

RESOLUTION NO. 10-027

**A RESOLUTION APPROVING A WAIVER AND MODIFICATION
OF THE FENCING REQUIREMENTS OF THE PORT ARTHUR
BUSINESS PARK COVENANTS AND RESTRICTIONS FOR
BIOMEDICAL WASTE SOLUTIONS AS APPROVED BY THE
CITY OF PORT ARTHUR SECTION 4A ECONOMIC
DEVELOPMENT CORPORATION BOARD OF DIRECTORS**

WHEREAS, the City of Port Arthur Section 4A Economic Development Corporation (the "PAEDC") has sold approximately 1.0 acre of land in the PAEDC Business Park (the "Business Park") to BioMedical Waste Solutions, LLC ("BioMedical") whose property address is 9665 Jade Avenue, Port Arthur, Texas (the "Property"); and

WHEREAS, BioMedical was advised by the Texas Commission on Environmental Quality that its business operations were subject to 30 Texas Administrative Code §330.223, which requires a 6' security fence comprised of chain link with barbed wire to surround the parameter of the Property to restrict public access; and

WHEREAS, BioMedical has constructed a 6' chain link security fence surrounding the parameter of the Property and added a 3' wooden ranch style three-tiered fence inside the chain link fence for aesthetic purposes; and

WHEREAS, BioMedical by letter dated December 8, 2009, requested a waiver and modification to allow for the 6' security fence and the 3' wooden fence; and

WHEREAS, the PAEDC Board of Directors at their regular meeting on January 4, 2010 approved the waiver and modification of the fencing as requested by BioMedical; and

WHEREAS, the PAEDC deems it in the best interest of the Business Park to provide the waiver and modification 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 of the City of Port Arthur concurs with the action of the Board of Directors of the PAEDC, approves the waiver and modification of the fencing requirements of the Port Arthur Business Park Covenants and Restriction as requested as to the 6' chain link fence and 3' wooden fence constructed on the Property.

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 26th day of Jan. A.D., 2010, at a Meeting of the City Council of the City of Port Arthur, Texas, by the following vote:

AYES:

Mayor Prince;
Councilmembers Albright, Flood, Beard,
Williamson, Wise & Henderson.

NOES:

None.

Deloris Prince
DELORIS "BOBBIE" PRINCE, MAYOR

ATTEST:

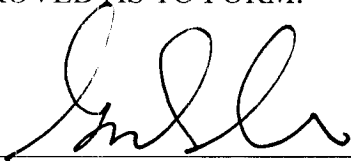
TERRI HANKS
TERRI HANKS, CITY SECRETARY

APPROVED:



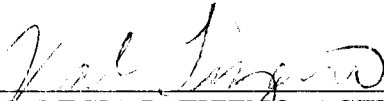
FLOYD BATISTE, PAEDC CEO

APPROVED AS TO FORM:



GUY N. GOODSON, PAEDC ATTORNEY

APPROVED AS TO FORM:



VALECIA R. TIZENO, ACTING CITY ATTORNEY