



**6710 Stewart Road, Suite 200  
Galveston, Texas 77551**

## **CITY PLANNING LETTER**

**Date: December 17, 2018**

**City Planning Commission  
901 Bagby  
Houston, Texas 77002**

**RE: File No. TP1861267**

**To Whom It May Concern:**

**This company (South Land Title, LLC) certifies that a diligent search of the real property records of South Land Title, LLC's title plant has been made, as to the herein described property and as of 8:00 AM on the 10th day of December 2018 we find the following:**

**Record Owner:** Mirevan Ventures, L.P., a Texas limited partnership, North East Trade Center, Ltd., a Texas limited partnership and Swift Transportation Co. of Arizona, a Texas limited partnership

**Legal Description:**

**A FIELD NOTE DESCRIPTION of a 51.2598 acre (2,232,876 square feet) tract of land in the J. L. Stanley Survey, Abstract No. 700 and in the Reels and Trobough Survey, Abstract No. 59, City of Houston, Harris County, Texas; said 51.2598 acre tract being all of Portwood Subdivision, according to the map or plat recorded in Volume 336, Page 21 of the Harris County Map Records, conveyed to Mirevan Ventures, L.P., as recorded in Harris County Clerk's File No. 20130015124 and also conveyed to Northeast Trade Center, Ltd., as recorded in Harris County Clerk's File No. 20090313057, being all of a called 6.3605 acre tract, "Tract 1", and a called 4.471 acre tract, "Tract 2", conveyed to North East Trade Center, Ltd., as recorded in Harris County Clerk's File No. Z062812 and also being a portion of Sparta Street (60 feet wide); said tract being more particularly described by metes-and-bounds on Exhibit "A" attached hereto and made a part hereof.**

**SAVE AND EXCEPT:** All that certain tract or parcel containing 30.0859 acres out of Portwood, as conveyed to Swift Transportation Co. of Arizona by Special Warranty Deed filed under Harris County Clerk's File No. RP-2018-458843, and described by metes and bounds therein.

**Subject to the following:**

**Restrictions:** Volume 336, Page 21 of the Map Records of Harris County, Texas

**Easements:**

Sanitary sewer easement and building line ten (10) feet wide along the east property line as reflected by the map recorded in Volume 336, Page 21 of the Map Records of Harris County, Texas. **(As to Unrestricted Reserve "B" of Portwood)**

Sanitary sewer easement and building line ten (10) feet wide along the south property line as reflected by the map recorded in Volume 336, Page 21 of the Map Records of Harris County, Texas. **(As to Unrestricted Reserve "A" of Portwood)**

Storm sewer easement and building line fifteen (15) feet wide traversing subject property in a easterly and westerly direction along the northerly portion of the subject property as reflected by the map recorded in Volume 336, Page 21 of the Map Records of Harris County, Texas. **(As to Unrestricted Reserve "C" and "D" of Portwood)**

Storm sewer easement and building line twelve (12) feet wide east of and adjacent to Knute Street as reflected by the map recorded in Volume 336, Page 21 of the Map Records of Harris County, Texas. **(As to Unrestricted Reserve "C" and "D" of Portwood)**

Sanitary sewer easement and building line ten (10) feet wide west of and adjacent to Knute Street as reflected by the map recorded in Volume 336, Page 21 of the Map Records of Harris County, Texas. **(As to Unrestricted Reserve "C" and "D" of Portwood)**

Sanitary sewer easement and building line ten (10) feet wide along a portion of the north property line as reflected by the map recorded in Volume 336, Page 21 of the Map Records of Harris County, Texas. **(As to Unrestricted Reserve "C" of Portwood)**

Storm sewer easement and building line fifteen (15) feet wide traversing subject property in a easterly and westerly direction along the central portion of the subject property as reflected by the map recorded in Volume 336, Page 21 of the Map Records of Harris County, Texas. **(As to Unrestricted Reserve "C" of Portwood)**

Drainage easement fifteen (15) feet in width on each side of the center line of all natural drainage courses as shown by map recorded in Volume 336, Page 21 of the Map Records of Harris County, Texas.

Building line ten (10) feet wide along the north, south and west property lines as reflected by the map recorded in Volume 336, Page 21 of the Map Records of Harris County, Texas. **(As to Unrestricted Reserve "B" of Portwood)**

Building line ten (10) feet wide along the north and west property lines as reflected by the map recorded in Volume 336, Page 21 of the Map Records of Harris County, Texas. **(As to Unrestricted Reserve "A" of Portwood)**

Building line ten (10) feet wide along the most westerly north and west property lines as reflected by the map recorded in Volume 336, Page 21 of the Map Records of Harris County, Texas. **(As to Unrestricted Reserve "C" and "D" of Portwood)**

Building line ten (10) feet wide along the cul-de-sac as reflected by the map recorded in Volume 336, Page 21 of the Map Records of Harris County, Texas. **(As to Unrestricted Reserve "C" and "D" of Portwood)**

Building line fifteen (15) feet wide along the most southerly property line as reflected by the map recorded in Volume 336, Page 21 of the Map Records of Harris County, Texas. **(As to Unrestricted Reserve "C" and "D" of Portwood)**

Building line twenty-five (25) feet wide along the east property line as reflected by instrument recorded under Clerk's File No. H988103 and by the map recorded in Volume 336, Page 21 of the Map Records of Harris County, Texas.

According to the recorded plat of said subdivision, Reserve "D" is restricted to cemetery use only. **(As to Unrestricted Reserve "D" of Portwood)**

Subject to that portion of subject property which lies within Kenton (60' right-of-way) which is not insured hereunder. **(As to Unrestricted Reserve "C" of Portwood)**

Pipeline easement granted to Humble Oil & Refining Company by instrument recorded in Volume 1048, Page 34 of the Deed Records, now held by Exxon Corporation, same having been partially defined by instrument recorded under Harris County Clerk's File No. F978966. **(As to Unrestricted Reserve "C" of Portwood)**

Right-of-way easement granted to Warren Petroleum Corporation by instrument recorded in Volume 1384, Page 61 of the Deed Records, same being partially released by instrument recorded under Clerk's File Nos. D961990 and F978968. **(As to Unrestricted Reserve "C" of Portwood)**

Right-of-way easement granted to Sinclair Refining Company by instrument recorded in Volume 1624, Page 170 of the Deed Records, same having been partially defined by instrument recorded under Harris County Clerk's File No. D959640. **(As to Unrestricted Reserve "C" of Portwood)**

Easement and right-of-way easement granted to Industrial Gas Supply Corporation by instrument recorded in Volume 3292, Page 514 of the Deed Records of Harris County, Texas. **(As to Unrestricted Reserve "C" of Portwood)**

Subject to the terms, conditions, stipulations and appurtenant easement rights as set forth and defined in that certain (Correction) Surface Use Agreement filed under Harris County Clerk's File No. 20150069946. **(As to Unrestricted Reserve "A" of Portwood)**

An unobstructed easement ten (10) feet at two (2) separate locations and an unobstructed aerial easement five (5) feet wide from a plane twenty (20) feet above the ground upward located adjacent thereto granted to Houston Lighting and Power Company by instrument dated October 15, 1979, recorded under Harris County Clerk's File Number(s) G354963.

An easement ten (10) feet in width and 119.36 feet in length the location of the centerline of which is shown by a dot-dash symbol on Sketch No. 81-416 and an unobstructed aerial easement ten (10) feet wide located on both sides of an adjoining said ten (10) feet wide easement granted to Houston Lighting and Power Company by instrument recorded under Harris County Clerk's File Number(s) H155542.

An easement ten (10) feet wide the centerline of which is shown by a dot-dash symbol on Sketch No. 82-472, granted to Houston Lighting and Power Company by instrument recorded under Harris County Clerk's File Number(s) H961804.

An easement ten (10) feet in width and ten (10) feet in length shown by a crosshatched area in Sketch No. 82-472, together with an unobstructed aerial easement ten (10) feet wide, granted to Houston Lighting and Power Company by instrument recorded under Harris County Clerk's File Number(s) H961804.

Access to and from Mesa Drive (FM 527) is denied as to 811.05 lineal feet of frontage only ,as disclosed by instrument recorded under Harris County Clerk's File Number(s). This instrument does not deny access to and from Mesa Drive as to the balance of frontage feet of the subject property

**Other:**

Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) it is subject to the terms, conditions and provision of City of Houston Ordinance No. 85-1878, pertaining to, among other things, the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed for record on August 1, 1991, under Harris County Clerk's File No(s). N253886.

**Liens:**

Deed of Trust dated August 1, 2012, filed for record under Harris County Clerk's File No. 20130006997, executed by Mirevan Ventures, L.P., to Jeffrey E. Sher, Trustee(s), and all terms, conditions and stipulations contained therein, including any additional indebtedness secured thereby, securing one promissory note of even date therewith in the principal amount of an undisclosed sum, payable as therein provided to the order of Daniel Wainberg.

NOTE: This lien affected by Release of Lien filed on October 5, 2018 under Harris County Clerk's File No. RP-2018-458844. (As to a 30.0859 acre tract)

Vendor's Lien retained in Deed dated January 24, 2006, filed for record under Harris County Clerk's File No(s). Z062812, executed by Tempe Associates and Barsky Family Limited Partnership to North East Trade Center, Ltd., securing one promissory note of even date therewith in the principal amount of \$4,225,000.00 (Four Million Two Hundred Twenty Five Thousand and 00/100), payable as therein provided to the order of Genworth Life Insurance Company; said note being additionally secured by Deed of Trust of even date therewith in favor of T. Andrew Dow, Trustee(s), and all terms, conditions and stipulations contained therein, including any additional indebtedness secured thereby, by instrument(s) filed for record under Harris County Clerk's File No(s). Z062813.

Said Note and Deed of Trust having been assigned to The Bank of New York Mellon, as Trustee under that certain Trust Agreement, dated as of December 14, 2009, among Genworth Life Insurance Company, as grantor, Riversource Life Insurance Company as beneficiary and The Bank of New York Mellon as assignee, by instrument filed under Harris County Clerk's File No. 20100063701.

Said lien is additionally secured by Financing Statement filed for record under Harris County Clerk's File No(s). Z062816, as assigned to The Bank of New York Mellon, as Trustee under that certain Trust Agreement, dated as of December 14, 2009, among Genworth Life Insurance Company, as grantor, Riversource Life Insurance Company as beneficiary and The Bank of New York Mellon as assignee, by instrument filed under Harris County Clerk's File No. 20100063700, as affected by those certain Continuations filed under Harris County Clerk's File No's. 20110028286 and 20150353344.

**No examination has been made as to abstracts of judgments, state or federal tax liens, the status of taxes, tax suits or paving assessments.**

**This letter is issued for the use of, and shall insure to the benefit of PLATTING. Liability of South Land Title, LLC for mistakes or errors in this letter is hereby limited to the cost of said letter.**

**This letter is issued with the express understanding, evidenced by the acceptance thereof, that South Land Title, LLC does not undertake to give or express any opinion as to the validity or effect of the instruments listed, and this letter is neither a guaranty or warranty of title.**

Liability hereunder is limited to the amount paid for same. This report is furnished solely as an accommodation to the party requesting same and should not be relied upon, as a warranty or representation as to the title to the property described herein, and may not be given to or used by any third party. South Land Title, LLC assumes no liability whatsoever for the accuracy of this report, nor for any omission or error with respect hereto. YOU AGREE TO RELEASE, INDEMNIFY AND HOLD HARMLESS TITLE COMPANY BECAUSE OF ANY NEGLIGENCE BY SOUTHLAND TITLE, LLC (WHETHER SOLE, JOINT OR OTHERWISE) FOR ANY CLAIM, LOSS, LIABILITY OR DAMAGES ARISING OUT OF THIS REPORT. This report is not title insurance. If a policy of title insurance is purchased, any liability thereunder shall be determined solely by the terms of such policy.

Sincerely,



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Michael W. Denton – Commercial Examiner--Southland Title, L.L.C.