



Texas Department of Transportation

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COMMISSIONER'S COURT
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February 17, 2011

The Honorable Keith Self
County Judge, Collin County
Collin County Administration Building
2300 Bloomdale Road, Suite 4192
McKinney, Texas 75071

RE: Subdivision of Land Located Within a Future Transportation Corridor
Local Government Code, Section 232.0033
Transportation Code, Section 201.619

Dear Judge Self:

The Texas Department of Transportation ("TxDOT") is continually looking for ways in which to partner with local governments to maximize use of public tax dollars and provide a more efficient and transparent transportation system. One issue that continues to be a concern to TxDOT and also has an impact on Collin County relates to the development of new subdivisions within proposed transportation corridors. While TxDOT certainly does not object to economic development, the placement of new subdivisions within planned future transportation corridors ultimately creates more obstacles to the process and increases the amount of damages the governmental entity is required to pay when right of way is acquired. There is also a detriment to individual property owners who may have purchased and improved the property without knowledge of the impending highway project. The Texas Legislature in 2007 passed two statutes designed to address this problem: Local Government Code, Section 232.0033, and Transportation Code, Section 201.619 (copies enclosed).

Transportation Code, Section 201.619 authorizes TxDOT and a county to execute an agreement that identifies future transportation corridors within the county. The identified corridors must be derived from existing transportation plans adopted by TxDOT, the county, or a metropolitan planning organization. After the agreement is executed, TxDOT must publish notice of the agreement and make the plans available at TxDOT offices. Once the corridor is identified by agreement under Section 201.619, the county has the power under Local Government Code Section 232.0033 to either (i) refuse to approve a subdivision plat if all or part of the subdivision is within the area of the alignment of a transportation project as shown in its final environmental decision document, or (ii) approve the plat on the condition that it states that the subdivision is within that area of alignment. Also, a purchase contract or lease of land in the subdivision must then state that the land is located within that area of the transportation project's alignment as shown in the final environmental decision document. All of this

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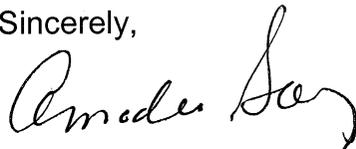
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puts the buyers on notice that they are building in a corridor. Although the agreement may identify multiple corridors in various stages of planning and development, a county cannot utilize its authority under Section 232.0033 unless the alignment of the particular project has obtained final environmental clearance.

TxDOT would welcome the opportunity to work with Collin County in the development of an agreement that identifies major future transportation corridors within the county which are significant to both parties. A draft of a proposed agreement is enclosed for the County's review and comment. Your attorneys may contact our Office of General Counsel directly to discuss the agreement and any requested changes. Please consider this proposal and let me know if Collin County wants to pursue such an agreement. The process can then proceed to identification and description of the actual transportation corridors. If you have any questions or wish to discuss any of the issues involved, please give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Amadeo Saenz, Jr.", written in a cursive style.

Amadeo Saenz, Jr., P.E.
Executive Director

Enclosures

cc. Bob Jackson, General Counsel, TxDOT