

AN ORDINANCE NO. 156

Granting permission of the Village of Bexley, Ohio, to The Columbus, Newark & Zanesville Electric Railway Company and The Ohio Electric Railway Company, their successors and assigns, to extend their line of street railway on East Main Street in said Village from a point where Pleasant Ridge Avenue (formerly Vine Street) intersects said East Main Street in said Village to the intersection of Drexel Avenue (formerly Magnolia Street) and said East Main Street in said Village, and to vacate and remove its said track from Pleasant Ridge Avenue in said Village from the intersection of East Main Street and Pleasant Ridge Avenue to East Mound Street in said Village and from East Mound Street in said Village from said Pleasant Ridge Avenue to College Avenue in said Village.

WHEREAS, The Columbus, Newark & Zanesville Electric Railway Company and The Ohio Electric Railway Company are operating a street railway in the Village of Bexley, Ohio, on East Main Street in said village, from the east corporation line of said village to a point where Pleasant Ridge Avenue intersects said East Main Street, and thence south on said Pleasant Ridge Avenue to East Mound Street, and thence west on East Mound Street to the west corporation line of said village, thence over an overhead bridge over the Norfolk & Western Railway Company's tracks, and thence west in East Mound Street in the City of Columbus, Ohio; and

WHEREAS, said City of Columbus and said Norfolk & Western Railway Company have agreed upon plans for the elimination of the grade crossings of the said Norfolk & Western Railway tracks and certain streets crossing said tracks on the east side of Columbus thereby elevating the tracks of the said Norfolk & Western Railway Company, necessitating a change in the elevation of the overhead crossing of the said Traction Companies over the said Railway Company's tracks or a change of location of the said place of crossing of said Railway Company's tracks by the said Traction Companies' tracks; and

WHEREAS, in the case of the Norfolk & Western Railway Company, Plaintiff, vs. The Columbus, Newark & Zanesville Electric Railway Company, The Ohio Electric Railway Company and the City of Columbus, Ohio, Defendants, being Case No. 69496, Court of Common Pleas, Franklin County, Ohio, said court determined that the most reasonable and practical route for the tracks of said Electric Railway Companies, in order to eliminate the grade crossing on East Main Street in the vicinity of Columbus, is as follows: said tracks to be re-routed and pass from East Mound Street to East Main Street at or near Bulen Avenue in the City of Columbus and thence in an easterly direction over the tracks of The Columbus Railway Power & Light Company on East Main Street through a subway under the tracks of the Norfolk & Western Railway Company to Drexel Avenue in the Village of Bexley and thence over a new right of way in said East Main Street from Drexel Avenue to Pleasant Ridge Avenue in said village and to connect with the tracks of the Ohio Electric Railway Company at the intersection of said Pleasant Ridge Avenue and East Main Street, and

WHEREAS, the consent in writing of the owners of a majority of the feet front of lots and lands abutting upon said part of said East Main Street in said Village of Bexley has been obtained and filed with the Clerk of said village, consenting to the construction, maintenance and operation of said street railway, and

WHEREAS, in the opinion and judgment of the Council of the said Village of Bexley it would be greatly to the advantage and benefit of the public and to the City of Columbus and the Village of Bexley and to the said Railway Company and said Traction Companies, rather than elevate said Traction Companies' lines over the said Norfolk & Western Railway Company's tracks, to change the course of the tracks of the said Traction Companies from East Mound Street to East Main Street in said City of Columbus before crossing said Norfolk and Western Railway Company tracks and to pass under said tracks on East Main Street and continue on East Main Street to the Village of Bexley and upon said East Main Street through the Village of Bexley to Pleasant Ridge Avenue and connect with said Traction Companies' tracks at the intersection of said Pleasant Ridge Avenue and East Main Street; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BEXLEY, OHIO, as follows, to-wit:

Section 1. The Columbus, Newark and Zanesville Electric Railway Company and The Ohio Electric Railway Company, their successors and assigns, be and hereby are granted permission to extend their line of railroad on East Main Street in the said Village of Bexley, from the intersection of said East Main Street and Pleasant Ridge Avenue west on said East Main Street to the intersection of said East Main Street and Drexel Avenue in said Village and to connect with the track or tracks of The Columbus Railway Power & Light Company, and to this end said traction companies are hereby authorized and granted permission to construct, maintain and operate a street railroad in said village upon East Main Street from the said intersection of said East Main Street and Pleasant Ridge Avenue to the said intersection of East Main Street and Drexel Avenue.

Section 2. That said Company shall have the right to lay a single or double track upon said East Main Street, and if a single track to lay switches, side tracks and turnouts wherever the same may be necessary. A plan showing the location of such switches, side tracks and turnouts shall be submitted to the Council of said Village and approved by it, before the construction thereof. The said tracks shall be of the same gauge, pattern and weight as that being laid and to be used on other parts of Main Street in the said Village of Bexley by said Companies.

Section 3. The said Companies, their successors and assigns, shall, during the life of this franchise or any extension thereof, keep in repair all that portion of said street which is included between the lines drawn parallel with and one foot outside of the outer rails of said Companies' tracks; and shall pay for the cleaning, sweeping and sprinkling of said portion between said lines at the rate and in the same manner required of abutting property owners for the residue of the street adjacent to said strip.

Section 4. As a pavement has been laid on said section of East Main Street and an assessment therefor placed on the tax duplicate against the abutting property, said Company or companies shall pay to said abutting property owners, a proportion of

the assessment for said improvement as the space occupied by said tracks and one foot on the outside of the outer rail thereof bears to the entire width of the paved roadway, and if the said Village shall at any time cause the roadway of the said section of East Main Street between Brexel Avenue and Pleasant Ridge Avenue to be re-improved, said Company shall at the same time and at its own expense improve with like material to that used on the remainder of the street, or as may be approved by the Council of said Village, and in accordance with the plans and specifications to be furnished by an engineer or engineers employed by said Village, that portion of said street or part thereof included between the lines drawn parallel with and one foot outside of the outer rails of the tracks of said Company.

And further, said Companies, in constructing their said track or tracks in that part of said Main Street where the roadway has been permanently improved, shall perform said work of construction in such manner as not to impair said improvement and shall leave said roadway in as good repair as it now is.

Section 5. That all pavements laid or improvements made by said Companies under the provisions of this ordinance shall be under the supervision of an engineer or agent appointed or employed by said Village, and upon grades to be fixed and established by said Village, and in accordance with the plans and specifications therefor to be furnished by said engineer or agent of said Village.

Section 6. If said Companies shall fail to make any of the improvements or repairs provided for in this ordinance, after thirty days' notice given it in writing by said Village, said improvements and repairs may be made by said Village at the cost and expense of said Companies and the same shall constitute a lien until paid upon the property and franchise of said Companies the same as if formally levied and assessed, as in the case of other municipal improvements.

Section 7. The said Village of Bexley shall have the right to remove or obstruct, or authorize the same to be done, any portion of said railroad track wherever it shall be necessary in laying down or repairing water pipes, gas pipes, sewer drains, gutters or cisterns, or any other public work or improvement required to be done by said Village, or by hose and other apparatus necessary to be used in extinguishing fires, using every reasonable means to avoid disturbing the running of cars, or for a longer time than can be avoided, without incurring any liability for damages to said Company; except when any part of the track is removed or obstructed, in which case the same shall be restored at the expense of said Village; provided further that said Company shall so construct its tracks as to fully protect from damage thereby any and all sewers, water pipes and mains, gas or other pipes running beneath the surface of the streets, and provided further, that if said Companies shall injure or destroy any such sewers, water pipes and mains, gas or other pipes lying or being under the surface of the street occupied by said Companies' tracks, they shall fully reimburse said Village for all loss or damage thereby occasioned.

Section 8. Permission is hereby given said Company to operate its entire line of street railways with any and all extensions that may hereafter be made thereto, by electricity or other motive power, other than animal or steam power, such as shall be acceptable to the Village Council for such purposes;

4.

said companies shall have the right to erect and maintain iron or wood poles, (if wood, to be neat in appearance and painted) wires, fixtures, conduits and any and all other appliances and appurtenances that shall be found necessary.

Section 9. That said Company shall make no charge in excess of five cents between any points within the Village of Bexley.

No charge shall be made for children under six years of age attended by parent or other person in charge of them.

Section 10. This grant is made and shall continue in force and effect from and after the passage of this ordinance until and including July 12, 1934, unless sooner terminated under the provisions of this ordinance or by operation of law.

Section 11. This grant is made upon the condition that said Traction Companies agree with the City of Columbus and the Norfolk & Western Railway Company, or are compelled by legal proceedings to change, and do change, the crossing of its said tracks across the tracks of the Norfolk & Western Railway Company from where they are now located to East Main Street and pass through a proposed underpass of said street under the tracks of the said Norfolk & Western Railway Company, as per plans and specifications agreed to by and between the said City of Columbus and the said Norfolk & Western Railway Company; and that said road shall be constructed and ready for operation within said Village of Bexley and connected with said tracks in East Main Street in the City of Columbus and their tracks leading from Pleasant Ridge Avenue eastwardly to the City of Newark, Mo. as soon as practicable after the said elevation of the tracks of the said Norfolk & Western Railway Company and a subway thereunder upon said East Main Street has been completed and ready for use, according to the said plans and specifications heretofore agreed upon by and between said City and said Railway Company.

Section 12. That within four months after the completion of said road, as provided herein, and the operation of cars thereon, the said The Columbus, Newark & Zanesville Electric Railway Company and The Ohio Electric Railway, their successors and assigns, shall remove their said tracks from Mound Street between the west line of College Avenue and Pleasant Ridge Avenue, and from Pleasant Ridge Avenue between Mound Street and Main Street, and shall restore the portions of the streets affected by such removal to conform in all respects with the other portions of the roadways of such streets.

Section 13. Said Traction Companies shall provide a stop for local cars for the purpose of taking on and discharging passengers at Pleasant Ridge and Park View Avenues and College Avenue.

Section 14. In addition to the rights herein granted, permission is hereby given to the grantee companies to make use of the tracks now and hereafter constructed of The Columbus Railway Power & Light Company on said Main Street from the intersection of Drexel Avenue to the west corporation line of said village, and if said Companies are unable to agree with the said The Columbus Railway Power & Light Company upon the terms and manner of said usage, they are hereby authorized to condemn the right to make use of said tracks, as provided in Section 3779 of the General Code.

5.

Section 15. As one of the considerations for the use of the public highways and streets herein granted, the said Traction Companies shall carry free as passengers on any and all regular cars within the limits of said village, policemen and firemen, when on duty and in uniform.

Section 16. This ordinance shall take effect and be in force from and after the earliest period allowed by law, and on the filing by said Traction Companies of a written acceptance of its terms and conditions.

Passed April 17, 1917.

James T. Sheppard,

Attest: Chester A. Miller,  
Village Clerk.

President of Council.