



CITY OF
REXBURG
America's Family Community

ORDINANCE 17

AN ORDINANCE GRANTING THE RIGHT OF WAY TO THE ST. ANTHONY RAILROAD COMPANY, AND PRESCRIBING THE CONDITIONS UNDER WHICH SUCH RIGHT OF WAY IS GRANTED.

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

SECTION I: That the right is hereby granted unto the St. Anthony Railroad Company, a corporation, its successors and assigns to the perpetual use as a right of way for its railroad, those certain streets and alleys hereinafter described within the Village of Rexburg, Fremont County, State of Idaho, and said Railroad Company, its successors and assigns, is hereby granted permission and authority to lay out, construct and perpetually maintain its railroad, including switches, sidetracks and other appurtenances and adjuncts reasonably necessary for the proper construction and operation of its railroad and within the scope of its general powers and purpose, upon and across the following named streets and alleys and to the extent hereinafter specified, to wit: A strip and tract of land one hundred and fifty feet in width of which the center line of the main track of said Railroad Company as now surveyed, staked and located, in the center line, across and through each and every of the following named streets, viz.: Third North Street, First West Street, Second North Street, First North Street, Second West Street. Also a strip of land fifty feet in width of which the center line of said main track is the center, 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 Sough Street, Fourth South Street and Fifth West Street as shown by the tracing map of said located line through the said town of Rexburg, which map is hereto attached and made a part of this ordinance.

SECTION II: The grant hereinbefore made is subject to the following conditions: Such railroad tracks shall be laid on such grades as are now or may hereafter be established by the Village Board. The water courses of said streets shall be left and kept free and unobstructed and good crossings at the grade of said tracks shall be made and maintained on all the streets and sidewalks crossed thereby.

The said company shall plank between the rails of such tracks for two feet on either side of the outer rail on all of the street crossings; said planking to be for the full width of the streets and sidewalks.

SECTION III: That the Village 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 on 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 save the said Village free from all liability, loss, costs, expenses and damage of any nature arising out of any such fault, misconduct or negligence.

SECTION IV: Nothing in this ordinance shall be so constructed as to give the St. Anthony Railroad Company its successors and assigns the right to close any of the streets within the corporate limits of the Village of Rexburg from public traffic or to prohibit the Village Board from granting any other corporation or association the right to build a railroad that shall intersect or cross the tracks of the said St. Anthony Railroad Company.

SECTION V: That ordinance No. 14 be and is hereby repealed.

PASSED BY THE BOARD OF TRUSTEES AND APPROVED BY THE CHAIRMAN this 21ST day of September, 1899.

(SEAL)

Chairman Pro. Tem

ATTEST:

A.L. Blackburn, Village Clerk

REPLACED BY 80