

ORDINANCE NO. 1400-14

**RAILROAD PEDESTRIAN PUBLIC GRADE CROSSING CLOSURE GRADE
CROSSING US DOT NO. 294 344A PEDESTRIAN CROSSING RAILROAD MILEPOST
200.58 SPRINGFIELD SUBDIVISION AUBURN, ILLINOIS**

WHEREAS, the Illinois Department of Transportation ("IDOT") has received funding from the Federal Railroad Administration to cause 110 mile-hour rail passenger operation ("High Speed Rail") within the Chicago to St. Louis rail corridor ("Corridor"); and,

WHEREAS, the railroad and IDOT have entered into agreements whereby the railroad will construct, among other things, tracked improvements necessary to achieve high speed rail passenger operations along the Corridor; and,

WHEREAS, the railroad owns the right-of-way upon which the High Speed Rail passenger operations will occur; and,

WHEREAS, as part of the railroad's construction efforts to assist IDOT in achieving High Speed Rail operation for passenger rail service, it is in the project's best interests to eliminate certain public railroad-highway grade crossings, including pedestrian crossings; and,

WHEREAS, the parties voluntarily agree to eliminate the public railroad-pedestrian at grade crossing located at US DOT NO. 294 344A in Auburn, Illinois ("Crossing") by closing the pedestrian pathway ("Pathway") and permanently vacating the Pathway across the railroad right-of-way; and,

WHEREAS, the City of Auburn maintains easement rights across the railroad's right-of-way at said crossing; and,

WHEREAS, the railroad agrees to maintain all existing utility easement agreements on, under and along the associated right-of-way;

WHEREAS, the City council believes it to be in the best interest of the citizens of Auburn to allow for this closing and that no individual owning property in the vicinity of the street will be deprived of reasonable means of ingress and egress to their property; and

WHEREAS, the parties have agreed that payment by the railroad to the City of the sum of One Hundred Fifty Thousand and 00/100ths Dollars (\$150,000.00) shall fully compensate the City for any property rights and loss of convenience, as well as other costs, losses and adverse impacts of the closure.

NOW, THEREFORE, in consideration of these facts and findings, the parties hereby agree that temporary and permanent barricades on both sides of the tracks at the crossing will be installed. The permanent barricades shall be located off the railroad's right-of-way.

Upon completion of the closure of the crossing, the railroad shall pay the City the sum of One Hundred Fifty Thousand and 00/100ths Dollars (\$150,000.00) as specified in the statement submitted by the City.

The railroad agrees to maintain all existing utility easement agreements on, under and along the associated right-of-way.

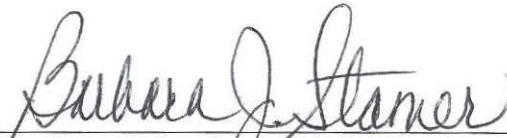
The ordinance, or parts of ordinances, in conflict with provisions of this ordinance, are hereby repealed.

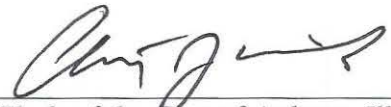
All formal actions of the Board relayed into the adoption of this Ordinance were taken in an Open Meeting.

This Ordinance shall be in full force and effect after its passage and approval as provided by law.

Passed this 15 day of September, 2014.

Ayes: 8
Nays: 0
Absent: 0


BARBARA J. STAMER
Mayor of the City of Auburn, Illinois

Attest: 
Clerk of the City of Auburn, Illinois

