

**RESOLUTION 2011-44**

**A RESOLUTION SUPPORTING A PROPOSED AMENDMENT TO THE 2009 TEXAS CAPITAL FUND PROJECT CONTRACT #729082 ADMINISTERED BY THE TEXAS DEPARTMENT OF AGRICULTURE CHANGING THE SCOPE OF THE PROJECT TO INCLUDE EXTENDED DRAINAGE FACILITIES AND ACQUISITION OF REQUIRED RIGHT-OF-WAY.**

**WHEREAS**, the City of La Feria (hereinafter referred to as “City”) has entered into a contract with the Texas Department of Agriculture (the “State Contract”) for a grant related to infrastructure improvements in support of the construction of Allied Waste of the Rio Grande Valley to be located within the ETJ of the City of La Feria, which activities are collectively referred to herein as the “Project”; and

**WHEREAS** in conjunction with entering into the State Contract, the City also entered into an agreement with Allied Waste of the Rio Grande Valley which detailed the City and the business’ rights and obligations related to the Project, including the City’s duties related to the infrastructure improvements and Allied Waste of the Rio Grande Valley’ contractual obligation to create additional employment opportunities and jobs related to the Project; and

**WHEREAS**, after the scope of the original Project was identified in the State Contract, La Feria Drainage District #3, as the entity which controls the existing drainage improvements in the area of the Project, has required that the drainage improvements expand an additional 2,050 feet to the La Feria Main canal (the “Additional Drainage Infrastructure”); and

**WHEREAS**, after soliciting and receiving bids on the original scope of the Project, the City has determined that the Project’s construction costs related to the City’s infrastructure obligations were lower than anticipated and the City will be able to accomplish the completion of the Project and the Additional Drainage Infrastructure within the original Project budget; and

**WHEREAS**, Allied Waste of the Rio Grande Valley has requested that the City support a change in the original proposed plan, from drainage, sewer, water and street improvements to include the Additional Drainage Infrastructure; and

**WHEREAS**, the City has agreed to support the expansion of the Project to include the Additional Drainage Infrastructure with its support being expressly conditioned upon the successful negotiation and execution of all applicable amendments to the State Contract.

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


1. The expansion of the Project to include the Additional Drainage Infrastructure is in the best interest of not only Allied Waste of the Rio Grande Valley but is also in the best interest of the citizens of La Feria and its surrounding area by not only expanding employment opportunities in the area but also by improving the drainage infrastructure for the entire area.
2. The City supports the changes in the Project, as detailed herein, subject to and expressly conditioned upon: (a) the Texas Department of Agriculture's approval of, and written agreement to, the above detailed change in the scope and nature of the Project, and (b) the successful negotiation and execution of all pertinent contracts and/or amendments to existing agreements by and between, Allied Waste of the Rio Grande Valley, the City and the Texas Department of Agriculture.

**PASSED AND ADOPTED at a regular meeting of the City Commission of the City of La Feria held on the 25<sup>th</sup> day of October 2011.**



**Steve Brewer, Mayor**

**ATTEST:**

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**Olga Oberwetter, City Secretary**

**APPROVED AS TO FORM:**

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**Richard S. Talbert, City Attorney**