

AN ORDINANCE 2009-03-05-0162

AUTHORIZING AN AGREEMENT WITH UNION PACIFIC RAIL ROAD (UPRR) AND AMENDING A FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO REIMBURSE THE CITY FOR RECONSTRUCTION OF JONES MALTSBERGER: US 281 TO EAST OF UPRR, AND UPGRADES TO UPRR CROSSINGS, LOCATED IN COUNCIL DISTRICT 9.

* * * * *

WHEREAS, the Jones Maltberger from US 281 to East of the Union Pacific Railroad (UPRR) Project provides for the reconstruction of Jones Maltberger from US 281 to East of the UPRR tracks to include road widening, curbs, sidewalks, and necessary drainage; and

WHEREAS, this Ordinance amends the Advanced Funding Agreement with the Texas Department of Transportation to include UPRR costs to qualify for the 80% federal cost sharing; and

WHEREAS, this Ordinance will also authorize staff to negotiate and execute an agreement with UPRR for reconstruction and upgrades to the railroad crossing within the project limits; and

WHEREAS, approval of this Ordinance is a continuation of City Council policy to collaborate with other governmental agencies in supporting the City's commitment to maintaining and improving existing infrastructure; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or her designee is hereby authorized to execute an amendment to the funding agreement between the City of San Antonio and the Texas Department of Transportation to include Union Pacific Railroad costs for upgrades to crossings in connection with the Jones Maltberger from US 281 to East of the Union Pacific Railroad Project. A copy of the amendment is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. The City Manager or her designee is hereby authorized to negotiate and execute an Agreement with UPRR for reconstruction and upgrades to the railroad crossing within the project limits.

SECTION 3. The following financial adjustments are hereby authorized:

- a) Funds are authorized to be received from Texas Department of Transportation, to SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 23-00840, Jones Maltberger: US 281 to E. Of UPRR, shall be revised by increasing WBS element 23-00840-90-08, entitled Contribution from TXDOT, SAP

GL Account 4502280 – Contribution from other Agencies, by the amount of \$2,734,568.59.

- b) The amount of \$2,734,568.59 is appropriated in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 23-00840, Jones Maltsberger: US 281 to E. Of UPRR, SAP WBS Element 23-00840-05-02-01-02, entitled Construction - TxDOT Costs, SAP GL Account 5201140.

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager’s designee, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 5. This Ordinance shall be effective on the tenth day after passage.

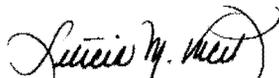
PASSED AND APPROVED this the **5th** day of **March**, 2009.



M A Y O R

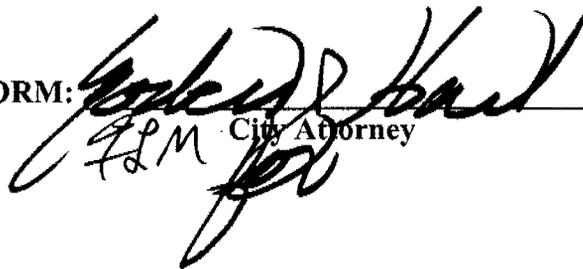
PHIL HARDBERGER

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



City Attorney

STATE OF TEXAS §
COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
AMENDMENT #4**

THIS AMENDMENT IS MADE BY AND BETWEEN the State of Texas, acting through the Texas Department of Transportation, hereinafter called the State, and City of San Antonio, acting by and through its duly authorized officials, hereinafter called the Local Government.

WITNESSETH

WHEREAS, the State and the Local Government executed a contract on March 26, 1999 to effectuate their agreement to provide roadway improvements on various projects further defined in Exhibit A of the original agreement; and,

WHEREAS, it has become necessary to amend that contract;

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, the State and the Local Government do agree as follows:

AGREEMENT

Article 1. Description of Amended Items

This amendment applies only to Project CSJ 0915-12-329 Jones Maltberger from US 281 to East of UPRR Tracks

The estimated construction costs are amended to secure the federal funding share required for the construction of railroad force account work. Exhibit D, Surface Transportation Program Escrow Worksheet, of the original agreement is hereby voided and replaced with a revised Surface Transportation Program Escrow Worksheet labeled Exhibit D-1, which is attached and hereby made part of this agreement.

All other provisions of the original contract are unchanged and remain in full force and effect.

Article 2. Signatory Warranty

The signatories to this amendment warrant that each has the authority to enter into this agreement on behalf of the organization they represent.

IN WITNESS WHEREOF, THE STATE AND THE LOCAL GOVERNMENT have executed duplicate counterparts to effectuate this agreement.

THE LOCAL GOVERNMENT

Name of Local Government

By: _____
Signature

Printed Name

Title

Date

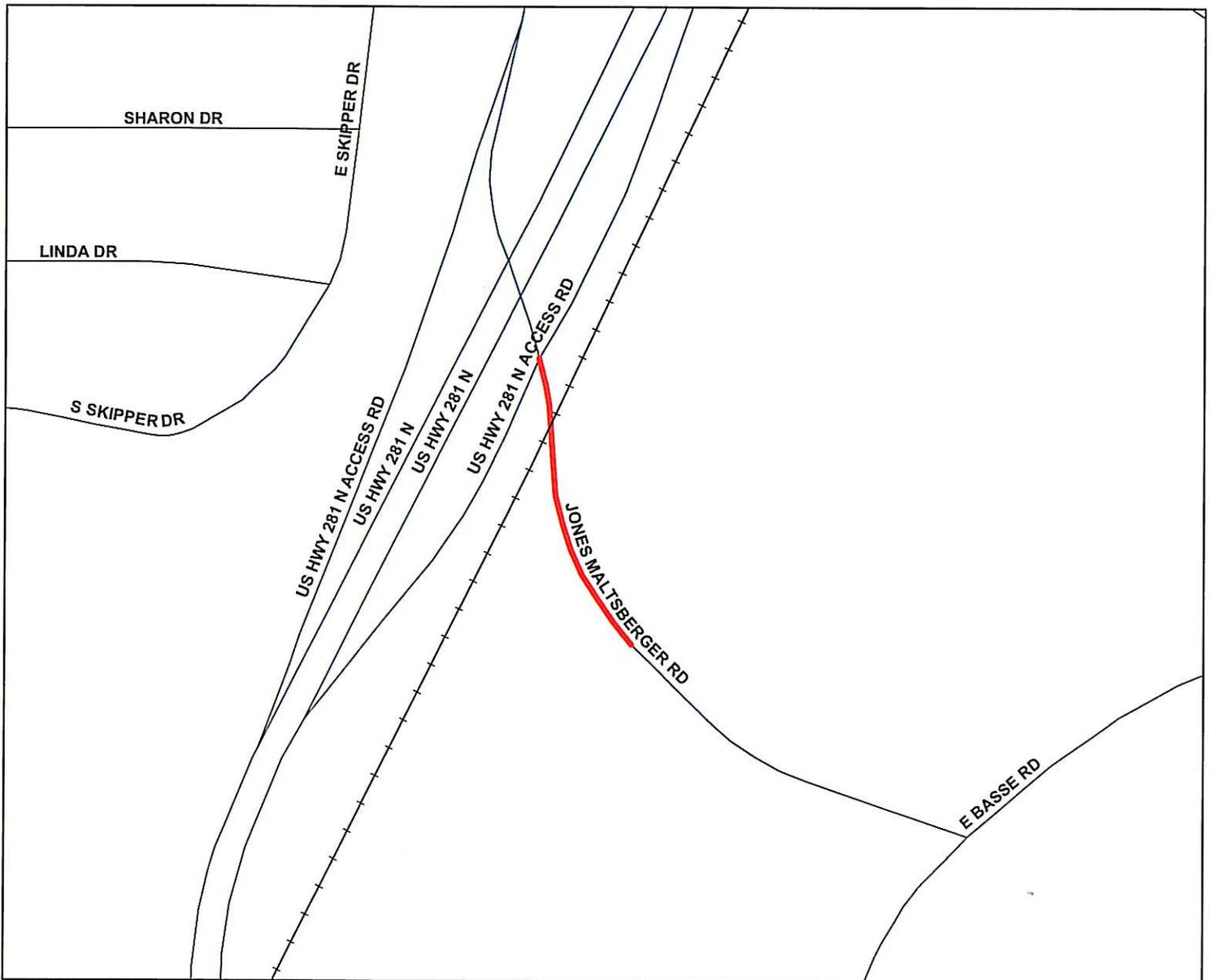
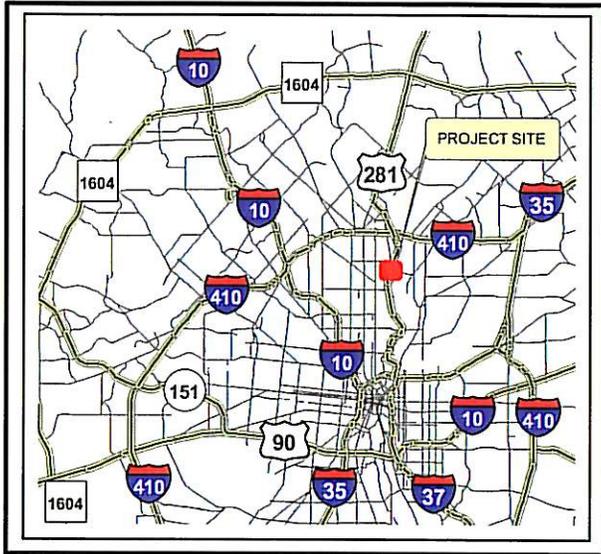
THE STATE OF TEXAS

Executed for the Executive Director 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: _____
Name

Title

Date



Jones Maltzberger: US 281 to East of UPRR Tracks

