

RESOLUTION NO. 11-025

**A RESOLUTION GRANTING AN EASEMENT TO
ENTERGY TEXAS FOR THE PURPOSE OF INSTALLING
POWER ALONG THE EAST SIDE OF "RESERVE TRACT
B"
IN THE SPUR 93 BUSINESS PARK**

WHEREAS, per Resolution 10-377 dated September 7, 2010, the City Council of the City of Port Arthur (the "City") approved the sale of up to 3.5 acres of land in the Spur 93 Business Park "Reserve Tract B" by the City of Port Arthur Section 4A Economic Development Corporation (the "PAEDC") to Clay Development & Construction, Inc.; and

WHEREAS, Clay Development & Construction, Inc. plans to construct a 12,500 square foot building with an office and warehouse for use by Tyco Valves & Controls LP; and

WHEREAS, the PAEDC Board of Directors at its regular Board Meeting on January 11, 2011, considered and approved granting Entergy Texas an easement in the current "Reserve Tract B" to allow Entergy to supply power to the property being purchased by Clay Development & Construction, Inc; and

WHEREAS, the proposed easement will be located along the east side of the "Reserve Tract B" along Morris Carter Drive as described in the Easement attached hereto as Exhibit "A".

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 approves the PAEDC granting Entergy Texas an easement located on the east side of "Reserve Tract B" in the PAEDC Spur 93 Business Park in substantially the same form as attached hereto as Exhibit "A".

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 25th day of Jan. A.D., 2011,
at a Meeting of the City Council of the City of Port Arthur, Texas, by the following vote:


AYES:

Mayor Prince; Mayor Pro Tem Albright;
Councilmembers Chatman, Segler, Williamson
and Kiss.

NOES: None.


Deloris "Bobbie" Prince, Mayor


ATTEST:


Sherri Bellard, Acting City Secretary

APPROVED:


Floyd Batiste, PAEDC CEO

APPROVED AS TO FORM:


Guy N. Goodson, PAEDC Attorney

APPROVED AS TO FORM:

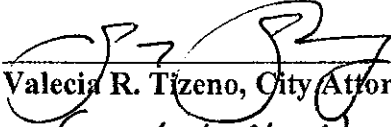

Valecia R. Tizeno, City Attorney
(on behalf of)

EXHIBIT “A”

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

EASEMENT

STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF JEFFERSON §

THAT, City of Port Arthur Section 4A Economic Development Corporation (the "Grantor"), for and in consideration of the sum of ONE DOLLAR (\$1.00) CASH to Grantor paid by Energy Texas, Inc. (the "Grantee") whose principal address is P.O. Box 2951, Beaumont, Texas 77704, has **GRANTED, SOLD AND CONVEYED** and by these presents, does **GRANT, SELL AND CONVEY** unto said Grantee, its successors and assigns, all or in part, an easement (hereinafter referred to as the "Easement Area", whether one or more) for electric distribution and communication facilities (the "Facilities") consisting of a variable number of wires and cables and all necessary and desirable equipment and appurtenances located on, under, over, and across the lands described in **Exhibit "A"** attached hereto and made a part hereof for all purposes.

Grantor or its successors or assigns shall observe and exercise all notification laws as per the Underground Facility Damage Prevention and Safety Act, also known as "ONE CALL" & "CALL BEFORE YOU DIG", when working in or near the Easement Area.

To the extent that such Laws and Codes apply to Grantor, it's successors or assigns, Grantor or its successors or assigns shall observe all safety codes and laws which apply to working along, within and or near the Easement Area and Facilities during construction activities and safe clearance from such Facilities, including O.S.H.A., Chapter 752 of the Texas Health and Safety Code, the National Electric Code, and the National Electrical Safety Code.

Notwithstanding the description of the Easement Area set forth in the exhibit, the parties intend that the Easement Area granted herein shall run to the edge of Grantors property so that the exteriors of all ground easements herein granted are to intersect with the exteriors of all adjoining easements and/or property lines without any gaps in the property granted.

Grantee shall also have reasonable rights of ingress and egress to and from said Easement Area, together with reasonable working space, for the purposes of erecting, installing, operating, maintaining, replacing, inspecting, and removing said Facilities, together with the additional right to remove from said Easement Area and land immediately adjoining thereto, all bushes, trees and parts thereof, or other structures or improvements which are within, protrude, bisect, encroach or overhang into said Easement Area and which, in the sole opinion of Grantee, endanger or may interfere with the efficient, safe and proper operation, and maintenance of said Facilities.

TO HAVE AND TO HOLD the above described Easement Area, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its successors or assigns, forever, and Grantor does hereby bind itself and its successors, heirs, assigns, and

legal representatives, to fully warrant and forever defend all and singular the above described Easement Area and rights unto said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise. In the event of a deficiency in title or actions taken by others which results in the relocation of Grantee's Facilities, the Grantor herein, its successors and assigns, will be responsible for all costs associated with the relocation and/or removal of Grantee's Facilities.

EXECUTED this ____ day of _____, 2011.

**City of Port Arthur Section 4A
Economic Development Corporation**

By: _____
President

ATTEST:

Secretary

STATE OF TEXAS §
 §
COUNTY OF JEFFERSON §

This instrument was acknowledged before me on _____, 2011, by _____, as President and _____ as Secretary of City of Port Arthur Section 4A Economic Development Corporation, on behalf of said Corporation.

Notary Public, State of Texas

(SEAL)

After recording, return to:
City of Port Arthur Section 4A
Economic Development Corporation
P.O. Box 3934
Port Arthur, Texas 77642



ARCENEUX & GATES
Consulting Engineers, Inc.
Engineers • Surveyors • Planners

**METES AND BOUNDS DESCRIPTION FOR A
10 FEET WIDE UTILITY EASEMENT OUT OF RESERVE
TRACT "B" PORT ARTHUR ECONOMIC DEVELOPMENT
CORPORATION SUBDIVISION, PORT ARTHUR,
JEFFERSON COUNTY, TEXAS**

Being a 10 feet wide tract or parcel of land for utility easement purposes out of Reserve Tract "B" of the Port Arthur Economic Development Corporation Business Park Subdivision as recorded in Clerk's File No. 2005044721 of the Official Public Records of Real Property, County Clerk's Office, Jefferson County, Texas and being more particularly described by metes and bounds as follows;

BEGINNING at a point marking a Northerly cut back corner of South Business Park Drive, a 75 feet wide Right of Way of said Business Park Subdivision, this point also marks the upper Southwest corner of Block 3, the Southeast corner of said Reserve Tract "B" and the Southeast corner of the herein described tract of land;

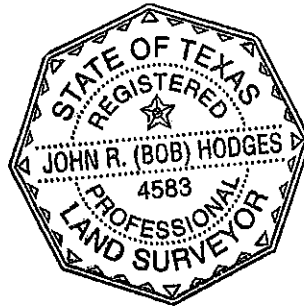
THENCE West (reference bearing) along the North line of said South Business Park Drive and South line of said Reserve Tract "B" with the South line of this tract a distance of 10.00 feet to a point marking the Southwest corner of the herein described tract of land;

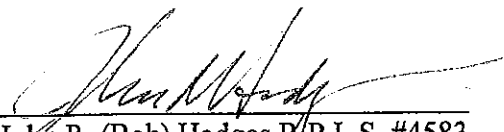
THENCE North, parallel with and 10 feet normal distance from the West line of said Block 3 and East line of said Reserve Tract "B" a distance of 583.36 feet to a point located on the projection of the common block line of Blocks 3, 4, 7 and 8 marking the Northwest corner of the herein described tract of land;

THENCE South 89 deg. 32 min. 31 sec. East along said projected block line with the North line of this tract a distance of 10.00 feet to a point located on the East line of said Reserve Tract "B" marking the common West corner of said Blocks 3 and 7 and the Northeast corner of the herein described tract of land;

THENCE South along the West line of said Block 3 and East line of said Reserve Tract "B" with the East line of this tract a distance of 583.32 feet to the Southeast corner and **POINT OF BEGINNING** and containing in area 5,833 square feet or 0.134 acres of land, more or less.

Surveyed: January, 2011

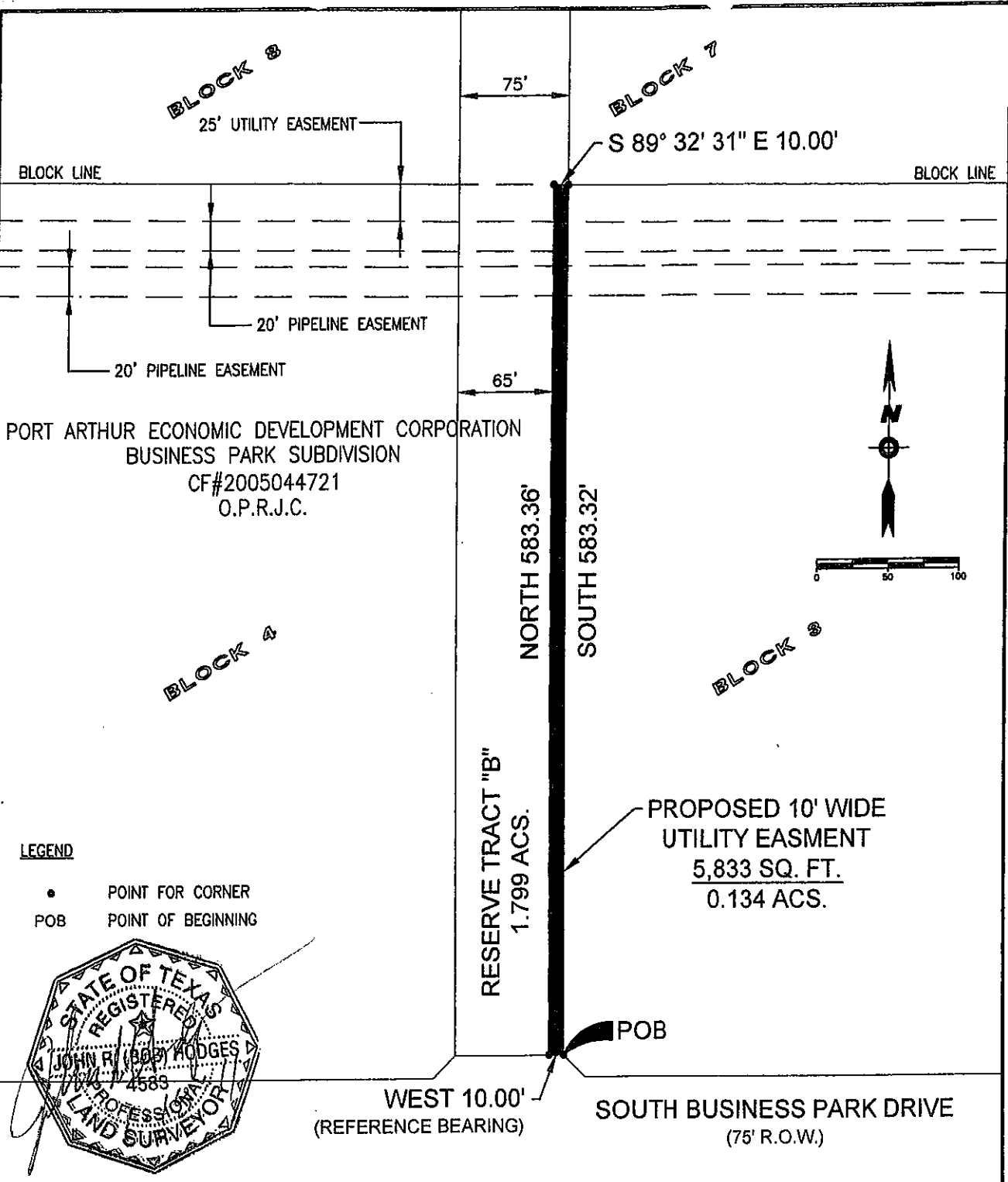



John R. (Bob) Hodges R.P.L.S. #4583
1-18-11

Notes:

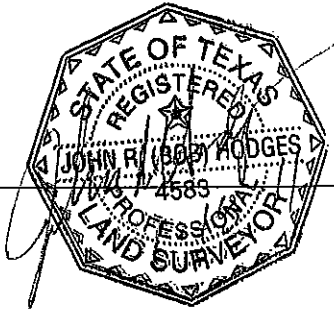
An Exhibit of even date is being submitted with and being made a part of this Metes and Bounds Description.

Bearings referenced to a segment of the North line of South Business Park Drive - Due West as platted.



LEGEND

- POINT FOR CORNER
- POB POINT OF BEGINNING



ARCENEUX & GATES
Consulting Engineers, Inc.
 Engineers Surveyors Planners
 3501 Turtle Creek Drive, Suite 102
 Port Arthur, Texas 77642
 (409) 724-7888

TEXAS REGISTERED ENGINEERING FIRM F-30
 TEXAS LICENSED SURVEYING FIRM 100142-00

EXHIBIT SHOWING
 PROPOSED 10' WIDE UTILITY EASEMENT
 OUT OF RESERVE TRACT "B"
 PORT ARTHUR
 ECONOMIC DEVELOPMENT CORPORATION SUBDIVISION
 PORT ARTHUR, JEFFERSON COUNTY, TEXAS

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DATE: JANUARY 2011	SCALE: AS SHOWN	DRAWN: JDLLG
PROJ. No.: EDC-090	VERSION: AutoCAD 2011	CHECKED: JRH

LAST PRINTED: January 18, 2011 1:28:24 PM
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