

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON RATIFYING AND AUTHORIZING THE CITY MANAGER, TO EXECUTE AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A PROJECT USING FUNDS HELD IN THE STATE HIGHWAY 121 SUBACCOUNT-ROADWAY IMPROVEMENTS (OFF STATE SYSTEM) PROVIDING FOR THE EXTENSION OF MAYHILL ROAD AS A FOUR-LANE DIVIDED URBAN ARTERIAL ROADWAY FROM IH 35 EAST TO US 380 IN THE CITY OF DENTON; AUTHORIZING THE EXPENDITURE OF FUNDS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 18, 2010, the City of Denton ("City") and the Texas Department of Transportation ("TxDOT") entered into an original Advance Funding Agreement regarding the expansion of Mayhill Road from a two-lane rural road to a four-lane divided urban arterial roadway from Interstate Highway 35E to US 380 (CSJ: 0918-46-246); and

WHEREAS, the original project was split into two (2) phases. Phase 1 (complete) extends from US 380 to north of Quail Creek Road. Phase 2 extends from Colorado Boulevard to existing Phase 1 just north of Quail Creek Road (CSJ: 0918-46-325; herein referred to as the "Project"); and

WHEREAS, the Project includes a four-lane divided road section with a four-lane bridge over the Dallas Area Rapid Transit right of way, sidepaths, trails and a regional flood control structures; herein referred to as the "Project."

WHEREAS, the required public improvements associated with the Project include extending Mayhill Roadway as a four-lane divided primary arterial roadway with a four-lane bridge crossing over the existing Dallas Area Rapid Transit ("DART") right-of-way, sidepaths, trails, and a regional flood control structures; and

WHEREAS, State funding will provide Four Million and no Dollars (\$4,000,000.00) of Project funding, accounting for Eighty percent (80%) of additional Project construction costs; and

WHEREAS, the City will provide Twenty percent (20%) of Project funding as local match in the amount of One Million and no Dollars (\$1,000,000.00) of additional Project costs in the sum of Five Million and no Dollars (\$5,000,000.00), and

WHEREAS, due to the nature of the TXDOT's funding availability and the need for City approval prior to June 1, 2022, this ratification is necessary in order for the City to receive TXDOT funds for the Project; and

WHEREAS, the City Council having considered the importance of the Project to the citizens of Denton and finding that it is in the public's health and safety interest, is of the opinion that it should ratify and approve the Advanced Funding Agreement attached hereto by and between the City and TxDOT; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference as true and as if fully set forth in the body of this ordinance.

SECTION 2. The City Manager, or their designee, is hereby authorized to execute on behalf of the City the Advanced Funding Agreement (“AFA”) with the Texas Department of Transportation, a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes.

SECTION 3. The City Manager of the City of Denton, or their designee, is hereby authorized to execute on behalf of the City the Advanced Funding Agreement (“AFA”) with Texas Department of Transportation, a copy of which is attached hereto as Exhibit “A” and made a part hereof for all purposes.

SECTION 4. The City Manager, or their designee, is further authorized to carry out all duties and agreements to be performed by the City under the AFA, including, but not limited to, the expenditure of funds.

SECTION 5. Any previous expenditures regarding the AFA are hereby confirmed, ratified, and approved, and the expenditure of funds in accordance with the City Manager’s expenditure authority is hereby authorized.

That this ordinance shall become effective immediately upon its passage and approval.

The motion to approve this ordinance was made by _____ and seconded by _____. The ordinance was passed and approved by the following vote [___ - ___]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Jesse Davis, District 3:	_____	_____	_____	_____
Alison Maguire, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Chris Watts, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2022.

GERARD HUDSPETH, MAYOR

ATTEST:
ROSA RIOS, CITY SECRETARY

By: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

By:  _____
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