



# RAILROAD COMMISSION OF TEXAS

## OIL AND GAS DIVISION

January 21, 2020

Mr. Scott Weaver  
Shops at Woodcreek, Ltd.  
3281 Rocky Creek Drive  
Missouri City, TX 77459

RE: *Certificate of Completion with Restrictions*  
1.18 Acre Tract of Land  
Shops at Woodcreek  
Voluntary Cleanup Program (VCP) No. 03-17001

Dear Mr. Weaver:

Staff of the Railroad Commission of Texas (RRC) Voluntary Cleanup Program is pleased to provide the enclosed Certificate of Completion with restrictions for the 1.18-acre property located on FM 1463 in Katy, Fort Bend County, Texas (Site). The Site is more specifically located at latitude 29.76677 and longitude -95.83989 (WGS 84/NAD 83). This letter only applies to historical oil and gas exploration and production activities on the property that are subject to the RRC's jurisdiction. The following reports were reviewed prior to issuance of this Certificate.

Phase I Environmental Site Assessment on Firethorne-Woodcreek Plaza off F.M. 1463, Katy, Texas, *dated June 17, 2016*;

Limited Site Investigation Report, shops at Woodcreek, 0 FM 1463, Katy, Fort Bend County, Texas, *dated September 22, 2016*;

Groundwater Monitoring and Sampling Report, Shops at Woodcreek, FM 1463, Katy Fort Bend County, Texas 77494, VCP No. 03-17001, *dated July 5, 2017*;

Groundwater Monitoring and Sampling Report, Shops at Woodcreek, FM 1463, Katy Fort Bend County, Texas 77494, VCP No. 03-17001, *dated April 4, 2019*;

Response to Comment Letter dated December 21, 2018, Shops at Woodcreek, off FM 1463, Katy Fort Bend County, Texas, VCP No. 03-17001, *dated April 9, 2019*.

### Site History

In June 2016, a Phase I Environmental Site Investigation was performed for the subject property by Alpha Testing, on behalf of Shops at Woodcreek. The Phase I identified a former tank battery along the southern property line that was used for historic oil and gas production. The Phase I also

identified three temporary monitor wells located on the south adjoining property, as well as environmental investigation reports associated with the southern adjoining property, which were submitted to the RRC's VCP program under the closed VCP No. 03-16001. Based on the soil and groundwater contamination found on the southern adjoining property, the subject property was also entered into the RRC's VCP in 2017.

#### Soil and Groundwater Investigation

In September 2016, a Limited Site Investigation was performed to determine the extent of soil and groundwater contamination previously discovered on the southern adjacent property. Four soil borings were advanced to a depth of 10 feet below ground surface (bgs) within the footprint of the tank battery. Two soil samples per boring were collected and analyzed for benzene, toluene, ethylbenzene, and xylenes (BTEX), as well as total petroleum hydrocarbons (TPH). Results of the sampling event indicated no exceedances of BTEX or TPH in soils within the tank battery footprint. In September 2016, three monitor wells were installed on the property to delineate the benzene plume previously discovered on the southern adjoining property. The monitor wells were installed to a total depth of 30 feet bgs. Groundwater samples were collected from each well and analyzed for BTEX and TPH. Results of the sampling event indicated that benzene was in excess of the groundwater protective concentration level (PCL) in monitor well MW-21 and that TPH was in excess of the groundwater PCL in MW-21 and MW-22. Based on these findings and the direction of groundwater flow, a fourth monitor well was installed downgradient of the site in May 2017. The monitor wells were resampled three additional times (May 2017, February 2019, and March 2019). Results of the final sampling event showed a decrease in benzene concentrations in monitor well MW-21 to below the groundwater PCL of 0.005 milligrams per liter (mg/L) and TPH was still in excess of the groundwater PCL of 0.98 mg/L. Due to the elevated concentrations of TPH, groundwater was analyzed for TPH via Texas Method TX1006 and a site specific TPH mixture PCL of 6.11 mg/L was generated for groundwater. All TPH concentrations in groundwater at the Site were below 6.11 mg/L. Groundwater from monitor wells MW-21 and MW-22 was analyzed for chloride in March 2019 and was detected just slightly above the Texas Secondary Drinking Water Standard of 300 mg/L.

#### Environmental Restrictive Covenant

Based on the findings of the soil and groundwater assessments performed at the Site, an institutional control restricting the use of groundwater from 16 to 30 feet bgs was determined to be an acceptable remedy for contamination remaining in groundwater at the Site. A restrictive covenant (2019139261) was filed and recorded with the Fort Bend County Clerk on December 5, 2019. The Affected Property is described as a 1.18-acre tract and more fully described in Exhibit "A" of the enclosed restrictive covenant. The following restrictions apply to the entire 1.18-acre tract:

1. The investigation and assessment reports identified impacted groundwater at 16 feet bgs. Penetration of the impacted soil and/or 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.

Mr. Scott Weaver

1/21/20

Page 2

2. Use or consumption of groundwater beneath the Affected Property ranging from 16 feet to 30 feet bgs, shall be prohibited except for monitoring and remediation purposes.
3. Any water well 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 30 feet bgs unless for authorized monitoring purposes and the collection of samples for analysis.
4. This covenant shall be running with the land.

Monitor Well Plugging and Abandonment

Plugging and abandonment activities of the four monitor wells on Site were performed in December of 2019. Plugging and abandonment activities were performed in accordance with requirements outlined in 16 TAC Chapter 76. A copy of all plugging reports has been provided to the RRC.

On behalf of the RRC, staff of the RRC Site Remediation Section thank you for your participation in the Voluntary Cleanup Program. Questions may be directed at me via telephone at 512-463-3384 or by email at [leslie.bruce@rrc.texas.gov](mailto:leslie.bruce@rrc.texas.gov).

Sincerely,



Leslie Bruce

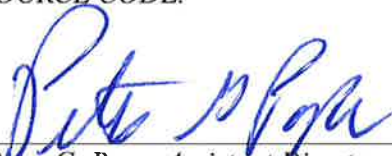
VCP/Brownfields Program Coordinator

**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. 03-17001 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 21 January 2020

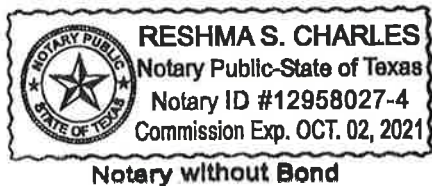
  
\_\_\_\_\_  
Peter G. Pope, Assistant Director  
Site Remediation Section


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 21<sup>st</sup> Day of January 2020.



  
\_\_\_\_\_  
Notary Public in and for the State of Texas

***EXHIBIT "A"***  
***RAILROAD COMMISSION OF TEXAS***  
***VOLUNTARY CLEANUP PROGRAM***  
***LEGAL DESCRIPTION 1.18-ACRE TRACT***

***VCP No. 03-17001***

**EXHIBIT A**  
**METES AND BOUNDS DESCRIPTION**  
**1.576 ACRES OUT OF**  
**WOODCREEK RESERVE**  
**FM 1463 COMMERCIAL RESERVES SOUTH**  
**REPLAT OF RESERVE "A"**  
**E.P. EVERETT SURVEY, A-385,**  
**CITY OF KATY, FORT BEND COUNTY, TEXAS**

Being a tract or parcel of land containing 1.576 acres (68,640 square feet), situated in the E. P. Everett Survey, A-385, in Fort Bend County, Texas, said 1.576 acre tract being all of that certain tract called 1.18 acre Commercial Reserve "A2" and 0.3939 acres out of that certain called 5.15 acre Commercial Reserve "A1" in Woodcreek Reserve FM 1463 Commercial Reserves South, Replat of Reserve "A", as recorded in Plat No. 20160200, of the Plat Records of Fort Bend County, Texas, said 1.18 acre tract being conveyed to Shops at Woodcreek, Ltd, described in Fort Bend County Clerk's File No. 2016105093, and said 0.3939 acre portion of Commercial Reserve "A1" being further out of that certain tract called 248.57 acres conveyed to Cook Realty Group, L.L.C., described in Fort Bend County Clerk's File No. 9770482, said 1.576 acre tract being more particularly described by metes and bounds as follows (with all bearings referenced to the Texas Coordinate System, South Central Zone, NAD '83):

BEGINNING at the northwest corner of said 1.18 acre Commercial Reserve "A2" and the herein described 1.576 acre tract, in the east right-of-way line of F.M. 1463 (100 feet wide) as dedicated in Vol. 275, Pg. 248, of the Deed Records of Fort Bend County, being also the southwest corner of that certain tract called 3.6043 acre Reserve "A", Storit at Woodcreek Reserve as recorded in Plat No. 20120197 of the Plat Records of Fort Bend County, from which a found "PK" nail bears S22°W, 0.3 feet, and a found "X" cut in concrete bears N25°E, 4.9 feet;

THENCE South 72°10'40" East along the northerly line of said Reserve "A2" and the southerly line of said 3.6043 acre Reserve "A", a distance of 286.00 feet to a 5/8-inch iron rod with a Costello cap found for the northeast corner of the herein described parcel, being also the most northerly northwest corner of that certain tract called 5.15 acre Commercial Reserve "A1" in said Woodcreek Reserve FM 1463 Commercial Reserves South, Replat of Reserve "A";

THENCE South 17°49'20" West along the easterly line of said Reserve "A2" and the westerly line of said Reserve "A1", at a distance of 180.00 feet, pass a 1/2-inch iron rod with a Tejas cap set for the southeast corner of said Reserve "A2", being also an interior corner of said Reserve "A1", and continue, in all a distance of 240.00 feet to a 1/2-inch iron rod with a Tejas cap set for the southeast corner of the herein described parcel, in the southerly line of said Reserve "A1" and the northerly line of that certain tract called Reserve "B", Woodcreek Reserve FM 1463 Commercial Reserves South as recorded in Plat No. 20140141 of the Plat Records of Fort Bend County, from which an interior corner of said Reserve A1 bears S72°10'40"E, 0.44 feet;

THENCE North 72°10'40" West along the southerly line of said Reserve "A1" and the northerly line of said Reserve "B", a distance of 286.00 feet to a 5/8-inch iron rod with a Costello cap found for the southwest corner of said Reserve "A1" and the herein described parcel, being also the northwest corner of said Reserve "B", in the east right-of-way line of said F.M. 1463;

THENCE North 17°49'20" East along the westerly line of said Reserve "A1" and easterly right-of-way line of said F.M. 1463, at a distance of 60.00 feet, pass a 5/8-inch iron rod with a Costello cap found for the common westerly corner to Reserves "A1" and "A2", and continue, along the westerly line of said Reserve "A2" to and easterly right-of-way line of said F.M. 1463, in all a distance of 240.00 feet to the POINT OF BEGINNING and containing 1.576 acres (68,640 square feet) of land, more or less.

TEJAS SURVEYING, INC.

Firm No. 10031300

Ph. (281) 240-9099

Job No. 04-1901

Dated: July 24, 2019



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

I, Scott Weaver, representing Shops at Woodcreek, Ltd., have completed the necessary response actions, pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at the approximately 1.18-Acre tract of land described in Exhibit "A" (Site) of this certificate pertaining to Voluntary Cleanup Program (VCP) No. 03-17001 located in 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. The investigation and assessment reports identified impacted groundwater at 16 feet bgs. Penetration of the impacted soil and/or 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 16 feet to 30 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 30 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 Fort Bend County Clerk's office on December 5, 2019 under Document No. 2019139261 (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. 03-17001.

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

Applicant

By: Scott W. Weaver

Print Name: SCOTT W. WEAVER

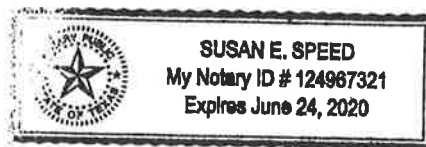


STATE OF TEXAS  
COUNTY OF FORT BEND

BEFORE ME, personally appeared Scott W Weaver,  
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 9th day of December 2019.

Notary Public in and for the State of Texas Susan E Speed



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

**VCP No. 03-17001**

***ATTACHMENT 1  
RAILROAD COMMISSION OF TEXAS  
VOLUNTARY CLEANUP PROGRAM  
Institutional Control Document No.  
2019139261***

***VCP No. 03-17001***



### Railroad Commission of Texas Environmental Restrictive Covenant

STATE OF TEXAS                   §  
   §  
COUNTY OF FORT BEND       §

This Environmental Restrictive Covenant ("Restrictive Covenant") is filed and recorded in the Real Property Records of Fort Bend County, Texas 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 described as follows:

Shops at Woodcreek, Ltd. is the record Owner of fee title to the real property and premises, and appurtenances thereto, located in Fort Bend County Texas, consisting of a 1.576-acre Tract out of the E.P. Everett Survey A-385, said 1.576 acre tract being all of that certain tract called 1.18 acre Commercial Reserve "A2" and 0.3939 acres out of that certain called 5.15 acre Commercial Reserve "A1" in Woodcreek Reserve FM 1463 Commercial Reserves South, Replat of Reserve "A", as recorded in Plat No. 20160200, of the Plat Records of Fort Bend County, Texas, said 1.18 acre tract being conveyed to Shops at Woodcreek, Ltd, described in Fort Bend County Clerk's File No. 2016105093, and said 0.3939 acre portion of Commercial Reserve "A1" being further out of that certain tract called 248.57 acres conveyed to Cook Realty Group, L.L.C., described in Fort Bend County Clerk's File No. 9770482, and more fully described on **Exhibit A**, which is attached hereto and incorporated herein, and identified as the "Property".

Groundwater on the Property is impacted by certain identified constituents of concern ("COCs"). The property, considered to be the **Affected Property**, is presented on **Exhibits A**, and can be described as follows:

COMMENCING at the northwest corner of said 1.18 acre Commercial Reserve "A2" and the herein described 1.576 acre tract, in the east right-of-way line of F.M. 1463 (100 feet wide) as dedicated in Vol. 275, Pg. 248, of the Deed Records of Fort Bend County, being also the southwest corner of that certain tract called 3.6043 acre Reserve "A", Storit at Woodcreek Reserve as recorded in Plat No. 20120197 of the Plat Records of Fort Bend County, from which a found "PK" nail bears S22°W, 0.3 feet, and a found "X" cut in concrete bears N25°E, 4.9 feet;

THENCE South 72°10'40" East along the northerly line of said Reserve "A2" and the southerly line of said 3.6043 acre Reserve "A", a distance of 286.00 feet to a 5/8-inch rod with a Costello cap found for the northeast corner of the herein described parcel, being also the most northerly northwest corner of that certain tract called 5.15 acre Commercial Reserve "A1" in said Woodcreek Reserve FM 1463 Commercial Reserves South, Replat of Reserve "A";

THENCE South 17°49'20" West along the easterly line of Reserve "A2" and the westerly line of said Reserve "A", at a distance of 180.00 feet, pass a ½-inch iron rod with a Tejas cap set for the southeast corner of said Reserve "A2", being also an interior corner of said Reserve "A1", and continue, in all a distance of 240.00 feet to the ½-inch iron rod with a Tejas cap set for the southeast corner of the herein described parcel, in the southerly line of said Reserve "A1" and the northerly line of that certain tract called Reserve "B", Woodcreek Reserve FM 1463 Commercial Reserves South as recorded in Plat No. 20140141 of the Plat Records of Fort Bend County, from which an interior corner of said Reserve A1 bears S72°10'40"E, 0.44 feet;

THENCE North 72°10'40" West along the southerly line of said Reserve "A1" and the northerly line of said Reserve "B", a distance of 286.00 feet to a 5/8-inch iron rod with a Costello cap found for the southwest corner of said Reserve "A1" and the herein described parcel, being also the northwest corner of said Reserve "B", in the east right-of-way line of said F.M. 1463;

THENCE North 17°49'20" East along the westerly line of said Reserve "A1" and easterly right- of-way line of said F.M. 1463, a distance of 60.00 feet, pass a 5/8-inch iron rod with a Costello cap found for the common westerly corner to Reserves "A1" and "A2", and continue, along a westerly line of said Reserve "A2" to and easterly right-of-way line of said F.M. 1463, in all a distance of 240.00 feet to the POINT OF BEGINNING and containing 1.576 acres (68,640 square feet) of land, more or less.

This Restrictive Covenant is required for the following reasons:

The **Affected Property** was operated as a tank battery that was operated from mid-1980s to mid-2000s; wherein COCs attributable to the former operations impacted soil and/or groundwater and an environmental investigation and response action was required in accordance with Commission regulations. Shops at Woodcreek, Ltd. performed the response action to characterize and remediate the COCs.

The remediation was performed in such a manner that COCs remained in groundwater at the **Affected Property** when the 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 Soil and/or Groundwater*. The investigation, assessment, remediation and analytical data are contained in the RRC project case file Voluntary Cleanup Program (VCP) No. 03-17001 and further summarized in the following reports:

- Limited Site Investigation Report dated September 22, 2016;
- May 2017 Groundwater Monitoring and Sampling Report dated July 5, 2017;
- Groundwater Monitoring and Sampling Report dated April 4, 2019.

Copies of the reports may be obtained from Shops at Woodcreek, Ltd. and from the Commission under VCP No. 03-17001.

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 the 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 soil and/or 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 reports identified impacted groundwater at 16 feet below ground surface (bgs). Penetration of the impacted soil and/or 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 16 feet to 30 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 30 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 Shops at Woodcreek, Ltd.

Contact Address:

Railroad Commission of Texas  
Oil and Gas Division

Site Remediation Section  
PO Box 12967  
1701 N. Congress  
Austin, Texas 78711-2967

Shops at Woodcreek, Ltd.  
3281 Rocky Creek Dr.  
Missouri City, TX 77459

As of the date of this Restrictive Covenant, the record owner of fee title to the **Property** is Shops at Woodcreek, Ltd.

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 12 day of November, 2019.

PROPERTY OWNER:

Signature: Scott W. Weaver

Printed Name: Scott W. Weaver

Title: Manager

STATE OF TEXAS

FORT BEND COUNTY

BEFORE ME, on this the 12<sup>th</sup> day of November, 2019 personally appeared Scott W. Weaver, Manager, 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 Carol Sullivan

Notary Public in and for the State of Texas,

County of Ft. Bend

My Commission Expires: 3-13-23





Executed this 12 day of November, 2019.

RESPONDER:

Signature:

Scott W. Weaver

Printed Name:

Scott W. Weaver

Title:

Manager

STATE OF TEXAS  
Fort Bend  
HARRIS COUNTY

AS PER ORIGINAL

BEFORE ME, on this the 12<sup>th</sup> day of November, 2019 personally appeared Scott W. Weaver, Manager, 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.

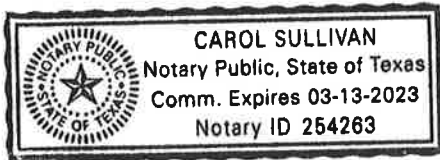
GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature Carol Sullivan

Notary Public in and for the State of Texas,

County of FORT BEND

My Commission Expires: 3-13-23



Accepted as Third Party Beneficiary this 19<sup>th</sup> day of November, 2019.

Railroad Commission of Texas

By: *Peter G. Pope*

Printed Name: Peter G. Pope

Title: Manager, Site Remediation

STATE OF TEXAS

TRAVIS COUNTY

BEFORE ME, on this the 19<sup>th</sup> day of November, 2019 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.

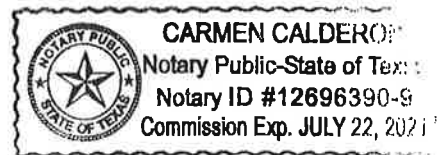
GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature *Carmen Calderon*

Notary Public in and for the State of Texas,

County of Travis

My Commission Expires: July 22, 2021



Notary without Bond

**EXHIBIT A**  
**METES AND BOUNDS DESCRIPTION**  
**1.576 ACRES OUT OF**  
**WOODCREEK RESERVE**  
**FM 1463 COMMERCIAL RESERVES SOUTH**  
**REPLAT OF RESERVE "A"**  
**E.P. EVERETT SURVEY, A-385,**  
**CITY OF KATY, FORT BEND COUNTY, TEXAS**

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BEGINNING at the northwest corner of said 1.18 acre Commercial Reserve "A2" and the herein described 1.576 acre tract, in the east right-of-way line of F.M. 1463 (100 feet wide) as dedicated in Vol. 275, Pg. 248, of the Deed Records of Fort Bend County, being also the southwest corner of that certain tract called 3.6043 acre Reserve "A", Storit at Woodcreek Reserve as recorded in Plat No. 20120197 of the Plat Records of Fort Bend County, from which a found "PK" nail bears S22°W, 0.3 feet, and a found "X" cut in concrete bears N25°E, 4.9 feet;

THENCE South 72°10'40" East along the northerly line of said Reserve "A2" and the southerly line of said 3.6043 acre Reserve "A", a distance of 286.00 feet to a 5/8-inch iron rod with a Costello cap found for the northeast corner of the herein described parcel, being also the most northerly northwest corner of that certain tract called 5.15 acre Commercial Reserve "A1" in said Woodcreek Reserve FM 1463 Commercial Reserves South, Replat of Reserve "A";

THENCE South 17°49'20" West along the easterly line of said Reserve "A2" and the westerly line of said Reserve "A1", at a distance of 180.00 feet, pass a 1/2-inch iron rod with a Tejas cap set for the southeast corner of said Reserve "A2", being also an interior corner of said Reserve "A1", and continue, in all a distance of 240.00 feet to a 1/2-inch iron rod with a Tejas cap set for the southeast corner of the herein described parcel, in the southerly line of said Reserve "A1" and the northerly line of that certain tract called Reserve "B", Woodcreek Reserve FM 1463 Commercial Reserves South as recorded in Plat No. 20140141 of the Plat Records of Fort Bend County, from which an interior corner of said Reserve A1 bears S72°10'40"E, 0.44 feet;

THENCE North 72°10'40" West along the southerly line of said Reserve "A1" and the northerly line of said Reserve "B", a distance of 286.00 feet to a 5/8-inch iron rod with a Costello cap found for the southwest corner of said Reserve "A1" and the herein described parcel, being also the northwest corner of said Reserve "B", in the east right-of-way line of said F.M. 1463;

THENCE North 17°49'20" East along the westerly line of said Reserve "A1" and easterly right-of-way line of said F.M. 1463, at a distance of 60.00 feet, pass a 5/8-inch iron rod with a Costello cap found for the common westerly corner to Reserves "A1" and "A2", and continue, along the westerly line of said Reserve "A2" to and easterly right-of-way line of said F.M. 1463, in all a distance of 240.00 feet to the POINT OF BEGINNING and containing 1.576 acres (68,640 square feet) of land, more or less.

TEJAS SURVEYING, INC.  
Firm No. 10031300  
Ph. (281) 240-9099  
Job No. 04-1901  
Dated: July 24, 2019



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

POB  
 FND 7 1/2" IR w/ CONG.  
 S22°W 0.3' MAIL IN CONC.

1.18 ACRE (51,480 SQ. FT.)  
 COMMERCIAL RESERVE "A2"  
 WOODCREEK RESERVE  
 FM 1463 COMMERCIAL RESERVES SOUTH  
 REPLAT OF RESERVE "A"  
 PLAT NO. 20160200, F.B.C.P.R.

1.576 ACRE TRACT

N 17°49'20" E 240.00'  
 FND 5/8" IR w/COSTELLO cap 180.00'

0.3939 AC TRACT  
 1.18 AC TRACT

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

N 72°10'40" W 286.00'  
 S 72°10'40" E 286.00'  
 COMMERCIAL OUT OF 5.15 ACRE  
 WOODCREEK RESERVE "A1"  
 FM 1463 COMMERCIAL RESERVES SOUTH  
 REPLAT OF RESERVE "A"  
 PLAT NO. 20160200, F.B.C.P.R.

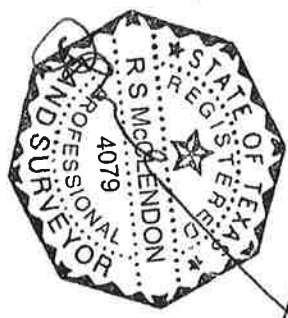
FND 5/8" IR w/COSTELLO cap

S 17°49'20" W 240.00'  
 180.00'

60.00'

FND 5/8" IR w/COSTELLO cap  
 S 72°10'40" E 0.44'

PART OF 5.15 ACRE (224,400 SQ. FT.)  
 COMMERCIAL RESERVE "A1"  
 WOODCREEK RESERVE  
 FM 1463 COMMERCIAL RESERVES SOUTH  
 REPLAT OF RESERVE "A"  
 PLAT NO. 20160200, F.B.C.P.R.



JULY 24, 2019  
 RSM/EXHIBIT/04-1901-B

EXHIBIT "B"  
 1.576 ACRES OUT OF RESERVES "A1" & "A2"  
 WOODCREEK RESERVE, FM 1463 COMMERCIAL RESERVES SOUTH  
 REPLAT OF RESERVE "A", PLAT 20160200, F.B.C.P.R.  
 E.P. EVERETT SURVEY, A-385, FORT BEND COUNTY, TEXAS

## Exhibit B – COCs Remaining in Soil and/or Groundwater

Upon completion of the remediation, COCs at the following maximum levels, exceeding a regulatory action level, remained in subsurface soil and/or groundwater beneath the **Affected Property**:

Environmental Media (1) (2) <small>(Soil, groundwater or air)</small>	Constituents Remaining (3)	Maximum Detected Sample Concentration (4) (5)	Date of Sample Collection	PSH Measured Apparent Thickness in Feet (6) (8)	Total Depth BGS and Location (1) (2) (6), (7)
Groundwater	Chloride	329 mg/L	3/25/2019	NA	26-ft, MW-22
Groundwater	Chloride	312 mg/L	3/25/2019	NA	27-ft, MW-21
Groundwater	Naphthalene	0.58 mg/L	2/27/2019	NA	27-ft, MW-21

- (1) Groundwater - A saturated geologic formation, group of formations, or part of a formation.
- (2) Soil includes surface soils and subsurface soils. For surface soil, the soil zone extending from ground surface to 15 feet in depth for residential land use and from ground surface to five feet in depth for commercial/industrial land use; or to the top of the uppermost groundwater-bearing unit or bedrock, whichever is less in depth. For subsurface soil, the portion of the soil zone between the base of surface soil and the top of the groundwater-bearing unit(s).
- (3) Constituents identified as Site-specific COCs that exceed the regulatory action level within the "Affected Property".
- (4) milligrams per kilograms (mg/kg)
- (5) milligrams per liter (mg/L)
- (6) Phase-Separated Hydrocarbons (PSHs)
- (7) Monitor Well (MW);
- (8) Not Applicable (NA)

RETURNED AT COUNTER TO:

Emily Stibbe  
14731 Pebble Bend Dr.  
Houston, TX 77068

**FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS**

*Laura Richard*

Laura Richard, County Clerk

Fort Bend County Texas

December 05, 2019 08:57:18 AM

FEE: \$53.00 AS

**2019139261**



**InControl Technologies**