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ORDINANCE NO. 107

An Ordinance granting to **SETCHEL FRUIT COMPANY**, and its successors and assigns, the right, privilege and permission to construct, lay down and maintain, a railroad track, of standard gauge, and to pass with, and operate, with locomotive and cars, propelled by steam, electricity, or other lawful motive power, ^{<except steam power>} over, along, upon and across, certain streets, portions of streets, and other places in the City of Lodi, County of San Joaquin, State of California.

BE IT **ORDAINED** by the Board of Trustees of the City of Lodi, as follows:

Section 1. The City of Lodi hereby grants to **SETCHEL FRUIT COMPANY**, a Corporation, duly organized and existing under and by virtue of the **Laws** of the State of California, and having its office and principal place of business in the City of Fresno, County of Fresno, State of California, and transacting business in the City of Lodi, County of **San** Joaquin, State of California, its successors and assigns, for the term and period hereinafter named, subject to all of the terms and limitations hereinafter made and expressed, the franchise, right, privilege and permission to construct, lay **down** and maintain, over, along, upon and across, those certain streets, portions of streets, and other places in ~~the~~ City of Lodi, County of San Joaquin, State of California, as hereinafter described, a railroad track, and to pass with and operate, ^{a steam power} a steam, electric, or other lawful motive power, railroad thereon, and to construct and maintain thereon, a roadbed of standard broad gauge width, and to lay down and to maintain thereon, a track of standard width, together with the necessary curves, crossings and connections, for the convenient use thereof, and to run locomotives and cars, and electric engines, and cars propelled by electricity thereon; and which **said** streets, and portions of streets, and other places in said City of Lodi, County of **San** Joaquin, State of California, and said roadbed and track, curves, crossings, and connections are as follows:

A Spur Track, the center line of which is described as follows, to-wit:

Commencing at a point in the North line of Flora Street, in the City of Lodi, California, said point being Fifteen (15) feet West of the West line of Seaton Avenue, run thence across said Flora Street on a gradual curve to the left to a point in the South Line of said Flora Street, bearing West Twenty (20) feet from the West line of said Seaton Avenue, and thence on the lands of said SETCHEL FRUIT COMPANY, a Corporation, to and in front of Lots Fifteen (15), Sixteen (16) and Seventeen (17) in Block "A", of subdivision of Lot 72 of the Lodi Barnhart Tract, according to the "Plat of subdivision of Lot 72 of the Lodi Barnhart Tract", filed July 8th, 1908, at 3:10 PM, in the office of the County Recorder of the County of San Joaquin, State of California.

Section 2. The franchise, rights, privileges and permissions herein granted to said Grantee are dependent for their continuance and validity upon the performance by said Grantee in full of all conditions as hereinafter set 'out, to-wit:

First- Said Grantee shall, in all cases, construct, lay down and maintain his said roadbed in said City of Lodi to the official grade of the said streets and portions of streets in said City of Lodi, and shall not construct or raise any portion of his roadbed to a greater height than said official grade, unless with the permission of the said Board of Trustees, of the City of Lodi.

Second- Said Grantee shall construct suitable culverts for the passage of water at such points on said roadbed as shall be selected by the Board of Trustees of the City of Lodi, now, or at any time during the life of said franchise, and shall keep such culverts in constant repair.

Third- Said Grantee shall, upon the order of the said Board of Trustees of the City of Lodi, grade or regrade, gravel or regravell, plank or replank, pave or repave, macadamize or remacadamize, pile or repile, with such material as shall be ordered by said Board of Trustees, of the said City of Lodi, any and all portions of said streets

along which the track is laid, between the rails thereof, and for a width extending two feet on each side of said track,

It shall keep the same, including the crossings, constantly in repair and flush with the streets, and in case crossings are taken up they must be replaced immediately after the completion of the work. All work must be done under the supervision and to the satisfaction of the Superintendent of Streets, and in no case shall said Grantee, its successors, or assigns, be permitted to run or operate said railroad on said streets, or portions of streets, where the said track is laid until the same shall have been approved by the Superintendent of Streets, and by this Board of Trustees.

Section 3. The franchise, rights, privileges and permissions hereby granted, are hereby granted for such term, period and length of time, as shall meet with the pleasure of this Board of Trustees.

Section 4. Said Grantee shall keep its roadbed and track in good condition, with proper slopes to enable teams to pass and repass thereon.

Section 5. All privileges and rights required by said Grantee for the construction and maintenance of said roadbed, track, curves, crossings and connections through private property, and upon grades made by private persons are to be by said Grantee secured from the Owners of said property.

Section 6. If the said Grantee shall fail for thirty days to accept, in writing, filed with the City Clerk of the City of Lodi, the franchise, rights, privileges and permissions herein granted, or to commence in good faith and duly prosecute the construction of its said railroad within sixty days from the date of the approval of this Ordinance, then this Ordinance shall be of no force and effect as a grant unto the said Grantee.

Section 7. This Ordinance shall take effect and be in force ^(Thirty days) from and after its passage and approval.

This is to certify that Ordinance No. 107 , was passed to print by the Board of Trustees of the City of Lodi, County of San Joaquin, State of California, on the 25th day of August , 1919, by the following vote.

Ayes - Trustees Montgomery, Hale, Crose and Black.

Noes - None.

Absent - Trustee Morehead.

Dated: Lodi, California, the 25th day of August 1919.

H. S. Clark
City Clerk.

Approved this 25th day of August, 1919.

G. A. Beach
President of the Board of Trustees of
the City of Lodi.