

RAILROAD COMMISSION OF TEXAS

OIL AND GAS DIVISION

February 16, 2022

Mr. Ken Jeck
National Oilwell Varco, L.P.
7909 Parkwood Circle Drive
Houston, TX 77036

RE: *Certificate of Completion with Restrictions*
48.833 Acre Tract of Land
NOV West Little York Facility
Houston, Harris County, Texas
Voluntary Cleanup Program (VCP) No. 03-21002

Dear Mr. Jeck:

Railroad Commission of Texas (RRC) VCP staff is pleased to enclose a Certificate of Completion (COC) with restrictions for the 48.833-acre property located at 12100 West Little York Road in Houston, Texas (Site). The Site is more specifically located at latitude 29.868552 and longitude -95.59022 (WGS 84). This letter only applies to historical oil and gas exploration and production activities on the property that are subject to the RRC's jurisdiction under Chapter 91 of the Texas Natural Resources Code. The following reports were reviewed for the Site prior to the issuance of this Certificate:

Phase I Environmental Site Assessment, NOV West Little York Facility, 12100 West Little York Road, Houston, Harris County, Texas, dated August 6, 2020;

Environmental Site Assessment, NOV West Little York Facility, 12100 West Little York Road, Houston, Harris County, Texas, dated December 14, 2020;

Supplemental Site Investigation, NOV West Little York Facility, 12100 West Little York Road, Houston, Harris County, Texas, dated May 25, 2021;

Groundwater Monitoring Report, NOV West Little York Facility, 12100 West Little York Road, Houston, Harris County, Texas, Voluntary Cleanup Program No. 03-21002, dated July 22, 2021;

History of Site

Oil and gas activities have been identified on the property between the 1930s and 1970s. The eastern portion of the site was developed with commercial improvements in 1977. Oil and gas activities continued on the western and central portions of the property until the early 1980s when these areas were redeveloped with commercial improvements. The following recognized environmental conditions under the RRC's jurisdiction were identified at the site: two plugged oil

wells (Well No. 1 and Well No. 2), a dry hole that was permitted as a saltwater disposal well (Well No. 3SWD), several mud/disposal pits, and one tank battery.

Soil and Groundwater Assessment

In June 2020, three geophysical studies were conducted to find the exact locations of the historic oil and gas wells on site. Wells No. 1 and 2 were located and confirmed to be plugged. The study was not able to verify the exact location of the Well No. 3. During that same time, eleven (11) soil borings were installed at the site and a total of 20 soil samples and six groundwater samples were collected. Samples were analyzed for total petroleum hydrocarbon (TPH), volatile organic compounds (VOCs), metals, and chloride. All soil samples were either below the Tier 1 residential soil-to-groundwater protective concentration levels (PCLs) or non-detect. However, barium was in excess of the groundwater ingestion PCL in one (TSP-2) of the six groundwater samples after being filtered with a concentration of 49.2 mg/L. Chloride was in excess of the Texas Secondary Drinking Water Standard of 300 milligrams per liter (mg/L) in the same well with a concentration of 14,700 mg/L.

In August 2020, six shallow borings and seven permanent monitor wells were installed at the site and a total of 27 soil samples were collected. After development of the seven monitor wells, a groundwater sample from each was collected. Samples were analyzed for the same constituents listed above, as well as polycyclic aromatic hydrocarbons (PAHs). All soil samples were either below the Tier 1 residential soil-to-groundwater PCLs or non-detect. Barium was in excess of the groundwater ingestion PCL in four of the seven groundwater monitor wells (MW-1 through MW-4) with concentrations ranging from 2.42 mg/L to 48.7 mg/L. Chloride was in excess of the Texas Secondary Drinking Water Standard of 300 mg/L in MW-1, MW-2 and MW-6 with concentrations ranging from 600 mg/L to 17,300 mg/L. Groundwater samples from MW-3, MW-4, and MW-7 were not analyzed for chloride.

In October 2020, three additional permanent monitor wells were installed to delineate barium and chloride exceedances at the site. A total of five soil samples were collected during monitor well installation. Soil and groundwater samples were analyzed for TPH, BTEX, metals, and chlorides. Results of the analysis showed that all constituents were below the applicable Tier 1 residential PCLs.

In March 2021, Terracon installed nine shallow soil borings to investigate the potential source of barium and chloride contamination. Each boring was installed to a total depth of 15 feet and a total of 27 soil samples, three from each boring, were collected. Soil samples were analyzed for TPH, BTEX, metals, and chlorides. Two soil samples with the highest TPH concentrations were also analyzed for PAHs and for TPH via Texas Method TX1006. All constituents in all soil samples were below the applicable Tier I residential soil-to-groundwater PCL or were non-detect. During this time, four of the ten permanent monitor wells were plugged and abandoned due to construction activities on the property.

Since October 2020, a total of four groundwater monitoring events occurred at the site. Barium concentrations in monitor wells MW-1 through MW-4 were above the groundwater ingestion PCL during all four sampling events, both in unfiltered and filtered samples. Mann-Kendall statistical analysis were conducted on barium concentrations from MW-1, which has the highest

concentration of barium. Results of the statistical analysis indicated that concentrations were stable. Chloride concentrations in monitor wells MW-1 through MW-4 and MW-6 were above the Texas Secondary Drinking Water Standard of 300 mg/L. Mann-Kendall statistical analysis were also conducted on chloride concentrations from MW-1, which has the highest concentrations. Results of the analysis showed that concentrations of chloride are decreasing. Because barium and chloride concentrations in excess of the groundwater ingestion PCL were delineated and appeared to be stable/declining, the RRC agreed that the placement of a groundwater use restriction on the property was an appropriate remedy to control contamination at the site.

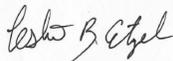
Restrictive Covenant

A restrictive covenant, limiting groundwater use on the 48.7435-acre property, was filed with the Harris County Clerk's Office on January 19, 2022. The document was assigned the Document Number RP-2022-33537 and has the following restrictions:

1. The investigation and assessment reports identified impacted groundwater at 17 to 24 feet below ground surface (bgs). Penetration of the impacted groundwater beneath the Affected Property for any purpose shall only be conducted in such a manner as to prevent the migration or release of contaminants to any other zone or environmental media and to prevent uncontrolled exposure to human and ecological receptors.
2. Use or consumption of groundwater beneath the Affected Property ranging from surface to 50 feet bgs, shall be prohibited except for monitoring and remediation purposes.
3. Any water wells completed on the Affected Property must be installed by a Texas Department of Licensing and Regulation (TDLR)-licensed water well driller in accordance with applicable rules. Installed wells shall not be screened/perforated from the surface to 50 feet bgs unless for authorized monitoring purposes and the collection of samples for analysis.
4. These restrictions shall be a covenant running with the land.

On behalf of the staff of the RRC Site Remediation Section, I would like to thank you for your participation in the VCP. Should you have questions regarding this letter, you may contact me at 512-463-3384 or leslie.bruce@rrc.texas.gov.

Sincerely,



Leslie Bruce Etzel
VCP/Brownfields Program Coordinator
Site Remediation

CC: Peter Pope, Site Remediation Manager (via email)
Prasad Rajulu, Terracon Consultants, Inc. (via email)
Gregg Pawlak, Terracon Consultants, Inc. (via email)

**VOLUNTARY CLEANUP PROGRAM
FINAL CERTIFICATE OF COMPLETION
WITH RESTRICTIONS**

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. 03-21002 FOR THE TRACT OF LAND DESCRIBED IN EXHIBIT "A", BASED ON THE AFFIDAVIT OF COMPLETION OF RESPONSE ACTION, EXHIBIT "B" AND WHICH ARE FURTHER DESCRIBED IN THE APPROVED FINAL REPORT FOR THE SITE. THE APPLICANT WAS NOT A RESPONSIBLE PARTY UNDER SECTION 91.113. ON THE DATE OF ISSUANCE OF THIS CERTIFICATE THE APPLICANT IS QUALIFIED TO OBTAIN THE PROTECTION FROM LIABILITY PROVIDED BY CHAPTER 91, SUBCHAPTER 0, TEXAS NATURAL RESOURCE CODE.

EXECUTED on 16 February 2022

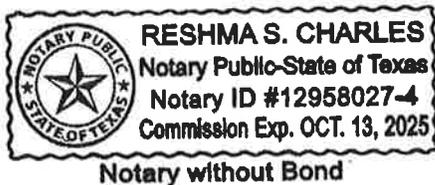

Peter G. Pope, Assistant Director
Site Remediation Section

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 16th day of February 2022.

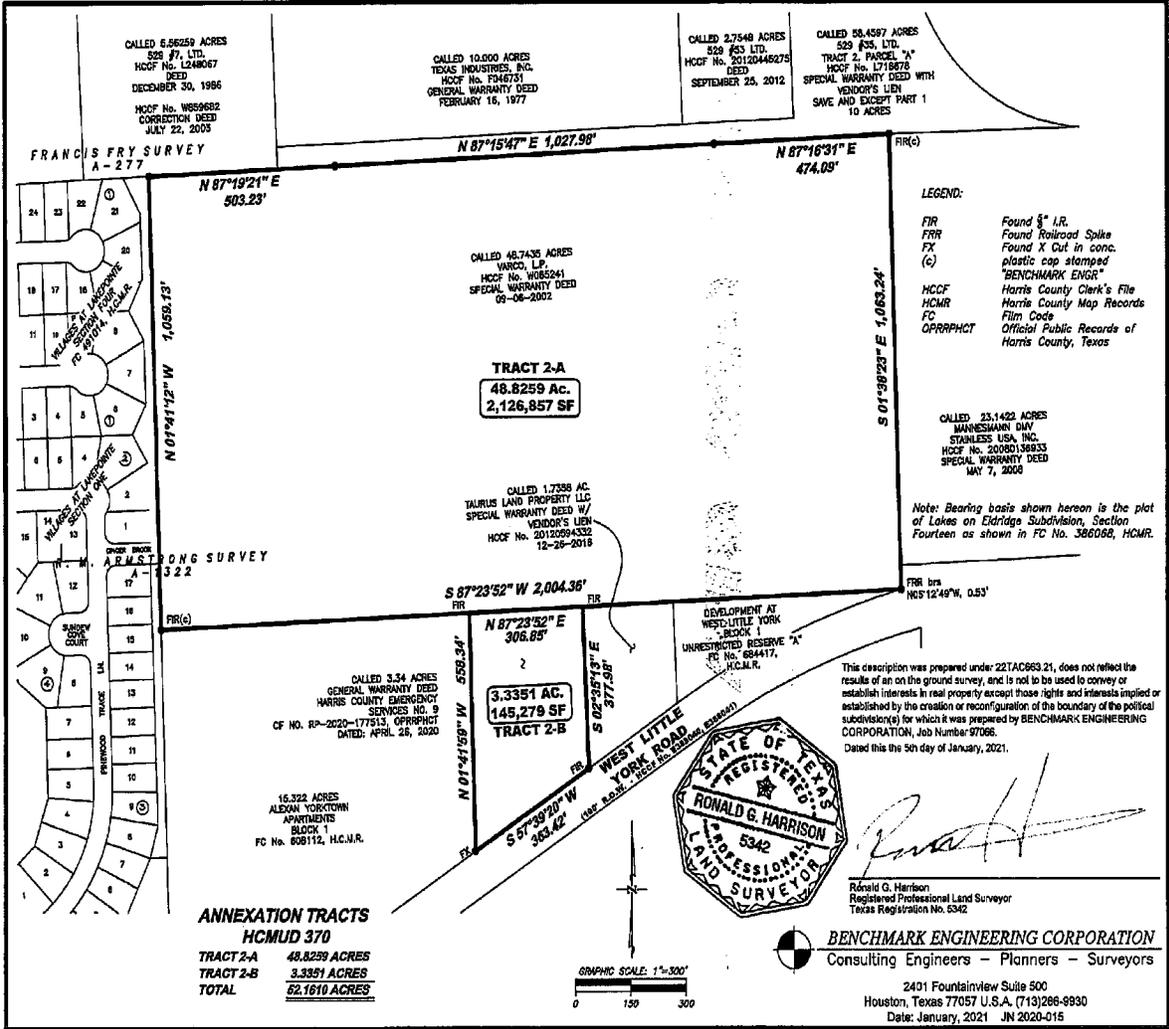



Notary Public in and for the State of Texas

EXHIBIT "A"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
LEGAL DESCRIPTION FOR A TOTAL OF 48.7435-Acres

VCP No. 03-21002

RP-2022-33537



METES AND BOUNDS DESCRIPTION
H.C.M.U.D. NO. 370
ANNEXATION TRACT 2-A
48.8259 ACRES
Revised: January 18, 2021

All that certain 48.8259 acres (2,126,857 square foot) tract of land out of the R. M. Armstrong Survey, Abstract Number 1322, Harris County, Texas, being all of a called 48.7435 acre tract of land as conveyed by Special Warranty Deed dated September 6, 2002 to Varco, L.P. as recorded under Clerk's File No. W065241 of the Official Public Records of Real Property, Harris County, Texas and being a portion of Lot 7, All of Lots 8, 9, 10 and 11, a portion of Lots 12, 13, 14, 15, 16 and 17, a portion of Lot 30 and a portion of a dedicated road in Hahl's Suburban Farms, Subdivision "A", as recorded under Volume 4, Page 50, of the Map Records of Harris County, Texas and being more particularly described by metes and bounds as follows: (All bearings are based on the plat of LAKES ON ELDRIDGE SUBDIVISION, SECTION FOURTEEN, a subdivision as shown on the plat thereof recorded in Film Code Number 386068 of the Harris County Map Records)

BEGINNING at a point for corner at the southeast corner of said 48.7435 acre tract, the easternmost corner of the plat of DEVELOPMENT AT WEST LITTLE YORK, a subdivision according to the plat thereof as recorded under Film Code Number 684417 of the Harris County Map Records in the north right-of-way line of West Little York Road (width varies) as recorded under Clerk's file No.s E388040 & E388041 of the Official Public Records of Real Property, Harris County, Texas, from which a Railroad Spike was found bearing North 05°12'49" West, 0.53 feet;

THENCE South 87°23'52" West, along the south line of said 48.7435 acre tract and the north lines of said DEVELOPMENT AT WEST LITTLE YORK, a called 1.7358 acre tract as conveyed by Special Warranty Deed with Vendor's Lien dated December 18, 2012 to Taurus Land Property LLC as recorded under Clerks File No. 20120594332 of the Official Public Records of Real Property, Harris County, Texas, a called 3.34 acre tract as conveyed by General Warranty Deed dated April 26, 2020 to Harris County Emergency Services No. 9 as recorded under Clerk's File No. RP-2020-177513 of the Official Public Records of Real Property, Harris County, Texas and Alexan Yorktown Apartments a subdivision according to the plat thereof recorded under Film Code No. 608112 of the Map Records of Harris County, Texas, for a distance of 2,004.36 feet to a 5/8-inch iron rod with cap stamped "Benchmark Engr" found for the southwest corner of said 48.7435 acre tract, the northwest corner of said Alexan Yorktown Apartments and being situated in east line of Villages at Lakepointe, Section One as recorded under Film code No. 445081 of the Map Records of Harris County, Texas;

THENCE North 01°41'12" West, along the west line of said 48.7435 acre tract, the east line of said Villages at Lakepoint Section One and the east line of Villages at Lakepointe Section 4 a subdivision according to the plat thereof recorded under Film Code No. 491014 of the Map Records of Harris County, Texas, for a distance of 1,059.13 feet to a point for corner at the northwest corner of said 48.7435 acre tract and the south line of a called 5.56259 acre tract as conveyed by Correction Deed dated July 22, 2003 to 529 #7, LTD as recorded under Clerk's File No. W859682 of the Official Public Records of Real Property, Harris County, Texas;

THENCE in a easterly direction, along the north line of said 48.7435 acre tract and the south line of said 5.56259 acre tract the following three (3) courses and distances

- 1) North 87°19'21" East, for a distance of 503.23 feet to a ½ iron rod with cap stamped Pinell set for corner.

- 2) North 87°15'47" East, for a distance of 1,027.98 feet to a ½ iron rod with cap stamped Pinell set for corner;
- 3) North 87°16'31" East, for a distance of 474.09 feet to a 5/8-inch iron rod found at the northeast corner of said 48.7435 acre tract;

THENCE South 01°38'23" East, along the east line of said 48.7435 acre tract, for a distance of 1,063.24 feet to **POINT OF BEGINNING** and containing within these calls 48.8259 acres or 2,126,857 square feet of land.

This description is based on a survey made on the ground of the property and is issued in conjunction with an exhibit map prepared by BENCHMARK ENGINEERING CORPORATION, Job Number 97066.

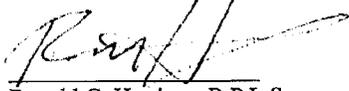

Ronald G. Harrison, R.P.L.S.
Texas Registration No. 5342
TBPLS Firm Registration Number 10009000



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

VCP No. 03-21002

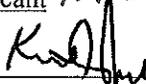
EXHIBIT "B"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
AFFIDAVIT OF COMPLETION OF RESPONSE ACTION

I, K.A. Jeck, representing National Oilwell Varco, L.P. [APPLICANT], attest that the necessary response actions, pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, have been completed at the approximately 48.7435-Acre tract of land described in Exhibit "A" (Site) of this certificate pertaining to Voluntary Cleanup Program (VCP) No. 03-21002 located in Harris County, Texas. The applicant has submitted and received approval from the Railroad Commission of Texas (RRC) 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 as long as the following controls are maintained:

1. The investigation and assessment reports identified impacted groundwater at 17 to 24 feet below ground surface (bgs). Penetration of the impacted groundwater beneath the Affected Property for any purpose shall only be conducted in such a manner as to prevent the migration or release of contaminants to any other zone or environmental media and to prevent uncontrolled exposure to human and ecological receptors.
2. Use or consumption of groundwater beneath the Affected Property ranging from surface to 50 feet bgs, shall be prohibited except for monitoring and remediation purposes.
3. Any water wells completed on the Affected Property must be installed by a Texas Department of Licensing and Regulation (TDLR)-licensed water well driller in accordance with applicable rules. Installed wells shall not be screened/perforated from the surface to 50 feet bgs unless for authorized monitoring purposes and the collection of samples for analysis.
4. These restrictions shall be a covenant running with the land.

These restrictions were filed in the Harris County Clerk's office on January 19, 2022 under Document No. RP-2022-33537 (Attachment 1). 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 filed under VCP No. 03-21002.

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

Applicant *NATIONAL OILWELL VARCO, L.P.*
By: 
By NOW OILFIELD SERVICES, LLC
Print Name: *FTS GENERAL PARTNER*
Kenneth A. Jeck
Vice President - Risk Management

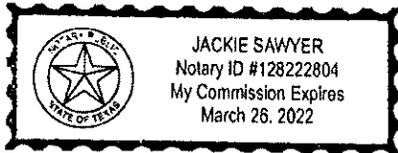
STATE OF TEXAS
COUNTY OF ~~NUECES~~ **HARRIS**

BEFORE ME, personally appeared Kenneth A. Jeck,
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 day of Feb* 2022.

Notary Public in and for the State of TEXAS

Jackie Sawyer



ATTACHMENT 1
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
Institutional Control Document No.
RP-2022-33537

VCP No. 03-21002

**Railroad Commission of Texas
Environmental Restrictive Covenant**

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This Environmental Restrictive Covenant ("Restrictive Covenant") is filed and recorded in the Real Property Records of Harris County, Texas 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 described as follows:

Each of Urban WLY, LP, a Texas limited partnership, and SED Houston Real Estate, LLC, a Texas limited liability company, is the record Owner of fee title to certain real property and premises, and appurtenances thereto, located in Harris County Texas, which property, combined, comprises all that certain 48.8259 acre tract of land out of the R. M. Armstrong Survey, Abstract Number 1322, Harris County, Texas, being all of a called 48.7435 acre tract of land as conveyed by Special Warranty Deed dated September 6, 2002 to Varco, L.P. as recorded under Clerk's File No. W065241 of the Official Public Records of Real Property, Harris County, Texas and being a portion of Lot 7, All of Lots 8, 9, 10 and 11, a portion of Lots 12, 13, 14, 15, 16 and 17, a portion of Lot 30 and a portion of a dedicated road in Hahl's Suburban Farms, Subdivision "A", as recorded under Volume 4, Page 50, of the Map Records of Harris County, Texas and more fully described on **Exhibit A**, which is attached hereto and incorporated herein, and identified as the "Property".

Groundwater on the Property is impacted by certain identified chemicals of concern ("COCs"). The Property, considered to be the **Affected Property**, is presented on **Exhibit A**, and can be described as follows:

BEGINNING at a point for corner at the southeast corner of said 48.7435 acre tract, the easternmost corner of the plat of DEVELOPMENT AT WEST LITTLE YORK, a subdivision according to the plat thereof as recorded under Film Code Number 684417 of the Harris County Map Records in the north right-of-way line of West Little York Road (width varies) as recorded under Clerk's file No's. E388040 & E388041 of the Official Public Records of Real Property, Harris County, Texas, from which a Railroad Spike was found bearing North 05°12'49" West, 0.53 feet;

THENCE South 87°23'52" West, along the south line of said 48.7435 acre tract and the north lines of said DEVELOPMENT AT WEST LITTLE YORK, a called 1.7358 acre tract as conveyed by Special Warranty Deed with Vendor's Lien dated December 18, 2012 to Taurus Land Property LLC as recorded under Clerks File No. 20120594332 of the Official Public Records of Real

RP-2022-33537

Property, Harris County, Texas, a called 3.34 acre tract as conveyed by General Warranty Deed dated April 26, 2020 to Harris County Emergency Services No. 9 as recorded under Clerk's File No. RP-2020-177513 of the Official Public Records of Real Property, Harris County, Texas and Alexan Yorktown Apartments a subdivision according to the plat thereof recorded under Film Code No. 608112 of the Map Records of Harris County, Texas, for a distance of 2,004.36 feet to a 5/8-inch iron rod with cap stamped "Benchmark Engr" found for the southwest corner of said 48.7435 acre tract, the northwest corner of said Alexan Yorktown Apartments and being situated in east line of Villages at Lakepointe, Section One as recorded under Film code No. 445081 of the Map Records of Harris County, Texas;

THENCE North 01°41'12" West, along the west line of said 48.7435 acre tract, the east line of said Villages at Lakepoint Section One and the east line of Villages at Lakepointe Section 4 a subdivision according to the plat thereof recorded under Film Code No. 491014 of the Map Records of Harris County, Texas, for a distance of 1,059.13 feet to a point for corner at the northwest corner of said 48.7435 acre tract and the south line of a called 5.56259 acre tract as conveyed by Correction Deed dated July 22, 2003 to 529 #7, LTD as recorded under Clerk's File No. W859682 of the Official Public Records of Real Property, Harris County, Texas;

THENCE in a easterly direction, along the north line of said 48.7435 acre tract and the south line of said 5.56259 acre tract the following three (3) courses and distances

- 1) North 87°19'21" East, for a distance of 503.23 feet to a ½ iron rod with cap stamped Pinell set for corner.
- 2) North 87°15'47" East, for a distance of 1,027.98 feet to a ½ iron rod with cap stamped Pinell set for corner;
- 3) North 87°16'31" East, for a distance of 474.09 feet to a 5/8-inch iron rod found at the northeast corner of said 48.7435 acre tract;

THENCE South 01°38'23" East, along the east line of said 48.7435 acre tract, for a distance of 1,063.24 feet to POINT OF BEGINNING and containing within these calls 48.8259 acres or 2,126,857 square feet of land.

This Restrictive Covenant is required for the following reasons:

The **Affected Property** was used for oil/gas exploration and production (E&P) activities from at least the early 1930s through the late 1970s; wherein COCs attributable to the operations on the property by historic operators impacted soil and groundwater and an environmental investigation and response action was required in accordance with Commission regulations. National Oilwell Varco, L.P. performed the response action to characterize and remediate the COCs.

The remediation was performed in such a manner that COCs remained in groundwater at the **Affected Property** when the Restrictive Covenant was filed with the County. The COCs and the maximum levels remaining in the **Affected Property** are specified on Exhibit B - COCs

Environmental Restrictive Covenant
_____, 2021

Remaining in Groundwater. The investigation, assessment, remediation and analytical data are contained in the RRC project case file Voluntary Cleanup Program (VCP) number 03-21002 and further summarized in the following reports:

- Phase I Environmental Site Assessment, NOV West Little York Facility, 12100 West Little York Road, Houston, Harris County, Texas, prepared by Terracon Consultants, Inc. (“Terracon”) for The Urban Companies, dated April 6, 2020;
- Environmental Site Investigation, NOV West Little York Facility, 12100 West Little York Road, Houston, Harris County, Texas, prepared by Terracon for National Oilwell Varco, L.P., dated December 14, 2020;
- Supplemental Site Investigation, NOV West Little York Facility, 12100 West Little York Road, Houston, Harris County, Texas, prepared by Terracon for National Oilwell Varco, L.P., dated May 25, 2021; and
- Groundwater Monitoring Report, NOV West Little York Facility, 12100 West Little York Road, Houston, Harris County, Texas, prepared by Terracon for National Oilwell Varco, L.P., dated July 22, 2021.

Copies of the reports may be obtained from Urban WLY, LP, 2110 Grandway Drive, Katy, TX 77449 and from the Commission under Voluntary Cleanup Program (VCP) number 03-21002.

The response action has been approved by the Commission based on the presumption that the **Affected Property**, will be protective of residential land use with the implementation of this Restrictive Covenant.

For purposes of this Restrictive Covenant the terms

- “residential land 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).
- “exposure pathway” means the course that a COC takes from a source area to ecological or human receptors and includes a source area, a point of exposure, and an exposure route (e.g., ingestion), as well as a transport mechanism if the point of exposure is different from the source area.

Based on information contained in the investigation, assessment and monitoring reports, if an incomplete exposure pathway is maintained to impacted groundwater exceeding health-based values then the COCs associated with the **Affected Property** pose no significant present or future risk to humans or the environment. With the filing of this document, the Commission does not require any further remediation of the **Affected Property** if an incomplete exposure pathway is maintained to impacted groundwater exceeding health-based values.

Environmental Restrictive Covenant

_____, 2021

RP-2022-33537

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 the future in any manner inconsistent with the restrictions described in this covenant.

In consideration of the response actions 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 Covenant in favor of the Commission and the State of Texas are placed on the **Property** described in **Exhibit A** to-wit:

1. The investigation and assessment reports identified impacted groundwater at 17 to 24 feet below ground surface (bgs). Penetration of the impacted groundwater beneath the **Affected Property** for any purpose shall only be conducted in such a manner as to prevent the migration or release of contaminants to any other zone or environmental media and to prevent uncontrolled exposure to human and ecological receptors.
2. Use or consumption of groundwater beneath the **Affected Property** ranging from surface to 50 feet bgs, shall be prohibited except for monitoring and remediation purposes.
3. Any water wells completed on the **Affected Property** must be installed by a Texas Department of Licensing and Regulation (TDLR)-licensed water well driller in accordance with applicable rules. Installed wells shall not be screened/perforated from the surface to 50 feet bgs unless for authorized monitoring purposes and the collection of samples for analysis.
4. These restrictions shall be a covenant running with the land.

For additional information, exposure assumptions with the Restrictive Covenant, please request the information from the Commission or from Urban WLY, LP, 2110 Grandway Drive, Katy, Texas 77449.

Contact Addresses:

- Railroad Commission of Texas
Oil and Gas Division
Site Remediation Section
P. O. Box 12967
1701 N. Congress
Austin, Texas 78711-2967
- Urban WLY, LP
2110 Grandway Drive
Katy, Texas 77449
Attn: Don Weaver
(713) 339-5380

Environmental Restrictive Covenant

_____, 2021

Page 4 of 9

RP-2022-33537

As of the date of this Restrictive Covenant, the record owners of fee title to the Property are Urban WLY, LP, 2110 Grandway Drive, Katy, TX 77036 and SED Houston Real Estate, LLC, 7777 Washington Avenue, Houston, Texas 77007.

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.

[Signature Page to Follow]

Executed this 2nd day of December, 2021.

Urban WLY, LP, a Texas limited partnership

By: WLY 45 LLC, a Texas limited liability company, its General Partner

By: [Signature]
Don Weaver, Manager

STATE OF
HARRIS COUNTY

BEFORE ME, on this the 30th day of November, 2021 personally appeared Don Weaver, Manager of WLY 45 LLC, a Texas limited liability company, as General Partner of Urban WLY, LP, a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

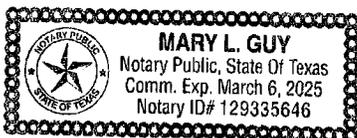
GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature Mary L Guy

Notary Public in and for the State of Texas

County of Harris

My Commission Expires:



RP-2022-33537

SED Houston Real Estate, LLC, a Texas limited liability company

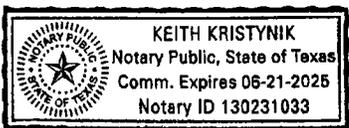
By: [Signature]
John Johnson, President

STATE OF HARRIS COUNTY

BEFORE ME, on this the 30th day of November, 2021 personally appeared John Johnson, President of SED Houston Real Estate, LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature [Signature]
Notary Public in and for the State of TX
County of Harris
My Commission Expires: 6-21-2025



RP-2022-33537

National Oilwell Varco, L.P., a Delaware limited partnership

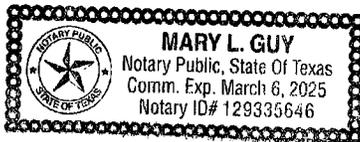
By: NOW Oilfield Services, LLC, a Delaware limited liability company, as General Partner

By: *Ken Jeck*
Ken Jeck, Vice President – Risk Management

STATE OF
HARRIS COUNTY

BEFORE ME, on this the 2nd day of December, 2021 personally appeared Ken Jeck, Vice President – Risk Management of NOW Oilfield Services, LLC, a Delaware limited liability company, as General Partner of National Oilfield Varco, L.P., known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE



Signature *Mary L. Guy*
Notary Public in and for the State of Texas
County of Harris
My Commission Expires: March 6, 2025

RP-2022-33537

Accepted as Third Party Beneficiary this 20th day of Dec, 2021.

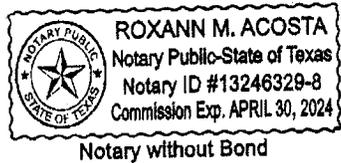
Railroad Commission of Texas

By: *Peter G. Pope*
Printed Name: Peter G. Pope
Title: Manager, Site Remediation

State of Texas
Travis County

BEFORE ME, on this the 20th day of December, 2021 personally appeared Peter G. Pope, Manager on behalf of the Oil and Gas Division of the Railroad Commission of Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE
Signature *Roxann M. Acosta*
Notary Public in and for the State of Texas
County of Travis



My Commission Expires: April 30, 2024

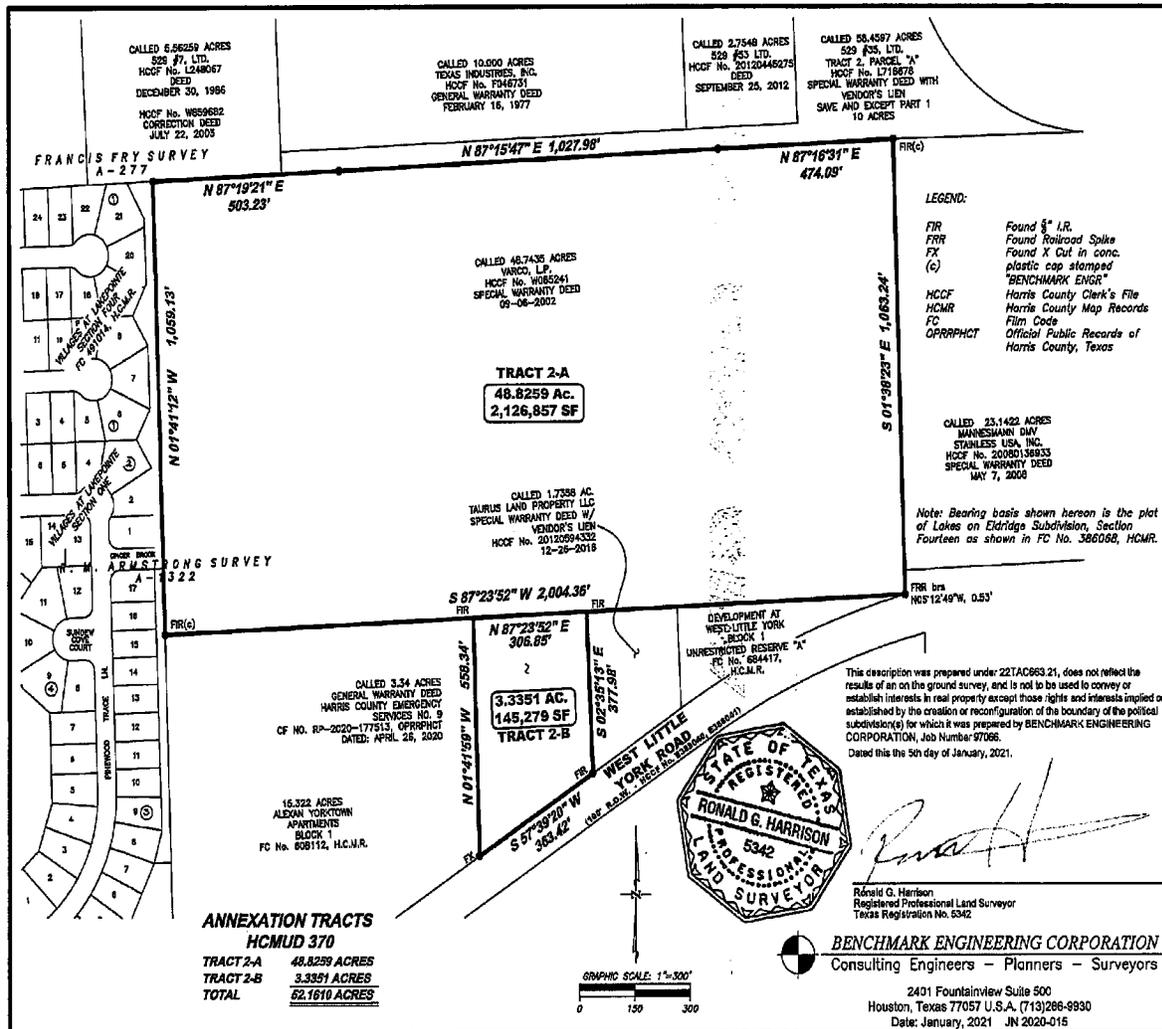
RP-2022-33537

RP-2022-33537

Exhibit A
Property / Affected Property

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RP-2022-33537



METES AND BOUNDS DESCRIPTION
H.C.M.U.D. NO. 370
ANNEXATION TRACT 2-A
48.8259 ACRES
Revised: January 18, 2021

All that certain 48.8259 acres (2,126,857 square foot) tract of land out of the R. M. Armstrong Survey, Abstract Number 1322, Harris County, Texas, being all of a called 48.7435 acre tract of land as conveyed by Special Warranty Deed dated September 6, 2002 to Varco, L.P. as recorded under Clerk's File No. W065241 of the Official Public Records of Real Property, Harris County, Texas and being a portion of Lot 7, All of Lots 8, 9, 10 and 11, a portion of Lots 12, 13, 14, 15, 16 and 17, a portion of Lot 30 and a portion of a dedicated road in Hahl's Suburban Farms, Subdivision "A", as recorded under Volume 4, Page 50, of the Map Records of Harris County, Texas and being more particularly described by metes and bounds as follows: (All bearings are based on the plat of LAKES ON ELDRIDGE SUBDIVISION, SECTION FOURTEEN, a subdivision as shown on the plat thereof recorded in Film Code Number 386068 of the Harris County Map Records)

BEGINNING at a point for corner at the southeast corner of said 48.7435 acre tract, the easternmost corner of the plat of DEVELOPMENT AT WEST LITTLE YORK, a subdivision according to the plat thereof as recorded under Film Code Number 684417 of the Harris County Map Records in the north right-of-way line of West Little York Road (width varies) as recorded under Clerk's file No.s E388040 & E388041 of the Official Public Records of Real Property, Harris County, Texas, from which a Railroad Spike was found bearing North 05°12'49" West, 0.53 feet;

THENCE South 87°23'52" West, along the south line of said 48.7435 acre tract and the north lines of said DEVELOPMENT AT WEST LITTLE YORK, a called 1.7358 acre tract as conveyed by Special Warranty Deed with Vendor's Lien dated December 18, 2012 to Taurus Land Property LLC as recorded under Clerks File No. 20120594332 of the Official Public Records of Real Property, Harris County, Texas, a called 3.34 acre tract as conveyed by General Warranty Deed dated April 26, 2020 to Harris County Emergency Services No. 9 as recorded under Clerk's File No. RP-2020-177513 of the Official Public Records of Real Property, Harris County, Texas and Alexan Yorktown Apartments a subdivision according to the plat thereof recorded under Film Code No. 608112 of the Map Records of Harris County, Texas, for a distance of 2,004.36 feet to a 5/8-inch iron rod with cap stamped "Benchmark Engr" found for the southwest corner of said 48.7435 acre tract, the northwest corner of said Alexan Yorktown Apartments and being situated in east line of Villages at Lakepointe, Section One as recorded under Film code No. 445081 of the Map Records of Harris County, Texas;

THENCE North 01°41'12" West, along the west line of said 48.7435 acre tract, the east line of said Villages at Lakepoint Section One and the east line of Villages at Lakepointe Section 4 a subdivision according to the plat thereof recorded under Film Code No. 491014 of the Map Records of Harris County, Texas, for a distance of 1,059.13 feet to a point for corner at the northwest corner of said 48.7435 acre tract and the south line of a called 5.56259 acre tract as conveyed by Correction Deed dated July 22, 2003 to 529 #7, LTD as recorded under Clerk's File No. W859682 of the Official Public Records of Real Property, Harris County, Texas;

THENCE in a easterly direction, along the north line of said 48.7435 acre tract and the south line of said 5.56259 acre tract the following three (3) courses and distances

- 1) North 87°19'21" East, for a distance of 503.23 feet to a ½ iron rod with cap stamped Pinell set for corner.

- 2) North 87°15'47" East, for a distance of 1,027.98 feet to a ½ iron rod with cap stamped Pinell set for corner;
- 3) North 87°16'31" East, for a distance of 474.09 feet to a 5/8-inch iron rod found at the northeast corner of said 48.7435 acre tract;

THENCE South 01°38'23" East, along the east line of said 48.7435 acre tract, for a distance of 1,063.24 feet to **POINT OF BEGINNING** and containing within these calls 48.8259 acres or 2,126,857 square feet of land.

This description is based on a survey made on the ground of the property and is issued in conjunction with an exhibit map prepared by BENCHMARK ENGINEERING CORPORATION, Job Number 97066.


Ronald G. Harrison, R.P.L.S.
Texas Registration No. 5342
TBPLS Firm Registration Number 10009000



Exhibit B

COCs Remaining in Groundwater

COCs at the following maximum levels, exceeding the regulatory action level, remained in subsurface soil and/or groundwater beneath the **Affected Property**:

Environmental Media ⁽¹⁾⁽²⁾ (Soil, Groundwater or Air)	Constituents Remaining ⁽³⁾	Maximum Detected Sample Concentration ⁽⁴⁾⁽⁵⁾	Date of Sample Collection	PSH Measured Apparent Thickness in Feet ^{(6) (8)}	Depth BGS and Location ^{(1) (2) (6), (7)}
Groundwater	Chloride	17,300 mg/L	8/13/2020	NA	21 Feet, MW-1
Groundwater	Barium	51.6 mg/L	6/9/2021	NA	21 Feet, MW-1

Notes:

- (1) Groundwater – A saturated geologic formation, group of formations, or part of a formation.
- (2) Soil includes surface soils and subsurface soils. For surface soil, the soil zone extending from ground surface to fifteen feet in depth for residential land use; or to the top of the uppermost groundwater-bearing unit or bedrock. Whichever is less in depth. For subsurface soil, the portion of the soil zone between the base of surface soil and the top of the groundwater-bearing unit(s).
- (3) Constituents identified as Site-specific COCs that exceed the regulatory action level within the “Affected Property”
- (4) milligrams per kilograms (mg/kg)
- (5) milligrams per liter (mg/l)
- (6) Phase-Separated Hydrocarbons (PSHs)
- (7) Monitor Well (MW)
- (8) Not Applicable (NA)

AFTER RECORDING RETURN TO:
FIDELITY NATIONAL TITLE
1900 WEST LOOP SOUTH, SUITE 200
HOUSTON, TX 77027
GF# FA21006233

RP-2022-33537

RP-2022-33537
Pages 15
01/19/2022 01:09 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$70.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

RP-2022-33537