

ORDINANCE No. 117481

COUNCIL BILL No. 110519

ANCE revealing the franchise granted  
Great Northern Railway Company and the  
Pacific Railway Company, their  
ors and assigns, b. Ordinances 57179  
7, and amendatory Ordinances 57179  
7, to provide for changes in the  
se right-of-way occasioned by the  
tion of train operations along the  
Waterfront and granting a perpetual  
se to the Burlington Northern Railroad  
successor to the Great Northern  
Company and the Northern Pacific  
Company, for the right, privilege,  
urity to operate trains and maintain  
portions of track and right-of-way  
franchise Ordinances 57179, 58867,  
d 592567.

JAN 17 1995	To: TRANSPORTATION AND ECONOMIC DEVELOPMENT
	To:
	To:
JAN 23 1995	Second Reading:
JAN 23 1995	Signed: JAN 23 1995
to Mayor: JAN 24 1995	Approved: JAN 30 1995
City Clerk: JAN 27 1995	Published: F
Mayor:	Veto Published:
r Veto:	Veto Sustained: (OK)

104

*Law Department*

The City of Seattle--Legislative

REPORT OF COMMITTEE

Honorable President:

Your Committee on Transportation

to which was referred the within Council Bill No. \_\_\_\_\_  
report that we have considered the same and respectfully recom

2-0

Full Council 9-0

*Marsha Ch...*

Committee Chair

ORDINANCE 11748

1 AN ORDINANCE repealing the franchise granted to the Great  
2 Northern Railway Company and the Northern Pacific Railway  
3 Company, their successors and assigns, by Ordinances  
4 57179 and 58867, and amendatory Ordinances 92566 and  
5 92567, to provide for changes in the franchise right-of-  
6 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.

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

8 Section 1. Ordinance 57179 entitled:

9 AN ORDINANCE granting to the Great Northern Railway  
10 Company and the Northern Pacific Railway Company,  
11 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.

12 and amendatory Ordinance 92566 entitled:

13 AN ORDINANCE relating to the franchise granted to  
14 the Great Northern Railway Company and the Northern  
Pacific Railway Company, their successors and  
15 assigns, by Ordinance No. 57179; amending said  
ordinance to provide for changes in the franchise  
16 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,

17 and Ordinance 58867 entitled:

18 AN ORDINANCE granting to the Northern Pacific  
19 Railway Company, rights-of-way for, and the right,  
privilege and authority to locate, lay down,  
20 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,

21 and amendatory Ordinance 92567 entitled:

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

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

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

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.

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 hereby 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

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

line is described as follows:

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 forty-three (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 Street 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, ninety-three (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

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



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 ninety-three (93) foot right-of-way being the production northwesterly (north  $41^{\circ}10'23''$  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 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 beginning 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:

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

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

14           SECOND: The City of Seattle hereby reserves to itself and  
15 Burlington Northern the right to construct all necessary public  
16 improvements and to install and carry all public utility  
17 facilities across, underneath or above any and all of the  
18 tracks hereby authorized, and above or below any and all  
19 bridges, trestles or culverts, if any, which have been  
20 constructed under the provisions of Ordinances 57179, 58867,  
21 92566 and 92567, and the City reserves to itself full and  
22 complete right of access to any space occupied by such tracks  
23 and to all of said franchise rights-of-way within the limits  
24 of any streets, alleys, avenues or public places, together with  
25 the right to open and excavate the ground beneath said tracks  
26 or within said franchise rights-of-way, for all purposes of  
27 construction, maintenance, repair, operation and inspection of  
28 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-

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

1 five (45) days written notice shall be given to Burlington  
2 Northern, its successors, or assigns, and Burlington Northern,  
3 its successors and assigns shall, at its own cost and expense,  
4 remove, relocate, support, reinforce said tracks as necessary  
5 and provide flagging, and shall also furnish an authorized  
6 agent or representatives at Burlington Northern's own cost and  
7 expense, who shall supervise such removal, relocation, support,  
8 reinforcement or excavation or other work; provided that, in  
9 case of emergency repairs, the length of such notice may be  
10 less than forty-five (45) days, but not less than twelve (12)  
11 hours. Burlington Northern shall have the option of requiring  
12 that any such construction, repair, renewal, maintenance or  
13 inspection of municipally owned utility be done by tunnelling  
14 or jacking beneath said tracks, if such utility determines that  
15 tunnelling or jacking is practicable, and upon Burlington  
16 Northern providing assurances satisfactory to such municipally  
17 owned utility that Burlington Northern will pay the extra cost  
18 of tunnelling or jacking, over the cost of open cutting. If  
19 it is necessary that such tracks should be removed, relocated,  
20 supported, or reinforced during the progress of the  
21 construction, repair, renewal, maintenance, or inspection of  
22 any municipally operated utility, or for any public  
23 improvement, Burlington Northern, its successors or assigns,  
24 shall remove or relocate said tracks and shall construct and  
25 place such support and provide flagmen as necessary, and shall  
26 attend to the replacement and readjustment of its track, all  
27 at its own cost and expense.  
28

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 re-  
improved, 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

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

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

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

13 (a) To erect and maintain all such safety devices,  
14 warning signals, lights and appliances as may be necessary to  
15 protect and facilitate public travel; and

16 (b) To protect and save harmless The City of Seattle from  
17 all claims, actions or damages of every kind and description  
18 which may accrue to or be suffered by any person or property  
19 by reason of any defective construction or maintenance of any  
20 part of the franchise rights-of-way. If any suit or action is  
21 begun against The City of Seattle for damages arising out of  
22 such defective construction or maintenance, then Burlington  
23 Northern shall, upon notice to it of the commencement of such  
24 suit or action, defend the same at its sole cost and expense;  
25 and

26 (c) That if Burlington Northern shall carelessly or  
27 negligently operate over any of the tracks constructed under  
28 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,

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

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

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

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

23 SIXTH: Grantee shall be solely responsible for the  
24 maintenance and safety of the rights-of-way granted herein,  
25 including all tracks and all grade crossings, and shall  
26 cooperate and coordinate with the City of Seattle Director of  
27 Engineering to assure adequate rehabilitation, repair and  
28 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

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

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

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.

Section 7. In order to claim the benefits of this 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.

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

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

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

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

21 Passed by the City Council the 23 day of January,  
22 1995, and signed by me in open session in authentication of its  
23 passage this 23 day of January, 1995.

24 President \_\_\_\_\_ of the City Council

25 Approved by me this 20 day of January, 1995.

26 Mayor

27 Filed by me this 20 day of January, 1995.

28 City Clerk

Attachment  
to CB 110519  
Ord # 117481

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



*Amended Section 243 of Ordinance No. 12111*

*Pd 29*

ORDINANCE NO. 9417.

An ordinance of the City of Seattle granting to the Seattle and Montana 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.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City of Seattle does hereby grant to the Seattle and Montana Railroad Company, its successors and assigns, in perpetuity, the right, privilege and authority to lay down, construct, maintain and operate sundry tracks of standard gauge railway, as hereinbelow designated and specified, together with all needful crossovers and connections between any of said tracks and any other thereof, or any other track, adjacent thereto, along and across sundry streets, avenues and other public places within the limits of said city; and also a right of way for said tracks along and across all said sundry streets, avenues and other public places of said city, which said right of way shall be fifteen 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 such tracks or any thereof as shall be requisite for the construction thereon of proper slopes and retaining walls for the roadbed 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 which rights, privileges and authorities are hereby granted subject to all the conditions, restrictions, specifications and requirements of this ordinance contained.

Section 2. The tracks of standard gauge railway the right of way, construction, maintenance and operation thereof are authorized by

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

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 parallel with and respectively 7.5 feet and 22.5 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 66 feet westerly of the easterly line of said avenue, measured at right angles thereto, at the intersection of said last described line with a line drawn at right angles across Railroad avenue from the intersection of the easterly 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 Railroad avenue parallel with and 143 feet east of the west line of said avenue, said point being as nearly as may be at the intersection of said last described line with a line drawn parallel with and 75 feet north of the north line of Main street produced westward; said right of way, however, 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 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 point last designated and shall run thence south, on a line parallel with and 143 feet east of the west line of Railroad avenue, to a point as nearly as may be at the intersection of said last described line with the south line of block four (4)

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

of D.S. Maynard'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 southeasterly along said last described tangent 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 Lands (as laid out on the map of said tide lands filed on March 15, 1896, in the office of the Board of State Land Commissioners of the State of Washington) and produced westward, 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 parallel with and 45 feet east of the west line of block 325 of said Seattle Tide Lands, as nearly as may be at the intersection 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 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 a point 44.5 feet west of the southwest corner of block 4 in D.S. Maynard'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 eastward, 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 on said last described line to a point as nearly as may be at

the intersection of said 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:

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, 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 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 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, 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.

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

Second: Whenever any of the tracks herein authorized shall 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 shall be vacated by ordinance 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 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, 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, and whenever any such street, avenue or other public place, after having been so graded or improved by the city, shall be regraded, replanked, repaved 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 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 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

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

maintenance of such tracks upon such streets, so long as such street railway franchises respectively shall remain in force.

Third: At every travelled 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 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 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 the 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 Seattle, 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 rights of way, or by reason of the negligent operation by said grantee, its successors or 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 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

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

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 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 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 option 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 to 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 grantee, its successors and assigns, shall have the right to lay down, construct, maintain and operate 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, 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 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.

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

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

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 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 avenue above and across said tracks, which bridge and its abutments 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 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 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 northerly 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 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 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 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 Seattle, 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 superstructure of so much of said bridge as shall lie within



said central twenty two (22) feet of said First Avenue north, and said grantee 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, 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 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 either thereof. Said bridge shall be completed and ready for public travel within eighteen months after the City of Seattle 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.

Seventh: Said grantee, its successors or assigns, shall begin work upon the readjustment of its railway tracks at present occupying any areas within those parts of Railroad Avenue and Railroad Way, respectively, lying between the northerly end and the southerly ends of the tracks authorized by the first clause of section 2 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, within eighteen months after this ordinance shall take effect, and shall complete such readjustment of at least one of said tracks throughout said entire distance, within two years after this ordinance shall take effect. 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 clause prescribed, then, unless the beginning or the completion 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 authorities herein granted.

Eighth: Said grantee shall agree and covenant, in behalf of 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 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 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 end of the tracks authorized by the first clause and the southerly ends of the tracks authorized respectively by the first and second clauses of section 2 hereof, and that it or they will also file in the office of the city comptroller a 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 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 Railroad avenue and Railroad Way 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 effect; and if said grantee, its successors or assigns, shall fail to per-

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

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 authorities herein granted.

Eighth: Said grantee shall agree and covenant,in behalf of 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 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 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 end of the tracks authorized by the first clause and the southerly ends of the tracks authorized respectively by the first and second clauses of section 2 hereof,and that it or they will also file in the office of the city comptroller a 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 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 Railroad avenue and Railroad Way 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 effect; and if said grantee,its successors or assigns,shall fail to per-

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

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 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 assigns, shall be liable to the city for all the expense of such removals: 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

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

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 mile, \$2.00 per loaded car;

Where the length of such switching service, as aforesaid, shall 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 4. In the operation of the tracks authorized by this ordinance, said grantee, its successors and assigns, shall have the right to use steam power or any other motive power that it or they 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 hereof, 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 scope of such grants: Provided, however, that no such assignment, either total or partial, shall be of any force or effect until a copy thereof, certified as such by the secretary of the assignee, or other officer or person having the proper custody of such assignment in his behalf, shall have been filed in the office of the city comptroller.

Section 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 Seattle

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

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, specifications and requirements herein expressed, and agreeing and covenanting with the City of Seattle as is required in and 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 mayor; otherwise it shall take effect at the time when it shall become a law under the provisions of the city charter.

Passed the City Council the 5th day of January 1903 and signed by the same in open session in authentication of its passage this 5th day of January 1903

Wm. McPherson  
President of the City Council  
Approved by me this 6th day of January 1903  
Filed by me this 6th day of January, 1903  
G. H. Rogers  
Mayor  
Published January 8/1903  
J. H. Repplier by J. H. Repplier

**Ordinance No.** 9118

COPY OF ORD. 9118, AS AMENDED BY ORD. 12018  
(COPY INCLUDED) - OBTAINED FROM BOOK ENTITLED  
"SEATTLE RAILROAD FRANCHISES AND ORDINANCES",  
DATED 1905.

(ORIGINAL OF ORD. 9118 UNSUITABLE FOR FILMING,  
TO BE RETYPED)

COMPTROLLER  
FILE NUMBER

**Council Bill No.**

INTRODUCED	TO
REFERRED	TO
REFERRED	
REFERRED	
REPORTED	SECOND READING
THIRD READING	THIRD READING
PRESENTED TO MAYOR	APPROVED
SENT TO CITY CLERK	PUBLISHED
VETOED BY MAYOR	VETO PUBLISHED
PASSED OVER VETO	VETO SUSTAINED

8118 9118

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

herein mentioned; and if said written acceptance be not filed within said time this ordinance shall be void.

Claimed for N. P. Ry. Co. by Mr. Thomas Cooper, Jan. 4, 1903, date of transfer Oct. 21, 1903.

Ordinance No. 1203. This is evidently a clerical error and should be 1205, see page 77.

Ordinance No. 1205 is not a franchise ordinance.

Ordinance No. 6481, see page 258.

#### ORDINANCE NO. 9118.

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 6, 1903; published January 7, 1903; acceptance filed February 24, 1903; comptroller's file No. 351.

Be it ordained by the City of Seattle as follows:

**Grant.** Section 1. The City of Seattle does hereby grant to the Northern Pacific Railway Company, its successors and assigns, in perpetuity, the right, privilege and authority to lay down, construct, maintain and operate sundry tracks of standard gauge railway, as hereinbelow designated and specified, together with all needful crossovers and connections between any of said tracks and any other thereof, or any other track, adjacent 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 said sundry streets, avenues, alleys and other public places of said city, which said right-of-way shall be fifteen 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 such tracks or any thereof as shall be requisite for the construction thereon of proper slopes and retaining walls for the roadbed 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 which rights, privileges and authorities are hereby granted subject to all the conditions, restrictions, specifications and requirements in this ordinance expressed.

Sec. 2. (This section is amended by Ordinance No. 12018, see page 175.)

Sec. 3. (This section is amended by Ordinance No. 12018, see page 175.)

**Motive Power.**—Sec. 4. In the operation of the tracks authorized by this ordinance, said grantee, its successors and assigns, shall have the right to use steam power or any other motive power that it or they may deem suitable, subject to the reasonable control and regulation of the City of Seattle.

**Rights Assignable, How.**—Sec. 5. The rights of way, and all the rights, privileges and authorities, granted by this ordinance, and all benefit hereof, 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 scope of such grants; Provided, however, That no such assignment, either total or partial, shall be of



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

**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 Seattle 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 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.

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

#### ORDINANCE NO. 12018.

**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 Seattle 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:

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE 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 gauge railway, the center lines of which tracks shall be as nearly as practicable parallel with and seven and a half ( $7\frac{1}{2}$ ) 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 plotted. 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 northerly, the right to cross intervening streets is hereby granted, so that the grantee shall have the right and authority to construct 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 east 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 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 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 "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 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 Seattle Boulevard, thence along the last described line to a point about 180 feet southeasterly of the intersection of the west line of Ninth Avenue South, 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, 1902, 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 410.9 feet through 86 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 & Puget Sound Railroad Company in Ninth Avenue South.

**"Shore Line" Tracks.**—Fourthly: 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 a point in the intersection of the south boundary line of the City of Seattle with the alley in

block 28 of J. J. Moss's addition to South Seattle, which point is 166.17 feet east of the center line of Eighth Avenue South, and shall run thence northerly on a tangent bearing north 4 degrees 48 minutes 38 seconds east according to the city's standard meridian a distance of 482.6 feet, to a point in the center line of Charlestown Street, which point is distant 210.15 feet east of intersection of said center line of Charlestown Street with the center line of Eighth Avenue South.

Thence continuing on the same course a distance of 1978.89 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.

Thence continuing on the same course at an angle to the said donation claim line of 93 degrees 54 minutes in northwest angle, a distance of 40 feet more or less, making a total distance of 2167.29 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 582.01 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 9549.41 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 1919.08 feet, through 13 degrees 25 minutes 26 seconds of curvature, 511.13 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 677.438 feet, through 6 degrees 36 minutes 3 seconds of curvature, 77.96 feet, to a point in Addison Street;

Thence on a tangent bearing north 15 degrees 29 minutes 41 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 1318.15 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 11 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

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

degrees 12 minutes 16 seconds of curvature, 180.11 feet, to a point in Seventh Avenue South;

Thence on a tangent bearing north 40 degrees 4 minutes 11 seconds west, 321.75 feet;

Thence on a curve to the right with a radius of 3147.87 feet, through 1 degrees 4 minutes 5 seconds of curvature, 41.03 feet to a point in the center line of Dearborn Street which point is distant 17.00 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 and the center line of Dearborn Street being 49 degrees 49 minutes 17 seconds, (a northwesterly angle);

Thence along the arc of the same curve through 6 degrees 31 minutes 33 seconds of curvature, 391.61 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 14,943 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 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 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 next hereinafter 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 run 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 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 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 Seattle 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 curvature to a point where such curve is tangent to a line in Railroad Avenue parallel with and 20.5 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 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 16.6 feet easterly of the westerly line of Railroad Avenue measured at right angles thereto, and shall run thence southerly 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 then 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 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 feet to a point in Lot 23 Block 325, Seattle Tide Lands, 9.64 feet east of and 754.25 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 240.4 feet through an angle of 19 degrees 05 minutes a distance of 342.07 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 south 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.

**Track From Main Street to Yeeler Way.**—Eighthly: 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 the intersection of the north line of Main Street produced westward with a line on Railroad Avenue parallel with and 90.3 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 3 in block 100 of said Seattle Tide Lands produced eastward, thence on a curve to the left with a radius of 818 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 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 line of Yeeler Way.

Sec. 2. Section 3 of 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, 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 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 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 grantee 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 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, 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.

**Improvement of Grade Crossings.—Second:** Whenever any of the tracks herein authorized shall 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 shall be vacated by ordinance 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 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, 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 condition as the 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, repaved 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 grantee, its successors and assigns, 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 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.

**Lights at Street Intersection.—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 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 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 Save City Harmless 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 Seattle, 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 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 heretofore 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 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 (90) 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 or warehouse; Provided, however, That said grantee, its successors or assigns, may at its or their option require that such spur 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 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 successors 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 spur 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 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 spur track, nor for that purpose any oftener or longer than shall be reasonably necessary.

**Overhead Bridge on First Avenue South.**—At such time as the City of Seattle, by resolution or ordinance of its city council, shall require the same to be done, said grantee, its successors or assigns, 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 avenue above and across said tracks, whose bridge and its abutments 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 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 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 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 Seattle, 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 superstructure of so much of said bridge as shall lie within said central 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, 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 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 either thereof. Said bridges shall be completed and ready for public travel within eighteen months after the City of Seattle 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 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 council shall require the same to be done, said grantee, its successors or assigns, shall construct and maintain overhead bridges, not exceeding five in number, at the intersection of the tracks heretofore authorized with such streets of said city, among those lying east of Second Avenue South, as the city council 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 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 top of the rails of the tracks crossed thereby, and so as to provide such width of roadway 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 (26) feet in width, and of such length between

the abutments 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 Seattle 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 owned by it or 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 approach, or any thereof. Said bridges shall be completed and ready for public travel within eighteen months after the City of Seattle shall have required the construction of the same respectively by resolution or ordinance as aforesaid.

**Construction; Time Limit; Forfeiture.**—Eighth. Said grantee, its successors 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 City, so that such track for the distance above specified, and such connection of the same with said tracks north of Bell 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 clause prescribed, then, unless the beginning of said work or the completion of such track with its connection northward to the extent aforesaid, as the case 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 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 authorities herein granted.

**Readjustment of Tracks on Colorado Street and Railroad Avenue; Removal of Tracks Between Yowler 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 Seattle in and by its acceptance of the benefits of this ordinance hereinafter provided for, that said grantee, its successors or assigns, will, within six months after Colorado Street has been filled to grade, readjust all its railway tracks at present occupying any area within those parts of Colorado Street and Railroad Avenue, respectively, lying between the southerly boundary line of the City of Seattle and a point in Railroad Avenue four hundred (400) feet northward from the northerly end of block 300, Seattle 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 laid 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 ordinance 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.

(Compliance with this agreement was accepted by the city by Ordinance No. 9884, see page 263.)

## ORDINANCE NO. 9206.

**AN ORDINANCE** granting to the **NORTHERN PACIFIC RAILWAY COMPANY**, its successors and assigns, the right and authority to lay down, construct, maintain and operate a terminal yard, with certain lead and turnout tracks thereto, upon and over certain public streets and avenues and 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 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, maintain and operate a terminal yard with certain lead and turnout tracks thereto, 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 portion of block 359, Seattle Tide 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 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 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 Seattle Tide Lands and across certain of the intervening streets.

**Lead and Turn-out Tracks.** A strip 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; thence 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 873.7 feet, through 20 degrees of 03 minutes of arc, a distance of 260.5 feet; thence on a curve to the right, with a radius of 373.7 feet, through 26 degrees 03 minutes of arc, a distance of 260.5 feet to a point, which point is 69.9 feet northerly from the north line of Hanford Street; thence northerly on the tangent to the last described curve, which tangent is parallel to and 91 feet westerly from the westerly line of Colorado Street, to a point in Massachusetts Street; thence on a curve to the right with a radius of 2864.9 feet through 17 degrees 14 minutes 15 seconds of arc, a distance of 861.9 feet, to a point in Railroad Avenue, at which point said curve is tangent to a line parallel to and 170.5 feet easterly from the westerly line of Railroad Avenue; thence on said tangent a distance of about 150 feet.

**Terminal Yard Tracks.**—Also, a right of way across, over and upon Forest street, Lander street, Slacey street, Holgate street, Walker street and

shall have the same force 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 railway company outside the limits of the City of Seattle and delivered via the tracks of the Seattle 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 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 Seattle and Montana Railroad 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, shall not exceed two and one-half miles \$2.50 per loaded car:

Provided, however, That the charge for switching service to and from points on the east shore line shall not exceed \$3.00 per loaded car; 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 specified charges shall include the service of returning the empty car, or placing the empty car to be loaded, as 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.

**Covenant to Dedicate Street.**—Twelfth: Said grantee shall agree and covenant in behalf of itself, its successors and assigns, with the City of Seattle in and 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 easterly margin 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 & Hoyt Addition to the City of Seattle, and extending as aforesaid, from the northerly and easterly side of the right of way of the United States Government Canal, which point is about midway between the extension of First Avenue, Northerly, and of Phinney Avenue, and extending thence easterly as aforesaid along the south margin of the present existing Ewing Street, to the easterly margin of said Woodland Park Avenue. Said deed of dedication shall be filed with the City Comptroller of the City of Seattle within one (1) year from and after the date of the taking effect of this ordinance.

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

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 Seattle 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 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 Seattle 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, privileges 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, Seattle Tide Lands, as hereinbefore specified, on or before the 31st day of December, 1903; 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-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, 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 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 tracks 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 consistent with the prior rights of the grantees 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 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 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

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

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

**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 Seattle 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 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.

1Claimed 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 Seattle 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.**—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 (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 northerly, the right to cross intervening streets is hereby granted, so that the grantee shall have the right and authority to construct 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 east 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 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 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 "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 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 Seattle Boulevard, thence along the last described line to a point about 180 feet southwesterly of the intersection of the west line of Ninth Avenue South, 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 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 & Puget Sound Railroad Company in Ninth Avenue South.

**"Shore Line" Tracks.**—Fourthly: 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 a point in the intersection of the south boundary line of the City of Seattle with the alley in



block 25 of J. J. Moss's addition to South Seattle, which point is 166.47 feet east of the center line of Eighth Avenue South, and shall run thence northerly on a tangent bearing north 4 degrees 18 minutes 58 seconds east according to the city standard meridian a distance of 482.6 feet, to a point in the center line of Charlestown Street, which point is distant 210.15 feet east of intersection 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 5763.18 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 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 Street;

Thence on a tangent bearing north 15 degrees 20 minutes 41 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 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 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 minutes 16 seconds of curvature, 480.14 feet, to a point in Seventh Avenue South;

Thence on a tangent bearing north 40 degrees 4 minutes 13 seconds west, 321.75 feet;

Thence on a curve to the right with a radius of 3437.87 feet, through 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 and the center line of 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, 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 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 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 run 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 Seattle Tide Lands, as laid out on said map, and shall run thence northward on a curve to the right, with a radius of 953.4 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 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 Seattle 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 curvature to a point where such curve is tangent to a line in Railroad Avenue parallel with and 20.5 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 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 southerly 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 N. 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 feet 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 312.07 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 south 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.

**Track From Main Street to Yesler Way.**—Eightieth. 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 hereinafter 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 westward with a line on Railroad Avenue parallel with and 90.3 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 3 in block 199 of said Seattle Tide Lands produced eastward, thence on a curve to the left with a radius of 818 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 thereof with the north line of Yesler Way.

Sec. 2. Section 3 of Ordinance of the City of Seattle No. 9115 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, 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 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, 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 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, repair, alteration and inspection of any such public utility; 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

excepted thereby restored to as good a condition as prior to an exercise of such rights.

**Improvement of Grad. Crossings.**—Second: Whenever any of the tracks herein authorized shall 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 shall be vacated by ordinance 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 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, repaved or otherwise re-improved, 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 graded or improved by the city, shall be regraded, replanked, repaved or otherwise re-improved, 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 re-improved, 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 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 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.

**Lights at Street Intersection.**—Third: At every traveled street intersection crossed at grade by the rights of way hereinbefore granted, when 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 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 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 Save City Harmless 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 Seattle, to protect and save

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

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 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 right-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 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 (90) 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 or warehouse: Provided, however, That said grantee, its successors or assigns, may at its or their option require that such spur 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 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 successors 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 spur 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 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 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 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 avenue above and across said tracks, which bridge and its abutments 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 top of the rails of the trucks 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 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 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 Seattle, 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 superstructure of so much of said bridge as shall lie within said central 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, 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 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 on either thereof. Said bridges shall be completed and ready for public travel within eighteen months after the City of Seattle 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 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 council shall require the same to be done, said grantee, 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 east of Second Avenue South, as the city council 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 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 tops of the rails of the tracks crossed thereby, and so as to provide such width of roadway 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 (26) feet in width, and of such length between

the abutments 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 Seattle 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 owned by it or 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 shall be completed and ready for public travel within eighteen months after the City of Seattle shall have required the construction of the same respectively by resolution or ordinance as aforesaid.

**Construction; Time Limit; Forfeiture.**—Eighth. Said grantee, its successors 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 City, so that such track for the distance above specified, and such connection of the same with said tracks north of Bell 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 clause prescribed, then, unless the beginning of said work or the completion of such track with its connection northward to the extent aforesaid, as the case 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 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 authorities herein granted.

**Readjustment of Tracks on Colorado Street and Railroad Avenue; Removal of Tracks Between Yeaser 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 Seattle in and by its acceptance of the benefits of this ordinance hereinafter provided for, that said grantee, its successors or assigns, will, within six months, after Colorado 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 Seattle and a point in Railroad Avenue four hundred (400) feet northward from the northerly end of block 366, Seattle 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 laid 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-

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 Seattle 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 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 Seattle 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, Seattle 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-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, 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 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 consistent with the prior rights of the grantees 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 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 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



shall have the same force 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 railway company outside the limits of the City of Seattle and delivered via the tracks of the Seattle 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 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 Seattle and Montana Railroad 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, shall not exceed two and one-half miles \$2.50 per loaded car:

Provided, however, That the charge for switching service to and from points on the east shore line shall not exceed \$3.00 per loaded car; 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 specified charges shall include the service of returning the empty car, or placing the empty car to be loaded, as 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.

**Covenant to Dedicate Street.**—Twelfth: Said grantee shall agree and covenant in behalf of itself, its successors and assigns, with the City of Seattle in and 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 easterly margin 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 & Hoyt Addition to the City of Seattle, and extending as aforesaid, from the northerly and easterly side of the right of way of the United States Government Canal, which point is about midway between the extension of First Avenue Northwest and of Phinney Avenue, and extending thence easterly as aforesaid, along the south margin of the present existing Ewing Street, to the easterly margin of said Woodland Park Avenue. Said deed of dedication to be filed with the City Comptroller of the City of Seattle within one (1) year from and after the time of the taking effect of this ordinance.<sup>1</sup>

**In Force After Acceptance.**—Sec. 3. This ordinance 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.

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

### ORDINANCE NO. 9296.

**AN ORDINANCE** granting to the **NORTHERN PACIFIC RAILWAY COMPANY**, its successors and assigns, the right and authority to lay down, construct, maintain and operate a terminal yard, with certain lead and turnout tracks thereto, upon and over certain public streets and avenues and 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 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, maintain and operate a terminal yard with certain lead and turnout tracks thereto, 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 portion of block 359, Seattle Tide 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 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 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 Seattle Tide Lands and across certain of the intervening streets.

**Lead and Turn-out Tracks.** A strip of land 30 feet in width, being 71.2 feet on the easterly side and 221.2 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 221.2 feet easterly from the westerly line of said Colorado Street; thence northerly on 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 left, with a radius of 573.7 feet, through 26 degrees of 03 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 69.9 feet northerly from the north line of Hanford Street; thence 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 of the south line of Massachusetts Street; thence on a curve to the right with a radius of 2864.9 feet through 17 degrees 14 minutes 15 seconds of arc, a distance of 861.9 feet, to a point in Railroad Avenue, at which point said curve is tangent to a line parallel to and 170.5 feet easterly from the westerly line of Railroad Avenue; thence on said tangent a distance of about 150 feet.

**Terminal Yard Tracks.**—Also, a right of way across, over and upon Forest street, Lander street, Stacey street, Holgate street, Walker street and

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

ORDINANCE NO. 12191

AN ORDINANCE of the City of Seattle amending Sections 2 and 3 of Ordinance No. 9117 of the City of Seattle, entitled: "An ordinance of the City of Seattle granting to the Seattle and Montana 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 the 6th day of January, A.D. 1903.

Be it ordained by the City of Seattle as follows:

Section 1. That Section 2 of Ordinance No. 9117 of the City of Seattle, entitled: "An Ordinance of the City of Seattle granting to the Seattle and Montana 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 the 6th day of January, A.D. 1903, be, and the same shall be, amended so as to read as follows:

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

AMENDED ORD.  
92565

First, four tracks of standard gauge railway, the center lines of which tracks shall be as near as may be parallel with and respectively 7.5 feet 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, measured 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 thence 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 tracks 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 either side of said curve at its termination; two tracks of standard gauge railway, the center line of which shall be as near 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 point last designated and shall run thence south on a line parallel with and 143 feet east of the west line of Railroad 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. Maynard'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 line of Railroad Way to the intersection thereof with the east line of said last described tangent, to a point as nearly as may be at the intersection thereof with a line produced westward, parallel with and 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 15, 1895, in the office of the Board of Land Commissioners of the State of Washington); thence on a curve to the right with a radius of 970.4 feet through a total angle of 19 degrees 5 minutes of curvature to a point in said Block 325 Seattle Tide Lands.

Second, 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 a point 44.5 feet west of the southwest corner of block 4 in D.S. Maynard'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 eastward, thence on a curve to the right with a radius of 962.9 feet, through 17 degrees 14 minut-

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 nearly as may be at the intersection of said line with the north line of lot 9 in block 381 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 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 next westerly of the right of way last defined.

Section 2. That Section 3 of Ordinance No. 9117 of the City of Seattle, entitled: "An Ordinance of the City of Seattle granting to the Seattle and Montana 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 the 6th day of January, 1903, be, and the same hereby is, amended so as to read as follows: \*

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, 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 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 street, avenue or other public place which may have been vacated on or subsequent to the 6th day of January, A.D.1903, 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.

Second: Whenever any of the tracks herein authorized shall 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, 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, and whenever any such street, avenue or other public place, after having been so graded or improved by the city, shall be regraded, replanked, repaved 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 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 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 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 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 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 the right of way owned by each road at such intersections.

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 Seattle, 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 rights of way, or by reason of the negligent

operation by said grantee, its successors or assigns, of its or their railway trains over the rights of way hereinabove 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 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-

ment shall be rendered against said city in such action or suit, 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 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 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 option 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 to the opening and closing of the switch controlling access thereto, <sup>Dec. 01</sup> and as to the use of such tracks, as said grantee, its successors 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 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, 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 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 assigns, 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 avenue above and across said tracks, which bridge and its abutments, shall be constructed of proper and suitable materials, and in such manner as may 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 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 so nearly as may be on a line drawn at right angles across 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.

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

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 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 Seattle, 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 superstructure of so much of said bridge as shall lie within said central 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, 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 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 either thereof. Said bridge shall be completed and ready for public travel within eighteen months after the City of Seattle 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.

Seventh: Said grantee, its successors or assigns, shall begin work upon the readjustment of its railway tracks at present

occupying any areas within those parts of Railroad Avenue and Railroad Way, respectively, lying between the northerly and the 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 readjustment of at least one of said tracks throughout said entire 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

~~clause prescribed, then, unless the beginning or the completion~~ 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 authorities herein granted.

Eighth, 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 1 hereof, and that it or they will also file in the office of the city comptroller a 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 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 Railroad Avenue and Railroad Way respectively, and all rights of way therefor conferred in the grant of any such franchises, rights, privileges or authorities, all within eighteen (18) months after this amendatory ordinance shall take effect; 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 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 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, not 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, shall not exceed two and one-half miles, \$2.50 per loaded car.

The above specified charges shall include the service of re-  
turning 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 or 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  
with 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 void 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<sup>th</sup> day of MARCH, A.D. 1905, and signed by me in open  
session in authentication of its passage this 13<sup>th</sup> day of  
MARCH, A.D. 1905.

  
\_\_\_\_\_  
President of the City Council.



Approved by me this 15<sup>th</sup> day of March, A.D.1905.

R. A. Rieinger  
Mayor.

Filed by me this 15<sup>th</sup> day of March, A.D.1905.

R. A. Rieinger  
City Comptroller and Ex-Officio City  
Clerk.

Date of publication  
MAR 16 1905

R. A. Rieinger  
CITY COMPTROLLER AND  
EX-OFFICIO CITY CLERK.

~~Ordinance~~  
ORDINANCE NO. 9119

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.

BE IT ORDERED BY THE CITY OF SEATTLE as follows:

Section 1. The City of Seattle does hereby grant to the Columbia & Puget Sound Railroad Company, its successors and assigns, in perpetuity, the right, privilege and authority to lay down, construct, maintain and operate sundry tracks of standard gauge railway, as hereinafter designated and specified, together with needful crossovers and connections between any of said tracks and any other thereof, or any other track, adjacent thereto, along and across sundry streets, avenues and other public places within the limits of said city; and also a right of way for said tracks along and across all said sundry streets, avenues and other public places of said city, which said right of way shall be fifteen 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 said tracks or any thereof as shall be requisite for the construction thereof, of proper slopes and retaining walls for the roadbed of such tracks.

PROVIDED, however, that after that part of an 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 which rights, privileges and authorities are hereby granted subject to all the conditions, restrictions, specifications and requirements in this ordinance expressed.

Sec. 2. The tracks of standard gauge railway the laying down, construction, maintenance and operation thereof 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 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 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 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 10, 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 west 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 Railroad 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 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 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 8 in block 367 of said Seattle tide lands - said right of way, however, tapering uniformly, as nearly as may be, from 20 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 on the west side of said

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

the center line whereof shall be as nearly as may be coincident with the center line of the right of way therefor next hereinafter 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 Main 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 City 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 hereinafter 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 196.4 feet south 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 267.9 feet tangent at said point of beginning to said last described line in Railroad Avenue, through 90 degrees of curvature, 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.

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

Sec. 3. The grant in this ordinance contained is made expressly subject to the following conditions and requirements, 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, 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 block travel along or across the streets embraced in this grant, or in 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 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 space 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.

Second: Whenever any of the tracks herein authorized shall 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 shall be vacated by ordinance or ordinances of the City of Seattle enacted concurrently with or subsequent 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 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, repaved or otherwise re-improved, 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 whenever any such street, avenue or other public place, after having been so graded or improved by the city, shall be regraded, replanked, repaved or otherwise re-improved, 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 re-improved, 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 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 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 travelled 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 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 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 the 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 Seattle, 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 rights of way, or by reason of the negligent operation by said grantee, its successors or 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 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 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 authorized, or to any street, avenue or other public place along ~~therein~~ 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 option 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 rule and regulations as to 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 grantee, its successors and assigns, shall have the right to lay down, construct, maintain

and operate 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, 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 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: Said grantee, its successors or assigns, shall construct and maintain at the intersections of the tracks herein authorized with Connecticut Street, Holgate Street and Lander Street respectively, overhead bridges to carry travel on said respective streets above and across said tracks, such bridges respectively to be constructed at such time or times as the City of Seattle by resolution or ordinance of the city council shall require the same to be done.) Such bridges and their abutments 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 tops of the rails of the tracks crossed thereby, and so as to provide such width of roadways thereon (not exceeding the widths of said streets) as the city may from time to time require, but at no time less than twenty-six (26) feet in width, and the length of each of said bridges between the abutments shall be equal to the entire width of the street or avenue spanned thereby, provided, however, that such bridges at Holgate and Lander streets respectively may be erected with one or more intermediate supports between the abutments thereof, of such number and at such places as

the Board of Public Works of said city shall approve, and that such bridge at Connecticut street may be erected with three or more intermediate supports between the abutments thereof, one of which shall be erected with its west face as nearly as may be on a line parallel with and twenty-two feet west of the east line of Railroad Avenue and another of which shall be erected with its east face as nearly as may be on a line parallel with and eighty-two feet west of the east line of Railroad Avenue, and the others of which shall be of such number and erected 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 down any railroad tracks in that part of Railroad Avenue, lying west of said grantee's tracks herein authorized, crossing Connecticut street, or in Colorado Street crossing Holgate and Lander streets, or either of them, a proportionate part of the cost of construction of so much of the overhead bridges 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 abutments, throughout the entire length thereof between the outer lines of the abutments, but the City of Seattle shall provide for the erection, maintenance and renewal of the approaches thereof 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 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 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 respectively shall be completed and ready for public travel within eighteen months after the City of Seattle shall have required the construction of the same respectively 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 streets for public travel.

Seventh: Said grantee, its successors or assigns, shall begin work upon the construction of the tracks herein authorized within three months after this ordinance shall take effect, and shall complete the construction of at least one of the tracks herein authorized, from the south boundary line of the city continuously to an intersection with the center line of Main street produced westward, so that such track for that distance 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 within the time in this 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, 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 authorities herein granted.

Eighth: Said grantee shall agree and covenant, in behalf of itself, its successors and assigns, with the City of Seattle, in and by the acceptance of the benefit of this ordinance hereinbelow provided for, that said grantee, its successors or assigns, will take up and remove all its railway tracks at present occupying any part 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 bound-

line of the right of way for new tracks granted to it by this ordinance on the west, and that it or they will also remove its coal bunkers at present situated in or near King Street produced westward and the trestle 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 occupied by any such tracks, coal bunkers, trestle approaches and buildings to a condition suitable for their use for general public travel, and will relinquish to said city all its interest in that certain franchise granted by Ordinance No. 3019 of the City of Seattle, entitled "An Ordinance granting

to the Columbia & Puget Sound Railroad Company, its successors and assigns, the right and authority to locate, lay down, construct, maintain and operate railway tracks along, upon and over certain public streets and alleys of the City of Seattle," approved the 4th day of September, 1888, so far as any of the tracks thereof, or any of the right of way thereof, may be concerned, lying in Railroad Avenue off Dearborn Street between the intersection of said Railroad Avenue with the center line of Washington Street and the south line of Dearborn Street, and that it or they will also file in the office of the City Comptroller a 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 and surrendering all franchises, rights, privileges, and authorities heretofore granted by the City of Seattle in respect of the maintenance, use or operation of said railway tracks, coal bunkers and trestle 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 City of Seattle vesting that part of Dearborn Street (formerly Alaska Street), lying west of First Avenue South, shall take effect; and if said grantee, its successors and

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, coal bunkers and trestle approaches to be removed 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 and covenant in this clause re-

quired, 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, coal bunkers, trestle approaches and buildings to be removed as above specified.

Fifth: Any other railway company hereafter constructing a standard gauge railway to the City of Seattle, upon obtaining a franchise from said city giving it 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, on all or any part of those tracks specified in the first clause of section 2 of this ordinance lying between the south boundary line of this city and the center line of Main street produced westward, 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 consistent with the prior rights 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 cannot 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 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 arbitra-

tion in conformity with the law of the state of Washington in that regard, and such submission shall have the same force and binding effect upon the parties thereto as shall be provided by such law in other cases of arbitration.

Tenth: 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 Seattle & Montana Railroad Company or the Northern Pacific Railway Company to said grantee, its successors or assigns, at a point within that part of the city of Seattle bounded on the north by Taylor 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 Seattle & Montana Railroad Company or the Northern Pacific Railway 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, shall not exceed two and one-half miles, \$2.50 per loaded car.

Provided, however, that the charge for switching service to and from points on the east shore line shall not exceed \$3.00 per loaded car; and provided further, that where any such switching service shall

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

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 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.

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

Sec. 5. The rights of way, and all the rights, privileges and authorities, granted by this ordinance, and all benefit hereof, 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 scope of such grants; provided, however, that no such assignment, either total or partial, shall be of any force or effect until a copy thereof, certified as such by the secretary of the assignee, or other officer or person having the proper custody of such assignment in its behalf, shall have been filed in the office of the city comptroller.

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

(15) all, and the City of Seattle reserves the right at any time here-



after so to repeal, amend or modify said grant.

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 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.

Sec. 8. 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 when it shall become a law under the provisions of the city charter.

*Passed by the City Council the  
5th day of January 1903 and signed  
by me in open session in authentic  
office of the passage the 5th day of  
January 1903.*

*Wick H. Lamm  
President of the City Council  
Approved by me this 6th day of January 1903  
Filed by me this 6th day of January, 1903  
(Attest) [Signature]  
Published by [Signature] 7/1/03  
John Riplinger  
(16)*

*c 55792 - located property back which was located to city  
pursuant to sec 8 this ord by 1074 RR Co  
and 71137 - Removable permit granted  
71138 -*

AMENDED ORD. 77271  
12.8

AMENDED ORD. 92571

SECTION 2 BY  
FINANCE No. 76754.

ORDINANCE NO. 18030 .

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 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 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 FOLLOWS:

Section 1. That the City of Seattle does hereby grant 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, in perpetuity, the right, privilege and authority to lay down, construct, maintain and operate sundry tracks of standard gauge railway as hereinbelow designated and specified, together with all needful cross-overs and connections between any of said tracks, or any other tracks adjacent 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, avenues, 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-bed 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.

17.75F16  
92571

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: X

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 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 hundredths (135.98) 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 thirty-two degrees, forty-two minutes and forty-five 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, 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 distance of five hundred eight and thirty-three hundredths (508.33) feet; thence north seventy-one degrees, thirty-one minutes and forty-five seconds west to a point in lot fifteen (15), block three hundred ninety-three (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 easterly 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 Boulevard,

Whatcom Avenue, Montana Street, Spokane Avenue, East Waterway and Missouri 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 Factory Sites, including streets and private property, between Duwamish 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), Seattle Tide Lands, as shown on the official plat thereof; all that unplatted portion of what would be block three hundred fifty-five (355), 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 plat thereof; also all of lots one (1) to thirteen (13) inclusive, and thirty-six (36) to forty-five (45), 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 Dakota Street, and what would be 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 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

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 Tide Lands; Chelan Avenue between blocks three hundred ninety-three (393) and three hundred ninety-four (394), Seattle Tide Lands; block three hundred ninety-four (394), Seattle Tide Lands; Mississippi Street between blocks three hundred ninety-four (394) and three hundred ninety-five (395), Seattle Tide Lands; blocks three hundred ninety-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:

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.

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 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 "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 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'".

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 Street produced south, run thence north on a line seven and one-half ( $7\frac{1}{2}$ ) 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 old south boundary line of the City of Seattle which crosses Island No. 11 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 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, Milwaukee and St. Paul Railway 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 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."

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 waterway 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 ( $22\frac{1}{2}$ ) 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 (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 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 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 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 a line 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 twenty-nine (329) of said Seattle Tide Lands produced westward, thence on a curve to the left with a radius of nine hundred fifty-five 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-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 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 (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 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 (4) 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 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 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 curve 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.

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

Main

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".

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 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 (1273.6) 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 (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 parallel with 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 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 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 five tenths (186.5) 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), block 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) feet 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 parallel with and one hundred ten and five

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), 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 seventeen 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 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 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 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) 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 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 northerly 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 grantees, 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 granted to the Seattle and International Railway Company by Ordinance No. 8094, entitled "An Ordinance granting to the Seattle and International Railway Company, 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, 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".

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 of the City of Seattle granting to the Chicago, Milwaukee and St. Paul Railway 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 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, right 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 (  $7\frac{1}{2}$  ) 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 (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 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 Duwamish 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 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 (1243.6) 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 forty-five 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 (70.5) 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, thirty-three 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 twenty-

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 to a line drawn in said Whatcom Avenue parallel with and one hundred fourteen and five tenths (114.5) feet west of the east line of said Whatcom Avenue, 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 west 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 (1131.3) 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 (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 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 to a point in Railroad Avenue where said last branch of 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 last above described line to a point of curve, which point of curve is as near as may be, fifteen (15) feet northerly from the south line of lot sixteen (16), block three hundred sixty-eight (338), 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-five 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 and 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 $\frac{5}{10}$ ) 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

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.

Ninth. 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; 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 Seattle in 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:

Beginning at a point of intersection with a line drawn forty (40) feet west of the east margin of Colorado Street and the north line of lot four (4), block 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 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 minutes 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 (17), 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 (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 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 (329) Seattle Tide Lands and from this point a right of way fifteen (15) feet in width with 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 (14 1/2) 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.

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, 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 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 carry all water 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, 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.)

Second: Whenever any of the tracks herein authorized shall run along or across any street, avenue or other public place in said city, other than such streets, if any, as shall be vacated by ordinance 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, paved or otherwise improved by the City, if not hitherto done, or, if such improvements 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 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, repaved 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 grantee, its successors and assigns, and under the supervision and subject to the acceptance of the Board of Public Works of the City; provided, however,

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

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.

Third: 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 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 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 Seattle, to erect and maintain at all crossings, by its tracks of streets at grade, all such

CC

safety devices and appurtenances 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 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 such judgment within ninety (9) 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, warehouse or industry 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, 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 appertaining 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 neighborhood 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 grantee, its successors 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 spur track for the use of the owner or occupant 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 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 spur tracks, nor for that purpose any oftener or longer than shall be reasonably necessary.

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 shall 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-

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



constructing 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 owners thereof, in and to the track 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 pro rata 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 become 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 franchise, so far as concerns the cost of maintenance and operation thereof, upon a wheelage basis, or upon such other basis as may be agreed upon by them.

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

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

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 by 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 then 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 acquisition of their equal joint interest in such track 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 arbitration to a board of disinterested arbitrators, one to be appointed by each of the said railway companies so interested in, or desiring to become interested in said track and franchise, and in case such board of arbitrators shall consist of an even number, and they cannot agree upon a basis of arbitration or upon another arbitrator, 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 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 laws 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 compensation 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 acquiring 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 equitable 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)

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 ninety (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 near 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's line to another railroad company's 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 thereto, 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 center 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 thereto and to prescribe by ordinance 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 grantee, 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 overhead 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, however, 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 protection 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

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

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 waives any 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 Seattle shall, as soon 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 Seattle and said City be required to pay the same out of its general fund, or in the event of the

City of Seattle being required to pay any further damages to abutting property in any action at law, by reason of the construction 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 proportion 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 having 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 reach 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 such tracks, upon the 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 consistent with the prior rights of the grantee herein, its successors and assigns, and

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

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 compensation 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 (6) hereof.

77271 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 surface of the ground in blocks G and I of Ladd's Factory 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 (3½) per cent. so far as the cost and expense of the con-

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



struction of such approaches cannot be met by special assessments 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.

*Par. 2* Within six (6) months after the taking effect of this ordinance grantee, 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 Duwamish 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 Commercial Street in said Ladd's Factory Sites, all at its own proper cost and expense, and shall thereafter, when necessary, reconstruct or renew

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

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, 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 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, together with an approach to the west either along Seattle Boulevard or along Seattle Boulevard 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 (3½) 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 in or 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 recovered.

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 Connecticut Street between First Avenue South

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

said Railroad 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, shall be borne by the General Fund to the relief of grantee, 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 lots six (6) and seven (7) of block three hundred twenty-eight (328), lots 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 railway right of way in Railroad 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 purposes.

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 a width 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.

On First Avenue South a temporary bridge twenty-six (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 (other 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.

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 Nebraska 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 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.

On Connecticut Street 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 requiring 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 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.

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.

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

Section 9. Said grantee, its successors or assigns, shall begin work on the construction of the tracks herein authorized within six (6) months after the taking effect of this ordinance, and within two (2) years after the taking effect of this ordinance shall have completed the construction of, or shall have acquired operating rights over tracks so as to have commenced and continuous operation along Duwamish Avenue and said Avenue extended, from Junction Street, to Colorado Street, and thence along Colorado Street to Railroad Avenue, thence along Railroad Avenue to and into the yards to be established by grantee, its successors and assigns, on block three hundred twenty-nine (329) Seattle Tide Lands, and 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 taking effect of this ordinance shall have completed at least a single track in continuation of the line along Duwamish Avenue, as aforesaid, northerly and westerly across the East Waterway to Kitsap Avenue and along Kitsap Avenue so far as business interests may require, and shall construct all the remaining portions of the tracks herein provided for, within such time as shall be required to meet the demands of the public in providing tracks for the use thereof. If said work shall not be begun within the time in this clause prescribed, or if said tracks shall not be completed and ready for use to the extent aforesaid, within the time in this clause prescribed, or within such further period of time as shall have been granted by ordinance, then, unless the beginning of said work or the completion of the same to the extent aforesaid, as the case may be, shall have been prevented by injunctions, unavoidable delays in the termination of condemnation suits, strikes, riots or some circumstance beyond the control of said grantee, its successors or assigns, the City Council or said city shall have the right after sixty (60) days notice to said grantee, its successors or assigns, to declare by ordinance the forfeiture of all rights, privileges and interests herein granted.

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

Section 10. Said grantee, its successors and assigns shall switch and transfer cars shipped from any point on the lines of any other railway company outside the limits of the city of Seattle and delivered via the tracks of any such other railway company to said grantee, its successors or assigns, at a point on the track of the grantee, 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 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 such other companies, measured by the shortest practicable track route, shall not exceed one-half mile, seven and one-half (7 1/2) cents per ton for each ton of load in such car, subject, however, to a minimum of twenty (20) tons of load as hereinafter provided.

Where the length of such switching service as aforesaid shall not exceed one and one half mile, ten (10) cents per ton for each ton of load in such car, subject, however, to a minimum of twenty (20) tons of load as hereinafter provided.

Where the length of such switching service as aforesaid shall not exceed two and one-half miles, twelve and one-half (12 1/2) cents per ton for each ton of load in such car, subject, however, to a minimum of twenty (20) tons of load as hereinafter provided.

Where the length of such switching service as aforesaid shall not exceed four miles, twenty (20) cents per ton for each ton of load in such car, subject, however, to a minimum of twenty (20) tons of load as hereinafter provided.

Where the length of such switching service as aforesaid shall be in excess of four 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 hereinafter provided.

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 the drawbridge service necessitated by such switching may be added to the charges above described therefor.

All freight so switched shall be loaded by the consignor and unloaded by the consignee. The above specified charges shall include the service of returning the empty car or of placing the 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 than twenty (20) tons shall be subject to a minimum charge equal to the amount which would be charged on a car containing a load of twenty tons. Cars loaded in excess of twenty tons shall be subject to charges based on the actual weight of the load. In case a car is moved empty both ways, the charge for the double movement shall be the same as though said car had been loaded with twenty (20) tons one way.

Provided, however, that the foregoing shall not be construed as requiring said grantor, his successors or assigns, to switch cars for any person whomsoever to or from the tracks of any other railway company, which shall not perform like switching service and at the rates aforesaid, or rates equal thereto for the cars received from or delivered to the tracks of the grantor, his successors or assigns, by such other railway company as aforesaid.

Provided, however, that when cars move in average loads only, fifty (50) cents per loaded car may be added to the charges hereinbefore mentioned.

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



Section 11. In the operation of the tracks authorized by this ordinance, said grantee, its successors and assigns, shall have the right to use steam power or any other motive power as it or they may deem suitable, subject to the reasonable control and regulation of the City of Seattle.

Section 12. The rights of way, and all the rights, privileges and authorities granted by this ordinance and all benefit thereof, shall be assignable by said grantee, its successors or assigns, as it or they may at any time elect, either as an entirety or as respects any one or more of the tracks, or parts of tracks, embraced within the scope of such grants, provided, however, that no such assignment, either total or partial shall be of any force or effect until a copy thereof, certified as such by the secretary of the assignee, or other officer or person having the proper custody of such assignment in its behalf, shall have been filed in the office of the City Comptroller.

Section 13. 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 to repeal, amend, or modify said grant.

Section 14. 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 (60) 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 Directors, accepting the benefit of this ordinance and the rights, privileges and authorities hereby granted, subject to all the covenants, restrictions, and conditions

## Affidavit of Publication

**STATE OF WASHINGTON,**  
**County of King, City of Seattle.**

JOSEPH BLETHEN, being duly sworn, says he is the publisher of THE MORNING TIMES and the SEATTLE DAILY BULLETIN, a daily newspaper, printed and published at Seattle, King County, State of Washington; that it is a newspaperly newspaper circulation in said County and State, and that the annexed, being Ordinance No. 1008, of 1908, was published in said newspaper, and not in a supplement thereof, and is a true copy of the notice as it was published in the regular and entire issue of said paper on the 22nd day of March, 1908, and that said newspaper was duly distributed to its subscribers on said day.

[illegible]

Subscribed and sworn to before me this 7<sup>th</sup> day  
of March 1908.

Notary Public in and for the State of Washington,  
residing at Seattle.

President of the City Council.  
this 6<sup>th</sup> day of MARCH 1908.

This 6<sup>th</sup> day of March 1908.

**Attest:**

**City Comptroller and ex-officio City Clerk.**

(SEAL)

**By**

Deputy Clerk.

**Published**

MAR -7 1908

City Comptroller and ex-officio City Clerk.

By *J. H. A. T. H. O. S.*  
Deputy Clerk.

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

ORDINANCE NO. 26254.  
AN ORDINANCE of the City of Seattle, amending sections two (2), and nine (9) 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 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 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," passed the City Council March 2nd, 1908, approved and filed March 6th, 1908, published March 7th, 1908. Be it ordained by the City of Seattle as follows:

Section 1. That Section 2 of Ordinance No. 18030, 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 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 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," passed the City Council March 2nd, 1908, approved and filed March 6th, 1908, published March 7th, 1908, be amended as follows:

Section 2. That 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 211 E. Maple's Donation Claim No. 22; thence north, forty-one degrees one minute and forty-five seconds west to the center line of Duwamish Avenue, to a point that is one hundred thirty-five and ninety-eight hundredths (135.98) 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 (48) 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 thirty-two degrees forty-two minutes and forty-five 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 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 distance from and parallel with the southerly marginal line of Duwamish Avenue, and Duwamish Avenue, produced to a point that is one hundred thirty-four and ninety-six hundredths (134.96) feet south of and one hundred ninety-six and ninety-seven hundredths (196.97) feet east of the north corner of block 778, Seattle Tide Lands; thence northwesterly along a curve to the left having a radius of six hundred thirty-five and ninety-five thousandths (635.095) feet a distance of five hundred ninety-three and fifty-nine hundredths (593.59) feet to a point on the center line of the Northern Pacific Railway Company's franchise granted by King County, Washington, January 23rd, 1907, 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 ninety-four hundredths (34.94) feet east of the north corner of block 228, Seattle Tide Lands; thence northwesterly along a curve to the right having a radius of six hundred thirty-five and ninety-five thousandths (635.095) feet a distance of five hundred ninety-three and fifty-nine hundredths (593.59) feet to a point on the center line of Kittan Avenue; thence north parallel to the east line of Kittan 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; Elliott Bay Addition; and Fourth Avenue South; First Avenue South; Seattle Boulevard; Whitcomb Avenue; Montana Avenue; East Waterway; Missouri Avenue; and West 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 Factory Sites including streets and private property, between Duwamish 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), Seattle Tide Lands, as shown on the official plat thereof; all that unplatted portion of what would be block three hundred fifty-five (355), 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

Duamish  
River

Amending

Section

Kitsap  
114560

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

on the official plat thereof; also all lots one (1) to thirteen (13) inclusive, and thirty-six (36) to forty-five (45) 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 Dakota Street, and what would be 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 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 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 Tide Lands; Chelan Avenue between blocks three hundred ninety-three (393) and three hundred ninety-four (394), Seattle Tide Lands; block three hundred ninety-four (394), Seattle Tide Lands; Mississippi Street between blocks three hundred ninety-four (394) and three hundred ninety-five (395), Seattle Tide Lands; blocks three hundred ninety-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: 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, commencing 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.

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 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 2613, approved January 25, 1905, and entitled "An ordinance amending sections two (2) and three (3) of an ordinance of the City of Seattle, No. 2112

passed by ordinance of the City of Seattle, relating 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 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 Street produced south, run thence north on a line seven and one-half (7.5) 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 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 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 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. 12632 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, Milwaukee and St. Paul Railway 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, 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 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 the canal waterway, 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 (22.5) 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 (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 Massachusetts Street pro-

enced with a line parallel with and fifteen (15) feet east of the west 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 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 a line 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 twenty-nine (329) of said Seattle Tide Lands produced westward, thence on a curve to the left with a radius of nine hundred fifty-five 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-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 three hundred sixty-seven (367), Seattle Tide Lands produced eastward, 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 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 line shown through the north line of lot four (4) 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 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 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 curve 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.

The above foregoing in this sub-paragraph is granted and allowed by the City of Seattle, and the City of East & Fogel so successors, lease and a street, and a railway franchise, and within the other property and a right of way, and across and other public

Seven (7) feet or way fifteen (15) feet, 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) 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 southeasterly 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 parallel with 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 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 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 five tenths (186.5) 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), block 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 (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 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, 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 parallel with and one hundred ten and five-tenths (100.5) 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 seven (7), block three hundred twenty-five (325), Seattle Tide Lands, pro-

Ord. 26254 104B

...ed 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 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 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 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 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) 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 degrees, forty-five minutes and ten seconds of curve, tangent to a line parallel with and fifty-nine and five-tenths (59.5) feet north-easterly from the southwesterly line of Railroad Avenue; thence northerly 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 Yeater 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 hereinafter described with the so-called "transfer track" as laid and maintained upon the right of way granted to the Seattle & International Railway Company by Ordinance No. 4034, entitled "An Ordinance granting to the Seattle & International Railway Company, 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, 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."

The above and foregoing in this subparagraph has been granted and allowed by the City of Seattle in Ordinance No. 13637 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, Milwaukee & St. Paul Railway 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 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."

Eighty feet 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 (7.5) 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 (764.49) 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 Duwamish 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 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 (1,243.6) 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 forty-five 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 (70.5) 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 (1,161.3) feet through a total angle of seven degrees, thirty-three minutes and forty-six seconds of arc on a tangent running north seven degrees, thirty-three minutes and forty-six seconds west a distance of one hundred eighty-two and seventy-eight hundredths (182.78) feet, thence curving to the right with a radius of one thousand one hundred thirty-one and three-tenths (1,131.3) 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 to a line drawn in said Whatcom Avenue parallel with and one hundred fourteen and five-tenths (114.5) feet west of the east line of said Whatcom Avenue; 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 west 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 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 north forty on said last described line a distance of two hundred (200) feet to a point of curve, thence

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

on a curve to the left with a radius of one thousand five hundred 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 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 northerly on said last described line in Railroad Avenue, to a point of intersection with the south line of block three hundred thirty-one (321), Seattle Tide Lands, produced westerly, thence on reverse curves both branches giving a radius of seven hundred thirty-four and five-tenths (734.5) 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 branch of 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 last above described line to a point of curve, which point of curve is as near as may be, fifteen (15) feet northerly from the south line of lot sixteen (16), block three hundred sixty-eight (368), 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 curve to a point in Railroad Avenue, where said curve becomes tangent to a line drawn seventy-five 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 near 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 curving first to the left and then to the right with a radius of nine hundred seventeen and nine-tenths (917.9) feet through seventeen degrees, fourteen minutes and fifteen seconds of a curve to a point where the northerly curve becomes tangent to a line in Railroad Avenue parallel with and sixty and five-tenths (60.5) feet east of the westerly line of Railroad Avenue, and which point is as near 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 and 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.

Ninth. 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 forty-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 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:

Beginning at a point of intersection with a line drawn forty (40) feet west of the east margin of Colorado Street and the north line of lot four (4), block three hundred thirty-two (332), Seattle Tide Lands, produced west, thence north on a line forty (40) feet west 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 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 minutes 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 (17), 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 (1515.4) feet through sixteen degrees fourteen minutes and fifteen seconds of curvature to a point where such curve is tangent to a line 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 (329), Seattle Tide Lands, and from this point on a line of one hundred (100) feet in width, the center line of which is described as follows: Beginning at a point in Railroad Avenue that is fourteen and one-half (14½) 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 (321) produced south.

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

Repealed by Ord. 30947

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 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 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," passed the City Council March 2nd, 1905, approved and filed March 6th, 1905, published March 7th, 1905, be and the same hereby is amended to read as follows:

Section 2. Said grantee, its successors or assigns, shall begin work on the construction of the tracks herein authorized within six (6) months after the taking effect of this ordinance, and within two (2) years after the taking effect of this ordinance shall have completed the construction of the tracks so as to make connected and continuous operation along Duwamish Avenue and said avenue extended from Junction Street to Colorado Street, and thence along Colorado Street to Railroad Avenue, thence along Railroad Avenue to and into the yards to be established by grantee, its successors and assigns on block 222, lots 1 and 2, twenty-nine (29) feet wide, and on block 223, at least a track in, along and across the south line of Washington Street and shall have completed prior to July 1st, 1912, at least a single track in continuation of the tracks herein provided for in Section 2, along Duwamish Avenue, as aforesaid, and thence to Duwamish Avenue and along Duwamish Avenue as far as business interests may require, and shall construct all the full width portions of the tracks herein provided for, within such time as shall be required to meet the demands of the public in providing tracks for the use thereof. If said work shall not be begun within the time in this clause prescribed, or if said tracks shall not be completed and ready for use to the extent aforesaid, within the time in this clause prescribed, or within such further period of time as shall have been granted by ordinance, then, unless the beginning of said work or the completion of the same to the extent aforesaid, as the case may be, shall have been prevented by injunctions, unavoidable delays, 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 (60) days' notice to said grantee, its successors or assigns, to declare by ordinance the forfeiture of all rights, privileges and authorities herein granted.

Section 3. In order to claim the benefits of this amendatory ordinance

and to acquire the rights, privileges and authorities hereby granted, said grantee, its successors and assigns must within ninety (90) 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, or a resolution duly adopted by its Board of Trustees 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 if such 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 4. 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 the 30th day of January, 1911, and signed by me in open session in authentication of its passage this 30th day of January, 1911.

WM. H. MURPHY,

President of the City Council.

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

H. C. GILL,

Mayor.

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

Attest: (Seal) WM. J. ROTTERDAM,

City Comptroller and Ex-Officio City Clerk.

Published February 10, 1911.

Acceptance

Filed 2-21-11

Exp. 4-10-11

Copy to

Copy to

Copy to

Book 15 p. 105

Construction

Started 1-1-11

Completed 1-1-11

Exp. 1-1-11

Book 15 p. 105

Construction

Started 1-1-11

Completed 1-1-11

Exp. 1-1-11

Book 15 p. 105

Construction

Started 1-1-11

Completed 1-1-11

Exp. 1-1-11

Book 15 p. 105

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



ORDINANCE NO. 20947.  
AN ORDINANCE of the City of Seattle, repealing portions of Sections one (1) and two (2) of Ordinance No. 26254 of the City of Seattle entitled: An Ordinance of the City of Seattle amending Sections two (2) and nine (9) of Ordinance No. 13930 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 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, 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 6th, 1908, published March 7th, 1908, which amendatory Ordinance passed the City Council January 30, 1911, was approved and filed February 4, 1911, and published February 10, 1911. Be it ordained by the City of Seattle as follows:

Section 1. That that portion of Section one (1) of Ordinance No. 26254 of the City of Seattle, entitled: An Ordinance of the City of Seattle, amending Sections two (2) and nine (9) of Ordinance No. 13930 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 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 over all such streets, avenues, alleys and other public places of said city, passed the City Council March 2nd, 1908, approved and filed March 6th, 1908, published March 7th, 1908, which amendatory Ordinance passed the City Council January 30, 1911, was approved and filed February 4, 1911, and published February 10, 1911, which reads as follows:

Thence northerly on last above described line to a point of curve, thence point of curve is as near as may be fifteen (15) feet northerly from the south line of lot sixteen (16), block three hundred sixty-eight (368), 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 seven degrees, fourteen minutes and fifteen seconds of curvature to a point in Railroad Avenue where said curve becomes tangent to a line drawn seventy-five 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 and sixty-eight (368), Seattle Tide Lands, produced easterly thence on a curve to the left with a radius of nine hundred and nine-tenths (909.9) feet

thence on a curve to the left with a radius of nine hundred and nine-tenths (909.9) feet, respectively to a point where the northerly curve becomes tangent to a line in Railroad Avenue parallel with and sixty and five-tenths (60.5) 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 hundred and sixty-seven (367), Seattle Tide Lands, thence north on said line parallel with and sixty and five-tenths (60.5) feet east of the westerly 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 becomes tangent to the westerly line of Washington Street.

And the same is hereby repealed.  
Section 2. That that portion of Section two (2) of Ordinance No. 26254 of the City of Seattle, entitled: An Ordinance of the City of Seattle, amending Sections two (2) and nine (9) of Ordinance No. 13930 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 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, across and over all such streets, avenues, alleys and other public places of said city, passed the City Council March 2, 1908, approved and filed March 6th, 1908, published March 7th, 1908, which amendatory Ordinance passed the City Council January 30, 1911, was approved and filed February 4, 1911, and published February 10, 1911, which reads as follows:

"And also at least a single track in Railroad Avenue between Atlantic Street and the south line of Washington Street."

And the same is hereby repealed.

Section 3. Said Ordinance, its successors and assigns must within ninety (90) 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 Directors, accepting this repealing Ordinance and consenting to the conditions and restrictions herein expressed, and if such 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 4. 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 the 2nd day of March, 1913, and signed by me in open session in authentication of its passage this 3rd day of March, 1913.

ROBT. H. HENKEL, President of the City Council.  
Approved by me this 14th day of March, 1913.

GEO. F. COTTERILL, Mayor.  
Filed by me this 14th day of March, 1913.  
Attest, (Seal) H. W. CARROLL, City Comptroller and Treasurer of the City of Seattle.  
J. P. A. DEWE, Deputy Clerk.  
Filed March 24, 1913.

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

AN ORDINANCE relating to the franchise granted by Ordinance No. 18639 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.

BE IT ORDAINED BY THE CITY  
OF SEATTLE AS FOLLOWS:

"Within six months after the taking effect of this ordinance, grantee, his 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 (339), Seattle Tide Lands, and whenever an overhead bridge shall be provided for on Connecticut Street between First Avenue South and Third and Avenue South, in such cases and as soon as the City of Seattle shall construct upon said tract and thereupon maintain an incline roadway rising in 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 tract shall remain in the said grantee, his successors and assigns, and since the receipt of said tract, the said grantee shall be allowed to occupy any and all under space, so long as such occupancy shall not interfere with or obstruct public travel."

Section 2. Oregon-Washington, Portland & N. Pacific Railway Company and Oregon Pacific Railroad Company (hereinafter as Oregon and Washington Railroad Company) shall within ninety (90) days after the taking effect of this ordinance, file in the office of the City Clerk an affidavit hereof signed by the President or Vice President and attested by the Secretaries or Assistant Secretaries of said corporation, together with a certificate of the said corporation, to be filed before the expiration of said time, this ordinance shall thereupon become void and of no effect.

[illegible]

二、 $\frac{d}{dt} \left( \frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$ ，即

[illegible]

本報地址：上海南京路  
 電話：二二二二  
 廣告部：二二二二  
 發行部：二二二二

[illegible]

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

ORDINANCE NO. 92571

AN ORDINANCE relating to the franchise granted to Oregon & Washington Railroad Company, a corporation, its successors and assigns, by Ordinance No. 18030; amending said ordinance to provide for changes in the franchise right of way occasioned by the construction and maintenance 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 & Navigation Company and Union Pacific Railroad Company, successors in interest to said Oregon & Washington Railroad Company, of said franchise as so modified.

WHEREAS, the City of Seattle by Ordinance No. 18030 has 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, alleys 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 SEATTLE AS FOLLOWS:

Section 1. That Section 2 of Ordinance No. 16030, 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 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 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."

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:

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 South, 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 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 Duwamish Avenue South, to a point that is one hundred thirty-five and ninety-eight hundredths (135.98) 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 thirty-two degrees forty-two minutes and forty-five 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 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 South, 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 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 arc 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 (79.84) 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 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 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 Eleventh Avenue S.W. (formerly Kitsap Avenue); thence north parallel to the east line of Eleventh Avenue S.W. (formerly 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), Elliott Bay Addition, and Fourth Avenue South, First Avenue South, Diagonal Avenue South (formerly Seattle Boulevard), East Marginal Way South (formerly Whatecom Avenue, Sixth Avenue S.W. (formerly Montana Avenue), East Waterway, Tenth Avenue S.W. (formerly Missouri Avenue) and South Spokane Street.

*Harbor  
District*

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 Duwamish 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 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), Seattle Tide Lands, as shown on the official plat thereof; all that unplatted portion of what would be block three hundred fifty-five (355), Seattle Tide Lands; as shown on the official plat thereof; all that unplatted portion of what would be Colorado Avenue South (formerly Colorado 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, and thirty-six (36) to forty-five (45) 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 Duwamish 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 Duwamish Avenue South 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; Tenth Avenue S.W. (formerly 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 Tide Lands; Chelan Avenue S.W. between blocks three hundred ninety-three (393) and three hundred ninety-four (394), Seattle Tide Lands; block three hundred ninety-four (394), Seattle Tide Lands; S.W. Lander Street (formerly Mississippi Street), between blocks three hundred ninety-four (394) and three hundred ninety-five (395), Seattle Tide Lands; blocks three hundred ninety-five (395) and three hundred ninety-six (396), Seattle Tide Lands.

Seaside

Wauker Island

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 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.

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 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 above and foregoing in this sub-paragraph has been granted and allowed by the City of Seattle in Ordinance 9118, amended by Ordinance No. 112018, approved January 25, 1905, and entitled "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 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 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 (7½) feet easterly of and parallel with the westerly marginal 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 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 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 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, Milwaukee and St. Paul Railway 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

*north 56  
at a tie*

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

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

locate, lay down, construct, maintain and operate any 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."

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-two and five-tenths (22.5) feet east of the westerly margin of Colorado Avenue South (formerly Colorado Street); thence north on a line that is twenty-two and one-half (22½) feet east 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 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 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 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 a line in Alaskan Way South (formerly Railroad Avenue) parallel with and 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 twenty-nine (329) of said Seattle Tide Lands produced westward, thence on a curve to the left with a radius of nine hundred fifty-five 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 Alaskan Way South (formerly Railroad Avenue) parallel with and sixty-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 three hundred sixty-seven (367),

*North 822 E*  
*South King*

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."

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-two and five-tenths (22.5) feet east of the westerly margin of Colorado Avenue South (formerly Colorado Street); thence north on a line that is twenty-two and one-half (22½) feet east 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 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 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 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 a line in Alaskan Way South (formerly Railroad Avenue) parallel with and 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 twenty-nine (129) of said Seattle Tide Lands produced westward, thence on a curve to the left with a radius of nine hundred fifty-five 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 Alaskan Way South (formerly Railroad Avenue) parallel with and sixty-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 three hundred sixty-seven (367).

*North of Bldg*  
*South of King*

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 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 line drawn through the north line of lot four (4) in block three hundred and sixty-seven (367) of said Seattle Tide Lands, said right of way *Seattle Tide Lands* 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 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 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 ninety and five-tenths (90.5) feet east of the west line of Alaskan Way South (formerly Railroad Avenue), to the intersection thereof with the north line of South Main Street produced westward. *Main St*

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."

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 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) 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 southeasterly line of Marion Avenue South, 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 parallel with and one hundred and five-tenths (100.5) feet west of the east line of East Marginal Way South (formerly Whatecom Avenue) produced south; thence north in said East Marginal Way South (formerly Whatecom Avenue) parallel with said east line to an intersection with the north line of South Horton Street (formerly the canal waterway); thence northerly in said East Marginal Way South (formerly Whatecom 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 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 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 five-tenths (186.5) feet west of the east line of East Marginal Way South (formerly Whatecom Avenue); thence north in said East Marginal Way South (formerly Whatecom 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

South Dakota

S. H. Harte

S. H. Harte

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 Lands 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  
 Railroad Avenue); thence northeasterly along said tangent  
 in Alaskan Way South (formerly 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 uni-  
 form 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 five-tenths (110.5) feet  
 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 north line of lot seventeen  
 (17), block three hundred twenty-nine (329), 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 seventeen de-  
 grees, fourteen minutes and fifteen seconds to a point  
 where said curve is tangent to a line in Alaskan Way 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 re-  
 verse 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  
 Alaskan Way South (formerly Railroad 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

Seattle Tide Lands

North 8th Avenue

North 8th 23rd

South 8th King

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) 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 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 Alaskan Way South (formerly Railroad Avenue); thence northerly and fifty-nine and five tenths (59.5) feet northeasterly from the southwesterly line of said Alaskan Way South (formerly 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 so-called "transfer track" as laid and maintained upon the right of way granted to the Seattle & International Railway Company by Ordinance No. 6094, entitled "An ordinance granting to the Seattle & International Railway Company, 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, lay down, construct, maintain and operate a railway track in, along, upon and over certain portions of Alaskan Way South (formerly Railroad Avenue) and connecting streets in the City of Seattle."

The above and foregoing in this subparagraph 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 of the City of Seattle granting to the Chicago, Milwaukee & St. Paul Railroad 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 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, 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, Milwaukee, St. Paul & Pacific Railroad as described in paragraph 1 of Section 2 of Ordinance No. 13633, where it intersects the South Line of Block Three Hundred Fifty-nine (359) *S. H. 1* *S* 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; thence along a reversed curve to the right having a radius of 764.49 feet a distance of 104.4 feet to a point where said curve becomes tangent to a line drawn in East Marginal Way South parallel with and 114.5 feet west of the center line of said East Marginal Way South; thence north along said last above described line a distance of 171.5 feet to a point where it intersects the South line of Block 360, *S. H. 1* *S* Seattle Tide Lands, produced west; thence continuing north on said last above 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 South Holgate Street produced west 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 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 Alaskan Way South (formerly 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 (1,555.5) 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 Alaskan Way South (formerly Railroad Avenue) parallel with and one hundred twenty-five and five-tenths (125.5) feet easterly from the westerly 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 98 feet more or less; *S. H. 1* *S*



thence northeasterly through a No. 7 turnout to the left having a frog angle of  $8^{\circ}10'$  a distance of 70.2 feet to the heel of frog; thence continuing northeasterly along a straight line tangent to the last 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  $8^{\circ}10'$  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).

Ninth. 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 forty-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 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:

Beginning at a point of intersection with a line drawn forty (40) feet 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 Lands, 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 seven (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

*See attached*

curve is tangent to a line in Alaskan Way South (formerly Railroad Avenue) which is seven (7) 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) feet westerly from and parallel with the easterly line of Alaskan Way South (formerly Railroad Avenue), to a point as near as may be at the intersection thereof with the north line of lot seventeen (17), 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 north to a point fifty-seven (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 railway, 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 (14.5) 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 South Dearborn Street as the same now exists.

north of RPB Day

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 Alaskan Way South (formerly Railroad Avenue) on the west, excepting across 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 portion 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 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 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 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 BY THE CITY COUNCIL the 30 day of December, 1963, and signed by me in open session in authentication of its passage this 30 day of December, 1963.

*W. Lloyd S. Milke*  
President of the City Council

APPROVED by me this 31 day of December, 1963.

*Gordon D. Clinton*  
MAYOR

67,873 - Auth collection of cost of work

ORDINANCE No. 57179

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, 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 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, 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 law authorized 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 authority 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 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 part 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 way 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, to-wit:

- (1) A right of way thirty (30) feet in width, being the most easterly thirty (30) feet of Railroad 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 Railroad 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 ( $7^{\circ}30'$ ) curve to the left through an angle of seventeen degrees four minutes forty-one seconds ( $17^{\circ}04'41''$ ) a distance of two hundred twenty-seven and eighty-seven 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 continuing northerly parallel to the east boundary of Railroad Avenue 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 easterly ~~right of way~~ forty-three (43) foot ~~right of way~~ 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-hundredths (46.70) feet, more or less, north of the north line of Union Street; thence along a seven degree thirty minute ( $7^{\circ}30'$ ) curve to the left through an angle of seventeen degrees four minutes forty-one seconds ( $17^{\circ}04'41''$ ) a distance of two hundred twenty-seven and eighty-seven one-hundredths (227.87) feet to a point of tangency on a line thirty-six (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-three (43) foot right of way described in paragraph 3.

(3) A right of way forty-three (43) feet in width in Railroad 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 paragraph 11, said forty-three (43) foot right of way being the most easterly forty-three (43) feet of Railroad Avenue.

(4) A right of way fourteen (14) feet in width in Railroad Avenue, beginning at a line at right angles to 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 tracks in the vicinity of Battery Street described in Paragraph 11, 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.

(5) A right of way fifteen (15) feet in width in Railroad Avenue 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 Railroad Avenue West from 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 West. Also a right of way fifteen (15) feet 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 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 Railroad Avenue ~~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 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 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 described in paragraph 4; 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



4 way in 117  
2nd section  
S.F. 130 south side  
angles to the easterly line of 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) 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 westerly boundary to the point of beginning.

(8) A right of way fourteen (14) feet in width in Railroad Avenue, beginning at a line fifty-eight (58) feet southerly from and parallel to the center line of Vine Street; thence northerly to the north line of Broad Street produced westerly, the center line of said fourteen (14) foot right of way being fifty-five and five-tenths (55.5) feet west 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 Railroad Avenue and 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 way fifteen and five-tenths (15.5) feet in width in Railroad Avenue and Railroad Avenue West, beginning at a line 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 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.

(11) A right of way thirty-three (33) feet in width for main or tunnel tracks in Railroad Avenue and Railroad Avenue West, the center line of which is described as follows, to - wit: Beginning at a point in

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

the east line of Railroad Avenue sixty-three (63) feet southerly from the south line of Battery 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 ( $6^{\circ}22'$ ) with said east boundary of Railroad Avenue; thence along a four degree no minute ( $4^{\circ}00'$ ) 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-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 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, 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 excavation beneath the tracks of the grantees, fifteen (15) days written notice 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 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 grantees, their successors or assigns, 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 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, 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, repaved, graded, regraded or otherwise improved or reImproved by the City. All such original or subsequent improvement and the maintenance thereof

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

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.

FOURTH: The grantees, by their acceptance of this ordinance, 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 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 jointly owned franchise rights of way. 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 grantees, their successors and assigns, shall, upon notice to them of the commencement of such suit or action, defend the same at their sole cost and expense;

(c) That if any of the grantees, their successors or assigns, shall carelessly or negligently operate over any of the tracks constructed under this ordinance, and through such carelessness or 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 Seattle from all claims, actions or damages by reason thereof; that in case any suit or action shall be begun against the City of Seattle 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.

FIFTH: Said Grantees, their successors or assigns, shall, upon permit issued by 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 contiguous or adjacent to the most westerly or the most easterly 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 Wall Street, 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 track or tracks be constructed and maintained at the expense of such 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 or assigns, may from time to time establish. And said grantees, their successors or assigns, or either or any of them, shall have the right to lay down, construct, maintain and operate any 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

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 cost of construction, with interest during construction at the rate of five per cent (5%) per annum, plus interest from the date of completion of construction at the rate of four per cent (4%) per annum, as one is to the number of railroads having ownership in said spur track, and in no case shall said grantees, their successors or assigns, occupy any more of the right of 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 locomotives and cars across the same, nor for that purpose any oftener or longer than shall be reasonably necessary.

SIXTH: The said grantees, their successors or assigns, shall construct and maintain the track or 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 grantees, by the acceptance of this ordinance, hereby covenant and agree with the City, for themselves, their successors 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

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

been adjusted 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 hereinafter 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 franchise, 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 interest 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 purchase any interest in the franchise 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 assigns, or the then joint owners of said tracks and franchise, upon receiving a tender of their pro-rata 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 way 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, crossovers 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 owner.

Any railway company now owning separately or jointly a franchise right in Railroad Avenue and Railroad 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 Xesler 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 an equal joint interest in one or both of the switching or outside tracks, being Tracks 1 and 6, under the provisions hereinbefore 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 Railroad Avenue and Railroad Avenue West under this

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



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 railroad controlled property fronting upon Railroad Avenue or Railroad Avenue West which is less than fifteen hundred (1500) feet in continuous length (streets included) but in such 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 crossovers or interlocking systems at or near the northerly terminals of said tracks.

The foregoing provisions in respect of the rights of railway companies 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 price for such equal interest in said franchise rights of way, tracks and franchises, no interest subsequent to completion 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 Seattle and constructing and operating

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

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.

In determining the compensation to be paid for the 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.

In case such purchaser cannot agree with the then joint owners 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

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

and franchise, and another by the party desiring 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 Easterly and Westerly Switching tracks abutting on exclusively owned railway property in excess of fifteen hundred (1500) feet 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 Yealer Way and the north line of Broad Street, and the franchise authorizing the same, is now owned jointly by the grantees herein, 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 Yealer Way and Union Street. It is understood that the said Oregon-Washington Railroad & Navigation 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 Yealer Way and south of the north line of West Varfield Street except such parts of the existing 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, and it is desired by said Railroad Companies, the grantees and the City to preserve to said companies, upon equitable terms, rights similar to those they now have in said track, and if the said Oregon-Washington Railroad & Navigation Company and the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, having surrendered and released their franchises on Railroad Avenue and Railroad 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, being designated herein as Track No. 1, between the north line of Yealer Way 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

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

said grantees, their successors and assigns, shall convey to the Oregon-Washington Railroad & Navigation Company and the Chicago, Milwaukee, St. Paul and Pacific Railroad Company each a one-fourth interest in 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 Railroad & Navigation Company or said Chicago, Milwaukee, St. Paul and Pacific Railroad Company shall fail to release and surrender its franchise on Railroad Avenue and Railroad Avenue West, as heretofore 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 terminate 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 in all respects subject to the provisions of Section 4 hereof.

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.

Section 7. Said grantees, their successors or assigns, shall begin work upon the readjustment and reconstruction of the railway tracks now occupying Railroad Avenue 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 date of the completion of the filling of Railroad Avenue from Madison 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 way described in Section 2 hereof, within one year after Railroad Avenue and Railroad 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 Railroad Avenue and Railroad Avenue West as may be from time to time permanently improved by or under directions of the City of Seattle, the grantees herein, their successors and assigns, shall at the same time readjust and relocate such of their present tracks as may fall within the area between the new location of Track No. 1 (the Westerly Switching track) and the westerly line of Railroad Avenue and Railroad Avenue West, in such manner that their most westerly track shall be coincident with the location provided for said Track No. 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, unless 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 suits, 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 successors 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

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

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

Section 7 of this ordinance, readjust all railway tracks which they may have within those parts of Railroad Avenue and Railroad 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 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 grantees, their successors and assigns, and the interest of the public.

Section 10. In order to claim the benefits of this ordinance and to acquire the rights, privileges and authorities hereby granted, the grantees, in behalf of themselves, their 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 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 hereby 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 Seattle to them or their predecessors in interest in so far as such franchises appertain to that part of Railroad Avenue and Railroad Avenue West, north of the north line of

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

Yesler way and south and east of the north line of west warfield 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 terms hereof, the Oregon-Washington Railroad & Navigation 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 certified 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 franchises appertain to that part of Railroad Avenue and Railroad Avenue West, north of the north line of Yesler Way and southeasterly of the north line of West Warfield Street, and the westerly 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. The Oregon-Washington Railroad & Navigation Company, its successors and assigns, shall not be required under this section, to relinquish and surrender any franchise right of way heretofore granted on Railroad Avenue west and Seventeenth Avenue west, lying northerly of the easterly line of the right of way described in Paragraph 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 Railroad & Navigation Company and the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, shall, until the completion of the work of reconstruction and readjustment of the trackage on Railroad Avenue and Railroad Avenue West have, and they hereby are granted the right to operate on and over the tracks on Railroad Avenue and Railroad 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 grantees, 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 mortgagee unless within sixty (60) days after such consent it or they shall file with the City Comptroller and ex-officio 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 deemed appurtenant to and running with the railroad of each thereof, and each may sell, assign, lease 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

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

become a law under the provisions of the City Charter.

Passed the City Council the 18th day of March, 1929, and signed by  
me in open session in authentication of its passage this 18th day of March,  
1929.

*John E. Carroll*  
President of the City Council.

Approved by me this 21 day of March, 1929.

*Frank Edmiston*  
Mayor

Filed by me this 24 day of March, 1929.

*W. H. Carrick*  
City Controller and ex-officio  
City Clerk.  
*W. H. Carrick*  
Deputy

Date of first publication in Daily of Journal of Commerce, Seattle, this 25  
day of March, 1929.

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ORDINANCE NO. 58867

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.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That the City of Seattle 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 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 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.

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, to-wit:

First: A right of way 14 feet in width, being 7 feet wide on each side of the following described center line.

Beginning at the point of intersection of the north line of Mosler Way, with a line parallel to and 4 feet easterly from when measured at right angles to the easterly line of Railroad Avenue; thence northerly along said parallel line to the northerly line of Union Street produced westerly; thence along the arc of a curve to the right, having a radius of 963.334 feet, subtending an angle of  $7^{\circ}09'15''$  a distance of 119.99 feet to a point of reverse curve; thence along the arc of a curve to the left, having a radius of 963.334 feet, subtending an angle of  $7^{\circ}09'15''$  a distance of 119.99 feet to a point of tangency and intersection with the line between Lots 2 and 3 in Block 175, Seattle Tide Lands; thence North  $31^{\circ}$

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

AMENDED ORD.  
92567

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 measured along the southerly 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 4th Addition.

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

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 southerly 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-

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 excavation beneath the tracks of the grantee, 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, <sup>graded</sup> ~~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, 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 cost and expense;

(c) That if the grantee, its successors or assigns, shall 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 Seattle from all claims, actions or damages by reason thereof; that in case any suit or action shall be begun against the City of Seattle 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.

FIFTH: The said grantee, its successors or assigns, shall 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 Seattle.

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 duly certified and attested by its proper officers under its 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.

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 (60) days after such consent it or they shall file with the City Comptroller and ex-officio 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 JANUARY



1930, and signed by me in open session in authentication of its pas-  
sage this 13 day of JANUARY, 1930.

John E. Farrow  
President of the City Council

Approved by me this 13 day of JANUARY, 1930

Frank E. Edwards  
Mayor

Filed by me this 13 day of JANUARY, 1930

Attest:  
City Comptroller and ex-officio  
City Clerk.

By: Charles E. Smith  
Deputy Clerk

JAN 2 1930

(Seal)

ORDINANCE NO. 18225

AN ORDINANCE granting to the ~~Pacific Coast 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 spur track in Jackson Street west of Railroad Avenue, and amending Section 2 of franchise Ordinance No. 9119.

WHEREAS, by virtue of certain sundry mesne conveyances, assignments and acceptances, the Pacific Coast R.R. Co. has acquired, and now owns and holds, the franchise granted by Ordinance No. 9119, together with the sundry railway tracks and facilities installed pursuant thereto, including a hereinafter mentioned spur 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 north of Jackson Street, commonly known as "New Pier B.", 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, privilege 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 "A" 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 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 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 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 west line of Colorado Street, and

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

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 Railroad 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 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 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

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

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 Main 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 City 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 south 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 curvature 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,

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 distance (measured along a 15 foot chord subtending said arc) 15 feet northwesterly from the point of intersection of said 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 119.5 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.)

Section 4. 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 the 13 day of APRIL, 1936,  
and signed by me in open session in authentication of its passage this 13 day of  
APRIL, 1936

Frank J. Lamb  
President of the City Council.

Approved by me this 16 day of APRIL, 1936.

Charles Smith  
Mayor.

Filed by me this 16 day of APRIL, 1936.

APR 27 1936

APR 21 1936

(SEAL)

Published \_\_\_\_\_

Attest: H. W. Carroll  
City Comptroller and Ex-Officio City Clerk.

By C. W. Smith  
Deputy Clerk.

City Comptroller and Ex-Officio City Clerk.

By \_\_\_\_\_  
Deputy Clerk.

JES:MS. 5-17-43

ORDINANCE NO. 72613

AN ORDINANCE accepting the relinquishment by the Northern Pacific Railway Company of a portion 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:

1. 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 South, 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 the 24 day of May, 1943  
and signed by me in open session in authentication of its passage this 24 day of May, 1943  
W. B. Mitchell

President..... Pro Tem. of the City Council.

Approved by me this 27 day of May, 1943  
W. B. Mitchell  
Mayor.

Filed by me this 27 day of May, 1943

Attest: A. C. Thomas  
City Comptroller and Ex-Officio City Clerk.

By A. C. Thomas  
Deputy Clerk.

(SEAL)

Published.....

City Comptroller and Ex-Officio City Clerk.

By.....  
Deputy Clerk.

SM 1-20 GATEWAY

ORDINANCE NO. 75816

AN ORDINANCE relating to the franchise granted by Ordinance No. 18030 and amending Section 2 thereof to authorize a change in the right of way for certain railway tracks.

WHEREAS, Oregon-Washington Railroad and Navigation Company and Union Pacific 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 ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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 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 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 hundredths (135.98) 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 thirty-two degrees forty-two minutes and forty-five 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 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 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 arc 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 (79.84) 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 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 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 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.

Also the right, privilege and authority to lay down, construct, maintain and operate such tracks as the said grantees, 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 Duwamish 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), Seattle Tide Lands, as shown on the official plat thereof; all that unplatted portion of what would be block three hundred fifty-five (355), 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 plat thereof; also all of lots one (1) to thirteen (13) inclusive, and thirty-six (36) to forty-five

(45) 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 Dakota Street, and what would be 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 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 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 Tide Lands; Chelan Avenue between blocks three hundred ninety-three (393) and three hundred ninety-four (394), Seattle Tide Lands; block three hundred ninety-four (394), Seattle Tide Lands; Mississippi Street, between blocks three hundred ninety-four (394) and three hundred ninety-five (395), Seattle Tide Lands; blocks three hundred ninety-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:

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.

South of  
Spokane St

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 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 9118, amended by Ordinance No. 12018, Approved January 25, 1905, and entitled "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 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 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 Street produced south, run thence north on a line seven and one-half (7½) 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 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 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 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, Milwaukee and St. Paul Railway 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 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

Wind  
Station Sts

North of Atlantic

use the Atlantic

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 the canal waterway, 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 (22½) 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 (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 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 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 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 a line 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 twenty-nine (329) of said Seattle Tide Lands produced westward, thence on a curve to the left with a radius of nine hundred fifty-five 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-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 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 (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 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 (4) 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 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 thereof 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 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 ninety and five-tenths (90.5) feet east of the west line of Railroad Avenue,

High - Norton St

12th St

14th St

North 12th St

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

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

Main St

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."

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 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) 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 southeasterly 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 parallel with 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 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 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 five tenths (186.5) 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), block three hundred

South Duwamish St

E. Mary Way So

Helgate St

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 (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 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 parallel with and one hundred ten and five-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), 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 seventeen 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 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 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 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) 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 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 south-westerly line of Railroad Avenue; thence northerly and fifty-nine and five tenths (59.5) feet northeasterly from the south-westerly line of said Railroad Avenue to a point where it intersects the north line of Vesler Way, produced west; with the right to said grantor, 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 granted to the Seattle & International Railway Company by Ordinance No. 6091, entitled "An Ordinance granting to the Seattle & International Railway Company, 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, 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."

Seattle Tide Lands

Seattle Tide Lands

Seattle Tide Lands

Seattle Tide Lands

Seattle Tide Lands

Seattle Tide Lands

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



The above and foregoing in this subparagraph has been granted and allowed by the City of Seattle in Ordinance No. 13533 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, Milwaukee & St. Paul Railroad 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 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 (764.49) 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 Duwamish 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 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 (1,243.6) 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 forty-five 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 (70.5) 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 (1,161.3) feet through a total angle of seven degrees, thirty-three 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 seventy-eight hundredths (182.78) feet, thence curving to the right with a radius of one thousand one hundred thirty-one and three-tenths (1,131.3) 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 to

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

E. M. G. 1st May 20.

Nine - North Sts

a line drawn in said Whatecom Avenue parallel with and one hundred fourteen and five-tenths (114.5) feet west of the east line of said Whatecom Avenue, 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 west 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 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 (1,555.5) 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 to a point in Railroad Avenue, where said last branch of 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.

Ninth. 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; 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 Seattle in S. A. Maple's Donation Claim.

Tenth. A right of way (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) feet west of the east margin of Colorado Street and the north line of lot four (4), block three hundred thirty-two (332), Seattle Tide Lands, produced west, thence north on a line forty

S. Maple St.

S. Atlantic St.

Angus Way  
Seattle

Seattle

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

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

(40) feet west 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, 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 minutes 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 (17), 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 (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 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 (329), Seattle Tide Lands, and from this point 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 in Railroad Avenue that is fourteen and one-half (14½) 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.

(To be used for all Ordinances except Emergency.)

Section 2. 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 the 10 day of March, 19 47,  
and signed by me in open session in authentication of its passage this 10 day of  
March, 19 47 M.B. Mitchell

President \_\_\_\_\_ of the City Council.

Approved by me this 12 day of March, 19 47,  
[Signature] Mayor.

Filed by me this 12 day of March, 19 47.

Attest: [Signature]  
City Comptroller and Ex-Officio City Clerk.

By [Signature]  
Deputy Clerk.

(SEAL)

Published MAR 14 1947

City Comptroller and Ex-Officio City Clerk.

By \_\_\_\_\_  
Deputy Clerk.

SM 1-33 Mayflower

ORDINANCE NO. 92566

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.

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 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 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, BE IT OBTAINED 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 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", approved March 21, 1929, is hereby amended to read as follows:

Section 1: That the City of Seattle does hereby grant to the Great Northern Railway Company, a corporation, and 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, 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 law author-

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

Ordinance No. \_\_\_\_\_ (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 authority 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 11, 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 running 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.

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

Ordinance No.

(continued)

Section 2. That Section 2 of City of Seattle Ordinance No. 57179, is hereby amended to read as follows:

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

(1) A right of way of (seven (7.00) feet in width being seven and one-half (7.50) feet on each side of the following described center line:

Beginning at a point on a line parallel to and thirty-seven and one-half (37.50) feet from when measured at right angles to the East line of Alaskan Way (formerly Railroad Avenue) at its intersection with the North line of Yesler Way, thence northerly along said parallel line for a distance of 114.73 feet to a point of curve, which point being 152.66 feet south of the south line of Columbia Street produced westerly, thence along the arc of a 10° curve to the right, having a 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 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' curve 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

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

Section 2. That Section 2 of City of Seattle Ordinance No. 57179, 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 authorized by this ordinance, are described as follows, to wit:

(1) A right of way fifteen (15.00) feet in width being seven and one-half (7.50) feet on each side of the following described center line:

Beginning at a point on a line parallel to and thirty-seven and one-half (37.50) feet from when measured at right angles to the East line of Alaskan Way (formerly Railroad Avenue) at its intersection with the North line of Yesler Way, thence northerly along said parallel line for a distance of 111.73 feet to a point of curve, which point being 152.66 feet south of the south line of Columbia Street produced westerly, thence along the arc of a  $10^{\circ}$  curve to the right, having a radius of 573.69 feet and subtending an angle of  $10^{\circ} 26'$ , 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  $10^{\circ}$  curve to the left, having a radius of 573.69 feet and subtending an angle of  $6^{\circ} 21' 35''$ , 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  $7^{\circ} 30'$  curve to the left, having a radius of 764.49 feet and subtending an angle of  $4^{\circ} 4' 25''$ , for a distance of 54.35 feet to a point of tangency, which point being 55.40 feet North of

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



Ordinance No. \_\_\_\_\_ (continued)

the North line of Columbia Street produced westerly and 14.23 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  $12^{\circ} 30'$  curve to the left, having a radius of 459.28 feet and subtending an angle of  $10^{\circ} 37' 42''$ , for a distance of 85.20 feet to a point of tangency, which point being 74.99 feet North of the North line of Madison 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  $12^{\circ} 30'$  curve to the right, having a radius of 459.28 feet and subtending an angle of  $10^{\circ} 37' 42''$ , 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  $14^{\circ}$  curve to the right, having a radius of 410.28 feet and subtending an angle of  $14^{\circ} 12'$ , for a distance of 101.68 feet to a point of tangency, which point being 88.55 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  $14^{\circ}$  curve to the left, having a radius of 410.28 feet and subtending an angle of  $7^{\circ} 50' 25''$ , for a distance of 56.14 feet to a point of compound curve, which point being 84.23 feet South of the South line of University Street produced westerly and 17.91 feet measured westerly

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

Ordinance No.

(continued)

at right angles from the East line of Alaskan Way, thence along the arc of a  $0^{\circ} 55'$  curve to the left, having a radius of 6,250.51 feet and subtending an angle of  $0^{\circ} 26' 25''$ , 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  $0^{\circ} 55'$  curve to the right, having a radius of 6,250.51 feet and subtending an angle of  $0^{\circ} 26' 25''$ , for a distance of 48.03 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 westerly 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 angles from the East line of Alaskan Way, thence along the arc of a  $10^{\circ} 34'$  curve to the left, having a radius of 543.00 feet and subtending an angle of  $6^{\circ} 21' 35''$ , 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  $14^{\circ} 30'$  curve to the left, having a radius of 396.20 feet and subtending an angle of  $25^{\circ} 9' 16''$ , for a distance of 173.94 feet to a point of tangency, which point being 101.58 feet North of the North line of Union Street produced westerly and 39.37 feet measured westerly at right angles from the East line of Alaskan Way, thence 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 Alaskan Way produced southerly, thence along the arc of a  $15^{\circ} 45'$  curve to the right, having a radius of 364.93 feet and subtending an angle of  $8^{\circ} 04' 35''$ , for a distance of 51.44 feet to a point of

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

tangency, which point being on a line parallel to and 21.50 feet measured westerly at right angles from the East line of Alaskan Way produced southerly, at this point of tangency the right of way on the left side of this centerline increases to a uniform distance of 21.50 feet measured westerly at right angles from the center line and on the right side of center line the right of way is 7.50 feet measured easterly at right angles from the center line.

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 43.00 feet, thence a right of way 43.00 feet in width and continuing northerly parallel to the East line of Alaskan Way 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 easterly (43) 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 Way (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

Ordinance No. \_\_\_\_\_ (continued)

North line of Union Street produced westwardly; thence along a one degree (  $1^{\circ} 0'$  ) curve to the left through an angle of two degrees six minutes forty-one seconds (  $2^{\circ} 06' 41''$  ) 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 (  $7^{\circ} 30'$  ) curve to the left through an angle of fourteen degrees fifty-eight minutes (  $14^{\circ} 58'$  ) a distance of one hundred ninety-nine and six tenths (199.6) feet to a point of tangency on a line thirty-six (36) feet westerly measured at right angles from the easterly 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 (14) feet of the forty-three (43) 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 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 paragraph 11, said forty-three (43) foot right of way being the most easterly forty-three (43) feet of Alaskan Way (formerly Railroad Avenue).

(4) 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 Yeeler 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 11, the easterly boundary of said fifteen (15) foot right of way, being coincident with the westerly

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

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

(5) A right of way fifteen (15) 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 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 ninety-nine one-thousandths (362.699) feet northerly from the north line of 17th Avenue West, the east boundary of said fifteen (15) foot right of way being coincident with the east line of Alaskan Way (formerly Railroad Avenue) and the east line of Alaskan Way West (formerly Railroad Avenue West). Also a right of way fifteen (15) feet 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 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 Railroad 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

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

produced westerly, with the westerly boundary of the right of way described in paragraph 4; 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) 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 westerly boundary to the point of beginning.

(8) A right of way fourteen (14) feet in width in Alaskan Way (formerly Railroad Avenue) beginning at a line fifty-eight (58) feet southerly from and parallel to the center line of Vine Street; thence northerly to the north line of Broad Street produced westerly, the center line of said fourteen (14) foot right of way being fifty-five and five-tenths (55.5) feet west 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 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 a line 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 Seventeenth Avenue West,

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

Ordinance No.

(continued)

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.

(11) A right of way thirty-three (33) feet in width for main or tunnel tracks in Battery Street, Alaskan Way (formerly Railroad Avenue) 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 (344.16) feet along a tangent making a northwesterly included angle of six degrees twenty-two minutes ( $6^{\circ} 22'$ ) with said east boundary of Alaskan Way (formerly Railroad Avenue) thence along a four degree no minute ( $4^{\circ} 00'$ ) 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 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,

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

Ordinance No. \_\_\_\_\_ (continued)

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 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 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 BY THE CITY COUNCIL the 30 day of December, 1963, and signed by me in open session in authentication of its passage this 30 day of December, 1963.

Thos. E. Miller  
President of the City Council

APPROVED by me this 31 day of December, 1963.

Edward J. Clinton  
MAYOR

FILED by me this 31 day of December, 1963.

ATTEST: E. J. Glendon  
City Comptroller and City Clerk

By: W. A. Perine

Date of official publication of this Ordinance: JAN 8 1964 1963.

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



ORDINANCE NO. 58867

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 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 March 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 ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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 authorized by this ordinance, are described as follows, to wit: 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

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

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

Ordinance No. (continued)

764.49 feet and subtending an angle of  $6^{\circ} 21' 35''$ , 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 4.11 feet measured easterly at right angles from the East line of Alaskan Way, thence northerly along said tangent 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 9.74 feet measured easterly at right angles from the East line of Alaskan Way, thence along the arc of a  $7^{\circ} 30'$  curve to the left, having a radius of 764.49 feet and subtending an angle of  $6^{\circ} 21' 35''$ , 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 14.45 feet measured easterly at right angles from the East line of Alaskan Way, for a distance of 287.71 feet to a point of curve, which point being 119.97 feet North of the North line of Union Street produced westerly, thence along the arc of a  $6^{\circ}$  curve to the right, having a radius of 955.37 feet and subtending an angle of  $3^{\circ} 57'$ , for a distance of 65.83 feet to a point of reverse curve, which point being 174.24 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  $6^{\circ}$  curve to the left, having a radius of 955.37 feet and subtending an angle of  $3^{\circ} 57'$ , for a distance 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  $31^{\circ} 45' 10''$  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 Avenue 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 4th Addition.

Said centerline crossing in its course Columbia, Marion, Madison, Spring, Seneca, 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 line 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 Railroad Avenue 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 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, 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 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 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.

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

Ordinance No. \_\_\_\_\_ (continued)

PASSED BY THE CITY COUNCIL the 30 day of December,  
1963, and signed by me in open session in authentication of its passage  
this 30 day of December, 1963.

Lloyd E. Miller  
President of the City Council

APPROVED by me this 31 day of December, 1963.

Clarence J. Clinton  
MAYOR

FILED by me this 31 day of December, 1963

ATTEST: C. H. Grandson  
City Comptroller and City Clerk

By: W. A. Besime  
Deputy Clerk

Date of official publication of this Ordinance: JAN 8 1964, 1963

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

ORDINANCE NO. 92569

AN ORDINANCE relating to the franchise granted to the ~~Columbia & Puget Sound Railroad Company~~, a corporation, its successors 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 affected 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 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, 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 Waterway with a line parallel with and 15 feet east of the west line 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 curve beginning at a point therein 27 feet south of the south line of South Atlantic Street produced westward; thence northerly along said curve to the right with a radius of 483.69 feet through  $17^{\circ}14'15''$  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  $6^{\circ}22'$ , a 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  $6^{\circ}4'$  of curvature, thence along said tangent 40.7 feet to a point of curve, thence along a curve to the right with a radius of 459.276 feet through  $12^{\circ}26'$  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

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

of 932.9 feet, through  $17^{\circ}14'15''$  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  $3^{\circ}50'$  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  $3^{\circ}50'$  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 avenue, thence north along last described course 90.5 feet east of the west line of Alaskan Way South (formerly Railroad Avenue) to the intersection thereof with the centerline of South Main Street produced westward,

~~thence on a curve to the left with a radius of 262 feet, through  $90^{\circ}$  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 Seattle Tidelands and thence west on said last described line to the inner harbor line of the harbor of the City of Seattle; 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 shall 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 Seattle Tidelands, with a line parallel with and 90.5 feet east of the west line of Alaskan Way South, 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 Alaskan Way South, through  $90^{\circ}$  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 feet south of the north line of said South Jackson Street, to the inner harbor line of the harbor of the City of Seattle.~~

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.

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 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 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 BY THE CITY COUNCIL the 30 day of December, 1963,  
and signed by me in open session in authentication of its passage this  
30 day of December, 1963.

Robert L. Miller  
President of the City Council

APPROVED by me this 31 day of December, 1963.

Frederic L. Clinton  
MAYOR

FILED by me this 31 day of December, 1963.

ATTEST: C. H. Glendon  
City Comptroller and City Clerk

By: W. A. Benne  
Deputy Clerk

Date of official publication of this Ordinance: JAN 9 1964, 1963.

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



ORDINANCE NO. 92570

AN ORDINANCE relating to the franchise granted to the NORTHERN PACIFIC RAILWAY COMPANY, its successors and assigns, by Ordinance No. 12018; amending 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;

WHEREAS, 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 ORDAINED BY THE CITY OF SEATTLE 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 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", and as heretofore amended by Ordinance No. 72613 is hereby amended to read as follows:

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

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 ( $7\frac{1}{2}$ ) 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 (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 northerly, the right to cross intervening streets is hereby granted, so that the grantee shall have the right and authority to construct and operate its lines of railway from the south side of said South Horton Street (formerly Canal Waterway) in a general northerly direction between Third Avenue South (formerly Oriental) and Occidental Avenue South to the south line of So. Connecticut Street.

WYE TRACKS TO FOURTH AVENUE SOUTH. - Secondly: A "wye" 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 "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 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 "wye" track author-

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

Ordinance No. (continued)

ized 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 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 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 Airport Way South (formerly Seattle Boulevard), thence along the last described line to a point about 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.

"SHORE LINE" TRACKS. - Fourthly: Two tracks of standard gauge railway, the center lines of which tracks shall be as nearly as may be parallel with and 2.5 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 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 166.47 feet east of the center line of Airport Way South (formerly Eighth Avenue South) and shall run thence northerly on a tangent bearing north 4 degrees 18 minutes 58 seconds east according to the city's standard meridian a distance of 482.6 feet, to a point in the center line of South Charlestown Street, which point is distant 210.15 feet east of

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

Ordinance No. \_\_\_\_\_ (continued)

intersection of said center line of South Charlestown Street with the center line of Airport Way South (formerly 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 seconds 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 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 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.

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

Ordinance No. \_\_\_\_\_ (continued)

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 South Addition Street;

Thence on a tangent bearing north 15 degrees 29 minutes 41 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 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 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 minutes 16 seconds of curvature, 480.14 feet, to a point in Seventh Avenue South;

Thence on a tangent bearing north 40 degrees 4 minutes 13 seconds west, 321.75 feet;

Thence on a curve to the right with a radius of 3437.87 feet, through 4 degrees 4 minutes 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 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 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.

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 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 said 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 & Puget 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 (formerly Colorado Street) parallel with and 22.5 feet east of the west line of said Avenue and as nearly as may

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

Ordinance No. \_\_\_\_\_ (continued)

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 14 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 14 minutes 15 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 northerly 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 3544.19 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 139.46 feet, thence on a curve to the right with a radius of 744.66 feet through 4 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 114.7 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.

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

Ordinance No.

(continued)

~~TRACKS FROM SOUTH CONNECTICUT STREET TO VESLER WAY. - Sixthly: A single track of standard gauge railway, the center line whereof shall be as nearly as may be coincident with the base line of the right of way therefor next hereinbelow specified, and 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 Avenue 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 east of the northwest corner of Block 322, Seattle Tide Lands, and shall run thence north 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, Seattle Tide Lands, thence in a northwesterly direction on a curve to the left 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 southwesterly 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 255.37 feet, through 05 degrees 31 minutes of curvature to a point where such curve is tangent to a line in said Railroad Way South near the east line of Alaskan Way South (formerly Railroad Avenue), thence northwesterly along said tangent 115.01 feet, thence on curve to the right with a radius of 383.06 feet through 24 degrees 59 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 Way as measured at right angles thereto and as nearly as may be 25.00 feet south of the north line of South King Street and produced westward, thence north along said last described line for a distance of 166.30 feet to a point of connection with the Great Northern Railway Company track as nearly as may be 157.10 feet south of the intersection of the center line of South Jackson Street and produced westward, (NOTE: BEGIN PORTION OF N. P. TRACK USED BY C. N., also covered in Ordinance 12191 amended), thence continuing along said parallel tangent to its intersection as nearly as may be with a line drawn parallel with and 6.59 feet south of the north line of South Jackson Street and produced westward, thence on a curve to the right, with a radius of 7700.57 feet through 00 degrees 53 minutes 35 seconds of curvature, thence on a curve to the left, with a radius of 7700.97 feet, through 00 degrees 53 minutes 35 seconds of~~

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



~~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 said last described line with a line 0.59 feet south of the south line of South Main Street and produced westward, thence north along said parallel tangent to a point of connection with the Gr at Northern Railway Company track as nearly as may be the intersection thereof with a line drawn parallel with and 47.90 feet north of the north line of South Main Street and produced westward, (NOTE: END PORTION 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, thence on a curve to the left, with a radius of 819.02 feet, through 31 degrees 45 minutes 10 seconds of curvature, to a point where such curve is tangent to a line in Alaskan Way South parallel with and 112.59 feet east of the west line of Alaskan Way South, thence northerly along said last described line 39.08 feet to a point being as nearly as may be at the intersection of the last described line with a line drawn at right angles across 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 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 on a line in Railroad Way South tangent to a previously described curve to the right with a radius of 955.37 feet through 05 degrees 31 minutes of curvature and 112.6 feet northwesterly 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 minutes of curvature to a point where such curve is tangent to a line in Alaskan Way South, thence northwesterly along said last described tangent 91.5 feet, thence on a curve to the right with a radius of 459.28 feet through 15 degrees 45 minutes of curvature to a point where such curve is tangent to a line in Alaskan Way South, thence northwesterly along said tangent 10.5 feet, thence on a curve to the right with a radius of 680.31 feet through~~

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

Ordinance

(continued)

~~6 degrees 44 minutes of curvature to a point where such curve is tangent to a line in Alaskan Way South parallel with and 75.5 easterly of the westerly line of said Alaskan Way South, and as nearly as may be at the intersection thereof with a line parallel with and 22.1 feet south of the south line of South Jackson Street and produced westward.~~

~~TRACK FROM SOUTH MAIN STREET TO WATERWAY. Seventhly: A single track of standard gauge railway, the center line of which shall be as nearly as may be coincident with the center line of the right of way next hereinafter specified, and a right of way 15 feet in width for each track, the center line of which right of way shall begin at the intersection of the center line of South Main Street produced westward with a line on Alaskan Way South parallel with and 50.5 feet east of the west line of Alaskan Way 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 drawn parallel with and 7 feet south of the south line of lot 3 in Block 199 of Seattle Tide Lands and produced eastward, thence on a curve to the left with a radius of 955.37 feet through 31 degrees 15 minutes 10 seconds of curvature to a point as nearly as may be 21.8 feet southeasterly of the intersection of a line in Alaskan Way South parallel with and 88.5 feet southwesterly from the east line of Alaskan Way South, measured at right angles thereto, with a line drawn at right angles across Alaskan Way from the intersection of said east line thereof with the north line of Yesler Way, thence northwesterly 21.8 to end.~~

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, 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

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

Ordinance No. \_\_\_\_\_ (continued)

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 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 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 BY THE CITY COUNCIL the 30 day of December, 1963, and signed by me in open session in authentication of its passage this 30 day of December, 1963.

Edward E. Miller  
President of the City Council

APPROVED by me this 31 day of December, 1963.

James D. Clinton  
MAYOR

FILED by me this 31 day of December, 1963.

ATTEST:

C. H. E. Landson  
City Comptroller and City Clerk

By:

W. A. F. Line  
Deputy Clerk

Date of official publication of this Ordinance: JAN 8 1964, 1963.

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

TIME AND \_\_\_\_\_ E STAMP

**SPONSORSHIP**

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY  
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

*Tom Mark*

_____	_____
_____	_____
_____	_____
_____	_____

\_\_\_\_\_

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
PRESIDENT'S SIGNATURE

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

# City of Seattle

Executive Department—Office of Management and Budget

Diana Gale, Director  
Norman 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

by

  
DIANA GALE  
Budget Director

legis:noble43

Enclosure

cc: Director, Personnel

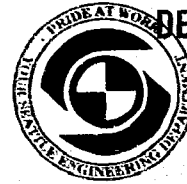
*Approved by  
Norman B. Rice  
1/6/95*



COPY RECEIVED  
95 JAN -3 AM 9:34  
SEATTLE CITY ATTORNEY

RECEIVED OME

DEC 22 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

VIA: Mayor Norman B. Rice

ATTN: Diana Gale, Director  
Office of Management and Budget

RE: 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. Burlington Northern further agreed to eliminate railroad 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 waterfront. 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 Street. 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.

\*Printed on Recycled Paper\*

An equal opportunity - affirmative action employer. Accommodations for people with disabilities provided on request.

Seattle Engineering Department, Room 400, Seattle Municipal Building, 600 Fourth Avenue, Seattle, Washington 98104-1879 (206) 684-5000 VTDD (206) 233-1088

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

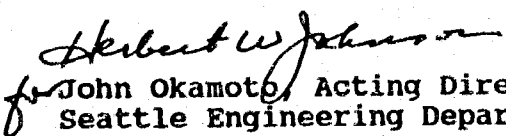
The Honorable Jim Street  
December 16, 1994  
Page 2

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,

  
for John Okamoto, Acting Director  
Seattle Engineering Department

JO/KTJ:rha

Enclosures

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

TIME AND DATE STAMP

**SPONSORSHIP**

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY  
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Martha Chae

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PRESIDENT'S SIGNATURE

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



# 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

SUBJECT: 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  
City of Seattle, City Clerk

—ss.

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

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