

ORDINANCE NO. 23-1271

AN ORDINANCE APPROVING A WATER AND WASTEWATER UTILITY RELOCATION STANDARD UTILITY AGREEMENT (“AGREEMENT”) BY AND BETWEEN THE CITY OF DENTON AND THE TEXAS DEPARTMENT OF TRANSPORTATION (“TXDOT”), FOR THE REIMBURSEMENT OF ELIGIBLE COSTS INCURRED IN THE ADJUSTMENT, REMOVAL, AND RELOCATION OF CITY FACILITIES OF BOTH WATER AND WASTEWATER UTILITIES ALONG I-35E FROM US 380/UNIVERSITY TO MILAM ROAD UTILITY RELOCATIONS PROJECT (TXDOT CSJ# 0195-03-087), WITHIN THE COUNTY AND CITY OF DENTON, TEXAS; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AND DELIVER THE AGREEMENT; PROVIDING FOR THE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$12,698,742.56 FOR WATER AND WASTEWATER UTILITY RELOCATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the TxDOT has deemed it necessary to make certain highway improvements as designated by the State and approved by the Federal Highway Administration within the limits of the highway as indicated for the I-35 E From US 380 to Milam Road Utility Relocation Project (“Utility Relocation Project”);

WHEREAS, TxDOT has expanded their right-of-way through the I-35E corridor within the Denton city limits in anticipation of the TxDOT’s I-35E Widening project with a current project letting schedule of September 2023; and

WHEREAS, the proposed Highway Project will necessitate the adjustment, removal, and/or relocation of certain facilities of the City as indicated in the following statement of work:

- 1) CSJ 087 Water Line: Install approximately 1,941 LF of 20” HDPE, 6,126 LF of 12” PVC, 911 LF of 8” PVC, 40 LF of 6” PVC longitudinal to IH35 from IH35 Sta 2113+99 to IH35 Sta 2243+20. Install approximately 217 LF of 18” steel casing, 1,523 LF of 24” steel casing, 468 LF of 30” steel casing longitudinal to IH35 with two IH35 Crossings at Sta 2144+88 and Sta 2186+28. Approximately 2,574 LF of 16”, 6,474 LF of 12”, 1,832 LF of 8”, 150 LF of 6”, and 25 LF of 4” water line to be abandoned in conflict with right-of-way expansion and proposed pavement and storm sewer.
- 2) CSJ 087 Wastewater Line: Install approximately 2,211 LF of 12" PVC gravity sewer, 1,310 LF of 8" PVC gravity sewer, 144 LF of 12" HDPE force main, 85 LF of 8" HDPE force main, 221 LF of 6" HDPE force main longitudinal to I-35 from Sta 2114+89 to 2170+29. Install approximately 1,327 LF of 24" steel casing and 201 LF of 18" steel casing with two crossings of I-35 at Sta 2202+58 and 2230+75. Approximately 1,578 LF of 8”, 3,320 LF of 6”, wastewater line to be abandoned in conflict with right-of-way expansion and pavement;

WHEREAS, the City of Denton is responsible for relocating the City’s utilities currently located within the recently acquired TxDOT right-of-way; and

WHEREAS, In an effort to meet TxDOT’s anticipated roadway construction schedule, the Utility Relocation Project will relocate both water and wastewater utilities out of TxDOT’s recently expanded right-of-way between US-380 and Milam Rd; and

WHEREAS, the TxDOT will participate in the costs of the adjustment, removal, and relocation of certain facilities to the extent as may be eligible for State and/or Federal participation; and

WHEREAS, TxDOT, upon receipt of evidence it deems sufficient, acknowledges the City's interest in certain lands and facilities that entitle it to reimbursement for the adjustment, removal, and relocation of certain of its facilities located upon the lands as indicated in the statement of work; and

WHEREAS, TxDOT will, upon satisfactory completion of the adjustment, removal, and/or relocation and upon receipt of final billing prepared in an approved form and manner and accounting for any intermediate payments, make payment in the amount of 90 percent (90%) of the eligible costs as shown in the final billing prior to audit and after such audit shall make an additional final payment totaling the reimbursement amount found eligible for State reimbursement.

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 approve the Agreements; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The recitals contained in the preamble of this ordinance are hereby incorporated into the body of this ordinance are true and correct.

SECTION 2. The City Manager, or designee, is authorized to expend funds in the amount of expenditure of funds in the amount of Twelve Million, Six Hundred Ninety-Eight Thousand, Seven Hundred Forty-Two and 56/100 Dollars (\$12,698,742.56) for the I-35 E From US 380 to Milam Road Utility Relocation Project in the City and County of Denton.

SECTION 3. The City Manager, or designee, is hereby authorized to execute on behalf of the City the Water and Wastewater Standard Utility Agreements No. U00011547, a copy of which is attached hereto as Exhibits " A " and made a part hereof for all purposes.

SECTION 4. The City Manager, or designee, is further authorized to carry out all obligations and duties of the City as set forth in the Agreement, including but not limited to the expenditure of funds.

SECTION 5. That this ordinance shall become effective immediately upon its passage and approval.

[Signatures to appear on the following page]

The motion to approve this ordinance was made by Brian Beck and seconded by Brandon Chase McGee. The ordinance was passed and approved by the following vote [6 - 0]:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Gerard Hudspeth, Mayor:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vicki Byrd, District 1:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Beck, District 2:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Paul Meltzer, District 3:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joe Holland, District 4:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brandon Chase McGee, At Large Place 5:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Watts, At Large Place 6:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

PASSED AND APPROVED this the 18th day of July, 2023.



 GERARD HUDSPETH, MAYOR

ATTEST:
 JESUS SALAZAR, INTERIM CITY SECRETARY

By: 

APPROVED AS TO LEGAL FORM:
 MACK REINWAND, CITY ATTORNEY

By: 





4777 US HIGHWAY 80 EAST, MESQUITE, TX 75150-6643 | 214.320.6100 | WWW.TXDOT.GOV

July 31 , 2023

Mr. Sara Hensley, City Manager
City of Denton
1659 Spencer Rd.
Denton, TX 76205

RE: Approved Standard Utility Agreement – ROWIS U# NA/ Utility ID U00011547
City of Denton
IH 35 Project from: US 380 to: US 77 North of Denton
RCSJ: 0195-03-091 / CCSJ: 0195-03-087
Federal Project Number: NH 2020 (575)
Denton County

Dear Ms. Hensley,

The Texas Department of Transportation is pleased to forward a fully executed copy of the approved Standard Utility Agreement for the above referenced utility relocation project. The Agreement assembly consists of the following:

1. Standard Utility Agreement (Form ROW-U-35)
2. Plans, Specifications, and Estimated Costs (Attachment "A")
3. Accounting Method (Attachment "B")
4. Schedule of Work (Attachment "C")
5. Statement Covering Contract Work (Attachment "D")
6. Utility Joint Use Agreement/Utility Installation Review (Form ROW-U-JUA) (Attachment "E")
7. Eligibility Ratio (Attachment "F")
8. Betterment Calculation and Estimate (Attachment "G")
9. Proof of Property Interest (Attachment "H")

Also attached are the specifications for utility construction including: *General Utility Installations, Aerial Installations, Trench Excavation and Pit Location, Construction of Highway Crossing by Bore, Construction of Highway Crossing by Tunnel, Backfill Specifications, "Buy America" guidelines, and a copy of Form 1818.*

Planned construction on the above project requires that utilities, "In Conflict", be relocated or adjusted. This utility adjustment consists of relocating approximately 9,018 LF of existing water lines and 3,971 LF of existing gravity and force main wastewater lines. To complete all adjustments in 0195-03-087, the City of Denton's water and wastewater relocations in this package are from IH 35 STA 2114+00 to STA 2237+09 to just north of US 77. Facilities will be uniformly aligned and installed in accordance with the Utility Accommodation Rules.

The City of Denton has submitted a calculated total estimated cost for this adjustment of \$12,698,742.56. The replacement is all in kind with no betterment dollar value. There is no elective betterment or declared salvage credit associated with this plan of adjustment.

This adjustment is eligible for state cost participation in accordance with the provisions of 23 CFR 645 A. The eligibility ratio is 100% of eligible costs for the relocation of Utilities on Federal Aid

Interstate projects. "Buy America" items have been identified within this agreement.

All quantities in the estimate portion of the agreement are preliminary. Final quantities and participation will be based on the costs of actual work performed.

Subject to Texas Transportation Code Section 203.094, TxDOT may reduce reimbursement to the utility by 10 percent for each 30-day period or portion of a 30-day period by which the relocation exceeds the limit specified in the agreement.

Billing submittals to TxDOT must have a cover letter that includes the following information to facilitate expeditious processing of payments due:

1. Highway Name – RCSJ 0195-03-091 – City of Denton (ROWIS U# NA/Utility ID U00011547)
2. Starting and Ending Dates of Construction
3. If applicable, "Buy America" Certification must be notarized and submitted on Material Statement (Form 1818).
4. The Street Address where all records pertaining to this job can be accessed for audit. These records must be maintained for a 3-year minimum from the date of completion.
5. The Utility's 11 Digit Texas Taxpayer Number and 3 Digit Mail Code
6. If applicable, a copy of all Bid Tabulations received.
7. Final or partial invoices must include a detailed itemized billing submittal consistent with the same format as the original estimate. Supporting documentation is also required. If billing submittal deviates significantly from the approved estimate, an explanation will be needed.

The TxDOT Area Engineer (AE) is Amanda Miller, P.E., at the Denton County Area Office. The Area Engineer will be certifying that work was done in accordance with these plans and specifications, and that materials specified, or equivalent have been used. Attention should be paid to backfill, cleanup requirements, and erosion control. These must be accomplished to the satisfaction of the Project Engineer.

The Area Office Utility Coordinator must be notified to arrange a pre-construction meeting 5 working days prior to starting construction. The agenda for this meeting shall include the following: a) Construction Safety, b) Traffic Control Plan, c) Scheduled Project Starting and Completion Dates, and d) Prior to installation, all "Buy America" compliant items must be shown on the Material Statement (Form 1818) with each item's supporting documentation included. The Utility Coordinator for this Area Office is Leonard Chapman (940) 230-5350.


Questions regarding this adjustment may be directed to Jose Olivares at (214) 319-6507.

Sincerely,

DocuSigned by:

CD610F6E0D584EF...

John Hudspeth, P.E.
Deputy District Engineer, Dallas District

Attachments 
cc: Lesley Taylor

Darla Payberah, P.E.
Travis Campbell, P.E.
Amanda Miller P.E.
Sara Hensley



DS
DP

DS
JTC

OUR VALUES: *People • Accountability • Trust • Honesty*
OUR MISSION: *Connecting You With Texas*

An Equal Opportunity Employer



July 28, 2023

Darla Payberah
TxDOT – Dallas District Utility and Survey Supervisor
4777 E. Highway 80
Mesquite, Texas 76021
214-320-6648

Re: ROW CSJ 0195-03-091 IH 35 from US 380 to US 77 North of Denton Standard Utility Agreement Submittal

Subject: Standard Utility Agreements (SUA) for City of Denton (U00011547)

Dear Mrs. Payberah:

The City of Denton (the City) would like to submit this Standard Utility Agreements (SUA) for your approval. This SUA is for the adjustment of an existing water and wastewater facilities (U00011547) located in Denton, TX which are currently located completely within acquired TxDOT ROW, including water lines that are in existing easement. For water and wastewater lines not in existing easement, the City has included the signed 2002 City Ordinance subsection 35.21.4 and was carried over to the most current 2019 Denton Development Code in subsection 7.6.7, requiring that all relocations be in an easement.

Plans in Attachment A are utilizing Revised Plans Adequate received July 2022, which included the Windsor Road intersection and the frontage road adjustments at Barthold Road and at Loop 288. All work under this Standard Utility Agreement has been performed using a contractor selected during a competitive bid process advertised, selected, and approved by City. The 3 closest bid tabs are included. The estimated construction start date for the work this agreement is September 11, 2023. The relocations and abandonment and removals are expected to be completed by March 29, 2024. The City is providing an incentive to the Contractor to finish early and the Contractor plans to begin work on August 1. Prior to the underground work being performed, LTRA will inspect steel casing and ductile iron pipe (if selected) and confirm Form 1818 with MTR's are properly filled out and signed. Future construction challenges will include the City of Denton's relocation at Barthold Road at the Loves Station, Parcel 38.

The relocations include relocating approximately 9,018 LF of existing water lines and 3,971 LF of existing gravity and force main wastewater lines. To complete all adjustments in 0195-03-087, the City of Denton's water and wastewater relocations in this package are from IH 35 STA 2114+00 to STA 2237+09 to just north of US 77. Facilities will be uniformly aligned and installed in accordance with the Utility Accommodation Rules. Existing easement documentation after Attachment H include a 20' City of Denton Public Utility Easement taken from Parcel 2, Kaylan's Inc., Parcel 03, Stephen and Gary Martin Addition, Parcel 04, Rayzor Ranch North, Parcel 5, Rinker Subdivision, Parcel 06, Coconut Properties LLC, Parcel 8, Paces Hotel LLC, Parcel 9, Health Service of North Texas, Inc. A City of Denton 20' Utility Easement taken from Parcel 15, Glory of Zion



Engineering
Surveying
Subsurface Utility Engineering
Construction Management

International Ministries, Inc, Parcel 15A, Hunt Windsor, LLC, Parcel 15B, 32 Hundred Windsor Gardens LP & JRM and Parcel 16, Salvaging Teens at Risk Inc D/B/A the Educator Center. A 20' Utility & sidewalk easement is taken from Parcel 16, Zimmerer Denton LLC, Parcels 17/18, RV Land Acquisition LP, Parcel 20 Wilbarger Street LP, Parcel 21, The Rockline-Denton Group P/S. An unidentified City of Denton utility easement is taken from Parcel 25, Lisa J Harris Investment Trust. A City of Denton 20' Public Utility Easement is taken from Parcels 36/37 Westglen Partners Ltd, Parcel 38, Loves Travel Stops & Country Stores, Inc., Parcel 39 Mark D & Madeliene M. Foster. A City of Denton 16' Public Utility Easement is being taken from Parcel 40, TA Operating LLC.

This Utility Assembly includes all documents required by the TxDOT Dallas District based on review completed by appropriate representatives. Included in the scope of work is the placement of a total of IH 35 STATIONS are referenced on all relocations and the parcel numbers are included in the plans.

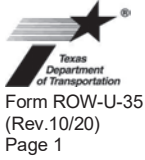
The Estimated Cost of the relocations in RCSJ 0195-03-074 is \$12,698,742.56 with no elective betterment. Attachment G is followed by a Forced Betterment letter clarifying the requirement to relocate into easement by 2019 City Ordinance, subsection 7.6.7 and that 20" HDPE is a City standard equivalent to 16" Ductile Iron pipe and should be utilize due to the shorter procurement time. A total in-kind estimate is included herein Attachment A after the plan and profiles. This relocation is completely within IH 35 ROW acquisition under this RCSJ.

We respectfully request your approval of these two SUA's as submitted. If you have any questions or require additional information, please contact me through the information provided below.

Sincerely,



Peter Borsack, P.E., PMP
LTRA Senior Project Manager
pborsack@ltraengineers.com



STANDARD UTILITY AGREEMENT

U Number: **N/A** Utility ID: **U00011547**

District: Dallas
Federal Project No.: NH2020(575)
ROW CSJ: 0195-03-091
Highway Project Letting Date: Sept 2023

County: Denton
Highway: IH35
From: US 380
To: US 77

This Agreement by and between the State of Texas, acting by and through the Texas Transportation Commission, ("**State**"), and City of Denton, ("**Utility**"), acting by and through its duly authorized representative, shall be effective on the date of approval and execution by and on behalf of the **State**.

WHEREAS, the **State** has deemed it necessary to make certain highway improvements as designated by the **State** and approved by the Federal Highway Administration within the limits of the highway as indicated above (the "**Highway Project**");

WHEREAS, the proposed Highway Project will necessitate the adjustment, removal, and/or relocation of certain facilities of the **Utility** as indicated in the following statement of work: CSJ 087 Water Line: Install approximately 1,941 LF of 20" HDPE, 6,126 LF of 12" PVC, 911 LF of 8" PVC, 40 LF of 6" PVC longitudinal to IH35 from IH35 Sta 2113+99 to IH35 Sta 2243+20. Install approximately 217 LF of 18" steel casing, 1,523 LF of 24" steel casing, 468 LF of 30" steel casing longitudinal to IH35 with two IH35 Crossings at Sta 2144+88 and Sta 2186+28. Approximately 2,574 LF of 16", 6,474 LF of 12", 1,832 LF of 8", 150 LF of 6", and 25 LF of 4" water line to be abandoned in conflict with ROW expansion and proposed pavement and storm sewer. CSJ 087 Wastewater Line: Install approximately 2,211 LF of 12" PVC gravity sewer, 1,310 LF of 8" PVC gravity sewer, 144 LF of 12" HDPE force main, 85 LF of 8" HDPE force main, 221 LF of 6" HDPE force main longitudinal to I-35 from Sta 2114+89 to 2170+29. Install approximately 1,327 LF of 24" steel casing and 201 LF of 18" steel casing with two crossings of I-35 at Sta 2202+58 and 2230+75. Approximately 1,578 LF of 8", 3,320 LF of 6", wastewater line to be abandoned in conflict with ROW expansion and pavement; and more specifically as shown in the **Utility's** plans, specifications and estimated costs, which are attached hereto as Attachment "A".

WHEREAS, the **State** will participate in the costs of the adjustment, removal, and relocation of certain facilities to the extent as may be eligible for State and/or Federal participation.

WHEREAS, the **State**, upon receipt of evidence it deems sufficient, acknowledges the **Utility's** interest in certain lands and facilities that entitle it to reimbursement for the adjustment, removal, and relocation of certain of its facilities located upon the lands as indicated in the statement of work above.

NOW, THEREFORE, BE IT AGREED:

The **State** will pay to the **Utility** the costs incurred in adjustment, removal, and relocation of the **Utility's** facilities up to the amount said costs may be eligible for **State** participation.

All conduct under this agreement, including but not limited to the adjustment, removal, and relocation of the facility, the development and reimbursement of costs, any environmental requirements, and retention of records will be in accordance with all applicable federal and state laws, rules and regulations, including, without limitation, the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 U.S.C. §§ 4601, et seq., the National Environmental Policy Act, 42 U.S.C. §§ 4321, et seq., the Buy America provisions of 23 U.S.C. § 313 and 23 CFR 635.410, as amended, Texas Transportation Code § 223.045, the Utility Relocations, Adjustments, and

Initial Date
TxDOT

Initial Date
Utility

Reimbursements provisions of 23 CFR 645, Subpart A, and the Utility Accommodation provisions of 23 CFR 645, Subpart B.

The **Utility** shall supply, upon request by the **State**, proof of compliance with the aforementioned laws, rules, regulations, and guidelines prior to the commencement of the adjustment, removal, and relocation of the facility.

The Utility shall not commence any physical work, including without limitation site preparation, on the State's right of way or future right of way, until TxDOT provides the Utility with written authorization to proceed with the physical work upon TxDOT's completion and clearance of its environmental review of the Highway Project. Any such work by the Utility prior to TxDOT's written authorization to proceed will not be eligible for reimbursement and the Utility is responsible for entering any property within the proposed limits of the Highway Project that has not yet been acquired by TxDOT. This written authorization to proceed with the physical work is in addition to the authorization to commence work outlined below. Notwithstanding the foregoing, the provisions of this paragraph are required only when TxDOT has not obtained completion and clearance of its environmental review of the Highway Project prior to the execution of this Agreement by the State and the Utility.

The **Utility** shall comply with the Buy America provisions of 23 U.S.C. § 313, 23 CFR 635.410, as amended, and the Steel and Iron Preference provisions of Texas Transportation Code § 223.045 and, when products that are composed predominately of steel and/or iron are incorporated into the permanent installation of the utility facility, use domestically manufactured products. TxDOT Form 1818 (Material Statement), along with all required attachments, must be submitted, prior to the commencement of the adjustment, removal, and relocation of the facility, as evidence of compliance with the aforementioned provisions. Failure to submit the required documentation or to comply with the Buy America, and Steel and Iron Preference requirements shall result in: (1) the **Utility** becoming ineligible to receive any contract or subcontract made with funds authorized under the Intermodal Surface Transportation Efficiency Act of 1991; (2) the **State** withholding reimbursement for the costs incurred by the **Utility** in the adjustment, removal, and relocation of the **Utility's** facilities; and (3) removal and replacement of the non-compliant products.

The **Utility** agrees to develop relocation or adjustment costs by accumulating actual direct and related indirect costs in accordance with a work order accounting procedure prescribed by the **State**, or may, with the **State's** approval, accumulate actual direct and related indirect costs in accordance with an established accounting procedure developed by the **Utility**. Bills for work hereunder are to be submitted to the **State** not later than one (1) year after completion of the work. Failure to submit the request for final payment, in addition to all supporting documentation, within one (1) year after completion of the work may result in forfeiture of payment for said work.

When requested, the **State** will make intermediate payments at not less than monthly intervals to the **Utility** when properly billed. Such payments will not exceed 90 percent (90%) of the eligible cost as shown in each such billing. Intermediate payments shall not be construed as final payment for any items included in the intermediate payment.

The **State** will, upon satisfactory completion of the adjustment, removal, and/or relocation and upon receipt of final billing prepared in an approved form and manner and accounting for any intermediate payments, make payment in the amount of 90 percent (90%) of the eligible costs as shown in the final billing prior to audit and after such audit shall make an additional final payment totaling the reimbursement amount found eligible for **State** reimbursement.

Alternatively, the **State** agrees to pay the **Utility** an agreed lump sum of \$N/A as supported by the attached estimated costs. The **State** will, upon satisfactory completion of the adjustments, removals, and relocations and upon receipt of a final billing, make payment to the **Utility** in the agreed amount.

Upon execution of this agreement by both parties hereto, the **State** will, by written notice, authorize the **Utility** to perform such work diligently and to conclude said adjustment, removal, and relocation by the stated completion date which is attached hereto in Attachment "C". The completion date shall be extended for delays caused by events outside the **Utility's** control, including an event of Force Majeure, which shall include a strike, war or act of war (whether an actual declaration of war is made or not), insurrection, riot, act of public enemy, accident, fire, flood or other act of God, sabotage, or other events, interference by the **State** or any other party with the **Utility's** ability to proceed with the work, or any other event in which the **Utility** has exercised all due care in the prevention thereof so that the causes of other events are beyond the control and without the fault or negligence of the **Utility**.

DP 8/1/2023
Initial Date
TxDOT

SH 7/31/2023
Initial Date
Utility

This agreement in its entirety consists of the following elements:

Standard Utility Agreement – ROW-U-35;

- Plans, Specifications, and Estimated Costs (Attachment “A”);
- Accounting Method (Attachment “B”);
- Schedule of Work (Attachment “C”);
- Statement Covering Contract Work – ROW-U-48 (Attachment “D”);
- Utility Joint Use Agreement – ROW-U-JUA and/or Utility Installation Request – Form 1082 (Attachment “E”);
- Eligibility Ratio (Attachment “F”);
- Betterment Calculation and Estimate (Attachment “G”); and
- Proof of Property Interest – ROW-U-Affidavit (Attachment “H”).


All attachments are included herein as if fully set forth. In the event it is determined that a substantial change from the statement of work contained in this agreement is required, reimbursement therefore shall be limited to costs covered by a modification or amendment of this agreement or a written change or extra work order approved by the **State** and the **Utility**.

This agreement is subject to cancellation by the **State** at any time up to the date that work under this agreement has been authorized, and such cancellation will not create any liability on the part of the **State**. However, the **State** will review and reimburse the **Utility** for eligible costs incurred by the **Utility** in preparation of this Agreement.


The State Auditor may conduct an audit or investigation of any entity receiving funds from the **State** directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the State Auditor, under the direction of the Legislative Audit Committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

The **Utility** by execution of this agreement does not waive any of the rights that the **Utility** may have within the limits of the law.

It is expressly understood that the **Utility** conducts the adjustment, removal, and relocation at its own risk, and that the **State** makes no warranties or representations regarding the existence or location of utilities currently within its right of way.

 8/1/2023

 Initial Date
 TxDOT

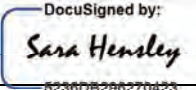
 7/31/2023

 Initial Date
 Utility

The signatories to this agreement warrant that each has the authority to enter into this agreement on behalf of the party represented.

UTILITY

Utility: City of Denton
Name of Utility

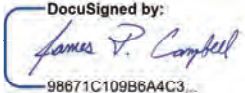
By: 
Authorized Signature

Sara Hensley
Print or Type Name

Title: City Manager

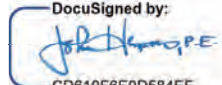
Date: 7/31/2023

EXECUTION RECOMMENDED:



98671C109B6A4C3...
Director of TP&D (or designee), Dallas District


THE STATE OF TEXAS

Executed and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By: 
CD610F6E0D584EF...
District Engineer (or designee)

Date: 8/2/2023


8/1/2023
Initial Date
TxDOT



7/31/2023
Initial Date
Utility

Attachment "A"


Plans, Specifications, and Estimated Costs

All material items within cost estimate that must meet Buy America or Steel and Iron Preference Provision requirements must be indicated with an asterisk (*).

- Currently, **we do not have** Buy America required materials planned for this project. In the event that Buy America compliant materials are used during construction on this project, compliance documentation will be provided.
- There are non-domestic iron and steel materials in this project that fall under the De Minimus equation. Calculation showing the total cost does not exceed one-tenth of one percent (0.1 %) of the individual utility agreement amount or \$2,500.00, whichever is greater is required.
- We understand the Buy America Compliance Requirements and will supply the required documentation to TxDOT indicating compliance with this provision. The following documents will be supplied prior to installation of the materials:
 - 1) Form 1818 - Material Statement
 - 2) Material Test Reports or Certifications

 8/1/2023

Initial Date
TxDOT

 7/31/2023

Initial Date
Utility

THE CITY OF DENTON, TEXAS PLANS FOR THE:

IH-35 UTILITY RELOCATIONS

FROM US-380 TO MILAM

IFB NO. 7968-003

TxDOT Project CCSJ 0195-03-087 & ROW CSJ 0195-03-081

WATER AND WASTEWATER UTILITY ID#: U00011547

TxDOT-Project-CCSJ-0195-02-074 & ROW-CSJ-0195-02-079

WATER AND WASTEWATER UTILITY ID#: U00017367

SHEET INDEX:

General Sheets

- 2 - GENERAL NOTES I
- 3 - PROJECT CONTROL AND BENCHMARKS
- 4 - PROPOSED SEWER LOCATION MAP
- 5 - PROPOSED UTILITY LOCATION MAP
- 6 - UTILITY ABANDONMENT (SHEET 1 OF 4)
- 7 - UTILITY ABANDONMENT (SHEET 2 OF 4)
- 8 - UTILITY ABANDONMENT (SHEET 3 OF 4)
- 9 - UTILITY ABANDONMENT (SHEET 4 OF 4)

Water Sheets

- 10 - CSJ 087 - PROPOSED 12N WL A STA 0+00 - END
- 11 - CSJ 087 - PROPOSED 8N WL B STA 0+00 - END
- 12 - CSJ 087 - PROPOSED 12N WL C STA 0+00 - 8+00
- 13 - CSJ 087 - PROPOSED 12N WL D STA 0+00 - 8+00
- 14 - CSJ 087 - PROPOSED 12N WL E STA 0+00 - 28+00
- 15 - CSJ 087 - PROPOSED 12N WL F STA 28+00 - 38+00
- 16 - CSJ 087 - PROPOSED 12N WL G STA 38+00 - 47+00
- 17 - CSJ 087 - PROPOSED 12N WL H STA 47+00 - END
- 18 - CSJ 087 - PROPOSED 12N WL I STA 0+00 - END
- 19 - CSJ 087 - PROPOSED 12N WL J STA 0+00 - END
- 20 - CSJ 087 - PROPOSED 12N WL K STA 0+00 - END
- 21 - CSJ 087 - PROPOSED 20N WL A STA 0+00 - 19+00
- 22 - CSJ 087 - PROPOSED 20N WL B STA 0+00 - 19+00
- 23 - CSJ 087 - PROPOSED 20N WL C STA 0+00 - 19+00
- 24 - CSJ 087 - PROPOSED 20N WL D STA 0+00 - 19+00
- 25 - CSJ 087 - PROPOSED 20N WL E STA 0+00 - 19+00
- 26 - CSJ 087 - PROPOSED 20N WL F STA 0+00 - 19+00
- 27 - CSJ 087 - PROPOSED 20N WL G STA 0+00 - 19+00
- 28 - CSJ 087 - PROPOSED 20N WL H STA 0+00 - 19+00
- 29 - CSJ 087 - PROPOSED 20N WL I STA 0+00 - 19+00
- 30 - CSJ 087 - PROPOSED 20N WL J STA 0+00 - 19+00
- 31 - CSJ 087 - PROPOSED 20N WL K STA 0+00 - 19+00
- 32 - CSJ 087 - PROPOSED 20N WL L STA 0+00 - 19+00
- 33 - CSJ 087 - PROPOSED 20N WL M STA 0+00 - 19+00
- 34 - CSJ 087 - PROPOSED 20N WL N STA 0+00 - 19+00
- 35 - CSJ 087 - PROPOSED 20N WL O STA 0+00 - 19+00
- 36 - CSJ 087 - PROPOSED 20N WL P STA 0+00 - 19+00
- 37 - CSJ 087 - PROPOSED 20N WL Q STA 0+00 - 19+00
- 38 - CSJ 087 - PROPOSED 8N WL R & CSJ 074 - PROPOSED 12N WL B
- 39 - CSJ 087 - PROPOSED 8N WL S & CSJ 074 - PROPOSED 12N WL C
- 40 - CSJ 087 - PROPOSED 48E8S VAULT (FEED TO 548E8S)

Catholic Protection

- 41 - CATHOLIC PROTECTION TEST SECTION SCHEDULE
- 42 - CATHOLIC PROTECTION DETAILS I
- 43 - CATHOLIC PROTECTION DETAILS II
- 44 - CATHOLIC PROTECTION DETAILS III
- 45 - CATHOLIC PROTECTION DETAILS IV
- 46 - CATHOLIC PROTECTION DETAILS V

Sewer Sheets

- 47 - CSJ 087 - PROPOSED 8N SS A STA 0+00 - 9+00
- 48 - CSJ 087 - PROPOSED 8N SS B STA 0+00 - 9+00
- 49 - CSJ 087 - PROPOSED 12N SS B STA 0+00 - 9+00
- 50 - CSJ 087 - PROPOSED 12N SS B STA 9+00 - 15+50
- 51 - CSJ 087 - PROPOSED 12N SS B STA 15+50 - END
- 52 - CSJ 087 - PROPOSED 8N SS B STA 0+00 - END
- 53 - CSJ 087 - PROPOSED 8N SS B STA 0+00 - END
- 54 - CSJ 087 - PROPOSED 8N SS B STA 0+00 - END
- 55 - R/V CAMPING WORLD DEMOLITION LAYOUT
- 56 - DEMOLITION DETAILS

Standard Details

- 57 - CITY STANDARD DILS 1
- 58 - CITY STANDARD DILS 2
- 59 - CITY STANDARD DILS 3
- 60 - CITY STANDARD DILS 4
- 61 - CITY STANDARD DILS 5
- 62 - CITY STANDARD DILS 6
- 63 - CITY STANDARD DILS 7
- 64 - CITY STANDARD DILS 8
- 65 - CONSTRUCTION DETAILS 1
- 66 - CONSTRUCTION DETAILS 2

Erosion Control Plans

- 67 - EROSION CONTROL PLAN (SHEET 1 OF 3)
- 68 - EROSION CONTROL PLAN (SHEET 2 OF 3)
- 69 - EROSION CONTROL PLAN (SHEET 3 OF 3)
- 70 - EROSION DETAILS

Surface Repair Sheets

- 71 - PROPOSED SURFACE REPAIR (SHEET 1 OF 5)
- 72 - PROPOSED SURFACE REPAIR (SHEET 2 OF 5)
- 73 - PROPOSED SURFACE REPAIR (SHEET 3 OF 5)
- 74 - PROPOSED SURFACE REPAIR (SHEET 4 OF 5)
- 75 - PROPOSED SURFACE REPAIR (SHEET 5 OF 5)

Traffic Control Plans

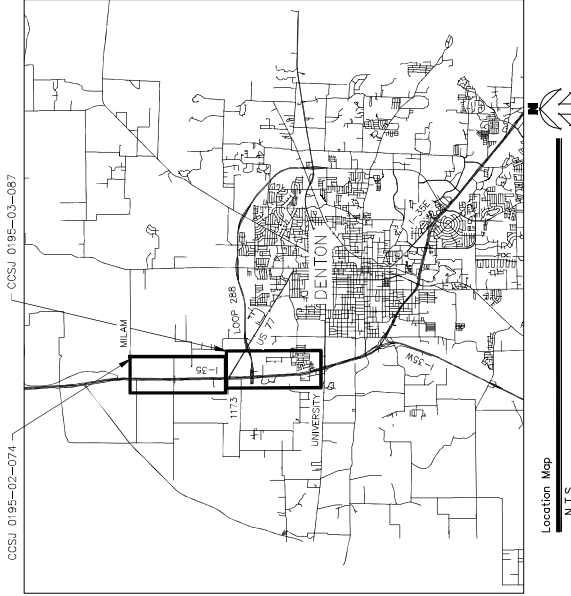
- 76 - TRAFFIC CONTROL PLAN - CONVENTIONAL ROAD SHOULDER WORK
- 77 - TRAFFIC CONTROL PLAN - ONE-LANE TWO-WAY TRAFFIC CONTROL

Electrical Sheets

- E1 - ELECTRICAL PRESSURE REDUCING VAULT PLAN
- E2 - ELECTRICAL METER VAULT PLAN
- E3 - ELECTRICAL CONTROL DIAGRAM SHEET
- E4 - ELECTRICAL TALLS SHEET 1
- E5 - ELECTRICAL TALLS SHEET 2
- E6 - ELECTRICAL LEGEND SCHEDULES & NOTES

Structural Sheets

- S1 - PROPOSED STRUCTURAL VAULT SHEET



Location Map
N.T.S.

CITY OFFICIALS:

MAYOR..... GERARD HUDSPETH
 COUNCIL MEMBERS:
 DISTRICT 1..... VICKI BYRD
 DISTRICT 2..... BRIAN BECK
 DISTRICT 3..... JESSE DAVIS
 DISTRICT 4.....
 AT LARGE PLACE 5..... BRANDON MCGEE
 AT LARGE PLACE 6..... CHRIS WATTS

DIRECTOR OF WATER AND
 WASTEWATER UTILITIES
 STEPHEN GAY

CITY ENGINEER
 REBECCA DIVINEY, P.E.
 PROJECT MANAGER,
 SR. ENGINEER
 KYLE PEDIGO
 CAPITAL PROJECTS

TxDOT General Notes

1. BY SEALING AND SIGNING THESE PERMIT PLANS AS A PROFESSIONAL CIVIL ENGINEER LICENSED TO PRACTICE IN THE STATE OF TEXAS, I CERTIFY THAT THE PROPOSED DRIVEWAY OR PUBLIC STREET CONNECTION TO THE STATE ROADWAY MEETS OR EXCEEDS THE MINIMUM REQUIREMENTS OF THE TEXAS STANDARD SPECIFICATIONS FOR ROADWAY CONSTRUCTION ON THE MOST RECENT TxDOT DESIGN MANUAL REQUIREMENTS.
2. ALL CONSTRUCTION WITHIN THE STATE RIGHT OF WAY WILL REQUIRE COMPLIANCE TO TxDOT STANDARD SPECIFICATIONS, STANDARD PLANS, AND TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
3. SPECIFICATIONS ADOPTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, JUNE 1, 2004, AND SPECIFICATION ITEMS LISTED AS FOLLOWS SHALL GOVERN ON THIS PROJECT FOR ALL WORK WITHIN THE STATE RIGHT OF WAY.
Use the
 (CHRISTOPHER JOO, P.E. #120045)
 *THE STANDARD TxDOT SHEETS, SPECIFICALLY IDENTIFIED IN THIS SHEET INDEX, HAVE BEEN SELECTED BY ME OR UNDER MY RESPONSIBLE SUPERVISION AS BEING APPLICABLE TO THIS PROJECT.



Kimley»Horn

801 Cherry St., Suite 1300 Ft. Worth, TX 76102 P: 817-335-6511
 TBPE No. 928 F: 817-335-5070

MAY 2023

NO.	REVISION	BY	DATE

Kimley-Horn
 801 Chevy St., Suite 300, Ft. Worth, TX 76102
 Tel: 817.335.1111
 Fax: 817.335.1112
 www.kimley-horn.com



CITY OF DENTON
 HIGH-UTILITY RELOCATIONS
 (FROM US-380 TO MILAM)

PROJECT CONTROL AND BENCHMARKS

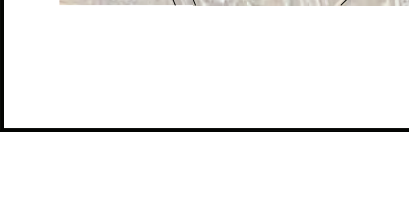
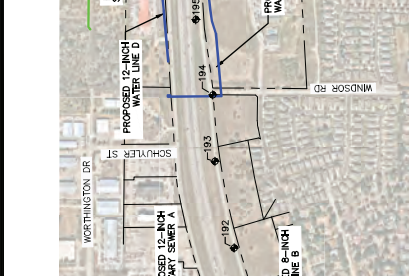
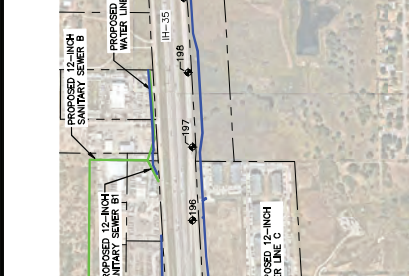
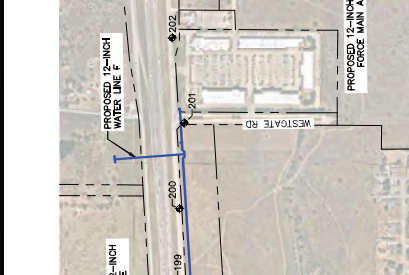
DATE:	APRIL 2023
DESIGN:	CFM
DRAWN:	NDCH
CHECKED:	JFA
RMA NO.:	061024043

LEGEND:

- PROPOSED WATER LINE
- PROPOSED SEWER LINE
- EXISTING CONTROL POINT

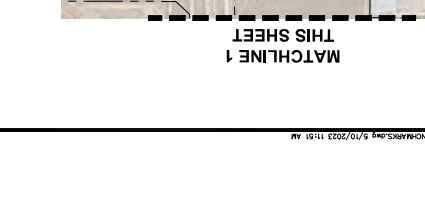
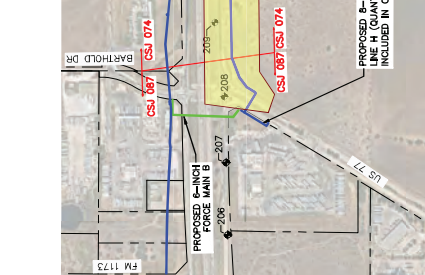
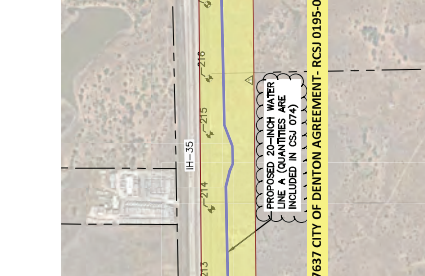
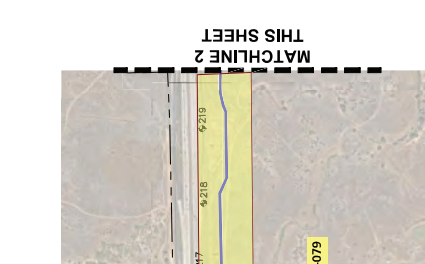
SHEET NOTES:

- SHOWING HEREON ARE ALL U.S. SURVEY FEET, TEXAS STATE SURVEY, 4303.000 FEET (4303), ADJUSTED TO SURFACE ADJUSTMENT FACTOR OF 1.0001606330.
- ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN DATUM (NAD83) USING SCGD 12B.



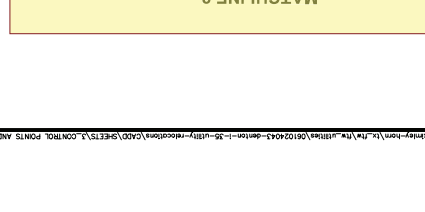
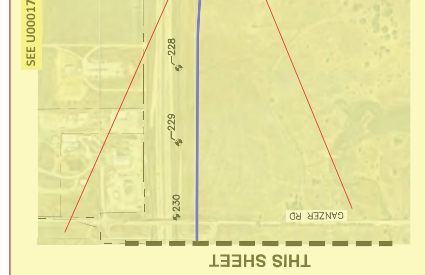
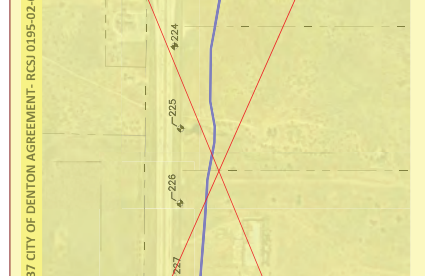
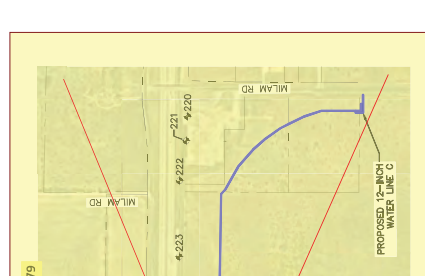
CONTROL POINT TABLE

Point #	Benchmark	Existing	Elevation
188	755.44	7142582.70	2274455.54 BM OF M&S W/ SHIRNER (VP CONTROL POINT)
189	755.36	7144854.58	2274222.02 BM OF M&S W/ SHIRNER (VP CONTROL POINT)
190	712.25	7154514.14	2274528.34 BM OF M&S W/ SHIRNER (VP CONTROL POINT)
191	712.81	7158294.72	2275063.63 BM OF M&S W/ SHIRNER (VP CONTROL POINT)
192	722.81	7158294.72	2275063.63 BM OF M&S W/ SHIRNER (VP CONTROL POINT)
193	724.31	7158294.72	2275063.63 BM OF M&S W/ SHIRNER (VP CONTROL POINT)
194	724.31	7158294.72	2275063.63 BM OF M&S W/ SHIRNER (VP CONTROL POINT)
195	724.31	7158294.72	2275063.63 BM OF M&S W/ SHIRNER (VP CONTROL POINT)
196	724.31	7158294.72	2275063.63 BM OF M&S W/ SHIRNER (VP CONTROL POINT)
197	724.31	7158294.72	2275063.63 BM OF M&S W/ SHIRNER (VP CONTROL POINT)
198	724.31	7158294.72	2275063.63 BM OF M&S W/ SHIRNER (VP CONTROL POINT)
199	724.31	7158294.72	2275063.63 BM OF M&S W/ SHIRNER (VP CONTROL POINT)
200	743.55	7142582.70	2273384.40 BM OF M&S W/ SHIRNER (VP CONTROL POINT)
201	743.55	7142582.70	2273384.40 BM OF M&S W/ SHIRNER (VP CONTROL POINT)
202	743.55	7142582.70	2273384.40 BM OF M&S W/ SHIRNER (VP CONTROL POINT)
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211	696.43	7142582.70	2273384.40 BM OF M&S W/ SHIRNER (VP CONTROL POINT)
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230	696.43	7142582.70	2273384.40 BM OF M&S W/ SHIRNER (VP CONTROL POINT)



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230	696.43	7142582.70	2273384.40 BM OF M&S W/ SHIRNER (VP CONTROL POINT)



DATE:	APRIL 2023
DESIGN:	CRJ
DRAWN:	NDCH
CHECKED:	JFA
KHA NO.:	061024043

PROPOSED WATER LOCATION MAP

CITY OF DENTON
H-35 UTILITY RELOCATIONS
(FROM US-380 TO MILAM)



Kimley-Horn
801 Cherry St. Suite 1300 Ft. Worth, TX 76102
Tel: 817-335-0511
Fax: 817-335-0511
BY: DHT
DATE: 04/20/23

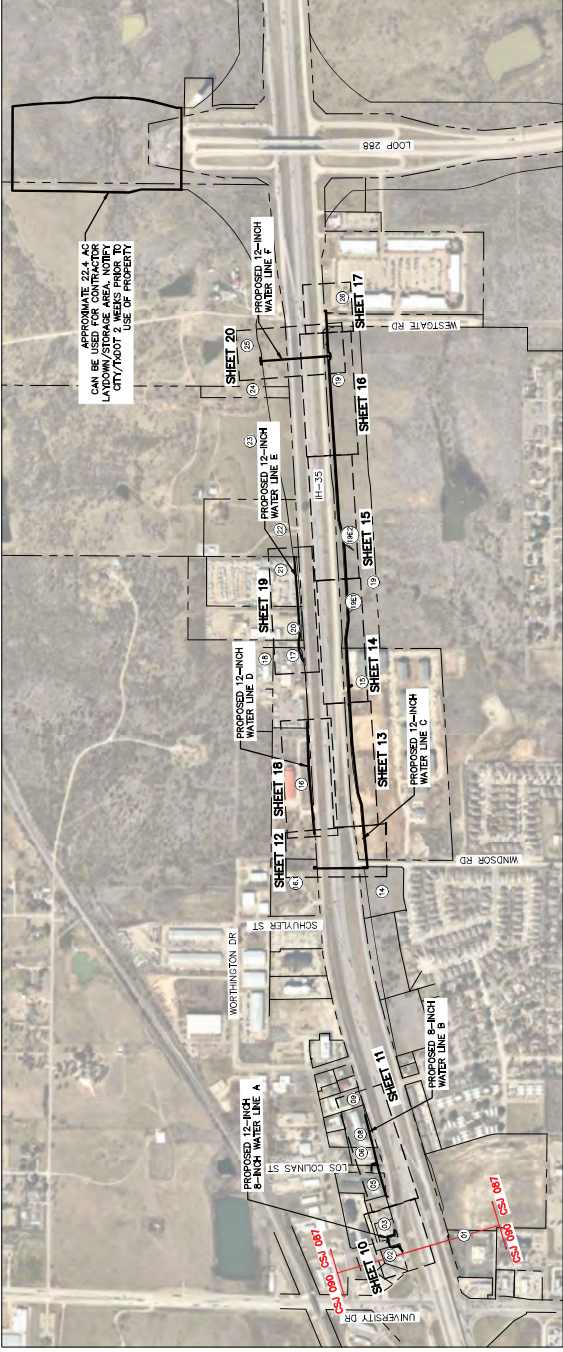


GRAPHIC SCALE IN FEET
0 250 500 1000
FOR 11"x17" 1"=1000'

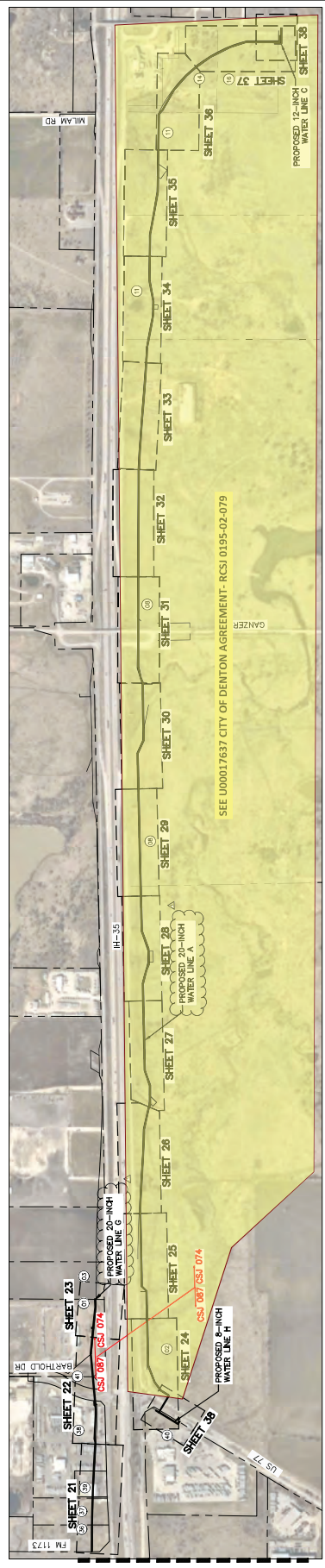
LEGEND:

- PROPOSED WATER LINE
- TWOOT PARCEL NUMBER
- PLAN VIEW ON SHEET X

MATCHLINE 1 THIS SHEET



APPROXIMATE 20' x 4' AS
CAN BE USED FOR CONTRACTOR
LANDING/STORAGE AREA. NOTIFY
CITY/TWOOT USE OF PROPERTY



MATCHLINE 1 THIS SHEET

SEE U00017637 CITY OF DENTON AGREEMENT- RCSI 0195-02-079

DATE:	MARCH 2023
DESIGN:	CPJ
DRAWN:	NDCH
CHECKED:	JFA
RHA NO.:	061024043

PROPOSED SEWER LOCATION MAP

CITY OF DENTON
IH-35 UTILITY RELOCATIONS
(FROM US-380 TO MILAM)



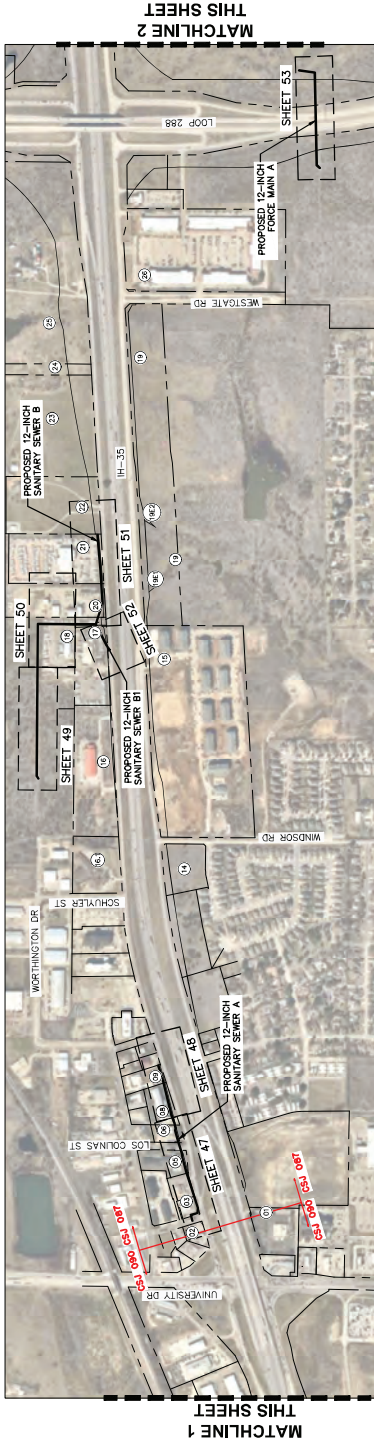
Kimley-Horn
7501 Greenway Blvd., Suite 3000 Ft. Worth, TX 76102
Tel: 817-335-8888
Fax: 817-335-8889
Revision: _____
By: DDT
No: _____



GRAPHIC SCALE IN FEET
VERTICAL SCALE 1"=1000'
HORIZONTAL SCALE 1"=1000'
FOR 11"x17" 1"=1000'

LEGEND:

- PROPOSED SEWER LINE
- TADDT PARCEL NUMBER
- PLAN VIEW ON SHEET X



CITY OF DENTON
 (FROM US-380 TO MILAM)
 IH-35 UTILITY RELOCATIONS
 (SHEET 1 OF 4)
 UTILITY ABANDONMENT
 (SHEET 1 OF 4)

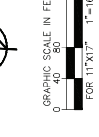
Kimley-Horn
 10000 Preston Road, Suite 200, Dallas, TX 75240
 972.306.8600
 03/09/2023

CITY OF DENTON
 (FROM US-380 TO MILAM)
 IH-35 UTILITY RELOCATIONS
 (SHEET 1 OF 4)
 UTILITY ABANDONMENT
 (SHEET 1 OF 4)

DATE:	MARCH 2023
DESIGN:	CPH
DRAWN:	NDOH
CHECKED:	JFA
KHA NO.:	06102403

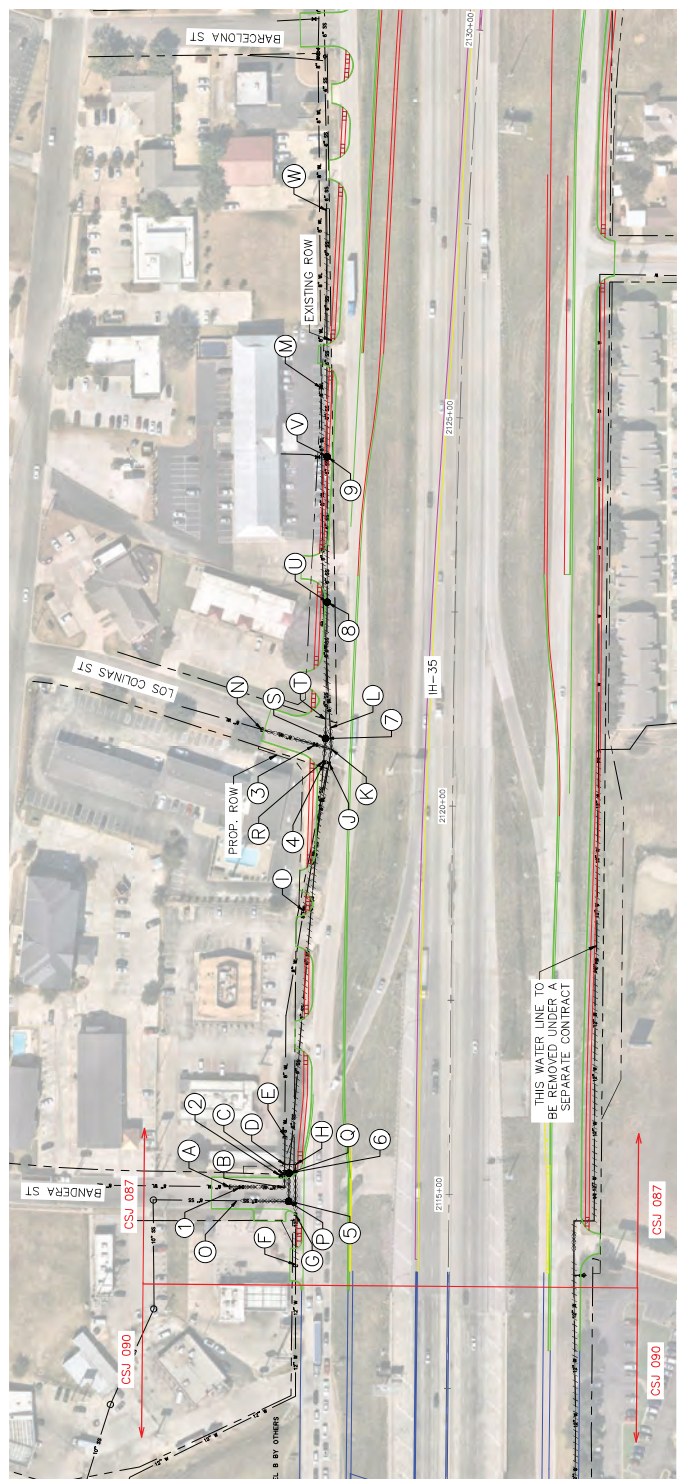
LEGEND

- PROPOSED UTILITY GROUT FILL AND ABANDON
- PROPOSED UTILITY LINE REMOVAL
- PROPOSED UTILITY LINE TO BE ABANDONED IN PLACE



SHEET NOTES:

1. WATER SERVICE LINES 3" AND 6" SHALL BE CAPPED AND LEFT IN PLACE.
2. ALL UTILITY LINES 4" AND GREATER THAT REMAIN IN TPOOT ROW ARE TO BE REMOVED OR LINES SHOWN TO BE ABANDONED OUTSIDE OF TPOOT ROW MAY BE ABANDONED IN PLACE.



THIS WATER LINE TO BE REMOVED UNDER A SEPARATE CONTRACT

WATER ABANDONMENT

Point #	Northing	Easting	Description
1	7134573.53	2372867.51	REMOVE 6" GATE VALVE
2	7134601.95	2373972.28	REMOVE FH AND 6" VALVE
3	7135146.40	2373793.24	REMOVE 6" GATE VALVE
4	7135127.89	2373810.62	REMOVE FH AND 6" VALVE

SANITARY SEWER ABANDONMENT

Point #	Northing	Easting	Description
5	7134573.73	2372931.35	REMOVE SS MH
6	7134608.36	2372921.12	REMOVE SS MH
7	7135157.76	2373863.22	REMOVE SS MH
8	7135326.25	2373754.08	REMOVE SS MH
9	7135505.45	2372899.56	REMOVE SS MH

WATER LINE ABANDONMENT

Begin	End	Length	Description
A	B	71'	GROUT FILL AND ABANDON 8" WL PIPE
B	C	17'	GROUT FILL AND ABANDON 8" WL PIPE
C	D	13'	REMOVE 8" WL PIPE
D	E	36'	REMOVE 8" WL PIPE
F	G	65'	REMOVE 12" WL PIPE
H	D	14'	GROUT FILL AND ABANDON 12" WL PIPE
I	J	193'	REMOVE 8" WL PIPE
J	K	18'	GROUT FILL AND ABANDON 8" WL PIPE
K	L	27'	GROUT FILL AND ABANDON 8" WL PIPE
L	M	436'	REMOVE 8" WL PIPE
K	N	94'	GROUT FILL AND ABANDON 8" WL PIPE
G	H	65'	GROUT FILL AND ABANDON 12" WL PIPE

SANITARY SEWER LINE ABANDONMENT

Begin	End	Length	Description
O	P	66'	GROUT FILL AND ABANDON 8" SS PIPE
P	Q	36'	GROUT FILL AND ABANDON 8" SS PIPE
Q	R	533'	REMOVE 6" SS PIPE
R	S	29'	GROUT FILL AND ABANDON 6" SS PIPE
S	T	24'	GROUT FILL AND ABANDON 6" SS PIPE
T	U	151'	REMOVE 6" SS PIPE
U	V	187'	REMOVE 6" SS PIPE
V	W	317'	REMOVE 6" SS PIPE

