

Ordinance No. 22007

An Ordinance granting a franchise to the
GREAT NORTHERN RAILWAY COMPANY
the right to lay down and maintain
railway tracks upon and across sundry
streets, avenues, alleys and public
places in the City of Seattle.

and Boulevard, Interbay, (Almon
Ray, et al.)

Council Bill No. 17433

PRODUCED:	BY: GODDARD.
REFERRED:	TO:
REFERRED:	
REPORTED:	VETO:
READING:	PUBLISHED:
READING:	VETO SUSTAINED:
READING:	PASSED OVER VETO:
PRESENTED TO MAYOR:	APPROVED:
LED:	PUBLISHED:
CROSSED:	BY:
PAGE 2-67	
COMPALED BY: Barnes & Johnson	
AND	

Acceptance Volume 48575
Ord. 35255 directs G.W. Ry Co. to dedicate to City a 8.5 ft steel having the projection of
that set over & across said Co. right of way 4000 ft 15 foot street off the W. side of said right of way
all in accordance with Ord. 29527
and 36116 directs G.W. Ry Co. to construct bridge over tracks at 25th W as provided in this ordinance and
located by Ord. 34590

file #1228811 - Pet. G. Ry. to vacate Ford St - remove
Bridge etc.

Ord 40595 extends time for replacing bridge.
Ord 42423. Constitutionally extends time for construction bridge over river at 3rd St.
103816. Recommendation City Engineer re streets to be decided by City Engineer. This Ord
63392. Power for const Emerson bridge
3.77811- Emerson bridge

(see back cover)

ORDINANCE NO. _____

AN ORDINANCE of the City of Seattle, granting to the Great Northern Railway Company, its successors and assigns, the right, privilege and authority to lay down, construct, maintain and operate sundry railway tracks upon and across sundry streets, avenues, alleys and other public places within the City of Seattle, and granting to said company, its successors and assigns, right of way for such tracks upon and across such streets, avenues and alleys of said city.

BE IT ORDAINED by the City of Seattle as follows:

Section 1. The City of Seattle does hereby grant to the Great Northern Railway Company, its successors and assigns, in perpetuity, the right, privilege and authority to lay down, construct, maintain and operate sundry tracks of standard gauge railway, as hereinbelow designated and specified, together with all needful crossovers and connections between any of said tracks and any other thereof, or any other track adjacent thereto, upon and across sundry streets, avenues and alleys within the limits of said city, and also a right of way for said tracks upon and across all said sundry streets, avenues and alleys of said city, which said right of way shall be one hundred (100) feet in width, being fifty (50) feet on each side of the center line of such right of way, 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 right of way, and bridge supports; all of which rights, privileges and authorities are hereby granted, subject to all the conditions, restrictions, specifications and requirements in this ordinance expressed.

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:

Four or more main tracks of standard gauge railway, together with such additional width of right of way as shall be requisite for the construction thereon of proper slopes for the right of way of such tracks, the center line of said right of way being described as follows:

Beginning at a point on the east margin of Twentieth Avenue West, distant four hundred seventy and six-tenths (470.6) feet southerly, measured along said east margin from the center line of Emerson Street produced;

Thence northwesterly on a tangent for a distance of six hundred and six and one-tenth (606.1) feet to a point on the center line of Emerson Street distant twenty-six and six-tenths (26.6) feet westerly, measured along said center line from the intersection of the center lines of Emerson Street and Twenty-first Avenue West;

Thence northwesterly on the last described tangent for a distance of nine hundred fifty-four and four-tenths (954.4) feet to a point on the center line of Twenty-third Avenue West (or Gilman Avenue), distant five hundred ninety-one and seven-tenths (591.7) feet southerly, measured along said center line from the intersection of the center lines of Twenty-third Avenue West (or Gilman Avenue) and Elmore Street;

Thence continuing northwesterly on said tangent for a distance of one thousand five hundred fifty-five and eight-tenths (1,555.8) feet to a point on the center line of Twenty-sixth Avenue West, distant fifty-one and two-tenths (51.2) feet southerly, measured along said center line from the intersection of the center lines of Twenty-sixth Avenue West and Jameson Street;

Thence continuing northwesterly on said tangent for a distance of ninety-eight and eight-tenths (98.8) feet to a point of curve;

Thence Northwesterly on a $1^{\circ} 30'$ curve to the left for a distance of nine hundred fifty-three and six-tenths (953.6) feet to a point on the center line of Government Way, distant two hundred thirty-one and three-tenths (231.3) feet easterly, measured along said center line from the intersection of the center lines of Government Way and Twenty-ninth Avenue West;

Thence continuing northwesterly along the one degree thirty minute ($1^{\circ} 30'$) curve to the left for a distance of eight hundred forty-six and four-tenths (846.4) feet to a point of tangent;

Thence northwesterly on said tangent for a distance of forty-six and four-tenths (46.4) feet to a point on the center line of Thirty-first Avenue West, distant four hundred forty-three and one-tenth (443.1) feet northerly, measured along said center line from the intersection of the center lines produced of Thirty-first Avenue West and Government Way;

Thence continuing northwesterly on the last described tangent for a distance of five hundred ninety-one and three-tenths (591.3) feet to a point on the center line of Thirty-second Avenue West, distant one hundred twenty-two and seven-tenths (122.7) feet northerly, measured along said center line from the intersection of the center lines of Thirty-second Avenue West and Lawton Place;

Thence continuing northwesterly on said tangent for a distance of one hundred ninety-six and three-tenths (196.3) feet to a point of spiral curve;

Thence northwesterly on a Talbot spiral curve to the right for a distance of five thirty (30) foot chords through an angle of three degrees forty-five minutes ($3^{\circ} 45'$) to a point of curve;

Thence northwesterly on a five degree (5°) curve to the right for a distance of eight hundred twenty-two (822) feet to a point on the center line of Thirty-fourth Avenue West, distant one hundred fifty-eight and seven-tenths (158.7) feet southerly, measured along said center line from the intersection of the center lines of Thirty-fourth Avenue West and Commodore Way;

Thence continuing northwesterly on said five degree (5°) curve to the right for a distance of three hundred eighty-six (386) feet to a point of tangent;

Thence northerly on said tangent for a distance of five hundred eighty-nine (589) feet crossing Salmon Bay Waterway, to a point of curve;

Thence northwesterly on a four degree (4°) curve to the left for a distance of one hundred fifty-one and six-tenths (151.6) feet to a point on the monument line of Seaview Avenue, distant two hundred and two and two-tenths (202.2) feet southeasterly, measured along said monument line, from the center line of Market Street produced;

Thence continuing northwesterly on said four degree (4°) curve to the left for a distance of one hundred twenty-four and nine-tenths (124.9) feet to a point on the center line of Market Street, distant one hundred thirty-eight and six-tenths (138.6) feet easterly, measured along said center line from the intersection of the center line of Market Street produced and the monument line on Seaview Avenue;

Thence continuing northwesterly on said four degree (4°) curve to the left for a distance of three hundred thirteen and five-tenths (313.5) feet to a point of spiral curve;

Thence northwesterly on a Talbot spiral curve to the left for a distance of four thirty (30) foot chords, through an angle of two degrees twenty-four minutes ($2^{\circ} 24'$) to a point of tangent;

Thence northwesterly on said tangent for a distance of three hundred and five-tenths (300.5) feet to a point on the center line of West Fifty-seventh Street, distant eleven and two-tenths (11.2) feet easterly, measured along said center line from the intersection of center lines of West Fifty-seventh Street and Thirty-sixth Avenue Northwest;

Thence continuing along said tangent for a distance of three hundred sixty-three and seven-tenths (363.7) feet to a point on the center line of West Fifty-ninth Street, distant one hundred sixty-two and twenty-five hundredths (162.25) feet westerly, measured along said center line from the intersection of the center lines of West Fifty-ninth Street and Thirty-sixth Avenue Northwest;

Thence continuing northwesterly along the last described tangent for a distance of nine and one-tenth (9.1) feet to a point of spiral curve;

Thence northwesterly along a Talbot spiral curve to the right for a distance of three fifty (50) foot chords through an angle of two degrees fifteen minutes ($2^{\circ} 15'$) to a point of curve;

Thence northwesterly along a three degree (3°) curve to the right for a distance of seven hundred and six-tenths (700.6) feet to a point of spiral curve;

Thence northerly along a Talbot spiral curve to the right for a distance of one hundred thirty-nine and three-tenths (139.3) feet to a point on the center line of West Sixty-second Street, distant four hundred thirty-four and seven-tenths (434.7) feet westerly, measured along said center line from the intersec-

tion of the center lines of West Sixty-second Street and Thirty-sixth Avenue Northwest:

Thence continuing northerly along said Talbot spiral curve for a distance of ten and seven-tenths (10.7) feet to a point of tangent;

The above last mentioned Talbot spiral curve having a total length of three fifty (50) foot chords and a total angle of two degrees fifteen minutes ($2^{\circ} 15'$);

Thence northerly on said tangent for a distance of six hundred eighty-two and two-tenths (682.2) feet to a point on the center line of West Sixty-fifth Street, distant four hundred seventy-one and six tenths (471.6) feet westerly, measured along said center line from the center line of Thirty-sixth Avenue Northwest produced northerly;

Thence northerly on said tangent for a distance of four and nine tenths (4.9) feet to a point of spiral curve;

Thence northerly along a Talbot spiral curve to the right for a distance of two fifty (50) foot chords through an angle of one degree no minutes ($1^{\circ} 0'$) to a point of curve;

Thence northerly on a two degree (2°) curve to the right for a distance of three hundred thirty-nine and one tenth (339.1) feet to a point on the center line of West Sixty-seventh street, distant one thousand and sixty-eight and five tenths (1,068.5) feet westerly, measured along said center line from the center line produced of Thirty-fourth Avenue Northwest;

Thence continuing northerly on said two degree (2°) curve to the right for a distance of four hundred forty-seven and nine tenths (447.9) feet to a point on the center line produced westerly of West Sixty-eighth Street across part of Lot Three (3), Block Nine

(9) Ballard 4 Acre Home Tracts, distant nine hundred eighty and nine tenths (980.9) feet westerly measured along said center line produced, from the intersection of the center lines of West Sixty-eighth Street and Thirty-fourth Avenue Northwest;

Thence continuing north and easterly on said two degree (2°) curve, to the right for a distance of three hundred seventy-six and four tenths (376.4) feet to a point of spiral curve;

Thence northeasterly along a Talbot spiral curve to the right for a distance of two fifty (50) foot chords through an angle of one degree no minutes ($1^{\circ} 0'$) to a point of tangent;

Thence northeasterly along said tangent for a distance of two hundred eighty-three and eight tenths (283.8) feet to a point on the center line, produced westerly, of West Seventy-first Street, distant four hundred sixty-three and seven tenths (463.7) feet westerly, measured along said center line produced, from the intersection of the center lines of West Seventy-first Street and Thirty-fifth Avenue Northwest;

Thence continuing northeasterly along said tangent for a distance of five hundred thirty-one and three tenths (531.3) feet to a point of spiral curve;

Thence northerly along a Talbot spiral curve to the left for a distance of two and one-half fifty (50) foot chords, through an angle of one degree thirty-three minutes and forty-five seconds, ($1^{\circ} 33'45''$) to a point of curve;

Thence northerly along a two degree thirty minute ($2^{\circ} 30'$) curve to the left for a distance of four hundred eighty-four and two tenths (484.2) feet to a point on the center line of West Seventy-fifth Street, distant five hundred and four and eight tenths (504.8) feet westerly, measured along said center line from the intersection of the center lines of West Seventy-fifth Street and Thirty-fourth

Avenue Northwest;

Thence continuing northerly along said two degree thirty minute ($2^{\circ} 30'$) curve to the left for a distance of two hundred twenty and one-tenth (220.1) feet to a point of spiral curve;

Thence northerly along a Talbot spiral curve to the left for a distance of two and one-half fifty (50) foot chords, through an angle of one degree thirty-three minutes and forty-five seconds ($1^{\circ} 33' 45''$) to a point of tangent;

Thence northerly along said tangent for a distance of nine hundred sixty-eight and six-tenths (968.6) feet to a point on the center line of West Eightieth Street, distant nine hundred sixty-one and six-tenths (961.6) feet, westerly, measured along said center line from the intersection of the center lines of West Eightieth Street and Thirty-second Avenue Northwest;

Thence continuing northerly along said tangent for a distance of eight hundred forty-three and six-tenths (843.6) feet to a point of spiral curve;

Thence northerly along a Talbot spiral curve to the left for a distance of three fifty (50) foot chords, through an angle of two degrees fifteen minutes ($2^{\circ} 15'$) to a point of curve;

Thence northerly along a three degree (3°) curve to the left for a distance of four hundred twelve and seven-tenths (412.7) feet to a point on the north line of Section Three (3), Township Twenty-five (25) North, Range Three (3) East, Willamette Meridian, which line is the northerly boundary limits of the City of Seattle, said point being distant one hundred fifty-eight and six-tenths (158.6) feet easterly measured along said line from the United States Government Meander post.

The above described ^{Right of Way} ~~center line~~ crossing blocks One Hundred

Six (106), One Hundred Seven (107), Ninety-six (96), Ninety-five (95), One (1), Eighty-six (86), Eighty-five (85), Eighty-four (84), Seventy-eight (78), Seventy-seven (77), and Seventy-six (76) of Gilman's Addition to the City of Seattle, Block Ten (10) of the Baker Addition to the city of Seattle, Blocks five (5), Four (4), Three (3), Two (2), One (1), Seven (7), Eight (8), Twelve (12), Thirteen (13), Fourteen (14) and Eighteen (18) of Lawton Park, an Addition to the City of Seattle, the unplatted portion of Section Ten (10), Township Twenty-five (25) North, Range Three (3) East, lying between Commodore Way and Salmon Bay Waterway, Block Nine (9), Seattle Tide Lands, and the streets and alleys lying between and in said blocks to a point upon Salmon Bay opposite said Block Nine (9), and across Block Fourteen (14), Ballard Tide Lands, Reserve No. 4, the right of way of the Great Northern Railway Company, Blocks twelve (12), Eleven (11), Eight (8), Seven (7), Six (6) and One (1) Brygger's Second Home Addition to the City of Ballard, the unplatted portion of Lot one (1), Section Ten (10) Township Twenty-five (25) North, Range Three (3) East, W. M., Blocks Twelve (12), Eleven (11), and Ten (10) of Prospect Beach Addition to the City of Ballard, Blocks Eleven (11), Ten (10) and Nine (9) of Ballard's 4 Acre Home Tracts, the right of way of the Great Northern Railway Company, Blocks Seven (7) and Eight (8) of Ballard Waterfront Addition to the City of Ballard, and the streets and alleys lying between and in said blocks, and Lot One (1), Section Three (3), Township Twenty-five (25) North, Range Three (3) East, W. M., Block Twenty-three (23) of Ballard Tide Lands, to connect with the main line of said Great Northern Railway at a point near the north line of Section Three (3), Township Twenty-five (25) North, Range Three (3) East, W. M., and rights of way as hereinabove designated for said roadbed and slopes in, above, along, over and across the following streets and alleys:

Twentieth Avenue West, Emerson Street, Twenty-first Avenue

West, Twenty-second Avenue West, Thurman Street, Gilman Avenue, Twenty-third Avenue West, Twenty-fourth Avenue West, Elmore Street, Twenty-fifth Avenue West, Twenty-sixth Avenue West, Jameson Street, Twenty-seventh Avenue West, Williams Avenue, Government Way, Twenty-eighth Avenue West, Twenty-ninth Avenue West, Thirtieth Avenue West, Thirty-first Avenue West, Lawton Place, Harley Avenue, Thirty-second Avenue West, Division Place, Thirty-third Avenue West, Johnson Avenue, Thirty-fourth Avenue West, Commodore Way, Sea View Avenue, Market Street, West Fifty-sixth Street, Thirty-sixth Avenue Northwest, West Fifty-seventh Street, West Fifty-ninth Street, West Sixtieth Street, West Sixty-second Street, West Sixty-fifth Street, in Prospect Beach Addition and in Ballard's 4 Acre Home Tracts, West Sixty-seventh Street, West Sixty-eighth Street, West Seventieth Street, West Seventy-fifth Street, West Seventy-seventh Street, West Eightieth Street, and the alleys in Blocks One Hundred Six (106), Ninety-six (96) and One (1) of Gilman's Addition to the City of Seattle, the alley in Block Ten (10) of the Baker Addition to the City of Seattle, the alleys in Blocks Eighty-six (86), Eighty-five (85), Seventy-seven (77), and Seventy-six (76) of Gilman's Addition to the City of Seattle, the alleys in Blocks Four (4), Three (3), One (1), Fourteen (14) and Eighteen (18) in Lawton Park, an Addition to the City of Seattle, the alleys in Blocks Eleven (11), Eight (8), Seven (7), Six (6), and One (1) of Brygger's Second Home Addition to the City of Ballard.

Section 3. The tracks of the railway company herein provided for shall cross Twentieth (20th) Avenue West at an elevation above city datum of approximately twenty-four (24) feet and approximately sixteen (16) feet above the present surface of the ground. And at this point the railway company shall carry its tracks over said street by a suitable viaduct.

The said railway tracks shall cross Twenty-first (21st) Avenue West at an elevation above city datum of approximately twenty-six (26) feet, and in case said street shall not be vacated and shall be improved across the right of way strip hereby granted, the same shall be carried over the tracks of the railway company so as to provide a vertical clearance of at least twenty-two (22) feet above the top of the rails of said tracks, and the railway company shall construct a suitable bridge over its said right of way to carry said street, when required so to do by the City Council.

The said railway tracks shall cross Emerson Street at an elevation above city datum of approximately twenty-six and one-half (26½) feet, and at about the present surface of the ground; in case said street shall not be vacated and shall be improved across the right of way strip hereby granted, the same shall be carried over the tracks of the railway company so as to provide a vertical clearance of at least twenty-two (22) feet above the top of the rails of said tracks, and the railway company shall construct a suitable bridge over its said right of way to carry said street, when required so to do by the City Council.

The said railway tracks shall be constructed across Twenty-second (22nd) Avenue West at an elevation above city datum of approximately twenty-eight and one-half (28½) feet, and in case said street shall not be vacated and shall be improved across the right of way strip hereby granted, the same shall be carried over the tracks of the railway company so as to provide a vertical clearance of at least twenty-two (22) feet above the top of the rails of

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said tracks, and the railway company shall construct a suitable bridge over its said right of way to carry said street, when required so to do by the City Council.

The said railway tracks shall cross Thurman Street at an elevation above city datum of approximately twenty-nine and one-half (29½) feet, and in case said street shall not be vacated and shall be improved across the right of way strip hereby granted, the same shall be carried over the tracks of the railway company so as to provide a vertical clearance of at least twenty-two (22) feet above the top of the rails of said tracks, and the railway company shall construct a suitable bridge over its said right of way to carry said street, when required so to do by the City Council.

The said railway tracks shall be constructed across Gilman Avenue, or Twenty-third (23rd) Avenue West, at the intersection thereof, at an elevation above city datum of approximately thirty (30) feet, and said streets shall be carried over said railway tracks by a suitable bridge at approximately the present grade of said streets, but at a sufficient elevation to provide a vertical clearance of at least twenty-two (22) feet above the top of the rails of said tracks. Said bridge shall be constructed and maintained so as to provide for the travel on said streets at said point during the period of construction of said railway, and said temporary bridge shall be replaced by a permanent structure, built in accordance with the provisions of this ordinance, within five (5) years from the time of the completion of said temporary bridge, unless said period shall be further extended by the City Council.

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7 The said railway tracks shall be carried across Government Way at an elevation above city datum of approximately forty (40) feet. The railway company shall construct and maintain a suitable bridge to carry said Government Way across the tracks and right of way hereby granted, during the period of construction of

said tracks, sufficient to provide for all traffic on said street, and shall construct a permanent bridge to carry said street across said right of way within ten (10) years from the time of the completion of said temporary bridge in accordance with the provisions of this ordinance, unless the period of the construction thereof shall be further extended by the City Council.

The said railway tracks shall be constructed across Harley Avenue at an elevation above city datum of approximately forty-four (44) feet, and in case said street shall not be vacated and shall be improved across the right of way strip hereby granted, the same shall be carried over the tracks of the railway company so as to provide a vertical clearance of at least twenty-two (22) feet above the top of the rails of said tracks, and the railway company shall construct and maintain a suitable bridge over its said right of way to carry said street when required so to do by the City Council.

The said railway tracks shall cross Commodore Way at an elevation above city datum of approximately forty-nine (49) feet, and approximately twenty-five (25) feet above the present surface of the ground, and at this point the railway company shall carry its tracks over said street by a suitable viaduct.

The following streets and alleys, the lines whereof are crossed by said railroad tracks, are to be vacated across the right of way strip hereby granted, namely:

Alleys in blocks one (1), seventy-six (76), seventy-seven (77), eighty-five (85), eighty-six (86), ninety-six (96) and one hundred six (106), of Gilman's Addition to the City of Seattle; block ten (10), in Baker's Addition to the City of Seattle; blocks one (1), three (3), four (4), fourteen (14) and eighteen (18), in Lawton Park Addition to the City of Seattle;

Twenty-fourth Avenue West, Elmore Street, Twenty-fifth Avenue West, Twenty-sixth Avenue West, Jameson Street, Twenty-seventh Avenue West, Williams Avenue, Twenty-eighth Avenue West, Twenty-ninth Avenue West, Thirtieth Avenue West, Thirty-first Avenue West, Lawton Place, Thirty-second Avenue West, Division Place, Thirty-third Avenue West, Johnson Avenue, Thirty-fourth Avenue West, and in lieu of said streets, and in consideration of the vacation thereof, and of the granting of this franchise, the Great Northern Railway Company agrees, by the acceptance of this franchise, to provide the right of way and easement over and upon all lands necessary for the establishment of the following public streets, alleys, and portions of streets and alleys, namely:

First. Emerson Street: The railway company shall also dedicate to the City of Seattle, for a public street, whenever Emerson Street shall be improved across the right of way hereby granted, and whenever the City shall require the same, all those parts of blocks ninety-five (95) and ninety-six (96), of Gilman's Addition to the City of Seattle, which lie southerly of a line drawn from the southwest corner of lot twenty-four (24), block ninety-six (96), to the northwest corner of lot ten (10), block ninety-five (95), in said addition.

Second. New Street south of railroad right of way: The railway company shall furnish and dedicate to the City of Seattle, easements and right of way in addition to the public streets, alleys and places, already platted and dedicated, sufficient to provide a new street, one hundred feet in width, southerly from and adjoining the right of way of the Great Northern Railway Company, along the line herein provided for, the center line of which new street shall begin near the intersection of Gilman Avenue and Twenty-third Avenue West, and extend thence northwesterly across blocks one (1), two (2), seventy-six (76), seventy-seven (77), eighty-four (84) and eighty-

five (85), of Gilman's Addition to the City of Seattle; block ten (10), of Baker's Addition to the City of Seattle; block eleven (11), of Queen Anne Addition to the City of Seattle, and blocks one (1), two (2), three (3), four (4), nine (9), thirteen (13), fourteen (14), fifteen (15) and eighteen (18), Lawton Park Addition to the City of Seattle, and also across unplatted lands in section ten (10), township twenty-five (25) north, range three (3) east, W.M. lying next and adjacent to Lawton Park Addition to the City of Seattle, and also across block nine (9) of Seattle Tidelands to the southerly shore of Salmon Bay.

The railway company shall, within a reasonable time, after the dedication of said street, grade a roadway, fifty (50) feet in width, along the northerly side of said street, upon a grade established by the City of Seattle, from Twenty-third Avenue West to Government Way, and shall furnish and lay thereon, planking for such roadway, with planks eighteen feet in length and four inches in thickness. Provided, that whenever the balance of said new street shall be graded between the points above mentioned, there shall be deducted from any assessment therefor, against the right of way of the Great Northern Railway Company, fronting thereon, the cost of removing the earth which shall be removed by the Railway Company in doing the grading herein provided for, computed at the same rate per yard as that paid for the grading of the balance of said street.

Third. The railway company shall dedicate to the City of Seattle, a right of way and easement, for a public street of such width as the Council may require, not exceeding sixty-six (66) feet, extending across the said right of way of the railway company, from the northerly line of said proposed new street, last above mentioned, to the northerly line of said right of way at some point between the intersection of Gilman Avenue and Twenty-third Avenue West and Govern-

ment Way, to be selected by the City Council, and shall carry such street over the right of way and tracks of the railway company by a suitable bridge, to be constructed and maintained by the railway company in accordance with the provisions of Section Five (5) of this ordinance, and so as to provide, in any event, a vertical clearance above the top of the rails of said track of at least twenty-two (22) feet.

Fourth. The railway company shall dedicate to the City of Seattle, rights of way and easements for three public thoroughfares to provide for foot passenger traffic only, of suitable width, extending from the northerly line of said new street, mentioned in subdivision Second hereof, across the said right of way of the railway company, to the northerly line thereof, between the intersection of Gilman Avenue and Twenty-third Avenue West and Thirty-third Avenue West, at such points as may be selected by the City Council, and the railway company shall construct and maintain suitable foot bridges to carry said thoroughfares across its said right of way and tracks, which shall be constructed and maintained in accordance with the provisions of Section Five (5) of this ordinance.

Fifth. The railway company shall provide and dedicate to the City of Seattle, right of way and easements for a public street of such width, as the Council may require, not exceeding sixty (60) feet, north of and adjoining the said right of way of the railway company, extending across blocks seventy-eight (78), seventy-nine (79), eighty-five (85), eighty-six (86) and eighty-seven (87), of Gilman's Addition to the City of Seattle, connecting Twenty-fourth Avenue West and Twenty-fifth Avenue West, and connecting Twenty-fifth Avenue West and Jameson Street, and connecting Jameson Street and Twenty-sixth Avenue West, and connecting Twenty-sixth Avenue West and Twenty-seventh Avenue West.

Sixth. Harley Avenue: Beginning on the westerly line of Harley Avenue at the easterly end of lot fifteen (15), and the southerly end of lot one (1), block seven (7), Lawton Park Addition, the railway company shall furnish and dedicate to the public a right of way thirty (30) feet in width for a public street extending from said point in a northwesterly direction across blocks seven (7), eight (8) and twelve (12), of Lawton Park Addition, to Thirty-third Avenue West, and shall construct and maintain a temporary bridge over the right of way hereby granted to carry said Harley Avenue across the same, and to provide for traffic thereon during the work of construction of the line of the railway company, and shall replace said temporary bridge with a permanent bridge whenever required so to do by the City Council. Lawton Place, between Thirtieth Avenue West and Thirty-third Avenue West, shall be vacated.

Seventh. The railway company shall dedicate to the City of Seattle an easement across its right of way property situated in block thirteen (13), Lawton Park Addition to the City of Seattle, for an underground sewer main or drain to be used by said City in connection with the drainage system thereof, provided that the same shall be used, however, with as little interference with the property of the railway company as may be possible, and at the sole expense of said City, and in case the city shall request the railway company to provide, in its original construction, for the construction of such sewer or drain, the city shall pay to the railway company any additional expense incurred by the railway company in constructing said sewer or drain so as to conform to the plans of the city. It is not intended, however, to exempt the property of the railway company from local assessment for such improvement.

Eighth. The railway company shall also furnish and dedicate to the City of Seattle, a right of way or easement for a public alley

extending from the northerly end of the vacated portion of the alley in block one hundred six (106), Gilman's Addition to the City of Seattle, to Twentieth Avenue West, and a suitable turning area at the southerly end of such vacated portion, and from the northerly end of the vacated portion of alley in block ninety-six (96) of said Gilman's Addition, to Twenty-first Avenue West, and from the northerly end of vacated portion of alley in block one (1), of said Gilman's Addition, to Gilman Avenue, and from the easterly end of the vacated portion of alley in block four (4), in Lawton Park Addition to Commodore Way.

Ninth. The dedications for the one hundred foot street along the southerly side of the said right of way above provided for shall be made by the railway company within one year after said street shall have been established by ordinance of the City of Seattle.

The dedication for the thirty foot street from the northerly end of Harley Avenue to Thirty-third Avenue West shall be made as soon as such street shall be established by ordinance of the City of Seattle, and before the existing roadway on Division Place, across said right of way, shall be disturbed by the railway company.

The streets along the northerly side of said right of way, Twenty-fourth Avenue West and Twenty-seventh Avenue West, shall be dedicated whenever the same shall be established by ordinance of the City of Seattle, and shall be required by the City Council.

The alleys in blocks one (1), ninety-six (96), and one hundred six (106), in Gilman's Addition to the City of Seattle, and in block four (4), Lawton Park Addition to the City of Seattle, shall be dedicated whenever the same shall be required by the City Council.

Section 4. The tracks of the railway company herein provided for shall be constructed across Seaview Avenue and Market Street at an elevation above city datum of approximately forty-nine (49) feet.

At this point the railway company shall carry its tracks over said streets by suitable viaduct.

The alley in block eleven (11) Brygger's Second Home Addition and West Fifty-sixth Street shall be vacated across the right of way of the railway company.

The said railway tracks shall be constructed across West Fifty-seventh Street and Thirty-sixth Avenue Northwest at the intersection thereof, at an elevation above city datum of approximately forty-six and one-half ($46\frac{1}{2}$) feet, and West Fifty-seventh Street shall be carried over the tracks of the railway company so as to provide a vertical clearance of at least twenty-two (22) feet above the top of the rails of said tracks and the railway company shall construct a suitable bridge over its said right of way to carry said street when required so to do by the City Council. Except as herein provided, Thirty-sixth Avenue Northwest shall be vacated across the right of way of the railway company.

The said railway tracks shall be constructed across West Fifty-ninth Street at an elevation above city datum of approximately forty-five (45) feet, and near the point of intersection of the railway company's right of way at said ^{West} Fifty-ninth Street, a new street shall be carried across the right of way so as to provide a vertical clearance of at least twenty-two (22) feet above the top of the rails of said tracks and the railway company shall construct a suitable bridge over its said right of way to carry said street when required so to do by the City Council. West Fifty-ninth Street shall be vacated across the said right of way, except so much thereof as may be used in said new street as hereinafter described.

The alley in block one (1), of Brygger's Second Home Addition shall be vacated across the right of way of the railway company.

The said railway tracks shall be constructed across West Sixtieth Street at an elevation above city datum of approximately

forty-three and one-half ($43\frac{1}{2}$) feet, and whenever required so to do by the City Council, the railway company shall construct a suitable railroad viaduct to carry said tracks overhead said street.

Seaview Avenue, between the southerly line of block twelve (12), Prospect Beach Addition to the City of Ballard, now of Seattle, and the northerly line of West Sixty-eighth Street shall be vacated, except at the street intersections of West Sixty-second Street, West Sixty-fifth Street and West Sixty-seventh Street, and the said railway tracks shall be constructed across West Sixty-second Street at an elevation above city datum of approximately forty-two (42) feet, and at this point the railway tracks shall be carried across said street by a suitable railroad viaduct to be constructed by the railway company whenever required by the City Council.

The said railway tracks shall be constructed across that portion of the south branch of West Sixty-fifth Street between blocks ten (10) and eleven (11), Prospect Beach Addition to the City of Ballard, now of Seattle, at an elevation above city datum of approximately forty (40) feet. At this point the said tracks shall be carried over said street by a suitable railroad viaduct to be constructed by the railway company, when required by the City Council. The north branch of ^{West} Sixty-fifth Street shall be vacated across the right of way of the railway company.

The said railway tracks shall be constructed across West Sixty-seventh Street at an elevation above city datum of approximately thirty-seven and one-half ($37\frac{1}{2}$) feet, and at this point the said tracks shall be carried over said street by a suitable railroad viaduct, to be constructed by the railway company when required by the City Council.

West Sixty-eighth Street, across the right of way of the railway company, shall be vacated.

The said railway tracks shall be constructed across West Seventieth Street produced, at an elevation above city datum of approximately thirty-five (35) feet, and at this point the tracks shall be carried over the street by a suitable railroad viaduct to be constructed by the railway company whenever the city council shall require.

Seaview Avenue, between West Seventieth Street and the northerly line of block five (5), Summit Heights First Addition to the City of Ballard, now of Seattle, and West Seventy-first Street, between the east margin of the right of way of said railway company and a line drawn parallel to and distant two hundred (200) feet west from the west line of Thirty-fifth Avenue Northwest, shall be vacated.

In consideration of the changes made and to be made by the City of Seattle in the location and arrangement of its streets north of Salmon Bay Waterway, in connection with the granting of this franchise, of the vacation of the streets and alleys mentioned above as to be vacated, the Great Northern Railway Company, by the acceptance of this franchise, binds itself and agrees to dedicate to the City of Seattle, for street purposes, the lands hereinbelow described, namely:

First: A right of way and easement for a public street, above the existing right of way and railroad track of the railway company, westerly from the right of way first above described, fifty feet in width, extending across said existing right of way, formerly the right of way of the Seattle & Montana Railroad Company, and distant about one hundred (100) feet westerly from the right of way first above described, said overhead street to be at an elevation of approximately forty-nine (49) feet above city datum, and to be constructed so as to allow sufficient clearance over railroad tracks constructed upon said

existing right of way, and to interfere as little as may be with the location and operation of railroad tracks thereon.

Second. All those parts of blocks one (1), six (6), seven (7), eleven (11), and B of Brygger's Second Home Addition to the City of Ballard, now of Seattle, and the unplatted land in Section Ten (10), Township Twenty-five (25) North, Range Three (3) East, Willamette Meridian, lying between West Sixtieth Street and West Sixty-second Street, and all vacated streets and alleys in and adjacent to said blocks, which may be necessary for an extension and widening to sixty-four (64) feet in width of Seaview Avenue, from Market Street to the north line of West Sixty-first Street produced westerly. In addition to widening Seaview Avenue to Sixty-four (64) feet, the railway company shall grant such additional right of way as required for the slopes of said street, between the easterly margin of the right of way of the Great Northern Railway Company, formerly the Seattle & Montana Railroad Company, and the new westerly margin of Seaview Avenue as described above; also, a strip of land across block eleven (11) of said Brygger's Second Home Addition, beginning on the south line of said block eleven (11), near the line between lots eighteen (18) and nineteen, and extending in a northwesterly direction to a point near the northwest corner of said block eleven (11), said strip of land tapering in width from fifty (50) feet on the south end to sixty-four (64) feet on the north end; also, a strip of land sixty-four (64) feet wide, extending across block seven (7), of said Brygger's Second Home Addition from near the southeast corner thereof to near the northwest corner of said block seven (7), said strip of land lying adjacent to the easterly line of the extension of Seaview Avenue above described across said block seven (7); also, a strip of land sixty-four (64) feet wide, extending across block six (6), of said Brygger's Second Home Addition, from

near the southwest corner of said Block Six (6), thence on a curve in a general northeasterly direction to near the intersection of Thirty-sixth Avenue Northwest and West Fifty-ninth Street, extending over the right of way and tracks of the railway company as hereinbefore provided.

Third. A right of way and easement for a public street eighty (80) feet in width, extending across the existing right of way of the Great Northern Railway Company formerly a right of way of the Seattle & Montana Railroad Company, between the southerly and northerly lines of Market Street produced to the westerly line of said right of way, when required by the City Council.

Fourth. A right of way and easement for a public street upon and along a strip of land, being the westerly fifteen (15) feet of the right of way of the Great Northern Railway Company, formerly the right of way of the Seattle & Montana Railroad Company, extending from the northerly line of the street last above described to the south line of West Sixty-first Street, produced westerly.

Fifth. Rights of way and easements for public streets across the existing right of way of the Great Northern Railway Company, formerly the right of way of the Seattle & Montana Railroad Company, at the foot of Thirty-fourth Avenue Northwest, West Sixty-first Street produced westerly, West Sixty-second Street, the southerly branch of West Sixty-fifth Street, West Sixty-seventh Street and West Seventieth Street, said rights of way and easements to correspond in each case with the width of said streets at the point where they intersect said right of way.

The foregoing dedications, numbered First to Fifth inclusive, shall be made whenever the same shall be required or demanded by the City of Seattle, and in such manner as the city shall prescribe..

✓ Sixth. The said railway company shall also provide, and to be provided and dedicated to the City of Seattle, a right

or easement for a public street extending from the easterly line of Seaview Avenue produced as above described, easterly to the westerly line of Thirty-sixth Avenue Northwest, produced, said street to be sixty feet in width, and to extend underneath the tracks of the railway company constructed pursuant to the franchise hereby granted, and said tracks shall be carried over such street by a suitable railroad viaduct to be constructed by the railway company. Said street shall be located so as to lie within the limits of the northerly and southerly line of West Sixty-first Street produced westerly.

This street shall be provided whenever Thirty-sixth Avenue *North* West shall be dedicated, extended and improved between West Sixtieth Street and the south line of Prospect Beach Addition, and when required by the City of Seattle.

The said railway company shall also dedicate to the City of Seattle an easement or right of way for an overhead footbridge extending across the existing right of way of the railway company, formerly the right of way of the Seattle & Montana Railroad Company, at the foot of West Fifty-seventh Street.

Seventh. The railway company shall also provide a right of way and easement for public streets constituting extensions of the south branch of West Sixty-~~first~~ *fifth* Street, and an extension of West Seventieth Street from the westerly line of the existing right of way of the Great Northern Railway Company, formerly the right of way of the Seattle & Montana Railroad Company westerly to the easterly line of Seaview Avenue extended.

Eighth. The railway company shall, within a reasonable time, after said newly constructed line is in operation, also construct and maintain a passenger depot at some convenient point adjacent to the tracks herein provided for, and north of Salmon Bay Waterway in said city, which depot shall be deemed to supply the place of, and be

used instead of the passenger depot of said company now located on Shilshole Avenue in the City of Seattle, formerly Ballard.

Section 5. All permanent bridges that are required by this ordinance to be constructed by the railway company for the purpose of carrying any street and the traffic thereon, above and across the rights of way hereby granted, and the tracks constructed thereon, shall be constructed wherever required by the council, and upon eighteen (18) months' notice of such requirement, except as herein otherwise expressly provided. Such bridges and their abutments shall be constructed of proper and suitable materials and in such manner as may be approved by the proper officers of the City of Seattle and with a vertical clearance of twenty-two (22) feet above the top of the rails of said tracks, and so as to provide such width of roadway thereon, not exceeding the width of the streets, as the city may require.

The Great Northern Railway Company, its successors and assigns, shall build and maintain such bridges, with their abutments throughout the entire length thereof, across the right of way hereby granted, and the tracks constructed thereon, provided that the City of Seattle shall maintain the planking or paving and sidewalks on said bridges, subsequent to the original construction thereof.

It is not intended, however, by the provisions hereof, to interfere with the renewal of such pavement, or the maintenance thereof by local assessments upon the property of the railway company in the manner provided by law.

The railway company by its acceptance of the benefits of this franchise ordinance, shall be deemed to have waived for itself, its successors or assigns, any claim for damages by reason of the erection or maintenance of any such bridges to any property

it, its successors or assigns, may own abutting upon or adjacent to such bridges or any of the approaches thereof.

Wherever the construction of the railroad tracks contemplated by this ordinance shall cause the grade of the street to be elevated across the right of way of the railway company, the railway company shall construct and maintain approaches to the bridges provided for in this ordinance, in the manner that they are required to construct and maintain said bridges.

Whenever, by the provisions of this ordinance, the grantee is or shall be required to construct and maintain a bridge for a street or a new street, and the Oregon-Washington Railroad & Navigation Company shall, by any other ordinance of this city, be required to construct and maintain a bridge or street at the same location, the construction and maintenance thereof by either of said companies shall discharge the obligation of both.

Section 6. 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 and alleys in and across which said railway tracks shall be laid down as over other streets and alleys, and shall have the right at all times, by general ordinance, to regulate the speed of locomotives and trains upon public streets within the limits of the rights of way herein granted, and the maximum period time for which locomotives, cars or trains shall be allowed to blockade travel along or across the streets embraced in this grant, or intersecting streets, and shall have such further control and police power over such right of way as the city charter and state laws now, or may 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 the right of access to any spaces occupied by such tracks within the limits of any such street, alley 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.

The rights hereby reserved to carry water mains, sewer mains, gas pipes, conduits and other public utilities underneath, or wires above, any and all other tracks herein authorized, shall apply to all streets and alleys which may be concurrently with, or subsequent to the enactment of this ordinance, vacated by said city.

Second. Wherever the tracks constructed under the franchise hereby granted, shall extend above any traveled street, 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.

Third. Said grantee, its successors, or assigns, shall allow each owner or occupant of a 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 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 warehouse or industry, including the reasonable value of any right of way, not within the 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 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 or 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 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.

Fourth. Said grantee, by its acceptance of this grant, does agree and covenant for itself, its successors and assigns, to and with the city of Seattle, to protect and save harmless said city from all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any person or persons by reason of

any defective construction or maintenance or improper occupation of said rights of way, or by reason of the negligent operation by said grantee, its successors or assigns, of its or their railway trains over the rights of way hereinbefore described. And in case any action or suit shall be begun against the city for damages arising out of or by reason of such defective construction or maintenance or improper occupation or negligent operation, said grantee, its successors or assigns, may, and shall upon notice to it or them of the commencement of such action or suit, defend the same at its or their sole cost and expense, and, in case judgment shall be rendered against said city in such action or suit, shall fully satisfy such judgment within ninety (90) days after such action or suit shall have been finally determined, if determined adversely to said city.

Section 7. Whenever the grantee is required by the terms of this ordinance to dedicate to the City of Seattle new or additional streets or alleys, said streets and alleys shall first be duly established by said city of Seattle in the method provided by law, and in case the grantee cannot agree with the owners of the lands necessary to be acquired for said streets and alleys, upon the terms of purchase thereof, the City of Seattle will acquire said lands by eminent domain proceedings, and the grantee herein will pay the compensation awarded, and all expenses of said proceedings.

Section 8. Any other railway company heretofore having constructed, or hereafter constructing a standard gauge railway to and in the City of Seattle, or any public or municipal agency for the operation of railroads other than street railways, upon obtaining a franchise from said city, giving access thereto, with its engines and cars, shall, subject to all the provisions and requirements of this ordinance, have the right to the common use with the grantee herein, its successors and assigns, of any bridge and tracks thereon, which

shall be constructed by such grantee, its successors or assigns, across Salmon Bay Waterway in the City of Seattle, in connection with the construction of the railroad tracks contemplated by this ordinance and upon the tracks of said grantee, for a distance of three hundred (300) feet from either end thereof, to the extent of the reasonable capacity thereof upon the payment of a just and reasonable compensation for said use; the just and reasonable compensation to be paid by any such railway company for the use of such bridge and tracks, shall in no event be less than its use proportion thereof, upon a car basis, of five (5) per cent per annum, on the then cost of such bridge and tracks and the property so used and the same proportion of the cost of maintenance and operation thereof including taxes.

The use by such other railway company of such bridge and tracks shall, however, be subject to such reasonable rules and regulations as may be consistent with the prior rights of the grantee herein, its successors and assigns and shall not unnecessarily interfere with or impede the transaction and dispatch of the business of the grantee herein, its successors or assigns.

The railway company shall, within one year from the time of the completion of such bridge, file with the comptroller of the City of Seattle a statement, under oath of its chief engineer or auditing official, a true and correct statement of the cost thereof, and shall in like manner, file a true and correct statement of all additions, enlargements and betterments increasing the cost of such bridge, within six months after the completion of such additions, enlargements and betterments.

Section 9. In the operation of tracks authorized by this ordinance, said grantee, its successors and assigns, shall have the right to use steam power or any other motive power, that it or they may deem suitable, subject to the reasonable control and regulation of the City of Seattle.

Section 10. 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 see fit, either as an entirety or as respects any one or more of the tracks, or parts of the same, embraced within the scope of such grants; and the grantee shall have the right by lease or contract to permit the use by other carriers, of the rights and privileges herein granted, for the operation of cars and trains upon any or all of the lines of railway herein provided for, in, across, upon and along the streets and alleys herein mentioned; 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 11. Nothing in this ordinance contained shall be construed as granting an exclusive franchise or privilege for the use of any street, avenue, alley or highway, or other public place, or any part thereof, and the grant herein contained shall be subject to the right of the City Council at any time hereafter to repeal, change or modify said grant, if the franchise granted hereby 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 so to repeal, amend or modify said grant.

Section 12. In order to claim the benefit of this ordinance and to acquire the rights, privileges and authorities hereby granted, said grantee, its successors or assigns, must within ninety (90) days after the taking effect of this ordinance file in the office of the City Comptroller, a copy, duly certified and attested by its secretary, under its corporate seal, of a resolution duly adopted by

its board of trustees accepting the benefit of this ordinance, and the rights, privileges and authorities hereby granted, subject to all the conditions, restrictions, specifications and requirements herein expressed.

Section 13. 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 7 day of JUNE, 1912, and signed by me in open session in authentication of its passage this 7 day of _____, 1912.

President Robert B. Hesketh of the City Council.

Approved by me this 11th day of JUNE, 1912.

Geo. H. Colburn
Mayor.

Filed by me this 11th day of JUNE, 1912.

Attest:

City Comptroller and ex-officio City Clerk.

By

Deputy Clerk.

Published: JUN 13 1912