

ORDINANCE NO. 893

AN ORDINANCE REGARDING THE USE AND MAINTENANCE OF CITY OWNED RAILROAD TRACK IN THE CITY OF WILLISTON.

Be it ordained by the Board of City Commissioners of the City of Williston, North Dakota:

Whereas, the City of Williston owns the railroad track located upon rail easements in the area known as the Williston Basin Industrial Park in the City, unless otherwise specified in any Track Use Agreement, and may become the owner of additional track in this area or other areas; and,

Whereas, private persons or businesses which either own property or run businesses in the Williston Basin Industrial Park or other areas may desire to use said railroad track for purposes of loading products or goods on railcars or to used said railroad track for purposes of receiving products or goods that are transported to the person or business by train; and,

Whereas, this City desires for the persons or business to be able to use the track, access the city owned track with spurs into their property, participate in maintenance of the track based on the amount of use and for the City to avoid liability for occurrences of events resulting from others use of the track;

Now, let it be Ordained that:

1. No person or entity may use or access the railroad track owned by the City in the Williston Basin Industrial Park or other areas without first entering into a "Track Use Agreement" with the City;

2. In the Track Use Agreement, the user of the track will indemnify the city for any harm or damage caused to the track or City property by use of the track;

3. In the Track Use Agreement, the user of the track will comply with all City and railroad requirements; and

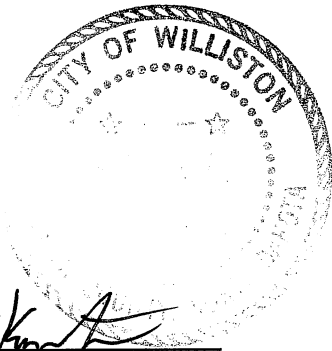
4. In the Track Use Agreement, the user of the track will agree to make equitable allocations between users of the track to pay for the maintenance of the track.

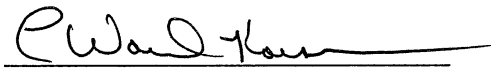
5. If the agreement covers a spur track such agreement shall set out at a minimum - ownership, allowed use by other lot owners and equitable maintenance of such spur.

Commissioner Lawson moved the adoption of the foregoing Ordinance. The motion was seconded by Commissioner Ritter.

On roll call vote of the Commissioners, the following Commissioners voted "AYE": Bekkedahl, Underhill, Lawson, Ritter, Koeser, and the following Commissioners vote "NAY": None. Absent and not voting: None

WHEREUPON, the motion was passed and the Ordinance declared adopted this day of November 28, 2006.




E. WARD KOESER, President
Board of City Commissioners

ATTEST:


JOHN KAUTZMAN, City Auditor

FIRST READING: November 14, 2006

SECOND READING: November 28, 2006

PUBLISHED:

ADOPTED THE 28 DAY OF November, 2006.