

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

**RESOLUTION NO. 18-10**

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, 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 owner of property in the vicinity of Segment 3B of Toll 49 has alleged that the construction and operation of Toll 49 has periodically resulted in erosion that has caused damage to a pond located on the property (the "Pond"); and

WHEREAS, the NET RMA has previously caused work to be performed to address the damage to the Pond; and

WHEREAS, the owner has claimed that he incurred out-of-pocket expenses for his own efforts to address erosion and sedimentation issues affecting the Pond; and

WHEREAS, NET RMA staff has investigated the claim and has concluded that some payment and interest may be due to the owner; and

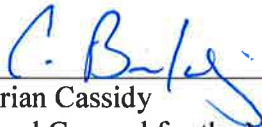
WHEREAS, the owner has claimed that he is owed \$84,957.33 in out-of-pocket costs and interest; and

WHEREAS, NET RMA staff has requested invoices and evidence of payment supporting the out-of-pocket costs and is still awaiting receipt of adequate documentation.

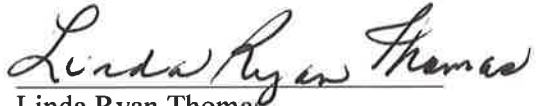
NOW THEREFORE, BE IT RESOLVED, that the Board of Directors authorizes the Executive Director to negotiate and execute a settlement agreement with the owner for an amount not to exceed \$84,957.33 provided that: (1) the owner provides adequate documentation to substantiate the expenditures claimed and to be paid pursuant to the settlement; and (2) the settlement contains a full release of claims related to damage to the Pond related directly or indirectly to the construction, operation, and maintenance of Toll 49.

Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 13th day of February, 2018.

Submitted and reviewed by:

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

Approved:

  
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Linda Ryan Thomas  
Chair, Board of Directors  
Date Passed 02/13/18  
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