

RESOLUTION 1996- 16

WHEREAS, Farmland Service Coop and the Union Pacific Railroad have requested that City of Gothenburg close the Avenue A-Union Pacific Railroad Crossing within the city limits of the City of Gothenburg; and

WHEREAS, the City Council has held hearings on said closure on two different occasions; and

WHEREAS, the City Council has duly received public input regarding said closure;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GOTHENBURG, DAWSON COUNTY, NEBRASKA, AS FOLLOWS:

1. The City of Gothenburg hereby consents to and by these premises temporarily close the Avenue A-Union Pacific Railroad Crossing as of the 1st day of October, 1996 pursuant to the terms and conditions of this Resolution. On execution of the Agreement contemplated by this Resolution said closure shall be permanent.

2. The Mayor and City Clerk are authorized to enter into an Agreement with the Union Pacific Railroad Company and the State of Nebraska providing for the following:

a. Payment by Union Pacific Railroad in the amount of \$150,000.00 to the City.

b. Payment by the State of Nebraska in the amount of \$5,000.00 for closure of the crossing and an additional \$12,000.00 for hard surfacing roads to the City.

c. The funds received pursuant to this Paragraph shall be used for improving and hard surfacing roads in the Southwest Quadrant of the City of Gothenburg to improve traffic flow as a result of the closing of the Avenue A-Union Pacific crossing.

3. The closure is subject to Union Pacific Railroad Company and the State of Nebraska entering into an agreement with Dawson County providing for the signaling, at State and Railroad cost of the railroad crossing and the extension of the existing crossing at mile post 250.14 to accommodate a 24 foot wide roadway.

4. The closure is further conditioned on the Union Pacific Railroad Company funding up to \$40,000.00, or an amount not to exceed 2/3 of the cost of a study for the possible construction for a future viaduct in the City of Gothenburg. Such study shall be conducted a qualified engineering firm approved by the State of Nebraska. The State, prior to the study must agree that funding for a project can be made available in a reasonable time frame. The study must be accomplished and approved the City and the State

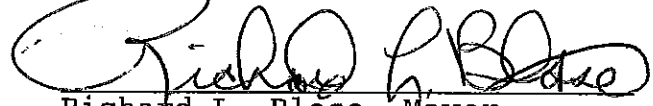
on or before January 1, 2002. If the City, railroad and State should jointly agree to a alternate proposal, or extend the time frame, the same shall be deemed permissible under this Resolution.

5. The Mayor and City Clerk, on behalf of the City of Gothenburg are directed to execute such agreement with the Union Pacific Railroad Company and the State of Nebraska together with such additional terms and amendments as are contemplated by this Resolution.


6. It is the intent of the City to eventually have a hard surfaced road from Highway 47 in the SW Quadrant of the City westerly and northerly to U.S. Highway 30, west of Gothenburg.

PASSED AND APPROVED THIS 3rd day of September, 1996.

CITY OF GOTHENBURG,  
DAWSON COUNTY, NEBRASKA

  
Richard L. Blase, Mayor

ATTEST:

  
Connie Stull, Clerk

APPROVED AS TO FORM:

  
Michael L. Bacon, City Attorney