TEXAS TRANSPORTATION COMMISSION

MINUTE ORDER

CALDWELL, GUADALUPE, AND TRAVIS Counties

AUSTIN AND SAN ANTONIO Districts

Per minute order 109901, the Texas Transportation Commission (Commission) awarded a comprehensive development agreement (CDA) to Cintra Zachry, LP to plan, develop, acquire, design, construct, finance, maintain, and operate the Oklahoma-Mexico priority element of the Trans-Texas Corridor system generally paralleling I-35 (TTC-35), as well as other potential facilities to the extent necessary for connectivity and financing. The agreement was executed by both parties on March 11, 2005.

Under the terms of the CDA, Cintra Zachry, LP has the right to propose self performance of facilities ready for development. Under this provision, Cintra Zachry, LP nominated Segments 5 and 6 of SH 130, a facility that extends from the southern terminus of Segment 4 of SH 130 at US 183 to the I-10 interchange east of Seguin. In April 2005, the department agreed that this facility was appropriate for self performance and that negotiations could be initiated. Subsequent negotiations have resulted in an agreement regarding the facility agreement terms and conditions.

The facility agreement terms and conditions are effectively settled pending environmental clearance of the project and the satisfaction of certain other pre-execution conditions. The department and Cintra Zachry, LP have negotiated a commitment agreement evidencing a mutual commitment to cause the execution of a facility concession agreement (FCA) for the SH 130, Segments 5 and 6 Facility in the form agreed to by both parties, and the exhibits to the FCA that are contracts (collectively, the FCA Documents), provided that the pre-execution conditions are satisfied within the period agreed upon by both parties.

IT IS THEREFORE ORDERED by the commission that the executive director is authorized and directed to enter into an agreement with Cintra Zachry, LP, evidencing a commitment to, once the conditions set out in the agreement have been satisfied, cause the execution of a FCA for the financing, development, design, construction, operation, and maintenance of the SH 130 Segments 5 and 6 facility, from the southern terminus of Segment 4 of SH 130 to I-10 near Seguin.

IT IS FURTHER ORDERED that the terms and conditions in the FCA Documents are approved with such changes necessary to satisfy the conditions in the commitment agreement as the executive director may approve, such approval to be evidenced by the execution by the executive director of the FCA Documents.

Submitted and reviewed by:

Director, Texas Turnpike Authority Division

Recommended by:

Executive Director

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Minute Number | Date Passed