



RAILROAD COMMISSION OF TEXAS OIL AND GAS DIVISION

15 August 2017

Mr. Joel Scott
TerraMark Ventures
675 Bering, Suite 500
Houston, Texas 77057

RE: Certificate of Completion
35-Acre Tract, 0.19 Miles South of Buffalo Speedway and W. Belfort
Houston, Harris County, Texas
Voluntary Cleanup Program (VCP) No. 03-14001

Dear Mr. Scott:

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 Buffalo Lakes 35-Acre Tract (Site). The Site consists of approximately 36.83 acres of vacant agricultural land historically used for oil and gas primary production, located 1,000 feet south of the intersection of West Belfort Avenue and Buffalo Speedway in Houston, Harris County, Texas. The following reports were reviewed:

Phase I Environmental Site Assessment, 65.93 Acres of Vacant Land, SEC Old Main Street & Buffalo Speedway, Houston, Harris County, Texas, dated September 24, 2001;

Environmental Site Investigation, 65.93 Acres of Vacant Land, Southeast Corner of Old Main & Buffalo Speedway, Houston, Harris County, Texas, dated 26 November 2001;

Phase I Environmental Site Assessment Supplement, Six Tracts of Land Added to the Original 65.93 Acres, SEC Old Main Street & Buffalo Speedway, Houston, Harris County, Texas, dated 14 May 2002;

Phase I Environmental Site Assessment, Buffalo Pointe – Tracts A, B, C and D, North Side of Holmes Road, Houston, Harris County, Texas, dated 18 May 2012;

Supplemental Site Investigation (SSI), 35-Acre Tract, Buffalo Speedway, Houston, Harris County, Texas, dated 03 September 2013;

Supplemental Site Investigation, 35-Acre Tract, Buffalo Speedway, Houston, Harris County, Texas, dated 12 February 2014;

Supplement Site Investigation, 35-Acre Tract, Buffalo Speedway, Houston, Harris County, Texas, dated 19 November 2014; and

Supplemental Site Investigation, 35-Acre Tract, Buffalo Speedway, Houston, Harris County, Texas, dated 10 November 2015.

History of Site

The Site is bounded to the north and northwest by residential developments, to the west by Buffalo Speedway followed by undeveloped property, and to the east and south by undeveloped land. The 75-acre tract adjacent to the Site to the north entered the VCP in June 2003 as VCP No. 30013, the 33-acre tract to the southeast entered the program in March 2004 as VCP No. 40008, and the 100-acre tract west of the 75-acre and 33-acre tracts entered the program in March 2004 as VCP No. 40009. All three of these sites were withdrawn from the VCP in September 2016.

The Site is primarily undeveloped land that was part of the historic Pierce Junction Oil Field. Oil and gas operations identified on the Site date from the late 1950's through the late 1970's. According to the RRC GIS Map Viewer, six plugged oil wells are located on the Site. The Holmes #1 (API No. 201-04520) and the Holmes #2 (API No. 201-04519) were plugged and abandoned in 1991; Buvens, Minnie (API No. 201-04540) and Caldwell, W.O., Jr. #1 (API No. 201-04541) were plugged in 1964; Ryeman, I.L. Etal #1 (API No. 201-04533) was plugged in 2003; and Buvens, Minnie B. #1 (API No. 201-04539) was plugged in 1956. Other recognized environmental concerns include: a sump hole in the northern portion of the Site, slabs associated with two former oil wells and a heater treater, at least ten ponded areas and possible pits, tank bottoms, two downed transformers, multiple areas of stained soil, and a tank battery.

Soil

As part of the September and November 2001 site investigations, soils on the Site were analyzed from seven soil borings (B-3 through B-10). Soil samples were collected from 0 to 2 feet below ground surface (bgs) and the zone with the highest contamination based on field screening. Soil samples were tested for benzene, toluene, ethylbenzene, and xylenes (BTEX), total petroleum hydrocarbons (TPH), and the sample B-3 was analyzed for polycyclic aromatic hydrocarbons (PAHs). Surface soil samples for B-3 and B-8 were above action levels for TPH (C₆-C₁₂) and TPH (C₁₂-C₂₈), but were below health-based total-soil-combined (^{Tot}Soil_{Comb}) PCLs. BTEX was not detected in any of the samples with concentrations above action levels, and PAHs were not detected.

The soil boring locations were tested in June 2002, January 2003 and August 2003. In June 2002, B-4 was sampled at a depth of 16 feet, and analyzed for TPH and BTEX. All results were below detection limits. In January 2003, additional samples collected from B-9 and B-10 were

analyzed for TPH, BTEX, and Resource Conservation and Recovery Act (RCRA) metals. TPH and BTEX were not detected, and all RCRA metals were below Tier 1 Protective Concentration Levels (PCLs) except for lead. The lead concentration in B-10 exceeded Tier 1 PCLs, but was below the Tier 2 PCL of 549 milligrams per kilogram (mg/kg) and the health-based total-soil-combined ($^{Tot}Soil_{Comb}$) PCL of 500 mg/kg. In August 2003, additional samples from B-5, B-9, and B-10 were analyzed for TPH, BTEX, and RCRA metals, and the results were below critical PCLs.

The SSI dated September 2013 described the installation of 37 soil borings and collection of soil samples. Samples were collected and analyzed in June 2013. Twenty eight of the 37 borings were shallow soil borings, and 9 of the borings were completed as monitoring wells. The soil samples were analyzed for TPH, BTEX, RCRA metals, and chlorides. TPH (C_{12} to C_{28}) and TPH (C_{28} to C_{35}) were detected above critical PCLs in TER-SB-1, MW-2, and TER-SB-15. The highest concentrations of TPH (C_{12} to C_{28}) and TPH (C_{28} to C_{35}) were measured in the sample collected from MW-2 near the tank bottoms. The TCEQ Specific TPH Calculator was used to calculate the TPH action level of 3,140 mg/kg, and all the concentrations are below the calculated action level. Arsenic concentrations were detected above the Tier 1 PCL in TER-SB-7, TER-SB-22, and TER-SB-25. All samples were below the Tier 2 PCL of 16.88 mg/kg and the $^{Tot}Soil_{Comb}$ PCL of 24 mg/kg for arsenic. Barium exceeded the Tier 1 PCL action level of 440 mg/kg in TER-SB-7, TER-SB-10, TER-SB-14, TER-SB-15, and TER-SB-16. All concentrations were below the Tier 2 PCL of 1,910 mg/kg, except for TER-SB-16 (6 to 7 feet bgs) at a concentration of 3,270 mg/kg. Though the concentration is above the Tier 2 $^{GW}Soil_{Ing}$ PCL, the concentration is below the $^{Tot}Soil_{Comb}$ PCL of 8,100 mg/kg. Lead was detected above the critical PCL of 15 mg/kg in MW-3, TER-SB-4, TER-SB-7, TER-SB-11, TER-SB-14, TER-SB-15, TER-SB-22, and TER-SB-25. Lead did not exceed the Tier 2 PCL of 549 mg/kg or the $^{Tot}Soil_{Comb}$ PCL of 500 mg/kg in any of the samples.

Ten additional soil borings were advanced on the Site during the SSI dated February 2014. TER-SB-29 through TER-SB-33 were located within the area of a large historic pit found in aerial photographs from 1977 and 1988, TER-SB-34 was located between the pits in center of the Site, TER-SB-35 and TER-SB-36 were located near the former well location north of the pits, and TER-SB-37 and TER-SB-38 were in the area south of the former tank battery. Four samples (BM-1 through BM-4) were collected from the berms surrounding the two pits in the southern portion of the Site and sediment samples (SD-1 through SD-3) were collected from the two southern pits. TPH and BTEX were not detected in any of these soil samples. RCRA metals arsenic, barium, lead, and mercury were detected above action levels, but were below $^{Tot}Soil_{Comb}$ PCLs or Tier 2 PCLs. Chloride concentrations were found above the action limit of 3,000 mg/kg in TER-SB-29, TER-SB-30, TER-SB-31, and TER-SB-38.

During the SSI dated November 2014, six additional soil borings were advanced on the Site. TER-SB-39 was located near the downed transformers in the north central portion of the Site, TER-SB-40 was located former heater treater slab in the northeastern portion of the Site, TER-SB-41 and TER-SB-42 were located near former tank battery on the southwestern portion of the property, TER-SB-43 was located near the slab on the southeastern corner, and TER-SB-44 was located near a suspected former pit in the southeastern area of the Site. SD-4 and SD-5 were collected from the bermed former pit in the southeastern portion of the Site, and SD-6 was

collected from another pit in the center of the Site. BM-5 and BM-6 were collected from the berms of the former pit in the southeastern portion of the Site. TPH and BTEX were not detected in soil above action levels. No polychlorinated biphenyls (PCBs) were detected near the downed transformers. Barium was detected at SD-5 above the Tier 1 PCL of 440 mg/kg, but was below the Tier 2 and $T^{ot}Soil_{Comb}$ PCLs. The lead Tier 1 PCL was exceeded in BM-5 and SD-5, but was below the Tier 2 and $T^{ot}Soil_{Comb}$ PCLs. Silver was detected at concentrations of 0.80 mg/kg in BM-6 and 0.10 mg/kg in SD-6 above the action level of 0.48 mg/kg, but below the calculated Tier 2 PCL of 1,981 mg/kg and $T^{ot}Soil_{Comb}$ of PCL 97 mg/kg. Chlorides were not detected in any of the soil samples.

During the SSI dated November 2015, two additional soil borings were sampled and analyzed for TPH, BTEX, and RCRA metals. In SD-5A, barium was detected at a concentration of 464 mg/kg from 4 to 5 feet bgs (deeper than the former sediment sample SD-5), which exceeded the Tier 1 PCL. Additional samples were taken at the location of this boring at depths of 7 to 8 feet bgs and 10 to 11 feet bgs, and the barium concentrations were below action levels. All samples were below site-specific Tier 2 and $T^{ot}Soil_{Comb}$ PCLs for barium. TER-SD-40A was collected TPH at the location of TER-SB-40 from the previous sampling event at the depth of 5 to 6 feet. The results for TPH in TER-SD-40A were below detection limits.

NORM A naturally occurring radioactive materials (NORM) scintillator survey was conducted in February 2014. The survey did not identify any locations where NORM levels exceeded either 2 times background or 50 microroentgens per hour ($\mu R/hr$).

Groundwater

During the site investigations dated November 2001, June 2001, January 2003, and August 2003, groundwater was analyzed for TPH and BTEX. TPH (C_6 to C_{12}) and TPH (C_{12} to C_{28}) were detected above the Tier 1 PCL of 0.98 milligrams per liter (mg/L) in TSP-3, but all other results were below detection limits.

During the September 2013 SSI, 9 of the 37 soil borings were converted to monitor wells. Groundwater was tested for TPH, BTEX, RCRA metals, and chlorides. MW-1 is located in the northern portion of the property, MW-2 is southeast of tank bottoms in the north central portion of the Site, MW-3 south of the slab with former pump jack and the Holmes #1 well, MW-4 is north of the gravel road in eastern portion of property, MW-5 is near the Holmes #2 well, MW-6 is located south of the gravel road in the area of a suspected former pit, MW-7 is on the western side of the suspected former pit area south of the gravel road, MW-8 is north of the tank battery in southern portion of property, and MW-9 in southern portion of the Site south of a suspected pit. MW-3 had concentration of lead at 0.2079 mg/L, which exceeds the Tier 1 PCL of 0.015 mg/L. Arsenic exceeded Tier 1 PCL of 0.01 mg/L with arsenic ranging from 0.0283 to 0.0381 mg/L in wells MW-5, MW-6, MW-7, and MW-8. Critical PCLs for barium and chlorides were exceeded in all wells. Barium concentrations ranged from 2.66 to 8.98 mg/L, and chloride concentrations ranged from 1,170 to 5,780 mg/L.

In the SSI dated November 2014, TPH and BTEX were not detected in groundwater samples above action levels except for in the northern portion on the property in MW-1. TPH (C_{12} to C_{28})

was detected in MW-1 at a concentration of 1.0 mg/l, which exceeds the action level of 0.98 mg/L. Arsenic was detected above the action level of 0.01 mg/L in MW-2, MW-3, MW-5, MW-6, MW-7, and MW-8 with concentrations ranging from below detection limits to 0.329 mg/L. Barium was detected above 2.0 mg/L action level in all monitor wells ranging from 2.5 mg/L to 8.08 mg/L. Chromium was detected above the action level of 0.1 mg/L in MW-2 with a concentration of 0.129 mg/L. Lead was detected above the 0.015 mg/action level in MW-2 at 0.0880 mg/L, MW-3 at 1.82 mg/L, and MW-5 at 0.0740 mg/L. Chlorides were detected above the 300 mg/L action levels in all groundwater samples ranging from 1,100 mg/L in MW-1 to 5,600 mg/L in MW-9.

In the November 2015 SSI, TPH and BTEX were not detected in groundwater samples. Arsenic was detected above the Tier 1 PCL in MW-7 at a concentration of 0.0540 mg/L and MW-8 at 0.0720 mg/L. Barium was detected above the Tier 1 PCL in samples taken from MW-4 with a concentration of 4.14 mg/L, MW-7 at 2.19 mg/L, and MW-8 at 2.57 mg/L, and MW-9 at 4.17 mg/L. Chlorides were above the action level of 300 mg/L in MW-4 with 2,570 mg/L, MW-7 at 2,860 mg/L, MW-8 at 2,220 mg/L, and MW-9 at 1,800 mg/L.

Surface Water Samples

In the February 2014 SSI, surface water samples were collected from two pits in the southern portion of the Site. Analytical results revealed sample concentrations below detection limits for TPH, BTEX, RCRA metals, and chlorides.

In the November 2014 SSI, TPH, BTEX, and RCRA metals were not detected above reporting limits in SW-3 collected from the pond north of the gravel road in the north central portion of Site.

Remediation

Based on the findings of soil and groundwater assessments performed at the Site, an institutional control restricting groundwater use was determined to be an acceptable remedy for contamination remaining in groundwater at the Site. A restrictive covenant (RP-2017-256902) was filed and recorded with the Harris County Clerk on 9 June 2017. The Affected Area is described as a 36.83-acre tract is listed as Exhibit "A" and Exhibit "B" of the enclosed restrictive covenant. The following restrictions apply to the 36.83-acre tract:

1. Use of the groundwater beneath the Affected Property from the surface to 100 feet below the ground surface shall not be allowed except for monitoring purposes.
2. Penetration or excavation of the impacted groundwater zones for any purpose shall only be conducted in such a manner as to prevent the migration or release of contaminants to any other zone or media and to prevent uncontrolled exposure to human and ecological receptors.
3. These restrictions shall be a covenant running with the land.

Mr. Joel Scott
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8/15/2017

On behalf of the Railroad Commission of Texas, I 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 ashley.correll@rrc.texas.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ashley Correll".

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

Enclosure- Certificate of Completion

cc: Pete Fisher, Director, District 3 RRC Office, Houston with enclosure
VCP Reading File

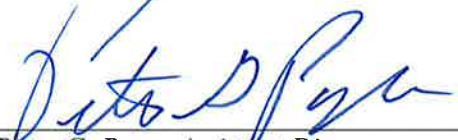
Mr. Scott Keogh
Terracon Consulting Engineers & Scientists
11555 Clay Road, Suite 100
Houston, Texas 77043

**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.03-14001 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 15 August 2017



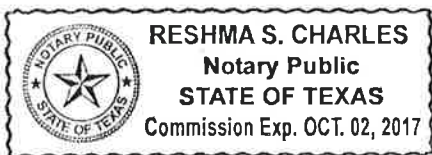
Peter G. Pope, Assistant Director
Site Remediation Section

STATE OF Texas


COUNTY OF Travis

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 15th Day of August 2017.



Notary without Bond



Notary Public in and for the State of Texas

EXHIBIT "A"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
LEGAL DESCRIPTION 36.83-ACRE TRACT

VCP No. 03-14001

EXHIBIT "A"

Description of Affected Property

RP-2017-256902

H.C.I.D. NO. 12
36.83 ACRES

MARCH 04, 2015
JOB NO. 1612-00

DESCRIPTION OF A 36.83 ACRE TRACT OF LAND SITUATED IN THE
B.B.B. & C. R.R. CO. SURVEY, ABSTRACT NO. 179
HARRIS COUNTY, TEXAS

BEING a 36.83 acre (1,604,428 square foot) tract of land situated in the B.B.B. & C. R.R. Co. Survey, Abstract No. 179 of Harris County, Texas and being a portion of a called 64.958 acre tract of land as described in an instrument to Buffalo Lakes, Ltd. recorded under Harris County Clerk's File (H.C.C.F.) No. W130111, a portion of a called 1.0326 acre tract of land as described in an instrument to Buffalo Lakes, Ltd. recorded under H.C.C.F. No. W119373, a portion of a called 32.750 acre tract of land as described in an instrument to Buffalo Lakes, Ltd. recorded under H.C.C.F. No. W888896, all of a called 3.998 acre tract of land and a called 3.381 acre tract of land, both as described in an instrument to Buffalo Lakes, Ltd. recorded under H.C.C.F. No. 20070364089, all of a tract of land described as Lot 18 in an instrument to Buffalo Lakes, Ltd. recorded under H.C.C.F. No. 20090097271, a portion of a tract of land described as Lots 7, 12 and 13 in an instrument to Buffalo Lakes, Ltd. recorded under H.C.C.F. No. Y686832, a portion of a tract of land described as Lots 14, 16, 17, 19, 20 and 1/2 interest of Lot 15 in an instrument to Buffalo Lakes, Ltd. recorded under H.C.C.F. No. 20060065698, a portion of a tract of land described as 1/2 interest of Lot 15 in an instrument to Buffalo Lakes, Ltd. recorded under H.C.C.F. No. 20070053390, a portion of PYE MARTYR & FOX SUBDIVISION, a subdivision per plat recorded under Volume 1, Page 120 of the Harris County Map Records (H.C.M.R.), a portion of MRS. M.B. MARTYR'S SUBDIVISION, a subdivision per plat recorded under Volume 1, Page 112 of the H.C.M.R., a portion of H.F. COHEN SUBDIVISION, a subdivision per plat recorded under Volume 414, Page 560 of the H.C.D.R. and all of Grand Fountains Drive (60 feet wide) as shown on the plats recorded under Film Code Nos. 666153 and 613118 of the H.C.M.R., said 36.83 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron pipe with cap stamped "Brown & Gay" found for the northwest corner of the herein described tract, same being the most westerly southwest corner of BUFFALO POINTE RESERVE, a subdivision per plat recorded under Film Code No. 662077 of the H.C.M.R., lying on the east right-of-way line of Buffalo Speedway (100 feet wide) as shown on the plat recorded under Film Code No. 613118 of the H.C.M.R.

THENCE, S 67° 02' 44" E, a distance of 82.31 feet along and with the south line of said BUFFALO POINTE RESERVE to a 1/2-inch iron pipe with cap stamped "Brown & Gay" found for the most southerly southwest corner of said BUFFALO POINTE RESERVE;

THENCE, N 86° 59' 15" E, a distance of 1,053.63 feet continuing along and with the south line of said BUFFALO POINTE RESERVE to a 1/2-inch iron pipe with cap stamped "Brown & Gay" found for the northeast corner of the herein described tract, same being the southeast corner of said BUFFALO POINTE RESERVE, lying on the west line of BEDFORD FALLS AMENDING PLAT NO. 1, a subdivision per plat recorded under Film Code No. 561066 of the H.C.M.R., same being the east line of said 1.0326 acre tract;

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H.C.I.D. NO. 12
36.83 ACRES

MARCH 04, 2015
JOB NO. 1612-00

THENCE, S 03° 00' 45" E, a distance of 300.80 feet along and with the west line of said BEDFORD FALLS AMENDING PLAT NO. 1 and the east line of said 1.0326 acre tract, same partly being the east terminus line of said Grand Fountains Drive to a 1/2-inch iron pipe with cap stamped "Brown & Gay" found for the southwest corner of said BEDFORD FALLS AMENDING PLAT NO. 1, same being the southeast terminus of said Grand Fountains Drive, lying on the north line of W. E. ARMSTRONG SUBDIVISION OF 100 ACRES, a subdivision per plat recorded under Volume 173, Page 402 of the H.C.D.R.;

THENCE, S 86° 31' 09" W, a distance of 132.01 feet along and with the south right-of-way line of said Grand Fountains Drive, same being the north line of said W. E. ARMSTRONG SUBDIVISION OF 100 ACRES to a 1/2-inch iron pipe with cap stamped "Brown & Gay" set for the northwest corner of said W. E. ARMSTRONG SUBDIVISION OF 100 ACRES, lying on the common east line of said 64.958 acre tract and said PYE MARTYR & FOX SUBDIVISION;

THENCE, S 02° 48' 43" E, a distance of 425.22 feet along and with the common east line of said 64.958 acre tract and said PYE MARTYR & FOX SUBDIVISION, same being the west line of said W. E. ARMSTRONG SUBDIVISION OF 100 ACRES to a 1/2-inch iron pipe with cap stamped "Brown & Gay" found for the common southeast corner of said 64.958 acre tract and said PYE MARTYR & FOX SUBDIVISION, same being the common northeast corner of said 3.998 acre tract and said MRS. M.B. MARTYR'S SUBDIVISION;

THENCE, S 02° 55' 01" E, a distance of 480.60 feet continuing along and with the west line of said W. E. ARMSTRONG SUBDIVISION OF 100 ACRES, same being the common east line of said 3.998 acre tract and said MRS. M.B. MARTYR'S SUBDIVISION to a 5/8-inch iron rod with cap stamped "Terra Surveying" found for the common southeast corner of the herein described tract and said 3.998 acre tract, same being the northeast corner of a tract of land described as the north 5/6 of Lot 19 in an instrument to Peg Investments, Inc. recorded under H.C.C.F. No. 20110127234;

THENCE, S 86° 55' 54" W, a distance of 361.56 feet along and with the south line of said 3.998 acre tract, same being the north line of said Peg Investments, Inc. tract to a 1/2-inch iron pipe with cap stamped "Brown & Gay" set for the southwest corner of said 3.998 acre tract, lying on the east right-of-way line of a 16-foot wide road as shown on said MRS. M.B. MARTYR'S SUBDIVISION;

THENCE, N 02° 55' 01" W, a distance of 60.07 feet along and with the west line of said 3.998 acre tract, same being the east right-of-way line of said 16-foot wide road to a 1/2-inch iron pipe with cap stamped "Brown & Gay" found for corner;

THENCE, S 86° 55' 54" W, a distance of 1,204.62 feet over and across said 16-foot wide road, said Lots 7, 12 and 13 tract, said Lots 14, 16, 17, 19, 20 and 1/2 interest of Lot 15 tract, said 1/2 interest of Lot 15 tract and said 32.750 acre tract, and partly along and with the south line of said 3.381 acre tract to a 1/2-inch iron pipe with cap stamped "Brown & Gay" set for the southwest corner of the herein described tract, lying on the east right-of-way line of said Buffalo Speedway, said corner being the beginning of a non-tangent curve to the right from which its center bears S 83° 20' 51" E, 1,950.00 feet;

THENCE, along and with the east right-of-way lines of said Buffalo Speedway the following courses and distances:

H.C.I.D. NO. 12
36.83 ACRES

MARCH 04, 2015
JOB NO. 1612-00

In a northerly direction, along and with the arc of said curve to the right, a distance of 794.61 feet, having a radius of 1,950.00 feet, a central angle of $23^{\circ} 20' 51''$ and a chord which bears $N 18^{\circ} 19' 34'' E$, 789.12 feet to a 5/8-inch iron rod with cap stamped "Terra Surveying" found for a point of tangency;

$N 30^{\circ} 00' 00'' E$, at a distance of 302.26 feet passing a 5/8-inch iron rod with cap stamped "Terra Surveying" found for the northwest terminus of said Grand Fountains Drive, continuing for a total distance of 379.34 feet to a 5/8-inch iron rod with cap stamped "Terra Surveying" found for the beginning of a tangent curve to the left;


In a northeasterly direction, along and with the arc of said curve to the left, a distance of 153.89 feet, having a radius of 2,050.00 feet, a central angle of $04^{\circ} 18' 04''$ and a chord which bears $N 27^{\circ} 50' 58'' E$, 153.86 feet to the **POINT OF BEGINNING** and containing 36.83 acres of land.

Bearing orientation is based on the Texas Coordinate System, South Central Zone 4204, NAD-83 and is referenced to monuments found along the east right-of-way line of Buffalo Speedway and the south line of BUFFALO POINTE RESERVE as cited herein.

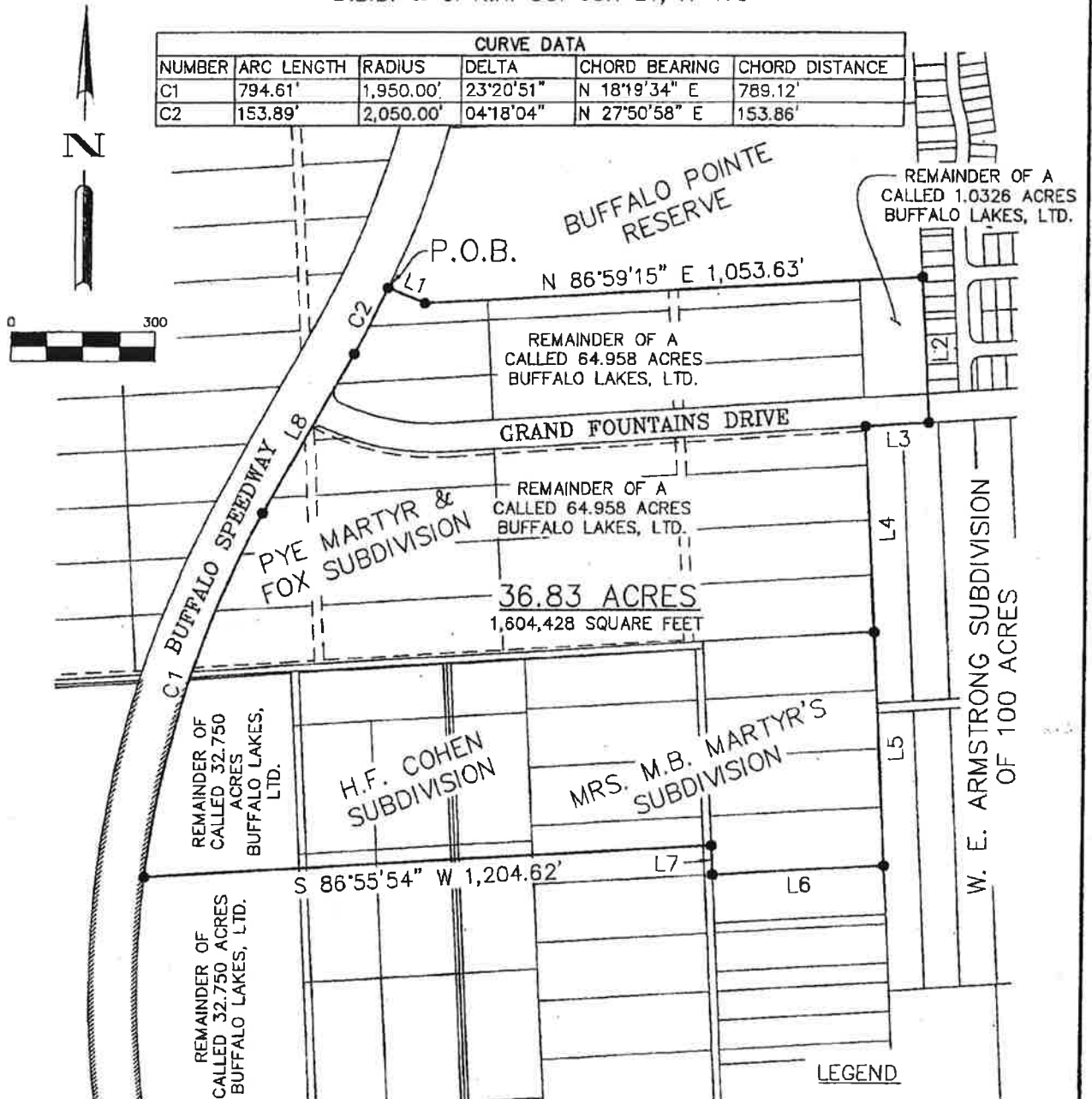
The above description is not to be used as fee conveyance.

RP-2017-256902




Paul A. Jurica Jr. RPLS No. 4264
Brown & Gay Engineers, Inc.
10777 Westheimer Road, Suite 400
Houston, Texas 77042
Telephone: (281) 558-8700
TBPLS Licensed Surveying Firm No. 10106500

B.B.B. & C. R.R. CO. SURVEY, A-179



CURVE DATA					
NUMBER	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	794.61'	1,950.00'	23°20'51"	N 18°19'34" E	789.12'
C2	153.89'	2,050.00'	04°18'04"	N 27°50'58" E	153.86'

LINE DATA		
NUMBER	BEARING	DISTANCE
L1	S 67°02'44" E	82.31'
L2	S 03°00'45" E	300.80'
L3	S 86°31'09" W	132.01'
L4	S 02°49'56" E	425.22'
L5	S 02°56'01" E	481.43'
L6	S 86°55'54" W	361.56'
L7	N 02°55'01" W	60.07'
L8	N 30°00'00" E	379.34'

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NOTE: THIS EXHIBIT IS FOR GRAPHICAL PURPOSES ONLY IN RELATION TO THE PROPOSED BOUNDARIES SHOWN HEREON AND IS NOT A BOUNDARY SURVEY NOR SHALL IT BE CONSTRUED IN ANY WAY AS A BOUNDARY SURVEY.

BGE Brown & Gay Engineers, Inc.
 10777 Westheimer, Suite 400, Houston, TX 77042
 Tel: 281-558-8700 • www.browngay.com
 TBPLS Licensed Surveying Firm No. 10106500

EXHIBIT OF A
 36.83 ACRE TRACT OF LAND
 SITUATED IN THE
 B.B.B. & C. R.R. CO. SURVEY
 ABSTRACT NO. 179
 HARRIS COUNTY, TEXAS

Scale: 1"=300'	Job No.: 1612-00	Date: 03/2015	Drawing: 1 of 1
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EXHIBIT "B"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
AFFIDAVIT OF COMPLETION

VCP No. 03-14001

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

I, Joel R. Scott, representing Buffalo Lakes, Ltd., have completed the necessary response actions, pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at the approximately 36.83 acre tract of land described in Exhibit "A" (Site) of this certificate pertaining to Voluntary Cleanup Program (VCP) No. 03-14001 located in Houston, Harris County, Texas. The applicant has submitted and received approval from the Railroad Commission of Texas (RRC) on all plans and reports required by the Voluntary Cleanup Agreement. The plans and reports were prepared using a prudent degree of inquiry of the Site consistent with accepted industry standards to identify all contaminants, waste and contaminated media of regulatory concern. The response actions for the site have achieved response action levels as determined by the standards of the RRC and remain protective as long as the following controls are maintained:

1. Use of the groundwater beneath the Affected Property from the surface to 100 feet below the ground surface shall not be allowed except for monitoring purposes.
2. Penetration or excavation of the impacted soil and/or groundwater zones for any purpose shall only be conducted in such a manner as to prevent the migration or release of contaminants to any other zone or media and to prevent uncontrolled exposure to human and ecological receptors.
3. These restrictions shall be a Covenant running with the land.

These restrictions were filed in the Harris County Clerk's office on June 9, 2017, Document RP-2017-256902 (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. 03-14001.

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

Applicant

By: Joel R. Scott

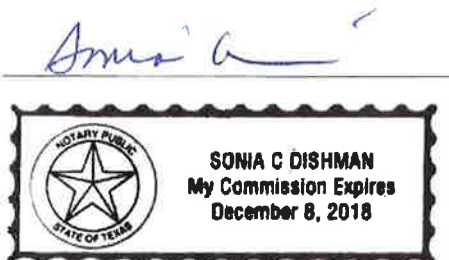
Print Name: Joel R. Scott, Manager

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, personally appeared JOEL R. SCOTT, 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 15th day of August, 2017.

Notary Public in and for the State of TEXAS



Attachment 1
ENVIRONMENTAL RESTRICTIVE COVENANT
VCP. No. 03-14001
Institutional Control
No. RP-2017-256902

RP-2017-256902

Soil: Historic Maximum Concentration [in milligrams per kilogram (mg/Kg)]	
COC	Concentration
TPH C ₆ -C ₁₂ carbon range	123
TPH C ₁₂ -C ₂₈ carbon range	2,330
TPH C ₂₈ -C ₃₅ carbon range	637
Arsenic	16.1
Barium	3,270
Lead	421
Mercury	0.0656
Silver	0.80
Chloride	7,590

The investigation, assessment, remediation, and analytical data on the **Affected Property** are contained in the following reports prepared by Terracon, copies of which are located at the offices of Buffalo Lakes, Ltd., C/O TerraMark Ventures, 750 Bering, Suite 130, Houston, Texas 77057:

- i. Phase I Environmental Site Assessment Report dated September 24, 2001
- ii. Phase I Environmental Site Assessment Supplemental Report dated May 14, 2002
- iii. Supplemental Site Investigation Report dated September 03, 2013
- iv. Supplemental Site Investigation Report dated February 12, 2014
- v. Supplemental Site Investigation Report dated November 19, 2014
- vi. Groundwater Monitoring and Soil Excavation Activities Report dated January 10, 2010
- vii. Phase I Environmental Site Assessment Report dated February 1, 2013
- viii. Phase I Environmental Site Assessment Report dated May 18, 2012

Copies of these reports are also available at the Commission's Austin Office, located at 1701 N. Congress Avenue, Austin, Texas, filed under VCP 03-14001.

The response action has been approved by the Commission based on the presumption that *the groundwater beneath the Affected Property will not be used for any purpose, except monitoring. The Commission has determined that the Affected Property currently meets acceptable recognized standards for residential land use. Based on information contained in the reports identified above, and under the concurrence of the Railroad Commission of Texas, the chemicals of concern in soil on, under and within the Affected Property pose no significant present or future risk to humans or the environment based on residential use.* With the filing of this document, the Commission does not require any further remediation of the **Affected Property** as long as groundwater beneath the **Affected Property** is not used.

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).

RP-2017-256902

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 property in any manner inconsistent with this restriction. If any person desires to use the groundwater beneath the **Affected Property**, the Commission must be notified at least 60 days in advance of such use. Additional response action may be necessary if a change in land use or in the size of the assumed exposure area is contemplated. The additional response action must be approved by the Commission and completed prior to commencement of the new use of the **Affected Property**.

In consideration of the response action leading to final approved remediation of the **Affected Property**, the Owner of the **Affected Property** have agreed to place the following restrictions on the **Affected Property** in favor of the Commission and the State of Texas. Now therefore, in consideration of these premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following restrictive covenants in favor of the Commission and the State of Texas are placed on the **Affected Property** described in Exhibit "A", to-wit:

1. Use of the groundwater beneath the **Affected Property** from the surface to 100 feet below the ground surface shall not be allowed except for monitoring purposes.
2. Penetration or excavation of the impacted groundwater zones for any purpose shall only be conducted in such a manner as to prevent the migration or release of contaminants to any other zone or media and to prevent uncontrolled exposure to human and ecological receptors.
3. These restrictions shall be a covenant running with the land.

For additional information, contact:

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

Railroad Commission of Texas Voluntary Cleanup Program No.: VCP 03-14001.

As of the date of this Restrictive Covenant, the record owner of fee title to the **Affected Property** is Buffalo Lakes, Ltd., which has an address of: C/O TerraMark Ventures, 750 Bering, Suite 130, Houston, Texas 77057.

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.

[REMAINDER OF PAGE BLANK
SIGNATURES AND EXHIBITS FOLLOW]

Executed this 30th day of September, 2016.

BUFFALO LAKES, LTD.
A Texas limited partnership

Signature: Joel R. Scott

Printed Name: Joel R. Scott

Title: Manager

STATE OF TEXAS
HARRIS COUNTY

BEFORE ME, on this 30th day of September, 2016 personally appeared Joel R. Scott, Manager, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledge to me that they executed the same for the purposes and in the capacity herein expressed.

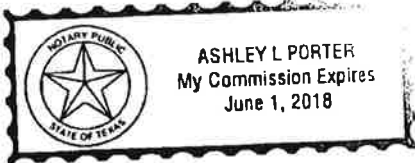
GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature Ashley Porter

Notary Public in and for the State of Texas

County of Harris

My Commission Expires: 06/01/2018



RP-2017-256902

Accepted as Third Party Beneficiary this 18th day of January, ~~2016~~ 2017.

Railroad Commission of Texas

Signature: Natalie Dubiel

Printed Name: Natalie Dubiel

Title: Staff Attorney

STATE OF TEXAS

TRAVIS ~~HARRIS~~ COUNTY

BEFORE ME, on this 18th day of January, 2017 personally appeared Natalie Dubiel, Attorney, on behalf of the Site Remediation Section of the Oil and Gas Division of the Railroad Commission of Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

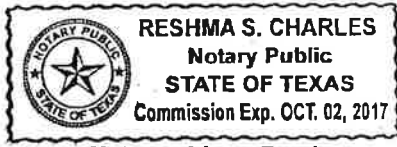
GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature [Handwritten Signature]

Notary Public in and for the State of Texas

County of Travis

My Commission Expires: October 2, 2017



Notary without Bond

RP-2017-256902

EXHIBIT "A"

Description of Affected Property

RP-2017-256902

H.C.I.D. NO. 12
36.83 ACRES

MARCH 04, 2015
JOB NO. 1612-00

DESCRIPTION OF A 36.83 ACRE TRACT OF LAND SITUATED IN THE
B.B.B. & C. R.R. CO. SURVEY, ABSTRACT NO. 179
HARRIS COUNTY, TEXAS

BEING a 36.83 acre (1,604,428 square foot) tract of land situated in the B.B.B. & C. R.R. Co. Survey, Abstract No. 179 of Harris County, Texas and being a portion of a called 64.958 acre tract of land as described in an instrument to Buffalo Lakes, Ltd. recorded under Harris County Clerk's File (H.C.C.F.) No. W130111, a portion of a called 1.0326 acre tract of land as described in an instrument to Buffalo Lakes, Ltd. recorded under H.C.C.F. No. W119373, a portion of a called 32.750 acre tract of land as described in an instrument to Buffalo Lakes, Ltd. recorded under H.C.C.F. No. W888896, all of a called 3.998 acre tract of land and a called 3.381 acre tract of land, both as described in an instrument to Buffalo Lakes, Ltd. recorded under H.C.C.F. No. 20070364089, all of a tract of land described as Lot 18 in an instrument to Buffalo Lakes, Ltd. recorded under H.C.C.F. No. 20090097271, a portion of a tract of land described as Lots 7, 12 and 13 in an instrument to Buffalo Lakes, Ltd. recorded under H.C.C.F. No. Y686832, a portion of a tract of land described as Lots 14, 16, 17, 19, 20 and 1/2 interest of Lot 15 in an instrument to Buffalo Lakes, Ltd. recorded under H.C.C.F. No. 20060065698, a portion of a tract of land described as 1/2 interest of Lot 15 in an instrument to Buffalo Lakes, Ltd. recorded under H.C.C.F. No. 20070053390, a portion of PYE MARTYR & FOX SUBDIVISION, a subdivision per plat recorded under Volume 1, Page 120 of the Harris County Map Records (H.C.M.R.), a portion of MRS. M.B. MARTYR'S SUBDIVISION, a subdivision per plat recorded under Volume 1, Page 112 of the H.C.M.R., a portion of H.F. COHEN SUBDIVISION, a subdivision per plat recorded under Volume 414, Page 560 of the H.C.D.R. and all of Grand Fountains Drive (60 feet wide) as shown on the plats recorded under Film Code Nos. 666153 and 613118 of the H.C.M.R., said 36.83 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron pipe with cap stamped "Brown & Gay" found for the northwest corner of the herein described tract, same being the most westerly southwest corner of BUFFALO POINTE RESERVE, a subdivision per plat recorded under Film Code No. 662077 of the H.C.M.R., lying on the east right-of-way line of Buffalo Speedway (100 feet wide) as shown on the plat recorded under Film Code No. 613118 of the H.C.M.R.

THENCE, S 67° 02' 44" E, a distance of 82.31 feet along and with the south line of said BUFFALO POINTE RESERVE to a 1/2-inch iron pipe with cap stamped "Brown & Gay" found for the most southerly southwest corner of said BUFFALO POINTE RESERVE;

THENCE, N 86° 59' 15" E, a distance of 1,053.63 feet continuing along and with the south line of said BUFFALO POINTE RESERVE to a 1/2-inch iron pipe with cap stamped "Brown & Gay" found for the northeast corner of the herein described tract, same being the southeast corner of said BUFFALO POINTE RESERVE, lying on the west line of BEDFORD FALLS AMENDING PLAT NO. 1, a subdivision per plat recorded under Film Code No. 561066 of the H.C.M.R., same being the east line of said 1.0326 acre tract;

H.C.I.D. NO. 12
36.83 ACRES

MARCH 04, 2015
JOB NO. 1612-00

THENCE, S 03° 00' 45" E, a distance of 300.80 feet along and with the west line of said BEDFORD FALLS AMENDING PLAT NO. 1 and the east line of said 1.0326 acre tract, same partly being the east terminus line of said Grand Fountains Drive to a 1/2-inch iron pipe with cap stamped "Brown & Gay" found for the southwest corner of said BEDFORD FALLS AMENDING PLAT NO. 1, same being the southeast terminus of said Grand Fountains Drive, lying on the north line of W. E. ARMSTRONG SUBDIVISION OF 100 ACRES, a subdivision per plat recorded under Volume 173, Page 402 of the H.C.D.R.;

THENCE, S 86° 31' 09" W, a distance of 132.01 feet along and with the south right-of-way line of said Grand Fountains Drive, same being the north line of said W. E. ARMSTRONG SUBDIVISION OF 100 ACRES to a 1/2-inch iron pipe with cap stamped "Brown & Gay" set for the northwest corner of said W. E. ARMSTRONG SUBDIVISION OF 100 ACRES, lying on the common east line of said 64.958 acre tract and said PYE MARTYR & FOX SUBDIVISION;

THENCE, S 02° 48' 43" E, a distance of 425.22 feet along and with the common east line of said 64.958 acre tract and said PYE MARTYR & FOX SUBDIVISION, same being the west line of said W. E. ARMSTRONG SUBDIVISION OF 100 ACRES to a 1/2-inch iron pipe with cap stamped "Brown & Gay" found for the common southeast corner of said 64.958 acre tract and said PYE MARTYR & FOX SUBDIVISION, same being the common northeast corner of said 3.998 acre tract and said MRS. M.B. MARTYR'S SUBDIVISION;

THENCE, S 02° 55' 01" E, a distance of 480.60 feet continuing along and with the west line of said W. E. ARMSTRONG SUBDIVISION OF 100 ACRES, same being the common east line of said 3.998 acre tract and said MRS. M.B. MARTYR'S SUBDIVISION to a 5/8-inch iron rod with cap stamped "Terra Surveying" found for the common southeast corner of the herein described tract and said 3.998 acre tract, same being the northeast corner of a tract of land described as the north 5/6 of Lot 19 in an instrument to Peg Investments, Inc. recorded under H.C.C.F. No. 20110127234;

THENCE, S 86° 55' 54" W, a distance of 361.56 feet along and with the south line of said 3.998 acre tract, same being the north line of said Peg Investments, Inc. tract to a 1/2-inch iron pipe with cap stamped "Brown & Gay" set for the southwest corner of said 3.998 acre tract, lying on the east right-of-way line of a 16-foot wide road as shown on said MRS. M.B. MARTYR'S SUBDIVISION;

THENCE, N 02° 55' 01" W, a distance of 60.07 feet along and with the west line of said 3.998 acre tract, same being the east right-of-way line of said 16-foot wide road to a 1/2-inch iron pipe with cap stamped "Brown & Gay" found for corner;

THENCE, S 86° 55' 54" W, a distance of 1,204.62 feet over and across said 16-foot wide road, said Lots 7, 12 and 13 tract, said Lots 14, 16, 17, 19, 20 and 1/2 interest of Lot 15 tract, said 1/2 interest of Lot 15 tract and said 32.750 acre tract, and partly along and with the south line of said 3.381 acre tract to a 1/2-inch iron pipe with cap stamped "Brown & Gay" set for the southwest corner of the herein described tract, lying on the east right-of-way line of said Buffalo Speedway, said corner being the beginning of a non-tangent curve to the right from which its center bears S 83° 20' 51" E, 1,950.00 feet;

THENCE, along and with the east right-of-way lines of said Buffalo Speedway the following courses and distances:

H.C.I.D. NO. 12
36.83 ACRES

MARCH 04, 2015
JOB NO. 1612-00

In a northerly direction, along and with the arc of said curve to the right, a distance of 794.61 feet, having a radius of 1,950.00 feet, a central angle of $23^{\circ} 20' 51''$ and a chord which bears $N 18^{\circ} 19' 34'' E$, 789.12 feet to a 5/8-inch iron rod with cap stamped "Terra Surveying" found for a point of tangency;

$N 30^{\circ} 00' 00'' E$, at a distance of 302.26 feet passing a 5/8-inch iron rod with cap stamped "Terra Surveying" found for the northwest terminus of said Grand Fountains Drive, continuing for a total distance of 379.34 feet to a 5/8-inch iron rod with cap stamped "Terra Surveying" found for the beginning of a tangent curve to the left;


In a northeasterly direction, along and with the arc of said curve to the left, a distance of 153.89 feet, having a radius of 2,050.00 feet, a central angle of $04^{\circ} 18' 04''$ and a chord which bears $N 27^{\circ} 50' 58'' E$, 153.86 feet to the **POINT OF BEGINNING** and containing 36.83 acres of land.

Bearing orientation is based on the Texas Coordinate System, South Central Zone 4204, NAD-83 and is referenced to monuments found along the east right-of-way line of Buffalo Speedway and the south line of BUFFALO POINTE RESERVE as cited herein.

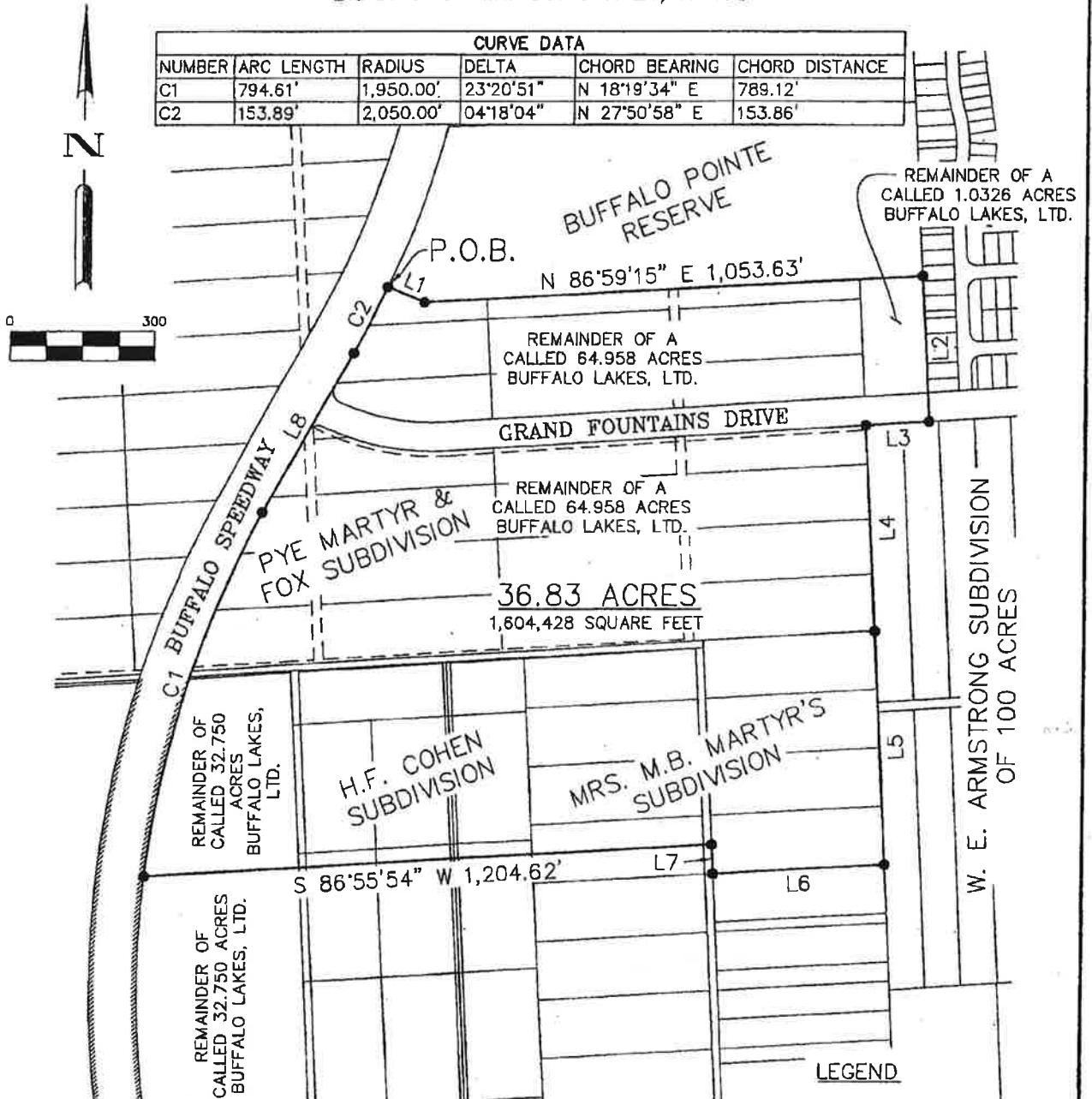
The above description is not to be used as fee conveyance.

RP-2017-256902

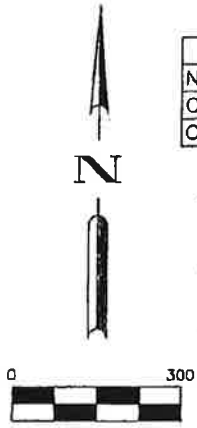



Paul A. Jurica Jr. RPLS No. 4264
Brown & Gay Engineers, Inc.
10777 Westheimer Road, Suite 400
Houston, Texas 77042
Telephone: (281) 558-8700
TBPLS Licensed Surveying Firm No. 10106500

B.B.B. & C. R.R. CO. SURVEY, A-179



CURVE DATA					
NUMBER	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	794.61'	1,950.00'	23°20'51"	N 18°19'34" E	789.12'
C2	153.89'	2,050.00'	04°18'04"	N 27°50'58" E	153.86'



LINE DATA		
NUMBER	BEARING	DISTANCE
L1	S 67°02'44" E	82.31'
L2	S 03°00'45" E	300.80'
L3	S 86°31'09" W	132.01'
L4	S 02°49'56" E	425.22'
L5	S 02°56'01" E	481.43'
L6	S 86°55'54" W	361.56'
L7	N 02°55'01" W	60.07'
L8	N 30°00'00" E	379.34'

NO. P.O.B. NUMBER POINT OF BEGINNING

NOTE: THIS EXHIBIT IS FOR GRAPHICAL PURPOSES ONLY IN RELATION TO THE PROPOSED BOUNDARIES SHOWN HEREON AND IS NOT A BOUNDARY SURVEY NOR SHALL IT BE CONSTRUED IN ANY WAY AS A BOUNDARY SURVEY.

BGE Brown & Gay Engineers, Inc.
 10777 Westheimer, Suite 400, Houston, TX 77042
 Tel: 281-558-8700 • www.browngay.com
 TBPLS Licensed Surveying Firm No. 10106500

**EXHIBIT OF A
 36.83 ACRE TRACT OF LAND
 SITUATED IN THE
 B.B.B. & C. R.R. CO. SURVEY
 ABSTRACT NO. 179
 HARRIS COUNTY, TEXAS**

Scale: 1" = 300'	Job No.: 1612-00	Date: 03/2015	Drawing: 1 of 1
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RP-2017-256902

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Pages 11
06/09/2017 11:30 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees \$52.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

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.



Stan Stanart

COUNTY CLERK
HARRIS COUNTY, TEXAS