

City of Lawrence, Kansas November 1st 1915.

The Acceptance by the Board of County Commissioners of Douglas County, Kansas, of an Ordinance passed by the Commissioners of the City of Lawrence, Kansas.

Acceptance
of City Ordinance
No. 1135
Lawrence, Kansas
11/1/15

Whereas, at a regular meeting of the Commissioners of the City of Lawrence, Kansas on October 15th 1915 the Commissioners of the City of Lawrence passed an ordinance relating to a reinforced concrete bridge to be constructed by the Board of County Commissioners of Douglas County, Kansas, over the Kaw River in the City of Lawrence, said ordinance being Ordinance No. 1135, and,

Whereas said ordinance by its terms does not take effect, and is not in force until ten (10) days from and after its publication according to law, and upon the acceptance in writing by the Board of County Commissioners of Douglas County, Kansas, of all the conditions therein contained. Said ordinance being as follows:

(First Published in The Lawrence Daily Journal-World, Oct. 15, 1915.)
ORDINANCE NO. 1135

AN ORDINANCE relating to a reinforced concrete bridge to be constructed by the Board of County Commissioners of Douglas County, Kansas, over the Kaw River in the City of Lawrence.

WHEREAS, at a regular election duly had and held within the County of Douglas and State of Kansas, the qualified voters of said county voted in favor of constructing a bridge across the Kaw River within the limits of the City of Lawrence to cost said county not more than \$200,000.00, and

WHEREAS, the said Board of County Commissioners are now about to carry into effect the wishes of the people as expressed at said election, and

WHEREAS, said Board of County Commissioners require that certain concessions be made by said City of Lawrence, before the contract is let for the construction of said bridge, and

WHEREAS, among other things, the said Board of County Commissioners desire to have complete and exclusive ownership, charge, management and control of said bridge with the right to make certain contracts for profit in relation thereto, and

WHEREAS, it is the desire of said City of Lawrence, that said bridge be constructed as soon as possible and that everything in its power be done to expedite the building of said bridge.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMISSIONERS OF THE CITY OF LAWRENCE:

Sec. 1. That said City of Lawrence does hereby give and grant to the Board of County Commissioners of Douglas County, Kansas, the right to construct over and across the Kaw River, within the City of Lawrence, a reinforced concrete bridge and hereby recommend that said bridge commence at the north end of and in line with Massachusetts street; thence in a northeasterly direction to the fill at the north end of the present bridge, said location on said fill to be where shown in the plans and specifications now on file in the office of the county clerk; with the understanding and upon the expressed conditions that said city reserves the right to use said bridge and any part thereof to carry across said river any and all pipes, wires, conduits, and etc., used in connection with or as a part of a system of any public utility owned by said city.

Sec. 2. That the Mayor and City Clerk be and they are hereby authorized in so far as said city has power so to do, to relinquish, remise, release, quit claim, transfer and set over to said county of Douglas, all right, title, benefits, claim and interest which said City of Lawrence may have in and to said reinforced concrete bridge, and the revenue arising therefrom, subject to the following conditions:

1. That the said county of Douglas will keep up and maintain said bridge and its approaches thereto.

2. The said county of Douglas will protect and hold the said City of Lawrence harmless from all actions for damages brought against said city by reason of said bridge not being properly constructed, or by reason of said bridge not being properly kept up and maintained, or by reason of any additional burdens placed upon said bridge by said county or by and with the consent of said county.

Sec. 3. That said City of Lawrence does hereby agree to give and grant to the Kansas City, Kaw Valley and Western Railway Company and to the Lawrence Railway and Light Company the right to run their cars across, upon and over said bridge when requested to do so by the Board of County Commissioners of Douglas County, Kansas, upon said companies making a suitable and satisfactory contract with said county in regard to the use of said bridge.

Said City of Lawrence further agrees to give and grant to the Lawrence Water Company, The Citizens Light, Heat and Power Company and all telephone and telegraph companies or other Public Utility Companies the right to use said bridge when requested to do so by the Board of County Commissioners of said County upon said companies making a suitable and satisfactory contract with said county for the use of said bridge, provided; that it is further understood that if said county of Douglas fails, neglects and refuses to keep up and maintain said bridge or to protect and hold harmless the said City of Lawrence as provided in Paragraphs numbered 1 and 2 of Section 2 of this ordinance, or if the Supreme Court of the State of Kansas should ever decide that said bridge is a city bridge, and that said City of Lawrence had no right to divest itself of its right, title and interest therein, and that all acts of said city in that behalf were null and void and without authority, then in that event all contracts relating to said bridge made by said Board of County Commissioners of Douglas County, Kansas, with any and all Public Utility Companies, and the rights and benefits and revenue accruing thereunder shall immediately vest and become the property of the said City of Lawrence.

Sec. 4. This ordinance shall take effect and be in force after ten days from and after its publication according to law, and upon the acceptance in writing by the Board of County Commissioners of Douglas County, Kansas, of all conditions herein contained.

Passed by the Commissioners, October 15, 1915.

(Seal) W. J. FRANCISCO, Mayor
F. D. BROOKS, City Clerk.

Now, therefore, be it resolved by the Board of County Commissioners of Douglas County, Kansas,

in session in the Commissioners room in the court house in Lawrence, Kansas, that the said

Board of County Commissioners of Douglas County, Kansas, does hereby accept said ordinance,

and agree to its terms.

Done at Lawrence, Kansas, November 1st 1915

Board of County Commissioners of Douglas County, Kansas

Filed in the County Clerk's Office November 10th 1915
Attest: Sherman B. Parker, County Clerk

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Railway

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