



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

January 5, 2023

AGENDA TOPIC: Consideration and possible action approving a Resolution authorizing the execution of an Agreement to Contribute Right of Way Funds (Fixed Price) with TxDOT for the FM3351 Cibolo Creek project, expenditure of the required project funds and execution of all applicable documents by the City Manager

DATE: January 5, 2023

DEPARTMENT: Public Works & Engineering Services

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

INTRODUCTION/BACKGROUND:

Since 2018, the City has been working with 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 through our city is unprogrammed due to funding constraints, TxDOT is moving forward with the Cibolo Creek bridge replacement with a planned let date of February 2024. The Cibolo Creek project requires both right of way acquisition and utility adjustments to accommodate the planned improvements which will occur prior to project letting.

Pursuant to 43 TAC §15.52 and §15.55, TxDOT representatives informed the City that an Agreement to Contribute Right of Way Funds (**Exhibit A**) was required. These statutes cover funding agreements between TxDOT and local governments and establish federal, state and local cost participation ratios for highway improvement and other transportation projects. In accordance with 43 TAC §15.55(c), the local government is responsible for ten (10) percent of right of way acquisition and utility adjustment costs for existing Farm to Market Road (FM) and Urban Road (UR) routes. For this specific project, the estimated local government contribution is \$77,033.40. A breakdown of this cost was provided by TxDOT as Attachment C to the Agreement.

Since the city did not budget for this cost, staff recommends using \$77,033.40 from the \$1M street maintenance budget to cover this emergent requirement. This fund source was identified since the nature of work is similar (i.e. roadwork) and preliminary analysis using Cartegraph software shows the small budget reduction will not have a negative impact on our long-term pavement preservation efforts (i.e. average PCI/OCI will not decrease). In the event there is a shortfall in the street maintenance budget, staff may bring back a budget amendment to request additional funds if necessary.

Since TxDOT requires the governing body of the Local Government to approve entering into the Agreement to Contribute Right of Way Funds (Fixed Price) by resolution or ordinance, a resolution is being presented tonight for consideration and possible action. If approved, the resolution (**Exhibit B**) will be included as part of the agreement as an attachment.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- Meets statutory requirements for federal, state and local cost participation for highway improvements and other transportation projects
- Supports much needed project to raise the FM3351 Cibolo Creek Bridge above the 100-yr flood elevation since closure severs access to large parts of our city

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

Staff recommends using \$77,033.40 from the \$1M street maintenance budget to cover this emergent requirement. This fund source was identified since the nature of work is similar (i.e. roadwork) and preliminary analysis using Cartegraph software shows the small budget reduction will not have a negative impact on our long-term pavement preservation efforts (i.e. average PCI/OCI will not decrease).

LEGAL ANALYSIS:

This resolution was reviewed and approved by the city attorney.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a resolution authorizing the execution of an Agreement to Contribute Right of Way Funds (Fixed Price) with TxDOT for the FM3351 Cibolo Creek project, expenditure of the required project funds, and execution of all applicable documents by the City Manager.