

AN ORDINANCE GRANTING THE ABILENE AND NORTHERN RAILWAY COMPANY THE RIGHT OF WAY OVER AND ACROSS AND UPON CERTAIN PROPERTY BELONGING TO THE CITY OF ABILENE, TEXAS, AND ALONG OVER, ACROSS AND UPON CERTAIN STREETS AND ALLEYS IN THE CITY OF ABILENE, TEXAS AND GRANTING TO SAID RAILWAY CO. AUTHORITY TO LAY CONSTRUCT AND MAINTAIN THE RAILWAY TRACKS AND SWITCHES AND TO OPERATE A LINE OF RAILROAD OVER UPON AND ACROSS SAID PROPERTY BELONGING TO THE CITY OF ABILENE, TEXAS AND ALONG OVER, ACROSS, AND UPON SAID STREETS AND ALLEYS OF THE CITY OF ABILENE, TEXAS AND GRANTING SAID RAILWAY COMPANY THE RIGHT TO BUILD AND MAINTAIN THE DEPOTS, PLATFORMS AND STATIONS HOUSES ALONG, OVER, UPON AND ACROSS SAID STREETS AND ALLEYS IN SAID CITY OF ABILENE, TEXAS.

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

SEC. I. That the Abilene and Northern Railway Company a Railway Corporation duly incorporated under the laws of Texas be and the same is hereby granted the right of way and privilege of laying its railroad tracks and switches over upon and across the following described lands, streets and alleys in the City of Abilene, Texas, and the said railway Company is hereby authorized to operate and maintain a line of railroad over and upon and across the following described lands and streets and alleys in the City of Abilene, Texas. Viz:

Over, upon and across Lot No. 4 Block No. 198 beginning at the Northwest corner of said Lot No. 4 Block No. 198 on South line of Lot No. 1, Block No. 198, thence Southerly to the North end of Almond Street, including a strip of land about 100 feet wide off the west side of said Lot No. 4 Block No. 198 which streets extends to the West boundary line of Almond Street, if extended North and over, along, and upon Almond Street, beginning on South line of Lot No. 4, Block No. 198 of the City of Abilene at the North end of Almond Street, thence South along, over and upon Almond Street and across North Eighth, North Seventh, North Sixth, North Fifth, North Fourth, North Third and North Second Streets to the North line of the right of way of the Texas and Pacific Railway Company, over along and upon Rose Street, beginning on South line of the right of way of the Texas and Pacific Railway Company at the North end of Rose Street, thence South along over and upon Rose Street and across South First, South Second, South Third, South Fourth, South Fifth, South Sixth, South Seventh, South Eight, South Nineth and Johnson Streets and one unnamed Street in J.S. Johnstons Subdivision of Lot Nos. ___ Block No. 209 to a point on North line of Lot No. 2, Block No. 209, along, over and upon North Second Street beginning at the line of Railroad to be constructed on Almond Street, thence West along, over and upon North Second Street and across Bois D Arc, Cottonwood, Magnolia, Ash and Plum Streets to the West line of Mesquite Street.

Sec. 2. The said Abilene & Northern Railway Company is hereby granted the right of way and privilege of laying its railroad tracks and siding over upon and across the following streets and alleys and said Railway Company is hereby granted the privilege and given permission to erect upon and maintain the eon its depots, platforms and stations houses tracks and side track and switches on over and upon the following Streets and alleys in the City of Abilene, Texas, to-wit: Along, over and upon South First and South Streets and the alleys Block 35, 62, 97, 140 and 170 and along over and upon all those parts of Maple, Rose, China, Willow, Cherry, Locust, South First, and South Streets within the following boundaries. Beginning at a point in the South Line of the Texas & Pacific Railway Company right of way, North from the Northeast corner of Block No. 16, Thence east with South line of Texas & Pacific Railway Company, right of way to a point, North of the North west corner of Lot No. 1, Block No. 194, Thence South to a point on the West boundary line of Lot No. 1, Block No. 194, where the South line of South Second Street would intersect same if extended, thence west along the South line of said South Second Street to the Northeast corner of Block No. 15, Then North to the place of beginning and also the alley in Block No. 199 also South Second Street between Locust and Pecan Streets, also all that part of North Fifth Street, beginning at Almond Street including the privilege of crossing all intervening streets.

Sec. 3. This Franchise is granted subject to the following conditions which said railway company in accepting the same agrees to observe and carry out to-wit. That the tracks laid upon North Second Street and North Fifth Street shall be single tracks and shall confirm as nearly as practicable with the general level of the streets, shall be constructed so as to interfere as little as possible with the ordinary use of said Streets and should said streets ever be paved, said railroad company is to pave that portion of the street under its said tracks and for three feet on each side of its tracks uniformly with the paving on the street. The said Company is to hold the City harmless from any damages that may arise by reason of the Construction and operation of said Railroad over and upon any and all streets in said City, as well as from damages arising from defects in construction of said tracks. Said railway company agrees to construct and keep in good

condition and repair at least two street crossings on Almond Street and two street crossings on Rose Street at such points as may be designated by the City Council of Abilene, and agrees to and obligates it self to construct such other street crossings on said Streets as may be necessary for the convenience of the public and the demands of travel when demanded so to do by the City Council. Said railway Company further agrees to keep such Street crossings as the City Council may from time to time designate, on North Second and North Fifth Streets clear of cars and engines and in such condition, as not to interfere with public convenience and travel, said and except during the movement and operation of its trains, cars and engines. Said railway Company agrees and obligates itself and it hereby made its duty to so construct its tracks on South Second Street as to interfere as little as possible with the Ordinary use of said Street, and in Conjunction with the City shall keep said Street in such condition that the public can have free and convenient access to its depots from said street and shall observe such rules in regard to paving as hereinbefore provided for North Second and North Fifth Streets. That said City of Abilene is to have the right to regulate and control the speed of trains over all lines of said road in said City, and is to have the right to prescribe such reasonable rules and regulations for the management of Street Crossings as the City Council may think advisable in addition to the requirements of the law, such regulations to be made by ordinance duly enacted and providing proper penalties for their violation. That any systems of street railway constructed, owned or operated in whole or in part by the City of Abilene shall have the right of way across the tracks. Side tracks and switchhes of said railway Company at such points as may be desired by said City, having just regard for the rights and convenience of said railway Company. That said City is to have free right of way through or under the tracks, yards and switchces of said railway Company for the laying of any and all water, sewer and gas pipes that may be necessary. That the grant ing of this ordinance shall not be construed as excepting said railway company from paying to said City all taxes that may be levied and assessed against it from the value of this franchise as provided by ~~any~~ any law now in force or hereafter to be enacted.

SEC. 4. Where as, said Railway Company is ready to begin work grading and laying its tracks through the City of Abilene, and whereas if this ordinance is placed on the third reading on three several meetings of this council work on said road 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 of the Council be suspended therefore said rule is suspended and the ordinance is placed upon its third reading and final passage and shall take effect and be in force from and after its passage, provided if said Abilene and Northern Railway Company shall fail to construct its railroad from Abilene, Texas, to Anson, Jones County, Texas, or shall fail to have trains, running thereon between said within eighteen months after the date of the passage of this ordinance, then and in that event of such failure, all rights granted by this ordinance shall be forfeited.

Passed March 16/07.

J.W. Christopher, Secy.