

herein mentioned; and if said written acceptance be not filed within said time this ordinance shall be void.

¹Claimed for N. P. Ry. Co. by Mr. Thomas Cooper, Jan. 4, 1905, date of transfer Oct. 21, 1903.

²Ordinance No. 1805. This is evidently a clerical error and should be 1305, see page 77.

Ordinance 7805 is not a franchise ordinance.

³Ordinance No. 6481, see page 288.

ORDINANCE NO. 9118.

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. Approved January 6, 1903; published January 7, 1903; acceptance filed February 24, 1903; comptroller's file No. 351.¹

Be it ordained by the City of Seattle as follows:

Grant. Section 1. The City of Seattle does hereby grant to the Northern Pacific 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, 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 said sundry streets, avenues, alleys and other public places of said city, which said right-of-way shall be fifteen feet in width for each such track herein authorized, lying seven and one-half feet on each side of the center line of such track, 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 roadbed 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 which rights, privileges and authorities are hereby granted subject to all the conditions, restrictions, specifications and requirements in this ordinance expressed.

Sec. 2. (This section is amended by Ordinance No. 12018, see page 175.)

Sec. 3. (This section is amended by Ordinance No. 12018, see page 175.)

Motive Power.—Sec. 4. 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 that it or they may deem suitable, subject to the reasonable control and regulation of the City of Seattle.

Rights Assignable, How.—Sec. 5. The rights of way, and all the rights, privileges and authorities, granted by this ordinance, and all benefit hereof, 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; 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.

Franchise Not Exclusive; Subject to Repeal or Modification.—Sec. 6. 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 thereby 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 so to repeal, amend or modify said grant.

Acceptance, When and How; Void Unless Accepted. Sec. 7. 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 sixty 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, and agreeing and covenanting with the City of Seattle as is required in and by the ninth clause of section 3 of this ordinance; and if such a 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.

¹Claimed for N. P. Ry. Co. by Mr. Thomas Cooper, Jan. 4, 1905.

ORDINANCE NO. 12018.

AN ORDINANCE amending Sections 2 and 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." Approved January 25, 1905; published January 26, 1905; acceptance filed March 23, 1905; comptroller's file No. 27321.

Be it ordained by the City of Seattle as follows:

Section 1. That Sec. 2 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 rights, privileges 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 place of said city," is hereby amended to read as follows: