

RESOLUTION NO. R2011-047

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENTON, TEXAS, APPOINTING A REPRESENTATIVE TO THE IH35E PROJECT STAKEHOLDER COMMITTEE (SB 1420); AFFIRMATION OF COMMITMENT OF THE CITY OF DENTON, TEXAS TO THE IH35E PROJECT IN THE AMOUNT OF \$250,000; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Texas Department of Transportation (“TxDOT”) is engaged in project development activities associated with the planned redevelopment of a 28-mile section of IH-35E from I-635 to US 380 in Dallas and Denton Counties (the “IH35E Project”); and

WHEREAS, in Minute Order 112840, dated September 29, 2011, the Texas Transportation Commission authorized TxDOT to issue a request for qualifications to develop, design, construct, finance, maintain, and operate all or any portion of the IH35E Managed LanesProject; and

WHEREAS, Section 228.013 of the Texas Transportation Code and TxDOT’s rules implementing that Section provide that a committee comprised of representatives from TxDOT, the North Central Texas Council of Governments (“NCTCOG”), the North Texas Tollway Authority (“NTTA”), and each city or county that provides local funding or right-of-way for a toll project that will be developed to provide oversight for the project; and

WHEREAS, TxDOT and local stakeholders have determined those entities that may be eligible to appoint members of the committee under Section 228.013 and TxDOT’s rules; and

WHEREAS, the City of Denton, Texas has been requested by TxDOT to appoint one member to represent the City on the committee, and to provide a copy of the resolution or other action making or authorizing the appointment; and

WHEREAS, the City of Denton affirms funding of \$250,000 of the IH35E Project within the City of Denton. NOW, THEREFORE,

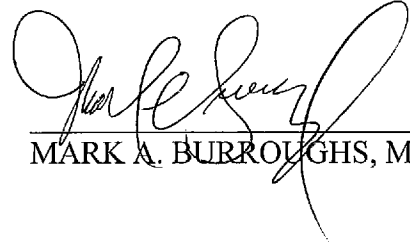
THE COUNCIL OF THE CITY OF DENTON HEREBY RESOLVES:

SECTION 1. The City Council of the City of Denton hereby appoints Pete Kamp as the City of Denton representative to the Committee.

SECTION 2. The City Council of the City of Denton hereby affirms its commitment to the IH35E Project in the amount of \$250,000 within the City of Denton.

SECTION 3. This Resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the 6th day of December, 2011.



MARK A. BURROUGHS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: Jane Richardson, Asst.

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

BY: 



DALLAS COUNTY COMMISSIONERS COURT

December 6, 2011

Commissioner Bill Meadows
Texas Transportation Commission
Dewitt C. Greer State Highway Building
125 East 11th Street
Austin, Texas 78701-2483

Dear Commissioner Meadows:

We are writing this letter to express our appreciation for the collaborative effort and partnering for the IH 35 E SB 1420 initiative. As mentioned by our partners at Denton County, the success of this project and process will provide regional, state and national significance.

Dallas County initially elected to participate with the city of Carrollton on the IH 35E project at Belt Line Rd in 2004. This project was approved by the Commissioners Court through the Major Capital Improvement Program (MCIP). As with many of the MCIP projects, Dallas County's contribution of \$4 million was in conjunction with funding from the City, North Texas Council of Government and TxDOT. Total participation for this proposed grade separation is specified at \$35 Million. Commissioners Court approved Court Order No. 2011 18G3 on October 25th specifying our commitment as a key stakeholder for this current SB 1420 Committee identifying this participation.

The Major Capitol Improvement Program is Dallas County's primary program in the development and partnership for projects. We have continuously committed funding to transportation initiatives and projects through efforts such as this committee. Since 1999, Dallas County has approved and selected projects investing approximately \$450 million which will leverage with our partners approximately \$1.07 billion of improvements for the Dallas County region.

In early 2012, Dallas County will commence implementation of the 6th MCIP Call for Projects with its partner cities. These projects are scheduled to be approved by Commissioners Court in early 2013. Construction and/or available funding for the 6th Call is scheduled for 2016 through 2020. The Cities of Carrollton, Farmers Branch, Lewisville and any other corridor cities will be encouraged to submit projects that will support the construction of IH35 E, along with their other projects.



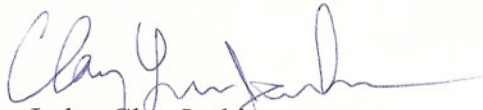
**DALLAS COUNTY
COMMISSIONERS COURT**

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This action models the Dallas County Strategic Plan in that the completion of this project will result in transportation improvements to "improve the quality of life and make the County a destination of choice" for our customers-the citizens, taxpayers, transportation users, and communities. This involves "interagency partnership and collaboration" with our partners in the cities, regional councils, state agencies and federal administrations.

Dallas County looks forward to working with a committed team and being a key (or valued) player in seeing this project come to fruition.

Sincerely,


Judge Clay Jenkins
Dallas County Judge


Commissioner Mike Cantrell
Dallas County Commissioner, District 2

**GUIDING PRINCIPLES
SB 1420 COMMITTEE REQUEST FOR RTC RESOLUTION
FOR THE DEVELOPMENT OF THE IH 35E PROJECT**

WHEREAS, Interstate Highway 35 East (IH 35E) is of Statewide, National, and International importance for the movement of people and commerce now and for the long term future;

WHEREAS, IH 35E serves as “Main Street, DFW;”

WHEREAS, the expansion of IH 35E consists of adding managed/toll lanes, general purpose lanes and frontage road lanes from IH 635 in Dallas County to US 380 in Denton County and is herein after referred to as the IH 35E project;

WHEREAS, the IH 35E project has been designated as a high priority project by the Regional Transportation Council (RTC);

WHEREAS, local partners, including Denton County, Dallas County, cities along the corridor, the RTC, the Texas Department of Transportation (TxDOT), the North Texas Tollway Authority (NTTA), and Denton County Transportation Authority (DCTA), Congressional representatives and state legislators have been working for years to advance the IH 35E project;

WHEREAS, local partners have developed innovative funding methods to advance the project such as the partnership between Denton and Dallas counties where Denton County Regional Toll Revenue (RTR) funds were loaned to complete the IH 635 project and will be repaid by Dallas County RTR funds;

WHEREAS, the region prioritized funding for the DCTA A-train to be operational before the IH 35E managed lane project commences in order to mitigate traffic impacts during construction;

WHEREAS, currently identified funding of \$639 million includes: \$484 million in RTR funds, \$78 million in Congestion Mitigation and Air Quality (CMAQ) funds, \$10 million is Surface Transportation Program - Metro Mobility (STP-MM) funds, \$44 million in Proposition 14 Bond proceeds, and \$23 million in Demonstration and/or Congressional Earmark funds.

WHEREAS, the NTTA has waived primacy for the IH 35E project;

WHEREAS, the Texas Legislature has authorized the development of the IH 35E project as one of the few public-private partnerships that can proceed in Texas; and,

WHEREAS, Senate Bill 1420 (82nd Texas Legislature, Regular Session) requires for certain TxDOT toll projects, including the IH 35E project, that a committee comprised of representatives from local and regional stakeholders and TxDOT (The SB 1420 Committee) be formed to make determinations concerning the distribution of the project’s financial risk, the method of financing for the project, and the project’s tolling structure and methodology that will determine the project’s delivery method in order to ensure local and regional input into the process.

NOW, THEREFORE, BE IT HEREBY AGREED THAT:

- Section 1.** The SB 1420 Committee requests a Resolution from the RTC, agreeing to the Guiding Principles outlined in this document to be addressed by TxDOT on the IH 35E project.
- Section 2.** The RTC will request that the SB 1420 Committee issue a report containing determinations that are consistent with the findings of Mobility 2035 and the National Environmental Policy Act (NEPA) documents related to the IH 35E project.
- Section 3.** The RTC will work with Denton County to advance the IH 35E project, recognizing Denton County's commitment of local funds for the project in exchange for CMAQ funds.
- Section 4.** The RTC will assist local stakeholders in initiating conversations with local governments, regional leaders, the Texas Transportation Commission and other interested public and private partners to allocate additional resources to the project, including private equity, local, state and federal funds in order to build as much of the IH 35E project as possible, including additional general purpose capacity in the first phase of construction..
- Section 5.** The RTC will request that the SB 1420 Committee commit to meeting TxDOT's schedule to make the required determinations as soon as possible.
- Section 6.** The RTC will request that TxDOT complete the procurement process for the IH 35E project as expeditiously as possible.
- Section 7.** The RTC will commit that excess revenue derived within the limits of the project, is utilized for the development of projects in order to complete the full build out of the IH 35E project.

SIGNED,

Michael Morris, NCTCOG
Committee Chair