

Ord. 18030
Ordinance No. 18030

Franchise

Oregon & Washington
 Railroad Company

Duwamish Avenue

Amended in Sections 2 and 5 by
 Ordinance No. 26254

Engrossed Bill

Council Bill No.

INTRODUCED: April 15, 1907	BY: GILL
REFERRED: April 15, 1907	TO: Corporation Com
REFERRED:	
REPORTED: Feb 13 1908	VETO:
SECOND READING: Feb 13, 1908	PUBLISHED:
THIRD READING: March 2, 1908	V. & SUSTAINED:
SIGNED: March 2, 1908	PASSED OVER VETO:
PRESENTED TO MAYOR: March 3, 1908	APPROVED: March 6, 1908
FILED: March 6, 1908	PUBLISHED: March 7, 1908
ENGROSSED:	BY:
VOL. <i>E-1</i> PAGE <i>362</i>	L. S. Barnes
COMPARED BY: Barnes AND Newell	

Form L 5M-7-32 McCann.

*Ord 12997 - Rel to contract for trees on 1st St
 Duwamish Ave. & Duwamish River
 115426 - Rel for New Duwamish on Duwamish from
 1st to 12th
 75816 - Amends No 2
 Assignment to W & R Co
 Assignment 116 No 1235
 Assignment - " " 4507
 109780 - Rel to W & R Co for release easement
 54365 - Modification Term Etc
 149154 - assignment to W & R Co*

Ord 18530

Ordinance No. 18530

Franchise

Oregon & Washington
Railroad Company

Investor's Avenue

Amended in Sections 2 and 3 by
Ordinance No. 26254

Engrossed Bill

Council Bill No.

INTRODUCED: April 15, 1907	BY: G. L.
REFERRED: April 15, 1907	TO: Corporation Com.
REFERRED:	
REPORTED: Feb 13 1908	VETO:
SECOND READING: Feb 13, 1908	PUBLISHED:
THIRD READING: March 2, 1908	VETO SUSTAINED:
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VOL. 1, PAGE 762	
COMPALED BY: Barnes AND Newell	

Form 1, 1907

Assignment File No 42258
Acceptance - 34500
109785 - Pet of RR & H. C. for release easement
54965 - Modification Terms etc
149154 assignment WPRR Co
Ord 42991 - Rel to contract for trackage in 14th St
Burrwash Ave & Denner Ave
115426 - Pet for vac roadway on connection from
Ord. 75816 - Branch and 2 12516 RR Co

AMENDED ORD. 92571

EXEMPTED FROM 97271
L.C. 8

ORDINANCE NO. _____

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

25572 located property back which was located to city
 pursuant to sec. 3 thereof by O.W.R.R. Co.
 Ord 71139 - Rescinded permit granted
 71138
 AMENDED ORD. 92571
 AMENDED ORD. 97271
 L.C. 8

SECTION 2 & 9 BY

ORDINANCE NO. 26257

ORDINANCE NO. 14830

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.

A. 75816
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: ✓

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-

onds 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, 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,

Whatecom 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. 114 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,

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 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 and International Railway Company by Ordinance No. 6094, 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 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 (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 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 (60.5) 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

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 ~~xxxx~~ 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 ($14 \frac{1}{2}$) 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

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)

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,

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

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,

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

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-

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

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 ~~than~~ joint owners of the railway track to be constructed under the terms of this franchise, as to the terms and compensation to be paid for the 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 Whateon 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 ~~the~~ 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 granteo, in and by its acceptance of this ordinance, consents and agrees to construct, renew and maintain its ratable and equitable proportion, as between all of the railway companies affected thereby, of such necessary 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

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

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.

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Section 8. Within six (6) months after the taking effect of this ordinance the grantee, its successors and assigns, shall convey to the City of Seattle an easement granting to said City the right to lay down and maintain all necessary sewers, water mains, conduits and other public utilities underneath the 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-

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.

Page 7 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

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 such 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 ($3\frac{1}{2}$) 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

and 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 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 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.

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 take control 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 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 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 ($7\frac{1}{2}$) 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 ($12\frac{1}{2}$) 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 grantee, its successors or assigns, to switch cars for any person whomsoever to or from the tracks of any other railway company, which shall not perform a like switching service and at the rates aforesaid, or rates equal thereto in respect to cars received from or delivered to the tracks of the grantee, its successors or assigns, by such other railway company as aforesaid.

Provided, however, that when cars move in drayage service only, fifty (50) cents per loaded car may be added to the charges named in the last mentioned schedule.

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 obtain 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 Trustees, accepting the benefit of this ordinance and the rights, privileges and authorities hereby granted, subject to all the conditions, restrictions, specifications

Affidavit of Publication

STATE OF WASHINGTON,
County of King, City of Seattle. } ss.

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. 16030, 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 7th day of March 1908, and that said newspaper was daily distributed to its subscribers on said day.

ORDINANCE NO. 16030.
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, 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, as hereinafter provided by the City of Seattle.
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 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, as hereinafter provided by the City of Seattle.

Subscribed and sworn to before me this 7th day of March 1908.

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

President of the City Council.
this 6th day of MARCH 1908.
Mickelson Mayor.
this 6th day of MARCH 1908.

Attest: A. N. Carroll,
City Comptroller and ex-officio City Clerk.

(SEAL)

By

Deputy Clerk.

Published

MAR - 7 1908

A. N. Carroll
City Comptroller and ex-officio City Clerk.

By

Deputy Clerk.

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 15. 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 the City Council the 2nd day of MARCH 1908, and signed by me in open session in authentication of its passage this 2nd day of MARCH 1908

C. F. Burnett
President of the City Council.

Approved by me this 6th day of MARCH 1908.

A. H. McCann
Mayor.

Filed by me this 6th day of MARCH 1908.

Attest:

A. M. Carroll
City Comptroller and ex-officio City Clerk.

(SEAL)

By

Deputy Clerk.

Published

MAR-7 1908

A. M. Carroll
City Comptroller and ex-officio City Clerk.

By

A. H. McCann
Deputy Clerk.