

ORDINANCE NO 12 SERIES OF 1910

AN ORDINANCE ESTABLISHING THE OFFICIAL GRADE OF COLLEGE AVENUE FROM THE INTERSECTION OF MAPLE STREET AND JEFFERSON STREET WITH COLLEGE AVENUE TO THE INTERSECTION OF CHERRY STREET WITH COLLEGE AVENUE, IN THE CITY OF FORT COLLINS COLORADO

WHEREAS Heretofore and to to-wit, the 19<sup>th</sup> day of August, 1909 the City of Fort Collins did pass and adopt a certain ordinance granting unto the Union Pacific Railroad Company the right and authority to use certain streets for railroad purposes and to lay railroad tracks upon the same and

WHEREAS The Union Pacific Railroad Company has applied to the City Council of the City of Fort Collins to change the official grade of College Avenue between the limits hereinafter specified in order that the said railroad company may be better able to construct its road bed and track along and over the said street, and has in said application offered to indemnify the said City of Fort Collins, Colorado, for and on account of any claims for damages which may arise in favor of abutting property owners against the said city on account of the said change of grade Now Therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT COLLINS, COLORADO:

Section 1 That the official grade of College Avenue from and including the place of intersection of College Avenue with Maple Street and Jefferson Street to and including the intersection of Cherry Street with said College Avenue, be established at an elevation of 94 51 feet Fort Collins datum, and that said grade is hereby adopted as the official grade of said College Avenue at and between said places of intersection for the whole of such distance

Section 2 Immediately upon the passage of this Ordinance it shall be the duty of the Mayor to affix his signature, attested by the signature of the Clerk and the Corporate Seal of said City, to a profile map correctly showing the grade above established, and it is hereby made the duty of the Engineer of

of said City to receive and file such profile map with other similar records of his department

Section 3 Union Pacific Railroad Company in consideration of the passage of this ordinance does agree to indemnify and hold harmless the said City of Fort Collins against any judgments which may be obtained in favor of any abutting property owners for and on account of the change of grade hereinabove ordered In the event any suits shall be instituted against the said city by abutters on account of said change, the City of Fort Collins will call upon the Union Pacific Railroad Company to defend the same

Section 4 This ordinance shall become effective only in the event the Union Pacific Railroad Company shall file in the office of the City Clerk its acceptance of the terms hereof

Passed and adopted, signed and approved, this 26th day of September, 1910

/s/ Myron H Akin  
Mayor

A T T E S T:

/s/Robert Fedder  
City Clerk