

**RESOLUTION NO. 4133**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADVANCE FUNDING AGREEMENT BETWEEN THE CITY OF DENISON, TEXAS AND THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR VOLUNTARY UTILITY RELOCATION CONTRIBUTIONS ON STATE HIGHWAY IMPROVEMENT PROJECTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Denison, Texas (the "City") is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, the City is authorized pursuant to Section 1.02 of its Charter to contract and be contracted with, and cooperate with the State of Texas, or any agency thereof, to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety, and convenience of the City and its inhabitants; and,

**WHEREAS**, Transportation Code, Chapters 201, 221, and 361, authorize the State to lay out, construct, maintain, and operate a system of streets, roads and highways that comprise the State Highway System; and,

**WHEREAS**, Transportation Code, Chapter 203, Subchapter E, Transportation Code §203.092 authorizes the State to regulate the placement of public utility facilities along a state highway; and,

**WHEREAS**, Texas Transportation Commission authorizes the State to undertake and complete a highway improvement generally described as: relocation and adjustments to an existing waterline along US 75, from North Loy Lake Road to US 82; and,

**WHEREAS**, the City possesses facilities that are affected by the above-mentioned highway improvement and City and State agree it is more economical or efficient for such relocation to be effected by including said contract in the State's highway construction contract; and

**WHEREAS**, the City Council of the City of Denison, Texas (the "City Council") has determined that it is necessary to authorize the City Manager to execute an Advanced Funding Agreement between the City and State of Texas, acting by and through the Texas Department of Transportation (the "Agreement") for the purpose of the advancement of the interest, welfare, health, morals, comfort, safety and convenience of the City and its inhabitants.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS:**

**Section 1. Recitals Incorporated.** The findings recited above are incorporated as if fully set forth in the body of this Resolution.

**Section 2. Authorization to Execute.** The City Manager of the City is hereby authorized and directed, on behalf of the City Council, to execute an Advance Funding Agreement between the City and the State of Texas, acting by and through the Texas Department of Transportation, for the reconstruction of US 75, from North Loy Lake Road to US 82. The Agreement shall be executed substantially in the form attached hereto as **Exhibit "A"**.

**Section 3. Open Meetings.** That it is hereby found and determined that the meeting at which this Resolution was passed was open to the public as required by law, and that public notice of the time, place,

and purpose of said meeting was given. All as required by Article 5511.041, Texas Government Code.

**Section 4. Effective Date.** This Resolution shall take effect immediately upon its passage.

**AND IT IS SO ORDERED.**

On motion by Council Member Hander, seconded by Council Member Spiegel, the above and foregoing Resolution was passed and approved by the following vote:

Ayes: Hander, Courtright, Thorne, Crawley, Massey and Spiegel

Nays:

Abstentions:

Absent: Gott

At regular meeting held on June 5, 2023.

  
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ROBERT CRAWLEY, Mayor Pro Tem

ATTEST:

  
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Christine Wallentine, City Clerk

