

RESOLUTION NO. 7543

A RESOLUTION introduced by Mayor James A. McClinton declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of transportation enhancement funds set forth by the Federal Transportation Equity Act for the 21<sup>st</sup> century for Improvement Project No. 30239-01, which provides for the Deer Creek Trail project and authorizing Mayor James A. McClinton to sign the application.

WHEREAS, the City of Topeka, 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, the City of Topeka, Kansas, desires to submit an application to the Kansas Department of Transportation for transportation enhancement program funds set forth by the Federal Transportation Equity Act for the 21st Century; and

WHEREAS, the City of Topeka, Kansas, is participating in the Kansas Department of Transportation's Transportation Enhancement Program set forth by the Federal Transportation Equity Act for the 21st Century; and

WHEREAS, Federal monies are available under a transportation enhancement program set forth by the Federal Transportation Equity Act for the 21st Century, 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 the City of Topeka, Kansas has recommended that an application be submitted to the State of Kansas for Improvement Project No. 30239-01, which provides for construction of

28 the Deer Creek Trail from SE 6th Street to SE 10th Street, hereinafter referred to as the  
29 Deer Creek Trail Project.

30 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka,  
31 Kansas, that:

32 Section 1. That the City of Topeka, Kansas does hereby authorize Mayor James A.  
33 McClinton to submit an application to the Kansas Department of Transportation for  
34 transportation enhancement program funds set forth by the Federal Transportation Equity  
35 Act for the 21st Century on behalf of the citizens of City of Topeka, Kansas.

36 Section 2. That the City of Topeka, Kansas, hereby assures the Kansas  
37 Department of Transportation that sufficient funding for the construction of the Deer Creek  
38 Trail Project is available.

39 Section 3. That the City of Topeka, Kansas, hereby assures the Kansas  
40 Department of Transportation that sufficient funding for the operation and maintenance of  
41 the Deer Creek Trail Project will be available for the life of the project.

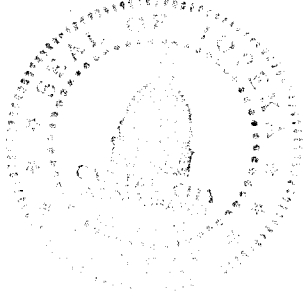
42 Section 4. That the City of Topeka, Kansas, hereby assures the Kansas  
43 Department of Transportation that the City of Topeka, Kansas, will have title or permanent  
44 easement to the Deer Creek Trail Project by the time of project letting.

45 Section 5. That Mayor James A. McClinton of the City of Topeka, Kansas, is  
46 authorized to sign the application to the Kansas Department of Transportation for  
47 transportation enhancement program funds set forth by the Federal Transportation Equity  
48 Act for the 21st Century on behalf of the citizens of the City of Topeka, Kansas. Mayor  
49 James A. McClinton is also authorized to submit additional information as may be required

50 and act as the official representative of the City of Topeka in this and subsequent related  
51 activities.

52 Section 6. That the City of Topeka, Kansas, hereby assures the Kansas  
53 Department of Transportation that the City of Topeka, Kansas, is willing and able to, if the  
54 Deer Creek Trail Project is selected for funding, administer the designing, letting and  
55 construction of the Deer Creek Trail Project.

56 PASSED and APPROVED by City Council OCT 26 2004



CITY OF TOPEKA, KANSAS

James A. McClinton  
James A. McClinton, Mayor

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64 ATTEST:

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67 Iris E. Walker  
68 Iris E. Walker, City Clerk  
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APPROVED AS TO FORM AND LEGALITY  
DATE 10/19/04 BY DMC