

(Published in the official county newspaper on the 7th day of May, 2014)

RESOLUTION NO. 12-2014

A RESOLUTION ESTABLISHING NEW WEIGHT LIMITS ON A CERTAIN BRIDGE.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, KANSAS:

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, (hereinafter referred to as "Board") has the authority under K.S.A. § 19-101a to regulate travel through roads located within the unincorporated areas within Cherokee County, Kansas, and;

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, meeting in regular session, this 5th day of May, 2014, does hereby resolve as follows:

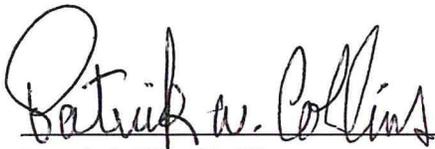
Section 1. Bridge Weight Limit Established. Upon the bridge located approximately 1/8th of a mile south of Varck and SE 70th in Cherokee County, Kansas, the vehicle weight limit shall be 35 tons, rather than 15 tons, through April 30, 2014, for Empire District Electric Company vehicles and its contractors for work performed to cap off a fly ash pond near the Empire District plant in Riverton. Provided, the increased weight limit shall not apply unless said company shall execute an agreement that it shall be responsible for reasonable remuneration to Cherokee County in the event of damage to the bridge or SE 70th, in Cherokee County, Kansas, caused by the activities of the overweight vehicles permitted to utilize the bridge that is described herein.

Section 2. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this resolution, or the application thereof to any circumstances, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this resolution.

Section 3. Effective Date. This resolution shall take effect and be in full force from and after its passage and publication once in the official county

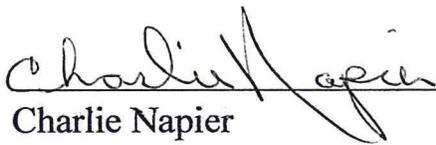
newspaper.

Adopted this 5th day of May, 2014, by the BOARD OF COMMISSIONERS
OF CHEROKEE COUNTY, KANSAS.



Patrick W. Collins
County Commissioner

Richard J. Hilderbrand
County Commissioner



Charlie Napier
County Commissioner

ATTEST:



Rodney Edmondson
County Clerk of Cherokee County,
Kansas
Resolution No. 12-2014

Prepared by:
Kevin Cure, Attorney

AGREEMENT

THIS AGREEMENT is entered into this 28th day of April, 2014, by The Empire District Electric Company, a Kansas Corporation, ("Empire") and the Board of Commissioners of Cherokee County, Kansas, ("Board").

WHEREAS, on April 28, 2013, the Board adopted Resolution No. 12-2014 ("Resolution") establishing new weight limits on the bridge located approximately 1/8th of a mile south of Varck and SE 70th in Cherokee County ("Bridge"), from 35 tons to 15 tons; and

WHEREAS, the Resolution provides for the weight limit for Empire and its contractors vehicles performing work to cap off a fly ash pond near Empire's plant in Riverton to be 35 tons through May 31, 2014, provided Empire executes an agreement to be responsible for reasonable remuneration to Cherokee County in the event of damage to the Bridge or SE 70th in Cherokee County, Kansas caused by Empire and its contractors' use of the Bridge; and

WHEREAS, Empire wishes to enter into this Agreement with the Board in compliance with the Resolution.

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth in this Agreement, and for other good and valuable consideration, the receipt and adequacy of which is acknowledged, Empire and the Board agree as follows:

1. The vehicle weight limit for Empire's and its contractors' vehicles performing work to cap off a fly ash pond near Empire's plant in Riverton shall be 35 tons through May 31, 2014.
2. In consideration for increasing the weight limit to 35 tons through May 31, 2014, Empire agrees it shall be responsible for reasonable remuneration to Cherokee County, Kansas, in the event of damage to the Bridge or SE 70th in Cherokee County, Kansas caused by the activities of vehicles being in excess of the new 15-ton limitation.

3. This Agreement shall be governed by, and construed in accordance with the laws of the State of Kansas.

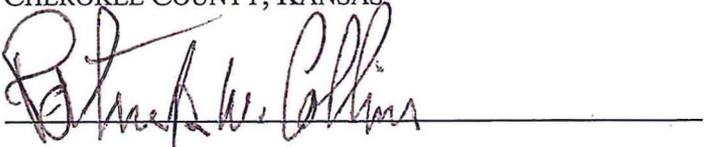
4. This Agreement constitutes the entire understanding between Empire and the Board and supersedes any and all previous understandings between them with respect to the subject matter hereof.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their respective duly authorized officers as of the first date above written.

THE EMPIRE DISTRICT ELECTRIC COMPANY

By: 

BOARD OF COMMISSIONERS OF
CHEROKEE COUNTY, KANSAS

By: 

ATTEST:


County Clerk of Cherokee County, Kansas

APPROVED BY:


Kevin Cure, Attorney