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

#### **RESOLUTION NO. 16-66**

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 authorized the Interim Executive Director to commence negotiations with property owners to acquire right-of-way parcels to be used in connection with the construction, operation, and maintenance of the Project; and

WHEREAS, NET RMA consultants have pursued negotiations and recommend approval to purchase certain properties (the "Subject Properties"), as described in <u>Attachment "A"</u>.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the NET RMA hereby authorizes the Interim Executive Director, subject to the following paragraph, to consummate the purchase of the Subject Properties for the purchase prices described in <u>Attachment</u> "A"; and

BE IT FURTHER RESOLVED, that the Board of Directors authorizes the Interim Executive Director or his designee to execute a purchase agreement and any additional documentation necessary to purchase the Subject Properties to the extent that funds are available for such purchases, and in an order of priority with respect to such available funds as will be most effective in assuring timely development of the Project.

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

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# Resolution 16-66 Attachment "A"

# Parcel 205

**Owner:** Bernice Cooper **Purchase Price:** \$ 3,348.00 **Property Description:** *See following pages* 

# Parcel 210

**Owner:** Stacy Bateman and wife, Carla Bateman **Purchase Price:** \$ 15,860.00 **Property Description:** *See following pages* 

# Parcel 230

**Owner:** The Rudman Family Trust, MER Energy Ltd., The Rudman Partnership, Sater Family Partnership, Alvrone Sater Trust U/W/O I. Rudman, and Alvrone Sater Trust #3 **Purchase Price:** \$ 19,185.00 **Property Description:** *See following pages* 

**Parcel 236 Owner:** Ralph L. Page and wife, Judith C. Page **Purchase Price:** \$ 165,000.00 **Property Description:** *See following pages* 

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#### **Description for Parcel 205**

Being 0.515 acres (22,431 square feet) of land situated in the William Gatlin Survey, Abstract No. 409, Smith County, Texas, and being a portion of the residue of a 94.853 acre tract which was conveyed to Raymond L. Cooper and wife Bernice Cooper, by instrument recorded in Volume 1072, Page 46, Smith County Deed Records (SCDR), and also being described as a "0.516 acre Access Easement" recorded in Volume 6425, Page 81, SCDR, said 0.515 acres (22,431 square feet) of land being more particularly described by metes and bounds as follows;

**BEGINNING** at a 1/2 inch iron pipe found on the existing west right-of-way line of U.S. Highway 69 (variable width), the same being the northeast corner of a 0.729 acre tract which was conveyed to Jeffrey Dwain Voyles by instrument recorded in Document No. 2008-R00055043, SCDR, and having surface coordinates of North 6,898,333.48, East 2,916,634.62;

**THENCE** S 88° 19' 26" W, departing said west right-of-way line, along the north boundary line of said 0.729 acre tract, and the north boundary line of a 5.734 acre tract which was conveyed to H. R. Voyles, et ux by instrument recorded in Volume 1861, Page 790, SCDR, a distance of 550.68 feet to a 1/2 inch iron pipe found at the northeast corner of a 2 acre tract which was conveyed to H. R. Voyles, et ux by instrument recorded in Volume 1912, Page 136, SCDR, the same being the northwest corner of said 5.734 acre tract;

**THENCE** S 89° 01' 37" W, along the north boundary line of said 2 acre tract, a distance of 19.79 feet to a concrete monument with "NET RMA" cap set at the most northerly southeast corner of a 6.7227 acre tract which was conveyed to James A. Cullipher by instrument recorded in Volume 4978, Page 228, SCDR, the same being on the proposed west right-of-way line of U. S. Highway 69, and being set at, Station 109+40.13, 642.11 feet Left, and the beginning of an Access Denial Line;

**THENCE** N 02° 19' 31" W, along said proposed west right-of-way line and said Access Denial Line, the same also being the most northerly east line of said 6.7227 acre tract, a distance of 39.75 feet to a concrete monument with "NET RMA" cap set on the south boundary line of a 4.939 acre which was conveyed to Mike W. Tomlinson, et ux by an instrument recorded in Volume 6425, Page 81, SCDR, at Station 109+76.50, 626.06 feet Left;

**THENCE** N 88° 20' 03" E, along said proposed west right-of-way line and said Access Denial Line, the same being the south boundary line of said 4.939 acre tract, at a distance of 129.46 feet pass a concrete monument with "NET RMA" cap set, at Station 109+22.88, 508.22 feet Left, for the end of said Access Denial Line, and continuing for a total distance of 552.75 feet to a ½" iron rod with a plastic cap stamped "KSA ENG" set at the southeast corner of said 4.939 acre tract, the same being in the existing west right-of-way line of U. S. Highway 69 (variable width);

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#### **Description for Parcel 205**

**THENCE** S 26° 09' 07" E, along said existing west right-of-way line, a distance of 43.84 feet to the **PLACE OF BEGINNING**, containing 0.515 acres (22,431 square feet) of land;

#### **NOTES:**

The bearings recited herein are based on the Texas State Plane Coordinate System of 1983, North Central Zone, to convert to grid coordinates divide by the TxDOT conversion factor of 1.00012.

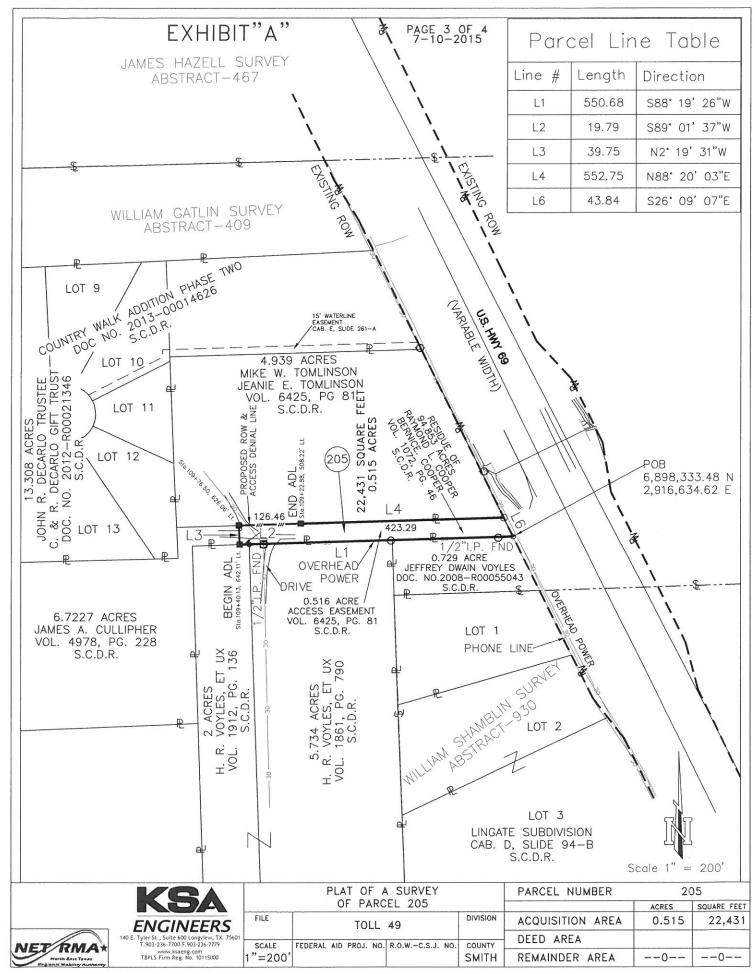
Access is prohibited across the "Access Denial Line" to the transportation facility from the adjacent property.

All stations and offsets shown are calculated relative to U.S. Highway 69 baseline unless otherwise noted.

This description and corresponding plat were prepared from a survey made on the ground under my supervision during the month of March, 2015.

Jeffrey Elsworth Hudson Registered Professional Land Surveyor Texas Registration No. 4850 KSA ENGINEERS 140 E. Tyler St., Suite 600 Longview, Tx. 75604 TBPLS Firm Reg. No. 10115000 Date





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Page 1 of 4 July 10, 2015 Revised March 28, 2016

#### **Description for Parcel 210**

Being 0.458 acres (19,949 square feet) of land situated in the William Gatlin Survey, Abstract No. 409, Smith County, Texas, and being a portion of a called 6.726 acre tract which was conveyed to Stacy Bateman, et ux, by instrument recorded in Volume 4777, Page 278 Smith County Deed Records (SCDR), said 0.458 acres (19,949 square feet) of land being more particularly described by metes and bounds as follows;

**COMMENCING** at a iron spike found on the west line of said Gatlin Survey, the east line of the Nelson Ashmore Survey, Abstract No. 58, the same being the southwest corner of said 6.726 acre tract, and on the north boundary line of the remainder of a called 68.8 acre tract of land which was conveyed to Joseph C. Mea, by instrument recorded in Volume 5051, Page 139, SCDR;

**THENCE** N 87° 35' 33" E, along the north boundary line of said 68.8 acre tract, the same being the south boundary line of said 6.726 acre tract, a distance of 582.17 feet to a 1/2 inch iron rod with plastic cap stamped "KSA ENG" set at the point of intersection with the proposed northwesterly right-of-way line of Toll 49, and the beginning of an Access Denial Line, at Station 114+82.46, 321.01 feet Right, and the **POINT OF BEGINNING**, having surface coordinates of North 6,897,572.54, East 2,915,763.71;

**THENCE** N 49° 41' 36" E, along said proposed northwesterly right-of-way line and said Access Denial Line, a distance of 287.94 feet to a concrete monument with "NET RMA" cap set on the west line of a 2 acre tract which was conveyed to H.R. Voyles, et ux, by instrument recorded in Volume 1912, Page 136, SCDR, at Station 111+94.60, 313.87 feet Right, and the end of said Access Denial Line;;

**THENCE** S 01° 52' 31" E, along the west boundary line of said 2 acre tract, the same being the east boundary line of said 6.726 acre tract, a distance of 176.88 feet to a 1 inch iron pipe found at the southwest corner of said 2 acre tract, the same being the southeast corner of said 6.726 acre tract, and on the north boundary line of said 68.8 acre tract;

**THENCE** S 87° 35' 33" W, along the north boundary line of said 68.8 acre tract, the same being the south boundary line of said 6.726 acre tract, a distance of 225.57 feet to the **PLACE OF BEGINNING**, containing 0.458 acres (19,949 square feet) of land.

Page 2 of 4 July 10, 2015 Revised March 28, 2016

#### **Description for Parcel 210**

#### NOTES:

The bearings recited herein are based on the Texas State Plane Coordinate System of 1983, North Central Zone, to convert to grid coordinates divide by the TxDOT conversion factor of 1.00012.

Access is prohibited across the "Access Denial Line" to the transportation facility from the adjacent property.

All stations and offsets shown are calculated relative to the project centerline (Toll 49 baseline) unless otherwise noted.

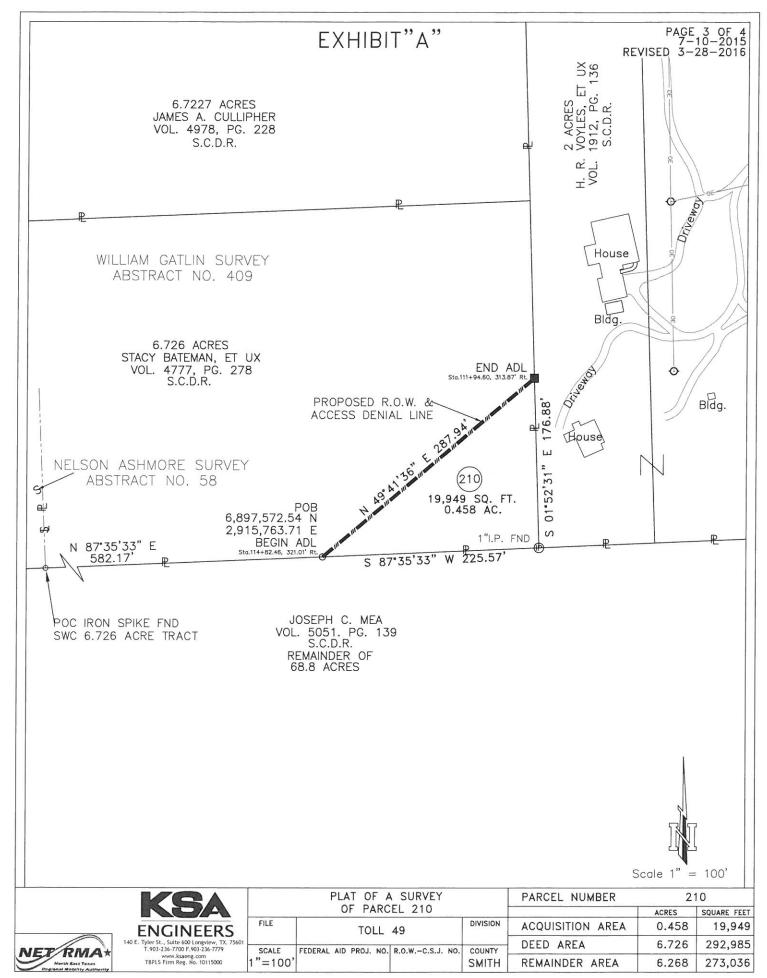
This description and corresponding plat were prepared from a survey made on the ground under my supervision during the month of March, 2015.

SILL 30 Mon Laure

Date

Jeffrey Elsworth Hudson Registered Professional Land Surveyor Texas Registration No. 4850 KSA ENGINEERS 140 E. Tyler St., Suite 600 Longview, Tx. 75604 TBPLS Firm Reg. No. 10115000





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	www.ksaeng.com TBPLS Firm Reg. No. 10115000	SUALE FI	LUENAL AID FRUJ. NU.	N.O.H0.3.J. 1	SMITH	REMAINDER AREA	6.268	273,036

Page 1 of 4 April 30, 2015

## **Description for Parcel 230**

Being 3.216 acres of land situated in the Isaac Norris Survey, Abstract No. 748, Smith County, Texas, and being a portion of a called 50.00 acre tract which was conveyed to I. Rudman, by instrument recorded in Volume 519, Page 279 Smith County Deed Records (SCDR), said 3.216 acres of land being more particularly described by metes and bounds as follows;

**COMMENCING** at a 1/2 inch iron rod with plastic cap stamped "KSA ENG" set at the southeast corner of said 50.00 acre tract, the same being an ell corner of a called 155.00 acre tract which was conveyed to Calvary Commission, Inc., by instrument recorded in Volume 1747, Page 221, SCDR;

**THENCE** S 89° 56' 53" W, along the south boundary line of said 50.00 acre tract, the same being the most westerly north boundary line of said 155.00 acre tract, a distance of 461.56 feet to a 1/2 inch iron rod with plastic cap stamped "KSA ENG" set at the point of intersection with the proposed west right-of-way line of Toll 49 and the **POINT OF BEGINNING**, at Station 326+53.53, 156.00 feet Left, having surface coordinates of North 6,880,405.45, East 2,912,841.05;

**THENCE** S 89° 56' 53" W, continuing along the south boundary line of said 50.00 acre tract and the most westerly north boundary line of said 155.00 acre tract, a distance of 211.75 feet to 1/2 inch iron rod with plastic cap stamped "KSA ENG" set at the southwest corner of said 50.00 acre tract, the same being in the east boundary line of a called 154.842 acre tract which was conveyed to H. Dale Beggs Trustee, by instrument recorded in Volume 3088, Page 627, SCDR;

**THENCE** N 01° 28' 17" W, along the west boundary line of said 50.00 acre tract, the same being the east boundary line of said 154.842 acre tract, a distance of 978.41 feet to a 1/2 inch iron rod with plastic cap stamped "KSA ENG" set at the point of intersection with the proposed east right-of-way line of Toll 49, the beginning of an Access Denial Line and also being the beginning of a curve to the right, at Station 317+06.69, 156.00 feet Left;

**THENCE** in a southeasterly direction, along said proposed west right-of-way line, and said Access Denial Line, following said curve having a delta angle of  $24^{\circ}39^{\circ}33^{\circ}$ , a radius of 2,356.00 feet and an arc length of 1,013.98 feet (chord = S 13° 37' 00" E, 1,006.17 feet) to the end of said Access Denial Line and the **PLACE OF BEGINNING**, containing 3.216 acres of land.

Page 2 of 4 April 30, 2015

## **Description for Parcel 230**

## **NOTES:**

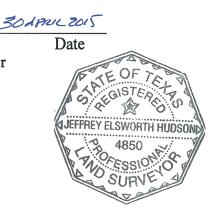
The bearings recited herein are based on the Texas State Plane Coordinate System of 1983, North Central Zone, to convert to grid coordinates divide by the TxDOT conversion factor of 1.00012.

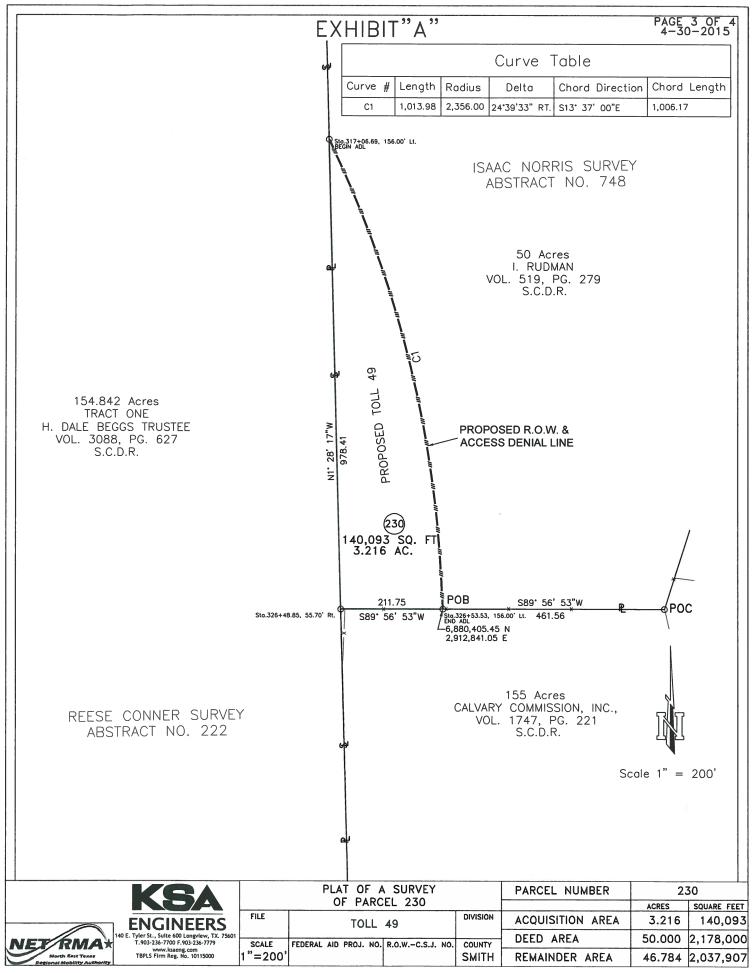
Access is prohibited across the "Access Denial Line" to the transportation facility from the adjacent property.

All stations and offsets shown are calculated relative to the project centerline (Toll 49 baseline) unless otherwise noted.

This description and corresponding plat were prepared from a survey made on the ground under my supervision during the month of March, 2015.

Jeffrey Elsworth Hudson Registered Professional Land Surveyor Texas Registration No. 4850 KSA ENGINEERS 140 E. Tyler St., Suite 600 Longview, Tx. 75604 TBPLS Firm Reg. No. 10115000





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Page 1 of 5 December 22, 2015

#### **Description for Parcel 236**

Being 9.711 acres of land situated in the James J. Knowles Survey, Abstract No. 537, Smith County, Texas, and being a portion of the remainder of a called 19.076 acre tract which was conveyed to Ralph L. Page, et ux, by instrument recorded in Volume 3259, Page 557, Smith County Deed Records (SCDR), a portion of a called 12.000 acre tract which was conveyed to Ralph L. Page, et ux, by instrument recorded in Volume 1842, Page 169, SCDR, and a portion of a called 11.062 acre tract which was conveyed to Ralph L. Page, 173, SCDR, said 9.711 acres of land being more particularly described by metes and bounds as follows;

**COMMENCING** at a 1 inch iron pipe found at the northeast corner of a 39.744 acre tract which was conveyed to William H. Liebbe, et ux, by instrument recorded in Volume 3169, Page 580, SCDR, the same being an interior corner of said 11.062 acre tract;

**THENCE** S 88° 27' 11" W, along the south boundary line of said 11.062 acre tract, the same being the north boundary line of said 39.744 acre tract, a distance of 51.08 feet to a 1/2 inch iron rod with plastic cap stamped "KSA ENG" set at Station 375+08.55, 200.52 feet Left, at the point of intersection of the proposed east right-of-way line of Toll 49, and the **POINT OF BEGINNING**, and having surface coordinates of North 6,875,569.43, East 2,912,725.50;

**THENCE** S 88° 27' 11" W, continuing along the south boundary line of said 11.062 acre tract, the same being the north boundary line of said 39.744 acre tract, and also along the south boundary line of said 12.000 acre tract, a distance of 475.55 feet to a 1/2 inch iron rod with plastic cap stamped "KSA ENG" set at the point of intersection with the proposed west right-of-way line of Toll 49, at Station 375+03.71, 275.00 feet Right;

**THENCE** N 02° 07' 50" W, along said proposed west right-of-way line, a distance of 19.92 feet to a concrete monument with "NET RMA" cap set at the beginning of an Access Denial Line, at Station 374+83.78, 275.00 feet Right;

**THENCE** N 88° 40' 00" E, continuing along said proposed west right-of-way line and said Access Denial Line, a distance of 66.01 feet to a concrete monument with "NET RMA" cap set at Station 374+84.70, 209.00 feet Right;

**THENCE** N 02° 07' 50" W, continuing along said proposed west right-of-way line and said Access Denial Line, a distance of 1,196.92 feet to a 1/2 inch iron rod with plastic cap stamped "KSA ENG" set in the north boundary line of said 12.000 acre tract, the same being the south boundary line of a called 36.768 acre tract which was conveyed to Timberline Baptist Camp & Conference Center Inc. by instrument recorded in Volume 3051, Page 531, SCDR, and the end of said Access Denial Line, at Station 362+87.78, 209.00 feet Right;

Page 2 of 5 December 22, 2015

#### **Description for Parcel 236**

**THENCE** N 86° 09' 32" E, along the north boundary line of said 12.000 acre tract and the north boundary line of said 11.062 acre tract, the same being the south boundary line of said 36.768 acre tract, a distance of 323.50 feet to a 1/2 inch iron rod found at the northeast corner of said 11.062 acre tract, the same being the northwest corner of a called 8.000 acre tract which was conveyed to Joe Clark Crawford, et ux, by an instrument recorded in Volume 7956, Page 116, SCDR;

**THENCE** S 02° 08' 51" E, along the east boundary line of said 11.062 acre tract, the same being the west boundary line of said 8.000 acre tract, a distance of 843.73 feet to a 1/2 inch iron rod with plastic cap found at the southwest corner of said 8.00 acre tract, the same being the most westerly north corner of the aforementioned 19.076 acre tract;

**THENCE** S 52° 12' 26" E, along a north boundary line of said 19.076 acre tract, the same being the south boundary line of said 8.000 acre tract, a distance of 75.24 feet to a 1/2 inch iron rod with plastic cap stamped "KSA ENG" set at the point of intersection with the proposed east right-of-way line of Toll 49 and the beginning of an Access Denial Line, at Station 371+70.15, 172.31 feet Left;

**THENCE** S 07° 16' 56" E, along said proposed east right-of-way line and said Access Denial Line, a distance of 309.09 feet to a concrete monument with "NET RMA" cap set at Station 374+77.99, 200.06 feet Left;

**THENCE** S 03° 00' 16" E, continuing along said proposed east right-of-way line and said Access Denial Line, a distance of 30.57 feet to the end of said Access Denial Line, and the **PLACE OF BEGINNING**, containing 9.711 acres of land.

Page 3 of 5 December 22, 2015

#### **Description for Parcel 236**

## **NOTES:**

The bearings recited herein are based on the Texas State Plane Coordinate System of 1983, North Central Zone, to convert to grid coordinates divide by the TxDOT conversion factor of 1.00012.

Access is prohibited across the "Access Denial Line" to the transportation facility from the adjacent property.

All stations and offsets shown are calculated relative to the project centerline (Toll 49 baseline) unless otherwise noted.

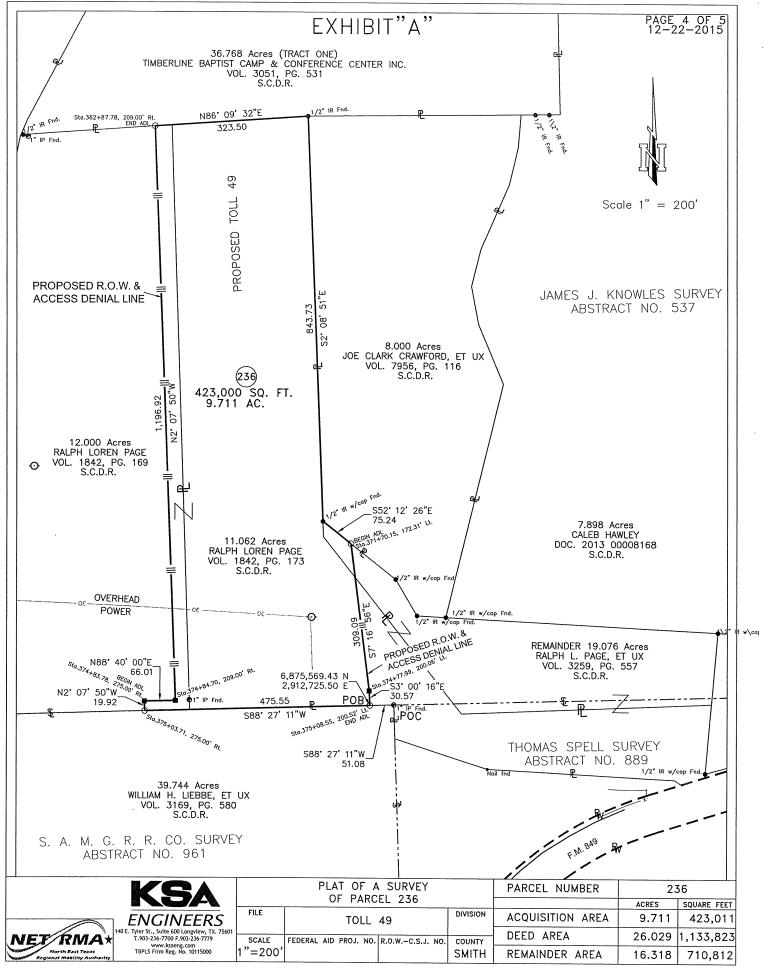
This description and corresponding plat were prepared from a survey made on the ground under my supervision during the month of March, 2015.

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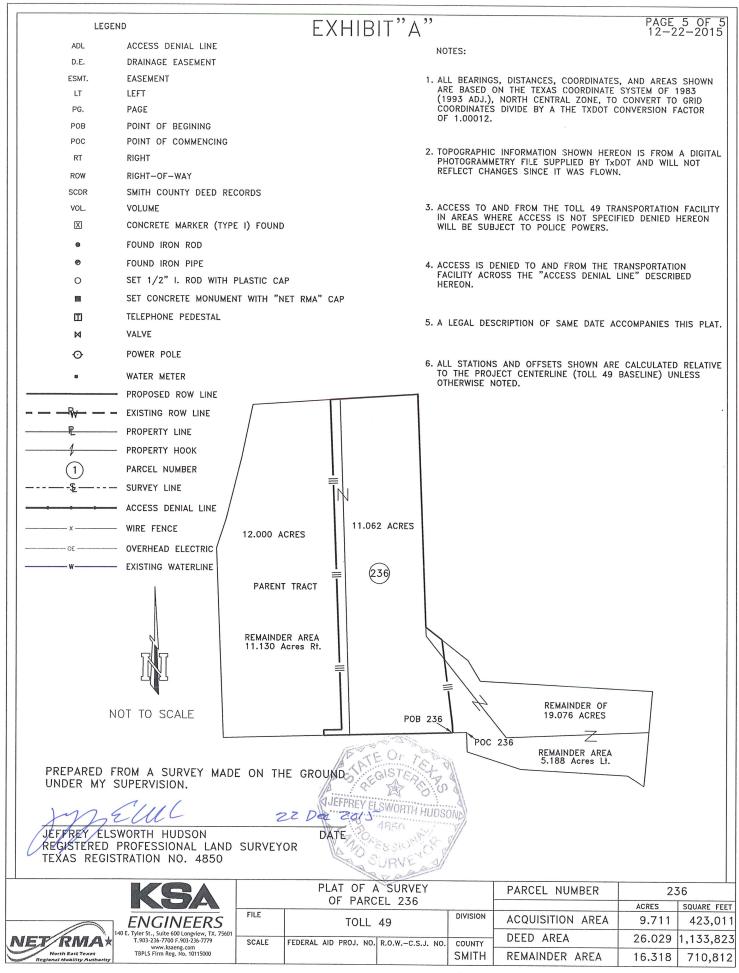


Jeffrey Elsworth Hudson Registered Professional Land Surveyor Texas Registration No. 4850 KSA ENGINEERS 140 E. Tyler St., Suite 600 Longview, Tx. 75604 TBPLS Firm Reg. No. 10115000





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