

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

**RESOLUTION NO. 16-18**

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, the NET RMA believes the purchase of an unused railway right-of-way corridor (the "Corridor") owned by Union Pacific ("UP") will benefit the residents of the City of Tyler and Smith County, as potential future uses of the Corridor may include development, or support for the development, of a commuter or freight rail project, utility corridors, hike/bike paths, or other public uses; and

WHEREAS, in Resolution 15-08, dated January 20, 2015, the NET RMA Board of Directors approved of the NET RMA entering into 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 totaling \$100,000 to purchase the Corridor; and

WHEREAS, in Resolution 15-09, dated January 20, 2015, the NET RMA Board of Directors approved an agreement with UP for the purchase of the Corridor and the execution of the necessary documents to consummate a transaction consistent with the terms and conditions of a Letter of Understanding negotiated with UP by the Interim Executive Director; and

WHEREAS, in Resolution No. 15-23, dated May 12, 2015, the NET RMA Board of Directors authorized the Interim Executive Director to negotiate, finalize, and execute a funding agreement with the Texas Department of Transportation ("TxDOT") for the transfer of \$400,000 to the NET RMA to fund the purchase of the Corridor; and

WHEREAS, TxDOT has now stated that the NET RMA must first purchase the Corridor using NET RMA funds and TxDOT will subsequently reimburse the NET RMA \$400,000.

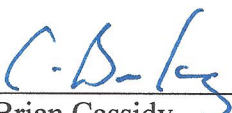
NOW THEREFORE, BE IT RESOLVED, that the NET RMA Board of Directors hereby approves the purchase of the unused UP railway right-of-way corridor for \$500,000; and

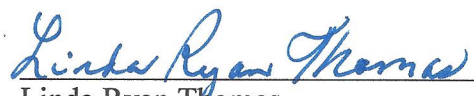
BE IF FURTHER RESOLVED, that upon receiving written notification that TxDOT is prepared to reimburse the NET RMA \$400,000, the Interim Executive Director is authorized to finalize and execute a purchase agreement with UP and take any such actions as may be necessary to secure reimbursement from TxDOT.

Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 1st day of March, 2016.

Submitted and reviewed by:

Approved:

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

  
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Linda Ryan Thomas  
Chair, Board of Directors  
Resolution Number 16-18  
Date Passed: 03/01/16