

TEXAS TRANSPORTATION COMMISSION

WILLIAMSON County

MINUTE ORDER

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AUSTIN District

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

This minute order considers acknowledgement of acceptance of a donation of real property to the State of Texas by the department. The department has determined that acceptance of this donation 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 donation identified on the attached Exhibit A is 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 donation identified on the attached Exhibit A.

Submitted and reviewed by:

Director, Right of Way Division

Recommended by:

Executive Director

114749 OCT 27 '16

Minute
Number

Date
Passed

EXHIBIT A
ROW ACQUISITION BY DONATION
October 27, 2016

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	TXDOT VALUE	ROW CSJ NO./Parcel No.	DATE ACCEPTED
1.	Raymond H. Mickan and Ethel L. Mickan	Austin District	Williamson	Donation of 0.1407 acres of land from 0.128 miles west of CR 150 to SH 95. The property being donated is in exchange for the departments design group shifting the alignment of a planned rehabilitation project that was designed on existing ROW. The property owner owned land on both sides of the project and requested the shift to increase the distance of traffic from his business to allow his patrons more room to enter the flow of traffic at a bend in the road.	\$1,164.00	1202-01-019	10/05/2016