

AMENDMENT NO. 1
to the
MEMORANDUM OF UNDERSTANDING
by and between
THE CITY OF STEPHENVILLE
and
TARLETON STATE UNIVERSITY

City of Stephenville ("CITY") entered into a Memorandum of Understanding ("MOU") by signature of CITY on August 7, 2019 and Tarleton State University ("TARLETON") on August 13, 2019, ("Original Agreement"), a member of The Texas A&M University System (TAMUS), an agency of the State of Texas, expiring on August 13, 2021. CITY and TARLETON wish to amend the Original Agreement and mutually agree as follows:

The parties to the Memorandum of Understanding described above hereby agree to modify Article I. Section 1.1, 3rd Paragraph of TARLETON Responsibilities to read, "Once plans are mutually approved, commence a project costing no more than \$1.4 million to address watershed on the Tarleton campus."

- A. In section 1.1, TARLETON Responsibilities, TARLETON agree to:
1. Will fund up to an additional \$400,000. Term to coincide with the Original Agreement.
 2. Has the right of notice and ultimate approval of Change Orders pertaining to work on TARLETON'S property.
 3. Reimburse CITY for project invoices based on work completed with appropriate General Contractor documents that meet the Harbin Drive Improvements Project ("PROJECT") documents as approved herein by TAMUS/TARLETON.
 - i. The applicable costs are identified in Section C-1 – TARLETON DRAINAGE IMPROVEMENTS of the PROJECT "Bid Form"; attached as Exhibit A herein.
 - ii. Total amount not to exceed \$1.4 million.
 4. Any funds remaining at the close out of work on TARLETON's property remain TARLETON's funds and under TARLETON's exclusive control.
 5. Will recommend approval to TAMUS Real Estate Office of additional Right of Way easements in the Pecan Orchard and the north side of Washington Street. These easement agreements will be between TAMUS and the CITY per current policy and outside of this agreement.
 6. This agreement is predicated on TARLETON's approval of the final construction documents.

B. In section 1.2, CITY Responsibilities, CITY agrees to:

1. The project will provide the in-ground infrastructure for all current and future TARLETON storm water flowing to the Washington Street outfall (including new development in this drainage catchment area as identified in Exhibit B, and overall plan improvements on Tarleton State University Property as identified in Exhibit C herein attached).
 - i. As a condition of TSU’s financial contribution to the PROJECT, it is understood and agreed that any future development undertaken by TARLETON in general conformance to the land uses depicted in the August 2020 Campus Master Plan or the runoff calculations of said project, located within the drainage area(s) to be served by those improvements, and which ultimately drain through TARLETON’s Pecan Orchard will not be required to detain or otherwise limit runoff. It is understood the intent of the new storm sewer improvements is not to provide any upgrades. Future campus development in the area will, like all engineered projects, be required to demonstrate no adverse impact downstream. It shall not be construed that these improvements should improve existing drainage conditions but instead that development does not worsen existing conditions.
2. This work will be bid as a part of the CITY’s larger PROJECT as a separate, distinct scope of work.
3. The work includes buried box culverts across the Pecan Orchard with associated grading and lateral lines.

C. In Article II. Duration of MOU, Item 2.1, CITY and TARLETON agree to extend the Original Agreement term to August 31, 2023.

D. CITY and TARLETON agree that all of the terms and conditions of the Original Agreement shall remain in full force and effect and shall continue to govern except to the extent that they conflict with the terms of this Amendment No. 1. By signing this Amendment, CITY and TARLETON expressly understand and agree that this Amendment shall become a part of the Agreement as though it were set forth word for word therein.

Executed in duplicate originals, effective as of the date of last signature.

City of Stephenville Tarleton State University

Signature

Name: Allen L. Barnes

Title: City Manager

Date: _____

DocuSigned by:


 Signature

Name: Lori Beaty

Title: Vice President/CFO

Date: 12/20/2021

EXHIBIT A – BID FORM

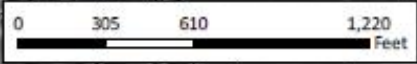
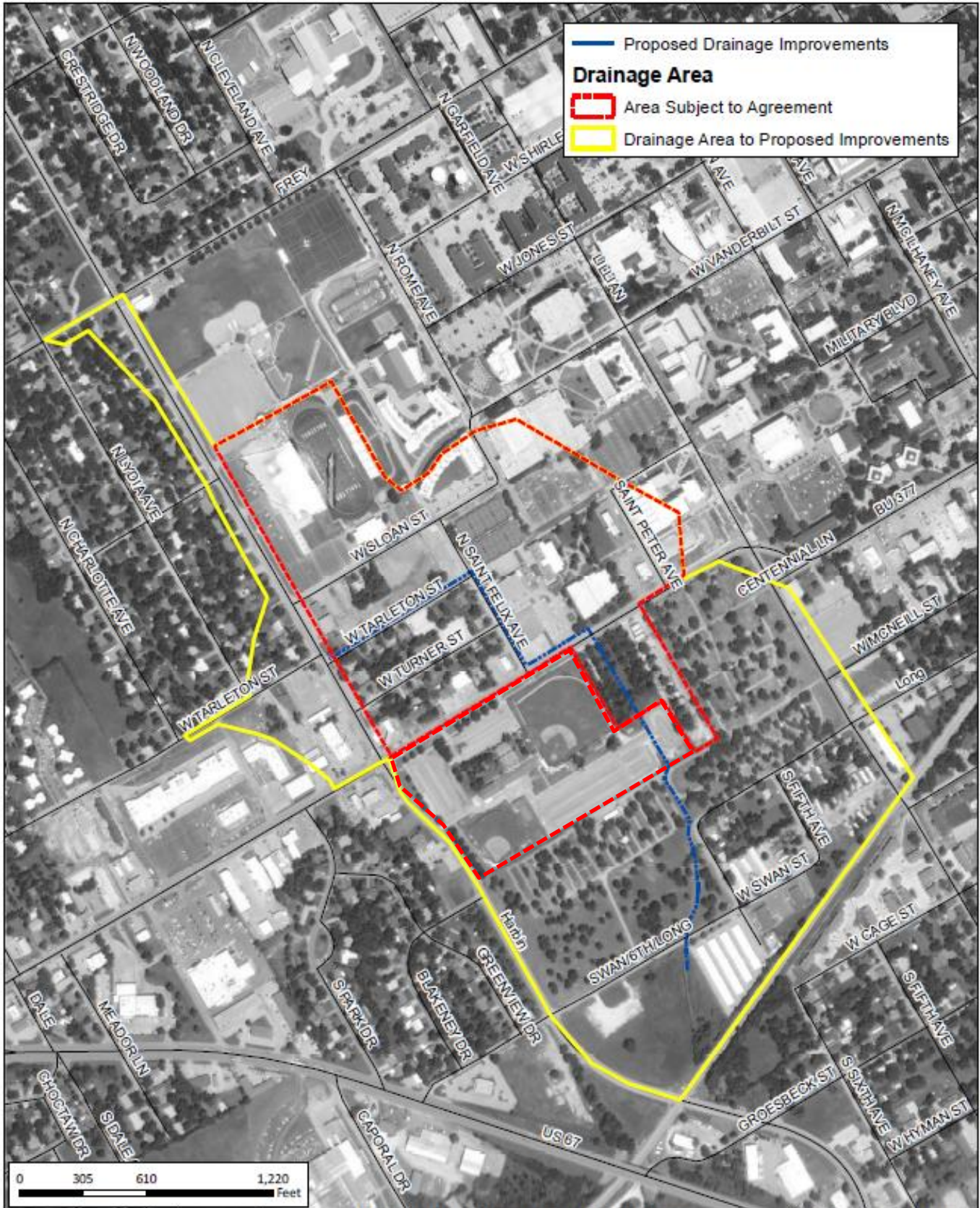
**SECTION 7
BID PROPOSAL FORM**

UNIT PRICE BID

Bidder's Application

Project Item Information				Bidder's Proposal		
Bidlist Item No.	Description	Specification Section No.	Unit of Measure	Bid Quantity	Unit Price	Bid Value
SECTION C-1 - TARLETON DRAINAGE IMPROVEMENTS						
C1-01	Tree Removal (6"-12")	NCTCOG 203	EA	1	\$475.00	\$475.00
C1-02	Tree Removal (13"-18")	NCTCOG 203	EA	1	\$650.00	\$650.00
C1-03	Tree Removal (19"-24")	NCTCOG 203	EA	1	\$950.00	\$950.00
C1-04	Pavement Removal	NCTCOG 701.2	SY	550	\$7.00	\$3,850.00
C1-05	Remove and Replace Sidewalk	TxDOT 351	SY	90	\$73.00	\$6,570.00
C1-06	Remove and Replace Concrete Curb and Gutter	TxDOT 305.1	LF	100	\$50.00	\$5,000.00
C1-07	Remove and Replace Corrugated Metal Fence	NCTCOG 801	LS	1	\$7,500.00	\$7,500.00
C1-08	Headwall Removal	NCTCOG 203	EA	5	\$775.00	\$3,875.00
C1-09	Sump Pump Removal	NCTCOG 203	EA	2	\$500.00	\$1,000.00
C1-10	Cut and Plug Storm Drain	TxDOT 420	EA	3	\$500.00	\$1,500.00
C1-11	Seeding and 4" Topsoil	NCTCOG 204.6	SY	2950	\$5.50	\$16,225.00
C1-12	Sodding and 4" Topsoil	NCTCOG 204.5	SY	550	\$12.50	\$6,875.00
C1-13	7x2' RCB	TxDOT 462	LF	20	\$425.00	\$8,500.00
C1-14	9x5' RCB	TxDOT 462	LF	10	\$950.00	\$9,500.00
C1-15	6x5' RCB	TxDOT 462	LF	670	\$420.00	\$281,400.00
C1-16	60" RCP	NCTCOG 501.6	LF	800	\$310.00	\$248,000.00
C1-17	48" RCP	NCTCOG 501.6	LF	1250	\$182.00	\$227,500.00
C1-18	36" RCP	NCTCOG 501.6	LF	590	\$120.00	\$70,800.00
C1-19	30" RCP	NCTCOG 501.6	LF	70	\$82.00	\$5,740.00
C1-20	24" RCP	NCTCOG 501.6	LF	330	\$71.00	\$23,430.00
C1-21	18" RCP	NCTCOG 501.6	LF	160	\$51.00	\$8,160.00
C1-22	18" HDPE	NCTCOG 505	LF	820	\$26.50	\$21,730.00
C1-23	12" HDPE	NCTCOG 505	LF	1530	\$28.00	\$42,840.00
C1-24	10' Curb Inlet	NCTCOG 702	EA	8	\$9,500.00	\$76,000.00
C1-25	20' Curb Inlet	NCTCOG 702	EA	2	\$11,750.00	\$23,500.00
C1-26	6x5' Headwall	TxDOT 466	EA	1	\$17,000.00	\$17,000.00
C1-27	6x6' Storm Drain Manhole	NCTCOG 502.1.4.1	EA	2	\$9,000.00	\$18,000.00
C1-28	5x5' Storm Drain Manhole	NCTCOG 502.1.4.1	EA	2	\$6,100.00	\$12,200.00
C1-29	3x3' Junction Box	NCTCOG 502.1.4.1	EA	1	\$3,200.00	\$3,200.00
C1-30	5x5' Storm Drain Grate Inlet	NCTCOG 505	EA	1	\$4,900.00	\$4,900.00
C1-31	4x4' Storm Drain Grate Inlet	NCTCOG 505	EA	1	\$4,300.00	\$4,300.00
C1-32	3x3' Storm Drain Grate Inlet	NCTCOG 505	EA	1	\$2,600.00	\$2,600.00
C1-33	2x2' Storm Drain Grate Inlet	NCTCOG 505	EA	13	\$1,500.00	\$19,500.00
C1-34	8x8' Junction Box w/ PAZD-CZ Top	TxDOT 465	EA	1	\$18,500.00	\$18,500.00
C1-35	7x7' Junction Box	TxDOT 465	EA	2	\$16,500.00	\$33,000.00
C1-36	PAZD-CZ Area Inlet	TxDOT 465	EA	1	\$5,600.00	\$5,600.00
C1-37	PAZD Area Inlet	TxDOT 465	EA	1	\$3,800.00	\$3,800.00
C1-38	Trench Safety	NCTCOG 107.20.3	LF	6250	\$1.00	\$6,250.00
C1-39	Unclassified Excavation	NCTCOG 203.2	CY	550	\$20.00	\$11,000.00
C1-40	Embankment	NCTCOG 203.5	CY	130	\$8.00	\$1,040.00
C1-41	Concrete Channel Lining	NCTCOG 803.3	SY	440	\$112.00	\$49,280.00
C1-42	4" Thickness Concrete Riprap	NCTCOG 803.3	SY	60	\$72.00	\$4,320.00
C1-43	24" Concrete Edge Restraint	NCTCOG 803.3	LF	40	\$75.00	\$3,040.00
C1-44	Adjust 6" Water Line	NCTCOG 506.6	EA	4	\$4,750.00	\$19,000.00
C1-45	Adjust 4" Water Line	NCTCOG 506.6	EA	2	\$3,700.00	\$7,400.00
C1-46	Adjust 2" Water Line	NCTCOG 506.6	EA	2	\$3,000.00	\$6,000.00
C1-47	Adjust Sanitary Sewer Line	NCTCOG 507.6, 501.17	EA	2	\$2,000.00	\$4,000.00
C1-48	Steel Encasement on Existing 12" SS	NCTCOG 507.6	LF	20	\$325.00	\$6,500.00
C1-49	Adjust Sanitary Sewer Manhole	NCTCOG 502.1	EA	1	\$1,300.00	\$1,300.00
C1-50	6" DIP Sanitary Sewer by Open Cut	NCTCOG 507.6, 501.17	LF	20	\$110.00	\$2,200.00
C1-51	DIP Sewer Service Crossing	NCTCOG 507.6, 501.17	EA	1	\$3,100.00	\$3,100.00
C1-52	Traffic Control	NCTCOG 107.19, 801	LS	1	\$20,000.00	\$20,000.00
C1-53	42" Pedestrian Handrail		LF	10	\$185.00	\$1,850.00
C1-54	Asphaltic Pavement Repair	NCTCOG 403	SY	2770	\$63.25	\$175,202.50
C1-55	Concrete Sidewalks (4")	TxDOT 531	SY	70	\$73.00	\$5,110.00
C1-56	Concrete Valley Gutter	TxDOT 529	SY	30	\$80.00	\$2,400.00
C1-57	Flexible Pavement Structure Repair (Washington Street)	TxDOT 351	SY	120	\$84.00	\$10,080.00
C1-58	Restore Gravel Pavement	NCTCOG 301.5	SY	130	\$18.00	\$2,340.00
C1-59	Erosion Control	01 57 23	LS	1	\$22,000.00	\$22,000.00
C1-60	Erosion Control Blankets	NCTCOG 202.15	SY	290	\$6.00	\$1,740.00
					SUBTOTAL	\$1,617,152.50

EXHIBIT B – DRAINAGE CATCHMENT AREA



FREES NICHOLS
 801 Cherry Street, Suite 2800
 Fort Worth, TX 76102
 817-735-7300 | www.frees.com



**Memorandum of Understanding
 Area Subject to Agreement**

Stephenville, Erath County

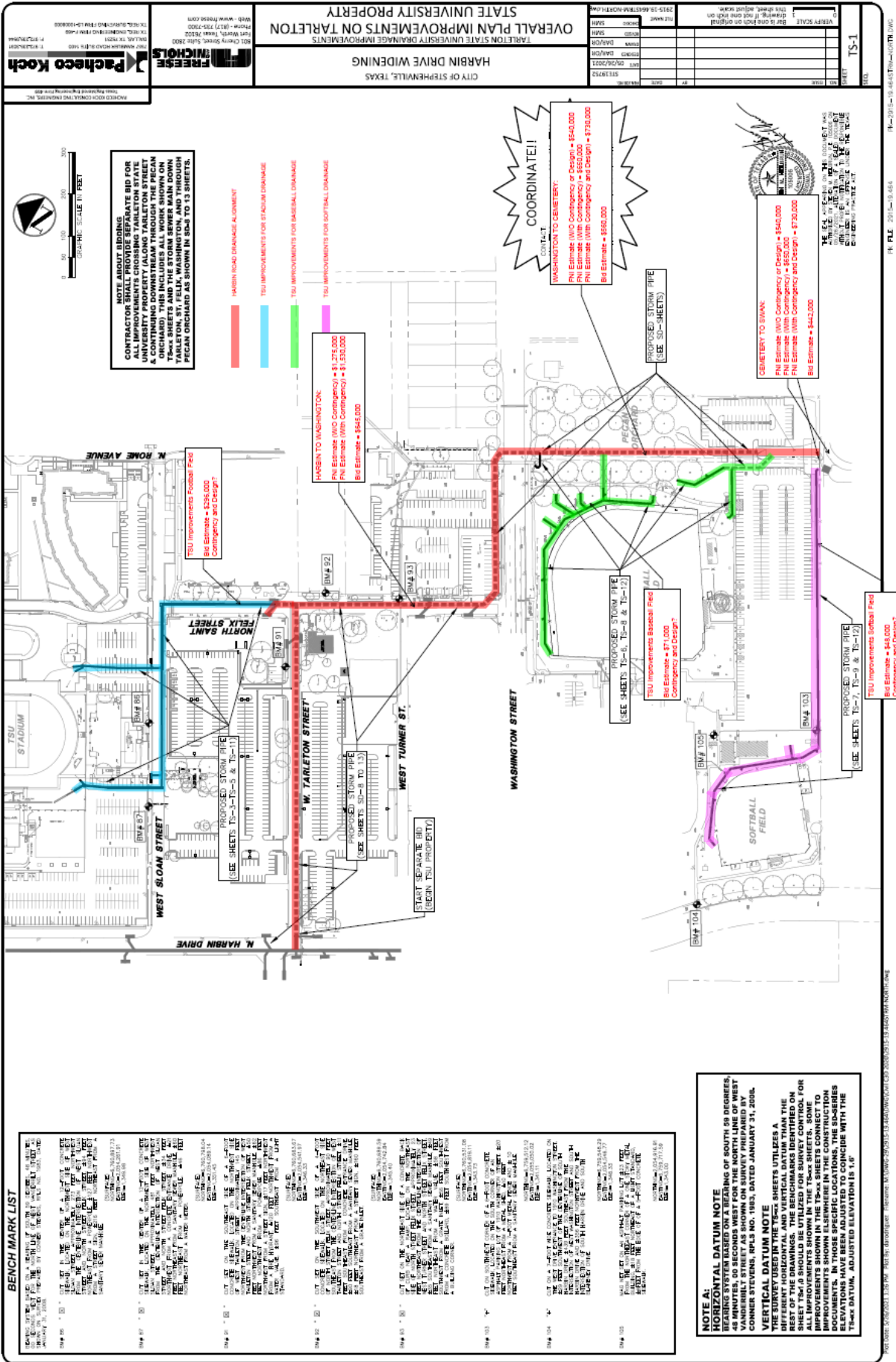
PROJECT NO	1920152
FILE	DA_ASI_EP
DATE	05/15/2022
SCALE	1"=200'
DRAWN	9885

EXHIBIT

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Path: H:\STORMWATER\Working\DA_ASI_EP.mxd

EXHIBIT C – OVERALL PLAN IMPROVEMENTS ON TARLETON STATE UNIVERSITY PROPERTY



Pacheco Koch
 ARCHITECTS ENGINEERS PLANNERS INC.
 1000 WEST 19TH STREET, SUITE 100
 ARLINGHAM, TEXAS 76010
 TEL: 817.251.1000 FAX: 817.251.1001
 WWW.PACHECO-KOCH.COM

FREESE MICHOLES
 ENGINEERS ARCHITECTS
 1000 WEST 19TH STREET, SUITE 100
 ARLINGHAM, TEXAS 76010
 TEL: 817.251.1000 FAX: 817.251.1001
 WWW.FRESEMICHOLES.COM

TARLETON STATE UNIVERSITY DRAINAGE IMPROVEMENTS
 HARBIN DRIVE WIDENING
 CITY OF STEPHENVILLE, TEXAS
 OVERALL PLAN IMPROVEMENTS ON TARLETON STATE UNIVERSITY PROPERTY

NO.	DATE	DESCRIPTION
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BENCH MARK LIST

MARK	DESCRIPTION	ELEVATION
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BM 149	1/4" DIA. IRON PIN SET IN CONCRETE	102.45
BM 150	1/4" DIA. IRON PIN SET IN CONCRETE	102.45

NOTE A: HORIZONTAL DATUM NOTE
 BEARING SYSTEM BASED ON A BEARING OF SOUTH 89 DEGREES, 59 MINUTES, 58 SECONDS WEST AND AN ANGLE OF 100.000 DEGREES, 00 MINUTES, 00 SECONDS WEST VANDERBILT STREET AS SHOWN ON SURVEY PREPARED BY CONNER STEVENS, RPLS NO. 1893, DATED JANUARY 31, 2006.

VERTICAL DATUM NOTE
 THE SURVEY USED IN THE TSxSx SHEETS UTILIZES A BEARING SYSTEM BASED ON A BEARING OF SOUTH 89 DEGREES, 59 MINUTES, 58 SECONDS WEST VANDERBILT STREET AS SHOWN ON SURVEY PREPARED BY CONNER STEVENS, RPLS NO. 1893, DATED JANUARY 31, 2006. ALL IMPROVEMENTS SHOWN IN THE TSxSx SHEETS, SOME IMPROVEMENTS SHOWN ELSEWHERE IN THE CONSTRUCTION DOCUMENTS, IN THOSE SPECIFIC LOCATIONS, THE ELEVATIONS SHOWN SHOULD BE ADJUSTED WITH THE TRACK DATUM, ADJUSTED ELEVATION IS 1.0.