ORDINANCE NO. 2013-03

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ATKINS, ARKANSAS;

AN ORDINANCE TO BE ENTITLED:

ORDINANCE OF THE CITY COUNCIL OF ATKINS, ARKANSAS, PERTAINING TO THE ELIMINATION AND MODIFICATION OF A CERTAIN STREET-RAILROAD CROSSING; AND DECLARING AN EMERGENCY

WHEREAS, the City Council of Atkins, Arkansas has considered the location of certain street/railroad crossings over the Union Pacific Railroad in the City and the impact of crossing consolidation upon the safety of pedestrian and motor vehicle traffic by its citizens and has reached the following conclusions:

1) the benefits of consolidating unnecessary street/railroad crossings include:

   a) fewer intersections at which collisions between motor vehicles and trains can occur;

   b) removal of potential safety hazards at a cost that is only a fraction of the cost of installing, maintaining and operating warning signals and gates; and

   c) redirection of limited resources to the remaining crossings which have the greatest public necessity; and

2) the elimination of an existing street/railroad crossing at Avenue 4 Southeast would accommodate transportation and safety for the citizens of the City; and

3) the elimination of the street/railroad crossing at Avenue 4 Southeast would improve traffic flow, safety, and would cause improved development of commerce within the City; and

4) such modifications would be in the best interest of and would improve the safety and welfare of the citizens and traffic flow within the City; and

WHEREAS, in consideration of the City agreeing to abandon and permanently vacate that portion of Avenue 4 Southeast crossing the Union Pacific Railroad right-of-way, the Union Pacific Railroad agrees to pay the City $57,000.00, which amount is to be paid when the street/railroad crossing has been removed and access to the railroad right-of-way has been barricaded, to remove the crossing surface, to install permanent barricades at the Union Pacific Railroad right-of-way, and to reduce the annual rental to be paid in the future by the City for the lease of Union Pacific Railroad's property commonly known as the old railroad depot and parking lot to $1.00 per year; and

WHEREAS, in consideration of the foregoing, the City Council of Atkins, Arkansas believes that the existing street/railroad crossing at the intersection of Avenue 4 Southeast and the Union Pacific Railroad right-of-way (Department of Transportation No. 434-305X, at approximately Mile Post 405.71, Van Buren Subdivision) should be closed.

NOW, THEREFORE, be it ordained by the City Council of Atkins, Arkansas, as follows:

1. Street and Crossing Closures. The street/railroad crossing formed by the intersection of Avenue 4 Southeast with the Union Pacific Railroad (Department of Transportation No. 434-305X, at approximately Mile Post 405.71, Van Buren Subdivision) which is on the railroad right-of-way is permanently vacated and abandoned, as it is no longer required for municipal purposes, and the street/railroad crossing shall be permanently closed.

2. Emergency. It is hereby ascertained and declared that vacating and abandoning the street/railroad crossing formed by the intersection of Avenue 4 Southeast with the Union Pacific Railroad (Department of Transportation No. 434-305X, at approximately Mile Post 405.71, Van Buren Subdivision) is immediately needed for the preservation of the public peace, health and safety and to remove existing hazards thereto. Therefore, it is declared that an emergency exists and this Ordinance being necessary for the preservation of the public peace, health and safety shall be in force and take effect immediately upon and after its passage.

PASSED this 12th day of February, 2013.

Mayor

ATTEST:

City Clerk

(SEAL)

FILED
Brenda Graven, City Clerk
City of Atkins
Date: 2-12-13

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