

ORDINANCE NO 20667

AN ORDINANCE providing for the change of location of certain rights of way, heretofore granted to the Northern Pacific Railway Company, across Hanford Street in the City of Seattle between blocks 359 and 360, Seattle Tide Lands, and granting authority to said Company to construct, lay down, and operate certain railroad tracks across said Hanford Street, between said blocks, at the new points of location.

WHEREAS, under Ordinance No. 9296, entitled

"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, the said City of Seattle granted to the Northern Pacific Railway Company, its successors and assigns, the right and authority to lay down, construct, maintain and operate railroad tracks along and over two rights of way, each fifteen (15) feet in width, across Hanford Street and leading to and upon Block 359, Seattle Tide Lands, and the locations of said rights of way are described as follows: The center line of the first of said rights of way across said Hanford Street, intersecting the north marginal line of said Hanford street at a point seventy (70) feet east of the west marginal line of Block 360, Seattle Tide Lands, and intersecting the south marginal line of said Hanford street at a point one hundred ten (110) feet east of the west marginal line of Block 359, Seattle Tide Lands; and the center line of the second of said rights of way across said Hanford Street, intersecting the north marginal line of said Hanford Street at a point one hundred seven 5-10 (107 5-10) feet east of the west marginal line of Block 360, Seattle Tide Lands, and intersecting the south marginal line of said Hanford Street at a point one hundred thirty-two (132)

feet east of the west marginal line of Block 359, Seattle Tide Lands; and

WHEREAS, the said Northern Pacific Railway Company has applied to the City Council to change the points of location of said two rights of way to points further east between said two blocks, and to the points of location hereinafter described, and has applied for the right and authority to lay down, construct, maintain and operate railroad tracks at said new points of location over said rights of way:

Now, therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE as follows:

Section I. That the locations of the two rights of way above described be, and they are hereby, changed to the following points and are situated and described as follows: Two rights of way, each fifteen (15) feet in width, across Hanford Street between Blocks 359 and 360, Seattle Tide Lands. The center line of the first of said rights of way intersecting and crossing Hanford Street on a line parallel with and seven and one-half ($7\frac{1}{2}$) feet east of the east marginal line of Whatcom Avenue; and ^{the} center line of the second of said rights of way intersecting and crossing Hanford Street on a line parallel with and twenty-two and one-half ($22\frac{1}{2}$) feet east of the east marginal line of Whatcom Avenue.

Section 2. 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 standard track or tracks of railroad leading from Block 360 to Block 359 of Seattle Tide Lands, along and over the rights of way described in Section I of this ordinance.

Section 3. That, by the passage and acceptance of this ordinance, the Northern Pacific Railway Company, its successors and assigns, shall be deemed to waive and relinquish, and shall thereby waive and relinquish, all right, title or authority to exercise its grant over the said two rights of way at the points described in the aforesaid ordinance No. 9296, and the grant contained in said ordinances is in that respect and to such extent modified, but that the grants and conditions contained in said ordinance No. 9296 shall not be deemed to be, and the same are not, changed or modified in any other respect or particular; and by the acceptance of this ordinance, the Northern Pacific Railway Company shall accept and exercise the right and privilege hereby granted, and shall construct, operate and maintain its railroad tracks along the franchise rights of way hereby granted, subject to and in accordance with the provision, conditions and limitations contained in said ordinance No. 9296, and in the ordinances amendatory thereof.

Section 4. That, by the passage and acceptance of this ordinance, the Northern Pacific Railway Company undertakes and agrees, that, prior to exercising any rights under this ordinance, it will remove any track or tracks it may have placed across said Hanford Street at the points mentioned in said ordinance No. 9296, and described in the preamble hereto, and will restore the street at said points where such tracks are removed to proper conditions and to like condition as the proximate portions of said street. And, further, in consideration of the passage and acceptance of this ordinance, the Northern Pacific Railway Company undertakes and agrees to pay to the city of Seattle the necessary and reasonable expense of changing the location of the fire hydrant at the south side

of Hanford Street and near the new location of the tracks herein provided for, if, in the judgment of the Superintendent of Public Utilities, the use of said hydrant is interfered with by the construction of said tracks and such change of said hydrant thereby made necessary.

Section 5. In order to claim the benefit of this franchise, the said Northern Pacific Railway Company, its successors and assigns, shall, within thirty days after the passage of this ordinance, file with the city clerk of said City its acceptance thereof, in writing, subject to all the conditions and terms herein mentioned; and, if said written acceptance be not filed within said time, this ordinance shall be void.

Section 6 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 5th day of APRIL, 1909, and signed by me in open session in authentication of its passage this 5th day of APRIL, 1909.

W. H. Hill
President of the City Council.

Approved by me this 10th day of APRIL, 1909.

Filed by me this 10th day of APRIL, 1909. W. H. Hill Mayor.

Attest: W. M. Carroll
City Comptroller and ex-officio City Clerk.

By W. M. Carroll Deputy Clerk.

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City Comptroller and ex-officio City Clerk.

By W. H. Hill Deputy Clerk.

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