

CHAPTER CLXXXV.

AN ACT TO AUTHORIZE AND EMPOWER THE MINNEAPOLIS AND ST. LOUIS RAILWAY COMPANY TO CONSTRUCT AND OPERATE A BRANCH LINE OF RAILROAD FROM THE CITY OF MINNEAPOLIS TO SOME POINT ON THE SOUTH SHORE OF LAKE MINNETONKA, AND CONSTRUCT AND OPERATE BRANCH LINES AND SPUR TRACKS IN THE CITY OF MINNEAPOLIS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The Minneapolis and St. Louis railway company, a corporation organized and existing under the laws of this state is hereby authorized and empowered to construct, maintain and operate a branch line of railroad from some point on its present line in the city of Minneapolis to some point on the south shore of lake Minnetonka; said terminal points to be selected by said company. And in constructing said road, any portions of the lines of road now owned or operated by said company may be used as part thereof.

SEC. 2. The said railway company is also hereby authorized and empowered to locate, construct, maintain and operate within said city of Minneapolis, any and all extensions and branches that may be necessary to connect said road or its present road with any and all railroads now built or hereafter to be built to or into said city; and may also build, maintain and operate extensions, branches and spur tracks from any of its lines now or hereafter built, to any mills or manufactories, or other industries requiring railway facilities in said city; and may construct, maintain and operate said road, extensions and branches hereby authorized, with one or more tracks, with all necessary side tracks, turnouts and connections.

SEC. 3. Said railway company shall have power to acquire, by purchase or by condemnation, in the manner hereinafter provided, all necessary rights of way, depot grounds, yards, grounds for machine shops, warehouses, elevators, depots, station houses, and all other structures that may be necessary for the construction and full enjoyment, use and operation of said road, branches, extensions, and spur tracks; and may purchase, erect, maintain and operate all such machine shops, warehouses, elevators, depots, station houses, and other structures, as may be necessary for the use, operation and enjoyment of said road, branches, extensions, and spur tracks aforesaid; and may make, with the consent of any other railroad company, such arrangements for the use of any portion of its tracks and road beds, as it may deem necessary, and may, whenever or wherever it may be or become necessary to the carrying out of the

purposes and exercising the powers granted by this act, enter upon the tracks and road beds of any other railroad corporation or company for the purpose of effecting a crossing upon, over or under the same, or a connection with the same; and upon, across, over, under or along any other lands, streets and highways, with its own tracks, upon paying just compensation to the persons or corporations injured thereby, to be ascertained as hereinafter provided.

SEC. 4. The condemnation proceedings hereby authorized shall be instituted by said company and conducted in the same manner as is provided in and by chapter fifty-seven of the special laws of this state for the year one thousand eight hundred and seventy. The title acquired shall be the same as acquired by like proceedings under said act, except that the court in its discretion in and by the order appointing commissioners may limit the easements to be acquired by reserving the owner of the property over which the right of way is sought to be obtained, such rights and privileges in and to the same as shall not be incompatible with the use for which the same is to be appropriated, to be exercised and enjoyed in such manner as not to injure or to interfere with the road, tracks, and structure of such railway company, or the free and legitimate use of the same for railway purposes.

Provided, That nothing in this act contained shall be construed as authorizing or empowering said railroad company to condemn, appropriate, or use any lands, property, rights, or franchises of any other railroad corporation occupied or in use, or necessary for the operation of its railroad or the transaction of its business by such other corporation, except when the petitioning corporation shall elect to cross any such property and track by its tracks, and in such case the corporation electing to cross any such property and tracks or either, may cross the same either over or under or at grade and then only by the construction of its tracks across the same, and in case where such election shall be made, the district court to which the petition shall be presented, shall at the time of the appointment of commissioners upon the request of either party and upon such showing as the court shall deem necessary and proper, prescribe the location and manner in which such crossing or connection shall be made so as to effect the purpose of the petitioning corporation and at the same time do the least injury to the corporation whose property is taken. *Provided, further*, That the grades of the tracks of said railroad where the same shall cross any public street in the said city of Minneapolis shall be such as shall be designated and fixed by resolution of the common council of said city which said resolution shall be passed at the next regular meeting of said council, after notification of such intended crossing, and in case any such crossing shall involve the necessity of a bridge to allow of any street passing under or over any such railroad, then such company shall pay the expenses of the construction and maintenance of the abutments, excavations, and superstructures of such bridge, and the city shall pay the expense of the construction and maintenance of the street approaches to said bridge.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 4, 1879.