

ORDINANCE NO. 13-00

AN EMERGENCY ORDINANCE ENACTED BY THE COUNCIL OF THE VILLAGE OF SPENCER, MEDINA COUNTY, OHIO IN THE MATTER OF THE HEREINAFTER DESCRIBED IMPROVEMENT(S) UNDER THE SUPERVISION OF THE OHIO RAIL DEVELOPMENT COMMISSION OF THE STATE OF OHIO.

WHEREAS, the public interest demands the improvement(s) hereinafter described.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF SPENCER, MEDINA COUNTY, OHIO:

SECTION I

The public interest demands the improvement of the at-grade crossing(s) of S.R. 162-2.74 (AAR No. 473 576 J) and the track(s) of the Wheeling & Lake Erie Railroad by the reconstruction of the at-grade crossing pavement and approach work necessary, and being hereinafter referred to as the Project.

SECTION II

The VILLAGE does hereby give its consent to the Project and its administration by the Ohio Rail Development Commission.

SECTION III

The VILLAGE agrees to perpetuate and maintain all advance warning signs and pavement markings on the approaches to the at-grade crossing(s) in conformance with the Ohio Manual of Uniform Traffic Control Devices, as adopted under section 4511.11 of the Ohio Revised Code. The VILLAGE further agrees to provide for the maintenance of the highway traffic during the construction of the improvement(s) 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.

SECTION IV

To the extent permitted by law the VILLAGE hereby agrees that the Ohio Rail Development Commission shall be and is saved harmless from any and all damages or claims thereof arising from or growing out of the certification or obligation made or agreed to hereinabove.

SECTION V

This ordinance is hereby declared to be an emergency measure by reason of the need for expediting the planning and construction of the aforesaid improvement, and provided it receives the affirmative vote of two-thirds of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, and upon its acceptance and approval by the Executive Director of the Ohio Rail Development Commission it shall become a binding agreement on the Village of Spencer and the Ohio Rail Development Commission.

Attest Robin M Coleman Clerk of Council _____ President of Council

Approved Jimmy Jimmy Mayor

I hereby certify that the forgoing is a true and correct copy of the Ordinance No. 13-00 passed Jan 3, 2000.

Robin M Coleman
Clerk of Council

Accepted and approved
Ohio Rail Development Commission

Attest _____
Executive Director