

RAILROAD COMMISSION OF TEXAS

OIL AND GAS DIVISION

August 31, 2021

Mr. Marcos Gonzalez
Wichita Falls Evergreen MHP, LLC
1238 McCullen Ave
Yuba City, CA 95991

RE: ***Certificate of Completion with Restrictions***
16.28 Acre Tract of Land
Evergreen Mobile Home Park
Wichita Falls, Wichita County, Texas
Voluntary Cleanup Program (VCP) No. 09-19009

Dear Mr. Gonzalez:

Railroad Commission of Texas (RRC) VCP staff is pleased to enclose a Certificate of Completion (COC) with restrictions for the 16.28-acre tract (Site), located at 154 Evergreen Drive in Wichita Falls, Wichita County, Texas. The Site is more specifically located at latitude 33.951554 and longitude -98.520401 (WGS 84). The following reports were reviewed for the Site prior to the issuance of this Certificate:

Phase I Environmental Site Assessment, Evergreen Mobil Home Park, 154 Evergreen Drive, Wichita Falls, Wichita County, Texas, Terracon Project No. AV19P018, dated February 15, 2019;

Limited Site Investigation, Evergreen Mobil Home Park, 154 Evergreen Drive, Wichita Falls, Wichita County, Texas, dated March 20, 2019;

Supplemental Site Investigation, Evergreen Mobil Home Park, 154 Evergreen Drive, Wichita Falls, Wichita County, Texas, dated May 17, 2019;

Supplemental Investigation Activities, Evergreen Mobil Home Park, 154 Evergreen Drive, Wichita Falls, Wichita County, Texas, dated July 21, 2020;

Technical Investigation Report, Evergreen Mobil Home Park, 154 Evergreen Drive, Wichita Falls, Wichita County, Texas, dated January 29, 2021;

History of Site

The Site is within the historic Panhandle Tank Farm footprint that dates back to 1925. The Phase I Environmental Site Assessment identified two 55,000-barrell crude oil above ground storage tanks (ASTs) located wholly within the footprint of the property and two 35,000-barrell crude oil

ASTs located partially within the property that are considered recognized environmental conditions (RECs) under the RRC's jurisdiction. Several ASTs were also identified on adjoining properties. Based on historical aerial images, the ASTs were removed by the 1950s. Between the 1950s and 1970s, the property was utilized as a shooting range, which was also identified as a REC under the jurisdiction of the Texas Commission on Environmental Quality (TCEQ) due to the potential of metals and polyaromatic hydrocarbon (PAH) impacts to the site from bullets and clay pigeon targets. The property is now the location of a mobile home park.

Soil and Groundwater Assessment

In February 2019, Terracon Consultants, Inc (Terracon) installed twenty-one (21) soil borings throughout the site to investigate potential contamination from the historic crude oil ASTs and the historic shooting range. Nineteen (19) of the twenty-one (21) soil borings were installed to a total depth between 4 and 8 feet below ground surface (bgs). Two of the 21 soil borings were installed to a total depth between 12 and 20 feet bgs and converted to temporary monitor wells. Soil samples were analyzed for total petroleum hydrocarbons (TPH), volatile organic compounds (VOCs), PAHs, and lead. Results of the analytical data showed that TPH, benzo(a)pyrene, and lead were in excess of the Tier 1 residential protective concentration levels (PCLs). A site-specific TPH mixture PCL was calculated using Texas Method TX1006 analytical results from the sample with the highest TPH concentration (B-3 from 8-10 feet bgs). The calculated site-specific TPH mixture PCL was 16,600 mg/kg. Groundwater samples collected from the temporary sampling wells were analyzed for TPH and VOCs. Results of the groundwater sampling showed no exceedances. Please note that the exceedances of benzo(a)pyrene and lead are thought to be associated with the historic shooting range and not related to RECs under the RRC's jurisdiction. The site was entered into the TCEQ's VCP for these exceedances and received a Certificate of Completion in May 2020.

Based on the results of the February sampling event, Terracon installed an additional sixteen soil borings in April 2019, four of which were converted to permanent monitor wells, to further investigate contamination found at the site. Six of the sixteen soil borings were focused on further evaluation of the crude oil ASTs. A total of seven soil samples were collected from the borings installed within and around the historic ASTs and analyzed for TPH and VOCs. TPH in three of the seven samples were above the Tier 1 residential PCL for all three hydrocarbon ranges. The highest TPH concentration was in B-35 (10-12 feet), which exhibited a TPH (C6-C35) concentration of 11,600 mg/kg. A site-specific TPH mixture PCL was calculated again using analytical results from this sample and B-36 (6-8 feet) to ensure the most conservative TPH PCL was being utilized. Results of the calculation showed that the original PCL of 16,600 mg/kg was the most conservative and all soil samples showed TPH concentrations below this PCL. Groundwater at the site was encountered at depths ranging from 11 to 13 feet bgs. Groundwater samples collected from all four monitor wells were analyzed for TPH, VOCs, and PAHs. There were no exceedances above the Tier 1 groundwater ingestion PCLs in any samples.

Due to the limited soil samples collected between 5 and 15 feet bgs at the site, RRC staff requested additional soil sampling at the site. In February 2020, Terracon installed an additional 25 soil borings, four of which were converted to permanent monitor wells. Two soil samples were collected from each boring, one from the top 5 feet and another from 5 to 15 feet bgs. Samples were analyzed for benzene, toluene, ethylbenzene, and toluene (BTEX) and TPH. Concentrations of TPH in three of the soil samples were in excess of the Tier 1 residential soil-to-groundwater

PCL but were below the site-specific TPH mixture PCL of 16,600 mg/kg calculated for the site. Groundwater samples were collected from the existing four monitor wells and the four newly installed wells in February and May 2020. Groundwater samples were analyzed for BTEX and TPH. Results of the sampling event showed exceedance of benzene and TPH above the Tier 1 groundwater ingestion PCLs in two monitor wells (Benzene in MW-35 and MW-64; TPH in MW-24 and MW-64). Benzene and TPH in groundwater appeared to be decreasing in concentrations with the exception of benzene in MW-35, which also was undelineated. Based on this observation, the RRC requested delineation of MW-35 and further groundwater monitoring activities at the site to determine plume stability. Following this request, Terracon conducted a well yield test on two monitor wells (MW-63 and MW-64) installed at the site to determine groundwater classification. Results of the testing indicated Class 3 groundwater in the vicinity of MW-64 and Class 2 groundwater in the vicinity of MW-63. Based on these results and in an effort to use the most conservative groundwater PCLs, groundwater at the entire property is considered Class 2.

In November 2020, Terracon installed one permanent monitor well to the east/northeast of MW-35 for delineation purposes and one permanent monitor well in the most downgradient portion of the site to replace monitor well MW-24 that was plugged and abandoned due to site development activities. Two soil samples were collected from each boring during well installation. Soil samples were analyzed for BTEX and TPH. No soil exceedances were noted. Groundwater samples were collected from the two newly installed monitor wells and analyzed for BTEX and TPH. Results of the sampling indicated no exceedances. Additional groundwater sampling was conducted in January 2021 on monitor wells MW-35, MW-67, and MW-68. BTEX and TPH were not detected in MW-67 or MW-68. Benzene concentrations in MW-35 appeared to be increasing and during the January 2021 sampling event, TPH was detected in excess of the Tier 1 ingestion PCL for the first time. Based on these results, Terracon performed a Mann-Kendall trend analysis of BTEX and TPH in MW-35. Results of the statistical analysis showed “No Trend” for TPH and “Increasing” for benzene. Due to the elevated TPH concentration during the February 2020 sampling event in MW-24, a Mann-Kendall trend analysis was also performed on this well. Results of the trend analysis also showed “No Trend” for TPH in MW-24.

Although the trend analysis for benzene in MW-35 was increasing, Terracon concluded that increasing benzene concentrations are likely confined to the vicinity of monitoring well MW-35 due to the lack of benzene contamination in soils across the site, source removal approximately 70-years ago, and the absence of benzene in downgradient monitoring wells MW-24, MW-67, and MW-68. Based on these lines of evidence, Terracon concluded that plume stability and delineation had been achieved.

Restrictive Covenant

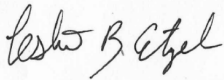
In order to control the elevated benzene and TPH concentrations in groundwater beneath the Site, a restrictive covenant limiting groundwater use at the Site was filed with the Wichita Falls County Clerk’s Office on August 10, 2021. The document was assigned the file number 202113987 and has the following restrictions:

1. The investigation and assessment report did not identify impacted soil below ground surface (bgs). The investigation and assessment reports identified impacted groundwater at a depth of approximately 3.04 feet bgs at the time of groundwater

- sampling activities. Observed depth to groundwater during the advancement of borings ranged from approximately 7 feet bgs to 17 feet bgs across the site. Penetration of the impacted groundwater beneath the Affected Property 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 environmental media and to prevent uncontrolled exposure to human and ecological receptors.
2. Use or consumption of groundwater beneath the Affected Property ranging from 3.04 feet to 4.37 feet bgs, shall be prohibited except for monitoring and remediation purposes.
 3. Any water wells completed on the Affected Property must be installed by a Texas Department of Licensing and Regulation (TDLR)-licensed water well driller in accordance with applicable rules. Installed wells shall not be screened/perforated from the surface to 25 feet bgs unless for authorized monitoring purposes and the collection of samples for analysis.
 4. These restrictions shall be a covenant running with the land.

On behalf of the staff of the RRC Site Remediation Section, I would like to thank you for your participation in the VCP. Should you have questions regarding this letter, you may contact me at 512-463-3384 or leslie.bruce@rrc.texas.gov.

Sincerely,



Leslie Bruce Etzel

CC: Mr. Jeff Bennett, Vineyard Management, LLC (via email)
Mr. R. Wade Watkins, Terracon Consultants, Inc. (via email)
Mr. Kyle Lindquist, Terracon Consultants, Inc. (via email)
Ms. Alexandra Hughes, TCEQ (via email)

Enclosed: *VCP Final Certificate of Completion with Restrictions
Property Metes and Bounds Description and Plat Map
Restrictive Covenant 202113987*

**VOLUNTARY CLEANUP PROGRAM
FINAL CERTIFICATE OF COMPLETION
WITH RESTRICTIONS**

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 SITE VCP NO. 09-19009 FOR THE TRACT OF LAND DESCRIBED IN EXHIBIT "A", BASED ON THE AFFIDAVIT OF COMPLETION OF RESPONSE ACTION, EXHIBIT "B" AND WHICH ARE FURTHER DESCRIBED IN THE APPROVED FINAL REPORT FOR THE SITE. THE APPLICANT WAS NOT A RESPONSIBLE PARTY UNDER SECTION 91.113. ON THE DATE OF ISSUANCE OF THIS CERTIFICATE THE APPLICANT IS QUALIFIED TO OBTAIN THE PROTECTION FROM LIABILITY PROVIDED BY CHAPTER 91, SUBCHAPTER 0, TEXAS NATURAL RESOURCE CODE.

EXECUTED on 26 August 2021



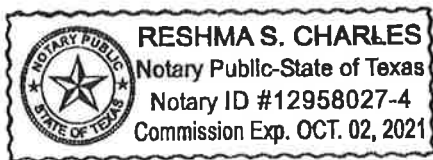
Peter G. Pope, Assistant Director
Site Remediation Section


STATE OF Texas

COUNTY OF Travis

BEFORE ME, personally appeared Peter G. Pope, Assistant Director, Site 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 26th Day of August 2021.





Notary Public in and for the State of Texas

EXHIBIT "A"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
LEGAL DESCRIPTION 16.28-ACRE TRACT

VCP No. 09-19009

Legal Description – Lot 3A, N-M Subdivision No. 1

A 7.02-acre tract out of the Thomas Curry Survey, Abstract No. 344, Wichita County, Texas, being all of Lot 3A, N-M Subdivision No. 1, an addition to the City of Wichita Falls, Texas, as shown on that certain map or plat thereof recorded in Volume 24, Pages 81 & 82, Wichita County Plat Records, and being more specifically described by metes and bounds as follows:

BEGINNING at a point lying on the east right-of-way line of Saramy Street, a dedicated public road, being the northwest corner of said Lot 3A and the southwest corner of Lot 4A, N-M Subdivision No. 2, an addition to the City of Wichita Falls, Texas, as shown on that certain map or plat thereof recorded in Volume 24, Pages 83 & 84, Wichita County Plat Records, for the northwest corner and POINT OF BEGINNING of this tract;

THENCE EAST 804.80 feet along the north line of said Lot 3A and the south line of said Lot 4A to a point being an angle point in the north line of said Lot 3A and the southeast corner of said Lot 4A for an angle point in the north line of this tract;

THENCE NORTH 26°42'00" EAST 141.60 feet along the north line of said Lot 3A and the south line of said Lot 4A to a point lying on the south right-of-way line of Airport Drive, a dedicated public road, being an angle point in the north line of said Lot 3A and in the east line of said Lot 4A for an angle point in the north line of this tract;

THENCE SOUTH 44°28'00" EAST 48.16 feet along the north line of said Lot 3A and the south right-of-way line of said Airport Drive to a 1/2-inch iron rod found at the northeast corner of said Lot 3A for the northeast corner of this tract;

THENCE leaving the south right-of-way line of said Airport Drive, SOUTH 33°41'45" WEST 654.31 feet along the east line of said Lot 3A to a 1/2-inch iron rod found at the southeast corner of said lot 3A for the southeast corner of this tract;

THENCE NORTH 89°53'23" WEST 522.49 feet along the south line of said Lot 3A to a 1/2-inch iron rod found on the east right-of-way line of said Saramy Street being the southwest corner of said Lot 3A for the southwest corner of this tract;

THENCE in a northerly direction along the west line of said Lot 3A, along the east right-of-way line of said Saramy Street, and along a curve to the left having a radius of 100.00 feet, an arc length of 240.02 feet, and whose chord bears NORTH 04°11'28" WEST 186.42 feet to a point being an angle point in the west line of said Lot 3A and in the east right-of-way line of said Saramy Street for an angle point in the west line of this tract;

THENCE NORTH 00°40'00" WEST 265.30 feet along the west line of said Lot 3A and the east right-of-way line of said Saramy Street to the POINT OF BEGINNING, and containing 7.02 acres, more or less.

The preceding legal description is based on a survey conducted by me or under my supervision on March 17th, 2021, and is a true and correct representation of the facts found at the time of the survey.




Brian Salter, R. P. L. S. No. 5597

Legal Description – Lot 4A, N-M Subdivision No. 2

A 9.26-acre tract out of the Thomas Curry Survey, Abstract No. 344, Wichita County, Texas, being all of Lot 4A, N-M Subdivision No. 2, an addition to the City of Wichita Falls, Texas, as shown on that certain map or plat thereof recorded in Volume 24, Pages 83 & 84, Wichita County Plat Records, and being more specifically described by metes and bounds as follows:

BEGINNING at a point lying on the east right-of-way line of Saramy Street, a dedicated public road, being the southwest corner of said Lot 4A and the northwest corner of Lot 3A, N-M Subdivision No. 1, an addition to the City of Wichita Falls, Texas, as shown on that certain map or plat thereof recorded in Volume 24, Pages 81 & 82, Wichita County Plat Records, for the southwest corner and POINT OF BEGINNING of this tract;

THENCE EAST 804.80 feet along the north line of said Lot 3A and the south line of said Lot 4A to a point being an angle point in the north line of said Lot 3A and the southeast corner of said Lot 4A for an angle point in the north line of this tract;

THENCE NORTH 26°42'00" EAST 141.60 feet along the north line of said Lot 3A and the south line of said Lot 4A to a point lying on the south right-of-way line of Airport Drive, a dedicated public road, being an angle point in the north line of said Lot 3A and in the east line of said Lot 4A for an angle point in the north line of this tract;

THENCE NORTH 44°28'00" WEST 339.61 feet along the north line of said Lot 4A and the south right-of-way line of said Airport Drive to a 1/2-inch iron rod found at a point of curvature in the north line of said Lot 4A and in the south right-of-way line of said Airport Drive for a point of curvature in the north line of this tract;

THENCE in a westerly direction along the north line of said Lot 4A, along the south right-of-way line of said Airport Drive, and along a curve to the left having a radius of 914.12 feet, an arc length of 702.19 feet, and whose chord bears NORTH 66°28'22" WEST 685.05 feet to a 1/2-inch iron rod found at the northwest corner of said Lot 4A being the point of intersection of the south right-of-way line of said Airport Drive with the east right-of-way line of said Saramy Street for the northwest corner of this tract;

THENCE SOUTH 00°40'00" EAST 365.00 feet, SOUTH 29°13'45" WEST 19.96 feet, and SOUTH 00°40'00" EAST 260.00 feet along the west line of said Lot 4A and the east right-of-way line of said Saramy Street to the POINT OF BEGINNING, and containing 9.26 acres, more or less.

The preceding legal description is based on a survey conducted by me or under my supervision on March 17th, 2021, and is a true and correct representation of the facts found at the time of the survey.




Brian Salter, R. P. L. S. No. 5597

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

VCP No. 09-19009

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

I, Marcos Gonzalez, representing Evergreen MHP Wichita Falls TX LLC, have completed the necessary response actions, pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at the approximately 16.28-Acre tract of land described in Exhibit "A" (Site) of this certificate pertaining to Voluntary Cleanup Program (VCP) No. 09-19009 located in Wichita County, Texas. The applicant has submitted and received approval from the Railroad Commission of Texas (RRC) 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 as determined by the standards of the RRC and remain protective as long as the following controls are maintained:

1. The investigation and assessment report did not identify impacted soil below ground surface (bgs). The investigation and assessment reports identified impacted groundwater at a depth of approximately 3.04 feet bgs at the time of groundwater sampling activities. Observed depth to groundwater during the advancement of borings ranged from approximately 7 feet bgs to 17 feet bgs across the site. Penetration of the impacted groundwater beneath the **Affected Property** 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 environmental media and to prevent uncontrolled exposure to human and ecological receptors.
2. Use or consumption of groundwater beneath the **Affected Property** ranging from 3.04 feet to 4.37 feet bgs, shall be prohibited except for monitoring and remediation purposes.
3. Any water wells completed on the **Affected Property** must be installed by a Texas Department of Licensing and Regulation (TDLR)-licensed water well driller in accordance with applicable rules. Installed wells shall not be screened/perforated from the surface to 25 feet bgs unless for authorized monitoring purposes and the collection of samples for analysis.
4. These restrictions shall be a covenant running with the land.

These restrictions were filed in the Wichita County Clerk's office on August 10, 2021 under Document No. 202113987 (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 in the final report at the central office of the RRC filed under VCP No. 09-19009.

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

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

Applicant

By:

Print Name:

Marcos Gonzalez
Marcos Gonzalez

STATE OF _____
COUNTY OF _____

BEFORE ME, personally appeared _____,
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* day of _____ 2021.

Notary Public in and for the State of _____

See Attached
Karen L. Fitch
2292768

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Sutter)

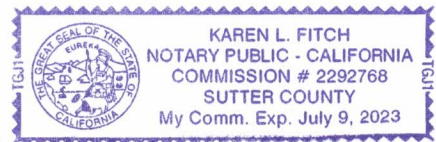
On Aug 11, 2021 before me, Karen L. Fitch, Notary Public
(insert name and title of the officer)

personally appeared MARCOS GONZALEZ,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature Karen L. Fitch (Seal)



ATTACHMENT 1
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
Institutional Control Document No.
202113987

VCP No. 09-19009

road, being an angle point in the north line of said Lot 3A and in the east line of said Lot 4A for an angle point in the north line of this tract;

THENCE SOUTH 44°28'00" EAST 48.16 feet along the north line of said Lot 3A and the south right-of-way line of said Airport Drive to a 1/2-inch iron rod found at the northeast corner of said Lot 3A for the northeast corner of this tract;

THENCE leaving the south right-of-way line of said Airport Drive, SOUTH 33°41'45" WEST 654.31 feet along the east line of said Lot 3A to a 1/2-inch iron rod found at the southeast corner of said lot 3A for the southeast corner of this tract;

THENCE NORTH 89°53'23" WEST 522.49 feet along the south line of said Lot 3A to a 1/2-inch iron rod found on the east right-of-way line of said Saramy Street being the southwest corner of said Lot 3A for the southwest corner of this tract;

THENCE in a northerly direction along the west line of said Lot 3A, along the east right-of-way line of said Saramy Street, and along a curve to the left having a radius of 100.00 feet, an arc length of 240.02 feet, and whose chord bears NORTH 04°11'28" WEST 186.42 feet to a point being an angle point in the west line of said Lot 3A and in the east right-of-way line of said Saramy Street for an angle point in the west line of this tract;

THENCE NORTH 00°40'00" WEST 265.30 feet along the west line of said Lot 3A and the east right-of-way line of said Saramy Street to the POINT OF BEGINNING, and containing 7.02 acres, more or less.

And

Tract 2

A 9.26-acre tract out of the Thomas Curry Survey, Abstract No. 344, Wichita County, Texas, being all of Lot 4A, N-M Subdivision No. 2, an addition to the City of Wichita Falls, Texas, as shown on that certain map or plat thereof recorded in Volume 24, Pages 83 & 84, Wichita County Plat Records, and being more specifically described by metes and bounds as follows:

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THENCE EAST 804.80 feet along the north line of said Lot 3A and the south line of said Lot 4A to a point being an angle point in the north line of said Lot 3A and the southeast corner of said Lot 4A for an angle point in the north line of this tract;

THENCE NORTH 26°42'00" EAST 141.60 feet along the north line of said Lot 3A and the south line of said Lot 4A to a point lying on the south right-of-way line of Airport Drive, a dedicated public road, being an angle point in the north line of said Lot 3A and in the east line of said Lot 4A for an angle point in the north line of this tract;

THENCE NORTH 44°28'00" WEST 339.61 feet along the north line of said Lot 4A and the south right-of-way line of said Airport Drive to a 1/2-inch iron rod found at a point of curvature in the north line of said Lot 4A and in the south right-of-way line of said Airport Drive for a point of curvature in the north line of this tract;

THENCE in a westerly direction along the north line of said Lot 4A, along the south right-of-way line of said Airport Drive, and along a curve to the left having a radius of 914.12 feet, an arc length of 702.19 feet, and whose chord bears NORTH 66°28'22" WEST 685.05 feet to a 1/2-inch iron rod found at the northwest corner of said Lot 4A being the point of intersection of the south right-of-way line of said Airport Drive with the east right-of-way line of said Saramy Street for the northwest corner of this tract;

THENCE SOUTH 00°40'00" EAST 365.00 feet, SOUTH 29°13'45" WEST 19.96 feet, and SOUTH 00°40'00" EAST 260.00 feet along the west line of said Lot 4A and the east right-of-way line of said Saramy Street to the POINT OF BEGINNING, and containing 9.26 acres, more or less.

FOR A TOTAL ACREAGE OF 16.28 ACRES.

This Restrictive Covenant is required for the following reasons:

The **Affected Property** was historically operated as crude oil bulk storage facility, otherwise known as the Panhandle Tank Farm, that was operated by an unknown historical operator from at least 1925 to 1950; wherein COCs attributable to the operations at the Panhandle Tank Farm impacted groundwater and an environmental investigation and response action was required in accordance with Commission regulations. Wichita Falls Evergreen MHP, LLC performed the response action to characterize the COCs.

The corrective action was performed in such a manner that COCs remained in groundwater at the **Affected Property** when a Restrictive Covenant was filed with the County. The COCs and the maximum levels remaining in the Affected Property are specified on Exhibit B – *COCs Remaining in Groundwater*. The investigation, assessment, corrective action, and analytical data are contained in the RRC project case file Voluntary Cleanup Program (VCP) number 09-19009 and further detailed in the following reports:

- Phase I Environmental Site Assessment (ESA – Terracon Project No. AV19P018) report dated February 15, 2019;

- Limited Site Investigation (LSI – Terracon Project No. 95197098) report dated March 20, 2019;
- Supplemental Site Investigation (SSI – Terracon Project No. 95197183) report dated May 17, 2019;
- Railroad Commission of Texas (RRC) Comments letter, dated August 6, 2020;
- Work Plan for Additional Assessment (Terracon Project No. 95207041) dated January 13, 2020;
- Supplemental Investigation Activities (Terracon Project No. 95207041) report dated July 21, 2020;
- RRC Comments letter, dated August 6, 2020;
- Work Plan for Additional Assessment (Terracon Project No. 95207041B) dated October 12, 2020; and
- Technical Investigation Report (Terracon Project No. 95207041D) report dated January 29, 2021

Copies of the reports may be obtained from Wichita Falls Evergreen MHP LLC, 1238 McMullen Avenue, Yuba City, CA 95991 and from the Commission under Voluntary Cleanup Program (VCP) number 09-19009.

The response action has been approved by the Commission based on the presumption that the **Affected Property**, will be protective of residential land use with the implementation of this Restrictive Covenant.

For purposes of this Restrictive Covenant the terms

- “residential land use” means use for dwellings, such as single-family houses and multi-family apartments, children’s homes, nursing homes, residential portions of government-owned lands (local, state or federal), day care facilities, educational facilities, hospitals, residential portions of ranch and farm land, and parks (local, state or federal).
- “exposure pathway” means the course that a COC takes from a source area to ecological or human receptors and includes a source area, a point of exposure, and an exposure route (e.g., ingestion), as well as a transport mechanism if the point of exposure is different from the source area.

Based on information contained in the investigation, assessment and monitoring reports, if an incomplete exposure pathway is maintained to impacted groundwater exceeding health-based values then the COCs associated with the **Affected Property** pose no significant present or future risk to humans or the environment. With the filing of this document, the Commission does not require any further remediation of the **Affected Property** if an incomplete exposure pathway is maintained to impacted groundwater exceeding health-based values.

This Restrictive Covenant is necessary to assure that all present and future owners of the **Affected Property** are aware of its condition and do not use the **Affected Property** in the future in any manner inconsistent with the restrictions described in this covenant.

In consideration of the response actions leading to final approved remediation of the **Affected Property**, the Owner of the Property has agreed to place the following restrictions on the Property in favor of the Commission and the State of Texas. Now therefore, in consideration of these premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following Restrictive Covenant in favor of the Commission and the State of Texas are placed on the **Property** described in **Exhibit A** to-wit:

1. The investigation and assessment report did not identify impacted soil below ground surface (bgs). The investigation and assessment reports identified impacted groundwater ranging from 3 feet to 17 feet bgs. Penetration of the impacted groundwater beneath the **Affected Property** 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 environmental media and to prevent uncontrolled exposure to human and ecological receptors.
2. Use or consumption of groundwater beneath the **Affected Property** ranging from surface to 50 feet bgs, shall be prohibited except for monitoring and remediation purposes.
3. Any water wells completed on the **Affected Property** must be installed by a Texas Department of Licensing and Regulation (TDLR)-licensed water well driller in accordance with applicable rules. Installed wells shall not be screened/perforated from the surface to 50 feet bgs unless for authorized monitoring purposes and the collection of samples for analysis.
4. These restrictions shall be a covenant running with the land.

For additional information, exposure assumptions with the Restrictive Covenant, please request the information from the Commission or from the Wichita Falls Evergreen MHP LLC.

Contact Addresses:

- Railroad Commission of Texas
Oil and Gas Division
Site Remediation Section
P. O. Box 12967
1701 N. Congress
Austin, Texas 78711-2967
- Wichita Falls Evergreen MHP LLC
1238 McMullen Avenue

Yuba City, CA 95991

As of the date of this Restrictive Covenant, the record owner of fee title to the **Property** is Evergreen MHP Wichita Falls TX LLC located at 154 Evergreen Drive in Wichita Falls, Texas 76306;

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the Commission and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

Executed this 13 day of May, 2021.

PROPERTY OWNER: Evergreen MHP Wichita Falls TX LLC

Signature [Handwritten Signature]

Printed Name: Jeff Bennett

Title: President

STATE OF Utah
(Utah) COUNTY

BEFORE ME, on this the 13 day of May, 2021 personally appeared Jeff Bennett, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature [Handwritten Signature]



Notary Public in and for the State of VT

County of Utah

My Commission Expires: 12/14/2022

Executed this 26 day of April, 2021.

RESPONDER: Wichita Falls Evergreen MHP LLC

Signature *Marcos Gonzalez*

Printed Name: Marcos Gonzalez

Title: President

STATE OF _____
(_____) COUNTY

BEFORE ME, on this the _____ day of _____, 20____ personally appeared _____, _____ known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE



Signature _____

Notary Public in and for the State of _____

County of _____

My Commission Expires:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Sutter

Subscribed and sworn to (or affirmed) before me on this 26
day of April, 2021, by MARCOS GONZALEZ

proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.



(Seal)

Signature Karen L. Fitch

Accepted as Third-Party Beneficiary this 21st day of July, 2021.

Railroad Commission of Texas

By: [Signature]

Printed Name: Peter G. Pope

Title: Manager, Site Remediation

State of Texas
Travis County

BEFORE ME, on this the 21st day of July, 2021 personally appeared Peter Pope, manager on behalf of the Oil and Gas Division of the Railroad Commission of Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

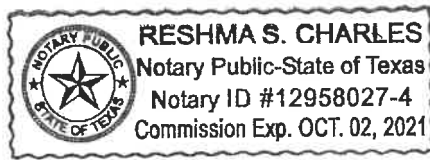
GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature [Signature]

Notary Public in and for the State of Texas

County of Travis

My Commission Expires:



Notary without Bond

Exhibit A

Property Legal Description and Property Plat Map

Legal Description – Lot 3A, N-M Subdivision No. 1

A 7.02-acre tract out of the Thomas Curry Survey, Abstract No. 344, Wichita County, Texas, being all of Lot 3A, N-M Subdivision No. 1, an addition to the City of Wichita Falls, Texas, as shown on that certain map or plat thereof recorded in Volume 24, Pages 81 & 82, Wichita County Plat Records, and being more specifically described by metes and bounds as follows:

BEGINNING at a point lying on the east right-of-way line of Saramy Street, a dedicated public road, being the northwest corner of said Lot 3A and the southwest corner of Lot 4A, N-M Subdivision No. 2, an addition to the City of Wichita Falls, Texas, as shown on that certain map or plat thereof recorded in Volume 24, Pages 83 & 84, Wichita County Plat Records, for the northwest corner and POINT OF BEGINNING of this tract;

THENCE EAST 804.80 feet along the north line of said Lot 3A and the south line of said Lot 4A to a point being an angle point in the north line of said Lot 3A and the southeast corner of said Lot 4A for an angle point in the north line of this tract;

THENCE NORTH 26°42'00" EAST 141.60 feet along the north line of said Lot 3A and the south line of said Lot 4A to a point lying on the south right-of-way line of Airport Drive, a dedicated public road, being an angle point in the north line of said Lot 3A and in the east line of said Lot 4A for an angle point in the north line of this tract;

THENCE SOUTH 44°28'00" EAST 48.16 feet along the north line of said Lot 3A and the south right-of-way line of said Airport Drive to a 1/2-inch iron rod found at the northeast corner of said Lot 3A for the northeast corner of this tract;

THENCE leaving the south right-of-way line of said Airport Drive, SOUTH 33°41'45" WEST 654.31 feet along the east line of said Lot 3A to a 1/2-inch iron rod found at the southeast corner of said lot 3A for the southeast corner of this tract;

THENCE NORTH 89°53'23" WEST 522.49 feet along the south line of said Lot 3A to a 1/2-inch iron rod found on the east right-of-way line of said Saramy Street being the southwest corner of said Lot 3A for the southwest corner of this tract;

THENCE in a northerly direction along the west line of said Lot 3A, along the east right-of-way line of said Saramy Street, and along a curve to the left having a radius of 100.00 feet, an arc length of 240.02 feet, and whose chord bears NORTH 04°11'28" WEST 186.42 feet to a point being an angle point in the west line of said Lot 3A and in the east right-of-way line of said Saramy Street for an angle point in the west line of this tract;

THENCE NORTH 00°40'00" WEST 265.30 feet along the west line of said Lot 3A and the east right-of-way line of said Saramy Street to the POINT OF BEGINNING, and containing 7.02 acres, more or less.

The preceding legal description is based on a survey conducted by me or under my supervision on March 17th, 2021, and is a true and correct representation of the facts found at the time of the survey.




Brian Salter, R. P. L. S. No. 5597

Legal Description – Lot 4A, N-M Subdivision No. 2

A 9.26-acre tract out of the Thomas Curry Survey, Abstract No. 344, Wichita County, Texas, being all of Lot 4A, N-M Subdivision No. 2, an addition to the City of Wichita Falls, Texas, as shown on that certain map or plat thereof recorded in Volume 24, Pages 83 & 84, Wichita County Plat Records, and being more specifically described by metes and bounds as follows:

BEGINNING at a point lying on the east right-of-way line of Saramy Street, a dedicated public road, being the southwest corner of said Lot 4A and the northwest corner of Lot 3A, N-M Subdivision No. 1, an addition to the City of Wichita Falls, Texas, as shown on that certain map or plat thereof recorded in Volume 24, Pages 81 & 82, Wichita County Plat Records, for the southwest corner and POINT OF BEGINNING of this tract;

THENCE EAST 804.80 feet along the north line of said Lot 3A and the south line of said Lot 4A to a point being an angle point in the north line of said Lot 3A and the southeast corner of said Lot 4A for an angle point in the north line of this tract;

THENCE NORTH 26°42'00" EAST 141.60 feet along the north line of said Lot 3A and the south line of said Lot 4A to a point lying on the south right-of-way line of Airport Drive, a dedicated public road, being an angle point in the north line of said Lot 3A and in the east line of said Lot 4A for an angle point in the north line of this tract;

THENCE NORTH 44°28'00" WEST 339.61 feet along the north line of said Lot 4A and the south right-of-way line of said Airport Drive to a 1/2-inch iron rod found at a point of curvature in the north line of said Lot 4A and in the south right-of-way line of said Airport Drive for a point of curvature in the north line of this tract;

THENCE in a westerly direction along the north line of said Lot 4A, along the south right-of-way line of said Airport Drive, and along a curve to the left having a radius of 914.12 feet, an arc length of 702.19 feet, and whose chord bears NORTH 66°28'22" WEST 685.05 feet to a 1/2-inch iron rod found at the northwest corner of said Lot 4A being the point of intersection of the south right-of-way line of said Airport Drive with the east right-of-way line of said Saramy Street for the northwest corner of this tract;

THENCE SOUTH 00°40'00" EAST 365.00 feet, SOUTH 29°13'45" WEST 19.96 feet, and SOUTH 00°40'00" EAST 260.00 feet along the west line of said Lot 4A and the east right-of-way line of said Saramy Street to the POINT OF BEGINNING, and containing 9.26 acres, more or less.

The preceding legal description is based on a survey conducted by me or under my supervision on March 17th, 2021, and is a true and correct representation of the facts found at the time of the survey.




Brian Salter, R. P. L. S. No. 5597

Exhibit B

COCs Remaining in Groundwater

Exhibit B - COCs Remaining in Groundwater

Upon completion, COCs at the following maximum levels, exceeding the regulatory action level, remained in groundwater beneath the Affected Property:

Environmental Media ⁽¹⁾	Constituents Remaining ⁽²⁾	Maximum Detected Sample Concentration ⁽³⁾	Date of Sample Collection	PSH Measured Apparent Thickness in Feet ^{(4) (6)}	Total Depth BGS and Location ^{(1) (4) (5)}
Groundwater	Benzene	0.114 mg/L	2/18/2020	N/A	22.42 feet, MW-64
Groundwater	TPH	7.67 mg/L	2/18/2020	N/A	22.42 feet, MW-64

- (1) Groundwater - A saturated geologic formation, group of formations, or part of a formation.
- (2) Constituents identified as Site-specific COCs that exceed the regulatory action level within the "Affected Property".
- (3) milligrams per liter (mg/l)
- (4) Phase-Separated Hydrocarbons (PSHs)
- (5) Monitor Well (MW)
- (6) Not Applicable (NA)

THE STATE OF TEXAS
 COUNTY OF WICHITA

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Records of Wichita County, Texas.

202113987 606
 08/10/2021 10:05 AM



Lori Bohannon

Lori Bohannon, County Clerk
 Wichita County, Texas