

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

**RESOLUTION NO. 16-61**

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 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, on June 14, 2007, the Texas Transportation Commission (the "Commission") approved Minute Order Number 110964 in which it identified a list of candidate projects, including Toll 49, for development, construction, and operation as toll projects and directed Texas Department of Transportation ("TxDOT") staff to work with local toll project entities to develop market valuations for those projects; and

WHEREAS, TxDOT's Tyler District and the NET RMA agreed on business terms and conditions for the Toll 49 market valuation as required by Section 228.0111 of the Texas Transportation Code, and, in Resolution No. 08-08, dated April 16, 2008, the NET RMA Board of Directors approved the business terms and conditions for the market valuation analysis for Toll 49; and

WHEREAS, in Resolution No. 08-12, dated June 18, 2008, the NET RMA exercised its option to be the entity to develop Toll 49; and

WHEREAS, in Resolution No. 16-21, dated March 1, 2016, the Board of Directors of the NET RMA authorized the Interim Executive Director to enter into a contract for the construction of Segment 4 of Toll 49 with Webber, LLC; and

WHEREAS, to facilitate development and construction of the Project, it is necessary for the NET RMA to enter into a Project Development Agreement with TxDOT to clarify the relationships between TxDOT and the NET RMA concerning the development of the Project; and


WHEREAS, the Interim Executive Director has negotiated the terms of a Project Development Agreement with TxDOT, a copy of which is attached hereto as Attachment "A."

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the NET RMA hereby approves the entry into a Project Development Agreement with TxDOT in the form, or substantially the same form, attached hereto as Attachment "A;" and


BE IT FURTHER RESOLVED, that the Interim Executive Director or his designee is authorized to execute such Project Development Agreement on behalf of the NET RMA.

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:

  
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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: 06/14/16