

AN ORDINANCE GRANTING TO THE ABILENE AND NORTHERN RAILWAY COMPANY THE RIGHT TO CONSTRUCT AND MAINTAIN A SWITCH OVER, ALONG, UPON AND ACROSS NORTH FOURTH STREET AND MESQUITE STREET, IN THE CITY OF ABILENE AND CARRYING AN EMERGENCY CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

SECTION 1: That the Abilene and Northern Railway Company be and hereby is granted the perpetual right and privilege of laying, erecting and maintaining standard gauge railroad tracks, over, across and along the following described streets, in the City of Abilene, Taylor County, Texas, and the said Abilene and Northern Railway Company is hereby authorized and empowered to construct, maintain and operate a railroad track or switch over upon and across the following described streets, in the City of Abilene, Taylor County, Texas.

Beginning at a point on North Fourth Street, on a switch already constructed at a point about fifty feet west of Plum Street, Thence in a Southwesterly direction, along North Fourth Street, crossing Mesquite Street, to the East line of Walnut Street.

SECTION 2: This Franchise is granted by the City of Abilene, Texas, to the Abilene and Northern Railway Company, subject to the following conditions, namely:

. That the track laid on the streets above named, shall conform, as nearly as practicable, with the general level of said streets, and shall be constructed under the supervision of the Supervising Engineer of the City of Abilene, Texas, so as not to interfere with the use of said streets and should the said Street ever be paved, the said railway company is to pave the portion of the same under its tracks, and twenty four (24) inches outside of each rail, uniformly with the paving on the Streets, and the said railway company shall construct such foundation under its tracks on said streets, and culverts to be paved as the City Council shall specify, where the track does not conform to the general level of the streets the same shall be approved by the Supervising Engineer of the City of Abilene, Texas.

SECTION 3: The said Abilene and Northern Railway Company is to hold the City of Abilene harmless for any damage, whatsoever, that may arise by reason of the construction and operation and maintenance of said track or switch over and upon and across either or all of said streets in said City, as well as from damage arising from defects in the construction of said Track or switch.

SECTION 4: The Abilene and Northern Railway Company agrees and obligates itself to maintain such street crossings on said streets, and culverts under its road bed therein, at such points and in such manner as may be designated and specified by the City Council of Abilene, when demanded so to do by the City Council.

SECTION 5: The City of Abilene is to have the right to regulate and control the speed of trains over said track or switch, and is to have the right to prescribe such rules and regulations for the management and construction of the street-crossings and culverts over and under said track or switch as the City Council may think advisable. Such regulations to be made by ordinance duly enacted and said ordinance to provide for penalties for its violation. The said City is to have free right of way, through and under said track and switches for the laying of all water, gas and sewer pipes that may be necessary.

SECTION 6: The granting of this ordinance shall not be construed as exempting the said railway company, its successors and assigns from paying to the said City of Abilene, all taxes that may be levied and assessed against it, upon the value of this franchise and grants as may now be provided by law, or as may hereafter be provided by law.

SECTION 7: That the said Abilene and Northern Railway Company shall in no

event, permit trains or cars to stand on the Street Crossings on said track or switch for more than a period of five (5) minutes at any one time and shall be subject to the penalties prescribed by law, and the general ordinances of the City of Abilene with respect to the obstruction of streets as a penalty for the violation of this section of this ordinance.

SECTION 8. This Franchise and right of way is granted subject to all of the ordinances of the City of Abilene now in force, or that may be hereafter enacted regulating the construction, operation and maintenance of railroads and locomotives.

SECTION 9. Whereas the line of track or switch of said Railway Company is desired to be constructed at once, and whereas if this ordinance is placed on its third reading, on three separate meetings of this Council work on said line of track or switch will be delayed and hindered, therefore an emergency exists, and an imperative public necessity is created requiring that the rules requiring ordinances to be read on three several meetings be suspended, and this ordinance is placed upon its third reading and final passage, and shall take effect and be in force from and after this date.

Passed on 1st Reading 5/10/10.

Passed on 2nd Reading 5/24/10.

Passed on 3rd and final reading June 14th, 1910.

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E. N. Kirby, Mayor

SEAL  
ATTEST:

J. A. Pratt, City Secretary

Recorded in Volume 2-B page 168 of the Ordinance Records of the City of Abilene, Texas.