

RESOLUTION NO. 20-R-48

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS APPROVING A STANDARD UTILITY AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION RELATING TO THE RELOCATION OF A SEGMENT OF SEWER MAIN NEAR THE INTERSECTION OF IH-35 AND FM 1103 AND ALL MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of Schertz (the “City”) was required to relocate existing sewer main facilities within the Texas Department of Transportation (TxDOT) right-of-way to accommodate the reconstruction of the FM 1103 bridge over IH-35; and

WHEREAS, the City is eligible for reimbursement of all project costs associated with the sewer main relocation through a Standard Utility Agreement with TxDOT; and

WHEREAS, the City Council has determined that it is in the best interest of the City to seek reimbursement of all eligible costs from TxDOT, pursuant to the Standard Utility Agreement attached hereto as Exhibit A (the “Agreement”).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby authorizes the City Manager to execute and deliver the Standard Utility Agreement with TxDOT, in substantially the form set forth on Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.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. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 8st day of December, 2020.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary

(CITY SEAL)

EXHIBIT A
TXDOT STANDARD UTILITY AGREEMENT