

ELIZABETH A. JONES, CHAIRMAN
DAVID PORTER, COMMISSIONER
BARRY T. SMITHERMAN, COMMISSIONER



RAMON FERNANDEZ JR. P.E.
DIRECTOR, OIL AND GAS DIVISION
PETER G. POPE, P.G.
ACTING ASSISTANT DIRECTOR, SITE REMEDIATION

RAILROAD COMMISSION OF TEXAS

OIL AND GAS DIVISION

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, ACTING 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 NO. 03-30002 AS OF 19 OCTOBER 2011 FOR TWO TRACTS OF LAND DESCRIBED IN EXHIBIT "A", BASED ON THE AFFIDAVIT OF COMPLETION OF RESPONSE ACTION AND INSTITUTIONAL CONTROLS, EXHIBIT "B" AND WHICH ARE FURTHER DESCRIBED IN THE APPROVED FINAL REPORT FOR THE SITE. APPLICANTS WHO WERE NOT RESPONSIBLE PARTIES UNDER SECTION 91.113 ON THE DATE OF ISSUANCE OF THIS CERTIFICATE ARE QUALIFIED TO OBTAIN THE PROTECTION FROM LIABILITY PROVIDED BY CHAPTER 91, SUBCHAPTER 0, TEXAS NATURAL RESOURCE CODE.

EXECUTED this the 17th day of October 2011.

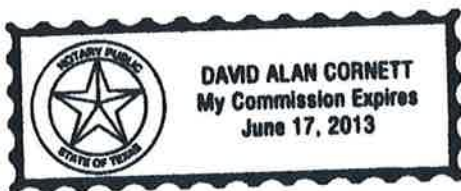

Peter G. Pope, P.G.
Acting Assistant Director, Site Remediation

STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, personally appeared Peter G. Pope, Acting Assistant Director, Remediation Division, of the Railroad Commission of Texas, known to me to be the person and agent of said commission whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, *this the 17th day of October 2011.*





Notary Public in and for the State of Texas

EXHIBIT "A"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
LEGAL DESCRIPTIONS TRACT A and TRACT B

VCP No. 03-30002



**METES AND BOUNDS DESCRIPTION
OF A 1.8767 ACRE TRACT OF LAND
SITUATED IN THE S.S. REYNOLDS SURVEY
ABSTRACT NUMBER 1686
HARRIS COUNTY, TEXAS**

BEING a 1.8767 acre (81,749 square foot) of land in the S.S. Reynolds Survey, Abstract Number 1686 and being all of that certain called 1.8767 acre tract of land described in deed to Antoine Houston CVS, L.P. recorded under Harris County Clerk's File Number W642566, said 1.8767 acre tract being more particularly described by metes and bounds as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone:

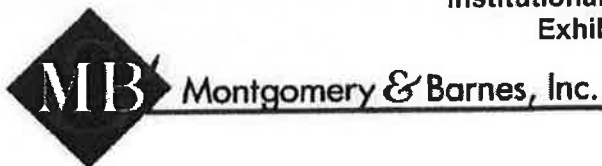
BEGINNING at a 5/8 inch iron rod with cap stamped "CARTER & BURGESS" found in the southwest right-of-way line of FM 249 (140 feet wide) as described in deed recorded under Harris County Clerk's File Number U153525 at the north end of the right-of-way transition line between the southwest right-of-way line of said FM 249 and the west right-of-way line of Antoine Drive (100 feet wide) as described in deed recorded under Harris County Clerk's File Number D275264;

THENCE, with said right-of-way transition line, South 20 degrees 33 minutes 50 seconds East, a distance of 16.74 feet to a 5/8 inch iron rod with cap stamped "CARTER & BURGESS" found in the west right-of-way line of said Antoine Drive;

THENCE, with the west right-of-way line of Antoine Drive, South 12 degrees 36 minutes 50 seconds West, a distance of 53.76 feet to a 5/8 inch iron rod with cap stamped "CARTER & BURGESS" found at the beginning of a curve to the left;

THENCE, in a southwesterly direction continuing with the west right-of-way line of said Antoine Drive and said curve to the left, having a radius of 2050.00 feet, a central angle of 04 degrees 55 minutes 04 seconds, and a chord bearing South 10 degrees 09 minutes 18 seconds West, 175.90 feet, an arc distance of 175.95 feet to a 5/8 inch iron rod with cap stamped "CARTER & BURGESS" found for the southeast corner of the herein described tract and being in the north line of a 35 foot wide pipe line easement described in deed to Industrial Gas Supply Corporation recorded under Harris County Clerk's File Number D469629;

VCP 03-30002
Institutional Control Covenant
Exhibit A (2 of 4)



CONSULTING ENGINEERS

THENCE, with the north line of said pipe line easement, North 88 degrees 46 minutes 25 seconds West, a distance of 285.33 feet to a 5/8 inch iron rod found with cap stamped "CARTER & BURGESS" for the common south corner of said 1.8767 acre tract and that certain called 35.7553 acre tract of land described in deed to Liril Enterprises, Inc. recorded under Harris County Clerk's File number T900212;

THENCE, with the east line of said 35.7553 acre tract, North 00 degrees 42 minutes 48 seconds East, a distance of 122.89 feet to a 5/8 inch iron rod with cap stamped "CARTER & BURGESS" found for an angle point;

THENCE, continuing with the east line of said 35.7553 acre tract, North 36 degrees 15 minutes 30 seconds East, a distance of 263.86 feet to a 5/8 inch iron rod with cap stamped "CARTER & BURGESS" found for an angle point;

THENCE, continuing with the east line of said 35.7553 acre tract, North 06 degrees 20 minutes 31 seconds West, a distance of 22.15 feet to a 5/8 inch iron rod found with cap stamped "CARTER & BURGESS" for the common north corner between said 1.8767 acre tract and said 35.7553 acre tract and being in the southwest right-of-way line of said FM 249;

THENCE, with the southwest right-of-way line of said FM 249, South 53 degrees 44 minutes 30 seconds East, a distance of 207.11 feet to the **POINT OF BEGINNING** and containing 1.8767 acres (81,749 square feet) of land.

A separate survey map was prepared in conjunction with this metes and bounds description.


Douglas W. Turner

Registered Professional Land Surveyor
Texas Registration Number 3988
December 21, 2010





**METES AND BOUNDS DESCRIPTION
OF A 0.326 OF ONE ACRE TRACT OF LAND
SITUATED IN THE S.S. REYNOLDS SURVEY
ABSTRACT NUMBER 1686
HARRIS COUNTY, TEXAS**

BEING 0.326 of one acre (14,190 square feet) of land in the S. S. Reynolds Survey, Abstract Number 1686 and being out of that certain called 3.8601 acre tract of land described in deed to Antoine Houston CVS, L.P. recorded under Harris County Clerk's File Numbers W642571, W642573, W642575, W642578, W642580, and W642582, said 3.8601 acre tract being more particularly described by metes and bounds as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone:

COMMENCING at a 5/8 inch iron rod with cap stamped "CARTER & BURGESS" found in the west right-of-way line of Antoine Drive (called 100' width as recorded under H.C.C.F. No.'s N134229 and N113235) and being the east northeast corner of said called 3.8601 acre tract;

THENCE, North 53°47'06" West, a distance of 138.97 feet, with the north line of said called 3.8601 acre tract and the southwest line of a called 16,332 square feet tract as conveyed to Harris County and recorded under H.C.C.F. No. N113235 to a point for the west corner of the said 16,332 acre tract from which a found 2-inch pipe bears South 67°30' East, 2.03 feet;

THENCE, North 89°17'12" West, a distance of 26.42 feet along the north line of said called 3.8601 acre tract to the **POINT OF BEGINNING**;

THENCE, South 00°42'48" West, a distance of 110.00 feet to a point for the southeast corner hereof;

THENCE, North 89°17'12" West, a distance of 129.00 feet to a point for the southwest corner hereof;

THENCE, North 00°42'48" East, a distance of 110.00 feet to a point in the north line of said called 3.8601 acre tract for the northwest corner hereof;

VCP 03-30002
Institutional Control Covenant
Exhibit A (4 of 4)



Montgomery & Barnes, Inc.

CONSULTING ENGINEERS

THENCE, South 89°17'12" East, a distance of 129.00 feet to the **POINT OF BEGINNING** and containing 0.326 of one acre (14,190 square feet) of land.

(Metes and Bounds were prepared for an easement of a proposed mitigation pond and monuments were not set on the ground of the propose site).

Grace Y. Cervin

Registered Professional Land Surveyor

Texas Registration Number 5564

January 21, 2010

Job. No. 16741-02



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

VCP No. 03-30002

EXHIBIT "B"
RAILROAD COMMISSION OF TEXAS
VCP AFFIDAVIT OF COMPLETION

I, Michael Nulman, representing CVS Pharmacy Inc. (Applicant), have completed response actions necessary, pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at Tract A and Tract B (Site), further described in Exhibit "A" of this certificate, and pertaining to Voluntary Cleanup Program (VCP) No. 03-30002, located on Tomball Parkway in Harris County, Texas. The Applicant has submitted and received approval from the Railroad Commission of Texas (Commission) 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 Commission and remain protective as long as the following institutional controls are maintained:

Tract A

1. Use of the Property shall not be allowed for residential use as defined in this Covenant.
2. Use of the groundwater beneath the Property shall not be allowed except for monitoring purposes.


Tract B/Engineered Control Area

1. The area included in Tract B is subject to an Engineered Control Plan.
2. The impervious barrier constructed over Tract B/Engineered Control Area shall not be penetrated or disturbed.
3. The surficial area over the impervious barrier shall be maintained with a grassed surface to prevent soil erosion.
4. No easements across Tract B/Engineered Control Area shall be permitted without the prior approval of the Commission.
5. No construction over Tract B/Engineered Control Area shall be permitted without the prior approval of the Commission.
6. Ensure that the engineered cap, which is designed to eliminate human exposure and reduce infiltration of groundwater through the impacted soil zones, is maintained.
7. The Owner shall make annual inspections of the Tract B/Engineered Control Area to ensure that the impervious barrier's functional integrity is maintained. A record of annual inspections shall be maintained by the Owner of Tract B and available to and subject to Commission inspection.

These restrictions were filed in the Harris County Clerk's office on 6 September 2011, Document 20110374956 (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 Commission under VCP No. 03-30002.

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

Applicant CVS Pharmacy, Inc.

By: 

Print Name: Michael B. Nulman
Assistant Secretary
CVS Pharmacy, Inc.

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

BEFORE ME, personally appeared Michael B. Nulman, 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 4TH day of October 2011.

Notary Public in and for the State of Susan Osyk

Susan Osyk
Notary Public
State of Rhode Island
My Commission Expires 06/02/2015

10
Restr
y/s

**Railroad Commission of Texas
Environmental Restrictive Covenant**

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed pursuant to the authority of the Texas Railroad Commission (Commission) to control and remediate 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 (**the Property**), consisting of two tracts, **Tract A** and **Tract B**, described as follows:

The Property

Tract A is a 1.8767 acre (81,749 square foot) of land in the S.S. Reynolds Survey, Abstract Number 1686 and being all of that certain called 1.8767 acre tract of land described in deed to Antoine Houston CVS, L.P. recorded under Harris County Clerk's File Number W642566, said 1.8767 acre tract being more particularly described by metes and bounds on **Pages 1 of 4 and 2 of 4 of Exhibit A**

Tract B is a 0.326 of one acre (14,190 square feet) of land in the S.S. Reynolds Survey, Abstract Number 1686 and being out of Lots 60, 61 and 62, Block 1 of the A.L. Coan Subdivision as recorded under Volume 10, Page 5 of the Harris County Map Records; said 0.326 of one acre tract being more particularly described by metes and bounds on **Pages 3 of 4 and 4 of 4 of Exhibit A**.

Trinorth Pharmacy, LLC is the current Owner of **the Property**, premises, and appurtenances thereto, located in Harris County, Texas.

Groundwater on **the Property** is affected by chloride, barium and arsenic. Additionally, **Tract B** is subject to the **Engineered Control Plan**. Contamination on **the Property** is a result of historical operations associated with oil and gas operations in the Bammel Oil Field.

This Environmental Restrictive Covenant is required for the following reasons:

A portion of **the Property, Tract A**, is currently operated as a CVS Pharmacy as of October 26, 2003, through the date of this recording. Professional Service Industries, Inc. (PSI), on behalf of CVS Pharmacy, Inc. (CVS) performed environmental investigation and response action as to characterize and remediate the chemicals of concern in accordance with Commission regulations. The remediation was performed in such a manner that the following chemicals of concern at the following maximum levels were left on **the Property** at the time of the filing of this restrictive covenant:

Constituent	Impacted Media	Maximum Concentration
Chloride	Soil	2,870 milligrams per kilogram
Chloride	Groundwater	29,800 milligrams per liter
Barium	Groundwater	49.8 milligrams per liter
Arsenic	Groundwater	0.0475 milligrams per liter

The **Engineered Control Area** is **Tract B** and was the location of a historic saltwater pit (Shown on **Exhibit B**). The saltwater pit has been remediated using an engineered cap designed to eliminate human exposure and reduce infiltration of groundwater through the impacted soil zones. The engineered cap consists of approximately 880 cubic yards of sandy clay compacted to a minimum of 90 percent dry density. The sandy clay layer is underlain by a geomembrane liner, which is sandwiched between two layers of geotextile fabric. The geomembrane liner is designed to reduce infiltration of water and the geotextile fabric is designed to protect the geomembrane. The geotextile fabric layers and geomembrane liner were placed in the sidewalls and floor of the pit at a depth of 15 to 18 inches below grade. A French drain system is placed above the geomembrane to capture any infiltrated water over the affected area. Approximately 18 to 24 inches of low permeability clayey soils were placed on top of the geomembrane liner in order to provide a sloped surface to direct surface run-off away from the capped area. The remediated area was "hydro-mulched" to provide a grassed surface.

The engineered cap must be maintained as specified in the **Engineered Control Plan** provided below.

Engineered Control Plan

Except upon prior written approval from the Commission, no operations or uses shall be made on the area included in **Tract B** that threaten to or will penetrate the surface cover or jeopardize the cover's functional integrity. Prohibited activities include without limitation: excavation, drilling, scraping, or engaging in any activity that promotes, causes or allows damage to the geomembrane liner or erosion of the cap. **Tract B** shall be maintained as a grassed surface. No easements on or construction upon this area shall be allowed without the prior approval of the Commission. The owner of the **Property** shall perform annual inspections to ensure that the engineered cap, which is designed to eliminate human exposure and reduce infiltration of groundwater through the impacted soil zones, is maintained. The annual inspection shall also ensure that the impervious barrier's functional integrity is maintained. A record of annual inspections shall be maintained on site and subject to Commission inspection.

The investigations, assessments, analytical data and remediation actions are contained in PSI's *Floodplain Mitigation Basin Closure Request* dated February 18, 2010 and the *Remedial Action Completion Report*, dated July 8, 2010. Copies of the reports may be obtained from PSI-San Antonio office, Three Burwood Lane, San Antonio TX 78216 or from the Commission's Austin Office as VCP 03-30002.

The response action has been approved by the Commission because **the Property** will be used exclusively for commercial/industrial purposes, **the Property** will not be put to residential use, the groundwater beneath **the Property** is only used for monitoring and **Tract B** is subject to the **Engineered Control Plan** described above. 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).

The Commission has determined that **the Property** currently meets standards for commercial/industrial use. The Commission does not require any further remediation of **the Property** as long as **the Property** is not put to residential use, the ground water is only used for monitoring and the **Engineered Control Plan** over **Tract B** is maintained and not disturbed.

This restrictive covenant is necessary to assure that all present and future owners of **the Property** are aware of its condition and do not use **the Property** in any manner inconsistent with these restrictions. If any person desires to use **the Property** for residential use, use the groundwater beneath **the Property**, or construct over or allow easements through the **Tract B/Engineered Control Area**, additional response actions must be approved by the Commission before there is any change in use.

Trinorth Pharmacy, LLC is the Owner of **the Property**. In consideration of the Response Actions leading to final approved remediation of **the Property**, the Owner of **the Property** has agreed to place the following restrictions in favor of the Commission and the State of Texas. Now therefore, in consideration of this response action 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:

Tract A

1. Use of **the Property** shall not be allowed for residential use as defined in this Covenant.
2. Use of the groundwater beneath **the Property** shall not be allowed except for monitoring purposes.

Tract B/Engineered Control Area

1. The area included in **Tract B** is subject to the **Engineered Control Plan**, written on page 2 of this document.
2. The impervious barrier constructed over **Tract B/Engineered Control Area** shall not be penetrated or disturbed.
3. The surficial area over the impervious barrier shall be maintained with a grassed surface to prevent soil erosion.
4. No easements across **Tract B/Engineered Control Area** shall be permitted without the prior approval of the Commission.
5. No construction over **Tract B/Engineered Control Area** shall be permitted without the prior approval of the Commission.
6. Ensure that the engineered cap, which is designed to eliminate human exposure and reduce infiltration of groundwater through the impacted soil zones, is maintained.
7. The Owner shall make annual inspections of the **Tract B/Engineered Control Area** to ensure that the impervious barrier's functional integrity is maintained. A record of annual inspections shall be maintained on site and subject to Commission inspection.

These restrictions shall be a covenant running with the land.

For additional information on this site

Contact the Austin office of the Railroad Commission of Texas regarding VCP 03-30002 or
Trinorth Pharmacy, LLC
1339 Orange Avenue, Suite Eight,
El Cordova Courtyard, Coronado, CA 92118
Attn: Mr. Scott Aurich

As of the date of this Covenant, the record owner of fee title to **the Property** is Trinorth Pharmacy, LLC with an address of 1339 Orange Avenue, Suite Eight, El Cordova Courtyard, Coronado, CA 92118, Attn: Mr. Scott Aurich.

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.

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 24th day of August, 2011

(3)
/su

Trinorth Pharmacy LLC

Signature: _____

Name: Scott Aurich

Title: _____

STATE OF California

COUNTY OF San Diego

BEFORE ME, on this the 24th day of August, 2011 personally appeared Scott Aurich, _____ 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.

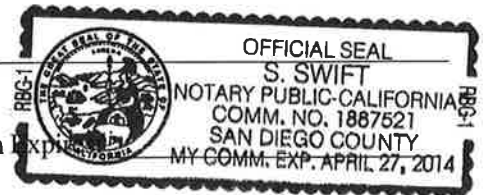
GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature S. Swift

Notary Public in and for the State of _____

County of _____

My Commission Expires _____



Accepted as Third Party Beneficiary this 26th day of August, 2011.

100

Railroad Commission of Texas

Signature: *David W. Cooney, Jr.*

Name: David W. Cooney, Jr.

100

Title: Attorney, Special Counsel Section

STATE OF Texas
COUNTY OF Travis

BEFORE ME, on this the 26th day of August, 2011 personally appeared David Cooney 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.

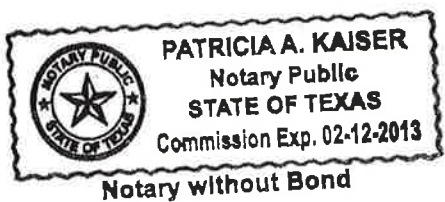
GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature *Patricia A. Kaiser*

Notary Public in and for the State of Texas

County of Travis

My Commission Expires: 02-12-2013



Return To: ✓✓



Jack Marshall **Randy Weber**
Project Scientist
PSI
1714 Memorial Drive
Houston, TX 77007
(713) 224-2047
Fax (713) 224-8914
Cell (713) 858-5333
jack.marshall@psiusa.com



CONSULTING ENGINEERS

**METES AND BOUNDS DESCRIPTION
OF A 1.8767 ACRE TRACT OF LAND
SITUATED IN THE S.S. REYNOLDS SURVEY
ABSTRACT NUMBER 1686
HARRIS COUNTY, TEXAS**

Tract A
BEING a 1.8767 acre (81,749 square foot) of land in the S.S. Reynolds Survey, Abstract Number 1686 and being all of that certain called 1.8767 acre tract of land described in deed to Antoine Houston CVS, L.P. recorded under Harris County Clerk's File Number W642566, said 1.8767 acre tract being more particularly described by metes and bounds as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone: /ell

BEGINNING at a 5/8 inch iron rod with cap stamped "CARTER & BURGESS" found in the southwest right-of-way line of FM 249 (140 feet wide) as described in deed recorded under Harris County Clerk's File Number U153525 at the north end of the right-of-way transition line between the southwest right-of-way line of said FM 249 and the west right-of-way line of Antoine Drive (100 feet wide) as described in deed recorded under Harris County Clerk's File Number D275264;

THENCE, with said right-of-way transition line, South 20 degrees 33 minutes 50 seconds East, a distance of 16.74 feet to a 5/8 inch iron rod with cap stamped "CARTER & BURGESS" found in the west right-of-way line of said Antoine Drive;

THENCE, with the west right-of-way line of Antoine Drive, South 12 degrees 36 minutes 50 seconds West, a distance of 53.76 feet to a 5/8 inch iron rod with cap stamped "CARTER & BURGESS" found at the beginning of a curve to the left;

THENCE, in a southwesterly direction continuing with the west right-of-way line of said Antoine Drive and said curve to the left, having a radius of 2050.00 feet, a central angle of 04 degrees 55 minutes 04 seconds, and a chord bearing South 10 degrees 09 minutes 18 seconds West, 175.90 feet, an arc distance of 175.95 feet to a 5/8 inch iron rod with cap stamped "CARTER & BURGESS" found for the southeast corner of the herein described tract and being in the north line of a 35 foot wide pipe line easement described in deed to Industrial Gas Supply Corporation recorded under Harris County Clerk's File Number D469629;



CONSULTING ENGINEERS

THENCE, with the north line of said pipe line easement, North 88 degrees 46 minutes 25 seconds West, a distance of 285.33 feet to a 5/8 inch iron rod found with cap stamped "CARTER & BURGESS" for the common south corner of said 1.8767 acre tract and that certain called 35.7553 acre tract of land described in deed to Liril Enterprises, Inc. recorded under Harris County Clerk's File number T900212;


THENCE, with the east line of said 35.7553 acre tract, North 00 degrees 42 minutes 48 seconds East, a distance of 122.89 feet to a 5/8 inch iron rod with cap stamped "CARTER & BURGESS" found for an angle point;

THENCE, continuing with the east line of said 35.7553 acre tract, North 36 degrees 15 minutes 30 seconds East, a distance of 263.86 feet to a 5/8 inch iron rod with cap stamped "CARTER & BURGESS" found for an angle point;

THENCE, continuing with the east line of said 35.7553 acre tract, North 06 degrees 20 minutes 31 seconds West, a distance of 22.15 feet to a 5/8 inch iron rod found with cap stamped "CARTER & BURGESS" for the common north corner between said 1.8767 acre tract and said 35.7553 acre tract and being in the southwest right-of-way line of said FM 249;

THENCE, with the southwest right-of-way line of said FM 249, South 53 degrees 44 minutes 30 seconds East, a distance of 207.11 feet to the **POINT OF BEGINNING** and containing 1.8767 acres (81,749 square feet) of land.

A separate survey map was prepared in conjunction with this metes and bounds description.



Douglas W. Turner
Registered Professional Land Surveyor
Texas Registration Number 3988
December 21, 2010





CONSULTING ENGINEERS

**METES AND BOUNDS DESCRIPTION
OF A 0.326 OF ONE ACRE TRACT OF LAND
SITUATED IN THE S.S. REYNOLDS SURVEY
ABSTRACT NUMBER 1686
HARRIS COUNTY, TEXAS**

Tract B

BEING 0.326 of one acre (14,190 square feet) of land in the S. S. Reynolds Survey, Abstract Number 1686 and being out of Lots 60, 61 and 62, Block 1 of the A.L. Coan Subdivision as recorded under Volume 10, Page 5 of the Harris County Map Records; said 0.326 of one acre tract being more particularly described by metes and bounds as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone:

COMMENCING at a 5/8 inch iron rod with cap stamped "CARTER & BURGESS" found in the west right-of-way line of Antoine Drive (called 100' width as recorded under H.C.C.F. No.'s N134229 and N113235) and being the northwest corner of a called 43,221 square feet tract conveyed to Harris County as recorded under Harris County Clerk File (H.C.C.F.) No. N134229 and along the southwest line of a called 16,332 square feet tract conveyed to Harris County as recorded under H.C.C.F. No. N113235;

THENCE, North 53°47'06" West, a distance of 138.97 feet, with the southwest line said called 16,332 square feet tract to a point for the west corner of the said 16,332 acre tract and the northwest corner of Lot 65 and for an angle point of Lot 62 of said A.L. Coan Subdivision, from which a found 2-inch pipe bears South 67°30' East, 2.03 feet;

THENCE, North 89°17'12" West, a distance of 26.42 feet along the north line of said Lot 62 to the **POINT OF BEGINNING**;

THENCE, South 00°42'48" West, a distance of 110.00 feet to a point for the southeast corner hereof;

THENCE, North 89°17'12" West, a distance of 129.00 feet to a point for the southwest corner hereof;

THENCE, North 00°42'48" East, a distance of 110.00 feet to a point in the north line of Lot 60 of said A.L. Coan Subdivision for the northwest corner hereof;



CONSULTING ENGINEERS

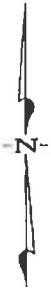
THENCE, South 89°17'12" East, a distance of 129.00 feet along the north line of Lots 60, 61 and 62 of said A.L. Coan Subdivision to the **POINT OF BEGINNING** and containing 0.326 of one acre (14,190 square feet) of land.

(Metes and Bounds were prepared for an easement of a proposed mitigation pond and monuments were not set on the ground of the propose site).

A handwritten signature in blue ink, appearing to read "Grace Y. Cervin", is written over a horizontal blue line.

Grace Y. Cervin
Registered Professional Land Surveyor
Texas Registration Number 5564
January 21, 2010, Revised May 12, 2011
Job. No. 16741-02





SCALE: 1"=80'

STATE HIGHWAY 249

TRACT A

1.8767 ACRES

ANTOINE DRIVE

LMI Enterprises, Inc.
Caled 38,7983 Acres
O.P.R.P. T890212

Industrial Gas
Supply Corp.
5488225

LMI Enterprises, Inc.
Caled 38,7983 Acres
O.P.R.P. T890212

Harris Co.
O.P.R.P. W34228

500 YEAR
FLOOD PLAIN

100 YEAR
FLOOD PLAIN

TRACT B

ENGINEERED CONTROL AREA
(0.328 AC.)

Micah J. Frisk
O.P.R.P. N08B184

ALL COAH SUBDIVISION
VOLUME 10, PAGE 8 H.C.M.R.



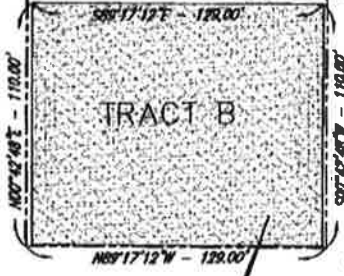
A-03'42'33"
R-2050.00
L-132.71
CD-132.08
S02'28'16"W

JACOBS

JACOBS ENGINEERING GROUP INC.
5995 ROGERDALE ROAD
HOUSTON, TX 77072
TEL 832.351.6000 FAX 832.351.7700

VCP 03-30002
Exhibit B
Tract B
Engineered Control Area
IC Covenant - Page 10 of 10

N00°38'59"E ~ 545.83'



N88°17'12"W ~ 202.77'

S 89°42'46" E ~ 122.55'

N 88°17'12" W ~ 202.33'

S53°47'00"E ~ 138.67'

S85°18'12"E ~ 16.65' AC. 0.005

N89°23'01"W ~ 298.47'

S45°36'50"W ~ 21.21'

MP 078-86 1085

FILED

2011 SEP - 6 PM 2: 06

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

SEP - 6 2011



Stan Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS

RECEIVED RRC
SITE REMEDIATION

SEP 15 2011

OIL & GAS DIVISION
AUSTIN, TEXAS