

A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO EXECUTE AND DELIVER A CONTRACT WITH BATTERY SOLUTIONS, INC. FOR BATTERIES FOR METRO'S TRANSIT FLEET; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO solicited bids for the purchase of batteries for METRO's fleet of buses; and

WHEREAS, Battery Solutions, Inc. submitted the lowest responsive and responsible bid;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

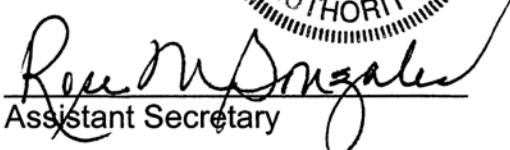
Section 1. The President & CEO is hereby authorized and directed to execute and deliver a 3- year contract with Battery Solutions, Inc. for the purchase of batteries for an amount not to exceed \$459,733.14.

Section 2. This resolution is effective immediately upon passage.

PASSED this 22<sup>nd</sup> day of February 2007  
APPROVED 22<sup>nd</sup> day of February 2007

ATTEST:



  
Assistant Secretary

  
David S. Wolff  
Chairman

A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO EXECUTE AND DELIVER A CONTRACT WITH ADA RESOURCES, INC. FOR THE PURCHASE OF MULTI-GRADE ENGINE OIL; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO solicited bids for the purchase of multi-grade engine oil for transit vehicles; and

WHEREAS, the firm of ADA Resources, Inc. submitted the lowest responsive and responsible bid;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

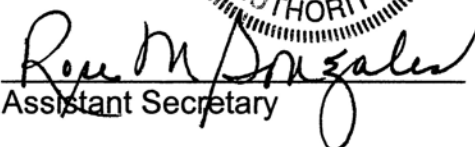
Section 1. The President & CEO is hereby authorized and directed to execute and deliver a contract with ADA Resources, Inc. for the purchase of multi-grade engine oil for an amount not to exceed \$347,313.50.


Section 2. This resolution is effective immediately upon passage.

PASSED this 22<sup>nd</sup> day of February 2007  
APPROVED 22<sup>nd</sup> day of February 2007

ATTEST:



  
Assistant Secretary

  
David S. Wolff  
Chairman

A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO NEGOTIATE, EXECUTE AND DELIVER A MODIFICATION TO THE CONTRACT WITH FRANK RUSSO CONSULTING, LLC TO EXTEND THE PERIOD OF PERFORMANCE AND INCREASE THE MAXIMUM AUTHORIZED EXPENDITURES UNDER THE CONTRACT; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, pursuant to Board Resolution 2005-73, METRO entered into contract with Frank Russo Consulting, LLC for program initiation services for implementation of Phase II, METRO Solutions; and

WHEREAS, Frank Russo Consulting LLC possesses significant expertise in the planning, development and initiation of complex public transit projects and has performed satisfactorily under the existing contract; and

WHEREAS, additional services are needed to provide oversight of contract negotiations with a Facility Provider, planning and support for federal approvals, and assistance in the development of procurement methodologies for vehicles and other systems components;

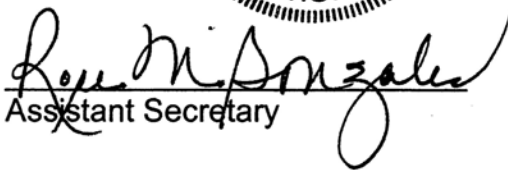
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to negotiate, execute and deliver a modification to the contract with Frank Russo Consulting, LLC for continued program initiation consulting services, extending the performance period through February, 2008 and increasing the maximum authorized expenditures under the contract by an amount not to exceed \$750,000.


Section 2. This resolution is effective immediately upon passage.



ATTEST:

  
Assistant Secretary

PASSED this 22<sup>nd</sup> day of February 2007  
APPROVED 22<sup>nd</sup> day of February 2007

  
\_\_\_\_\_  
David S. Wolff  
Chairman

A RESOLUTION

APPROVING METRO'S PARTICIPATION WITH THE HOUSTON COMMUNITY COLLEGE AND CONTRIBUTION OF FUNDING FOR THE CONSTRUCTION OF FACILITIES AND OPERATION FOR A PUBLIC SAFETY INSTITUTE; AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO NEGOTIATE, EXECUTE AND DELIVER AN INTERAGENCY AGREEMENT WITH THE HOUSTON COMMUNITY COLLEGE; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, the Houston Community College System will build and administer an educational and training facility, to be called the Public Safety Institute (hereinafter referred to as "the Institute"); and

WHEREAS, the Institute will provide training for law enforcement and public safety personnel and will include classrooms, a firearms range, an emergency vehicle drive track and a burn tower; and

WHEREAS, law enforcement and safety personnel assigned to METRO's Department of Public Safety require periodic training to maintain optimum skill levels and proficiency, and to ensure professional readiness in the event of an emergency; and

WHEREAS, METRO personnel lack convenient access to a training facility; and

WHEREAS, METRO wishes to participate and contribute funding towards the development of the Institute; and

WHEREAS, the Houston Community College is willing to grant to METRO broad access to Institute facilities; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The Board of Directors hereby approves METRO's participation and contribution of funding for the Public Safety Institute.

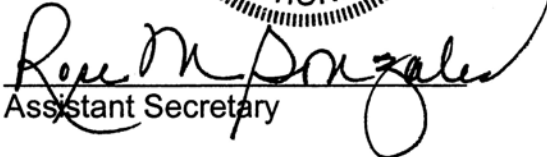
Section 2. The President & CEO is authorized and directed to negotiate, execute and deliver an interagency agreement with the Houston Community College for METRO's participation and contribution of funding for the Public Safety Institute, including access to the Institute's facilities.


Section 3. This resolution is effective immediately upon passage.

PASSED this 22<sup>nd</sup> day of February 2007  
APPROVED 22<sup>nd</sup> day of February 2007

ATTEST:



  
Assistant Secretary

  
\_\_\_\_\_  
David S. Wolff  
Chairman

A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO EXECUTE AND DELIVER A CONTRACT WITH THE BIGAB COMPANY, L.C. FOR INSPECTION AND REHABILITATION OF TRAFFIC CONTROL DEVICES ON METRO'S HIGH OCCUPANCY VEHICLE LANES AND OTHER TRANSIT FACILITIES; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO requires inspection, rehabilitation and upgrade to traffic control devices, gates, vehicle impact attenuators and other components along METRO's High Occupancy Vehicle lanes; and

WHEREAS, METRO solicited competitive bids for the work; and

WHEREAS, The Bigab Company, L.C. submitted the only bid, and its bid was determined fair and responsible;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

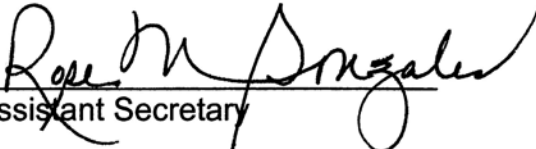
Section 1. The President & CEO is hereby authorized and directed to execute and deliver a contract with the Bigab Company, L.C. for inspection, rehabilitation and upgrade of various traffic control components for METRO's High Occupancy Vehicle lanes, at a cost not to exceed \$1,899,660.60.

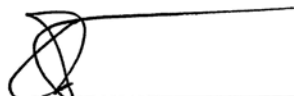
Section 2. This resolution is effective immediately upon passage.

PASSED this 22<sup>nd</sup> day of February 2007  
APPROVED 22<sup>nd</sup> day of February 2007

ATTEST:



  
Assistant Secretary

  
David S. Wolff  
Chairman

A RESOLUTION

APPROVING BROKER/DEALERS FOR METRO'S FINANCIAL TRANSACTIONS; AND  
MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO has adopted an investment policy for the current fiscal year;  
and

WHEREAS, the Investment Policy requires periodic review of those brokers/dealers  
eligible to conduct financial transactions with METRO and provides for the replacement or  
designation of other broker/dealers; and

WHEREAS, the qualifications of interested broker/dealers have been carefully  
evaluated;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE  
METROPOLITAN TRANSIT AUTHORITY THAT:

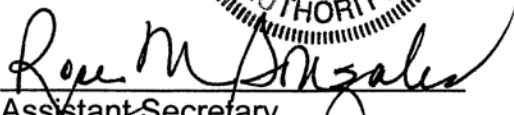
Section 1. The Board of Directors hereby approves those broker/dealers, identified  
in Attachment A, as eligible to conduct financial transactions with METRO.


Section 2. This resolution is effective immediately upon passage.

PASSED this 22<sup>nd</sup> day of February 2007  
APPROVED 22<sup>nd</sup> day of February 2007

ATTEST:



  
Assistant Secretary

  
David S. Wolff  
Chairman



## ATTACHMENT A

### Approved Broker/Dealers

Apex Pryor Securities  
Citigroup Global Securities  
Coastal Securities  
Deutsche Bank Securities  
Intercontinental Asset Management Group  
JPMorgan Securities, Inc.  
Loop Capital Markets  
Merrill Lynch  
Morgan Keegan  
Morgan Stanley  
Piper Jaffray  
Ramirez and Co.  
Raymond James Financial  
RBC Dain Rauscher  
Robert Van Securities  
SBK Brooks Investments  
Siebert Brandford Shank & Co.  
Tejas Securities Group  
UBS Financial Services  
Vining Sparks  
Walton Johnson  
Williams Capital Group

A RESOLUTION

APPROVING A LIST OF FUND ACCOUNTS FOR INVESTMENT IN MONEY MARKET MUTUAL FUNDS AND LOCAL GOVERNMENT INVESTMENT POOLS; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO's Investment Policy encourages the investment of funds in money market mutual funds and local government investment pools as a means to diversify liquid assets; and

WHEREAS, staff has analyzed the yields of various investment instruments; and

WHEREAS, the Board of Directors has reviewed staff's analysis, and it is appropriate that the Board designate those accounts for investment of funds;


NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The Board of Directors hereby approves the mutual fund accounts and the investment pool, identified in Attachment A, for investment of funds.


Section 2. This resolution is effective immediately upon passage.

ATTEST:



  
Assistant Secretary

PASSED this 22<sup>nd</sup> day of February 2007  
APPROVED 22<sup>nd</sup> day of February 2007

  
\_\_\_\_\_  
David S. Wolff  
Chairman

## ATTACHMENT A

### Investment Pools:

TexStar

LOGIC

TexPool

### Money Market Mutual Funds:

Williams Capital Liquid Assets Fund

Goldman Sachs Financial Square Government Fund Select

JP Morgan / Fleming Government Money Market Fund

SEI Investments Government Fund

Columbia Management Government Reserves

AIM STIT Government and Agency Portfolio

JP Morgan U.S. Government Money Market Fund (Overnight Sweep Fund)

A RESOLUTION

DESIGNATING PERSONS AUTHORIZED TO ENGAGE IN BANKING TRANSACTIONS ON BEHALF OF METRO; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, Article IV of METRO's By-laws provides for the Board's designation, by resolution, of those persons authorized to engage in banking transactions on METRO's behalf; and

WHEREAS, the responsibilities of the Chief Financial Officer includes banking transactions such as the withdrawal, transfer and investment of funds; and

WHEREAS, Francis Britton recently retired as METRO's Chief Financial Officer and Louise Richman has assumed his position and duties; and

WHEREAS, these recent personnel changes make it necessary that the Board designate those persons authorized to engage in banking transactions;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The Board of Directors hereby approves the list of persons authorized to engage in banking transactions on behalf of METRO, as set forth in Attachment A.

Section 2. The Board of Directors hereby authorizes the withdrawal, transfer and investment of funds upon the signature of the persons identified herein.

Section 3. The Secretary or any Assistant Secretary is hereby authorized and directed to certify this Resolution to the Banks or any one of them.

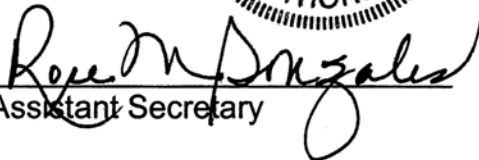
Section 4. The Banks or any one of them shall be promptly notified in writing by the Secretary or any Assistant Secretary of any change in this Resolution and until the

Banks or any one of them have actually received such notice in writing, the Banks or any one of them are authorized to act in pursuance of this Resolution.


Section 5. This resolution is effective immediately upon passage.

ATTEST:



  
Assistant Secretary

PASSED this 22<sup>nd</sup> day of February 2007  
APPROVED 22<sup>nd</sup> day of February 2007

  
\_\_\_\_\_  
David S. Wolff  
Chairman

A RESOLUTION

DESIGNATING PERSONS AUTHORIZED TO SERVE AS INVESTMENT OFFICERS; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, The Texas Public Funds Investment Act and Article IV of METRO's By-laws provides for the designation, by resolution, of those persons authorized to engage in investment transactions on METRO's behalf; and

WHEREAS, Investment Officers generally manage METRO's portfolios through the purchase, sale and investment of funds; and

WHEREAS, recent personnel changes make it necessary that METRO revise its list of persons authorized to serve as Investment Officers;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The Board of Directors hereby approves the revised list of persons authorized to engage in investment transactions on behalf of METRO, as set forth in Attachment A.

Section 2. The Secretary or any Assistant Secretary is hereby authorized and directed to certify this Resolution to the appropriate financial institutions.

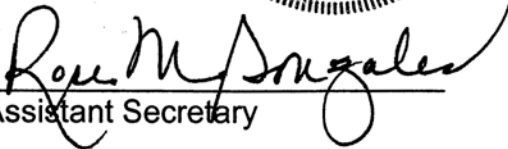
Section 3. The financial institutions or any one of them shall be promptly notified in writing by the Secretary or any Assistant Secretary of any change in this Resolution and until the financial institutions or any one of them have actually received such notice in writing, the financial institutions or any one of them are authorized to act in pursuance of this Resolution.


Section 4. This resolution is effective immediately upon passage.

PASSED this 22<sup>nd</sup> day of February 2007  
APPROVED 22<sup>nd</sup> day of February 2007

ATTEST:



  
Assistant Secretary

  
David S. Wolff  
Chairman

A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO NEGOTIATE, EXECUTE AND DELIVER A CONTRACT WITH ATSER, LP FOR STRATEGIC QUALITY ASSURANCE OVERSIGHT SERVICES; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO requires Strategic Quality Assurance Oversight Services to provide staff support for the review and evaluation of the METRO Solutions, Phase 2 project deliverables to ensure compliance with all quality requirements; and

WHEREAS, the firm of ATSER, LP has been determined most qualified to provide the necessary services;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

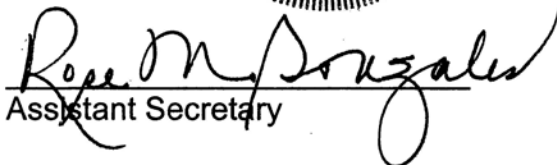
Section 1. The President & CEO is hereby authorized and directed to negotiate, execute and deliver a contract with ATSER, LP for Strategic Quality Assurance Oversight Services, for an amount not to exceed \$1,250,000.00


Section 2. This resolution is effective immediately upon passage.

PASSED this 22<sup>nd</sup> day of February 2007  
APPROVED 22<sup>nd</sup> day of February 2007

ATTEST:



  
Assistant Secretary

  
David S. Wolff  
Chairman



A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO NEGOTIATE, EXECUTE AND DELIVER A CONTRACT WITH 2 PLUS OF TEXAS FOR OPERATION AND MANAGEMENT OF A VANPOOL PROGRAM; AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO NEGOTIATE, EXECUTE AND DELIVER A MODIFICATION TO THE CONTRACT WITH PARSONS, BRINCKERHOFF, QUADE & DOUGLAS, INC. TO EXTEND THE PERIOD OF PERFORMANCE FOR OPERATION OF THE CURRENT VANPOOL PROGRAM PENDING TRANSITION OF SERVICES; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO and the Houston-Galveston Area Council (hereinafter "H-GAC") recently consolidated their respective vanpool projects into a single program now administered by METRO; and

WHEREAS, by way of Board Resolution 2006-39, METRO entered into contract with Parsons Brinckerhoff, Quade & Douglas for continuation of services provided by the H-GAC program pending a comprehensive evaluation of the entire van pool program and options for the operation of services; and

WHEREAS, METRO solicited proposals for management and operation of a consolidated regional vanpool program; and

WHEREAS, the firm of 2 Plus of Texas, Inc. is most qualified to perform the work; and

WHEREAS, it is necessary to extend the term of the current contract with Parsons Brinckerhoff, Quade & Douglas, Inc. for program transition and continuity;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:


Section 1. The President & CEO is hereby authorized and directed to negotiate, execute and deliver a contract with 2 Plus of Texas, Inc. for management and operation of a consolidated regional vanpool program for an amount not to exceed \$16 million.

Section 2. The President & CEO is hereby authorized and directed to negotiate, execute and deliver a modification to the contract with Parsons Brinckerhoff, Quade & Douglas, Inc. for program transition and continuity pending the start of services under a new contractor. The contract modification shall be for an amount not to exceed \$350,000.00.

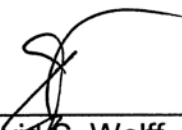
Section 3. This resolution is effective immediately upon passage.



ATTEST:

  
Assistant Secretary

PASSED this 22<sup>nd</sup> day of February 2007  
APPROVED 22<sup>nd</sup> day of February 2007

  
\_\_\_\_\_  
David S. Wolff  
Chairman

A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO NEGOTIATE, EXECUTE AND DELIVER A CONTRACT WITH CARTER & BURGESS INC. FOR ENGINEERING SERVICES FOR THE HIGH OCCUPANCEY TOLL LANE PROJECT; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO is reviewing the conversion of high occupancy vehicle lanes to high occupancy toll lanes, or HOT lanes; and

WHEREAS, METRO solicited Letters of Interest and Qualification Statements from interested firms for engineering services and staff support for the High Occupancy Toll Lane Project ; and

WHEREAS, the firm of Carter & Burgess, Inc. has been determined most qualified to provide the necessary services;

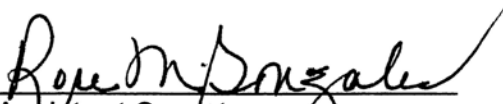
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

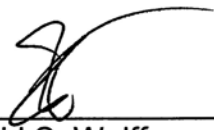
Section 1. The President & CEO is hereby authorized and directed to negotiate, execute and deliver a contract with Carter & Burgess, Inc. for engineering services and staff support for the High Occupancy Toll Lane Project, for an amount not to exceed \$3 million.

Section 2. This resolution is effective immediately upon passage.

PASSED this 22<sup>nd</sup> day of February 2007  
APPROVED 22<sup>nd</sup> day of February 2007

ATTEST:

  
Assistant Secretary

  
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David S. Wolff  
Chairman

A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO EXECUTE AND DELIVER A CONTRACT WITH THERMO KING OF HOUSTON FOR AIR CONDITIONING COMPRESSORS; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO requires Thermo King air conditioning compressors for its New Flyer low-floor buses; and

WHEREAS, METRO solicited bids for the products; and

WHEREAS, the firm of Thermo King of Houston submitted the lowest responsive and responsible bid;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

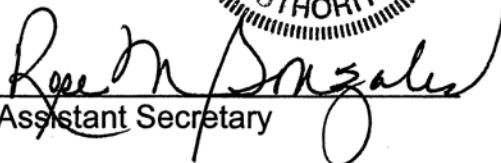
Section 1. The President & CEO is hereby authorized and directed to execute and deliver a contract with Thermo King of Houston for the purchase of air conditioning compressors, for an amount not to exceed \$755,015.00.


Section 2. This resolution is effective immediately upon passage.

PASSED this 22<sup>nd</sup> day of February 2007  
APPROVED 22<sup>nd</sup> day of February 2007

ATTEST:



  
Assistant Secretary

  
David S. Wolff  
Chairman

A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO NEGOTIATE, EXECUTE AND DELIVER AN INTERLOCAL AGREEMENT WITH THE CITY OF HOUSTON FOR PARTICIPATION IN AN URBAN CORRIDOR PLANNING STUDY; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, the Urban Corridor Planning Initiative is multi-phased project sponsored by the City of Houston to establish a framework for neighborhood planning and urban development; and

WHEREAS, a comprehensive study will be conducted to assess priorities and develop a framework for the planning and implementation of a variety of measures to improve the quality of area neighborhoods (hereinafter referred to as "the Study"); and

WHEREAS, the Study will include the integration of transit as a component of neighborhood development; and

WHEREAS, the City of Houston has requested that METRO participate in the Study; and

WHEREAS, it is appropriate that METRO participate in the Study and contribute funding towards its cost;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

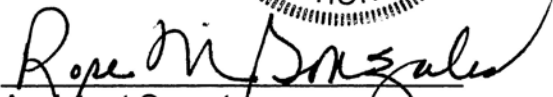
Section 1. The President & CEO is hereby authorized and directed to negotiate, execute and deliver an interlocal agreement with the City of Houston for METRO's participation in an Urban Corridor Study, and contribute funding towards the cost of the Study in an amount not to exceed \$425,000.00

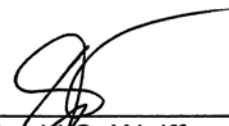
Section 2. This resolution is effective immediately upon passage.



PASSED this 22<sup>nd</sup> day of February 2007  
APPROVED 22<sup>nd</sup> day of February 2007

ATTEST:

  
Assistant Secretary

  
\_\_\_\_\_  
David S. Wolff  
Chairman

A RESOLUTION

DESIGNATING THE TRANSPORTATION JUROR PROGRAM AS APPROPRIATE FOR GENERAL MOBILITY FUNDING; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO's Transportation Juror Program permits those persons called to serve as jurors before the area's federal, county and municipal courts to ride METRO's fixed route system at no charge; and

WHEREAS, METRO's Transportation Juror Program has enjoyed considerable support from the community, from the court system, and from METRO's constituent entities; and

WHEREAS, METRO's General Mobility program provides funding for projects that enhance the general mobility, promote congestion mitigation and enjoy area-wide benefits; and

WHEREAS, the Transportation Juror Program relieves traffic congestion in the central business district where most courts are located, attracts new transit users from every segment of the METRO service area, and provides broad-based positive results; and

WHEREAS, the Transportation Juror Program is eligible for General Mobility funding;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The Board of Directors hereby designates METRO's Transportation Juror Program as eligible for General Mobility funding.




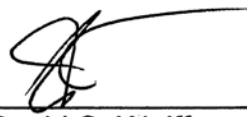
Section 2. This resolution is effective immediately upon passage.

PASSED this 22<sup>nd</sup> day of February 2007  
APPROVED 22<sup>nd</sup> day of February 2007

ATTEST:



  
Assistant Secretary

  
\_\_\_\_\_  
David S. Wolff  
Chairman

A RESOLUTION

DECLARING THE PUBLIC NECESSITY FOR METRO TO ACQUIRE CERTAIN SPECIFIED PARCELS OF REAL ESTATE; AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO INITIATE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE THE SUBJECT PROPERTY IF NECESSARY; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO is proceeding with the development of an Intermodal Terminal just north of the Central Business District; and

WHEREAS, METRO has identified a certain 9.79 acre parcel of property adjacent to Burnett Street as necessary for transit system components and transit purposes, including but not limited to, the Intermodal Terminal; and

WHEREAS, the Board previously authorized acquisition of the property; and

WHEREAS, METRO has endeavored to negotiate, and is continuing to negotiate, with the property owner for the purchase of the property described herein; and

WHEREAS, METRO has been unable, to date, to successfully negotiate the purchase of the property described herein and it appears that it may be necessary to exercise the power of eminent domain to acquire the property described herein; and

WHEREAS, a public hearing has been held for the purpose of hearing testimony and receiving evidence on the public necessity for METRO to acquire the property described herein; and

WHEREAS, the Board of Directors has reviewed the record of the public hearing and is of the opinion that there is public necessity to acquire the property described herein; and


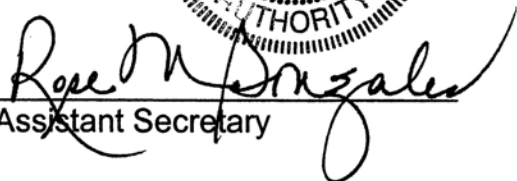
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The Board of Directors hereby finds and declares the public necessity for METRO to acquire the parcel of real estate identified in Attachment A, for transit system components and transit purposes, including but not limited to the Intermodal Terminal.

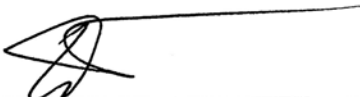
Section 2. The President & CEO, along with legal counsel, is hereby authorized and directed to acquire the parcel of real estate identified in Attachment A by the exercise of the power of eminent domain if negotiated purchase of the property is unsuccessful.

Section 3. This resolution is effective immediately upon passage.

ATTEST:

  
  
Assistant Secretary

PASSED this 22<sup>nd</sup> day of February 2007  
APPROVED 22<sup>nd</sup> day of February 2007

  
\_\_\_\_\_  
David S. Wolff  
Chairman

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO NEGOTIATE, EXECUTE, AND DELIVER AGREEMENTS FOR THE ACQUISITION OF PROPERTY AND INTERESTS IN PROPERTY FOR TRANSIT PURPOSES, INCLUDING, BUT NOT LIMITED TO, THE DEVELOPMENT OF GUIDED RAPID TRANSIT IN THE EAST END, NORTH, SOUTHEAST AND UPTOWN CORRIDORS; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, the Board of Directors has previously stated its intent to pursue the METRO Solutions Transit System Plan (the "Plan"), which, among other things, contemplates the construction of guided capacity transit facilities to serve various communities and neighborhoods in METRO's service area; and

WHEREAS, pursuant to the Plan, METRO staff and consultants have proceeded with planning for the construction and installation of guided rapid transit facilities to serve certain transportation corridors; and

WHEREAS, the Board of Directors has selected preferred alignments for the East End, North, Southeast and Uptown Corridors; and

WHEREAS, in connection with the construction and installation of the guided rapid transit in the transportation corridors, it will be necessary to acquire certain property or interests in property along the proposed alignments; and

WHEREAS, the Board of Directors recognizes that, for some parcels, final determinations have not yet been made of the specific square footage needed for the construction of certain guided rapid transit facilities; and

WHEREAS, the Board of Directors believes it is appropriate to proceed with negotiations for and the acquisition of such "whole takes" of parcels and pieces of parcels that have been fully identified and for which final determinations have been made of the specific square footage necessary for the construction of guided rapid transit facilities;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized to negotiate, execute, and deliver agreements and other documents for the acquisition of property and interests in property for all direct and non-direct transit uses and facilities, including, but not limited to, the development of guided rapid transit in the East End, North, Southeast and Uptown Corridors, along the respective proposed alignments, for a total amount not to exceed budgetary allocations; provided, however, that no such property or interest in property shall be acquired for more than \$20,000 unless the property has been appraised by two appraisers working independently of each other; and, provided further, that the President & CEO shall acquire such "whole takes" of parcels and pieces of parcels for which final determinations have been made of the exact square footage necessary for the Plan, under any construction scenario.

Section 2. The Board hereby delegates to the President & CEO the following duties and responsibilities with respect to the supervision and oversight of the necessary property:

- A. In consultation with the Authority's personnel, consultants, and contractors, to determine the final location within the proposed alignments for the facilities to be constructed and installed;
- B. In consultation with the Authority's personnel, consultants, and legal counsel, to determine the property or interests in property to be acquired, the just compensation due for such acquisitions, and the terms for such acquisitions, including as the President & CEO may determine to be necessary and appropriate whether to acquire fee simple interests, permanent or temporary easements, or other property interests;
- C. To delegate to such entities or individuals as the President & CEO may deem to be appropriate the authority to negotiate with the respective owners of the properties and interests in property to be acquired;
- D. To undertake such administrative actions as are reasonable and necessary, and to make administrative adjustments as required for the acquisition of the property and interests in property to be acquired; and

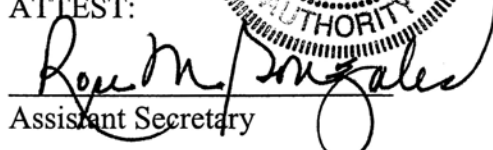
- E. To do and perform all such other acts and things and to enter into, execute, and deliver all such certificates, agreements, applications, affidavits, acknowledgments, instruments, contracts, statements, and other documents that, in the judgment of the President & CEO, are necessary or appropriate to effectuate and carry out the purposes and intent of the foregoing resolutions.

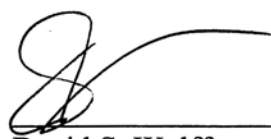
Section 3. The President & CEO shall provide the Board with monthly updates regarding the status of property acquisitions for the East End, North, Southeast and Uptown Corridors.

Section 4. This resolution is effective immediately upon passage.

PASSED this 22<sup>nd</sup> day of February, 2007  
APPROVED this 22<sup>nd</sup> day of February, 2007

ATTEST:

  
Assistant Secretary

  
David S. Wolff  
Chairman