

ORDINANCE NO. 2016-36

AN ORDINANCE ACCEPTING THE PROPOSAL OF THE OHIO RAIL DEVELOPMENT COMMISSION (ORDC) AND NORFOLK SOUTHERN RAILWAY COMPANY (NS) FOR THE CLOSURE OF THE AMANDA STREET GRADE CROSSING IN THE CITY OF CLYDE (CITY), OHIO.

To provide consent for the permanent closure to vehicular and pedestrian traffic of a public grade crossing as recommended by the ORDC and NS.

WHEREAS, a proposal has been made to change the character of Amanda Street, DOT# 473692X by prohibiting through vehicular and pedestrian traffic over the at-grade, NS crossing thereby benefitting the safety of the traveling public; and

WHEREAS, the CITY agrees with the foregoing and desires to provide its consent to permit permanent closure of the aforementioned public grade crossing subject to the terms and conditions set forth herein; and

WHEREAS, the proposal has been submitted to the CITY and the CITY finds the proposal to be in the best interest of the community and that it will enhance the safety of the traveling public and will result in a needed improvement to the CITY's highway system.

NOW, THEREFORE, BE IT ORDAINED by the Council of the CITY, at least a majority of its members concurring:

SECTION I

That this Council hereby authorizes and approves changing the character of Amanda Street, by prohibiting vehicular and pedestrian traffic across the at-grade railroad crossing traversing the street.

SECTION II

That this Council hereby accepts the following incentive offer of ORDC and NS in exchange for the CITY's permanent closure of the Amanda Street crossing:

- \$33,000.00 of NS funds which may be used by the CITY for any purpose.
- Up to \$10,000.00, being \$5,000.00 from NS and \$5,000.00 from ORDC, which may be used for pre-approved highway safety purposes including but not limited to treatments for the closure of Amanda Street (e.g. curb/gutter installation). Work will be completed by the City within 12 months of receipt of payment from ORDC and NS.
- Upgrade of the grade crossing warning devices on Nelson Street (DOT# 473691R) to include flashing lights and roadway gates. Warning devices will be operational within 15 months of agreement execution.

- Upgrade of the grade crossing warning devices on Church Street (DOT# 473685M) to roadway gates. Warning devices will be operational within 15 months of agreement execution.

Curb and gutter may be required for warning devices and if so the City will install or otherwise contract for the installation of such curb. Any construction cost associated with curb installation for railroad warning devices will be reimbursed to the City.

SECTION III

That the CITY administration is hereby authorized to execute any and all documents and to do all other things they deem necessary to effectuate the purposes of this Legislation, including entering into any contractual agreements with NS and ORDC.

SECTION IV

This Ordinance shall take effect and be in force thirty (30) days after its passage.

PASSED: 7-5-16


G. Scott Black, Mayor

ATTEST: Janet R. Dickman
Clerk of Council

APPROVED AS TO FORM:


Zachary J. Selvey, Solicitor