

AGENDA ITEM 37

Consider adopting a resolution to grant \$300,000.00 to the Central Texas Regional Mobility Authority for the development of the US 183-A turnpike project.

Mike Weaver and Mike Robinson addressed the court regarding a resolution as it pertains to the US 183-A turnpike project.

Moved: **Commissioner Boatright**

Seconded: **Commissioner Hays**

Motion: To adopt a resolution to grant \$300,000.00 to the Central Texas Regional Mobility Authority for the development of the US 183-A turnpike project.

Vote: 3 – 0. **Commissioner Heiligenstein abstained. Commissioner Limmer was absent from the dais.**

< Attachment >

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT is made and entered into effective this _____, 2003, by and between **WILLIAMSON COUNTY** (the "County") and the **CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY** (the "Authority") , political subdivisions of the State of Texas.

WITNESSETH:

WHEREAS, V.T.C.A., Government Code, Chapter 791, the Texas Interlocal Cooperation Act, provides that any one or more public agencies may contract with each other for the performance of governmental functions or services for the promotion and protection of the health and welfare of the inhabitants of this State and the mutual benefit of the parties; and

WHEREAS, the County has previously set aside funds from the 2000 General Obligation Road Bond Program to pay for various items relating to the proposed US 183-A turnpike project; and

WHEREAS, the Authority's Board of Directors have recently been appointed by Travis County and Williamson County and said Authority is now operational;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the undersigned parties agree as follows:

I.

FINDINGS

1. **Recitals.** The recitals set forth above are incorporated herein for all purposes and are found by the parties to be true and correct. It is further found and determined that the County and the Authority have authorized and approved this Agreement by resolution or order adopted by their respective bodies, and that this agreement will be in full force and effect when approved by each party.

II.

ACTIONS

1. **Transfer of Unencumbered Funds.** The County hereby grants to the Authority \$300,000 set

aside for the US 183-A turnpike project. The transfer will occur upon acceptance of this agreement by the Authority.

2. **Acceptance of Transfer.** The Authority hereby accepts the transfer of said funds and pledges to utilize said funds exclusively for the development of the US 183-A turnpike project.

III.

General and Miscellaneous

4. **Prior Written Agreements.** This Agreement is without regard to any and all prior written contracts or agreements between the County and the Authority regarding any other subject or matter, and does not modify, amend, ratify, confirm or renew any such other prior contract or agreement between the Parties.

5. **Other Services.** Nothing in this Agreement shall be deemed to create, by implication or otherwise, any duty or responsibility of either of the Parties to undertake or not to undertake any other, or to provide or to not provide any service, except as specifically set forth in this Agreement or in a separate written instrument executed by both Parties. The County shall not be obligated to fund any additional monies other than as stated herein.

6. **Governmental Immunity.** Nothing in this Agreement shall be deemed to waive, modify or amend any legal defense available at law or in equity to either of the Parties nor to create any legal rights or claim on behalf of any third party. Neither the County or the Authority waives, modifies, or alters to any extent whatsoever the availability of the defense of governmental immunity under the laws of the State of Texas and of the United States.

7. **Amendments and Modifications.** This Agreement may not be amended or modified except in writing executed by both the Authority and the County, and authorized by their respective governing bodies.

8. **Severability.** If any provision of this Agreement shall be held invalid or unenforceable by any

court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof, but rather this entire Agreement will be construed as if not containing the particular invalid or unenforceable provision or provisions, and the rights and obligation of the Parties shall be construed and enforced in accordance therewith. The Parties acknowledge that if any provision of this Agreement is determined to be invalid or unenforceable, it is their desire and intention that such provision be reformed and construed in such a manner that it will, to the maximum extent practicable, to give effect to the intent of this Agreement and be deemed to be validated and enforceable.

9. **Execution in Counterparts.** This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall be considered fully executed as of the date above first written, when all parties have executed an identical counterpart, notwithstanding that all signatures may not appear on the same counterpart.

IN WITNESS WHEREOF, the Parties have executed and attested this Agreement by their officers thereunto duly authorized.

WILLIAMSON COUNTY

By: John C. Doerfler 9/30/03
JOHN DOERFLER
County Judge
Williamson County, Texas

**CENTRAL TEXAS REGIONAL
MOBILITY AUTHORITY**

By: Robert E. Tesch
ROBERT TESCH, Chairman

Resolution

The State of Texas }

} Know All Men By These Presents:

County of Williamson }

That on this, the ____ day of September, A. D. 2003, the Commissioners Court of Williamson County, Texas, met duly called and convened lawful Session at the County Courthouse in Georgetown, Texas, with the following members present:

John Doerfler, County Judge, Presiding
Mike Heiligenstein, Commissioner Precinct One, and
Greg Boatright, Commissioner Precinct Two, and
David Hays, Commissioner Precinct Three, and
Frankie Limmer, Commissioner Precinct Four

WHERE, among other matters, came up for consideration and adoption the following Resolution:

WHEREAS, the proposed US 183-A turnpike project has been supported by Williamson County and included in every County roadway plan since 1985; and

WHEREAS, the US 183-A turnpike project was identified as a priority project for funding in the voter approved November 2000 General Obligation Road Bond Referendum; and

WHEREAS, on September 3, 2002, Williamson County joined Travis County in requesting that the Texas Transportation Commission create the Central Texas Regional Mobility Authority; and

WHEREAS, Williamson County and the Central Texas Regional Mobility Authority entered into an interlocal agreement which provided initial funding for the Central Texas Regional Mobility Authority; and

WHEREAS, the timely completion of the US 183-A turnpike project is critical to Williamson County's mobility and economic vitality;

NOW, THEREFORE BE IT RESOLVED that Williamson County Commissioners Court agrees to grant \$300,000 to the Central Texas Regional Mobility Authority for the development of the US 183-A turnpike project.

BE IT FURTHER RESOLVED that the Williamson County Commissioners Court authorizes the County Judge to enter into the necessary interlocal agreements relating to the transfer of funds to the Central Texas Regional Mobility Authority.

The foregoing Resolution was lawfully moved by COMMISSIONER BOATRIGHT, duly seconded by COMMISSIONER HAYS, and was then adopted by a vote of THREE voting for and ZERO voting against. County Judge John C. Doerfler was duly authorized to sign said resolution as the act and deed of Commissioner's Court of Williamson County and of said County.

John C. Doerfler 9-30-03
John Doerfler, Williamson County Judge

Attest:

Nancy E. Rister
Nancy Rister, Williamson County Clerk

AGENDA ITEM 38

Consider approving Change Order No. 7 on CR 175 for HNTB.

Mike Weaver addressed the court regarding **CR 175**.

Moved: **Commissioner Heiligenstein**

Seconded: **Commissioner Boatright**

Motion: To table this agenda item until the October 14, 2003 meeting.

Vote: **4 – 0. Commissioner Limmer was absent from the dais.**

AGENDA ITEM 39

Consider and approve a resolution to TxDOT requesting cost participation to perform roadway improvements on US 79.

Mike Weaver addressed the court regarding the advance funding agreement with TxDOT as it pertains to **US 79**, from **CR 139** to **IH 35**.

Moved: **Commissioner Limmer**

Seconded: **Commissioner Boatright**

Motion: To agree on a resolution to TxDOT requesting cost participation to perform roadway improvements on **US 79**.

Vote: **5 - 0**

< Attachment >