

RESOLUTION

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

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.

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

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

Attachment A

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