

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

RESOLUTION NO. 15-09

WHEREAS, the North East Texas 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, Wood, Van Zandt, Titus, and Kaufman joined the Authority and are represented on the Board of Directors; and

WHEREAS, on July 2, 2014, the NET RMA requested financial assistance from the Texas Department of Transportation ("TxDOT") for the purpose of purchasing an unused Union Pacific ("UP") railway right-of-way corridor; and

WHEREAS, on August 28, 2014, by Minute Order 114027, the Texas Transportation Commission approved the 2015 Unified Transportation Program ("UTP") which allocated for the purchase of the UP right-of-way corridor \$500,000 of Category 12 funds, of which \$400,000 is comprised of federal funds and the remaining \$100,000 is to consist of local match funds; and

WHEREAS, on September 9, 2014, in Resolution 14-34, the NET RMA Board of Directors authorized the Interim Executive Director to take action to secure the local match funds and to negotiate a sale price with UP for the right-of-way corridor; and

WHEREAS, on January 20, 2015, in Resolution 15-08, the NET RMA Board of Directors conditionally authorized the execution of an Interlocal Agreement with Smith County, the City of Tyler, the Troup Community Development Corporation, and the Tyler Economic Development Council for the provision of the local match funds; and

WHEREAS, the Interim Executive Director has negotiated a Letter of Understanding ("LOU") with UP for the purchase of the unused railway right-or-way corridor.

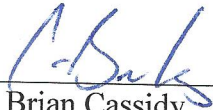
NOW THEREFORE, BE IT RESOLVED, that the NET RMA Board of Directors hereby approves the agreement with UP for the purchase of the unused railway right-or-way corridor and the execution of the necessary documents to consummate a transaction consistent with the terms and conditions of the LOU attached hereto as Attachment "A"; and

BE IF FURTHER RESOLVED, that the Chair or her designee is authorized to execute the necessary documents to consummate the agreement on behalf of the NET RMA.

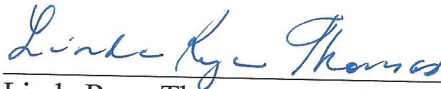
Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 20th day of January, 2015.

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 15-09
Date Passed: 01/20/15