

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

**RESOLUTION NO. 17-44**

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, in Resolution 15-57, dated December 8, 2015, the NET RMA Board of Directors identified the properties necessary to be used in or in connection with the construction, operation, and maintenance of the Project and authorized an offer to acquire an option to purchase the properties described in Attachment “A” (the “Subject Properties”); and

WHEREAS, the owner(s) of the Subject Properties did not accept the initial offer and the final written offer presented by NET RMA consultants; and

WHEREAS, in Resolution 16-42, dated April 27, 2016, the NET RMA Board of Directors authorized the Interim Executive Director to initiate and prosecute eminent domain proceedings to acquire the Subject Properties; and

WHEREAS, on August 16, 2016, pursuant to Texas Property Code § 21.042, Special Commissioners appointed by the Judge of the County Court at Law of Smith County, Texas, assessed damages to be paid by the NET RMA for the condemnation of the Subject Properties in the total amount of \$250,000.00; and

WHEREAS, the owner(s) of the Subject Properties objected to the award of the Special Commissioners, causing the court to set the case for trial and order a mediation; and

WHEREAS, during the mediation the NET RMA and the owner(s) of the Subject Properties reached a mediated settlement, which now requires approval by the NET RMA Board of Directors.

NOW THEREFORE, BE IT RESOLVED, that the NET RMA Board of Directors hereby approves of the terms of the mediated settlement, consistent with the terms attached hereto as Attachment "B"; and


BE IT FURTHER RESOLVED, that the NET RMA Board of Directors hereby authorizes the Executive Director, subject to the following paragraph, to consummate the purchase of the Subject Properties for the purchase price described in Attachment "B"; and


BE IT FURTHER RESOLVED, that the Board of Directors authorizes the Executive Director or his designee to execute any documentation necessary to acquire the Subject Properties, to the extent that funds are available for such acquisition.

Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 8th day of August, 2017.

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  
Date Passed 08/08/17

**Attachment "A"**  
**Resolution 17-44**

Subject Properties Description

**Attachment "B"**  
**Resolution 17-44**

Negotiated Settlement Terms

- Payment of \$750,000 for the Subject Properties
- Installation of an additional driveway
- Resurfacing of the access road to the Subject Properties