ORDINANCE NO. 24-022

ENTITLED AN ORDINANCE ABANDONING A PORTION OF STEWART, LEIPER, VERONE, AND LAMAR STREET RIGHTS-OF-WAY, CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS; FOR A PROPOSED DEVELOPMENT SITE AT THE PORT OF BEAUMONT.

WHEREAS, the City of Beaumont Planning Department has requested the abandonment of a portion of Stewart, Leiper, Verone, and Lamar Street rights-of-way, City of Beaumont, Jefferson County, Texas, for a proposed development work site for the Port of Beaumont; and,

WHEREAS, the City Council has considered the purpose of said abandonment and is of the opinion it is in the best interest of the City and should be granted subject to the following conditions:

- A drainage easement shall be retained on Verone, Stewart and Lamar Streets to maintain all existing storm sewer infrastructure;
- Proposed sanitary sewer plans must receive approval from the City of Beaumont Water Utilities Department;
- Proposed relocation of fire hydrants must receive approval from the City of Beaumont Fire Department;
- 4. Any streetlights within the abandoned area shall convert to private security lights within a private property upon approval of the abandonment. Security lighting is optional and therefore, billing for continued usage shall be transferred to the owner or the lights shall be removed;

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

THAT the statements and findings set out in the preamble to this ordinance are hereby, in all things, approved and adopted; and,

THAT the abandonment of a portion of Stewart, Leiper, Verone, and Lamar Street rights-of-way, City of Beaumont, Jefferson County, Texas, for a new railroad spur for the BNSF Railway Company is of the opinion and is in the best interest of the City and should be granted subject to the following conditions:

- A drainage easement shall be retained on Verone, Stewart and Lamar Streets to maintain all existing storm sewer infrastructure.
- Proposed sanitary sewer plans must receive approval from the City of Beaumont Water Utilities Department.
- Proposed relocation of fire hydrants must receive approval from the City of Beaumont Fire Department.
- 4. Any streetlights within the abandoned area shall convert to private security lights within a private property upon approval of the abandonment. Security lighting is optional and therefore, billing for continued usage shall be transferred to the owner or the lights shall be removed.

The meeting at which this ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 21st day of May, 2024.



- Mayor Roy West -

LEGAL DESCRIPTION FOR ORDINANCE PURPOSES

BEING 20.17 acres of land, out of and a part of the David Brown Survey Abstract No. 5, Leonard Addition Volume 1, Page 15, Leonard Addition Volume 1, Page 133 and Neches River Addition Volume 4, Page 198, deed and map records Jefferson County, Texas; said 20.17 acre tract being more fully described by metes and bounds as follows, to wit:

Note: Bearings, coordinates, distances and acreage are based on the Texas Coordinate System of 1983, South Central Zone, US Survey Feet, and are referenced to SmartNet, North America.

BEGINNING at a point being the intersection of the East right-of-way line of a dedicated road named Port Street and the South right-of-way line of a dedicated road name Buford Street; said point being the Northwest corner of the herein described tract having a Texas Coordinate of N: 13970230.01,

E: 3523045.83;

THENCE, on the South right-of-way line of said Buford Street the following bearing and distances;

South 89 deg., 57 min., 48 sec., East, 197.22', North 87 deg., 39 min., 33 sec., East, 212.37', North 83 deg., 58 min., 44 sec., East 30.07', North 76 deg., 23 min., 35 sec., East, 221.42',

North 81 deg., 43 min., 31 sec., East, 40.15',

North 86 deg., 57 min., 35 sec., East, 680.06', to a point of a corner on the intersection of the South right-of-way line of said Buford Street and the West right-of-way line of a dedicated road named Carroll Street;

THENCE, South 03 deg., 02 min., 25 sec., East, on the West right-of-way of said Carroll Street, a distance of 299.55' to a point for corner being the intersection of the West right-of-way line of said Carroll Street and the North right-of-way line of a dedicated road named Stewart Street;

THENCE, South 86 deg., 53 min., 29 sec., West, on the North right-of-way line of said Stewart Street, a distance of 380.06' to a point for corner;

THENCE, South 03 deg., 03 min., 01 sec., East, a distance of 60.00', passing the South right-of-way line of said Stewart Street, continuing for a total distance of 350.76' to a point for corner being the intersection of the West right-of-way line of a dedicated road named Herring Street and the North right-of-way line of the dedication road named Lamar Street;

THENCE, South, 86 deg., 57 min., 35 sec., West, on the North right-of-way line of said Lamar Street, a distance of 200.22' to a point for corner;

THENCE, South 02 deg., 08 min., 15 sec., East, a distance of 40.00', passing the South right-of-

way line of said Lamar Street, continuing for a total distance of 166.15' to a point for corner;

THENCE, South 86 deg., 38 min., 10 sec., West, a distance of 806.64' to a point for corner on the East right-of-way line of said Port Street;

THENCE, North 02 deg., 08 min., 15 sec., West, on the East right-of-way line of said Port Street, a distance of 788.89' to the POINT OF BEGINNING and containing 20.17 acres of land, of which 3.056 acres Lies within public right-of-way, more or less.

This description is based on the Land Survey made under the direct supervision of Anthony M. Leger, Registered Professional Land Surveyor No. 5481 on December 2023 – January 2024.

BEAUMONT

Planning & Community Development

Case Type:Planning and Zoning Case Sub Type: Abandonment

Case #: PZ2024-37

Location: 1151 STEWART ST, BEAUMONT, 77701

Individuals listed on the record:

Applicant

Brandon Bergeron, Port of Beaumont

1225 Main Street Beaumont, TX 77701

Property Owner

Chris Fisher, Port of Beaumont

1225 Main Street Beaumont, TX 77701 Case Status: REVIEW

Tag Name: To abandon streets and right of ways in

areas purchased by the Port of Beaumont. Initiated On: 1/31/2024 10:46:58AM

Home Phone: 4092121051

Work Phone:

Cell Phone: 5044307984 E-Mall: bmb@pobtx.com

Home Phone: 4092121051

Work Phone: Cell Phone:

E-Mail: dcf@pobtx.com

Flood Zones

Construction Type

Primary Occupancy Type

Secondary Occupancy Type

Fire District

Occupancy Load

Code Edition

Sprinkler System

Additional Comment

Notes:



January 31, 2024

Planning Commission City of Beaumont 801 Main Street, Suite 210 Beaumont, TX 77701

RE: Port of Beaumont, Abandonment of Streets and Right of Ways

Dear Members of the City of Beaumont Planning Commission:

The Port of Beaumont is preparing to expand our existing open cargo storage capacity to increase the efficiency of operations and adjust to the growing infrastructure needs associated with moving goods and services to and from our community's Port. This project is part of the Port's Capital improvement Program consisting of a variety of projects intended to further the economic development of our region.

The Port of Beaumont is respectfully requesting the abandonment of various streets and rights of way within the area bound by Buford, Carroll, Port, and Schwarner Streets to develop a new open cargo storage lot. We have met with City officials regarding this request, as it is part of a larger interlocal agreement between the Port of Beaumont and the City of Beaumont for property swaps in and around the Port and Riverfront Park.

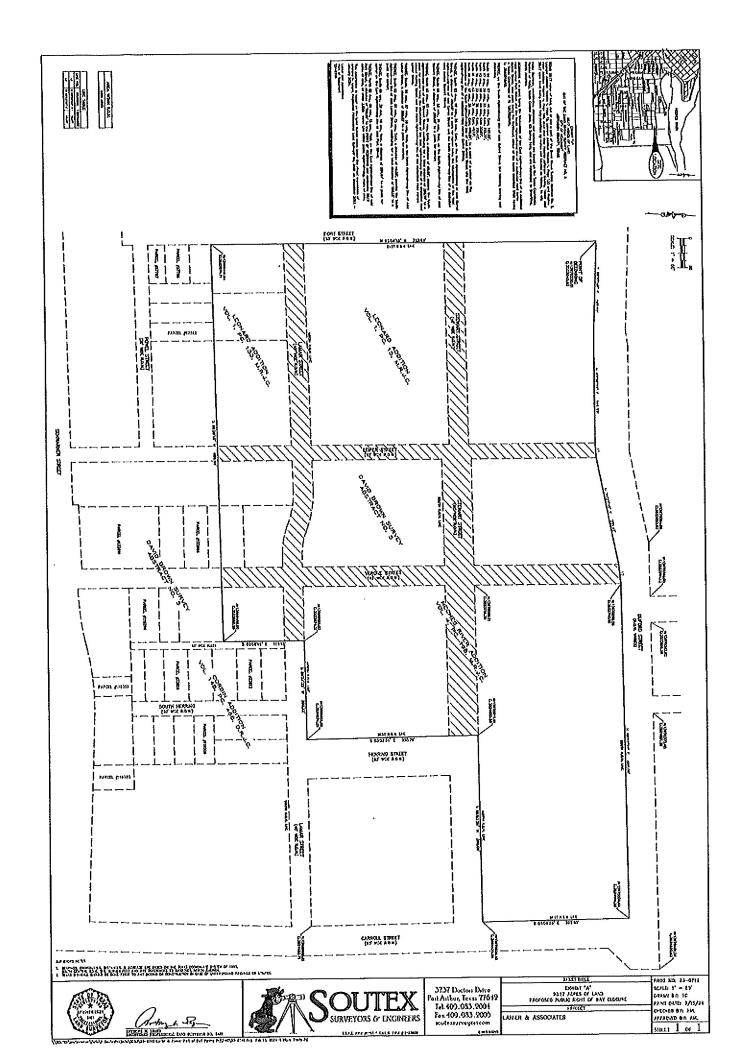
We kindly request your approval of our abandonment application. If you have any questions, please do not hesitate to contact the Port at 409-835-5367. We appreciate your consideration.

Sincerely,

Brandon M. Bergeron, P.E. Director of Engineering

Port of Beaumont

CC Chris Boone, City of Beaumont, Planning & Community Development Director Chris Fisher, Port of Beaumont, Port Director & CEO Ashely Sanders, Port of Beaumont, Direct of Administration



RESOLUTION NO. 23-015 BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the City Manager be and he is hereby authorized to execute an interlocal Agreement with the Port of Beaumont Navigation District, to exchange land pursuant to the authority, under the provisions of, and in accordance with Chapter 791 of the Texas Government Code and to increase the efficiency of operations and adjust to the growing infrastructure needs associated with moving goods and services to and from the Port of Beaumont. The Agreement is substantially in the form attached hereto as Exhibit "A" and made a part hereof for all purposes.

The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 10th day of January, 2023.

Mayor Robin Mouton -

INTERLOCAL AGREEMENT BETWEEN THE PORT OF BEAUMONT NAVIGATION DISTRICT OF JEFFERSON COUNTY, TEXAS AND THE CITY OF BEAUMONT, TEXAS

STATE OF TEXAS §
COUNTY OF JEFFERSON §

This Interlocal Agreement (the "Agreement") made and entered into by and between the Port of Beaumont Navigation District of Jefferson County, Texas (the "Port")"), acting herein by and through its President of the Board of Commissioners, and the City of Beaumont, Texas, a municipal corporation (the "City"), acting by and through its Mayor.

RECITALS:

WHEREAS, the Port is a navigation district of the State of Texas, authorized under Section 59, Article XVI of the Texas Constitution and the City is a home rule municipality acting pursuant to the Charter of the City of Beaumont, Texas and

WHEREAS, and the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code authorized units of local government to contract with one or more units of local government to perform government functions and services; and

WHEREAS, this Agreement is entered into pursuant to the authority, under the provisions of, and in accordance with Chapter 791 of the Texas Government Code, for the performance of governmental functions and services; specifically, the exchange of real property located within the City and Port District, and for such other and further acts of cooperation as the parties may subsequently agree to by the execution of a separate and specific agreement ratified by the governing bodies of each contracting party, specifically the City Council of the City of Beaumont and the Port Board of Commissioners; and

WHEREAS, City and the Port have investigated and determined that it would be advantageous and beneficial to both the City and the Port and its inhabitants for the City for the exchange of property to support economic growth.

WHEREAS, the City and the Port deem it to be in the best interest of both entities to enter into this Agreement relative to the exchange of real property and for such additional services as the parties may subsequently agree to by the execution of separate and specific agreements, and in consideration of the mutual covenants contained herein, the City and the Port agree as follows.

NOW, THEREFORE, the Port and City, in consideration of the recitals set forth above, which are incorporated into this Agreement as if fully set forth below, and in consideration of such other agreements as contemplated, agree as follows:

1. By action of the Port Board of Commissioners on December 19, 2022, the Port hereby

approves to deed approximately 6.710 acres of real property adjacent to the City's River Front Park to the City, except that 2.641 acres of real property corresponding to the locations of the rail tracks owned by the BNSF, Union Pacific, Kansas City Southern or the Port shall be retained by the Port to provide rail access casements to BNSF, Union Pacific and/or Kansas City Southern Railroad leading to the Port ("the Property") as described and shown on warranty deed and property drawing as Attachment A hereto.

- 2. By action of the Beaumont City Council on December 6, 2022, the City hereby approves to abandon or otherwise convey approximately 1.819 acres of real property consisting of Sabine Pass Avenue from Blanchette Street to Emmett Street ("Sabine Pass Avenue Property") adjacent to the Port of Beaumont as described and shown on property drawing attached as Attachment B hereto.
- 3. The City agrees to abandon all City roadways, alleyways and easements (except for City water, storm and sewer mains, if any) adjacent to, or through, Port owned property bordered by Buford, Carroll, Schwarner and Port Streets, including portions of Lamar, Stewart, Powell, Leiper and Herring Streets and Herring Alley as shown on Attachment C (Future Storage Lot) hereto, provided that Port meets City requirements of property ownership of both sides of the City streets to be abandoned.
- 4. The City agrees to zone Port owned property shown on Attachment C (Future Storage Lot) and Attachment D (Truck Staging Areas) hereto as Port District Zoning.
- 5. In the exercise of their respective roles and responsibilities under this Agreement, the Port and the City each act in an independent capacity, and no party is to be considered the officer, agent, or employee of the other.
- 6. Any notice given hereunder by either party to the other shall be in writing and may be affected by personal delivery in writing or by certified mail, return receipt requested:

Port of Beaumont Navigation District of Jefferson County, Texas ATTN: David C. Fisher
1225 Main Street
Beaumont, Texas 77701

City of Beaumont ATTN: City Manager P. O. Box 3827 Beaumont, Texas 77704

- 7. This Agreement contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force or effect except in a subsequent modification in writing signed by both parties.
- 8. This Agreement shall be governed by and constructed in accordance with the laws

of the State of Texas. No assignment of this Agreement or of any right accrued hereunder shall be made, in whole or in part, by either party without the prior written consent of the other party. Venue shall be in Jefferson County, Texas.

9. The undersigned officer and/or agents of the parties hereto are the properly authorized officials of the party presented and have the necessary authority to execute this Agreement on behalf of the parties hereto and each party hereby certifies to the other that any necessary resolutions extending said authority have been duly passed and approved and are now in full force and effect.

IN WITNESS WHEREOF, the parties have executed his Agreement, which shall be effective upon the date it is signed by all Parties.

EXECUTED this 19th day of December, 2022.

The Port of Beaumont Navigation District of Jefferson County, Texas

By: David C. Fisher

Title: Port Director & CEO

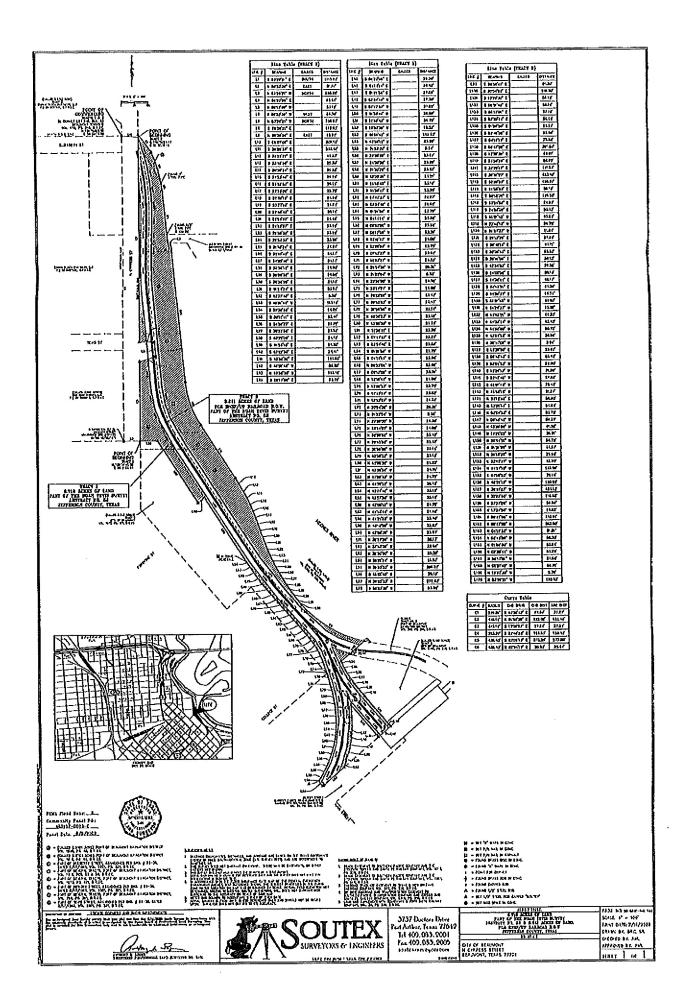
EXECUTED this 18th day of January, 2023.

The City of Beaumont, Texas

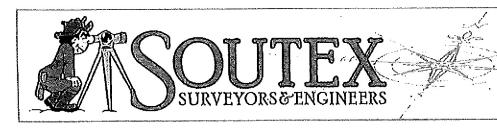
By: Kenneth R. William

Title: City Managen

ATTACHMENT A



ATTACHMENT B



TBPE Firm No. F-5755 TBPLS Firm No. 10123800 LA EF,0005711

3787 Doctors Drive Port Arthur, Texas 77642 Office (409) 983,2004 Fax (409) 983,2005

1.819 ACRES OF LAND FOR RIGHT-OF-WAY ABANDONMENT PURPOSES PART OF THE NOAH TEVIS SURVEY, ABSTRACT NO. 52 JEFFERSON COUNTY, TEXAS

BEING 1.819 acres of land, for right-of-way abandonment purposes, part of the Noah Tevis Survey, Abstract No. 52, Jefferson County, Texas; being part of a public right-of-way known as Sabine Pass Avenue; said 1.819 acre tract being more fully described by metes and bounds as follows, to wit:

Note: Bearings, coordinates, distances and acreage are based on the Texas Coordinate System of 1983, South Central Zone, US Survey Feet, and are referenced to SmartNet, North America.

COMMENCING at a brass disc in concrete, found on the intersection of the Southeast right-of-way line of Blanchette Street and the Northeast right-of-way line of Pennsylvania Avenue, for the most northerly point of a boundary line agreement between the City of Beaumont and the Port of Beaumont Navigation District, recorded in Volume 2092, Page 3, Deed Records, Jefferson County, Texas; said brass disc in concrete having coordinates of N: 13971594.98, E: 3520114.32;

THENCE, North 45 deg. 59 min. 50 sec. East, on the Southeast right-of-way line of Blanchette Street, a distance of 89.20' to a concrete monument, found on the intersection of the Southeast right-of-way line of Blanchette Street and the West right-of-way line of Sabine Pass Avenue, for the Northwest corner of a (Called 0.212) acre tract of land described in a deed to the City of Beaumont, recorded in Volume 1368, Page 566, Deed Records, Jefferson County, Texas, and the POINT OF BEGINNING of the herein described tract; said concrete monument having coordinates of N: 13971656.95, E: 3520178.48;

THENCE, North 45 deg. 59 min. 50 sec. East, continuing on the Southeast right-of-way line of Blanchette Street and crossing Sabine Pass Avenue, a distance of 46.00' to a half-inch steel rod, capped and marked "SOUTEX", found on the intersection of the Southeast right-of-way line of Blanchette Street and the East right-of-way line of Sabine Pass Avenue, for the most northerly corner of the (Called 0.212) acre tract, and the most northerly corner of the herein described tract;

THENCE, on the East right-of-way line of Sabine Pass Avenue, on the arc of a curve to the right, having a radius of 173.00', an arc distance of 956.33', a chord bearing of South 11 deg. 28 min. 37 sec. East, a chord distance of 186.08' to a half-inch steel rod, capped and marked "SOUTEX", found for corner;

THENCE, continuing on the East right-of-way line of Sabine Pass Avenue, on the arc of a curve to the left, having a radius of 127.00', an arc distance of 42.90', a chord bearing of South 11 deg.

25 min. 38 sec. West, a chord distance of 42.69' to a half-inch steel rod, capped and marked "SOUTEX", found on the line described in said boundary line agreement between the City of Beaumont and the Port of Beaumont Navigation District, for the most southerly corner of the (Called 0.212) acre tract;

THENCE, South 43 deg. 59 min. 26 sec. East (Called South 40 deg. 16 min. 18 sec. East), on the line described in said boundary line agreement, a distance of 2.50' to a half-inch steel rod, capped and marked "SOUTEX", found for corner;

THENCE, South 02 deg. 20 min. 29 sec. West (Called South 06 deg. 05 min. 55 sec. West), continuing on the line described in said boundary line agreement, a distance of 9.45' (Called 7.30') to a half-inch steel rod, capped and marked "SOUTEX", found for corner;

THENCE, South 03 deg. 29 min. 33 sec. East (Called South 00 deg. 15 min. 53 sec. West), continuing on the line described in said boundary line agreement, a distance of 20.07' to a half-inch steel rod, capped and marked "SOUTEX", found for corner;

THENCE, South 06 deg. 09 min. 14 sec. East (Called South 02 deg. 23 min. 48 sec. East), continuing on the line described in said boundary line agreement, a distance of 236.42' to a half-inch steel rod, capped and marked "SOUTEX", found for corner;

THENCE, South 11 deg. 30 min. 38 sec. East (Called South 07 deg. 45 min. 12 sec. East), continuing on the line described in said boundary line agreement, a distance of 87.03' to a half-inch steel rod, capped and marked "SOUTEX", found for corner;

THENCE, South 26 deg. 07 min. 08 sec. East (Called South 22 deg. 21 min. 42 sec. East), continuing on the line described in said boundary line agreement, a distance of 246.47' to a half-inch steel rod, capped and marked "SOUTEX", found for corner;

THENCE, South 44 deg. 16 min. 53 sec. East (Called South 40 deg. 31 min. 27 sec. East), continuing on the line described in said boundary line agreement and an extension of the same, a distance of 382.01' to a half-inch steel rod, capped and marked "SOUTEX", found for an angle point in the West line of a tract of land described in a deed to the Port of Beaumont, recorded in Film Code 102-97-0286, Official Public Records, Jefferson County, Texas, and the Southeast corner of the herein described tract; from which, a half-inch steel rod, capped and marked "SOUTEX", found for the most northerly corner of a tract of land, known as Tract B, described in a deed to the City of Beaumont, recorded in Volume 2066, Page 367, Deed Records, Jefferson County, Texas, bears South 03 deg. 24 min. 26 sec. East (Called South 00 deg. 21 min. 00 sec. West), a distance of 413.51';

THENCE, South 87 deg. 04 min. 58 sec. West, a distance of 145.18', to a point for the Southwest corner of the herein described tract; from which a MAG nail, set on the South right of way line of Emmett Avenue and the North line of a tract of land described in a deed to Downtown Brick and Tile Inc., recorded in File No. 2003021234, Official Public Records, Jefferson County, Texas, bears South 02 deg. 55 min. 02 sec., East, a distance of 59.70; from said MAG nail, a half-inch steel rod, found for the most northerly common corner of a (Called

0.91) acre tract of land described in a deed to Frontier Machine Works, LLC, recorded in File No. 2012041852, Official Public Records, Jefferson County, Texas and a tract of land described in a deed to Downtown Brick and Tile Co. Inc., recorded in File No. 2003015320, Official Public Records, Jefferson County, Texas, bears South 87 deg. 04 min. 58 sec. West, a distance of 144.31'; also from said MAG nail, a "X" mark in concrete, set on the intersection of the West right-of-way line of Sabine Pass Avenue and the South right-of-way line of Emmett Avenue, for the Northeast corner of said Downtown Brick and Tile tract recorded in File No. 2003021234, bears North 87 deg. 04 min. 58 sec. East, a distance of 91.54'; from said "X" mark in concrete, a half-inch steel pipe, found for the most easterly common corner of a tract of land described in a deed to Kevin Torres, recorded in Film Code 104-53-1142, Official Public Records, Jefferson County, Texas and said Downtown Brick and Tile tract recorded in File No. 2003021234, bears South 03 deg. 25 min. 02 sec East, a distance of 206.50';

THENCE, North 02 deg. 55 min. 02 sec. West, a distance of 31.86' to a half-inch steel rod, capped and marked "SOUTEX", set for corner;

THENCE, on the arc of a curve to the left, having a radius of 25.97', an arc distance of 18.89', a chord bearing of North 23 deg. 45 min. 03 sec. West, a chord distance of 18.47' to a half-inch steel rod, capped and marked "SOUTEX", set for corner;

THENCE, North 44 deg. 35 min. 02 sec. West, a distance of 249.27' to a half-inch steel rod, capped and marked "SOUTEX", set for corner;

THENCE, on the arc of a curve to the right, having a radius of 263.08', an arc distance of 121.16', a chord bearing of North 31 deg. 23 min. 27 sec. West, a chord distance of 120.09' to a half-inch steel rod, capped and marked "SOUTEX", set for corner;

THENCE, the following bearings and distances to half-inch steel rods, capped and marked "SOUTEX", set for corner:

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North 18 deg. 11 min. 52 sec. West, 22.03'
North 10 deg. 07 min. 02 sec. West, 43.87'
North 11 deg. 07 min. 54 sec. West, 60.27'
North 11 deg. 17 min. 50 sec. West, 59.90'
North 11 deg. 01 min. 14 sec. West, 60.11'
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THENCE, North 08 deg. 39 min. 31 sec. West, a distance of 60.50' to a "X" mark in concrete, set for corner;

THENCE, North 06 deg. 30 min. 52 sec. West, a distance of 62.08' to a MAG nail, set for corner;

THENCE, North 06 deg. 07 min. 07 sec. West, a distance of 37.98' to a "X" mark in concrete, set for corner;

THENCE, North 04 deg. 14 min. 07 sec. West, a distance of 39.55' to a "X" mark in concrete, set for corner;

THENCE, North 04 deg. 12 min. 46 sec. West, a distance of 32.52' to a half-inch steel rod, capped and marked "SOUTEX", set for corner;

THENCE, North 04 deg. 38 min. 31 sec. West, a distance of 22.58' to a half-inch steel rod, capped and marked "SOUTEX", set for corner;

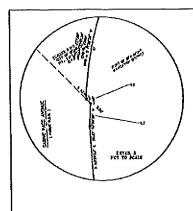
THENCE, North 03 deg. 16 min. 53 sec. East, a distance of 36.47' to a half-inch steel rod, capped and marked "SOUTEX", set for corner;

THENCE, on the arc of a curve to the right, having a radius of 173.00', at 35.96' along said arc, passing a concrete monument, found on the line described in said boundary line agreement, for the Southwest corner of the (Called 0.212) acre tract, and continuing a total arc distance of 53.81' to a concrete monument found for corner; said curve having a chord bearing of North 12 deg. 11 min. 33 sec. East, and a chord distance of 53.60';

THENCE, on the arc of a curve to the left, having a radius of 127.00', an arc distance of 144.23', a chord bearing of North 11 deg. 28 min. 42 sec. West, a chord distance of 136.60' to the POINT OF BEGINNING, and containing 1.819 acres of land, more or less.

This description is based on the Land Survey made under the direct supervision of Randall Alvey Creel, Registered Professional Land Surveyor No. 6678 on January 15, 2019.

City of Beaumont 18-1111-Rev 1



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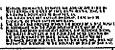
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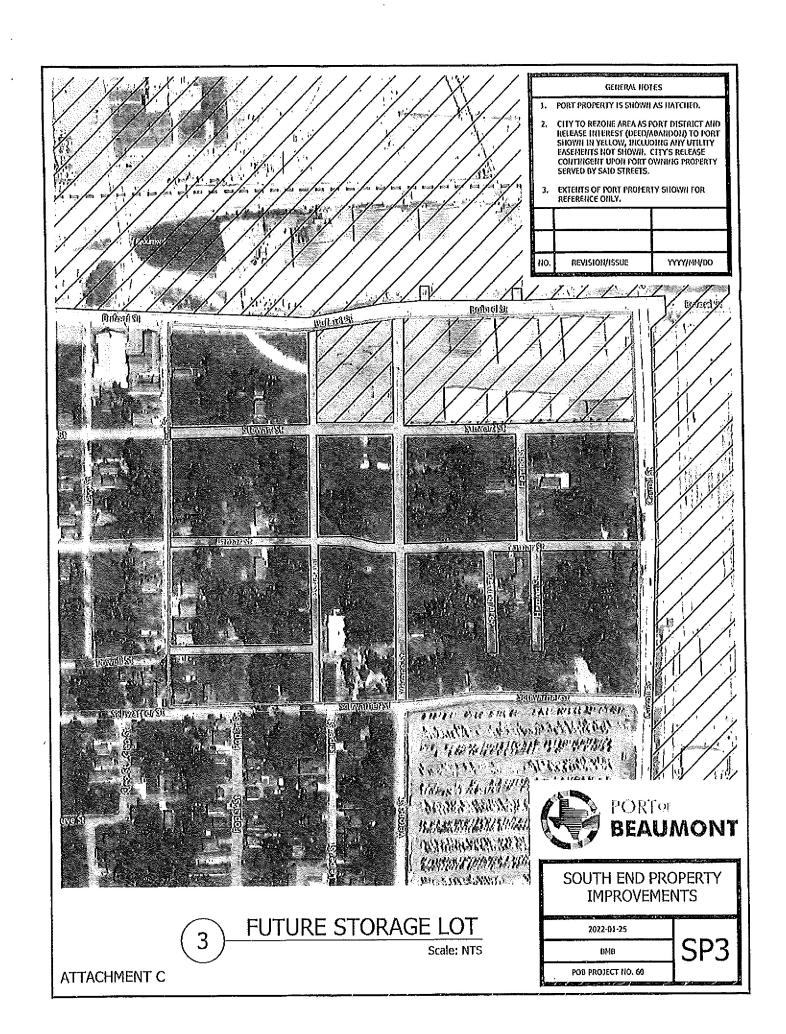
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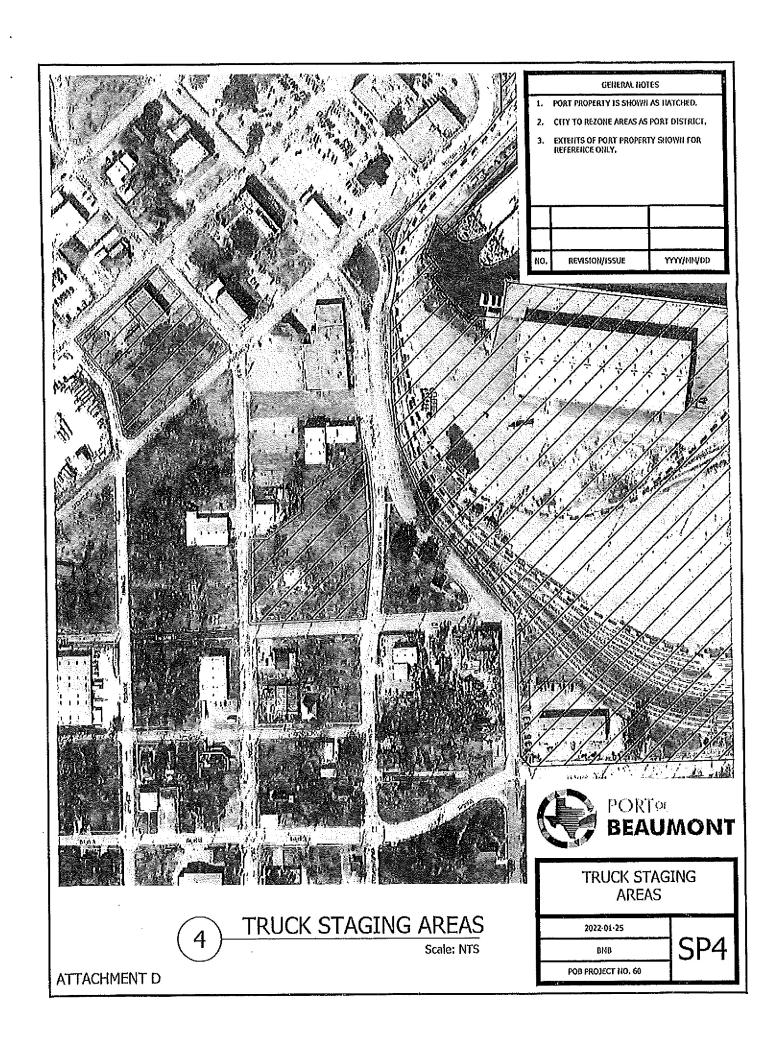
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ATTACHMENT C



ATTACHMENT D



GENERAL WARRANTY DEED

From the Port of Beaumont Navigation District of Jefferson County Texas to the City of Beaumont PZ2024-37: Request to abandon a portion of Stewart, Lelper, Verone, and Lamar Street rights-of-way, alleyways, and easements. Applicant: Port of Beaumont Location: Portion of rights-of-way, alleyways and easements surrounded by Port, Buford, Carroll, Stewart, Herring, Lamar, Verone, Leiper and Powell Streets near the Port of Beaumont. 100 200 Legend PZ2024-37 BUFORD RD -IRM:H⊦ -IRM:Hi

