

**RESOLUTION NO. 2019-29**

**DECLARATION AS TO USE**

**WHEREAS**, the City of Wayne is the owner of Lot 3, Community Schools Addition to the City of Wayne, Wayne County, Nebraska; and

**WHEREAS**, said Lot 3, Community Schools Addition to the City of Wayne, Wayne County, Nebraska, is now being occupied by The Wayne Community Activity Center; and

**WHEREAS**, the City of Wayne hereby wishes to construct, operate, and maintain a Hiking and Biking Trail and associated appurtenances, across a portion of said property; and

**WHEREAS**, the Hiking and Biking Trail and associated appurtenances is to be constructed as part of Nebraska Department of Transportation project STPB-90(4), Control Number 31777, and identified as Wayne Trail Phase 2; and

**WHEREAS**, to comply with Federal Highway Administration 23 CFR 1.23(a) – “Interest to be acquired – The State shall acquire rights-of-way of such nature and extent as are adequate for the construction, operation, and maintenance of a project,” it is necessary for the City of Wayne to declare that a portion of said property shall be used for the construction, operation, and maintenance of a Hiking and Biking Trail and associated appurtenances.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and City Council of the City of Wayne, Nebraska, hereby approves the use of a portion of said land owned by the City of Wayne for the construction, operation, and maintenance of a Hiking and Biking Trail and associated appurtenances, as shown on attached “Exhibit 3C,” and as aligned in project plans and specifications for Nebraska Department of Transportation project STPB-90(4), Control Number 31777, and identified as Wayne Trail Phase 2.

PASSED AND APPROVED this 4<sup>th</sup> day of June, 2019.

THE CITY OF WAYNE, NEBRASKA,

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk