

## Appendix E – Supporting Documentation

PAGE INTENTIONALLY LEFT BLANK

# MEMORANDUM



**TO:** Stan Hall, P. E.  
APD Engineer  
Dallas District

**DATE:** November 5, 2009

**FROM:** Elvia Gonzalez  
Project Management Section  
Environmental Affairs Division

A handwritten signature in blue ink that reads "Elvia Gonzalez".

**SUBJECT:** Advance Right of Way Acquisition (Protective buy)  
Purchase Option  
State Categorical Exclusion  
Dallas, Kaufman and Ellis Counties  
CSJ 2964-10-004 (ROW acquisition)  
CSJ 1111-08-006 (ETS tracking number)

---

Loop 9 SE: Hillwood Parcel (Consists of 4 parcels in Dallas and Ellis Counties)

ENV has completed its review of the State Categorical Exclusion (SCE) document for the advance right of way acquisition for protective buy for four parcels of property associated with the proposed construction of the Loop 9 Southeast project. The limits of the project are from IH 20 to US 287 in Dallas, Ellis and Kaufman Counties. The advance acquisition to purchase an option for the four parcels would be from the Gateway Estates (one parcel) and Harmony communities (three parcels) of the Hillwood Residential Company in Dallas and Ellis Counties. These four parcels are referred to as the "Hillwood parcel." According to the Dallas District, no federal funds will be utilized for the purchase of the option.

Internal review under the programmatic agreement for archeology and historic structures has been completed by ENV staff. Copies of the internal review memos are attached. Please note that right-of-entry for an archeological survey was denied by the landowners; therefore, it will be conducted after the right-of-way is acquired. As stated in the SCE document, a database search and visual survey of the project area was conducted for evidence of hazardous materials and/or contamination and no obvious indications of spills, stains, or leaks within the project limits were observed. In addition, the advance acquisition of the four parcels does not involve any Section 4(f) properties.

The SCE document for advance acquisition for protective buy to purchase an option for the Hillwood parcel is approved. The property to be acquired under this advance acquisition cannot be used as part

of the justification for selecting a particular alternative and will not preclude further evaluation of other alternatives. You may now proceed to submit your request to purchase the option to the Right of Way Division (ROW). Please note that this SCE document approval also allows DAL to submit a request to ROW to exercise the option when ready to do so.

Attachments

cc: John Zimmerman (ROW)  
Tim Powers (North Regional Director)





# MEMO

May 12, 2017

**To:** Teresa Harris  
Right of Way Agent

**Through:** Travis Owens, P.E.  
Project Manager

**From:** Sandra Williams  
Environmental Specialist

**Subject:** Due Diligence Report - Advanced Right-of-Way (ROW) Acquisition – Loop 9 Project  
CSJ 2964-10-006; 0261-01-041

**Reference:** Parcel ID 65112235510030000 / Account Number: 65112235510030000  
Property Address: 1807 Bear Creek Road in Red Oak, Dallas County, Texas

---

The Texas Department of Transportation (TxDOT) proposes the construction of a new location frontage road system between United States (US) 67 to Interstate 35 East (IH 35E), for approximately 9.3 miles in length, through Dallas and Ellis Counties. The project would include the construction of an interchange for US 67 at Lake Ridge Parkway (approximately 0.5 mile in length). The proposed project would also include the preservation of right-of-way (ROW) for an ultimate access-controlled main lane facility (project location map attached).

## Early ROW Acquisition

One early acquisition parcel has been identified for this project. TxDOT is proposing advanced right-of-way (ROW) acquisition of 9.8282 acres of an existing 29.4822-acre parcel located at 1807 Bear Creek Road in Red Oak, Texas, in Dallas County (map of parcel is attached). The Parcel ID is identified in the Dallas Central Appraisal District (DCAD) as Parcel ID 65112235510030000 / Account Number: 65112235510030000. The parcel is a commercial property, privately owned by SAPPHIRE GROUP LLC. The DCAD Property Map and property information is attached.

Early acquisition of the 9.8282 acres is being proposed in order to obtain the property prior to development by others, which would substantially increase the cost of the property, possibly resulting in additional displacements for the future LP 9 project. The property owner, SAPPHIRE GROUP LLC is proposing single-family houses for this parcel, which would be built prior to the construction of the future LP 9 project. The City of Cedar Hill's authority to secure the amount of right-of-way TxDOT required to accommodate the future Loop 9 project is limited and insufficient to avoid a future conflict between the proposed development and the project. In the interest of the public good, the City has requested TxDOT to pursue acquisition of the right-of-way conflicting with the proposed development. The City's objective in making this request is to prevent the displacement of future residents and avoid undue time and impacts to the Loop 9 project. The developer/owner has also requested early acquisition of this property.

OUR VALUES: *People • Accountability • Trust • Honesty*

OUR MISSION: *Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.*

An Equal Opportunity Employer

The additional ROW to be acquired would be purchased as advanced ROW acquisition prior to the anticipated project letting date of September 2025 for the future LP 9 project. Early acquisitions of real property without contemporaneous Federal-aid participation and prior to completion of environmental review under NEPA, commonly referred to as “at risk” or “early ROW acquisitions”, must comply with the Uniform Act and must not influence the decision of the environmental review process of the project required under NEPA. Early acquisition of this property will be performed in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act).

### **On-going Environmental Studies**

Currently TxDOT is developing documentation in support of an environmental constraints analysis for the future LP 9 project. The preparation of an environmental constraints report with mapping is needed to begin developing schematic for the project. Based on available data for this particular parcel, the following resources have been identified:

#### *Community Impact*

- The advanced ROW purchase of 9.8282 acres would not have disproportional impacts since the property to be acquired is currently undeveloped. The acquisition of this property would not divide any existing community, since the remaining 29.4822-acre parcel, owned by the same property owner of the 9.8282 acres, is also undeveloped. Based on the available data, it was determined that the advanced ROW purchase would not cause disproportionate adverse impacts to any minority or low-income populations.

#### *Wetlands*

- No wetlands were observed using aerial photos
- NWI wetlands were recorded along the tributary of Little Creek.
- There is a total of 1066 linear feet of streams within the project area. At least 833 of these are jurisdictional.

#### *Soils*

- Approximately 89% are prime farmland or farmland of statewide importance.

#### *Floodplain*

- Approximately 1.01 acres are located within Zone A of Little Creek.

#### *Haz Mat Sites*

- After searching the EPA databases no sites were identified within or adjacent to the subject property. The nearest listed sites were located over 3 miles away on US 67.

### **Environmental Documentation Type**

The project is anticipated to be environmentally cleared as an EIS; however, based on the environmental constraints report, a “Request for Environmental Classification” letter will be prepared requesting concurrence as an EA.

### **Current Sandbox Dates**

Schematic approval is expected December 2019, with environmental clearance to follow July 2021. Project letting is anticipated September 2025.

**CC:** Dan Perge, P.E., Advance Project Development Director, TxDOT Dallas District  
Lezlie Kirby, ROW Project Delivery Manager, TxDOT Dallas District  
File





**Legend**

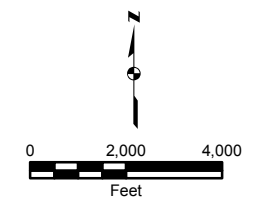
- Roads
- County Outline
- Stream Centerlines

**Corridors**

- Alternative Alignment
- Main Alignment

**Floodplains**

- A
- AE
- AO

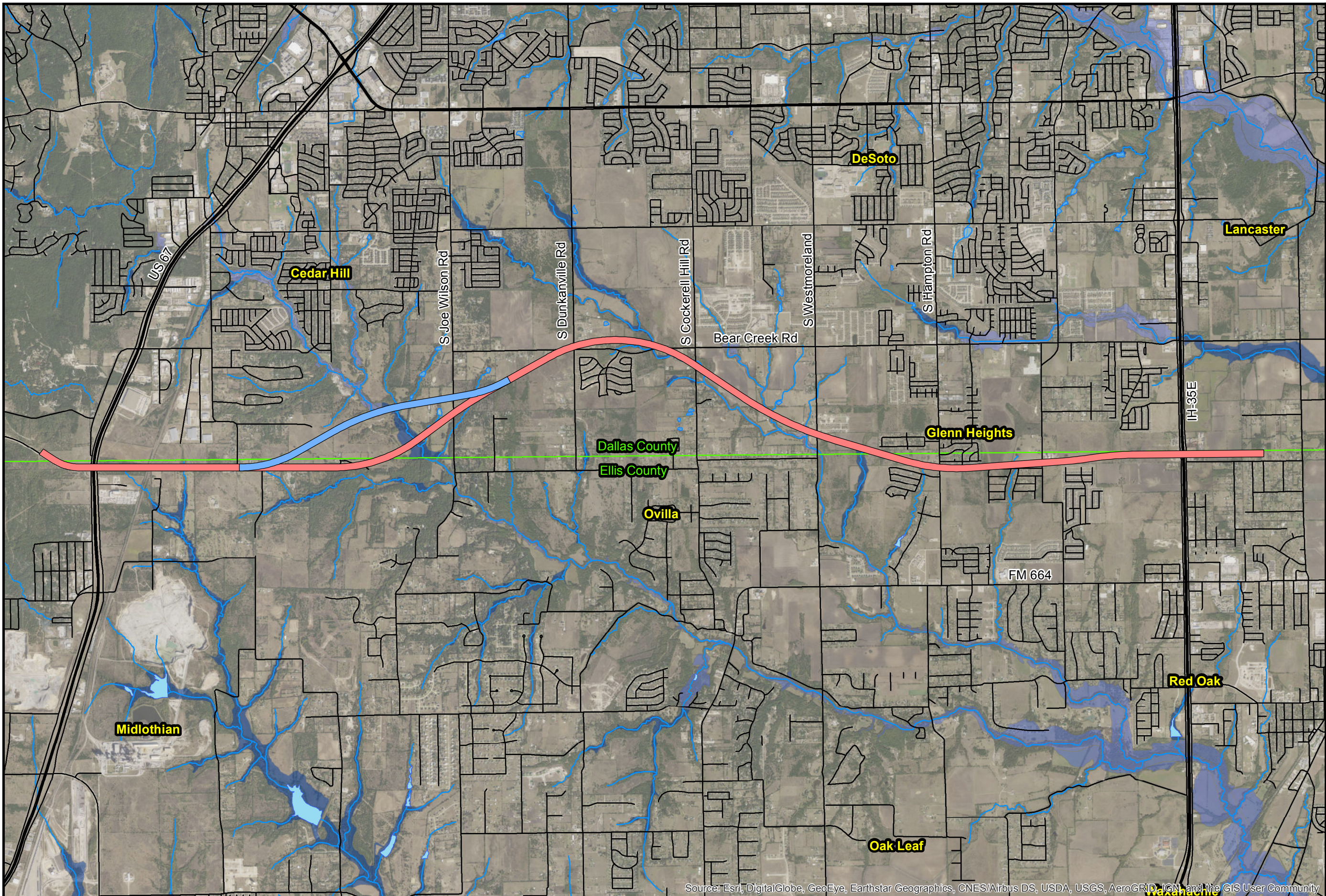


**PRELIMINARY  
SUBJECT TO  
CHANGE**

Disclaimer:  
Every effort has been made to ensure the accuracy of data. Brown & Gay Engineers, Inc. assumes no liability or damages due to errors or omissions.

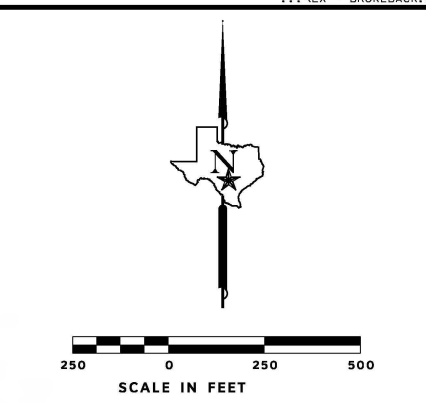
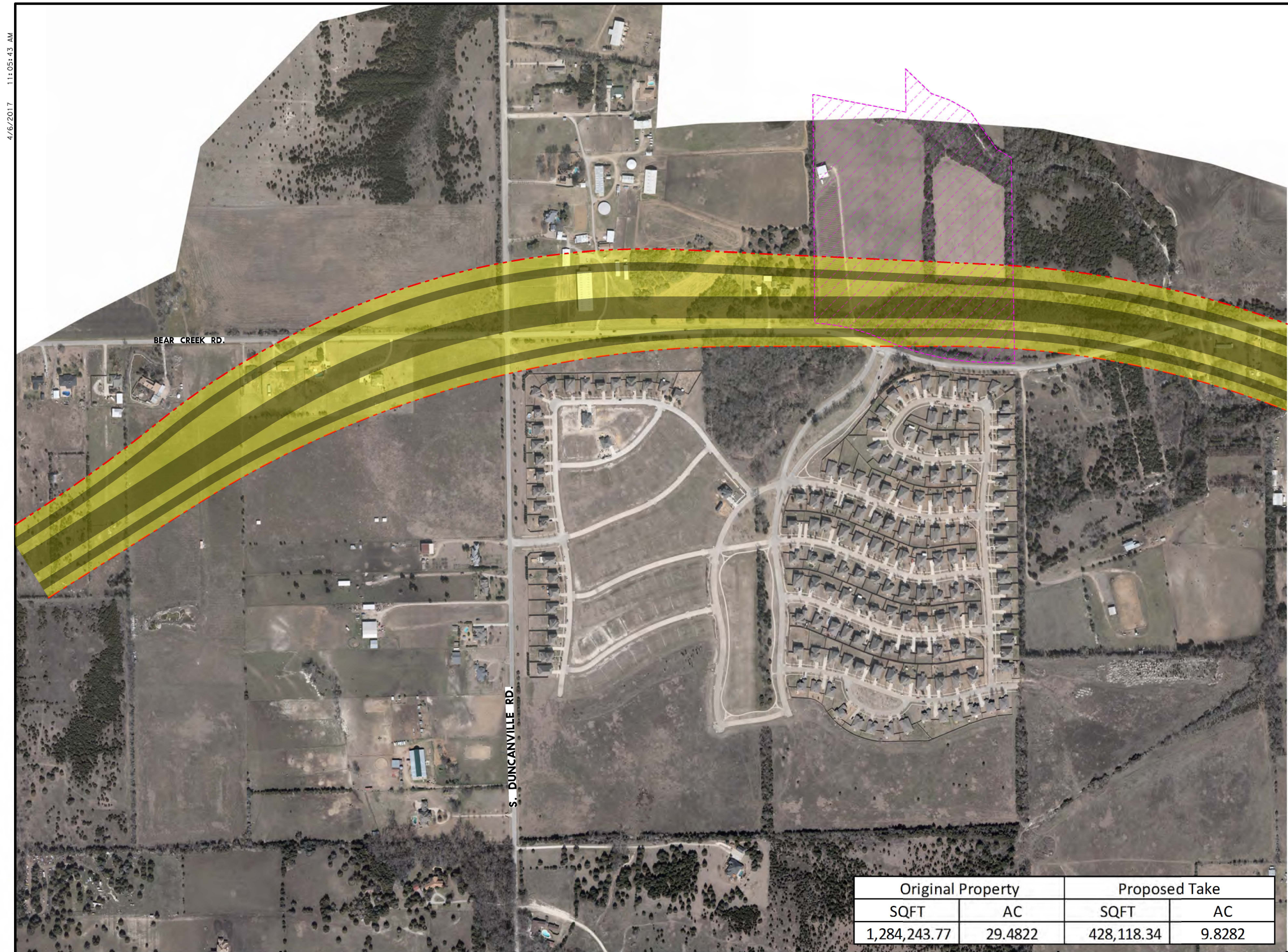
Date: 2/10/2017 Job No: 4020-01

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





4/6/2017 11:05:43 AM



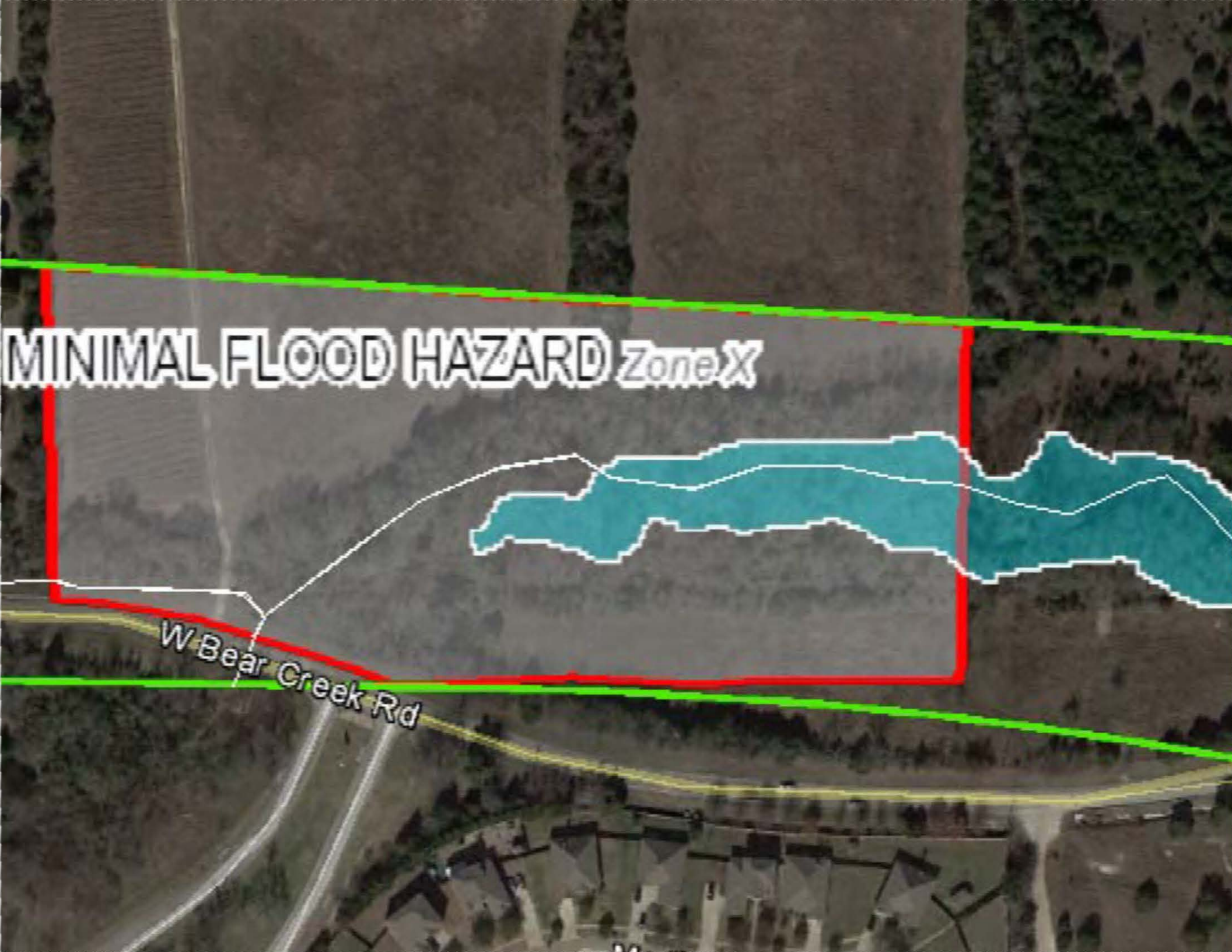
- PROPOSED PAVEMENT
- PROPOSED ROW AREA
- PROPOSED ROW LINES
- PROPERTY IN QUESTION

Original Property		Proposed Take	
SQFT	AC	SQFT	AC
1,284,243.77	29.4822	428,118.34	9.8282



MINIMAL FLOOD HAZARD Zone X

W Bear Creek Rd





DCAD  
Property  
Map



Search  
by:

Account/Prop Addr/Owner Name ▼



Search



## 1807 BEAR CREEK RD

Parcel ID:	65112235510030000
Account Number:	<u>65112235510030000</u>
Neighborhood	N/A
Site Address:	1807 BEAR CREEK RD
Map Grid:	82-U (DALLAS)
Account Type:	Commercial
Legal Description 1:	AMBROSE POWERS ABST 1122 PG 355
Legal Description 2:	TR 3 ACS 28.766
Owner Name:	SAPPHIRE GROUP LLC
Owner Address:	2913 OVERLAND TRAIL STE 100
Owner City:	SHERMAN
Owner State:	TX
Owner Zip:	75092
Owner Zip +4:	4515
Proposed Values	-----
Improvement Value:	\$ 85,780
Land Value:	\$ 259,180
	-----
Appraised Value:	\$ 344,960
Prev. Appr. Value:	\$ 300,480
Revaluation Year:	2017



