

## ACTION FORM BRYAN CITY COUNCIL

<b>DATE OF COUNCIL MEETING:</b> June 25, 2013		<b>DATE SUBMITTED:</b> June 12, 2013	
<b>DEPARTMENT OF ORIGIN:</b> Executive Services		<b>SUBMITTED BY:</b> Frank Clark	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>	<b>STRATEGIC INITIATIVE:</b>
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input checked="" type="checkbox"/> INFRASTRUCTURE
			<input type="checkbox"/> QUALITY OF LIFE
<b>AGENDA ITEM DESCRIPTION:</b> Consider authorizing Mayor or Mayor Pro Tem to execute a purchase and sale agreement and a deed for an approximately 23 acre tract out of the City of Bryan/BTU tract to Axis Pipe and Tube, Inc. ("Axis").			
<b>SUMMARY STATEMENT:</b> The sale of the approximately 23 acre tract will allow Axis to construct a new pipe and tubular products manufacturing facility north of the City of Bryan within Texas Triangle Park. This approximately 23 acre parcel is being combined with an approximately 159 acre parcel that Axis is purchasing from the City of Bryan/Brazos County Economic Development Foundation, Inc. (BBCEDF) for a new manufacturing facility. The total acreage of the Axis site, including this approximately 23 additional acres, will be approximately 182 acres. (Note: The BBCEDF Board approved the purchase sale agreement on April 26, 2013.) Axis must employ at least 285 workers with an annual gross salary of \$10,545,000 and must achieve a minimum investment valuation of \$120,000,000 beginning in 2016. The sale of approximately 23 additional acres provides frontage along Louis Mikulin Road, which is required by Axis for this development. The Purchase and Sale Agreement lists the acreage at 26.041, however the precise amount of acreage will be determined by the final survey presented at closing.			
<b>STAFF ANALYSIS AND RECOMMENDATION</b> Staff recommends approval of this sale. By approving this contract and deed, Axis will be able to construct the manufacturing facility as planned. The project will aid in attracting similar development to this area, thus helping achieve the goal of adding new economic development in the City of Bryan/ Brazos County. In addition, the selling of land and new construction will bring property values up within and around Texas Triangle Park. <b>A. PROS:</b> Approval of this sale allows the City to benefit economically from the creation of at least 285 jobs, and a minimum \$120,000,000 investment. This agreement also allows the project to move forward with current and future economic development activities. <b>B. CONS:</b> The City of Bryan will no longer own the 23 acre parcel.			
<b>OPTIONS (In Suggested Order of Staff Preference):</b>			
<ol style="list-style-type: none"> <li>1. Approve purchase and sale agreement and deed.</li> <li>2. Modify purchase and sale agreement and/or deed, which may require consideration at a future City Council meeting</li> <li>3. Do not approve purchase and sale agreement and provide direction to staff</li> </ol>			
<b>ATTACHMENTS:</b>			
<ol style="list-style-type: none"> <li>1. Aerial view and boundary description</li> <li>2. Purchase and sale agreement is available for viewing in the City Secretary's Office.</li> </ol>			
<b>FUNDING SOURCE:</b> The proceeds of the sale of this property will go directly into the City of Bryan – BTU's			

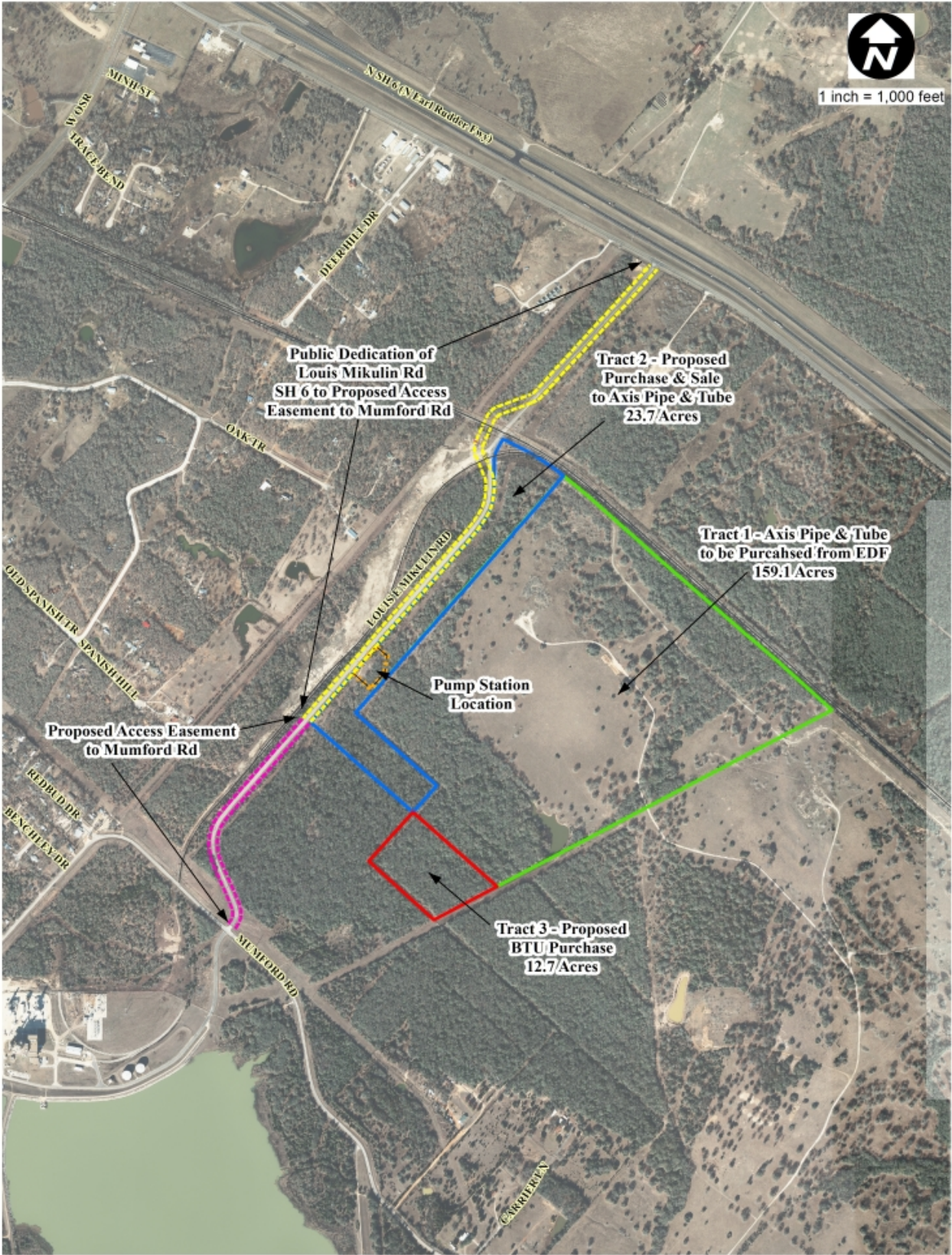
Operating Fund.

**APPROVALS:** Joey Dunn, 6-17-13; Hugh R. Walker, 06/17/2013

**APPROVED FOR SUBMITTAL: CITY MANAGER** Kean Register 06/20/2013

**APPROVED FOR SUBMITTAL: CITY ATTORNEY** Janis Hampton, 6/17/13

Revised 04/2013



1 inch = 1,000 feet

Public Dedication of  
Louis Mikulin Rd  
SH 6 to Proposed Access  
Easement to Mumford Rd

Tract 2 - Proposed  
Purchase & Sale  
to Axis Pipe & Tube  
23.7 Acres

Tract 1 - Axis Pipe & Tube  
to be Purchased from EDF  
159.1 Acres

Pump Station  
Location

Proposed Access Easement  
to Mumford Rd

Tract 3 - Proposed  
BTU Purchase  
12.7 Acres

**TRACT 2**  
**(City of Bryan Lands)**  
**23.684 Acres**

Being 23.684 acres, more or less, out of and a part of the following tracts lying and being situated in the L. McLaughlin Survey, Abstract No. 38, Brazos County, Texas:

- 1.) 100.805 acres as described in deed executed by Clara M. Konecny, et al to The City of Bryan, recorded in Volume 296, Page 216, Deed Records of Brazos County, Texas.
- 2.) 29.726 acres as described in deed executed by Esther Jane Grant McDougal to The City of Bryan, recorded in Volume 307, Page 200, Deed Records of Brazos County, Texas.
- 3.) 29.726 acres as described in deed executed by Pauline Bruce Grant to The City of Bryan, recorded in Volume 307, Page 204, Deed Records of Brazos County, Texas.

AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A FOUND 1/2" IRON ROD WITH CAP #2003 MARKING THE MOST EASTERLY CORNER OF THE SAID (3.) 29.726 ACRE TRACT RECORDED IN VOLUME 307, PAGE 204 O.R.B.C.T.;

**THENCE:** SOUTH 41 DEGREES 08 MINUTES 17 SECONDS WEST, WITH A SOUTHEAST LINE OF THE SAID (3.) 29.726 ACRE TRACT, A DISTANCE OF 2696.93 FEET TO A FOUND 1/2" IRON ROD FOR CORNER BEING THE SOUTHERLY CORNER OF THE SAID (2.) 29.726 ACRE TRACT RECORDED IN VOLUME 307, PAGE 200 O.R.B.C.T.;

**THENCE:** SOUTH 48 DEGREES 23 MINUTES 43 SECONDS EAST, WITH A NORTHEAST LINE OF THE SAID (1.) 100.805 ACRE TRACT, A DISTANCE OF 924.93 FEET TO A FOUND 1/2" IRON ROD FOR CORNER;

**THENCE:** SOUTH 41 DEGREES 48 MINUTES 08 SECONDS WEST, WITH A SOUTHEAST LINE OF THE SAID (1.) 100.805 ACRE TRACT, A DISTANCE OF 204.12 FEET TO A SET 1/2" IRON ROD WITH CAP FOR CORNER;

**THENCE:** NORTH 48 DEGREES 23 MINUTES 43 SECONDS WEST, A DISTANCE OF 1191.57 FEET TO A SET 1/2" IRON ROD WITH CAP FOR CORNER;

**THENCE:** NORTH 41 DEGREES 08 MINUTES 17 SECONDS EAST, A DISTANCE OF 401.79 FEET TO A SET 1/2" IRON ROD WITH CAP CORNER;

**THENCE:** SOUTH 48 DEGREES 51 MINUTES 43 SECONDS EAST, A DISTANCE OF 200.00 FEET TO A SET 1/2" IRON ROD WITH CAP FOR CORNER;

**THENCE:** NORTH 41 DEGREES 08 MINUTES 17 SECONDS EAST, A DISTANCE OF 177.57 FEET TO A SET 1/2" IRON ROD WITH CAP FOR CORNER;

**THENCE:** NORTH 07 DEGREES 21 MINUTES 46 SECONDS EAST, A DISTANCE OF 147.29 FEET TO A SET 1/2" IRON ROD WITH CAP FOR CORNER;

**THENCE:** NORTH 48 DEGREES 51 MINUTES 43 SECONDS WEST, A DISTANCE OF 118.12 FEET TO A SET 1/2" IRON ROD WITH CAP FOR CORNER;

**THENCE:** NORTH 41 DEGREES 08 MINUTES 17 SECONDS EAST, A DISTANCE OF 1397.45 FEET TO A SET 1/2" IRON ROD WITH CAP FOR THE BEGINNING OF A CURVE TO THE LEFT;

**THENCE:** AROUND SAID CURVE TO THE LEFT TO A SET 1/2" IRON ROD WITH CAP ON SAID CURVE HAVING A RADIUS OF 470.87 FEET, ARC DISTANCE OF 336.78 FEET, CHORD DISTANCE OF 329.64 FEET AND CHORD BEARING OF NORTH 20 DEGREES 38 MINUTES 54 SECONDS EAST TO THE END OF CURVE;

**THENCE:** NORTH 00 DEGREES 09 MINUTES 31 SECONDS EAST, A DISTANCE OF 182.74 FEET TO A SET 1/2" IRON ROD WITH CAP FOR THE BEGINNING OF A CURVE TO THE RIGHT;

**THENCE:** AROUND SAID CURVE TO THE RIGHT TO A SET 1/2" IRON ROD WITH CAP ON SAID CURVE HAVING A RADIUS OF 430.04 FEET, ARC DISTANCE OF 263.14 FEET, CHORD DISTANCE OF 259.05 FEET AND CHORD BEARING OF NORTH 17 DEGREES 41 MINUTES 17 SECONDS EAST TO A CORNER IN THE SOUTHWEST LINE OF THE UNION PACIFIC RAILROAD 100' RIGHT OF WAY;

**THENCE:** SOUTH 65 DEGREES 41 MINUTES 36 SECONDS EAST, A DISTANCE OF 10.62 FEET TO A POINT FOR THE BEGINNING OF A CURVE TO THE RIGHT;

**THENCE:** AROUND SAID CURVE TO THE RIGHT TO A FOUND 1/2" IRON ROD WITH CAP #2003 ON SAID CURVE HAVING A RADIUS OF 2814.93 FEET, ARC DISTANCE OF 608.78 FEET, CHORD DISTANCE OF 607.59 FEET AND CHORD BEARING OF SOUTH 59 DEGREES 29 MINUTES 52 SECONDS EAST TO THE **PLACE OF BEGINNING** AND CONTAINING 1,031,693 SQUARE FEET OR 23.684 ACRES OF LAND.

Paul A. Coyne  
Registered Professional Land Surveyor  
Texas Registration No. 6374



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