



**TMP23-0594**

**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 from Spur 399 to just South of FM 1378 (Country Club Rd)

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

**MEETING DATE:** June 6, 2023

**DEPARTMENT:** Development Services / Engineering

**CONTACT:** Shelley Lang, PE, Assistant Director of Engineering  
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 just south of FM 1378 (Country Club Rd).

**BACKGROUND INFORMATION:**

- The Texas Department of Transportation (TxDOT) is currently advancing land acquisition for the approved schematic for improvements to State Highway 5 (SH 5) from Spur 399 to just south of FM 1378 (Country Club Rd) (designated as CCSJ 0047-09-034, ROW CSJ# 0047-09-038), which includes widening and reconstruction of SH 5 to include a 4-lane divided roadway.
  - TxDOT is acquiring the right-of-way for the McKinney portion of this SH 5 project, which is anticipated to bid in June 2027.
- This project will tie to TxDOT's other SH 5 projects between Spur 399 and

County Road 275, which consists of 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.
  - 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 SH 5 project from Spur 399 to just south of Country Club Rd within the City of McKinney are as follows based on current design of the improvements:
    - Total Estimated Costs: \$949,099

- City of McKinney 10% Contribution: \$94,909.90
- 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 \$94,909.90.
- Funding for the City contribution is available under CIP Project ST2136 (SH 5 TxDOT Local Contribution).
- With approval of this item and payment to TxDOT per the agreement, \$121,927 will remain in CIP Project ST2136.

**BOARD OR COMMISSION RECOMMENDATION:**

- N/A

**SUPPORTING MATERIALS:**

[Resolution](#)  
[Location Map](#)  
[Agreement](#)