

STAFF REPORT

Case No. 0915-03
 HTE No. 15-10000050

Planning Commission Hearing Date: September 9, 2015

Applicant & Legal Description	<p>Applicant/Owner: TWF Partners, LLC Representative: Myron Grossman Legal Description/Location: Lot 11-D, Block 4, Parkdale Village, located on the southwest corner of Mildred Drive and Whataburger Way.</p>			
Zoning Request	<p>From: "RM-1" Multifamily 1 District To: "ON" Office District Area: 12,464 square feet (0.28 acres) Purpose of Request: To allow for the development of a professional office.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
<i>Site</i>		"RM-1" Multifamily 1 District	Vacant	Medium Density Residential
<i>North</i>		"CG-2" General Commercial District	Commercial and Professional Office	Commercial
<i>South</i>		"RS-6" Single-Family 6 District	Low Density Residential	Low Density Residential
<i>East</i>		"RS-6" Single-Family 6 District	Low Density Residential	Low Density Residential
<i>West</i>		"CN-2" Neighborhood Commercial District	Vacant	Commercial
ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the boundaries of the Southeast Area Development Plan and is planned for medium density residential uses. The proposed rezoning to the "ON" Office District is not consistent with the adopted Future Land Use Plan. Map No.: 043041 Zoning Violations: None</p>			
Transportation	<p>Transportation and Circulation: The subject property is located on the southwest corner of Mildred Drive and Whataburger Way, both of which are Local Residential streets. The subject property has approximately 80 feet of frontage on Whataburger Way, which is a private street in this section, and 120 feet of frontage along Mildred Drive. A driveway would be permitted on Mildred Drive since Mildred Drive is the subject property's only public access street.</p>			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume (2013)
	Mildred Drive	Local Residential	50' ROW 28' paved	50' ROW 25' paved	N/A
	Whataburger Way	Local Residential	50' ROW 28' paved	60' ROW 35' paved	N/A

Staff Summary:

Requested Zoning: The applicant is requesting a rezoning from the “RM-1” Multifamily 1 District to the “ON” Office District for development of professional offices.

Development Plan: The proposed rezoning is to allow use of a professional office space. The applicant is proposing either to sell or lease the property for purposes of developing it into a professional office, likely for insurance, medical or the legal field. Parking is available in the private street – Whataburger Way – though staff is not aware of any private parking agreements in place. It’s not anticipated that more than 4 employees will be required to operate the professional office with hours of operation between 8 a.m. and 5 p.m.

Existing Land Uses & Zoning: To the north of the subject property in the “CG-2” General Commercial District is the 4-story Physician Premiere office with a Souper Salad restaurant and a Walgreens store. To the west, there is vacant land zoned for “CN-2” Neighborhood Commercial District. To the south is a single-family subdivision with several homes. To the east are more homes within the same single-family subdivision. The portion of Whataburger Way on which the subject property fronts is private and owned by the applicant.

AICUZ: The subject property is not located in one of the Navy’s Air Installation Compatibility Use Zones (AICUZ).

Comprehensive Plan & Area Development Plan Consistency: The subject property is located within the boundaries of the Southeast Area Development Plan (ADP). The proposed rezoning to the “ON” Office District is consistent with elements of the Southeast ADP nor is the adopted Future Land Use Map’s designation of the property as a medium density residential use. The following are pertinent elements of the Comprehensive Plan and should be considered:

- **Corpus Christi Policy Statements:**
 - o New development should occur in a pattern which is cost effective. The City should encourage new development where services can be provided economically and, wherever possible, promote contiguous development.
 - o Commercial activities which generate large volumes of traffic should have direct access to an arterial road without having to traverse low-density areas.

- Commercial service areas designed to serve local neighborhoods should be conveniently located and in harmony with the surrounding neighborhood.
- Expansion of commercial uses into or within residential areas may be permitted only if such expansion maintains or improves the residential desirability of the impacted neighborhood (Comprehensive Plan, Commercial Policy Statement d).
- Encouraging infill development on vacant tracts within developed areas (Comprehensive Plan, Residential Policy Statement F).

Plat Status: The subject property is platted.

Department Comments:

- The requested rezoning complies with elements of the Comprehensive Plan and Southeast Area Development Plan, but it does not match the Future Land Use Map, which designates the property for multifamily uses (medium-density residential uses).
- It is staff's opinion that the proposed rezoning to the "ON" Office District would not negatively impact the adjacent residential properties. Although, the property to be rezoned is not consistent with the Future Land Use Plan's designation of the property as a medium-density residential use, it is consistent with development patterns due north and would provide a land use transition between the commercial to the north and adjacent residential neighborhood.
- An "ON" Office District would allow uses that are compatible with the recent medical office redevelopment of the former Whataburger headquarters building (due north of the subject property) and with single-family development.
- The hours of operation for an office use are often opposite of the hours when residents are in their homes.
- Staff's opinion is that an "ON" Office District rezoning would increase the residential desirability of this neighborhood, which is one of the findings required of the Comprehensive Plan when deciding which commercial uses to allow within residential areas.
- A commercial driveway onto Mildred Drive is highly likely. This would create additional non-residential traffic in the neighborhood, but office traffic is not often very high.
- The applicant described a development plan for medical offices on the subject property. It is staff's opinion a medical office could serve the adjacent neighborhood; therefore, staff supports a re-zoning of the "ON" Office District.

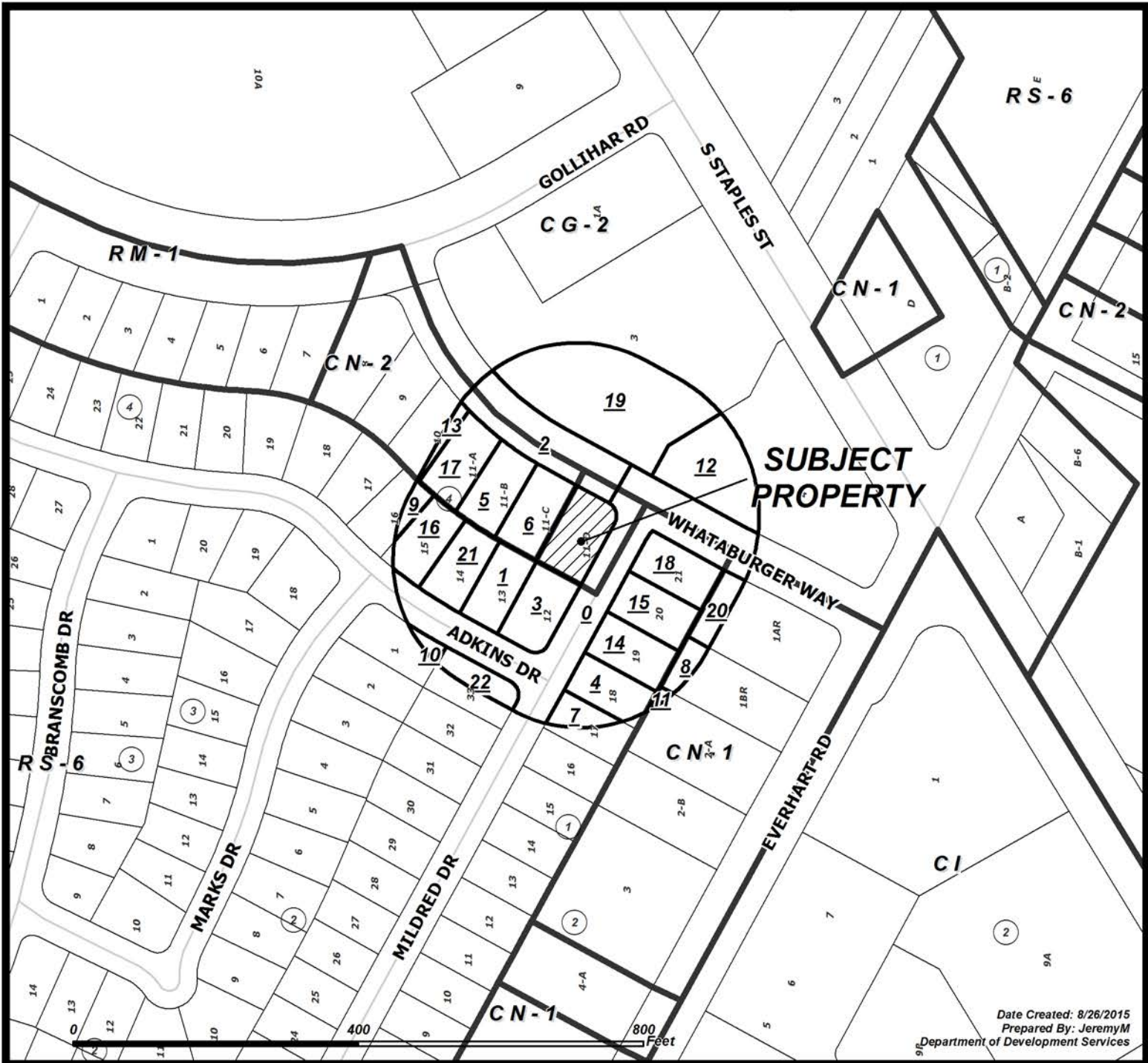
Staff Recommendation:

Approval of the change of zoning from the "RM-1" Multifamily 1 District to the "ON" Office District.

Public Notification	Number of Notices Mailed – 22 within 200-foot notification area 5 outside notification area
	<u>As of September 2, 2015:</u>
	In Favor – 0 inside notification area – 0 outside notification area
	In Opposition – 0 inside notification area – 0 outside notification area
	Totaling 0.00% of the land within the 200-foot notification area in opposition.

Attachments:

- 1. Location Map (Existing Zoning & Notice Area)
- 2. Application



Date Created: 8/26/2015
 Prepared By: Jeremy M
 Department of Development Services

CASE: 0915-03

ZONING & NOTICE AREA

RM-1	Multifamily 1	IL	Light Industrial
RM-2	Multifamily 2	IH	Heavy Industrial
RM-3	Multifamily 3	PUD	Planned Unit Dev. Overlay
ON	Professional Office	RS-10	Single-Family 10
RM-AT	Multifamily AT	RS-6	Single-Family 6
CN-1	Neighborhood Commercial	RS-4.5	Single-Family 4.5
CN-2	Neighborhood Commercial	RS-TF	Two-Family
CR-1	Resort Commercial	RS-15	Single-Family 15
CR-2	Resort Commercial	RE	Residential Estate
CG-1	General Commercial	RS-TH	Townhouse
CG-2	General Commercial	SP	Special Permit
CI	Intensive Commercial	RV	Recreational Vehicle Park
CBD	Downtown Commercial	RMH	Manufactured Home
CR-3	Resort Commercial		
FR	Farm Rural		
H	Historic Overlay		
BP	Business Park		

- Subject Property with 200' buffer
- Owners in favor
- 4** Owners within 200' listed on attached ownership table
- X** Owners in opposition



15-10000050



Development Services Dept.
P.O. Box 9277
Corpus Christi, Texas 78469-9277
(361) 826-3240
Located at 2406 Leopard Street

REZONING APPLICATION

Office Use Only

Case No.: 0915-03 Map No.: 043047

PC Hearing Date: 9-9-15 Proj. Mgr: _____

Hearing Location: City Hall, Council Chambers, 1201 Leopard Street
Hearing Time: 5:30 p.m.

* A MAXIMUM OF FIVE REZONINGS CASES ARE SCHEDULED PER HEARING.
* INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

1. Applicant: TWF Partners, LLC. Contact Person: Myron Grossman

Mailing Address: 4141 S. Staples, Ste. 325

City: Corpus Christi State: TX ZIP: 78411 Phone: (361) 882-5560

E-mail: _____ Cell: (361) 877-0625

2. Property Owner(s): Wayne Fagan Contact Person: Myron Grossman

Mailing Address: same as above

City: _____ State: _____ ZIP: _____ Phone: (____) _____

E-mail: _____ Cell: (361) 877-0625

3. Subject Property Address: 4625 Parkdale Dr. Area of Request (SF/acres): 12464 sq. ft.

Current Zoning & Use: RM 1-Multi Fam. Res. Proposed Zoning & Use: CN1 Neighborhood Comm.

12-Digit Nueces County Tax ID: 6364 . 0004 . 0113

Subdivision Name: Parkdale Village Block: 4 Lot(s): 11-D

Legal Description if not platted: _____

*ON OFFICE DISTRICT
M.G.*

4. Submittal Requirements

Early Assistance Meeting: Date Held _____; with City Staff _____

Land Use Statement Disclosure of Interest Copy of Warranty Deed

IF APPLICABLE:

Peak Hour Trip Form (if request is inconsistent with Future Land Use Plan) Site Plan for PUD or Special Permit

Metes & Bounds Description with exhibit if property includes un-platted land (sealed by RPLS) Lien Holder Authorization

Appointment of Agent Form if landowner is not signing this form

I certify that I have provided the City of Corpus Christi with a complete application for review; that I am authorized to initiate this rezoning as or on behalf of the Property Owner(s); and the information provided is accurate.

Wayne A. Fagan
Owner or Agent's Signature

Tina M. Fagan
Applicant's Signature

Wayne A. Fagan
Owner or Agent's Printed Name

Tina M. Fagan
Applicant's Printed Name

Office Use Only: Date Received: 8/5/15 Received By: BLP ADP: SE

Rezoning Fee: \$1107.50 + PUD Fee 0 + Sign Fee \$20.00 = Total Fee \$1127.50

No. Signs Required 2 @ \$10/sign Sign Posting Date: _____

LAND USE STATEMENT

1. State the purpose of the request and include applicable background information as to the development plan for the property, i.e., usage of property, number and square footage(s) of existing and/or proposed building(s)/unit(s), building(s)/unit(s) height, parking plans/spaces, phasing schedule of development, number of employee(s) associated with the office, business or industrial development, hours of operation, modification or demolition plans for existing structure(s), type, area and setback of signage, etc.

The seller's purpose is to sell or lease the property. It is felt that the highest and best use of this property would be neighborhood commercial rather than multi-family.

The square footage of the property is 12464.

It is anticipated that a professional office, such as dentistry, physician, legal, or insurance office space will be the ultimate end user.

Parking is available on street, adjacent parking lot, and area parking lots of medical building and Walgreen's drug store.

It is anticipated that no more than 4 potential employees will be required.

The hours of operation would be 8:00 a.m. to 5:00 p.m. There presently is no building on the property, so no demolition is required. Signage would be small professional sign on the side of future building.

2. Identify the existing land uses adjoining the area of request:

North - Previously Whataburger Home Ofc. is now Medical Towers

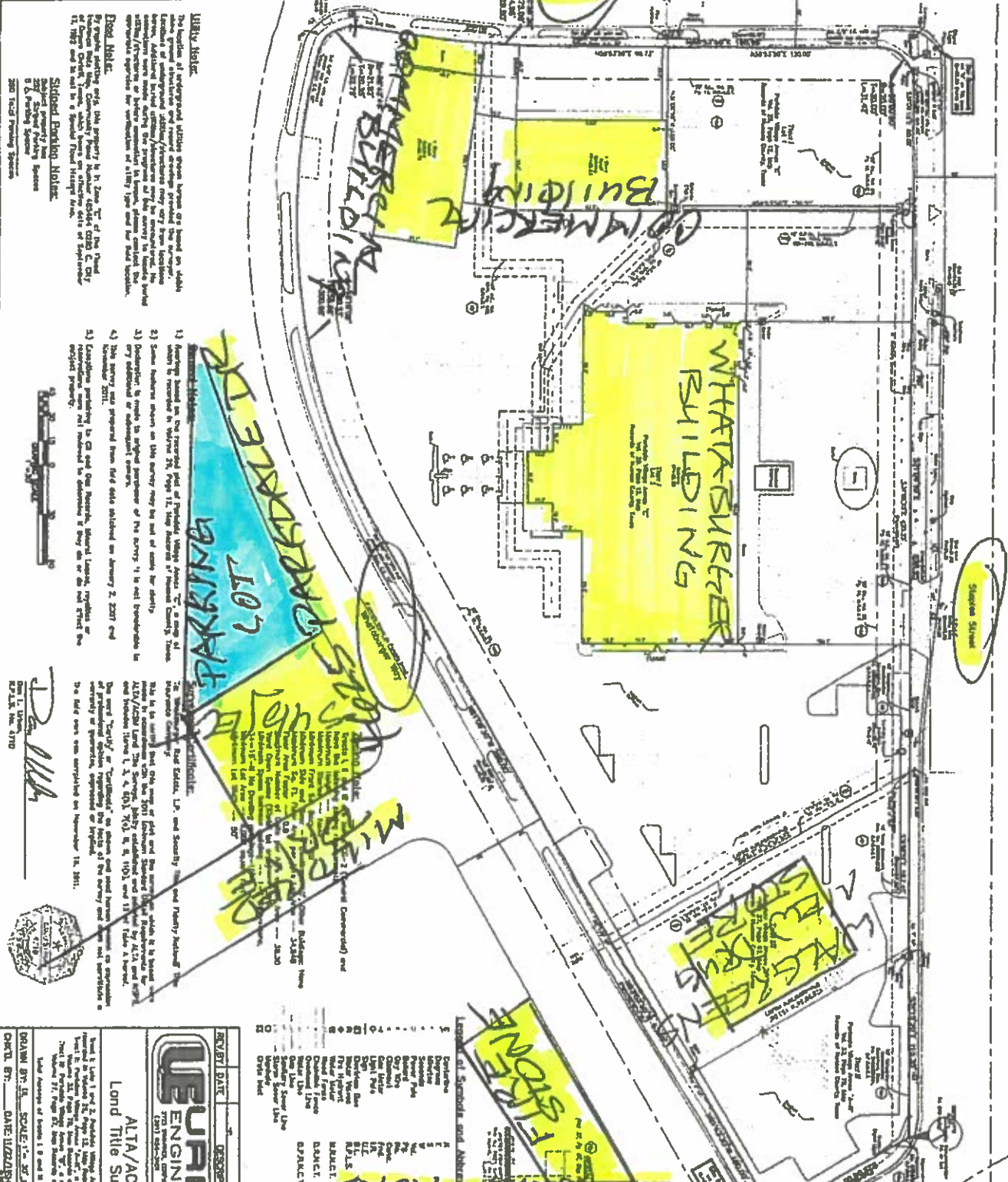
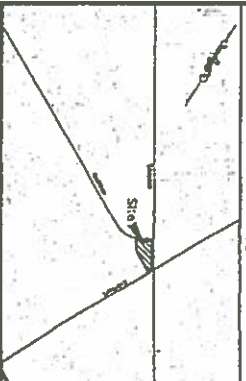
South - Mix of commercial and 1 residential home

East - Parkdale Plaza Parking Lot/Strip Center

West - Residential Multi-Family

Title Commitments:

- 1. A 20' wide easement for utility lines, including water, sewer, gas, and electric, is shown along the eastern boundary of the property, subject to the provisions of the applicable utility company's rules and regulations.
- 2. A 10' wide easement for utility lines, including water, sewer, gas, and electric, is shown along the southern boundary of the property, subject to the provisions of the applicable utility company's rules and regulations.
- 3. A 10' wide easement for utility lines, including water, sewer, gas, and electric, is shown along the western boundary of the property, subject to the provisions of the applicable utility company's rules and regulations.
- 4. A 10' wide easement for utility lines, including water, sewer, gas, and electric, is shown along the northern boundary of the property, subject to the provisions of the applicable utility company's rules and regulations.
- 5. A 10' wide easement for utility lines, including water, sewer, gas, and electric, is shown along the eastern boundary of the property, subject to the provisions of the applicable utility company's rules and regulations.
- 6. A 10' wide easement for utility lines, including water, sewer, gas, and electric, is shown along the southern boundary of the property, subject to the provisions of the applicable utility company's rules and regulations.
- 7. A 10' wide easement for utility lines, including water, sewer, gas, and electric, is shown along the western boundary of the property, subject to the provisions of the applicable utility company's rules and regulations.
- 8. A 10' wide easement for utility lines, including water, sewer, gas, and electric, is shown along the northern boundary of the property, subject to the provisions of the applicable utility company's rules and regulations.
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- 12. A 10' wide easement for utility lines, including water, sewer, gas, and electric, is shown along the northern boundary of the property, subject to the provisions of the applicable utility company's rules and regulations.
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- 16. A 10' wide easement for utility lines, including water, sewer, gas, and electric, is shown along the northern boundary of the property, subject to the provisions of the applicable utility company's rules and regulations.
- 17. A 10' wide easement for utility lines, including water, sewer, gas, and electric, is shown along the eastern boundary of the property, subject to the provisions of the applicable utility company's rules and regulations.
- 18. A 10' wide easement for utility lines, including water, sewer, gas, and electric, is shown along the southern boundary of the property, subject to the provisions of the applicable utility company's rules and regulations.
- 19. A 10' wide easement for utility lines, including water, sewer, gas, and electric, is shown along the western boundary of the property, subject to the provisions of the applicable utility company's rules and regulations.
- 20. A 10' wide easement for utility lines, including water, sewer, gas, and electric, is shown along the northern boundary of the property, subject to the provisions of the applicable utility company's rules and regulations.



Utility Notice:
 The location of underground utility lines shown on this plan is based on public records and field investigation. The location of underground utility lines shown on this plan is not a warranty of the location of such lines. The location of underground utility lines shown on this plan is not a warranty of the location of such lines. The location of underground utility lines shown on this plan is not a warranty of the location of such lines.

- 1) The site is located on the proposed site of the proposed site.
- 2) The site is located on the proposed site of the proposed site.
- 3) The site is located on the proposed site of the proposed site.
- 4) The site is located on the proposed site of the proposed site.

Professional Seal:
 The seal of the professional engineer is shown on this plan. The seal of the professional engineer is shown on this plan. The seal of the professional engineer is shown on this plan.

Legend:

- 1. Proposed Building
- 2. Existing Building
- 3. Proposed Parking Lot
- 4. Existing Parking Lot
- 5. Proposed Easement
- 6. Existing Easement
- 7. Proposed Utility Line
- 8. Existing Utility Line
- 9. Proposed Road
- 10. Existing Road
- 11. Proposed Fence
- 12. Existing Fence
- 13. Proposed Sign
- 14. Existing Sign
- 15. Proposed Tree
- 16. Existing Tree
- 17. Proposed Tree
- 18. Existing Tree
- 19. Proposed Tree
- 20. Existing Tree

Scale: 1" = 20'

North Arrow:

Professional Seal:

DATE: 10/15/2011

DESIGNER: [Signature]

DRAWN BY: [Signature]

CHECKED BY: [Signature]

DATE: 10/15/2011

SCALE: 1" = 20'

PROJECT: [Project Name]

CLIENT: [Client Name]

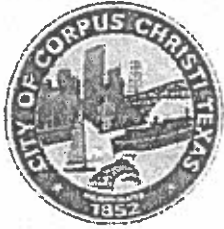
ADDRESS: [Address]

CITY: [City]

STATE: [State]

ZIP: [ZIP Code]





DISCLOSURE OF INTERESTS

City of Corpus Christi Ordinance 17112, as amended, requires all persons or firms seeking to do business with the City to provide the following information. Every question must be answered. If the question is not applicable, answer with "NA".

NAME: TWF, LLC./Wayne Fagan
STREET: 4141 S.Staples #325 CITY: Corpus Christi, TX ZIP: 78411
FIRM is: Corporation Partnership Sole Owner Association Other LLC.

DISCLOSURE QUESTIONS

If additional space is necessary, please use the reverse side of this page or attach separate sheet.

1. State the names of each "employee" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm".

Name	Job Title and City Department (if known)
<u>None</u>	<u>None</u>
<u>None</u>	<u>None</u>

2. State the names of each "official" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm".

Name	Title
<u>None</u>	<u>None</u>
<u>None</u>	<u>None</u>

3. State the names of each "board member" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm".

Name	Board, Commission, or Committee
<u>None</u>	<u>None</u>
<u>None</u>	<u>None</u>

4. State the names of each employee or officer of a "consultant" for the City of Corpus Christi who worked on any matter related to the subject of this contract and has an "ownership interest" constituting 3% or more of the ownership in the above named "firm".

Name	Consultant
<u>None</u>	<u>None</u>
<u>None</u>	<u>None</u>

CERTIFICATE

I certify that all information provided is true and correct as of the date of this statement, that I have not knowingly withheld disclosure of any information requested; and that supplemental statements will be promptly submitted to the City of Corpus Christi, Texas as changes occur.

Certifying Person: Wayne Fagan Title: Owner
(Print Name)

Signature of Certifying Person: X Wayne Fagan Date: 7-15-2015



DISCLOSURE OF INTERESTS

City of Corpus Christi Ordinance 17112, as amended, requires all persons or firms seeking to do business with the City to provide the following information. Every question must be answered. If the question is not applicable, answer with "NA".

NAME: Myron Grossman
STREET: 446 Robert Dr. CITY: Corpus Christi, TX ZIP: 78412
FIRM is: Corporation Partnership Sole Owner Association Other _____

DISCLOSURE QUESTIONS

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1. State the names of each "employee" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm".

Name	Job Title and City Department (if known)
<u>N/A</u>	_____
_____	_____

2. State the names of each "official" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm".

Name	Title
<u>N/A</u>	_____
_____	_____

3. State the names of each "board member" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm".

Name	Board, Commission, or Committee
<u>N/A</u>	_____
_____	_____

4. State the names of each employee or officer of a "consultant" for the City of Corpus Christi who worked on any matter related to the subject of this contract and has an "ownership interest" constituting 3% or more of the ownership in the above named "firm".

Name	Consultant
<u>N/A</u>	_____
_____	_____

CERTIFICATE

I certify that all information provided is true and correct as of the date of this statement, that I have not knowingly withheld disclosure of any information requested; and that supplemental statements will be promptly submitted to the City of Corpus Christi, Texas as changes occur.

Certifying Person: Myron Grossman Title: Realtor
(Print Name)

Signature of Certifying Person: Date: 7/23/2015



DISCLOSURE OF INTERESTS

City of Corpus Christi Ordinance 17112, as amended, requires all persons or firms seeking to do business with the City to provide the following information. Every question must be answered. If the question is not applicable, answer with "NA".

NAME: Tina M. Fagan
STREET: 4141 S.Staples #325 CITY: Corpus Christi, TX ZIP: 78411
FIRM is: Corporation Partnership Sole Owner Association Other LLC.

DISCLOSURE QUESTIONS

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Name	Job Title and City Department (if known)
<u>N/A</u>	<u></u>

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<u>N/A</u>	<u></u>

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4. State the names of each employee or officer of a "consultant" for the City of Corpus Christi who worked on any matter related to the subject of this contract and has an "ownership interest" constituting 3% or more of the ownership in the above named "firm".

Name	Consultant
<u>N/A</u>	<u></u>

CERTIFICATE

I certify that all information provided is true and correct as of the date of this statement, that I have not knowingly withheld disclosure of any information requested; and that supplemental statements will be promptly submitted to the City of Corpus Christi, Texas as changes occur.

Certifying Person: Tina M. Fagan Title: Manager/Director
(Print Name)

Signature of Certifying Person: Tina M. Fagan Date: 7-27-2015

APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Myron Grossman

Mailing Address: 446 Robert Dr.

City: Corpus Christi State: TX Zip: 78412

Home Phone: (361) 991-1983 Business Phone: (361) 992-4663 Cell: (361) 877-0625

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

Be the point of contact between myself and the City of Corpus Christi; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; consent to legally binding modifications; conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

I understand that the City of Corpus Christi will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, I agree to hold harmless and indemnify the City of Corpus Christi, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter. If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have the legal authority to make this binding appointment on behalf of the entity, and every reference herein to "I", "my", or "me" is a reference to the entity.

*Signature of Agent: X [Signature] Title: REALTOR

Printed/Typed Name of Agent: Myron Grossman Date: 7/29/15

*Signature of Property Owner: X [Signature] Title: Managing Member

Printed/Typed Name of Property Owner: Wayne Fagan Date: 7-15-2015

*Signature of Property Owner: [Signature] Title: member

Printed/Typed Name of Property Owner: Tina M. Fagan Date: 7-15-2015

*Signature of Property Owner: _____ Title: _____

Printed/Typed Name of Property Owner: _____ Date: _____

*Application must be signed by the individual applicant, each partner of a partnership, or by an authorized officer of a corporation or association.

APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Myron Grossman

Mailing Address: 446 Robert Dr.

City: Corpus Christi State: TX Zip: 78412

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*Signature of Agent: X [Signature] Title: REALTOR

Printed/Typed Name of Agent: Myron Grossman Date: 7/29/15

*Signature of Property Owner: X [Signature] Title: Managing Member

Printed/Typed Name of Property Owner: Wayne Fagan Date: 7-15-2015

*Signature of Property Owner: Title:

Printed/Typed Name of Property Owner: Date:

*Signature of Property Owner: Title:

Printed/Typed Name of Property Owner: Date:

*Application must be signed by the individual applicant, each partner of a partnership, or by an authorized officer of a corporation or association.