



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Consideration and possible action approving a resolution authorizing the execution of an Advanced Funding Agreement for Voluntary Utility Relocation and Standard Utility Agreement with TxDOT for the relocation of water lines near the FM3351 Cibolo Creek Bridge and authorizing the City Manager to execute all applicable documents

DATE: October 19, 2023

DEPARTMENT: Public Works

PRESENTED BY: Grant Watanabe, P.E., Director of Public Works and Engineering Services

INTRODUCTION/BACKGROUND:

Since 2018, the City has been working with the Texas Department of Transportation San Antonio District (TxDOT) on future FM3351 improvements to serve both regional mobility needs as well as local traffic management and public safety needs while preserving our unique hill country character. While the larger widening project is unprogrammed due to funding constraints, TxDOT is moving forward with the Cibolo Creek Bridge Project which will raise the bridge above the 100-year flood elevation. The Cibolo Creek Bridge Project requires utility adjustments by power, water and telecommunications providers to accommodate the planned improvements. This includes the relocation of City water lines which run along the west side of FM3351. City staff and the General Engineering Consultant (GEC) have coordinated with TxDOT and other affected utilities and relocation plans have been finalized. A map showing the existing and proposed locations for the City's water lines is included as **Exhibit A**.

A total of 3,475 linear feet of the City's water lines will need to be relocated. Approximately 2,118 linear feet (60.95%) was located within the FORHA "common area" which was also a designated utility easement prior to acquisition by TxDOT. Approximately 1,357 linear feet (39.05%) is located within TxDOT right of way. A pipeline summary table is shown on **Exhibit A**.

The total relocation cost is estimated to be \$614,370.70 which includes engineering design, construction, inspection and oversight. Since a portion of the City's water lines were located within a utility easement, the relocation of that portion is eligible for reimbursement by TxDOT. Essentially, TxDOT will cover 60.95% (\$374,458.94) of the relocation cost while the City will be responsible for 39.05% (\$239,911.76) of the relocation cost. A copy of the TxDOT Advance Funding Agreement for Voluntary Utility Relocation (AFA) and Standard Utility Agreement (SUA) are attached as **Exhibits B** and **Exhibit C**, respectively. These agreements define the responsibilities of the parties since the City's water line relocation will be joint bid with TxDOT's roadway improvement project. They also identify the amount eligible for reimbursement by TxDOT and include a copy of the relocation plans and costs.

It should be noted that these agreements are separate and independent from previous agreements executed with TxDOT. Back in December 2022, the City released utility and well access easements to TxDOT for compensation in the amount of \$90,557.00. In January 2023, the City executed an Agreement to Contribute Right of Way Funds in the amount of \$77,033.50 as required by Title 43

of the Texas Administrative Code. These past agreements would have been necessary even if the City did not have active water lines running along the west side of FM3351.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- Supports Priority 3.4 of the Strategic Action Plan– Enhance and Ensure Continuity of Reliable Roadway Improvement Initiatives (FM3351)
- Enables the TxDOT FM3351 Cibolo Creek Bridge Project to stay on schedule. The current letting date is February 2024 with construction start in May 2024.
- Joint bidding with TxDOT is an economical and efficient means of achieving utility relocation since TxDOT will be responsible for contract procurement and management.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

Funds for the relocation of water lines near the FM3351 Cibolo Creek Bridge are currently not budgeted. Unallocated funds from the Water Capital Reserve Fund are available to cover expected costs. Should this consideration item be approved, a budget amendment will be presented in the next agenda item.

LEGAL ANALYSIS:

Legal has reviewed the AFA and SUA and approved both to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a resolution authorizing the execution of an Advanced Funding Agreement for Voluntary Utility Relocation and Standard Utility Agreement with TxDOT for the relocation of water lines near the FM3351 Cibolo Creek Bridge and authorizing the City Manager to execute all applicable documents.