

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, DELEGATING TO THE CITY MANAGER THE AUTHORITY TO NEGOTIATE AND EXECUTE FACILITIES AND LICENSE AGREEMENTS FOR DESIGN, INSTALLATION, REPAIR, REPLACEMENT, AND REMOVAL OF NON-STANDARD FACILITIES IN CITY SUBDIVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in order to enhance the quality of development within the City, developers and homeowners' association ("HOA") from time to time request that custom designed street lights and standards, street name signs, and supporting poles and structures for traffic signs that are not consistent with the standards established by the City Engineer (collectively the "Non-Standard Facilities") be installed within a designated subdivision; and,

WHEREAS, it has been the policy and practice of the City to grant the request of a developer or HOA to install, maintain, and repair such Non-Standard Facilities provided the developer and/or HOA enter into an agreement with the City setting forth the terms and conditions relating to the design, installation, maintenance, repair, replacement, and removal of Non-Standard Facilities and the license agreement that is sometimes required to allow the developer and/or HOA to perform work within the City's easements and rights-of-way relating to the Non-Standard Facilities; and,

WHEREAS, the City Council of the City of Allen, Texas, finds that such agreements have become standard and routine matters relating to the operation of the City such the authority to negotiate and execute such agreements should be delegated to the City Manager in order to avoid unnecessary delays in the development of property within the City and its extraterritorial jurisdiction while awaiting City Council approval of such agreements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. The City Manager is hereby delegated the authority to negotiate and execute on behalf of the City of Allen agreements setting forth the terms and conditions of relating to design, installation, maintenance, repair, replacement, and removal of Non-Standard Facilities and the terms of a license agreement granting developers and/or HOA's the right to enter City easements and rights-of-way for the purpose of installing, maintaining, repairing, replacing, and/or removing Non-Standard Facilities, subject to the following:

- A. The agreement does not grant an interest in any City-owned real property;
- B. The agreement does not require the City to spend any funds above what would customarily be spent in budgeted funds for the repair or replacement of standard City-owned street lights and standards and street signs and support structures.

SECTION 2. This Resolution shall become effective from and after its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 12TH DAY OF JUNE 2018.

APPROVED:

Stephen Terrell, MAYOR

ATTEST:

Shelley B. George, TRMC, City Secretary
(kbl:5/29/18:99719)