

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: August 12, 2014		DATE SUBMITTED: July 28, 2014	
DEPARTMENT OF ORIGIN: Economic Dev.		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
AGENDA ITEM DESCRIPTION: Consider authorizing a Resolution to do the following: repeal Resolution Number 3492 (adopted June 25, 2013) that publicly dedicated Louis Mikulin Road; and consider rededication of a redesigned Mikulin Road, retain ownership of the BTU rail spur, and amend the interlocal agreement (ILA) executed on July 9, 2013, between the City of Bryan and Brazos County.			
SUMMARY STATEMENT: The public dedication and road improvements to Mikulin Road were required for Axis Pipe and Tube, Inc. (Axis) to purchase property in the Texas Tringle Park. Resolution Number 3492 authorized the public dedication of Mikulin Road and allowed for execution of the interlocal agreement (ILA) between the City of Bryan (City) and Brazos County (County). Under the terms of the interlocal agreement between the City and the County, the County will accept the road as a county road and maintain the road for ten (10) years at which time the City will then annex the property and take responsibility for the maintenance.			
As a result of civil engineering of Mikulin Road and Union Pacific Railroad crossing requirements, the alignment of the road will need to be adjusted from the configuration as “dedicated to the public,” requiring repealing of the public dedication and an amendment to the July 9, 2013, ILA with new “metes and bounds” descriptions. An additional ILA amendment will include the City retaining ownership of a rail spur that crosses Mikulin Road. The new resolution will authorize the new configuration of Mikulin Road to be dedicated to the public.			
The resolution dedicating Louis Mikulin Road to the public satisfies the “permanent public access” requirements of the lending institution that provided partial financing of the Axis purchase of land in the Texas Triangle Park. Without this public dedication, the Axis property is “land locked”.			
STAFF ANALYSIS AND RECOMMENDATION: Staff recommends approving the new resolution. Once Mikulin Road is rededicated in the configuration as required by the redesign and the ILA is amended, the construction of Mikulin Road as a heavy haul road can begin. Axis is planning to be open the last quarter of 2014 and has requested the road improvements be made as soon as possible.			
OPTIONS (In Suggested Order of Staff Preference):			
<ol style="list-style-type: none"> 1. Approve the repeal of Resolution 3492 and amendments to the July 9, 2013 ILA. 2. Do not approve the resolution and provide direction to staff. 			
ATTACHMENTS: (#1 and #2 listed below are attached as a single pdf file)			
<ol style="list-style-type: none"> 1. Resolution 3492 adopted June 25, 2013 2. Interlocal agreement dated July 9, 2013 			

3. New Resolution repealing Resolution 3492

4. Amended ILA Agreement

FUNDING SOURCE: N/A

APPROVALS: SJ 7/30/14; Hugh R. Walker, 08/01/2014

APPROVED FOR SUBMITTAL: CITY MANAGER

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 08-04-2014

Revised 05/2013

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, REPEALING RESOLUTION NUMBER 3492; AUTHORIZING 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. has purchased 183 acres in the Park and requires access to public right of way that will lead to Texas State Highway 6; 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 previously determined that it was 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 did so in Resolution Number 3492 on June 25, 2013; and

WHEREAS, due to concerns related to the design of the road from Union Pacific, the County’s traffic engineer, and the engineer designing the road, the City has been asked to repeal and revise the prior dedication to realign the publicly dedicated portion of Mikulin Road; and

WHEREAS, the City Council determines that it is in the best interests of the City, County, Foundation, and the citizens of the City to repeal and replace the description of Mikulin Road as the revised version is safer and more efficient; 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 repeals Resolution Number 3492 to the extent it conflicts with this Resolution.

3.

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, however the City retains the fee

simple interest over that portion of Mikulin Road used for a private rail spur, more particularly described by metes and bounds as Tract 3 as shown in **Exhibit A**, and only conveys an easement to the public for access across the spur. The City, as well as its successors, assigns, or licensees, shall have the right to operate, control, repair, replace, and maintain the private rail spur provided that doing so does not unreasonably restrict the use, construction, and maintenance of Mikulin Road.

4.

The City Council authorizes the Mayor to execute a letter to the County requesting that the County accept the revised Mikulin Road as a County road and authorizes the Mayor to execute a revised interlocal agreement with the County regarding the maintenance and future annexation of the redesigned road.

5.

This Resolution shall be effective immediately upon its passage and adoption.

6.

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

APPROVED AND ADOPTED at a Regular City Council Meeting on this 12th day of August, 2014.

ATTEST

CITY OF BRYAN

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

Exhibit A

FIELD NOTES
TRACT NO. 1
BRAZOS COUNTY
LOUIS MIKULIN ROAD
70' WIDE RIGHT-OF-WAY
3.16 ACRES
OUT OF THE
CITY OF BRYAN
CALLED 20.391 ACRE TRACT
VOLUME 312, PAGE 66
L. McLAUGHLIN LEAGUE, A – 38
BRAZOS COUNTY, TEXAS
JUNE 16, 2014

All that certain lot, tract or parcel of land being 3.16 acres of land more or less situated in the L. McLAUGHLIN LEAGUE, Abstract No. 38, Brazos County, Texas and being a part of that certain Called 20.391 Acre Tract as described in deed from Lucy Harrison to The City of Bryan in Volume 312, Page 66, Deed Records of Brazos County, Texas, said 3.16 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" Iron Rod with Cap set in the southwest right-of-way line of State Highway No. 6 for the most easterly corner, a Rock found for the Occupied Most northeasterly corner of said Called 20.391 acre tract bears N 61 ° 37 ' W a distance of 41.59 feet;
THENCE around a curve in a counterclockwise direction having a delta angle of 76 ° 13 ' 50 " , an arc distance of 33.26 feet, a radius of 25.00 feet, and a chord of S 80 ° 16 ' 05 " W, a distance of 30.86 feet to a 1/2" Iron Rod with Cap set for the point of tangency of said curve;
THENCE S 42 ° 09 ' 10 " W, a distance of 201.24 feet to a 1/2" Iron Rod with Cap set for angle point;
THENCE S 47 ° 51 ' 48 " W, a distance of 100.46 feet to a 1/2" Iron Rod with Cap set for angle point;
THENCE S 42 ° 09 ' 10 " W, a distance of 594.14 feet to a 1/2" Iron Rod with Cap set for the beginning of a curve;
THENCE around a curve in a clockwise direction having a delta angle of 18 ° 50 ' 02 " , an arc distance of 259.68 feet, a radius of 790.00 feet, and a chord of S 51 ° 34 ' 11 " W, a distance of 258.52 feet to a 1/2" Iron Rod with Cap set for the point of tangency of said curve;
THENCE S 60 ° 59 ' 12 " W, a distance of 388.55 feet to a 1/2" Iron Rod with Cap set for the beginning of a curve;
THENCE around a curve in a counterclockwise direction having a delta angle of 44 ° 40 ' 36 " , an arc distance of 354.79 feet, a radius of 455.00 feet, and a chord of S 38 ° 38 ' 53 " W, a distance of 345.87 feet to a 1/2" Iron Rod with Cap set for the point of tangency of said curve;
THENCE S 16 ° 18 ' 35 " W, a distance of 5.93 feet to a 1/2" Iron Rod with Cap set for a point in the southwest line of said Called 20.391 acre tract for the most southeasterly corner, said corner being located in the northeast right-of-way line of the Union Pacific Railroad, an X-Tie found for the Occupied southeast corner of said Called 20.391 acre tract bears S 65 ° 16 ' 47 " E a distance of 226.22 feet;
THENCE N 65 ° 41 ' 36 " W, along the southwest line of said Called 20.391 acre tract and the northeast right-of-way line of said Union Pacific Railroad a distance of 70.67 feet to a 1/2" Iron Rod with Cap set for the southwest corner, a 1/2" Iron Rod found for reference in the northwest line of said Called 20.391 acre tract bears N 65 ° 02 ' 09 " W a distance of 190.04 feet;

THENCE around a curve in a clockwise direction having a delta angle of $44^{\circ} 15' 15''$, an arc distance of 405.50 feet, a radius of 525.00 feet, and a chord of $N 38^{\circ} 51' 44'' E$, a distance of 395.50 feet to a 1/2" Iron Rod with Cap set for the point of tangency of said curve;
THENCE $N 60^{\circ} 59' 12'' E$, a distance of 388.55 feet to a 1/2" Iron Rod with Cap set for the beginning of a curve;
THENCE around a curve in a counterclockwise direction having a delta angle of $18^{\circ} 50' 02''$, an arc distance of 236.67 feet, a radius of 720.00 feet, and a chord of $N 51^{\circ} 34' 11'' E$, a distance of 235.61 feet to a 1/2" Iron Rod with Cap set for the point of tangency of said curve;
THENCE $N 42^{\circ} 09' 10'' E$, a distance of 864.22 feet to a 1/2" Iron Rod with Cap set for the beginning of a curve;
THENCE around a curve in a counterclockwise direction having a delta angle of $90^{\circ} 00' 00''$, an arc distance of 39.27 feet, a radius of 25.00 feet, and a chord of $N 2^{\circ} 50' 50'' W$, a distance of 35.36 feet to a 1/2" Iron Rod with Cap set in the southwest right-of-way line of said State Highway No. 6 for the northwest corner, the calculated northwest corner of said Called 20.391 acre tract bears $N 61^{\circ} 37' W$ a distance of 338.93 feet;
THENCE $S 61^{\circ} 37' 00'' E$, along the southwest right-of-way line of said State Highway No. 6 a distance of 127.72 feet to the PLACE OF BEGINNING AND CONTAINING AN AREA OF 3.16 ACRES OF LAND MORE OR LESS, according to a survey performed during the month of June, 2014, under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4961 and working under FIRM No. 10093500. North Orientation is based on rotating the southeast line of said Called 20.391 acre tract to grid north (CORS96), NAD83, TEXAS STATE PLANE CENTRAL ZONE.



NOTES:
North Orientation is based on rotating the southeast line of Called 20.391 Acre Tract to Grid North (CORS96), NAD83, TEXAS STATE PLANE CENTRAL ZONE.

All improvements and easements may not be shown on this plat.

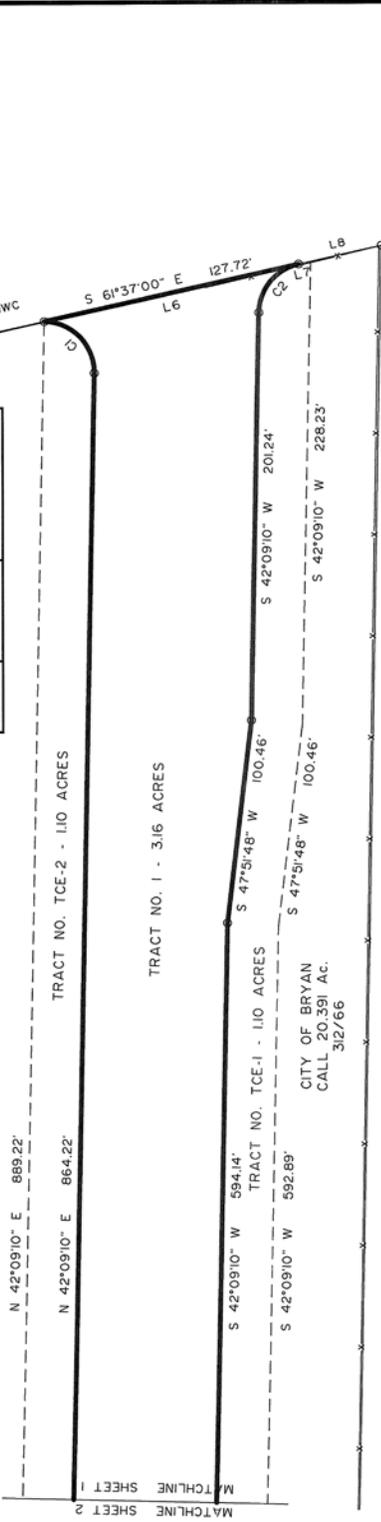
A 1/2" IRON ROD WITH CAP IS SET AT ALL CORNERS OF THE 70' wide r.o.w.

Iron Rods are not set at Easement Corners.

Field Notes Accompany Plots.

CITY OF BRYAN
CALL 20.391 Ac.
3/2/66

LINE	DISTANCE	BEARING
L1	5.93'	S 16°18'35" W
L2	70.67'	N 65°41'36" W
L3	9.45'	S 16°18'35" W
L4	25.25'	N 65°41'36" W
L5	25.21'	N 65°41'36" W
L6	127.72'	S 61°37'00" E
L7	6.13'	S 61°37'00" E
L8	41.59'	S 61°37'00" E



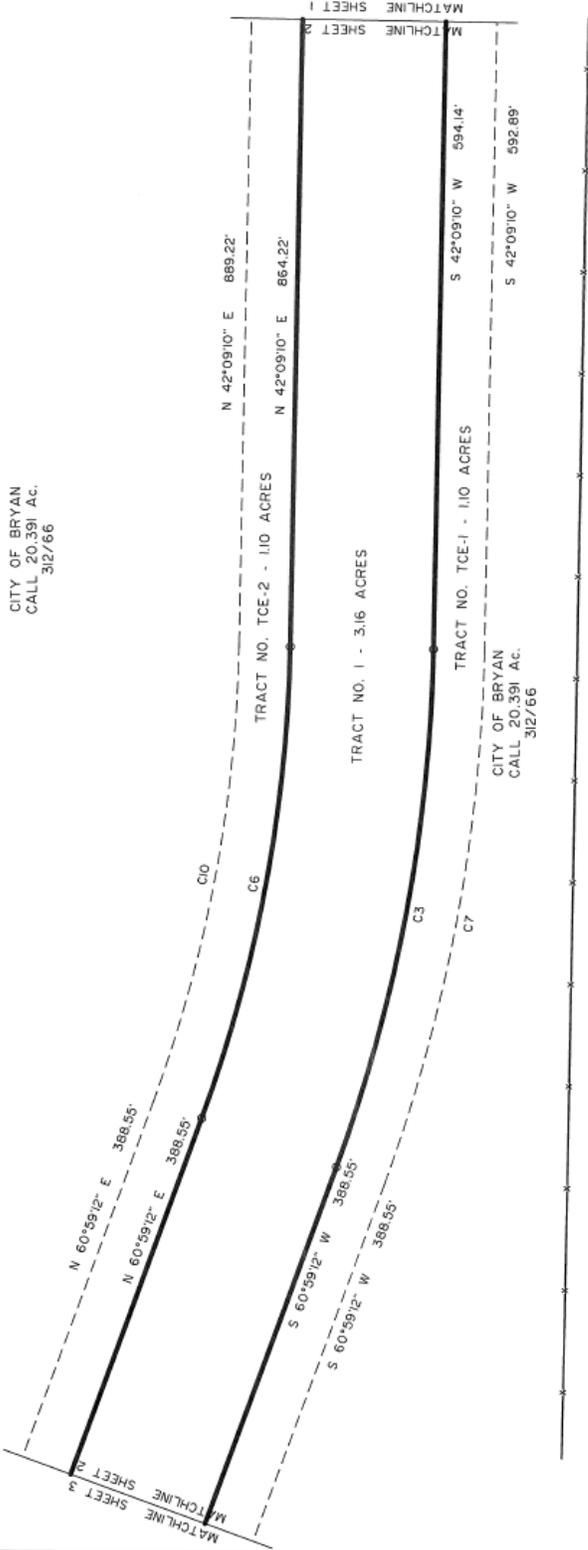
CURVE	RADIUS	DELTA	ARC	TANGENT	BEARING	CHORD
C1	25.00	90°00'00"	39.27	25.00	N 02°50'50" W	35.36
C2	25.00	76°13'50"	33.26	19.61	S 60°16'05" W	30.86
C3	790.00	18°50'02"	299.68	131.02	S 51°34'11" W	288.52
C4	455.00	44°40'36"	354.79	186.97	S 38°38'53" W	345.87
C5	525.00	44°15'05"	405.47	213.45	N 38°51'39" E	395.47
C6	720.00	18°50'02"	236.67	119.41	N 51°34'11" E	235.61
C7	85.00	18°50'02"	267.90	135.17	S 51°34'11" W	266.70
C8	430.00	44°40'36"	335.30	176.69	S 38°38'53" W	326.87
C9	550.00	43°44'19"	421.46	221.69	N 39°02'02" E	411.22
C10	695.00	18°50'02"	228.46	115.27	N 51°34'11" E	227.43

TRACT NO. 1
BRAZOS COUNTY
LOUIS MIKULIN ROAD
70' WIDE R.O.W.
3.16 ACRES
OUT OF THE
CITY OF BRYAN
CALLED 20.391 ACRE TRACT
VOLUME 312, PAGE 66
L. McLAUGHLIN LEAGUE, A - 38
BRAZOS COUNTY, TEXAS
JUNE 16, 2014
SHEET 1 OF 3



I, H. Curtis Strang, Registered Professional Land Surveyor No. 4961, do hereby certify that this plat represents the results of an on the ground survey and is true and correct to the best of my knowledge. Surveyed June, 2014.

STRONG SURVEYING
 7722 Broadmoor, Suite 105
 Bryan, Texas 77802
 Phone: (979) 731-0096
 Fax: (979) 731-0096
 Email: curtis@strongsurveying.com
 FRM1 NO. 100935200



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1722 Broadmoor, Suite 305
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email: cust@strongsurveying.com
FIRM NO. 30093500

**FIELD NOTES
TRACT NO. 2 & TRACT NO. 4
BRAZOS COUNTY
LOUIS MIKULIN ROAD
70' WIDE RIGHT-OF-WAY
4.536 ACRES
OUT OF THE
CITY OF BRYAN
CALLED 29.726 ACRE TRACT - VOLUME 307, PAGE 204
CALLED 29.726 ACRE TRACT - VOLUME 307, PAGE 200
& CALLED 100.805 ACRE TRACT - VOLUME 296, PAGE 216
L. McLAUGHLIN LEAGUE, A - 38 &
O. WILCOX SURVEY, A - 234
BRAZOS COUNTY, TEXAS
JUNE 16, 2014**

All that certain lot, tract or parcel of land being 4.536 acres of land more or less situated in the L. McLAUGHLIN LEAGUE, Abstract No. 38, and the O. WILCOX SURVEY, Abstract No. 234, Brazos County, Texas and being a part of the following tracts: 1) that certain Called 29.726 Acre Tract as described in deed from Pauline Bruce Grant to The City of Bryan of record in Volume 307, Page 204, Deed Records of Brazos County, Texas, 2) that certain Called 29.726 Acre Tract as described in deed from Ester Jane Grant McDougal to The City of Bryan of record in Volume 307, Page 200, Deed Records of Brazos County, Texas, and, 3) that certain Called 100.805 Acre Tract as described in deed from Clara M. Konecny et al to The City of Bryan of record in Volume 296, Page 216, Deed Records of Brazos County, Texas, said 4.536 acre tract being more particularly described by metes and bounds in two (2) tracts as follows:

TRACT NO. 2 - 0.306 AC.

BEGINNING at a 1/2" Iron Rod with Cap set in the north line of said Called 29.736 acre tract and also being located in the southwest right-of-way line of the Union Pacific Railroad for the most northerly corner;
THENCE S 65 ° 41 ' 36 " E, along the north line of said Called 29.726 acre tract and the southwest right-of-way line of said Union Pacific Railroad a distance of 70.73 feet to a 1/2" Iron Rod with Cap set for the northeast corner, a 1/2" Iron Rod with Cap found for the most northerly corner of the Axis Pipe and Tube Called 23.684 acre tract as described in Volume 11505, page 7 bears S 65 ° 41 ' 36 " E a distance of 103.96 feet;
THENCE around a curve in a counterclockwise direction having a delta angle of 21 ° 37 ' 33 ", an arc distance of 171.74 feet, a radius of 455.00 feet, and a chord of S 4 ° 45 ' 07 " W, a distance of 170.72 feet to a 1/2" Iron Rod with Cap set for the southeast corner;
THENCE S 83 ° 56 ' 21 " W, a distance of 70.00 feet to a 1/2" Iron Rod with Cap set for the southwest corner;
THENCE around a curve in a clockwise direction having a delta angle of 22 ° 22 ' 14 ", an arc distance of 204.98 feet, a radius of 525.00 feet, and a chord of N 5 ° 07 ' 28 " E, a distance of 203.68 feet to a 1/2" Iron Rod with Cap set for the point of tangency of said curve;
THENCE N 16 ° 18 ' 35 " E, a distance of 3.92 feet to the PLACE OF BEGINNING AND
CONTAINING AN AREA OF 0.306 OF ONE ACRE IN TRACT NO. 2.

TRACT NO. 4 – 4.23 ACRES

BEGINNING at a 1/2" Iron Rod with Cap set for the northeast corner, a 1/2" Iron Rod with Cap found for the most northerly corner of said Called 23.684 acre tract bears N 27 ° 17 ' 23 " E a distance of 215.38 feet;
THENCE S 9 ° 53 ' 11 " E, a distance of 18.10 feet to a 1/2" Iron Rod with Cap set for the beginning of a curve;
THENCE around a curve in a clockwise direction having a delta angle of 51 ° 01 ' 28 ", an arc distance of 654.55 feet, a radius of 735.00 feet, and a chord of S 15 ° 37 ' 33 " W, a distance of 633.13 feet to a 1/2" Iron Rod with Cap set for the point of tangency of said curve, said point also being located in the west line of said Called 23.684 acre tract, a 1/2" Iron Rod with Cap found for the beginning of a curve on the west line of said Called 23.684 acre tract bears N 41 ° 08 ' 17 " E a distance of 107.50 feet;
THENCE S 41 ° 08 ' 17 " W, along the west line of said Called 23.684 acre tract at a distance of 1289.95 feet passing a 1/2" Iron Rod with Cap found for a westerly corner of said Called 23.684 acre tract and continuing at a distance of 1589.95 feet passing a 1/2" Iron Rod with Cap found for a westerly corner of said Called 23.684 acre tract and continuing at a distance of 1786.78 feet passing a 1/2" Iron Rod with Cap found for the most westerly corner of said Called 23.684 acre tract and continuing on across said Called 100.805 acre tract for a total distance of 1992.00 feet to a 1/2" Iron Rod with Cap set for the most southerly corner, a 1/2" Iron Rod with Cap found for an easterly corner of said Called 100.805 acre tract bears S 58 ° 07 ' 20 " E a distance of 1209.66 feet;
THENCE N 48 ° 51 ' 43 " W, a distance of 70.00 feet to a 1/2" Iron Rod with Cap set for a west corner, a Rock found for the Occupied most westerly corner of said Called 29.726 acre tract bears N 30 ° 57 ' 20 " W a distance of 694.28 feet;
THENCE N 41 ° 08 ' 17 " E, a distance of 1992.00 feet to a 1/2" Iron Rod with Cap set for the beginning of a curve;
THENCE around a curve in a counterclockwise direction having a delta angle of 51 ° 01 ' 28 ", an arc distance of 592.21 feet, a radius of 665.00 feet, and a chord of N 15 ° 37 ' 33 " E, a distance of 572.84 feet to a 1/2" Iron Rod with Cap set for the point of tangency of said curve;
THENCE N 9 ° 53 ' 11 " W, a distance of 18.10 feet to a 1/2" Iron Rod with Cap set for the northwest corner, a 1/2" Iron Rod found for the Occupied northwest corner of said Called 29.726 acre tract bears N 28 ° 54 ' 46 " W a distance of 424.93 feet;
THENCE N 80 ° 06 ' 49 " E, a distance of 70.00 feet to the PLACE OF BEGINNING AND CONTAINING AN AREA OF 4.23 ACRES OF LAND MORE OR LESS IN TRACT NO. 4.

Both tracts combined containing a Total area of 4.536 acres of land more or less, according to a survey performed during the month of June, 2014, under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4961 and working under FIRM No. 10093500. North Orientation is based on rotating the west line of said Called 23.684 acre tract to grid north (CORS96), NAD83, TEXAS STATE PLANE CENTRAL ZONE.

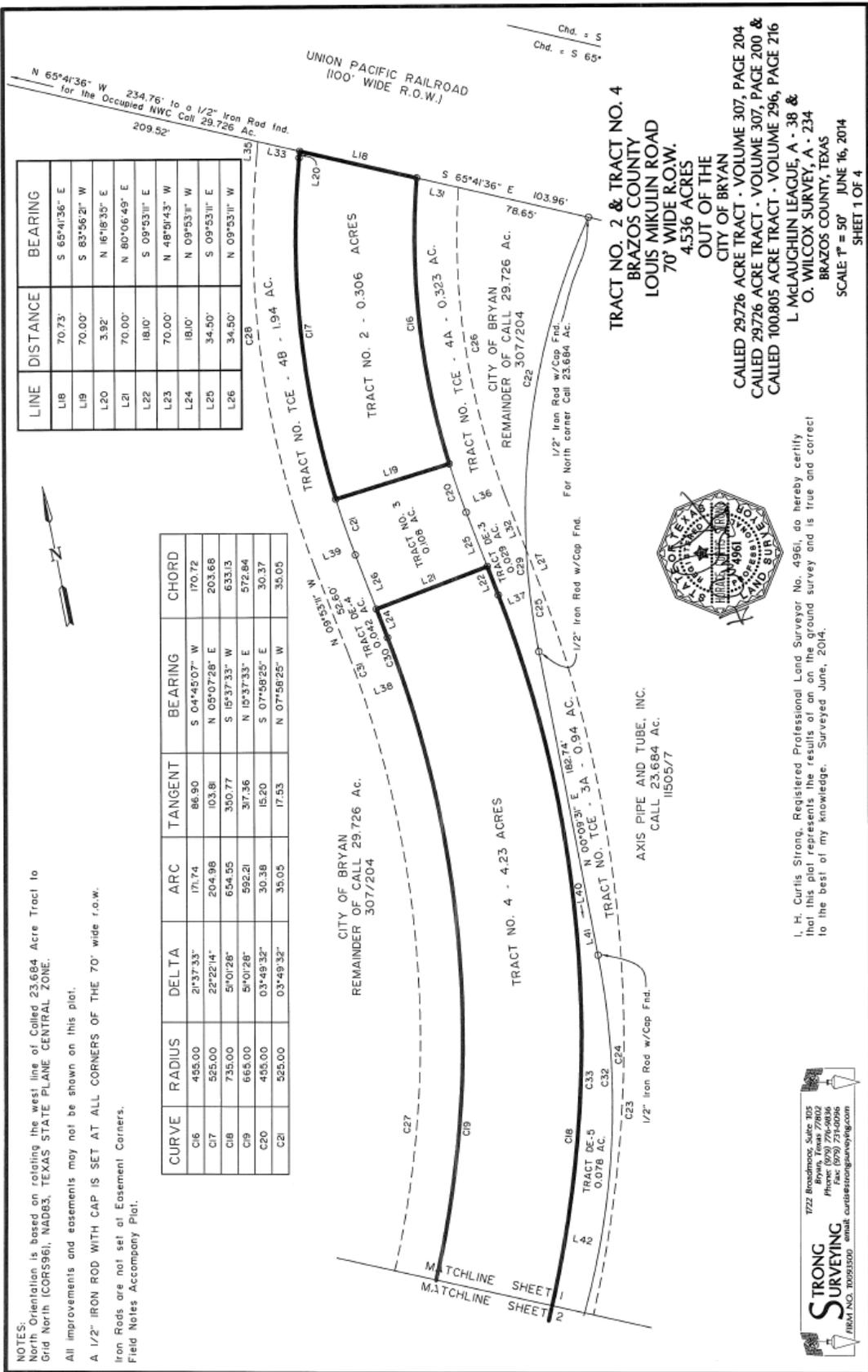


NOTES:
 North Orientation is based on relating the west line of Called 23.684 Acre Tract 1 to Grid North (ICORS96), NAD83, TEXAS STATE PLANE CENTRAL ZONE.
 All improvements and easements may not be shown on this plot.
 A 1/2" IRON ROD WITH CAP IS SET AT ALL CORNERS OF THE 70' wide r.o.w.
 Iron Rods are not set at Easement Corners.
 Field Notes Accompany Plot.



CURVE	RADIUS	DELTA	ARC	TANGENT	BEARING	CHORD
C16	455.00	21°37'33"	171.74	86.90	S 04°45'07" W	170.72
C17	525.00	22°22'14"	204.98	103.8	N 05°07'28" E	203.68
C18	735.00	5°01'28"	654.55	350.77	S 15°37'33" W	633.13
C19	665.00	5°01'28"	592.21	317.36	N 10°37'33" E	572.84
C20	455.00	03°49'32"	30.38	15.20	S 07°58'25" E	30.37
C21	525.00	03°49'32"	35.05	17.53	N 07°58'25" W	35.05

LINE	DISTANCE	BEARING
L18	70.73'	S 65°41'36" E
L19	70.00'	S 83°56'21" W
L20	3.92'	N 16°18'35" E
L21	70.00'	N 80°06'49" E
L22	18.00'	S 09°53'11" E
L23	70.00'	N 48°01'43" W
L24	18.00'	N 09°53'11" W
L25	34.50'	S 09°53'11" E
L26	34.50'	N 09°53'11" W



TRACT NO. 2 & TRACT NO. 4
 BRAZOS COUNTY
 LOUIS MIKULIN ROAD
 70' WIDE R.O.W.
 4.536 ACRES
 OUT OF THE
 CITY OF BRYAN
 CALLED 29.726 ACRE TRACT - VOLUME 307, PAGE 204
 CALLED 29.726 ACRE TRACT - VOLUME 307, PAGE 200 &
 CALLED 100.805 ACRE TRACT - VOLUME 296, PAGE 216
 L. McLAUGHLIN LEAGUE, A - 38 &
 O. WILCOX SURVEY, A - 234
 BRAZOS COUNTY, TEXAS
 SCALE 1" = 50' JUNE 16, 2014
 SHEET 1 OF 4

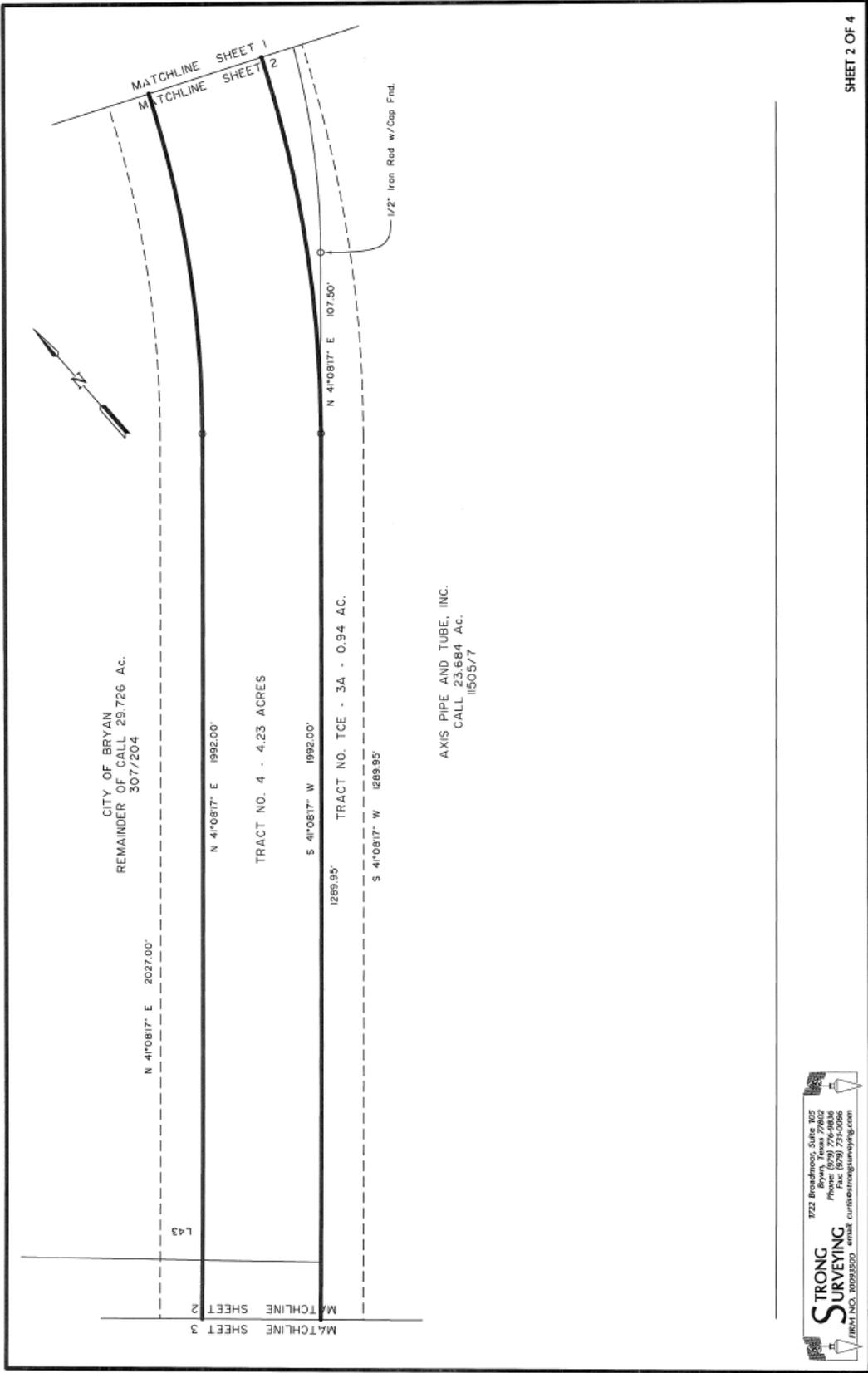


I. H. Curtis Strong, Registered Professional Land Surveyor No. 4961, do hereby certify that this plot represents the results of an on the ground survey and is true and correct to the best of my knowledge. Surveyed June, 2014.

STRONG SURVEYING
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 IRM# NO. 300935001

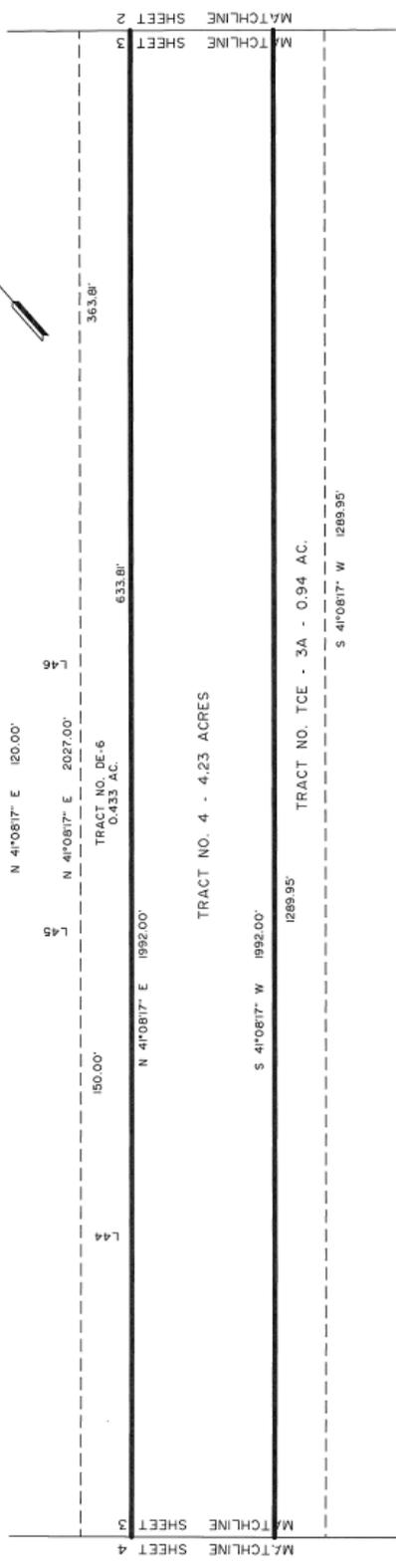
AXIS PIPE AND TUBE, INC.
 CALL 23.684 AC.
 11505/7

MATCHLINE SHEET 1
 MATCHLINE SHEET 2



STRONG SURVEYING
 1722 Broadmoor, Suite 105
 Bryan, Texas 77802
 Phone: (817) 731-0096
 Fax: (817) 731-0096
 email: curtis@strongsurveying.com
 TXS#1 NO. 100935200

CITY OF BRYAN
REMAINDER OF CALL 29.726 Ac.
3077/200



AXIS PIPE AND TUBE, INC.
CALL 23.684 Ac.
11505/7



**FIELD NOTES
TRACT NO. 3
BRAZOS COUNTY
LOUIS MIKULIN ROAD
70' WIDE RIGHT-OF-WAY
0.108 OF ONE ACRE
OUT OF THE
CITY OF BRYAN
CALLED 29.726 ACRE TRACT - VOLUME 307, PAGE 204
L. McLAUGHLIN LEAGUE, A - 38
BRAZOS COUNTY, TEXAS
JUNE 16, 2014**

All that certain lot, tract or parcel of land being 0.108 of one acre of land more or less situated in the L. McLAUGHLIN LEAGUE, Abstract No. 38, Brazos County, Texas and being a part of that certain Called 29.726 Acre Tract as described in deed from Pauline Bruce Grant to The City of Bryan of record in Volume 307, Page 204, Deed Records of Brazos County, Texas, said 0.108 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" Iron Rod with Cap set for the northwest corner, a 1/2" Iron Rod found for the northwest corner of said Called 29.726 acre tract bears N 32 ° 41 ' 42 " W a distance of 360.37 feet;

THENCE N 83 ° 56 ' 21 " E, a distance of 70.00 feet to a 1/2" Iron Rod with Cap set for the northeast corner, a 1/2" Iron Rod found for the most northerly corner of the Axis Pipe and Tube, Inc. Called 23.684 acre tract bears N 40 ° 32 ' E a distance of 167.55 feet;

THENCE around a curve in a counterclockwise direction having a delta angle of 03 ° 49 ' 32 " , an arc distance of 30.38 feet, a radius of 455.00 feet, and a chord of S 7 ° 58 ' 25 " E, a distance of 30.37 feet to a 1/2" Iron Rod with Cap set for the point of tangency of said curve;

THENCE S 9 ° 53 ' 11 " E, a distance of 34.50 feet to a 1/2" Iron Rod with Cap set for the southeast corner;

THENCE S 80 ° 06 ' 49 " W, a distance of 70.00 feet to a 1/2" Iron Rod with Cap set for the southwest corner;

THENCE N 9 ° 53 ' 11 " W, a distance of 34.50 feet to a 1/2" Iron Rod with Cap set for the beginning of a curve;

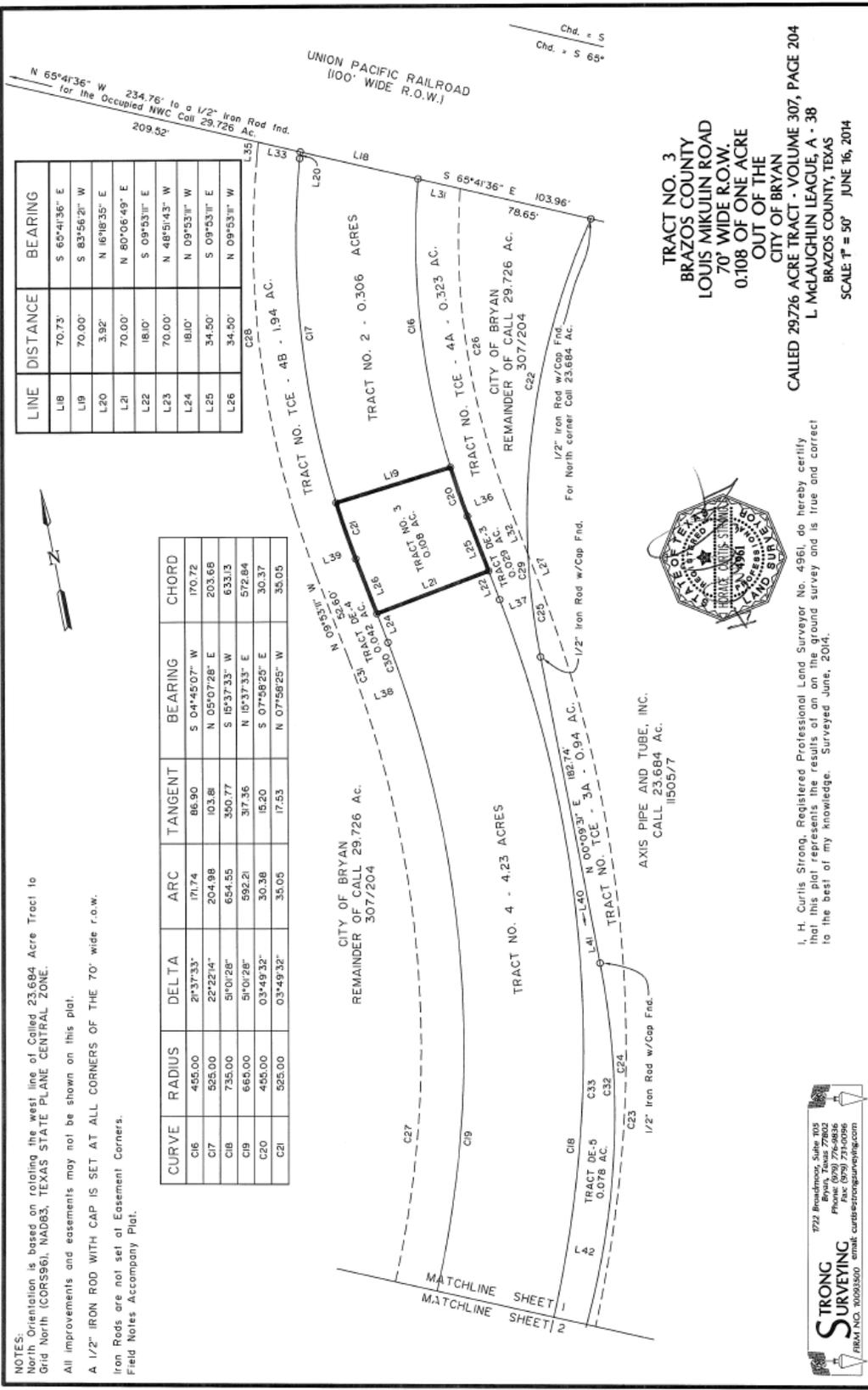
THENCE around a curve in a clockwise direction having a delta angle of 03 ° 49 ' 32 " , an arc distance of 35.05 feet, a radius of 525.00 feet, and a chord of N 7 ° 58 ' 25 " W, a distance of 35.05 feet to the PLACE OF BEGINNING AND CONTAINING AN AREA OF 0.108 ACRES OF LAND MORE OR LESS, according to a survey performed during the month of June, 2014, under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4961 and working under FIRM No. 10093500. North Orientation is based on rotating the west line of said Called 23.684 acre tract to grid north (CORS96) NAD83, TEXAS STATE PLANE CENTRAL ZONE.



LINE	DISTANCE	BEARING
L18	70.73'	S 65°41'36" E
L19	70.00'	S 83°56'21" W
L20	3.92'	N 16°18'35" E
L21	70.00'	N 80°06'49" E
L22	18.10'	S 09°53'11" E
L23	70.00'	N 48°51'43" W
L24	18.10'	N 09°53'11" W
L25	34.50'	S 09°53'11" E
L26	34.00'	N 09°53'11" W

CURVE	RADIUS	DELTA	ARC	TANGENT	BEARING	CHORD
C16	455.00	21°37'33"	171.74	86.90	S 04°45'07" W	170.72
C17	525.00	22°22'14"	204.98	103.81	N 05°07'28" E	203.68
C18	735.00	51°01'28"	654.55	390.77	S 15°37'33" W	633.13
C19	665.00	51°01'28"	592.21	317.36	N 15°37'33" E	572.84
C20	455.00	03°49'32"	30.38	15.20	S 07°58'25" E	30.37
C21	525.00	03°49'32"	35.05	17.53	N 07°58'25" W	35.05

NOTES:
 North Orientation is based on rotating the west line of Called 23,684 Acre Tract to Grid North (CORSS96), NAD83, TEXAS STATE PLANE CENTRAL ZONE.
 All improvements and easements may not be shown on this plat.
 A 1/2" IRON ROD WITH CAP IS SET AT ALL CORNERS OF THE 70' wide r.o.w.
 Iron Rods are not set at Easement Corners.
 Field Notes Accompany Plat.



i, H. Curtis Strong, Registered Professional Land Surveyor No. 4961, do hereby certify that this plat represents the results of an on the ground survey and is true and correct to the best of my knowledge. Surveyed June, 2014.

AXIS PIPE AND TUBE, INC.
 CALL 23.684 AC.
 11505/7

TRACT NO. 3
 BRAZOS COUNTY
 LOUIS MIKULIN ROAD
 70' WIDE R.O.W.
 0.108 OF ONE ACRE
 OUT OF THE
 CITY OF BRYAN
 CALLED 29,726 ACRE TRACT - VOLUME 307, PACE 204
 L. McLAUGHLIN LEAGUE, A - 38
 BRAZOS COUNTY, TEXAS
 SCALE 1" = 50' JUNE 16, 2014

STRONG SURVEYING
 1922 Broadmead, Suite 103
 Bryan, TX 77801
 Phone (979) 774-9836
 Fax (979) 774-0996
 Email: carter@strongsurveying.com
 STRONG INC. 10093500

LETTER TO COUNTY ON PUBLIC DEDICATION

August 13, 2014

Brazos County
Attn: Judge Duane Peters
200 S. Texas Ave., Ste. 332
Bryan, Texas 77803

Re: Mikulin Road (Texas Triangle Park)

Judge Peters,

Please accept this letter as the formal request from the City of Bryan (“City”) acting by and through its municipally owned utility, Bryan Texas Utilities, that Brazos County (“County”) accept this re-designed Mikulin Road, more accurately described by metes and bounds on the attached **Exhibit A**, for the use and benefit of the public. Be advised that the City has reserved a fee simple interest over the portion of the road described as Tract 3 in **Exhibit A** for the purpose of operating its private rail spur, but has conveyed an access easement to the public across the spur.

The City hereby dedicates Mikulin Road for the use and benefit of the public at large. Mikulin Road is to be a public right of way owned, controlled, and maintained by the County until such time as the road and the adjacent property are annexed into the City limits, at which point it will become a City right of way.

Regards,

Jason P. Bienski,
Mayor

cc: County Engineer

STATE OF TEXAS §

COUNTY OF BRAZOS §

FIRST AMENDED INTERLOCAL AGREEMENT

This First Amended Interlocal Agreement (“Agreement”) is entered into by and between the City of Bryan (“City”), a Texas home rule municipal corporation and Brazos County (“County”), a political subdivision of the State of Texas.

WHEREAS, the respective participating governments (the “Parties”) are authorized by the Interlocal Cooperation Act, Texas Government Code, Chapter 791, to enter into a joint agreement for the performance of governmental functions; and

WHEREAS, the Parties both maintain and operate streets, easements, and other public rights of way within their respective jurisdictions; and

WHEREAS, the Parties are cooperating with the management of the City of Bryan Brazos County Economic Development Foundation, Inc., specifically with regards to the marketing, sale, and management of land in the Texas Triangle Park and Inland Port (“Park”); and

WHEREAS, as a condition of a sale of property within the Park, the City agreed to dedicate land that was previously used as a private drive for a public street (“Mikulin Road”); and

WHEREAS, the City dedicated land described by metes and bounds, but subsequently it was determined that the road needed to be realigned and a new metes and bounds description was prepared, which is attached and incorporated herein as **Exhibit A**; and

WHEREAS, the County is agreeing to temporarily take over responsibility for maintenance of the re-designed Mikulin Road in exchange for the City’s promise to take such maintenance responsibility back by annexing Mikulin Road along with the adjacent property which is subject to a 10 year non-annexation agreement effective July, 2013; and

WHEREAS, the Parties have determined that it is in the best interests of their citizens that the re-designed Mikulin Road become public and serve the Park as well as the surrounding area;

NOW, THEREFORE, the Parties, in consideration of the mutual covenants and conditions contained herein, agree as follows:

1. The recitals and exhibits are incorporated by reference as if fully set forth herein.
2. The City has dedicated Mikulin Road, which is more particularly described in **Exhibit A**, for the use and benefit of the general public through **Resolution No. ____** which, is adopted contemporaneously with this Agreement. The City has reserved the fee simple interest over a portion of the road, which is described as Tract 3 in **Exhibit A**, and has conveyed to the public an access easement across the spur.
3. The County agrees to accept Mikulin Road into the County Road System and agrees to be responsible for maintenance of Mikulin Road in accordance with the terms of this Agreement. It is understood that the maintenance and repair of the private rail spur is the responsibility of the City or its successors, assigns, or licensees.

4. The City agrees that Mikulin Road will be annexed into the City's jurisdictional limits at the conclusion of the 10-year non-annexation agreement, effective July 2013, between the City and Axis Pipe and Tube, Inc., the purchaser of the property adjacent to Mikulin Road.
5. Successors and Assigns. This Agreement shall be binding on and inure to the benefit of the Parties to it and their respective heirs, executors, administrators, legal representatives, successors, and permitted assigns. Neither Party may assign this Agreement without prior written authorization of the other Party.
6. Severability. If any provision of this Agreement is held to be illegal, invalid or unenforceable under present or future laws effective while this Agreement is in effect, such provision shall be automatically deleted from this Agreement and the legality, validity and enforceability of the remaining provisions of this Agreement shall not be affected thereby, and in lieu of such deleted provision, there shall be added as part of this Agreement a provision that is legal, valid and enforceable and that is as similar as possible in terms and substance as possible to the deleted provision.
7. Texas law to apply. This Agreement shall be construed under and in accordance with the laws of the State of Texas and the obligations of the parties created hereunder are performable by the parties in the City of Bryan, Texas. Venue for any litigation arising under this Agreement shall be in a court of appropriate jurisdiction in Brazos County, Texas.
8. Sole Agreement. This Agreement constitutes the sole and only Agreement of the Parties hereto respecting the subject matter covered by this Agreement, and supersedes any prior understandings or written or oral agreements between the parties. This Agreement repeals and replaces the prior agreement of the parties regarding substantially the same subject matter which was executed on or about June 25th, 2013.
9. Amendments. No amendment, modification or alteration of the terms hereof shall be binding unless the same shall be in writing and dated subsequent to the date hereof and duly executed by the parties hereto.
10. Rights and Remedies Cumulative. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any and all other legal remedies. Said rights and remedies are provided in addition to any other rights the parties may have by law, statute, ordinance or otherwise.
11. No Waiver. A Party's failure to take action to enforce this Agreement in the event of default or breach of any covenant, condition, or stipulation herein on one occasion shall not be treated as a waiver and shall not prevent the party from taking action to enforce this Agreement on subsequent occasions.

Executed and effective on this the ___ day of _____, 2014

CITY OF BRYAN

BRAZOS COUNTY

Jason P. Bienski, Mayor

Judge Duane Peters

ATTEST

Mary Lynne Stratta, City Secretary

APPROVED AS TO FORM

Janis K. Hampton, City Attorney

APPROVED AS TO FORM

Bill Ballard, Assistant County Attorney