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FILED FOR RECORD
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WASHINGTON CO AR
A. KOLLMEYER

ORDINANCE NO. 139

AN ORDINANCE CLOSING A PORTION OF MOUNTAIN DRIVE IN THE CITY OF GREENLAND, ARKANSAS; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City Council for the City of Greenland, Arkansas at a public hearing held ~~September 11~~, 1992, has determined that a portion of Mountain Drive that runs west from Highway 71B to the Arkansas Missouri Railroad tracks is extremely hazardous and should be closed to provide for public health and safety;

WHEREAS, the City Council has provided the public an alternative route to access Highway 71B by obtaining right-of-way easements and dedication of an extension of Allen Street from Mountain Drive on the north and Allen Street on the south.

WHEREAS, all facts determined by the City Council have determined that Mountain Drive between Highway 71B and the Arkansas and Missouri Railroad has to cross the railroad tracks at an extreme grade and descend the other side at such an extremely steep grade that many vehicles have become stuck high center while traversing across the railroad tracks. Further the Council is aware that it takes a train an extremely long time to stop if such a hazardous condition existed.

WHEREAS, representatives of the City have met with the district engineer for the Arkansas Highway Department and the general manager for the Arkansas and Missouri Railroad to determine if they could provide assistance to alleviate this hazardous condition. It was determined at this meeting that the ultimate responsibility to remedy the problem rests with the City of Greenland.

WHEREAS, the City of Greenland has determined it doesn't have the finances to correct the hazardous condition and has provided an alternate route for the public.

WHEREAS, A.C.A. 14-54-105 (2) gives the City Council of Greenland, Arkansas the authority to vacate the portions of streets not required for corporation purposes.

WHEREAS, the City Council finds that it would be in the best interest for the reasons of public safety, that the portion of Mountain Drive from Highway 71B, to the Arkansas and Missouri Railroad be closed to thru traffic, as the need for public safety in this case outweighs the slight inconvenience it would cause to motorists, as there is an ample through street (Allen Street) connecting Mountain Drive and Highway 71B.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENLAND:

Section 1. That the above recitations are hereby found as fact by the City Council.

Section 2. That the City Council has determined that that portion of Mountain Drive that runs west from Highway 71B to the Arkansas and Missouri Railroad track is no longer required for a corporate purpose.

Section 3. That the portion of Mountain Drive that runs west from Highway 71B to the Arkansas and Missouri Railroad

tracks is hereby ordered closed to the public in order to provide for the public welfare and safety of the citizens of Greenland, Arkansas.

SECTION 4. EMERGENCY CLAUSE: The City Council determines that an emergency exists and this Ordinance, being necessary for the preservation of the health, safety, and welfare of the citizens of Greenland, Arkansas, shall be in effect from and after its approval, passage, publication and the recording of a certified copy thereof with the Recorder of Washington County, Arkansas.

PASSED this 11th day of JANUARY, 1998.

APPROVED:

Roy Barnett
Mayor

ATTEST:

Dorothy Cheevers
Recorder/Treasurer

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