

An Ordinance.

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.

Be it ordained by the Board of Trustees of the Town of Grand Junction, Colorado:

SECTION 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 B. K. Kennedy, his successors or assigns for and during the full and complete term of twenty years from date hereof, over across and along the following streets and extensions, and continuations thereof in the town of Grand Junction, and its additions in Mesa county, Colorado, to-wit:

On all of the following streets and extensions of said streets running north and south lying and being within the corporate limits of the town of Grand Junction as follows: First street, Second street, Third street, Fourth street, Fifth street, Sixth street, Eighth street, Ninth street, Tenth street, Eleventh street and Twelfth street. Also on all the following streets and avenues, or extensions of said streets or avenues running east and west, lying and being within the corporate limits of the town of Grand Junction as follows, to-wit: South avenue, Pitkin avenue, Ute avenue, Colorado avenue, Main street, Rood avenue, White avenue, Grand avenue, Ouray avenue, Chipeta avenue, Gunnison avenue, Hill avenue, Teller avenue, Belford avenue and North avenue. And on such other streets and avenues as from time to time shall be deemed necessary for the use and operation of said street railway.

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

SEC. 3. The said B. K. Kennedy, his associates, 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, except that flat rails shall be used whenever said railway crosses any bridge. The tracks shall be laid close together, and shall be paved between the rails.

SEC. 4. Said railway shall be used for no other purpose than to transport passengers and their ordinary baggage; and the said B. K. Kennedy, his associates, successors or assigns shall place and continue upon said road good cars with all modern improvements for the comfort and convenience of passengers.

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 B. K. Kennedy, his associates, successors or assigns shall construct suitable bridges at the gutters so as to permit the flow of water under the same.

SEC. 6. Whenever the grade of any street upon which the said B. K. Kennedy, his associates, successors or assigns shall have constructed its railway shall be changed by order of the Board of Trustees of the town of Grand Junction said B. K. Kennedy, his associates, successors or assigns shall at his own proper charge and expense adjust the grade to the grade of the street so changed and ordered.

SEC. 7. Said B. K. Kennedy, his associates, successors or 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, except that not less than one car shall pass on Main St. at the intersection of Fourth St. in each direction at least once every 30 minutes.

SEC. 9. The said B. K. Kennedy, his associates, successors or assigns shall within six months from the date hereof have said railway completed and in operation along the line of First Street and Main Street, as follows:

Beginning at the Depot of the Denver & Rio Grande Ry. Company, and running thence north on First Street to its intersection with Main Street; thence east on Main Street to Seventh Street; and shall within One year from date hereof have two and one-half miles of said railway constructed and in operation within the limits of the town of Grand Junction, Mesa Co., Colorado.

SEC. 10. Should the provisions of Section 10 of this ordinance not be complied with by the said B. K. Kennedy, his associates, successors or assigns, then and in that event the rights conferred and delegated by this ordinance shall be forfeited, cease and determine so far as the same extends and applies to any and all streets or street or parts thereof upon which the said B. K. Kennedy, his associates, successors or assigns shall have failed to construct and operate its said railway, to the extent or within the time required by said Section 10; and should the said B. K. Kennedy, his associates, successors or assigns fail for the period of three consecutive days to operate said railway, unless hindered and obstructed by unavoidable accidents, strikes, the construction of public works or other like unavoidable delays, then and in that event this franchise shall be forfeited to the town, and shall thereafter cease and determine.

SEC. 11. No license or fee shall be required of, or imposed upon the cars of the said B. K. Kennedy, his associates, successors or assigns by the town of Grand Junction for the privilege of operating said railway, or running its said cars thereon for a period of ten years, from the date hereof.

SEC. 12. The Board of Trustees of the town of Grand Junction shall pass all necessary and proper ordinances for the protection of said B. K. Kennedy, his associates, 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 said railway, or unnecessarily obstructing the passage of cars by teams, vehicles or otherwise.

SEC. 13. The said B. K. Kennedy, his associates, successors or assigns shall within three days file with the Town Recorder a bond in the sum of One Hundred dollars, conditioned that the said B. K. Kennedy, his associates, successors or assigns will commence work within the time limited by this ordinance.

SEC. 14. That the said B. K. Kennedy, his associates, successors or assigns shall have the privilege and right at any time to so change the motive power for the cars of said railway, as to operate the same with electric, cable or enclosed motor power, such as may be in common or general use for street railways, but shall not have the right or privilege of using steam as a motive power.

SEC. 15. That inasmuch as the consent of the owners of the frontage on the streets along which said line is to be constructed has not yet been obtained in the manner provided by law, no part of said railway shall be constructed or operated along any street or streets on which it is proposed to build said railway, until there shall have been obtained and filed with the Clerk and Recorder of the Town of Grand Junction the consent of the owners of more than one-half of the frontage on such street or streets or such parts thereof along which the line of said roadway extends.

SEC. 16. That nothing in this ordinance shall restrict or limit the right and power of the Board of Trustees of the Town of Grand Junction to properly control and regulate all matters concerning its said streets, and to prohibit any nuisance being committed by the construction and operation of said railway; and the Board of Trustees of the Town of 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 of the said town by the said B. K. Kennedy, his associates, successors or assigns not inconsistent with this ordinance.

SEC. 17. Nothing in this ordinance shall be construed as granting to the said B. K. Kennedy, his associates, successors or assigns an exclusive franchise, or prohibit the corporate authorities of the said town from granting a similar franchise and similar rights and privileges to any other person, corporation, association or company. And nothing in this ordinance shall be construed as granting away the right or privilege of the said town to pass all needful ordinances regulating the operations of the said road or prescribing rules and regulations to be observed by the said B. K. Kennedy, his associates, successors or assigns in the operation of the same.

Passed, approved and adopted this 12th day of March, A. D. 1890. ORSON ADAMS, JR.,
Attest. C. W. BALDWIN, Mayor.
[SEAL.] Recorder.

Orson Adams Jr
Mayor
attest
C. W. Baldwin
Recorder