

Revised

ORDINANCE # 29

An ordinance to grant to Samuel Floyd Angus and James D. Hawks, their successors, associates and assigns, the right to construct, maintain and operate a street railroad across, along and upon certain streets in the Village of Concord, State of Michigan.

Be it ordained by the Common Council of the Village of Concord as follows:

Section 1. That Samuel Floyd Angus and James D. Hawks, their heirs, successors, associates and assigns, be and are hereby granted permission and the right to construct, maintain and operate a street railroad, to be operated by electricity or other modern rapid-motive power, excepting steam, with from time to time the necessary switches, turnouts, poles, wires, appliances and equipment to operate the same across, upon, and along the following streets in the Village of Concord, namely:

Commencing at the easterly corporate limits of the Village of Concord, thence westerly along and upon Jackson Street or road to Main Street, or Albion Road, thence northerly along and upon Main Street to Grove Street (being the street leading west to the old Fair grounds) thence west along and upon Grove Street to Spring Street; thence south along and upon Spring Street to Homer Street; thence east along and upon Homer Street to Main Street; thence south along and upon Main Street to South corporate limits of said Village of Concord. Crossing such streets and alleys or places as may intervene. Provided that said grantees, their heirs, successors or assigns shall fail to occupy or use any street or portion of said streets within the period above named, this grant shall become void on said streets or portions of said streets as are not so used or occupied.

Section 2. Said proposed street railway shall consist of standard gauge track with such switches and turnouts as to said grantees may from time to time deem necessary to be constructed in the most approved modern manner along and upon the center of said streets, and so as to least interfere with the passage of vehicles upon said streets.

Section 3. The rails to be used in the construction of said road shall be what is known as T-rail.

Section 4. The poles used in the construction of said railway shall be good smooth, straight cedar, of such height as to carry the trolley wire at least eighteen (18) feet above the track and shall be placed inside the curb line and not in front of houses, if it is practical to avoid it, and the high tension feed wires to be placed or protected as to cause the least injury to shade trees and to least endanger life.

Section 5. This grant is made upon the condition that the construction of the proposed street railroad be commenced on or before August 1, 1902; that the work of construction be prosecuted as soon as possible after commencement to a speedy completion: that the road shall be completed and in operation to Jackson by January 1, 1903 and that the entire road herein provided for be completed from Jackson to Coldwater within twenty four (24) months from and after the passage of this ordinance, not counting time delayed by compulsory legal process, or by causes or reasons over which said grantees have no control.

Section 6. Said grantees, their heirs or assigns, shall have the right to carry baggage, packages, United States mail, express and freight, and shall carry passengers over said line

of railroad, or any part thereof, within the corporate limits, and to Swains Lake on a continuous passage one way, for five (5) cents for each passenger, and shall carry children under five years of age, when accompanied by parents or guardians, free.

Section 7. Said grantees shall within two years from this date select a sight for a freight and passenger station within the corporate limits of the Village and no cars shall be stopped upon the streets for the loading or unloading of heavy freight, except at such station.

Section 8. This grant is made upon the further condition that the cars of the said railroad shall be propelled by electric power or such other modern rapid motive power as said grantees or their assigns, may from time to time deem expedient, excepting steam. Such cars shall be modern type, and shall be properly lighted and comfortably heated. Nothing herein contained shall be construed as giving the said grantees the use of the bridges now on Spring Street.

Section 9. Wherever the Village Council shall deem it necessary to pave or to otherwise improve any street or part thereof wherein the tracks of said street railroad are laid, said grantees or their assigns, shall grade, pave or otherwise improve all parts of said street, which lie between the outer rails of said tracks, and eighteen (18) inches on the outside of said rail, and also the same space lying between the main tracks or switches; said paving shall be done in the same manner and at the same time as the body of the street is paved.

Section 10. Said grantees or their assigns, shall, after constructing said street railroad, restore the said streets and all portions thereof occupied by said street railroad to as good a condition as at present, making the grade wide enough for a drive on each side, and said road shall be constructed so as least to interfere with the right of public passage in said street.

Section 11. This grant shall remain in force for a period of thirty (30) years from the date of the passage of this ordinance, subject to renewal in the manner provided by law.

Section 12. Said grantees or their assigns, shall within thirty (30) days from the passage of this ordinance, file with the Village Clerk a written acceptance of all the terms and conditions of this franchise.

Section 13. This ordinance shall take effect and be in force from and after its passage and the filing with the Village Clerk by said Samuel Floyd Angus and James D. Hawks, or their assigns, of said written acceptance as above provided.

Section 14. All ordinances or parts of or ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency hereby repealed; except that nothing herein contained shall be construed as repealing or in any way interfering with the rights already granted to Percy E. Chapple, E.C. Hungerford, A.W. Reynolds, and F.S. Tuthill, their successors and assigns to construct a Telephone exchange within said Village. The above ordinance was duly passed at a special meeting regularly called this 25th day of November, 1901.

Lyman P. Carter, Pres.
G.A. Stahley, Jr., Clerk

Moved by Chapple, supported by Bullock that the franchise be placed upon its final passage. The yea and nay vote being called for, the franchise passed its third reading by the following vote:

Yea: Bullock, Severance, Blinco, Cogswell and Thatcher.
Nay: Chapple. On motion, council adjourned.

G.A. Stahley, Jr., Clerk