

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

KNOW ALL MEN BY THESE PRESENTS:

ER 043 - 82 - 1486

Coastal Crushed Concrete LLC, a Texas limited liability company ("**Grantor**"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to Grantor in hand paid by Southern Crushed Concrete, LLC, a Texas limited liability company ("**Grantee**") whose mailing address is 9303 New Trails Drive, Suite 200, The Woodlands, Texas 77381, the receipt and sufficiency of which consideration are hereby acknowledged and confessed, Grantor has GRANTED, SOLD, AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY, unto Grantee those certain parcels of land lying and being situated in the State of Texas and County of Harris, more particularly described on Exhibit "A" attached hereto and incorporated herein (the "**Land**"), together with all buildings, structures and improvements located on the Land or affixed thereto (the "**Improvements**"), and all of Grantor's right, title and interest in and to all easements, tenements, hereditaments, privileges and appurtenances in any way belonging to the Land or the Improvements, (all such Land, Improvements, easement and other appurtenant rights being therein called the "**Property**").

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This conveyance is made by Grantor and accepted by Grantee expressly subject to the matters set forth on Exhibit "B" (the "**Permitted Exceptions**").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, Grantee's successors and assigns, forever; and subject only to the Permitted Exceptions, Grantor does hereby bind Grantor and Grantor's successors and assigns to **WARRANT AND FOREVER DEFEND** all and singular the Property unto Grantee, Grantee's 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 Exceptions.

1229.13-1244

[Signature Page to Follow]

EXHIBIT "A"

TRACT 1:

BEING a 8.0576 acre (350,990 square foot) tract of land situated in the Samuel M. Harris Survey, Abstract Number 327 in Harris County, Texas, and being out of and a part of Lots 5, 6, and 7 of the PORTER AND BAKER addition as recorded in Volume 43, Page 120 of the Harris County Deed Records (H.C.D.R.) and Lots 13, 14, 15, and 16, Block 10 of the GREAT NORTHERN ADDITION as recorded in Volume 56, Page 104 H.C.D.R., also being the tract of land described in deed to Coastal Crushed Concrete, LLC as recorded under Harris County Clerk's File Number 20090175556, said 8.0576 acre tract being more particularly described as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone:

BEGINNING at a 5/8 inch iron rod with cap stamped "HALFF" set (from which the northeast corner of Block 10 of said GREAT NORTHERN ADDITION bears North 03 degrees 06 minutes 19 seconds West, 244.13 feet) in the west right-of-way line of Schalker Drive (60 foot right-of-way), as shown on the plat of said GREAT NORTHERN ADDITION, and being in the east line of said Lot 13 and the northwest corner of the herein described tract of land;

THENCE over and across the right-of-way of said Schalker Drive and Elm Street as shown on the plat of said GREAT NORTHERN ADDITION, North 87 degrees 27 minutes 15 seconds East, passing at a distance of 62.60 feet the southwest corner of the 8.7228 acre tract of land described in deed to Eugene Bodner as recorded under Harris County Clerk's File Number D969363, continuing with the south line of said 8.7228 acre tract, in all, a total distance of 569.57 feet to point for corner in the westerly line of the Texas and New Orleans Railroad Company right-of-way (variable width right-of-way) as recorded in Volume 959, Page 225 H.C.D.R. for the southeast corner of said 8.7228 acre tract and the northeast corner of the herein described tract of land;

THENCE with the westerly line of said Texas and New Orleans Railroad Company right-of-way, South 17 degrees 45 minutes 57 seconds West, a distance of 865.77 feet to a PK nail set for the northeast corner of a 1.5271 acre tract of land described in deed to 2505 Collingsworth, LTD as recorded under Harris County Clerk's File Number U623714 and the southeast corner of the herein described tract of land;

THENCE departing the westerly line of said Texas and New Orleans Railroad Company right-of-way with the north line of said 1.5271 acre tract, South 87 degrees 36 minutes 57 seconds West, a distance of 221.16 feet to a 5/8 inch iron rod found in the east right-of-way line of the I. & G. Railroad (60 foot right-of-way) as recorded in Volume 40, Page 299 H.C.D.R., being in a non-tangent curve to the left, and the northwest corner of said 1.5271 acre tract for the southwest corner of the herein described tract of land;

THENCE northwesterly, with the east right-of-way line of said I. and G. Railroad and said curve to the left, having a radius of 5,760.00 feet, a central angle of 03 degrees 20 minutes 20 seconds, a chord which bears North 12 degrees 25 minutes 13 seconds West, 335.61 feet, and an arc distance of 335.66 feet to a 5/8 inch iron rod with cap stamped "HALFF" set for the point of tangency of said curve to the left;

THENCE continuing with the east right-of-way line of said I. and G. Railroad, North 13 degrees 46 minutes 07 seconds West, passing at a distance of 295.65 feet a 1 inch iron pipe found, continuing in all, a total distance of 330.38 feet to a 5/8 inch iron rod with cap stamped "HALFF" set in the south line of Lot 16, Block 10 of the aforesaid GREAT NORTHERN ADDITION for an angle point in the herein described tract of land;

THENCE departing the east right-of-way of said I. and G. Railroad with the south line of said Lot 16, North 86 degrees 53 minutes 41 seconds East, a distance of 23.61 feet to a 5/8 inch iron rod with cap stamped "HALFF" set for an angle point in the herein described tract of land;

THENCE over and across said Lot 16 and Lots 15, 14, and 13, Block 10 of said GREAT NORTHERN ADDITION, North 15 degrees 18 minutes 20 seconds East, a distance of 164.28 feet to the POINT OF BEGINNING and containing 8.0576 acres (350,990 square feet) of land.

TRACT 2:

BEING a 1.3580 acre (59,156 square foot) tract of land situated in the Samuel M. Harris Survey, Abstract Number 327 in Harris County, Texas, being out of and a part of Lots 5 and 6 of the PORTER AND BAKER addition as recorded in Volume 43, Page 120 of the Harris County Deed Records (H.C.D.R.), and being the tract of land described in deed to Coastal Crushed Concrete, LLC as recorded under Harris County Clerk's File Number 20090175556, said 1.3580 acre tract being more particularly described as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone:

BEGINNING at a PK nail set at the intersection of the easterly right-of-way line of the Texas and New Orleans Railroad Company right-of-way (variable width right-of-way) as recorded in Volume 959, Page 225 H.C.D.R., and the west right-of-way line of Cherry Street (60 foot right-of-way), as shown on the plat of said PORTER AND BAKER addition for the north corner of the herein described tract of land;

THENCE with the west right-of-way line of said Cherry Street, South 02 degrees 45 minutes 45 seconds East, a distance of 550.65 feet to a 1 inch iron pipe found at the northeast corner of a 7.0868 acre tract of land described in deed to 2505 Collingsworth, LTD as recorded under Harris County Clerk's File Number U623714 for the southeast corner of the herein described tract of land;

THENCE departing the west right-of-way line of said Cherry Street with the north line of said 7.0868 acre tract, South 87 degrees 33 minutes 16 seconds West, a distance of 112.22 feet to a 5/8 inch iron rod with cap stamped "HALFF" set for an angle point in the herein described tract of land;

THENCE continuing with the north line of said 7.0868 acre tract, North 72 degrees 17 minutes 44 seconds West, a distance of 109.50 feet to a 5/8 inch iron rod with cap stamped "HALFF" set in the southeast line of said Texas and New Orleans Railroad Company right-of-way for the northwest corner of said 7.0868 acre tract and the southwest corner of the herein described tract of land;

THENCE with the southeast line of said Texas and New Orleans Railroad Company right-of-way the following courses and distances:

North 17 degrees 39 minutes 09 seconds East, a distance of 180.89 feet to a 5/8 inch iron rod with cap stamped "HALFF" set for an angle point in the herein described tract of land;

North 87 degrees 30 minutes 35 seconds East, a distance of 24.30 feet to a PK nail set for an angle point in the herein described tract of land;

North 17 degrees 39 minutes 09 seconds East, a distance of 365.27 feet to the POINT OF BEGINNING and containing 1.3580 acres (59,156 square feet) of land.

**EXHIBIT B
PERMITTED EXCEPTIONS**

Standby fees, taxes and assessments by any taxing authority for the year 2013, and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, Texas Tax Code, or because of improvements not assessed for a previous tax year.

1. The following matters and all terms of the documents creating or offering evidence of the matters
 - A. An easement 10 feet in width in the southerly portion of subject tracts and an aerial easement 5 feet wide from a plane 20 feet above the ground upward, and three separate guy easements, granted to Houston Lighting and Power Company by instrument recorded under Harris County Clerk's File No. D983586, with the exact location of said easements as shown on the sketch No. 72-875 attached to said instrument as shown per survey prepared by Jibrael K. Ahmad, R.P.L.S. No. 6183, dated April 18, 2013 (As to Tracts 1 and 2)
 - B. Subject to the easement acquired by the Southwestern Telegraph and Telephone Company as evidenced by instruments recorded in Volume 2035, Page 222 and Volume 2035, Page 227 both of the Deed Records of Harris County, Texas as noted on survey prepared by Jibrael K. Ahmad, R.P.L.S. No. 6183, dated April 18, 2013. (As to Tracts 1 and 2)
 - C. Terms, conditions and stipulations of that certain Boundary Line Agreement along the north side of subject tract as reflected by instrument recorded under Harris County Clerk's File No. D969364 as shown on survey prepared by Jibrael K. Ahmad, R.P.L.S. No. 6183, dated April 18, 2013. (As to Tract 1)
 - D. Building and zoning ordinance No. 85-1878, dated October 23, 1985, of the City of Houston establishing rules, regulations, procedures and design standards to govern the development, redevelopment, platting of Real property within the corporate limits of the City of Houston and within the area of extraterritorial jurisdiction of the City of Houston; providing for the establishing of building setback lines, repealing Article ii, of Chapter 42 of the code or ordinances related to private streets and making other provisions related to the subject. (A certified copy of said ordinance filed for record August 1, 1991, under Harris County Clerk's File No. N253886)
 - E. Subject to the following item(s) as shown per survey prepared by Jibrael K. Ahmad, R.P.L.S. No. 6183, dated April 18, 2013;
 - Rights or claims, if any of fence(s) traversing the utility easement(s).
 - Fences do not follow property lines (Tract 1)
 - Protrusion of asphalt and gravel over the easterly property line (Tract 1)
 - That portion of the subject property lying within Iron Street, Elm Street and Olive Street (Tract 1)
 - Existence of Power poles in the easterly portion of the subject property and light pole in the southerly portion of the subject property. (Tract 1)

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Protrusion of a concrete paving over the westerly property line and into the utility easement (Tract 2)

Existence of Power pole and power line along the northerly side of subject Tract (Tract 2) Fences do not follow property lines (Tract 2)

That portion of the subject property lying within Olive Street (Tract 2)

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