

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE STATE ROUTE 93 DERBY DRIVE WATERLINE RELOCATION, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

WHEREAS, the Tennessee Department of Transportation (TDOT) is planning to realign State Route 93 in the Horse Creek Area from near Lone Star Road to near Murrell Road; and

WHEREAS, the TDOT Chapter 86 program reimburses utilities, or includes them in the construction project, for those areas that require relocation of their infrastructure that is currently in the right-of-way; and

WHEREAS, this agreement allows TDOT to include the relocation of the city's existing waterline within TDOT's proposed State Route 93 (Derby Drive) Realignment Project; and

WHEREAS, the project will consist of the relocation of approximately 3,800 feet of 8" and 2" waterlines and the total estimated cost for the construction is estimated to be \$811,400.00 and the engineering costs for the project will be approximately \$42,900.00; and

WHEREAS, TDOT requires the city to pay the engineering costs, which will be to Barge Engineers, for which TDOT will reimburse the city; and

WHEREAS, funding is available in account no.: WA2404

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That an agreement with Tennessee Department of Transportation for the State Route 93 (Derby Drive) waterline relocation is approved.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized and directed to execute, in a form approved by the city attorney and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, a license agreement with the State of Tennessee, Department of Transportation for a State Route 93 (Derby Drive) waterline relocation and all other documents necessary and proper, to deliver the agreement and take any and all action as may be required on the part of the city to carry out, give effect to, and consummate the transactions contemplated by the agreement and this resolution.

SECTION III. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the agreement that do not substantially alter the material provisions of the agreement, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

SECTION IV. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort, and prosperity of the citizens of the city.

SECTION V. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 17th day of October, 2023.

PATRICK W. SHULL, MAYOR

ATTEST:

ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

RODNEY B. ROWLETT, III, CITY ATTORNEY