

RESOLUTION NO. R-2017-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE A MULTIPLE USE AGREEMENT WITH THE NORTHEAST TEXAS REGIONAL MOBILITY AUTHORITY (NET RMA) FOR A PUBLIC BIKE LANE AND WALKWAY, IDENTIFIED AS LEGACY TRAILS, ON THE NET RMA HIGHWAY PUBLIC RIGHT-OF-WAY AT FM 2493 AND TOLL 49; 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 Northeast Texas Regional Mobility Authority (NET RMA) to permit the construction, maintenance and operation of a public bike lane and walkway, identified as Legacy Trails, on the NET RMA highway right-of-way at FM 2493 and Toll 49; and

WHEREAS, the NET RMA has indicated its willingness to approve the establishment of such facility and other uses conditioned that the City will enter into a multiple use agreement with the NET RMA for the purpose of determining the respective responsibilities of the City of Tyler and the NET RMA with reference thereto, and conditioned that such uses are in the public interest and will not damage Toll 49 facility, impair safety, impede maintenance or in any way restrict the operation of the Toll 49 facility, all as determined from engineering and traffic investigations conducted by the NET RMA; and

WHEREAS, it is considered to be in the public interest for the City of Tyler to execute the multiple use agreement with the NET RMA 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 NET RMA the City of Tyler's intent carry out the construction, maintenance and operation of a public bike lane and walkway, identified as Legacy Trails, on the NET RMA highway right-of-way of FM 2493 and Toll 49.

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

PART 3: That the City Manager or designee is hereby authorized and directed to execute the above described multiple use agreement 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 NET RMA.

PART 5: That this Resolution shall take effect immediately upon its adoption and approval by the City Council.

PASSED AND APPROVED on this the 11th day of October, 2017.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

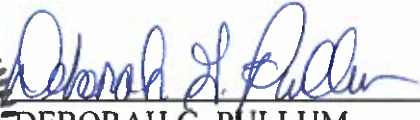
ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK





DEBORAH G. PULLUM,
CITY ATTORNEY