

State of Texas §

County of Webb §

**Resolution No. 08-24-2020-\_\_\_\_\_**

**Webb County Commissioners Court  
Webb County, Texas**

**A RESOLUTION AGREEING TO UTILIZE LOCAL  
GOVERNMENT PARTICIPATION MATCH FUNDS FOR  
THE REHABILITATION/RECONSTRUCTION OF THE  
WELCH ROAD BRIDGE**

**WHEREAS**, the federal off-system bridge program is administered by the Texas Department of Transportation (the State) to replace or rehabilitate structurally deficient and functionally obsolete (collectively referred to as deficient) bridges located on public roads and streets off the designated state highway system; and

**WHEREAS**, Webb County, a political subdivision of the State of Texas, hereinafter referred to as the Local Government owns bridges:

Location:	National Bridge Inventory (NBI) Structure Number	Control Section Job (CSJ)
Wormser Rd. at Dolores Creek Relief	222400AA0312001	0922-33-159
Wormser Rd. at Dolores Creek	222400AA0312002	0922-33-160
Callaghan Rd. at Venado Creek Branch	222400AA1022001	0922-33-161
Callaghan Rd. at Carrizitos Creek Branch	222400AA1022004	0922-33-162

**WHEREAS**, a project to remedy the bridge is included in the currently approved program of projects as authorized by Texas Transportation Commission Minute Order Number **115291**. Dated **August 30, 2018**; and

**WHEREAS**, the usual fund participation ratio for federal off-system bridge program projects is 80 percent federal, 10 percent state and 10 percent Local Government; and

**WHEREAS**, Texas Administrative Code, Title 43, Section 15.55(d) (43 TAC Section 15.55(d)) provides that under specified conditions the 10 percent Local Government match fund participation requirement may be waived with agreement by the Local Government to perform, or cause to be performed, an equivalent dollar amount of structural improvement work on other deficient bridges or deficient mainlane cross-drainage structures within its jurisdiction, such a project of structural improvement work being referred to as an “equivalent-match project”; and

**WHEREAS**, the estimated local match fund participation requirement on the approved federal off-system bridge program projects is **in excess of EIGHT HUNDRED THOUSAND**

**DOLLARS (\$800,000.00 dollars)**, hereinafter referred to as the “participation-waived” project, such participation requirement the Local Government proposes be waived and in return perform or cause to be performed equivalent-match project structural improvement work.

**NOW THEREFORE BE IT RESOLVED BY THE WEBB COUNTY COMMISSIONERS COURT THAT:**

The Local Government perform, or cause to be performed, the following equivalent-match project(s) in return for waiver of the local match fund participation requirement on the approved federal off-system bridge program (participation-waived) project not yet awarded:

LOCATION (and NBI structure identification number, if applicable)	ON SCHOOL BUS ROUTE?	DESCRIPTION OF STRUCTURAL IMPROVEMENT WORK	ESTIMATED COST
Welch Road (approx. ¼ to ½ mile north of its intersection with Texas State Highway359)	Yes	Reconstruct Bridge	\$600,000.00

**BE IT FURTHER RESOLVED** that in receiving this waiver the Local Government acknowledges its obligation to conform with all conditions of 43 TAC Section 15.55(d); such conditions that include but are not restricted to the following:

1. The Local Government must be currently in compliance with load posting and closure regulations as defined in National Bridge Inspection Standards under US Code of Federal Regulations, Title 23, Section 650.303.
2. The equivalent-match project work increases the load capacity of the existing bridge or other mainlane cross-drainage structure, or upgrades the structure to its original load capacity with a minimum upgrade to safely carry school bus loading if located on a school bus route.
3. In performing, or causing to be performed, the equivalent-match project(s), the Local Government assumes all responsibilities for engineering and construction, and complying with all applicable state and federal environmental regulations and permitting requirements for the structures being improved.
4. The work on the proposed equivalent-match project(s) has not begun and will not begin until the local match fund participation waiver approval process has been completed.
5. The Local Government will be allowed three years after the contract award of the participation-waived project to complete the structural improvement work on the equivalent-match project(s).
6. Should this waiver request be approved, the Local Government approves the execution of an Advance Funding Agreement with the State for the participation-waived project or amendment to a previous Advance Funding Agreement executed between the State and Local Government. The County Judge is authorized to execute the agreement on behalf of the Local Government.

**ADOPTED THIS 24<sup>th</sup> DAY OF AUGUST, 2020**

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Tano E. Tijerina  
Webb County Judge

*Draft Subject to Modification*

ATTEST:  
Mergie Ramirez Ibarra  
Webb County Clerk

By: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Nathan R. Bratton  
General Counsel  
Civil Legal Division\*

\*The General Counsel, Civil Legal Division's office, may only advise or approve contracts or legal documents on behalf Webb County, its client. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval of their own respective attorney(s).

Draft Subject to Modification