

RECORD OF ORDINANCES

Cite of Whole
4/16/19

New Ord

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 05-16-2019 Passed 5-7, 2019

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT ACCEPTING THE PROPOSAL OF THE OHIO RAIL DEVELOPMENT COMMISSION (ORDC) AND NORFOLK SOUTHERN RAILWAY COMPANY (NS) FOR THE CLOSURE OF MULTIPLE GRADE CROSSINGS WITHIN THE CITY OF CIRCLEVILLE.

WHEREAS, the Ohio Rail Development Commission (ORDC) and Norfolk Southern Railway Company (NS) have partnered to conduct a railway grade crossing safety study in the City of Circleville and to review warning devices along the Heartland Corridor; and

WHEREAS, for the purpose of improving safety by consolidating a number of crossings while updating the warning devices at the remaining crossings, a proposal has been made to change the character of four roadways by prohibiting thorough vehicular and pedestrian traffic over the at-grade, NS crossings, thereby benefiting the safety of the traveling public; and

WHEREAS, the City agrees with the foregoing proposal in part and desires to provide its consent to permit permanent closure of the aforementioned public grade crossings except the E. Corwin Street crossing subject to the terms and conditions set forth herein; and

WHEREAS, the proposal has been submitted to the City and the City finds this proposal to be in the best interest of the community, 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 of Circleville, Pickaway County, Ohio, as follows:

SECTION I. That Council hereby authorizes and approves changing the character of:

- a. W. Ohio Street DOT No. 481418E;
- b. W. Mill Street DOT No. 481419L;
- c. Houston Street DOT No. 482018P and the roadway from Washington Street to Clinton Street;

by prohibiting vehicular and pedestrian traffic across the at grade railroad crossing traversing these streets.

SECTION II. That Council hereby accepts the following incentive offer of ORDC and NS in exchange for the City's permanent closure of the crossings set forth in Section I herein:

- a. \$150,000.00 from Norfolk Southern Railway Company that may be used by the City for any purpose.
- b. \$30,000.00 (\$10,000 per crossing, with \$5,000.00 each from Norfolk Southern Railway and from the Ohio Rail Development Commission) for barricade costs and/or pre-approved highway safety projects.

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- c. Up to \$700,000.00 from Ohio Rail Development Commission in grade crossing safety improvements.

SECTION III. That the Mayor of the City of Circleville is hereby authorized to execute any and all documents and to do all other things necessary to effectuate the purposes of this legislation, including entering into any contractual agreements with Norfolk Southern Railway and the Ohio Rail Development Commission.

SECTION IV. That this ordinance shall take effect and be in force from and after the earliest period permitted by law.

PASSED: 5-7-2019

Baugh J. Kelly
PRESIDENT OF COUNCIL

ATTEST: Linda A. Chay
CLERK OF COUNCIL

APPROVED: 5/9/19
DATE

Deborah R. McIlroy
MAYOR

APPROVED AS TO FORM:

Gary D. Kenworthy
GARY D. KENWORTHY, LAW DIRECTOR

REVIEWED BY LAW DIRECTOR
AND APPROVED AS TO FORM