

ORDINANCE NO:

AN ORDINANCE OF THE CITY OF DENTON RATIFYING AND AUTHORIZING THE CITY MANAGER, TO EXECUTE AND DELIVER AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A PROJECT USING FUNDS HELD IN THE STATE HIGHWAY 121 SUBACCOUNT PROVIDING FOR AN EXPANSION OF HICKORY CREEK ROAD FROM A TWO-LANE RURAL ROADWAY TO A FOUR-LANE DIVIDED URBAN ROADWAY AND INTERSECTION IMPROVEMENTS ON HICKORY CREEK ROAD FROM FM 1830 TO RIVERPASS DRIVE IN THE CITY OF DENTON; AUTHORIZING THE EXPENDITURE OF FUNDS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Denton, Texas ("City") and the Texas Department of Transportation ("TxDOT") have entered into an Advance Funding Agreement regarding the expansion of Hickory Creek Road from a two-lane rural roadway to a four-lane divided urban roadway from FM 1830 to Riverpass Drive (CSJ: 0918-46-332); herein referred to as the "Project"); and

WHEREAS, the City and TxDOT have agreed to increase participation in the project, expanding it to cover a Bridge over existing rail lines; and

WHEREAS, TxDOT funding will provide Ten Million Dollars (\$10,000,000.00) of the project funding; accounting for Nineteen percent (19%) of the total Project costs; and

WHEREAS, the City will provide Twenty percent (20%) of the total project funding as local match in the amount of Two Million, Five Hundred Thousand and no Dollars (\$2,500,000.00) covering the total estimated amount of the Project cost in the sum of Fifty-Three Million, Two Hundred Ninety-Eight Thousand Four Hundred, Seven Hundred Twenty-One and no Dollars (\$53,298,721.00); 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 Hickory Creek Road Phase 3 Project to the citizens of Denton, Texas 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 of the City of Denton, or their designee, is hereby authorized to execute on behalf of the City the Local Transportation Project Advance 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, 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 4. 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.

SECTION 5. 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 [____ - ____]:

| | <u>Aye</u> | <u>Nay</u> | <u>Abstain</u> | <u>Absent</u> |
|--|------------|------------|----------------|---------------|
| Gerard Hudspeth, Mayor: | _____ | _____ | _____ | _____ |
| 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: _____

BY: APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

By: DocuSigned by:
Benjamin N. Samples, II _____
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