

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO MAINTENANCE AGREEMENTS WITH NORFOLK SOUTHERN RAILWAY COMPANY FOR THE STOW ROAD AND HINES HILL ROAD QUIET ZONE PROJECT; AND DECLARING AN EMERGENCY.**

WHEREAS, As part of the upcoming “Stow Road and Hines Hill Road Quiet Zone Project” the Norfolk Southern Railway Company requires a Maintenance Agreement be executed prior to any construction for each roadway; and

WHEREAS, The Stow Road and Hines Hill Road Quiet Zones will include the design, coordination with Norfolk Southern Railroad Corporation and construction of new quiet zones consisting of low profile, concrete medians with reflective delineators posted on top of the medians on Stow Road and Hines Hill Road; and

WHEREAS, After execution of the Maintenance Agreement, construction of the project can commence and once construction is completed, a Notice of Establishment will be submitted to the Federal Railroad Administration providing official notice that the improvements have been completed and that the new Quiet Zone is ready to go into effect; and

WHEREAS, It is requested that an emergency be declared as the completion of this project is in the interest of public health and welfare to reduce noise levels in the relevant area to expedite the approval of this agreement to permit the project to be built in the remaining construction season (avoid winter) and to avoid further delay costs from the contractor; negotiations over this agreement have been more time consuming than anticipated.

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 maintenance agreement with the Norfolk Southern Railway Company for the Stow Road and Hines Hill Road Quiet Zone Project in a form as approved by the City Solicitor.

Section 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the citizens of the City, and for the further reason to expedite the approval and build the project in the remaining construction season (avoid winter) and to avoid further delay costs from the contractor; wherefore, this Ordinance shall be in full force and 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 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:

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

I certify that the foregoing Resolution No. 23-93 was duly passed by the Council of said Municipality on \_\_\_\_\_, 2023.

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