TEXAS TRANSPORTATION COMMISSION

TRAVIS County

MINUTE ORDER

AUSTIN District

In TRAVIS COUNTY, a project has been proposed to extend FARM TO MARKET ROAD 973 on new location, from US 290/LP 212 east of Manor to .75 - mile south of Manor, approximately two miles.

The Texas Transportation Commission (commission) finds that use of options to acquire property in connection with the FM 973 project may reduce the time required for the acquisition of right of way and can be economically beneficial to the state by either establishing the purchase price at current market value as of the date of the option contract or establishing a methodology for determining a purchase price at the time the option is exercised without the necessity for condemnation, and/or agreeing to restrictions on the owner's future development and improvement of the property. Successful negotiation of options for this project will help preserve the transportation corridor and benefit both the public and land owners along the proposed route.

Although construction of the project is not yet authorized and no final determination has been made on the alignment of the project, preserving the transportation corridor and the completion of the FM 973 project is essential and urgent, as the construction of the project will alleviate congestion and improve traffic flow.

Transportation Code, §201.103 authorizes the commission to plan and make policies for the location, construction, and maintenance of a comprehensive system of state highways and public roads as well as toll road projects. Transportation Code, §§203.051 and 203.052 authorize the commission to acquire an interest in real property that the commission determines is necessary or convenient to a state highway or toll road project, including property necessary or convenient to protect a state highway or toll road project or to accomplish any other purpose related to the project location, construction, improvement, maintenance, beautification, preservation, or operation.

Transportation Code, §202.112 authorizes the commission to purchase an option to acquire property for possible use in, or in connection with, a transportation facility before a final decision has been made as to whether the transportation facility will be located on that property.

IT IS THEREFORE ORDERED by the commission that the Austin district engineer is authorized to negotiate with property owners along the proposed route of FM 973 and execute option contracts for the purchase of property of a size and in a location as is reasonably related to the possible future design and alignment of such transportation facility, to expend funds for option fee payments, surveys, title examinations, appraisals and other expenses reasonably necessary to purchase the options, and to exercise the options and expend funds for acquisition of the properties.

Submitted and reviewed by:

for Director, Right of Way Division

Recommended by:

M. W. Behrens

Executive Director

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Minute Number — Date Passed