

CITY OF CEDARBURG

Resolution No. 2015-21 Requiring Repair of an At-Grade Railroad Crossing Pursuant to Section 86.12 of the Wisconsin Statutes

WHEREAS, Spring Street, a public street in the City of Cedarburg, crosses the railroad tracks of the Canadian National Railroad, Wisconsin Central Division (hereinafter "Railroad") railway at-grade, and

WHEREAS, section 86 12, Wis. Stats., requires railroads to maintain public at-grade crossings in good condition and repair for public travel, and

WHEREAS, the railroad crossing at Spring Street is in a severe state of disrepair as a result of broken and missing timbers within the railroad crossing, and, therefore, this crossing is deemed unsafe and detrimental to public travel, and

WHEREAS, it is in the public interest that the City of Cedarburg hereby require that the Canadian National Railroad pave, plank, change, repair, or otherwise improve the crossing, as the needs require, and

NOW THEREFORE BE IT RESOLVED, that the City of Cedarburg Common Council hereby directs the City of Cedarburg staff to serve a copy of this Resolution upon the Canadian National Railroad requiring the Railroad to repair the rail-highway crossing at Spring Street with the tracks of the Railroad in the City of Cedarburg, Ozaukee County, Wisconsin,

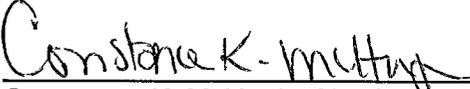
BE IT FURTHER RESOLVED that in the event that the Railroad fails to repair the rail-highway crossing within 30 days after the service of this Resolution, the City of Cedarburg Common Council hereby directs the City of Cedarburg staff to take all necessary steps to petition the Office of the Commissioner of Railroads for an investigation and order for the repair of the rail-highway crossing of Spring Street with the tracks of the Railroad in the City of Cedarburg, Ozaukee County, Wisconsin

BE IT FURTHER RESOLVED that this Resolution is undertaken pursuant to section 86 12, Wis. Stats, and is deemed to be in the public interest.

Passed and adopted by the Common Council of the City of Cedarburg this 12th day of October, 2015


Kip Kinzel, Mayor

ATTEST:


Constance K. McHugh, City Clerk

Approved as to form:


Michael P. Herbrand, City Attorney