



## Travis County Commissioners Court Agenda Request

**Meeting Date:** December 30, 2013

**Prepared By:** Steve Sun, P.E., Assistant Public Works Director

**Phone #:** (512) 854-4660

**Division Director/Manager:** Morgan Cotten, P.E., Public Works Director

**Department Head:** Steven M. Manilla, P.E., County Executive-TNR

**Sponsoring Court Member:** Commissioner Davis, Precinct One

**AGENDA LANGUAGE:** Consider and take appropriate action to accelerate the implementation schedule of both the Blake-Manor Road and the Taylor Lane Project of the 2011 bond program in Precinct One.

### **BACKGROUND/SUMMARY OF REQUEST:**

Both the Blake-Manor Road Project and the Taylor Lane Project are voter approved 2011 bond projects. The Blake-Manor Road Project will improve an existing 2-lane road to a arterial 4-lane road from the proposed Wildhorse Connector to the East Metro Park. The Taylor Lane Project will improve an existing 2-lane road from the proposed Braker Lane Extension to Blake-Manor Road. These two projects are listed in the bond election order as partnership projects, which requires a Participation Agreement be executed before the expenditure of any project bond funds. The bond election order further stipulated that in the event that a Participation Agreement is not executed on or before December 31, 2014, or an alternate date as may be determined by the Commissioners Court, the project bond funds can be reallocated to other projects as determined by Commissioners Court.

TNR has been exploring partnership opportunities with the area land owners and developers. The guidelines for Public/Private Partnerships for Transportation Projects states that the private partners should own, control, or be able to acquire all the land within a project's limits. Both the Blake-Manor Road and Taylor Lane Project limits are fronted by numerous parcels of land and no major development is foreseen to encompass any large portion of both project limits. TNR does not anticipate that a partner can be identified and the Participation Agreement can be executed on or before December 31, 2014.

An Advance Funding Agreement was entered with TxDOT in July of this year to receive \$2.2 million Surface Transportation Program-Metro Mobility (STP-MM) federal grant for the Blake-Manor Shared-Use Path Project. The Shared-Use Path will be constructed in the same project limits of Travis County's Blake-Manor Road Project. As such, it is critical that the design of the Shared-Use Path and the Blake-

Manor Road Project be closely coordinated. The construction letting schedule for the Shared-Use Path Project has been set for June 2016. As such, the design of this project as well as the Blake-Manor Road Project will need to start shortly in order to meet the letting schedule, as the project has to go through federal environmental review and permitting process.

The road conditions for both Blake-Manor Road and Taylor Lane have deteriorated significantly after the recent drought and wet cycle. Numerous complaints have been received concerning the dangerous driving conditions. TNR Road and Bridge crews have been patching and resurfacing the cracks and ruts. However, due to the fundamental subgrade soil problems and the heavy truck traffic, the maintenance efforts could only be effective for a short duration. A total road reconstruction is desired along with long-term and cost effective solution. The pavement design will be developed in consultation with the Capital Area Pavement Engineer Council to address the highly expansive soils in the area.

TNR requests that the Partnership Agreement execution deadline for both the Blake-Manor Road and the Taylor Lane Project be accelerated from December 31, 2014 to January 1, 2014. TNR further requests that the bond funds for the public/private Blake-Manor Road and Taylor Lane Projects be re-appropriated to the public only after January 1, 2014.

**STAFF RECOMMENDATIONS:**

TNR recommends approval of the above requests.

**ISSUES AND OPPORTUNITIES:**

Accelerating the implementation schedule for both the Blake-Manor Road and Taylor Lane Project reduce road maintenance costs and keep roadways safe for a longer duration of time. The Travis County Attorney's Office and the Bond Counsel have been consulted on the accelerated Partnership Agreement execution deadline date.

**FISCAL IMPACT AND SOURCE OF FUNDING:**

Voters approved the 2011 bond funds for the public/private Blake-Manor Road and Taylor Lane Projects. Th funds will be re-appropriated to the public after the January 1, 2014 deadline and after the Partnership Agreement is passed.

**ATTACHMENTS/EXHIBITS:**

Order Calling Bond Election

Guidelines for Public/Private Partnerships for Transportation Projects

**REQUIRED AUTHORIZATIONS:**

Cynthia McDonald	Financial Manager	TNR	(512) 854-4239
Steven M. Manilla	County Executive	TNR	(512) 854-9429
Leslie Browder	County Executive	PBO	(512) 854-9106
Thomas Nuckols	County Attorney	County Attorney's Office	(512) 854-9262

**CC:**


:  
: **3105 - Public Works/ROW - Blake-Manor Road and Taylor Road Project 2011 Bond Program**

FILED FOR RECORD

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DANA DEBEAUVOIR  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

**ORDER CALLING BOND ELECTION**

THE STATE OF TEXAS    §  
                                  §  
COUNTY OF TRAVIS     §

WHEREAS, the Commissioners Court (the "Commissioners Court") of Travis County, Texas (the "County"), has determined that it is advisable to hold an election for the purpose of ascertaining whether the Commissioners Court shall be authorized to issue the bonds of the County for the purposes hereinafter stated; and

WHEREAS, the Commissioners Court wishes to proceed with the ordering of such election:

THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED BY THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS:

Section 1. All of the facts recited above are hereby found and determined to be true and correct.

Section 2. An election shall be held in the County on the 8th day of November, 2011, which is not less than sixty-two (62) days from the date hereof, in which all resident, qualified electors of the County shall be entitled to vote. The polls shall be open for voting at such election from 7:00 a.m. to 7:00 p.m. at the regular County designated polling places identified in Exhibit A attached hereto or adopted by subsequent order of the Commissioners Court in each of the County election precincts which have been heretofore established and described by natural or artificial boundaries or survey lines by an order adopted by the Commissioners Court and on file in its minutes. The election shall be conducted at each polling place by the officers appointed by separate order of the Commissioners Court in accordance with applicable provisions of the Texas Election Code.

Section 3. At the election, the following PROPOSITIONS shall be submitted in accordance with law:

**BOND PROPOSITION NO. 1**

SHALL THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS, BE AUTHORIZED UNDER ARTICLE III, SECTION 52, OF THE TEXAS CONSTITUTION TO ISSUE AND SELL, AT ANY PRICE OR PRICES AND IN ONE OR MORE SERIES OR ISSUES, THE BONDS OF THE COUNTY IN THE AMOUNT OF \$132,840,000 MATURING SERIALY OR OTHERWISE WITHIN 30 YEARS FROM THEIR DATE OR DATES, AND BEARING INTEREST AT SUCH RATE OR RATES, NOT TO EXCEED THE MAXIMUM INTEREST RATE NOW OR HEREAFTER AUTHORIZED BY LAW, AS SHALL BE DETERMINED WITHIN THE DISCRETION OF THE COMMISSIONERS COURT AT THE TIME OF ISSUANCE, FOR THE PURPOSE OF THE CONSTRUCTION, MAINTENANCE AND OPERATION

OF MACADAMIZED, GRAVELED OR PAVED ROADS AND TURNPIKES, OR IN AID THEREOF, INCLUDING, WITHOUT LIMITATION, RELATED ROAD DRAINAGE, BIKE LANES AND SIDEWALKS, AND REPLACEMENT AND IMPROVEMENT OF ROAD BRIDGES, AND TO LEVY TAXES, WITHOUT LIMIT AS TO RATE OR AMOUNT, UPON ALL TAXABLE PROPERTY WITHIN THE COUNTY ANNUALLY SUFFICIENT TO PAY THE INTEREST ON THE BONDS AS IT ACCRUES AND TO CREATE A SINKING FUND TO PAY THE PRINCIPAL OF THE BONDS AS IT MATURES?

BOND PROPOSITION NO. 2

SHALL THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS, BE AUTHORIZED TO ISSUE AND SELL, AT ANY PRICE OR PRICES AND IN ONE OR MORE SERIES OR ISSUES, THE BONDS OF THE COUNTY IN THE AMOUNT OF \$82,105,000 MATURING SERIALY OR OTHERWISE WITHIN 40 YEARS FROM THEIR DATE OR DATES, AND BEARING INTEREST AT SUCH RATE OR RATES, NOT TO EXCEED THE MAXIMUM INTEREST RATE NOW OR HEREAFTER AUTHORIZED BY LAW, AS SHALL BE DETERMINED WITHIN THE DISCRETION OF THE COMMISSIONERS COURT AT THE TIME OF ISSUANCE, FOR THE PURPOSES OF CONSTRUCTING AND IMPROVING COUNTY PARKS AND THE ACQUISITION OF LAND AND INTERESTS IN LAND IN CONNECTION THEREWITH, INCLUDING, WITHOUT LIMITATION, THE ACQUISITION OF OPEN SPACE PARK LAND; AND ACQUIRING CONSERVATION EASEMENTS ON LAND FOR ANY AUTHORIZED PURPOSES, INCLUDING, WITHOUT LIMITATION, TO RETAIN OR PROTECT NATURAL, SCENIC, OR OPEN-SPACE VALUES OF REAL PROPERTY OR ASSURE ITS AVAILABILITY FOR AGRICULTURAL, RECREATIONAL, OR OPEN-SPACE USE, PROTECT NATURAL RESOURCES, MAINTAIN OR ENHANCE AIR OR WATER QUALITY, OR CONSERVE WATER QUANTITY OR QUALITY; AND TO LEVY TAXES, WITHIN THE LIMITS PRESCRIBED BY LAW, UPON ALL TAXABLE PROPERTY WITHIN THE COUNTY ANNUALLY SUFFICIENT TO PAY THE INTEREST ON THE BONDS AS IT ACCRUES AND TO CREATE A SINKING FUND TO PAY THE PRINCIPAL OF THE BONDS AS IT MATURES?

Section 4. The electronic voting system or equipment heretofore adopted by the Commissioners Court shall be used for said election, and the official ballot for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" each of the aforesaid BOND PROPOSITIONS which shall be set forth on such ballot in English and Spanish in substantially the following forms:

OFFICIAL BALLOT

BOND PROPOSITION NO. 1

- FOR ) THE ISSUANCE OF \$132,840,000 OF ROAD BONDS,  
          ) INCLUDING, WITHOUT LIMITATION, RELATED  
 AGAINST ) ROAD DRAINAGE, BIKE LANES AND SIDEWALKS,  
                  ) AND REPLACEMENT AND IMPROVEMENT OF  
                  ) ROAD BRIDGES, AND THE LEVYING OF THE TAX  
                  ) IN PAYMENT THEREOF

BOND PROPOSITION NO. 2

- FOR ) THE ISSUANCE OF \$82,105,000 OF BONDS FOR THE  
          ) PURPOSES OF CONSTRUCTING AND IMPROVING  
 AGAINST ) COUNTY PARKS AND THE ACQUISITION OF  
                  ) LAND AND INTERESTS IN LAND IN CONNECTION  
                  ) THEREWITH, INCLUDING, WITHOUT LIMITATION,  
                  ) THE ACQUISITION OF OPEN SPACE PARK LAND;  
                  ) AND ACQUIRING CONSERVATION EASEMENTS  
                  ) ON LAND FOR ANY AUTHORIZED PURPOSES,  
                  ) INCLUDING, WITHOUT LIMITATION, TO RETAIN  
                  ) OR PROTECT NATURAL, SCENIC, OR OPEN-SPACE  
                  ) VALUES OF REAL PROPERTY OR ASSURE ITS  
                  ) AVAILABILITY FOR AGRICULTURAL,  
                  ) RECREATIONAL, OR OPEN-SPACE USE, PROTECT  
                  ) NATURAL RESOURCES, MAINTAIN OR ENHANCE  
                  ) AIR OR WATER QUALITY, OR CONSERVE WATER  
                  ) QUANTITY OR QUALITY, AND THE LEVYING OF  
                  ) THE TAX IN PAYMENT THEREOF

Section 5.

(a) With respect to the bonds described in BOND PROPOSITION NO. 1, the Commissioners Court hereby covenants and agrees with the voters at said election that \$40,602,606 of the authorized amount of such bonds shall be allocated to each Commissioner's Precinct in the following amounts and for the following projects:

COMMISSIONER'S PRECINCT NO. 1..... \$ 7,750,336

- Austin Colony Secondary Access to FM 969
- Old Highway 20 Bridge #155 - Rehabilitation/Replacement
- Hunters Bend Road Sidewalks - Austin's Colony Blvd to Red Tails Drive
- Arterial A US 290 E to Cameron Road - preliminary engineering, design and right-of-way acquisition

To the extent the bond authorization allocated to the above projects is insufficient to complete the specifically identified projects, the Commissioners Court reserves the right to prioritize such projects and to apply bond authorization in accordance with such priority. Any surplus bond authorization remaining upon the ending of a project shall be used first on any other project listed above. The Commissioners Court reserves the right to use any surplus bond authorization remaining upon the ending of all of the above listed projects for other projects identified in this Section 5(a), without regard to precinct, and, upon the ending of all projects identified in this Section 5(a), for any other purpose authorized pursuant to BOND PROPOSITION NO. 1.

COMMISSIONER'S PRECINCT NO. 2..... \$ 3,888,500

- McNeil Road Drainage Improvements - Ashton Woods Drive and McNeil Road
- Weiss Lane Bridge #229

To the extent the bond authorization allocated to the above projects is insufficient to complete the specifically identified projects, the Commissioners Court reserves the right to prioritize such projects and to apply bond authorization in accordance with such priority. Any surplus bond authorization remaining upon the ending of a project shall be used first on any other project listed above. The Commissioners Court reserves the right to use any surplus bond authorization remaining upon the ending of the above listed projects for other projects identified in this Section 5(a), without regard to precinct, and, upon the ending of all projects identified in this Section 5(a), for any other purpose authorized pursuant to BOND PROPOSITION NO. 1.

COMMISSIONER'S PRECINCT NO. 3..... \$ 5,356,131

- Old San Antonio Road Bridge #302 at Onion Creek
- Big Sandy Drive at Long Hollow Creek – all weather crossing
- El Rey Boulevard Sidewalk Construction - US 290 W to Espanola Trail
- Bee Creek Road at Bee Creek (low water crossing)

To the extent the bond authorization allocated to the above projects is insufficient to complete the specifically identified projects, the Commissioners Court reserves the right to prioritize such projects and to apply bond authorization in accordance with such priority. Any surplus bond authorization remaining upon the ending of a project shall be used first on any other project listed above. The Commissioners Court reserves the right to use any surplus bond authorization remaining upon the ending of the above listed projects for other projects identified in this Section 5(a), without regard to precinct, and, upon the ending of all projects identified in this Section 5(a), for any other purpose authorized pursuant to BOND PROPOSITION NO. 1.

COMMISSIONERS' PRECINCTS NO. 1 AND NO. 2 .....\$15,287,360

- Cameron Road (Howard Lane to SH 130)

The Commissioners Court reserves the right to use any surplus bond authorization remaining upon the ending of the above listed project for other projects identified in this Section

5(a), without regard to precinct, and, upon the ending of all projects identified in this Section 5(a), for any other purpose authorized pursuant to BOND PROPOSITION NO. 1.

COMMISSIONERS' PRECINCTS NO. 1 AND NO. 4 .....\$3,333,000

- Road Reconstruction

COMMISSIONERS' PRECINCTS NO. 1, NO. 2, NO. 3 AND NO. 4 .....\$4,987,279

- Bike Safety Projects
- Substandard Roads

(b) With respect to the bonds described in BOND PROPOSITION NO. 1, the Commissioners Court hereby covenants and agrees with the voters at said election that \$92,234,109 of the authorized amount of such bonds shall be allocated to the following projects in the following amounts:

• FM 973 to Blake-Manor Road Connector	\$ 8,744,681
• Rowe Lane	\$ 1,625,393
• Blake-Manor Road	\$13,823,062
• US 290 – Circle Drive Intersection	\$ 899,910
• Wildhorse Connector – Parmer Ext. to FM 973	\$ 8,774,678
• Slaughter Lane East	\$ 7,221,500
• Tuscany South	\$ 3,610,750
• William Cannon Drive	\$ 9,553,489
• Wells Branch Parkway	\$ 7,786,999
• Weiss Lane	\$ 7,478,141
• Bee Creek Road	\$ 9,520,159
• Taylor Lane-Braker Lane Ext. to Blake Manor Road	\$ 8,512,482
• Flint Rock Road – RR 620 to Serene Hills Drive	\$ 4,127,365
• Lost Creek Sidewalks	\$ 555,500

provided, that the Commissioners Court further agrees not to expend the amounts relating to a specific project listed in this Section 5(b) until such time as a written agreement (each, a "Participation Agreement") relating to such project that complies with the requirements of the County's Guidelines for County Participation in Public/Private Partnerships for Arterial Roadway Construction, adopted August 9, 2011, and as may be amended from time to time (the "Guidelines"), has been approved, executed and delivered by the County. In the event that a Participation Agreement complying with the Guidelines has not been approved, executed and delivered by the County with respect to any project listed in this Section 5(b) on or before December 31, 2014, or such other date as may be determined by the Commissioners Court, the amounts allocated to such project may be reallocated in such amount as shall be determined by the Commissioners Court at the time of such reallocation.



Further, the Commissioners Court reserves the right to use any surplus bond authorization remaining upon the ending of the projects funded pursuant to this Section 5(b) for any purpose authorized pursuant to BOND PROPOSITION NO. 1.

(c) With respect to the bonds described in BOND PROPOSITION NO. 1, the Commissioners Court reserves the right to use any bond authorization not specifically allocated pursuant to Section 5(a) or 5(b) above for any purpose authorized pursuant to BOND PROPOSITION NO. 1.

(d) With respect to the bonds described in BOND PROPOSITION NO. 2, the Commissioners Court hereby covenants and agrees with the voters at said election that \$82,105,000 of the authorized amount of such bonds shall be allocated to each Commissioner's Precinct in the following amounts and for the following projects:

COMMISSIONER'S PRECINCT NO. 2 .....\$6,888,200

- Northeast Metro Park

The Commissioners Court reserves the right to use any surplus bond authorization remaining upon the ending of the above listed project for other projects identified in this Section 5(d), without regard to precinct, and, upon the ending of all projects identified in this Section 5(d), for any other purpose authorized pursuant to BOND PROPOSITION NO. 2.

COMMISSIONER'S PRECINCT NO. 3 .....\$31,663,500

- Pedernales River Open Space Parkland
- Arkansas Bend/Dink Pearson Park

To the extent the bond authorization allocated to the above projects is insufficient to complete the specifically identified projects, the Commissioners Court reserves the right to prioritize such projects and to apply bond authorization in accordance with such priority. Any surplus bond authorization remaining upon the ending of a project shall be used first on any other project listed above. The Commissioners Court reserves the right to use any surplus bond authorization remaining upon the ending of the above listed projects for other projects identified in this Section 5(d), without regard to precinct, and, upon the ending of all projects identified in this Section 5(d), for any other purpose authorized pursuant to BOND PROPOSITION NO. 2.

COMMISSIONER'S PRECINCT NO. 4 .....\$16,109,500

- Onion Creek Open Space Parkland
- Timber Creek Subdivision Project

To the extent the bond authorization allocated to the above projects is insufficient to complete the specifically identified projects, the Commissioners Court reserves the right to prioritize such projects and to apply bond authorization in accordance with such priority. Any surplus bond authorization remaining upon the ending of a project shall be used first on any other project listed above. The Commissioners Court reserves the right to use any surplus bond

authorization remaining upon the ending of the above listed projects for other projects identified in this Section 5(d), without regard to precinct, and, upon the ending of all projects identified in this Section 5(d), for any other purpose authorized pursuant to BOND PROPOSITION NO. 2.

COMMISSIONERS' PRECINCTS NO. 1 AND NO. 4.....\$19,109,200

- Eastern Creeks Open Space Parkland (Onion Creek and Gilleland Creek)
- Improvements to Eastern Travis County Parks (Southeast Metro Park, East Metro Park, Webberville Park and Richard Moya Park)

To the extent the bond authorization allocated to the above projects is insufficient to complete the specifically identified projects, the Commissioners Court reserves the right to prioritize such projects and to apply bond authorization in accordance with such priority. Any surplus bond authorization remaining upon the ending of a project shall be used first on any other project listed above. The Commissioners Court reserves the right to use any surplus bond authorization remaining upon the ending of the above listed projects for other projects identified in this Section 5(d), without regard to precinct, and, upon the ending of all projects identified in this Section 5(d), for any other purpose authorized pursuant to BOND PROPOSITION NO. 2.

COMMISSIONERS' PRECINCTS NO. 1, NO. 2, NO. 3 AND NO. 4.....\$8,332,500

- Acquisition of Conservation Easements

The Commissioners Court reserves the right to use any surplus bond authorization remaining upon the ending of the above listed project for other projects identified in this Section 5(d), without regard to precinct, and, upon the ending of all projects identified in this Section 5(d), for any other purpose authorized pursuant to BOND PROPOSITION NO. 2.

(e) With respect to the bonds described in BOND PROPOSITION NO. 2, the Commissioners Court reserves the right to use any bond authorization not specifically allocated pursuant to Section 5(d) for any purpose authorized pursuant to BOND PROPOSITION NO. 2.

Section 6. Early voting by personal appearance shall be conducted by the Travis County Clerk at 5501 Airport Boulevard, Austin, Texas, 78751, which is hereby designated as the main early voting polling place for said election. The period for early voting by personal appearance shall begin on October 24, 2011, and end on November 4, 2011. The Travis County Clerk shall keep the main early voting polling place open for early voting from 7:00 a.m. to 7:00 p.m. on each day of the early voting period, including Saturdays and Sundays as ordered by the County Clerk, except official County holidays, during the period for early voting by personal appearance.

In addition to voting at the main early voting polling place, early voting by personal appearance shall be conducted at the temporary branch early voting polling places designated by the County, including those polling places designated for the mobile early voting program, and shall be conducted during those days and hours designated by the County.

Early voting by mail will be conducted by the Travis County Clerk and the address at which applications and early voting ballots voted by mail may be sent is Dana DeBeauvoir, Travis County Clerk, P.O. Box 1748, Austin, Texas 78767 or 5501 Airport Boulevard, Austin, Texas 78751.

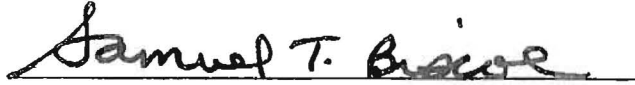
Section 7. Notice of such election shall be given by posting a substantial copy of this election order, including the list of polling places, in English and Spanish, on the bulletin board at the County courthouse used for posting notices of Commissioners Court meetings, and at three (3) other public places in the County, not less than twenty-one (21) days prior to the date set for the election and such notice shall remain posted continuously through election day. For each precinct that is combined to form a consolidated precinct under Section 42.008, Election Code, not later than the tenth (10th) day before election day, notice of each precinct's consolidation and the location of the polling place in the consolidated precinct shall be posted at the polling place used in the preceding General Election and such notice shall remain posted continuously through election day. A substantial copy of this election order, in English and Spanish, also shall be published on the same day in each of two successive weeks in a newspaper of general circulation published in the County, the date of the first publication to be not more than thirty (30) days and not less than ten (10) days prior to the date set for the election.

Section 8. In all matters relating to the ordering, giving notice, and holding the election, the County shall comply with the applicable parts of the Texas Election Code including particularly Chapter 272 of the Texas Election Code pertaining to bilingual requirements and the Federal Voting Rights Act of 1965, as amended.

Section 9. It is hereby officially found and determined that notice of the meeting at which this Order is adopted was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, and that such meeting has been open to the public at all times when this Order was discussed and acted on.

Section 10. This Order shall take effect immediately upon adoption.

PASSED AND APPROVED the 16th day of August, 2011.



Honorable Samuel T. Biscoe  
Travis County Judge

ATTEST:



Dana DeBeauvoir  
County Clerk and Ex-Officio Clerk of the  
Commissioners Court of Travis County, Texas

(COM. CT. SEAL)



**2011 TRAVIS COUNTY GENERAL OBLIGATION BONDS:  
GUIDELINES FOR PUBLIC/PRIVATE PARTNERSHIPS  
FOR TRANSPORTATION PROJECTS**

**Overview**

In a public/private partnership, a private party may contract for the engineering and construction of a road segment and be reimbursed by the County for a share of the costs; or the County may contract for the engineering and construction of the road segment and pay for a share of the costs with funds contributed by a private party.

**Milestones**

County bond funding for each project will be conditioned on that project meeting certain milestones. If a project fails to make progress towards completion according to the milestones, the County may withdraw funding and re-direct it to another project.

**Land Ownership & Security for Private Share of Costs**

Private parties are expected to arrange for the donation to the County of all property interests required for the project, including rights-of-way and easements for slopes, sight distances, stormwater, etc. Therefore, private parties should own, control, or be able to acquire all the land within a project's limits. In a limited number or unique cases, the County may be willing to use eminent domain to acquire outparcels, provided the private parties bear the ultimate cost.

Also, the private share of project funding must be secured by a cash deposit, bond, letter of credit, public improvement district assessment, special district tax or assessment, restrictive covenant, or other form of funding or security acceptable to the County in its discretion.

Securing right-of-way and the private party's financial commitment at an early date will be two of the key milestones on which bond funding is conditioned. This ensures that the County will be able to proceed with the project regardless of either a change in ownership of the land or a negative change in the financial status of the land owner.

**General Criteria**

1. All candidate projects must be arterials in the current CAMPO 2035 Plan.
2. All candidate projects must result in construction of a viable segment of roadway that, standing alone, is fully functional and usable by the public even if no subsequent segment is added in the future.

11/20/2012 Proposed Amendment

3. County bond funding may not be used to pay for the portion of a project that a land owner is obligated to pay for or build as a requirement of being granted development entitlements for the land.
4. Projects must not result in additional traffic loads being directed onto existing road segments that are substandard.
5. The County will consider the phased construction of a multi-lane projects. However, the first phase must result in at least two lanes being completed for the full length of the ultimate project. Also, requirements for securing the private share of the project cost may be more stringent for phased projects.
6. The County will pay no more than half of all engineering and construction costs. Construction costs will include bridges, utility relocation, road-related storm water detention and water quality ponds, landscaping, and pedestrian and bicycle facilities. The County will pay up to 80% of the cost of bridges and box culverts if County design standards require them to be 100 feet or longer, measured along the centerline of the road.
7. The County will define the project engineering design standards; define and approve the scope and terms of the engineering contracts, including the amount and coverage of professional errors and omissions insurance; and review and approve the engineering construction plans and specifications.
8. If a private party contracts for engineering and construction, procurement processes substantially similar to the County's procurement processes must be followed. The project engineer must be selected based on qualifications rather than low bid. The construction contractor must be selected based on a competitive bidding process. The County's goals for Historically Underutilized Businesses must be met in for both engineering and construction procurement. Final selection of the project engineer and construction contractor are subject to County approval.
9. A candidate project is expected to include city participation if any part of it is inside the city limits, an area included in a three year municipal annexation, an area subject to an annexation agreement, or a "near-term annexation areas" of the City of Austin under §30-1-21(5), Austin/Travis County Subdivision Regulations. City funding should be roughly proportional to the relative portion of the road segment that is in any one of these areas. The cost of any unique features or design requirements that result from special city requirements must be born entirely by the city or the private party. Written commitments from a city will be required prior to the Commissioners Court vote to call the bond election.
10. In lieu of the foregoing cost sharing, the County and a private or public partner may agree that the County will make certain improvements to County maintained transportation facilities in exchange for the partner making certain improvements to related non-county public transportation facilities. The improvements must combine to provide enhanced level of service, safety, congestion relief, or access to

11/20/2012 Proposed Amendment

schools, parks, affordable housing, transit oriented development, alternative transportation modes, or similar community benefits. The level of each party's contribution to the project must be proportionate to the level of enhancement it contributes to overall project functionality. The private or public partner's improvements need not be to facilities in the current CAMPO Plan.