

**BOARD OF COUNTY COMMISSIONERS OF
FRANKLIN COUNTY, KANSAS**

RESOLUTION NO: 09-17

A RESOLUTION DECLARING THE ELIGIBILITY OF FRANKLIN COUNTY TO SUBMIT AN APPLICATION TO THE KANSAS DEPARTMENT OF TRANSPORTATION FOR USE OF TRANSPORTATION ENHANCEMENT FUNDS SET FORTH BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR THE MIDLAND RAILWAY ENHANCEMENT PROJECT IN FRANKLIN COUNTY, KANSAS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN THE APPLICATION.

WHEREAS, Franklin County, Kansas, has the legal authority to apply for, receive, and administer federal, state, and other monies through Home Rule Power under the Constitution of the State of Kansas and authorized by K.S.A. 12-1662, regarding the expenditure of federal aid to public agencies; and

WHEREAS, Franklin County, Kansas, desires to submit an application to the Kansas Department of Transportation for Transportation Enhancement funds set forth by the American Recovery and Reinvestment Act of 2009; and

WHEREAS, Franklin County, Kansas, is participating in the Kansas Department of Transportation's Transportation Enhancement Program set forth by the American Recovery and Reinvestment Act of 2009; and

WHEREAS, Federal monies are available under a transportation enhancement program set forth by the American Recovery and Reinvestment Act of 2009, administered by the State of Kansas, Department of Transportation, for the purpose of Historic, Scenic and Environmental, and Pedestrian and Bicycle projects; and

WHEREAS, after appropriate public input and due consideration, the Governing Body of Franklin County, Kansas has recommended that an application be submitted to the State of Kansas for the Midland Railway Enhancement project.

NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE FRANKLIN COUNTY, KANSAS:

SECTION 1. That Franklin County, Kansas does hereby authorize the County Administrator to submit an application to the Kansas Department of Transportation for transportation enhancement program funds set forth by the American Recovery and Reinvestment Act of 2009 on behalf of the citizens of Franklin County, Kansas.

SECTION 2. That Franklin County, Kansas, hereby assures the Kansas Department of Transportation that sufficient funding for the construction of the Midland Railway Enhancement project is available.

SECTION 3. That Franklin County, Kansas, hereby assures the Kansas Department of Transportation that sufficient funding for the operation and maintenance of the Midland Railway Enhancement project will be available for the life of the project.

SECTION 4. That Franklin County, Kansas, hereby assures the Kansas Department of Transportation that Franklin County, Kansas, will have title or permanent easement to the Midland Railway Enhancement project by the time of project letting.

SECTION 5. That the County Administrator of Franklin County, Kansas, is authorized to sign the application to the Kansas Department of Transportation for transportation enhancement program funds set forth by the American Recovery and Reinvestment Act of 2009 on behalf of the citizens of Franklin County, Kansas. The County Administrator is also authorized to submit additional information as may be required and act as the official representative of Franklin County in this and subsequent related activities.

SECTION 6. That Franklin County, Kansas, hereby assures the Kansas Department of Transportation that Franklin County, Kansas, is willing and able to, if the Midland Railway Enhancement project is selected for funding, administer the designing, letting and construction of the Midland Railway Enhancement project.

ADOPTED AND PASSED by the Governing Body of the Franklin County, Kansas, this 18th day of March, 2009.

/s/ Donald R Stottlemire
Donald R Stottlemire, Vice Chairman

ATTEST: (Seal)

/s/ Shari Perry
Shari Perry, County Clerk