

RESOLUTION 2009-27

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, KANSAS AUTHORIZING AND DIRECTING THE REPAIR OF CERTAIN BRIDGES WITHIN THE COUNTY AND THE PAYMENT THEREFORE, PURSUANT TO KSA 68-1101 ET SEQ.

Whereas, the Board of County Commissioners (the "Board") of Jefferson County, Kansas, (the "County"), pursuant to KSA 68-101 et seq., (the "Act"), is vested with the discretionary authority to determine that it is necessary to build or repair any road, bridge or culvert, and, the Board may:

- (1) Either appropriate the necessary funds therefore or issue general obligation bonds to pay for the costs for the construction, repair or general reconstruction of any bridge or culvert; or
- (2) In the case of costs related to the repair, construction or reconstruction of a road, no general obligation bonds may be issued until the Board resolution authorizing the repair, reconstruction or construction of such roads shall have been published once each week for three consecutive weeks and within 60 days following the last publication a petition in opposition to the issuance of bonds for such road repair is not filed; and

Whereas, in 2005 the Board, pursuant to the Act, passed County Resolution 2005-32 and 2005-42 which authorized the repair and reconstruction of various bridges and culverts within the County (the "2005 Project") at an estimated total cost of \$6,584,000 (the "2005 Project Costs") of which the County was to pay approximately \$2,655,600; and

Whereas, to pay the County's share of the 2005 Project Costs the County issued \$5,240,000 aggregate principal amount of Jefferson County, Kansas General Obligation Refunding and Improvements Bonds, Series 2005 (the "2005 Bonds"); and

Whereas, in connection with the late summer and early fall 2005 storm damage to the County's bridges and culverts the County applied to the Federal Emergency Management Administration ("FEMA") for financial assistance; and

Whereas, all of the FEMA funds have been received and allocated to the bridges and culverts repaired with FEMA funds, which, due to the amount of FEMA funds actually received, includes the bridges and culverts authorized for repair under County Resolution No. 2005-32 and No. 2005-42 to be paid for from the 2005 Bond proceeds, consequently, the County has ascertained there is unspent 2005 Bond proceeds in the amount of \$1,197,482.95; and

Whereas, pursuant to the Act, the Board deems it prudent to repair the bridges and culverts listed on the attached County Road Department Request (the “2009 Bridge Projects”) and pay for the 2009 Bridge Projects from the unspent 2005 Bond proceeds and other legally unencumbered County funds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, KANSAS, T HAT:

SECTION 1. The 2009 Bridge Projects are hereby authorized and approved. The County Engineer and County Road Department shall proceed to cause to be prepared such specifications and plans are necessary to initiate, construct and complete the 2009 Bridge Projects. The letting of contracts for the construction of the 2009 Bridge Projects or the various parts thereof shall proceed in such manner as is deemed prudent to the expeditious completion of the 2009 Bridge Projects.

SECTION 2. In order for the County to use the unspent 2005 Bond proceeds for payment of the 2009 Bridge Repair costs, the Board, the County staff, the County Counselor, Robert J. Perry, Esq., the County’s Bond Counsel are hereby authorized and directed to prepare and execute the necessary documents to present a supplemental transcript to the Kansas Attorney General.

SECTION 3. All previous action heretofore taken by the officers or representatives of the County relating to the 2005 Project, payment of the 2005 Project Costs, the 2009 Bridge Projects and payment of the costs relating to the 2009 Bridge Projects as contemplated by this Resolution are hereby approved and ratified in all respects. The Chairman, the County Clerk, and any other proper officials or agents of the County, be and each of them hereby authorized and directed to execute and deliver any and all documents, certificates and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the transaction contemplated by this Resolution.

This Resolution shall take effect and be in force from and after its passage and approval.

ADOPTED by the Board of County Commissioners of Jefferson County, Kansas August 17, 2009.

/S/ Richard Malm, Chairman
/S/ Lynn Luck, Member
/S/ Roy Dunnaway, Member

ATTEST: /S/ Linda M. Buttron, County Clerk
(seal)

EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF JEFFERSON
COUNTY, KANSAS HELD ON AUGUST 17, 2009

The governing body of Jefferson County, Kansas (the "County"), met in regular session at the usual meeting place in the County, at 9:00 AM o'clock with the following members present and participating:

Commissioners: Richard Malm, Roy Dunnaway, Lynn Luck

Absent: 0

A Resolution was presented entitled:

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Commissioner Luck moved that the Resolution be adopted. The motion was seconded by Commissioner Dunnaway. The resolution was read and considered, and upon being put, the motion for adoption of the Resolution was carried by the vote of the governing body, the vote being as follows:

Aye: 3

Nay: 0

(Other Proceedings)

On motion made and seconded, the meeting was adjourned.

/S/ Linda M. Buttron, County Clerk

(seal)

JEFFERSON COUNTY ROAD AND BRIDGE DEPARTMENT
(submitted on Road and Bridge letterhead to Commission)

ROAD AND BRIDGE BOND PROJECT 2005
ADDITIONAL REQUESTED PROJECTS

Additional Bridge Projects:

BSN 013-Ferguson Road (Big Slough Bridge)	Replace Concrete Deck And Repair Abutments	\$795,5000.00
BSN 014-Ferguson Road (Little Slough Creek)	Mill, Repair and Overlay Concrete Deck	\$329,500.00

Additional Culvert Work to Planned Culvert Replacements:
(Hire the Culverts Installed)

50 th between Clark and Decatur	\$ 38,994.67
190 th Between Butler and Clark	\$ 38994.67
Clark Between 50 th and 54 th	\$ 38,994.67
3 rd West of Wellman	\$ 55,500.00
Less money allocated	<u>\$100,000.00</u>
	<u>\$1,197,484.01</u>

Note: These are estimates which could run over as much as \$40,000.00 of which would be paid out of the Road and Bridge Fund from transfers out of the Road and Bridge Machinery Fund.