

RESOLUTION NO. 13-35

A RESOLUTION AUTHORIZING FINAL PAYMENT TO BARNEY BRAY CONSTRUCTION: GRANTING AUTHORITY TO THE MAYOR TO EXECUTE SAID RESOLUTION AND AUTHORIZING CITY SECRETARY TO AUTHENTICATE MAYOR'S SIGNATURE TO SAID RESOLUTION, AND AUTHORIZING CITY MANAGER TO EXECUTE ALL INSTRUMENTS REQUISITE IN IMPLEMENTING SAID RESOLUTION, AND AUTHORIZING CITY SECRETARY TO AUTHENTICATE CITY MANAGER'S SIGNATURE TO THIS RESOLUTION.

A special meeting of the City Council of the City of Commerce, Texas, was held in Commerce, Texas, at City Hall, on the 24th day of September 2013, at 5:00 p.m.; a majority of Council Member's being present and constituting a quorum, the following Resolution was adopted:

WHEREAS, the City of Commerce has deemed it in the best interest of the City to authorize final payment to Barney Bray Construction; and

WHEREAS, final payment in the amount of \$151,537.44.00 shall be paid in full to the contractor.

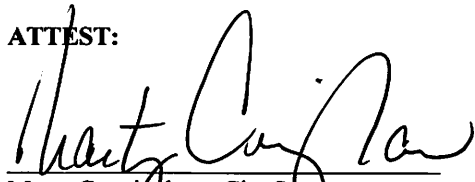
NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City of Commerce, Texas, be authorized and he is hereby authorized to execute this Resolution;

BE IT FURTHER RESOLVED that the City Secretary be authorized and she is hereby authorized to attest to the signature of the Mayor to this Resolution;

BE IT FURTHER RESOLVED that the City Secretary be authorized and she is hereby authorized to attest to the signature of the City Manager to any and all instruments requisite to implementing this Resolution.

PASSED BY THE GOVERNING BODY of the City of Commerce, Texas, at a regular meeting of the City Council of the City of Commerce, Texas, on the 24th day of September 2013.

ATTEST:


Marty Cunningham, City Secretary

CITY OF COMMERCE:


John Ballotti, Mayor

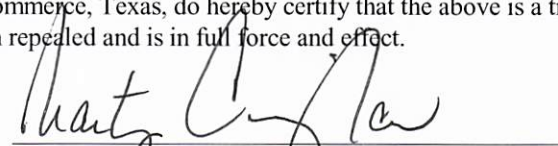
(Seal)

APPROVED AS TO FORM:


Jay Garrett, City Attorney

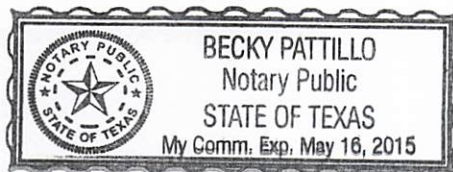
I, Marty Cunningham, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a resolution, and that the same has not been repealed and is in full force and effect.

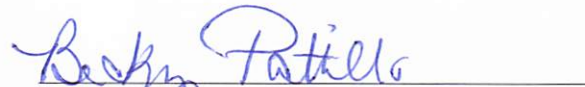
(Seal)


Marty Cunningham, City Secretary

Sworn to and subscribed before me, on this the 25th day of September, 2013 to certify which witness my hand and seal of office.

(seal)




Notary Public, State of Texas

RESOLUTION OF ACCEPTANCE

WHEREAS, on November 16, 2011 the City of Commerce, Texas entered into TWDB project number CW 72263 and DW 61475 for the construction of University Area Water and Sewer Line Replacement Project with B. Bray Construction out of Paris, Texas, and

WHEREAS, on September 18, 2013 the City's staff and consulting Engineer, Hayter Engineering, certified that the work of the contract was complete and ready for final payment and that it was completed in conformance with the contract documents, plans, specifications, field orders and change orders, and

WHEREAS, the construction contractor B. Bray Construction of Paris, Texas has certified that they have meet all contractual obligations, and

WHEREAS, the one-year warranty begins on July 25, 2013 and ends at midnight on July 24, 2014 as provided by the provisions of the contract documents, and

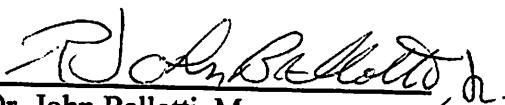
WHEREAS, the final contract amount is \$836,827.70 (\$347,545.63 sewer and \$489,282.07 water) after change orders and reconciliation of final quantities, and

WHEREAS, the remaining monies due to B. Bray Construction. is ready for final payment upon the City's receipt of funds and approvals from the Texas Water Development Board in the amount of \$151,537.44 (\$95,557.26 sewer and \$55,980.18 water).

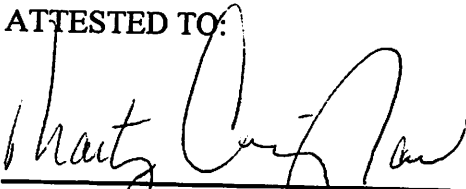
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT THE CONTRACT IS OFFICIALLY ACCEPTED AND FINAL PAYMENT IS APPROVED.

DULY PASSED BY THE CITY OF COMMERCE, TEXAS on the 24th day of September 2013 at a regular meeting of the City Council at which a quorum was present and for which due notice was given as required by law.

SIGNED:


Dr. John Ballotti, Mayor

ATTESTED TO:


Marti Cunningham, City Secretary