



Control Number: 51939



Item Number: 1

Addendum StartPage: 0

51939
PUC DOCKET NO. _____



PETITION OF NPH MARKET STREET, LLC TO AMEND THE GULF COAST 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 TEXAS ADMINISTRATIVE CODE § 24.245(h) §
§
§
§
§
§
§
§
§
§
§
§

BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

PETITION OF NPH MARKET STREET, LLC TO AMEND THE GULF COAST 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 TEXAS ADMINISTRATIVE CODE § 24.245(h)

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, NPH Market Street, LLC ("**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 the Gulf Coast Authority (the "**Authority**"), in Chambers County by Streamlined Expedited Release ("**Petition**") under Texas Water Code ("**TWC**") § 13.2541 and 16 Texas Administrative Code ("**TAC**") § 24.245(h). In support thereof, 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), Petitioner is entitled to streamlined expedited release of approximately 134.0904 acres of land in Chambers County, Texas from the Authority’s sewer CCN No. 20465.
3. Specifically, Petitioner owns four contiguous tracts of land in Chambers County, Texas, containing approximately 134.0904 acres of land in total (collectively, the “*Tract*”). Copies of the recorded deeds evidencing Petitioner’s ownership of the Tract, which describe the acreage by 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** (the Tract is made up of the individual 5.078-acre, 6.934-acre, 60.722-acre, and 61.353-acre contiguous parcels depicted on such maps).
5. The Tract lies entirely within the boundaries of the Authority’s sewer CCN No. 20465.
6. The Tract has never received retail sewer service from the Authority.
7. The Tract is not currently receiving retail sewer service from the Authority.
8. Petitioner has never requested that the Authority provide sewer service to the Tract.
9. Petitioner has no contracts with the Authority for the provision of sewer service to the Tract.
10. Petitioner has not received any bills from the Authority for sewer service to the Tract.

11. **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).¹
12. Simultaneously with the filing of this Petition with the Commission, Petitioner is serving a copy of the Petition on the Authority. Attached hereto as proof that a copy of the Petition was mailed to the Authority via certified mail on the same day Petitioner submitted this Petition with the Commission is **Exhibit C**, a U.S. Postal Service Certified Mail Receipt.
13. Also attached hereto, as **Exhibit D**, is the notarized affidavit of Ryan T. Lovell, Vice President of NPH Market Street, LLC, owner of the Tract, which verifies and affirms the information provided herein.

II. CONCLUSION & PRAYER

For these reasons, Petitioner, NPH Market Street, LLC, respectfully request 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 134.0904-acre Tract from the Gulf Coast 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 134.0904-acre Tract from the Gulf Coast Authority's sewer Certificate of Convenience and Necessity No. 20465 in Chambers County, Texas.

¹ See also, Public Utility Commission of Texas, "Streamlined Expedited Release Guidance." Available at: www.puc.texas.gov/industry/water/utilities/Streamline.pdf.

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 NPH MARKET STREET,
LLC**

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 25th day of March, 2021 to the parties of record, in accordance with 16 Tex. Admin. Code § 22.74.



David J. Klein

Exhibit A

Copies of Recorded Deeds Evidencing Petitioner's Ownership

Execution Version

After Recording, Return To:
Thompson & Knight LLP
811 Main Street, Suite 2500
Houston, Texas 77002
Attention: David Rusk

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

STATE OF TEXAS	§	
	§	KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF CHAMBERS	§	

THAT **J. JENNINGS INVESTMENTS, LP**, a Texas limited partnership ("**Grantor**"), for and in consideration of the sum of TEN AND NO/100THS DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, BARGAINED, SOLD, and CONVEYED and by these presents does GRANT, BARGAIN, SELL, AND CONVEY unto **NPH MARKET STREET, LLC**, a Delaware limited liability company, whose address is 3207 S. Sam Houston Parkway E., Ste. 100, Houston, Texas 77047 ("**Grantee**"): (a) that certain tract or parcel of land located in Chambers County, Texas, more particularly described in **Exhibit "A"** attached hereto and made part hereof for all purposes, together with all improvements located thereon (the "**Land**"), and (b) all right, title and interest, if any, in and to all land in the bed of any street, road, rail or avenue, open or proposed, public or private, in front of, or adjoining the Land; all rights of way or rights of ingress or egress on, or to any land, street, road or avenue, open or proposed, in, on, across, in front of, abutting or adjoining the Land; riparian and other water access rights, drainage rights and sewer rights belonging to the Land; all governmental permits and approvals, and all other intangible assets relating to the Land and all easements which serve the Land, some of which may be non-exclusive easements (the "**Appurtenances**"; the Land and the Appurtenances are hereinafter collectively referred to as the "**Property**"); *provided, however*, that Grantor expressly reserves unto itself, and its successors and assigns, all right, title, and interest in and to any oil, gas, and other minerals (including, without limitation, helium, lignite, sulfur, phosphate and other similar solid, liquid, and gaseous substances), regardless of the nature thereof and whether similar or dissimilar but only to the extent that any of the foregoing is in its natural state and natural location and not subject to the dominion and control of any person, and the right to explore for, develop and produce same, as well as the right to lease such portion of the Property hereby reserved for such purposes, and all mineral and royalty rights whatsoever in, on, under and pertaining to the Property; but Grantor, its successors and assigns, shall have no right to use, or right of ingress to or egress from any part of the surface of, the Property for exploration and producing purposes and hereby forever waives all

such rights on behalf of itself and its successors and assigns; and any oil and gas drilling operations, shall be conducted by means of wells, the surface locations of which are on other lands and which may be drilled into and bottomed in or under the Property at a depth of no less than 1,500 feet. Grantor shall exercise its rights under the foregoing mineral, oil and gas reservation so as not to disturb the use or operation of the Property or any improvements, installations, petroleum or other products contained in such improvements or installations or surface activities on the Property. Grantor shall receive and retain all bonuses, rentals and royalties payable under any such mineral, oil and gas lease or leases.

This Special Warranty Deed is executed by Grantor and accepted by Grantee subject to, and the conveyance of the Property hereinabove set forth is subject to: (a) real estate ad valorem taxes and assessments for the year 2020 and subsequent years (as well as subsequent taxes for prior years due to changes in land usage or ownership); (b) local, state and federal laws, ordinances or governmental regulations, including, but not limited to, building and zoning laws, ordinances and regulations, now or hereafter in effect relating to the Property, and (c) the matters that are disclosed on **Exhibit "B"** (the foregoing items in this paragraph are hereinafter referred to collectively as the "***Permitted Encumbrances***").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereunto in anywise belonging, unto Grantee, its successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns, to **WARRANT AND FOREVER DEFEND** all and singular the title to the Property unto the said 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, subject in all instances to the Permitted Encumbrances.

Grantor hereby specifically disclaims any and all warranties, representations or guaranties of any kind or character, oral or written, express or implied, with respect to the Property, including, but not limited to, warranties, representations or guaranties concerning: (a) the nature and condition of the Property and the suitability thereof for any and all activities and uses that Grantee elects to conduct thereon; (b) the compliance of the Property with any laws, rules, ordinances or regulations of any government or other body; (c) environmental matters relating to the Property or any portion thereof, including, without limitation, the presence of hazardous materials in, on, under or in the vicinity of the Property, (d) the merchantability of the Property or fitness of the Property for any particular purpose; and/or (e) any other matter whatsoever relating to the Property. **THE CONVEYANCE OF THE PROPERTY AS PROVIDED FOR HEREIN IS MADE ON A STRICTLY "AS IS" "WHERE IS" AND "WITH ALL FAULTS" BASIS.**

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

Executed as of May 19, 2020.

GRANTOR:

J. JENNINGS INVESTMENTS, LP,
a Texas limited partnership

By its General Partner, **J. JENNINGS
MANAGEMENT, LLC,**
a Texas limited liability company

By: Johnnie Glenn Jennings Jr.
Name: Johnnie Glenn Jennings, Jr.
Title: Manager

STATE OF TEXAS

§
§
§

COUNTY OF HARRIS

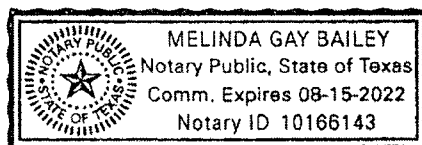
This instrument was acknowledged before me on May 18, 2020, by Johnnie Glenn Jennings, Jr., Manager of **J. JENNINGS MANAGEMENT, LLC**, a Texas limited liability company and General Partner of **J. JENNINGS INVESTMENTS, LP**, Texas limited partnership.

Melinda Gay Bailey
Notary Public, State of Texas

Printed Name: Melinda G. Bailey

My Commission Expires: 08-15-2022

[SEAL]



Special Warranty Deed

EXHIBIT "A"

DESCRIPTION OF REAL PROPERTY

TRACT 1
DESCRIPTION

A TRACT OR PARCEL CONTAINING 60.722 ACRES OR 2,645,067 SQUARE FEET OF LAND SITUATED IN THE CHAMBERS COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 321, CHAMBERS COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF A CALLED 80.271 ACRES CONVEYED TO J JENNINGS INVESTMENTS, LP, AS RECORDED UNDER VOL. 952, PG. 646, C.C.D.R., WITH SAID 60.722 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 A 5/8 INCH IRON ROD FOUND ON THE WEST RIGHT—OF—WAY (R.O.W.) LINE OF GRAND PARKWAY (ALSO KNOWN AS STATE HIGHWAY NO. 99), (VARIABLE WIDTH), FOR THE SOUTHEAST CORNER OF A CALLED 47.495 ACRE TRACT OF LAND DESCRIBED IN DEED TO J. JENNINGS INVESTMENTS, LP, AS RECORDED IN C.C.C.F. NO. 2005008219 AND MARKING THE NORTHEAST CORNER OF SAID 80.271 ACRES;

THENCE, SOUTH 02 DEG. 46 MIN. 25 SEC. EAST, ALONG THE WEST R.O.W. LINE OF SAID GRAND PARKWAY (ALSO KNOWN AS STATE HIGHWAY NO. 99), A DISTANCE OF 425.97 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET MARKING THE SOUTHEASTERLY CUTBACK CORNER OF A CALLED 140 FEET PUBLIC R.O.W. AS RECORDED UNDER VOL. (11) 1244, PG. 696, C.C.D.R., THE POINT OF BEGINNING AND A NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 02 DEG. 46 MIN. 25 SEC. EAST, CONTINUING ALONG THE WEST R.O.W. LINE OF SAID GRAND PARKWAY, A DISTANCE OF 517.92 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET MARKING THE AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 06 DEG. 19 MIN. 26 SEC. EAST, CONTINUING ALONG THE WEST R.O.W. LINE OF SAID GRAND PARKWAY, A DISTANCE OF 770.35 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET MARKING THE NORTHEAST CORNER OF A CALLED 61.353 ACRES CONVEYED TO NPH MARKET STREET, LLC AS RECORDED UNDER C.C.C.F. NO. 2020-151355, THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT FROM WHICH A 5/8 INCH IRON ROD FOUND (DISTURBED) BEARS FOR REFERENCE NORTH 57 DEG. 45 MIN. EAST, A DISTANCE OF 0.80 FEET,

THENCE, SOUTH 88 DEG. 01 MIN. 48 SEC. WEST, OVER AND ACROSS SAID 80.271 ACRES, A DISTANCE OF 1,892.91 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE EAST LINE OF A CALLED 99.305 ACRES CONVEYED TO TGS CEDAR PORT PARTNERS LP, AS RECORDED UNDER C.C.C.F. NO. 2017-127120, THE NORTHWEST CORNER OF SAID 61.353 ACRES AND THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT FROM WHICH A FOUND 5/8 INCH IRON PIPE BEARS FOR REFERENCE SOUTH 25 DEG. 55 MIN. EAST, A DISTANCE OF 8.4 FEET;

THENCE, NORTH 13 DEG. 00 MIN. 14 SEC. WEST, ALONG THE COMMON LINE OF SAID 99.305 ACRES AND SAID 80.271 ACRES, A DISTANCE OF 1,233.45 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE SOUTH LINE OF A CALLED 140 FOOT R.O.W. AS RECORDED UNDER VOL. (11) 1244, PG. 696, C.C.D.R., MARKING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE SOUTH R.O.W. LINE OF SAID 140 FOOT R.O.W., THE FOLLOWING FOUR (4) COURSES AND DISTANCE;

NORTH 77 DEG. 21 MIN. 47 SEC. EAST. A DISTANCE OF 429.25 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET MARKING A POINT OF CURVATURE;

WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 4,930.00 FEET, A CENTRAL ANGLE OF 09 DEG. 51 MIN. 45 SEC., AN ARC LENGTH OF 848.62 FEET, A CHORD BEARING AND DISTANCE OF NORTH 82 DEG. 17 MIN 39 SEC. EAST — 847.57 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET MARKING A POINT OF TANGENCY;

NORTH 87 DEG. 13 MIN. 32 SEC. EAST. A DISTANCE OF 696.73 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET MARKING THE NORTHWESTERLY CUTBACK CORNER AND THE MOST NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 47 DEG. 46 MIN. 28 SEC. EAST. ALONG SAID CUTBACK, A DISTANCE OF 141.43 FEET TO THE POINT OF BEGINNING AND CONTAINING 60.722 ACRES OR 2,645,067 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 55496—ALTA, PREPARED BY WINDROSE LAND SERVICES.

TRACT 2
DESCRIPTION

A TRACT OR PARCEL CONTAINING 5.078 ACRES OR 221,211 SQUARE FEET OF LAND SITUATED IN THE CHAMBERS COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 321, CHAMBERS COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF A CALLED 80.271 ACRES (TRACT 5) CONVEYED TO J. JENNINGS INVESTMENTS, LP. AS RECORDED UNDER VOL. 952, PG. 646, C.C.D.R., WITH SAID 5.078 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):

BEGINNING AT A 5/8 INCH IRON ROD FOUND ON THE WEST RIGHT—OF—WAY (R.O.W.) LINE OF GRAND PARKWAY (ALSO KNOWN AS STATE HIGHWAY NO. 99), (VARIABLE WIDTH), FOR THE SOUTHEAST CORNER OF A CALLED 47.495 ACRE TRACT OF LAND DESCRIBED IN DEED TO J. JENNINGS INVESTMENTS, LP. AS RECORDED IN C.C.C.F. NO. 2005008219 AND MARKING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 02 DEG. 46 MIN. 25 SEC. EAST, ALONG THE WEST R.O.W. LINE OF SAID GRAND PARKWAY (ALSO KNOWN AS STATE HIGHWAY NO. 99), A DISTANCE OF 85.95 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET MARKING THE NORTHEASTERLY CUTBACK CORNER OF A CALLED 140 FEET PUBLIC R.O.W. AS RECORDED UNDER VOL. (11) 1244, PG. 696, C.C.D.R. AND ANGLE POINT OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 42 DEG. 13 MIN. 32 SEC. WEST, ALONG SAID CUTBACK, A DISTANCE OF 141.44 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET MARKING THE SOUTHWESTERLY CUTBACK CORNER OF SAID CUTBACK AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE NORTH R.O.W. LINE OF SAID 140 FOOT R.O.W., THE FOLLOWING THREE (3) COURSES AND DISTANCE:

SOUTH 87 DEG. 13 MIN. 32 SEC. WEST, ALONG THE NORTH R.O.W. LINE OF SAID 140 FOOT R.O.W., A DISTANCE OF 696.73 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET MARKING A POINT OF CURVATURE;

WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 5,070.00 FEET, A CENTRAL ANGLE OF 09 DEG. 51 MIN. 45 SEC., AN ARC LENGTH OF 872.72 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 82 DEG. 17 MIN. 39 SEC., WEST, A DISTANCE OF 871.64 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET MARKING A POINT OF TANGENCY:

SOUTH 77 DEG. 21 MIN. 47 SEC. WEST, A DISTANCE OF 430.15 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE EAST LINE OF THE REMAINDER OF A CALLED 99.305 ACRES (TRACT 3) CONVEYED TO TGS CEDAR PORT PARTNERS L.P. AS RECORDED UNDER C.C.C.F. NO. 2017-127120, MARKING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT,

THENCE, NORTH 13 DEG. 00 MIN. 14 SEC. WEST, ALONG THE COMMON LINE OF SAID 99.305 ACRES AND SAID 80.271 ACRES, A DISTANCE OF 50.00 FEET TO A 2 INCH IRON PIPE FOUND ON THE SOUTH LINE OF A CALLED 58.790 ACRES CONVEYED TO AMERIPOINT, LLC AS RECORDED UNDER VOL. (12) 1383, PG. 354, C.C.D.R., MARKING THE NORTHEAST CORNER OF SAID 99.305 ACRES, THE NORTHWEST CORNER OF SAID 80.271 ACRES AND OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 77 DEG. 21 MIN. 47 SEC. EAST, ALONG THE COMMON LINE OF SAID 58.790 ACRES AND SAID 80.271 ACRES, A DISTANCE OF 1,671.04 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET MARKING THE SOUTHEAST CORNER OF SAID 58.790 ACRES, THE SOUTHWEST CORNER OF SAID 47.495 ACRES, AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT:

THENCE, NORTH 87 DEG. 20 MIN. 05 SEC. EAST, ALONG THE SOUTH LINE OF SAID 47.495 ACRES, A DISTANCE OF 451.49 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.078 ACRES OR 221,211 SQUARE FEET OF LAND. AS SHOWN ON JOB NO. 55496—ALTA, PREPARED BY WINDROSE LAND SERVICES.

EXHIBIT "B"

CERTAIN ENUMERATED PERMITTED ENCUMBRANCES

1. Terms, conditions and stipulations contained in the following agreement:
 - a. Recorded. Volume 65, Page 210, Deed Records, Chambers County, Texas
 - b. Type: Pipeline Right of Way
2. Terms, conditions and stipulations contained in the following agreement:
 - a. Parties: J. Jennings Investments, L.P., a Texas limited partnership
 - b. Recorded: January 7, 2011 in 201162649, of the Official Public Records, of Chambers County, Texas
 - c. Type: Right of Way
3. Terms, conditions and stipulations contained the following agreement:
 - a. Recorded: 201280491, Official Public Records, Chambers County, Texas
 - b. Type: Access Easement Agreement

FILED FOR RECORD IN:
Chambers County Clerk
On: 05/20/2020 2:41PM
Doc Number: 2020-153704
Number of Pages: 8
Amount: \$50.00
Order#: 20200520000043
By: JG
Heather H. Hawthorne



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:

December 29, 2020

Grantor:

COUNTY OF CHAMBERS, TEXAS

**Grantor's
Mailing
Address:**

P.O. Box 939
Anahuac, Texas 77514

Grantee:

NPH MARKET STREET, 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 Chambers County, Texas (the “**Real Property Records**”), 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 is the grantee under that certain Donation Deed dated December 22, 2010 (the “**Donation Deed**”) and recorded in Volume 1244, Page 696 of the Real Property Records establishing a public right of way (the “**Existing ROW**”) over the Property. The Donation Deed provides that title to the Existing ROW shall revert to the grantor thereunder upon Grantor’s abandonment of the Existing ROW. Such right of reverter has been assigned to Grantee pursuant to that certain Assignment of Right of Reverter dated May 19, 2020 by and between J. Jennings Investments, LP and Grantee, recorded as Document No. 2020-153705 of the Real Property Records. Grantor has abandoned the Existing ROW and Grantor executes this Special Warranty Deed in furtherance of such abandonment and to evidence the occurrence of the reverter set forth in the Donation Deed. Grantor has executed this Special Warranty Deed based on Grantee’s representation and warranty that Grantee is the beneficiary of the right of reverter set forth in the Donation Deed.

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.

[End of text; signature page follows.]

GRANTOR:

COUNTY OF CHAMBERS, TEXAS

By: _____

Name: Jimmy Sylvia

Title: Chambers County Judge

STATE OF TEXAS

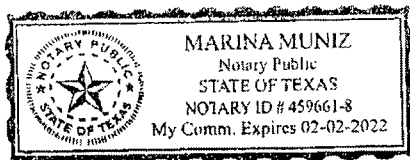
§

§

COUNTY OF CHAMBERS

§

This instrument was acknowledged before me on December 30,
2020, by Jimmy Sylvia, County Judge of
CHAMBERS COUNTY, TEXAS, on behalf of such county.



Notary Public, State of Texas

Marina Muniz

EXHIBIT A

A TRACT OR PARCEL CONTAINING 6.9374 ACRES OR 302,194 SQUARE FEET OF LAND, BEING OUT OF THE RESIDUE OF A CALLED 80.271 ACRE TRACT OF LAND TO J JENNINGS INVESTMENTS, LP AS RECORDED UNDER CHAMBERS COUNTY CLERK'S FILE NUMBER 2007025092, SITUATED IN THE CHAMBERS COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 321, CHAMBERS COUNTY, TEXAS, DESCRIBED AS FOLLOWS WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 1983:

COMMENCING AT A 5/8" IRON ROD FOUND ON THE WESTERLY RIGHT-OF-WAY LINE OF GRAND PARKWAY, A.K.A. STATE HIGHWAY NO. 99 (R.O.W. WIDTH VARIES) MARKING THE NORTHEAST CORNER OF SAID 80.271 ACRES, ALSO MARKING THE SOUTHEAST CORNER OF A CALLED 47.495 ACRE TRACT OF LAND TO ROSEMARY THOMAS-CREECH AS RECORDED UNDER CHAMBERS COUNTY CLERK'S FILE NUMBER 2005008219;

THENCE SOUTH 02 DEGREES 46 MINUTES 28 SECONDS EAST, WITH SAID WESTERLY RIGHT-OF-WAY LINE OF GRAND PARKWAY, A DISTANCE OF 85.96 FEET TO THE PLACE OF BEGINNING AND NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 02 DEGREES 46 MINUTES 28 SECONDS EAST, CONTINUING WITH SAID WESTERLY RIGHT-OF-WAY LINE OF GRAND PARKWAY, A DISTANCE OF 340.00 FEET TO THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 47 DEGREES 46 MINUTES 28 SECONDS WEST, DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF GRAND PARKWAY, A DISTANCE OF 141.42 FEET TO AN ANGLE POINT;

THENCE SOUTH 87 DEGREES 13 MINUTES 32 SECONDS WEST, A DISTANCE OF 696.73 FEET TO A POINT OF CURVATURE;

THENCE WESTERLY, ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 09 DEGREES 51 MINUTES 45 SECONDS, A RADIUS OF 4930.00 FEET, AN ARC LENGTH OF 848.62 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 82 DEGREES 17 MINUTES 39 SECONDS WEST, 847.57 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 77 DEGREES 21 MINUTES 47 SECONDS WEST, A DISTANCE OF 429.25 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING ON THE COMMON LINE OF SAID 80.271 FEET AND A CALLED 99.305 ACRE TRACT OF LAND (TRACT II) TO FLOMIN INC. AS RECORDED UNDER VOLUME (05) 826, PG. 549 OF THE CHAMBERS COUNTY DEED RECORDS AND CHAMBERS COUNTY CLERK'S FILE NUMBER 2007026843;

THENCE NORTH 13 DEGREES 00 MINUTES 14 SECONDS WEST, WITH SAID COMMON LINE, A DISTANCE OF 140.00 FEET TO THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 77 DEGREES 21 MINUTES 47 SECONDS EAST, DEPARTING SAID COMMON LINE, A DISTANCE OF 430.15 FEET TO A POINT OF CURVATURE;

THENCE EASTERLY, ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 09 DEGREES 51 MINUTES 45 SECONDS, A RADIUS OF 5070.00 FEET, AN ARC LENGTH OF 872.72 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 82 DEGREES 17 MINUTES 39 SECONDS EAST, 871.64 FEET TO A POINT OF TANGENCY;

THENCE NORTH 87 DEGREES 13 MINUTES 32 SECONDS EAST, A DISTANCE OF 696.73 FEET TO AN ANGLE POINT;

THENCE NORTH 42 DEGREES 13 MINUTES 32 SECONDS EAST, A DISTANCE OF 141.42 FEET TO THE PLACE OF BEGINNING AND CONTAINING 6.9374 ACRES OR 302,194 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 47023WC, PRODUCED BY WINDROSE LAND SERVICES, INC

FILED FOR RECORD IN:
Chambers County Clerk
On: 01/27/2021 1:18PM
Doc Number: 2021-163532
Number of Pages: 5
Amount: \$38.00
Order#: 20210127000030
By: PR
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.

Mailing Address of Grantee:

NPH Market Street, LLC
3330 South Sam Houston Pkwy East
Houston, Texas 77047

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF CHAMBERS §

That as of this 3rd day of March, 2020 (the "**Effective Date**"), **THE CREECH FAMILY TRUST** ("**Grantor**"), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has GRANTED, BARGAINED, SOLD AND CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY, unto **NPH MARKET STREET, LLC**, a Delaware limited liability company ("**Grantee**"), whose address for the purposes hereof is 3330 South Sam Houston Parkway East, Houston, Texas 77047, the real property described on **Exhibit A** attached hereto and made a part hereof, located in Chambers County, Texas (the "**Property**"), together with all right, title and interest of the Grantor, if any, in or to (a) any improvements thereon and rights and appurtenances with respect to the Property; (b) any and all roads, easements, streets and ways bounding the Property, and rights of ingress and egress thereto; (c) any and all rights, titles and interests appurtenant to the Property, including without limitation, (i) any reservations, privileges, utility capacity, rights under any licenses, easements and reciprocal easement agreements or other recorded or unrecorded instruments benefiting the Property, (ii) any easements, adjacent or contiguous tracts strips, gores, or alleys adjacent to the Property, (iii) any reversionary rights attributable to the Property, (iv) any condemnation awards made or to be made in lieu thereof, and any awards for damage to the Property by reason of a change of grade of any highway, street, road, or avenue, and (v) all, if any, water supply, waste disposal, drainage and other utility facilities located on the Property; provided, however, that this conveyance is made and accepted subject to the encumbrances set forth on **Exhibit B** attached hereto and made a part hereof (hereinafter referred to as the "**Permitted Exceptions**").

Notwithstanding anything to the contrary contained herein, it is expressly understood and agreed that this conveyance does not include any oil, gas and/or other mineral interests, and Grantor hereby expressly reserves unto itself, its successors and assigns, all of Grantor's right, title and interest in and to any and all of the oil, gas and other minerals (including coal, lignite and other minerals, whether hydrocarbon and otherwise) in and under, and that may be produced from the Property; provided, however, Grantor, on behalf of itself and its successors and assigns, forever waives 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, producing, transporting, mining, treating, storing or any other purposes incident to the development or production of the reserved minerals in, on, and under the Property.

TO HAVE AND TO HOLD the Property, as aforesaid, subject to the Permitted Exceptions, unto Grantee, its successors and assigns, forever, and Grantor does hereby bind itself and its successors and assigns, to WARRANT AND FOREVER DEFEND, subject only to the Permitted Exceptions, 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.

The Property is conveyed by Grantor and accepted by Grantee in its "AS IS" condition and "WITH ALL FAULTS." GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES AND/OR COVENANTS (OTHER THAN THE SPECIAL WARRANTY OF TITLE TO BE SET FORTH HEREIN), PROMISES, COVENANTS, AGREEMENTS OR GUARANTEES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY OR CONDITION OF THE PROPERTY AND OR THE GRANTOR'S INTEREST THEREIN, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY IN RESPECT OF SAME, (B) THE SUITABILITY THEREOF FOR ANY AND ALL ACTIVITIES AND USES WHICH IT MAY CONDUCT THEREON, (C) THE EXISTENCE OF ANY WETLANDS, ENVIRONMENTAL HAZARDS OR CONDITIONS THEREON, (D) THE COMPLIANCE THEREOF WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE DRAINAGE CHARACTERISTICS THEREOF, OR (F) ANY OTHER MATTER WITH RESPECT TO THE CONDITION THEREOF. EXCEPT FOR ANY EXPRESS REPRESENTATIONS, WARRANTIES AND/OR COVENANTS MADE HEREIN, GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT IT IS NOT RELYING ON ANY INFORMATION PROVIDED BY GRANTOR AND AGREES TO ACCEPT THE PROPERTY AND WAIVE ALL OBJECTIONS OR CLAIMS AGAINST GRANTOR (INCLUDING BUT NOT LIMITED TO, ANY RIGHT OR CLAIM OF CONTRIBUTION) ARISING FROM OR RELATED TO ANY HAZARDOUS MATERIALS IN, ON OR UNDER THE PROPERTY.

All taxes and assessments for 2020 have been prorated as of the Effective Date, and Grantee assumes and agrees to pay taxes for 2020 and subsequent years.

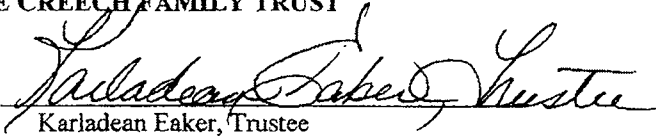
[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, this Special Warranty Deed has been executed by Grantor to be effective as of the Effective Date.

GRANTOR:

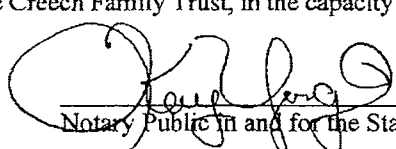
THE CREECH FAMILY TRUST

By:


Karladean Eaker, Trustee

THE STATE OF North Carolina §
§
COUNTY OF Catawba §

This instrument was acknowledged before me on the 20th day of Feb. 2020, by Karladean Eaker, Trustee of The Creech Family Trust, in the capacity therein stated on behalf of said Trust.


Notary Public in and for the State of NC

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

Signature Page to Special Warranty Deed

Exhibit A

Legal Description

Tract 1 (FEE SIMPLE):

A TRACT OR PARCEL CONTAINING 61.353 ACRES OR 2,672,528 SQUARE FEET OF LAND SITUATED IN THE CHAMBERS COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 321, CHAMBERS COUNTY, TEXAS, BEING ALL OF A CALLED 61.3529 ACRE TRACT (TRACT 2), DESCRIBED IN DEED TO THE CREECH FAMILY TRUST AS RECORDED IN VOL. 1383, PG. 361 OF THE CHAMBERS COUNTY CLERK'S FILE (C.C.C.F.), WITH SAID 61.353 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 A POINT ON THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF GRAND PARKWAY (ALSO KNOWN AS STATE HIGHWAY NO. 99), (VARIABLE WIDTH), FOR THE NORTHEAST CORNER OF A CALLED 54.9302 ACRE TRACT OF LAND DESCRIBED IN DEED TO TGS CEDAR PORT PARTNERS, LP AS RECORDED IN C.C.C.F. NO. 2014-98883;

THENCE, NORTH 02 DEG. 46 MIN. 28 SEC. WEST, ALONG THE WEST R.O.W. LINE OF SAID GRAND PARKWAY, A DISTANCE OF 510.36 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE SOUTHEAST CORNER OF SAID 61.3529 ACRE TRACT, SAME BEING THE SOUTHEAST CORNER AND POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 88 DEG. 01 MIN. 48 SEC. WEST, ALONG THE COMMON LINE OF A CALLED 74.145 ACRE TRACT OF LAND DESCRIBED IN DEED TO HOUSTON LIGHTING & POWER COMPANY AS RECORDED IN VOL. 275, PG. 284, CHAMBERS COUNTY DEED RECORDS (C.C.D.R.), AND SAID 61.3529 ACRE TRACT, A DISTANCE OF 56.15 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR AN INTERIOR CORNER;

THENCE, SOUTH 73 DEG. 20 MIN. 26 SEC. WEST, CONTINUING ALONG THE AFOREMENTIONED COMMON LINE, A DISTANCE OF 1,572.79 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET MARKING THE COMMON CORNER OF A CALLED 64.832 ACRE TRACT DESCRIBED IN DEED TO HOUSTON LIGHTING & POWER COMPANY AS RECORDED IN VOL. 276, PG. 469 C.C.C.F., THE REMAINDER OF A CALLED 99.305 ACRE TRACT (TRACT 3) DESCRIBED IN DEED TO TGS CEDAR PORT PARTNERS LP, AS RECORDED IN C.C.C.F. NO. 2017-127120, AND SAID 61.3529 ACRE TRACT, SAME BEING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 13 DEG. 00 MIN. 14 SEC. WEST, ALONG THE COMMON LINE OF SAID 99.305 ACRE TRACT AND SAID 61.3529 ACRE TRACT, A DISTANCE OF 1,757.13 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET MARKING THE NORTHWEST CORNER OF SAID 61.3529 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 5/8 INCH IRON PIPE FOUND BEARS FOR REFERENCE - SOUTH 25 DEG. 55 MIN. EAST, A DISTANCE OF 8.4 FEET;

THENCE, NORTH 88 DEG. 01 MIN. 48 SEC. EAST, ALONG THE COMMON LINE OF THE REMAINDER OF A CALLED 80.271 ACRE TRACT (TRACT 5) DESCRIBED IN DEED TO J. JENNINGS INVESTMENTS, LP AS RECORDED IN VOL. 952, VOL. 646, C.C.C.F., AND SAID 61.3529 ACRE TRACT, A DISTANCE OF 1,892.91 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE WEST R.O.W. LINE OF SAID GRAND PARKWAY, MARKING THE NORTHEAST CORNER OF SAID 61.3529 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT, FROM WHICH A DISTURBED 5/8 INCH IRON ROD FOUND BEARS FOR REFERENCE - NORTH 57 DEG. 45 MIN. EAST, A DISTANCE OF 0.8 FEET;

Exhibit A

25071344v.2

THENCE, SOUTH 06 DEG. 19 MIN. 26 SEC. EAST, ALONG THE WEST R.O.W. LINE OF SAID GRAND PARKWAY, A DISTANCE OF 37.26 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR AN ANGLE POINT;

THENCE, SOUTH 02 DEG. 46 MIN. 28 SEC. EAST, CONTINUING ALONG THE WEST R.O.W. LINE OF SAID GRAND PARKWAY, A DISTANCE OF 1,288.80 FEET TO THE POINT OF BEGINNING AND CONTAINING 61.353 ACRES OR 2,672,528 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 55496, PREPARED BY WINDROSE LAND SERVICES.

Tract 2 (EASEMENT):

Terms, conditions and provisions of that certain Access Easement Agreement dated December 20, 2012, filed for record under Clerk's File Number (2012) 80491, and being recorded in Volume 1383, Page 375 of the Official Public Records of Chambers County, Texas.

Exhibit A

Exhibit B

Permitted Exceptions

1. Pipeline easement granted to Gulf Refining Company and to Gulf Oil Corporation, as set out by instrument dated April 13, 1951, recorded in Volume 132, Page 276 of the Deed Records of Chambers County, Texas.
2. Pipeline Easement rights as granted to John M. Kilgore, as set out by instrument, executed by W.D. Haden, dated June 30, 1939, recorded in Volume 65, Page 210 of the Deed Records of Chambers County, Texas. Affidavit by C.T. Stables, dated September 7, 1977, recorded in Volume 404, Page 439 of the Deed Records of Chambers County, Texas.
3. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated December 6, 1923, in Volume 17, Page 581 of the Deed Records of Chambers County, Texas.
4. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated December 28, 1955, recorded on January 11, 1956, in Volume 172, Page 166 of the Deed Records of Chambers County, Texas.
5. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated July 3, 1946, recorded on October 15, 1946, in Volume 100, Page 377 of the Deed Records of Chambers County, Texas.
6. Title to all of the oil, gas and minerals of every kind and nature in, on and under the insured property, together with all rights, privileges and immunities relating thereto, heretofore reserved or conveyed by predecessors in title as shown in the Public Records of Chambers County, Texas.
7. Terms, conditions and stipulations of that certain Access Easement Agreement by and between J. Jennings Investments, LP, a Texas limited partnership, and The Crecch Family Trust, dated December 20, 2012, recorded in Volume (2012) 1383, Page 375, filed under Clerk's No. (2012) 80491 of the Official Public Records of Chambers County, Texas, located as shown on ALTA/NSPS Land Title Survey prepared by Lucas G. Davis, R.P.L.S. No. 6599, Job No. 55496 with Windrose Land Surveying, last revised February 12, 2020.

Exhibit B

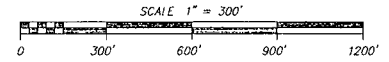
FILED FOR RECORD IN
Chambers County Clerk
On: 03/04/2020 8:20AM
Doc Number: 2020-151355
Number of Pages: 7
Amount: \$46.00
Order#: 20200303000056
By: LM
Heather H. Hawthorne



Exhibit B

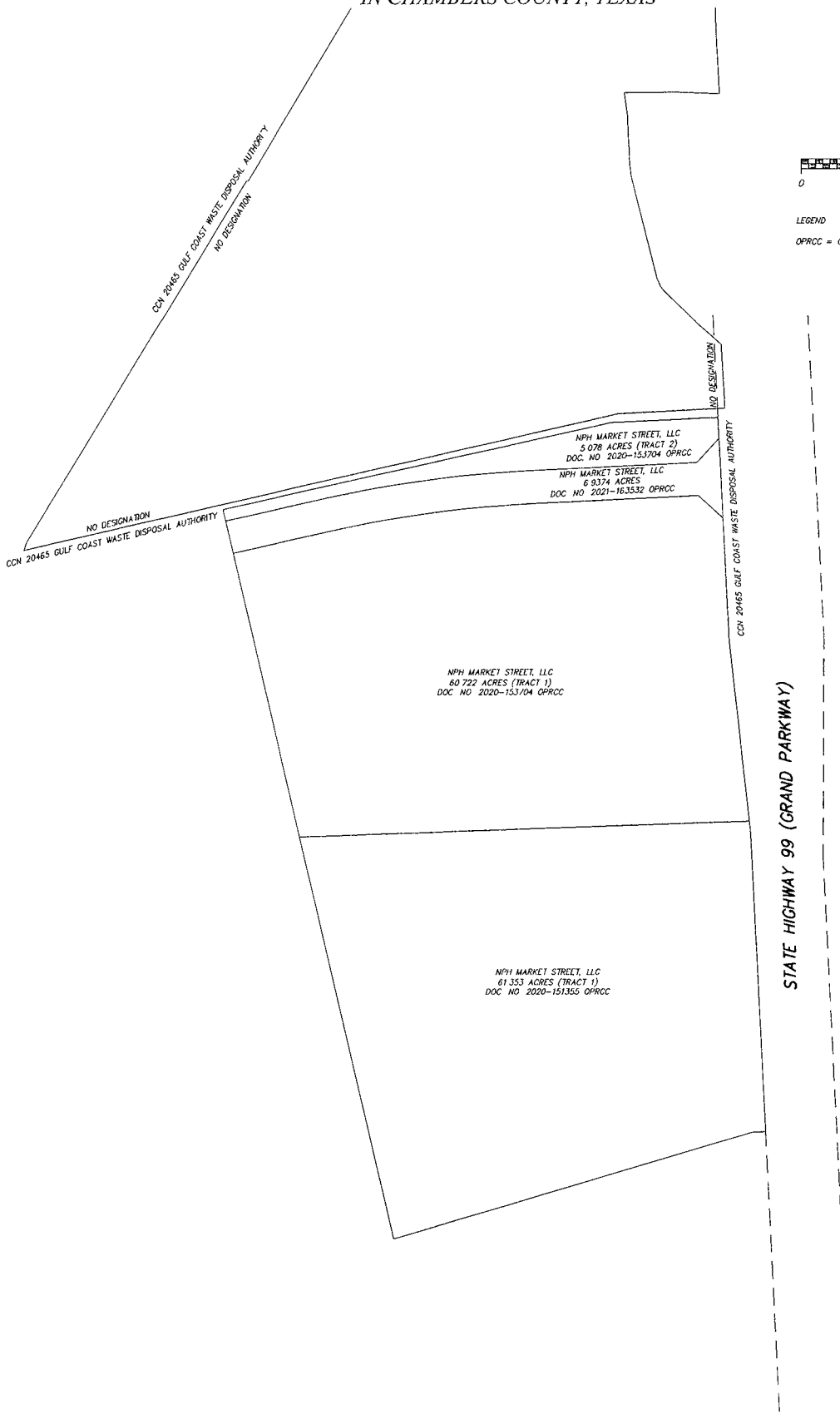
Maps and Electronic Data

NPH MARKET STREET, LLC TRACTS
5 078 ACRES, 6 9374 ACRES, 60.722 ACRES, AND 61.353 ACRES WITHIN
GULF COAST WASTE DISPOSAL AUTHORITY SEWER CCN 20465
IN CHAMBERS COUNTY, TEXAS



LEGEND

OPRC = OFFICIAL PUBLIC RECORDS OF CHAMBERS COUNTY, TEXAS



DATE FEBRUARY 4, 2021 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

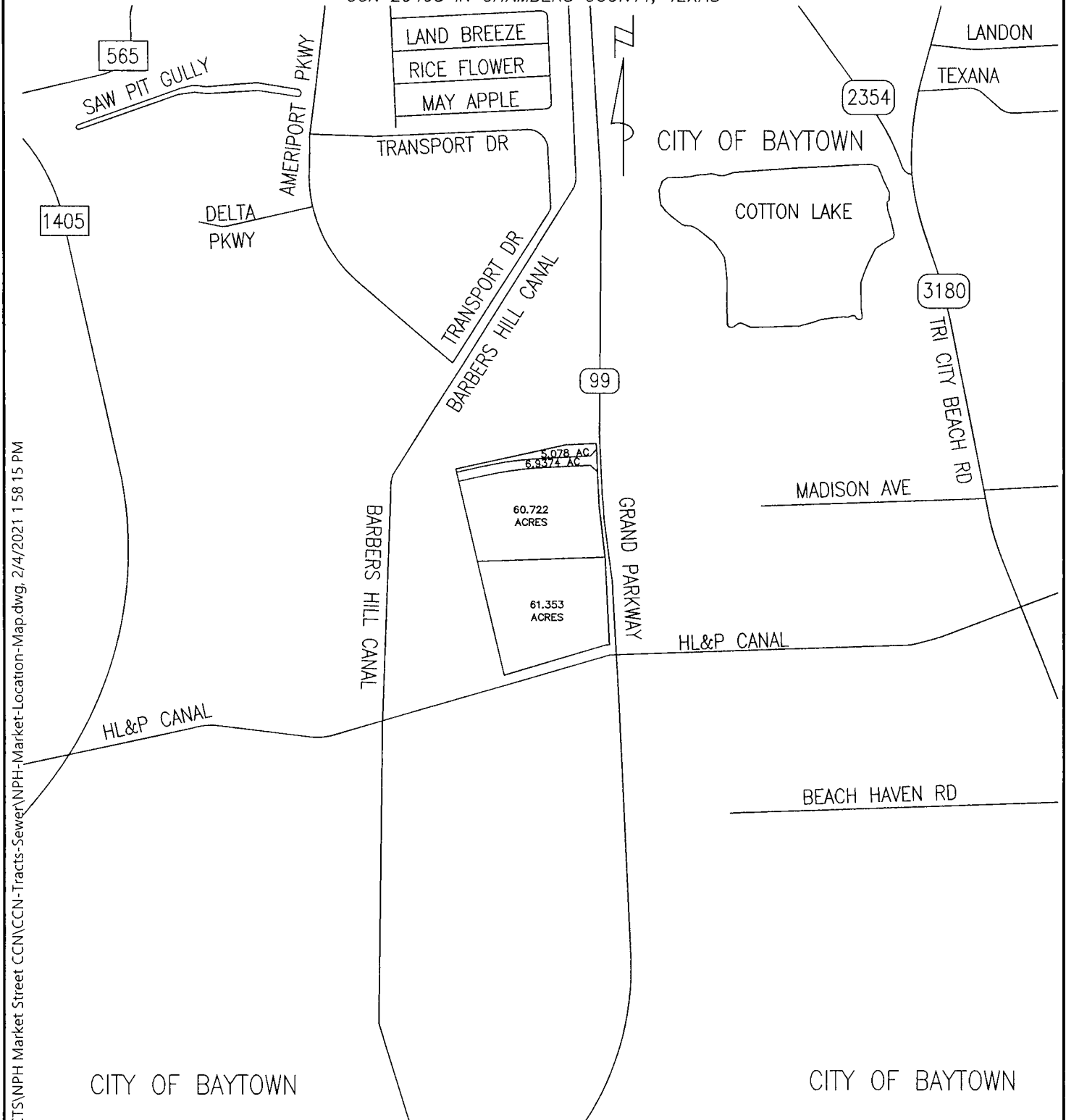
SHEET 1 OF 1 SHEETS

F-10015400

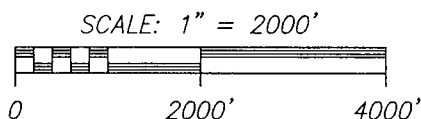
S:\MAINT PROJECTS\NPH Market Street CCN\CCN Tracts Sewer\NPH Market Large Scale.dwg 2/4/2021 11:30:54 AM

LOCATION MAP NPH MARKET STREET, LLC TRACTS

5.078 ACRES, 6.9374 ACRES, 60.722 ACRES, AND 61.353 ACRES WITHIN GULF COAST WASTE DISPOSAL AUTHORITY
CCN 20465 IN CHAMBERS COUNTY, TEXAS



S:\NAMED PROJECTS\NPH Market Street CCN\CCN-Tracts-Sewer\NPH-Market-Location-Map.dwg, 2/4/2021 11:58:15 PM



DATE: FEBRUARY 4, 2021 SCALE: 1" = 2000'

RJ SURVEYING & ASSOCIATES, INC.
2900 JAZZ STREET, ROUND ROCK, TEXAS, 78664
F-10015400 (512) 836-4793 FAX: (512) 836-4817

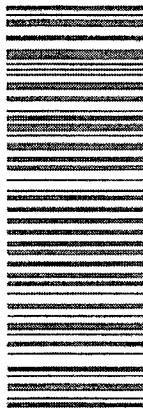
CD ATTACHED

**TO VIEW PLEASE CONTACT
CENTRAL RECORDS
512-936-7180**

Exhibit C

U.S. Postal Service Certified Mail Receipt

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.
CERTIFIED MAIL



7019 0700 0002 3518 5718
7019 0700 0002 3518 5718

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL CLF 4213-0

Certified Mail Fee
\$ 3.57

Extra Services & Fees (check box, add fee as appropriate)

<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 2.87
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage
\$

Total Postage and Fees
\$

Postmark
here

Sent To
Street and
City, State,
PS Form 3811

Gulf Coast Authority
910 Bay Area Blvd.
Houston, Texas 77058-2604

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gulf Coast Authority
910 Bay Area Blvd.
Houston, Texas 77058-2604



9590 9402 5984 0062 2949 31

2. Article Number (Transfer from service label)

7019 0700 0002 3518 5718

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent
☐ Addressee

X

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery over \$500	

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

Certified Mail service provides the following benefits:

- A receipt (the 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 specified 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 purchases with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail services.
 - For an additional fee, and with a proper endorsement on the mailpiece, you may request the following service:
 - 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 duplicate 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 signer to be at least 21 years of age (not available at retail).
 - Adult signature restricted delivery service, which requires the signer 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, it should bear a USPS postmark. 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 cornered 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

USPS TRACKING #



9590 9402 5984 0062 2949 31



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

**United States
Postal Service**

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

Lloyd Gosselink
Attn: Christina Thompson
816 Congress Avenue, Suite 1900
Austin, Texas 78701

4213-0 Petition

Exhibit D

Notarized Affidavit of Ryan T. Lovell

PUC DOCKET NO. _____

PETITION OF NPH MARKET	§	
STREET, LLC TO AMEND THE	§	
GULF COAST AUTHORITY'S	§	
SEWER CERTIFICATE OF	§	BEFORE THE
CONVENIENCE AND NECESSITY	§	
NO. 20465 IN CHAMBERS	§	PUBLIC UTILITY COMMISSION
COUNTY BY STREAMLINED	§	
EXPEDITED RELEASE UNDER	§	OF TEXAS
TEXAS WATER CODE § 13.2541	§	
AND 16 TEXAS ADMINISTRATIVE	§	
CODE § 24.245(h)	§	

AFFIDAVIT OF RYAN T. LOVELL

On this day, appeared before me, the undersigned notary public, Ryan T. Lovell, Vice President of NPH Market Street, LLC, a Delaware limited liability company ("*Petitioner*"), and after I administered an oath unto him, upon his oath, he said:

"My name is Ryan T. Lovell. 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. Petitioner owns four tracts of land in Chambers County, Texas (collectively, the "*Tracts*").
2. The Tracts are located entirely within sewer Certificate of Convenience and Necessity No. 20465, held by the Gulf Coast Authority (the "*Authority CCN*").
3. The Tracts contain approximately 134.0904 acres, and are more fully described by metes and bounds in the deeds included as Exhibit A of the above-referenced petition (the "*Petition*").
4. The Petition is being submitted under Texas Water Code § 13.2541 and 16 Texas Administrative Code § 24.245(h).

5. Included as Exhibit B to the Petition are large and small scale maps, with corresponding digital mapping data, including a single, continuous polygon record, which depict the Tracts and demonstrate that the Tracts lie entirely within the Authority CCN in Chambers County, Texas.
 6. The Tracts have never received retail sewer service from the Authority.
 7. The Tracts are not currently receiving retail sewer service from the Authority.
 8. Petitioner has never requested that the Authority provide sewer service to the Tracts.
 9. Petitioner has no contracts with the Authority for the provision of sewer service to the Tracts.
 10. Petitioner has not received any bills from the Authority for sewer service to the Tracts.
 11. Attached as Exhibit C to the Petition, as proof that a copy of the Petition was mailed to the Authority via certified mail on the same day Petitioner submitted the Petition with the Public Utility Commission of Texas, is a U.S. Postal Service Certified Mail Receipt.”
- FURTHER AFFIANT SAYETH NOT.



Ryan T. Lovell, Vice President
NPH Market Street, LLC

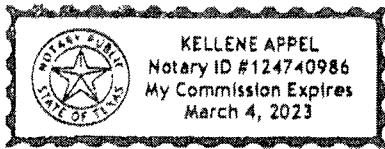
STATE OF TEXAS

COUNTY OF

Harris

§
§
§

Sworn to and subscribed before me, the undersigned authority, on this the 10th day
of March, 2021.



Kellene Appel
Notary Public, State of Texas