



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Consideration and possible action approving a resolution to accept a \$42,000 monetary donation from SA Front Gate, LLC, Elkhorn Ridge Development SA, LLC, and Elkhorn Ridge SA, LLC; a \$10,000 monetary donation from ROW at Dietz Elkhorn, LLC; and a monetary donation up to \$10,000 from Vantage at Fair Oaks, LLC for the design and construction of the Dietz Elkhorn Sidewalk Project

DATE: November 16, 2023

DEPARTMENT: Public Works

PRESENTED BY: Grant Watanabe, P.E., Director of Public Works and Engineering Services

INTRODUCTION/BACKGROUND:

In November 2021, the City Council approved a five-year Roadway Capital Improvement Plan which included the Dietz Elkhorn Sidewalk project. This project constructs approximately 1,155 feet of sidewalk on the north side of Dietz Elkhorn Road between Elkhorn Ride and Cheyenne Ridge. The project will provide a safe and accessible path for pedestrians, especially families and school aged children who walk to and from Van Raub Elementary School. Without a sidewalk, pedestrians must either use the paved shoulder or drainage swale or channel. At the culvert crossing, the metal guardrail pushes pedestrians into the traffic lane. A map showing the proposed location of the sidewalk is included as **Exhibit A**.

During the FY 2022-23 budget cycle, funds were appropriated for the design of this project. During the FY 2023-24 budget cycle, funds are appropriated for construction with the understanding that staff would continue to work with various developers in the vicinity of the project to potentially contribute financially or construct a portion of the sidewalk. The following is a summary of the participating developers and the monetary donations extended to the city:

- SA Front Gate, LLC, Elkhorn Ridge Development SA, LLC, and Elkhorn Ridge SA, LLC wish to make a monetary donation in the amount of \$42,000 towards the project. It should be noted that a portion of the donation is intended as a fee-in-lieu of planting trees in the Front Gate subdivision although no such option to pay a fee exists in the City's old subdivision regulations. Front Gate is vested under the old subdivision regulations which were in place prior to adoption of the Unified Development Code. The old subdivision regulations state that three trees with a caliper of at least 2.5 inches shall be planted on site or at another approved location for each heritage tree removed (24 inches or larger). The developer did plant a total of 112 trees in Front Gate and saved many protected trees that were originally planned for removal; however, there is no space within the development or on City-owned property for the planting of 74 additional trees. Since the cost of planting a 2.5-inch tree is approximately \$300, the developer has proposed a total monetary donation of \$42,000, which includes \$22,000 as an alternative to planting trees.

- ROW at Dietz Elkhorn, LLC wishes to make a monetary donation in the amount of \$10,000 towards the project. This development is located outside City limits (west of Vantage at Fair Oaks, behind planned sports fields) but within the Van Raub Elementary School attendance zone.
- Vantage at Fair Oaks, LLC wishes to make a monetary donation of up to \$10,000 towards the project. This development is located outside City limits (west of Elkhorn Ridge) but within the Van Raub Elementary School attendance zone.

The City currently does not have a donation policy. Until such a time a policy is developed and adopted, staff will bring a resolution approving the acceptance of donations for Council consideration. The resolution regarding monetary donations for the Dietz Elkhorn Sidewalk Project is attached as **Exhibit B**.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- Supports Priority 3.4 of the Strategic Action Plan– Enhance and Ensure Continuity of Reliable Roadway Improvement Initiatives (Dietz Elkhorn Road).
- Provides a safe and accessible route for pedestrians, especially families and school aged children who walk to and from Van Raub Elementary School.
- Supports an alternate mode of transportation in the Dietz Elkhorn corridor. As part of the recent multimodal transportation and Dietz Elkhorn (East) surveys, respondents stated they want to see more combined-use paths, shared-use paths and sidewalks over “no change.”

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

The total estimated project cost is \$350,000 which was fully funded during the FY 2022-23 and FY 2023-24 budget cycles. Any monetary donations received will reduce the City’s cost for this project.

LEGAL ANALYSIS:

Legal has reviewed the resolution and approved it as to form and content.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a resolution to accept a \$42,000 monetary donation from SA Front Gate, LLC, Elkhorn Ridge Development SA, LLC, and Elkhorn Ridge SA, LLC; a \$10,000 monetary donation from ROW at Dietz Elkhorn, LLC; and a monetary donation up to \$10,000 from Vantage at Fair Oaks, LLC for the design and construction of the Dietz Elkhorn Sidewalk Project and authorizing the City Manager to execute all applicable documents.