

Sponsor Brown/Elliott

Ordinance No. 35-14

AN ORDINANCE OF THE CITY OF JACKSON, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), TO SUPPORT THE OHIO RAIL DEVELOPMENT COMMISSION TO APPLY FOR FUNDING FOR IMPROVEMENTS TO THE CITY OWNED RICHMOND DALE TO HAMDEN RAIL LINE, TO PROVIDE ADMINISTRATIVE SUPPORT AND DECLARING AN EMERGENCY.

WHEREAS, the United States Congress has set aside monies for Transportation Enhancement projects through the State of Ohio, Department of Transportation; and

WHEREAS, LPAs can apply for these monies and be selected for funding by the State of Ohio, Department of Transportation; and

WHEREAS; the \$850,000 to upgrade track, bridges, and drainage on the City owned Richmond Dale to Hamden rail line is a transportation activity eligible to receive federal funding; and

WHEREAS, the Ohio Rail Development Commission, shall be responsible for at least twenty (20%) percent of the construction costs. Ohio Rail Development Commission and/or the Ohio South Central Railroad, will bear responsibility for the 100% of all other costs associated with the architecture/engineering plans, environmental studies and documentation, right-of-way plans, and right-of-way acquisition, if necessary.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Jackson, State of Ohio, that:

SECTION ONE: The City of Jackson supported the Ohio Rail Development Commission application to the Ohio Department of Transportation on behalf of the City for Transportation Enhancement funds for the Richmond Dale to Hamden project and will provide administrative support as necessary to help implement the Richmond Dale to Hamden rail project.

SECTION TWO: The total construction cost of the project is estimated to be \$850,000, of which \$380,000 is to be provided by the Ohio Department of Transportation with Transportation Enhancement grant funds, \$270,000 is to be provided by the Ohio Rail Development Commission through its Track Rehabilitation grant program, and \$200,000 is to be provided by the Ohio South Central Railroad. The Ohio Rail Development Commission's contribution will serve as the LPA's local share for the Transportation Enhancement funds.

SECTION THREE: Upon completion of the described Project, and unless otherwise agreed, the City shall require that its lessee on its rail line, the Ohio South Central Railroad, or any successor railroad lessee: (1) to provide adequate maintenance for the described Project in accordance with all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) to provide ample

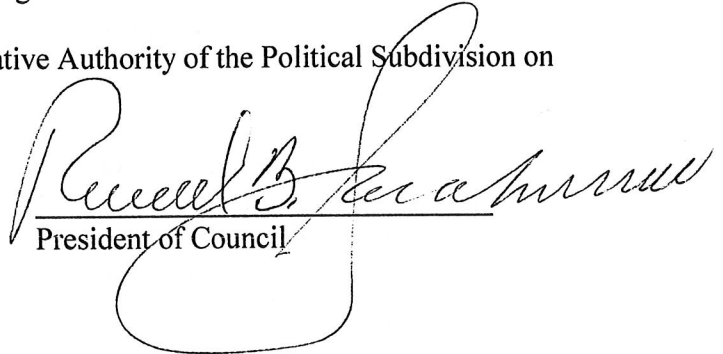
financial provisions, as necessary, for the maintenance of the described Project; (3) to maintain all the City's railroad tracks and right-of-way per the City – Ohio South Central Railroad lease agreement; and (4) if necessary, hold said right-of-way inviolate for common carrier railroad purposes.

SECTION FOUR: The Ohio Rail Development Commission is hereby empowered on behalf of the City to enter into a contract with the Director of the Ohio Department of Transportation necessary to complete the above described project.

SECTION FIVE: This Ordinance is hereby declared to be an emergency measure to take effect and be in force immediately upon its passage so as to meet the Transportation Alternatives deadlines.

It is hereby found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that the deliberations of this Council that resulted in such formal actions were in a meeting open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 14th day of April, 2014.



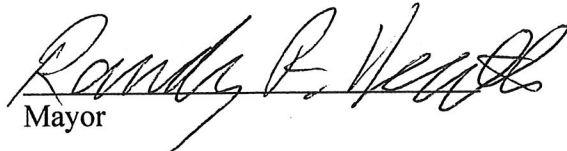
President of Council

ATTEST:



Clerk of the Legislative Authority

Approved this 14th day of April, 2014.



Mayor