

AN ORDINANCE

97579

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A RAILROAD CROSSING IMPROVEMENT AGREEMENT WITH UNION PACIFIC RAILROAD COMPANY (UPRC) AND AUTHORIZING **\$79,454.00** FROM STREET MAINTENANCE AND IMPROVEMENT FUNDS PAYABLE TO UPRC FOR IMPROVEMENTS TO THE EXISTING RAILROAD CROSSING SURFACE ON SOUTHCROSS BOULEVARD IN COUNCIL DISTRICT 3; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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WHEREAS, the Southcross Boulevard Railroad Crossing Improvement Project, located in Council District 3, was selected for improvement based upon a number of factors including plank type, pavement condition index, Texas Priority Index Ranking, average daily traffic, 5-year street maintenance program and Council priority; and

WHEREAS, it is necessary to enter into a Railroad Crossing Improvement Agreement with Union Pacific Railroad to improve the existing crossing surface on Southcross Boulevard due to wear caused by automobiles and heavy traffic; and

WHEREAS, as part of the agreement, the City shall reimburse Union Pacific Railroad in an amount not to exceed \$79,454.00 which is fifty percent (50%) of the actual costs for the work performed by the railroad company; and

WHEREAS, the railroad company shall furnish all labor, materials, equipment and supervision for the reconstruction work; and

WHEREAS, approval of this ordinance will be a continuation of City policy to provide Street Maintenance, budgeted for FY 2001-2002; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or her designee is hereby authorized to execute a Railroad Crossing Improvement Agreement on behalf of the City of San Antonio in substantially the form attached hereto, as Attachment I, to the extent allowed by Texas law.

SECTION 2. Funds are hereby authorized to be appropriated and encumbered in the amount of \$79,454.00 in Fund No. 29-014000 (Miscellaneous Special Revenue Fund –Street Drainage Maintenance) Index Code 293787 entitled “Maint & Rep- Street Resurg’ing Mat’s” and are made payable to Union Pacific Railroad Company for improvements to existing railroad crossing.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the interim Director of Finance, City of San Antonio. The interim Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 5. This Ordinance shall be effective on the 18th day of May 2003.

PASSED AND APPROVED this the 8th day of May, 2003.

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M A Y O R
EDWARD D. GANZA

ATTEST: *Glenn L. Ledner*
CITY CLERK

APPROVED AS TO FORM: *Sally Clark Harris*
for City Attorney