

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA
RESOLUTION

WHEREAS, the County of Sarpy, of the State of Nebraska, a body politic and corporate, is committed to the improvement of streets and highways within the County in order to promote the public health, safety and welfare; and,

WHEREAS, Sarpy County, pursuant to an Interlocal Agreement with the cities of Papillion and LaVista, acquired right-of-way and constructed 96th Street between Nebraska State Highway 370 and Giles Road in Sarpy County, Nebraska (hereinafter, "Improvements"); and,

WHEREAS, in order to make those Improvements, the County sought and received Federal funds for the Project; and,

WHEREAS, by letter dated July 16, 2008, the Nebraska Department of Roads, on behalf of the Federal Highway Administration, deemed the Project ineligible for federal participation and withdrew funding from the Project in the amount of \$9,277,598; and,

WHEREAS, said amount of federal funding has been repaid by the County to the Nebraska Department of Roads; and,

WHEREAS, on August 20, 2008, representatives of the Nebraska Department of Roads listed the documentation necessary to review the matter, and said documentation was provided on September 3, 2008; and,

WHEREAS, on October 8, 2008, the Nebraska Department of Roads requested certain additional information, which was provided by the County on October 16, 2008; and,

WHEREAS, on January 9, 2009, representatives of Sarpy County met with representatives of the Nebraska Department of Roads to discuss the information provided and the status of federal funding for the Project; and

WHEREAS, on February 24, 2009, the Nebraska Department of Roads issued its Federal-Aid Compliance Review, in which the Nebraska Department of Roads refused to certify the Project, or any part thereof, as being in compliance with the applicable regulations; and,

WHEREAS, the Nebraska Department of Roads has indicated to the County that it will not appeal the matter to the Federal Highway Administration on behalf of Sarpy County; and,

WHEREAS, Sarpy County meets the provisions of 23 CFR Part 1 §1.9(b), and funding should be re-authorized for the Project.

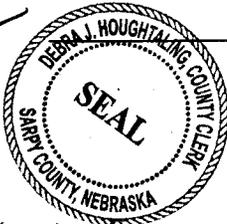
NOW, THEREFORE, BE IT RESOLVED by the Sarpy County Board of Commissioners the Sarpy County Attorney is herewith authorized and directed to forthwith institute such legal

proceedings that are, in the best judgement of the County Attorney, necessary to restore the federal funding of the Project or otherwise recovery for the losses suffered by said denial.

DATED this 3rd day of March, 2009.

Moved by Pat Thomas, seconded by Rich Jansen, that the above Resolution be adopted. Carried.

YEAS:	NAYS:	ABSENT:
<u>[Signature]</u>	<u>none</u>	<u>none</u>
<u>[Signature]</u>	_____	_____
<u>Patrick Thomas</u>	_____	ABSTAIN:
<u>Tom Kichau</u>	_____	<u>none</u>
<u>[Signature]</u>	_____	_____



[Signature]
County Clerk

Approved as to form:
[Signature]
Deputy County Attorney