

ORDINANCE NO. 6-01

*Train gates and lights*

Bew Solecki moved for the adoption of the following Ordinance at a meeting of the Council of the Village of Spencer, Ohio, to wit:

**WHEREAS**, the Public Utilities Commission of Ohio ("Commission") has determined that a specific highway-railroad grade crossing in the Village of Spencer, Ohio, is dangerous and hazardous to the traveling public.

**WHEREAS**, the Commission has determined, and the Village of Spencer ("Village") agrees, that the public safety and interest would be served by granting their consent to facilitate the upgrade of the existing warning devices ("Improvement") at the identified below:

**NOW THEREFORE, BE IT RESOLVED**, that the Village of Spencer, Medina County, Ohio hereby take the following action:

1. **RESOLVED** that the Improvement be implemented where the tracks of W&LE (Railroad) that intersect at the SR301/State St. grade crossing, being more specially identified by a US AAR-DOT No. 473-577 R, consent is hereby given to the Commission to proceed. *002-045N - 2 crossings*
2. **FURTHER RESOLVED**, that the Village agrees to place all advance warning signs and pavement markings on the approaches to the grade crossing in conformance with the Ohio Manual on Uniform Traffic Control Devices (OMUTCD) as adopted under 4511.11 of the Ohio Revised Code at such time as the Improvement described above is completed and maintain same thereafter.
3. **FURTHER RESOLVED**, that the Village agrees that in the event the Village is responsible for causing the suspension to termination of the Improvement, hereby agrees to reimburse the Commission for all cost incurred up to said time of suspension or termination. Said reimbursement shall be made to the Commission within sixty (60) days of receipt of an invoice for the cost incurred resulting from said suspension or termination.
4. **FURTHER RESOLVED**, that the Village agrees to arrange for the relocation, rearrangement or alteration of all utilities of any nature which are located on public right-of-way and which will be affected by or interfere with the construction of said Improvement. Said relocation, rearrangement or alteration will be done at such time as requested by the Commission and will be performed solely at the expense of the utility and at no cost to the Improvement or the Railroad. To the extent that the installation of curbing is required in conformance with OMUTCD requirements as part of the Improvement, the Village agrees to install and maintain such curbing at its sole expense.

THEREUPON, Tom Gehring seconded said motion to adopt the foregoing resolution and the vote of the Village Council was as follows:

Robin M Coleman, Clerk Adopted on this 25<sup>th</sup> day of

Jerry Jerry (cross) April, 2001

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**CERTIFICATION**

The foregoing is a true and correct copy of the ordinance passed by the Village of Spencer on the 25<sup>th</sup> date of April, 2001, and recorded in the Journal of business conducted by the Village Council in Volume \_\_\_\_\_ at page \_\_\_\_\_

Robin M Coleman  
Clerk, Village of Spencer  
Medina County, Ohio

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**ACCEPTANCE**

The foregoing resolution of the Village of Spencer accepted as a basis for proceeding with the Improvement as described therein.

\_\_\_\_\_  
Chairman, Public Utilities Commission of Ohio

Acceptance date: \_\_\_\_\_