

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

**RESOLUTION NO. 16-42**

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 of the NET RMA to commence negotiations with property owners to attempt to reach agreement regarding the terms and price for the acquisition of such right-of-way parcels; and

WHEREAS, pursuant to the requirements of Chapter 21, Texas Property Code, NET RMA, through its consultants and agents, has presented bona fide offers to various landowners to purchase the right-of-way parcels described in Attachment "A" (the "Subject Parcels") to be used in or in connection with the construction, operation, and maintenance of the Project; and

WHEREAS, negotiations are ongoing with certain of the owners of the Subject Parcels and other owners of the Subject Parcels have either rejected or failed to respond to the bona fide offers presented to them; and


WHEREAS, the Interim Executive Director recommends that, if an owner of one of the Subject Parcels rejects or has rejected a bona fide offer or if an owner fails or has failed to respond to a bona fide offer within the time period set forth in Section 21.0113 of the Texas Property Code, then the NET RMA proceed to acquire such Parcels through eminent domain.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the NET RMA hereby authorizes that, if an owner of one of the Subject Parcels rejects or has rejected a bona fide offer or if an owner fails or has failed to respond to a bona fide offer within the time period set forth in Section 21.0113 of the Texas Property Code, then the NET RMA proceed to acquire such Parcels through eminent domain.


BE IT FURTHER RESOLVED, that the Interim Executive Director is hereby authorized to take any and all steps necessary to initiate and prosecute said eminent domain proceedings on behalf of the NET RMA, including but not limited to, authorizing the actions of consultants, appraisers, engineers, legal counsel, and any others persons deemed necessary to acquire the Subject Parcels through eminent domain.

Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 27th 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 16-42  
Date Passed 04/27/16