

00195

RESOLUTION NO. 19-90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT TO CONTRIBUTE FUNDS, COMMITTING THE CITY TO CONTRIBUTE TO THE FUNDING OF THE STATE HIGHWAY 352 PROJECT, FROM U.S. 80 TO SOUTH OF THE UNION PACIFIC RAILROAD; AND DECLARING AN EFFECTIVE DATE THEREOF.

WHEREAS, the State Department of Highways and Public Transportation, has approved for construction State Highway 352, from U.S. 80 to South of the Union Pacific Railroad;

WHEREAS, the completion of the project will benefit the citizens of Mesquite by providing a connecting arterial between U.S. 80 to South of the Union Pacific Railroad, thereby enhancing traffic safety and reducing congestion for motorists entering and leaving the City via that route; and


WHEREAS, the City of Mesquite has determined that it should take full advantage of Federal and State Department of Highways and Public Transportation funding for roadway improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Mayor be authorized to execute the appropriate Agreement to Contribute Funds, attached hereto as Exhibit "A" and fully incorporated herein, committing the City to:

1. Provide, within the corporate limits of the City of Mesquite, ten percent of the cost of right of way clear of obstructions with acquisition procedures to be in accordance with policies of the State Department of Highways and Public Transportation and with applicable Federal and State laws governing the acquisition policies for acquiring real property, and eligible utility adjustments;
2. Transmit to the State prior to the beginning of right of way acquisition payment in the amount of \$120,000 based on an estimated cost of right of way and eligible utility adjustment.

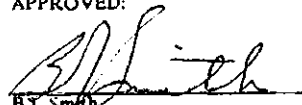
DULY RESOLVED by the City Council of the City of Mesquite, Texas on the 16th day of April, 1990.


George A. Venner, Sr.
Mayor

ATTEST:


Lynn Prugel
City Secretary

APPROVED:


B.J. Smith
City Attorney

00196

Agreement to Contribute Funds
(City Form)

THE STATE OF TEXAS
COUNTY OF TRAVIS

I
I
I

Contract No. _____
County Dallas
Project No. _____
CSJ No. 0431-01-037
Account No. _____

This Agreement by and between the State of Texas, acting by and through the State Department of Highways and Public Transportation, hereinafter called the State, and the City of Mesquite, Texas, acting by and through its duly authorized officials under Ordinance dated the _____ day of _____, 19_____, hereinafter called the City, shall be effective on the date of approval and execution by and on behalf of the State.

WHEREAS, the State had requested the City to enter into a contractual agreement and acquire right of way on the following project:

Highway	Limits
<u>S.H. 352</u>	From: <u>U.S. 80</u>
_____	To: <u>South of the Union Pacific</u>
_____	<u>Railroad</u> ; and

WHEREAS, the City has now requested that the State assume responsibility for acquisition of all necessary right of way; and

WHEREAS, the City desires to voluntarily contribute to the State funds, equal to ten percent (10%) of the cost of the right of way, for the proper development and construction of the State Highway System;

NOW, THEREFORE, in consideration of the foregoing premises and the mutual benefits to be derived therefrom, the City shall contribute to the State an amount equal to ten percent (10%) of the cost of the right of way to be acquired by the State and shall transmit to the State with the return of this agreement, executed by the City, a warrant or check payable to the State Department of Highways and Public Transportation in the amount of One Hundred Twenty Thousand Dollars and 00/100 Dollars (\$ 120,000.00), which represents 10% of the estimated cost of the right of way; however, if it is found that this amount is insufficient to pay the City's obligation, then the City, upon request of the State, will forthwith supplement this amount in such amount as requested by the State. Upon completion of the project and in the event the amount as paid is more than 10% of the cost of the right of way, then any excess amount will be returned to the City. Cost of the right of way acquired by the State shall mean the total value of compensation to owners for their property interests either by negotiation or eminent domain.

This agreement is approved and executed by and on behalf of the State on the date shown hereinafter.

CITY OF MESQUITE, TEXAS

EXECUTION RECOMMENDED:

By: _____
Mayor

District Engineer

ATTEST:

THE STATE OF TEXAS

Certified as being executed for the purpose and effect of administering and/or carrying out the orders, established policies, or work programs heretofore approved and authorized by the State Highway and Public Transportation Commission.

BY _____
Right of Way Engineer

Date _____