

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

RESOLUTION NO. 16-57

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, Wood, Van Zandt, Titus, and Kaufman joined the Authority and are represented on the Board of Directors; and

WHEREAS, the NET RMA believes the purchase of an unused railway right-of-way corridor (the "Corridor") owned by Union Pacific ("UP") will benefit the residents of the City of Tyler and Smith County, as potential future uses of the Corridor may include development, or support for the development, of a commuter or freight rail project, utility corridors, hike/bike paths, or other public uses; and

WHEREAS, in Resolution 15-09, dated January 20, 2015, the NET RMA Board of Directors approved an agreement with UP for the purchase of the Corridor and the execution of the necessary documents to consummate a transaction consistent with the terms and conditions of a Letter of Understanding negotiated with UP by the Interim Executive Director; and

WHEREAS, in Resolution No. 16-18, dated March 1, 2016, the Board of Directors approved the purchase of the Corridor for \$500,000 and authorized the Interim Executive Director to finalize and execute a purchase agreement (the "Purchase Agreement") with UP upon receiving written notification that TxDOT is prepared to reimburse the NET RMA \$400,000 for the purchase of the right-of-way; and

WHEREAS, the NET RMA now desires to extend the term of the Purchase Agreement through December 31, 2016 to allow sufficient time to consummate the purchase of the Corridor.

NOW THEREFORE, BE IT RESOLVED, that the NET RMA Board of Directors hereby approves extension of the Purchase Agreement with UP through December 31, 2016; and

BE IT FURTHER RESOLVED, that the Chair or her designee is authorized to execute an amendment to the Purchase Agreement on behalf of the NET RMA to provide for an extension of the term.

Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 14th day of June, 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
Date Passed: 06/14/16