



# 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, 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. 03-14012 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 this 27<sup>th</sup> Day of January 2015.

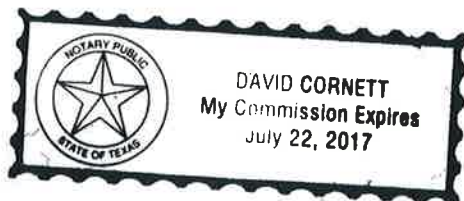
  
Peter G. Pope, Assistant Director  
Site Remediation Section


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 27<sup>th</sup> Day of January 2015.



  
Notary Public in and for the State of Texas

**EXHIBIT "A"**  
**RAILROAD COMMISSION OF TEXAS**  
**VOLUNTARY CLEANUP PROGRAM**  
**LEGAL DESCRIPTION 15.63-ACRE TRACT**  
**HARRIS COUNTY, TEXAS**  
**VCP No. 03-14012**



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**BEING** 15.63 acres (681,006 square feet) of land situated in of the Wilhelm Usener Survey, Abstract No. 820, Harris County, Texas, being out of Share No. 5, in the Map Showing Partition out of the W. Usener Survey, Harris County, Texas for Mary Jane & Gustave Kuehn, as recorded in Volume 13, Page 27 of the Harris County Map Records (H.C.M.R.) and Volume 998, Page 164 of the Harris County Deed Records (H.C.D.R.), and being out of that certain tract conveyed to Samuel Edward Tanner by deed dated December 29, 1975 and recorded in Harris County Clerk's File (H.C.C.F.) No. E636597 (in the Official Public Records of Real Property); said 15.63 acres of land being more particularly described by metes & bounds as follows:

**BEGINNING** at a found 1-1/2-inch iron pipe (N= 13,948,205.13, E= 3,039,536.25) (see note 1) for the southerly corner of a cut-back right-of-way line at the intersection of the northeast right-of-way line of State Highway 249 (also known as West Montgomery Road, Tomball Parkway, and FM 149; width varies per Volume 695, Page 709, Volume 4557, Page 305 H.C.D.R., and H.C.C.F. No. R693945) and the north right-of-way line of Boudreaux Road (60 feet wide per Volume 649, Page 395 H.C.D.R.), the southeast corner of Restricted Reserve "A", Block 1, of Mariah Boudreaux, as recorded in Film Code No. 602125 H.C.M.R., the southwest corner of said Share No. 5, and the southwest corner of the herein described tract;

1. **THENCE** North 01° 49' 03" West, along the east line of said Block 1, and the west line of said Share No. 5, at a distance of 908.71 feet (call 908.44 feet per Film Code 602125 H.C.M.R.) passing the northeast corner (from which a found 1-inch iron pipe bears North 85° 09' 56" East, 0.38 feet) of said Block 1, and the southeast corner of that certain tract conveyed to Campbell Concrete & Materials, L.P. by deed dated April 08, 1998 as recorded in H.C.C.F. No. S953826 & corrected in H.C.C.F. No. T200212, at a distance of 1,800.00 feet passing a set 3/8-inch iron rod with cap stamped "Landtech" for reference, in all a distance of 1,844.89 feet to a point in the south ordinary high water mark line (see note 2) of Willow Creek (Harris County Flood Control District Unit M100-00-00) for the northwest corner of the herein described tract;
2. **THENCE** meandering along the south ordinary high water mark line of Willow Creek the following courses and distances:
  3. South 24°59'01" East, 3.56 feet;
  4. South 39°37'52" East, 4.65 feet;
  5. South 29°57'40" East, 29.71 feet;
  6. South 31°46'48" East, 22.01 feet;
  7. South 56°57'44" East, 65.85 feet;
  8. South 71°50'10" East, 27.85 feet;
  9. North 77°00'12" East, 27.02 feet;



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10. North 87°10'35" East, 35.04 feet;
11. South 66°12'00" East, 25.97 feet;
12. South 37°47'31" East, 28.65 feet;
13. South 45°05'42" East, 41.15 feet;
14. South 34°53'00" East, 42.37 feet;
15. South 54°23'08" East, 29.57 feet;
16. South 62°49'19" East, 29.06 feet;
17. South 68°29'47" East, 45.87 feet;
18. South 82°55'24" East, 49.03 feet to the east line of said Share No. 5, the west line of Share No. 6 and the west line of that certain tract of land conveyed to Wayne E. Hawkins by deed dated May 29, 1992 as recorded in H.C.C.F. No. N706583, for the northeast corner of the herein described tract;
19. **THENCE** South 01° 49' 03" East, along the east line of said Share No. 5, and the west line of said Share No. 6, at a distance of 36.49 feet passing a set 3/8-inch iron rod with cap stamped "Landtech" for reference, in all a distance of 774.81 feet to a set 3/8-inch iron rod with cap stamped "Landtech";
20. **THENCE** South 04° 48' 05" West, a distance of 99.07 feet to a set 3/8-inch iron rod with cap stamped "Landtech";
21. **THENCE** South 03° 52' 44" East, a distance of 83.66 feet to a set 3/8-inch iron rod with cap stamped "Landtech";
22. **THENCE** South 06° 44' 14" East, a distance of 98.06 feet to a set 3/8-inch iron rod with cap stamped "Landtech" in the east line of said Share No. 5, and the west line of said Share No. 6;
23. **THENCE** South 01° 49' 03" East, along the east line of said Share No. 5, and the west line of said Share No. 6, a distance of 531.97 feet to a set 3/8-inch iron rod with cap stamped "Landtech" in the north right-of-way line of said Boudreaux Road for the southwest corner of said Share No. 6, the southeast corner of said Share No. 5 and the herein described tract;
24. **THENCE** South 87° 09' 13" West, along the north right-of-way line of said Boudreaux Road, a distance of 402.11 feet (call 401.90 feet) to the **POINT OF BEGINNING**, and containing 15.63 acres (681,006 square feet) of land.



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Notes:

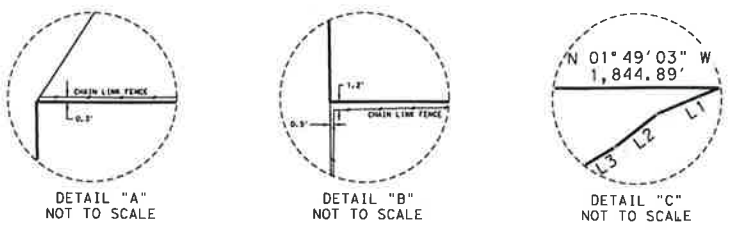
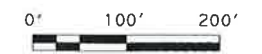
- 1) Bearings and coordinates are based on Texas Coordinate System of 1983, South Central Zone, NAD83, 1993 adjustment. All distances and coordinates shown are surface values and may be converted to grid by dividing by a combined adjustment factor of 1.00013.
- 2) Ordinary high water mark line was located by others in January 2013.

8/7/2014

Nhuy T. Nguyen  
Texas Registered Professional Land Surveyor No. 6409

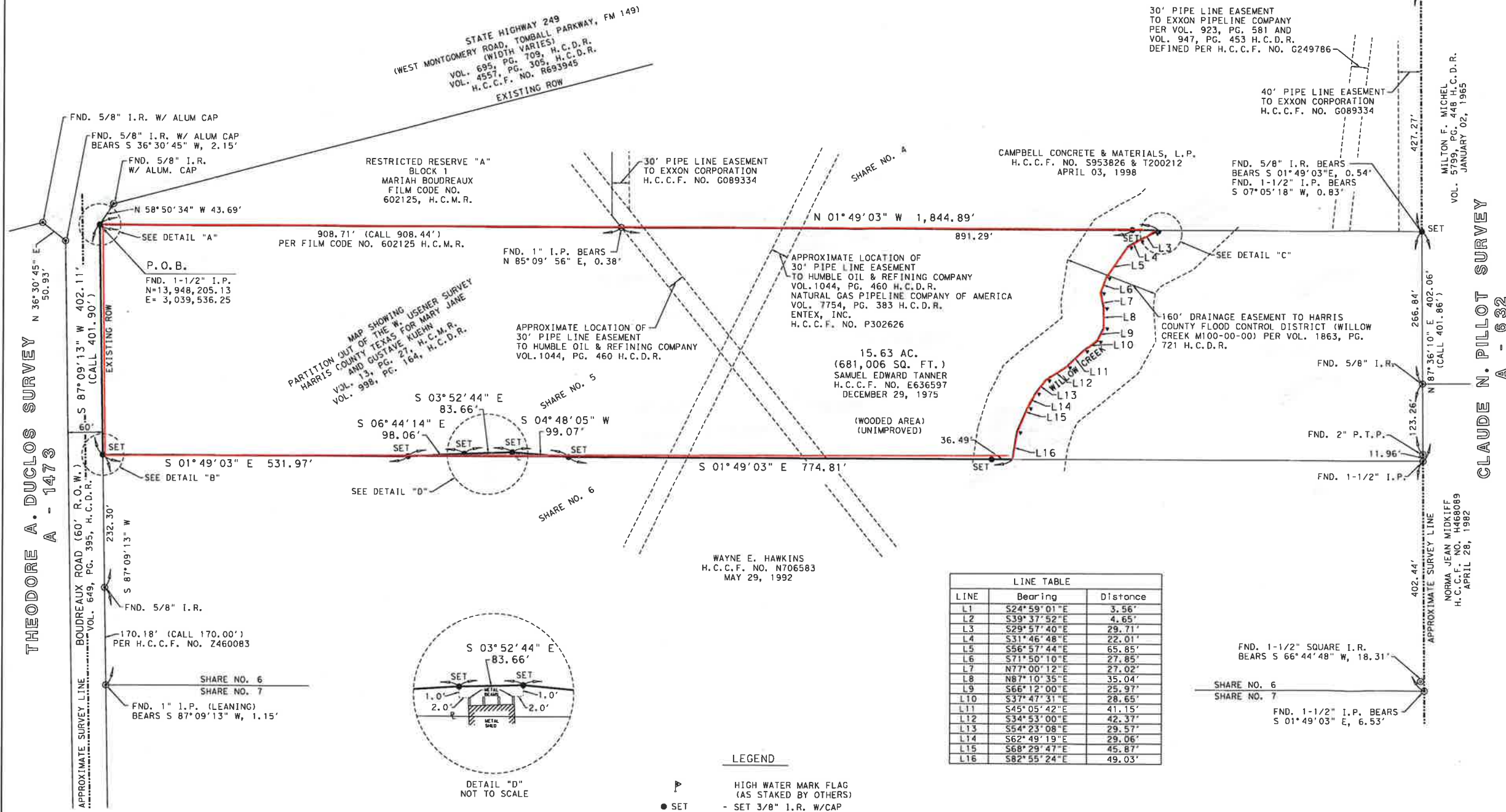
Fieldwork date: January 22, 2013, July 24, 2014, and August 6, 2014  
Field book: 1290-015, 1290-020  
Project No. 12-2-0107.15  
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# WILHELM USENER SURVEY A - 820

- NOTES:
- 1) ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 (NAD 83), 1993 ADJUSTMENT. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY DIVIDING BY A COMBINED ADJUSTMENT FACTOR OF 1.00013.
  - 2) A PROPERTY DESCRIPTION WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.
  - 3) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS AND OTHER MATTERS AFFECTING TITLE MAY EXIST WHICH ARE NOT SHOWN HEREIN.
  - 4) PIPELINE EASEMENT GRANTED TO HUMBLE OIL & REFINING COMPANY PER VOL. 923, PG. 581 AND VOL. 947, PG. 453 H.C.D.R. (LOCATION AND WIDTH UNDEFINED), TO HUMBLE PIPE LINE COMPANY PER VOL. 1221, PG. 22 H.C.D.R. AND H.C.C.F. NO. R358887.
  - 5) PIPELINE EASEMENT GRANTED TO MAGNOLIA PIPE LINE COMPANY PER VOL. 935, PG. 56 H.C.D.R. (LOCATION AND WIDTH UNDEFINED).
  - 6) ADDITIONAL UNDERGROUND PIPELINE INFORMATION AS PROVIDED BY HARRIS COUNTY TOLL ROAD AUTHORITY HAS NOT BEEN VERIFIED BY SURVEYOR. NO INSTRUMENTS WHICH ABANDON PIPELINE EASEMENTS WERE FOUND BY SURVEYOR.



LINE	Bearing	Distance
L1	S24°59'01"E	3.56'
L2	S39°37'52"E	4.65'
L3	S29°57'40"E	29.71'
L4	S31°46'48"E	22.01'
L5	S56°57'44"E	65.85'
L6	S71°50'10"E	27.85'
L7	N77°00'12"E	27.02'
L8	N87°10'35"E	35.04'
L9	S66°12'00"E	25.97'
L10	S37°47'31"E	28.65'
L11	S45°05'42"E	41.15'
L12	S34°53'00"E	42.37'
L13	S54°23'08"E	29.57'
L14	S62°49'19"E	29.06'
L15	S68°29'47"E	45.87'
L16	S82°55'24"E	49.03'

- LEGEND**
- ▲ HIGH WATER MARK FLAG (AS STAKED BY OTHERS)
  - SET - SET 3/8" I.R. W/CAP STAMPED "LANDTECH"
  - ◎ FOUND PROPERTY CORNER (AS DESCRIBED)
  - A - ABSTRACT NUMBER
  - I.R. - IRON ROD
  - I.P. - IRON PIPE
  - P.T.P. - PINCH TOP PIPE
  - H.C.D.R. - HARRIS COUNTY DEED RECORDS
  - H.C.M.R. - HARRIS COUNTY MAP RECORDS
  - H.C.C.F. - HARRIS COUNTY CLERK'S FILE (IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY)
  - H.C.F.C.D. - HARRIS COUNTY FLOOD CONTROL DISTRICT

NO.	DATE	REVISION	APPROVED



**HCTRA**  
Harris County Toll Road Authority

**Binkley & Barfield, Inc.**  
consulting engineers  
Texas Registration Number F-257

**LANDTECH CONSULTANTS, INC.**  
CIVIL ENGINEERING • LAND SURVEYING  
2525 NORTH LOOP WEST, SUITE 300  
HOUSTON, TX 77008  
(713) 861-7000  
TXLS # 1001010

**TOMBALL TOLLWAY SURVEY OF 15.63 ACRES**  
OUT OF THE W. USENER SURVEY, HARRIS COUNTY, TEXAS FOR MARY JANE & GUSTAVE KUEHN, AS RECORDED IN VOLUME 13, PAGE 27 OF THE HARRIS COUNTY MAP RECORDS AND VOLUME 998, PAGE 164 OF THE HARRIS COUNTY DEED RECORDS, SITUATED IN THE WILHELM USENER SURVEY ABSTRACT NO. 820, HARRIS COUNTY, TEXAS

**PHASE 1 SECTION 1**

FED. RD. DIST. NO.	CONTRACT NO.	SHEET NO.	
6			
STATE	DIST.	COUNTY	
TEXAS	HOUSTON	HARRIS	
CONT.	SECT.	JOB	HIGHWAY NO.
0720	03	103	SH 249

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THEODORE A. DUCLOS SURVEY  
A - 1473

CLAUDE N. PILLOTT SURVEY  
A - 632

LCI JOB NO. 12-2-0107.15  
LCI DWG NO. 1290-D-3063

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

I, John Tyler, representing the Harris County Toll Road Authority ("HCTRA"), have completed response actions necessary, pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at the 15.63 acre tract of land described in Revised Exhibit "B" (Site) of this certificate pertaining to Voluntary Cleanup Program (VCP) No. 03-14012 located in Tomball, Harris County, Texas. The Site was owned by Samuel Edward Tanner at the time the application to participate in the VCP was filed. The Applicant has submitted and received approval from the Railroad Commission of Texas (RRC) on all plans and reports required by the VCP. 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 residential use with no reliance on institutional or physical controls, as determined by RRC standards. Response actions for the Site 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 at the central office of the RRC under VCP No. 03-14012.

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

Applicant

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

Print Name: \_\_\_\_\_

*John C. Tyler*  
*John C. Tyler*

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

BEFORE ME, personally appeared

John C. Tyler, 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 2<sup>nd</sup> day of DECEMBER 2014.*

Notary Public in and for the State of TEXAS

*Taffy Hernandez*

