

**RESOLUTION NO. 23-R-45**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO ADVANCE FUNDING AGREEMENTS WITH THE STATE OF TEXAS FOR THE RELOCATION OF UTILITIES – SPECIFICALLY WATER AND SEWER MAINS ALONG FM 1518 AS PART OF THE JOINT-BID WITH TXDOT IN PREPARATION FOR THE FM 1518 PROJECT**

**WHEREAS**, the Texas Department of Transportation (TxDOT) is undertaking the FM 1518 Project and has acquired additional right of way for the widening of the highway; and

**WHEREAS**, water and sewer facilities of the City of Schertz, Texas, (City) is located in conflict with the planned TxDOT improvements to FM 1518; and

**WHEREAS**, the City will advance funding to the State of Texas for estimated costs to be incurred in adjustment, removal, and relocation of the utilities; and

**WHEREAS**, City Staff has recommended that the City enter into Advance Funding Agreements (AFA) for Water and Sewer with the State of Texas for the relocation of utilities along FM 1518.

**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 Water-Advance Funding Agreement and Sewer-Advance Funding Agreement in substantially the form set forth as Exhibit A and B respectfully.

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resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.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 \_\_\_<sup>rd</sup> day of May, 2023.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

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Sheila Edmondson, City Secretary

(city seal)