



RESOLUTION NO. 20240827-07

A RESOLUTION RATIFYING THE EXECUTION BY THE EXECUTIVE DIRECTOR/CEO OF A FIFTH AMENDMENT TO THE REAL ESTATE CONTRACT BY AND BETWEEN TEXAMERICAS CENTER AND BRAVEN ENVIRONMENTAL-TEXARKANA I, LLC FOR THE SALE OF APPROXIMATELY 74.864 ACRES; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, TexAmericas Center is a political subdivision of the State of Texas with the powers and authorities specified in Chapter 3503 of the Special District Local Laws Code of the State of Texas; and

WHEREAS, TexAmericas Center and Braven Environmental-Texarkana I, LLC have entered into a Real Estate Contract for the sale/purchase of a tract containing 74.142 acres; and

WHEREAS, TexAmericas Center and Braven Environment-Texarkana I, LLC have negotiated the terms of a Fifth Amendment to said Real Estate Contract whereby Braven Environmental-Texarkana I, LLC is to be granted the right to enter upon the property, cut the timber and grub the surface of a tract of approximately 47 acres prior to the closing of the transaction; and

WHEREAS, the Executive Director/CEO has executed such Fifth Amendment in order to not disrupt the clearing of additional land; and

WHEREAS, the Board of Directors of TexAmericas Center finds that it is in the best interest of TexAmericas Center for the development of the TAC East Campus and to facilitate the creation of jobs available to the citizens of Bowie County, Texas, that said Fifth Amendment be approved and entered into with Braven Environmental - Texarkana I, LLC;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of TexAmericas Center as follows:

1. That TexAmericas Center hereby approves the Fifth Amendment to the Real Estate Contract by and between TexAmericas Center and Braven Environmental-Texarkana I, LLC, in substantially the form attached hereto as Exhibit "A"; and
2. That the execution by Scott Norton, Executive Director/CEO of said Fifth Amendment shall be and is hereby ratified and confirmed as binding upon TexAmericas Center.
3. This Resolution shall be effective upon the date of its passage.

PASSED and APPROVED this 27th day of August, 2024

A handwritten signature in blue ink, appearing to read "Jim Roberts", is written over a horizontal line.

Jim Roberts, Chairman of the Board

ATTEST:

A handwritten signature in blue ink, appearing to read "Justin Powell", is written over a horizontal line.

Justin Powell, Secretary

ATTACHMENT: EXHIBIT "A"-FIFTH AMENDMENT

**FIFTH AMENDMENT TO CONTRACT
CONCERNING THAT CERTAIN 74.142 ACRES
IN THE TAC EAST INDUSTRIAL PARK**

Recitals

WHEREAS, on or about January 30, 2023, TexAmericas Center as Seller, and Braven Environmental-Texarkana I, LLC as Purchaser, entered into a Real Estate Contract for the sale/purchase of a tract contemplated to be approximately 74.564 acres (the “Original Contract”); and

WHEREAS, on or about June 27, 2023, the parties amended the Original Contract by an Amendment (the “First Amendment”); and

WHEREAS, on or about December 1, 2023, the parties amended the Contract by a Second Amendment (the “Second Amendment”); and

WHEREAS, on or about the April 4, 2024, the parties amended the Contract by a Third Amendment (the “Third Amendment”); and

WHEREAS, on or about May 29, 2024, the parties amended the Contract by a Fourth Amendment (the “Fourth Amendment”, together with the Original Contract, First Amendment, Second Amendment, Third Amendment and Fourth Amendment, being the “Contract”); and

WHEREAS, the parties desire to further amend the Contract with regard to the acreage which may be cleared and grubbed prior to the Closing Date;

NOW, THEREFORE, Seller and Purchaser amend the Contract as follows:

1. The amount of property which Purchaser may enter upon the Property for the purposes of clearing timber and grubbing the surface under paragraph 5.05 of the Contract shall be and it is hereby increased to approximately 47 acres in the location depicted upon Exhibit “A” attached to this document. The cost is \$2,000.00 per acre estimated to be a total of \$94,000.00.
2. The terms of the Original Contract amended by the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, and this Fifth Amendment shall be and are hereby ratified and confirmed by the parties. In the event of any inconsistency or conflict between this Fifth Amendment and the Contract as previously amended, this Fifth Amendment shall control.

SELLER:

TEXAMERICAS CENTER

By: Scott Norton
Scott Norton, Executive Director

Date: July 23, 2024

PURCHASER:

**BRAVEN ENVIRONMENTAL-
TEXARKANA I, LLC**

By: James J. Simon
Name: James J. Simon

Title: President & Chief Executive Officer

Date: July 23, 2024