

A RESOLUTION OF THE TOWN OF PROSPER, TEXAS, APPROVING AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE DESIGN AND CONSTRUCTION OF DUAL LEFT TURN LANES AT PRESTON ROAD (SH 289) AND FIRST STREET; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes; and

WHEREAS, Section 201.103 of the Texas Transportation Code establishes that the State shall design, construct, and operate a system of highways in cooperation with local governments, and further, Section 222.052 of the Texas Transportation Code authorizes the Texas Transportation Commission to accept contributions from political subdivisions for development and construction of public roads and the state highway system within the political subdivision; and

WHEREAS, federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds; and

WHEREAS, the Texas Transportation Commission has codified Sections 15.50-15.56 of Chapter 15, Title 43 of the Texas Administrative Code describes federal, state, and local responsibilities for cost participation in highway improvements and other transportation projects; and

WHEREAS, the Texas Transportation Commission passed Minute Order Number **116292** authorizing the State to undertake and complete a highway improvement or other transportation project generally described as **the intersection improvements with right and/or left turn lanes**. The portion of the project work covered by this Agreement is identified in the Agreement, Article 3, Scope of Work (Project); and

WHEREAS, all legal and statutory prerequisites for the adoption of this Resolution have been met, including but not limited to compliance with the Texas Open Meetings Act; and

WHEREAS, the Town Council of the Town of Prosper deems the adoption of this Resolution to be in the best interests of the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS. THAT:

SECTION 1

All matters stated hereinabove are found to be true and correct and are incorporated herein by reference.

SECTION 2

The Town Council approves and authorizes entering into the Advance Funding Agreement (AFA) with TxDOT.

SECTION 3

The Town Manager of the Town of Prosper, Texas, is hereby authorized to execute the Advance Funding Agreement, which is attached hereto as Exhibit 1 and incorporated by reference, and to exercise the rights and duties of the Town thereunder in order to receive funding through the Congestion Mitigation Air Quality program for the design and construction of dual left turn lanes at Preston Road (SH 289) and First Street.

SECTION 4

This Resolution shall take effect immediately upon and after its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THIS THE 28TH DAY OF MARCH, 2023.

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

EXHIBIT 1
(Advance Funding Agreement)