

TEXAS TRANSPORTATION COMMISSION

CHAMBERS County

MINUTE ORDER

Page 1 of 2

BEAUMONT District

Transportation Code, §201.206, authorizes the Texas Department of Transportation (department) to accept a donation in any form, including realty, personalty, money materials, and services, for the purpose of carrying out its functions and duties.

Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 60th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department's acceptance of donations. Section 1.503 prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the commission may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if it determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

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

Enterprise Products Operating, LLC would like to donate sufficient funding, property and services to provide for land acquisition, utility relocation, environmental assessments, schematics, plans, specifications and estimates, and construction and construction engineering necessary to extend FM 565 from LP 207 to SH 146 for approximately 0.27 miles to provide a direct connection with SH 146 (new right of way). Upon completion of construction, Enterprise Products Operating, LLC, has further agreed to convey the new right of way to the state. Upon acceptance of the new right of way, the department will abandon the southern end of LP 207 from FM 565, south of SH 146 for approximately 0.86 miles, described in Exhibit A (existing right of way or surplus land). The existing right of way will then be closed to public traffic and be used as a road within the refinery. The exchange of a portion of LP 207 for the extension of FM 565 will result in a savings of rehabilitation funds for the department, reduce travel time, and improve safety for the traveling public. The estimated amount of the donation is approximately \$253,177.

This donation has been examined by department personnel. The department recommends issuance of this minute order on the ground that acceptance of the donation and exchange is in the best interest and welfare of the traveling public.

The commission finds that the donation will further the department's responsibilities and that the donor is not a party to a contested case before the department and has not been a party to a contested case before the department during the last 30 days.

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Page 2 of 2

BEAUMONT District

The commission finds that the donor is not interested in or likely to become interested in a contract, purchase, payment, or claim with or against the department. The commission has determined that acceptance of the donation would provide significant public benefits and would not influence or reasonably appear to influence the department in the performance of its duties.

It is the opinion of the commission that upon completion and acceptance of the new right of way, the existing right of way will no longer be needed for highway purposes, will be surplus, and should be removed from the state highway system. It would then be proper and correct that the state convey and release its rights, title and interest in the surplus land to Enterprise Products Operating, LLC, in exchange and as consideration for the conveyance of the new right of way to the state.

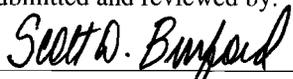
IT IS THEREFORE ORDERED by the commission that the donation by Enterprise Products Operating, LLC, is accepted. The executive director or the executive director's designee is authorized to execute all necessary documents under 43 TAC §1.504 to effect the acceptance of the donation and completion of the exchange.

IT IS FURTHER ORDERED by the commission that the executive director is authorized to tender the following proposal to Enterprise Products Operating, LLC (donor).

Provided that Enterprise Products Operating, LLC, at its sole expense completes construction on the new right of way to the satisfaction of the department, conveys the new right of way to the state, and pays the cash difference between the value of the surplus land to the donor in accordance with Transportation Code, Chapter 202, Subchapter B.

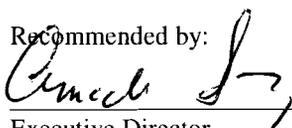
IT IS FURTHER ORDERED, in consideration of the foregoing premises and in accordance with Transportation Code, Chapter 202, Subchapter B, the commission hereby finds that if and when the donor satisfactorily complies with all the conditions of this minute order, the designation of the surplus land as part of the state system is then cancelled and the surplus land is no longer needed for highway or public transportation purposes and recommends, subject to approval by the attorney general, that the governor of Texas execute proper instruments conveying and releasing all of the state's rights, title and interest in the surplus land to Enterprise Products Operating, LLC, in exchange and as consideration for the conveyance to the state of the new right of way.

Submitted and reviewed by:



Director, General Services Division

Recommended by:

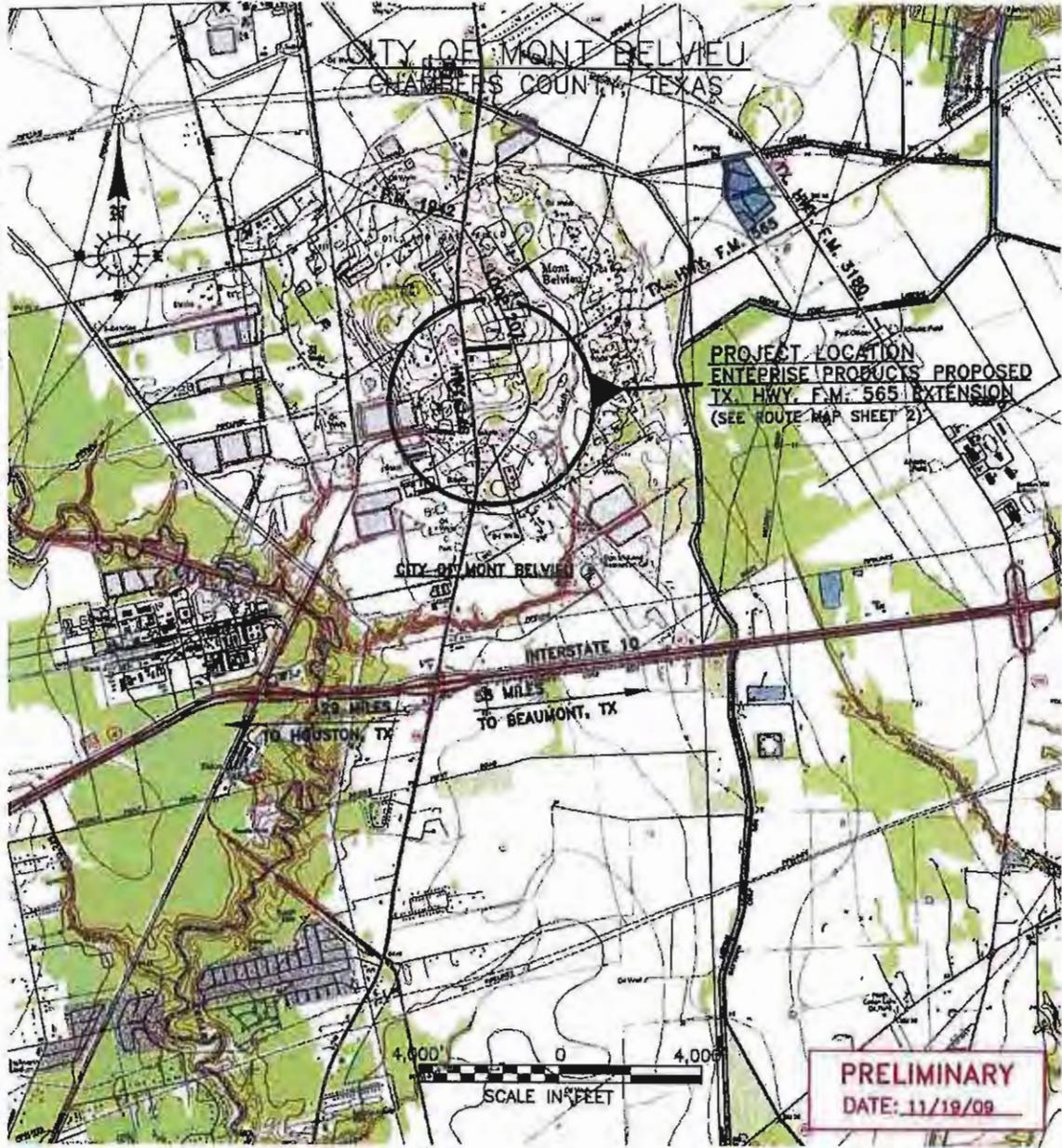


Executive Director
112736 JUN 30 11

Minute Number Date Passed

E:\Land Projects\10300 EPCO HWY 565 EXT\4000-PERMITS\10300-4001.dwg plotted on Nov 19, 2009 - 5:32pm ACAD ver 17.2s (LMS Tech)

US QUAD. BASE MAP 7-1/2 MIN. MONT BELVIEU, TX



A	11/19/09	ISSUED FOR REVIEW
NO.	DATE	REVISION

ENTERPRISE PRODUCTS TEXAS OPERATING, L.L.C.

AREA MAP
PROPOSED TX. HWY. F.M. 565 EXTENSION
LOOP 207/MAIN ST. R.O.W. EXCHANGE
CITY OF MONT BELVIEU CHAMBERS COUNTY, TEXAS

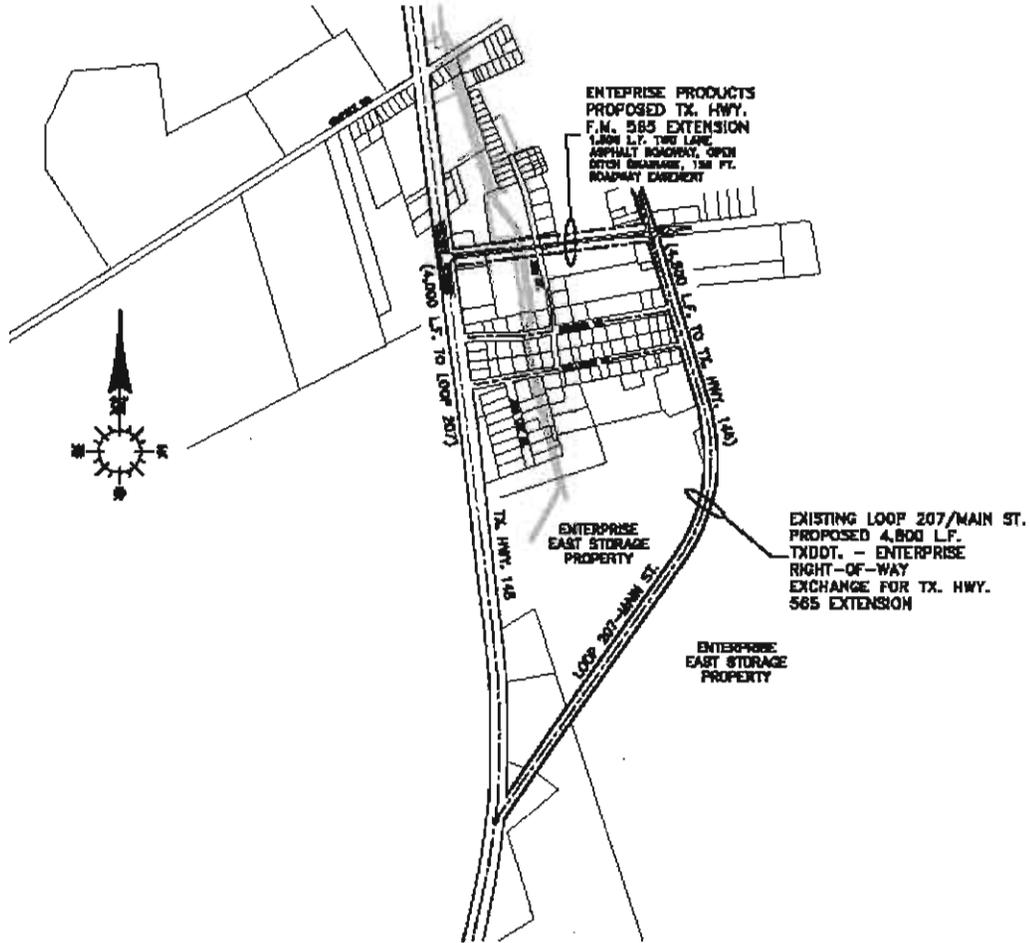
mph
Morris P. Hubert, Inc.
surveying & engineering

Office Location:
 18033A F.M. 1431 Y
 381 Clearwater Drive
 Houston, TX 77058
 281.493.3313 FAX: 281.493.0001
 www.mph.com
 M.P.H.E. Equal Opportunity Employer
 Houston, Texas 77058
 115208-1433 FAX: 713-215-1431
 1897 www.mph.com

DRAWN BY:	CCJD	SHEET:	1
CHECKED BY:	RCJ	SCALE:	AS INDICATED
APPROVED BY:	ECD	DATE:	11/19/09
DRAWING NO.:	10300-4601		

E:\Land Projects\10300 EPOC HWY 565 EXT\4000-PERMITS\10300-4002.dwg plotted on Nov 19, 2008 - 5:59pm ACAD ver 17.2a (LMS Tech)

CITY OF MONT BELVIEU CHAMBERS COUNTY, TEXAS



1000' 0 1000'
SCALE IN FEET

A	11/19/08	ISSUED FOR REVIEW
NO.	DATE	REVISION

ENTERPRISE PRODUCTS TEXAS OPERATING, L.L.C.

VICINITY MAP
PROPOSED TX. HWY. F.M. 565 EXTENSION
LOOP 207/MAIN ST. R.O.W. EXCHANGE
CITY OF MONT BELVIEU CHAMBERS COUNTY, TEXAS

DRAWN BY:	CCD	SHEET:	2
CHECKED BY:	RCJ	SCALE:	AS INDICATED
APPROVED BY:	ECJ	DATE:	11/18/08
DRAWING NO.:	10300-4002		

Exhibit A-1
ROW Map

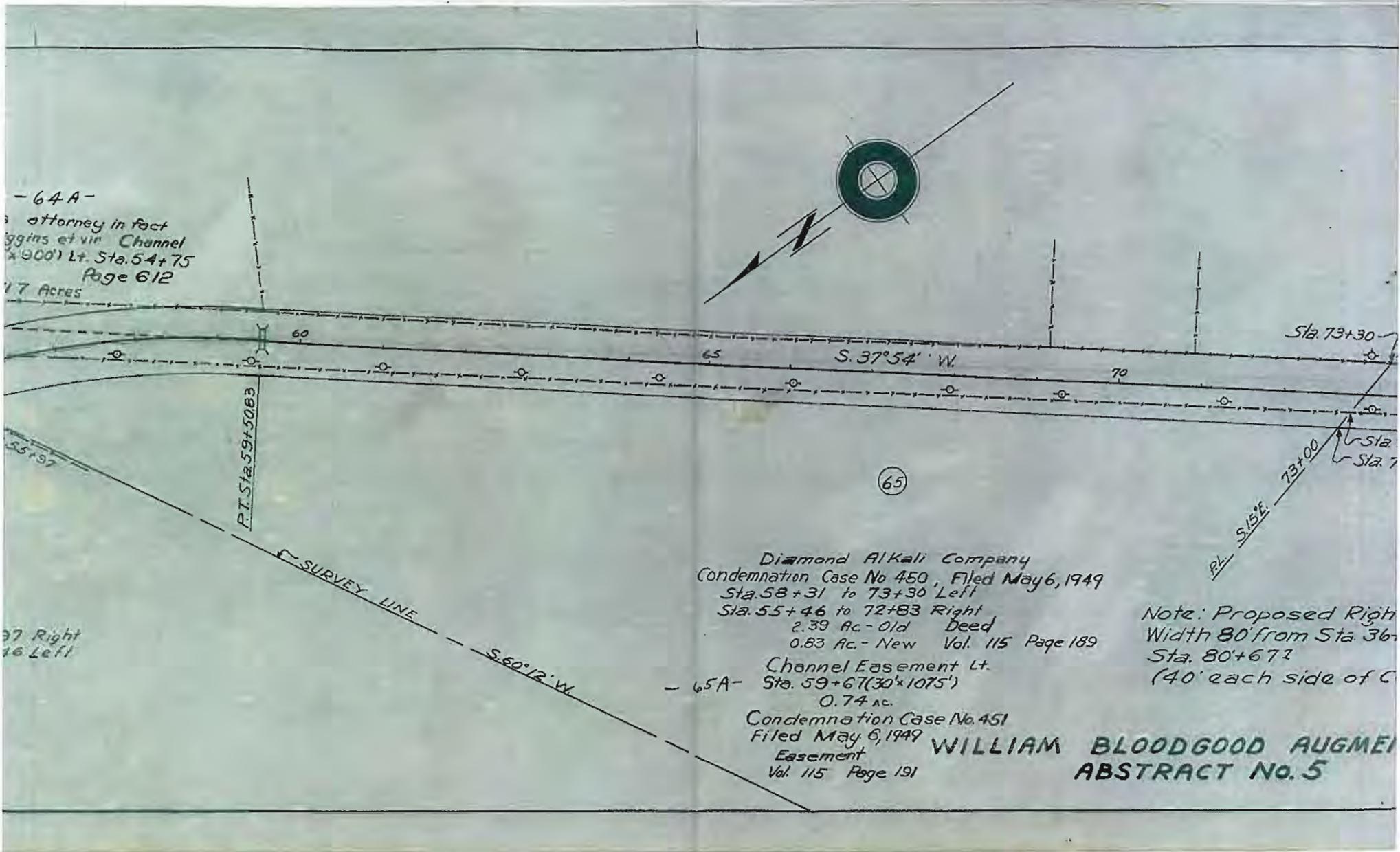


Exhibit A-1
ROW Map

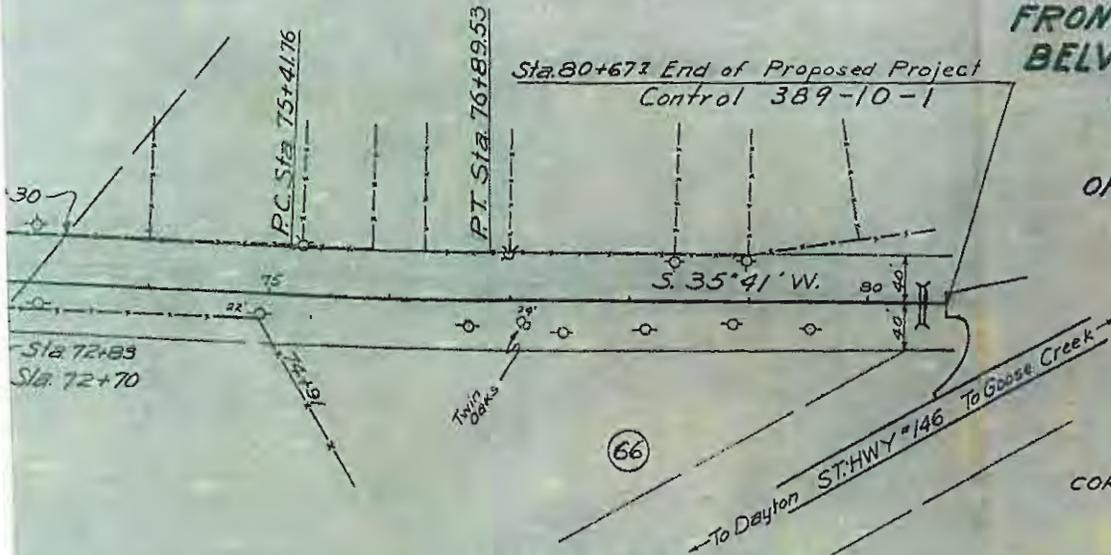
Cont. 389 Section 10 Job 1
TEXAS STATE HIGHWAY DEPT.

NOTE: See Order Passed by Commissioners
Court of Liberty County, Texas on
12th day of Sept. 1949 as Same
Appears of Record in Vol. 1
Page 15 of the Commissioners
Court Minutes of Liberty County,
Texas

$PI = 76+15.66$
 $\Delta = 2^{\circ}13'11''$
 $D = 1^{\circ}30'$
 $T = 73.90'$
 $L = 147.77'$

RIGHT OF WAY MAP
CHAMBERS COUNTY
MONT BELVIEU BUSINESS LOOP HWY. 207
FROM JCT. WITH ST. HWY. 146 NORTH OF MT.
BELVIEU - TO JCT. WITH ST. HWY. 146
SOUTH OF MT. BELVIEU

LENGTH 1.53 MILES
 OFFICE OF RESIDENT ENGINEER LIBERTY, TEXAS
 DISTRICT No. 20
 FEBRUARY 1948
 SCALE: 1" = 100'



Right of Way
36+50 to
(Centerline)

Elesnore W. Collier et al.
Sta. 73+00 to 80+68
0.53 Ac. - New
0.88 Ac. - Old
Deed
Vol. 112 Page 616

CORRECT

----- 19 -----
DISTRICT R.O.W. ENGINEER

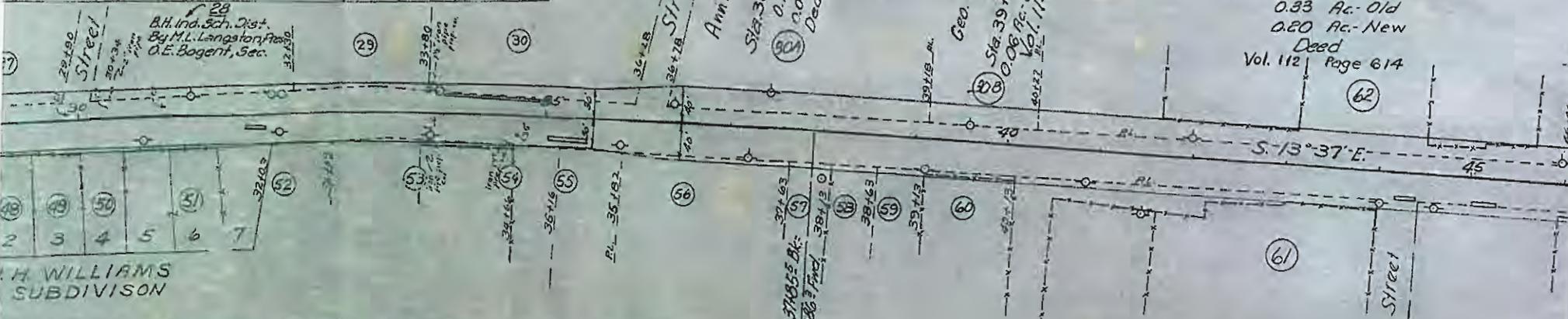
RECOMMENDED FOR
APPROVAL: ----- 19 -----

DISTRICT ENGINEER

MENTATION

Exhibit A-1
ROW Map

NAME	STATIONS	Old Ac.	New Ac.	Vol.	Page
Kingston	28+50 to 29+90	0.06	0.05	Dedication	
W's Hill Ind. of Dist.	29+90 to 32+30	0.10	0.09	"	
arrow. et ux.	32+30 to 33+80	0.07	0.05	"	
Albert	33+80 to 36+28	0.14	0.04	Deed 112	621



NAME	STATIONS	Old Ac.	New Ac.	Vol.	Page
Stubbs	F.H. Stubbs - Lot 4, 5	0.08	—	Dedication	
Williams	J.H. Williams - Lot 1	0.03	—	No ROW Required	
Barclay	" Lot 2	0.04	—	Dedication	
W's	" Lot 3	0.04	—	"	
Kinney	" Lot 4	0.04	—	"	
W's	" Lot 5, 6, 7	0.11	—	No ROW Required	
W's et ux	32+03 to 32+69	0.05	—	Dedication	
W's et ux	32+69 to 34+66	0.15	0.03	"	
W's et ux	34+66 to 35+16	0.04	—	"	
W's et ux	35+16 to 35+82	0.05	—	"	
W's et ux	35+82 to 37+63	0.14	0.03	"	
W's et ux	37+63 to 38+13	0.04	0.01	"	
W's et ux	38+13 to 38+63	0.04	0.01	"	
Epperson	38+63 to 39+13	0.04	0.01	"	
W's	39+13 to 40+13	0.08	0.01	"	

$P.L. Sta. = 33+26'$
 $X = 6^{\circ} 54' R.$
 $D = 0^{\circ} 45'$
 $T = 460'$
 $L = 920'$

HENRY GRIFFITH LEAGUE
ABSTRACT No. 12

Pat Higgins
 Attorney in fact for
 Annie Higgins et vir
 Sta. 40+13 to 54+48 Right
 Sta. 51+30 to 55+11 Left
 0.17 Ac.-Old
 1.21 Ac.-New
 Dedication

Note: Propo
 Width 80' frai
 Sta. 80+67.7
 (40' each side)

Exhibit A-1
ROW Map

The Texas Co.

Sta. 40+27 to 46+06

0.33 Ac. Old
0.20 Ac. New

Deed
Vol. 112 Page 614

(62)

Inola Glass Bryan, et al
Vol. 113 Page 545-67

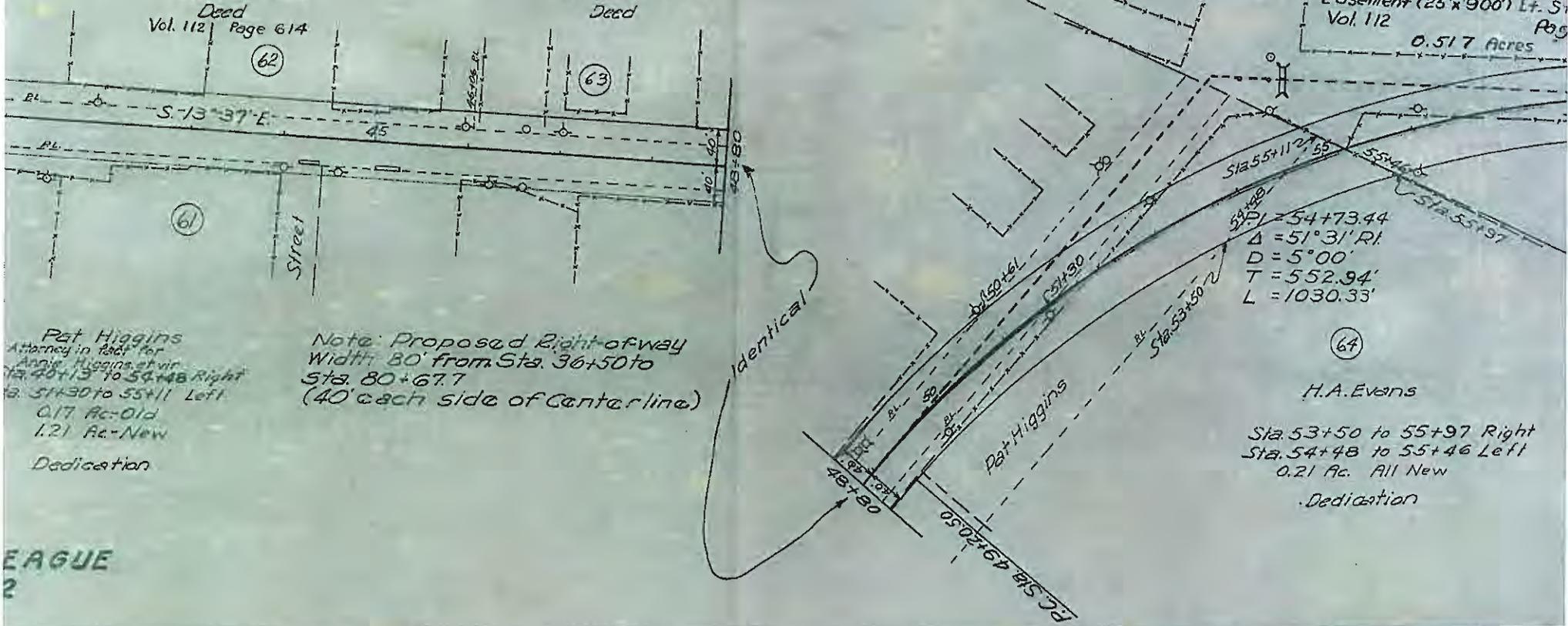
Sta. 46+06 to 50+61

0.48 Ac. Old
0.02 Ac. New

Deed

(63)

- 64 A -
Pat Higgins attorney
for Annie Higgins et vir
Easement (25' x 900') Lt. S.
Vol. 112 Page 609
0.517 Acres



Pat Higgins
Attorney in fact for
Annie Higgins et vir
Sta. 40+13 to 54+48 Right
Sta. 54+30 to 55+11 Left
0.17 Ac. Old
1.21 Ac. New
Dedication

Note: Proposed Right-of-way
Width 80' from Sta. 36+50 to
Sta. 80+67.7
(40' each side of Centerline)

Sta 54+73.44
Δ = 51° 31' RI
D = 5° 00'
T = 552.94'
L = 1030.33'

(64)

H.A. Evans
Sta. 53+50 to 55+97 Right
Sta. 54+48 to 55+46 Left
0.21 Ac. All New
Dedication

LEAGUE
2