

unless such property of said railroad shall be used for other purposes than a track simply, in which case said property shall be estimated and judged in the same manner as the property of other parties bordering on said streets or alleys. And the Mayor and City Council shall provide, by ordinance, for the giving of notice by publication or by service or written notice personally upon the parties to be affected by said proceeding, and allowing them to be heard before any such proceedings are had, but nothing in this section shall be construed to prevent the Mayor and City Council from constructing any sewer or sewers or system of sewers and paying for same out of the funds of the city, not to prevent the said Mayor and City Council from constructing any sewer or sewers or system of sewers and paying for the same out of the funds of the city nor to prevent the said Mayor and City Council from charging a reasonable sum for the use of said sewer, either by an annual charge or by a charge for the right of connection therewith in perpetuity, all of which powers are hereby granted the said Mayor and City Council.

77. The Mayor and City Council may, whenever in their judgment the public interest and convenience require it, have any street or alley or part thereof in said city regraded, repaved, recurbed, resewered or otherwise improved and levy the whole expense thereof or any part thereof, not less than two-thirds, on the property binding on said street or alley agreeably to the extent of such lots thereon and collect the expenses thereof as directed in Section 79 and in case less than the whole cost is assessed upon said property, the city shall pay the remainder thereof, providing that in estimating the number of front feet on said street or alley to be improved, in all cases where any part of such front feet shall be occupied by a railroad track or its slopes, the number of front feet so occupied shall not be included in said estimate, nor shall said railroad be assessed any part of the cost of such improvement unless such property of said railroad shall be used, or be capable of being used, for other purposes than a track simply, in which case said property shall be estimated and judged in the same manner as the property of other parties bordering on said streets or alleys. And the Mayor and City Council shall provide by ordinance for the giving of notice by publication or by service of written notice personally upon the parties to be affected by said proceeding, and allowing them to be heard before any such proceedings are had, but nothing in this section