

RESOLUTION NO. R-2017-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) AND HIWAY 80 RESCUE MISSION REGARDING ART WORK AND MAINTENANCE THEREOF ON TXDOT-OWNED RIGHT OF WAY AT THE BRIDGE AT GENTRY PARKWAY AND N. FANNIN AVENUE; AND ESTABLISHING AN EFFECTIVE DATE.

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

WHEREAS, the State of Texas the Texas Department of Transportation (TxDOT) owns and maintains a system of highways, including the bridge located at Gentry Parkway and N. Fannin Avenue, in Tyler, Texas ; and

WHEREAS, a Memorandum of Understanding between TxDOT, Hiway 80 Rescue Mission, and the City of Tyler was approved by the Tyler City Council on September 22, 2015, which allows Hiway 80 Rescue Mission to use the described TxDOT right-of-way for painting artwork; and

WHEREAS, pursuant to the MOU the State has agreed to allow such art work upon the condition that the City of Tyler accept and maintain responsibility for such art work; and

WHEREAS, the Parties now wish to amend the MOU to clarify that TxDOT shall also perform maintenance responsibilities as set forth in the Municipal Maintenance Agreement.

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

PART 1. That the City Manager is hereby authorized to execute an Amendment to the Memorandum of Understanding with the Texas Department of Transportation and Hiway 80 Rescue Mission regarding art work and maintenance thereof on TxDOT-owned right-of-way identified in said agreement. Said Amendment to the Memorandum of Understanding is attached hereto and is incorporated herein.

PART 2. That this Resolution shall take effect immediately upon its adoption.


PASSED AND APPROVED on this the 13th day of September, 2017.


MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:


CASSANDRA BRAGER, CITY CLERK


DEBORAH G. PULLUM,
CITY ATTORNEY

