

RESOLUTION NO. 51-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT NO. 3 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, Amendment No. 1 to the Master Advance Funding Agreement was approved by City Council on March 1, 2004, and Amendment No. 2 was approved by City Council on June 7, 2004; and

WHEREAS, the City and TxDOT have agreed to perform engineering design and construction for the extension of the project limits for improvements to the ramp for westbound Interstate 30 to southbound Interstate 635 ramp along with installation of the southbound frontage road of Interstate 635 from Interstate 30 to Town East Boulevard.

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. 3," 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. 3 with the State of Texas through the Texas Department of Transportation ("TxDOT") for modification to the project limits for engineering design and construction for the improvements to the westbound Interstate 30 to southbound Interstate 635 ramp and the southbound frontage road of Interstate 635 from Interstate 30 to Town East Boulevard as detailed in Exhibit "A."

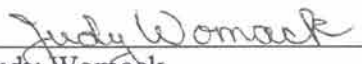
SECTION 3. That this resolution shall take effect immediately from and after its passage.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 6th day of December, 2004.




Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney

APPROVED BY CITY COUNCIL

DATE 12/6/2004

CITY SEC. _____

County: Dallas
CSJ: 2374-02-098; 2374-02-110
Project No: NH 2002 (815); STP () MM
Location: IH 635: North of Town East
Boulevard to US 80

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
AMENDMENT # 3**

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 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 include at the State's request added preliminary engineering and PS&E work for the extension of the project limits from IH 635 Sta. 1043+93.55 to Sta. 1022+00 at a cost to the City of \$742,271 which is identified as "Phase 2B" in the revised Attachment B, Location Map; and to construct an added Southbound Frontage Road along IH 635 between IH 30 and Town East Boulevard, a ramp from the Westbound IH 30 to the Southbound IH 635 Direct Connector to the Southbound IH 635 Frontage Road, and a ramp from the Southbound IH 635 main-lanes to the Southbound IH 635 Frontage Road at a cost to the State of \$9,857,600, identified as "Phase 2B" in the revised Attachment C, Estimated City and State Costs.

Attachment C, Estimated City and State Costs, is hereby amended to increase by \$742,271 for the cost to the State for the City's preliminary engineering and PS&E work for "Phase 2B" and by \$9,857,600 for the added State's cost for the construction of "Phase 2B". The City's cost of \$742,271 for the preliminary engineering and PS&E work for "Phase 2B" as requested by the State, will be reallocated by the State towards reducing the City's construction cost by \$742,271 as described 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.

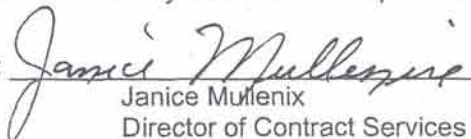
IN WITNESS WHEREOF, THE STATE AND THE LOCAL GOVERNMENT have executed duplicate counterparts to effectuate this agreement.

THE LOCAL GOVERNMENT – CITY OF MESQUITE

THE STATE OF TEXAS

T&T
By: 
Mike Anderson
Mayor

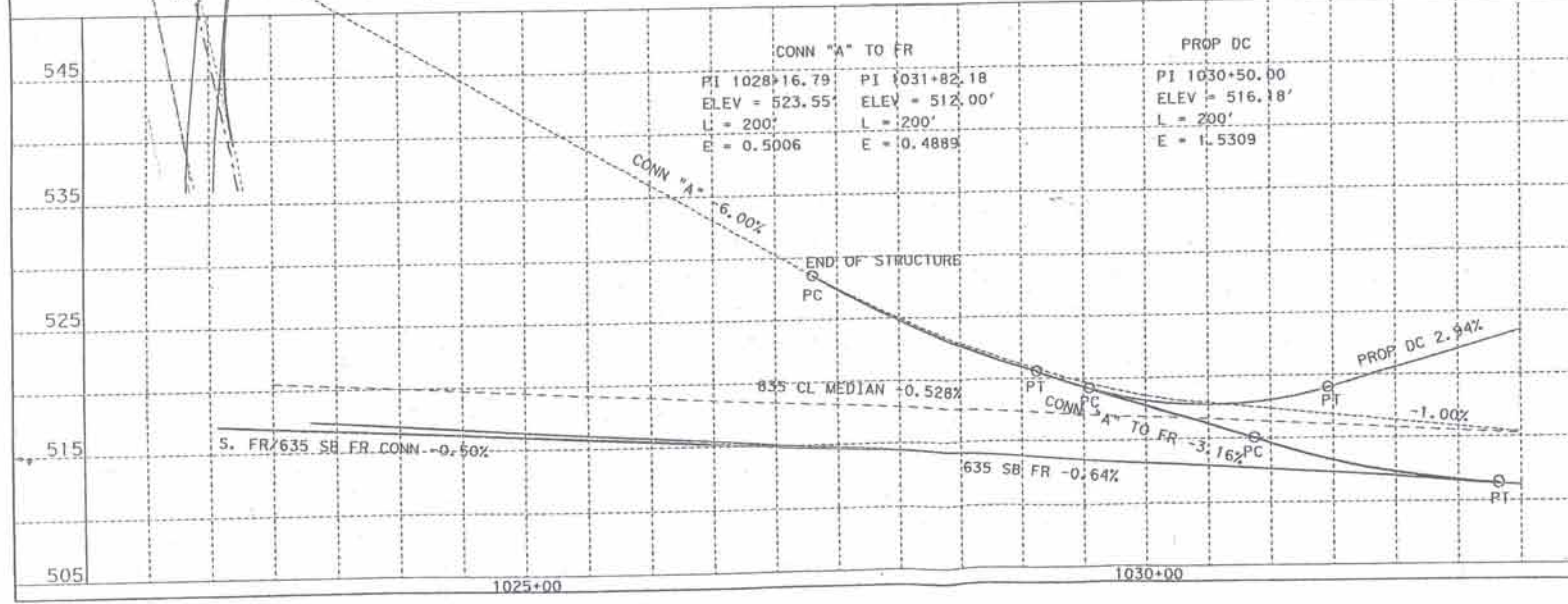
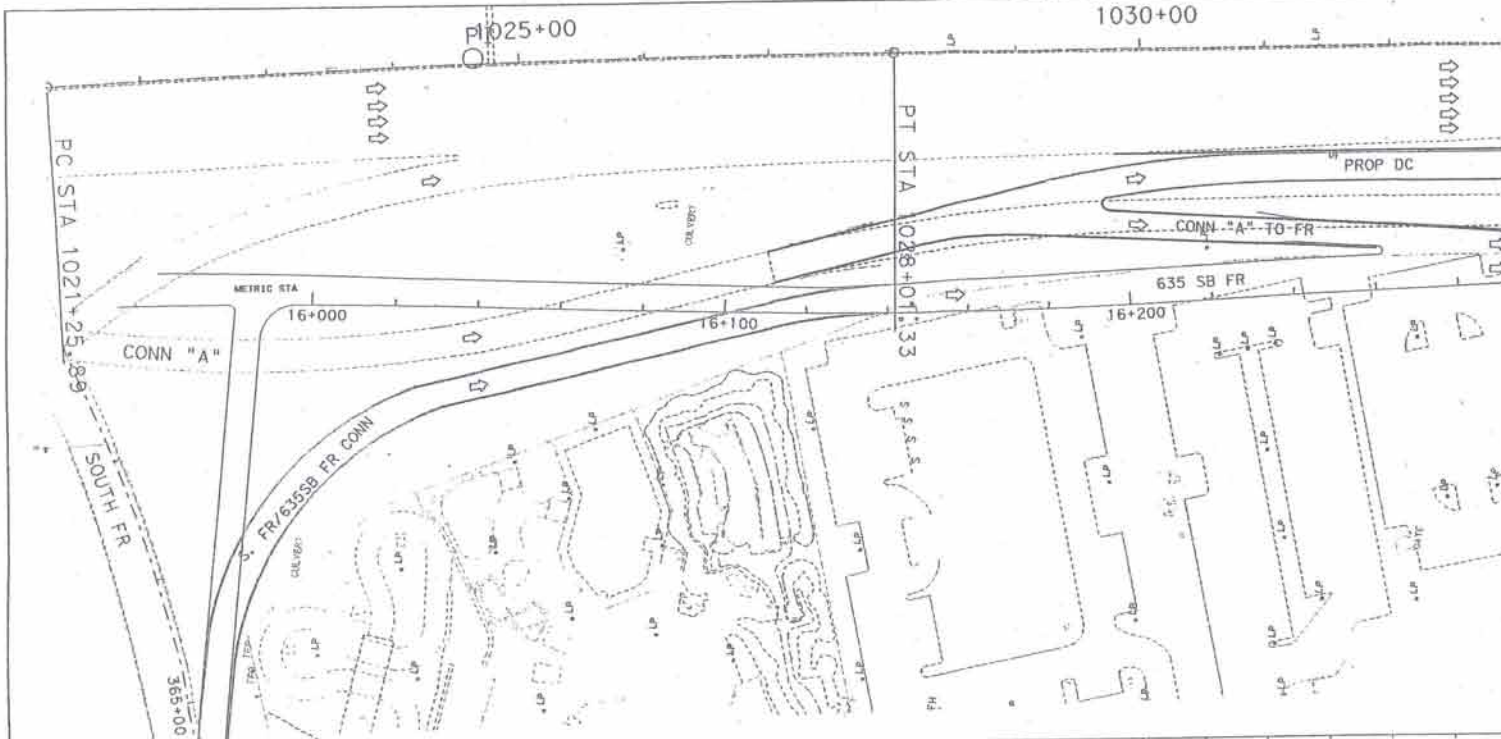
Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By: 
Janice Mullenix
Director of Contract Services Section
Office of General Counsel
Texas Department of Transportation

Date: 1.7.05

Revised ATTACHMENT B
Location Map
Amendment #3 – August 2004

ATTACHMENT B



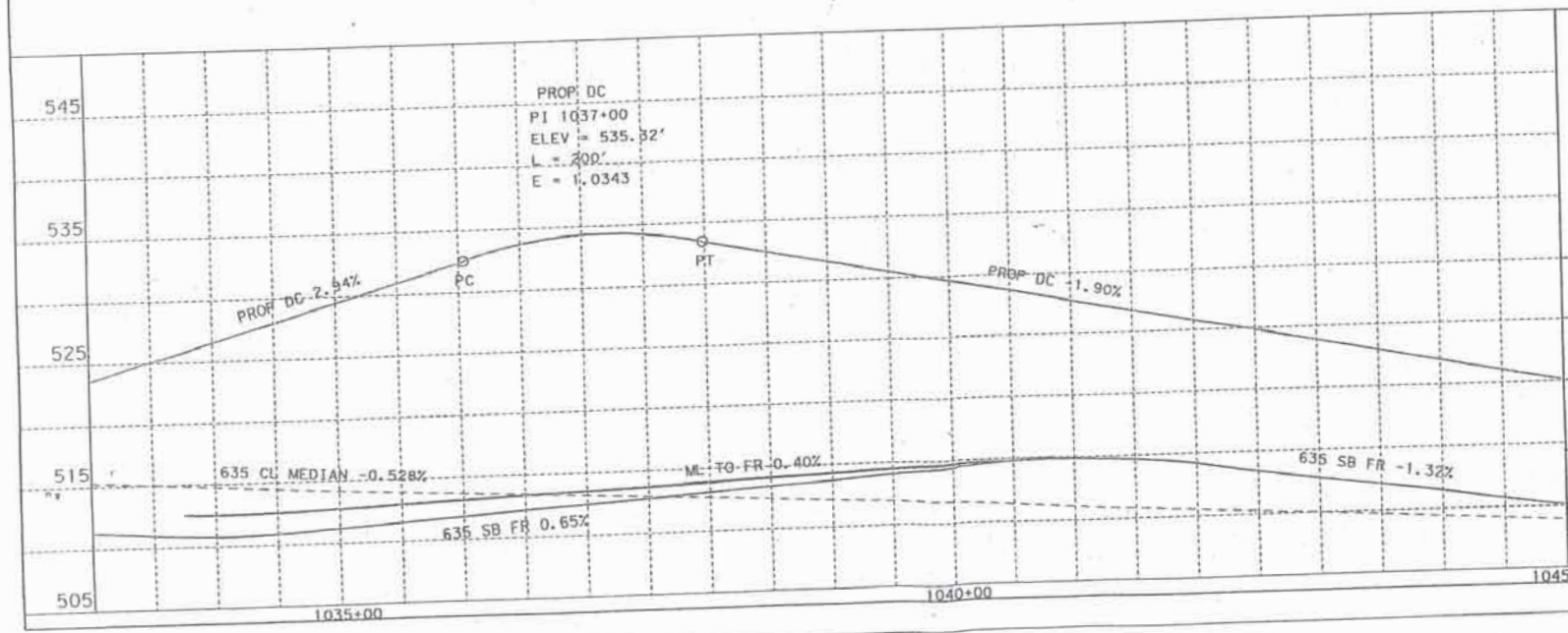
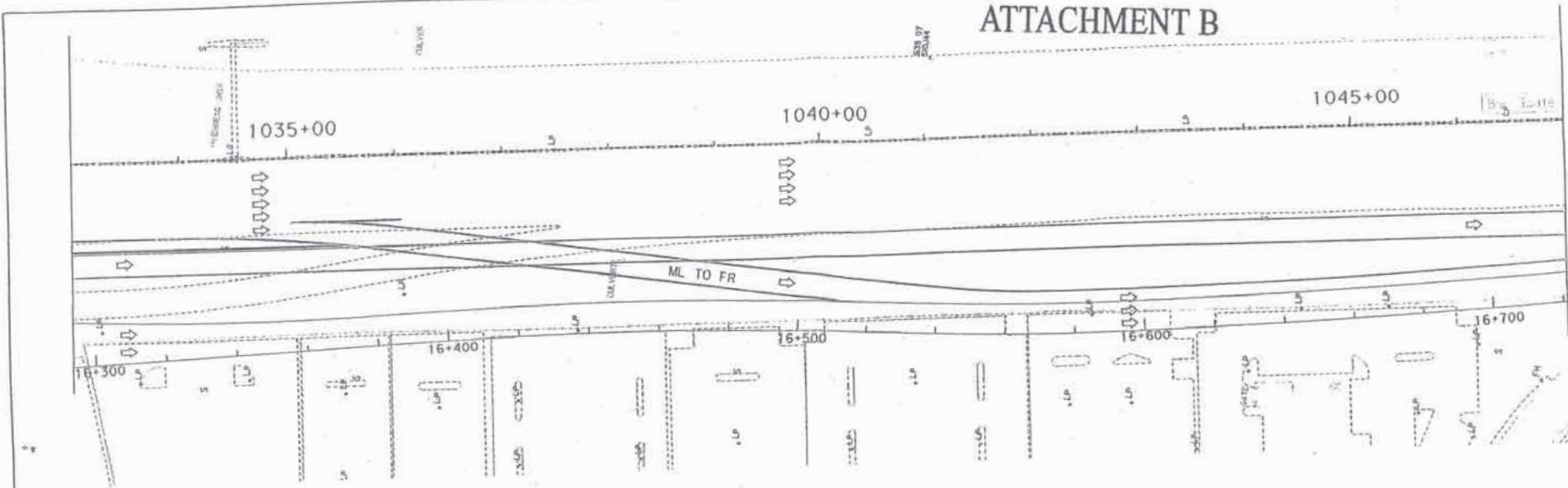
CONN "A" TO FR		PROP DC
PI 1028+16.79	PI 1031+82.18	PI 1030+50.00
ELEV = 523.55'	ELEV = 512.00'	ELEV = 516.18'
L = 200'	L = 200'	L = 200'
E = 0.5006	E = 0.4889	E = 1.5309



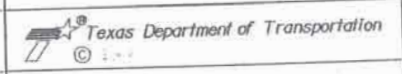
MESQUITE PHASE 11B

SCALE:				SHEET 1 OF 3	
DESIGN	FED. NO. 6	FEDERAL AID PROJECT NO.		HIGHWAY NO.	
GRAPHICS	STATE	DISTRICT	COUNTY	SHEET NO.	
CHECK	TEXAS	DALLAS	DALLAS		
CHECK	CONTROL	SECTION	JOB		
	2374	02	098		

ATTACHMENT B



PROP DC
 PI 1037+00
 ELEV = 535.32'
 L = 200'
 E = 1.0343

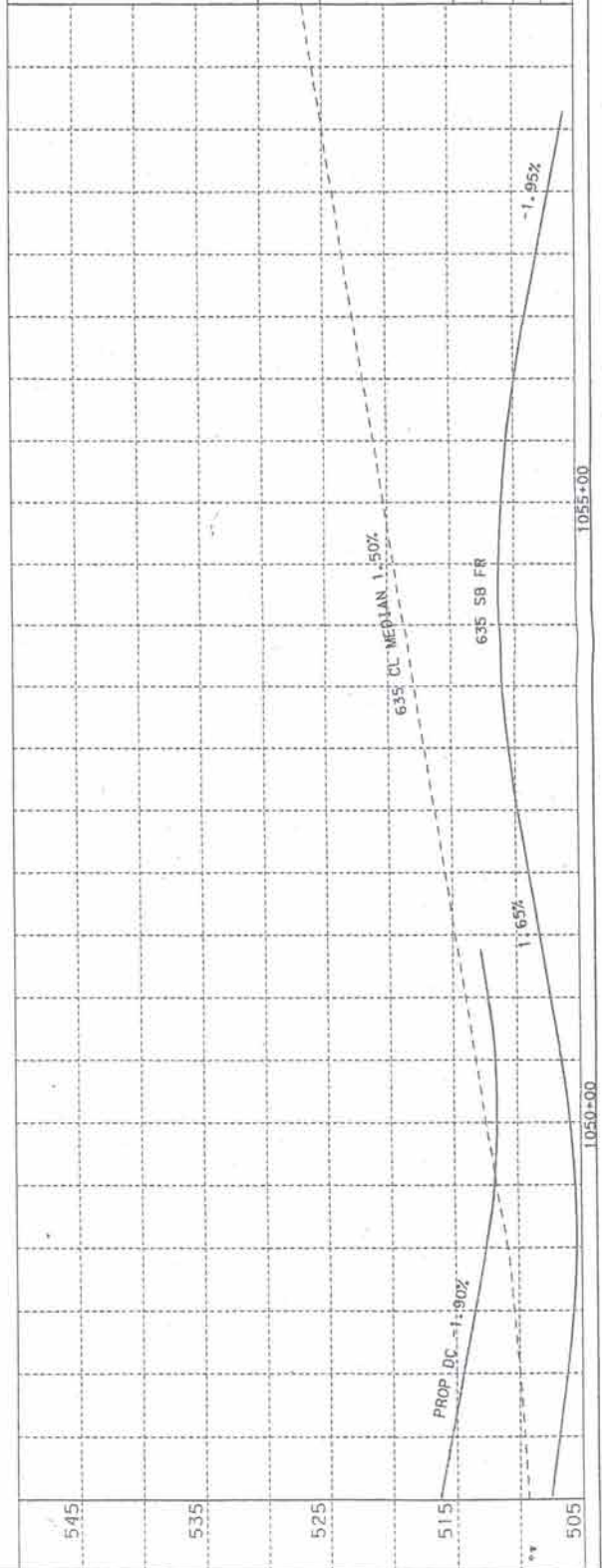
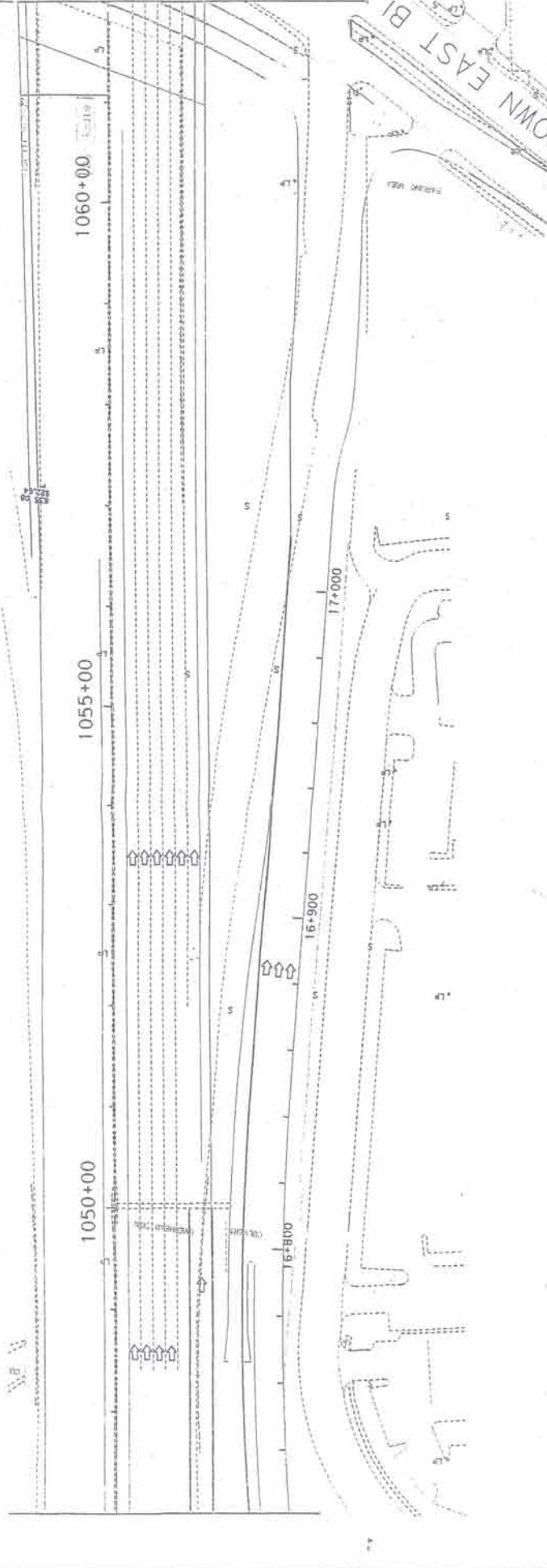


MESQUITE PHASE 1 I.E.

SCALE:				SHEET 2 OF 3	
DESIGN	FED. RD. DIV. NO.	FEDERAL AID PROJECT NO.	HIGHWAY NO.		
DRAWINGS	6		11-35		
CHECK	STATE	DISTRICT	COUNTY		SHEET NO.
CHECK	TEXAS	DALLAS	DALLAS		
CHECK	CENTRAL	SECTION	JOB		
	2374	02	200		

ATTACHMENT B

County: Dallas
 CSJ: 2374-02-098; 2374-02-110
 Location: IH 635 from North of Town East Blvd. to US 80



MESQUITE PHASE 1 I E

DESIGN	DATE	FEDERAL AID PROJECT NO.	UTILITY
DESIGN	06/11/11	635 SB FR	111
STATE	DISTRICT	COUNTY	SHEET
TEXAS	DALLAS	DALLAS	111
CHECK	SECTION	JOB	
06/11/11	40'	635 SB FR	

SCALE: 1" = 20'

Revised ATTACHMENT C
 Estimated City and State Costs
 Amendment #3 - August 2004

Items of Work	Description	City		State/FHWA		Total Cost
		Share	Cost	Share	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
	<i>A - Subtotal</i>		\$ 1,057,280			\$ 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
	<i>B - Subtotal</i>		\$ 22,729			\$ 22,729
C	Relocation Assistance (None Anticipated)					
	Phase 1	0%	0	0%	0	0
	Phase 2	100%	0	0%	0	0
	<i>C - Subtotal</i>		0		0	0
D	Utility Adjustments					
	Phase 1	100%	\$ 400,000	0%	0	\$ 400,000
	Phase 2	100%	0	100%	\$ 4,660,000	\$ 4,660,000
	<i>D - Subtotal</i>		\$ 400,000		\$ 4,660,000	\$ 5,060,000
E	Preliminary Engineering and PS&E (Initial Contract)					
	Phase 1 and Phase 2	100%	\$ 1,461,830	0%	0	\$ 1,461,830
	Requested State Items (Amend. #1)	0%	0	100%	\$ 130,000	\$ 130,000
	Phase 2B (Amend. #3)	0%	\$ 742,271	0%	0	\$ 742,271
	<i>E - Subtotal</i>		\$ 2,204,101		\$ 130,000	\$ 2,334,101
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
	Phase 2B (Amend. #3) Added State Resp.	0%	0	100%	\$ 9,857,600	\$ 9,857,600
	<i>Construction Responsibility - Subtotal</i>		\$ 6,357,558		\$ 32,361,747	\$ 38,719,305
	Phase 1 (Construction Commitment)	0%	0	100%	\$ 10,873,031	\$ 10,873,031
	Phase 2 (Construction Commitment)	23%	\$ 6,357,558	77%	\$ 21,488,716	\$ 27,846,274
	Phase 2B (Amend. #3) +/- 2B Reallocation	0%	\$ (742,271)	100%	\$ 742,271	0
	<i>Construction Commitment - Subtotal</i>		\$ 5,615,287		\$ 33,104,018	\$ 38,719,305
	Construction Cost - Total		\$ 5,615,287		\$ 33,104,018	\$ 38,719,305
	Construction E&C, 7% of Const. Resp. (STPMM-4C State Cat.)	7%	\$ 445,029	7%	\$ 2,265,322.0	\$ 2,710,351
Share of E&C (On System State pays 100%)	0%	0	100%	\$ 2,710,351	\$ 2,710,351	
Construction Total		\$ 5,615,287		\$ 35,814,369	\$ 41,429,656	
Total - Items of Work - A, B, C, D, E, F			\$ 9,299,397		\$ 40,604,369	\$ 49,903,766
	Payment #1 - 75% of Phase 2 City Commitment	30 days before letting	\$ 4,211,465			
	Payment #2 - 25% of Phase 2 City Commitment	6 Months after letting	\$ 1,403,822			