

# CITY OF BELLAIRE TEXAS

## BOARD OF ADJUSTMENT

NOVEMBER 16, 2017

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Council Chamber

Regular Session

7:00 PM

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7008 S. RICE AVENUE  
BELLAIRE, TX 77401



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### Board Member

James P. Avioli Sr.

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### Board Member

Debbie Karakowsky

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### Vice Chairman

Samir Sinha

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### Board Member

Jed Mandel

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### Chairman

Jill Almaguer

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### Board Member

Bharat Raval

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### Board Member

L. Timothy McKone

### **Mission Statement:**

***The City of Bellaire is dedicated to outstanding quality service and facilities to ensure an open, progressive, and secure community.***

**1. CALL TO ORDER****2. PLEDGE TO THE FLAG (US AND TEXAS)**

**Texas Pledge: (Honor the Texas Flag: I pledge allegiance to thee, Texas one state under God, one and indivisible).**

**3. CERTIFICATION OF A QUORUM****4. APPROVAL OF MINUTES**

A. Board of Adjustment - Regular Session - Jul 20, 2017 7:00 PM

**5. REPORTS FROM OFFICERS, COMMITTEES, SUB-COMMITTEES AND COMMUNICATIONS BOARD MEMBERS HAVE HAD OUTSIDE THE MEETING****6. UNFINISHED BUSINESS****7. READING OF THE STANDARDS FROM SECTION 24-718, BELLAIRE CODE OF ORDINANCES****8. NEW BUSINESS****A. Public Hearings**

Docket # BOA-2017-03-Public hearing on an application filed by Michael Adams of Michael Homes Southwest, LP, owner of the property at 5213 Locust Street, for a Special Exception to allow for the construction of a 10 foot fence along the south property line, with a gradual slope from a 10 foot fence to an 8 foot fence at the southern portions of the east and west property lines, in lieu of the 8 foot allowance as determined by Chapter 24, Section 512 A. of the City of Bellaire Code of Ordinances. The property is located in the R-4 Zoning District.

**i. Presentation by the Applicant****ii. Presentation by the City**

**iii. Public Comments: Names of those desiring to comment shall come from a sign-up list and shall be limited to six (6) minutes per speaker, with extensions in two (2) minute increments, as approved by majority vote of Board Members present.**

**iv. Rebuttal by the Applicant****v. Questions by the Board****vi. Consideration of, deliberation by, and action on the Docket Item****9. GENERAL COMMENTS**

**(Limitations: Six (6) minutes per speaker with extensions in two (2) minute increments as approved by a majority vote of the Board Members present).**

**10. GENERAL COMMENTS FROM BOARD MEMBERS**

**11.ANNOUNCEMENTS**

**12.ADJOURNMENT**



# CITY OF BELLAIRE TEXAS

## BOARD OF ADJUSTMENT

JULY 20, 2017

Council Chamber

Regular Session

7:00 PM

7008 S. RICE AVENUE  
BELLAIRE, TX 77401

### I. CALL TO ORDER (BY OUTGOING CHAIRMAN)

Chairman Avioli called the meeting to order at 7:00 PM.

### II. PLEDGE TO THE FLAG (US & TEXAS)

**Texas Pledge: (Honor the Texas Flag: I pledge allegiance to thee, Texas one state under God, one and indivisible).**

Board Member Raval led the Board and the public in the pledges to both flags.

### III. CERTIFICATION OF A QUORUM (OUTGOING AND INCOMING BOARD)

Chairman Avioli certified that a quorum was present, consisting of the following:

Attendee Name	Title	Status	Arrived
James P. Avioli Sr.	Chair	Present	
Debbie Karakowsky	Board Member	Absent	
Samir Sinha	Board Member	Present	
Jed Mandel	Board Member	Absent	
Jill Almaguer	Vice Chair	Present	
Bharat Raval	Board Member	Present	
L. Timothy McKone	Board Member	Present	
ChaVonne Sampson	Development Services Manager	Present	
Alan P. Petrov	City Attorney	Present	
Ashley Parcus	Secretary	Present	
Gus E. Pappas	Council Member	Present	

### IV. APPROVAL OF MINUTES (OUTGOING BOARD ONLY)

- a. Board of Adjustment - Regular Session - Jun 15, 2017 7:00 PM

Vice Chairman Almaguer made reference to three scrivener's errors. She also asked that staff ensure that "Exhibit A" be attached to the minutes.

**Motion:** a motion was made by Board Member Raval and seconded by Board Member Sinha to approve the minutes as corrected.

**Vote:** the motion carried on a unanimous vote of 4-0.

### V. COMMUNICATIONS AND REPORTS (OUTGOING BOARD ONLY)

There was no communications or reports.

### VI. UNFINISHED BUSINESS (OUTGOING BOARD ONLY)

There was no unfinished business.

Minutes Acceptance: Minutes of Jul 20, 2017 7:00 PM (Approval of Minutes)



## VII. SWEARING IN OF NEW BOARD MEMBERS (INCOMING BOARD ASSUMES DUTIES AND OUTGOING BOARD RETIRES)

Chairman Avioli thanked the outgoing Board Members for their service. Attorney Petrov then swore in the new members of the Board, Timothy McKone and Bharat Raval.

## VIII. INTRODUCTION OF INCOMING BOARD MEMBERS

**Bharat Raval**-Board Member Raval stated that he moved to Bellaire in 1995. He added that he is looking forward to making a contribution back to the City.

**Timothy McKone**-Board Member McKone informed the Board and the public that he has resided in Bellaire for 17 years and looks forward to working

Board Member Avioli stated that although the Board of Adjustment doesn't meet as much as some of the other boards and commissions do, it is a very important part of the City government. He urged all members to take their position on the Board very seriously.

## IX. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

Nominations for Chairman:

Board Member Sinha nominated Board Member Avioli for Chairman of the Board of Adjustment.

Board Member Avioli declined the nomination, and explained that he is running for a City Council position. He felt that if he were to win, it would be less disruptive if he were not Chairman of the Board.

Board Member Avioli nominated Jill Almaguer as Chair of the Board. Board Member Raval seconded the nomination.

Vote: The motion passed with a vote of 5-0.

Nominations for Vice Chairman:

Chair Almaguer nominated Board Member Samir Sinha for Vice Chairman of the Board. Board Member Raval seconded the nomination.

Vote: The motion passed with a vote of 5-0.

**Jill Almaguer and Samir Sinha were elected Chairman and Vice Chairman of the Board, respectively.**

## X. ADOPTION OF RULES OF PROCEDURE

### a. Rules of Procedure

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Bharat Raval, Board Member
<b>SECONDER:</b>	Samir Sinha, Board Member
<b>AYES:</b>	Avioli Sr., Sinha, Almaguer, Raval, McKone
<b>ABSENT:</b>	Karakowsky, Mandel

## XI. COMMUNICATIONS AND REPORTS

There were no communications or reports.

Minutes Acceptance: Minutes of Jul 20, 2017 7:00 PM (Approval of Minutes)

**XII. GENERAL COMMENTS FROM THE PUBLIC (LIMITATIONS: SIX (6) MINUTES PER SPEAKER WITH EXTENSIONS IN TWO (2) MINUTE INCREMENTS AS APPROVED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT)**

There were no comments from the public.

**XIII. GENERAL COMMENTS FROM BOARD MEMBERS**

Chair Almaguer informed the Board that after speaking with staff it is her understanding that there have been no applications submitted to the Board for the August meeting, therefore, it will be cancelled.

**XIV. ANNOUNCEMENTS**

Ms. Sampson informed the Board that there will be a training session in the near future and that staff will keep the members updated on when that will be taking place.

**XV. ADJOURNMENT**

**Motion:** a motion was made by Vice Chairman Sinha and seconded by Board Member Raval to adjourn the meeting.

**Vote:** the motion passed with a vote of 5-0.

**The meeting was adjourned at 7:22 PM.**

Minutes Acceptance: Minutes of Jul 20, 2017 7:00 PM (Approval of Minutes)



**SCHEDULED  
ACTION ITEM (ID # 2380)**

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**Item Title:**

Docket # BOA-2017-03-Public hearing on an application filed by Michael Adams of Michael Homes Southwest, LP, owner of the property at 5213 Locust Street, for a Special Exception to allow for the construction of a 10 foot fence along the south property line, with a gradual slope from a 10 foot fence to an 8 foot fence at the southern portions of the east and west property lines, in lieu of the 8 foot allowance as determined by Chapter 24, Section 512 A. of the City of Bellaire Code of Ordinances. The property is located in the R-4 Zoning District.

**Background/Summary:**

Address: 5213 Locust  
Applicant: Michael Homes Southwest LP  
Zoning: R-4 Zoning District  
Date Filed: August 18, 2017  
Legal Notice: Published in the Southwest News on October 3, 2017  
Mail Outs: Notice of Public Hearing letters mailed out on October 5, 2017

**Request:**

Michael Adams, owner of the property at 5213 Locust Street, has requested a Special Exception in accordance with the provisions of Section 24-716 of the City of Bellaire Code of Ordinances in order to allow for the construction of a ten (10) foot fence in lieu of the eight (8) feet allowed by Code. (Sec 24-512A).

**Background:**

The home at 5213 Locust is currently under construction, and was issued a fence permit during the new home permitting process. During construction of the fence, the property owner/builder inquired about installing a ten (10) foot fence rather than the eight (8) feet that is allowed by code. The property owner elected to continue building the fence, while simultaneously applying for a Special Exception.

The property itself is located within the R-4 Zoning District, but abuts a commercial business that is located within the Urban Village Downtown (UV-D) Zoning District. Therefore, the applicant is seeking a special exception to install a ten (10) foot fence along the south property line to help create a buffer between the commercial and residential structures. The fences on the east and west sides of the property will remain eight (8) feet with a gradual slope from 8ft to 10ft at the rear of the property.

The applicant states that the necessity to build the new homes with the finish floor at an elevation that meets the flood control requirements creates a condition that denies the new residence the privacy that is should be attributed.

**General Requirements:**

Section 24-718 of the Code states that Special Exceptions may not be granted unless the Board makes written findings based directly upon the particular evidence presented to it

which support written conclusions that the granting of the special exception will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety and well-being, or substantially diminish or impair property values within the neighborhood.

**Staff Review:**

It is of the Development Services Department's opinion, upon review of the application and the materials submitted, that the application meets the standards listed above. Therefore, staff has no objections to the granting of the Special Exception. In addition, staff would like to suggest that the Board make a recommendation to the Planning and Zoning Commission to consider increasing the allowable fence height from eight (8) to ten (10) feet throughout the City, due to amendments made to the building code which now require all homes to be built one foot above the Base Flood Elevation.

**ATTACHMENTS:**

- 5213 Locust Application (PDF)

## APPLICATION FOR SPECIAL EXCEPTION

A site plan/survey showing the improvements requiring the special exception shall be attached to this application.

## DESCRIPTION OF PROPOSED SPECIAL EXCEPTION

Address 5213 Locust  
 Legal Description (Subdivision, Block, Lot) Lot 7 Block 44 Town of Bellaire

Applicant's Name Michael L. Adams, Manager for Michael Homes Southwest

Address, Phone number and Email 13301 Augusta #20 Houston, Tx 77057  
713-816-4578      mikea@tuscanbuilders.com

Property Owner's Name Michael Homes Southwest LP

Authorized Agent Michael L. Adams

## DESCRIPTION OF REQUEST

Install a ten foot (10 ft.) fence along the south property  
line to help separate the view between commercial and  
residential structures. The parking lot immediately behind  
the residence is approximately one foot higher than the prop-  
erty of the new residence adding to the lack of privacy.  
The side fences would remain 8 ft. with a gradual slope from  
8ft. to 10 ft. at the rear of the property on the w. and e. side.

The section of the Code of Ordinances

That special exceptions request is being made from Chapter 24, Section 512

CITY OF BELLAIRE  
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AUG 18 2017

DEVELOPMENT SERVICES

Attachment: 5213 Locust Application (2380 : 5213 Locust-Fence Special Exception)

## EVIDENCE TO SUPPORT SPECIAL EXCEPTION

THE ENCLOSED PHOTOS INDICATE THAT THE ONLY PROPERTY AFFECTED OTHER THAN THE SUBJECT PROPERTY IS A COMMERCIAL PARKING LOT. THE PURPOSE OF THE REQUEST IS TO ENHANCE THE SUBJECT PROPERTY AS WELL AS OTHER PROPERTIES ON LOCUST THAT NOW VIEW COMMERCIAL BUILDING.

Site Plan Included shows existing structure with proposed additions.

Yes

☒

No

☐

Year Approved

Year Denied

List previous request

## MINIMUM ZONING CODE STANDARDS CRITERIA

	Minimum Proposed	Proposed	Exceeds Min.
Front Setback		<input type="text"/>	<input type="text"/>
Side Setback	<input type="text"/>	<input type="text"/>	<input type="text"/>
Rear Setback	<input type="text"/>	<input type="text"/>	<input type="text"/>
Lot Coverage	<input type="text"/>	<input type="text"/>	<input type="text"/>
Height of Proposed Structure	<input type="text"/>	10 ft.	<input type="text"/>
Tract or Lot Size	<input type="text"/>	50X140	<input type="text"/>

Indicate any measures designed into the project to reduce any adverse effect of the proposed request.

THERE IS NO ADVERSE EFFECT. THE NEW WOOD FENCE WILL BE MORE ATTRACTIVE ON BOTH SIDES OF NEW 10 FT. FENCE. PLEASE SEE ENCLOSED LETTER DISCUSSING ADVERSE EFFECTS.

APPEAL FROM BOARD OF ADJUSTMENT DECISION MUST BE MADE TO THE DISTRICT COURT.



*MICHAEL HOMES SOUTHWEST, LP*  
1330 AUGUSTA #20  
Houston, TX 77057  
(713)816-4578

August 18, 2017

City of Bellaire  
Board of Adjustments  
7008 South Rice  
Bellaire, Texas 77401

Re: 5213 Locust St. Lot 7 Block 44

Exception request to install ten (10) foot fence along South property line.

To Whom it may Concern:

Please accept this request to install a 10 ft. fence along the south property line of the above referenced address. The necessity to build the new home with the finish floor at an elevation that meets the flood control requirements, a condition is created which denies the new residence the privacy that it should be attributed.

The section of the code that this request is being made is Chapter 24, Section 512.

Thank you in advance for your assistance.

Very truly yours,



Michael L. Adams,  
Manager  
Michael Homes Southwest LP

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AUG 18 2017

DEVELOPMENT SERVICES

Attachment: 5213 Locust Application (2380 : 5213 Locust-Fence Special Exception)

**MICHAEL HOMES SOUTHWEST, LP**  
 1330 AUGUSTA #20  
 Houston, TX 77057  
 (713)816-4578

August 18, 2017

City of Bellaire  
 Board of Adjustments  
 7008 South Rice  
 Bellaire, Texas 77401

Re: 5213 Locust St. Lot 7 Block 44

Exception request to install ten (10) foot fence along South property line.

To Whom it may Concern:

The granting of the special exception will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located. The fence will be separating a commercial parking lot from the residence only. No residences will be affected by the exception.

The granting of the special exception will not impair an adequate supply of light or air to adjacent property. The adjacent property is a parking lot for commercial use and this exception, if granted, will have no change in the adequacy of light or air due to the fence height change.

The change in fence height will have no effect on the congestion in the public streets. This fence location is at the rear of the above address and abuts the rear of the commercial property to the south. It is not near any streets or roadways.

The change in fence height will in no way increase the danger of fire or endanger the public health. The fence material is the same as the wood fence material approved by the City of Bellaire throughout the city. It will not be placed near any water supply or sewer connection.

The change in the fence height will actually increase the safety and well-being of residents, and will substantially increase property values within the neighborhood.

Thank you in advance for your assistance.

Very truly yours,

*Michael Homes*  
*Manager*  
*Michael Homes Southwest LP*

Attachment: 5213 Locust Application (2380 : 5213 Locust-Fence Special Exception)





VIEW NORTH FROM COMMERCIAL PROPERTY  
ACROSS PARKING LOT AT SPRUCE

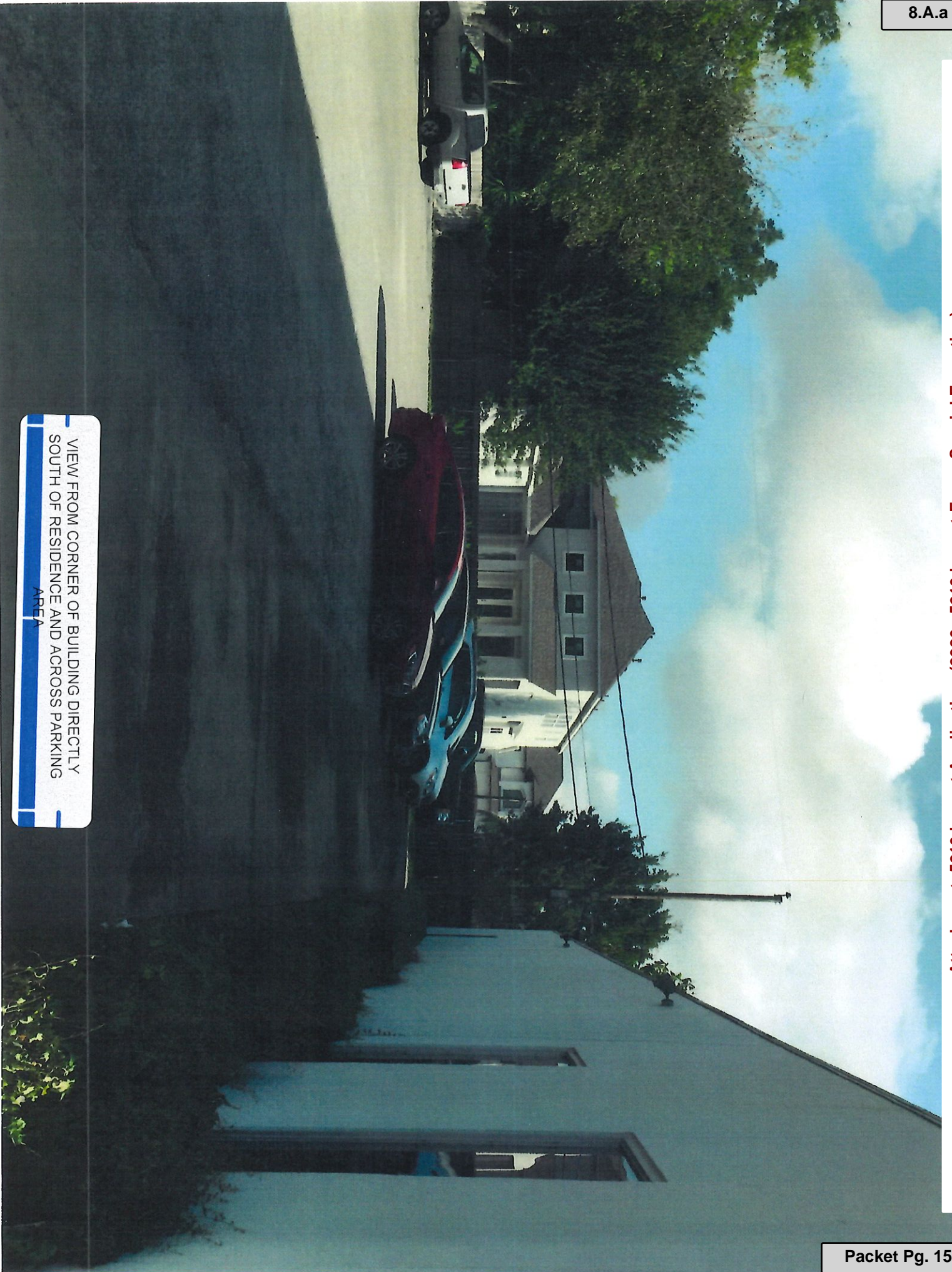


VIEW NORTH FROM COMMERCIAL PROPERTY  
PARKING LOT





VIEW FROM CORNER OF BUILDING DIRECTLY  
SOUTH OF RESIDENCE AND ACROSS PARKING  
AREA





VIEW SOUTH TOWARDS SPRUCE FROM REAR  
PORCH OF BALCONY





VIEW SOUTH FROM REAR PORCH OF  
RESIDENCE TO COMMERCIAL AREA

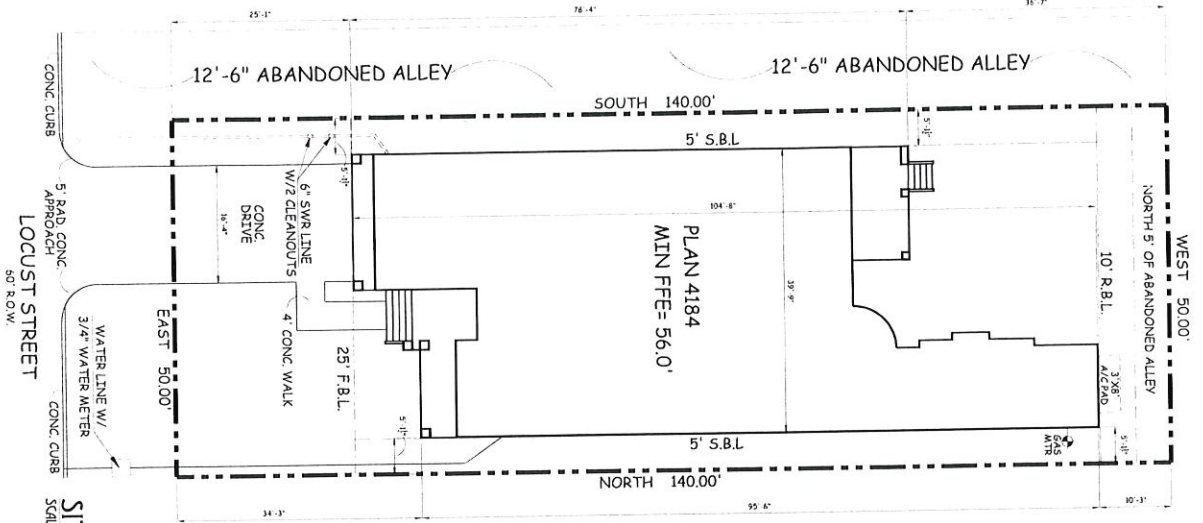




AUG 18 2017

DEVELOPMENT SERVICES

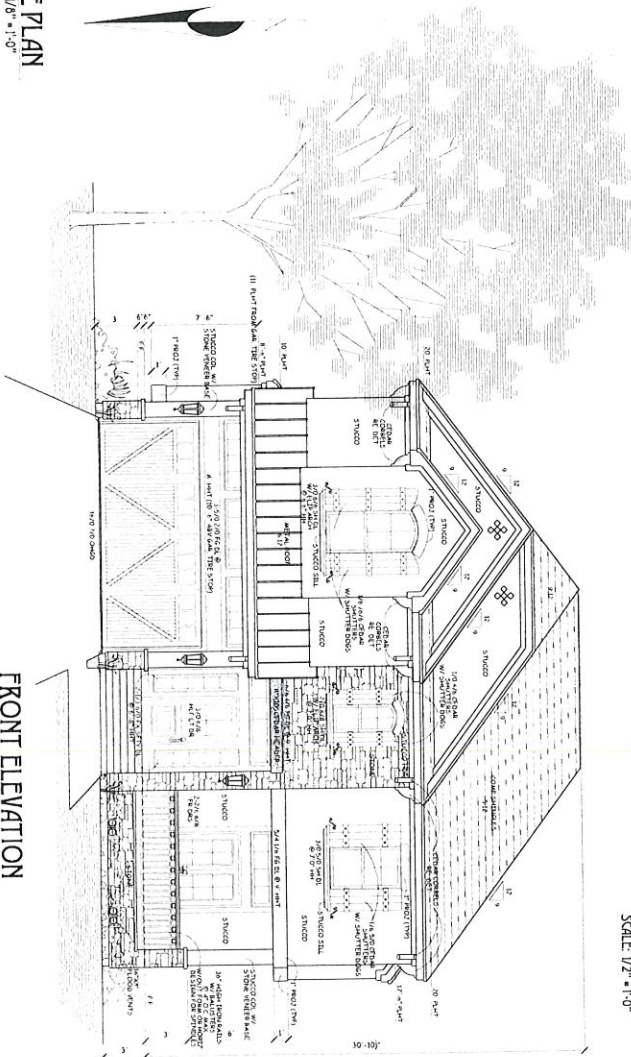
CITY OF BELLAIR  
RECEIVED



SITE PLAN  
SCALE 1/8" = 1'-0"

PROPOSED CALCULATIONS:	
TOTAL PORTAGE OF LOT (SAB)	2000 SQ. FT.
TOTAL PORTAGE OF LOT (SAB)	2000 SQ. FT.
DRIVEWAY & WALK PORTAGE	471 SQ. FT.
TOTAL LOT COVERAGE	3703 SQ. FT.
% LOT COVERAGE	92.0%

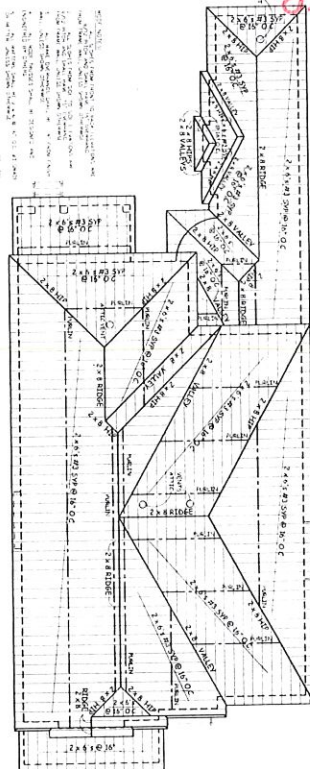
5213 LOCUST STREET  
LOT 7  
BLK 44  
SEC -  
TOWN OF BELLAIR



FRONT ELEVATION  
SCALE 1/4" = 1'-0"

CORBEL  
SCALE 1/2" = 1'-0"

ROOF PLAN  
SCALE 1/8" = 1'-0"



4184

BUNKER HILL DESIGN PLLC

MICHAEL HOMES SOUTHWEST

DATE: 07/31/15  
REVISION:



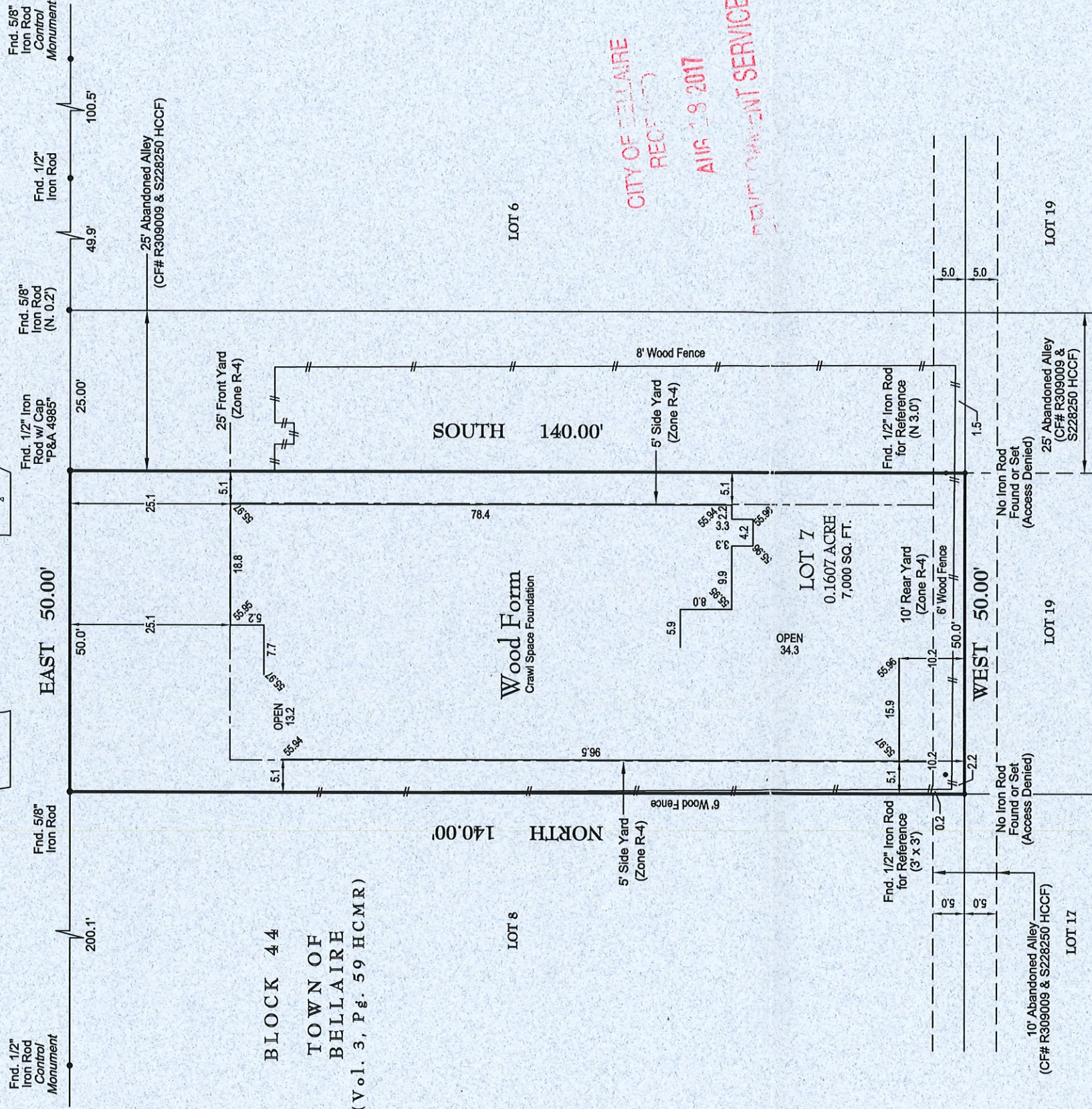
PROBSTFELD & ASSOCIATES  
PROFESSIONAL LAND SURVEYORS

515 PARK GROVE DRIVE, SUITE 102 ▲ KATY, TEXAS 77450 ▲ (281) 829-0034 ▲ FAX (281) 829-0233  
Mag. Nail  
Elev. = 54.41

LOCUST STREET

60' R.O.W. (Vol. 3, Pg. 59 HCMR)

G 53.83 T/C 54.27 G 53.82 T/C 54.28 G 53.82 T/C 54.22 G 53.80



NOTES:

- Elevations shown based on City of Bellaire Benchmark No. 16 Elevation = 53.42 NAVD88 (2001 Adjustment).
- Lot subject to any and all zoning ordinances or proposed zoning ordinances including those by the City of Bellaire, Texas. Front, side and rear yards shown for main residence only per Zone R-4 of the Standard Zoning map of the City of Bellaire, Texas. Side Yard Setback for Accessory Building: Attached: 5 feet, Detached: 3 feet. Rear Yard Setback for Accessory Building: Attached: 10 feet, Detached: 5 feet. Maximum lot coverage for Zone R-4 is 60%.
- Lot may be subject to certain requirements pertaining to front, side and rear setback lines and also architectural protrusions such as eaves, overhangs, ledges, etc., in relation to easements and/or building lines and should be verified prior to any planning or construction.
- Lot subject to any easement and right of way asserted by the City of Bellaire on that certain abandoned alley as recorded under Harris County Clerk's File No.(s) R309009 and S228250.
- Fences do not follow boundary lines as shown above.
- Surveyor has not abstracted this property. This survey has been prepared based upon information provided by the title company. No independent investigation of the accuracy of the title company's work has been performed by the surveyor. Zoning ordinances and zoning building setback lines (if any) are not shown.
- Surveyor has not reviewed restrictive covenants as set forth under Exceptions From Coverage in Schedule B of the Title Commitment.
- All bearings are based on the South right of way line of Locust Street (EAST).

PLAT OF PROPERTY

FOR: MICHAEL HOMES SOUTHWEST L.P.  
AT: 5213 LOCUST STREET • BELLAIRE, TX  
LGL: LOT 7, IN BLOCK 44 OF TOWN OF BELLAIRE, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN VOLUME 3, PAGE 59 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, TOGETHER WITH THE NORTH 5 FEET OF A 10 FOOT ALLEY LYING ADJACENT TO AND ADJOINING THE SOUTH PROPERTY LINE, AS CONVEYED BY THE CITY OF BELLAIRE, TEXAS, BY INSTRUMENT FILED FOR RECORD UNDER HARRIS COUNTY CLERK'S FILE NUMBERS R-309009 AND S-228250.

SCALE: 1" = 20'  
DATE: 6/12/2015 REVISED DATE: 1/16/2017

This Property DOES Lie within the designated 100 year Floodplain.

PANEL NO: 48201C 0855 L

ZONE: AE EFF. DATE: 6/18/2007

BASE FLOOD ELEVATION: 55.0' FIS=BN-BO

LOCATED BY GRAPHIC PLOTTING ONLY AND NOT RESPONSIBLE FOR ACTUAL DETERMINATION.

THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH TITLE COMMITMENT

PROVIDED BY: OLD REPUBLIC NATIONAL TITLE COMPANY

GF#: 15002487 (5/5/2015)

I hereby certify that the above plat correctly represents the facts found at the time of the survey made on the ground, under my supervision, and there are no apparent encroachments at the time of this survey, unless shown or noted otherwise.



MATHIEW J. PROBSTFELD

Registered Professional Land Surveyor

State of Texas No. 4985

PROBSTFELD & ASSOCIATES, INC • FIRM #10066100

JOB # 2421 - 003 DRAWN BY: LD



WARRANTY DEED  
WITH VENDOR'S LIEN IN FAVOR OF MORTGAGEE

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.

CITY OF BELLAIRE  
RECEIVED

AUG 18 2017

THE STATE OF TEXAS       §  
  §  
COUNTY OF HARRIS       §

DEVELOPMENT SERVICES

THAT THE UNDERSIGNED, GUADALUPE DE LEON, a single person (herein called "Grantor"), for and in consideration of the sum of \$10.00 cash and other good and valuable consideration to Grantor in hand paid by MICHAEL HOMES SOUTHWEST, L.P., a Texas limited partnership (herein called "Grantee"), whose address is 1330 AUGUSTA, #20, HOUSTON, TEXAS 77057, the receipt of which is hereby acknowledged, and of further consideration of the execution and delivery by Grantee of that one certain Promissory Note of even date herewith, in the principal sum of EIGHT HUNDRED EIGHTY EIGHT THOUSAND THREE HUNDRED AND NO/100 (\$888,300.00) DOLLARS (herein called the "Note"), payable to the order of PROSPERITY BANK (herein called "Mortgagee"), bearing interest from date at the rate specified, and containing provisions for attorney's fees, Mortgagee, at the special instance and request of the Grantee, advanced a portion of the sum of said Note as part purchase price for The Land herein conveyed, the receipt of which is hereby acknowledged, Mortgagee is hereby subrogated to all of the rights of Grantor herein; the Vendor's Lien and superior title is hereby expressly transferred to and retained in favor of Mortgagee to secure the payment of the Note, the same as if Mortgagee was the Grantor herein; the Note is further and additionally secured by a Deed of Trust of even date herewith from Grantee to DAVID ZALMAN, TRUSTEE, containing provisions for foreclosure under power of sale, to which reference is here made for all purposes;

HAVE GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto Grantee all that certain tract or parcel of land and all improvements located thereon (herein called "The Land"), more particularly described as follows:

LOT SEVEN (7), IN BLOCK FORTY-FOUR (44) OF THE TOWN OF BELLAIRE, A  
SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT  
THEREOF, RECORDED IN VOLUME 3, PAGE 59 OF THE MAP RECORDS OF HARRIS  
COUNTY, TEXAS, TOGETHER WITH THE NORTH FIVE (5) FEET OF A TEN (10) FOOT  
ALLEY LYING ADJACENT TO AND ADJOINING THE SOUTH PROPERTY LINE, AS  
CONVEYED BY THE CITY OF BELLAIRE BY INSTRUMENTS FILED FOR RECORD  
UNDER HARRIS COUNTY CLERK'S FILE NO. R-309009, AND S-228250.

The conveyance is made and accepted subject to the following matters, but only to the extent they are in effect at this time and only to the extent that they relate to The Land: The lien for current ad valorem taxes and maintenance assessments (if any) not in default, land use restrictions, deed restrictions, covenants, easements, outstanding mineral reservations, rights and royalties, if any, shown of record in the above mentioned county and state, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, to which The Land is subject.

To have and to hold The Land together with all rights and appurtenances thereto in anywise belonging, subject to the foregoing terms, unto Grantee their heirs, executors, administrators, personal and legal representatives, successors and assigns forever, and Grantor does hereby bind themselves, their heirs, executors, administrators, personal and legal representatives, successors and assigns to warrant and forever defend The Land, subject to the foregoing terms, unto Grantee, their heirs, executors, administrators, personal and legal representatives, successors and assigns, against every person and entity whomsoever lawfully claiming or to claim the same or any part thereof.

BUT IT IS EXPRESSLY AGREED AND STIPULATED that the VENDOR'S LIEN, including the SUPERIOR TITLE, is retained against The Land in favor of Mortgagee, its successors and assigns, until the Note and all accrued interest thereon, and all renewals and/or extensions thereof, together with all interest thereon, is fully paid according to its face and tenor, effect and reading, and together with all additional sums which may become due and payable by the terms of said Note and/or by the terms of the aforesaid Deed of Trust, when this Deed shall become absolute, and Grantor herein transfers unto said Mortgagee, its successors and assigns, the Vendor's Lien and Superior Title to The Land, in the same manner and to the same extent as if the Note had been payable to the order of Grantor and by said Grantor assigned to said Mortgagee without recourse.

Whenever used in this document, unless the context clearly indicates a contrary intent or unless otherwise specifically provided herein, the pronouns of any gender shall include the other genders, including the neuter, and either the singular or plural shall include the other.

Grantee joins in the execution of this Warranty Deed for the purpose of accepting delivery hereof, and to acknowledge, consent and agree to the terms and conditions of this instrument.



All ad valorem taxes and assessments on the Property have been prorated between the parties hereto as of the date of this Deed, and Grantee assumes liability for the payment thereof and for subsequent years.

EXECUTED THIS THE 30<sup>th</sup> day of JUNE, 2015.

GRANTOR:

Guadalupe DeLeon by Sandra Ortiz ATF  
GUADALUPE DE LEON by Sandra Ortiz, attorney in fact

GRANTEE:

MICHAEL HOMES SOUTHWEST, L.P., a Texas limited partnership

BY: MICHAEL HOMES SOUTHWEST GP, L.L.C., a Texas limited liability company,  
its General Partner

CITY OF BELLAIRE  
RECEIVED

AUG 18 2017

DEVELOPMENT SERVICES

MAL

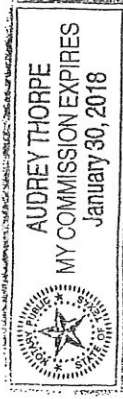
MICHAEL L. ADAMS, MANAGER

THE STATE OF TEXAS

§  
§  
§

COUNTY OF HARRIS

This instrument was acknowledged before me on the 30<sup>th</sup> day of June, 2015, by  
GUADALUPE DE LEON by Sandra Ortiz, attorney in fact.



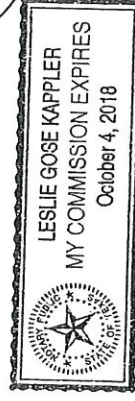
Audrey Thorpe  
NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS

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COUNTY OF HARRIS

This instrument was acknowledged before me on the 6<sup>th</sup> day of July, 2015, by  
MICHAEL L. ADAMS, MANAGER of MICHAEL HOMES SOUTHWEST GP, L.L.C., a Texas limited liability  
company acting in its capacity as General Partner of MICHAEL HOMES SOUTHWEST, L.P., a Texas limited  
partnership.



Leslie Gose Kappler  
NOTARY PUBLIC, STATE OF TEXAS