

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

RESOLUTION NO. 19-28

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, Mr. Howard D. Beggs and the H. Dale Beggs Trust are the owners (the “Owners”) of property in the vicinity of Toll 49 (the “Property”) and have alleged that the construction of Segment 4 of Toll 49 has resulted in damage to the Property; and

WHEREAS, NET RMA’s contractor for Segment 4 of Toll 49, Webber, LLC (“Webber”), has investigated the claim and has determined, without admitting any liability therefore, that it is in the best interest of all parties to settle the disputes and secure a release of all claims from the Owners related to the construction and operation of Toll 49 for a total amount of \$400,000; and

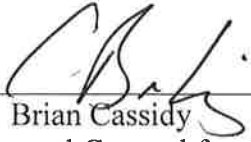
WHEREAS, the NET RMA consultants concur with the determination by Webber and have determined that NET RMA should participate in the consideration paid to the Owners in exchange for the release of claims in an amount that is one-half of the overall amount paid (with Webber bearing the other one-half), being \$200,000 to be paid by NET RMA.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors authorizes the Executive Director to negotiate and execute the Release and Waiver Agreement (the “Agreement”), in the form or substantially the same form attached hereto as Attachment “A”, with the Owners and Webber for an overall aggregate amount of \$400,000 of which the NET RMA’s share shall be a maximum of \$200,000, provided that the Agreement contains a full release of claims in connection with damage to the property directly or indirectly related to the construction, or operation of Toll 49.


Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 13th day of August, 2019.

Submitted and reviewed by:

Approved:



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



Linda Ryan Thomas
Chair, Board of Directors
Date Passed 08/13/19
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