



# RAILROAD COMMISSION OF TEXAS

## OIL AND GAS DIVISION

### ***VOLUNTARY CLEANUP PROGRAM FINAL CERTIFICATE OF COMPLETION NOT RELYING ON CONTROLS***

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

*I, JOHN JAMES TINTEA, 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 THE NECESSARY RESPONSE ACTIONS HAVE BEEN COMPLETED FOR VOLUNTARY CLEANUP PROGRAM SITE VCP NO. 03-40011 AS OF MAY 2, 2005 FOR THE TRACT(S) 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. AN APPLICANT WHO WAS NOT A RESPONSIBLE PARTY UNDER SECTION 91.113 ON THE DATE OF ISSUANCE OF THIS CERTIFICATE IS QUALIFIED TO OBTAIN THE PROTECTION FROM LIABILITY PROVIDED BY CHAPTER 91, SUBCHAPTER 0, TEXAS NATURAL RESOURCE CODE.*

*EXECUTED this 23 day of May 2005.*

Handwritten signature of John James Tintera in black ink.

*John James Tintera, Assistant Director  
Oil and Gas Division*

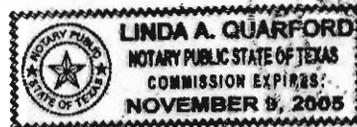
STATE OF  
COUNTY OF

BEFORE ME, personally appeared John Tintera, Assistant Director, Oil and Gas 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 23<sup>rd</sup> day of May, 2005.*

Handwritten signature of Linda A. Quarford in black ink.

Notary Public in and for the State of Texas



***EXHIBIT "A"***  
***RAILROAD COMMISSION OF TEXAS***  
***VOLUNTARY CLEANUP PROGRAM***  
***LEGAL DESCRIPTION OF THE 76.361 Acre Tract, HARRIS COUNTY***  
***VCP No. 03-40011***

# EXHIBIT A

## METES AND BOUNDS DESCRIPTION 76.361 ACRES IN THE W. W. WILLIAMS SURVEY, ABSTRACT 1311 HARRIS COUNTY, TEXAS

A 76.361-ACRE TRACT OF LAND SITUATED IN THE W. W. WILLIAMS SURVEY, ABSTRACT 1311, HARRIS COUNTY, TEXAS, BEING OUT OF THAT CALLED 86.8-ACRE TRACT (RESIDUE OF SECOND TRACT) DESCRIBED IN DEED TO F. DONALD HAYGOOD, RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. U154546, SAID 76.361-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE):

COMMENCING at a 4-inch by 4-inch concrete monument found marking the northwest corner of the W. W. Williams Survey, Abstract No. 1311 being in the south line of the Robert Dunman Survey, Abstract No. 223;

THENCE South  $02^{\circ}57'35''$  East, with the west line of said Williams Survey and the common east line of the E. Ruhl Survey, Abstract No. 658, a distance of 1373.54 feet to a point in the apparent south line of Atascocita Road (80-foot right-of-way), from which point a 3/4-inch capped iron rod previously set for the southeast corner of said Ruhl Survey bears S  $02^{\circ}57'35''$  E, 1010.67 feet;

THENCE North  $56^{\circ}30'09''$  East, along said apparent south right-of-way line, a distance of 998.02 feet to a PK nail found for angle point;

THENCE North  $55^{\circ}52'08''$  East, continuing along said apparent south right-of-way line, a distance of 388.21 feet to a 3/4-inch capped iron rod set for the POINT OF BEGINNING, from which point a 1/2-inch iron rod found bears S  $82^{\circ}57'$  E, 5.13 feet;

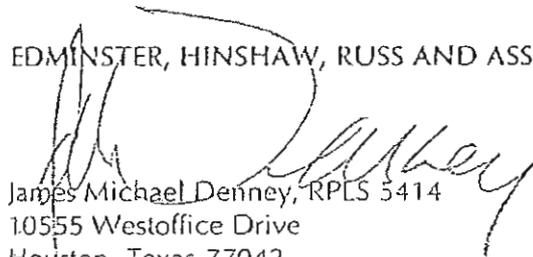
- (1) THENCE North  $55^{\circ}52'08''$  East, continuing along said apparent south right-of-way line, a distance of 996.66 feet to a 3/4-inch capped iron rod set for corner, from which point a railroad spike found bears N  $89^{\circ}28'$  W, 1.23 feet;
- (2) THENCE South  $01^{\circ}51'05''$  East a distance of 577.76 feet to a 3/4-inch capped iron rod set for corner, from which point a 3/8-inch iron rod with cap "1445" found bears S  $04^{\circ}51'$  E, 7.39 feet;
- (3) THENCE North  $88^{\circ}02'20''$  East, a distance of 634.24 feet to a 3/4-inch capped iron rod set in the west line of a called 12.382-acre tract of land described in deed to Houston Lighting & Power Company recorded under H.C.C.F. No. G873722, from which point a 3/8-inch iron rod with cap "1445" bears S  $03^{\circ}39'$  W, 8.57 feet;
- (4) THENCE South  $01^{\circ}50'37''$  East, along said west line, a distance of 2096.35 feet to a 3/4-inch capped iron rod set in the south line of said 86.8-acre Haygood Tract and being in the north line of that called 108.9667-acre tract described in deed to The Executive Group recorded under H.C.C.F. No. F684226, from which point a 5/8-inch iron rod found bears S  $01^{\circ}18'$  W, 3.29 feet;

- (5) THENCE South  $87^{\circ}53'22''$  West, along said common line, a distance of 1443.50 feet to a 3/4-inch capped iron rod set for the southwest corner of said 86.8-acre Haygood tract, from which point a 3/8-inch iron rod with cap "1445" found bears N  $87^{\circ}50'$  E, 7.52 feet, and a 3/8-inch iron rod with cap "1445" found bears S  $88^{\circ}49'$  W, 2.68 feet;
- (6) THENCE North  $02^{\circ}44'04''$  West, along the west line of said 86.8-acre Haygood tract, a distance of 2147.41 feet to the POINT OF BEGINNING and containing 76.361 acres of land.

Notes:

1. This description is based on a Land Title Survey, prepared by Edminster, Hinshaw, Russ and Associates, Inc. and dated 15 December 2003.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC.

  
James Michael Denney, RPLS 5414  
10555 Westoffice Drive  
Houston, Texas 77042  
713-977-2575



Date: 16 December 2003 JMD  
Job No: 031-018-00-66  
File No: R:\2003\031-018-00\documents\technical\Legal Description\76.361 acres.doc

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

Axiom Partners, Ltd (Applicant) has completed response actions, if necessary, pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at the tract of land described in Exhibit "A" to this certificate that pertains to 76.361 acres on Atascocita Road, proposed Blackstone Creek Subdivision (Site), VCP No. 03-40011 located in unincorporated Harris County, Texas. The Site was owned by Axiom Partners, Ltd., the mineral owners were Humble Oil and Refining, Ray McCulley, F. Donald Haygood, C. Gerald Haygood, Kenneth C. Whiteley, and G. S. Morris, and there were no mineral operators at the time the application to participate in the Voluntary Cleanup Program was filed. 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 acceptable for unrestricted use (e.g. residential or commercial/industrial) as determined by the standards of the RRC. 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. 03-40011.

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

Applicant: Axiom Partners, LP  
Axiom Atascocita GP, LLC, General Partner  
RPDC, Inc. Manager

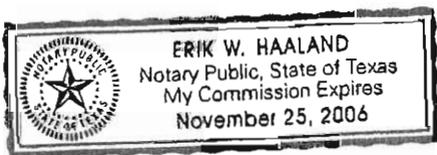
By: \_\_\_\_\_

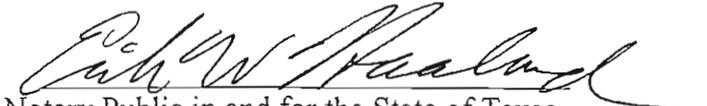
Print Name: John Santasiero  
President of RPDC, Inc.

STATE OF Texas  
COUNTY OF Harris

BEFORE ME, personally appeared John Santasiero, 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 2nd day of May, 2005.



  
Notary Public in and for the State of Texas