



## 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: Atmos Energy Relocation Agreement - Gee Road (Fishtrap – Windsong Retail)**

**Town Council Meeting – June 27, 2023**

---

**Agenda Item:**

Consider and act upon authorizing the Town Manager to execute a Relocation Agreement between Atmos Energy Corporation, and the Town of Prosper, Texas, related to the relocation of approximately 650-feet of 6-inch Steel Gas Pipeline Crossing Gee Road to serve the Gee Road (Fishtrap – Windsong Retail) project.

**Description of Agenda Item:**

During the final review of the design drawings, the Town's design consultant discovered a vertical conflict with an existing Atmos gas line crossing along Gee Road. In subsequent discussions with Atmos, design modifications were considered to try and satisfy the minimum clearance requirements between the proposed northbound lanes pavement and the existing gas line. A redesign of the roadway to provide the required 5' clearance, increased the elevation of the roadway significantly, which created site visibility issues with crossing traffic at Acacia Parkway that would result in safety issues for the traveling public. It also resulted in a significant increased cost due to construction of retaining walls adjacent to the road and extension of the proposed roadway further south of the Acacia Parkway intersection to begin the necessary transition to elevate the roadway over the gas line.

Due to the safety concerns and costs associated with elevating the northbound lanes of Gee Road, the best decision is to lower the gas line to achieve the required minimum clearance. Since the existing gas line is a high-pressure transmission line, the relocation will need to occur before the upcoming winter, to avoid being offline during the peak demand period when there are colder temperatures. While franchise utility companies are typically required to relocate their utilities in Town rights-of-way at no cost to the Town, this gas line is located within an easement dating back to 1916, prior to any record of Gee Road, therefore, the Town is responsible for the cost of the relocation.

In anticipation of the gas line lowering being completed sometime before November 2023, the paving contractor for Gee Road has completed the paving of the northbound lanes up to and beyond the gas line conflict and will pour the missing segment of pavement where the gas line is located once the relocation is completed.

**Budget Impact:**

The cost estimate provided in the Relocation Agreement is \$866,140.61. The construction budget for the Gee Road (Fishtrap – Windsong Retail) and Fishtrap (Gee – Teel) project is \$10,723,793, and the current construction contract is \$10,194,579.20. Of the remaining unallocated budget of \$529,213.80, it is recommended that \$500,000, be allocated to the relocation costs from Account No. 750-6610-10-00-2011-ST, to leave a little contingency (\$29,213.80) in the roadway project budget. The funding of the remaining \$366,140.61 needed for the relocation costs to be allocated from project budget savings from the Prosper Trail – Coit Rd to Custer Rd 2-Lanes project in Account No. 750-6610-10-00-2008-ST. That project had a construction budget of \$6,422,068 and the final construction cost was \$5,606,782.59.

**Legal Obligations and Review:**

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

**Attached Documents:**

1. Relocation Agreement
2. Location Map

**Town Staff Recommendation:**

Town staff recommends that the Town Council authorize the Town Manager to execute a Relocation Agreement between Atmos Energy Corporation, and the Town of Prosper, Texas, related to the relocation of approximately 650-feet of 6-inch Steel Gas Pipeline Crossing Gee Road to serve the Gee Road (Fishtrap – Windsong Retail) project.

**Proposed Motion:**

I move to authorize the Town Manager to execute a Relocation Agreement between Atmos Energy Corporation, and the Town of Prosper, Texas, related to the relocation of approximately 650-feet of 6-inch Steel Gas Pipeline Crossing Gee Road to serve the Gee Road (Fishtrap – Windsong Retail) project.