

TEXAS TRANSPORTATION COMMISSION

VARIOUS Counties

MINUTE ORDER

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VARIOUS Districts

The Texas Department of Transportation (department) is acquiring the right of way for highway improvement projects by donations.

This minute order considers acknowledgement of acceptance of donations of real property to the State of Texas by the department. The department has determined that acceptance of these donations is in the best interest and welfare of the traveling public and will provide a significant public benefit.

Transportation Code, §201.206, authorizes the 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.

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, §223.049, and §224.001. The donation agreement has been executed and accepted by the department under Title 43, Texas Administrative Code, §1.504.

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:

[Handwritten signature]

Director, Right of Way Division

(Gus E. Cannon)

Recommended by:

[Handwritten signature: James M. Bass]

Executive Director

114569 APR 28 16

Minute Number

Date Passed

**EXHIBIT A
ROW ACQUISITIONS BY DONATION
April 28, 2016**

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	TXDOT VALUE	ROW CSJ NO./Parcel No.	DATE ACCEPTED
1.	GR-M1, LTD	Houston District	Brazoria	Donation of 0.6240 acres of land at County Road 56. The property being donated to the department is necessary for the construction of a northbound entrance ramp onto SH 288; coming off of County Road 56. This ramp will provide access from County Road 56 onto SH 288.	\$62,516.00	0598-02-108 Parcel 01	04/15/2016
2.	Harris County Municipal Utility District No. 287	Houston District	Harris	Donation of 0.1437 acres of land from Morton Road to Clay Road. The property being donated to the department is necessary for the construction of a frontage road along SH 99.	\$35,572.00	3510-05-038 Parcel 1	04/15/2016
3.	Harris County Municipal Utility District No. 287	Houston District	Harris	Donation of 0.1598 acres of land from Morton Road to Clay Road. The property being donated to the department is necessary for the construction of a frontage road along SH 99.	\$33,595.00	3510-05-038 Parcel 2	04/15/2016
4.	Harris County Municipal Utility District No. 287	Houston District	Harris	Donation of 2.673 acres of land from Morton Road to Clay Road. The property being donated to the department is necessary for the construction of a frontage road along SH 99.	\$520,810.00	3510-05-038 Parcel 3	04/15/2016