

CITY OF MIDFIELD ALABAMA

ORDINANCE NO. 2021- 03

AN ORDINANCE RESTRICTING INGRESS AND EGRESS OF FAIRWOOD ROAD BY MAKING IT DEAD END AT A POINT BEFORE TRAFFIC ENTERING OR LEAVING BESSEMER SUPER HIGHWAY ONTO FAIRWOOD ROAD

WHEREAS, Fairwood Road is presently a two-way street that allows traffic to ingress and egress onto it to or from Bessemer Super Highway; and

WHEREAS, the Alabama Department of Transportation has informed the City of Midfield that a business that desires to have a drive through constructed onto its property so as to allow customers to come onto the business from the Bessemer Super Highway but the planned drive through would cause a traffic hazard because of traffic traveling from or to Fairwood Drive onto or from the Bessemer Super Highway would create an unsafe traffic flow situation; and

WHEREAS, the Alabama Department of Transportation has advised the City that because the Bessemer Super Highway is a State road ,the proposed plan of the business to construct the drive through to allow customers to enter and leave the business onto the business Super Highway would not be approved unless the City changed Fairwood Road from a two- way street into a one-way street or closed off Fairwood Road by making it a dead end street at the point where it otherwise allowed ingress and egress from it onto or from the Bessemer Super Highway ; and

WHEREAS, the City Council finds and determines that the public safety is best met by making Fairwood Road a dead end street which dead ends before the intersection of Fairwood Road and the Bessemer Super Highway instead of changing it from a two-way street into a one-way street, because motorists could more easily ignore the fact that Fairwood Road was a one-way road and cause a traffic hazard by coming onto to or from the Bessemer Super Highway; and

WHEREAS, by closing off Fairwood Road and making it dead end approximately fifty feet away from the Bessemer Super Highway , this action will comport with Alabama Department of Transportation directive ; and

WHEREAS, the Attorney's General Opinion No. 2008-105, provides that a city may legally close a street by making it dead end at one of its ingress and egress locations, so long as the city gives reasonable notice to all interested persons who may be affected by the proposed closing of one end of the street by making the street dead end at one end of the street; and

WHEREAS, the City posted signs at both ends of Fairwood Road , informing the traveling public using Fairwood Road on Thursday July 22nd, 2021 that the City would conduct a public hearing at its Regular Scheduled Council meeting on July 26th, 2021; by hand delivering a copy of this proposed ordinance to each resident or property owner who had an address located on Fairwood Road, City of Midfield, Alabama, by posting this proposed ordinance on the City's Website on Wednesday , July 21st, 2021 and by posting the proposed ordinance at Midfield City Hall, Midfield Post Office and Midfield Piggly Wiggly.

WHEREAS, the City did in fact conduct a public hearing at its regular meeting held on July 26th, 2021, and allowed any persons being in favor of or in opposition of the proposed closing to address the City Council at that time;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MIDFIELD, ALABAMA, AS FOLLOWS:

Section 1

Fairwood Road is hereby closed by placing an appropriate bumper rail at the dead-end point along with proper signage on Fairwood Road alerting the traffic at the open end of Fairwood Road that it is a dead-end road.

Section 2 - Effective Date

This Ordinance shall be effective upon its approval and publication as required by law.

Gary R. Richardson, Mayor

ATTEST:

Ashley D. Lewis, City Clerk

Certificate of City Clerk

I, Ashley D. Lewis, City Clerk of the City of Midfield, Alabama, for the sole purpose of administering implementing the above and foregoing Ordinance, certify that it is a true and correct copy of Ordinance 2021- 03 adopted and approved by the City Council of the City of Midfield, Alabama at its regular Meeting held on the 26 th day of July, 2021 as the same is represented in the Recorded Minutes.

Moreover, I hereby certify that the above and foregoing Ordinance was published by Posting same at the following three (3), or more, locations: Midfield City Hall, the Midfield Piggly Wiggly, and the Midfield Post Office.

Certified and acknowledged on this 26th day of July 2021.

Ashley D. Lewis, City Clerk