

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

DEPARTMENT: Department of Transportation

AGENDA DATE: 9/27/2011

CONTACT PERSON NAME AND PHONE NUMBER: George Acosta, (915) 599-6202

DISTRICT(S) AFFECTED: Districts 6 & 7

SUBJECT:

That the City Manager be authorized to sign a Mutual Termination of Agreement by and between the City of El Paso and State of Texas, acting by and through the Texas Department of Transportation, whereby the parties mutually agree to terminate the Local Project Advance Funding Agreement for Non-Construction (LPAFA-NonCST) for the Zaragoza Corridor Study ("the Project"), State CSJ #0924-06-302, as well as any other documents that may be necessary to terminate the LPAFA-NonCST and the Project.

BACKGROUND / DISCUSSION:

On July 8, 2011, the Transportation Policy Board for the El Paso Metropolitan Planning Organization discussed and acted by motion to eliminate and de-obligate the Zaragoza Corridor Study from the Transportation Improvement Program.

PRIOR COUNCIL ACTION:

City Council approved Local Project Advance Funding Agreement on April 29, 2008.

AMOUNT AND SOURCE OF FUNDING:

Project de-obligated.

Total project cost was \$2,157,200.

Estimated city match was \$406,000 programmed in FY2006 C.O.s.

Funding information:

Project Number: PCP06ST022D

Fund: 27263 (FY 2006 C.O.s)

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:



Daryl W. Cole, Director
Department of Transportation

Information copy to appropriate Deputy City Manager

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Mutual Termination of Agreement by and between the City of El Paso and State of Texas, acting by and through the Texas Department of Transportation, whereby the parties mutually agree to terminate the Local Project Advance Funding Agreement for Non-Construction (LPAFA-NonCST) for the Zaragoza Corridor Study ("the Project"), State CSJ #0924-06-302, as well as any other documents that may be necessary to terminate the LPAFA-NonCST and the Project.

APPROVED this _____ day of _____, 2011.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Elizabeth M. Ruhmann
Assistant City Attorney

APPROVED AS TO CONTENT:



Daryl W. Cole, Director
Department of Transportation

STATE OF TEXAS)
)
COUNTY OF EL PASO)

MUTUAL TERMINATION OF AGREEMENT

WHEREAS, on or about June 12, 2008, the STATE OF TEXAS, acting by and through the TEXAS DEPARTMENT OF TRANSPORTATION, hereinafter referred to as “State,” and the CITY OF EL PASO, acting by and through its duly authorized officials, hereinafter referred to as “City,” executed a Local Project Advance Funding Agreement for Non-Construction (LPAFA-NonCST) for the Zaragoza Corridor Study (“the Project”), with State CSJ #0924-06-302, attached hereto as Exhibit A.

WHEREAS, on October 24, 2008, the Project received Federal approval per Federal Project Authorization & Agreement (FPAA), which identified the required local match to supplement the Federal match for the Project, thereby authorizing the City to proceed with the Project development as planned; and

WHEREAS, Section 5 of the LPAFA-NonCST, by and through Section 3(a) of the Master Agreement Governing Local Transportation Project Advance Funding Agreements, allows for termination of the LPAFA-NonCST if the agreement is terminated in writing with the mutual consent of the parties; and

WHEREAS, on July 8, 2011, the Transportation Policy Board for the El Paso Metropolitan Planning Organization discussed and acted by motion to eliminate and de-obligate the Zaragoza Corridor Study from the Transportation Improvement Program; and

WHEREAS, the City and State agree that it is in the best interest of both parties to terminate the Agreement.

NOW, THEREFORE, the City and State agree as follows:

1. City and State mutually consent and agree that the Local Project Advance Funding Agreements for Non-Construction (LPAFA-NonCST) for the Zaragoza Corridor Study (“the Project”), with State CSJ# 0924-06-302, between City and State shall be terminated upon the final approval date of this Mutual Termination of Agreement.

2. City and State agree that no State or Federal funds have been expended on this Project and that the federal portion of the funds obligated for this Project are hereby de-obligated as of the final approval date of this Mutual Termination of Agreement.

3. City and State acknowledge and agree that no funds are owed by the City to the State, or by the State to the City, upon termination of this Agreement.

THEREFORE, the parties have executed this Mutual Termination of Agreement in duplicate originals.

(ALL SIGNATURES FOLLOW ON NEXT PAGE)

ZARAGOZA CORRIDOR STUDY LPAFA-NONCST MUTUAL TERMINATION OF AGREEMENT

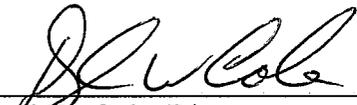
SIGNATURE PAGE

THE CITY OF EL PASO

Joyce Wilson
City Manager

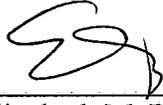
Date: _____

APPROVED AS TO FORM:



Darrell W. Cole, Director
El Paso Department of Transportation

APPROVED AS TO CONTENT:



Elizabeth M. Ruhmann
Assistant City Attorney

THE STATE OF TEXAS

Janice Mullenix
Director of Contract Services
Texas Department of Transportation

Date: _____