

## **RESOLUTION 2021- 8**

### **A RESOLUTION OF THE TOWN COUNCIL OF THE MUNICIPALITY OF KINGSTON, LUZERNE COUNTY, PENNSYLVANIA, A HOME RULE MUNICIPALITY, APPROVING AN AGREEMENT WITH NORFOLK SOUTHERN RAILWAY COMPANY**

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**WHEREAS**, the Charter of the Municipality of Kingston grants to the Municipal Council certain powers and duties as enumerated in Section 205 of said Charter, and;

**WHEREAS**, the Town Council of the Municipality of Kingston has the power to make appropriations, incur indebtedness, approve contracts and adopt the budget, and;

**WHEREAS**, the Municipality of Kingston is desirous of constructing a recreational pedestrian walking trail to be known as the "Third Avenue – Keiper Park Connector Trail" that will pass under the railway facilities of the Norfolk Southern Railway Company in the vicinity of Railway mile post HA-688.36 within the Municipality of Kingston, and;

**WHEREAS**, the construction of this connector trail requires an Agreement allowing the construction of the trail and accommodations within the right of way of the Norfolk Southern Railway Company, and;

**WHEREAS**, Norfolk Southern Railway Company has proposed an Agreement to allow the construction of the Third Avenue Keiper Park Connector Trail and the ongoing use of said Connector Trail by the Municipality of Kingston, and;

**WHEREAS**, the proposed Agreement appears to accomplish the needs of the Municipality of Kingston in the allowance of the construction and the use of the Trail through the right of way of the Norfolk Southern Railway Company.

**NOW THEREFORE**, the Town Council of the Municipality of Kingston authorizes the execution of an Agreement with the Norfolk Southern Railway Company by the Administration in the form attached to this Resolution.

**ENACTED AS A RESOLUTION** at a regular meeting of the Town Council of the Municipality of Kingston, Luzerne County, Pennsylvania, held this 1<sup>st</sup> day of March, 2021. This Resolution shall take effect immediately

FOR THE TOWN COUNCIL

BY: 

Robert Thompson, President

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ATTEST:

Julie Norton  
Julie Norton, Secretary

APPROVED:

Paul J. Roberts, Jr.  
Paul J. Roberts, Jr., Mayor

Date: March 1, 2021