

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

RESOLUTION NO. 15-43

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

WHEREAS, the NET RMA is responsible for the operation of Toll 49; and

WHEREAS, the NET RMA is currently pursuing the development of Segment 4 of Toll 49 (the "Project"); and

WHEREAS, Section 370.163, Transportation Code grants the NET RMA the power and authority to acquire an interest in real property that the NET RMA determines is necessary or convenient for the construction, reconstruction, maintenance, widening, straightening or extension of a transportation project; and

WHEREAS, NET RMA consultants have developed a preliminary schematic for the Project which identifies the property described in Attachment "A" (the "Subject Property") as possibly being used in or in connection with the construction, operation, and maintenance of the Project (subject, however, to the determination of a final alignment for the Project); and

WHEREAS, in Resolution No. 14-56, dated November 12, 2015, the NET RMA Board of Directors determined that the acquisition of the Subject Property is necessary or convenient for the construction, operation, and maintenance of the Project and authorized the Interim Executive Director to make a written offer to the owner of the Subject Property to acquire an option to purchase the Subject Property; and

WHEREAS, effective January 21, 2015, the NET RMA entered into an Option to Purchase Agreement with the owner of the Subject Property, pursuant to which the NET RMA paid a sum of \$10,000 (the "Option Payment") to acquire an option to purchase the Subject Property for a purchase price of \$85,900, with an option period of six (6) months unless extended by mutual agreement of the parties or through payment of a \$3,000 (the "Option Extension Fee"); and

WHEREAS, in Resolution No. 15-22, dated May 12, 2015, the NET RMA authorized payment of the Option Extension Fee to extend the option period during which the NET RMA may purchase the Subject Property by an additional three (3) months, such that the option period now expires on October 21, 2015; and

WHEREAS, pursuant to the Option to Purchase Agreement, the sum of the Option Payment and the Option Extension Fee will be applied to the purchase price; and


WHEREAS, the NET RMA desires to exercise its option to purchase the Subject Property prior to the expiration of the option period.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the NET RMA hereby authorizes the purchase of the Subject Property for the purchase price of \$72,900 as agreed to in the Option to Purchase Agreement; and


BE IT FURTHER RESOLVED, that the Board of Director authorizes the Interim Executive Director or his designee to execute a purchase agreement and any additional documentation necessary to purchase the Subject Property.

Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 13th day of October, 2015.

Submitted and reviewed by:


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

Approved:


Linda Ryan Thomas
Chair, Board of Directors
Resolution Number 15-43
Date Passed 10/13/15