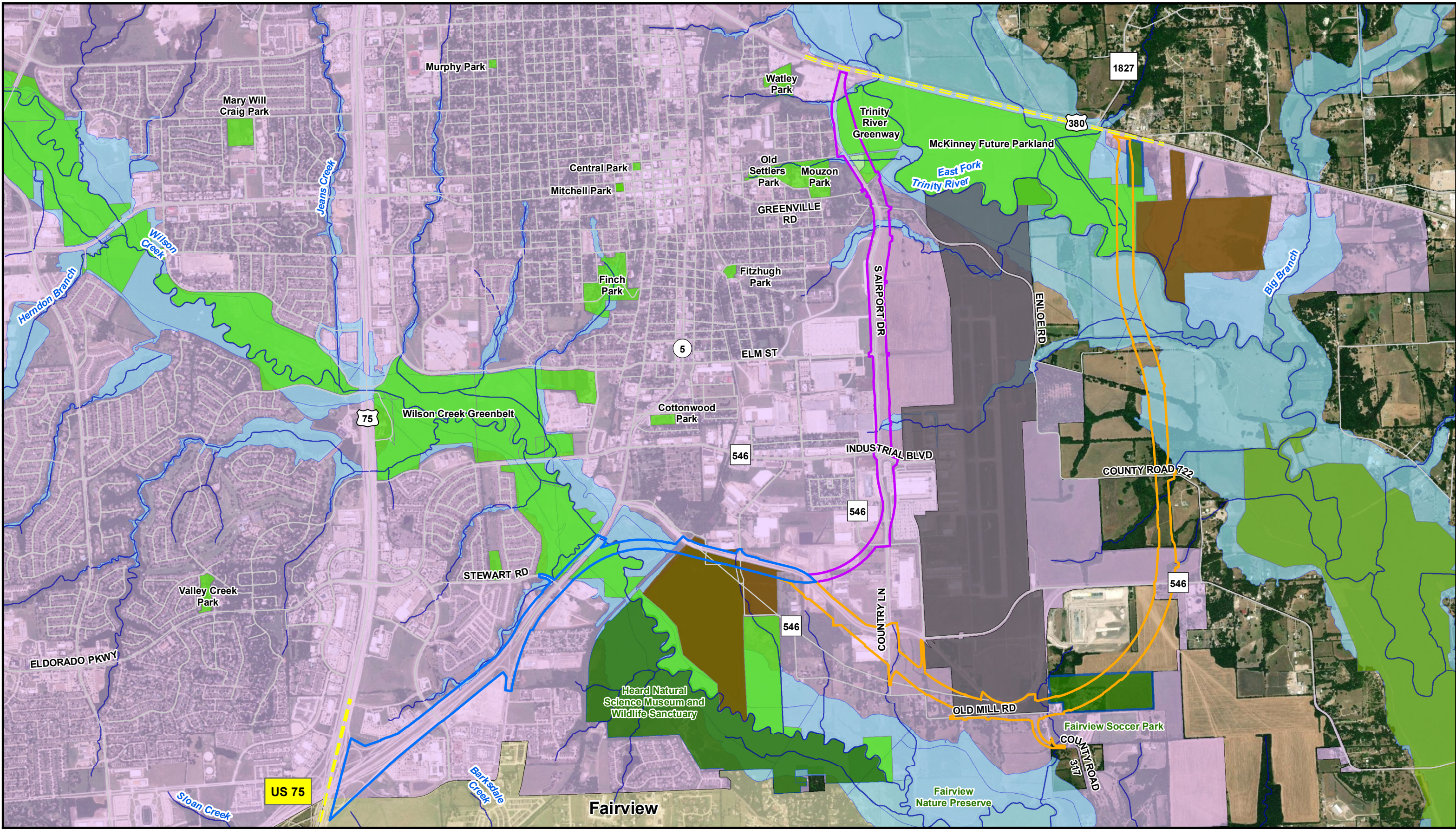


APPENDIX M: Protected Lands

Path: C:\Users\spurgeon\OneDrive - Burns & McDonnell\Desktop\Projects\US 380\DataFiles\ArcDocs\Spur 399\Spur 399 DEIS\Spur399_Parks_Figure.mxd spurgeon 12/27/2022
Service Layer Credits: Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



Common Alignment Proposed ROW	McKinney Parklands	McKinney City Limits
Orange Alternative Proposed ROW	McKinney National Airport Property	Fairview Town Limits
Purple Alternative Proposed ROW	USACE Property	Landfill
Project Logical Termini	Other Park Lands and Open Space	North Texas Municipal Water District
Streams and Rivers	100-year Floodplain	

0 0.5 1
Miles

Spur 399 Extension EIS
CSJs 0364-04-051, 0047-05-058,
0047-10-002
Collin County
Parks and Public Lands In
and Surrounding Study Area

Appendix M-1: Section 4(f) Checklist and de minimis Finding – Wilson Creek Greenbelt



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

Main CSJ: 0364-04-051

District(s): Dallas

County(ies): Collin

Property ID: Wilson Creek Greenbelt, Parcel 75

Property Name: Wilson Creek Greenbelt

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. Yes 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?

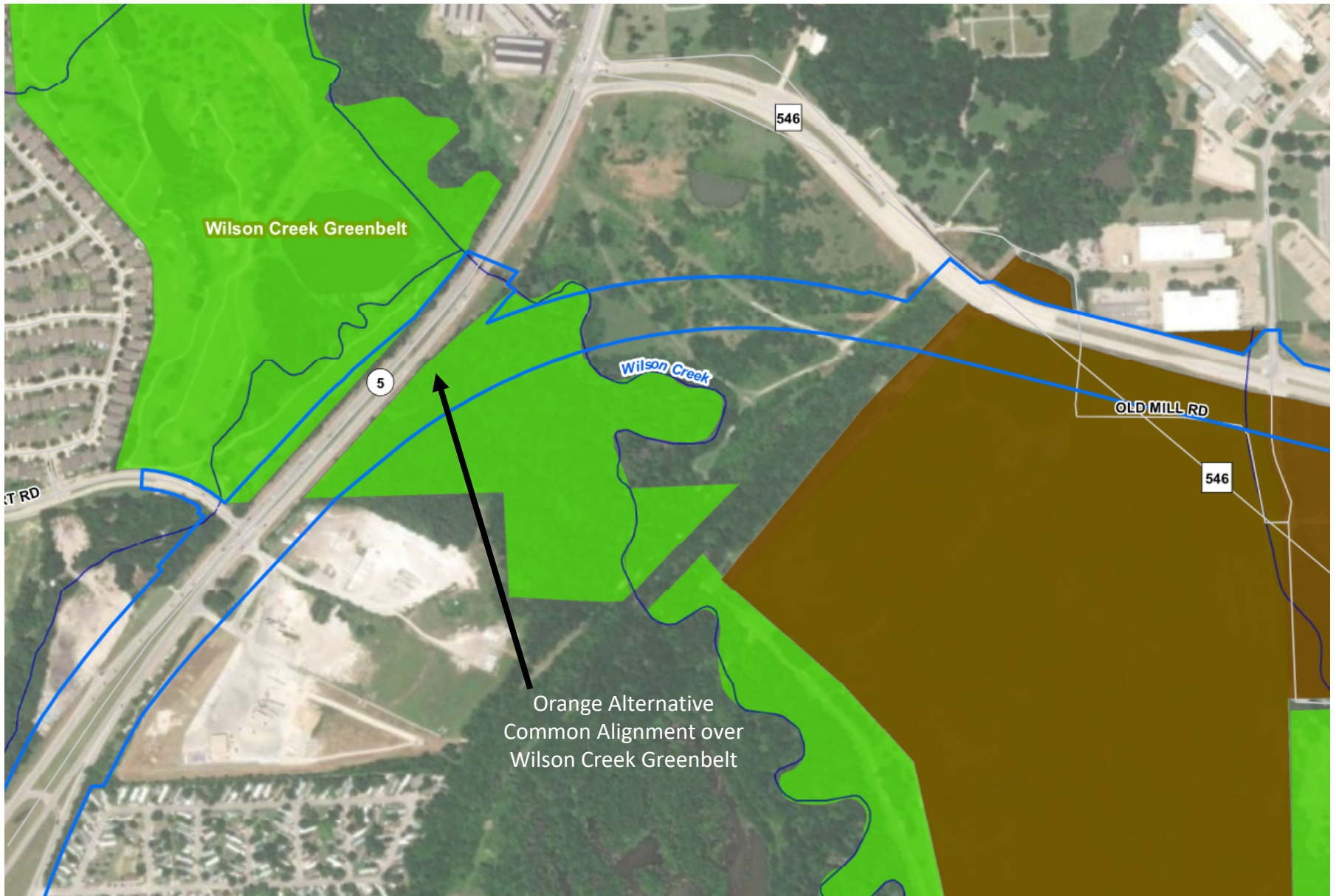
Section 4(f) Use:

The Spur 399 Extension would be constructed on a bridge structure over the Wilson Creek Greenbelt, requiring approximately 975 square feet of land to accommodate construction of the bridge piers/bents supporting the elevated roadway. A portion of the project would widen a section of existing SH 5 that passes over the greenbelt.

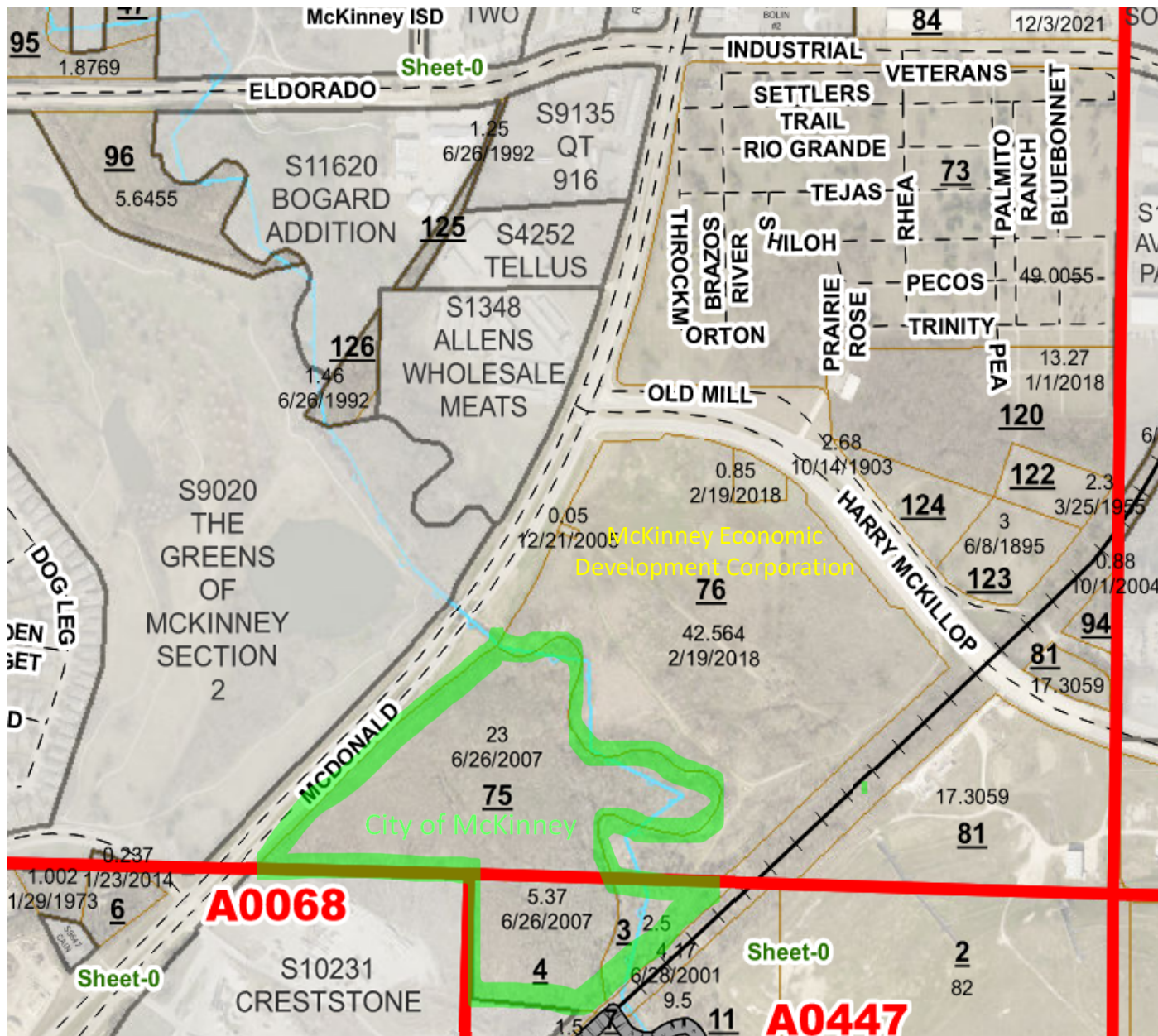
Documentation

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

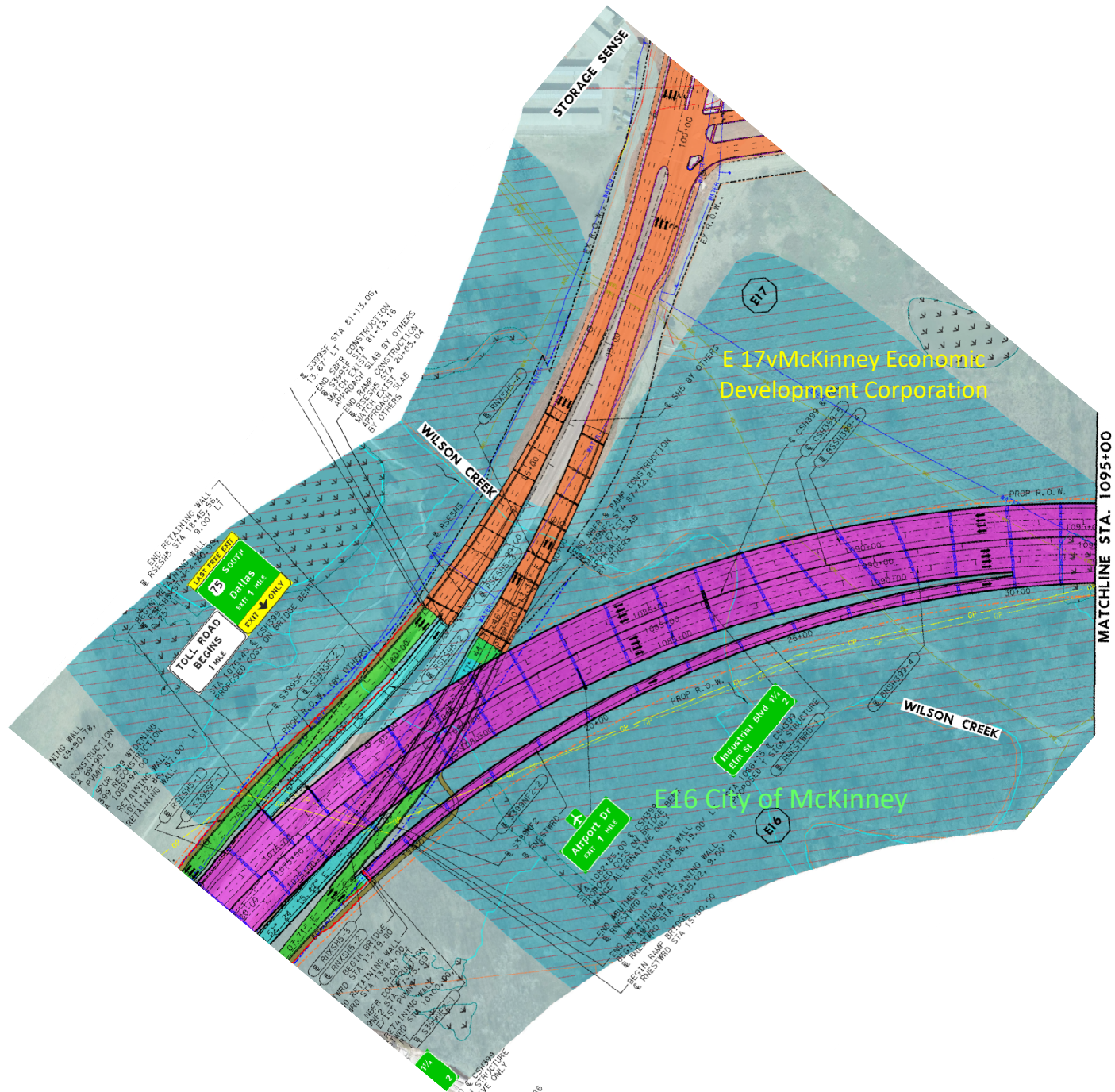
- ☒ A detailed map of the Section 4(f) Property including current and proposed ROW; property boundaries; access points for pedestrians and vehicles and existing and planned facilities.
- ☒ Street level photograph of the property
- ☒ Concurrence letter from Official with Jurisdiction
- ☒ Copy of WPD I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



Parcel Location and Property Boundaries



Parcel Location and Property Boundaries





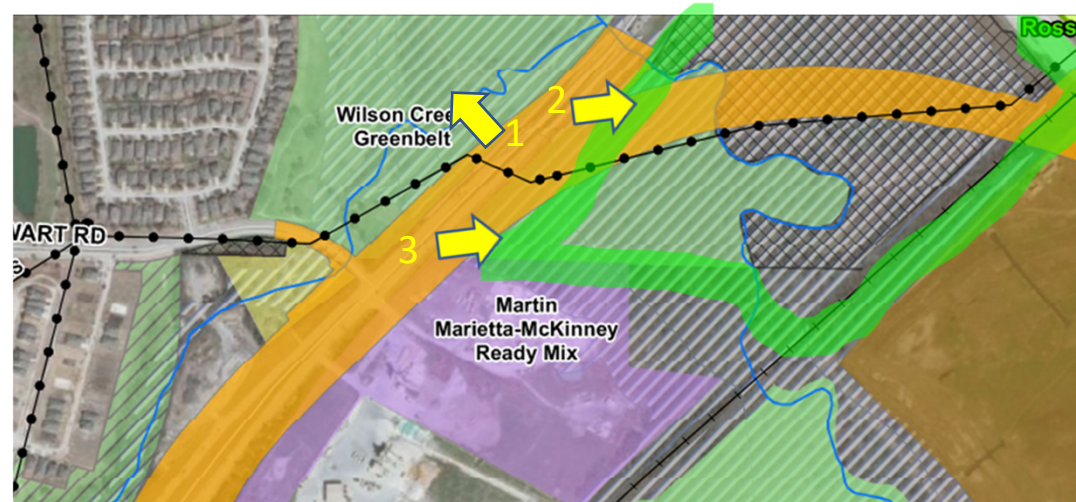
1 – View west from SH 5 at former golf course area and cart path (former McKinney Greens Golf Course)



2 – View from SH 5 of Parcel 75 near Wilson Creek crossing



3 – View from SW corner of Parcel 75 next to SH 5, looking NW (goat path)



Street-level views of the Wilson Creek Greenbelt parcel west and east of SH 5



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

December 22, 2022

District: Dallas
County: Collin
CSJ#: 0364-04-051, 0047-05-058, and 0047-10-002
Highway: Spur 399 Extension
Project Limits: US 75 to US 380
Section 4(f) Property: Wilson Creek Greenbelt

SUBJECT: NOTIFICATION OF INTENT TO PURSUE *DE MINIMIS* TO SECTION 4(f) (23 CFR 774.3(b))

Mr. Michael Kowski, Director
McKinney Parks & Recreation
1611 N. Stonebridge Drive
McKinney, Texas 75701

Dear Mr. Kowski:

In accordance with 23 CFR 774.3(b), we are seeking concurrence for the above referenced project, which will be carried out with Federal funds. This letter requests review and consultation concerning the use of and determination of significance of a portion of the Wilson Creek Greenbelt crossed by the proposed project. TxDOT intends to pursue a Section 4(f) *de minimis* for the anticipated project impacts.

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.

Introduction

The Texas Department of Transportation (TxDOT) proposes to construct an 8-lane freeway with frontage roads primarily on new location connecting US 75 south of McKinney to US 380 east of McKinney. Depending on the location, the typical freeway section would consist of four 12-foot-wide travel lanes in each direction with 10-foot-wide inside and outside shoulders and 2-lane (each 12-foot-wide), one-way frontage roads on either side of the mainlanes. The preferred alternative (Orange Alternative) would widen the existing section of SH 5 from the intersection of SH 5/US 75/Sam Rayburn Tollway (SRT)/SH 121 to near Stewart Road where the new location alignment would continue to the east and south of FM 546/Harry McKillop Boulevard to travel around the south end of the McKinney National Airport, then turning north to connect to existing US 380 near FM 1827/New Hope Road. The freeway would include shared-use paths (SUPs) along the outside of the frontage roads (where constructed) that would be separated from the frontage roads by a concrete barrier or a grassed median, depending on location. The anticipated ROW width needed to accommodate the proposed new location improvements ranges between 165 feet and 696 feet, with an average ROW width of approximately 400 feet.

Widening of the section of existing SH 5 and the extension of the new location roadway to the east of SH 5 and south of FM 546/Harry McKillop Boulevard requires the construction of bridge piers/bents within the limits of the Wilson Creek Greenbelt. The bridge piers/bents would elevate the new roadway over the park property. As described in the Draft Environmental Impact Statement (DEIS) published on October 7, 2022, for public review. The new alignment freeway would cross above approximately seven acres of the Wilson Creek Greenbelt, with a direct impact to the park property of approximately 974 square feet due to construction of the bridge piers/bents. The proposed design would avoid impacts to proposed trails and other improvements planned

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OUR MISSION: Connecting You With Texas

An Equal Opportunity Employer

within the park property. TxDOT will continue to coordinate with the City of McKinney and the Parks and Recreation Department during development of the final design for the Spur 399 Extension.

Determination of No Adverse Effects and Certification of Section 4(f) *De Minimis*

The Wilson Creek Greenbelt parcel on which the use will take place has local public recreational significance under the requirements of 23 CFR 774.3(b). In order to qualify for a Section 4(f) *de minimis*, it was established that the project activities will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection.

The function of the Wilson Creek Greenbelt will not be impaired and its function will not cease. Nor will the project impair the function of the property as a whole. Therefore, these minor changes would have no adverse effect. The property would still possess its significance after the project is complete.

If you feel that TxDOT has met the above requirements and have no additional comments about the project, then please endorse this letter and return it to us by January 21, 2023. This endorsement will signify your concurrence that there is no adverse effect to the above property. Additional information about Section 4(f) requirements can be found at the following link or you may request additional information from TxDOT:

[http://environment.fhwa.dot.gov/\(S\(1vvep545s3wmhuubnvexkmm2\)\)/4f/index.asp](http://environment.fhwa.dot.gov/(S(1vvep545s3wmhuubnvexkmm2))/4f/index.asp)

Conclusion

In accordance with 23 CFR 774.3(b), I hereby request your signed concurrence with the finding of no adverse effects. Furthermore, TxDOT determined that the proposed project activities meet the requirements of a *de minimis* finding under Section 4(f).

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

Sincerely,

DocuSigned by:

Christine Polito

6AE0B236A0064F2

Christine Polito, Environmental Program Manager
TxDOT Dallas District

CONCUR:

DETERMINATION OF *DE MINIMIS* IMPACT UNDER SECTION 4(f) GUIDELINES

NAME:

Michael Kowski - Director
[Insert Name and Title of Official with Jurisdiction]

DATE:

1/6/23

Cc: Jenny Baker, Park Development Specialist, McKinney Parks & Recreation
Michelle Lueck, TxDOT Environmental Affairs
Stephen Endres, TxDOT Dallas District PM
Shari Cannon-Mackey, Burns & McDonnell

[Back To List](#)

- [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)

Auto Associate CSJ from DCIS

Manually Associate CSJ:

Add

CSJ	DCIS Funding	DCIS Number	Env Classification	DCIS Classification	Main or Associate	Doc Tracked In	Actions
CSJ:004705058	Federal,State		EIS	NLF	Associate	Main	
CSJ:004710002	Federal,State	F ()	EIS	NLF	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 DatesDCIS District: DCIS Approved: DCIS Actual: P6 Ready To Let: P6 Proposed Letting: ☐ DCIS Project DescriptionType 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: (Feet) Maximum Depth of Impacts: (Feet)New ROW Required: (Acres)New Perm. Easement Required: (Acres) New Temp. Easement Required: (Acres)

Project Description

Describe Limits of All Activities:

The proposed project would extend primarily on new location from US 75/SH 121/Spur 399 south of McKinney north along SH 5 and then east and north to intersect with US 380 east of McKinney.

The Preferred Alternative/Orange Alternative is approximately 6.25 miles long and would require right-of-way ranging in width from 165 feet to 696 feet (depending on the location), with an average ROW width of approximately 400 feet.

Approximately 366.1 acres of new right-of-way will be required to construct the proposed project.

Describe Project Setting:

The setting of the proposed Spur 399 Extension includes a primarily industrial area within the southeast quadrant of McKinney. The area includes a mix of industrial and airport uses with areas of undeveloped open land. Residential development lies to the west of the project area. Major traffic generators include a regional airport in the center of the study area and the industrial developments and downtown McKinney to the west.

The study area includes existing roadways, a rail line, a municipal landfill, a regional airport, quarry, and large open areas of floodplain and mapped wetlands.

A nature center, nature preserve, soccer complex, and reservoir are present within the study area.

The East Fork Trinity River and its tributaries cross through the northern portion of the study area. Vegetation present includes urban maintained landscaping associated with developments, crop land, unmaintained grasslands, and woodland vegetation within parks and floodplain areas.

Describe Existing Facility:

Existing Spur 399 is a 1.14 mile-long section of roadway that connects SH 5 to US 75/SH 121 and the Sam Rayburn Tollway (SRT) south of McKinney. Spur 399 serves as a frontage road to SH 5, with two 12-foot-wide lanes in each direction and 10-foot-wide outside and 4-foot-wide inside shoulders along the outside of SH 5 with open ditch drainage. Ramps with curb and gutter connect Spur 399 to Medical Center Drive. The existing ROW is approximately 350-feet wide.

Describe Proposed Facility:

The proposed project would extend Spur 399 from US 75 to US 380, as a new location facility. The Spur 399 Extension would be an eight-lane, access-controlled freeway with one-way frontage roads on each side within an anticipated right-of-way width ranging from 165 feet to 696 feet, with an average ROW width of approximately 400 feet, depending on location.

Frontage roads would be provided along the mainlanes starting near Airport Drive and extending the remaining length of the Orange Alternative/Preferred Alternative to connect to US 380. No frontage roads would be provided from SH 5 to Airport Drive as existing FM 546 would serve as the frontage road in this section.

The primary travel lanes would be elevated (on bridge/viaduct) along much of the proposed facility to minimize impacts to utilities, water features and floodplain. Other areas would be constructed on an earthen embankment.

The freeway facility would also include ramps, shared-use paths along the frontage roads, and would connect to arterial roadways to support existing roadway network connectivity. Grade-separated interchanges would be constructed at Airport Drive/FM 546 and CR 722/Enloe Road and grade separations would be provided at CR 317/FM 546 and FM 546. An at-grade signalized intersection would connect the Spur 399 Extension to US 380.

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: 06/15/2022 01:08:55

Appendix M-2: Douglas Tract 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

McKy East Fork (Douglas) - Blanket Easement
10/18/2013

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

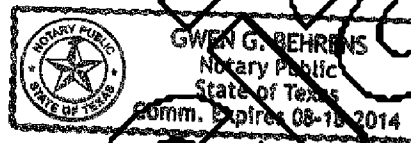


EXHIBIT "A"
Description of Property

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, 713.15 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.



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

Stacey Kemp

Appendix M-3: Chapter 26 Checklist



Checklist

Parks and Wildlife Code, Chapter 26 Compliance

Control Section Job Number (CSJ): 0364-04-051

District and County: Dallas, Collin

Property ID: Wilson Creek Greenbelt, Parcel 75

Property Name: Wilson Creek Greenbelt

The Texas Department of Transportation (TxDOT) districts and Environmental Affairs Division (ENV) use this checklist and supporting documentation to make recommendations and determinations about compliance with Chapter 26 of the Parks and Wildlife Code (PWC). Once completed, the checklist serves as the record of the determination of compliance with Chapter 26, and both the checklist and attached documentation are retained in the project file maintained in the Environmental Compliance Oversight System (ECOS).

For each of the following steps and/or items, check the appropriate box in the columns on the left. Check one box **ONLY** (i.e., either "Yes" or "No," not both).

I. Property Type

Yes No

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | A. Is the property publicly owned? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | B. Is the property officially designated as a park, recreation area, scientific area, or wildlife refuge? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | C. Is the property officially designated a historic site on the federal, state or local level (NRHP, RTHL, SAL, local zoning)? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | D. Is the property used for its designated purpose? |

II. Use and/or Take

Yes No

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | A. Does the project require an acquisition of acreage from the Chapter 26 property?
If so, specify the size of the acquisition: 975 square feet/0.02 acres |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | B. Does the project require the placement of an easement on the Chapter 26 property?
If so, explain those requirements and/or provide a reference to such an explanation in the environmental review document or other written materials retained in the project file: <Enter the explanation and/or reference> |

III. Public Hearing Notice

Once it is determined there will be a use of or take from a Chapter 26 property, a hearing is required. The Chapter 26 notice can be combined with other types of public notices as long as the other notices also address the Chapter 26 requirements.

Yes No

- ☒ ☐ A. Was written notice of the public hearing sent to the person, organization, department or agency that has supervision of the land at least 30 days prior to the hearing date?
1. Specify the date the notice was sent: October 7, 2022
2. Specify the name of the person, organization, department or agency that has supervision of the land: City of McKinney, Texas
- ☒ ☐ B. Is the letter used to send the notice to the person, organization, department or agency that has supervision of the land attached to this checklist?
- ☒ ☐ C. Was a notice of the hearing published in a newspaper once a week for three consecutive weeks, with the last day of publication no less than one week and no more than two weeks before the hearing?
- If so, provide publication dates: October 7, October 23, and November 3, 2022
- ☒ ☐ C. Did the notice of the hearing clearly state the nature of the project and how it is subject to Chapter 26?
- ☒ ☐ E. Is proof that the public notice was published attached to this checklist?
-

IV. Public Hearing

The Chapter 26 hearing may be combined with a hearing held to address other requirements.

- ☒ ☐ A. Was a public hearing held?
- If so, specify the date the hearing was held: November 10, 2022
- ☐ ☒ B. If a hearing was held, did TxDOT receive any comments related to local preferences regarding the Chapter 26 property?
- ☐ ☐ C. If comments related to local preferences regarding the Chapter 26 property were received, are they attached to this checklist?
- ☐ ☐ D. If comments related to local preferences regarding the Chapter 26 property were received, were the local preferences considered?
- If so, explain what was considered and/or provide a reference to such an explanation in the environmental review document or other written materials in the project file: <Enter the explanation and/or reference>

V. Determinations

The determinations in this section are made after the hearing to allow consideration of local preferences.

Yes No

- ☒ ☐ A. Was it determined that there is no feasible and prudent alternative to the use or take of Chapter 26 property?

Explain the why or why not and/or provide a reference to such an explanation in the environmental review document or other written materials retained in the project file: The project includes widening of existing SH 5 over the Wilson Creek Greenbelt and the construction of a new location alignment over the greenbelt that connects to SH 5. See Section 3.9 of the Spur 399 Extension Draft EIS (September 27, 2022).


- ☒ ☐ B. Was it determined that the project includes all reasonable planning to minimize harm to the Chapter 26 property, resulting from the use or take?

Explain why or why not, describe the included plans, and/or provide a reference to such a description in the environmental review document or other written materials in the project file: The proposed project would be elevated and cross the Wilson Creek Greenbelt on a bridge, minimizing impacts to the property. See Section 3.9 of the Spur 399 Extension Draft EIS (September 27, 2022).

V. Required Attachments

- Proof that the public notice was published in accordance with the requirements listed in Section III. Above
- Any comments related to local preferences regarding the Chapter 26 property that were received referenced in Section IV. above

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Notice of Public Hearing

Spur 399 Extension
From US 75 to US 380

Collin County, Texas

CSJs: 0364-04-051, 0047-05-058, 0047-10-002

The Texas Department of Transportation (TxDOT) is proposing to construct an extension to Spur 399 from US 75 south of McKinney to US 380 east of McKinney in Collin County, Texas. This notice advises the public that a draft environmental impact statement (DEIS) is available for public review and that TxDOT will be conducting an in-person and online virtual public hearing on the proposed project. The same information will be available at both the in-person and virtual hearings. The in-person public hearing will follow an "open house" format. The purpose of the hearing is to present the DEIS and updated schematic design of TxDOT's Preferred Alternative which has previously been presented as the Orange Alternative, east of McKinney National Airport.

In-Person Hearing

Thursday, Nov. 10, 2022
5:30 p.m. to 7:30 p.m.
Sheraton Hotel Throckmorton Ballroom
1900 Gateway Blvd, McKinney, TX 75070

Virtual Hearing

Thursday, Nov. 10, 2022, at 5:30 p.m. through Saturday, Dec. 10 at 11:59 p.m.
www.keepitmovingdallas.com/Spur399

****Not a live event***

The proposed project would accommodate a six to eight-lane freeway with frontage roads on each side in most areas to improve north-south mobility and improve connectivity between the eastern portion of Collin County and destinations south of McKinney. The typical proposed right-of-way (ROW) would be approximately 400 feet wide, with the minimum and maximum ROW width ranging from 165 feet to 696 feet, respectively. Depending on the location, the typical freeway section would consist of four 12-foot-wide travel lanes in each direction with 10 to 17 foot wide inside and outside shoulders and 2 lane (each 12-feet-wide), one-way frontage roads on either side of the mainlanes. Shared-use paths (SUPs) built along the outside of the frontage roads would provide bicycle and pedestrian accommodations and support multi-modal access. The total proposed ROW acreage is estimated at 366.1 acres. The proposed project passes through the City of McKinney and Collin County and is near the Town of Fairview.

The proposed project would cross over a portion of the Wilson Creek Greenbelt, owned by the City of McKinney, east of State Highway (SH) 5. The new location freeway would be constructed on a bridge over the park land. The piers supporting the bridge would touch down within the park property but would not affect the trails and other park amenities. TxDOT anticipates making a *De Minimis* determination for this use under Section 4(f) of the Department of Transportation Act of 1966. Public comment on the effects of the proposed project on the activities, features, or attributes of the Wilson Creek Greenbelt may be submitted as described below.

The proposed project would, subject to final design considerations, require additional ROW and potentially displace seven residences and two business structures. Relocation assistance is available for displaced persons and businesses. Information about the TxDOT Relocation Assistance Program and services and benefits for those displaced and other affected property owners, as well as information about the tentative schedule for ROW acquisition and construction, can be obtained from the TxDOT district office by calling (214) 320-6675 or online at www.keepitmovingdallas.com/Spur399.

The proposed project would involve construction in wetlands and an action in a floodplain.

Environmental documentation and studies, including the draft EIS and any maps and drawings showing the project location and design, tentative construction schedules, and other information regarding the proposed project are on file and available for inspection Monday through Friday between the hours of 8 a.m. and 5 p.m. at the TxDOT Dallas District Office, 4777 East US Highway 80, Mesquite, Texas 75150-6643. Project materials will also available online at www.keepitmovingdallas.com/Spur399 and in hard copy form for review at the in-person public hearing.

The public hearing will be conducted in English. If you need an interpreter or document translator because English is not your primary language or you have difficulty communicating effectively in English, one will be provided to you. If you have a disability and need assistance, special arrangements can be made to accommodate most needs. If you need interpretation or translation services or you are a person with a disability who requires an accommodation to attend and participate in the virtual public hearing or in-person option, please contact TxDOT Public Information Office at (214) 320-4480 no later than 4 p.m. Monday, Nov. 7, 2022. Please be aware that advance notice is required as some services and accommodations may require time for the Texas Department of Transportation to arrange.

Comments from the public regarding the proposed project are requested and may be submitted to TxDOT Dallas District Office, 4777 East US Highway 80, Mesquite, Texas 75150-6643 or Stephen.Endres@txdot.gov. Verbal comments may be submitted by calling (833) 933-0443. All comments must be received or postmarked before Saturday, Dec. 10, 2022. Responses to written comments received by the deadline will be available on the project website once they have been prepared.

If you have any general questions or concerns regarding the proposed project or the hearing, please contact the TxDOT Project Manager, Mr. Stephen Endres, P.E., at (214) 320-4469 or Stephen.Endres@txdot.gov.

Spanish Public Hearing Notice

Vietnamese Public Hearing Notice

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.

TxDOT Dallas District
4777 East US Highway 80
Mesquite, TX 75150

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0364-04-051, 0047-05-058, and 0047-10-002 Spur 399 Extension – US 75 to US 380
Notice of Public Hearing, October 7, 2022

City of McKinney recipients:

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- abloxham@mckinneytexas.org
- District3@mckinneytexas.org
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- district4@mckinneytexas.org
- mtilke@mckinneytexas.org
- twhite@mckinneytexas.org
- jarnold@mckinneytexas.org
- pnasta@mckinneytexas.org
- district1@mckinneytexas.org
- pgrimes@mckinneytexas.org
- atlarge2@mckinneytexas.org
- cphilips@mckinneytexas.org
- contact-planning@mckinneytexas.org

Cannon-Mackey, Shari

From: Suzanne Walsh <Suzanne.Walsh@tpwd.texas.gov>
Sent: Monday, November 21, 2022 7:14 PM
To: Christine Polito
Cc: Michelle Lueck; Dan Perge; Leslie Mirise
Subject: RE: 0364-04-051, etc. Spur 399 Notice of Availability of DEIS
Attachments: WL49335-TxDOT-0364-04-051-EIS-11-21-2022.pdf

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Christine,

Please see attached letter for TxDOT Dallas District's EIS Spur 399 between US 75 to US 380 in Collin County (CSJ: 0364-04-051). Please let me know if TxDOT needs a hard copy to be mailed.

Sincerely,

Suzanne Walsh
Transportation Conservation Coordinator
(512) 389-4579

From: WHAB_TxDOT <WHAB_TxDOT@tpwd.texas.gov>
Sent: Friday, October 7, 2022 4:45 PM
To: Christine Polito <Christine.Polito@txdot.gov>; WHAB_TxDOT <WHAB_TxDOT@tpwd.texas.gov>
Cc: Michelle Lueck <Michelle.Lueck@txdot.gov>; Dan Perge <Dan.Perge@txdot.gov>; Leslie Mirise <Leslie.Mirise@txdot.gov>; Suzanne Walsh <Suzanne.Walsh@tpwd.texas.gov>
Subject: RE: 0364-04-051, etc. Spur 399 Notice of Availability of DEIS

The TPWD Wildlife Habitat Assessment Program has received your request and has assigned it project ID # 49335. The Habitat Assessment Biologist who will complete your project review is copied on this email.

Thank you,

John Ney
Administrative Assistant
Texas Parks & Wildlife Department
Wildlife Diversity Program – Habitat Assessment Program
4200 Smith School Road
Austin, TX 78744
Office: (512) 389-4571

From: Christine Polito <Christine.Polito@txdot.gov>
Sent: Friday, October 7, 2022 9:47 AM
To: WHAB_TxDOT <WHAB_TxDOT@tpwd.texas.gov>
Cc: Michelle Lueck <Michelle.Lueck@txdot.gov>; Dan Perge <Dan.Perge@txdot.gov>; Leslie Mirise <Leslie.Mirise@txdot.gov>
Subject: 0364-04-051, etc. Spur 399 Notice of Availability of DEIS

ALERT: This email came from an external source. Do not open attachments or click on links in unknown or unexpected emails.

Attached please find a Notice of Availability of a DRAFT environmental impact statement for the subject project. For your convenience, you can use this link to access the DEIS: <https://www.keepitmovingdallas.com/Spur399>

Type of Request: Coordination of an EIS

CSJ: 0364-04-051, etc.

Project Name: Spur 399 Extension

Project Location: McKinney, Collin County, Texas

File names for Draft EIS in ECOS (note that these are on the Documents page under the Project heading):

0364-04-051etc APPROVED SPUR399 DEIS 2022-09-27.pdf
0364-04-051etc APPROVED SPUR399 DEIS APPENDICES A-B-C-D-E-F-G-H 2022-09-27.pdf
0364-04-051etc APPROVED SPUR399 DEIS APPENDICES I-J-K-M 2022-09-27.pdf
0364-04-051etc APPROVED SPUR399 APPENDIX O 2022-09-27.pdf
0364-04-051etc APPROVED SPUR399 DEIS APPENDICES P-Q-R 2022-09-27.pdf
0364-04-051etc APPROVED SPUR399 DEIS APPENDIX N 2022-09-27.pdf
0364-04-051etc APPROVED SPUR399 APPENDIX L 2022-09-27.pdf

Thank you,

Christine Polito (*she/her/hers*)
Environmental Program Manager
Dallas Environmental
Texas Department of Transportation
4777 E. Highway 80
Mesquite, TX 75150-6643
(214) 320-6141
Christine.Polito@txdot.gov

