

RESOLUTION NO. 23-R-24

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A STANDARD UTILITY AGREEMENT WITH THE STATE OF TEXAS FOR THE RELOCATION OF UTILITIES – SPECIFICALLY THE RIATA LIFT STATION - ALONG IH 35 IN PREPARATION FOR THE IH 35 NEX PROJECT

WHEREAS, the Texas Department of Transportation (TxDOT) is undertaking the Interstate Highway 35 North East Expansion (IH 35 NEX) Project and has acquired additional right of way for the widening of the highway; and

WHEREAS, the Riata Wastewater Lift Station of the City of Schertz, Texas, (City) is located in conflict with the planned TxDOT improvements to IH 35; and

WHEREAS, the State of Texas will pay to the City of Schertz the costs incurred in adjustment, removal, and relocation of the Riata Lift Station and Wastewater Mains; and

WHEREAS, City Staff has recommended that the City enter into a Standard Utility Agreement (SUA) with the State of Texas for the relocation of utilities along Interstate Highway 35 (Riata Lift Station and Associated Gravity and Force Mains) and reimbursement of project costs.

NOW THEREFORE, 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 the TxDOT Standard Utility Agreement in substantially the form set forth as 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resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.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 14th day of March, 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(city seal)