

CITY OF WILLOW PARK

RESOLUTION NO. 10-10

A RESOLUTION PROVIDING AUTHORIZATION FOR THE EXECUTION OF A CONSTRUCTION AGREEMENT BY AND BETWEEN THE CITY OF WILLOW PARK, TEXAS, AND CONASTER CONSTRUCTION TX, L.P. FOR CERTAIN MUNICIPAL ROAD AND STREET IMPROVEMENTS, TO WIT: CONSTRUCTION OF WILLOW CROSSING DRIVE EAST UNIT IV; AND, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Willow Park, Texas (City) is a general law municipality located in Parker County, created in accordance with the Laws of the State of Texas; and

WHEREAS, it is intent of the City of Willow Park to protect the health, safety and welfare and well being of its citizens; and

WHEREAS, the municipal offices of the City perform certain functions related to the preservation of health, safety and general welfare of its citizens; and

WHEREAS, the City has the authority to enter into a contract or agreement with another entity for certain governmental services; and

WHEREAS, the repair or improvement of municipal roads and streets or paving services related thereto are "governmental functions and services", pursuant to §51.014 TEX. LOCAL GOV'T CODE; and

WHEREAS, Conaster Construction TX, L.P. ("Conaster") responded to the City Request for Proposals in August 2010 (Project No. ~~10-65565-1~~) for the above described road improvement and whose bid will be accepted by the City as the lowest responsible bid in accordance with statutory requirements.

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK THAT:

SECTION 1. AUTHORIZATION.

The Mayor, or the Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Resolution.

SECTION 2. CONTRACT.

The Mayor, or City Administrator, is hereby authorized to enter into or execute a Construction Agreement, with concurrence of counsel, with Conaster for the provision of certain road and street improvements for the reconstruction of Willow Crossing East pursuant to a contract not materially different from the Construction Agreement attached hereto as Exhibit "A", and made a part hereof for all purposes.

SECTION 3. SEVERABILITY.

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Resolution shall be held invalid, it shall not affect any valid provisions of this or any other Resolution or Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 4. REPEALER.

To the extent any other ordinance or resolution is inconsistent with the provisions herein it is hereby repealed and superseded by the provisions herein.

SECTION 5. RECITALS.

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Resolution.

SECTION 6. EFFECTIVE DATE.

This Resolution shall take effect from and after its adoption.

PASSED AND APPROVED this 30th day of August, 2010.

/s/ Kenneth Hawkins
Mayor

ATTEST:

/s/ Yael Hoffman
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ [Signature]
City Attorney

The Willow Park City Council in acting on Resolution No. 10-10, did on the 30th day of August, 2010 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Kenneth Hawkins, Mayor	—	—
Barry K. Tatum, Place 1	—	—
Gene Martin, Place 2	✓	—
Barry Brown, Place 3	✓	—
Mark Hickerson, Place 4	✓	—
Hale Alderman, Mayor Pro Tem, Place 5	✓	—