

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT  
AND INTENT TO REQUEST RELEASE OF FUNDS

Name of Contractor: City of Montgomery  
Address: P.O. Box 708  
Montgomery, Texas 77356  
Telephone Number: 936-597-6434  
Contract No.: 7215102

Posted: September 21, 2015

This Notice shall satisfy the above-cited two separate but related procedural notification requirements.

**REQUEST FOR RELEASE OF FUNDS**

On or about October 12, 2015, the above named municipality will submit a request to the Texas Department of Agriculture (TDA), for the release funds under Section 104 (F) of Title I of the Housing and Community Development Act of 1974, as amended, to undertake a project named Mont15TCF-Kroger.

Purpose of Project:

To extend water, sewer, street, and drainage to a proposed commercial business.

Description of Project:

This economic development project will provide water, sewer, street and drainage improvements for the City of Montgomery in support of Kroger Texas Limited Partnership (herein referred to as the "Company") a 114,000 square foot building and parking retail grocery center. The location of the building and land at the corner of State Highway 105 and Lone Star Parkway is defined as the Company's project site. The infrastructure improvements are the minimum necessary and will enable the company to begin operations in the City of Montgomery.

Location:

All work will occur in the City of Montgomery, Montgomery County, Texas at the northwest corner of the intersection of SH 105 and Lone Star Parkway.

**ACTIVITIES**

ED Financial Assistance to For-Profits Contractor shall provide water, sewer, street and drainage improvements to enable the Company to begin operations on Texas State Highway 105 in Montgomery, Texas.

### Water Improvements

Contractor shall install approximately one thousand six hundred linear feet (1,600 l.f.) of eight-inch (8") water line, four (4) fire hydrants, seven (7) valves and necessary appurtenances. Construction shall take place at the following locations:

- Texas State Highway 105 from west edge of property site to approximately 500 linear feet east
- West edge of property site from Texas State Highway 105 to approximately 700 linear feet north
- North edge of property site from Lone Star Parkway to approximately 400 linear feet east

### Sewer Improvements

Contractor shall install approximately two thousand one hundred linear feet (2,100 l.f.) of ten-inch (10") sewer line, nine (9) manholes, two (2) connections to existing manholes and necessary appurtenances. Construction shall take place at the following locations:

- Texas State Highway 105 from west edge of property site to approximately 500 linear feet east
- West edge of property site from Texas State Highway 105 to approximately 500 linear feet north
- North edge of property site from Lone Star Parkway to approximately 1,100 linear feet east

### Street Improvements

Contractor shall install approximately three thousand eight hundred square yards (3,800 s.y.) of eight-inch (8") pavement, one thousand nine hundred linear feet (1,900 l.f.) of curb and gutter and necessary appurtenances. Construction shall take place at the following locations:

- West edge of property site from Texas State Highway 105 to approximately 950 linear feet north

### Drainage Improvements

Contractor shall install approximately one thousand eight hundred linear feet (1,800 l.f.) of reinforced concrete pipe, seven (7) manholes, six (6) inlets, one (1) junction box and necessary appurtenances. Construction shall take place at the following locations:

- Texas State Highway 105 from West edge of property site to approximately 800 linear feet east
- West edge of property site from Texas State Highway 105 to approximately 800 linear feet north
- West edge of parking lot from approximately 400 linear feet north of Texas State Highway 105 to approximately 100 linear feet east
- North edge of property site from west edge of property site to approximately 100 linear feet east

Project size: Area of disturbance - approximately thirty-two (32) acres

### Project Issues:

A portion of the project involves enhancing an existing creek which is considered to be in a wetland.

### Mitigation Measures/Conditions/Permits (if any):

#### WETLANDS

- Do not run any equipment across the creek - Take it around the creek from one side to the other. Consider excavating one side first, then the other side later.
- If any trees need to be removed, they should be hand cut, not dozed.
- Document every step of the way in the event there are any questions relating to the wetlands.

Project will benefit: As a result of this Project, Contractor shall ensure that the Company creates fifty-two (52) permanent new jobs at the Company project site described above. Of the fifty-two (52) total jobs, fifty-one percent (51%) or twenty-seven (27) jobs total shall be held by LMI persons prior to the contract termination date.

Total Cost: Project will cost \$8,250,100 and will be paid for with a \$750,000 grant from the Texas Department of Agriculture and \$7,500,100 from Kroger Texas LP.

### FINDING OF NO SIGNIFICANT IMPACT

The City of Montgomery has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National

Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at City Hall and may be examined or copied weekdays during regular business hours.

#### PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the designated office responsible for receiving and responding to comments: The City of Montgomery, P.O. Box 708, Montgomery, Texas 77356. All comments received by October 12, 2015 or within eighteen (18) days following this posting (whichever is later) will be considered by the City of Montgomery prior to authorizing submission of a request for release of funds. Commenter's should specify which part of this Notice they are addressing.

#### RELEASE OF FUNDS

The City of Montgomery certifies to TDA that Kirk Jones, in the official capacity as Mayor, consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. TDA approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the City of Montgomery to use Program funds.

#### OBJECTIONS TO RELEASE OF FUNDS

TDA will consider objections to its release of funds and the City of Montgomery's certification received by October 28, 2015 or a period of fifteen (15) days from its receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer or other officer of the City of Montgomery approved by the TDA; (b) of the City of Montgomery has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the project have committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by the TDA; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to the TDA, 1700 North Congress Avenue, 11th Floor, Austin, Texas 78701. Potential objectors should contact the TDA to verify the actual last day of the objection period.

Certifying Official: Kirk Jones, Mayor