

Amended by  
Ord. No. 81

ORDINANCE NO. 87

An Ordinance, granting to Boone F. Gordon and Lelia May Gordon their heirs and assigns, the right, privilege, authority and franchise to erect, construct and maintain poles and wires over, along and across the streets, avenues and alleys of the town of Kirkland and to construct conduits therein for the purpose of the transmission, distribution and sale of electric current for electric power, heat and light and for any other purpose for which electricity may be used.

SECTION I.

Grant.

That there be and hereby is granted to Boone F. Gordon and Lelia May Gordon, citizens of the United States and of the State of Washington, and residents of King County, their representatives, heirs and assigns, the right, privilege, authority and franchise to erect, maintain and use poles for the support of wires in, over, upon and along the streets, avenues, and alleys of the town of Kirkland; and to construct conduits therein and to maintain and use such poles, conduits and wires for the purpose of the transmission and distribution of electric current for electric power, heat and light and for any other purpose for which electricity may be used and to furnish electric power, heat and light within the Town of Kirkland for municipal, domestic and manufacturing uses, and for any other use or uses to which electricity may be put, and to charge and collect tolls, rates and compensation for such power, heat, light and use.

SECTION II.

POLES.

(a) Construction.

That all poles shall be dressed, painted and erected in a neat, workmanlike manner and shall be not less than thirty feet in height and shall be of such size and placed at such depth in the ground as to render them free from all danger of careening or falling, and said poles shall be so erected and maintained so as not to interfere with other objects or property of the municipality, private citizens or other corporations lawfully existing in said streets and alleys.

Provided, however, that the Town of Kirkland shall not require poles to be painted before four years from the date of the granting of

this franchise.

(b) Space reserved for Municipality.

That the grantees, their successors and assigns, shall reserve space at the tops of all poles for municipal fire and police wires, and shall so space the wires on the cross-arms as to make accessible the wires of the municipality.

SECTION III. ] WIRES. [

(a) Construction.

That all wires shall be carefully erected, connected, fastened and safe-guarded so as not to come in contact with any object and shall be stretched so as not to interfere with the free and unobstructed use of streets and alleys. That at any time deemed necessary by the Council of the Town of Kirkland extra safeguards shall be constructed or provided at such place or places as may be designated by them where accidents are liable to occur, resulting in injury to persons, animals or vehicles.

(b) Number of Wires limited.

The Town of Kirkland reserves the right to limit the number of wires which may be erected and maintained on any one street or lead of poles.

SECTION IV. ] CONDUITS. [

(a) That all conduits laid and constructed in the streets and alleys of the Town of Kirkland shall be located and placed so as not to interfere with other objects or property of the municipality, private citizens or other corporations, lawfully existing in said streets and alleys, and they shall be made of approved materials placed in a workmanlike manner.

(b) Space for municipality.

That the Town of Kirkland shall be provided free of cost with one conduit in case less than ten ducts are laid. If ten (10) ducts are laid said town shall be provided with two (2) ducts and one additional duct for every additional ten (10) ducts laid. The Town of Kirkland reserves the right to lay additional ducts in trench by paying for the ducts and the cost of laying same in the trench.

(c) Manholes.

~~The Town of Kirkland reserves the right~~

The Town of Kirkland shall have the right to acquire the manholes which may be built by said grantees, their successors and assigns and shall have access thereto by paying one-half the cost of installation. The cost of current repairs and maintenance shall be borne by the grantee, their successors and assigns and by the Town of Kirkland in proportion to the number of ducts or conduits owned by each.

SECTION V. JOINT USER.

(a) Poles.

That wherever two or more leads of poles on the same street would otherwise be necessary the Town of Kirkland reserves the right to require the setting of combination poles and the joint use of the same by the two or more persons, firms or companies desiring to erect and maintain wires on said streets.

(b) Conduits.

That where two or more electric light and power operators, firms or companies desire to lay underground conduits in the same street or public place the Town of Kirkland reserves the right to require the construction of a joint user conduit system in such street or public place.

SECTION VI. PERMITS.

That whenever said grantees, their successors or assigns shall desire to erect poles, string wires or cables, or lay conduits under this grant, an application for a permit accompanied with a plan drawn to a scale showing the streets, avenues, alleys or public places, or parts thereof in which it is proposed to erect poles, string wires or cables or lay conduits, and showing the particular parts thereof, <sup>it</sup> is proposed to occupy for such purpose, shall be filed with the Council of the Town of Kirkland, person or persons duly authorized by the Town of Kirkland to issue such permits and approve such plans and specifications. The said grantee shall not have authority to proceed with any of said work until the Council of the Town of Kirkland, person or persons duly authorized thereby, shall have approved such plans and specification as modified or amended and shall have granted a permit therefor.

All construction shall be done under the direction or supervision of the Council of the Town of Kirkland, person or persons duly authorized thereby and before the issuing of a permit therefor it may be required that a reasonable sum shall be deposited as a guarantee that the cost of ~~inspection~~<sup>inspection</sup> and supervision will be paid.

SECTION VII. REPLACING OF STREETS.

That whenever it shall be necessary in the erection of said poles or the laying of conduits to open up the streets or any portion thereof or to take up any portion of the side-walks or pavement in the streets, alleys or public places, then said grantees, their successors or assigns shall, after the said poles are erected or conduits are laid replace said street service in as good a condition as it was before, subject to the approval of the Town of Kirkland, person or persons duly authorized thereby and shall remove from said streets, alleys or public places all earth, rubbish, dirt, sand or other material which may have been placed there, taken up or dug up in the erection or construction of such poles or conduits.

SECTION VIII. REMOVAL OF APPLIANCES FOR PUBLIC IMPROVEMENTS.

Whenever it shall be necessary in grading or regrading, paving or repaving, or otherwise improving or reimproving any street, alley or public place in said Town of Kirkland, or in building any sidewalk or making any improvements or reimprovements thereon or therein, to move any pole or poles belonging to said grantee, its successors or assigns or to raise, lower, or remove any conduit, and structures pertaining thereto belonging to said grantees, their successors or assigns, said grantees shall upon receiving forty-eight (48) hours notice from the Council of the Town of Kirkland, person or persons authorized thereby move such poles, conduits and appurtenances, at their own proper cost and expense and if said grantees, their successors and assigns, upon such service of such notice shall neglect or refuse to move such pole, poles, conduits and appurtenances, then such appliances shall be moved by the council of the Town of Kirkland, person or persons authorized thereby at the expense of said grantees, their successors or assigns.

SECTION IX. MOVING BUILDINGS: That whenever any person, or corporation, has obtained permission to use any of the streets of the Town of Kirkland for the purpose of removing any building, the said grantees, their successors or assigns, upon forty-eight (48) hours' notice from such person, shall raise or remove any of said wires which may obstruct the removal of such building so as to allow the free and unobstructed passage of the same, such notice shall be in writing and served by any person competent to be a witness in a civil action against such grantees, their successors or assigns, or their representatives or agents, and in case of their refusal or failure to comply with such notice, any duly authorized officer or person of the Town of Kirkland shall raise or remove said wires at the expense of said grantees, their successors or assigns, for the purpose aforesaid.

SECTION X. RIGHT TO ORDER WIRES UNDERGROUND.

The town of Kirkland reserves the right, under its general police powers to regulate construction and to order wires underground and the removal of poles and appurtenances. Provided, however, that said wires shall not be ordered underground until the Town of Kirkland shall have reached a population of ten thousand (10,000) or over.

SECTION XI. COVENANT TO HAVE TOWN OF KIRKLAND HARMLESS FROM DAMAGE: That the said grantees, their successors or assigns, hereby agree and covenant to indemnify the town of Kirkland for any injury arising from any casualty or accident to person or property, by reason or neglect or omission to keep the said poles and wires in a safe condition, and for all valid claims against the Town of Kirkland for damages caused by said wires or poles, and grantees, their successors or assigns, will not create fire hazards by connecting service to poor or defective wiring in buildings or connecting to any electrical equipment or appliances constructed or erected in careless or hazardous manner.

SECTION XII. BOND TO INSURE COMPLIANCE, TO GUARANTEE RESTORATION OF STREETS.

Bond to insure compliance and restoration of streets to be \$500.00, Five Hundred Dollars, until Town of Kirkland has population of Five thousand, 5,000, and increased One Hundred Dollars, \$100.00, for each additional one thousand, 1,000, population.

SECTION XIII. RATES:

House Lighting; The maximum charge to be made for lighting for domestic purpose or service shall not be in excess of the price or rate of fifteen (15) cents per kilowatt hour, with a minimum charge of One Dollar (\$1.00) per month with use of meter, or any person or persons signing contract for current at flat rate basis, grantees, their successors or assigns, will not charge more than

For not more than one (1) 60 watt light 85¢ per month.

For not more than two (2) lights \$1.50 per month.

For not more than three (3) lights \$1.85 per month.

For not more than four (4) lights \$2.00 per month.

For not more than five (5) lights \$2.25 per month.

For six (6) lights or more there will be a graduating scale of, 50 cents each for the first (1st) three (3) lights, 30 cents each for the second (2nd) three (3) lights, and ten (10) cents each for all additional lights, computed monthly on a basis of a 60 watt lamp.

Public-Buildings; Ten per cent (10%) less than the above will apply to stores, churches, halls or public buildings for incandescent lighting.

Power; When any person or corporation makes written application for power under above described conditions, grantees, their successors or assigns, will furnish such applicants electrical current for power purposes in accordance with their contracts, and the maximum charge for any such power service shall

not be in excess of twelve (12) cents per kilowatt hour.

SECTION XIV. WHEN AND TO WHOM SERVICE SHALL BE GIVEN:

Maximum rates for Lighting or Domestic service; Said grantees, their successors or assigns, shall, during the entire period of this grant, supply electricity to such an extent as the capacity of their plant and their facilities for increasing the same will permit, to all persons and corporations desiring the same anywhere within the limits of the Town of Kirkland and situate along any of their main lines of transmission or within two hundred (200) feet thereof, upon their complying herewith, as grantees, their successors or assigns, shall make ~~th~~ with reference thereto, and from and after the first day of October, A.D. 1912, whenever there shall be tendered to grantees, their successors or assigns, at least (6) six separate applications for current, to be delivered to six (6) different and separate houses located all within one town block, and which in the aggregate would total not less than 30, thirty lights, said grantees shall, within thirty (30) days after closing all contracts with said applicants, extend his or their lines and service to said houses or residences and furnish such applicants electrical current for lighting or domestic purposes in accordance with such contracts.

Any person or persons, firms or corporations making application for current for power purposes, either at one place or several places which either in the single application or the several applications total an amount of thirty (30) horse power, to be used between the hours of 7:00 A.M. and 5:00 P.M., then the grantees, successors or assigns, shall within thirty (30) days after signing such total contracts connect wires and deliver current to said applicants.

SECTION XV. STREET LIGHTING.

Said grantees, their successors or assigns, shall furnish fixtures and current free of charge to the Town of Kirk-

land for a period of one year for six (6) eighty (80) watt lamps for street lighting, said lights to be located by Council of the Town of Kirkland at any of six different places, each place to be on pole bearing or carrying secondary wires.

After one year (1) from granting of franchise, rates for street lighting will be determined from time to time by the Council of the Town of Kirkland and Grantees. In case said Council of the Town of Kirkland and Grantees fail to agree on rates at any time, same may be submitted to the Public Utilities Commission of the City of Seattle, for final adjustment.

SECTION XVI. TERM - RIGHT TO PURCHASE - REMOVAL OF STRUCTURES ON TERMINATION OF FRANCHISE.

Term: twenty-five (25) years, that all the privileges and rights herein conferred upon, and granted to said grantees, their successors or assigns, shall ~~continue for twenty-five years~~ (25) from the time this Ordinance goes into effect.

Right to Purchase; at any time during the period of this grant, the Town of Kirkland so desires this grant or franchise will be surrendered to the Town of Kirkland on tendering the amount that will cover the actual value of the entire equipment and installation of same at date of purchase by the Town of Kirkland, plus ten per cent (10%) of said purchase price as determined.

Removal of structures on termination of franchise; Further, if grantees, their successors or assigns, fail to remove poles, structures and other appliances on written notification from the Council of the Town of Kirkland, within ninety (90) days from expiration of this grant, said poles, structures and appliances will become the property of the Town of Kirkland.

SECTION XVII. FORFEITURE: That if the said grantees shall wilfully violate or fail to comply with any provisions of this grant for ninety (90) days after notice from the Council of the Town of Kirkland, or shall wilfully and unreasonably neglect or fail to comply with any notice given to said grantees



under the provisions of this grant, they shall forfeit all rights, hereunder, and this grant may be revoked and annulled by the Council of the Town of Kirkland.

SECTION XVIII. FRANCHISE: Now assigned or mortgaged;

This franchise and the rights herein granted may be assigned or mortgaged but no such assignment or mortgage shall be valid until a copy thereof has been filed in the office of the Clerk of the Council of the Town of Kirkland.

SECTION XIX. ACCEPTANCE: WHEN TO BEGIN WORK AND COME PLUMB WORK.

That said grantees shall within ten (10) days from the adoption of this Ordinance, file with the Secretary of the Council of the Town of Kirkland, their acceptance of the franchise hereby granted, subject to the conditions herein set forth, the grantees will begin the actual construction of an electric Lighting, Heating, and Power System within thirty (30) days from the date this grant goes into effect, and will have said system in operation and sufficient capacity to furnish not less than four hundred (400) sixteen candle power (16 c.p.) incandescent lights or its equivalent in wattage, on March First (1st) 1912.

Passed and approved this 18th day of December 1911.

A. B. Newell  
Mayor of Town of Kirkland.

Stewart Wright  
Clerk of Council of Town of Kirkland.

I J. B. Courtright, Clerk of town of Kirkland do hereby certify that the above is a true and correct copy of Ordinance No 87 an ordinance granting to Boothe & Gordon & Lelia May Gordon the right to erect, maintain and operate poles, wires, and conduits over and under streets and alleys of town of Kirkland for the purpose of transmission, distribution and sale of electric current for electric power, heat, and light and for any other purpose for which Electricity may be used as passed by Council of town of Kirkland Dec 18 1911  
Signed Stewart Wright Clerk of town of Kirkland