

APPENDIX M: Protected Lands

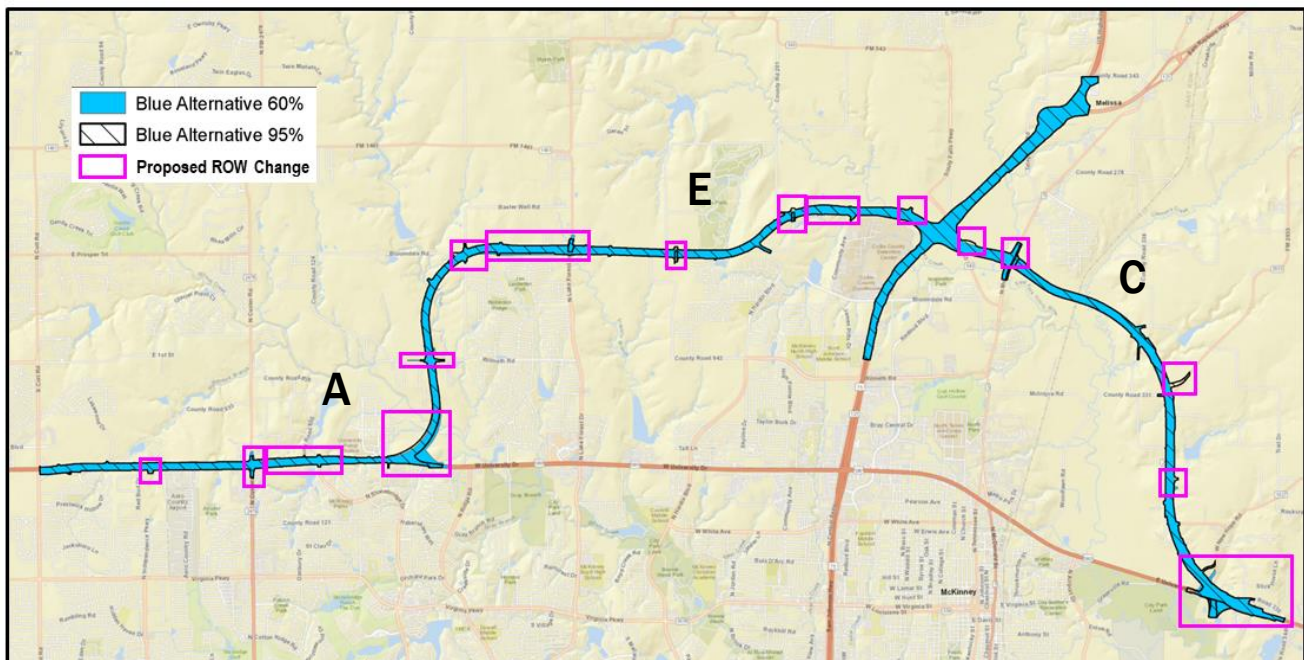
APPENDIX M – PROTECTED LANDS – FEIS Preferred Alternative/Blue Alternative

US 380 MCKINNEY – Coit Road to FM 1827, Collin County CSJs 0135-02-065 and 0135-15-002; Dallas District

PURPOSE OF ADDENDUM:

Following the two public hearings conducted for the DEIS including recommendation of the Blue Alternative (A+E+C) as the Preferred Alternative in February 2023, modifications to the Preferred Alternative/Blue Alternative were made to address ongoing coordination with the City of McKinney, the Town of Prosper, NTMWD, and in consideration of public input. While the development of the 95% Geometric Design Schematic for the Blue Alternative resulted in minor modifications in some areas to accommodate drainage improvements and address utility conflicts, **Figure 1** illustrates areas where more substantial changes in the proposed ROW were made (requiring more or less ROW) as compared to the 60% Geometric Design Schematic for the Blue Alternative evaluated in the DEIS. The specific design changes made to the Blue Alternative are listed in Section 5.0 of the ROD, in the Summary of the Final Environmental Impact Statement, and in Section 2.4 of the FEIS. The resulting changes in impacts are captured in the FEIS.

Figure 1 – Proposed ROW Changes Along the Blue Alternative



ADDITIONAL RESOURCES AND EFFECTS OF THE MODIFICATIONS MADE TO THE BLUE ALTERNATIVE FOLLOWING THE PUBLIC HEARINGS

In January 2023, the Town of Prosper provided information regarding the planned development of three public park properties:

- Rutherford Park – a 3.75 acre planned park along the north side of existing US 380, east of Lakewood Drive. The Town is developing the park in partnership with Prosper Independent School District (ISD) as they intend to build a nature center on the north side of the NRCS reservoir. All four Build Alternatives would take ROW from the planned park as follows:
 - Purple and Blue Alternative (Segment A) – approximately 1.22 acres
 - Brown and Gold Alternatives (Segment B) – approximately 2.62 acres
- Ladera Park – a 5.2-acre park on Segment B and along the southwestern edge of the Ladera at Prosper development (planned “55 and older” residential community) that would be maintained by PR Ladera, LLC. Land for Ladera Park is being dedicated to the Town by the developer. The uses within Ladera Park have not been established. The Brown and Gold Alternatives would take approximately 1.17 acres from the planned park. The Purple and Blue Alternatives (Segment A) would not affect Ladera Park.
- Wandering Creek Park – a 4.8-acre park on Segment B and along Rutherford Creek. Wandering Creek Park is being dedicated as part of the Wandering Creek Development to the Town by the developer. Uses within the planned park have not been established. The Brown and Gold Alternatives would take approximately 4.66 acres from the planned park. The Purple and Blue Alternatives (Segment A) would not affect Wandering Creek Park.

None of the three planned Town of Prosper parks were included in the Town’s *2015 Parks, Recreation, and Open Space Plan* or the *2020 Hike & Bike Trail Master Plan* as of July 2023.

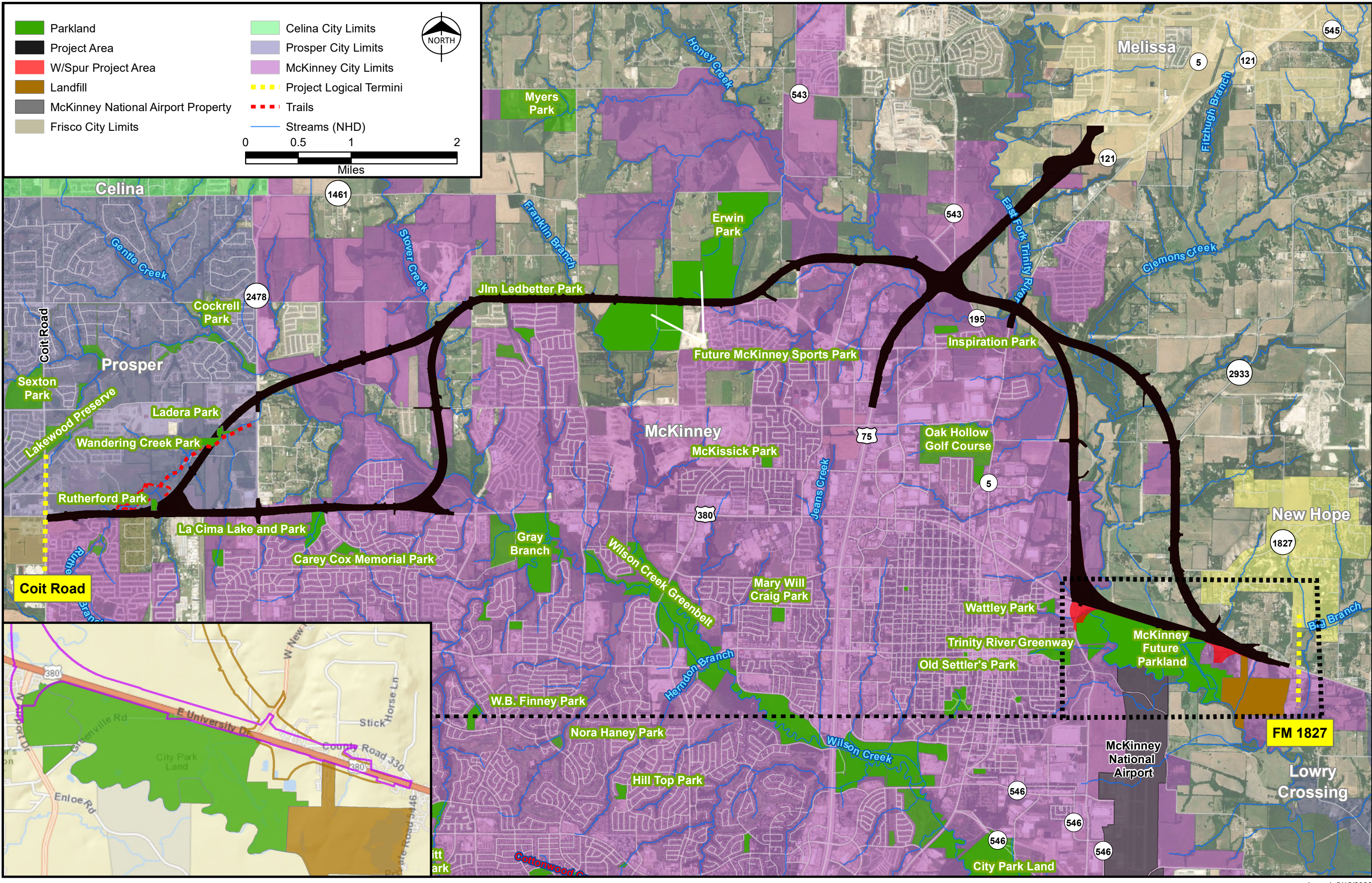
All three parks would be connected by a proposed trail system within the planned Rutherford Creek Greenbelt that is noted in the *2020 Hike & Bike Trail Master Plan*, although no properties have been acquired within this greenbelt by the Town other than the three parks described above.

Following the public hearings, TxDOT prepared a Section 4(f) *de minimis* determination for Rutherford Park (see Appendix M-1).

Path: C:\Users\spurgeon\OneDrive - Burns & McDonnell\Desktop\Projects\US 380\US 380 DEIS\US380_Protected_Lands_appendix.mxd sspurgeon 5/15/2023
Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

- Parkland
- Project Area
- W/Spur Project Area
- Landfill
- McKinney National Airport Property
- Frisco City Limits
- Celina City Limits
- Prosper City Limits
- McKinney City Limits
- Project Logical Termini
- Trails
- Streams (NHD)

Miles



Appendix M-1: Town of Prosper Planned Rutherford Park Section 4(f) de minimis Determination



Checklist for Section 4(f) *De Minimis* for Public Parks, Recreation Lands, Wildlife & Waterfowl Refuges, and Historic Properties

Main CSJ: 0135-02-065

District(s): Dallas

County(ies): Collin

Property ID: Rutherford Park

Property Name: Rutherford Park

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019, and executed by FHWA and TxDOT.

The following checklist was developed as a tool to assist in streamlining the Section 4(f) *De Minimis* process and to ensure that all necessary information is documented in the File of Record (ECOS).

What Type of Property is Being Evaluated?

- A park, recreation land, or wildlife/waterfowl refuge
- A historic property

Section 4(f) Defining Criteria for Parks, Recreation, and Refuge Properties

1. Yes Is the property publicly owned?
2. No Is the property open to the public (except in certain cases for refuges)?
3. Yes Is the property's major purpose for park, recreation, or refuge activities?
4. Yes Is the property significant?

Defining the Property's Significance

Note: Significance is presumed in the absence of a determination with the official with jurisdiction.

1. Yes Does the property play an important role in meeting the park, recreation, or refuge objectives for the official with jurisdiction?
2. Yes Is the property's major purpose for park, recreation, or refuge activities?

Establishing Section 4(f) Use of the Property

1. Yes Does the project require a use (i.e., new right of way, new easement(s), etc.)?



Establishing Section 4(f) De Minimis Eligibility

1. Yes Was it determined that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection?
2. Yes Was a public notice and an opportunity for public review and comment provided?
(This requirement can be satisfied in conjunction with other public involvement procedures, such as those for NEPA process)
3. Yes Did the Official with Jurisdiction concur that the property was significant and that the proposed project meets ALL conditions of items above?

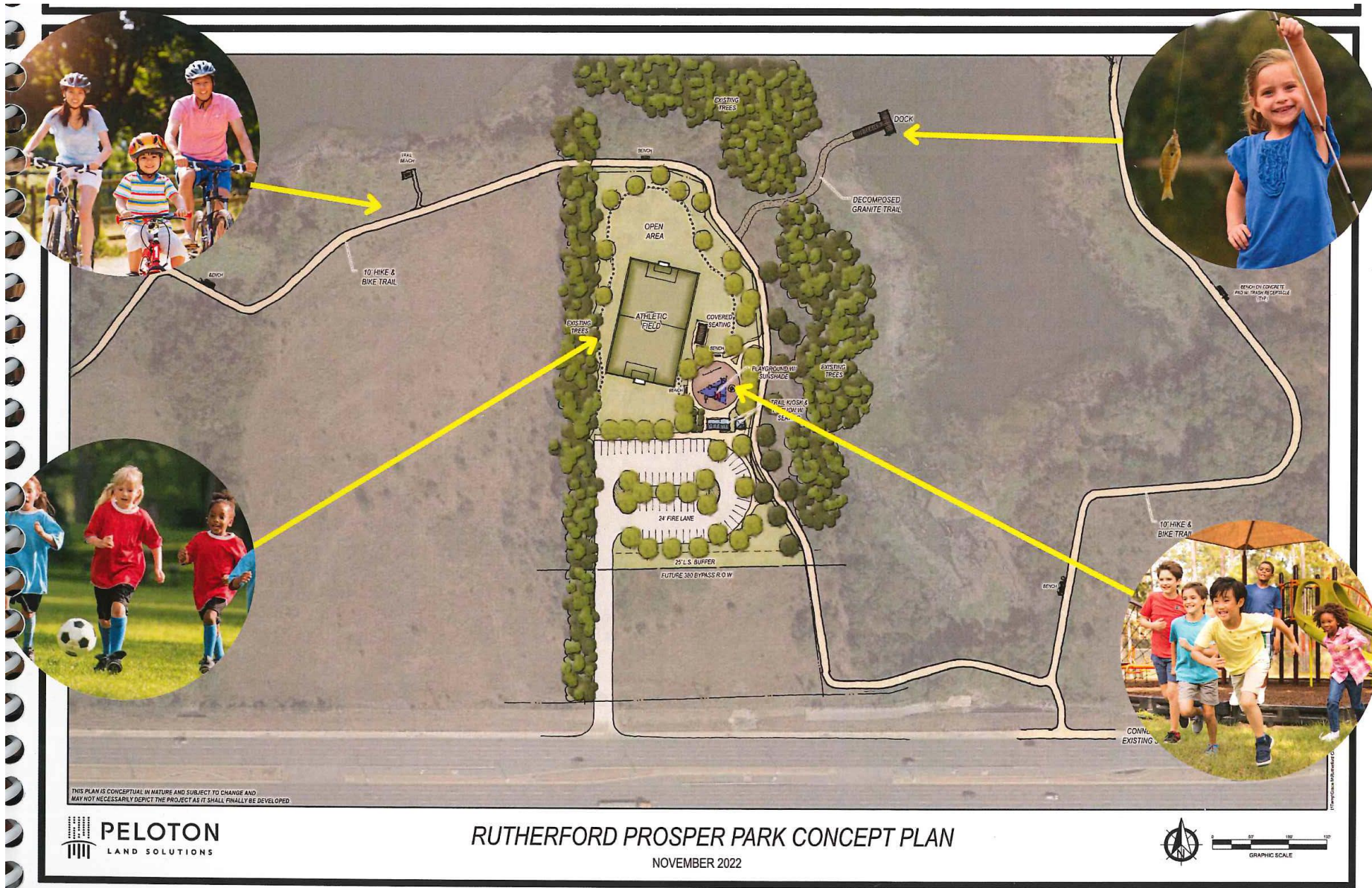
Section 4(f) Use:

The improvement of existing US 380 between Coit Road and N. Custer Road to an 8-lane freeway with 4/6 lane frontage road lanes would require the acquisition of approximately 1.22 acres of right-of-way from the planned Rutherford Park. The right-of-way needed would affect the proposed entrance drive to the park, but no additional park or recreational features or facilities.

Documentation

The following **MUST** be attached to this checklist to ensure proper documentation of the Section 4(f) De Minimis:




- A detailed map of the Section 4(f) Property including current and proposed ROW; property boundaries; access points for pedestrians and vehicles and existing and planned facilities.
- Street level photograph of the property
- Concurrence letter from Official with Jurisdiction
- Copy of WPD I Screen from ECOS.

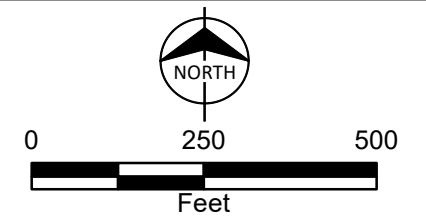


Town of Prosper – Concept Plan for Rutherford Park

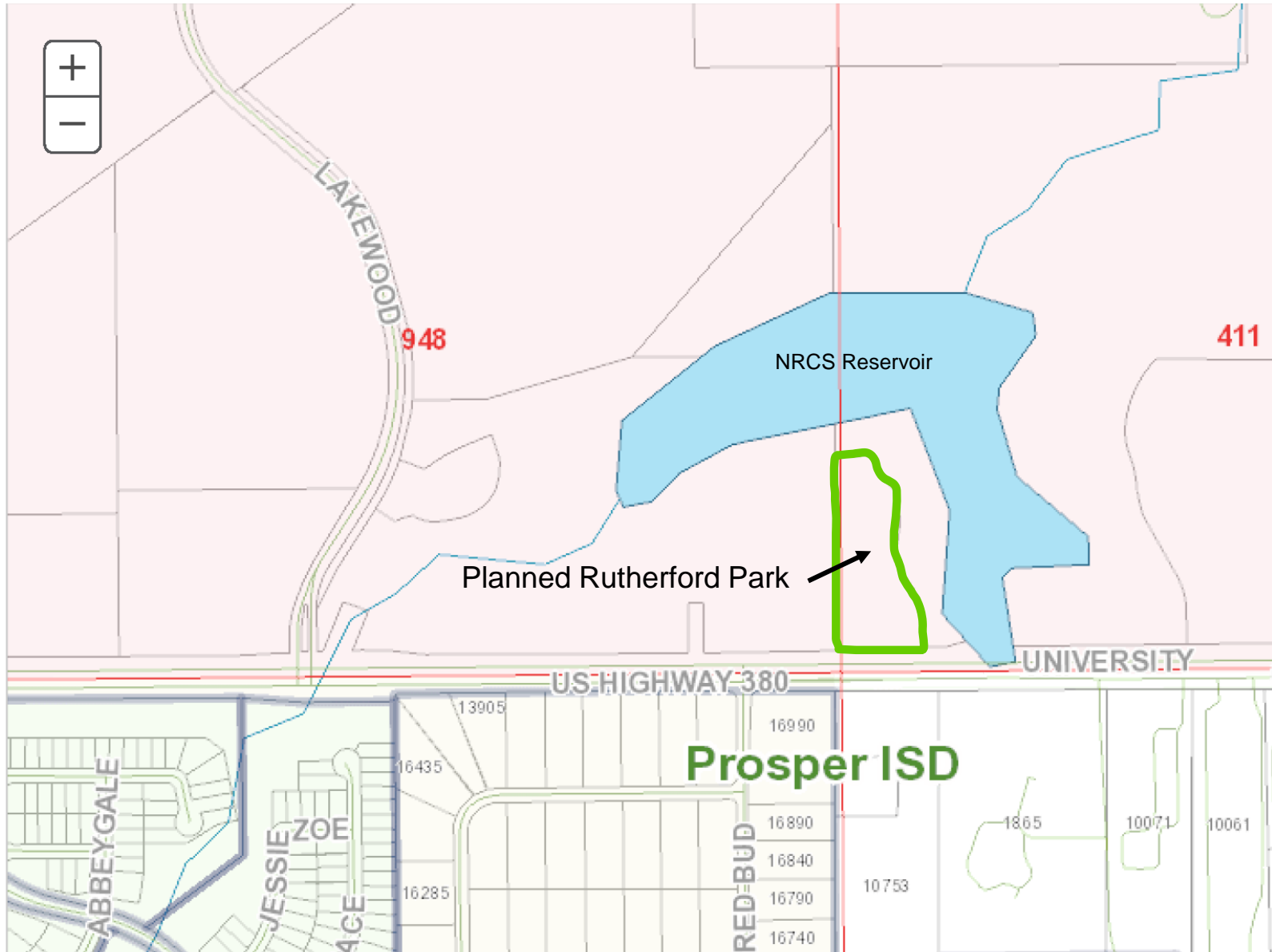
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Service Layer Credits: Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



-  Segment A 60%
-  Rutherford Park (Collin County CAD)
-  Rutherford Park and Trail (City of Proper)



Rutherford Park and Segment A
US 380 With Spur 399
Coit Road to FM 1827
Collin County, TX



Parcel Location and Property Boundaries

LAND DESCRIPTION

BEING A TRACT OF LAND SITUATED IN THE JEREMIAH HORN SURVEY, ABSTRACT NO. 411, TOWN OF PROSPER, COLLIN COUNTY, TEXAS, A PORTION OF A CALLED 146.609 ACRE TRACT 3 DESCRIBED IN THE DEED TO 310 PROSPER, L.P. RECORDED IN VOLUME 5823, PAGE 3462 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS (O.P.R.C.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. 380 (UNIVERSITY DRIVE), FOR THE SOUTHEAST CORNER OF A CALLED 330.801 ACRE TRACT DESCRIBED IN THE DEED TO 330 PROSPER, L.P. RECORDED IN INSTRUMENT NO. 20060811001152020 O.P.R.C.C.T. AND THE SOUTHWEST CORNER OF SAID TRACT 3; A 1/2" IRON ROD FOUND FOR REFERENCE BEARS NORTH 69° 12' 47" EAST 0.48 FEET;

THENCE NORTH 00° 22' 35" WEST, DEPARTING THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. 380, ALONG THE EAST LINE OF SAID 330.801 ACRE TRACT AND THE WESTERNMOST WEST LINE OF SAID TRACT 3, 693.19 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "PELTON" SET;

THENCE DEPARTING THE EAST LINE OF SAID 330.801 ACRE TRACT, ACROSS SAID TRACT 3 THE FOLLOWING COURSES AND DISTANCES:

- NORTH 89° 37' 25" EAST, 111.37 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "PELTON" SET;
- SOUTH 69° 01' 43" EAST, 44.26 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "PELTON" SET;
- SOUTH 04° 54' 54" EAST, 45.27 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "PELTON" SET;
- SOUTH 40° 31' 11" EAST, 97.75 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "PELTON" SET;
- SOUTH 06° 16' 28" EAST, 103.40 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "PELTON" SET;
- SOUTH 09° 03' 11" WEST, 134.95 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "PELTON" SET;
- SOUTH 32° 42' 59" EAST, 142.04 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "PELTON" SET;
- SOUTH 08° 52' 58" EAST, 195.00 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "PELTON" SET IN THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. 380 AND THE SOUTH LINE OF SAID TRACT 3;

THENCE SOUTH 88° 05' 08" WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. 380 AND THE SOUTH LINE OF SAID TRACT 3, 312.66 FEET TO THE POINT OF BEGINNING AND CONTAINING 163,627 SQUARE FEET OR 3.756 ACRES OF LAND, MORE OR LESS.

Basis of Bearing is the Texas Coordinate System, North Central Zone 4202, NAD 83

"Integral parts of this document"

1. Description - 1 page
2. Exhibit - 1 page

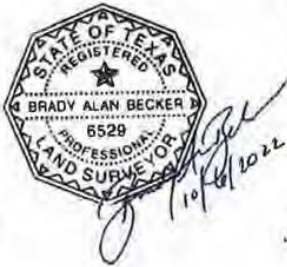


EXHIBIT "A"
3.756 ACRES
 JEREMIAH HORN SURVEY, ABSTRACT NO. 411
 TOWN OF PROSPER
 COLLIN COUNTY, TEXAS



JOB #: CEL22002 DRAWN BY: BB CHECKED BY: CSR DATE: 10/6/2022 PAGE #: 1 OF 2

I.C. WILLIAMSON SURVEY
 ABSTRACT NO. 948

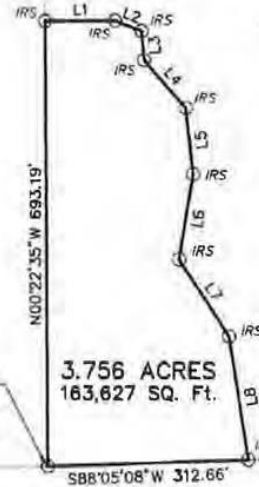
JEREMIAH HORN SURVEY
 ABSTRACT NO. 411

REMAINDER FROM TRACT 3
 CALLED 146.609 ACRES
 310 PROSPER, L.P.
 VOLUME 5823, PAGE 3462
 O.P.R.C.C.T.



REMAINDER FROM
 CALLED 330.801 ACRES
 330 PROSPER, L.P.
 INSTRUMENT NO.
 20060811001152020
 O.P.R.C.C.T.

POINT OF
 BEGINNING
 1/2" IRF BEARS
 N69°12'47"E 0.48'



U.S. 380 (UNIVERSITY DR.)
 (VARIABLE WIDTH R.O.W.)

LINE TABLE		
NO.	BEARING	LENGTH
L1	N89°37'25"E	111.37'
L2	S69°01'43"E	44.26'
L3	S04°54'54"E	45.27'
L4	S40°31'11"E	97.75'
L5	S06°16'28"E	103.40'
L6	S09°03'11"W	134.95'
L7	S32°42'59"E	142.04'
L8	S08°52'58"E	195.00'

LEGEND
 R.O.W. = RIGHT OF WAY
 O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS
 OF COLLIN COUNTY, TEXAS

Basis of Bearing is the Texas Coordinate System, North Central Zone 4202, NAD 83

"Integral parts of this document"

1. Description - 1 page
2. Exhibit - 1 page



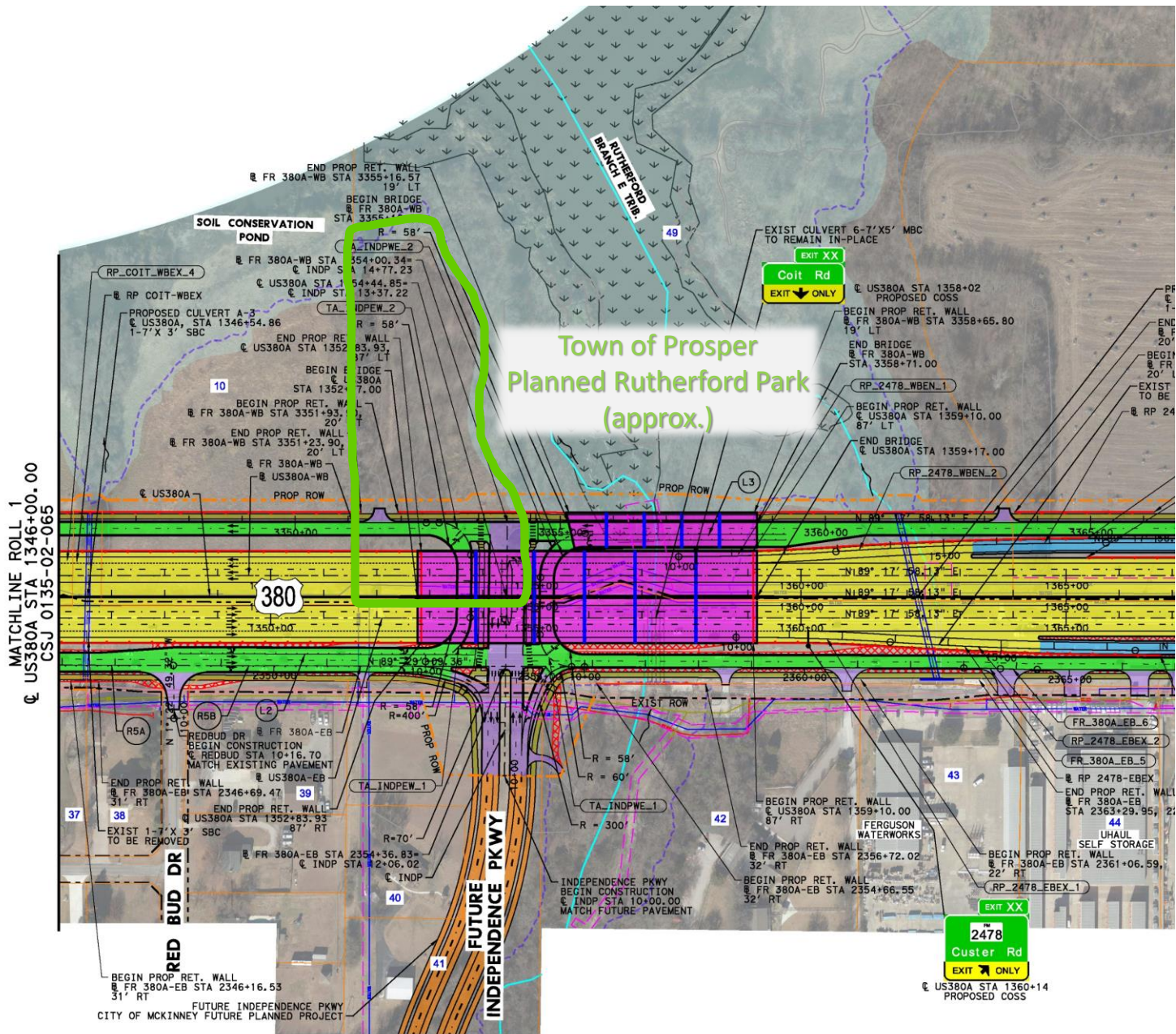
EXHIBIT "A"
3.756 ACRES
 JEREMIAH HORN SURVEY, ABSTRACT NO. 411
 TOWN OF PROSPER
 COLLIN COUNTY, TEXAS



JOB #: CEL22002 DRAWN BY: BB CHECKED BY: CSR DATE: 10/6/2022 PAGE #: 2 OF 2

Parcel Description

0135-02-065, 0135-03-053, and 0135-15-002 US 380 McKinney Coit Road to FM 1827, Collin County



95% Geometric Design Schematic Across Planned Rutherford Park



View north from existing US 380 at property access gate



View of center part of the parcel looking north from existing US 380

Views of the planned Rutherford Park parcel looking north from existing US 380



4777 EAST HIGHWAY 80, MESQUITE, TEXAS 75150-6643 | 214.320.6100 | WWW.TXDOT.GOV

June 20, 2023

Hulon T. Webb, Jr., PE
Director of Engineering Services
Town of Prosper
250 W. First Street
Prosper Texas 75078

SUBJECT: REQUEST FOR CONCURRENCE ON A *DE MINIMIS* IMPACT FINDING UNDER SECTION 4(f) OF THE DEPARTMENT OF TRANSPORTATION ACT OF 1966

District: Dallas
County: Collin
CSJ#: 0135-02-065, 0135-03-053, and 0135-15-002
Highway: US 380
Project Limits: Coit Road to FM 1827
Section 4(f) Property: Rutherford Park

Dear Mr. Webb:

The Texas Department of Transportation (TxDOT) proposes to acquire right-of-way from the planned Rutherford Park for the improvement of US 380 between Coit Road and FM 1827. The right-of-way is needed for construction of the proposed 8-lane freeway and 4/6 lane frontage roads along existing US 380 between Coit Road and N. Custer Road. It is anticipated that Federal funds will be used for this project, and therefore this project is subject to Section 4(f) of the Department of Transportation Act of 1966 (23 USC 138) and the Federal Highway Administration's (FHWA's) implementing regulations at 23 CFR 774.3(b). Additional information about Section 4(f) requirements can be found on FHWA's website:
[http://environment.fhwa.dot.gov/\(S\(1vvep545s3wmhuubnvexkmm2\)\)/4f/index.asp](http://environment.fhwa.dot.gov/(S(1vvep545s3wmhuubnvexkmm2))/4f/index.asp)

TxDOT believes that the above-described use will not adversely affect the features, attributes, or activities qualifying Rutherford Park for protection under Section 4(f), and therefore intends to make a *de minimis* impact determination under 23 CFR 774.3(b). Based on the information provided by the Town of Prosper to date, the area of Rutherford Park to be acquired is planned as the access drive to the future park amenities. No other recreational amenities are planned within the area of Rutherford Park that abuts existing US 380. The acquisition of approximately 1.22 acres from the property adjacent to existing US 380 will not adversely affect the features, attributes, or activities that will remain after the US 380 project is completed.

Rutherford Park will continue to serve as a public park once the park development is completed and after the US 380 project is complete. The relatively minor changes needed to accommodate the transportation project would not adversely affect the features, attributes, or activities that make this property a planned park.

TxDOT has provided public notice and an opportunity to comment on this proposed *de minimis* use of Rutherford Park. TxDOT published a notice to encourage the review of and comment on the acquisition of right-of-way from the planned Rutherford Park by the public for a 15-day period. The notice was published on May, 30, 2023 on the www.KeepItMovingDallas.com/US380EIS, in the *Dallas Morning News*, and *Community Impact* that described the proposed use of a portion of planned Rutherford Park for the proposed improvement of US 380 between Coit Road and FM 1827. No comments were received in response to the notice.

Under FHWA's regulations, the official with jurisdiction's concurrence is required before TxDOT can make a final *de minimis* determination. For Rutherford Park the Town of Prosper is the official with jurisdiction. If the Town of Prosper concurs that the above-described use would not adversely affect the features, attributes, or

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OUR MISSION: Connecting You With Texas

An Equal Opportunity Employer

activities qualifying Rutherford Park for protection under Section 4(f), then please endorse this letter below and return it to us by July 20, 2023. This concurrence is limited to the required concurrence for a *de minimis* determination under Section 4(f). It does not constitute approval of the above-described project and does not represent the position of the Town of Prosper on any other aspect of the US 380 project other than the *de minimis* determination. This *de minimis* determination is just one aspect of TxDOT's environmental review process under the National Environmental Policy Act (NEPA).

Thank you for your assistance with our environmental review process. If you need further information, please call me at 214-320-6141 or via email at Christine.Polito@txdot.gov.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019, and executed by FHWA and TxDOT.

Sincerely,

DocuSigned by:

BAE0B236A0064F2...

Christine Polito, Environmental Program Manager
TxDOT Dallas District

**CONCURRENCE WITH TXDOT'S PROPOSED SECTION 4(f) DE MINIMIS DETERMINATION
FOR TXDOT'S PROPOSED USE OF RUTHERFORD PARK**

SIGNATURE: David F. Beusta

DATE: 6/20/23

PRINTED NAME: DAVID F. BEUSTA

TITLE: MAYOR

Cc: Michelle Lueck, TxDOT Environmental Affairs
Stephen Endres, TxDOT Dallas District PM
Shari Cannon-Mackey, Burns & McDonnell

- [WPD Section I - Project Definition](#)
- [WPD Section II - Tool](#)
- [WPD Section III - Project Work Plan](#)
- [WPD Section IV - Findings](#)



Print this Page

Project Definition

Project Name:

CSJ: - -

Anticipated Environmental Classification:

Yes No Is this an FHWA project that normally requires an EIS per 23 CFR 771.115(a)?

Project Association(s)

Manually Associate CSJ:

CSJ	DCIS Funding	DCIS Number	Env Classification	DCIS Classification	Main or Associate	Doc Tracked In	Actions
CSJ:013503053	Federal,State		EIS	RER	Associate	Main	
CSJ:013515002	Federal,State		EIS	NNF	Associate	Main	

DCIS Project Funding and Location

Funding

DCIS Funding Type:

Federal State Local Private

Location

DCIS Project Number:
 Highway:
 District:
 County:
 Project Limit -- From:
 Project Limit -- To:
 Begin Latitude: . Begin Longitude: .
 End Latitude: . End Longitude: .

DCIS & P6 Letting Dates

DCIS District: DCIS Approved: DCIS Actual:
 P6 Ready To Let: P6 Proposed Letting:

DCIS Project Description

Type of Work:

Layman's Description:

DCIS Project Classification:

Design Standard:

Roadway Functional Classification:

Jurisdiction

No

Does the project cross a state boundary, or require a new Presidential Permit or modification of an existing Presidential Permit?

Who is the lead agency responsible for the approval of the entire project?

FHWA - Assigned to TxDOT TxDOT - No Federal Funding FHWA - Not Assigned to TxDOT

TxDOT

Who is the project sponsor as defined by 43 TAC 2.7?

No

Is a local government's or a private developer's own staff or consultant preparing the CE documentation, EA or EIS?

Yes

Does the project require any federal permit, license, or approval?

USACE IBWC USCG NPS IAJR Other

No

Does the project occur, in part or in total, on federal or tribal lands?

Environmental Clearance Project Description

Project Area

Typical Depth of Impacts: 5 (Feet) Maximum Depth of Impacts: 75 (Feet)

New ROW Required: TBD (Acres)

New Perm. Easement Required: TBD (Acres) New Temp. Easement Required: TBD (Acres)

Project Description

Describe Limits of All Activities: Spell

The project extends along existing US 380 from Coit Road to FM 1827, a distance of approximately 11.2 miles. New location alternatives are being considered to the north of McKinney, connecting Coit Road and FM 1827. The new location alternatives could be as long as 15.5 miles and may extend north of Bloomdale Road. The existing right-of-way along US 380 ranges in width from approximately 130 feet to 180 feet, with the proposed freeway requiring approximately 330 feet to 350 feet of right-of-way. Additional right-of-way may be required to construct the proposed improvements.

Describe Project Setting: Spell

GENERAL - The US 380 project will include areas around the western, northern, and eastern edges of the City of McKinney through areas of mixed suburban, rural residential, and agricultural uses. Many areas are planned for residential and mixed-use development, particularly in the vicinity of US 75.

SPECIFIC - The US 380 project is proposed around the western, northern, and eastern edges of the City of McKinney through areas of mixed suburban, rural residential, and agricultural uses. The western and northern portions of the study area are characterized by scattered suburban residential, rural "ranchette" residential, and scattered single family homes across an area of agricultural use. Traffic generators within the study area include a major employer along existing US 380 west of US 75 and large commercial developments along US 75 and near the airport and FM 1827.

- Western Portion of the Study Area includes numerous creeks and tributaries, a reservoir, therapeutic horsemanship facility, and a ballfield. Undeveloped areas are dominated by open pasture and crop lands, with upland oak/hackberry forest along fencerows and bottomland/riparian (pecan/ash/elm) forest cover common along drainages and streams. Wetlands are mapped along drainages and within floodplain areas.
- Northern Portion of the Study Area parallels an existing road corridor and crosses US 75 separating suburban residential development on the south from more rural residential and open land areas to the north. This portion of the study area includes parks, trails, a reservoir, cemeteries, County facilities, a school, and a college facility. Areas have been planned for mixed use development and several major water and electric utilities (existing and planned) extend through the area. Mapped wetland and floodplains are associated with the many creeks and tributaries that cross this portion of the study area.
- Eastern Portion of the Study Area is dominated by open agricultural and undeveloped properties with scattered single-family homes. A river, its tributaries, associated floodplains and mapped wetlands cover much of this portion of the study area. SH 5 and the DART rail line pass through the area on a southwest to northeast. Horse boarding facilities and industrial businesses are located along the eastern edge of the study area and north of US 380.

Describe Existing Facility:

US 380 is classified as a principal arterial carrying 6 travel lanes (3 in each direction) within a variable right-of-way width of approximately 130 to 180 feet. Connections to cross streets (including SH 5) are at-grade with the exception of the grade-separated interchange at US 380/US 75. A Variable width grassed/paved median (some landscaping), curb & gutter, and sidewalks are present throughout the corridor until near Airport Drive where the roadway narrows to 4 travel lanes (2 in each direction) and drainage transitions to open ditch. The grade-separated interchange at US 380/US 75 consists of a concrete girder bridge. A concrete girder bridge spans the crossing of US 380 over the East Fork of the Trinity River just east of Airport Drive.

Describe Proposed Facility:

US 380 is proposed to be an eight-lane, access-controlled freeway with one-way frontage roads on each side within an anticipated right-of-way width of between 330 to 350 feet depending on location. (Frontage roads may be eliminated, and the primary travel lanes may be depressed/lowered or elevated (on bridge/viaduct) to minimize impacts on sensitive resources). The freeway facility would also include ramps, direct connector roadways, frontage roads, and arterial roadways to support connectivity to the existing roadway network. Grade-separated interchanges would be constructed at major crossroads including US 75/ SH 5 (possible multi-level interchange), existing US 380 (both project termini), and other major local connectors as determined needed and feasible. The typical freeway section would consist of: 4 12-foot-wide travel lanes in each direction, 12 foot-wide turn lanes, 10 foot-wide inside shoulders (4 foot-wide may be considered in some locations), and 10 foot-wide outside shoulders. Ramps would be 14 feet-wide with 2 foot-wide inside shoulders and 6 foot-wide outside shoulders, with curb & gutter. Bridges/overpasses along the main lanes would have a desirable vertical clearance of 18.5 feet (minimum of 16.5 feet); vertical clearance over railroads would be 23.5 feet. Ramps, direct connector roadways, frontage roads, and arterial roadway improvements would follow similar design criteria. Median barriers would be included. As the study advances, the following decisions will be made based on location and to minimize impacts if appropriate: bridge/structure type, type/location of permanent/temporary easements, minimum ROW width (compressed sections), locations of depressed/lowered roadway sections, lighting/signage/ITS.

Would the project add capacity?

Transportation Planning

Is the project within an MPO's boundaries?

Does the project meet the definition for a grouped category for planning and programming purposes?

The project is located in area.

This status applies to:

CO - Carbon Monoxide

O3 - Ozone

NO2 - Nitrogen Dioxide

PM10 - Particulate

PM2.5 - Particulate

Environmental Clearance Information

Environmental Clearance Date:

Environmental LOA Date:

Closed Date:

Archived Date:

Approved Environmental Classification:

Project Contacts

Created By:

Date Created:

Project Sponsor: TXDOT (Or) Local Government

Sponsor Point Of Contact:

ENV Core Team Member:

District Core Team Member:

Other Point of Contact(s):

Last Updated By: Christine Polito

Last Updated Date: 03/29/2021 01:45:46

Appendix M-2: McKinney Future Parkland "Douglas Tract" Blanket Easement

AFTER RECORDING, RETURN TO:

1002 - 50484
City Secretary
CITY OF MCKINNEY
P.O. Box 517
McKinney, Texas 75070

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

BLANKET ACCESS EASEMENT AND RIGHT-OF-WAY EASEMENT WITH SLOPE EASEMENT, TEMPORARY CONSTRUCTION EASEMENT AND RESTRICTIVE COVENANT REGARDING USE OF THE BURDENED PROPERTY

STATE OF TEXAS

COUNTY OF COLLIN

KNOW ALL MEN BY THESE PRESENTS:

That **BRAD DOUGLAS**, hereinafter referred to as "Grantor," whether one or more, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) to Grantor in hand paid by the **CITY OF MCKINNEY**, a Texas municipal corporation ("Grantee"), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby GIVE, GRANT, and CONVEY unto Grantee, an exclusive blanket access easement and right-of-way easement together with any required slope easements and deceleration lane easements or rights-of-way (hereinafter referred to collectively as the "Blanket Easement") to provide continuous ingress and egress in, upon, over and across the Burdened Property, defined below, until such time as a permanent roadway is designed and constructed together with the right to construct, reconstruct, operate and perpetually maintain a six-lane roadway with additional lanes required for turning movements at the future roadway's intersection with U.S. Highway 380 together with all other appurtenances thereto (the "Facilities") in, upon, over, across and under that approximately 6.197 acre tract of land situated in the H. T. Chenoweth Survey, Abstract No. 157 in McKinney, Collin County, Texas, being

more particularly described in Exhibit "A" attached hereto and incorporated herein by reference for all purposes allowed by law (the "Burdened Property").

Grantor further grants to Grantee a temporary construction easement of twenty-five feet (25') running parallel along all sides of the Blanket Easement, with rights of ingress and egress for the construction of said Facilities, such temporary construction easement terminating upon completion of said Facilities.

The right-of-way easement contained within and made a part of the Blanket Easement granted hereby shall not exceed: (a) one hundred forty feet (140') in width at and approaching the intersection between the proposed future roadway and its intersection with U.S. Highway 380, which approach may be as much as approximately four hundred feet in length or such other additional length as may be required for the public health, safety and welfare; and, (b) one hundred twenty feet (120') in width within its regular lane section. The Blanket Easement also contains and includes permanent slope easements and rights of way easements adjacent to the U.S. Highway 380 right-of-way necessary to construct a deceleration lane and right turn lane from U.S. Highway 380 on to the proposed future roadway and a right-turn lane and acceleration lane from the proposed future roadway on to U.S. Highway 380. Grantee is hereby authorized to designate the course and location of the Facilities and the rights-of-way easements and other easements contained within the Blanket Easement herein conveyed. At such time as the course and location of the Facilities to be constructed within the Blanket Easement are determined, the Blanket Easement herein granted shall be amended and replaced with a defined permanent easement specifically identifying the course and location of the rights-of-way and related easements appurtenant thereto and supporting the Facilities to be constructed therein.

The Grantee herein, its successors and assigns, shall have, and it is hereby granted, the right of ingress and egress over that portion of the servient estate

(Burdened Property) as is reasonably necessary to and for the limited purpose of accessing the Blanket Easement Property herein granted.

There are no liens, attachments, or other encumbrances which will affect the title or right of the Grantor to convey this easement to the Grantee for the purposes as described herein. If such condition does exist, a signature with acknowledgment shall be included and made a part of this document conveying the rights and privileges contained herein, and subordinating any such lien or encumbrance to the easement granted herein.

Grantor further covenants, warrants and agrees in satisfaction of the consideration described herein-above that the Burdened Property shall henceforth and forevermore be deed restricted and its use hereafter limited to agricultural cultivation and the sale of hay only and as its use is further limited by this Blanket Easement. Grantor may erect temporary portable carports and/or canopies to cover hay bales on and about the Burdened Property. However, Grantor shall not construct or erect or allow others to construct or erect any permanent buildings or structures on the Burdened Property without the advance written approval of the Grantee.

Upon Grantee's determination regarding the course and location of the Facilities to be constructed within the Blanket Easement and the replacement of the Blanket Easement herein granted with a defined permanent easement and/or right-of-way specifically identifying the course and location of the rights-of-way and related easements appurtenant thereto and supporting the Facilities to be constructed therein, the Grantor shall cause Grantor's agricultural cultivation and hay-selling operation including, but not limited to, supplies, products and materials, and any temporary portable carports and/or canopies to be relocated outside of any defined permanent easements and rights-of-way at no cost to Grantee. In addition, Grantor covenants, warrants and agrees that Grantee shall have no liability to Grantor for any damages,

costs, or expenses suffered or sustained by Grantor in the cessation, if any, damage to crops, if any, and relocation of Grantor's agricultural cultivation and hay-selling operation it being specifically understood and agreed that such damages, costs, or expenses, if any, have been previously addressed and accounted for by and through the consideration provided by, for and through this Blanket Easement.

TO HAVE AND TO HOLD the Blanket Easement Property unto the Grantee for the purposes herein set forth, Grantor hereby binds itself, its successors and assigns, to warrant and forever defend the Blanket Easement, covenants, restrictions, conditions, and rights granted herein unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

The easement and rights granted herein are expressly made subject to any and all existing easements, conditions, restrictions, liens, encumbrances, and other matters of record and affecting the Blanket Easement Property.

WITNESS THE GRANTOR'S HAND to be EFFECTIVE as of the 18th day of October, 2013.

GRANTOR:

Brad Douglas
BRAD DOUGLAS

APPROVED AS TO FORM:

Alan D. Lathram
Printed Name: Alan D. Lathram
Title: Assistant City Attorney
Office of the City Attorney

THE STATE OF TEXAS §
COUNTY OF COLLIN §

This instrument was acknowledged on this the 18th day of October, 2013, by **BRAD DOUGLAS** in his individual capacity and for the purposes set forth therein.


Notary Public, State of Texas

PREPARED IN THE OFFICES OF:

BROWN & HOFMEISTER, L.L.P.
740 E. Campbell Road, Suite 800
Richardson, Texas 75081
214/747-6100
214/747-6111 Fax

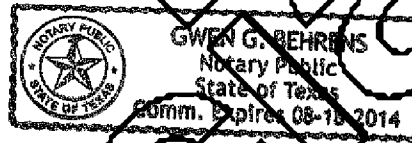


EXHIBIT "A"
Description of Property

SITUATED in the City of McKinney, Collin County, Texas, in the H. T. Chenoweth survey, abstract No. 157, being a survey of part of the 126.99 acre tract described in a deed from IRA Plus Southwest, LLC to Brad Douglas recorded as clerk's file no. 20121012001300920 of the Collin County deed records, being described by metes and bounds as follows:

BEGINNING at a ½-inch iron pin set at the north-northeast corner of said 126.99 acre tract, in the south right-of-way line of U.S. Highway 380;

THENCE South 20°34'47" West, with an east line of said 126.99 acre tract, 119.15 feet to a 5/8-inch iron pin found;

THENCE South 86°28'14" West, 920.34 feet to a ½-inch iron pin set;

THENCE North 02°57'32" West, 454.79 feet to a ½-inch iron pin set in the south right-of-way line of said U.S. Highway 380 and in the north line of said 126.99 acre tract;

THENCE easterly with the north line of said 126.99 acre tract and the south right-of-way line of said U.S. Highway 380 as follows:

South 72°40'32" East, 471.43 feet to a ½-inch iron pin set;
South 83°59'08" East, 101.98 feet to a ½-inch iron pin set;
South 72°40'32" East, 453.01 feet to the PLACE OF BEGINNING and containing 6.197 acres.

SAID PROPERTY NOW KNOWN AS LOT 1, BLOCK A, DOUGLAS ADDITION, AN ADDITION TO THE CITY OF MCKINNEY, PER MINOR PLAT RECORDED UNDER CC# 2013-463, OFFICIAL RECORDS OF COLLIN COUNTY, TEXAS.

UNOFFICIAL



Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
10/21/2013 12:03:30 PM
\$36.00 DFOSTER
20131021001442140