

RESOLUTION NO. R-3071

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY OF ROSENBERG, TEXAS, AN AMENDMENT TO THE INTERLOCAL AGREEMENT FOR COUNTY-MANAGED ROAD CONSTRUCTION PROJECT FORT BEND COUNTY MOBILITY PROJECT NO. 17110 - BENTON ROAD - SEGMENT 1, BY AND BETWEEN THE CITY OF ROSENBERG, TEXAS, AND FORT BEND COUNTY.

* * * * *

WHEREAS, in 2017 the citizens of Fort Bend County voted to approve the issuance of general obligation bonds that allows the County to participate with other local governmental entities to fund certain regional street and road improvements and associated drainage facilities ("Mobility Projects") that are funded in part by the state or federal government; and

WHEREAS, the Project is the construction of roadway improvements that will enhance the traffic flow/circulation and drainage in the Benton Road service area, and such Project is desired by the City and the County; and

WHEREAS, the County may not expend proceeds of bond issues or taxes levied pursuant to Article III, Section 52 (b) or (c) of the Texas Constitution on city streets that are not integral parts of or connecting links with county roads or state highways in accordance with Section of the TEXAS TRANSPORTATION CODE; and

WHEREAS, the Parties assert that the Project is part of a City street that is an integral part of or a connecting link with county roads or state highways in accordance with Section 251.012 of the TEXAS TRANSPORTATION CODE; and

WHEREAS, on September 18, 2018, the City Council approved Resolution No. R-2574, authorizing an Interlocal Agreement with Fort Bend County, for County-Managed Road Construction Project Fort Bend County Mobility Project No. 17110 – Benton Road – Segment 1; and

WHEREAS, the City and the County agree to participate in this Project according to the amended terms of this Agreement; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROSENBERG:

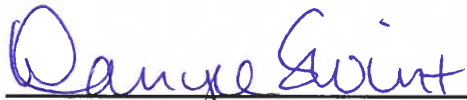
Section 1. The City Council of the City of Rosenberg hereby authorizes the City Manager to negotiate and the Mayor to execute an Amendment to the Interlocal Agreement for County-Managed Road Construction Project Fort Bend County Mobility

Project No. 17110 - Benton Road – Segment 1 (Amendment) for sanitary sewer improvements related to this Project.

Section 2. A copy of said Amendment is attached hereto as Exhibit “A” and made a part hereof for all purposes.

PASSED, APPROVED, AND RESOLVED this 16 day of March 2021.

ATTEST:



Danyel Swint, TRMC, **CITY SECRETARY**

APPROVED:



William T. Benton, **MAYOR**



THE STATE OF TEXAS

§

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF FORT BEND

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**AMENDMENT TO INTERLOCAL AGREEMENT FOR
COUNTY-MANAGED ROAD CONSTRUCTION PROJECT
FORT BEND COUNTY MOBILITY PROJECT NO. 17110 – BENTON ROAD – SEGMENT 1**

This Amendment is made and entered into pursuant to the Interlocal Cooperation Act, Chapter 791 of the TEXAS GOVERNMENT CODE and Section 251.012 of the TEXAS TRANSPORTATION CODE, by and between the City of Rosenberg, a municipal corporation and home-rule city of the State of Texas, situated in Fort Bend County, acting by and through its City Council, (the "City"), and Fort Bend County, a body corporate and politic under the laws of the State of Texas, acting by and through its Commissioners Court, (the "County"). The City and the County may be referred to collectively as the "Parties".

RECITALS

WHEREAS, the Parties executed and accepted that certain Interlocal Agreement for County-Managed Road Construction Project on September 25, 2018, (the "Agreement"); and

WHEREAS, the Parties desire to amend the Agreement to modify certain terms; and

NOW, THEREFORE, the Parties do mutually agree to amend the Agreement as follows:

I. **Section 4. County Rights and Obligations** of the Agreement shall be amended to add subsection M:

M. Notwithstanding the foregoing, the County shall manage the design and construction of approximately 350' of an 8" sanitary line related to the Project, as described in Exhibit A attached hereto and incorporated herein for all purposes (the "Sanitary Line"). All costs related to such design and construction shall be paid by the City in accordance with Section 5. G. below and shall be at no cost to the County. The County will include the costs of the Sanitary Line with the full accounting to be furnished to the City pursuant to Section 4. pursuant subsection L. below.

II. **Section 5. City Rights and Obligations** of the Agreement shall be amended to add subsection G:

G. The City shall be solely responsible for all costs to design and construct the Sanitary Line currently estimated at approximately \$35,000.00, which includes \$4,000.00 for design fees and \$31,000.00 for construction. The City shall have the option to reject the bid for the Sanitary Line and related items in the construction bid prior to the award of the construction

contract if the lowest bid is more than five percent (5%) above the Preliminary Probable Engineers Cost Estimate attached hereto as Exhibit A; or the City, at its sole discretion, may elect to forego construction of the Project prior to the award of the construction contract. The City shall pay such costs in accordance with Section 5. F.

Except as provided herein, all terms and conditions of the Agreement shall remain unchanged.

IN WITNESS WHEREOF, the Parties hereto have signed or have caused their respective names to be signed to multiple counterparts to be effective on the date signed by the final Party.

FORT BEND COUNTY, TEXAS

KP George, County Judge

Date: _____

ATTEST:

Laura Richard, County Clerk

APPROVED:



J. Stacy Slawinski, P.E., County Engineer

APPROVED AS TO LEGAL FORM:

Assistant County Attorney

CITY OF ROSENBERG, TEXAS



William Benton, Mayor

Date: March 16, 2021

ATTEST:



Danyel Swint, City Secretary



EXHIBIT A

Description	Spec Number	FBC Item Number	Unit	Qty	Unit Cost	Total Cost
SANITARY SEWER						
REPLACE EXISTING MANHOLE CONE WITH ECCENTRIC AND ADJUST TO NEW GRADE, INCL. CONE, FRAME AND BOLTED COVER (HEAVY DUTY TRAFFIC RATED), COAT MANHOLE WITH SPECTRASHIELD	HC 471	H00471XXX	EA	1	\$610.00 =	\$610.00
8-INCH PVC SANITARY SEWER LINE	COH 2531	U02531XXX	LF	404	\$50.00 =	\$20,200.00
SANITARY SEWER MANHOLE W/ SPECTRASHIELD COATING	HC 471	H00471XXX	EA	1	\$4,800.00 =	\$4,800.00
8-INCH SINGLE SANITARY SERVICE LEAD, INCLUDES CLEANOUT	COH 2534	U02534XXX	EA	1	\$2,500.00 =	\$2,500.00
8-INCH SANITARY SEWER CONNECTION TO EXISTING MANHOLE	COH 2531	U02531XXX	EA	1	\$2,350.00 =	\$2,350.00
TRENCH SAFETY SYSTEMS, 5' TO 10' DEPTH	HC 429	H00429XXX	LF	405	\$1.31 =	\$530.55
				Total		\$30,990.55

