

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE ACQUISITION OF EASEMENTS FROM NORFOLK SOUTHERN RAILWAY COMPANY FOR THE DOWNTOWN RAILROAD CULVERT AND STORM WATER IMPROVEMENTS PROJECT; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Resolution No. 14-32, Council authorized the City Manager to enter into a Construction Agreement and force account with Norfolk Southern Railway Company for the Downtown Railroad Culvert Improvements Project on March 5, 2014; and

WHEREAS, pursuant to Resolution No. 14-78, Council authorized permission to advertise for bids for this culvert improvement project, consisting of the installation of a new 36-inch storm sewer system for improved drainage from the area between State Route 303 and Owen Brown Street on the westside of the Norfolk Southern Railroad Tracks; and

WHEREAS, this improvement project is necessary to alleviate flooding and to improve the handling of storm water runoff for the area served by the culvert that will be improved as a result of this project; and

WHEREAS, as part of this project, it is necessary to acquire two (2) permanent easements for construction and ongoing maintenance of the storm sewer facilities and four (4) temporary construction easements upon portions of real property along and under railroad tracks that are owned by Norfolk Southern Railroad which furthers the public interest and the public health, safety and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of Hudson, Summit County, State of Ohio, that:

Section 1. The City Manager is authorized to enter into a contract for the acquisition of two (2) permanent storm sewer construction and ongoing maintenance easements and four (4) temporary construction easements with Norfolk Southern Railway Company which easement areas are set forth in the attached legal descriptions that are fully incorporated herein by reference as "Exhibit A", to execute all other documents necessary to close this transaction and for an amount not to exceed \$ 31,119.15.

Section 2. The Director of Finance is authorized and directed to appropriate to a proper account the funds necessary for the contract authorized in Section 1 of this Resolution.

Section 3. This Resolution is determined to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and general welfare of the citizens of the City of Hudson by reason of the necessity to allow the project of public necessity to proceed at the earliest possible time to alleviate the threat of flooding and its attendant harm to persons and property; wherefore, this Resolution shall be in effect immediately upon its passage

provided it receives the affirmative vote of five (5) members of Council, except that six (6) affirmative votes shall be required if all members are present; otherwise, it shall be in full force and effect from and after the earliest period allowed by law.

PASSED:

David A. Basil, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Resolution was duly passed by the Council of said Municipality on _____, 2016.

Elizabeth Slagle, Clerk of Council

EXHIBIT A
NORFOLK SOUTHERN RAILWAY COMPANY
STORM SEWER MAINTENANCE EASEMENT #1

Situated in the City of Hudson, County of Summit, State of Ohio, and being part of Original Hudson Township Lot 55 (Township 4 North, Range 10 West), and being part of Parcel Number 24 owned by the Norfolk Southern Railway Company, successor through merger to Pennsylvania Lines LLC, formerly Consolidated Rail Corporation, earlier Cleveland and Pittsburgh Railroad Company (Grantor), as recorded in Deed Volume 6130 Page 121, on file in the Summit County Recorder's Office, and as shown on the Right of Way and Track Map VS 7435, Map 83, LC 2412, MP 96.6-98.5, and more fully described as follows:

Commencing at a 1 inch iron pin found in a monument box at a centerline of right of way intersection of Morse Road (R/W varies) and Village Way (R/W Varies); said pin has a State Plane Coordinate of Northing: 575644.9338, Easting: 2258475.1879;

Thence along said Morse Road centerline, South 46° 00' 43" West a distance of 128.33 feet to the Grantor's northeasterly line;

Thence North 53° 16' 36" West, along said northeasterly line, a distance of 281.57 feet being the **Point of Beginning** for the easement herein described; said point of beginning has a State Plane Coordinate of Northing: 575724.1660, Easting: 2258157.2028, and a railroad centerline Station of 5145+54 (Stations increasing from southeast to northwest), being 233 feet distant along said railroad centerline from Milepost "CD-98" (Station 5147+87);

1. Thence South 53° 25' 58" West, leaving said northerly line and through the Grantor, a distance of 95.61 feet;
2. Thence South 44° 28' 33" East, continuing through the Grantor, a distance of 5.04 feet;
3. Thence South 52° 53' 21" West, continuing through the Grantor, a distance of 20.17 feet to the northeasterly line of Versailles at Hudson Condominium as recorded in Plat Book 127 Page 1 on file in the Summit County Recorder's office;
4. Thence North 44° 28' 33" West, along said northeasterly line, a distance of 20.10 feet;
5. Thence North 53° 23' 14" East, leaving said northeasterly line and through the Grantor, a distance of 20.19 feet;
6. Thence South 44° 28' 33" East, continuing through the Grantor, a distance of 4.79 feet;
7. Thence North 53° 25' 58" East, continuing through the Grantor, a distance of 94.00 feet to the Grantor's northeasterly line;

8. Thence South $53^{\circ} 16' 36''$ East, along the Grantor's northeasterly line, a distance of 10.44 feet to the **Point of Beginning**;

The above described easement contains 0.0310 acres (1348 Square Feet), and subject to all legal highways and easements of record.

Coordinates listed are Ohio State Plane Grid Coordinates, North Zone (3401) NAD83(86)
Combined Scale Factor 0.999892226

Bearings in this description are based on grid north of the Ohio State Plane Coordinate System, North Zone 3401, NAD83(86).

This description is based upon Easement Plat for Norfolk Southern Railway Company & City of Hudson by Arcadis U.S., Inc. dated April 11, 2016.

Prior instrument reference as of the date this survey was prepared: Deed Volume 6130 Page 121 Summit County, Ohio.

Arcadis U.S., Inc.
Robert G. Hoy, Ohio Professional Surveyor No. 8142

EXHIBIT A
NORFOLK SOUTHERN RAILWAY COMPANY
STORM SEWER MAINTENANCE EASEMENT #2

Situated in the City of Hudson, County of Summit, State of Ohio, and being part of Original Hudson Township Lot 55 (Township 4 North, Range 10 West), and being part of Parcel Number 24 owned by the Norfolk Southern Railway Company, successor through merger to Pennsylvania Lines LLC, formerly Consolidated Rail Corporation, earlier Cleveland and Pittsburgh Railroad Company (Grantor), as recorded in Deed Volume 6130 Page 121, on file in the Summit County Recorder's Office, and as shown on the Right of Way and Track Map VS 7435, Map 83, LC 2412, MP 96.6-98.5, and more fully described as follows:

Commencing at a 1 inch iron pin found in a monument box at a centerline of right of way intersection of Morse Road (R/W varies) and Village Way (R/W Varies); said pin has a State Plane Coordinate of Northing: 575644.9338, Easting: 2258475.1879;

Thence along said Morse Road centerline, South 46° 00' 43" West a distance of 128.33 feet to the Grantor's northeasterly line;

Thence South 53° 16' 36" East, along said Grantor's northeasterly line, a distance of 60.80 feet to the **Point of Beginning** for the easement herein described; said point of beginning has a State Plane Coordinate of Northing: 575519.4684, Easting: 2258431.5930, and a railroad centerline Station of 5142+14 (Stations increasing from southeast to northwest), being 573 feet distant along said railroad centerline from Milepost "CD-98" (Station 5147+87);

1. South 53° 16' 36" East, along said northeasterly line, a distance of 98.27 feet to an angle point therein;
2. Thence South 47° 07' 37" East, continuing along said northeasterly line, a distance of 2.27 feet;
3. Thence South 42° 52' 23" West, leaving said northeasterly line and through the Grantor, a distance of 12.78 feet;
4. Thence North 45° 50' 05" West, continuing through the Grantor, a distance of 100.00 to the **Point of Beginning**;

The above described easement contains 0.0149 acres (651 Square Feet), and subject to all legal highways and easements of record.

Coordinates listed are Ohio State Plane Grid Coordinates, North Zone (3401) NAD83(86)
Combined Scale Factor 0.999892226

Bearings in this description are based on grid north of the Ohio State Plane Coordinate System, North Zone 3401, NAD83(86).

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Arcadis U.S., Inc.

Robert G. Hoy, Ohio Professional Surveyor No. 8142

EXHIBIT A
NORFOLK SOUTHERN RAILWAY COMPANY
TEMPORARY STORM SEWER CONSTRUCTION EASEMENT #1

Situated in the City of Hudson, County of Summit, State of Ohio, and being part of Original Hudson Township Lot 55 (Township 4 North, Range 10 West), and being part of Parcel Number 24 owned by the Norfolk Southern Railway Company, successor through merger to Pennsylvania Lines LLC, formerly Consolidated Rail Corporation, earlier Cleveland and Pittsburgh Railroad Company (Grantor), as recorded in Deed Volume 6130 Page 121, on file in the Summit County Recorder's Office, and as shown on the Right of Way and Track Map VS 7435, Map 83, LC 2412, MP 96.6-98.5, being 10.00 feet in width, and more fully described as follows:

Commencing at a 1 inch iron pin found in a monument box at a centerline of right of way intersection of Morse Road (R/W varies) and Village Way (R/W Varies); said pin has a State Plane Coordinate of Northing: 575644.9338, Easting: 2258475.1879;

Thence South 46° 00' 43" West, along said Morse Road centerline, a distance of 128.33 feet to the Grantor's northeasterly line;

Thence South 53° 16' 36" East, along said northeasterly line, a distance of 292.01 feet;

Thence South 53° 25' 58" West, leaving said northeasterly line and through the Grantor, a distance of 94.00 feet;

Thence North 44° 28' 33" West, continuing through the Grantor, a distance of 4.79 feet to the **Point of Beginning** for the easement herein described; said point of beginning has a State Plane Coordinate of Northing: 575677.8277, Easting: 2258069.9932;

1. Thence South 53° 23' 14" West, continuing through the Grantor, a distance of 10.09 feet;
2. Thence North 44° 28' 33" West, continuing through the Grantor, a distance of 111.59 feet;
3. Thence North 45° 31' 27" East, continuing through the Grantor, a distance of 10.00 feet;
4. Thence South 44° 28' 33" East, continuing through the Grantor, a distance of 112.97 feet to the **Point of Beginning**.

The above described easement contains 0.0258 acres (1123 Square Feet), and subject to all legal highways and easements of record.

Bearings in this description are based on grid north of the Ohio State Plane Coordinate System, North Zone 3401, NAD83(86).

Coordinates listed are Ohio State Plane Grid Coordinates, North Zone (3401) NAD83(86)
Combined Scale Factor 0.999892226

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Arcadis U.S., Inc.
Robert G. Hoy, Ohio Professional Surveyor No. 8142

EXHIBIT A
NORFOLK SOUTHERN RAILWAY COMPANY
TEMPORARY STORM SEWER CONSTRUCTION EASEMENT #2

Situated in the City of Hudson, County of Summit, State of Ohio, and being part of Original Hudson Township Lot 55 (Township 4 North, Range 10 West), and being part of Parcel Number 24 owned by the Norfolk Southern Railway Company, successor through merger to Pennsylvania Lines LLC, formerly Consolidated Rail Corporation, earlier Cleveland and Pittsburgh Railroad Company (Grantor), as recorded in Deed Volume 6130 Page 121, on file in the Summit County Recorder's Office, and as shown on the Right of Way and Track Map VS 7435, Map 83, LC 2412, MP 96.6-98.5, and more fully described as follows:

Commencing at a 1 inch iron pin found in a monument box at a centerline of right of way intersection of Morse Road (R/W varies) and Village Way (R/W Varies); said pin has a State Plane Coordinate of Northing: 575644.9338, Easting: 2258475.1879;

Thence South 46° 00' 43" West, along said Morse Road centerline, a distance of 128.33 feet to the Grantor's northeasterly line;

Thence South 53° 16' 36" East, along said northeasterly line, a distance of 281.57 feet;

Thence South 53° 25' 58" West, leaving said northeasterly line and through the Grantor, a distance of 95.61 feet;

Thence South 44° 28' 33" East, continuing through the Grantor, a distance of 5.04 feet to the **Point of Beginning** for the easement herein described; said point of beginning has a State Plane Coordinate of Northing: 575663.6149, Easting: 2258083.9483;

1. Thence South 44° 28' 33" East, continuing through the Grantor, a distance of 167.11 feet;
2. Thence South 44° 28' 33" East, continuing through the Grantor, a distance of 28.70 feet;
3. Thence South 42° 23' 43" East, continuing through the Grantor, a distance of 57.43 feet to the northwesterly line of Plat of Lot Split and Consolidation Hudson Station Phase I Parcel "A" and Phase II Parcel "B" as shown on as recorded in Reception 55542996 on file in the Summit County Recorder's office;
4. Thence South 45° 20' 02" West, along said Parcel "A" and Parcel "B", a distance of 20.03 feet to the northeasterly corner of land described in the deed to City of Hudson, Ohio as recorded in Reception 55542995 on file in the Summit County Recorder's office;
5. Thence North 42° 23' 43" West, along said City of Hudson's northeasterly line, a distance of 58.13 feet;

6. Thence North $45^{\circ} 00' 38''$ East, leaving said City of Hudson's northeasterly line and through the Grantor, a distance of 10.00 feet;
7. Thence North $44^{\circ} 28' 33''$ West, continuing through the Grantor, a distance of 27.98 feet;
8. Thence North $44^{\circ} 28' 33''$ West, continuing through the Grantor, a distance of 168.40 feet;
9. Thence North $52^{\circ} 53' 21''$ East, continuing through the Grantor, a distance of 10.08 feet to the **Point of Beginning**.

The above described easement contains 0.0717 acres (3121 Square Feet), and subject to all legal highways and easements of record.

Bearings in this description are based on grid north of the Ohio State Plane Coordinate System, North Zone 3401, NAD83(86).

Coordinates listed are Ohio State Plane Grid Coordinates, North Zone (3401) NAD83(86)
Combined Scale Factor 0.999892226

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Arcadis U.S., Inc.
Robert G. Hoy, Ohio Professional Surveyor No. 8142

EXHIBIT A
NORFOLK SOUTHERN RAILWAY COMPANY
TEMPORARY STORM SEWER CONSTRUCTION EASEMENT #3

Situated in the City of Hudson, County of Summit, State of Ohio, and being part of Original Hudson Township Lot 55 (Township 4 North, Range 10 West), and being part of Parcel Number 24 owned by the Norfolk Southern Railway Company, successor through merger to Pennsylvania Lines LLC, formerly Consolidated Rail Corporation, earlier Cleveland and Pittsburgh Railroad Company (Grantor), as recorded in Deed Volume 6130 Page 121, on file in the Summit County Recorder's Office, and as shown on the Right of Way and Track Map VS 7435, Map 83, LC 2412, MP 96.6-98.5, and more fully described as follows:

Commencing at a 1 inch iron pin found in a monument box at a centerline of right of way intersection of Morse Road (R/W varies) and Village Way (R/W Varies); said pin has a State Plane Coordinate of Northing: 575644.9338, Easting: 2258475.1879;

Thence South 46° 00' 43" West, along said Morse Road centerline, a distance of 128.33 feet to the Grantor's northeasterly line;

Thence North 53° 16' 36" West, along said northeasterly line, a distance of 10.83 feet;

Thence South 43° 48' 19" West, leaving said northeasterly line and through the Grantor, a distance of 26.20 feet;

Thence South 53° 16' 36" East, continuing through the Grantor, a distance of 11.16 feet to the **Point of Beginning** for the easement herein described; said point of beginning has a State Plane Coordinate of Northing: 575536.7156, Easting: 2258364.9964;

1. Thence South 53° 16' 36" East, continuing through the Grantor, a distance of 5.11 feet;
2. Thence South 48° 52' 40" West, continuing through the Grantor, a distance of 105.90 feet to the Grantor's southeasterly line;
3. Thence North 42° 23' 43" West, along said southeasterly line, a distance of 12.25 feet;
4. Thence North 85° 42' 03" East, leaving said southeasterly line and through the Grantor, a distance of 12.10 feet;
5. Thence North 48° 52' 40" East, continuing through the Grantor, a distance of 95.41 feet to **Point of Beginning**.

The above described easement contains 0.0129 acres (562 Square Feet), and subject to all legal highways and easements of record.

Bearings in this description are based on grid north of the Ohio State Plane Coordinate System, North Zone 3401, NAD83(86).

Coordinates listed are Ohio State Plane Grid Coordinates, North Zone (3401) NAD83(86)
Combined Scale Factor 0.999892226

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Arcadis U.S., Inc.
Robert G. Hoy, Ohio Professional Surveyor No. 8142

EXHIBIT A
NORFOLK SOUTHERN RAILWAY COMPANY
TEMPORARY STORM SEWER CONSTRUCTION EASEMENT #4

Situated in the City of Hudson, County of Summit, State of Ohio, and being part of Original Hudson Township Lot 55 (Township 4 North, Range 10 West), and being part of Parcel Number 24 owned by the Norfolk Southern Railway Company, successor through merger to Pennsylvania Lines LLC, formerly Consolidated Rail Corporation, earlier Cleveland and Pittsburgh Railroad Company (Grantor), as recorded in Deed Volume 6130 Page 121, on file in the Summit County Recorder's Office, and as shown on the Right of Way and Track Map VS 7435, Map 83, LC 2412, MP 96.6-98.5, and more fully described as follows:

Commencing at a 1 inch iron pin found in a monument box at a centerline of right of way intersection of Morse Road (R/W varies) and Village Way (R/W Varies); said pin has a State Plane Coordinate of Northing: 575644.9338, Easting: 2258475.1879;

Thence along said Morse Road centerline, South 46° 00' 43" West a distance of 128.33 feet to the Grantor's northeasterly line being the **Point of Beginning** for the easement herein described; said point of beginning has a State Plane Coordinate of Northing: 575555.8183, Easting: 2258382.8673;

1. Thence South 53° 16' 36" East, along the Grantor's northeasterly line, a distance of 60.80 feet to the southeasterly line of said Morse Road;
2. Thence South 45° 50' 05" East, leaving the Grantor's northeasterly line and through the Grantor, a distance of 100.00 feet;
3. Thence North 42° 52' 23" East, continuing through the Grantor, a distance of 12.78 feet to the Grantor's northeasterly line;
4. Thence South 47° 07' 37" East, along the Grantor's northeasterly line, a distance of 117.87 feet;
5. Thence North 70° 51' 48" West, leaving said northeasterly line and through the Grantor, a distance of 54.65 feet;
6. Thence North 50° 24' 00" West, continuing through the Grantor, a distance of 67.43 feet;
7. Thence North 53° 16' 36" West, continuing through the Grantor, a distance of 173.13 feet;
8. Thence North 43° 48' 19" East, continuing through the Grantor, a distance of 26.20 feet to the Grantor's northeasterly line;

9. Thence South $53^{\circ} 16' 36''$ East, along said northeasterly line, a distance of 10.83 feet to the **Point of Beginning**.

The above described easement contains 0.1379 acres (6006 Square Feet), and subject to all legal highways and easements of record.

Bearings in this description are based on grid north of the Ohio State Plane Coordinate System, North Zone 3401, NAD83(86).

Coordinates listed are Ohio State Plane Grid Coordinates, North Zone (3401) NAD83(86)
Combined Scale Factor 0.999892226

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Arcadis U.S., Inc.
Robert G. Hoy, Ohio Professional Surveyor No. 8142