

AN ORDINANCE VACATING A PORTION
OF COLUMBUS ROAD AND A PORTION OF
RAILROAD STREET AND CLOSING A RAILROAD
CROSSING ON RAILROAD STREET IN THE CITY OF WALLIS, TEXAS

ORDINANCE NO. 98

BE IT ORDAINED BY THE CITY COUNCIL OF WALLIS, TEXAS:

That the City Council has determined that it is in the best public interest of the City of Wallis, Texas, that a portion of Railroad Street, as identified and outlined in red on the attached plat, and a portion of Columbus Road lying between Railroad Street and Guyler Street, also identified and outlined in red on the attached plat, be vacated and sold to The Atchinson, Topeka and Santa Fe Railway Company, A Delaware Corporation, (hereinafter sometimes called Santa Fe), and in conjunction with the sale of the portions of the two above named streets, a certain Railroad Crossing of the Southern Pacific Transportation Company (hereinafter sometimes called Southern Pacific) tract on Railroad Street as outlined in green color on the attached plat, will of necessity be closed and abandoned.

Be it remembered that the City Council acting upon a written request to vacate said streets and the said railroad crossing on Railroad Street by Santa Fe who is the owner of all real property abutting the proposed streets to be vacated has determined such action is in the best public interest of the City of Wallis for the following reasons:

- (1) The connecting track proposed by Santa Fe connecting the Southern Pacific Track to the Santa Fe will improve and facilitate and benefit the public transportation system in the area of Austin, Fort Bend and Harris Counties and shall directly and indirectly benefit the citizens of Wallis, Texas, as well as the citizens of a large surrounding area.
- (2) Due to the alignment of the Santa Fe Track and the Southern Pacific Railroad Company Track and the city streets crossing same, the failure to vacate said streets would necessitate the construction of two additional railroad crossings in the City, one on Railroad Street and one on Columbus Road. These crossings which would be long diagonal crossings could involve expensive future maintenance costs, some of which eventually would in part become the responsibility of the City of Wallis, and more importantly, said crossings would pose considerable additional hazards and threats for increased train and

auto collisions due to the severe angle of approach of the crossings to Railroad Street and Columbus Road.

- (3) The connecting tracks and improvements proposed by Santa Fe will increase the tax base for the City of Wallis and Austin County.
- (4) In conjunction with the City's approval as to vacating the said streets, various other agreements hereinafter set out between the City and Santa Fe have been acknowledged to further and substantially benefit the City.

Now therefore, It Is Ordained by the City of Wallis, Texas, that the part of Railroad Street which presently crosses Southern Pacific right of way as shown on attached plat outlined in green is hereby officially vacated, closed and forever abandoned as a public street. It is further ordained that the portions of Railroad Street and Columbus Road set out above and outlined in red on the attached plat are hereby vacated and closed as public streets and shall be sold to Santa Fe under the following terms and conditions:

- (1) Santa Fe shall pay to the City of Wallis \$30,200.00 in United States Dollars and shall pay to V. O. "Butch" Carden, Jr., Attorney for City of Wallis all reasonable legal fees incurred on behalf of the City related to this transaction including all conferences, negotiations, research, document and ordinance preparation, drafting, revisions and review.
- (2) Santa Fe will at its expense clear and substantially improve and permanently maintain proper and adequate drainage for the City's benefit at the Santa Fe Bridge #82.2 located near the intersection of Columbus Road and Railroad Street and Bridge #82.7 in the immediate vicinity of Cedar Street. Santa Fe shall clear all existing drainage ways directly affected and/or adjacent to the proposed construction project of the connecting track and the two City Streets being vacated and/or the crossing being closed.
- (3) Santa Fe will at its expense arrange for the installation of crossing warning devices with automatically controlled gates at the intersections of the Southern Pacific Track and Santa Fe's connecting track at Guyler Street and Columbus Road. Santa Fe shall install an extension of the drainage culverts and lay hot mix road pavement material to widen the eastward curve from Guyler Street onto Columbus Road a minimum of ten feet.

- (4) Santa Fe at its expense will relocate the crossing warning devices, the gates, and warning flashers at the Legion Road crossing to give proper safety and adequate warning of the existing Santa Fe Track and the proposed connecting track.
- (5) Santa Fe will at its expense reroute and relocate a portion of Ash Street and Railroad Street at the intersection of said streets to provide not less than twenty foot wide paved road surface connecting Ash Street and Railroad Street. If any additional right-of-way is required at this time, Santa Fe will reimburse the City for all costs and expenses in acquiring an additional area to a point 15 feet from edge of proposed pavement as shown on attached plat.
- (6) Santa Fe at its expense shall install and permanently maintain a railroad crossing at Guyler Street to be constructed in a manner and quality equivalent to the existing crossing at Legion Road. This will include heavy duty high grade rubber matting between the rails and sufficient increase of the road pavement and grade buildup to make gradual transition from the existing street grade up to and through the crossing. Rubber matting shall be installed on the Legion Road crossing and the existing Southern Pacific crossing on Guyler Street.
- (7) Santa Fe will accept a Special Warranty Deed from the City on the subject streets which shall retain easements for water and sewage lines, lift pump station and City access to said pump lift station and lines.
- (8) Santa Fe will permit a crossing at grade in the area of Marek Street as mutually agreed upon by City and Santa Fe, if at a later date Santa Fe has a legal right to do so.
- (9) Santa Fe will indemnify and hold harmless the City from any and all lawful liability, claims, suits or damages that accrue which may be asserted against the City directly or indirectly by any third party as a result of the City vacating the said streets and the barricading of the Railroad Street railroad crossing and the acceptance by the City of all other terms and conditions made a part of this ordinance.
- (10) Santa Fe will at its expense improve and upgrade the road approaches of an existing road crossing over Santa Fe's main tract commonly known as the Wastewater Treatment Plant Crossing as presently located northwesterly of Santa

Fe's proposed connecting track. Further, Santa Fe will at its expense widen the existing crossing from a 16.0 foot wide solid plank crossing to a 24.0 foot wide solid plank crossing, all to provide for and allow a lighter grade approach and smoother vehicular traffic over this existing crossing.

The Council has further determined that the enactment of this Ordinance is of an emergency nature and, therefore, the requirement of three separate readings of this subject ordinance is waived.

PASSED AND APPROVED this 18~~th~~ day of MARCH, 1986.

CITY OF WALLIS, TEXAS

ATTEST:

BY:

Betty Zurek
BETTY ZUREK,
CITY CLERK

BY:

August D Zurek
AUGUST ZUREK, MAYOR

APPROVED:

BY:

V. O. "BUTCH" CARDEN, JR.,
ATTORNEY FOR CITY

The above set out terms, conditions and obligations, whether financial or otherwise, on behalf of or required of The Atchinson, Topeka and Santa Fe Railway Company, are hereby acknowledged and accepted as herein stated.

THE ATCHINSON, TOPEKA AND
SANTA FE RAILWAY COMPANY,
A Delaware Corporation

BY:

E. C. Honeth
Authorized Officer