

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD, OHIO

RESOLUTION NO. 02-11-1

A RESOLUTION DEEMING IT NECESSARY TO CONSTRUCT A RAILROAD CROSSING.

WHEREAS, The Bosky Group, LLC (hereinafter "Applicant") is the owner of Parcel Number 66-66-20-09-10-000, being 40(+/-) acres in the Village of New Concord adjacent to the Distribution Center at S.R. 40 and Rix Mills Rd. and;

WHEREAS, a grade crossing is necessary to provide ingress and egress over railroad tracks which traverse the property along its northern boundary, preventing access to S.R. 40, and;

WHEREAS, such a crossing is necessary to put the property into productive use, with the intent of creating economic activity and bringing jobs to the Village of New Concord and Muskingum County;

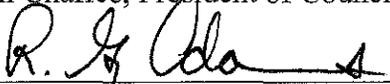
NOW, THEREFORE, be it resolved by the Council of the Village of New Concord, State of Ohio that;

Section 1. Pursuant to Ohio Revised Code Section 4957.02 through 4957.05, and any other applicable law, it is deemed necessary, and the undersigned hereby declare the intent, to join with the railroad company or companies owning or having easement rights for the railroad tracks at issue to alter the same by permitting and causing an at grade crossing over said railroad tracks at one of the locations, at the property owner's choosing, set forth in the attached Exhibit A, with such alterations to be made in the manner as specified by the Ohio Department of Transportation and/or Village of New Concord and/or Muskingum County as may be applicable, with the method of constructing the new crossing to be in accordance with applicable State, County, and/or New Concord Village standards as applicable, with whatever land is required for such purpose to be made available by the Applicant without compensation, and with the construction to be performed by a contractor suitable to Applicant and New Concord Village selected as required by the Ohio Revised Code, and with costs to be apportioned 85% to New Concord, which shall be paid up front in full by the Applicant to New Concord Village prior to commencing construction, and 15% by the railroad company or companies. The Village of New Concord shall not be responsible for any costs including, but not limited to legal, engineering, design, inspection, railroad fees and administrative costs.

PASSED: February 14, 2011

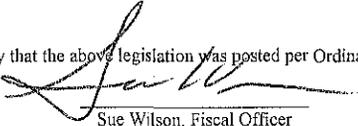

Al Chaffee, President of Council

APPROVED: February 14, 2011


R. Gregory Adams, Mayor

ATTEST: 
Sue Wilson, Fiscal Officer

I hereby certify that the above legislation was posted per Ordinance No. L-1-84-1.


Sue Wilson, Fiscal Officer