

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

RESOLUTION NO. 15-44

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 (hereafter “Parcel 12” and “Parcel 13” or, collectively, the “Property”), surveys of which are attached hereto as Attachment “A” and Attachment “B”, respectively; 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, 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 landowners; 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, in Resolution No. 15-21, dated May 12, 2015, the Board of Directors authorized the Executive Director to offer the Property for sale to the landowners whose land was believed to abut the Property, and such offers were made consistent with Resolution No. 15-21; and

WHEREAS, following a survey of the Property, it was determined that one of the individuals who was offered the opportunity and agreed to purchase the Property does not own land that abuts Parcel 12 or Parcel 13; and

WHEREAS, as reflected on the surveys in Attachments "A" and "B", there is one abutting landowner whose property abuts Parcels 12 and 13, and one abutting landowner whose property abuts only Parcel 13; and

WHEREAS, the NET RMA desires to reinitiate the process of offering the Property for sale to the abutting landowners for fair market value to ensure that each parcel is offered to the correct abutting landowners.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the NET RMA hereby finds that the fair market value of Parcel 12 is \$ 100.00, and the fair market value of Parcel 13 is \$ 9190.00; 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 Parcel 12 for sale to the abutting landowner for not less than \$ 100.00; 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 Parcel 13 for sale to the abutting landowners for not less than \$ 9190.00; and

BE IT FURTHER RESOLVED, that in the event that an abutting landowner agrees to purchase Parcel 12 and/or Parcel 13 for the fair market value as set forth herein, the Interim Executive Director is authorized to finalize and execute a purchase agreement for either or both parcels and to take any other such actions as may be necessary to consummate the sale of the Property; and

BE IT FURTHER RESOLVED, that in the event that more than one abutting landowner is interested in purchasing Parcel 13, that Parcel shall be sold to the abutting landowner who offers the highest price, provided that in no event shall Parcel 13 be sold for less than \$ 9190.00.

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 15-44
Date Passed: 10/13/15