

68-1409. Counties over \$110,000,000 valuation; use of bridge for railway or other purposes; compensation; use of proceeds; monthly rental contracts. No railway company, other than a street railway company, shall construct, and use any tracks upon, or use any tracks constructed by the county upon, any bridge constructed under the provisions of this act without first paying to the county constructing such bridge, one-half of the net cost to the county of such construction of such bridge and the approaches thereto; and no street railway company shall construct and use any tracks upon, or use any tracks constructed by the county upon, any bridge constructed under the provisions of this act without first paying to the county constructing such bridge such sum as the board of county commissioners or other authorities having control of such bridge shall deem reasonable but not less than twenty percent of the net cost to the county of such construction of such bridge and the approaches thereto; and no other person or corporation shall use such bridge or the piers or abutments thereof for any private use without first paying to the county constructing the same such sum as the board of county commissioners or other authorities having control of such bridge shall require as compensation for such use.

If any railway corporation, other than a street railway corporation, shall construct and use any tracks upon, or use any tracks constructed by the county upon, any bridge constructed under the provisions of this act without first paying therefor as above provided, it shall thereupon become liable to the county for one-half of the net cost of the construction of such bridge, and such county may sue for and recover such sum in any court of competent jurisdiction, and the use of the tracks on such bridge by any such railway corporation may be enjoined until compensation is made therefor as hereinbefore provided.

If any street railway corporation shall construct and use any tracks upon, or use any tracks constructed by the county upon, any bridge constructed under the provisions of this act without first paying therefor as above provided, it shall thereupon become liable to the county for the reasonable value of such use but not less than twenty percent of the net cost to the county of such construction of such bridge, and such county may sue for and recover such sum in any court of competent jurisdiction, and the use of the tracks on such bridge by such street railway corporation may be enjoined until compensation is made therefor, as hereinbefore provided.

All money received for the use of such bridge shall be used in the construction or maintenance thereof, or in the payment of bonds or interest thereon issued on account of the construction of such bridge: *Provided, however,* That the board of county commissioners may make a contract for monthly rental with any street railway corporation for the construction and use of tracks upon, or for the use of tracks constructed by the county upon, such bridge. Such monthly rental shall not be less than a sum sufficient to pay the interest on one-twelfth of twenty percent of the annual interest charge on the bonds issued by the county for the construction of such bridge and the approaches thereto and one-twelfth of twenty percent of the principal to be retired each year of the bonds issued therefor.

In the event of the reconstruction or improvement of any bridge constructed under this act the terms of any agreement for use of such bridge by street railways or other parties shall be solely governed by the provisions of K.S.A. 68-1404.

History: L. 1913, ch. 69, § 4; R.S. 1923, 68-1409; L. 1947, ch. 346, § 2; Feb. 11.