

A RESOLUTION

A RESOLUTION OF THE CITY OF FAIR OAKS RANCH, TEXAS AUTHORIZING EXECUTION OF AN AGREEMENT TO CONTRIBUTE RIGHT OF WAY FUNDS (FIXED PRICE) WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE FM3351 CIBOLO CREEK PROJECT, EXPENDITURE OF THE REQUIRED PROJECT FUNDS, AND EXECUTION OF ALL APPLICABLE DOCUMENTS BY THE CITY MANAGER.

WHEREAS, the City of Fair Oaks Ranch (the “City”) and the Texas Department of Transportation (the “TxDOT”) have deemed it necessary to make certain highway improvements to FM3351 at Cibolo Creek (“Project”); and,

WHEREAS, this section of highway improvements will necessitate the acquisition of certain right of way and the relocation and adjustment of utilities; and,

WHEREAS, Title 43 of the Texas Administrative Code, Rule §15.55 Construction Cost Participation (“43 TAC §15.55”) authorizes TxDOT to establish federal, state and local cost participation ratios for highway improvement and other transportation projects; and,

WHEREAS, pursuant to Figure 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; and,

WHEREAS, the estimated local government contribution for this Project is \$77,033.40; and,

WHEREAS, TxDOT requires the Governing Body of the Local Government to approve entering into an Agreement to Contribute Right of Way Funds (Fixed Price) by resolution or ordinance which will be made a part of the agreement; and,

WHEREAS, the City Council of the City of Fair Oaks Ranch desires to reaffirm its support of the Project and authorize the execution of an Agreement to Contribute Right of Way Funds (Fixed Price) with TxDOT.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS THAT:

- SECTION 1.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.
- SECTION 2.** The City Council hereby reaffirms its support of the Project and authorizes the execution of the Agreement to Contribute Right of Way Funds (Fixed Price) with TxDOT for the Project, and the expenditure of the required Project funds.
- SECTION 3.** The City Council hereby authorizes the City Manager to execute any and all applicable documents to effectuate this Resolution.
- SECTION 4.** 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.
- SECTION 5.** This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED, APPROVED, AND ADOPTED on this 5th day of January, 2023.

ATTEST:

Gregory C. Maxton, Mayor

APPROVED AS TO FORM:

Christina Picioccio, TRMC, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney