

RESOLUTION NO. 08-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION PROVIDING FOR THE CONSTRUCTION OF VARIOUS ROADWAY IMPROVEMENTS FOR INTERSTATE 635 FROM U.S. HIGHWAY 80 TO NORTH OF TOWN EAST BOULEVARD.

WHEREAS, the City of Mesquite (the "City") wishes to improve traffic flow along Interstate 635 between U.S. Highway 80 and north of Town East Boulevard; and

WHEREAS, the City has requested that the Texas Department of Transportation ("TxDOT") allow the City to participate in said improvements by funding the engineering design and construction costs associated with the Interstate 635 improvements between U.S. Highway 80 and north of Town East Boulevard; and

WHEREAS, the project includes reconstructing the Town East Boulevard bridge and realigning Town East Boulevard under the bridge, relocating four entrance/exit ramps, adding two ramps, adding a northbound and southbound auxiliary lane to Interstate 635, replacing the Towne Centre Drive bridge and relocation of existing utilities; and

WHEREAS, TxDOT has determined that such participation is in the best interest of the citizens of the State; and

WHEREAS, on March 4, 2002, pursuant to Resolution No. 10-2002, the City Council approved the Advance Funding Agreement with TxDOT; and

WHEREAS, TxDOT has requested that the City provide additional engineering design for the project.

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

SECTION 1. That the terms and conditions of the amendment attached hereto as Exhibit "A," titled "ADVANCE FUNDING AGREEMENT AMENDMENT NO. 1," are hereby approved after being reviewed by the City Council and that the amendment is found to be acceptable and in the best interest of the City of Mesquite and its citizens.

SECTION 2. That the City Council authorizes the Mayor to execute the Advance Funding Agreement Amendment No. 1 with the State of Texas through the Texas Department of Transportation ("TxDOT") for participation in the additional engineering design requested by TxDOT for the construction of improvements on Interstate 635 between U.S. Highway 80 and north of Town East Boulevard as detailed in Exhibit "A."

SECTION 3. That this resolution shall take effect immediately from and after its passage.

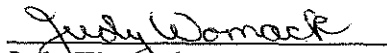
DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 1st day of March, 2004.




Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney

STATE OF TEXAS §
COUNTY OF TRAVIS §

APPROVED BY CITY COUNCIL
DATE 3/1/2004
CITY SEC. _____

**ADVANCE FUNDING AGREEMENT
AMENDMENT #1**

THIS AMENDMENT IS MADE BY AND BETWEEN the State of Texas, acting through the Texas Department of Transportation, hereinafter called the State, and the City of Mesquite, acting by and through its duly authorized officials, hereinafter called the Local Government.

WITNESSETH

WHEREAS, the State and the Local Government executed a contract on July 23, 2002 to effectuate their agreement to provide highway improvements described as the Mesquite Section located along I.H. 635 North of Town East Boulevard to U.S. 80; and,

WHEREAS, it has become necessary to amend that contract;

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, the State and the Local Government do agree as follows:

AGREEMENT

Article 1. Description of Amended Items

Attachment A – Payment Provisions and Work Responsibilities is hereby amended to add at the State's request the following preliminary engineering work items to the project: (1) ramp diverge and merge design improvements to allow transition from the improved auxiliary lane additions within the projects to the first set of existing I.H. 30 and U.S. 80 direct connection ramps, (2) the development of the additional temporary bridge width over Town East Boulevard and the traffic control changes to implement the seven (7) lane scheme; and (3) extend review and production time for a project letting of October/November of 2004 to incorporate utilities into the project and secure the remaining State funding for the project.

Attachment C – Estimated City and State Costs is hereby amended to increase by \$130,000 the State's portion of the cost for the State requested additional preliminary engineering work items as outlined in the revised Attachment C, hereto attached and made part hereof.

All other provisions of the original contract are unchanged and remain in full force and effect.

Article 2. Signatory Warranty

The signatories to this amendment warrant that each has the authority to enter into this agreement on behalf of the organization they represent.

IN WITNESS WHEREOF, THE STATE AND THE LOCAL GOVERNMENT have executed duplicate counterparts to effectuate this agreement.

THE LOCAL GOVERNMENT

CITY OF MESQUITE
Name of Local Government

By: [Signature]
Signature

Mike Anderson
Printed/Typed Name

Mayor
Printed/Typed Title

Date: 3-5-04

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By: [Signature]
Janice Mullerix
Director of Contract Services Section
Office of General Counsel

Date: 4.20.04

Exhibit "A"

ATTACHMENT "C"
Estimated City and State Costs
 (Revised December 11, 2003)

Phase 1 - Towne Centre Drive Bridge and Approaches, SB Exit to Towne Centre, Other Roadway Improvements
Phase 2 - IH 635 Bridge over Town East Blvd., Town East Blvd, NB Entrance From Towne Centre Drive, Other Roadway Improvements

Items of Work	Description	City		State/FHWA		Total
		Share	Cost	Share	Cost	Cost
A	Acquisition of Right-Of-Way					
	Phase 1	0%	0	0%	0	0
	Phase 2 (Four Parcels at Town East Blvd.)	100%	1,057,280	0%	0	1,057,280
	A - Subtotal		1,057,280		0	1,057,280
B	Right-Of-Way Map & Deed Preparation					
	Phase 1	0%	0	0%	0	0
	Phase 2 (Four Parcels at Town East Blvd.)	100%	22,729	0%	0	22,729
	B - Subtotal		22,729		0	22,729
C	Relocation Assistance (None Anticipated)					
	Phase 1	0%	0	0%	0	0
	Phase 2	0%	0	0%	0	0
	C - Subtotal		0		0	0
D	Utility Adjustments					
	Phase 1	100%	400,000	0%	0	400,000
	Phase 2	0%	0	100%	4,660,000	4,660,000
	D - Subtotal		400,000		4,660,000	5,060,000
E	Preliminary Engineering and PS&E (Initial Contract)					
	Phase 1 & Phase 2	100%	1,461,830	0%	0	1,461,830
	Requested TxDOT Items	0%	0	100%	130,000	130,000
	E - Subtotal		1,461,830		130,000	1,591,830
F	Construction					
	Phase 1 (Construction Responsibility)	32%	3,479,370	68%	7,393,661	10,873,031
	Phase 2 (Construction Responsibility)	16%	2,878,188	84%	15,110,486	17,988,674
	Construction Responsibility - Subtotal		6,357,558		22,504,147	28,861,705
	Phase 1 (Construction Commitment)	0%	0	100%	10,873,031	10,873,031
	Phase 2 (Construction Commitment)	35%	6,357,558	65%	11,631,116	17,988,674
	Construction Commitment - Subtotal		6,357,558		22,504,147	28,861,705
	Construction Cost - Subtotal		6,357,558		22,504,147	28,861,705
	Construction E&C, 7% (STPMM-4C State Cat.)	7%	445,029	7%	1,575,290	2,020,319
	Share of E&C (On System State pays 100%)	0%	0	100%	2,020,319	2,020,319
	Construction Total		6,357,558		24,524,467	30,882,024
A, B, C, D, E, F - Total			9,299,397		29,314,467	38,613,863
	Payment # 1 - 75% of Phase 2 City Commitment	30 Day Prior	6,357,558	75%	4,768,168	
	Payment # 2 - 25% of Phase 2 City Commitment	6 Mo After	6,357,558	25%	1,589,389	
					6,357,558	