

ORDINANCE 10

Authorizing an agreement of the Borough of Lilly with the Pennsylvania Railroad Company to provide for the abolition of grade crossings by the construction of a viaduct or bridge over the Little Conemaugh River and the tracks of the Pennsylvania Railroad Company; the laying out of a street from a Main Street passing over the said viaduct or bridge to George Street; the extension and opening of George Street to Wood Street; the vacation of Grant Street and Church Street over the property and tracks of the Pennsylvania Railroad Company; the extension of Railroad Street from Cleveland Street to Church Street; the vacation of a portion of Chestnut Alley; the laying out and opening of an alley from Chestnut Alley to Main Street and the laying out and the opening of an alley from Chestnut Alley to Railroad Street; and the construction of the Pennsylvania Railroad Company of two foot bridges, one over head viaduct or bridge to be used for vehicles and foot passengers, and the reconstruction by said Company of a bridge over the Conemaugh River on the line of Church Street on the terms and conditions in said agreement set out.

Be it Enacted and Ordained by the Town Council of the Borough of Lilly and it is hereby enacted and ordained by the authority of the same, that the proper Officers of this Borough be, and they are hereby authorized to execute on behalf of this Borough and under its Corporate Seal, and deliver the following agreement with the Pennsylvania Railroad Company.

Agreement made this tenth day of February, A.D. 1911, between the Borough of Lilly in the County of Cambria and State of Pennsylvania, party of the first part, and the Pennsylvania Railroad Company, a Corporation, party of the second part, Witnesseth:

Whereas, dangerous grade crossings used as public highways exist over the Pennsylvania Railroad Company's line of railroad: One at Grant Street crossing the tracks of the Pennsylvania Railroad Company and crossing the Little Conemaugh River on the northerly side of said railroad; the other being an extension of Church Street crossing the tracks of the Pennsylvania Railroad Company and crossing the Little Conemaugh River, all of which are within the limits of the Borough of Lilly, which the grade crossings are a menace and a constant source of danger to the lives and property of the inhabitants of said Borough who are in continuous use of the same. And whereas, the Borough of Lilly and the Pennsylvania Railroad Company are anxious and desirous of having the said railroad crossing vacated, abolished and abandoned and of being constructed in lieu thereof an overhead viaduct and bridge to be used for vehicles and foot passengers on the line of Bridge Street, to be laid out and opened as hereinafter provided, and of having constructed across the railroad two overhead foot-walks, one at or near Church Street in the easterly end of said Borough, and the other at or near Grant Street in the westerly end of said Borough, thereby better securing the safety of lives and property, and promoting the general interests and welfare of the said Borough of Lilly and the inhabitants of Cambria County.

Now therefore, for and in consideration of the premises the parties hereto agree as follows:

The Borough of Lilly Agrees:

First: To by proper ordinance vacate the grade crossing at Church Street from the property line of the Pennsylvania Railroad Company on the north side to the line of Railroad Street as relocated as hereinafter provided on the south side.

Second: To by proper ordinance vacate the grade crossing at Grant Street from the property line of the Pennsylvania Railroad Company on the south side to the property line of the Pennsylvania Railroad Company on the north side as shown on the plan hereto attached.

Third: To by proper ordinance vacate that portion of Chestnut Alley which will be covered by the fill for Bridge Street hereinafter provided to be laid out and opened.

Fourth: To by proper ordinance extend George Street from the intersection of George and Church Streets to the intersection of Wood Street, as shown on the plan hereto attached.

Fifth: To by proper ordinance lay out and open a new street from Main Street crossing the tracks of the Pennsylvania Railroad Company overhead

ORDINANCE 10

Fifth Continued: and intersecting with the proposed extension of George Street; said proposed street to be known as Bridge Street and to be laid out and opened on the location and of the grade shown on the attached plan.

Sixth: To by proper ordinance lay out and open a fifteen foot alley from Chestnut Alley to Railroad Street adjoining property formerly of Mary Helly; and to by proper ordinance lay out and open a twelve foot alley from Chestnut Alley to Main Street adjoining the property of Estate of Partrick McCann deceased, the location of said alleys to be shown on the said plan.

Seventh: To by proper ordinance to relocate or extend Railroad Street from Cleveland Street to Church Street as shown on the plan hereto attached to connect Railroad Street with Church Street.

The Pennsylvania Railroad Company agrees:

First: To erect and maintain and over head footbridge across its railroad at the eastern limits of said Borough near the point where Church Street now crosses the railroad; said footbridge to have an umbrella covering and to build on the lines and with the approaches as shown on the plan and profile hereto attached, and it being mutually agreed that the present footbridge across the railroad at or near Church Street shall be removed.

Second: To construct an overhead foot and drive bridge on the line of Bridge Street to be laid out and opened as hereinbefore provided, of the dimensions with the fill and retaining walls at the southern end with the approaches and with the steps thereto and guard rails along said approaches and steps, as shown on the plan hereto attached, it being mutually agreed that the Railroad Company shall maintain the bridge and steps, but that the Borough shall maintain the fill, approaches and guard rails.

Third: To construct and maintain an overhead footbridge at the western end of said Borough, across the Railroad near the point where Grant Street now crossed the railroad at grade, with an umbrella covering as shown on the plan hereto attached.

Fourth: After the Borough shall have extended George Street from Wood Street to Church Street, to construct such extension of a width of thirty-five (35) feet and to, after the settling of said extension, macadamize a twenty foot road way thereon with grades as shown on the plan and profile hereto and to place a proper guard rail on said George Street at points which may be indicated by the Borough Engineer to protect the traveling public, and to connect George Street with Wood Street by a grade easy for public travel and not over two percent, it being mutually agreed that after said extension shall have been so constructed and macadamized the same shall be maintained by the Borough.

Fifth: To dedicate strips of land for an alley from Chestnut Alley to Main Street and for the alley from Chestnut Alley to Railroad Street which the Borough of Lilly is to lay out, open as hereinbefore provided.

Sixth: To pay all property claims which may be assessed for or by the reason of the laying out, opening or extending of the streets and alleys hereinbefore provided for.

Seventh: To dedicate a strip of land for the relocation and extension of Railroad Street from Cleveland Street to Church Street hereinbefore provided for.

Eighth: To rebuild but not to maintain the small bridge over the Conemaugh River on the line of Church Street, said bridge to be about twenty feet long and about seven feet high.

Ninth: To pay to the Borough the cost of advertising the ordinances and such engineering expenses as may be made necessary by reason of these improvements. To submit all working plans and detail drawings to the Borough Engineer for approval. He shall also inspect and approve work done under the plans and specifications.

ORDINANCE 10

It is understood that this agreement completed and all the work done thereunder shall have been deemed to have been accepted by the Borough of Lilly when the traveling public shall have commenced to use the said George Street as extended and Bridge Street as laid out and opened and completion and accountance shall be without other formal requisite or act on the part of the Borough Council or Pennsylvania Railroad Company and shall relieve the said Railroad Company from any and all liabilities under this contract; in witness thereof; The Borough of Lilly has caused this agreement to be signed by its President of Council, attested by his Clerk, with seal of the Borough affixed thereof, and the Pennsylvania Railroad Company, party of the second part has caused this agreement to be signed by its respective President or one of its Vice Presidents, and attested by its Secretary or one of its Assistant Secretaries the day and year first above mentioned.

Borough of Lilly,
J.R.Kelly
President

Attest: M.P.Kearney: Clerk

Pennsylvania Railroad Company

Attest BY _____

Passed finally by Council this 10th day of February A.D. 1911.

Attest M.P.Kearney: Clerk

E.J. Duffy: Burgess

J.R.Kelly: Pres.