

VICTOR G. CARRILLO, CHAIRMAN
ELIZABETH A. JONES, COMMISSIONER
MICHAEL L. WILLIAMS, COMMISSIONER



TOMMIE SEITZ
DIRECTOR, OIL AND GAS DIVISION
WILLIAM B. MIERTSCHIN
ASSISTANT DIRECTOR, SITE REMEDIATION

RAILROAD COMMISSION OF TEXAS

OIL AND GAS DIVISION

VOLUNTARY CLEANUP PROGRAM FINAL CERTIFICATE OF COMPLETION WITHOUT CONDITIONS

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

I, WILLIAM B. MIERTSCHIN, 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 VCP NO. 04-60004 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 16th day of November 2009.

A handwritten signature in black ink that reads "William B. Miertschin".

William B. Miertschin,
Assistant Director, Site Remediation

STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, personally appeared William B. Miertschin, Assistant Director, Remediation Division, 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 16th day of November 2009.*

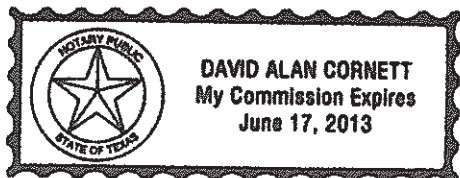
A handwritten signature in black ink that reads "David Cornett".
Notary Public in and for the State of Texas

EXHIBIT "A"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
LEGAL DESCRIPTION 2.988 Acre Tract

VCP No. 04-60004

NOTES:

1. THE BASIS OF BEARINGS IS THE SOUTHEAST BOUNDARY LINE OF LOT 11, BLOCK 3, S.P.I.G.E. PLAZA, N29°03'56"E, AS SHOWN. THE DATUM OF ELEVATIONS IS FROM TXDOT CONSTRUCTION PLANS FOR SH 286.
2. THE SUBJECT SITE LIES IN ZONE "C", AN AREA OF MINIMAL FLOODING, PURSUANT TO FEMA FLOOD INSURANCE RATE MAP, CITY OF CORPUS CHRISTI, TEXAS, COMMUNITY PANEL NO. 485464 0285C.
3. THE SUBJECT SITE IS ZONED B-3, BUSINESS DISTRICT WHICH PROVIDES FOR NO HEIGHT LIMITATIONS.
4. A MINIMUM FRONT YARD REQUIREMENT OF 20' IS SPECIFIED BY THE ZONING ORDINANCE FOR B-3 ZONING. BOATS, AUTOS, RV'S OR MOBILE HOMES FOR SALE MAY NOT BE DISPLAYED IN YARD AREAS.
5. THE SITE IS SUBJECT TO THE CITY'S LANDSCAPING ORDINANCE.
6. UNDERGROUND UTILITY LINES WERE DRAWN HEREON FROM AS-BUILT DRAWINGS AND UTILITY MAPS AS OBTAINED FROM THE CITY OF CORPUS CHRISTI AND FROM SURFACE APPURTENANCES THEREOF, AS SHOWN.
7. OVERHEAD ELECTRICAL LINES THAT EXIST ON POWER POLES ALONG SPID/CROSSTOWN EXPRESSWAY ARE NOT SHOWN HEREON FOR THE PURPOSE OF CLARITY.
8. CONTOUR LINES ARE GENERALLY NOT SHOWN IN THE LOT TO THE NORTHWEST OF THE SUBJECT SITE FOR THE PURPOSE OF CLARITY.
9. THE PLAT OF LEXINGTON CENTER, V. 11, P. 2, M.R. OF WHICH THE SUBJECT SITE IS A PORTION OF, WAS CANCELED AND MADE VOID BY DEED, V. 881, P. 117, D.R. UNDER THE AUTHORITY AND BY ORDER OF THE COUNTY COMMISSIONER'S COURT, V. "V", P. 556-567, COMMISSIONER'S COURT MEETING MINUTES.

TO: THARALDSON DEVELOPMENT COMPANY, FIRST AMERICAN TITLE INSURANCE COMPANY OF TEXAS AND THE ESTATE OF W. T. PULLIAM, DECEASED, ET AL:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS", JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999 AND INCLUDES ITEMS 1 - 6, 10, 11d, AND ITEMS 13 - 16 OF TABLE "A" THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NSPS AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, THE UNDERSIGNED FURTHER CERTIFIES THAT THE POSITIONAL UNCERTAINTIES RESULTING FROM THE SURVEY MEASUREMENTS MADE ON THE SURVEY DO NOT EXCEED THE ALLOWABLE POSITIONAL TOLERANCE.

Nixon M. Welsh
NIXON M. WELSH, R.P.L.S.

DATE: 10/31/02



EXHIBIT "B"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
AFFIDAVIT OF COMPLETION OF RESPONSE ACTION

I, Bob Kellam, representing Tharaldson Development Company have completed response actions, pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at the tract of land described in Exhibit "A" to this certificate that pertains to 2.988 acres identified as VCP No. 04-60004 located in Corpus Christi, Nueces County, Texas. The Site was owned by Tharaldson Development Company at the time the application to participate in the Voluntary Cleanup Program was filed. The Applicant has submitted and received approval from the Railroad Commission of Texas Voluntary Cleanup Program on all plans and reports required by the Voluntary Cleanup Agreement. 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 acceptable for unrestricted residential use as determined by the standards of the RRC. 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 in the final report at the central office of the RRC under VCP No. 4-60004.

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

Applicant

By: _____

Print Name: _____

STATE OF NORTH DAKOTA
COUNTY OF CASS

BEFORE ME, personally appeared

Bob Kellam, 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 21st day of February 2008.

Lori Kasowski
Notary Public in and for the State of North Dakota

