

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH NORFOLK SOUTHERN RAILWAY COMPANY; ESTABLISHING AN ACCOUNT FOR SAID AGREEMENT; AND DECLARING AN EMERGENCY.

WHEREAS, as part of the upcoming Downtown Railroad Culvert Improvement project, the Norfolk Southern Railway Company is requiring a construction agreement with the City and for the City to establish a force account within which to place the amount of the agreement which will cover costs for inspection, travel, administrative work, and construction engineering on the part of the railway company for culvert improvements impacting the railway; 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 culverts that will be improved as a result of this project;

NOW, THEREFORE, Be It Resolved by the Council of the City of Hudson, Summit County, State of Ohio, that:

Section 1: The City Manager is authorized to enter into a construction agreement with the Norfolk Southern Railway Company for the Downtown Railroad Culvert Improvement project in an amount not exceed \$51,262.00 and in a form as approved by the City Solicitor.

Section 2: The Director of Finance is authorized to create a special account within which to place the \$51,262.00 which is the subject of the agreement set forth in Section 1 of this Resolution for the purpose of paying anticipated costs incurred by Norfolk Southern Railway Company during the aforesaid improvement project.

Section 3: This Resolution is declared to be an emergency measure necessary for the preservation of the public health, safety and general welfare and for the further reason that the project which is the subject of this Resolution must be completed at the earliest possible time for the continued health and safety of the public and within the upcoming 2014 construction season; wherefore, this Resolution shall be in full force and effect immediately upon its passage, provided it receives the affirmative vote of five (5) members of Council elected thereto or six (6) affirmative votes if all members of Council are present at the meeting at which it is passed; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
William A. Currin, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth Slagle, Clerk of Council

I certify that the foregoing Resolution was duly passed by the Council of said Municipality on \_\_\_\_\_, 2014.

\_\_\_\_\_  
Elizabeth Slagle, Clerk of Council