



ORDINANCE NO. 282

AN ORDINANCE GRANTING 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 continuation of the strip known as The Anderson-Koon Company spur, seventeen (17) feet wide across said Street for the extension of its present spur which is now constructed West of the elevator of Anderson-Koon Company, as shown by the 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 track 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 shall be left and kept free and unobstructed, and good crossings at the grade of said track shall be made and maintained by said Railroad Company. The said Railroad Company shall plank between its rails on said Street crossing, said planking to be for the full width of the street and sidewalks and level with the rails.

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 or assigns, or their employees, and the acceptance of this grant shall be deemed an agreement on the part of the said grantee for itself, its successors and assigns, to save the said City free from all liability, loss, costs, expense or damage of any nature arising out of 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 said City of Rexburg, from the 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 tracks of the said Oregon Short Line Railroad Company.

PASSED AND APPROVED THIS 25TH DAY OF JUNE, 1923.

(SEAL)

L. Y. RIGBY
Mayor

Attest: G.E. Liljenquist
Clerk