

**GENERAL MEETING OF THE BOARD OF DIRECTORS  
OF THE NORTH EAST TEXAS  
REGIONAL MOBILITY AUTHORITY**

**RESOLUTION NO. 15-12**

WHEREAS, the North East Regional Mobility Authority ("NET RMA") was created pursuant to the request of Gregg and Smith Counties and in accordance with provisions of the Transportation Code and the petition and approval process established in 43 Tex. Admin. Code § 26.1, *et seq.* (the "RMA Rules"); and

WHEREAS, the Board of Directors of the NET RMA has been constituted in accordance with the Transportation Code and the RMA Rules; and

WHEREAS, subsequent to the initial formation of the NET RMA the Counties of Cherokee, Rusk, Harrison, Upshur, Bowie, Panola, Van Zandt, Wood, Titus, and Kaufman joined the Authority and are represented on the Board of Directors; and

WHEREAS, the NET RMA previously acquired from TxDOT two parcels of real property in the right-of-way of Segment 3A of Toll 49, a description and map of which are attached hereto as Attachment "A" (the "Property"); and

WHEREAS, the Property is no longer needed for NET RMA purposes, the sale of the Property will not negatively impact the safe and efficient operation or maintenance of Toll 49; and the sale of the Property will not impair the preservation of the NET RMA's real property for existing or future transportation-related uses planned or identified by the NET RMA; and

WHEREAS, the Property, due to its shape and small area, cannot be used independently; and

WHEREAS, Section 14 of the NET RMA's Policies and Procedures Governing Procurements of Goods and Services permits the Authority to sell surplus real property, including right-of-way, by first offering the surplus real property to one or more governmental entities with authority to condemn the property in whose jurisdiction the real property is located, and then, if no governmental entity to which the real property is offered expresses an intent to purchase the property within thirty (30) days, offering the real property for sale to the abutting landowner(s); and

WHEREAS, the Property is within the jurisdiction of Smith County and is not within the jurisdiction of any municipality; and

WHEREAS, the only landowners whose land abuts the Property are the Hilltop Ranch General Partnership, the Douglas Grier Chesnut 2006 Irrevocable Trust, and the Jill McKenzie Chesnut 2006 Irrevocable Trust (collectively, the "Abutting Owners").

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the NET RMA hereby finds that the Property described in Attachment "A" is no longer needed for NET RMA purposes, the sale of the Property will not negatively impact the safe and efficient operation or maintenance of Toll 49; and the sale of the Property will not impair the preservation of the NET RMA's real property for existing or future transportation-related uses planned or identified by the NET RMA; and

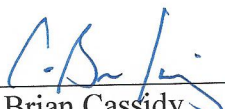
BE IT FURTHER RESOLVED, that the Board of Directors hereby authorizes the Interim Executive Director to take such action as may be necessary to offer the Property for sale to Smith County and, in the event that Smith County does not express an intent to purchase the Property within thirty (30) days of the offer, to offer the Property for sale to the Abutting Owners; and

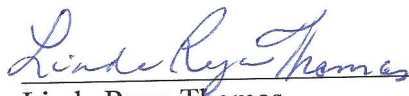
BE IT FURTHER RESOLVED, that in the event that Smith County or the Abutting Owners desire to purchase the Property, the Property may be purchased for fair market value, to be determined by the Board of Directors.

Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 17th day of March, 2015.

Submitted and reviewed by:

Approved:

  
C. Brian Cassidy  
General Counsel for the North East  
Texas Regional Mobility Authority

  
Linda Ryan Thomas  
Chair, Board of Directors  
Resolution Number 15-12  
Date Passed: 03/17/15