

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: June 25, 2013		DATE SUBMITTED: June 12, 2013	
DEPARTMENT OF ORIGIN: Executive Services		SUBMITTED BY: Frank Clark	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<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
<p>AGENDA ITEM DESCRIPTION: Consider adopting a resolution authorizing the dedication to the public of the northern portion of a City of Bryan owned private drive, a/k/a Louis Mikulin Road, and further approving and authorizing the Mayor or the Mayor Pro Tem, to execute an interlocal agreement regarding the maintenance and future annexation of the road. Under the terms of the interlocal agreement between the City and Brazos County, the County will maintain the road for ten (10) years at which time the City will then annex the property.</p>			
<p>SUMMARY STATEMENT: Louis Mikulin Road is currently a private drive owned by the City (specifically for Bryan Texas Utilities) and the portion to be dedicated runs from the southwest corner of the Axis Pipe and Tube, Inc. ("Axis") property to the State Highway 6 Frontage Road. The resolution dedicating Louis Mikulin Road to the public satisfies the "permanent public access" requirements of the lending institution that is providing partial financing of the Axis purchase of the Tract 1 and Tract 2 parcels that are shown on the attached survey. Without this public dedication, the Axis property is "land locked" and the sale will not go through.</p> <p>Additionally, Union Pacific controls the rail crossing for this private drive, and to construct the required new crossing, Union Pacific requires an agreement with the governmental entity that will be responsible for construction and maintenance of the road, and specifically the crossing. Pursuant to the interlocal agreement, the County will be responsible for the maintenance of the road for the first ten (10) years. After expiration of the Non-annexation Agreement the City will enter into with Axis, the City will annex the Axis property as well as Louis Mikulin Road and take over responsibility for future maintenance.</p>			
<p>STAFF ANALYSIS AND RECOMMENDATION: Staff recommends approving the resolution dedicating the right-of-way to the public and approving the interlocal agreement with the County regarding maintenance and future annexation. By approving this dedication and the agreement, the County will be able to construct the road and the railroad crossing as planned and Axis will have the public access required by their lender. Adding the Axis facility to the Texas Triangle Park achieves the goal of adding new development but goes even further by helping attract similar development to this area. In addition, because Louis Mikulin Road is becoming public and is going to be significantly improved, the value of the surrounding land owned by the City is going to increase.</p> <p>A. PROS: Axis will purchase the approximately 182 acres in the Texas Triangle Park and construct/operate a tubing manufacturing facility where the City will benefit economically from the creation of at least 285 jobs.</p> <p>B. CONS: The City of Bryan will not own this portion of their private drive.</p>			
<p>OPTIONS (In Suggested Order of Staff Preference):</p> <ol style="list-style-type: none"> 1. Approve the resolution and public dedication of Louis Mikulin Road 2. Do not approve the resolution and dedication and provide direction to staff 			
<p>ATTACHMENTS:</p>			

1. Aerial view showing Mikulin Road
2. Resolution
3. Interlocal agreement available for viewing in City Secretary's office.

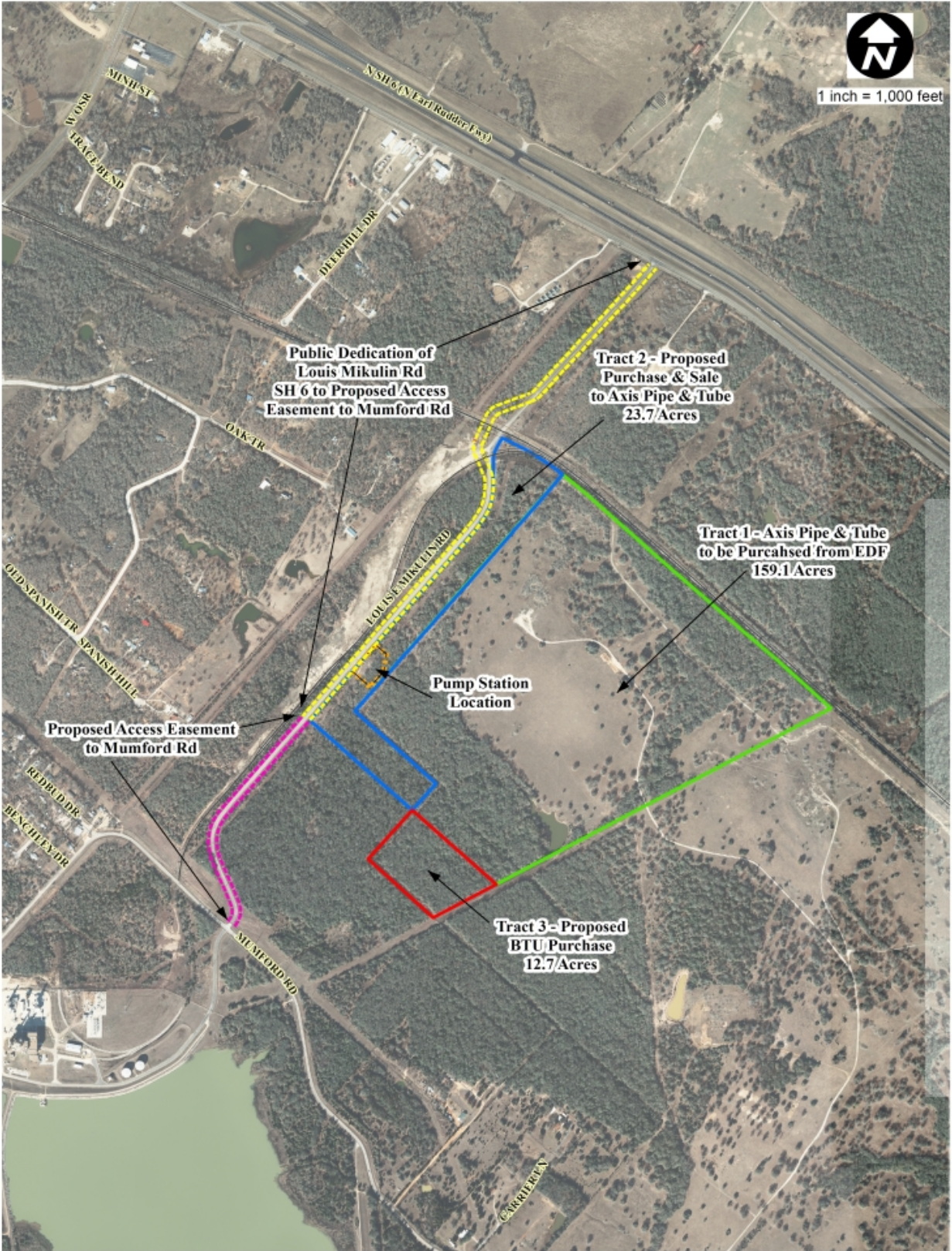
FUNDING SOURCE: N/A

APPROVALS: Joey Dunn, 6-17-13; Hugh R. Walker, 06/18/2013

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

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

Revised 04/2013



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT WITH BRAZOS COUNTY AND DEDICATION OF LOUIS MIKULIN ROAD TO THE PUBLIC FOR THE BENEFIT OF THE TEXAS TRIANGLE PARK; PROVIDING EFFECTIVE DATE AND COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT.

WHEREAS, the City of Bryan, Texas (“City”) is a home rule municipality which is duly incorporated and chartered under the constitution and laws of Texas; and

WHEREAS, the City has been coordinating with Brazos County and with the City of Bryan Brazos County Economic Development Foundation, Inc. (“Foundation”) in the development of an industrial park in the City’s extraterritorial jurisdiction, namely the Texas Triangle Park (“Park”); and

WHEREAS, Axis Pipe and Tube, Inc. is purchasing approximately 182 acres in or near the Park and requires access to public right of way that will lead to Texas State Highway 6 as a condition of closing; and

WHEREAS, as a condition for granting a railroad crossing, Union Pacific requires an agreement with the entity responsible for construction and maintenance of the road, and the County is willing to temporarily accept responsibility for maintenance of the portion of Louis Mikulin Road being dedicated to the public; and

WHEREAS, the City Council determines that it is in the best interests of the citizens of the City to dedicate a portion of the private driveway known as Louis Mikulin Road for the use and benefit of the public; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

1.

The recitals are incorporated into the text of this resolution as if fully set forth herein for all purposes.

2.

The City Council hereby dedicates a portion of Louis Mikulin Road, more particularly described by metes and bounds in Exhibit A, for the use and benefit of the general public. The City Council authorizes the Mayor to execute a letter to the County requesting that the County accept the road as a County road. The City Council further authorizes the Mayor to execute an interlocal agreement with the County regarding the maintenance and future annexation of the road.

3.

This resolution shall be effective immediately upon its passage and adoption, but shall in no way effect the validity of prior acts or agreements of the City.

4.

This document was passed and approved at a public meeting in compliance with the Texas Open Meetings Act.

APPROVED AND ADOPTED at a regular meeting on this _____ day of _____, 2013.

CITY OF BRYAN

Jason P. Bienski, Mayor

ATTEST

Mary Lynne Stratta, City Secretary

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney