

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL,
SIGNED ORDINANCE ADOPTED BY CITY COUNCIL.**

ORDINANCE

APPROVING THE EXECUTION OF FOUR AGREEMENTS TO CONTRIBUTE RIGHT OF WAY FUNDS (FIXED PRICE) BETWEEN THE CITY OF SAN ANTONIO AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) AND AUTHORIZING PAYMENT IN THE AMOUNT NOT TO EXCEED \$348,060.00 TO TXDOT FOR THE ACQUISITION OF RIGHT-OF-WAY AND THE RELOCATION OR ADJUSTMENT OF UTILITIES ASSOCIATED WITH FOUR TXDOT PROJECTS. FUNDS ARE AVAILABLE FROM FY 2021 CERTIFICATES OF OBLIGATION AND ARE INCLUDED IN THE FY 2021 – FY 2026 CAPITAL IMPROVEMENT PROGRAM.

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WHEREAS, the Texas Department of Transportation has deemed it necessary to make certain improvements to FM 1560 from FM 471 to Galm/Shoenfield Road, PA 1502 from Lockhill Selma Road to NW Military, Loop 1604 at FM 2696 (Blanco Road), and FM 1516 from FM 78 to IH 10, and such highway improvements will necessitate the acquisition of certain right-of-way and the relocation or adjustment of utilities; and

WHEREAS, the Texas Administrative Code requires a joint participation agreement and monetary contribution from a local government to the Texas Department of Transportation (TxDOT) for certain State highway improvement projects requiring the acquisition of right-of-way and the relocation or adjustment of utilities; and

WHEREAS, the local participation for “Agreement to Contribute Right of Way Funds” is 10% for local governments and this equates to a total amount of \$348,060.00 for the acquisition of right-of-way and the relocation or adjustment of utilities necessary to complete the four projects; and

WHEREAS, this is a one-time capital improvement expenditure in the total amount of \$348,060.00 payable to TxDOT. Funds are available from FY 2021 Certificates of Obligation and are included in the FY 2021 – FY 2026 Capital Improvement Program; and

WHEREAS, approval of this Ordinance will be a continuation of City Council policy to collaborate with other governmental agencies in supporting the City’s commitment to maintaining and improving existing infrastructure; and

WHEREAS, this ordinance authorizes the execution of four Agreements to Contribute Right of Way Funds (Fixed Price) between the City of San Antonio and the Texas Department of Transportation (TxDOT) and authorizes payment in the amount not to exceed \$348,060.00 to

TxDOT for the acquisition of right-of-way and the relocation or adjustment of utilities associated with four TxDOT projects; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager, or designee, is hereby authorized to execute four Agreements to Contribute Right of Way Funds (Fixed Price) with the Texas Department of Transportation and authorizes payment in the amount not to exceed \$348,060.00 necessary for the acquisition of right-of-way and relocation or adjustment of utilities associated with the four Texas Department of Transportation projects. Copies of the four agreements are attached hereto and incorporated herein for all purposes as **Exhibit A**.

SECTION 2. Payment is authorized to be encumbered and made payable to TxDOT in an amount not to exceed \$348,060.00. Payment is in support of the TXDOT Right of Way Project, using Fund 2960000, with the WBS Elements and GL Accounts in the table below. Funding is provided by CO Bonds and is in the FY2020-FY2025 CIP Budget.

WBS	GL	AMOUNT
23-01856-03-14-01	5209010	\$253,640.00
23-01856-03-14-02	5209010	47,634.00
23-01856-03-14-03	5209010	9,249.00
23-01856-03-14-03	5201040	1,167.00
23-01856-03-14-04	5209010	36,370.00
TOTAL		\$348,060.00

Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 4. This Ordinance is effective immediately upon its passage by eight or more affirmative votes; otherwise it is effective on the tenth day after passage.

PASSED and APPROVED this ____ day of _____, 2021.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Tina J. Flores, City Clerk

Andrew Segovia, City Attorney

EXHIBIT A