

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: **Engineering**

AGENDA DATE: **June 17, 2008**

CONTACT PERSON/PHONE: **R. Alan Shubert, City Engineer (541-4423)**

DISTRICT AFFECTED: **District 1**

SUBJECT:

This item is a resolution that the City of El Paso concurs with the Texas Department of Transportation's desire to construct a new location state roadway between Interstate 10 and SH 20 (Doniphan Drive) and requests the Texas Transportation Commission issue a new Minute Order that authorizes this new roadway. The new Minute Order will be subject to any appropriate agreements being prepared between the City of El Paso and the Texas Department of Transportation.

BACKGROUND / DISCUSSION:

The initial Texas Transportation Commission's Minute Order 91219, issued in 1991 and accepted by the City, required the City to provide 100 percent of all right of way costs for the proposed project. The Unified Transportation Program categories of funding and criteria selection have changed and it is now permissible to use Category 7, Metropolitan Mobility and Rehabilitation funds for the purpose of right of way acquisition. The City of El Paso has obtained category 7 funding through the MPO project selection process for right of way acquisition to support the new state roadway. The Texas Transportation Commission on April 24, 2008 rescinded the previous Minute Order thus enabling the City and TXDOT to enter into a new funding agreement for the Right-of-Way acquisition which will only require a 20% match from the City for the estimated \$4 million costs. Since the 1991 Minute Order was rescinded in its entirety, the Department of Transportation is now requesting the City's concurrence with the construction of this new state roadway.

The proposed roadway extends from Talbot to Doniphan in the vicinity of The Shoppes at El Paso Outlet Mall, the City's Westside Sports Complex, El Paso Community College's Northwest Campus and Canutillo High School Campus.

PRIOR COUNCIL ACTION:

March 12, 1991 City Council passed a resolution accepting the terms of Texas Transportation Commission Minute Order No. 91219 as it related to the relocation of State Highway Loop 375. On December 19, 2006 City Council passed a resolution supporting the rescission of Minute Order 91219. Council has also approved use of 2006 Certificates of Obligation as the 20% match for this project.

AMOUNT AND SOURCE OF FUNDING:

No funding is required for this item. \$800,000 is the 20% match for the Right-of-way agreement will be required when that agreement is approved by Council. The funds are available in 2006 Certificates of Obligation.

| <u>Project</u> | <u>Fund</u> | <u>Department</u> | <u>Account</u> |
|----------------|-------------|-------------------|----------------|
| PST05001 | 27263 | 99331117 | 508027 |

BOARD / COMMISSION ACTION:

(N/A)

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____


APPROVED FOR AGENDA: _____
CITY MANAGER: _____ **DATE:** _____

RESOLUTION

WHEREAS, on January 29, 1991, the Texas Transportation Commission passed Minute Order 91219, tendering a proposal to the City of El Paso and El Paso County to relocate a portion of State Highway Loop 375 to a new location from State Highway 20, approximately 0.47 miles north of Borderland Road to State Highway Loop 375, approximately 0.13 miles west of Interstate Highway 10, a distance of approximately 1.2 miles, and requiring that the city provide 100 percent of all right of way costs for the proposed project; and

WHEREAS, the City of El Paso concurs with a new location state roadway between Interstate 10 and SH 20 (Doniphan Drive); and

WHEREAS, on March 12, 1991, the City of El Paso, by Resolution, accepted the terms and conditions of Minute Order No. 91219 as it related to the relocation of State Highway Loop 375; and

WHEREAS, since 1991, the Unified Transportation Program categories of funding and criteria for project selection have changed substantially and it is now permissible to use Category 7, Metropolitan Mobility and Rehabilitation funds for the purpose of right of way acquisition; and

WHEREAS, the City of El Paso has obtained category 7 funding through the Metropolitan Planning Organization project selection process for right of way acquisition, to support the new state roadway; and

WHEREAS, the Texas Department of Transportation requested the City of El Paso pass a resolution supporting the rescission of Minute Order 91219, for the purpose of having the State adopt a new Minute Order which would reduce the City of El Paso's financial responsibility for the right of way acquisition; and

WHEREAS, on December 19, 2006, the City of El Paso, passed a resolution supporting the rescission of Minute Order 91219; and

WHEREAS, on April 24, 2008, the Texas Transportation Commission rescinded Minute Order 91219, which required the City of El Paso to bear all the costs of right of way acquisition; and

WHEREAS, by letter dated May 7, 2008, the El Paso District Office of the Texas Department of Transportation requested the City of El Paso pass a resolution concurring with the State's desire to construct a new location roadway between Interstate 10 and SH 20, so that a new Minute Order may be drafted for the Texas Transportation Commission to consider adding this new roadway to the State System of Highways; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City of El Paso concurs with the Texas Department of Transportation's desire to construct a new location state roadway between Interstate 10 and SH 20 (Doniphan Drive) and requests the Texas Transportation Commission issue a new Minute Order that authorizes this new

roadway. The new Minute Order will be subject to any appropriate agreements being prepared between the City of El Paso and The Texas Department of Transportation.

ADOPTED this ____ day of _____, 2008.

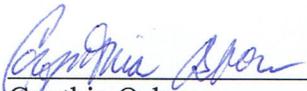
THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:



Patricia D. Adauto, Deputy City Manager
for Development and Infrastructure Services