RESOLUTION NO. 2009-29

WHEREAS, the City of Brundidge (hereinafter at times referred to as Governmental Body) is desirous of having certain improvements made on SR-93, in accordance with plans prepared by the Alabama Department of Transportation and designated as Project No. STPAA-0093 (501) Pike County, and described as Resurface SR-93 from SR-53 (US-231) to the North City Limits of Brundidge.

WHEREAS, the Alabama Department of Transportation is now or may later be desirous of receiving Federal Aid for improvement of said highway, and

WHEREAS, The Federal Highway Administration, an agency of the United States of America will not participate in any funding for the construction of said project until and unless the Governmental Body will agree to certain requirements of the Federal Highway Administration. The Governmental Body for the purpose of complying with requirements of the Federal Highway Administration in regard to its funding of improvements of the type and kind in this agreement provided for, does hereby pass and adopt the following:

BE IT RESOLVED by the Brundidge City Council that the plans of said project including alignment, profile, grades, typical sections and paving layouts as submitted to this Council and which are now on file in the office of the City Clerk are hereby approved and that the location of said project as staked out by the Alabama Department of Transportation and as shown by said plans referred to are hereby approved and the Alabama Department of Transportation, in cooperation with the Federal Highway Administration, is hereby authorized to proceed with the grading, draining, paving, and otherwise improving and construction of said project in accordance with said plans.

The City by and through its Council hereby grants to the Alabama Department of Transportation the full use and access to the dedicated widths of any existing roads for the construction of said project and hereby agrees to permit and allow the Alabama Department of Transportation to close and barricade the said project and intersecting

BE IT FURTHER RESOLVED by the Council, that for and in consideration of the Alabama Department of Transportation in cooperation with the Federal Highway Administration, constructing said highway and routing traffic along the same through the City over said project, such City hereby agrees with the Alabama Department of Transportation and for the benefit of the Federal Highway Administration, that on the above mentioned project the City will not in the future permit encroachments upon the right-of-way; nor will it pass any ordinances or laws fixing a speed limit contrary to those limits provided for in Title 32, Chapter 5, Code of Alabama 1975, as amended, and other laws of Alabama. The traffic control devices and signs installed during construction, and those installed after completion of this project, shall be in accordance with the latest edition of the National Manual on Uniform Traffic Control Devices (MUTCD) and accepted standards adopted by the Alabama Department of Transportation and by the Federal Highway Administration.

The City further agrees that subsequent traffic control devices deemed necessary by it in keeping with applicable statutes, rules and regulations to promote the safe and efficient utilization of the highway under the authority of Title 32, Chapter 5, Code of Alabama 1975, and all other applicable laws of Alabama, shall be in accordance with the MUTCD and the City further agrees that it will enforce traffic and control the same under the provision of Title 32, Chapter 5, Code of Alabama 1975, and other applicable laws of Alabama.

It is understood and agreed that no changes in this Resolution of Agreement shall in the future be made without having obtained the prior approval of the Federal Highway Administration.

THIS RESOLUTION PASSED AND ADOPTED this the 17th day of February, 2009.

ATTEST:

I, the undersigned Clerk of the City of Brundidge, do hereby certify that the above and foregoing is a true and correct copy of a resolution duly and lawfully adopted by the City Council of the foregoing City, at its regular meeting held on the 17 day of February, 2009, as the same appears of record in Minute Book N/A, Page _____, thereof.

Given under my hand and the official seal of such City this 23 day of April, 2009.

Britt Hymer
Clerk

(City SEAL)