

## ORDINANCE NO. 10

### **An Ordinance Relating to the Extension of First Street in the Village of Dennison to cross the Right-of-way of the Chicago Great Western Railroad Company and authorizing the President of the Council and Village Clerk to execute and deliver the contract with the Chicago Great Western Railroad Company thereto.**

The Village Council of the Village of Dennison, do ordain as follows:

**Section 1.** That the President of the Village Council and the Village Clerk be, and they are hereby authorized and directed to make and enter into a contract with the Chicago Great Western Railroad Company relating to the extension of First Street in said Village across the right-of-way of said Railroad Company, which contract shall be in words and figures as follows:

This agreement made and entered into this 15<sup>th</sup> day of August, 1921 by and between the Chicago Great Western Railroad Company, hereinafter called the Railroad Company, party of the first part, and the Village of Dennison, in the State of Minnesota, hereinafter called the Village, party of the second part.

"Witnesseth: That whereas, the Village desires to extend First Street in said Village westerly and across the right-of-way and track of the Railroad Company had agreed thereto on the terms herein specified. Said First Street being shown on the original plat of the Village of Dennison on file and of record in the office of Register of Deeds, Goodhue County, Minnesota, which plat is made a part of this contract.

"Now, therefore the Railroad Company for and in consideration of the covenants of the Village herein contained, hereby grants and conveys to the Village the right and easement to extend said First Street in said Village across the right-of-way and tracks of the Railroad Company, and to hereafter use the same as a public street and highway, said First Street extended, being a strip of land sixty-six (66) feet wide by two hundred and five (205) feet in length, as marked in red upon the plat hereto attached and marked Exhibit "A", the Village being situated in the counties of Rice and Goodhue in the State of Minnesota, a public street and highway being hereby laidout and established on said strip of land.

"The Village has paid to the Railroad Company the sum of Three Hundred Nineteen Dollars (\$ 319.00), the estimated cost of furnishing and installing crossing planks, crossing signs, whistle poles, alterations in fences and moving of telegraph poles. In the event that the actual and reasonable cost of this work exceeds the sum of Three Hundred Nineteen Dollars (\$ 319.00), the Village will pay the Railroad Company's reasonable and proper expenses herein, and in the event that the expense of installing this crossing shall be less than the amount paid by the Village, the Railroad Company will refund to the Village the difference between the actual cost and the amount paid to it.

The Village shall at it's own expense place culverts and grade said First Street, extended, and remove the present cinder platform where necessary to permit the construction of the street.

The grading of the crossing, removal of the present cinder platform and construction of culverts under this highway shall be done under the reasonable direction of and in accordance with the reasonable instructions of the Chief Engineer of the Railroad Company.

The railroad company agrees to legally and properly maintain this said crossing and approaches thereto after the initial installation is completed.

If in the opinion of the Council of the Village of Dennison, it becomes necessary because of increased traffic to this crossing, to install a warning or signal bell, the Village agrees that the Railroad Company at the Railroad Company's expense, may remove the present crossing signal bell from its present location at the crossing north of the depot in the Village of Dennison and install it on the new crossing.

This grant shall take effect and be in force from and after the date of the execution thereof, and the grants, conveyances and stipulation hereof shall extend to and be binding upon the parties hereto and their respective successors and assigns.

And the Railroad Company and its successors and assigns do covenant with the Village that said Railroad Company has good right to sell grant and convey said easement and right-of -way, and that said Railroad Company will defend and save harmless the Village against all persons lawfully claiming the whole or any part thereof. All work and improvement to be completed October 15<sup>th</sup>, 1921. The planking of the crossing shall extend only thirty-two (32) feet in length.

"In Witness Whereof, the parties have caused their hands and seals to be set and these presents to be signed the day and year first above written."

**Section 2.** This Ordinance shall take effect and be in force on and after its passage and publication.

Dated, approved and passed this 28<sup>th</sup> day of July, 1921.

P. T. Trench  
President of the Council

(SEAL)  
Attest:  
J. A. Holein  
Village Clerk