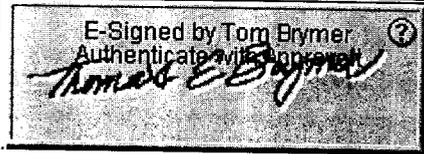


Agenda Item Cover Sheet

Agenda Item #9.12

.	Regular Item
X	Consent Item
.	Workshop Item

Item Submitted By:	Mark Smith, Director of Public Works
Council Meeting Date:	February 8, 2001
Director Approval:	.
City Manager Approval:	

Item: Presentation, discussion and possible action on a resolution and agreement between the Texas Department of Transportation (TXDOT) and the City of College Station for the City's ten (10) percent share in the cost of right-of-way acquisition for a State highway project on SH 40 from FM 2154 to SH 6.

Item Summary: TXDOT is currently in the process of developing plans for the construction of SH 40 from FM 2154 to SH 6. They have begun acquiring right-of-way for this project. The State's estimated cost for the portion of the ROW in College Station is \$3,250,000, which means the City's estimated share is \$325,000.

Under State law, the City is required to pay 10 percent of the cost of right-of-way for this type of highway project. In light of this, it is important to note that the City's cost share could be higher (or lower) than the estimated \$325,000.

Item Background: Funds for the City's share of the ROW costs were estimated to be \$260,000 and that amount is in the CIP budget. The ROW cost estimate has increased.

Budgetary and Financial Summary: Upon execution of this agreement, the City will pay TXDOT \$325,000 using funds budgeted for this project and from funds remaining in the North Forest Parkway project. The North Forest Parkway project was completed \$143,000 below budget.

Staff Recommendation: Staff recommends approval

Council Action Options:

1. Approve the resolution and authorize payment
2. Redirect staff

Supporting Materials:

1. Resolution
2. Agreement

Texas Department of Transportation
Form D-15-129 Rev. 9/91

Agreement to Contribute Funds (City Form)

THE STATE OF TEXAS

COUNTY OF Travis

Contract No. _____

County Brazos

Federal Project No. _____

CSJ No. 0540-08-002

ROW Account No. 8017-1-48

This Agreement by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the State, and the City of College Station, Texas, acting by and through its duly authorized official under a Resolution dated the 8th day of February 20 01, hereinafter called the City, shall be effective on the date of approval and execution by and on behalf of the State.

WHEREAS, the State is requesting the City to enter into a contractual agreement to pay for 10% of the right of way costs for a State highway project on Highway No. SH 40 with the following project limits:

From: FM 2154
To: SH 6; and

WHEREAS, the City has now requested that the State assume responsibility for acquisition of all necessary right of way for said highway project; and

WHEREAS, the City desires to voluntarily contribute to the State funds equal to ten (10) percent of the cost of the said right of way for the proper development and construction of the State Highway System;

NOW, THEREFORE, in consideration of the foregoing premises and the mutual benefits to be derived therefrom, the City shall contribute to the State an amount equal to ten (10) percent of the cost of the right of way to be acquired by the State and shall transmit to the State with the return of this agreement, duly executed by the City, a warrant or check payable to the Texas Department of Transportation in the amount of Three Hundred Twenty-Five Thousand and 00/100 Dollars (\$ 325,000.00), which represents ten (10) percent of the estimated cost of the right of way. However, if it is found that this amount is insufficient to pay the City's obligation, then the City, upon request of the State, will forthwith supplement this amount in such amount as is requested by the State. Upon completion of the highway project and in the event the total amount as paid by the City is more than ten (10) percent of the actual cost of the right of way, any excess amount will be returned to the City by the State. Cost of the right of way acquired by the State shall mean the total value of compensation paid to owners, including but not limited to utility owners, for their property interests either through negotiations or eminent domain proceedings.

CITY OF COLLEGE STATION, TEXAS

By: [Signature]
Mayor

ATTEST:
[Signature]
City Secretary

EXECUTION RECOMMENDED:

[Signature]
District Engineer

THE STATE OF TEXAS

Certified as being executed for the purposes and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission under the authority of Minute Order 100002

By: [Signature]
Director of Right of Way

Date: 03/15/2001

APPROVED:

Thomas E. Bryner
Thomas E. Bryner, City Manager

2-19-01
Date

Harry Cayell
City Attorney

Date

Chl C
Charles Cryan, Director of Fiscal Services

2-28-01
Date

RESOLUTION NO. 02-08-01-9.12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING AN "AGREEMENT TO CONTRIBUTE FUNDS" WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR STATE HIGHWAY 40.

WHEREAS, the Texas Department of Transportation is requesting the City Council of College Station enter into an agreement to pay for ten percent (10%) of the right-of-way cost for State Highway 40 from Farm to Market Road 2154 to State Highway 6; and

WHEREAS, the City Council of the City of College Station desires to contribute to the State funds equal to ten percent (10%) of the cost of the right-of-way for the development and construction of the project; now, therefore,

BE IT RESOLVED by the City Council of the City of College Station, Texas:

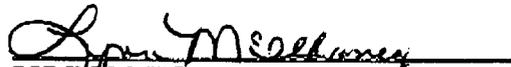
- PART 1: That the City Council accepts responsibility for ten percent (10%) of the cost of said right-of-way which is currently estimated at \$325,000 for the construction of State Highway 40 from Farm to Market Road 2154 to State Highway 6.
- PART 2: That the Department of Transportation will be responsible for acquiring all property for the project.
- PART 3: That the Mayor is hereby authorized to sign the agreement to contribute funds on behalf of the City of College Station.
- PART 4: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 8th day of February, A.D. 2001.

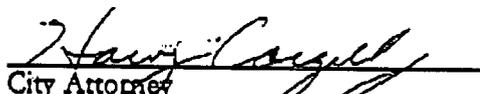
ATTEST:


CONNIE HOOKS, City Secretary

APPROVED:


LYNN McILHANEY, Mayor

APPROVED:


City Attorney