

TEXAS TRANSPORTATION COMMISSION

COMAL County

MINUTE ORDER

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SAN ANTONIO District

Transportation Code, Chapter 201, Subchapter C, Section 201.1055, authorizes the Texas Department of Transportation (department) to exchange existing property and improvements with a private entity in return for the acquisition of land and the design and construction of a new facility required to support department operations.

Under that authority, the department intends to issue a Request for Qualifications and Proposals to select a qualified private entity to provide a new site and design, develop and construct a department area engineer and maintenance facility in exchange for land and the existing New Braunfels area engineer and maintenance facility. Any difference in value between the proposed new facility and the department property to be exchanged will be provided from the Maintenance Division's budget to the extent funds are available. The construction of a new facility to the latest standards of the department will benefit the traveling public and the department.

The department's existing facility, located at 2940 I-35 South, New Braunfels, with an appraised value of \$816,000, will no longer be needed for the purposes for which it was acquired. A metes and bounds description of the property is attached as Exhibit A.

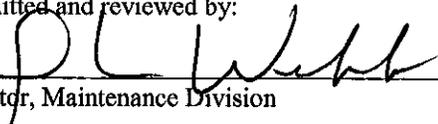
The department's existing property, located at the intersection of I-35 and Solms Road, New Braunfels, with an appraised value of \$1,044,128, will no longer be needed for the purposes for which it was acquired. A metes and bounds description of the property is attached as Exhibit B.

The department proposes to negotiate a Development and Exchange Agreement with the top three ranked proposers, beginning with the top ranked proposer, to procure land and the new facility based on whose proposal provides the best value to the department. Best value will be based on cost estimates for the land acquisition, site development, professional design services, construction cost and all associated costs for the new facility and site.

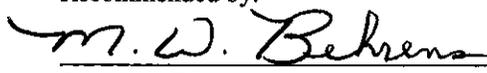
IT IS THEREFORE ORDERED by the commission that the department issue a Request for Qualifications and Proposals and commence negotiations with the top three ranked proposers to locate a new site, and design and construct a new facility for the department in exchange for land and the existing New Braunfels area engineer and maintenance facilities and partial capital funding.

IT IS FURTHER ORDERED that the department may reissue a Request for Qualifications and Proposals for this project in the event that suitable terms for a Development and Exchange Agreement cannot be accomplished with one of the top three ranked proposers.

Submitted and reviewed by:


Director, Maintenance Division

Recommended by:


Executive Director

110621 JUL 27 06

Minute Number Date Passed

Exhibit A
New Braunfels Area Engineer and Maintenance Facility

The Texas Department of Transportation (TxDOT) is the owner of certain property and improvements located at 2940 I-35 South, New Braunfels, Comal County, Texas, more particularly described by metes and bounds as follow:

A 7.142 acre, or 311,096 square feet more or less, tract of land being comprised of a 2.158 acre tract described in conveyance to the State of Texas on July 15, 1953, in Warranty Deed recorded in Volume 134, pages 307-308, a 2.00 acre tract described in conveyance to TxDOT on June 16, 1952, in Warranty Deed recorded in Volume 99, pages 538-539, a 2.00 acre tract described in conveyance to TxDOT on June 6, 1950, in Warranty Deed recorded in Volume 93, pages 564-565, and a 1.00 acre tract described in conveyance to the State of Texas on October 29, 1962, in Volume 135, pages 610-611 of the Deed Records of Comal County, Texas, out of the Juan Martin de Veramendi Survey no. 2, now all in the city of New Braunfels, Comal County, Texas. Said 7.142 acre tract being more fully described as follows with bearings being based on North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the South Central Zone:

BEGINNING: At a set $\frac{1}{2}$ " iron rod with a yellow cap marked "Pape-Dawson", at the intersection of the northwest ROW line of I-35, and the northeast ROW line of Water Lane, a 60 foot ROW, the south corner of said 1.00 acre tract, from which a found $\frac{1}{2}$ " iron rod, at the intersection of the northwest ROW line of said I-35, and the southwest ROW line of said Water Lane bears south $50^{\circ}50'27''$ west, 60.1 feet;

- (1) **THENCE:** North $35^{\circ}35'17''$ west, (north $35^{\circ}15'00''$ west by deed) along and with the northeast ROW line of said Water Lane, the southwest line of said 1.00 acre tract, at a distance of 441.1 feet (441.7 feet by deed) passing through a south corner of said 2.00 acre tract of 1952, continuing along and with the northeast ROW line of said Water Lane, a southwest line of said 2.00 acre tract of 1952, at a distance of 588.7 feet passing through the south corner of said 2.158 acre tract and continuing a called deed distance of 366.4 feet along and with the northeast ROW line of said Water Lane, the southwest line of said 2.158 acre tract for a total distance of 955.07 feet to a set $\frac{1}{2}$ " iron rod with a yellow cap marked "Pape-Dawson", for the west corner of said 2.158 acre tract, at the south corner of Lot 1 of a 1.42 acre tract recorded in Volume 108, pages 325-326 of the Deed Records of Comal County, Texas;
- (2) **THENCE:** North $54^{\circ}35'00''$ east, (north $54^{\circ}37'00''$ east by deed) departing the northeast ROW line of said Water Lane, along and with the southeast line of Lots 1-5 of the said 1.42 acre tract, the northwest line of said 2.158 acre tract, a distance of 262.78 feet (262.8 feet by deed) to a set $\frac{1}{2}$ " iron rod with a yellow cap marked "Pape-Dawson", for the north corner of said 2.158 acre tract, the west corner of a 0.573 acre tract recorded in document no. 2005-06041253-4 of the Official Records of Comal County, Texas, from which a found 1" iron pipe bears north $12^{\circ}34'29''$ west, 1.9 feet and a found $\frac{1}{2}$ " iron rod with a cap marked "MDS" bears south $70^{\circ}03'40''$ east, 1.0 feet;
- (3) **THENCE:** South $35^{\circ}35'19''$ east, (south $35^{\circ}15'00''$ east by deed) departing the southeast line of said Lot 5, along and with the northeast line of said 2.158 acre tract, the southwest line of said 0.573 acre tract, at a distance of 147.5 feet (147.39 feet by deed) for said 0.573 acre tract passing through the west corner of a 0.945 acre tract recorded in document 2004-06019675 of the Official Records of Comal County, Texas, from which a found 1" iron pipe is 0.9 feet left of line and continuing along and with the northeast line of said 2.158 acre tract, the southwest line of said 0.945 acre tract for a total called deed distance of 349.40 feet to a set "PK" nail at chain link fence post, said point being on the northwest line of the aforementioned 2.00 acre tract of 1952, the south corner of said 0.945 acre tract, the east corner of said 2.158 acre tract;

- (4) THENCE: North $51^{\circ}13'52''$ east, (north $51^{\circ}36'24''$ east by deed) along and with the northwest line of said 2.00 acre tract of 1952, the southeast line of said 0.945 acre tract, a distance of 104.80 feet (106.53 feet by deed of adjoining 0.945 acre tract) to a fence post on the southwest line of a certain tract or parcel of land described in conveyance to Roger Lee Brinkkoeter on October 4, 1966 in Warranty Deed recorded in Volume 152, pages 100-101 of the Deed Records of Comal County, Texas, a west corner of that 4.2 acre R & K Subdivision recorded in Volume 107, pages 376-379 of the Deed Records of Comal County, Texas, a west corner of said 0.945 acre tract;
- (5) THENCE: South $35^{\circ}52'01''$ east, (south $35^{\circ}15'00''$ east by deed) along and with the northeast line of said 2.00 acre tract of 1952, the common southwest line of said 4.2 acre tract and said certain tract or parcel of land, at a distance of 56.4 feet passing through the south corner of said certain tract or parcel of land, continuing along and with the northeast line of said 2.00 acre tract of 1952, the southwest line of said 4.2 acre tract at a distance of 367.6 feet (368.45 feet by deed) passing through the west corner of a 1.123 acre tract recorded in document no. 2000-06010975 of the Official Records of Comal County, Texas, from which a found $\frac{1}{2}$ " iron rod with a cap marked "RPLS 4069" is 0.9 feet left of line and continuing along and with the northeast line of said 2.00 acre tract, the southwest line of said 1.123 acre tract for a total distance of 587.60 feet (589.30 feet by deed) to a set $\frac{1}{2}$ " iron rod with a yellow cap marked "Pape-Dawson", said point being on the northwest ROW line of the aforementioned I-35, the south corner of said 1.123 acre tract, the east corner of said 2.00 acre tract of 1952 from which a found $\frac{1}{2}$ " iron rod with a cap marked "RPLS 4069", on said northwest line of I-35 bears north $50^{\circ}50'27''$ east, 2.3 feet;
- (6) THENCE: South $50^{\circ}50'27''$ west, (south $51^{\circ}19'00''$ west by deed) along and with the northwest ROW line of said I-35, the southeast line of said 2.00 acre tract of 1952, at a called deed distance of 74.0 feet passing through the east corner of the aforementioned 2.00 acre tract of 1950, continuing along and with the northwest ROW line of said I-35, the southeast line of said 2.00 acre tract of 1950 a called deed distance of 197.20 feet, at a distance of 271.2 feet passing through a found TxDOT monument, at the east corner of the aforementioned 1.00 acre tract, and continuing along and with the northwest ROW line of said I-35, the southeast line of said 1.00 acre tract, at a distance of 368.2 feet passing through a found TxDOT monument and continuing for a total distance of 371.00 feet by a cumulative deed distance of 370.0 feet to the POINT OF BEGINNING and containing 7.142 acres in the city of New Braunfels, Comal County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc.

Exhibit B
New Braunfels Area Engineer and Maintenance Facility

The Texas Department of Transportation (TxDOT) is the owner of certain property located approximately 0.25 miles northeast from the intersection of I-35 and Solms Road, New Braunfels, Comal County, Texas.

This property consists of 13.501 acres of land (588,114 square feet.), more or less, out of the John Thompson Survey no. 21, abstract no. 608, Comal County, Texas, and being out of and a part of a 17.834 acre tract as conveyed by Warranty Deed with Vendor's Lien from Elrine Fischer to IRC "17+7", a Texas Joint Venture, executed June 24, 1983 and recorded in Volume 347, pages 563-565 of the Deed Records of Comal County, Texas, said 13.501 acres of land, more or less, being more particularly described as follows:

BEGINNING at a found ½" iron pin in the northwest ROW line of I-35 and being the easternmost corner of this parcel and said 17.834 acre tract and being south 49°20'35" west, (all bearings in this description are based on the Texas State Plane Coordinate System, Zone 4, NAD 1927), a distance of 2097.81 feet from a found concrete monument with brass disk being an angle point in said I-35 northwest ROW line, said set ½" iron pin being 150.00 feet left of and a right angle to Engineer's Station 570+02.13 on the survey centerline of I-35;

- (1) THENCE the following courses along the Southeast boundary line of this parcel and said 17.834 acre tract and the northwest ROW line of I-35;
- (2) THENCE South 49°20'35" west, a distance of 952.13 feet to a found concrete monument with brass disk being an angle point;
- (3) THENCE South 52°41'02" west, a distance of 63.24 feet to a set ½" iron pin being the southernmost corner of this parcel, and being 153.69 feet right of and at a right angle to Engineer's Station 559+86.86 on the survey centerline of I-35;
- (4) THENCE North 24°28'50" west, a distance of 739.80 feet along the southwest boundary line of this parcel to a set ½" iron pin in the southeast ROW line of old SH 81 and being the westernmost corner of this parcel;
- (5) THENCE North 56°27'49" east, a distance of 651.29 feet along the northwest boundary line of this parcel and said 17.834 acre tract to a found ¼" iron pin being the northernmost corner of this parcel and said 17.834 acre tract and the westernmost corner of a 1.17 acre tract as recorded in document no. 9906010851 of the Official Public Records of Comal County, Texas;
- (6) THENCE South 32°30'18" east, a distance of 190.42 feet along the northeast boundary line of this parcel and said 17.834 acre tract and the southwest boundary line of said 1.17 acre tract to a found 3/8" iron pin being the southernmost corner of said 1.17 acre tract as recorded in document no. 9906010851 of the Official Public Records of Comal County, Texas;
- (7) THENCE North 50°25'53" east, a distance of 231.54 feet along the northwest boundary line of this parcel and said 17.834 acre tract and the southeast boundary line of said 1.17 acre tract to a found 3/8" iron pin being the westernmost corner of a 6.0 acre tract as recorded in document no. 9806006217 of the Official Public Records of Comal County, Texas;
- (8) THENCE South 35°15'47" east, a distance of 442.52 feet along the northeast boundary line of this parcel and said 17.834 acre tract and the southwest boundary line of said 6.0 acre tract to a found ½" iron pin in the northwest ROW line of I-35, and being the POINT OF BEGINNING and containing 13.501 acres of land (588,114 square feet), more or less.