

TEXAS TRANSPORTATION COMMISSION

VAL VERDE County

MINUTE ORDER

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LAREDO District

The Texas Transportation Commission (commission) by Minute Order 110849, dated February 28, 2007, approved execution of a pass-through toll agreement with Val Verde County (county) to develop a relief route to US 277 designated as SL 79 and extending from US 90 north of Del Rio southward to US 277 southeast of the city (project). A Pass-Through Agreement for Payment of Pass-Through Tolls (agreement) between the county and the Texas Department of Transportation (department) for development of the project was executed by the parties and became effective on January 9, 2008.

On March 8, 2010 the county executed a contract with JC Evans Construction Co., LP, the low bidder, to construct the project. The amount of the construction contract was \$32,329,917 which is substantially lower than the cost of construction anticipated by the parties at the time the agreement was executed. The department proposes that the agreement be amended to reduce the department's total reimbursement obligation to the county from \$128 million to \$77.2 million. The amount of \$44,870,083 out of the total \$77.2 million payment to the county will be reimbursed through pass-through tolls. The balance will be reimbursed directly to the county for actual construction expenditures. The actual construction expenditures may be increased by mutually approved change orders not to exceed \$1 million. The reimbursement rate for payment of pass-through tolls under the agreement will remain at 15 cents per vehicle mile, as will the minimum amount to be reimbursed in any year at \$3.75 million and the maximum amount per year at \$7.5 million.

In addition to the reimbursement modifications, the proposed amendment includes an obligation for the department to construct a partial cloverleaf or similar design type of overpass interchange at the intersection of SL 79 and US 90 that will connect to the northern terminus of the project. The department will be solely responsible for all construction related costs which are estimated to be approximately \$5 million and not to exceed \$6 million. The county will be solely responsible for all other costs required to develop the interchange, including design, environmental documentation and mitigation, right of way acquisition, and utility adjustments.

The commission finds that the agreement between the county and the department, as amended by the proposed terms, is in the best interest of the state.

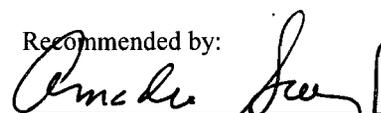
IT IS THEREFORE ORDERED that the executive director or his designee is authorized to execute an amendment to the Pass-Through Agreement for Payment of Pass-Through Tolls with Val Verde County in accordance with the proposal described in this minute order and such other terms the department determines are necessary.

IT IS FURTHER ORDERED that this authorization is subject to Val Verde County Commissioners Court approval of the same proposal and the county's execution of the amendment, and if these actions are not performed by the county within 90 days after the date of this minute order, the authorization contained in this minute order is automatically revoked and cancelled.

Submitted and reviewed by:


Assistant Executive Director for
Engineering Operations

Recommended by:


Executive Director

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Minute Number Date Passed