



RAILROAD COMMISSION OF TEXAS OIL AND GAS DIVISION

11 October 2017

Mr. Scott Kuhlmann
Bar-Dev, LLC
9901 U.S. IH-10 West, Suite 900
San Antonio, TX 78230

RE: VCP Certificate of Completion with Restrictions
Willowbend Boulevard Tract
Approximately 6.6537-Acres
Houston, Harris County, Texas
VCP Application 03-15005

Dear Mr. Kuhlmann:

Staff of the Railroad Commission of Texas (RRC) Voluntary Cleanup Program (VCP) is pleased to enclose the Certificate of Completion with restrictions to Bar-Dev, LLC (Bar-Dev). This letter only applies to historical oil and gas exploration and production activities on the property that are subject to RRC jurisdiction, but does not pertain to the gun range or other past activities on the property. The property consists of a 6.6537-acre tract, located at 3550 Willowbend Boulevard in Houston, Texas (Site). The following reports were reviewed:

Phase I Environmental Site Assessment, Approximately 6.6 Acres of Land, 3550 Willowbend Boulevard, Houston, Harris County, TX, dated 19 June 2014;

Limited Site Investigation, Approximately 6.6 Acres of Land, 3550 Willowbend Boulevard, Houston, Harris County, Texas, dated 18 September 2014;

Site Investigation Report, VCP No. 03-15005, 6.6537 Acres, 3550 Willowbend Boulevard, Houston, Harris County, Texas, dated 20 April 2015;

Response Action Plan, VCP No. 03-15005, 6.6537 Acres, 3550 Willowbend Boulevard, Houston, Harris County, Texas, dated 01 December 2015;

Supplemental Assessment Report, VCP No. 03-15005, 6.6537 Acres, 3550 Willowbend Boulevard, Houston, Harris County, Texas, dated 01 December 2015;

Revised Response Action Plan, VCP No. 03-15005, 6.6537 Acres, 3550 Willowbend Boulevard, Houston, Harris County, Texas, dated 25 December 2015;

Response Action Completion Report, 6.6537 Acres Vacant Land, 3550 Willowbend Boulevard, Houston, Harris County, Texas, dated 10 February 2017;

Post Remediation Groundwater Monitoring Report #1, Approximately 6.6537-Acre Tract, 3550 Willowbend Boulevard, Houston, Harris County, Texas, dated 29 March 2017; and

Post Remediation Groundwater Monitoring Report #2, Approximately 6.6537-Acre Tract, 3550 Willowbend Boulevard, Houston, Harris County, Texas, dated 01 June 2017.

History of Site

The Site has consisted of primarily undeveloped land from as early as the 1920s through the present day, except for oil and gas exploration activities that occurred in the early 1960s through the mid-1990s and a former gun range. The Site is located on the western edge of the Pierce Junction Oilfield. Based on the RRC on-line information and Site reconnaissance, one oil well (API No. 201-04466) is located near the southwestern Site boundary. The 1982 and 1995 historical topographic maps and the 1969, 1979 and 1989 aerial photographs depict an aboveground storage tank (AST) and a rectangular pond along the eastern Site boundary that is believed to be a former reserve pit. The AST contained crude oil and was removed from the Site in 1993. During tank removal activities, records show crude oil was released. The spilled crude oil was removed from the Site, but it is unknown if the soil was remediated.

Soil

During the site investigation conducted in August 2014, twelve soil borings were advanced to depths ranging from 4 to 24 feet below ground surface (bgs). Two of the borings were located near the former AST, two were near the former pit, and three were located near the former oil well. Five borings were near the former gun range on the northern portion of the Site, which is not subject to RRC jurisdiction. Three of the borings (one near each of the potential oil field-related source areas) were converted to temporary monitor wells. Soil samples were field screened using a photoionization detector (PID) and one soil sample was collected from each boring. The soil samples were analyzed for benzene, toluene, ethylbenzene, and xylenes (BTEX), total petroleum hydrocarbons (TPH), Resource Conservation and Recovery Act (RCRA) 8 metals, and chlorides. TPH was detected above the Tier 1 protective concentration level (PCL) for carbon ranges C₆-C₁₂ and C₁₂-C₂₈ in three of the soil borings.

The sample with the highest TPH concentration, SB-3, was also analyzed for using Method TX 1006 for fractionation of the TPH mixture into aliphatic and aromatic hydrocarbons. The Method TX 1006 results were used to calculate a soil protective concentration level (PCL) of 2,820 milligrams per kilogram (mg/kg) for the site-specific TPH mixture. None of the soil samples exceeded this site-specific PCL for TPH.

The soil sample collected from boring SB-2, near the former tank battery exceeded the Tier 1 soil-to-groundwater (^{GW}Soil_{ing}) PCL for benzene. All RCRA 8 metals were below their

respective Texas Media-Specific Background values or the Tier 1 PCLs, except arsenic in SB-3. The arsenic concentration in the both soil samples collected from SB-3 exceeded the Tier 2 ^{GW}Soil_{Ing} PCL and the Tier 1 residential health-based total-soil-combined (^{TotSoilComb}) PCL. All chloride concentrations were below the 3,000 mg/kg threshold for groundwater protection from the RRC internal draft guidance document, titled "Field Guide for the Assessment and Cleanup of Produced Water Releases."

Six additional soil borings and five monitor wells were advanced in April 2015 to depths ranging from 12 to 28 feet bgs to delineate the extent of soil contamination. Three of the borings were located near the former tank battery and three were located near the former pit. Soil samples were field screened using a PID, and soil samples were collected from the intervals with the highest PID readings.

The soil samples from the former tank battery were analyzed for BTEX and TPH. Benzene and TPH exceeded Tier 1 ^{GW}Soil_{Ing} PCLs in the soil sample collected from SB-2, but were below ^{TotSoilComb} PCLs. The soil samples from the former pit were analyzed for BTEX, TPH, RCRA 8 metals, and chlorides. In the three soil samples taken from MW-4, benzene exceeded the Tier 1 ^{GW}Soil_{Ing} PCL in all three of the soil samples, TPH exceeded the Tier 1 ^{GW}Soil_{Ing} PCL in two of the soil samples, and arsenic exceeded the Tier 2 ^{GW}Soil_{Ing} PCL in two of the soil samples. All other soil samples were below the Texas Media-Specific Background value. The soil sample with the highest arsenic concentration was also analyzed for arsenic using the Synthetic Precipitation Leaching Procedure (SPLP) to further evaluate the leachability of arsenic in soil. The SPLP result exceeded the ^{GW}Soil_{Ing} PCL, indicating the leachability potential for arsenic in soil to impact groundwater. The soil sample collected from SB-5 from a depth of 10 to 12 feet bgs exceeded the groundwater protection value for chlorides.

During the Supplemental Assessment Report dated 01 December 2015, seventeen (17) soil samples were collected to further delineate soil impacts. All samples were analyzed for BTEX and TPH. Elevated concentrations of benzene and TPH carbon range C₆-C₁₂ and C₁₂-C₂₈ were detected near the former pit area near MW-4. The impacted soil near MW-4 was excavated and landtreated as described in the Remediation Activities below.

Groundwater

Groundwater samples were collected from the three temporary wells installed during the site investigation conducted August 2014, and analyzed for BTEX, TPH, RCRA 8 metals, and chlorides. TSP-1 was located near the former oil tank, TSP-2 was located near the former pit, and TSP-3 was located near the former oil well. TPH concentrations were below Tier 1 PCLs in all samples. Benzene and ethylbenzene were detected above their respective groundwater ingestion (^{GW}GW_{Ing}) PCLs in the groundwater sample from temporary well TSP-1. Arsenic, barium, chromium, and lead were detected above their respective ^{GW}GW_{Ing} PCLs in the groundwater sample from TSP-2. The chloride concentration in the sample from TSP-2 exceeded the EPA secondary maximum contaminant level (MCL) of 300 mg/L.

Five permanent monitor wells were installed during the site investigation detailed in the April 2015 report. Three monitor wells were installed near the former tank battery, one near the

former pit, and one to the north of the former gun range (not under the RRC's jurisdiction). Groundwater samples were collected from each of the monitor wells and analyzed for BTEX and TPH. The groundwater sample from MW-4 near the former pit was also analyzed for RCRA 8 metals and chlorides. In the area near the tank battery, BTEX was detected below Tier 1 PCLs or was below detection limits in MW-1 through MW-3. In the sample near the former pit area, benzene exceeded the Tier 1 ^{GW}GW_{Ing} PCL and chlorides exceed the MCL of 300 mg/L. Toluene, ethylbenzene, and xylene was reported below detection limits, and TPH concentrations were reported below Tier 1 PCLs in in all wells. RCRA 8 metals were below detection limits or Tier 1 PCLs except for barium.

In May 2015, three additional monitor wells (MW-6, MW-7, and MW-8) were installed near the former pit location to further delineated impact to groundwater. In the Supplemental Assessment Report dated December 2015, benzene, TPH, arsenic, barium, and chlorides were reported above Tier 1 ^{GW}GW_{Ing} PCLs in MW-3 and MW-4. Barium was also reported above PCLs in MW-5. Chlorides were reported above the 300 mg/L MCL in MW-5 and MW-7.

Two post remediation groundwater sampling events were conducted in March and June 2017. Benzene, TPH, arsenic, and barium were reported below PCLs in both post remediation groundwater monitoring events, but chlorides remained exceeding MCLs in the final groundwater monitoring event.

Remediation Activities

Soil from the former pit area and the former tank battery was excavated and the contaminated soil was landtreated onsite via dilution, tilling and mixing, and bio-remediation. The soil was excavated to a depth of 18 feet below ground surface. Approximately 19,300 cubic yards were excavated from the south excavation location, and eleven soil confirmation samples and two pit water confirmation samples were taken during excavation activities. Approximately 22,900 cubic yards of soil was excavated from the north excavation. Sixteen soil confirmation samples and six pit water confirmation samples were taken during the excavation. A total of 10 landtreatment samples were also collected from the landtreatment area every 2,000 cubic yards. Pit was backfilled with the landtreated soil.

Based on excavation and landtreatment samples, soil at the Site was deemed to be protective of residential use. An Institutional Control document with the following provisions was filed in the Harris County Clerk's Office on 15 September 2017. The document is filed as 2017-408726 and includes the following limitations:

1. Use of the groundwater beneath the Affected Property shall not be allowed except for monitoring purposes.
2. 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.
3. These restrictions shall be a covenant running with the land.

Mr. Scott Kuhlmann
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On behalf of the RRC, staff of the Site Remediation Section thank you for your participation in the VCP. I can be reached at 512-463-3384 or ashley.correll@rrc.texas.gov.

Sincerely,



Ashley Correll, P.G.
Voluntary Cleanup Program

Enclosure- VCP Certificate of Completion

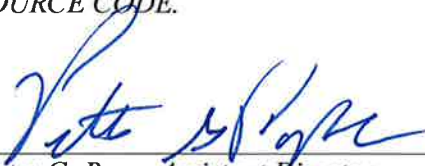
cc: Peter Fisher, Director, District 3 RRC Office, Houston (via email)
Kevin Casler, CRG Texas Environmental Services, Inc. (via email)
VCP Reading File

**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 SITE VCP NO.03-15005 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 11 October 2017




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 11th Day of October 2017.



Notary Public in and for the State of Texas

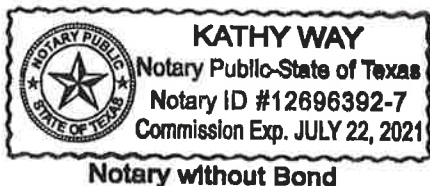


EXHIBIT "A"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
LEGAL DESCRIPTION 6.6537-ACRE TRACT

VCP No. 03-15005

Exhibit "A"

METES AND BOUNDS DESCRIPTION
OF A 6.6537 ACRE TRACT OF LAND
OUT OF THE B. B. B. & C. R. R. SURVEY, ABSTRACT 173
HARRIS COUNTY, TEXAS

Being a 6.6537 acre tract of land out of the B. B. B. & C. R. R. Survey, Abstract 173, Harris County, Texas; and being out of and a portion of that certain called 7.9459 acre tract of land conveyed to ROYCE J. HASSELL and wife, SILVIA T. HASSELL by General Warranty Deed with Vendor's Lien, executed December 23, 2002, as recorded in File Number W329652 in the Official Public Records of Real Property, Harris County, Texas; also being out of and a portion of Block 1, Unrestricted Reserve "A", called 7.9459 Acres, R. Hassell Properties, a subdivision plat recorded in File Number W506157 of the Map Records of Harris County, Texas; said 6.6537 acres tract of land being more particularly described by metes and bounds as follows with all bearings being referenced to the Texas Coordinate System, South Central Zone, North American Datum of 1983, CORS 96 (EPOCH 2002), all distances are surface and can be converted to grid by dividing by 1.00013.

BEGINNING at a set 3/4-inch iron rod with cap stamped "DANNENBAUM ENGINEERING" for the southeast corner of said 7.9459 acres tract of land, being in the West line of that certain Tract "A", called 88-1/2 acres tract of land conveyed to Main Street, LTD, as recorded in File Number K222327 in the Official Public Records of Real Property, Harris County, Texas, and also being in the Northeast right-of-way line of Willowbend Boulevard (100-foot right-of-way) as recorded in File Number D501181 in the Official Public Records of Real Property, Harris County, Texas; also being the beginning of a non-tangent curve to the left;

THENCE with the Southwest line of said 7.9459 acres tract and the Northeast right-of-way line of said Willowbend Boulevard, along said curve to the left having a radius of 2050.00 feet, an arc length of 132.65 feet, a central angle of 3° 42' 26", and a chord bearing North 62° 10' 44" West, 132.62 feet to a found 5/8-inch iron rod for corner;

THENCE North $64^{\circ} 01' 57''$ West continuing with the Northeast right-of-way line of said Willowbend Boulevard and the Southeast line of said 7.9459 acres tract, a distance of 123.05 feet to a set 3/4-inch iron rod with cap stamped "DANNENBAUM ENGINEERING", for corner and the beginning of a tangent curve to the left;

THENCE along said tangent curve to the left, having a radius of 25.00 feet, an arc length of 51.80 feet, a central angle of $118^{\circ} 42' 53''$, and a chord bearing North $56^{\circ} 33' 36''$ East, 43.02 feet to a set 3/4-inch iron rod with cap stamped "DANNENBAUM ENGINEERING" for corner;

THENCE North $02^{\circ} 55' 39''$ West, 150.74 feet to a set 3/4-inch iron rod with cap stamped "DANNENBAUM ENGINEERING" for corner and the beginning of a tangent curve to the right;

THENCE with said curve to the right, having a radius of 60.00 feet, an arc length of 57.21 feet, a central angle of $54^{\circ} 37' 42''$, and a chord bearing North $24^{\circ} 25' 35''$ East, a distance of 55.06 feet to a set 3/4-inch iron rod with cap stamped "DANNENBAUM ENGINEERING" for corner;

THENCE North $02^{\circ} 59' 02''$ West, 290.80 feet to a set 3/4-inch iron rod with cap stamped "DANNENBAUM ENGINEERING" for corner;

THENCE South $87^{\circ} 06' 20''$ West, 123.10 feet to a set 3/4-inch iron rod with cap stamped "DANNENBAUM ENGINEERING" for corner in the West line of said 7.9459 acres tract, and the East line of the residue of that certain called 16.36388 acres tract of land conveyed to Vantage Properties, as recorded in File Number F546469 in the Official Public Records of Real Property, Harris County, Texas;

THENCE North 02° 56' 59" West with said East line of said residue of 16.36388 acres tract and the West line of said 7.9459 acres tract, 547.73 feet to a set 3/4-inch iron rod with cap stamped "DANNENBAUM ENGINEERING" for the Northwest corner of said 7.9459 acres tract and the Northeast corner of said residue of 16.36388 acres tract, being in the Southeast right-of-way of Old Main Street (60-foot right-of-way) no recording found, from which a found 5/8-inch iron rod bears South 41° 45' 30" West, 0.68 feet;

THENCE North 45° 43' 09" East with the Southeast line of said Old Main Street and the Northwest line of said 7.9459 acres tract, 375.05 feet (record: North 42°45'10" E, 375.05 feet) to a found 5/8-inch iron rod for the Northeast corner of said 7.9459 acres tract, and being in the West line of said 88-1/2 acres tract;

THENCE South 02° 59' 02" East with the West line of said 88-1/2 acres tract and the East line of said 7.9459 acres tract, 1435.14 feet (record: South 02°58'35" East, 1435.18 feet) to the PLACE OF BEGINNING; containing 6.6537 acres of land, more or less.

Note: A survey plat of even date to accompany this document.

DANNENBAUM ENGINEERING CORPORATION
Consulting Engineers

4613-01/DML

Original 6.3409 Acres

April 6, 2011 (Revised April 14, 2011)

Revised Boundary to 6.6537 Acres: April 26, 2011



David M. Layman
4/26/2011

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

VCP No. 03-15005

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

I, Kevin C. Casler, representing Bar-Dev, LLC, have completed the necessary response actions, pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at the approximately 6.6537-Acre tract of land described in Exhibit "A" (Site) of this certificate pertaining to Voluntary Cleanup Program (VCP) No. 03-15005 located in Houston, Harris 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. Use of the groundwater beneath the Affected Property shall not be allowed except for monitoring purposes.
2. 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.
3. These restrictions shall be a covenant running with the land.

These restrictions were filed in the Harris County Clerk's office on September 15, 2017, Document 2017-408726 (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. 03-15005.

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

Applicant

By: 

Print Name: KEVIN C. CASLER

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, personally appeared Kevin C. Casler,
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 10 day of Oct 2017.

Notary Public in and for the State of Texas

Melinda Frey



LIMITED POWER OF ATTORNEY – AUTHORIZATION

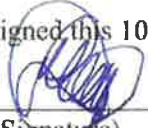
1. I, Luis E. Barquin Gomez the undersigned hereby make, constitute and appoint Kevin C. Casler of CRG Texas Environmental Services, Inc. at 2504 Avenue I, Rosenberg, Texas 77471, as my attorney-in-fact who shall have full power and authority to undertake and perform only the following acts on my behalf:

- (i) I hereby authorize the above listed person to sign, date, and execute
EXHIBIT "B"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
AFFIDAVIT OF COMPLETION OF RESPONSE ACTION
AND INSTITUTIONAL CONTROLS

2. This Power of Attorney shall be effective on the date of October 10, 2017. This Power of Attorney shall terminate on the date of October 31, 2017, unless I revoke it sooner. I may at any time or by any manner revoke this Power of Attorney.

3. This Power of Attorney shall be governed by the State of Texas.

Signed this 10th day of October 2017.



(Signature)

10/10/2017

(Date)

Luis E. BARQUIN GOMEZ

(Printed Name)

BAR-DEV. LLC.

(Company Name)

Attachment 1
ENVIRONMENTAL RESTRICTIVE COVENANT
VCP. No. 03-15005
Institutional Control
No. 2017-408726

CHRISTI CRADDICK, CHAIRMAN
RYAN SITTON, COMMISSIONER
WAYNE CHRISTIAN, COMMISSIONER



LORI WROTENBERY
DIRECTOR, OIL AND GAS DIVISION
SANTOS GONZALES JR., P.E.
ASSISTANT DIRECTOR, FIELD OPERATIONS
RF-2017-408726
09/15/2017 RP1 \$64.00

RAILROAD COMMISSION OF TEXAS
OIL AND GAS DIVISION

September 12, 2017

Certified Mail

Mr. Kevin Casler
CRG Texas Environmental Services, Inc.
2504 Avenue I
Rosenberg, TX 77471

RE: Signed Restrictive Covenant Document
Willowbend Boulevard Tract
Approximately 6.6537-Acres
Houston, Harris County, Texas
VCP Application 03-15005

Dear Mr. Casler:

Please find enclosed the signed Environmental Restrictive Covenant (RC) for the Willowbend Boulevard Tract Site located in Harris County (Site). The Site is a 6.6537-acre tract property located at 3550 Willowbend Boulevard in Houston, Texas.

The restricted covenant has been sign and notarized by all operator(s), landowner(s) and the Railroad Commission of Texas (RRC) and now is ready to be filed with the county clerk where the property resides. After filing the restrictive covenant with the county, the VCP applicant should mail the stamped copy filed with the county to the RRC. Upon receipt of plugging reports filed with the Texas Water Development Board for on-Site monitor wells showing proper plugging and abandonment, the RRC staff will finalize and mail a certificate of completion to the VCP applicant(s) as outlined in the VCP agreement.

Questions, contact me at 512-463-3384 or e-mail me at: ashley.correll@rrc.texas.gov.

Sincerely,

Handwritten signature of Ashley Correll in black ink.

Ashley Correll, P.G.
VCP Technical Coordinator
Site Remediation Section

Mr. Kevin Casler
September 12, 2017
Page 2

cc: Mr. Peter Fisher, District Director, RRC District 3 Office, Houston via email
Scott Kulmann, Bar-Dev, LLC via email
VCP-Reading File

**Railroad Commission of Texas
Environmental Restrictive Covenant**

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This Restrictive Covenant is filed pursuant to the authority of the Railroad Commission of Texas (Commission) to control and clean up pollution caused by activities over which the Commission exercises jurisdiction in accordance with Section 91.113 of the Texas Natural Resources Code, and affects the real property (Property) described as follows:

Bar Dev, LLC is the current Owner of the Property and premises, and appurtenances thereto, located in Harris County, Texas, consisting of a 6.537-Acre Tract out of the B. B. B. & C. R. R. Survey, Abstract No. 173, in Harris County, Texas, according to deed recorded in File Number W329652 in the Deed Records of the office of the Harris County Clerk, Houston, Texas, with a metes and bounds description as follows: A portion of Block 1, Unrestricted Reserve "A", called 7.9459 Acres of R. Hassell Properties, a subdivision plat recorded in W506197 as more fully described on Exhibit "A", which exhibit is attached hereto and incorporated herein.

Soil and/or groundwater on a portion of the Property is affected by certain identified chemicals of concern (COCs). This property survey map, considered to be Affected Property, is presented on Exhibit "B", and can be described as follows:

Commencing at the a 6.537-Acre Tract out of the B. B. B. & C. R. R. Survey, Abstract No. 173, in Harris County, Texas, according to deed recorded in File Number W329652 in the Deed Records of the office of the Harris County Clerk, Houston, Texas; and being more particularly described by metes and bounds on Exhibit "A" attached hereto and depicted on the site plan attached hereto as Exhibit "B."

This restrictive covenant is required for the following reasons:

The Affected Property is an undeveloped vacant parcel of land, otherwise known as 6.6537 Acres located at 3550 Willowbend Boulevard, Houston, Harris County, Texas 77054, that was previously used by others for oil & gas production from the 1940s until 1993, when an above ground storage tank was removed; wherein chemicals of concern attributable to the operations of former oil and gas exploration and production equipment impacted shallow soil and groundwater at the property.

Historic oil and gas exploration and production operations impacted soil and groundwater and an environmental investigation and response action was required in accordance with Commission regulations. CRG Texas Environmental Services, Inc. performed the response action to remediate the COCs in soil and groundwater at the site.

The investigation, assessment, remediation and analytical data are contained in the following reports: |

Terracon Consultants Inc.

- Phase I Environmental Site Assessment, dated June 19, 2014
- Limited Site Investigation Report, dated September 18, 2014

CRG Texas Environmental Services, Inc.

- Site Investigation Report, dated April 20, 2015
- Supplemental Assessment Report, dated December 1, 2015
- Response Action Plan, dated December 25, 2015
- Response Action Work Plan, dated September 12, 2016
- Response Action Completion Report, dated February 10, 2017
- Post Remediation Groundwater Monitoring Report #1, dated March 20, 2017
- Post Remediation Groundwater Monitoring Report #2, dated June 1, 2017

The remediation was performed in such a manner that the following chemicals of concern at the following maximum levels at the time of restrictive covenant filing were left in soil and/or groundwater:

- Total chloride in groundwater remains at maximum concentrations up to 3,740 mg/l at MW-5 reported for post remediation groundwater monitoring event #2.

Copies of the reports may be obtained from Bar Dev, LLC located at 9901 IH-10 West, Suite 900, San Antonio, Texas 78230 and from the RRC under VCP File Number 03-15005.

The restrictions are appropriate for residential land use. The response action has been approved by the Commission based on the presumption that the **Affected Property** described on **Exhibit B** is protective of residential land use with the implementation of this Restrictive Covenant. For purposes of this Covenant, the term "residential 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). With the filing of this document, the Commission does not require any further remediation of the Affected Property as long as the groundwater is not used for any purpose other than monitoring. 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 groundwater at the Affected Property in any manner inconsistent with this restriction. If any person desires to use the Affected Property in the future in any manner inconsistent with the restrictions described in this covenant, the Commission must be notified at least 60 days in advance of such use. Additional response action contemplating a change in land use or in the size of the assumed exposure area may be necessary. The additional response action must be approved by the Commission and completed prior to commencement of the new use of the Affected Property.

In consideration of the Response Action 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 covenants in favor of the Commission and the State of Texas are placed on the Property described in Exhibit "A," to-wit:

1. Use of the groundwater beneath the Affected Property shall not be allowed except for monitoring purposes.
2. 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.
3. These restrictions shall be a covenant running with the land.

For additional information, contact:

Railroad Commission of Texas
Oil and Gas Division
Site Remediation Section
P. O. Box 12967
1701 N. Congress
Austin, Texas 78711-2967

Railroad Commission of Texas Voluntary Cleanup Program No.: 03-15005;

As of the date of this Covenant, the record owner of fee title to the Property is owned by Bar Dev, LLC with an address 9901 IH-10 West, Suite 900, San Antonio, Texas 78230.

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.

[Signatures begin next page.]

AUGUST UBA

Executed this 31 day of ~~March~~, 2017

Luis E. Barquin Gomez, Owner Bar Dev, LLC

205

Signature:

Printed Name: LUIS GUSEPAIN BARQUIN GOMEZ

Title: OWNER,

STATE OF TEXAS

(Denton) COUNTY

BEFORE ME, on this the 31st day of August, 2017 personally appeared

LUIS E. BARQUIN GOMEZ 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.

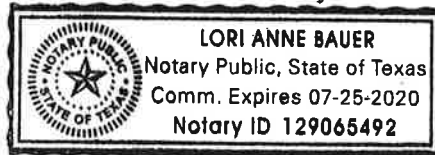
GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature

Notary Public in and for the State of TEXAS

County of Dento

My Commission Expires: 07/25/2020



Accepted as Third-Party Beneficiary this 12 day of September, 2017

Railroad Commission of Texas

By: Larry Hargrove - Larry Hargrove

Title: Attorney

State of Texas
Travis County

BEFORE ME, on this the 12th day of September, 2017 personally appeared Larry Hargrove, Attorney on behalf of the Site Remediation Section 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:

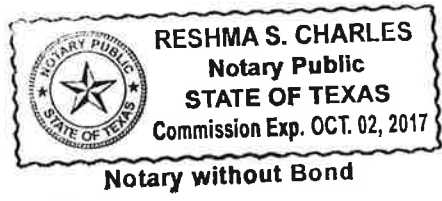


Exhibit A

Metes and Bounds Description

Exhibit "A"

METES AND BOUNDS DESCRIPTION
OF A 6.6537 ACRE TRACT OF LAND
OUT OF THE B. B. B. & C. R. R. SURVEY, ABSTRACT 173
HARRIS COUNTY, TEXAS

Being a 6.6537 acre tract of land out of the B. B. B. & C. R. R. Survey, Abstract 173, Harris County, Texas; and being out of and a portion of that certain called 7.9459 acre tract of land conveyed to ROYCE J. HASSELL and wife, SILVIA T. HASSELL by General Warranty Deed with Vendor's Lien, executed December 23, 2002, as recorded in File Number W329652 in the Official Public Records of Real Property, Harris County, Texas; also being out of and a portion of Block 1, Unrestricted Reserve "A", called 7.9459 Acres, R. Hassell Properties, a subdivision plat recorded in File Number W506197 of the Map Records of Harris County, Texas; said 6.6537 acres tract of land being more particularly described by metes and bounds as follows with all bearings being referenced to the Texas Coordinate System, South Central Zone, North American Datum of 1983, CORS 96 (EPOCH 2002), all distances are surface and can be converted to grid by dividing by 1.00013.

BEGINNING at a set 3/4-inch iron rod with cap stamped "DANNENBAUM ENGINEERING" for the southeast corner of said 7.9459 acres tract of land, being in the West line of that certain Tract "A", called 88-1/2 acres tract of land conveyed to Main Street, LTD, as recorded in File Number K222327 in the Official Public Records of Real Property, Harris County, Texas, and also being in the Northeast right-of-way line of Willowbend Boulevard (100-foot right-of-way) as recorded in File Number D501181 in the Official Public Records of Real Property, Harris County, Texas; also being the beginning of a non-tangent curve to the left;

THENCE with the Southwest line of said 7.9459 acres tract and the Northeast right-of-way line of said Willowbend Boulevard, along said curve to the left having a radius of 2050.00 feet, an arc length of 132.65 feet, a central angle of 3° 42' 26", and a chord bearing North 62° 10' 44" West, 132.62 feet to a found 5/8-inch iron rod for corner;

THENCE North $64^{\circ} 01' 57''$ West continuing with the Northeast right-of-way line of said Willowbend Boulevard and the Southeast line of said 7.9459 acres tract, a distance of 123.05 feet to a set 3/4-inch iron rod with cap stamped "DANNENBAUM ENGINEERING", for corner and the beginning of a tangent curve to the left;

THENCE along said tangent curve to the left, having a radius of 25.00 feet, an arc length of 51.80 feet, a central angle of $118^{\circ} 42' 53''$, and a chord bearing North $56^{\circ} 33' 36''$ East, 43.02 feet to a set 3/4-inch iron rod with cap stamped "DANNENBAUM ENGINEERING" for corner;

THENCE North $02^{\circ} 55' 39''$ West, 150.74 feet to a set 3/4-inch iron rod with cap stamped "DANNENBAUM ENGINEERING" for corner and the beginning of a tangent curve to the right;

THENCE with said curve to the right, having a radius of 60.00 feet, an arc length of 57.21 feet, a central angle of $54^{\circ} 37' 42''$, and a chord bearing North $24^{\circ} 25' 35''$ East, a distance of 55.06 feet to a set 3/4-inch iron rod with cap stamped "DANNENBAUM ENGINEERING" for corner;

THENCE North $02^{\circ} 59' 02''$ West, 290.80 feet to a set 3/4-inch iron rod with cap stamped "DANNENBAUM ENGINEERING" for corner;

THENCE South $87^{\circ} 06' 20''$ West, 123.10 feet to a set 3/4-inch iron rod with cap stamped "DANNENBAUM ENGINEERING" for corner in the West line of said 7.9459 acres tract, and the East line of the residue of that certain called 16.36388 acres tract of land conveyed to Vantage Properties, as recorded in File Number F546469 in the Official Public Records of Real Property, Harris County, Texas;

THENCE North 02° 56' 59" West with said East line of said residue of 16.36388 acres tract and the West line of said 7.9459 acres tract, 547.73 feet to a set 3/4-inch iron rod with cap stamped "DANNENBAUM ENGINEERING" for the Northwest corner of said 7.9459 acres tract and the Northeast corner of said residue of 16.36388 acres tract, being in the Southeast right-of-way of Old Main Street (60-foot right-of-way) no recording found, from which a found 5/8-inch iron rod bears South 41° 45' 30" West, 0.68 feet;

THENCE North 45° 43' 09" East with the Southeast line of said Old Main Street and the Northwest line of said 7.9459 acres tract, 375.05 feet (record: North 42°45'10" E, 375.05 feet) to a found 5/8-inch iron rod for the Northeast corner of said 7.9459 acres tract, and being in the West line of said 88-1/2 acres tract;

THENCE South 02° 59' 02" East with the West line of said 88-1/2 acres tract and the East line of said 7.9459 acres tract, 1435.14 feet (record: South 02°58'35" East, 1435.18 feet) to the PLACE OF BEGINNING; containing 6.6537 acres of land, more or less.

Note: A survey plat of even date to accompany this document.

DANNENBAUM ENGINEERING CORPORATION
Consulting Engineers

4613-01/DML

Original 6.3409 Acres

April 6, 2011 (Revised April 14, 2011)

Revised Boundary to 6.6537 Acres: April 26, 2011

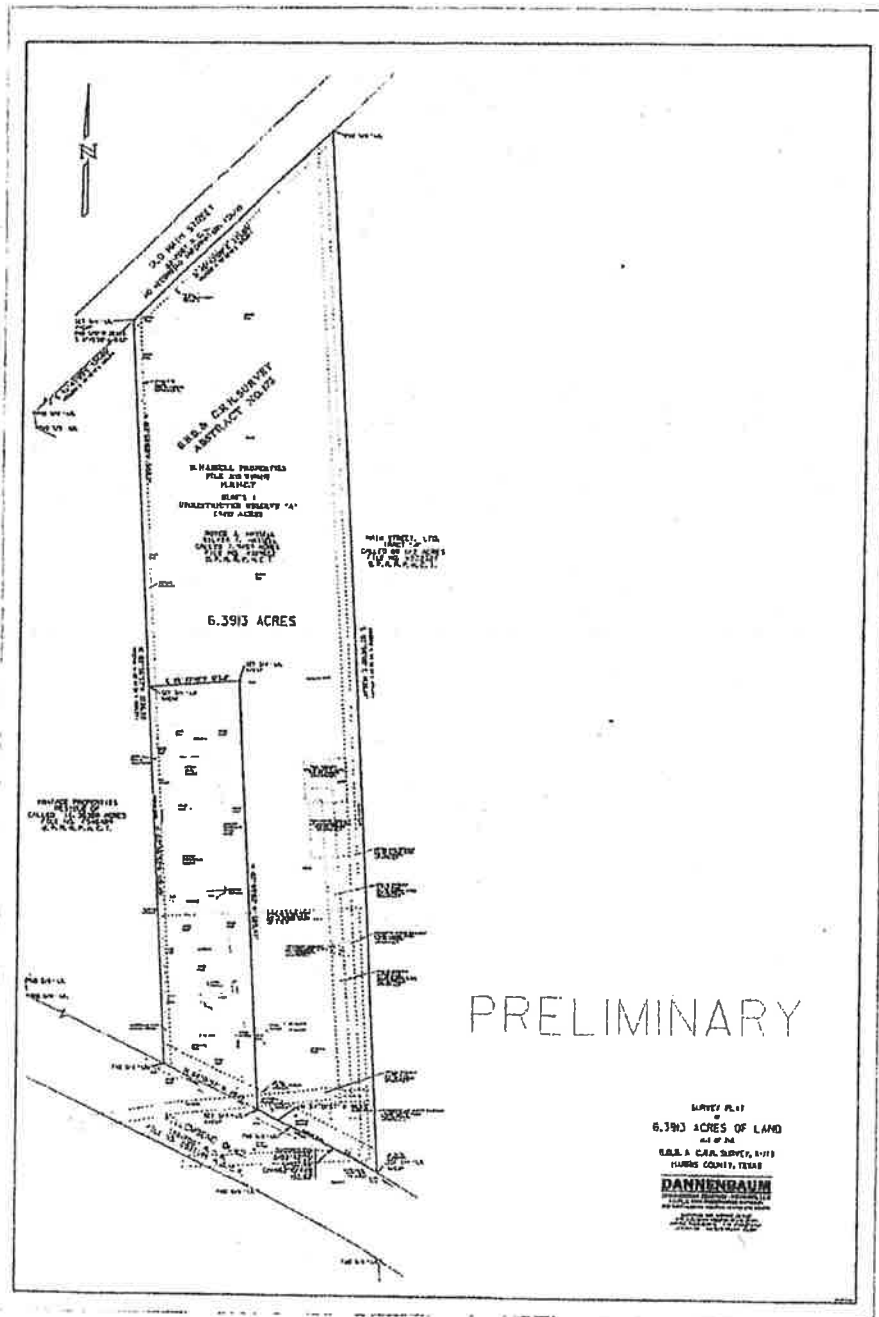


David M. Layman
4/26/2011

Exhibit B

Survey Map

SCOTT R. KUNKMAN J/
5527 MAE STREET
KATY TX 77493
PC7 L



FILED FOR RECORD

3:09:21 PM

Friday, September 15, 2017

Stan Stewart

COUNTY CLERK, HARRIS COUNTY, TEXAS

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this Instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED; in the Official Public Records of Real Property of Harris County Texas

Friday, September 15, 2017



Stan Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS