

THE STATE OF TEXAS §
 §
 COUNTY OF FORT BEND §

The Commissioners Court of Fort Bend County, Texas, ("Commissioners Court") convened in REGULAR SESSION AT A REGULAR TERM OF SAID COURT, open to the public, on the 25 day of January, 2011, at the County Courthouse, with a quorum of said Court present:

Whereupon, among other business the following was transacted at said meeting:
 a written resolution entitled:

RESOLUTION ESTABLISHING A POLICY FOR CONSIDERATION OF
 VARIANCE REQUESTS FOR THE PLACEMENT OF SIGNS VISIBLE FROM THE
 MAIN-TRAVELED WAY OF A TOLL ROAD WITHIN FORT BEND COUNTY, TEXAS

(the "Resolution") was duly introduced for the consideration of the Commissioners Court and reviewed in full. It was then duly moved by Comm. Patterson and seconded by Comm. Meyers that the Resolution be passed; and, after due discussion, the motion, carrying with it the passage of the Resolution, prevailed and carried by the following vote:

AYES:	<u>5</u>
NOES:	<u>0</u>

The County Judge thereupon announced that the Resolution has been duly and lawfully adopted. The Resolution thus adopted follows:

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RECITALS

WHEREAS, the Fort Bend County Toll Road Authority (the "Authority") approved certain Regulations of Fort Bend County for the Placement of Signs Visible from the Main-Traveled Way of a Toll Road Within Fort Bend County (the "County"), Texas (the "Sign Regulations") on January 18, 2006; and

WHEREAS, the Fort Bend County Commissioners Court ("Commissioners Court") adopted the Sign Regulations on January 24, 2006, effective immediately; and

WHEREAS, the general purpose of the Sign Regulations is to control the placement of signs, billboards, and other outdoor advertising structures to promote and enhance the efficient and safe use of toll roads within the County; and

WHEREAS, Section 4(e) of the Sign Regulations provide that Commissioners Court may, in its sole discretion, grant an applicant a variance as to one or more of the regulations, provided the general purpose of these regulations is maintained, in those instances where compliance with the Sign Regulations would create undue hardship on the applicant due to unusual situations which make strict compliance unfeasible; and

WHEREAS, the Authority conducts the variance process set forth in the Sign Regulations in a public hearing posted in accordance with the Texas Open Meetings Act and may recommend the granting of the requested variance or alternative variances to the Commissioners Court; and

WHEREAS, the variance may only be granted by a majority of the Commissioners Court present at the meeting at which the variance is presented and the variance shall be based on specific findings incorporated in the official minutes of the meeting of Commissioners Court at which the variance is granted; and

WHEREAS, Commissioners Court has requested that the Authority establish a policy for consideration of variance requests submitted for the variance process review;

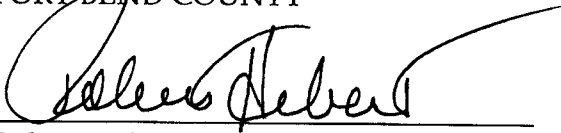
NOW, THEREFORE, IT IS ORDERED BY THE COMMISSIONERS COURT OF FORT BEND COUNTY THAT:

Section 1. The recitals set forth in this Resolution are true and correct.

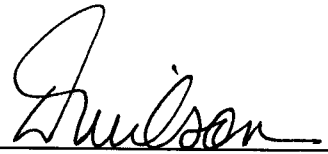
Section 2. The Policy for Consideration of Variance Requests for the Placement of Signs Visible from the Main-Traveled Way of a Toll Road within Fort Bend County, Texas, attached as Exhibit "A," is hereby approved, established, and adopted.

ADOPTED this 25 day of January, 2011.

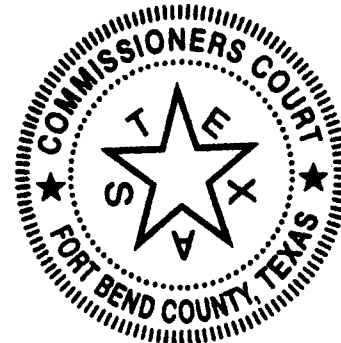
FORT BEND COUNTY


Robert Hebert, County Judge

ATTEST:


Dianne Wilson, County Clerk and Ex-Officio
Clerk of the Commissioners Court of
Fort Bend County, Texas

(SEAL)



CERTIFICATE FOR RESOLUTION

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We, the undersigned officers of the Commissioners Court (the "Court") of Fort Bend County, Texas (the "County"), do hereby certify as follows:

1. That we are the duly chosen, qualified and acting officers of the Court for the offices shown below our signatures and that as such we are familiar with the facts herein certified.

2. That there is attached to and follows this certificate an excerpt of proceedings from the minutes of a meeting of the Court which is a true, full and complete excerpt of all proceedings from the minutes of the Court pertaining to the adoption of the Resolution described therein; and that the persons named in such excerpt as the officers and members of the Court or as officers of the County are the duly chosen, qualified and acting officers and members as indicated therein.

3. That a true and complete copy of the Resolution (the "Resolution"), as adopted at the meeting described in such excerpt from the minutes, is attached to and follows such excerpt.

4. That the Resolution has been duly and lawfully adopted by the Court and that the County Judge of the County has approved, and hereby approves, the Resolution; that the County Judge and the County Clerk of the County have duly signed and attested the Resolution and each, respectively, hereby declares that the signing of this certificate shall also constitute the signing of the Resolution for all purposes; and that the Resolution, as signed, has been duly recorded in the minutes of the Court for such meeting.

5. That each of the officers and members of the Court was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and subject of such meeting of the Court, and that the Resolution would be introduced and considered for passage at such meeting, and each of such officers and members consented, in advance, to the holding of such meeting to consider and act upon such subject.

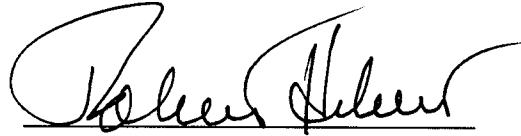
6. That written notice of the date, hour, place and subject of the meeting of the Court described in the excerpt from the minutes was posted on a bulletin board located at a place convenient to the public in the County Courthouse of the County; and that such meeting was open to the public as required by law at all times during which

the Resolution and the subject matter thereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Governmental Code, as amended.

SIGNED AND SEALED the 25 day of January, 2011.

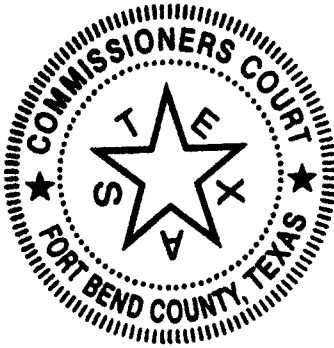


Dianne Wilson
County Clerk



Robert Hebert
County Judge

(COMM. CT. SEAL)



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I, the undersigned, County Clerk and Ex-Officio Clerk of the Commissioners Court of Fort Bend County, Texas, do hereby certify that the above and foregoing is a true and correct copy of a Resolution of the Commissioners Court which was passed and adopted on the 25 day of January, 2011, together with a copy of so much of the minutes as show the canvassing of the Court, the names of the members present and absent and the passage and adoption of such Resolution, all as same appears of record in the minutes of said Court and on file in my office.

WITNESS MY HAND AND THE SEAL OF THE COMMISSIONERS COURT OF FORT BEND COUNTY, TEXAS, this 25 day of January, 2011.

DIANNE WILSON
County Clerk and Ex-Officio Clerk of the
Commissioners Court of Fort Bend County,
Texas


By: 



EXHIBIT "A"

POLICY FOR CONSIDERATION OF VARIANCE REQUESTS FOR THE PLACEMENT OF SIGNS VISIBLE FROM THE MAIN-TRAVELED WAY OF A TOLL ROAD WITHIN FORT BEND COUNTY, TEXAS

Definitions. As used in this policy, all undefined terms shall have the meanings set forth in the Regulations of Fort Bend County for the Placement of Signs Visible from the Main-Traveled Way of a Toll Road within Fort Bend County, Texas (the Sign Regulations).

Section 1. General Purpose of the Sign Regulations

The general purpose of the Sign Regulations is to control the placement of signs, billboards, and other outdoor advertising structures to promote and enhance the efficient and safe use of toll roads within Fort Bend County

Section 2. Factors for Variance Request Consideration

In considering requests for variance from the Sign Regulations, the following factors shall be considered:

1. Will the general purpose of the Sign Regulations be maintained?
2. What is the distance of the proposed sign from the main-traveled way of a toll road?
3. What is the orientation of the proposed sign to the main-traveled way of a toll road?
4. Is the proposed sign intended to be visible primarily from another roadway that is not a toll road?
5. Would compliance with the Sign Regulations create undue hardship on the variance applicant due to unusual situations which make strict compliance with the Sign Regulations unfeasible?
6. What is the effect of non-compliance on adjacent land?
7. Do the variance applicant's facts and circumstances for requesting the variance present unique hardship that is not applicable to the general community or area?
8. Will the granting of the variance be precedent-setting and result in the erosion of compliance with the Sign Regulations?

Section 3. Findings.

In granting a variance request, these minimum findings must be made: (1) compliance with the Sign Regulations would create undue hardship on the variance applicant due to unique situations which make strict compliance with the Sign Regulations unfeasible; or (2) the proposed sign would not be visible from the main-

traveled way of a toll road; or (3) the general purpose of the Sign Regulations is maintained.