



# RAILROAD COMMISSION OF TEXAS

## OIL AND GAS DIVISION

February 10, 2017

Mr. Scott V. Williams  
Pulte Homes of Texas, L.P.  
2728 N. Harwood St., 3<sup>rd</sup> Floor  
Dallas, TX 75201

RE: VCP Certificate of Completion with Restrictions  
Approx. 7.54-Acre JR Winslow Tract  
FM 1488, Magnolia, Montgomery County  
VCP Application 03-15004

Dear Mr. Williams:

Railroad Commission of Texas (RRC) Voluntary Cleanup Program (VCP) staff is pleased to enclose the Certificate of Completion with restrictions to Pulte Homes of Texas, L.P. (Pulte Homes). The property consists of a tract consisting of approximately 7.45 acres, located at the southeast intersection of FM 1488 and Old Conroe Road in Magnolia (Site). The following reports were reviewed:

*Phase I Environmental Site Assessment for The Approximate 200 Acre Project Site on FM 1488 in Montgomery County, Texas, dated August 7, 2014;*

*Limited Phase II Subsurface Assessment: Soil Delineation & Groundwater Investigation, J.R. Winslow Tract – 200 Acres, FM 1488, Magnolia, Montgomery County, Texas, dated November 14, 2016;*

*Summary Report – Soil and Groundwater Sampling – FM 1488 Project 200 Acre Winslow Site, Montgomery County, Texas, SMC Project 14110, dated December 10, 2014; and,*

*Second Sampling Event Report – VCP No. 03-15004, SMC Project 14110, dated September 29, 2016.*

### History of Site

Historically the Site was primarily used for cattle grazing and hay production, and a portion of the site was used as an oil well with related equipment. The oil well has been decommissioned and

the oil production equipment has been removed. Decommissioning activities included hauling off visually impacted soils.

On May 25, 2016, a revised VCP application was accepted by the RRC which reduced the project site from the original approximate 200 acres to the new site of approximately 7.45 acres. The entire 7.45-acre project site is being used for an entry area and roadway and for planned commercial development and does not include residential use.

## **Soil**

Soil investigation began with the collection of 32 soil samples from 12 soil borings (SB-1 through SB-12) in August 2014. The samples were submitted for total petroleum hydrocarbon (TPH), volatile organic compounds (VOC), Resource Conservation and Recovery Act (RCRA) metals, and pH and Total Solids analyses.

Soil sample SB-2 (0-2 ft) contained a barium concentration of 2,080 mg/kg above the soil-to-groundwater ingestion protective concentration level (PCL) of 440 mg/kg. Soil sample SB-1 (2-4 ft) and SB-2 (2-4 ft) contained arsenic concentrations of 20.8 mg/kg and 5.95 mg/kg above the soil-to-groundwater PCL of 5 mg/kg. Remaining constituents did not exceed PCLs.

In November 2014, a total of 13 soil samples were collected and submitted for laboratory analytical testing. An additional 28 soil samples were collected for laboratory analytical testing in May 2016. The soil samples were analyzed for total metals, mercury, VOCs, semi-volatile organic compounds (SVOCs), and TPH.

Soil sample WH2 (2-3 ft) and soil sample PCS4 (2-3 ft) were identified as having elevated arsenic concentrations of 11.3 milligrams per kilogram (mg/kg) and 14.2 mg/kg, respectively. Both of these concentrations exceeded the Tier 1 soil-to-groundwater PCL of 5 mg/kg for arsenic. Remaining constituents of concern (COCs) did not exceed PCLs.

## **Groundwater**

A total of seven permanent monitor wells have been installed and sampled on the site. Groundwater was evaluated in September 2014 and then during two additional sampling events spaced approximately 16 months apart. Groundwater samples were analyzed for TPH, VOCs, and RCRA metals.

The concentration of benzene in Monitor Well A was 0.0778 milligrams per liter (mg/l) in September 2014, 0.08 milligrams per liter (mg/l) in November 2014 and 0.010 mg/l in March 2016. The concentration of benzene in Monitor Well A exceeds the Tier 1 groundwater ingestion PCL of 0.005 mg/l.

Arsenic and barium were detected in Monitor Well-A in September 2014 at concentrations of 0.00622 mg/l and 3.35 mg/l, respectively. These levels exceed the arsenic and barium Tier 1 groundwater ingestion PCL of 0.01 mg/l for arsenic and 2 mg/l for barium.

## Remediation Activities

An environmental restrictive covenant restricting groundwater use on the entire 7.45-acre site was filed with the Montgomery County Clerk's Office. Provisions of the covenant are as follows:

1. Use of the groundwater beneath the Affected Property 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.

## Conclusion

Soil at the subject Site was deemed to be protective of residential use provided that the limitations in the restrictive covenant are met. The restrictive covenant was filed in the Montgomery County Clerk's Office on December 28, 2016. The document is filed as 2016116236. A copy of the restrictive covenant is enclosed as part of the VCP Certificate of Completion.

On behalf of the RRC, staff of the Site Remediation Section thank you for your participation in the VCP. I can be reached at 512-475-3089 or [amanda.kindt@rrc.texas.gov](mailto:amanda.kindt@rrc.texas.gov).

Sincerely,



Amanda Kindt  
Voluntary Cleanup Program

Enclosure- Certificate of Completion with Restrictions

cc: Mr. Peter Fisher, Director, District 3 RRC Office, Houston (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.03-15004 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 6 February 2017

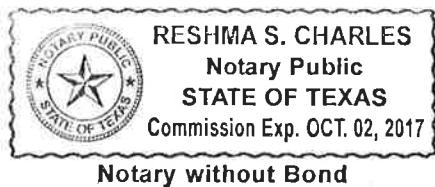
  
\_\_\_\_\_  
Peter G. Pope, Assistant Director  
Site Remediation Section

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 6<sup>th</sup> Day of February 2017.



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

***EXHIBIT "A"***  
***RAILROAD COMMISSION OF TEXAS***  
***VOLUNTARY CLEANUP PROGRAM***  
***LEGAL DESCRIPTION 7.54-ACRE TRACT***

***VCP No. 03-15004***

County: Montgomery  
 Project: Del Webb  
 M.S.G.: 161032  
 Job Number: 2903-PL

**FIELD NOTES FOR A 7.454 ACRE TRACT**

Being a tract of land containing 7.454 acres (324,683 square feet), located in the John N. Thomas Survey, Abstract-549 in Montgomery County, Texas; Said 7.454 acre tract being a portion of a called 200.376 acre tract recorded in the name of Pulte Homes of Texas, L.P. under Montgomery County Clerk's File Number (M.C.C.F. No.) 2014120683, a portion of Restricted Reserve "A" of Del Webb the Woodlands Sec 1, a subdivision of record in File Number 2016000811 of the Montgomery County Map Records (M.C.M.R.), a portion of Del Webb Boulevard (one-hundred foot wide permanent access easement (P.A.E.) and public utility easement (P.U.E.) recorded in Film Code No. 2016000811 of the M.C.M.R.), and all of Restricted Reserve "C" of said Del Webb the Woodlands Sec 1; said 7.454 acre tract being more particularly described by metes and bounds as follows (bearings based on the Texas Coordinate system of 1983, Central Zone, per GPS observations.):

**BEGINNING** at a 5/8-inch iron rod with Miller Survey Group (M.S.G.) cap found on the south right-of-way (R.O.W.) line of F.M. 1488 (R.O.W. width varies), on the east line of a called 0.056 acre tract recorded in the name of Pulte Homes of Texas, L.P. under M.C.C.F. No. 2014125745, being the northwest corner of said Del Webb Sec 1, from which an aluminum TXDOT disk found, bears South 76 degrees 42 minutes West, a distance of 0.5 feet,

**THENCE**, with the south R.O.W. line of said F.M. 1488, the north terminus line of said Del Webb Boulevard, the north line of said Restricted Reserve "A" and the north line of said 200.376 acre tract, 432.11 feet along the arc of a curve to the left, having a radius of 2,939.79 feet, a central angle of 08 degrees 25 minutes 18 seconds, and a chord that bears North 80 degrees 33 minutes 42 seconds East, a distance of 431.72 feet to a 5/8-inch iron rod with Miller Survey Group (M.S.G.) cap set for an angle point;

**THENCE**, continuing with the south R.O.W. line of said F.M. 1488 and the north line of said 200.376 acre tract, North 76 degrees 22 minutes 14 seconds East, a distance of 264.47 feet to a TxDOT Disk found at the northwest corner of a called 5.572 acre tract recorded in the name of The Woodlands Land Development Company, L.P. under M.C.C.F. No. 2014125746, for the northeast corner of the herein described tract;

**THENCE**, with the west line of said 5.572 acre tract, and through and across said Restricted Reserve "A" South 13 degrees 38 minutes 57 seconds East, a distance of 320.01 feet to a 5/8-inch iron rod with M.S.G. cap set on the north line of Lot 16, Block 1 of said Del Webb the Woodlands Sec 1, on the south line of said Restricted Reserve "A", for the southeast corner of the herein described tract;

**THENCE**, with the northwest line of said Block 1 the following two (2) courses:

1. South 76 degrees 21 minutes 03 seconds West, a distance of 104.34 feet to a 5/8-inch iron rod with M.S.G. cap found for an angle point;

EXHIBIT A PAGE 2 OF 3

2. South 39 degrees 04 minutes 26 seconds West, a distance of 58.74 feet to a 5/8-inch iron rod with M.S.G. cap found at the west corner of Lot 17 of said Block 1 and the north corner of Lot 18 of said Block 1, for an interior corner of the herein described tract;

THENCE, with the west line of said Block 1, the easterly line of said Restricted Reserve "A", and through and across said Del Webb Boulevard and said 200.376 acre tract, South 10 degrees 49 minutes 25 seconds West, a distance of 237.94 feet to a 5/8-inch iron rod with M.S.G. cap set for the south corner of the herein described tract;

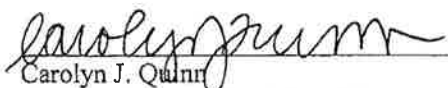
THENCE, through and across said 200.376 acre tract the following four (4) courses:

1. North 78 degrees 39 minutes 14 seconds West, a distance of 207.83 feet to a 5/8-inch iron rod with M.S.G. cap set for an angle point;
2. North 77 degrees 47 minutes 12 seconds West, a distance of 65.01 feet to a 5/8-inch iron rod with M.S.G. cap set for an angle point;
3. North 68 degrees 30 minutes 14 seconds West, a distance of 66.03 feet to a 5/8-inch iron rod with M.S.G. cap set for an angle point;
4. North 60 degrees 18 minutes 25 seconds West, a distance of 52.89 feet to a 5/8-inch iron rod with M.S.G. cap set on the south line of said Restricted Reserve "C" for an interior corner of the herein described tract;

THENCE, with the south line of said Restricted Reserve "C", South 64 degrees 20 minutes 31 seconds West, a distance of 190.69 feet to a 5/8-inch iron rod with M.S.G. cap found on the east line of said 0.056 acre tract, for the southwest corner of said Restricted Reserve "C" and the herein described tract;

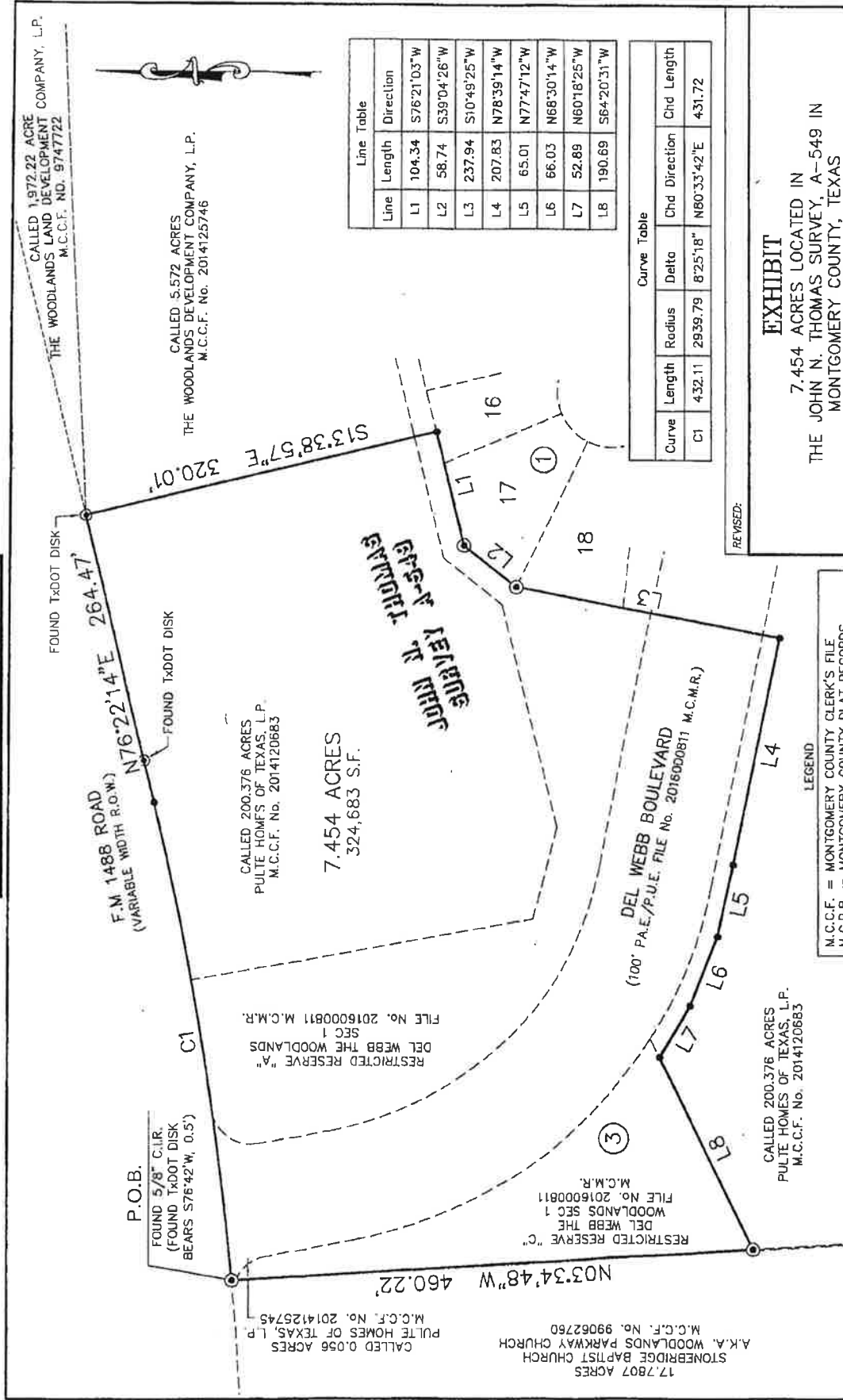
THENCE, with the west line of said Restricted Reserve "C" and the east line of said 0.056 acre tract, North 03 degrees 34 minutes 48 seconds West, a distance of 460.22 feet, to the **POINT OF BEGINNING** and containing 7.454 acres of land.

An exhibit of the herein described tract has been prepared by Miller Survey Group and accompanies this description.

  
Carolyn J. Quinn  
Registered Professional Land Surveyor  
Texas Registration No. 6033



**Miller Survey Group**  
Texas Firm Registration No. 10047100  
PH: (713) 413-1900  
February 17, 2016  
2903-PL  
MSG: 161032



Line Table	
Line	Direction
L1	S76°21'03"W
L2	S39°04'26"W
L3	S10°49'25"W
L4	N78°39'14"W
L5	N77°47'12"W
L6	N68°30'14"W
L7	N60°18'25"W
L8	S64°20'31"W

Curve Table		
Curve	Radius	Delta
C1	2839.79	8°25'18"

**EXHIBIT**  
7.454 ACRES LOCATED IN  
THE JOHN N. THOMAS SURVEY, A-549 IN  
MONTGOMERY COUNTY, TEXAS



1760 WEST SAM HOUSTON PARKWAY NORTH \* HOUSTON, TEXAS 77043  
PHONE 713-413-1900 \* FAX 713-413-1944  
TEXAS FIRM REGISTRATION NO. 10047100

JOB NO.: 2903-FL	SCALE: 1"=125'	DATE: 02/17/16	FIELD BOOK: N/A
DWG. NO.: 2903-EXH1B	DRAWN BY: DRR	CHK. BY: CAQ	MADE BY: N/A

**LEGEND**

- M.C.C.F. = MONTGOMERY COUNTY CLERK'S FILE
- M.C.P.R. = MONTGOMERY COUNTY PLAT RECORDS
- F.C. = FILM CODE
- FND = FOUND
- No. = NUMBER
- IR = IRON ROD
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- R.O.W. = RIGHT-OF-WAY
- S.F. = SQUARE FEET
- PG. = PAGE
- VOL. = VOLUME
- = FOUND 5/8-INCH IRON ROD (UNLESS OTHERWISE NOTED)
- = ANGLE POINT

- NOTES:**
- ALL BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE PER GPS OBSERVATIONS.
  - A METES AND BOUNDS DESCRIPTION OF THE SUBJECT TRACT HAS BEEN PREPARED BY MILLER SURVEY GROUP AND ACCOMPANIES THIS EXHIBIT.

CALLER 1,972.22 ACRE  
THE WOODLANDS LAND DEVELOPMENT COMPANY, L.P.  
M.C.C.F. NO. 9747722

CALLER 5,572 ACRES  
THE WOODLANDS DEVELOPMENT COMPANY, L.P.  
M.C.C.F. No. 2014125746

CALLER 200.376 ACRES  
PULTE HOMES OF TEXAS, L.P.  
M.C.C.F. No. 2014120683

7.454 ACRES  
324,683 S.F.

17,787 ACRES  
STONEBRIDGE BAPTIST CHURCH  
M.C.C.F. No. 99062760

CALLER 200.376 ACRES  
PULTE HOMES OF TEXAS, L.P.  
M.C.C.F. No. 2014120683



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

**VCP No. 03-15004**

**RAILROAD COMMISSION OF TEXAS  
VOLUNTARY CLEANUP PROGRAM  
AFFIDAVIT OF COMPLETION OF RESPONSE ACTION  
AND INSTITUTIONAL CONTROLS**

Pulte Homes of Texas, L.P. and CC FM 1488, L.P, each as an owner of a portion of the subject Site, have completed the necessary response action (namely, the execution and recording of an Environmental Restrictive Covenant), as part of Voluntary Cleanup Program (VCP) No. 03-15004 and pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, with respect to a 7.454 acre tract of land located in Montgomery County, Texas described in Exhibit A (Site) to the Environmental Restrictive Covenant attached as Attachment 1 to this Affidavit. The Applicant submitted to, and received approval from, the Railroad Commission of Texas (RRC) on all plans and reports required by the RRC pursuant to the Voluntary Cleanup Program Agreement. The undersigned understands that all plans and reports were prepared by applicant's environmental consultant 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 Environmental Restrictive Covenant should be protective of the public health and safety and the environment as long as the following controls are maintained:

1. Use of the groundwater beneath the Affected Property (the Site) 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 are contained in the Environmental Restrictive Covenant filed in the Montgomery County, Texas Clerk's office on December 28, 2016, as Document No. 2016116236 (Attachment 1). The response action is intended to 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 RRC is issuing a certificate of completion in Voluntary Cleanup Program (VCP) No. 03-15004. Applicant has not acquired the certificate of completion by fraud, misrepresentation, or knowing failure to disclose material information. Further information concerning the response action at the Site may be found in the final report at the central office of the RRC filed under VCP 03-15004.

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

Applicant:

Pulte Homes of Texas, L.P., a Texas limited partnership, by Pulte Nevada I LLC, its General Partner

By: 

Name: Scott V. Williams


Title: Vice President

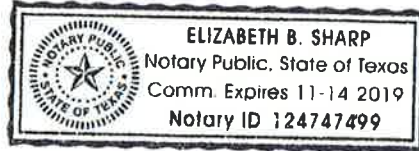
STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, personally appeared Scott V. Williams, Vice President of Pulte Nevada I LLC, known to me to be the person 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 28<sup>th</sup> day of December, 2016.

  
Notary Public in and for the State of Texas



*Attachment 1*  
**Environmental Restrictive Covenant**

**Railroad Commission of Texas  
Environmental Restrictive Covenant**

STATE OF TEXAS                               §  
   §  
COUNTY OF MONTGOMERY               §

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:

Pulte Homes of Texas, L.P. and CC FM 1488, L.P. are the current owners of the Property consisting of a 7.454 acre tract out of the John N. Thomas Survey, Abstract No. 549, in Montgomery County, Texas, as more fully described on **Exhibit A**, which exhibit is attached hereto and incorporated herein.

Soil and/or groundwater on the Property are affected by certain identified chemicals of concern. The entire Property is considered to be Affected Property and is presented on **Exhibit A**.

This restrictive covenant is required for the following reasons:

A portion of the Affected Property was a former oil/gas well site, otherwise known as JR Winslow #1 – 7.454 Acres RRC#13694, that was operated by Durango Resources Corp. from September, 1980 to January, 2015; wherein chemicals of concern attributable to the operations at JR Winslow #1 impacted soil and groundwater and an environmental investigation and response action was required in accordance with Commission regulations. SMC Consulting, Inc. performed the response action to characterize and remediate the chemicals of concern. The remediation was performed in such a manner that the following chemicals of concern at the following maximum levels at the time of this restrictive covenant filing were left in the soil and/or groundwater:

SOIL			
COC	Sample Date	Sample Id	Max Value
Arsenic	8/18/2014	SB-1(2-4)	20.8 mg/kg
Barium	8/18/2014	SB-2(0-2)	2080 mg/kg
Benzene	BELOW DETECTION LEVELS		

GROUNDWATER			
COC	Sample Date	Sample Id	Max Value
Arsenic	9/2/2014	MW-A	0.0062 mg/L
Barium	9/2/2014	MW-A	3.35 mg/L
Benzene	3/23/2016	MW-A	0.10 mg/L

The investigation, assessment, remediation and analytical data are contained in the following reports:

- Phase I Environmental Site Assessment for the Approximate 200 Acre Project Site on FM 1488 in Montgomery County, Texas, SMC Project 14066, dated August 7, 2014.
- Limited Phase II Subsurface Assessment: Soil Delineation & Groundwater Investigation, J.R. Winslow Tract – 200 Acres FM 1488 Magnolia, Montgomery County, Texas, QCL Project Nos: 14E1411377, 14E11431 & 14E11445, dated November 14, 2014.
- Summary Report – Soil and Groundwater Sampling – FM 1488 Project 200 Acre-Winslow Site, Montgomery County, Texas, SMC Project 14110, dated December 10, 2014.
- Second Sampling Event Report - VCP No. 03-15004, SMC Project 14110, dated September 29, 2016.

Copies of the reports may be obtained from SMC Consulting, Inc., 3418 Pickering Lane, Pearland, Texas 77584 and from the RRC under VCP 03-15004.

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. With the filing of this document, the Commission does not require any further remediation of the Affected Property as long as the groundwater is not used for any purpose other than monitoring. 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 in any manner inconsistent with the restrictions described in this covenant, the Commission must be notified at least 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. 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 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 groundwater beneath the Affected Property 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.

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.:03-15004

As of the date of this Covenant, the record owners of fee title to the Property are Pulte Homes of Texas, L.P., with an address of 16670 Park Row Blvd., Suite 100, Houston, Texas 77084, and CC FM 1488, L.P., with an address of 7904 Sam Houston Parkway, 4<sup>th</sup> Floor, Houston, Texas 77064.

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the Commission and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

This Restrictive Covenant is executed effective as of December 1, 2016.

*[signature pages follow immediately after this page]*

Executed this 28 day of November 2016.

PULTE HOMES OF TEXAS, L.P., a Texas limited partnership, by Pulte Nevada I LLC, its General Partner

Signature: 

Printed Name: Tim Early  
VP Land Development

Title: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, on this the 28 day of November, 2016, personally appeared TIM EARLY, VP LAND DEVELOPMENT 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.

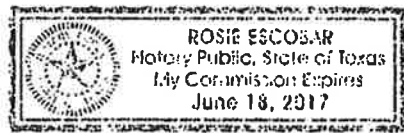
GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature 

Notary Public in and for the State of Texas

County of Harris

My Commission expires: 6/18/2017





Executed this 14<sup>th</sup> day of November, 2016.

CC FM 1488, L.P., a Texas limited partnership, by  
CC FM 1488 GP, L.L.C., its General Partner

Signature:



Printed Name:

Peter Barnhart

Title:

Vice President

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, on this the 14<sup>th</sup> day of November, 2016, personally appeared Peter Barnhart, Vice President 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



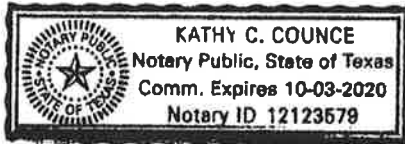
Notary Public in and for the State of Texas

County of

Harris

My Commission expires:

10/03/2020



Accepted as Third Party Beneficiary this 8<sup>th</sup> day of December, 2016.

Railroad Commission of Texas

By: Kathy Keils

Title: Attorney in General Counsel  
Section

STATE OF TEXAS

TRAVIS COUNTY

BEFORE ME, on this the 8<sup>th</sup> day of December 2016, personally appeared Kathy Keils, Environmental Attorney 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.

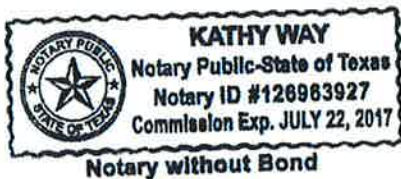
GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature Kathy Way

Notary Public in and for the State of Texas

County of Travis

My Commission Expires: July 22, 2017



County: Montgomery  
Project: Del Webb  
M.S.G.: 161032  
Job Number: 2903-PL

**FIELD NOTES FOR A 7.454 ACRE TRACT**

Being a tract of land containing 7.454 acres (324,683 square feet), located in the John N. Thomas Survey, Abstract-549 in Montgomery County, Texas; Said 7.454 acre tract being a portion of a called 200.376 acre tract recorded in the name of Pulte Homes of Texas, L.P. under Montgomery County Clerk's File Number (M.C.C.F. No.) 2014120683; a portion of Restricted Reserve "A" of Del Webb the Woodlands Sec 1, a subdivision of record in File Number 2016000811 of the Montgomery County Map Records (M.C.M.R.), a portion of Del Webb Boulevard (one-hundred foot wide permanent access easement (P.A.E.) and public utility easement (P.U.E.) recorded in Film Code No. 2016000811 of the M.C.M.R.), and all of Restricted Reserve "C" of said Del Webb the Woodlands Sec 1; said 7.454 acre tract being more particularly described by metes and bounds as follows (bearings based on the Texas Coordinate system of 1983, Central Zone, per GPS observations.):

**BEGINNING** at a 5/8-inch iron rod with Miller Survey Group (M.S.G.) cap found on the south right-of-way (R.O.W.) line of F.M. 1488 (R.O.W. width varies), on the east line of a called 0.056 acre tract recorded in the name of Pulte Homes of Texas, L.P. under M.C.C.F. No. 2014125745, being the northwest corner of said Del Webb Sec 1, from which an aluminum TXDOT disk found, bears South 76 degrees 42 minutes West, a distance of 0.5 feet,

**THENCE**, with the south R.O.W. line of said F.M. 1488, the north terminus line of said Del Webb Boulevard, the north line of said Restricted Reserve "A" and the north line of said 200.376 acre tract, 432.11 feet along the arc of a curve to the left, having a radius of 2,939.79 feet, a central angle of 08 degrees 25 minutes 18 seconds, and a chord that bears North 80 degrees 33 minutes 42 seconds East, a distance of 431.72 feet to a 5/8-inch iron rod with Miller Survey Group (M.S.G.) cap set for an angle point;

**THENCE**, continuing with the south R.O.W. line of said F.M. 1488 and the north line of said 200.376 acre tract, North 76 degrees 22 minutes 14 seconds East, a distance of 264.47 feet to a TxDOT Disk found at the northwest corner of a called 5.572 acre tract recorded in the name of The Woodlands Land Development Company, L.P. under M.C.C.F. No. 2014125746, for the northeast corner of the herein described tract;

**THENCE**, with the west line of said 5.572 acre tract, and through and across said Restricted Reserve "A" South 13 degrees 38 minutes 57 seconds East, a distance of 320.01 feet to a 5/8-inch iron rod with M.S.G. cap set on the north line of Lot 16, Block 1 of said Del Webb the Woodlands Sec 1, on the south line of said Restricted Reserve "A", for the southeast corner of the herein described tract;

**THENCE**, with the northwest line of said Block 1 the following two (2) courses:

1. South 76 degrees 21 minutes 03 seconds West, a distance of 104.34 feet to a 5/8-inch iron rod with M.S.G. cap found for an angle point;

EXHIBIT A PAGE 2 OF 3

2. South 39 degrees 04 minutes 26 seconds West, a distance of 58.74 feet to a 5/8-inch iron rod with M.S.G. cap found at the west corner of Lot 17 of said Block 1 and the north corner of Lot 18 of said Block 1, for an interior corner of the herein described tract;

THENCE, with the west line of said Block 1, the easterly line of said Restricted Reserve "A", and through and across said Del Webb Boulevard and said 200.376 acre tract, South 10 degrees 49 minutes 25 seconds West, a distance of 237.94 feet to a 5/8-inch iron rod with M.S.G. cap set for the south corner of the herein described tract;

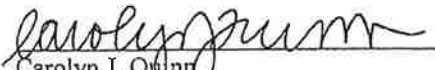
THENCE, through and across said 200.376 acre tract the following four (4) courses:

1. North 78 degrees 39 minutes 14 seconds West, a distance of 207.83 feet to a 5/8-inch iron rod with M.S.G. cap set for an angle point;
2. North 77 degrees 47 minutes 12 seconds West, a distance of 65.01 feet to a 5/8-inch iron rod with M.S.G. cap set for an angle point;
3. North 68 degrees 30 minutes 14 seconds West, a distance of 66.03 feet to a 5/8-inch iron rod with M.S.G. cap set for an angle point;
4. North 60 degrees 18 minutes 25 seconds West, a distance of 52.89 feet to a 5/8-inch iron rod with M.S.G. cap set on the south line of said Restricted Reserve "C" for an interior corner of the herein described tract;

THENCE, with the south line of said Restricted Reserve "C", South 64 degrees 20 minutes 31 seconds West, a distance of 190.69 feet to a 5/8-inch iron rod with M.S.G. cap found on the east line of said 0.056 acre tract, for the southwest corner of said Restricted Reserve "C" and the herein described tract;

THENCE, with the west line of said Restricted Reserve "C" and the east line of said 0.056 acre tract, North 03 degrees 34 minutes 48 seconds West, a distance of 460.22 feet, to the **POINT OF BEGINNING** and containing 7.454 acres of land.

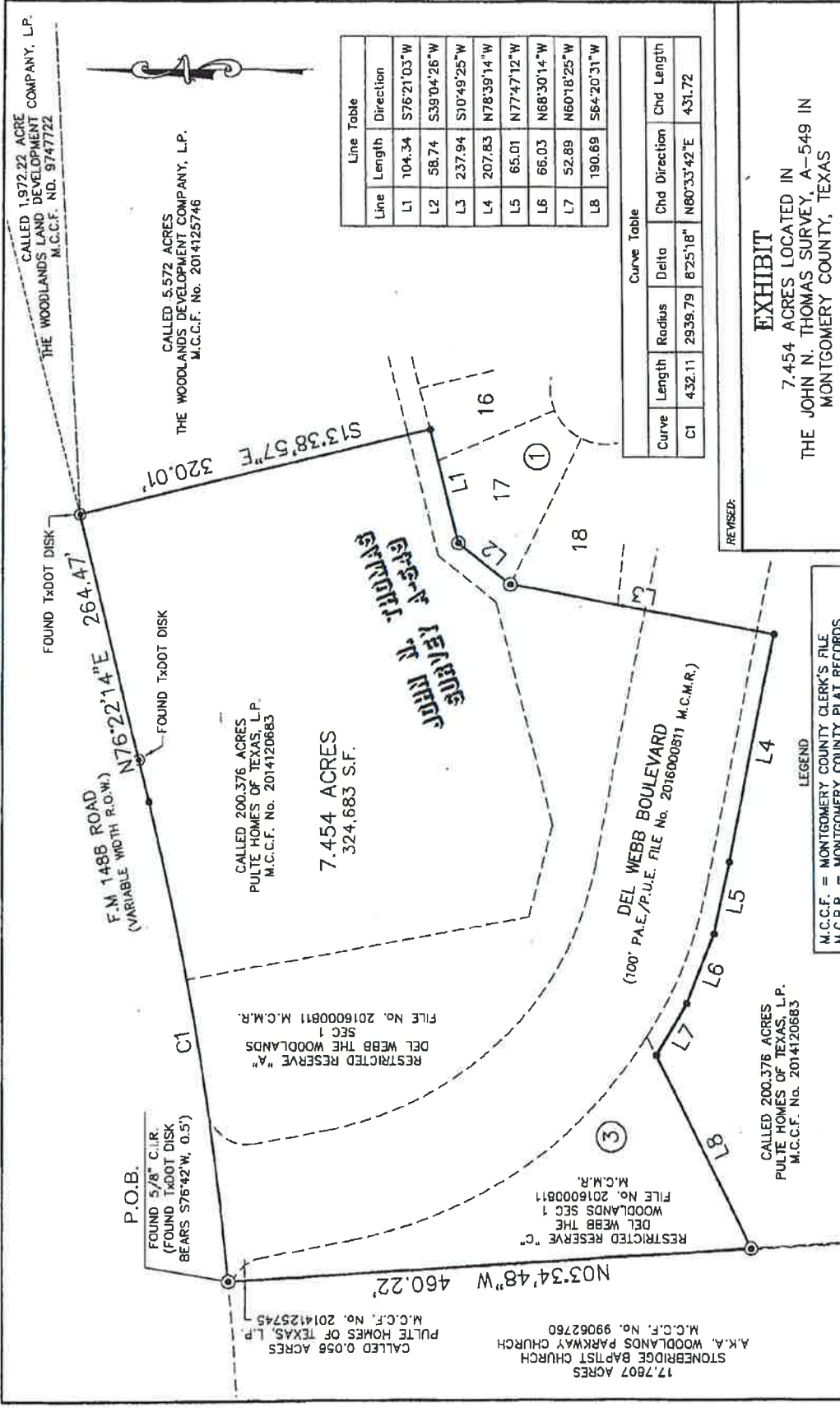
An exhibit of the herein described tract has been prepared by Miller Survey Group and accompanies this description.

  
Carolyn J. Quinn  
Registered Professional Land Surveyor  
Texas Registration No. 6033



**Miller Survey Group**  
Texas Firm Registration No. 10047100  
PH: (713) 413-1900  
February 17, 2016  
2903-PL  
MSG: 161032

**EXHIBIT A PAGE 3 OF 3**



**EXHIBIT**  
 7.454 ACRES LOCATED IN  
 THE JOHN N. THOMAS SURVEY, A-549 IN  
 MONTGOMERY COUNTY, TEXAS

**REVERSED:**

**MILLER SURVEY GROUP**  
 www.millersurvey.com  
 1760 WEST SAW HOUSTON PARKWAY NORTH \* HOUSTON, TEXAS 77043  
 PHONE 713-413-1900 \* FAX 713-413-1944  
 TEXAS FILM REGISTRATION NO. 18007180

JOB NO.: 2903-PL    SCALE: 1"=125'    DATE: 02/17/16    FIELD BOOK: N/A  
 DWG. NO.: 2903-EXH18    DRAWN BY: DRB    CHK. BY: CAJ    M&B No.:

**LEGEND**

M.C.C.F. = MONTGOMERY COUNTY CLERK'S FILE  
 M.C.P.R. = MONTGOMERY COUNTY PLAT RECORDS  
 F.C. = FILM CODE  
 FND = FOUND  
 No. = NUMBER  
 IR = IRON ROD  
 P.O.B. = POINT OF BEGINNING  
 P.O.C. = POINT OF COMMENCEMENT  
 R.O.W. = RIGHT-OF-WAY  
 S.F. = SQUARE FEET  
 PG. = PAGE  
 VOL. = VOLUME  
 (●) = FOUND 5/8-INCH IRON ROD (UNLESS OTHERWISE NOTED)  
 ● = ANGLE POINT

- NOTES:**
- ALL BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE PER GPS OBSERVATIONS.
  - A METES AND BOUNDS DESCRIPTION OF THE SUBJECT TRACT HAS BEEN PREPARED BY MILLER SURVEY GROUP AND ACCOMPANIES THIS EXHIBIT.

**E-FILED FOR RECORD**

**12/28/2016 10:50AM**



COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

**STATE OF TEXAS,  
COUNTY OF MONTGOMERY**

I hereby certify that this instrument was e-filed in the file number sequence on the date and time stamped herein by me and was duly e-RECORDED in the Official Public Records of Montgomery County, Texas.

**12/28/2016**



County Clerk  
Montgomery County, Texas