

REPEALED

BY
ORDINANCE

No. 34941

ORDINANCE NO. 28134

AN ORDINANCE providing for the condemnation, appropriation, taking and damaging of all that certain line of electric street railway, herein described, owned and operated by The Seattle, Renton & Southern Railway Company, within the limits of The City of Seattle, together with all private rights, privileges, easements, equipment and appurtenances, if any, appertaining and used in and about the operation and maintenance thereof and of all right, title or interest of said company, and of all other persons or corporations therein; and providing for the payment of the just compensation to be made therefor;

WHEREAS, the people of The City of Seattle have voted in favor of the construction and acquisition of a municipal street railway line and have duly adopted the municipal street railway system, as provided for in Ordinance No. 26069, entitled:

"AN ORDINANCE declaring the advisability of a city electric railway on Rainier Avenue and other streets, avenues and ways and providing for the same, specifying and adopting the system or plan proposed, declaring the estimated cost thereof, as near as may be, and providing for the submission of such system or plan and the incurring of an indebtedness therefor to the qualified voters of the city for their adoption and assent thereto, or for their rejection thereof, at a special election to be held on the day of the General City election on the 7th day of March, 1911;"

and have voted general bonds therefor and have authorized the City Council of The City of Seattle to pass an ordinance providing for the condemnation of such portion of the route so voted for as is occupied by an existing electric railway, track or tracks, or any of the facilities or appurtenances used in the operation of the same, and

WHEREAS, The City of Seattle, through its Board of Public Works, has caused an appraisal to be made of the street railway system of the Seattle, Renton & Southern Railway Company within the city limits and has certified such appraisal to said company and endeavored to purchase said property for that amount, and said Seattle, Renton & Southern Railway Company has refused said offer and failed to accept the same within sixty (60) days after the making of such offer, and

WHEREAS, public necessity and convenience demand that certain

designated property described below, be condemned, appropriated, taken and damaged for the acquisition of the municipal street railway system so adopted by the people of The City of Seattle; NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE, AS FOLLOWS:

Section 1: That the following described lands, easements, operating rights, tracks, roadbed, overhead equipment, fixtures, buildings, structures, rolling stock, machinery, equipment, chattels, personalty, street railway and plant, be, and the same are hereby condemned, appropriated, taken and damaged for municipal street railway purposes, to-wit:

All of that certain line or lines of track or tracks, together with the roadbed, turn-outs, wyes, switches and connections, and other facilities and appurtenances, and all of the poles, wires, and overhead equipment, together with all the fixtures and appurtenances used in the supply, distribution and application of electric power and in the operation and maintenance of said line or lines found and existing on the following described route:

On Rainier Avenue (including therewith any rights-of-way therein and extensions and connections thereof necessary to form a continuous thoroughfare or right-of-way) from the southerly city limits in a general northwesterly direction to the intersection of said Rainier Avenue with King Street; on King Street westerly from Rainier Avenue to Fifth Avenue South; on Fifth Avenue South northerly from King Street to Main Street; on Main Street westerly from Fifth Avenue South to Fourth Avenue South; on Fourth Avenue South northerly from Main Street to Yesler Way, and across Yesler Way to a connection with Fourth Avenue; on Fourth Avenue northeasterly from Yesler Way to Olive Street; on Olive Street and Stewart Street from Third Avenue to Fifth Avenue;

All right, title and interest belonging to the Seattle, Renton & Southern Railway Company, its successors and assigns, or any other person, in and to any tracts or parcels of land claimed

by said Seattle, Renton & Southern Railway Company as a right-of-way along the route hereinabove described;

All of Tract Thirty (30) Morningside Acre Tracts, together with the car barn and other structures thereon, and all the fixtures, machinery, tools and appliances therein contained.

All rolling stock, fixtures, machinery, tools, personalty and other facilities and appurtenances belonging to the said Seattle, Renton & Southern Railway Company, its successors and assigns, or any other person, used in the operation and maintenance of the street railway service on the line and route above described within the existing city limits of The City of Seattle.

All such franchises or operating rights, if any, privileges, easements and other private rights, or interests therein, if any, save as set forth in Section 2 hereof, as may be possessed by said Seattle, Renton & Southern Railway Company, its successors and assigns, or any other person or corporation, for the maintenance and operation of the above described line in the existing limits of the City of Seattle, together with all such other franchises or operating rights or interests therein, if any, as may be owned by the Seattle, Renton & Southern Railway Company, its successors and assigns, and persons claiming thereunder within the limits of The City of Seattle whether tracks be laid upon the same or not.

Section 2: That the Board of Public Works shall arrange and grant to the Seattle, Renton & Southern Railway Company, its successors and assigns, for that remaining portion of its existing electric railway outside the city limits, running rights for cars to or from such unacquired portion of said existing electric railway, over and upon the system hereby condemned; such running rights for cars to be arranged and granted as near as may be upon the basis and in the manner and subject to the limitations prescribed in the City Charter of The City of Seattle for use of "common user" tracks.

Section 3: That the payment of the just compensation to be made for the property condemned as provided for in this ordinance shall be made from the proceeds of the sale of general bonds of The City of Seattle, authorized to be issued for this purpose under the provisions of Ordinance No. 26069 and by the vote of the people of the City of Seattle in favor thereof at an election held thereon on March 7, 1911.

Section 4. That the Corporation Counsel be, and he is hereby authorized and directed to begin and prosecute the actions and proceedings, in the manner provided by law, to condemn, appropriate, take and damage, all the lands, easements, privileges, private rights, tracks, lines, personalty, equipment, appurtenances and other property necessary to be taken, used or damaged in the carrying out of the provisions of this ordinance.

Section ⁵¹ 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 9th day of OCTOBER 1914
and signed by me in open session in authentication of its passage this 9th day of OCTOBER 1914

A. J. ...
President ~~of the~~ of the City Council.

Approved by me this 13 day of OCTOBER 1914

Geo W. Dilling
Mayor.

Filed by me this 13 day of OCTOBER 1914

Attest: *W. ...*
City Comptroller and Ex-Officio City Clerk.

[SEAL]

Published OCT 19 1911

By Deputy Clerk.

...
City Comptroller and Ex-Officio City Clerk.

By *...* Deputy Clerk.