

ORDINANCE NO. 0-87-19

AN ORDINANCE EMPLOYING THE CONWAY CORPORATION TO OPERATE THE ELECTRICALLY ACTIVATED TRAFFIC CONTROL SYSTEM IN THE CITY OF CONWAY, ARKANSAS; ESTABLISHING THE DUTIES AND RESPONSIBILITIES OF SUCH EMPLOYEE; AND FOR OTHER PURPOSES.

WHEREAS, the electrically activated traffic control system (the "Traffic Control System") heretofore constructed in the City of Conway, Arkansas is owned by the City of Conway ("City"); and

WHEREAS, the Conway Corporation, an Arkansas nonprofit corporation ("Corporation") has heretofore acquired and will hereafter acquire, at the expense of the City, all materials, equipment, labor, management and engineering necessary to properly maintain, repair, construct, reconstruct and operate the Traffic Control System and has, at the City's request, heretofore performed such services in a proper, efficient and satisfactory manner for an extended period of time and has indicated its willingness to assume the full responsibility for operating such system;

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

SECTION 1. DEFINITION. The electrically activated traffic control system shall include all electrically activated devices for the control of vehicular and pedestrian traffic upon all streets, alleys, sidewalks, highways and other public ways within the corporate limits of the City of Conway, Arkansas, excepting, however, those lights, barricades and devices erected on and along the right-of-way of Union Pacific Railroad for the control of traffic on public thoroughfares crossing such railroad right-of-way.

SECTION 2. The City does hereby approve, ratify and affirm all acts, deeds and things heretofore done or performed by the Corporation in operating, managing, maintaining, repairing, constructing and reconstructing the City's Traffic Control System.

SECTION 3. The City authorizes and requests the Corporation to continue to undertake and assume full responsibility of and for the entire construction of improvements to and the operation of the said System, and grants to the Corporation the exclusive right so to do, subject to the lawful directions of the City and the laws of Arkansas, and under the following conditions:

A. The Corporation shall perform, or shall secure the performance of, all maintenance, repair, design, construction, reconstruction or other work upon all portions of said System, when directed by the Mayor of the City (the "Mayor") and in a prudent and efficient manner.

B. The Corporation shall acquire all traffic control signals, controllers, activators, supports and appurtenances thereto which may be required by the directions of the Mayor, and for replacement parts and repair thereto, and the City shall pay for all of the same. The Corporation shall install, operate and maintain all signals, controllers, supports, activators and appurtenances which are connected with the electric system operated by the Corporation, and shall furnish electric service to the same without charge.

C. The timing and sequence controls to such Traffic Control System shall be set by the Corporation at the written direction of the Mayor. Changes in the settings of the time and sequence controls shall be made only as directed by the Mayor in writing.

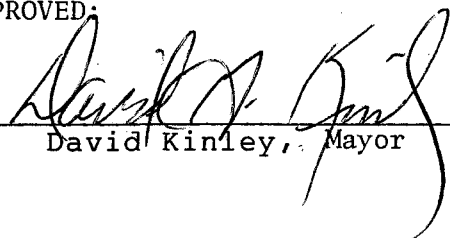
SECTION 4. The Corporation is hereby granted the exclusive right and privilege during the term of this franchise and contract to place, maintain, construct and operate the Traffic Control System and all components thereof in, on, over, through and under the streets, alleys, avenues, sidewalks, highways and public grounds of the City and is hereby granted the right of ingress and egress for the purposes aforesaid.

SECTION 5. The term of this franchise and contract shall expire December 31, 1997.

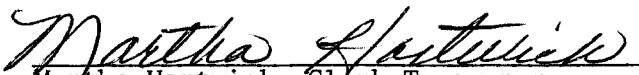
SECTION 6. This contract shall be accepted in writing by the Corporation within 30 days after the passage and publication, whereupon the same shall be in full force and effect from the date of its passage and publication.

PASSED this 28 day of April, 1987.

APPROVED:

  
\_\_\_\_\_  
David Kinley, Mayor

ATTEST:

  
\_\_\_\_\_  
Martha Hartwick, Clerk-Treasurer