

ORDINANCE NO. 24-1457

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.

WHEREAS, the CITY and DCTA, on or about February 5, 2013, via City Ordinance No. 2013-044, entered into that certain Interlocal Cooperation Agreement Street Right-of-Way Use License (the "Original Agreement"), to occupy certain property of the City in respect to the construction, maintenance, and operation of bus shelters and other bus passenger amenities for use by passengers of DCTA's bus transportation system;

WHEREAS, the CITY and DCTA, on or about April 16, 2013, via City Ordinance No. 2013-112, entered into that certain First Amendment to Interlocal Cooperation Agreement Street Right-of-Way Use License ("First Amendment"), amending the Original Agreement regarding certain insurance requirements prescribed therein;

WHEREAS, the CITY and DCTA, on or about November 5, 2013, via City Ordinance No. 2013-311, entered into that certain Second Amendment to Interlocal Cooperation Agreement Street Right-of-Way Use License ("Second Amendment"), amending the Original Agreement regarding certain insurance requirements prescribed therein;

WHEREAS, the CITY and DCTA desire to amend the Original Agreement, as amended by the First and Second Amendments, to add such additional street use right-of-way location;

WHEREAS, the CITY and DCTA have determined that providing additional areas within City street right-of-way concerning the construction, maintenance, and operation of bus shelters and other bus passenger amenities by DCTA is advisable only after a thorough review of the existing Agreement ("Second Amendment") to assess compliance to the City of Denton Right of Way Use License/Agreement, Permitting Process, and other relevant policies, standards, and guidelines;

WHEREAS, in the interim, the CITY and DCTA desire to execute a TEMPORARY LIMITED TIME LICENSE TO USE AGREEMENT to the existing DCTA street-use right-of-way locations and add the proposed DCTA street-use right-of-way locations (ADDITIONAL AREAS) for up to **180 days** or until the Third Amendment to the original Agreement is executed; and

WHEREAS, in consideration of the license of the street right-of-way and the mutual covenants outlined in the Original Agreement, the First Amendment, the Second Amendment, and here as guided by this TEMPORARY LICENSE TO USE AGREEMENT, and other good and valuable consideration, the City Council of the City of Denton finds this agreement, 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.

SECTION 2. The City will temporarily permit DCTA to construct and maintain existing and additional bus stops and amenities for 180 days in accordance with the Agreement, as defined below and attached hereto.

SECTION 3. The City Manager or their designee is hereby authorized to execute the Temporary License to Use Agreement (the “Agreement”) and carry out the City’s duties and responsibilities under the Agreement, including providing a temporary license to construct and maintain bus stops and amenities as stated by the agreement.

SECTION 4. 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:	_____	_____	_____	_____
Paul Meltzer, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2024.

GERARD HUDSPETH, MAYOR

ATTEST:
LAUREN THODEN, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: *Marcella Lunn*



Transportation Services Division

THE STATE OF TEXAS
COUNTY OF DENTON

LICENSE AGREEMENT FOR TEMPORARY DCTA BUS STOPS ON CITY OF DENTON
RIGHT OF WAY

THIS INTERLOCAL COOPERATION AGREEMENT (the “Agreement”) is made and entered into effective as of the date set forth below by and between the CITY OF DENTON, TEXAS, a Texas home rule municipal corporation (“CITY”) and the DENTON COUNTY TRANSPORTATION AUTHORITY, a coordinated county transportation authority under Chapter 460 of the Texas Transportation Code (“DCTA”), acting by and through, and under the authority of their respective governing bodies.

WHEREAS, the CITY and DCTA, on or about February 5, 2013, via City Ordinance No. 2013-044, entered into that certain Interlocal Cooperation Agreement Street Right-of-Way Use License (the “Original Agreement”), to occupy certain property of the City in respect to the construction, maintenance, and operation of bus shelters and other bus passenger amenities for use by passengers of DCTA’s bus transportation system;

WHEREAS, the CITY and DCTA, on or about April 16, 2013, via City Ordinance No. 2013-112, entered into that certain First Amendment to Interlocal Cooperation Agreement Street Right-of-Way Use License (“First Amendment”), amending the Original Agreement regarding certain insurance requirements prescribed therein;

WHEREAS, the CITY and DCTA, on or about November 5, 2013, via City Ordinance No. 2013-311, entered into that certain Second Amendment to Interlocal Cooperation Agreement Street Right-of-Way Use License (“Second Amendment”), amending the Original Agreement regarding certain insurance requirements prescribed therein;

WHEREAS, the CITY and DCTA desire to amend the Original Agreement, as amended by the First and Second Amendments, to add such additional street use right-of-way location;

WHEREAS, the CITY and DCTA have determined that providing additional areas within City street right-of-way concerning the construction, maintenance, and operation of bus shelters and other bus passenger amenities by DCTA is advisable only after a thorough review of the existing Agreement (“Second Amendment”) to assess compliance to the City of Denton Right of Way Use License/Agreement, Permitting Process, and other relevant policies, standards, and guidelines; and

WHEREAS, in the interim, the CITY of Denton and DCTA desire to execute a TEMPORARY LIMITED TIME LICENSE TO USE AGREEMENT to the existing DCTA street-use right-of-way locations and add the proposed DCTA street-use right-of-way locations (ADDITIONAL AREAS) for up to **180 days** or until the Third Amendment to the original Agreement is executed.



NOW THEREFORE, for and in consideration of the license of the street right-of-way and the mutual covenants outlined in the Original Agreement, the First Amendment, the Second Amendment, and here as guided by this TEMPORARY LICENSE TO USE AGREEMENT, and other good and valuable consideration, the CITY and DCTA agree as follows:

1. The locations described and illustrated in Exhibit “A”, attached hereto, and made a part hereof for all purposes, are hereby included in ATTACHMENT 1, as attached to the Original Agreement for all intents and purposes (the “ADDITIONAL AREAS”).
2. The ADDITIONAL AREAS are hereby included, for all purposes, within the defined term “STREET LICENSE AREAS,” as set forth in the Original Agreement, as amended by the First and Second Amendment.
3. The TEMPORARY LICENSE TO USE AGREEMENT applies to existing DCTA street-use right-of-way locations and ADDITIONAL AREAS only within City of Denton right-of-way. Any area found to be in another jurisdiction right-of-way will not be applicable to the provisions of this agreement unless the area becomes a part of City right-of-way at a point in the future.
4. In anticipation of the City’s subsequent approval of the LIMITED TIME USE OF RIGHT OF WAY, To the extent allowed by law, **DCTA AGREES TO INDEMNIFY AND HOLD HARMLESS THE CITY, ITS EMPLOYEES, AGENTS, SUCCESSORS, AND ASSIGNS FROM ANY AND ALL COSTS DCTA MAY INCUR AS A CONSEQUENCE OF PROCEEDING IN THIS MANNER BEFORE FULL BUILDING PERMITS ARE ISSUED, AND AGREES TO ASSUME ALL RISKS ARISING THEREFROM. Nothing contained herein shall be deemed a waiver of any immunity defenses available under State or Federal law.**
5. Except as expressly amended herein, the terms of the Original Agreement, as amended by the First and Second Amendments, shall remain valid and subsisting as originally provided.

IN WITNESS WHEREOF, the governing body of the City of Denton, Texas, has caused this TEMPORARY LICENSE to be executed on this the ____ day of _____, _____; and the governing body of the Denton County Transportation Authority has caused this TEMPORARY LICENSE to be executed on this the ____ day of _____, _____, but this Agreement shall be effective for all purposes from and as of the latest date of the execution hereof by the parties hereto (the “Effective Date”).

“CITY”

CITY OF DENTON, TEXAS

A Texas Home Rule Municipal Corporation

BY: _____



GERARD
MAYOR

HUDSPETH,



ATTEST:

LAUREN THODEN, CITY SECRETARY BY: _____

By:
"DCTA"
Denton County Transit Authority

Paul Cristina, CEO

Date: _____



Exhibit A

Street Location	Latitude	Longitude	Route Information
Morse Transfer	33.20485	-97.08939	Connect Route 3 (Existing)
WB Hickory @ Bradshaw	33.21446	-97.12100	Connect Route 3 (Existing)
SB Wood @ Hickory	33.21449	-97.11857	Connect Route 3 (Existing)
WB McKinney @ Jannie	33.21598	-97.11563	Connect Route 3 (Existing)
WB McKinney @ Audra	33.21596	-97.11280	Connect Route 3 (Existing)
WB McKinney @ Mack Park	33.21578	-97.10965	Connect Route 3 (Existing)
WB McKinney @ The Fountains	33.21518	-97.10376	Connect Route 3 (Existing)
WB McKinney @ Bellaire	33.21395	-97.09874	Connect Route 3 (Existing)
WB McKinney @ Mockingbird	33.21369	-97.09702	Connect Route 3 (Existing)
Serve Denton	33.21720	-97.08935	Connect Route 3 (Existing)
WB McKinney @ Duchess	33.21162	-97.08732	Connect Route 3 (Existing)
EB Hickory @ Bradshaw	33.21433	-97.12171	Connect Route 3 (Existing)
EB Hickory @ Wood	33.21435	-97.11860	Connect Route 3 (Existing)
NB Wood @ McKinney	33.21588	-97.11838	Connect Route 3 (Existing)
EB McKinney @ Hettie	33.21589	-97.11622	Connect Route 3 (Existing)
EB McKinney @ Campbell	33.21584	-97.11427	Connect Route 3 (Existing)
EB McKinney @ Mack Park	33.21565	-97.10947	Connect Route 3 (Existing)
EB McKinney @ The Veranda	33.21536	-97.10452	Connect Route 3 (Existing)
EB McKinney @ Bellaire	33.21389	-97.09928	Connect Route 3 (Existing)
EB McKinney @ Mockingbird	33.21354	-97.09693	Connect Route 3 (Existing)



Street Location	Latitude	Longitude	Route Information
EB McKinney @ Cardinal	33.21323	-97.09364	Connect Route 3 (Existing)
NB Cardinal @ McKinney	33.21383	-97.09277	Connect Route 3 (Existing)
NB Cardinal @ Hummingbird	33.21551	-97.09207	Connect Route 3 (Existing)
NB Cardinal @ Oriole	33.21774	-97.09200	Connect Route 3 (Existing)
EB McKinney @ Duchess	33.21147	-97.08754	Connect Route 3 (Existing)
EB McKinney @ Mayhill	33.21035	-97.08400	Connect Route 3 (Existing)
NB Mockingbird @ Beverly	33.22680295	-97.09757352	Connect Route 3 (New)
NB Mockingbird @ Weston	33.21944853	-97.09637239	Connect Route 3 (New)
EB Audra Ln @ Bayfield	33.22824472	-97.0941182	Connect Route 3 (New)
Downtown Denton Transit Center	33.21371	-97.12605	Connect Route 6 (Existing)
WB McKinney @ Bell	33.21657	-97.12909	Connect Route 6 (Existing)
NB Locust @ Congress	33.21920092	-97.13231553	Connect Route 6 (New) (TxDOT ROW)
NB Locust @ 3rd St	33.22578	-97.13215	Connect Route 6 (Existing) (TxDOT ROW)
NB Locust @ Sherman Drive	33.23237991	-97.13203942	Connect Route 6 (New) (TxDOT ROW)
NB Locust @ Orr Street	33.23970496	-97.13186137	Connect Route 6 (New) (TxDOT ROW)
WB Elm @ Windsor Dr	33.24276845	-97.13707916	Connect Route 6 (New) (TxDOT ROW)
WB Elm @ Fallmeadow	33.24458	-97.14051	Connect Route 6 (Existing) (TxDOT ROW)
WB Elm @ Nicosia	33.24869332	-97.14828547	Connect Route 6 (New) (TxDOT ROW)
EB Elm @ Discovery Park	33.25021811	-97.15178636	Connect Route 6 (New) (TxDOT ROW)
EB Elm @ Nicosia	33.24800973	-97.14758423	Connect Route 6 (New) (TxDOT ROW)



Street Location	Latitude	Longitude	Route Information
EB Elm @ Windsor	33.24212315	-97.13634729	Connect Route 6 (New) (TxDOT ROW)
SB Elm @ Orr Street	33.23987291	-97.1333317	Connect Route 6 (New) (TxDOT ROW)
SB Elm @ Sherman Drive	33.23252923	-97.13348917	Connect Route 6 (New) (TxDOT ROW)
SB Bell @ Mingo-Senior Center	33.21921	-97.12749	Connect Route 6 (Existing)
SB Bell @ Texas	33.22213	-97.12741	Connect Route 6 (Existing)
SB Bell @ Administration	33.22601	-97.12740	Connect Route 6 (Existing)
SB Bell @ Chapel	33.22934	-97.12732	Connect Route 6 (Existing)
NB Heritage Trail @ Rayzor Park	33.22551	-97.16606	Connect Route 7 (Existing)
Downtown Denton Transit Center	33.21389	-97.12601	Connect Route 7 (Existing)
EB Charlotte @ Ave G	33.21277	-97.15827	Connect Route 7 (Existing)
EB Hickory @ Piner	33.21452	-97.13651	Connect Route 7 (Existing)
NCTC Campus	33.21449	-97.13018	Connect Route 7 (Existing)
SB Bonnie Brae @ Stella	33.21352917	-97.1615153	Connect Route 7 (New)
SB Bonnie Brae @ Crescent	33.22496756	-97.16126347	Connect Route 7 (New)
EB Hickory @ Bernard	33.21457263	-97.14174635	Connect Route 7 (New)
EB Hickory @ Elm	33.21449	-97.13380	Connect Route 7 (Existing)
EB Scripture @ I-35	33.21907	-97.16852	Connect Route 7 (Existing)
WB Oak @ Bonnie Brae	33.21547	-97.16358	Connect Route 7 (Existing)
WB Oak @ Elm	33.21561	-97.13343	Connect Route 7 (Existing)
WB Oak @ Oakland	33.21557	-97.12975	Connect Route 7 (Existing)
NB Heritage Trail @ Panhandle	33.22144466	-97.1658876	Connect Route 7 (New)
NB Heritage Trail @ Eastpark	33.22838255	-97.16480069	Connect Route 7 (New)
WB Oak @ Cedar	33.21568	-97.13579	Connect Route 7 (Existing)



Street Location	Latitude	Longitude	Route Information
Fouts Field Transfer 3	33.20984	-97.15529	UNT Shuttle Service (Existing)
Hurley Administration Building	33.21156	-97.14866	UNT Shuttle Service (Existing)
Union Transfer 5	33.21107	-97.14621	UNT Shuttle Service (Existing)
The Gateway at Denton	33.20413	-97.13700	UNT Shuttle Service (Existing)
The Oaks	33.21001	-97.14138	UNT Shuttle Service (Existing)
The Venue-Lindsey	33.19884	-97.13994	UNT Shuttle Service (Existing)
The Arbors	33.20357	-97.14149	UNT Shuttle Service (Existing)
Midtown	33.20494	-97.13794	UNT Shuttle Service (Existing)
EB Eagle @ Bernard	33.20651	-97.14046	UNT Shuttle Service (Existing)
Union 3	33.21044	-97.14556	UNT Shuttle Service (Existing)
The Ridge	33.18668	-97.10129	UNT Shuttle Service (Existing)
EB Colorado @ Brinker	33.18257	-97.09874	UNT Shuttle Service (Existing)
SB Brinker @ Medpark	33.18435	-97.09750	UNT Shuttle Service (Existing)
MedPark Station for Bus	33.18277	-97.09186	UNT Shuttle Service (Existing)
The Venue (Bernard St)	33.20052	-97.14162	UNT Shuttle Service (Existing)
University Place	33.20510	-97.14153	UNT Shuttle Service (Existing)
Union 4	33.21044	-97.14614	UNT Shuttle Service (Existing)
The Forum/Republic	33.19863	-97.13121	UNT Shuttle Service (Existing)
The Leonard	33.19697	-97.13350	UNT Shuttle Service (Existing)
14 Fifty-One	33.19798	-97.12919	UNT Shuttle Service (Existing)
NB Bonnie Brae @ University	33.23120	-97.16089	UNT Shuttle Service (Existing)
EB Hickory @ Ave H	33.21472	-97.15947	UNT Shuttle Service (Existing)
SB Bonnie Brae @ Panhandle	33.22217	-97.16135	UNT Shuttle Service (Existing)



Street Location	Latitude	Longitude	Route Information
SB Bonnie Brae @ Emery	33.22826	-97.16113	UNT Shuttle Service (Existing)
GAB	33.21400	-97.14841	UNT Shuttle Service (Existing)
SB Bonnie Brae @ University	33.23096	-97.16106	UNT Shuttle Service (Existing)
Bonnie Brae & Windsor (SB)	33.23998	-97.16092	UNT Shuttle Service (Existing)
Union 6	33.21130	-97.14619	UNT Shuttle Service (Existing)
NB Bonnie Brae @ Panhandle	33.22213	-97.16114	UNT Shuttle Service (Existing)
NB Bonnie Brae @ Emery	33.22849	-97.16094	UNT Shuttle Service (Existing)
WB Oak @ Thomas	33.21583	-97.15962	UNT Shuttle Service (Existing)
WB Oak @ Bradley	33.21577	-97.15389	UNT Shuttle Service (Existing)
WB Oak @ Normal	33.21573	-97.14946	UNT Shuttle Service (Existing)
WB Oak @ Fry	33.21575	-97.14626	UNT Shuttle Service / Connect Route 7 (Existing)
NB Welch @ Mulberry	33.21350	-97.14421	UNT Shuttle Service (Existing)
WB Oak @ Ave G	33.21579	-97.15728	UNT Shuttle Service (Existing)
WB Oak @ Fulton St	33.21570	-97.14363	UNT Shuttle Service / Connect Route 7 (Existing)
WB Oak @ Denton St	33.21570	-97.13941	UNT Shuttle Service / Connect Route 7 (Existing)
Bonnie Brae & Windsor	33.23956	-97.16073	UNT Shuttle Service (Existing)
NB Bonnie Brae @ Womens Center	33.21748	-97.16159	UNT Shuttle Service (Existing)
Discovery Park - Express Stop	33.25369	-97.15077	UNT Shuttle Service (Existing)
Union Transfer 7	33.21153	-97.14564	UNT Shuttle Service (Existing)
EB Hickory @ Ave B	33.21453	-97.14857	UNT Shuttle Service / Connect Route 7 (Existing)
Discovery Park	33.25347	-97.15391	UNT Shuttle Service / Connect Route 6 (Existing)
SB Bonnie Brae @ Womens Center	33.21745	-97.16157	UNT Shuttle Service / Connect Route 7 (Existing)



Street Location	Latitude	Longitude	Route Information
WB Oak @ Ave G	33.21579	-97.15728	UNT Shuttle Service / Connect Route 7 (Existing)
W. Hickory &N. Texas Blvd.	33.21475	-97.15504	UNT Shuttle Service (Existing)
NTX	33.20105	-97.13338	UNT Shuttle Service (Existing)
Union 9	33.21155	-97.14539	UNT Shuttle Service (Existing)
Arch	33.19682	-97.13686	UNT Shuttle Service (Existing)
Union 1	33.21046	-97.14491	UNT Shuttle Service (Existing)
The Retreat	33.21335	-97.17340	UNT Shuttle Service (Existing)
University Uptown	33.21542	-97.16613	UNT Shuttle Service (Existing)
Scripture @ Bryan	33.21865	-97.14792	UNT Shuttle Service (Existing)
University Courtyard	33.21496	-97.16184	UNT Shuttle Service (Existing)
Scripture @ Lovell	33.21875	-97.14830	UNT Shuttle Service (Existing)
City Parc	33.21876	-97.14717	UNT Shuttle Service (Existing)
WB Oak @ I-35	33.21557	-97.16615	UNT Shuttle Service / Connect Route 7 (Existing)
Union Transfer 8	33.21153	-97.14552	UNT Shuttle Service (Existing)
Victory Hall	33.20175	-97.15863	UNT Shuttle Service (Existing)
Fouts Field Transfer	33.20938	-97.15537	UNT Shuttle Service (Existing)
Hickory @ Fry	33.21460	-97.14653	UNT Shuttle Service / Connect Route 7 (Existing)
Kerr Hall / BLB	33.20835	-97.14709	UNT Shuttle Service (Existing)
Honors Hall	33.20683	-97.15187	UNT Shuttle Service (Existing)
Apogee Northeast Lot	33.20289	-97.15593	UNT Shuttle Service (Existing)
Union 2	33.21047	-97.14524	UNT Shuttle Service (Existing)
DATCU Center Lot	33.20172	-97.15708	UNT Shuttle Service (Existing)
Union Transfer 10	33.21150	-97.14467	UNT Shuttle Service (Existing)
Downtown Denton Transit Center	33.21341	-97.12605	UNT Shuttle Service / Connect Route 3 (Existing)
EB Eagle @ Kendolph	33.20673	-97.15207	UNT Shuttle Service (Existing)



Street Location	Latitude	Longitude	Route Information
EB Eagle @ McCormick	33.20664	-97.14754	UNT Shuttle Service (Existing)
WB Hickory @ City Hall E	33.21449	-97.12582	North Texas Xpress
NB Exposition @ Hickory	33.21421	-97.12348	North Texas Xpress
Lot 80	33.20159	-97.15713	UNT Shuttle Service (Existing)
HS Garage	33.20929	-97.14566	UNT Shuttle Service (Existing)
Fouts PE	33.20862	-97.15859	UNT Shuttle Service (Existing)
Lot 80 South	33.20012	-97.15751	UNT Shuttle Service (Existing)