RESOLUTION NO. <u>20051215-021</u>

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

The City Manager is directed to approve Advance Funding Agreement Amendment #1 between the Texas Department of Transportation (TxDOT) and the City of Austin, attached as Exhibit A. This amendment revises the Payment Provisions in the Advance Funding Agreement between TxDOT and the City of Austin executed December 22, 2004, related to construction of a left turn lane on FM 1826 at the proposed Alta Mira Subdivision, to provide for a fixed amount of $294,323 00.

ADOPTED: <u>December 15</u> , **2005**   **ATTEST:** _____
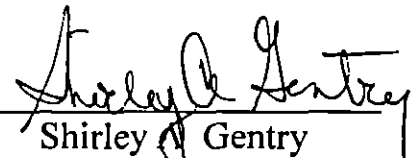
Shirley A Gentry
City Clerk

EXHIBIT A

Texas Department of Transportation

September 28, 2005

RECEIVED
OCT 3 2005
TRANS. DIV.

County   Travis
CSJ   1754-01-015
Project   CC 1754-01-015
FM 1826 at Alta Mira Subdivision

David Gerard
Transportation Engineering Division Manager
City of Austin
P O. Box 1088
Austin, Texas 78767-1088

Dear Mr Gerard

Attached are two Amendments No 1 to the Advance Funding Agreement executed December 22, 2004 for the above project. The Amendment revises the Payment Provisions allowing a fixed amount of $294,323.00 for construction of the left turn lane on FM 1826 at the proposed Alta Mira Subdivision   The City has provided $209,098 41 toward the cost of the Project. The balance of funds in the amount of $85,224 59, is due by check or warrant made payable to the Texas Department of Transportation before any work can begin by the State

Please return the sign and dated copies to my attention for further execution   An executed copy will be returned for your records

Thank you for your assistance   If you have any questions, please contact me at 832-7050

Sincerely,

Patricia L Crews-Weight, P.E
Director of Design

Attachments

cc   Don Nyland, PE, Area Engineer
      Danny Stabeno

STATE OF TEXAS §

COUNTY OF TRAVIS §

ORIGINAL

ADVANCE FUNDING AGREEMENT
AMENDMENT # 1

THIS AMENDMENT IS MADE BY AND BETWEEN the State of Texas, acting through the Texas Department of Transportation hereinafter called the State and the City of Austin, acting by and through its duly authorized officials hereinafter called the Local Government

WITNESSETH

WHEREAS, the State and the Local Government executed a contract on December 22 2004 to effectuate their agreement to construct a left turn lane on FM 1826 at the proposed Alta Mira Subdivision and

WHEREAS, it has become necessary to amend that contract,

NOW THEREFORE in consideration of the premises and of the mutual covenants and agreements of the parties hereto the State and the Local Government do agree as follows

AGREEMENT

Article 1. Description of Amended Items

Attachment A, Payment Provisions, is voided and replaced by the following:

The Local Government shall contribute a fixed amount of $294,323.00 towards the total project cost to include construction bid items construction engineering and inspection, administration and indirect costs Any additional costs required to complete the project shall become the responsibility of the State It is understood that the proposed improvements will be done by the State and the State will include only those items for the improvements as agreed upon with the Local Government The total fixed amount shall be received by the State prior to any work done by the State

All other provisions of the original contract are unchanged and remain in full force and effect

Article 2. Signatory Warranty

The signatories to this amendment warrant that each has the authority to enter into this agreement on behalf of the organization they represent

IN WITNESS WHEREOF, THE STATE AND THE LOCAL GOVERNMENT have executed duplicate counterparts to effectuate this agreement

THE LOCAL GOVERNMENT	THE STATE OF TEXAS
	Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders
_____	established policies or work programs
Name of Local Government	heretofore approved and authorized by the
	Texas Transportation Commission
By _____	
Signature	
	By _____
_____	Name
Printed Name	
	_____
_____	Title
Title	
	_____
_____	Date
Date	