

Ordinance No 125. omit

An ordinance granting to George Smith, his successors and assigns, the right to construct, maintain and operate a system of Street Railway, and granting the right of way therefor within the city of Grand Junction, Colorado.

Be it ordained by the City Council of the city 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, turn tables, switches and turn outs, is hereby granted to George Smith, his associates, successors and assigns for and during the <sup>full and</sup> complete term of ~~Twenty~~ <sup>Twenty one</sup> years from the date of the passage of this Ordinance, subject however, to the limitations and conditions herein stated, over, across and along the following streets and extensions and continuations thereof, and over, and along and across additional streets as hereinafter provided, in the city of Grand Junction, Colorado and its additions in Mesa County, Colorado, to-wit:

On the following streets and extensions of streets running north and south and being and being within the corporate limits of the City of Grand Junction, as follows -- First Street, Second Street, Seventh Street, and Twelfth Street; also along the following streets and avenues of extensions of streets and avenues running east and west and being within the corporate limits of said city of Grand Junction Main Street, Ute Street and White Avenue.

The consent in writing of the owners of lots representing more than one-half of the frontage of each and all of the above streets and avenues for the granting of such franchise having been heretofore filed with the City Clerk of Grand Junction, Colorado.

And the said right of way and franchise, is also granted to the said George Smith



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his associates, successors and assigns to construct on any additional streets and avenues within the city limits of the city of Grand Junction upon securing from the owners of lots fronting on each thereof more than one-half of the frontage of each of said streets or avenues, and filing the said consent with the City Council of the city of Grand Junction, and obtaining from said City Council a resolution for that purpose that this ordinance has been complied with as to each of such additional streets upon which the said railway shall be thereafter constructed; provided, that the said George Smith his associates, successors and assigns shall within two months after the adoption of any such resolution commence the construction and shall complete the said railway and have the same in operation on any such additional streets within four months from the date of the adoption of such resolution or the said franchise, and all rights thereunder shall immediately become forfeited as to any such street or streets.

Section 2.

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

Section 3

The said George Smith, his associates, successors and assigns in constructing said railway shall use flat rails, 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 manner as to not necessarily obstruct or impede passage of vehicles over the streets, and over and across said rails; and the track of said street railway shall at all times be kept and maintained by the said George Smith his associates, successors and assigns in such condition at all times during the construction thereof and during the operations thereof, as not to interfere with, or obstruct or impede the passage of vehicles or endanger the lives or property of persons travelling thereon; and if at any time during the term of this franchise the said city



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shall elect to gravel, pave or macadamize any of the streets on which the said street railway is laid or any part thereof, or shall elect to change the grade or shall establish new grade or grades thereon, then and in such case the said George Smith, his associates, successors and assigns shall at once pave, gravel or macadamize or change the grade of their said street railway in like manner and so as to conform with and correspond to the remainder of the street or streets whereon the said street railway is constructed and maintained,; and all that portion of the street lying between the rails of said street car track and from one foot on each outer side thereof shall in such case be paved, gravelled or macadamized as the case may be, at the expense and cost and by the said George Smith, his associates, successors and assigns, at the same time and in the same manner as the city shall pave, macadamize or gravel its streets or parts thereof from time to time.

## Section 4.

The said railway shall be used for the transportation of passengers, their ordinary baggage, for mail, express and freight, and shall be equipped with with good cars, with modern improvements for the comfort and convenience of passengers, and for the safe and speedy transportation of expresses and freight; Provided that no freight shall be carried on White Avenue. And provided, that the City Council of the City of Grand Junction shall have the right to adopt such rules and regulations regarding the handling and transportation of freight and express and prohibit the carrying of same on such street. as they may deem expedient from time to time, during the existence of this franchise, and any and all such rules and regulations so adopted by the said City Council shall be faithfully obeyed and complied with by the said George Smith, his successors, and assigns as a condition to the right to maintain and operate.



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- Section 5 The said street railway under this franchise, direct crossings over which said street 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 there shall be constructed suitable bridges to the gutters to permit the flow of water under the same.
- Section 6 The said George Smith, his associates and assigns shall not charge a greater rate for transportation of passengers having only ordinary hand baggage from one point to any other point on any line of railway within the city limits, than five cents, and no fare shall be collected from children under five years of age. Provided, also that the said George Smith, his associates, successors and assigns shall also give at least one transfer check when requested to lines on streets not parallel.
- Section 7 Said railway shall be operated, constantly as near as practicable, and as often during the day as one round trip per hour over each of said streets.
- Section 8 The said railway shall be operated by any power except horse, gasoline, dummy engine or steam power, and said George Smith, his associates, successors and assigns shall have the right to change its power as new or better power may from time to time be discovered.
- Section 9 No license or fee shall be required or imposed upon cars of the said railway or of the persons or company owning and operating the same by the city of Grand Junction, for the privilege of operating said railway or running of its cars thereon, except as hereinafter provided.
- Section 10 The said George Smith, his associates, successors and assigns shall construct at least two miles of railroad and equip the same and have it in operation within the corporate limits of Grand Junction and



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upon the streets above described within Eighteen months from the date of the passage of this ordinance, and shall construct, equip and have in operation at least one mile of additional tracks every twelve months thereafter until the said railway shall be constructed the full length of all such streets as are specifically mentioned herein; and if any portions of such streets shall not have been constructed, equipped and operated thereon lines of railroad to their full extent at the expiration of Seven years from the date of the granting of this franchise, then the rights herein shall be forfeited upon such portions of such streets as has not been utilized by the construction and operation of said railway thereon. Provided, also that the said George Smith, his associates, successors or assigns shall on or before the First day of April, 1907, commence work of construction and file with the City Clerk a good and sufficient bond in the sum of fifteen thousand dollars, conditioned that he the said George Smith, his successors, associates or assigns shall within eighteen months from the date of the passage of this ordinance construct and have in operation at least two miles of street car lines within the city limits of Grand Junction as provided for in this ordinance; which said bond shall be approved by the City Council of the city of Grand Junction.

Section 11

The said George Smith, his associates, successors and assigns shall before commencing the construction of any such street railway on any of the streets of the said city, file with and have approved by the City Council of the City of Grand Junction a good and sufficient bond in the sum of ten thousand dollars, conditioned that the said George Smith, his associates, successors and assigns shall save, indemnify and keep harmless the city of Grand Junction from any and all liability for and on account of any injuries or claims for damages



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and forests and expenses and attorney fees in defending any suit for damages by any person or persons sustained or alleged to have been sustained, on the streets, avenues or alleys of the said city, by reason of any carelessness, negligence or mis-conduct of the said George Smith, his associates or assigns or of their servants or agents in the construction, use, maintenance or operation of the said street, carlines or line within the said city of Grand Junction, which said bond shall be a continuing bond, and at any time during the existence of this franchise whenever the city Council shall deem itself insecure or unsafe on account of the insufficiency of the sureties upon the said bond, they may by resolution require a new bond to be given by the said George Smith, his associates, successors or assigns as a condition to the further operation and maintenance of the said road, a copy of which <sup>said</sup> resolution shall be furnished to the said George Smith, his associates or assigns, and a new bond shall thereupon be given and approved by the City Council within thirty days thereafter.

Section 12

Nothing in this ordinance shall restrict or limit the right and power of the City Council to properly control and regulate all matters concerning its streets and avenues, and to prohibit any nuisance being committed by the construction and operation of said railway; and the city of Grand Junction shall have power by ordinance to enforce adequate penalties for the violation of any of the provisions of this ordinance.

Section 13

The City Council of the city of Grand Junction shall pass all necessary and proper ordinances for the protection of the said George Smith, his associates, successors and assigns in the enjoyment of the franchise hereby granted, and to prevent any person or persons from interfering with the operation of any street railway



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to be constructed, or with any property belonging to the same, and shall prevent unnecessarily obstructing the passage of cars by lecims, vehicles, or other obstructions.

Section 14.

Nothing in this ordinance shall be construed as granting to the said George Smith, his associates, successors or assigns an exclusive franchise, or prohibiting the corporate authorities of said city from granting a similar franchise to any other persons or persons.

Section 15.

All tracks of said railway shall be of uniform gauge, and when a single track only is built 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 further apart than required for the convenient passage of cars. No track shall be laid within eighteen feet of the sidewalk upon any street, except as herein provided. All turn-outs shall be constructed between cross streets.

Section 16.

The cars or carriages of said street railway shall run upon and along its tracks in conformity to the following rules and regulations:

1<sup>st</sup> -- No car shall be operated at a greater rate of speed than ten miles per hour.

2<sup>nd</sup> -- No cars shall be allowed to stop on cross walks or in front of any intersecting street except to avoid collision or injury to persons, or to take on or let off passengers.

3<sup>rd</sup> All proper care shall be used by the conductors and drivers to prevent injury to persons and property on the streets of said city.

4<sup>th</sup> -- All cars after sunset shall be provided with proper signal lights.

5<sup>th</sup> -- No freight cars shall be loaded nor unloaded while standing in any of the streets.



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Section 17.

or avenues or alleys of the said city. The right to cross any of the streets car lines herein provided for along the tracks thereof with pipes, mains and water conduits for water, gas, sewerage, electric light lines, telegraph lines or telephone lines or to grant the privilege to do so by others is hereby reserved by the city of Grand Junction, and the right to cross over and above any of said tracks with electric light lines, telegraph and telephone lines or to grant the privilege of doing so by others, is also hereby reserved by the said city; provided that the same shall not interfere with the use and operation of said street railway.

Section 18.

The city of Grand Junction shall in no case be liable to the said George Smith, his associates, successors or assigns for or on account of any damage or injury to any of the property belonging to the said George Smith, his associates and assigns connected with or appertaining to said street railway by any other persons, persons or corporations having or claiming franchise or public rights within, across or over the streets of said city.

Section 19.

The said George Smith, his associates, successors and assigns shall save and keep harmless the said city from the payment of any and all damages to persons or property caused by reason of the construction or operation of said street railway in accordance with the provisions of their bond, as heretofore provided for.

Section 20.

All poles used for suspending wires and cross arms to supply electric currents shall be made of substantial material, well set, and painted, placed on the side of streets, two feet from the curb line, and so as not to prevent easy access to any hydrant or entrance to



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private ground or alley. No wires shall be suspended at a height of less than sixteen feet above the surface of the street, nor shall the same interfere with the wires of existing telegraph, telephone or electric light lines or companies.

Section 21

When the city of Grand Junction obtains a population of ten thousand inhabitants the said George Smith, his associates, successors or assigns, shall pay to the city of Grand Junction yearly the sum of  $1\frac{1}{2}$  percent of the gross earnings of said street-railway within the city limits in each and every year during the life of this franchise, as a condition and consideration for the further operation of the same. And when the city shall have obtained a population of ten thousand inhabitants as aforesaid, books, records and papers of the said George Smith, his associates, successors and assigns shall be open to the inspection and examination of the City Council of Grand Junction, or any duly constituted committee thereof; and in arriving at the earnings of the said street railway within the city limits of Grand Junction, the receipts for freight, express, mail and passenger charges shall be taken into consideration, and the amount of any such where the transportation is partly outside of and partly inside of the city limits shall be proportioned upon the basis of the ratio borne by that part of the mileage within the city limits as to the whole distance, and for the purpose of determining the population of this city the Council may take and certify the same.

Section 22

The said George Smith, his associates, successors and assigns shall keep safe, true and accurate books of account, showing in detail the amount and various sums of money received during each and every year for the transportation of freight,



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passengers, mail and express within the city of Grand Junction, and from and between the city of Grand Junction, and any and all other points, which said books shall be open as aforesaid, to the inspection of the City Council at all times after the city has obtained a population of ten thousand inhabitants.

Section 23

The said George Smith, his associates, successors and assigns shall at the expiration of this franchise or at any time prior to the said twenty one years, upon forfeiture thereof remove from each and all of the streets and avenues within the city of Grand Junction any and all rails, ties, wires, poles and all other property of every kind or nature whatsoever and shall place all streets in like condition as the surrounding streets or parts of streets then are; and should the said George Smith, his successors, associates or assigns fail to do so, within one month from such expiration or forfeiture, then all property of any kind or nature whatsoever then standing in or upon the streets or avenues of the said city shall be forfeited to and become the property of the city of Grand Junction.

Section 24

This Ordinance shall be known as Ordinance No 125.

Passed and adopted this 20<sup>th</sup> day of December A.D. 1904.

Attest

City Clerk.

J. M. Sampson Mayor

State of Colorado }  
County of Mesa } ss.  
City of Grand Junction }

I, Frank G. Leslie, City Clerk of the city of Grand Junction, do hereby certify that the above and foregoing ordinance, Number 125, was introduced and read at length before the City Council of the city of Grand Junction, on the 13<sup>th</sup> day



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of Sept. A.D. 1904, the same being a regular meeting of said City Council; and that the same was by order of said City Council published in the The Daily Sentinel, in Grand Junction, Colorado upon the 17<sup>th</sup> day of Sept. A.D. 1904, the same being a legal publication thereof as required by law.

And I further certify that at a subsequent meeting of the said City Council held upon the 20<sup>th</sup> day of December, A.D. 1904, being more than ten days after said publication, said ordinance was read at length before and considered by said City Council of the city of Grand Junction, and was duly passed and adopted.

Witness my hand and the seal of said city this 21<sup>st</sup> day of December, A.D. 1904.

Frank G. Leslie  
City Clerk.

OFFICE OF CITY CLERK,

Frank G. Leslie, Clerk.

JOE. M. SAMPLINER,

MAYOR.

Grand Junction, Colo., 4/1

1905 -

Frank G. Leslie Esq.

City Clerk. City of Grand Junction  
Grand Junction Colo.

This is to notify you that I have this day commenced work on the construction of a Street Railway as proscribed by ordinance 125. and shall continue to ~~proceed~~ do so and in due time will furnish a guarantee Bond.

The work at present consists of surveying.

Yours truly

G. L. Smith