

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

**RESOLUTION NO. 13-03**

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

WHEREAS, the NET RMA is currently developing Segment 3B of the Toll 49 project (the “Toll 49 Segment 3B Project”) through a design/build comprehensive development agreement (“CDA”); and

WHEREAS, additional segments of Toll 49 have been or are being developed by the Texas Department of Transportation (“TxDOT”), and Segments 1, 2, 3A, 3B, and 5 are collectively known as “Toll 49”; and

WHEREAS, in Resolution No. 11-14, dated March 4, 2011, the Board of Directors approved entry into a Project Development Agreement with TxDOT specifying the extent and timing of review of project design submittals, clarifying the ownership and use of right-of-way, and addressing other project-related issues with respect to Toll 49; and

WHEREAS, the Project Development Agreement provides that TxDOT will transfer Segments 1, 2, 3A, and 5 of Toll 49 (the “Transferred Segments”) and those parcels owned by TxDOT located within the Toll 49 Segment 3B Project limits to the NET RMA upon Substantial Completion, as defined in the Project Development Agreement, of the Toll 49 Segment 3B Project; and

WHEREAS, following the transfer of the Transferred Segments, the NET RMA will be responsible for the maintenance and operation of Toll 49; and

WHEREAS, TxDOT has previously entered into contracts for the provision of various maintenance and operational services for TxDOT projects located within the same general vicinity as Toll 49; and

WHEREAS, NET RMA representatives and TxDOT staff have identified potential benefits of entering into an Interlocal Agreement pursuant to Chapter 771 of the Texas Government Code and Section 370.189 of the Texas Transportation Code pursuant to which the NET RMA would have access to certain maintenance and operational services for Toll 49 through TxDOT and its existing contracts; and

WHEREAS, NET RMA representatives recommend that the NET RMA negotiate and enter into an Interlocal Agreement with TxDOT to secure certain maintenance and operational services for Toll 49 through TxDOT and its existing contracts, the terms, scope and conditions of such Interlocal Agreement to be mutually agreed to by the NET RMA and TxDOT.

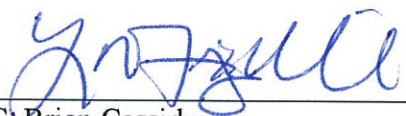
NOW THEREFORE, BE IT RESOLVED, that the NET RMA Board of Directors hereby approves the negotiation and execution of an Interlocal Agreement with TxDOT to secure certain maintenance and operational services for Toll 49 through TxDOT, the terms, scope and conditions of such Interlocal Agreement to be mutually agreed to by the NET RMA and TxDOT; and

BE IT FURTHER RESOLVED, that the Board of Directors authorizes the Interim Executive Director to take such actions as may be necessary to negotiate and finalize an Interlocal Agreement with TxDOT consistent with this Resolution and that such Interlocal Agreement may be executed by the Interim Executive Director upon its completion under the terms hereof.

Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 22nd day of January, 2013.

Submitted and reviewed by:

Approved:



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



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Linda Ryan Thomas  
Chair, Board of Directors  
Resolution Number 13-03  
Date Passed: 01/22/13