

RESOLUTION NO. 09-539

**A RESOLUTION APPROVING A WAIVER OF THE
CONDITIONS OF SALE IN THE COVENANTS AND
RESTRICTIONS FOR THE PORT ARTHUR BUSINESS PARK AS
TO DEVELOPMENT OF FACILITIES (BUILDINGS) FOR USER
OCCUPANCY TO BE COMPLETED WITHIN 18 MONTHS OF
PURCHASE FOR THE 3.0 ACRE TRACT OF LAND REFERRED
TO AS BLOCK 7 OF THE BUSINESS PARK PURCHASED BY
LANGE BROTHERS, INC.**

WHEREAS, the City of Port Arthur Section 4A Economic Development Corporation (the "PAEDC") has sold approximately 3.0 acres of land in the PAEDC Business Park (the "Business Park") to Lange Brothers, Inc. which property is out of Block 7 of the Business Park (the "Property"); and

WHEREAS, Lange Brothers, Inc. has previously advised the PAEDC of its intent to construct a building on the Property, but deferred construction until the roadway adjacent to the Property was completed by the PAEDC; and

WHEREAS, the roadway adjacent to the Property has been completed; and

WHEREAS, Lange Brothers, Inc. by letter dated July 6, 2009, requested 18 months to complete construction; and

WHEREAS, the PAEDC Board of Directors at their regular meeting on the 13th day of July, 2009 approved the requested waiver of the Conditions of Sale in the Covenants and Restrictions as to the Business Park to provide Lange Brothers, Inc. until January 1, 2011 to complete the building on the Property, and the PAEDC deems it in the best interest of the Business Park to provide the waiver as requested.

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 Council and City of Port Arthur in concurrence with the action of the Board of Directors of the PAEDC, approves the waiver of the Conditions of Sale in the Covenants and Restrictions for the Port Arthur Business Park as to development of the facilities (buildings) for user occupancy to be completed within 18 months of purchase and grants to Lange Brothers, Inc. an extension so that construction of its buildings shall be complete on or before January 1, 2011.

Section 3. That a copy of the caption of this Resolution be spread upon the Minutes of the City Council.

READ, ADOPTED AND APPROVED on this 17th day of November A.D., 2009,
at a Meeting of the City Council of the City of Port Arthur, Texas, by the following vote:

AYES:

Mayor

Prince;

Councilmembers

Mayor Pro Tem Segler;
Chatman, Albright, Williamson
and Henderson.

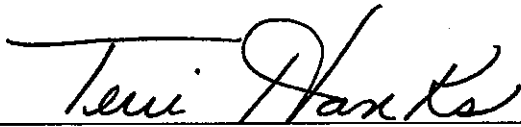
NOES:

None.

Deloris Prince

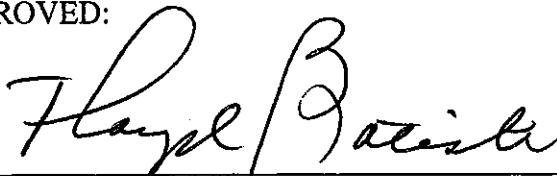
DELORIS "BOBBIE" PRINCE, MAYOR

ATTEST:



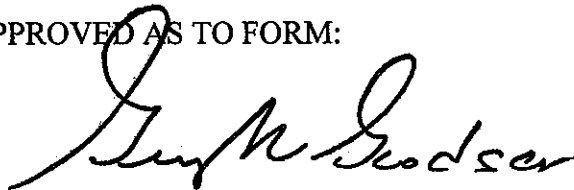
TERRI HANKS, CITY SECRETARY

APPROVED:



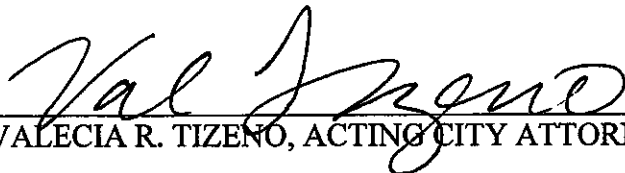
FLOYD BATISTE, PAEDC CEO

APPROVED AS TO FORM:



GUY N. GOODSON, PAEDC ATTORNEY

APPROVED AS TO FORM:



VALECIA R. TIZENO, ACTING CITY ATTORNEY