



WELLS COUNTY COMMISSIONERS
ORDINANCE NO. 2020-13

*A Ordinance of the Board of Commissioners of the County of Wells
Providing for the Elimination of Certain Grade Crossings; Repealing All
Prior Actions In Conflict Herewith; And For Other Purposes*

WHEREAS, it is within the authority of The Board of Commissioners of the County of Wells, State of Indiana ("Wells County") to voluntarily eliminate grade crossings within the County road system; and

WHEREAS, it has been determined reasonably necessary in the interest of public safety to eliminate three highway grade crossings, namely: CR 300 South - DOT# 477194C, RR Milepost CF 159.67, Hoosier Highway - DOT# 477195J, RR Milepost CF 160.01, and CR 250 South- DOT# 477196R, RR Milepost CF 160.22; and

WHEREAS, it has been determined that the enhancement of public safety resulting from such elimination of the aforesaid grade crossings will outweigh any inconvenience to the reasonable passage of public traffic, specifically including without limitation emergency vehicle traffic, caused by rerouting such traffic; and

WHEREAS, the closing of the crossings CR 300 South - DOT# 477194C, RR Milepost CF 159.67, Hoosier Highway - DOT# 477195J, RR Milepost CF 160.01, and CR 250 South- DOT# 477196R, RR Milepost CF 160.22, are contingent on the successful development an INDOT LocalTrax project award that reroutes Hoosier Highway in Wells County to connect to Adams Street at the Bluffton city limits. It is understood that as a result of the award and through completion of the project that these three at-grade railroad crossings will be vacated and permanently closed.

NOW, THEREFORE, BE IT ORDAINED by The Board of Commissioners of the County of Wells, as follows:

Section 1. The County hereby directs the elimination of the highway grade crossings CR 300 South - DOT# 477194C, RR Milepost CF 159.67, Hoosier Highway - DOT# 477195J, RR Milepost CF 160.01, and CR 250 South- DOT# 477196R, RR Milepost CF 160.22.

Section 2. A copy of this Ordinance shall be served on Norfolk Southern Corporation.

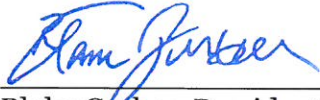

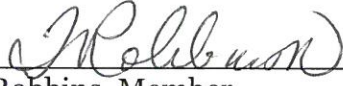
Section 3. Norfolk Southern Corporation shall at its expense physically remove the crossings from the tracks and beyond the ends of the crossties on each side and erect an approved barricade on each side, but not until a practical time within the project timeframe and a date agreed upon by Norfolk Southern Corporation and the Wells County Engineer.

Section 4. Upon receipt of a signed Ordinance, Norfolk Southern Corporation will provide an incentive payment to Wells County in the amount of \$110,000 to be received after January 1, 2021.

Section 5. All ordinances or parts of ordinances in conflict herewith are repealed.

PASSED AND ADOPTED by the Board of Commissioners of Wells County, Indiana on this 20th day of July, 2020, by the following vote:

WELLS COUNTY COMMISSIONERS:

<input checked="" type="checkbox"/>	<input type="checkbox"/>	 _____ Blake Gerber, President
<input checked="" type="checkbox"/>	<input type="checkbox"/>	 _____ Kevin Woodward, Vice-President
<input checked="" type="checkbox"/>	<input type="checkbox"/>	 _____ Tamara Robbins, Member

ATTEST:



Lisa McCormick, Auditor

This instrument was prepared by the Wells County Attorney, Roy R. Johnson, Attorney No. 4937-90, 116 South Main St., Bluffton, IN 46714. *I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.* Lisa McCormick

Memorandum of Understanding

Re: Terms and Schedule of At-Grade Railroad Crossings Closures Associated with Wells County LocalTrax Project

Participants: The Board of Commissioners of Wells County, Indiana and Norfolk Southern Corporation

The Board of Commissioners of the County of Wells, State of Indiana ("Wells County"), through an INDOT LocalTrax project award, has developed and will be constructing a project that reroutes Hoosier Highway in Wells County to connect to Adams Street at the Bluffton city limits. It is understood that as a result of the award and through completion of the project that three at-grade railroad crossings will be vacated and permanently closed. The crossings to be closed are DOT# 477194C - CR 300 South, DOT# 477195J - Hoosier Highway, and DOT# 477196R - CR 250 South.

Norfolk Southern Corporation ("Norfolk Southern") has agreed to provide Wells County with a total incentive of \$110,000.00 for the permanent closure of the three crossings. In most cases, Norfolk Southern provides such agreed upon incentives upon a fully executed Ordinance that has been passed by the governing authority to vacate the crossings and removes the crossings as soon as practical. Given the scope of this project and the schedule within the LocalTrax project framework, Norfolk Southern understands that the incentive will likely need to be provided well in advance of the physical crossing removals.

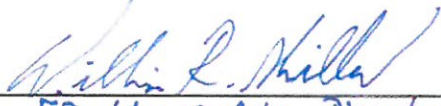
Therefore, Norfolk Southern will provide the agreed upon incentive after the Wells County Board of Commissioners passes and fully executes a Ordinance vacating the crossings to be removed as soon as practical within the project framework. As the crossings are ready for elimination, Norfolk Southern, at its cost, will remove the crossing surfaces to the edge of the crossties at minimum and erect an approved MUTCD compliant barricade and end of roadway markers.

This Memorandum of Understanding ("MOU") shall remain in effect until either party notifies the other party of withdrawal from this MOU in writing or until another MOU is executed superceding this MOU.

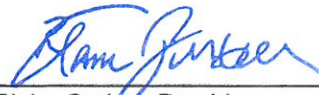
Accepted and approved this 9th
day of July, 2020


Accepted and approved this 20th
day of July, 2020

Norfolk Southern Corporation


[Public Safety Director]

Wells County Commissioners


Blake Gerber, President


Kevin Woodward, Vice-President



Tamara Robbins, MD, Member

ATTEST:



Lisa McCormick, Auditor