

RESOLUTION NO. 43-68

WHEREAS, there presently exists hazardous traffic situations at the intersections of Florence and Cross Road with the Texas & Pacific railroad tracks; and

WHEREAS, the best and most practical method of reducing the now hazardous traffic situation at the aforesaid locations is by the installation of mechanical gates; and

WHEREAS, the Texas & Pacific Railway Company has agreed to cause to be installed at such locations mechanical gate crossings; and

WHEREAS, the installation of such mechanical gate crossings at the locations aforesaid is the best and most practical method of alleviating the hazardous traffic situations now existing and will materially improve the traffic safety problem posed by motor vehicle and railroad traffic under current conditions within the City of Mesquite.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

Section 1. That the Mayor is hereby authorized to enter into the contract, attached hereto and made a part of this resolution, with the Texas & Pacific Railway Company on behalf of the City of Mesquite.

Section 2. That in substance this contract shall provide that the Texas & Pacific Railway Company agrees to install mechanical gate crossings at the intersections of Florence and Cross Roads with that company's railroad tracks at an estimated cost of sixteen thousand dollars (\$16,000.00); that upon the satisfactory completion of such installation, the City shall reimburse the Texas & Pacific Railway Company in the amount of eight thousand dollars (\$8,000.00).

Section 3. That this resolution shall take effect immediately from and after its date of passage.

RESOLVED AND APPROVED by the City Council of the City of Mesquite, Texas on this the 5 day of August, 1968.

ATTEST:

Sue M. Frost
Norma G. McCaughy - City Secretary
Sue M. Frost - Acting City Secretary

APPROVED AS TO FORM:

W. R. Springfield
W. R. Springfield - City Attorney

George Boyce
George Boyce - Mayor

THE STATE OF TEXAS
COUNTY OF DALLAS

AGREEMENT

THIS AGREEMENT executed this 5th day of August, 1968, by and between the CITY OF MESQUITE, TEXAS, a municipal corporation, hereinafter called "CITY", and THE TEXAS AND PACIFIC RAILWAY COMPANY, a corporation created and existing under and by virtue of Acts of Congress of the United States, hereinafter called "RAILWAY", WITNESSETH:

WHEREAS, CITY and RAILWAY have considered and discussed the type of traffic control devices which should be utilized at RAILWAY'S Florence Street and Gross Road crossings in the City of Mesquite, Texas, and

WHEREAS, RAILWAY, having due regard for the safety and convenience of the traveling public, has installed flasher light traffic control devices at said Florence Street and Gross Road crossings, which RAILWAY considers adequate to eliminate any danger to the traveling public at these locations; and

WHEREAS, CITY desires the installation of crossing gates at said locations;

NOW THEREFORE, for and in consideration of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

1. RAILWAY shall install protective crossing gates at the intersections of RAILWAY'S tracks and Florence Street and Gross Road in the City of Mesquite, Texas, at an

estimated cost of SIXTEEN THOUSAND (\$16,000) DOLLARS, installation to be completed not later than one hundred and twenty (120) days after the execution date of this Agreement. All engineering plans and specifications shall be prepared by RAILWAY, and the gates to be installed shall be of the same general type as those presently in operation at RAILWAY'S Galloway Street crossing in said city.

2. CITY shall pay to RAILWAY the sum of EIGHT THOUSAND (\$8,000) DOLLARS as its share of the cost of providing and installing the aforesaid gates, such payment to be made by CITY promptly upon receipt of bill for same following completion of installation.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date hereinabove written.

CITY OF MESQUITE, TEXAS

BY: George Payne
Its

ATTEST:

Lee M. Grant
Acting City Secretary

THE TEXAS AND PACIFIC RAILWAY COMPANY

BY: J. A. [Signature]
Its Vice President - Operation

ATTEST:

H. J. [Signature]
ASSISTANT SECRETARY

AGREEMENT

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