



## 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 - Roadway Impact Fee Agreement  
(DNT Frontier Retail Center)

Town Council Meeting – March 12, 2024

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

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#### **Agenda Item:**

Consider and act upon authorizing the Town Manager to execute the First Amendment to the 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:**

At the October 10, 2023, Town Council meeting, the Town Council approved a Roadway 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 have agreed to construct the DNT Backer Road adjacent to their development from Frontier Parkway to the southern property line of the development.

The original Roadway 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 roadway, the Town will reimburse DNT Frontier, LP, any shortfall. The proposed amendment to the Roadway Impact Fee Agreement adds the standard provision to the agreement.

#### **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.

#### **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 Thoroughfare Plan
2. First Amendment Roadway Impact Fee Agreement

**Town Staff Recommendation:**

Town staff recommends that the Town Council authorize the Town Manager to execute the First Amendment to the 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 the First Amendment to the 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.