



RAILROAD COMMISSION OF TEXAS

OIL AND GAS DIVISION

VOLUNTARY CLEANUP PROGRAM FINAL CERTIFICATE OF COMPLETION RELYING ON INSTITUTIONAL CONTROLS

As provided for Chapter 91, Subchapter 0, Texas Natural Resource Code.

I, WILLIAM B. MIERTSCHIN, 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. 03-30008 AS OF 12 January 2007 FOR THE TRACT OF LAND DESCRIBED IN EXHIBIT "A", BASED ON THE AFFIDAVIT OF COMPLETION OF RESPONSE ACTION AND INSTITUTIONAL CONTROLS, EXHIBIT "B" AND WHICH ARE FURTHER DESCRIBED IN THE APPROVED FINAL REPORT FOR THE SITE. APPLICANTS WHO WERE NOT RESPONSIBLE PARTIES UNDER SECTION 91.113 ON THE DATE OF ISSUANCE OF THIS CERTIFICATE ARE QUALIFIED TO OBTAIN THE PROTECTION FROM LIABILITY PROVIDED BY CHAPTER 91, SUBCHAPTER 0, TEXAS NATURAL RESOURCE CODE.

EXECUTED this 12th day of January 2007.

Handwritten signature of William B. Miertschin in black ink.

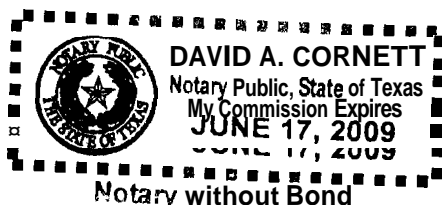
*William B. Miertschin, Assistant Director
Remediation Division*

STATE OF TEXAS

COUNTY OF TRAVIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, *this the 12th day of January 2007.*

Handwritten signature of David A. Cornett in black ink.

Notary Public in and for the State of Texas

EXHIBIT "A"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
LEGAL DESCRIPTION 2.7035 Acres

VCP No. 03-30008

EXHIBIT A

DESCRIPTION
2.7035 ACRES
W.T. CHARLES SURVEY, ABSTRACT 218
HARRIS COUNTY, TEXAS

2.7035 acres (117,765 square feet) of land situated in the W.T. Charles Survey, Abstract 218, Harris County, Texas, being a portion of that certain 10 acre tract (called tract one) and that certain 10 acre tract (called tract two) as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File Number N336963, said 2.7035 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with cap set at the southerly end of a cutback line between the northwesterly right-of-way line of Atascocita Road (based on a width of 80.00 feet) and the southwesterly right-of-way line of Will Clayton Parkway (based on a width of 100.00 feet) as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File Number P455676;

Thence, S 58°22'38" W, with the northwesterly right-of-way line of Atascocita Road as described in deed and recorded in Volume 2976, Page 485 of the Deed Records of Harris County, Texas, a distance of 461.52 feet to a 5/8 inch iron rod with cap set in the easterly line of the Robert Dunman Survey, Abstract 223, being the westerly line of the W.T. Charles Survey, from which a 1 inch iron pipe found for the southeasterly corner of the Robert Dunman Survey, bears S 00°00'05" W, a distance of 473.18 feet;

Thence, N 00°00'05" E, with the easterly line of said Robert Dunman Survey, being the westerly line of said W.T. Charles Survey, a distance of 544.89 feet to a point in the southwesterly right-of-way line of Will Clayton Parkway, being in a curve to the right, from which a found 5/8 inch iron rod bears N 23' 1" W, a distance of 2.36 feet;

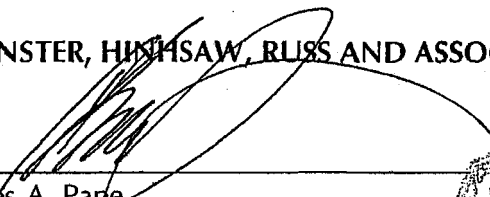
Thence in a southeasterly direction with the southwesterly right-of-way line of Will Clayton Parkway, as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File Number F327873, along said curve to the right, having a central angle of 15°03'32", a radius of 1516.22 feet, an arc length of 398.50 feet and having a chord bearing of S 56°05'55" E, a distance of 397.36 feet to a 5/8 inch iron rod with cap set for the point of tangency, from which a found 5/8 inch iron rod (bent) bears N 03' 8" W, a distance of 2.15 feet;

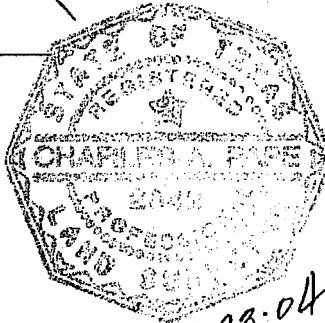
Thence, S 48°34'09" E, with the southwesterly right-of-way line of Will Clayton Parkway, a distance of 86.97 feet to a 5/8 inch iron rod with cap set for the northerly end of said cutback line;

Thence, S 04°54'14" W, with said cutback line, a distance of 23.81 feet to the POINT OF BEGINNING and containing 2.7035 acres (117,765 square feet) of land.

BEARING ORIENTATION IS BASED ON THE DESCRIPTIONS CONTAINED IN DEEDS TO JAMES H. WILKERSON AS RECORDED IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS UNDER COUNTY CLERK'S FILE NUMBER H970960 AND L830752.

EDMINSTER, HINSHAW, RUSSELL AND ASSOCIATES, INC.

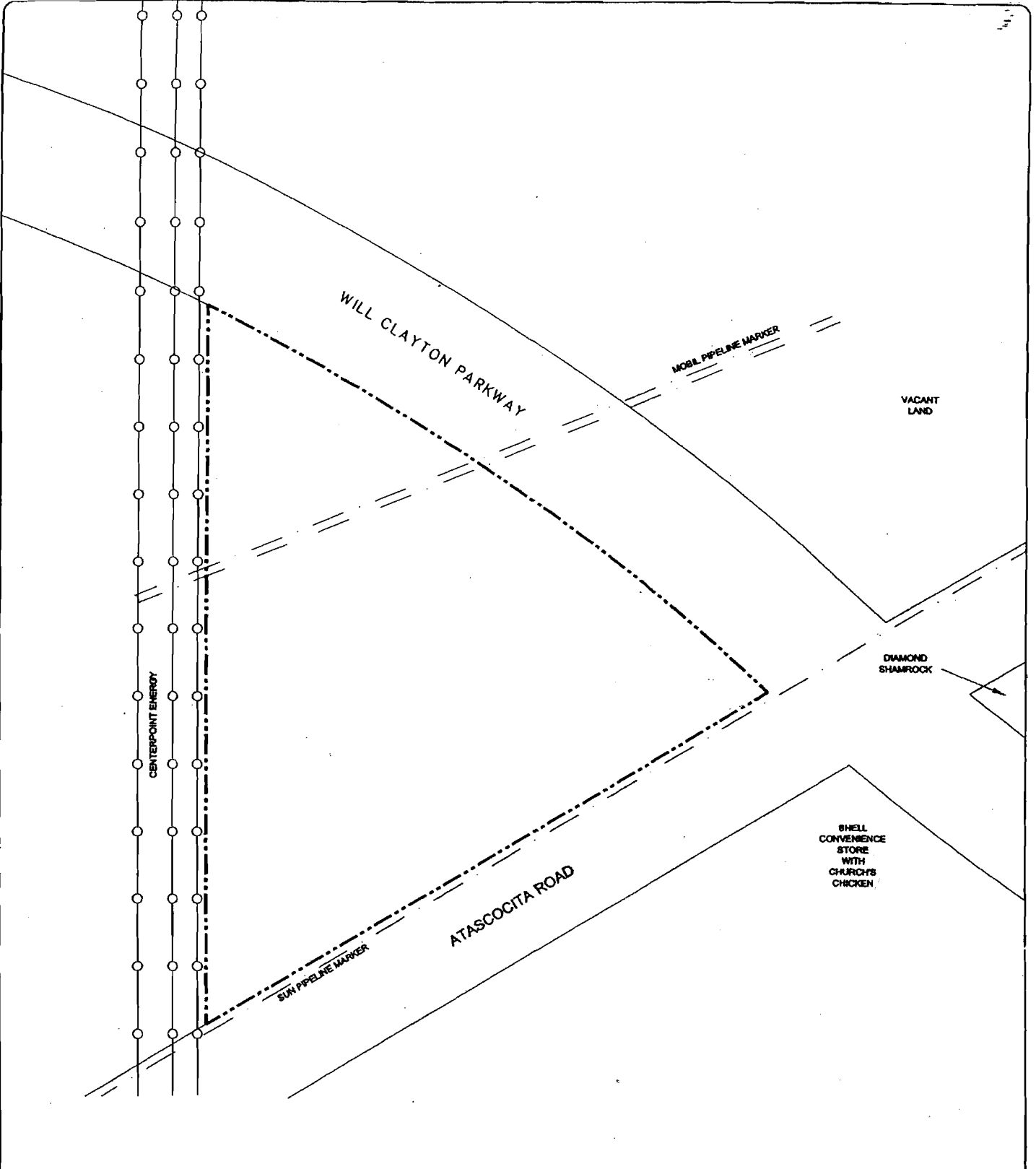

Charles A. Pipe
Registered Professional Land Surveyor
Texas Registration Number: 2042
10555 Westoffice Drive
Houston, Texas 77042
713-977-2575



9.23.04

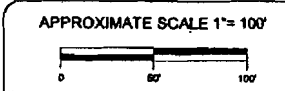
Date: September 3, 2004
Job No: 021-562-01
Dwg.No: 2425 E
File No: R:\2002\021-562-01\documents\technical\Legal Description\2.7035ac Updated.doc
Updated: September 23, 2004

EXHIBIT A



N:\ENV\2005\Projects\92027578.a\bb\del\92027578E_01_12.dwg

LEGEND	
	SITE BOUNDARY



2.7 ACRE TRACT (DUNWOODY)
WILL CLAYTON PARKWAY & ATASCOCITA ROAD
HUMBLE, TEXAS

Prepared By:	REF/REW
Checked By:	LG
Approved By:	
Date:	4-29-05



Figure 1-2
 Site Map
 HBC/Terracon No: 92027578E

EXHIBIT B

Legal Description and Map of the Affected Property

EXHIBIT B

METES AND BOUNDS DESCRIPTION
GROUNDWATER PLUME
3,872 SQUARE FEET IN
RESERVE "A", ATASCOCITA CLAYTON PLAZA
HARRIS COUNTY, TEXAS

3,872 SQUARE FEET OF LAND SITUATED IN RESTRICTED RESERVE 'A', ATASCOCITA CLAYTON PLAZA, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER FILM CODE NO. 581144, MAP RECORDS, HARRIS COUNN, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS AND COORDINATES BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):

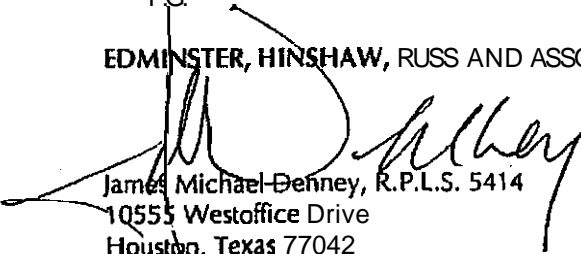
BEGINNING at a 516-inch iron rod with plastic cap stamped "E.H.R.A. 713-784-4500" set for the most southerly east corner of said Reserve "A" being the southerly cut-back corner of the intersection of the westerly right-of-way line of Will Clayton Parkway and the northerly right-of-way line of Atascocita Road;

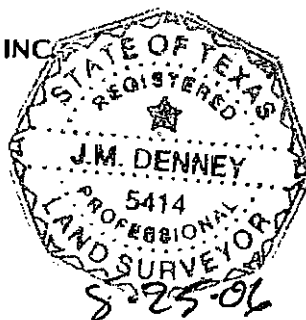
- (1) THENCE South $56^{\circ}07'22''$ West, along the southerly line of said Reserve "A", a distance of 47.00 feet;
- (2) THENCE North $21^{\circ}54'54''$ West a distance of 45.00 feet to a point;
- (3) THENCE Northerly on a non-tangent curve to the right having a radius of 107.73 feet, a central angle of $35^{\circ}02'58''$, an arc length of 65.90 feet, and a chord bearing and distance of N $07^{\circ}52'54''$ E, 64.88 feet to a point on the northeasterly line of said Reserve "A";
- (4) THENCE Southeasterly, along said northeasterly line, on a non-tangent curve to the right having a radius of 1516.33 feet, a central angle of $00^{\circ}23'45''$, an arc length of 10.48 feet, and a chord bearing and distance of S $51^{\circ}01'32''$ E, 10.48 feet to a 518-inch iron rod found for a point of tangency;
- (5) THENCE South $50^{\circ}49'40''$ East, continuing along said northeasterly line, a distance of 74.52 feet to a 5/8-inch iron rod with plastic cap stamped "E.H.R.A. 713-784-4500" set for the most northerly east corner of said Reserve "A";
- (6) THENCE South $02^{\circ}38'58''$ West, along the east line of said Reserve "A", a distance of 26.18 feet to the POINT OF BEGINNING and containing 3,872 square feet of land.

Notes:

- 1) This description accompanies drawing titled "Monitoring Wells and Groundwater Plume", prepared by Edminster, Hinshaw, Russ and Associates, Inc. and dated 24 May 2006.
- 2) Size and location of groundwater plume determined and provided by Terracon, Lee Garrett, PG.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC.


James Michael Denney, R.P.L.S. 5414
10555 Westoffice Drive
Houston, Texas 77042
713-784-4500

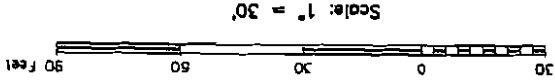


Dale: 5/24/06 JMD
Job No: 021-562-01
File No: R:\2002\021-562-01\docs\technical\Description\Groundwater Plume 3872sf.doc

EXHIBIT B

Curve Table

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	107.73	35.02°58'	65.80	N 07°52'54" W	84.88
C2	1516.22	00°23'45"	10.48	S 31°01'32" E	10.48



General Notes

1. BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, U.S. SURVEY FEET.
2. SIZE AND LOCATION OF GROUNDWATER PLUME PROVIDED BY TERRACON, LEE GARRETT, P.C.

Coordinate Chart

CORNER	NORTHING	EASTING	NORTHING	EASTING
A	13 922 988.07	3 165 706.53	13 923 014.22	3 165 707.74
B	13 923 061.28	3 165 649.97	13 923 980.5	3 165 702.8
C	13 922 964.4	3 165 641.2	13 923 008.3	3 165 688.0
4	13 923 040.3	3 165 626.8	13 922 964.4	3 165 641.2



Edmister • Hinshaw • Russ
 10855 North Loop West, Suite 770, Houston, Texas 77042
 Phone: 713 784 4577 Fax: 713 784 4580
 Email: edmister@ehrs.com hinshaw@ehrs.com russ@ehrs.com

MONITORING WELLS AND GROUNDWATER PLUME
 RESERVE "A"
 ATASCOCITA PLAZA
 HARRIS COUNTY, TEXAS

DATE: 24 MAY 08 SCALE: 1" = 30'
 JOB NO: 0215-587-01
 CAD FILE NO: 02150201-ENVRD
 DRAWING NO.: NONE

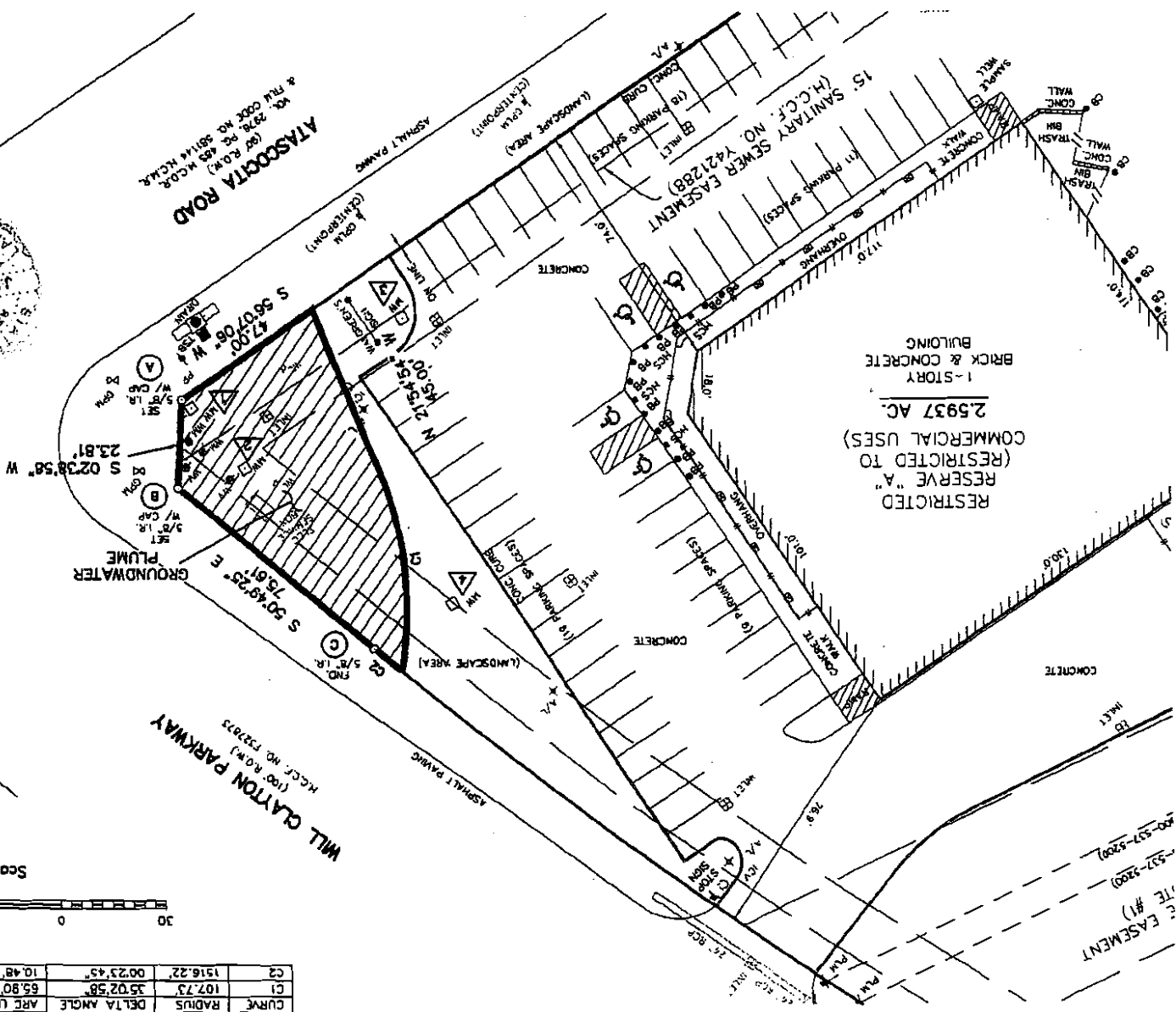


EXHIBIT "B"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
AFFIDAVIT OF COMPLETION OF RESPONSE ACTION
AND INSTITUTIONAL CONTROLS

I, David Dunwoody, have completed response actions necessary, pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at a 2.7 acre tract of land described in Exhibit "A" (Site) of this certificate pertaining to VCP No. 03-30008 located in Humble, Harris County, Texas. At the time of the application the applicant owned the 2.7 acre parcel. The Applicant has submitted and received approval from the Railroad Commission of Texas Voluntary Cleanup Program 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 institutional controls are maintained:

- 1 The use of the affected property shall not be allowed for residential purposes.
- 2 The use of groundwater beneath the Affected Property shall not be allowed except for monitoring purposes.
- 3 These restrictions were filed in the Harris County Clerk's office on January 4, 2007, Document 20070010040 (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 under VCP No. 03-30008.

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

Applicant

By: 

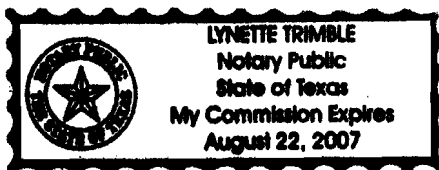
Print Name: DAVID M. DUNWOODY

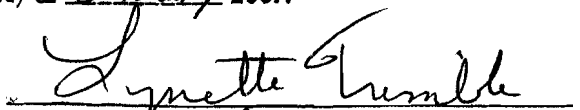
STATE OF Texas
COUNTY OF Harris

BEFORE ME, personally appeared David M. Dunwoody,
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 5th day of January 2007.

DunwoodyCOC
1/4/2007




Notary Public

20070010040
01/04/2007 RF3 \$64.00

RECEIVED RRC
SITE REMEDIATION
DEC 27 2006
OIL & GAS DIVISION
AUSTIN, TEXAS

13
Restr
w

**RAILROAD COMMISSION OF TEXAS
RESTRICTIVE COVENANT**

**STATE OF TEXAS
COUNTY OF HARRIS**

This Restrictive Covenant is filed pursuant to the authority of the Railroad Commission of Texas ("Commission") to control and clean up pollution caused by activities over which the Commission exercises jurisdiction in accordance with Section 91.113 of the Texas Natural Resources Code, and affects the real property ("Property") described as follows:

Ainbinder Atascocita L.P. is the current owner of the Propel-ty and premises, and appurtenances thereto, located in Harris County, Texas, consisting of 2.7035 acres of land situated in the W.T. Charles Survey, Abstract 218, Harris County, Texas, being a portion of that certain 10-acre tract (called "Tract One") and that certain 10-acre tract (called "Tract Two") as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File Number N336963, as more fully described by metes and bounds on **Exhibit A**, which exhibit is attached hereto and incorporated herein.

ker

Groundwater on a portion of the Property is affected by certain identified chemicals of concern. This portion, considered to be "Affected Property," is presented on **Exhibit B**, and can be described as follows:

3,872 Square feet of land situated in restricted Reserve "A," Atascocita Clayton Plaza, According to the map or plat thereof recorded under film code No. 581144, Map Records, Harris County, Texas, as more fully described by metes and bounds on **Exhibit B**, which exhibit is attached hereto and incorporated herein.

This Restrictive Covenant is required for the following reasons:

The Property is used for retail commercial purposes. In the past, the Property was part of an oil and gas exploration and production field operated by one or more oil and gas operators, including Humble Oil and Refining Company, from the mid-1930s to the early 1980s, and wherein chemicals of concern attributable to the operation of the oil and gas field impacted the groundwater in the Southeast area of the site where a fonner tank battery was located and an environmental investigation and response action overseen by the Commission was required. HBC/Terracon performed the response action to characterize and monitor the chemicals of concern. The response action was performed in such a manner that the following chemical of concern at the following level was left in the groundwater: in the groundwater, benzene was found at concentrations of 0.0159 mg/l in MW-1 and 0.0363 mg/l in MW-2. The investigation, assessment, response action, and analytical data are contained in the *Annual Groundwater Monitoring Report for the 2.7 Acre Tract (Dunwoody Tract;) at Will Clayton Parkway and Atascocita Road in Humble, Harris County, Texas*, prepared by HBC/Terracon for The Ainbinder Company and dated May 16, 2005. The results of the groundwater monitoring document that the concentrations of benzene in groundwater were stable or declining. Copies of

the report may be obtained from the Site Remediation Section at the Commission's offices in the William B. Travis Building, 1701 N. Congress, Austin, Texas 78711-2967.

The response action has been approved by the Commission based on the presumption that the Affected Property will be used exclusively for commercial/industrial purposes, and will not be put to residential use, and 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 standards for commercial/industrial use. Based on information contained in the report identified above, the chemicals of concern pose no significant present or future risk to humans or the environment based on commercial/industrial use. The Commission does not require any further remediation of the Affected Property as long as the Affected Property is not put to residential use and/or the groundwater is not used. For purposes of this Restrictive Covenant, the term "residential use" means use for dwellings such as single family homes 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, ranch and farm land, and parks (local, state, or federal). This Restrictive Covenant is necessary to assure that all present and future owners of the Affected Property are aware of its condition and do not use the Affected Property in any manner inconsistent with this restriction. If any person desires to use the Affected Property in the future for residential purposes, and/or the groundwater beneath the Affected Property, the Commission must be notified at least sixty (60) days in advance of such use. Additional response action contemplating a change in land use or in the size of the assumed exposure area may be necessary.

Ainbinder Atascocita L.P. is the owner of the Property. In consideration of the Response Action leading to final approved remediation of the Affected Property, the owner of the Property has agreed to place the following restrictions on the Property in favor of the Commission and the State of Texas. Now therefore, in consideration of these premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following restrictive covenants in favor of the Commission and the State of Texas are placed on the Property described in Exhibit "A," to-wit:

1. Use of the Affected Property shall not be allowed for residential purposes as defined in this Restrictive Covenant.
2. Use of the groundwater beneath the Affected Property shall not be allowed except for monitoring purposes.
3. Penetration or excavation for a purpose of the impacted groundwater zones should 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.
4. These restrictions shall be a covenant running with the land.

For **additional** information, contact:

Railroad Commission of Texas
Site Remediation
P.O.Box 12967
1701 N. Congress
Austin, Texas 78711-2967.

Railroad **Commission** of Texas Voluntary **Cleanup** Program No. 03-30008.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Ainbinder **Atascocita** L.P., with an address of 2415 W. Alabama, **Suite** 205, Houston, Texas 77098.

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 20th day of December, 2006.

Return Original File-Stamped Document to:

Larry Nettles
Vinson & Elkins, LLP
1001 Fannin, **STE** 2500
Houston, Texas 77902

Landowner:

AINBINDER ATASCOCITA L.P., A LIMITED PARTNERSHIP

(3)
John

By: **AINBINDER ATASCOCITA GP, L.L.C., ITS GENERAL PARTNER**

By: Michael C. Ambinder

Printed name: Michael C. Ambinder

Title: Chairman + CEO

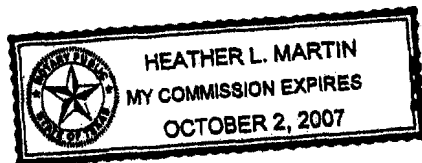
STATE OF TEXAS
HARRIS COUNTY

BEFORE ME, on this the 20th day of December, 2006 personally appeared Michael C. Ambinder, Chairman + CEO of Ambinder Atascocita G.P. 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, this the 20th day of December, 2006.

Notary Public in and for the State of Texas,
County of S

My Commission Expires: October 2, 2007



Entity Responsible for Remediation:
DAVID DUNWOODY, AN INDIVIDUAL

By: *David Dunwoody*

Printed name: DAVID M. Dunwoody

Title: _____

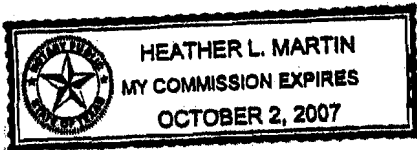
STATE OF TEXAS
HARRIS COUNTY

BEFORE ME, on this the 20th day of December, 2006 personally appeared David Dunwoody, an individual, 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, this the 20th day of December, 2006.

Notary Public in and for the State of Texas,
County of Harris

My Commission Expires: October 2, 2007



Accepted as Third Party Beneficiary this the 30th day of January, 2008

RAILROAD COMMISSION OF TEXAS

By: David W. Cooney, Jr.

Printed name: David W. Cooney, Jr.

Title: Attorney, Special Counsel Section

STATE OF TEXAS
HARRIS COUNTY

BEFORE ME, on this the 3rd day of January personally appeared David W. Cooney Jr, 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, this the 3rd day of January, 2008.

Notary Public in and for the State of Texas,
County of TRAVIS

My Commission Expires: 17 Jan 09

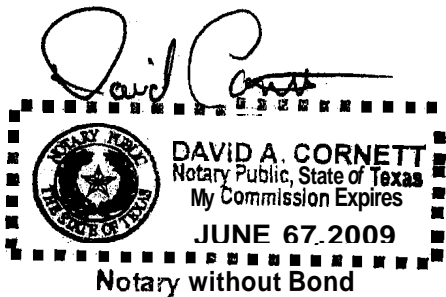


EXHIBIT A

Legal Description and Map of the Property

EXHIBIT A

DESCRIPTION
2.7035 ACRES
W.T. CHARLES SURVEY, ABSTRACT 218
HARRIS COUNTY, TEXAS

2.7035 acres (117,765 square feet) of land situated in the W.T. Charles Survey, Abstract 218, Harris County, Texas, being a portion of that certain 10 acre tract (called tract one) and that certain 10 acre tract (called tract two) as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File Number N336963, said 2.7035 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with cap set at the southerly end of a cutback line between the northwesterly right-of-way line of **Atascocita** Road (based on a width of 80.00 feet) and the **southwesterly** right-of-way line of Will Clayton Parkway (based on a width of 100.00 feet) as described in deed and recorded in **the Official** Public Records of Real Property of Harris County, Texas under County Clerk's File Number **P455676**;

Thence, **S 58°22'38" W**, with the northwesterly right-of-way line of Atascocita Road as described in deed and recorded in Volume 2976, Page 485 of the Deed Records of Harris County, Texas, a distance of 461.52 feet to a 5/8 inch iron rod **with** cap set in the easterly line of the Robert **Dunman** Survey, Abstract 223, being the westerly line of the W.T. Charles Survey, from which a 1 inch iron pipe found for the southeasterly corner of the Robert Dunman Survey, bears **S 00°00'05" W**, a distance of 473.18 feet;

Thence, **N 00°00'05" E**, with the easterly line of said Robert Dunman Survey, being the westerly line of said W.T. Charles Survey, a distance of 544.89 feet to a point in the southwesterly right-of-way line of Will Clayton Parkway, being in a curve **to** the right, from which a found 5/8 inch iron rod bears **N 23' 1" W**, a distance of 2.36 feet;

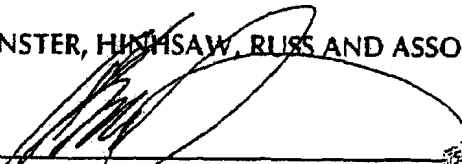
Thence in a southeasterly direction with the southwesterly right-of-way line of Will Clayton Parkway, as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File Number **F327873**, along said curve to the right, having a central angle of **15°03'32"**, a radius of 1516.22 feet, an arc length of 398.50 feet and having a chord bearing of **S 56°05'55" E**, a distance of 397.36 feet to a 5/8 inch iron rod with cap set for the point of tangency, from which a found 5/8 inch iron rod (bent) bears **N 03°18' W**, a distance of 2.15 feet;

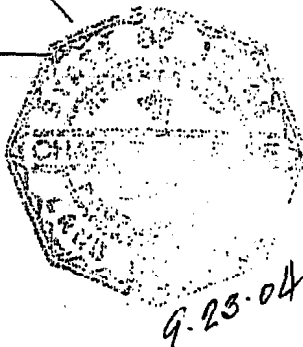
Thence, **S 48°34'09" E** with the southwesterly right-of-way line of Will Clayton Parkway, a distance of 86.97 feet to a 5/8 inch iron rod with cap set for the northerly end of said cutback line;

Thence, **S 04°54'14" W**, with said cutback line, a distance of 23.81 feet to the POINT OF BEGINNING and containing 2.7035 acres (117,765 square feet) of land.

BEARING ORIENTATION IS BASED ON THE DESCRIPTIONS CONTAINED IN DEEDS TO JAMES H. WILKERSON AS RECORDED IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS UNDER COUNTY CLERK'S FILE NUMBER H970960 AND 1830752.

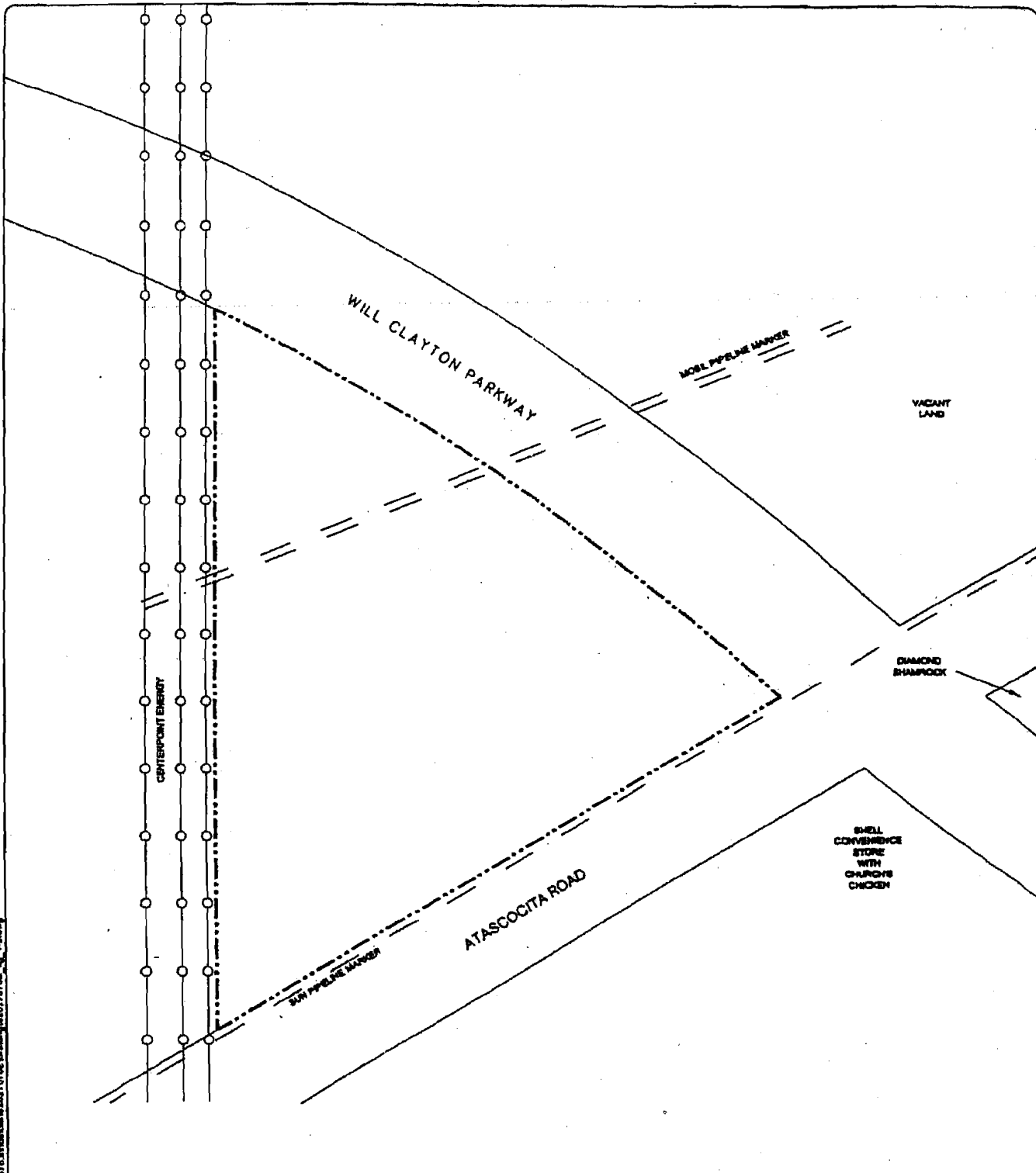
EDMINSTER, HINSAW, RUSS AND ASSOCIATES, INC.


Charles A. Page
Registered Professional Land Surveyor
Texas Registration Number: 2042
10555 Westoffice Drive
Houston, Texas 77042
713-977-2575



Date: September 3, 2004
Job No: 021-562-01
Dwg.No: 2425 E
File No: R:\2002\021-562-01\documents\technical\Legal Description\2.7035ac
Updated.doc
Updated: September 23, 2004

EXHIBIT A



N:\ENR\02077576\02077576.dwg

LEGEND	
	SITE BOUNDARY

APPROXIMATE SCALE 1" = 100'

N

2.7 ACRE TRACT (DUNWOODY)
WILL CLAYTON PARKWAY & ATASCOCITA ROAD
HUMBLE, TEXAS

Prepared By:	REP/RW
Checked By:	LS
Approved By:	
Date:	4-29-05



Figure 1-2
Site Map
HBC/Terracon No: 02077576

EXHIBIT B

Legal Description and Map of the Affected Property

EXHIBIT B

METES AND BOUNDS DESCRIPTION
GROUNDWATER PLUME
3,872 SQUARE FEET IN
RESERVE "A", ATASCOCITA CLAYTON PLAZA
HARRIS COUNTY, TEXAS

3,872 SQUARE FEET OF LAND SITUATED IN RESTRICTED RESERVE "A", ATASCOCITA CLAYTON PLAZA, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER FILM CODE NO. 581144, MAP RECORDS, HARRIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS AND COORDINATES BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):

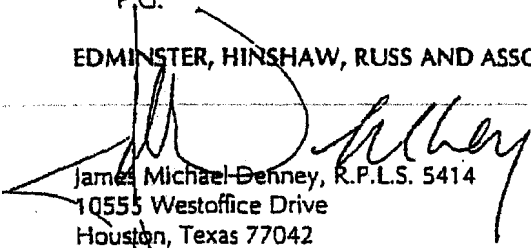
BEGINNING at a 5/8-inch iron rod with plastic cap stamped "EHRA 713-784-4500" set for the most southerly east corner of said Reserve "A" being the southerly cut-back corner of the intersection of the westerly right-of-way line of Will Clayton Parkway and the northerly right-of-way line of Atascocita Road;

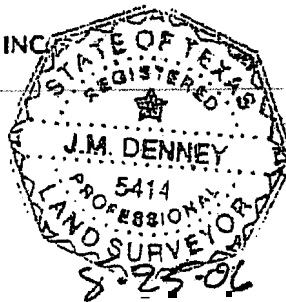
- (1) THENCE South $56^{\circ}07'22''$ West, along the southerly line of said Reserve "A", a distance of 47.00 feet;
- (2) THENCE North $21^{\circ}54'54''$ West a distance of 45.00 feet to a point;
- (3) THENCE Northerly on a non-tangent curve to the right having a radius of 107.73 feet, a central angle of $35^{\circ}02'58''$, an arc length of 65.90 feet, and a chord bearing and distance of N $07^{\circ}52'54''$ E, 64.88 feet to a point on the northeasterly line of said Reserve "A";
- (4) THENCE Southeasterly, along said northeasterly line, on a non-tangent curve to the right having a radius of 1516.33 feet, a central angle of $00^{\circ}23'45''$, an arc length of 10.48 feet, and a chord bearing and distance of S $51^{\circ}01'32''$ E, 10.48 feet to a 5/8-inch iron rod found for a point of tangency;
- (5) THENCE South $50^{\circ}49'40''$ East, continuing along said northeasterly line, a distance of 74.52 feet to a 5/8-inch iron rod with plastic cap stamped "EHRA 713-784-4500" set for the most northerly east corner of said Reserve "A";
- (6) THENCE South $02^{\circ}38'58''$ West, along the east line of said Reserve "A", a distance of 26.18 feet to the POINT OF BEGINNING and containing 3,872 square feet of land.

Notes:

- 1) This description accompanies drawing titled "Monitoring Wells and Groundwater Plume", prepared by Edminster, Hinshaw, Russ and Associates, Inc. and dated 24 May 2006.
- 2) Size and location of groundwater plume determined and provided by Terracon, Lee Garrett, P.C.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC.


James Michael Denney, R.P.L.S. 5414
10555 Westoffice Drive
Houston, Texas 77042
713-784-4500



Date: 5/24/06 JMD
Job No: 021-562-01
File No: R:\2002\021-562-01\docs\technical\Description\Groundwater Plume 3872sf.doc

Reserve "A", Atascocita Clayton Plaza,
Page 1 of 1

EXHIBIT B

Curve Table

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	107.73	35.92° 58"	63.90'	N 07° 52' 54" W	64.80'
C2	1516.32'	00° 23' 45"	10.48'	S 31° 01' 37" E	10.48'



Scale: 1" = 30'



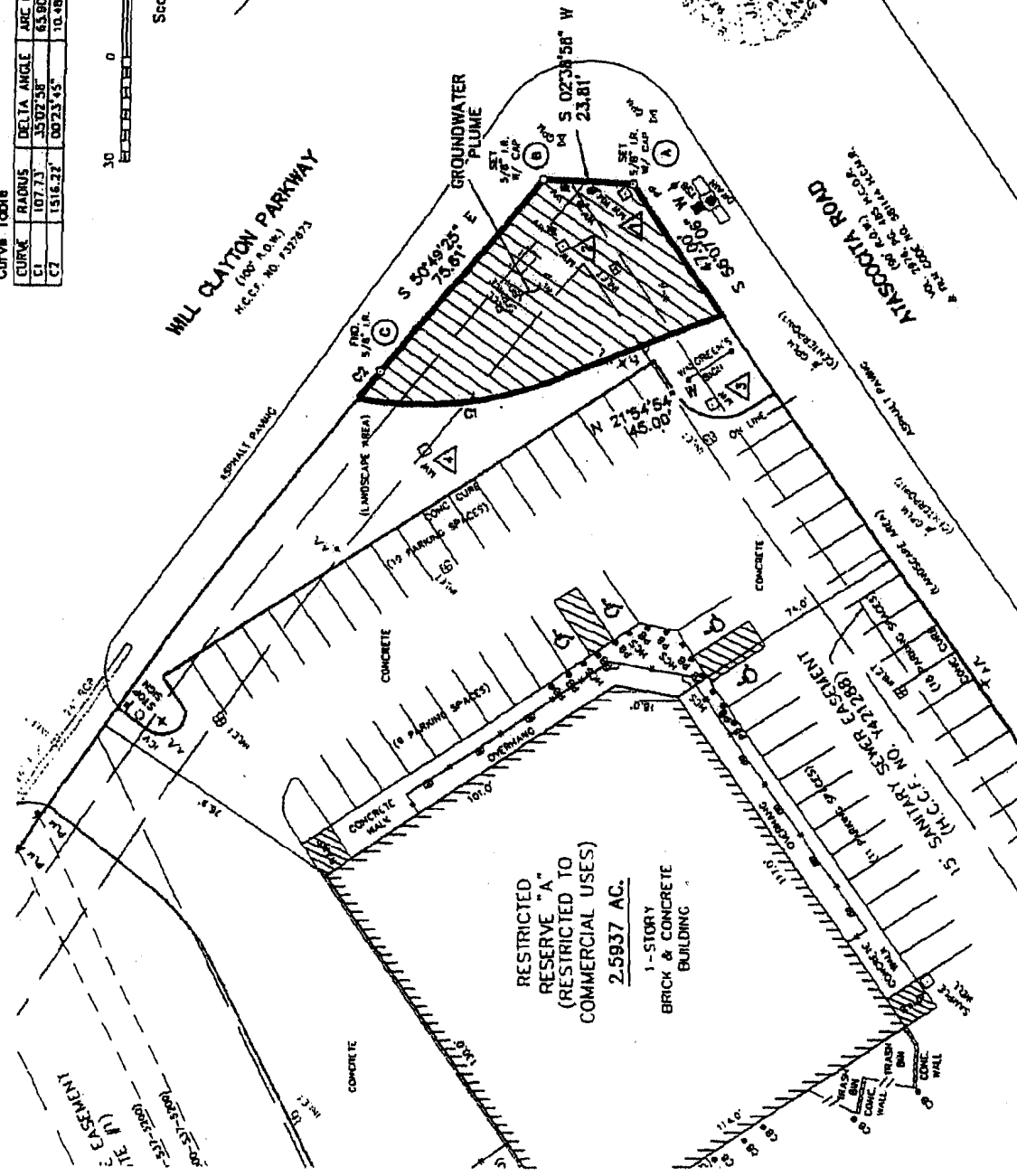
General Notes

1. BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, U.S. SURVEY FEET.
2. SIZE AND LOCATION OF GROUNDWATER PLUME PROVIDED BY TERRACON, LEE GARRETT, P.C.

Coordinate Chart

CORNER	NORTHING	EASTING
A	13 922 998.07	3 165 706.53
B	13 923 014.22	3 165 707.74
C	13 923 061.28	3 165 849.97

WELL	NORTHING	EASTING
1	13 922 990.5	3 165 703.8
2	13 923 006.3	3 165 808.0
3	13 922 964.4	3 165 641.2
4	13 923 048.3	3 165 826.8



Monitoring Wells and Groundwater Plume Reserve 'A'
 ATASCOGITA CLAYTON PLAZA
 HARRIS COUNTY, TEXAS

Contractor - Hirschau - Pass
 1717 7th St. Houston, TX 77007
 713 784 4580 / 713 784 4311

DATE: 24 MAY 08
 SCALE: 1" = 30'
 DRAWN BY: [Name]
 CHECKED BY: [Name]

RESTRICTED RESERVE "A" (RESTRICTED TO COMMERCIAL USES)
 2.5937 AC.
 1-STORY BRICK & CONCRETE BUILDING

FILED

2007 JAN - 4 PM 4:00

Brendy B. Kayman
COUNTY CLERK
HARRIS COUNTY, TEXAS

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped herein by me, and was duly RECORDED. In the Official Public Records of Real Property of Harris County, Texas on

JAN - 4 2007



Brendy B. Kayman

COUNTY CLERK
HARRIS COUNTY, TEXAS