



ORDINANCE NO. 255

AN ORDINANCE CREATING A RIGHT OF WAY TO THE OREGON SHORT LINE RAILROAD COMPANY AND PRESCRIBING THE CONDITIONS UNDER WHICH SUCH RIGHT OF WAY IS GRANTED.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, IDAHO.

SECTION I: That a Right of Way is dedicated and hereby granted unto the Oregon Short Line Railroad Company, a corporation, its successors and assigns, for use for its railroad across First North Street between Second and Third West Streets of said City, as per the recorded plat thereof, said right of way to be a strip known as the Miller Brother's spur 17 feet wide across said street for the extension of its present spur which is now constructed west of the Miller Brothers elevators, as shown by said attached Map - Which is made a part of this ordinance, Said Right of Way to be for the duration of 99 years.

SECTION II: The grant hereinbefore made, is subject to the following conditions:

Railroad tract shall be laid on such grades as the same are now or may hereafter be established by the City Council. The water courses of said street should be left and kept free and unobstructed, and good crossings at the grade of said tract shall be made and maintained by said Railroad Company. The said Railroad Company shall plank between said rails on said streets crossing. Said planking to be for the full width of the streets and sidewalk, and even with the track.

SECTION III: That the City of Rexburg shall in no way be liable or responsible for any accident or damage that may occur in the construction or operation of said railroad by reason of the fault, misconduct or negligence of the said grantee, its successors and assigns, or their employees, and the acceptance of this grant shall be deemed an agreement on the part of said grantee for itself, its successors and assigns, to have the said City of the free from all liability, loss, expense and damage of any nature arising out of any such fault, misconduct or negligence.

SECTION IV: Nothing in this ordinance shall be so construed as to give the Oregon Short Line Railroad Company, its successors and assigns, the right to close any of the streets within the corporate limits of the City of Rexburg, from public traffic or to prohibit the City Council from granting any other corporation or association the right to build a railroad that shall intersect or cross the tracts of the said Oregon Short Line Railroad Company.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 15th day of July, 1920.

