



## RAILROAD COMMISSION OF TEXAS OIL AND GAS DIVISION

### ***VOLUNTARY CLEANUP PROGRAM FINAL CERTIFICATE OF COMPLETION RELYING ON INSTITUTIONAL CONTROLS***

As provided for Chapter 91, Subchapter 0, Texas Natural Resource Code.

*I, PETER G. POPE, ASSISTANT DIRECTOR OF THE SITE REMEDIATION SECTION, OIL AND GAS DIVISION, RAILROAD COMMISSION OF TEXAS, CERTIFY UNDER CHAPTER 91, SUBCHAPTER 0, TEXAS NATURAL RESOURCE CODE, THAT NECESSARY RESPONSE ACTIONS HAVE BEEN COMPLETED FOR VOLUNTARY CLEANUP PROGRAM NO. 03-8001 AS OF 29 APRIL 2016 FOR THE TRACT OF LAND DESCRIBED IN EXHIBIT "A", BASED ON THE AFFIDAVIT OF COMPLETION OF RESPONSE ACTION AND INSTITUTIONAL CONTROLS, EXHIBIT "B" AND WHICH ARE FURTHER DESCRIBED IN THE APPROVED FINAL REPORT FOR THE SITE. APPLICANTS WHO WERE NOT RESPONSIBLE PARTIES UNDER SECTION 91.113 ON THE DATE OF ISSUANCE OF THIS CERTIFICATE ARE QUALIFIED TO OBTAIN THE PROTECTION FROM LIABILITY PROVIDED BY CHAPTER 91, SUBCHAPTER 0, TEXAS NATURAL RESOURCE CODE.*

*EXECUTED this the 29th day of April 2016.*

  
Peter G. Pope, P.G.  
Assistant Director, Site Remediation


STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, personally appeared Peter G. Pope, Assistant Director, Remediation Section, of the Railroad Commission of Texas, known to me to be the person and agent of said commission whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, *this the 29th day of April 2016.*



  
Notary Public in and for the State of Texas

**EXHIBIT "A"**  
**RAILROAD COMMISSION OF TEXAS**  
**VOLUNTARY CLEANUP PROGRAM**  
**LEGAL DESCRIPTION 108.5184-ACRE TRACT**

**VCP No. 03-8001**



# SURVEY DEPARTMENT

10555 Northwest Freeway, Suite 170  
Houston, TX 77092  
713.316.4896

## FIELD NOTES

Description of 108.5184 acres (4,727,061 square feet) of land situated in the James Lindsey Survey, Abstract No. 43, Harris County, Texas; being a portion of a called 22.7207 acres as recorded in Harris County Clerk's File No. X227724, a portion of a called 95.6041 as recorded in Harris County Clerk's File No. X539093 and all of a called 18.2828 acres as recorded on Harris County Clerk's File No. X539093, said 108.5184 acre tract being more particularly described as follows (all bearings are based on the description of said 95.6041 acre tract):

COMMENCING at a point located in the north right-of-way line of Genoa-Red Bluff Road (60-foot wide public right-of-way) for the southeast corner of a called residue of 72.62 acre tract as recorded in Harris County Clerk's File No. F849424 and the southwest corner of Said 22.7207 acre tract;

THENCE, North 87° 07' 10" East, along the common north line of said Genoa-Red Bluff Road and the south line of said 22.7207 acre tract, a distance of 26.20 feet, to a point for a southerly corner of said 22.7207 acre tract;

THENCE, North 38° 12' 39" East, along the northerly line of said Genoa-Red Bluff Road and a west line of a called 1.517 acre tract as recorded in Harris County Clerk's File No. P454723, a distance of 106.15 feet, to a point in the east line of said 22.7207 acre tract for the southwest corner of the aforementioned 95.6041 acre tract;

THENCE, North 87° 07' 10" East, along the common north line of said 1.517 acre tract and the south line of said 95.6041 acre tract, a distance of 628.94 feet, to the POINT OF BEGINNING of the herein described tract;

THENCE, North 02° 56' 45" West, along the west line of the herein described tract, a distance of 1,681.33 feet, to a point in the south line of a called residue of 90.6665 acre tract as recorded in Harris County Clerk's File No. T178816 and the north line of said 22.7207 acre for the most westerly northwest corner of the herein described tract;

THENCE, North 87° 03' 15" East, along the south line of said 90.6665 acre tract and the common north line of said 22.7207 acre tract and the herein described tract, a distance of 176.00 feet, to a point in the common northwest line of said 95.6041 acre tract and the herein described tract for the northeast corner of said 22.7207 acre tract and an interior corner of the herein described tract;

THENCE, North 38° 12' 39" East, along the south line of said residue of 90.6665 acre tract and the common northwest line of said 95.6041 acre tract and the herein described tract, a distance of 271.44 feet, to a point for corner;

THENCE, South 51° 47' 21" East, continuing along south line of said residue of 90.6665 acre tract and the common northwest line of said 95.6041 acre tract and the herein described tract, a distance of 500.00 feet, to a point for corner;

THENCE, North 38° 12' 39" East, along the southeast line of said residue of 90.6665 acre tract and the common northwest line of said 95.6041 acre tract and the herein described tract, a distance of 1675.00 feet, to a point in the south line of Restricted Reserve "E" of VILLAGE GROVE EAST SECTION ONE as recorded in Film Code Number 389116 of the Harris County Map Records for the most northerly northwest corner of said 95.6041 acre tract and the herein described tract;

THENCE, North 87° 13' 59" East, along the south line of said Restricted Reserve "E", the south line of VILLAGE GROVE EAST TOWNHOMES as recorded in Film Code Number 523113 of the Harris County Map Records and the common north line of said 95.6041 acre tract and the herein described tract, passing at a distance of 1032.52 feet, the southwest corner of said VILLAGE GROVE EAST TOWNHOMES, continuing a total distance of 1198.39 feet, to a point in the south line of said VILLAGE GROVE EAST TOWNHOMES for the northwest corner of a called 9.686 acre tract as recorded in Harris County Clerk's File No. 20080388719 and the common northeast corner of said 95.6041 acre tract and the herein described tract;

THENCE, South 02° 49' 53" East, along the west line of said 9.669 acre tract and the common east line of said the 95.6041 acre tract and the herein described tract, a distance of 1060.42 feet, to a point for corner;

THENCE, South 53° 54' 17" East, continuing along the west line of said 9.669 acre tract and the common east line of said the 95.6041 acre tract and the herein described tract, a distance of 2.92 feet, to a point in the west line of a called pipeline easement as recorded in Harris County Clerk's File Number P722851 for corner;

THENCE, South 36° 05' 43" West, along the west line of said pipeline easement and the common southeast line of said 95.6041 acre tract and the herein described tract, a distance of 70.53 feet, to a point for corner, said point being in the arc of a curve to the right;

THENCE, southwesterly, continuing along the west line of said pipeline easement, the common southeast line of said 95.6041 acre tract and the herein described tract and the arc of said curve to the right, having a radius of 450.00 feet through a central angle of 14° 39' 08" (the chord bears South 43° 25' 16" West, a distance of 114.76 feet) an arc distance of 115.08 feet, to a point for corner;

THENCE, South 50° 44' 51" West, along the west line of said pipeline easement and the common southeast line of a called 18.2828 acre tract as recorded in Harris County Clerk's File No. X539093 and the herein described tract, passing at a distance of 180.64 feet, the northeast corner of the aforementioned 18.2828 acre tract and a southeast corner of said 95.6041 acre tract, continuing a total distance of 1515.03 feet, to a point for corner, said point being in the arc of a curve to the right;

THENCE, southwesterly, continuing along the west line of said pipeline easement, the common southeast line of said 18.2828 acre tract and the herein described tract and the arc of said curve to the right, having a radius of 450.00 feet through a central angle of  $36^{\circ} 25' 02''$  (the chord bears South  $68^{\circ} 57' 22''$  West, a distance of 281.23 feet) an arc distance of 286.02 feet, to a point for corner;

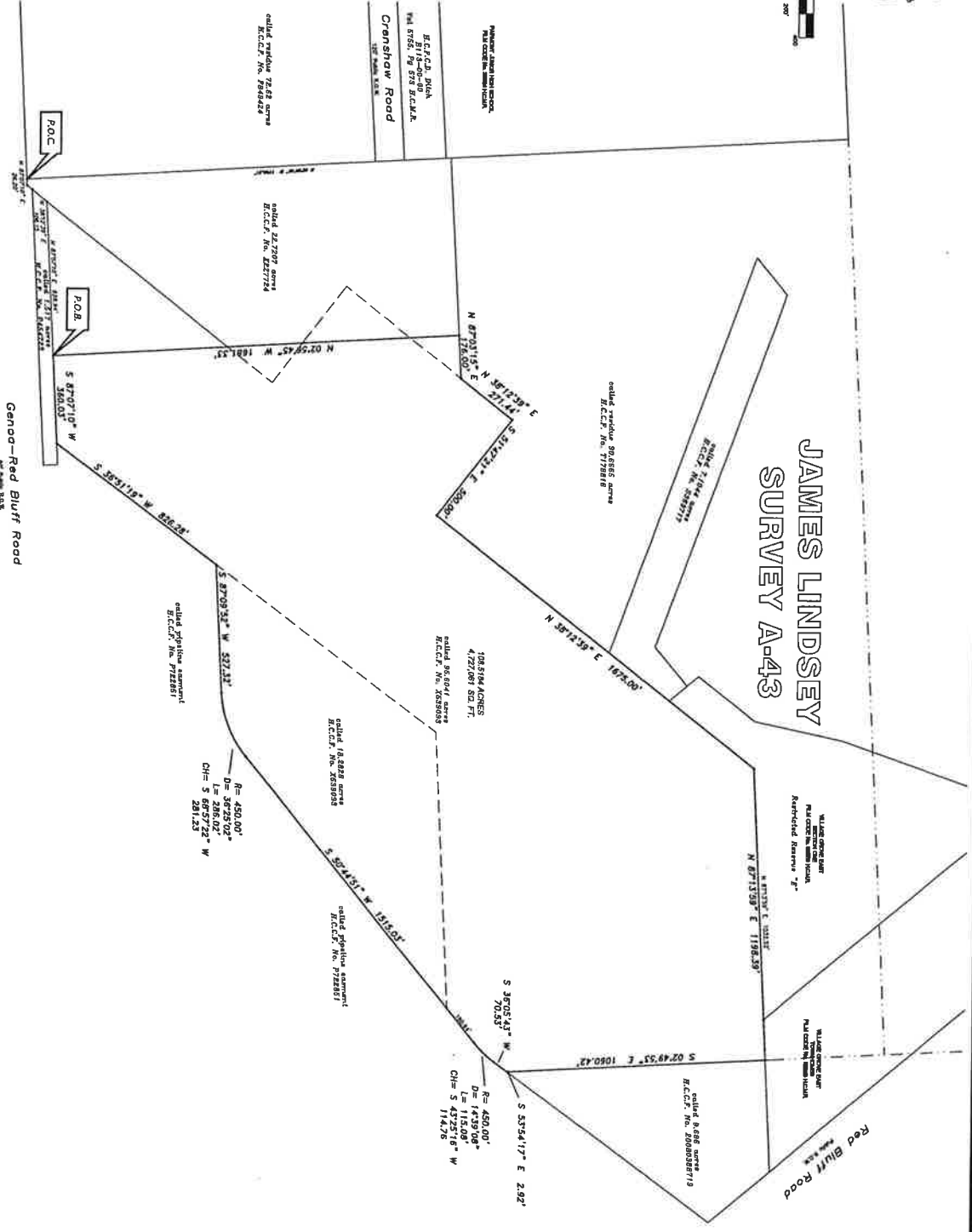
THENCE, South  $87^{\circ} 09' 52''$  West, along the northwest line of said pipeline easement and the common southeast line of said 18.2828 acre tract and the herein described tract, a distance of 527.32 feet, to a point in the southeast line of said 95.6041 acre tract for the southwest corner of said 18.2828 acre tract and an interior corner of the herein described tract;

THENCE, South  $36^{\circ} 51' 19''$  West, along the west line of said pipeline easement and the common southeast line of said 95.6041 acre tract and the herein described tract, a distance of 826.28 feet, to a point in the north line of the aforementioned 1.517 acre tract for the common southeast corner of said 95.6041 acre tract and the herein described tract;

THENCE, South  $87^{\circ} 07' 10''$  West, along the north line of said 1.517 acre tract and the common south line of said 95.6041 acre tract and the herein described tract, a distance of 360.03 feet to the POINT OF BEGINNING and containing a computed area of 108.5184 acres (4,727,061 square feet) of land.

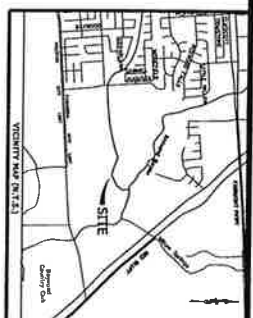


# JAMES LINDSEY SURVEY A-43



Red Bluff Road  
100 FT. R.O.W.

Ganado-Red Bluff Road  
100 FT. R.O.W.



**FIELD NOTES**

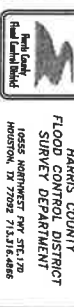
Reference is made to the plat of the JAMES LINDSEY SURVEY A-43, shown as Book 108-5184, Pages 1-2, of the Official Public Records for Harris County, Texas, which is a true and correct copy of the original survey, as the same is on file in the Public Records Office of Harris County, Texas, and which is herein incorporated by reference into this Exhibit Map. The survey is shown as Book 108-5184, Pages 1-2, of the Official Public Records for Harris County, Texas, and which is herein incorporated by reference into this Exhibit Map.

The following bearings and distances were taken from the survey, and are shown as true and correct copies of the original survey, as the same is on file in the Public Records Office of Harris County, Texas, and which is herein incorporated by reference into this Exhibit Map.

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### EXHIBIT MAP

108.5184 ACRES  
LOCATED IN THE JAMES LINDSEY SURVEY,  
ABSTRACT NO. 43  
HARRIS COUNTY, TEXAS



HARRIS COUNTY  
FLOOD CONTROL DISTRICT  
SURVEY DEPARTMENT  
10555 NORTHWEST FRY STREET, 170  
HOUSTON, TX 77092 713.616.4888

No.	Description	Date	Drawn By	Scale	Checked By	Approved By
1						
2						
3						
4						
5						
6						
7						

***EXHIBIT "B"***  
***RAILROAD COMMISSION OF TEXAS***  
***VOLUNTARY CLEANUP PROGRAM***  
***AFFIDAVIT OF COMPLETION OF RESPONSE ACTION AND***  
***INSTITUTIONAL CONTROLS***

***VCP No. 03-8001***

**EXHIBIT "B"**  
**RAILROAD COMMISSION OF TEXAS**  
**VOLUNTARY CLEANUP PROGRAM**  
**AFFIDAVIT OF COMPLETION OF RESPONSE ACTION**  
**AND INSTITUTIONAL CONTROLS**

I, Michael Talbott, representing the Harris County Flood Control District (HCFCD) have completed response actions necessary, pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at a 113.8869-acre property consisting of a 95.6041-acre tract and a 18.2828-acre tract of land described in Exhibit "A" (Site) of this certificate pertaining to Voluntary Cleanup Program (VCP) No. 03-8001 located in Harris County, Texas. The Site was owned by the HCFCD at the time the application to participate in the VCP was filed. The applicant has submitted and received approval from the Railroad Commission of Texas (RRC) on all plans and reports required by the VCP. The plans and reports were prepared using a prudent degree of inquiry of the Site, consistent with accepted industry standards to identify all contaminants, waste and contaminated media of regulatory concern. The response actions for the site have achieved response action levels as determined by the standards of the RRC and remain protective as long as the following controls are maintained:

1. Use of the Affected Property shall not be allowed for residential purposes.
2. Use of the groundwater beneath the Affected Property shall not be allowed except for monitoring purposes.
3. Penetration or excavation of the impacted soil and/or groundwater zones for any purpose shall only be conducted in such a manner as to prevent the migration or release of contaminants to any other zone or media and to prevent uncontrolled exposure to human and ecological receptors.
4. These restrictions shall be a covenant running with the land.

These restrictions were filed in the Harris County Clerk's office on May 7, 2015, Document 20150194685 (Attachment 1). The response actions eliminate substantial present or future risk to public health and safety and to the environment from releases and threatened releases of contaminants at or from the Site. The Applicant has not acquired this certificate of completion by fraud, misrepresentation, or knowing failure to disclose material information. Further information concerning the response actions at this Site may be found at the central office of the RRC under VCP No. 03-8001.

The preceding is true and correct to the best of my knowledge and belief.

Applicant

By: 

Print Name: MICHAEL D. TALBOTT

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, personally appeared Michael D. Talbott,  
known to me to be the person and agent of said commission whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 28 day of September 2015.

Notary Public in and for the State of Tx

