

RICHARD A. VARELA DIRECTOR, OIL AND GAS DIVISION JOHN JAMES TINTERA P.G. ASSISTANT DIRECTOR, SITE REMEDIATION

#### 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, JOHN JAMES TINTERA, 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. 03-40001 AS OF 9 January 2006 FOR THE TRACT OF LAND DESCRIBED IN EXHIBIT "A", BASED ON THE AFFIDAVIT OF COMPLETION OF RESPONSE ACTION AND INSTITUTIONAL CONTROLS. EXHIBITS "B" AND "C", 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 O, TEXAS NATURAL RESOURCE CODE.

day of Jan EXECUTED this John Tames Tintera. Assistant Director Remediation Division

STATE OF

COUNTY OF

BEFORE ME, personally appeared John Tintera, 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

otany Public in an Notary Public, State of Texas

My Commission Expires

## EVIIDIT (( ) )

VOLUNTARY CLEANUP PROGRAM

LEGAL DESCRIPTION OF Sugar Land Ranch Section 1, 142.5704 acres

VCP No. 03-40001

EXHIBIT "A"
RAILROAD COMMISSION OF TEXAS

#### Page 1 of 3 Pages

County:

Fort Bend

Project:

Riverstone

C.I. No.:

1596-04 (sketch prepared)

Job Number:

1998030-57

#### **METES AND BOUNDS FOR 142.5704 ACRES**

Being 142.5704 acres located in the William Stafford Survey, Abstract-89 in Fort Bend County, Texas; said 142.5704 acre tract being out of that portion of a call 2497.4 acre tract of land conveyed to Hillsboro Estates in Clerk's File Numbers 199819621, 1999013157 and 2002062645 of the Official Records of Fort Bend County, (O.R.F.B.C.) Texas; said 142.5704 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the City of Missouri City G.P.S. Monumentation Program, Texas Coordinate System, South Central Zone (NAD 27), using City Survey Marker No. 7096 and 7076):

Beginning at a 5/8-inch iron rod found at the southwest corner of a call 1.0 acre tract of land recorded in Volume 572, Page 18 of the Fort Bend County Deed Records (F.B.C.D.R.), same being on the east line of said 2497.4 acre tract and on the north Right-of-way (R.O.W.) line of Oilfield Road (no record found, fenced at 90-feet wide);

Thence, with the north R.O.W. line of said Oilfield Road (as fenced), the following five (5) courses:

- 1. South 87 degrees 31 minutes 20 seconds West, a distance of 665.96 feet;
- 2. South 87 degrees 25 minutes 53 seconds West, a distance of 565.20 feet;
- 3. South 87 degrees 20 minutes 02 seconds West, a distance of 268.43 feet;
- 4. South 87 degrees 26 minutes 46 seconds West, a distance of 68.84 feet;
- North 80 degrees 10 minutes 23 seconds West, a distance of 80.05 feet to the east R.O.W. line of Steep Bank Creek (200-feet wide) as recorded in Volume 333, Page 166 and Volume 333, Page 188 of the F.B.C.D.R.;

Thence, with said east R.O.W. line, the following twenty-seven (27) courses:

- 6. North 31 degrees 07 minutes 09 seconds West, a distance of 70.12 feet;
- 7. North 40 degrees 42 minutes 00 seconds West, a distance of 718.26 feet;

#### Page 2 of 3 Pages

8. North 46 degrees 20 minutes 08 seconds West, a distance of 487.66 feet; North 59 degrees 21 minutes 16 seconds West, a distance of 305.46 feet; 9. North 61 degrees 51 minutes 35 seconds West, a distance of 297.72 feet; 10. North 76 degrees 08 minutes 38 seconds West, a distance of 188.64 feet; 11. South 86 degrees 05 minutes 13 seconds West, a distance of 248.27 feet; 12. 13. South 89 degrees 50 minutes 36 seconds West, a distance of 297.68 feet; 14. North 73 degrees 56 minutes 32 seconds West, a distance of 309.41 feet; 15. North 56 degrees 36 minutes 24 seconds West, a distance of 244.43 feet; North 45 degrees 10 minutes 11 seconds West, a distance of 149.22 feet; 16. North 24 degrees 05 minutes 32 seconds West, a distance of 224.23 feet; 17. 18. North 06 degrees 02 minutes 26 seconds West, a distance of 177.64 feet; 19. North 18 degrees 27 minutes 42 seconds East, a distance of 147.07 feet; 20. North 26 degrees 54 minutes 21 seconds East, a distance of 175.06 feet; 21. North 39 degrees 01 minutes 34 seconds East, a distance of 122.75 feet; North 43 degrees 46 minutes 39 seconds East, a distance of 200.70 feet; 22. North 41 degrees 07 minutes 23 seconds East, a distance of 219.89 feet; 23. 24. North 34 degrees 59 minutes 08 seconds East, a distance of 261.54 feet; 25. North 41 degrees 51 minutes 03 seconds East, a distance of 258.39 feet; North 49 degrees 05 minutes 13 seconds East, a distance of 165.98 feet; 26. North 53 degrees 08 minutes 28 seconds East, a distance of 129.52 feet; 27.

#### Page 3 of 3 Pages

- 28. North 52 degrees 01 minutes 02 seconds East, a distance of 383.76 feet;
- 29. North 73 degrees 33 minutes 21 seconds East, a distance of 51.42 feet;
- 30. South 79 degrees 29 minutes 17 seconds East, a distance of 32.34 feet;
- 31. South 58 degrees 38 minutes 58 seconds East, a distance of 55.83 feet;
- 32. South 39 degrees 30 minutes 11 seconds East, a distance of 140.55 feet to the east line of aforesaid 2497.4 acre tract, same being on the west line of a call 8.6092 acre tract of land recorded in Clerk's File Number 9629251 of the O.R.F.B.C.;
- 33. Thence, with the east line of said 2497.4 acre tract, the west line of said 8.6092 acre tract and the west line of a call 60.8592 acre tract of land recorded in Clerk's File Number 9668335 of the O.R.F.B.C., South 02 degrees 57 minutes 45 seconds East, a distance of 1867.78 feet to a 1-inch iron pipe found;
- 34. Thence, with the common line of said 60.8592 acre tract and said 2497.4 acre tract, North 87 degrees 30 minutes 28 seconds East, a distance of 1786.76 feet to a 1-inch iron pipe in concrete found at the southeast corner of said 60.8592 acre tract and the southwest corner of The Crossing at Riverstone, a subdivision recorded under Slide Numbers 2281B/2282A of the Fort Bend County Plat Records (F.B.C.P.R.);
- 35. Thence, with the north line of said 2497.4 acre tract, the south line of said The Crossing at Riverstone and the south line of The Terrace at Riverstone Section Two, a subdivision recorded under Slide Numbers 2402B/2403A of the F.B.C.P.R., North 87 degrees 28 minutes 19 seconds East, a distance of 958.75 feet to the northeast corner of said 2497.4 acre tract, same being the northwest corner of a call 51.002 acre tract recorded in Volume 2535, Page 1059 of the O.R.F.B.C.
- 35. Thence, with the common line of said 2497.4 acre tract and said 51.002 acre tract and with the west line of aforesaid 1.0 acre tract, South 02 degrees 46 minutes 53 seconds East, a distance of 1574.01 feet to the **Point of Beginning** and containing 142.5704 acres of land.

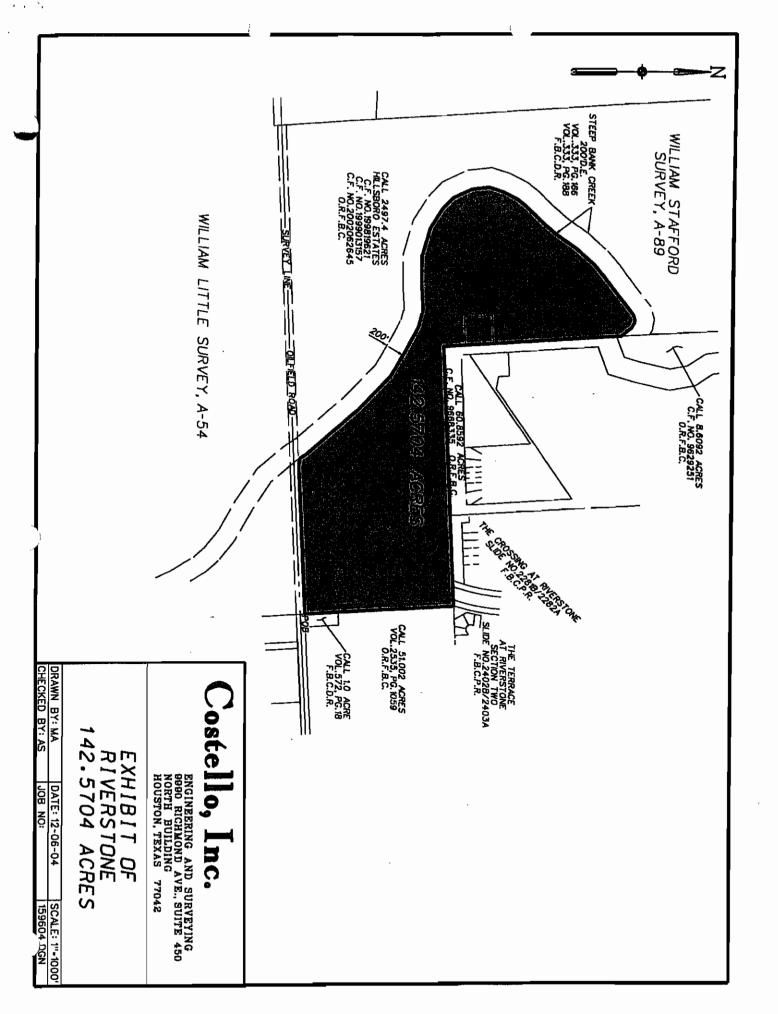
MARK D. ARMSTRONG

5363

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SURVE

12/06/04



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

I, Mr. Tom Wilcox, representing Sugar Land Ranch Development L.L.C. and Hillsboro Estates L.L.C., have completed response actions 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 Sugar Land Ranch Section 1, also known as VCP No. 03-40001 located in Ft. Bend County, Texas. The Site was owned by the applicant at the time the application to participate in the Voluntary Cleanup Program was filed. The Applicants have 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 with the following considerations:

- Institutional Control in the form of a restrictive covenant has been placed on the real property records of Ft Bend County, filed under No. 2005154155 in and enclosed herein as Exhibit C. The restrictive covenant includes the following provisions.
- 2. Groundwater from the Affected Property shall not be used for any purpose, except monitoring.

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 Applicants have 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. 03-40001.

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

Applicant
By
Print Name: Ton P.WILCOX

STATE OF Texas COUNTY OF

BEFORE ME, personally appeared\_\_\_\_\_, known to me to be the person and officer of said L.L.C.'s 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 4th Day of Jankary 2006.

CHERIE L. SLOAN
MY COMMISSION EXPIRES
FEBRUARY 6, 2010

Notary Public in and for the State of Texas

# EXHIBIT "C" RAILROAD COMMISSION OF TEXAS

VOLUNTARY CLEANUP PROGRAM
Restrictive Covenant Sugar Land Ranch Section 1, 142.5704 acres

VCP No. 03-40001

MISC

29 PGS

#### Amended and Restated Railroad Commission of Texas **Environmental Restrictive Covenant**

STATE OF TEXAS

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COUNTY OF FORT BEND

This Amended and Restated Environmental Restrictive Covenant is filed pursuant to the authority of the Railroad Commission of Texas (the "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, as an amendment and restatement of that certain Environmental Restrictive Covenant instrument dated June 11, 2005 executed by Sugar Land Ranch Development, L.L.C. ("SLRD") and certain other landowners which was filed under Clerk's File No. 2005083132 and recorded in the Official Public Records of Real Property of Fort Bend County, Texas (the "Original Restrictive Covenant") concerning that certain 142.5704 acre tract of land described in Exhibit "A" attached hereto (the "Property").

The Property contains 17 plugged and abandoned oil well sites formerly operated by Exxon Corporation and Sugar Land Ranch Oil & Gas, L.L.C. An environmental investigation and response action was required in accordance with the Commission's regulations. DCH Environmental Consultants, L.P. performed the response action to identify all areas containing chemicals of concern ("COCs") and the analytical results of this evaluation are contained in a report titled Final Report, Subsurface Investigation, Sugar Land Ranch, Section 1, dated December 2004, a report titled Final Report, Supplemental Subsurface Investigation, Sugar land Ranch, Section 1 dated May 2005, and a report titled Remedial Action Completion Report Sugar Land Ranch - Section 1, Approximately 143 Acres dated December 2005. Copies of these reports may be obtained from the Commission.

According to the above mentioned reports, two (2) portions of the Property are affected by COCs. These portions of the Property are a 10.1822 acre tract and a 8.7016 acre tract of land in The Crossing at Riverstone, Section Two (2) subdivision. The location and metes and bounds descriptions of these tracts are attached hereto as Exhibit "B-1" and Exhibit "B-2". In addition, a portion of the chloride plume has migrated to the west of the Property and affects the 13.1241 acre tract of land which is described on Exhibit "B-3" attached hereto (the three (3) tracts of land described on Exhibits "B-1" through Exhibit "B-3" hereof are referred to herein as the "Affected Property"). All levels of COCs left in the soil and groundwater of the Property are below residential Protective Concentration Levels ("PCLs"), except as noted in the following paragraph, according to the above mentioned reports.

The Affected Property has chloride and arsenic found in shallow groundwater in an area noted on Exhibit "B-1" and Exhibit "B-2" hereto. Chloride resulting from produced brine water is regulated by the Commission. Chloride levels left in the groundwater of the Affected Property are above the Texas Secondary Drinking Water Standards of 300 ppm. Chloride is not considered a health concern but is considered an agricultural and an aesthetic concern. The maximum chloride content found in the groundwater was 1800 ppm in the 8.7016 acre tract of the Affected Property with the majority of results falling in the 100 ppm to 400 ppm range. It is not known if the arsenic detected in the groundwater was naturally occurring or the result of historical oil field activities at the site. The maximum arsenic content

found in the groundwater was 0.04 ppm in the 10.1822 acre tract of the Affected Property. The groundwater at the subject site is generally deeper than 15' below the ground surface in this area. Chlorides and arsenic were not found in soils of the Property above residential PCL's. Maps with groundwater arsenic and chloride levels and their sample locations are attached hereto as Exhibit "C-1" and Exhibit "C-2". The contaminant plumes have been delineated. They were stable and have been demonstrated to be naturally attenuating.

This response action has been approved by the Commission based on the presumption that the Affected Property will be used for residential purposes. This Restrictive Covenant is required so that the groundwater beneath the Affected Property will not be used. The Commission has determined that with the limitation on groundwater use imposed by this instrument, the Affected Property currently meets standards for residential use. Based on the reports identified above, and the limitation on groundwater use imposed by this instrument, the COCs pose no significant present or future risk to humans or the environment based on residential use. No further remediation of the Affected Property is required by the Commission as long as the groundwater in the Affected Property is not used. For purposes of this Restrictive 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, 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 intends to use the groundwater of the Affected Property for any purpose other than allowed by this instrument, then before commencing such use the Commission must be contacted and further remedial action may be necessary.

In consideration of this response action leading to final approved remediation of the Affected Property, SLRD and the other entities who executed the Original Restrictive Covenant agreed to place the following restrictions on the Affected Property in favor of the Commission and the State of Texas. Now therefore, in consideration of these premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following restrictive covenants in favor of the Commission and the State of Texas are placed on the Affected Property described in Exhibit "B-1", Exhibit "B-2" and Exhibit "B-3" attached hereto, to-wit:

- 1. The Affected Property's groundwater shall not be used for any purpose except for monitoring.
- 2. These restrictions shall be a covenant running with the land.

For additional information, contact:

Railroad Commission of Texas Voluntary Cleanup Program P. O. Box 12967 1701 N. Congress Austin, Texas 78711-2967

Railroad Commission of Texas Voluntary Cleanup Program Application No.: 03-40001.

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 of the County in which this Restrictive Covenant is filed. This Restrictive Covenant constitutes an amendment and restatement of the Original

Restrictive Covenant and a release of all portions of the Property except the Affected Property from the restrictions imposed by the Original Restrictive Covenant.

Executed this 16th day of December, 2005.

| Sugar Land Ranch Development, L.L.C., a Texas limited liability company |   |
|---|---|
| By: Tom P. Wilcox, General Manager and Vice President                   | ر |

Address:

4855 Riverstone Blvd., Suite 100 Missouri City, Texas 77459

STATE OF TEXAS

COUNTY OF FORT BEND

This instrument was acknowledged before me on the day of December, 2005 personally appeared Tom P. Wilcox, General Manager and Vice President of Sugar Land Ranch Development, L.L.C., a Texas limited liability company, known to me to be the person/whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and in the capacity herein expressed on behalf of said limited liability company.

CHERIE L. SLOAN MY COMMISSION EXPIRES **FEBRUARY 6, 2010** 

Notary Public in and for the State of Texas

Accepted as Third Party Beneficiary this 2011 day of faceries, 2005.

Railroad Commission of Texas

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the AOD ay of Hember, 2005.

K. WILLIAMSON Notary Public, State of Texas My Commission Expires JUNE 14, 2007

**Notary without Bond** 003884.000005/728357.4

Notary Public in and for the State of Texas
After Recording, Return To:

COATS | ROSE

A Professional Corporation

Attorneys of Law 3 Greenway Phase Smile 2000

Houston, Texas 77046

Page 3 of 3

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#### Page 1 of 3 Pages

County:

Fort Bend

Project:

Riverstone

C.L. No.:

1596-04 (sketch prepared)

Job Number:

1998030-57

#### **METES AND BOUNDS FOR 142,5704 ACRES**

Being 142.5704 acres located in the William Stafford Survey, Abstract-89 in Fort Bend County, Texas; said 142.5704 acre tract being out of that portion of a call 2497.4 acre tract of land conveyed to Hillsboro Estates in Clerk's File Numbers 199819621, 1999013157 and 2002062645 of the Official Records of Fort Bend County, (O.R.F.B.C.) Texas; said 142.5704 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the City of Missouri City G.P.S. Monumentation Program, Texas Coordinate System, South Central Zone (NAD 27), using City Survey Marker No. 7096 and 7076):

Beginning at a 5/8-inch iron rod found at the southwest corner of a call 1.0 acre tract of land recorded in Volume 572, Page 18 of the Fort Bend County Deed Records (F.B.C.D.R.), same being on the east line of said 2497.4 acre tract and on the north Right-of-way (R.O.W.) line of Oilfield Road (no record found, fenced at 90-feet wide);

Thence, with the north R.O.W. line of said Oilfield Road (as fenced), the following five (5) courses:

- 1. South 87 degrees 31 minutes 20 seconds West, a distance of 665.96 feet;
- 2. South 87 degrees 25 minutes 53 seconds West, a distance of 565.20 feet;
- South 87 degrees 20 minutes 02 seconds West, a distance of 268.43 feet;
- 4. South 87 degrees 26 minutes 46 seconds West, a distance of 68.84 feet;
- 5. North 80 degrees 10 minutes 23 seconds West, a distance of 80.05 feet to the east R.O.W. line of Steep Bank Creek (200-feet wide) as recorded in Volume 333, Page 166 and Volume 333, Page 188 of the F.B.C.D.R.;

Thence, with said east R.O.W. line, the following twenty-seven (27) courses:

- North 31 degrees 07 minutes 09 seconds West, a distance of 70.12 feet;
- 7. North 40 degrees 42 minutes 00 seconds West, a distance of 718.26 feet;

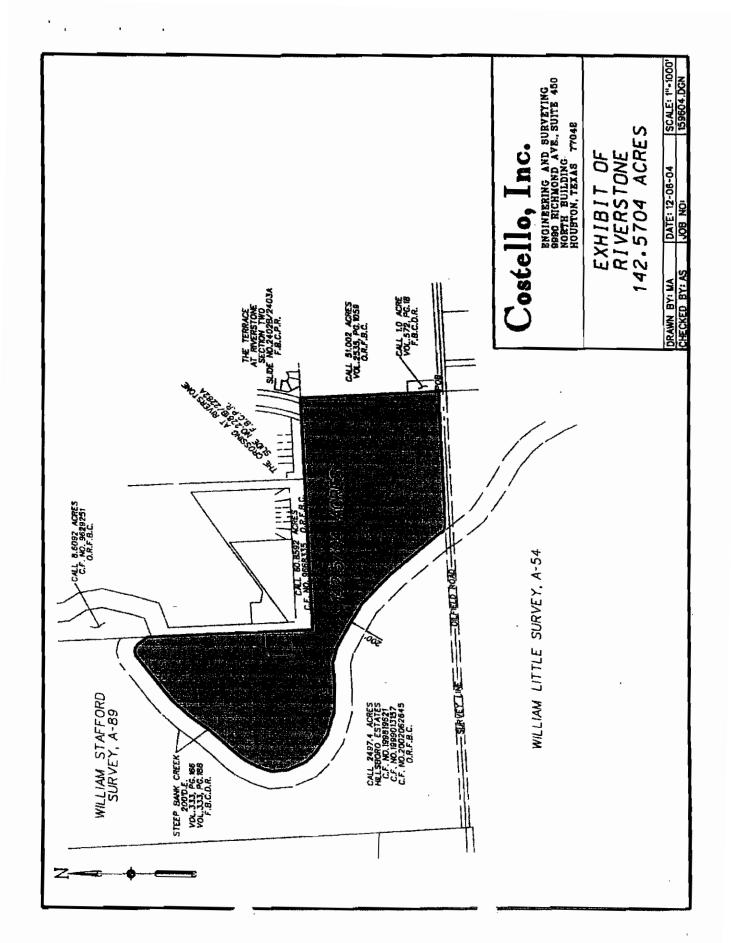
### Page 2 of 3 Pages

8. North 46 degrees 20 minutes 08 seconds West, a distance of 487.66 feet; 9. North 59 degrees 21 minutes 16 seconds West, a distance of 305.46 feet; 10. North 61 degrees 51 minutes 35 seconds West, a distance of 297.72 feet; 11. North 76 degrees 08 minutes 38 seconds West, a distance of 188.64 feet, 12. South 86 degrees 05 minutes 13 seconds West, a distance of 248.27 feet; 13. South 89 degrees 50 minutes 36 seconds West, a distance of 297.68 feet; 14. North 73 degrees 56 minutes 32 seconds West, a distance of 309.41 feet; North 56 degrees 36 minutes 24 seconds West, a distance of 244.43 feet; 15. 16. North 45 degrees 10 minutes 11 seconds West, a distance of 149.22 feet, 17. North 24 degrees 05 minutes 32 seconds West, a distance of 224.23 feet; 18. North 06 degrees 02 minutes 26 seconds West, a distance of 177.64 feet, North 18 degrees 27 minutes 42 seconds East, a distance of 147.07 feet; 19. 20. North 26 degrees 54 minutes 21 seconds East, a distance of 175.06 feet; 21. North 39 degrees 01 minutes 34 seconds East, a distance of 122.75 feet; 22. North 43 degrees 46 minutes 39 seconds East, a distance of 200.70 feet, 23. North 41 degrees 07 minutes 23 seconds East, a distance of 219.89 feet; North 34 degrees 59 minutes 08 seconds East, a distance of 261.54 feet; 24. North 41 degrees 51 minutes 03 seconds East, a distance of 258.39 feet; 25. 26. North 49 degrees 05 minutes 13 seconds East, a distance of 165.98 feet; North 53 degrees 08 minutes 28 seconds East, a distance of 129.52 feet; 27.

#### Page 3 of 3 Pages

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- 29. North 73 degrees 33 minutes 21 seconds East, a distance of 51.42 feet;
- 30. South 79 degrees 29 minutes 17 seconds East, a distance of 32.34 feet;
- 31. South 58 degrees 38 minutes 58 seconds East, a distance of 55.83 feet;
- 32. South 39 degrees 30 minutes 11 seconds East, a distance of 140.55 feet to the east line of aforesaid 2497.4 acre tract, same being on the west line of a call 8.6092 acre tract of land recorded in Clerk's File Number 9629251 of the O.R.F.B.C.;
- 33. Thence, with the east line of said 2497.4 acre tract, the west line of said 8.6092 acre tract and the west line of a call 60.8592 acre tract of land recorded in Clerk's File Number 9668335 of the O.R.F.B.C., South 02 degrees 57 minutes 45 seconds East, a distance of 1867.78 feet to a 1-inch iron pipe found;
- 34. Thence, with the common line of said 60.8592 acre tract and said 2497.4 acre tract, North 87 degrees 30 minutes 28 seconds East, a distance of 1786.76 feet to a 1-inch iron pipe in concrete found at the southeast corner of said 60.8592 acre tract and the southwest corner of The Crossing at Riverstone, a subdivision recorded under Slide Numbers 2281B/2282A of the Fort Bend County Plat Records (F.B.C.P.R.);
- 35. Thence, with the north line of said 2497.4 acre tract, the south line of said The Crossing at Riverstone and the south line of The Terrace at Riverstone Section Two, a subdivision recorded under Slide Numbers 2402B/2403A of the F.B.C.P.R., North 87 degrees 28 minutes 19 seconds East, a distance of 958.75 feet to the northeast corner of said 2497.4 acre tract, same being the northwest corner of a call 51.002 acre tract recorded in Volume 2535, Page 1059 of the O.R.F.B.C.
- 35. Thence, with the common line of said 2497.4 acre tract and said 51.002 acre tract and with the west line of aforesaid 1.0 acre tract, South 02 degrees 46 minutes 53 seconds East, a distance of 1574.01 feet to the Point of Beginning and containing 142.5704 acres of land.





### EXHIBIT "B-1"

#### Page 1 of 4 Pages

County:

Fort Bend

Project:

Riverstone

C.I. No.:

1245-05 (sketch prepared)

Job Number:

1998030-57

#### **METES AND BOUNDS FOR 10.1822 ACRES**

Being 10.1822 acre tract of land located in the William Stafford Survey, Abstract-89 in Fort Bend County, Texas; said 10.1822 acre tract being a portion of The Crossing at Riverstone Section Two, a subdivision recorded in Plat Number 20040001 of the Fort Bend County Plat Records (F.B.C.P.R.) and a portion of Crossing Cove at Riverstone, a subdivision recorded in Plat Number 20040012 of the F.B.C.P.R.; said 10.1822 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the City of Missouri City G.P.S. Monumentation Program, Texas Coordinate System, South Central Zone (NAD 27), using City Survey Marker No. 7096 and 7076):

Beginning at a 5/8-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found at the northwest corner of Reserve "B" and an interior corner of Reserve "A" of said Crossing Cove at Riverstone, same being on the south Right-of-Way (R.O.W.) line of Riverstone Crossing Drive (60-feet wide);

- 1. Thence, with the common line of said Reserve "A" and said Reserve "B", South 02 degrees 29 minutes 32 seconds East, at a distance of 65.77 feet pass the southwest corner of said Reserve "B", in all, a total distance of 116.71 feet to the common line of said Reserve "A" and Steep Bank Creek, a 200-foot wide drainage easement recorded in Volume 333, Page 166 and Volume 333, Page 188 of the Fort Bend County Deed Records;
- 2. Thence, with said common line, South 61 degrees 51 minutes 35 seconds East, a distance of 200.59 feet;
- 3. Thence, continuing with said common line, South 59 degrees 21 minutes 16 seconds East, at a distance of 55.58 feet pass the southeast corner of said Reserve "A" and the southwest corner of Reserve "B" of aforesaid The Crossing at Riverstone Section Two, in all, a total distance of 305.46 feet to a 3/4-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found;
- Thence, with the common line of said Reserve "B" and said Steep Bank Creek, South 46
  degrees 20 minutes 08 seconds East, a distance of 359.88 feet;

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- 5. Thence, through said Reserve "B" and with the back lot line of Lots 17 and 18, Block 1 and the northwest line of Lot 16, Block 1 of aforesaid Crossing at Riverstone Section Two, North 61 degrees 19 minutes 43 seconds East, a distance of 224.64 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found at the east corner of said Lot 17 and the north corner of said Lot 16, same being on the west R.O.W. line of aforesaid Riverstone Crossing Drive;
- 6. Thence, through and across said R.O.W., North 70 degrees 09 minutes 51 seconds East, a distance of 60.06 feet to a 3/4-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found on the east R.O.W. line of said Riverstone Crossing Drive;
- 7. Thence, with said east R.O.W. line, North 22 degrees 27 minutes 47 seconds West, a distance of 37.24 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found at the west corner of Lot 8, Block 4 and the south corner of Lot 9, Block 4 of aforesaid Crossing at Riverstone Section Two;
- 8. Thence, with the common line of said Lot 9 and said Lot 8, North 67 degrees 32 minutes 13 seconds East, a distance of 155.00 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found at the north corner of said Lot 8 and the east corner of said Lot 9?
- Thence, with the northeast line of said Lot 9, North 22 degrees 27 minutes 47 seconds
  West, at a distance of 76.11 feet pass the north end of said northeast line, in all, a total
  distance of 230.12 feet;
- 10. Thence, through aforesaid 2497.4 acre tract, North 27 degrees 39 minutes 34 seconds West, at a distance of 47.56 feet pass the east corner of Lot 11, Block 4 of aforesaid Crossing at Riverstone Section Two, in all, a total distance of 262.56 feet to a 3/4-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found on the northwest R.O.W. line of Mistyleaf Lane (60-feet wide);
- 11. Thence, with said northwest R.O.W. line, 116.16 feet along the arc of a curve to the left, said curve having a central angle of 15 degrees 28 minutes 39 seconds, a radius of 430.00 feet and a chord that bears South 54 degrees 36 minutes 07 seconds West, a distance of 115.80 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found at the south corner of Lot 1, Block 3 and the east corner of Lot 2, Block 3 of said Crossing at Riverstone Section Two;

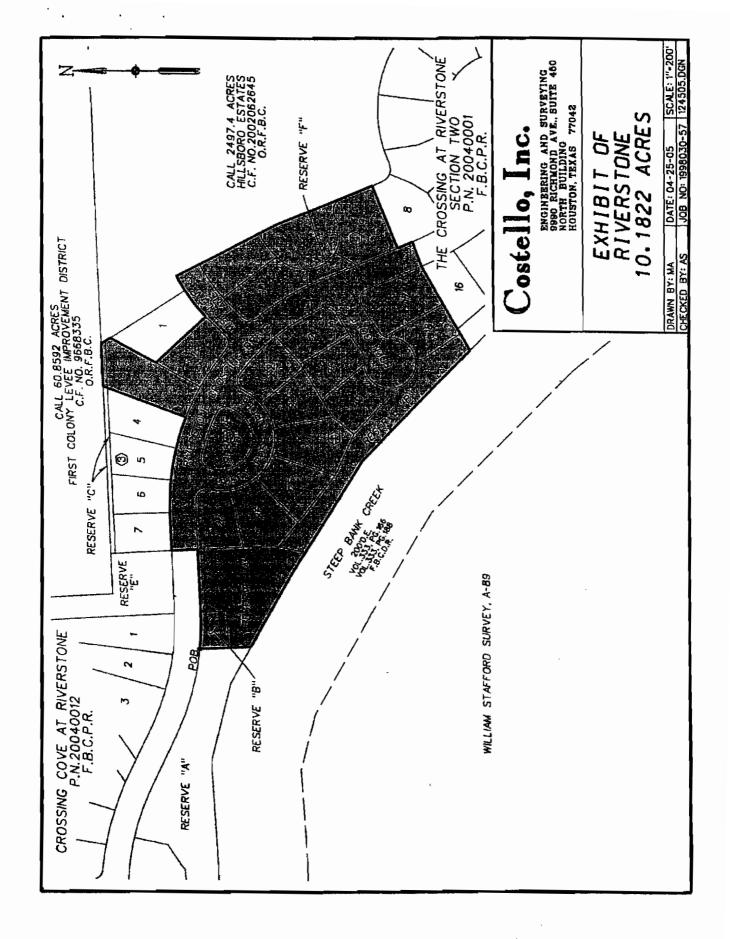
#### Page 3 of 4 Pages

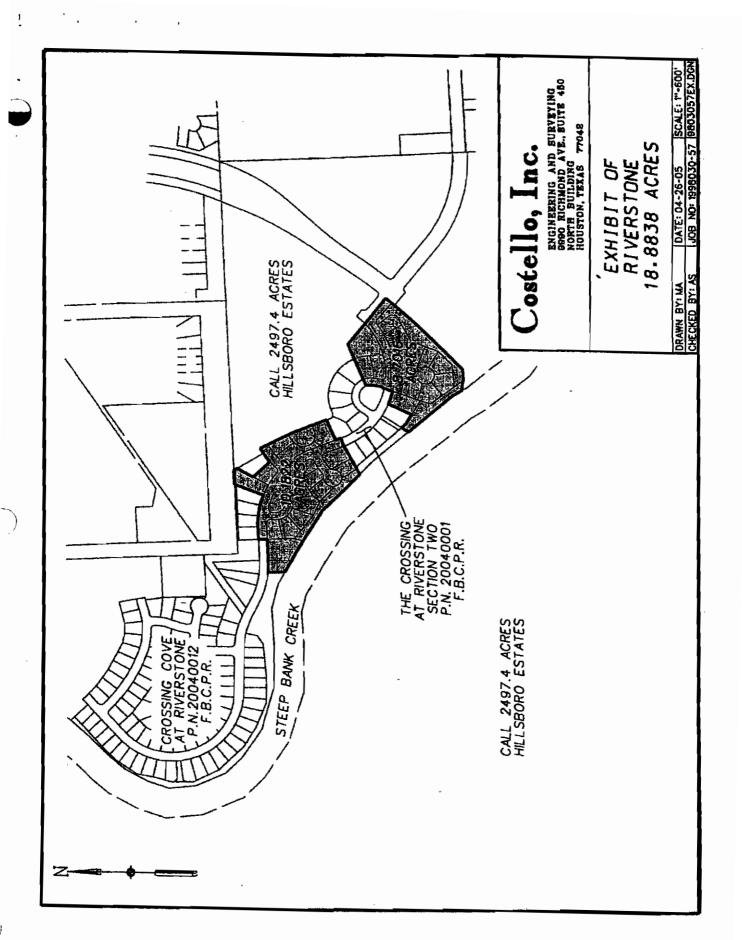
- 12. Thence, with the common line of said Lot 2 and said Lot 3, North 43 degrees 08 minutes 13 seconds West, a distance of 158.36 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found at the west corner of said Lot 1 and the north corner of said Lot 2, same being on the southeast line of Lot 3, Block 3 of said Crossing at Riverstone Section Two;
- 13. Thence, with the common line of said Lot 1 and said Lot 3, North 28 degrees 39 minutes 08 seconds East, a distance of 119.69 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found at the north corner of said Lot 1 and the east corner of said Lot 3;
- 14. Thence, with the northeast line of said Lot 3 and Reserve "C" of aforesaid Crossing at Riverstone Section Two, North 32 degrees 50 minutes 20 seconds West, a distance of 24.49 feet to a 3/4-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found at the northeast corner of said Reserve "C", same being on the south line of a call 60.8592 acre tract of land recorded in Clerk's File Number 9668335 of the Official Records of Fort Bend County;
- Thence, with the common line of said Reserve "C" and said 60.8592 acre tract, South 87 degrees 30 minutes 28 seconds West, a distance of 99.94 feet;
- 16. Thence, through said Reserve "C" and with the common line of said Lot 3 and Lot 4, Block 3 of aforesaid Crossing at Riverstone Section two, South 20 degrees 48 minutes 09 seconds West, a distance of 203.90 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found at the southwest corner of said Lot 3 and the southeast corner of said Lot 4, same being on the north R.O.W. line of aforesaid Riverstone Crossing Drive;
- 17. Thence, with said north R.O.W. line, 235.81 feet along the arc of a curve to the left, said curve having a central angle of 23 degrees 17 minutes 41 seconds, a radius of 580.00 feet and a chord that bears North 80 degrees 50 minutes 41 seconds West, a distance of 234.19 feet to a 3/4-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found;
- 18. Thence, continuing with said north R.O.W. line, South 87 degrees 30 minutes 28 seconds West, a distance of 83.45 feet to a 3/4-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found at the southwest corner of Lot 7, Block 3 of aforesaid Crossing at Riverstone Section Two and the southeast corner of Reserve "E" of aforesaid Crossing Cove at Riverstone;

#### Page 4 of 4 Pages

- 19. Thence, with the common line of said Crossing at Riverstone Section Two and Crossing Cove at Riverstone, South 03 degrees 01 minutes 20 seconds East, a distance of 60.00 feet to a 3/4-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found at the northwest corner of Lot 27, Block 1 of said Crossing at Riverstone Section Two and the northeast corner of aforesaid Reserve "A", same being on the south R.O.W. line of aforesaid Riverstone Crossing Drive;
- Thence, with said south R.O.W. line, South 87 degrees 30 minutes 28 seconds West, a
  distance of 150.55 feet to a 3/4-inch iron rod with cap stamped "COSTELLO INC RPLS
  4416" found;
- 21. Thence, continuing with said south R.O.W. line, 85.33 feet along the arc of a curve to the right, said curve having a central angle of 07 degrees 45 minutes 37 seconds, a radius of 630.00 feet and a chord that bears North 88 degrees 36 minutes 44 seconds West, a distance of 85.26 feet to the Point of Beginning and containing 10.1822 acres of land.







# EXHIBIT "B-2"

#### Page 1 of 3 Pages

County:

Fort Bend

Project:

Riverstone

C.I. No.:

1244-05 (sketch prepared)

Job Number:

1998030-57

#### **METES AND BOUNDS FOR 8.7016 ACRES**

Being an 8,7016 acre tract of land located in the William Stafford Survey, Abstract-89 in Fort Bend County, Texas; said 8,7016 acre tract being a portion of The Crossing At Riverstone Section Two, a subdivision recorded in Plat Number 20040001 of the Fort Bend County Plat Records (F.B.C.P.R.) and a portion of a call 2497.4 acre tract of land conveyed to Hillsboro Estates in Clerk's File Number 2002062645 of the Official Records of Fort Bend County, (O.R.F.B.C.) Texas; said 8,7016 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the City of Missouri City G.P.S. Monumentation Program, Texas Coordinate System, South Central Zone (NAD 27), using City Survey Marker No. 7096 and 7076):

Beginning at a 5/8-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found at the northeast corner of Lot 12, Block 1 and the northwest corner of Lot 11, Block 1 of said subdivision, same being on the south Right-of-Way (R.O.W.) line of Riverstone Crossing Drive (60-feet wide);

- Thence, with the common line of said Lot 11 and said Lot 12, South 25 degrees 37 minutes 01 seconds West, a distance of 174.64 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found at the southwest corner of said Lot 11 and the southeast corner of said Lot 12, same being on the northeast line of Reserve "B" of aforesaid subdivision;
- Thence, with the common line of said Lot 12 and said Reserve "B", North 60 degrees 02
  minutes 57 seconds West, a distance of 76.37 feet to a 3/4-inch iron rod with cap stamped
  "COSTELLO INC RPLS 4416" found;
- Thence, continuing with said common line, North 41 degrees 56 minutes 03 seconds West, a distance of 41.78 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found at the southwest corner of said Lot 12 and the southeast corner of Reserve "G" of aforesaid subdivision;

#### Page 2 of 3 Pages

- 4. Thence, through aforesaid Reserve "B", South 33 degrees 18 minutes 40 seconds West, a distance of 54.64 feet to the common line of said Reserve "B" and Steep Bank Creek, a 200-foot wide drainage easement recorded in Volume 333, Page 166 and Volume 133, Page 188 of the Fort Bend County Deed Records;
- Thence, with said common line, South 40 degrees 42 minutes 00 seconds East, a distance of 396.21 feet to a 3/4-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found;
- 6. Thence, continuing with said common line, South 31 degrees 07 minutes 09 seconds East, a distance of 70.12 feet to a 3/4-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found;
- 7. Thence, with the south line of said Reserve "B", South 80 degrees 10 minutes 23 seconds East, a distance of 75.43 feet to a 3/4-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found at the common corner of said Reserve "B" and Reserve "A" of aforesaid subdivision;

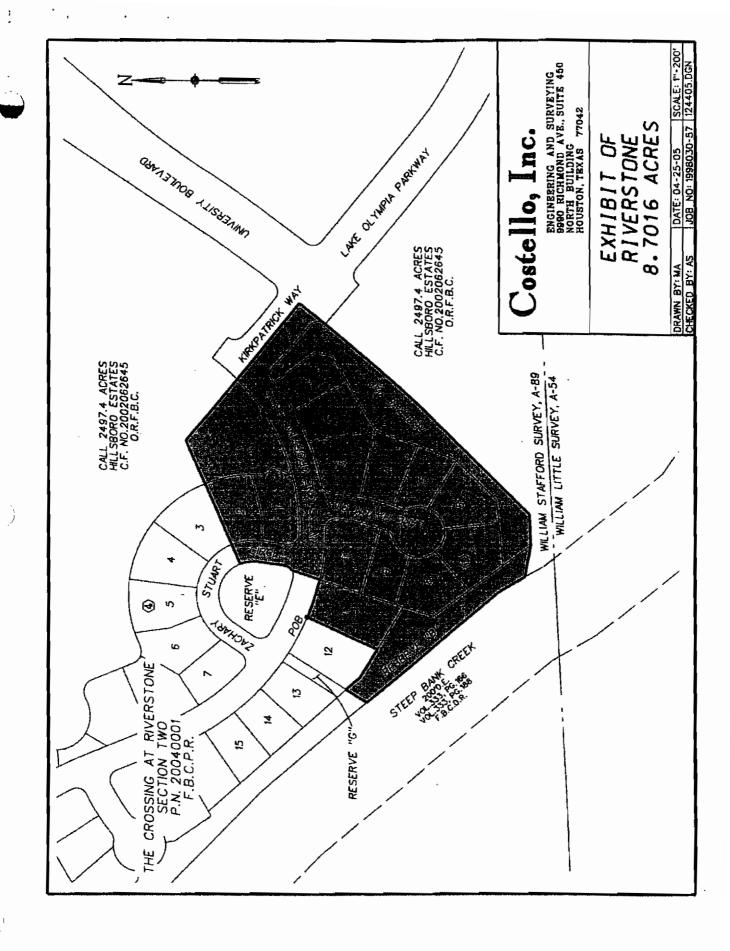
Thence, with the southeasterly line of said Reserve "A", the following three (3) courses:

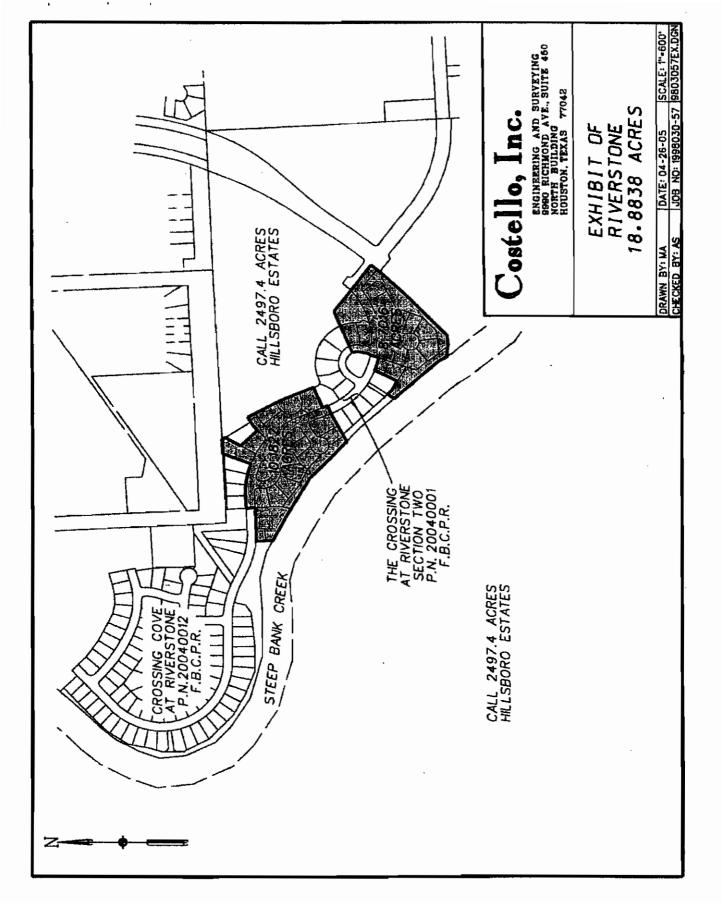
- North 88 degrees 13 minutes 07 seconds East, a distance of 73.35 feet to a 3/4-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found;
- North 45 degrees 42 minutes 11 seconds East, a distance of 305.92 feet to a 3/4-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found;
- 10. Along the arc of a curve to the left, 338.94 feet pass a 3/4-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found at the most southerly corner of a radius return at the southwest intersection of Kirkpatrick Way (100-feet wide) and University Boulevard (120-feet wide), in all, a total distance of 414.50 feet along the arc of said curve to the left, said curve having a central angle of 06 degrees 47 minutes 08 seconds, a radius of 3500.00 feet and a chord that bears North 42 degrees 18 minutes 37 seconds East, a distance of 414.26 feet;
- 11. Thence, through aforesaid subdivision and aforesaid 2497.4 acre tract, North 51 degrees 07 minutes 11 seconds West, a distance of 415.48 feet;

#### Page 3 of 3 Pages

- 12. Thence, continuing through said 2497.4 acre tract, South 67 degrees 05 minutes 12 seconds West, at a distance of 110.91 feet pass a 5/8-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found at the common corner of Lot 2, Block 4 and Lot 3, Block 4 of said subdivision, in all, a total distance of 315.91 feet to the westerly R.O.W. line of Zachary Stuart Circle (50-feet wide):
- 13. Thence, with said westerly R.O.W. line, 43.08 feet along the arc of a curve to the right, said curve having a central angle of 30 degrees 51 minutes 18 seconds, a radius of 80.00 feet and a chord that bears South 07 degrees 29 minutes 09 seconds East, a distance of 42.56 feet to a 3/4-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found;
- 14. Thence, continuing with said west R.O.W. line, South 07 degrees 56 minutes 30 seconds West, a distance of 57.94 feet to a 3/4-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found at the north end of a radius return at the west corner of the east intersection of said Zachary Stuart Circle and aforesaid Riverstone Crossing Drive;
- 15. Thence, with said radius return, 22.35 feet along the arc of a curve to the right, said curve having a central angle of 51 degrees 13 minutes 02 seconds, a radius of 25.00 feet and a chord that bears South 33 degrees 33 minutes 01 seconds West, a distance of 21.61 feet;
- 16. Thence, through and across said aforesaid Riverstone Crossing Drive, South 19 degrees 15 minutes 26 seconds West, a distance of 67.44 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC RPLS 4416" found at the northeast corner of aforesaid Lot 11 and the northwest corner of Lot 10, Block 1 of aforesaid subdivision, same being on the south R.O.W. line of said Riverstone Crossing Drive;
- 17. Thence, with said south R.O.W. line, 93.91 feet along the arc of a curve to the right, said curve having a central angle of 09 degrees 36 minutes 28 seconds, a radius of 560.00 feet and a chord that bears North 72 degrees 22 minutes 52 seconds West, a distance of 93.80 feet to the **Point of Beginning** and containing 8.7016 acres of land.







#### Exhibit "B-3"

#### Page 1 of 2 Pages

County: Fort Bend
Project: Riverstone

C.I. No.: 1621-05 (sketch prepared)

Job Number: 1998030-57

#### FIELD NOTES FOR 13.1241 ACRES

Being a 13.1241 acre tract of land located in the William Stafford Survey, A-89, in Fort Bend County, Texas; said 13.1241 acre tract being out of a call 2497.4 acre tract of land conveyed to Hillsboro Estates, L.L.C., in Clerk's File Numbers 9819621, 1999013157 and 2002062645 of the Official Records of Fort Bend County, (O.R.F.B.C.) Texas, said 13.1241 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the City of Missouri City G.P.S. Monumentation Program, Texas Coordinate System, South Central Zone (NAD 27), using City Survey Marker No. 7096 and 7076):

Beginning at a 5/8-inch iron rod with plastic cap stamped "COSTELLO INC RPLS 4416" found at the southwest corner of The Crossing at Riverstone Section Two, a subdivision recorded under Plat Number 20040001 of the Fort Bend County Plat Records (F.B.C.P.R.) and the southeast corner of Crossing Cove at Riverstone, a subdivision recorded under Plat Number 20040012 of the F.B.C.P.R., same being on the north line of Steep Bank Creek (200-feet wide);

- 1. Thence, with the south line of said The Crossing at Riverstone Section Two, South 59 degrees 21 minutes 16 seconds East, a distance of 249.88 feet;
- Thence, continuing with said south line, South 46 degrees 20 minutes 08 seconds
   East, a distance of 359.88 feet;

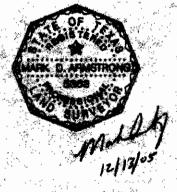
Thence, through aforesaid 2497.4 acre tract, the following three (3) courses:

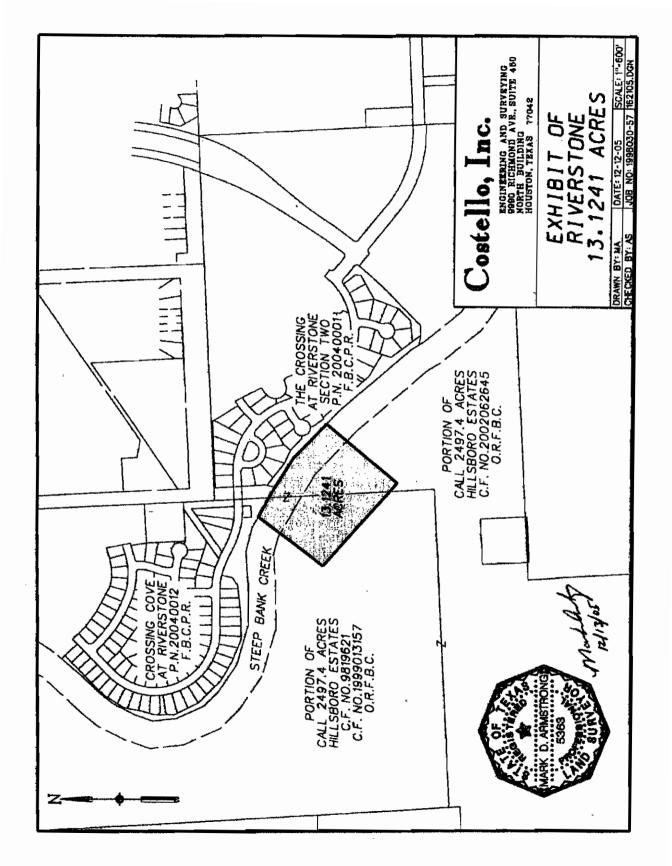
- South 39 degrees 59 minutes 20 seconds West, a distance of 692.61 feet;
- North 48 degrees 17 minutes 44 seconds West, a distance of 840.00 feet;
- 5. North 38 degrees 20 minutes 33 seconds East, a distance of 600.00 feet to the south line of aforesaid Crossing Cove at Riverstone;
- 6. Thence, with said south line, South 61 degrees 51 minutes 35 seconds East, a distance of 200.59 feet;

#### Page 2 of 2 Pages

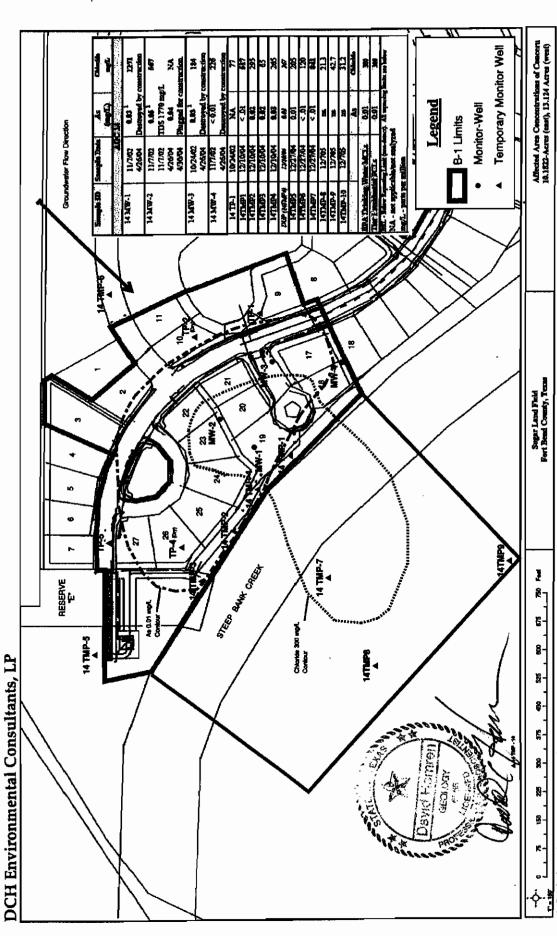
7. Thence, continuing with said south line, South 59 degrees 21 minutes 16 seconds

Bast, a distance of 55.58 feet to the Point of Beginning and containing 13.1241 acres of land.



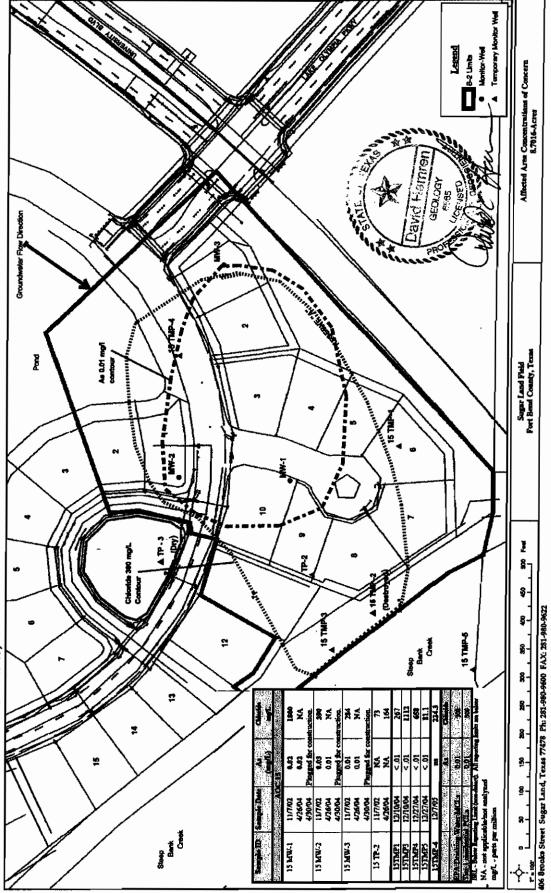


### EXHIBIT "C-1"



406 Brooks Street Sugar Land, Texas 77478 Ph; 281-980-9600 FAX; 281-980-9622

# EXHIBIT "C-2"



DCH Environmental Consultants, LP

Pet Coats Rose Yale Ryman Lee 3 Greenway Suite 2000 Howston Tr 77046-0307

### FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dr. Dinne Milson

2005 Dec 22 12:32 PM 2005 154 155 KW \$117.00

Dianne Wilson, Ph.D. COUNTY CLERK FT BEND COUNTY TEXAS