

**RESOLUTION NO. R47-2005**

**A RESOLUTION AUTHORIZING THE CITY MANAGER, JOSEPH DENEN, TO TAKE APPROPRIATE ACTION TO REMEDY RAILROAD IN POOR CONDITION PURSUANT TO THE AUTHORITY CONTAINED IN OHIO REVISED CODE SECTIONS 4955.20<sup>1</sup> AND 4955.21<sup>2</sup>.**

**WHEREAS,** certain railroad crossings within the City of Washington Court House are in deplorable condition, and;

**WHEREAS,** the Council of the City of Washington Court House believes that these deplorable conditions threaten the safety and welfare of the citizens and their property, and;

**WHEREAS,** the Public Utilities Commission of Ohio inspected certain railroad crossing existing in the City of Washington Court House. They found them to be very rough with holes and busted timbers in the surfaces. See Attached Inspection of Will Johnson, Safety Inspector.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WASHINGTON COURT HOUSE, STATE OF OHIO**

**SECTION I.** That the Council of the City of Washington Court House, Ohio hereby authorizes the City Manager, Joseph Denen, to take all appropriate measures allowed by law to remedy the deplorable conditions existing at certain railroad crossing within the City of Washington Court House.

**SECTION II.** That the Clerk of the City of Washington Court House shall send a certified copy of this resolution, hereby adopted, to Rail America Roadmaster, Donald Kuchey.

**SECTION III.** This resolution shall go into effect at the earliest date permitted by law.

ADOPTED: October 12, 2005

Bill Link  
CHAIRMAN OF COUNCIL

ATTEST:

Deane M. Keaton  
CLERK OF COUNCIL

APPROVED AS TO FORM:  
Mark H. ...  
CITY ATTORNEY

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<sup>1</sup> **4955.20 Highway crossings and sidewalks; maintenance and repair**

Companies operating a railroad in this state shall build and keep in repair good and sufficient crossings over or approaches to such railroad, its tracks, sidetracks, and switches, at all points where any public highway, street, lane, avenue, alley, road, or pike is intersected by such railroad, its tracks, sidetracks, or switches. Such companies shall build and keep in repair good and sufficient sidewalks on both sides of streets intersected by their railroads, the full width of the right of way owned, claimed, or occupied by them. The board of township trustees shall have power to fix, and determine the kind and extent, and the time and manner of constructing, crossings and approaches outside of municipal corporations.

The legislative authority of a municipal corporation may exercise the same powers as to crossings, approaches, and sidewalks within municipal corporations as such board exercises concerning crossings and approaches outside of municipal corporations. Such crossings, approaches, and sidewalks shall be constructed, repaired, and maintained by the railroad companies as so ordered.

<sup>2</sup> **4955.21 Service of notice**

The officers having charge of a public highway, street, or alley intersected by a railroad shall serve a written notice upon the nearest station agent or section foreman having charge of that portion of the railroad where such intersection occurs that the crossing, approach, or sidewalk described in section 4955.20 of the Revised Code must be built or repaired, setting forth its kind and extent and the time and manner of constructing it, as ordered by the legislative authority of the municipal corporation or board of township trustees.

A railroad company so notified must comply with such notice within a period of thirty days after receiving it. On failure to do so, the board or legislative authority may cause such crossing, approach, or sidewalk to be constructed or repaired as ordered, and recover the cost of so doing with interest in a civil action against the railroad company in the name of the board or municipal corporation.