



COUNTY COMMISSIONER PRECINCT 3
County of Hidalgo

Joe M. Flores
County Commissioner Pct. No. 3

April 30, 2013

Mr. Stephen L. Crain
Atlas Hall & Rodriguez, LLP
818 Pecan Boulevard
McAllen, Texas 78501

RE: Taylor Road Project Development
From: 400-ft South of BUS 83
To: 1300-ft North of Dove Ave.

Dear Mr. Crain:

As you are aware, Taylor Road is a major transportation corridor, functionally classified as a major collector and is situated in Hidalgo County within the cities of McAllen, Palmhurst and Mission (see attached location map). These referenced cities have approached me, as well as County Commissioner Joseph Palacios, that they would like financial assistance to make roadway improvements within the above referenced limits. In order to present this roadway as a "transportation corridor partnership" at the Hidalgo County Metropolitan Planning Organization (HCMPO), in which the City of McAllen, the City of Mission and Hidalgo County would each participate a proportional share of funds toward the cost of project development, I respectfully request your legal opinion if Hidalgo County could participate monetarily with the City of Mission (proposed fiduciary agent) to achieve a "shovel ready" status. This status would allow all the entities involved to take advantage of any future state or federal construction funds that may become available towards construction of this project.

Project development would be funded in phases. Phase I would be to complete an approved Schematic, an Environmental Document, a Right-of-Way (ROW) Map and Public Involvement in cooperation with the Texas Department of Transportation (TxDOT) and Federal Highway Administration (FHWA). Phase II would be to complete the Plans, Specifications and Estimate (PS&E) and acquire the needed ROW in an effort to construct the first section of this corridor which would be from 400-ft South of Bus 83 to 3300-ft North SH 495 (a total length of 1.63) miles within the city limits of Mission and McAllen.

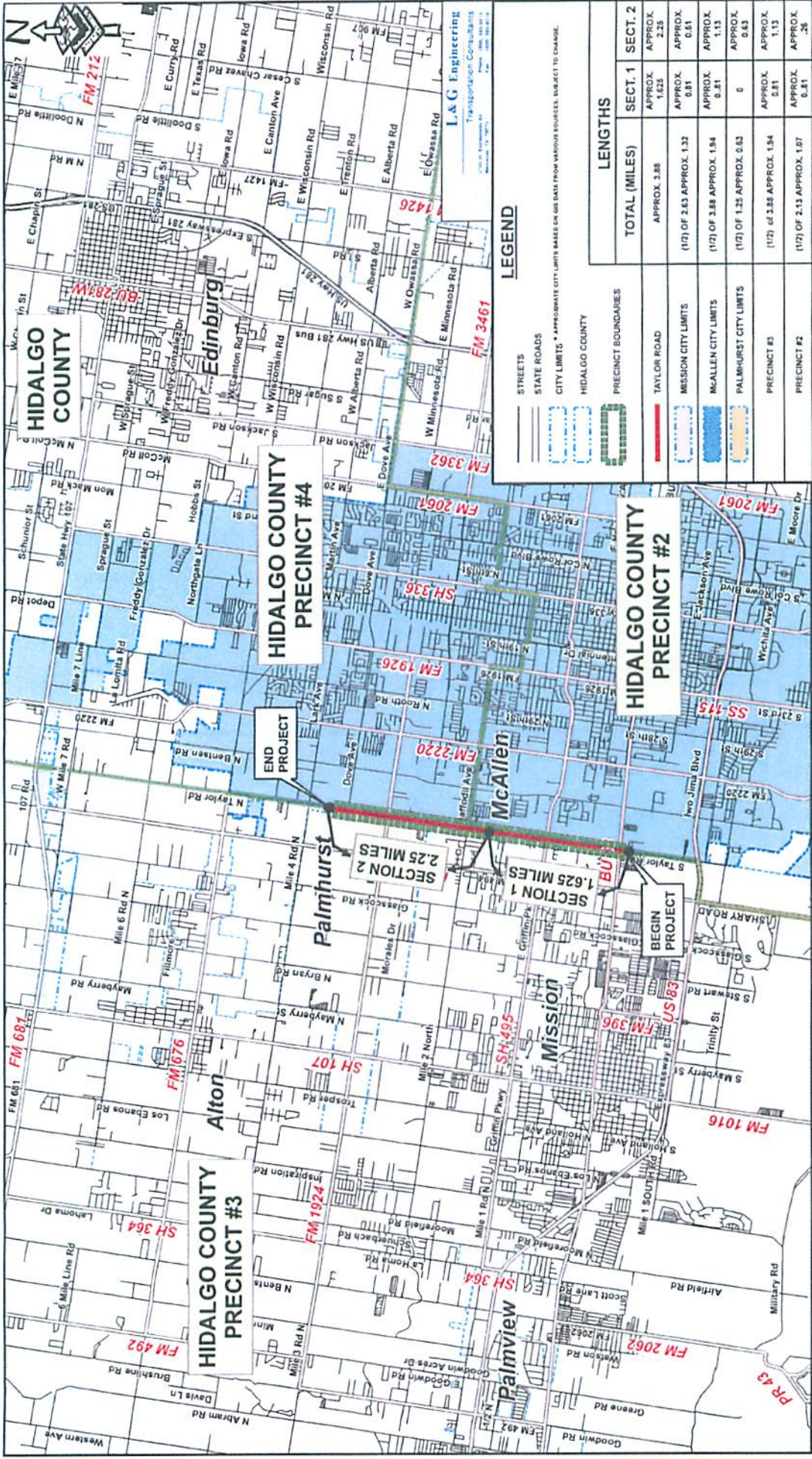
Since several segments of this future corridor is within the limits of Hidalgo County, clarification is requested from you on whether the Hidalgo County can be a participant on the development of this first section (1/3 of total cost) along with cities of Mission (1/3 of total cost) and McAllen (1/3 of total cost). If this arrangement is possible, then the City of Mission would be approached to assume the lead in project development. It is important to note that no formal negotiations will be initiated between the county and cities until a response to this request for clarification has been received.

If you need further information, please do not hesitate to call me.

Sincerely,

Joe M. Flores, Commissioner
Hidalgo County Pct. #3

cc: The Honorable Joseph Palacios, Commissioner, Hidalgo Co. Pct. #4
Office: (956) 585-4509 • Fax: (956) 205-7009
724 N. Breyfogle • Mission, Texas 78574



TAYLOR RD LOCATION MAP
 FROM 400' S. OF BUS 83 TO 1300' N. OF DOVE
 APPROX. PROJECT LENGTH 3.88 MILES



LEGEND

- STREETS
- STATE ROADS
- CITY LIMITS * APPROXIMATE CITY LIMITS BASED ON DATA FROM VARIOUS SOURCES. SUBJECT TO CHANGE.
- HIDALGO COUNTY
- PRECINCT BOUNDARIES
- TAYLOR ROAD
- MISSION CITY LIMITS
- MCALLEN CITY LIMITS
- PALMHURST CITY LIMITS
- PRECINCT #3
- PRECINCT #2
- PRECINCT #4

LENGTHS

TOTAL (MILES)	SECT. 1	SECT. 2
APPROX. 3.88	APPROX. 1.625	APPROX. 2.25
(172) OF 2.63 APPROX. 1.32	APPROX. 0.81	APPROX. 0.51
(172) OF 3.88 APPROX. 1.84	APPROX. 0.81	APPROX. 1.13
(172) OF 1.25 APPROX. 0.63	0	APPROX. 0.63
(172) OF 3.88 APPROX. 1.34	APPROX. 0.81	APPROX. 1.13
(172) OF 2.13 APPROX. 1.07	APPROX. 0.81	APPROX. .26
(172) OF 1.75 APPROX. 0.88	0	APPROX. 0.88



ATLAS, HALL & RODRIGUEZ, LLP

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30 W. MORRISON RD., STE A
BROWNSVILLE, TEXAS 78520-7262
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FAX (956) 574-9337

May 1, 2013

Pct. #3 Commissioner Joe M. Flores
724 N. Breyfogle
Mission, Texas 78572

RE: Taylor Road Project Development

Dear Commissioner Flores:

By letter dated April 30, 2013 you inquired whether Hidalgo County could assist the cities of Mission, Texas, Palmhurst Texas and McAllen, Texas monetarily to make roadway improvements to Taylor Road which you state is a major transportation corridor, functionally classified as a major collector.

Attached hereto is Attorney General Opinion No. JC-0036 (the "Opinion") which references Texas Transportation Code Section 251.012. Texas Transportation Code section 251.012 provides "with the approval of the governing body of a municipality, the commissioners court of a county may spend money to finance the construction, improvement, maintenance, or repair of a street or alley in the county that is located in the municipality..."

However, the Commissioners court of a county in order to proceed under Texas Transportation Code section 251.012, must meet the Texas Constitutional requirements and find a "county purpose" for assisting the municipality. According to the Opinion, county improvement of a municipal street that is in an integral part of or connecting link with a county road and improvement of municipal streets unconnected with county roads but that are major thoroughfares necessary for travel from one part of the county to another or used by a significant number of county residents, may constitute "county business".

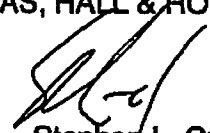
If the Commissioners Court finds that improvement of Taylor Road encompasses a "county purpose", the County may assist the cities monetarily but may not expend proceeds of bonds issued or taxes levied pursuant to article III, section 52(b) or (c) of the Texas Constitution for such municipal streets.

If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

ATLAS, HALL & RODRIGUEZ, LLP

By:

A handwritten signature in black ink, appearing to read 'S. Crain', written over the printed name.

Stephen L. Crain

SLC/mt
Enclosure