

**AGREEMENT FOR AWARD OF TRANSPORTATION DEVELOPMENT CREDITS
BETWEEN
THE REGIONAL TRANSPORTATION COUNCIL
AND
City of McKinney**

This Agreement is entered into by and between the Regional Transportation Council ("RTC"), acting in its capacity as policy body for the metropolitan planning organization, and City of McKinney. The purpose of this Agreement is to outline the roles and responsibilities of each party with respect to Transportation Development Credits (TDC) awarded for purposes of the East Louisiana Street from State Highway (SH) 5 to Throckmorton Street project.

WHEREAS, the North Central Texas Council of Governments is designated as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth Metropolitan Area by the Governor of Texas in accordance with federal law; and,

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy body associated with the North Central Texas Council of Governments, and has been and continues to be the regional forum for cooperative decisions; and,

WHEREAS, 23 U.S.C. §120 permits a state to use certain toll revenue expenditures, Transportation Development Credits, formerly called toll credits, as a credit toward the non-Federal share of all programs authorized by Title 23, with the exception of emergency relief programs, and for transit programs authorized by Title 49, Chapter 53; and,

WHEREAS, 43 Tex. Admin. Code §5.106 authorizes an MPO to award Transportation Development Credits allocated to it by the State and 43 Tex. Admin. Code §5.110 requires an agreement be entered into between the MPO and entity awarded transportation development credits prior to and in order for those credits to be used; and,

WHEREAS, on December 13, 2018, the RTC awarded 736,000 TDCs to the City of McKinney for the improvements to East Louisiana Street from SH 5 to Throckmorton Street. These improvements will include reconstructing the facility from 2 to 2 lanes, construction of a roundabout, sidewalk improvements, and adding on-street parking.

NOW, THEREFORE, in consideration of these premises and of the mutual covenants contained herein, NCTCOG and the City of McKinney agree as follows:

AGREEMENT

1. RTC has awarded 736,000 TDCs to the City of McKinney for use as described herein.
2. The City of McKinney agrees to utilize the TDCs for the project identified and described herein as match to certain federal grant funds totaling approximately \$3,680,000.
3. Any unused TDCs shall be reallocated to other projects as solely determined by the RTC.
4. The City of McKinney will be required to execute a separate funding agreement(s) with a party(s) other than RTC and/or NCTCOG for the federal grant funds referenced above.
5. Neither Party may assign this Agreement in whole or in part, without first obtaining the written consent of the other Party.

- Signed and Duly Executed by the Parties Below:

Michael Morris, P.E. Staff Director Regional Transportation Council	Date
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