

RESOLUTION NO. R-2017-45

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 TEXAS DEPARTMENT OF TRANSPORTATION FOR A PUBLIC BIKE LANE AND WALKWAY, IDENTIFIED AS LEGACY TRAILS, ON THE HIGHWAY PUBLIC RIGHT-OF-WAY AT FM 2493; 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 Texas Department of Transportation (TxDOT) to permit the construction, maintenance and operation of a public bike lane and walkway, also identified as Legacy Trails, on the highway right-of-way at FM 2493; and

WHEREAS, the State of Texas has indicated its willingness to approve the establishment of such facilities and other uses conditioned that the City will enter into a multiple use agreement 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 facilities, impair safety, impede maintenance or in any way restrict the operation of the 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 agreement 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 of Transportation the City of Tyler's intent carry out the construction, maintenance and operation of a public bike lane and walkway, also identified as Legacy Trails, on the highway right-of-way of FM 2493.

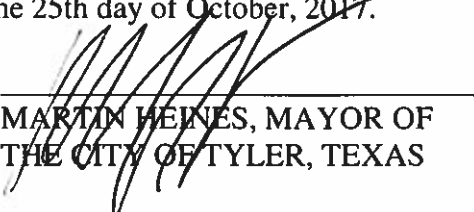
PART 2: That the City Council hereby resolves and affirms to the Texas Department of Transportation the City of Tyler's intent to comply with all of the provisions, requirements and assurances set forth in the multiple use agreement and all laws and regulations incorporated by reference in the multiple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


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

PASSED AND APPROVED on this the 25th day of October, 2017.


MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

APPROVED:

DEBORAH G. PULLUM, CITY
ATTORNEY

