

**CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, APRIL 1, 2008 - 7:00 P.M.
MUNICIPAL COURTROOM – 305 MONROE STREET**

WELCOME AND CALL TO ORDER Mayor Rosemary Aultman

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The invocation was led by Alderman Greer followed by the pledge of allegiance to the flag led by Mayor Aultman.

ROLL CALL City Clerk, Russell Wall

Present: Jehu Brabham – Alderman-at-Large
 Tony Hisaw – Alderman Ward 1
 Tony Greer – Alderman Ward 2
 Kathy Peace – Alderwoman Ward 4
 Mike Morgan – Alderman Ward 5
 William Barnett – Alderman Ward 6

Absent: Mike Bishop – Alderman Ward 3

APPROVAL OF CONSENT AGENDA ITEMS A-V

MOTION made by Alderman Brabham and **SECONDED** by Alderman Greer to approve the Consent Agenda Items A-V. Items E, F, and G will serve to advertise favorably the opportunities, possibilities and resources of the City of Clinton. **MOTION CARRIED UNANIMOUSLY**

**PRELIMINARY SUBDIVISION PLAT – CHOCTAW FALLS SUBDIVISION –
VERNON ROAD**

This item was removed from the agenda and sent back to the Planning and Zoning Commission for further consideration.

DIMENSIONAL VARIANCE REQUEST – 202 TARVIN STREET

Upon presentation by Gary Ward, Community Development Director, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Brabham the board approved the dimensional variance request which will be located at 202 Tarvin Street. The Planning and Zoning Commission recommended approval. A copy of the request is on file with the Community Development Director. **MOTION CARRIED 5 TO 1 WITH ALDERMAN GREER VOTING “NO”**

PRELIMINARY SITE PLAN – PARKING LOT – CLINTON HIGH SCHOOL

Upon presentation by Gary Ward, Community Development Director, **MOTION** made by Alderwoman Peace and **SECONDED** by Alderman Barnett the board approved the preliminary site plan for a parking lot to be located at the Clinton High School. The Planning and Zoning Commission recommended approval. The site plan is on file with the Community Development Director. **MOTION CARRIED UNANIMOUSLY**

UNKEMPT PROPERTY LOCATED AT 106 EVA LANE

Upon presentation by Gary Ward, Community Development Director, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Morgan the board approved a resolution determining the necessity for the cleaning of private property located at 106 Eva Lane, under the authority granted to municipalities by Section 21-19-11, Mississippi Code of 1972, as amended, and other applicable statutes and ordinances. The board also approved giving the owner thirty (30) days to clean the property of all debris and to prune all shrubby and cut the grass and to provide a plan for cleaning the swimming pool. A public hearing was held and the owner Dr. Martin Schiefer informed the board that he planned to clean the property within thirty (30) days. Public comment was received from Joe Lotterhos who offered Dr. Schiefer help in cleaning up the property. Also, Edward O’Neal was concerned about the disposal of the debris after the cleanup was completed. A copy of the resolution is on file with the City Clerk. **MOTION CARRIED UNANIMOUSLY**

ACCEPTANCE OF DONATION IN THE AMOUNT OF \$4,260.00 FROM THE CLINTON BASEBALL ASSOCIATION

Upon presentation by Ray Holloway, Director of Recreation, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Barnett the board accepted the donation in the amount of \$4,260.00 from the Clinton Baseball Association for a new scoreboard. **MOTION CARRIED UNANIMOUSLY**

RESOLUTION BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON TO CLOSE NORRELL ROAD AT THE KANSAS CITY SOUTHERN RAILROAD RIGHT-OF-WAY AND THE APPROVAL OF THE JOINT PETITION OF THE CITY OF CLINTON AND THE KANSAS CITY SOUTHERN RAILWAY COMPANY

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderwoman Peace and **SECONDED** Alderman Morgan the board approved the resolution by the Mayor and Board of Aldermen of the City of Clinton to close Norrell Road at the Kansas City Southern railroad right-of-way and approved the joint petition of the City of Clinton and the Kansas City Southern Railway Company. A copy of the resolution and the joint petition is on file with the City Clerk. **MOTION CARRIED 5 TO 1 WITH ALDERMAN HISAW VOTING "NO"**

ADJOURN 7: 53 P.M.

MOTION made by Alderman Brabham and **SECONDED** by Alderman Barnett to adjourn until the next regular meeting of the Mayor and Board of Aldermen to be held on April 15, 2008 at 7:00 pm. **MOTION CARRIED UNANIMOUSLY**

APPROVED: _____

Rosemary G. Aultman
Rosemary G. Aultman, Mayor

Date

April 7, 2008

ATTEST: _____

Russell L. Wall
Russell L. Wall, City Clerk

Date

April 4, 2008



CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: April 1, 2008 AGENDA ITEM NO. 7A

CONSENT AGENDA:

TO:

FOR:

ACCT. NO :

DISCUSSION/ACTION: Preliminary Subdivision Plat
Choctaw Falls Subdivision – Vernon Road

*has been removed
from agenda sent
back to Planning & Zoning*

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes

Invoice

Other: _____

Ordinance

Plans, Maps

Resolution

Contract

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: _____

SECONDED BY: _____

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham

Hisaw

Greer

Bishop

Peace

Morgan

Barnett

Mayor Aultman

A

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: April 1, 2008 AGENDA ITEM NO. 7B

CONSENT AGENDA:

TO:

FOR:

ACCT. NO :

DISCUSSION/ACTION: Dimensional Variance Request
 202 Tarvin Street

no opposition

P&Z recommends approval

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes

Invoice

Other: _____

Ordinance

Plans, Maps

Resolution

Contract

RECOMMENDATION: Planning and Zoning recommends approval.

BOARD ACTION:

MOTION MADE BY: Hisaw

SECONDED BY: Brabham

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham

✓

Hisaw

✓

Greer

✓

Bishop

A

Peace

✓

Morgan

✓

Barnett

✓

Mayor Aultman

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

RESOLUTION

RESOLUTION APPROVING A DIMENSIONAL VARIANCE OF THE REAR YARD SET BACK, 202 TARVIN STREET, CLINTON MISSISSIPPI

WHEREAS, Mr. Jessie Grigsby, has requested a twelve foot dimensional variance of the rear yard setback requirements as set in Section 703.04(c) of the Zoning Ordinance of the City of Clinton, Mississippi; and,

WHEREAS, the Zoning Ordinance of the City of Clinton, Mississippi now require certain dimensional requirements as set forth therein; and,

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, find that the requested variance will be in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and,

WHEREAS, the Owner has complied with the requirements of the Zoning Regulations regarding dimensional variance; and,

WHEREAS, the Planning and Zoning Board has recommended granting the twelve foot dimensional variance of the rear yard setback request as set out in its minutes.

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi that the requested dimensional variance should be granted as follows:

1. A twelve foot dimensional variance shall be granted to permit a rear yard setback of 8 feet.

Except as modified hereby, this property shall be subject to all applicable ordinances and regulations.

The foregoing Resolution, having been reduced to writing, Alderman HISAW moved that said Resolution be adopted. Alderman BRABHAM seconded. The vote was as follows:

Alderman Brabham voted: AYE

Alderman Hisaw voted: AYE

Alderman Greer voted: NAY

Alderman Bishop voted: ABSENT

Alderman Peace voted: AYE

Alderman Morgan voted: AYE

Alderman Barnett voted: AYE

Whereupon the Mayor declared the Motion carried and the resolution approved and adopted.
The foregoing resolution was approved this the 15th day of April 2008.

CITY OF CLINTON

BY: Rosemary G. Aultman
ROSEMARY AULTMAN, MAYOR

ATTEST:

Russell Wall
RUSSELL WALL, CITY CLERK



CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: April 1, 2008 AGENDA ITEM NO. 7. c

CONSENT AGENDA:

TO:

FOR:

ACCT. NO :

DISCUSSION/ACTION: Preliminary Site Plan
Parking Lot – Clinton High School

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes

Invoice

Other: _____

Ordinance

Plans, Maps

Resolution

Contract

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Peace

SECONDED BY: Barnett

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham

✓

Hisaw

✓

Greer

✓

Bishop

A

Peace

✓

Morgan

✓

Barnett

✓

Mayor Aultman

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CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: April 1, 2008 AGENDA ITEM NO. 8

CONSENT AGENDA:

TO:

FOR:

ACCT. NO :

MARTIN SCHIEFER owner

public hearing

*is a menace to public
welfare and safety*

*Martin Schiefer
is present*

DISCUSSION/ACTION: Unkempt Property
106 Eva Lane

*has 30 days to
clean property trimming shrubs etc*

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes

Invoice

Other: _____

Ordinance

Plans, Maps

Resolution

Contract

*for letterhance
offer assistance
to help with*

*cleanup of property.
01 meal
at meal*

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: *Brabham*

SECONDED BY: *Morgan*

*Edward Schiefer
concerned about
picking up debris*

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham

Hisaw

Greer

Bishop

Peace

Morgan

Barnett

Mayor Aultman

✓
✓
✓
A
✓
✓
✓

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*adapt resolution extend a grace period of 30 days to take care
of clean up the property. removing and clean all of property, trim all
shrubs, submit to replacing pool in usable condition etc.*

RESOLUTION

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unkempt property located at 106 Eva Lane, Clinton, Mississippi, and after full consideration of the matter, Alderman Braham offered the following Resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, DETERMINING THE NECESSITY FOR THE CLEANING OF PRIVATE PROPERTY LOCATED 106 EVA LANE, CLINTON MISSISSIPPI, UNDER THE AUTHORITY GRANTED TO MUNICIPALITIES BY SECTION 21-19-11, MISSISSIPPI CODE OF 1972 AS AMENDED, AND OTHER APPLICABLE STATUTES AND ORDINANCES.

WHEREAS, it has come to the attention of the Mayor and Board of Aldermen that the property located at 106 Eva Lane, Clinton, Mississippi, may constitute a menace to the public health and safety of the community because of its present condition and state of uncleanliness; and

WHEREAS, notice was given to the owner of said property as required Section 21-19-11 of the Miss. Code of 1972, as amended, of a public hearing on this matter; and

WHEREAS, a public hearing was held at 7:00 p.m., April 1, 2008, at the Municipal Room of the Public Safety Complex, 305 Monroe Street, Clinton, Mississippi; and

WHEREAS, based upon the information and evidence provided at said public hearing, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, has determined that this property, in its present condition and state of uncleanliness, constitutes a menace to the public health and safety of the community and does adjudicate said property in its present condition to be a menace to the public health and safety of the community. The Director of Community Development Department is directed to take such action as appropriate under Section 21-19-11 of the Miss. Code of 1972, as amended, and other applicable statutes and ordinances, to use municipal employees or, by contract, clean the property by cutting weeds, removing rubbish and dilapidated buildings and other debris.

NOW BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, as follows:

1. It is hereby adjudicated that the property located at 106 Eva Lane, Clinton, Mississippi, in its present condition, constitutes a menace to the public health and safety of the community.

2. The Director of Community Development is hereby directed to take such action as appropriate under Section 21-19-11, Miss. Code of 1972, as amended, and other applicable statutes and ordinances, to clean the property by cutting weeds, removing rubbish and dilapidated buildings and debris.
3. The Director of Community Development is hereby directed that upon completion of this cleaning that he advise the Mayor and Board of Aldermen of the City of Clinton, Mississippi, of the actual costs incurred in cleaning the property so that the Mayor and Board of Aldermen for the city of Clinton, Mississippi may adjudicate the costs of such action and impose such penalty as it adjudicates, all as provided by under Section 21-19-11, Miss. Code of 1972, as amended, and other applicable statutes and ordinances.
4. That within 30 days all debris such as stumps, rotten wood, other lumber, shingles, etc. be removed from the property.
5. That within 30 days all shrubbery, bushes, plants, etc. be pruned in an accepted horticulture method and level.
6. That due to the health and safety issues involved, within 30 days a specific plan of action for the vacated pool must be submitted to the Director of Community Development. This plan must show a specific plan of action which will:
 - a) reclaim the pool and put it back into service
 - b) drain, clean, and secure the pool with some type of cover
 - c) take the pool completely out of service and fill the pool with dirt

A Motion for adoption was seconded by Alderman MORGAN and the foregoing having been first reduced to writing, and no request by the Mayor or any member of the Board of Aldermen that it be read by the City Clerk, before the vote was taken, it was submitted to the Board of Alderman for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

Alderman Brabham voted:	<u>AYE</u>
Alderman Hisaw voted:	<u>AYE</u>
Alderman Greer voted:	<u>AYE</u>
Alderman Bishop voted:	<u>ABSENT</u>
Alderman Peace voted:	<u>AYE</u>
Alderman Morgan voted:	<u>AYE</u>
Alderman Barnett voted:	<u>AYE</u>

Whereupon the Mayor declared the Motion carried and the Resolution approved and adopted.

The foregoing Resolution was approved this the 1st day of April 2008.

CITY OF CLINTON

BY: Rosemary G. Aultman

ROSEMARY AULTMAN,

Mayor
ATTEST:

Russell Wall
RUSSELL WALL, City Clerk



CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: 04/01/08

AGENDA ITEM NO. 9

CONSENT AGENDA: _____

TO: _____

FOR: _____

ACCT. NO. _____

DISCUSSION/ACTION: Acceptance of Donation in the amount of \$4,260.00 from Clinton Baseball Association for new scoreboard

INTRODUCED BY: _____

TELEPHONE: _____

EXHIBITS FOR REVIEW:

Minutes _____
Ordinance _____
Resolution _____

Invoice _____
Plans, Maps _____
Contract _____

Other _____

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Greer

SECONDED BY: Barnett

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham

✓

Hisaw

✓

Greer

✓

Bishop

A

~~Fisher~~ PEACE

✓

Morgan

✓

Barnett

✓

Mayor Aultman

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: April 1, 2008

AGENDA ITEM NO. 10

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: Resolution by the Mayor and Board of Aldermen of the City of Clinton to Close Norrell Road at the Kansas City Southern Railroad Right of Way *2 Joint Resolution on Closing*

INTRODUCED BY: Richard L. Broome, City Engineer TELEPHONE: 601-925-6102

INTRODUCED BY: Richard L. Broome, City Engineer

TELEPHONE: 601-925-6102

EXHIBITS FOR REVIEW:

**Minutes
Ordinance
Resolution**

Invoice
Plans, Maps
Contract

Other:

Peace
Morgan

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY:

SECONDED BY: _____

VOTE CAST:

“AYE”

“NAY”

ACTION TAKEN:

Brabham
Hisaw
Greer
Bishop
Peace
Morgan
Barnett

✓
✓
A
✓
✓
✓

✓

Mayor Aultman

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AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

**RESOLUTION BY THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF CLINTON TO CLOSE NORRELL ROAD AT THE
KANSAS CITY SOUTHERN RAILROAD RIGHT OF WAY**

WHEREAS, the City of Clinton, MDOT and the Kansas City Southern Railroad have entered into discussions to have a "Quiet Zone" established along the Kansas City Southern Railroad Right of Way within the city limits; and,

WHEREAS, the establishment of the "Quiet Zone" requires enhancement of several railroad crossings within the City and the closing of Norrell Road at the railroad right of way; and,

WHEREAS, the Norrell Road crossing was identified by the MDOT Rails Division as meeting a series of criteria it considers for closure, the presence of an alternate crossing nearby (St. Thomas Parkway), the low number of vehicles that cross at that location; and,

WHEREAS, MDOT has determined that upgrading Norrell Road crossing would exceed funds it has available and would not resolve the existing safety issues of this crossing; and,

WHEREAS, a public hearing was held on July 23, 2007 and October 22, 2007, to discuss the proposed closing of the Norrell Road crossing and the public had an opportunity to comment on this matter.

NOW, THEREFORE, after consideration of all public comments, the Quiet Zone requirements and the public safety issue, the Mayor and Board of Aldermen hereby determine that it is in the public interest to close the Norrell Road Crossing, the Mayor and Board of Aldermen specifically finding that all abutting landowners have reasonable access to alternative routes of travel.

A Motion for adoption was made by Alder^{woman}~~man~~ PEARCE and seconded by Alderman MORGAN and the foregoing Resolution having been first reduced to writing, and no request being made by the Mayor or any member of the Board of Aldermen that the Ordinance be read by the City Clerk, before any vote was taken, it was submitted to the Board of Aldermen for passage or rejection on roll call vote upon the vote being as follows, to-wit:

Alderman Brabham: AYE
Alderman Hisaw: NAY
Alderman Greer: AYE
Alderman Bishop: ABSENT
Alderswoman Peace: AYE
Alderman Morgan: AYE
Alderman Barnett: AYE

Whereupon the Mayor declared the Resolution approved and adopted, this the 1st day of April, 2008.

CITY OF CLINTON, MISSISSIPPI

By: Rosemary G. Aultman
ROSEMARY G. AULTMAN, MAYOR

ATTEST:

By: Russell Wall
RUSSELL WALL, CITY CLERK



BEFORE THE MISSISSIPPI TRANSPORTATION COMMISSION
OF THE STATE OF MISSISSIPPI

**IN THE MATTER OF THE JOINT PETITION OF
THE CITY OF CLINTON AND
THE KANSAS CITY SOUTHERN RAILWAY
COMPANY, IN THE INTERESTS OF HIGHWAY-RAIL
GRADE CROSSING SAFETY, FOR AUTHORITY
ABOLISH ONE (1) CROSSING IN HINDS COUNTY, MISSISSIPPI**

NOW COME THE CITY OF CLINTON (CITY) and the KANSAS CITY SOUTHERN RAILWAY COMPANY (KCS) and jointly petition the MISSISSIPPI TRANSPORTATION COMMISSION (COMMISSION), in the interests of highway-rail grade, crossing safety, for authority to permanently close and abolish one (1) other public highway-rail crossing, all as hereinafter set forth, in a community known as the City of Clinton, Hinds County Mississippi.

The joint petitioners hereto hereby agree and stipulate as follows:

1. That petitioner, the City of Clinton, is a political subdivision organized and existing under the laws of the State of Mississippi; that its official mailing address is P.O. Box 156, Clinton, MS 39060; and that it is subject to the jurisdiction of the Commission relative to the matters of this petition;
2. That petitioner KCS is a corporation organized and existing under the laws of the State of Missouri and duly authorized to conduct business in the State of Mississippi; that it operates a common carrier service by railroad between points in Mississippi and between points in other states; that its principal offices are located at 427 West 12th Street, Kansas City, MO 64105; and that it is subject to the jurisdiction of the Commission relative to the matters of this petition;
3. That KCS Railroad operates a main line of railroad through the City of Clinton, in a generally east-west direction and most crossings of this rail line with roads are at grade;
4. That KCS presently operates 20 to 24 freight trains per day through the City of Clinton and said trains currently operate at a maximum speed of 59 MPH;
5. That the City of Clinton is a community of approximately 23,400 residents; that as one proceeds east to west through the City of Clinton, KCS's line of railroad presently intersects existing and open public streets and roadways at numerous separate locations:

Wickstead Drive	at-grade crossing, DOT# 302 322Y
Parker Drive	at-grade crossing, DOT# 302 323F
Lindale Drive	at-grade crossing, DOT# 302 324M
Lakeview Drive	at-grade crossing, DOT# 302 326B
Oakwood Drive	at-grade crossing, DOT# 302 327H
East Main Street	at-grade crossing, DOT# 302 328P
Leake Street	at-grade crossing, DOT# 302 329W
Monroe Street	at-grade crossing, DOT# 302 330R
Vernon Road	*****Closed*****
Industrial Park Road	at-grade crossing, DOT# 302 332E
St. Thomas Parkway	at-grade crossing, _____
Old Norrell Road	at-grade crossing, DOT# 302 335A

6. That in the interests of public safety, public necessity and convenience does not justify the retention of the aforesaid highway-rail intersection at Old Norrell Road; that given the proximity of adjacent crossings and adverse impacts upon the traveling public, commercial businesses or the deliver of emergency services, as may be occasioned by the closure and abolishment of this crossing, will be minimal;
7. That upgrades to crossings within Clinton and the closure of Vernon Road crossing have been addressed in a prior agreement and petition by the City of Clinton and the KCS Railroad;
8. That the City of Clinton and the KCS Railroad are prepared to perform such work, and to assume and bear all costs so incurred, to effect the physical closure of the City Street crossing, including the erection of permanent highway-type guardrail barricades and/or outright removal of the street pavement on its right-of-way on both sides of its tracks, the removal of the crossings proper, and the removal of the existing signs and/or other traffic control devices on its right-of-way in Exhibit "A", which by reference hereto are made a part hereof, and that the City is prepared to assume and bear the cost of installing and maintaining and/or removing any other passive traffic control signs or devices as may be required by the said closures and thereafter maintaining such permanent barricades as may be installed by the Railroad;

WHEREOF, the CITY OF CLINTON and the KANSAS CITY SOUTHERN RAILWAY COMPANY respectfully requests the MISSISSIPPI TRANSPORTATION COMMISSION enter an Order as follows:

- A. Authorize and require the permanent closure and abolishment of the crossing of Old Norrell Road in the community of Clinton, Mississippi, with the work to be performed and the cost thereof divided in accordance with Stipulation (8) above.

B. Such other and further relief as the Commission may deem appropriate or desirable in order to effectuate the closure of the crossings affected by this petition, all in the community of Clinton, Mississippi.

Submitted and filed this the 8th day of April, 2008 by and on behalf of the City of Clinton, Mississippi and the Kansas City Southern Railway Company as joint petitioners.

CITY OF CLINTON

KANSAS CITY SOUTHERN
RAILWAY COMPANY

By: Rosemary G. Quetman
MAYOR

By: _____

Title

Title

Date: 4-8-2008, 2008
(CERTIFIED RESOLUTION REQUIRED)

Date: _____, 2008

APPROVED:

EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT OF TRANSPORTATION

Date: _____, 2008

STATE OF MISSISSIPPI

COUNTY OF HINDS

ROSEMARY G. AVITMAN, being first duly sworn on oath, deposes and states that she is the Mayor of the City of Clinton in the State of Mississippi; that she has read the foregoing Joint Petition, knows the contents thereof, and that said contents are true in substance and in fact to the best of her knowledge and belief.

Rosemary G. Avitman
MAYOR, CITY OF CLINTON

Subscribed and sworn to before me this the 8 day of April, 2008.

Jackie K. Barnett
NOTARY PUBLIC

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES NOV. 26, 2010
BONDED - FRU STEGALL NOTARY SERVICE

STATE OF MISSOURI

COUNTY OF JACKSON

Jerry W. Heavin, being first duly sworn on oath, deposes and states that he is the Senior Vice President-International Engineering for the Kansas City Southern Railway Company; that he has read the foregoing Joint Petition, knows the contents thereof, and that said contents are true in substance and in fact to the best of his knowledge and belief.

Title: Senior Vice President-
International Engineer the
Kansas City Southern Railway
Company

Subscribed and sworn before me this the _____ day of _____, 20____.

NOTARY PUBLIC

Exhibit "A"

Street Name: Old Norrell Road County: Hinds

Crossing I.D. No: 302 335A Railroad: KCS

I. RECOMMENDED IMPROVEMENTS:

- A. Close and vacate City Street installing permanent guardrail and removing all approaches on railroad right-of-way and crossbucks (by Railroad);
- B. Remove or replace or install, update advance warning signs and pavement markings as per *Manual on Uniform Traffic Control Devices* (by City);
- C. Maintain the guard rail system that is to be installed by the railroad (by City).

II. WORK PROPOSED TO BE PERFORMED BY RAILROAD:

- A. Furnish material, equipment and labor to remove crossbucks and approaches;
- B. Furnish material, equipment and labor to install said guard rail system;
- C. Incidental work necessary for completion of above.

III. WORK PROPOSED TO BE PERFORMED BY CITY:

- A. Furnish material, equipment and labor to maintain said guard rail system to be installed by the railroad.