



**COVENANTS AND RESTRICTIONS
PORT ARTHUR BUSINESS PARK**

11/30/05

GENERAL

The City of Port Arthur Section 4A Economic Development Corporation (PAEDC) is the owner of the Port Arthur Business Park (Business Park). PAEDC has determined that it is in the best interests of the City of Port Arthur, PAEDC, the Business Park and its future occupants to adopt the following provisions restrictions and covenants to control the development within the business park.

CONDITIONS OF SALE

Each parcel sold or conveyed to a user by PAEDC is for the purpose of development of facilities and occupancy by a user. Development of facilities (buildings) for user occupancy must be completed within eighteen months of purchase. If there is an incentive agreement with the PAEDC, the construction must be completed within the timetables of the incentive agreement. If construction has not been completed in the period specified, PAEDC shall have the option to repurchase the property on the basis of reversing (or rescinding) the terms of the original sale, including price. This option may be exercised at any time subsequent to the failure of construction to be completed by the specified date. Exercise of the option will be by formal action of the PAEDC Board. Delivery of written notice of exercise of this option shall be the cause of an immediate halt to actions to develop the parcel by the parcel owner.

If the owner or lessee of property in the Business Park wishes to sell or assign the property to a third party, the owner or lessee shall obtain the approval of the PAEDC Board of Directors, with such approval not to be unreasonably withheld. The owner or lessee shall present information as to the financial and credit information as to the new buyer or assignee and such other information as reasonably requested by the PAEDC Chief Executive Officer (CEO). The new owner or lessee shall be required to assume the obligations in the incentive agreement, with such changes as are approved by the PAEDC Board of Directors.

If the owner or lessee wishes to subdivide and sell or assign only a portion of its property to a third party, the owner or lessee shall obtain the approval of the PAEDC Board of Directors which can deny the request at its discretion. At the discretion of the PAEDC, the PAEDC shall have a first option to repurchase said undeveloped portion for the same cost as delineated in the incentive agreement or sales agreement and in such additional reasonable amounts as to reimburse the owner for monies that he has expended in maintaining said portion of the property. In such case, PAEDC shall have 90 days to notify the owner of its decision in regard to this option.

LEGAL DESCRIPTION

The Port Arthur Business Park includes all land as described in Appendix A, and on such other property as approved by PAEDC.

TERMS AND DEFINITIONS

For the purposes of these covenants and restrictions, certain terms, phrases, words and their derivatives shall have their meaning as specified in this section. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Ninth New Collegiate Dictionary, Copyright 1987, shall be considered as providing ordinary accepted meaning.

- (1) *Board.* City of Port Arthur Section 4A Economic Development Corporation Board of Directors.
- (2) *Building.* Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.
- (3) *City council.* The governing and legislative body of the City of Port Arthur.
- (4) *District.* A section of the City of Port Arthur for which the regulations governing the height, area or use of the land and buildings are uniform.
- (5) *Height.* The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (1) the highest point of the roof's surface if a flat surface; (2) to the deck line of mansard roofs; or (3) to the mean height level between eaves and ridge for hip and gable roofs, and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires and parapet walls not exceeding ten feet in height. If the street grade has not been officially established, the average front yard shall be used for a base level.
- (6) *Lot.* Land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under these covenants and restrictions and having its principal frontage upon a public street or officially approved place.
- (7) *Occupancy.* The use or intended use of the land or buildings by proprietors or tenants.
- (8) *Planning and zoning commission.* The agency designated in the City Charter as the planning commission and appointed by the city council as an advisory body to it and which is authorized to recommend changes in the zoning ordinance.
- (9) *Parking lot or structure, commercial (motor vehicle).* An area or structure devoted to the parking or storage of motor vehicles. May include, in the case of a parking structure only, a facility for servicing of motor vehicles provided such facility is primarily an internal function for use only by motor vehicles occupying the structure and creates no special problems of ingress or egress.
- (10) *Structure.* Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

(11) *Yard*. An open space other than a court, on the lot in which a building is situated and which is not obstructed from a point 30 inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar features and for the usual trees and landscape planting.

(12) *Yard, front*. An open, unoccupied space on a lot facing a street extending across the front of the lot between the side lot lines and from the front face of the building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located. The front face of the building shall not necessarily be determined by the primary access to the building or any unit therein.

(13) *Yard, rear*. An open, unoccupied space, except for permitted detached accessory buildings, trees and planting, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line.

(14) *Yard, side*. An open, unoccupied space or spaces on one or two sides of a main building situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line not the rear line or a front line shall be deemed a side line.

REVIEW AND APPROVAL OF USES AND IMPROVEMENTS

All uses that occupy parcels and all facilities and improvements constructed in the park (including all alterations and additions to the site and such facilities and improvements) shall be subject to approval by PAEDC and may require approval by the City of Port Arthur. PAEDC and the City may at their sole discretion involve other parties in the review of proposed uses and improvements. In cases where specialized evaluations are deemed necessary, PAEDC may require a fee to cover the cost of the services of consultants engaged to perform these evaluations. No construction may be initiated upon any parcel in the Business Park until approval has been granted by PAEDC (and where required, by the City of Port Arthur). Failure of the user of a parcel to seek approval for development plans in a timely manner will not be the basis for granting an extension as to the timetable for construction. Approval means formal action by the PAEDC Board, (and where required by City Council of the City of Port Arthur) and the receipt of written confirmation of approval from a competent authority of these bodies. Application for approval shall be made in writing and must contain all submission requirements specified by PAEDC. Such requirements will include site plans, building plans and specifications, and other such information as PAEDC and the City may request.

PERMITTED OCCUPANCIES

Sites and facilities within the Business Park may be occupied by the uses specified in the following chart (Parcels are as designated on the Business Park Final Plat).

Parcels 1, 2, 3, 5, 7 & 9 – Office, warehouse, distribution, light fabrication and assembly, recycling, manufacturing and other approved uses.

Parcel 4 & 8 – Office and other approved uses.

Parcel 6, 10 – Warehouse, distribution, manufacturing, assembly and other approved uses.

Other uses may be approved by PAEDC at its sole discretion which includes career centers and other types of development as approved by the PAEDC and as authorized by State Law. All occupancies permitted may be subject to additional restrictions imposed as a result of review of user applications provided that such specific requirements are intended to implement the restrictions previously established by the PAEDC in these Covenants and Restrictions or subsequent amendments.

PROHIBITED OCCUPANCIES

Specifically prohibited uses include manufacturing and process operations that transmit noise, or release odors, fumes or dust that materially exceed City, State, or Federal Standards or discharge a waste stream that is not acceptable (due to content or volume) for the City's sanitary sewer system. Any use that requires onsite treatment of waste in order to meet the above requirements will be allowed only on the basis of a special use permit from PAEDC, the City of Port Arthur, the TCEQ or the applicable regulatory agency. In general, on site treatment of significant quantities of special waste will not be permitted. A special use permit may, at the sole discretion of PAEDC, be granted, conditional upon continued and demonstrative conformance to specific requirements and standards. Failure by the user receiving such conditional approval to strictly conform to the requirements and standards imposed will be the basis of termination of the special use permit, without recourse by the user. Notice of termination of any permit required by any regulatory agency (including the City) will require the user to immediately cease all onsite processes that generate or contribute to the subject waste stream.

In addition, all exterior site uses including parking areas, truck maneuvering and docking areas, storage and equipment yards and the like will be developed and maintained in strict conformance with these covenants and restrictions and with the specific terms of approvals granted by PAEDC and the City of Port Arthur.

CONSTRUCTION STANDARDS, CODES AND ORDINANCES

All improvements constructed in the Business Park shall meet or exceed the standards and ordinances of the City of Port Arthur, State of Texas statutes and regulations, and national standards. It shall be the duty of the user of any parcel in the Business Park to conform to such requirements and to obtain all approvals and permits granted by governing authorities. Such requirements include but are not limited to City Building Permits and local drainage, environmental and utility requirements. Review and approval by PAEDC and the City of Port Arthur under the above provisions for Review and Approval of Uses and Improvements does not relieve or mitigate in any way this separate duty of the user.

The owners or lessees of the property shall take such precautions as to commence and complete the improvements wherein laborers, subcontractors and contractors are promptly paid with no materials and mechanic's liens being filed on the property. Prior to commencing construction, the owner or lessee shall provide to the PAEDC such evidence of financial ability to complete the project, which may include letters of credit, and contractor's performance bonds and payment bonds.

PROPERTY MAINTENANCE

Owners and Users of parcels and improvements shall perform regular and routine maintenance on these properties. Undeveloped parcels shall be kept mowed and free of debris. Developed parcels (including site and facilities) shall be maintained in a manner consistent with the users' approved proposal for use and improvements.

Lawns and landscaping shall be kept free of overgrowth, trash and debris. Parking or storage of vehicles, equipment or materials in areas other than approved outdoor storage is prohibited. Areas shall be maintained free of trash, sediment, debris, and abandoned or unsightly equipment.

Outdoor storage areas other than those approved by PAEDC are prohibited. Approved outdoor storage areas shall be well maintained and shall be kept neat and orderly in appearance. Only materials and equipment that are in active use at the site may be stored on site. Storage of derelict or junked materials, equipment or vehicles onsite is prohibited.

Buildings and other structures shall be kept in an attractive condition. Exterior surfaces shall be washed and painted as required to maintain a fresh appearance. Exterior materials that deteriorate shall be replaced.

No open burning of rubbish is permitted on the site. All waste material shall be confined to trash receptacles in approved and screened locations for removal from the site.

In case of fire or damage from other causes, the owner or lessee shall restore the improvements within nine (9) months unless granted an extension by PAEDC.

INSURANCE

The lot owners and lessees shall maintain casualty insurance in an amount sufficient to replace the buildings. A copy of the certificate of insurance shall be given to the PAEDC and the PAEDC shall be listed as an additional insured. If the lot owner or lessee fails to maintain or pay for the insurance, the PAEDC (in its sole discretion) may pay for the costs thereof, assess the lot owners and lessees, and file liens.

ASSESSMENT

The lessees and private owners of the land in the Business Park shall pay assessments to the PAEDC for the maintenance of the street signage and landscaping, the costs to enforce these deed restrictions, and the costs to maintain business park, such assessments shall be a minimum of \$200 per acre per year and shall be payable on or before December 31st of each year. Additional assessments, as determined by the PAEDC Board of Directors shall not exceed the actual proportionate share of the expenditures made by the PAEDC plus a 10% administrative fee. The proportionate share shall be the number of acres owned or leased divided by 246.

CONTINUATIONS, AMENDMENT AND VARIATION OF COVENANTS AND RESTRICTIONS

These covenants and restrictions shall remain in force on all parcels and shall be binding on all current and future owners and lessees of parcels within the Business Park. Variation in these covenants and restrictions is limited to one of the following methods:

PAEDC (subject to the approval of the City of Port Arthur) may from time to time amend the provisions, covenants and restrictions.

PAEDC may in its sole discretion grant variances to these provisions, covenants and restrictions as a part of the approval of the Review and Approval of Use and Improvement process. Such variances must be requested in writing by the user of the parcel. PAEDC will notify all adjacent parcel owners of the request for variation by posting such notice and will receive and consider comments from such parcel owners in evaluating such variances. It is the intent of PAEDC to maintain the general character and intent of the provisions, covenants and restrictions and to comply with Article 5190.6 V.T.C.A.

SITE DEVELOPMENT

Building sites of individual users must be planned to have an attractive image and must be well maintained. The following requirements shall apply to the development of sites within the Business Park:

Category			Requirements
Set Backs	Building	Street Frontage	45 feet
		Side and rear lot lines	15 feet
	Paving	Street Frontage	20 feet
		Side and rear lot lines	No requirement
Landscaping	All non paved areas		Maintained lawns
	Street Frontage		1 tree per 100 feet of frontage – 2 inch caliper
Paving	Parking	Automobile	Concrete
		Trucks and Trailers	Concrete
	Aprons and maneuvering areas		Concrete
Access and Entry			As approved by PAEDC
			May not conflict with street traffic or access to adjacent sites.
Utilities			All connections and service underground and; Equipment (transformers etc.) screened from public view
Outdoor Yards and Storage Ares			Not allowed forward of the line of the building face
			Fully screened from frontage with berms, planting or walls constructed in conformance with standards for front face of buildings
	Area Limitations	Parcels 1, 2, 3, 5, 7, 9	No larger than the area of the building
		Parcels 4, 8	Not permitted
		Parcel 6, 10	No limit
Fencing			Side and rear yards only
	Visible from Street		Decorative iron or as approved by PAEDC (no wood fences permitted)
	Side and rear		Chain link or as approved by PAEDC (no wood fences permitted)
Ancillary Structures and Equipment			Constructed to meet applicable building standards
			Tanks, trash receptacles and other equipment screened from public view
			Mail boxes as approved by PAEDC
			Flagpoles as approved by PAEDC
Lighting	Pole or building mounted lighting		
	All lighting will be natural in color (no uncorrected high pressure sodium fixtures)		
	Lighting must be controlled to prevent glare as seen from adjacent public ways and adjacent properties		

Drainage	Surface drainage must be controlled within site boundaries.
	Discharge into drainage ways as approved by responsible authorities.
Signage	All signs must be approved by PAEDC
	May be internally or externally illuminated
	May not be animated
Site Mounted Signs	Maximum of 6 feet in height
	Base no more than 2 feet above ground
	No closer then 10 feet to property line
	Compatible with building color and materials
	Integrated and compatible with landscaping
Building Mounted Signs	Not painted on building
	May not extend beyond building profile
	Must be compatible is size, color and material with building

BUILDING DESIGN AND CONSTRUCTION

Building design including all exterior materials and colors must be attractive, compatible with adjacent development and be approved by the PAEDC.

<u>Category</u>		<u>Requirements</u>
Exterior Materials		Except for trim and accents, no wood will be permitted
Walls Facing Frontage and Public Ways		Concrete or masonry
Walls Facing Side and Rear Yards	Parcel 1, 2, 3, 5, 6, 7, 9, 10	Concrete, masonry, or metal panels
	Parcel 4, 8	Concrete or masonry
Roofing Materials		Any roof surface that is exposed to public view must be approved by PAEDC
Roof top equipment		No more than five feet in height and screened from public view
Awnings and Canopies		Compatible with building design and approved by PAEDC
Exterior Colors		Exterior surfaces will be predominately neutral or natural colors. Bright accent or trim colors will be considered by the PAEDC.

ENFORCEMENT OF COVENANTS AND RESTRICTIONS

Determination regarding the meaning, applicability and enforcement of these covenants and restrictions is the sole domain of PAEDC Board of Directors. Inquiry in regard to such matters shall be made to PAEDC in writing. A determination rendered in writing by PAEDC Board of Directors shall be deemed final and binding on all parties.

Enforcement of the provisions, covenants and restrictions shall be in accordance with law or through civil or criminal proceedings initiated by PAEDC or by the City of Port Arthur. Enforcement action may include but is not limited to restraint of violations, recovery of costs, attorneys fees and damages, assessments, fines, civil penalties, foreclosure, and judicial sale.

APPENDIX "A"

**DESCRIPTION OF A
297.960 ACRE TRACT OR PARCEL OF LAND
OUT OF AND PART OF
THE WM. 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**

AUGUST 20, 2001

All that certain tract or parcel of land lying and being situated in Jefferson County, Texas, parts of the WM. 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, and being parts of Blocks 14, 15 and 16, Range N, Blocks 14, 15 and 16, Range O, and Blocks 15 and 16, Range P of the Lands of the Port Arthur Land Co., the plat of which said subdivision is of record in Volume 1, Page 22 of the Map Records of Jefferson County, Texas, and being a part of that certain tract of land herein referred to as the "McFaddin and Cordts" tract, which said McFaddin and Cordts tract is designated "TRACT NO. 18-C" and is described in that certain instrument from W.P.H. McFaddin, Jr., and J.L.C. McFaddin, as Trustees of the McFaddin Trust to J.L.C. McFaddin, Di McFaddin Houk, Perry McFaddin Duncan, W.P.H. McFaddin Jr., Mamie McFaddin Ward, Camelia B. McFaddin and Di Vernon McFaddin Cordts, W.P.H. McFaddin Jr., and J.L.C. McFaddin, jointly, and Mamie McFaddin Ward, W.P.H. McFaddin, Jr., J.L.C. McFaddin, and Camelia B. McFaddin and Di Vernon McFaddin Cordts, jointly, dated February 26, 1948 and recorded in Volume 692, Page 22 of the Deed Records of Jefferson County, Texas, and which said TRACT NO. 18-C is indicated on that certain plat entitled "PARTITION MAP NO. 3 OF THE McFADDIN TRUST PROPERTY IN JEFFERSON COUNTY, TEXAS ..." which said plat is of record in Volume 8, Page 110 of the Map Records of Jefferson County, Texas, and being a part of that certain tract of land herein referred to as the "Cordts" tract, which said Cordts tract is described in that certain instrument from E.G. Cordts, Jr., Independent Executor of the Estate of Di Vernon McFaddin Berly to E.G. Cordts, Jr., Colleen Clave Cordts and Anna Camelia Cordts, dated September 13, 1994 and recorded under County Clerk's File No. 94-9432523 of the Official Public Records of Real Property of Jefferson County, Texas, and the said tract herein described being that exact same certain tract of land herein referred to as the "PAEDC" tract, which said PAEDC tract is described in that certain instrument from E.G. Cordts, Jr., ..., Colleen Clare Cordts Rice, ..., and Anna Camelia Cordts Edwardson, ... to Port Arthur Economic Development Corporation, dated February 28, 2001 and recorded under County Clerk's File No. 2001007554 of the Official Public Records of Real Property of Jefferson County, Texas, and the said tract herein described being more particularly described as follows:

BEGINNING at a iron rod with a Texas Department of Transportation aluminum cap (TxDOT Type 1 Monument) found for the southeast corner of the said tract herein

described, the said corner being the southeast corner of the said PAEDC tract, and the said corner also being the most southerly southwest corner of that certain tract of land herein referred to as the "Parcel 31" tract, which said Parcel 31 tract is so designated and is described in that certain instrument from E.G. Cordts, Jr., Colleen Clare Cordts Rice and Anna Camelia Cordts Edwardson to Jefferson County, dated March 15, 1999 and recorded under County Clerk's File No. 1999009190 of the Official Public Records of Real Property of Jefferson County, Texas, and the said corner being in the north line of that certain tract of land herein referred to as the "Parcel 32" tract, which said Parcel 32 tract is so designated and is described in that certain instrument from The Mamie McFaddin Ward Heritage Foundation to Jefferson County, dated December 12, 1996 and recorded under County Clerk's File No. 96-9638512 of the Official Public Records of Real Property of Jefferson County, Texas, the said corner being an interior angle point corner in the southwesterly right-of-way line of Texas State Highway Spur 93, and the said TxDOT Type 1 Monument found for corner being East (Assumed Basis of Bearings - called South 89° 37' 00" East) along and with the south line of the said PAEDC tract, said north line of the Parcel 32 tract and north line of that certain tract of land herein referred to as the "Ward" tract, which said Ward tract is designated "TRACT NO. 19-C" and is described in the hereinbefore referenced instrument recorded in Volume 692, Page 22 of the Deed Records of Jefferson County, Texas, and which said TRACT NO. 19-C is indicated on the hereinbefore referenced plat of record in Volume 8, Page 110 of the Map Records of Jefferson County, Texas, a total distance of 5,430.99 feet (called 5,431.07 feet) from a 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for reference;

THENCE West (called North 89° 37' 00" West) along and with the said south line of the PAEDC tract, north line of the Parcel 32 tract and north line of the Ward tract, passing at a distance of 16.92 feet (called 16.92 feet) a 5/8" iron rod found for the most northerly northwest corner of the said Parcel 32 tract, the said corner being an exterior angle point corner in the said southwesterly right-of-way line of Texas State Highway Spur 93, and passing at a distance of 4,938.57 feet (called 4,938.91 feet) a 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for reference at the southeast corner of that certain tract of land herein referred to as the "TRACT 196-A" tract, which said TRACT 196-A tract is so designated and is described in that certain instrument (titled "RIGHT-OF-WAY EASEMENT") from Di Vernon McFaddin Kibodeaux, formerly Di Vernon McFaddin Cordts, joined therein by her husband, Oren J. Kibodeaux to Jefferson County Drainage District No. 7 dated January 4, 1968 and recorded in Volume 1531, Page 123 of the Deed Records of Jefferson County Texas, and passing at a distance of 5,430.99 feet (called 5,431.07 feet) the hereinbefore said 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for reference at the southwest corner of the said TRACT 196-A tract, and continuing (West) along and with the said south line of the PAEDC tract and north line of the Ward tract, a total distance of 5,545.27 feet (called 5,545.35 feet) to a point for the southwest corner of the said tract herein described, the said corner being the southwest corner of the said PAEDC tract, and the said corner also being the northwest corner of the said Ward tract, and the said corner being in the easterly line of that certain tract of land herein referred to as the "TRACT A" tract, which said TRACT A tract is so designated and is described in that certain instrument from Darling Klaver, et al to Jefferson County Drainage District No. 7 dated November 22, 1971 and recorded in Volume 1727, Page 481 of the Deed Records of Jefferson County, Texas, and the said corner being in the centerline of Rhodiar Gully;

THENCE North 12° 17' 39" West (called North 11° 54' 13" West) along and with the westerly line of the said PAEDC tract, the said easterly line of the TRACT A tract and said centerline of Rhodair Gully, a distance of 724.96 feet (called 724.92 feet) to a point for the most westerly northwest corner of the said tract herein described, the said corner being the most westerly northwest corner of the said PAEDC tract, and the said corner also being the most southerly corner of that certain tract of land herein referred to as the "J.L.C. McFaddin" tract, which said J.L.C. McFaddin tract is designated "TRACT NO. 12-C" and is described in the hereinbefore referenced instrument recorded in Volume 692, Page 22 of the Deed Records of Jefferson County, Texas, and which said TRACT NO. 12-C is indicated on the hereinbefore referenced plat of record in Volume 8, Page 110 of the Map Records of Jefferson County, Texas;

THENCE North 39° 57' 00" East (called North 40° 20' 00" East) along and with the most westerly northwest line of the said PAEDC tract and most southerly southeast line of the said J.L.C. McFaddin tract, passing at a distance of 132.53 feet (called 132.53 feet) a 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for reference at the northwest corner of the hereinbefore said TRACT 196-A tract, and passing at a distance of 736.10 feet (called 735.85 feet) a 5/8" iron rod with a red plastic cap stamped "S&P INC" set for reference at the northeast corner of the said TRACT 196-A tract (and which said 5/8" iron rod with a red plastic cap set for reference is North 37° 58' 15" West a distance of 0.39 feet from a 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for reference), and continuing (North 39° 57' 00" East) along and with the said most westerly northwest line of the PAEDC tract and most southerly southeast line of the J.L.C. McFaddin tract, a total distance of 3,925.49 feet (called 3,925.61 feet) to a 1/2" iron rod found for the most northerly corner of the said tract herein described, the said corner being the most northerly corner of the said PAEDC tract, and the said corner also being the most westerly corner of that certain tract of land herein referred to as the "Barnette - 1483/177" tract, which said Barnette - 1483/177 tract is described in that certain instrument from Gulf Refining Company to N.K. Barnette, Jr. dated October 24, 1966 and recorded in Volume 1483, Page 177 of the Deed Records of Jefferson County, Texas;

THENCE South 49° 46' 07" East (called South 49° 23' 24" East) along and with the most northerly northeast line of said PAEDC tract and southwesterly line of the said Barnette - 1483/177 tract, a distance of 1,317.60 feet (called 1,317.54 feet) to a 1/2" iron rod found for an interior corner of the said tract herein described, the said corner being an interior corner of the said PAEDC tract, and the said corner also being the most southerly corner of the said Barnette - 1483/177 tract;

THENCE North 40° 07' 58" East (called North 40° 33' 04" East) along and with the most easterly northwest line of the said PAEDC tract and southeasterly line of the said Barnette - 1483/177 tract, a distance of 151.95 feet (called 151.86 feet) to a 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for the most easterly northwest corner of the said tract herein described, the said corner being the most easterly northwest corner of the said PAEDC tract, and the said corner also being the most westerly corner of that certain tract of land herein referred to as the "Barnette - 1483/176" tract, which said Barnette - 1483/176 tract is described in that certain instrument from Di Vernon McFaddin Cordts joined therein by her husband, Edwin G. Cordts to N.K. Barnette, Jr. dated October 11, 1966

and recorded in Volume 1483, Page 176 of the Deed Records of Jefferson County, Texas, and the said 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for corner being South 40° 11' 19" West (called South 40° 33' 04" West) along and with the said southeasterly line of the Barnette - 1483/177 tract, northwesterly line of the said Barnette - 1483/176 tract and southeasterly line of that certain tract of land herein referred to as the "LNVA" tract, which said LNVA tract is described in that certain instrument from Gulf Refining Company to the Lower Neches Valley Authority dated April 8, 1975 and recorded in Volume 1876, Page 290 of the Deed Records of Jefferson County, Texas, a total distance of 499.44 feet (called 500.00 feet) from a 5/8" iron rod found for the most northerly corner of the said Barnette - 1483/176 tract, the said corner also being the most easterly corner of the said LNVA tract, and the said corner being in the hereinbefore said southwesterly right-of-way line of Texas State Highway Spur 93;

THENCE South 83° 44' 08" East (called South 83° 21' 35" East) along and with the most easterly north line of the said PAEDC tract and southerly line of the said Barnette - 1483/176 tract, a distance of 557.12 feet (called 557.12 feet) to a 5/8" iron rod found for the most northerly northeast corner of the said tract herein described, the said corner being the most northerly northeast corner of the said PAEDC tract, and the said corner also being the most northerly northwest corner of the hereinbefore said Parcel 31 tract, and the said corner being in the said southwesterly right-of-way line of Texas State Highway Spur 93, and the said 5/8" iron rod found for corner being South 27° 38' 14" East (called South 27° 11' 44" East) along and with the said southwesterly right-of-way line of Texas State Highway Spur 93, a distance of 499.26 feet (called 499.56 feet) from the hereinbefore said 5/8" iron rod found for the most northerly corner of the Barnette - 1483/176 tract and most easterly corner of the LNVA tract;

THENCE South 27° 30' 14" East (called South 27° 07' 03" East) along and with the most easterly northeast line of the said PAEDC tract, southwesterly line of the said Parcel 31 tract and said southwesterly right-of-way line of Texas State Highway Spur 93, a total distance of 3,294.33 feet (called 3,294.40 feet) to the Point of Beginning and

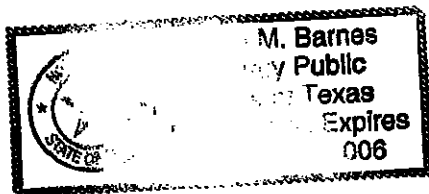
Containing 297.960 acres (called 297.9732 acres) of land, more or less.

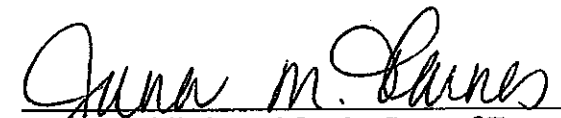
Prepared by
Schaumburg & Polk, Inc.
E. James Verrett,
Registered Professional Land Surveyor No. 1781

SIGNED and AGREED to on this the 10th day of January,
2006.


Eli Roberts, President
City of Port Arthur Section 4A Economic
Development Corporation

SWORN and SUBSCRIBED to on this the 10th day of January,
2006.

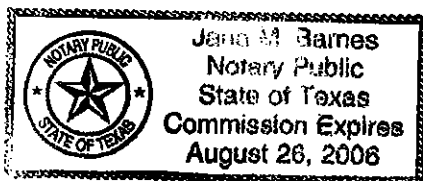


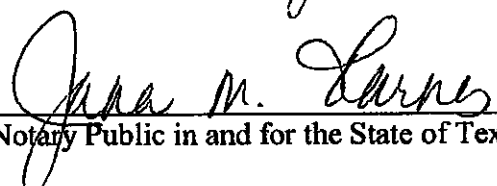

Notary Public in and for the State of Texas
Jana M. Barnes
Notary Public
State of Texas
Commission Expires
August 26, 2006

SIGNED and AGREED to on this the 10th day of January,
2006.


Linda Spears, Secretary
City of Port Arthur Section 4A Economic
Development Corporation

SWORN and SUBSCRIBED to on this the 10th day of January,
2006.




Notary Public in and for the State of Texas



RECEIVED MAY 10 2007

**AMENDMENT NO. 1 TO
COVENANTS AND RESTRICTIONS
PORT ARTHUR BUSINESS PARK**

WHEREAS, the City of Port Arthur Section 4A Economic Development Corporation filed the original Covenants and Restrictions in the Jefferson County Real Estate Records on or about January 26, 2006, File No. 2006003269 as it pertains to the land in Appendix "A"; and

WHEREAS, the original deed restrictions stated the following as to landscaping requirements:

Landscaping	All non paved areas	Maintain Lawns
	Street Frontage	1 tree per 100 feet of frontage – 2 inch caliper

WHEREAS, the City of Port Arthur Section 4A Economic Development Corporation herein desires to amend the Deed Restrictions, and does herein amend the Deed Restrictions so that the following landscaping and screening requirements apply.

Landscaping and screening requirements.

(a) **Purpose.** The provisions of this section for the installation and maintenance of landscaping and screening are intended to protect the character and stability of commercial, and industrial areas within the City of Port Arthur Section 4A Economic Development Corporation Business Park (the "Park"), to conserve the value of land and buildings of surrounding properties and neighborhoods, to enhance the aesthetic and visual image of the Park, to encourage the preservation of existing trees and to assist with clean air. In no case shall these provisions restrict ADA requirements.

(b) **Landscape plan required.** All building permit applications for new building construction within the Park shall be accompanied by two (2) blue-line or blackline prints of the landscape plan that has been approved by the PAEDC.

The landscape plan shall contain sufficient detail to show the following:

- (1) The date, scale, north arrow and names and address and phone numbers of each property owner and person preparing the plans.

- (2) The footprint of all existing and proposed structures.
- (3) Remaining and/or proposed site elements such as power poles, fences, walls, drainage swales, easements, sidewalks, parking lot layout, pedestrian walkways, and other such elements.
- (4) A schedule identifying name, size, number, and location of all landscape elements.
- (5) Name, location and size of existing trees, and type and location of other vegetation proposed to remain for credit purposes.
- (6) The size and location of the parking lot and the number of spaces, and how the owner proposes to address the interior landscaping requirement.
- (7) Such other information as may be reasonably necessary to administer and enforce the provisions of this ordinance.
- (8) Drawn at a scale of one (1) inch equals twenty (20) feet or greater.

(c) ***Irrigation required.***

- (1) All landscaped areas shall require an automatic irrigation system sufficient to provide complete coverage of required screening landscaped areas, including sodded or seeded areas along front and side of building.
- (2) Irrigation system shall be installed and operational prior to issuance of a certificate of occupancy or final building inspection.
- (3) State law requires installation by licensed irrigators.
- (4) Irrigation systems shall be maintained in good and operating condition.

(d) ***Certificate of occupancy.*** No certificate of occupancy for new construction in the Business Park shall be issued or final approval of parking lot expansion made unless a letter is received from the PAEDC that the property owner has complied with terms and conditions required herein.

(e) ***Definitions.***

- (1) ***Berm.*** Landscaped earthen hill of three (3) feet height or greater.
- (2) ***Caliper.*** The measure of the diameter of a tree at eighteen (18) inches above grade.

Class A trees must be two (2) inches caliper or greater.

Class B trees if multi-trunked, must have a minimum of three (3) trunks of one (1) inch caliper each.

- (3) ***Class A tree.*** A tree with a mature height of thirty (30) feet or more. See recommended list.

- (4) ***Class B tree.*** A tree with a mature height of less than thirty (30) feet. See recommended list.
- (5) ***Critical root zone.*** A circular region measured outward from the tree trunk to the drip line representing the area of roots that must be maintained or protected for the tree's survival.
- (6) ***Drip line.*** A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.
- (7) ***Easement.*** The legal grant of right-of-use to an area of designated private property utilized by public corporations (states, municipalities) and also made to companies providing public services such as gas, electricity, and telephone.
- (8) ***Island.*** A curbed landscaped area in a parking lot that is surrounded on all sides by parking spaces.
- (9) ***Landscaped.*** Shall consist of any combination of turf/grass/ground cover, shrubs, and trees. It must be installed in a sound manner and in accordance with accepted standards of the nursery industry.
- (10) ***Median.*** A curbed landscaped area in a parking lot that separates parking aisles.
- (11) ***Open space buffer planting strip.*** The area between single-family residential and any other zoned property. This strip is to include required trees.
- (12) ***Planting strip.*** The area between the curb and sidewalk, two (2) curbs, a curb and fence, or a sidewalk and fence.
- (13) ***Peninsula.*** A curbed landscaped area that protrudes into parking aisles and adjoins other nonparking open space.
- (14) ***Public right-of-way.*** The entire strip of land lying between the property line and a street or thoroughfare, alley, crosswalk, or easement.
- (15) ***Shrub.*** A woody plant of low or medium height, usually multi-stemmed. See recommended list for three foot high hedge.
- (16) ***Vehicular use area.*** The total area of all the parking spaces and drives serving the parking area.

(f) ***Perimeter landscaping and screening.***

(1) When a commercial or industrial use is established on a lot or premises located adjacent to any residential zoning district, or when any multiple-family dwelling use is established on a lot or premises adjacent to any property located in a single-family residential zoning district, a ten-foot width of landscaping open-space buffer strip shall be installed and maintained by the owner, developer or operator of the commercial or industrial property between it and the adjacent residentially zoned property.

(2) In an open space buffer planting strip required under the terms of this section, a minimum of one (1) class A tree or two (2) class B trees shall be planted and maintained for each twenty-five (25) lineal feet or portion thereof of said open space buffer strip. The required trees may be planted anywhere within the buffer strip with a minimum of ten (10) feet apart for class A trees and a minimum of five (5) feet apart for class B trees. Refer to definitions on tree size.

(3) In addition, an eight-foot high opaque fence or wall shall be erected and maintained along the property line to provide visual screening. The fence or wall shall be masonry or a wood diagonal, horizontal or vertical stockade type privacy fence, although the framing may be metal.

(4) In lieu of the fence, a thirty-foot wide landscape planted buffer for the purpose of screening, may be provided along the property line.

(5) For a thirty-foot wide landscape planted buffer, one (1) class A tree or two (2) class B trees shall be planted and maintained for each ten (10) lineal feet of buffer. The required trees may be planted anywhere within the buffer strip with a minimum of twenty (20) feet apart for class A trees and a minimum of ten (10) feet apart for class B trees. Refer to definitions on tree size.

(6) The provisions of this perimeter landscaping and screening shall not apply where districts are separated by a public street.

(7) When a specific use permit is required, the landscape buffering and fencing required by this section may be modified or eliminated as a condition of a specific use permit.

(g) ***Dumpster and immobile trash containers.*** Any fixed or otherwise immobile trash container must be set back from the property line no less than twenty-five (25) feet or be completely screened from view from any street via landscaping and solid, opaque fencing on a minimum of three (3) sides.

No such container shall be allowed on city right-of-way.

(h) *Landscaping of off-street parking.*

(1) *Perimeter requirements.*

- a. A landscaping edge or buffer shall be required along each side of a parking lot that faces towards a public right-of-way.
- b. The landscaping edge shall be no less than six (6) feet wide and may use up to three (3) feet of the public right-of-way, if unused and available at the time of permitting.
- c. The landscaping edge shall be for the parking lot's entire length.
- d. The landscaping edge shall contain no less than one (1) class A tree or two (2) class B trees for each twenty-five (25) lineal feet or fraction thereof of the edge.
- e. The required trees may be located anywhere within the six (6) foot landscape edge with a minimum of ten (10) feet apart for class A trees and a minimum of five (5) feet apart for class B trees. Refer to definitions on tree size.
- f. If overhead lines are present along the perimeter landscape edge, no trees will be permitted in that perimeter landscape edge. In addition, no trees shall be permitted within a thirty-foot distance from the outermost power line.
- g. A screen no less than three (3) feet height comprised of a wall, solid fence, berm, or plant material or combination of shall be provided along the entire length of the landscaping edge or buffer, if any part of the landscaping edge is within ten (10) feet of the right-of-way. The screen does not have to be straight with the street or parking edge.
- h. The three-foot high screen shall not be on the right-of-way.
- i. The three-foot high screen shall not be required across driveways.
- j. The three-foot high screen shall not be within three (3) feet of a driveway or restrict a driver's line of sight of approaching vehicles as determined by the city.
- k. The required three-foot high screen, when planted, shall be a minimum of two (2) feet in height. See list of suggested shrubs.
- l. A minimum width of three (3) feet is required for the bed containing the planted screen.
- m. The required three-foot high screen, if planted shall be maintained at no less than three (3) feet high.

(3) An increase in the size of an existing parking lot by twenty-five (25) percent in the number of parking spaces or more shall require the entire parking lot, in addition to the twenty-five (25) percent expansion, to be brought into compliance with this section.

- a. A turf area is to be located between the paved or curbed portion or sidewalk of the adjacent street right-of-way and the front property line.
- b. The landscape planting strip shall not be used for parking, but can be crossed with driveways providing direct ingress and egress to the

development that have been approved by the development services manager or his designee.

c. This landscape planting strip shall be planted with one (1) class A or two (2) class B trees for each twenty-five (25) lineal feet or fraction thereof along the property line. The required trees may be planted anywhere within the landscape planting strip with a minimum of ten (10) feet apart for class A trees and a minimum of five (5) feet apart for class B trees.

d. Three (3) feet of public right-of-way may be used with written permission from the City of Port Arthur.

(j) *Installation and maintenance.*

(1) All landscaping shall be installed in accordance with accepted standards of the Texas Nurseryman's Manual.

(2) All plant material shall be true to name, variety, and size and shall conform to all applicable provisions of the American Standards for Nursery Stock, latest edition.

(3) The owner and/or tenant shall be responsible for installing and maintaining all landscaping according to standard horticultural practices.

(4) All landscaping shall be maintained in a healthy, neat, and orderly condition.

(5) No trees may be located within ten (10) feet of a fire hydrant.

(6) No trees may be topped if the limbs are three (3) inches in diameter or greater.

(7) Required three-foot hedges shall be maintained at a minimum of three (3) feet in height.

(8) Dead, dying or damaged landscaping material shall be immediately replaced in conformance herein.

(9) Irrigation systems must be in good and operating condition.

(10) Failure to install required material or maintain landscaping within sixty (60) days of notification shall be subject to legal action

(11) Any request for a variance to the terms of the deed restrictions must be submitted in writing and be responded to in writing by the PAEDC President after due consideration by the PAEDC Board of Directors.

(k) *Letter of credit.*

(1) A letter of credit may be utilized when the landscaping improvements required by the PAEDC have not been completed prior to the issuance of a certificate of occupancy.

(2) The applicant shall post cash or an irrevocable letter of credit payable to the Port Arthur Section 4A Economic Development Corporation in an amount equal to one hundred thirty (130) percent of the estimated cost. This amount shall include the Port Arthur Section 4A Economic Development Corporation's cost of administering the completion of the improvement in the

event the sub divider defaults as provided herein. The security shall be deposited with the Port Arthur Section 4A Economic Development Corporation or in escrow with a bank at the option of the Port Arthur Section 4A Economic Development Corporation. Such letter of credit shall comply with all statutory requirements and shall be satisfactory to the Port Arthur Section 4A Economic Development Corporation's attorney as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the Port Arthur Section 4A Economic Development Corporation or his designee and shall be incorporated in the letter of credit. In those cases where a letter of credit has been posted and the required improvements have not been installed within the terms of the letter of credit, the PAEDC may thereupon declare the letter of credit in default and require that all of the improvements be installed.

TREES FOR PORT ARTHUR BUSINESS PARK

<i>Class A Tree:</i>	Mature height greater than thirty (30) feet
	Branches begin at six (6) feet
	Must be two (2) inches or greater in caliper when planted
Common Name	Latin Name
Bald Cypress (back property only)	Taxodium distichum
Canary Island Date Palm	Phoenix canariensis
Cherrybark Oak	Quercus falcata var. pagodifolia
Green Ash (back property only)	Fraxinus pennsylvanica
Live Oak	Quercus virginiana
Sawthooth Oak	Quercus
Loblolly Pine (back property only)	Pinus Taeda
Nuttall Oak	Quercus Nuttallii
Pecan (back property only)	Carya illinoensis
Red Maple	Acer rubrum 'Drummondii'
Sabal Palms, Florida Fan Palm/cabbage Palm	Sabal palmetto
Shumard Oak	Quercus Shumardii
Slash Pine (back property only)	Pinus Elliottii
Southern Red Oak	Quercus falcata

Spruce Pine (back property only)	Pinus glabra
Swamp Chestnut Oak, Cow, Basket	Quercus Michauxii
Washingtonia Palm	Washingtonia robusta
Water Oak	Quercus nigra
White Oak	Quercus alba
Willow Oak	Quercus phellos
Windmill Palm	Tracycarpus fortunei

Class B Tree:	Less than thirty-foot mature height
	Eight (8) to ten (10) feet height when planted

Common Name	Latin Name
American Holly	Ilex opaca
Chinese Fan Palm	Livistona chinensis
Chinese Pistachio (back property only)	Pistacia chinensis
Crape Myrtle	Lagerstroemia indica and hybrid
Flowering Pear (side/back property only)	Pyrus Calleryana 'Bradford', 'Aristocrat'
Japanese Evergreen Oak	Quercus glauca
Parsley Hawthorn	Crataegus Marshallii
River Birch	Betula nigra
Texas Redbud	Cercis canadensis 'Texensis'
Tree Ligustrum	Ligustrum lucidum
Wax Ligustrum Tree	Ligustrum japonicum

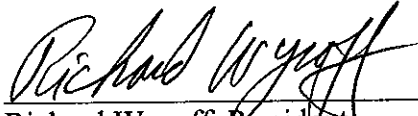
SHRUBS FOR SCREENING REQUIREMENTS

Shrubs:	Maintain three-foot height or greater
	Must be evergreen

Common Name	Latin Name
Blue Vase Juniper	Juniperus chinensis 'Glaucia'
Bottlebrush	Callistemon rigidus

Camellia Sasanqua, upright	Camellia Sasanqua
Chinese Holly	Ilex cornuta 'Rotunda'
Cleyera	Ternstroemia gymnanthera
Dwarf Burford Holly	Ilex cornuta 'Burfordii Nana'
Dwarf Japanese Holly	Ilex crenata 'Compacta'
Dwarf Wax Myrtle	Myrica pusilla
English Boxwood	Buxus sempervirens
Fringe Flower	Loropetalum chinense
Gardenia, Cape Jasmine	Gardenia jasminoides
Glossy Abelia	Abelia grandiflora
Indian Azalea	Rhododendron indica
Indian Hawthorn	Raphiolepis indica
Nandina	Nandina domestica
Oleander DWARF	Nerium Oleander
Red Tip Photinia	Photinia glabra
Wax-leaf Ligustrum	Ligustrum japonicum

SIGNED and AGREED to on this the 30th day of April, 2007.

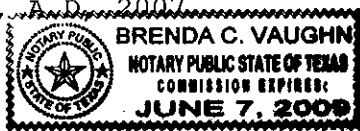

Richard Wycoff, President
City of Port Arthur Section 4A
Economic Development Corporation

ACKNOWLEDGEMENT

THE STATE OF TEXAS: §
§
COUNTY OF JEFFERSON: §

BEFORE ME, THE UNDERSIGNED Notary Public, on this day personally appeared Richard Wycoff, President, known to me to be the person whose name is described to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of the City of Port Arthur Section 4A Economic Development Corporation, for the purposes and considerations therein expressed, and the capacities therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 30th day of April, A.D. 2007.



Brenda Vaughn
NOTARY PUBLIC, STATE OF TEXAS

SIGNED and AGREED to on this the 30th day of April, 2007.

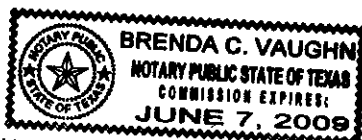
Keith Daws, Sr.
Keith Daws, Sr., Secretary
City of Port Arthur Section 4A
Economic Development Corporation

ACKNOWLEDGEMENT

THE STATE OF TEXAS: §
§
COUNTY OF JEFFERSON: §

BEFORE ME, THE UNDERSIGNED Notary Public, on this day personally appeared Keith Daws, Sr., Secretary, known to me to be the person whose name is described to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of the City of Port Arthur Section 4A Economic Development Corporation, for the purposes and considerations therein expressed, and the capacities therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 30th day of April, A.D. 2007.



Brenda Vaughn
NOTARY PUBLIC, STATE OF TEXAS

AFTER RECORDING, RETURN TO:

City of Port Arthur Section 4A Economic Development
Corporation
P. O. Box 1089
Port Arthur, TX 77641-1089

APPENDIX "A"

DESCRIPTION OF A
297 960 ACRE TRACT OR PARCEL OF LAND
OUT OF AND PART OF
THE WM. 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

AUGUST 20, 2001

All that certain tract or parcel of land lying and being situated in Jefferson County, Texas, parts of the WM. 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, and being parts of Blocks 14, 15 and 16, Range N, Blocks 14, 15 and 16, Range O, and Blocks 15 and 16, Range P of the Lands of the Port Arthur Land Co , the plat of which said subdivision is of record in Volume 1, Page 22 of the Map Records of Jefferson County, Texas, and being a part of that certain tract of land herein referred to as the "McFaddin and Cordts" tract, which said McFaddin and Cordts tract is designated "TRACT NO. 18-C" and is described in that certain instrument from W P H McFaddin, Jr , and J.L.C McFaddin, as Trustees of the McFaddin Trust to J.L.C. McFaddin, Di McFaddin Houk, Perry McFaddin Duncan, W P H. McFaddin Jr , Mamie McFaddin Ward, Camelia B. McFaddin and Di Vernon McFaddin Cordts, W.P.H. McFaddin Jr., and J.L.C McFaddin, jointly, and Mamie McFaddin Ward, W P H. McFaddin, Jr., J.L.C McFaddin, and Camelia B. McFaddin and Di Vernon McFaddin Cordts, jointly, dated February 26, 1948 and recorded in Volume 692, Page 22 of the Deed Records of Jefferson County, Texas, and which said TRACT NO. 18-C is indicated on that certain plat entitled "PARTITION MAP NO 3 OF THE McFADDIN TRUST PROPERTY IN JEFFERSON COUNTY, TEXAS . " which said plat is of record in Volume 8, Page 110 of the Map Records of Jefferson County, Texas, and being a part of that certain tract of land herein referred to as the "Cordts" tract, which said Cordts tract is described in that certain instrument from E.G Cordts, Jr., Independent Executor of the Estate of Di Vernon McFaddin Berly to E.G Cordts, Jr., Colleen Clave Cordts and Anna Camelia Cordts, dated September 13, 1994 and recorded under County Clerk's File No 94-9432523 of the Official Public Records of Real Property of Jefferson County, Texas, and the said tract herein described being that exact same certain tract of land herein referred to as the "PAEDC" tract, which said PAEDC tract is described in that certain instrument from E.G. Cordts, Jr., , Colleen Clare Cordts Rice, .. , and Anna Camelia Cordts Edwardson, to Port Arthur Economic Development Corporation, dated February 28, 2001 and recorded under County Clerk's File No. 2001007554 of the Official Public Records of Real Property of Jefferson County, Texas, and the said tract herein described being more particularly described as follows:

BEGINNING at a iron rod with a Texas Department of Transportation aluminum cap (TxDOT Type 1 Monument) found for the southeast corner of the said tract herein

described, the said corner being the southeast corner of the said PAEDC tract, and the said corner also being the most southerly southwest corner of that certain tract of land herein referred to as the "Parcel 31" tract, which said Parcel 31 tract is so designated and is described in that certain instrument from E.G Cordts, Jr., Colleen Clare Cordts Rice and Anna Camelia Cordts Edwardson to Jefferson County, dated March 15, 1999 and recorded under County Clerk's File No. 1999009190 of the Official Public Records of Real Property of Jefferson County, Texas, and the said corner being in the north line of that certain tract of land herein referred to as the "Parcel 32" tract, which said Parcel 32 tract is so designated and is described in that certain instrument from The Mamie McFaddin Ward Heritage Foundation to Jefferson County, dated December 12, 1996 and recorded under County Clerk's File No. 96-9638512 of the Official Public Records of Real Property of Jefferson County, Texas, the said corner being an interior angle point corner in the southwesterly right-of-way line of Texas State Highway Spur 93, and the said TxDOT Type 1 Monument found for corner being East (Assumed Basis of Bearings - called South 89° 37' 00" East) along and with the south line of the said PAEDC tract, said north line of the Parcel 32 tract and north line of that certain tract of land herein referred to as the "Ward" tract, which said Ward tract is designated "TRACT NO. 19-C" and is described in the hereinbefore referenced instrument recorded in Volume 692, Page 22 of the Deed Records of Jefferson County, Texas, and which said TRACT NO. 19-C is indicated on the hereinbefore referenced plat of record in Volume 8, Page 110 of the Map Records of Jefferson County, Texas, a total distance of 5,430.99 feet (called 5,431.07 feet) from a 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for reference;

THENCE West (called North 89° 37' 00" West) along and with the said south line of the PAEDC tract, north line of the Parcel 32 tract and north line of the Ward tract, passing at a distance of 16.92 feet (called 16.92 feet) a 5/8" iron rod found for the most northerly northwest corner of the said Parcel 32 tract, the said corner being an exterior angle point corner in the said southwesterly right-of-way line of Texas State Highway Spur 93, and passing at a distance of 4,938.57 feet (called 4,938.91 feet) a 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for reference at the southeast corner of that certain tract of land herein referred to as the "TRACT 196-A" tract, which said TRACT 196-A tract is so designated and is described in that certain instrument (titled "RIGHT-OF-WAY EASEMENT") from Di Vernon McFaddin Kibodeaux, formerly Di Vernon McFaddin Cordts, joined therein by her husband, Oren J. Kibodeaux to Jefferson County Drainage District No. 7 dated January 4, 1968 and recorded in Volume 1531, Page 123 of the Deed Records of Jefferson County Texas, and passing at a distance of 5,430.99 feet (called 5,431.07 feet) the hereinbefore said 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for reference at the southwest corner of the said TRACT 196-A tract, and continuing (West) along and with the said south line of the PAEDC tract and north line of the Ward tract, a total distance of 5,545.27 feet (called 5,545.35 feet) to a point for the southwest corner of the said tract herein described, the said corner being the southwest corner of the said PAEDC tract, and the said corner also being the northwest corner of the said Ward tract, and the said corner being in the easterly line of that certain tract of land herein referred to as the "TRACT A" tract, which said TRACT A tract is so designated and is described in that certain instrument from Darling Klaver, et al to Jefferson County Drainage District No. 7 dated November 22, 1971 and recorded in Volume 1727, Page 481 of the Deed Records of Jefferson County, Texas, and the said corner being in the centerline of Rhodiar Gully,

THENCE North 12° 17' 39" West (called North 11° 54' 13" West) along and with the westerly line of the said PAEDC tract, the said easterly line of the TRACT A tract and said centerline of Rhodair Gully, a distance of 724.96 feet (called 724 92 feet) to a point for the most westerly northwest corner of the said tract herein described, the said corner being the most westerly northwest corner of the said PAEDC tract, and the said corner also being the most southerly corner of that certain tract of land herein referred to as the "J.L.C. McFaddin" tract, which said J L C. McFaddin tract is designated "TRACT NO. 12-C" and is described in the hereinbefore referenced instrument recorded in Volume 692, Page 22 of the Deed Records of Jefferson County, Texas, and which said TRACT NO 12-C is indicated on the hereinbefore referenced plat of record in Volume 8, Page 110 of the Map Records of Jefferson County, Texas;

THENCE North 39° 57' 00" East (called North 40° 20' 00" East) along and with the most westerly northwest line of the said PAEDC tract and most southerly southeast line of the said J.L.C. McFaddin tract, passing at a distance of 132.53 feet (called 132.53 feet) a 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for reference at the northwest corner of the hereinbefore said TRACT 196-A tract, and passing at a distance of 736.10 feet (called 735.85 feet) a 5/8" iron rod with a red plastic cap stamped "S&P INC" set for reference at the northeast corner of the said TRACT 196-A tract (and which said 5/8" iron rod with a red plastic cap set for reference is North 37° 58' 15" West a distance of 0.39 feet from a 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for reference), and continuing (North 39° 57' 00" East) along and with the said most westerly northwest line of the PAEDC tract and most southerly southeast line of the J L C McFaddin tract, a total distance of 3,925.49 feet (called 3,925.61 feet) to a 1/2" iron rod found for the most northerly corner of the said tract herein described, the said corner being the most northerly corner of the said PAEDC tract, and the said corner also being the most westerly corner of that certain tract of land herein referred to as the "Barnette - 1483/177" tract, which said Barnette - 1483/177 tract is described in that certain instrument from Gulf Refining Company to N.K. Barnette, Jr dated October 24, 1966 and recorded in Volume 1483, Page 177 of the Deed Records of Jefferson County, Texas;

THENCE South 49° 46' 07" East (called South 49° 23' 24" East) along and with the most northerly northeast line of said PAEDC tract and southwesterly line of the said Barnette - 1483/177 tract, a distance of 1,317.60 feet (called 1,317.54 feet) to a 1/2" iron rod found for an interior corner of the said tract herein described, the said corner being an interior corner of the said PAEDC tract, and the said corner also being the most southerly corner of the said Barnette - 1483/177 tract,

THENCE North 40° 07' 58" East (called North 40° 33' 04" East) along and with the most easterly northwest line of the said PAEDC tract and southeasterly line of the said Barnette - 1483/177 tract, a distance of 151.95 feet (called 151.86 feet) to a 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for the most easterly northwest corner of the said tract herein described, the said corner being the most easterly northwest corner of the said PAEDC tract, and the said corner also being the most westerly corner of that certain tract of land herein referred to as the "Barnette - 1483/176" tract, which said Barnette - 1483/176 tract is described in that certain instrument from Di Vernon McFaddin Cordts joined therein by her husband, Edwin G. Cordts to N K Barnette, Jr. dated October 11, 1966

and recorded in Volume 1483, Page 176 of the Deed Records of Jefferson County, Texas, and the said 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for corner being South 40° 11' 19" West (called South 40° 33' 04" West) along and with the said southeasterly line of the Barnette - 1483/177 tract, northwesterly line of the said Barnette - 1483/176 tract and southeasterly line of that certain tract of land herein referred to as the "LNVA" tract, which said LNVA tract is described in that certain instrument from Gulf Refining Company to the Lower Neches Valley Authority dated April 8, 1975 and recorded in Volume 1876, Page 290 of the Deed Records of Jefferson County, Texas, a total distance of 499.44 feet (called 500.00 feet) from a 5/8" iron rod found for the most northerly corner of the said Barnette - 1483/176 tract, the said corner also being the most easterly corner of the said LNVA tract, and the said corner being in the hereinbefore said southwesterly right-of-way line of Texas State Highway Spur 93,

THENCE South 83° 44' 08" East (called South 83° 21' 35" East) along and with the most easterly north line of the said PAEDC tract and southerly line of the said Barnette - 1483/176 tract, a distance of 557.12 feet (called 557.12 feet) to a 5/8" iron rod found for the most northerly northeast corner of the said tract herein described, the said corner being the most northerly northeast corner of the said PAEDC tract, and the said corner also being the most northerly northwest corner of the hereinbefore said Parcel 31 tract, and the said corner being in the said southwesterly right-of-way line of Texas State Highway Spur 93, and the said 5/8" iron rod found for corner being South 27° 38' 14" East (called South 27° 11' 44" East) along and with the said southwesterly right-of-way line of Texas State Highway Spur 93, a distance of 499.26 feet (called 499.56 feet) from the hereinbefore said 5/8" iron rod found for the most northerly corner of the Barnette - 1483/176 tract and most easterly corner of the LNVA tract;

THENCE South 27° 30' 14" East (called South 27° 07' 03" East) along and with the most easterly northeast line of the said PAEDC tract, southwesterly line of the said Parcel 31 tract and said southwesterly right-of-way line of Texas State Highway Spur 93, a total distance of 3,294.33 feet (called 3,294.40 feet) to the Point of Beginning and

Containing 297.960 acres (called 297.9732 acres) of land, more or less

Prepared by
Schaumburg & Polk, Inc
E James Verrett,
Registered Professional Land Surveyor No 1781



APD

2813082658

8 PGS

**AMENDMENT NO. 2 TO
COVENANTS AND RESTRICTIONS
PORT ARTHUR BUSINESS PARK**

WHEREAS, the City of Port Arthur Section 4A Economic Development Corporation (the "PAEDC") filed its original Covenants and Restrictions, Port Arthur Business Park, dated November 30, 2005 in the Official Public Records of Real Property of Jefferson County, Texas on or about January 26, 2006, under File No. 2006003269 as it pertains to the land described in Appendix "A" attached hereto;

WHEREAS, the PAEDC filed the Amendment No. 1 to Covenants and Restrictions in the Official Public Records of Real Property of Jefferson County, Texas on or about May 10, 2007, under File No. 2007017117;

WHEREAS, the PAEDC met on May 7, 2012, and agreed to the following amendment to the Covenants and Restrictions, Port Arthur Business Park:

ASSESSMENT

The lessees and private owners of the land in the Business Park shall pay assessments to the PAEDC for (i) the maintenance of the street signage and landscaping, (ii) the costs to enforce these deed restrictions, (iii) the costs to maintain the Business Park and (iv) costs to provide security services within the Business Park, such assessments shall be a minimum of \$500 per acre per year and shall be payable on or before December 31st of each year. Additional assessments, as determined by the PAEDC Board of Directors shall not exceed the actual proportionate share of the expenditures made by the PAEDC plus a 10% administrative fee. The proportionate share shall be the number of acres owned or leased divided by 246.

Notwithstanding the proportionate allocation of costs set forth in the preceding paragraph, any costs for security services provided to the Business Park on or before December 31, 2012, shall be paid by PAEDC.

WHEREAS, the PAEDC met on June 4, 2012, and agreed to the following amendment to the Covenants and Restrictions, Port Arthur Business Park:

SITE DEVELOPMENT

<u>Category</u>	<u>Requirements</u>
Fencing - visible from front of primary structure constructed on property	decorative iron or as approved by the PAEDC (no wood or plastic fences permitted)
Fencing - visible along sides or rear of structures constructed on property including along any street or right-of-way	chain-link or as approved by PAEDC (no wood or plastic fences permitted)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF
THE CITY OF PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT
CORPORATION that:

1. This Amendment No. 2 to the Covenants and Restrictions, Port Arthur Business Park, as to the amendment, as to assessments and as to site development or approved.
2. The amendment as to assessment shall be effective as of January 1, 2013, and the amendment as to site development shall be effective upon approval by the City of Port Arthur, Texas.
3. The recitals to this Amendment are incorporated and fully referenced in this Amendment.
4. Except as amended hereby and as previously amended by the duly noted actions of the PAEDC, the Covenants and Restrictions, Port Arthur Business Park are ratified and affirmed.

SIGNED AND AGREED to on this 24th day of Jan, 2013.

City of Port Arthur Section 4A
Economic Development Corporation

By: 

President

ATTEST:


Secretary

THE STATE OF TEXAS

§

COUNTY OF JEFFERSON

§

This instrument was acknowledged before me on the 24th day of Jan, 2013, by
Don Page as President and Patricia Holmes as Secretary on
behalf of City of Port Arthur Section 4A Economic Development Corporation.

Carmela Staley
Notary Public, State of Texas



RETURN TO:
PORT ARTHUR
ECONOMIC DEVELOPMENT CORP.
4173 39TH STREET
PORT ARTHUR TX 77642

APPENDIX "A"

DESCRIPTION OF A
297 960 ACRE TRACT OR PARCEL OF LAND
OUT OF AND PART OF
THE WM. McFADDIN SURVEY, ABSTRACT NO. 418,
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

AUGUST 20, 2001

All that certain tract or parcel of land lying and being situated in Jefferson County, Texas, parts of the WM. McFADDIN SURVEY, ABSTRACT NO. 418, 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, and being parts of Blocks 14, 15 and 16, Range N, Blocks 14, 15 and 16, Range O, and Blocks 15 and 16, Range P of the Lands of the Port Arthur Land Co., the plat of which said subdivision is of record in Volume 1, Page 22 of the Map Records of Jefferson County, Texas, and being a part of that certain tract of land herein referred to as the "McFaddin and Cordts" tract, which said McFaddin and Cordts tract is designated "TRACT NO. 18-C" and is described in that certain instrument from W.P.H. McFaddin, Jr. and J.L.C. McFaddin, as Trustees of the McFaddin Trust to J.L.C. McFaddin, Di McFaddin Houk, Perry McFaddin Duncan, W.P.H. McFaddin Jr., Mamie McFaddin Ward, Camelia B. McFaddin and Di Vernon McFaddin Cordts, W.P.H. McFaddin Jr., and J.L.C. McFaddin, jointly, and Mamie McFaddin Ward, W.P.H. McFaddin, Jr., J.L.C. McFaddin, and Camelia B. McFaddin and Di Vernon McFaddin Cordts, jointly, dated February 26, 1948 and recorded in Volume 892, Page 22 of the Deed Records of Jefferson County, Texas, and which said TRACT NO. 18-C is indicated on that certain plat entitled "PARTITION MAP NO. 3 OF THE McFADDIN TRUST PROPERTY IN JEFFERSON COUNTY, TEXAS." which said plat is of record in Volume 8, Page 110 of the Map Records of Jefferson County, Texas, and being a part of that certain tract of land herein referred to as the "Cordts" tract, which said Cordts tract is described in that certain instrument from E.G. Cordts, Jr., Independent Executor of the Estate of Di Vernon McFaddin Bertly to E.G. Cordts, Jr., Colleen Clara Cordts and Anna Camelia Cordts, dated September 13, 1994 and recorded under County Clerk's File No. 94-9432323 of the Official Public Records of Real Property of Jefferson County, Texas, and the said tract herein described being that exact same certain tract of land herein referred to as the "PAEDC" tract, which said PAEDC tract is described in that certain instrument from E.G. Cordts, Jr., Colleen Clara Cordts Race, ... and Anna Camelia Cordts Edmondson, to Port Arthur Economic Development Corporation, dated February 26, 2001 and recorded under County Clerk's File No. 2001007664 of the Official Public Records of Real Property of Jefferson County, Texas, and the said tract herein described being more particularly described as follows:

BEGINNING at a iron rod with a Texas Department of Transportation aluminum cap (TxDOT Type 1 Monument) found for the southeast corner of the said tract herein

described, the said corner being the southeast corner of the said PAEDC tract, and the said corner also being the most southerly southwest corner of that certain tract of land herein referred to as the "Parcel 31" tract, which said Parcel 31 tract is so designated and is described in that certain instrument from E.G. Corda, Jr., Colleen Clara Corda Rice and Anna Camella Corda Edmondson to Jefferson County, dated March 18, 1999 and recorded under County Clerk's File No. 1999009180 of the Official Public Records of Real Property of Jefferson County, Texas, and the said corner being in the north line of that certain tract of land herein referred to as the "Parcel 32" tract, which said Parcel 32 tract is so designated and is described in that certain instrument from The Mamie McFaddin Ward Heritage Foundation to Jefferson County, dated December 12, 1998 and recorded under County Clerk's File No. 98-9638512 of the Official Public Records of Real Property of Jefferson County, Texas, the said corner being an interior angle point corner in the southwesterly right-of-way line of Texas State Highway Spur 93, and the said TxDOT Type 1 Monument found for corner being East (Assumed Basis of Bearings - called South 89° 37' 00" East) along and with the south line of the said PAEDC tract, said north line of the Parcel 32 tract and north line of that certain tract of land herein referred to as the "Ward" tract, which said Ward tract is designated "TRACT NO. 18-C" and is described in the hereinbefore referenced instrument recorded in Volume 692, Page 22 of the Deed Records of Jefferson County, Texas, and which said TRACT NO. 18-C is indicated on the hereinbefore referenced plat of record in Volume 8, Page 110 of the Map Records of Jefferson County, Texas, a total distance of 5,430.99 feet (called 5,431.07 feet) from a 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for reference;

THENCE West (called North 89° 37' 00" West) along and with the said south line of the PAEDC tract, north line of the Parcel 32 tract and north line of the Ward tract, passing at a distance of 18.92 feet (called 18.92 feet) a 5/8" iron rod found for the most northerly northwest corner of the said Parcel 32 tract, the said corner being an exterior angle point corner in the said southwesterly right-of-way line of Texas State Highway Spur 93, and passing at a distance of 4,938.57 feet (called 4,938.91 feet) a 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for reference at the southeast corner of that certain tract of land herein referred to as the "TRACT 18B-A" tract, which said TRACT 18B-A tract is so designated and is described in that certain instrument (titled "RIGHT-OF-WAY EASEMENT") from DI Vernon McFaddin Kibodeaux, formerly DI Vernon McFaddin Corda, joined therein by her husband, Oran J. Kibodeaux to Jefferson County Drainage District No. 7 dated January 4, 1988 and recorded in Volume 1531, Page 123 of the Deed Records of Jefferson County Texas, and passing at a distance of 5,430.99 feet (called 5,431.07 feet) the hereinbefore said 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for reference at the southwest corner of the said TRACT 18B-A tract, and continuing (West) along and with the said south line of the PAEDC tract and north line of the Ward tract, a total distance of 5,545.27 feet (called 5,545.35 feet) to a point for the southwest corner of the said tract herein described, the said corner being the southwest corner of the said PAEDC tract, and the said corner also being the northwest corner of the said Ward tract, and the said corner being in the easterly line of that certain tract of land herein referred to as the "TRACT A" tract, which said TRACT A tract is so designated and is described in that certain instrument from Darling Klover, et al to Jefferson County Drainage District No. 7 dated November 22, 1971 and recorded in Volume 1727, Page 461 of the Deed Records of Jefferson County, Texas, and the said corner being in the centerline of Rhodes Gulch,

THENCE North 12° 17' 39" West (called North 11° 54' 13" West) along and with the westerly line of the said PAEDC tract, the said easterly line of the TRACT A tract and said centerline of Rhoder Gully, a distance of 724.86 feet (called 724.82 feet) to a point for the most westerly northwest corner of the said tract herein described, the said corner being the most westerly northwest corner of the said PAEDC tract, and the said corner also being the most southerly corner of that certain tract of land herein referred to as the "J.L.C. McFaddin" tract, which said J.L.C. McFaddin tract is designated "TRACT NO. 12-C" and is described in the hereinbefore referenced instrument recorded in Volume 662, Page 22 of the Deed Records of Jefferson County, Texas, and which said TRACT NO. 12-C is indicated on the hereinbefore referenced plat of record in Volume 8, Page 110 of the Map Records of Jefferson County, Texas;

THENCE North 39° 57' 00" East (called North 40° 20' 00" East) along and with the most westerly northwest line of the said PAEDC tract and most southerly southeast line of the said J.L.C. McFaddin tract, passing at a distance of 132.53 feet (called 132.53 feet) a 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for reference at the northwest corner of the hereinbefore said TRACT 196-A tract, and passing at a distance of 736.10 feet (called 735.85 feet) a 5/8" iron rod with a red plastic cap stamped "S&P INC" set for reference at the northeast corner of the said TRACT 196-A tract (and which said 5/8" iron rod with a red plastic cap set for reference is North 37° 58' 15" West a distance of 0.39 feet from a 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for reference), and continuing (North 39° 57' 00" East) along and with the said most westerly northwest line of the PAEDC tract and most southerly southeast line of the J.L.C. McFaddin tract, a total distance of 3,825.49 feet (called 3,825.61 feet) to a 1/4" iron rod found for the most northerly corner of the said tract herein described, the said corner being the most northerly corner of the said PAEDC tract, and the said corner also being the most westerly corner of that certain tract of land herein referred to as the "Barnette - 1483/177" tract, which said Barnette - 1483/177 tract is described in that certain instrument from Gulf Refining Company to N.K. Barnette, Jr. dated October 24, 1966 and recorded in Volume 1483, Page 177 of the Deed Records of Jefferson County, Texas;

THENCE South 49° 46' 07" East (called South 49° 23' 24" East) along and with the most northerly northeast line of said PAEDC tract and southwesterly line of the said Barnette - 1483/177 tract, a distance of 1,317.60 feet (called 1,317.54 feet) to a 1/4" iron rod found for an interior corner of the said tract herein described, the said corner being an interior corner of the said PAEDC tract, and the said corner also being the most southerly corner of the said Barnette - 1483/177 tract,

THENCE North 40° 07' 58" East (called North 40° 33' 04" East) along and with the most easterly northwest line of the said PAEDC tract and southeasterly line of the said Barnette - 1483/177 tract, a distance of 151.95 feet (called 151.86 feet) to a 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for the most easterly northwest corner of the said tract herein described, the said corner being the most easterly northwest corner of the said PAEDC tract, and the said corner also being the most westerly corner of that certain tract of land herein referred to as the "Barnette - 1483/176" tract, which said Barnette - 1483/176 tract is described in that certain instrument from Dr. Vernon McFaddin Cordts joined therein by her husband, Edwin G. Cordts to N.K. Barnette, Jr. dated October 11, 1966

and recorded in Volume 1483, Page 175 of the Deed Records of Jefferson County, Texas, and the said 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for corner being South 40° 11' 19" West (called South 40° 33' 04" West) along and with the said southeasterly line of the Barnette - 1483/177 tract, northeasterly line of the said Barnette - 1483/178 tract and southeasterly line of that certain tract of land herein referred to as the "LNVA" tract, which said LNVA tract is described in that certain instrument from Gulf Refining Company to the Lower Natchez Valley Authority dated April 8, 1875 and recorded in Volume 1876, Page 290 of the Deed Records of Jefferson County, Texas, a total distance of 489.44 feet (called 500.00 feet) from a 5/8" iron rod found for the most northerly corner of the said Barnette - 1483/178 tract, the said corner also being the most easterly corner of the said LNVA tract, and the said corner being in the hereinbefore said southwesterly right-of-way line of Texas State Highway Spur 93,

THENCE South 83° 44' 06" East (called South 83° 21' 35" East) along and with the most easterly north line of the said PAEDC tract and southerly line of the said Barnette - 1483/178 tract, a distance of 557.12 feet (called 557 12 feet) to a 5/8" iron rod found for the most northerly northeast corner of the said tract herein described, the said corner being the most northerly northeast corner of the said PAEDC tract, and the said corner also being the most northerly northwest corner of the hereinbefore said Parcel 31 tract, and the said corner being in the said southwesterly right-of-way line of Texas State Highway Spur 93, and the said 5/8" iron rod found for corner being South 27° 38' 14" East (called South 27° 11' 44" East) along and with the said southwesterly right-of-way line of Texas State Highway Spur 93, a distance of 499.25 feet (called 499.59 feet) from the hereinbefore said 5/8" iron rod found for the most northerly corner of the Barnette - 1483/178 tract and most easterly corner of the LNVA tract;

THENCE South 27° 30' 14" East (called South 27° 07' 03" East) along and with the most easterly northeast line of the said PAEDC tract, southwesterly line of the said Parcel 31 tract and said southwesterly right-of-way line of Texas State Highway Spur 93, a total distance of 3,294.33 feet (called 3,294 40 feet) to the Point of Beginning and

Containing 297.960 acres (called 297.9732 acres) of land, more or less.

Prepared by
Schainburg & Polk, Inc.
E. James Verrett,
Registered Professional Land Surveyor No. 1751

Res. 12-364

**Interoffice
MEMORANDUM**

To: Mayor, City Council, City Manager
From: Floyd Batiste, CEO
Date: July 18, 2012
Subject: P. R. No. 17053; Council Meeting of July 24, 2012

Attached is P. R. No. 17053 approving Amendment No. 2 to the Covenants and Restrictions of the City of Port Arthur Section 4A Economic Development Corporation Spur 93 Business Park.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Carolyn L. Guidry

2013 Jan 25, 01:05 PM

2013002650

VILLASANA \$44.00

CAROLYN L. GUIDRY, COUNTY CLERK
JEFFERSON COUNTY, TEXAS



**AMENDMENT NO. 3 TO
COVENANTS AND RESTRICTIONS
PORT ARTHUR BUSINESS PARK**

WHEREAS, the City of Port Arthur Section 4A Economic Development Corporation (the "PAEDC") filed its original Covenants and Restrictions, Port Arthur Business Park, dated November 30, 2005 in the Official Public Records of Real Property of Jefferson County, Texas on or about January 26, 2006, under File No. 2006003269 as it pertains to the land described in Appendix "A" attached hereto;

WHEREAS, the PAEDC filed the Amendment No. 1 to Covenants and Restrictions in the Official Public Records of Real Property of Jefferson County, Texas on or about May 10, 2007, under File No. 2007017117;

WHEREAS, the PAEDC filed the Amendment No. 2 to Covenants and Restrictions in the Official Public Records of Real Property of Jefferson County, Texas on or about July 9, 2014, under File No. 2014021739;

WHEREAS, the original deed restrictions stated the following as to prohibited occupancies:

PROHIBITED OCCUPANCIES

Specifically prohibited uses include manufacturing and process operations that transmit noise, or release odors, fumes or dust that materially exceed City, State, or Federal Standards or discharge a waste stream that is not acceptable (due to content or volume) for the City's sanitary sewer system. Any use that requires on site treatment of waste in order to meet the above requirements will be allowed only on the basis of a special use permit from PAEDC, the City of Port Arthur, the TCEQ or the applicable regulatory agency. In general, on site treatment of significant quantities of special waste will not be permitted. A special use permit may, at the sole discretion of PAEDC, be granted, conditional upon continued and demonstrative conformance to specific requirements and standards. Failure by the user receiving such conditional approval to strictly conform to the requirements and standards imposed will be the basis of termination of the special use permit, without recourse by the user. Notice of termination of a special use permit will require the user to immediately cease all on site processes that generate or contribute to the subject waste stream.

In addition, all exterior site uses including parking areas, truck maneuvering and docking areas, storage and equipment yards and the like will be developed and maintained in strict conformance with these covenants and restrictions and with the specific terms of approvals granted by PAEDC and the City of Port Arthur.

#1271702

RECEIVED

JUL 05 2016

WHEREAS, the PAEDC met on April 11, 2016, and herein desires to amend the Deed Restrictions, and does herein amend the Deed Restrictions so that the following prohibited occupancies restrictions apply:

PROHIBITED OCCUPANCIES

Specifically prohibited uses include slaughter houses and meat packing plants. Specifically prohibited uses further include other manufacturing and process operations that transmit noise, or release odors, fumes or dust that materially exceed City, State, or Federal Standards or discharge a waste stream that is not acceptable (due to content or volume) for the City's sanitary sewer system. Any use that requires on site treatment of waste in order to meet the above requirements will be allowed only on the basis of a special use permit from PAEDC, the City of Port Arthur, the TCEQ or the applicable regulatory agency. In general, on site treatment of significant quantities of special waste will not be permitted. A special use permit may, at the sole discretion of PAEDC, be granted, conditional upon continued and demonstrative conformance to specific requirements and standards. Failure by the user receiving such conditional approval to strictly conform to the requirements and standards imposed will be the basis of termination of the special use permit, without recourse by the user. Notice of termination of a special use permit will require the user to immediately cease all on site processes that generate or contribute to the subject waste stream.

In addition, all exterior site uses including parking areas, truck maneuvering and docking areas, storage and equipment yards and the like will be developed and maintained in strict conformance with these covenants and restrictions and with the specific terms of approvals granted by PAEDC and the City of Port Arthur.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION that:

1. This Amendment No. 3 to the Covenants and Restrictions, Port Arthur Business Park, as to the amendment, as to assessments and as to site development or approved.
2. The amendment as to assessment shall be effective as of May 1, 2016, and the amendment as to site development shall be effective upon approval by the City of Port Arthur, Texas.
3. The recitals to this Amendment are incorporated and fully referenced in this Amendment.
4. Except as amended hereby and as previously amended by the duly noted actions of the PAEDC, the Covenants and Restrictions, Port Arthur Business Park are ratified and affirmed.

SIGNED AND AGREED to on this 10th day of June, 2016.

City of Port Arthur Section 4A

Economic Development Corporation

By: Ingrid Holmes
President

ATTEST:

[Signature]
Secretary

THE STATE OF TEXAS

§
§
§

COUNTY OF JEFFERSON

This instrument was acknowledged before me on the 6th day of June, 2016, by Ingrid Holmes as President and Langston Adams as Secretary on behalf of City of Port Arthur Section 4A Economic Development Corporation.



Rachel A. Jacquet
Notary Public, State of Texas

Jefferson County Clerk Internet Copy

Jefferson County Clerk Internet Copy

APPENDIX "A"

DESCRIPTION OF A
297 960 ACRE TRACT OR PARCEL OF LAND
OUT OF AND PART OF
THE WM. 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

AUGUST 20, 2001

All that certain tract or parcel of land lying and being situated in Jefferson County, Texas, parts of the WM. 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, and being parts of Blocks 14, 15 and 16, Range N, Blocks 14, 15 and 16, Range O, and Blocks 15 and 16, Range P of the Lands of the Port Arthur Land Co., the plat of which said subdivision is of record in Volume 1, Page 22 of the Map Records of Jefferson County, Texas, and being a part of that certain tract of land herein referred to as the "McFaddin and Cordts" tract, which said McFaddin and Cordts tract is designated "TRACT NO. 18-C" and is described in that certain instrument from W.P.H. McFaddin, Jr., and J.L.C. McFaddin, as Trustees of the McFaddin Trust to J.L.C. McFaddin, Di McFaddin Houk, Perry McFaddin Duncan, W.P.H. McFaddin Jr., Mamie McFaddin Ward, Camelia B. McFaddin and Di Vernon McFaddin Cordts, W.P.H. McFaddin Jr., and J.L.C. McFaddin, jointly, and Mamie McFaddin Ward, W.P.H. McFaddin, Jr., J.L.C. McFaddin, and Camelia B. McFaddin and Di Vernon McFaddin Cordts, jointly, dated February 26, 1948 and recorded in Volume 692, Page 22 of the Deed Records of Jefferson County, Texas, and which said TRACT NO. 18-C is indicated on that certain plat entitled "PARTITION MAP NO. 3 OF THE McFADDIN TRUST PROPERTY IN JEFFERSON COUNTY, TEXAS." which said plat is of record in Volume 8, Page 110 of the Map Records of Jefferson County, Texas, and being a part of that certain tract of land herein referred to as the "Cordts" tract, which said Cordts tract is described in that certain instrument from E.G. Cordts, Jr., Independent Executor of the Estate of Di Vernon McFaddin Bealy to E.G. Cordts, Jr., Colleen Clave Cordts and Anna Camelia Cordts, dated September 13, 1994 and recorded under County Clerk's File No. 94-0432523 of the Official Public Records of Real Property of Jefferson County, Texas, and the said tract herein described being that exact same certain tract of land herein referred to as the "PAEDC" tract, which said PAEDC tract is described in that certain instrument from E.G. Cordts, Jr., Colleen Clave Cordts Rice, .., and Anna Camelia Cordts Edwardson, to Port Arthur Economic Development Corporation, dated February 28, 2001 and recorded under County Clerk's File No. 2001007554 of the Official Public Records of Real Property of Jefferson County, Texas, and the said tract herein described being more particularly described as follows:

BEGINNING at a iron rod with a Texas Department of Transportation aluminum cap (TxDOT Type 1 Monument) found for the southeast corner of the said tract herein

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described, the said corner being the southeast corner of the said PAEDC tract, and the said corner also being the most southerly southwest corner of that certain tract of land herein referred to as the "Parcel 31" tract, which said Parcel 31 tract is so designated and is described in that certain instrument from E.G. Cordts, Jr., Colleen Clare Cordts Rice and Anna Camelia Cordts Edwardson to Jefferson County, dated March 15, 1999 and recorded under County Clerk's File No. 1999009190 of the Official Public Records of Real Property of Jefferson County, Texas, and the said corner being in the north line of that certain tract of land herein referred to as the "Parcel 32" tract, which said Parcel 32 tract is so designated and is described in that certain instrument from The Mamie McFaddin Ward Heritage Foundation to Jefferson County, dated December 12, 1996 and recorded under County Clerk's File No. 96-9638512 of the Official Public Records of Real Property of Jefferson County, Texas, the said corner being an interior angle point corner in the southwesterly right-of-way line of Texas State Highway Spur 93, and the said TxDOT Type 1 Monument found for corner being East (Assumed Basis of Bearings - called South 89° 37' 00" East) along and with the south line of the said PAEDC tract, said north line of the Parcel 32 tract and north line of that certain tract of land herein referred to as the "Ward" tract, which said Ward tract is designated "TRACT NO. 18-C" and is described in the hereinbefore referenced instrument recorded in Volume 692, Page 22 of the Deed Records of Jefferson County, Texas, and which said TRACT NO. 18-C is indicated on the hereinbefore referenced plat of record in Volume 8, Page 110 of the Map Records of Jefferson County, Texas, a total distance of 5,430.99 feet (called 5,431.07 feet) from a 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for reference;

THENCE West (called North 89° 37' 00" West) along and with the said south line of the PAEDC tract, north line of the Parcel 32 tract and north line of the Ward tract, passing at a distance of 16.92 feet (called 16.92 feet) a 5/8" iron rod found for the most northerly northwest corner of the said Parcel 32 tract, the said corner being an exterior angle point corner in the said southwesterly right-of-way line of Texas State Highway Spur 93, and passing at a distance of 4,938.57 feet (called 4,938.91 feet) a 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for reference at the southeast corner of that certain tract of land herein referred to as the "TRACT 196-A" tract, which said TRACT 196-A tract is so designated and is described in that certain instrument (titled "RIGHT-OF-WAY EASEMENT") from Di Vernon McFaddin Kibodeaux, formerly Di Vernon McFaddin Cordts, joined therein by her husband, Oren J. Kibodeaux to Jefferson County Drainage District No. 7 dated January 4, 1968 and recorded in Volume 1531, Page 123 of the Deed Records of Jefferson County Texas, and passing at a distance of 5,430.99 feet (called 5,431.07 feet) the hereinbefore said 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for reference at the southwest corner of the said TRACT 196-A tract, and continuing (West) along and with the said south line of the PAEDC tract and north line of the Ward tract, a total distance of 5,545.27 feet (called 5,545.35 feet) to a point for the southwest corner of the said tract herein described, the said corner being the southwest corner of the said PAEDC tract, and the said corner also being the northwest corner of the said Ward tract, and the said corner being in the easterly line of that certain tract of land herein referred to as the "TRACT A" tract, which said TRACT A tract is so designated and is described in that certain instrument from Darling Klaver, et al to Jefferson County Drainage District No. 7 dated November 22, 1971 and recorded in Volume 1727, Page 481 of the Deed Records of Jefferson County, Texas, and the said corner being in the centerline of Rhodiar Gully,

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THENCE North 12° 17' 39" West (called North 11° 54' 13" West) along and with the westerly line of the said PAEDC tract, the said easterly line of the TRACT A tract and said centerline of Rhodair Gully, a distance of 724.96 feet (called 724.92 feet) to a point for the most westerly northwest corner of the said tract herein described, the said corner being the most westerly northwest corner of the said PAEDC tract, and the said corner also being the most southerly corner of that certain tract of land herein referred to as the "J.L.C. McFaddin" tract, which said J.L.C. McFaddin tract is designated "TRACT NO. 12-C" and is described in the hereinbefore referenced instrument recorded in Volume 692, Page 22 of the Deed Records of Jefferson County, Texas, and which said TRACT NO. 12-C is indicated on the hereinbefore referenced plat of record in Volume 8, Page 110 of the Map Records of Jefferson County, Texas;

THENCE North 39° 57' 00" East (called North 40° 20' 00" East) along and with the most westerly northwest line of the said PAEDC tract and most southerly southeast line of the said J.L.C. McFaddin tract, passing at a distance of 132.53 feet (called 132.53 feet) a 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for reference at the northwest corner of the hereinbefore said TRACT 196-A tract, and passing at a distance of 736.10 feet (called 735.85 feet) a 5/8" iron rod with a red plastic cap stamped "S&P INC" set for reference at the northeast corner of the said TRACT 196-A tract (and which said 5/8" iron rod with a red plastic cap set for reference is North 37° 58' 15" West a distance of 0.39 feet from a 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for reference), and continuing (North 39° 57' 00" East) along and with the said most westerly northwest line of the PAEDC tract and most southerly southeast line of the J.L.C. McFaddin tract, a total distance of 3,925.49 feet (called 3,925.81 feet) to a 1/2" iron rod found for the most northerly corner of the said tract herein described, the said corner being the most northerly corner of the said PAEDC tract, and the said corner also being the most westerly corner of that certain tract of land herein referred to as the "Barnette - 1483/177" tract, which said Barnette - 1483/177 tract is described in that certain instrument from Gulf Refining Company to N.K. Barnette, Jr. dated October 24, 1966 and recorded in Volume 1483, Page 177 of the Deed Records of Jefferson County, Texas;

THENCE South 49° 46' 07" East (called South 49° 23' 24" East) along and with the most northerly northeast line of said PAEDC tract and southwesterly line of the said Barnette - 1483/177 tract, a distance of 1,317.60 feet (called 1,317.54 feet) to a 1/2" iron rod found for an interior corner of the said tract herein described, the said corner being an interior corner of the said PAEDC tract, and the said corner also being the most southerly corner of the said Barnette - 1483/177 tract;

THENCE North 40° 07' 58" East (called North 40° 33' 04" East) along and with the most easterly northwest line of the said PAEDC tract and southeasterly line of the said Barnette - 1483/177 tract, a distance of 151.95 feet (called 151.86 feet) to a 5/8" iron rod with a yellow cap stamped "RPLS 3636" found for the most easterly northwest corner of the said tract herein described, the said corner being the most easterly northwest corner of the said PAEDC tract, and the said corner also being the most westerly corner of that certain tract of land herein referred to as the "Barnette - 1483/176" tract, which said Barnette - 1483/176 tract is described in that certain instrument from Di Vernon McFaddin Cordts joined therein by her husband, Edwin G. Cordts to N.K. Barnette, Jr. dated October 11, 1966

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and recorded in Volume 1483, Page 176 of the Deed Records of Jefferson County, Texas, and the said 5/8" iron rod with a yellow cap stamped "RPLS 3638" found for corner being South 40° 11' 19" West (called South 40° 33' 04" West) along and with the said southeasterly line of the Barnette - 1483/177 tract, northwesterly line of the said Barnette - 1483/176 tract and southeasterly line of that certain tract of land herein referred to as the "LNVA" tract, which said LNVA tract is described in that certain instrument from Gulf Refining Company to the Lower Neches Valley Authority dated April 8, 1975 and recorded in Volume 1876, Page 280 of the Deed Records of Jefferson County, Texas, a total distance of 499.44 feet (called 500.00 feet) from a 5/8" iron rod found for the most northerly corner of the said Barnette - 1483/176 tract, the said corner also being the most easterly corner of the said LNVA tract, and the said corner being in the hereinbefore said southwesterly right-of-way line of Texas State Highway Spur 93,

THENCE South 83° 44' 08" East (called South 83° 21' 35" East) along and with the most easterly north line of the said PAEDC tract and southerly line of the said Barnette - 1483/176 tract, a distance of 557.12 feet (called 557.12 feet) to a 5/8" iron rod found for the most northerly northeast corner of the said tract herein described, the said corner being the most northerly northeast corner of the said PAEDC tract, and the said corner also being the most northerly northwest corner of the hereinbefore said Parcel 31 tract, and the said corner being in the said southwesterly right-of-way line of Texas State Highway Spur 93, and the said 5/8" iron rod found for corner being South 27° 38' 14" East (called South 27° 11' 44" East) along and with the said southwesterly right-of-way line of Texas State Highway Spur 93, a distance of 499.26 feet (called 499.56 feet) from the hereinbefore said 5/8" iron rod found for the most northerly corner of the Barnette - 1483/176 tract and most easterly corner of the LNVA tract;

THENCE South 27° 30' 14" East (called South 27° 07' 03" East) along and with the most easterly northeast line of the said PAEDC tract, southwesterly line of the said Parcel 31 tract and said southwesterly right-of-way line of Texas State Highway Spur 93, a total distance of 3,294.33 feet (called 3,294.40 feet) to the Point of Beginning and

Containing 297.980 acres (called 297.9732 acres) of land, more or less

Prepared by
Schaumburg & Polk, Inc
E James Verrett,
Registered Professional Land Surveyor No. 1781

Return To

GERM PLLC
KATE LEVERETT
P.O. BOX 4915
BEAUMONT, TX 77704

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Carolyn L. Guidry

Carolyn L. Guidry, County Clerk
Jefferson County, Texas

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