

**A RESOLUTION AUTHORIZING THE CITY MANGER TO AMEND AN EXISTING AGREEMENT WITH NORFOLK SOUTHERN FOR THE E. BARLOW ROAD TRAIL PROJECT; AND DECLARING AN EMERGENCY.**

WHEREAS, the City has undertaken the East Barlow Road Trail Project, which will upgrade the existing trails inside Barlow Farm Park and connect Barlow Farm Park to Wood Hollow Metropark through a new multi-purpose path along the north side of Barlow Road, across the Norfolk Southern railroad tracks; and

WHEREAS, in 2018, the City entered into an agreement with Norfolk Southern for Preliminary Engineering (PE) services related to a new multi-use path crossing the subject railroad tracks; and

WHEREAS, the original estimated cost for Preliminary Engineering review was \$22,500, but was amended in September 2024, adding \$10,000 in additional review costs, for a total of \$32,500; and

WHEREAS, the project's design by the City is nearing completion, and Norfolk Southern is requesting an additional \$12,173 for ongoing plan reviews and administrative fees and an additional \$25,000 for Norfolk Southern's design of the necessary railroad electrical improvements at the crossing (due to signal modification) and administrative fees, for a total of \$37,173 ( $\$12,173 + \$25,000 = \$37,173$ ); and

WHEREAS, City staff requests the inclusion of a 10% contingency to cover any additional fees that may come up during the process, for a total cost of \$40,891, bringing the total Preliminary Engineering Agreement costs to \$73,391 ( $\$32,500 + \$37,173 + \$3,718 = \$73,391$ ); and

WHEREAS, the City of Hudson desires to enter into an Amendment to the Norfolk Southern Agreement by and between the City of Hudson and Norfolk Southern upon the terms and conditions of an Amendment to the Agreement substantially similar to the one attached hereto as Exhibit "A;" and

WHEREAS, this Council has determined by reviewing all pertinent information that it is necessary and in the best interest of the City of Hudson to enter into said Amendment.

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

Section 1. The City Manager is hereby authorized to execute an amendment to the Preliminary Engineering Services Agreement with Norfolk Southern in an amount not to exceed \$74,000, subject to the required certification from the City Finance Director and the approval as to form from the City Solicitor.

Section 2. That aforesaid project and amendment are in the City and its residents' best interest.

Section 3. That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Resolution.

Section 4. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in a duly noticed, open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the Hudson residents, and to expedite the plan review process, enabling timely bidding, award, and construction of the project, all of which will ensure safe pedestrian access between Barlow Farm Park and Wood Hollow Metropark, and to allow for the continued operations of the Hudson administration and, shall, therefore, take effect and be in full force and effect immediately upon its passage, provided it receives an affirmative vote of at least six (6) members of the Council for its enactment if seven (7) are present, or an affirmative vote of at least five (5) members if only five (5) or six (6) members 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:

\_\_\_\_\_  
Jeffrey L. Anzevino, Mayor

ATTEST:

\_\_\_\_\_  
Aparna Wheeler, Clerk of Council

I certify that the foregoing Resolution No. 25-15 was duly passed by the Council of said Municipality on \_\_\_\_\_, 2025.

\_\_\_\_\_  
Aparna Wheeler, Clerk of Council