Ordinance No. 60

Acceptance and authorization to Lysander Smith and Albert E. Dubois, their heirs, executors, administrators or assigns, to construct, lay down, operate and maintain a railroad track over along and upon Quinett Street in the town of Kent.

Be it ordained by the Council of the town of Kent:

Section I

That there be and is hereby granted unto Lysander Smith and Albert E. Dubois of the town of Kent, the right, privilege and authority to construct, lay down, operate and maintain a railroad over along and upon Quinett Street in the said town of Kent, from the point of its intersection with the east boundary line of the right of way of the Railroad now owned and controlled by the Northern Pacific Railroad Company, hence east along the entire length of said Quinett Street.

Section II

That the exact line of said railroad
track shall correspond with the center line of said Smith, excepting such portion thereof as shall be necessary to diverge therefrom in making requisite curves in said track where the same leaves or enters the said Smith, and the said railroad track shall be so constructed as to offer as little obstruction as possible to vehicles crossing the same, and to permit of the free use of said street by the public.

Section III.

That in the operation of the said railroad track the said Samuel Smith and Albert E. Smith, their heirs, executors administrators or assigns shall have the right to use steam, electric, or horse power or any other motive power that they or their heirs, executors administrators or assigns may deem best.

Section IV.

That the said town of Keus reserve and shall reserve and retain the same control over the said Smith street as at hazard shall have over any and all other streets
excavations or structures made, erected or employed in
the erection, laying down, main-
tenance, and repair of the said
railroad track, whether such dam-
age be to the said town or to any
person or property whatsoever.

Section V

The said Lyman C. Smith and Albert
Emery, shall have the right to
raise, shift or remove the rails of
said track temporarily, if it be
necessary during the performance
of public work on said track.

Section VI

The privilege herein granted
shall continue for and during
a period of two years from
the date on which this ordinance
takes effect.

Section VII

This ordinance shall take effect
and be in force from and after
the acceptance of the privilege
herein granted, filed in writing
with the Town Clerk of said town,
and its publication hereof in the
White River Journal.
Passed Jan 16 93
Approved "N" Quirk
Published
artist JH Cal
Jan 13
of said town; and the said town shall reserve and retain the right to regulate the speed of trams and cars upon said railroads and in the operation thereof by the said Lyman and Smith, and Albert E. Smith, their successors, administrators, and assigns shall provide suitable alarms and signals, to warn the public at all wagon road crossings of the approach of cars or trams, and shall be held strictly liable for any and all damages resulting from neglect to provide such alarms and signals, and for any negligent, illegal or wrongful operation of the said railroad the party owning controlling or operating the same shall be held liable for any injuries or damages arising. Other than, and the owner, operator, and controller of the said railroad shall further be liable for any damages rising from the failure for negligent manner of constructing said railroad or from want of care in protecting the public against injury from
Authorizing Lysander & Albert Smith to build & maintain RR tracks along Smith St.