

RESOLUTION NO. 06-257

A RESOLUTION AS IT PERTAINS TO THE SALE OF APPROXIMATELY FIVE (5) ACRES OF LAND OF THE CITY OF PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION BUSINESS PARK TO SETX CLEARWATER ENVIRONMENTAL, L.L.C.

WHEREAS, pursuant to Resolution No. 06-238, the City Council approved the sale of Lot 2, Block 1 by the City of Port Arthur Section 4A Economic Development Corporation to SETX Clearwater Environmental, L.L.C.; and,

WHEREAS, the total purchase price is \$155,000, with \$4,500 being the down payment, and the remainder of the purchase price being over 120 months at \$1,747.43 per month with 7% interest per annum being assessed; and,

WHEREAS, a change needs to be made as to the legal description of the five (5) acres that will be sold to SETX Clearwater Environmental, L.L.C.

WHEREAS, NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ARTHUR, TEXAS:

Section 1. That the facts and opinions in the preamble are true and correct.

Section 2. That the City of Port Arthur approves the sale of a portion of Block 5 (approximately five acres), as described in Exhibit "A", attached hereto, of the Business Park to SETX Clearwater Environmental, L.L.C.

**Section 3.** That the President and Secretary of the City of Port Arthur Section 4A Economic Development Corporation is herein authorized to execute the Sales Agreement and real estate documentation in substantially the same form as attached to Resolution No. 06-238.

**Section 4.** That said Resolution is also contingent on the City of Port Arthur Section 4A Economic Development Corporation Board approving the sale of a portion of Block 5 to SETX Clearwater Environmental, L.L.C.

**Section 5.** That a copy of the caption of this Resolution be spread upon the Minutes of the City Council.

**READ, ADOPTED AND APPROVED** on this 5<sup>th</sup> day of July, A.D., 2006, at a Special Meeting of the City Council of the City of Port Arthur, Texas, by the following vote:

AYES: Mayor Ortiz;

Councilmembers Mayor Pro Tem Prince,

Barker, Henderson, Flood, Beard,

Williamson and Sinegal;

NOES: None.

Osman A. Ortiz  
MAYOR

**ATTEST:**

Terri Parks  
CITY SECRETARY (Assistant)

**APPROVED AS TO FORM:**

Mark Sobole  
CITY ATTORNEY

**APPROVED FOR ADMINISTRATION:**

Al [Signature]  
CITY MANAGER

**EXHIBIT "A"**

5.00 ACRES OF LAND OUT OF  
FINAL PLAT  
PORT ARTHUR ECONOMIC DEVELOPMENT CORPORATION BUSINESS PARK  
BEING PART OF THE WILLIAM MCFADDIN SURVEY ABSTRACT NO. 416,  
THE T. & N.O.R.R. SURVEY SECTION NO. 5, ABSTRACT NO. 238,  
AND THE T. & N.O.R.R. SURVEY SECTION NO. 9, ABSTRACT NO. 242,  
JEFFERSON COUNTY, TEXAS

BEING 5.00 acres of land out of and a part of Block 5, Final Plat Port Arthur Economic Development Corporation Business Park, recorded in File No. 2005044721, Official Public Records of Real Property, Jefferson County, Texas; said 5.00 acre tract being more fully described by metes and bounds as follows, to wit:

BEGINNING at a  $\frac{1}{2}$ " steel rod set, capped and marked "SOUTEX" for the intersection of the North right of way line of a 75' wide drainage and utility easement on said Business Park Plat with the West right of way line of a dedicated road named Jade Avenue; said  $\frac{1}{2}$ " steel rod being the Southeast corner of the herein described tract;

THENCE, West, on the North line of said 75' wide drainage and utility easement, a distance of 636.37' to a  $\frac{1}{2}$ " steel rod set, capped, and marked "SOUTEX" for the Southwest corner of the herein described tract;

THENCE, North, a distance of 330.00' to a  $\frac{1}{2}$ " steel rod set, capped, and marked "SOUTEX" for the Northwest corner of the herein described tract;

THENCE, East, a distance of 684.78' to a  $\frac{1}{2}$ " steel rod set, capped, and marked "SOUTEX" on the West right of way line of said Jade Avenue; said  $\frac{1}{2}$ " steel rod being the Northeast corner of the herein described tract;

THENCE, on the West right of way line of said Jade Avenue, on the arc of a curve to the left having a radius of 1087.50', an arc length of 270.28', a chord bearing of South 07 deg., 07 min., 11 sec., West, a chord distance of 269.58' to a  $\frac{1}{2}$ " steel rod set, capped, and marked "SOUTEX" for the point of tangency;

THENCE, South, continuing on the West right of way line of said Jade Avenue, a distance of 47.50' to a  $\frac{1}{2}$ " steel rod set, capped, and marked "SOUTEX" for an angel point on the West right of way line of said Jade Avenue;

THENCE, South 45 deg., 00 min., 00 sec., West, continuing on the West right of way line of said Jade Avenue, a distance of 21.21' to the POINT OF BEGINNING and containing 5.00 acres of land, more or less.

This description is based on the Land Survey made by Anthony M. Leger, Registered Professional Land Surveyor No. 5481, on July 3, 2006.

Southeast Texas Clearwater Environmental, LLC  
LS-06-0881