

**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 PROPOSED GOLD OR BROWN ALTERNATIVE SEGMENT B ALIGNMENTS AS PRESENTED AND PART OF TXDOT'S U.S. 380 EIS PUBLIC MEETING ON MARCH 22, 2022, VIRTUAL PUBLIC MEETING FROM MARCH 22 THROUGH APRIL 6, 2022, AND THE SCHEMATIC 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; AND HARMFULLY DISRUPT THE COMMUNITY COHESION OF PROSPER; MAKING FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, since October 2018, the Texas Department of Transportation ("TxDOT") has held numerous public hearings and 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 six (6) 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 the Gold and Brown Alternative Segment B alignments because they “negatively impact[ed] existing and planned future developments within the Town”; and

**WHEREAS**, in Resolution No. 2021-34, approved by the Council on or about July 13, 2021, the Town Council again specifically and explicitly opposed new Gold or Brown alternative Segment B alignments as presented by TxDOT on May 28, 2021 to the Town; and

**WHEREAS**, TxDOT held an in-person US 380 EIS Public Meeting on March 22, 2022, from 5:30 to 7:30 pm to share the design of and optional alignments in Prosper and seek public comment from the community; and

**WHEREAS**, the Gold or Brown Alternative Segment B Alignments shown as part of the TxDOT Public Meeting are and remain incongruent with all prior Resolutions adopted by the Town, including the most recent Resolutions No. 2020-87 and No.2021-34, as well as the Town’s Thoroughfare Plan approved by Council; and

**WHEREAS**, the Gold or Brown Alternative Segment B Alignments shown as part of the TxDOT Public Meeting 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 Gold or Brown Alternative Segment B Alignments shown as part of the TxDOT Public Meeting could significantly increase ground-level ozone that would impact at least two (2) environmentally sensitive facilities, as more fully addressed in this Resolution, in conflict with Air Quality guidelines promulgated by the North Central Texas Council of Governments; and

**WHEREAS**, the Gold or Brown Alternative Segment B Alignments shown as part of the TxDOT Public Meeting fully and wholly, harmfully disrupt the community cohesion of the Town by disjoining a section of the Town’s jurisdiction through the proposed rights-of-way take and potential construction of the Segment B alignment; 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 proposed Gold or Brown Alternative Segment B Alignments will result in a controlled access highway within very close proximity to ManeGait Therapeutic Horsemanship Rehabilitation Center (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 proposed Gold or Brown Alternative Segment B Alignments will result in a controlled access highway that comes in close proximity to Founders Classical Academy (FCA), a charter school that opened to students in August 2021, the residential communities of Wandering Creek, Malabar Hills, Brookhollow East, Brookhollow Multi-Family, and Prosper ISD High School #3.

### **SECTION 7**

The 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 Summer 2022.

### **SECTION 8**

The 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 that is currently under construction and anticipated to have homes by the end of the year.

### **SECTION 9**

The proposed Gold or Brown Alternative Segment B Alignments could significantly increase ground-level ozone that would impact at least two (2) environmentally sensitive facilities, FCA and ManeGait, both of which serve children and/or individuals with disabilities and said Alignments would be in conflict with Air Quality guidelines promulgated by the North Central Texas Council of Governments (NCTCOG). Moreover, the Town Council strongly recommends that a risk assessment related to ground-level ozone should be undertaken to determine compliance with NCTCOG's regional initiative to reduce ozone emissions.

#### **SECTION 10**

Moreover, the Town Council hereby expresses its strong opposition to any proposed alignment consideration of the 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 11**

Moreover, the Town Council hereby expresses its strong opposition to any proposed alignment consideration of the Gold or Brown Alternative Segment B Alignments for U.S. Highway 380 within the corporate limits that fully and wholly harmfully disrupts the community cohesion of the Town by disjoining a section of the Town's jurisdiction through the proposed rights-of-way take and potential construction of the Segment B alignment.

#### **SECTION 12**

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 other than on its current alignment.

#### **SECTION 13**

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 14**

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 29TH DAY OF MARCH, 2022.**

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**Ray Smith, Mayor**

**ATTEST:**

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**Michelle Lewis Sirianni, Town Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Terrence S. Welch, Town Attorney**