

RESOLUTION 2010-28

A RESOLUTION OF THE CITY OF LA FERIA REAFFIRMING ITS COMMITMENT TO MAINTAIN PROPOSED DRAINAGE IMPROVEMENTS CONSTRUCTED THROUGH FUNDING FROM THE TEXAS DEPARTMENT OF RUAL AFFAIRS DISASTER RECOVERY FUNDING.

WHEREAS, there exists serious flooding and drainage problems in the southwestern area of Cameron County, Texas, (the "County"), including the area known as "Tio Cano" which lies north of and near the City of La Feria, Texas (the "City"), the area known as "Tamm Lane" which lies east of the City, and the area known as the "Southwest Drain" which lies southeast of the City, which areas suffered serious flooding for many weeks as a result of Hurricane Dolly causing injury and loss to residents of the County, many of whom are low to moderate income families;

WHEREAS, the flooding of such areas also negatively impacts the overall drainage plan for the surrounding area, which includes US Expressway 83 as the main evacuation route for the County in the event of a hurricane or other natural disaster;

WHEREAS, the City, working in conjunction with its designated engineers, has developed and approved a plan to improve the drainage in the Tio Cano area; the County, working in conjunction with its designated engineers, has developed and approved a plan to improve the drainage in the Tamm Lane area; and Cameron County Drainage District No. 5, working in conjunction with its designated engineers, has developed and approved a plan to improve the drainage in relation to the Southwest Drain [with the projects collectively referred to hereafter as "the Project"];

WHEREAS, the successful implementation and maintenance of improved facilities will help eliminate flooding in the affected areas;

WHEREAS, the Cameron County recognizes its on-going obligation to maintain any road improvements related to the Project which are within the County's area of exclusive jurisdiction if such Project is approved and funded by the TDRA;

WHEREAS, the Cameron County Drainage District No. 5 recognizes its on-going obligation to maintain any drainage facilities related to the Project which are within the District's area of exclusive jurisdiction if such Project is approved and funded by the TDRA;

WHEREAS, the Cameron County Irrigation District No. 1 recognizes its on-going obligation to maintain any drainage facilities related to the Project which are within the District's area of exclusive jurisdiction if such Project is approved and funded by the TDRA;

WHEREAS, the Cameron County Irrigation District No. 3 recognizes its on-going obligation to maintain any drainage facilities related to the Project which are within the District's area of exclusive jurisdiction if such Project is approved and funded by the TDRA;

WHEREAS, the City of La Feria recognizes its on-going obligation to maintain any drainage facilities related to the Project which are within the City's area of exclusive jurisdiction and new drainage improvements constructed outside the exclusive jurisdictions of Cameron County, Cameron County Drainage District No. 5, Cameron County Irrigation

District No. 1, and Cameron County Irrigation District No. 3 if such Project improvement is approved and funded by the TDRA;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LA FERIA, TEXAS, THAT:

1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this resolution for all purposes and are adopted as a part of the judgment and findings of the city.

2. The City of La Feria reaffirms its on-going obligation to maintain any drainage facilities related to the Project which are within the City's area of exclusive jurisdiction and any new drainage improvements constructed outside the exclusive jurisdictions of Cameron County, Cameron County Drainage District No. 5, Cameron County Irrigation District No. 1, and Cameron County Irrigation District No. 3 if such Project improvement is approved and funded by the TDRA;

2. A certified copy of this resolution shall be attached to the application(s) for financial assistance herein authorized to be prepared and submitted to the TDRA, and the City Manager or the City Secretary is authorized and directed to prepare and certify such number of copies of this resolution as may be required for purposes of supporting the submission of such application(s) to the TDRA.

3. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the city hereby declares that this Resolution would have been enacted without such invalid provision.

6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

7. This Resolution shall be in force and effect from and after its passage on the date shown below.

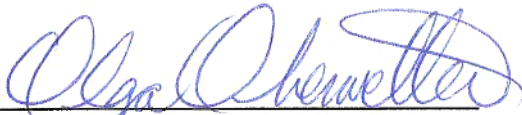
PASSED, ADOPTED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF LA FERIA ON THIS THE 28th DAY OF SEPTEMBER, 2010.

APPROVED:




Steve Brewer, Mayor

ATTEST:



Olga Oberwetter, City Secretary

APPROVED AS TO FORM:



Richard S. Talbert, City Attorney