

CITY OF WILLOW PARK

RESOLUTION NO. 03-12

A RESOLUTION PROVIDING AUTHORIZATION FOR THE EXECUTION OF A CONSTRUCTION AGREEMENT BY AND BETWEEN THE CITY OF WILLOW PARK, TEXAS, AND HARRIS WELDING & CONSTRUCTION FOR CERTAIN MUNICIPAL BRIDGE REPAIR OR REPLACEMENT IMPROVEMENTS, TO WIT: REPAIR OR REPLACEMENT OF A MUNICIPAL BRIDGE ON RANCH HOUSE ROAD; AND, PROVIDING FOR CERTAIN FINDINGS AND 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, replacement or improvement of municipal roads and bridges or paving services related thereto are "governmental functions and services", pursuant to §51.012 TEX. LOCAL GOV'T CODE; and

WHEREAS, the bridge structure on Ranch House Road over Squaw Creek has been on the Bridge inspection list of the Texas Department of Transportation (TxDOT), Bridge Inspection Division, Fort Worth District, due to it's deteriorating condition; and

WHEREAS, an additional onsite inspection by TxDOT on December 15, 2011, found and reported significant degradation, including the failure and collapse of some transverse timber members, and advanced decay of others (correspondence attached hereto as Exhibit "A"); and

WHEREAS, the City Council did concur with the TxDOT finding that the structural failure of the bridge constituted a "public safety" concern that was unforeseen, and closure of the bridge was an emergency public safety act necessary to protect the

traveling safety of the citizens and repair or replacement of the structure was necessary to protect and preserve public property and safety; and

WHEREAS, expedited repair of the bridge structure is necessary to reopen Ranch House Road, the major North-South throughfare in the City, which closure adversely affects travel of citizens and the daily flow of commerce; and

WHEREAS, Harris Welding and Construction has viewed the bridge, concurs in the assessment of closure as an emergency, consulted with the TxDOT Bridge Division, Fort Worth District on an expedited replacement design and construction schedule; and

WHEREAS, Harris Welding and Construction ("Contractor") responded to the City Request for expedited structural analysis of the bridge and prepared preliminary plans for replacement that were acceptable.

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. CONSTRUCTION AGREEMENT

The Mayor, or City Administrator, is hereby authorized to enter into or execute a Construction Agreement, with concurrence of counsel, with Contractor for the provision of certain road and bridge replacement or repairs pursuant to an Agreement not materially different from the

Construction Agreement attached hereto as Exhibit "B", and made a part hereof for all purposes.

SECTION 3. FINDINGS

The Governing body of the City based on the foregoing and the written findings of the TxDOT Bridge Inspection engineers, Fort Worth District, hereby finds:

1. The structural failure of the Ranch House Road Bridge over Squaw Creek constituted and unforeseen emergency.
2. The bridge failure adversely affects the public health and safety of citizens as well as the closure of the city's major municipal thoroughfare.
3. Replacement of the bridge structure is necessary to protect unforeseen damage to public property.

SECTION 4. 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 5. 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.

The Willow Park City Council in acting on Resolution No. 02-12, did on the 14th day of February, 2012 vote as follows:

Marvin Glasgow, Mayor

Richard Neverdousky, Place 1

Gene Martin, Place 2

Amy Podany, Place 3

Mark Hickerson, Place 4

Hale Alderman, Place 5

SECTION 6. 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 7. EFFECTIVE DATE.

This Resolution shall take effect from and after its adoption.

PASSED AND APPROVED this 14th day of February, 2012 .

/s/ Marvin Glasgow
Mayor

ATTEST:

/s/ Joel Johnson
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ [Signature]
City Attorney

FOR

AGAINST

_____	_____
✓	_____
✓	_____
✓	_____
✓	_____
✓	_____