

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, APPROVING THE PROJECT UTILITY ADJUSTMENT AGREEMENT (PUAA), AND ALL RELATED UTILITY ADJUSTMENT AGREEMENT AMENDMENTS (UAAAs) FOR NECESSARY UTILITY RELOCATIONS FOR THE SH 360 PROJECT; AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE THE SAME AND ALL OTHER DOCUMENTS NECESSARY TO ACCOMPLISH THE PROJECT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mansfield is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the Texas Department of Transportation (TxDOT) proposes to construct a project identified as the extension of State Highway 360 in the City (Project); and

WHEREAS, TxDOT has entered into a Design Build Agreement with Lane-Abrams JV (Contractor) for the Contractor to design, construct, finance, operate and maintain the Project in compliance with the Design Build Agreement; and

WHEREAS, the Contractor's duties include the relocation, removal or other necessary adjustment of existing utilities which are impacted by the Project; and

WHEREAS, the Contractor has notified the City that certain City utilities are in locational conflict with the Project, and the City has requested that the Contractor undertake the adjustment of the City's utilities as necessary to accommodate the Project; and

WHEREAS, the City's utilities generally consist of the following:

Various size sanitary sewer line and water line crossings at the following intersections with State Highway 360 in the City:

Broad Street
Heritage Parkway
Holland Road
Lone Star Road; and

WHEREAS, the City entered into a Project Utility Adjustment Agreement (PUAA) between Contractor and the City in September 2016 which addressed the required utility relocations at the Broad Street intersection with State Highway 360; and

WHEREAS, the PUAA is intended to be amended through the approval of separate Utility Adjustment Agreement Amendments (UAAAs) between the City and the Contractor to add additional utility relocation adjustments to the scope of the work under the PUAA; and

WHEREAS, it is anticipated that a separate UAAA will be necessary for each of the State Highway 360 intersections referenced above; and

WHEREAS, funding for the utility relocations shall come from the Utility Bond Fund, in an amount not to exceed Two Million Dollars (\$2,000,000.00); and

WHEREAS, by this resolution, the City Council desires to approve and authorize the execution of the PUAA, all related UAAAs, and all other contract documents necessary to achieve the utility relocations at the intersections identified above for the State Highway 360 Project, and to authorize the Director of Public Works to execute all such contracts and related documents to accomplish the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THAT:

SECTION 1.

The City Council hereby ratifies and approves the Project Utility Adjustment Agreement (PUAA) between the City and Lane-Abrams JV attached hereto as Exhibit "A", and authorizes the execution of the PUAA by the Director of Public Works.

SECTION 2.

The City Council hereby approves the necessary Utility Adjustment Agreement Amendments (UAAAs) between the City and Lane-Abrams JV to accomplish the relocation of existing City utilities with the proposed State Highway 360 Project at the following intersections:

Broad Street
Heritage Parkway
Holland Road
Lone Star Road,

and hereby authorizes the Director of Public Works to execute the UAAAs for those intersections.

SECTION 3.

The City Council hereby authorizes the funding for the utility relocations for the Project from the Utility Bond Fund of the City in an amount not to exceed Two Million Dollars (\$2,000,000.00).

SECTION 4.

The Director of Public Works is hereby authorized to execute all other agreements and documents in connection with the utility relocations at the above referenced intersections on behalf of the City in accordance with the terms and conditions of the PUAA.

SECTION 5.

This Resolution shall be effective upon its adoption.

PASSED AND APPROVED THIS THE _____ DAY OF _____, 2016.

David L. Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary

EXHIBIT “A”

PROJECT UTILITY ADJUSTMENT AGREEMENT