



## AGENDA INFORMATION SHEET

**DEPARTMENT:** Development Services, Legal

**ACM:** Cassey Ogden

**DATE:** July 23, 2024

### **SUBJECT**

Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a temporary license to use agreement between the City and Denton County Transit Authority (DCTA) to temporarily allow DCTA to construct and maintain bus stops and other amenities on City's right of way for 180 days from the date of execution of this ordinance; and providing an effective date.

### **BACKGROUND**

The City and DCTA have been discussing DCTA's proposed Intermediate Service Plan enhancements. Through those discussions, the City has identified the need to improve the overall permitting process for the installation of bus stops and bus stop amenities. Due to the additional time required to complete the process review and DCTA's critical need to enhance services, a Temporary License to Use Agreement is proposed.

February 5, 2013, the City and DCTA, via City Ordinance No. 2013-044, entered an Interlocal Cooperation Agreement Street Right-of-Way Use License (the "Original Agreement") to occupy the specific property of the City concerning the construction, maintenance, and operation of bus shelters and other bus passenger amenities for use by passengers of DCTA's bus transportation system.

The Original Agreement was amended (First Amendment) via City Ordinance No. 2013-112 on April 16, 2013, to update specific insurance requirements. The Original Agreement was further amended (Second Amendment) via City Ordinance No. 2013-311 on November 5, 2013, for additional updates to the insurance requirements. The City and DCTA now desire to amend the Original Agreement for a Third Amendment to add additional street right-of-way use locations.

For the proposed Third Amendment to the Original Agreement, the City and DCTA have determined providing additional locations within City Street Right-of-Way for the construction, maintenance, and operation of bus shelters and other bus passenger amenities by DCTA is advisable only after a thorough review of the Original Agreement to assess compliance to the City of Denton Right of Way Use License/Agreement, Permitting Process, and other relevant policies, standards, and guidelines.

In the interim, the City and DCTA desire to execute a Temporary License to Use agreement for the existing locations as well as adding additional locations for up to 180 days or until the Third Amendment to the Original Agreement is executed.

A summary of the Temporary License to Use Agreement terms are as follows:

- The City will temporarily permit DCTA to construct and maintain existing and additional bus stops and amenities for 180 days.

- The locations as outlined in the Original Agreement and the additional areas are considered part of this agreement.
- DCTA agrees to hold harmless the City for any bus stops installed within the City of Denton Street Right of Way.

**RECOMMENDATION**

Staff recommends approval of the Temporary License To Use Agreement.

**EXHIBITS**

Exhibit 1 – Agenda Information Sheet

Exhibit 2 – Ordinance and Agreement

Respectfully submitted:

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Prepared By:

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