

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE vacating a portion of Old Lexington Road due to the proposed closing of an at-grade crossing by the Union Pacific Railroad.

ORDINANCE #4379, January 3, 2012

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section 1. Pursuant to the Unified Development Code of Jackson County, section 24003.24, Jackson County Code, 1984, a portion of Old Lexington Road located one-half mile from O'Donnell Road east to a point one-fourth mile west of Holly Road, is hereby vacated, said tract being specifically described as follows:

Description: Commencing at the Southwest corner of the East half of the Southwest quarter of Section 13, Township, 50, Range 30, in Jackson County, Missouri; thence along the South line of said Southwest quarter of said Section 13, South 88 degrees, 37 minutes, 31 seconds East, a distance of 477.56 to the Southerly line of the Missouri Pacific Railroad right of way and the True Point of Beginning; Thence along said railroad right of way, North 78 degrees, 41 minutes, 12 seconds East 83.34 feet to the point of intersection with the Northerly right of way line Old Lexington Road and the Southerly right of way of said railroad; thence along said road right of way, North 90 degrees, 00 minutes, 00 seconds East, a distance of 96.23 feet; thence South 89 degrees, 25 minutes, 08 seconds East, a distance of 176.06 feet; thence North 88 degrees, 07 minutes, 32 seconds East, a distance of 289.80 feet; thence North 89 degrees, 30 minutes, 10 seconds East, a distance of 103.02 feet; thence South 82 degrees, 18 minutes, 27 seconds East, a distance of 75.05 feet; thence South 73 degrees, 47 minutes, 03 seconds East, a distance of 252.37 feet; thence South 75 degrees, 45 minutes, 26 seconds East, a distance of 106.56 feet; thence South 83 degrees, 21 minutes, 12 seconds East, a distance of 110.73 feet; thence South 86 degrees, 56 minutes, 30 seconds East, a distance of 117.18 feet; thence South 87 degrees, 08 minutes, 49 seconds East, a distance of 133.89 feet; thence South 88 degrees, 52 minutes, 58 seconds East, a distance of 276.57 feet; thence North 86 degrees, 40 minutes, 08 seconds East, a distance of 104.39 feet; thence North 85 degrees, 59 minutes, 00 seconds East, a distance of 120.56 feet; thence leaving said Northerly right of way of said road, South 03 degrees, 04 minutes, 07 seconds West, a distance of 40.30 feet to the South right of way line of said road; thence along said road right of way,

thence South 85 degrees, 59 minutes, 00 seconds West, a distance of 115.83 feet;
thence South 86 degrees, 40 minutes, 08 seconds West, a distance of 106.18 feet;
thence North 88 degrees, 52 minutes, 58 seconds West, a distance of 278.73 feet;
thence North 87 degrees, 08 minutes, 46 seconds West, a distance of 134.56 feet;
thence North 86 degrees, 56 minutes, 30 seconds West, a distance of 118.51 feet;
thence North 83 degrees, 21 minutes, 12 seconds West, a distance of 114.64 feet;
thence North 75 degrees, 45 minutes, 26 seconds West, a distance of 109.91 feet;
thence North 73 degrees, 47 minutes, 03 seconds West, a distance of 250.08 feet;
thence North 82 degrees, 18 minutes, 27 seconds West, a distance of 69.21 feet; thence
South 89 degrees, 30 minutes, 10 seconds West, a distance of 99.67 feet, thence South
88 degrees, 07 minutes, 32 seconds West, a distance of 290.18 feet; thence North 89
degrees, 25 minutes, 08 seconds West, a distance of 176.71 feet; thence North 90
degrees, 00 minutes, 00 seconds West, a distance of 168.53 feet to the intersection of
the South right of way of Old Lexington Road and the Southerly right of way line of said
railroad, thence North 78 degrees, 41 minutes, 12 seconds East, a distance of 106.63;
thence North 88 degrees, 37 minutes, 31 seconds West, a distance of 113.81 feet to the
True Point of Beginning.

Beginning at the Southwest corner of the East half of the Southwest quarter of Section
13, Township, 50, Range 30, in Jackson County, Missouri; thence along the West line of
said East half, North 03 degrees, 07 minutes, 39 seconds East along said West line also
being the West line of the MBT, LLC tract of land as describes in Document I0045364 in
Book I-2871 at Page 684, a distance of 19.85 feet to the North right of way line of Old
Lexington Road; thence along said North right of way of said road, North 89 degrees, 02
minutes, 28 seconds East, a distance of 303.61 feet; thence South 82 degrees, 43
minutes, 22 seconds East, a distance of 61.32 feet to the Northerly line of the Missouri
Pacific Railroad right of way; thence along said right of way, South 78 degrees, 41
minutes, 12 seconds West 117.93 feet to the intersection of the North right of way of
said railroad and the South line of the East half of said Section 13; thence along said
South line, North 88 degrees, 37 minutes, 31 seconds West , a distance of 249.92 to
True Point of Beginning.

Section 2. The Legislature, pursuant to the application of the Public Works Department
in conjunction with the Missouri Highways and Transportation Commission and the
Union Pacific Railroad Company (LA-2011-025), requesting the vacation embodied in
this Ordinance and with notice that the Jackson County Plan Commission voted 8 to 0
to recommended APPROVAL of this application at a public hearing on November 17,

2011, does adopt this Ordinance pursuant to the Jackson County Charter authorizing the Legislature to exercise legislative power pertaining to planning and zoning.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:



Chief Deputy County Counselor



County Counselor

I hereby certify that the attached Ordinance, Ordinance #4379 introduced on January 3, 2012, was duly passed on January 30, 2012 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

Nays 0

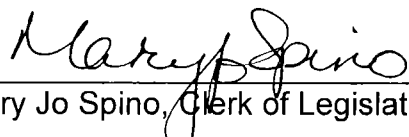
Abstaining 0

Absent 0

This Ordinance is hereby transmitted to the County Executive for his signature.

1/30/12

Date



Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4379.

1/31/2012

Date



Michael D. Sanders, County Executive

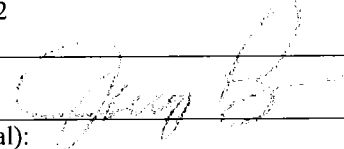
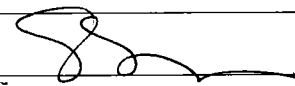
REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.: 4379

Sponsor(s): None

Date: January 3, 2012

SUBJECT	<p>Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance</p> <p>Project/Title: <u>Legislative Action (Jackson County Public Works), Case No. LA-2011-025</u></p>																			
<p>BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i></p>	<table border="1" data-bbox="316 493 1193 808"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td></td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT</td> <td></td> </tr> <tr> <td></td> <td>TO ACCT</td> <td></td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><input checked="" type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: _____ Estimated Use: \$ _____</p> <p>Prior Year Budget (if applicable): _____ Prior Year Actual Amount Spent (if applicable): _____</p>		Amount authorized by this legislation this fiscal year:		\$	Amount previously authorized this fiscal year:		\$	Total amount authorized after this legislative action:		\$	Amount budgeted for this item * (including transfers):		\$	Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT			TO ACCT	
Amount authorized by this legislation this fiscal year:		\$																		
Amount previously authorized this fiscal year:		\$																		
Total amount authorized after this legislative action:		\$																		
Amount budgeted for this item * (including transfers):		\$																		
Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT																			
	TO ACCT																			
PRIOR LEGISLATION	<p>Prior ordinances and (date): _____ Prior resolutions and (date): _____</p>																			
CONTACT INFORMATION	<p>RLA drafted by Randy Diehl, Planning and Zoning Coordinator, 881-4577</p>																			
REQUEST SUMMARY	<p>Requesting an ordinance to vacate a portion of Old Lexington Road due to the proposed closing of an at-grade crossing by the Union Pacific Railroad. The Missouri Highways and Transportation Commission, the Union Pacific Railroad and Jackson County have proposed a project to abolish a public highway-rail grade crossing to a public roadway near Buckner, Missouri, where said county road, Old Lexington Road, crosses the railroad's tracks at Mile Post 263.72, identified by USDOT as crossing #442 296W. Description of said vacated road right of way is specifically described on Attachment to RLA-1. The Jackson County Plan Commission voted 8 to 0 to recommend <u>APPROVAL</u> to the County Legislature. (One member recused themselves as they are an adjacent property owner)</p>																			
CLEARANCE	<p><input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)</p>																			
ATTACHMENTS	<p>See Attachment to RLA-2</p>																			
REVIEW	<p>Department Director:  Jerry A. Page, P.E.</p> <p>Finance (Budget Approval): <i>If applicable</i></p> <p>Division Manager: </p> <p>County Counselor's Office:</p>	<p>Date: 12/01/2011</p> <p>Date:</p> <p>Date: 12/29/11</p> <p>Date:</p>																		

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the _____ Fund in _____.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # _____
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

ATTACHMENT TO RLA 1:

Description:

Commencing at the Southwest corner of the East half of the Southwest quarter of Section 13, Township, 50, Range 30, in Jackson County, Missouri; thence along the South line of said Southwest quarter of said Section 13, South 88 degrees, 37 minutes, 31 seconds East, a distance of 477.56 to the Southerly line of the Missouri Pacific Railroad right of way and the True Point of Beginning; Thence along said railroad right of way, North 78 degrees, 41 minutes, 12 seconds East 83.34 feet to the point of intersection with the Northerly right of way line Old Lexington Road and the Southerly right of way of said railroad; thence along said road right of way, North 90 degrees, 00 minutes, 00 seconds East, a distance of 96.23 feet; thence South 89 degrees, 25 minutes, 08 seconds East, a distance of 176.06 feet; thence North 88 degrees, 07 minutes, 32 seconds East, a distance of 289.80 feet; thence North 89 degrees, 30 minutes, 10 seconds East, a distance of 103.02 feet; thence South 82 degrees, 18 minutes, 27 seconds East, a distance of 75.05 feet; thence South 73 degrees, 47 minutes, 03 seconds East, a distance of 252.37 feet; thence South 75 degrees, 45 minutes, 26 seconds East, a distance of 106.56 feet; thence South 83 degrees, 21 minutes, 12 seconds East, a distance of 110.73 feet; thence South 86 degrees, 56 minutes, 30 seconds East, a distance of 117.18 feet; thence South 87 degrees, 08 minutes, 49 seconds East, a distance of 133.89 feet; thence South 88 degrees, 52 minutes, 58 seconds East, a distance of 276.57 feet; thence North 86 degrees, 40 minutes, 08 seconds East, a distance of 104.39 feet; thence North 85 degrees, 59 minutes, 00 seconds East, a distance of 120.56 feet; thence leaving said Northerly right of way of said road, South 03 degrees, 04 minutes, 07 seconds West, a distance of 40.30 feet to the South right of way line of said road; thence along said road right of way, thence South 85 degrees, 59 minutes, 00 seconds West, a distance of 115.83 feet; thence South 86 degrees, 40 minutes, 08 seconds West, a distance of 106.18 feet; thence North 88 degrees, 52 minutes, 58 seconds West, a distance of 278.73 feet; thence North 87 degrees, 08 minutes, 46 seconds West, a distance of 134.56 feet; thence North 86 degrees, 56 minutes, 30 seconds West, a distance of 118.51 feet; thence North 83 degrees, 21 minutes, 12 seconds West, a distance of 114.64 feet; thence North 75 degrees, 45 minutes, 26 seconds West, a distance of 109.91 feet; thence North 73 degrees, 47 minutes, 03 seconds West, a distance of 250.08 feet; thence North 82 degrees, 18 minutes, 27 seconds West, a distance of 69.21 feet; thence South 89 degrees, 30 minutes, 10 seconds West, a distance of 99.67 feet, thence South 88 degrees, 07 minutes, 32 seconds West, a distance of 290.18 feet; thence North 89 degrees, 25 minutes, 08 seconds West, a distance of 176.71 feet; thence North 90 degrees, 00 minutes, 00 seconds West, a distance of 168.53 feet to the intersection of the South right of way of Old Lexington Road and the Southerly right of way line of said railroad, thence North 78 degrees, 41 minutes, 12 seconds East, a distance of 106.63; thence North 88 degrees, 37 minutes, 31 seconds West, a distance of 113.81 feet to the True Point of Beginning.

Beginning at the Southwest corner of the East half of the Southwest quarter of Section 13, Township, 50, Range 30, in Jackson County, Missouri; thence along the West line of said East half, North 03 degrees, 07 minutes, 39 seconds East along said West line also being the West line of the MBT, LLC tract of land as describes in Document I0045364 in Book I-2871 at Page 684, a distance of 19.85 feet to the North right of way line of Old Lexington Road; thence along said North right of way of said road, North 89 degrees, 02 minutes, 28 seconds East, a distance of 303.61 feet; thence South 82 degrees, 43 minutes, 22 seconds East, a distance of 61.32 feet to the Northerly line of the Missouri Pacific Railroad right of way; thence along said right of way, South 78 degrees, 41 minutes, 12 seconds West 117.93 feet to the intersection of the North right of way of said railroad and the South line of the East half of said Section 13; thence along said South line, North 88 degrees, 37 minutes, 31 seconds West, a distance of 249.92 to True Point of Beginning.

ATTACHMENT TO RLA-2:

Exhibits:

1. Plan Commission Minutes from November 17, 2011
2. Staff Report dated November 17, 2011
3. Map Showing Current Zoning Districts in Area
4. Application
5. Map of Old Lexington Road
6. Jackson County Sheriff's Office Accident Report dated 12/19/09
7. Railroad Crossing Looking East
8. Railroad Crossing Looking West

3. LA-2011-025 – Public Works Development Division

Requesting a portion of Old Lexington Road to be vacated due to the closing of an at-grade crossing by the Union Pacific Railroad. The ½ mile portion of road runs from O'Donnell Road east to a point ¼ mile west of Holly Road, lying in Sections 13 and 24, Township 50, Range 30, Jackson County, Missouri.

Mrs. Mershon abstained from participating as she had a vested interest as a property owner in the area.

Mr. George introduced LA-2011-025 and entered 10 exhibits into the record. Mr. George gave the staff report with comments and recommendation as follows: the request is for vacating a portion of Old Lexington Road due to the proposed closing of an at-grade crossing by the Union Pacific Railroad. The ½ mile portion of road runs from O'Donnell Road east to a point ¼ mile west of Holly Road.

The Missouri Highways and Transportation Commission, the Union Pacific Railroad Company, and Jackson County have proposed a project to abolish an existing public highway-rail grade crossing to public roadway traffic near Buckner, Missouri, where said county road, Old Lexington Road, crosses the railroad's tracks at approximately Mile Post 263.72, which is identified by USDOT as crossing #442 296W. The proposed project will authorize and require the railroad's removal of all grade crossing warning devices and the existing crossing surfaces from the railroad's track at the Old Lexington Crossing and the obliteration of the existing public roadway approaches on both sides of the Old Lexington crossing between the ends of the ties and the boundaries of the railroad's right-of-way. In conjunction with said project, the County will construct a vehicle turn-around within Old Lexington Road at the east terminus of the vacated road. The angle of approach and elevation changes at this crossing are not favorable from a safety aspect. Closing this at-grade crossing improves safety. Exhibit 8 is an accident report taken by the Jackson County Sheriff's Office involving a car vs. train crash which resulted in serious injuries. The latest traffic count we have for this road was taken in 2006 with an ADT of 51. The Development Division requests the Plan Commission forward a favorable recommendation to the County Legislature.

Mr. Tarpley wanted to know what initiated this action.

Mr. George said traffic accidents and Union Pacific and MoDOT wanted to increase safety.

Mr. Jenkins said that following a recent accident, MoDOT and Union Pacific decided to eliminate the crossing. He said an off-set cul-de-sac would be installed east of the vacated portion of the road. Mr. Jenkins said that the Old Lexington bridge that would be in the vacated road portion was in very poor shape.

Mr. Pointer wanted to know why a cul-de-sac was needed for a road that being closed.

Mr. Jenkins said only a portion of the road was being closed and the remainder of the road would continue to be used.

Mr. Pointer asked why the entire road wasn't being closed as it didn't go to anyone's house.

Mr. Jenkins said that the property along the sides of the road would need to be accessed.

Mr. Tarpley wanted to know if the crossing was considered a high-speed intersection.

Mr. Pointer said he would like to hear Mrs. Mershon's opinion of the closing of the crossing since she lived in the area.

Counselor Snyder said that Mrs. Mershon could only answer fact questions and not give any opinions as that could be considered as advocacy.

Mr. George said the speed of the train at the time of the accident was 33 mph.

Mr. Haley wanted to know if electronic crossing bars would have prevented the accident.

Mr. George said he was not qualified to answer and that it most likely a matter for the sheriff.

Mr. Tarpley wanted to know how the 51 people who used the road would access the area.

Mr. George said they would use Highway 24.

Mr. Tarpley asked about east/west traffic.

Mr. George said they would also use the highway. He said most of the east/west traffic was from people using shortcuts.

Mr. Tarpley said that traffic would need to cross the tracks somewhere.

Counselor Snyder said it was appropriate for Mrs. Mershon to give some factual information. Mrs. Mershon said that there would seldom be more than a few cars using this portion of the road as the houses present were vacant. She said that anyone wanting access to the area would come via the highway. Mrs. Mershon said that there had already been railway crossings closed to the east of this crossing. She pointed out on the map the route that they would use to enter their fields. She said that 51 cars using the road on a daily basis was an unrealistic figure.

Mr. Pointer said the only benefit would be to the railroad as the crossing would no longer need to be maintained.

Counselor Snyder said there would be no benefit or detriment specifically for Mrs. Mershon and if anything, it would be a benefit to the whole community. He said the factual knowledge presented was along the lines of "I know this area and these are the facts".

Mr. Tarpley moved to take LA-2011-025 under advisement. Mr. Pointer seconded the motion.

Mr. Pointer said he didn't see benefits for anyone except for the railroad.

Mr. Tarpley said if the county didn't need to replace the bridge when it became impassable, it would be saving money.

Chairman Antey said it appeared that traffic heading west on Old Lexington would not see a train coming due to a blind spot.

Mr. Aikins wanted to know the purpose of the pedestal shown in the picture of the crossing.

Mr. George said it was a phone box.

Mr. Aikins said a buried phone line would need access to maintain.

Mr. Jenkins said the pedestal was within the railroad's right-of-way.

Chairman Antey said transmission lines don't necessarily follow roads.

Mr. George said any easements in place would remain.

Mr. Pointer said closing of railroad crossings can cause farmers to drive 4 – 5 miles out of their way to get to their fields. He said he didn't want this to happen in this instance. He said conditions can't be made safe for everyone and he wished someone were present to answer the question of whether any inconvenience would result from this closing.

Mr. George said that staff had discussions with property owners in the area and there had been no negative feedback.

Mr. Crawford wanted to know if the bridge failed, how the fields to west would be accessed. He said he didn't want to deny access to any one's property.

Mr. Aikins moved to approve LA-2011-025. Mr. Tarpley seconded the motion.

VOTE:

Mr. Aikins	Approve
Mr. Crawford	Approve
Mr. Gibler	Approve
Mr. Haley	Approve
Mr. Pointer	Approve
Mrs. Querry	Approve
Mr. Tarpley	Approve
Chairman Antey	Approve

LA-2011-025 APPROVED (8 – 0)

STAFF REPORT

PLAN COMMISSION
November 17, 2011

RE: LA-2011-025

Applicant: Jackson County Public Works Department – Development Division

Request: Vacation of a portion of Old Lexington Road

Purpose: Requesting a portion of Old Lexington Road to be vacated due to the proposed closing of an at-grade crossing by the Union Pacific Railroad. The ½ mile portion of road runs from O'Donnell Road east to a point ¼ mile west of Holly Road, lying in Sections 13 and 24, Township 50, Range 30, in Jackson County, Missouri.

Comments: The Missouri Highways and Transportation Commission (MHTC), the Union Pacific Railroad Company (UP), and Jackson County have proposed a project to abolish an existing public highway-rail grade crossing to public roadway traffic near Buckner, Missouri, where said county road, Old Lexington Road, crosses the railroad's tracks at approximately Mile Post 263.72, which is identified by USDOT as crossing #442 296W.

The proposed project will authorize and require the railroad's removal of all grade crossing warning devices and the existing crossing surfaces from the railroad's track at the Old Lexington Crossing and the obliteration of the existing public roadway approaches on both sides of the Old Lexington Crossing between the ends of the ties and the boundaries of the railroad's right-of-way.

In conjunction with said project, the County will construct a vehicle turn-around within Old Lexington Road at the east terminus of the vacated road.

The angle of approach and elevation changes at this crossing are not favorable from a safety aspect. Closing this at-grade crossing improves safety. (EX 9 & 10)

Exhibit 8 is an accident report taken by the Jackson County Sheriff's Office involving a car vs. train crash which resulted in serious injuries.

The latest traffic count we have for this road was taken in 2006 with an ADT of 51.

Recommendation:

The Development Division requests the Plan Commission forward a favorable recommendation to the County Legislature.

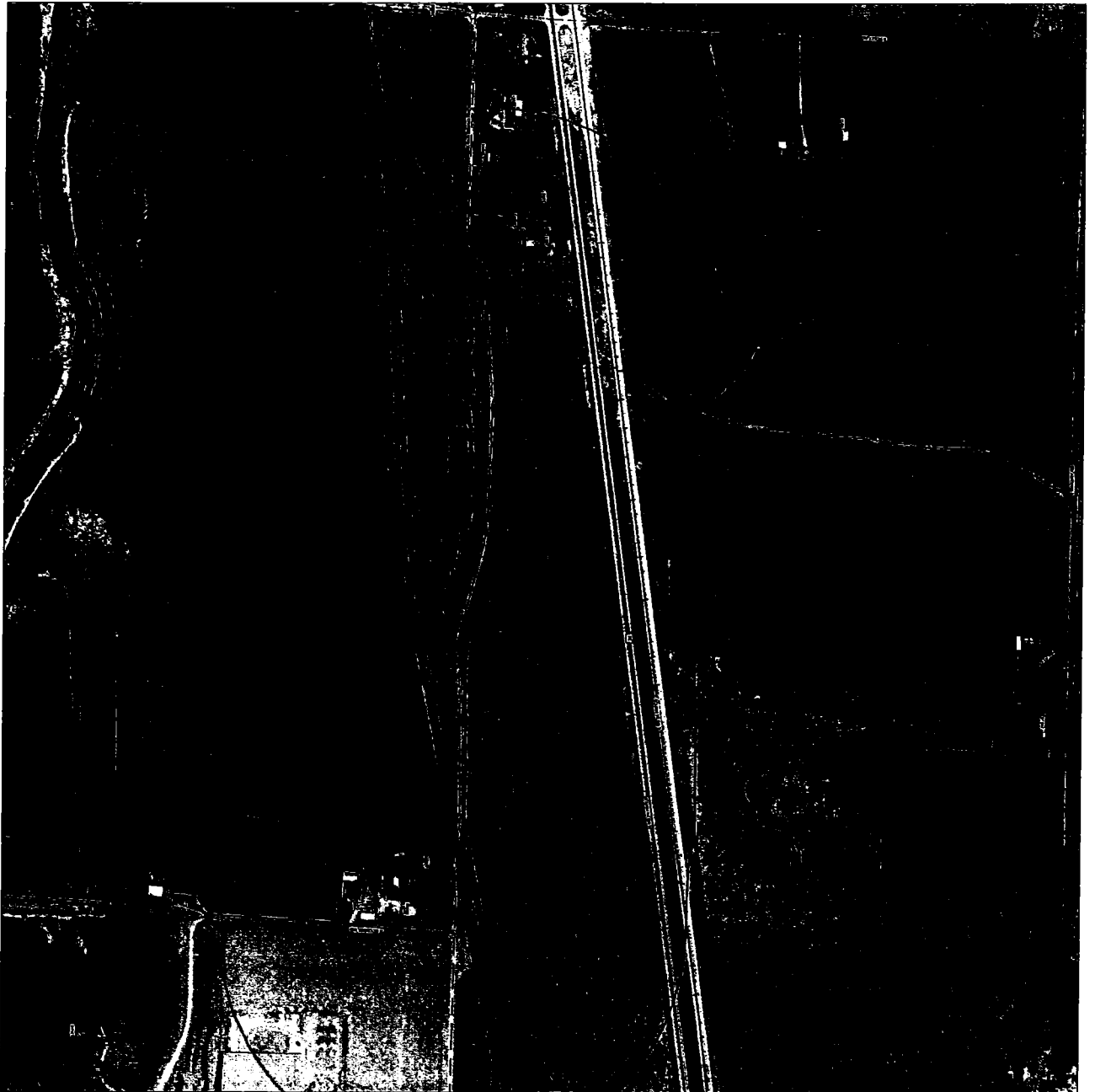
Respectfully submitted,
Planning and Development Division

A handwritten signature in black ink, appearing to read 'Randy Diehl', with a long horizontal flourish extending to the right.

Randy Diehl
Planning and Zoning Coordinator



Jackson County
Zoning Map



Legend

- 1000' Ring
- Parcels
- OldLexRd

STREETNAME

- Cul de Sac
- ROW
- OldLex
- City_Boundaries selection

LA-2011-025

1 inch equals 165 feet

EX-5

**JACKSON COUNTY, MISSOURI
APPLICATION FOR RIGHT-OF-WAY AND EASEMENT VACATIONS**

Type of vacation (check one):

Easement

Street

Road right-of-way

Applicant: JACKSON COUNTY PUBLIC WORKS

Address: 303 W. WALNUT

Phone: 816-881-4577

APPLICANT INFORMATION:

Application must be filed with the Jackson County Planning and Development Division, 303 West Walnut, Independence, Missouri 64050 by the date on the Plan Commission Calendar.

The following items need to be submitted with the application:

1. A letter to the Administrator of Planning and Development giving the reasons for the vacation request.
2. An accurate legal description of the easement, street or road right-of-way. This needs to be done by a Missouri Registered land surveyor who must sign and seal the legal description document.
3. One (1) copy, size 8 1/2 x 11, of a black and white map which shows the general location of the subject easement, street or road right-of-way.
4. Two (2) copies, (1 size 8 1/2 x 11, 1 copy size 22 x 33) of a black and white map which shows the subject easement, street or road right-of-way in detail.
5. The filing fee of ~~\$250~~ (non-refundable), check payable to Manager of Finance.

Signature of individual submitting the vacation request:

[Signature]
(Signature)

10-14-11
(Date)

TO BE COMPLETED BY OFFICE PERSONNEL ONLY:

Vacation Case Number LA-2011-025

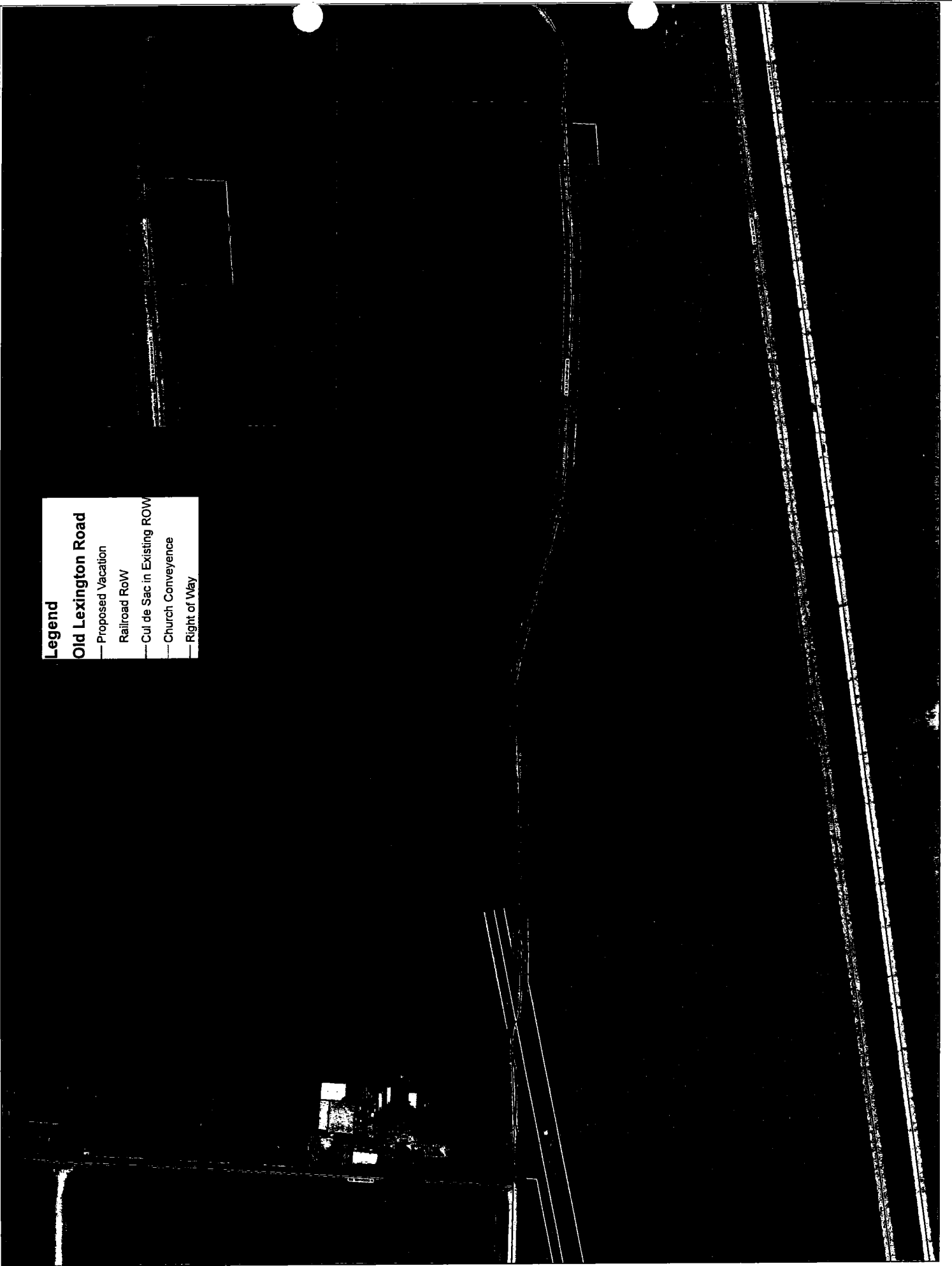
Date filed 10-14-11 Date of hearing 11-17-11 Date Advertised _____

Heard by PC Date 11-17-11 Decision 9-0 Approval

Heard by W Date _____ Decision _____

Heard by LEG Date _____ Decision _____

Legend
Old Lexington Road
— Proposed Vacation
Railroad ROW
— Cul de Sac in Existing ROW
— Church Conveyance
— Right of Way



SPACE USED FOR BARCODE	AGENCY NAME AND OR JACKSON CO. SHERIFF'S OFFICE MO0480000
------------------------	--------------------------------------------------------------------------------------

LEFT THE SCENE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	CLEARED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	ACCIDENT CLASSIFICATION	PROPERTY DAMAGE ONLY <input type="checkbox"/>	NUMBER INJURED 2	NUMBER KILLED 0	REPORT/CASE/INCIDENT NUMBER 0909195/0909195
NUMBER OF VEHICLES INVOLVED 2	ACCIDENT DATE 12/19/2009	ACCIDENT TIME (MIL.) 15:00	TIME NOTIFIED (MIL.) 15:01	TIME ARRIVED (MIL.) 15:06	INVESTIGATION DATE 12/20/2009	

2 - LOCATION

COUNTY JACKSON	MUNICIPALITY UNINCORPORATED	BEAT/ZONE 2	TRP/DISTRICT	INVESTIGATED AT SCENE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ON CRD OLD LEXINGTON RD		DISTANCE FROM 385.11 FEET	LOCATION <input checked="" type="checkbox"/> AFTER <input type="checkbox"/> BEFORE <input type="checkbox"/> AT	INTERSECTING STREET/ROADWAY CRD O'DONNELL RD
ROADWAY DIRECTION E		SPEED LIMIT 25 MILES	SPEED LIMIT 35	GEO - CODE
ROAD MAINTAINED BY <input type="checkbox"/> 1. STATE <input checked="" type="checkbox"/> 2. COUNTY <input type="checkbox"/> 3. MUNICIPAL <input type="checkbox"/> 4. PRIVATE PROPERTY <input type="checkbox"/> 5. OTHER				GPS LONGITUDE 094 10 15
DAMAGE TO PROPERTY OTHER THAN VEHICLES <input checked="" type="checkbox"/> NONE				LATITUDE 39 08 13

3 - DAMAGE TO PROPERTY OTHER THAN VEHICLES
 NONE

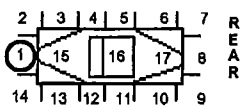
GIVE OWNER'S NAME AND ADDRESS, DESCRIPTION OF PROPERTY, AND DAMAGE
 MoDOT

4. DRIVER

DRIVER'S FULL NAME (LAST, FIRST, MI) HOFF, JASON E	ADDRESS (STREET, CITY, STATE, ZIP) 36602 E STOENNER ROAD SIBLEY MO 64088
DRIVER LICENSE NUMBER/ID NUMBER R201007012	STATE MO
TYPE OF LICENSE <input checked="" type="checkbox"/> 1. OPERATOR CLASS F <input type="checkbox"/> 3. PERMIT <input type="checkbox"/> 5. MC ONLY <input type="checkbox"/> 2. CDL CLASS _____ <input type="checkbox"/> 4. UNLICENSED	
MC ENDORSEMENT <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA	
PROOF OF INSURANCE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT REQUIRED	INSURANCE COMPANY FARMERS INSUR
POLICY NUMBER <input type="checkbox"/> DRIVER <input checked="" type="checkbox"/> VEHICLE <input type="checkbox"/> NA 179333620	

VEHICLE 1

YEAR 2009	MAKE EMD	MODEL SD70M	COLOR YELLOW
LIC. PLATE NO.	STATE	YEAR	VIN U P 4 2 3 6
VEHICLE OWNER NAME (LAST, FIRST, MI)/ COMMERCIAL CARRIER UNION PACIFIC,		ADDRESS (STREET, CITY, STATE, ZIP) <input type="checkbox"/> SAME AS DRIVER 6455 E COMMERCE KANSAS CITY MO 64120	
VEHICLE DAMAGE (Circle all damaged areas)			



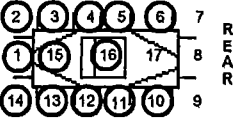
<input type="checkbox"/> NONE	INITIAL IMPACT NO. <input type="checkbox"/> NA 1	18 - Undercarriage	19 - Windshield	20 - Burned	21 - Towed Unit	22 - Cargo	TOWED FROM SCENE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	TOW CO. INFORMATION
-------------------------------	------------------------------------------------------------	--------------------	-----------------	-------------	-----------------	------------	-----------------------------------------------------------------------------------------	---------------------

5. DRIVER

DRIVER'S FULL NAME (LAST, FIRST, MI)	ADDRESS (STREET, CITY, STATE, ZIP)
DRIVER LICENSE NUMBER/ID NUMBER	STATE
TYPE OF LICENSE <input type="checkbox"/> 1. OPERATOR CLASS _____ <input type="checkbox"/> 3. PERMIT <input type="checkbox"/> 5. MC ONLY <input type="checkbox"/> 2. CDL CLASS _____ <input type="checkbox"/> 4. UNLICENSED	
MC ENDORSEMENT <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA	
PROOF OF INSURANCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NOT REQUIRED	INSURANCE COMPANY
POLICY NUMBER <input type="checkbox"/> DRIVER <input type="checkbox"/> VEHICLE <input checked="" type="checkbox"/> NA	

VEHICLE 2

YEAR 1993	MAKE MAZDA	MODEL MX 3 GS	COLOR BLACK
LIC. PLATE NO. FC7U3Z	STATE MO	YEAR 2010	VIN J M 1 E C 4 3 2 7 P 0 2 0 4 2 2 5
VEHICLE OWNER NAME (LAST, FIRST, MI)/ COMMERCIAL CARRIER SCHESSEY, BRANDON		ADDRESS (STREET, CITY, STATE, ZIP) <input type="checkbox"/> SAME AS DRIVER 1731 E 40 HWY #J13 INDEPENDENCE MO 64055	



<input type="checkbox"/> NONE	INITIAL IMPACT NO. <input type="checkbox"/> NA 5	18 - Undercarriage	19 - Windshield	20 - Burned	21 - Towed Unit	22 - Cargo	TOWED FROM SCENE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	TOW CO. INFORMATION INDEP. SPECIALTY (816) 796-9611 9905 E 40 HWY, INDEP. MO 64030
-------------------------------	------------------------------------------------------------	--------------------	-----------------	-------------	-----------------	------------	-----------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------

6 - WITNESS NONE IDENTIFIED

NAME OF WITNESS	ADDRESS (STREET, CITY, STATE, ZIP)	TELEPHONE NO.

TRAIN ACCIDENT		<input checked="" type="checkbox"/> CONTINUATION <input type="checkbox"/> SUPPLEMENT		AGENCY NAME AND ORI				
ORIGINAL REPORT / CASE / INCIDENT NUMBER 0909195/0909195		ADDITIONAL SUPPLEMENT NO.		JACKSON CO. SHERIFF'S OFFICE				
SUPPLEMENTAL REPORT DATE		ACCIDENT DATE 12/19/2009		TRP / DIST / PCT 2		COUNTY JACKSON		
REPORTING OFFICER SIGNATURE			DSN / BADGE NO.		SUPPLEMENTAL REVIEWING OFFICER SIGNATURE			DSN / BADGE NO.

TRAIN INFORMATION					
TRAIN ID NO. MKCAS19		LEAD ENGINE NO. UP4236		LEAD ENGINE SERIAL NO. UP4236	
MAKE EMD			MODEL SD70M		
HEADLIGHT WORKING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		HORN WORKING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		BELL WORKING <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
NO. OF CARS 96		SPEED 33		DISTANCE FROM IMPACT POINT TO FRONT OF LEAD ENGINE 1770	
RAILROAD CO. - TRACKS UNION PACIFIC, 6455 E COMMERCE KANSAS CITY MO 64120		NAME & ADDRESS (STREET, CITY, STATE, ZIP)			
RAILROAD CO. - TRAIN UNION PACIFIC, 6455 E COMMERCE KANSAS CITY MO 64120		NAME & ADDRESS (STREET, CITY, STATE, ZIP)			

CROSSING SIGNALS		<input type="checkbox"/> 1. LIGHT / GATE / BELL COMBINATION <input type="checkbox"/> 2. LIGHT / BELL COMBINATION		<input type="checkbox"/> 3. LIGHT / GATE <input type="checkbox"/> 4. LIGHT ONLY		<input checked="" type="checkbox"/> 5. PASSIVE WARNING (CROSSBUCKS ONLY) <input type="checkbox"/> 6. WIG-WAG TYPE		<input type="checkbox"/> 7. PAVEMENT MARKINGS <input type="checkbox"/> 8. NONE	
UPON INVESTIGATING OFFICER'S ARRIVAL AT SCENE:		CROSSING GATES DOWN <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA		LIGHTS FLASHING <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA		BELLS RINGING <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA			

ADVANCE WARNING SIGNS IN PLACE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		DISTANCE FROM SIGN TO NEAREST RAIL 61		CROSSING SURFACE (Rubber, asphalt, etc.) ASPHALT		DOT/AAR CROSSING ID NO. 442-296W	
-------------------------------------------------------------------------------------------------------	--	-------------------------------------------------	--	------------------------------------------------------------	--	--------------------------------------------	--

SEAT LOCATION		INJURY		TRANSPORTED (Medical Treatment)		EJECTION		AIR BAG FRONT		AIR BAG SIDE		SAFETY DEVICES	
XX - Not Known P - Pedestrian B - Bicycle M - Motorcycle OE - Occupant - Enclosed Load Area OU - Occupant - Unenclosed Load Area CP - Commercial Passenger SV - Other (Explain in Remarks)		1. Fatal 2. Disabling 3. Evident - Not Disabling 4. Probable - Not Apparent 5. None Apparent 6. Unknown		1. No 2. EMS 3. Other 4. Unknown		1. NA 2. No 3. Partially 4. Totally 5. Unknown		1. None/NA 2. Deployed 3. Not Deployed		1. None/NA 2. Deployed 3. Not Deployed		1. None 2. Not Used 3. Shoulder Belt Only 4. Lap Belt Only 5. Shoulder and Lap Belt 6. Child Restraint 7. Helmet Used 8. Helmet Not Used 9. Use Unknown	

ENGINEER & CONDUCTOR												
NAME		DATE OF BIRTH	SEX	VEH. NO.	SEAT LOC.	INJ.	TRANS-PORT	EJEC-TION	AIR BAG	SAF DEV	TELEPHONE NO.	
ADDRESS		MM-DD-YYYY							F	S		
ENGINEER FERGUSON, GERALD WESLEY		09/24/1960	M	1	FL	5	1	2	1	1	1	(816) 294-0931
11380 SW STATE RT JJ ST. JOSEPH, MO 64504												
CONDUCTOR WOOD, JUSTIN THOMAS		08/25/1983	M	1	FR	5	1	2	1	1	1	(660) 537-0650
22789 WOODLAND SCHOQL DR BOONVILLE, MO 65233												

TRAIN CREW MEMBERS - List Train Passengers in Section 11 - Other Occupants and Pedestrians on Page 3												

COMMENTS

NARRATIVE / STATEMENTS		<input checked="" type="checkbox"/> CONTINUATION <input type="checkbox"/> SUPPLEMENT	AGENCY NAME AND ORI JACKSON CO. SHERIFF'S OFFICE	
ORIGINAL REPORT / CASE / INCIDENT NUMBER 0909195/0909195	ADDITIONAL SUPPLEMENT NO.		MO0480000	
SUPPLEMENTAL REPORT DATE	ACCIDENT DATE 12/19/2009	TRP / DIST / PCT 2	COUNTY JACKSON	
REPORTING OFFICER SIGNATURE	DSN / BADGE NO.	SUPPLEMENTAL REVIEWING OFFICER SIGNATURE		DSN / BADGE NO.

Officer's Narrative

were on the north side of the tracks. The train was separated to allow EMS and the Fire Department to get through.

While EMS was extracting the passenger (O2) of the vehicle (V2), I asked the driver (D2) of the vehicle (V2) what had happened. The Driver (D2) advised that they were not ready to go home yet so they went on a drive. The driver (D2) advised that he went across the tracks and got hit. The driver (D2) advised that he was driving the vehicle (V2) and that he did have on his seat belt. The driver (D2) advised that his wife (O2) was sitting in the passenger side front seat. The driver (D2) advised that his wife (O2) was also wearing a seat belt. The driver (D2) advised that after the accident he got out of the vehicle (V2) and was attempting to help his wife (O2) when he unfastened her seat belt and she fell onto the driver side of the vehicle.

I then contacted the Conductor of the train. The Conductor advised that he did see the vehicle (V2) and thought the vehicle (V2) was going to stop at the rail road crossing. The Conductor advised that they sounded the horn numerous times. The Conductor advised that vehicle (V2) appeared to be traveling approximately 10 to 15 mph. The Conductor then advised that as soon as the accident had happened the 911 button on the radio was pressed.

My investigation revealed that the Union Pacific train (V1) was traveling eastward on the tracks at approximately 33 mph (from Union Pacific dispatch) just north of 24 hwy near the O'Donnell Road and Old Lexington Road. The AAR Crossing ID number of the passive warning (crossbucks) sign is 442-296W. The vehicle (V2) was traveling in an eastward direction on Old Lexington Road. At the intersection of O'Donnell Road and Old Lexington on the south side is a warning railroad crossing sign. Approximatley 308 feet east on Old Lexington Road is the railroad crossing. The crossbucks were on the south side of Old Lexington Road Approximatley 61 feet from the rails. The driver (D2) failed to yield to the train (V1) causing the train (V1) to hit the passenger side, rear quarter panel of the vehicle (V2). The vehicle (V2) suffered major damage to the rear of the vehicle. The train (V1) suffered just scratches. The area of impact was in the middle of the two rails, indicated by a scuff mark from the tire of the vehicle (V2) left on the wooden railroad ties. The vehicle (V2) then continued in a south eastern direction for approximately 154 feet, landing in the ditch on the south side of Old Lexington Road, on the drivers side facing the west. The vehicles (V2) rear bumper was located on the north side of Old Lexington road. The train (V1) continued on the rails in a eastern direction approximately 1770 feet before coming to a halt.

The female pregnant passenger of vehicle #2 was transported to

MISSOURI UNIFORM ACCIDENT REPORT

NARRATIVE / STATEMENTS <input checked="" type="checkbox"/> CONTINUATION <input type="checkbox"/> SUPPLEMENT		AGENCY NAME AND ORI JACKSON CO. SHERIFF'S OFFICE	
ORIGINAL REPORT / CASE / INCIDENT NUMBER 0909195/0909195	ADDITIONAL SUPPLEMENT NO.	MO0480000	
SUPPLEMENTAL REPORT DATE	ACCIDENT DATE 12/19/2009	TRP / DIST / PCT 2	COUNTY JACKSON
REPORTING OFFICER SIGNATURE	DSN / BADGE NO.	SUPPLEMENTAL REVIEWING OFFICER SIGNATURE	DSN / BADGE NO.

Center Point Hospital for treatment. The driver (D2) was transported to Center Point Hospital by Reserve Deputy Kamerdiener #548 for a blood sample (see supplement). Sgt. Edwards #27 was on scene and Deputy Detective Cole #91 responded to the scene and took pictures. Special Agent Wasko from the Union Pacific Rail Road arrived on scene (report# 09139698) and assisted with the train information that was need to complete the train section of the accident report. I was advised that Trooper CPL Bradley would be conducting the reconstruction of the train vs. car crash. At the request of Trooper Bradley a police hold was placed on the vehicle (V2) and was towed by Independence Specialty Tow. I then cleared for service.

CROSSING LOOKING EAST

13



CROSSING LOOKING

RAILROAD

