

RESOLUTION NO. 43-61

A resolution approving the agreement dated April 17, 1961 between the State of Texas and the City of Mesquite, for the installation, construction, existence, use, operation and maintenance of a highway illumination project on I.H. 30 at Shiloh Rd., Gross Road and Gus Thomasson Road Interchanges in the City of Mesquite; and providing for the execution of said agreement.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE:

BBC924

SECTION 1. That the certain agreement dated April 17, 1961 between the State of Texas and the City of Mesquite for the installation, construction, existence, use, operation and maintenance of certain highway illumination located on I.H. 30 at Shiloh Rd., Gross Road and Gus Thomasson Rd. Interchanges, in the City of Mesquite be, and the same is, hereby approved; and that B. W. Cruce, Jr., Mayor, is hereby authorized to execute said agreement on behalf of the City of Mesquite and to transmit the same to the State of Texas for appropriate action.

PASSED AND APPROVED this the 17th day of April, 1961.

B. W. Cruce, Jr.  
B. W. Cruce, Jr.  
Mayor

ATTEST:  
Norma G. McGaughey  
Norma G. McGaughey  
City Secretary

AGREEMENT FOR CONSTRUCTION,  
MAINTENANCE AND OPERATION OF  
STREET ILLUMINATION SYSTEM  
WITHIN MUNICIPALITY

STATE OF TEXAS )  
COUNTY OF TRAVIS)

This agreement made this 17 day of April, 1961, by and between the State of Texas, hereinafter referred to as the "State", party of the first part, and the City of Mesquite, Dallas County, Texas, acting by and through its duly authorized officers under a resolution passed the 17th day of April, 1961, hereinafter called the "City", party of the second part.

W I T N E S S E T H

WHEREAS, the City has requested the State to contribute financial aid in the construction, maintenance and operation of the street illumination system on Interstate Highway 30 at Shiloh Road, Gross Road and Gus Thomasson Road Interchanges hereinafter referred to as the "street illumination system", and

WHEREAS, the State Highway Engineer, acting for and in behalf of the State Highway Commission, has made it known to the City that the State will construct said street illumination system, conditioned that the City, as provided for in Highway Commission Minute Order No. 45302, will maintain and operate said illumination system.

AGREEMENT

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

1. Construction Responsibilities

The State will prepare or provide for the plans and specifications, advertise for bids, and let the construction contract, or otherwise provide for the construction, and will supervise the construction, reconstruction or betterment work as required by said plans. As the project is developed to the construction stage, either as a unit or in increments, the State will submit plans of the proposed work to the City and will secure the City's consent to construct the facility according to such plans prior to awarding a contract.

All costs of constructing the street illuminating system including such items as conduits, lamp standards, mast arms, reflectors units, lamps, bowls, electrical conductors, wiring, etc. will be borne by the State.

It is understood that the State's financial participation in construction will not extend to and include the construction of any primary lines and incidental equipment necessary to connect the street illumination system with power stations.

2. Maintenance and Operation Responsibilities

The City hereby agrees at its expense to furnish the electric energy required for proper operation of the street illumination system, such electric energy to be provided at points on the street illumination system as designated by the State. The City further agrees to maintain and operate the street illumination system in an efficient and slightly condition, including the furnishing of all equipment and labor and making any replacements which may become necessary, without cost to the State.

The City will assume maintenance and operation on a date to correspond with the date construction of the street illumination system is completed and accepted by the State. If the illumination system is constructed by sections this provision shall apply to each such separately constructed section.

The City will obtain written approval of the State Highway Engineer before making any changes in the illumination system as designed and constructed by the State or before the removal of any part of the installation except for the purpose of replacements where identical or accepted equivalent equipment to that originally installed is used.