



21-0878

**TITLE:** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Agreement with the Texas Department of Transportation to Contribute Right of Way Funds for the State Highway 5 Project

**COUNCIL GOAL:** Direction for Strategic and Economic Growth  
(1A: Establish regional and infrastructure incentives to increase economic growth)

**MEETING DATE:** October 4, 2021

**DEPARTMENT:** Development Services / Engineering

**CONTACT:** Nick Ataie, PE, Engineering CIP Manager  
Gary Graham, PE, Director of Engineering

**RECOMMENDED CITY COUNCIL ACTION:**

- Approval of Resolution

**ITEM SUMMARY:**

- This item authorizes the City Manager to execute an agreement with the Texas Department of Transportation (TxDOT) for the funding participation related to right of way acquisition for the State Highway 5 project from Spur 399 to South of County Road 275

**BACKGROUND INFORMATION:**

- The Texas Department of Transportation (TxDOT) is currently advancing land acquisition for the planned improvements to State Highway 5 (SH 5) between Spur 399 to just south of County Road 275.
- TxDOT has environmentally cleared the planned improvements to SH 5 (designated as CCSJ 0047-05-057, ROW CSJ# 0047-05-056) which consists of a full roadway reconstruction and widening including:
  - Construction of a new grade-separated intersection at SH 5 and Spur 399.

- Construction of a new grade-separated intersection at SH 5 and Stewart Road.
- Widening and reconstruction of SH 5 between SP 399 and Eldorado Parkway / Industrial Boulevard to provide a 6-lane divided roadway and associated auxiliary lanes at proposed grade-separated intersections.
- Reconstruction of SH 5 between Eldorado Parkway / Industrial Boulevard and US 380 to include a 4-lane divided roadway with raised medians.
- Widening and reconstruction of SH 5 between US 380 to just south of County Road 275 to include a 4-lane divided roadway with ability to construct 2 additional travel lanes (6-lanes total) in the median at a later date.
- At this time, TxDOT has secured construction funding for the planned improvements to SH 5 between Spur 399 and Power House Street (North of US 380) with an estimated bid date in Summer/Fall 2024.
- Construction funding for the planned improvement to SH 5 between Power House Street to South of County Road 275 is not currently available, but TxDOT is seeking to identify and advance construction of this segment as soon as possible.
- As typical for TxDOT system roadway improvements, TxDOT is requesting a 10% local funding contribution for costs associated with acquiring necessary right-of-way for the planned improvements including costs associated with relocating franchise utilities impacted by right-of-way acquisitions (located within McKinney City Limits). TxDOT will contribute 90% of the funding necessary to acquire right-of-way and will assume responsibility for administering the acquisitions.
- The 10% local contribution by the City of McKinney is only applicable to anticipated right-of-way located in city limits at the time of this agreement and does not apply to right-of-way required outside of city limits but within the City of McKinney ETJ.
- In order to facilitate contribution of our local match, TxDOT has prepared an agreement entitled “Agreement to Contribute Right of Way Funds (Fixed Price)” for execution by the City of McKinney for the project.
- Anticipated right-of-way impacts and utility adjustment costs for the project are as follows based on current design of the improvements:
  - Total Estimated Costs: \$6,078,628.00
  - City of McKinney 10% Contribution: \$607,862.80
- Because the agreements are “fixed price”, the local contribution amount is not subject to change unless site conditions change, work requested by the local government is ineligible for federal participation, or an adjustment is mutually

agreed on by the TxDOT and the local government.

- The City of McKinney will enter into a separate Standard Utility Agreement with TxDOT at a later date to request reimbursement from TxDOT for eligible water and wastewater main relocations caused by the planned improvements.

**FINANCIAL SUMMARY:**

- Upon execution of the agreement, the City will submit payment to TxDOT for the proportionate local contribution in the amount of \$607,862.80.
- Funding for the City contribution is available under CIP Project CO2136 (SH 5 TxDOT Local Contribution).
- With approval of this item and payment to TxDOT per the agreement, \$215,859.20 will remain in CIP Project CO2136 with an additional planned \$1,500,000 of general obligation bonds to be issued in late FY22.

**BOARD OR COMMISSION RECOMMENDATION:**

- N/A

**SUPPORTING MATERIALS:**

[Resolution](#)

[Agreement](#)

[Location Map](#)