

PARTIAL RELEASE AND TERMINATION OF USE RESTRICTION

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS, by that certain Deed dated July 21, 1928 and filed of record in Volume 976, Page 568 of the Deed Records of Harris County, Texas ("Deed 1"), Mrs. Millie Esperson Stewart, joined pro forma by her husband, Harry E. Stewart, acting by and through their respective attorneys-in-fact, granted sold and conveyed unto William A. Smith, a certain portion of Lot 37, of the Niels Esperson Industrial District, a subdivision of Lots 63 and 64, of the S. M. Williams Survey as more particularly described in said Deed 1 ("Tract 1");

WHEREAS, by that certain Deed dated August 24, 1928 and filed of record in Volume 975, Page 601 of the Deed Records of Harris County, Texas ("Deed 2" together with Deed 1, collectively referred to herein as, the "Deeds" or individually as, a "Deed"), Mrs. Millie Esperson Stewart, joined pro forma by her husband, Harry E. Stewart, acting by and through their respective attorneys-in-fact, granted sold and conveyed unto William A. Smith and E. B. Holt, a certain portion of Lot 37, of the Niels Esperson Industrial District, a subdivision of Lots 63 and 64, of the S. M. Williams Survey as more particularly described said Deed ("Tract 2" together with Tract 1 collectively referred to herein as, the "Property" or individually as, a "Tract"); and

WHEREAS, each of the above conveyances was made expressly subject to certain covenants, limitations and conditions, set out in full therein, and each of the Deeds restricts the use of each Tract to the following (collectively, the "Use Restriction"), to-wit;

"except as to that portion of the [P]roperty . . . fronting on Canal Street and extending back a depth of one hundred (100) feet, the [P]roperty shall only be used for industrial purposes, that is, the location, maintenance and operation of an industry, or industries, provided that no industries such as soap factories, tanneries, fertilizer works, or industries of any nature that would be similarly or equally obnoxious, or any industries of such nature as to be or create a nuisance to any other industry or industries adjacent or in the vicinity thereof, shall be located or operated or maintained upon said premises; provided further, that no part of said premises shall be used for the purpose of keeping or stabling cattle or livestock thereon. The portion of the [P]roperty fronting on Canal Street and extending in depth one hundred (100) feet, in addition to the use for industries, as above set out, may be used also for any character of business and/or commercial purposes, subject to all other limitations, restrictions and conditions, applicable to the remainder of such premises as above set out."

WHEREAS, pursuant to the Deeds, the Use Restriction runs with and binds the Property and shall run in favor of and be enforceable by, any person who shall thereafter own any of that certain tract of land lying between the Houston Belt and Terminal R.R. Co. main track on the East and the Engel Addition on the West and Navigation Boulevard on the North and Canal Street on the South, known as the Niels Esperson Industrial District (the "Benefitted Property");

WHEREAS, the undersigned parties are the owners of fee simple title to the Benefitted Property (collectively, the “Benefitted Owners”);

WHEREAS, the land and/or parcels identified in Exhibit A attached hereto is all or a portion of the Property (the “Released Property”) and the Benefitted Owners desire to release and terminate the Use Restriction with respect to the Released Property and to expressly permit the use and development of the Released Property as a mixed-use project including retail, commercial, warehouse and multi-family residential homes with associated parking and related amenities (the “Permitted Use”).

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Benefitted Owners hereby declare and agree that the Use Restriction shall not apply to the Released Property, which is hereby released from the terms of the Use Restriction. Additionally, the Benefitted Parties hereby consent to and approve of the development and use of the Released Property for any lawful purpose.

This is a partial release and only applies to the Released Property.

EXECUTED to be effective October 15, 2021 (the “Effective Date”).

[Remainder of page intentionally blank]

BENEFITTED OWNER:

**COUNTY OF HARRIS, a body corporate
and politic under the laws of the State of
Texas**

By: _____
Lina Hidalgo, County Judge

APPROVED AS TO FORM:

CHRISTIAN D. MENEFEE
County Attorney

By: Raychel Johnson
Name: Raychel Johnson
Assistant County Attorney
C.A. File No.: 23RPD0002

STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on _____, 2023, by
Lina Hidalgo, as County Judge of Harris County and the presiding officer of the Commissioners
Court of Harris County, Texas, on behalf of the Commissioners Court of Harris County, Texas, as
governing body of the COUNTY OF HARRIS.

Notary Public—the State of Texas
Printed Name: _____
My Commission Expires: _____

EXHIBIT "A"
(Released Property)

PARCEL 1

1.332 acres (58,044 square feet) of land, being all of a called 1.332 acre tract as described in deed to Farmers Bros. Co. as recorded in clerks file (C.F.) no. 20090089807 of the official public records of Real Property of Harris County, Texas (O.P.R.R.P.H.C.T.). Being a portion of Lot 7 of the Niels Esperson Industrial District as recorded in Vol. 9, Pg. 29 of the Harris County Map records (H.C.M.R.) as described in deed from Esperson Industrial Corporation to Continental Can Company, Inc. as set forth in Vo. 1209, Pg. 158 of the Harris County deed records (H.C.D.R.) in the S.M. Williams Survey, Abstract no. 87, in the city of Houston, Harris County, Texas. Said 1.332 acres being more particularly described by metes and bounds as follows:

Commencing at a 3/4 inch iron pipe found in the West right-of-way (R.O.W.) line of Greenwood Street (60' wide), THE North line of a 50' Reserve for railroad purposed per plat of said Niels Esperson Industrial District and the Southeast corner of Lot 7 of said Niels Esperson Industrial District and a called 40,000 square foot tract as described in deed to state of Texas state highway department recorded in Vol. 885, pg. 660 H.C.D.R.;

Thence North 72°08'16" West, along the North line of said Reserve of railroad purposes, a distance of 210.40 feet to a 5/8 inch iron rod with blue plastic cap stamped "Tri-Tech" surveying set in the North line of said Reserve for railroad purposes, the west line of a called 17' rail spur serving the Shell Petroleum tract as described in said deed to Continental Can Company, Inc. for the Southeast corner and Point of Beginning of the herein described tract of land;

Thence North 72°08'16" West, along the Reserve for railroad purposes, a distance of 349.60 feet to a 5/8 inch iron rod found in the east R.O.W. line of Norwood Street (60' wide), the north line of said Reserve for railroad purposes and the southwest corner of said Lot 7 and the herein described tract;

Thence North 17°39' 44" East, along the east R.O.W. line of said Norwood Street, a distance of 11.42 feet to a 5/8 inch iron rod with blue plastic cap stamped "Tri-Tech Surveying" set for an angle point in the West R.O.W. line of said Norwood Street and the herein described tract;

Thence North 03°30'16" West, along the east R.O.W. line of said Norwood Street, a distance of 232.11 feet to a point in the east R.O.W. line of said Norwood Street being the Southwest corner of a called 5.9509 acre tract as described in deed to the County of Harris recorded in C.F. no. RP-2017-403235 O.P.R.H.C.T. and the Northwest corner of the herein described tract, from which a found 5/8 inch iron rod bears North 54°04' West a distance of 1.0 feet;

Thence North 86°29'44" East, along the South line of said 5.9509 acre tract, a distance of 183.00 feet to a fence post found in the south line of said 5.9509 acre tract, being the Northwest corner of said 17 foot rail spur serving shell petroleum tract and the northeast corner of the herein described tract;

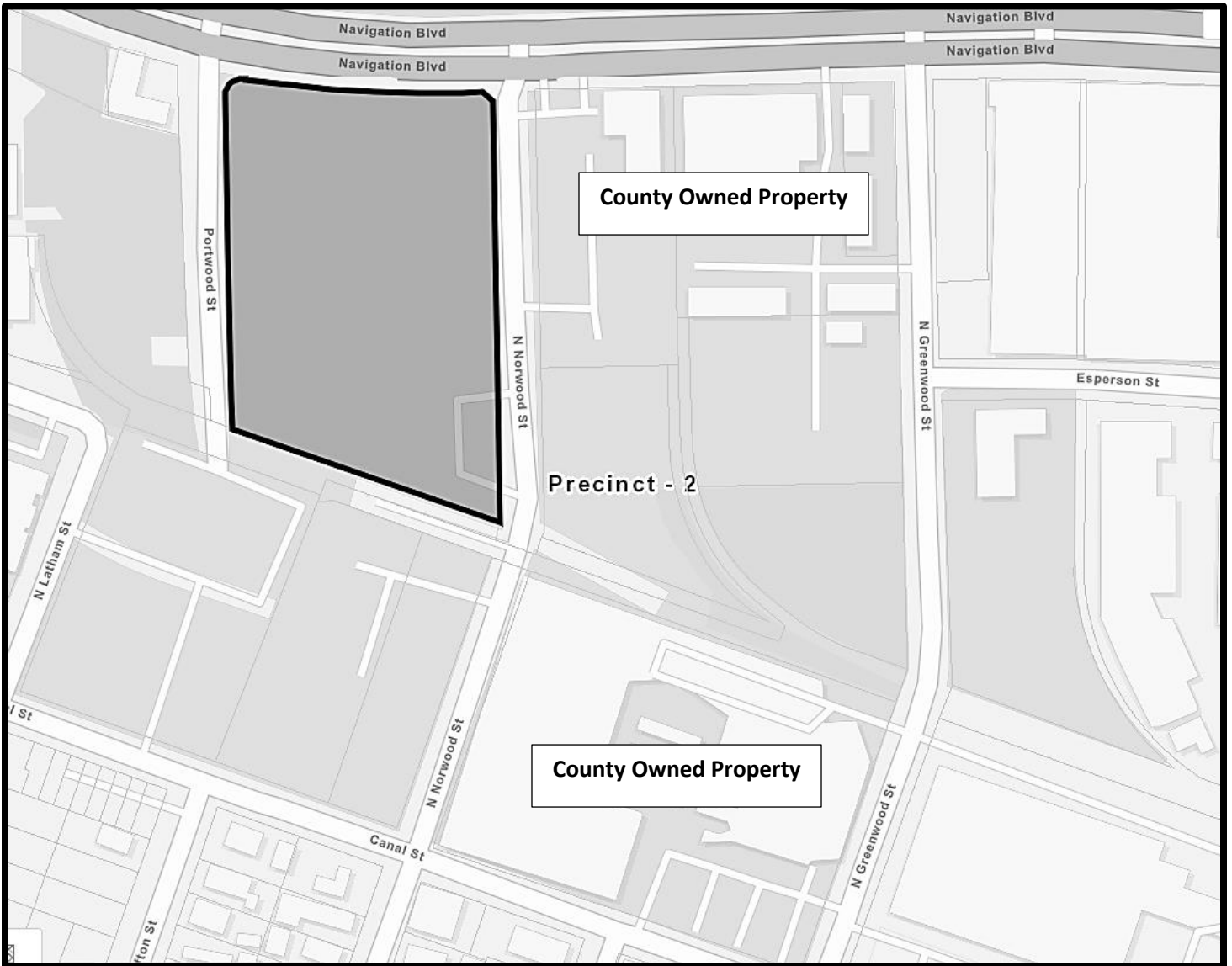
Thence South $03^{\circ}30'16''$ East, along the West line of said 17 foot rail spur, a distance of 114.68 feet (called 89.74 feet) to a 5/8 inch iron rod with blue plastic cap stamped "Tri-Tech Surveying set for a point of curvature the left in the West line of said 17 foot rail spur and east line of the herein described tract;

Thence along the arc of a curve to the left in the west line of said 17 foot rail spur, having a radius of 304.90 feet, an interior angle of $56^{\circ}54'43''$, a chord bearing South $31^{\circ}57'38''$ East a chord distance of 290.56 feet, for an arc distance of 302.86 feet (called 328.00 feet) to the Point of Beginning of the herein described 1.332 acre (58,004 square foot) tract of land.

PARCEL 2

All of Reserve "A" Unrestricted, Block One (1), CONTINENTAL COFFEE SECTION ONE, a subdivision in Harris County, Texas according to the map or plat thereof recorded under Film Code Number 387086 of the Map Records of said County.

Former Farmer Brothers Coffee Plant – Navigation Boulevard at N. Norwood Street





1520 Oliver St. Houston, TX 77007
Email hattiep@lovettcommercial.com
Phone (713) 553-5916

March 24, 2022

To Whom It May Concern:

Navigation Norwood Ltd. purchased the Farmer's Brothers Coffee Plant in late 2019. The purpose of this letter is to provide you with information regarding our current intentions with the development of the property and to respectfully request that you sign a release of restriction removing the industrial use only requirement.

We do not have formal plans and do not intend to incur those sunken costs until we are certain the restriction will be removed. That said, I can tell you that we do not intend to tear down the coffee plant as we plan to use its historic presence as the spirit for our project. Keeping with the history of the building, we plan to add a coffee shop or café at the projects center as well as work force housing, several art studios and maker spaces.

I hope this overview provides you with a general vision of how we plan to enhance the property. If you have any additional questions, please do not hesitate to reach out to me.

I appreciate your time and attention to this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Hattie Parker", with a stylized, flowing script.

Hattie Parker

Historic Folger's Coffee Plant

Segundo Barrio, Houston TX



»» 2nd Ward

Neighborhood

1. Turkey Bend Event Center and Buffalo Bayou East Masterplan
2. Navigation Blvd. Improvements
3. East End Maker Hub - TXRX Labs
4. Harris Co. Sherriff's Complex
5. Finca Tres Robles - Urban Farm
6. New Multifamily Development
7. Houston B-Cycle Headquarters
8. El Segundo Swim Club



1. Buffalo Bayou East Masterplan

Expansion of Houston's flagship greenway park system

263 acres of new and improved parks

44.3 miles of new and improved trails and bikeways

7 new pedestrian bridges

4 miles of accessible waterfront

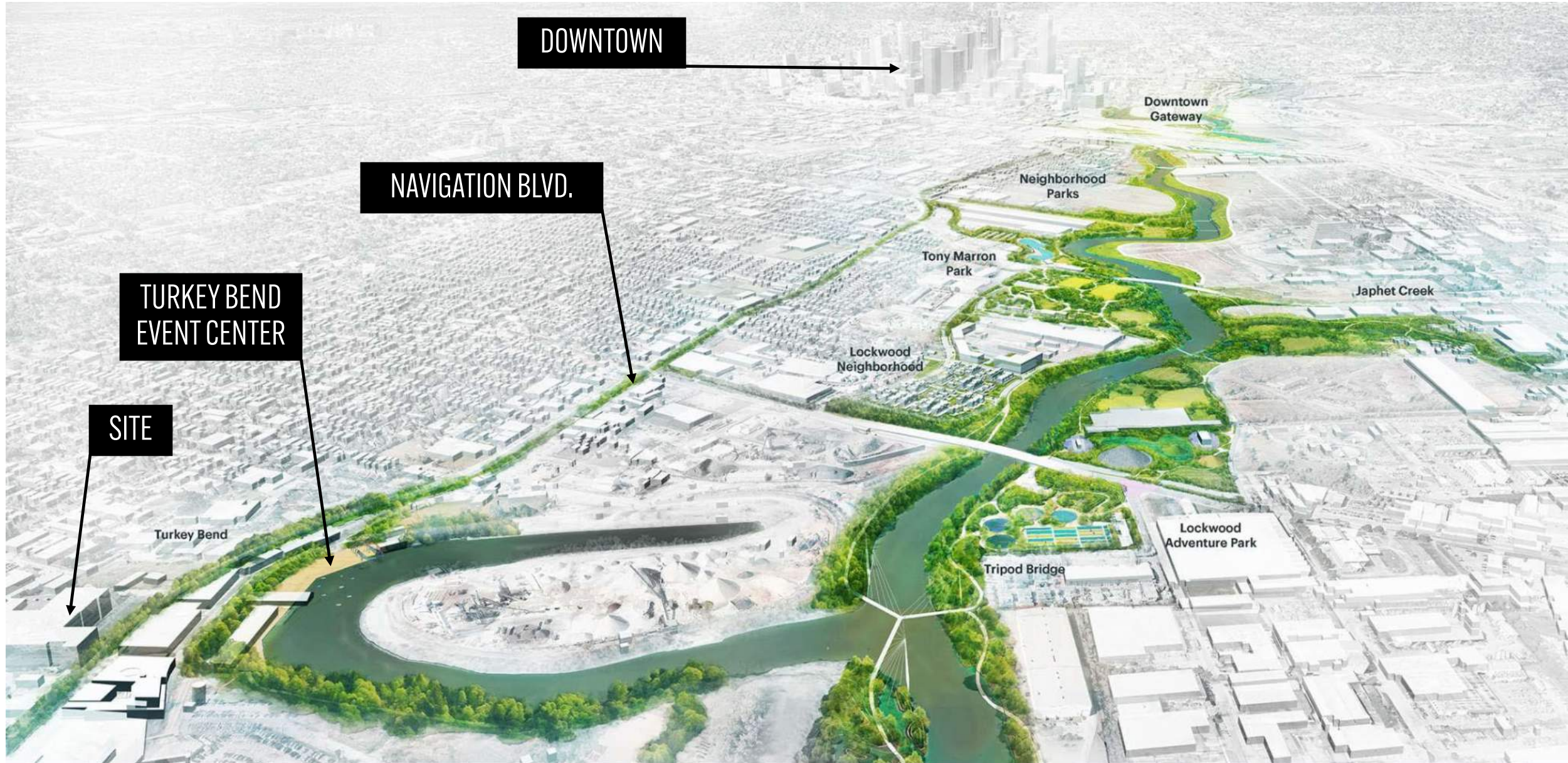
7 new water access points

341 acres of expanded and enhanced tree canopy

New Turkey Bend Event Center



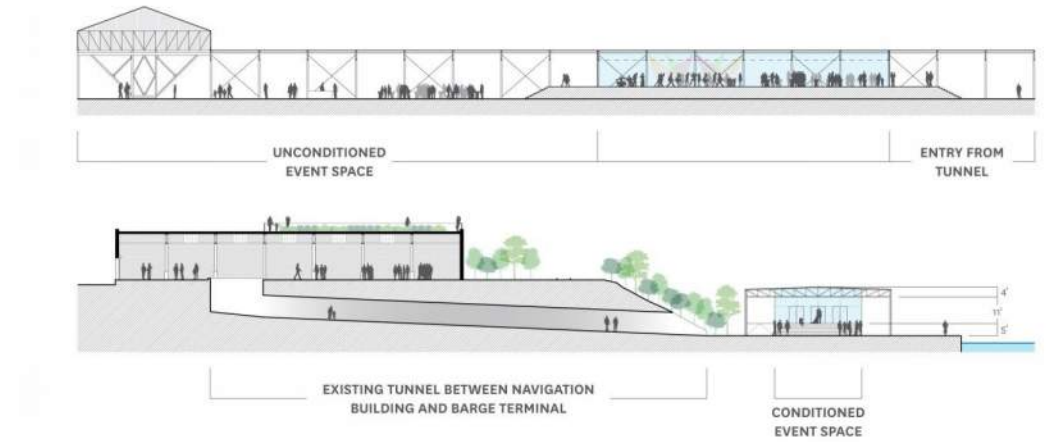
1. Buffalo Bayou East Masterplan



NEIGHBORHOOD

1. Turkey Bend Event Center

An industrial wharf and warehouse located directly across the street from the Folger's site will be converted into a large event venue and community center accessible from Navigation Blvd.



2. Navigation Blvd. Improvements

Dedicated bike lanes, pedestrian paths, wide greenways, and public spaces will enhance Navigation Blvd. and improve neighborhood connections.



NEIGHBORHOOD

3. East End Maker Hub - TXRX Labs

The East End Maker Hub is a 300,000 SF facility designed for fabricators, manufacturers, crafters and innovators.



4. Harris Co. Sherriff's Complex

A new campus for the Harris Co. Sherriff's Office is planned for the parcel adjacent to the Folger's site. The proposed development plan includes administrative offices and evidence processing units as well as a neighborhood park and plaza.



5. Finca Tres Robles

Organic urban farm



NEIGHBORHOOD

6. New Multifamily

Apartment building currently under construction



7. Houston B-Cycle Headquarters

Houston's bike-share program



8. El Segundo Swim Club

Local watering hole with tropical vibes



Site Program

Potential uses within the building include:

Charter School for the Arts

Music/art Co-studios

Live Venue Café/Bar

Rooftop Bar/Venue

Makerspace

Artist Lofts

Museum Gallery

Performing Arts Theater

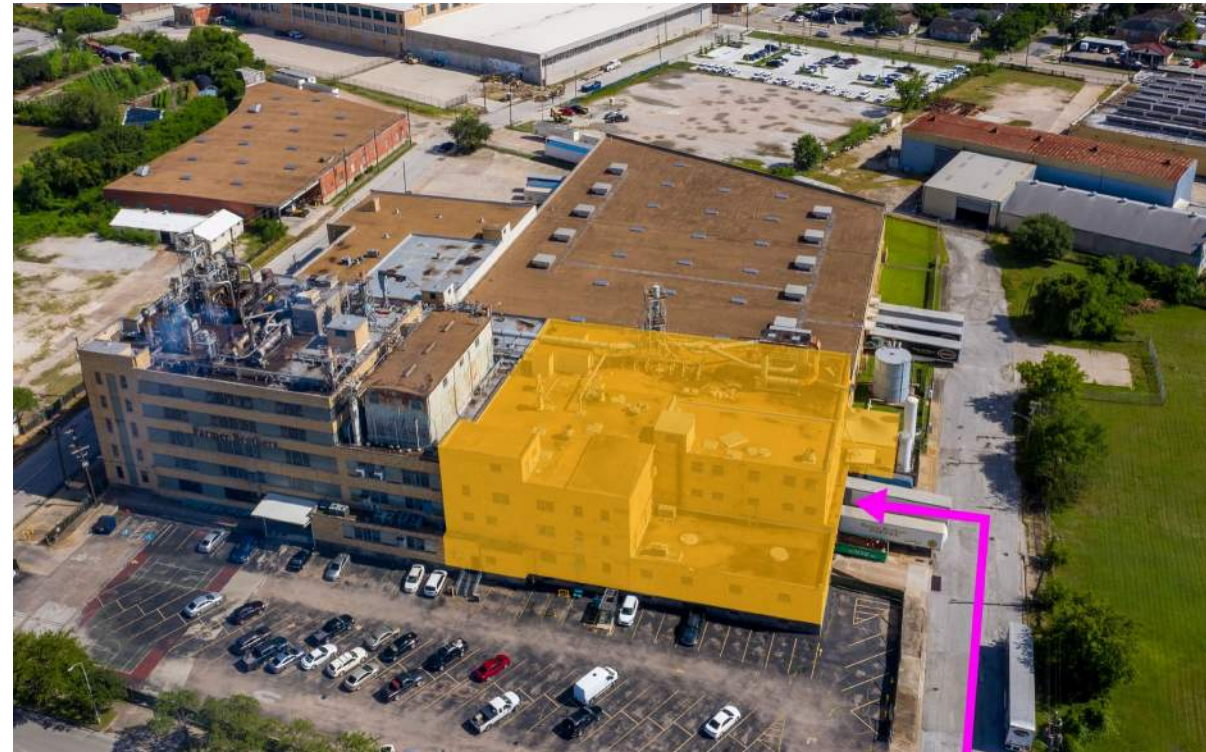
Multifamily Residential



Site Plan - Level 1

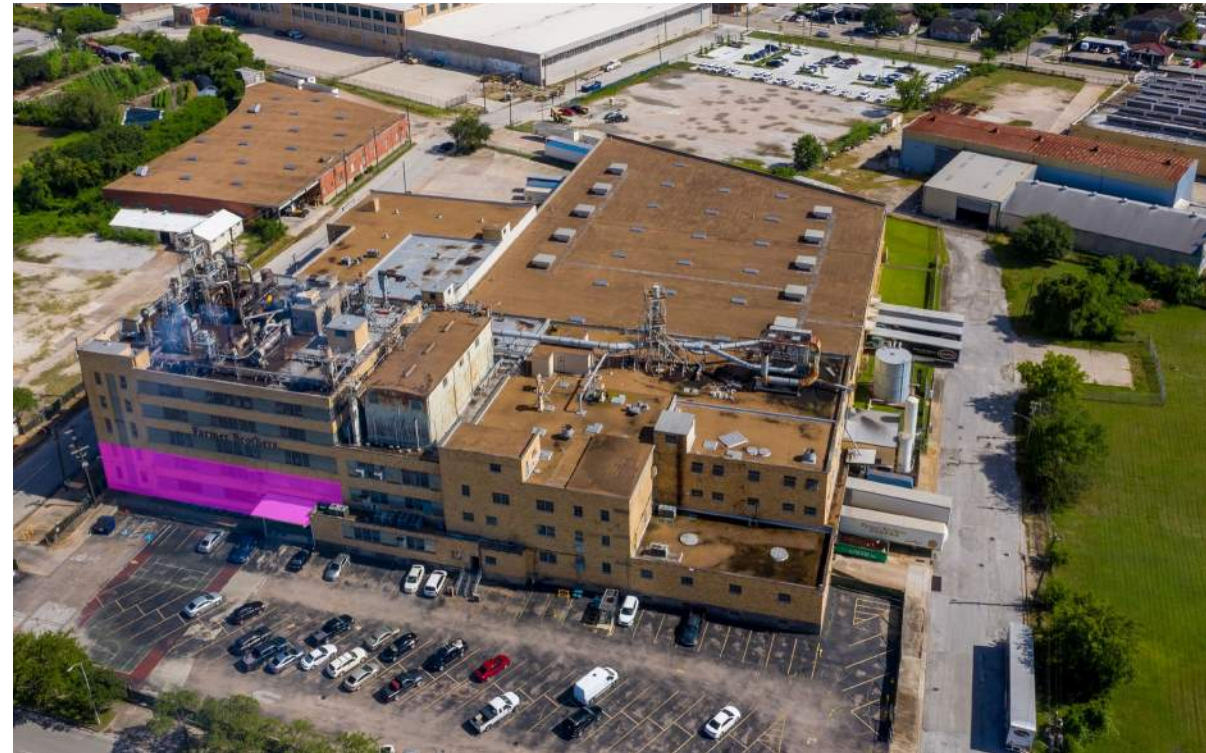


Charter School for the Arts



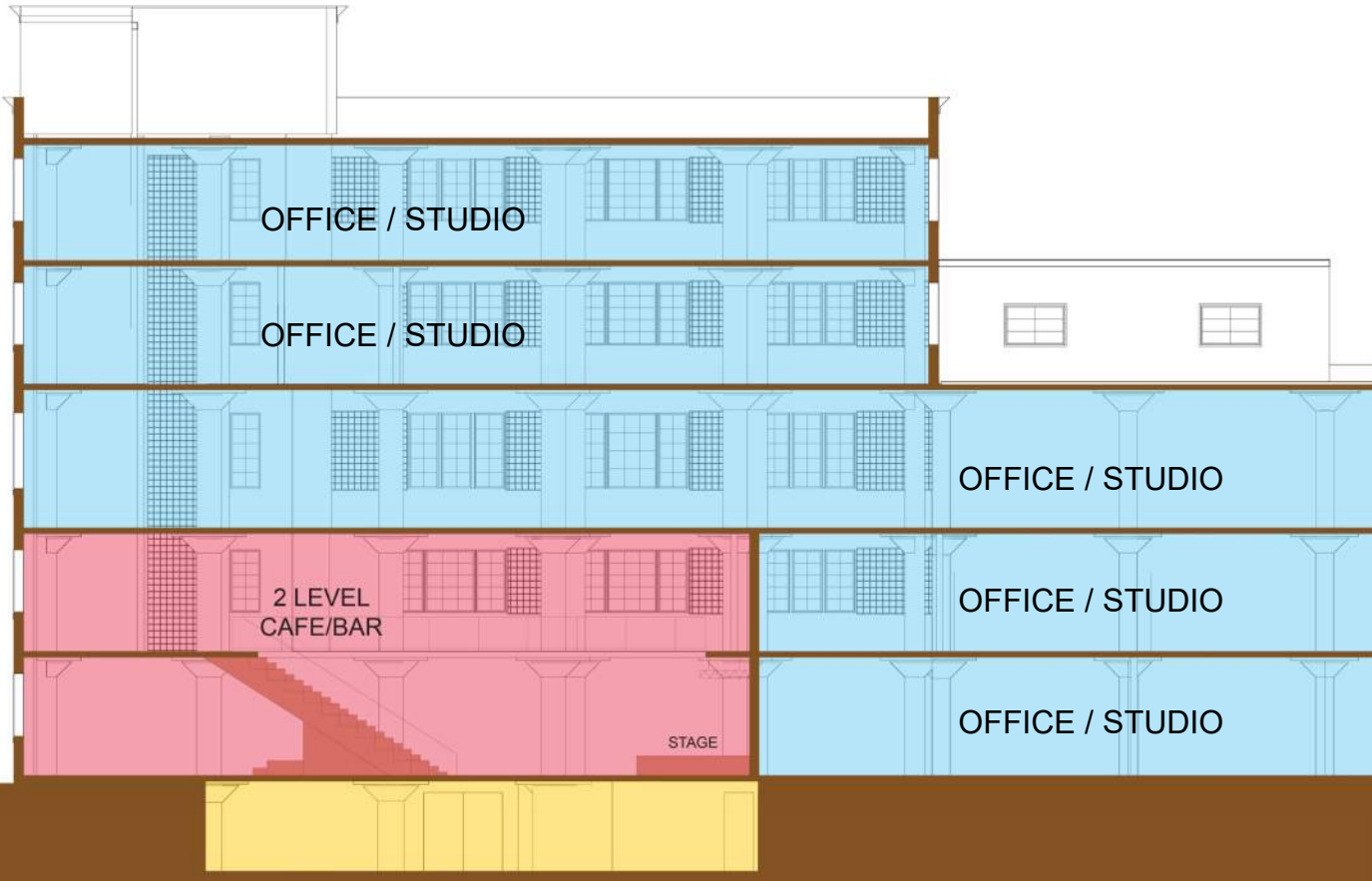
Live Venue Café/Bar

A double-height café/bar space located on the first floor will showcase local art and music.



Live Venue Café/Bar

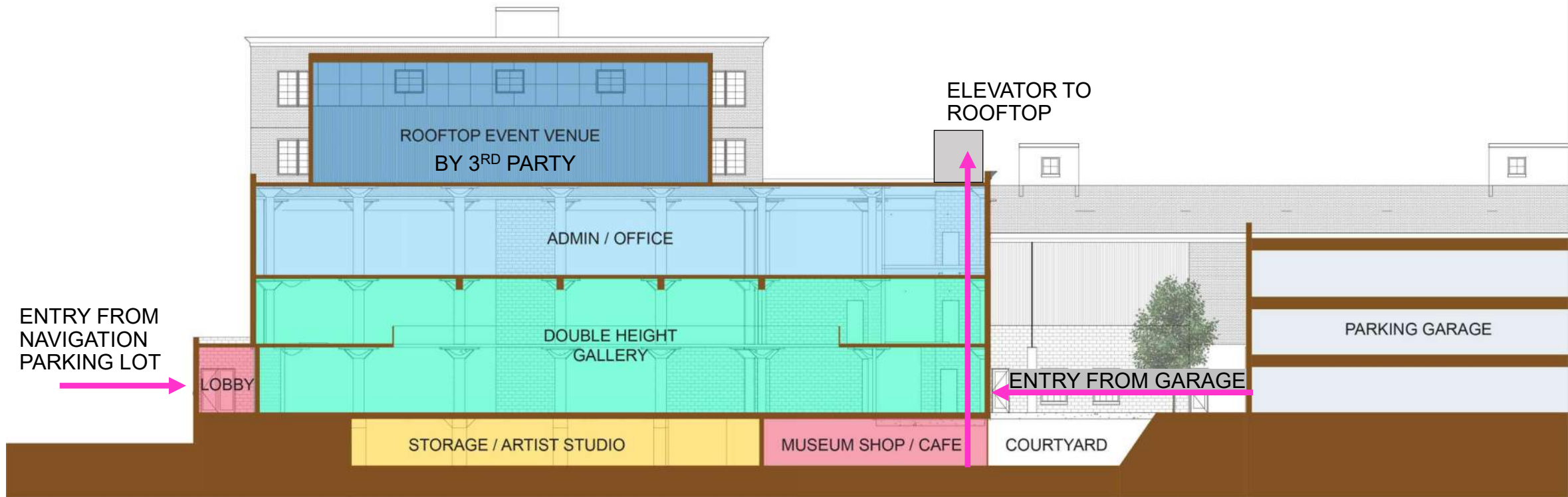
A double-height café/bar space located on the first floor will showcase local art and music.



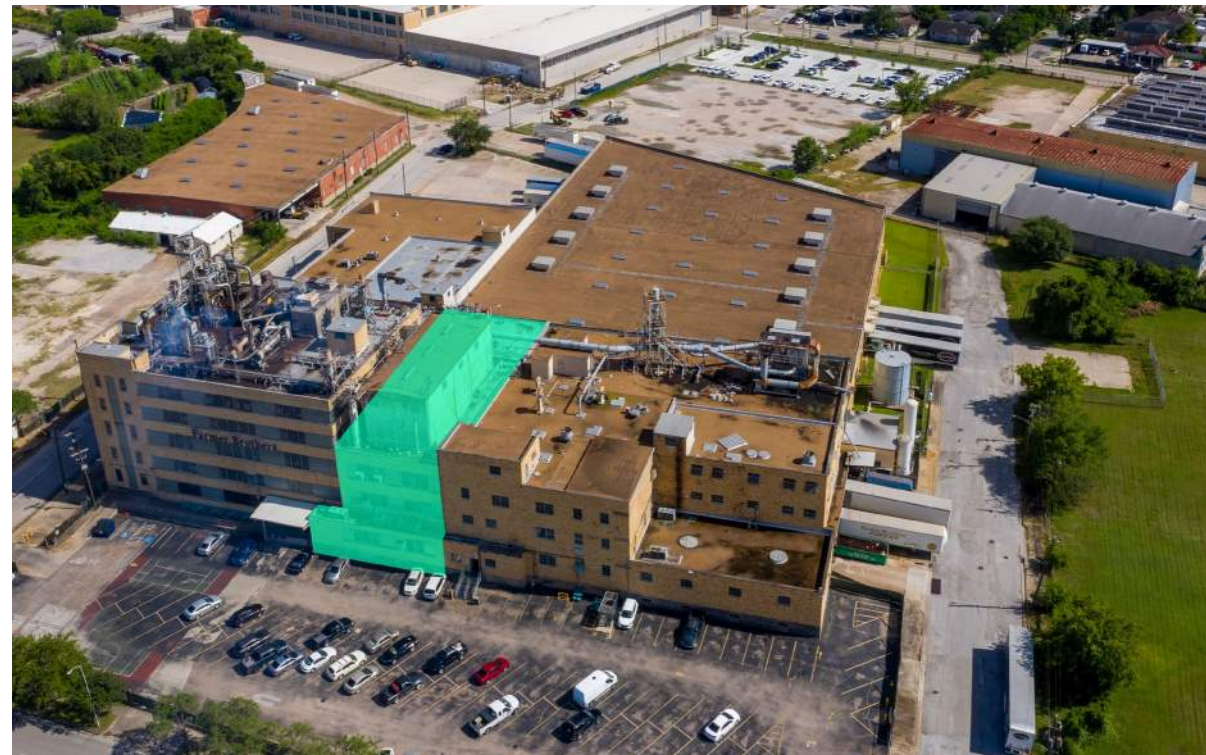
Rooftop Bar / Venue

An existing equipment penthouse will be re-clad with glass and function as an event space or bar and restaurant with views of the downtown skyline.





Museum Gallery



Music Studios, Makerspace, Artist Lofts



SITE PROGRAM - MUSIC STUDIOS, MAKERSPACE, ARTIST LOFTS

Music Studios, Makerspace, Artist Lofts

An adjacent 36,000 SF warehouse building is well-suited for art studios and live-work units.



SITE PROGRAM - MUSIC STUDIOS, MAKERSPACE, ARTIST LOFTS

Site Planning - THEATER

Lower Level ~ 14,000 SF



Level 1 ~ 15,000 SF



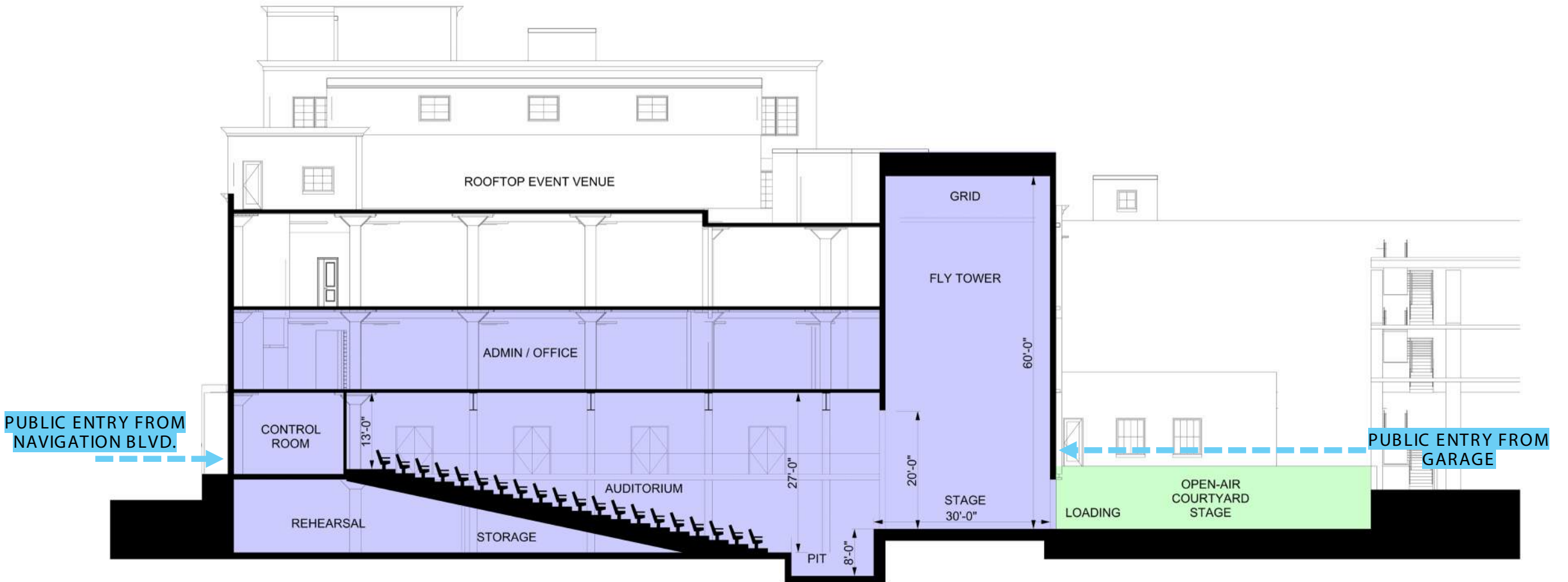
Level 2 ~ 17,000 SF



USEABLE AREA ~46,000 SF

Building Section - THEATER

- Double height auditorium space
- 60' clear fly tower
- Public entrance from street level
- Courtyard for outdoor performances



Comparable Size and Specs to Zilkha Hall

The current test-fit accommodates:

300-400 seats

+/- 20' high proscenium

Potential mezzanine/box seating

Overall stage +/- 50' x 30'

Grid height up to 60'

Orchestra pit

Dedicated loading from courtyard

Dressing rooms

DESIGN FOR PLANNING PURPOSES ONLY

**"If I can't take my coffee break
Something within me dies"**

*-How To Succeed In Business Without Really Trying
Hobby Center, 2016*



Residential

Potential uses within the building include:

Charter School for the Arts

Music/art Co-studios

Live Venue Café/Bar

Rooftop Bar/Venue

Makerspace

Artist Lofts

Museum Gallery

Multifamily Residential



UNIT SCHEDULE SUMMARY			
UNIT	TYPE	AREA	COUNT
BUILDING 01-WAREHOUSE			
1A	1BR/1B	704 SF	24
1E	1BR/1B+STUDY	986 SF	1
1F	1BR/1B+STUDY	986 SF	1
1G	1BR/1B+STUDY	986 SF	1
2A	2BR/2B	1056 SF	4
2C	2BR/2B+STUDY	1246 SF	1
3A	3BR/2B	1216 SF	1
3E	3BR/2B	1026 SF	1
LEVEL 04			
1A	1BR/1B	704 SF	34
1E	1BR/1B+STUDY	986 SF	25
1F	1BR/1B+STUDY	986 SF	1
1G	1BR/1B+STUDY	986 SF	1
1H	1BR/1B	899 SF	1
2A	2BR/2B	1056 SF	3
2C	2BR/2B+STUDY	1246 SF	1
2H	2BR/2B	1024 SF	1
3A	3BR/2B	1216 SF	1
3E	3BR/2B	1026 SF	1
LEVEL 05			
1A	1BR/1B	704 SF	25
1E	1BR/1B+STUDY	986 SF	1
1F	1BR/1B+STUDY	986 SF	1
1G	1BR/1B+STUDY	906 SF	1
1H	1BR/1B	899 SF	1
2A	2BR/2B	1056 SF	3
2C	2BR/2B+STUDY	1246 SF	1
2H	2BR/2B	1024 SF	1
3A	3BR/2B	1216 SF	1
3E	3BR/2B	1026 SF	1
LEVEL 06			
BUILDING 01-WAREHOUSE			36
BUILDING 01-WAREHOUSE			106
BUILDING 02-EXTENSION			
1A	1BR/1B	704 SF	8
1B	1BR/1B	560 SF	1
1C	1BR/1B + STUDY	853 SF	1
2B	2BR/1B	906 SF	1
LEVEL 02			
1A	1BR/1B	704 SF	8
1B	1BR/1B	560 SF	1
1C	1BR/1B + STUDY	853 SF	1
2B	2BR/1B	906 SF	1
LEVEL 03			
1A	1BR/1B	704 SF	8
1B	1BR/1B	560 SF	1
1C	1BR/1B + STUDY	853 SF	1
2B	2BR/1B	906 SF	1
LEVEL 04			
BUILDING 02-EXTENSION			11
BUILDING 02-EXTENSION			33
BUILDING 03-ART HOUSE			
1A	1BR/1B	704 SF	18
1D	1BR/1B+STUDY	779 SF	1
1J	1BR/1B	786 SF	1
2A	2BR/2B	1056 SF	2
2C	2BR/2B	1170 SF	1
2E	2BR/2B	1057 SF	1
2F	2BR/2B+STUDY	934 SF	1
3A	3BR/2B	1216 SF	1
3B	3BR/2B	1155 SF	1
LEVEL 02			
1A	1BR/1B	704 SF	18
1D	1BR/1B+STUDY	779 SF	1
2A	2BR/2B	1056 SF	3
2C	2BR/2B	1170 SF	1
2D	2BR/2B+STUDY	1170 SF	1
2E	2BR/2B	1057 SF	1
2F	2BR/2B+STUDY	934 SF	1
3A	3BR/2B	1216 SF	1
3B	3BR/2B	1155 SF	1
3C	3BR/2B	1155 SF	1
3D	3BR/2B	979 SF	1
LEVEL 03			
1A	1BR/1B	704 SF	26
1D	1BR/1B+STUDY	779 SF	1
2A	2BR/2B	1056 SF	2
2C	2BR/2B	1170 SF	1
2D	2BR/2B+STUDY	1170 SF	1
2E	2BR/2B	1057 SF	1
2F	2BR/2B+STUDY	934 SF	1
3A	3BR/2B	1216 SF	1
3B	3BR/2B	1155 SF	1
3C	3BR/2B	1056 SF	1
3D	3BR/2B	979 SF	1
LEVEL 04			
1A	1BR/1B	704 SF	31
1D	1BR/1B+STUDY	779 SF	20
2A	2BR/2B	1056 SF	2
2C	2BR/2B	1170 SF	1
2D	2BR/2B+STUDY	1170 SF	1
2E	2BR/2B	1057 SF	1
2F	2BR/2B+STUDY	934 SF	1
3A	3BR/2B	1216 SF	1
3B	3BR/2B	1155 SF	1
3C	3BR/2B	1056 SF	1
3D	3BR/2B	979 SF	1
LEVEL 05			
BUILDING 03-ART HOUSE			31
BUILDING 03-ART HOUSE			118
BUILDING 03-ART HOUSE			257

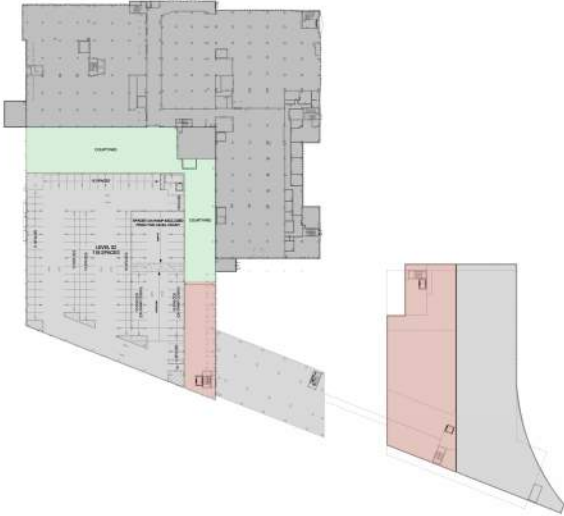
PARKING SUMMARY	
440 SPACES	PARKING STRUCTURE
75 SPACES COVERED	
168 SURFACE SPACES	
683 TOTAL SPACES	

Multifamily Residential

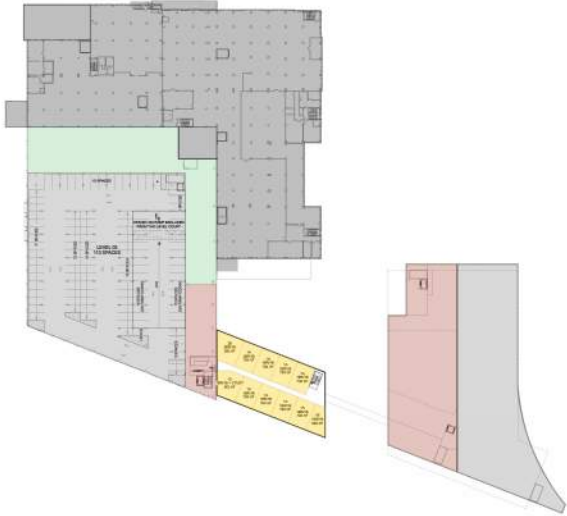
LEVEL 1 SITE PLAN



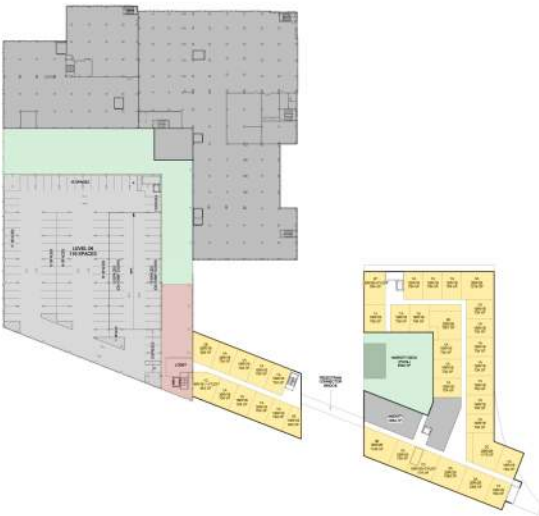
LEVEL 2 GARAGE PLAN



LEVEL 2 RESIDENTIAL PLAN



LEVEL 3 RESIDENTIAL PLAN



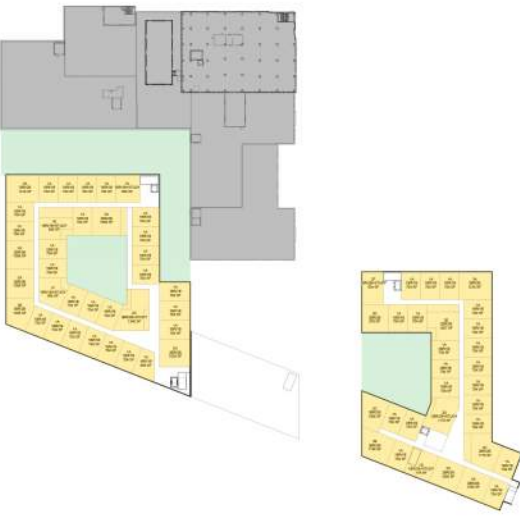
LEVEL 4 RESIDENTIAL PLAN



LEVEL 5 RESIDENTIAL PLAN



LEVEL 6 RESIDENTIAL PLAN



Multifamily Residential



SITE PROGRAM – MULTIFAMILY RESIDENTIAL

Multifamily Residential



SITE PROGRAM – MULTIFAMILY RESIDENTIAL

Multifamily Residential



SITE PROGRAM – MULTIFAMILY RESIDENTIAL

Architectural Concepts

Light wells and double-height spaces

Improved public access

New courtyard

New parking garage

Rooftop landscaping



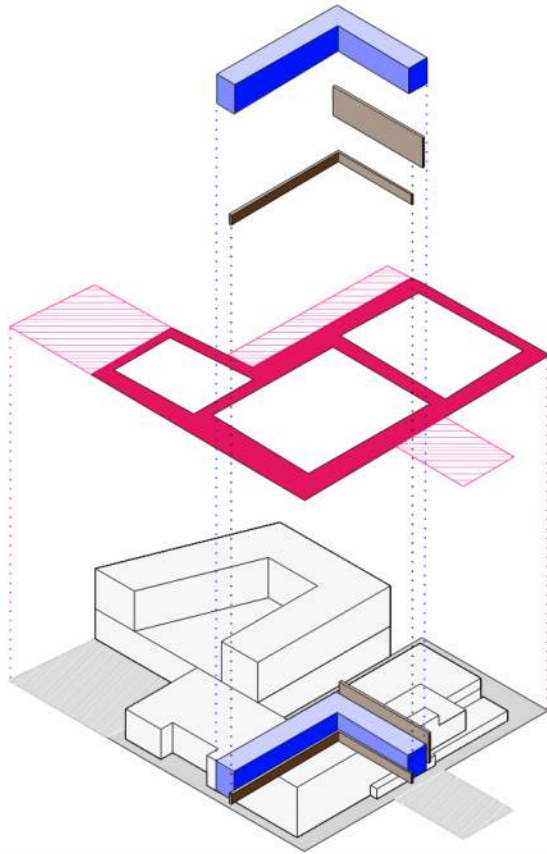
Light Wells and Double-Height Spaces

New glass light wells and strategic cuts will bring in more natural light and improve circulation through the building.



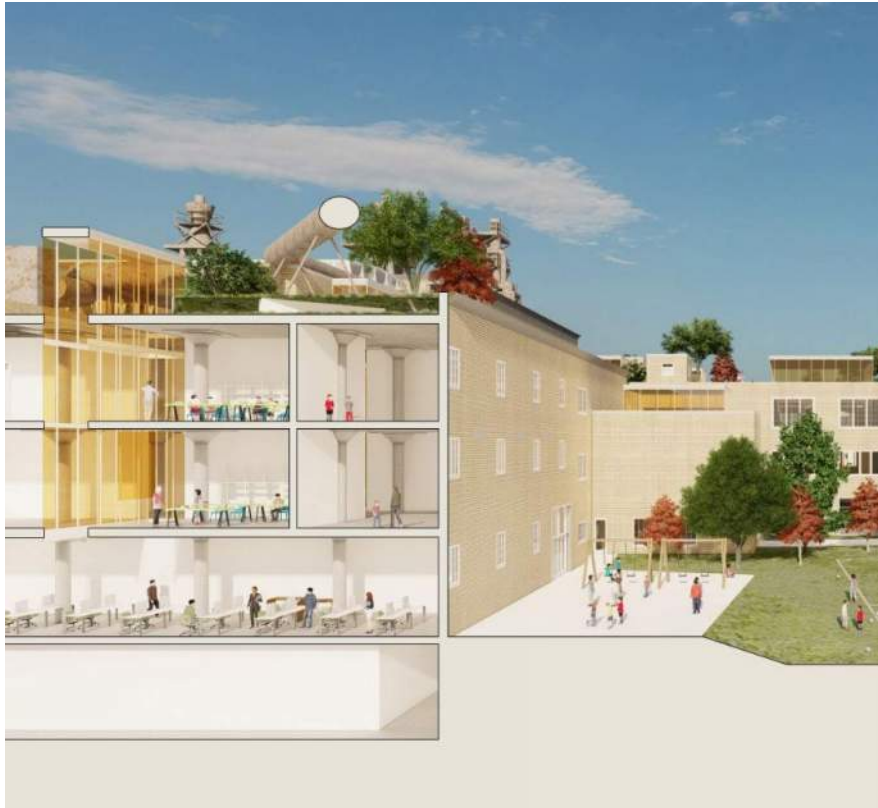
Improved Public Access

Public circulation loops will break up the massing of the building to make the site more approachable and connected to the surrounding neighborhood.



New Courtyard

A new courtyard will improve access and introduce more natural light to the warehouse spaces.



New Parking Garage



Rooftop Landscaping

Landscaping and event programming will activate the roof to take advantage of dramatic views. Industrial elements will be transformed into sculptural artwork and landscape features.



Machinery as folly and sculpture



Rooftop event space



Rooftop recreation



Rooftop educational gardens and greenhouses

