



RAILROAD COMMISSION OF TEXAS

OIL AND GAS DIVISION

April 24, 2019

Mr. David W. Jordon
Meritage Homes of Texas, LLC
2901 W. Sam Houston Pkwy. N., Suite C-250
Houston, TX 77043

RE: Certificate of Completion with Restrictions
Approximately 57.5963-Acres
Howard Tract
Cabrera Road near Scenic Rivers Drive
Sugar Land, Fort Bend County
Voluntary Cleanup Program No. 03-15006

Dear Mr. Jordan:

Staff of the Railroad Commission of Texas (RRC) Voluntary Cleanup Program (VCP) is pleased to provide the enclosed Certificate of Completion with restrictions for the Cabrera Rd. near Scenic Rivers Drive, 57.5963-Acre Tract (Site). The Site consists of approximately 57.5963 acres of vacant agricultural land historically used for oil and gas production of the Sugar Land Dome oil field. The Site is located near the northeast corner of Cabrera Road and Scenic Rivers Drive on the Sugar Land Ranch in Fort Bend County, Texas and more specifically at 29.5566, -95.5905 (WGS 84/NAD 83). This letter only applied to historical oil and gas exploration activities on the property that are subject to RRC jurisdiction. The following reports were reviewed:

Phase I Environmental Site Assessment, 70 Acres on Cabrera Dr, Sugar Land, Texas, dated March 2014;

Limited Subsurface Investigation-Phase II ESA, Approximately 68.1 Acres, Howard Tract, Sugar Land, Texas, dated August 2014;

Site Investigation Report, Cabrera Rd. Near Scenic Rivers Dr., Sugar Land, Texas, dated May 2017;

Remedial Action Plan, Cabrera Rd. Near Scenic Rivers Dr., Sugar Land, TX, dated 26 June 2017; and,

Remedial Action Plan Completion Report; Cabrera Rd. Near Scenic Rivers Dr., Sugar Land, Texas; dated September 2018.

History of Site

The Site is undeveloped land in the northern part of the historic Sugar Land Dome oilfield with past oil and gas exploration and production activities. Other than oil and gas activities, the land has been used for hay or ranching operations. The Sugar Land Dome has had oil and gas production activities since the late 1920s. The Site is bounded to the north by the Kinder Morgan Pipeline Facility, to the east by undeveloped land that is proposed to be developed for residential purposes, to the south by Cabrera road which is proposed to be developed into multifamily housing, and to the west by Scenic River Drive followed by a wastewater treatment plant and undeveloped land. three other RRC VCP sites are adjacent to the Site: VCP No. 03-16005 and VCP No. 03-11002 to the east, and VCP No. 03-90006 (Closed) to the south.

During the early 2000's, nine oil wells present on the property were plugged and abandoned. Additionally, all associated tank batteries, flow lines, and other equipment were demolished or decommissioned. The identification numbers for each of the nine plugged wells on Site are as follows: Well No. 13 (API No. 157-00856), Well No. 18 (API No. Unknown), Well No. 10 (API No. 157-00853), Well No. 23 (API No. 157-31818), Well No. 19 (API No. 157-30078), Well No. 17 (API No. 157-03004), Well No. 7 (API No. Unknown), Well No. 2 (API No. 157-00845), and Well No. 16 (API No. 157-02811).

Soil Investigation and Remediation

Six areas of concern (AOC) were identified at the Site based on historical operations at the Site identified in the Phase I Environmental Site Assessment and from analytical results of soil and groundwater sampling during the Limited Subsurface Investigation-Phase II Environmental Site Assessment.

- AOC 1: Former metering station and tank battery in the central west area of the Site
- AOC 2: Former pit area in the central west area of the Site
- AOC 3: Well site located in the south-central area of the Site
- AOC 4: Former pit area located in the southwest corner of the Site
- AOC 5: Well site and pipeline easement located at the southeast corner of the Site
- AOC 6: Well site located in the central east area of the Site.

Based on the six identified AOCs at the Site, approximately 38 soil borings were advanced to depths ranging from surface to 28 feet bgs. Soil samples were analyzed for total petroleum hydrocarbons (TPH), polycyclic aromatic hydrocarbons (PAH), benzene, toluene, ethylbenzene, and xylenes (BTEX), and chloride. Additionally, the report details that select samples were analyzed for barium, lead, and mercury in each AOC. The report notes that soils with strong odors were observed in all six AOCs.

Analytical results from the soil sampling event indicate that TPH was in excess of the RRC Rule 91 concentration level of 10,000 mg/kg in MW-8 from 7 to 9 feet bgs and D-41 from 21 to 23 feet bgs at AOC 2, in B-16 from 5 to 7 feet bgs at AOC 4, and in B-5 from 13 to 15 feet at AOC 5. Benzene was in excess of the Tier 1 residential soil-to-groundwater protective concentration level (PCL) of 0.005 mg/kg in B-8 from 12 to 14 ft at AOC 1 and in B-5 from 13 to 15 feet at AOC 5. Naphthalene was detected above the Tier 1 residential soil-to-groundwater PCL in CS-21 at 11 to

13 feet bgs at AOC 5 and in MW-3 from 13 to 15 feet bgs at AOC 5. All other soil samples were either non-detect or were detected below the applicable PCLs for all COC's mentioned above.

In order to address TPH and benzene exceedances in soil mentioned above, approximately 20,127 cubic yards, 4,064 cubic yards, 6,418 cubic yards, and 9,169 cubic yards of soils were removed and treated from AOC 1, AOC 2, AOC 4, AOC 5 respectfully. A total of 39, 778 cubic yards of soils were removed from the Site. Upon completion of excavation activities, a total of 26, 10, 14, and 24 confirmation samples were collected from the sidewalls and bottoms of the excavated portions of AOC 1, AOC 2, AOC 4, AOC 5 respectfully. All confirmation samples were below the applicable Tier 1 residential PCLs for all COCs, with the exception of TPH in CS-2 at 11 to 13 feet bgs, which had a concentration level of 12,621 mg/kg. A site-specific residential and commercial/industrial TPH mixture PCL was calculated for the Site. The concentration in CS-2 is slightly above the residential mixture PCL of 12,000 mg/kg, but well below the commercial/industrial mixture PCL of 93,700 mg/kg.

Excavated soils were placed into land treatment areas (LTAs) and spread soils to a thickness of approximately 6 inches. Soils were treated with Micro Blaze, a microbial product, and mixed and tilled for a few days in an effort to remediate hydrocarbon impacts. Three main LTAs are present at the Site; LTA S (south), LTA NW (northwest), and LTA NE (northeast). Prior to adding more soils to the LTAs, soils present in the LTAs were screened for effectiveness of the treatment in remediating the hydrocarbon impacted soil and confirmation soil samples were collected as needed based on soil screening. The target concentration for TPH in the LTA soils was 3,000 mg/kg, which is the general concentration at which there are no associated odors. Initial TPH confirmation soil sampling from LTA S and LTA NW were above the target concentration but were later detected below the target concentration after additional treatment. BTEX, chloride, and metal concentrations were below the Tier 1 soil-to-groundwater PCLs at each of the LTAs.

Groundwater Investigation and Remediation

A total of five monitor wells were installed on the property to assess and delineate groundwater impacts at the Site. BTEX was not detected above the Tier 1 groundwater PCL in any of the monitor wells. TPH was detected above the Tier 1 residential groundwater PCL of 0.98 mg/L at MW-3, located in AOC 5. TPH was below detection limits for all other monitor wells at the Site. Metals were below regulatory limits, with the exception of arsenic and cadmium; however, both metals are not anticipated to be present due to historical use and operational knowledge. Therefore, the presence of these metals above the regulatory limits should be considered naturally occurring at the Site. Chloride concentrations exceeded the Texas Secondary Drinking Water Standard of 300 mg/L in MW-8 at AOC 2, as well as MW-6 and MW-7 at AOC 6.

Environmental Restrictive Covenant

Based on the findings of soil and groundwater assessments performed at the Site, an institutional control restricting groundwater use and the designation of commercial/industrial land use in a section of AOC 5 was determined to be an acceptable remedy for contamination remaining in groundwater and soil at the Site. A restrictive covenant (2019038930) was filed and recorded with the Fort Bend County Clerk on April 18, 2019. The Affected Area A, with groundwater use restrictions only, is described as a 55.8973-acre tract and more fully described in Exhibit "B" of the enclosed restrictive covenant. The Affected Area B, with groundwater use restrictions and a

land use restriction, is described as a 1.6990-acre tract and more fully described in Exhibit "C" of the enclosed restrictive covenant. The following restrictions apply to the entire 57.5963-acre tract:


1. No part of the Affected Property Area C shall be used for residential land use as defined in the Restrictive Covenant.
2. The investigation and assessment reports identified impacted soil at 21 feet below ground surface (bgs) in Affected Property Area B and 13 feet below ground surface (bgs) in Affected Property C and impacted groundwater at 22.35 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.
3. Use or consumption of groundwater beneath the Affected Property ranging from 22.35 feet to 41.60 feet bgs, shall be prohibited except for monitoring and remediation purposes.
4. 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 41.60 feet bgs unless for authorized monitoring purposes and the collection of samples for analysis.
5. These restrictions shall be a covenant running with the land.

Monitor Well Plugging and Abandonment

RRC staff request the plugging and abandonment of all monitor wells at the Site. Plugging and abandonment activities should be performed in accordance with requirements outlined in 16 TAC Chapter 76. Upon completion of these activities, please submit a copy of all plugging reports to the RRC.

On behalf of the Railroad Commission of Texas, staff would like to thank you for your participation in the Voluntary Cleanup Program. Should you have questions regarding this letter, you may contact me at 512-463-3384 or at leslie.bruce@rrc.texas.gov.

Sincerely,



Leslie Bruce
VCP Coordinator
Site Remediation Section

Enclosure- Certificate of Completion

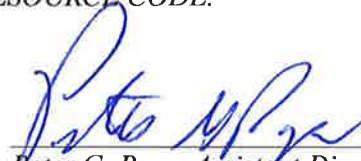
cc: Pete Fisher, Director, RRC Houston District Office (via email)
Mark Hanson, DCH Environmental Consultants, LLC (via email)
David Hamren, DCH Environmental Consultants, LLC (via email)
VCP Reading File

**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.03-15006 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 25 April 2019



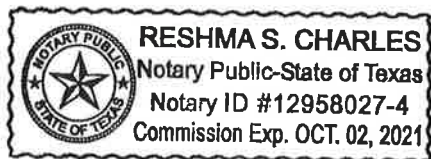
Peter G. Pope, Assistant Director
Site Remediation Section

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 25th Day of April 2019.



Notary without Bond



Notary Public in and for the State of Texas

EXHIBIT "A"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
LEGAL DESCRIPTION 57.5963-ACRE TRACT

VCP No. 03-15006

County: Fort Bend
 Project: Riverstone; Howard Tract
 C.I. No.: 1551-14
 Job Number: 2014048-01

METES AND BOUNDS FOR 57.5963 ACRES

Being a 57.5963 acre tract of land located in the William Stafford Survey, A-89 in Fort Bend County, Texas; said 57.5963 acre tract being a portion of the remainder of a call 66.6462 acre tract of land and a portion of a call 32.3429 acre tract of land recorded in the name of Charles and Josephine Howard Family Partnership, Ltd., in Clerk's File Number 2012145908 of the Official Records of Fort Bend County, (O.R.F.B.C.) Texas; said 57.5963 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the west line of Ivory Ridge at Riverstone Section One, a subdivision recorded in Plat Number 20140080 of the Fort Bend County Plat Records (F.B.C.P.R.) and based on the Texas Coordinate System, South Central Zone):

Beginning at a 1-inch iron pipe found at the southeast corner of Sugar Land Compressor Station, a subdivision recorded under Slide Number 954A of the F.B.C.P.R., same being on the common line of said 66.6462 acre tract and said Ivory Ridge at Riverstone;

1. Thence, with said common line, South 03 degrees 11 minutes 56 seconds East, at a distance of 1501.23 feet pass a 1/2-inch iron rod found at the southeast corner of said 66.6462 acre tract and the northeast corner of said 32.3429 acre tract, at a distance of 2185.46 feet pass the southwest corner of said Ivory ridge at Riverstone, same being on the west line of a call 2497.4 acre tract of land recorded in Clerk's File Numbers 9819621 and 1999013157 of the O.R.F.B.C., in all, a total distance of 2,455.96 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set on the occupied north Right-of-Way (R.O.W.) line (based on 90-foot width) of Cabrera Road - formerly Oil Field Road;

Thence, with said north R.O.W. line, the following three (3) courses:

2. South 74 degrees 55 minutes 21 seconds West, a distance of 45.51 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
3. 135.35 feet along the arc of a curve to the right, said curve having a central angle of 11 degrees 50 minutes 24 seconds, a radius of 655.00 feet and a chord that bears South 80 degrees 50 minutes 33 seconds West, a distance of 135.11 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
4. South 86 degrees 45 minutes 45 seconds West, a distance of 651.04 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;

Thence, through aforesaid 32.3429 acre tract, the following four (4) courses:

Page 2 of 3 PagesExhibit A -
Property
(57.5963 acres)

5. South 86 degrees 45 minutes 45 seconds West, a distance of 651.04 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
6. North 00 degrees 16 minutes 01 seconds West, a distance of 642.91 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
7. North 08 degrees 05 minutes 46 seconds West, a distance of 279.46 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
8. North 16 degrees 02 minutes 44 seconds West, at a distance of 179.30 feet pass the common line of said 32.3429 acre tract and aforesaid 66.6462 acre tract, in all, a total distance of 180.43 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
9. Thence, through said 66.6462 acre tract, North 90 degrees 00 minutes 00 seconds West, a distance of 369.37 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set on the east R.O.W. line of Scenic Rivers Drive - formerly Oil Field Road (60-foot wide) as recorded in Volume 120, Page 308 of the Fort Bend County Deed Records;
10. Thence, with said east R.O.W. line, North 03 degrees 06 minutes 39 seconds West, a distance of 1230.75 feet to a 1-inch iron pipe found at the southwest corner of aforesaid Sugar Land Compressor Station;
11. Thence, with the south line of said Sugar Land Compressor Station, North 80 degrees 39 minutes 55 seconds East, a distance of 1,235.02 feet to the **Point of Beginning** and containing 57.5963 acres of land.



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

VCP No. 03-15006

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

I, David Jordan representing Meritage Homes of Texas, LLC, have completed the necessary response actions, pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at the approximately 57.5963-Acre tract of land described in Exhibit "A" (Site) of this certificate pertaining to Voluntary Cleanup Program (VCP) No. 03-15006 located in Sugar Land, 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. No part of **Affected Property Area C** shall be used for residential land use as defined in this Restrictive Covenant.
2. The investigation and assessment reports identified impacted soil at 21 feet below ground surface (bgs) in **Affected Property Area B** and 13 feet below ground surface (bgs) in **Affected Property Area C** and impacted groundwater at 22.35 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.
3. Use or consumption of groundwater beneath the **Affected Property** ranging from 22.35 feet to 41.60 feet bgs, shall be prohibited except for monitoring and remediation purposes.
4. 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 41.60 feet bgs unless for authorized monitoring purposes and the collection of samples for analysis.
5. These restrictions shall be a covenant running with the land.

These restrictions were filed in the Fort Bend County Clerk's office on April 18, 2019, Document 2019038930 (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. 03-15006.

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

Applicant

By: 

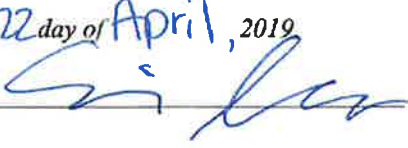
Print Name: David Jordan

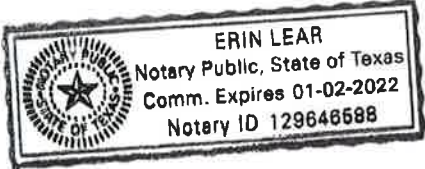
STATE OF TEXAS
COUNTY OF FORT BEND

BEFORE ME, personally appeared David Jordan,
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 22 day of April, 2019

Notary Public in and for the State of TX





Attachment 1
ENVIRONMENTAL RESTRICTIVE COVENANT
VCP. No. 03-15006
Institutional Control
No. 2019038930

1. Thence, with said common line, South 03 degrees 11 minutes 56 seconds East, at a distance of 1501.23 feet pass the southeast corner of said 66.6462 acre tract and the northeast corner of said 32.3429 acre tract, in all, a total distance of 2185.46 feet to the southwest corner of said Ivory Ridge at Riverstone;

Thence, through said 32.3429 acre tract, the following four (4) courses:

2. South 55 degrees 53 minutes 58 seconds West, a distance of 475.20 feet;
3. South 86 degrees 45 minutes 45 seconds West, a distance of 111.55 feet;
4. 20.45 feet along the arc of a curve to the left, said curve having a central angle of 00 degrees 35 minutes 41 seconds, a radius of 1,970.00 feet and a chord that bears South 03 degrees 47 minutes 53 seconds East, a distance of 20.45 feet;
5. 46.67 feet along the arc of a curve to the left, said curve having a central angle of 89 degrees 08 minutes 31 seconds, a radius of 30.00 feet and a chord that bears South 48 degrees 39 minutes 59 seconds East, a distance of 42.11 feet to the occupied north Right of Way (R.O.W.) line (based on 90-foot width) of Cabrera Road- formerly Oil Field Road;
6. Thence, with said north R.O.W. line, South 86 degrees 45 minutes 45 seconds West, a distance of 340.89 feet;

Thence, through aforesaid 32.3429 acre tract, the following three (3) courses:

7. North 00 degrees 16 minutes 01 seconds West, a distance of 642.91;
8. North 08 degrees 05 minutes 46 seconds West, a distance of 279.46 feet;
9. North 16 degrees 02 minutes 44 seconds West, at a distance of 179.30 feet pass the common line of said 32.3429 acre tract and aforesaid 66.6462 acre tract, in all, a total distance of 180.43 feet;
10. Thence, through said 66.6462 acre tract, North 90 degrees 00 minutes 00 seconds West, a distance of 369.37 feet to the east R.O.W. line of Scenic Rivers Drive - formerly Oil Field Road (60-foot wide) as recorded in Volume 120, Page 308 of the Fort Bend County Deed Records;
11. Thence, with said east R.O.W. line, North 03 degrees 06 minutes 39 seconds West, a distance of 1230.75 feet to the southwest corner of aforesaid Sugar Land Compressor Station;
12. Thence, with the south line of said Sugar Land Compressor Station, North 80 degrees 39 minutes 55 seconds East, a distance of 1,235.02 feet to the Point of Beginning and containing 55.8973 acres of land.

Affected Property Area C

Being a 1.6990 acre tract of land located in the William Stafford Survey, A-89 in Fort Bend County, Texas; said 1.6990 acre tract being a portion of a call 32.3429 acre tract of land recorded in the name of Charles and Josephine Howard Family Partnership, Ltd., in Clerk's File Number 2012145908 of the Official Records of Fort Bend County, (O.R.F.B.C.) Texas; said 1.6990 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the west line of Ivory Ridge at Riverstone Section One, a subdivision recorded in Plat Number 20140080 of the Fort Bend County Plat Records (F.B.C.P.R.) and based on the Texas Coordinate System, South Central Zone):

Beginning at a 5/8-inch iron rod with cap stamped "COSTELLO INC" found at the southwest corner of said Ivory Ridge at Riverstone Section One, same being on the common line of said 32.3429 acre tract and a call 2497.4 acre tract of land recorded in Clerk's File Number 9819621 and 1999013157 of the O.R.F.B.C.;

1. Thence, with said common line, South 03 degrees 11 minutes 56 seconds East, a distance of 270.50 feet to the north Right-of-Way line of Cabrera Road;

Thence, with said north Right-of-Way line, the following three courses:

2. South 74 degrees 55 minutes 21 seconds West, a distance of 45.51 feet;
3. 135.35 feet along the arc of a curve to the right, said curve having a central angle of 11 degrees 50 minutes 24 seconds, a radius of 655.00 feet and a chord that bears South 80 degrees 50 minutes 33 seconds West, a distance of 135.11 feet;
4. South 86 degrees 45 minutes 45 seconds West, a distance of 310.14 feet;

Thence, across aforesaid call 32.3429 acre tract, the following four (4) courses:

5. 46.67 feet along the arc of a curve to the right, said curve having a central angle of 89 degrees 08 minutes 31seconds, a radius of 30.00 feet and a chord that bears North 48 degrees 39 minutes 59 seconds West, a distance of 42.11 feet;
6. 20.45 feet along the arc of a curve to the right, said curve having a central angle of 00 degrees 35 minutes 41seconds, a radius of 1,970.00 feet and a chord that bears North 03 degrees 47 minutes 53 seconds West, a distance of 20.45 feet;
7. North 86 degrees 45 minutes 45 seconds East, a distance of 111.55 feet;
8. North 55 degrees 53 minutes 58 seconds East, a distance of 475.20 feet to the Point of Beginning and containing 1.6990 acres of land.

This Restrictive Covenant is required for the following reasons:

The **Affected Properties** were operated as an oil and gas exploration and production lease, otherwise known as the Sugar Land Oil Field Camp, M.C. lease, that was operated by Exxon Corporation and then Atlas Oil & Gas Exploration, LLC from the late 1920s to the early 2000s; wherein COCs attributable to the operations at the Sugarland, Ind. and Camp, M.C. lease site by Exxon Corporation and then Atlas Oil & Gas Exploration, LLC impacted soil and groundwater and an environmental investigation and response action was required in accordance with Commission regulations. Meritage Homes of Texas, LLC performed the response action to characterize and remediate the COCs.

The remediation was performed in such a manner that COCs remained in soil and groundwater at the **Affected Properties** when the Restrictive Covenant was filed with the County. The COCs and the maximum levels remaining in the **Affected Properties** are specified on Exhibit D - *COCs Remaining in Soil and Groundwater*. The investigation, assessment, remediation and analytical data are contained in the RRC project case file *Voluntary Cleanup Program (VCP) number 03-15006* and further summarized in the following reports:

- Phase I Environmental Site Assessment Report, 70 Acres on Cabrera Dr., Sugar Land, TX, dated March 2014;
- Site Investigation Report, Cabrera Rd. near Scenic Rivers Dr., dated May 2017;
- Remedial Action Plan, Cabrera Rd. near Scenic Rivers Dr, dated June 2017;
- Remedial Action Completion Report, Cabrera Rd. near Scenic Rivers Dr., dated, August 2018;

Copies of the reports may be obtained from Meritage Homes of Texas, LLC, 2901 W. Sam Houston, Pkwy. N, Suite C-250 Houston, TX 77043 and from the Commission under *Voluntary Cleanup Program (VCP) number 03-15006*.

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

For purposes of this Restrictive Covenant the terms

- “commercial/industrial land use” means use of property for anything other than use for human habitation or for other purposes with a similar potential for human exposure. Human habitation includes but is not limited to residential land use.
- “environmental medium” means a material found in the natural environment such as soil, groundwater, air, surface water, and sediments, or a mixture of such materials with liquids, sludges, gases, or solids.
- “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.

- “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).

Based on information contained in the investigation, assessment and monitoring reports, as long as an incomplete exposure pathway is maintained to impacted soil and groundwater exceeding health-based values then the COCs associated with the **Affected Properties** 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 Properties** as long as an incomplete exposure pathway is maintained to impacted soil and groundwater exceeding health-based values.

Upon the filing and recording of this Restrictive covenant in the County Real Property Records, the Commission does not require any further remediation of the **Affected Properties** if the **Affected Property Area C** is not put to residential land use and the restrictions identified in this Restrictive Covenant are implemented.

This Restrictive Covenant is necessary to assure that all present and future owners, operators, lessors, or lessees of the **Affected Properties** are aware of its condition and do not use the **Affected Properties** or any groundwater below the surface of the **Affected Properties** in any manner inconsistent with this Restrictive Covenant.

In consideration of the response actions leading to final approved remediation of the **Affected Properties**, 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. No part of **Affected Property Area C** shall be used for residential land use as defined in this Restrictive Covenant.
2. The investigation and assessment reports identified impacted soil at 21 feet below ground surface (bgs) in **Affected Property Area B** and 13 feet below ground surface (bgs) in **Affected Property Area C** and impacted groundwater at 22.35 feet bgs in the **Affected Properties**. Penetration of the impacted soil and groundwater beneath the **Affected Properties** 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.
3. Use or consumption of groundwater beneath the **Affected Properties** ranging from 22.35 feet to 41.60 feet bgs, shall be prohibited except for monitoring and remediation purposes.
4. Any water wells completed on the **Affected Properties** 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 41.60 feet bgs unless for authorized monitoring purposes and the collection of samples for analysis.

5. These restrictions shall be a covenant running with the land.

For additional information, exposure assumptions with the Restrictive Covenant, please request the information from the Commission or from the Meritage Homes of Texas, LLC.

Contact Addresses:

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

- Meritage Homes of Texas, LLC
2901 W. Sam Houston, Pkwy. N, Suite C-250
Houston, TX 77043

As of the date of this Restrictive Covenant, the record owner of fee title to the **Property** is Meritage Homes of Texas, LLC, 2901 W. Sam Houston, Pkwy. N, Suite C-250, Houston, TX 77043;

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 16 day of April 2019.

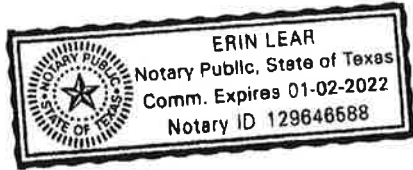
Meritage Homes of Texas, LLC

Signature: [Handwritten Signature]
Printed Name: David Jordan
Title: Sr. Vice President

STATE OF TEXAS
COUNTY OF Harris

BEFORE ME, on this 16 day of April, 2019, personally appeared David Jordan, Sr. Vice President Meritage Homes of Texas, LLC, 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.



[Handwritten Signature]
Notary Public, State of Texas

County of Harris

My Commission Expires: 1/2/22

Accepted as Third Party Beneficiary this 17 day of April 2019.

Railroad Commission of Texas

Signature: Hailey A. Wolf

Printed Name: HAILEY A WOLF

Title: ATTORNEY

STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, on this 17th day of April, 2019, personally appeared Hailey Wolf, 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.

Reshma S. Charles
Notary Public, State of Texas

County of Travis

My Commission Expires:

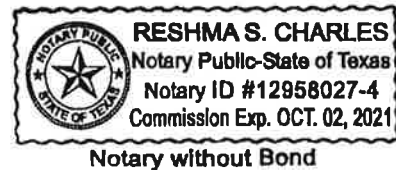


Exhibit A

Property

County: Fort Bend
 Project: Riverstone; Howard Tract
 C.I. No.: 1551-14
 Job Number: 2014048-01

METES AND BOUNDS FOR 57.5963 ACRES

Being a 57.5963 acre tract of land located in the William Stafford Survey, A-89 in Fort Bend County, Texas; said 57.5963 acre tract being a portion of the remainder of a call 66.6462 acre tract of land and a portion of a call 32.3429 acre tract of land recorded in the name of Charles and Josephine Howard Family Partnership, Ltd., in Clerk's File Number 2012145908 of the Official Records of Fort Bend County, (O.R.F.B.C.) Texas; said 57.5963 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the west line of Ivory Ridge at Riverstone Section One, a subdivision recorded in Plat Number 20140080 of the Fort Bend County Plat Records (F.B.C.P.R.) and based on the Texas Coordinate System, South Central Zone):

Beginning at a 1-inch iron pipe found at the southeast corner of Sugar Land Compressor Station, a subdivision recorded under Slide Number 954A of the F.B.C.P.R., same being on the common line of said 66.6462 acre tract and said Ivory Ridge at Riverstone;

1. Thence, with said common line, South 03 degrees 11 minutes 56 seconds East, at a distance of 1501.23 feet pass a 1/2-inch iron rod found at the southeast corner of said 66.6462 acre tract and the northeast corner of said 32.3429 acre tract, at a distance of 2185.46 feet pass the southwest corner of said Ivory ridge at Riverstone, same being on the west line of a call 2497.4 acre tract of land recorded in Clerk's File Numbers 9819621 and 1999013157 of the O.R.F.B.C., in all, a total distance of 2,455.96 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set on the occupied north Right-of-Way (R.O.W.) line (based on 90-foot width) of Cabrera Road - formerly Oil Field Road;

Thence, with said north R.O.W. line, the following three (3) courses:

2. South 74 degrees 55 minutes 21 seconds West, a distance of 45.51 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
3. 135.35 feet along the arc of a curve to the right, said curve having a central angle of 11 degrees 50 minutes 24 seconds, a radius of 655.00 feet and a chord that bears South 80 degrees 50 minutes 33 seconds West, a distance of 135.11 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
4. South 86 degrees 45 minutes 45 seconds West, a distance of 651.04 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;

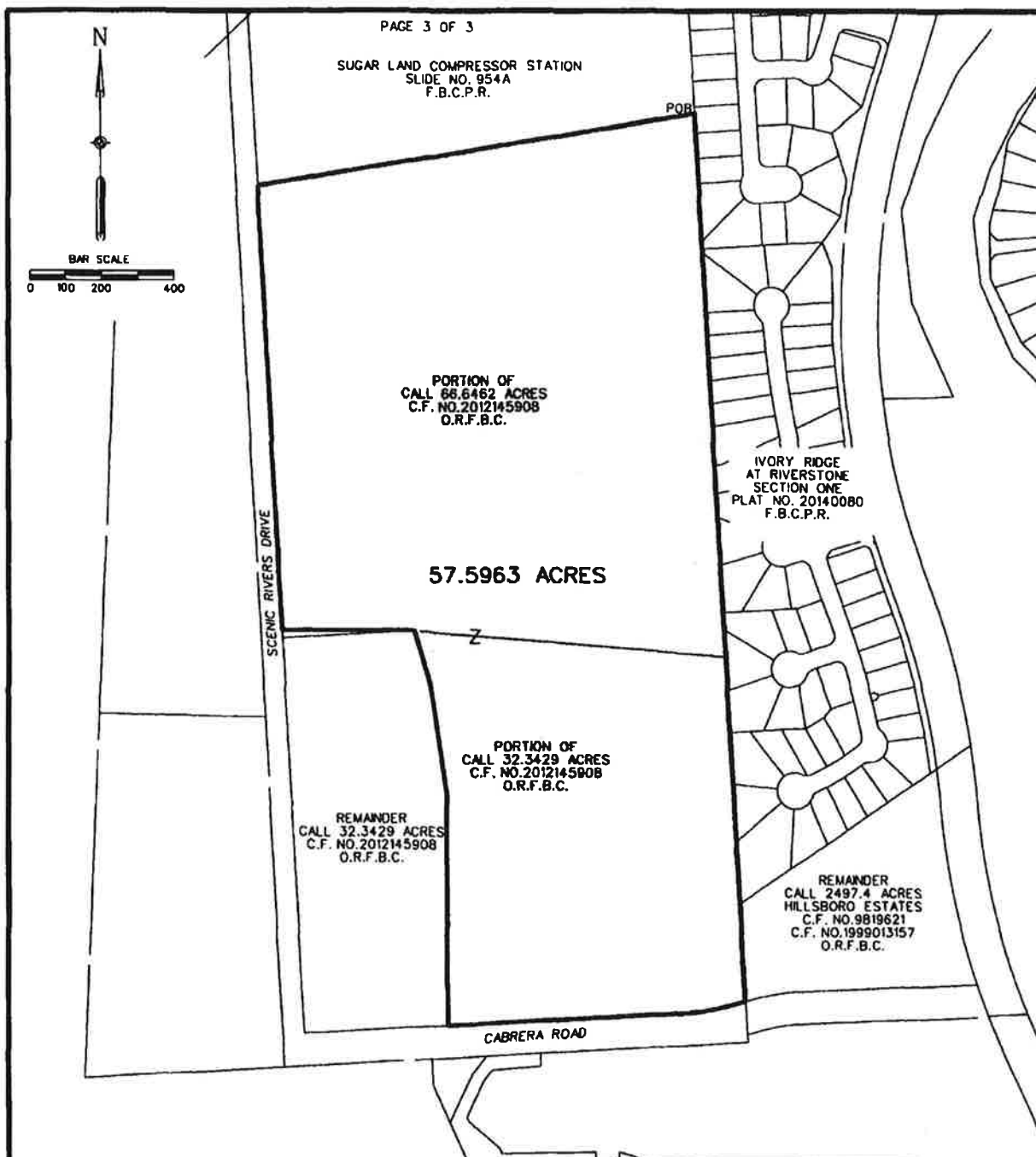
Thence, through aforesaid 32.3429 acre tract, the following four (4) courses:

Page 2 of 3 PagesExhibit A -
Property
(57.5963 acres)

5. South 86 degrees 45 minutes 45 seconds West, a distance of 651.04 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
6. North 00 degrees 16 minutes 01 seconds West, a distance of 642.91 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
7. North 08 degrees 05 minutes 46 seconds West, a distance of 279.46 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
8. North 16 degrees 02 minutes 44 seconds West, at a distance of 179.30 feet pass the common line of said 32.3429 acre tract and aforesaid 66.6462 acre tract, in all, a total distance of 180.43 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
9. Thence, through said 66.6462 acre tract, North 90 degrees 00 minutes 00 seconds West, a distance of 369.37 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set on the east R.O.W. line of Scenic Rivers Drive - formerly Oil Field Road (60-foot wide) as recorded in Volume 120, Page 308 of the Fort Bend County Deed Records;
10. Thence, with said east R.O.W. line, North 03 degrees 06 minutes 39 seconds West, a distance of 1230.75 feet to a 1-inch iron pipe found at the southwest corner of aforesaid Sugar Land Compressor Station;
11. Thence, with the south line of said Sugar Land Compressor Station, North 80 degrees 39 minutes 55 seconds East, a distance of 1,235.02 feet to the **Point of Beginning** and containing 57.5963 acres of land.

Mallett
11/04/2014





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Exhibit A -
Property
(57.5963 acres)

Costello
Engineering and Surveying
9900 Richmond Avenue, Suite 450 N
Houston, Texas 77042
(713) 783-7788 (713) 783-3580, Fax

TBPE FIRM REG. No. 280
TBPLS FIRM REG. No. 100486

**EXHIBIT OF
57.5963 ACRES
FORT BEND COUNTY, TEXAS**

JOB NO.: 2014-048-01	DATE: 11-04-2014	1"=400'
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Exhibit B
Affected Property Area B

County: Fort Bend
 Project: Riverstone; Howard Tract
 C.I. No.: 1091-19
 Job Number: 2014048-01

METES AND BOUNDS FOR 55.8973 ACRES

Being a 55.8973 acre tract of land located in the Willam Stafford Survey, A-89 in Fort Bend County, Texas; said 55.8973 acre tract being a portion of a call 66.6462 acre tract of land and a portion of a call 32.3429 acre tract of land recorded in the name of Charles and Josephine Howard Family Partnership, Ltd., in Clerk's File Number 2012145908 of the Official Records of Fort Bend County, (O.R.F.B.C.) Texas; said 55.8973 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the west line of Ivory Ridge at Riverstone Section One, a subdivision recorded in Plat Number 20140080 of the Fort Bend County Plat Records (F.B.C.P.R.) and based on the Texas Coordinate System, South Central Zone):

Beginning at a 1-inch iron pipe found at the southeast corner of Sugar Land Compressor Station, a subdivision recorded under Slide Number 954A of the F.B.C.P.R., same being on the common line of said 66.6462 acre tract and said Ivory Ridge at Riverstone;

1. Thence, with said common line, South 03 degrees 11 minutes 56 seconds East, at a distance of 1501.23 feet pass the southeast corner of said 66.6462 acre tract and the northeast corner of said 32.3429 acre tract, in all, a total distance of 2185.46 feet to the southwest corner of said Ivory Ridge at Riverstone;

Thence, through said 32.3429 acre tract, the following four (4) courses:

2. South 55 degrees 53 minutes 58 seconds West, a distance of 475.20 feet;
3. South 86 degrees 45 minutes 45 seconds West, a distance of 111.55 feet;
4. 20.45 feet along the arc of a curve to the left, said curve having a central angle of 00 degrees 35 minutes 41 seconds, a radius of 1,970.00 feet and a chord that bears South 03 degrees 47 minutes 53 seconds East, a distance of 20.45 feet;
5. 46.67 feet along the arc of a curve to the left, said curve having a central angle of 89 degrees 08 minutes 31 seconds, a radius of 30.00 feet and a chord that bears South 48 degrees 39 minutes 59 seconds East, a distance of 42.11 feet to the occupied north Right-of-Way (R.O.W.) line (based on 90-foot width) of Cabrera Road - formerly Oil Field Road;
6. Thence, with said north R.O.W. line, South 86 degrees 45 minutes 45 seconds West, a distance of 340.89 feet;

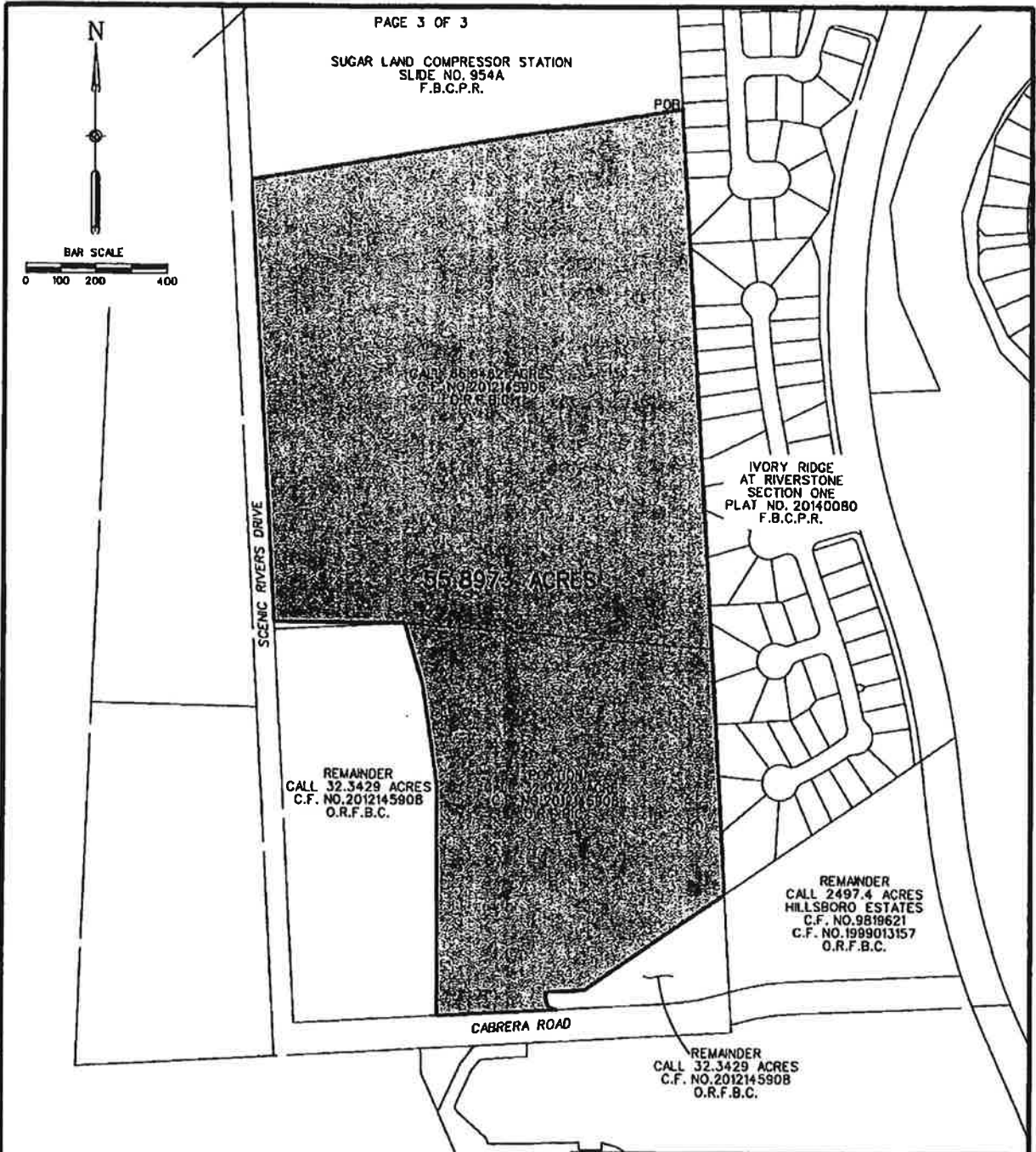
Thence, through aforesaid 32.3429 acre tract, the following three (3) courses:

7. North 00 degrees 16 minutes 01 seconds West, a distance of 642.91;
8. North 08 degrees 05 minutes 46 seconds West, a distance of 279.46 feet;
9. North 16 degrees 02 minutes 44 seconds West, at a distance of 179.30 feet pass the common line of said 32.3429 acre tract and aforesaid 66.6462 acre tract, in all, a total distance of 180.43 feet;
10. Thence, through said 66.6462 acre tract, North 90 degrees 00 minutes 00 seconds West, a distance of 369.37 feet to the east R.O.W. line of Scenic Rivers Drive – formerly Oil Field Road (60-feet wide) as recorded in Volume 120, Page 308 of the Fort Bend County Deed Records;
11. Thence, with said east R.O.W. line, North 03 degrees 06 minutes 39 seconds West, a distance of 1230.75 feet to the southwest corner of aforesaid Sugar Land Compressor Station;
12. Thence, with the south line of said Sugar Land Compressor Station, North 80 degrees 39 minutes 55 seconds East, a distance of 1,235.02 feet to the **Point of Beginning** and containing 55.8973 acres of land.

M. D. Armstrong
04/01/19



STATE OF TEXAS
REGISTERED
MARK D. ARMSTRONG
5363
PROFESSIONAL
LAND SURVEYOR



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**Exhibit B -
Affected Property Area B
(55.8973 acres)**

Costello



Engineering and Surveying
2107 CityWest Blvd., 3rd Floor
Houston, Texas 77042
(713) 783-7788 (713) 783-3580, Fax
TSPS FIRM REG. No. 280
TBPLS FIRM REG. No. 100488

**EXHIBIT OF
55.8973 ACRES
FORT BEND COUNTY, TEXAS**

JOB NO.: 2014-048-01 DATE: 04-01-19 1"=400'

Exhibit C

Affected Property Area C

County: Fort Bend
 Project: Riverstone; Howard Tract
 C.I. No.: 1362-18
 Job Number: 2014-048-001

METES AND BOUNDS FOR 1.6990 ACRES

Being a 1.6990 acre tract of land located in the William Stafford Survey, A-89 in Fort Bend County, Texas; said 1.6990 acre tract being a portion of a call 32.3429 acre tract of land recorded in the name of Charles and Josephine Howard Family Partnership, Ltd., in Clerk's File Number 2012145908 of the Official Records of Fort Bend County, (O.R.F.B.C.) Texas; said 1.6990 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the west line of Ivory Ridge at Riverstone Section One, a subdivision recorded in Plat Number 20140080 of the Fort Bend County Plat Records (F.B.C.P.R.) and based on the Texas Coordinate System, South Central Zone):

Beginning at a 5/8-inch iron rod with cap stamped "COSTELLO INC" found at the southwest corner of said Ivory Ridge at Riverstone Section One, same being on the common line of said 32.3429 acre tract and a call 2497.4 acre tract of land recorded in Clerk's File Number 9819621 and 1999013157 of the O.R.F.B.C.;

1. Thence, with said common line, South 03 degrees 11 minutes 56 seconds East, a distance of 270.50 feet to the north Right-of-Way line of Cabrera Road;

Thence, with said north Right-of-Way line, the following three courses:

2. South 74 degrees 55 minutes 21 seconds West, a distance of 45.51 feet;
3. 135.35 feet along the arc of a curve to the right, said curve having a central angle of 11 degrees 50 minutes 24 seconds, a radius of 655.00 feet and a chord that bears South 80 degrees 50 minutes 33 seconds West, a distance of 135.11 feet;
4. South 86 degrees 45 minutes 45 seconds West, a distance of 310.14 feet;

Thence, across aforesaid call 32.3429 acre tract, the following four (4) courses:

5. 46.67 feet along the arc of a curve to the right, said curve having a central angle of 89 degrees 08 minutes 31 seconds, a radius of 30.00 feet and a chord that bears North 48 degrees 39 minutes 59 seconds West, a distance of 42.11 feet;
6. 20.45 feet along the arc of a curve to the right, said curve having a central angle of 00 degrees 35 minutes 41 seconds, a radius of 1,970.00 feet and a chord that bears North 03 degrees 47 minutes 53 seconds West, a distance of 20.45 feet;
7. North 86 degrees 45 minutes 45 seconds East, a distance of 111.55 feet;

Exhibit C
Affected Property Area C
(1.6990 acres)

Page 2 of 3 Pages

8. North 55 degrees 53 minutes 58 seconds East, a distance of 475.20 feet to the Point of Beginning and containing 1.6990 acres of land.



Mark D. Armstrong
09/11/18

PAGE 3 OF 3

SUGAR LAND COMPRESSOR STATION
SLIDE NO. 954A
F.B.C.P.R.



CALL 66.6462 ACRES
C.F. NO. 2012145908
O.R.F.B.C.

IVORY RIDGE
AT RIVERSTONE
SECTION ONE
PLAT NO. 20140080
F.B.C.P.R.

57.5963 ACRES

CALL 32.3429 ACRES
C.F. NO. 2012145908
O.R.F.B.C.

1.699 ACRES
M&B NO. 1362-1B

P.O.B.

REMAINDER
CALL 2497.4 ACRES
HILLSBORO ESTATES
C.F. NO. 9819621
C.F. NO. 1999013157
O.R.F.B.C.

SCENIC RIVERS DRIVE

CABRERA ROAD

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Exhibit C
Affected Property Area C
(1.6990 acres)

Costello



Engineering and Surveying
2107 CityWest Blvd., 3rd Floor
Houston, Texas 77042
(713) 783-7788 (713) 783-3680, Fax
TBP&E FIRM REG. No. 280
T&PLS FIRM REG. No. 100486

EXHIBIT OF
1.699 ACRES
FORT BEND COUNTY, TEXAS

JOB NO.: 2014-048-01 DATE: 08-30-2018 1"=400'

Exhibit D

COCs Remaining in Soil and Groundwater

Exhibit D – COCs Remaining in Soil and Groundwater

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

Environmental Media (1) (2) (Soil, groundwater or air)	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	Chlorides	929 mg/L	6/10/2015	NA	35 Feet, MW 7
Groundwater	Arsenic	0.086 mg/L	5/2/2017	NA	35 Feet, MW-8
Groundwater	Cadmium	0.006 mg/L	5/2/2017	NA	35 Feet, MW-8
Soil	Total Petroleum Hydrocarbons (TPH)	14,128 mg/Kg	1/2/2017	NA	D-41, 21-23ft. bgs., Subsurface Soils
Soil	Naphthalene	22.3 mg/Kg	7/31/2017	NA	CS-21, 11-13ft. bgs., Surface Soils

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

Environmental Media (1) (2) (Soil, groundwater or air)	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	TPH	9.14 mg/L	5/2/2017	NA	35 Feet, MW-3
Groundwater	Arsenic	0.045 mg/L	5/2/2017	NA	35 Feet, MW-3
Soil	TPH	19,425 mg/Kg	5/12/2014	NA	B-5, 13-15ft. bgs., Subsurface Soils
Soil	Benzene	0.229 mg/Kg	5/12/2014	NA	B-5, 13-15ft. bgs., Subsurface Soils
Soil	Naphthalene	63.2 mg/Kg	7/3/2014	NA	MW-3, 13-15ft. bgs., Subsurface Soils

(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)