

Ordinance No. 48.

An Ordinance granting to the Northern Pacific Railway Company, its successors and assigns, the right to lay down, construct, maintain, and operate railway tracks along, over, under, upon and across certain streets, alleys, public places and private property in the Town of Ruston, Pierce County, Washington.

Be it ordained by the Council of the Town of Ruston:

Section 1. That there be and is hereby granted to the Northern Pacific Railway Company, a corporation under the laws of Wisconsin, its successors and assigns, the right, privilege, authority and franchise to lay down, construct, maintain and operate a standard gauge railway consisting of one or more (but not exceeding four) main tracks, together with all necessary crossover tracks and other appurtenances, and to operate locomotives and cars therein, upon the route and right of way hereinafter specified, ~~and along, over, under and across the streets, avenues, alleys, public places and private property included therein, in the Town of Ruston; the center line of said route and right of way being particularly described as follows:~~

Beginning at a point on the east line of Section twenty-three (23), Township Twenty-one (21) North, Range two (2) East, W.M. Pierce County, Washington (said line being also the east boundary of the Town of Ruston), near the intersection of said east line of Section Twenty-three (23) with the north line of Block nine (9), Bay View Addition, produced easterly; thence in a northwesterly, westerly and south westerly direction, by a curve to the left, to a point on the north and south center line of said Section twenty-three (23), said Township and Range (said line being also the west boundary line of the Town of Ruston) near the intersection of said line with the line between Lots twelve (12) and thirteen (13), Block four (4), Budinich's Addition, produced westerly, and extending across and along the following named streets and alleys and all public areas: Dock Street and Second Street, Bay View Addition, near the intersection of said streets; Third Street between Lot one (1), Block three (3), and Lot twelve (12), Block two (2), Bay View Addition; Fourth Street between Lot one (1), Block two (2), and Lots fifteen (15), and sixteen (16), Block one (1), Bay View Addition; the Public area lying west of Block one (1), Bay View Addition; Market Street near its intersection

with the line between Lots five (5) and six (6), Block one (1), Budinich's Addition, produced easterly; the alley between Blocks one (1) and two (2), Budinich's Addition; Hanover Street between Lot eight (8), Block two (2), and Lot nine (9), Block three (3), ^[the alley between Blocks three (3) and four (4), Budinich's Addition] Budinich's Addition; Hugh Street near its intersection with the line between Lots twelve (12) and thirteen (13), Block four (4), Budinich's Addition, produced westerly.

Also the right to construct and maintain a tunnel in said Hanover Street, Market Street, the alleys between Blocks three (3) and four (4), and between Blocks one (1) and two (2) and said Hugh Street, all in Budinich's Addition.

The right of way as hereinabove granted shall have a width of not exceeding fifty-five (55) feet, exclusive of slopes, at the crossings of all streets, avenues, alleys and public places hereinafter mentioned.

Section II. Said Northern Pacific Railway Company for itself, its successors and assigns, agrees by the acceptance of this franchise to protect and save harmless the Town of Ruston of and from any loss or damage which may sustain by reason of the construction of said railway line and the maintenance thereof, and the construction and maintenance of the tunnel herein provided for.

Section III. This franchise is granted for the period of Ninety-nine (99) years from the date of the passage of this ordinance, but should said grantee, its successors or assigns, at any time during said period remove its said tracks or cease to operate the same, this franchise shall thereupon terminate.

Section IV. Said Northern Pacific Railway Company for itself, its successors and assigns, by the acceptance of this ordinance and the franchise hereby granted shall be taken to have agreed with the town of Ruston as follows:

(1) The easterly portal of the long tunnel shall be placed easterly of the present easterly line of Hanover Street and the Town of Ruston shall have the right to widen Market Street to a width of seventy (70) feet across the property of the grantee, and the grantee will, by the time its Point Defiance road is placed in operation, construct a bridge along Market Street connecting the two sides of the gulch at the point where the railroad of the grantee crosses Market Street. Said Bridge shall have a roadway

eighteen (18) feet in width.

(2) The grantee will fill Third Street so as to provide a roadway thirty (30) feet wide, and render the maintenance of the present bridge unnecessary.

(3) Whenever demanded, by resolution of the town Council, the grantee will construct a switch track on or near Block two (2), Bay View Addition, for the convenience of the Citizens of the Town of Ruston.

(4) The Town of Ruston may, whenever in the opinion of the town Council the same be necessary, extend any street across the right of way and property now owned by the grantee in the Town of Ruston. All streets however, shall be so constructed as not to lessen or impair the value of said tracks nor endanger the lives of the employees of the railway company or its passengers or property.

Section V. Before this franchise shall become operative the grantee shall file with the Town Clerk an acceptance thereof in writing, said acceptance to be filed within sixty (60) days after the passage and approval of this Ordinance.

J. E. Pratt
Mayor of the Town of Ruston

(Date of passage of this Ordinance; refer to Minutes of December 18, 1911. Page 253, Book 1.)