

ORDINANCE NO. 234.

AN ORDINANCE amending Ordinance No. 39, entitled "An ordinance authorizing and empowering DEXTER HORTON, A. A. DENNY, JOHN COLLINS and CHARLES E. BURROWS, and their associates, assigns, successors or executors, to erect and maintain Gas Works and to lay down pipe for the supply and distribution of Illuminating Gas in the City of Seattle, Washington Territory." Approved February 12, 1881.

The City of Seattle does ordain as follows:

That Ordinance No. 39 * * * * be and the same is hereby amended as follows:

Sec. 1. **Grant; Erect Plant and Lay Pipes:**—That Dexter Horton, A. A. Denny, John Collins and Charles E. Burrows, and their associates, successors, assigns or executors, be and they are hereby authorized and empowered to erect, establish and have in operation within the corporate limits of the City of Seattle, Washington Territory, on block twenty-seven (27), Maynard's plat, or in any other suitable place to be hereafter selected, subject to the approval of the Common Council of said City, a manufactory of gas, with all the necessary buildings, apparatus, machinery and fixtures, sufficient for the illumination of the said City of Seattle, and at their option to lay down gas pipes and extend the service of gas throughout the said City of Seattle, and through-out any additions thereto.

Sec. 2. **Rights Exclusive; Pipes for Other Purposes:**—That the said Dexter Horton, A. A. Denny, John Collins, Charles E. Burrows, and their assigns, successors or executors, shall have for the full and complete term and period of twenty-five years from and after the 6th day of June, A. D. 1873, the sole and exclusive right, use, privilege and franchise to lay and extend gas pipes and apparatus for the conveyance of gas throughout all the streets, alleys and public places of the said City of Seattle, and they shall, with as little delay as possible, repair all damages done the streets, alleys and public places, and leave them in as good condition as they were previous to the laying of said pipes and apparatus, nor shall any person or persons, company or corporation, have the right to lay pipe for any other purpose within two and one-half (2½) feet of the center of said gas pipe, except when necessary to cross the same, without the consent of the said Dexter Horton, A. A. Denny, John Collins, Charles E. Burrows and their assigns, successors or executors.

Sec. 3. **Gas for Street Lamps:**—That the said Dexter Horton, A. A. Denny, John Collins, Charles E. Burrows, and their assigns, successors or executors, shall, upon requirement of the corporate authorities of the said City of Seattle, supply gas to all the street lamps that may be erected by said City of Seattle, upon the line or lines of pipe laid, at a rate not to exceed the sum of seven (7) dollars per month for each lamp so supplied (said lamps to be lighted by said City on schedule time when there is not sufficient natural light), and they shall, as required by the said corporate authorities, furnish gas for lighting such public places as the said city may require and designate, when such public places are located upon any line of pipe so laid as aforesaid, at such price as may be agreed upon from time to time, not to exceed that paid by private consumers for the service.

Sec. 4. **Other Companies Not Permitted for Twenty-five Years:**—No other person or persons, company or corporation, shall be permitted, directly or indirectly, to erect, build, establish or maintain any other gas work or works, manufactory or apparatus for lighting the streets, alleys or other public places of said City of Seattle, or supplying the inhabitants thereof with gas, or lay down in or upon any of the streets, alleys or other public places of said city, any gas pipe or apparatus for the conveyance of gas for and during the period and term of twenty-five (25) years from and after the 6th day of June, A. D. 1873: Provided, that the said Dexter Horton, A. A. Denny, John Collins, Charles E. Burrows, their assigns, successors or executors, shall furnish a sufficient supply of gas to meet the requirements of said City of Seattle and the inhabitants thereof.

Sec. 5. **Acceptance:**—That all the benefits, advantages, and obligations of this ordinance and the franchise thereby granted shall inure to the benefit and advantage of, and be binding upon, the Seattle Gas Light Company as the assigns of Dexter Horton, A. A. Denny, John Collins and Charles E. Burrows, from and after the acceptance of the same by resolution of the Board of Trustees of said Company, an authenticated copy of which resolution shall be filed with the City Clerk of the said City of Seattle.

Sec. 6. **Repeal of Ordinance No. 39; Saving Clause:**—The said Ordinance Number Thirty-nine (39), of which this ordinance is amendatory, is hereby repealed, saving, however, to the said Dexter Horton, A. A. Denny, John Collins and Charles E. Bur-

rows, their assigns, successors or executors, all benefit, advantage and right accruing or acquired under, or by virtue of, the same.

Ordinance No. 6430, approved December 8, 1900, provided:

Sec. 1. That Ordinance No. 234, entitled "An Ordinance amending Ordinance No. 39, entitled 'An Ordinance authorizing and empowering Dexter Horton, A. A. Denny, John Collins, Charles E. Burrows, and their associates, assigns, successors or executors, to erect and maintain gas works and to lay down pipe for the supply and distribution of illuminating gas in the City of Seattle, Washington Territory,'" approved February 12, 1881, has expired by limitation of time, and by reason thereof is no longer of any force, power or validity whatever, and has ceased to be binding upon the City of Seattle, and no longer confers any right or franchise whatever upon any person, company or corporation whatsoever.

Sec. 2. That the Board of Public Works of the City of Seattle be and they hereby are authorized, empowered and directed to prevent the Seattle Gas & Electric Company, now claiming to be owner of the franchises originally granted by said Ordinance No. 39 and said amendatory Ordinance No. 234, from laying down any gas mains in extension of any of the mains heretofore laid down and now in use in the streets of said city, under or by virtue of said Ordinance No. 39 or said amendatory Ordinance No. 234, for the reason that the right, use, privilege and franchise granted by said ordinances have expired by limitation of time, and neither of said ordinances any longer confers upon any person, company or corporation any right, privilege, franchise or authority whatever.

By decision of the United States District Court in the cause entitled The Seattle Gas and Electric Co. vs. The City of Seattle et al. rendered April 1, 1901, Ordinance No. 6430 was held to be void, and the franchise granted by Ordinance No. 39 declared to be a perpetual franchise.

ORDINANCE NO. 262.

AN ORDINANCE granting the right to the OREGON & TRANSCONTINENTAL RAILROAD COMPANY and COLUMBIA & PUGET SOUND RAILROAD COMPANY, and to authorize said Companies to construct, maintain and operate a Single or Double Track Railroad along the water front of the City of Seattle. Approved March 14, 1882.

Be it ordained by the City of Seattle as follows:

Sec. 1. (As amended by Ordinance No. 6350, approved November 7, 1900. Acceptance filed by Northern Pacific Railway Company and Columbia and Puget Sound Railroad Company, December 27, 1900. Comptroller's File No. 110.)

Grant; Two Tracks Along Water Front:—That the Oregon & Transcontinental Railroad Company, its successor, the Northern Pacific Railway Company, and the Columbia & Puget Sound Railroad Company, and the successors or assigns of the said Northern Pacific Railway Company and Columbia & Puget Sound Railroad Company respectively, are hereby authorized to locate and lay down not exceeding two tracks of railway, and the necessary cross-overs, and in so doing to occupy the premises described as follows, to-wit: A strip of land thirty (30) feet wide, being fifteen (15) feet on each side of the following described center line: Beginning at a point on the original west line of Commercial Street¹ (now First Avenue South), said point being four (4) feet northerly from the original southeast corner of Block Four (4) of Maynard's Plat of the Town (now City) of Seattle; thence northwesterly by a course bearing 56 degrees 18 minutes and 36 seconds west from the center line of Commercial Street (now First Avenue South), a distance of fifty-three and forty-seven one-hundredths (53.47) feet; thence northwesterly by a curve to the right of a uniform radius of seven hundred and seventy-nine one-hundredths (700.79) feet, a distance of three hundred and eighteen and fifty-four one-hundredths (318.54) feet; thence continuing northwesterly by a curve to the right of a uniform radius of three hundred and fifty-nine and twenty-six one-hundredths (359.26) feet, a distance of one hundred and eighty-eight and ninety-seven one-hundredths (188.97) feet; thence northerly along a line bearing 0 degrees 07 minutes 41 seconds west from the course of the center line of Commercial Street (now First Avenue South) to a point which is eight hundred and one and ninety-four one-hundredths (801.94) feet northerly from and three hundred and ten and seventy-nine one-hundredths (310.79) feet westerly from the original southeast corner of Block Four (4), Maynard's Plat of the Town (now City) of Seattle, said distances being respectively parallel and perpendicular to the center line of Commercial Street (now First Avenue South); thence northwesterly by a curve to the left of a uniform radius of ten hundred and forty-two and fourteen one-hundredths (1042.14) feet, a distance of two hundred and twenty-five and nine one-hundredths (225.09) feet; thence continuing northwesterly by a curve to the left of a uniform radius of seven hundred and seven-

¹The present west line of First Avenue South is nine feet west of the line above mentioned, the street having been widened by Ordinance No. 1106, approved June 26, 1889.