

AN ORDINANCE NO. 914.

By Mr. R. J. Wheaton.

Granting to the Southern Ohio Public Service Company, its successors and assigns, the right, privilege and franchise to construct, operate and maintain an electric railway upon Main Street from Drexel Avenue to Pleasant Ridge Avenue, in the Village of Bexley, Ohio, and renewing to the Southern Ohio Public Service Company, its successors and assigns, the right to construct, operate and maintain an electric railway upon Main Street from Pleasant Ridge Avenue to the east corporation line of said Village of Bexley.

WHEREAS, the Southern Ohio Public Service Company is a corporation under the laws of the State of Ohio, and is the successor in ownership of the line of electric railway heretofore owned by The Columbus, Newark and Zanesville Electric Railway Company, and of all the franchises, rights and privileges of said company, and

WHEREAS, the franchise heretofore granted by the County Commissioners of Franklin County, to said The Columbus, Newark and Zanesville Electric Railway Company through the territory now comprising the Village of Bexley has expired by limitation of its terms, and

WHEREAS, by reason of the proposed elimination of the grade crossing of the Norfolk and Western Railway Company at East Main Street in the City of Columbus, it is necessary, and will be conducive to the public interest, to provide all necessary and proper rights of way to said the Southern Ohio Public Service Company to operate its railway over Main Street from the west corporation line to the east corporation line of the Village of Bexley, and

WHEREAS, the consent in writing of the owners of a majority of the feet front of lots and lands abutting on Main Street from Drexel Avenue to Pleasant Ridge Avenue, to the construction, operation and maintenance of an electric railway on said street by said the Southern Ohio Public Service Company, has been filed by it in the office of the Clerk of said Village,

NOW, THEREFORE:

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BEXLEY, STATE OF OHIO:

Section 1. That the Southern Ohio Public Service Company, its successors and assigns, be and it is hereby granted.

(a) The right, privilege and franchise to construct, operate and maintain an electric railway on Main Street from Drexel Avenue to Pleasant Ridge Avenue in the Village of Bexley, connecting with the present tracks of The Columbus Railway, Power and Light Company at Drexel Avenue and with the present tracks of said the Southern Ohio Public Service Company at Pleasant Ridge Avenue.

(b) The franchise, rights and privileges of said the Southern Ohio Public Service Company to maintain and operate its tracks and line of railroad, and to operate electric railroad cars thereon, on Main Street from Pleasant Ridge Avenue to the east corporation line, be, and the same are hereby renewed and granted to the Southern Ohio Public Service Company, its successors and assigns; said grant of franchise and said renewal of franchise, being upon, and subject to, such and every of the terms, conditions, stipulations and provisions hereinafter prescribed.

Section 2. The tracks of said company shall be standard gauge tracks. The rails of all new tracks hereafter constructed, and of all tracks hereafter to be reconstructed, shall be of the type known as grooved rails.

Section 3. The construction of said tracks, and any reconstruction hereafter provided for, shall be in accordance with plans and specifications therefor, approved by the engineers of the Village of Bexley. At the time of the construction of said tracks between Drexel Avenue and Pleasant Ridge Avenue the rails shall be laid upon foundations of concrete in accordance with plans, to be approved by the Village Engineers, and the surface of said street shall be restored as hereinafter in Section 13 provided.

At such time as the Village of Bexley shall pave Main

Street with brick, asphalt or other permanent improvement, eastward from the present brick pavement, said Southern Ohio Public Service Company shall reconstruct its said tracks in that part of the street so to be improved, and shall conform the same to the grade which may be established, and that portion of its said tracks now running along the north side of Main Street shall be removed and new tracks constructed approximately in the center of Main Street, and said tracks shall be of the kind and laid upon concrete foundations as heretofore provided; and the grantee shall not be required to pave over said foundations or pay for the paving or any part thereof of the street, but in constructing said concrete foundations, it shall fill in the same to such level, and shall so conform the same to the established grade of the street, that the Village can construct thereon a surface of the established grade.

At such time as it is determined to improve said Street Council shall notify the grantee herein of such intention, and said grantee shall within ninety days after receipt of said notice commence the reconstruction of its tracks as heretofore provided and prosecute same to completion with due diligence; and in case said grantee shall refuse or fail so to do, then this franchise and grant shall be null and void upon sixty days' notice to the Company, its successors and assigns, which notice shall be authorized by the Council of the said Village by proper legislative action, unless the grantee during the period of said notice shall comply herewith.

Section 4. The Southern Ohio Public Service Company shall so construct its tracks as to conform to the grade of the street, and should the grade of the street be hereafter changed, then the company shall change its tracks to conform to the established grade.

Section 5. The tracks constructed by virtue of this grant, and the grant itself, are constructed and made subject to the right of any other company, to which said Village may grant the right to operate city service within the Village of Bexley, to operate such City service over said tracks, at such time and in such manner as may be authorized and directed by Council, subject, however, to a

proper operating charge therefor to be paid by the other company to grantee, its successors and assigns.

Section 6. Said Company shall at all times defend, keep harmless and indemnify the Village of Bexley from any and all damages, claims, or lawful demands, and demands for injuries to persons or property, costs and expenses to which said Village may be subject or made liable by proceedings at law or in equity, or otherwise, growing out of the grant of the privileges in this ordinance contained; and said company may at its own cost defend against any such action either in its own name or the name of the Village.

Section 7. Permission is hereby given said company to operate said railway by electricity or such motive power, except steam or animal, as shall be acceptable to the Village Council, and to operate said line as a part of its line running from Columbus to Zanesville.

No car shall be allowed to remain standing upon the said street for receiving and discharging passengers or any other purpose so as to unreasonably impede any other vehicle, and shall be subject to such reasonable police regulations as may be prescribed for other vehicles, so far as same may be applicable.

No car shall run at a greater rate of speed than the speed provided in the general ordinances of the Village for the operation of self-propelled vehicles and said company shall at all times conform to such reasonable rules and regulations as may from time to time be made by the Council as to the rate of speed it may run its cars, and while the cars of said company are in motion or about to start warning shall be given by bell or otherwise to notify persons of same and of approaching danger.

Section 8. In the erection and placing of wires in said Village and in the use of any and all other appliances and appurtenances found necessary to operate its lines therein, a plan of same showing the poles, wires and other appliances and appurtenances that said company shall desire to use, shall be

submitted to and approved by the Engineer of the Village. Said Village shall have the right to fix the height of all wires and poles providing that trolley wire shall in no case be less than fourteen (14) feet above the street, and to establish such regulations with reference to the public safety and protection as said Village Council may by ordinance declare to be necessary and proper, but grantee shall not be required upon the granting hereof to change the location and kind of poles and equipment used and maintained by it, except as herein otherwise provided.

Section 9. In the event that the corporation of Bexley shall be extended eastwardly, the grantee shall move its tracks from the north side to the approximate center of Main Street to the eastern limit of said corporation, subject to the same conditions as to notice, construction and forfeiture, as above provided in Section 3 hereof.

Section 10. The grantee shall carry passengers on any and all of its regular cars from any of its regular stops in the City of Columbus to any street intersection in the Village of Bexley, and vice versa, at the rate of ten cents per passenger, and shall give the same service within the territory covered by this grant as is given to its patrons on the remainder of its interurban railway. Said grantee shall carry free, as passengers, on any and all of its regular cars policemen and firemen when on duty and in uniform. Provided, however, that if any other corporation, individual or association shall hereafter provide, or undertake to provide, regular transportation over Main Street in said Village, or through the same territory served by this grant, the grantee herein, for itself, its successors and assigns, waives the right to protest against, or to oppose, before any tribunal or commission having jurisdiction thereof, the granting to such corporation, individual or association, the right, license or franchise to furnish such regular transportation over said street or within said territory.

Section 11. Said company, its successors and assigns, shall not move along said tracks steam railroad freight cars, except for construction and repair materials for the use of said company, its successors and assigns. and excepting also said company may operate

its own cars or other companies' cars constructed on a pattern similar to passenger cars, for the purpose of carrying express and baggage and or freight.

Section 12. The grant herein shall continue for a period of fifteen years (15) from and after the effective date hereof, and shall inure to the grantee and its successors, and to the assigns of grantee in case the entire property of said grantee shall be sold or transferred; other wise said grant shall not be assignable except upon approval of the Council of the Village, of Bexley.

Section 13. The grantee herein shall keep its tracks in proper repair, and in the making of repairs or alterations and in the construction of its said tracks, said grantee shall promptly restore said street to as good condition as same was prior to said repairs or prior to the construction of said tracks, using material of the same character and of equal quality to that removed. Said restoration shall be subject to the approval of the engineers of the Village,

Until such time as the Village of Bexley shall pave Main Street with brick, asphalt or other permanent improvement, eastward from the present brick pavement, said grantee shall place, keep and maintain the surface of that part of the street between the rails and for a distance of eighteen (18) inches on each side thereof, in a condition safe for vehicular traffic, subject to the approval of Council.

Section 14. Said Southern Ohio Public Service Company shall as soon as practicable after the commencement of the operation of its cars over Main Street, remove its tracks, poles, wires and other appurtenances from Mound Street and Pleasant Ridge Avenue.

Immediately upon the removal of its tracks over Sheridan Drive, College Avenue, and Main Street at Pleasant Ridge Avenue, said company shall repair the excavation in said streets caused by such removal, by constructing sections of roadway therein of the same character and quality and of

similar materials as said respective streets are now constructed, connecting same at the established grades of said street, and subject to the approval of the Village engineer; and they shall also restore the surface of the street from which they shall have removed said tracks, to a safe and useable condition.

Section 15. The right and privilege is hereby granted to said Southern Ohio Public Service Company, to operate its cars upon and over the trackage of The Columbus Railway, Power and Light Company from the west corporation line of the village of Bexley to Drexel Avenue.

Section 16. That the provisions of this ordinance shall be binding upon the Southern Ohio Public Service Company if within thirty days after its passage said Company files with the Clerk of the Village of Bexley, its written acceptance thereof.

Section 17. This Ordinance No. 858 be, and the same is hereby repealed.

Passed January 24th, 1928.

S. E. Ludwig
S. E. Ludwig.

Mayor.

Attest: S. W. Roderick.

S. W. Roderick
Clerk.

I, S. W. Roderick, Clerk of the Village of Bexley, Ohio, do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: Main Street and Parkview Avenue, Main Street and College Avenue, Main Street and Drexel Avenue, Broad Street and Drexel Avenue and Parkview Avenue and Platte Avenue, each for a period of fifteen days commencing on the 9th, day of February, 1928.

S. W. Roderick
Clerk of the Village of Bexley, Ohio.

(See also Journal of Page 357)

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ACCEPTANCE

To the Village Clerk of the
Village of Bexley, Ohio.

Southern Ohio Public Service Company, a
corporation, grantee under a certain ordinance No. 914 passed
by the Council of the Village of Bexley, January 24, 1928,
hereby accepts said ordinance and the terms and conditions
thereof; this acceptance being in pursuance to the provisions
of said ordinance and Section Sixteen thereof.

Yours very truly,
SOUTHERN OHIO PUBLIC SERVICE CO.

By *Arthur W. Benson*
Vice-president & Gen. Mgr.