

**RESOLUTION NO. 4146**

**A RESOLUTION OF THE CITY OF DENISON, TEXAS IN SUPPORT OF FUNDING OF A TEXAS DEPARTMENT OF TRANSPORTATION PROJECT FOR THE RECONSTRUCTION OF US 75 FROM NORTH LOY LAKE ROAD TO THE UP RAIL YARD BRIDGE; PROVIDING A SAVINGS/REPEALINGS CLAUSE; DETERMINING COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; 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**, Transportation Code, Chapters 201, 221, and 361, authorize the State of Texas (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**, the Texas Department of Transportation ("TXDOT") is preparing plans for the reconstruction of Highway US 75 from North Loy Lake Road to the UP rail yard bridge (being called US 75 Segment 6 (CSJ 0047-18-092)) (the "Project"); and

**WHEREAS**, TXDOT has requested the City's commitment of funds for the Project by Resolution, to be given at the time of the Project, which is currently estimated to be August 2029 at an estimated total cost of \$142,000,000, so that TXDOT may present such additional available funding to the Texas Transportation Commission (the "Commission") for approval of the Project; and

**WHEREAS**, prior to the development of the final construction plans for the Project, TXDOT will update the schematics with the City; and

**WHEREAS**, the City intends to provide funds in the amount of \$3,000,000 for the Project.

**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. Project Funding.** This Resolution affirms the City's support for the Project and TXDOT's application for the Project with the Commission. The City intends to provide \$3,000,000.00 in funding for the Project, subject to the City's budget at the time of construction. The City shall only have a binding commitment to such funding after the City enters into an agreement with TXDOT or the Commission for the funding, should the Project be approved.

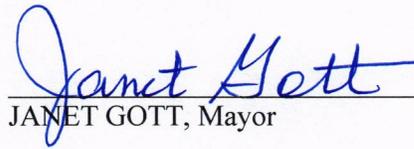
**Section 3. Savings/Repealing.** All resolutions, ordinances, or City Council actions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

**Section 4. 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 5. Effective Date.** This Resolution shall take effect immediately upon its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS** on this the 6<sup>th</sup> day of November 2023.

  
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JANET GOTT, Mayor

ATTEST:

  
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Christine Wallentine, City Clerk

