

## TEXAS TRANSPORTATION COMMISSION

VARIOUS Counties

MINUTE ORDER

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HOUSTON and BEAUMONT Districts

In accordance with the requirements of Transportation Code, §228.0111(g), on September 22, 2009, Liberty County (county) elected to exercise its option to develop, construct, and operate the portion of the Grand Parkway located within the county.

The Texas Legislature, in Senate Bill 19, 82<sup>nd</sup> Legislature, 2011, which became effective on June 17, 2011, enacted Transportation Code, Chapter 373, establishing a new streamlined primacy determination process that replaces the market valuation and primacy determination process established in Transportation Code, §228.0111.

On December 18, 2012, the Liberty County Commissioners Court elected to rescind the County's previous exercise of its option to develop, construct, and operate the portion of the Grand Parkway located within the county. To provide certainty for the procurement and contracting process for this portion of Grand Parkway, the Liberty County Commissioners Court further elected, pursuant to Transportation Code, §373.055, to waive and decline to exercise the county's option to develop, construct, finance, and operate the portion of the Grand Parkway project located in the county.

Transportation Code, §373.053 provides that if a local toll project entity fails or declines to exercise its option to develop, finance, construct, and operate a toll project, the department has 60 days after that date to decide whether it will exercise its option to develop, finance, construct, and operate that project. The department has determined that its option to develop, finance, construct, and operate the portion of the Grand Parkway located within the county should be exercised.

The department has further determined that the portion of the Grand Parkway in the county should be developed as a part of an authorization to develop Segments H, I-1 and I-2 of the Grand Parkway, in Harris, Montgomery, Liberty and Chambers counties as a project (project).

By resolution and order adopted on July 13, 2010, Chambers County withdrew its previous election to exercise that option, effectively choosing to not exercise its option, and providing for the reversion to the department of the right to develop, construct, and operate that portion of the Grand Parkway. In Minute Order 112528, the Texas Transportation Commission (commission) approved the department's determination to exercise its option to develop, finance, construct, and operate the portion of the Grand Parkway in Chambers County.

On January 11, 2011, the Harris County Commissioners Court rescinded its September 15, 2009 action to exercise the county's option, effectively choosing to not exercise its option, and providing for the reversion to the department of the right to develop, construct, and operate that portion of the Grand Parkway. In Minute Order 112558, the commission approved the department's determination to exercise its option to develop, finance, construct, and operate the portion of the Grand Parkway in Harris County.

On June 20, 2011, the Montgomery County Commissioners Court rescinded its September 14, 2009 action to exercise the county's option, effectively choosing to not exercise its option, and providing for the reversion to the department of the right to develop, construct, and operate that portion of the Grand Parkway. In Minute Order 112725, the commission approved the department's determination to exercise its option to develop, finance, construct, and operate the portion of the Grand Parkway in Montgomery County.

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HOUSTON and BEAUMONT Districts

The department has determined that selection of a delivery model for the project that will be most beneficial for the state should be made after further environmental and engineering studies have been performed, costs and revenue analyses have been conducted and a portion of the pre-development costs of the project have been paid.

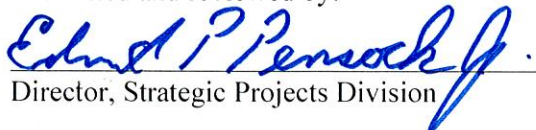
Grand Parkway Transportation Corporation, a transportation corporation formed by the commission pursuant to Chapter 431 of the Transportation Code to assist and act on behalf of the commission to develop, design, construct, finance, expand, reconstruct, operate and/or maintain the Grand Parkway, has determined that it has the capacity to finance up to \$300 million of the pre-development costs associated with the development of future segments of the Grand Parkway from the proceeds of its Grand Parkway System toll revenue bonds in the process of issuance.

IT IS THEREFORE ORDERED by the commission that the department's determination to exercise its option to develop, finance, construct, and operate the portion of State Highway 99 (Grand Parkway) in Liberty County, pursuant to Transportation Code, §373.053, is approved, and the project consisting of all or a portion of Segments H, I-1 and I-2 of Grand Parkway in Harris, Montgomery, Liberty and Chambers counties is authorized with DEVELOP authority.

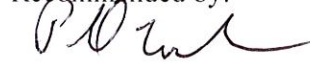
IT IS FURTHER ORDERED by the commission that the executive director, on behalf of the commission is authorized and directed to perform all such acts and execute such documents necessary to carry out the intent of this minute order.

IT IS FURTHER ORDERED by the commission that Grand Parkway Transportation Corporation is authorized to finance any pre-development costs of future segments of the Grand Parkway up to \$300 million, with priority given to pre-development costs of Segments H, I-1, and I-2; to enter into or assume any agreements related to the pre-development costs being financed; and to perform all such acts and execute such documents necessary to carry out the intent of this minute order.

Submitted and reviewed by:

  
Director, Strategic Projects Division

Recommended by:



Executive Director

**113429 JAN 31 13**

Minute  
Number

Date  
Passed