

RESOLUTION NO. 22-R-95

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, AUTHORIZING AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR VOLUNTARY LOCAL GOVERNMENT CONTRIBUTIONS TO TRANSPORTATION IMPROVEMENT PROJECTS WITH NO REQUIRED MATCH ON SYSTEM FOR FM 1518 EXPANSION

WHEREAS, the Texas Department of Transportation (TxDOT) has been authorized to undertake and complete an improvement project generally described as an expansion of FM 1518 between IH 10 and FM 78; and

WHEREAS, the voters of the City of Schertz (City) passed a bond measure on November 3, 2015, authorizing the City Council to issue bonds in the amount of \$5 million for the purpose of making public improvements to FM 1518; and

WHEREAS, The City Council resolved through 17-R-108 to further support TxDOT's efforts to make improvements to FM 1518 by committing an additional \$5 million; and

WHEREAS, the City Council finds that it is in the best interest of the City to enter into the Advance Funding Agreement with TxDOT for Voluntary Local Government Contribution to the FM 1518 improvement project (Exhibit A).

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 Advance Funding Agreement with TxDOT in substantially the form set forth on Exhibit A and authorizes payment to TxDOT of \$10,000,000 60 days prior to the letting of the project for construction.

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resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.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 13th day of September, 2022.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

City Secretary, Brenda Dennis

(CITY SEAL)