

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

ORDINANCE

**APPROVING TWO AGREEMENTS TO CONTRIBUTE RIGHT OF WAY
FUNDS (FIXED PRICE) BETWEEN THE CITY OF SAN ANTONIO AND
THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) AND
AUTHORIZING PAYMENT IN THE AMOUNT NOT TO EXCEED
\$170,891.00 TO TXDOT FOR THE ACQUISITION OF RIGHT-OF-WAY
ASSOCIATED WITH TWO TXDOT PROJECTS. FUNDS ARE
AVAILABLE FROM THE FY 2022 PUBLIC WORKS GENERAL FUND
ADOPTED BUDGET AND ARE INCLUDED IN THE FY 2022 - FY 2027
CAPITAL IMPROVEMENT PROGRAM.**

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WHEREAS, the Texas Administrative Code, Title 43, Part 1, Chapter 15, Subchapter E, Rule 15.52 and 15.55 requires a joint participation agreement and monetary contribution from the local government to TxDOT for certain State highway improvement projects requiring the acquisition of right-of-way and the relocation or adjustment of utilities associated with these projects; and

WHEREAS, as part of the FY 2022 Adopted Budget, funds in the amount of \$363,139.00 were approved for two TxDOT projects requiring right-of-way acquisition of Loop 1604 from FM 78 to IH-10E and US 90 from SH 211 to 0.8 miles West of IH-410; and

WHEREAS, current appraisals fix the City contribution at \$170,891.00 out of the budgeted \$363,139.00 for the two TxDOT projects; and

WHEREAS, the approval of the two agreements to contribute right-of-way funds is necessary to complete these projects and allows the City to comply with the Texas Administrative Code through cooperation and participation with TxDOT for highway improvement projects within the City limits; and

WHEREAS, the City will be responsible for 10% of the required local participation costs for these projects; and

WHEREAS, funds are available from the FY 2022 Public Works General Fund Adopted Budget and are included in the FY 2022 - FY 2027 Capital Improvement Program.

WHEREAS, this ordinance approves the execution of two Agreements to Contribute Right of Way Funds (Fixed Price) between the City of San Antonio and the Texas Department of Transportation (TxDOT) and authorizes payment in the amount not to exceed \$170,891.00 to TxDOT for the acquisition of right-of-way associated with two TxDOT projects; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or designee, or the Director of the Public Works Department or designee, is authorized to execute two Agreements to Contribute Right of Way Funds (Fixed Price) between the City of San Antonio and the Texas Department of Transportation (TxDOT) and authorizes payment in the amount not to exceed \$170,891.00 to TxDOT for the acquisition of right-of-way associated with two TxDOT projects. A copy of the agreements is substantially final form is attached hereto and incorporated herein for all purposes as **Attachment I and II**.

SECTION 2. Payment is authorized to be encumbered and made payable to Texas Department of Transportation (TXDOT) in an amount not to exceed \$170,891.00. Payment is in support of the TxDOT Right of Way Projects Phase 2 Project using Fund 29660000 with the WBS Elements and GL Account in the table below. Funding for this project is provided by General Fund and is in the FY2022-FY2027 CIP Budget.

WBS	GL	Amount
23-03825-03-14-01	5209010	\$62,103.00
23-03825-03-14-02	5209010	108,788.00
TOTAL		\$170,891.00

Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 4. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

DBS
12/16/21
Item No. 21-4160

PASSED and APPROVED this _____ day of _____, 2021.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, Acting City Clerk

Andrew Segovia, City Attorney

**ATTACHMENT I –
1604 FM 78 to IH10 Agreement**

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**ATTACHMENT II –
SH 211 to IH-410 Agreement**

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