

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

RESOLUTION NO. 16-23

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, in Resolution 15-40, dated September 22, 2015, the NET RMA Board of Directors determined that the acquisition of right-of-way parcels by the NET RMA is necessary or convenient for the construction, operation, and maintenance of the Project and authorized the Interim Executive Director to commence negotiations with property owners to reach agreement regarding the terms and price for the acquisition of such right-of-way parcels; and

WHEREAS, consultants have pursued negotiations and presented an initial offer to purchase the property described in Attachment "A" (the "Subject Property") to be used in or in connection with the construction, operation, and maintenance of the Project; and

WHEREAS, the owner of the Subject Property has rejected the initial offer presented by NET RMA consultants; and

WHEREAS, the Interim Executive Director recommends presenting a written final offer to acquire the Subject Parcel, consistent with the terms and conditions attached hereto as Attachment "B";


NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the NET RMA hereby authorizes the Interim Executive Director to make a written final offer to acquire the Subject Property, consistent with the terms and conditions set forth below and attached hereto as Attachment "B"; and

BE IT FURTHER RESOLVED, that if negotiations for the acquisition of the Subject Property are successful, the Interim Executive Director shall present the final terms for any such agreement to the NET RMA Board of Directors for review and approval; and

BE IT FURTHER RESOLVED, that this offer will only be made as part of a settlement offer to avoid anticipated litigation and will be made subject to Texas Rule of Evidence 408.


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:



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

Approved:



Linda Ryan Thomas
Chair, Board of Directors
Resolution Number 16-23
Date Passed 03/01/16