BEAUMONT
TEXAS

REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS MAY 24, 2016 1:30 P.M.

CONSENT AGENDA

* Approval of minutes – May 17, 2016

* Confirmation of committee appointments

A) Approve a resolution approving the purchase of a new roof system from Texas Liqua Tech Services, Inc. for the Water Reclamation Headworks Building located at 4900 Lafin Road

B) Authorize the acceptance of two (2) ten foot (10') wide Exclusive Water Line Easements located at 4135 Dowlen Road

C) Authorize the acceptance of one (1) twenty foot (20') wide Exclusive Water and Sanitary Sewer Line Easement located at 3529 North Major Drive

D) Approve a resolution accepting maintenance of the street, storm sewer, water and sanitary sewer improvements in Deerfield Phase IV, Subdivision

A

BEAUMONT
TEXAS

TO:	City Council
FROM:	Kyle Hayes, City Manager
PREPARED BY:	Keith Folsom, Facilities Maintenance Superintendent
MEETING DATE:	May 24, 2016
REQUESTED ACTION:	Council consider a resolution approving the purchase of a new roof system from Texas Liqua Tech Services, Inc. in the amount of $79,500.00 for the Water Reclamation Headworks Building located at 4900 Lafin Road.

BACKGROUND
Pricing was obtained from Liqua Tech Services, Inc. utilizing the Choice Partners Cooperative Contract #15/009CG-11 procurement process. Choice Partners Cooperative provides municipalities with the means to purchase construction services at competitive prices contracted under the procurement statues of the State of Texas.

The Water Reclamation Headworks Building was originally constructed in 1952. The current roof system is over twenty-five (25) years old and is experiencing several leaks due to the age of the materials. The roof system has exceeded the anticipated 20 year life expectancy, therefore it must be replaced. The new two-ply modified bitumen roof system will provide a higher insulation value, windstorm rating, and protect the building for a minimum of twenty years.

The new roof system will have a twenty (20) year manufacturer's No Dollar Limit Warranty.

FUNDING SOURCE
Water Utilities Fund

RECOMMENDATION
Approval of Resolution.

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE

CITY OF BEAUMONT:

THAT the City Council hereby approves the purchase of a two-ply modified bitumen membrane roof system for the Water Reclamation Headworks Building located at 4900 Lafin Road from Texas Liqua Tech Services, Inc., of Houston, Texas, in the amount of $79,500 through the Choice Partners Cooperative Purchasing Program.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 24th day of May, 2016.

_____

- Mayor Becky Ames -

B

BEAUMONT
TEXAS

TO:	City Council
FROM:	Kyle Hayes, City Manager
PREPARED BY:	Dr. Joseph Majdalani, P.E., Public Works Director JM
MEETING DATE:	May 24, 2016
REQUESTED ACTION:	Council consider a resolution authorizing the acceptance of two (2) ten foot (10') wide Exclusive Water Line Easements.

BACKGROUND
CFT NV DEVELOPMENT, LLC has agreed to convey two (2) ten foot (10') wide exclusive Water Line Easements to the City of Beaumont. The easements are described as being a 0.004 acre tract and a 0.011 acre tract of land out of and part of Lot 1A, Wal-Mart Stores Subdivision, situated in the Frederick Bigner Survey, Abstract No. 1. The water line easements are for the construction of the new Panda Express located at 4135 Dowlen Road.

FUNDING SOURCE
Not applicable.

RECOMMENDATION
Approval of resolution.

RESOLUTION NO.

WHEREAS, CFT NV Developments, LLC has agreed to convey two (2) ten foot (10') wide exclusive water line easements, said easements being a 0.004 acre tract and a 0.011 acre tract of land out of and part of Lot 1A, Wal-Mart Stores Subdivision, situated in the Frederick Bigner Survey, Abstract No. 1, as described and shown in Exhibit "1," attached hereto, to the City of Beaumont for the construction of a new Panda Express restaurant located at 4135 Dowlen Road; and,

WHEREAS, the City Council has considered the purpose of said conveyances and is of the opinion that the acceptance of said conveyances are necessary and desirable and that same should be accepted;

NOW, THEREFORE, BE IT RESOLVED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT two (2) ten foot (10') wide exclusive water line easements conveyed by CFT NV Developments, LLC, being a 0.004 acre tract and a 0.011 acre tract of land out of and part of Lot 1A, Wal-Mart Stores Subdivision, situated in the Frederick Bigner Survey, Abstract No. 1, as described and shown in Exhibit "1," attached hereto, be and the same are hereby, in all things, accepted for the stated purposes.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 24th day of May, 2016.

_____

- Mayor Becky Ames -

STATE OF TEXAS X

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF JEFFERSON X

WATER LINE EASEMENT

THAT, **CFT NV Developments, LLC**, a Nevada limited liability company, hereinafter called "GRANTOR", whether one or more, for and in consideration of the sum of ONE AND NO/100 DOLLAR ($1.00), and other good and valuable consideration to us in hand paid by the CITY OF BEAUMONT, a municipal corporation domiciled in Jefferson County, Texas, hereinafter called "GRANTEE", the receipt and sufficiency of which consideration is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto the **CITY OF BEAUMONT**, P. O. Box 3827, Beaumont, Texas 77704, Jefferson County, Texas, its successors and assigns, a perpetual, exclusive, water line easement (the "Easement") to construct, alter, and maintain waterlines and related appurtenances on the hereinafter described lands which said easement is under, over, in and across those certain tracts or parcels of land owned by GRANTOR situated in the County of Jefferson, State of Texas, and being more particularly described in **Exhibit "A & B"**, attached and made a part hereof for all purposes (the "Easement Area").

The Easement herein granted shall be used for the purpose of placing, constructing, operating, repairing, rebuilding, replacing, relocating, and/or removing water lines and related appurtenances in the Easement Area, and, it is expressly understood and agreed that the City of Beaumont shall have the right of reasonable ingress to and egress from the Easement Area and use of the same for the purposes aforesaid; provided, however that Grantee use of the Easement and the rights appurtenant thereto shall in no event unreasonably interfere with or hinder the

business operations on the Grantor's adjacent property and/or Grantor's ingress and egress thereto.

Grantor reserves the right to continue to use and enjoy the surface of the Easement Area for all purposes that do not interfere with or interrupt the use or enjoyment of the Easement by Grantee for the purposes provided herein, including but not limited to the right to place surfacing materials over and across the Easement Area and to use the same for parking areas, driveways, walkways or sidewalks, landscaping and/or lighting; provided, however, no permanent buildings may be placed on the Easement Area. Notwithstanding the foregoing, Grantee shall not be responsible for the repair and replacement of any improvements placed by Grantor within the Easement Area and the same shall be repaired and maintained by Grantor, at Grantor's sole cost and expense.

The conveyance of the Easement granted herein is made by Grantor and accepted by Grantee subject to any and all existing easements, covenants, rights-of-way, conditions, restrictions, outstanding mineral interests and royalty interests, if any, in the Easement Area of record in the office of the County Clerk of the County of Jefferson (collectively, the "Permitted Exceptions").

This Easement may be amended or terminated only by the written consent of the parties hereto, or their respective successors and assigns.

TO HAVE AND TO HOLD the above described easement and right-of-way unto the said CITY OF BEAUMONT, its successors and assigns forever, by, through, or under Grantor, but not otherwise, subject to the Permitted Exceptions.

[Signature Page Follows]

EXECUTED this 16th day of May, 2016.

GRANTOR:
CFT NV Developments, LLC,
a Nevada limited liability company

By: _____
Printed Name: Winnie Cham
Title: Manager

APPROVED AS TO FORM
BY _____

RETURN TO: City of Beaumont
Antoinette Hardy - Engineering
P. O. Box 3827
Beaumont, TX 77704

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On May 16, 2016, before me, **JEFFERY FONG**, Notary Public, personally appeared **WINNIE CHAN**, who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my name and official seal.

JEFFERY FONG
Commission # 2129450
Notary Public - California
Los Angeles County
My Comm. Expires Oct 8, 2019

Jeffery Fong
Notary Public in and for the
State of California
My commission expires: October 8, 2019

WATER LINE EASEMENT
Re: Certain Real Property located at Beaumont, TX
Signer: Winnie Chan, Manager of CFT NV Developments, LLC, a Nevada limited liability company

EXHIBIT "A"

LEGAL LAND DESCRIPTION

10' WATER LINE EASEMENT

BEING a portion of that certain tract of land in the Frederick Bigner Survey, Abstract No. 1, City of Beaumont, Jefferson County, Texas, described as Lot 1A, Wal-Mart Stores Subdivision (hereinafter referred to as Lot 1A), an addition to the City of Beaumont, Jefferson County, Texas, according to the Plat thereof recorded in Instrument Number 2007047674, Plat Records, Jefferson County, Texas (P.R.J.C.T.), and being a portion of that certain tract of land described in a Special Warranty Deed to CFT NV Developments, LLC (hereinafter referred to as CFT NV Developments tract), as recorded in Instrument Number 2016001783, Official Public Records, Jefferson County, Texas, and being more particularly described, by metes and bounds, as follows:

COMMENCING at the Southeast corner of said Lot 1A, same being the Southerly Southwest corner of that certain tract of land described in a Warranty Deed to LA TEX INVESTORS, LP, as recorded in Instrument Number 2001041210, Deed Records, Jefferson County, Texas, same also being the existing Northwesterly right-of-way line of Dowlen Road (100' right-of-way) as recorded in Volume 1711, Page 47, Deed Records, Jefferson County, Texas (D.R.J.C.T.), same being the beginning of a curve to the left, whose long chord bears South 51 degrees 18 minutes 41 seconds West, a distance of 24.59 feet;

THENCE Southwesterly with the common line between said Lot 1A and the existing Northwesterly right-of-way line of said Dowlen Road and with said curve to the left having a radius of 1202.26 feet, through a central angle of 1 degrees 10 minutes 19 seconds, for an arc distance of 24.59 feet to a Southerly corner of a 20' Utility Easement as recorded in Volume 15, Page 277, P.R.J.C.T.;

THENCE North 03 degrees 06 minutes 37 seconds West, departing the existing Northwesterly right-of-way line of said Dowlen Road and crossing said Lot 1A and with a Westerly line of said 20' Utility Easement, a distance of 71.03 feet;

THENCE South 86 degrees 40 minutes 10 seconds West, departing the Westerly line of said 20' Utility Easement and continue crossing said Lot 1A, a distance of 46.40 feet to the East line of the aforesaid CFT NV Developments tract, same being the **PLACE OF BEGINNING**;

THENCE South 86 degrees 40 minutes 10 seconds West crossing said CFT NV Developments tract, a distance of 18.69 feet;

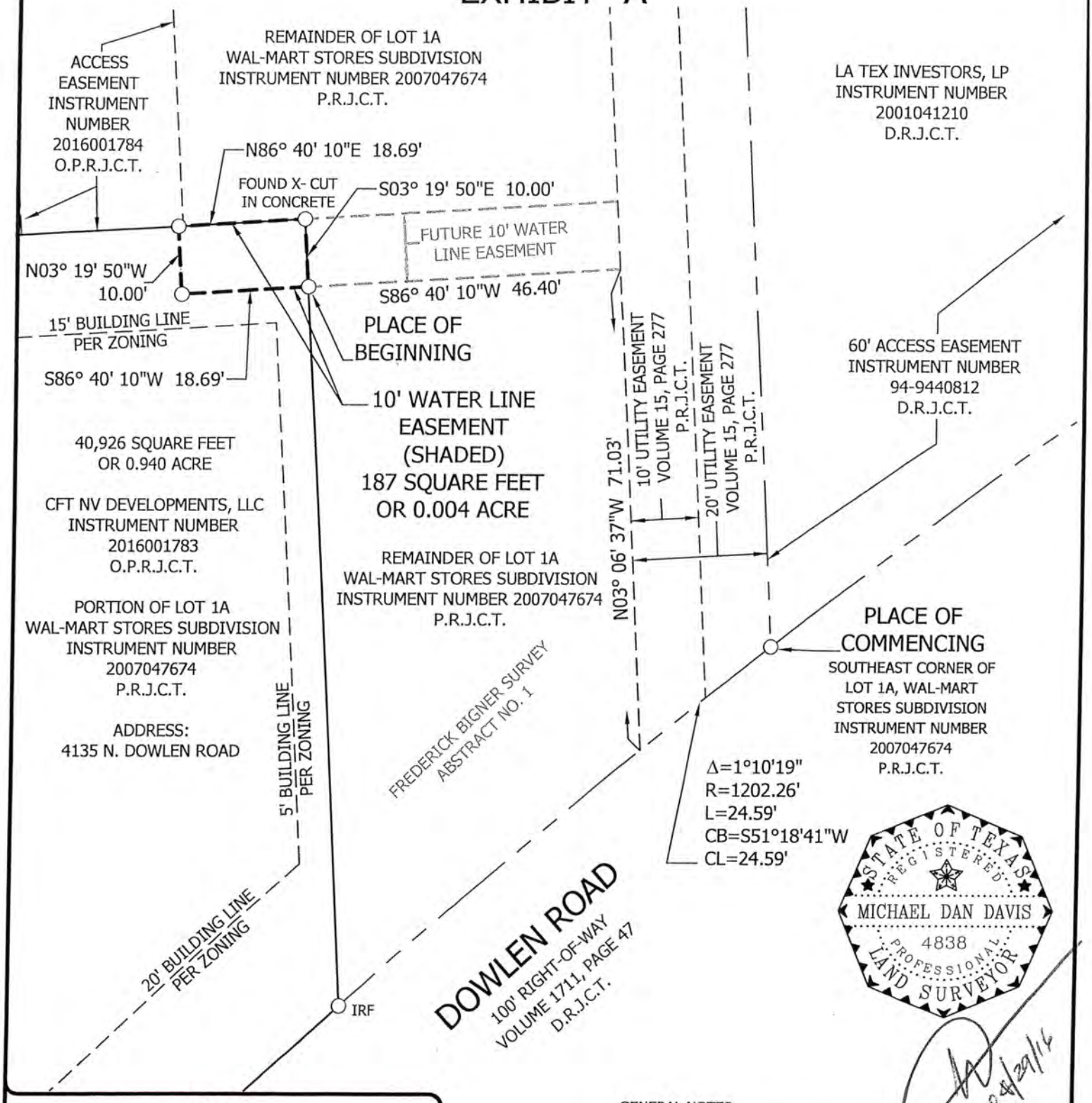
THENCE North 03 degrees 19 minutes 50 seconds West continue crossing said CFT NV Developments tract, a distance of 10.00 feet to the North line of said CFT NV Developments tract;

THENCE North 86 degrees 40 minutes 10 seconds East with the common line between said CFT NV Developments tract and the remainder of Lot 1A, a distance of 18.69 feet to an "X" cut found in concrete pavement for the Northeast corner of said CFT NV Developments tract;

THENCE South 03 degrees 19 minutes 50 seconds East continue with the common line between said CFT NV Developments tract and the remainder of Lot 1A, a distance of 10.00 feet to the **PLACE OF BEGINNING**.

BANNISTER ENGINEERING
240 North Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
TBPLS REGISTRATION NO. 10193823

EXHIBIT "A"



STATE OF TEXAS
REGISTERED
MICHAEL DAN DAVIS
4838
PROFESSIONAL
LAND SURVEYOR

4/29/16

LEGEND

O	DIMENSION POINT, NOTHING FOUND OR SET UNLESS NOTED OTHERWISE
O.P.R.J.C.T.	OFFICIAL PUBLIC RECORDS, JEFFERSON COUNTY, TEXAS
D.R.J.C.T.	DEED RECORDS, JEFFERSON COUNTY, TEXAS
P.R.J.C.T.	PLAT RECORDS, JEFFERSON COUNTY, TEXAS

Project No. 046-15-03	Date: 4/27/2016	Page 2 of 3	Checked By: MD2

10' WATER LINE EASEMENT EXHIBIT
4135 NORTH DOWLEN ROAD
PORTION OF LOT 1A
WAL-MART STORES SUBDIVISION
CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS

N

SCALE: 1" = 20'
0' 10' 20'

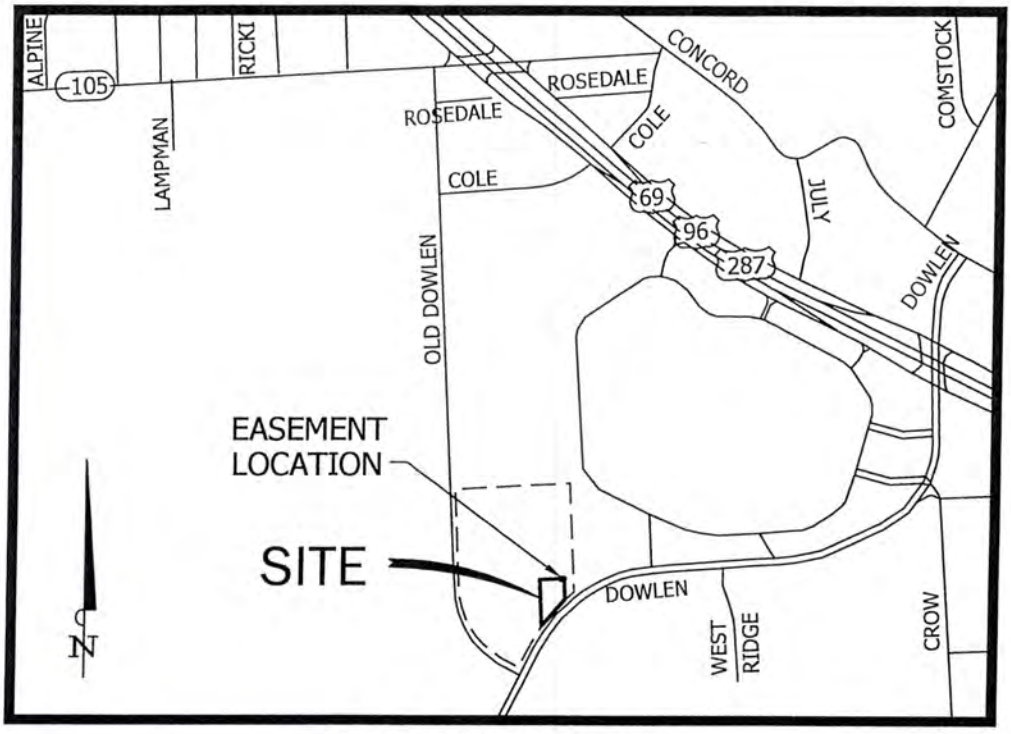
GENERAL NOTES:

1. All bearings shown herein are Texas Coordinate System, NAD83 (CORS), Texas South Central Zone (4204). All distances shown herein are surface distances.

2. All iron rods found (IRF) are 5/8-inch with a plastic cap stamped "RPLS 4838", set January 2016.

BANNISTER ENGINEERING
240 North Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
TBPLS REGISTRATION NO. 10193823

EXHIBIT "A"



VICINITY MAP

NOT TO SCALE

BEAUMONT, TEXAS

Project No. 046-15-03	Date: 4/27/2016	Page 3 of 3	Checked By: MD2

10' WATER LINE EASEMENT EXHIBIT
4135 NORTH DOWLEN ROAD
PORTION OF LOT 1A
WAL-MART STORES SUBDIVISION
CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS

BANNISTER ENGINEERING
240 North Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
TBPLS REGISTRATION NO. 10193823

EXHIBIT "B"

LEGAL LAND DESCRIPTION

10' WATER LINE EASEMENT

BEING a portion of that certain tract of land in the Frederick Bigner Survey, Abstract No. 1, City of Beaumont, Jefferson County, Texas, described as Lot 1A, Wal-Mart Stores Subdivision (hereinafter referred to as Lot 1A), an addition to the City of Beaumont, Jefferson County, Texas, according to the Plat thereof recorded in Instrument Number 2007047674, Plat Records, Jefferson County, Texas (P.R.J.C.T.), and being more particularly described, by metes and bounds, as follows:

COMMENCING at the Southeast corner of said Lot 1A, same being the Southerly Southwest corner of that certain tract of land described in a Warranty Deed to LA TEX INVESTORS, LP, as recorded in Instrument Number 2001041210, Deed Records, Jefferson County, Texas, same also being the existing Northwesterly right-of-way line of Dowlen Road (100' right-of-way) as recorded in Volume 1711, Page 47, Deed Records, Jefferson County, Texas (D.R.J.C.T.), same being the beginning of a curve to the left, whose long chord bears South 51 degrees 18 minutes 41 seconds West, a distance of 24.59 feet;

THENCE Southwesterly with the common line between said Lot 1A and the existing Northwesterly right-of-way line of said Dowlen Road and with said curve to the left having a radius of 1202.26 feet, through a central angle of 1 degrees 10 minutes 19 seconds, for an arc distance of 24.59 feet to a Southerly corner of a 20' Utility Easement as recorded in Volume 15, Page 277, P.R.J.C.T.;

THENCE North 03 degrees 06 minutes 37 seconds West, departing the existing Northwesterly right-of-way line of said Dowlen Road and crossing said Lot 1A and with a Westerly line of said 20' Utility Easement, a distance of 71.03 feet to the **PLACE OF BEGINNING**;

THENCE continue crossing said Lot 1A for the following **4** courses:

1. South 86 degrees 40 minutes 10 seconds West, departing the Westerly line of said 20' Utility Easement, a distance of 46.40 feet to the East line of that certain tract of land described in a Special Warranty Deed to CFT NV Developments, LLC (hereinafter referred to as CFT NV Developments tract), as recorded in Instrument Number 2016001783, Official Public Records, Jefferson County, Texas;

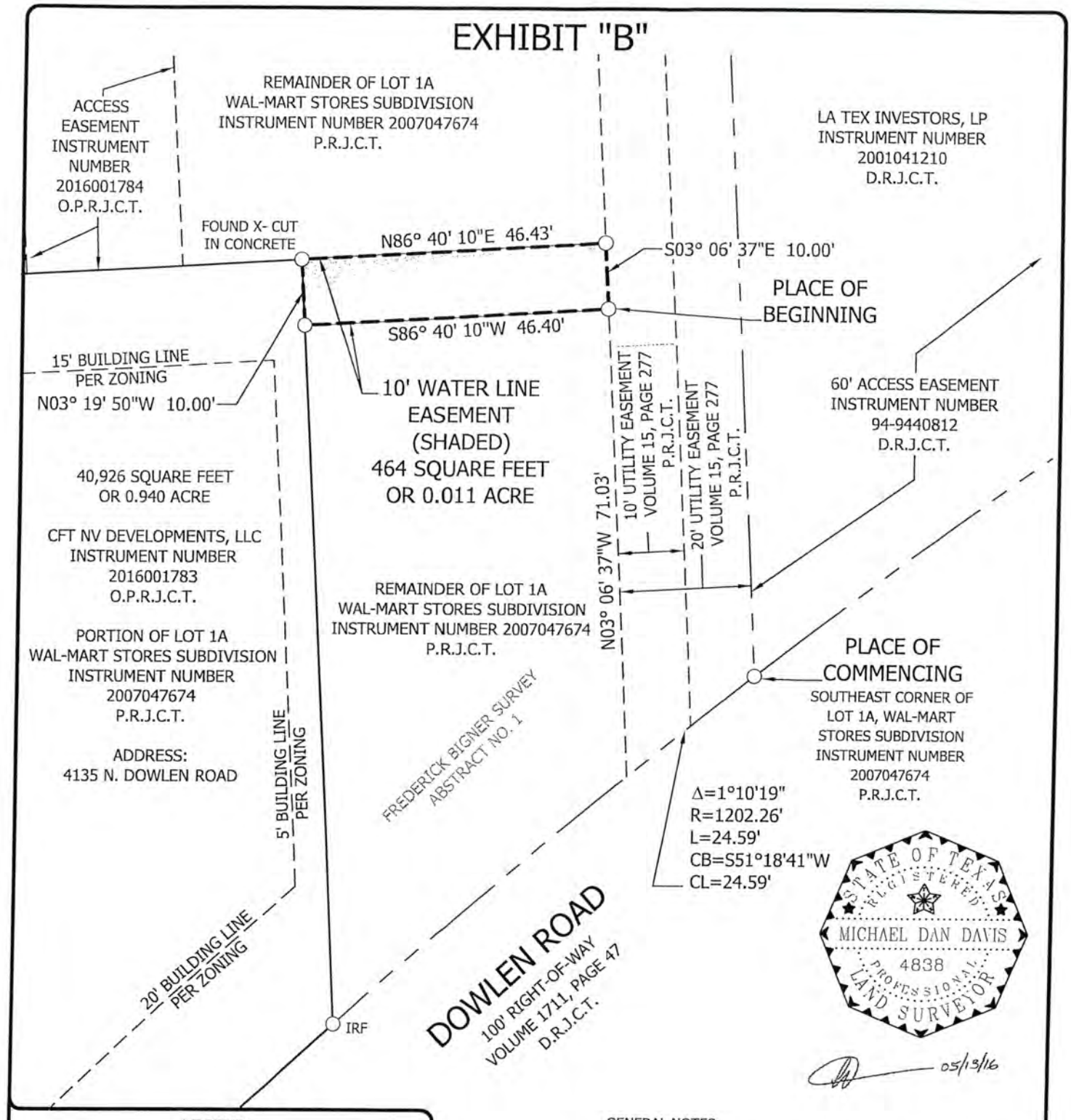
2. North 03 degrees 19 minutes 50 seconds West with the East line of said CFT NV Developments tract, a distance of 10.00 feet to an "X" cut found in concrete pavement for the Northeast corner of said CFT NV Developments tract;

3. North 86 degrees 40 minutes 10 seconds East, a distance of 46.43 feet to a Westerly line of the aforesaid 20' Utility Easement;

4. South 03 degrees 06 minutes 37 seconds East with the Westerly line of said 20' Utility Easement, a distance of 10.00 feet to the **PLACE OF BEGINNING**.

BANNISTER ENGINEERING
240 North Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
TBPLS REGISTRATION NO. 10193823

EXHIBIT "B"



STATE OF TEXAS
REGISTERED
MICHAEL DAN DAVIS
4838
PROFESSIONAL
LAND SURVEYOR

05/13/16

LEGEND

O	DIMENSION POINT, NOTHING FOUND OR SET UNLESS NOTED OTHERWISE
O.P.R.J.C.T.	OFFICIAL PUBLIC RECORDS, JEFFERSON COUNTY, TEXAS
D.R.J.C.T.	DEED RECORDS, JEFFERSON COUNTY, TEXAS
P.R.J.C.T.	PLAT RECORDS, JEFFERSON COUNTY, TEXAS

Project No. 046-15-03	Date: 4/27/2016	Page 2 of 3	Checked By: MD2

10' WATER LINE EASEMENT EXHIBIT
4135 NORTH DOWLEN ROAD
PORTION OF LOT 1A
WAL-MART STORES SUBDIVISION
CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS

N

SCALE: 1" = 20'
0' 10' 20'

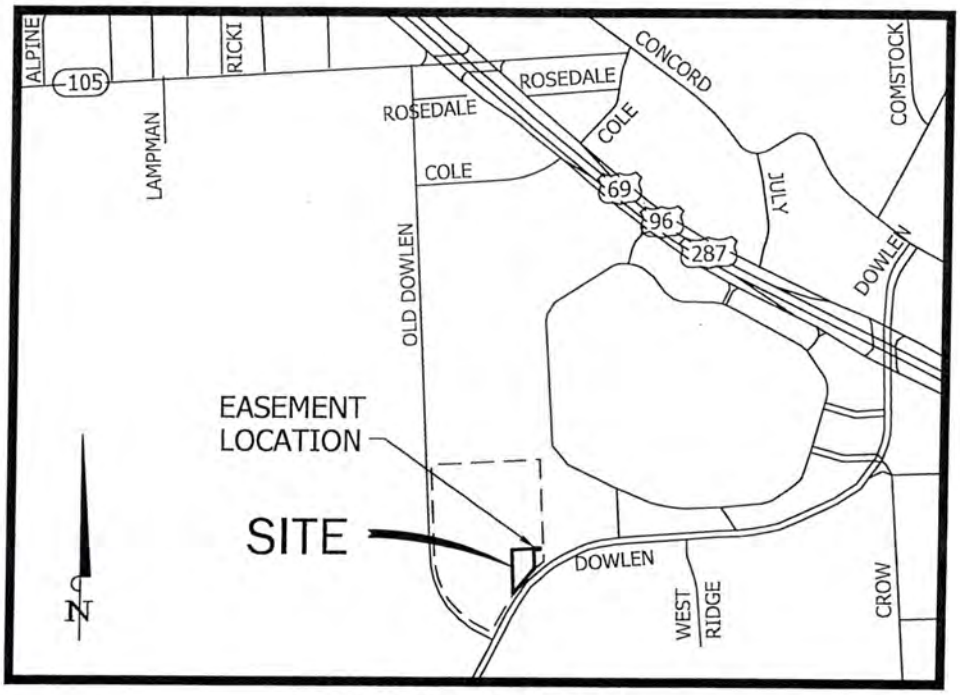
GENERAL NOTES:

1. All bearings shown herein are Texas Coordinate System, NAD83 (CORS), Texas South Central Zone (4204). All distances shown herein are surface distances.

2. All iron rods found (IRF) are 5/8-inch with a plastic cap stamped "RPLS 4838", set January 2016.

BANNISTER ENGINEERING
240 North Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
TBPLS REGISTRATION NO. 10193823

EXHIBIT "B"



VICINITY MAP

NOT TO SCALE

BEAUMONT, TEXAS

Project No. 046-15-03	Date: 4/27/2016	Page 3 of 3	Checked By: MD2

10' WATER LINE EASEMENT EXHIBIT
4135 NORTH DOWLEN ROAD
PORTION OF LOT 1A
WAL-MART STORES SUBDIVISION
CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS

BANNISTER ENGINEERING
240 North Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
TBPLS REGISTRATION NO. 10193823

C

BEAUMONT
TEXAS

TO:	City Council
FROM:	Kyle Hayes, City Manager
PREPARED BY:	Dr. Joseph Majdalani, P.E., Public Works Director JM
MEETING DATE:	May 24, 2016
REQUESTED ACTION:	Council consider a resolution authorizing the acceptance of one (1) twenty foot (20') wide Exclusive Water and Sanitary Sewer Line Easement.

BACKGROUND
CNA Rental Management, LLC has agreed to convey a twenty foot (20') wide exclusive Water and Sewer Line Easement to the City of Beaumont. The easement is described as being a 0.13 acre tract out of a 2.89 acre tract, situated in the A. Huston Survey, Abstract No. 33. The water and sewer line easement is for the construction of a new convenient store located at 3529 North Major Drive.

FUNDING SOURCE
Not applicable.

RECOMMENDATION
Approval of resolution.

RESOLUTION NO.

WHEREAS, CNA Rental Management, LLC has agreed to convey a twenty foot (20') wide exclusive water and sewer line easement, said easement being a 0.13 acre tract out of a 2.89 acre tract, situated in the A. Huston Survey, Abstract No. 33 as described and shown in Exhibit "1," attached hereto, to the City of Beaumont for the construction of a new convenience store located at 3529 North Major Drive; and,

WHEREAS, the City Council has considered the purpose of said conveyance and is of the opinion that the acceptance of said conveyance is necessary and desirable and that same should be accepted;

NOW, THEREFORE, BE IT RESOLVED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT a twenty foot (20') wide exclusive water and sewer line easement conveyed by CNA Rental Management, LLC, being a 0.13 acre tract out of a 2.89 acre tract, situated in the A. Huston Survey, Abstract No. 33 as described and shown in Exhibit "1," attached hereto, be and the same is hereby, in all things, accepted for the stated purposes.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 24th day of May, 2016.

_____

- Mayor Becky Ames -

STATE OF TEXAS X

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF JEFFERSON X

WATER AND SEWER LINE EASEMENT

THAT, **CNA RENTAL MANAGEMENT, LLC**, a Texas limited liability company, hereinafter called "GRANTOR", whether one or more, for and in consideration of the sum of ONE AND NO/100 DOLLAR ($1.00), and other good and valuable consideration to us in hand paid by the CITY OF BEAUMONT, a municipal corporation domiciled in Jefferson County, Texas, hereinafter called "GRANTEE", the receipt and sufficiency of which consideration is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto the **CITY OF BEAUMONT**, P. O. Box 3827, Beaumont, Texas 77704, Jefferson County, Texas, its successors and assigns, a perpetual, exclusive, water and sewer line easement (the "Easement") to construct, alter, and maintain waterlines and related appurtenances on the hereinafter described lands which said easement is under, over, in and across those certain tracts or parcels of land owned by GRANTOR situated in the County of Jefferson, State of Texas, and being more particularly described in **Exhibit "A & B"**, attached and made a part hereof for all purposes (the "Easement Area").

The Easement herein granted shall be used for the purpose of placing, constructing, operating, repairing, rebuilding, replacing, relocating, and/or removing water and sewer lines and related appurtenances in the Easement Area, and, it is expressly understood and agreed that the City of Beaumont shall have the right of reasonable ingress to and egress from the Easement Area and use of the same for the purposes aforesaid; provided, however that Grantee use of the Easement and the rights appurtenant thereto shall in no event unreasonably interfere with or

hinder the business operations on the Grantor's adjacent property and/or Grantor's ingress and egress thereto.

Grantor reserves the right to continue to use and enjoy the surface of the Easement Area for all purposes that do not interfere with or interrupt the use or enjoyment of the Easement by Grantee for the purposes provided herein, including but not limited to the right to place surfacing materials over and across the Easement Area and to use the same for parking areas, driveways, walkways or sidewalks, landscaping and/or lighting; provided, however, no permanent buildings may be placed on the Easement Area. Notwithstanding the foregoing, Grantee shall not be responsible for the repair and replacement of any improvements placed by Grantor within the Easement Area and the same shall be repaired and maintained by Grantor, at Grantor's sole cost and expense.

The conveyance of the Easement granted herein is made by Grantor and accepted by Grantee subject to any and all existing easements, covenants, rights-of-way, conditions, restrictions, outstanding mineral interests and royalty interests, if any, in the Easement Area of record in the office of the County Clerk of the County of Jefferson (collectively, the "Permitted Exceptions").

This Easement may be amended or terminated only by the written consent of the parties hereto, or their respective successors and assigns.

TO HAVE AND TO HOLD the above described easement and right-of-way unto the said CITY OF BEAUMONT, its successors and assigns forever, by, through, or under Grantor, but not otherwise, subject to the Permitted Exceptions.

[Signature Page Follows]

EXECUTED this _____ day of _____, 2016.

GRANTOR:
CNA Rental Management, LLC,
a Texas limited liability company

By: _____
Printed Name: Christopher Truong
Title: Member

ACKNOWLEDGMENT

STATE OF TEXAS X

COUNTY OF JEFFERSON X

This instrument was acknowledged before me on this the _____ day of _____, 2016, by Christopher Truong, Member of CNA Rental Management, LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed in the capacity therein stated on behalf of and as the act and deed of said CNA Rental Management, LLC.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2016.

_____
Notary Public, State of Texas

RETURN TO: City of Beaumont
Antoinette Hardy - Engineering
P. O. Box 3827
Beaumont, TX 77704

FAUST Engineering and Surveying, Inc.

Professional Engineers and Professional Surveyors
E-MAIL ADDRESS INFO@FAUSTENG.COM
2525 Calder Street
Beaumont, Texas 77702
Surveying Firm Registration No. 100024-00
Engineering Firm Registration No. 4800

Telephone (409) 813-3410
Fax (409) 813-3484

EXHIBIT A
PAGE 1 OF 2
FIELD NOTE DESCRIPTION
FOR A
0.18 ACRE TRACT (7,794.4 SQUARE FEET), 20' WIDE EXCLUSIVE WATER AND SANITARY SEWER EASEMENT
OUT OF
ALMANZON HUSTON SURVEY
ABSTRACT NO. 33
JEFFERSON COUNTY, TEXAS

MAY 18, 2016

THAT CERTAIN 0.18 acre tract (7,794.4 square feet) of land out of the Almanzon Huston Survey, Abstract No. 33, and being out of a 2.89 acre tract conveyed to CNA Rental Management, LLC, as described in Clerk's File Number 2015035231 of the Real Property Records of Jefferson County, Texas; said 0.18 acre tract being more particularly described by metes and bounds as follows:

(BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE, CONVERGENCE 02°21'23", SCALE FACTOR 0.999953528, NAD 1983)

BEGINNING at a 1/2" rebar found in west right-of-way line of North Major Drive; said rebar being the southeast corner of a tract conveyed to Beaumont Providence, LP, as described in Clerk's File Number 2014008926 of the Real Property Records of Jefferson County, Texas, and being the northeast corner of the herein described tract;

THENCE South 02°52'54" East (called South 00°01'20" West) along the west right-of-way line North Major Drive and the east line of the said CNA Rental Management, LLC, tract, a distance of 389.73 feet to a 1/2" rebar set and capped "FAUST" for the southeast corner of the herein described tract;

THENCE South 87°07'06" West, a distance of 20.00 feet, to a 1/2" rebar set and capped "Faust" for the southwest corner of the herein described tract;

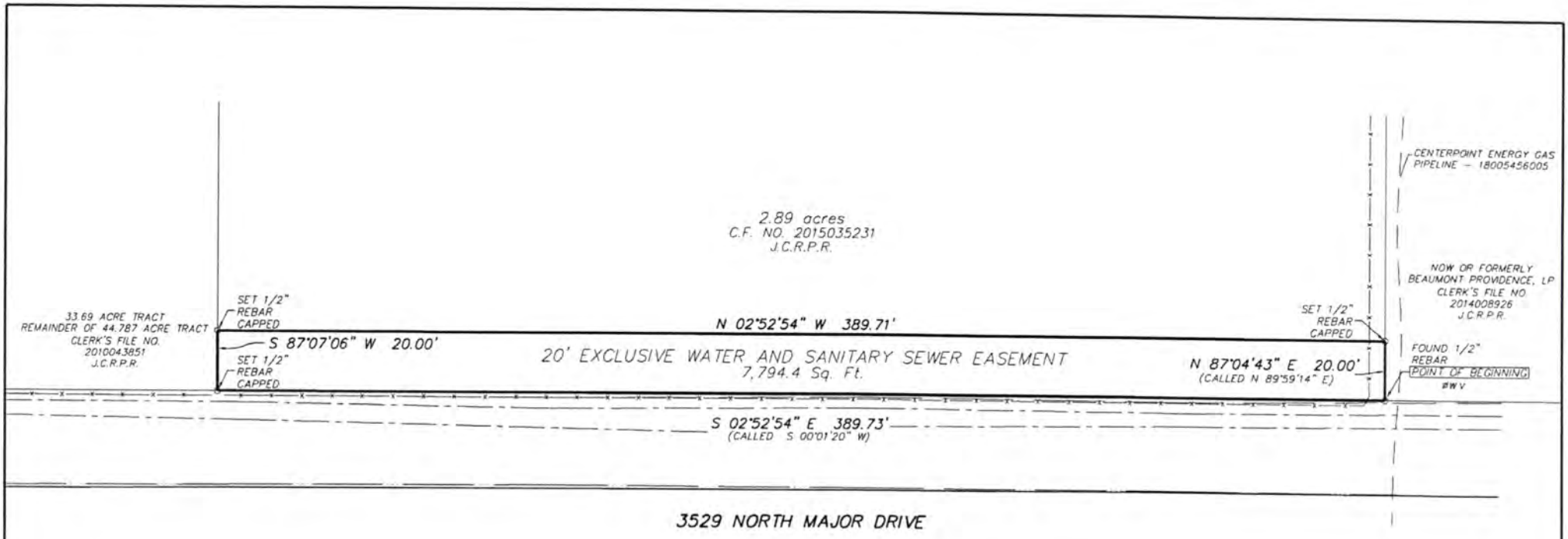
THENCE North 02°52'54" West, a distance of 389.71 feet, to a 1/2" rebar set and capped "Faust" on the south line of the said Providence, LP, tract and the north

line of said CNA Rental Management, LLC, tract; said rebar being the northwest corner of the herein described tract;

THENCE North 87°04'43" East (called North 89°59'14" East) along the south line of the said Providence, LP, and the north line of the said CNA Rental Management, LLC, tract a distance of 20.00 feet to the **POINT OF BEGINNING** and containing 0.18 acres (7,794.4 square feet) of land, more or less.

This description and the accompanying plat were prepared from a survey performed under the supervision of Richard F. Faust, P.E., Registered Professional Land Surveyor No. 4782 on May 18, 2016.

Richard F. Faust, P.E.
Registered Professional Land Surveyor No. 4782



STATE OF TEXAS
REGISTERED
RICHARD F. FAUST
4782
PROFESSIONAL
LAND SURVEYOR

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4782
SURVEY REGISTRATION FIRM NO. 100024-00

Faust
ENGINEERING AND SURVEYING, INC.
PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS
2525 CALDER STREET * BEAUMONT, TEXAS 77702 * (409) 813-3410
ENGINEERING FIRM NO. 4800 * SURVEYING FIRM NO.100024-00

EXHIBIT B
PAGE 1 OF 1
TO ACCOMPANY DESCRIPTION
OF
A 0.18 ACRE (7,794.4 SQUARE FEET)
20 FEET WIDE EXCLUSIVE WATER
AND SANITARY SEWER EASEMENT
OUT OF
A 2.89 ACRE TRACT
ALMANZON HUSTON SURVEY, ABSTRACT NO. 33
BEAUMONT, JEFFERSON COUNTY, TEXAS

N

SCALE 1"= 40'

BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE, CONVERGENCE 02°21'23", SCALE FACTOR 0.999953528, NAD 1983 ELEVATIONS ARE GPS DERIVED NAVD 88

VICINITY MAP
N.T.S.

D

BEAUMONT
TEXAS

TO:	City Council
FROM:	Kyle Hayes, City Manager
PREPARED BY:	Dr. Joseph Majdalani, P.E., Public Works Director JM
MEETING DATE:	May 24, 2016
REQUESTED ACTION:	Council consider a resolution accepting maintenance of the street, storm sewer, water and sanitary sewer improvements in Deerfield Phase IV, Subdivision.

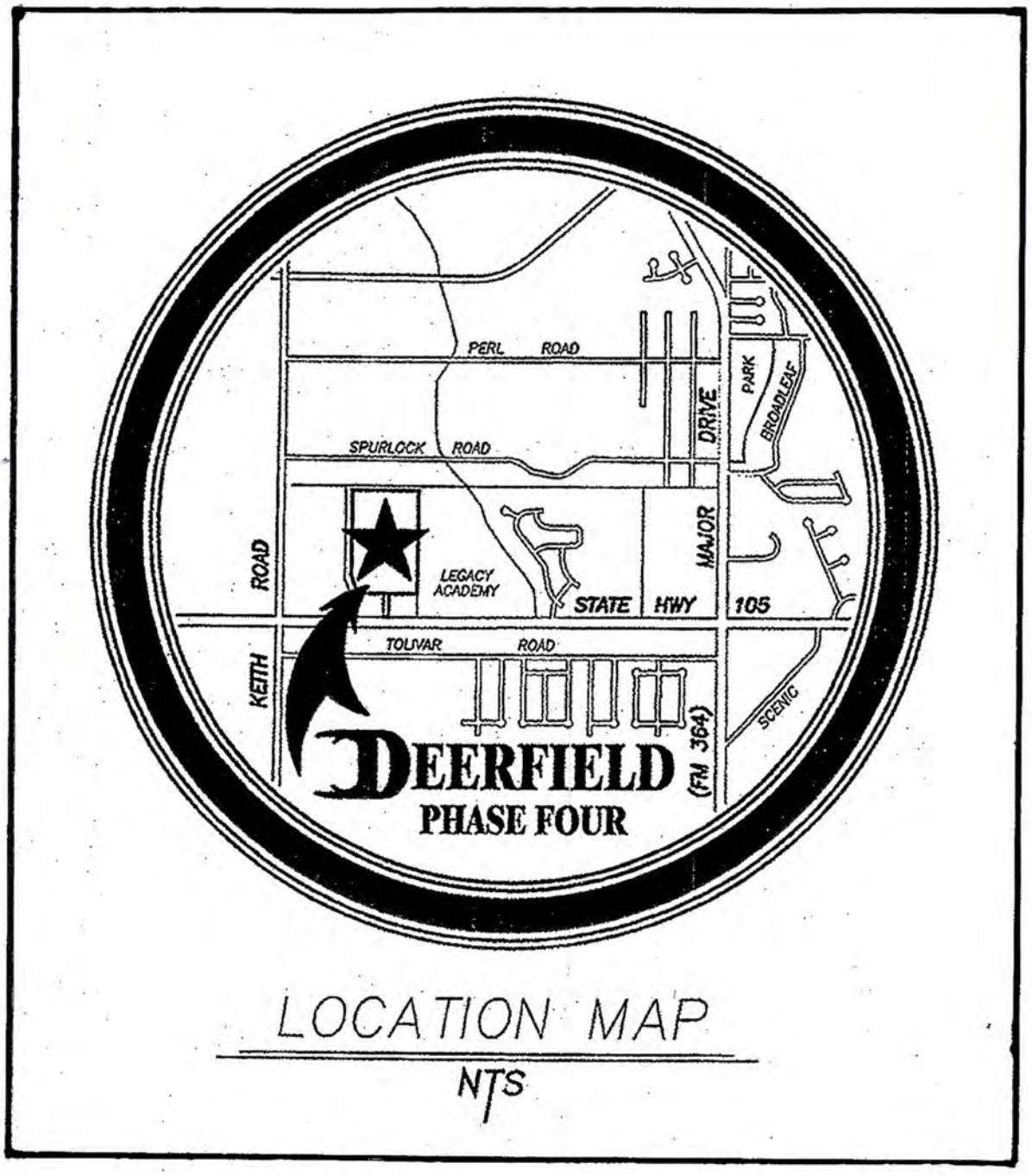
BACKGROUND
On May 13, 2016, a final inspection from all entities was completed and administration recommends approval of the following:

- Somerville Circle approximately 131 feet extension east of existing Somerville Circle to and including the Cul de Sac.
- Bonner Drive approximately 201 feet extension north of existing Bonner Drive to Chappell Hill Drive.
- Chappell Hill Drive approximately 223 feet east to 3-OM 4P markers end of pavement.

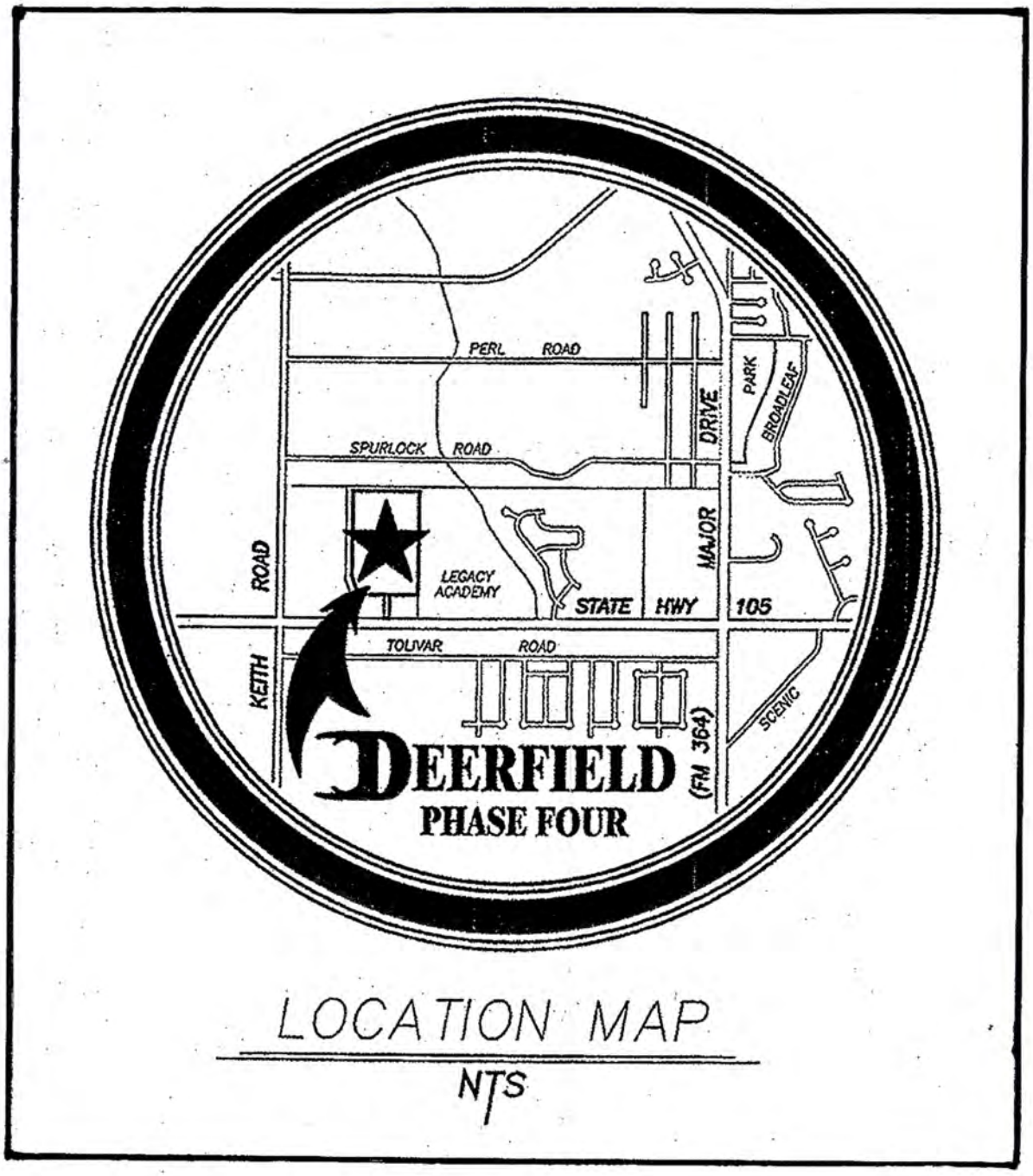
Recommended for acceptance; street maintenance, storm sewer, and water and sanitary sewer improvements for Deerfield Phase IV, Subdivision right-of- way only.

FUNDING SOURCE
Not applicable

RECOMMENDATION
Approval of resolution.



DEERFIELD PHASE FOUR SUBDIVISION



LOCATION MAP

NTS

DEERFIELD PHASE FOUR SUBDIVISION

RESOLUTION NO.

WHEREAS, construction of the street, storm sewer, water and sanitary sewer improvements constructed in Deerfield Phase IV Subdivision have been completed as follows:

Street

- Somerville Circle approximately 131 feet extension east of existing Somerville Circle to and including the cul-de-sac.
- Bonner Drive approximately 201 feet extension north of existing Bonner Drive to Chappell Hill Drive.
- Chappell Hill Drive approximately 223 feet east to 3-OM 4P markers end of pavement.

Street Maintenance, Storm Sewer, Water and Sanitary Sewer Improvements

- Deerfield Phase IV Subdivision, right-of-way only.

; and,

WHEREAS, the developers of said improvements desire to have these improvements accepted and maintained by the City; and,

WHEREAS, the director of the Public Works and Engineering Department has determined that said improvements meet city standards and qualify for acceptance for permanent maintenance, and the City Council is of the opinion that said improvements should be accepted and maintained by the City of Beaumont;

NOW, THEREFORE, BE IT RESOLVED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the above-referenced street, storm sewer, water and sanitary sewer improvements in Fairfield Phase IV Subdivision, with the exception of streetlights, are

hereby accepted by the City of Beaumont and shall be continuously maintained by the City contingent upon filing of the final plat, complete with filings of dedication of all rights-of-way and easements required on the preliminary and final plats and installation of the streetlights.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 24th day of May, 2016.

_____

- Mayor Becky Ames -

BEAUMONT
TEXAS

REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS MAY 24, 2016 1:30 P.M.

AGENDA

CALL TO ORDER

* Invocation Pledge Roll Call
* Presentations and Recognition
* Public Comment: Persons may speak on scheduled agenda item No. 6/Consent Agenda
* Consent Agenda

GENERAL BUSINESS

1. Consider a request for a rezoning from RS (Residential Single Family Dwelling District) to GC-MD-2 (General-Commercial-Multiple Family Dwelling Distirct - 2) on the south side of Washington Boulevard approximately 200' east of Blossom Drive

2. Consider a request for a rezoning from RM-H (Residential Multiple Family Dwelling – Highest Density District) to GC-MD-2 (General Commercial-Multiple Family Dwelling District - 2) at 4490 Crow Road

3. Consider a request for a rezoning from RS (Residential Single Family Dwelling District) to GC-MD-2 (General-Commercial-Multiple Family Dwelling District - 2) for the property to the west of 7505 Eastex Freeway

4. Consider a request for a Specific Use Permit to allow a Marina and Recreational Vehicle Park in a GC-MD (General Commercial - Multiple Family Dwelling District) at 560 Marina Drive

5. Consider a request for a revised Specific Use Permit to allow the expansion of an existing self-storage facility at 1655 S. Major Drive

6. Consider a resolution approving an amendment to the industrial district agreement with ExxonMobil

COMMENTS

* Councilmembers/City Manager comment on various matters
* Public Comment (Persons are limited to 3 minutes)

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Mitchell Normand at 880-3777 three days prior to the meeting.

1

May 24, 2016

Consider a request for a rezoning from RS (Residential Single Family Dwelling District) to GC-MD-2 (General-Commercial-Multiple Family Dwelling District - 2) on the south side of Washington Boulevard approximately 200' east of Blossom Drive

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BEAUMONT
TEXAS

TO:	City Council
FROM:	Kyle Hayes, City Manager
PREPARED BY:	Chris Boone, Planning & Community Development Director
MEETING DATE:	May 24, 2016
REQUESTED ACTION:	Council consider a request for a rezoning from RS (Residential Single Family Dwelling District) to GC-MD-2 (General-Commercial-Multiple Family Dwelling Distirct - 2) on the south side of Washington Boulevard approximately 200' east of Blossom Drive.

BACKGROUND

In January of this year, Mr. Hani Tohme submitted a request to rezone this property from R-S (Residential - Single Family Dwelling District) to GC-MD (General Commercial - Multiple Family Dwelling District). Following discussion as well as voiced opposition, the Planning Commission asked the applicant to consider GC-MD-2 as an alternative. Mr. Johns, the owner of the property, said that he was not interested, and the Planning Commission recommended denial of the request. Mr. Tohme has now submitted a request to rezone the same piece of property from R-S to GC-MD-2. Approval of GC-MD-2 would require that the applicant gain approval of a Specific Use Permit before he could develop the property.

At a Joint Public Hearing held on May 16, 2016, the Planning Commission voted 5:3 to approve a request to consider a rezoning from RS (Residential Single Family Dwelling Distirct) to GC MD-2 (General Commercial-Multiple Family Dwelling District -2) for the property on the south side of Washington Boulevard approximately 200' east of Blossom Drive.

FUNDING SOURCE

Not applicable.

RECOMMENDATIONS

Approval of the ordinance.

APPLICATION FOR AMENDMENT OF THE ZONING ORDINANCE BEAUMONT, TEXAS

(Chapter 28, City Codes)

TO: THE PLANNING COMMISSION AND CITY COUNCIL, CITY OF BEAUMONT, TEXAS

APPLICANT'S NAME AND ADDRESS: Golden Triangle Consulting Engineers/ Hani Tohme

APPLICANT'S PHONE #: 409-782-9520 FAX #: 409-347-7208

NAME OF OWNER: Kent W. Johns

ADDRESS OF OWNER: 2640 Calder St. Beaumont, Texas 77702

LOCATION OF PROPERTY: On Washington Blvd. between Blossom Dr. and Municipal Drive

LEGAL DESCRIPTION OF PROPERTY:

LOT NO. _____ OR TRACT _____

BLOCK NO. 4 PLAT _____

ADDITION John Scharbauer Subdivision SURVEY _____

NUMBER OF ACRES ~~4.1016~~ 1 Acre NUMBER OF ACRES _____

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed to be changed, and a complete legal field note description.

CURRENT ZONING DISTRICT: Residential Single Family (RS)

ZONING DISTRICT REQUESTED: General Commercial – Multiple Dwelling 2 (GC-MD2)

HAS THE REQUEST BEEN MADE BEFORE? Yes IF SO, DATE: 2011 and January 2016

ACTION: A church was denied a specific use permit (2011). Rezoning to GC-MD was denied (2016).

SUBMIT A LETTER STATING REASONS FOR REQUEST.

ATTACH THE APPROPRIATE **APPLICATION FEE:**

LESS THAN 1/2 ACRE	$250.00
1/2 ACRE OR MORE AND LESS THAN 5 ACRES	$450.00
5 ACRES OR MORE	$650.00

I HEREBY ACKNOWLEDGE THAT THE APPLICATION IS MADE FOR THE REQUESTED DISTRICT OR A MORE RESTRICTIVE DISTRICT.

SIGNATURE OF APPLICANT: _____ DATE: April 19, 2016

SIGNATURE OF OWNER: _____

PLEASE TYPE OR PRINT AND SUBMIT TO:

PLANNING DIVISION, ROOM 201
CITY HALL, 801 MAIN STREET
BEAUMONT, TX 77701
P.O. BOX 3827 77704
(409) 880-3764
FAX (409) 880-3133

FILE NUMBER: _____
DATE RECEIVED: _____
RECEIPT NUMBER: _____

GOLDEN TRIANGLE CONSULTING ENGINEERS

April 19, 2016

To: City of Beaumont
Planning Division
801 Main St. Room 201
Beaumont, Texas 77701

From: Golden Triangle Consulting Engineers
2566 Interstate 10 East
Suite 7
Beaumont, Texas 77703

Re: Rezoning Application
John Scharbauer Subdivision (4.1016 Acres)
Block 4

Please find attached the required information to rezone the above referenced property from Residential Single Family (RS) to General Commercial Multiple Dwelling 2 (GC-MD 2). The property is located on the south side of Washington Boulevard between Blossom Drive and Municipal Drive.

The referenced property has Light Industrial (LI) and GC-MD businesses across the street from it and GC-MD land on its east side making it very difficult to build homes on it with the intention to sell them because there will be no market for them. Therefore, the owner is requesting to rezone one acre (142 feet deep by 307 wide) on the Washington Boulevard side to GC-MD2 to benefit from the frontage of the property while building a residential subdivision on the back side of the property that will include 5 to 7 homes.

If approved, the property owner will build a fence between the rezoned section of the property and the residential area and will use the 50 foot wide road for the subdivision in the back as a buffer. In addition, the drainage plan for the proposed improvements will ensure that storm water is drained to the available City storm water infrastructure with zero impact on the residential neighborhood.

Your approval will improve the possibilities of developing this 4.1016 acres of land that has been vacant for many years.

Thank you

Dr. Hani J. Tohme, P.E.
President
Golden Triangle Consulting Engineers

ORDINANCE NO.

ENTITLED AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS, AND IN PARTICULAR THE BOUNDARIES OF THE ZONING DISTRICTS, AS INDICATED UPON THE ZONING MAP OF BEAUMONT, TEXAS, BY CHANGING THE ZONING OF PROPERTY PRESENTLY ZONED RS (RESIDENTIAL SINGLE FAMILY DWELLING) DISTRICT TO GC-MD-2 (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING-2) DISTRICT FOR PROPERTY LOCATED ON THE SOUTH SIDE OF WASHINGTON BOULEVARD APPROXIMATELY 200' EAST OF BLOSSOM DRIVE, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING A PENALTY.

BE IT ORDAINED BY THE CITY OF BEAUMONT:

Section 1.

That Chapter 28 of the Code of Ordinances of Beaumont, Texas, and in particular the boundaries of the zoning districts, as indicated upon the Zoning Map of the City of Beaumont, referred to in Section 28.01.005(b) thereof, is hereby amended by changing the zoning of property presently zoned RS (Residential Single Family Dwelling) District to GC-MD-2 (General Commercial-Multiple Family Dwelling-2) District for property located on the south side of Washington Boulevard approximately 200' East of Blossom Drive, being the Northeast 307' x 142' of part of Block 4, John Scharbauer Subdivision, Beaumont, Jefferson County, Texas, containing 1.0 acres, more or less, as shown on Exhibit "A," attached hereto, and the official zoning map of the City of Beaumont is hereby amended to reflect such changes.

Section 2.

That, in all other respects, the use of the property herein above described shall be subject to all of the applicable regulations of the underlying zoning district as well as

those regulations contained in Chapter 28 of the Code of Ordinances of Beaumont, Texas, as amended.

Section 3.

That if any section, subsection, sentence, clause of phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall not affect the remaining portions of this ordinance, and to such end, the various portions and provisions of this ordinance are declared to be severable.

Section 4.

That all ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict only.

Section 5.

That any person who violates any provision of this ordinance shall, upon conviction, be punished, as provided in Section 1.01.009 of the Code of Ordinances of Beaumont, Texas.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 24th day of May, 2016.

_____

- Mayor Becky Ames -

File 2261-Z: Consider a request to rezone a 1.00 acre tract of land from R-S (Residential - Single Family Dwelling District) to GC-MD-2 (General Commercial- Multiple Family Dwelling District - 2).

Applicant: Hani Tohme of Golden Triangle Consulting Engineers

Location: The south side of Washington Blvd. between Blossom Drive & Municipal Drive.

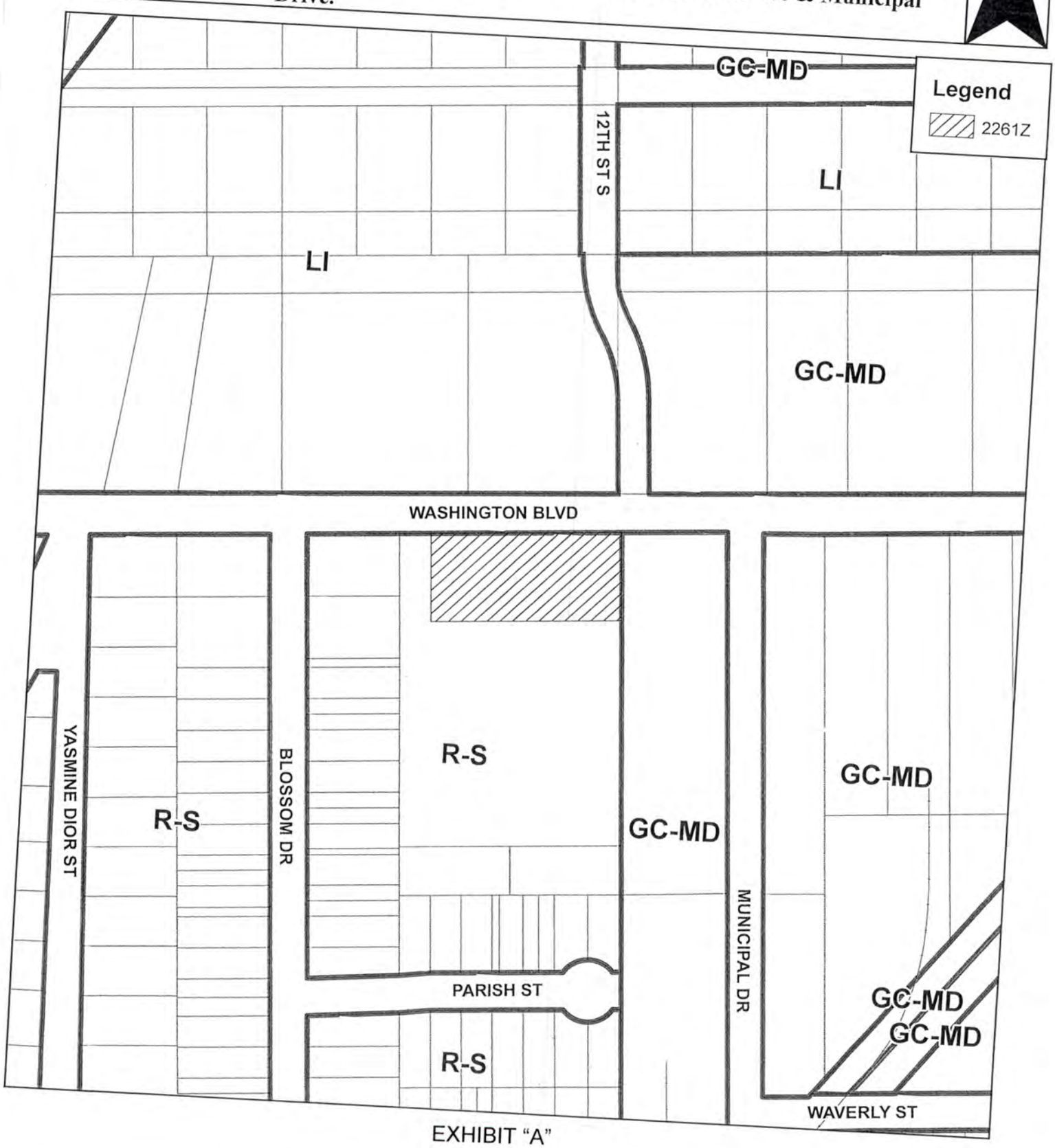


EXHIBIT "A"

2

May 24, 2016

Consider a request for a rezoning from RM-H (Residential Multiple Family Dwelling – Highest Density District) to GC-MD-2 (General Commercial-Multiple Family Dwelling District - 2) at 4490 Crow Road

BEAUMONT
TEXAS

TO:	City Council
FROM:	Kyle Hayes, City Manager
PREPARED BY:	Chris Boone, Planning & Community Development Director
MEETING DATE:	May 24, 2016
REQUESTED ACTION:	Council consider a request for a rezoning from RM-H (Residential Multiple Family Dwelling - Highest Density District) to GC-MD-2 (General Commercial-Multiple Family Dwelling District - 2) at 4490 Crow Road.

BACKGROUND
Parkdale Church plans to sell their property located at 4490 Crow Road. The property is currently zoned RM-H (Residential Multiple Family Dwelling - Highest Density District), but all other properties at the intersection of Crow Road and Odom Road and Dowlen road are zoned GC-MD (General Commercial - Multiple Family Dwelling District). Although the Planning staff agrees that the RM-H zoning is inconsistent with other properties at this intersection, staff recommends rezoning to GC-MD-2 (General Commercial - Multiple Family Dwelling District - 2) to protect the residential properties immediately adjacent to the subject property. Potential buyers would be required to submit a Specific Use Permit for any use other than a church.

At a Joint Public Hearing held on May 16, 2016, the Planning Commission voted 8:0 to approve a request to consider a rezoning from RS (Residential Single Family Dwelling District) to GC MD-2 (General Commercial-Multiple Family Dwelling District -2) at 4490 Crow Road.

FUNDING SOURCE
Not applicable.

RECOMMENDATIONS
Approval of the ordinance.

APPLICATION FOR AMENDMENT OF THE ZONING ORDINANCE BEAUMONT, TEXAS

(Chapter 28, City Codes)

TO: THE PLANNING COMMISSION AND CITY COUNCIL, CITY OF BEAUMONT, TEXAS

APPLICANT'S NAME AND ADDRESS: PARKDALE CHURCH

APPLICANT'S PHONE #: 409-899-5405 FAX #: N/A

NAME OF OWNER: PARKDALE CHURCH

ADDRESS OF OWNER: P.O. BOX 7311 BEAUMONT, TEXAS 77726 77726

LOCATION OF PROPERTY: 4490 CROW ROAD

LEGAL DESCRIPTION OF PROPERTY:

LOT NO. 11, 12, & 13 OR TRACT

BLOCK NO. PLAT

ADDITION R.L. COLLIER SURVEY

NUMBER OF ACRES 1.456 PER JCAD NUMBER OF ACRES

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed to be changed, and a complete legal field note description.

CURRENT ZONING DISTRICT: RMH

ZONING DISTRICT REQUESTED: GC-MD

HAS THE REQUEST BEEN MADE BEFORE? NO IF SO, DATE:

ACTION:

SUBMIT A LETTER STATING REASONS FOR REQUEST.

ATTACH THE APPROPRIATE **APPLICATION FEE:**

LESS THAN 1/2 ACRE	$250.00
1/2 ACRE OR MORE AND LESS THAN 5 ACRES	$450.00
5 ACRES OR MORE	$650.00

I HEREBY ACKNOWLEDGE THAT THE APPLICATION IS MADE FOR THE REQUESTED DISTRICT OR A MORE RESTRICTIVE DISTRICT.

SIGNATURE OF APPLICANT: Fred Chambers Pastor DATE: April 20, 2016

SIGNATURE OF OWNER (IF NOT APPLICANT): Fred Chambers

PLEASE TYPE OR PRINT AND SUBMIT TO:

PLANNING DIVISION, ROOM 201
CITY HALL, 801 MAIN STREET
BEAUMONT, TX 77701
P.O. BOX 3827 77704
(409) 880-3764
FAX (409) 880-3133

FILE NUMBER:
DATE RECEIVED:
RECEIPT NUMBER:

April 20, 2016

Parkdale Church
P.O. Box 7311
Beaumont, Texas 77726

City of Beaumont
Planning & Zoning Department
801 Main Street, 2nd Floor
Beaumont, Texas 77701

Re: 4490 Crow Road in Beaumont, Texas

Dear Planning & Zoning Commission:

I am writing to request a change in the zoning ordinance for the above referenced property.

Currently, the property is zoned RM-H (Residential Multiple-Family Dwelling – Highest Density District), and I am requesting that it be changed to GC-MD (General Commercial – Multiple Family Dwelling District). Parkdale Church will be listing the property to sell, and we believe that it should be re-zoned so that it is consistent with the other properties at the intersection of Crow Road, Odom Road, and Dowlen Road.

For your review and consideration, I am attaching the following:

1. Application for Amendment of the Zoning Ordinance
2. JCAD Map showing dimensions of the property
3. JCAD Aerial Photo which shows the property location *(Zoomed In)*
4. 2nd JCAD Aerial Photo which shows the property location *(Zoomed In)*
5. City of Beaumont Zoning Map

Please do not hesitate to call if you should have any questions or require additional information.

Sincerely,

PARKDALE CHURCH

Fred Chambers

Fred Chambers, Pastor

ORDINANCE NO.

ENTITLED AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS, AND IN PARTICULAR THE BOUNDARIES OF THE ZONING DISTRICTS, AS INDICATED UPON THE ZONING MAP OF BEAUMONT, TEXAS, BY CHANGING THE ZONING OF PROPERTY PRESENTLY ZONED RS (RESIDENTIAL SINGLE FAMILY DWELLING) DISTRICT TO GC-MD-2 (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING-2) DISTRICT FOR PROPERTY LOCATED AT 4490 CROW ROAD, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING A PENALTY.

BE IT ORDAINED BY THE CITY OF BEAUMONT:

Section 1.

That Chapter 28 of the Code of Ordinances of Beaumont, Texas, and in particular the boundaries of the zoning districts, as indicated upon the Zoning Map of the City of Beaumont, referred to in Section 28.01.005(b) thereof, is hereby amended by changing the zoning of property presently zoned RS (Residential Single Family Dwelling) District to GC-MD-2 (General Commercial-Multiple Family Dwelling-2) District for property located at 4490 Crow Road, being Lots 11-13, R.L. Collier Addition, Beaumont, Jefferson County, Texas, containing 1.456 acres, more or less, as shown on Exhibit "A," attached hereto, and the official zoning map of the City of Beaumont is hereby amended to reflect such changes.

Section 2.

That, in all other respects, the use of the property herein above described shall be subject to all of the applicable regulations of the underlying zoning district as well as

those regulations contained in Chapter 28 of the Code of Ordinances of Beaumont, Texas, as amended.

Section 3.

That if any section, subsection, sentence, clause of phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall not affect the remaining portions of this ordinance, and to such end, the various portions and provisions of this ordinance are declared to be severable.

Section 4.

That all ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict only.

Section 5.

That any person who violates any provision of this ordinance shall, upon conviction, be punished, as provided in Section 1.01.009 of the Code of Ordinances of Beaumont, Texas.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 24th day of May, 2016.

_____

- Mayor Becky Ames -

File 2262-Z: Consider a request to rezone a 1.456 acre tract from RM-H (Residential Multiple Family Dwelling - Highest Density District) to GC-MD (General Commercial - Multiple Family Dwelling District) or a more restrictive zoning district.

Applicant: Parkdale Church

Location: 4490 Crow Road

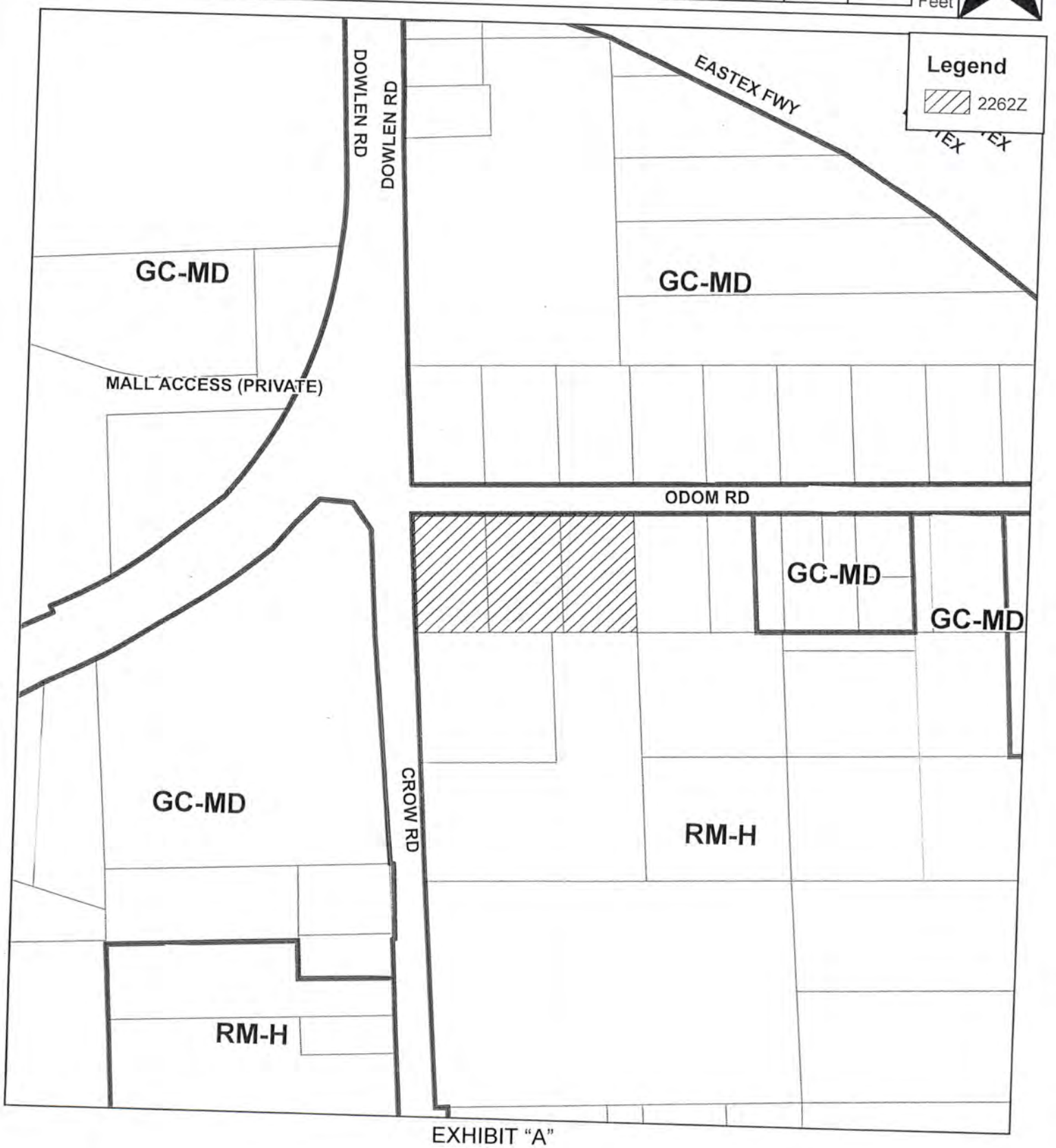
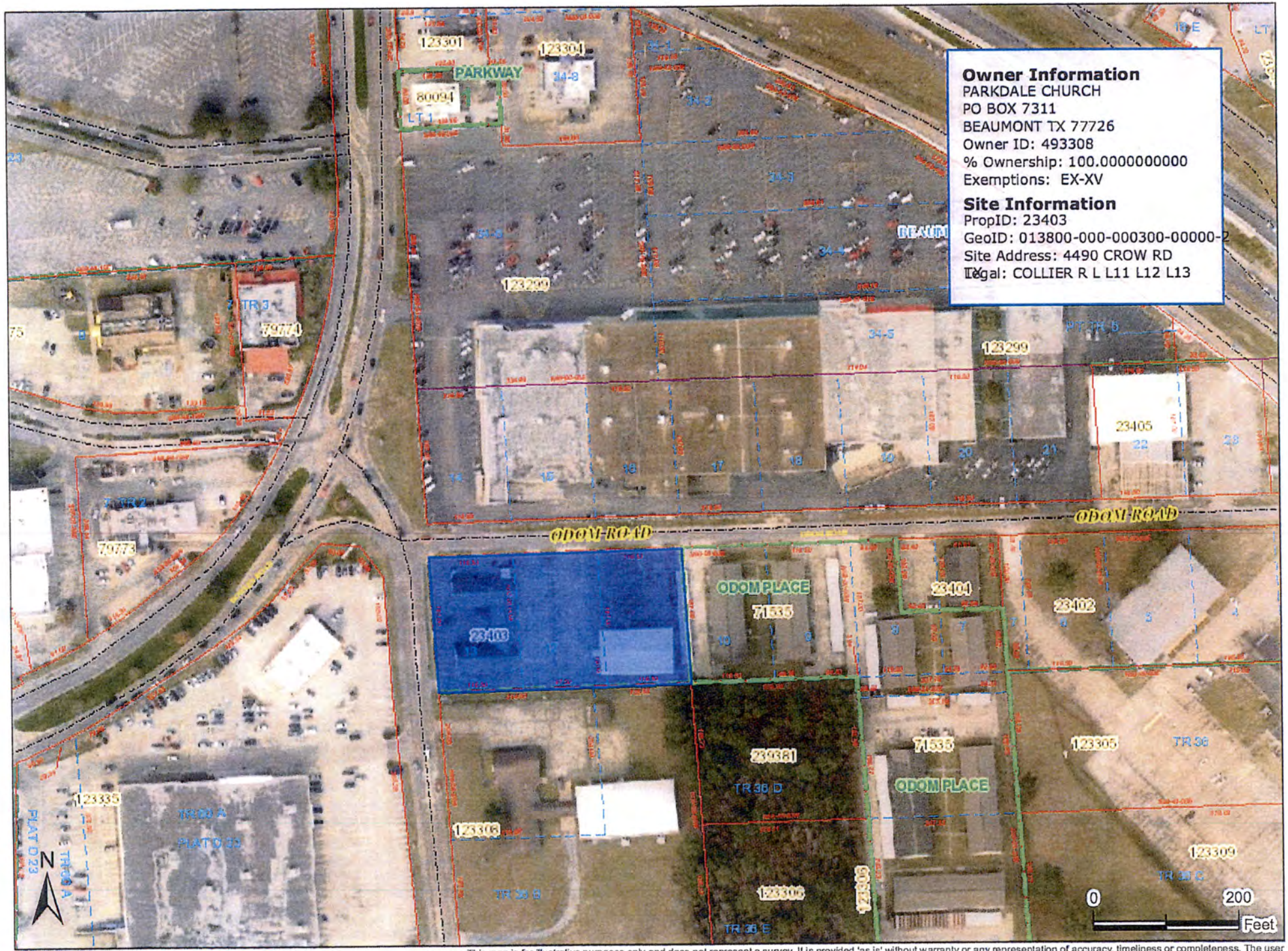


EXHIBIT "A"

Jefferson CAD, TX

Date Printed: March 30, 2016

This map is for illustrative purposes only and does not represent a survey. It is provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The user acknowledges and accepts all inherent limitations of the maps and data, including the fact that the maps and data are dynamic and in a constant state of maintenance, correction and revision. No liability is assumed by Jefferson County as to the accuracy of the data delineated hereon.



Jefferson CAD, TX

Date Printed: March 30, 2016

This map is for illustrative purposes only and does not represent a survey. It is provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The user acknowledges and accepts all inherent limitations of the maps and data, including the fact that the maps and data are dynamic and in a constant state of maintenance, correction and revision. No liability is assumed by Jefferson County as to the accuracy of the data delineated hereon.

3

May 24, 2016

Consider a request for a rezoning from RS (Residential Single Family Dwelling District) to GC-MD-2 (General-Commercial-Multiple Family Dwelling District - 2) for the property to the west of 7505 Eastex Freeway

BEAUMONT
TEXAS

TO:	City Council
FROM:	Kyle Hayes, City Manager
PREPARED BY:	Chris Boone, Planning & Community Development Director CSB
MEETING DATE:	May 24, 2016
REQUESTED ACTION:	Council consider a request for a rezoning from RS (Residential Single Family Dwelling District) to GC-MD-2 (General-Commercial-Multiple Family Dwelling District - 2) for the property to the west of 7505 Eastex Freeway.

BACKGROUND
Mark W. Whiteley and Associates, Inc., on behalf of Gospel Center Church, is requesting a zone change for approximately 5.14 acres to the west of 7505 Eastex Freeway. Property to the east and west is zoned GC-MD (General Commercial - Multiple Family Dwelling District). While staff agrees that the most appropriate zoning of the property would be commercial, GC-MD-2 (General Commercial - Multiple Family Dwelling District - 2) would be more appropriate, allowing for additional protection of the residential properties to the south.

At a Joint Public Hearing held on May 16, 2016, the Planning Commission voted 8:0 to approve a request to consider a rezoning from RS (Residential Single Family Dwelling District) to GC MD-2 (General Commercial-Multiple Family Dwelling District -2) for the property to the west of 7505 Eastex Freeway.

FUNDING SOURCE
Not applicable.

RECOMMENDATIONS
Approval of the ordinance.

APPLICATION FOR AMENDMENT OF THE ZONING ORDINANCE BEAUMONT, TEXAS

(Chapter 28, City Codes)

TO: THE PLANNING COMMISSION AND CITY COUNCIL, CITY OF BEAUMONT, TEXAS

APPLICANT'S NAME AND ADDRESS: Mark W. Whiteley & Associates, Inc.
3250 Eastex Freeway, Beaumont, Tx 77703

APPLICANT'S PHONE #: 409-892-0421 FAX #: 409-892-1346

NAME OF OWNER: Gospel Center Church

ADDRESS OF OWNER: 7595 Hwy 105, Beaumont, TX 77708

LOCATION OF PROPERTY: Eastex Freeway, +/-500 Feet Northwesterly of Caswell Road
JCAD Prop Id: 127973

LEGAL DESCRIPTION OF PROPERTY: (See Attached Legal Description)

LOT NO. _____ OR TRACT 6.00 Acres, S&E 0.86 Acres

BLOCK NO. _____ PLAT _____

ADDITION _____ SURVEY W.B. Dyches Survey, Abst.No. 17

NUMBER OF ACRES _____ NUMBER OF ACRES 5.14 Acres

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed to be changed, and a complete legal field note description.

CURRENT ZONING DISTRICT: R-S

ZONING DISTRICT REQUESTED: GC-MD

HAS THE REQUEST BEEN MADE BEFORE? NO IF SO, DATE: _____

ACTION: _____

SUBMIT A LETTER STATING REASONS FOR REQUEST.

ATTACH THE APPROPRIATE **APPLICATION FEE:**

LESS THAN 1/2 ACRE	$250.00
1/2 ACRE OR MORE AND LESS THAN 5 ACRES	$450.00
5 ACRES OR MORE	$650.00

I HEREBY ACKNOWLEDGE THAT THE APPLICATION IS MADE FOR THE REQUESTED DISTRICT OR A MORE RESTRICTIVE DISTRICT.

SIGNATURE OF APPLICANT: _____ DATE: _____

SIGNATURE OF OWNER: _____

PLEASE TYPE OR PRINT AND SUBMIT TO:

PLANNING DIVISION, ROOM 201
CITY HALL, 801 MAIN STREET
BEAUMONT, TX 77701
P.O. BOX 3827 77704
(409) 880-3764
FAX (409) 880-3133

FILE NUMBER: _____
DATE RECEIVED: _____
RECEIPT NUMBER: _____

MARK W. WHITELEY
AND ASSOCIATES
INCORPORATED

CONSULTING ENGINEERS,
SURVEYORS, AND PLANNERS

P. O. BOX 5492
BEAUMONT, TEXAS 77726-5492
409-892-0421

3250 EASTEX FRWY.
BEAUMONT, TEXAS 77703
(FAX) 409-892-1346

TBPLS Firm No.: 10106700

April 5, 2016

City of Beaumont
Planning & Zoning Department
801 Main, Suite 210
Beaumont, TX 77701

ATTN.: Chris Boone
Community Development Director

REF.: Amendment of Zoning
Gospel Center Church
Eastex Freeway

Dear Mr. Boone:

Gospel Center Church owns a 6.00 acre tract on Eastex Freeway. Attached you will find a copy of their deed as well as an exhibit denoting the location of the property.

Currently the property is zone R-S. The land on each side of this property is zoned GC-MD. Also a portion of the 6.00 acre tract is currently zoned GC-MD. The owner is requesting that the remainder of their tract be rezoned to GC-MD to assist in future development of the property.

Attached is the application and fee for the proposed amendment of zoning. If you have any questions or need additional information please do not hesitate to call. I remain

Sincerely,

Thomas S. Rowe, PE, RPLS
Vice President

ORDINANCE NO.

ENTITLED AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS, AND IN PARTICULAR THE BOUNDARIES OF THE ZONING DISTRICTS, AS INDICATED UPON THE ZONING MAP OF BEAUMONT, TEXAS, BY CHANGING THE ZONING OF PROPERTY PRESENTLY ZONED RS (RESIDENTIAL SINGLE FAMILY DWELLING) DISTRICT TO GC-MD-2 (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING-2) DISTRICT FOR PROPERTY LOCATED TO THE WEST OF 7505 EASTEX FREEWAY, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING A PENALTY.

BE IT ORDAINED BY THE CITY OF BEAUMONT:

Section 1.

That Chapter 28 of the Code of Ordinances of Beaumont, Texas, and in particular the boundaries of the zoning districts, as indicated upon the Zoning Map of the City of Beaumont, referred to in Section 28.01.005(b) thereof, is hereby amended by changing the zoning of property presently zoned RS (Residential Single Family Dwelling) District to GC-MD-2 (General Commercial-Multiple Family Dwelling-2) District for property located to the West of 7505 Eastex Freeway, being Tracts 226, 227, 228 and part of Tracts 5 & 210, save and except 0.86 acres, Plat RS-4, W.B. Dyches Survey, Abstract 17, Beaumont, Jefferson County, Texas, containing 5.14 acres, more or less, as shown on Exhibit "A," attached hereto, and the official zoning map of the City of Beaumont is hereby amended to reflect such changes.

Section 2.

That, in all other respects, the use of the property herein above described shall be subject to all of the applicable regulations of the underlying zoning district as well as

those regulations contained in Chapter 28 of the Code of Ordinances of Beaumont, Texas, as amended.

Section 3.

That if any section, subsection, sentence, clause of phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall not affect the remaining portions of this ordinance, and to such end, the various portions and provisions of this ordinance are declared to be severable.

Section 4.

That all ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict only.

Section 5.

That any person who violates any provision of this ordinance shall, upon conviction, be punished, as provided in Section 1.01.009 of the Code of Ordinances of Beaumont, Texas.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 24th day of May, 2016.

_____

- Mayor Becky Ames -

File 2260-Z: Consider a request to rezone a 6.00 acre tract of land from R-S (Residential - Single Family District) to GC-MD (General Commercial - Multiple Family Dwelling District) or a more restrictive zoning district.

Applicant: Mark Whiteley & Associates, Inc.

Location: Eastex Freeway, approximately 500 feet northwest of Caswell Road

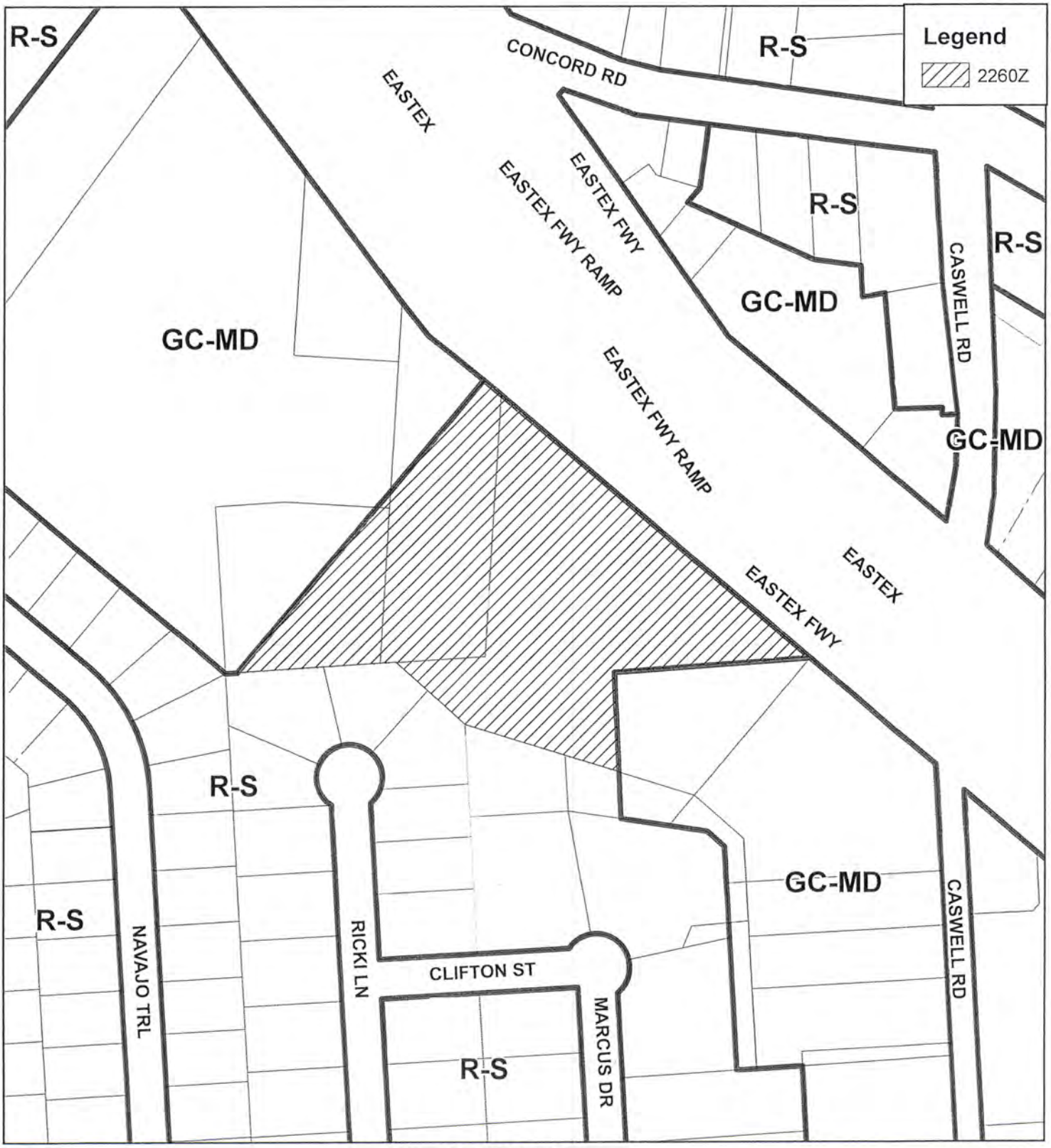


EXHIBIT "A"

4

May 24, 2016

Consider a request for a Specific Use Permit to allow a Marina and Recreational Vehicle Park in a GC-MD (General Commercial - Multiple Family Dwelling District) at 560 Marina Drive

BEAUMONT
TEXAS

TO:	City Council
FROM:	Kyle Hayes, City Manager
PREPARED BY:	Chris Boone, Planning & Community Development Director CJB
MEETING DATE:	May 24, 2016
REQUESTED ACTION:	Council consider a request for a Specific Use Permit to allow a Marina and Recreational Vehicle Park in a GC-MD (General Commercial - Multiple Family Dwelling District) at 560 Marina Drive.

BACKGROUND

USA Self Storage, Inc. is requesting a Specific Use Permit to allow a recreational vehicle park and marina in GC-MD (General Commercial - Multiple Family Dwelling District).

The 30.18 acre tract of land is located at the edge of the Neches River. This property has been operated as the Beaumont Marina for many years. There will be approximately 149 RV parking spaces / rental cabins, a clubhouse, pavilion, laundry facilities and a swimming pool on the site.

The property is currently used as a public marina for boat launches, for wet and dry boat storage and for operation of the Beaumont Yacht Club. USA intends to continue, enhance and improve the marina operations.

At a Joint Public Hearing held on May 16, 2016, the Planning Commission voted 8:0 to approve a request to consider a Specific Use Permit to allow a Marina and Recreational Vehicle Park in a GC-MD (General Commercial - Multiple Family Dwelling District) at 560 Marina Drive, with the following conditions:

1. All floodplain and floodway requirements be met.

2. All requirements set forth by City Fire Department be met.

3. The site plan meet all Recreational Vehicle design requirements set forth in Section 24.06.008 of the Beaumont City Ordinance.

FUNDING SOURCE
Not applicable.

RECOMMENDATIONS
Approval of the ordinance with the following conditions:

1. All floodplain and floodway requirements be met.

2. All requirements set forth by City Fire Department be met.

3. The site plan meet all Recreational Vehicle design requirements set forth in Section 24.06.008 of the Beaumont City Ordinance.

SPECIFIC USE PERMIT APPLICATION
BEAUMONT, TEXAS

(Chapter 28, City Codes)

TO: THE PLANNING COMMISSION AND CITY COUNCIL, CITY OF BEAUMONT, TEXAS

APPLICANT'S NAME: USA SELF STORAGE, INC.

APPLICANT'S ADDRESS: P.O. BOX 973, SEABROOK, TX 77586

APPLICANT'S PHONE #: 281-734-7464-SCOTT, 409-833-0062-LANCE FAX #: 409-833-0084

NAME OF OWNER: SCOTT MONROE

ADDRESS OF OWNER: PO BOX 973, SEABROOK, TX 77586

LOCATION OF PROPERTY: 560 MARINA DRIVE, BEAUMONT, TX 77703

LEGAL DESCRIPTION OF PROPERTY: SEE EXHIBIT "A" ATTACHED HERETO

LOT NO. _____ OR TRACT _____

BLOCK NO. _____ PLAT _____

ADDITION _____ SURVEY _____

NUMBER OF ACRES _____ NUMBER OF ACRES _____

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed for a specific use permit, and a complete legal field note description.

PROPOSED USE: MARINA AND RV PARK ZONE: _____

ATTACH A LETTER describing all processes and activities involved with the proposed uses.

ATTACH A SITE PLAN drawn to scale with the information listed on the top back side of this sheet.

ATTACH A REDUCED 8 ½" X 11" PHOTOCOPY OF THE SITE PLAN.

THE EIGHT CONDITIONS listed on the back side of this sheet must be met before City Council can grant a specific use permit. **PLEASE ADDRESS EACH CONDITION IN DETAIL.**

ATTACH THE APPROPRIATE APPLICATION FEE:

LESS THAN ½ ACRE	$250.00
½ ACRE OR MORE AND LESS THAN 5 ACRES	$450.00
5 ACRES OR MORE	$650.00

I, being the undersigned applicant, understand that all of the conditions, dimensions, building sizes, landscaping and parking areas depicted on the site plan shall be adhered to as amended and approved by City Council.

SIGNATURE OF APPLICANT: Lee C. M. Vice President and Agent DATE: 4-21-2016

SIGNATURE OF OWNER: _____ (IF NOT APPLICANT) DATE: _____

PLEASE TYPE OR PRINT AND SUBMIT TO:

CITY OF BEAUMONT
PLANNING DIVISION
801 MAIN STREET, ROOM 201
BEAUMONT, TX 77701

FILE NUMBER: _____

DATE RECEIVED: _____

Phone - (409) 880-3764
Fax - (409) 880-3133

****

PLEASE MAKE NOTE ON REVERSE SIDE OF CONDITIONS TO BE MET REGARDING THE SITE PLAN AND LETTER OF PROPOSED USES AND ACTIVITIES.

Lance C. Fox
Partner

Email: lcf@cfjmlaw.com

Creighton, Fox, Johnson & Mills, PLLC

Attorneys at Law
P.O. Box 5607, Beaumont, Texas 77726-5607
3535 Calder, Suite 310 77706

Phone (409) 833-0062 | Fax (409) 833-0084
www.cfjmlaw.com

Other Offices:
1601 Rio Grande, Suite 330
Austin, TX 78701
Phone (512) 457-8797
Fax (512) 457-8792

April 27, 2016

VIA HAND DELIVERY

Adina Ward
City of Beaumont, Texas
Planning Division
801 Main Street, Room 201
Beaumont, TX 77701

RE: Beaumont Yacht Club – SPECIFIC USE PERMIT APPLICATION

Dear Mrs. Ward:

We are sending you this letter regarding the pending **SPECIFIC USE PERMIT APPLICATION** of our client, **USA SELF STORAGE, INC., d/b/a THE ACCESS COMPANIES** ("Applicant" or "USA"), relating to the The Beaumont Yacht Club property. Pursuant to your telephone conversation today with Mr. Monroe and the message I left on your voice mail this afternoon, this letter is to confirm to your office that the first site plan in the Application marked #1 and prepared by Soutex Surveyors & Engineers should be disregarded, and the City should only refer to and consider the second site plan, which is the site plan marked #2 prepared by Miramont Interests, LC.

If you have any questions about this matter, please contact our office.

Yours very truly,

CREIGHTON, FOX, JOHNSON & MILLS, PLLC

Lance C. Fox

cc: Scott Monroe
USA Self Storage, Inc.
PO Box 973
Seabrook, TX 77586

Lance C. Fox
Partner

Email: lcf@cfjmlaw.com

Creighton, Fox, Johnson & Mills, PLLC
Attorneys at Law
P.O. Box 5607, Beaumont, Texas 77726-5607
3535 Calder, Suite 310 77706

Phone (409) 833-0062 | Fax (409) 833-0084
www.cfjmlaw.com

Other Offices:
1601 Rio Grande, Suite 330
Austin, TX 78701
Phone (512) 457-8797
Fax (512) 457-8792

April 22, 2016

VIA HAND DELIVERY

City of Beaumont, Texas
Planning Division
801 Main Street, Room 201
Beaumont, TX 77701

RE: Beaumont Yacht Club – SPECIFIC USE PERMIT APPLICATION

Dear City of Beaumont Planning Division:

Enclosed is the **SPECIFIC USE PERMIT APPLICATION** of our client, **USA SELF STORAGE, INC., d/b/a THE ACCESS COMPANIES** ("Applicant" or "USA"), relating to the The Beaumont Yacht Club property that USA has under contract to purchase from the City of Beaumont. Attached to this Application is a check for the $650.00 application fee.

As stated in the Application, USA is seeking a specific use permit to develop and operate an RV Park on the Property, together with operating the existing marina and boat storage facilities.

We have enclosed with the Application two different preliminary SITE PLANS that show the proposed development of the Property that will include RV Pad Sites, a Clubhouse and swimming pool. Please note that these are only preliminary site plans and this is subject to change and is expected to change in terms of the final layout of the RV Park and the final scope all of improvements, but they generally show the proposed and possible layouts of the RV Park and some of the building improvements that will be made. USA is still engaged in due diligence and is having the property surveyed and tested for environmental conditions, the results of which could impact the location of certain building improvements. After the real estate purchase transaction with the City has closed and USA and its affiliated company become the owner of the property[1], USA will complete the necessary engineering and other ground work and prepare a final and detailed set of development and building plans and a final site plan, which will be submitted to the City for approval with the required building permit application. This process is expected to take a few weeks, but it is important to USA in regards to the pending real estate transaction it has with the City for USA to go ahead and apply for the Specific Use Permit to confirm that it will be able to obtain approval from the City to develop the property into

1 As stated below, the actual owner of the real estate will be an affiliate of USA, and USA will lease the property from the owner and will engage in the RV Park and marina business. Both USA and the owner of the land will be affiliated companies owned by Scott Monroe and his family.

an RV Park. Thus, USA understands that the City's action on this Application will be preliminary and may be subject to certain conditions and restrictions imposed by the City and that USA may, and probably will have to come back to the City to get final approval of the Specific Use Permit, and again at this point in time we are just trying to confirm that it will be possible and permissible to develop and operate an RV Park at this site.

By this letter, we would advise the City of USA's intended development plans and the processes and activities involved with the proposed uses, and we are providing some background information to the City about USA and its primary owner, Scott Monroe. Specifically, we would advise the City of the following:

1. The property is currently used as a public marina for boat launches, and for wet and dry boat storage, and for operation of The Beaumont Yacht Club. USA intends to continue the marina operations and to enhance and improve the marina operations. USA will continue to maintain the public boat launch and provide dry and wet boat storage. USA further intends to meet with the governing body of The Beaumont Yacht Club and after USA (or its affiliate) becomes the owner of the property USA will seek to negotiate a mutually acceptable arrangement that allows the Beaumont Yacht Club to continue to meet and operate at the facility. Certainly it is USA's desire and business goal to increase the marina business and thus having the Beaumont Yacht Club and its members maintain their presence and use of the facility is consistent with this goal and is desirable.

2. In connection with the operation of the marina, USA further intends to develop and operate an RV Park at this site that will include RV pad sites, rental cabins, a Clubhouse, laundry facility, swimming pool, pavilion, picnic areas and other amenities. The RV Park will have a full-time on-site manager who can manage both the RV Park and the Marina, as well as such other personnel as necessary for the operation of the RV Park and Marina.

3. The final name of the RV Park and Marina is still being evaluated, but preliminarily USA is contemplating the name Beaumont RV and Marina.

4. USA believes having both the RV Park and Marina at this site will significantly enhance its use and attract a wide range of customers, guests and visitors for the benefit of USA's business, which in turn will benefit the City. Locating an RV Park on the water with a marina facility appeals to a variety of potential users. Many RV Owners prefer to stay in parks located on the water for the aesthetic value thereof and additional benefits that can be offered by a water location. By way of example, there is an existing RV Park just East of Beaumont located on Interstate 10 in Rose City that is located on a lake that is an old sand pit and visible from the road. This RV Park stays full. Likewise, boat owners who have the opportunity to have both a boat and RV can make use of combined facility for weekend and holiday use. This new RV Park to be developed at this Site will have a Clubhouse and Pavilion that will be available for use by both marina customers and RV park guests, and Applicant intends to make them

available for rent for private and social events, such as family reunions, weddings, corporate events, charitable events (such as a gumbo cookoff), etc. USA also has plans for having an annual on the water boat and RV show and similar events, which over time could develop into expanding these types of events to coincide with other City events (such as the Neches River Festival) and that could include also using other City facilities, such as the City Civic Center and Riverfront Park.

5. Applicant believes this particular project will attract a lot of tourists to the City from the large growing number of RV owners who regularly vacation in their RVs and constantly are looking for new destinations and places to stay, both for weekends and holiday get-aways and traditional family vacations. This particularly location is ideal given its visibility from Interstate 10 and its proximity to downtown Beaumont and the number of museums located in the City's downtown. In addition, RV Parks are used by a variety of other users for many reasons, including but not limited to (i) seasonal plant and construction workers and other temporary type workers, (ii) out-of-town patients visiting local medical facilities having surgery or other outpatient procedures over a course of several days who need to stay near medical treatment facilities, or family members of an in-hospital patient who need a place to stay, where such persons prefer to stay in their own RV as opposed to a hotel, since it is usually less expensive and offers them the amenities that you can't get in a hotel room such as the ability to cook, bring more clothes and personal items, have your pets with you, etc., (iii) retired folks who spend much of their time traveling and visiting new places, including so called snow-birds from the North who come to the South for the mild winter climate, (iv) hunters, fishermen, boaters and others engaged in various outdoor or other local community activities who regularly stay in their RV to participate in various types of events, such as hunting and fishing competitions, golf and baseball tournaments and similar types of sports tournaments, marathons and other sporting events, college and high school events, car and motorcycle rallies, parades, air shows, community festivals, bird watching activities, charitable events, concerts, etc., (v) out of town visitors visiting friends and families who own an RV and who prefer to stay in their own RV as opposed to staying in a hotel or overnight with the family member they are visiting, and (vi) RV owners who need a temporary place to stay while they are having remodeling work done on their home.

6. The location of this site and its use as a marina is fully complementary to expanding the use to an RV Park, since the site has undeveloped acreage, it already has adequate and suitable road access and drainage, is fenced along the road, and it is not near any other residential housing or other types of businesses that would be adversely impacted by such an operation.

7. As part of the building permit application process, the final building and site plans that USA will submit will include detailed specifications on any signage, new fencing, landscaping, lighting, location of trash storage facilities, pedestrian walks, additional driveways and parking areas, etc., to comply with all City ordinance and zoning requirements. As an RV Park, USA will design and operate the Park in a manner that

is attractive and appealing to guests and that provides a safe, secluded and secure environment for both RV Park and marina customers and their guests. The RV Park and marina will be professionally managed, with a full-time and on-site manager, and USA will have in place RV Park and marina rules to maintain a quiet, peaceful, safe and secure facility. This type of safe and secure environment is what is desired by customers and guests and USA does not tolerate and does not allow any unlawful activities, any loud or obnoxious conduct or any disruptive guests, and it takes appropriate action to enforce such rules at its other existing RV Parks and it will likewise do so at this location.

8. USA currently owns and operates four other RV Parks and one marina and dry boat facility, The marina and dry boat storage facility is located in Kemah, Texas, and the other RV Parks owned and operated by USA include the following:

   (a) Marina Bay RV Resort, located in Kemah, Texas. This particularly RV Park attracts a lot of upscale RV owners and tourists due to its proximity to the Kemah Boardwalk and surrounding Clear Lake.

   (b) Willow Lakes RV Resort in League City, Texas, located on the water in League City.

   (c) Marina Bay Lake Cove RV Resort in Dickinson, Texas, also built around a private man-made lake.

   (d) Access RV Resort in Port Arthur, Texas.

Pictures of some of these other RV Park facilities owned and operated by USA are included with this letter to give the City Planning Department a better idea of the types of RV Parks that USA currently owns and operates and the types of RV Park facilities and amenities that it offers.

Finally, we would advise you that the Application is submitted in the name of USA Self Storage, Inc., which is a Texas corporation owned by Scott Monroe. USA will be the operator of the RV Park and marina. The underlying owner of the project will be a Texas limited partnership or limited liability company owned by Mr. Monroe and his family and such owner will lease the property to USA. This leasing and operating arrangement is the same business model that Mr. Monroe uses at his other RV Parks and real estate projects.

Mr. Monroe lives with his wife in Kemah, Texas and is 56 years of age. Prior to moving to Kemah approximately 15 years ago, he resided and had several businesses in Beaumont and Jefferson County, Texas, and he still maintains some business operations and ties to Jefferson County. He has a family owned company and both his wife and adult daughter work with him, and they own a variety of various types of businesses and real estate developments, including the RV Parks and marina facility listed above, several mini-storage warehouse facilities, an industrial warehouse facility and other real estate developments and businesses. Mr. Monroe is an avid outdoorsman, aviator and sportsman and owns his own Motorcoach RV as well as several boats. Thus, he is very close to and takes a very

personal interest in the RV, boating and marina industries.

If you have any questions about this matter or would like any more information, please contact our office.

Yours very truly,

CREIGHTON, FOX, JOHNSON & MILLS, PLLC

Lance C. Fox

cc: Scott Monroe
USA Self Storage, Inc.
PO Box 973
Seabrook, TX 77586

ORDINANCE NO.

ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A MARINA AND RECREATIONAL VEHICLE PARK IN A GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT AT 560 MARINA DRIVE IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.

WHEREAS, Lance C. Fox, on behalf of USA Self Storage, Inc., d/b/a The Access Companies, has applied for a specific use permit to allow a marina and recreational vehicle park in a GC-MD (General Commercial-Multiple Family Dwelling) District, at 560 Marina Drive, as described in Exhibit "A" and shown on Exhibit "B," attached hereto; and,

WHEREAS, the Planning and Zoning Commission of the City of Beaumont considered the request and is recommending approval of a specific use permit to allow a marina and recreational vehicle park in a GC-MD (General Commercial-Multiple Family Dwelling) District at 560 Marina Drive, subject to the following conditions:

- All floodplain and floodway requirements be met
- All requirements set forth by City Fire Department be met
- The site plan meet all Recreational Vehicle design requirements set forth in Section 24.06.008 of the Beaumont City Ordinance

; and,

WHEREAS, the City Council is of the opinion that the issuance of such specific use permit is in the best interest of the City of Beaumont and its citizens;

NOW, THEREFORE, BE IT ORDAINED

BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this ordinance are hereby, in all things, approved and adopted; and,

Section 1.

That a specific use permit to allow a marina and recreational vehicle park in a GC-MD (General Commercial-Multiple Family Dwelling) District at 560 Marina Drive as described in Exhibit "A" and shown on Exhibit "B," is hereby granted to USA Self Storage, Inc. d/b/a The Access Companies, its legal representatives, successors and assigns, as shown on Exhibit "C," attached hereto and made a part hereof for all purposes, subject to the following conditions:

- All floodplain and floodway requirements be met
- All requirements set forth by City Fire Department be met
- The site plan meet all Recreational Vehicle design requirements set forth in Section 24.06.008 of the Beaumont City Ordinance.

Section 2.

That the specific use permit herein granted is expressly issued for and in accordance with each particular and detail of the site plan attached hereto as Exhibit "C" and made a part hereof for all purposes.

Section 3.

Notwithstanding the site plan attached hereto, the use of the property herein above described shall be in all other respects subject to all of the applicable regulations contained in Chapter 28 of the Code of Ordinances of Beaumont, Texas, as amended, as well as comply with any and all federal, state and local statutes, regulations or ordinances which may apply.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 24th day of May, 2016.

_____

- Mayor Becky Ames -

LEGAL DESCRIPTION FOR ORDINANCE PURPOSES

BEING a tract of land of approximately 30.18 acres out of the W. H. Hodges Survey and the James Drake Survey, in the City of Beaumont, Jefferson County, State of Texas, and being more particularly described by metes and bounds as follows;

BEGINNING at the intersection of the north right-of-way line of the Interstate Highway 10, with the left ascending bank of the water's edge of the Neches River;

THENCE In a northeasterly direction following the left ascending bank of the water's edge of the Neches River up said river with its meanderings one thousand eight hundred (1800) feet more or less, to a point lying one thousand six hundred fifty (1650') feet perpendicularly distant from the said north right-of-way line of Interstate Highway 10;

THENCE west along a line parallel with and one thousand six hundred fifty (1650^{1}) feet distant from the said north right-of-way line of interstate Highway 10, one hundred eighty (180') feet more or less, to a point for corner;

THENCE in a southwesterly direction one hundred fifty (160') from. and parallel to the left ascending bank of the Neches River a distance of seven hundred (700') feet more or less, to a point for corner, said point being one thousand (1000') feet perpendicularly distant from the north right-of-way line of interstate Highway 10;

THENCE west along a line one thousand (1000') feet from and parallel to the said north right-of-way of Interstate Highway 10 a distance of one thousand two hundred thirty (1230') feet to a point thirty (30') feet east of the centerline of the old garbage dump road;

THENCE in a southerly direction thirty (30') feet from and parallel to the old garbage dump road a distance of one thousand ten (1010') feet more or less to its point of Intersection with the north line of Interstate Highway 10;

THENCE east along the said north right-of-way line of Interstate Highway 10 to one thousand fifty (10501 feet more or less to the PLACE OF BEGINNING:
SAVE AND EXCEPT out of the above-described property, a strip of land one hundred fifty (150') feet wide from the water's edge back one hundred fifty (150') feet more or less to west line of the north prong of said tease tract; the centerline of said strip being one thousand two hundred fifty (1250') feet from the north line of Interstate Highway 40 measured along the left ascending bank of the Neches River, Beaumont, Jefferson County, Texas, containing 30.18 acres, more or less.

EXHIBIT "A"

File 2264-P: Consider a request for a Specific Use Permit to allow a Marina and Recreational Vehicle Park in a GC-MD (General Commercial - Multiple Family Dwelling District).

Applicant: USA Self Storage, Inc.

Location: 560 Marina Drive

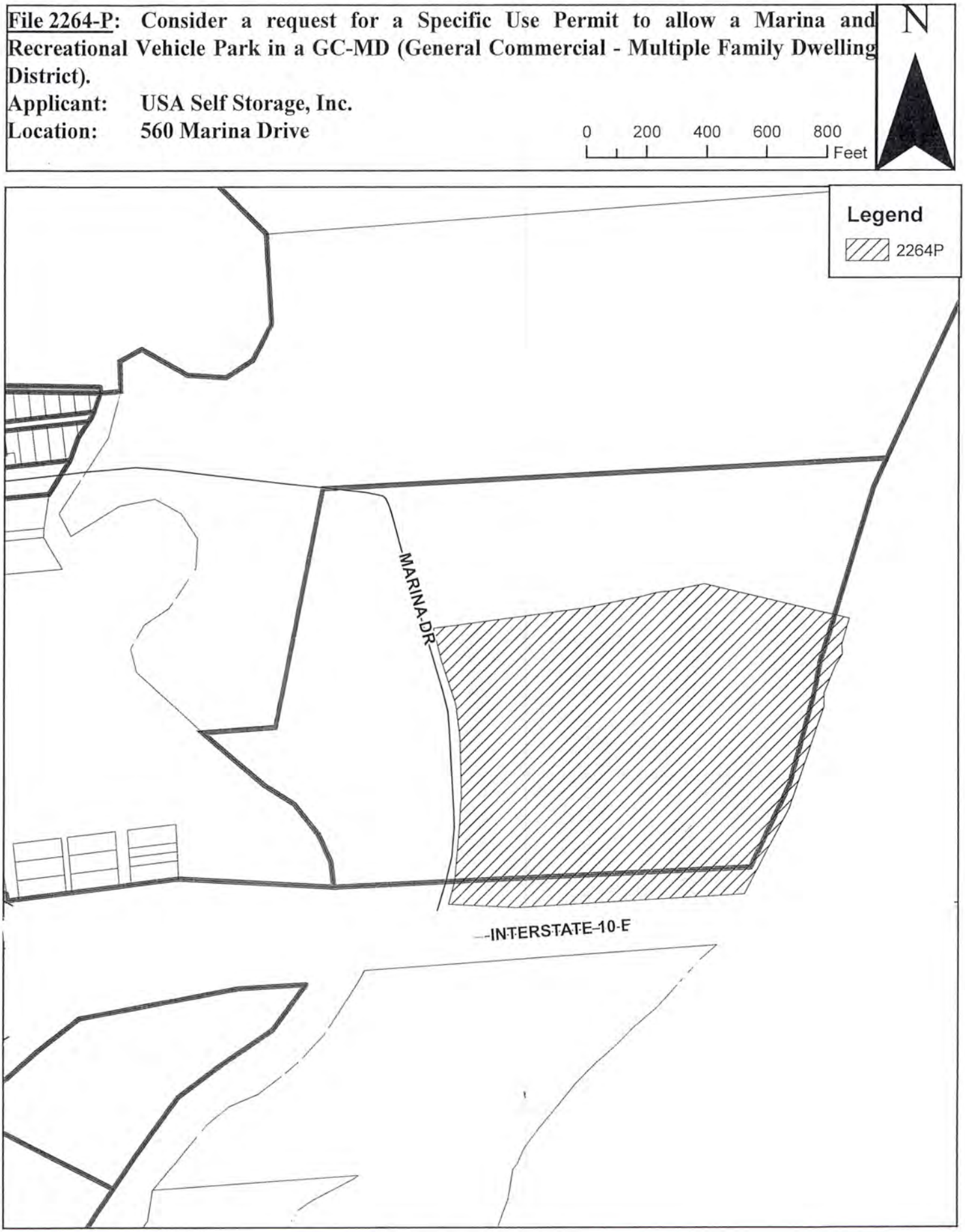


EXHIBIT "B"

PROPOSED CLUBHOUSE/OFFICE W/POOL
149 RV SPACES (TYP. SPACE 20'x50')

C-2

PRELIM SITE PLAN

DATE: 4-15-16

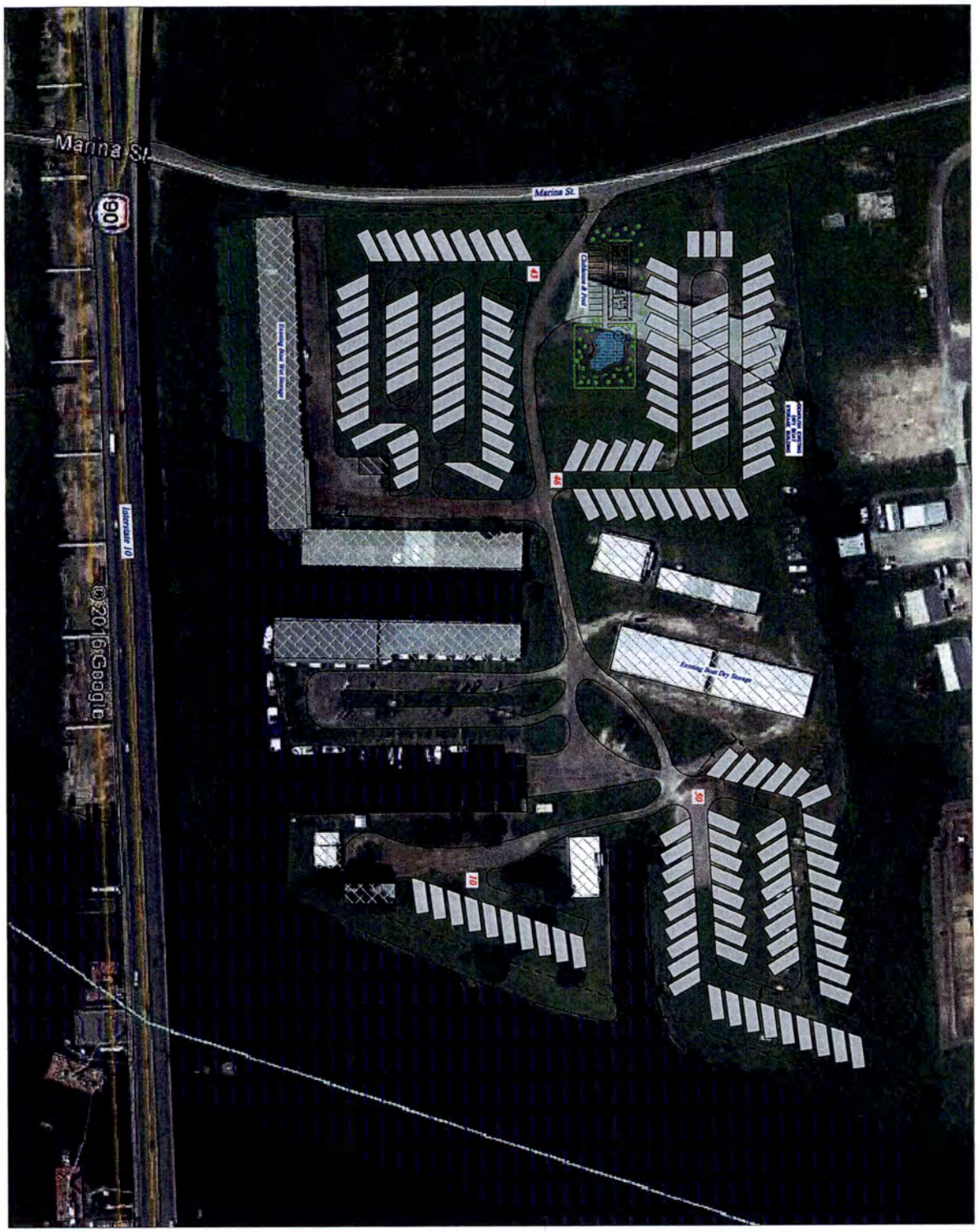
BEAUMONT YACHT CLUB
PROPOSED RV-PARK ADDITION

REVISIONS:

EXHIBIT "C"

CLIENT:
Access Companies
PO Box 973
Seabrook, TX 77586
c/o Scott Monroe
(281) 734-7464
scott@yachtsy.net

MIRAMONT INTERESTS, LC
ENGINEERING · PROGRAMMING · LAND DEVELOPMENT
TBPE #10177
1790 Hughes Landing Blvd., Suite 550
The Woodlands, TX 77380
Reese W. Brown, IV
reese@miramontinterests.com
(832) 691-1581

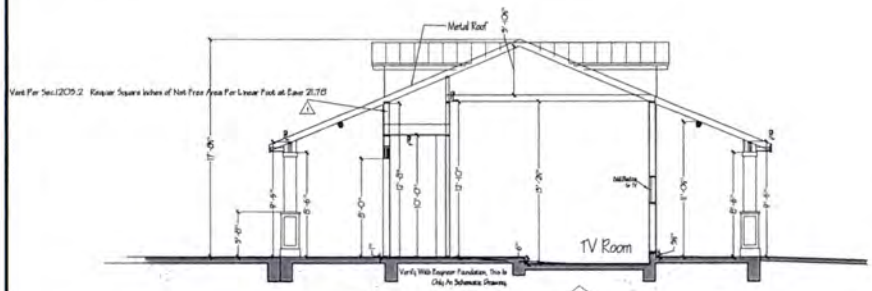


PROPOSED CLUBHOUSE/OFFICE W/POOL
149 RV SPACES (TYP. SPACE 20'x50')

C-1	DATE: 4-15-16	PRELIM SITE PLAN	BEAUMONT YACHT CLUB PROPOSED RV-PARK ADDITION	REVISIONS:	CLIENT: Access Companies PO Box 973 Seabrook, TX 77586 c/o Scott Monroe (281) 734-7464 scott@cyberbay.net	MIRAMONT INTERESTS, LLC ENGINEERING · ARCHITECTURE LAND DEVELOPMENT TBPE #10477 1790 Hughes Landing Blvd. Ste. 400 The Woodlands, TX 77380 Reese W. Brown, IV reese@mi-tx.com (832) 691-1581

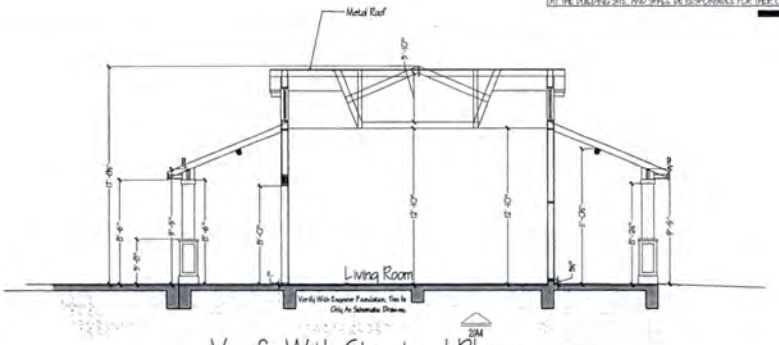
#2

NOTE:
BEFORE PROCEEDING WITH ANY WORK OR ORDER ANY MATERIALS, BUILDER AND / OR CONTRACTORS SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF MATERIALS AND THEIR INTERRELATIONSHIP AT THE BUILDING SITE, AND SHALL BE RESPONSIBLE FOR THEIR CORRECTNESS.



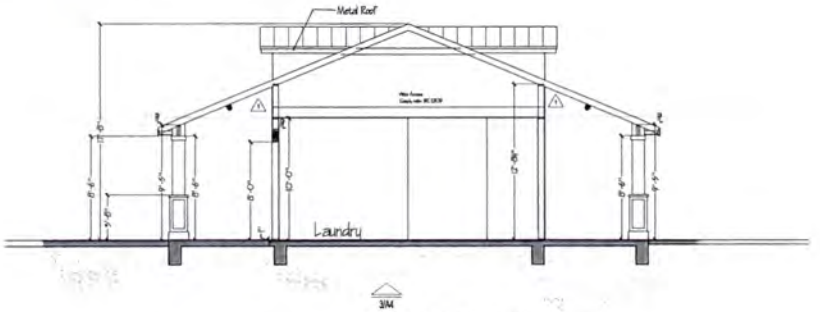
Verify With Structural Plans

1 SECTION AT TV ROOM
SCALE: 1/4"=1'-0"

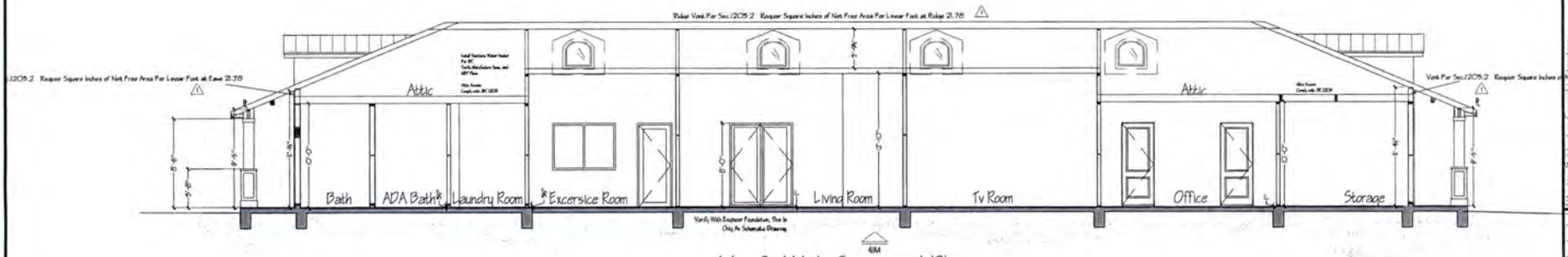


Verify With Structural Plans

2 SECTION AT LIVING ROOM
SCALE: 1/4"=1'-0"



3 SECTION AT LAUNDRY
SCALE: 1/4"=1'-0"



Verify With Structural Plans

3 SECTION AT FOOL LENGTH
SCALE: 1/4"=1'-0"

VERIFY ALL DIMENSIONS

I-45 RV RESORT
12187 Sagedowne Ln.
Houston, Texas 77089

DESIGN BY ZOLEZZI LLC.
TELEPHONE (713) 826 9411
hector@designbyzolezzi.com

Attention Builder / or General Contractors:
Note: Plans refer to design intent of the project. It is the responsibility of the Builder and / or General Contractor to verify all dimensions and conditions of the site before construction, and comply with all local codes. Plans are generic to the Greater Houston area and generic to the Texas Residential Code. Site parameters and applicable freezes or Wind Speed Zone, Seismic Zone, Soil Conditions, Wind Exposure and Frost Line Depth, Termite Infestation, Wildfire Hazard, Flood Hazard, Earthquake Hazard, etc. may be different than what is shown on these plans. Plans are not to be interpreted as Engineered Plans. Plans by Zolezzi LLC.

General Note:
It is the responsibility of the contractor and / or Subcontractor to take the time of bid and contract to verify all dimensions and conditions of the site before construction. Any discrepancies found in the drawings must be reported to the Architect and resolved before any work is done.

12/01/15 - ISSUE FOR CONSTRUCTION
1 2-15-2016 PERMIT REVISION

SECTIONS
A4.0

5

May 24, 2016

Consider a request for a revised Specific Use Permit to allow the expansion of an existing self-storage facility at 1655 S. Major Drive

BEAUMONT
TEXAS

TO:	City Council
FROM:	Kyle Hayes, City Manager
PREPARED BY:	Chris Boone, Planning & Community Development Director
MEETING DATE:	May 24, 2016
REQUESTED ACTION:	Council consider a request for a revised Specific Use Permit to allow the expansion of an existing self-storage facility at 1655 S. Major Drive.

BACKGROUND
Greg Allen requested and received a Specific Use Permit to open a self-storage facility at 1655 S. Major Drive in July of 2003. This current request is to allow two (2) additional buildings on the property. These new buildings would expand the property's storage capacity. The new structures are located at Major Drive and should not further disturb neighboring properties to the east. There will be no changes to the hours of operation, or the manner in which business is conducted at the site.

At a Joint Public Hearing held on May 16, 2016, the Planning Commission voted 8:0 to approve a request to consider a revised Specific Use Permit to allow the expansion of an existing self storage facility at 1655 S. Major Drive with the following conditions:

1. All requirements set forth by City Fire Departments be met.

2. Installation of a sidewalk along Major Drive.

FUNDING SOURCE
Not applicable.

RECOMMENDATIONS
Approval of the ordinance with the following conditions:

1. All requirements set forth by City Fire Departments be met.

2. Installation of a sidewalk along Major Drive.

SPECIFIC USE PERMIT APPLICATION
BEAUMONT, TEXAS

(Chapter 28, City Codes)

TO: THE PLANNING COMMISSION AND CITY COUNCIL, CITY OF BEAUMONT, TEXAS

APPLICANT'S NAME: Greg Allen

APPLICANT'S ADDRESS: 23238 Sawleaf Circle Katy, Tx 77494

APPLICANT'S PHONE #: 281 794 9876 FAX #: 281 693 4554

NAME OF OWNER: Sovran Self Storage

ADDRESS OF OWNER: 6467 Main Street Buffalo, NY 14221

LOCATION OF PROPERTY: 16455 South Major Drive Beaumont, Tx 77707

LEGAL DESCRIPTION OF PROPERTY:

LOT NO. 12, 13, 14, 15 & 16 OR TRACT

BLOCK NO. A PLAT

ADDITION Mayfair, Vol 5, Pg 43 SURVEY

NUMBER OF ACRES 3.591 Ac NUMBER OF ACRES

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed for a specific use permit, and a complete legal field note description.

PROPOSED USE: Continued Self Storage ZONE:

ATTACH A LETTER describing all processes and activities involved with the proposed uses.

ATTACH A SITE PLAN drawn to scale with the information listed on the top back side of this sheet.

ATTACH A REDUCED 8 ½" X 11" PHOTOCOPY OF THE SITE PLAN.

THE EIGHT CONDITIONS listed on the back side of this sheet must be met before City Council can grant a specific use permit. **PLEASE ADDRESS EACH CONDITION IN DETAIL.**

ATTACH THE APPROPRIATE APPLICATION FEE:

LESS THAN ½ ACRE	$250.00
½ ACRE OR MORE AND LESS THAN 5 ACRES	$450.00
5 ACRES OR MORE	$650.00

I, being the undersigned applicant, understand that all of the conditions, dimensions, building sizes, landscaping and parking areas depicted on the site plan shall be adhered to as amended and approved by City Council.

SIGNATURE OF APPLICANT: Greg Allen DATE: 4/19/16

SIGNATURE OF OWNER: Robert P DATE: 4/19/16

PLEASE TYPE OR PRINT AND SUBMIT TO:

CITY OF BEAUMONT
PLANNING DIVISION
801 MAIN STREET, ROOM 201
BEAUMONT, TX 77701

Phone - (409) 880-3764
Fax - (409) 880-3133

FILE NUMBER:
DATE RECEIVED:

****

PLEASE MAKE NOTE ON REVERSE SIDE OF CONDITIONS TO BE MET REGARDING THE SITE PLAN AND LETTER OF PROPOSED USES AND ACTIVITIES.

LONESTAR ARCHITECTURE

23238 Sawleaf Circle
Katy, Tx 77494
281-794-9876

19 April 2016

City of Beaumont, Texas
Planning and Zoning Department

RE: Amended SUP for Uncle Bob's Self Storage
1655 S. Major Drive
Beaumont, Tx 77707

As part of the Special Use Permit process, we had a pre-SUP meeting on April 7, 2016 to discuss this project. We have done our best to address all of the items from that meeting in this submittal.

EIGHT CONDITIONS FOR SUP

1. The existing property is already permitted for Self Storage. The amended SUP would not change the use of the property.

2. The expansion of this facility would not impede normal development of surrounding property.

3. With the exception of a new fire line to the new Building 'D', all utilities, roads, drainage and supporting facilities will remain the same.

4. The curb cuts off S. Major Drive will remain as is. Three parking spaces will be relocated, but all other parking and driveways will remain.

5. The existing property is already permitted for Self Storage. The amended SUP would not change the use of the property.

6. All site lighting mounted on the building will be directed to the driveway areas.

7. According to our pre-SUP meeting, the existing landscape and screening is adequate.

8. The existing property is already permitted for Self Storage. The amended SUP would not change the use of the property.

Respectfully,

Greg Allen
Lonestar Architecture

ORDINANCE NO.

ENTITLED AN ORDINANCE ISSUING AN AMENDED SPECIFIC USE PERMIT TO ALLOW THE EXPANSION OF AN EXISTING SELF-STORAGE FACILITY IN A GC-MD-2 (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING-2) DISTRICT AT 1655 S. MAJOR DRIVE IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.

WHEREAS, on January 27, 2001, City Council approved Ordinance No. 01-027 issuing a specific use permit to Eugene R. Allen to allow a personal storage warehouse in a GC-MD-2 (General Commercial-Multiple Family Dwelling-2) District at 1655 S. Major Drive, with a waiver of the ten foot (10') wide buffer requirement on the east property line; and,

WHEREAS, on July 29, 2003, City Council approved Ordinance No. 03-062 issuing an amended specific use permit to Eugene R. Allen to allow the expansion of an existing mini-warehouse facility in a GC-MD-2 (General Commercial-Multiple Family Dwelling-2) District at 1655 S. Major Drive, with a waiver to the tree requirement along the east property line; and,

WHEREAS, Greg Allen wishes to amend the amended specific use permit to allow the expansion of the existing self-storage facility in a GC-MD-2 (General Commercial-Multiple Family Dwelling-2) District at 1655 S. Major Drive, being Lots 12-16, Block A, Mayfair Addition, Beaumont, Jefferson County, Texas, containing 3.591 acres, more or less, more or less, as shown on Exhibit "A," attached hereto and made a part hereof for all purposes; and,

WHEREAS, the Planning and Zoning Commission of the City of Beaumont considered and recommends approval of the request to amend the amended specific

use permit to allow the expansion of the existing self-storage facility in a GC-MD-2 (General Commercial-Multiple Family Dwelling-2) District at 1655 S. Major Drive as reflected in the site plan as shown on Exhibit "B," attached hereto and made a part hereof for all purposes; and,

WHEREAS, the City Council is of the opinion that the amendment of such amended specific use permit is in the best interest of the City of Beaumont and its citizens, subject to the following conditions;

- All requirements set forth by City Fire Departments be met
- Installation of a sidewalk along Major Drive

NOW, THEREFORE, BE IT ORDAINED BY THE

CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

Section 1

That Ordinance No. 03-062 be amended by amending the specific use permit granted to Eugene R. Allen, his legal representatives, successors, and assigns for that certain tract shown on Exhibit "A," attached hereto and made a part hereof for all purposes, to allow the expansion of an existing self-storage facility in a GCj-MD-2 (General Commercial-Multiple Family Dwelling-2) District at 1655 S. Major Drive as reflected in the site plan attached hereto as Exhibit "B," subject to the following conditions:

- All requirements set forth by City Fire Departments be met
- Installation of a sidewalk along Major Drive

Section 2.

Notwithstanding the site plan attached hereto as Exhibit "B," the use of the property herein above described shall be in all other respects, subject to all of the applicable regulations contained in Ordinance No. 03-062 and the regulations contained in Chapter 28 of the Code of Ordinances of the City of Beaumont, Texas, as amended, as well as comply with any and all federal, state and local statutes, regulations or ordinances which may apply.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 24th day of May, 2016.

_____

- Mayor Becky Ames -

File 2263-P: Consider a request for a revised Specific Use Permit to allow the expansion of an existing self-storage facility.
Applicant: Greg Allen
Location: 1655 South Major Drive

EXHIBIT "A"

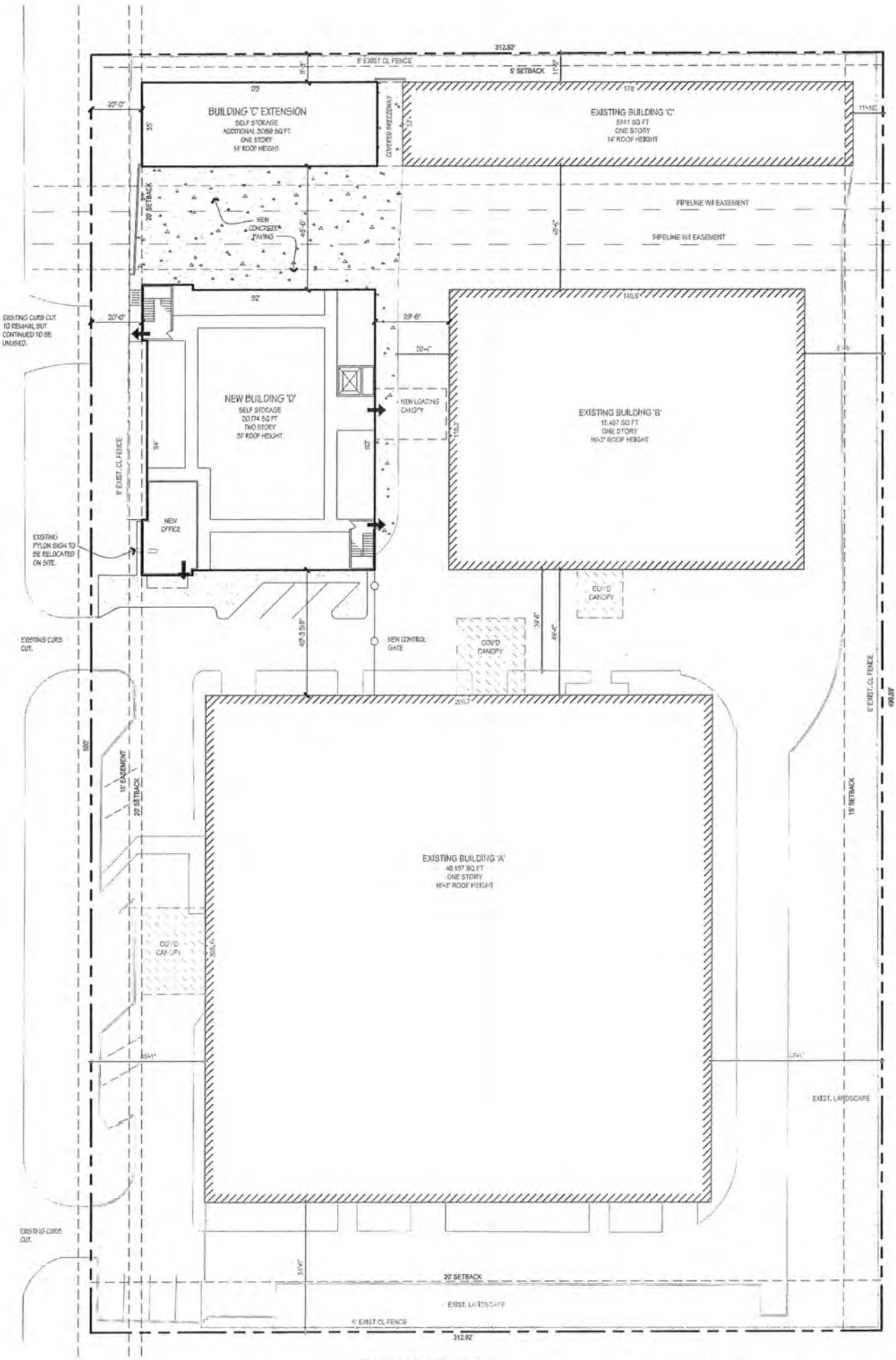


EXHIBIT "B"

N

OVERALL SITE PLAN 1

1"=30'-0"

6

May 24, 2016

Consider a resolution approving an amendment to the industrial district agreement with ExxonMobil

BEAUMONT
TEXAS

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Laura Clark, Chief Financial Officer

MEETING DATE: May 24, 2016

REQUESTED ACTION: Council consider a resolution approving an amendment to the industrial district agreement with ExxonMobil.

BACKGROUND

By Resolution No. 16-024 and on February 2, 2016, City Council approved an industrial district agreement (IDA) with ExxonMobil Oil Corporation. Since that time, ExxonMobil has requested abatements of two potential projects that the company is in advanced stages of evaluating: ExxonMobil Beaumont Polyethylene Expansion Project (BPEX) and ExxonMobil Beaumont Refinery Capacity Expansion Project (SCANFiner) for an estimated total amount of $1.5 Billion. The IDA is being amended to include the terms of the requested abatements as follows:

ExxonMobil Beaumont Polyethylene Expansion Project (BPEX): Possible construction of a world-class polyethylene manufacturing production line located alongside the current ExxonMobil Polyethylene Plant (BPEP). The facility would be constructed on approximately 300 acres of land and will include a polymerization line, finishing line, associated new utilities, control building, rail facilities and interconnecting lines to the existing plant. All new construction and equipment related to this project will receive 100% abatement for payments due in each of the ten (10) years following the year the production line is fully operational.

ExxonMobil Beaumont Refinery Capacity Expansion Project (SCANFiner): Possible construction of a facility which will increase the ExxonMobil Beaumont Refinery's capacity to produce high-quality, ultralow-sulfur gasoline and diesel fuels. It would be constructed on approximately 1.5 acres of land and will include recycled compressors, reactors, cooling tower, drums, scrubbers, pumps, analyzers, instrumentation and controls, fractionation units, utilities services upgrade, building and condensers. All new construction and equipment related to this project will receive 100% abatement for payments due in each of the ten (10) years following the year the expansion is fully operational.

In consideration of the above abatements, ExxonMobil will pay the City $750,000 in 2017 and 2018 and $700,000 in 2019 in addition to the calculated payment per the IDA. During the years of 2017 through 2021, the payment made by ExxonMobil shall never be less than $11 million.

FUNDING SOURCE
Payments are accounted for in the General Fund.

RECOMMENDATION
Approval of resolution.

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL

OF THE CITY OF BEAUMONT:

THAT the City Manager be and he is hereby authorized to execute a First Amended Agreement to the Industrial District Agreement with ExxonMobil Oil Corporation. The amended agreement is substantially in the form attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 24th day of May, 2016.

_____

- Mayor Becky Ames -

THE STATE OF TEXAS

COUNTY OF JEFFERSON

FIRST AMENDED AGREEMENT

This Agreement is made under the authority of Section 42.044 of the Texas Local Government Code by and between the City of Beaumont, a municipal corporation and a home-rule city located in Jefferson County, Texas, hereinafter called "CITY," and ExxonMobil Oil Corporation, its parent, subsidiaries and affiliates, hereinafter called "COMPANY."

PREAMBLE

WHEREAS, City Council authorized the execution of an Industrial District Agreement (IDA) by Resolution No. 16-024 on the 2nd day of February, 2016.

WHEREAS, ExxonMobil has requested abatements of two potential projects: ExxonMobil Beaumont Polyethylene Expansion Project (BPEX) and ExxonMobil Beaumont Refinery Capacity Expansion Project (SCANFiner) for an estimated total amount of $1.5 Billion.

WHEREAS, the parties agree that the IDA is to be amended to provide for the abatement.

NOW, THEREFORE, in consideration of the foregoing promises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and in consideration of the mutual promises and agreements herein constrained, the Parties agree as follows:

ABATEMENTS

1. Company is in advanced phases of evaluating two projects known as the ExxonMobil Beaumont Polyethylene Expansion Project (BPEX) and the ExxonMobil Beaumont

Refinery Capacity Expansion Project (SCANFiner) with final investment decisions anticipated in 2016.

a. ExxonMobil Beaumont Polyethylene Expansion Project (BPEX): Possible construction of a world-class polyethylene manufacturing production line located alongside the current ExxonMobil Polyethylene Plant (BPEP). The facility would be constructed on approximately 300 acres of land and will include a polymerization line, finishing line, associated new utilities, control building, rail facilities and interconnecting lines to the existing plant. All new construction and equipment related to this project will receive 100% abatement for payments due in each of the ten (10) years following the year the production line is fully operational.

b. ExxonMobil Beaumont Refinery Capacity Expansion Project (SCANFiner): Possible construction of a facility which will increase the ExxonMobil Beaumont Refinery's capacity to produce high-quality, ultralow-sulfur gasoline and diesel fuels. It would be constructed on approximately 1.5 acres of land and will include recycled compressors, reactors, cooling tower, drums, scrubbers, pumps, analyzers, instrumentation and controls, fractionation units, utilities services upgrade, building and condensers. All new construction and equipment related to this project will receive 100% abatement for payments due in each of the ten (10) years following the year the expansion is fully operational.

2. The abatements do not include the value of existing property. The Company shall be responsible for the payment of ad valorem taxes based upon the existing value of the property and improvements as determined by the Jefferson County Appraisal District.

The Company shall notify City in writing at least thirty (30) days prior to the date construction is scheduled to commence.

3. In addition to the calculated payments to be made per the terms of the IDA, Company agrees to pay to City in years 2017, 2018, and 2019, certain payments to be attributed 70% to BPEX and 30% to SCANFiner, as follows:

    a. Year 2017 – Up to $750,000, with $525,000 attributed to BPEX and $225,000 attributed to SCANFiner

    b. Year 2018 - $750,000, with $525,000 attributed to BPEX and $225,000 attributed to SCANFiner

    c. Year 2019 - $700,000, with $490,000 attributed to BPEX and $210,000 attributed to SCANFiner

    d. The payments identified in this paragraph and attributed to BPEX and SCANFiner are contingent upon the respective project receiving final Company approval and funding. Should either BPEX or SCANFiner fail to receive final approval or funding, Company's payment obligation in 2017, 2018, and 2019 will be reduced by the percent attributable (70% BPEX, 30% SCANFiner) to the project or projects that did not receive final approval or funding.

4. In addition, the Annual Payment due as defined in the industrial district agreement shall never be less than $11 million subject to the conditions for final Company approval and funding set out in paragraph 3 above. Any 2017, 2018, or 2019 payment made in accordance with paragraph 3 must be included when calculating Company's compliance with minimum payment obligations. Upper and lower limitations as set out in Article I 5 (b) of the agreement shall be applied to the prior year amount paid by Company.

EXISTING INDUSTRIAL DISTRICT AGREEMENT

Except as indicated above, all terms of the existing IDA as originally approved and attached herein shall remain in full force and effect.

IN WITNESS THEREOF, this Agreement, consisting of 4 pages, is executed in duplicate counterparts as of this _____ day of _____, 2016.

CITY OF BEAUMONT, TEXAS

By:_____
Kyle Hayes, City Manager

ATTEST:

_____
Tina Broussard, City Clerk

EXXONMOBIL OIL CORPORATION

By:_____
Fernando Salazar, Refinery Manager
Agent and Attorney-In-Fact

ATTEST:

_____
Stephen Foster, Refinery Attorney