

ORDINANCE NO. 166

AN ORDINANCE of the Town of Kirkland granting to King County a right of way for a permanent highway through, over and along certain streets in the Town of Kirkland, with authority to the said King County to construct such permanent highway at its own expense.

Section 1. That there be, and hereby is, granted to King County, a municipal corporation of the State of Washington, a right of way sixty (60) feet in width for the purposes of a permanent highway within the definition of Chapter 35 of the Laws of Washington, 1911, over, upon and along Market Street from the North limits of the Town of Kirkland, Southerly to the intersection of said Market Street with Lake Avenue, and over, upon and along said Lake Avenue from the intersection of Market Street and Lake Avenue Easterly and Southeasterly to the South limits of said Town of Kirkland, the right of way hereby granted being thirty (30) feet upon either side of the center line of the said Market Street and Lake Avenue as the same are now surveyed, laid out, established, deeded and dedicated.

Sec. 2. That wherever in any case, for the purposes of this ordinance and of said permanent highway, it shall be necessary for King County to acquire or appropriate land, real estate or other property in private ownership in the Town of Kirkland and it shall be unable to agree with the owners thereof or parties otherwise interested therein upon the reasonable and fair value of such lands, real estate or other property, the said King County is hereby authorized to acquire

the same by condemnation proceedings in the manner provided by the laws of the State of Washington for the appropriation by counties of lands, real estate or other property for public purposes.

Sec. 3. The Town of Kirkland being unable to pay for the acquisition, by purchase or otherwise, for the appropriation by condemnation proceedings of any portion of the right of way hereby granted not included within said Market Street and Lake Avenue, as the same are now surveyed, laid out, established, deeded and dedicated, the said King County shall pay the entire expense of such acquisition, by purchase or otherwise, for such appropriation of the lands, real estate or other property in private ownership required and necessary for the purposes of such highway.

Sec. 4. That there be, and hereby is, granted to said King County full power and authority to construct and maintain, at its own expense and without expense to the Town of Kirkland, the permanent highway herein provided for.

Sec. 5. That upon the improvement of said permanent highway, the grading and permanent surfacing thereof shall follow the center line of said Market Street and Lake Avenue, as the same are now surveyed, laid out, established, deeded and dedicated.

Sec. 6. There is hereby expressly reserved to the Town of Kirkland full police power for the supervision and regulation of traffic upon said highway as a part of the street and highway system of the Town of Kirkland.

Sec. 7. Notwithstanding the granting of the right of way herein provided for, there is also hereby reserved to the said Town of Kirkland the right, power and authority to lay and maintain within the limits of the said Market Street and Lake Avenue watermains, gas mains, sewers, culvers, gutters and conduits for electric wires, for power purposes, telegraphs, telephones and signal services, and the right to construct and maintain sidewalks along either or both sides of said Market Street and Lake Avenue, and the construction and maintenance of pole and transmission lines for electric lights, telephone, telegraph and signal systems: Provided, that said watermains, gas mains, sewers, culverts, gutters and conduits shall be located in that portion of said Market Street and Lake Avenue outside of the portion covered by the permanent surfacing, except where it becomes necessary to cross said Market Street and Lake Avenue with said watermains, gas mains, sewers, culverts, gutters and conduits. ✓ Provided, further, that when, for any of the purposes specified in this section, it shall be necessary for the Town of Kirkland to disturb or remove the permanent surfacing of said highway, the same shall be replaced by and at the expense of the Town of Kirkland in its original condition. ✓

Sec. 8. This right of way is granted and accepted subject to the existing rights of the Puget Sound Traction, Light & Power Company, under Ordinance No. 123 of said Town of Kirkland, and the existing rights of the Lake Washington Telephone Company, under Ordinance No. 29, as amended by Ordinance No. 86, of said Town of Kirkland.

Sec. 9. This ordinance shall be in effect from and after the date of its passage, signature, attestation and publication in the manner required by law.

P A S S E D by the Council of the Town of Kirkland, and signed by me in authorization of its passage, this ^{16th}~~2nd~~ day of April, 1917.

A. B. Kewell

MAYOR

ATTESTED April ^{16th}~~2nd~~, 1917.

R. L. Hutterland

C L E R K