



**RESOLUTION NO. 20160322-05**

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR/CEO TO EXECUTE A  
MODIFICATION AND EXTENSION OF THE  
RAILCAR LEASE AGREEMENT WITH LONE STAR RAILCAR STORAGE CO.**

**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**, on or about August 31, 2010, Red River Redevelopment Authority and Lone Star Railcar Storage Co. entered into a Rail Lease Agreement providing for Lone Star Railcar Storage Co. to lease substantially all of the rail lines and associated property located upon that part of the former Lone Star Army Ammunition Plant received by Red River Redevelopment Authority from the United States Department of the Army; and

**WHEREAS**, Lone Star Railcar Storage Co. has requested an extension and modification of the terms of the Rail Lease Agreement to extend the Term for two (2) additional five (5) year option periods; and

**WHEREAS**, TexAmericas Center, formerly Red River Redevelopment Authority, believes that it is in the best interest of the Authority to extend the Term of the Lease as modified;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Directors of TexAmericas Center, that TexAmericas Center enter into a Modification and Extension of Rail Lease Agreement with Lone Star Railcar Storage Co. upon the terms as set forth in the attached Modification and Extension of Rail Lease Agreement; and

**BE IT FURTHER RESOLVED** that Scott Norton, Executive Director/CEO is hereby authorized to execute the Modification and Extension of Railcar Lease in substantially the form attached hereto.

**PASSED and APPROVED** this 22<sup>nd</sup> day of March, 2016.

  
\_\_\_\_\_  
Denis Washington, Chairman of the Board

**ATTEST:**

  
\_\_\_\_\_  
Boyd Sartin, Secretary/Treasurer

Attached: Modification and Extension to Lease Agreement



**MODIFICATION OF RAIL LEASE AGREEMENT**

1. Parties.

The parties to this Agreement are TexAmericas Center (TAC), hereinafter the Landlord, and Lone Star Railcar Storage Co., hereinafter the Tenant.

2. Current Lease.

Landlord and Tenant entered into a Lease Agreement dated the 31<sup>st</sup> day of August, 2010, for a portion of the Rail Track owned by Landlord, and located upon the premises formerly known as Lone Star Army Ammunition Plan in Bowie County, Texas, said Lease having been amended to have an extended termination date of September 30, 2020.

3. Modification Terms. The Lease is modified as follows:

- A. Landlord grants Tenant a first option to extend the term of the Lease for a period commencing on October 1, 2020, and terminating on September 30, 2025.
- B. Landlord grants Tenant a second option to extend the term of the Lease for a period commencing on October 1, 2025 and terminating on September 30, 2030.
- C. The rent and other terms of the Lease for the extended terms shall remain unchanged.
- D. The security and tax deposits shall remain the same.
- E. Tenant's rights under the options shall terminate if (1) the Lease or Tenant's right to the possession of the premises is terminated, (2) Tenant assigns its interest in the Lease or sublets any portion of the Premises without Landlord's written consent, (3) Tenant fails to timely exercise the first option, or to timely exercise the second option after having timely exercised the first option, or (4) default exists beyond any applicable notice and cure periods at the time Tenant seeks to exercise any of the options.
- F. An option to extend for the additional terms shall be exercised by a written notice delivered to the Landlord not more than 180 days and not less than 90 days before the termination date, or the extended termination date in the event a prior option has been exercised. Tenant's timely delivery of such notice shall automatically extend the term of the Lease for the applicable option period.

4. Continuation of Lease Terms.


Except for the modifications made in this Modification Agreement, and the prior Modification dated on or about October 28, 2014, all provisions of the Lease Agreement will continue in full force and effect.

EXECUTED as of this the 31<sup>st</sup> day of March, 2016.

**TEXAMERICAS CENTER**

**LONE STAR RAILCAR STORAGE CO.**

By:   
Name: Scott Norton, Exec. Director/CEO

By:   
Name: Jeff Lindsey  
Title: President