



ENGINEERING SERVICES

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: First Amendment – Water Impact Fee Agreement
(DNT Frontier Retail Center)

Town Council Meeting – March 12, 2024

Strategic Visioning Priority: 1. Acceleration of Infrastructure

Agenda Item:

Consider and act upon authorizing the Town Manager to execute the First Amendment to the Water Impact Fee Agreement between DNT Frontier, LP, and the Town of Prosper, Texas, related to the construction of a water line to serve the DNT Frontier Retail Center development.

Description of Agenda Item:

At the November 14, 2023, Town Council meeting, the Town Council approved a Water Impact Fee Agreement with DNT Frontier, LP, the developer that is developing the DNT Frontier Retail Center south of Frontier Parkway and east of the Dallas North Tollway. In order to facilitate the development, they agreed to construct a 12” water line from the Dallas North Tollway across their property, connecting to an existing water line in Frontier Park.

The original Water Impact Fee Agreement mistakenly did not include the standard provision that 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 water line, the Town will reimburse DNT Frontier, LP, any shortfall. The proposed amendment to the Water Impact Fee Agreement adds the standard provision to the agreement.

Budget Impact:

The estimated cost for the design and construction of the extension of approximately 2,562 feet of a 12” water line is \$343,542. The current anticipated water 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 \$309,476.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has reviewed the agreement as to form and legality.

Attached Documents:

1. Town of Prosper Water System Capital Improvement Plan
2. First Amendment Water Impact Fee Agreement

Town Staff Recommendation:

Town staff recommends that the Town Council authorize the Town Manager to execute the First Amendment to the Water Impact Fee Agreement between DNT Frontier, LP, and the Town of Prosper, Texas, related to the construction of a water line to serve the DNT Frontier Retail Center development.

Proposed Motion:

I move to authorize the Town Manager to execute the First Amendment to the Water Impact Fee Agreement between DNT Frontier, LP, and the Town of Prosper, Texas, related to the construction of a water line to serve the DNT Frontier Retail Center development.