



**COMMISSIONERS COURT
COMMUNICATION**

COURT ORDER NUMBER _____

PAGE 1 OF 10

DATE: 11/5/2024

SUBJECT: CONSIDERATION OF AN INTERLOCAL AGREEMENT WITH THE CITY OF FORT WORTH RELATED TO THE ALTAMESA ROAD EXTENSION PROJECT - 2021 TRANSPORTATION BOND PROGRAM

***** CONSENT AGENDA *****

COMMISSIONERS COURT ACTION REQUESTED

It is requested that the Commissioners Court consider an Interlocal Agreement (ILA) with the City of Fort Worth related to the Altamesa Road Extension project located in Precincts 1 and 2.

BACKGROUND

On September 5, 2023, the Commissioners Court, through Court Order #141673, approved a total of nine (9) projects for funding in the CWI category in the 2021 TBP. The Altamesa Road Extension project is part of the nine (9) Countywide Initiatives and Partnerships (CWI) projects.

The County is now proceeding with the execution of the ILA with the City of Fort Worth related to the Altamesa Road Extension project for financial support of up to \$7,280,000.00. This project will be funded through the 2021 TBP, CWI funding category.

This project will consist of the construction of the extension of Altamesa Road from Anglin Drive to Dick Price Road. The new extension consists of four (4) lanes for approximately 1.1 miles, 60' wide arterial including streetlights, shared use paths, storm drainage, and a bridge crossing of Village Creek.

This ILA has been reviewed by the Auditor's Office and approved as to form by the Criminal District Attorney's Office.

FISCAL IMPACT

The fiscal impact to Tarrant County for the entire project will be \$7,280,000.00 in 2021 TBP funds.

The fiscal impact for the FY 2025 will be \$73,550.00 and is available in account 47800-2025 2021 TBP CWI / 6840100000 Transportation / 579061 County Projects.

| | | | |
|--------------|-------------------------|--------------|-----------------|
| SUBMITTED BY | Transportation Services | PREPARED BY: | Abbas Rastandeh |
| | | APPROVED BY: | Scott Hall |

STATE OF TEXAS § Interlocal Agreement for
§ Altamesa Road Extension
COUNTY OF TARRANT §

This interlocal agreement (ILA) is entered into between Tarrant County, Texas, hereinafter referred to as the “COUNTY”, and the City of Fort Worth, hereinafter referred to as the “CITY”, and collectively referred to as the “parties”, for the purpose of providing funding through the Tarrant County 2021 Transportation Bond Program (2021 TBP) to a needed transportation project within the boundaries of both parties which the Commissioners Court of the COUNTY and the governing body of the CITY find serves a public purpose and promotes the public welfare of the citizens of Tarrant County.

The COUNTY and the CITY make the following findings of fact:

1. This ILA is made pursuant to Chapter 791 of the Texas Government Code and the Tarrant County 2021 Transportation Bond Program Policy, as amended;
2. To the extent necessary, the parties will use current revenues to pay obligations in this ILA;
3. The project benefits the public in that it is a needed transportation project;
4. The COUNTY and the CITY each has the legal authority to perform its obligations in this ILA;
5. The division of costs provided in this ILA constitute adequate consideration to each party; and
6. Both parties acknowledge they are each a “governmental entity” and not a “business entity” as those terms are defined in Texas Government Code Section 2252.908, and therefore, no disclosure of interested parties is required.

I.
PROJECT DESCRIPTION

This project, hereinafter referred to as the “Project”, will consist of the construction of the extension of Altamesa Road from Anglin Drive to Dick Price Road. The new extension consists of four (4) lanes for approximately 1.1 miles, 60 feet-wide arterial including streetlights, shared use paths, storm drainage, and a bridge crossing of Village Creek.

II.
SCOPE OF SERVICES PROVIDED BY CITY

The services to be provided by the CITY shall include, but are not limited to, the following:

- A. All total project costs including construction, right of way acquisition, utility relocation, engineering, hydrology and hydraulic study (H/H), schematics, planning, surveying, and governmental approval costs (collectively referred to as “Costs”);

- B. Following project completion, the CITY will provide the overall total project cost summary with final cost share between funding partners;
- C. Construction agreement administration, site review, permitting, and inspection;
- D. The CITY agrees to facilitate the efficient operations of the Project through ongoing transportation system maintenance efforts, including signal timing optimization as applicable;
- E. Interagency coordination, including CITY notification to the North Central Texas Council of Government (NCTCOG) and the COUNTY of any amendments or modifications to NCTCOG's Transportation Improvement Program (TIP);
- F. A detailed project schedule documenting the percent complete for each major component of the Project shall be provided to the COUNTY with every reimbursement request;
- G. The CITY agrees to invite the COUNTY to any project groundbreaking or ribbon cutting events; and
- H. The CITY will include the following language on all public notices, web pages, and on-site signage related to the Project:

“This project is funded by the City of Fort Worth and the Tarrant County Commissioners Court through the Tarrant County 2021 Transportation Bond Program.”

III. **TERM**

This ILA shall become effective upon the approval of both parties and shall terminate on September 30, 2029, unless terminated as described in Section XII in this ILA or extended in writing and approved by both parties.

IV. **FISCAL FUNDING ACKNOWLEDGEMENT**

Tarrant County bond funds will be encumbered on a fiscal year basis in accordance with the Certification of Available Funds shown herein. In the event no funds or insufficient funds are appropriated and budgeted or are otherwise unavailable by any means whatsoever in any fiscal period for payments due under this ILA, then the affected party will immediately notify the other party of such occurrence and this ILA may be terminated on the last day of the fiscal period for which appropriations were received without penalty or expense to the affected party of any kind whatsoever, except to the portions of annual payments herein agreed upon for which funds shall have been appropriated.

V.
REIMBURSEMENT PROCESS

The COUNTY agrees to reimburse the CITY for the actual eligible PROJECT costs in an amount not to exceed \$7,280,000.00. Any reimbursement request from the CITY should include: 1) a copy of the invoice or billing for design services, right-of-way acquisition purchase, and construction; and 2) a copy of the check, a certification letter, or other documentation to verify the CITY's proof of payment. The final reimbursement payment to the CITY will be contingent upon the City Manager or Mayor providing written notification to the COUNTY that the project is complete along with identification of final project costs. COUNTY bond funds for the Project are allocated as follows:

County Payment by Phase*

| | |
|--|-----------------------|
| H/H Study: | \$73,550.00 |
| Design, ROW Acquisition & Construction: | <u>\$7,206,450.00</u> |
| TOTAL: | \$7,280,000.00 |

TBP Funding Category: 2021 Countywide Initiatives and Partnerships

** Reimbursement payments will be issued by the COUNTY for eligible expenses incurred during the Fiscal Year for which bond funds are certified by the Tarrant County Auditor.*

The CITY understands that the CITY will be responsible for cost overruns and any other expenses incurred by the CITY in performing the services described herein. The CITY agrees that the COUNTY retains control over when reimbursement payments will be disbursed to the CITY.

VI.
AGENCY-INDEPENDENT CONTRACTOR

Neither the COUNTY nor any employee thereof is an agent of the CITY, and neither the CITY nor any employee thereof is an agent of the COUNTY. This ILA does not and shall not be construed to entitle either party or any of their respective employees, if applicable, to any benefit, privilege or other amenities of employment by the other party.

The COUNTY will have no right to control the manner or means of construction of the CITY's contractor for this PROJECT.

VII.
ASSIGNMENT

Neither party may assign, in whole nor in part, any interest it may have in this ILA without the prior written consent of the other party.

VIII.
THIRD-PARTY BENEFICIARY EXCLUDED

No person other than a party to this ILA may bring a cause of action pursuant to this ILA as a

third-party beneficiary. This ILA may not be interpreted to waive the sovereign or governmental immunity of any party to this ILA to the extent such party may have immunity under Texas law.

IX.
AUDIT OF RECORDS

The CITY's records regarding this PROJECT shall be subject to audit by the COUNTY during the term of this ILA and for five years after the completion of the PROJECT.

X.
ENTIRE AGREEMENT

This ILA represents the entire understanding of and between the parties and superseded all prior representations. This ILA may not be varied orally but must be amended by written document of subsequent date duly executed by these parties.

XI.
VENUE

This ILA shall be governed by the laws of the State of Texas and venue for any action under this ILA shall be in the district courts of Tarrant County, Texas.

XII.
TERMINATION

Until funded by the COUNTY as described in Section V, this ILA may be terminated by either party by providing written notice to the other party at least thirty (30) days prior to the intended date of termination. Such notice shall be deemed given when personally delivered or mailed by certified or registered mail (with return-receipt and postage prepaid) and addressed to:

COUNTY:
County Administrator
Tarrant County
100 E. Weatherford Street, Ste. 404
Fort Worth, Texas 76196

CITY:
City Manager
City of Fort Worth
100 Fort Worth Trail
Fort Worth, TX 76102

XIII.
SOVEREIGN POWERS

The COUNTY and the CITY agree and understand neither Party waives nor surrenders any of its governmental powers by execution of this ILA.

XIV.
COMPLIANCE WITH LAWS

In providing services required by this Agreement, CITY and any contractors the CITY engages to perform these services must observe and comply with all applicable federal, state and local

statutes, ordinances, rules and regulations, including, without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, and non-discrimination laws and regulations. CITY shall be responsible for ensuring its compliance with any laws and regulations applicable to its business, including maintaining any necessary licenses and permits.


APPROVED on this day the ____ day of _____, 2024, by Tarrant County.

Commissioners Court Order No. _____.

TARRANT COUNTY, TEXAS

CITY OF FORT WORTH

Tim O'Hare, County Judge



Jessica McEachern, Assistant City Manager

APPROVED AS TO FORM:

M&C 24-0749
Date: 8/27/2024

Criminal District Attorney's Office*



Douglas Black (Sep 26, 2024 23:20 CDT)
Doug Black, Sr. Assistant City Attorney

Jannette Goodall, City Secretary

* By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead, those parties should seek contract review from independent counsel.

CERTIFICATION OF AVAILABLE FUNDS IN THE AMOUNT OF:

\$ _____ *as follows:*

Fiscal year ending September 30, 2025: \$73,550.00 2021 TBP Countywide Initiatives and
Partnerships – Pct 1 and Pct 2

Auditor's Office



CITY COUNCIL AGENDA

Create New From This M&C

DATE: 8/27/2024 **REFERENCE NO.:** **M&C 24-0749 **LOG NAME:** 20EAST ALTA MESA BLVD EXT. FROM ANGLIN DR TO DICK PRICE RD

CODE: C **TYPE:** CONSENT **PUBLIC HEARING:** NO

SUBJECT: (CD 8) Authorize Execution of an Interlocal Agreement with Tarrant County for County Participation in an Amount Not to Exceed \$7,280,000.00 for the Extension of East Alta Mesa Boulevard from Anglin Drive to Dick Price Road, Adopt an Appropriation Ordinance, and Amend the Fiscal Year 2024 - 2028 Capital Improvement Program

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize execution of an Interlocal Agreement with Tarrant County for county participation in the East Alta Mesa Boulevard Extension from Anglin Drive to Dick Price Road project (City Project No. 105686) in an amount not to exceed \$7,280,000.00;
2. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Intergovernmental Contribution Fund in the amount of \$7,280,000.00, from Tarrant County contributions, for the purpose of funding the East Alta Mesa Boulevard Extension from Anglin Drive to Dick Price Road project (City Project No. 105686); and
3. Amend the Fiscal Year 2024 - 2028 Capital Improvement Program.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to authorize the City Manager to execute an Interlocal Agreement with Tarrant County in the amount of \$7,280,000.00 for the county's participation in the East Alta Mesa Boulevard from Anglin Drive to Dick Price Road Project. The project requires complex design elements and construction will include pavement, box culverts, shared-use path, streetlights and other transportation elements.

This project is one of four projects that will traverse the far south side of Fort Worth connecting multiple communities and serve as a regional connection between the southwest and southeast suburbs. It will offer the most direct east-west alternative to Interstate 20 and serve as a potential freight route. Additionally, it will connect new subdivisions and facilitate infill economic development and service in the area.

Fort Worth is partnering with Tarrant County (through 2021 bond funds) and later North Central Texas Council of Governments (NCTCOG, through Federal Highway Administration (FHWA) funds) to provide this connection. This proposed connection will increase mobility for the region.

This agreement states that Tarrant County will reimburse the City for the costs associated with the design, hydrologic study, right-of-way acquisition, and other associated planning costs (including surveys, schematics, governmental approval costs, utility relocation), and remaining costs for the construction of East Alta Mesa Boulevard within the project limits. The schematic, right-of-way acquisition, hydrology and hydrology study and designs are anticipated to utilize the entire funding amount. The construction will be funded separately through FHWA funds and, if approved, the City's 2026 Bond funds, after a risk assessment has been completed and the project is determined feasible for construction.

| Fund | Amount |
|---|----------------|
| 30106 - Intergovernmental Contribution Fund | \$7,280,000.00 |

