

AN ORDINANCE granting to Puget Sound Traction, Light & Power Company, its successors and assigns the right, privilege, authority, and franchise to erect, construct and maintain poles and wires over, along and across the streets, avenues, alleys and public places of the Town of Kirkland, for the purpose of the transmission, distribution and sale of electric current for electric power, heat and light, or for any other purpose for which electricity may be used.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KIRKLAND:-

Section 1. That there shall be and hereby is granted to Puget Sound Traction, Light & Power Company, a Massachusetts corporation, its successors and assigns, for the period of fifty (50) years, the right, privilege, authority and franchise to erect, construct, maintain and use poles with or without crossarms for the support of wires in, over and along the streets, avenues, alleys and public places of the Town of Kirkland (including all streets, avenues and alleys, which may hereafter come within the Town of Kirkland by reason of the extension of the town limits of said town) and to attach wires to such poles and cross arms and stretch such wires from pole to pole, over, upon or along such streets and alleys, and to maintain and use such poles 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 purposes, and for any other use or uses to which electricity may be put, and to fix, establish, charge and collect reasonable tolls, rates and compensation for such power, heat, light and use.

Section 2. That such poles shall be placed as far as practicable next to the sidewalks on the sides of the streets and alleys of

said town and shall be constructed and erected in a neat and workmanlike manner and shall not be less than twenty-five feet above the ground and shall be of such size and set in the ground at such a depth as to make them safe and free from all danger of leaning or falling.

Section 3. That whenever it shall be necessary in the erection of such poles to take up any portion of the sidewalks, or to dig up the ground at or near the sides and corners of such streets or alleys, the said grantee, its successors or assigns, shall, after such poles are erected, replace without delay, such sidewalk and properly refit the stringers and planking thereon in a careful and workmanlike manner, and remove from such streets, sidewalks and alleys all rubbish, sand, dirt and other material that may have been placed there, taken or dug up in the erection of such poles, and shall restore the sidewalk, street or alley to as good condition as it was before it was taken up, dug up or disturbed.

Section 4. That by accepting the rights, privileges and franchises herein granted, the said grantee for itself, its successors and assigns, covenants to indemnify the Town of Kirkland against any injury arising from any casualty or accident to person or property caused by any negligence or omission to keep such poles and wires in a safe condition and further covenants to pay all legal and valid claims against said Town of Kirkland for damages caused by any negligence and omission to keep such poles and wires in a safe condition. Provided, however, that in the event any suit or action shall be brought against said Town of Kirkland on account of any injuries sustained as aforesaid that the Town shall immediately give notice of such suit in writing to the grantee, its successors or assigns and the said grantee, its successors or assigns shall

have the right to defend any such suit or action.

Section 5. The Town shall have the right during the entire period of this franchise to place and maintain not to exceed four (4) wires comprising its police and fire alarm system upon said poles free of charge. Provided that said wires shall be placed upon said poles in a manner satisfactory to Power Company.

Section 6. Whenever it shall be necessary to move any poles or wires constructed hereunder by reason of the grading of any street or the changing or altering of any grade of any street, or by reason of the widening of any street or the establishing, changing or altering the grade of any sidewalk, or for any municipal improvement, the Grantee hereunder, its successors and assigns, shall upon reasonable notice from the City change such poles and wires at its own sole cost and expense. The location of all poles under this franchise shall be subject to the approval of the mayor of said Town, or such official as he may designate. The Town Council shall have the right to require the Company to paint ^{or repaint} the poles erected under this franchise at any time after the Town of Kirkland has reached a population exceeding ten thousand (10,000).

Section 7. Whenever it becomes necessary, by reason of the moving of any building or structure along said streets to raise or cut any wires to permit the passage of such building or structure the Grantee hereunder, its successors and assigns, will upon reasonable notice raise or cut such wires, provided that the person moving such building or structure shall pay to the Grantee, its successors or assigns, the actual cost expended in raising or cutting such wires.

Section 8. In the event the Grantee, its successors or assigns shall not commence work under this franchise within three (3) months and shall not be ready to furnish electric energy within nine

(9) months from and after the passage thereof the Town Council shall have the right by resolution or ordinance to cancel the rights, privileges, and authority herein granted and to declare said franchise of no further force and effect.

Section 9. The Grantee, its successors and assigns, in the construction of its lines of poles and wires shall do so in such a manner as not to interfere with the poles ^{or wires} and wires of the telephone system, as the same are now constructed and in operation in the said Town of Kirkland.

Section 10. That in order to claim any right or benefit whatever under this ordinance the said Puget Sound Traction, Light & Power Company, its successors or assigns, shall within sixty (60) days after the passage thereof file with the Town Clerk its or their acceptance in writing of this franchise.

Introduced June 16, 1913.
Passed June 23, 1913.
Approved June 23, 1913.

A. B. Jewell
Mayor.

ATTEST:

J. Stoutright
Town Clerk.