

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, SUPPORTING U.S. HIGHWAY 380 AS A CONTROLLED ACCESS HIGHWAY; CONTINUE SUPPORTING THE TXDOT RECOMMENDED ALIGNMENT AS PRESENTED ON MAY 6, 2019, FOR U.S. HIGHWAY 380 WITHIN THE CORPORATE LIMITS OF THE TOWN; STRONGLY OPPOSING ANY PROPOSED ALIGNMENT CHANGE, INCLUDING THE NEW PROPOSED GOLD OR BROWN ALTERNATIVE SEGMENT B ALIGNMENTS AS PRESENTED IN TXDOT'S US 380 EIS SCHEMATIC 30% DESIGN AND WITHIN THE CORPORATE LIMITS OF THE TOWN OF PROSPER; OPPOSING SAID ALIGNMENTS BECAUSE THEY ARE IN CONFLICT WITH EXISTING AND FUTURE DEVELOPMENT ALONG SAID ALTERNATIVES, AS MORE FULLY DESCRIBED IN THIS RESOLUTION; FINDING THAT SAID ALIGNMENTS ARE NOT CONSISTENT WITH THE TOWN'S THOROUGHFARE PLAN AND CURRENT ALIGNMENT OF SAID ROADWAY; MAKING FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, since October 2018, the Texas Department of Transportation ("TxDOT") has held numerous public hearings to consider the feasibility study of expanding U.S. Highway 380 in Collin County to a Limited Access Roadway, or more commonly referred to by TxDOT as a Controlled Access Highway; and

WHEREAS, TxDOT's initial public meetings did not include a bypass option for U.S. Highway 380 within the Town's corporate limits while later plans did include a bypass option within the Town's corporate limits; and

WHEREAS, the Town of Prosper has adopted five (5) prior resolutions in support of the current alignment of U.S. Highway 380 expanding to a Limited Access Roadway (LAR) within the corporate limits of the Town; and

WHEREAS, the Town's Thoroughfare Plan, adopted after multiple public hearings and intensive citizen input, depicts U.S. Highway 380 along its current route; and

WHEREAS, TxDOT presented the TxDOT Recommended Alignment for U.S. Highway 380 in Collin County at a public meeting on May 6, 2019; and

WHEREAS, the TxDOT Recommended Alignment for U.S. Highway 380 in the Town is consistent with the current alignment of U.S. Highway 380 and the Town of Prosper's Thoroughfare Plan.

WHEREAS, TxDOT finalized the US 380 Collin County Feasibility Study Final Report and Implementation Plan in March 2020, including the Recommended Alignment for U.S. Highway 380 along the current alignment within the Town; and

WHEREAS, TxDOT held an Overall Project Update Meeting on October 12, 2020, and then a more detailed Agency Scoping Meeting on October 29, 2020, for the U.S. Highway 380 Environmental Impact Study (EIS) from Coit Road to FM 1827 and at that time introduced Gold and Brown Alternative Segment B Alignments within the Town limits; and

WHEREAS, in Resolution No. 2020-87, approved by the Town Council on or about November 24, 2020, the Town Council specifically and explicitly opposed any alternative Segment B alignments because they “negatively impact[ed] existing and planned future developments in the Towns within the Town”; and

WHEREAS, in public meetings held by TxDOT in January and February, 2021, TxDOT again showed the Gold or Brown Alternative Segment B Alignments, strong opposition to which Alignments had been addressed and expressed by the Town in Resolution No. 2020-87; and

WHEREAS, thereafter, the Town was made aware of new, revised Gold or Brown Alternative Segment B Alignments on May 3, 2021, when 30% Schematic Plans were presented by TxDOT to the Town; and

WHEREAS, the Town hired an engineering consultant to assist in the review of the 30% Schematic Plans, which comments were provided to TxDOT on May 28, 2021, regarding the new Gold or Brown Alternative Segment B Alignments; and

WHEREAS, the new Gold or Brown Alternative Segment B Alignments are and remain incongruent with all prior Resolutions adopted by the Town, including Resolution No. 2020-87, as well as the Town’s Thoroughfare Plan approved by Council; and

WHEREAS, the new Gold or Brown Alternative Segment B Alignments continue to negatively impact both existing and planned future residential and commercial developments within the Town, as more fully described herein and as previously outlined in all prior Resolutions adopted by the Town; and

WHEREAS, the Town Council further declares its opposition to any alignment of U.S. Highway 380 in the Town that is not consistent with the current alignment of U.S. Highway 380.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2

The Town Council of the Town of Prosper, Texas, supports U.S. Highway 380 being a Controlled Access Highway.

SECTION 3

The Town Council hereby continues to express its strong support for the TxDOT Recommended Alignment presented by TxDOT at the May 6, 2019, Public Meeting and as included within the U.S. 380 Collin County Feasibility Study Final Report completed in March 2020 for the section within the corporate limits of the Town of Prosper, thereby acknowledging that the future expansion of U.S. Highway 380 will remain in its current alignment within the corporate limits of the Town, consistent with the Town’s Thoroughfare Plan.

SECTION 4

The Town Council expresses its strong opposition to any alignment that is not consistent with the current alignment of U.S. Highway 380 in the Town.

SECTION 5

The new proposed Gold or Brown Alternative Segment B Alignments will result in a controlled access highway that is closer in proximity than previous alignments to ManeGait and the location on its property where activities are conducted for children and adults with disabilities through the healing power of equine therapy.

SECTION 6

The new proposed Gold or Brown Alternative Segment B Alignments will result in a controlled access highway that comes in close proximity to Founders Academy, a charter school almost fully constructed and scheduled to open to students in August 2021.

SECTION 7

The new proposed Gold or Brown Alternative Segment B Alignments will result in a controlled access highway that is within close proximity of a cemetery scheduled to begin construction no later than August 2021.

SECTION 8

The new proposed Gold or Brown Alternative Segment B Alignments will result in a controlled access highway that will bisect Ladera, an age-restricted senior community in the Town scheduled to begin construction no later than October 2021.

SECTION 9

Moreover, the Town Council hereby expresses its strong opposition to any proposed alignment consideration of the New Gold or Brown Alternative Segment B Alignments for U.S. Highway 380 within the corporate limits of the Town of Prosper that are not consistent with the Town's Thoroughfare Plan within the limits of the Town.

SECTION 10

The Town Council hereby directs Town staff not to coordinate with TxDOT or any other entity related to the preservation of right-of-way for the expansion of U.S. Highway 380 as a Controlled Access Roadway while there exist alternative options for U.S. Highway 380 within the corporate limits of the Town of Prosper.

SECTION 11

Any and all resolutions, rules, regulations, policies, or provisions in conflict with the provisions of this Resolution are hereby repealed and rescinded to the extent of any conflict herewith.

SECTION 12

This Resolution shall be effective from and after its passage by the Town Council.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 13TH DAY OF JULY, 2021.



Ray Smith, Mayor

ATTEST:



Robyn Battle, Interim Town Secretary

APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, Town Attorney

