

RESOLUTION NO. 24-1008

A RESOLUTION AUTHORIZING THE BNSF WEST TRACK SEPARATION PRELIMINARY ENGINEERING PROJECT, PN 3-C-029-24.

WHEREAS, Article 12, Section 5 of the Constitution of the State of Kansas and Charter Ordinance No. 74 of the City of Olathe, Kansas ("City"), authorize the Governing Body of the City to make a variety of improvements as further described in Charter Ordinance No. 74 and to issue its general obligation bonds or other obligations of the City for the same; and

WHEREAS, the Governing Body of the City deems it necessary to authorize the improvements to the road crossings of the western BNSF railroad tracks in the City.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Pursuant to Charter Ordinance No. 74, the Governing Body hereby authorizes the improvement of the road crossings of the western BNSF railroad tracks.

SECTION TWO: Pursuant to Charter Ordinance No. 74, the Governing Body hereby authorizes the BNSF West Track Separation Preliminary Engineering Project (the "Project") in the City, PN 3-C-029-24. Such Project will include preliminary engineering of grade separated road crossings of the western BNSF railroad tracks and all other work necessary to complete the project.

SECTION THREE: The cost of the Project shall not exceed \$500,000, exclusive of bond issuance costs and costs for temporary financing. The funds to pay for the Project shall come from the issuance of general obligation bonds as authorized by Charter Ordinance No. 74. Included in the Project costs are design, survey, staff time, land acquisition, permitting, and such other necessary work to complete the Project.

SECTION FOUR: The City intends to reimburse itself for capital expenditures made on or after the date which is 60 days before the date of this Resolution in connection with the project, pursuant to Treasury Regulation § 1.150-2, with the proceeds of bonds and/or notes in the maximum principal amount of \$500,000 exclusive of issuance costs and any interest costs for temporary financing.

SECTION FIVE: This Resolution shall take effect immediately.

ADOPTED by the Governing Body this 23rd day of January, 2024.

SIGNED by the Mayor this 23rd day of January, 2024.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney