

AN ORDINANCE PROVIDING FOR THE APPROVAL OF THE AGREEMENT DATED \_\_\_\_\_  
BETWEEN THE STATE OF TEXAS AND THE CITY OF Magnolia, FOR THE  
INSTALLATION, CONSTRUCTION, EXISTENCE, USE, OPERATION, AND MAINTENANCE OF HIGH-  
WAY TRAFFIC SIGNALS/ILLUMINATION AT THE LOCATION(S) SHOWN ON EXHIBIT 1, ATTACHED  
HERETO AND MADE A PART HEREOF, IN THE CITY OF Magnolia;  
PROVIDING FOR THE EXECUTION OF SAID AGREEMENT: AND DECLARING AN EMERGENCY.

BE IT BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF Magnolia :

SECTION 1. That the certain agreement dated \_\_\_\_\_ between the State  
of Texas and the City of Magnolia, for the installation, construc-  
tion, existence, use, operation, and maintenance of certain highway traffic signals/  
illumination at the location(s) shown on EXHIBIT 1, attached hereto and made a  
part hereof, in the City of Magnolia, be and the same is hereby  
approved, and \_\_\_\_\_ is hereby authorized to execute said  
agreement on behalf of the City of Magnolia, and to transmit the  
same to the State of Texas for appropriate action.

SECTION 2. The fact that the improvements contemplated under the above men-  
tioned agreement are needed, creates an emergency which for the immediate pre-  
servation of the public peace, health, safety, and general welfare requires that  
this Ordinance take effect immediately from and after its passage, and it is  
accordingly so ordained.

PASSED: March 14, 1989

APPROVED: March 14, 1989

*D. D. Syer*  
Mayor

ATTEST:

*Mary Mc. Juey*  
Secretary  
City Clerk

APPROVED AS TO FORM:

*Raymond J. Jenson*  
City Attorney

ORDINANCE (TRAFFIC SIGNAL/ILLUMINATION)

STATE OF TEXAS

COUNTY OF Montgomery

I, Mary McQuerry, the duly appointed,  
qualified and acting city secretary of the City of Magnolia,  
Texas, hereby certify that the foregoing pages constitute a true and correct  
copy of an ordinance/~~resolution~~ duly passed by the City Council at a meeting  
held on March 14, A.D., 1989, at 7:30 o'clock P. M.

To certify which, witness my hand and seal of the City of Magnolia  
Texas, this 14th day of March, 1989, at 7:30 PM  
Magnolia, Texas.

Mary Mc Querry  
City Secretary of the City of

Magnolia, Texas

STATE OF TEXAS       §

COUNTY OF TRAVIS     §

This AGREEMENT, dated this 14th day of March, 1989, by and between the State of Texas, hereinafter called the "State," Party of the First Part; and the City of Magnolia, Montgomery County, Texas, acting by and through its duly authorized officers under an Ordinance/~~Resolution~~, passed the 14th day of March, 1989, hereinafter called the "City," Party of the Second Part, is made to become effective when fully executed by both parties.

W I T N E S S E T H

WHEREAS, the City has authorized the installation, operation, and maintenance of highway traffic signal(~~s~~) by Ordinance/~~Resolution~~, passed on the 14th day of March, 1989, at the location(s) shown on EXHIBIT 1, attached hereto and made a part hereof;

WHEREAS, the State under the provisions of the Texas Register Title 43 TAC 23.5, has authority to install, operate and maintain traffic signals on freeway type highways in all cities and on other highway routes in cities of less than 50,000 population (latest Federal Census); and

WHEREAS, the City has a population of over/less than 50,000 population according to the latest Federal Census; and

WHEREAS, the State wishes to cooperate with the City in the installation of the traffic signal(~~s~~) at the location(~~s~~) shown in EXHIBIT 1:

A G R E E M E N T

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed, as hereinafter set forth, it is agreed as follows:

1. The State will furnish the necessary funds for the actual construction, prepare plans and specifications, install said highway traffic signal(~~XX~~), supervise construction, and upon completion of construction, will furnish the power and operate and maintain said highway traffic signal(~~XX~~).

2. The City hereby consents to the construction of the highway traffic signal(~~XX~~) shown on EXHIBIT 1 by the approval of the location and manner of construction as shown on the plans and described in the specifications.

3. The City will exercise no control whatsoever over the operation, maintenance, use, or existence of the highway traffic signal(~~XX~~) without written authority from the State Department of Highways and Public Transportation.

4. The State shall have the authority to make such changes in the design and operation of the highway traffic signal(~~XX~~) as it may deem necessary and advisable to promote the safe, convenient, and orderly movement of traffic.

5. The City will be responsible for the police enforcement required for securing obedience to the highway traffic signal(~~XX~~).

6. In the event the signal(~~XX~~) installed in accordance with this Agreement become unnecessary or are removed for any reason, this Agreement shall terminate.

7. The State will not incur any financial obligation to the City as a result of this Agreement.

IN TESTIMONY WHEREOF, the parties hereto have caused these presents to be executed in triplicate on the dates shown hereinbelow.

Executed on behalf of the City, this  
14th day of March 19, 89.

ATTEST:

Mary Mc Jerny  
Secretary for City

By: D. D. Syer  
Mayor

THE STATE OF TEXAS

Certified as being executed for the purpose and effect of activating and/or carrying out the orders, established policies, or work programs heretofore approved and authorized by the State Highway and Public Transportation Commission:

APPROVED:

By: \_\_\_\_\_  
Chief Engineer of Maintenance  
and Operations Division

DATE: \_\_\_\_\_

EXHIBIT 1

Location

FM 1488: Intersection FM 1774  
in Magnolia