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December 12, 2019

DRAFT - FOR WORKSHOP PURPOSES ONLY

(additional notes/comments provided in red italics for draft purposes only)

ChaVonne Sampson, Director of Development Services
Development Services
7009 South Rice Ave.
Bellaire, TX 77401

Re. Application for Amendment to written Text of Article V.-Zoning Regulations (specifically to Sec. 24-541 Loop 610 District)
Regarding proposed 1.99AC Development located on the Southwest corner of L610 & Bissonnet Street)

cc. Ashley Parcus, Development Services Coordinator
cc. Cristin Emshoff, Assistant Director

Ms. Sampson,

On behalf of my client, Atilla Tuna of Enclave Properties, we respectfully submit this application for Amendment to the written text of Article V. / Sec. 24-541 Loop 610 District. Per the amendatory process laid out in Sec. 24-603, please review the following information:

1) Applicant Name/Address:

Thomas De Froy, Architect
Identity Architects
111 Travis, Houston TX 77002

On behalf of:
Atilla Tuna
Bissonnet Street Ventures, LLC
4950 Terminal Street
Bellaire, TX 77401

2) The precise wording for the proposed amendment is as follows, with added text in **bold**:

Sec. 24-504. – Planned Development

A. Planned Development in Residential Districts. …
B. Planned Development in Residential-Commercial Mixed Use Districts. …
C. Planned Development in City Center Districts….
D. Planned Development in Loop 610 District. A planned development mechanism is provided for the area immediately adjacent to Interstate Highway Loop 610 in order to provide greater flexibility and opportunity in the planning and development of projects of good design, such as office plazas, residential projects, medical centers, **shopping centers, permitted retail, restaurant,**

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service and commercial type uses, or a combination of such uses. *The added language is abridged & taken from the CMU district's "permitted use" language. The uses are further expanded below in 24-541 (B) (i)*

Sec. 24-541. – Loop 610 District

A. *Purpose.* The Loop 610 District is an area of high quality office plaza and mixed use, including residential, which is in close proximity to and compatible with existing and future residential use on land which is adjacent to or in close proximity to Interstate Highway Loop 610, characterized by the zoning requirements set forth in this Section. (Ord. No. 81-065, § 1, 11-2-1981)

B. Permitted Uses

a) Single family dwellings

b) Public parks

c) Utilities:

1) Local utility distribution lines

2) Telephone lines and related cross connecting points; and

d) Accessory uses, subject to the requirements of Section 24-510.

e) Home occupations, subject to the requirements of Section 24-517

f) Facilities owned and maintained by the city.

g) Planned Development: Office Plaza.

h) Planned Development: Residential-Office Plaza Mixed Use

(i) Planned Development: Office Plaza Mixed Use

a. Commercial uses as follows, not to include any drive-in or drive-through facilities without Specific Use Permit Approval, or head shops:

i. Banks, credit unions and similar institutions

ii. Business, medical, and professional offices and services

iii. General retail sales and services, and

iv. Restaurants and cafeterias

b. Mixed-use developments consisting of a combination of two or more of the permitted commercial uses listed in subsection (a), above. *This language is taken from the CMU district's "permitted use" language to describe more exactly what uses constitute "mixed use", but*

removes "single-family" and "multifamily" language, as those uses are addressed in the existing PD:Residential-Office Plaza Mixed Use path.

…

D. Planned Development: Office Plaza. Office plaza planned developments …

E. Planned Development: Residential-Office Plaza. Residential-office plaza planned developments…

…

F. Office Plaza Mixed Use applicants proposing planned developments may be approved in this district under the amendatory procedures of this chapter, subject to the following restrictions and limitations:

(1) Size and area.

a) Site area: The minimum site area shall be a maximum of 2 acres. See provisions of 24-604 and 24-605 for procedure to be followed in initiating planned development amendments and specific use amendments. *This language mimics the other (2) PD options currently available within the L610 district, with exception of acreage size, which is proposed to be maximized to 2AC. The other PD paths have a minimum site area of 4AC.*

b) Maximum building height: No building shall have a height in excess of (12) stories (excluding cooling towers, roof gables, chimneys, radio and television antennas, tower/feature elements, parapets, vent stacks and similar extensions which may extend for an additional height, the total not to exceed one-hundred and sixty (160) feet. A greater height may be permitted in the granting of a specific use amendment for radio, television, and microwave antenna or an architectural feature/tower. *This language mimics the other (2) PD options currently available within the L610 district, with exception of floor count, feet, and architectural feature language. Please refer to exhibits for graphic representation of proposed height allowance as it relates to site context.*

c) Maximum floor area to site area: 100 percent of site area. *This language is taken exactly from the existing PD-office plaza route.*

d) Building lines: *This language (including the following 3 points 1-3) are taken exactly from the existing PD-office plaza language.*

1) No building shall be constructed less than (50) feet from the right-of-way line of the abutting Highway Loop 610 Loop Service Road;

2) All other building lines shall be computed on the basis of .84 foot of building height per one (1) foot of distance between said building lines and the nearest point on a lot zoned residential or in residential use that is outside of the proposed planned development district and existing on the date said planned development district is established by ordinance.

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3) Interior building lines within planned development shall be established by the approved site plan

e) Maximum site coverage: 85 percent of site *This site coverage language/% is taken exactly from Sec. 24-536.C.7 Corridor Mixed Use.*

2) Screening. None is prescribed except as may be established by the planned development amendment *This language is taken exactly from the existing (2) L-610 PD paths*

3) Landscaping. None is prescribed except as may be established by the planned development amendment *This language is taken exactly from the existing (2) L-610 PD paths*

4) Outdoor lighting. All outdoor lighting shall be located, screened, or shielded so that adjacent residential lots or structures are not directly illuminated *This language is taken exactly from the existing (2) L-610 PD paths*

5) Development Intensity Bonuses. Notwithstanding any other provisions of this Section, a planned development amendment may be granted which permits floor area ratio increases over and above that permitted by other provisions of this Section not to exceed the amounts set out herein, except that the cumulative amount of any bonus granted may not cause the total floor area to exceed 200 percent of the site area. *This language (including the following 3 points 1-3) are taken exactly from the existing PD-office plaza language.*

a) Public open space: One percent floor area to site area for every one percent of the development site over and above the fourth percent base requirement, that is preserved in landscaped open space, plazas with public art, fountains and/or pedestrian walkways.

b) Parking: One (1) percent floor area to site area for every three (3) percent of a parking structure located below ground level or for every three (3) percent of a parking structure integrated into the base structure of the main building that it serves.

c) Land assembly: The allowable maximum floor area to site area (floor area ratio) for any site assembled that is in excess of one (1) acre may be increased by an amount computed as follows:

.05 (total site minus one (1) acre) divided by one (1) acre

d) Street orientation, siting and design: Increase in floor area to site area of up to thirty-three percent for special street orientation, siting or design features that achieve a standard of excellence in relation to the specific environment in which the project is located and that exceed other requirements of this Code.

3) A statement to the need & justification for the proposed amendment

The vision & intent for this project is to provide a new development (within Bellaire's Loop 610 zoning district) that would serve the residents of Bellaire with multiple & beneficial accessory "mixed uses" (such as restaurant & retail) to the primary office-related use intended for the site. Due to the existing Planned Development paths (Office Plaza &

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Residential-Office Plaza Mixed Use) not aligning w/ the proposed vision for this project, there became a need to amend the language to allow a non-residential mixed-use path. There is justification to therefore consider a proposed third path that aligns with new development trends that demand a more "overlapped" / "mixed use" condition for improved tenant/user experiences.

Due to the custom nature of a Planned Development process (and similar to other PD options within the L-610 district), the addition of this language still provides the city with a full review & public hearing process to ensure the spirit & intent of the district is met, the interests & well-being of Bellaire residents are considered, and site-specific nuances may be independently considered.

4) A statement as to the conformity of the proposed amendment to the comprehensive plan

The proposed amendment aims to largely align with the intentions laid out in Bellaire's comprehensive Plan – specifically the intent to maintain particular design characteristics within the "Suburban Office" category (typical of addresses along Loop 610) while also allowing site-specific review by planning staff, Planning & Zoning commission, & City Council, of how those primary design elements may be addressed and uniquely incorporated. In particular, the inclusion of language regarding nearest residential-zoned properties is purposefully included in the proposed language to properly protect/buffer nearby residences. Language that addresses the design elements such as landscaping, parking screening, buffers, & signage are similar to the other L-610 district PD paths and are included purposefully to ensure the Planned Development process can ensure alignment w/ language found in the comprehensive plan.

5) The proposed amendment would not change the Official Zoning District Map & zoning classification of any property.

6) Further documentation. Attached are:

a. Comprehensive Plan Maps, specifically showing the L-610 & Bissonnet Street Corridor
b. Comprehensive Plan Excerpts, focusing on the promotion of Mixed-Use Development
c. Preliminary Site plan
d. (2) exhibits (A & B) that illustrate the proposed height as it relates to the adjacent context.
e. Renderings (3), showing design intent of overall project and ground-level views

The intent is for the amendments laid out below is to subsequently pursue the proposed & newly-created Planned Development path within the L610 district that is more conducive to the envisioned project at hand and better addresses its unique site location at the crossroads of (2) zoning districts & land uses laid out in the comprehensive land use.

Thank you,

Thomas De Froy (Identity Architects),

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identityARCHITECTS

On behalf of Atilla Tuna (Bissonnet Street Ventures, LLC)

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ORDINANCE NO. 2099

AN ORDINANCE APPROVING THE SITE AND BUILDING PLANS FOR PLANNED DEVELOPMENT DISTRICTS PD-9-0 AND PD-10-LR 1--FOR ALL THAT CERTAIN PARCEL OF LAND OUT OF THE JAMES BLESSING SURVEY, A-162, HARRIS COUNTY, TEXAS, BOUNDED ON THE NORTH BY BISSONNET STREET, ON THE SOUTH BY CEDAR STREET, ON THE EAST BY IH-610 WEST LOOP SOUTH, ON THE WEST BY FIRST STREET, SUBMITTED BY THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, AND AMENDING ORDINANCE NO. 1842, THE ZONING ORDINANCE, PD-9-0 AND PD-10-LR-1 PERMITTING THE CITY OF BELLAIRE, IN ACCORDANCE WITH THE DEVELOPMENT OF PD-9-0 AND PD-10-LR-1 TO PARTICIPATE IN COST SHARING WITH THE PRUDENTIAL INSURANCE COMPANY OF AMERICA OF CERTAIN IMPROVEMENTS FOR THE BENFIT OF THE PRUDENTIAL INSURANCE COMPANY OF AMERICA AND THE CITY OF BELLAIRE.

WHEREAS, The Prudential Insurance Company of America, hereinafter called "Prudential", has submitted proposed site and building plans to the City of Bellaire, Texas, hereinafter called "Bellaire", for an office building to be situated upon:

All that certain parcel of land out of the James Blessing Survey, A-162, Harris County, Texas bounded on the north by Bissonnet Street, on the south by Cedar Street, on the east by IH-610 West Loop South, on the west by First Street, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod located in the south right-of-way line of Bissonnet Street (70' wide) at its intersection with the east right-of-way line of First Street (60' wide);

THENCE N 60°20'08" E - 366.17' along the south right-of-way line of said Bissonnet Street to a 3/8" iron rod for corner;

THENCE S 29°36'58" E - 9.88' to a 1/2" iron rod for corner;

THENCE N 60°24'06" E - 128.38' along the south right-of-way line of the aforementioned Bissonnet Street (90° wide at this point) to a 1/2" iron rod for corner;

THENCE S 58°12'24" E - 64.63' along a cut back line to a 1/2" iron rod for corner located in the west right-of-way line of the West Loop South (IH 610) (variable width);

THENCE S 00°05'45" E - 557.26' to a 1/2" iron rod for corner located in the west right-of-way line of said West Loop South at its intersection with the north right-of-way line of Locust Street (50' wide);

THENCE S 20°53'35" E - 53.94' to a 5/8" iron rod for corner located in the south right-of-way line of the aforementioned Locust Street at its intersection with the west right-of-way line of said West Loop South;

THENCE S 00°05'45" E - 305.00' to a 3/4" iron rod for corner located in the west right-of-way line of said West Loop South at its intersection with the north right-of-way line of Spruce Street (50' wide);

THENCE S 26°21'01" E - 55.60' to a 5/8" iron rod for corner located in the west right-of-way line of said West Loop South (IH 610) at its intersection with the south right-of-way line of the above mentioned Spruce Street;

WHEREAS, the site development plans filed herein by Prudential require modification of certain properties owned and/or controlled by Bellaire, these modifications being to-wit:

Modification of area potable water distribution system, reconstruction of Cedar Street between the West Service Road of Interstate Highway 610 at its intersection with First Street, the reconstruction and widening of First Street between its intersection with Cedar Street and Bissonnet Street, and the modification of area surface water drainage system, and that

WHEREAS, it is recognized and stipulated by and between Bellaire and Prudential that the benefits of such improvements accrue, not only to Prudential and other contiguous property owners, but also to the residents, citizens, and inhabitants of Bellaire, and further

WHEREAS, it is recognized and stipulated by and between Bellaire and Prudential that it is impossible to clearly establish the cost/benefit ratio to any specific benefactor for such improvements, and

WHEREAS, Bellaire will at its own cost make area potable water distribution system modifications it deems necessary, which will both directly and indirectly benefit the residents, citizens, and inhabitants of Bellaire and Prudential, and further in recognition that said area potable water distribution system modifications will facilitate the construction and eventual enjoyment of the building and improvements contemplated under the site and building plans herein approved for the building of an office building by Prudential to be situated upon:

All that certain parcel of land out of the James Blessing Survey, A-162, Harris County, Texas bounded on the north by Bissonnet Street, on the south by Cedar Street, on the east by IH-610 West Loop South, on the west by First Street, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod located in the south right-of-way line of Bissonnet Street (70' wide) at its intersection with the east right-of-way line of First Street (60' wide);

THENCE N 60°20'08" E - 366.17' along the south right-of-way line of said Bissonnet Street to a 3/8" iron rod for corner;

THENCE S 29°36'58" E - 9.88' to a 1/2" iron rod for corner;

THENCE S 00°05'45" E - 127.50' along the west right-of-way line of said West Loop South to a 5/8" iron rod;

THENCE S 12°15'18" E - 129.69' to a 3" steel fence post for corner located in the west right-of-way line of the aforementioned West Loop South at its intersection with the north right-of-way line of Cedar Street (variable width);

THENCE S 89°56'59" W - 562.69' to a 5/8" iron rod for corner located in the north right-of-way line of said Cedar Street at its intersection with the east right-of-way line of the above mentioned First Street;

THENCE N 00°01'21" E - 254.84' to a 5/8" iron rod for corner located in the south right-of-way line of Spruce Street (50' wide) at its intersection with the east right-of-way line of First Street (60' wide);

THENCE N 00°00'33" W - 49.94' to a 3/4" iron rod for corner located in the east right-of-way line of said First Street at its intersection with the north right-of-way line of said Spruce Street;

THENCE N 00°01'18" W - 305.08' to an iron bolt located in the east right-of-way line of First Street (60' wide) at its intersection with the south right-of-way line of Locust Street (50' wide);

THENCE N 00°00'05" W - 50.00' to a 5/8" iron rod for corner located in the north right-of-way line of the aforementioned Locust Street at its intersection with the east right-of-way line of said First Street;

THENCE N 00°00'05" W - 355.36' to the POINT OF BEGINNING and containing 13.392 acres of land more or less.

Said plans being attached hereto and marked Exhibit "A".

In the City of Bellaire, Texas in Planned Development Districts PD-9-0 and PD-10-LR 1, and the same after due notice and hearing were considered by the Planning and Zoning Commission of Bellaire and were approved by the said Planning and Zoning Commission, which recommended to the City Council of Bellaire in favor of the same; and

WHEREAS, the City Council of Bellaire, having received such recommendations from the Planning and Zoning Commission of Bellaire, finds that the general comprehensive zoning plan of Bellaire as a whole, and the health, safety, morals, convenience, comfort and general welfare of Bellaire, taking into consideration the character of the districts affected, and their suitability for the particular purposes permitted therein, would best be served by the approval of such site and building plans as to zoning; and that

THENCE NO 60°24'06" E - 128.38' along the south right-of-way line of the aforementioned Bissonnet Street (90' wide at this point) to a 1/2" iron rod for corner;

THENCE S 58°12'24" E - 64.63' along a cut back line to a 1/2" iron rod for corner located in the west right-of-way line of the West Loop South (IH 610) (variable width);

THENCE S 00°05'45" E - 557.26' to a 1/2" iron rod for corner located in the west right-of-way line of said West Loop South at its intersection with the north right-of-way line of Locust Street (50' wide);

THENCE S 20°53'35" E - 53.94' to a 5/8" iron rod for corner located in the south right-of-way line of the aforementioned Locust Street at its intersection with the west right-of-way line of said West Loop South;

THENCE S 00°05'45" E - 305.00' to a 3/4" iron rod for corner located in the west right-of-way line of said West Loop South at its intersection with the north right-of-way line of Spruce Street (50' wide);

THENCE S 26°21'ol" E - 55.60' to a 5/8" iron rod for corner located in the west right-of-way line of said West Loop South (IH 610) at its intersection with the south right-of-way line of the above mentioned Spruce Street;

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THENCE N 00°01'18" W - 305.08' to an iron bolt located in the east right-of-way line of First Street (60' wide) at its intersection with the south right-of-way line of Locust Street (50' wide);

THENCE N 00°00'05" W - 50.00' to a 5/8" iron rod for corner located in the north right-of-way line of the aforementioned Locust Street at its intersection with the east right-of-way line of said First Street;

THENCE N 00°00'05" W - 355.36' to the POINT OF BEGINNING and containing 13.392 acres of land more or less.

and that in consideration thereof, Prudential does agree to pay one-half (1/2) of the cost of such modification to the area surface water drainage system as shall be deemed necessary by Bellaire; and, further, Prudential does agree to pay one-half (1/2) of the cost of all said contemplated street construction and reconstruction deemed necessary by Bellaire; and, further, in consideration thereof and in recognition of the contribution herein recited by Prudential to the improvements herein set out, which shall both benefit the residents, citizens, and inhabitants of Bellaire as well as Prudential, Bellaire does agree to reduce the stipulated contribution by Prudential of one-half (1/2) of the cost for such improvements as herein set out by an amount equal to one-half (1/2) of the revenue received by Bellaire from Bellaire's One Percent (1%) sales tax on materials purchased in Bellaire and used in the construction in accordance with the site and building plans submitted by Prudential, the amount of such stipulated contribution by Prudential, as such contribution shall be so reduced, to be subject to approval by the Board of Direcotrs of Prudential, and Prudential to have the right to review all bids submitted to Bellaire for the making of such improvements before Bellaire awards the necessary construction contracts therefor. Within a reasonable time after such bids are opened, Prudential shall file with the City Clerk of Bellaire a letter either recommending acceptance or rejection of the lowest and best bid submitted; and in the event Prudential shall reject such bid, then Prudential does herein agree to pay or reimburse to Bellaire all costs incurred by Bellaire, including engineering costs, which costs shall not exceed Fifteen Thousand Dollars ($15,000), in the preparation for and submission of said contemplated improvements for bids.

In the event Bellaire, in reliance upon the recommended acceptance of the lowest and best bid by Prudential, commences construction of the improvements as enumerated in numbered Paragraph 1, a through d, of this Ordinance, and Prudential shall fail to commence construction by January 20, 1977, as provided for in numbered Paragraph

hereof, then Prudential shall pay or reimburse to Bellaire all costs of such improvements.

WHEREAS, Prudential does agree to pay to Bellaire its estimated share of project cost which shall include engineering and inspection expenses at such time Bellaire awards necessary construction contracts that in consideration for such prompt payment thereof, Bellaire shall exclude administrative and fiscal expenses from normally allocated project cost.

NOW THEREFORE, BE IT ORDAINED
BY THE CITY COUNCIL OF BELLAIRE:

1. That those certain site and building plans submitted to Bellaire by Prudential covering said property and the proposed building on said land as attached hereto and marked Exhibit "A", and the same are hereby approved as to zoning. This approval is conditioned upon the Agreements as herein ratified and contained in numbered Paragraphs 1 through 5, inclusive, as are hereinafter set out. That further, Ordinance No. 1842, the Zoning Ordinance, PD-9-0 and PD-10-LR-1 is hereby amended to permit and authorize the City of Bellaire, Texas, in accordance with the development of PD-9-0 and PD-10-LR-1 by The Prudential Insurance Company of America to:

a. Modify the area potable water distribution system;

b. Reconstruct Cedar Street between the West Service Road of Interstate Highway 610 at its intersection with First Street;

c. Reconstruct and widen First Street between its intersection with Cedar Street and Bissonnet Street; and to

d. Modify the area surface water drainage system;

Wherein The Prudential Insurance Company of America will agree to pay one-half (1/2) of all of the cost of contemplated street construction and reconstruction deemed necessary by Bellaire and to pay one- half (1/2) of all the costs of the contemplated area surface water drainage modification, to be reduced only by an amount equal to one-half (1/2) of the revenue received by Bellaire from Bellaire's One Percent (1%) sales tax on materials purchased in Bellaire and used in the construction in accordance with the site and building plans submitted by Prudential.

2. That the further Agreement and understanding by Prudential to pay one-half (1/2) of all costs of contemplated street con-

struction and reconstruction deemed necessary by Bellaire and to pay one-half (1/2) of all the costs of the contemplated area surface water drainage system modification, to be reduced only by an amount equal to one-half (1/2) of the revenue received by Bellaire from Bellaire's One Percent (1%) sales tax on materials purchased in Bellaire and used in the construction in accordance with the site and building plans submitted by Prudential, the amount of such stipulated contribution by Prudential, as such contribution shall be so reduced, to be subject to approval by the Board of Directors of Prudential, and Prudential to have the right to review all bids submitted to Bellaire for the making of such improvements before Bellaire awards the necessary construction contracts therefor. Within a reasonable time after such bids are opened, Prudential shall file with the City Clerk of Bellaire a letter either recommending acceptance or rejection of the lowest and best bid submitted; and in the event Prudential shall reject such bid, then Prudential does herein agree to pay or reimburse to Bellaire all costs incurred by Bellaire, including engineering costs, which costs shall not exceed Fifteen Thousand Dollars ($15,000), in the preparation for and submission of said contemplated improvements for bids.

In the event Bellaire, in reliance upon the recommended acceptance of the lowest and best bid by Prudential, commences construction of the improvements as enumerated in numbered Paragraph 1, a through d, of this Ordinance, and Prudential shall fail to commence construction by January 20, 1977, as provided for in numbered Paragraph ~~5~~ 4 hereof, then Prudential shall pay or reimburse to Bellaire all costs of such improvements, which Agreement is ratified and approved.

3. That the further Agreement between Prudential and Bellaire whereby Prudential agrees to pay its estimated share of project cost, including engineering and inspection fees but excluding Bellaire's administrative and financial expenses, when Bellaire awards the construction contract, is hereby ratified.

4. In the event construction herein contemplated shall not have started on or before the 20th day of January, 1977, then the terms and provisions of this Ordinance shall become null and void,

as to the approval of the site and building plans herein approved.

5. This Ordinance shall become binding upon Prudential upon the filing with the City Clerk of Bellaire, within five (5) days of its passage, of an acceptance, in a form as attached hereto, of the terms hereof; and upon filing of such acceptance the obligations imposed upon Prudential shall become binding.

PASSED and APPROVED this the 7 day of April, 1975.

Mayor, City of Bellaire, Texas

ATTEST:

City Clerk

NOTICE OF JOINT PUBLIC HEARING

NOTICE OF JOINT PUBLIC HEARING ON THE PROPOSED ISSUANCE OF A SPECIFIC USE PERMIT IN PD-9-0 AND PD-10-LR1 DISTRICTS, IN THE CITY OF BELLAIRE, TEXAS ON THE 2nd DAY ON FEBRUARY, 1976

NOTICE IS HEREBY GIVEN that the City Council of the City of Bellaire, Texas, has called and will hold a Joint Public Hearing before the City Council of the City of Bellaire and the Planning and Zoning Commission of the City of Bellaire, on the 2nd day of February, 1976, at 7:00 o'clock P.M., at which time all persons will be heard who wish to be heard on or in conjunction with any matter or question involving the proposed Specific Use Permit, as authorized under Article 8, Section 300 of the Zoning Ordinance of the City of Bellaire, Texas, as amended, wherein Prudential Insurance Company of America requests a Specific Use Permit under the Use Schedule of the City of Bellaire, for a heliport, as set out in Article 8, Section 105 of the Zoning Ordinance of the City of Bellaire, as amended, for property owned by applicant, located in PD-9-0 and PD-10-LR-1, which location is described as:

All that certain parcel of land out of the James Blessing Survey, A-162, Harris County, Texas, bounded on the north by Bissonnet Street, on the south by Cedar Street, on the east by Interstate Highway 610 West Loop South, on the west by First Street, and being more particularly described by metes and bounds in Ordinance No. 2099, heretofore previously enacted by the City Council of the City of Bellaire.

DATED at Bellaire, Texas, this 15th day of December, 1975.

Joy Moore
City Clerk, City of Bellaire, Texas

Bellaire Texan, 12/31/75

ACCEPTANCE

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HARRIS

That THE PRUDENTIAL INSURANCE COMPANY OF AMERICA does hereby accept the terms and provisions of an Ordinance captioned:

> AN ORDINANCE APPROVING THE SITE AND BUILDING PLANS FOR PLANNED DEVELOPMENT DISTRICTS PD-9-0 AND PD-10-LR 1--FOR ALL THAT CERTAIN PARCEL OF LAND OUT OF THE JAMES BLESSING SURVEY, A-162, HARRIS COUNTY, TEXAS, BOUNDED ON THE NORTH BY BISSONNET STREET, ON THE SOUTH BY CEDAR STREET, ON THE EAST BY IH-610 WEST LOOP SOUTH, ON THE WEST BY FIRST STREET, SUBMITTED BY THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, AND AMENDING ORDINANCE NO. 1842, THE ZONING ORDINANCE, PD-9-0 AND PD-10-LR-1 PERMITTING THE CITY OF BELLAIRE, IN ACCORDANCE WITH THE DEVELOPMENT OF PD-9-0 AND PD-10-LR-1 TO PARTICIPATE IN COST SHARING WITH THE PRUDENTIAL INSURANCE COMPANY OF AMERICA OF CERTAIN IMPROVEMENTS FOR THE BENFIT OF THE PRUDENTIAL INSURANCE COMPANY OF AMERICA AND THE CITY OF BELLAIRE.

being Ordinance No. 2099 duly enacted by the City of Bellaire, Texas, and agrees to be bound by the terms thereof,.

WITNESS the hand of the officer and the official seal of THE PRUDENTIAL INSURANCE COMPANY OF AMERICA this 11th day of April, 1975.

THE PRUDENTIAL INSURANCE COMPANY
OF AMERICA

BY: _____
Richard G. Merrill
Senior Vice President

ATTEST:

_____
S. A. UNGER
Assistant Secretary

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, a Notary Public, in and for the State of Texas, on this day personally appeared **Richard G. Merrill** of THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of THE PRUDENTIAL INSURANCE COMPANY OF AMERICA aforesaid, a corporation, and that he executed the same as the act of said corporation, for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this **11th** day of **April**, A.D., 1975.

Mary J. Winburn

Notary Public in and for
Harris County, Texas

Mary J. Winburn
My Commission Expires: June 1, 1975

CITY OF BELLAIRE
RECEIVED
APR 11 1975
CITY MANAGER'S OFFICE

Hand delivered on 11th of April 1975

Phyllis M. Mancraw
Deputy City Clerk

STATE OF TEXAS)
) SS.:
COUNTY OF HARRIS)

Before me, a Notary Public, in and for the above County and State, personally appeared **S. A. UNGER**, to me personally known and known to me to be an Assistant Secretary of The Prudential Insurance Company of America, who, being by me duly sworn according to law, on his oath deposes and says that he is an Assistant Secretary of The Prudential Insurance Company of America, having custody of the records of the said Company, and that Section 9 of the By-Laws of The Prudential Insurance Company of America, as now in full force and effect, contains among other provisions, the following, viz:

> "The Chairman of the Board and Chief Executive Officer, the President, and any one of the vice presidents shall have power to execute on behalf of the corporation all instruments, deeds, contract and other corporate acts and papers, subject only to the provisions of By-Law 24."

Deponent further says that By-Law 24 deals only with contracts of annuity and insurance.

Deponent further says that **RICHARD G. MERRILL** is one of the Vice Presidents of the said Company, and that the above officer was a Vice President having authority to perform the above mentioned duties, on the **11th** day of **April**, 1975.

Subscribed and sworn to)
before me this **11th** day)
of **April** 1975.)

S. A. Unger
ASSISTANT SECRETARY
S. A. UNGER

Mary J. Winburn
Notary Public of Harris County, Texas
Mary J. Winburn
My Commission expires: **June 1, 1975**

SW 4139 ED. 4-72

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

The undersigned, the duly appointed, qualified and acting City Clerk of the City of Bellaire, Texas, does hereby certify that the foregoing is a true and correct copy of the original Ordinance #2079 dated April 7, 1975, which has been deposited for safekeeping in Meyerland Bank, Houston, Texas.

WITNESS my hand this 20th day of September, 1976, and the official seal of the City of Bellaire, Texas, which I have affixed hereto.

Joy Moore
City Clerk, City of Bellaire, Texas