

TxDOT:				Federal Highway Administration:	
CCSJ #	0902-50-147	AFA ID	Z00011615	CFDA No.	20.205
AFA CSJs	0902-50-147			CFDA Title	Highway Planning and Construction
District #	02	Code Chart 64#	06600		
Project Name	REPLACING SIGNS, STRIPING AND MARKINGS AT ALL RAILROAD CROSSINGS IN JOHNSON COUNTY			<i>AFA Not Used For Research & Development</i>	

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT FOR
LOCAL GOVERNMENT MAINTENANCE OF
RAILROAD PAVEMENT MARKINGS AND SIGNS
(OFF-SYSTEM)**

THIS AGREEMENT is made by and between the State of Texas (“State”), acting by and through the Texas Department of Transportation (“TxDOT”), and the **City of Burleson**, acting by and through its duly authorized officials (“**Local Government**”).

WITNESSETH

WHEREAS, 23 U.S.C. § 302 provides that a state desiring to avail itself of the provisions of Title 23 of the United States Code shall have a department of transportation with adequate powers to discharge to the duties required by Title 23.; and,

WHEREAS, 23 U.S.C. § 106 and the Stewardship and Oversight Agreement between the Federal Highway Administration (“**FHWA**”) and TxDOT provide that TxDOT must provide adequate oversight of any sub-recipients.; and,

WHEREAS, 23 U.S.C. § 130 (“**Section 130**”) provides for the federal funding of construction of projects for the elimination of hazards of railway-highway crossings; and,

WHEREAS, TxDOT has identified BNSF Railway and Union Pacific Railroad highway-rail grade crossings in the City of Burleson, that is located as shown in Attachment A; and

WHEREAS, TxDOT has initiated a **Section 130 project** with the Railroad(s) to bring the highway-grade crossing into compliance with federal, state, and industry regulatory standards; and

WHEREAS, Transportation Code, §201.209 allows TxDOT to enter into an agreement with the Local Government; and,

WHEREAS, providing adequate oversight, as it relates to a **Section 130 project**, requires TxDOT to gain a commitment from the Local Government that it will maintain signs and pavement markings installed or upgraded on a Local Government facility as part of a **Section 130 project**; and,

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WHEREAS, the Local Government desires a **Section 130 project** within its jurisdiction consisting of upgrade and installation of traffic signage and pavement markings ("**Section 130 Project**") and understands that the **Section 130 Project** will upgrade or install new signs and pavement markings, which are identified and provided in Attachment B, that the Local Government will be responsible for maintaining; and

WHEREAS, the Governing Body of the Local Government has approved entering into this agreement by resolution, ordinance, or commissioners court order dated **4/21/2025**, which is attached to this agreement as Attachment C, and the findings, recitals, and conditions of which are incorporated into this Agreement as if fully set forth herein.

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

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:

AGREEMENT

1. Period of the Agreement

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed. This agreement shall remain in effect unless terminated as provided below.

2. Scope of Work

Upon completion of the **Section 130 Project**, the Local Government will fund and maintain the items as listed in Attachment B in accordance with applicable standards of the Local Government and in compliance with the TMUTCD.

3. Termination of this Agreement

This agreement shall remain in effect unless:

- A. The agreement is terminated in writing with the mutual consent of the parties;
- B. The agreement is terminated by one party because of a breach, in which case any cost incurred because of the breach shall be paid by the breaching party; or

4. Amendments

Amendments to this agreement due to changes in the character of the work, terms of the agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment.

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5. Remedies

This agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this agreement and shall be cumulative.

6. Compliance with Accessibility Standards

The Local Government shall ensure that maintenance is in compliance with standards issued or approved by the Texas Department of Licensing and Regulation (“**TDLR**”) as meeting or consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

7. Notice

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to such party at the following addresses:

Local Government:	State:
<u>City Manager</u>	Director of Contract Services
<u>City of Burleson</u>	Texas Department of Transportation
<u>141 W. Renfro Street</u>	125 E. 11 th Street
<u>Burleson, Texas 76028-4296</u>	Austin, Texas 78701

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided by this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that such notices shall be delivered personally or by certified U.S. mail and such request shall be honored and carried out by the other party.

8. Legal Construction

This document does not convey any real property interests. In case one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions and this agreement shall be construed as if it did not contain the invalid, illegal or unenforceable provision.

9. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party, and each party agrees it is responsible for its individual acts

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and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

10. Compliance with Laws

The parties shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

11. Sole Agreement

This agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the agreement's subject matter.

12. State Auditor

The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

13. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

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Each party is signing this agreement on the date stated under that party's signature.

THE LOCAL GOVERNMENT

Signed by:

Tommy Ludwig, City Manager

80B77F6C76944DC...

Signature

Tommy Ludwig, City Manager

Typed or Printed Name

City Manager

Title

5/12/2025

Date

THE STATE OF TEXAS

DocuSigned by:

Kenneth Stewart

81C77FFC40E04218A4B3339494DBC6A5...

Signature

Kenneth Stewart

Typed or Printed Name

Director Contract Services Division

Title

5/13/2025

Date

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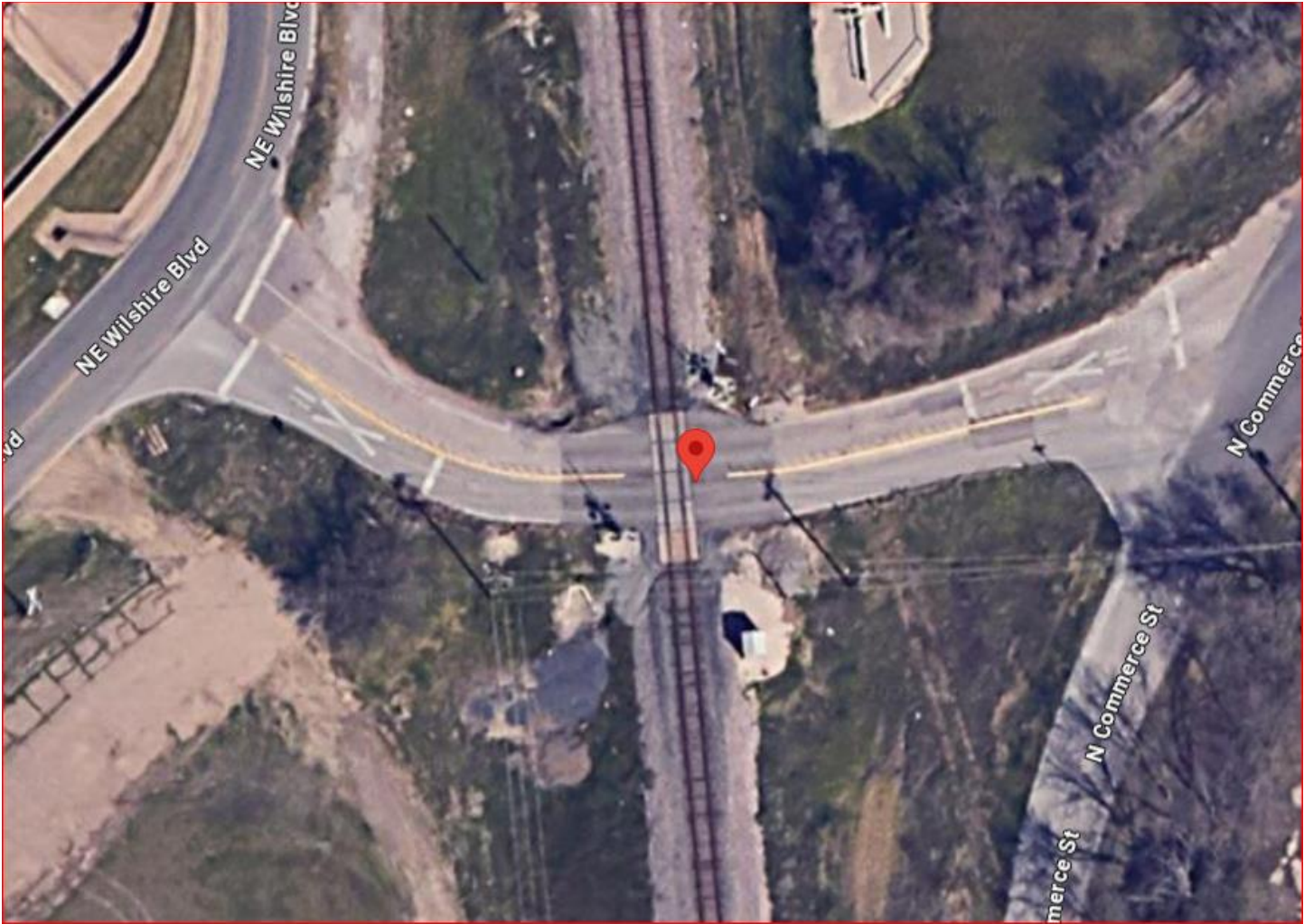
ATTACHMENT A
PROJECT LOCATION MAP

DOT 020664T



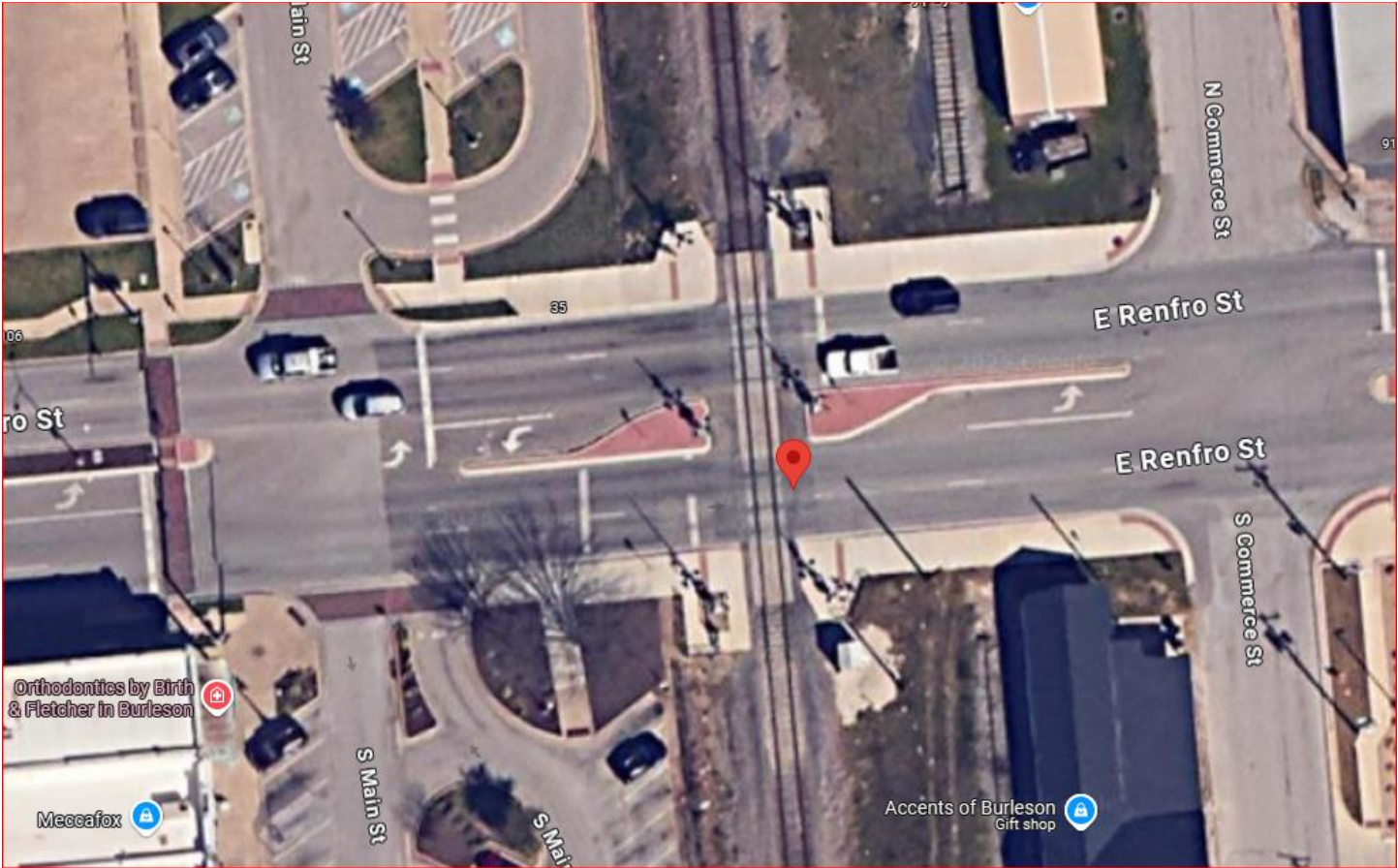
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DOT 415970E



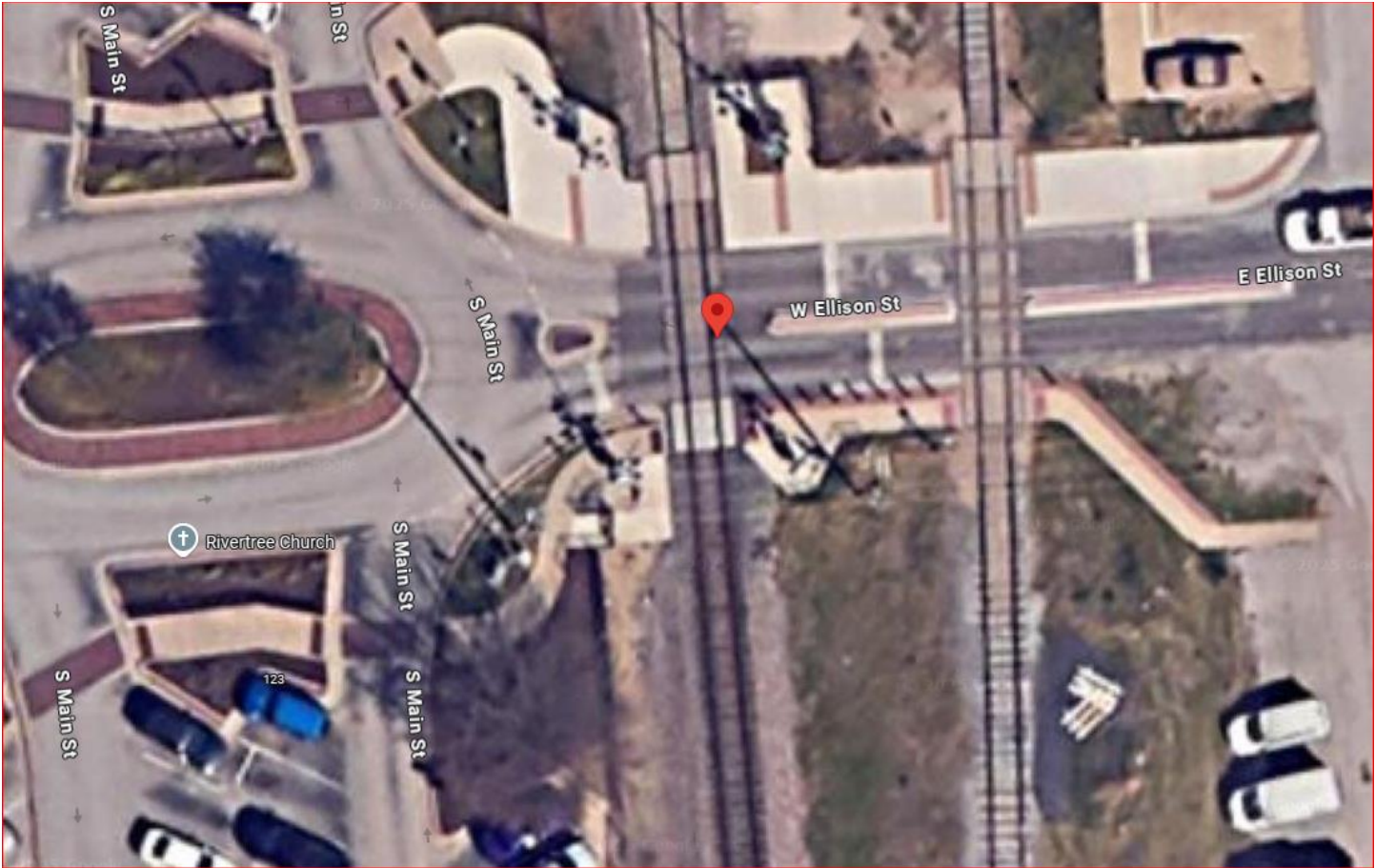
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DOT 415972T



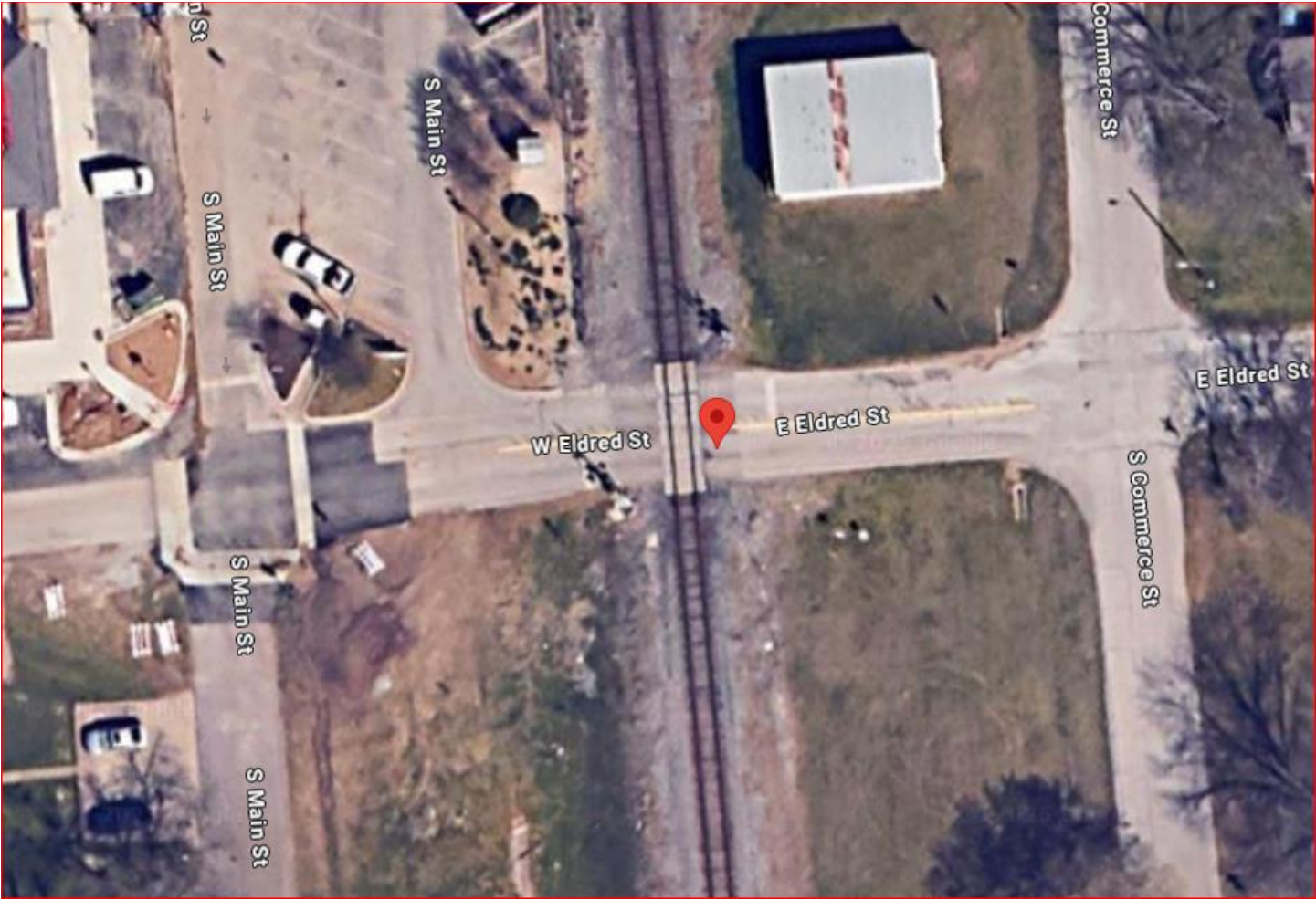
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AFA CSJs	0902-50-147			CFDA Title	Highway Planning and Construction
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DOT 415973A



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DOT 415974G



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ATTACHMENT B
SCOPE OF WORK

Project Signing & Striping Contract - CSJ 0902-50-147
Various Locations (see table below)
City of Burleson, Texas

SCOPE OF WORK

- The State or its Contractor to furnish, install and/or replace the appropriate pavement markings on roadway approaches to highway rail-grade crossings in accordance with the Texas Manual on Uniform Traffic Control Devices (TMUTCD) and the attached standard sheets.
- The State or its Contractor to furnish, install and/or replace the appropriate signs on roadway approaches to highway rail-grade crossings and/or parallel roadways within 100 feet of the highway rail-grade crossing, as required, in accordance with the TMUTCD and the Standard Highway Signs Design Manual (SHSD).
- The State to provide traffic control in accordance with the guidelines in the TMUTCD and the attached standard sheets for the installation of signage and/or pavement markings.
- The City to maintain pavement markings and advance warning signs under their jurisdiction in accordance with the TMUTCD and as shown on the attached standard sheets.

Location List:

DOT	Railroad	Crossing Street		DOT	Railroad	Crossing Street
020664T	BNSF	Alsbury Boulevard		415970E	UPRR	Commerce Street
415972T	UPRR	West Renfro Street		415973A	UPRR	East Ellison Street
415974G	UPRR	East Eldred Street				

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ATTACHMENT C RESOLUTION, ORDINANCE, OR COMMISSIONERS COURT ORDER

RESOLUTION CSO#5783-04-2025

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, SUPPORTING ENTERING INTO AN ADVANCE FUNDING AGREEMENT FOR LOCAL GOVERNMENT MAINTENANCE OF RAILROAD PAVEMENT MARKINGS AND SIGNS (OFF-SYSTEM), BY AND BETWEEN THE CITY AND THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION; AND PROVING AN EFFECTIVE DATE.

WHEREAS, the City of Burleson (the “City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City is authorized to enter into contracts with the State of Texas, including advance funding agreements with the Texas Department of Transportation pursuant to Texas Gov’t Code Ch. 791 and other applicable law; and

WHEREAS, the Texas Department of Transportation (“TxDOT”) has identified the BNSF Railway and Union Pacific Railroad (collectively, the “Railroad Companies”) highway-rail grade crossing list in the City, by convening a “Diagnostic Team” comprised of interested parties of the Railroad, State and Local government officials for an inspection; and

WHEREAS, the Diagnostic Team found that the highway-rail grade crossings and approaches to the highway-grade crossings need upgrades to comply with the Standards of the Federal Highway Administration (FHWA), Texas Manual on Uniform Traffic Control Devices (TMUTCD), American Railway Engineering and Maintenance of Way Association (AREMA) and other industry standards; and

WHEREAS, TxDOT has initiated a project with the applicable Railroad companies as identified in the advance funding agreement and will seek funding for the project to bring the highway-grade crossings into compliance with Federal, State and industry regulatory standards; and

WHEREAS, under the proposed advance funding agreement, at the completion of the project and after inspection and written acceptance by the City, TxDOT shall automatically dedicate as locally owned facilities and at no cost to the City, the installed improvements that were installed on City owned roadways and facilities as a part of the project; and

WHEREAS, after accepting the roadway signage and pavement markings as locally owned facilities, City agrees to maintain the installed roadway signage and pavement markings to the standards of the City and in compliance with the TMUTCD; and

WHEREAS, the City, authorizes an Advance Funding Agreement for Local Government Maintenance of Railroad Pavement Markings and Signs (Off-System) with Texas Department of Transportation for the City to maintain the installed improvements in accordance with the

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standards of the City. The authorized representative of the City is authorized to execute all documents necessary to complete this transaction;

WHEREAS, the City is entering into the advance funding agreement without waiving any governmental immunities in the exercise of the City's governmental functions and in the interest of the health, safety, and welfare of the general public; and

WHEREAS, pursuant to Texas Gov't Code Ch. 791, each party paying for the performance of governmental functions and must make those payments from current revenues available to the paying party;

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

Section 1.

The City Council supports entering into an advance funding agreement for the maintenance of railroad crossing signs and pavement markings installed within the City and as more particularly identified and shown in the Advance Funding Agreement for Local Government Maintenance of Railroad Pavement Markings and Signs (Off-System), which is attached to and fully incorporated into this resolution as **Attachment A**.

Section 2.

The City Council hereby designates the City Manager, Tommy Ludwig, as the City's authorized official with the authority to execute an advance funding agreement on behalf of the City and the City Council hereby directs that the City Manager submit a copy of this resolution to the Texas Department of Transportation.

Section 3.

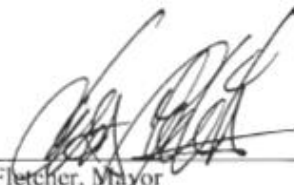
The findings, determinations, and recitations set out in the preambles of this resolution are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

Section 4.

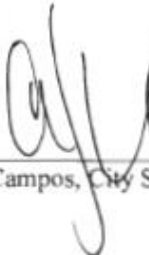
This resolution shall be effective immediately upon final passage.

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PASSED, APPROVED, AND DULY RESOLVED by the City Council of the City of Burleson, Texas, on the 21st day of April, 2025.

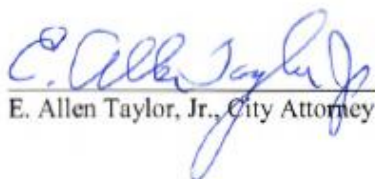

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:


Amanda Campos, City Secretary



APPROVED AS TO FORM & LEGALITY:


E. Allen Taylor, Jr., City Attorney

TxDOT:				Federal Highway Administration:	
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Attachment A

Advance Funding Agreement for Local Government Maintenance of Railroad Pavement
Markings and Signs (Off-System)

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WITNESSETH

WHEREAS, 23 U.S.C. § 302 provides that a state desiring to avail itself of the provisions of Title 23 of the United States Code shall have a department of transportation with adequate powers to discharge to the duties required by Title 23.; and,

WHEREAS, 23 U.S.C. § 106 and the Stewardship and Oversight Agreement between the Federal Highway Administration ("FHWA") and TxDOT provide that TxDOT must provide adequate oversight of any sub-recipients.; and,

WHEREAS, 23 U.S.C. § 130 ("Section 130") provides for the federal funding of construction of projects for the elimination of hazards of railway-highway crossings; and,

WHEREAS, TxDOT has identified BNSF Railway and Union Pacific Railroad highway-rail grade crossings in the City of Burleson, that is located as shown in Attachment A; and

WHEREAS, TxDOT has initiated a Section 130 project with the Railroad(s) to bring the highway-grade crossing into compliance with federal, state, and industry regulatory standards; and

WHEREAS, Transportation Code, §201.209 allows TxDOT to enter into an agreement with the Local Government; and,

WHEREAS, providing adequate oversight, as it relates to a Section 130 project, requires TxDOT to gain a commitment from the Local Government that it will maintain signs and pavement markings installed or upgraded on a Local Government facility as part of a Section 130 project; and,

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WHEREAS, the Governing Body of the Local Government has approved entering into this agreement by resolution, ordinance, or commissioners court order dated (select date here.), which is attached to this agreement as Attachment C.

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

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:

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and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

10. Compliance with Laws

The parties shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

11. Sole Agreement

This agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the agreement's subject matter.

12. State Auditor

The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

13. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

TxDOT:				Federal Highway Administration:	
CCSJ #	0902-50-147	AFA ID	Z00011615	CFDA No.	20.205
AFA CSJs	0902-50-147			CFDA Title	Highway Planning and Construction
District #	02	Code Chart 64#	06600		
Project Name		REPLACING SIGNS, STRIPING AND MARKINGS AT ALL RAILROAD CROSSINGS IN JOHNSON COUNTY		AFA Not Used For Research & Development	

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Each party is signing this agreement on the date stated under that party's signature.

THE LOCAL GOVERNMENT

Signature

Typed or Printed Name

Title

Date

THE STATE OF TEXAS

Signature

Typed or Printed Name

Title

Date

TxDOT:				Federal Highway Administration:	
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ATTACHMENT A
PROJECT LOCATION MAP

DOT 020664T



TxDOT:				Federal Highway Administration:	
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DOT 415970E



TxDOT:				Federal Highway Administration:	
CCSJ #	0902-50-147	AFA ID	Z00011615	CFDA No.	20.205
AFA CSJs	0902-50-147			CFDA Title	Highway Planning and Construction
District #	02	Code Chart 64#	06600		
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TxDOT:				Federal Highway Administration:	
CCSJ #	0902-50-147	AFA ID	Z00011615	CFDA No.	20.205
AFA CSJs	0902-50-147			CFDA Title	Highway Planning and Construction
District #	02	Code Chart 64#	06600		
Project Name	REPLACING SIGNS, STRIPING AND MARKINGS AT ALL RAILROAD CROSSINGS IN JOHNSON COUNTY			AFA Not Used For Research & Development	

DOT 415972T



TxDOT:				Federal Highway Administration:	
CCSJ #	0902-50-147	AFA ID	Z00011615	CFDA No.	20.205
AFA CSJs	0902-50-147			CFDA Title	Highway Planning and Construction
District #	02	Code Chart 64#	06600		
Project Name	REPLACING SIGNS, STRIPING AND MARKINGS AT ALL RAILROAD CROSSINGS IN JOHNSON COUNTY			AFA Not Used For Research & Development	

TxDOT:				Federal Highway Administration:	
CCSJ #	0902-50-147	AFA ID	Z00011615	CFDA No.	20.205
AFA CSJs	0902-50-147			CFDA Title	Highway Planning and Construction
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DOT 415973A



TxDOT:				Federal Highway Administration:	
CCSJ #	0902-50-147	AFA ID	Z00011615	CFDA No.	20.205
AFA CSJs	0902-50-147			CFDA Title	Highway Planning and Construction
District #	02	Code Chart 64#	06600		
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TxDOT:				Federal Highway Administration:	
CCSJ #	0902-50-147	AFA ID	Z00011615	CFDA No.	20.205
AFA CSJs	0902-50-147			CFDA Title	Highway Planning and Construction
District #	02	Code Chart 64#	06600		
Project Name	REPLACING SIGNS, STRIPING AND MARKINGS AT ALL RAILROAD CROSSINGS IN JOHNSON COUNTY			AFA Not Used For Research & Development	

DOT 415974G



TxDOT:				Federal Highway Administration:	
CCSJ #	0902-50-147	AFA ID	Z00011615	CFDA No.	20.205
AFA CSJs	0902-50-147			CFDA Title	Highway Planning and Construction
District #	02	Code Chart 64#	06600		
Project Name	REPLACING SIGNS, STRIPING AND MARKINGS AT ALL RAILROAD CROSSINGS IN JOHNSON COUNTY			AFA Not Used For Research & Development	

TxDOT:				Federal Highway Administration:	
CCSJ #	0902-50-147	AFA ID	Z00011615	CFDA No.	20.205
AFA CSJs	0902-50-147			CFDA Title	Highway Planning and Construction
District #	02	Code Chart 64#	06600		
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ATTACHMENT B
SCOPE OF WORK

Project Signing & Striping Contract - CSJ 0902-50-147
Various Locations (see table below)
City of Burleson, Texas

SCOPE OF WORK

- The State or its Contractor to furnish, install and/or replace the appropriate pavement markings on roadway approaches to highway rail-grade crossings in accordance with the Texas Manual on Uniform Traffic Control Devices (TMUTCD) and the attached standard sheets.
- The State or its Contractor to furnish, install and/or replace the appropriate signs on roadway approaches to highway rail-grade crossings and/or parallel roadways within 100 feet of the highway rail-grade crossing, as required, in accordance with the TMUTCD and the Standard Highway Signs Design Manual (SHSD).
- The State to provide traffic control in accordance with the guidelines in the TMUTCD and the attached standard sheets for the installation of signage and/or pavement markings.
- The City to maintain pavement markings and advance warning signs under their jurisdiction in accordance with the TMUTCD and as shown on the attached standard sheets.

Location List:

DOT	Railroad	Crossing Street	DOT	Railroad	Crossing Street
020664T	BNSF	Alsbury Boulevard	415970E	UPRR	Commerce Street
415972T	UPRR	West Renfro Street	415973A	UPRR	East Ellison Street
415974G	UPRR	East Eldred Street			

TxDOT:				Federal Highway Administration:	
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ATTACHMENT C
RESOLUTION, ORDINANCE, OR COMMISSIONERS COURT ORDER

ORDINANCE OR RESOLUTION NO. _____

AN ORDINANCE AUTHORIZING ADVANCE FUNDING AGREEMENT FOR LOCAL GOVERNMENT MAINTENANCE OF RAILROAD PAVEMENT MARKINGS AND SIGNS (OFF-SYSTEM)

WHEREAS, the Texas Department of Transportation (TxDOT) has identified the BNSF Railway and Union Pacific Railroad highway-rail grade crossing list in the City of Burleson, by convening a Diagnostic Team comprised of interested parties of the Railroad, State and Local government officials for an inspection; and

WHEREAS the Diagnostic Team found that the highway-rail grade crossing and approaches to the highway-grade crossing are in need of upgrades for to be in compliance with Federal Highway Administration (FHWA), Texas Manual on Uniform Traffic Control Devices (TMUTCD), American Railway Engineering and Maintenance of Way Association (AREMA) and other industry standards; and

WHEREAS, TxDOT has initiated a project with the Railroad and will seek funding for the project to bring the highway-grade crossings into compliance with Federal, State and industry regulatory standards; and

WHEREAS, at the completion of the project, City of Burleson, shall receive from TxDOT at no cost, the installed improvements that were installed on locally owned roadways and facilities as a part of the project, as locally owned facilities; and

WHEREAS, after accepting the roadway signage and pavement markings as locally owned facilities, City of Burleson agrees to maintain the installed roadway signage and pavement markings to the standards of the City of Burleson and in compliance with the TMUTCD.

WHEREAS, City of Burleson, authorizes an Advance Funding Agreement for Local Government Maintenance of Railroad Crossing Approaches (Off-System) with Texas Department of Transportation for the City of Burleson to maintain the installed improvements in the standards of the City of Burleson. The authorized representative of the City of Burleson is authorized to execute all documents necessary to complete this transaction.

BE IT RESOLVED BY THE CITY OF BURLESON COUNCIL OF THE CITY OF BURLESON, TEXAS:

That the City of Burleson Council authorizes an Advance Funding Agreement with the State of Texas for the maintenance of railroad crossing signs and pavement markings installed on as shown in Attachment A.

The City Manager is authorized to execute all documents necessary to complete this transaction.

That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this day of Month, Year.

NAME, TITLE OF AUTHORIZED SIGNER
City of Burleson, Texas