

When recorded, return to:

**THE CITY OF HOUSTON
2100 Travis, 9th Floor
Houston, TX 77251-1562
Attention: Real Estate Manager-Ms. Rupa Sen, Housing and Community
Development Department**

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

July 26, 2022

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

RP-2022-383672

LOVETT CUSTOM HOMES, INC., a Texas corporation ("**Grantor**"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which consideration are hereby acknowledged, by these presents does hereby Grant, Bargain, Sell, and Convey, unto the **CITY OF HOUSTON, TEXAS**, a municipal corporation situated in Harris, Fort Bend and Montgomery Counties, Texas ("**Grantee**"), for itself and its successors and assigns (i) all that real property situated in the County of Harris, State of Texas, and more particularly described on **Exhibit A** attached hereto and made a part hereof for all purposes, and (ii) together with all improvements now or hereafter situated thereon (collectively, the "**Property**"), TOGETHER with all and singular tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining thereto.

This Deed is made and accepted expressly subject to the matters set forth in **Exhibit B** attached hereto and made a part hereof for all purposes ("Permitted Encumbrances").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances belonging in any way to the Property, unto the said Grantee, its successors and assigns forever, and Grantor binds itself and its successors and assigns to warrant and forever defend all and singular the Property to Grantee, its successors and assigns against every person lawfully claiming or to claim all or any part of the Property, by, through or under Grantor, but not otherwise.

It is expressly agreed that the Grantor makes no warranty, either express or implied, as to the physical condition of the Property conveyed; the Property is conveyed in AS-IS CONDITION. Grantee acknowledges that this provision is part of the consideration for the execution hereof by Grantor and Grantor would not execute this Deed but for this provision. The recordation of this Deed by the Grantee or anyone acting on behalf of the Grantee conclusively evidences the acceptance of the conveyance subject to the provisions of this paragraph.

EXCEPT AS TO GRANTOR'S LIMITED WARRANTY OF TITLE HEREIN AND EXCEPT FOR ANY EXPRESS REPRESENTATIONS AND WARRANTIES SET FORTH IN THAT CERTAIN AGREEMENT FOR OPTION TO PURCHASE REAL PROPERTY, DATED APRIL 1, 2022, BY AND BETWEEN GRANTOR AND THE CITY OF HOUSTON, TEXAS, A MUNICIPAL CORPORATION SITUATED IN HARRIS, FORT BEND AND MONTGOMERY COUNTIES, TEXAS, GRANTOR ACKNOWLEDGES THAT THE CONVEYANCE OF THE PROPERTY IS MADE "AS-IS," "WHERE-IS," AND "WITH ALL FAULTS," WITHOUT ANY REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, IMPLIED WARRANTIES OF FITNESS FOR ANY PARTICULAR PURPOSE OR MERCHANTABILITY OR ANY OTHER WARRANTIES WHATSOEVER CONTAINED IN OR CREATED BY THE TEXAS BUSINESS AND COMMERCE CODE OR OTHERWISE. GRANTEE ACKNOWLEDGES THAT GRANTOR SHALL BE UNDER NO OBLIGATION WHATSOEVER TO UNDERTAKE ANY REPAIR, ALTERATION, REMEDIATION OR OTHER WORK OF ANY KIND WITH RESPECT TO ANY PORTION OF THE PROPERTY. GRANTEE AND ITS SUCCESSORS AND ASSIGNS HAVE, AND SHALL BE DEEMED TO HAVE, ACCEPTED THE PROPERTY SUBJECT TO THE RISK OF THE PRESENCE OF TOXIC OR HAZARDOUS SUBSTANCES, MATERIALS OR WASTES OR OTHER ACTUAL OR POTENTIAL ENVIRONMENTAL CONTAMINANTS ON, WITHIN OR UNDER THE SURFACE OF THE PROPERTY, WHETHER KNOWN OR UNKNOWN, APPARENT, NON-APPARENT OR LATENT, AND WHETHER EXISTING PRIOR TO, AT OR SUBSEQUENT TO TRANSFER OF THE PROPERTY TO GRANTEE.

GRANTEE ACKNOWLEDGES THAT, EXCEPT AS EXPRESSLY PROVIDED IN THIS DEED, THE AFOREMENTIONED PURCHASE AND SALE AGREEMENT AND/OR IN OTHER DOCUMENTS DELIVERED BY GRANTOR AT THE CLOSING OF THE TRANSACTION CONTEMPLATED BY THE AGREEMENT FOR OPTION TO PURCHASE REAL PROPERTY, NEITHER GRANTOR NOR ANY OF ITS AGENTS HAVE MADE, AND DISCLAIM, ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, OF, AS TO, CONCERNING, OR WITH RESPECT TO, (i) THE VALUE OR CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, (ii) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES WHICH MAY BE CONDUCTED THEREON, (iii) THE COMPLIANCE OF OR BY THE PROPERTY WITH ANY LAWS, RULES, ORDINANCES OR

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REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY, (iv) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY, OR (v) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY, AND THAT NEITHER GRANTOR NOR ANY OF ITS AGENTS HAVE MADE (EXCEPT FOR THE REPRESENTATIONS AND WARRANTIES EXPRESSLY SET FORTH IN THIS DEED, THE AFOREMENTIONED PURCHASE AND SALE AGREEMENT AND/OR IN OTHER DOCUMENTS DELIVERED BY GRANTOR AT THE CLOSING OF THE TRANSACTION CONTEMPLATED BY THE PURCHASE AND SALE AGREEMENT), ANY REPRESENTATIONS OR WARRANTIES REGARDING COMPLIANCE OF THE PROPERTY WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION OR LAND USE LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS AND GRANTEE EXPRESSLY RELEASES SELLER FROM ANY LIABILITY THEREFOR. GRANTEE SHALL RELY SOLELY ON ITS OWN INVESTIGATION OF THE PROPERTY AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY GRANTOR OR ITS AGENTS OR CONTRACTORS, EXCEPT AS EXPRESSLY PROVIDED IN THE AFOREMENTIONED AGREEMENT FOR OPTION TO PURCHASE REAL PROPERTY AND/OR IN OTHER DOCUMENTS DELIVERED BY GRANTOR AT THE CLOSING OF THE TRANSACTION CONTEMPLATED BY THE AGREEMENT FOR OPTION TO PURCHASE REAL PROPERTY. ALL PREVIOUS WRITTEN, ORAL, IMPLIED OR OTHER STATEMENTS, REPRESENTATIONS, WARRANTIES OR AGREEMENTS, IF ANY, ARE MERGED IN THIS AGREEMENT.

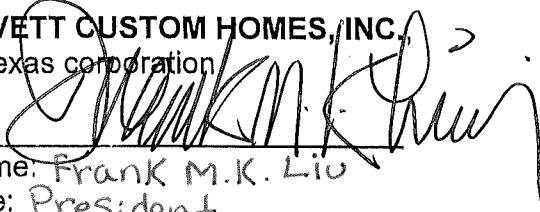
IN WITNESS WHEREOF, the parties have executed this Special Warranty Deed to be effective as of the date first written herein.

[Signature pages follow.]

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GRANTOR:

LOVETT CUSTOM HOMES, INC.
a Texas corporation

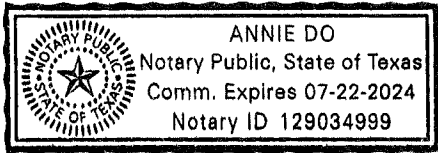
By: 
Name: Frank M.K. Liu
Title: President

THE STATE OF TEXAS

§
§
§

COUNTY OF HARRIS

This instrument was acknowledged before me on the 26TH day of July, 2022, by FRANK M.K. LIU, PRES. of LOVETT CUSTOM HOMES, INC., a Texas corporation, on behalf of said company.




Notary Public

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GRANTEE:

APPROVED AS TO FORM:



Senior Assistant City Attorney
L.D. File Number: 0292200030001

Grantee's Address:

City of Houston
2100 Travis, 9th Floor
Houston, TX 77251-1562
Attention: Real Estate Manager-Ms. Rupa Sen, Housing and Community Development
Department

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EXHIBIT A

Legal Description

A tract or parcel containing 12.22 acres (532,278 square feet) of land being out of that called 22.785 acre tract of land, conveyed to Lovett Custom Homes, Inc. as called in deed recorded under Harris County Clerk's File (H.C.C.F.) No. RP-2022-2151, dated January 3, 2022, being situated in the B.B.B. & C.R.R. Co. survey, abstract No. 173, Harris County, Texas, said 12.22 acre tract being more particularly described by metes and bounds as follows, with all bearing based on the Texas State Plane Coordinates System, south central zone (NAD 83), distances shown hereon are surface, coordinates are grid and may be converted to surface by applying a scale factor of 0.9998700170;

COMMENCING at a mag nail found (control monument) at the northeast intersection of Willowbend Boulevard, width varies, as recorded in Volume 3459, Page 046 of the Harris County Deed Record (H.C.D.R.) and Stella Link Road, (called 100 foot R.O.W.), as recorded under Volume 37, Page 26 of the Harris County Map Records (H.C.M.R.), Volume 278, Page 046 and Volume 2854, Page 589, both of the H.C.D.R. marking the southwest corner of said called 22.785 acre tract having grid coordinates of N= 13,806,593.14, E=3,099,013.26;

THENCE, North 02°20'31" West, along the east R.O.W. line of said Stella Link road, passing at a distance of 524.32 feet, a 5/8-inch iron rod with cap found for the southwest corner of a called 1.8680 acre tract conveyed to South Main Business Park Two recorded under H.C.C.F. No. 20090568989, dated December 15, 2009, same being the southwest corner of Unrestricted Reserve "A" South Main Business Park Two recorded at Film Code (F.C.) No. 347151 H.C.M.R, continuing and passing at a distance of 679.32 feet a 5/8-inch iron rod with cap found for the northwest corner of said 1.8680, same being the most western southwest corner of Restricted Reserve "A", Block 1 of Harmony School of Ingenuity, recorded at F.C. No. 658232 H.C.M.R. same being the southwest corner of a called 5.254 acre tract conveyed to Cosmos Foundation recorded under, H.C.C.F. No. 20130532583, dated October 11, 2013, continuing for an overall total distance of 974.32 feet, to a found 5/8-inch iron rod with cap stamped "Cotton surveying" marking the northwest corner of said 5.254 acre tract and said Restricted Reserve "A" of Harmony School of Ingenuity, being the POINT OF BEGINNING and the most western southwest corner of herein described tract, having grid coordinates of N= 13,807,566.52 E=3,098,973.45;

THENCE, North 02°20'31" West, along the east right of way line of said Stella Link Road, west line of said 22.785 acre tract and herein described tract, a distance of 404.34 feet to a point for the northwest corner of said called 22.785 acre tract, also being the southwest corner of called 1.1166 acre tract conveyed to Aquafirma, L.P. recorded under H.C.C.F. No. X319858, dated January 9, 2004, for the northwest corner of the herein described tract, from said point a 5/8-inch iron rod with cap stamped "Prejean" bears for a reference North 49°08'16" East 0.24 feet;

THENCE, North 87°39'29" East, along the north line of said called 22.785 acre tract, same being south line of said 1.1166 acre tract, passing a distance of 195.00 feet, a found 1" inch iron pipe marking the southeast corner of said called 1.1166 acre tract, continuing for a total overall distance of 508.73 feet to a 5/8-inch iron rod with cap stamped "Lupher, LLC" set for an interior corner and a jog in the north line of the herein described tract;

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THENCE, North 02°25'56" West, along said jog in the north line of the herein described tract, a distance of 30.38 feet, to the southwest corner of a called 2.47 acres tract conveyed to National Sport Zone recorded under H.C.C.F. No. 20120327947 dated July 23, 2012, same being the southwest corner of Unrestricted Reserve "A" Block 1, National Sport Zone, recorded at F.C. No. 647219 H.C.M.R., being an angle point, in the north line of said 22.785 acre tract and the end of said jog in north line herein described tract, from said point a found 5/8-inch iron rod, bears South 62°37'30" East 0.73 feet;

THENCE, North 87°39'29" East, along the north of said called 22.785 acre tract the south line of said called 2.47 acre tract, and said Unrestricted Reserve "A" Block 1, National Sport Zone, same being along north line of the herein described tract, a distance of 440.03 feet to a point for the northeast corner of said called 22.785 acre tract, also being situated in the west line of Charleston Apartments Section Two, recorded in Volume 200, Page 128 H.C.M.R., for the northeast corner of herein described tract, from said point a found 5/8-inch iron rod with cap , bears South 81°58'18" West 1.12 feet;

THENCE, South 03°01'01" East, along the west line of said Charleston Apartment Section Two, and the east line of said 22.785 acre tract a distance of 459.65 feet passing the northwest corner of Restricted Reserve "B", Block 1, Vali Development, recorded at F.C. No. 655276 H.C.M.R. and the southwest corner of said Charleston Apartments, and continuing for a total overall distance of 853.16 feet, to a point for the southeast corner of said called 22.785 acre tract, and southwest corner of said Restricted Reserve "B" Vali Development also being in the northwest right of way of Highway U.S. 90 frontage road (South Main Street) (width varies), as recorded under H.C.C.F. Nos. S509698, S577851, T281808 and Volume 746, Page 719 H.C.D.R., for the most eastern southeast corner herein described tract, from said point a found 5/8-inch iron rod, bears North 20°13'33" West 0.32 feet, and iron rod found with cap stamped "PREJEAN & Co. 4925", bears South 16°18'08" East 1.33 feet;

THENCE, South 32°53'39" West, along the northwest right of way line of said Highway U.S. 90 frontage Road (South Main Street), and the southeast line herein described tract, a distance of 181.22 feet to a 5/8-inch iron rod with cap " Lupher, LLC " set for most southern corner of herein described tract;

THENCE, North 57°06'21" West, across said 22.785 acre tract, along the southwest line of the herein described tract, a distance of 201.75 feet to a found 5/8-inch iron rod with cap stamped "Cotton surveying" marking the southeast corner of said called 5.254 acre tract, same being the southeast corner of said Restricted Reserve "A", Block 1, Harmony School of Ingenuity, being an angle point in west line of said 22.785 acre tract, for the most western southeast corner of the herein described tract;

THENCE, North 02°20'31" West, along the east line of said called 5.254 acre tract, same being the east line of said Harmony School of Ingenuity and the most eastern west line of said 22.785, a distance of 450.00 feet, to a found 5/8-inch iron rod with cap stamped "Cotton surveying" marking the northeast corner of said called 5.254 acre tract, and said Restricted Reserve "A" Harmony School of Ingenuity, being interior corner of said 22.785 acre tract, and an interior corner of herein described tract;

THENCE, South 87°39'29" West, along the north line of said called 5.254 acre tract and said Restricted Reserve "A" Harmony School of Ingenuity, same being along re-entry line of said 22.785 acre tract and the herein described tract, a distance of 689.43 feet, returning to the POINT OF BEGINNING and containing, 12.22 acres 532,278 square feet of land, more or less.

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EXHIBIT B

Permitted Encumbrances

The conveyance of the Property is made subject and subordinate to the following terms, provisions, conditions and restrictions (collectively, the "Permitted Encumbrances"):

- a. Terms, provisions, options, covenants, conditions, restrictions, easements, charges, assessments and liens provided in the Covenants, Conditions and Restrictions recorded as recorded in/under Document No.(s) H616419, R266422, W113243, 20110022085, 20120159835, 20120327946, and 20120514411, Official Public Records of Harris County, Texas, but omitting any covenant, condition or restriction, if any, based on race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that the covenant, condition or restriction (a) is exempt under Title 42 of the United States Code, or (b) relates to handicap, but does not discriminate against handicapped persons.
- b. Lien for maintenance charges and/or assessments and easements as established and defined by instrument(s) recorded under Document No.(s) H616419, R266422, W113243, 20110022085, 20120159835, 20120327946, and 20120514411, Official Public Records of Harris County, Texas.
- c. An Undivided Mineral and/or Royalty interest in and to all oil, gas and other minerals in, on, under or that may be produced from the land as set forth therein and/or reserved by that certain instrument recorded in/under Document No.(s) H471470, K182065, S476716, S625318, and S923861, Official Public Records of Harris County, Texas.
- d. A Right of Way easement(s) as set forth therein by instrument(s) recorded in Volume 1183, Page 551, Deed Records of Harris County, Texas.
- e. A Sewer easement as set forth therein by instrument recorded under Document No. H616417, Official Public Records of Harris County, Texas.
- f. Dedication of Sanitary Sewer easement as set forth therein by instrument recorded under Document No. H616418, Official Public Records of Harris County, Texas.
- g. A Sanitary Sewer easement as set forth therein by instrument recorded under Document No. H769596, Official Public Records of Harris County, Texas.
- h. A Sanitary Sewer easement as set forth therein by instrument recorded under Document No. H769601, Official Public Records of Harris County, Texas.
- i. An Easement as set forth therein by instrument recorded under Document No. J346900, Official Public Records of Harris County, Texas.

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- j. Dedication of Easements as set forth therein by instrument recorded under Document No. J353554, and amended in V020642, Official Public Records of Harris County, Texas.
- k. Dedication of Easements as set forth therein by instrument recorded under Document No. K170753, Official Public Records of Harris County, Texas.
- l. A Right of Way and Easement Deed for Distribution System as set forth therein by instrument recorded under Document No. K233380, Official Public Records of Harris County, Texas.
- m. A Water Line and Sanitary Sewer easement as set forth therein by instrument recorded under Document No. V020641, Official Public Records of Harris County, Texas.
- n. A Drainage easement as set forth therein by instrument recorded under Document No. V599226, Official Public Records of Harris County, Texas.
- o. A Drainage easement as set forth therein by instrument recorded under Document No. V599230, Official Public Records of Harris County, Texas.
- p. An Access easement as set forth therein by instrument recorded under Document No. 20120327948, Official Public Records of Harris County, Texas.
- q. A Storm Sewer easement as set forth therein by instrument recorded under Document No. 20120327949, Official Public Records of Harris County, Texas.
- r. A Sign easement as set forth therein by instrument recorded under Document No. 20120327950, Official Public Records of Harris County, Texas.
- s. A Third Party easement as set forth therein by instrument recorded under Document No. 20130134806, Official Public Records of Harris County, Texas.
- t. Terms, conditions, and stipulations contained in that certain Notice to Purchaser(s) recorded under Document No. S681649, 20070734027, and 20070734028, Official Public Records of Harris County, Texas.
- u. Terms, conditions, and stipulations contained in that certain City of Houston Ordinance No. 89-1312 recorded under Document No. M337573, Official Public Records of Harris County, Texas.
- v. Terms, conditions, and stipulations contained in that certain City of Houston Ordinance 1999-262, passed March 24, 1999, and amendments relating to rules, regulations and design standards for development and platting and providing for the establishment of Building Setback lines along major thoroughfares within such

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boundaries.

- w. Subject property has frontage or abuts U.S. Highway 90A which is a controlled access highway.
- x. 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.
- y. Rights of parties in possession.
- z. Rights of tenants in possession, as tenants only, under unrecorded lease agreements.
- aa. Sanitary Manholes, Storm Inlets, Manholes, Light Poles, Power Poles, and Overhead Electric Lines on, over or across subject property, as shown on survey dated May 23, 2022 and revised June 3, 2022, prepared by Lee G. Lupher, R.P.L.S. No. 5955.

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Pages 11
07/27/2022 08:04 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$54.00

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.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

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