

**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.03-16001 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 1 December 2017



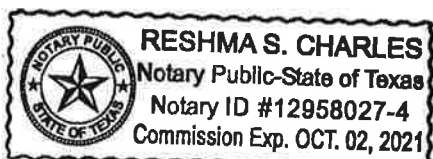
*Peter G. Pope, Assistant Director
Site Remediation Section*

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 1th Day of December 2017.



Notary without Bond



Notary Public in and for the State of Texas

EXHIBIT "A"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
METES AND BOUNDS 2.00-ACRE TRACT

VCP No. 03-16001

County: Fort Bend
Project: Woodcreek Reserve – Reserve "B"
C.I. No.: 1151-17
Job Number: 2016-022-020

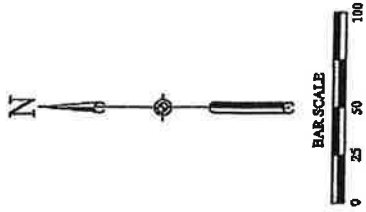
METES AND BOUNDS FOR 2.00 ACRES

Being a 2.00 acre tract of land located in the E.P. Everett Survey, A-385 in Fort Bend County Texas; said 2.00 acre tract being all of Reserve "B" of Woodcreek Reserve FM 1463 Commercial Reserves South, a subdivision recorded in Plat Number 20140141 of the Fort Bend County Plat Records (F.B.C.P.R.); said 2.00 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the north line of said Reserve "B"):

Beginning at a 5/8-inch iron rod with cap stamped "COSTELLO INC" found at the northwest corner of said Reserve "B" and an interior corner of Reserve "A1" of Woodcreek Reserve FM 1463 Commercial Reserves South Replat of Reserve "A", a subdivision recorded in Plat Number 20160200 of the F.B.C.P.R., same being on the east Right-of-Way (R.O.W.) line of FM 1463 (100-foot wide) as recorded in Volume 275, Page 248 of the Fort Bend County Deed Records;

1. Thence, with the common line of said Reserve "B" and said Reserve A1", South 72 degrees 10 minutes 40 seconds East, a distance of 286.44 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found at the northeast corner of said Reserve "B";
2. Thence, continuing with said common line, South 17 degrees 49 minutes 20 seconds West, a distance of 304.06 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found at the southeast corner of said Reserve "B";
3. Thence, continuing with said common line, North 72 degrees 13 minutes 00 seconds West, at a distance of 23.38 feet passing the northeast corner of Spring Green Crossing Replat No 1, a subdivision recorded in Plat Number 20150223 of the F.B.C.P.R., in all, a total distance of 286.44 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found for the common west corner of said Reserve "B" and said Spring Green Crossing Replat No 1, same being on the east R.O.W. line of aforesaid FM 1463;
4. Thence, with said east R.O.W. line and the west line of said Reserve "B", North 17 degrees 49 minutes 20 seconds East, a distance of 304.25 feet to the **Point of Beginning** and containing 2.00 acres of land.





RESERVE "A2"
WOODCREEK RESERVE
FM 1463 COMMERCIAL
RESERVES SOUTH
REPLAT OF RESERVE "A"
PLAT NO. 20160200
F.B.C.P.R.

POB

FM 1463
(100' WIDE)
VOL. 275, PG. 248
F.B.C.D.R.

RESERVE "A1"
WOODCREEK RESERVE
FM 1463 COMMERCIAL
RESERVES SOUTH
REPLAT OF RESERVE "A"
PLAT NO. 20160200
F.B.C.P.R.

2.00 ACRES
RESERVE "B"
WOODCREEK RESERVE
FM 1463 COMMERCIAL
RESERVES SOUTH
PLAT NO. 20140121
F.B.C.P.R.

SPRING GREEN CROSSING
REPLAT NO 1
PLAT NO. 20150223
F.B.C.P.R.



Engineering and Surveying
8650 Richmond Avenue, Suite 450 N
Houston, Texas 77042
(713) 763-7788 (713) 763-3580, Fax
TBPB FIRM REG. No. 280
TBPB FIRM REG. No. 100486

LOCATED IN THE
E.P. EVERETT SURVEY, A-385
CITY OF KATY,
FORT BEND COUNTY, TEXAS

FOR NO.: 2016027-20

DATE: 07-13-2017

EXHIBIT NO.:

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

VCP No. 03-16001

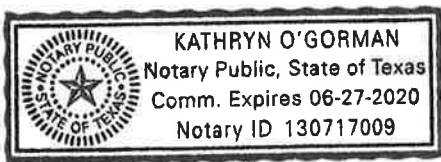
EXHIBIT "B"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
AFFIDAVIT OF COMPLETION OF RESPONSE ACTION
AND INSTITUTIONAL CONTROLS

I, Ralph A. Brock II, representing True Vine Partners, have completed the necessary response actions, pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at the approximately 2-Acre tract of land described in Exhibit "A" (Site) of this certificate pertaining to Voluntary Cleanup Program (VCP) No. 03-16001 located in Katy, Fort Bend 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 kmigration 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 Fort Bend County Clerk's office on November 27, 2017, Document 2017129580 (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. 03-16001.

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



Applicant

By: _____

Print Name: Ralph A. Brock II

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, personally appeared Ralph A. Brock II, 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 27 day of November 2017.*

Notary Public in and for the State of Texas

K.O'G

***Attachment 1
Environmental Restrictive Covenant
Document 2017129580
Fort Bend County, Texas***

Reserve "B" and said Spring Green Crossing Replat No 1, same being on the east R.O.W. line of aforesaid FM 1463;

4. *Thence, with said east R.O.W. line and the west line of said Reserve "B", North 17 degrees 49 minutes 20 seconds East, a distance of 304.25 feet to the **Point of Beginning** and containing 2.00 acres of land.*

Soil and/or groundwater on a portion of the Property is affected by certain identified chemicals of concern. The Restrictive Covenant is applicable to the entire 2.00 acre tract as described in **Exhibit A**.

This Restrictive Covenant is required for the following reasons:

The Affected Property is a former oil and gas exploration and production site historically containing a tank battery and gathering line. The former tank battery is believed to have been operated in the 1980s by Houston Pipeline Company (Gas Gatherer of Record) and/or Permian Corporation (Condensate Gatherer of Record) in association with wells (not physically located at the Affected Property) operated by Jackson Exploration located within the Cook Lease of the Katy Field; wherein chemicals of concern attributable to the operations at the Affected Property impacted soil and groundwater and an environmental investigation and response action was required in accordance with Commission regulations. True Vine Partners, LLC performed the response action to characterize and remediate the chemicals of concern. The remediation was performed in a manner that the following chemicals of concern at the following maximum levels at the time of Institutional Control (IC) filing were left in soil and groundwater:

Soil COCs

Chemical of Concern	Maximum Concentration (milligrams per liter (mg/kg))
Benzene	4.71
Ethylbenzene	38.7
Naphthalene	61.5
1,2,4-Trimethylbenzene	94.8
1,3,5-Trimethylbenzene	58.4
TPH (C6-C12)	1020
TPH (>C12-C28)	967
2-Methylnaphthalene	27.2
Arsenic	7.8

Groundwater COCs

Chemical of Concern	Maximum Concentration (milligrams per liter (mg/l))
Benzene	4.45
1,2-Dichloroethane	0.0498
Ethylbenzene	2.51
Naphthalene	3.25

Chemical of Concern	Maximum Concentration (milligrams per liter (mg/l))
1,2,4-Trimethylbenzene	3.1
1,3,5-Trimethylbenzene	1.26
Total Xylenes	10
TPH (C6-C12)	157
TPH (>C12-C28)	98.6
Chlorides	529
2-Methylnaphthalene	1.26
Naphthalene	0.824

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

- a) *Phase I Environmental Site Assessment*, ESE Partners, LLC, June 11, 2015
- b) *Phase II Environmental Site Assessment*, ESE Partners, LLC, July 24, 2015
- c) *Supplemental Phase II Environmental Site Assessment*, ESE Partners, LLC, July 20, 2016
- d) *Annual Groundwater Monitoring Report*, ESE Partners, LLC, April 7, 2017
- e) *Site Closure Report*, ESE Partners, LLC, July 24, 2017
- f) *Field Activity Report*, ESE Partners, LLC, October 12, 2017

Copies of the reports may be obtained from True Vine Partners, LLC at 1437 FM 1463, Suite 100, Katy, Texas 77450 and from the RRC under VCP ID No. 03-16001.

The restrictions are appropriate for residential land use. The response action has been approved by the Commission based on the presumption that the groundwater beneath the **Affected Property** as described in **Exhibit A** will not be used for any purpose, except monitoring. The commission has determined that the Affected Property described in **Exhibit A** currently meets standards for residential land use with the implementation of this Restrictive Covenant. True Vine Partners, LLC, completed the response action to characterize the chemicals of concern (COC). For purposes of this Restrictive Covenant, the term “residential land use” means 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 in any manner inconsistent with this restriction. If any person desires to use the Affected Property in the future in any manner inconstant 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 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. Structures should be designed in such a way to include a vapor protection course that is compatible with petroleum based compounds that are present in the subsurface.
4. 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.: 03-16001

As of the date of this Covenant, the record owner of fee title to the Property is True Vine Partners, LLC with an address of 1437 FM 1463, Suite 100, Katy, Texas 77450.

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 2nd day of November, 2017.

True Vine Partners, LLC
1437 FM 1463, Suite 100
Katy, Texas 77450

Signature: [Handwritten Signature]

Printed Name: Ralph A Brock II

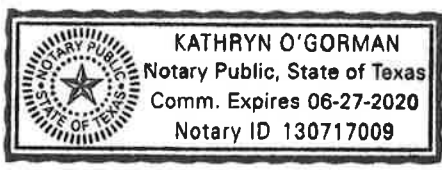
Title: Managing Partner

STATE OF Texas

COUNTY OF Harris

BEFORE ME, on this the 2nd day of November 2017 personally appeared Ralph Brock II, Managing Partner 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 Texas

County of Harris

My Commission Expires: 6/27/2020

Accepted as Third Party Beneficiary this 20th day of NOVEMBER, 2017.

Railroad Commission of Texas

By: ~~Adam Goodlett~~

Title: Adam Goodlett, Attorney

STATE OF Texas

COUNTY OF Trawis

BEFORE ME, on this the 20th day of November 2017 personally appeared Adam Goodlett, Attorney 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 Trawis

My Commission Expires: October 2, 2021

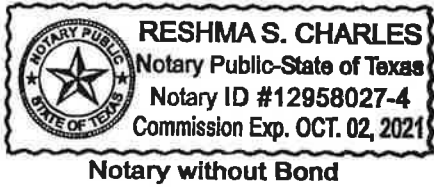


EXHIBIT "A"
PARCEL DESCRIPTION

County: Fort Bend
Project: Woodcreek Reserve – Reserve “B”
C.I. No.: 1151-17
Job Number: 2016-022-020

METES AND BOUNDS FOR 2.00 ACRES

Being a 2.00 acre tract of land located in the E.P. Everett Survey, A-385 in Fort Bend County Texas; said 2.00 acre tract being all of Reserve “B” of Woodcreek Reserve FM 1463 Commercial Reserves South, a subdivision recorded in Plat Number 20140141 of the Fort Bend County Plat Records (F.B.C.P.R.); said 2.00 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the north line of said Reserve “B”):

Beginning at a 5/8-inch iron rod with cap stamped "COSTELLO INC" found at the northwest corner of said Reserve “B” and an interior corner of Reserve “A1” of Woodcreek Reserve FM 1463 Commercial Reserves South Replat of Reserve “A”, a subdivision recorded in Plat Number 20160200 of the F.B.C.P.R., same being on the east Right-of-Way (R.O.W.) line of FM 1463 (100-foot wide) as recorded in Volume 275, Page 248 of the Fort Bend County Deed Records;

1. Thence, with the common line of said Reserve “B” and said Reserve A1”, South 72 degrees 10 minutes 40 seconds East, a distance of 286.44 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found at the northeast corner of said Reserve “B”;
2. Thence, continuing with said common line, South 17 degrees 49 minutes 20 seconds West, a distance of 304.06 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found at the southeast corner of said Reserve “B”;
3. Thence, continuing with said common line, North 72 degrees 13 minutes 00 seconds West, at a distance of 23.38 feet passing the northeast corner of Spring Green Crossing Replat No 1, a subdivision recorded in Plat Number 20150223 of the F.B.C.P.R., in all, a total distance of 286.44 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found for the common west corner of said Reserve “B” and said Spring Green Crossing Replat No 1, same being on the east R.O.W. line of aforesaid FM 1463;
4. Thence, with said east R.O.W. line and the west line of said Reserve "B", North 17 degrees 49 minutes 20 seconds East, a distance of 304.25 feet to the **Point of Beginning** and containing 2.00 acres of land.



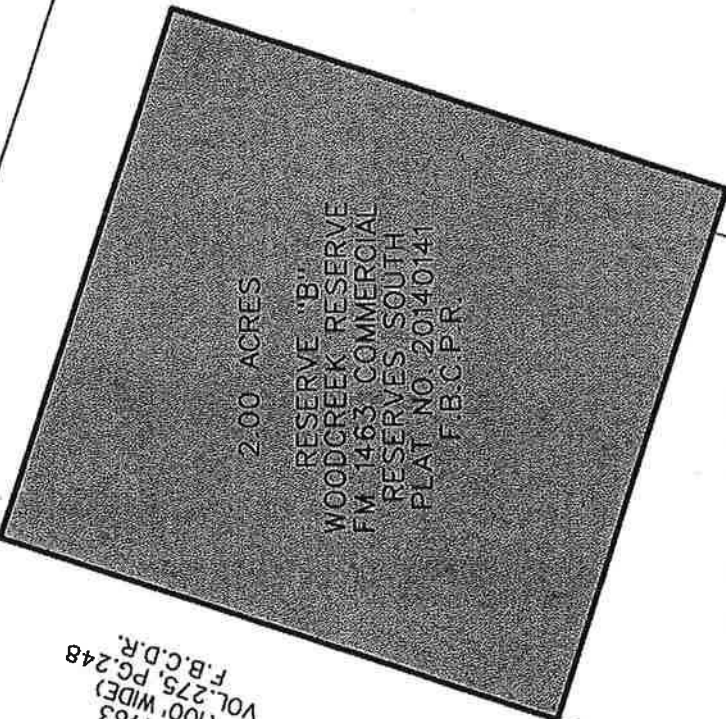


RESERVE "A2"
WOODCREEK RESERVE
FM 1463 COMMERCIAL
RESERVES SOUTH
REPLAT OF RESERVE "A"
PLAT NO. 20160200
F.B.C.P.R.

POB

FM 1463
(100' WIDE)
VOL. 275, PG. 248
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RESERVE "A1"
WOODCREEK RESERVE
FM 1463 COMMERCIAL
RESERVES SOUTH
REPLAT OF RESERVE "A"
PLAT NO. 20160200
F.B.C.P.R.



2.00 ACRES
RESERVE "B"
WOODCREEK RESERVE
FM 1463 COMMERCIAL
RESERVES SOUTH
PLAT NO. 20140141
F.B.C.P.R.

SPRING GREEN CROSSING
REPLAT NO 1
PLAT NO. 20150223
F.B.C.P.R.



Engineering and Surveying
9990 Richmond Avenue, Suite 460 N
Houston, Texas 77042
(713) 783-7788 (713) 783-3580, Fax
TBPE FIRM REG. No. 260
TBPLS FIRM REG. No. 100486

LOCATED IN THE
E.P. EVERETT SURVEY, A-385
CITY OF KATY,
FORT BEND COUNTY, TEXAS

JOB NO.: 2016027-20 DATE: 07-13-2017 EXHIBIT NO.:

RETURNED AT COUNTER TO:

Demi Balz
19416 Park Row Ste. 120
HOUSTON, TX 77084

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Laura Richard

Laura Richard, County Clerk

Fort Bend County Texas

November 27, 2017 11:09:08 AM

FEE: \$43.00 PG2

2017129580

