



**ORDINANCE NO. 79**

**AN ORDINANCE GRANTING TO JAMES W. WEBSTER AND TIMOTHY J. WINTER, THEIR HEIRS, ASSIGNS, SUCCESSORS AND REPRESENTATIVES, THE PERPETUAL RIGHT TO BUILD AND MAINTAIN AREA AND STAIRWAYS ON THE SIDEWALKS FRONTING ON PART LOT ONE (1) BLOCK THIRTY-EIGHT (38) OF THE CITY OF REXBURG, IDAHO; ACCORDING TO THE RECORDED PLAT THEREOF.**

BE IT ORDINANED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF REXBURG, IDAHO:

**SECTION I:** It is hereby declared to be lawful for, and permission is hereby granted and given to James W. Webster and Timothy J Winter, their heirs, assigns, successors and representatives to construct and perpetually maintain as necessary parts of, and appurtenance to the building to be erected on the north-east corner of lot one (1), Block thirty-eight (38) of the City of Rexburg, Idaho, according to the record plat thereof, area-ways and star-ways on the north side of said proposed building aforesaid, not to exceed four (4) feet in width and leading to the basement of said building in, upon and through the side walk portion of the street next to the north wall of said proposed building aforesaid.

**SECTION II:** The right to maintain said area-ways, and stair-ways, and to so occupy said space of said sidewalks, is hereby declared to be and shall be, indefeasible and non-forfeitable, provided, that said privilege shall be fully exercised within one (1) year from the passage and approval of this ordinance; and provided further, that the said grantees, James W. Webster and Timothy J. Winter, their heirs, assigns, successors and representatives aforesaid, shall effectively safe guard said area-ways and stair-ways, with good substantial railing or railings and grates; said gates to open outward, with a good substantial stop sufficient to prevent the said gates from being pushed or opened inward; and to perpetually maintain the same in good repair, subject to the approval of the Committee of Streets and to forever be liable for any damage to life or property growing out of any negligence in maintaining the safety of said area-ways and stair-ways.

**SECTION III:** Whereas an emergency existing, this ordinance shall be in full force and effect from and after its passage and approval.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 7<sup>th</sup> day of March, 1904.

\_\_\_\_\_  
Henry Flamm, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
A. M. Carbine, City Clerk

STATE OF IDAHO)  
  )ss.  
County of Madison )

I, A. M. Carbine, City Clerk of the city of Rexburg, Idaho, do hereby certify: That the above

and foregoing is a full, true and correct copy of the Ordinance Entitled:

**AN ORDINANCE PRAYING FOR THE CONSTRUCTION OF A PLANK  
SIDEWALK ON THE SOUTH SIDE OF MAIN STREET, BETWEEN SECOND  
EAST AND THIRD EAST STREETS, AND PRESCRIBING THE WIDTH OF  
SAID SIDEWALK, AND HOW SAID SIDEWALK SHALL BE CONSTRUCTED,  
AND PROVIDING FOR THE LEVYING OF A SPECIAL ASSESSMENT ON  
SAID LOTS TO PAY THE EXPENSES OF SAID IMPROVEMENTS, AND FOR  
THE LETTING OUT BY CONTRACT UPON BIDS, FOR SUCH WORK.**

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 7<sup>th</sup> day of March,  
1904.

---

A. M. Carbine, City Clerk

(SEAL)