

**RESOLUTION NO. R-2014-19**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE MULTIPLE USE AGREEMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A PUBLIC HIKE AND BIKE TRAIL AND USE OF A BOX CULVERT UNDER SOUTH BROADWAY AVENUE; PUBLIC GATEWAY SIGNAGE ON HIGHWAY RIGHTS-OF-WAY; AND TYLER TRANSIT BUS STOPS ON HIGHWAY RIGHTS-OF-WAY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, it is the intent of the City Council to protect the public health, safety and welfare; and

**WHEREAS**, the City of Tyler has requested the State of Texas to permit the construction, maintenance and operation of a public Hike and Bike trail and use of a box culvert under South Broadway Avenue on the highway right-of-way of U.S. Highway 69; and

**WHEREAS**, the City of Tyler has requested the State of Texas to permit the construction, maintenance and operation of public gateway signage on highway rights-of-way within the Tyler City limits; and

**WHEREAS**, the City of Tyler has requested the State of Texas to permit the construction, maintenance and operation of public Tyler Transit bus stops on highway rights-of-way within the Tyler City limits; and

**WHEREAS**, the State of Texas has indicated a willing to approve the establishment of such facilities and other uses conditioned that the City will enter into multiple use agreements with the State for the purpose of determining the respective responsibilities of the City of Tyler and the State of Texas with reference thereto, and conditioned that such uses are in the public interest and will not damage the highway facilities, impair safety, impede maintenance or in any way restrict the operation of the highway facilities, all as determined from engineering and traffic investigations conducted by the State of Texas; and

**WHEREAS**, it is considered to be in the public interest for the City of Tyler to execute the multiple use agreements with the Texas Department of Transportation for the above described public purposes;

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

**PART 1:** That the City Council hereby resolves and affirms to the Texas Department the City of Tyler's intent carry out the following proposed projects:

1. The construction, maintenance and operation of a public Hike and Bike trail and use of a box culvert under South Broadway Avenue on the highway right-of-way of U.S. Highway 69.
2. The construction, maintenance and operation of public gateway signage on highway rights-of-way within the Tyler City limits.

3. The construction, maintenance and operation of public Tyler Transit bus stops on highway rights-of-way within the Tyler City limits.

**PART 2:** That the City Council hereby resolves and affirms to the Texas Department of Transportation the City of Tyler's intent to comply with all of the provisions, requirements and assurances set forth in the multiple use agreements and all laws and regulations incorporated by reference in the multiple use agreements.

**PART 3:** That the City Manager or designee is hereby authorized and directed to execute the above described multiple use agreements and to take all actions necessary in order to fulfill the public purposes described above.

**PART 4:** That the City Manager or designee is hereby authorized and directed to provide such additional information as may be required by the Texas Department of Transportation.

**PART 5:** That this Resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED** on this the 25th day of June, 2014.

  
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MARTIN HEINES, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

  
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CASSANDRA BRAGER, CITY CLERK

  
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DEBORAH G. PULLUM, CITY ATTORNEY

