Seattle, including certain tracks on Alaskan Way (formerly Railroad Avenue), which the said Railway Company constructed and has maintained and operated for many years, until with the construction of the Alaskan Way Viaduct, it became necessary to relocate and rearrange portions of said trackage to accommodate said Viaduct; and

WHEREAS, the City by agreement dated Narch 23, 1951, contracted for the changes to be made in said trackage and therein agreed to the modification of the franchise ordinances affected thereby; NOW THEREFORE, BE IT OFDAINED BY THE CITY OF SEATTLE AS FOLIOW:

Section 1. That Section 2 of an ordinance of the City of Seattle No. 58867 entitled "An ordinance granting to the Northern Pacific Railway Company, rights of way for, and the right, privilege and authority to locate, lay down, construct, maintain and operate sundry railway tracks in, along and across sundry streets, avenues and other public places within the limits of the City of Seattle", approved January 23, 1930, is hereby amended to read as follows:

Section 2. The franchise rights of way hereby granted for the tracks of standard gauge railway, the laying down, construction, maintenance and operation whereof are sutherized by this ordinance, are described as follows, to with FIRST:

A right of way 15 feet in width, being 7.5 feet wide on each side of the following described centerline:-

Beginning at a point on a line parallel to and fifty-nine one-hundredths (0.59) feet from when measured westerly at right angles to the East line of Alaskan Way at its intersection with the North line of Yesler Way, thence northerly along said parallel line to a point of curve, which point being 38.42 feet North of the North line of University Street produced westerly, thence along the arc of a 7° 30° curve to the right, having a radius of

Ordinance No. (continued)

764.49 feet and subtending an angle of 6° 21' 35", for a distance of 84.80 feet to a point of tangency, which point being 123.10 feet North of the North line of University Street and & 11 feet measured easterly at right angles from the East line of Alaskan Way, thence northerly along said tragent for a distance of 50.85 feet to a point of curve, which point being 173.62 feet North of the North line of University Street and 9.7h feet measured easterly at right angles from the East line of Alaskan Way, thence along the arc of a 7° 30' curve to the left, having a radius of 764.49 feet and subtending an angle of 6° 21' 35", for a distance of 84.80 feet to a point of tangency, which point being 101.74 feet South of the South line of Union Street and 14.45 feet measured easterly at right angles from the East line of Alaskan Way, thence northerly along said tangent, said tangent being parallel to and liels feet measured easterly at right angles from the East line of Alaskan Way, for a distance of 287.71 feet to a point 60 curve, which point being 119.97 feet North of the North line of Union Street produced westerly, thence along the arc of a 6° curve to the right, having a radius of 955.37 feet and subtending an angle of 3° 57°, for a distance of 65.83 feet to a point of reverse curve, which point being 174.14 feet South of the South line of Pike Street and 133.28 feet measured westerly at right angles from the West line of Western Avenue, thence along the arc of a 6" curve to the left, having a radius of 955.37 feet and subtending an angle of 3° 571, for a distence of 65.83 feet to a point of tangency, which point being 108.33 feet South of the South line of Pike Street and 131.00 feet measured westerly at right angles from the West line of Western Avenue, thence North 31° 15' 10" West a distance of 108.33 feet to a point on the South line of Pike Street, which point being 131.00 feet westerly of the West line of Western Avonue when measured along the South line of Pike Street, thence along a curve to the left having a radius of 557.06 feet to the westerly line of the alley in Block "H" of A. A. Denny's Ltt. Addition.

Said centerline crossing in its course Columbia, Marion, Madison, Spring, Senece, University, Union, and Pike Streets.

Ordinance No. (continued)

Second: Also a right of way of variable width across West Prospect,
West Lee and West Galer Streets, being those portions of said Streets lying between the easterly margin of Alaskan Way West (formerly Railroad Avenue West)
and a straight lime beginning at a point on the Southerly line of West Prospect
Street 14.5 feet easterly from the easterly margin of Alaskan Way West (formerly
Pailroad Evenue West) and terminating at a point on the northerly line of West
Galer Street 21 feet easterly from the easterly margin of Alaskan Way West (formerly
Railroad Avenue West) said distances being measured along said respective street
lines.

Section 2. It is ecknowledged that the grantes has completed the construction or relocation of the tracks along the routes authorized under Section 1 of this ordinance; and is now maintaining said tracks and operating thereon.

Section 3. The grantee, its successors and assigns, shall within six

(6) months after the taking effect of this ordinance, file in the office of the

City Comptroller a copy, duly certified and attested to by its Secretary under its

corporate seal, of a resolution duly adopted by its Board of Directors or by the

Executive Committee or Finance Committee of said Board, thereunto duly authorized,

accepting the benefits of this ordinance and the rights, privileges and authorities

hereby granted, subject to all the conditions, restrictions, specifications and

requirements herein expressed. In lieu of such resolution, the grantee may, within

the time aforesaid, file with the City Clerk a written acceptance signed by any cor
porate officer thereunto duly authorised; provided such acceptance shall be accom
panied by evidence of such officer's authority, duly certified and attested by the

Secretary or Assistant Secretary of the corporation.

Section 4. This ordinance shall take effect and be in force thirty

(30) days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the City Chartere

Ordinance No.	(continued)		
PASSED BY T	HE CITY COUNCIL the	3 day of	December
1963, and signed by me	in open session in auth	entication of its	passage
this 30 day of	December 196	<b>53.</b>	
		who are	212 16
		President of the	Miller Council
APPROVED by	me this 3 / day	of December	, 1963.
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	<u> </u>	MAYO	<b>H</b>
FILED by m	this 3/ day of	<u> December</u>	
		040	Condson
	ATTEST:	City Comptrolle	r and City Clerk
n garaga (m. 1945). 1940 - Barthall Marie (m. 1946).			
	By:	<u> </u>	Deputy Clerk
Date of of	fiticial publication of	this Ordinance:	JAN 8 1964 , 196
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ORDINANCE NO. 22669

AN ORDINANCE relating to the tranchise granted to the control of the following and assigns, by Ordinance No. 9119, amending said ordinance to provide for changes in the franchise right of way occasioned by the construction and maintenance of the Alaskan Way Viaduct; specifically amending Section 2 thereof, with a view to providing for such changes; and providing for the acceptance by the Pacific Coast R. R. Co., successor in interest to the Columbia & Puget Sound Railroad Company, of said franchise as so modified.

WHEREAS, the City of Seattle by Ordinance No. 9119 has heretofore granted to the Columbia & Puget Sound Railroad Company, a corporation, its successors and assigns, the right to construct, maintain and operate sundry railway tracks along and across sundry streets, avenues and other public places within the City of Seattle and upon other property within the limits of said City, including certain trackage rights on Colorado Avenue South and Alaskan Way South (formerly Railroad Avenue), which the Railroad Company constructed and had maintained and operated for many years, until with the construction of the Alaskan Way Viaduct in 1951, it was necessary to relocate and rearrange portions of said trackage to accommodate said viaduct; and

WHEREAS, the City by agreement dated January 29, 1951, contracted for the changes to be made in said trackage, and therein agreed to the modification of the franchise ordinances afrected thereby; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 2 of Ordinance No. 9119 entitled:

"AN ORDINANCE of the City of Seattle granting to the COLUMBIA & PUGET SOUND RAILROAD CORPANY, its successors and assigns, the right, privilege and authority to lay down, construct, maintain and operate sundry railway tracks along and across sundry streets, avenues and other public places within the City of Seattle, and upon other property within the limits of said city, and granting to said company, its successors and assigns, rights of way for such tracks along and across all such streets, avenues and other public places of said city."

approved January 6, 1903, be, and the same is hereby amended to read as follows:

DESCRIPTIONS - Sec. 2. The tracks of standard gauge railway, the laying down, construction, maintenance and operation whereof are authorized by this ordinance, and the rights of way hereby granted for the same, are described as follows:

A single track of standard gauge railway, the centerline whereof shall be as nearly as may be coincident with the centerline of the right of way therefor next hereinbelow specified, and a right of way 15 feet in width for such track, the centerline of which right of way shall begin at the intersection of the south boundary line of the City of Seattle (as it existed January 6, 1903), with a line drawn parallel with and 22.5 feet east of the west line of Colorado Avenue South, in said city, and shall run thence north along said last described line to the north line of the Canal Waterway, as laid out on the map of Seattle Tidelands filed on March 15, 1895, in the office of the Board of State Land Commissioners of the State of Washington (preceding rights assigned Northern Pacific Railway, August 10, 1905); and two tracks of standard gauge railway, the centerlines of which tracks shall be as nearly as may be parallel with and 7.5 feet distant on either side from the centerline of the right of way therefor next hereinbelow specified, and a right of way 30 feet in width for such tracks, the centerline of which right of way shall begin at the intersection of the north line of said Canal Watervay with a line parallel with and 15 feet east of the west ' ne of Colorado Avenue South, and shall run thence north along said last described line to a point as nearly as may be at the intersection thereof with a line parallel to and 27 feet south of the south line of South Atlantic Street produced westward; and one track of standard gauge railway and 15 ft. right of way therefor, the centerlines of which track shall be common and along a curve to the right, from the centerline of the most easterly track above described, whose centerline lays parallel to and 22.5 feet easterly of the west line of Colorado Avenue South, said carve beginning at a point therein 27 feet south of the south live of South Atlantic Street produced westward; thence anotherly along said curve to the right with a radius of 483.69 feet through 17°14'15" of curvature, a distance of 145.22 feet, to a point where such curve is tangent to a line in Alaskan Way South (formerly Railroad Avenue), parallel with and 27.58 feet westerly of the easterly line of said avenue, measured at right angles thereto, thence northerly on said last described line 96.2 feet to a point of switch in said track, thence left along a #7 crossover 157.5 feet long to a parallel track at 14 foot centers with above described centerline and 41.58 feet westerly of the easterly line of said avenue, thence northerly on said tangent track 9.8 feet to a point of #9 turnout therein, thence along said 90# #9 turnout to the left through an angle of 6°22' distance of 80.7 feet to its heel of frog, thence along a curve continuing to the left with a radius of 459,276 feet through 6°4' of curvature, thence along said tangent 40.7 fert to a point of curve, thence along a curve to the right with a radius of 459.276 feet through 12°26' of curvature to a tangent parallel to and distant 125.5 feet, measured at right angles, from the west line of said Alaskan Way South, thence northerly on said last described line to a point of curve, the radius of which, produced westerly, intersects the east line of Alaskan Way South at a point therein distant 22.813 feet, south of the north line of Lot 17, Block 329 of Seattle Tidelands, thence on a curve to the left with a radius of 932.9 feet, through 17 14'15" of curvature, to a point where such curve is tangent to a line in Alaskan Way South parallel with and 105.5 feet east of the west line of said avenue, thence north on said last described line to a point as nearly as may be at the intersection thereof with the north line of Lot 10, Block 367 of Seattle Tidelands, thence on a curve to the left with a radius of 764.489 feet through 3°50' of curvature, thence northerly and tangent 188.1 feet to a point of curve; thence on a curve to the right with a radius of 478.339 feet through 3°50' of curvature to a point where such curve is tangent to a line in Alaskan Way South parallel with and 90.5 feet east of the west line of said evenue, thence north along last described course 90.5 feet east of the west line of Alaskan Way Suckson South (formerly Railroad Avenue) to the intersection thereof with the conterline of South Main Street produced westward, thence on a curve to the left with a radius of 262 feet, through 96° of curvature, to a point where such curve is tangent to a line parallel with 7.5 feet north of the north line of Block 199 of said Scattle Tidelands and thence west on said last described line to the inner harbor line of the harbor of the City of Scattle; and a single track of standard gauge railway, the centerline whereof shall be as nearly as may be coincident with the centerline of the right of way therefor next hereinbelow specified, and a right of way 15 feet in width for such track, the centerline of which right of way small begin as nearly as may be at the intersection of a line parallel with and 195.4 feet south of the south line of South Jackson Street produced westerly, as laid out on said map of said Souttle Tidelands, with a line parallel with and 90.5 feet east of the west line of Aleskan Way South, and shall run thence northwesterly, on a curve to the laft with a radius of 287.9 feet, tangent at said point of beginning to said last described line in Alaskan Way South, through 90° of curvature, to a point in South Jackson Street, 7.5 feet south of the north line thereof, thence west, on a tangent parallel with and 7.5 fast south of the north line of said South Jackson Street, to the inner harbor line of the

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Section 2. It is acknowledged that the Railroad Company has completed the construction or relocation of the tracks along the routes authorized under Section 1 of this ordinance; and is now maintaining said tracks and operating thereon.

horbor of the City of Scattle.

Section 3. The grantee, its successors and assigns, shall within six (6) months after the taking effect of this ordinance, file in the office of the City Comptroller a copy, duly certified and attested to by its Secretary under its corporate seal, of a resolution duly adopted by its Board of Directors or by the Executive Committee or Finance Committee of said Board, thereunto duly authorized, accepting the benefits of this ordinance and the rights, privileges and authorities hereby granted, subject to all the conditions, restrictions, specifications and requirements hereix expressed. In lieu of such resolution, the grantee may, within the time aforesaid, file with the City Clerk a written acceptance signed by any corporate officer

thereunto duly authorized; provided such acceptance shall be accompanied by evidence of such officer's authority, duly certified and attested by the Secretary or Assistant Secretary of the corporation.

Section 4. This ordinauce shall take effect and be in force thirty (30) days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the City Charter.

Date of official publication of this Ordinance: JAN 9 1954 , 1963.

ORDINANCE NO. 92570

AN ORDINANCE relating to the franchise granted to the NORTHERN

PACIFIC RAILWAY COMPANY, its successors and assigns, by Ordinance No. 12018;

emending said ordinance to provide for change in the franchise right of way occasioned by the construction and maintenance of the Alaskan Way Viaduct; specifically amending Section 1 thereof with a view to providing for such changes;

WHIREAS, the City of Seattle by Ordinance No. 12018 has heretofore granted to the Northern Pacific Railway Company, its successors and assigns, the right, privilege and authority to lay down, construct, maintain and operate sundry railway tracks along and across sundry streets, avenues, alleys and other public places within the City of Seattle, and upon other property within the limits of said City, and granting to said company, its successors and assigns, rights of way for such tracks along and across all such streets, avenues, alleys and other public places of said City, including certain tracks on Alaskan Way South (formerly Railroad Avenue) and Railroad Way South, which said railway company constructed and had maintained and operated for many years, until with the construction of the Alaskan Way Viaduct it became necessary to relocate and rearrange portions of said trackage to accommodate said Viaduct: and

WHEREAS: The City by agreements dated March 23, 1951 and October 19, 1955, contracted for the changes to be made in said trackage and therein agreed to the modification of franchise ordinances affected thereby; NOW THEREFORE, BE IT OF CATALLY AS FOLLOWS:

SECTION 1. That Section 1 of Ordinance No. 12018 approved January
25, 1905 and Section 2 of Ordinance No. 9118, approved January 6, 1903 as amended
by Section 1 of Ordinance No. 12018, both entitled "An Ordinance of the City of
Seattle granting to the MORTHERN PACIFIC RATIMAN COMPANY, its successors and
assigns, the right, privilege and authority to lay down, construct, maintain and
operate sundry railway tracks along and across sundry streets, avenues, alleys
and other public places within the City of Seattle, and upon other property within
the limits of said City, and granting to said Company, its successors and assigns,
rights of way for such tracks along and across all such streets, avenues, alleys
and other public places of said City", and as heretofore amended by Ordinance No.
72613 is hereby mended to read as follows:

Ordinance No. (continued)

DESCRIPTIONS. - Sec. 2. The tracks of standard gauge railway, the laying down, construction, maintenance and operation whereof are authorized by this ordinance and the rights of way hereby granted for the same, are described as follows:

TRACKS ON SECOND AVENUE SOUTH - First: Two tracks of standard gauge railway, the center lines of which tracks shall be as nearly as practicable parallel with and seven and a half (7%) feet distant orbither side from the center line of Second Avenue south, beginning at the intersection of the south boundary line of the City of Seattle (as existed on date Ordinance No. 12018 was approved) with said center line of Second Avenue South, and running thence northerly on Second Avenue South to South Horton Street (formerly Canal Waterway) as the same is now platted. Said right of way on Second Avenue South for such tracks, shall be thirty (30) feet in width. From the south side of South Horton Street (formerly Canal Waterway) running mortherly, the right to cross intervening streets is hereby granted, so that the grantee shall have the right and suthority to construct and operate its lines of railway from the south side of said South Horton Street (formerly Canal Waterway) in a general mortherly direction between Third Avenue South (formerly Oriental) and Occidental Avenue South to the south line of So. Connecticut Street.

WIE TRACKS TO FOURTH AVENUE SWITH. - Secondly: A Mayer track on Second Avenue South and South Spokane Street (formerly Spokane Avenue) and on the public areas east of Second Avenue South intervening between the same and South Spokane Street (formerly Spokane Avenue), the two branches of which Mayer track shall start from the more easterly of the two tracks mitherized by the first clause of this section, and shall run thence easterly on 10 degree curves to a junction thereof at or near the west line of Fourth Avenue South.

TRACK TO NIME AVENUE SOUTH. - Thirdly: A single track of standard gauge reliway, the center line whereof shall be as nearly as may be coincident with the center line of the right of way therefor next hereinbelow specified, and a right of way 15 feet in width for such track, the center line of which right of way shall begin at the junction of the two branches of the "Myo" track mather-

Ordinance No. (continued)

ized by the second clause of this section, at or near the west line of Fourth Averme South, and shall run thence east along the center line of South Spokane Street, (formerly Spokane Avenue) to a point about 190 feet east of the east line of Sixth Avenue South, thence on a curve to the left with a radius of 573.6 feet, through 17 degrees, 51 minutes, 16 seconds of curvature, to a point where such curve is tangent to a line parallel with and 30 feet northwesterly of the southeasterly line of Airport Way South (formerly Seattle Boulevard), thence along the last described line to a point abo 10 feet southwesterly of the intersection of the west line of Ninth Avenue South, produced southerly, with the south line of South Horton Street, (formerly Canal Waterway), produced easterly, as laid out on the map of Seattle Tide Lands filed March 15, 1895, in the office of the Board of State Land Commissioners of the State of Washington, thence on a curve to the left with a radius of 410.2 feet through 36 degrees 49 minutes 14 seconds of curvature, to a point where such curve is tangent to the center line of the present existing track of the Pacific Coast Railroad (formerly Columbia & Puget Sound Railroad Company) in Ninth Avenue South.

railway, the senter lines of which tracks shall be as nearly as may be parallel with and 7.5 feet distant on either side from the center line of the right of way therefor weak hereinbelow specified, and a right of way 30 feet in width for such tracks, the center line of which right of way shall begin at a point in the intersection of the south boundary line of the City of Seattle (as it existed on date Ordinance No. 12018 was approved) with the alley in block 28 of J. J. Moss's addition to South Seattle, which point is 165.47 feet east of the center line of Airport Way South (formerly Eighth Avenue South) and shall run thence northerly on a targent bearing north h degrees 18 minutes 58 seconds east according to the city's standard regidian a distance of h82.6 feet, to a point in the center line of South Charlestown Street, which point is distant 210.15 feet east of

Thence continuing on the same course a distance of 1938.89 feet more or less, to a point on the line between the E. Hanford Donation Claim, and the J. J. Moss Donation Claim, which point is 43 feet more or less, distant, south 89 degrees 35 minutes 15 seconds east from the meander corner on the line between the E. Hanford Donation Claim, and the J. J. Moss Donation Claim;

Theree continuing on the same course at an angle to the said donation claim line of 93 degrees 54 minutes (a northwest angle), a distance of 40 feet more or less, making a total distance of 2461.49 feet from the place of beginning; thence on a curve to the right with a radius of 1146.28 feet, through 10 degrees 28 minutes 17 seconds of curvature, 209.43 feet; thence on a tangent bearing north 14 degrees 47 minutes 15 seconds east, 1127.97 feet, to a point near the east marginal line of Tenth Avenue South; thence on a curve to the left with a radius of 1763.18 feet, through 23 degrees 28 minutes 23 seconds of curvature, 722.4 feet to a point in lot 2 in block 10 of Bayside Addition:

Thence on a tangent bearing north 8 degrees 41 minutes 8 seconds west, a distance of 782.01 feet to a point in lot 7 in block 65 of McNaught's addition to Central Scattle;

Thence on a curve to the right with a radius of 9549.34 feet, through 6 degrees 0 minutes 50 seconds of curvature, 1002.22 feet;

Thence on a tangent bearing north 2 degrees LO minutes 18 seconds west, 620.66 feet to a point near the south line of Lot h in Block 6 of McNaught's Third addition; thence on a curve to the left with a radius of 1910.08 feet, through 15 degrees 25 minutes 26 seconds of curvature, 51h.13 feet to a point in Ninth Avenue South;

Thence on a tangent bearing north 18 degrees 5 minutes blu seconds west, 60h.53 feet, to a point in lot 7 block 5 of Judkin's Addition.

Thence on a curve to the left with a radius of 175h.19 feet, through h degrees of curvature, 122.45 feet, to a point in Lot 5 in Block 5 of Judkin's Addition:

Thence on a curve to the right with a radius of 677.338 feet, through 6 degrees 36 minutes 3 seconds of curvature, 77.96 feet, to a point in South Addition Street:

Thence on a tangent bearing north 15 degrees 29 minutes hl seconds west, 165.5 feet to a point in Eighth Avenue South:

Thence on a curve to the right with a radius of 955.366 feet, through 17 degrees 20 minutes 14 seconds of curvature 288.95 feet;

Thence on a tangent bearing north 1 degree 50 minutes 33 seconds east, 103.13 feet;

Thence on a curve to the left with a radius of 13h8.h5 feet through 12 degrees 18 minutes 15 seconds of curvature, 289.51 feet;

Thence on a curve to the left with a radius of 696.5 feet, through the degrees 24 minutes 15 seconds of curvature, 174.95 feet;

Thence on a curve to the left with a radius of 1809.57 feet, through 15 degrees 12 mirrores 16 seconds of curvature, 480.14 feet, to a point in Seventh Avenue South;

Thence on a tangent bearing north h0 degrees h minutes 13 seconds west, 321.75 feet;

Thence on a curve to the right with a radius of 3437.87 feet, through it degrees it mirates 5 seconds of curvature, 244.03 feet to a point in the center line of South Dearborn Street which point is distant 47.60 feet west of the intersection of the center line of South Dearborn Street and Maynard Avenue South, the angle formed by the tangent to the curve at the southerly terminus of same and the center line of South Dearborn Street being 49 degrees 49 minutes 17 seconds, (a northwest angle);

Thence along the arc of the same curve through 6 degrees 31 minutes 33 seconds of curvature, 391.64 feet;

Thence on a tangent bearing north 29 degrees 28 minutes 35 seconds west, 152.01 feet to a point in Sixth Avenue South;

Thence on a curve to the left with a radius of 532.943 feet, through 10 degrees 46 minutes 15 seconds of curvature, 100.04 feet;

Thence continuing on a curve to the left with a radius of 955.366 feet through 19 degrees 37 minutes 21 seconds of curvature, 327.04 feet, to a point in Fifth Avenue South;

Thence on a curve to the left with a radius of 1127.50 feet, through 16 degrees 06 mirates 51 seconds of curvature 317 feet, to a point in the east line of Fourth Avenue South, which point is 16.2 feet more or less south of the northwest corner of block 26 of Haynard's plat.

Provided, however, that the grant of this ordinance of the right of way in this fourth clause of this section specified, and the authorization hereby of the railway tracks in this clause specified are and shall be subject in all respects to the existing rights of the Pacific Coast Railroad (formerly the Columbia & Puget Sound Railroad Company) in respect of said right of way and its track now occupying the same.

TRACK ON COLORADO AVENUE SOUTH (formerly Colorado Street), etc.

FIFTHIY: A single track of standard gauge railway, the center line whereof shall be as nearly as may be coincident with the center line of the right of way next hereinbelow specified, and a right of way 15 feet in width for such track the center line of which right of way shall begin at the intersection of the south boundary line (as it existed on date Ordinance No. 12018 was approved) of the City of Seattle with a line parallel with and 37.5 feet east of the west line of Colorado Avenue South (formerly Colorado Street) produced south, and shall run thence northward on eaid last described line to a point 27 feet south of the south line of South Atlantic Street. The above described right of way was assigned to the Columbia & Pugut Sound Railway (now known as Pacific Coast Railroad) August 9, 1905.

A single track of standard gauge railway and a right of way 15 feet in width for such track the center line of which right of way shall begin on a line in Colorado Avenue South (forwerly Colorado Street) parallel with and 22.5 feet east of the west line of said Avenue and as nearly as may

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

LESS CLEAR THAN THIS NOTICE

be at the intersection thereof with a line drawn parallel with and 27 feet south of the south line of South Atlantic Street and produced west and shall run thence on a curve to the right with a radius of 483.69 feet through 17 degrees lk minutes 15 seconds of curvature, to a point where such curve is tangent to a line in Alaskan Way South (formerly Railroad Avenue) parallel with and 27.58 feet westerly of the easterly line of said Avenue, produced southward, measured at right angles thereto, thence northerly on said last described line 96.2 feet to the point of switch to the Great Northern Railway Company track as described in Section 2 Ordinance 9119 amended, thence continuing along said parallel tangent to a point as nearly as may be at the intersection thereof with a line drawn parallel with and 30 feet south of the north line of Lot 19 in Block 329 of Seattle Tide Lands and produced westward, thence on a curve to the left with a radius of 1889.09 feet, through 17 degrees lk minutes15 seconds of curvature to a point where such curve is tangent to a line in Alaskan Way South parallel with and 27 feet west of the east line of said Alaskan Way South, thence north on said last described line to a point as nearly as may be at the intersection thereof with the north line of Lot 3 Block 328 of Seattle Tide Lands and produced westward, thence on a curve to the left with a radius of 877.45 feet, through 6 degrees, 22 minutes of curvature to a point where such curve is tangent to a line in Alaskan Way South thence mortherly along said tangent 24.8 feet through the end of Northern Pacific Railway Company ownership and the beginning of Great Northern Railway Company ownership, thence on a curve to the right with a radius of 35ld: 19 feet through 1 degree 30 minutes of curvature to a point where such curve is tangent to a line in Alaskan Way South and the beginning of track also covered in ordinance 12191 amended, thence along said tangent line 139.66 feet, thence on a curve to the right with a radius of 700.66 feet through & degrees 52 minutes of curvature to a point where such curve is tangent to a line in Alaskan Way South parallel with and 120.50 feet east of the west line of said Alaskan Way South, thence north along said last described line llh.7 feet to a point as nearly as may be at the intersection thereof with a line drawn parallel and 17 feet south of the north line of South King Street and produced westward.

TRACKS FROM SOUTH CONNECTICUT STREET TO YESLER WAY: - Sixthly: A single track of standard gauge railway, the center line whereof shall be as nearly as may be -coincident with the bace line of the right of way therefor next hereinbelow epocified, nd a right of way 30 feet in width for such track 22.5 feet southwesterly and 7.5 feet northeasterly of said base line and extending northwesterly to the east line of Occidental Averse South where the base line becomes the center line of a right of way 15 feet in width for such track, the base line and subsequent center line of which right of way shall begin at a point in the south line of South Connecticut Street 189.20 feet cast of the northwest corner of Block 322, Seattle Tide Lands, and shall run thence morth 11 degrees 25 minutes west along a tangent a distance of 914 06 feet to a point 7.72 feet east and 793.58 feet north of the southwest corner of Block 325, Scattle Tide Lande, thence in a northwesterly direction on a curve to the lost having a radius of 1116.97 feet, through 19 degrees 05 minutes of curvature to a point where such curve is tangent to a line in Railroad Way South parallel with and 30.5 feet couthwesterly as measured at right angles from the north easterly line of said Railroad Way South, thence northwesterly along said last described tangent 703-40 feet, thence on a curve to the right with a radius of 355.37 feet, through 05 degrees 31 minutes of curvature to a point where such curve is tangent to a line in said Relivend Way South near the east line of Alecken Way South (formerly Reilroad Avenue), thence morthwesterly along eald tangent 115.01 feet, thence on curve to the right with a radius of 383.00 feet through 24 degrees 59 minutes of curreture, to a point where such curve tangent to a line in Alaskan Way South parallel with and 120.50 feet east the west line of said Way as massured at right engles therete and as meerly as my be 25.00 feet south of the north line of South Ling Street and produced word, thence north elong said last described line for a distance of 166.30 feet to a point of connection with the Great Northern Railway tompany track as meanly as may be 157-10 feet south of the intersection of the center line of South Jooksen Street and produced vestword, (NOTS) BESTN FORTION OF N. P. TRACK USED DY O. H., also covered in Ordinance 12191 cmended), themes continuing clong said - parallel tangent to its intersection as meanly as may be with a line drawn parallel -with and G.59 feet couth of the north 11m of South Jackson Street and produced westward, thence on a curve to the right, with a radius of 7700.57 feet through --- 00 degrees 52-minutes -35 seconds of curvature, thence on a curve to the left, with a radius of 7700.97 feet, through 00 degrees 53 wintes 35 seconds of

curvature to a point where such curve is tangent to a line in Alaskan Way South parallel with and 122.37 feet east of the west line of said Way, as measured at right angles thereto, and as nearly as may be at the intersection of soid last dascribed line with a line 0.59 feet south of the south line of South Mein Street and produced westword, thence morth along said parallel tangent to a point of connection with the Gr at Northern Railway Company track se nearly as may be the intersection thereof with a line drawn parallel with and 47.90 feet of the north line of South Main Street and produced westward, (NOTE: FORTION OF N.P. TRACK USED BY G.N.) thence continuing north along said parallel tangent line to a point of intersection thereof as nearly as may be with a line drawn parallel with and 102.98 feet south of the south line of South Washington Street and produced westward, theree on a curve to the left, with a radius of 819.C2 feet, through 31 degrees 45 minutes 10 seconds of curvature, to a point where such curve is tangent to a line in Alsekan Way South parallel with and 11:2.50 foot east of the west line of Alaskan Way South, thomas mortherly along said last described line 39.08 feet to a point being as nearly as may be the interesetion of the last described line with a line draw at right engles scross said Alaskan Way from the intersection of the easterly line thereof with the north line of Yesler Way. Also including a single track of standard gamge railway, the center line whereof shall be as nearly as may be coincident the senter line of the right of way therefor next hereinbelow specified, of way 15 feet in width for such track, the center line of which right of way shall begin on a line in Railroad Way South tangent to a praviously escribed curve to the right with a radius of 955.37 feat through 05 degrees minutes of curvature and 112.6 feet northweste of from the point of tangency of such curve thence on a curve to the right with a radius of 459.28 feet, through 2 degrees 30 nimites of curvature to a point where such curve is tangent a line in Alaskon A South, themes northwesterly along said last described tengent 91.5 feet, thence on a curve to the right with a radius of 459.28 feet hrough 15 degrees 45 minutes of curvature to a point-where such curve is in Alaska, May South, thence northwesterly along said 10.5 feet, thence on a curve to the right with a radius of 680.31 feet

	Ordinance (continued)
	6 degrees his minutes of curvature to a point where such curve is tangent to
	a line in Aleskan Way South parallel with and 75.5 emeterly of the westerly
	line of a id Alaskan Way South, and so necessity as many be at the intersection
	thereof with a line parallel with roll of feet specifical the scuth line of
	South Jackson Street and produced assets the
	TRACK FROM SOUTH NAME ASSESSED TO A SECONDARY A SINGLE
	track of standard gange railway, the secretary areas shall be as marly as
	new be established with the comprise of the of may next hereinbelow
_	specified, and a right of way 15 feet in whith for such track, the center line
	of which right of way shall begin at the intersection of the center line of
	South Main Street produced vestward with a line on Aleskan Way South parallel
	with and 50.5 feet east of the west line of Alasken Way South and shall my
	themes mosth eleng said last described line to a point us mearly as may be at the
	intersection thereof with a line draw parallel with and 7 feet south of the
	earth line of Lat 3 in Block 199 of Sectile Tide Lands and produced contwards
_	thesee on a surve to the left with a radius of 955-37 feet through 31 degrees
	LS minutes 10 seconds of curvature to a point as mariy as may be 21-8 feet
	southeseterly of the intersection of a line is Alesken May South parallel with
	and 88.5 feet southwesterly from the east line of Alaskan Way South, measured
	at right angles thereto, with a line dram at light angles serves Alaskan Way
	in the second se

Section 2. It is acknowledged that the grantee has completed the construction or relocation of the tracks along the routes authorized under . Section 1 of this ordinance; and is now maintaining said tracks and operating thereon.

Section 3. The grantee, its successors and assigns, shell within six (6) months after the taking effect of this ordinance, file in the office of the City Comptroller a copy, duly certified and attested to by its Secretary

under its corporate seal, of a resolution duly adopted by its Board of Directors or by the Executive Committee or Pinance Committee of said Board, thereunto duly suthorized, accepting the banefits of this ordinance and the rights, privileges and suthorities hereby granted, subject to all the conditions, restrictions, specifications and requirements herein expressed. In lieu of such resolution, the grantee may, within the time aforesaid, file with the City Clerk a written acceptance signed by any corporate officer thereunto duly authorized; provided such acceptance shall be accompanied by evidence of such officer's authority, duly certified and attested by the Secretary or Assistant Secretary of the corporation.

Section b. This ordinance shall take effect and be in force thirty (30) days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the City Charter.

December

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1963, and sign		n session in	muthentication	on of its passag	• this
			Flow	LEM	Ulex ouncil
	APPROVED by see	this 3/	_ en or _	December	1.963.
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	FILED by me thi	is <u>3/</u>	day of	December 1	1963.
		ATTEST:	O.	Amptroller and C	ity Clerk
		Вуз	And the second second second second second	Deputy Cler	

Date of official publication of this Ordinances

#### SPORSODELIB

THE ATTACHED DOCUMENT IS SPONSORED F THE MEMBERISI OF THE CITY COUNCIL WHO	SE SIGNATURE(S) ARE SHOWN BELOW:
Som Much	
OR CITY COUNCIL PRESIDENT USE ON	
COMMITTEE(S) REFERRED TO:	

PRESIDENT'S SIGNATURE

City of Seattle

Executive Department—Office of Management and Budget

Diama Galle, Director "Jorgan B. Rice: Mayor

December 30, 1994

The Honorable Mark Sidran City Attorney City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING

**DEPARTMENT:** 

Personnel

SUBJECT:

AN ORDINANCE establishing titles, retitling, reclassifying and setting compensation for certain employee positions in various City departments; correcting the position listing in the 1994 Adopted Budget and inadvertent errors in previous ordinances;

and providing payment therefor.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMB. Any specific questions regarding the legislation can be directed to Judith Noble at 684-8078.

Sincerely,

Norman B. Rice Mayor

DIANA GALE **Budget Director** 

legis:noble43

Enclosure

cc: Director, Personnel

Marely 7 Ch

MATERIAL 2 1994

#### Seattle **Engineering Department**

Gary Zarker, Director Norman B. Rice, Mayor

December 16, 1994

The Honorable Jim Street, President Seattle City Council 1100 Municipal Building 600 Fourth Avenue Seattle, Washington 98104

Mayor Norman B. Rice VIA:

Diana Gale, Director ATTN:

Office of Management and Budget

Proposed Ordinances to Terminate Railroad Operations Along

the Central Waterfront

#### Honorable Members:

By agreement dated August 27, 1987 Burlington Northern Railroad Company eliminated railroad operations along Alaskan Way and Alaskan Way South, between Bell Street and South Jackson Street. to eliminate railroad Burlington Northern further agreed operations between South Jackson Street and South King Street. Conditions of the agreement have all been met, with the exception of the closure of South Atlantic Street to vehicular traffic. This closure will be done upon acceptance of the City's Alaskan Way South/South Royal Brougham Way - Ferry Access Project.

Enclosed are three draft ordinances, which eliminate franchise rights where railroad operations have ceased, and enact a new franchise for the trackage that currently exists along the The first ordinance repeals Burlington Northern Railroad's existing Ordinances 57179 and 58867, and amendatory Ordinances 92566 and 92567, which grant a franchise along Alaskan Way and Alaskan Way West, between Yesler Way and West Garfield The proposed ordinance will also grant Burlington Northern a perpetual franchise along Alaskan Way and Alaskan Way West, between Bell Street and West Garfield Street.

The second ordinance amends Burlington Northern's existing Ordinances 9117, 9118 and 9119, and amendatory Ordinances 12018, 12191, 66225, 72613, 92565, 92569 and 92570, to eliminate railroad operations along Alaskan Way South, from Yesler Way to sixty-five feet south of the centerline of South King Street.

The Honorable Jim Street December 16, 1994 Page 2

The third ordinance amends Oregon and Washington Railroad Company's (Union Pacific Railroad) existing Ordinance 19030 and amendatory Ordinances 26254, 30947, 75816, 77271 and 92571, to also, eliminate railroad operations along Alaskan Way South, from Yesler Way to sixty-five south of the centerline of South King Street.

We met with Burlington Northern and Union Pacific to review the draft ordinances. They are satisfied that their interests are protected in the language of the proposed ordinances.

I recommend that the City Council approve the enclosed draft ordinances for the elimination of railroad operations along the Central Waterfront, and granting Burlington Northern Railroad a perpetual franchise along Alaskan Way and Alaskan Way West, between Bell Street and West Galer Street.

Respectfully Submitted,

John Okamoto, Acting Director
Seattle Engineering Department

JO/KTJ:rha

Enclosures

cc: Martha Choe, Chair, Transportation and Economic Development Committee

## TIME AND DALE STAMP

SPONSORSHIP	
THE ATTACHED DOCUMENT IS SPONSORE THE MEMBER(S) OF THE CITY COUNCIL	ED FOR FILING WITH THE CITY COUNCIL BY WHOSE SIGNATURE(S) ARE SHOWN BELOW:
	-A-0
Ivastha	- Chae
FOR CITY COUNCIL PRESIDENT USE	ONLY
COMMITTEE(S) REFERRED T	0:
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# City of Seattle

Executive Department—Office of Management and Budget

Diana Gale, Director Norman B. Rice, Mayor

December 28, 1994

The Honorable Mark Sidran City Attorney City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING

**DEPARTMENT:** 

Engineering

SUBIECT:

AN ORDINANCE relating to the railroad franchises along the Seattle Waterfront District, amending Ordinances No. 9117 as amended by Ordinances 12191 and 92565; 9118 as amended by Ordinance 12018, 72613 and 92570; and 9119 as amended by Ordinances 66225 and 92569; to amend the description of certain railroad rights-of-way to reflect the termination by Burlington Northern Railroad Company of railroad operations along the

waterfront by January 4, 1989.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMB. Any specific questions regarding the legislation can be directed to Kwan Wong at 684-8083.

Sincerely,

Norman B. Rice

Mayor

by

DIANA GALE
Budget Director

legis/wong48

Enclosure

cc: Director, Engineering

## STATE OF WASHINGTON - KING COUNTY

51820 -ss.
City of Seattle, City Clerk

No. IN FULL

## **Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORD: 117481

was published on

02/03/95

The amount of the fee charged for the foregoing publication is the sum of \$ , which amount has been paid in full.

Subscribed and sworn to before me on 02/03/95

Notary Public for the State of Washington, residing in Seattle

Affidavit of Publication