



Control Number: 51084



Item Number: 1

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51084

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FILED IN DOCKET NO. 51084

PETITION OF AMERICUS  
HOLDINGS, LTD. TO AMEND  
GULF COAST WASTE DISPOSAL  
AUTHORITY'S SEWER  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY NO. 20465 IN  
CHAMBERS COUNTY BY  
STREAMLINED EXPEDITED  
RELEASE UNDER TEXAS WATER  
CODE § 13.2541 AND 16 TAC  
§ 24.245(h)

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BEFORE THE  
PUBLIC UTILITY COMMISSION  
OF TEXAS

**PETITION OF AMERICUS HOLDINGS, LTD. TO AMEND GULF COAST WASTE  
DISPOSAL AUTHORITY'S SEWER CERTIFICATE OF CONVENIENCE AND  
NECESSITY NO. 20465 IN CHAMBERS COUNTY BY STREAMLINED EXPEDITED  
RELEASE UNDER TEXAS WATER CODE § 13.2541 AND 16 TAC § 24.245(h)**

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Americus Holdings, Ltd. (the "*Petitioner*"), and hereby files with the Public Utility Commission of Texas (the "*Commission*") this Petition to Amend Sewer Certificate of Convenience and Necessity ("*CCN*") No. 20465, held by Gulf Coast Waste Disposal Authority ("*Gulf Coast*"), in Chambers County by Streamlined Expedited Release ("*Petition*") under Tex. Water Code ("*TWC*") § 13.2541 and 16 Texas Administrative Code ("*TAC*") § 24.245(h). In support thereof, the Petitioner would respectfully show as follows:

**I. PETITION**

1. Under certain circumstances, TWC § 13.2541 and 16 TAC § 24.245(h) provide the owner of a tract of land the right to petition the Commission for the streamlined, expedited release of all or a portion of the tract of land from the service area associated with a water and/or sewer CCN. Specifically, the Commission must grant a petition for streamlined expedited release of land from a CCN if the following conditions are met: (a) the tract of land to be released is

at least twenty-five (25) acres in size; (b) the tract of land is not receiving service of the type authorized by the CCN from which release is sought; (c) at least a part of the tract of land is located within the service area of the CCN from which release is sought; and (d) at least some of the tract of land to be released is located in a “qualifying county,” as such term is defined in TWC § 13.2541(b).

2. Based on the criteria in TWC § 13.2541 and 16 TAC § 24.245(h), the Petitioner is entitled to streamlined expedited release of approximately 187.099 acres of land from Gulf Coast’s sewer CCN No. 20465 (the “***Gulf Coast CCN***”), located in Chambers County, Texas.
3. Specifically, Petitioners own an approximately 187.099 acre tract of land, comprised of four smaller, contiguous tracts, in Chambers County, Texas (collectively, the “***Tract***”). Copies of the recorded deeds evidencing Petitioner’s ownership of the Tract, which describe the four smaller, contiguous tracts in metes and bounds, are attached hereto as **Exhibit A**.
4. The Tract is depicted by large and small scale maps as well as a CD-ROM containing projectable digital data, with metadata, which are attached hereto as **Exhibit B**.
5. The Tract lies entirely within the boundaries of Gulf Coast’s Sewer CCN No. 20465.
6. Petitioner has never received retail sewer service from Gulf Coast at the Tract.
7. **Exhibits A** and **B** show that the Tract is located wholly in Chambers County, Texas. The Commission’s streamlined expedited release “Approved List of Counties” guidance document indicates that Chambers County is a qualifying county, meeting the requirements of TWC § 13.2541 and 16 TAC § 24.245(h)(2).<sup>1</sup>
8. Simultaneously with the filing of this Petition with the Commission, the Petitioner is serving a copy of the Petition on Gulf Coast. Attached hereto as proof that a copy of the Petition was

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<sup>1</sup> See also, Public Utility Commission of Texas, “Streamlined Expedited Release Guidance.” Available at: [www.puc.texas.gov/industry/water/utilities/Streamline.pdf](http://www.puc.texas.gov/industry/water/utilities/Streamline.pdf).

mailed to Gulf Coast via certified mail on the same day the Petitioner submitted this Petition with the Commission is **Exhibit C**, a U.S. Postal Service Certified Mail Receipt.

9. Also attached hereto as **Exhibit D** is a notarized affidavit of Andrew Schatte, the President of Americus Holdings, Ltd., which verifies and affirms the information provided herein.

## **II. CONCLUSION & PRAYER**

For these reasons, Petitioner, Americus Holdings, Ltd., respectfully requests that: (a) this Petition be deemed properly filed with the Commission; (b) this Petition be granted in all respects as provided under TWC § 13.2541 and 16 TAC § 24.245(h); (c) the Commission enter an order releasing the 187.099-acre Tract from Gulf Coast Waste Disposal Authority's sewer Certificate of Convenience and Necessity No. 20465 in Chambers County, Texas; and (d) all other orders, acts, procedures, and relief be granted as are necessary and proper to the release of the 187.099-acre Tract from Gulf Coast Waste Disposal Authority's sewer Certificate of Convenience and Necessity No. 20465 in Chambers County, Texas.

Respectfully submitted,

**LLOYD GOSSELINK**  
**ROCHELLE & TOWNSEND, P.C.**  
816 Congress Ave., Suite 1900  
Austin, Texas 787012  
(512) 322-5800  
(512) 472-0532 (Fax)



DAVID J. KLEIN  
State Bar No. 24041257

MARIS M. CHAMBERS  
State Bar No. 24101607

**ATTORNEYS FOR AMERICUS HOLDINGS,  
LTD.**

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was transmitted by fax, hand-delivery, and/or regular, first class mail on this the 17th day of July, 2020 to the parties of record, in accordance with 16 Tex. Admin. Code § 22.74.

A handwritten signature in black ink, appearing to read 'DK', is written over a horizontal line.

David J. Klein

**Exhibit A**

Copies of Recorded Deeds Evidencing Petitioner's Ownership

FAH18009082

**WARRANTY DEED WITH VENDOR'S LIEN**

**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.**

THE STATE OF TEXAS

§

COUNTY OF CHAMBERS

§

§

KNOW ALL MEN BY THESE PRESENTS:

THAT THE UNDERSIGNED, **JONI ANDERSON, TRUSTEE**, hereinafter called "Grantor", whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid by **AMERICUS HOLDINGS, LTD**, hereinafter collectively called "Grantee", the receipt and sufficiency of which are hereby acknowledged and confessed, and the further consideration of the sum of [REDACTED] paid by Allegiance Bank, a Texas banking corporation, ("Beneficiary") at the special instance and request of Grantees, the receipt of which is hereby acknowledged and confessed, and as evidence of such advancement, the Grantees herein have executed their promissory note of even date herewith (the "Note"), which Note is secured by the Vendor's Lien herein reserved and is additionally secured by a deed of trust of even date herewith to Ramon A. Vitulli III, Trustee, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto Grantees all that certain lot, tract or parcel of land, together with all improvements thereon, lying and being situated in Chambers County, Texas, to-wit:

See attached Exhibit "A"

This conveyance is made and accepted expressly subject to any and all restrictions, encumbrances, easements, covenants, and previously conveyed or reserved mineral and royalty interests, if any, relating to the hereinabove described property, but only to the extent they are still in effect and shown of record in the hereinabove mentioned County and State, and to all zoning laws, regulations, and ordinances of municipal and/or governmental authorities if any, but only to the extent they are still in effect relating to the herein above described property.

TO HAVE AND TO HOLD the above described property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantees, Grantees' heirs, executors, administrators, successors and/or assigns to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors and/or assigns against every person whomsoever claiming or to claim the same or any part thereof.

But it is expressly agreed that the Vendor's Lien is retained against the above described property, premises and improvements until the above described Note, and all interest thereon, is fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute. In consideration of the payment of the sum evidenced by the Note, Grantor hereby

transfers, sets over, assigns and conveys unto Beneficiary and its assigns, the vendor's lien and superior title herein retained and reserved against the property herein conveyed, in the same manner and to the same extent as if the Note had been executed in Grantor's favor and by Grantor assigned to Beneficiary, without recourse.

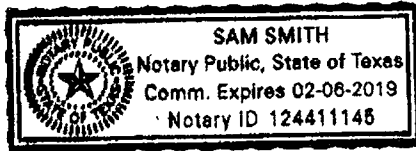
When this deed is executed by more than one person, or when the Grantee is more than one person, the instrument shall read as though pertinent verbs and pronouns were changed to correspond, the use of any gender shall include all genders, and when executed by or to a corporation the words "heirs, executors, and administrators" or "heirs and assigns" shall be construed to mean "Successors and assigns".

EXECUTED to be effective this 21st day of December, 2018.

Joni Anderson, Trustee  
Joni Anderson, Trustee

THE STATE OF TEXAS     §  
   §  
COUNTY OF HARRIS     §

This instrument was acknowledged before me on the 21st day of December, 2018 by Joni Anderson.



[Signature]  
NOTARY PUBLIC, STATE OF TEXAS

GRANTEE'S ADDRESS:  
5330 MONTROSE BLVD  
HOUSTON, TX 77005



## EXHIBIT "A"

FIELD NOTES of a 5.7270 acre tract of land situated in the Chambers County School Land Survey, Abstract 321, Chambers County, Texas and being the residue of Tract No. 1, lying on the South side of interstate Highway No. 10; said Tract No. 1 being the East 5.69 acres of Lot No. 8 of the partition of the F. H. Stubbs 117.59 acres, being Tract No. 3, as recorded in Volume 65 at Page 310 of the Deed Records of Chambers County, Texas, and Tract No. 2 (being the East 1/2 of Lot No. 9 of said Stubbs Partition of 117.59 acres) as described in Gift Deed from Annie May Craft, individually and as Independent Executrix of the Estate of Harry P. Craft, deceased, to Anna Mae Craft Johnston, Richard M. Johnston and Richard M. Johnston, Jr. dated August 14, 1981 and recorded in Volume 481 at Page 279 of the Deed Records of Chambers County, Texas. Said tract also being part of same land (called undivided 1/3 interest in East 0.42 acres of Lot No. 8) as conveyed by Anna Mae Craft Johnston, Independent Executor of the Estate of Richard M. Johnston, Sr., deceased, to Anna Mae Craft Johnston, Trustee of the Richard M. Johnston Residuary Trust, by Deed dated June 7, 1994 and recorded in Volume 246 at Page 84 of the Official Public Records of Chambers County, Texas; and being that same land (called 5.7340 acres) conveyed by Anna Mae Craft Johnston, Individually and as Trustee of the Richard M. Johnston Residuary Trust to Billy B. Angel (all of Grantor's undivided interest) by Deed dated August 9, 1999 and recorded in Volume 424 at Page 176 of the Official Public Records of Chambers County, Texas. Said interest conveyed to Billy B. Angel being that same land conveyed by Billy Bailey Angel, deceased, to The Gregory Lynn Angel Family Trust, The Billy Glenn Angel Family Trust and The Gary Alan Angel Family Trust by Will dated December 12, 2001 and recorded in Volume 746 at Page 481 of the Official Public Records of Chambers County, Texas. This 5.7270 acres is more particularly described by the following metes and bounds, to-wit:

NOTE: BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR= 1.0000000. REFERENCE IS MADE TO THE PLAT OF EVEN DATE ACCOMPANYING THIS METES AND BOUNDS DESCRIPTION.

BEGINNING at a 1/2 inch iron rod, with cap (BHA), set in the South right-of-way line of Interstate Highway 10 (300 feet wide right-of-way) at the Northwest corner of that certain 40.323 acres described in Lis Pendens titled State of Texas vs. Family Interests, Ltd., dated June 6, 2005 and recorded in Volume 781 at Page 367 of the Official Public Records of Chambers County, Texas. Said point being the Northeast corner and POINT OF BEGINNING of this tract and has a State Plane Coordinate Value of Y=13,870,267.98 and X=3,278,546.95; from which a TXDOT Monument with Aluminum Disk found for the Northeast corner of said 40323 acres bears North 82 ° 18' 37" East 1732.44 feet.

THENCE: South 02 ° 31 '30" East along the East line of this tract, the East line of said 0.13 of an acre, the East line of said Lot 9, the Northernmost West line of said 40.323 acres and the West line of that certain 154.072 acres (Tract 3) conveyed by Park Block, Ltd. to Chambers Grand Parkway Development, Ltd. by Deed dated April 30, 2008 and recorded in Volume 1040 at Page 706 of the Official Public Records of Chambers County, Texas and at 50.17 feet pass a 1/2 inch

iron rod, with cap (BHA), set for an exterior corner of said 40.323 acres and the Northwest corner of said 154.072 acres (Y=13,870,217.86 and X=3,278,549.16); in all, a total distance of 438.91 feet to a 1/2 inch iron rod, with cap (Chandler), found for the Southeast corner of this tract, the Southeast corner of said Lot 9 and the Northeast corner of the residue of that certain 20.98 acres conveyed by Betty Stubbs McCune to Frank H. McCune In Cause #3127 of the Probate Records of Chambers County, Texas. Said point has a State Plane Coordinate Value of Y=13,869,829.49 and X=3,278,566.29; from which a 5/8 inch iron rod (found) bears North 10 ° 20' 8" West 0.62 feet

THENCE: South 87 ° 31' 35" West along the South line, of this tract, the South line of said Lot 9 and the North line of said 20.98 acres for a distance of 607.18 feet to a 5/8 Inch Iron rod found for the Southwest corner of this tract and the Southeast corner of that certain 4.964 acres conveyed by Michael L. Graham, et al, to Wowco Properties, LLC by Deed dated August 18 & 19, 2016 and recorded In Volume 1677 at Page 404 of The Official Public Records of Chambers County, Texas. Said point has a State Plane Coordinate Value of Y=13,869,803.29 and X=3,277,959.68; from which a 1/2 inch iron rod, with cap (Chandler), found for the Southwest corner of said 4.964 acres, the Southwest corner of said Lot 9 and the Northwest corner of the residue of said 20.98 acres bears South 87°18'51" West 606.74 feet.

THENCE: North 02 ° 17' 47" West along the West line of this tract and the East line of said 4.964 acres, over and across said Lot 9, For a distance of 383.93 feet to a 1/2 inch iron rod, with cap (BHA), set In the South right-of-way line of said Interstate Highway 10 for the Northwest corner of this tract and the Northeast corner of said 4.964 acres. Said point has a State Plane Coordinate Value of Y=13,870,186.91 and X=3,277,944.29.

THENCE: North 82 ° 20' 19" East along the North line of this tract and the South right-of-way line of said Interstate Highway 10 for a distance of 608.09 feet to the PLACE OF BEGINNING and containing within these boundaries 5.7270 acres of land.

FILED FOR RECORD IN  
Chambers County Clerk  
On: 12/27/2018 1:57PM  
Doc Number 2018-138549  
Number of Pages 5  
Amount: \$38.00  
Order#: 20181227000036  
By: AM  
Heather H. Hawthorne



**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       §  
  §                   **KNOW ALL BY THESE PRESENTS:**  
COUNTY OF CHAMBERS   §

THAT, The Noor Foundation, a Texas Nonprofit Corporation ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) in hand paid to Grantor by Americus Holdings, Ltd., a Texas limited partnership ("Grantee"), the receipt of which is hereby acknowledged by Grantor, and other good and valuable consideration paid and agreed and secured to be paid to Grantor by Grantee in the manner set forth below, the sufficiency of which consideration is hereby acknowledged by Grantor, has GRANTED, BARGAINED, SOLD, and CONVEYED and by these presents does GRANT, BARGAIN, SELL, and CONVEY unto said Grantee, its successors and assigns, subject to the Permitted Exceptions (as defined below), all of that certain real property located in Chambers County, Texas, more particularly described in Exhibit "A" attached hereto (the "Property"). In addition, Grantor further does GRANT, BARGAIN, SELL, and CONVEY unto said Grantee, its successors and assigns, subject to the Permitted Exceptions (as defined below) all right, title and interest of Grantor, if any, in and to any adjacent roads, streets, alleys, rights of way, rights of ingress and egress and any reversionary interests, easements, and servitudes, and appurtenances pertaining thereto including, without limitation, air and subsurface rights, appurtenant easements, water rights, all drainage and utility facilities, utility, access and development rights and privileges appertaining thereto, and oil, gas and other minerals situation on, in and under the real property herein conveyed, and with all improvements located thereon belonging to Grantor, strips or gores, if any, between the Property and abutting properties, air and subsurface rights, water rights, and oil, gas and other minerals situated on, in and under the Property.

This conveyance is made by Grantor and accepted by Grantee expressly subject to the liens securing payment of real estate ad valorem taxes for the current and all subsequent years, as well as to those matters set forth on Exhibit "B", attached hereto and incorporated herein by reference (the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, unto Grantee, and its successors and assigns forever; and subject to the above described Permitted Exceptions, Grantor does hereby bind itself and its successors, to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor but not otherwise.

As part of the other consideration for the conveyance herein made, Grantee shall execute and deliver that certain Promissory Note ("the Note") in the amount of [REDACTED] executed by Grantee payable to the order of Allegiance Bank, a Texas banking corporation ("Lender"), whose address for notice is 8727 West Sam Houston Parkway North, Houston, Texas, 77040, and the payment of the Note shall be secured by the vendor's lien and superior title herein reserved and assigned to Lender and by the Deed of Trust ("Deed of Trust") dated of even date with the Note, from Grantee to Ramon A. Vitulli III, Trustee, whose address for notice is 8727 West Sam Houston Parkway North, Houston, Texas, 77040, for the benefit of Lender, securing Lender's interest in the Property. Lender has, at the special instance and request of Grantee, paid to Grantor a portion of the

purchase price of the Property, as evidenced by the Note, and thus Grantor hereby expressly reserves and retains for Lender, and its successors and assigns, the vendor's lien, as well as the superior title, in and to the Property to secure (i) the payment of the Note, and (ii) the performance and payment by Grantee of all covenants, conditions, obligations and liabilities under the Deed of Trust. Upon the full and complete payment of the Note and satisfaction and performance of all covenants, conditions, obligations and liabilities under the Deed of Trust, then this conveyance shall become absolute and the vendor's lien and superior title herein reserved shall be automatically released and discharged.

GRANTEE HEREBY ACKNOWLEDGES THAT IT HAS THOROUGHLY INSPECTED AND EXAMINED THE PROPERTY TO THE EXTENT DEEMED NECESSARY BY GRANTEE IN ORDER TO ENABLE GRANTEE TO EVALUATE THE PURCHASE OF THE PROPERTY. GRANTEE REPRESENTS THAT IT IS A KNOWLEDGEABLE GRANTEE OF REAL ESTATE SUCH AS THE PROPERTY AND THAT EXCEPT AS EXPRESSLY SET FORTH IN THE PURCHASE AND SALE AGREEMENT BETWEEN GRANTOR AND GRANTEE DATED NOVEMBER 26, 2018 (THE "CONTRACT"), GRANTEE HAS RELIED SOLELY ON: (i) GRANTEE'S OWN EXPERTISE, AND (ii) THE EXPERTISE OF GRANTEE'S CONSULTANTS. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT EXCEPT AS EXPRESSLY SET FORTH IN THE CONTRACT, GRANTEE IS ACQUIRING THE PROPERTY ON AN "AS IS, WHERE IS" AND WITH ALL FAULTS BASIS, WITHOUT REPRESENTATIONS, WARRANTIES OR COVENANTS, EXPRESS OR IMPLIED, OF ANY KIND OR NATURE BY SELLER. IT IS UNDERSTOOD AND AGREED THAT EXCEPT AS EXPRESSLY SET FORTH IN THE CONTRACT, SELLER IS NOT MAKING AND SPECIFICALLY DISCLAIMS ANY WARRANTIES OR REPRESENTATIONS OF ANY KIND OR CHARACTER, EXPRESS OR IMPLIED.

Address of Grantee: 5330 Montrose Blvd.  
Houston, TX 77005

EXECUTED effective the 15<sup>th</sup> day of January, 2019.

The Noor Foundation, a Texas Nonprofit Corporation

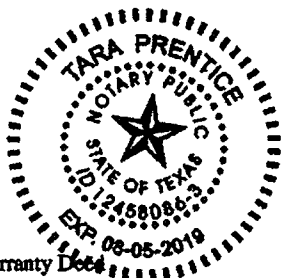
By: [Signature]  
Name: Francis C. Crowder  
Title: Authorized Signatory

THE STATE OF TEXAS

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§  
§

COUNTY OF HARRIS

This instrument was acknowledged before me on the 15 of January, 2019 by Francis Crowder, the Authorized Signatory of The Noor Foundation, a Texas Nonprofit Corporation.



[Signature]  
Notary Public Signature

Grantee's address for tax notices:

5330 Montrose Blvd.  
Houston, TX 77005

**EXHIBIT "A"**  
**to Special Warranty Deed**

**Property Description**

Being 41.7490 acres or 1,818,587 square feet of land situated in the Chambers County School Land Survey, Abstract No. 321, Chambers County, Texas, and being a portion of that certain called Tract 3 - 154.072 acre tract, conveyed to Park Block, Ltd. by deed recorded under Volume 1161, Page 209 of the Chambers County Deed Records on December 17, 2009, Chambers County, Texas. Said 41.7490 acre or 1,818,587 square foot tract being more fully described by metes and bounds as follows:

All bearings referenced herein were obtained from GPS observations and are referenced to NAD83 horizontal projection zone Texas South Central Zone 4204.

COMMENCING at a 5/8-inch iron rod with spinner found for corner, said corner being the intersection of the south right-of-way line of Interstate Highway 10, with the northwest right-of-way line of State Highway 99, a.k.a. Grand Parkway, a variable width right-of-way;

THENCE South 02° 28' 02" East, along the northwesterly line of said State Highway 99, for a distance of 50.88 feet, to a 5/8-inch iron rod set for corner, said corner being the most northwesterly corner of said 154.072 acre tract and the beginning of a non-tangent curve to the right;

THENCE along said non-tangent curve to the right and with the west right-of-way line of said State Highway 99, same being the east boundary line of said 154.072 acre tract, having a radius of 1,110.92 feet, a delta angle of 28° 43' 45" and a chord bearing and distance of South 61° 48' 08" East - 551.22 feet, for an arc distance of 557.04 feet, to a TXDOT right-of-way monument found for corner;

THENCE South 27° 18' 36" East, continuing along the west right-of-way line of said State Highway 99, same being the east boundary line of said 154.072 acre tract, for a distance of 2,133.74 feet, to a TXDOT right-of-way monument found for corner, said corner being the beginning of a curve to the right;

THENCE continuing along said curve to the right and with the west right-of-way line of said State Highway 99, same being the east boundary line of said 154.072 acre tract, having a radius of 2,664.79 feet, a delta angle of 23° 37' 11" and a chord bearing and distance of South 15° 30' 00" East - 1,090.77 feet, for an arc distance of 1,098.53 feet, to a 5/8-inch iron rod with plastic cap set for corner and being the POINT OF BEGINNING of the herein described tract of land;

THENCE continuing along said curve to the right and with the west right-of-way line of said State Highway 99, same being the east boundary line of said 154.072 acre tract, having a radius of 2,664.79 feet, a delta angle of 33° 30' 24" and a chord bearing and distance of South 13° 03' 47" West - 1,536.26 feet, for an arc distance of 1,558.37 feet, to a point for corner, from which a 5/8-inch iron rod with plastic cap was found at a bearing and distance of North 87° 35' 13" East - 0.47 feet, said corner being the most southeasterly boundary corner of said 154.072 acre tract, same being the northeast boundary corner of a called 92.3102 acre tract, conveyed to Kilgore Business, LLC by deed recorded under Volume 1163, Page 649 of the Chambers County Deed Records on July 8, 2016;

THENCE South 87° 34' 47" West, along the south boundary line of said 154.072 acre tract, same being the north boundary line of said 92.3102 acre tract, for a distance of 944.64 feet, to a point for corner, from which a 2-Inch iron rod was found at a bearing and distance of South 74° 23' 01" East - 0.33 feet, said corner being the most southwesterly corner of said 154.072 acre tract, same being a point in the north boundary line of said 92.3102 acre tract and the southeast boundary corner of a called 32.10 acre tract,

conveyed to Speer Properties, Inc., by deed recorded under Volume 549, Page 766 of the Chambers County Deed Records on March 27, 2002;

THENCE North 02° 27' 21" West, along a westerly boundary line of said 154.072 acre tract, same being an easterly boundary line of said 32.10 acre tract, for a distance of 1,479.67 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being the most northeasterly boundary corner of said 32.10 acre tract;

THENCE North 87° 32' 39" East, across said 154.072 acre tract, for a distance of 1,355.67 feet, to the POINT OF BEGINNING and containing within these calls 1,818,587 square feet or 41.7490 acres of land.



**EXHIBIT "B"**  
**to Special Warranty Deed**

**Permitted Exceptions**

1. Any shortages in area.
2. Standby fees, taxes and assessments by any taxing authority for the year 2019 and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership.
3. The Property has frontage or abuts State Highway No. 99 aka Grand Parkway, which is a controlled access highway.
4. All oil, gas and other minerals, reserving and retaining the right of ingress and egress at all times for the purpose of mining, drilling, extracting, exploring or excavating said land for oil, gas and other minerals and preparing, treating and laying pipe lines for removing said oil, gas and other minerals from said premises as set forth by instrument recorded in Volume 162, Page 45 of the Deed Records of Chambers County, Texas. Said interest conveyed by instruments recorded in Volume 343, Page 7 of the Deed Records of Chambers County, Texas and recorded July 23, 2003 under Chambers County Clerk's File No. 6220-S in Volume 633, Page 729 of the Official Public Records Chambers, County, Texas.
5. Terms, conditions and provisions of that certain Mineral Lease dated December 30, 1975, by and between Leonard Rauch, Trustee, as Lessor and Lester Harold Smith, as Lessee recorded January 26, 1976 in Volume 377, Page 600, as amended by instrument recorded March 26, 1976 in Volume 380, Page 187 of the Deed Records of Chambers County, Texas. Affected by Drillsite Designation Agreement dated February 20, 1976, recorded March 30, 1976 in Volume 380, Page 194 of the Deed Records of Chambers County, Texas. As affected by Affidavit of Nonproduction by Leonard Rauch as sole Member of Chambers Properties, L.L.C., General Partner of Family Interests, Ltd. dated July 16, 2007, recorded July 23, 2007 in Volume 974, Page 411 of the Official Records of CHAMBERS County, Texas.
6. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated July 20, 2007, recorded July 23, 2007 in Volume 974, Page 393 of the Official Records of Chambers County, Texas.
7. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records.

FILED FOR RECORD IN  
Chambers County Clerk  
On: 01/17/2019 4:13PM  
Doc Number 2019-139029  
Number of Pages: 7  
Amount: \$46.00  
Order#: 20190117000049  
By AM  
Heather H. Hawthorne



**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     §  
                                       §                   **KNOW ALL BY THESE PRESENTS:**  
 COUNTY OF CHAMBERS   §

THAT, Joni Anderson, Trustee ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) in hand paid to Grantor by Americus Holdings, Ltd., a Texas limited partnership ("Grantee"), the receipt of which is hereby acknowledged by Grantor, and other good and valuable consideration paid and agreed and secured to be paid to Grantor by Grantee in the manner set forth below, the sufficiency of which consideration is hereby acknowledged by Grantor, has GRANTED, BARGAINED, SOLD, and CONVEYED and by these presents does GRANT, BARGAIN, SELL, and CONVEY unto said Grantee, its successors and assigns, subject to the Permitted Exceptions (as defined below), all of that certain real property located in Chambers County, Texas, more particularly described in Exhibit "A" attached hereto (the "Property"). In addition, Grantor further does GRANT, BARGAIN, SELL, and CONVEY unto said Grantee, its successors and assigns, subject to the Permitted Exceptions (as defined below) all right, title and interest of Grantor, if any, in and to any adjacent roads, streets, alleys, rights of way, rights of ingress and egress and any reversionary interests, easements, and servitudes, and appurtenances pertaining thereto including, without limitation, air and subsurface rights, appurtenant easements, water rights, all drainage and utility facilities, utility, access and development rights and privileges appertaining thereto, and oil, gas and other minerals situation on, in and under the real property herein conveyed, and with all improvements located thereon belonging to Grantor, strips or gores, if any, between the Property and abutting properties, air and subsurface rights, water rights, and oil, gas and other minerals situated on, in and under the Property.

This conveyance is made by Grantor and accepted by Grantee expressly subject to the liens securing payment of real estate ad valorem taxes for the current and all subsequent years, as well as to those matters set forth on Exhibit "B", attached hereto and incorporated herein by reference (the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, unto Grantee, and its successors and assigns forever; and subject to the above described Permitted Exceptions, Grantor does hereby bind itself and its successors, to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor but not otherwise.

As part of the other consideration for the conveyance herein made, Grantee shall execute and deliver that certain Promissory Note ("the Note") in the amount of [REDACTED] executed by Grantee payable to the order of Allegiance Bank, a Texas banking corporation ("Lender"), whose address for notice is 8727 West Sam Houston Parkway North, Houston, Texas, 77040, and the payment of the Note shall be secured by the vendor's lien and superior title herein reserved and assigned to Lender and by the Deed of Trust ("Deed of Trust") dated of even date with the Note, from Grantee to Ramon A. Vitulli III, Trustee, whose address for notice is 8727 West Sam Houston Parkway North, Houston, Texas, 77040, for the benefit of Lender, securing Lender's interest in the Property. Lender has, at the special instance and request of Grantee, paid

to Grantor a portion of the purchase price of the Property, as evidenced by the Note, and thus Grantor hereby expressly reserves and retains for Lender, and its successors and assigns, the vendor's lien, as well as the superior title, in and to the Property to secure (i) the payment of the Note, and (ii) the performance and payment by Grantee of all covenants, conditions, obligations and liabilities under the Deed of Trust. Upon the full and complete payment of the Note and satisfaction and performance of all covenants, conditions, obligations and liabilities under the Deed of Trust, then this conveyance shall become absolute and the vendor's lien and superior title herein reserved shall be automatically released and discharged.

GRANTEE HEREBY ACKNOWLEDGES THAT IT HAS THOROUGHLY INSPECTED AND EXAMINED THE PROPERTY TO THE EXTENT DEEMED NECESSARY BY GRANTEE IN ORDER TO ENABLE GRANTEE TO EVALUATE THE PURCHASE OF THE PROPERTY. GRANTEE REPRESENTS THAT IT IS A KNOWLEDGEABLE GRANTEE OF REAL ESTATE SUCH AS THE PROPERTY AND THAT EXCEPT AS EXPRESSLY SET FORTH IN THE PURCHASE AND SALE AGREEMENT BETWEEN GRANTOR AND GRANTEE DATED \_NOVEMBER 26, 2018 (THE "CONTRACT"), GRANTEE HAS RELIED SOLELY ON: (i) GRANTEE'S OWN EXPERTISE, AND (ii) THE EXPERTISE OF GRANTEE'S CONSULTANTS. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT EXCEPT AS EXPRESSLY SET FORTH IN THE CONTRACT, GRANTEE IS ACQUIRING THE PROPERTY ON AN "AS IS, WHERE IS" AND WITH ALL FAULTS BASIS, WITHOUT REPRESENTATIONS, WARRANTIES OR COVENANTS, EXPRESS OR IMPLIED, OF ANY KIND OR NATURE BY SELLER. IT IS UNDERSTOOD AND AGREED THAT EXCEPT AS EXPRESSLY SET FORTH IN THE CONTRACT, SELLER IS NOT MAKING AND SPECIFICALLY DISCLAIMS ANY WARRANTIES OR REPRESENTATIONS OF ANY KIND OR CHARACTER, EXPRESS OR IMPLIED.

Address of Grantee: 5330 Montrose Blvd.  
Houston, TX 77005

EXECUTED effective the 13 day of February, 2019.

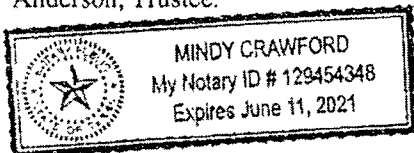
Joni Anderson, Trustee  
Joni Anderson, Trustee

THE STATE OF TEXAS

§  
§  
§

COUNTY OF HARRIS

This instrument was acknowledged before me on the 13th of February, 2019 by Joni Anderson, Trustee.



Mindy Crawford  
Notary Public Signature

Grantee's address for tax notices:

5330 Montrose Blvd.  
Houston, TX 77005

**EXHIBIT "A"**  
**to Special Warranty Deed**

Property Description

**TRACT I:**

Description of a 27.300 acre tract of land out of the Chambers County School Land Survey, Abstract No. 321 in Chambers County, Texas, being a portion of a 1,855.24 acre tract as recorded in Volume 534, Page 72 of the Official Public Records of Chambers County, Texas, and being also that same called 27.300 acre tract of land recorded as Document No. 2018-135620 (O.P.R.C.C.) said 27.300 acre tract being more fully described as follows (with bearings referenced to the Texas State Plane Coordinate System, South Central Zone, NAD83);

COMMENCING at a 5/8-inch iron rod found at the intersection of the south right-of-way line of Interstate Highway 10 with the northwest right-of-way line of State Highway 99 (also known as Grand Parkway, variable width) and recorded in Volume 781, Page 367 (O.P.R.C.C.) and being also in the west line of said 1,855.24 acre tract;

THENCE, South 02° 28' 24" East, the west line of said called 1,855.24 acre tract passing a found 5/8 inch iron rod at 50.88 feet, and continuing a total distance of 1,203.70 to a point for corner of said 1,855.24 acre tract;

THENCE, South 87° 32' 17" west, a distance of 122.93 feet to a 5/8 inch iron rod found for the POINT OF BEGINNING and the northeast corner of the herein described tract;

THENCE, South 02° 27' 43" East, along a common west line of a called 154.072 acre tract recorded in Volume 1161, Page 209 (O.P.R.C.C.) and the east line of the herein described tract, a distance of 1,086.56 feet to a 5/8 inch iron rod found for the southeast corner of the herein described tract and an interior corner of said called 154.072 acre tract;

THENCE, South 87° 32' 17" West, along the south line of the herein described tract and a northerly line of said called 154.072 acre tract, a distance of 1,094.44 feet to a 5/8 inch iron rod found for the southwest corner of the herein described tract, and being in the east line of a called 4.391 acre tract conveyed to Speer Properties, Inc.;

THENCE, North 02° 27' 43" west, along the east line of said called 4.391 acre tract and the east line of a called 1.49 acre tract conveyed to Midcon Texas Pipeline Corp., a distance of 1,086.56 feet to a 5/8 inch iron rod found for the Northwest corner of the herein described tract, and being in the south line of a called 10.490 acre tract conveyed to Donna McCune Miller, et al;

THENCE, North 87° 32' 17" East, along the south line of said called 10.490 acre tract and the north line of this herein described tract, 1,094.44 feet to the POINT OF BEGINNING and containing 27.300 acres of land.

**TRACT II:**

Access Easement Agreement, by and between Parks Block, Ltd., and Joni Anderson, Trustee, as set forth by instrument filed for record under Chambers County Clerk's File No. 2019-139649.

**EXHIBIT "B"**  
**to Special Warranty Deed**

Permitted Exceptions

1. Any shortages in area.
2. Standby fees, taxes and assessments by any taxing authority for the year 2019 and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership.
3. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records.
4. 1/2 of the oil, gas and other minerals of every character in and under the herein described property, as reserved in instrument(s) recorded in Volume 173, Page 303, of the Deed Records of Chambers County, Texas, reference to which instrument(s) is here made for all purposes.
5. Access Easement Agreement, by and between Parks Block, Ltd., and Joni Anderson, Trustee, as set forth by instrument filed for record under Chambers County Clerk's File No. 2019-139649.

RETURN TO:  
Old Republic Title  
777 Post Oak Blvd. #100  
Houston, TX 77056  
Attn: Mindy Crawford GP# 19000279

FILED FOR RECORD IN  
Chambers County Clerk  
On: 02/14/2019 3:03PM  
Doc Number 2019-139724  
Number of Pages 5  
Amount: \$38.00  
Order#: 20190214000048  
By: AM  
Heather H. Hawthorne



**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 CHAMBERS   §

**KNOW ALL BY THESE PRESENTS:**

THAT, **Park Blocks, Ltd., a Texas limited partnership** ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) in hand paid to Grantor by **Americus Holdings, Ltd., a Texas limited partnership** ("Grantee"), the receipt of which is hereby acknowledged by Grantor, and other good and valuable consideration paid and agreed and secured to be paid to Grantor by Grantee in the manner set forth below, the sufficiency of which consideration is hereby acknowledged by Grantor, has GRANTED, BARGAINED, SOLD, and CONVEYED and by these presents does GRANT, BARGAIN, SELL, and CONVEY unto said Grantee, its successors and assigns, subject to the Permitted Exceptions (as defined below), all of that certain real property located in Chambers County, Texas, more particularly described in Exhibit "A" attached hereto (the "Property"). In addition, Grantor further does GRANT, BARGAIN, SELL, and CONVEY unto said Grantee, its successors and assigns, subject to the Permitted Exceptions (as defined below) all right, title and interest of Grantor, if any, in and to any adjacent roads, streets, alleys, rights of way, rights of ingress and egress and any reversionary interests, easements, and servitudes, and appurtenances pertaining thereto including, without limitation, air and subsurface rights, appurtenant easements, water rights, all drainage and utility facilities, utility, access and development rights and privileges appertaining thereto, and oil, gas and other minerals situation on, in and under the real property herein conveyed, and with all improvements located thereon belonging to Grantor, strips or gores, if any, between the Property and abutting properties, air and subsurface rights, water rights, and oil, gas and other minerals situated on, in and under the Property.

This conveyance is made by Grantor and accepted by Grantee expressly subject to the liens securing payment of real estate ad valorem taxes for the current and all subsequent years, as well as to those matters set forth on Exhibit "B", attached hereto and incorporated herein by reference (the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, unto Grantee, and its successors and assigns forever; and subject to the above described Permitted Exceptions, Grantor does hereby bind itself and its successors, to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor but not otherwise.

As part of the other consideration for the conveyance herein made, Grantee shall execute and deliver that certain Promissory Note ("the Note") in the principal amount of [REDACTED] executed by Grantee payable to the order of Grantor, and the payment of the Note shall be secured by the vendor's lien and superior title herein reserved and assigned by Grantor and by the Deed of Trust and Security Agreement ("Deed of Trust") dated of even date with the Note, from Grantee to Travis C. Crowder, as Trustee, whose address for notice is 17207 Kuykendahl Road, Suite 104, Spring, Texas, 77379, for the benefit of Grantor, securing Grantor's interest in the Property. Grantor hereby expressly reserves and retains for itself, and its successors and assigns, the vendor's lien, as well as the superior title, in and to the Property to secure (i) the payment of the Note, and (ii) the performance and



payment by Grantee of all covenants, conditions, obligations and liabilities under the Deed of Trust. Upon the full and complete payment of the Note and satisfaction and performance of all covenants, conditions, obligations and liabilities under the Deed of Trust, then this conveyance shall become absolute and the vendor's lien and superior title herein reserved shall be automatically released and discharged.

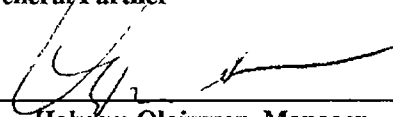
**GRANTEE HEREBY ACKNOWLEDGES THAT IT HAS THOROUGHLY INSPECTED AND EXAMINED THE PROPERTY TO THE EXTENT DEEMED NECESSARY BY GRANTEE IN ORDER TO ENABLE GRANTEE TO EVALUATE THE PURCHASE OF THE PROPERTY. GRANTEE REPRESENTS THAT IT IS A KNOWLEDGEABLE GRANTEE OF REAL ESTATE SUCH AS THE PROPERTY AND THAT EXCEPT AS EXPRESSLY SET FORTH IN THE PURCHASE AND SALE AGREEMENT BETWEEN GRANTOR AND GRANTEE DATED OCTOBER 4, 2018 (THE "CONTRACT"), GRANTEE HAS RELIED SOLELY ON: (i) GRANTEE'S OWN EXPERTISE, AND (ii) THE EXPERTISE OF GRANTEE'S CONSULTANTS. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT EXCEPT AS EXPRESSLY SET FORTH IN THE CONTRACT, GRANTEE IS ACQUIRING THE PROPERTY ON AN "AS IS, WHERE IS" AND WITH ALL FAULTS BASIS, WITHOUT REPRESENTATIONS, WARRANTIES OR COVENANTS, EXPRESS OR IMPLIED, OF ANY KIND OR NATURE BY SELLER. IT IS UNDERSTOOD AND AGREED THAT EXCEPT AS EXPRESSLY SET FORTH IN THE CONTRACT, SELLER IS NOT MAKING AND SPECIFICALLY DISCLAIMS ANY WARRANTIES OR REPRESENTATIONS OF ANY KIND OR CHARACTER, EXPRESS OR IMPLIED.**

Address of Grantee: 5330 Montrose Blvd.  
Houston, TX 77005

EXECUTED effective the 9th day of April, 2019.

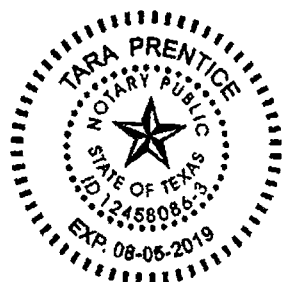
**Park Blocks, Ltd.,**  
a Texas limited partnership  
(also sometimes referred to as Park Block, Ltd)

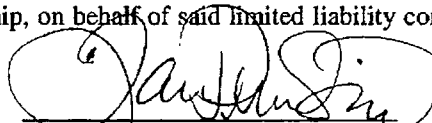
By: **Park Blocks Management, LLC,**  
a Texas limited liability company,  
its General Partner

By:   
Hakeem Olajuwon, Manager

THE STATE OF TEXAS                   §  
   §  
COUNTY OF HARRIS                 §

This instrument was acknowledged before me on the 9th of April, 2019 by Hakeem Olajuwon, the Manager of Park Blocks Management, LLC, a Texas limited liability company, the general partner of Park Blocks, Ltd., a Texas limited partnership, on behalf of said limited liability company and said limited partnership.



  
Notary Public Signature

Grantee's Address For Tax Notices:

5330 Montrose Blvd.  
Houston, TX 77005

Exhibit "A"

Description of a 154.072 acre (6,711,377 square feet) tract of land out of the Chambers County School Land Survey, Abstract No. 321 in Chambers County, Texas and being a portion of a 1855.24 acres tract as recorded in Volume 534, Page 72 of the Official Public Records of Chambers County, Texas, said 154.072 acre tract being more fully described as follows (with bearings referenced to the Texas State Plane Coordinate System, South Central Zone, NAD83);

COMMENCING at a 5/8-inch right-of-way monument found at the intersection of the south the right-of-way line of Interstate Highway 10 with the northwest right-of-way line of Proposed State Highway 99 (also known as Grand Parkway, variable width) and the west line of said 1855.24 acre tract;

THENCE, South 02°28'24" East, along the northwesterly line of said proposed State Highway 99 and the west line of said 1855.24 acre tract, a distance of 50.88 feet to a 5/8-inch iron rod set in the arc of a curve to the right for the POINT OF BEGINNING of the herein described tract;

THENCE, Southeasterly, along the southwesterly right-of-way line of said proposed State Highway 99 and along the arc of said curve to the right having a radius of 1110.92 feet, a central angle of 28°43'45" (the chord bears S 61°48'30" E, 551.22 feet) an arc length of 557.04 feet to a 5/8-inch iron rod set for corner;

THENCE, S 27°18'58" E, along the southwesterly right-of-way line of said proposed State Highway 99 and the easterly line of the herein described tract, a distance of 2133.74 feet to a 5/8-inch iron rod set for corner, said iron rod being in the arc of a curve to the right;

THENCE, Southwesterly, along the southwesterly right-of-way of proposed State Highway 99 and along the arc of said curve to the right having a radius of 2664.79 feet, a central angle of 57°06'08" (the chord bears S 01°13'36" W, 2546.55 feet) an arc length of 2655.01 feet to a 5/8-inch iron rod set in the south line of said 1855.24 acre tract for the southeast corner of the herein described tract;

THENCE, S 87°32'17" W, along the common south line of said 1855.24 acre tract and the south line of the herein described tract, a distance of 945.65 feet to a 5/8-inch iron rod found for the common most southerly southwest corner of said 1855.24 acre tract and the herein described tract;

THENCE, N 02°27'43" W, along the common westerly line of said 1855.24 acre tract and the herein described tract, a distance of 1478.65 feet to a 5/8-inch iron rod found for corner;

THENCE, S 87°32'17" W, along a common southwest line of said 1855.24 acre tract and the herein described tract, a distance of 1478.70 feet to a 5/8-inch iron rod found for the common most westerly southwest corner of said 1855.24 acre tract and the herein described tract;

THENCE, N 02°27'43" W, along a westerly line of said 1855.24 acre tract and the herein described tract, a distance of 1040.40 to a 5/8-inch iron rod found for the southwest corner of a called 27.497 acre tract as recorded in Volume 173, Page 303 of the Chambers County Deed Records;

THENCE, N 87°32'17" E, along the south line of said 27.497 acre tract, a distance of 1094.44 feet to a 5/8-inch iron rod found for the southeast corner of said 27.497 acre tract and an interior corner of said 1855.24 acre tract and the herein described tract;

THENCE, N 02°27'43" W, along the common east line of said 27.497 acre tract and a west line of said 1855.24 acre tract and the herein described tract, a distance of 1086.56 feet to a 5/8-inch iron rod found for the northeast corner of said 27.497 acre tract;

THENCE, N 87°32'17" E, a distance of 122.93 to a 5/8-inch iron rod set for corner;

THENCE, N 02°28'24" W, along a common west line of said 1855.24 acre tract and the herein described tract, a distance of 1152.82 feet to the POINT OF BEGINNING and containing 154.072 acres (6,711,377 square feet) of land.

**SAVE AND EXCEPT:**

Being 41.7490 acres or 1,818,587 square feet of land situated in the Chambers County School Land Survey, Abstract No. 321, Chambers County, Texas, and being a portion of that certain called Tract 3 - 154.072 acre tract, conveyed to Park Block, Ltd. by deed recorded under Volume 1161, Page 209 of the Chambers County Deed Records on December 17, 2009, Chambers County, Texas. Said 41.7490 acre or 1,818,587 square foot tract being more fully described by metes and bounds as follows:

> All bearings referenced herein were obtained from GPS observations and are referenced to NAD83 horizontal projection zone Texas south central Zone 4204.

COMMENCING at a 5/8-inch iron rod with spinner found for corner, said corner being the intersection of the south right-of-way line of Interstate Highway 10, with the northwest right-of-way line of State Highway 99, a.k.a. Grand Parkway, a variable width right-of-way;

THENCE South 02° 28' 02" East, along the northwesterly line of said State Highway 99, for a distance of 50.88 feet, to a 5/8-inch iron rod set for corner, said corner being the most northwesterly corner of said 154.072 acre tract and the beginning of a non-tangent curve to the right;

THENCE along said non-tangent curve to the right and with the west right-of-way line of said State Highway 99, same being the east boundary line of said 154.072 acre tract having a radius of 1,110.92 feet, a delta angle of 28°43'45" and a chord bearing and distance of South 61°48'08" East-551.22 feet, for an arc distance of 557.04 feet, to a TXDOT right-of-way monument found for corner;

THENCE South 27°18'36" East, continuing along the west right-of-way line, of said State Highway 99, same being the east boundary line of said 154.072 acre tract, for a distance of 2,133.74 feet, to a TXDOT right-of-way monument found for corner, said corner being the beginning of a curve to the right;

THENCE continuing along said curve to the right and with the west right-of-way line of said State Highway 99, same being the east boundary line of said 154.072 acre tract, having a radius of 2,664.79 feet, a delta angle of 23°37'11" and a chord bearing and distance of South 15° 30' 00" East -1,090.77 feet, for an arc distance of 1,098.53 feet, to a 5/8-inch iron rod with plastic cap set for corner and being the POINT OF BEGINNING of the herein described tract of land;

THENCE continuing along said curve to the right and with the west right-of-way line of said State Highway 99, same being the east boundary line of said 154.072 acre tract, having a radius of 2,664.79 feet, a delta angle of 33° 30' 24" and a chord bearing and distance of South 13°03'47" West - 1,536.26 feet, for an arc distance of 1,558.37 feet, to a point for corner, from which a 5/8-inch iron rod with plastic cap was found at a bearing and distance of North 87°35'13" East-0.47 feet, said corner being the most southeasterly boundary corner of said 154.072 acre tract, same being the northeast boundary corner of a called 92.3102 acre tract, conveyed to Kilgore Business, LLC by deed recorded under Volume 1163, Page 649 of the Chambers County Deed Records on July 8, 2016;

THENCE South 87°34'47" West, along the south boundary line of said 154.072 acre tract, same being the north boundary line of said 92.3102 acre tract, for a distance of 944.64 feet, to a point for corner, from which a 2-inch iron rod was found at a bearing and distance of South 74°23'01" East - 0.33 feet, said corner being the most southwesterly corner of said 154.072 acre tract, same being a point in the north boundary line of said 92.3102 acre tract and the southeast boundary corner of a called 32.10 acre tract, conveyed to Speer Properties, Inc., by deed recorded under Volume 549, Page 766 of the Chambers County Deed Records on March 27, 2002;

THENCE North 02°27'21" West, along a westerly boundary line of said 154.072 acre tract, same being an easterly boundary line of said 32.10 acre tract, for a distance of 1,479.67 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being the most northeasterly boundary corner of said 32.10 acre tract;

THENCE North 87° 32' 39" East, across said 154.072 acre tract, for a distance of 1,355.67 feet, to the POINT OF BEGINNING and containing within these calls 1,818,587 square feet or 41.7490 acres of land.

**EXHIBIT "B"**  
**to Special Warranty Deed**

Permitted Exceptions

1. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
2. Standby fees, taxes and assessments by any taxing authority for the year 2019 and subsequent years.
3. Canal right-of-way agreement dated December 1, 1925, recorded in Volume 22, Page 3 of the Deed Records of CHAMBERS County, Texas, from Kirby Petroleum Company to Charles G. Hooks, as clarified by instrument dated April 18, 1930, recorded in Volume 30, Page 631 of the Deed Records of CHAMBERS County, Texas, as affected by instrument recorded in Volume 117, Page 260 and instrument recorded in Volume 303, Page 735, both of said Deed Records, as affected by that certain Abandonment and Quitclaim dated July 13, 2004, executed by Coastal Water Authority to Family Interests, Ltd. recorded July 30, 2004 under Clerk's File No. 6077-S in Volume 714, Page 89 of the Official Public Records of Chambers County, Texas.
4. Pipeline right-of-way dated July 31, 1942, recorded in Volume 76, Page 514 of the Deed Records of Chambers County, Texas, from Kirby Petroleum Company to Shell Pipe Line Company.
5. Pipeline right-of-way dated April 16, 1943, recorded in Volume 79, Page 556 of the Deed Records of Chambers County, Texas, from Kirby Petroleum Company to Defense Plant Corporation.
6. Pipeline right-of-way dated September 24, 1951, recorded in Volume 136, Page 100 of the Deed Records of Chambers County, Texas, from Kirby Petroleum Company to United Gas Pipe Line Company.
7. Pipeline right-of-way dated July 2, 1956, recorded in Volume 180, Page 212 of the Deed Records of Chambers County, Texas, from Harry W. Freeman, Trustee to Texas Eastern Transmission Corporation.
8. Pipeline right-of-way dated November 8, 1957, recorded in Volume 195, Page 443 of the Deed Records of Chambers County, Texas, from Kirby Petroleum Company to Humble Oil & Refining Company.
9. Pipeline right-of-way dated November 8, 1957, recorded in Volume 196, Page 372 of the Deed Records of Chambers County, Texas, from Kirby Petroleum Company to Humble Pipe Line Company.
10. Drainage easement (Hackberry Gully) granted to the City of Mont Belvieu by instrument dated February 6, 1991, recorded March 6, 1992 in Volume 92-170, Page 20 of the Official Records of CHAMBERS County, Texas.
11. Pipeline right-of-way dated October 27, 1930, recorded in Volume 32, Page 195 of the Deed Records of CHAMBERS County, Texas from Kirby Petroleum Company to Humble Pipe Line Company.
12. Pipeline right-of-way dated April 4, 1956, recorded in Volume 178, Page 64 of the Deed Records of CHAMBERS County, Texas, from Harry W. Freeman, Trustee to Magnolia Pipe Line Company.
13. Pipeline right-of-way from Kirby Petroleum Company to Gulf Refining Company and Gulf Oil Corporation by instrument dated December 12, 1957, recorded in Volume 196, Page 197 of the Deed Records of CHAMBERS County, Texas, as amended by instrument dated May 10, 1968, recorded in

Volume 298, Page 609 of the Deed Records, and by instrument dated August 29, 1974, recorded in Volume 361, Page 605 of the Deed Records of CHAMBERS County, Texas.

14. Pipeline right-of-way dated December 7, 1962, recorded in Volume 242, Page 378 of the Deed Records of CHAMBERS County, Texas, from Hyman E. Finger, et al to Socony Mobil Oil Company, Inc.

15. Pipeline right-of-way dated May 15, 1963, recorded in Volume 245, Page 266 of the Deed Records of CHAMBERS County, Texas from Louis Goldfadden, Trustee to Union Carbide Corporation.

16. Pipeline right-of-way dated March 2, 1966, recorded in Volume 273, Page 416 of the Deed Records of CHAMBERS County, Texas, from Louis Goldfadden, Trustee to Humble Pipe Line Company.

17. Pipeline right-of-way dated December 28, 1973, recorded January 15, 1974 in Volume 352, Page 220 of the Deed Records of CHAMBERS County, Texas from Alan S. Finger, Trustee, et al to Big Three Industries, Inc.

18. Pipeline right-of-way dated April 16, 1974, recorded May 7, 1974 in Volume 355, Page 675 of the Deed Records of CHAMBERS County, Texas from Alan S. Finger, Trustee, et al to Exxon Pipeline Company.

19. Pipeline right-of-way dated August 29, 1974, recorded in Volume 361, Page 605 of the Deed Records of Chambers County, Texas, from Alan S. Finger, trustee et al to Gulf Refining Company.

20. Terms, conditions and stipulations contained in Easement and Right of Way Agreement granted to Air Products LLC, a Delaware limited liability company in instrument recorded May 27, 2008 under Chambers County Clerk's File No. 35834 in Volume 1045, Page 1 of the Official Public Records of Chambers County, Texas.

21. Right-of-Way easement dated September 1, 1992, recorded under Clerk's File No. 4393-B (92 Book 186, Page 128) Official Public Records, Chambers County, Texas, from Chevron USA, Inc. to Ronald J. Finger, et al, as corrected and re-recorded in Clerk's File No. 4890-B (92 Book 188, Page 270) Official Public Records, Chambers County, Texas.

22. All oil, gas and other minerals, reserving and retaining the right of ingress and egress at all times for the purpose of mining, drilling, extracting, exploring or excavating said land for oil, gas and other minerals and preparing, treating and laying pipe lines for removing said oil, gas and other minerals from said premises as set forth by instrument recorded in Volume 162, Page 45 of the Deed Records of CHAMBERS County, Texas. Said interest conveyed by instruments recorded in Volume 343, Page 7 of the Deed Records of CHAMBERS County, Texas and recorded July 23, 2003 under Chambers County Clerk's File No. 6220-S in Volume 633, Page 729 of the Official Public Records CHAMBERS, County, Texas.

23. Terms, conditions and provisions of that certain Mineral Lease dated December 30, 1975, by and between Leonard Rauch, Trustee, as Lessor and Lester Harold Smith, as Lessee recorded January 26, 1976 in Volume 377, Page 600, as amended by instrument recorded March 26, 1976 in Volume 380, Page 187 of the Deed Records of CHAMBERS County, Texas. Affected by Drillsite Designation Agreement dated February 20, 1976, recorded March 30, 1976 in Volume 380, Page 194 of the Deed Records of CHAMBERS County, Texas. As affected by Affidavit of Nonproduction by Leonard Rauch as sole Member of CHAMBERS Properties, L.L.C., general Partner of Family Interests, Ltd. dated July 16, 2007, recorded July 23, 2007 in Volume 974, Page 411 of the Official Records of CHAMBERS County, Texas.

24. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in Instrument dated July 20, 2007, recorded July 23, 2007 in Volume 974, Page 393 of the Official Records of CHAMBERS County, Texas.

25. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records.



FILED FOR RECORD IN.  
Chambers County Clerk  
On. 04/10/2019 10 10AM  
Doc Number 2019-141206  
Number of Pages. 10  
Amount: \$58.00  
Order#. 20190410000005  
By AM  
Heather H. Hawthorne



**Exhibit B**

Maps and Electronic Data

AMERICUS HOLDINGS, LTD. TRACTS  
 5.7270 ACRES, 27.300 ACRES, 41.7490 ACRES, AND 112 323 ACRES  
 SUBJECT PROPERTIES  
 CHAMBERS COUNTY, TEXAS



INTERSTATE HIGHWAY 10

SCALE 1" = 300'  
 0 300' 600' 900' 1200'

LEGEND:  
 OPRCC = OFFICIAL PUBLIC RECORDS OF CHAMBERS COUNTY, TEXAS

NEEDLEPOINT ROAD

AMERICUS HOLDINGS, LTD.  
 5.7270 ACRES  
 DOC. NO. 2018-138549 OPRCC

AMERICUS HOLDINGS, LTD.  
 27.300 ACRES (TRACT I)  
 DOC. NO. 2019-139724 OPRCC

AMERICUS HOLDINGS, LTD.  
 154 072 ACRES  
 SAVE AND EXCEPT 41.7490 ACRES  
 NET 112.323 ACRES  
 DOC. NO. 2019-141206 OPRCC

AMERICUS HOLDINGS, LTD.  
 41.7490 ACRES  
 DOC. NO. 2019-139029 OPRCC

STATE HIGHWAY 99  
 A.K.A. GRAND PARKWAY

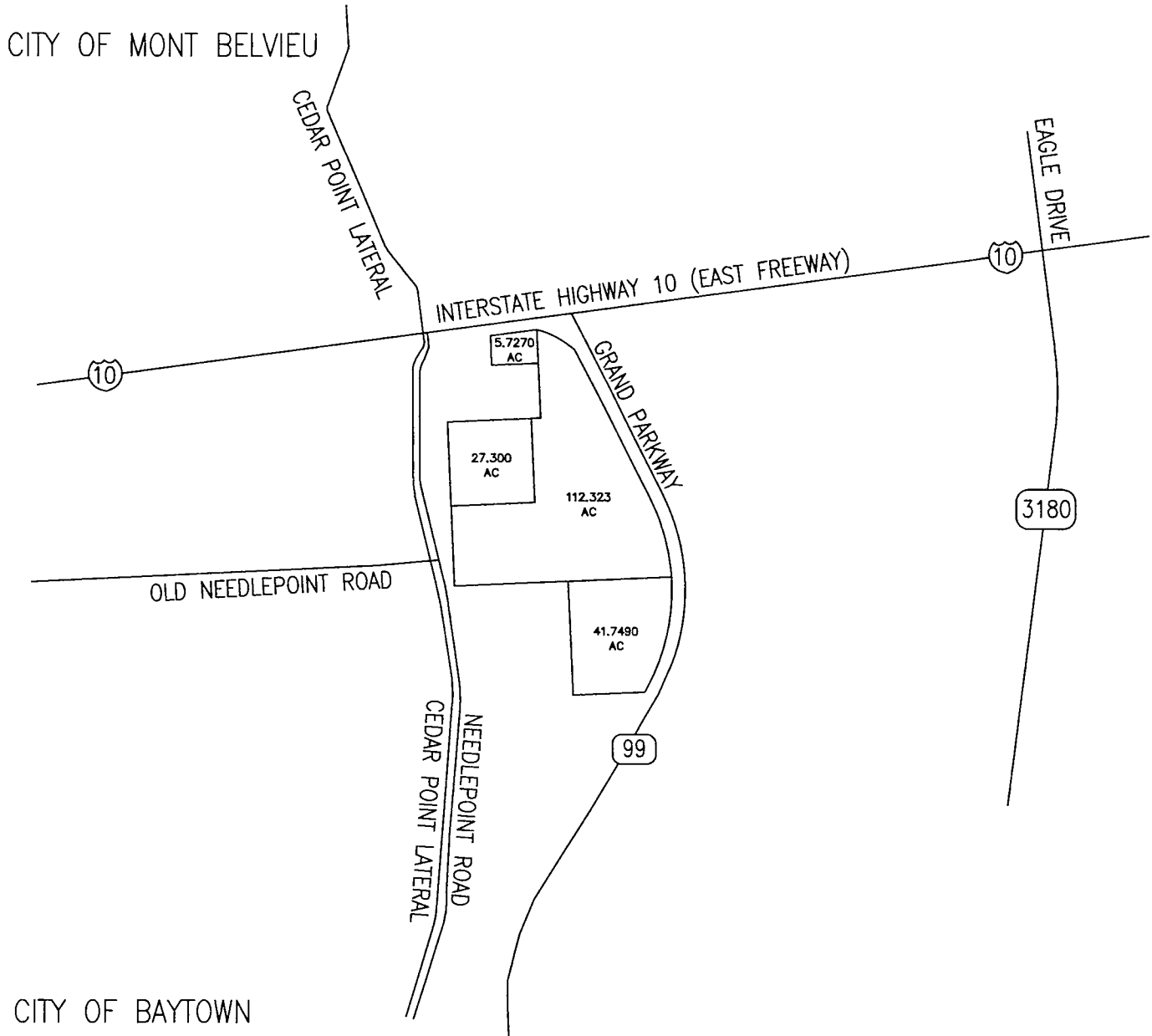
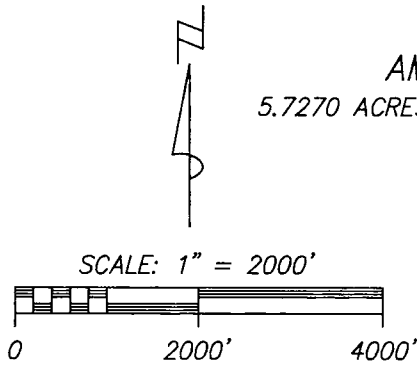
DATE: DECEMBER 18, 2019 SCALE: 1" = 300'

RANDALL JONES & ASSOCIATES ENGINEERING, INC.  
 2900 JAZZ STREET, ROUND ROCK, TEXAS, 78664  
 (512) 836-4793 FAX. (512) 836-4817 F-9784

RJ SURVEYING & ASSOCIATES, INC.  
 2900 JAZZ STREET, ROUND ROCK, TEXAS, 78664  
 (512) 836-4793 FAX. (512) 836-4817

SHEET 1 OF 1 SHEETS

LOCATION MAP  
 AMERICUS HOLDINGS, LTD. TRACTS  
 5.7270 ACRES, 27.300 ACRES, 41.7490 ACRES, AND 112.323 ACRES  
 CHAMBERS COUNTY, TEXAS



DATE: DECEMBER 18, 2019 SCALE: 1" = 2000'

**RJ SURVEYING & ASSOCIATES, INC.**

2900 JAZZ STREET, ROUND ROCK, TEXAS, 78664

F-10015400 (512) 836-4793 FAX: (512) 836-4817

S:\CIVIL 3D 2801-2850\2847-Chambers CCN Decertification\Docs\Tracts\2847-Americus-Location-Map.dwg, 12/19/2019 8 31.16 AM

**Petition of Americus Holdings,  
Ltd. To Amend Gulf Coast Waste Disposal Authority's  
Sewer CCN No. 20465 in Chambers County**

**Petition Exhibit B – ShapeFiles and PDFs**

**Exhibit C**

U.S. Postal Service Certified Mail Receipt



**Certified Mail service provides the following benefits:**

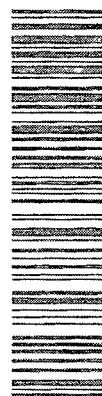
- A receipt (this portion of the Certified Mail label)
  - A unique identifier for your mailpiece
  - Electronic verification of delivery or attempted delivery
  - A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specific period.
- Important Reminders:**
- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
  - Certified Mail service is *not* available for international mail.
  - Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
  - For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
    - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*, attach PS Form 3811 to your mailpiece, for an electronic return receipt, see a retail associate for assistance. To receive a hardcopy return receipt for no additional fee, present this USPS® postmarked Certified Mail receipt to the retail associate.
    - Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
    - Adult signature service, which requires the signee to be at least 21 years of age (if not available at retail).
    - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
  - To ensure that your Certified Mail receipt is accepted as legal proof of mailing, if you do bear a USPS® mark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office® for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcode portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

**IMPORTANT: Save this receipt for your records.**

PS Form 3800, April 2015 (Reverse) PSN 7550-C2-300-9047

**United States  
Postal Service**

9590 9402 5663 9308 7621 66



USPS TRACKING #



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

\* Sender: Please print your name, address, and ZIP+4® in this box.\*

LLOYD GOSSELINK  
ROCHELLE & TOWNSEND, P.C.  
816 CONGRESS AVE., SUITE 1900  
AUSTIN, TX 78701

CCF 4130-0



**Exhibit D**

Notarized Affidavit of Andrew Schatte

PUC DOCKET NO. \_\_\_\_\_

PETITION OF AMERICUS	§	
HOLDINGS, LTD. TO AMEND	§	
GULF COAST WASTE DISPOSAL	§	
AUTHORITY'S SEWER	§	BEFORE THE
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY NO. 20465 IN	§	PUBLIC UTILITY COMMISSION
CHAMBERS COUNTY BY	§	
STREAMLINED EXPEDITED	§	OF TEXAS
RELEASE UNDER TEXAS WATER	§	
CODE § 13.2541 AND 16 TAC	§	
§ 24.245(l)		

**AFFIDAVIT OF ANDREW SCHATTE**

On this day, appeared before me, the undersigned notary public, Andrew Schatte, and after I administered an oath to him, upon his oath, he said:

"My name is Andrew Schatte. I am the President of Americus Holdings, Ltd. I am more than twenty one (21) years of age and capable of making this affidavit. I have personal knowledge of the facts stated herein, which are true and correct.

1. My company, Americus Holdings, Ltd., owns four contiguous tracts of land within Gulf Coast Waste Disposal Authority's ("***Gulf Coast***") sewer Certificate of Convenience and Necessity No. 20465 (the "***Gulf Coast CCN***") in Chambers County, Texas (collectively, the "***Tract***").
2. The Tract contains 187.099 acres, and is more fully described by metes and bounds in the warranty deeds included as **Exhibit A** of that certain "Petition of Americus Holdings, Ltd. to Amend Gulf Coast Waste Disposal Authority's Sewer Certificate of Convenience and Necessity in Chambers County by Streamlined Expedited Release Under Texas Water Code § 13.2541 and 16 TAC § 24.245(l)" (the "***Petition***").

