

TEXAS TRANSPORTATION COMMISSION

CAMERON County

MINUTE ORDER

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CORPUS CHRISTI District

In CAMERON COUNTY, on PARK ROAD 100, the State of Texas acquired an easement interest in certain land for highway drainage purposes by instrument recorded in Volume 912, Page 939, Deed Records of Cameron County, Texas.

A portion of the easement (surplus easement), described in Exhibit A, is no longer needed for a state highway purpose.

Padre Shores II, LLC, and Shores Development, Inc., are the underlying fee owners and have conveyed to the state an easement interest in land needed for the realignment and reconstruction of a new drainage facilities (new easements), described in Exhibit B, and desire to make a partial donation to the state of the value of the new easements.

V.T.C.A., Transportation Code, Chapter 201, Subchapter D, authorizes the Texas Department of Transportation (department) to accept donations of real property for the purpose of carrying out its functions and duties.

V.T.C.A., Government Code, Chapter 575, requires the Texas Transportation Commission (commission) to accept by majority vote at an open meeting any gift or donation valued at over \$500, and the commission hereby finds that acceptance of the donation will provide a significant public benefit and will not influence or reasonably appear to influence the department in the performance of its duties.

An Agreement Concerning the Donation of Property to the Texas Department of Transportation (donation agreement) has been executed by the owner and tendered to the department for acceptance under the provisions of Title 43, Texas Administrative Code, Chapter 1, Subchapter G, since the value of the new easement provided by the owners, which is \$600,000, exceeds the value of the surplus easement, which is \$540,000, by more than \$500.

The owners have executed and delivered conveyance documents under the terms of the donation agreement to convey the new easements to the state and have requested that the state's rights and interest in the surplus easement be released.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the commission may recommend the release of surplus easements and the exchange of surplus easements as partial or full consideration for other land needed by the state for highway purposes.

It is the opinion of the commission that it is proper and correct that the state release its rights and interest in the surplus easement in exchange and as consideration for the partial donation and the conveyance of the new easement to the state.

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IT IS THEREFORE ORDERED by the commission that the executive director is hereby authorized to accept the donation of the new easements and that the executive director or the director's designee is authorized and directed to sign and execute a donation agreement with the owners, in accordance with Title 43, Texas Administrative Code, Chapter 1, Subchapter G.

FURTHER, in consideration of the foregoing premises and in accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the commission finds that the surplus easement is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute a proper instrument releasing all of the state's rights and interest in the surplus easement in exchange and as consideration for the conveyance to the state of the new easements.

Submitted and reviewed by:

Recommended by:

Director, Right of Way Division

Executive Director

Minute Number Date Passed