

AN ORDINANCE. 4

An ordinance granting a franchise for the construction, maintenance and operation of a street railway and right of way to the Grand Junction Street Railway company, its successors and assigns.

Be it ordained by the city council of the city of Grand Junction, Colorado.

Sec. 1. That the right of way for a street railway and the right to construct, maintain and operate a street railway, with all needful side-tracks, turnouts, switches and turn-tables, is hereby granted to the Grand Junction Street Railway company, its successors and assigns, for and during the full and complete term of twenty years from the date hereof, over, across and along the following streets and extensions, and continuations thereof in the city of Grand Junction and its additions in Mesa county, Colorado, to-wit: On all the following streets and extensions of said streets, running north and south, lying and being within the corporate limits of the city of Grand Junction, as follows: First street, Second street, Third street, Fifth street, Sixth street, Eighth street, Ninth street, Tenth street, Eleventh street and Twelfth street; also on the following streets and avenues, or extensions of said streets and avenues running east and west, lying and being within the corporate limits of the city of Grand Junction, as follows: South avenue, Pitkin avenue, Ute avenue, Colorado avenue, Main street, Rood avenue, White avenue, Ouray avenue, Chipeta avenue, Hill avenue, Teller avenue, Belford avenue and North avenue. The consent in writing of the owners of lots representing more than one-half of the frontage of all the above streets and avenues, for the granting of such franchise, having heretofore been filed with the city clerk of Grand Junction.

Sec. 2 Said railway may be constructed with a single or double track for the entire extent or any part thereof.

Sec. 3. The said, The Grand Junction Street Railway company, its successors or assigns, in constructing said railway, may use at their option the "T" rail or the flat rail" and it shall be so constructed that the surface of the rails shall be laid even with the surface of the ground and in such a manner as not necessarily to obstruct or impede the passage of other vehicles over the street and over and across said rails, provided that if the "T" rail be used in the construction of said railway, the iron shall not be of less weight than sixteen pounds per yard and that flat rails shall be used whenever said railway crosses any bridge.

Sec. 4. Said street railway shall be used for no other purpose than to transport passengers and their ordinary baggage and the said, The Grand Junction Street Railway company, shall place and continue upon said road good cars with all modern improvements for the comfort and convenience of passengers (and this provision shall extend to the successors and assigns of said company.

Sec. 5. The street crossings over which said railway is constructed, shall be macadamized or planked with suitable lumber both inside and outside of the rails, as high as the surface of the rails, and the said company, its successors or assigns, shall construct suitable bridges at the gutters to permit the flow of water under the same.

Sec. 6. Whenever the grade of any street, upon which the said The Grand Junction Street Railway company, its successors or assigns, shall have constructed its railway, shall be changed by order of the city council, then the said company, its successors or assigns, shall at its own proper charge and expense adjust to the grade of the street as changed.

Sec. 7. Said, The Grand Junction Street Railway company, its successors and assigns, shall not charge a greater rate of fare than five cents for each passenger for any distance one way over said railway.

Sec. 8. Said railway shall be operated constantly as near as practicable and as often during the day as one round trip per hour, provided, that not less than one car shall pass on Main street, at the intersection of Fourth street, in each direction, at least once every thirty minutes.

Sec. 9. The said, The Grand Junction Street railway company, its successors or assigns, shall within ten days from the date hereof have a railway, acquired by purchase or otherwise, completed and in operation along the line of Second street and Main street as follows: Beginning at the depot of the Denver & Rio Grande Railway company and running thence north on Second street to its intersection with Main street; thence east on Main street to Seventh street; and shall within six months of the date hereof have two miles of said railway constructed and in operation within the limits of the city of Grand Junction aforesaid.

Sec. 10—Should the provisions of section 9 of this ordinance not be complied with by the said, The Grand Junction Street Railway company, its successors and assigns, then and in that event the rights conferred by this ordinance shall be forfeited, cease and determine so far as the same extends and applies to any and all streets or parts thereof upon which the said company, its successors or assigns shall have failed to construct and operate its said railway to the extent or within the time required by said section 9; and should the said company, its successors or assigns, fail for the period of three consecutive days to operate said railway, unless hindered and obstructed by unavoidable accident, strikes, the construction of public works, or other unavoidable delay, then and in that event this franchise shall be forfeited to the city and shall thereafter cease and determine.

Sec. 11—No license or fee shall be required of or imposed upon the cars of the said, The Grand Junction Street Railway company, its successors or assigns, by the city of Grand Junction for the privilege of operating the said railway or running its said cars thereon for a period of ten years from the date hereof.

Sec. 12—The city council of the city of Grand Junction shall pass all necessary and proper ordinances for the protection of said, The Grand Junction Street Railway company, its successors or assigns, in the enjoyment of the franchise hereby granted and to prevent any person or persons from interfering with said railway, or injuring any of the property belonging to the same or unnecessarily obstructing the passage of cars by teams, vehicles or otherwise.

Sec. 13—That the said, The Grand Junction Street Railway company, its

successors or assigns, shall have the privilege and right to use a horse or horses for the motive power of the cars on said railway until the population of said city reaches fifteen thousand, and shall have the privilege and right at any time to so change such motive power as to operate the said railway with electric, cable or enclosed motive power, such as may be in common or general use for street railways, but shall not at any time have the right or privilege of using steam as a motive power, and when said population shall have reached fifteen thousand such motive power shall be changed from horse or horses to such modern motive power as may then be in general use.

Sec. 14—That nothing in this ordinance shall restrict or limit the right and power of the city council of Grand Junction to properly control and regulate all matters concerning its said streets and avenues and to prohibit any nuisance being committed by the construction and operation of said railway, and the city council of said Grand Junction shall have power by ordinance to enforce adequate penalties for the violation of any of the provisions of this ordinance and to declare what shall be considered a nuisance on the part of said railway and pass any ordinance regulating the use of the streets and avenues of the said city, by the said, The Grand Junction Street Railway company, its successors or assigns, not consistent with this ordinance.

Sec. 15—Nothing in this ordinance shall be construed as granting to the said, The Grand Junction Street Railway company, its successors or assigns, an exclusive franchise or prohibit the corporate authorities of said city from granting a similar franchise and similar rights and privileges to any other corporation, association or person. And nothing in this ordinance shall be construed as granting away the right or privilege of said city to pass all needfull ordinances regulating the operation of the said railway or prescribing rules and regulations to be observed by the said, The Grand Junction Street Railway company, its successors and assigns, in the operation of the same.

Sec. 16. All tracks of said railway shall be of uniform gauge, and when a single track only is laid in any street, it shall be laid in the center of the street in all cases where practicable. Where a double track is laid or contemplated in any street, each of said tracks shall be laid at such distance from the center of said street as will make the center point between the two tracks the center of the street, and no farther apart than for the convenient passage of cars. No track shall be laid within twelve feet of the sidewalk upon any street, except as hereinafter provided. All turnouts shall be constructed between cross streets. In crossing any bridge and approach thereto, within the city limits, the track shall be laid thereon in such a manner as the city council may direct.

Sec. 17. The said company shall keep those portions lying between the rails of each of its tracks, and for the space of one foot on the outside of each rail, in good repair, and shall plank between the tracks and one foot in width outside, all tracks laid in crossing such streets, alleys and avenues as the city council may direct.

Sec. 18. The cars or carriages of said company shall run upon and along its tracks in conformity with the following rules and regulations:

First. No car shall be drawn or operated at a greater rate of speed than eight miles per hour.

Second. No car shall be allowed to stop on a cross walk or in front of any intersecting street, except to avoid collision to persons, or to take on or to let off passengers.

Third. All proper care shall be used by conductors and drivers to prevent injury to persons and to wagons and other vehicles.

Fourth. All cars after sunset shall be provided with proper signal lights.

Sec. 19. The right across the right of way hereby granted under the track of said railway company for pipes, mains and conduits for water, gas and sewerage, or other public improvements, is reserved to the city of Grand Junction.

Sec. 20. All rights and privileges hereby granted on any street or avenue, or any part thereof, shall be held to be terminated and cancelled if said company shall fail within five years from the date hereof to construct and operate its railway upon such street or avenue or part thereof.

Sec. 21. Whereas the said The Grand Junction Street Railway company is the successor and assignee of the franchise heretofore and on to wit the 12th day of March, A. D. 1890, granted to B. K. Kennedy, his associates, successors and assigns, and whereas the franchise hereby granted and is instead and in lieu of the said franchise heretofore so granted to said B. K. Kennedy, therefore an ordinance entitled "An Ordinance granting a franchise for the construction, maintenance and operation of a street railway and right of way to B. K. Kennedy, his associates, successors and assigns," passed, approved and adopted the 12th day of March, 1891, be and the same hereby is repealed.

Passed this 14th day of August, A. D. 1891.

L. M. MILLER, Mayor.

Attest: B. F. JAY, City Clerk.

L. M. Miller B. F. Jay City Clerk
AN ORDINANCE.