

RESOLUTION NO. 2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS APPROVING THE RECOMMENDATION OF THE TAX INCREMENT REINVESTMENT ZONE NO. ONE BOARD OF DIRECTORS THE PLANNING AND ENGINEERING FOR DOWNTOWN SIDEWALK PROJECTS

WHEREAS, the City of Terrell, Texas, (the "City"), promotes the development of a certain geographic area within its jurisdiction as authorized by the Tax Increment Financing Act, Chapter 311 of the Texas Tax Code, Vernon's Texas Codes Annotated (the "Act"); and

WHEREAS, the City Council of the City of Terrell on November 20, 2007, approved Ordinance No. 2355 creating Tax Increment Financing Reinvestment Zone Number One (TIRZ #1), establishing a Board of Directors for such Reinvestment Zone (Board), including the Project Plan and the Finance Plan; and

WHEREAS, on September 8, 2008 the County Commissioners' Court approved an Interlocal Agreement with the City of Terrell for the Reinvestment Zone, including the Project Plan and Finance Plan; and

WHEREAS, the 2020 Amendment to the Project Plan and Finance Plan includes \$16 million for Downtown Revitalization Projects; and

WHEREAS, among these eligible Projects in the Capital Plan is planning and engineering of projects that rehabilitate and refurbish downtown buildings, downtown streetscapes and downtown amenities.

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

Section 1 That the Terrell City Council approves the recommendation of the Tax Increment Reinvestment Zone No. 1 Board of Directors authorizing the City Manager to execute sidewalk planning and engineering agreements as necessary to implement sidewalks with construction funding from grant funds or partnership funds, including the preparation of additional grant applications.

Section 2. That the Terrell City Council approves the recommendation of the Tax Increment Reinvestment Zone No. 1 Board of Directors authorizing use of \$80,000.00 in TIRZ# 1 funds from both FY22 and FY23 to fund the Downtown Sidewalk projects including, but not limited to, the projects identified in "Exhibit A".

Section 3. This Resolution shall be effective immediately after its passage.

PASSED AND APPROVED by the City Council of the City of Terrell, Texas, on this 24th day of May, 2022.



E. RICK CARMONA, MAYOR

Attest:



Dawn Steil, City Secretary



**AGREEMENT FOR AWARD OF TRANSPORTATION DEVELOPMENT CREDITS
BETWEEN
THE REGIONAL TRANSPORTATION COUNCIL
AND
CITY OF TERRELL**

This Agreement is entered into by and between the Regional Transportation Council (RTC), acting in its capacity as policy body for the Metropolitan Planning Organization (MPO), and the City of Terrell. The purpose of this Agreement is to outline the roles and responsibilities of each party with respect to Transportation Development Credits (TDC) awarded for the projects outlined in Attachment 1.

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is designated as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth Metropolitan Area by the Governor of Texas in accordance with federal law; and,

WHEREAS, the RTC, comprised primarily of local elected officials, is the regional transportation policy body associated with the North Central Texas Council of Governments, and has been and continues to be the regional forum for cooperative decisions; and,

WHEREAS, 23 U.S.C. §120 permits a state to use certain toll revenue expenditures, TDCs, formerly called toll credits, as a credit toward the non-Federal share of all programs authorized by Title 23, with the exception of emergency relief programs, and for transit programs authorized by Title 49, Chapter 53; and,

WHEREAS, 43 Tex. Admin. Code §5.106 authorizes an MPO to award TDCs allocated to it by the State and 43 Tex. Admin. Code §5.110 requires an agreement be entered into between the MPO and entity awarded TDCs prior to and in order for those credits to be used; and,

WHEREAS, on April 8, 2021, the RTC awarded 280,000 TDCs to the City of Terrell for the projects in Attachment 1; and,

WHEREAS, the City of Terrell desires to use the TDCs awarded to it in lieu of the required local cash match for the federally funded transportation project described above.

NOW, THEREFORE, in consideration of these premises and of the mutual covenants contained herein, NCTCOG and the City of Terrell agree as follows:


AGREEMENT

1. The RTC has awarded 280,000 TDCs to the City of Terrell for use as described herein.
2. The City of Terrell agrees to utilize the TDCs for the project identified and described herein as match to certain federal grant funds totaling approximately \$1,400,000.
3. Any unused TDCs shall be reallocated to other projects as solely determined by the RTC.
4. The City of Terrell may be required to execute separate funding agreements with a party other than the RTC and/or NCTCOG for the federal grant funds referenced above.
5. Neither Party may assign this Agreement in whole or in part, without first obtaining the written consent of the other Party.

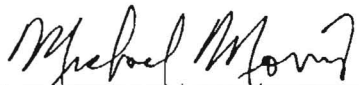
ITEM 10.6.

6. In the event any one or more of the provisions contained in this Agreement shall be for any reason held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision(s) hereof, and this Agreement shall be revised so as to cure such invalid, illegal, or unenforceable provision(s) to carry out as near as possible the original intent of the Parties.
7. The Parties shall negotiate in good faith toward resolving any disputes that arise under this Agreement, which shall be construed and enforced in accordance with the laws of the State of Texas. Venue for any action under this Agreement shall lie exclusively in Tarrant County, Texas.
8. This Agreement constitutes the entire agreement of the Parties with respect to the matters contemplated herein and supersedes all prior understandings and agreements regarding such subject matter. This Agreement may be modified or amended only in writing, signed by all Parties hereto.
9. The effective date of this Agreement is the date of last signature by the parties hereto.

Signed and Duly Executed by the Parties Below:


Mike Sims
City Manager
City of Terrell

4-25-22
Date


Michael Morris, P.E.
Staff Director
Regional Transportation Council

3/29/22
Date

TRANSPORTATION DEVELOPMENT CREDIT (TDC) FY 2021 AGREEMENT
PROJECT LIST
CITY OF TERRELL

| TIP CODE | CSJ | PROJECT DESCRIPTION | FEDERAL FUNDING AMOUNT | TDC AMOUNT | AWARD DATE |
|-----------------------|-------------|---|------------------------|----------------|---------------|
| 21060 | 0095-05-062 | MOORE AVE (US 80) FROM BRADSHAW STREET TO BURCH STREET; RESTRIPIING 4 TO 4 LANES WITH PEDESTRIAN IMPROVEMENTS INCLUDING CONSTRUCTION OF PEDESTRIAN/ADA RAMPS AND CROSSWALKS, BULB OUTS AT INTERSECTIONS, AND TRAFFIC SIGNAL IMPROVEMENTS | \$1,200,000 | 240,000 | APRIL 8, 2021 |
| 21061 | 0918-11-107 | VIRGINIA STREET (SPUR 226) FROM BRIN STREET TO ROCHESTER STREET; RESTRIPIING 2/4 TO 2/4 LANES WITH PEDESTRIAN IMPROVEMENTS INCLUDING CONSTRUCTION OF PEDESTRIAN/ADA RAMPS AND CROSSWALKS, BULB OUTS AT INTERSECTIONS, AND TRAFFIC SIGNAL IMPROVEMENTS | \$200,000 | 40,000 | APRIL 8, 2021 |
| TOTAL AWARDED: | | | \$ 1,400,000 | 280,000 | |