

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.

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.

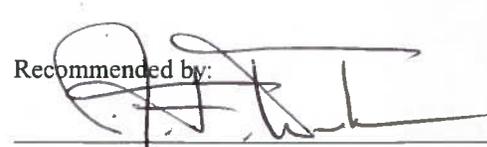
The executive director found that the donations identified on the attached Exhibit A were in compliance with the provisions of 43 TAC §§1.500-1.506, Government Code, Chapter 575, Transportation Code, §201.206, and Transportation Code, §223.049.

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

Submitted and reviewed by:


Director, Contract Services Office

Recommended by:


Executive Director

114376 SEP 24 15

Minute
Number

Date
Passed

**EXHIBIT A
DONATIONS**

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
1	Game Warden Peace Officers Association, Inc.	Traffic Operations Division	McMullen	The donor is donating funds sufficient to design, fabricate, and install two memorial highway designation signs on the portion of FM 624 in McMullen County designated as the Game Warden James E. Daughtrey Memorial Highway from the La Salle-McMullen County Line to SH 16. The design, fabrication, and installation of the signs will be performed by the State. The estimated value of the donation is \$3,450.	\$3,450	8/31/15
2	Game Warden Peace Officers Association, Inc.	Traffic Operations Division	Young	The donor is donating funds sufficient to design, fabricate, and install two memorial highway designation signs on the portion of SH 16 in Young County designated as the Texas Game Warden Joseph Marshall Evans Memorial Highway from the Palo Pinto County Line to the municipal limits of Graham. The design, fabrication, and installation of the signs will be performed by the State. The estimated value of the donation is \$3,450.	\$3,450	8/31/15
3	Game Warden Peace Officers Association, Inc.	Traffic Operations Division	Jefferson	The donor is donating funds sufficient to design, fabricate, and install two memorial highway designation signs on the portion of SH 87 in Jefferson County designated as the Texas Game Warden Michael C. Pauling Memorial Highway from the bridge over the intercoastal canal to FM 3322. The design, fabrication, and installation of the signs will be performed by the State. The estimated value of the donation is \$3,450.	\$3,450	8/31/15
4	Game Warden Peace Officers Association, Inc.	Traffic Operations Division	Hardin	The donor is donating funds sufficient to design, fabricate, and install two memorial highway designation signs on the portion of FM 1293 in Hardin County designated as the Game Warden Wesley W. Wagstaff Memorial Highway. The design, fabrication, and installation of the signs will be performed by the State. The estimated value of the donation is \$3,450.	\$3,450	8/28/15

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
5	Kingsville Legends, Ltd.	Corpus Christi District	Kleberg	The donor is donating the design and construction of a right-turn deceleration lane on westbound SH 141, approximately 0.29 miles West of Spur 169 on the north right-of-way, to access the Legend Apartments in Kingsville, Kleberg County. All design and construction work will be performed by the donor, its consultants, or its contractor. The estimated value of the donation is \$100,000.	\$100,000	8/11/15
6	KM 1464 Partners, LP	Houston District	Fort Bend County	The donor is donating the construction, design, and plans for a median opening south of West Belfort Avenue on FM 1464 located in Richmond, City of Houston ETJ, Fort Bend County to serve the donor's proposed commercial development. No additions or modification to utilities are included in the scope of this work. All design and construction work will be provided by the donor, its consultant and its contractor. The estimated value of the donation is \$83,365. (Change in Donor: Replaces donation from Aliana Development Company previously acknowledged in 7/2015.)	\$83,365	8/24/15
7	Lipex Properties, LP	Houston District	Harris	The donor is donating the design and construction of a right-turn deceleration lane on I-10 right of way situated on Bunker Hill Road to access the Metro National Corporation Development located at the southwest corner of the I-10 eastbound frontage road and Bunker Hill Road in Houston, 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 \$763,000. (Change of donor. Previously approved and acknowledged in July 2015 as a donation from Metro National Corporation.)	\$763,000	8/11/15
8	MHCB (USA) Leasing & Finance Corporation	Houston District	Harris	The donor is donating the design and construction of the eastbound left turn lane on FM 1093 to increase the storage capacity along FM 1093 onto the northbound Rogerdale Road in Houston, 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 \$560,000.	\$560,000	8/11/15

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
9	Nash Sweetwater, LLC	Austin District	Travis	The donor is donating the design and construction of a traffic signal on SH 71 in Travis County to improve access to and from the donor's new mixed use development. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$228,000, which includes the State's direct and indirect costs for reviewing, monitoring and inspecting the work that is on the state right of way. [This donation replaces one previously approved in 5/2015 due to an increase in the estimated value from \$150,000 to \$228,000.]	\$228,000	8/18/15
10	Route 66 Wind Power, LLC	Amarillo District	Carson & Armstrong	The donor is donating the sum of \$66,717 to reimburse the State for expenditures made to repair damage to roadways caused by Route 66 Wind Project construction activities on FM 2161, IH 40, and FM 3330 in Carson and Armstrong Counties. TxDOT performed the road repairs.	\$66,717	8/11/15
11	The Lance McLean Memorial Foundation	Traffic Operations Division	Hood	The donor is donating funds sufficient to design, fabricate, and install two memorial highway designation signs on the portion of LP 567 designated as the Deputy Sergeant Lance McLean Memorial Highway in Hood County. The design, fabrication, and installation of the signs will be performed by the State. The estimated value of the donation is \$3,450.	\$3,450	8/21/15