

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

RESOLUTION NO. 15-21

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, 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 landowners whose land abuts the Property are Carol Hudson Caton Clark, the Hilltop Ranch General Partnership, and Sharon/William T. McKenzie (collectively, the "Abutting Owners"); and

WHEREAS, in Resolution No. 15-12, dated March 17, 2015, the Board of Directors 1) found that 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 2) authorized 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 did 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

WHEREAS, the NET RMA offered the Property for sale to Smith County by letter dated April 1, 2015, and Smith County subsequently informed the NET RMA, by letter dated April 15, 2015, that the County is not interested in purchasing the Property; and

WHEREAS, consistent with Resolution No. 15-12, the Board of Directors now desires to offer the Property for sale to the Abutting Owners; and

WHEREAS, based on comparable sales data, the Interim Executive Director recommends that the Property be assigned a fair market value of \$ 9290⁰⁰.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the NET RMA hereby finds that the fair market value of the Property is \$ 9290⁰⁰; and

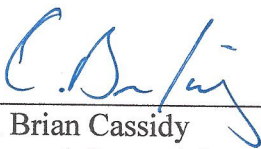
BE IT FURTHER RESOLVED, that the Board of Directors hereby authorizes the Interim Executive Director to take such action as may be necessary to offer the Property for sale to the Abutting Owners for not less than \$ 9290⁰⁰; and

BE IT FURTHER RESOLVED, that in the event that more than one Abutting Owner is interested in purchasing the Property, the Property shall be sold to the Abutting Owner who offers the highest price, provided that in no event shall the Property be sold for less than \$ 9290⁰⁰.

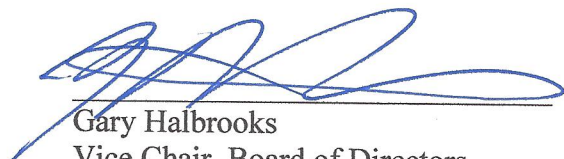
Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 12th day of May, 2015.

Submitted and reviewed by:

Approved:



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



Gary Halbrooks
Vice Chair, Board of Directors
Resolution Number 15-21
Date Passed: 05/12/15