



**ORDINANCE NO. 14**

**GRANTING THE RIGHT AND PRIVILEGE TO THE ST. ANTHONY RAILROAD COMPANY, A CORPORATION, TO USE CERTAIN STREETS AND ALLEYS IN THE VILLAGE OF REXBURG, AND TO LAY OUT AND CONSTRUCT ITS ROAD ACROSS THE SAME, AND PRESCRIBING THE CONDITIONS UNDER WHICH SUCH PRIVILEGES ARE GRANTED.**

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF REXBURG, IDAHO:

**SECTION I:** That there be, and there is hereby granted unto the St. Anthony Railroad Company, a corporation, its successors and assigns, the perpetual right to use those certain streets and alleys hereinafter described, within the Village of Rexburg in Fremont County, State of Idaho, and said Railroad Company its successors and assigns, may lay out and construct and perpetually maintain its road, including switches, side-tracks and other appurtenances and adjuncts reasonably necessary for the proper construction and operation of its road, and within the scope of its general purpose, upon and across said streets and alleys so referred to, said streets and alleys and the specific parts thereof to which this ordinance relates being particularly named and described as follows to wit:

A strip and tract of land one hundred and fifty feet in width of which the center line of the route and line of said Railroad Company as now surveyed, staked and located is the center line, across and through each and every of the following streets viz: Third North Street, First West Street, Second North Street, First North Street, Second West Street—also—a strip and tract of land fifty feet in width of which the center line of the route and line of said Railroad Company as now surveyed, staked and located is the center line across and through each and every of the following named streets viz: Main Street, Third West Street, First South Street, Second South Street, Fourth West Street, Third South Street, Fourth South Street and Fifth West Street, as shown by the tracing map of said located line across said town of Rexburg, which said map is hereto attached and made a constituent part of this ordinance.

**SECTION II:** That the provisions of section one of this ordinance is granted subject to the following conditions:

Such railroad tracks, or tracks to be laid on such grades as are now or may hereafter be established by the Village Board. That the watercourses of said streets shall be left and kept free an unobstructed, and good crossings shall be made and maintained on all the streets and sidewalks by the grantees at the direction of the Village Board:

That the aforesaid railroad company shall plank between all rails, and for two feet on either side of the outer rail, and on all the streets that said railroad track shall cross, said planking to be for the full width of the streets and sidewalks.

**SECTION III:** That in the construction and operation of the aforesaid railroad, the said grantee, its successors and assigns, shall at all times conform to such ordinances, as have been, or may hereafter be adopted by the Village Board of said Village in relation to operating railroads.

**SECTION IV:** That the Village of Rexburg shall in no way be liable or responsible for any accidents damage that may occur in the construction or operation of said railroad, by reason of the fault or misconduct or said grantees, and its successors and assigns to save the said Village from and against all liability, loss, costs, expense and damage, of any nature arising out of any such default or misconduct or which may occur by reason of any accident or injury which may occur in or by reason of the construction or operation of said railroad and to indemnify and repay said Village for any loss, costs, expense or damage of any kind, it may sustain be reason of any such default, misconduct, accident or injury; and if any judgment for damages for any such default, misconduct, accident or injury shall be recovered against the said Village; the recovery thereof and the judgment thereof shall

