

January 10, 2024

**WHEREAS**, the State of Texas received Regional Toll Revenue (RTR) Funds from the North Texas Tollway Authority which has surplus revenue from the State Highway (SH) 121 Toll Project; and

**WHEREAS**, pursuant to the Transportation Code, 228.006, the State of Texas shall authorize the use of surplus revenue from a toll project for transportation projects, highway projects, or air quality projects within the Texas Department of Transportation (TxDOT) district in which any part of the toll project is located; and

**WHEREAS**, the Regional Transportation Council (RTC), which is the transportation policy body of the North Central Texas Council of Governments and the federally designated metropolitan planning organization for the Dallas-Fort Worth Metropolitan Area, was designated by the Texas Transportation Commission on October 26, 2006, to select and oversee projects to be financed using RTR Funds; and

**WHEREAS**, the City of Dallas desires to enter into an Advanced Funding Agreement (AFA) with the State of Texas, acting by and through TxDOT, to accept RTR Funds for the reconstruction of a 2-lane to 2-lane roadway with drainage and associated pedestrian improvements on 10th Street from Interstate Highway 35E (IH 35E) to Clarendon in the City of Dallas ("Project"); and

**WHEREAS**, the City of Dallas is the lead agency to administer the construction of the Project pursuant to the terms of the AFA; and

**WHEREAS**, the RTC selected the Project to be funded from the SH 121 Subaccount, and the Texas Transportation Commission provided concurrence and authorization for the expenditure by Minute Order No. 116386, dated November 16, 2022; and

**WHEREAS**, TxDOT requires that a City Resolution or Ordinance be made part of the AFA; and

**WHEREAS**, the City will be responsible for all Project cost overruns; and

**WHEREAS**, it is now necessary to authorize the acceptance of Regional Toll Revenue Funds from the State of Texas, acting by and through the Texas Department of Transportation (TxDOT), for a Roadway Reconstruction Off State System Project (Agreement No. CSJ 0918-47-420) in the amount of \$2,400,000.00 as state contribution to the total construction cost of \$3,000,000.00 (State contribution from State Highway 121 Subaccount of \$2,400,000.00 and the City of Dallas local match of \$600,000.00, totaling \$3,000,000.00) for the reconstruction of a 2-lane to 2-lane roadway with drainage and associated pedestrian improvements on 10th Street from IH 35E to Clarendon in the City of Dallas.

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**Now, Therefore,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the City Manager is hereby authorized to accept the Regional Toll Revenue Funds from the State of Texas, acting by and through the Texas Department of Transportation (TxDOT), for a Roadway Reconstruction Off State System Project (Agreement No. CSJ 0918-47-420) in the amount of \$2,400,000.00 as state contribution to the total construction cost of \$3,000,000.00 (State contribution from State Highway 121 Subaccount of \$2,400,000.00 and the City of Dallas local match of \$600,000.00, totaling \$3,000,000.00) for the reconstruction of a 2-lane to 2-lane roadway with drainage and associated pedestrian improvements on 10th Street from IH 35E to Clarendon in the City of Dallas; and execution of the Advance Funding Agreement with TxDOT and all terms, conditions, and documents required by the agreement approved as to form by the City Attorney, in the amount of \$3,000,000.00.

**SECTION 2.** That the City Manager is hereby authorized to establish appropriations in the amount of \$2,400,000.00 in the 10th Street from IH 35E to Clarendon - RTR Fund, Fund S409, Department PBW, Unit 678N, Object 4510.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to receive and deposit funds in the amount of \$2,400,000.00 in the 10th Street from IH 35E to Clarendon - RTR Fund, Fund S409, Department PBW, Unit 678N, Revenue Code 6516.

**SECTION 4.** That, in order to reimburse and finance the authorized disbursements described herein from General Obligation bonds, the City intends to issue one or more commercial paper notes as part of its General Obligation Commercial Paper Notes Series 2017A, and Series 2017B, and use the proceeds thereof to reimburse the disbursements described herein.

**SECTION 5.** That the Chief Financial Officer is hereby authorized to disburse funds in the amount of \$3,000,000.00, as follows:

10th Street from IH35E to Clarendon - RTR Fund Fund S409, Department PBW, Unit 678N Object 4510, Program PB17V198, Activity SREC Encumbrance/Contract No. CX-PBW-2024-00023594	\$2,400,000.00
Street and Transportation (A) Fund Fund1V22, Department PBW, Unit V198 Object 4510, Program PB17V198, Activity SREC Encumbrance/Contract No. CX-PBW-2024-00023594	<u>\$ 600,000.00</u>
Total amount not to exceed	\$3,000,000.00

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**SECTION 6.** That the City Manager is hereby authorized to reimburse the granting agency for any funds paid under the agreement that are not expended in accordance with the requirements of the agreement.

**SECTION 7.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.