

## SPECIAL CITY COUNCIL MEETING

December 12, 2012

12:00 P.M.

A Special City Council Meeting of the Terrell City Council was held on Wednesday, December 12, 2012, at 12:00 p.m. in the City Council Chambers located at 201 East Nash Street, Terrell, Texas with the following members present:

**COUNCILMEMBER #1 HAL RICHARDS**  
**COUNCILMEMBER #2 TOMMY SPENCER**  
**COUNCILMEMBER #3 RICKY JORDAN**  
**COUNCILMEMBER #4 CHARLES WHITAKER - ABSENT (EXCUSED)**  
**COUNCILMEMBER #5 D.J. ORY**

1. Call to order.

Mayor Hal Richards, called meeting to order.

2. Discuss and Consider on Second Reading Ordinance No. 2556; An Ordinance Of The City Of Terrell, Texas, Authorizing Closure Of The Railroad Highway Grade Crossing At County Road 305 And Railroad Milepost 186.41 And Closing County Road 305 Between U.S. Highway 80 And Spur 557 At Railroad Milepost 186.41; Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date.

Steve Rogers, City Engineer, Presented to Council for Discussion and Consideration on Second Reading Ordinance No. 2556; An Ordinance Of The City Of Terrell, Texas, Authorizing Closure Of The Railroad Highway Grade Crossing At County Road 305 And Railroad Milepost 186.41 And Closing County Road 305 Between U.S. Highway 80 And Spur 557 At Railroad Milepost 186.41; Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date. Deputy Mayor Pro Tem D. J. Ory, made a motion to adopt on Second Reading Ordinance No. 2556; An Ordinance Of The City Of Terrell, Texas, Authorizing Closure Of The Railroad Highway Grade Crossing At County Road 305 And Railroad Milepost 186.41 And Closing County Road 305 Between U.S. Highway 80 And Spur 557 At Railroad Milepost 186.41; Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nays - None. Motion carried.

ORDINANCE NO. 2556

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AUTHORIZING CLOSURE OF THE RAILROAD HIGHWAY GRADE CROSSING AT COUNTY ROAD 305 AND RAILROAD MILEPOST 186.41 AND CLOSING COUNTY ROAD 305 BETWEEN U.S. HIGHWAY 80 AND SPUR 557 AT RAILROAD MILEPOST 186.41; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Terrell entered into an Agreement dated September 4, 2012, with Union Pacific Railroad Company, Sinacola Land And Cattle, LTD and Terrell Materials, LLC setting forth the agreement of the parties relating to the closure of the existing Railroad Highway Grade Crossing, the execution of an industry track agreement for rail service, the closure of County Road 305 between U. S. Highway 80 and Spur 557 and the renaming, relocating and re-establishing of the Railroad Highway Grade Crossing at Railroad Milepost 185.97; and

WHEREAS, the City Council of the City of Terrell finds that it to be in the best interest of the citizens of the City of Terrell to close the Railroad Highway Grade Crossing at County Road 305 and Railroad Milepost 186.41 and to close existing County Road 305 between U. S. Highway 80 and Spur 557 at Railroad Milepost 186.41 and to take such action in accordance with the terms of the Agreement.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS THAT:

ARTICLE I

THAT the Railroad Highway Grade Crossing located at County Road 305 and Railroad Milepost 186.41, DOT No. 794 789F is hereby closed and shall be relocated as set forth in the Agreement referenced herein.

ARTICLE II

THAT County Road 305 between U. S. Highway 80 and Spur 557 at Railroad Milepost 186.41, DOT No. 794 789F is hereby closed and shall be relocated as set forth in the Agreement referenced herein.

ARTICLE III

THAT all Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE IV

THAT it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the

remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

ARTICLE V

THAT this Ordinance will take effect immediately from and after its passage.

PASSED AND APPROVED ON FIRST READING THE 4TH DAY OF DECEMBER, 2012.

PASSED AND ADOPTED ON SECOND READING THE 12TH DAY OF DECEMBER, 2012.

3. Adjourn.

There were no other matters discussed or acted on at this meeting. There being no further business the meeting was adjourned.

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**Hal Richards, Mayor**

**Attest:**

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**John Rounsavall, City Secretary**