

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

ORDER AUTHORIZING GRANT OF VARIANCE

On this 8th day of September, 2015, the Commissioners Court of Fort Bend County, Texas ("Commissioners Court"), being convened at a regular meeting of the Court, sitting as the governing body of Fort Bend County, upon motion of Commissioner Meyers, seconded by Commissioner Patterson, duly put and carried;

WHEREAS, C.R. Nevada Associates, LLC ("C.R. Nevada") submitted a plat for Westpark Meadows Subdivision recorded on August 24, 2010 under Plat Number 20100113 of the Official Public Records of Fort Bend County, Texas, which inadvertently indicated a fifty foot (50') building set back line on the plat in lieu of the standard twenty-five (25') building set back line in conformance with Section 42-150 of the City of Houston's Ordinance and Section 5.12 of Fort Bend County's Regulations of Subdivision; and

WHEREAS, Partial Re-plat No. 1 of Westpark Meadows Subdivision recorded on August 27, 2013 under Plat Number 20130200 of the Official Public Records of Fort Bend County, Texas also included a fifty foot (50') building set back line instead of the standard twenty-five foot (25') building set back line; and

WHEREAS, the Grand Fountain Apartments, an apartment project currently at 80% occupancy, was constructed based on approved construction plans depicting a twenty-five foot (25') building encroaches the fifty foot (50') building set back line; and

WHEREAS, C.R. Nevada now requests from the Commissioners Court, an approval of a variance for the use of a twenty-five foot (25') building set back line in lieu of the fifty foot (50') building set back line as stated on the Plats of Westpark Meadows Subdivision and Westpark Meadows Subdivision Partial Re-plat No. 1, Fort Bend County, Texas with a commitment to re-plat or submit amended plats, as necessary.

IT IS HEREBY ORDERED that:

A variance is granted for the use of a twenty-five foot (25') building set back line in lieu of the fifty foot (50') building set back line as stated on the plats of Westpark Meadows Subdivision and Westpark Meadows Subdivision Partial Re-plat No. 1, Fort Bend County, Texas; and Fort Bend County has no objection to the construction of the apartment project known as the Grand Fountain Apartments on property within Westpark Meadows Subdivision Partial Re-plat No. 1, encroaching the existing fifty foot (50') building set back line.

PASSED AND APPROVED this 8 day of September, 2015.

FORT BEND COUNTY

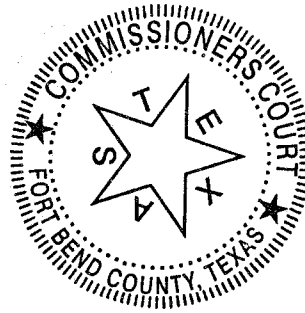


Robert E. Hebert, County Judge

ATTEST:



Laura Richard, County Clerk



ATTACHMENT:

Exhibit A – Request for Variance

EXHIBIT A



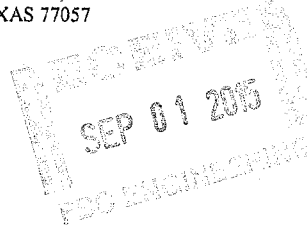
BENCHMARK ENGINEERING CORPORATION
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TEXAS BOARD OF PROFESSIONAL ENGINEERS
REGISTRATION NUMBER F-6788
TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS
REGISTRATION NUMBER 10009000
2401 FOUNTAINVIEW DRIVE, SUITE 500
HOUSTON, TEXAS 77057
(713) 266-9930

CONSULTING ENGINEERS

FAX (713) 266-3804

September 1, 2015



The Honorable Commissioner,
W.A. "Andy" Meyers
Fort Bend County, Precinct 3
22333 Grand Corner Drive
Katy, Texas 77494

Re: Request for Approval of Granting a Variance for the use of 25' Building Line in Lieu of the 50' Building Line as stated on the Plats of Westpark Meadows Subdivision and Westpark Meadows Subdivision Partial Replat No. 1, Fort Bend County, Texas

Dear Commissioner Meyers:

Michael Thomas an affiliate of C.R. Nevada Assoc., L.L.C. caused the platting in 2009 of 39.1391 acre parcel of land located north of FM 1093, to the west of Gaston Road and to the east of Katy Gaston Road. The plat is named as Westpark Meadows Subdivision that was recorded on August 24, 2010 under Plat Number 20100113 of the Official Records of Fort Bend County, Texas. The plat consisted of Restricted Reserves 'A', 'B', 'C', 'D' & 'E' along with a parcel of land being 8.3088 acres in area that was dedicated to the public to Right-of-Way purposes. The surveyor/plat preparer inadvertently indicated a 50' B.L. on the plat in lieu of the 25' regulatory building line that is in conformance with City of Houston Chapter 42 Ordinance, Section 42-150 and Section 5.12 of Fort Bend County Regulations of Subdivisions – Design Criteria.

In 2013, C.R. Nevada Assoc., L.L.C. further caused the partial replatting of a 10.9816 acre parcel of land out of the Westpark Meadows subdivision plat. This partial replat was named "Partial Replat No. 1 of Westpark Meadows Subdivision". Said Partial Replat No. 1 was recorded on August 27, 2013 under Plat Number 20130200 of the Official Records of Fort Bend County, Texas. This plat consisted of Restricted Reserves 'A' & 'B'. Michael Thomas, an affiliate with JLC Gaston, LLC developed Restricted Reserve 'B' of Partial Replat No. 1 into a multi-family project. The surveyor/plat preparer of Partial Replat No. 1 blindly followed the footsteps of the surveyor/preparer of Westpark Meadows subdivision plat by depicting a 50' B.L. in lieu of the regulatory 25' B.L. JLC Gaston, LLC completed the construction of the apartment project known as "Grand Fountain Apartments" and is currently at 80% occupancy. It is noteworthy to mention that Grand Fountain Apartments was constructed based on approved plans utilizing 25' B.L.

In researching recorded and unrecorded documents pertaining to subject property and its adjoiners, no evidence was found to substantiate or warrant a 50' B.L. Also, in reviewing the

The Honorable Commissioner,
W.A. "Andy" Meyers
September 1, 2015

most recent maps of surveys prepared by Weisser Engineering for the widening of FM 1093 / Westpark Tollway, a 25' B.L. has been indicated on their survey maps. In addition, the lack of need or requirement for a 50' building line is further evidenced by a similar plat located immediately east of the subject property across Gaston Road. This plat is named "Gaston Road Apartments" recorded on November 5, 2013 under Plat Number 201340330 of the Official Records of Fort Bend County, Texas. This plat depicts a 25' building line along FM 1093 as required by City of Houston and Fort Bend County regulations.

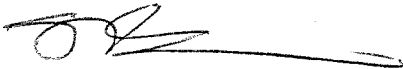
As such, it is my professional opinion as a land surveyor & civil engineer in the State of Texas that the depiction of a 50' B.L. was purely a Scrivener (drafting error) error on the part of the plat preparers.

The owner of the Grand Fountain Apartments is in the process of converting the interim construction loan into a permanent loan. The owners realize that replatting of Partial Replat No. 1 utilizing 25' B.L. is inevitable. However due to the time constraints associated with the replatting process, which may take over 6 months' time to secure a duly recorded plat on behalf of JLC Gaston, L.L. C., I hereby respectfully request that the Commissions Court of Fort Bend County would kindly consider approving this request for variance due to the reasons of undue hardship discussed above and to utilize the regulatory 25' B.L. in lieu of the 50' B.L. This will give the owners time to cure the error by the replatting of the properties.

Should you need additional information, please contact me.

Sincerely,

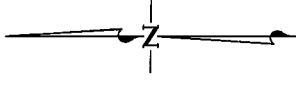
BENCHMARK ENGINEERING CORPORATION



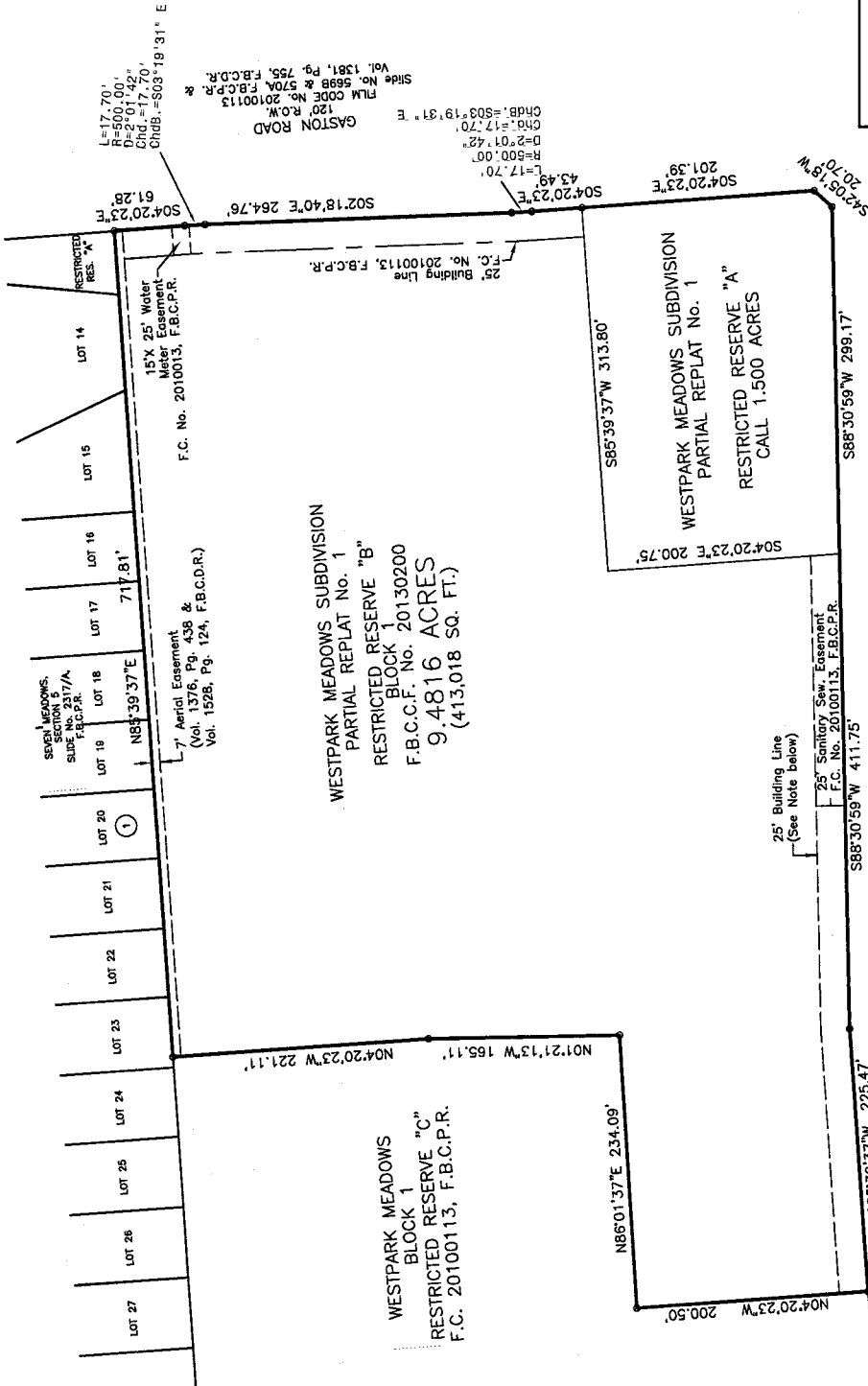
Saib Y. Saour, P.E., R.P.L.S.
President

Attachments:

- Westpark Meadows plat recorded on Aug. 24, 2010
- Westpark Meadows Subdivision / Partial Replat No. 1 recorded on Aug. 27, 2013
- Plat of Gaston Road Apartments Recorded in 2013



SCALE: 1"=100'



Benchmark Engineering Corporation
 Consulting Engineers - Planners - Surveyors
 2401 Fountainview Suite 500
 Houston, Texas 77057 U.S.A. (713)266-9930

EXHIBIT
 OF BUILDING LINE CORRECTION
 WESTPARK MEADOWS SUBDIVISION, PARTIAL REPLAT No. 1
 AS RECORDED IN F.C. No. 20130200, F.B.C.P.R.
 IN THE L.A. PATILLO SURVEY, ABSTRACT No. 307,
 FORT BEND COUNTY, TEXAS

DRAWN BY: SJ DATE: 09-04-15 SCALE: 1"=100'
 CHECKED BY: RGH JOB No. 15064-Exh SHEET No. 1 OF 1

Note: The 25' building line shown on this map of Exhibit is in accordance with the Fort Bend County Commissioners Court in its regular scheduled meeting on September 8, 2015 granting the variance.