

By: Mr. K. D. Firestone

ORDINANCE NO. 66

AN EMERGENCY ORDINANCE AUTHORIZING THE WHEELING AND LAKE ERIE RAILWAY COMPANY AND THE STATE OF OHIO THROUGH ITS DIRECTOR OF HIGHWAYS TO INSTALL, ERECT, OPERATE, MAINTAIN, REPAIR AND RENEW ALTERNATE FLASHING LIGHT SIGNALS AT OR NEAR THE CROSSING OF THE TRACKS OF THE WHEELING AND LAKE ERIE RAILWAY COMPANY ON THE AKRON-SPENCER ROAD(S.H.888, S.R. 162) WITHIN THE VILLAGE OF SPENCER, OHIO.

WHEREAS, The Wheeling and Lake Erie Railway Company and the State of Ohio, acting through its Director of Highways, desire permission to install, erect, operate, maintain, repair and renew alternate flashing light signals on the Akron-Spencer Road (S. H. 888, S.R. 162) within the Village of Spencer, Ohio, at or near the crossing thereof by the tracks of The Wheeling and Lake Erie Railway Company; and

WHEREAS, this ordinance constitutes an emergency ordinance in that the same provides for the immediate preservation of the public safety;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Spencer:

Section 1. The Wheeling and Lake Erie Railway Company, its successors and assigns, and the State of Ohio, acting through its Director of Highways, be and they are hereby granted the right, privilege and permission to install, erect, operate, maintain, repair and renew at or near the Akron-Spencer Road (S.H. 888, S.R.

162) crossing of the tracks of The Wheeling and Lake Erie Railway Company within the Village of Spencer, Ohio, alternate flashing light signals outside the limits of the travelled portions of the Akron-Spencer Road.

Section 2. That in the exercise of the right, privilege and permission granted under Section 1 hereof The Wheeling and Lake Erie Railway Company, its successors and assigns, and the State of Ohio, acting through its Director of Highways, may use such portion of the Akron-Spencer Road (S.H. 888, S.R. 162) within the Village of Spencer, Ohio, as is necessary to install, erect, operate, maintain, repair and renew such alternate flashing light signals.

Section 3. That the installation and erection of such alternate flashing light signals shall be at the sole cost and expense of The Wheeling and Lake Erie Railway Company, its successors and assigns, and the State of Ohio, acting through its Director of Highways, and the operation, maintenance, repair and renewal thereof shall be at the sole cost and expense of The Wheeling and Lake Erie Railway Company, its successors and assigns.

Section 4. That in the event said alternate flashing light signals shall cease to be operated The Wheeling and Lake Erie Railway Company, its successors and assigns, shall forthwith remove said alternate flashing light signals and restore said Road to its original condition at its own cost and expense.

Section 5. That The Wheeling and Lake Erie Railway Company, its successors and assigns, shall indemnify and save harmless the Village of Spencer from any claim for damages by reason of the installation, erection, maintenance, repair or renewal of such

alternate flashing light signals and the installation or erection thereof shall be deemed to be an acceptance of the conditions of this ordinance by both The Wheeling and Lake Erie Railway Company and the State of Ohio, acting through its Director of Highways.

Section 6. That this ordinance is hereby declared to be an emergency measure for the reason that it provides for the immediate preservation of the public safety and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage; otherwise it shall take effect and be in force at the earliest time allowed by law.

C. L. Walters
MAYOR

Passed as an emergency
measure June 27th, 1940

ATTEST: H. B. Hendricks
Village Clerk.

The undersigned, Clerk of the Village of Spencer, Ohio, hereby certifies that the foregoing is a true and correct copy of an ordinance adopted by the Council of the Village of Spencer, Ohio, by the affirmative vote of two-thirds of all the members elected to said Council at a meeting held June 27th, 1940

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at Spencer, Ohio, this 27th day of June, 1940

H. B. Hendricks
Clerk of the Village of
Spencer, Ohio.