



RAILROAD COMMISSION OF TEXAS

OIL AND GAS DIVISION

BROWNFIELDS RESPONSE PROGRAM **CERTIFICATE OF COMPLETION with RESTRICTIONS**

As provided for pursuant to Chapter 91, Texas Natural Resource Code.

I, WILLIAM B. MIERTSCHIN, ASSISTANT DIRECTOR OF THE SITE REMEDIATION SECTION, OIL AND GAS DIVISION, RAILROAD COMMISSION OF TEXAS, CERTIFY THAT AS OF 4 APRIL 2008, NECESSARY RESPONSE ACTIONS UNDER CHAPTER 91, TEXAS NATURAL RESOURCE CODE HAVE BEEN COMPLETED. RESPONSE ACTIONS INCLUDE THE PLACEMENT OF AN INSTITUTIONAL CONTROL LIMITING GROUNDWATER ARE FUTURE DESCRIBED IN EXHIBIT "A". ADDITIONAL INFORMATION IS AVAILABLE IN THE REPORTS FOR THE SITE ON FILE WITH THE COMMISSION.

EXECUTED this the 4th day of April 2008.

Handwritten signature of William B. Miertschin in black ink.

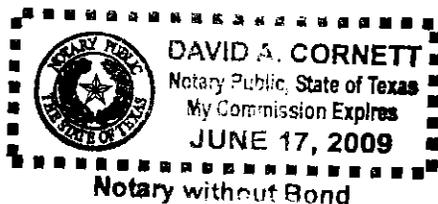
William B. Miertschin,
Assistant Director, Site Remediation

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 4th day of April 2008.*



Handwritten signature of David Cornett in black ink.

Notary Public in and for the State of Texas

EXHIBIT "A"

***RAILROAD COMMISSION OF TEXAS
BROWNFIELDS RESPONSE PROGRAM
INSTITUTIONAL CONTROL DOCUMENT***

BRP No. 03-6002

DISD 2 COC
4/3/2008

COPY



2008009966

14 PGS

Railroad Commission of Texas
Environmental Restrictive Covenant

STATE OF TEXAS

COUNTY OF **Galveston**

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:

The Dickinson Independent School District is the current Owner of the Property and premises, and appurtenances thereto, located in Dickinson, Texas, consisting of two tracts as follows:

Tract 1 (Exhibit A1)

Being a 23.0962 acre (1,006,071.52 square feet) Tract of land out of the east half of the P.G. Merritt Survey, Abstract 55, in Galveston County, Texas and being more particularly described by metes and bounds as follows:

Beginning, at the ½ inch iron rod on the northerly right-of-way line of FM 517 (80' R.O.W.) marking the southeasterly corner of reserve "G" of the revised Briar Glen, Section 1, Phase 2, as recorded in Volume 15, page 85, of the map records of the Galveston County, Texas in P.G. Merritt Survey, Abstract no. 55 for the southwesterly corner of the herein described tract;

Thence, north 73° 52' 47" east, along the north right-of-way line of said F.M. 517, a distance of 573.90 feet (called north 73° 45' 38" east, 574.26') to a ½ inch iron rod for the southeasterly corner of the herein described tract;

Thence, north 01° 03' 52" west (called north 01° 00' 00" west), parallel with and 623.57 feet from the east boundary line of said P.G. Merritt Survey, a distance of 1740.82 feet to a 1 inch square rod found for the northwest corner of the herein described tract;

Thence, south 89° 56' 08" west, a distance of 554.23 feet (called south 89° 00' 00" west 554.20 feet) to a 1-inch square rod found for the northwesterly corner of herein described tract;

Thence south 01° 03' 52" east, a distance of 1889.90 feet (called south 01° 00' 00" east 1891.14') to the point of beginning and containing 23.0962 acres (1,006,071.52 sq. ft.) tract of land.

Dated this the 6th day of June 2005.

Tract 2 (Exhibit A2)

Being a 6.4978 acres (283,043.95 square feet) tract of land out of the Reserve "G" of revised Briar Glen, Section I, Phase 2, as recorded in Volume 15, page 85, of the map record of Galveston County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at a ½ inch iron rod on the northerly right-of-way line of FM 517 marking the southeasterly corner of said Reserve "G" of revised Briar Glen, Section 1, Phase 2;

Thence North 01° 03' 52" West along the easterly line of said Reserve "G", a distance of 436.50 feet to the point of beginning and the southeasterly corner of the herein described 6.4978 acre tract;

Thence continuing North 01° 03' 52" West, along the easterly line of said Reserve "G", a distance of 723.50 feet to an iron rod for the northeast corner of said reserve "G" and the herein described tract;

Thence South 88° 56' 08" West, a distance of 222.61 feet to an iron rod fro a corner;

Thence South 66° 57' 33" West, a distance of 191.28 feet to a point for the northwest corner of said Reserve "G" and the herein described tract;

Thence South 01° 03' 52" East, along the west line of said Reserve "G", a distance of 651.92 feet to a point for the southwesterly corner of the herein described tract;

Thence North 88° 56' 08" East, a distance of 400.00 feet to the point of beginning and containing 6.4978 acres (283,043.95 square feet) tract of land.

Said tracts are more fully described on **Exhibit A**, consisting of plat maps and metes & bounds descriptions, attached hereto and incorporated herein.

Groundwater ranging in depth from 10 to 25 feet below surface is affected by certain chemicals of concern on a 16.391-acre portion of the property. This portion, considered to be Affected Property, is presented on **Exhibit B**:

This restrictive covenant is required for the following reasons:

The Affected Property was previously used for oil and gas exploration and production, and was operated from the 1940's through the 1990's wherein chemicals of concern attributable to the operations impacted soil and groundwater and an environmental investigation and response action was required in accordance with Commission regulations. Terracon Consulting Engineers and Scientists Inc. performed the response actions to characterize and remediate the chemicals of concern. The remediation was

performed in such a manner that chloride was left in groundwater at the time of the filing of this document. Chloride concentrations were elevated in the first water bearing zone, at depths ranging from 12 to 25 feet below grade level at a concentration of 9,220 milligrams per liter (mg/l) in monitor well MW-3. **Exhibit C** presents the chloride levels measured in the monitor wells in the August 2006 sampling event. The investigation, assessment, remediation and analytical data are contained in the following reports.

Phase I Environmental Site Investigation, Proposed School Site (DISD Site 2), North of FM 517, East of Briar Hollow Drive, Dickinson, Galveston TX, dated 30 September 2005

Limited Site Investigation, Proposed School Site (DISD Site 2), North of FM 517, East of Briar Hollow Drive, Dickinson, Galveston TX, dated 3 November 2005

Supplemental Limited Site Investigation, Proposed School Site (DISD Site 2), North of FM 517, East of Briar Hollow Drive, Dickinson, Galveston TX, dated 26 October 2006

Based on information contained in the reports identified above, the chemicals of concern pose no significant present or future risk to humans or the environment based on intended use of the property. Copies of these reports may be obtained from the Dickinson Independent School District or the Railroad Commission of Texas, 1701 N. Congress Avenue, Austin, Texas 78711.

The Commission does not require any further remediation of the Affected Property as long as groundwater 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). 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 ground water beneath the Affected Property, 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.

Dickinson Independent School District 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 ground water beneath the Affected Property shall not be allowed except for monitoring purposes.
2. Penetration or excavation of groundwater on the Affected Property, for any purpose, 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.
3. 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, Brownfields Response Program No.: 03-6002

As of the date of this Covenant, the record owner of fee title to the Property is Dickinson Independent School District, 4516 Hwy 3, Dickinson, Texas 77539.

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 4th day of Feb., 2008

Dickinson Independent School District

Signature: Fritzie Samford

Printed Name: FRITZIE SAMFORD

Title: Board PRESIDENT

STATE OF TEXAS
(GALVESTON) COUNTY

BEFORE ME, on this the 4th day of FEBRUARY, personally appeared FRITZIE SAMFORD 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 4th day of FEBRUARY, 2008.



Brenda Lera
Notary Public in and for the State of Texas,

County of GALVESTON

My Commission Expires: 08/15/2009

Railroad Commission of Texas

By: David W. Cooney, Jr.

Name: David W. Cooney, Jr.

Title: Attorney, Special Counsel Section

STATE OF TEXAS
(Travis) COUNTY

BEFORE ME, on this the 27 day of November 07, personally appeared David Cooney 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.

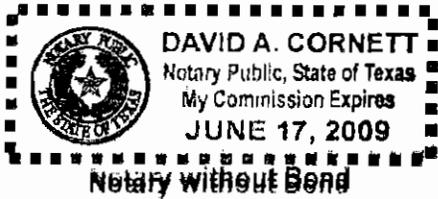
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 27 day of November, 07.

David Cornett

Notary Public in and for the State of Texas,

County of Travis

My Commission Expires: 17 Jun 09



S 88° 56' 08" W 554.23'
(CALLED S 89° 00' 00" W 554.28')

1" ROD



SCALE: 1" = 100'

23.0962 ACRES
OUT OF
P.G. MERRITT SURVEY
ABSTRACT NO. 55
GALVESTON COUNTY, TEXAS

23.0962 ACRES
(1,006,071.52 SQ. FT.)

WINDING BROOK DR.

DESCRIPTION OF THE PROPERTY

BEING A 23.0962 ACRE (1,006,071.52 SQUARE FEET) TRACT OF LAND OUT OF THE EAST HALF OF P.G. MERRITT SURVEY, ABSTRACT NO. 55, IN GALVESTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, AT A 1/2" IRON ROD ON THE NORTHERLY RIGHT-OF-WAY LINE OF FM 517 (RD R.G.W.) MARKING THE SOUTHEASTERLY CORNER OF RESERVE 'G' OF THE REVISED BRIAR GLEN, SECTION 1, PHASE 2, AS RECORDED IN VOLUME 15, PAGE 85 OF THE MAP RECORDS OF THE GALVESTON COUNTY, TEXAS, IN P.G. MERRITT SURVEY, ABSTRACT NO. 55 FOR THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 73° 52' 47" EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID F.M. 517, A DISTANCE OF 573.90 FEET (CALLED NORTH 73° 45' 38" EAST, 574.26) TO A 1/2" IRON ROD FOR THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 01° 03' 52" WEST (CALLED NORTH 01° 00' 00" WEST), PARALLEL WITH AND 623.57 FEET FROM THE EAST BOUNDARY LINE OF SAID P.G. MERRITT SURVEY, A DISTANCE OF 1740.82 FEET TO A 1" IRON SQUARE ROD FOUND FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 89° 56' 28" WEST, A DISTANCE OF 554.23 FEET (CALLED SOUTH 89° 00' 00" WEST 554.20 FEET) TO A 1" IRON SQUARE ROD FOUND FOR THE NORTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 01° 03' 52" EAST, A DISTANCE OF 1889.90 FEET (CALLED SOUTH 01° 00' 00" EAST 1891.14), TO THE POINT OF BEGINNING AND CONTAINING 23.0962 ACRES (1,006,071.52 SQ. FT.) TRACT OF LAND.

DATED THIS THE 6th DAY OF JUNE, 2005.

THIS PROPERTY DOES NOT LIE WITHIN A 100-YEAR FLOOD PRONE AREA (LIES WITHIN ZONE C) PER THE MAP BY FEDERAL EMERGENCY MANAGEMENT AGENCY FOR GALVESTON COUNTY, TEXAS, COMMUNITY PANEL No. 485470 0093 C, REVISED 03-03-83.

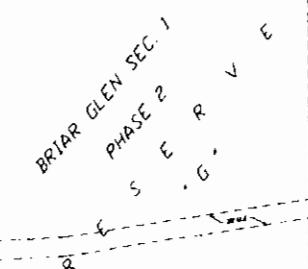
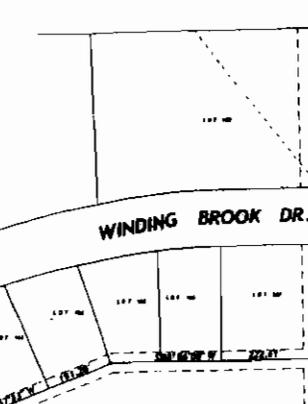
NOTES:

- 1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT
- 2. THIS SURVEYOR HAS NOT ABSTRACTED SUBJECT PROPERTY.
- 3. ALL BEARINGS SHOWN ARE REFERENCED PER RECORDED PLAT OF SAID SUBDIVISION.



Houtan Jalayer
6-6-05

Brian
SURVOR



FOUND 5 01' 03' 52" E 1889.90' (CALLED 5 01' 00' 00" E 1891.14)

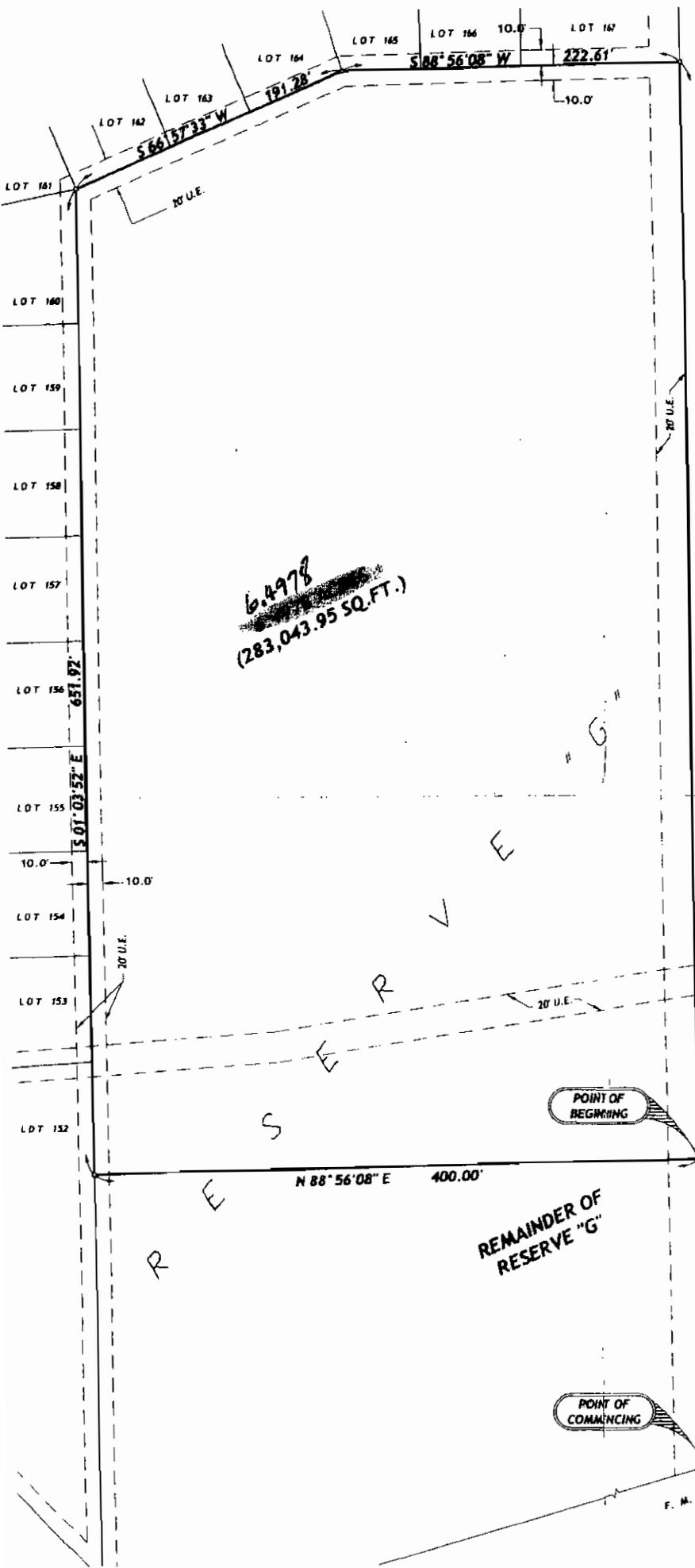
FOUND 5 01' 03' 52" E 1740.82' (CALLED 5 01' 00' 00" E 1740.82)

1/2" I.R.

1/2" I.R.

N 73° 52' 47" E 573.90'
(CALLED N 73° 45' 38" E 573.90')

F. M. 517



6.4978
(283,043.95 SQ.FT.)



SCALE: 1" = 50'

**6.4978 ACRES,
 OUT OF RESERVE "G"
 BRIAR GLEN, SECTION 1, PHASE II
 GALVESTON COUNTY, TEXAS**

DESCRIPTION OF PROPERTY

BEING A 6.4978 ACRES (283,043.95 SQUARE FEET) TRACT OF LAND OUT OF RESERVE "G" OF REVISED BRIAR GLEN, SECTION 1, PHASE 2, AS RECORDED IN VOLUME 15, PAGE 85, OF THE MAP RECORDS OF GALVESTON COUNTY, TEXAS, SAID TRACT BEING OUT OF THE P.G. HENRIFF SURVEY, A-53 IN GALVESTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2 INCH IRON ROD ON THE NORTHERLY RIGHT-OF-WAY LINE OF FM 517 MARKING THE SOUTHEASTERLY CORNER OF SAID RESERVE "G" OF REVISED BRIAR GLEN, SECTION 1, PHASE 2;

THENCE NORTH 01° 03' 52" WEST ALONG THE EASTERLY LINE OF SAID RESERVE "G", A DISTANCE OF 436.50 FEET TO THE POINT OF BEGINNING AND THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED 6.4978 ACRE TRACT;

THENCE CONTINUING NORTH 01° 03' 52" WEST, ALONG THE EASTERLY LINE OF SAID RESERVE "G", A DISTANCE OF 723.50 FEET TO AN IRON ROD FOR THE NORTHEAST CORNER OF SAID RESERVE "G" AND THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 88° 56' 08" WEST, A DISTANCE OF 222.61 FEET TO AN IRON ROD FOR A CORNER;

THENCE SOUTH 88° 57' 33" WEST, A DISTANCE OF 191.28 FEET TO A POINT FOR THE NORTHWEST CORNER OF SAID RESERVE "G" AND THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 01° 03' 52" EAST, ALONG THE WEST LINE OF SAID RESERVE "G", A DISTANCE OF 651.92 FEET TO A POINT FOR THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 88° 56' 08" EAST, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.4978 ACRE (283,043.95 SQ.FT.) TRACT OF LAND

DATED THIS THE 6th DAY OF JUNE, 2005

THIS PROPERTY DOES NOT LIE WITHIN A 100-YEAR FLOOD PRONE AREA (LIES WITHIN ZONE C) PER THE MAP BY FEDERAL EMERGENCY MANAGEMENT AGENCY FOR GALVESTON COUNTY, TEXAS, COMMUNITY PANEL No. 483-470 0093 C, REVISED 03-02-83.

NOTES

- 1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT
- 2. THIS SURVEYOR HAS NOT ABSTRACTED SUBJECT PROPERTY
- 3. ALL BEARINGS SHOWN ARE REFERENCED PER RECORDED PLAT OF SAID SUBDIVISION

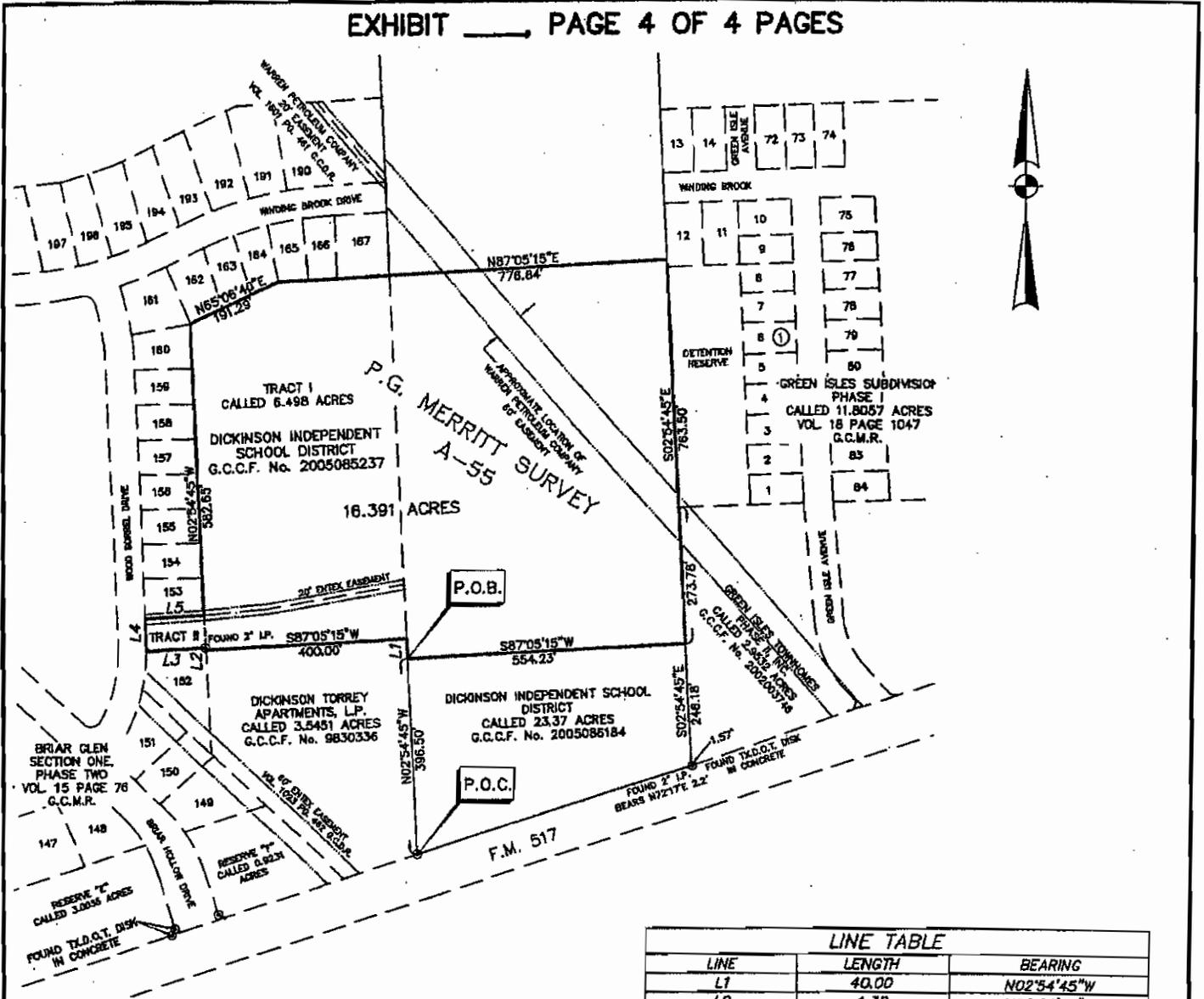


Moulton J. J.
 6-6-05



JALAYER CORPORATION

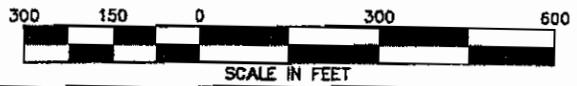
EXHIBIT PAGE 4 OF 4 PAGES



LINE TABLE		
LINE	LENGTH	BEARING
L1	40.00	N02°54'45"W
L2	4.38	N02°54'45"W
L3	120.10	S87°05'15"W
L4	64.89	N02°54'45"W
L5	120.10	N87°05'15"E

⊙ = FOUND 1/2-INCH IRON ROD (UNLESS OTHER WISED NOTED)

BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.



LEGEND

- AC. = ACRE
- A.E. = AERIAL EASEMENT
- B.L. = BUILDING LINE
- CHB = CHORD BEARING
- CHD = CHORD LENGTH
- D.E. = DRAINAGE EASEMENT
- ESMT. = EASEMENT
- G.C.C.F. = GALVESTON COUNTY CLERK'S FILE
- G.C.F.C.D. = GALVESTON COUNTY FLOOD CONTROL DISTRICT
- G.C.M.R. = GALVESTON COUNTY MAP RECORDS
- L. = LENGTH
- L.E. = LANDSCAPE EASEMENT
- LTD. = LIMITED
- NO. = NUMBER
- NR = NON-RADIAL
- P.U.E. = PUBLIC UTILITY EASEMENT
- PVT. = PRIVATE
- R. = RADIUS
- S.F. = SQUARE FEET
- S.S.E. = SANITARY SEWER EASEMENT
- ST.M.S.E. = STORM SEWER EASEMENT
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCING
- I.R. = IRON ROD

EXHIBIT B
16.391 ACRES
P.G. MERRITT SURVEY, A-55
GALVESTON COUNTY, TEXAS

MILLER
SURVEY GROUP
1760 WEST SAM HOUSTON PARKWAY NORTH
HOUSTON, TEXAS 77043
PHONE 713-413-1900 FAX 713-413-1944

JOB NO.: 102B-ESMT	SCALE: 1"=300'	DATE: 06/05/07	FIELD BOOK: 07038/SP
OWG. NO.: BOUNDARY	DRAWN BY: BJM	CHK. BY: BEW	M&S NO.: 071306

Exhibit B

Exhibit B, Page 1 of 4 Pages

County: Galveston
Project: D.I.S.D. #2
M.S.G. No.: 071306
Job Number: 1028-Esmt

FIELD NOTES FOR 16.391 ACRES
Proposed Easement Site

Being a 16.391 acre tract of land located in the P.G. Merritt Survey, Abstract-55, Galveston County, Texas; said 16.391 acre tract of land being all of called "Tract I" and "Tract II" recorded in the name of Dickinson Independent School District (D.I.S.D.), in Galveston County Clerk's File Number (G.C.C.F. No.) 2005085237, and a portion of a called 23.37 acre tract recorded in the name of D.I.S.D. in G.C.C.F. No. 2005086184; said 16.391 acre tract of land being more particularly described by metes and bounds as follows (bearings are based on the Texas Coordinate System of 1983, South Central Zone):

Commencing at a 1/2-inch iron rod found at the southwest corner of aforesaid 23.37 acres, and being the southeast corner of a called 3.5451 acre tract recorded in the name of Dickinson Torrey Apartments, L.P. in G.C.C.F. No. 9830336;

Thence, with the west line of aforesaid 23.37 acre tract, and the east line of aforesaid 3.5451 acre tract, the following two (2) courses:

1. North 02 degrees 54 minutes 45 seconds West, a distance of 396.50 feet to a point for a southerly corner and **Point of Beginning** of the herein described tract;
2. North 02 degrees 54 minutes 45 seconds West, a distance of 40.00 feet to a point for the southeast corner of aforesaid "Tract I", the northeast corner of aforesaid 3.5451 acre tract, for an interior corner of the herein described tract;

Thence, with the south line of aforesaid "Tract I" and the north line of aforesaid 3.5451 acre tract, South 87 degrees 05 minutes 15 seconds West, a distance of 400.00 feet to a point for the southwest corner of aforesaid "Tract I" and the northwest corner of aforesaid 3.5451 acre tract, and being on the east line of Lot 152 of Briar Glen, Section One, Phase Two, a subdivision map of record in Volume 15, Page 76 of the Galveston County Map Records (G.C.M.R.), for a southerly corner of the herein described tract;

Thence, with the west line of aforesaid "Tract I", and the east line of aforesaid Lot 152, North 02 degrees 54 minutes 45 seconds West, a distance of 4.38 feet to a 2-inch iron pipe found at the southeast corner of aforesaid "Tract II", for an interior corner of the herein described tract;

Exhibit B Page 2 of 4 Pages

Thence, with the south line of aforesaid "Tract II" South 87 degrees 05 minutes 15 seconds West, a distance of 120.10 feet to a point on the east right-of-way (R.O.W.) line of Wood Sorrel Drive (60 feet wide per Volume 15, Page 76, G.C.M.R.) for the southwest corner of aforesaid "Tract II" and the herein described tract;

Thence, with the west line of aforesaid "Tract II" and the east R.O.W. line of aforesaid Wood Sorrel Drive, North 02 degrees 54 minutes 45 seconds West, a distance of 64.89 feet to a point for the northwest corner of aforesaid "Tract II", for a westerly corner of the herein described tract;

Thence, with the north line of aforesaid "Tract II", North 87 degrees 05 minutes 15 seconds East, a distance of 120.10 feet to a point for the northeast corner of aforesaid "Tract II", and being on the west line of aforesaid "Tract I", and on the east line of aforesaid Lot 152, for an interior corner of the herein described tract;

Thence, with the west lines of aforesaid "Tract I", the east lines of aforesaid Briar Glen, Section One, Phase Two, and through and across aforesaid 23.37 acre tract, the following three (3) courses:

1. North 02 degrees 54 minutes 45 seconds West, a distance of 582.65 feet to a point for an angle point;
2. North 65 degrees 06 minutes 40 seconds East, a distance of 191.29 feet to a point for an angle point;
3. North 87 degrees 05 minutes 15 seconds East, a distance of 776.84 feet to a point on the east line of aforesaid 23.37 acre tract and being on the west line of Green Isles Subdivision, Phase I, a subdivision of record in Volume 18, Page 1047, G.C.M.R., for the northeast corner of the herein described tract;

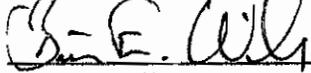
Thence, with the east line of aforesaid 23.37 acre tract and the west line of aforesaid Green Isles Subdivision, Phase I, and the west line of a called 2.9532 acre tract recorded in the name of Green Isles Townhomes, Phase II, in G.C.C.F. No. 2002003746, South 02 degrees 54 minutes 45 seconds East, a distance of 763.50 feet to a point for the southeast corner of the herein described tract;

Exhibit B

Exhibit 04, Page 3 of 4 Pages

Thence, through and across aforesaid 23.37 acre tract, South 87 degrees 05 minutes 15 seconds West, a distance of 554.23 feet to the **Point of Beginning** and containing 16.391 acres of land.

An exhibit map drawing has been prepared by Miller Survey Group and accompanies this description.

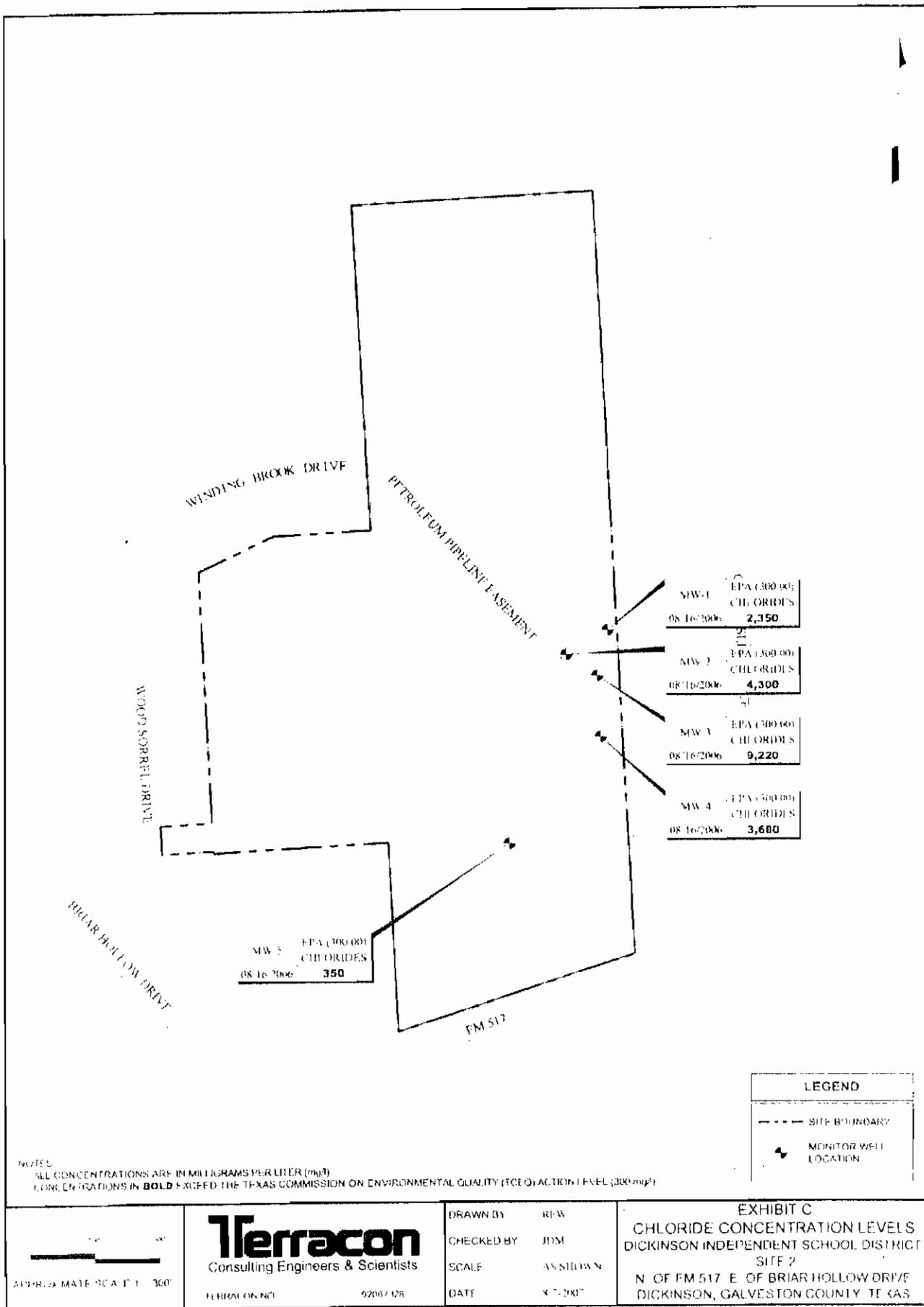


Brian E. Wilson, R.P.L.S.
Texas Registration No. 5745

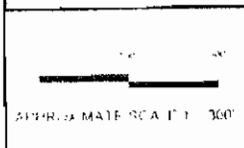


Miller Survey Group
PH: (713) 413-1900
June 5, 2007

Exhibit C



NOTES:
 ALL CONCENTRATIONS ARE IN MILLIGRAMS PER LITER (mg/L)
 CONCENTRATIONS IN **BOLD** EXCEED THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) ACTION LEVEL (300 mg/L)



Terracon
 Consulting Engineers & Scientists
 TERRACON NO. 92067/08

DRAWN BY: RFW
 CHECKED BY: JDM
 SCALE: AS SHOWN
 DATE: 8/16/06

EXHIBIT C
 CHLORIDE CONCENTRATION LEVELS
 DICKINSON INDEPENDENT SCHOOL DISTRICT
 SITE 2
 N OF FM 517 E OF BRIAR HOLLOW DRIVE
 DICKINSON, GALVESTON COUNTY TEXAS

FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

Mary Ann Daigle

2008009966

February 25, 2008 10:40:45 AM

FEE: \$64.00

Mary Ann Daigle, County Clerk

Galveston County, TEXAS

RECORDER'S MEMORANDUM

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blackouts, additions and changes were present at the time the instrument was filed and recorded.

Return Recorded Document To:

PAID
Dickinson I.S.D
Attn. Bill Brown
P.O. Drawer Z
Dickinson TX 77539

S 88° 56' 08" W 554.23'
(CALLED S 89° 00' 00" W 554.28')

1" ROD



SCALE: 1" = 100'

23.0962 ACRES
OUT OF
P.G. MERRITT SURVEY
ABSTRACT NO. 55
GALVESTON COUNTY, TEXAS

23.0962 ACRES
(1,006,071.52 SQ. FT.)

WINDING BROOK DR.

BRIAR GLEN SEC. 1
PHASE 2
S E R V E
S . G .

POINT OF BEGINNING

N 73° 52' 47" E 573.90'
(CALLED N 73° 49' 38" E 573.90')

F. M. 517

112' I.R.

112' I.R.

FOUND S 01° 03' 52" E 1889.90' (CALLED S 01° 00' 00" E 1891.14')

FOUND S 01° 03' 52" E 1740.82' (CALLED S 01° 00' 00" E 1740.82')

DESCRIPTION OF THE PROPERTY

BEING A 23.0962 ACRE (1,006,071.52 SQUARE FEET) TRACT OF LAND OUT OF THE EAST HALF OF P.G. MERRITT SURVEY, ABSTRACT NO. 55, IN GALVESTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, AT A 117' IRON ROD ON THE NORTHERLY RIGHT-OF-WAY LINE OF FM 517 (80' R.O.W.), MARKING THE SOUTHEASTERLY CORNER OF RESERVE 'G' OF THE REVISED BRIAR GLEN, SECTION 1, PHASE 2, AS RECORDED IN VOLUME 15, PAGE 83 OF THE MAP RECORDS OF THE GALVESTON COUNTY, TEXAS, IN P.G. MERRITT SURVEY, ABSTRACT NO. 55 FOR THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 73° 52' 47" EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID F.M. 517, A DISTANCE OF 573.90 FEET (CALLED NORTH 73° 49' 38" EAST, 574.28) TO A 1/2 INCH IRON ROD FOR THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 01° 03' 52" WEST (CALLED NORTH 01° 00' 00" WEST), PARALLEL WITH AND 623.57 FEET FROM THE EAST BOUNDARY LINE OF SAID P.G. MERRITT SURVEY, A DISTANCE OF 1740.82 FEET TO A 1 INCH SQUARE ROD FOUND FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 89° 56' 08" WEST, A DISTANCE OF 554.23 FEET (CALLED SOUTH 89° 00' 00" WEST 554.28 FEET) TO A 1 INCH SQUARE ROD FOUND FOR THE NORTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 01° 03' 52" EAST, A DISTANCE OF 1889.90 FEET (CALLED SOUTH 01° 00' 00" EAST 1891.14), TO THE POINT OF BEGINNING AND CONTAINING 23.0962 ACRES (1,006,071.52 SQ. FT.) TRACT OF LAND.

DATED THIS THE 6th DAY OF JUNE, 2005.

THIS PROPERTY DOES NOT LIE WITHIN A 100-YEAR FLOOD PRONE AREA (LIES WITHIN ZONE C) PER THE MAP BY FEDERAL EMERGENCY MANAGEMENT AGENCY FOR GALVESTON COUNTY, TEXAS, COMMUNITY PANEL NO. 485470 0095 C, REVISED 03-02-83.

NOTES:

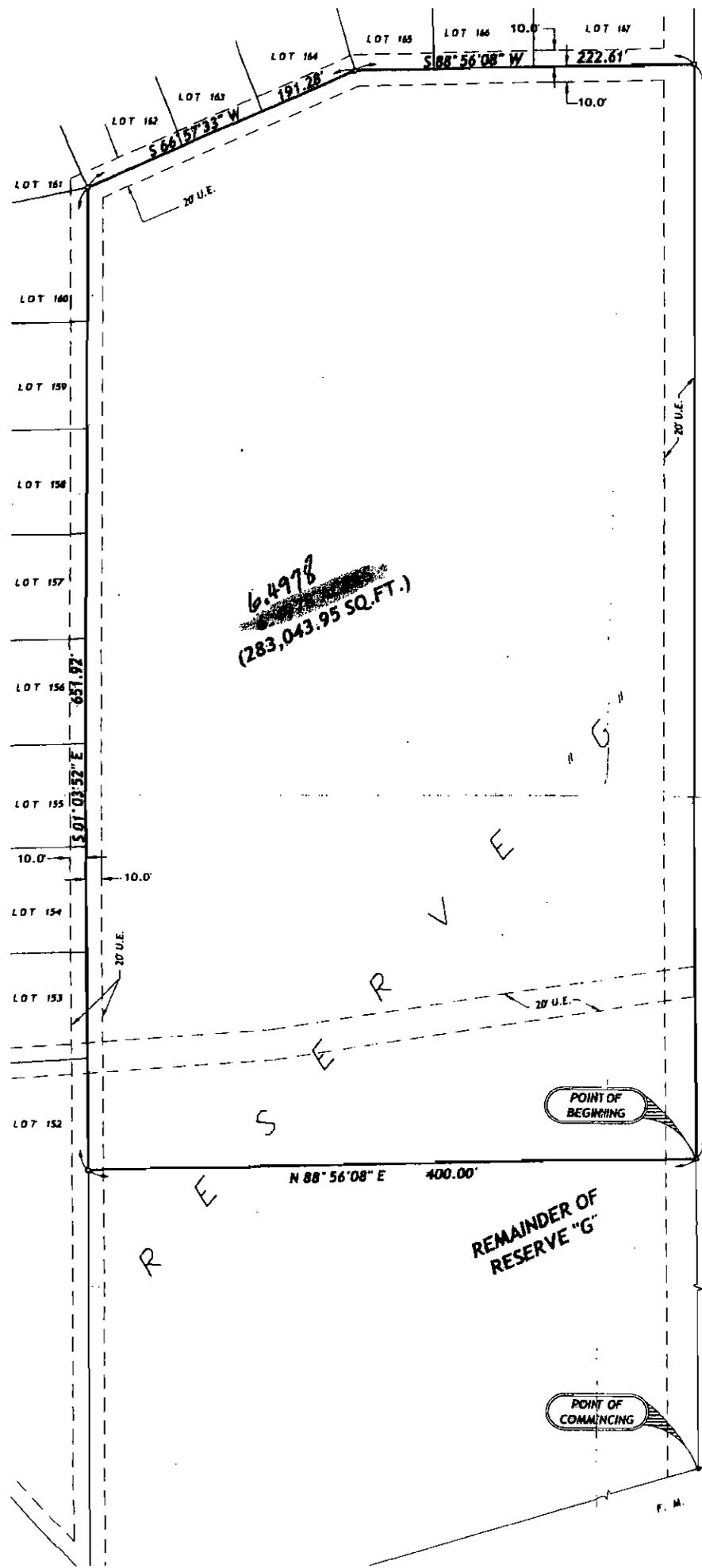
- 1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.
- 2. THIS SURVEY HAS NOT ABSTRACTED SUBJECT PROPERTY.
- 3. ALL BOUNDARIES SHOWN ARE REFERENCED PER RECORDED PLAT OF SAID SUBDIVISION.



Houtan Jalayer
6-6-05

Blghn
SURVON





SCALE: 1" = 50'

6.4978 ACRES,
OUT OF RESERVE "G"
BRIAR GLEN, SECTION 1, PHASE II
GALVESTON COUNTY, TEXAS

DESCRIPTION OF PROPERTY

BEING A 6.4978 ACRES (283,043.95 SQUARE FEET) TRACT OF LAND OUT OF RESERVE "G" OF REVISED BRIAR GLEN, SECTION 1, PHASE 2, AS RECORDED IN VOLUME 13, PAGE 89, OF THE MAP RECORDS OF GALVESTON COUNTY, TEXAS, SAID TRACT BEING OUT OF THE P.G. MERRITT SURVEY, A-25 IN GALVESTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2 INCH IRON ROD ON THE NORTHERLY RIGHT-OF-WAY LINE OF FM 517 MARKING THE SOUTHEASTERLY CORNER OF SAID RESERVE "G" OF REVISED BRIAR GLEN, SECTION 1, PHASE 2;

THENCE NORTH 01° 03' 52" WEST ALONG THE EASTERLY LINE OF SAID RESERVE "G", A DISTANCE OF 436.50 FEET TO THE POINT OF BEGINNING AND THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED 6.4978 ACRE TRACT;

THENCE CONTINUING NORTH 01° 03' 52" WEST, ALONG THE EASTERLY LINE OF SAID RESERVE "G", A DISTANCE OF 723.50 FEET TO AN IRON ROD FOR THE NORTHEAST CORNER OF SAID RESERVE "G" AND THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 88° 56' 08" WEST, A DISTANCE OF 222.61 FEET TO AN IRON ROD FOR A CORNER;

THENCE SOUTH 66° 57' 33" WEST, A DISTANCE OF 191.28 FEET TO A POINT FOR THE NORTHWEST CORNER OF SAID RESERVE "G" AND THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 01° 03' 52" EAST, ALONG THE WEST LINE OF SAID RESERVE "G", A DISTANCE OF 651.92 FEET TO A POINT FOR THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 88° 56' 08" EAST, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.4978 ACRE (283,043.95 SQ. FT.) TRACT OF LAND

DATED THIS THE 6th DAY OF JUNE, 2005

THIS PROPERTY DOES NOT LIE WITHIN A 100-YEAR FLOOD PRONE AREA (LIES WITHIN ZONE C) PER THE MAP BY FEDERAL EMERGENCY MANAGEMENT AGENCY FOR GALVESTON COUNTY, TEXAS. COMMUNITY PANEL NO. 483470 0093 C, REVISED 05-02-03.

NOTES:

1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.
2. THIS SURVEYOR HAS NOT ABSTRACTED SUBJECT PROPERTY.
3. ALL BEARINGS SHOWN ARE REFERENCED PER RECORDED PLAT OF SAID SUBDIVISION.



JALAYER CORPORATION