

**RESOLUTION NO. 2009-22**

**A RESOLUTION ACCEPTING THE RESULTS OF THE EVALUATION OF THE PHASE II TRAIL IMPACT ON ASHLEY PARK AND DETERMINING ITS IMPACT ON CURRENT PUBLIC USE TO BE DE MINIMUS.**

WHEREAS, Ashley City Park was determined to be a 4(f) public use property; and

WHEREAS, the Federal National Environmental Protection Act requires that all 4(f) public use properties be evaluated for the impact on existing public use by proposed federally funded projects that touch or transverse through them; and

WHEREAS, a thorough evaluation of the relative size of the Phase II Trail Project and its impact on the existing public use has been reported to the Mayor of the City of Wayne; and

WHEREAS, the report to the Mayor demonstrates that the impact of the Phase II Trail Project on the existing public use of Ashley Park would be De minimus; and

WHEREAS, the alignment of the Phase II Trail through Ashley Park was presented at a public hearing to approve the Wayne Trail Master Plan and at a subsequent public hearing to receive public input before the Council approved the application for NDOR Surface Transportation Enhancement funding; and

WHEREAS, the evaluation report determining the Phase II Trail through Ashley Park to be De minimus was presented and accepted at a regular public meeting by the Mayor and Council of the City of Wayne.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Wayne that construction of the Phase II Trail, as designed through Ashley Park, is determined to have a De minimus impact on the existing use by the public of Ashley Park.

PASSED AND APPROVED this 3<sup>rd</sup> day of March, 2009.

THE CITY OF WAYNE, NEBRASKA,

By \_\_\_\_\_

Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM AND CONTENT:

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City Attorney