

## COOPERATIVE PLANNING AGREEMENT

STATE OF TEXAS       §

COUNTY OF TRAVIS     §

**THIS COOPERATIVE PLANNING AGREEMENT** ("Agreement") made by **Texas Department of Transportation**, an agency of the State of Texas ("TxDOT"), and **Collin County**, a county of the State of Texas (the "County") is effective on the date it is fully executed by both parties.

### RECITALS

**WHEREAS**, Section 201.619 of the Texas Transportation Code authorizes TxDOT and a county to enter into an agreement that identifies future transportation corridors within the county, which must be derived from existing transportation plans; and

**WHEREAS**, if all or part of a subdivision which requires a plat is located within a future transportation corridor as identified in an agreement under Section 201.619 of the Texas Transportation Code and as shown in a final environmental decision document, Section 232.0033 of the Texas Local Government Code authorizes the commissioners court of the county in which the land is located to either (i) refuse to approve the plat for recordation, or (ii) approve the plat on the condition that it states that the subdivision is within that area of alignment; and

**WHEREAS**, TxDOT and the County desire to identify future transportation corridors in Collin County, Texas and establish the preferred method of managing plat requests for subdivisions within future transportation corridors;

### AGREEMENT

**NOW, THEREFORE**, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

#### 1. IDENTIFICATION OF FUTURE TRANSPORTATION CORRIDORS

TxDOT and the County hereby identify the corridors (as that term is defined in Texas Transportation Code §201.619) described in Exhibit A, attached and incorporated into this Agreement by reference, as future transportation corridors in Collin County, Texas (each, a "Future Transportation Corridor").

## **2. NOTICE OF AGREEMENT**

Upon execution of this Agreement by TxDOT and the County, and upon the execution by both parties of any amendment to this Agreement, TxDOT shall publish in the Texas Register and a newspaper of general circulation in Collin County, Texas a Notice of Agreement in substantially the form attached as Exhibit B and incorporated into this Agreement by reference.

## **3. COUNTY PLAT APPLICATIONS**

TxDOT and the County recognize that if all or part of a subdivision for which a plat is required under Chapter 232 of the Texas Local Government Code is located within the area of a Future Transportation Corridor (such a subdivision, a "Corridor Subdivision"), the County has the authority to approve or disapprove the plat for recordation in any manner permitted by Section 232.0033 of the Texas Local Government Code. TxDOT and the County however agree that the preferable manner for managing Corridor Subdivision plats will be for the County to refuse to approve the plat if all or part of the Corridor Subdivision is located within the area of alignment of a transportation project as shown in the applicable final environmental decision. The County shall establish policies and procedures to identify and review Corridor Subdivision plats in accordance with the terms of this Agreement. The County shall train all applicable staff to determine whether each subdivision for which a plat is submitted for approval is a Corridor Subdivision, and to follow County policies and procedures for reviewing Corridor Subdivision Plats.

## **4. CHANGES TO FUTURE TRANSPORTATION CORRIDORS**

TxDOT and the County shall reevaluate this Agreement at least once every 12 months to determine whether Exhibit A to this Agreement needs to be amended. If TxDOT and the County determine that any Future Transportation Corridor identified in Exhibit A is no longer planned as a future transportation corridor or that one or more Future Transportation Corridors should be added to Exhibit A, TxDOT and the County shall execute an amendment to this Agreement which revises Exhibit A accordingly. Changes to the alignment, width or limits of any Future Transportation Corridor shall not require an amendment to Exhibit A, but should be reflected on Exhibit A the next time a corridor is added to or deleted from Exhibit A.

## **5. MODIFICATION - ASSIGNMENT OF AGREEMENT**

This Agreement may only be modified by written mutual agreement, as described herein. Modifications shall be formalized by an appropriate written amendment signed by authorized representatives of each party. This Agreement shall not be

transferred, assigned or conveyed to a third party, whether a governmental entity or otherwise, without the prior written approval of the parties.

**6. NO AGENCY/EMPLOYEE RELATIONSHIP**

Each party acknowledges that this Agreement does not render it an agent, servant or employee of the other, and that each party is responsible for its own acts and deeds and those of its own agents and employees.

**7. NO THIRD PARTY BENEFICIARIES**

This document does not create or confer any rights, privileges, or benefits to any person or entity other than the parties hereto. Nothing in this Agreement shall be construed as creating any liability in favor of any third party against the State or the County. Additionally, this Agreement shall not be construed as relieving any third party from any liability to the State or the County.

**8. LEGAL CONSTRUCTION**

In case one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in this agreement.

**9. NOTICES**

All notices required under this agreement shall be mailed or hand delivered to the following respective addresses:

**TxDOT**

**County**

Texas Department of Transportation

Collin County

Attn: Director of Planning  
125 East 11<sup>th</sup> Street  
Austin, Texas 78701

Attn: Director of Engineering  
825 N. McDonald Street, Suite 160  
McKinney, Texas 75069

**10. REPRESENTATIONS**

The signatories to this agreement warrant that each party has the authority to enter into this Agreement on behalf of the party represented.

**LIST OF ATTACHED EXHIBITS:**

- Exhibit A – Future Transportation Corridors
- Exhibit B – Form of Notice of Agreement

**IN WITNESS WHEREOF**, the parties have signed this Agreement to be effective as of the last date contained below.

**TEXAS DEPARTMENT OF TRANSPORTATION**

By:   
 Phil Wilson, P.E.  
 Executive Director

Date: 4/23/13

**COLLIN COUNTY**

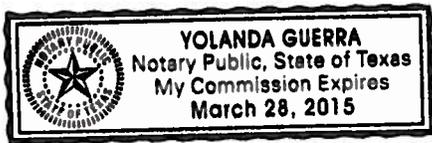
By:   
 Keith Self  
 County Judge

Date: 3/1/11

**Acknowledgment**

State of Texas  
County of

This instrument was acknowledged before me on April 23, 2013  
by Phil Wilson, Executive Director of the Texas Department of Transportation, an agency of the State of Texas, on behalf of said agency and the State.



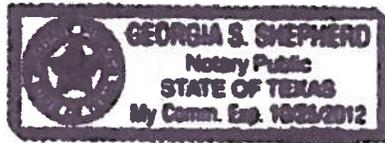
NOTARY WITHOUT BOND

  
 Notary Public's Signature

**Acknowledgment**

State of Texas -  
County of Collin

This instrument was acknowledged before me on March 1, 2011  
by Keith Self, County Judge of Collin County, a county of the State of Texas, on  
behalf of said county.



Georgia S. Shepherd  
Notary Public's Signature

## EXHIBIT A

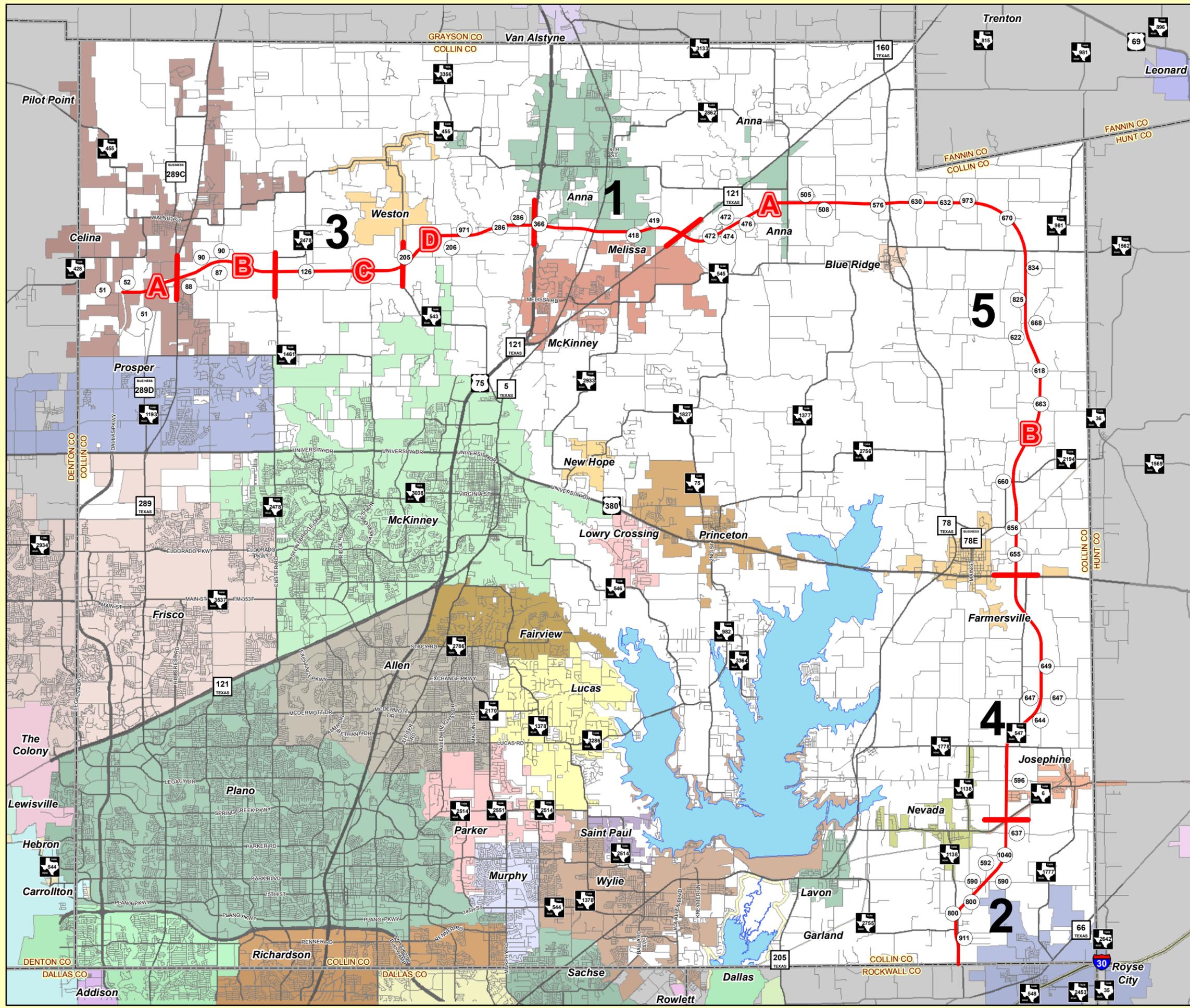
### FUTURE TRANSPORTATION CORRIDORS

The Collin County Outer Loop, in Collin County, Texas, consisting of five segments as described below. Additional details of the proposed Outer Loop and proposed alignments may be viewed at the Collin County Engineering Department, 825 N. McDonald Street, Suite 160, McKinney, Texas 75069, or the Texas Department of Transportation Dallas District Office, 4777 East Highway 80, Mesquite, Texas 75150.

The following Segment descriptions are listed in order, beginning at the Denton County line, continuing east and then south to the Rockwall County line.

- **Segment 3 – From Dallas North Tollway (DNT) east to US 75:** This is a 13.8 mile, 500' wide technically preferred alignment. The alignment starts at the DNT where it intersects with CR 51. The alignment follows CR 51 for approximately 0.7 miles then heads northeast for approximately 2.6 miles where it bisects CR 87. It then heads east/southeast for 1.8 miles until it intersects with FM 2478. It continues straight east for approximately 4.1 miles where it crosses FM 543. It then heads northeast for 1.9 miles where it intersects with CR 206. It runs east/northeast for another 2.7 miles to connect to US 75.
- **Segment 1 – From US 75 east to SH 121:** This is a 4.2 mile, 500' wide technically preferred alignment. The alignment starts at US 75 approximately where CR 366 intersects with US 75. It continues east for approximately 1.4 miles to bisect SH 5. It continues east for another 1.8 miles where it crosses CR 419. It then heads south/southeast for 1.0 mile to connect to SH 121.
- **Segment 5 – From SH 121 east and south to US 380:** This is a 21 mile, 500' wide technically preferred alignment. The alignment starts at SH 121, approximately half a mile north of CR 1220. The alignment runs southeast for 0.5 miles to intersect with CR 472 then heads east/northeast for approximately 2.8 miles where it crosses FM 2862 near CR 506. The alignment heads almost straight east for an estimated 5.8 miles to intersect with CR 671. Then it curves south/southeast for approximately 2.2 miles for FM 981 (2 miles west of the Hunt/Collin County line). It then heads south for 2.0 miles where it crosses CR 668 (0.2 miles east of CR 825). The alignment heads south/southeast for an estimated 1.4 miles to cross at CR 618 (0.4 miles east of CR 655). It then continues south/southwest 3.5 miles where it intersects FM 2194. Then heads straight south another 2.8 miles to US 380 (approximately 2.2 miles west of the Hunt/Collin County line).

- **Segment 4 – From US 380 to FM 6:** This is a 7.3 mile, 500' wide technically preferred alignment. The alignment starts at US 380 and continues straight south for 0.7 miles and turns southeast for approximately 1.3 miles. At a point 0.5 miles west of CR 697, the alignment turns and heads straight south for 1.4 miles to intersect at CR 647 (approximately 1.7 miles west of the Hunt/Collin County line). From there the alignment heads south/southwest for approximately 1.8 miles where it crosses FM 1778 (approximately 2.7 miles west of the Hunt/Collin County line). It straightens out and heads south for 2.1 miles to FM 6.
- **Segment 2 – From FM 6 to Rockwall County Line:** This is a 6.5 mile, 500' wide technically preferred alignment. The alignment heads south from FM 6, 1.8 miles where it intersects with CR 1040 and then heads south/southwest for 2.7 miles to a point where CR 800 intersects FM 1138 (approximately 1 mile west of the Royse City municipal limits). From there the alignment follows FM 1138 south for approximately 2.0 miles to the Rockwall/Collin County line.

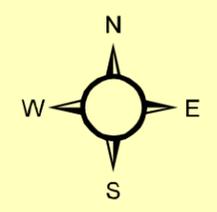
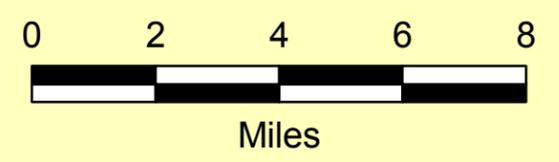


## Legend

### Numbered Segments

- 1 US 75 - SH 121
- 2 FM 6 - Rockwall Co.
- 3 DNT - US 75
- 4 US 380 - FM 6
- 5 SH 121 - US 380

 Outer Loop 500' Buffer  
(And Section/Subsection Markers)



Source data compiled from GIS Database and the Engineering Department.  
This map is a graphic representation of Collin County and should only be used for illustrative purposes. In no way should this map be used to settle any boundary disputes or locational conflict.

## EXHIBIT B

### FORM OF NOTICE OF AGREEMENT

#### NOTICE OF AGREEMENT

The Texas Department of Transportation and Collin County, Texas executed that certain Cooperative Planning Agreement, which became effective on \_\_\_\_\_, 2013. The Cooperative Planning Agreement identifies the following corridors as future transportation corridors in Collin County, Texas.

The Collin County Outer Loop, in Collin County, Texas, consisting of five segments as described below. Additional details of the proposed Outer Loop and proposed alignments may be viewed at the Collin County Engineering Department, 825 N. McDonald Street, Suite 160, McKinney, Texas 75069, or the Texas Department of Transportation Dallas District Office, 4777 East Highway 80, Mesquite, Texas 75150.

The following Segment descriptions are listed in order, beginning at the Denton County line, continuing east and then south to the Rockwall County line.

- **Segment 3 – From Dallas North Tollway (DNT) east to US 75:** This is a 13.8 mile, 500' wide technically preferred alignment. The alignment starts at the DNT where it intersects with CR 51. The alignment follows CR 51 for approximately 0.7 miles then heads northeast for approximately 2.6 miles where it bisects CR 87. It then heads east/southeast for 1.8 miles until it intersects with FM 2478. It continues straight east for approximately 4.1 miles where it crosses FM 543. It then heads northeast for 1.9 miles where it intersects with CR 206. It runs east/northeast for another 2.7 miles to connect to US 75.
- **Segment 1 – From US 75 east to SH 121:** This is a 4.2 mile, 500' wide technically preferred alignment. The alignment starts at US 75 approximately where CR 366 intersects with US 75. It continues east for approximately 1.4 miles to bisect SH 5. It continues east for another 1.8 miles where it crosses CR 419. It then heads south/southeast for 1.0 mile to connect to SH 121.
- **Segment 5 – From SH 121 east and south to US 380:** This is a 21 mile, 500' wide technically preferred alignment. The alignment starts at SH 121, approximately half a mile north of CR 1220. The alignment runs southeast for 0.5 miles to intersect with CR 472 then heads east/northeast for approximately 2.8 miles where it crosses FM 2862 near CR 506. The alignment heads almost straight east for an estimated 5.8 miles to intersect with CR 671. Then it curves

south/southeast for approximately 2.2 miles for FM 981 (2 miles west of the Hunt/Collin County line). It then heads south for 2.0 miles where it crosses CR 668 (0.2 miles east of CR 825). The alignment heads south/southeast for an estimated 1.4 miles to cross at CR 618 (0.4 miles east of CR 655). It then continues south/southwest 3.5 miles where it intersects FM 2194. Then heads straight south another 2.8 miles to US 380 (approximately 2.2 miles west of the Hunt/Collin County line).

- **Segment 4 – From US 380 to FM 6:** This is a 7.3 mile, 500' wide technically preferred alignment. The alignment starts at US 380 and continues straight south for 0.7 miles and turns southeast for approximately 1.3 miles. At a point 0.5 miles west of CR 697, the alignment turns and heads straight south for 1.4 miles to intersect at CR 647 (approximately 1.7 miles west of the Hunt/Collin County line). From there the alignment heads south/southwest for approximately 1.8 miles where it crosses FM 1778 (approximately 2.7 miles west of the Hunt/Collin County line). It straightens out and heads south for 2.1 miles to FM 6.
  
- **Segment 2 – From FM 6 to Rockwall County Line:** This is a 6.5 mile, 500' wide technically preferred alignment. The alignment heads south from FM 6, 1.8 miles where it intersects with CR 1040 and then heads south/southwest for 2.7 miles to a point where CR 800 intersects FM 1138 (approximately 1 mile west of the Royse City municipal limits). From there the alignment follows FM 1138 south for approximately 2.0 miles to the Rockwall/Collin County line.

Copies of the current Cooperative Planning Agreement and all plans for the future transportation projects referred to by the Cooperative Planning Agreement are available for review at the Collin County Engineering Department, 825 N. McDonald Street, Suite 160, McKinney, Texas 75069, or the Dallas District Office of the Texas Department of Transportation, 4777 East Highway 80, Mesquite, Texas 75150.

THE PUBLIC IS HEREBY NOTIFIED THAT THE STATUS AND ALIGNMENT OF THE FUTURE TRANSPORTATION CORRIDORS IDENTIFIED IN THE COOPERATIVE PLANNING AGREEMENT, AS IT IS AMENDED FROM TIME TO TIME, ARE SUBJECT TO CHANGE. THE PUBLIC MAY INQUIRE AS TO THE CURRENT STATUS AND ALIGNMENT OF ANY FUTURE TRANSPORTATION CORRIDOR BY CONTACTING THE COLLIN COUNTY ENGINEERING DEPARTMENT, OR THE DALLAS DISTRICT OF THE TEXAS DEPARTMENT OF TRANSPORTATION.

# Local Government Code

for the subdivision.

(b) The Texas Commission on Environmental Quality by rule shall establish the appropriate form and content of a certification to be attached to a plat application under this section.

(c) The Texas Commission on Environmental Quality, in consultation with the Texas Water Development Board, by rule shall require a person who submits a plat under Subsection (a) to transmit to the Texas Water Development Board and any groundwater conservation district that includes in the district's boundaries any part of the subdivision information that would be useful in:

- (1) performing groundwater conservation district activities;
- (2) conducting regional water planning;
- (3) maintaining the state's groundwater database; or
- (4) conducting studies for the state related to groundwater.

Added by Acts 1999, 76th Leg., ch. 460, Sec. 2, eff. Sept. 1, 1999.  
Amended by Acts 2001, 77th Leg., ch. 99, Sec. 2(b), eff. Sept. 1, 2001. Renumbered from Sec. 232.0031 by Acts 2001, 77th Leg., ch. 1420, Sec. 21.001(85), eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 515, Sec. 2, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1430, Sec. 2.30, eff. September 1, 2007.

→ Sec. 232.0033. ADDITIONAL REQUIREMENTS: FUTURE TRANSPORTATION CORRIDORS. (a) This section applies to each county in the state. The requirements provided by this section are in addition to the other requirements of this chapter.

(b) If all or part of a subdivision for which a plat is required under this chapter is located within a future transportation corridor identified in an agreement under Section 201.619, Transportation Code:

(1) the commissioners court of a county in which the land is located:

(A) may refuse to approve the plat for

recordation unless the plat states that the subdivision is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor; and

(B) may refuse to approve the plat for recordation if all or part of the subdivision is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor; and

(2) each purchase contract or lease between the subdivider and a purchaser or lessee of land in the subdivision must contain a conspicuous statement that the land is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor.

Added by Acts 2007, 80th Leg., R.S., Ch. 1040, Sec. 2, eff. September 1, 2007.

Sec. 232.004. BOND REQUIREMENTS. If the commissioners court requires the owner of the tract to execute a bond, the owner must do so before subdividing the tract unless an alternative financial guarantee is provided under Section 232.0045. The bond must:

(1) be payable to the county judge of the county in which the subdivision will be located or to the judge's successors in office;

(2) be in an amount determined by the commissioners court to be adequate to ensure proper construction of the roads and streets in and drainage requirements for the subdivision, but not to exceed the estimated cost of construction of the roads, streets, and drainage requirements;

(3) be executed with sureties as may be approved by the court;

(4) be executed by a company authorized to do business as a surety in this state if the court requires a surety bond executed by a corporate surety; and

(5) be conditioned that the roads and streets and the

# Transportation Code

(e) The department may establish hydrogen refueling stations on the Trans-Texas Corridor under Chapter 227.

(f) The department shall:

(1) ensure that data on emissions from the vehicles and refueling stations purchased under this section and from the production of hydrogen for the vehicles and refueling stations are monitored and analyzed and compared with data on emissions from control vehicles with internal combustion engines that operate on fuels other than hydrogen; and

(2) report the results of the monitoring, analysis, and comparison to the Texas Commission on Environmental Quality.

(g) The department may charge the public a reasonable fee to use a hydrogen refueling station operated under Subsection (b). The amount of the fee shall be based on the department's estimate of the number of customers that will use the refueling stations and the direct and indirect costs that will be incurred by the department to operate the refueling stations. Fees collected by the department under this section shall be deposited in the state highway fund, may be appropriated only to the department to implement this section, and are exempt from the application of Section 403.095, Government Code.

Added by Acts 2005, 79th Leg., Ch. 281, Sec. 3.03, eff. June 14, 2005.

→ Sec. 201.619. COOPERATIVE PLANNING WITH COUNTIES. (a) In this section, "corridor" means a geographical band that follows a general directional flow connecting major sources of trips.

(b) The department and a county may enter into an agreement that identifies future transportation corridors within the county in accordance with this subsection. The corridors identified in the agreement must be derived from existing transportation plans adopted by the department or commission, the county, or a metropolitan planning organization.

(c) The department shall publish in the Texas Register and in a newspaper of general circulation in the county with which the department has entered into an agreement under Subsection (b) a notice that states that the department and the county have entered

into the agreement and that copies of the agreement and all plans referred to by the agreement are available at one or more designated department offices.

Added by Acts 2007, 80th Leg., R.S., Ch. 1040, Sec. 1, eff. September 1, 2007.

Sec. 201.621. MOTORCYCLIST SAFETY AND SHARE THE ROAD CAMPAIGN. From funds appropriated for that purpose, the department shall conduct a continuing public awareness campaign to promote motorcyclist safety and the concept of sharing the road with motorcyclists.

Added by Acts 2009, 81st Leg., R.S., Ch. 1391, Sec. 1, eff. September 1, 2009.

#### SUBCHAPTER I. FUNDS AND EXPENDITURES

Sec. 201.701. FUNDS FOR EMERGENCY MEDICAL SERVICES. (a) If the department receives state or federal highway safety funds that may be used for emergency medical services, the department shall:

- (1) contract with the Texas Department of Health for the administration of the funds by the department of health; and
- (2) designate a part of the funds to be used for improvement of emergency medical services.

(b) If an agency of the federal government formally notifies the department that a contract described by Subsection (a) violates federal law or would cause the loss of any federal highway safety funds, the department may not execute the contract or, if the contract has been executed, the contract is void.

(c) This section does not affect any responsibility of the department for oversight of state or federal highway safety funds. Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 201.702. DISADVANTAGED BUSINESS PROGRAM. (a) The department shall:

- (1) set annual goals for the awarding of state or federally funded contracts, including construction, maintenance, supply, and service contracts, to disadvantaged businesses and