

A n O R D I N A N C E.

CLOSING CERTAIN PORTIONS OF WOODSIDE AVENUE AND PENDLETON STREET IN THE TOWN OF WEST GREENVILLE, S.C.

Whereas, Southern Railway Company proposes to utilize its present right of way through the town of west Greenville, S.C., by constructing thereon additional tracks, not less than ten where the same is now crossed by Woodside Avenue and not less than eight where the same is now crossed by Pendleton Street; and

Whereas, the use of said streets at the crossings mentioned, after such construction shall have been completed, would be attended with serious danger to the citizens of the said town and others; and

Whereas, Southern Railway Company proposes and agrees to open a new street leading from Pendleton Street near Smith Street, crossing the right of way of Southern Railway Company by an underpass at a point between the present grade crossing of Woodside Avenue and Pendleton Street, extending across Liberty Street and connecting with Woodside Avenue at the intersection of Donwood Street said street to be sixty feet wide approximately as indicated by red lines on plat, over and across property owned or to be acquired by the Railway Company; and to open up Liberty Street from its intersection with Pendleton Street, approximately parallel with said right of way, to its intersection or near under pass with new street proposed to be opened, said street to have a width of forty feet; and

Whereas, said changes and developments will amply and safely accommodate all passage over said streets; and

Whereas, Southern Railway Company proposes and agrees to pave the road-way of said new street leading from Pendleton Street, by the underpass, on to Woodside Avenue at Donwood Street, for a width of at least twenty feet, and providing sufficient room for the use of Southern Public Utilities Company's car lines; and to construct a concrete driveway in Liberty Street from Pendleton Street to the intersection of Liberty Street with said proposed new street at or near the said underpass; and to construct a concrete road-way twenty wide in Pendleton Street from the corporate limits of the City of Greenville to the point where the proposed new street leaves Pendleton Street going in the direction of the underpass, said road-way to be constructed of the same material and in like manner as the work to be done by the Highway Commission of Greenville County in Woodside Avenue; and to widen Pendleton Street on the south side thereof beginning at a point ten feet from the southwest corner of Pendleton Street and Woodside Avenue and running to the southwest corner of Pendleton Street and Smith Street as now located; and to indemnify and save harmless the Town of West Greenville from all damages and costs that may be recovered against it by any person or account of the closing, altering or changing of said street as provided for herein; provided that notice and opportunity to defend any such action be given to the Railway Company. Said work proposed and agreed to be done by the Railway Company shall be commenced within six months from date and be completed within two years; during the progress of the work said streets shall be kept open for traffic.

Now, therefore, in consideration of the premises and upon compliance by the Southern Railway Company of the proposed undertakings on its part heretofore recited.

Be it ordained by the Town Council of the Town of West Greenville, S.C. in meeting assembled that portion of woodside Avenue between the southern limit of the right of way of Southern Railway Company which is one hundred feet from the center of the track of said railroad as now located and the northern limit of said right of way which is one hundred feet from the center of the track of said railroad as now located, be and the same is hereby closed

Be it further ordained that that portion of Pendleton Street between the southern limit of the right of way of Southern Railway Company which is one hundred feet from the center of the track of said railroad as now located and the center of the said track where Pendleton Street now crosses the same, be and the same is hereby closed.

Be it further ordained that that portion of Pendleton Street lying between the center of the track of said Railway Company as now located and the junction of said Pendleton Street with Liberty Street on the north side of said Railroad, be and the same is hereby closed.

Be it further ordained that the provisions and conditions of this ordinance shall be mutually binding upon the Town of West Greenville and Southern Railway Company, and it shall have the force and effect of a contract between the respective parties as fully and completely as if it were drawn in that form and signed by the contracting parties; that the Mayor and Clerk of the Town of West Greenville are hereby authorized and instructed upon the passage of this ordinance to execute duplicate copies thereof, to which shall be attached the corporate seal of the Town of West Greenville, and to deliver one of said copies so signed and sealed to Southern Railway Company, and accept the other one signed and sealed by Southern Railway Company, and to cause the same to be properly acknowledged and recorded according to law.

see next page.

Be it further ordained that all ordinances or parts of ordinances inconsistent herewith are hereby repealed and this ordinance shall take effect and be enforced from and after the date of its acceptance.

Done and ratified in Council assembled under the corporate seal of the Town of West Greenville South Carolina, this twelfth day of May, A.D. 1916.

Signed, sealed and delivered in presence of:

D. L. Fant.

W. T. Hill

Witnesses as to signatures of R. C. Baker, Mayor and W. W. Hill, Clerk and Treasurer of Town of West Greenville, S.C.

R. C. Baker (SEAL) Mayor of the Town of West Greenville, South Carolina.

J. W. Hill, Clerk and Treasurer of the Town of West Greenville, South Carolina.



Accepted this 15th day of May, A.D. 1916.

Signed, sealed and delivered in presence of:

H. F. Pierce

C. F. Brookes

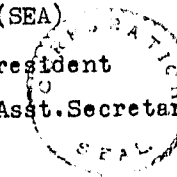
Witnesses as to signatures of H. B. Spencer, Vice President, and Geo. R. Anderson, Asst. Secretary, of Southern Railway Company.

State of South Carolina Greenville County.

Southern Railway Company (SEA)

By H. B. Spencer, Vice President

Attest: Geo. R. Anderson, Asst. Secretary



On this 16th day of May, 1916, at my office in said County aforesaid, personally appeared before me Alester G. Furman a Notary Public for the State of South Carolina, W. T. Hill to me known, and known to me to be one of the subscribing witnesses to the foregoing instrument, and made oath that he saw the within named R. C. Baker and J. W. Hill, sign, seal and deliver the foregoing writing and instrument, as Mayor, and Clerk and Treasurer, respectively, of the Town of West Greenville, South Carolina, and for their act and deed, and as and for the act and deed of said Town of West Greenville, South Carolina, and that he, with D. L. Fant, witnessed the due execution thereof as of the day of the date thereof.

Sworn to and subscribed before me this 16 day of May, 1916.

Alester G. Furman Notary Public

W. T. Hill.

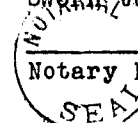
DISTRICT OF COLUMBIA City of Washington.

On this 15th day of May, 1916, at my office in the District and City aforesaid, personally appeared before me, Pearce Horne, a Notary Public for said City, H. F. Pierce, to me known, and known to me to be one of the subscribing witnesses to the foregoing instrument, and made that he saw the within named H. B. Spencer and Geo. R. Anderson, sign, seal and deliver the foregoing writing and instrument, as Vice-President and Assistant Secretary, respectively, of said Southern Railway Company, a corporation as and for their act and deed, and as and for the act and deed of said Southern Railway Company, and that he, with C. F. Brookes witnessed the due execution thereof on the day of the date thereof.

Sworn to and subscribed before me this 15th day of May, 1916.

Pearce Horne. Notary Public

H. F. Pearce.



Recorded August 28, 1916.