CCTRA RESOLUTION NO. 2011- 3004 -01-10

STATE OF TEXAS

COUNTY OF COLLIN

COLLIN COUNTY TOLL ROAD AUTHORITY
MEETING MINUTES
DECEMBER 13, 2010

On Monday, December 13, 2010, the Collin County Toll Road Authority Board of Directors met in Regular Session in the Commissioners Courtroom, Jack Hatchell Collin County Administration Building, 4th Floor, 2300 Bloomdale Road, City of McKinney, with the following members present, and participating, to wit:

President Keith Self
Precinct 1 Director Matt Shaheen
Precinct 2 Director Jerry Hoagland
Precinct 3 Director Joe Jaynes
Precinct 4 Director Kathy Ward

1. President Self called to order the meeting of the **Collin County Toll Road Authority** at 9:42 a.m. and recessed into the meeting of the **Collin County Commissioners' Court** at 9:43 a.m.

President Self reconvened the meeting of the **Collin County Toll Road Authority** at 10:04 a.m.

2. Consent agenda to approve: President Self asked for any comments on the consent agenda. There being none, a motion was made to approve the consent agenda. (Time: 9:43 a.m.)

Motion by: Director Jerry Hoagland
Second by: Director Kathy Ward
Vote: 5 – 0 Passed

a. AI-33043 Disbursements for the period ending December 7, 2010, Auditor.
CCTRA RESOLUTION NO. 2010-3074-12-13

b. AI-32983 Award Construction, Road: Outer Loop Access Road, US 75 to SH 121(IFB No. 06292-10 to L H Lacy Company, Ltd. and further authorize the Purchasing Agent to finalize and execute same, Engineering.
CCTRA RESOLUTION NO. 2010-3075-12-13

c. **AI-33024** Adoption of the FY2011 Investment Policy and further appoint Jeff May, County Auditor and Monika Arris, Budget Director as the Investment Officers, Auditor.

CCTRA RESOLUTION NO. 2010-3076-12-13

GENERAL DISCUSSION

3. **AI-33022** Right-of-Way Development Agreement for Segment 3 of the Outer Loop, County Judge.

Jim Shepherd, Collin County Attorney, came forward with information regarding the right of way acquisition. The last proposal from the Tomlin Infrastructure Group was that they would acquire a 500 foot wide right of way for 14 miles of Segment 3 of the Outer Loop which would be conveyed to the county. In turn, the county would turn over all development rights to the Group except for the development of the actual roadway. The request was for the county to use the power of imminent domain to help in acquiring the right of way. The concern is using imminent domain for private gain. If the development rights were conveyed back to the developer for use of private gain, it would be a violation of Article 1, Section 17 of the Texas Constitution. Leasing the property to offset the costs makes the project a for profit activity. One solution is that the Group obtains the right of way and conveys the property to the county without the expectation of getting anything back.

Mr. Shepherd does not recommend the use of imminent domain by the manner suggested in the agreement; there is more than one way to work out the joint ownership issue. President Self asked how close the county is to the five thousand limit. Mr. Shepherd replied the county is not close. President Self asked if new proposal was ready for the Board today. Mr. Shepherd is writing one, but does not have it completed at this time. Fred Brown, Tomlin Infrastructure Group, came forward to give comments on the issue. Mr. Brown informed the Board there are other avenues they can pursue; however, he did not have enough time to do so; the issue should be discussed further. President Self gave his comments saying the county would never approve the use of imminent domain for private use. There are three things he wants to see in the agreement: first, there is no time frame to fill in the gaps for the road, secondly some percentage of the land purchased before the agreement is in place and third the reserve for the developers use. Director Jaynes expressed concerns that while moving forward, the alignment may be moved. A brief discussion with board members followed.
(Time: 10:11 a.m.)

NO ACTION TAKEN

EXECUTIVE SESSION

The Board of Directors did not recess into Executive Session. There being no further business of the Board of Directors, President Self adjourned the meeting at 10:11 a.m.

Keith Self, President

Matt Shaheen, Director

Cheryl Williams, Director

Joe Jaynes, Director

Not Present

Duncan Webb, Director