

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

RESOLUTION NO. 16-37

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 15-57, dated December 8, 2015, the NET RMA Board of Directors determined that the acquisition of certain properties (the "Subject Properties") by the NET RMA is necessary or convenient for the construction, operation, and maintenance of the Project and authorized the Interim Executive Director to make written offers to acquire options to purchase the Subject Properties; and

WHEREAS, the NET RMA, with the approval of the Board of Directors, has previously entered into an Option to Purchase Agreement with the owners of the Subject Properties described in Attachment "A", pursuant to which the NET RMA paid a sum to acquire an option to purchase the Subject Properties for a purchase price set forth in the Option to Purchase Agreement; and

WHEREAS, in order to advance the Project in a timely manner, the NET RMA desires to exercise its option to purchase the Subject Properties 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 Interim Executive Director, subject to the following paragraph, to consummate the

purchase of the Subject Properties described in Attachment "A" for the purchase prices agreed to in the Option to Purchase Agreements; 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 Properties to the extent that funds are available for such purchases, and in an order of priority with respect to such available funds as will be most effective in assuring timely development of the Project.

Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 12th day of April, 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 16-37
Date Passed 04/12/16