



Thursday, January 11, 2007

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**Public Works**  
**RECOMMENDATION FOR COUNCIL ACTION**

**ITEM No 22**

**Subject** Approve a resolution authorizing the negotiation and execution of an Amendment to the Advance Funding Agreement between the City and the Texas Department of Transportation (TxDOT) for the Austin Crosstown Bikeway (now known as the Lance Armstrong Bikeway) to allow TxDOT to construct a portion of the bikeway as part of the Project and to allow the City to provide its contribution to the construction in an amount not to exceed \$70,300

**Amount and Source of Funding** Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Public Works Department

**Fiscal Note** A fiscal note is attached

**Additional Backup  
Material**

(click to open)

- ☐ **AGREEMENT**
- ☐ **MAP**
- ☐ **PWD\_Fiscal\_Note**
- ☐ **Resolution**

**For More Information** Louis Lindsey 974-7099, Laura Bohl 974-7064

**Prior Council Action** •07/15/99 Council approved list of City of Austin Transportation Enhancement Applications •10/26/00 Council approved an Advance Funding Agreement with TxDOT for the Austin Crosstown Bikeway (later renamed the Lance Armstrong Bikeway) awarded by the Statewide Transportation Enhancements Program in the amount of \$3,203,163 •09/29/2006 Council authorized the negotiation and execution of an interlocal agreement with TxDOT to amend the 10/26/00 Advance Funding Agreement for the payment to TxDOT of \$63,211 13 for the construction of the bikeway in the IH-35 right-of-way

This Amendment to the Advance Funding Agreement addresses the construction of the easternmost segment of the Lance Armstrong Bikeway located between the intersection of Shady Lane and East 5th Street and the Montopolis (US Hwy 183) Bridge over the Colorado River. This segment of the bikeway is in TxDOT right-of-way. Under this agreement, TxDOT will be responsible for constructing this portion of the bikeway and the City will provide its 38% share of the \$185,000 cost (\$70,300)

Under the original agreement, the City was required to build this portion with City work forces because it was located in TxDOT's right-of-way. Recent developments indicate that TxDOT will have a construction project in this vicinity and it would be prudent to incorporate the bikeway into their highway construction contract. TxDOT has indicated that they would prefer to do the construction in order to effectively control the activities in their right-of-way.

STATE OF TEXAS §  
COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT  
AMENDMENT #2**

 **ORIGINAL**

**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 their duly authorized officials, hereinafter called the Local Government

**WITNESSETH**

**WHEREAS**, the State and the Local Government executed a contract on 13<sup>th</sup> day of December of 2000, and amended November 1, 2005, to effectuate their agreement to complete the Austin Crosstown Bikeway Project, 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**

Section 10 Construction Responsibilities Paragraph A Immediately after the last sentence of Amendment No 1 to this agreement the following is added

The State shall construct the portion of the Project which lies within State right of way of US 183 from Shady Lane to the US 183 bridge over the Colorado River (exhibit A attached) under the State's contract with identifier CSJ 0265-01-080 The State identifier for this work shall be CSJ 0265-01-101 Prior to letting the contract for the work, the Local Government shall provide their 38% participation amount of the construction items estimated at \$185,000.00

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

\_\_\_\_\_  
Name of Local Government

By \_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

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 heretofore approved and authorized by the Texas Transportation Commission

By \_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



**CIP BUDGET  
FISCAL NOTE**

**DATE OF COUNCIL CONSIDERATION**  
**WHERE ON AGENDA**  
**DEPARTMENT**

11-Jan-07  
Resolution  
Public Works Department

**DESCRIPTION** Approve a resolution authorizing the negotiation and execution of an Amendment to the Advance Funding Agreement between the City and the Texas Department of Transportation (TxDOT) for the Austin Crosstown Bikeway (now known as the Lance Armstrong Bikeway) to allow TxDOT to construct a portion of the bikeway as part of the Project and to allow the City to provide its contribution to the construction of this portion of the Lance Armstrong Bikeway in an amount not to exceed \$70,300

**FINANCIAL INFORMATION**

Project Name	Crosstown Bikeway Matching Funds
Project Authorization	2006-2007 Amended Capital Budget
Funding Source	1998 GO Bonds P1
Fund/Agency/Orgn	8780-607-2141

Total Current Appropriation	\$1,236,686 00
Unencumbered Balance	\$838,883 00
Amount of this Action	<u>(\$70,300 00)</u>
Estimated Available	<u><u>\$768,583 00</u></u>

Financial Approval Rusty Cobern

Date December 21, 2006

**RESOLUTION NO.**

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

Council authorizes the negotiation and execution of an amendment to the Advance Funding Agreement between the City of Austin and the Texas Department of Transportation (TxDOT) for the Austin Crosstown Bikeway (now known as the Lance Armstrong Bikeway) to allow TxDOT to construct a portion of the bikeway located between the intersection of Shady Lane and East 5<sup>th</sup> Street and the Montopolis (U S Highway 183) Bridge over the Colorado River, and to allow the City to provide its contribution to the construction of this portion of the Lance Armstrong Bikeway in an amount not to exceed \$70,300

**ADOPTED:** \_\_\_\_\_, 2006    **ATTEST:** \_\_\_\_\_  
Shirley A Gentry  
City Clerk