



2901 W. Sam Houston Parkway, N. Suite C-250
Houston, Texas 77403
713-690-1166

October 23, 2017

Council Member Brenda Stardig
City Hall Annex
900 Bagby, First Floor
Houston, TX 77002

Re: Meritage Homes - Pinecrest Golf Course

Dear Commissioner Stardig,

Meritage's plans for the Pinecrest Golf Course property is for 100% detached single family dwelling units. Meritage Homes is willing to restrict the Pinecrest Golf Property that we are acquiring to not allow for any multifamily dwelling units. Let me know if you have any questions or need any additional information.

Sincerely,

David Jordan
Senior Vice President
Meritage Homes

Miranda, Elizeth - CNL

From: Stardig, Brenda - CNL
Sent: Wednesday, October 25, 2017 7:37 PM
To: Miranda, Elizeth - CNL
Subject: Fwd: Pine Crest HCMUD 552
Attachments: image001.png; ATT00001.htm; use rests 10-25-17 c.doc; ATT00002.htm

From: "Gafrick, Marlene" <marlene.gafrick@metronational.com>

Date: October 25, 2017 at 6:21:53 PM CDT

To: "Stardig, Brenda - CNL" <Brenda.Stardig@houston.tx.gov>

Subject: FW: Pine Crest HCMUD 552

Brenda,

Attached are the restrictions that we spoke about. The property owner will restrict the property east of the commercial tract [as follows](#):

- (Section 1) Restricts Pinecrest Tracts II-V (discussed as Phases II-V) against the use of multi-family residential for 30 years (1/1/18-12/31/47). It clarifies that duplex homes, zero-lot-line homes, patio homes or townhomes are NOT deemed as being restricted.
- (Section 2) Limits Tracts II-V to single family homes for 6 years (1/1/18-12/31/23), and clarifies that duplex homes, zero-lot –line homes, patio homes and townhomes ARE permitted.
- (Section 3) We have the right to remove up to 30 acres in the northwest corner from the single family use requirement. We cannot specifically describe that Phase V land because we don't have a legal description by tract. I estimated at 30 acres (Phase V on the general plan looks bigger than the other tracts even though Meritage is required on each takedown to purchase at least 20 acres which would then leave approximately 20 acres in Phase V). If given some time before recording, we could get with Meritage and get a surveyor out there and then describe with the excluded tract with a specific legal description.

Just some other statements/commitments we have made include:

- The MUD allows the development to provide 16.1 acre feet detention above the city's required detention for the single family and commercial development.
- The MUD allows for a higher quality single-family residential development and a commercial center targeted for residential supportive retail.
- An amenitized linear detention pond creating a park setting with walking trails are accessible to the public.
- The initial MUD Board includes 2 residents that reside in Spring Shadows and live near the development. Board members will eventually transition to homeowners and the commercial property owner in the MUD.
- This project could not support the added detention, recreational facilities and lower density (and quality of homes) without the MUD.

If you have any questions about the MUD, the MUD attorney Julianne Kugle is available by cell phone. Her number is 713-927-9647.

Marlene

Marlene L. Gafrick | Director of Planning
MetroNational
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Houston, Texas 77024
713.586.6229 o | 713.973.3964 f
marlene.gafrick@metronational.com
www.metronational.com
www.memorialcity.com

USE RESTRICTION

This Use Restriction (this "**Agreement**") is made this ____ day of _____, 2017 by **METRO NATIONAL CORPORATION**, a Texas corporation ("MNC").

RECITALS:

A. As of the date this Agreement (the "**Effective Date**"), MNC is the owner of that certain tract of land (the "**MNC Tract**") being situated in Harris County, Texas, described on **Exhibit A** attached hereto.

B. MNC hereby places certain use restrictions on the MNC Tract.

C. The foregoing recitals are subject in all respects to the terms and provisions of this Agreement.

AGREEMENT:

ACCORDINGLY, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, MNC hereby sets forth the following restrictions upon the MNC Tract:

1. No portion of the MNC Tract will be used for "Multi-Family Residential Purposes" during the period commencing on January 1, 2018 and ending on December 31, 2047. For purposes hereof, the term "Multi-Family Residential Purposes" means multi-level, multi-family residential apartments for lease or sale, but in no event shall the lease or sale of single family homes, duplex homes, zero lot-line homes, patio homes or townhomes, or any portion thereof, be deemed to be included in the term "Multi-Family Residential Purposes", such use as single family or duplex homes, zero lot-line homes, patio homes or townhomes being expressly permitted hereunder.

2. The use of the MNC Tract will be limited during the period commencing on January 1, 2018 and ending on December 31, 2023 to either single family homes (with or without detached garages), duplex homes, zero lot-line homes, patio homes or townhomes, together with streets, roadways, walking/hiking or biking trails, detention facilities, drainage facilities pavilions, community pools and any other amenity use (common area and otherwise) or infrastructure common to single family home communities.

3. MNC reserves the right by executing a written instrument or document and recording same in the Real Property Records of Harris County, Texas at any time to exclude from the restrictions set forth in Section 2 above up to thirty (30) contiguous acres which are situated in the northwest corner of the MNC Tract.

4. The terms of this Agreement shall and are intended by MNC to burden the MNC Tract, or portion thereof where expressly provided herein, with respect to the

foregoing restrictions on the MNC Tract irrespective of whether this Agreement is referenced or described in any conveyance of all or any portion of the MNC Tract.

5. MNC and its successors and assigns in title to the MNC Tract shall have the right to enforce the provisions of this Agreement. A breach of any of the provisions of this Agreement shall give MNC and its successors and assigns the right to bring a proceeding at law or in equity against the party or parties breaching or attempting to breach this Agreement and to enjoin such party or parties from so doing to cause such breach to be remedied or to recover damages resulting from such breach.

6. In any legal or equitable proceedings for the enforcement of this Agreement or to restrain a breach thereof, the prevailing party shall be entitled to recover its reasonable attorney's fees and costs in such amount as may be fixed by the court in such proceedings. No party having the right to enforce this Agreement shall be liable for failure to enforce this Agreement.

**END OF PAGE
SIGNATURES FOLLOW**

MNC hereby executes this Agreement as of the date of the acknowledgement below.

MNC:

METRO NATIONAL CORPORATION, a Texas corporation

By: _____
Jason Johnson
President

**END OF PAGE
ACKNOWLEDGEMENTS FOLLOW**

STATE OF TEXAS

§

§

COUNTY OF HARRIS

§

This instrument was acknowledged before me on _____, 2017, by
Jason Johnson, as President of **METRO NATIONAL CORPORATION**.

Notary Public,

State of Texas

My Commission Expires: _____

EXHIBIT A

MNC TRACT

A NINETY-FIVE (95) ACRE TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A METES AND BOUNDS description of a certain 115.95 acre tract of land situated in the A.T. Miles Survey, Abstract No. 556, in Harris County, Texas; being part of a called 174.8682 acre tract conveyed to Metro National Corporation by Warranty Deed recorded in Harris County Clerk's File No. F546226 of the Harris County Official Public Records of Real Property; said 115.95 acres of land being more particularly described as follows with all bearings being based on the Texas Coordinate System, South Central Zone, NAD 83;

BEGINNING at a 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") set at the southeast corner of Unrestricted Reserve "B" of Spring Shadows Subdivision Section Twenty One, plat of which is recorded in Film Code No. 349102 of the Harris County Map Records, being in the west line of Kempwood North, plat of which is recorded in Volume 133, Page 70 of the Harris County Map Records and also being in the north right-of-way line of Kemp Forest Drive (60 feet wide) as conveyed to the City of Houston by Instrument recorded in Clerk's File No. D562860 of the Harris County Official Public Records of Real Property, from said 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") a found 1/2-inch iron rod bears North 81° East, 0.71 feet, and also from said 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") a found 1/2-inch iron rod bears South 02°30' East, 59.89 feet;

THENCE, South 87°21'40" West, 1011.17 feet with the said north right-of-way line of Kemp Forest Drive to a 1-inch iron pipe found at the intersection with the west right-of-way line of Rosefield Drive (60 feet wide);

THENCE, South 01°33'20" East, 221.36 feet with said west right-of-way line of Rosefield Drive (Clerk's File No. D562860 Houston Official Public Records of Real Property) to a 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") set at the northeast corner of a 10 foot by 10 foot cut back at the intersection with the north right-of-way line of another part of Kemp Forest Drive (60 feet wide), and being the northeast corner of Spring Shadows Townhouses, Section 2, as recorded in Volume 205, Page 36 of the Harris County Map Records;

THENCE, in a westerly direction with said north right-of-way line of Kemp Forest Drive and with the north line of said Spring Shadows Townhouses, Section 2, and with the north line of Spring Shadows Townhouses, Section 1, as recorded in Volume 168, Page 15 of the Harris County Map Records the following two (2) courses and distances:

1. South 43°26'40" West, 14.14 feet along said cutback line to an "X" in concrete, set;

2. South 88°26'40" West, at 730.06 feet passing a found 1-inch iron pipe, 0.53 feet right, in all 1758.27 feet to a 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") set, from which a found 5/8-inch iron rod bears South 88°26'40" West, 798.26 feet;

THENCE, North 02°03'10" West, 1878.12 feet across said 174.8682 acre tract to a 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") set, in the south right-of-way line of Clay Road (100 feet wide at this point) from which a found 5/8-inch iron rod bears South 87°22'24" West, 377.49 feet;

THENCE, in an easterly direction with the said southerly right-of-way line of Clay Road and the apparent southerly line of a called 1.4830 acre tract conveyed to the City of Houston and recorded in Clerk's File No. R166519 of the Harris County Official Public Records of Real Property, the following five (5) courses and distances:

1. North 87°22'24" East, 1768.85 feet to an "X" in concrete;
2. South 47°27'19" East, 21.15 feet to a 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") set, from which a found 5/8-inch iron rod (with cap stamped "American Lupher 4752") bears North 26° West, 0.73 feet;
3. North 87°22'24" East, 80.00 feet to a 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") set, from which a found 5/8-inch iron rod (with cap stamped "American Lupher 4752") bears North 24° West, 0.71 feet;
4. North 42°33'10" East, 21.28 feet to a point in a control box;
5. North 87°22'24" East, 902.61 feet to a bolt securing a guard rail found at the northeast corner of the herein described tract from which a green cap stamped "Jones|Carter Reference Point" set in concrete slope paving bears South 02°03'10" East, 5.00 feet;

THENCE, South 02°03'10" East, at 224.38 feet passing a found 1/2-inch iron rod, at 869.51 feet passing a found 1/2-inch (with cap stamped "Precision Surveyors"), 0.55 feet left, at 1493.03 feet passing a found 1/2-inch iron rod, 0.44 feet right, in all 1679.63 feet with the west line of a called 2.0618 acre tract recorded in Clerk's File No. V733122 of the Harris County Official Public Records of Real Property and the west line of said Kempwood North Subdivision to the POINT OF BEGINNING, CONTAINING 115.95 acres of land in Harris County, Texas as shown on Drawing No. 10151 in the office of Jones|Carter in Bellaire, Texas.

SAVE AND EXCEPT THE FOLLOWING 20.00 ACRE TRACT OF LAND:

COUNTY OF HARRIS §

STATE OF TEXAS §

A METES AND BOUNDS description of a certain 20.00 acre tract of land situated in the A.T. Miles Survey, Abstract No. 556, in Harris County, Texas; being part of a called 174.8682 acre tract conveyed to Metro National Corporation by Warranty Deed recorded in Harris County Clerk's File No. F546226 of the Harris County Official Public Records of Real Property; said 20.00 acres of land being more particularly described as follows with all bearings being based on the Texas Coordinate System, South Central Zone, NAD 83;

COMMENCING at a 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") set at the southeast corner of Unrestricted Reserve "B" of Spring Shadows Subdivision Section Twenty One, plat of which is recorded in Film Code No. 349102 of the Harris County Map Records, being in the west line of Kempwood North, plat of which is recorded in Volume 133, Page 70 of the Harris County Map Records and also being in the north right-of-way line of Kemp Forest Drive (60 feet wide) as conveyed to the City of Houston by Instrument recorded in Clerk's File No. D562860 of the Harris County Official Public Records of Real Property, from said 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") a found 1/2-inch iron rod bears North 81° East, 0.71 feet, and also from said 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") a found 1/2-inch iron rod bears South 02°30' East, 59.89 feet;

THENCE, South 87°21'40" West, 1011.17 feet with the said north right-of-way line of Kemp Forest Drive to a 1-inch iron pipe found at the intersection with the west right-of-way line of Rosefield Drive (60 feet wide);

THENCE, South 01°33'20" East, 221.36 feet with said west right-of-way line of Rosefield Drive (Clerk's File No. D562860 Houston Official Public Records of Real Property) to a 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") set at the northeast corner of a 10 foot by 10 foot cut back at the intersection with the north right-of-way line of another part of Kemp Forest Drive (60 feet wide), and being the northeast corner of Spring Shadows Townhouses, Section 2, as recorded in Volume 205, Page 36 of the Harris County Map Records;

THENCE, in a westerly direction with said north right-of-way line of Kemp Forest Drive and with the north line of said Spring Shadows Townhouses, Section 2, and with the north line of Spring Shadows Townhouses, Section 1, as recorded in Volume 168, Page 15 of the Harris County Map Records the following two (2) courses and distances:

1. South 43°26'40" West, 14.14 feet along said cutback line to an "X" in concrete, set;
2. South 88°26'40" West, 730.01 feet to a 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") set at the POINT OF BEGINNING of the herein described tract, from which a found 1-inch iron pipe bears North 07°13'17" West, 0.53 feet;

THENCE, South 88°26'40" West, 1028.26 feet continuing along the north line of Kemp Forest Drive to a 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") set;

THENCE, North 02°03'10" West, at 736.20 feet passing a 5/8-inch iron rod (with green cap stamped "Jones|Carter Reference Corner"), set, in all 843.83 feet across said 174.8682 acre tract to a point in a pond;

THENCE, North 88°03'31" East, 1028.22 feet to a 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") set;

THENCE, South 02°03'10" East, 850.75 feet to the POINT OF BEGINNING, CONTAINING 20.00 acres of land in Harris County, Texas.

Revised: January 4, 2017

Revised: January 19, 2017

Jones|Carter

6330 West Loop South, Suite 150
Bellaire, Texas 77401
Surveyor
(713) 777-5337
Texas Board of Professional Land Surveying
Registration No. 10046100

Acting By/Through Martin G. Hicks
Registered Professional Land

No. 4387
MHicks@jonescarter.com