

**AMENDMENT TO
RESOLUTION NO. 2020-5-6-000**

AMENDMENT TO RESOLUTION NO. 2020-5-6-000 OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF BROWN, INDIANA, CLARIFYING BOARD APPROVAL OF *CROSSING CLOSURE & SETTLEMENT AGREEMENT*

WHEREAS, on May 20, 2019, Indiana Railroad Company (“INRD”) sent a letter to the Brown County Board of Commissioners (“Board”) requesting closure of the railroad crossing at Indian Hill Road, MP 40.20, DOT # 292 193F (“Crossing”), pursuant to Indiana Code section 8-6-7.7-3.2.

WHEREAS, the Board did not hold a public hearing on INRD’s request to close the Crossing;

WHEREAS, the Board reviewed the statutory criteria for closing a railroad crossing as set forth in Indiana Code 8-6-7.7-3.1(b), and determined that the Crossing should be closed to vehicular traffic;

WHEREAS, on April 9, 2020, INRD and the Board (collectively the “Parties”) entered into a Crossing Closure and Settlement Agreement (“Agreement”), agreeing to proceed with closing the Crossing, which Agreement included, among other provisions, the following:

“The Board agrees to vote to close the railroad crossing identified above. The Board agrees to take all reasonable and necessary steps to conduct and finalize such a vote as promptly as possible, but no later than sixty (60) days from the execution of the Agreement. The Board agrees to notify all Parties and INDOT, by letter, of its decision and vote.”

WHEREAS, on May 6, 2020, the Board signed Resolution No. 2020-5-6-000 to ratify and approve the Agreement and to commence the closure of the Crossing;

WHEREAS, at a meeting of the Board held on May 6, 2020, the Board voted unanimously to accept the Resolution;

WHEREAS, the Board is aware that the Tecumseh Trail, which is part of a 160-mile continuous hiking trail traversing Indiana from Martinsville to the Ohio River, has utilized a portion of Indian Hill Road for nearly two decades;

WHEREAS, the Board’s actions in executing the Agreement and adopting the Resolution were intended to curtail vehicular traffic from using the Crossing; however, the Board’s actions were not intended to, nor do they, preclude the lawful use of Indian Hill Road by pedestrians, including hikers and backpackers walking on the Tecumseh Trail;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Brown County, Indiana, as follows:

Section 1. Based on the foregoing recitals, the Board's Resolution No. 2020-5-6-000, and the approving vote of the Board, is hereby clarified to apply to closure of the Crossing for vehicular use, including conveyance by any wheeled device (whether or not motorized).

Section 2. The Board's Resolution No. 2020-5-6-000, and the approving vote of the Board, were not intended to, nor do they, curtail or limit in any way the lawful use of Indian Hill Road by pedestrians, including hikers and backpackers walking on the Tecumseh Trail.

IN WITNESS THEREOF, THE PARTIES HAVE EACH DULY EXECUTED THIS AGREEMENT AS OF THIS ____ DAY OF _____, 2022.

The Brown County Board of Commissioners:

By: _____
Commissioner
On: _____, 2022

By: _____
Commissioner
On: _____, 2022

By: _____
Commissioner
On: _____, 2022

As to form: _____
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