

**RESOLUTION
AUTHORIZING THE BRAZOS COUNTY ATTORNEY TO INSTITUTE LEGAL
PROCEEDINGS AGAINST:**

CIRCLE X LAND & CATTLE CO., LTD., JOANNE AKINS, BRENDA ARMSTRONG, JORDAN BUCKNUM, JERRY BULLIN, JOHN AND ASHLEY BURROWS, STEVE DENSMORE, LUCY GARDENA TIM HARDING, WILLIAM HEHL, RAY H. KAMPS, JIM AND CAROL LAMAR, KEN MENELEE, HEALTH ENRICHMENT AND LONGEVITY INSTITUTE, INC. MIKE NOAK, JEFF AND KAREN ROBINSON, STEVEN STASNEY, CAROL ANN SUTTON, AND KYLE AND JOAN WESTFALL ("PLAINTIFFS")

WITNESSETH:

WHEREAS: The Texas Triangle Park ("Park") comprises two (2) tracts of land, collectively nearly one thousand (1000) acres in Brazos County, Texas. The Park is owned or optioned by the City of Bryan Brazos County Economic Development Foundation ("EDF"). The EDF is a Texas Transportation Commission corporation created by and owned by Brazos County and the City of Bryan. The EDF is an authorized corporation designed to improve economic development; and,

WHEREAS: Axis Pipe and Tube, Inc. ("Axis") purchased 160 acres of land in the Park for the development of a pipe and tube manufacturing plant; and,

WHEREAS: Brazos County entered into a tax abatement agreement with Axis for a ten year period. In exchange for the tax abatement, Axis promised to construct, or cause to be constructed a product production and distribution facility having an initial minimum size of 385,000 sq. ft. Achieve a minimum investment valuation at its Facility of ONE HUNDRED TWENTY MILLION DOLLARS (\$120,000,000.00) by November 1, 2016 and employ a minimum of two hundred eighty-five (285) full time employees (FTEs) with a minimum annual payroll of TEN MILLION FIVE HUNDRED FORTY FIVE THOUSAND DOLLARS (\$10,545,000.00) by November 1, 2016; and,

WHEREAS: Plaintiffs filed a lawsuit against Axis in Robertson County seeking monetary damages and a permanent injunction against Axis; and,

WHEREAS: Plaintiffs seek to permanently enjoin Axis from operating at any time other than between the hours of 8:00 a.m. and 5:00 p.m.; and,

WHEREAS: Brazos County has a justiciable interest in this lawsuit because it has invested substantial resources in acquiring the acreage within the Park and marketing the same to heavy-industry businesses in order to promote economic development in the region; and,

WHEREAS: Brazos County has built infrastructure to service industrial activity within the Park; and,

WHEREAS: Plaintiffs challenge the County's authority to establish heavy commercial zones like the Texas Triangle Park; and,

WHEREAS: The relief sought by the Plaintiffs would render unmarketable the remaining acreage within the Park, rendering useless the existing infrastructure within Texas Triangle Park; and,

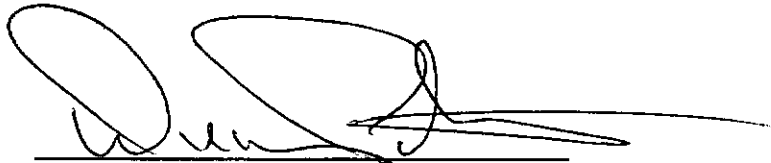
WHEREAS: A judgment in Plaintiffs' favor would create an environment of uncertainty at Texas Triangle Park, cause the property value and marketability of the remaining acreage within Texas Triangle Park to plummet; (2) cost Brazos County the projected tax revenue, new jobs, and other economic benefits they have worked to foster in Texas Triangle Park; (3) undermine the efforts of EDF, the corporation that Intervenor chartered to develop Texas Triangle Park; and (4) make waste of the resources Intervenor have already exhausted developing Texas Triangle Park; and,

WHEREAS: The COUNTY desires to protect the interests of all of its

citizens.

NOW, THEREFORE, for the reasons stated above, the Brazos County Commissioners Court authorizes the Brazos County Attorney to intervene in the lawsuit in order to protect the interests of Brazos County.

DATED this ^{29th}~~28th~~ day of May, 2014 in Bryan, Brazos County, Texas.



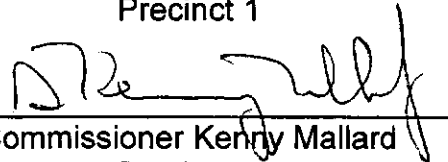
Duane Peters
County Judge



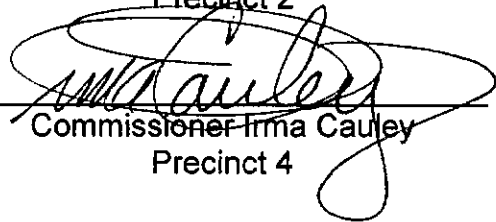
Commissioner Lloyd Wassermann
Precinct 1



Commissioner Sammy Catalena
Precinct 2



Commissioner Kenny Mallard
Precinct 3



Commissioner Irma Cauley
Precinct 4

ATTEST:



Karen McQueen
County Clerk

by:  Supervisor