



**NOTICE OF A SPECIAL MEETING**  
**Brenham Community Development Corporation**  
**Tuesday, November 13, 2018 @ 7:30 a.m.**  
**City Hall - 2<sup>nd</sup> Floor Conference Room**  
**200 W. Vulcan St.**  
**Brenham, Texas**

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1. Call Meeting to Order
2. Invocation and Pledges to the US and Texas Flags

**EXECUTIVE SESSION**

3. Texas Government Code Section 551.072 – Deliberation Regarding Real Property - Discussion Concerning the Possible Sale of Land in the Brenham Business Center

**REGULAR SESSION**

4. Discuss and Possibly Take Action Concerning the Sale of Land in the Brenham Business Center, Including But Not Limited to Possible Payment of Broker's Commission and Approval of Variance to Allow Limited Retail Sales, and Authorize the President to Execute Any Necessary Documents
5. Administrative Reports

**Adjourn**

**CERTIFICATION**

*I certify that a copy of the agenda of items to be considered by the Brenham Community Development Corporation (BCDC) on Tuesday, November 13, 2018 was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on Thursday, November 8, 2018 at 3:40 PM.*

***Kacey A. Weiss, TRMC***  
***Deputy City Secretary I***

Executive Sessions: The Brenham Community Development Corporation (BCDC) reserves the right to convene into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code, Chapter 551, including but not limited to §551.071 – Consultation with Attorney, §551.072 – Real Property, §551.073 – Prospective Gifts, §551.074 - Personnel Matters, §551.076 – Security Devices, §551.086 - Utility Competitive Matters, and §551.087 – Economic Development Negotiations.

Disability Access Statement: This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours before the meeting) by calling (979) 337-7567 for assistance.

I certify that this notice and agenda of items to be considered by the Brenham Community Development Corporation (BCDC) was removed by me from the City Hall bulletin board on \_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
Signature

**RESOLUTION NO. BCDC-18-001**

**A RESOLUTION OF THE BRENHAM COMMUNITY DEVELOPMENT CORPORATION (“BCDC”) APPROVING A VARIANCE TO THE RESTRICTIONS, COVENANTS, EASEMENTS AND CONDITIONS IN THE BRENHAM BUSINESS CENTER (“BBC”)**

**WHEREAS**, the Brenham Community Development Corporation (hereafter sometimes referred to as “BCDC”) is the Declarant of the Restrictions, Covenants, Easements, and Conditions of Brenham Business Center as set forth in an instrument dated August 30, 2000, executed by Brenham Community Development Corporation, recorded in Volume 968, Page 923, Official Records of Washington County, Texas (“Restrictions”); and

**WHEREAS**, paragraph 4 of the Restrictions provides that the BCDC or its designated committee may, in its sole and absolute discretion, grant a variance to the Restrictions where enforcement of one or more of the same would result in hardship to the lot owner, provided that such variance will not adversely affect the development plan of the Brenham Business Center (“BBC”); and

**WHEREAS**, on November 13, 2018, the BCDC Board of Directors approved proceeding with the negotiation of the sale of certain real property in the BBC (“Property”) to an entity engaged in the professional practice of ophthalmology at multiple locations in the state of Texas; and

**WHEREAS**, said ophthalmology business desires to purchase land in the BBC and construct improvements appropriate and necessary for the conduct of its ophthalmology practice in the BBC, and said ophthalmology business operations include the retail sale of glasses, contact lenses, and associated items incidental to the practice of ophthalmology; and

**WHEREAS**, paragraph 2 of the Restrictions states that “[n]o retail sales shall be conducted or permitted on any tract or parcel of land” in the BBC; and

**WHEREAS**, the ophthalmology business, as the prospective owner of said Property, has requested a variance from the prohibition in the Restrictions against retail sales on land situated in the BBC; and

**WHEREAS**, the BCDC, after review and consideration of the request for the variance, hereby finds that enforcement of the prohibition in the Restrictions against retail sales on land situated in the BBC would result in hardship to the ophthalmology business, and granting the requested variance will not adversely affect the development plan of the Brenham Business Center; and

**WHEREAS**, the BCDC desires that approval of the requested variance shall be contingent upon the closing and funding of the sale of land in the BBC to the ophthalmology business and failing that, said variance shall not take effect; Now therefore,

The Board of Directors of the Brenham Community Development Corporation hereby approve the following resolutions:

1. It is resolved that that the request for a variance and waiver of the enforcement of certain provisions of paragraph 2 of the Restrictions, is hereby prospectively granted to waive enforcement of the provisions of paragraph 2 of the Restrictions prohibiting retail sales on land situated in the BBC. This waiver of enforcement of said provisions of paragraph 2 is expressly and solely limited to the retail sale of glasses, contact lenses, and other items incidental to the practice of ophthalmology on the tract or parcel of land in the BBC purchased by and conveyed to the ophthalmology business.
2. It is further resolved that the approval of this prospective variance shall be contingent upon the closing and funding of the sale of land in the BBC to the ophthalmology business and failing that, said variance shall not take effect.
3. It is further resolved that the President of the Brenham Community Development Corporation, James Fisher, is hereby authorized to execute any and all documents and instruments necessary and appropriate for the grant of the variance as approved herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE BRENHAM COMMUNITY DEVELOPMENT CORPORATION** on this 13<sup>th</sup> day of November 2018.

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Charles Moser  
Chairman

**ATTEST:**

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Jeana Bellinger, TRMC, CMC  
Secretary