

Resolution No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**RESOLUTION NO. 6-13**

**A RESOLUTION ACCEPTING THE PROPOSAL OF THE OHIO RAIL DEVELOPMENT COMMISSION (ORDC) AND NORFOLK SOUTHERN RAILWAY COMPANY (NS) FOR THE CLOSURE OF THE SCHROCK ROAD GRADE CROSSING IN THE CITY OF ORRVILLE, OHIO.**

To provide consent for the permanent closure to vehicular and pedestrian traffic of a public grade crossing as recommended by the Ohio Rail Development Commission (ORDC), and Norfolk Southern Railway Company (NS).

WHEREAS, a proposal has been made to change the character of Schrock Road, DOT# 503 059F by prohibiting through vehicular and pedestrian traffic over the at-grade, NS crossing thereby benefiting 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 RESOLVED by the Council of the City of Orrville:

**SECTION I:** That this Council hereby declares it to be in the public interest that the consent of the CITY be and hereby given to NS to construct the herein described improvements in accordance with plans, specifications and estimates as approved by the Executive Director of ORDC.

**SECTION II:** That this Council hereby authorizes and approves changing the character of Schrock Road, by barricading and prohibiting vehicular and pedestrian traffic across the at-grade railroad crossing traversing the street.

**SECTION III:** That this Council hereby accepts the following incentive offer of the ORDC in exchange for the CITY's permanent closure of the Schrock Road crossing:

- \$15,000.00 of incentive funds (\$7,500.00 from NS and \$7,500.00 from ORDC) that must be used for a pre-approved highway safety improvement; and
- Up to \$5,000 from NS, in reimbursement of the CITY's actual cost associated with installing barricades on public property at the crossing to be closed, and in removing the roadway surface approaching the crossing.

**SECTION IV:** The CITY agrees to perpetuate and maintain all advance warning signs and pavement markings on the approaches to the at-grade crossings in conformance with the Ohio Manual of Uniform Traffic Control Devices, as adopted under section 4511.11 of the Ohio Revised Code. The CITY further agrees to provide for the maintenance of highway traffic during the construction of the improvements by either closing the road with no signed detour or by designating a temporary detour with all necessary incidentals and assuming and bearing the cost of erecting, maintaining and removing signs and barricades required to close the crossing and detour traffic.

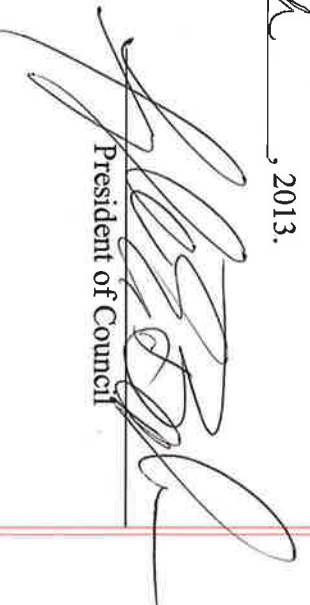
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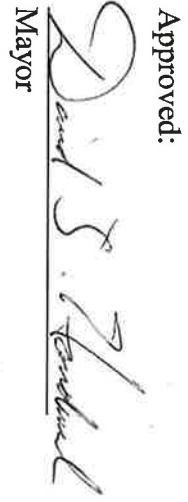
SECTION V: That the CITY administration is hereby authorized to execute any and all documents and to do all other things they deem necessary to effectuate the purposes of this Legislation, including entering into any contractual agreements with NS Railroad and ORDC.

SECTION VI: That this Resolution shall be in full force and effect at the earliest period provided by law.

Passed this 18<sup>th</sup> day of March, 2013.

  
\_\_\_\_\_  
President of Council

Attest:  
  
\_\_\_\_\_  
Clerk of Council

Approved:  
  
\_\_\_\_\_  
Mayor

Date: 3/18/13