



Control Number: 49904



Item Number: 1

Addendum StartPage: 0

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PUBLIC UTILITY COM
REGULATING CLERK

PETITION BY REPUBLIC
BUSINESS CENTER LLC
FOR EXPEDITED RELEASE
FROM WATER CCN NO. 13203
AND SEWER CCN NO. 21605
HELD BY AQUA TEXAS INC. §
§
§
§
§
§

BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

**PETITION BY REPUBLIC BUSINESS CENTER LLC FOR EXPEDITED RELEASE
PURSUANT TO TEXAS WATER CODE SECTION 13.254(A-5)**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Republic Business Center LLC (Petitioner), and files this Petition with the Public Utility Commission of Texas (PUC) for expedited release from Aqua Texas Inc.’s water certificate of convenience and necessity (CCN) No. 13202 and sewer CCN No. 21605 pursuant to Texas Water Code Section 13.254 (a-5) and Rule 24.245 of the PUC’s Rules found at 16 Texas Administrative Code § 24.245 and, in support thereof, would respectfully show the following:

I. APPLICABLE REGULATIONS

Section 13.254(a-5) of the Texas Water Code provides that the owner of a tract of land that is at least 25 acres and is not receiving water or sewer service may petition for expedited release of the area from a CCN. TEX. WATER CODE ANN. § 13.254(a-5). For land that is located within a county with a population of at least one million, or a county adjacent to a county with a population of at least one million, the owner of the qualifying tract “is entitled to that release.” *Id.* The rule adopted by the PUC pursuant to Section 13.254(a-5) provides the same, and it recognizes that Harris County is a county in which owners of at least 25 acres are entitled to expedited release. *See* 16 TEX. ADMIN. CODE § 24.245. Under Section 13.254(a-6), the PUC “shall grant a petition received under Section (a-5) not later than the 60th day after the date the landowner filed the petition.”

II. REQUEST FOR EXPEDITED RELEASE

Petitioner owns approximately 156.0249 acres of contiguous property in Harris County (Property). A portion of the Property is within the boundaries of water CCN No. 13203 and Sewer CCN No. 21605 held by Aqua Texas Inc. The Property does not receive service from any water or sewer provider. An affidavit in support of this Petition is attached hereto as Exhibit A. Maps showing the location of the Property, along with the digital data, are attached hereto as Exhibit B. The deeds showing ownership of the Property are attached hereto as Exhibit C. A copy of this petition has been mailed to Aqua Texas Inc. via certified mail.

III. CONCLUSION AND PRAYER

Texas Water Code Section 13.254(a-5) entitles Petitioner to expedited release of the Property described herein. The Property is greater than 25 acres, is not receiving water or sewer service, and is entirely within Harris County. Under Section 13.254(a-6), the PUC should grant this Petition no later than the 60th day after the date of filing. Petitioner respectfully requests that the PUC grant this Petition and issue an order under the authority of Section 13.254(a-5) releasing all portions of the Property that is within the boundaries of water CCN No. 13203 and sewer CCN No. 21605.

Respectfully submitted,

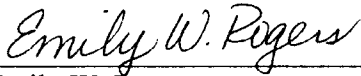
Emily W. Rogers
State Bar No. 24002863
erogers@bickerstaff.com

Bickerstaff Heath Delgado Acosta LLP
3711 S. MoPac Expressway
Building One, Suite 300
Austin, TX 78746
Telephone: (512) 472-8021
Facsimile: (512) 320-5638

BY: *Emily W. Rogers*
Emily W. Rogers

CERTIFICATE OF SERVICE

I hereby certify by my signature below that on the 27th day of August, 2019, a true and correct copy of the above and foregoing document was forwarded via hand delivery, facsimile, U.S. mail or electronic mail to all parties of record and a true and correct copy of the above and foregoing document has been mailed by certified mail to Aqua Texas Inc., 1106 Clayton Ln., Suite 400W, Austin, TX., 78723-2476.



Emily W. Rogers

PUC DOCKET NO. _____

PETITION BY REPUBLIC	§	BEFORE THE
BUSINESS CENTER LLC	§	
FOR EXPEDITED RELEASE	§	PUBLIC UTILITY COMMISSION
FROM WATER CCN NO. 13203	§	
AND SEWER CCN NO. 21605	§	OF TEXAS
HELD BY AQUA TEXAS INC.	§	


AFFIDAVIT FOR PETITION BY REPUBLIC BUSINESS CENTER LLC FOR EXPEDITED RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.254(A-5)

State of Texas §
County of Harris §

BEFORE ME, the undersigned notary, personally appeared Ryan T. Lovell, the affiant, a person who is known to me. After administering an oath, the affiant testified that:

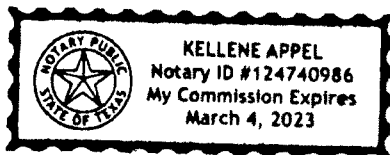
1. "My name is Ryan T. Lovell. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct.
2. I am the Vice President of Real Estate for Republic Business Center LLC, the Petitioner in the above-captioned matter. Republic Business Center LLC owns approximately 156.0249 acres of land, a portion of which appears to be located within the boundaries of water Certificate of Convenience and Necessity No. 13203 and sewer Certificate of Convenience and Necessity No. 21605 issued to Aqua Texas Inc. This property is located in Harris County, Texas. Exhibit B attached to this Petition is a true and correct copy of a map identifying the property, its location, and the area of the CCNs. Exhibit C attached to this Petition is a true and correct copy of all deeds demonstrating ownership of the tract.
3. The property in question is not receiving water or sewer service from Aqua Texas Inc. or any other water or sewer service provider. The property has not requested water or sewer service from Aqua Texas Inc. or paid any fees or charges to initiate or maintain water or sewer service, and there are no billing records or other documents indicating an existing account for the property.
4. I request that the Public Utility Commission on Texas release this property from water CCN No. 13203 and sewer CCN No. 21605."

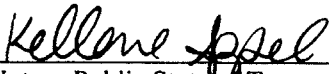
FURTHER AFFIANT SAYETH NOT.



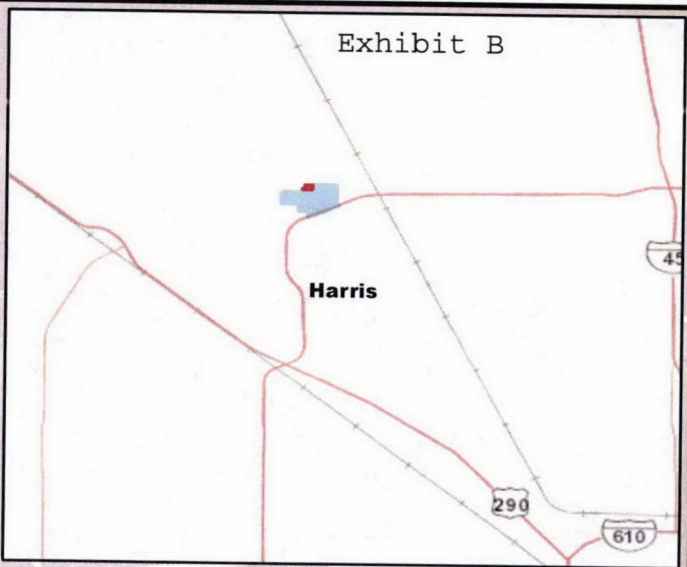
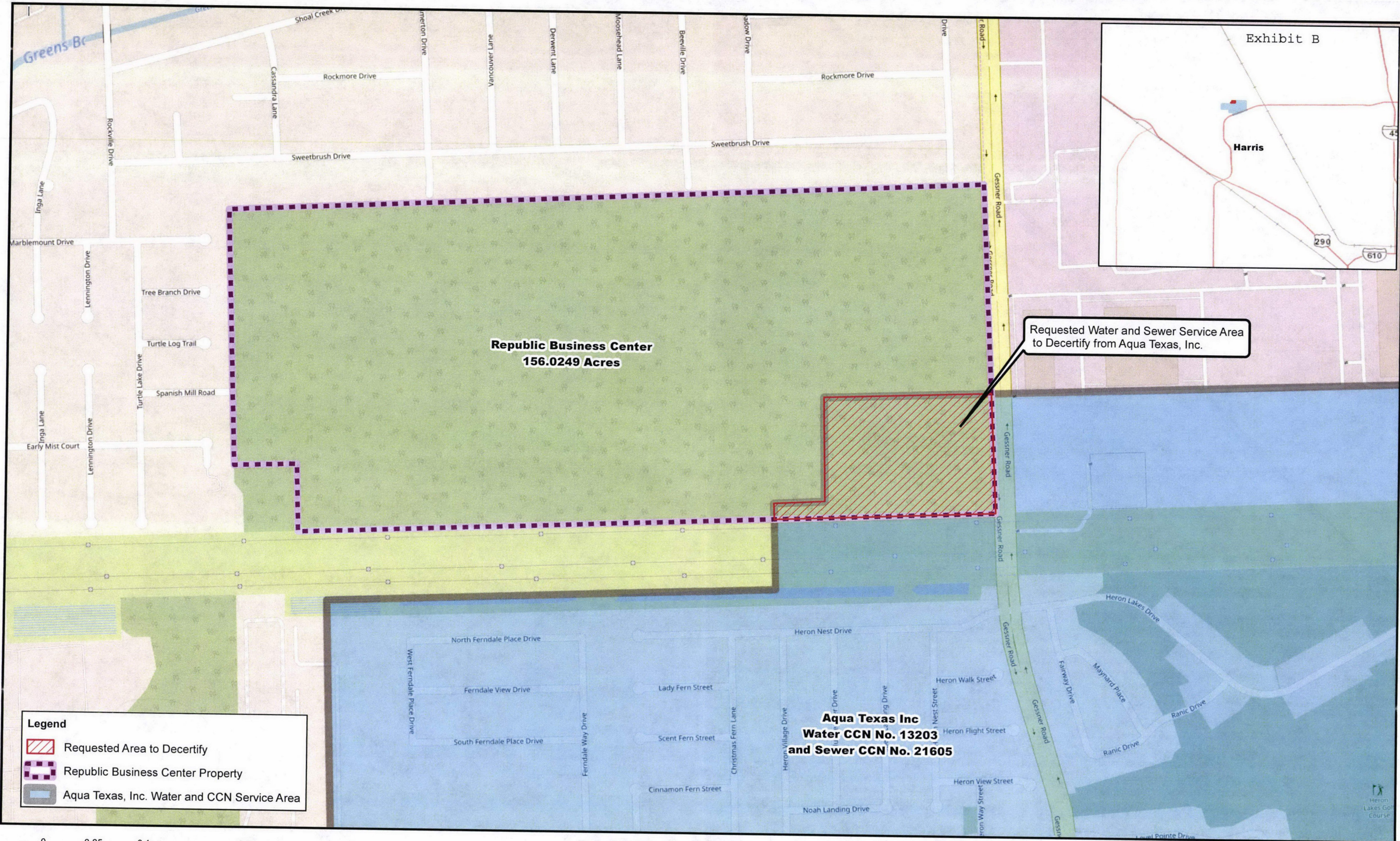
 Ryan T. Lovell

SWORN TO AND SUBSCRIBED TO BEFORE ME by Ryan T. Lovell on August 26, 2019.





 Notary Public State of Texas






Republic Business Center
156.0249 Acres

Requested Water and Sewer Service Area to Decertify from Aqua Texas, Inc.

Aqua Texas Inc
Water CCN No. 13203
and Sewer CCN No. 21605

Legend

-  Requested Area to Decertify
-  Republic Business Center Property
-  Aqua Texas, Inc. Water and CCN Service Area

0 0.05 0.1 0.2 Miles
Created: 8/20/2019
Background Image: ESRI Open Street Map

Republic Business Center
Request to Decertify a Portion of
Water CCN No. 13203 and Sewer
CCN No. 21065

© 2019 Bickerstaff Heath Delgado Acosta LLP
Data Source: Aqua Texas Inc. Water CCN No. 13203
and Sewer CCN No. 21065 areas obtained from PUC.
Republic Business Center obtained from Windrose Land
Surveying/Platting.



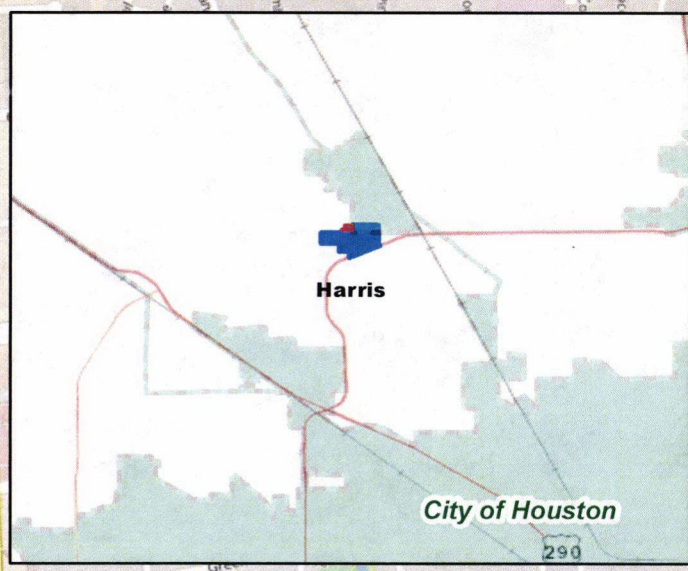


0 0.05 0.1 0.2 Miles
 Created: 8/20/2019
 Background Image: ESRI Open Street Map

Republic Business Center
Request to Decertify a Portion of
Water CCN No. 13203 and Sewer CCN No. 21065
DETAIL MAP

© 2019 Bickerstaff Heath Delgado Acosta LLP
 Data Source: Aqua Texas Inc. Water CCN No. 13203
 and Sewer CCN No. 21065 areas obtained from PUC.
 Republic Business Center obtained from Windrose Land
 Surveying/Platting.





Harris




City of Houston

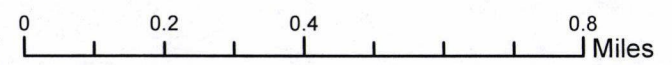
290

Republic Business Center
156.0249 Acres

Requested Water and Sewer Service Area
to Decertify from Aqua Texas, Inc.

Legend

-  Requested Area to Decertify
-  Republic Business Center Property
-  City of Houston



Created: 8/20/2019
Background Image: ESRI Open Street Map

**Republic Business Center
Request to Decertify a Portion of
Water CCN No. 13203 and Sewer CCN No. 21065
GENERAL LOCATION MAP**

© 2019 Bickerstaff Heath Delgado Acosta LLP
Data Source: Aqua Texas Inc. Water CCN No. 13203
and Sewer CCN No. 21065 areas obtained from PUC.
Republic Business Center obtained from Windrose Land
Surveying/Platting.



Petition by Republic Business Center LLC
for Expedited Release from
Water CCN No. 13202
and Sewer CCN No. 21605

**THIS DOCUMENT HAS BEEN
ELECTRONICALLY RECORDED**

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

Texan Land and Cattle II, Ltd., Kitchco Realty, Ltd., Metco Realty, Ltd. and HBT Realty Ltd, all Texas limited partnerships, collectively known as "Grantor", for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) paid to Grantor and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and the further consideration of the execution and delivery by Grantee of that one certain Promissory Note (the "Note") of even date herewith in the original principal sum of \$16,206,732.00, payable to the order of Icon Bank of Texas, N.A., its successors and/or assigns ("Lender"), at its office at 7906 N. Sam Houston Parkway W., Suite 100, Houston, Texas 77064, as therein provided and bearing interest at the rate therein specified and providing for acceleration of maturity in event of default and for attorneys' fees, the payment of which Note is secured by the vendor's lien herein retained, and is additionally secured by a Deed of Trust of even date herewith to Mark S. Reiley, at 7906 N. Sam Houston Parkway W., Suite 100, Houston, Texas 77064, subject to the exceptions, liens, encumbrances, terms, and provisions hereinafter set forth and described, has GRANTED, SOLD and CONVEYED and does hereby GRANT, SELL and CONVEY unto Republic Business Center, LLC, a Delaware limited liability company ("Grantee"), the real property located in Harris County, Texas, as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference, together with any improvements located on such land, and to the extent applicable, any right, title and interest of Grantor in and to adjacent public or dedicated roadways or public alleys, easements, utility commitments and reserved utilities, and zoning variances and other governmental concessions as may be applicable to the land (such land, improvements and appurtenances being collectively referred to as the "Property").

This conveyance is made and accepted subject to the following matters (the "Permitted Exceptions"): (i) all easements, building set-back lines, reservations, royalties, mineral reservations, leases, restrictions, zoning ordinances and conditions as recorded with the county clerk of the county where the Property is located, to the extent applicable to and enforceable against the Property; (ii) all matters that a correct survey of the Property would show. Grantor reserves all oil, gas and other minerals that may be produced or mined from the Property, and all royalty interests, if any, currently owned or controlled by Grantor. Notwithstanding the foregoing reservation of mineral and royalty interests, Grantor expressly releases and waives, on behalf of itself, its successor, and assigns, all rights of ingress and egress, and all other rights of every kind and character whatsoever, to enter upon or to use the surface of the Property, or any part thereof, including, without limitation, the right to enter upon the surface of the Property for purposes of exploring for, developing, drilling for, transporting, storing or producing the oil, gas and other minerals in, on and under the Property, but such waiver shall not prevent Grantor, its successors,

assigns or mineral lessees from: (i) exploring for, developing and producing all such oil, gas, and other minerals in, under and that may be produced from the Property by means or methods, including, without limitation, directional drilling, which do not require or result in operations on the surface of the Property; and (ii) including all or any portion of the Property in one or more "pooling" or unitization units for purposes of exploring for, development or production of such oil, gas or other minerals, subject to the surface waiver contained herein.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances pertaining thereto, subject to the Permitted Exceptions and those matters hereafter set forth, unto Grantee and Grantee's successors and assigns forever; and Grantor does hereby bind Grantor and Grantor's successors and assigns to warrant and forever defend the Property unto Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereto, by, through or under Grantor, but not otherwise. The warranty of each entity comprising Grantor is limited to the portion of the Property owned by that entity.

GRANTEE ACKNOWLEDGES THAT GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATIONS AS TO THE PHYSICAL CONDITION, OR ANY OTHER MATTER AFFECTING OR RELATED TO THE PROPERTY OTHER THAN WARRANTIES OF TITLE AS PROVIDED AND LIMITED HEREIN. GRANTEE EXPRESSLY AGREES THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE PROPERTY IS CONVEYED "AS IS" AND "WITH ALL FAULTS", AND GRANTOR EXPRESSLY DISCLAIMS, AND GRANTEE ACKNOWLEDGES AND ACCEPTS THAT GRANTOR HAS DISCLAIMED, ANY AND ALL REPRESENTATIONS, WARRANTIES OR GUARANTIES OF ANY KIND, ORAL OR WRITTEN, EXPRESS OR IMPLIED, (EXCEPT AS TO TITLE AS HEREIN PROVIDED AND LIMITED) CONCERNING THE PROPERTY, INCLUDING WITHOUT LIMITATION, THE VALUE, CONDITION, MERCHANTABILITY, HABITABILITY, MARKETABILITY, PROFITABILITY, SUITABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE, OF THE PROPERTY.

AD VALOREM TAXES WITH RESPECT TO THE PROPERTY ARE PRORATED AS OF THIS DATE (BASED ON ESTIMATES, IF NECESSARY) AND ARE NOT SUBJECT TO READJUSTMENT. GRANTEE EXPRESSLY ASSUMES PAYMENT OF ALL AD VALOREM TAXES AND SPECIAL AND GENERAL ASSESSMENTS OF WHATEVER NATURE APPLICABLE TO THE PROPERTY FOR THE YEAR 2018 AND SUBSEQUENT YEARS (AS WELL AS ROLLBACK TAXES ATTRIBUTABLE TO THE YEAR 2013 AND SUBSEQUENT YEARS), AS WELL AS ALL SPECIAL AND GENERAL ASSESSMENTS OF WHATEVER NATURE APPLICABLE TO THE PROPERTY.

But it is expressly agreed that the VENDOR'S LIEN, as well as the Superior Title in and to the above-described Property, is retained against the above-described Property, premises and improvements until the above-described Note and all interest thereon are fully paid according to the face, tenor, effect, and reading thereof, when this Deed shall become absolute. At the instance and request of the Grantee herein, the Lender having advanced and paid in cash to the Grantor a portion of the purchase price of the Property from the proceeds advanced under the hereinbefore-described Note, the VENDOR'S LIEN, together with the Superior Title to said Property, is retained herein for

the benefit of said Lender, and the same are hereby TRANSFERRED and ASSIGNED to said Lender without recourse on Grantor.

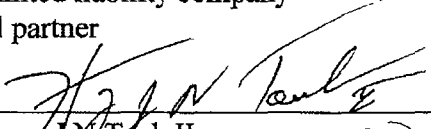

EXECUTED on the date set forth in the acknowledgment attached hereto to be effective as of the 1st day of October, 2018.

[End of text; signature pages follow.]

GRANTOR:

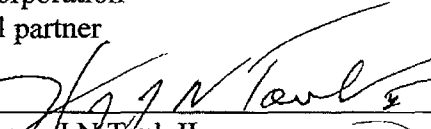

TEXAN LAND AND CATTLE II LTD.,
a Texas limited partnership

By: Texan Land and Cattle GP LLC,
a Texas limited liability company
its general partner

By: 
Name: Henry J N Taub II
Title: President 

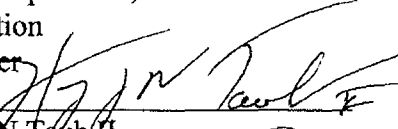

KITCHCO REALTY, LTD.,
a Texas limited partnership

By: Kitchco Capital Corporation,
a Texas corporation
its general partner

By: 
Name: Henry J N Taub II
Title: President 

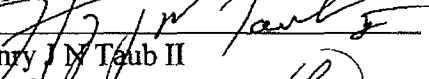

METCO REALTY LTD.,
a Texas limited partnership

By: Metco Capital Corporation,
a Texas corporation
its general partner

By: 
Name: Henry J N Taub II
Title: ^{vice} President 

HBT REALTY LTD,
a Texas limited partnership

By: HBT Corp GP LLC,
a Texas limited liability company
its general partner

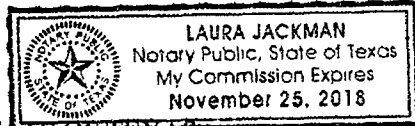
By: 
Name: Henry J N Taub II
Title: President 

THE STATE OF TEXAS

COUNTY OF Harris

This instrument was acknowledged before me on September 29, 2018, by Henry J N Taub II, President of Texan Land and Cattle GP LLC, a Texas limited liability company, the general partner of TEXAN LAND AND CATTLE II LTD., a Texas limited partnership, on behalf of said limited partnership.

[seal]



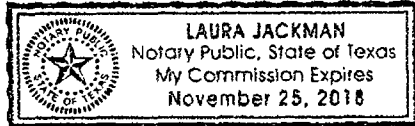
Laura Jackman
Notary Public in and for the State of Texas

THE STATE OF TEXAS

COUNTY OF Harris

This instrument was acknowledged before me on September 29, 2018, by Henry J N Taub II, President of Kitchco Capital Corporation, a Texas corporation, the general partner of KITCHCO REALTY, LTD., a Texas limited partnership, on behalf of said limited partnership.

[seal]



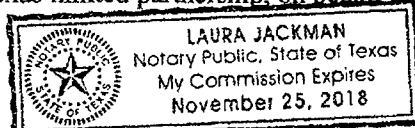
Laura Jackman
Notary Public in and for the State of Texas

THE STATE OF TEXAS

COUNTY OF Harris

Vice- This instrument was acknowledged before me on September 29, 2018, by Henry J N Taub II, President of Metco Capital Corporation, a Texas corporation, the general partner of METCO REALTY, LTD., a Texas limited partnership, on behalf of said limited partnership.

[seal]



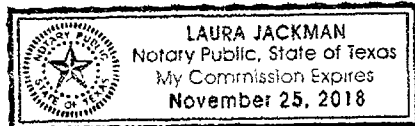
Laura Jackman
Notary Public in and for the State of Texas

THE STATE OF TEXAS

COUNTY OF Harris

This instrument was acknowledged before me on September 29, 2018, by Henry J N Taub II, President of HBT Corp GP LLC, a Texas limited liability company, the general partner of HBT REALTY LTD, a Texas limited partnership, on behalf of said limited partnership.

[seal]



Laura Jackman
Notary Public in and for the State of Texas

Address of Grantor:

c/o Henry J N Taub II
333 West Loop North, Suite 410
Houston, Texas 77024

AGREED AND ACCEPTED BY GRANTEE:

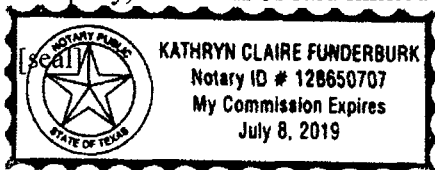
REPUBLIC BUSINESS CENTER, LLC,
a Delaware limited liability company

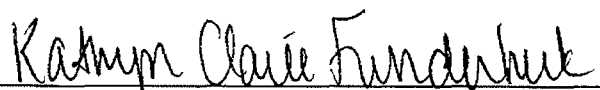
By: 
Name: Ryan T. Lovell
Title: Vice President

THE STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on September 27, 2018, by Ryan T. Lovell, Vice President of REPUBLIC BUSINESS CENTER, LLC, a Delaware limited liability company, on behalf of said limited liability company.




Notary Public in and for the State of Texas

Address of Grantee:

Republic Business Center, LLC
3207 S. Sam Houston Pkwy E., Suite 100
Houston, Texas 77047

EXHIBIT A

PROPERTY

BEING 46.7126 acres of land in the Madison James Survey, Abstract No. 486, Harris County, Texas, also called Parcel "F", awarded to Henry J. N. Taub Individually and as Independent Executor of the Ben Taub Estate, in the Final Decree of Partition (J. N. Taub Heirs Partition Suit) dated November 26, 1990, Cause No. 80-36974, Harris County, Texas, filed for record under Clerk's File No. M934067, and being more particularly described by metes and bounds as follows:

BEGINNING at a concrete monument in the north line of a Houston Lighting & Power Company Fee Strip (330 feet wide) as recorded in Volume 1430, Page 160 and Volume 6343, Page 11, of the Harris County Deed Records, and the west line of Gessner Road being (100feet wide) as recorded in the Harris County Clerk's File Numbers M42088, P470456, & P470457;

THENCE S 88°20'36"W 2367.39 feet along the north line of said Houston Lighting & Power Company Fee Strip, being the south line of said Parcel "F" to a found 3/4 inch iron rod marking the southwest corner of the herein described tract, the southwest corner of Parcel "F", the southeast corner of Parcel "G", and the southeast corner of Republic Business Center LLC. Tract 1 as described in Harris County Clerk's file Number RP-2017-218562;

THENCE N 02°03'58"W 851.08 feet along the west line of said Parcel "F", the herein described tract, and being the east line of Parcel "G" of said Taub Heirs Partition, and the east line of said Republic Business Center LLC. Tract 1 to a 5/8 inch iron rod with "ATKINSON 5897" cap set in the south line of Parcel "I", and the south line of Republic Business Center LLC. Tract 2 as described in Harris County Clerk's file Number RP-2017-218562 being in the centerline of a 60 foot road right of way as described in said Partition, being the northwest corner of said Parcel "F" and being the northeast corner of said Parcel "G" from which a found 5/8 inch iron rod with "WINDROSE" cap bears S 72°57'53"E 1.00';

THENCE N 87°56'02"E along the centerline of said 60 foot road right of way, being the south line of said Parcel "I", and the south line of said Republic Business Center LLC. Tract 2, and being the north line of said Parcel "F" passing at 808.83 feet a found 5/8" iron rod at the southeast corner of said Parcel "I", and the southeast corner of said Republic Business Center LLC. Tract 2, and being the southwest corner of Parcel "J", and the south west corner of Republic Business Center LLC. Tract 3 as described in Harris County Clerk's file Number RP-2017-218562, continuing along the south line of said Parcel "J", and said Republic Business Center LLC. Tract 3, being the north line of said Parcel "F", in all a total distance of 2367.33 feet to a 5/8 inch iron rod with "ATKINSON 5897" cap set in the west line of said Gessner Road 100, being the southeast corner of said Parcel "J", and the southeast corner of said Republic Business Center LLC. Tract 3, and being the northeast corner of said Parcel "F" from which a found 5/8' iron rod bears S 16°33'55" W 0.46';

THENCE S 02°03'58"E 867.99 feet along the west line of said Gessner Road to the **PLACE OF BEGINNING**.

RP-2018-452514

RP-2018-452514
Pages 8
10/02/2018 02:44 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees \$40.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Stan Stanart

COUNTY CLERK
HARRIS COUNTY, TEXAS

Special Warranty Deed

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

DATE: May 17, 2017

GRANTOR: NATIONAL PROPERTY HOLDINGS, L.P., a Texas limited partnership

GRANTOR'S MAILING ADDRESS: 3207 South Sam Houston Parkway East, Suite 100
Houston, Texas 77047

GRANTEE: REPUBLIC BUSINESS CENTER, LLC, a Delaware limited liability company

GRANTEE'S MAILING ADDRESS: 3207 South Sam Houston Parkway East, Suite 100
Houston, Texas 77047

CONSIDERATION: \$10.00 and other good and valuable consideration, the receipt and sufficiency of which are acknowledged

PROPERTY: The land described on **Exhibit A** attached hereto and all buildings, improvements and fixtures thereon, together with all rights, privileges, and appurtenances pertaining thereto, including Grantor's right, title, and interest in any minerals, utilities, adjacent streets, alleys, strips, gores, and rights-of-way

EXCEPTIONS TO WARRANTY: (i) The matters herein stated; (ii) all easements, rights-of-way, restrictions, covenants, and other matters of record in the office of the County Clerk of Harris County, Texas, but only to the extent the same are in force and effect and relate the Property; and (iii) all state and federal laws and regulations, if any, affecting the Property, though they may be unrecorded

Grantor, for the Consideration and subject only to the Exceptions to Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise.

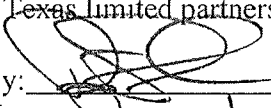
GRANTOR HEREBY SPECIFICALLY DISCLAIMS ANY WARRANTY, GUARANTY OR REPRESENTATION, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, OR CONCERNING (a) THE NATURE AND CONDITION OF THE

PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, THE SUITABILITY THEREOF AND OF THE LOTS AND THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY ELECT TO CONDUCT, THE EXISTENCE OF ANY ENVIRONMENTAL HAZARDS OR CONDITION (INCLUDING BUT NOT LIMITED TO THE PRESENCE OF ASBESTOS OR OTHER HAZARDOUS MATERIALS) OR COMPLIANCE WITH APPLICABLE ENVIRONMENTAL LAWS, RULES OR REGULATIONS; (b) THE NATURE AND EXTENT OF ANY RIGHT-OF-WAY, LEASE, POSSESSION, LIEN, ENCUMBRANCE, LICENSE, RESERVATION, CONDITION OR OTHERWISE; AND (c) THE COMPLIANCE OF THE PROPERTY OR ITS OPERATION WITH ANY LAWS, ORDINANCES OR REGULATIONS OF ANY GOVERNMENTAL ENTITY OR BODY. GRANTEE ACKNOWLEDGES THAT IT HAS MADE OR WILL MAKE PRIOR TO GRANTEE'S PURCHASE OF THE PROPERTY ALL STUDIES, TESTS AND INSPECTIONS IT DEEMED NECESSARY OR APPROPRIATE CONCERNING THE PROPERTY AND, OTHER THAN GRANTOR'S CONTRACTUAL WARRANTIES, GRANTEE WILL RELY SOLELY ON ITS OWN INVESTIGATION OF THE PROPERTY AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY OR ON BEHALF OF GRANTOR. THE SALE OF THE PROPERTY IS MADE ON AN "AS IS", "WHERE IS" AND "WITH ALL FAULTS" BASIS, AND GRANTEE EXPRESSLY ACKNOWLEDGES THAT, IN CONSIDERATION OF THE AGREEMENTS OF GRANTOR, GRANTOR MAKES NO WARRANTY OR REPRESENTATION, EXPRESS OR IMPLIED, OR ARISING BY OPERATION OF LAW, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OF CONDITION, TITLE (OTHER THAN THE WARRANTY OF TITLE CONTAINED IN THE DEED), HABITABILITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE WITH RESPECT TO THE PROPERTY OR ANY PORTION THEREOF OTHER THAN GRANTOR'S CONTRACTUAL WARRANTIES.

[End of text; signature page follows.]

GRANTOR:

NATIONAL PROPERTY HOLDINGS, L.P.,
a Texas limited partnership

By: 

Name: Ryan Lovell

Title: Vice President

STATE OF TEXAS

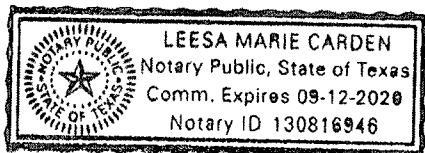
§

COUNTY OF HARRIS

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This instrument was acknowledged before me on May 17, 2017, by Ryan Lovell, Vice President of NATIONAL PROPERTY HOLDINGS, L.P., a Texas limited partnership, on behalf of such partnership.



Leesa Carden

Notary Public, State of Texas

Exhibit A
Property Description

Exhibit A

Property Description

Tract 1

A TRACT OR PARCEL CONTAINING 15.8530 ACRES OR 690,559 SQUARE FEET OF LAND BEING ALL OF PARCEL "G", JOHN BEN TAUB TRACT, AS DESCRIBED IN THE J.N. TAUB HEIRS PARTITION SUIT, CAUSE NO. 80-36974, 165TH DISTRICT COURT, 159.0839 ACRE TRACT SITUATED IN THE M. JAMES SURVEY, ABSTRACT NO. 486, HARRIS COUNTY, TEXAS, WITH SAID 15.8530 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

COMMENCING AT AN ALUMINIUM DISK FOUND ON THE WEST RIGHT-OF-WAY LINE (R.O.W.) OF GESSNER ROAD (100 FEET R.O.W.) AS RECORDED UNDER HARRIS COUNTY CLERK'S FILES NO. M428088, P470456 & P470457, MARKING THE SOUTHEAST CORNER OF A CALLED 13.712 ACRE TRACT CONVEYED TO KIT'CHCO REALTY, LTD AS RECORDED UNDER H.C.C.F. NO. U476430 AND THE NORTHEAST CORNER OF A CALLED 16.596 ACRE TRACT CONVEYED TO HOUSTON LIGHTING & POWER COMPANY AS RECORDED UNDER H.C.C.F. NO. C297221;

THENCE, SOUTH 88 DEG. 20 MIN. 47 SEC. WEST, ALONG THE COMMON LINE OF SAID CALLED 13.712 AND SAID HOUSTON LIGHTING & POWER COMPANY TRACT, A DISTANCE OF 2,367.06 FEET TO A 3/4" IRON ROD FOUND ON THE SOUTHWEST CORNER OF A CALLED 46.713 ACRE TRACT CONVEYED TO TEXAN LAND AND CATTLE II, LTD AS RECORDED UNDER H.C.C.F. NO. X657306, MARKING THE **POINT OF BEGINNING** AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 88 DEG. 20 MIN. 47 SEC. WEST, ALONG THE NORTH LINE OF SAID HOUSTON LIGHTING & POWER COMPANY, A DISTANCE OF 814.35 FEET TO AN ALUMINIUM DISK IN CONCRETE FOUND AT THE SOUTHEAST CORNER OF THE NATIONAL PROPERTY HOLDINGS, TRACT I, CALLED 31.1160 ACRE TRACT AS RECORDED UNDER H.C.C.F. NO. RP-2016-221754, MARKING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH AN ALUMINIUM DISK FOUND, BEARS FOR REFERENCE SOUTH 88 DEG. 20 MIN. 47 SEC., A DISTANCE OF 832.91 FEET

THENCE, NORTH 02 DEG. 03 MIN. 19 SEC. WEST, ALONG THE EAST LINE OF SAID CALLED 31.1160 ACRE TRACT, A DISTANCE OF 845.13 FEET TO A BENT 5/8 INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF THE NATIONAL PROPERTY HOLDINGS, LP, CALLED 32.5240 ACRE TRACT, AS RECORDED UNDER H.C.C.F. NO. RP-2016-221754, MARKING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 87 DEG. 56 MIN. 29 SEC. EAST, ALONG THE SOUTH LINE OF SAID CALLED 32.5240 ACRE TRACT, A DISTANCE OF 814.33 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET AT THE NORTHWEST CORNER OF SAID CALLED 46.713 ACRE TRACT, MARKING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 5/8 INCH IRON ROD FOUND, BEARS FOR REFERENCE NORTH 87 DEG. 56 MIN. 29 SEC. EAST, A DISTANCE OF 2,366.70 AND A BENT 5/8 INCH IRON ROD FOUND BEARS, NORTH 01 DEG. 09 MIN. 35 SEC. EAST, A DISTANCE OF 1.32 FEET;

THENCE, SOUTH 02 DEG. 03 MIN. 19 SEC. EAST, ALONG THE WEST LINE OF SAID CALLED 46.713 ACRE TRACT, A DISTANCE OF 850.89 FEET TO THE PLACE OF BEGINNING AND CONTAINING 15.8530 ACRES OR 690,559 SQUARE FEET OF LAND.

Tract 2

A **METES & BOUNDS** description of a 62.093 acre tract of land situated in the Madison James Survey, Abstract No. 486, Harris County, Texas, being out of and a part of a remainder of a called 31.1160 acre tract conveyed to Blossom Development, Inc. and Terra Prima, LTD. by Special Warranty Deed as recorded under Clerks File No. Y457012 of the Harris County Official Public Records of Real Property and being all of a called 32.5240 acre tract conveyed to Terra Prima, Ltd. and Blossom Development, Inc., by Special Warranty Deed as recorded under Clerk's File No. Y457005 of the Harris County Official Public Records of Real Property; said 62.093 tract being more particularly described as follows with all bearings being based on a call of South 00°32'15" West along the west line of a called 1.2425 acre tract conveyed to Emerald Forest Utility District by Special Warranty Deed dated March 21, 2001 as recorded under Clerk's File No. U965801 of the Harris County Official Public Records of Real Property;

BEGINNING at a found 5/8-inch iron rod (with cap stamped "Cotton Surveying") in the north line of a called 16.596 acre tract conveyed to H.L.&P. by Deeds filed for record under Volume 1430, Page 160 and Volume 6343, Page 11 both of the Harris County Deed Records, in the south line of said 31.1160 acres and for the southeast corner of a called 1.500 acre tract conveyed to Emerald Forest Utility District by Special Warranty Deed filed for record under Clerk's File Number 20080245906 of the Harris County Official Public Records of Real Property, same being the most southerly southwest corner of the herein described tract, from which a found 5/8-inch iron rod (with cap stamped "Cotton Surveying") bears North 89°14'19" West, 181.21 feet;

THENCE, North 00°32'15" East, 360.94 feet along the east line of said 1.500 acres to a found 5/8-inch iron rod (with cap stamped "Cotton Surveying") for the northeast corner of same;

THENCE, North 89°27'45" West, along the north line of said 1.500 acres passing a found 5/8-inch iron rod (with cap stamped "Cotton Surveying") at a distance of 181.21 feet and continuing along the north line of said 1.2425 acre tract for a total distance of 331.21 feet to a found 5/8-inch iron rod (with cap stamped "Cotton Surveying") for the northeast corner of a called 3.0000 acre tract conveyed to Emerald Forest Utility District by General Warranty Deed filed for record under Clerk's File Number E190286 of the Harris County Official Public Records of Real Property, the southeast corner of Lot 16, Block 4 of Turtle Lake, Section Two as recorded under Volume 283,

Page 42 of the Harris County Map Records and for the northwest corner of said 1.2425 acres, same being the most westerly southwest corner of the herein described tract;

THENCE, North 00°38'59" East, 221.34 feet along the east line of said Turtle Lake, Section Two and the west line of said 31.1160 acre tract to a found 3/4-inch iron rod;

THENCE, North 00°26'34" East, continuing along the east line of said Turtle Lake, Section Two and the west line of said 31.1160 acre tract passing a found 1/2-inch iron rod at a distance of 133.16 feet, passing a found concrete monument at a distance of 193.05 feet, passing a found 5/8-inch iron rod at a distance of 193.73 feet, 0.37 feet left and passing a found 3/4-inch iron rod found (with cap stamped "Atkinson RPLS 1622") at a distance of 1132.91 feet and continuing for a total distance of 1133.84 feet to a point in the south line of Lot 8, Block 11 of Meadow Vista Section 2 as shown on a plat filed for record under Volume 53, Page 37 of the Harris County Map Records, for the north corner of Lot 9 and the northeast corner of Lot 8 both in Block 3 of said Turtle Creek, Section Two and for the northwest corner of said 31.1160 acres, same being the northwest corner of the herein described tract;

THENCE, North 89°37'25" East, along the south line of said Meadow Vista, Section 2, Meadow Vista Section 3 as recorded under Volume 53, Page 67 of the Harris County Map Records and Meadow Vista, Section 4 as recorded under Volume 54, page 31 of the Harris County Map Records, the north line of said 31.1160 acre tract and the north line of said 32.5240 acre tract, passing a found 3/4-inch iron rod (with cap stamped "Atkinson RPLS 1622") at a distance 0.98 feet, passing a found 1-inch iron pipe at a distance of 1252.78 feet, 0.84 feet left and continuing for a total distance of 2412.38 feet to a point for the northwest corner of a called 31.595 acre tract, known as Tract "A2", conveyed to Jim Taub Schwartz ET AL by judgement as recorded under Clerk's File No. V617142 of the Harris County Official Records of Real Property, for the northeast corner of said 32.5240 acres and the northeast corner of the herein described tract, from which a found concrete monument bears North 06°55'17" West, 0.27 feet;

THENCE, along the west line of said Tract "A2" and the east line of said 32.5240 acre tract the following five (5) courses and distances:

1. South 00°15'05" East, 149.52 feet to a found concrete monument, beginning a curve to the left;
2. In a southeast direction, along the arc of said curve to the left having a radius of 4220.52 feet, a central angle of 02°42'50", an arc length of 199.90 feet and a chord bearing South 01°47'36" East, 199.89 feet to a found concrete monument;
3. South 03°00'27" East, 178.75 feet to a concrete monument, beginning a curve to the right;
4. In a southeast direction, along the arc of said curve to the right having a radius of 4220.52 feet, a central angle of 02°42'34", an arc length of 199.58 feet and a chord bearing South 01°52'35" East, 199.56 feet to a found concrete monument;

5. South 00°22'34" East, 149.44 feet to a point in the north line of a called 46.713 acre tract, known as Parcel "F", conveyed to Henry J. N. Taub ET AL by Final Decree of Partition as recorded under Clerk's File No. M934067 of the Harris County Official Public Records of Real Property for the southeast corner of said 32.5240 acres, same being the most easterly southeast corner of the herein described tract;

THENCE, South 89°39'29" West, along the south line of said 32.5240 acre tract, the north line of a said Parcel "F" and the north line of a called 15.856 acre tract, known as Parcel "G", conveyed to Henry J. N. Taub ET AL by Final Decree of Partition as recorded under Clerk's File No. M934067 of the Harris County Official Public Records of Real passing a found 5/8-inch iron rod at a distance of 23.53 feet, 1.38 feet right, passing a found 5/8-inch iron rod (bent) at a distance of 808.80 feet and continuing for a total distance of 1623.37 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter") in the east line of said 31.1160 acres, for the southwest corner of said 32.5240 acres and the northwest corner of said Parcel "G";

THENCE, South 00°24'11" East, along the west line of said Parcel "G" and the east line of said 31.1160 acre tract passing a found concrete monument at a distance of 31.60 feet and continuing for a total distance of 844.13 feet to a found concrete monument in the north line of said 16.596 acres, for the southwest corner of said Parcel "G" and for the southeast corner of said 31.1160 acres, same being the most southerly southeast corner of the herein described tract;

THENCE, South 89°29'08" West, 502.21 feet along the north line of said 16.596 acre tract and the south line of said 31.1160 acre tract to the **POINT OF BEGINNING, CONTAINING** 62.093 acres of land out of Harris County, Texas as shown on drawing number 3992.

Tract 3

A **METES AND BOUNDS** description of a 31.562 acre tract situated in the Madison James Survey, Abstract Number 486 in Harris County, Texas, being all of a called 31.595 acre tract conveyed to Jim Taub Schwartz and Judith L. Schwartz by Special Warranty Deed filed for record under Clerk's File Number 20110370108 of the Harris County Official Public Records of Real Property; said 31.562 acres being more particularly described as follows with all bearings being based on a call of South 00°32'15" West along the west line of a called 1.2425 acre tract conveyed to Emerald Forest Utility District by Special Warranty Deed filed for record under Clerk's File Number U965801 of the Harris County Official Public Records of Real Property:

BEGINNING at a found concrete monument in the west right-of-way Gessner Road, (called 100-foot wide), for the southeast corner of Lot 1, Block 26 of Meadow Vista, Section 4 as shown on a plat filed for record in Volume 54, Page 31 of the Harris County Map Records and for the northeast corner of said 31.595 acres, same being the northeast corner of the herein described tract;

THENCE, South 00°23'21" East, (called South 02°03'10" East) along the west right-of-way of said Gessner Road and the east line of said 31.595 acres passing at a distance of 832.67 feet, 1.13 feet left a found concrete monument and continuing in all a total distance of 877.77 feet, (called 877.99 feet) to a found 3/4-inch iron rod for the northeast corner of the remainder of a called 46.713 acre tract, known as Parcel F, conveyed to Henry J. N. Taub et al by Final Decree of Partition filed for record under Clerk's File Number M934067 of the Harris County Official Public

Records of Real Property and for the southeast corner of said 31.595 acres, same being the southeast corner of the herein described tract;

THENCE, South 89°39'29" West, 1557.98 feet, (called South 87°56'50" West, 1,558.50 feet) along the north line of said 46.713 acres, the north line of a 33.01 acre tract conveyed to Texan Land and Cattle II, LTD by Clarification Special Warranty Deed filed for record under Clerk's File Number X657306 of the Harris County Official Public Records of Real Property and the south line of said 31.595 acres to a point for the southeast corner of a called 32.5240 acre tract conveyed to Blossom Development, Inc. by Special Warranty Deed filed for record under Clerk's File Number Y457005 of the Harris County Official Public Records of Real Property and for the southwest corner of said 31.595 acres, same being the southwest corner of the herein described tract, from which a found 3/4-inch iron rod bears South 00°22'34" East, 0.65 feet;

THENCE, in a northerly direction along the east line of said 32.5240 acres and the west line of said 31.595 acres the following five (5) courses and distances:

1. North 00°22'34" West, (called North 02°03'10" West) passing at a distance of 29.44 feet a found concrete monument and continuing in all a total distance of 149.44 feet, (called 150.00 feet) to a found concrete monument, beginning a non-tangent curve to the left;
2. In a northwesterly direction, with the arc of said curve to the left having a radius of 4,220.52 feet, a central angle of 02°42'34", an arc length of 199.58 feet, and a chord bearing North 01°52'35" West, 199.56 feet to a found concrete monument;
3. North 03°00'27" West, 178.75 feet, (called North 04°46'03" West, 178.46 feet) to a found concrete monument, beginning a non-tangent curve to the right;
4. In a northwesterly direction, with the arc of said curve to the right having a radius of 4,220.53 feet, a central angle of 02°42'50", an arc length of 199.90 feet, and a chord bearing North 01°47'36" West, 199.89 feet to a found concrete monument;
5. North 00°15'05" West, 149.52 feet, (called North 02°03'10" West, 150.00 feet) to a point in the centerline of Beeville Drive, (called 60-foot wide) as shown on a plat filed for record under Volume 53, Page 67 of the Harris County Map Records, for the northeast corner of said 32.5240 acres and the northwest corner of said 31.595 acres, same being the northwest corner of the herein described tract, from which a found concrete monument found bears North 00°15'05" West, 0.32 feet;

THENCE, North 89°37'25" East, (called North 87°56'56" East) along the south line of Meadow Vista, Section 3 as shown on a plat filed for record under Volume 53, Page 67 of the Harris County Map Records, the south line of said Meadow Vista, Section 4 and the north line of said 31.595 acres passing at a distance of 583.99 feet, 0.35 feet right a found 1-inch iron pipe and continuing in all a total distance of 1,575.83 feet, (called 1,576.43 feet) to the **POINT OF BEGINNING, CONTAINING** 31.562 acres in Harris County, Texas, as shown on drawing number 3878 in the office of Cotton Surveying Company, The Woodlands, Texas.