

**To: Mayor and Town Council**

**From: Hulon T. Webb, Jr., P.E., Director of Engineering Services**

**Through: Mario Canizares, Town Manager  
Chuck Ewings, Assistant Town Manager**

**Re: Roadway Impact Fees Reimbursement Agreement  
(DNT Frontier Retail Center)**

**Town Council Meeting – October 10, 2023**

**Strategic Visioning Priority: 1. Acceleration of Infrastructure**

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**Agenda Item:**

Consider and act upon authorizing the Town Manager to execute a Roadway Impact Fee Agreement between DNT Frontier, LP, and the Town of Prosper, Texas, related to the construction of the DNT Backer Road to serve the DNT Frontier Retail Center development.

**Description of Agenda Item:**

DNT Frontier LP., is developing DNT Frontier Retail Center south of Frontier Parkway and east of the Dallas North Tollway. In order to facilitate the development, they have agreed to construct the DNT Backer Road adjacent to their development from Frontier Parkway to the southern property line of the development as shown on Exhibit B in the agreement. Exhibit B also shows the extension of the DNT Backer Road, from the southern property line of the DNT Frontier Retail Center development to Waterview Drive in the Lakes of Prosper North development, which is being handled through a separate agreement between the Prosper Economic Development Corporation and H-E-B.

Since the proposed roadway is depicted on the Town of Prosper Thoroughfare Plan, the actual costs for the design and construction of the improvements are eligible for reimbursement of roadway impact fees collected by the developments. The purpose of the Roadway Impact Fee Agreement is to outline the obligations of the Town of Prosper, and DNT Frontier, LP, related to the design, construction, and reimbursement of collected roadway impact fees to fund the projects.

**Budget Impact:**

The total estimated cost for the design and construction of the DNT Backer Road is \$2,152,156.50. The current anticipated roadway impact fees owed by the DNT Frontier Retail Center development as well as the adjacent property to the east also included in the area of reimbursement is \$2,579,931.60. In the event that full credits and reimbursements have not been made to DNT Frontier, LP, by the Town after the expiration of ten (10) years from the date of the Town's acceptance of the roadway, the Town will reimburse DNT Frontier, LP, any shortfall.

**Legal Obligations and Review:**

Terrence Welch of Brown & Hofmeister, L.L.P., has reviewed the agreement as to form and legality. DNT Frontier, LP, will contribute up to \$2,000 towards the legal preparation fees.

**Attached Documents:**

1. Town of Prosper Thoroughfare Plan
2. Roadway Impact Fee Agreement

**Town Staff Recommendation:**

Town staff recommends that the Town Council authorize the Town Manager to execute a Roadway Impact Fee Agreement between DNT Frontier, LP, and the Town of Prosper, Texas, related to the construction of the DNT Backer Road to serve the DNT Frontier Retail Center development.

**Proposed Motion:**

I move to authorize the Town Manager to execute a Roadway Impact Fee Agreement between DNT Frontier, LP, and the Town of Prosper, Texas, related to the construction of the DNT Backer Road to serve the DNT Frontier Retail Center development.