

File No. 8750 Continued.

OPINION.

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By Ordinance No. 127, approved May 21, 1908, the Lanasa and Goffe Steamship and Importing Company was granted the franchise to use a part of the east side of pier No. 2. The east line of this grant is described as the centre line of the pier, and "also being the centre line of a fifty feet wide drive and trackway there situate, with the use thereof in common with the other grantees of franchises in said pier." The City also covenants to "construct, at the cost of the respective grantees, a railroad track along the centre of said driveway for the use of the grantees in their businesses."

Section 5 of the Ordinance contains a provision that the Lanasa and Goffe Company, "shall pave and repave, as well as keep in repair, such part of said fifty feet drive and trackway as is hereby granted to said grantee."

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By Ordinance No. 126, approved May 21, 1908, the Standard Oil Company was granted the franchise in the western part of the same pier, out by the bulkhead, and, therefore, beyond the Lanasa and Goffe Company grant.

By Ordinance No. 169, approved July 2, 1908, the Atlantic Fruit Company was granted a franchise in a portion of the western part of the same pier, opposite the Lanasa and Goffe Company grant.

The Standard Oil Company and the Atlantic Fruit Company have requested the City to do for them the paving of that portion of the driveway which they respectively have covenanted to pave. The Lanasa Company, however, does not desire its portion to be paved at the present time. Mr. Lackey states that the reason for this is that the Lanasa Company desires to obtain a new ordinance in place of its existing ordinance, which shall reduce the extent of its grant about twenty-five feet.

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Mr. Lackey is now ready to go ahead with the paving of the driveway, but he does not want to pave the Standard Oil & Atlantic Fruit Companies' portion alone; he wants to pave the entire driveway, including the Lanasa Company's portion at the same time, and his reasons for this seem to be as follows:

1. If the entire work is done at once a distribution of the cost among the several grantees will be much fairer to each than if the Standard Oil and Atlantic Fruit Companies' portion, alone, are paved. In this latter contingency the cost to the Standard Oil and the Atlantic