

RESOLUTION NO. {{item.sequential_number}}

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH BNSF TO INSPECT THE CONSTRUCTION OF AN ELEVATED CROSSING OVER THE BNSF RAILROAD AS PART OF THE OUTER LOOP NORTH PHASE III PROJECT IN AN ESTIMATED AMOUNT OF \$119,988; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, as a part of the Outer Loop North Phase III Project, the City will be constructing an elevated crossing over the Burlington Northern Santa Fe (BNSF) railroad at Moores Mill Road in lieu of the existing at-grade crossing, which requires an agreement, called an Overpass Agreement, between the City of Temple and BNSF;

Whereas, BNSF has prepared the Overpass Agreement, which outlines the City's and BNSF's responsibilities - per the Overpass Agreement, attached hereto and incorporated herein as Exhibit A, BNSF will provide construction inspection fees in the estimated amount of \$119,988;

Whereas, on August 15, 2013, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP to design the roadway, drainage, utilities, striping, and signage for the completion of the outer loop from its then-current terminus at Central Pointe Parkway to I-35 - this Outer Loop North project is now divided into three separate phases, with Phases I and II now complete;

Whereas, on December 7, 2023, Council authorized a construction contract for Phase III with Jordan Foster Construction, LLC of Pflugerville, Texas - the Project Map, attached hereto and incorporated herein as Exhibit B, details the overall scope of the Phase III improvements;

Whereas, Staff recommends Council authorize an agreement with BNSF to inspect the construction of an elevated crossing over the BNSF railroad as part of the Outer Loop North Phase III Project in an estimated amount of \$119,988; and

Whereas, funding for this agreement with BNSF in an estimated amount of \$119,988 is available in the Reinvestment Zone No. 1 Financing Plan, Line 305, Project No. 101000, as follows:

	795-9200-531-6863
	795-9400-531-6863
	795-9500-531-6863
	795-9600-531-6863
	795-9800-531-6863
Project Budget	\$ 50,869,265
Encumbered/Committed to Date	(49,332,885)
BNSF	(119,988)
Remaining Project Funds Available	\$ 1,416,392

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes an agreement with BNSF to inspect the construction of an elevated crossing over the BNSF railroad as part of the Outer Loop North Phase III Project in an estimated amount of \$119,988, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney's Office, to execute any necessary documents.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 5th day of **September, 2024.**

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Jana Lewellen
City Secretary

Kathryn H. Davis
City Attorney