

These are the minutes of the regular meeting of the Texas Transportation Commission held on May 25, 2017, in Austin, Texas. The meeting was called to order at 9:02 a.m. by Chairman Lewis with the following commissioners present:

Texas Transportation Commission:

Tryon D. Lewis	Chairman
Jeff Austin, III	Commissioner
Victor Vandergriff	Commissioner
J. Bruce Bugg	Commissioner
Laura Ryan	Commissioner

Administrative Staff:

James Bass, Executive Director
 Jeff Graham, General Counsel
 Chuy Gonzalez, Chief of Staff
 Robin Carter, Commission Chief Clerk

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 4:16 p.m. on May 17, 2017, as required by Government Code, Chapter 551, referred to as “The Open Meetings Act.”

ITEM 1. Safety Briefing

This item was presented by Occupational Safety Specialist Randy Clawson.

ITEM 2. Consider the approval of the Minutes of the April 27, 2017, regular meeting of the Texas Transportation Commission

Commissioner Bugg made a motion, which was seconded by Commissioner Ryan, and the commission approved the minutes of the April 27, 2017, regular meeting by a vote of 5 - 0.

ITEM 3. Discussion Item
System Performance Targets (Presentation)

This item was presented by Project Planning and Development Director Lauren Garduno. The commission discussed system performance targets.

The commission took a short break from 11:21 a.m. to 11:37 a.m.

ITEM 4. Aviation**a. Various Counties - Consider the award of federal non-primary entitlement grant funding for airport improvement projects at various locations (MO)**

This item was presented by Aviation Division Director Dave Fulton. Commissioner Bugg made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 5 - 0.

114929
AVN

The Texas Department of Transportation (department) is authorized under Title 49, United States Code, Chapter 471, to award federal non-primary entitlement funding for capital improvement projects and to assist in the development and establishment of airports in the state of Texas.

The airports listed in Exhibit A are currently in need of improvements to preserve the airports or to meet standards. The department recommends the award of federal non-primary entitlement grant funds for the improvements.

On April 28, 2017, a public hearing was held. No comments were received.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the executive director, or the director's designee, is authorized to enter into any necessary agreements to fund, through the Aviation Facilities Grant Program, the projects described in Exhibit A at an estimated cost of \$3,627,333.

Note: Exhibit A is on file with the commission chief clerk.

b. Various Counties - Consider the award of federal and state grant funding for airport improvement projects at various locations (MO)

This item was presented by Aviation Division Director Dave Fulton. Commissioner Bugg made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 4 - 1. Commissioner Vandergriff voted against adoption of this minute order.

114930
AVN

The Texas Department of Transportation (department) is authorized under Title 49, United States Code, Chapter 471, and Texas Transportation Code, Chapter 21, to award federal and state funding for capital improvement projects and to assist in the development and establishment of airports in the state of Texas.

The airports listed in Exhibit A are currently in need of improvements to preserve the airports or to meet standards. The department recommends the award of federal and state grant funds for the improvements.

On April 28, 2017, a public hearing was held. No comments were received.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the executive director, or the director's designee, is authorized to enter into any necessary agreements to fund, through the Aviation Facilities Grant Program, the projects described in Exhibit A at an estimated cost of \$5,644,014.

Note: Exhibit A is on file with the commission chief clerk.

ITEM 5. Public Transportation**Ector and Midland Counties - Consider the award of transportation development credits to the City of Odessa (MO)**

This item was presented by Public Transportation Division Director Eric Gleason. Commissioner Bugg made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 5 - 0.

114931
PTN

The Texas Transportation Commission (commission) desires to award 305,000 transportation development credits (TDC) to the City of Odessa for use in the Midland and Odessa urbanized areas. The TDC will assist with the match of federal funds for capital projects and support connecting transit service between Midland and Odessa.

The commission recognizes that state and federal law permits the substitution of TDC as the required non-federal match for projects. Title 43, Texas Administrative Code (TAC), §5.109 establishes a process by which TDC may be awarded at the discretion of the commission.

In making this award, the commission has considered the potential of the projects to expand the availability of funding for public transportation projects and finds that the projects meet the established program goals set forth in 43 TAC §5.102 to support public transit and maximize the use of available federal funds, particularly in situations in which federal funds otherwise would be unused because of the inability to provide the non-federal share.

Transportation Code, Chapter 455 assigns a broad spectrum of public transportation roles and missions to the department.

Transportation Code, Chapter 456 authorizes the commission to administer funds appropriated for public transportation.

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the award of TDC and enter into the necessary contracts in accordance with the priorities established in this minute order.

ITEM 6. Financial Assistance for Projects**Cameron County - Cameron County Regional Mobility Authority - Consider granting final approval of a request from the Cameron County Regional Mobility Authority to receive financial assistance in the form of a grant of up to \$2,000,000 to be used for construction of a controlled access toll facility on SH 550 from .53 mi East of Old Alice Road to .48 mi West of FM 1847 called the SH 550 Gap I project (MO)**

This item was presented by Project Finance, Debt & Strategic Contracts Division Director Ben Asher. Chief Audit and Compliance Officer Benito Ybarra answered questions from Commissioner Austin. Engineer and private citizen Don Dixon also spoke to the commission. Commissioner Austin made a motion, which was seconded by Commissioner Vandergriff, and the commission approved the following minute order by a vote of 5 - 0.

114932
PFD

The Texas Department of Transportation (department) and the Cameron County Regional Mobility Authority (CCRMA) have been proceeding with the development of the SH 550 Toll Project in Cameron County, a project under the jurisdictional limits of the CCRMA.

Part of the SH 550 Toll Project, called the GAP I project, is a controlled access toll facility on SH 550 from .53 mi East of Old Alice Road to 0.48 mi West of FM 1847 consisting of four main lanes, two in each direction (project). The project is located within the boundaries of the CCRMA, and CCRMA has exercised its option to develop, construct, and operate the project pursuant to Transportation Code §228.0111(f-1), pursuant to which the department and the CCRMA executed a market valuation waiver agreement dated September 9, 2009.

Transportation Code §370.301 authorizes the department to provide for or contribute to the payment of costs of the design, financing, construction, operation, or maintenance of a turnpike project by a regional mobility authority (RMA) on terms agreed to by the department and the RMA. Transportation Code §222.103 authorizes the department to participate, by spending money from any available source, in the acquisition, construction, maintenance, or operation of a toll facility of a public or private entity on terms and conditions established by the Texas Transportation Commission (commission).

Pursuant to Transportation Code §222.103, the commission adopted Title 43 Texas Administrative Code §§27.50-27.58 (financial assistance rules) to prescribe conditions for the commission's financing of a toll facility of a public or private entity.

In Minute Order 114648 dated July 28, 2016, and Minute Order 114686 dated August 25, 2016, the commission granted preliminary and final approval of a request from CCRMA to receive financial assistance in the form of a grant of up to \$6,000,000 to be used for the GAP I project.

In accordance with Section 27.53 of the financial assistance rules, the CCRMA has submitted a request to receive an additional grant of up to \$2,000,000, to pay for the construction of the project. The information and data required by Section 27.53 of the financial assistance rules is either contained in the request for financing, is already in the department's possession, or has been waived by the executive director.

Because the GAP I project is a toll facility, the source of the funds for the financial assistance may not come from (1) money transferred to the State Highway Fund pursuant to Texas Constitution, Article III, Section 49-g, as amended by Senate Joint Resolution 1 (83rd Legislature, Third Called Session), as approved by statewide election on November 4, 2014 (Proposition 1); or (2) money deposited to the credit of the State Highway Fund under Texas Constitution, Article VIII, Section 7-c, as amended by Senate Joint Resolution 5 (84th Legislature, Regular Session), as approved by statewide election on November 3, 2015 (Proposition 7). In addition, the source of funds for the financial assistance may not come from money in the State Highway Fund which is available to the department for projects as a result of the enactment of House Bill 20 (84th Legislature, Regular Session), which amended Transportation Code §222.001(a) to discontinue the use of State Highway Fund money by the Department of Public Safety.

On February 24, 2011, the commission adopted Minute Order 112605, directing that if financial assistance is provided to a public entity under Transportation Code §222.103 from a statewide funding source: (1) that assistance shall be repaid, or (2) the department shall require the entity to which the assistance is provided to agree to share project revenue with the department, in such amounts and for such period of time as is approved by the commission. These requirements do not apply to financial assistance provided from funds allocated to metropolitan planning organizations and department districts. The requested \$2,000,000 in grant funds represents part of the vehicle registration fee match in the amount of \$14,104,600 of Category 12 funds allocated by the commission to the CCRMA in the Unified Transportation Program update approved in Minute Order 113948 dated May 29, 2014, as “Strategic Partnership Agreement with Cameron County RMA” and is not considered to be from a statewide funding source that is subject to the terms of Minute Order 112605.

The commission granted preliminary approval of the project for financing in Minute Order 114903 dated April 27, 2017, and, in accordance with 43 TAC §27.54(a)(2), the commission found that: (1) the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization; (2) the project is not in a Clean Air Act non-attainment area; (3) the project will improve the efficiency of the state’s transportation systems; and (4) the project will expand the availability of funding for transportation projects or reduce direct state costs.

In accordance with 43 TAC §27.54(b): (1) the required study of the social, economic, and environmental impacts of the project has been completed; and (2) CCRMA has obtained the executive director’s waiver of an investment grade traffic and revenue report for the project from a nationally recognized traffic engineer.

In accordance with 43 TAC §27.54(c), the commission has determined that: (1) providing financial assistance will prudently provide for the protection of public funds; and (2) the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate adverse environmental impacts.

IT IS THEREFORE DETERMINED AND ORDERED that the request submitted by the Cameron County Regional Mobility Authority for financial assistance in the form of a grant meets the applicable requirements of 43 TAC §§27.53 and 27.54(a) and, in accordance with those provisions, the commission grants final approval of the request for financial assistance in an amount not to exceed \$2,000,000 as a grant, to be used for construction of the project.

IT IS FURTHER ORDERED that the executive director or his designee is directed and authorized to enter into a financial assistance agreement with CCRMA which complies with the financial assistance rules and which contains the following terms:

1. The grant funds shall be disbursed on a reimbursement basis. CCRMA will deliver to the department prior to each disbursement a certificate in which CCRMA accounts for all grant funds disbursed under the financial assistance agreement and certifies that the disbursement, when added to the amount of all prior disbursements under the financial assistance agreement, will not exceed the total amount of funding authorized.

2. As a condition precedent to disbursement of the grant funds, CCRMA's board of directors must fully comply with the requirements of its internal ethics and compliance program (required by 43 TAC §26.56) by revising its policies to incorporate provisions which require that reasonable steps are being taken to achieve compliance with compliance standards and procedures by using monitoring and auditing systems that are designed to reasonably detect noncompliance, as required by 43 TAC §10.51(b)(5)(A).

ITEM 7. State Infrastructure Bank

Ellis County - City of Glenn Heights - Consider final approval of a request from the City of Glenn Heights for a State Infrastructure Bank loan in the amount of up to \$1,500,000 to pay the costs of utility relocation necessary for a state highway improvement project on FM 664 (MO)

This item was presented by Project Finance, Debt & Strategic Contracts Division Director Ben Asher. Commissioner Ryan made a motion, which was seconded by Commissioner Bugg, and the commission approved the following minute order by a vote of 5 - 0.

114933
PFD

The City of Glenn Heights (City) has submitted an application for financial assistance in the form of a loan of up to \$1,500,000 from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code, Chapter 6 (SIB rules). The application satisfies all requirements of the SIB rules, including passage by the City of a resolution authorizing submission of the application to the Texas Department of Transportation (department). The City intends to use the financial assistance to pay for relocation of utilities necessary for a state highway improvement project on FM 664 (Project).

The City has proposed a pledge of ad valorem taxes as security for repayment of the loan.

Section 6.32 of the SIB rules allows for final approval by the commission of any SIB loan in the principal amount of \$10 million or less without first going through the preliminary approval process described in the SIB rules if the financial assistance is to be used for a project for which the department has primary responsibility.

The intended use of the financial assistance conforms to the purposes of the SIB. The present and projected financial condition of the SIB is sufficient to cover the requested financial assistance for the project. Under the SIB rules, the executive director or his designee determined that the requirement to submit any information or data that was not submitted by the City is waived as permitted by the SIB rules either because the information or data is not relevant or the department already possesses the information or data.

In accordance with 43 TAC §6.32(c), the commission finds that: (1) the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization; (2) the project is in a Clean Air Act non-attainment area and is consistent with the Statewide Transportation Improvement Program, with the conforming plan and

Transportation Improvement Program for the MPO in which the project is located, and with the State Implementation Plan; (3) the project will improve the efficiency of the state's transportation systems; (4) the project will expand the availability of funding for transportation projects or reduce direct state costs; and (5) the application shows that the City is likely to have sufficient revenues to assure repayment of the financial assistance.

In accordance with 43 TAC §6.41, the executive director has negotiated all the terms of an agreement as necessary to protect the public's safety and to prudently provide for the protection of public funds while furthering the purposes of the SIB.

The executive director or his designee implemented actions authorized and required by the SIB rules for final approval. The executive director affirms that the necessary social, economic, and environmental impact studies have been completed and approved by the department. The executive director recommends that the commission grant final approval of the City's application for financial assistance from the SIB.

In accordance with 43 TAC §6.32(e), the commission finds that providing financial assistance will protect the public's safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB; and that the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE DETERMINED AND ORDERED that the application submitted by the City of Glenn Heights for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB rules and, in accordance with those provisions, the commission grants final approval of the City's application for a SIB loan in an amount not to exceed \$1,500,000 for the City's relocation of utilities necessary for the project.

IT IS FURTHER ORDERED that the executive director or his designee is directed and authorized to enter into a financial assistance agreement with the City which complies with the SIB rules and which contains the following terms:

1. The loan will be repaid over a period of no more than ten years at 2.50% percent interest per annum.
2. The City will pledge ad valorem taxes as security for repayment of the loan.
3. The loan must be fully disbursed within three years of the date of this minute order.
4. As a requirement for closing the loan and for disbursement of SIB funds, the City shall provide a certificate warranting that the proposed security is eligible to be used to repay the loan and that the financial assistance will not violate any of the borrowing or bond commitments the City has in place.
5. No deferral of repayment is authorized.

ITEM 8. Purchase Order Amendment

Consider the approval of a material change to a purchase order awarded under Chapter 2155 of the Texas Government Code for the provision of staffing services for the Modernization Portfolio and Project Management Project (MO) (Presentation)

114935
CST

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on May 2 and 3, 2017, as shown on Exhibit A.

Pursuant to cited code provisions highway improvement contract bids on a project may be accepted or rejected, but if accepted must be awarded to the lowest bidder.

An award is conditional in the event it is subject to Federal Highway Administration concurrence, third party funding or concurrence, and other conditions listed in the contract or an Exhibit to this order.

The department recommends that the Texas Transportation Commission (commission) respectively consider the award to the lowest bidder, reject or defer, as indicated, those highway and transportation enhancement building construction contracts identified on attached Exhibit A to this order.

IT IS THEREFORE ORDERED by the commission that the contracts described in Exhibit A, be and are hereby respectively awarded to the lowest bidder or rejected as indicated therein.

If a contractual requirement of award is not satisfied within the prescribed time limit, including any extension of time allowed by the executive director or the director's designee, by reason of the action or inaction of the successful low bidder on any contract, including, but not limited to, disadvantaged business/historically underutilized business participation, the contract is automatically in default and the executive director is authorized and directed to retain and deposit the related contract proposal guaranty to the credit of the State Highway Fund and to readvertise that project for competitive bids at the earliest practical subsequent date.

If a condition of award is not satisfied, including, but not limited to, reason of nonconcurrence of the Federal Highway Administration, the failure of a third party to fund or concur, or failure to meet other conditions in the contract or an Exhibit to this order, the respective award is voided and the department will return the bid guaranty.

Note: Exhibit A is on file with the commission chief clerk.

b. Highway Maintenance (MO)

This item was presented by Construction Division Director Tracy Cain. Commissioner Austin made a motion, which was seconded by Commissioner Bugg, and the commission approved the following minute order by a vote of 5 - 0.

114936
MNT

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for maintenance of the State Highway System, which were publicly opened and read on May 2 and 3, 2017, as shown on Exhibit A.

Pursuant to cited code provisions highway maintenance contract bids on a project may be accepted or rejected, but if accepted must be awarded to the lowest bidder.

An award is conditional in the event it is subject to Federal Highway Administration concurrence, third party funding or concurrence, and other conditions listed in the contract or an Exhibit to this order.

The department recommends that the Texas Transportation Commission (commission) respectively consider the award to the lowest bidder, reject or defer, as indicated, those highway maintenance and department building construction contracts, identified on attached Exhibit A to this order.

IT IS THEREFORE ORDERED by the commission that the contracts described in Exhibit A be and are hereby respectively awarded to the lowest bidder or rejected or deferred, as indicated therein.

If a contractual requirement of award is not satisfied within the prescribed time limit, including any extension of time allowed by the executive director or the director's designee, by reason of the action or inaction of the successful low bidder on any contract, including, but not limited to, disadvantaged business/historically underutilized business participation, the contract is automatically in default and the executive director is authorized and directed to retain and deposit the related contract proposal guaranty to the credit of the State Highway Fund and to readvertise that project for competitive bids at the earliest practical subsequent date.

If a condition of award is not satisfied, including, but not limited to, reason of nonconcurrence of the Federal Highway Administration, the failure of a third party to fund or concur, or failure to meet other conditions in the contract or an Exhibit to this order, the respective award is voided and the department will return the bid guaranty.

Note: Exhibit A is on file with the commission chief clerk.

c. Construction and Rehabilitation of Buildings (MO)

This item was presented by Support Services Division Facilities Planning and Management Section Director Robin Cappello. Commissioner Vandergriff made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 5 - 0.

114937
SSD

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on May 2, 2017, as shown on Exhibit A.

Pursuant to cited code provisions highway improvement contract bids on a project may be accepted, rejected or deferred, but if accepted must be awarded to the lowest bidder.

An award is conditional in the event it is subject to Federal Highway Administration concurrence, third party funding or concurrence, and other conditions listed in the contract or an Exhibit to this order.

The department recommends that the Texas Transportation Commission (commission) respectively award to the lowest bidder, reject or defer, as indicated, those highway improvement and department building construction contracts identified on attached Exhibit A to this order.

IT IS THEREFORE ORDERED by the commission that the contracts described in Exhibit A, be awarded to the lowest bidder or rejected as indicated therein.

If a contractual requirement of award is not satisfied within the prescribed time limit, including any extension of time allowed by the executive director or the director's designee, by reason of the action or inaction of the successful low bidder on any contract, including, but not limited to, disadvantaged business/historically underutilized business participation, the contract is automatically in default and the executive director is authorized and directed to retain and deposit the related contract proposal guaranty to the credit of the State Highway Fund and to re-advertise that project for competitive bids at the earliest practical subsequent date.

If a condition of award is not satisfied, including, but not limited to, reason of nonconcurrence of the Federal Highway Administration, the failure of a third party to fund or concur, or failure to meet other conditions in the contract or an Exhibit to this order, the respective award is voided and the department will return the bid guaranty.

Note: Exhibit A is on file with the commission chief clerk.

ITEM 10. Eminent Domain Proceedings

Various Counties - Consider the authorization of the filing of condemnation proceedings to acquire real property by eminent domain for non-controlled and controlled access highways (MO)

This item was presented by Right of Way Division Director Gus Cannon. Commissioner Ryan made a motion that the Texas Transportation Commission authorize the Texas Department of Transportation to use the power of eminent domain to acquire the properties described in the minute order set forth in the agenda for the current month for construction, reconstruction, maintenance, widening, straightening, or extending the highway facilities listed in the minute order as a part of the state highway system, and that the first record vote applies to all units of property to be condemned. The motion was seconded by Commissioner Austin and the following minute order was approved by Chairman Lewis, Commissioner Austin, Commissioner Vandergriff, Commissioner Bugg and Commissioner Ryan (a vote of 5 - 0).

114938
ROW

To facilitate the safety and movement of traffic and to preserve the financial investment of the public in its highways, the Texas Transportation Commission (commission) finds that public necessity requires the laying out, opening, constructing, reconstructing, maintaining, widening, straightening, extending, and operating of the highway facilities listed below as a part of the State Highway System (highway system).

As provided for by Transportation Code, Chapter 203, Subchapter D, including Sections 203.051, 203.052, and 203.054, the commission finds and determines that each of the parcels of land listed below, and more particularly described in the attached

Exhibits (parcels), are necessary or convenient as a part of the highway system to be constructed, reconstructed, maintained, widened, straightened, or extended (constructed or improved) and it is necessary to acquire fee simple title in the parcels or such lesser property interests as set forth in the attached Exhibits.

The commission finds and determines that the highway facilities to be constructed or improved on the parcels identified and listed below under "CONTROLLED ACCESS" are designated as a Controlled-Access Highway in accordance with Transportation Code, Section 203.031; and where there is adjoining real property remaining after acquisition of a parcel, the roads are to be constructed or improved as a part of the highway facility with the right of ingress and egress to or from the remaining real property adjoining the highway facility to be permitted or denied, as designated and set forth on each of the attached Exhibits A - CC. Where there is adjoining real property remaining after acquisition of a parcel with respect to the highway facilities to be constructed or improved on the parcels identified as listed below under "NON-CONTROLLED ACCESS," roads are to be constructed or improved as a part of the highway facility with the right of ingress and egress to or from the remaining real property adjoining the highway facility to be permitted or denied, as designated and set forth on each of the attached Exhibits 1 - 27, in accordance with Transportation Code, Sections 203.002 and 203.003.

The commission finds and determines that condemnation of the parcels is required.

IT IS THEREFORE ORDERED that the initiation of condemnation proceedings for the parcels is adopted and authorized by a single order for the parcels, and this first vote by the commission applies to all of the parcels.

IT IS FURTHER ORDERED that the executive director is hereby authorized to proceed to condemnation on the parcels and directed to transmit or cause to be transmitted this request of the commission to the Office of the Attorney General to file or cause to be filed against all owners, lienholders, and any owners of any other interests in the parcels, proceedings in condemnation to acquire in the name of and on behalf of the state, fee simple title to each parcel or such lesser estates or property interests as are more fully described in each of the attached Exhibits, save and excepting oil, gas, and sulfur, as provided by law, as follows:

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Dallas	IH 635	F	2374-01-186	4
Dallas	IH 635	K	2374-01-186	9
Dallas	IH 635	G	2374-01-186	10
Dallas	IH 635	J	2374-01-186	11
Dallas	IH 635	L	2374-01-186	12
Dallas	IH 635	I	2374-01-186	13
Dallas	IH 635	C	2374-01-186	14
Dallas	IH 635	H	2374-01-186	15,15AC
Dallas	IH 635	D	2374-01-186	17

CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Galveston	IH 45	O	0500-04-123	126D
Galveston	IH 45	Q	0500-04-123	201A
Galveston	IH 45	T	0500-04-123	221B
Harris	IH 45	P	0500-03-547	6AC
Liberty	SH 99	W	3510-09-003	1101AAQ
Montgomery	SH 249	AA	3635-01-002	108
Montgomery	SH 249	BB	3635-01-002	111
Montgomery	SH 249	Y	3635-01-002	112
Montgomery	SH 249	V	3635-01-002	115
Montgomery	SH 249	E	3635-01-002	117
Montgomery	SH 249	A	3635-01-002	118
Montgomery	SH 249	U	3635-01-002	119
Montgomery	SH 249	X	3635-01-002	120
Montgomery	SH 249	B	3635-01-002	121
Montgomery	SH 249	Z	3635-01-002	122
Travis	IH 35	M	0015-13-398	1,1TE
Travis	IH 35	S	0015-13-398	2TE
Travis	IH 35	N	0015-13-398	8,8TE
Travis	IH 35	R	0015-13-398	11TE
Travis	IH 35	CC	0015-13-398	18,18TE

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Brazoria	SH 36	6	0188-03-020	127
Brazoria	SH 36	27	0188-03-020	224
Brazoria	SH 36	17	0188-03-020	354
Brazoria	SH 36	18	0188-03-020	408
Brazoria	SH 36	16	0188-03-020	428
Brazoria	SH 36	23	0188-04-041	17
Brazoria	SH 36	24	0188-04-041	18
Brazoria	SH 36	19	0188-04-041	44
Brazoria	SH 36	15	0188-04-041	54
Brazoria	SH 36	20	0188-04-041	56
Brazoria	SH 36	14	0188-04-041	84
Brazoria	SH 36	3	0188-05-031	102
Brazoria	SH 36	1	0188-05-031	112
Brazoria	SH 36	8	0188-05-031	115
Brazoria	SH 36	4	0188-05-031	117
Brazoria	SH 36	5	0188-05-031	325
Fort Bend	SH 36	21	0188-02-038	101
Fort Bend	SH 36	9	0188-02-038	116

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Harris	SH 146	13	0389-05-095	101A
Harris	FM 2100	25	1062-04-053	112
Harris	FM 2100	26	1062-04-053	120
Montgomery	FM 2854	2	2744-01-031	1
Montgomery	FM 2854	7	2744-01-031	7
Nacogdoches	US 59	10	0176-01-110	9
Nacogdoches	US 59	22	0176-01-110	51
Smith	FM 2493	11	0191-03-082	45
Smith	FM 2493	12	0191-03-082	52

Note: Exhibits A - CC and 1 - 27 are on file with the commission chief clerk.

ITEM 12. Routine Minute Orders and Reports

This item was presented by Executive Director James Bass. Commissioner Bugg made a motion, which was seconded by Commissioner Vandergriff, and the commission approved the following minute orders by a vote of 5 - 0.

a. Donations to the Department

Various Districts - Consider the acknowledgment of donations made to the department to include: (a) donations in any form, including realty, personalty, money, materials, or services, which are made to the department for the purpose of carrying out its functions and duties; and (b) donations from landowners, with land adjacent to a highway that is part of the state highway system, to construct an improvement on the highway right-of-way that is directly related to improving access to or from the owner’s land (MO)

114939
CSD

Transportation Code, §201.206, authorizes the Texas Department of Transportation (department) to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 90th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

Transportation Code, §223.049 authorizes the department to contract with an owner of land adjacent to a highway that is part of the state highway system to construct an improvement on the highway right of way that is directly related to improving access to or from the owner’s land.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department’s acceptance of donations. Section 1.503 authorizes the executive director to approve acceptance of donations to the department and requires that donations valued at \$500 or more must be acknowledged by order of

the commission not later than the 90th day after the date the donation is accepted by the department. It further prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the executive director may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if the executive director determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

The executive director found that the donations identified on the attached Exhibit A were in compliance with the provisions of 43 TAC §§1.500-1.506, Government Code, Chapter 575, Transportation Code, §201.206, and Transportation Code, §223.049.

IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified on the attached Exhibit A.

Note: Exhibit A is on file with the commission chief clerk.

b. Real Estate Dispositions

(1) Collin County - US 75, southwest corner at Eldorado Parkway in McKinney - Consider the sale of right of way to the abutting landowner (MO)

114940
ROW

In McKinney, COLLIN COUNTY, on US HIGHWAY 75, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 2220, Page 427, and Volume 603, Page 59, Deed Records of Collin County, Texas.

A portion of the land (Tract 2), RCSJ 0047-06-125, described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale to abutting landowners of any interest in real property acquired and no longer needed for a state highway purpose.

Whitestone Eldorado Plaza, LLC, a Delaware limited liability company, is the abutting landowner and has requested to purchase Tract 2 for \$850,000.

The commission finds \$850,000 to be a fair and reasonable value of the state's right, title, and interest in Tract 2.

IT IS THEREFORE ORDERED by the commission that Tract 2 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in

Tract 2 to Whitestone Eldorado Plaza, LLC, a Delaware limited liability company, for \$850,000; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

Note: Exhibit A is on file with the commission chief clerk.

(2) El Paso County - I-10, southwest corner at Darrington Road in El Paso - Consider the quitclaim of right of way to the county (MO)

114941
ROW

In El Paso, EL PASO COUNTY, on INTERSTATE 10, the state of Texas used certain land for highway purposes to which title was acquired and held in the name of El Paso County.

A portion of the land (Tract 1), RCSJ 2121-04-107, described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the quitclaim to a county or municipality of any interest in property acquired and held by the county or municipality in its own name for use by the state.

It is the opinion of the commission that it is proper and correct that the state quitclaim its right and interest in Tract 1 to the county.

IT IS THEREFORE ORDERED by the commission that Tract 1 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument quitclaiming the state’s right and interest in Tract 1 to El Paso County, Texas.

Note: Exhibit A is on file with the commission chief clerk.

(3) El Paso County - SL 375, north side, east of US 85 (Paisano Drive) and west of I-10 in El Paso - Consider the exchange and relocation of electric line easements (MO)

114942
ROW

In El Paso, EL PASO COUNTY, on STATE LOOP 375, the state of Texas acquired certain property for highway purposes that was encumbered with electric transmission and distribution line easements held and maintained by El Paso Electric Company (EPE), acquired by easement instrument recorded in Volume 556, Page 132, Deed Records of El Paso County, Texas, and revised by letter agreement dated December 21, 1956.

EPE desires to relocate the electric lines and has requested the Texas Department of Transportation (TxDOT) to grant new easements to EPE in the new locations (new easements), described in Exhibits A, B, and C.

EPE has agreed to release the existing easements (old easements), described in Exhibits A, D, and E, to TxDOT upon completion of construction of the new line, as consideration for the grant of the new easements and in accordance with a written agreement between EPE and TxDOT (agreement).

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the exchange of an interest in real property acquired but not needed for a highway purpose as whole or partial consideration for another interest in land needed for a state highway purpose.

It is the opinion of the commission that it is proper and correct that TxDOT grant the new easements to EPE in exchange for EPE’s release of the old easements in accordance with the agreement.

IT IS THEREFORE ORDERED by the commission that TxDOT grants the new easements to El Paso Electric Company in exchange and as consideration for EPE’s

release of the old easements to the Texas Department of Transportation upon completion of the new facility.

Note: Exhibits A - E are on file with the commission chief clerk.

(4) Kaufman County - FM 1641 in Forney - Consider the sale of right of way to the abutting landowner (MO)

114943
ROW

In Forney, KAUFMAN COUNTY, on FARM TO MARKET ROAD 1641, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 355, Page 161, and Volume 355, Page 157, Deed Records of Kaufman County, Texas.

A portion of the land (Tract 1), RCSJ 1217-01-017, described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale to abutting landowners of any interest in real property acquired and no longer needed for a state highway purpose.

Lucky Three Forney Crossing, LLC, is the abutting landowner and has requested to purchase Tract 1 for \$348,719.

The commission finds \$348,719 to be a fair and reasonable value of the state's right, title, and interest in Tract 1.

IT IS THEREFORE ORDERED by the commission that Tract 1 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in

Tract 1 to Lucky Three Forney Crossing, LLC, for \$348,719; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

Note: Exhibit A is on file with the commission chief clerk.

(5) Orange County - I-10, southeast corner at FM 3247 in Orange - Consider the sale of right of way to the abutting landowner (MO)

114944
ROW

In Orange, ORANGE COUNTY, on INTERSTATE 10, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 299, Page 404, and Volume 288, Page 259, Deed Records of Orange County, Texas.

A portion of the land (Tract 2), RCSJ 0028-14-113, described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale to abutting landowners of any interest in real property acquired and no longer needed for a state highway purpose.

County Bancshares, Inc., is the abutting landowner and has requested to purchase Tract 2 for \$63,707.

The commission finds \$63,707 to be a fair and reasonable value of the state's right, title, and interest in Tract 2.

IT IS THEREFORE ORDERED by the commission that Tract 2 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in Tract 2 to County Bancshares, Inc., for \$63,707; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

Note: Exhibit A is on file with the commission chief clerk.

(6) Polk County - US 190 in Onalaska - Consider the sale of right of way to the abutting landowners (MO)

114945
ROW

In Onalaska, POLK COUNTY, on US HIGHWAY 190, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 411, Page 654, Deed Records of Polk County, Texas.

A portion of the land (Tract 2), RCSJ 0213-03-101, described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale to abutting landowners of any interest in real property acquired and no longer needed for a state highway purpose.

Dennis Key, Jr., and Jacklyn T. Key are the abutting landowners and have requested to purchase Tract 2 for \$5,200.

The commission finds \$5,200 to be a fair and reasonable value of the state's right, title, and interest in Tract 2.

IT IS THEREFORE ORDERED by the commission that Tract 2 is no longer needed for a state highway purpose and that the value is less than \$10,000. The commission authorizes the executive director to execute a proper instrument conveying all of the state's right, title, and interest in Tract 2 to Dennis Key, Jr., and Jacklyn T. Key for \$5,200; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles, and interests, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

Note: Exhibit A is on file with the commission chief clerk.

(7) Tarrant County - BS 114L, west side, south of E. Dallas Road in Grapevine - Consider the sales of right of way to the abutting landowners (MO) (MO)

114946
ROW

In Grapevine, TARRANT COUNTY, on STATE HIGHWAY 114L BUSINESS, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 7030, Page 1530, Deed Records of Tarrant County, Texas.

A portion of the land, Tract 16-04 (Part 1), RCSJ 0353-07-028, described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale to abutting landowners of any interest in real property acquired and no longer needed for a state highway purpose.

DKK West, Ltd., is the abutting landowner and has requested to purchase Part 1 for \$285,000.

The commission finds \$285,000 to be a fair and reasonable value of the state's right, title, and interest in Part 1.

IT IS THEREFORE ORDERED by the commission that Part 1 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in Part 1 to DKK West, Ltd., for \$285,000; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

Note: Exhibit A is on file with the commission chief clerk.

(7) Tarrant County - BS 114L, west side, south of E. Dallas Road in Grapevine - Consider the sales of right of way to the abutting landowners (MO) (MO)

114947
ROW

In Grapevine, TARRANT COUNTY, on STATE HIGHWAY 114L BUSINESS, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 7030, Page 1530, Deed Records of Tarrant County, Texas.

A portion of the land, Tract 16-04 (Part 2), RCSJ 0353-07-028, described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale to abutting landowners of any interest in real property acquired and no longer needed for a state highway purpose.

PPMC Realty, Ltd., is the abutting landowner and has requested to purchase Part 2 for \$270,000.

The commission finds \$270,000 to be a fair and reasonable value of the state's right, title, and interest in Part 2.

IT IS THEREFORE ORDERED by the commission that Part 2 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in Part 2 to PPMC Realty, Ltd., for \$270,000; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

Note: Exhibit A is on file with the commission chief clerk.

c. Reports

(1) Compliance Division report

Note: Confidential report to commission.

(2) Travis and Williamson Counties - Annual Inspection Report for the Central Texas Turnpike System (Report)

Note: The Report is on file with the commission chief clerk.

d. Traffic Operations

(1) Bastrop and Travis Counties - Consider authorization of temporary one-way or reversible operations on FM 812 between US 183 and SH 21 for Circuit of The Americas events during the period 2017-2022 (MO)

114948
TRF

In Bastrop and Travis Counties, the Texas Department of Transportation (department) and numerous other entities have worked cooperatively and participated in developing a comprehensive traffic control plan for vehicular access to and egress from the 2017-2022 Circuit of The Americas (COTA) events in which more than 120,000 attendees are anticipated.

A portion of this traffic control plan requires the temporary reassignment of lane operations including possible one-way operation or reversible operation on a section of Farm to Market 812 between US 183 and State Highway 21 eastbound and westbound toward the events for up to seven hours prior to the beginning and during the events and eastbound and westbound away from the events for up to seven hours during and after the events.

The department and the Texas Transportation Commission (commission) find it necessary to participate in the implementation of this traffic control plan to facilitate the orderly flow of traffic and ensure the safety of the attendees and traveling public. Transportation Code, Section §545.059, authorizes the commission to designate a highway or separate roadway under the jurisdiction of the commission for one-way traffic and mandates the erection of appropriate signs giving notice to the designation.

IT IS THEREFORE ORDERED by the commission that Farm to Market 812 between US 183 and State Highway 21 is designated for reversible lane or one-way operation before and after the 2017-2022 COTA events as agreed upon in the comprehensive traffic control plan.

IT IS FURTHER ORDERED that the executive director is directed to enter into any necessary agreements required to fulfill the condition of this order, and that implementation be consistent with the provisions of the Texas Manual on Uniform Traffic Control Devices.

Note: A map is on file with the commission chief clerk.

(2) Travis County - Consider authorization of temporary one-way or reversible operations on FM 973 between SH 71 and FM 812 for Circuit of The Americas events during the period 2017-2022 (MO)

114949
TRF

In Travis County, the Texas Department of Transportation (department) and numerous other entities have worked cooperatively and participated in developing a comprehensive traffic control plan for vehicular access to and egress from the 2017-2022 Circuit of The Americas (COTA) events in which more than 120,000 attendees are anticipated.

A portion of this traffic control plan requires the temporary reassignment of lane operations including possible one-way operation or reversible operation on a section of Farm to Market 973 between State Highway 71 and Farm to Market 812 northbound and southbound toward the events for up to seven hours prior to the beginning and during the events and northbound and southbound away from the events for up to seven hours during and after the events.

The department and the Texas Transportation Commission (commission) find it necessary to participate in the implementation of this traffic control plan to facilitate the orderly flow of traffic and ensure the safety of the attendees and traveling public. Transportation Code, Section §545.059, authorizes the commission to designate a highway or separate roadway under the jurisdiction of the commission for one-way traffic and mandates the erection of appropriate signs giving notice to the designation.

IT IS THEREFORE ORDERED by the commission that Farm to Market 973 between State Highway 71 and Farm to Market 812 is designated for reversible lane or one-way operation before and after the 2017-2022 COTA events as agreed upon in the comprehensive traffic control plan.

IT IS FURTHER ORDERED that the executive director is directed to enter into any necessary agreements required to fulfill the condition of this order, and that implementation be consistent with the provisions of the Texas Manual on Uniform Traffic Control Devices.

Note: A map is on file with the commission chief clerk.

e. Speed Zones

Various Counties - Consider the establishment or alteration of regulatory and construction speed zones on various sections of highways in the state (MO)

114950
TRF

Transportation Code, §545.352 establishes prima facie reasonable and prudent speed limits for various categories of public roads, streets and highways.

Transportation Code, §545.353 empowers the Texas Transportation Commission (commission) to alter those prima facie limits on any part of the state highway system as determined from the results of an engineering and traffic investigation conducted according to the procedures adopted by the commission.

The Texas Department of Transportation (department) has conducted the prescribed engineering and traffic investigations to determine reasonable and safe prima facie maximum speed limits for those segments of the state highway system shown in Exhibits A and B.

Exhibit A lists construction speed zones in effect when signs are displayed within construction projects. The completion and/or acceptance of each project shall cancel the provision of this minute order applying to said project and any remaining construction speed zone signs shall be removed.

Exhibit B lists speed zones for sections of highways where engineering and traffic investigations justify the need to alter the speeds.

It has also been determined that the speed limits on the segments of the state highway system, previously established by the commission by minute order and listed in Exhibit C, are no longer necessary or have been incorporated by the city which has the authority to set the speed limits on these sections of the highway.

IT IS THEREFORE ORDERED by the commission that the reasonable and safe prima facie maximum speed limits determined in accordance with the department's "Procedures for Establishing Speed Zones" and shown on the attached Exhibits A and B are declared as tabulated in those Exhibits. The executive director is directed to implement this order for control and enforcement purposes by the erection of appropriate signs showing the prima facie maximum speed limits.

IT IS FURTHER ORDERED that a provision of any prior order by the commission which is in conflict with a provision of this order is superseded to the extent of that conflict, and that the portions of minute orders establishing speed zones shown on the attached Exhibit C are canceled.

Note: Exhibits A - C are on file with the commission chief clerk.

OPEN COMMENT PERIOD - At the conclusion of all other agenda items, the commission will allow an open comment period, not to exceed one hour, to receive public comment on any other matter that is under the jurisdiction of the department. No action will be taken. Each speaker will be allowed a maximum of three minutes. Speakers must be signed up prior to the beginning of the open comment period.

Chairman Lewis opened the open comment period prior to executive session. The commission received comments from Gary B. Wade, President, Omni Pipe Solutions, and from engineer and private citizen Don Dixon.

ITEM 13. Executive Session Pursuant to Government Code, Chapter 551

a. Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.

b. Section 551.072 - Discussion of the purchase, exchange, lease, or value of real property

The commission recessed to executive session at 12:23 p.m. and returned from executive session at 12:47 p.m.

ITEM 11. Land Acquisition

Travis County - Consider the grant of authority to the department for the purchase of land in Travis County, Texas for the Austin complex consolidation (MO)

This item was presented by Chief Administrative Officer Rich McMonagle. Commissioner Bugg made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 5 - 0.

114951
ROW

Transportation Code §201.103 empowers the Texas Transportation Commission (commission) to plan and make policies for the location, construction, and maintenance of a comprehensive system of state highways and public roads.

Transportation Code Chapters 202 and 203 authorize the commission to acquire an interest in real property that the commission determines is necessary or convenient to construct or operate a facility used in connection with the construction, maintenance, or operation of a state highway or toll project, or to accomplish any other purpose related to the location, construction, improvement, maintenance, beautification, preservation, or operation of a state highway.

Parcum Development, LLC (seller) owns land in the City of Austin, Travis County, Texas fronting Stassney Lane near its intersection with Burleson Road. The Texas Department of Transportation (department) proposes to acquire from the seller approximately 48.97 acres (the property), consisting of Tracts 1 and 2 described in the attached Exhibit A, for its Austin campus consolidation.

The commission finds that acquisition of the property for the Austin campus consolidation is necessary for the overall efficiency of the construction, maintenance and operation of the state highway system.

IT IS THEREFORE ORDERED by the commission that the amount of \$8,900,000 may be expended to pay the purchase price of the property (purchase price), together with such additional funds as may be required to pay any necessary and customary incidental expenses of performing due diligence and acquiring fee simple title to the property, said property to be purchased for the Austin campus consolidation.

IT IS FURTHER ORDERED by the commission that the executive director is authorized to negotiate an earnest money contract containing such terms as determined appropriate by the executive director to purchase the property. The executive director may negotiate in the earnest money contract a reasonable due diligence period to determine to the satisfaction of the department that the property is suitable for the Austin campus consolidation. The executive director may terminate the earnest money contract in the event that the department determines the property is unsuitable for the Austin campus consolidation. The executive director may negotiate a provision in the earnest money contract that all or a portion of the earnest money may be forfeited in the event of such termination. The executive director may further provide in the earnest money contract that the department may pay the seller \$75,000 to extend the contract's closing date for 30 days, which sum will not be applicable to the purchase price and will be forfeited to the seller.

IT IS FURTHER ORDERED by the commission that the executive director is authorized to close the acquisition and execute any necessary related closing

documents, to expend funds for the purchase price, surveys, due diligence, title insurance, and any other necessary ancillary expenses, and to take other actions necessary to acquire fee simple title to the property, consistent with the provisions of this minute order.

Note: Exhibit A is on file with the commission chief clerk.

Commissioner Vandergriff motioned adjournment and Commissioner Ryan seconded the motion. The commission voted 5 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 12:50 p.m.

APPROVED:



Tryon D. Lewis, Chairman
Texas Transportation Commission

I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on May 25, 2017, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation