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City

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FAULKNER COUNTY CIRCUIT CLERK

Fees \$25.00

by

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WB

D.C.



City of Conway, Arkansas

Ordinance No. O-09-44

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS; AN ORDINANCE TO BE ENTITLED:

ORDINANCE OF THE CITY COUNCIL OF CONWAY, ARKANSAS, PERTAINING TO A STREET-RAILROAD CROSSING CORRIDOR PROJECT FOR THE ELIMINATION AND INSTALLATION OF, AND MODIFICATIONS AND ENHANCEMENTS TO, CERTAIN STREET-RAILROAD CROSSINGS

WHEREAS, the City Council of Conway, Arkansas, has considered a street-railroad crossing corridor project involving eliminating the existing at-grade crossings of Davis, Independence, and Deer Streets over the Union Pacific Railroad, installing an at-grade crossing of Elm Street over the Union Pacific Railroad, converting the existing at-grade crossing of College Street over the Union Pacific Railroad to pedestrian use only, and modifying and enhancing the existing at-grade crossing of Prairie Streets over the Union Pacific Railroad and the impact of such at-grade railroad crossing consolidation, modifications, and enhancements on the safety of pedestrian and automobile traffic by its citizens; and

WHEREAS, following its review of the proposed street-railroad crossing corridor project, the City Council of Conway, Arkansas, has concluded that:

1. the benefits of consolidating unnecessary at-grade railroad crossings include:
 - a. fewer intersections at which collisions between motor vehicles and trains can occur; and
 - b. redirection of limited resources to the remaining at-grade railroad crossings which have the greatest public necessity;
2. the elimination of the existing at-grade railroad crossings at Davis, Deer, and Independence Streets, installation of an at-grade railroad crossing at Elm Street, and modifications of and enhancements to the existing at-grade railroad crossings at College and Prairie Streets would accommodate transportation and safety for the citizens of the City; and
3. such modifications of these at-grade railroad crossings would improve traffic flow and safety, and would cause improved development of commerce within the City; and
4. such modifications of the at-grade railroad crossings would be in the best interest and would improve the safety and welfare of citizens and traffic within the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Conway, Arkansas, that the following described street-railroad crossing corridor project shall be accomplished:

1. Street and Crossing Closures. Subject to the completion and availability for public use of the street/railroad crossing contemplated by subsection 2 hereof, the street/railroad crossings formed by the intersection of the Union Pacific Railroad with (a) Davis Street (Department of Transportation No. 434 242 V, Mile Post 374.03, Van Buren Subdivision), (b) Independence Street (Department of Transportation No. 134 239 M, Mile Post 373.71, Van Buren Subdivision), and (c) Deer Street (Department of Transportation No. 434 234 D, Mile Post 372.92, Van Buren Subdivision) shall be closed, and the portions of the streets which are on the railroad right-of-way shall be permanently vacated and abandoned, as no longer required for corporate purposes, and the roadway surfaces of the street/railroad crossings shall be removed and permanent barricades installed on each side of the railroad right-of-way at the street/railroad crossings at the City's sole expense.

2. Street and Crossing Opening. A street/railroad crossing formed by the intersection of the Union Pacific Railroad with Elm Street (Department of Transportation No. 924 455 U, Mile Post 372.88, Van Buren Subdivision) shall be installed with flashing lights and gates as protective devices with the City providing and maintaining the roadway surface at its sole expense.

3. Street and Crossing Modification. Subject to the completion and availability for public use of the street/railroad crossing contemplated by subsection 2 hereof, the street/railroad crossing formed by the intersection of the Union Pacific Railroad with College Street (Department of Transportation No. 434 233 W, Mile Post 372.86, Van Buren Subdivision) shall be converted from a vehicular crossing to a pedestrian crossing with flashing lights and gates as protective devices with the City removing the excess roadway surface and providing such devices as reasonably necessary to prevent motor vehicular traffic across the crossing at its sole expense.

4. Street and Crossing Enhancement. Subject to the completion and availability for public use of the street/railroad crossing contemplated by subsection 2 hereof, the street/railroad crossing formed by the intersection of the Union Pacific Railroad with Prairie Street (Department of Transportation No. 434 235 K, Mile Post 373.00, Van Buren Subdivision) shall be enhanced by the installation of flashing lights and gates as protective devices at no expense to the City.

FURTHER ORDAINED, that the Mayor should be, and hereby is, further authorized to take such further steps and actions on behalf of the City as such officer shall deem necessary or appropriate to accomplish the purposes of this Ordinance and to consummate the transactions contemplated hereby.

PASSED this 14th day of April, 2009

Approved:



Mayor Tab Townsell

ATTEST:



Michael O. Garrett
City Clerk/Treasurer