RESOLUTION NO. 7542

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 21st century for Improvement Project No. 30127-11, which provides for the Shunga 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. 30127-11, which provides for the extension of
the Shunga Creek Trail from SE Golden Avenue to Oakland Billard Park, hereinafter referred to as the Shunga Creek Trail Project.

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

Section 1. That the City of Topeka, Kansas does hereby authorize Mayor James A. McClinton 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 on behalf of the citizens of City of Topeka, Kansas.

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

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

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

Section 5. That Mayor James A. McClinton of the City of Topeka, Kansas, is authorized to sign the application to the Kansas Department of Transportation for transportation enhancement program funds set forth by the Federal Transportation Equity Act for the 21st Century on behalf of the citizens of the City of Topeka, Kansas. Mayor James A. McClinton is also authorized to submit additional information as may be required
and act as the official representative of the City of Topeka in this and subsequent related activities.

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

PASSED and APPROVED by City Council \textbf{OCT 26 2004}.

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\textbf{CITY OF TOPEKA, KANSAS}

\textbf{James A. McClinton, Mayor}

\textbf{ATTEST:}

\begin{center}
\textbf{Iris E. Walker}
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\textbf{Iris E. Walker, City Clerk}

\textbf{APPROVED AS TO FORM AND LEGALITY DATE 10/19/04 BY B.}`