

RESOLVED,

WHEREAS, the intersection of North Division Street and Franklin Street, public streets in the city of Appleton, cross the tracks of the Canadian National Railroad at-grade, and

WHEREAS, the intersection of North Appleton Street and Packard Streets, public streets in the city of Appleton, cross the tracks of the Canadian National Railroad at-grade, and

WHEREAS, South Perkins Street, a public street in the city of Appleton, crosses the tracks of the Canadian National Railroad at-grade, and

WHEREAS, the above-named crossings are not in good condition and repair for public travel due to the settling of the rails and pavement, making the crossing uneven, rough and difficult for vehicles to traverse, and

WHEREAS, the City of Appleton hereby requires that the Canadian National Railroad pave, plank, repair, change or otherwise improve the crossings, as the needs require and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby directs City of Appleton staff to serve a copy of this Resolution upon the Canadian National Railroad requiring the Railroad to repair the rail-highway crossing the intersection of North Division Street and Franklin Street with the tracks of the Canadian National Railroad in the City of Appleton, Outagamie County, Wisconsin, the rail-highway crossing the intersection of North Appleton Street and Packard Street with the tracks of the Canadian National Railroad in the City of Appleton, Outagamie County, Wisconsin and the rail-highway crossing South Perkins Street with the tracks of the Canadian National Railroad in the City of Appleton, Outagamie County, Wisconsin. Said repairs to be completed by December 1, 2013.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that in the event that Canadian National Railroad fails to repair the rail-highway crossing the intersection of North Division Street and Franklin Street with the tracks of the Canadian National Railroad in the City of Appleton, Outagamie County, Wisconsin, the rail-highway crossing the intersection of North Appleton Street and Packard Street with the tracks of the Canadian National Railroad in the City of Appleton, Outagamie County, Wisconsin and the rail-highway crossing South Perkins Street with the tracks of the Canadian National Railroad in the City of Appleton, Outagamie County, Wisconsin within 30 days after service of the resolution, or by December 1, 2013, the Common Council hereby directs the City of Appleton 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 the intersection of North Division Street and Franklin Street with the tracks of the Canadian National Railroad in the City of Appleton, Outagamie County, Wisconsin, the rail-highway crossing the intersection of North Appleton Street and Packard Street with the tracks of the Canadian National Railroad in the City of Appleton, Outagamie County, Wisconsin and the rail-highway crossing South Perkins Street with the tracks of the Canadian National Railroad in the City of Appleton, Outagamie County, Wisconsin.

Dated this ____ day of _____, 2013.