

RESOLUTION NO. 22-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 2 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 relocating the 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, Amendment No. 1 to the Master Advance Funding Agreement was approved by City Council on March 1, 2004; and

WHEREAS, the City requested modification to the irrigation system for the LBJ (Mesquite Section) Phase 1 Improvements.

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. 2," 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. 2 with the State of Texas through the Texas Department of Transportation ("TxDOT") for modification to the irrigation system in the LBJ (Mesquite Section) Phase 1 project as detailed in Exhibit "A."

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

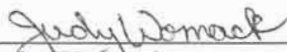
DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 7th day of June, 2004.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney

TATE OF TEXAS RECEIVED TXDOT
COUNTY OF TRAVIS JUL 26 PM 2:12
NORTHEAST DALLAS AREA

APPROVED BY CITY COUNCIL
DATE 6/7/2004
CITY SEC. _____

ADVANCE FUNDING AGREEMENT
AMENDMENT #2

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 IH 635 North of Town East Boulevard to US 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 Item:

Attachment A, Payment Provisions and Work Responsibilities, Phase 1 is hereby amended to modify the irrigation system at the request of the Local Government. The Local Government, at no cost to the State, will fully fund the total modification of the irrigation system at an estimated cost of \$30,735.05 which includes construction and construction engineering and contingency.

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
By: [Signature]
Mike Anderson
Mayor

Date: 6/24/04

ATTEST:
[Signature]
City Secretary

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 Mullenix
Director of Contract Services Section
Office of General Counsel

Date: 7.14.04