

TEXAS TRANSPORTATION COMMISSION

Various Counties

MINUTE ORDER

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Various Districts

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.

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.

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. Exhibit A lists donations resulting from a contract executed by the department under Transportation Code, §223.049 and other donations accepted under Transportation Code, §201.206.

The executive director has determined that the donations identified in the attached exhibit A complies with the applicable provisions of 43 TAC §§1.500-1.506, 43 TAC §12.353, Government Code, Chapter 575 and Transportation Code, §201.206, §223.049 and §224.001, and has approved acceptance of those donations. All required donation agreements have been executed under 43 TAC §1.504 and §1.506, as applicable

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

Submitted and reviewed by:

DocuSigned by:
Kenneth Stewart
F1CDA80FDB8C4B6
Director, Contract Services Division

Recommended by:

DocuSigned by:
Ma D Willis
0E1B35AE194749E
Executive Director

116514 July 11, 2023
Minute Date
Number Passed

**EXHIBIT A
DONATIONS
July 11, 2023**

NO.	DONOR	D/D	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
1.	Bastrop Realty, LLC	Austin District	Bastrop	The donor is donating the design and construction of a left turn deceleration lane one mile west of FM 20 and 1.5 miles east of SH 21 on SH 71 in Bastrop, Bastrop County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$330,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$330,000.00	6/23/2023
2.	Eric Lopez	Odessa District	Midland	The donor is donating a Nordic Track C2500 Treadmill for this Odessa District fitness space in Midland, Midland County, Texas. The estimated value of the donation is \$500.00.	\$500.00	6/15/2023
3.	Fikes Wholesale, Inc.	Paris District	Hopkins	The donor is donating the design and construction of traffic signals on SH 19 at the Cefco truck stop development in Sulphur Springs, Hopkins County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$250,000.00 (<i>Replaces previously acknowledged for Sensato, LLC on 6/29/2023 due to a change in donor.</i>).	\$250,000.00	6/09/2023
4.	Heritage at Cottonwood Creek, LLC	Austin District	Hays	The donor is donating the design and construction of roadway improvements to SH 123 that will serve The Heritage at Cottonwood Creek in San Marcos, Hays County, Texas. The roadway improvements include thin overlay mixture and striping overlay to add left turn lane to new road and a center turn lane section into the donor's development. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$330,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$330,000.00	6/15/2023

NO.	DONOR	D/D	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
5.	HME West LLC	Houston District	Montgomery	The donor is donating the design and construction a southbound left turn lane, northbound right turn lane, connection of High Meadow West Drive to FM 1486, entrance road culverts, extension of existing 30" culvert, regrading and re vegetation of the roadside ditches, striping and signage to provide access into the High Meadow West Section 1 residential development in Montgomery County, Texas. All design and construction work will be provided by the donor it's consultant, or its contractor. The estimated value of the donation is \$270,000.00 (<i>Replaces previously acknowledged for Silvestri Investments of Florida, Inc. on 5/25/2023 due to a change in donor.</i>).	\$270,000.00	6/20/2023
6.	Lennar Homes of Texas Land and Construction, Ltd.	Houston District	Harris	The donor is donating the design and construction of two left turn lanes from westbound FM 529 into the Anniston development in Katy, Harris County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$900,000.00 (<i>Replaces previously acknowledged FR Beeson, LLC on 11/16/2022 due to a change in donor.</i>).	\$900,000.00	6/20/2023
7.	Lower Troy Development, Inc.	Waco District	Bell	The donor is donating the design and construction of a right turn and left turn lanes off NE H.K. Dodgen Loop into Rusk Drive in Temple, Bell County, Texas. This project includes asphalt paving, driveway entry, culvert extension, grading, erosion control and all necessary traffic control operations. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$480,000.00.	\$480,000.00	6/15/2023
8.	LRF2 AUS Meister Lane LLC	Austin District	Travis	The donor is donating the design and construction of South Kenney Fort Boulevard extension from SH 45 to New Meister Lane in Pflugerville, Travis County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$1,100,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$1,100,000.00	6/21/2023

NO.	DONOR	D/D	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
9.	NT Real Estate, LLC	San Antonio District	Medina	The donor is donating the design and construction of pavement widening and striping for the proposed right turn lane and double left turn lane on FM 471 and the proposed right turn lane on I-35 for the commercial truck stop development in Medina County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$630,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way (<i>Replaces previously acknowledged on 4/27/2023, due to an increase in the estimated value of the donation from \$400,000.00 to \$630,000.00.</i>).	\$630,000.00	6/09/2023
10.	Pulte Homes of Texas, L.P.	Houston District	Montgomery	The donor is donating the design and construction of highway widening to construct a left turn lane from westbound FM 1097 into the Montgomery Bend development in Montgomery, Montgomery County, Texas. This will require an extension of existing TxDOT culverts. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$700,000.00.	\$700,000.00	6/12/2023
11.	QT South, LLC	San Antonio District	Kendall	The donor is donating the design and construction of pavement widening for a right turn deceleration lane, median openings with turnarounds, and pavement markings on US 87 in Comfort, Kendall County, Texas. All design and construction will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$150,000.00.	\$150,000.00	6/20/2023
12.	SA Schrader, LP	San Antonio District	Guadalupe	The donor is donating the design and construction of a median on SH 46 located approximately 1,300 linear feet north of Cordova Road in Seguin, Guadalupe County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$150,000.00.	\$150,000.00	6/15/2023
13.	T&S Watkins 2 LLC	Houston District	Galveston	The donor is donating the design and construction of a right turn lane from northbound I-45 into the West Walker Street extension development in League City, Galveston County,	\$470,000.00	6/23/2023

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				Texas. This access also allows West Walker Street traffic to turn right onto northbound I-45. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$470,000.00 <i>(Replaces previously acknowledged for Suburban LLC on 1/26/2023 due to a change in donor.)</i> .		
14.	Tunnel Wash Management III, LLC	Waco District	Bell	The donor is donating the design and construction to provide a fully actuated traffic signal at the intersection of Sun Valley Boulevard (FM 2063) where the existing Wal-Mart Driveway and the proposed Today's Car Wash Driveway are in Hewitt, Bell County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$350,000.00.	\$350,000.00	6/23/2023
15.	WB W Klein Land LLC	San Antonio District	Guadalupe	The donor is donating the design, construction of the installation of steel span wire traffic signal and the installation of radar detection at the intersection of W. Klein Road and FM 1044 in Guadalupe County with the ETJ of New Braunfels, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$300,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$300,000.00	6/20/2023