

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

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

THAT, COLES CROSSING COMMUNITY ASSOCIATION, INC., a Texas non-profit corporation ("Grantor"), for and in consideration of the sum of Ten and No/100 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 GRANT, BARGAIN, SELL and CONVEY unto HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 365, a political subdivision of the State of Texas, its successors and assigns ("Grantee"), all that certain real property situated in Harris County, Texas, containing 0.3715 acres, as more particularly described in and shown on **Exhibit A** attached hereto and incorporated herein for all purposes, together with all rights, titles, and interests appurtenant thereto and improvements situated thereon (collectively, the "Property").

This Special Warranty Deed and the conveyance hereinabove set forth are executed by Grantor and accepted by Grantee subject to the terms, conditions and provisions hereof and further subject to all easements, conditions, restrictions, covenants, mineral or royalty interests, mineral reservations, surface waivers, utility conveyances, liens, encumbrances, regulations or orders of municipal and/or other governmental authorities, if any, or other matters of record in Harris County, Texas, to the extent the same are validly existing and applicable to the Property (collectively, 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 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 only to the Permitted Encumbrances.

NOTWITHSTANDING ANYTHING TO THE CONTRARY HEREIN, IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT GRANTEE IS ACQUIRING THE PROPERTY, "AS IS", "WHERE IS" AND "WITH ALL FAULTS" AND THAT, EXCEPT FOR THE WARRANTY OF TITLE SET FORTH IN THIS SPECIAL WARRANTY DEED, GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATIONS OR WARRANTIES, EXPRESSED OR IMPLIED, WITH RESPECT TO THE QUALITY, PHYSICAL CONDITION, EXPENSE, VALUE, PRESENCE/ABSENCE OF HAZARDOUS MATERIALS, ELECTROMAGNETIC FIELD EXPOSURE LEVELS OR ANY OTHER MATTER OR THING AFFECTING OR RELATED TO THE PROPERTY (INCLUDING, WITHOUT LIMITATION, WARRANTIES OF HABITABILITY OR SUITABILITY OF THE PROPERTY FOR GRANTEE'S INTENDED USE OR WARRANTIES OF MERCHANTABILITY AND/OR OF FITNESS FOR A PARTICULAR PURPOSE), WHICH MIGHT BE PERTINENT IN CONSIDERING THE MAKING OF THE PURCHASE OF THE PROPERTY, AND GRANTEE, BY GRANTEE'S ACCEPTANCE HEREOF, DOES HEREBY RELEASE AND FOREVER DISCHARGE GRANTOR, ITS SUCCESSORS AND ASSIGNS, FROM ANY AND ALL CLAIMS, OBLIGATIONS AND LIABILITIES (WHETHER BASED IN TORT, CONTRACT OR OTHERWISE) ATTRIBUTABLE IN WHOLE OR IN PART, TO ANY SUCH REPRESENTATION AND/OR ALLEGED REPRESENTATION MADE BY THE GRANTOR.

Grantee is a tax exempt entity and is exempt from the payment of ad valorem taxes.

Grantee's address is c/o Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027.

[Signature pages follow this page.]

EXECUTED this 28 day of January ~~2018~~ ²⁰¹⁹

GRANTOR:

**COLES CROSSING COMMUNITY
ASSOCIATION, INC.,**
a Texas non-profit corporation

By: *Sarah Silverman*
Name: Sarah Silverman
Title: HOA Board President

THE STATE OF TEXAS §
 §
COUNTY OF Harris §

~~2018~~ This instrument was acknowledged before me on the 28th day of January ²⁰¹⁹, by Sarah Silverman, HOA Board President of COLES CROSSING COMMUNITY ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said non-profit corporation.

(NOTARY SEAL)



Jennifer Petras
Notary Public, State of Texas

RP-2019-57522

EXECUTED by Grantee on the date set forth in the acknowledgment below, but AGREED to, ACCEPTED, and EFFECTIVE as of the date executed by Grantor.

GRANTEE:

HARRIS COUNTY MUNICIPAL UTILITY
DISTRICT NO. 365

By: Joe Myers
Name: Joe Myers
Title: President

ATTEST:

By: Alan Silverman
Name: Alan Silverman
Title: Secretary

THE STATE OF TEXAS

§

§

COUNTY OF Harris

§

This instrument was acknowledged before me on the 22 day of March, 2018, by Joe Myers, President, and Alan Silverman, Secretary of the Board of Directors of HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 365, a political subdivision of the State of Texas, on behalf of said political subdivision.

(NOTARY SEAL)



Holly L. Austin
Notary Public, State of Texas

Attachment:

Exhibit A - Description and Sketch of Property

After recording, please return to:

Jeanette Harris

Allen Boone Humphries Robinson LLP

3200 Southwest Freeway, Suite 2600

Houston, Texas 77027

RP-2019-57522

Exhibit A – Description and Sketch of Property

PROPERTY DESCRIPTION
0.3715 ACRE (16,184 SQ. FT.)

BEING a tract of land containing 0.3715 acre (16,184 square feet) being out of an a part of that called 3.087 acre tract conveyed to Coles Crossing Community Association, Inc. by deed recorded in File No. 20060294415 Official Public Records Real Property Harris County, Texas (O.P.R.R.P.H.C.T.), also being situated in the Joseph Stowe Survey, Abstract No. 739 Harris County, Texas, said 0.3715 acre (16,184 sq. ft.) tract being more particularly described as follows:

COMMENCING at a 1-inch iron pipe found for the most northern point of a cutback corner at the northwest intersection of Barker Cypress Road (100' wide) as recorded in Film Code No. 394059 Harris County Map Records (H.C.M.R.) and Jarvis Road (100' wide) as recorded in File No. X554801 O.P.R.R.P.H.C.T.;

COMMENCING at a 1-inch iron pipe found for the most northern point of a cutback corner at the northwest intersection of Barker Cypress Road (100' wide) as recorded in Film Code No. 394059 Harris County Map Records (H.C.M.R.) and Jarvis Road (100' wide) as recorded in File No. X864801 O.P.R.R.P.H.C.T.;

THENCE South 42° 55' 33" West, along said cutback corner, same being the southeast line of said 3.087 acre tract, a distance of 21.21 feet to a point for the southern point of said cutback corner;

THENCE South 87° 55' 33" West, along the common line between said Jarvis Road and said 3.087 acre tract, a distance of 204.48 feet to a 5/8-inch iron rod with cap stamped "LUPHER, LLC" set for the **POINT OF BEGINNING** and southeast corner of the herein described tract, having surface coordinates of N= 13,915,367.74, E=3,021,787.57;

- 1) **THENCE**, South 87° 55' 33" West, continuing along the common line between said Jarvis Road and said 3.087 acre tract, along the south line of the herein described tract, a distance of 66.97 feet to a 5/8-inch iron rod with cap stamped "LUPHER, LLC" set for the southwest corner of the herein described tract;
- 2) **THENCE**, North 28° 26' 49" West, across said 3.087 acre tract, along the west line of the herein described tract, a distance of 223.23 feet to a 5/8-inch iron rod with cap stamped "LUPHER, LLC" set for an angle point in the west line of the herein described tract;
- 3) **THENCE**, North 02° 04' 27" West, continuing along the west line of the herein described tract, a distance of 50.00 feet to a 5/8-inch iron rod with cap stamped "LUPHER, LLC" set for the northwest corner of the herein described tract;

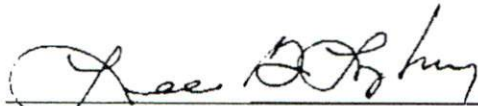
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- 4) **THENCE**, North 87° 55' 33" East, along the north line of the herein described tract, a distance of 50.00 feet to a 5/8-inch iron rod with cap stamped "LUPHER, LLC" set the northeast corner of the herein described tract;
- 5) **THENCE**, South 02° 04' 27" East, along the east line of the herein described easement tract, a distance of 15.77 feet to a 5/8-inch iron rod with cap stamped "LUPHER, LLC" set for an angle point in the east line of the herein described tract;
- 6) **THENCE**, South 28° 26' 49" East, continuing along the east line of the herein described tract, a distance of 261.43 feet to the **POINT OF BEGINNING** and containing 0.3715 acre (16,184 square feet) of land.

NOTE: Existing and remaining area shown are approximate. Horizontal control for this project is referenced to the Texas Coordinate System, South Central Zone, North American Datum of 83 (NAD 83), 2011 Adjustment. All coordinates are surface and are in U.S. survey feet and may be converted to grid by multiplying by a combined adjustment factor of 0.999870017.

A parcel plat of even date accompanies this property description.

I, Lee G. Lupher, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was prepared from an actual on-the-ground survey of the property described herein, conducted by me or under my supervision, and that this survey correctly represents the facts found at the time of the survey.



Lee G. Lupher, RPLS No. 5955
 LUPHER, LLC – Firm No. 10193807
 5421 Brystone Drive, Houston, Texas 77041
 Office (281) 501-8718



3/14/2018

GENERAL NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS. THE LEICA GPS NETWORK TEXAS COORDINATE SYSTEM SOUTH CENTRAL ZONE, 4204, NAD83 (2011 ADJ.) ALL DISTANCES, BEARINGS & COORDINATES ARE SURFACE AND CAN BE CONVERTED TO GRID BY MULTIPLYING THE AVERAGE SCALE FACTOR OF 0.999870017.

2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, THEREFORE EASEMENTS OR OTHER ENCUMBRANCES MAY EXIST THAT HAVE NOT BEEN SHOWN HEREON.

3. TRACT IS SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS AND STIPULATIONS OF THE CITY OF HOUSTON ORDINANCE NO. 85-1878, ENACTED OCTOBER 23, 1985, PERTAINING TO THE PLATTING AND REPLATTING OF REAL PROPERTY AND THE ESTABLISHMENT OF BUILDING SETBACK LINES, CERTIFIED COPY OF SAID ORDINANCE WAS FILED FOR RECORD ON AUGUST 1, 1991, UNDER CLERK'S FILE NO. N253886 OF THE HARRIS COUNTY DEED RECORDS.

4. A METERS AND BOUNDS DESCRIPTION HAS BEEN PREPARED IN CONJUNCTION WITH THIS MAP.

LEGEND:

- ROW - RIGHT OF WAY
- P - PROPERTY LINE
- N - LAND HOOK
- IRC - IRON ROD W/CAP
- FND - FOUND
- (CM) - CONTROLLING MONUMENT
- O.P.R.R.P.H.C.T.-OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY TEXAS
- - SET 5/8" IRC "LUPHER LLC"

DRY CREEK DETENTION BASIN
CALLED 8.9530
HCMUD NO 365
DEDICATION OF DETENTION BASIN
FC NO. Z254196
O.P.R.R.P.H.C.T.

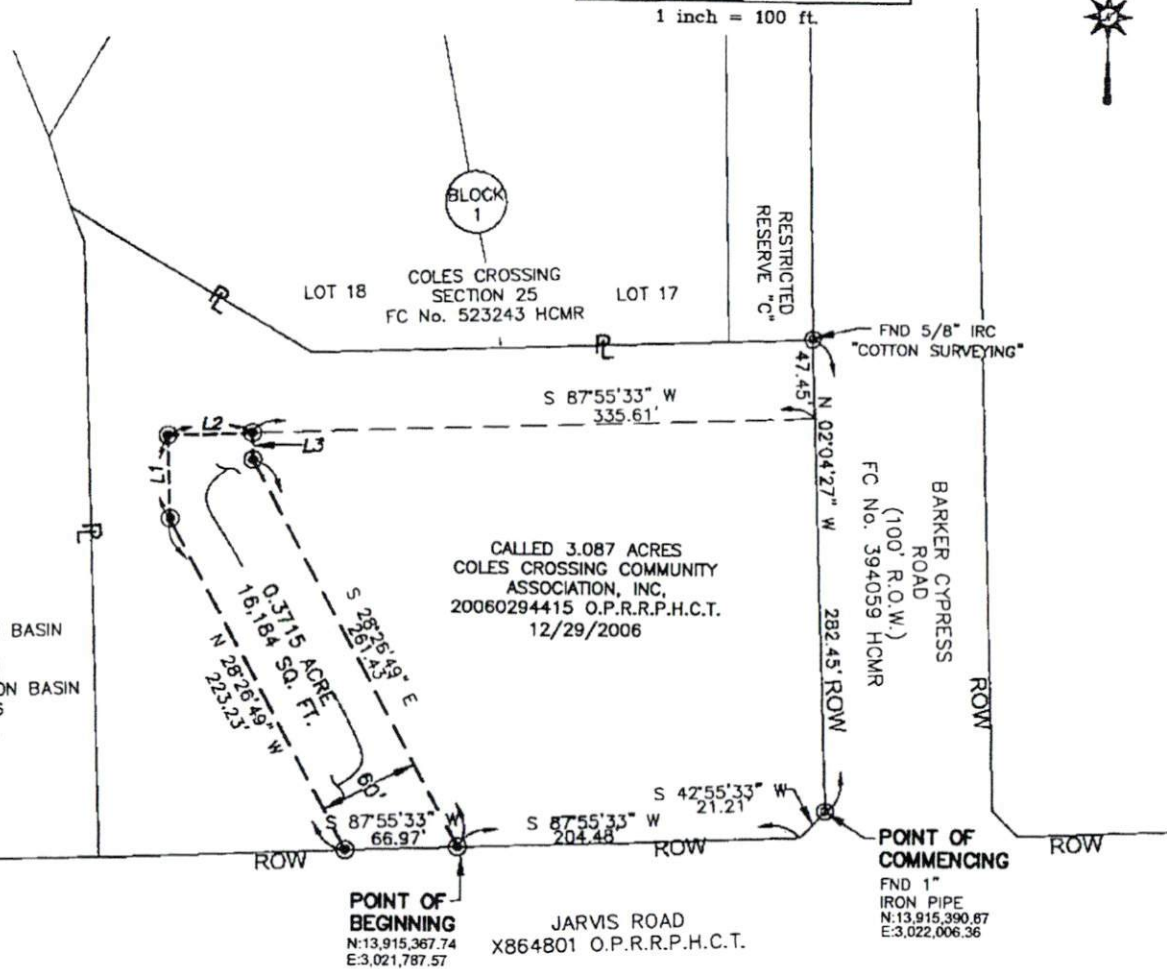
LINE	BEARING	DISTANCE
L1	N 02°04'27" W	50.00'
L2	N 87°55'33" E	50.00'
L3	S 02°04'27" E	15.77'

Lee G. Luper



**JOSEPH STOWE SURVEY, 0
ABSTRACT No. 739**

GRAPHIC SCALE
0 100 200
1 inch = 100 ft.



COUNTY - HARRIS
DATE - MARCH/13/2018
SCALE - 1" = 100'

DRAWN BY: HL
JOB NO: 18-065-011
CHECKED BY: LGL

LUPHER, LLC
TEXAS PROFESSIONAL LAND SURVEYORS
T8PLS FIRM REG. NO. 10193807
5421 BRYSTONE DRIVE
HOUSTON, TX 77041
(281)501-8718

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Pages 9
02/12/2019 11:30 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
DIANE TRAUTMAN
COUNTY CLERK
Fees \$44.00

RECORDERS MEMORANDUM

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

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

THE STATE OF TEXAS

COUNTY OF HARRIS

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



Diane Trautman

COUNTY CLERK
HARRIS COUNTY, TEXAS