

**RCRA PART B APPLICATION  
COMPLIANCE PLAN ATTACHMENT XLD – VOL I**

**RESPONSE ACTION PLAN – Revision No. 3**

**UNION PACIFIC RAILROAD  
HOUSTON WOOD PRESERVING WORKS  
HOUSTON, TEXAS**

**JUNE 24, 2017**

*Prepared for:*

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PBW Project No. 1358



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY Response Action Plan

## Cover Page

**Regulatory ID number** (Solid waste registration number, VCP ID number, etc) SWR No. 31547  
check one:  Initial submittal for this on-site property  Subsequent submittal for this on-site property  
Report date: June 24, 2017 – Rev 3 TCEQ Region No.: 12

### TCEQ Program (check one)

Corrective Action (Mail Code 127)  Superfund PRP Lead (Mail Code 143)  
 Voluntary Cleanup Program (Mail Code 221)  Municipal Solid Waste Permits (Mail Code 124)  
 RPR Section (Mail Code 137)

### On-Site Property Information

On-Site Property Name: Union Pacific Railroad Houston Wood Preserving Works Site  
Street no. 4910 Pre dir:      Street name Liberty Street type: Road Post dir:       
City: Houston County: Harris County Code: 101 Zip: 77007  
Nearest street intersection or location description: Site is located south of Liberty Rd. between Kashmere St. and Lockwood St, and north of Lee St.  
  
Latitude: Decimal Degrees (circle one) North 29.787413  
Longitude: Decimal Degrees (circle one) West 95.321062


### Off-Site Affected Property Information

Off-Site Affected Property Name: See Appendix 5 for Off-Site Affected Property information  
Physical Address: NA  
Street no.      Pre dir:      Street name      Street type:      Post dir:       
City:      County:      County Code:      Zip:       
 Check if no off-site properties affected

### Contact Person Information and Acknowledgement

Person (or company) Name: Union Pacific Railroad  
Contact Person: Geoffrey Reeder Title: Manager, Site Remediation  
Mailing Address: 24125 Aldine Westfield  
City: Spring State: TX Zip: 77373 E-mail address gbreeder@up.com  
Phone: 281-350-7197 Fax: 402-233-2351

By my signature below, I acknowledge the requirement of §350.2(a) that no person shall submit information to the executive director or to parties who are required to be provided information under this chapter which they know or reasonably should have known to be false or intentionally misleading, or fail to submit available information which is critical to the understanding of the matter at hand or to the basis of critical decisions which reasonably would have been influenced by that information. Violation of this rule may subject a person to the imposition of civil, criminal, or administrative penalties.

Signature of Person  Name, print: Geoffrey Reeder Date: 062217

## RAP Executive Summary

ID No.: SWR No. 31547

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Use this worksheet to summarize the report. Be sure to complete and submit the Checklist for Report Completeness. **Attach a chronology of activities associated with the affected property.**

Briefly describe the affected property and PCLE zones, the conclusions from the assessment activities, identify any affected or threatened receptors, and describe any other major considerations taken into account when developing this response action plan. If any portion of the response action is necessitated due to an aesthetic or nuisance condition, identify the nature of that condition and identify that portion of the response action proposed to address it. If any media that contains a PCLE zone is not addressed in this RAP, provide justification.

### Property Location, Land Use, and Operations

The Union Pacific Railroad (UPRR) Houston Wood Preserving Works (HWPW) Facility at 4910 Liberty Road, Houston, Harris County, Texas (the Site) is located within unoccupied industrial land and also includes the Englewood Intermodal Yard, which is to the south of the former HWPW facilities. The Englewood Intermodal Yard is used for the transfer of box containers from rail cars to truck trailers and vice-versa. UPRR mainline rail and siding rails lie between the former HWPW and the Englewood Intermodal Yard. The Site will remain commercial/industrial for the foreseeable future. The Site was first developed for creosoting operations in 1899, and operated various creosoting operations until 1984 when operations ceased. The facility was dismantled in the early 1990s. Details of the history and previous operations at the Site have been discussed in detail in the previously submitted Affected Property Assessment Report (APAR) (ERM, 2000) and Revised APAR (ERM, 2004), as well as the RCRA Facility Assessment (RFA) Report (PRC, 1993).

The surrounding properties within a 500-foot radius of the Site, including the Englewood Intermodal Yard, consist of residential to the northwest, north, southeast, and south. The UPRR Englewood Classification Yard, commercial/industrial property, is located to the east of the Site. An area of undeveloped land and abandoned houses are located west of the Site. The 500-foot radius field survey demonstrated no current potential groundwater receptors within the residential neighborhood. No water wells, water tanks, cisterns, or windmills, or surface water bodies were encountered. The nearest surface water body is Buffalo Bayou, located approximately 1.6 miles southwest of the Site. The potential for lateral migration of groundwater from the Site to the southwest approximately 8,500 feet to Buffalo Bayou is not likely.

### Assessment Results

The initial APAR prepared for the Site was submitted to the TCEQ dated June 10, 2000 (ERM, 2000). A revised APAR was submitted to the TCEQ dated June 10, 2004. Pastor, Behling & Wheeler, LLC (PBW) prepared the APAR Addendum dated July 2009 (PBW, 2009). Following comments from the TCEQ, PBW submitted the Updated APAR Addendum dated October 2010, with response to comments dated March 29, 2011. The TCEQ approved the APAR in a letter dated April 13, 2011.

As detailed in the APARs and subsequent submittal, the Affected Property consists of surface soils, subsurface soils, and groundwater affected by chemical of concern (COC) at the Site: The soil and groundwater exposure pathways were evaluated as part of the Site assessments are considered to be complete and/or anticipated to be complete.

Site stratigraphy from the ground surface to a depth of approximately 135 feet is separated into the following units: Fill Material (0 to 5 feet thick); A-Cohesive Zone (A-CZ) (8 to 15 feet thick); A-Transmissive Zone (A-TZ) (4 to 21 feet thick); B-Cohesive Zone (B-CZ) (6 to 19 feet thick); B-Transmissive Zone (B-TZ) (discontinuous, where present, 3 to 10 feet thick); C-Cohesive Zone (C-CZ) (8 to 20 feet thick); C-Transmissive Zone (C-TZ) (10 to 13 feet thick); D-Cohesive Zone (D-CZ) (17 to 36 feet thick); and D-Transmissive Zone (D-TZ).

As detailed in the Updated APAR Addendum (PBW, 2010), target COCs in soil and groundwater media were evaluated using the March 2010 TCEQ TRRP Residential PCLs, or Residential Assessment Levels (RALs) to establish the Affected Property. Surface and subsurface soil data collected from 1997 through June 2010, with subsequent sampling in 2013 and 2014, were evaluated to assess the Affected Property and Protective Concentration Level (PCL) Exceedance (PCLE) Zone in surface and subsurface soils. Groundwater data from the most recent sampling event (July/August 2014) were evaluated to assess COC exceedances in groundwater.

### PCLE Zones

#### *Soils*

The soil critical PCLs were established for the Site by using the lower commercial/industrial PCLs for on-site soils and residential PCLs for off-site soils for the following pathways:

- $^{Tot}Soil_{Comb}$  (Tier 1);
- $^{Air}Soil_{Inh-v}$  (Tier 1); and
- $^{GW}Soil_{Ing}$  (Tier 1 or 2).

Although the former wood preserving works portion of the Site is partially covered with crushed gravel and soil, the  $^{Tot}Soil_{Comb}$  pathway was evaluated as potentially complete since potential future construction activities could occur at the Site. Most of the Englewood Intermodal Yard has a concrete pavement cover, and the rail area between the HWPW and the Englewood Intermodal Yard is covered with railroad ballast, which both prevents exposure to surface and subsurface soils in the area.

Comparing the surface and subsurface soil analytical data to the appropriate critical PCLs, concentrations of 15 COCs exceeded their respective critical PCLs:

#### Surface Soils

- 1,2-Diphenylhydrazine
- 2,4-Dinitrotoluene
- 2-Methylnaphthalene
- Benzene
- Benzo(a)anthracene
- Benzo(a)pyrene
- Dibenzofuran
- Naphthalene
- Pentachlorophenol
- Arsenic
- Lead

#### Subsurface Soils

- 2-Methylnaphthalene
- Benzene
- Naphthalene
- Pentachlorophenol

The surface soil PCLE zone extends across the Original Process Area (SWMU 5) and Recent Process Area (SWMU 4), down the South Drainage Ditch (SDD) (SWMU 2), and across the Former Inactive Wastewater Lagoon (AOC 6). The PCLE zone was primarily defined by the concentrations of benzo(a)anthracene, benzo(a)pyrene, naphthalene, and pentachlorophenol in surface soils. Additional soil sampling conducted in 2013 indicates that the surface soil PCLE Zone extends into the Englewood Intermodal Yard. Additional soil sampling in 2014 indicated that the surface soil PCLE Zone (benzo(a)pyrene and pentachlorophenol) extended north beyond the fence to the edge of Liberty Road, but was delineated along the northeast side of the Site. Arsenic and lead were detected at concentrations greater than cPCLs in surface soil in the Englewood Intermodal Yard.

For subsurface soils, the PCLE zones for 2-methylnaphthalene, naphthalene (more mobile COCs in soils), and pentachlorophenol were extrapolated using available subsurface soil data and applying the surface PCLE zone for those two COCs to the subsurface. By using the surface PCLE zone, this assumes the PCLE zone extends from the surface to the top of the uppermost GWBU (i.e. A-TZ). However for pentachlorophenol, none of the groundwater samples from A-TZ wells collected during the July/August 2014 groundwater monitoring event had detected pentachlorophenol concentrations above the RAL, suggesting the concentrations in surface and subsurface soils are protective of groundwater. The subsurface PCLE zone is confined to the area around the Original and Recent Process Areas (SWMUs 4 and 5), with a small area of naphthalene subsoil PCLE Zone in the Englewood Intermodal Yard area.

### *Groundwater*

A total of 106 groundwater monitoring wells have been installed on and off-site in the GWBUs A-TZ, B-CZ/B-TZ, C-TZ, and D-TZ. Groundwater in A-TZ and B-TZ generally flows across the Site to the east; groundwater flow in the C-TZ flows from northeast to southwest, and groundwater flow in the D-TZ appears to flow to the northwest.

Based on the maximum groundwater analytical data from the July/August 2014 groundwater sampling event, concentrations of the following 23 target COCs exceeded their respective RALs where detected or had a SDL greater than the cPCL (>SDL) for COCs with no detections:

#### VOCs

- Benzene (A-TZ, B-TZ, C-TZ)
- Ethylbenzene (B-CZ only)
- Methylene Chloride (A-TZ, B-TZ/B-CZ, & C-TZ)
- Toluene (B-CZ only)
- Vinyl Chloride (A-TZ and B-TZ)

#### SVOCs

- 2,4-Dimethylphenol (A-TZ, B-TZ, C-TZ)
- 2,6-Dinitrotoluene (B-TZ & C-TZ)
- 2-Methylnaphthalene (A-TZ, B-CZ/B-TZ, & C-TZ)
- Acenaphthene (C-TZ only, one well\*)
- Anthracene (C-TZ only, one well\*)
- Benzo(a)anthracene (A-TZ, B-CZ, & C-TZ)
- Benzo(a)pyrene (A-TZ, C-TZ, and D-TZ)
- Bis(2-chloroethoxy)methane (A-TZ & C-TZ\*)
- Chlorobenzene (A-TZ only, one well)
- Chrysene (C-TZ only, one well\*)
- Dibenzofuran (A-TZ, B-CZ/B-TZ, & C-TZ)
- Fluoranthene (C-TZ only, one well\*)
- Fluorene (C-TZ only, one well\*)
- Naphthalene (A-TZ, B-CZ/B-TZ, & C-TZ)
- Pentachlorophenol (C-TZ)
- Phenanthrene (C-TZ only, one well\*)
- Phenol (A-TZ, B-CZ, & C-TZ)
- Pyrene (C-TZ only, one well\*)

\* - COC only detected in wells with DNAPL present

As noted above, SVOCs acenaphthalene, anthracene, chrysene, fluoranthene, fluorene, phenanthrene, and pyrene were detected above cPCLs in only one well, MW-23C, which contained dense nonaqueous phase liquids (DNAPL) during the sampling event. These concentrations may overestimate the dissolved fraction in the groundwater; however, these COCs were included in the PCLE COC list.

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The location and extent of the groundwater PCLE zones were determined by COCs present in groundwater at concentrations that exceed the critical PCL ( $^{GW}GW_{ing}$ ) using the most recent groundwater data. Groundwater PCLE Zones were mapped for the three upper GWBUs: A-TZ, B-CZ/B-TZ, and C-TZ. One COC benzo(a)pyrene has been detected in the D-TZ GWBU during the most recent groundwater sampling event. A resample from the well confirmed the initial result. UPRR will evaluate further investigation of the D-TZ following the next sampling event.

No affected or threatened receptors are associated with the groundwater PCLE zone. Groundwater supply wells are not located in the affected area and drinking water in the area is provided by a municipal water supply (City of Houston).

Creosote DNAPL has been detected in the GWBUs A-TZ, B-CZ, B-TZ, and C-TZ as noted in soil borings and monitoring wells. The sources of DNAPL observed at the Site are likely from spills and drippings at the Site over the 80+ years of wood treating operations, with most of the releases likely occurring prior to 1984. The wood treating facility was shut down and dismantled in the early 1990s; thus, the DNAPL sources were removed over 20 years ago. UPRR completed a DNAPL Recovery Pilot Study for 24 months ending January 2015 to evaluate the effectiveness of DNAPL recovery through monthly DNAPL pumping events for 24 months. The results of the pilot test indicated that monthly DNAPL recovery activities are effective with DNAPL recovery and with overall DNAPL thicknesses either decreasing or becoming stable in the wells.

### Response Action Plan

The objective of this RAP is to develop responses to protect current and future pathways from exposure to the PCLE Zones in surface soil, subsurface soil, and groundwater. The following response actions are proposed at the Site to achieve this objective:

- Surface/subsurface soil – The surface/subsurface soil PCLE Zones at the Site will be addressed as follows:
  - 1) Former HWPW Area: Remedy Standard B closure through consolidating impacted soils within the Area of Contamination (AOC) and implementing Physical Control through an engineered soil cap and asphalt roadway. Periodic inspections and maintenance of the cap and roadway will be implemented;
  - 2) Englewood Intermodal Yard: Remedy Standard B closure by implementing Physical Control using the existing concrete pavement as a cap. Periodic inspections and maintenance of the cap will be implemented;
  - 3) Railroad mainlines and siding tracks: The response action for the operational area between the Former HWPW area and the Englewood Intermodal Yard will be Remedy Standard B closure using the existing railroad ballast as a protective barrier.
  - 4) City of Houston ROW along Liberty Road: Remedy Standard B closure through limited excavation of surface soils, consolidating impacted soils within the AOC, and implementing Physical Control through an engineered concrete sidewalk. Periodic inspections and maintenance of the cap and roadway will be implemented.
- Groundwater – Remedy Standard B closure using a Plume Management Zone (PMZ) with monitored natural attenuation (MNA) for control as the response action for the groundwater PCLE Zones within the Affected Property. For the purposes of this RAP submittal, there will be four PMZ areas:
  - 1) On-Site PMZ (Main) - The on-site PMZ (Main) will include the cumulative groundwater PCLE Zone within the UPRR-owned property from the center to the east portion of the Site.

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- 2) On-Site PMZ (West) - The on-site PMZ (West) will include the B-CZ/B-TZ PCLE Zone on the west side of the Site within the UPRR-owned property.
- 3) Off-Site PMZ *[pending]* - The off-site PMZ includes the cumulative groundwater PCLE Zone that extends off-site to the north of the Site, but not including City of Houston ROW. The proposed off-site PMZ will require institutional controls for up to 53 individual properties.
- 4) Off-Site PMZ City of Houston ROW - The off-site PMZ includes the cumulative groundwater PCLE Zone that extends off-site to the north of the Site within the City of Houston ROW.

For the Off-Site PMZ, this area is considered pending until all the deed recordations within the Off-Site PMZ have been acquired. Currently, UPRR has acquired 30 signed restrictive covenants from private landowners (Appendix 5) throughout the proposed Off-Site PMZ and the signed restrictive covenant from the City of Houston for the Off-Site PMZ City of Houston ROW. Three additional property owners have recently agreed verbally with the restrictive covenant and UPRR is a waiting signature. For 11 properties within the Off-site PMZ, UPRR has conducted an extensive and diligent inquiry to locate a landowner who can legally sign the restrictive covenant per 30 TAC §350.111(c)(3), but has not been able to locate the proper landowner for signature (details in Appendix 5). UPRR proposes to file a deed notice for those properties. The remaining nine properties within the proposed PMZ are for properties where UPRR has located the landowner but has not received signed restrictive covenants or filed deed notices. UPRR will continue to work with the landowners to secure the restrictive covenants for these properties and establish the PMZ for the entire groundwater PCLE Zone. In the interim, UPRR proposes to monitor groundwater in wells that are within the proposed Off-Site PMZ area as part of the corrective action groundwater monitoring. Data collected from the monitoring wells within this area will be used to evaluate possible response actions (i.e., monitored natural attenuation) to address the groundwater PCLE Zone pending approval of the Off-Site PMZ.

Groundwater monitoring is proposed to be performed as part of the PMZ to confirm that the lateral extent of COC concentrations greater than their respective cPCLs continue to remain within the boundaries of the PMZ. Groundwater monitoring will be initiated for both the On-Site PMZs and Off-Site PMZs following approval of the RAP. During the acquisition of landowner consent for the off-site PMZ, groundwater monitoring will be conducted concurrently with the on-site PMZ monitoring requirements. DNAPL will be recovered from wells on a periodic basis through pumping to recover the readily recoverable NAPL for the GWBUs to satisfy requirements of the PMZ.

What is the selected remedy standard for this affected property?     A         B

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List all media that contains a PCLE zone and specify the proposed response action for each media. Indicate the type of removal, decontamination, physical control and/or institutional control action that is proposed.

Media	COCs <sup>1</sup>	Removal	Decontamination	Control			
				Physical Control	Modified Groundwater Response Objective <sup>2</sup>		
					PMZ	WCU	TI
Surface Soil	Benzene, SVOCs, metals			X			
Subsurface Soil	SVOCs			X			
Groundwater	Benzene, SVOCs				X		

Is there a media that contains a PCLE zone that is not addressed in this RAP? yes X no

If yes, provide justification for not addressing the PCLE zone in this RAP.

On-site land use:  Residential  Commercial/Industrial  
Off-site land use:  Residential  Commercial/Industrial (check all that apply)

Is this a re-submittal or revision of a previous RAP?  Yes  No  
If yes, explain why the RAP is being revised or resubmitted.

This RAP is being submitted with revisions based on the TCEQ 3<sup>rd</sup> Technical Notice of Deficiency (NOD) dated April 10, 2017 on the UPRR Houston Wood Preserving Works Permit Renewal/Compliance Plan with Major Amendment, Permit/Compliance Number 50343, ISWR 31547.

Were all the appropriate notifications made in accordance with §350.55?  Yes  No  
If no, explain why notifications were not made:

<sup>1</sup> Specify either a specific COC or, if the response action is the same for all COCs in one type, specify the type of COC (for example, VOCs, SVOCs, metals).

<sup>2</sup> If a modified groundwater response objective is proposed, check the type(s) of proposed modifications.



## CHRONOLOGY

Below is a summary of the site investigation and regulatory chronology at the UPRR Former Houston Wood Preserving Works facility (listed in reverse order).

Date	Description
May 2017	Meeting with Union Pacific Railroad (UPRR), Pastor, Behling & Wheeler (PBW), Baker-Wotring and the Texas Commission on Environmental Quality (TCEQ) (Corrective Action and Law Division) on May 31, 2017 discussing the 3 <sup>rd</sup> Technical Notice of Deficiency (NOD) Letter dated April 10, 2017 on the RCRA Part A and B Permit Renewal Application and Response Action Plan (RAP), specifically for issues regarding the restrictive covenants/deed notices for the off-site properties.
April 2017	UPRR receives the 3 <sup>rd</sup> Technical NOD Letter dated April 10, 2017 on the RCRA Part A and B Permit Renewal Application (Revision No. 3) and RAP (Revision 2) from the TCEQ.
February 2017	Meeting with UPRR, PBW, Baker-Wotring and the TCEQ (Corrective Action and Law Division) on February 16, 2017 discussing the draft comments on the RAP (Revision 2) and restrictive covenants for the off-site properties.
January 2017	PBW submits to the TCEQ the Corrective Action Monitoring Report: 2016 Second Semi-Annual Event dated January 17, 2017; PBW conducts 2017 first semi-annual groundwater monitoring event for the SWMU No. 1
July 2016	UPRR submits the RCRA Part A and B Permit Renewal Application (Revision No. 3) with RAP (Revision No. 2) to the TCEQ dated July 2016 in response to the Technical NOD Letter dated June 2, 2016. This includes submitting the Response Action Completion Report (RACR). PBW submits to the TCEQ the Corrective Action Monitoring Report: 2016 First Semi-Annual Event dated July 12, 2016; PBW conducts 2016 second semi-annual groundwater monitoring event for the SWMU No. 1
June 2016	UPRR receives Technical NOD Letter dated June 2, 2016 on the RCRA Part A and B Permit Renewal Application and Response Action Plan from the TCEQ.
May 2016	UPRR completes the response actions authorized under the Area of Contamination to address the surface and subsurface soil Protective Concentration Level Exceedance (PCLE) Zones as detailed in the updated Response Action Plan (RAP) dated December 7, 2015.
February 2016	TCEQ approves the request to extend the termination date for the Area of Contamination from February 15, 2016 to March 7, 2016 in a letter dated February 22, 2016
January 2016	Begin response actions (excavation/placement and cap construction) activities to address surface soil PCLE Zones. PBW conducts 2016 first semi-annual groundwater monitoring event for the Solid Waste Management Unit (SWMU) 1. PBW submits on behalf of UPRR a request to extend the termination date from

Date	Description
	February 15, 2015 to March 7, 2016 for the Area of Contamination set by the TCEQ.
December 2015	Union Pacific Railroad (UPRR) submits the RCRA Part A and B Permit Renewal Application (Revision No. 2) with Response Action Plan (RAP) (Revision No. 1) to the TCEQ dated December 7, 2015. Remediation contractor begins site preparation for response actions under the Area of Contamination.
November 2015	Union Pacific Railroad (UPRR) receives the Texas Commission on Environmental Quality (TCEQ) letter dated November 5, 2015 detailing the agency's review of the September 18, 2015 submittal titled Additional Information for Clean Closure Equivalence Demonstration. The TCEQ Industrial and Hazardous Waste (I&HW) Permits Section was unable to accept the request for discontinuing post-closure care of the former surface impoundment, Solid Waste Management Unit (SWMU) 1.
November 2015	Meeting with UPRR, Pastor, Behling & Wheeler (PBW), and the TCEQ on November 4, 2015 discussing the October 23, 2015 technical comment letter from the TCEQ.
October 2015	UPRR receives additional technical comments from the TCEQ in a letter dated October 23, 2015 on the Response Action Plan (RAP) regarding the Plume Management Zones and Technical Impracticability Demonstration provided in the Response Action Plan.
September 2015	PBW submits to the TCEQ the Additional Information for Clean Closure Equivalence Demonstration dated September 18, 2015 that included historical data and letters from 1983, 1984, and 1991 to demonstrate clean closure of the soils under the former surface impoundment (SWMU 1). The letter also included a request to cease the post-closure care for SWMU 1.
August 2015	UPRR receives Technical Notice of Deficiency (NOD) Letter dated August 5, 2015 on the RCRA Part A and B Permit Renewal Application and Response Action Plan from the TCEQ.
July 2015	PBW submits to the TCEQ the Corrective Action Monitoring Report: 2015 First Semi-Annual Event dated July 16, 2015; PBW conducts 2015 second semi-annual groundwater monitoring event for the SWMU No. 1.
April 2015	PBW submits to the TCEQ newspaper tear sheets and affidavits that public notice was published in English and Spanish in the <i>Houston Chronicle</i> on April 2 and <i>La Subasta</i> on March 31, respectively as required once the RCRA Permit Renewal/Compliance Plan with Major Amendment was administratively complete.
March 2015	TCEQ issues a letter dated March 13, 2015 declaring the RCRA Permit Renewal/Compliance Plan with Major Amendment was administratively complete on March 13, 2015.

Date	Description
February 2015	PBW submits a response letter to the TCEQ dated February 13, 2015 for the TCEQ Administrative NOD on the RCRA Part A and B Permit Renewal Application.
January 2015	PBW submits to the TCEQ the Corrective Action Monitoring Report: 2014 Second Semi-Annual Event dated January 15, 2015; PBW conducts 2015 first semi-annual groundwater monitoring event for the SWMU No. 1.
December 2014	UPRR submits the RCRA Part A and B Permit Renewal Application with Response Action Plan (RAP) to the TCEQ dated December 10, 2014. UPRR receives the TCEQ Administrative NOD Letter dated December 17, 2014.
November 2014	RCRA Permit Pre-Application Meeting with UPRR, PBW, and TCEQ dated November 6, 2014.
September 2014	UPRR holds public meeting with residents near the Site to detail institutional controls for off-site groundwater Plume Management Zone (PMZ).
July/August 2014	PBW conducts site-wide groundwater sampling event.
May 2014	PBW oversees installation of seven new monitoring wells (MW-51C, MW-76C, MW-77A, MW-78A, MW-79A, MW-80B, and MW-81B) in the Englewood Intermodal Yard to evaluate DNAPL extent and extent of chemicals of concern (COCs) in the B-CZ unit to the southeast, and one replacement well MW-34CR to replace MW-34C. Soil samples also collected from City of Houston right of way (ROW) along north perimeter of the Site.
January 2014	PBW conducts site-wide groundwater sampling event.
July 2013	PBW conducts site-wide groundwater sampling event.
February/March 2013	PBW conducts cone penetrometer testing (CPT)/rapid optical screening tool (ROST) and soil investigation at the Englewood Intermodal Yard adjacent to the UPRR Houston Wood Preserving Works (HWPW) site.
January/February 2013	PBW conducts site-wide groundwater sampling event (95 wells). PBW submits Proposed DNAPL Recovery Pilot Test letter to TCEQ dated February 5, 2013, and initiates monthly DNAPL recovery from on-site and off-site wells (10-12 wells) (planned for 24 months).
November 2012	Meet with TCEQ regarding proposed CPT/ROST investigation of Englewood Intermodal Yard based on DNAPL detected from the December 2011 investigation.
July 2012	PBW conducts site-wide groundwater sampling event.
January 2012	PBW conducts site-wide groundwater sampling event.

Date	Description
July 2012	PBW conducts site-wide groundwater sampling event.
December 2011	PBW installs additional monitoring wells in the cohesive zone B-CZ to evaluate extent of DNAPL in the B-CZ.
July 2011	PBW conducts site-wide groundwater sampling event.
April 2011	TCEQ approves the Affected Property Assessment Report (APAR) (including updates and addendums).
March 2011	PBW submits the Revised Updated APAR Addendum to the TCEQ. UPRR repairs fence around site.
January 2011	PBW conducts site-wide groundwater sampling event.
December 2010/ January 2011	UPRR/PBW submits Off-Site Notification Letters to off-site properties indicating Notice of Information Availability for the site, as required with the submittal of the Updated APAR Addendum (Oct 2012) .
October 22, 2010	PBW submits the Updated APAR Addendum to the TCEQ.
June/July 2010	PBW conducts additional soil (along northeast portion of Site) and groundwater investigation (A-TZ, B-CZ, C-TZ and D-TZ wells); including site-wide groundwater monitoring event.
February 16, 2010	UPRR Response to TCEQ Comment Letter dated November 18, 2009.
January 2010	PBW conducts site-wide groundwater sampling event; selected wells are analyzed for Volatile Organic Compounds (VOCs) by EPA Method 8620.
November 18, 2009	TCEQ Comment Letter on Revised APAR.
July 2009	PBW submits APAR Addendum to TCEQ.
January 2009	PBW conducts additional soil and groundwater investigation.
July 2008	PBW conducts additional CPT-ROST and groundwater investigation
January 2007	PBW conducts additional soil and groundwater investigation
August 2006	ERM-Southwest, Inc. (ERM) conducted additional soil and groundwater investigation
April 2006	ERM conducted additional soil and groundwater investigation
September 6, 2005	UPRR Response to TCEQ Response Letter dated August 1, 2005
August 2005	TCEQ Response to UPRR Response Letter dated June 9, 2005

Date	Description
June 9, 2005	UPRR Response to TCEQ Letter dated April 15, 2005
April 15, 2005	TCEQ Response to UPRR Response Letter dated November 19, 2004
November 19, 2004	UPRR Response to October 8, 2004 TCEQ Letter
October 8, 2004	TCEQ Comment Letter on Revised APAR
June 10, 2004	Revised APAR submitted to the TCEQ by ERM, Inc. on behalf of UPRR
November 7, 2001	Texas Natural Resources Conservation Commission (TNRCC) provides comments to July 5, 2001 response letter.
July 5, 2001	Follow-up response to November 6, 2000 TNRCC comment letter on the On-Site APAR submitted to TNRCC on behalf of UPRR.
January 9, 2001	Initial response to November 6, 2000 TNRCC comments.
November 6, 2000	TNRCC provides comments to On-Site APAR.
July 10, 2000	Affected Property Assessment Report for On-Site Property (On-Site APAR) submitted to TNRCC on behalf of UPRR by ERM.
February 20, 2000	Letter submitted to the TNRCC regarding proposed Phase 2-C investigation for further delineation of off-site areas
September 10, 1999	Phase 2-B RFI/EOC Investigation Report submitted to TNRCC on behalf of UPRR by ERM
April 27, 1998	Interim Stabilization Measures Report – Southern Drainage Ditch, submitted to TNRCC on behalf of UPRR by ERM.
February 13, 1998	Phase 2-A RFI/EOC Investigation Report submitted to TNRCC on behalf of UPRR by ERM.
January 13, 1997	RFI portion of the Phase 1 RFI/EOC Investigation Report approved by TNRCC
November 26, 1996	EOC portion of the Phase 1 RFI/EOC Investigation Report approved by TNRCC
May 23, 1996	Phase 1 RFI/EOC Report submitted on behalf of Southern Pacific Transportation Company (SPTCo) by Terranext
October 16, 1995	RFI Work Plan approved by TNRCC
September 29, 1995	EOC Work Plan approved by TNRCC
January 10, 1995	Operation and Maintenance Plan approved by TNRCC

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Date	Description
November 3, 1994	Revised Compliance Schedule approved by TNRCC
October 14, 1994	RCRA Facility Investigation (RFI) Work Plan submitted on behalf of SPTCo
September 16, 1994	Extent of Contamination (EOC) Work Plan submitted on behalf of SPTCo
September 7, 1994	Revised Compliance Schedule submitted on behalf of SPTCo
August 19, 1994	Operation and Maintenance Plan and Compliance Schedule submitted on behalf of SPTCo
June 20, 1994	Permit No. HW-50343-000 and Compliance Plan CP-50343-000 issued by TNRCC.
October 1993	RCRA Facility Assessment completed on behalf of U.S. EPA by PRC Environmental Management, Inc.
May 13, 1991	RCRA Permit Application submitted by SPTCo

Note: Not all groundwater sampling events are listed in the chronology

Use this checklist to determine the portions of the form that must be submitted for this report. Answer all questions by checking Yes or No. If the answer is Yes include that portion of the report. If the answer is No, do not complete or submit that portion of the report. All form contents that are marked "Required" must be submitted. Form contents marked with an asterisk (\*) are not included in the blank form and are to be provided by the person.

				Report Contents
	Required		<b>Cover Page</b>	<input checked="" type="checkbox"/>
	Required		<b>Executive Summary</b>	<input checked="" type="checkbox"/>
	Required		<b>Checklist for Report Completeness</b>	<input checked="" type="checkbox"/>
	Required		<b>Worksheet 1.0</b> Response Action Objectives	<input checked="" type="checkbox"/>
No <input checked="" type="checkbox"/>		<input type="checkbox"/> Yes	<b>Attachment 1A*</b> Maps and Cross Sections	<input type="checkbox"/>
			<b>Attachment 1B*</b> Graphs of Concentration versus Time	<input type="checkbox"/>
	Required		<b>Worksheet 2.0</b> Response Action Design	<input type="checkbox"/>
	Required		<b>Attachment 2A*</b> Response Action Diagrams and Component/Equipment Descriptions	<input checked="" type="checkbox"/>
	Required		<b>Attachment 2B*</b> Proposed Well Design	<input checked="" type="checkbox"/>
No <input checked="" type="checkbox"/>		<input type="checkbox"/> Yes	<b>Attachment 2C*</b> ESA and Compensatory Restoration Plan	<input type="checkbox"/>
No <input type="checkbox"/>		<input checked="" type="checkbox"/> Yes	<b>Worksheet 2.1</b> Plume Management Zone	<input checked="" type="checkbox"/>
			<b>Attachment 2D*</b> Plume Management Zone Map	<input checked="" type="checkbox"/>
			<b>Attachment 2E*</b> Attenuation Action Levels Determination	<input type="checkbox"/>
No <input checked="" type="checkbox"/>		<input type="checkbox"/> Yes	<b>Worksheet 2.2</b> Waste Control Unit	<input type="checkbox"/>
			<b>Attachment 2F*</b> Map of Waste Control Unit	<input type="checkbox"/>
No <input type="checkbox"/>		<input checked="" type="checkbox"/> Yes	<b>Worksheet 2.3</b> Technical Impracticability	<input type="checkbox"/>
			<b>Attachment 2G*</b> Map of Technical Impracticability Area	<input type="checkbox"/>

# Checklist for Report Completeness

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				Report Contents
No <input type="checkbox"/>	Is the response action a remedy standard B?	<input checked="" type="checkbox"/> Yes	→	<b>Worksheet 2.4</b> Institutional Controls <input type="checkbox"/>
		Required		<b>Worksheet 3.0</b> Performance Measures and Potential Problems <input type="checkbox"/>
		Required		<b>Worksheet 3.1</b> Monitoring and Sampling <input checked="" type="checkbox"/>
		Required		<b>Attachment 3A*</b> Map of Monitoring and Sampling Points <input checked="" type="checkbox"/>
		Required		<b>Worksheet 3.2</b> Operation and Maintenance <input type="checkbox"/>
		Required		<b>Worksheet 4.0</b> Confirmation Sampling Plan <input type="checkbox"/>
		Required		<b>Attachment 4A*</b> Map of Confirmation Sampling Points <input type="checkbox"/>
No <input type="checkbox"/>	Is the response action a Remedy Standard B?	<input checked="" type="checkbox"/> Yes	→	<b>Worksheet 5.0</b> Post Response Action Care <input type="checkbox"/>
			→	<b>Attachment 5A*</b> Map of PRAC Monitoring and Sampling Points <input checked="" type="checkbox"/>
			→	<b>Attachment 5B*</b> PRAC Costs <input type="checkbox"/>
No <input checked="" type="checkbox"/>	Does the person, who is a small business, desire to modify the financial assurance requirement?	<input type="checkbox"/> Yes	→	<b>Attachment 5C*</b> Small Business Affidavit <input type="checkbox"/>
		Required		<b>Worksheet 6.0</b> Implementation Schedule <input type="checkbox"/>
		Required		<b>Appendix 1*</b> References <input type="checkbox"/>
No <input type="checkbox"/>	Was any data collected that was not previously reported?	<input type="checkbox"/> Yes	→	<b>Appendix 2*</b> Data Tables and Boring Logs <input type="checkbox"/>
No <input type="checkbox"/>	Were any studies or tests conducted?	<input type="checkbox"/> Yes	→	<b>Appendix 3*</b> Studies and Tests Documentation <input type="checkbox"/>
No <input type="checkbox"/>	Is the response action a Remedy Standard B?	<input checked="" type="checkbox"/> Yes	→	<b>Appendix 4*</b> Proposed Institutional Controls <input checked="" type="checkbox"/>
No <input type="checkbox"/>	Are any institutional controls proposed/required on property not owned by the person?	<input checked="" type="checkbox"/> Yes	→	<b>Appendix 5*</b> Landowner Concurrence <input checked="" type="checkbox"/>
No <input type="checkbox"/>	Are any of the sample collection or handling procedures different from those reporting in the APAR or other previously submitted report?	<input type="checkbox"/> Yes	→	<b>Appendix 6*</b> Sampling Procedures <input type="checkbox"/>
No <input type="checkbox"/>	Are statistics or geostatistics proposed to be used as part of the response action?	<input type="checkbox"/> Yes	→	<b>Appendix 7*</b> Statistical Methodology <input type="checkbox"/>
No <input checked="" type="checkbox"/>	Was approval received from the TCEQ regarding the use of different rules to address a media?	<input type="checkbox"/> Yes	→	<b>Appendix 8*</b> Split Media Approval <input type="checkbox"/>

Form contents marked with an asterisk (\*) are not included in the blank form.



<b>Response Action Objectives</b> Associated Information: Attachment 1A, 1B	<b>RAP Worksheet 1.0</b> Page 1 of 10	
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Use this worksheet to describe the objectives for the response action in each media.

### Response Action Objectives

List the environmental media to which this applies

**Surface Soils (0 – 5 feet bgs)/Subsurface Soils (>5 feet bgs)**

Repeat this section for each medium that has a different response action objective.

State the property-specific response objectives for the PCLE zone in each media in the context of the response objectives set forth in §350.32 or §350.33 as applicable. Explain how the response action is appropriate based on the hydrogeologic characteristics, COC characteristics, and potential unprotective conditions that could continue or result during the remedial period.

The Response Action Objectives (RAO) for the surface and subsurface soil PCLE Zones is to control exposure through physical barriers such that commercial/industrial workers will not be exposed to concentrations of COCs in excess of the critical human health PCLs (§350.33(a)(1)). The surface soil PCLE zone extends across the Recent Process Area (SWMU 4), Original Process Area (SWMU 5), Water Treatment and Boiler System (SWMU 6), Aboveground Storage Tank Area (SWMU 8), Oil/Water Separators (SWMU 11), down the Southern Drainage Ditch (SDD) (SWMU 2), and across the Former Inactive Wastewater Lagoon (Area of Concern (AOC) 6). The surface soil PCLE Zone also extends north of the Site onto the City of Houston right of way (ROW) and south across the UPRR main lines and into the Englewood Intermodal Yard (Attachment 1A-Figure 4A).

Three key approaches will be implemented to protect commercial/industrial workers from exposure to COCs in surface and subsurface soils:

- **Former HWPW area:** Using the Area of Contamination (AOC) approach, surface soils with cPCL exceedances in the Inactive Wastewater Lagoon (AOC 6), and areas north of the AST Area (SWMU No. 8) will be consolidated in the area of SWMUs 4, 5, and 8. This area will then be covered with a vegetated soil cap to prevent human exposure to the impacted soils. The surface soil PCLE zone along the SDD (SWMU No. 2) will be capped in place using asphalt cover as part of a roadway improvement.
- **Englewood Intermodal Yard area:** The surface soil PCLE zone in the Intermodal Yard area is currently covered with a physical barrier (concrete pavement), preventing contact and exposure.
- **UPRR Main Lines Ballast Area:** UPRR proposes to use the existing railroad ballast as an engineering control for preventing on-site worker exposure to impacted surface soils in this area.

To address potential exposure to surface soil PCLE Zone off-Site, the following will be implemented to protect residents (i.e. occasional trespasser) from exposure to COCs in surface and subsurface soils:

- **City of Houston Right of Way (ROW):** The area immediately north of the AST Area (SWMU No. 8) within the City of Houston right of way (ROW) between the UPRR property boundary and Liberty Road (approximately 6 feet wide and 550 feet long) will be addressed through a combination of soil excavation (to be placed within the capped area) and construction of a concrete sidewalk to restrict exposure to the surface soil PCLE zone.

## Response Action Objectives

Associated Information: Attachment 1A, 1B

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The Affected Property (including the entire Site (HWPW and Englewood Intermodal Yard)) will also be deed restricted for commercial-industrial land use, for the use of physical controls on surface and subsurface soil, and restrictions on soil excavation within the surface and subsurface soil PCLE Zone in accordance with §350.31(g).

Explain how the COCs will be handled, treated, disposed, or transferred to another media and document that the response action will not result in any additional potential exposure conditions due to response action activities.

Surface soils from parts of AOCs 6 and 7 and SWMU Nos. 7 and 11 will be excavated and consolidated within the Area of Contamination (Affected Property) within the former HWPW area. During consolidation activities, Site workers will operate under a site-specific health and safety plan (HASP) and impacted soils will be consolidated within the surface soil Affected Property. Any equipment and tooling that comes in contact with impacted soils will be decontaminated and managed within the AOC. Storm water protection (i.e., Storm Water Pollution Prevention Plan (SWPPP), silt fencing) and fugitive dust monitoring will be conducted during remediation activities to ensure the activities will not result in additional exposure conditions. Verification sampling will be performed at the excavation areas following excavation of soils to ensure that the affected soils containing COCs at concentrations in excess of the applicable cPCLs have been removed. Upon completion of verification sampling, the excavation area will be restored by backfilling with clean fill and/or grading.

During construction of the cap, storm water management and dust monitoring will also be conducted to minimize impacting soils outside of the Affected Property during the response action.

For areas outside of the proposed excavation, COCs in soil will be left in place at the Site and exposure will be controlled by the use of institutional controls (commercial/industrial land use) and the use of physical barriers (engineered soil cap and asphalt roadway cap for the former HWPW area and concrete and railroad ballast for the Englewood Intermodal Yard).

State the proposed "reasonable time frame" and provide the justification for that time frame in the context of any potential for unprotective exposures to exist or develop, COC characteristics, hydrogeologic and affected property characteristics. If the reasonable time frame is different for the different affected media or for particular tracts of land, be sure to discuss that. Provide how the proposed response action will meet the objectives in a reasonable timeframe.

Based on preliminary approval from the TCEQ through meeting with Corrective Action Division (on November 4, 2015), UPRR began the bidding process in November 2015 for identifying the contractor to conduct the proposed response action, including the consolidation within the Area of Contamination, construction of the asphalt roadway cap, and off-site concrete sidewalk (details provided in Worksheet 2.0). It is anticipated that the response actions will be initiated in January 2016 and completed within 180 days.

For the Englewood Intermodal Yard, soils will be left in place. A physical barrier (concrete and railroad ballast/ties/rail) is already in place to prevent exposure to surface soil in that area.

For the entire Affected Property, deed restriction of the Site to commercial-industrial use will also be implemented to prevent future exposure risk. The deed notice will be filed with the Harris County

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Clerk upon approval of the RAP. In accordance with the TCEQ regulatory guidance document *Institutional Controls Under TRRP* (RG-366/TRRP-16), proof of filing would be submitted to the TCEQ within 120 days of approval of the RAP. An example deed notice for the UPRR property is included in Appendix 4.

## Response Action Objectives

Associated Information: Attachment 1A, 1B

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List the environmental media to which this applies

**Groundwater**

Repeat this section for each medium that has a different response action objective.

State the property-specific response objectives for the PCLE zone in each media in the context of the response objectives set forth in §350.32 or §350.33 as applicable. Explain how the response action is appropriate based on the hydrogeologic characteristics, COC characteristics, and potential unprotective conditions that could continue or result during the remedial period.

The RAO to address the PCLE Zone in groundwater will be through control using a modified groundwater response objective through a plume management zone (PMZ). Per §350.33, a PMZ is proposed for the Site for the three GWBUs: A-TZ, B-CZ/B-TZ, and C-TZ, with monitored natural attenuation (MNA) as the groundwater control to meet PCLs at points of exposure (POEs) for all three GWBUs. For the purposes of this RAP submittal, the overall PMZ consists of the following four separate PMZs:

1. On-Site PMZ (Main) – The on-site PMZ (Main) will include the cumulative groundwater PCLE Zone within the UPRR-owned property from the center to the east portion of the Site.
2. On-Site PMZ (West) – The on-site PMZ (West) will include the B-CZ/B-TZ PCLE Zone on the west side of the Site within the UPRR-owned property.
3. Off-Site PMZ [*pending*] – The off-site PMZ includes the cumulative groundwater PCLE Zone that is a continuation of the On-Site PMZ (Main) and extends off-site to the north of the Site, but not including land designated as City of Houston ROW. The proposed off-site PMZ will require institutional controls for up to 53 individual properties.
4. Off-Site PMZ City of Houston ROW – The off-site PMZ includes the cumulative groundwater PCLE Zone that is a continuation of the On-Site PMZ (Main) and extends off-site to the north of the Site within the land designated as City of Houston ROW.

The on-site PMZs (Main and West), including the former HWPW and Englewood Intermodal Yard will be deed restricted to commercial-industrial land use and to restrict future use of groundwater on-site, as well as restrictions on soil excavation activities within the surface soil PCLE Zone on the UPRR-owned property. UPRR has proposed to file restrictive covenants with the Harris County Clerk for the off-site properties (53 off-site properties) within the proposed cumulative Off-Site PMZ (includes the three individual PMZs for the A-TZ, B-CZ/B-TZ, and C-TZ GWBUs). However, for the Off-Site PMZ (excluding the Off-Site PMZ City of Houston ROW), this area is considered pending until all the deed recordations within the Off-Site PMZ have been acquired. Currently, UPRR has acquired 30 signed restrictive covenants from private landowners and the signed restrictive covenant from the City of Houston for ROW throughout the proposed Off-Site PMZ. Three additional property owners have recently agreed verbally with the restrictive covenant and UPRR is a waiting signature. For 11 properties within the Off-site PMZ, UPRR has conducted an extensive and diligent inquiry to locate a landowner who can legally sign the restrictive covenant per 30 TAC §350.111(c)(3), but has not been able to locate the proper landowner (details in Appendix 5). UPRR proposes to file a deed notice for those properties. For the remaining nine properties within the proposed Off-Site PMZ, UPRR has located the landowners but has not received signed restrictive covenants or filed deed notices at this time. UPRR will continue to work with the landowners to secure the restrictive covenants for these properties and establish the PMZ for the entire groundwater PCLE Zone. In the interim, UPRR proposes to monitor groundwater in wells that are near the Off-Site PMZ properties as part of the corrective action groundwater monitoring program. Data collected from the monitoring

## Response Action Objectives

Associated Information: Attachment 1A, 1B

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wells within the Off-Site PMZ area will be used to evaluate possible response actions (i.e., monitored natural attenuation) to address the groundwater PCLE Zone pending approval of the Off-Site PMZ.

UPRR proposed a TI demonstration in the RAP (Revision No.2 - Worksheet 2.3) for GWBUs where DNAPL has been observed (i.e., in soil borings and/or monitoring wells in the A-TZ, B-CZ/B-TZ, and C-TZ) per §350.33 (f) for both the on-site property and off-site properties. The TCEQ has not approved the TI waiver based on their technical memorandum dated December 13, 2016. Specifically, the TCEQ stated that the TI Demonstration did not adequately address the criteria established per 30 TAC §350.33(f)(3)(E), in which COCs at concentrations above the critical groundwater PCLs are prevented from spreading beyond the existing boundary of the groundwater PCLE zone. To address this concern, UPRR proposes to use groundwater data collected as part of the site-wide groundwater monitoring program (detailed in the RAP Worksheet 3.1). Data collected over time from the point of exposure (POE) wells, attenuation monitoring points (AMPs), and corrective action monitoring wells will be evaluated to address the criteria established per 30 TAC §350.33(f)(3)(E).

UPRR will continue to evaluate the TI waiver for areas where DNAPL has been observed. The NAPL response action objective using TCEQ Guidance TRRP-32 (Risk-Based NAPL Management) will be to “ensure compliance of NAPL zone in the PMZ” to address the NAPL within the A-TZ, B-CZ/B-TZ, and C-TZ PMZs. Methods to meet the response action objective for the creosote DNAPL will include recovery (recover readily recoverable creosote DNAPL from wells with DNAPL present) at the NAPL source zone so that the dissolved-phase groundwater PCLE zone is stable (or shrinking) and the PCLE performance objectives for the PMZ can be met, including no cPCL exceedances at the alternate POE wells. However, as detailed in Attachment 2G, recovery of creosote DNAPL will not achieve groundwater protection standards in a reasonable timeframe (>250 years) because of the complex hydrogeology and physical nature of creosote.

Therefore, the current response objective per the TCEQ Guidance is to ensure compliance of NAPL zone in the overall PMZ. With the PMZs established, the response objectives will include compliance with PMZ performance criteria at the NAPL zone through recovery (recover readily recoverable creosote DNAPL from wells with DNAPL present) and institutional controls (UPRR-owned property and off-site properties/City of Houston ROW) on groundwater use to protect exposure to residual NAPL and COCs in the GWBUs. As part of the evaluation for compliance with PMZ performance criteria, UPRR will continue the DNAPL recovery activities on a monthly basis, and will evaluate the effectiveness annually.

Explain how the COCs will be handled, treated, disposed, or transferred to another media and document that the response action will not result in any additional potential exposure conditions due to response action activities.

Groundwater will be sampled from the selected monitoring wells on a semi-annual basis, and purge water from sampling events will be drummed for proper disposal (waste stream currently on the Notice of Registration (NOR)), stored within the Container Storage Area (CSA) (Unit 4 on the NOR), and disposed of in accordance with state and federal regulations and requirements.

Recovered creosote DNAPL from the Corrective Action System Wells will be managed at the Site in containers (i.e. drums) within the CSA. In accordance with the RCRA Permit and Compliance Plan,

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recovered DNAPL will be stored in the CSA, then transported and disposed of in accordance with state and federal requirements within the required timeframes.

State the proposed “reasonable time frame” and provide the justification for that time frame in the context of any potential for unprotective exposures to exist or develop, COC characteristics, hydrogeologic and affected property characteristics. If the reasonable time frame is different for the different affected media or for particular tracts of land, be sure to discuss that. Provide how the proposed response action will meet the objectives in a reasonable timeframe.

For the groundwater Remedy Standard B, the proposed response action (MNA) is currently occurring at the Site. There are no potential or unprotected exposures at the Site for groundwater since none of the properties in the area use groundwater for drinking or any other purposes; and the properties are provided drinking water by the City of Houston. None of the City of Houston groundwater supply wells are in the area of the Site. In addition, no groundwater drinking wells have been identified in the area and anticipated future use of the shallow groundwater as resource is unlikely.

A review of groundwater data for the Site indicates that COC concentrations in the three GWBUs are mostly stable or decreasing at the downgradient edges at the Site (Mann-Kendall trend analysis – Attachment 2E), supporting the use of the PMZ for the groundwater PCLE Zones. With the complex hydrogeology and the nature of the creosote contamination where DNAPL has been observed, portions of the groundwater PCLE Zones are proposed to be technically impracticable for groundwater restoration (Worksheet 2.3, Attachment 2G). Therefore, with the PMZ Zones, no exposures to groundwater above cPCLs are expected, and furthermore, groundwater exposure in the area will be restricted through institutional controls.

Institutional controls through deed recordation (UPRR-owned property – on-site PMZs) and restrictive covenants/deed notices (off-site properties – Off-Site PMZ/Off-Site PMZ City of Houston ROW) within the PMZ and restricting the use of groundwater will be used at the Site to prevent future exposure risk until groundwater concentrations achieve critical PCLs. The deed notice for the UPRR-owned property and restrictive covenants for off-site properties will be filed with the Harris County Clerk upon approval of the RAP. The deed restriction and restrictive covenants completed to date are included in Appendix 5. In accordance with the TCEQ regulatory guidance document *Institutional Controls Under TRRP* (RG-366/TRRP-16), proof of filing for the on-site PMZ will be submitted to the TCEQ within 120 days of approval of the RAP.

Landowners for some properties within the Off-Site PMZ were not locatable. In accordance with 30 TAC §350.111(c)(3), documentation of the extensive and diligent inquiry to locate those landowners are provided in Appendix 5. Following approval from the TCEQ Executive Director, deed notices on those properties will be placed detailing the Off-Site PMZ.

### Soil Response Action Objectives

When using removal and/or decontamination with controls or controls only, demonstrate how that physical control or combination of measures will reliably contain COCs within and/or derived from the surface soil and subsurface soil PCLE zone materials over time.

As previously discussed, the RAOs for surface and subsurface soil PCLE Zones is to control exposure

## Response Action Objectives

Associated Information: Attachment 1A, 1B

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through Remedy Standard B using physical barriers such that on-site commercial/industrial and off-site residential pathways will not be exposed to concentrations of COCs in excess of the critical human health PCLs (§350.33(a)(1)). In addition, COC concentrations in the surface and subsurface soils will not create a leachate that will lead to cPCL exceedances at the alternate point of exposure wells within the proposed PMZ. Soil responses will be implemented differently depending on the location within the Site, with controls placed in the following areas:

- Former HWPW area: Once the surface soils with cPCL exceedances in the Inactive Wastewater Lagoon (AOC 6), near the Location of the Former Incinerator (AOC 4) surrounding the Tank Car Storage Area (SWMU 7) and Oil/Water Separators (SWMU 11), and areas north of the Recent Process Area (SWMU 4), Original Process Area (SWMU 5) and AST Area (SWMU 8) are consolidated within the area of SWMUs 4, 5, and 8 under the Area of Contamination policy, a vapor barrier with geotextile fabric, and an engineered soil cap will be constructed to cover the consolidated soil and remaining surface soil PCLE Zone on the former wood treating works area to contain and prevent exposure to COCs within the soil PCLE Zone at the Site. The soil cap will be vegetated and sloped to minimize infiltration to control potential leachate migration from the surface and subsurface soils to the GWBUs. The surface soil PCLE zone along the SDD (SWMU No. 2) will be capped in place using asphalt cover as part of a roadway improvement. The soil cap and asphalt cap will be maintained under the post-response action care period. In these areas where surface soils will be removed, subsurface soils do not appear to be impacted above cPCLs. The subsurface soil PCLE Zone is within the areas where the proposed engineered soil cap will be constructed. Therefore, there will be no exposure to subsurface soils as well.
- City of Houston ROW: The area immediately north of the Recent Process Area (SWMU 4), Original Process Area (SWMU 5), and AST Area (SWMU No. 8) within the City of Houston right of way (ROW) between the UPRR property boundary and Liberty Road (approximately 6 feet wide and 550 feet long) will be addressed through a combination of soil excavation (to be placed within the capped area discussed above) of the top 9-inches and construction of a physical barrier (concrete sidewalk) preventing contact with surface soils and infiltration. As part of the post-response action care, the concrete sidewalk in the area of the surface soil PCLE Zone will be inspected to ensure continued residential land use protection.
- Englewood Intermodal Yard area: The surface soil PCLE zone in the Intermodal Yard area is currently covered with a physical barrier (concrete pavement), preventing contact and infiltration. As part of the post-response action care, the concrete pavement in the area of the surface soil PCLE Zone will be inspected to ensure continued on-site worker protection.
- UPRR Main Lines Ballast Area: The area between the former wood treating works area and the Englewood Intermodal Yard (approximately 100 feet width) is covered with railroad ballast, ties, and rail. UPRR proposes to use the existing railroad ballast as an engineering control for preventing on-site worker exposure to impacted surface soils in this area. Since this area is owned and controlled by UPRR, UPRR will implement a health and safety program to restrict any construction activity in the area of the railroad lines. In the event construction activities are necessary, a health and safety plan will be implemented to ensure worker protection from COCs in the surface soils.

For the approaches, the soil cap and asphalt roadway improvement will be maintained and appropriate maintenance, repair of the concrete sidewalk area north of the Site and concrete parking area in the

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Englewood Intermodal Yard will be performed as needed, and the railroad ballast will be maintained as part of the railroad operations.

The affected property will also be deed restricted to commercial-industrial land use and for the use of a physical control on surface soils in accordance with §350.31(g), including the City of Houston ROW.

Explain how the removal or decontamination action will reduce the concentration of COCs to the critical surface soil and subsurface soil PCL throughout the soil PCLE zone and prevent COC concentrations above the critical soil PCLs from migrating beyond the existing boundary of the soil PCLE zone.

In the areas where surface soils will be excavated, confirmation samples will be collected to confirm that the COC concentrations in the remaining soils will be below critical soil PCLs. Excavated surface soils will be consolidated within the area of SWMUs 4, 5, and 8 under the Area of Contamination policy, and an engineered soil cap will be constructed to cover the area to prevent exposure to and migration of COCs beyond the soil PCLE Zone.



**Groundwater Response Action Objectives**

Name of groundwater-bearing unit to which this information applies	<b>A-TZ, B-TZ/B-CZ, C-TZ – Uppermost Groundwater-Bearing Units</b>		
Repeat this section for each groundwater-bearing unit for which a different response action is proposed.			
Groundwater classification	1	<b>X</b> 2	<b>X</b> 3 (B-CZ)

Is a modified groundwater response action being proposed for any part of the groundwater PCLE zone (§350.33(f)(2), (3), or (4))? X Yes \_\_\_ No

If yes, does the affected property meet the qualifying criteria for a modified groundwater response action using a waste control unit, plume management zone, or technical impracticability? X Yes \_\_\_ No

If yes, complete the appropriate portions of this report.  
If no to either question, complete the following:

Explain how the removal or decontamination action will reduce the concentration of COCs to the critical groundwater PCL throughout the groundwater PCLE zone and prevent COC concentrations above the critical groundwater PCL from migrating beyond the existing boundary of the groundwater PCLE zone.

A modified Remedy Standard B groundwater RAO will be conducted at the Site through control using PMZ Zones. MNA is proposed as a control response to address the PCLE Zones within the PMZs. The NAPL response action objective using TCEQ Guidance TRRP-32 (Risk-Based NAPL Management) will be to “ensure compliance of NAPL zone in the PMZ” to address the NAPL within the A-TZ, B-CZ/B-TZ, and C-TZ PMZs. Methods to meet the response action objective for the creosote DNAPL will include recovery (recover readily recoverable creosote DNAPL from wells with DNAPL present) at the NAPL source zone so that the dissolved-phase groundwater PCLE zone is stable (or shrinking) and the PCLE performance objectives for the PMZ can be met, including no cPCL exceedances at the alternate POE wells.

Explain how the response action will prevent COCs from migrating to air at concentrations above the PCLs for air if the groundwater-to-air PCLs (<sup>Air</sup>GW<sub>Inh-v</sub>) is exceeded.

The groundwater-to-air PCLs (<sup>Air</sup>GW<sub>Inh-v</sub>) were not exceeded in any representative groundwater samples collected at the Site. Groundwater samples from wells with DNAPL present have had naphthalene concentrations detected at concentrations greater than the <sup>Air</sup>GW<sub>Inh-v</sub> PCL; however, the samples were collected in the deeper GWBUs (i.e., B-TZ/B-CZ) where the overlying groundwater in the A-TZ had naphthalene concentrations below the <sup>Air</sup>GW<sub>Inh-v</sub> PCL. Therefore, potential for vapor migration from groundwater is low.

Explain how the response action will prevent COCs from migrating to surface water at concentrations above the PCLs for groundwater discharges to surface water if surface water is a factor.

Groundwater discharges to surface water are not a concern at the Site and no further action is required.

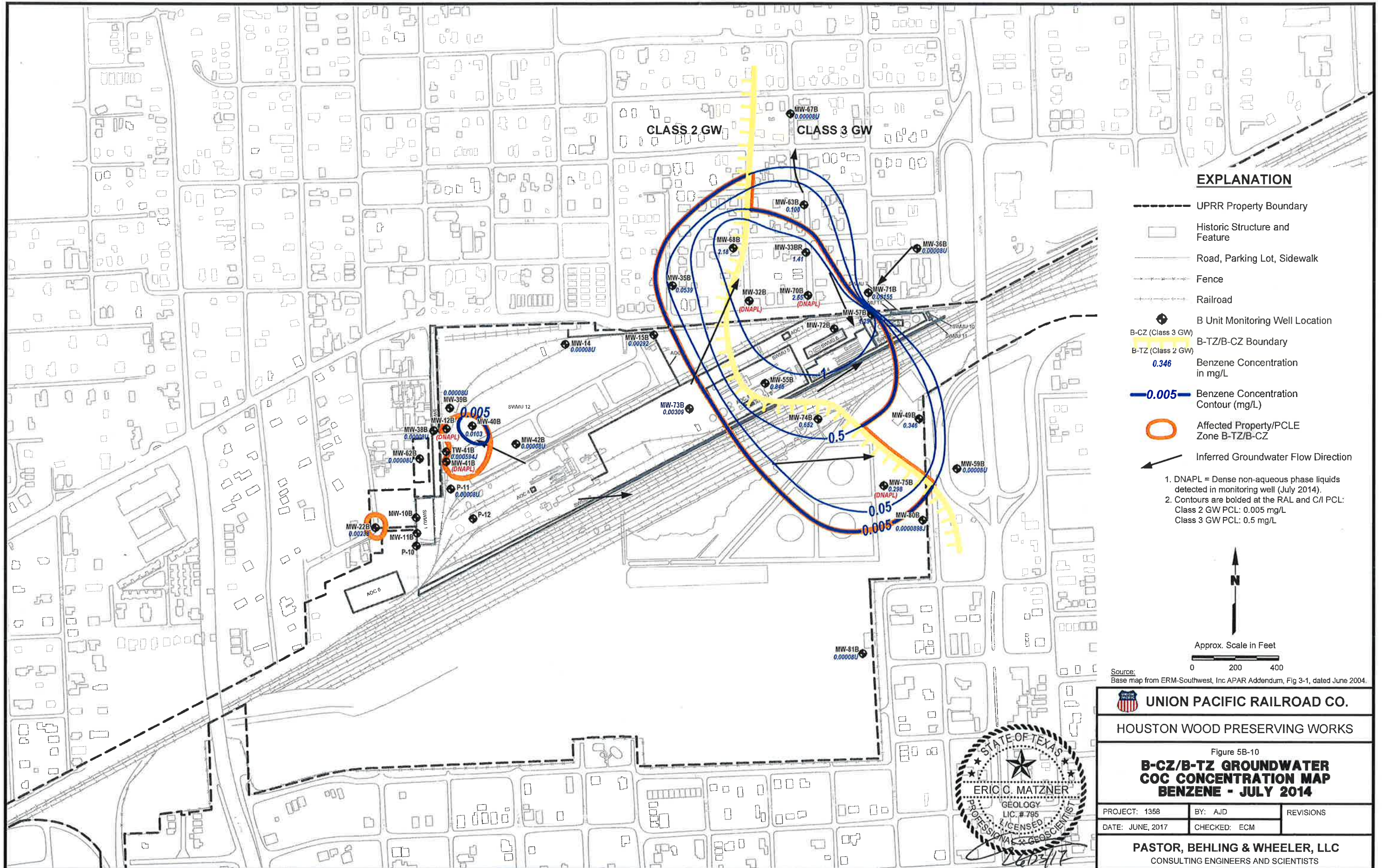
Explain how the response action will prevent human and ecological receptor exposure to the groundwater PCLE zone.

<b>Response Action Objectives</b> Associated Information: Attachment 1A, 1B	<b>RAP Worksheet 1.0</b> Page 10 of 10	
	<b>ID No.: SWR ID</b> <b>31547</b>	<b>Report Date: June 24, 2017</b> <b>- Rev 3</b>

There are no potential or unprotective human health exposures at the Site for groundwater since none of the properties in the area use groundwater for drinking; and the properties are provided drinking water by the City of Houston. For the proposed response action, implementation of the PMZ , and associated application of institutional controls, will also limit future use of shallow groundwater found within the PMZ.

In regards to ecological receptors, groundwater does not discharge to ground surface nor discharges to surface water. Therefore, there is not a complete or potentially complete pathway for ecological receptors.

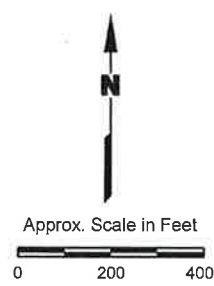
**ATTACHMENT 1A**  
**GROUNDWATER COC MAPS - B-CZ/B-TZ**



**EXPLANATION**

- UPRR Property Boundary
- ▭ Historic Structure and Feature
- Road, Parking Lot, Sidewalk
- Fence
- Railroad
- B Unit Monitoring Well Location
- B-CZ (Class 3 GW)
- B-TZ/B-CZ Boundary
- 0.346 Benzene Concentration in mg/L
- 0.005 Benzene Concentration Contour (mg/L)
- Affected Property/PCLE Zone B-TZ/B-CZ
- ← Inferred Groundwater Flow Direction

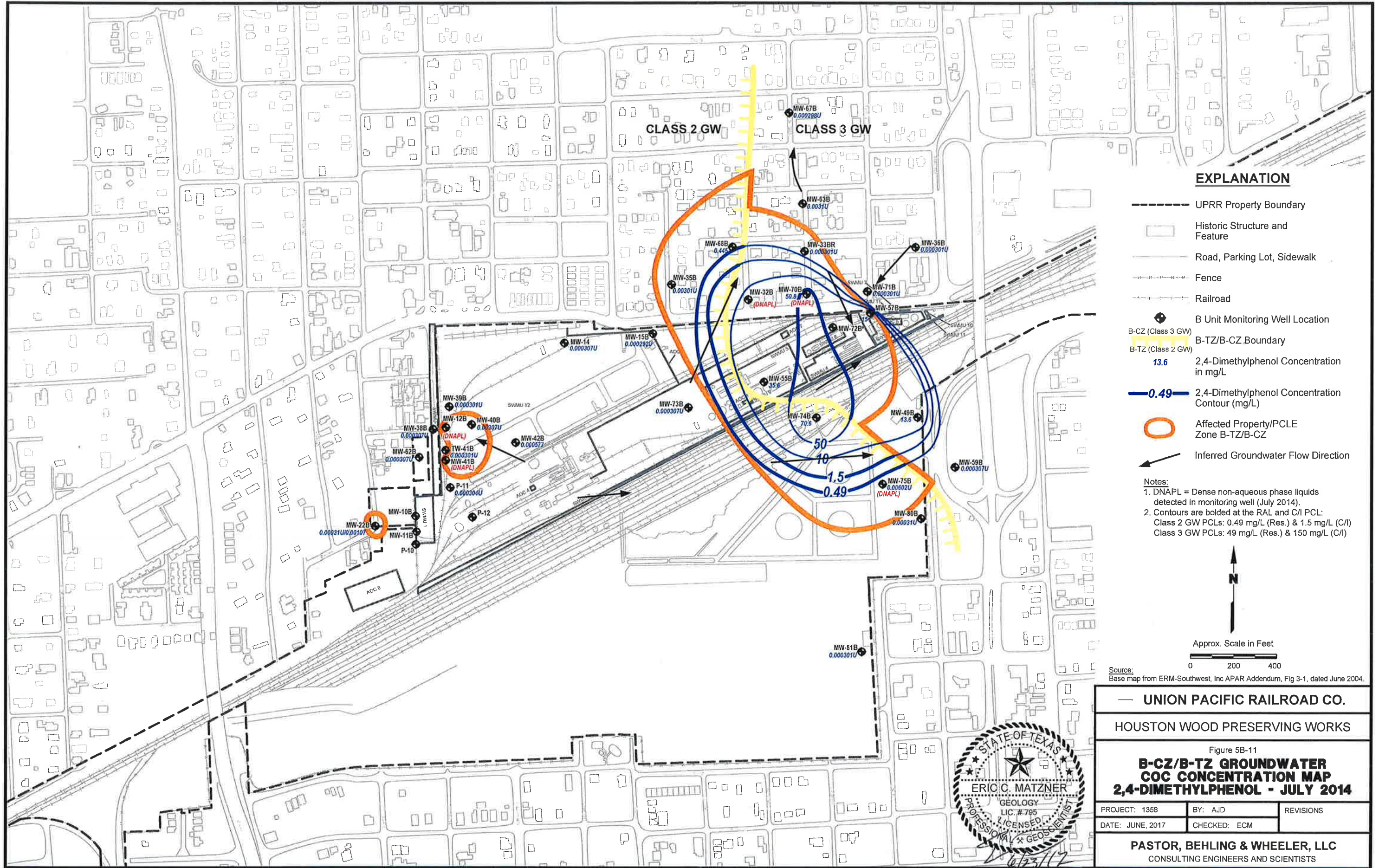
1. DNAPL = Dense non-aqueous phase liquids detected in monitoring well (July 2014).
2. Contours are bolded at the RAL and C/I PCL:  
 Class 2 GW PCL: 0.005 mg/L  
 Class 3 GW PCL: 0.5 mg/L



Source: Base map from ERM-Southwest, Inc APAR Addendum, Fig 3-1, dated June 2004.

<b>UNION PACIFIC RAILROAD CO.</b>		
HOUSTON WOOD PRESERVING WORKS		
Figure 5B-10 <b>B-CZ/B-TZ GROUNDWATER COC CONCENTRATION MAP BENZENE - JULY 2014</b>		
PROJECT: 1368	BY: AJD	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS		





**EXPLANATION**

- UPRR Property Boundary
- ▭ Historic Structure and Feature
- Road, Parking Lot, Sidewalk
- Fence
- Railroad
- B Unit Monitoring Well Location
- B-CZ (Class 3 GW)
- B-TZ (Class 2 GW)
- 13.6 2,4-Dimethylphenol Concentration in mg/L
- 0.49 2,4-Dimethylphenol Concentration Contour (mg/L)
- Affected Property/PCLE Zone B-TZ/B-CZ
- ↖ Inferred Groundwater Flow Direction

**Notes:**  
 1. DNAPL = Dense non-aqueous phase liquids detected in monitoring well (July 2014).  
 2. Contours are bolded at the RAL and C/I PCL:  
 Class 2 GW PCLs: 0.49 mg/L (Res.) & 1.5 mg/L (C/I)  
 Class 3 GW PCLs: 49 mg/L (Res.) & 150 mg/L (C/I)



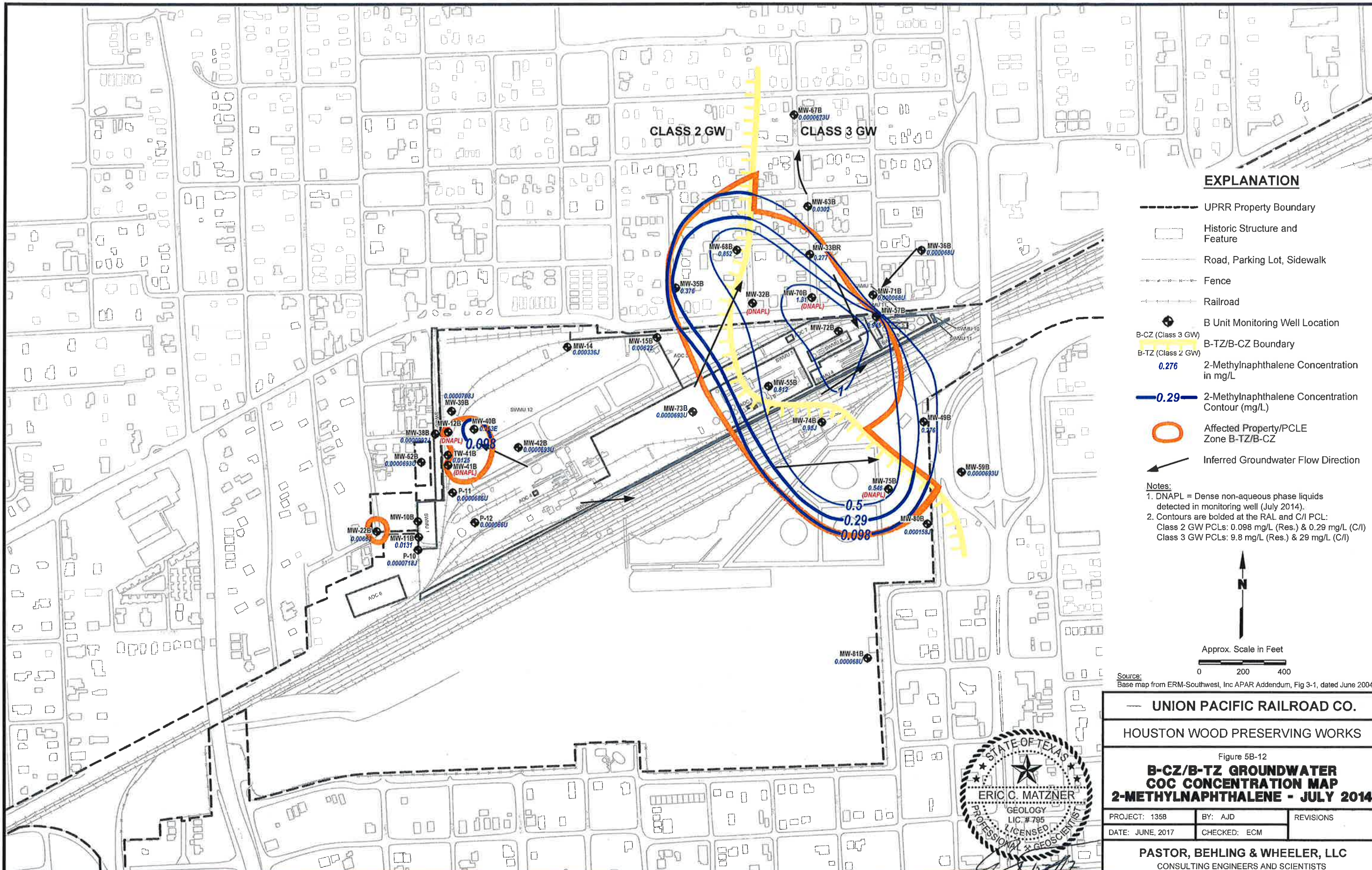
Approx. Scale in Feet



Source: Base map from ERM-Southwest, Inc APAR Addendum, Fig 3-1, dated June 2004.

UNION PACIFIC RAILROAD CO.		
HOUSTON WOOD PRESERVING WORKS		
Figure 5B-11		
<b>B-CZ/B-TZ GROUNDWATER COC CONCENTRATION MAP 2,4-DIMETHYLPHENOL - JULY 2014</b>		
PROJECT: 1358	BY: AJD	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS		

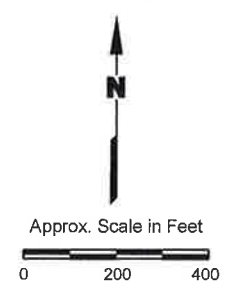




**EXPLANATION**

- UPRR Property Boundary
- Historic Structure and Feature
- Road, Parking Lot, Sidewalk
- Fence
- Railroad
- B Unit Monitoring Well Location
- B-CZ (Class 3 GW)
- B-TZ (Class 2 GW)
- 0.276 2-Methylnaphthalene Concentration in mg/L
- 0.29 2-Methylnaphthalene Concentration Contour (mg/L)
- Affected Property/PCLE Zone B-TZ/B-CZ
- ← Inferred Groundwater Flow Direction

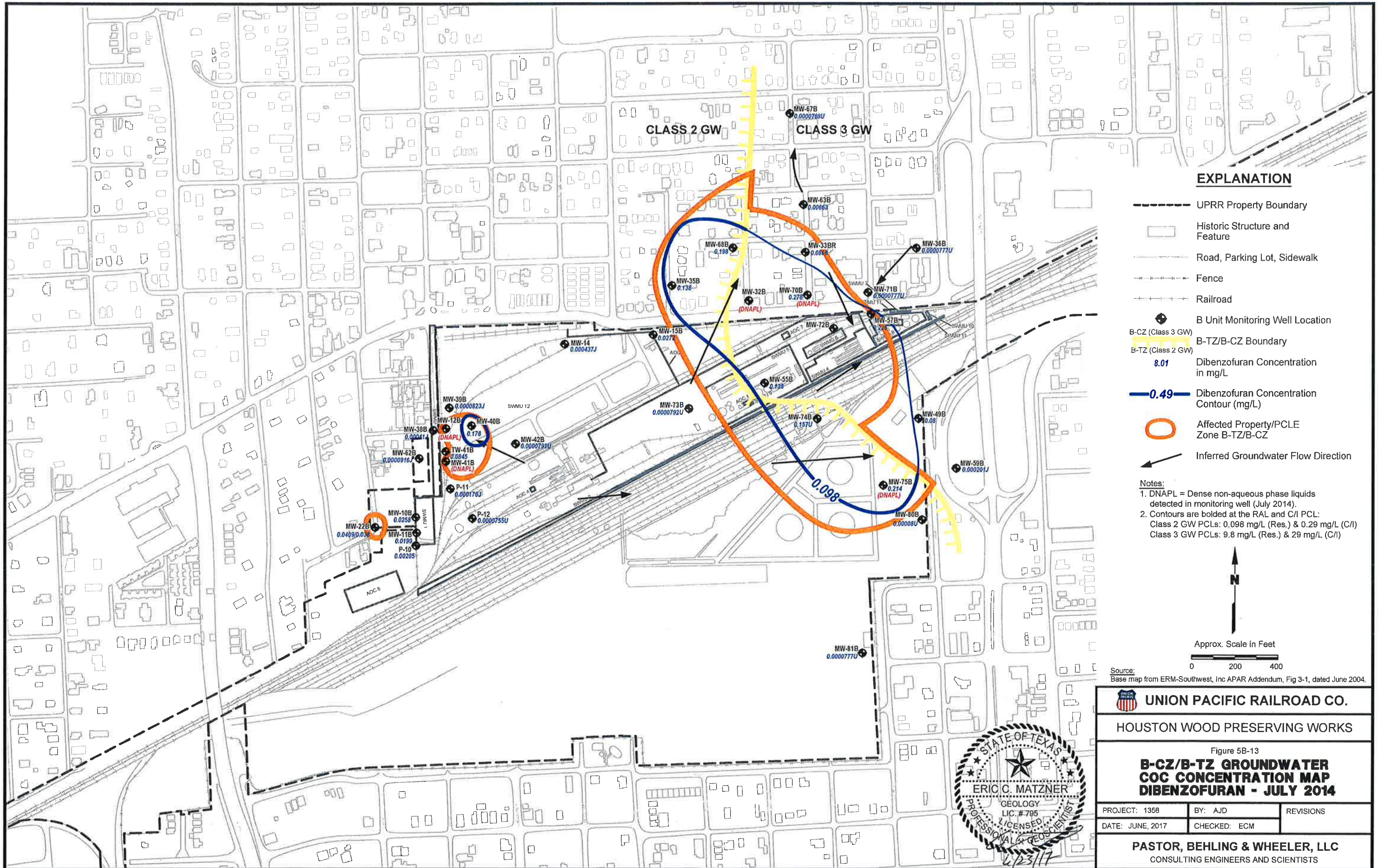
**Notes:**  
 1. DNAPL = Dense non-aqueous phase liquids detected in monitoring well (July 2014).  
 2. Contours are bolded at the RAL and C/I PCL:  
 Class 2 GW PCLs: 0.098 mg/L (Res.) & 0.29 mg/L (C/I)  
 Class 3 GW PCLs: 9.8 mg/L (Res.) & 29 mg/L (C/I)



Source: Base map from ERM-Southwest, Inc APAR Addendum, Fig 3-1, dated June 2004.

UNION PACIFIC RAILROAD CO.		
HOUSTON WOOD PRESERVING WORKS		
Figure 5B-12		
<b>B-CZ/B-TZ GROUNDWATER COC CONCENTRATION MAP</b>		
<b>2-METHYLNAPHTHALENE - JULY 2014</b>		
PROJECT: 1358	BY: AJD	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS		

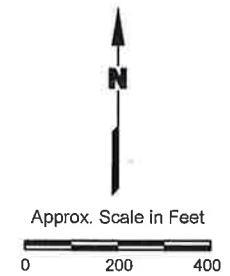




**EXPLANATION**

- UPRR Property Boundary
- ▭ Historic Structure and Feature
- Road, Parking Lot, Sidewalk
- - - - - Fence
- +—+—+— Railroad
- ⊕ B Unit Monitoring Well Location
- B-CZ (Class 3 GW) B-TZ/B-CZ Boundary
- B-TZ (Class 2 GW) 8.01 Dibenzofuran Concentration in mg/L
- 0.49 Dibenzofuran Concentration Contour (mg/L)
- Affected Property/PCLE Zone B-TZ/B-CZ
- ↖ Inferred Groundwater Flow Direction

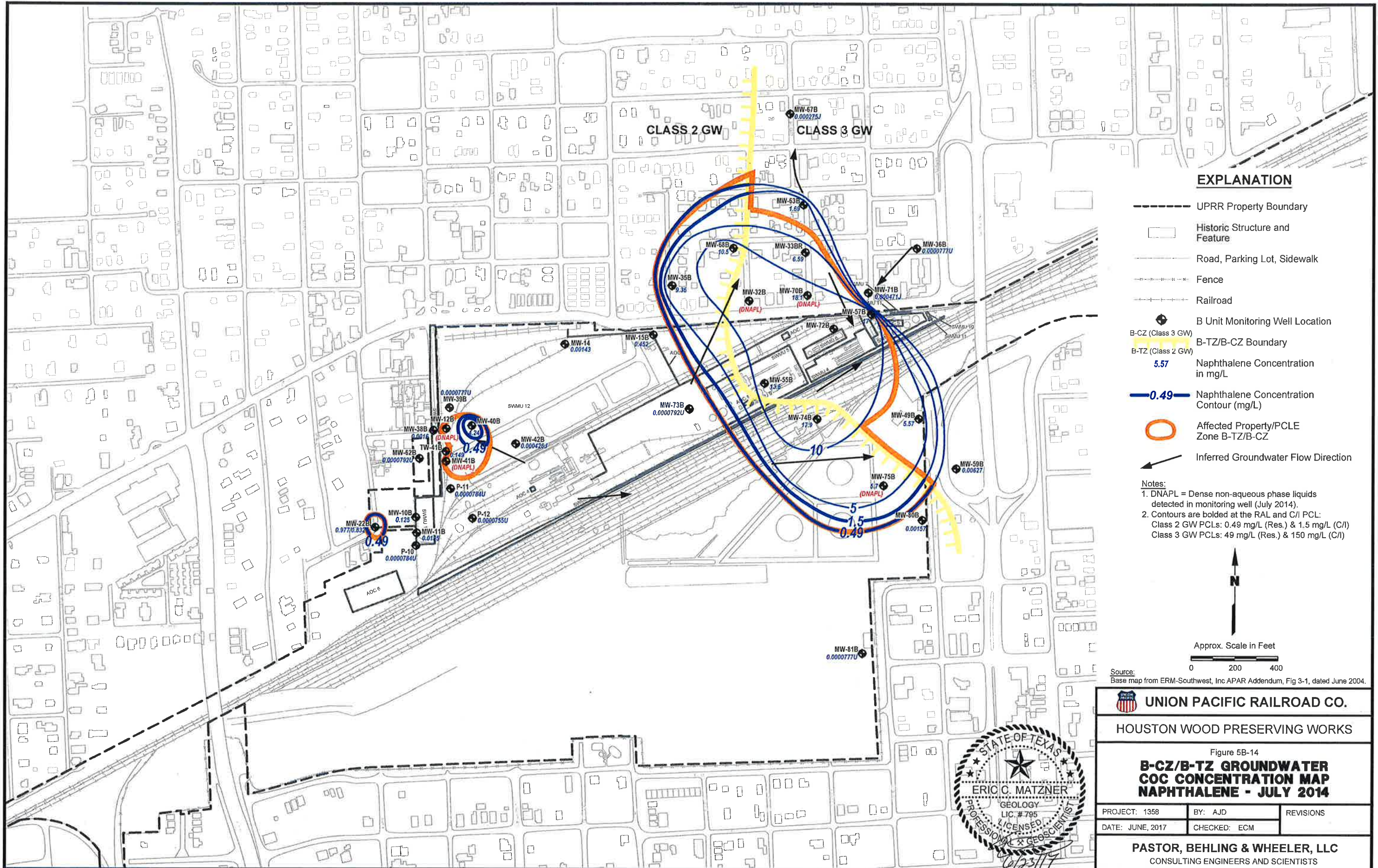
Notes:  
 1. DNAPL = Dense non-aqueous phase liquids detected in monitoring well (July 2014).  
 2. Contours are bolded at the RAL and C/I PCL:  
 Class 2 GW PCLs: 0.098 mg/L (Res.) & 0.29 mg/L (C/I)  
 Class 3 GW PCLs: 9.8 mg/L (Res.) & 29 mg/L (C/I)



Source: Base map from ERM-Southwest, Inc APAR Addendum, Fig 3-1, dated June 2004.

<b>UNION PACIFIC RAILROAD CO.</b>		
HOUSTON WOOD PRESERVING WORKS		
Figure 5B-13		
<b>B-CZ/B-TZ GROUNDWATER COC CONCENTRATION MAP DIBENZOFURAN - JULY 2014</b>		
PROJECT: 1358	BY: AJD	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS		

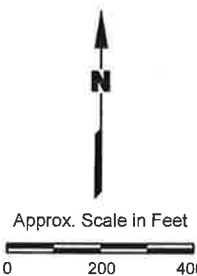




**EXPLANATION**

- UPRR Property Boundary
- Historic Structure and Feature
- Road, Parking Lot, Sidewalk
- - - Fence
- Railroad
- B Unit Monitoring Well Location
- B-CZ (Class 3 GW) B-TZ/B-CZ Boundary
- B-TZ (Class 2 GW) 5.57 Naphthalene Concentration in mg/L
- 0.49 Naphthalene Concentration Contour (mg/L)
- Affected Property/PCLE Zone B-TZ/B-CZ
- ↖ Inferred Groundwater Flow Direction

Notes:  
 1. DNAPL = Dense non-aqueous phase liquids detected in monitoring well (July 2014).  
 2. Contours are bolded at the RAL and C/I PCL:  
 Class 2 GW PCLs: 0.49 mg/L (Res.) & 1.5 mg/L (C/I)  
 Class 3 GW PCLs: 49 mg/L (Res.) & 150 mg/L (C/I)



Source: Base map from ERM-Southwest, Inc APAR Addendum, Fig 3-1, dated June 2004.

<b>UNION PACIFIC RAILROAD CO.</b>		
HOUSTON WOOD PRESERVING WORKS		
Figure 5B-14		
<b>B-CZ/B-TZ GROUNDWATER COC CONCENTRATION MAP NAPHTHALENE - JULY 2014</b>		
PROJECT: 1358	BY: AJD	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS		





<b>Response Action Design</b> Associated Information: Attachment 2A, 2B, 2C	<b>RAP Worksheet 2.0</b> Page 1 of 4	
	<b>ID No.: SWR ID</b> <b>31547</b>	<b>Report Date: June 24, 2017 –</b> <b>Rev 3</b>

## Response Action Design

Use this worksheet to provide detailed descriptions of the response action. Attach design and layout drawings and equipment specifications in Attachment 2A.

Media: Shallow Groundwater – A-TZ, B-CZ/B-TZ, C-TZ GWBU

List all media to which this information applies. If the response action is different for another media, complete a separate worksheet.

Provide a detailed description of the response action. Describe the removal action, decontamination, treatment system(s), and/or physical or institutional control actions that are proposed for each media and discuss the reasons for choosing the response action(s). Identify and describe any ecological services analysis and compensatory restoration plan that will be utilized (if so, include the complete ESA and compensatory restoration plan in Attachment 2C).

The response action design for the groundwater PCLE Zones will be to implement the modified Remedy Standard B groundwater response action by establishing PMZs (On-Site (Main and West), Off-Site, and Off-Site City of Houston ROW) for the groundwater PCLE Zones in the A-TZ, B-CZ, B-TZ, and C-TZ (discussed in Worksheet 2.1).

For the PMZ, MNA will be used for the physical control mechanism, which has shown to be a control for migration of the COC groundwater plumes. An evaluation of historical groundwater monitoring data and data trends for the Site indicates that natural attenuation of COCs in groundwater is occurring (Attachments 1A (evaluation of recent groundwater data) and 1B (concentration versus time graphs)). Site-specific COCs will be monitored to ensure the levels of these constituents remain stable and below cPCLs at the point of exposure (POE) wells as well as below the attenuation action levels (AAL) at the attenuation monitoring points (AMP) (Attachment 2A-2). Groundwater monitoring will be used to confirm the continued natural attenuation of COCs to concentrations below cPCLs throughout the PCLE zone; however, this will not likely be achieved in a reasonable timeframe given the presence of creosote DNAPL. Groundwater monitoring will be performed on a semi-annual basis. For the purposes of this RAP submittal, there will be four overall PMZ areas:

1. On-Site PMZ (Main) – The on-site PMZ (Main) will include the cumulative groundwater PCLE Zone within the UPRR-owned property from the center to the east portion of the Site.
2. On-Site PMZ (West) – The on-site PMZ (West) will include the B-CZ/B-TZ PCLE Zone on the west side of the Site within the UPRR-owned property.
3. Off-Site PMZ *[pending]* – The off-site PMZ includes the cumulative groundwater PCLE Zone that is a continuation of the On-Site PMZ (Main) and extends off-site to the north of the Site, but not including land designated as City of Houston ROW. The proposed off-site PMZ will require institutional controls for up to 53 individual properties.
4. Off-Site PMZ City of Houston ROW – The off-site PMZ includes the cumulative groundwater PCLE Zone that is a continuation of the On-Site PMZ (Main) and extends off-site to the north of the Site within the land designated as City of Houston ROW.

The On-Site PMZs (Main and West, including the former HWPW, Englewood Intermodal Yard) will be deed restricted to commercial-industrial land use and to restrict future use of groundwater on-site, as well as restrictions on soil excavation activities within the surface soil PCLE Zone on the UPRR-owned property. The Off-Site PMZ City of Houston ROW will be deed restricted to restrict future use of

<b>Response Action Design</b> Associated Information: Attachment 2A, 2B, 2C	<b>RAP Worksheet 2.0</b> Page 2 of 4	
	ID No.: SWR ID 31547	Report Date: June 24, 2017 – Rev 3

groundwater on-site, as well as restrictions on soil excavation activities within the surface soil PCLE Zone along a portion of the northern boundary of the Site.

For the Off-Site PMZ (excluding the Off-Site PMZ City of Houston ROW), this area is considered pending until all the deed recordations within the Off-Site PMZ have been acquired. Currently, UPRR has acquired 30 signed restrictive covenants from private landowners and the signed restrictive covenant from the City of Houston for ROW throughout the proposed Off-Site PMZ. Three additional property owners have recently agreed verbally with the restrictive covenant and UPRR is a waiting signature. For 11 properties within the Off-site PMZ, UPRR has conducted an extensive and diligent inquiry to locate the landowner who can legally sign the restrictive covenant per 30 TAC §350.111(c)(3), but has not been able to locate the proper landowner for signature (details in Appendix 5). UPRR proposes to file a deed notice for those properties pending TCEQ approval. For the remaining nine properties within the proposed Off-Site PMZ, UPRR has located the landowners but has not received signed restrictive covenants or filed deed notices at this time. UPRR will continue to work with the landowners to secure the restrictive covenants for these properties and establish the PMZ for the entire groundwater PCLE Zone. In the interim, UPRR proposes to monitor groundwater in wells within the Off-Site PMZ properties as part of the corrective action groundwater monitoring program. Data collected from the monitoring wells near the properties will be used to evaluate possible response actions (i.e., monitored natural attenuation) to address the groundwater PCLE Zone pending approval of the Off-Site PMZ.

To address the NAPL present in the GWBUs, the NAPL response action objectives and endpoints using TCEQ Guidance TRRP-32 (Risk-Based NAPL Management) will be to “ensure compliance of NAPL zone in the PMZ” to address the NAPL within the A-TZ, B-CZ/B-TZ, and C-TZ PMZs. Methods to meet the response action objective for the creosote DNAPL will include recovery (recover readily recoverable creosote DNAPL from wells with DNAPL present) at the NAPL source zone so that the dissolved-phase groundwater PCLE zone is stable (or shrinking) and the PCLE performance objectives for the PMZ can be met, including no cPCL exceedances at the alternate POE wells. However, as detailed in Attachment 2G, recovery of creosote DNAPL will not achieve groundwater protection standards in a reasonable timeframe (>250 years) because of complex hydrogeology and physical nature of creosote (discussed in Worksheet 2.3). UPRR is currently conducting monthly DNAPL Recovery Activities to evaluate the recoverability of the DNAPL at the Site. The DNAPL recovery consists of monthly pumping events from wells with sufficient volumes of DNAPL that can be recovered. DNAPL recovery will continue on a monthly basis, but the recovery frequency and wells included in the DNAPL Recovery Activities will be evaluated on an annual basis for DNAPL recoverability and effectiveness.

Institutional controls as detailed in §350.31(g) through deed recordation (UPRR-owned property) and restrictive covenants/deed notices (off-site properties) within the PMZ and restricting the use of groundwater will be used at the Site to prevent future exposure risk until groundwater concentrations achieve critical PCLs. Landowners for some properties within the Off-Site PMZ were not locatable. In accordance with 30 TAC §350.111(c)(3), documentation of the extensive and diligent inquiry to locate those landowners are provided in Appendix 5. Following approval from the TCEQ Executive Director, deed notices on those properties will be placed detailing the Off-Site PMZ.

Describe all major treatment system components and equipment of the response action. Illustrate the response action design and provide equipment specifications in Attachment 2A.

There is no major treatment system proposed to address the groundwater PCLE. Creosote DNAPL will be recovered from selected wells (designated as Corrective Action System Well) using manual pumping (or equivalent) methods, stored on-site at the Container Storage Area (NOR 4), and disposed of in accordance with state and federal regulations within the required timeframes.

List permits or registrations needed to construct or implement the response action, including permits or registrations needed to conduct studies or tests. For VCP sites, list the permits that would be required if the site was not in the VCP (required by the VCP).

Permitting/Registration Authority	Type of permit/registration	Permit or registration number if already issued	Anticipated application date
Harris County Clerk	Deed restriction of property to commercial-industrial use and groundwater use restriction (On-Site PMZs, Off-Site PMZ, and Off-Site PMZ City of Houston ROW)	NA	Within 120 days of RAP approval
TCEQ	TCEQ Hazardous Waste (HW) Permit/Compliance Plan	SWR 31547 HW Permit: 50343 Expires June 10, 2015	HW Permit Renewal/Revision submitted December 10, 2014

Identify and discuss the results of any studies or tests, such as pilot studies, feasibility studies, technical impracticability studies, treatability studies, and/or toxicity studies conducted or proposed to be conducted at the affected property. Discuss the reason for the study or test and how it verifies the effectiveness and appropriateness of the chosen response action or documents that a particular response action is not appropriate for the affected property. Describe how the results of completed studies or tests determined the design or choice of response action. Attach any separate reports and supporting documentation in Appendix 3.

The following two studies have been conducted at the Site to evaluate the groundwater response action methods:

1. DNAPL Recovery Pilot Study; and
2. Front-end TI Demonstration Study (updated).
3. Post-Closure Care/No Further Action (NFA) Assessment for RCRA Unit 1/SWMU No. 1

PBW initiated a 24-month pilot study in February 2013 through January 2015 to evaluate DNAPL recovery at the Site by conducting tests on selected wells where DNAPL had been observed. Details of the scope of work for the pilot test were submitted to the TCEQ in a letter dated February 5, 2013 (PBW, 2013). A copy of the scope of work is provided in Appendix 3. The pilot test procedures consists of measuring the depth to groundwater surface, the depth to the groundwater/DNAPL interface, and the total depth of the well relative to the top of well casing prior to DNAPL recovery. Using a peristaltic or diaphragm pump, DNAPL is pumped from the bottom of the well until groundwater is returned in the pump discharge. The volume of recovered DNAPL is estimated from each well, and the well is gauged to measure the total depth of the well and depth to residual DNAPL following pumping. Recovered DNAPL is temporarily stored at the Containment Storage Area. PBW submitted to the TCEQ in a letter dated April 9, 2015 the results of the 24-month pilot test. A copy of the letter is also provided in Appendix 3. The conclusions from the pilot test included that once per month DNAPL recovery activities

<b>Response Action Design</b> Associated Information: Attachment 2A, 2B, 2C	<b>RAP Worksheet 2.0</b> Page 4 of 4	
	<b>ID No.: SWR ID</b> <b>31547</b>	<b>Report Date: June 24, 2017 –</b> <b>Rev 3</b>

are resulting in an overall stable DNAPL thickness trend in the wells tested, and current monthly recovery frequency appears to be effective with total DNAPL volume recovered becoming stable in the wells over time. More frequent DNAPL recovery would not likely be effective at the Site. The report indicated that monthly DNAPL recovery activities following the procedures listed in the pilot test work plan would continue at the Site. DNAPL recoverability, including recovery frequency and wells included in the DNAPL Recovery Activities will be evaluated on an annual basis as part of the post-response action care reporting.

Based on the TCEQ Technical Support Section Interoffice Memorandum (IOM) dated October 14, 2015 by Mr. Paul Lewis in the TI RAP Worksheet 2.3, PBW updated the TI Demonstration (Worksheet 2.3, Attachment 2G) highlighting the factors that inhibit groundwater restoration to cPCLs at the Site within a reasonable timeframe. These include hydrogeological factors and contaminant-related factors that limit the effectiveness of any remediation approach from achieving cPCLs where DNAPL or evidence of DNAPL has been observed. The lateral extents of the TI Zone were also revised to address comments stated in the TCEQ IOM and from a follow-up meeting with the TCEQ on November 4, 2015. The updated TI Demonstration is provided in Attachment 2G. However, the TCEQ has not approved the TI waiver based on their technical memorandum dated December 13, 2016. Specifically, the TCEQ stated that the TI Demonstration did not adequately address the criteria established per 30 TAC §350.33(f)(3)(E), in which COCs at concentrations above the critical groundwater PCLs are prevented from spreading beyond the existing boundary of the groundwater PCLE zone. To address this concern, UPRR proposes to use groundwater data collected as part of the site-wide groundwater monitoring program (detailed in the RAP Worksheet 3.1). Data collected over time from the point of exposure (POE) wells, attenuation monitoring points (AMPs), and corrective action monitoring wells will be evaluated to address the criteria established per 30 TAC §350.33(f)(3)(E).

In the original RAP (Appendix 3C) submittal dated November 21, 2014, PBW prepared a report detailing the supporting documentation for requesting a No Further Action (NFA) and ceasing post-closure care for the Closed Surface Impoundment (Solid Waste Management Unit (SWMU) 1) at the Site. The groundwater monitoring activities over the past three years have shown compliance with groundwater protective standards, and have achieved the groundwater Remedy Standard A requirements under TRRP. As stated in the TCEQ Technical NOD dated August 5, 2015 for the RAP, the TCEQ stated that the TCEQ Remediation Division, Corrective Action Program concurred with UPRR’s request for the NFA (NOD T25). During a meeting between UPRR and the TCEQ to discuss the Technical NOD, it was agreed that additional research would be conducted by UPRR to assess if the historical documentation on the SWMU 1 closure activities in 1984 could support that the soils at the unit had been clean closed. PBW submitted additional information to the TCEQ on September 18, 2015 titled “Additional Information for Clean Closure Equivalence Demonstration” regarding the historical closure activities, agency correspondence, and sampling at SWMU 1.

The TCEQ issued a review comment letter dated November 5, 2015 on the September 18, 2015 submittal stating that *“the I&HW Permits Section is unable to accept the UPRR Company request to discontinue Post-Closure Care of the SWMU No. 1. Our review of the demonstration indicates that the data presented does not exclude the closed surface impoundment from either continuing to be monitored under compliance monitoring or detection monitoring.”*

**ATTACHMENT 2A**  
**RESPONSE ACTION DIAGRAMS**

**EXPLANATION**

- UPRR Property Boundary
- Property Boundary (GIMS)
- ◆ A-TZ Monitoring Well Location
- ◆ B-CZ/B-TZ Monitoring Well Location
- ◆ C-TZ Monitoring Well Location
- ◆ D-TZ Monitoring Well Location
- Corrective Action System Well (DNAPL Recovery)
- ⊗ Plugged and Abandoned
- Groundwater PCLE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
- Alternate Groundwater Point of Exposure (POE)
- Attenuation Monitoring Point (AMP)
- RCRA Unit No. 1 Point of Compliance (POC) Well
- Proposed Monitoring Well
- Proposed Cumulative PMZ (A-TZ, B-CZ/B-TZ, and C-TZ)
- On-Site PMZ
- Off-Site PMZ
- Off-Site PMZ City of Houston ROW
- \*Off-Site PMZ - Currently Proposed, Pending Deed Recordation

- Notes:**
1. Vertical datum based on City of Houston Vertical Datum (HVD).
  2. DNAPL = Dense non-aqueous phase liquids detected in monitoring well (July 2014).
  3. \*\* - Corrective Action observation well.
  4. (B) - Background Well.

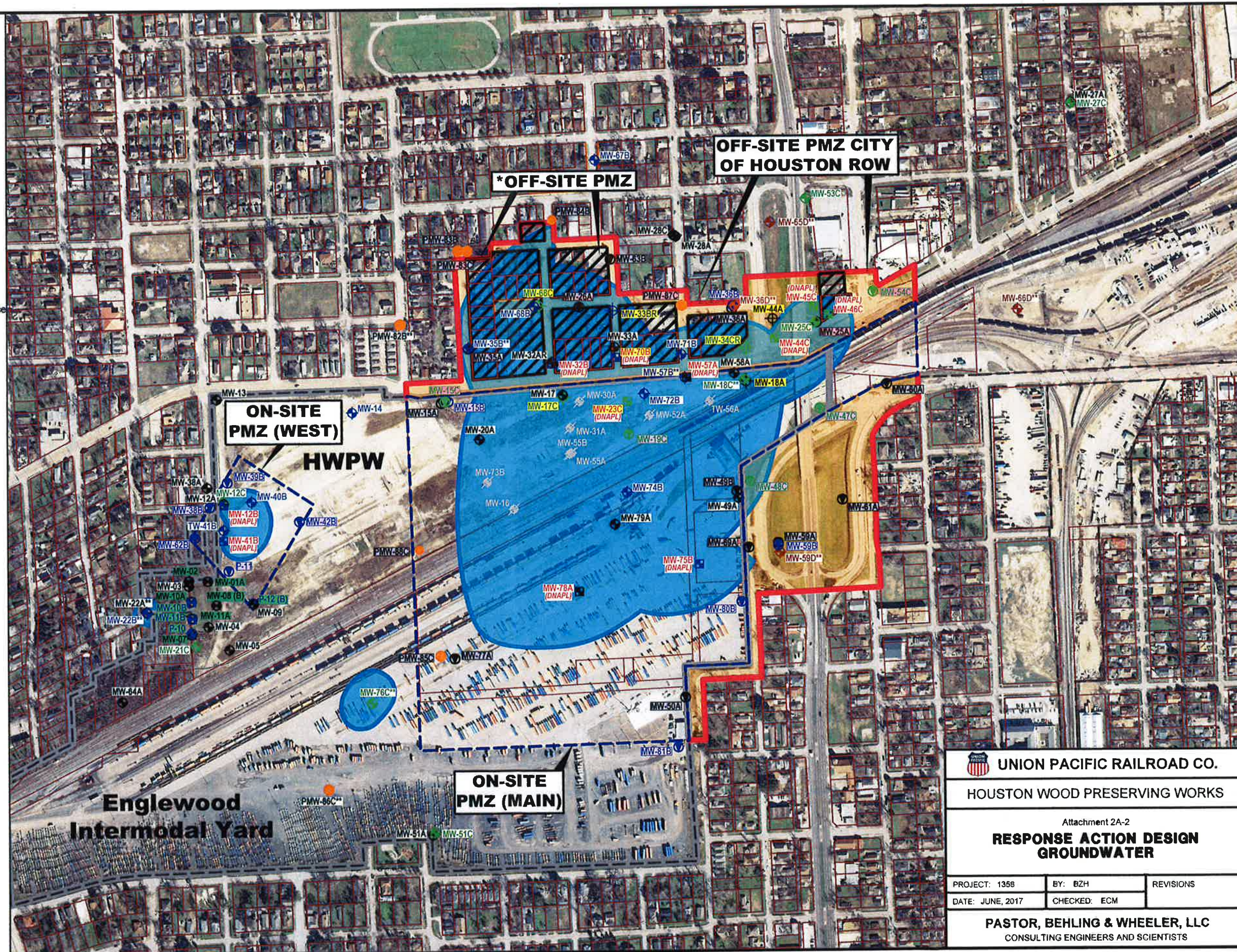


Approx. Scale in Feet  
0 200 400

Source:  
Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.



Texas Geosciences Firm No. 50248



<b>UNION PACIFIC RAILROAD CO.</b>		
<b>HOUSTON WOOD PRESERVING WORKS</b>		
Attachment 2A-2		
<b>RESPONSE ACTION DESIGN GROUNDWATER</b>		
PROJECT: 1358	BY: BZH	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS		

**ATTACHMENT 2B**  
**PROPOSED WELL DESIGN**

**ATTACHMENT 2B**

**PROPOSED WELL DESIGN**



## **Introduction**

As detailed in RAP Worksheet 2.1, the following wells are proposed to be installed:

1. Point of Exposure Wells:
  - a. B-TZ/B-CZ: PMW-83B and PMW-84B
  - b. C-TZ: PMW-83C, PMW-85C, PMW-87C, and PMW-88C
2. Corrective Action Observation Wells:
  - a. PMW-82B and PMW-86C
3. Replacement Wells:
  - a. A-TZ: MW-22AR
  - b. B-TZ: MW-22BR

The proposed new wells and replacement wells are shown on Attachment 2B-1. Monitoring wells MW-22AR and 22BR are to be installed to replace damaged wells MW-22A and MW-22B, respectively. Details of the well installation are discussed below.

## **Permanent Monitoring Well Installation**

Soil borings for monitoring wells will be advanced using hollow stem auger, mud rotary, or sonic drilling methods. Soil samples will be collected continuously from each boring and will be logged in the field for lithology and sedimentary structure. Soil headspace samples will be collected every two feet and screened in the field for total organic vapor concentrations. In addition, soil core samples will be visually inspected for contamination and non-aqueous phase liquid (NAPL) presence.

Soil borings that will be used for monitoring well installation will be advanced as necessary to identify the top and base of the targeted groundwater bearing-unit (GWBU) (i.e., A-TZ, B-TZ, C-TZ). Based on the boring logs for previous monitoring wells drilled at the Site, it is anticipated that these borings will be advanced to the following maximum depths (subject to field conditions):

- A-TZ: approximately 30 feet below ground surface (bgs)
- B-TZ/B-CZ: approximately 36 feet to 40 feet bgs
- C-TZ: approximately 70 feet bgs.

Although the proposed borings for wells below the A-TZ will be located away from areas where NAPL has been identified, surface or isolation casing (permanent isolation casing or temporary isolation casing using sonic drilling techniques) may be installed prior to penetration of any low permeability confining unit.

Permanent monitoring wells will be constructed after the total depth of the borehole is reached. Monitoring wells will be constructed using 2-inch or larger diameter, flush-joint-threaded Schedule 40 PVC casing and 0.010-inch slotted PVC screen. Other well casing and screen materials (i.e., stainless steel) may be used instead of PVC depending on the potential for exposure to NAPL. The specific well design will be determined in the field based on the observed lithology with the goal of screening the well at the base of the targeted GWBU. It is anticipated that each well screen will be approximately 10 feet in length, but shorter screen intervals may be installed for the B-CZ wells. After the boring is completed to the total depth, the casing and screen will be lowered into the borehole through the augers or sonic isolation casing.

Once the casing and screen are in place, the remaining well materials (filter sand, bentonite pellets, and cement/bentonite grout) will be added to the hole as the augers/sonic casings are slowly removed. Depths

to the top of the annular materials will be measured with a weighted, calibrated tape and recorded on the Well Completion Log. A bentonite seal layer will be installed on top of the filter sand and will be a minimum of 2 feet in thickness. The remainder of the borehole annulus will be filled with a Portland/bentonite grout (or bentonite pellets). Each well will be completed with either a flush-grade surface completion with a 2-foot by 2-foot pad or above grade within a protective casing on a 4-foot-by-4-foot concrete pad. If an above grade completion is constructed, bollards or bumper guards should be installed around the surface completion. Typical monitoring well completion details are shown on Attachment 2B-2. After construction, the position and elevation of each monitoring well will be surveyed by a licensed, professional surveyor relative to Texas State Plane Coordinates and mean sea level.

### **Monitoring Well Development**

A minimum of 24 hours shall elapse after well construction and before well development to allow for bentonite hydration and grout set. Development will consist initially of surging and bailing or pumping; however, the specific development method will ultimately be decided by the field personnel based on the specific conditions encountered. Temperature, pH, specific conductivity, and turbidity will be monitored during purging. Development will continue until the well produces water with stable field parameter readings (i.e., temperature, pH, conductivity) and turbidity is below 10 NTU. At least five casing volumes of water will be removed from the well during development unless the well pumps dry. If the turbidity is not below 10 NTU after 10 casing volumes of water are removed from the well, then the final turbidity will be recorded and more aggressive development procedures such as air lifting may be considered.

### **Monitoring Well Documentation**

Documentation of well installation and development will include field boring logs, monitoring well installation forms, well development forms, and any photographs. For wells installed within the City of Houston right of way (ROW), city permits will be required prior to installing the wells. Investigation-derived wastes (IDW), such as soil cuttings, decontamination fluids, or development water, generated from the drilling activities will be stored and disposed of in accordance with state and federal requirements. Documentation of the wastes disposed of as part of the well installation will be maintained.

Following installation, a certification report will be submitted to the Texas Commission on Environmental Quality (TCEQ) detailing the well installation and related documentation.

## **FIGURES**

**EXPLANATION**

- UPRR Property Boundary
- ⊕ A-TZ Monitoring Well Location
- ⊕ B-CZ/B-TZ Monitoring Well Location
- ⊕ C-TZ Monitoring Well Location
- ⊕ D-TZ Monitoring Well Location
- ⊕ Corrective Action System Well (DNAPL Recovery)
- MW-24A Alternate Groundwater Point of Exposure (POE)
- MW-18A Attenuation Monitoring Point (AMP)
- MW-25A RCRA Unit No. 1 Point of Compliance (POC) Well
- Proposed Monitoring Well
- Proposed Cumulative PMZ (A-TZ, B-CZ/B-TZ, and C-TZ)
- On-Site PMZ
- Off-Site PMZ
- Off-Site PMZ City of Houston ROW
- \*Off-Site PMZ - Currently Proposed, Pending Deed Recordation

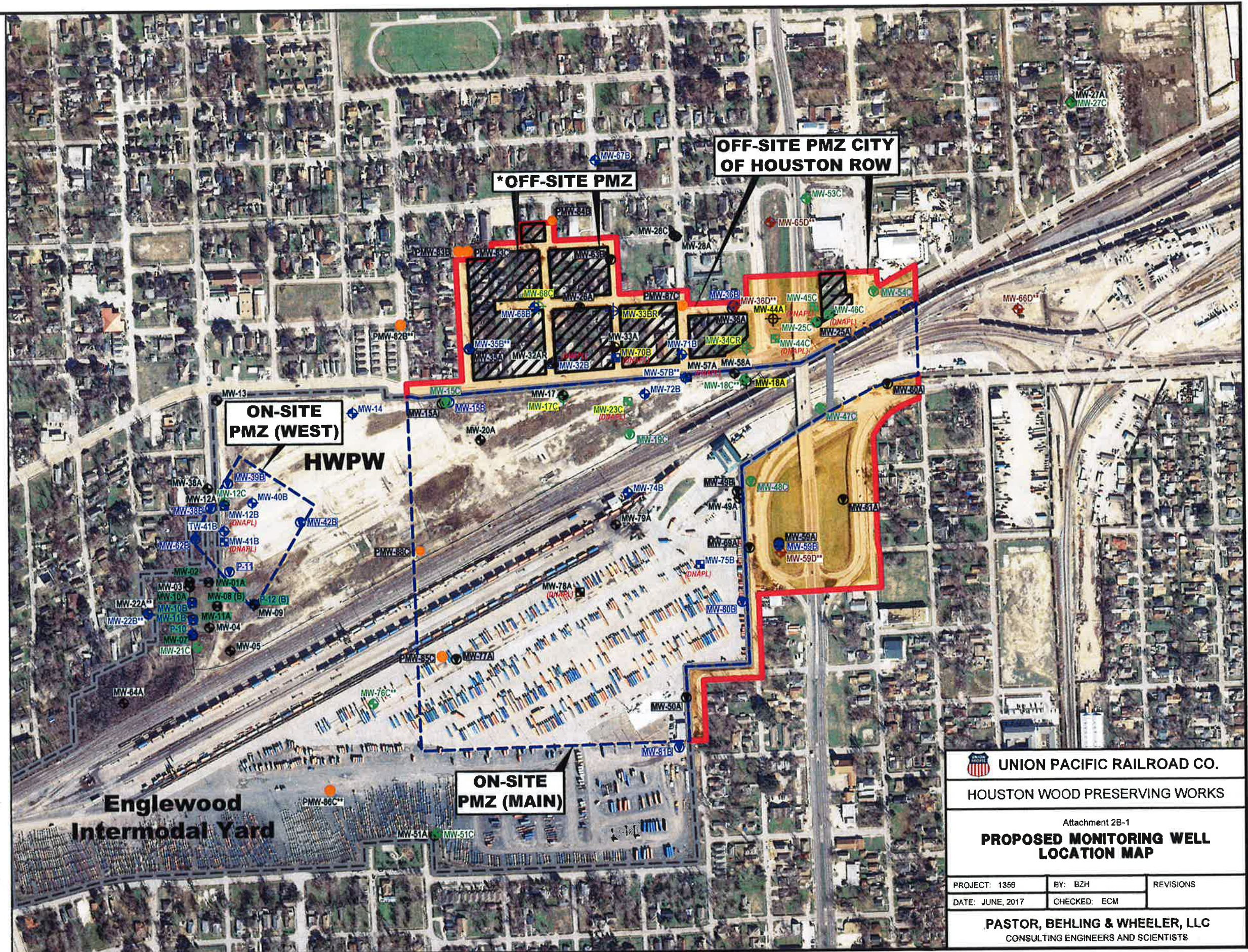
- Notes:**
1. Vertical datum based on City of Houston Vertical Datum (HVD).
  2. DNAPL = Dense non-aqueous phase liquids detected in monitoring well (July 2014).
  3. \*\* - Corrective Action observation well.
  4. (B) - Background Well.



Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.



Texas Geosciences Firm No. 50248



<b>UNION PACIFIC RAILROAD CO.</b>		
<b>HOUSTON WOOD PRESERVING WORKS</b>		
Attachment 2B-1		
<b>PROPOSED MONITORING WELL LOCATION MAP</b>		
PROJECT: 1366	BY: BZH	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS		

<b>Plume Management Zone</b>	<b>RAP Worksheet 2.1</b> Page 1 of 21	
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Complete this worksheet when a PMZ is proposed as part of the response action. Include in Attachment 2D a map of the proposed PMZ with alternate POE(s) and attenuation monitoring points identified and the current groundwater PCLE zone. If a PMZ is not proposed, do not submit this worksheet.

Groundwater-bearing unit      **A-TZ**

Repeat this worksheet for each groundwater-bearing unit for which a PMZ is proposed.

Groundwater classification        X   2           3

Provide justification as to why the PMZ is appropriate in accordance with §350.33(f)(4)(A). Include supporting documentation in Attachment 2E.

The on-site and off-site PMZs proposed as a response action for the A-TZ PCLE zone (Attachment 2D-1) ensures that COCs will not pose a potential unacceptable risk to human health or the environment as long as the AALs are not exceeded at the respective AMPs, and COC concentrations less than cPCLs at the proposed Alternate POE wells. PMZs are appropriate for this PCLE zone based on a relatively low groundwater velocity, overall stable/declining COC concentrations, the proposed institutional controls (deed recordation (on-site PMZs) and restrictive covenants/deed notices (off-site PMZs)) on use of groundwater within the PCLE Zone, and the absence of any existing water supply wells within ½-mile of the Site. In addition, there are no surface water bodies at the Site or near the proposed PMZ; therefore, there is no potential for contaminating surface waters that would be hydraulically connected to groundwater. The City of Houston provides municipal water services for all properties within the Affected Property, so there is no human health complete pathway associated with this GWBU. The Site is also within the jurisdiction of the Harris-Galveston Subsidence District (HGSD), which restricts groundwater use in the area and requires a permit application prior to drilling a groundwater well. There are permitting exemptions, but only in areas that do not have an alternative water supply. The HGSD rules are not a complete prohibition on the use of groundwater in the area, but rather the fees associated with the rules are “intended to operate as an economic disincentive to groundwater withdrawal” (HGSD, 2013).

The on-site and off-site PMZs proposed for the A-TZ PCLE zones consists of two components: 1) filing of institutional controls including deed recordation (UPRR-Owned properties) and restrictive covenants/deed notices (off-site properties, City of Houston ROW, and properties where land owners could not be located) prohibiting the use of groundwater within the PMZs; and 2) performance of ongoing groundwater monitoring at the proposed AMPs and POE wells. The proposed deed recordation and restrictive covenants that have been signed by the landowner, and will be filed in the Harris County deed records once executed by the TCEQ, are included in Appendix 4.

Excluding the Off-Site PMZ City of Houston ROW, the proposed Off-Site PMZ is currently considered pending (Attachment 2D-1) until the deed recordation for the properties within the Off-Site PMZ is submitted. Most of the off-site properties (30 of the 53 properties) have signed restrictive covenants. UPRR will continue to work with the landowners to secure the restrictive covenants for the properties where restrictive covenants or deed notices have not been acquired. In the interim, UPRR proposes to monitor groundwater in wells (MW-17, MW-26A, MW-32A, MW-33A, MW-35A, MW-36A, and MW-57A) that are within the proposed Off-Site PMZ as part of the corrective action groundwater monitoring program (as detailed in RAP Worksheet 3.1). Data collected from the monitoring wells will be used to evaluate possible response actions (i.e., monitored natural attenuation) to address the groundwater PCLE Zone pending approval of the Off-Site PMZ.

As detailed in Attachment 1A, the PMZs for A-TZ were established using the July/August 2014 groundwater analytical data collected from the Site, in conjunction with trend analysis for groundwater analytical data from 2010 through 2014 (10 semi-annual sampling events). Comparing the maximum groundwater analytical data from the July/August 2014 groundwater sampling event to cPCLs, concentrations of 23 target COCs exceeded their respective cPCLs in at least one of the four GWBUs. For the A-TZ, the following 12 COCs were detected above cPCLs:

VOCs

- Benzene
- Methylene Chloride
- Vinyl Chloride

SVOCs

- 2,4-Dimethylphenol
- 2-Methylnaphthalene
- Benzo(a)anthracene
- Benzo(a)pyrene
- Bis(2-chloroethoxy)methane
- Chlorobenzene (A-TZ only, one well)
- Dibenzofuran
- Naphthalene
- Phenol

Of those COCs, benzene, 2,4-dimethylphenol, 2-methylnaphthalene, dibenzofuran, and naphthalene are the most prominent COCs where the cPCL exceedances for these COCs define the PCLE Zone in the A-TZ. Therefore, the trend analyses and attenuation action levels were calculated for these five COCs (Attachment 2E). None of the COCs listed above were detected in the A-TZ at concentrations that exceeded the <sup>Air</sup>GW<sub>Inh-V</sub> PCL.

The overall groundwater flow across the Site in the A-TZ is to east, until the Lockwood Street Bridge area on the far east side of the Site. As discussed in the APAR Addendum (PBW, 2009), there is a City of Houston 60-inch sanitary sewer line that cuts across the east end of the Site (Attachment 1A, Figure 5A-1) that flows north to south just west of the Lockwood Street Bridge. Based on a review of the City of Houston engineering drawing files for the sanitary sewer line, the sewer line potentially intersects the saturated A-TZ unit, and may be affecting the groundwater potentiometric surface elevation of the A-TZ (Attachment 1A, Figure 4C-1).

PBW installed a small diameter piezometer MW-69A in June 2010 in the City of Houston ROW along the west side of the sanitary sewer line south of MW-49A (Attachment 1A, Figure 1A) to evaluate the potential for site-specific COCs affecting the sanitary sewer. The location of the piezometer was chosen to evaluate if COCs in groundwater are travelling along the west side of the sanitary sewer line. Groundwater data from monitoring well MW-59A indicates that the COCs were not detected above PCLs east of the sanitary sewer line. In addition, PBW collected grab samples of fluid from the sanitary sewer line upgradient, within the Site, and downgradient of the Site to evaluate potential discharge of site-specific COCs detected in the A-TZ into the wastewater line (PBW, 2010). Samples from the sanitary sewer were collected from three manholes using a peristaltic pump and tubing inserted through the manhole covers.

Based on the analytical results from July 2010 through July/August 2014, none of the site-specific COCs have been detected above TRRP PCLs in the groundwater samples collected from MW-69A. Also, sanitary sewer water analytical results from the three sanitary sewer samples were also compared to TRRP Tier 1 PCLs for groundwater, even though the fluid in the line is not considered groundwater. Of the three samples collected in 2010, the only sample with concentrations greater than PCLs was the

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upgradient sample SSW1 that had a detection of bis(2-ethylhexyl)phthalate (0.0092 mg/L) above the <sup>GW</sup>GW<sub>ing</sub> PCL of 0.006 mg/L; however, bis(2-ethylhexyl)phthalate is a common laboratory contaminant (as cited in 30 TAC§350.71(k)(2)(B)). The sanitary sewer sample analytical results suggest that there is not a significant mass loading of COCs from groundwater into the sanitary sewer.

As discussed in Worksheet 2.3, a TI Zone was proposed to be established for areas where DNAPL has been detected in monitoring wells or observed in the soil boring log for the GWBUs on site and off site. The TCEQ has not approved the TI waiver based on their technical memorandum dated December 13, 2016. Specifically, the TCEQ stated that the TI Demonstration did not adequately address the criteria established per 30 TAC §350.33(f)(3)(E), in which COCs at concentrations above the critical groundwater PCLs are prevented from spreading beyond the existing boundary of the groundwater PCLE zone. To address this concern, UPRR proposes to use groundwater data collected as part of the site-wide groundwater monitoring program (detailed in the RAP Worksheet 3.1). Data collected over time from the point of exposure (POE) wells, attenuation monitoring points (AMPs), and corrective action monitoring wells will be evaluated to address the criteria established per 30 TAC §350.33(f)(3)(E). Details of the TI Zone are provided in Attachment 2G.

In accordance with §350.33(f)(4)(A), both PMZs for the A-TZ Unit will be actively monitored (semi-annually). MNA will be used as a control response for the Site.

Is the alternate POE proposed to be beyond the current limits of the PCLE zone?  Yes  No  
 If yes, how far? Approximately 400 feet (§350.37(l) or (m) as applicable)  
 Is it to be off-site?  Yes  No

On an off-site property that currently does not contain a residential-based groundwater PCLE zone?  
 Yes  No -

If yes and this is a Class 2 groundwater, provide the basis for concluding that this groundwater does not have a reasonably anticipated future beneficial use (§350.37(l)(3)).

The residential-based PCLE zone extends onto the off-site properties (to the north and to the east in the residential area), and on to the City of Houston ROW. The proposed PMZs extend to the closest monitoring wells where COC concentrations in groundwater are less than the cPCL based on the groundwater data collected in July/August 2014. As previously discussed, the City of Houston provides municipal water services for all properties within the Affected Property, so there is no current beneficial use for the GWBU. The Site is also within the jurisdiction of the HGSD, which restricts groundwater use in the area and requires a permit application prior to drilling a groundwater well. There are permitting exemptions for small domestic wells, but only in areas that do not have an alternative water supply. The HGSD rules are not a complete prohibition on the use of groundwater in the area, but rather the fees associated with the rules are “intended to operate as an economic disincentive to groundwater withdrawal” (HGSD, 2013).

Therefore, with the City of Houston providing water for the area, and financial disincentives placed on shallow groundwater use by the HGSD (which the Texas Supreme Court ruled in favor of the HGSD in 1977 to protect public welfare by limiting harmful pumping, which was causing ground subsidence of the land resulting in flooding (*Beckendorff v. Harris-Galveston Coastal Subsidence District (1977)*), the shallow groundwater does not have a reasonably anticipated future beneficial use in the area.

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Is NAPL present?      X   Yes           No

If so, describe how the response action will achieve the performance criteria in §350.33(f)(4)(E).

*§350.33(f)(4)(E) The person is required to reduce NAPLs which contain COCs in excess of PCLs within a plume management zone to the extent practicable. In the determination of adequate NAPL reduction, the executive director may consider conformance with the following criteria and other relevant factors:*

- (i) readily recoverable NAPLs have been recovered;*
- (ii) the NAPLs will not generate explosive conditions as defined in §350.31(c) of this title (relating to General Requirements for Remedy Standards);*
- (iii) the NAPLs will not discharge to the ground surface, to surface waters, to structures, or to other groundwater-bearing units;*
- (iv) the vertical and lateral extent of NAPLs will not increase under natural conditions, or sufficient NAPLs have been recovered such that an active recovery system can be demonstrated to effectively control or contain migration of NAPLs (i.e., no increased NAPL extent); and*
- (v) the NAPLs will not result in the critical groundwater PCLs being exceeded at the downgradient boundary of the plume management zone or in the critical PCLs for other environmental media being exceeded at the applicable POE.*

As previously discussed, UPRR will continue to evaluate the TI waiver for areas in the A-TZ where DNAPL has been observed. In the interim, the NAPL response action objective using TCEQ Guidance TRRP-32 (Risk-Based NAPL Management) will be to “ensure compliance of NAPL zone in the PMZ” to address the NAPL within the A-TZ PMZ. Methods to meet the response action objective for the creosote DNAPL will include recovery (recover readily recoverable creosote DNAPL from wells with DNAPL present) at the NAPL source zone so that the dissolved-phase groundwater PCLE zone is stable (or shrinking) and the PCLE performance objectives for the PMZ can be met, including no cPCL exceedances at the alternate POE wells. However, as detailed in Attachment 2G, recovery of creosote DNAPL will not achieve groundwater protection standards in a reasonable timeframe (>250 years) because of the complex hydrogeology and physical nature of creosote (discussed in Worksheet 2.3).

Wells with measurable creosote DNAPL are found within the On-Site PMZ (wells MW-57A and MW-78A (Attachment 2D-1)). Readily recoverable NAPL will be recovered from wells on a monthly basis in order to control potential migration within the PMZ. In addition, institutional controls on groundwater use will be implemented to protect exposure to residual NAPL in the GWBUs.

DNAPL recovered as part of the corrective action will be stored on-site in DOT approved drums within the CSA (Unit 4), and then disposed of in accordance with all applicable laws and regulations within the applicable timeframes.

If this is a Class 2 groundwater, explain how the response action will ensure that leachate from the surface soil and subsurface soil PCLE zones will not increase concentration of COCs greater than the current measured concentrations (at time of RAP submittal). (§350.33(a)(2))

Groundwater monitoring has been on-going at the Site since 1997. Current and historical groundwater data from the A-TZ source areas (SWMU 4, 5, 8) (Attachment 1B), especially wells with data going back to 1997, suggest that the COC concentrations in the A-TZ groundwater plume were historically higher compared to present day data. Overall the primary COC concentrations are stable or decreasing. The few wells with increasing concentrations either contain DNAPL or had DNAPL noted in the GWBU on the soil boring log. Therefore, the COCs in the vadose zone (surface and subsurface soil) have reached a



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point where the mass loading to the A-TZ has reached a state of equilibrium and continued leachate migration to groundwater from surface or subsurface soil will not cause expansion of the groundwater PCLE Zone for the A-TZ. In addition, with the proposed PMZ for the Site, groundwater monitoring as part of the PMZ will be used to confirm that any potential leachate in the surface and subsurface soils will not cause an increase in COC concentrations in groundwater at the POE in excess of the groundwater PCL.

As part of the response action for the surface and subsurface soils in the former HWPW area, the proposed response will be to construct a capped area over the surface soil PCLE Zone. Even though the cap is not designed for hydraulic control, the cap will be constructed with compacted clay and vegetation and sloped to drain storm water. The design of the cap (sloped and vegetated) will minimize infiltration across the surface soil PCLE Zone and reduce leachate migration from the vadose zone to the A-TZ.

Provide the basis that the COCs will not migrate beyond the downgradient boundary of the PMZ at concentrations above the critical PCL. Include supporting documentation in Attachment 2E.

Since the Site was first developed for creosoting operations in 1899, various releases over time likely occurred until the Site operations ceased in 1984. The facility was dismantled in the early 1990s. There have been no other operations at the former HWPW Site in over 30 years. Given the long period of time since releases have occurred at the Site, impacts to surface soils that have migrated to the A-TZ groundwater have likely reached a state of equilibrium, as discussed above. This is supported with the A-TZ groundwater analytical data that indicate the distribution of COCs dissolved in Site groundwater is relatively stable in the source areas. The concentration vs time graphs presented in Attachment 1B-1 through 1B-15 indicate that most of the groundwater COC concentrations are remaining relatively stable. This is confirmed for most of the wells with the Mann-Kendall statistical analysis included in Attachment 2E, except for the following wells:

- For wells MW-12A and MW-18A in the source areas, the Mann-Kendall trend analysis for 2-methylnaphthalene (MW-18A) and dibenzofuran (MW-12A and MW-18A) show increasing trends from 2010 to 2014. However, for both MW-12A and MW-18A, both 2-methylnaphthalene (Attachment 1B-3) and dibenzofuran (Attachment 1B-4) concentrations were greater in 2001 to 2002 compared to recent concentrations.
- An increasing trend for naphthalene in MW-15A was noted, but similar to MW-12A and MW-18A, the highest concentrations in this well were detected in 2001 to 2003 sampling events. None of the COCs were detected above cPCLs during the most recent sampling event.
- Increasing trends for 2-methylnaphthalene, dibenzofuran, and naphthalene were calculated for off-site well MW-33A (with probably increasing trends for benzene and 2,4-dimethylphenol); however, the most recent groundwater data indicate COC concentrations less than cPCLs.
- Increasing trends for benzene and 2-methylnaphthalene were calculated for off-site well MW-44A; however, the most recent groundwater data indicate COC concentrations less than cPCLs.

Therefore, the increasing trends calculated may be due to fluctuations over time rather than indicative of additional release causing the apparent increase. As shown on Attachment 1A, Figure 5B-20, the groundwater PCLE Zone for the A-TZ has remained stable over the past four years.

The downgradient boundary of the on-site and off-site A-TZ PMZ is located at monitoring wells MW-25A, MW-26A, MW-28A, MW-36A, MW-59A, MW-60A, MW-61A, and MW-69A (alternate points of exposure) (Attachment 2D-1). As previously discussed, there appears to be a groundwater divide near MW-44A on the north end and MW-49A/MW-59A on the south end just east of MW-18A (Attachment

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1A, Figure 5A-1), which lines up with the 60-inch sanitary sewer line that runs north-south. Wells MW-25A, MW-59A, MW-60A, and MW-61A appear to be east of the groundwater divide. This is supported with by the low concentrations of COCs in these wells (Attachment 1A, Figure 5B-1). Fluid samples collected from the sanitary sewer line in 2010 did not indicate a significant loading of COC concentrations into the sewer line; however, the sewer line appears to serve as the downgradient groundwater control for the PMZ. Therefore, it is not anticipated that the on-site and off-site A-TZ groundwater PCLE zone will migrate beyond the proposed A-TZ PMZ boundary.

Attenuation Action Levels (AALs) have been established for Attenuation Monitoring Points (AMPs) within the centerline of the A-TZ plume in order to ensure groundwater COC concentrations do not exceed the cPCLs at the alternate point of exposure (POE) wells. Details on AAL development are provided in Attachment 2E. However, given the complex hydrogeology in the A-TZ, the primary monitoring points for the on-site and off-site PMZs will be at the proposed alternate POE wells. The proposed POE wells are shown on Attachment 2D-1.

Currently, the Off-Site PMZ is considered pending until all of the restrictive covenants or deed notices for the properties have been received (see Attachment 2D-1). In the interim, the GW PCLE zone that extends on to these properties will be monitored as part of the corrective action monitoring program (Worksheet 3.1). Data collected from the monitoring wells near these properties will be used to evaluate possible response actions (i.e., monitored natural attenuation) to address the groundwater PCLE Zone pending acquiring restrictive covenants and filing deed notices for the Off-Site PMZ.

Details of the monitoring plan for the A-TZ PMZ are provided in Worksheet 3.1 and Appendix 6.

Describe the methods used to determine that there are no artificial penetrations which can allow COCs to migrate from the groundwater PCLE zone to currently unaffected groundwater-bearing units. Include supporting documentation in Attachment 2E.

An on-site field survey and water-well data search was conducted, indicating no potential vertical artificial penetrations that would act as a conduit for migration of shallow groundwater into the underlying groundwater formation. However, as discussed in the APAR Addendum (PBW, 2009), two sets of fiber optic lines, Level 3 Communications and Qwest, run along the north side of the rail main lines across the entire length of the Site (Attachment 1A, Figure 5A-1). Based on conversations with both Level 3 Communications and Qwest representatives, the fiber lines run underneath SWMUs 2, 5, 4, 8, and 10/11. The fiber lines run directly underneath the drainage ditch southwest of the Site and under the SDD about 3 to 5 feet bgs. The Level 3 Communications line reportedly was directionally bored to a depth of 40 to 45 feet bgs underneath the Original and Recent Process Areas (SWMU Nos. 5 and 4, respectively) and under the AST Area (SWMU No. 8). The Qwest fiber line reportedly runs 10 to 15 feet northwest and parallel of the main rail line, and is about 5 to 10 feet bgs through the Site. Just east of SWMU No. 8, both fiber lines return to approximately 4 to 6 feet below grade and continue running northeast parallel to the rail main line. The Level 3 Communications line may act as an artificial penetration since the reported depths of the line go through both the A-TZ and into the B-CZ immediately below the primary source areas. Given the depth of the fiber optic line is below the A-TZ and likely below the B-TZ (or carbonate seams within the B-CZ), monitoring well MW-19C will continue to be monitored to evaluate if the directional bored fiber optic lines are creating a preferential pathway for COCs to migrate to the C-TZ GWBU.

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In addition to the fiber lines, three City of Houston utilities were identified in the previous APAR (PBW, 2009) that cut across the Site oriented north-south just west of the Lockwood Street Bridge: 1) 60-in wastewater line, 2) 84-in water line, and 3) a 42-in storm sewer line (PBW, 2009). Through a review of the utility drawing files obtained from the City of Houston Public Works Survey Department, two of the underground utility lines (the 60-in sanitary sewer line and the 84-in water line) appear to be at depths that potentially intersect the uppermost GWBU A-TZ. The estimated depths of the utilities based on the city drawings are shown on the Geologic Cross Sections A-A', B-B', and C-C' (Attachment 1A, Figure 4C-1). The estimated base depth of the 60-in wastewater line and the 84-in water line where Cross Section B-B' crosses the utility lines is approximately 23 feet bgs (approximate elevation of 26 feet HVD). It is highly unlikely that A-TZ groundwater is seeping into the 84-in water line, given the line is under pressure (flow is south to north), constructed with welded steel pipe, and is relatively new (constructed in 2000). Sampling of the 60-in sanitary sewer line was conducted in 2010, as previously discussed.

List the attenuation action level determined for each attenuation monitoring point. Illustrate the proposed attenuation monitoring points and the groundwater PCLE zone on the map in Attachment 2D. Include all calculations and other methods of determining the attenuation action levels in Attachment 2E.

COC	Attenuation Monitoring Point (well number)	Attenuation Action Level (mg/L)	Attenuation Action Level limited by <sup>Air</sup> GW <sub>Inh-V</sub> or existing COC concentration? Y/N
Benzene	MW-18A	1.5	N
	MW-44A	0.0132	N
	MW-25A	0.005 (cPCL)	N
2,4-Dimethylphenol	MW-18A	24	NA
	MW-44A	1.251	NA
	MW-25A	0.49 (cPCL)	NA
2 Methyl naphthalene	MW-18A	1.5	NA
	MW-44A	0.189	NA
	MW-25A	0.098 (cPCL)	NA
Dibenzofuran	MW-18A	0.52	NA
	MW-44A	0.147	NA
	MW-25A	0.098 (cPCL)	NA
Naphthalene	MW-18A	26.16	N
	MW-44A	1.424	N
	MW-25A	0.49 (cPCL)	N

Note: Attenuation Action Levels were not developed for other COCs since the primary COCs listed above define the PCLE Zone.

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Groundwater-bearing unit **B-CZ/B-TZ**

Repeat this worksheet for each groundwater-bearing unit for which a PMZ is proposed.

Groundwater classification	<b>X</b> 2	<b>X</b> 3
	<u>(B-TZ)</u>	<u>(B-CZ)</u>

Provide justification as to why the PMZ is appropriate in accordance with §350.33(f)(4)(A). Include supporting documentation in Attachment 2E.

The two On-site PMZs (On-Site PMZ (Main) and On-Site PMZ (West)) and Off-Site PMZs proposed (Attachment 2D-2) as a response action for the B-CZ/B-TZ PCLE zone ensures that COCs will not pose a potential unacceptable risk to human health or the environment as long as the AALs are not exceeded at the respective AMPs and exceedances of cPCLs at the proposed alternate POE wells. Both the on-site and off-site PMZs are appropriate for this PCLE zone based on a low groundwater velocity (hydraulic conductivities are indicative of saturated soils in the B-CZ (see Attachment 1A)), overall stable/declining COC concentrations, the proposed institutional controls (deed recordation and restrictive covenants) on use of groundwater within the PCLE Zone, and the absence of any existing water supply wells within ½-mile of the Site. In addition, there are no surface water bodies at the Site or near the proposed PMZs; therefore, there is no potential for contaminating surface waters that would be hydraulically connected to groundwater. The City of Houston provides municipal water services for all properties within the Affected Property, so there is no complete human health pathway associated with this GWBU. The Site is also within the jurisdiction of the HGSD, which restricts groundwater use in the area and requires a permit application prior to drilling a groundwater well. There are permitting exemptions, but only in areas that do not have an alternative water supply. The HGSD rules are not a complete prohibition on the use of groundwater in the area, but rather the fees associated with the rules are “intended to operate as an economic disincentive to groundwater withdrawal” (HGSD, 2013).

The PMZs proposed for the B-CZ/B-TZ PCLE zones consists of two components: 1) filing of institutional controls including deed recordation (UPRR-Owned properties – on-site PMZ)) and restrictive covenants/deed recordation (off-site properties – off-site PMZ/and off-site properties where land owners could not be located) prohibiting the use of groundwater within the PMZs; and 2) performance of ongoing groundwater monitoring. Deed recordation and restrictive covenants that have been signed by the landowner, and will be filed in the Harris County deed records once executed by the TCEQ, are included in Appendix 5.

Excluding the Off-Site PMZ City of Houston ROW, the proposed Off-Site PMZ is currently considered pending (Attachment 2D-2) until the restrictive covenants/deed notices are filed. Most of the off-site properties (30 of the 53 properties) have signed restrictive covenants. UPRR will continue to work with the landowners to secure the restrictive covenants for the properties where restrictive covenants or deed notices have not been acquired. In the interim, UPRR proposes to monitor groundwater in wells (MW-32B, MW-33BR, MW-35B, MW-36B, MW-63B, MW-68B, MW-70B, MW-71B and proposed wells PMW-83B and PMW-84B) that are within the proposed Off-Site PMZ as part of the corrective action groundwater monitoring program (as detailed in RAP Worksheet 3.1). Data collected from the monitoring wells will be used to evaluate possible response actions (i.e., monitored natural attenuation) to address the groundwater PCLE Zone pending approval of the Off-Site PMZ.

As detailed in Attachment 1A, the B-CZ/B-TZ on-site and off-site PMZs were established using the July/August 2014 groundwater analytical data collected from the Site, in conjunction with trend analysis for groundwater analytical data from 2010 through 2014 (10 semi-annual sampling events, Attachment 2E) and development of attenuation action levels from groundwater data collected from 2006 through 2014. Comparing the maximum groundwater analytical data from the July/August 2014 groundwater

sampling event to cPCLs, concentrations of 23 target COCs exceeded their respective cPCLs in at least one of the four GWBUs. For the B-CZ/B-TZ, the following 14 COCs were detected above cPCLs (using Class 2 groundwater PCLs for wells completed in the B-TZ and Class 3 groundwater PCLs for the wells completed in the B-CZ (see Attachment 1A for discussion on B-CZ as a saturated soil):

VOCs

- Benzene
- Methylene Chloride
- Vinyl Chloride

SVOCs

- 2,4-Dimethylphenol
- 2,6-Dinitrotoluene
- 2-Methylnaphthalene
- Benzo(a)anthracene
- Benzo(a)pyrene
- Bis(2-chloroethoxy)methane
- Dibenzofuran
- Naphthalene
- Phenol

Similar to the A-TZ PCLE Zone, benzene, 2,4-dimethylphenol, 2-methylnaphthalene, dibenzofuran, and naphthalene are the most prominent COCs where the cPCL exceedances for these COCs define the PCLE Zone in the B-TZ. Therefore, the trend analyses were conducted for these five COCs (Attachment 2E). For the B-CZ, the Class 3 groundwater cPCL exceedances were for only for benzene and 2,4-dimethylphenol. Updated B-CZ/B-TZ groundwater concentration maps using Class 3 groundwater PCLs for the B-CZ for benzene (Figure 5B-10), 2,4-dimethylphenol (Figure 5B-11), 2-methylnaphthalene (Figure 5B-12), dibenzofuran (Figure 5B-13), and naphthalene (Figure 5B-14) are provided in Attachment 1A.

Since there are two distinct groundwater PCLE Zones further than 500 feet apart within the B-CZ and B-TZ, two separate on-site PMZs were established (Attachment 2D-2):

1. On-Site PMZ (Main)
2. On-Site PMZ (West)

As discussed in Worksheet 2.3, a TI Zone was proposed to be established for areas where DNAPL has been detected in monitoring wells or observed in the soil boring log for the GWBUs on site and off site. The TCEQ has not approved the TI waiver based on their technical memorandum dated December 13, 2016. Specifically, the TCEQ stated that the TI Demonstration did not adequately address the criteria established per 30 TAC §350.33(f)(3)(E), in which COCs at concentrations above the critical groundwater PCLs are prevented from spreading beyond the existing boundary of the groundwater PCLE zone. To address this concern, UPRR proposes to use groundwater data collected as part of the site-wide groundwater monitoring program (detailed in the RAP Worksheet 3.1) to confirm stability of the PCLE Zone. Data collected over time from the POE wells, AMPs, and corrective action monitoring wells will be evaluated to address the criteria established per 30 TAC §350.33(f)(3)(E). Details of the TI Zone are provided in Attachment 2G.

In accordance with §350.33(f)(4)(A), the on-site and off-site PMZs for the B-CZ and B-TZ Unit will be actively monitored (semi-annually). MNA will be used as a control response for these units.

Is the alternate POE proposed to be beyond the current limits of the PCLE zone?      X   Yes         No

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If yes, how far? Approximately 150 feet downgradient (§350.37(l) or (m) as applicable)

Is it to be off-site?  Yes     No

On an off-site property that currently does not contain a residential-based groundwater PCLE zone?

Yes     No

If yes and this is a Class 2 groundwater, provide the basis for concluding that this groundwater does not have a reasonably anticipated future beneficial use (§350.37(l)(3)).

The residential-based PCLE zone (Class 2 and 3 groundwater PCLs) extends onto the off-site properties (to the north and to the east in the residential area), and on to the City of Houston ROW. For the Off-Site PMZ, the B-TZ (Class 2 groundwater) is only present on the west portion of the Off-Site PMZ with the B-CZ present across the rest of the Off-Site PMZ. As detailed in RAP Attachment 1A, wells completed in the B-CZ unit have an **average** hydraulic conductivity of  $2 \times 10^{-7}$  cm/sec, which is considerably less than the  $1 \times 10^{-5}$  cm/sec threshold for saturated soils. This finding, which is supported by the well yield test results, indicates B-CZ should be classified as saturated soils rather than a GWBU. The TCEQ agreed that the B-CZ groundwater classification can be considered a Class 3 groundwater per the TCEQ April 10, 2017 Technical Notice of Deficiency (NOD) letter. With the low yield found in the B-CZ, groundwater in this unit would not have a reasonably anticipated future beneficial use.

The proposed PMZs extend to the closest monitoring wells where COC concentrations in groundwater are less than the cPCL based on the groundwater data collected in July/August 2014. As previously discussed, the City of Houston provides municipal water services for all properties within the Affected Property, so there is no current beneficial use for the GWBU. The Site is also within the jurisdiction of the HGSD, which restricts groundwater use in the area and requires a permit application prior to drilling a groundwater well. There are permitting exemptions for small domestic wells, but only in areas that do not have an alternative water supply. The HGSD rules are not a complete prohibition on the use of groundwater in the area, but rather the fees associated with the rules are “intended to operate as an economic disincentive to groundwater withdrawal” (HGSD, 2013).

Therefore, with the City of Houston providing water for the area, and financial disincentives placed on shallow groundwater use by the HGSD (which the Texas Supreme Court ruled in favor of the HGSD in 1977 to protect public welfare by limiting harmful pumping, which was causing ground subsidence of the land resulting in flooding (*Beckendorff v. Harris-Galveston Coastal Subsidence District (1977)*)), the shallow groundwater does not have a reasonably anticipated future beneficial use in the area.

Is NAPL present?  Yes     No

If so, describe how the response action will achieve the performance criteria in §350.33(f)(4)(E).

As previously discussed, UPRR will continue to evaluate the TI waiver for areas where DNAPL is present. For the B-CZ/B-TZ, evidence of DNAPL was noted for most of the area within the proposed Off-Site PMZ (see Figure 5A-6, RAP Attachment 1A (Dec 2014)). In the interim, the NAPL response action objective using TCEQ Guidance TRRP-32 (Risk-Based NAPL Management) will be to “ensure compliance of NAPL zone in the PMZ” to address the NAPL within the B-TZ/B-CZ PMZs. Methods to meet the response action objective for the creosote DNAPL will include recovery (recover readily recoverable creosote DNAPL from wells with DNAPL present) at the NAPL source zone so that the dissolved-phase groundwater PCLE zone is stable (or shrinking) and the PCLE performance objectives for the PMZs can be met, including no cPCL exceedances at the alternate POE wells. However, as detailed in Attachment 2G, recovery of creosote DNAPL will not achieve groundwater protection standards in a reasonable timeframe (>250 years) because of the complex hydrogeology (B-CZ, being a

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Class 3 groundwater unit, consists of thin carbonate seams with average hydraulic conductivity of approximately  $2 \times 10^{-7}$  cm/sec (Attachment 1A)) and physical nature of creosote (discussed in Worksheet 2.3).

Wells with measurable creosote DNAPL are found within the On-Site PMZ (wells MW-12B, MW-41B, and MW-75B) and Off-Site PMZ (wells MW-32B and MW-70B (Attachment 2D-1)). Readily recoverable NAPL will be recovered from wells on a monthly basis in order to control potential migration from the PMZ. In addition, institutional controls on groundwater use will be implemented to protect exposure to residual NAPL in the GWBUs.

For the NAPL areas within the Off-Site PMZ boundary where restrictive covenants have not been acquired and thus is not currently within the Off-Site PMZ (shown on Attachment 2D-2), the preliminary NAPL response objective in accordance with TCEQ TRRP-32 Guidance for these limited areas is groundwater restoration. However, as previously discussed and detailed in Attachment 2G, achieving groundwater protection standards in any of the GWBUs where widespread creosote DNAPL has been observed at the Site is technically impracticable. The appropriate endpoint is control via TI.

Since the B-CZ wells (MW-32B and MW-70B) with DNAPL off-site are within property under the Off-Site City of Houston PMZ and near the properties that are currently not included in the PMZ, NAPL will be recovered from wells monthly in conjunction with the NAPL recovery activities for the areas within the PMZs.

DNAPL recovered as part of the corrective action will be stored on-site in DOT approved drums within the CSA (Unit 4), and then disposed of in accordance with all applicable laws and regulations within the applicable timeframes.

If this is a Class 2 groundwater, explain how the response action will ensure that leachate from the surface soil and subsurface soil PCLE zones will not increase concentration of COCs greater than the current measured concentrations (at time of RAP submittal). (§350.33(a)(2))

With the B-CZ/B-TZ underlying the A-TZ, see response to this question for the A-TZ unit.

Provide the basis that the COCs will not migrate beyond the downgradient boundary of the PMZ at concentrations above the critical PCL. Include supporting documentation in Attachment 2E.

As discussed for the A-TZ PMZs, wood treating operations began at the Site over 115 years ago and continued until about 30 years ago. Given the long period of time since releases have occurred at the Site, creosote DNAPL and related COCs has migrated from the vadose zone (surface and subsurface soils) to the A-TZ groundwater, then to the B-CZ/B-TZ. There are two main areas within the B-CZ/B-TZ where the DNAPL has migrated and resulted in a PCLE Zone:

1. On-Site PMZ (Main)/Off-Site PMZs - Centered in the northeast part of the Site near SWMUs 4, 5, and 8, onto the eastern portion of the Englewood Intermodal Yard, and extending off-site (Off-Site PMZs) to the north of the Site; and
2. On-Site (West) - On the west side of the Site near MW-12B and MW-41B.

On-Site PMZ (Main)/Off-Site PMZs (including City of Houston ROW):

For the area centered over the northeast portion of the Site, predominately off-site, DNAPL has been either observed in the monitoring well soil borings (i.e., MW-35B, MW-63B, MW-68B, and others) or has been detected in the wells (i.e., MW-32B, MW-70B, MW-75B) that fall within the B-CZ/B-TZ groundwater PCLE Zone (Attachment 1A, Figure 5A-6). The fact that the PCLE Zone in the B-CZ is



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closely tied to where NAPL was observed suggests that there is not a high rate of dissolved constituent migration beyond the DNAPL areas either on-site or off-site. Also groundwater velocities through the Class 3 groundwater unit B-CZ are very low given the low hydraulic conductivity of the carbonate gravel seams within the clay unit. Proposed POE wells MW-15B, MW-36B, MW-59B, MW-80B and MW-81B show either no detections of the COCs or relatively stable COC concentrations well below the RALs (Attachment 1B-11 through 1B-15). This is supported with the B-CZ/B-TZ groundwater analytical data that indicate the distribution of COCs dissolved in Site groundwater is relatively stable in the source areas.

For wells with concentrations near or above cPCLs (Class 2 and Class 3 GW PCLs), the concentration vs time graphs presented in Attachment 1B indicate that groundwater concentrations are remaining relatively stable, which is confirmed with the Mann-Kendall statistical analysis (Attachment 2E), except for MW-49B, MW-70B and MW-74B. Mann-Kendall trend analyses of the groundwater data from MW-49B indicate increasing trends for 2,4-dimethylphenol, 2-methylnaphthalene, and naphthalene; and probably increasing trends for benzene and dibenzofuran using data from 2010 through 2014. Benzene concentrations in well MW-70B indicate a Mann-Kendall increasing trend; however, DNAPL is present in the well. An increasing trend was noted for 2-methylnaphthalene in MW-74B. There have been only five sampling events from MW-74B; therefore, the trends may be indicative of seasonal variation rather than a true increase that will be confirmed with additional sampling. Both MW-70B and MW-74B are located within the central portion of the plume. As shown on Attachment 1A-Figure 5B-21, the overall groundwater PCLE Zone for the B-CZ/B-TZ has remained stable over the past four years.

In addition, migration of either DNAPL or dissolved-phase COCs in the Class 3 groundwater unit B-CZ is not likely to extend beyond the current impacted areas based on the very low hydraulic conductivity of the wells north of the Site (consistently less than  $1 \times 10^{-5}$  cm/sec as discussed in Attachment 1A).

Currently, the Off-Site PMZ is considered pending until all of the restrictive covenants or deed notices for the properties have been received (see Attachment 2D-1). In the interim, the GW PCLE zone that extends on to these properties will be monitored as part of the corrective action monitoring program (Worksheet 3.1). Data collected from the monitoring wells near these properties will be used to evaluate possible response actions (i.e., monitored natural attenuation) to address the groundwater PCLE Zone pending acquiring restrictive covenants and filing deed notices for the Off-Site PMZ.

**On-Site PMZ (West):**

On the west side of the Site, the B-TZ groundwater PCLE zone appears to be confined to three wells: MW-12B, MW-40B, and MW-41B. Historically, wells MW-12B and MW-41B have had DNAPL in-well thicknesses as thick as 15 feet (MW-12B) and 22.8 feet (MW-41B). Both wells are part of the on-going DNAPL recovery activities. In 2009, monitoring well (test well) TW-41B was installed about 40 feet north of MW-41B between MW-41B and MW-12B to serve as a possible DNAPL recovery well. The well was constructed to the same general elevations and screened intervals as MW-41B (Attachment 1A, Figure 4C-3). However, no DNAPL has been detected in TW-41B, and groundwater samples from the well have been less than RALs.

The boundary of the B-TZ PMZ on the west side is located at monitoring wells MW-38B, MW-39B, MW-42B, MW-62B, P-12, and P-11 (alternate POE wells) (Attachment 2D-2). Groundwater analytical data from these west perimeter wells indicate COC concentrations less than cPCLs, and most show either no trend or decreasing trends (Attachment 1B-16 through 1B-20). Monitoring well MW-38B is located approximately 50 feet west of MW-12B. The viscosity of the DNAPL from MW-12B was tested in 2007 with a reading of 192 centipoises, indicating a relatively viscous liquid. With groundwater data less than

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cPCLs in the wells in close proximity of the wells with DNAPL, this supports the limited dissolved COC migration in the area. Therefore, it is not anticipated that the B-TZ groundwater PCLE zone will migrate beyond the proposed B-CZ/B-TZ PMZ boundary.

For the B-CZ groundwater PCLE Zone on the northeast side of the Site, AALs were established for sampling points leading from MW-70B (off-site, and contains DNAPL) to MW-63B (Attachment 2E-6 and 2E-7 for benzene and 2,4-dimethylphenol respectively) in order to ensure groundwater COC concentrations do not exceed the cPCLs at the point of exposure (MW-63B). Since these wells lie within the City of Houston ROW that is included in the PMZ, these wells were considered appropriate for establishing the AALs for the POE well. Details on AAL development are provided in Attachment 2E. POE wells for the north and east sides of the B-CZ PMZ are shown on Attachment 2D-2. Two additional B-TZ/B-CZ wells (PMW-83B, and PMW-84B) (“P” indicates proposed and will be removed from the well identification once installed) are proposed to be installed north of the Site to serve as alternate POE wells and monitor the PMZ (Attachment 2D-2). An additional corrective action observation well (PMW-82B) will be installed to the west of MW-35B. Details of the well installation are provided in Attachment 2B.

Describe the methods used to determine that there are no artificial penetrations which can allow COCs to migrate from the groundwater PCLE zone to currently unaffected groundwater-bearing units. Include supporting documentation in Attachment 2E.

The site-related contaminants and DNAPL have been detected in the B-CZ/B-TZ, and underlying C-TZ. PMZs are also proposed for the other GWBUs at the Site. Groundwater wells were installed in the underlying D-TZ, and until the July/August 2014 groundwater sampling event, Site-related COC concentrations have been below RALs in those wells.

An on-site field survey and water-well data search was conducted, indicating no potential artificial vertical penetrations that would act as a conduit for migration of shallow groundwater into the underlying groundwater formation. A discussion on underground utilities for A-TZ and possible communication with the B-CZ and deeper C-TZ is provided under the A-TZ summary (see RAP Worksheet 2.1, Page 13).

List the attenuation action level determined for each attenuation monitoring point. Illustrate the proposed attenuation monitoring points and the groundwater PCLE zone on the map in Attachment 2D. Include all calculations and other methods of determining the attenuation action levels in Attachment 2E.

COC	Attenuation Monitoring Point (well number)	Attenuation Action Level (mg/L)	Attenuation Action Level limited by AirGW <sub>Inh-V</sub> or existing COC concentration? Y/N
Benzene	MW-70B	38.45	Y -23 mg/L (Res, 30-ac Source)
	MW-33BR	3.259	N
	MW-63B	0.21	N
			N
2,4-Dimethylphenol	MW-70B	72	NA
	MW-33BR	57.86	NA
	MW-63B	45.37	NA
			NA

Note: Attenuation Action Levels were not developed for other COCs since the primary COCs listed above define the PCLE Zone.

The proposed PMZ and AMPs for the B-CZ/B-TZ are shown on Attachment 2D-2.

The cPCLs are based on Class 3 groundwater classification (wells listed above are completed in the B-CZ).

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Groundwater-bearing unit C-TZ

Repeat this worksheet for each groundwater-bearing unit for which a PMZ is proposed.

Groundwater classification    X    2    \_\_\_\_\_    3

Provide justification as to why the PMZ is appropriate in accordance with §350.33(f)(4)(A). Include supporting documentation in Attachment 2E.

The on-site and off-site PMZs proposed (Attachment 2D-3) as a response action for the C-TZ PCLE zone ensures that COCs will not pose a potential unacceptable risk to human health or the environment as long as the AALs are not exceeded at the respective AMPs or exceeds the cPCL at the alternate POE wells. The PMZs are appropriate for this PCLE zone based on a low groundwater velocity, stable/declining COC concentrations, the proposed institutional controls (deed recordation and restrictive covenants) on use of groundwater within the PCLE Zone, and the absence of any existing water supply wells within ½-mile of the Site. In addition, there are no surface water bodies at the Site or near the proposed PMZs; therefore, there is no potential for contaminating surface waters that would be hydraulically connected to groundwater. The City of Houston provides municipal water services for all properties within the Affected Property, so there is no complete human health pathway associated with this GWBU. The Site is also within the jurisdiction of the HGSD, which restricts groundwater use in the area and requires a permit application prior to drilling a groundwater well. There are permitting exemptions, but only in areas that do not have an alternative water supply. The HGSD rules are not a complete prohibition on the use of groundwater in the area, but rather the fees associated with the rules are “intended to operate as an economic disincentive to groundwater withdrawal” (HGSD, 2013).

The PMZs proposed for the C-TZ PCLE zones consists of two components: 1) filing of institutional controls including deed recordation (UPRR-Owned properties – on-site PMZ)) and restrictive covenants/deed recordation (off-site properties – Off-Site PMZ and Off-Site PMZ City of Houston ROW) and off-site properties where land owners could not be located) prohibiting the use of groundwater within the PMZs; and 2) performance of ongoing groundwater monitoring at the AMP and POE wells. The proposed deed recordation and restrictive covenant language, to be filed in the Harris County deed records, is included in Appendix 4.

Excluding the Off-Site PMZ City of Houston ROW, the proposed Off-Site PMZ is currently considered pending (Attachment 2D-3) until the restrictive covenants/deed notices are filed. Most of the off-site properties (30 of the 53 properties) have signed restrictive covenants. UPRR will continue to work with the landowners to secure the restrictive covenants for the properties where restrictive covenants or deed notices have not been acquired. In the interim, UPRR proposes to monitor groundwater in wells (MW-17C, MW-23C, MW-34CR, MW-68C and proposed wells PMW-83C and PMW-87C) that are within the proposed Off-Site PMZ as part of the corrective action groundwater monitoring program (as detailed in RAP Worksheet 3.1). Data collected from the monitoring wells will be used to evaluate possible response actions (i.e., monitored natural attenuation) to address the groundwater PCLE Zone pending approval of the Off-Site PMZ.

The on-site and off-site PMZs for C-TZ were established using the July/August 2014 groundwater analytical data collected from the Site (Attachment 1A), in conjunction with trend analysis for groundwater analytical data from 2010 through 2014 (10 semi-annual sampling events) and development of attenuation action levels from groundwater data collected from 1997 through 2014. Comparing the maximum groundwater analytical data from the July/August 2014 groundwater sampling event to cPCLs, concentrations of 23 target COCs exceeded their respective cPCLs in at least one of the four GWBUs. For the C-TZ, the following 19 COCs were detected above cPCLs:

<p><u>VOCs</u></p> <ul style="list-style-type: none"> <li>• Benzene</li> <li>• Methylene Chloride</li> </ul>	<p><u>SVOCs</u></p> <ul style="list-style-type: none"> <li>• 2,4-Dimethylphenol</li> <li>• 2,6-Dinitrotoluene</li> <li>• 2-Methylnaphthalene</li> <li>• Acenaphthene (one well*)</li> <li>• Anthracene (one well*)</li> <li>• Benzo(a)anthracene</li> <li>• Benzo(a)pyrene</li> <li>• Bis(2-chloroethoxy)methane (one well*)</li> <li>• Chrysene (one well*)</li> </ul> <p><u>SVOCs (cont)</u></p> <ul style="list-style-type: none"> <li>• Dibenzofuran</li> <li>• Fluoranthene (one well*)</li> <li>• Fluorene (one well*)</li> <li>• Naphthalene</li> <li>• Pentachlorophenol</li> <li>• Phenanthrene (one well*)</li> <li>• Phenol</li> <li>• Pyrene (one well*)</li> </ul>
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\* - COC only detected in wells with DNAPL present

Similar to the A-TZ PCLE Zone, benzene, 2,4-dimethylphenol, 2-methylnaphthalene, dibenzofuran, and naphthalene are the most prominent COCs where the cPCL exceedances for these COCs define the PCLE Zone in the C-TZ. Therefore, the trend analyses were conducted for these five COCs (Attachment 2E).

As discussed in Worksheet 2.3, a TI Zone was proposed to be established for areas where DNAPL has been detected in monitoring wells or observed in the soil boring logs for the GWBUs on site and off site. The TCEQ has not approved the TI waiver based on their technical memorandum dated December 13, 2016. Specifically, the TCEQ stated that the TI Demonstration did not adequately address the criteria established per 30 TAC §350.33(f)(3)(E), in which COCs at concentrations above the critical groundwater PCLs are prevented from spreading beyond the existing boundary of the groundwater PCLE zone. To address this concern, UPRR proposes to use groundwater data collected as part of the site-wide groundwater monitoring program (detailed in the RAP Worksheet 3.1). Data collected over time from the POE wells, AMPs, and corrective action monitoring wells will be evaluated to address the criteria established per 30 TAC §350.33(f)(3)(E).

In accordance with §350.33(f)(4)(A), the PMZ for the C-TZ Unit will be actively monitored (semi-annually). MNA will be used as a control response for this unit.

Is the alternate POE proposed to be beyond the current limits of the PCLE zone?     Yes     No  
 If yes, how far?    Approximately 100 feet    (§350.37(l) or (m) as applicable)  
 Is it to be off-site?     Yes     No  
 On an off-site property that currently does not contain a residential-based groundwater PCLE zone?  
 Yes     No - The residential-based PCLE zone extends onto the off-site property (to the north  
 and to the east).

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If yes and this is a Class 2 groundwater, provide the basis for concluding that this groundwater does not have a reasonably anticipated future beneficial use (§350.37(l)(3)).

The residential-based PCLE zone extends onto the off-site properties (to the north and to the east in the residential area), and on to the City of Houston ROW. The proposed PMZs extend to the closest monitoring wells where COC concentrations in groundwater are less than the cPCL based on the groundwater data collected in July/August 2014. As previously discussed, the City of Houston provides municipal water services for all properties within the Affected Property, so there is no current beneficial use for the GWBU. The Site is also within the jurisdiction of the HGSD, which restricts groundwater use in the area and requires a permit application prior to drilling a groundwater well. There are permitting exemptions for small domestic wells, but only in areas that do not have an alternative water supply. The HGSD rules are not a complete prohibition on the use of groundwater in the area, but rather the fees associated with the rules are “intended to operate as an economic disincentive to groundwater withdrawal” (HGSD, 2013).

Therefore, with the City of Houston providing water for the area, and financial disincentives placed on shallow groundwater use by the HGSD (which the Texas Supreme Court ruled in favor of the HGSD in 1977 to protect public welfare by limiting harmful pumping, which was causing ground subsidence of the land resulting in flooding (*Beckendorff v. Harris-Galveston Coastal Subsidence District (1977)*), the shallow groundwater does not have a reasonably anticipated future beneficial use in the area.

Is NAPL present?     Yes             No

If so, describe how the response action will achieve the performance criteria in §350.33(f)(4)(E).

As previously discussed, UPRR will continue to evaluate the TI waiver for areas where DNAPL was observed. In the interim, the NAPL response action objective using TCEQ Guidance TRRP-32 (Risk-Based NAPL Management) will be to “ensure compliance of NAPL zone in the PMZ” to address the NAPL within the C-TZ PMZ. Methods to meet the response action objective for the creosote DNAPL will include recovery (recover readily recoverable creosote DNAPL from wells with DNAPL present) at the NAPL source zone so that the dissolved-phase groundwater PCLE zone is stable (or shrinking) and the PCLE performance objectives for the PMZs can be met, including no cPCL exceedances at the alternate POE wells. However, as detailed in Attachment 2G, recovery of creosote DNAPL will not achieve groundwater protection standards in a reasonable timeframe (>250 years) because of the complex hydrogeology and physical nature of creosote (discussed in Worksheet 2.3).

Wells with measurable creosote DNAPL are found within the On-Site PMZ (well MW-23C) and Off-Site PMZ (wells MW-44C, MW45C, and MW-46C (Attachment 2D-3)). Readily recoverable NAPL will be recovered from wells on a monthly basis in order to control potential migration from the TI Zone. In addition, institutional controls on groundwater use will be implemented to protect exposure to residual NAPL in the GWBUs.

DNAPL recovered as part of the corrective action will be stored on-site in DOT approved drums within the CSA (Unit 4), and then disposed of in accordance with all applicable laws and regulations within the applicable timeframes.

<b>Plume Management Zone</b>	<b>RAP Worksheet 2.1</b> Page 19 of 21	
	Associated Information: Attachments 2D, 2E	<b>ID No.: 31547</b> <b>Report Date: June 24, 2017 – Rev 3</b>

If this is a Class 2 groundwater, explain how the response action will ensure that leachate from the surface soil and subsurface soil PCLE zones will not increase concentration of COCs greater than the current measured concentrations (at time of RAP submittal). (§350.33(a)(2))

With the C-TZ underlying the A-TZ and the B-CZ/B-TZ, please see response to this question for the A-TZ unit (RAP Worksheet 2.1, page 11).

Provide the basis that the COCs will not migrate beyond the downgradient boundary of the PMZ at concentrations above the critical PCL. Include supporting documentation in Attachment 2E.

Wood treating operations began at the Site over 115 years ago and continued until about 30 years ago. Given the long period of time since releases have occurred at the Site, creosote DNAPL and related COCs has migrated from the vadose zone (surface and subsurface soils) to the A-TZ groundwater, to the B-CZ/B-TZ, and to the C-TZ. The PCLE Zone for the C-TZ groundwater appears to correlate well with where DNAPL was observed in the C-TZ sand in the soil borings or where DNAPL has been detected in the monitoring wells. The center of the groundwater PCLE Zone appears to be in the vicinity of MW-23C (near SWMU 4 and 6), and extends off-site to the northeast near the Lockwood Street Bridge overpass (DNAPL present in wells MW-25C, MW-44C, MW-45C, and MW-46C). Unlike the A-TZ and B-CZ/B-TZ units, groundwater flow in the C-TZ is generally to the southwest across the area.

For the off-site area northeast of the Site, DNAPL has been detected in the wells (i.e., MW-25C, MW-44C, MW-45C, and MW-46C) that fall within the C-TZ groundwater PCLE Zone (Attachment 1A, Figure 5A-7). Similar to the B-CZ/B-TZ, the PCLE Zone in the C-TZ is closely tied to where NAPL was observed. This suggests that there is not a high rate of dissolved constituent migration beyond the DNAPL areas. This is supported with the C-TZ groundwater analytical data that indicate the distribution of COCs dissolved in Site groundwater is relatively stable in the source areas, with the exception of MW-18C. The Mann-Kendall trend analysis for MW-18C groundwater data from 2010 through 2014 indicate increasing trends of 2-methylnaphthalene, dibenzofuran, and naphthalene. Well MW-18C is upgradient of MW-23C, which has higher concentrations of these COCs relative to MW-18C and also has DNAPL present in the well. MW-19C dibenzofuran concentrations from 2010 to 2014 indicate a Mann-Kendall probably increasing trend; however, concentrations in MW-19C (0.000554 mg/L) are well below the cPCL (0.29 mg/L (on-site)).

Along the edges of the PCLE Zone, concentration vs time graphs presented in Attachment 1B (1B-31 through 1B-40) indicate that groundwater concentrations are remaining relatively stable, which is confirmed with the Mann-Kendall statistical analysis included in Attachment 2E, except for MW-68C. As shown on Attachment 1A-Figure 5B-22, the groundwater PCLE Zone for the C-TZ has remained relatively stable over the past four years, with slight changes along the northeast and cross gradient side during the July 2012 and July/August 2014 events because of benzene cPCL exceedances in MW-68C. Benzene and naphthalene concentrations have been sporadic in MW-68C, where benzene concentrations exceeded the cPCL in January and July 2012, decreased below the cPCL in January 2013, then exceeded the cPCL in July/August 2014, and then decreased below the cPCL during the resampling event in September 2014 (discussed in Attachment 1A). For the purposes of this RAP, the PMZ will include MW-68C to account for the occasional benzene PCLE at that well. Newly installed well MW-76C (installed in May 2014) had a detection of pentachlorophenol (0.00272 mg/L) above the cPCL (0.002 mg/L) during the July/August 2014 sampling event. The well was resampled in September 2014, and pentachlorophenol concentrations were not detected (SDL < cPCL), but benzo(a)pyrene concentrations were detected at 0.000278 mg/L, just above the cPCL of 0.0002 mg/L. Benzo(a)pyrene concentrations were less than the cPCL during the initial sampling event. However, based on conversations with the TCEQ regarding the PMZ for the C-TZ, the On-Site PMZ (Main) in the C-TZ will not include this well,

<b>Plume Management Zone</b>	<b>RAP Worksheet 2.1</b> Page 20 of 21	
	Associated Information: Attachments 2D, 2E	ID No.: 31547      Report Date: June 24, 2017 – Rev 3

but rather will be extended to a proposed wells (PMW-85C and PMW-88C) upgradient of MW-76C. MW-76C will be included as a Corrective Action Observation Well, along with another C-TZ monitoring well downgradient of MW-76C (Attachment 2D-3).

Proposed point of exposure wells MW-15C, MW-28C, MW-47C, MW-48C, and MW-54C show either predominantly no detections of the COCs or relatively stable COC concentrations well below the RALs (Attachment 1B-26 through 1B-30). Mann-Kendall trend analysis shows an increasing concentration for dibenzofuran from 2010 to 2014 in MW-54C (Attachment 2E); however, concentrations have been decreasing since July 2013 (Attachment 1B-39). With groundwater data less than cPCLs in the wells (MW-19C and MW-54C) in close proximity of the wells with DNAPL, this supports the limited dissolved COC migration in the area. Therefore, it is not anticipated that the C-TZ groundwater PCLE zone will migrate beyond the proposed C-TZ on-site and off-site PMZ boundary.

For the C-TZ groundwater PCLE Zone, AALs were established for sampling points leading from MW-23C (contains DNAPL) to MW-76C (Attachment 2D-3) in order to ensure groundwater COC concentrations do not exceed the cPCLs at the POE (at the proposed well PMW-85C). Once PMW-85C is installed, the well will be evaluated as the downgradient alternate POE well for the C-TZ. Details on AAL development are provided in Attachment 2E. POE wells for the C-TZ PMZ are also shown on Attachment 2D-3. With the low detections of benzene in MW-68C, one additional C-TZ well (PMW-83C) is proposed to be installed to serve as a POE well and monitor the PMZ cross gradient to the north of the Site and MW-68C (Attachment 2D-3). Details of the well installation are provided in Attachment 2B.

Currently, the Off-Site PMZ is considered pending until all of the restrictive covenants or deed notices for the properties have been received (see Attachment 2D-1). In the interim, the GW PCLE zone that extends on to these properties will be monitored as part of the corrective action monitoring program (Worksheet 3.1). Data collected from the monitoring wells near these properties will be used to evaluate possible response actions (i.e., monitored natural attenuation) to address the groundwater PCLE Zone pending acquiring restrictive covenants and filing deed notices for the Off-Site PMZ.

Describe the methods used to determine that there are no artificial penetrations which can allow COCs to migrate from the groundwater PCLE zone to currently unaffected groundwater-bearing units. Include supporting documentation in Attachment 2E.

An on-site field survey and water-well data search was conducted, indicating no potential artificial penetrations that would act as a conduit for migration of shallow groundwater into the underlying groundwater formation.

A discussion on underground utilities for A-TZ and possible communication with the C-TZ was provided under the A-TZ summary. Given the depths of the fiber optic line (reportedly as deep as 45 feet bgs) to just above the C-TZ unit, monitoring well MW-19C will be monitored as a Alternate POE Well to evaluate if the directional bored fiber optic lines are creating a preferential pathway for COCs to migrate to the deep GWBUs.



List the attenuation action level determined for each attenuation monitoring point. Illustrate the proposed attenuation monitoring points and the groundwater PCLE zone on the map in Attachment 2D. Include all calculations and other methods of determining the attenuation action levels in Attachment 2E.

COC	Attenuation Monitoring Point (well number)	Attenuation Action Level (mg/L)	Attenuation Action Level limited by <sup>Air</sup> GW <sub>Inh-v</sub> or existing COC concentration? Y/N
Benzene	MW-23C	0.131	N
	MW-17	0.093	N
	MW-76C**	0.007	N
	PMW-85C**	0.005	N
2,4-Dimethylphenol	MW-23C	9.74	N
	MW-17	7.09	N
	MW-76C**	0.629	N
	PMW-85C**	0.49	N
2 Methylnaphthalene	MW-23C	28	N
	MW-17	18.22	N
	MW-76C**	0.688	N
	PMW-85C**	0.49	N
Dibenzofuran	MW-23C	46	N
	MW-17	23.94	N
	MW-76C**	0.164	N
	PMW-85C**	0.098	N
Naphthalene	MW-23C	83	***NA – 41 mg/L (>S) (Res, 30-ac Source)
	MW-17	48.13	***NA – 41 mg/L (>S) (Res, 30-ac Source)
	MW-76C**	0.753	N
	PMW-85C**	0.49	N

Note:

\*\* - Proposed well PMW-85C (and PMW-88C) will be evaluated as the downgradient alternate POE well following installation, replacing MW-76C as the downgradient POE well.

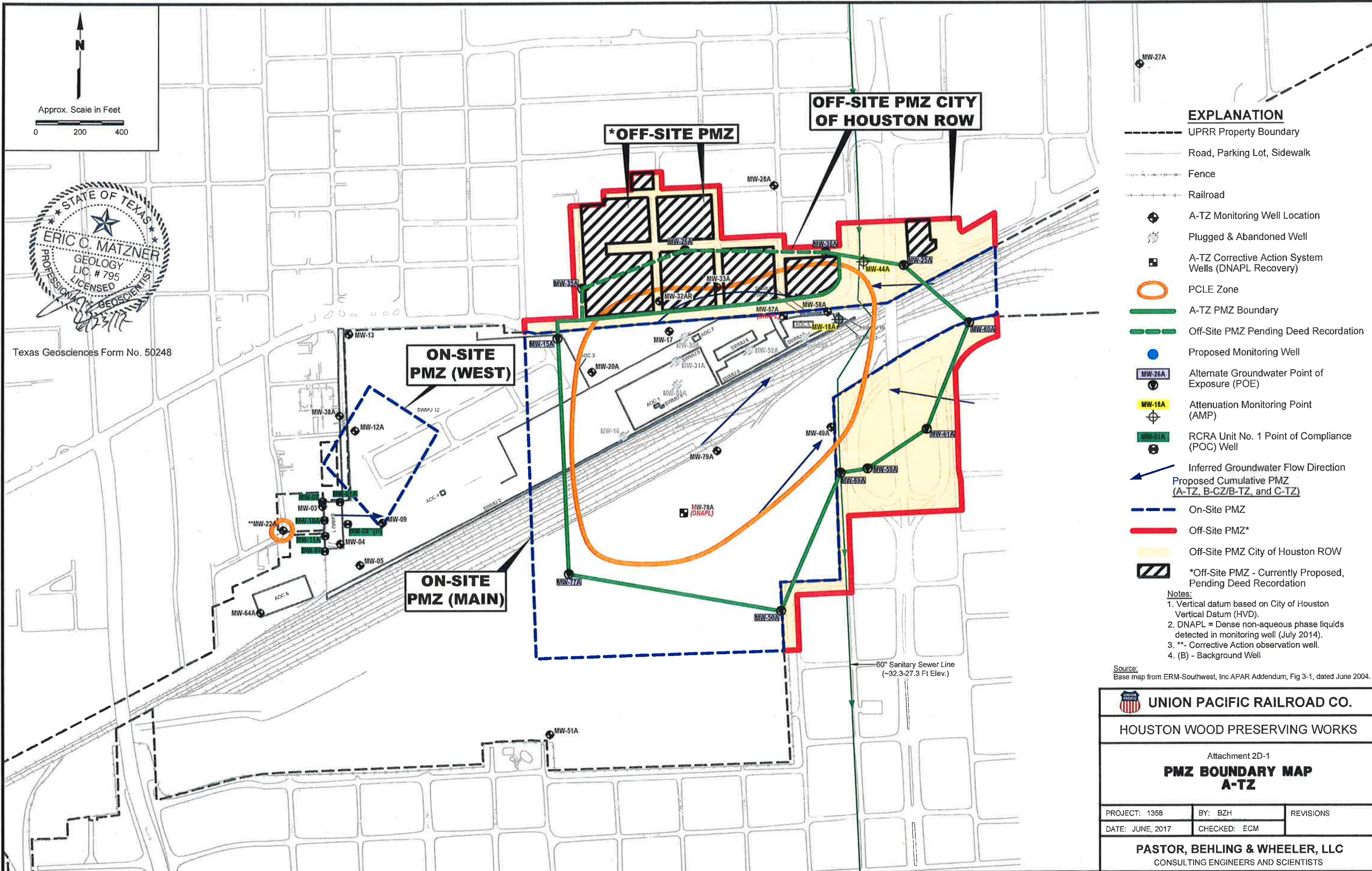
\*\*\* - <sup>Air</sup>GW<sub>Inh-v</sub> PCL for naphthalene not applicable since solubility for naphthalene (31.4 mg/L) is less than <sup>Air</sup>GW<sub>Inh-v</sub>. In addition, the C-TZ GWBU underlies other GWBUs, where upward vapor migration is not possible.

Attenuation Action Levels were not developed for other COCs since the primary COCs listed above define the PCLE Zone.

The proposed PMZ and AMPs for the C-TZ are shown on Attachment 2D-3.

**ATTACHMENT 2D**

**PMZ MAPS**



Texas Geosciences Form No. 50248

- EXPLANATION**
- UPRR Property Boundary
  - Road, Parking Lot, Sidewalk
  - - - - Fence
  - - - - Railroad
  - ⊕ A-TZ Monitoring Well Location
  - ⊖ Plugged & Abandoned Well
  - ⊕ A-TZ Corrective Action System Wells (DNAPL Recovery)
  - PCLE Zone
  - A-TZ PMZ Boundary
  - Off-Site PMZ Pending Deed Recordation
  - Proposed Monitoring Well
  - ⊖ MW-26A Alternate Groundwater Point of Exposure (POE)
  - ⊕ MW-16A Attenuation Monitoring Point (AMP)
  - ⊕ MW-31A RCRA Unit No. 1 Point of Compliance (POC) Well
  - ➔ Inferred Groundwater Flow Direction
  - Proposed Cumulative PMZ (A-TZ, B-CZ/B-TZ, and C-TZ)
  - On-Site PMZ
  - Off-Site PMZ\*
  - Off-Site PMZ City of Houston ROW
  - ▨ \*Off-Site PMZ - Currently Proposed, Pending Deed Recordation

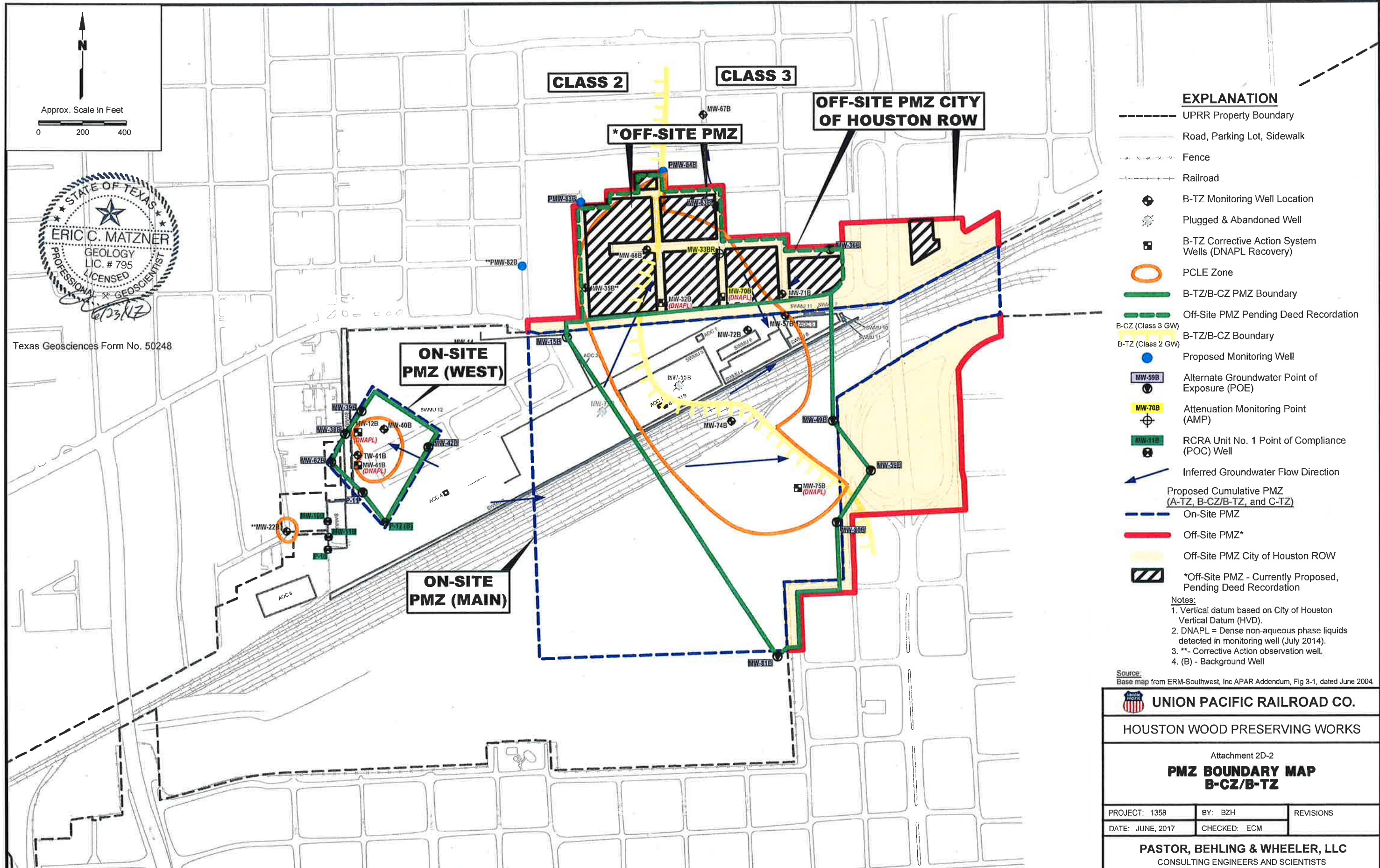
- Notes:**
1. Vertical datum based on City of Houston Vertical Datum (HVD).
  2. DNAPL = Dense non-aqueous phase liquids detected in monitoring well (July 2014).
  3. \*\* - Corrective Action observation well.
  4. (B) - Background Well

Source: Base map from ERM-Southwest, Inc APAR Addendum, Fig 3-1, dated June 2004.

<b>UNION PACIFIC RAILROAD CO.</b>		
<b>HOUSTON WOOD PRESERVING WORKS</b>		
Attachment 2D-1		
<b>PMZ BOUNDARY MAP A-TZ</b>		
PROJECT: 1358	BY: BZH	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS		



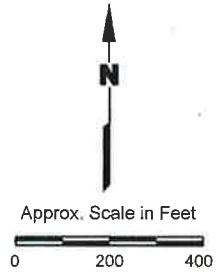
Texas Geosciences Form No. 50248



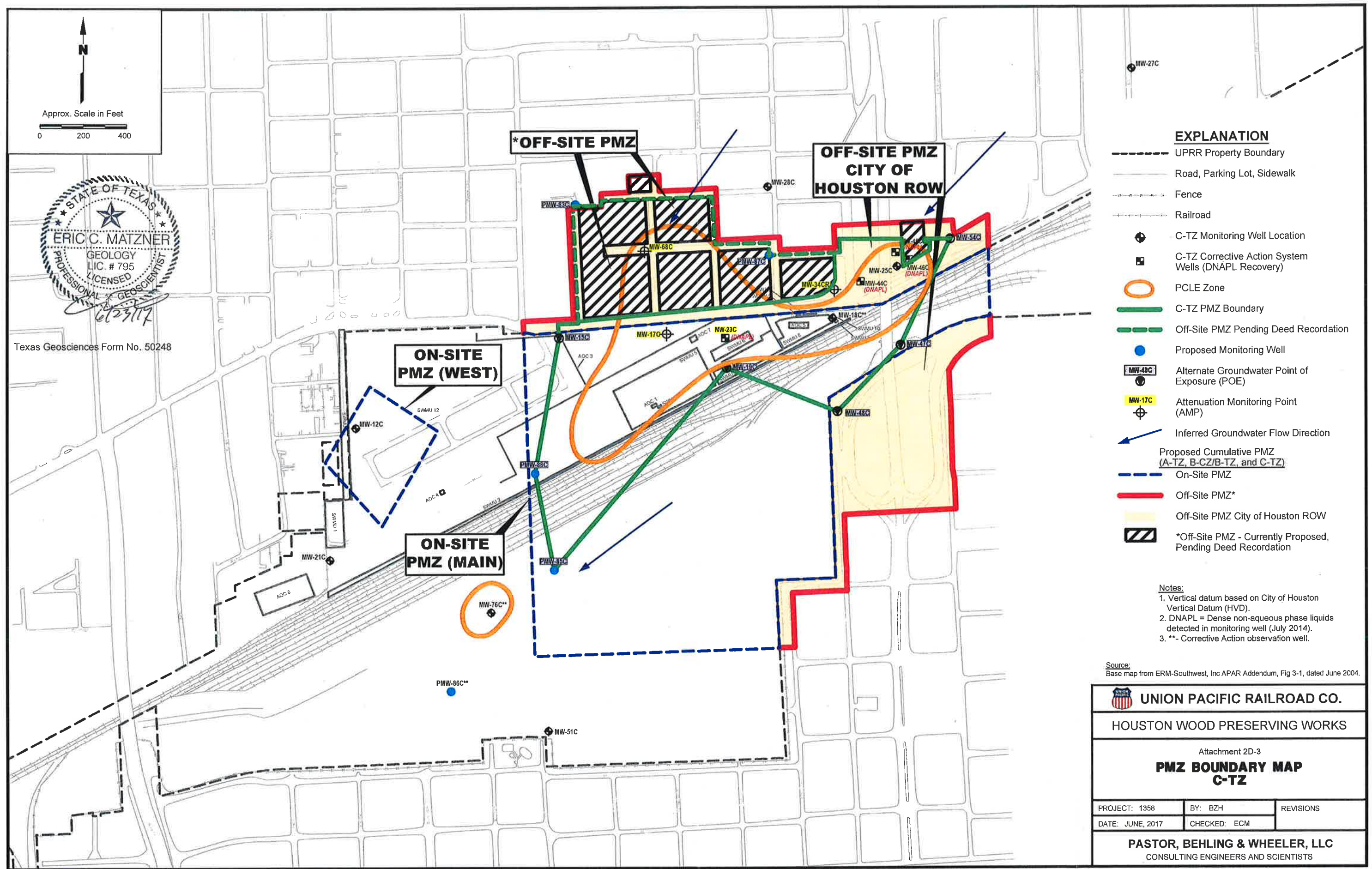
- EXPLANATION**
- UPRR Property Boundary
  - Road, Parking Lot, Sidewalk
  - - - - - Fence
  - - - - - Railroad
  - ⊕ B-TZ Monitoring Well Location
  - ⊗ Plugged & Abandoned Well
  - ⊕ B-TZ Corrective Action System Wells (DNAPL Recovery)
  - PCLE Zone
  - B-TZ/B-CZ PMZ Boundary
  - Off-Site PMZ Pending Deed Recordation
  - B-CZ (Class 3 GW)
  - B-TZ (Class 2 GW)
  - Proposed Monitoring Well
  - ⊕ MW-59B Alternate Groundwater Point of Exposure (POE)
  - ⊕ MW-70B Attenuation Monitoring Point (AMP)
  - ⊕ MW-11B RCRA Unit No. 1 Point of Compliance (POC) Well
  - ⊕ Inferred Groundwater Flow Direction
  - Proposed Cumulative PMZ (A-TZ, B-CZ/B-TZ, and C-TZ)
  - On-Site PMZ
  - Off-Site PMZ\*
  - Off-Site PMZ City of Houston ROW
  - ▨ \*Off-Site PMZ - Currently Proposed, Pending Deed Recordation
- Notes:**
1. Vertical datum based on City of Houston Vertical Datum (HVD).
  2. DNAPL = Dense non-aqueous phase liquids detected in monitoring well (July 2014).
  3. \*\* - Corrective Action observation well.
  4. (B) - Background Well

Source:  
Base map from ERM-Southwest, Inc APAR Addendum, Fig 3-1, dated June 2004.

<b>UNION PACIFIC RAILROAD CO.</b>		
HOUSTON WOOD PRESERVING WORKS		
Attachment 2D-2		
<b>PMZ BOUNDARY MAP</b> <b>B-CZ/B-TZ</b>		
PROJECT: 1358	BY: BZH	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS		



Texas Geosciences Form No. 50248



- EXPLANATION**
- UPRR Property Boundary
  - Road, Parking Lot, Sidewalk
  - - - - Fence
  - - - - Railroad
  - ⊕ C-TZ Monitoring Well Location
  - ⊕ C-TZ Corrective Action System Wells (DNAPL Recovery)
  - PCLE Zone
  - C-TZ PMZ Boundary
  - Off-Site PMZ Pending Deed Recordation
  - Proposed Monitoring Well
  - ⊕ MW-48C Alternate Groundwater Point of Exposure (POE)
  - ⊕ MW-17C Attenuation Monitoring Point (AMP)
  - ➔ Inferred Groundwater Flow Direction
  - Proposed Cumulative PMZ (A-TZ, B-CZ/B-TZ, and C-TZ)
  - On-Site PMZ
  - Off-Site PMZ\*
  - Off-Site PMZ City of Houston ROW
  - ▨ \*Off-Site PMZ - Currently Proposed, Pending Deed Recordation

- Notes:**
1. Vertical datum based on City of Houston Vertical Datum (HVD).
  2. DNAPL = Dense non-aqueous phase liquids detected in monitoring well (July 2014).
  3. \*\* - Corrective Action observation well.

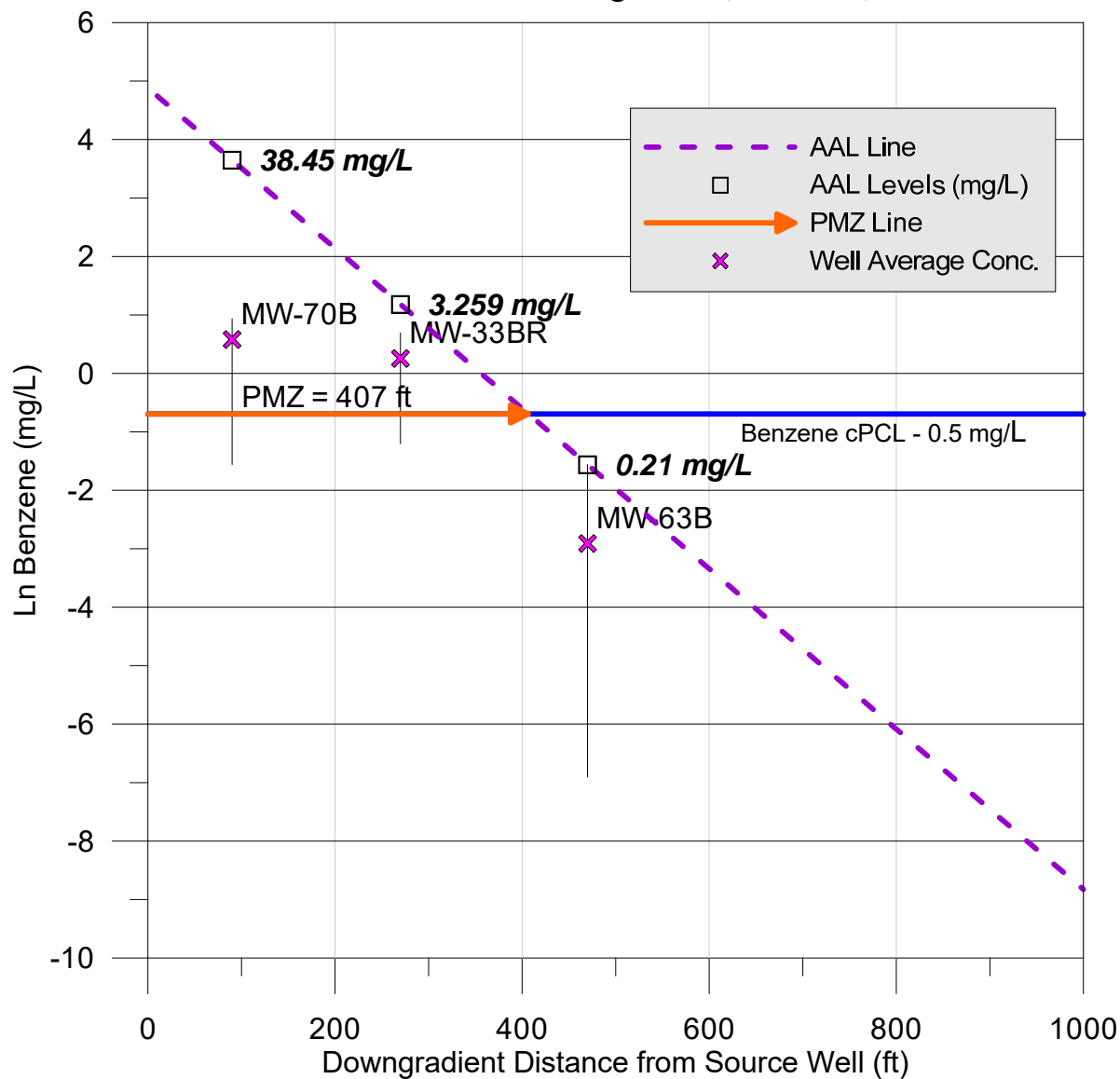
Source: Base map from ERM-Southwest, Inc APAR Addendum, Fig 3-1, dated June 2004.

<b>UNION PACIFIC RAILROAD CO.</b>		
<b>HOUSTON WOOD PRESERVING WORKS</b>		
Attachment 2D-3 <b>PMZ BOUNDARY MAP C-TZ</b>		
PROJECT: 1358	BY: BZH	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS		

**ATTACHMENT 2E**  
**ATTENUATION ACTION LEVELS DETERMINATION**

**ATTACHMENT 2E-6  
ATTENUATION ACTION LEVELS - B-CZ BENZENE**

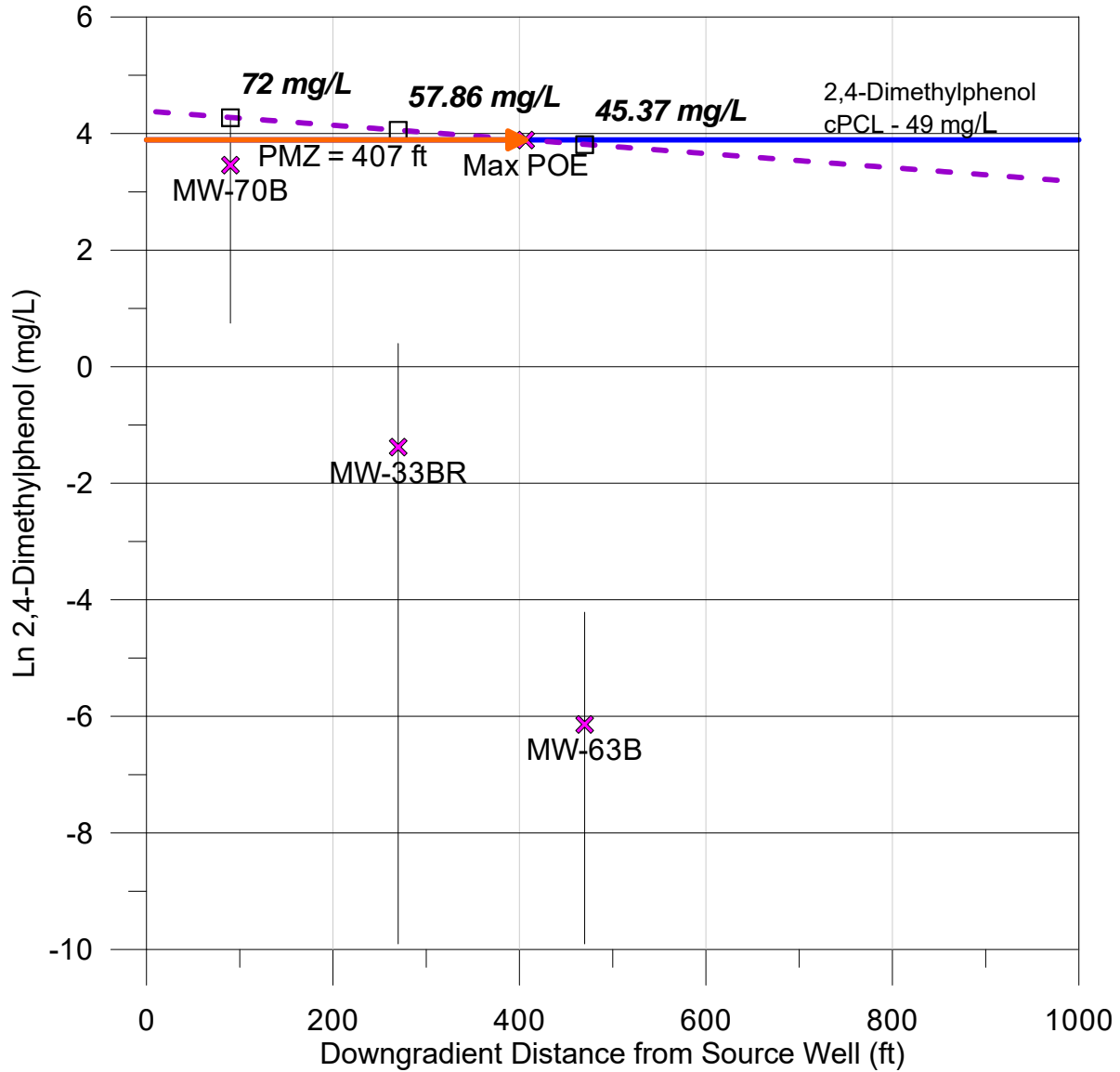
**UPRR Houston Wood Preserving Works, Houston, Texas**



Well	Max (mg/L)	Min (mg/L)	Avg (mg/L)	AALs (mg/L)
MW-70B	2.55	0.21	1.79	<b>38.4498</b>
MW-33BR	2	0.3	1.296166667	<b>3.2591</b>
MW-63B	0.21	0.001	0.054612	<b>0.2100</b>

**ATTACHMENT 2E-7  
ATTENUATION ACTION LEVELS - B-CZ 2,4-DIMETHYLPHENOL**

**UPRR Houston Wood Preserving Works, Houston, Texas**



Well	Max (mg/L)	Min (mg/L)	Avg (mg/L)	AALs (mg/L)
MW-70B	72	2.11	31.8775	<b>72.0000</b>
MW-33BR	1.49	0.00005	0.252306833	<b>57.8600</b>
MW-63B	0.0148	0.00005	0.0021658	<b>45.3700</b>



<b>Institutional Control</b> Associated Information: Appendices 4, 5	<b>RAP Worksheet 2.4</b> Page 1 of 1	
	ID No.: SWR ID 31547	Report Date: June 24, 2017 – Rev 3

Complete this worksheet if an institutional control will be used as part of the response action. Include a draft of the proposed institutional controls in Appendix 4. Provide a list of landowners from whom landowner concurrence will be requested, as necessary, in Appendix 5.

Specify the property for which this applies. **Union Pacific (on-site Deed Notice) and 53 properties (plus the City of Houston right of way) (Restrictive Covenants) falling within the proposed PMZs**

Repeat this worksheet for each different property for which an institutional control will be used. (*\*See Appendix 5 for full list of Worksheet 2.4 for each off-site property, map of properties, and summary table*)

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))	X				X		<b>Within 120 days of RAP approval</b>
Document use of physical or institutional control under Remedy Standard B §350.31(g))	X	X*			X	X*	<b>Within 120 days of RAP approval (off-site IC)</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))	X	X*			X	X*	<b>Within 120 days of RAP approval (off-site PMZ)</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))	X	X*			X	X*	<b>Within 120 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

# Monitoring and Sampling

Associated Information: Attachment 3A

## RAP Worksheet 3.1 Page 1 of 2

ID No.: SWR ID  
31547

Report Date: June 24, 2017 –  
Rev 3

List the monitoring and sampling of COC concentrations or other parameters that will be conducted during the response action. Illustrate the monitoring or sampling locations in Attachment 3A. If statistics or geostatistics will be used, provide details in Appendix 7. If monitoring or observation wells will be constructed for the response action, provide well construction details in Attachment 2B if not previously provided.

Monitored Media	COC <sup>1</sup>	Other parameter (specify)	Sampling Method <sup>2</sup>	Sampling points or locations <sup>3</sup>	Depth/Height <sup>4</sup> (ft.)	Analytical or Field Screening Method	Sampling or Monitoring Frequency <sup>5</sup>
Surface Soil	Site Specific SVOCs: Benzo(a)anthracene Benzo(a)pyrene Dibenzofuran 1,2-Diphenylhydrazine 2,4-Dinitrotoluene Fluoranthene Phenanthrene		Bulk sampling	PCLE zone excavation; and perimeter of proposed soil cap area to confirm soil PCLE zone for cap	Sidewalls and base of excavation; and near the soil cap from 0-5 feet bgs.	US EPA 8270	One time
Subsurface Soil	None						
Groundwater	Site-Specific VOCs		Same as APAR (low-flow sampling)	See Attachment 3A for list of wells	Middle of screened interval of monitoring well	US EPA 8260	Semi-Annual
	Site-Specific SVOCs		Same as APAR (low-flow sampling)	See Attachment 3A for list of wells	Middle of screened interval of monitoring well	US EPA 8270	Semi-Annual
	Arsenic, lead		Same as APAR (low-flow sampling)	See Attachment 3A for list of wells	Middle of screened interval of monitoring well	US EPA 6010/6020	One-time to evaluate metals in groundwater.

Explain the reasons for the above-listed monitoring and sampling plan.

The monitoring and sampling plan for the groundwater PCLE zone was developed in accordance with PMZ monitoring procedures provided in §350.33(f)(4)(D). As specified therein, AMPs were established at a hydraulically upgradient location within the PCLE zone for each unit (A-TZ,

<sup>1</sup> Specify the COCs to be monitored in this media. List either type of COC (such as VOCs, metals) if all the COCs of that type will be monitored the same way.

<sup>2</sup> Describe the sampling or monitoring methods and QC procedures in Appendix 1 unless the proposed sampling or monitoring procedure is the same as the sampling or monitoring procedure described in the APAR.

<sup>3</sup> Specify the sampling or monitoring point, such as the specific monitor well or general sampling or monitoring location.

<sup>4</sup> Specify the depth or height of the sampling or monitoring points.

<sup>5</sup> Specify the frequency at which this monitoring or sampling will occur.

## Monitoring and Sampling

Associated Information: Attachment 3A

## RAP Worksheet 3.1 Page 2 of 2

ID No.: SWR ID  
31547

Report Date: June 24, 2017 –  
Rev 3

B-CZ/B-TZ, and C-TZ) and at locations continuing down the approximate central flow path to the downgradient extent of the on-site and off-site PMZ. These are the AMPs for which AALs were developed as detailed in Attachment 2E. Selected monitoring wells (i.e., corrective action observation wells) not located along the approximate central flow path will continue to be monitored to evaluate potential migration of the PCLE Zone at the upgradient, cross-gradient, and downgradient POEs. Monitoring wells (including wells proposed to be POE and AMP wells) within the Off-Site PMZ that is currently pending will be sampled along with the corrective action observation wells until the Off-Site PMZ is established. The four D-TZ monitoring wells will also be sampled to evaluate the potential for vertical migration of COCs to the underlying water-bearing zone. Semi-annual monitoring of the wells is proposed based on the stability of the PCLE zone and absence of potential receptors in the area. With the main source area proposed to be capped, most of the monitoring wells within the capped area will be plugged and abandoned. Selected monitoring wells will be modified (surface completion) following the cap construction (MW-19C and MW-23C).

Additional POE wells are proposed to be installed in the B-CZ/B-TZ off-site (two wells (PMW-83B and PMW-84B,) and in the C-TZ off-site (four well (PMW-83C, PMW-85C, PMW-87C, and PMW-88C)). Details of the well construction are provided in Attachment 2B.

**ATTACHMENT 3A**  
**MAP OF MONITORING AND SAMPLING POINTS**

**EXPLANATION**

- UPRR Property Boundary
- ◆ A-TZ Monitoring Well Location
- ◆ B-CZ/B-TZ Monitoring Well Location
- ◆ C-TZ Monitoring Well Location
- ◆ D-TZ Monitoring Well Location
- Corrective Action System Well (DNAPL Recovery)
- Groundwater PCLE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
- MW-27A Alternate Groundwater Point of Exposure (POE)
- MW-16A Attenuation Monitoring Point (AMP)
- MW-27A RCRA Unit No. 1 Point of Compliance (POC) Well
- Proposed Monitoring Well
- Proposed Cumulative PMZ (A-TZ, B-CZ/B-TZ, and C-TZ)
- On-Site PMZ
- Off-Site PMZ
- Off-Site PMZ City of Houston ROW
- \*Off-Site PMZ - Currently Proposed, Pending Deed Recordation

- Notes:**
1. Vertical datum based on City of Houston Vertical Datum (HVD).
  2. DNAPL = Dense non-aqueous phase liquids detected in monitoring well (July 2014).
  3. \*\* - Corrective Action observation well.
  4. (B) - Background Well.

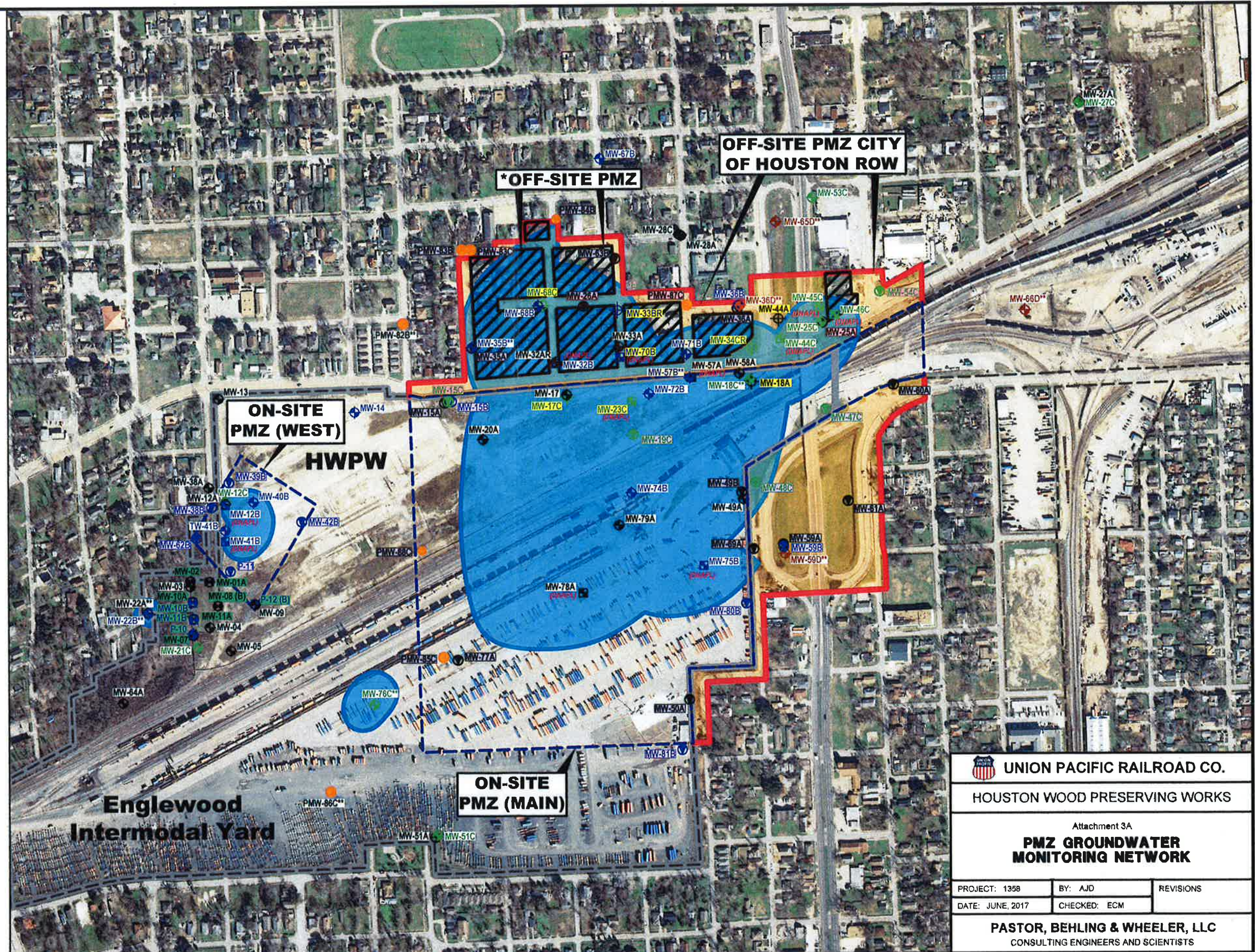


Approx. Scale in Feet  
0 200 400

Source:  
Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.



Texas Geosciences Firm No. 50248



<b>UNION PACIFIC RAILROAD CO.</b> HOUSTON WOOD PRESERVING WORKS		
Attachment 3A <b>PMZ GROUNDWATER MONITORING NETWORK</b>		
PROJECT: 1358	BY: AJD	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS		

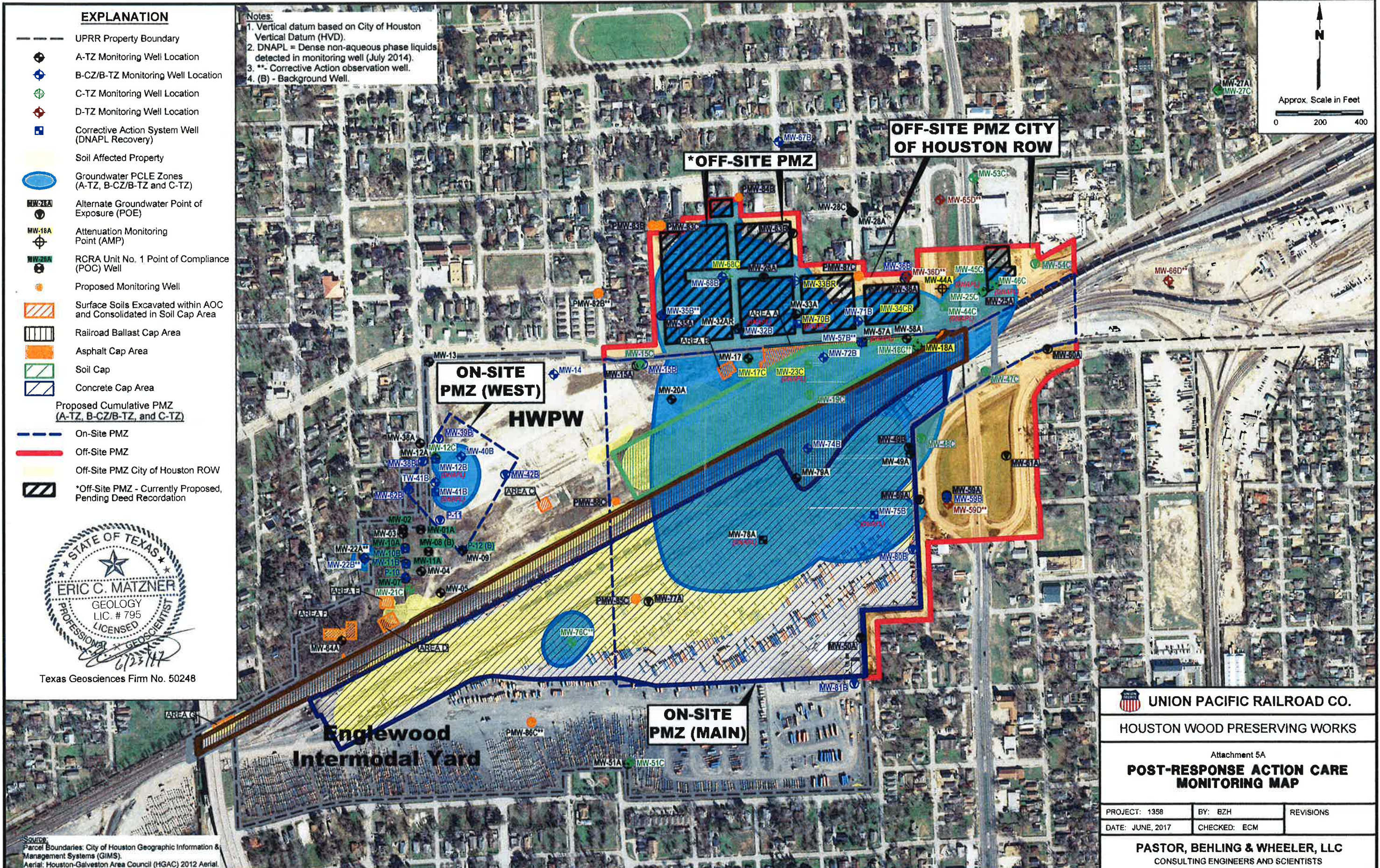
**ATTACHMENT 5A**

**MAP OF POST-RESPONSE ACTION CARE MONITORING AND SAMPLING POINTS**

**EXPLANATION**

- UPRR Property Boundary
- ◆ A-TZ Monitoring Well Location
- ◆ B-CZ/B-TZ Monitoring Well Location
- ◆ C-TZ Monitoring Well Location
- ◆ D-TZ Monitoring Well Location
- Corrective Action System Well (DNAPL Recovery)
- Soil Affected Property
- Groundwater PCLE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
- Alternate Groundwater Point of Exposure (POE)
- Attenuation Monitoring Point (AMP)
- RCRA Unit No. 1 Point of Compliance (POC) Well
- Proposed Monitoring Well
- ▨ Surface Soils Excavated within AOC and Consolidated in Soil Cap Area
- ▨ Railroad Ballast Cap Area
- ▨ Asphalt Cap Area
- ▨ Soil Cap
- ▨ Concrete Cap Area
- Proposed Cumulative PMZ (A-TZ, B-CZ/B-TZ, and C-TZ)
- On-Site PMZ
- Off-Site PMZ
- Off-Site PMZ City of Houston ROW
- ▨ \*Off-Site PMZ - Currently Proposed, Pending Deed Recordation

**Notes:**  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).  
 2. DNAPL = Dense non-aqueous phase liquids detected in monitoring well (July 2014).  
 3. \*\* - Corrective Action observation well.  
 4. (B) - Background Well.



Texas Geosciences Firm No. 50248

<b>UNION PACIFIC RAILROAD CO.</b>		
HOUSTON WOOD PRESERVING WORKS		
Attachment 5A		
<b>POST-RESPONSE ACTION CARE MONITORING MAP</b>		
PROJECT: 1358	BY: BZH	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS		

SOURCE:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.

## **APPENDICIES**



**APPENDIX 4**  
**PROPOSED INSTITUTIONAL CONTROLS**

## DEED NOTICE

STATE OF TEXAS           §  
COUNTY OF               §       KNOW ALL MEN BY THESE PRESENTS THAT:  
HARRIS                     §

This Notice is filed to provide information concerning certain environmental conditions and/or use restrictions pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) identified as the Former Houston Wood Preserving Works (HWPW) Site (124.8360 Acres) is described by metes and bounds on Exhibit A, attached hereto and incorporated herein by reference, and depicted on the map portion of Exhibit A.. Portions of the soil and groundwater underlying the Property contain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP. The Affected Property is shown on Exhibit B.

As detailed in the Response Action Plan (RAP) (PBW, 2015), target chemicals of concern in soil and groundwater media were detected within the Affected Property and Protective Concentration Level (PCL) Exceedance (PCLE) Zone in surface and subsurface soils.

### PCLE Zones

#### *Soils*

Comparing the surface and subsurface soil analytical data to the appropriate critical PCLs, concentrations of 15 chemicals of concern exceeded their respective critical PCLs (cPCLs):

<u>Surface Soils</u>	<u>cPCL</u> <u>(mg/kg)</u>	<u>Subsurface Soils</u>	<u>cPCL</u> <u>(mg/kg)</u>
<ul style="list-style-type: none"><li>• 1,2-Diphenylhydrazine</li><li>• 2,4-Dinitrotoluene</li><li>• 2-Methylnaphthalene</li><li>• Benzene</li><li>• Benzo(a)anthracene</li><li>• Benzo(a)pyrene</li><li>• Dibenzofuran</li><li>• Naphthalene</li><li>• Pentachlorophenol</li><li>• Arsenic</li><li>• Lead</li></ul>	<ul style="list-style-type: none"><li>0.23</li><li>0.049</li><li>378</li><li>0.10</li><li>170</li><li>17</li><li>743</li><li>189</li><li>0.12</li><li>200</li><li>275</li></ul>	<ul style="list-style-type: none"><li>• 2-Methylnaphthalene</li><li>• Benzene</li><li>• Naphthalene</li><li>• Pentachlorophenol</li></ul>	<ul style="list-style-type: none"><li>378</li><li>0.105</li><li>192</li><li>0.12</li></ul>

*Groundwater*

Based on the maximum groundwater analytical data detailed in the RAP, concentrations of the following 23 target chemicals of concern exceeded their cPCLs:

<u>VOCs</u>	<u>cPCL</u> <u>(mg/L)</u>	<u>SVOCs</u>	<u>cPCL (mg/L)</u>
<ul style="list-style-type: none"> <li>• Benzene</li> <li>• Ethylbenzene</li> <li>• Methylene Chloride</li> <li>• Toluene</li> <li>• Vinyl Chloride</li> </ul>	0.005 0.70 0.005 1 0.002	<ul style="list-style-type: none"> <li>• 2,4-Dimethylphenol</li> <li>• 2,6-Dinitrotoluene</li> <li>• 2-Methylnaphthalene</li> <li>• Acenaphthene*</li> <li>• Anthracene *</li> <li>• Benzo(a)anthracene</li> <li>• Benzo(a)pyrene</li> <li>• Bis(2-chloroethoxy)methane*</li> <li>• Chlorobenzene</li> <li>• Chrysene *</li> <li>• Dibenzofuran</li> <li>• Fluoranthene *</li> <li>• Fluorene *</li> <li>• Naphthalene</li> <li>• Pentachlorophenol</li> <li>• Phenanthrene *</li> <li>• Phenol</li> <li>• Pyrene *</li> </ul>	1.5 0.0013 0.29 4.4 7.3 0.0028 0.0002 0.006  0.28 0.29 2.9 2.9 1.5 0.001 2.2 7.3 2.2

\* - COC only detected in wells with DNAPL present

Creosote dense non-aqueous phase liquid (DNAPL) has been detected in the groundwater bearing units A-TZ, B-CZ, B-TZ, and C-TZ as noted in soil borings and monitoring wells.

This Notice is required for the following reasons:

Commercial/Industrial Land Use

The Property (124.8360 Acres), including the Affected Property, shown on Exhibit A currently meets TRRP standards for commercial/industrial land use, as the property may not be protective for residential use. If any person desires in the future to use the Property for residential purposes, the TCEQ must be notified at least 60 days in advance of such use and additional response actions may be necessary before the Property may be used for residential purposes. Persons contemplating a change in land use for the Property are encouraged to review the definitions for commercial/industrial and residential land use contained in TRRP as the definition of residential land use is broad.

Use of Physical Control on Soil

The Affected Property is subject to the TRRP requirements for properties containing

concentrations of chemicals of concern in soil and is subject to the requirements in 30 TAC §350.33(e)(2) to prevent exposure to soils that contain a chemical of concern in excess of the protective concentration level. The attached Exhibit C, which includes Exhibits C-1, C-2, C-3, and C-4, describes and provides the location and metes and bounds of the physical controls and extent of the soil that exceeds the TCEQ-approved critical protective concentration levels for certain chemicals of concern. Physical controls include the following:

- Former HWPW Operating Area:
  - Soil Cap Area (7.1168 Acres) (Exhibit C-1): An engineered soil cap consisting of a vapor barrier with geotextile fabric, and 12-inches of clayey soil with 6-inches of topsoil was constructed to protect on-site commercial/industrial receptors. The physical control covers the consolidated soil and surface soil PCLE Zone on the former HWPW operating area. The soil cap is vegetated and sloped to minimize infiltration over the surface/subsurface soil PCLE Zone. The soil cap will be maintained under the post-response action care period.
  - Asphalt Road Cap (1.0419 Acres) (Exhibit C-2): For the SDD (SWMU 2) along the southern boundary of the HWPW, UPRR constructed the Asphalt Cap to protect on-site commercial/industrial receptors from surface soils with chemicals of concern at concentrations above cPCLs. The Asphalt Cap construction consisted of grading the existing road material, compacting and stabilizing the existing road material, and applying a hot mix asphalt with at least 2-inches minimum cover approximately 16 feet wide over the length of the roadway. The Asphalt Cap, which will restrict infiltration, was constructed to drain storm water away from the Soil and Asphalt Cap areas. The Asphalt Cap will be maintained under the post-response action care to ensure no exposure to the soils within the soil PCLE Zone covered by the cap.
- Englewood Intermodal Yard Concrete Cap Area (41.1398 Acres) (Exhibit C-3): The surface and subsurface soil PCLE zone in the Englewood Intermodal Yard area is currently covered with a physical barrier (concrete pavement), preventing contact with impacted soils for on-site workers. As part of the post-response action care, the concrete pavement in the area of the surface soil PCLE Zone will be routinely inspected to ensure on-site worker protection.
- UPRR Railroad Ballast Cap Area (10.4702 Acres) (Exhibit C-4): The area between the former HWPW operating area and the Englewood Intermodal Yard is covered with railroad ballast, ties, and rail. The existing railroad ballast in this area will be used as an engineering control for preventing on-site worker exposure to impacted surface soils. The railroad ballast area will be maintained as part of normal railroad operations. The track is owned and controlled by UPRR.

For each of these areas described above, signs will be posted with language stating restrictions on construction activity within the capped areas. In the event construction activities are necessary within a capped area, a health and safety plan will be implemented to ensure worker

protection from chemicals of concern in the underlying surface soils and a soil management plan will be developed if soils are excavated as part of the construction activities.

The attached Exhibit D also describes the required maintenance and monitoring required for the physical control. This program must be implemented unless and until TCEQ approves any modification. This deed notice must not be removed or modified without prior approval from TCEQ.

#### Plume Management Zone

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone (PMZ). A PMZ is defined as an area of groundwater containing concentrations of COCs exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). The undersigned has established a PMZ so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit E provides the location and extent of the on-site PMZs (56.2981 Acres). The Response Action Plan (RAP) submitted for the Site describes the maintenance and monitoring required. The maintenance and monitoring is required until TCEQ approves some modification to those requirements. Exposure to groundwater within the PMZ for any purpose is not advised until such time that all of the chemicals of concern no longer exceed their respective PCLs. This deed notice must not be removed or modified without prior approval from TCEQ.

#### Non-Aqueous Phase Liquid

The Affected Property is subject to the TRRP requirements for the management of mobile NAPL. The attached Exhibit E provides the general location of the NAPL present at the Property. Drilling, excavation, and groundwater pumping within or into the NAPL zone is prohibited unless proper safeguards are taken to protect human health and safety from any hazards associated with the NAPL. Any NAPL removed during any future subsurface activity must be properly handled and managed in accordance with all applicable state and federal rules and regulations. This deed notice must not be removed or modified without prior approval from TCEQ.

As of the date of this notice, the record owner of fee title to the Property is

**Union Pacific Railroad, 1400 Douglas Street, Omaha, Nebraska 68179.**

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle, Building E  
Austin, TX 78753

Mail: TCEQ – MC 199  
P.O. Box 13087  
Austin, TX 78711-3087

TCEQ Program and Identifier No.: **SWR 31547/IHW 50343**

This Notice may be rendered of no further force or effect only by a superseding deed notice executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Notice is filed.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**Union Pacific Railroad [OWNER & RESPONDER]**

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

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_

Notary Public in and for the State of Nebraska

County of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

***EXHIBIT "A"***  
***LEGAL DESCRIPTION OF PROPERTY***

**MATAGORDA COUNTY TEXAS**

**AYLETT C. BUCKNER LEAGUE ABSTRACT 10**

**OWNERSHIP TABLE**

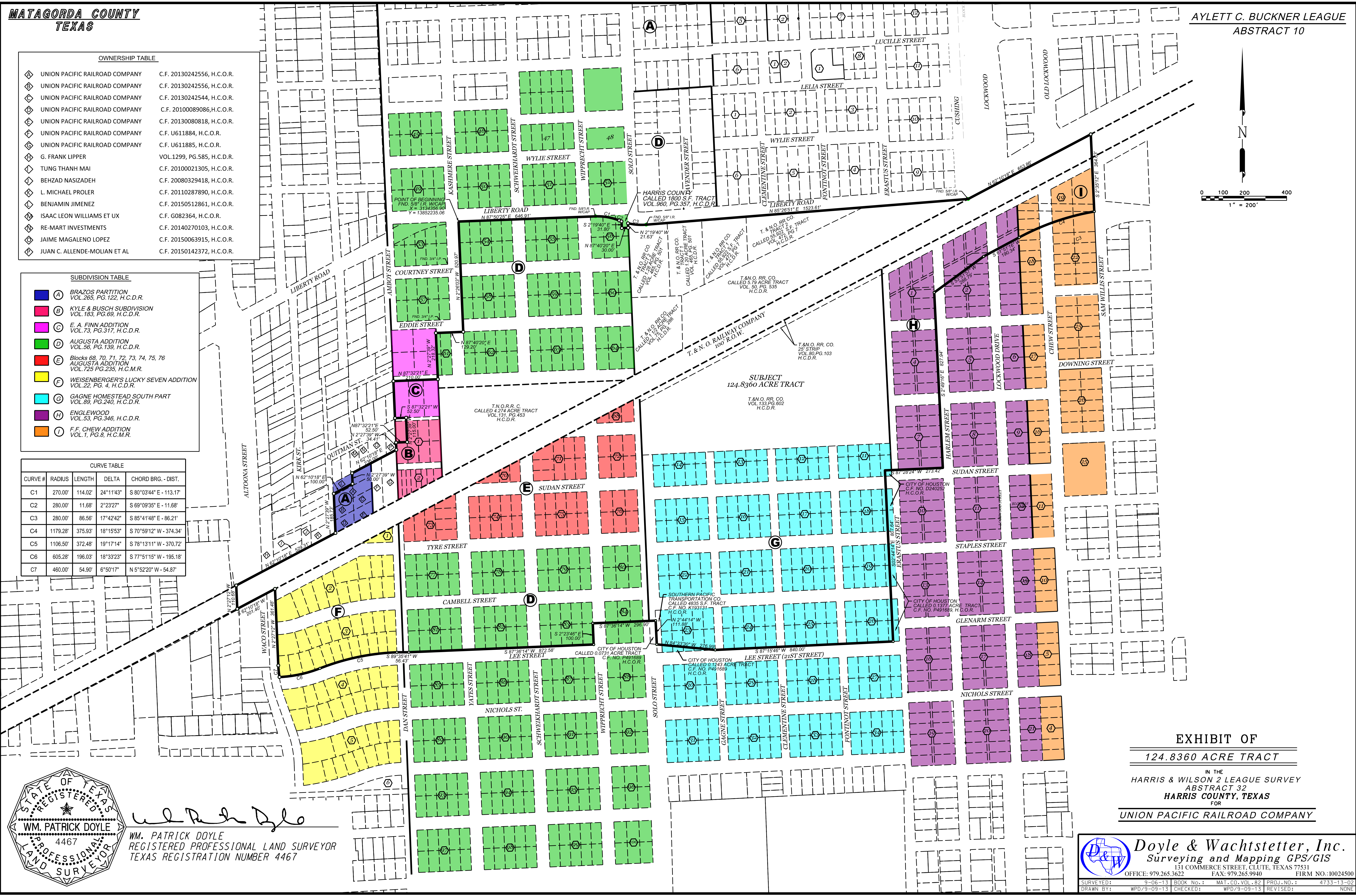
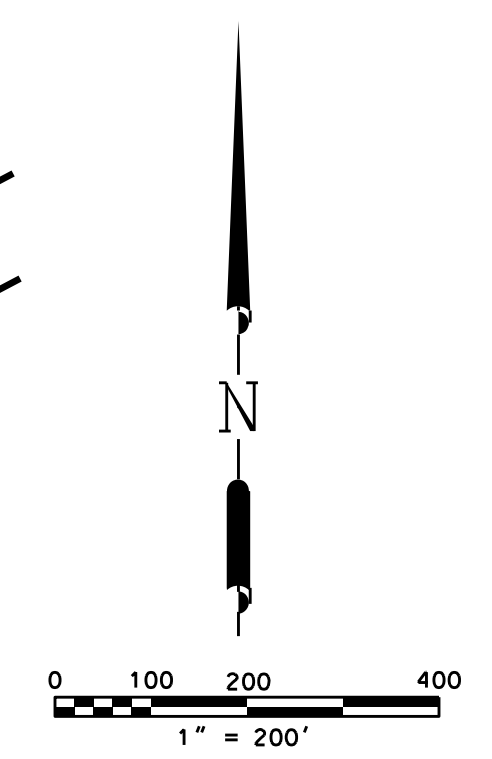
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UNION PACIFIC RAILROAD COMPANY	C.F. 20130242556, H.C.O.R.
UNION PACIFIC RAILROAD COMPANY	C.F. 20130242544, H.C.O.R.
UNION PACIFIC RAILROAD COMPANY	C.F. 20100089086, H.C.O.R.
UNION PACIFIC RAILROAD COMPANY	C.F. 20130080818, H.C.O.R.
UNION PACIFIC RAILROAD COMPANY	C.F. U611884, H.C.O.R.
UNION PACIFIC RAILROAD COMPANY	C.F. U611885, H.C.O.R.
G. FRANK LIPPER	VOL.1299, PG.585, H.C.D.R.
TUNG THANH MAI	C.F. 20100021305, H.C.O.R.
BEHZAD NASIZADEH	C.F. 20080329418, H.C.O.R.
L. MICHAEL PROLER	C.F. 20110287890, H.C.O.R.
BENJAMIN JIMENEZ	C.F. 20150512861, H.C.O.R.
ISAAC LEON WILLIAMS ET UX	C.F. G082364, H.C.O.R.
RE-MART INVESTMENTS	C.F. 20140270103, H.C.O.R.
JAIME MAGALENO LOPEZ	C.F. 20150063915, H.C.O.R.
JUAN C. ALLENDE-MOLIAN ET AL	C.F. 20150142372, H.C.O.R.

**SUBDIVISION TABLE**

<b>A</b>	BRAZOS PARTITION VOL.265, PG.122, H.C.D.R.
<b>B</b>	KYLE & BUSCH SUBDIVISION VOL.183, PG.69, H.C.D.R.
<b>C</b>	E. A. FINN ADDITION VOL.73, PG.317, H.C.D.R.
<b>D</b>	AUGUSTA ADDITION VOL.56, PG.139, H.C.D.R.
<b>E</b>	Blocks 68, 70, 71, 72, 73, 74, 75, 76 AUGUSTA ADDITION VOL.725 PG.235, H.C.M.R.
<b>F</b>	WEISENBERGER'S LUCKY SEVEN ADDITION VOL.22, PG. 4, H.C.D.R.
<b>G</b>	GAGNE HOMESTEAD SOUTH PART VOL.89, PG.240, H.C.D.R.
<b>H</b>	ENGLEWOOD VOL.53, PG.346, H.C.D.R.
<b>I</b>	F.F. CHEW ADDITION VOL.1, PG.8, H.C.M.R.

**CURVE TABLE**

CURVE #	RADIUS	LENGTH	DELTA	CHORD BRG. - DIST.
C1	270.00'	114.02'	24°11'43"	S 80°03'44" E - 113.17'
C2	280.00'	11.68'	2°23'27"	S 69°09'35" E - 11.68'
C3	280.00'	86.56'	17°42'42"	S 85°41'48" E - 86.21'
C4	1179.28'	375.93'	18°15'53"	S 70°59'12" W - 374.34'
C5	1106.50'	372.48'	19°17'14"	S 78°13'11" W - 370.72'
C6	605.28'	196.03'	18°33'23"	S 77°51'15" W - 195.18'
C7	460.00'	54.90'	6°50'17"	N 5°52'20" W - 54.87'



*Wm. Patrick Doyle*  
**WM. PATRICK DOYLE**  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS REGISTRATION NUMBER 4467

**EXHIBIT OF**  
**124.8360 ACRE TRACT**  
 IN THE  
**HARRIS & WILSON 2 LEAGUE SURVEY**  
**ABSTRACT 32**  
**HARRIS COUNTY, TEXAS**  
 FOR  
**UNION PACIFIC RAILROAD COMPANY**

**Doyle & Wachtstetter, Inc.**  
 Surveying and Mapping GPS/GIS  
 131 COMMERCE STREET, CLUTE, TEXAS 77531  
 OFFICE: 979.265.3622 FAX: 979.265.9940 FIRM NO.: 10024500  
 SURVEYED: 9-06-13 BOOK No.: MAT. CO. VOL. 82 PROJ. NO.: 4733-13-02  
 DRAWN BY: WPD/9-09-13 CHECKED: WPD/9-09-13 REVISED: NONE

USER: SPERSON  
 TIME: 4 TIME  
 REFERENCE





# **Doyle & Wachtstetter, Inc**

Surveying and Mapping • GPS/GIS

# EXHIBIT A

## **UNION PACIFIC RAILROAD COMPANY**

**124.8360 ACRE TRACT**

**HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32**

**HARRIS COUNTY, TEXAS**

**PAGE 1 OF 7**

**BEING ALL THAT CERTAIN** 124.8360 acre tract of land, lying and situated in the Wilson and Harris 2 League Grant, Abstract 32, Harris County Texas, being a portion of that certain 100 foot wide Texas and New Orleans Railroad right-of-way, All of lots 1 through 10, Block 54, all of Lots 1 through 10, Block 55, all of Lots 4 through 6 and a part of Lots 1 through 3, Block 56, all of Lots 1 through 10, Block 58, all of Lots 1 through 10, Block 59, all of Lots 1 through 6, Block 60, all of Lots 5 and 6 and part of Lots 4 and 7, Block 61, all of Lots 1 through 10, Block 62, all of Lots 1 through 10, Block 63, all of Lots 1 through 6, Block 64, all of Lots 1 through 10, Block 77, all of Lots 1 through 10, Block 78, all of Lots 1 through 10, Block 79, all of Lots 1 through 6, Block 80, all of Lots 1 through 10, Block 81, all of Lots 1 through 10, Block 82, all of Lots 1 through 10, Block 83, all of Lots 1 through 3, Block 84, all of Courtney Street (14<sup>th</sup> Street), all of Eddie Street (15<sup>th</sup> Street), all of 60 foot wide 16<sup>th</sup> Street, and all of 60 foot wide Tyre Street (19<sup>th</sup> Street), all of 60 foot wide Campbell Street (20<sup>th</sup> Street), a portion of 60 foot wide Amboy Street (Dan Street), a portion of 60 foot wide Kashmere Street (Yates Street), a portion of 60 foot wide Schweikhart Street, a portion of 60 foot wide Wipprecht Street, and a portion of Solo Street as shown on the map of Augusta Addition, according to the map or plat recorded in Volume 56, Page 139 of the Harris County Deed Records (H.C.D.R.); All of Lots 1 through 3, Block 68, all of Lots 1 through 3, Block 70, all of Lots 1 through 8, Block 71, all of Lots 1 through 6, Block 72, all of Lots 1 through 7, Block 73, all of Lots 1 through 10, Block 74, all of Lots 1 through 10, Block 75, all of Lots 1 through 6, Block 76, all of 60 foot wide Tunis Street (17<sup>th</sup> Street), all of 60 foot wide Sudan Street (18<sup>th</sup> Street), all of 60 foot wide Tyre Street (19<sup>th</sup> Street), a portion of Amboy Street (Dan Street), all of 60 foot wide Yates Street (Elmer Street), all of 60 foot wide Schweikhart Street, all of 60 foot wide Wipprecht Street, all of Solo Street (Gus Street) as shown on the map of the Subdivision of Blocks 68, 70, 71, 72, 73, 74, 75, 76 Augusta Addition, according to the map or plat recorded in Volume 725, Page 235 of the H.C.D.R.; All of Lots 5 through 7, as shown on the map of the E. A. Finn Subdivision, according to the map or plat recorded in Volume 73, Page 317 of the H.C.D.R.; All of Lots 2 through 8, Block 1, all of Lots 1 through 8, Block 2, a portion of 15 foot wide 1<sup>st</sup> Street, all of 30 foot wide 2<sup>nd</sup> Street as shown on the map of A. H. Kyle Subdivision (a.k.a. Busch and Kyle Subdivision), according to the map or plat recorded in Volume 183, Page 68 of the H.C.D.R.; All of Block 1, all of Lots 1 through 14, Block 2, all of Lots 1 through 21, Block 3, all of Tyre Street, all of Campbell Street and all of Amboy Street (Dan Street) as shown on the map of Weisenberger's Lucky Seven Addition, according to the map or plat recorded in Volume 22, Page 4 of the H.C.D.R.; All of Block 5, all of Lots 1 through 10, Block 7, all of Lots 1, 2, 9 and 10, Block 8, all of Lots 1 through 5 and 7 through 10, and a portion of Lot 6, Block 11, all of Lots 1 through 10, Block 12, all of Lots 1 through 10, Block 13, all of Lots 1 through 10, Block 14, all of Lots 1 through 10, Block 15, all of Lots 1 through 10, Block 16, all of Lots 1 through 10, Block 17, all of Lots 1 through 4 and 7 through 10 and a portion of Lots 5 and 6, Block 18, all of Lots 1 through 4 and 7 through 10 and a portion of Lots 5 and 6, Block 19, all of Lots 1 through 10, Block 20, all of Lots 1 through 10, Block 21, all of Lots 1 through 10, Block 22, all of Lots 1 through 10, Block 23, all of Lots 1 through 10, Block 24, all of Lots 1 through 10, Block 25, all of Lots 1 through 4 and 7 through 10 and a portion of Lots 5 and 6, Block 26, all of 60 foot wide 16<sup>th</sup> Street, all of 60 foot wide 17<sup>th</sup> Street, all of 60 foot wide 18<sup>th</sup> Street, all of 60 foot wide 19<sup>th</sup> Street, all of 60 foot wide 20<sup>th</sup> Street, a portion of 40 foot wide Solo Street (Joseph Street), a portion of 40 foot wide Gagne Street, a portion of 40 foot wide Clementine Street, a portion of 40 foot wide Fontinot Street, as shown on the map of the South Part of the Gagne Homestead, according to the map or plat recorded in Volume 89, Page 240 of the H.C.D.R.; All of Lots 1 through 10, Block 1, all of Lots 1 through 4, a portion of Lots 5 through 7 and a portion of Lots 15 and 16, Block 2, all of Lots 1 and 2 and a portion of Lot 3, Block 3, all of Lots 1 through 12, Block 4, all of Lots 1 through 12 Block 7, All of 60 foot wide New Orleans Avenue, a portion of 50 foot wide Grumbach Street, a portion of 50 foot wide Tunis Street (Jones Street), a portion of Erastus Street (Sunset Avenue), a portion of 50 foot wide Harlem Street (Baer Avenue), a portion of 50 foot wide Lockwood Drive (Cushing Avenue) as shown on the map of Englewood Subdivision, according to the map or plat recorded in Volume 53, Page 346 of the H.C.D.R.; All of Lots 1 through 6, Block 17, all of Lots 1 through 10, Block 18, all of Lots 1 through 3, Block 19, a portion of Lots 1 and 10, Block 22, a portion of 60 foot wide Wallisville Road, a portion of 50 foot wide Chew Avenue, as shown on the map of F. F. Chew Addition, according to the map or plat recorded in Volume 1, Page 8 of the Harris County Map Records (H.C.M.R.); All that certain 25 foot wide strip conveyed by deed recorded on January 2, 1895 from Clementine Gagne, et al to Texas and New Orleans Railroad Company, as recorded in Volume 80, Page 103 of the H.C.D.R.; All that certain called 4.274 acre tract conveyed by deed recorded on October 29, 1901 from Ida Japhet to Texas and New Orleans Railroad Company, as recorded in Volume 131, Page 453 of the H.C.D.R.; All that certain tract of land conveyed by deed recorded on March 12, 1902 from H. M. Curtin to Texas and New Orleans

**UNION PACIFIC RAILROAD COMPANY  
124.8360 ACRE TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 2 OF 7**

Railroad Company, as recorded in Volume 133, Page 602 of the H.C.D.R.; All that certain called 1.28 acre tract and all that certain called 1.20 acre tract of land conveyed by deed recorded on February 8, 1921 from W. N. Reece to Texas & New Orleans Railroad Company as recorded in Volume 465, Page 501 of the H.C.D.R.; All that certain called 55,922 square foot tract of land and all that certain called 55,922 square foot tract of land conveyed by deed recorded on February 7, 1921 from W. N. Reece to Texas & New Orleans Railroad Company as recorded in Volume 472, Page 7 of the H.C.D.R.; all that certain called 1.5 acre tract of land conveyed by deed recorded on August 15, 1894 from R. B. Baer to Texas & New Orleans Railroad Company as recorded in Volume 75, Page 286 of the H.C.D.R.; All that certain called 5.79 acre tract of land conveyed by deed recorded on July 24, 1890 from R. B. Baer to Texas & New Orleans Railroad Company as recorded in Volume 50, Page 535 of the H.C.D.R.; All of Tracts 1 through 7 and a portion of Tract 8 of the Partition of heirs of Samuel Brazos as recorded on March 10, 1911 and recorded on Volume 265, Page 122 of the H.C.D.R., and being same following described tracts: All that certain called 0.4054 acre tract of land being Tract 1 and 2 and a portion of Tract 8 of said Samuel Brazos partition, conveyed by deed recorded on May 20, 2013 from C. C. Cody, et al to Union Pacific Railroad Company as recorded in Clerk's File No. 20130242556 of the Harris County Official Records (H.C.O.R.); All that certain 60' x 100' tract of land being Tract 3 of said Samuel Brazos partition, conveyed by deed recorded on May 20, 2013 from C. C. Cody, et al to Union Pacific Railroad Company as recorded in Clerk's File No. 20130242544 of the H.C.O.R.; All that certain 60' x 100' tract of land, being Tract 4 of said Samuel Brazos partition, conveyed by deed recorded on February 21, 2013 from C. C. Cody to Union Pacific Railroad Company as recorded in Clerk's File No. 20130080818 of the H.C.O.R.; All that certain 60' x 100' tract of land, being Tract 5 of said partition, conveyed by deed recorded on March 8, 2010 from C. C. Cody, et al to Union Pacific Railroad Company as recorded in Clerk's File No. 20100089086 of the H.C.O.R.; All that certain 60' x 100' tract of land, being Tract 6 of said Samuel Brazos partition, conveyed by deed recorded on August 30, 2011 from C. C. Cody to Union Pacific Railroad Company as recorded in Clerk's File No. 20110322055 of the H.C.O.R.; all that certain tract, being the West 50 feet of a called 136 foot by 223 foot tract conveyed by deed recorded on September 12, 2000 from Cousins Investment Company to Union Pacific Railroad Company as recorded in Clerk's File No. U618884 of the H.C.O.R., and all that certain tract described in deed recorded on September 12, 2000 from Cousins Investment Company to Union Pacific Railroad Company, as recorded in Clerk's File No. U618885 of the H.C.O.R.; a portion of all that certain called 4835 acre tract conveyed by deed recorded on September 6, 1985 from Lawyers Title Company of Houston to Southern Pacific Transportation Company as recorded in Clerk's File No. K193131 of the H.C.O.R., the herein described 124.8360 acre tract land hereby conveyed being more particularly described by metes and bounds, using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.= 0.99989548017) as follows:

**BEGINNING** at a 5/8" iron rod found marking the northwest corner of Block 54 of said Augusta Addition, located at the intersection of the southern right-of-way boundary line of Liberty Road with the eastern right-of-way boundary line of 60 foot wide Kashmere Street, for the northwest corner of the herein described 124.8360 acre tract, at position X=31334356.21 and Y=13852234.79;

**THENCE** North 87°50'25" East, coincident with the southern right-of-way boundary line of said Liberty Road, a distance of 646.91 feet to a 5/8" iron rod found marking the point of curvature of a curve to the right, having a radius of 270.00 feet, at position X=3135002.60 and Y=13852259.17;

**THENCE** in an easterly direction, coincident with the southern right-of-way boundary line of said Liberty Road, along said curve to the right, having a radius of 270.00 feet, a central angle of 24°11'43", an arc length of 114.02 feet and chord bearing and distance of South 80°03'44" E - 113.17 feet to the point of curvature of a reverse curve to the left, having a radius of 180.00 feet, at position X=3135114.06 and Y=13852239.64;

**THENCE** in an easterly direction, coincident with the southern right-of-way boundary line of said Liberty Road, along said curve to the left, having a radius of 280.00 feet, a central angle of 2°23'27", an arc length of 11.68 feet and chord bearing and distance of South 69°09'35" E - 11.68 feet to a point for corner, located in the western boundary line of all that certain called 1800 square foot tract of land, conveyed by deed recorded on August 18, 1934 from Bettie J. Pullen, et al to the County of Harris, as recorded in Volume 960, Page 357 of the H.C.D.R., at position X=3135124.98 and Y=13852235.49; ;

**THENCE** South 2°19'40" East, coincident with the western boundary line of said County of Harris called 1800 square foot tract of land, a distance of 31.80 feet to an angle corner of the herein described 124.8360 acre tract, at position X=3135126.27 and Y=13852203.71;

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**THENCE** North  $87^{\circ}40'20''$  East, coincident with the southern boundary line of said County of Harris called 1800 square foot tract of land, a distance of 30.00 feet to point located on the eastern boundary line of said County of Harris called 1800 square foot tract of land, same being the eastern boundary line of Lot 3, Block 56 of said Augusta Addition, for an angle corner of the herein described 124.8360 acre tract, at position  $X=3135156.24$  and  $Y=13852204.93$ ;

**THENCE** North  $2^{\circ}19'40''$  West, coincident with the eastern boundary line of said County of Harris called 1800 square foot tract of land, same being the eastern boundary line of Lot 3, Block 56 of said Augusta Addition, a distance of 21.63 feet to a point located in the southern right-of-way boundary line of said Liberty Road, located on a curve to the left, having a radius of 280.00 feet, for an angle corner of the herein described 124.8360 acre tract, at position  $X=3135155.36$  and  $Y=13852226.54$ ;

**THENCE** in an easterly direction, coincident with the southern right-of-way boundary line of said Liberty Road, along said curve to the left, having a radius of 280.00 feet, a central angle of  $17^{\circ}42'42''$ , an arc length of 86.56 feet and chord bearing and distance of South  $85^{\circ}41'48''$  E - 86.21 feet to a point for corner, at position  $X=3135241.32$  and  $Y=13852220.07$ ;

**THENCE** North  $85^{\circ}26'51''$  East, coincident with the southern boundary right-of-way boundary line of said Liberty Road, same being the northern boundary line of said Texas and New Orleans Railway Company called 1.28 acre tract, said Texas and New Orleans Railway Company called 1.20 acre tract, said Texas and New Orleans Railway Company called 55,922 square foot tract (Tract 1), said Texas and New Orleans Railway Company called 55,922 square foot tract (Tract 2), said Texas and New Orleans Railway Company called 5.79 acre tract, a distance of 1523.61 feet to a point located on the northeastern right-of-way boundary line of said Texas and New Orleans Railroad Company 100 foot wide right-of-way, for an angle corner of the herein described 124.8360 acre tract, at position  $X=3136759.96$  and  $Y=13852340.99$ ;

**THENCE** North  $62^{\circ}10'18''$  East, coincident with the southeastern right-of-way boundary line of said Liberty Road same being the northwestern boundary line of said Texas and New Orleans Railroad Company 100 foot wide right-of-way, a distance of 653.86 feet to the intersection of said southeastern right-of-way boundary line of said Liberty Road, the northwestern boundary line of said Texas and New Orleans 100 foot wide right-of-way and the northerly extension of the western right-of-way boundary line of Sam Mills Street (Berry Street) as shown on the said plat of F. F. Chew Addition, for the northeast corner of the herein described 124.8360 acre tract, at position  $X=3137338.15$  and  $Y=13852646.20$ ;

**THENCE** South  $2^{\circ}35'12''$  East, coincident with the northerly extension of the western right-of-way boundary line of said Sam Mills Street (Berry Street) as shown on the said plat of F. F. Chew Addition, a distance of 364.63 feet to a point located in the northern right-of-way boundary line of Wallisville Road (right-of-way varies), on a curve to the left, having a radius of 1179.28 feet, for an angle corner of the herein described 124.8360 acre tract, at position  $X=3137354.60$  and  $Y=13852281.98$ ;

**THENCE** in a southwesterly direction, coincident with the northwestern right-of-way boundary line of said Wallisville Road along said curve to the left, having a radius of 1179.28 feet, a central angle of  $18^{\circ}15'53''$ , an arc length of 375.93 feet and chord bearing and distance of South  $70^{\circ}59'12''$  West - 374.34 feet to a point for corner, at position  $X=3137000.72$  and  $Y=13852160.04$ ;

**THENCE** South  $61^{\circ}51'16''$  West, coincident with the northwestern right-of-way boundary line of said Wallisville Road, a distance of 190.34 feet to an angle corner of the herein described 124.8360 acre tract, at position  $X=3136832.90$  and  $Y=13852070.26$ ;

**THENCE** South  $53^{\circ}51'57''$  West, coincident with the northern right-of-way boundary line of said Wallisville Road, a distance of 288.79 feet to a point located on the western right-of-way boundary line of 50 foot wide Harlem Street (Baer Avenue) as shown on the map of Englewood, same being the eastern boundary line of Block 1 of said Englewood subdivision, for an angle corner of the herein described 124.8360 acre tract, at position  $X=3136599.69$  and  $Y=13851899.99$ ;

**THENCE** South  $2^{\circ}49'16''$  East, coincident with the western right-of-way boundary line of said 50 foot wide Harlem Street (Baer Avenue), a distance of 827.94 feet to the intersection of the western right-of-way boundary line of said 50 foot wide Harlem Street and the northern right-of-way boundary line of 50 foot wide Sudan Street (Wilson St.), for the southeast corner of Block 7 of said Englewood subdivision and an angle corner of the herein described 124.8360 acre tract, at position  $X=3136640.44$  and  $Y=13851073.13$ ;

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**THENCE** South 87°28'24" West, coincident with the northern right-of-way boundary line of 50 foot wide Sudan Street (Wilson St.), at a distance of 210.00 feet pass the West right-of-way boundary line of said Erastus Street as shown on the plat of said Englewood subdivision, same being the eastern boundary line of Block 11 of the South Part of Gagne Homestead, continuing a total distance of 273.42 feet to a point located in the western right-of-way boundary line of Erastus Street, conveyed by deed recorded on December 31, 1970 from Southern Pacific Transportation Company to the City of Houston, as recorded in Clerk's File No. D240252 of the H.C.O.R., for an angle corner of the herein described 124.8360 acre tract, at position X=3136367.32 and Y=13851061.08;

**THENCE** South 2°44'14" East, coincident with the western right-of-way boundary line of Erastus Street, being a 30 foot wide strip conveyed by Southern Pacific Transportation Company to the City of Houston, as recorded in Clerk's File No. D240252 and a 30 foot wide strip conveyed by deed recorded on October 7, 1993 from Southern Pacific Transportation Company to the City of Houston in Clerk's File No. P491689 of the H.C.O.R., a distance of 807.64 feet to a point located in the northern right-of-way boundary line of 60 foot wide Lee Street, same being the southern boundary line of Block 26 of said South Part of Gagne Homestead, for an angle corner of the herein described 124.8360 acre tract, at position X=3136405.88 and Y=13850254.45;

**THENCE** South 87°15'46" West, coincident with the northern right-of-way boundary line of said 60 foot wide Lee Street, same being the southern boundary line of Blocks 24, 25 and 26 of said South Part of Gagne Homestead, a distance of 840.00 feet to the southeast corner of Block 23 of said South Part of Gagne Homestead, same being the East corner of all that certain called 0.1243 acre tract of land conveyed by deed recorded on October 7, 1993 from Southern Pacific Transportation Company to the City of Houston in Clerk's File No. P491689 of the H.C.O.R., for an angle corner of the herein described 124.8360 acre tract, at position X=3135566.93 and Y=13850214.33;

**THENCE** North 84°33'30" West, coincident with the northern boundary line of said City of Houston, called 0.1243 acre tract, a distance of 276.99 feet to a point located in the western boundary line of said South Pacific Transportation Company called 4835 square foot tract, same being the eastern right-of-way boundary line of Solo Street, for an angle corner of the herein described 124.8360 acre tract, at position X=3135291.22 and Y=13850240.60;

**THENCE** North 2°44'14" West, coincident with the western right-of-way boundary line of said Solo Street, same being the eastern boundary line of said Southern Pacific Transportation Company called 4835 square foot tract, a distance of 111.88 feet to an angle corner of the herein described 124.8360 acre tract, at position X=3135285.88 and Y=13850352.35;

**THENCE** South 87°36'14" West, at a distance of 60.00 feet pass the southeast corner of Lot 3, Block 84, at a distance of 236.90 feet pass the southwest corner of Lot 1, Block 84, continuing for a total distance of 296.90 feet to the southeast corner of Lot 5, same being the northeast corner of Lot 6, Block 83 of said Augusta Addition, located in the western right-of-way boundary line of 60 foot wide Wipprecht Street, for an angle corner of the herein described 124.8360 acre tract, at position X=3134989.26 and Y=13850339.94;

**THENCE** South 2°23'46" East, coincident with the eastern boundary line of said Lot 6, Block 83 of said Augusta Addition, same being the western right-of-way boundary line of said 60 foot wide Wipprecht Street, a distance of 100.00 feet to a point located on the northern right-of-way boundary line of said 60 foot wide Lee Street, for the southeast corner of said Lot 6, Block 83 of Augusta Addition, for angle corner of the herein described 124.8360 acre tract, at position X=3134993.71 and Y=13850239.77;

**THENCE** South 87°36'14" West, coincident with the northern right-of-way boundary line of said 60 foot wide Lee Street, same being the southern boundary line of Blocks 81, 82 and 83 of said Augusta Addition, a distance of 872.58 feet to southwest corner of Lot 10, Block 81 of Augusta Addition, located on the eastern right-of-way boundary line of 60 foot wide Amboy Street (Dan Street), for an angle corner of the herein described 124.8360 acre tract, at position X=3134121.72 and Y=13850203.56;

**THENCE** South 89°35'41" West, a distance of 56.43 feet to the southeast corner of Lot 11, Block 3 of said Weisenberger's Lucky Seven Addition, same being the northern right-of-way boundary line of said 60 foot wide Lee Street, on a curve to the left, having a radius of 1206.50 feet, for an angle corner of the herein described 124.8360 acre tract, at position X=3134065.30 and Y=13850203.16;

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**THENCE** in a westerly direction, coincident with the northern right-of-way boundary line of said 60 foot wide Lee Street, same being the southern boundary line of said Block 3 of Weisenberger's Lucky Seven Addition, along said curve to the left, having a radius of 1106.50 feet, a central angle of 19°17'14", an arc length of 372.48 feet and chord bearing and distance of South 78°13'11" West - 370.72 feet to a point of reverse curve to the right, having a radius of 605.28 feet, at position X=3133702.43 and Y=13850127.48;

**THENCE** in a westerly direction, coincident with the northern right-of-way boundary line of said 60 foot wide Lee Street, same being the southern boundary line of said Block 3 of Weisenberger's Lucky Seven Addition, along said curve to the right, having a radius of 605.28 feet, a central angle of 18°33'24", an arc length of 196.03 feet and chord bearing and distance of South 77°51'16" West - 195.18 feet to a the southwest corner of Lot 21, Block 3 of said Weisenberger's Lucky Seven Addition, located on the eastern right-of-way boundary line of Altoona Street (right-of-way varies) and a curve to the right, having a radius of 460.95 feet, at position X=3133511.64 and Y=13850086.42;

**THENCE** in a northerly direction, coincident with the eastern right-of-way boundary line of Altoona Street (a.k.a. Waco Street) (right-of-way varies), same being the western boundary line Block 3 of said Weisenberger's Lucky Seven Addition, and along said curve to the right, having a radius of 460.95 feet, a central angle of 6°50'17", an arc length of 54.90 feet and chord bearing and distance of North 5°52'20" W - 54.87 feet to an angle corner of the herein described 124.8360 acre tract, at position X=3133506.03 and Y=13850140.99;

**THENCE** North 2°27'12" West, coincident with the eastern right-of-way boundary line of Altoona Street (right-of-way varies), same being the western boundary line Block 2 and 3 of said Weisenberger's Lucky Seven Addition, a distance of 361.48 feet to a point located on the southern boundary line of the Texas and New Orleans Railroad 100 foot right-of-way, same being the northern right-of-way boundary line of 50 foot wide Tyre Street, for an angle corner of the herein described 124.8360 acre tract, at position X=3133490.55 and Y=13850502.10;

**THENCE** South 62°10'18" West, coincident with the southern boundary line of the Texas and New Orleans Railroad 100 foot right-of-way, a distance of 201.40 feet to an angle corner of the herein described 124.8360 acre tract, at position X=3133312.46 and Y=13850408.09;

**THENCE** North 2°27'12" West, a distance of 110.68 feet to a point located on the northern boundary line of said Texas and New Orleans Railroad 100 foot right-of-way, for an angle corner of the herein described 124.8360 acre tract, at position X=3133307.73 and Y=13850518.66;

**THENCE** North 62°10'18" East, coincident with the northern boundary line of said Texas and New Orleans Railroad 100 foot right-of-way, same being the southern boundary line of said Reserve "A" of Abernathy Court, the southern boundary line of all that certain Tract 2 conveyed by deed recorded on January 3, 1944 from Alfred Philo Howard, Jr. to G. Frank Lipper as recorded in Volume 1299, Page 585 of the H.C.D.R., the southern boundary line of all that certain called 0.1721 acre tract, conveyed by deed recorded on January 19, 2010 from the City of Houston, et al to Tung Thanh Mai as recorded in Clerk's File No. 2010-0021305 of the H.C.O.R., the southern boundary line of all that certain called 0.1148 acre tract conveyed by deed recorded on June 24, 2008 from the City of Houston, et al to Behzad Nasizadeh as recorded in Clerk's File No. 2008-0329418 of the H.C.O.R., the southern boundary line of all that certain called 1492 acre tract, conveyed by deed recorded on July 13, 2011 from the City of Houston, et al to L. Michael Proler as recorded in Clerk's File No. 2011-0287890 of the H.C.O.R., a distance of 529.31 feet to the southwest corner of Tract 5 of said Brazos Partition, located on the eastern right-of-way boundary line of a 20 foot wide roadway (a.k.a. Wayne Street) for an angle corner of the herein described 124.8360 acre tract, at position X=3133775.77 and Y=13850765.72;

**THENCE** North 2°27'39" West, coincident with the eastern boundary line of said 20 foot wide roadway (a.k.a. Wayne Street), same being the western boundary line of Tracts 5 through 8 of said Samuel Brazos partition, a distance of 185.73 feet to the southwest corner of that certain 50' x 100' tract out of Tract 8 of said Samuel Brazos partition, conveyed by deed recorded on November 10, 2015 from Harris County, et al to Benjamin Jimenez, as recorded in Clerk's File No. 2015-0512861 of the H.C.O.R., for an angle corner of the herein described 124.8360 acre tract, at position X=3133767.80 and Y=13850951.26;

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**THENCE** North 62°10'18" East, coincident with the southern boundary line of said Benjamin Jimenez tract, a distance of 100.00 feet to the southeast corner of said Benjamin Jimenez tract, located on the eastern boundary line of said Tract 8, same being the western boundary line of said Tract 1 of the Samuel Brazos partition, for an angle corner of the herein described 124.8360 acre tract, at position X=3133856.23 and Y=13850997.94;

**THENCE** North 2°27'39" West, coincident with the eastern boundary line of said Benjamin Jimenez tract, the eastern boundary line of said Tract 8, same being the western boundary line of said Tract 1 of the Samuel Brazos partition, a distance of 50.00 feet to a point located on the southern boundary line of all that certain tract of land conveyed by deed recorded on May 16, 1979 from George Ferguson, et al to Isaac Leon Williams, et ux, as recorded in Clerk's File No. G082364 of the H.C.O.R., for the northeast corner of said Benjamin Jimenez tract and said Tract 8, the northwest corner of said Tract 1 of said Samuel Brazos partition, for an angle corner of the herein described 124.8360 acre tract, at position X=3133854.08 and Y=13851047.89;

**THENCE** North 62°10'18" East, coincident with the southern boundary line of said Isaac Leo William, et ux tract, the southern boundary line of all that certain tract conveyed by deed recorded on June 23, 2014 from Harris County, et al to Re-Mart Investment as recorded in Clerk's File No. 2014-0270103 of the H.C.O.R., the southern boundary line of all that certain tract of land conveyed by deed recorded on February 17, 2015 from Melbourne Street, LLC to Jaime Magdaleno Lopez as recorded in Clerk's File No. 2015-0063915 of the H.C.O.R., the southern boundary line of all that certain tract of land conveyed by deed recorded on April 7, 2015 from UrboCorp, LLC TO Juan C. Allende-Molina, et al, as recorded in Clerk's File No. 2015-0142372 of the H.C.O.R., a distance of 236.00 feet to a point located on the western boundary line of Lot 8, Block 1 of said A. H. Kyle Subdivision, for the southeast corner of said Juan C. Allende-Molina, et al tract, for an angle corner of the herein described 124.8360 acre tract, at position X=3134062.77 and Y=13851158.05 ;

**THENCE** North 2°27'39" West, coincident with the eastern boundary line of said Juan C. Allende-Molian et al tract, same being the western boundary line of said Lot 8, Block 1 of said A. H. Kyle Subdivision, a distance of 34.41 feet to the northwest corner of said Lot 8, Block 1, same being the southwest corner of Lot 1, Block 1 of said A. H. Kyle Subdivision, for an angle corner of the herein described 124.8360 acre tract, at position X=3134061.29 and Y=13851192.43 ;

**THENCE** North 87°32'21" East, coincident with the southern boundary line of said Lot 1, Block 1, same being the northern boundary line of said Lot 8, Block 1 of said A. H. Kyle Subdivision, a distance of 52.50 feet to the common corner of Lots 1, 2, 7 and 8, Block 1 of said A. H. Kyle Subdivision, for an angle corner of the herein described 124.8360 acre tract, at position X=3134113.73 and Y=13851194.68;

**THENCE** North 2°27'39" West, coincident with the eastern boundary line of said Lot 1, the western boundary line of said Lot 2, Block 1 of said A. H. Kyle Subdivision, at a distance of 100.00 feet pass the northeast corner of said Lot 1, the northwest corner of said Lot 2 of Block 1, same being the southern right-of-way boundary line of 15 foot wide 1<sup>st</sup> Street, continuing for a total distance of 115.00 feet to a point located on the northern right-of-way boundary line of 15 foot wide 1<sup>st</sup> Street, same being the southern boundary line of Lot 7 of said E. A. Finn Subdivision, for an angle corner of the herein described 124.8360 acre tract, at position X=3134108.80 and Y=13851309.56;

**THENCE** South 87°32'21" West, coincident with the northern right-of-way boundary line of 15 foot wide 1<sup>st</sup> Street, same being the southern boundary line of Lot 7 of said E. A. Finn Subdivision, a distance of 52.50 feet to the southwest corner of said Lot 7, and an angle corner of the herein described 124.8360 acre tract, at position X=3134056.35 and Y=13851307.31;

**THENCE** North 2°27'39" West, coincident with the western boundary line of said Lot 7 of the E. A. Finn Subdivision, a distance of 174.86 feet to a point located on the southern boundary line of a 22 foot wide right-of-way, for the northwest corner of said Lot 7 and an angle corner of the herein described 124.8360 acre tract, at position X=3134048.85 and Y=13851481.99;

**THENCE** North 87°32'21" East, coincident with the southern boundary line of a 22 foot wide right-of-way, same being the northern boundary line of Lots 5, 6 and 7 of said E. A. Finn Subdivision, a distance of 210.00 feet to the northeast corner of said Lot 5 of the E. A. Finn Subdivision, for an angle corner of the herein described 124.8360 acre tract, at position X=3134258.63 and Y=13851491.00;

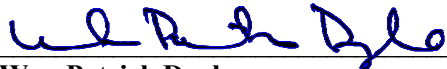
# EXHIBIT A

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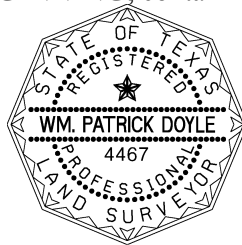
**THENCE** North 2°27'39" West, at a distance of 22.00 feet, pass the southeast corner of Lot 3 of said E. A. Finn Subdivision, continuing coincident with the eastern boundary line of said Lot 3 and Lot 2, a total distance of 218.32 feet to a point located on the southern right-of-way boundary line of 60 foot wide Eddie Street (15<sup>th</sup> Street), same being the northern boundary line of Block 61 of said Augusta Addition, for an angle corner of the herein described 124.8360 acre tract, at position X=3134249.26 and Y=13851709.10;

**THENCE** North 87°40'20" East, a distance of 129.20 feet to the northwest corner of Block 62, located on the eastern right-of-way boundary line of 60 foot wide Kashmere Street, for an angle corner of the herein described 124.8360 acre tract, at position X=3134378.34 and Y=13851714.35 ;

**THENCE** North 2°26'03" West, coincident with the eastern right-of-way boundary line of said 60 foot wide Kashmere Street, same being the western boundary line of Blocks 54 and 58 boundary line, a distance of 520.97 feet to the **POINT OF BEGINNING**, containing 124.8360 acres of land, more or less.



**Wm. Patrick Doyle  
Registered Professional Land Surveyor  
Texas Registration Number 4467  
April 6, 2016**



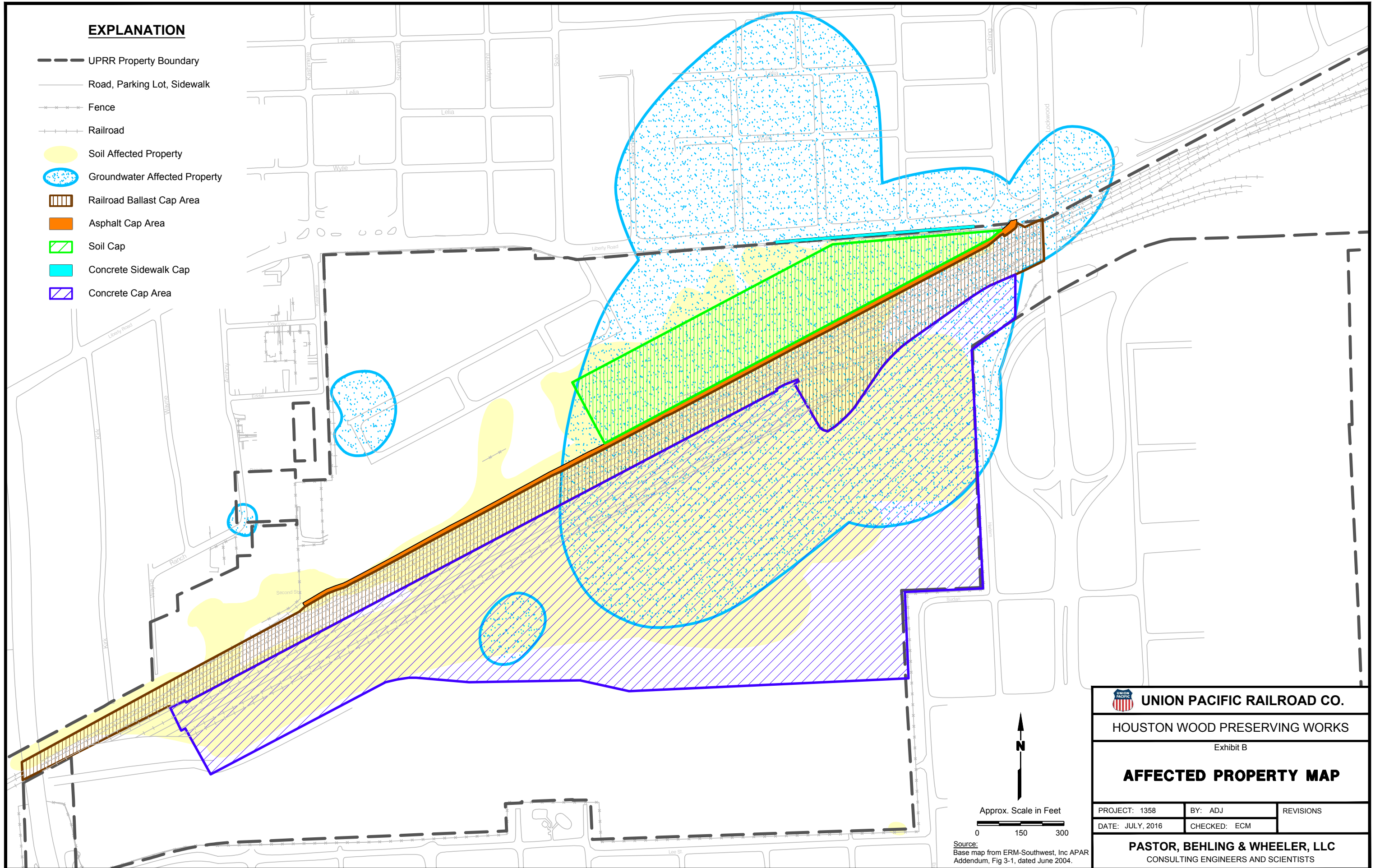
*This description is based on a survey, dated December 23, 2015 is on file in the office of Doyle & Wachtstetter, Inc.  
V:\Pat\Pastor Behling & Wheeler\UPPR Englewood Yard 124.8360 acre tract.doc*

***EXHIBIT "B"***  
***AFFECTED PROPERTY MAP***



**EXPLANATION**

- UPRR Property Boundary
- Road, Parking Lot, Sidewalk
- \*-\*- Fence
- +—+ Railroad
- Soil Affected Property
- Groundwater Affected Property
- ▤ Railroad Ballast Cap Area
- Asphalt Cap Area
- ▨ Soil Cap
- Concrete Sidewalk Cap
- ▨ Concrete Cap Area



<b>UNION PACIFIC RAILROAD CO.</b>		
HOUSTON WOOD PRESERVING WORKS		
Exhibit B		
<b>AFFECTED PROPERTY MAP</b>		
PROJECT: 1358	BY: ADJ	REVISIONS
DATE: JULY, 2016	CHECKED: ECM	
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS		

Approx. Scale in Feet  
  
 0      150      300

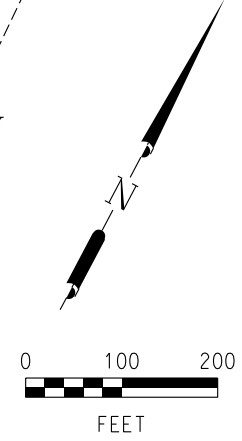
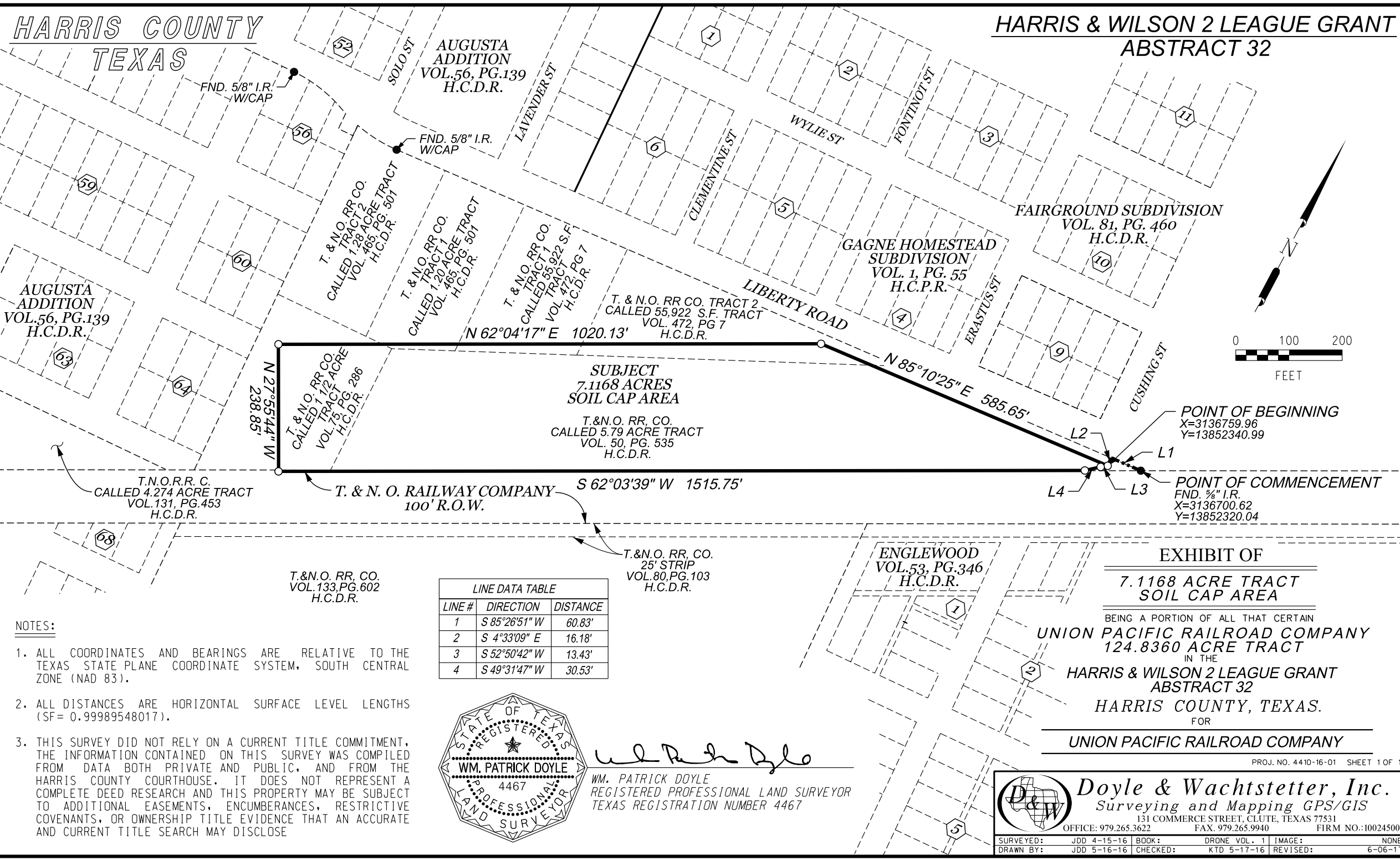
Source:  
 Base map from ERM-Southwest, Inc APAR  
 Addendum, Fig 3-1, dated June 2004.

***EXHIBITS "C-1, C-2, C-3, AND C-4"***  
***LEGAL DESCRIPTIONS OF USE OF PHYSICAL CONTROLS FOR SOIL***

HARRIS COUNTY TEXAS

HARRIS & WILSON 2 LEAGUE GRANT ABSTRACT 32

USER: Untitled Workspace DATE: 6/6/2017 TIME: 4:13:11 PM G:\DON\PB&W\Environmental\UPRR Houston Wood Perserving 4910 Liberty\UPRR Houston Wood 2016 Capped Boundary\Plats\Survey Plot UPRR Soil Cap 7.1168 acres Rev1.dgn



**SUBJECT**  
7.1168 ACRES  
SOIL CAP AREA  
T. & N.O. RR. CO.  
CALLED 5.79 ACRE TRACT  
VOL. 50, PG. 535  
H.C.D.R.

POINT OF BEGINNING  
X=3136759.96  
Y=13852340.99

POINT OF COMMENCEMENT  
FND. 5/8" I.R.  
X=3136700.62  
Y=13852320.04

T. & N. O. RAILWAY COMPANY  
100' R.O.W.  
S 62°03'39" W 1515.75'

T. & N.O. RR. CO.  
VOL. 133, PG. 602  
H.C.D.R.

T. & N.O. RR. CO.  
25' STRIP  
VOL. 80, PG. 103  
H.C.D.R.

LINE #	DIRECTION	DISTANCE
1	S 85°26'51" W	60.83'
2	S 4°33'09" E	16.18'
3	S 52°50'42" W	13.43'
4	S 49°31'47" W	30.53'

EXHIBIT OF  
7.1168 ACRE TRACT  
SOIL CAP AREA

BEING A PORTION OF ALL THAT CERTAIN  
UNION PACIFIC RAILROAD COMPANY  
124.8360 ACRE TRACT  
IN THE  
HARRIS & WILSON 2 LEAGUE GRANT  
ABSTRACT 32  
HARRIS COUNTY, TEXAS.  
FOR  
UNION PACIFIC RAILROAD COMPANY

PROJ. NO. 4410-16-01 SHEET 1 OF 1

- NOTES:
- ALL COORDINATES AND BEARINGS ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83).
  - ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS (SF = 0.99989548017).
  - THIS SURVEY DID NOT RELY ON A CURRENT TITLE COMMITMENT, THE INFORMATION CONTAINED ON THIS SURVEY WAS COMPILED FROM DATA BOTH PRIVATE AND PUBLIC, AND FROM THE HARRIS COUNTY COURTHOUSE. IT DOES NOT REPRESENT A COMPLETE DEED RESEARCH AND THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, OR OWNERSHIP TITLE EVIDENCE THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE



*Wm. Patrick Doyle*  
WM. PATRICK DOYLE  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NUMBER 4467

**Doyle & Wachtstetter, Inc.**  
Surveying and Mapping GPS/GIS  
131 COMMERCE STREET, CLUTE, TEXAS 77531  
OFFICE: 979.265.3622 FAX: 979.265.9940 FIRM NO.: 10024500

SURVEYED:	JDD 4-15-16	BOOK:	DRONE VOL. 1	IMAGE:	NONE
DRAWN BY:	JDD 5-16-16	CHECKED:	KTD 5-17-16	REVISED:	6-06-17



# Doyle & Wachtstetter, Inc

Surveying and Mapping • GPS/GIS

**UNION PACIFIC RAILROAD COMPANY  
SOIL CAP AREA – 7.1168 ACRE TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 1 OF 1**

**BEING ALL THAT CERTAIN 7.1168** acre tract of land, lying and situated in the Harris and Wilson 2 League Grant, Abstract 32, Harris County Texas, being located within the right-of-way of 60 foot wide Liberty Road, being a portion of all that certain called 1.28 acre tract and all that certain called 1.20 acre tract of land conveyed by deed recorded on February 8, 1921 from W. N. Reece to Texas & New Orleans Railroad Company as recorded in Volume 465, Page 501 of the H.C.D.R.; all that certain called 55,922 square foot tract of land and all that certain called 55,922 square foot tract of land conveyed by deed recorded on February 7, 1921 from W. N. Reece to Texas & New Orleans Railroad Company as recorded in Volume 472, Page 7 of the H.C.D.R.; all that certain called 1.5 acre tract of land conveyed by deed recorded on August 15, 1894 from R. B. Baer to Texas & New Orleans Railroad Company as recorded in Volume 75, Page 286 of the H.C.D.R.; all that certain called 5.79 acre tract of land conveyed by deed recorded on July 24, 1890 from R. B. Baer to Texas & New Orleans Railroad Company as recorded in Volume 50, Page 535 of the H.C.D.R.; the herein described 7.1168 acre tract land hereby conveyed being more particularly described by metes and bounds, using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.= 0.99989548017) as follows:

**COMMENCING** at 5/8" iron rod found marking the intersection of the southern right-of-way boundary line of said 60 foot wide Liberty Road with the northwestern right-of-way boundary line of the 100 foot wide Texas and New Orleans Rail Road Company right-of-way, same being the southeastern boundary line of said Texas and New Orleans Rail Road Company called 5.79 acre tract, said Point of Commencement being located at Texas State Plane coordinate X=3136759.96 and Y=13852340.99;

**THENCE** South 85°26'51" West, coincident with the southern right-of-way boundary line of said 60 foot wide Liberty Road, a distance of 60.83 feet to an angle point, at position X=3136699.34 and Y=13852336.16;

**THENCE** South 4°33'09" East, a distance of 16.18 feet to East corner and the **POINT OF BEGINNING** of the herein described 7.1168 acre tract, at position X=3136700.62 and Y=13852320.04;

**THENCE** South 52°50'42" West, a distance of 13.43 feet to an angle corner of the herein described 7.1168 acre tract, at position X=3136689.92 and Y=13852311.93;

**THENCE** South 49°31'47" West, a distance of 30.53 feet to an angle corner of the herein described 7.1168 acre tract, at position X=3136666.69 and Y=13852292.11;

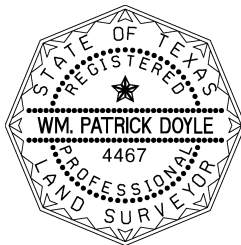
**THENCE** South 62°03'39" West, a distance of 1515.75 feet to the South corner of the herein described 7.1168 acre tract, at position X=3135327.75 and Y=13851582.01;

**THENCE** North 27°55'44" West, a distance of 238.85 feet to West corner of the herein described 7.1168 acre tract, at position X=3135215.89 and Y=13851793.02;

**THENCE** North 62°04'17" East, a distance of 1020.13 feet to an angle corner of the herein described 7.1168 acre tract, at position X=3136117.11 and Y=13852270.77;

**THENCE** North 85°10'25" East, a distance of 585.65 feet to the **POINT OF BEGINNING**, containing 7.1168 acres of land, more or less.

**Wm. Patrick Doyle**  
**Registered Professional Land Surveyor**  
**Texas Registration Number 4467**  
**June 23, 2016**



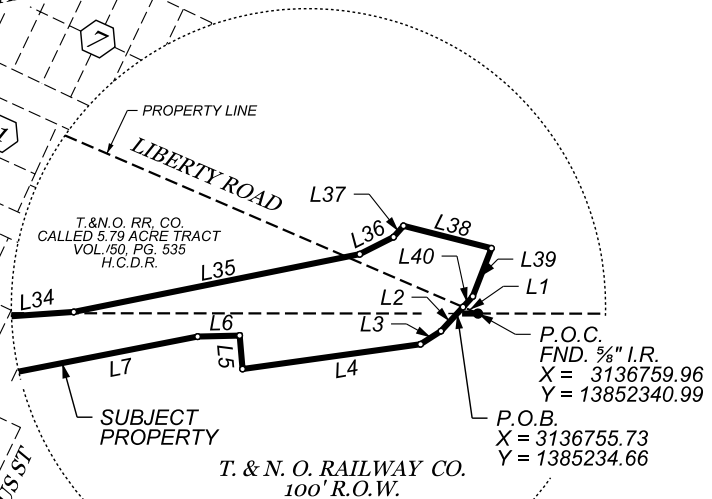
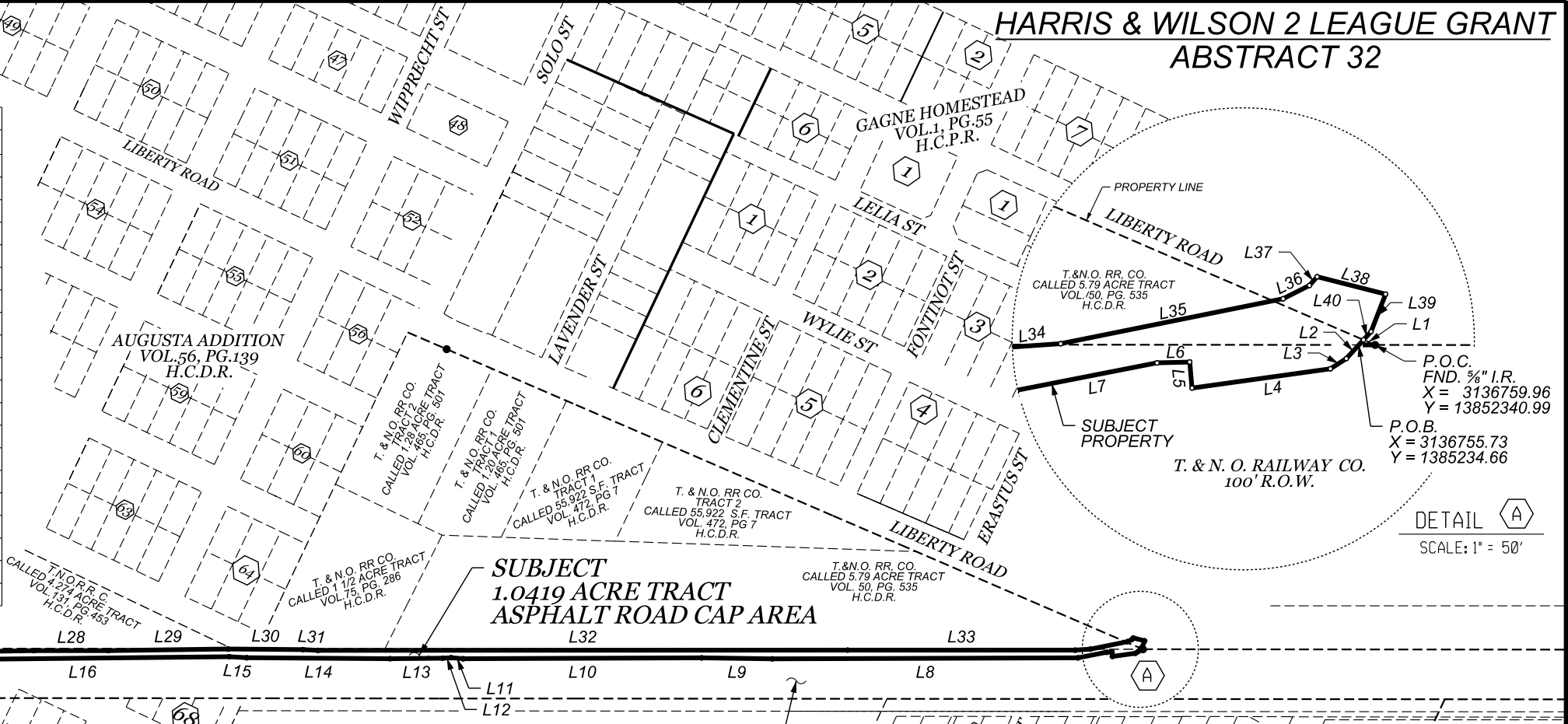
*This description is based on an exhibit, dated June 23, 2016 is on file in the office of Doyle & Wachtstetter, Inc.*  
V:\Pat\Pastor Behling & Wheeler\UPPR Liberty Road Sidewalk tract 0.1318 acre.doc

# HARRIS COUNTY TEXAS

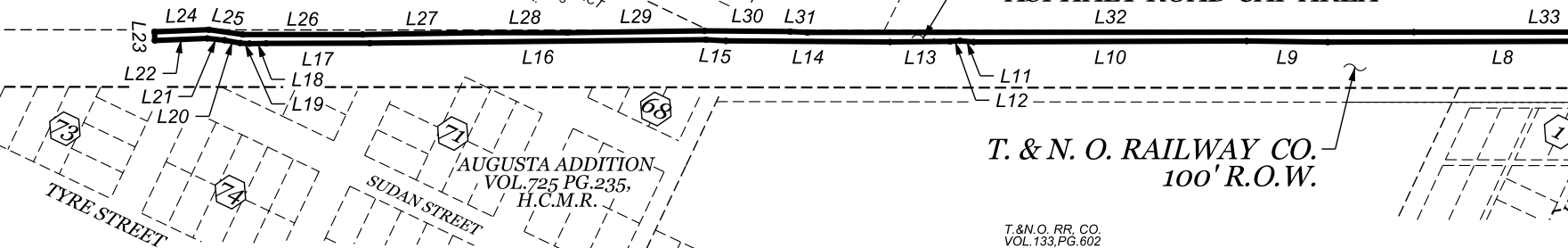
# HARRIS & WILSON 2 LEAGUE GRANT ABSTRACT 32

LINE #	DIRECTION	LENGTH
L1	S 86°28'51" W	4.25'
L2	S 14°40'24" W	8.50'
L3	S 29°23'15" W	6.33'
L4	S 54°11'53" W	46.80'
L5	N 32°51'31" W	8.76'
L6	S 60°39'24" W	10.96'
L7	S 51°04'35" W	58.69'
L8	S 61°56'31" W	613.96'
L9	S 62°54'22" W	142.13'
L10	S 61°55'12" W	479.21'
L11	S 67°03'52" W	24.28'
L12	S 58°32'12" W	17.21'
L13	S 61°37'54" W	105.67'
L14	S 62°29'25" W	287.83'
L15	S 65°35'29" W	35.19'
L16	S 61°31'56" W	590.15'
L17	S 61°59'05" W	181.71'
L18	S 61°22'47" W	29.30'
L19	S 65°38'37" W	16.53'
L20	S 72°24'44" W	27.78'

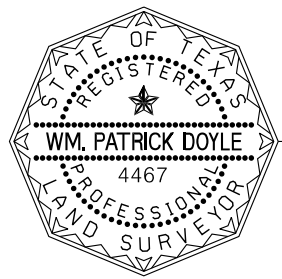
LINE #	DIRECTION	LENGTH
L21	S 68°04'30" W	30.51'
L22	S 59°48'14" W	92.27'
L23	N 29°33'31" W	15.17'
L24	N 59°48'53" E	95.54'
L25	N 70°15'38" E	60.14'
L26	N 62°07'21" E	210.22'
L27	N 61°12'15" E	209.88'
L28	N 62°09'00" E	149.93'
L29	N 61°23'02" E	240.32'
L30	N 62°36'22" E	150.43'
L31	N 64°52'14" E	30.22'
L32	N 62°05'30" E	1064.63'
L33	N 62°08'24" E	457.12'
L34	N 58°08'18" E	30.97'
L35	N 50°42'05" E	76.01'
L36	N 35°17'11" E	9.87'
L37	N 13°31'05" E	3.91'
L38	N 76°25'52" E	23.65'
L39	S 6°43'41" E	13.45'
L40	S 14°40'24" W	3.77'



DETAIL A  
SCALE: 1" = 50'



- NOTES:
1. ALL COORDINATES AND BEARINGS ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83).
  2. ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS (SF= 0.99989548017).
  3. THIS SURVEY DID NOT RELY ON A CURRENT TITLE COMMITMENT, THE INFORMATION CONTAINED ON THIS SURVEY WAS COMPILED FROM DATA BOTH PRIVATE AND PUBLIC, AND FROM THE HARRIS COUNTY COURTHOUSE. IT DOES NOT REPRESENT A COMPLETE DEED RESEARCH AND THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, OR OWNERSHIP TITLE EVIDENCE THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE



*Wm. Patrick Doyle*  
WM. PATRICK DOYLE  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NUMBER 4467

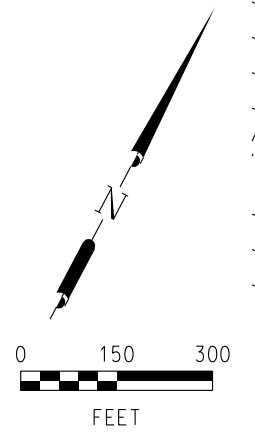


EXHIBIT OF  
**1.0419 ACRE TRACT ASPHALT ROAD CAP AREA**  
BEING A PORTION OF ALL THAT CERTAIN  
**UNION PACIFIC RAILROAD COMPANY**  
124.8360 ACRE TRACT &  
**LIBERTY ROAD**  
IN THE  
**HARRIS & WILSON 2 LEAGUE GRANT**  
**ABSTRACT 32**  
HARRIS COUNTY, TEXAS.  
FOR  
**UNION PACIFIC RAILROAD COMPANY**

PROJ. NO. 4410-16-01 SHEET 1 OF 1

**Doyle & Wachtstetter, Inc.**  
Surveying and Mapping GPS/GIS  
131 COMMERCE STREET, CLUTE, TEXAS 77531  
OFFICE: 979.265.3622 FAX: 979.265.9940 FIRM NO.: 10024500

SURVEYED: JDD 4-15-16	BOOK: DRONE VOL. 1	IMAGE: NONE
DRAWN BY: JDD 5-16-16	CHECKED: KTD 5-17-16	REVISED: 6-06-17

USER: Untitled Workspace TIME: 3:38:47 PM DATE: 6/6/2017 G:\DON\PB&W\Environmental\UPRR Houston Wood 2016 Capped Boundary\Plats\Survey Plot\UPRR Asphalt Road 1.0419 acres Rev2.dgn



## **Doyle & Wachtstetter, Inc**

Surveying and Mapping • GPS/GIS

**UNION PACIFIC RAILROAD COMPANY  
 ASPHALT ROAD CAP AREA – 1.0419 ACRE TRACT  
 HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
 HARRIS COUNTY, TEXAS  
 PAGE 1 OF 3**

**BEING ALL THAT CERTAIN 1.0419** acre tract of land, lying and situated in the Harris and Wilson 2 League Grant, Abstract 32, Harris County Texas, being located within the right-of-way of 60 foot wide Liberty Road, within the Texas and New Orleans 100 foot wide railroad right-of-way, being a portion of all that certain called 5.79 acre tract of land conveyed by deed recorded on July 24, 1890 from R. B. Baer to Texas & New Orleans Railroad Company as recorded in Volume 50, Page 535 of the H.C.D.R. and a portion of all that certain called 4.274 acre tract conveyed by deed recorded on October 29, 1901 from Ida Japhet to Texas and New Orleans Railroad Company, as recorded in Volume 131, Page 453 of the H.C.D.R., the herein described 1.0419 acre tract land hereby conveyed being more particularly described by metes and bounds, using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.= 0.99989548017) as follows:

**COMMENCING** at 5/8" iron rod found marking the intersection of the southern right-of-way boundary line of said 60 foot wide Liberty Road with the northwestern right-of-way boundary line of the 100 foot wide Texas and New Orleans Rail Road Company right-of-way, same being the southeastern boundary line of said Texas and New Orleans Rail Road Company called 5.79 acre tract, said Point of Commencement being located at Texas State Plane coordinate X=3136759.96 and Y=13852340.99;

**THENCE** South 85°26'51" West, coincident with the southern right-of-way boundary line of said 60 foot wide Liberty Road, a distance of 4.25 feet to the **POINT OF BEGINNING** of the herein described 1.0419 acre tract, at position X=3136755.73 and Y=13852340.66;

**THENCE** South 14°40'24" West, a distance of 8.50 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3136753.58 and Y=13852332.43;

**THENCE** South 29°23'15" West, a distance of 6.33 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3136750.47 and Y=13852326.92;

**THENCE** South 54°11'53" West, a distance of 46.80 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3136712.51 and Y=13852299.54;

**THENCE** North 32°51'31" West, a distance of 8.76 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3136707.76 and Y=13852306.90;

**THENCE** South 60°39'24" West, a distance of 10.96 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3136698.21 and Y=13852301.53;

**THENCE** South 51°04'35" West, a distance of 58.69 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3136652.56 and Y=13852264.66;

**THENCE** South 61°56'31" West, a distance of 613.96 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3136110.82 and Y=13851975.91;

**THENCE** South 62°54'22" West, a distance of 142.13 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3135984.30 and Y=13851911.18;

**THENCE** South 61°55'12" West, a distance of 479.21 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3135561.54 and Y=13851685.64;

**THENCE** South 67°03'52" West, a distance of 24.28 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3135539.18 and Y=13851676.18;

**THENCE** South 58°32'12" West, a distance of 17.21 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3135524.50 and Y=13851667.19;

**UNION PACIFIC RAILROAD COMPANY  
ASPHALT ROAD CAP AREA – 1.0419 ACRE TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 2 OF 3**

**THENCE** South 61°37'54" West, a distance of 105.67 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3135431.52 and Y=13851616.99;

**THENCE** South 62°29'25" West, a distance of 287.83 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3135176.27 and Y=13851484.05;

**THENCE** South 65°35'29" West, a distance of 35.19 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3135144.23 and Y=13851469.52;

**THENCE** South 61°31'56" West, a distance of 590.15 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3134625.49 and Y=13851188.24;

**THENCE** South 61°59'05" West, a distance of 181.71 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3134465.09 and Y=13851102.89;

**THENCE** South 61°22'47" West, a distance of 29.30 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3134439.37 and Y=13851088.86;

**THENCE** South 65°38'37" West, a distance of 16.53 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3134424.32 and Y=13851082.05;

**THENCE** South 72°24'44" West, a distance of 27.78 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3134397.83 and Y=13851073.65;

**THENCE** South 68°04'30" West, a distance of 30.51 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3134369.53 and Y=13851062.26;

**THENCE** South 59°48'14" West, a distance of 92.27 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3134289.80 and Y=13851015.86;

**THENCE** North 29°33'31" West, a distance of 15.17 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3134282.31 and Y=13851029.05;

**THENCE** North 59°48'53" East, a distance of 95.54 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3134364.89 and Y=13851077.09;

**THENCE** North 70°15'38" East, a distance of 60.14 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3134421.50 and Y=13851097.40;

**THENCE** North 62°07'21" East, a distance of 210.22 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3134607.30 and Y=13851195.68;

**THENCE** North 61°12'15" East, a distance of 209.88 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3134791.20 and Y=13851296.77;

**THENCE** North 62°09'00" East, a distance of 149.93 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3134923.75 and Y=13851366.80;

**THENCE** North 61°23'02" East, a distance of 240.32 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3135134.70 and Y=13851481.89;

**THENCE** North 62°36'22" East, a distance of 150.43 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3135268.25 and Y=13851551.09;

**THENCE** North 64°52'14" East, a distance of 30.22 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3135295.60 and Y=13851563.93;

**UNION PACIFIC RAILROAD COMPANY  
 ASPHALT ROAD CAP AREA – 1.0419 ACRE TRACT  
 HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
 HARRIS COUNTY, TEXAS  
 PAGE 3 OF 3**

**THENCE** North 62°05'30" East, a distance of 1064.63 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3136236.31 and Y=13852062.18;

**THENCE** North 62°08'24" East, a distance of 457.12 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3136640.40 and Y=13852275.77;

**THENCE** North 58°08'18" East, a distance of 30.97 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3136666.69 and Y=13852292.11;

**THENCE** North 50°42'05" East, a distance of 76.01 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3136725.51 and Y=13852340.25;

**THENCE** North 35°17'11" East, a distance of 9.87 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3136731.21 and Y=13852348.31;

**THENCE** North 13°31'05" East, a distance of 3.91 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3136732.13 and Y=13852352.11;

**THENCE** North 76°25'52" East, a distance of 23.65 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3136755.11 and Y=13852357.66;

**THENCE** South 6°43'41" East, a distance of 13.45 feet to an angle corner of the herein described 1.0419 acre tract, at position X=3136756.69 and Y=13852344.30;

**THENCE** South 14°40'24" West, a distance of 3.77 feet to the **POINT OF BEGINNING**, containing 1.0419 acre of land, more or less.



*Wm. Patrick Doyle*

**Wm. Patrick Doyle  
 Registered Professional Land Surveyor  
 Texas Registration Number 4467  
 June 23, 2016**

*This description is based on a plat, dated June 23, 2016 is on file in the office of Doyle & Wachtstetter, Inc.  
 V:\Pat\Pastor Behling & Wheeler\UPPR Liberty Road Asphalt Road tract 1.0419 acres Rev1.doc*



# HARRIS COUNTY TEXAS

# HARRIS & WILSON 2 LEAGUE GRANT ABSTRACT 32

**NOTES:**

1. ALL COORDINATES AND BEARINGS ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83).
2. ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS (SF= 0.99989548017).
3. THIS SURVEY DID NOT RELY ON A CURRENT TITLE COMMITMENT. THE INFORMATION CONTAINED ON THIS SURVEY WAS COMPILED FROM DATA BOTH PRIVATE AND PUBLIC, AND FROM THE HARRIS COUNTY COURTHOUSE. IT DOES NOT REPRESENT A COMPLETE DEED RESEARCH AND THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, OR OWNERSHIP TITLE EVIDENCE THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE



X = 3 136 759.96  
Y = 13 852 340.99

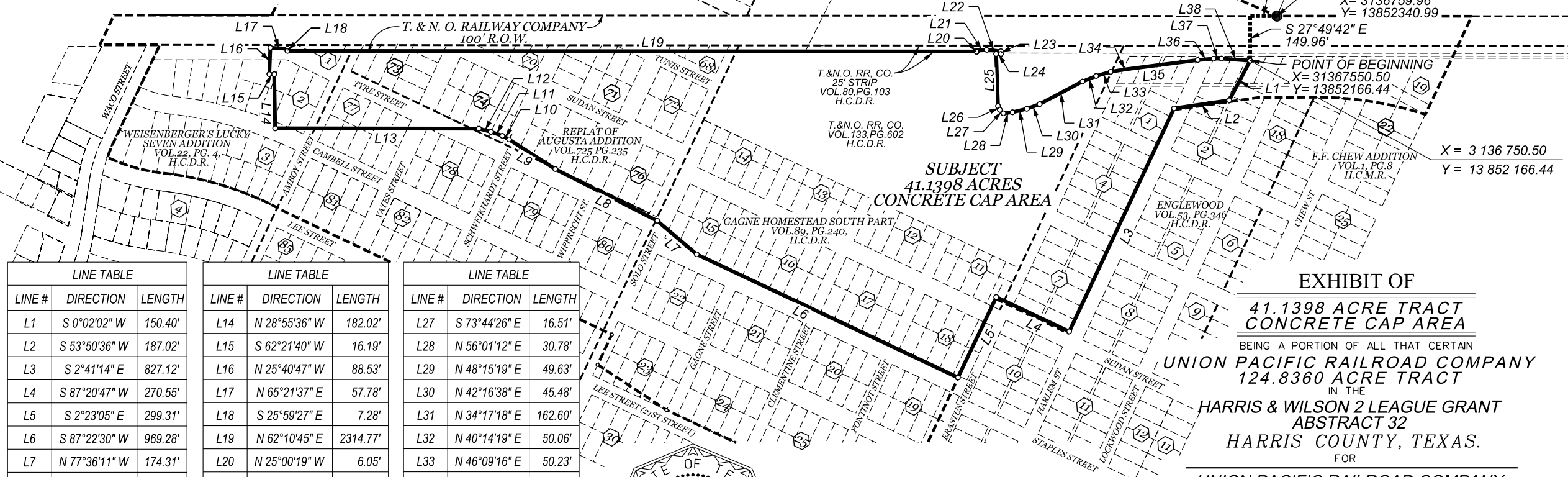
S 62°10'18" W  
89.87'

POINT OF COMMENCEMENT  
FND. 5/8" I.R. W/CAP  
X= 3136759.96  
Y= 13852340.99

S 27°49'42" E  
149.96'

POINT OF BEGINNING  
X= 31367550.50  
Y= 13852166.44

X = 3 136 750.50  
Y = 13 852 166.44

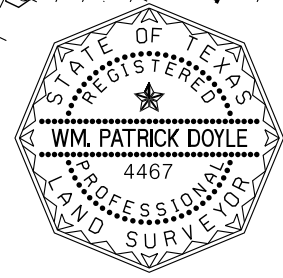


LINE #	DIRECTION	LENGTH
L1	S 0°02'02" W	150.40'
L2	S 53°50'36" W	187.02'
L3	S 2°41'14" E	827.12'
L4	S 87°20'47" W	270.55'
L5	S 2°23'05" E	299.31'
L6	S 87°22'30" W	969.28'
L7	N 77°36'11" W	174.31'
L8	S 89°01'46" W	383.56'
L9	N 85°15'27" W	184.19'
L10	N 89°19'03" W	25.74'
L11	S 81°05'07" W	40.48'
L12	S 77°12'08" W	41.52'
L13	S 62°11'46" W	684.47'

LINE #	DIRECTION	LENGTH
L14	N 28°55'36" W	182.02'
L15	S 62°21'40" W	16.19'
L16	N 25°40'47" W	88.53'
L17	N 65°21'37" E	57.78'
L18	S 25°59'27" E	7.28'
L19	N 62°10'45" E	2314.77'
L20	N 25°00'19" W	6.05'
L21	N 62°13'44" E	32.41'
L22	N 68°12'09" E	47.98'
L23	S 26°46'44" E	9.01'
L24	S 62°08'04" W	15.88'
L25	S 29°58'59" E	174.76'
L26	S 53°20'30" E	14.15'

LINE #	DIRECTION	LENGTH
L27	S 73°44'26" E	16.51'
L28	N 56°01'12" E	30.78'
L29	N 48°15'19" E	49.63'
L30	N 42°16'38" E	45.48'
L31	N 34°17'18" E	162.60'
L32	N 40°14'19" E	50.06'
L33	N 46°09'16" E	50.23'
L34	N 52°33'35" E	47.88'
L35	N 54°46'14" E	247.27'
L36	N 57°15'43" E	53.32'
L37	N 61°04'08" E	26.55'
L38	N 66°28'12" E	96.58'

EXHIBIT OF  
**41.1398 ACRE TRACT CONCRETE CAP AREA**  
BEING A PORTION OF ALL THAT CERTAIN  
**UNION PACIFIC RAILROAD COMPANY 124.8360 ACRE TRACT**  
IN THE  
**HARRIS & WILSON 2 LEAGUE GRANT ABSTRACT 32**  
HARRIS COUNTY, TEXAS.  
FOR  
**UNION PACIFIC RAILROAD COMPANY**



*WM. Patrick Doyle*  
WM. PATRICK DOYLE  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NUMBER 4467



**Doyle & Wachtstetter, Inc.**  
Surveying and Mapping GPS/GIS  
131 COMMERCE STREET, CLUTE, TEXAS 77531  
OFFICE: 979.265.3622 FAX: 979.265.9940 FIRM NO.: 10024500

SURVEYED: JDD 4-15-16	BOOK: DRONE VOL. 1	IMAGE: NONE
DRAWN BY: JDD 5-16-16	CHECKED: KTD 5-17-16	REVISED: 6-06-17

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## **Doyle & Wachtstetter, Inc**

Surveying and Mapping • GPS/GIS

**UNION PACIFIC RAILROAD COMPANY  
CONCRETE CAP AREA – 41.1398 ACRE TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 1 OF 3**

**BEING ALL THAT CERTAIN 41.1398** acre tract of land, lying and situated in the Harris and Wilson 2 League Grant, Abstract 32, Harris County Texas, being a portion of that certain 25 foot wide strip conveyed by deed recorded on January 2, 1895 from Clementine Gagne, et al to Texas and New Orleans Railroad Company, as recorded in Volume 80, Page 103 of the Harris County Deed Records (H.C.D.R.), a portion of all that certain tract of land conveyed by deed recorded on March 12, 1902 from H. M. Curtin to Texas and New Orleans Railroad Company, as recorded in Volume 133, Page 602 of the H.C.D.R., a portion of Lots 1 through 4 and all of Lots 5 through 10, Block 1, a portion of Lots 1, 2 and 3 and a portion of Lot 15 and 16 through 4, Block 2, all of Lots 1 through 6 and a portion of Lots 7 through 12, Block 4, all of Lots 1 through 6 and a portion of Lots 7 through 12, Block 7, a portion of Eratus Street and a portion of 50 foot wide Harlem Street (Baer Avenue) as shown on the map of Englewood Subdivision, according to the map or plat recorded in Volume 53, Page 346 of the H.C.D.R., all of Lots 1 through 4 and Lots 7 through 10, and a portion of Lots 5 and 6, Block 11, all of Lots 1 through 10, Block 12, all of Lots 1 through 10, Block 13, all of Lots 1 through 10, Block 14, all of Lots 1 through 8 and a portion of Lot 9 and 10, Block 15, all of Lots 1 through 10, Block 16, all of Lots 1 through 10, Block 17, all of Lots 1 through 4 and 7 through 10 and a portion of Lots 5 and 6, Block 18, all of 60 foot wide 16<sup>th</sup> Street, all of 60 foot wide 17<sup>th</sup> Street, all of 60 foot wide 18<sup>th</sup> Street, a portion of 60 foot wide 19<sup>th</sup> Street, a portion of 40 foot wide Solo Street (Joseph Street), a portion of 40 foot wide Gagne Street, a portion of 40 foot wide Clementine Street, a portion of 40 foot wide Fontinot Street, as shown on the map of the South Part of the Gagne Homestead, according to the map or plat recorded in Volume 89, Page 240 of the H.C.D.R., a portion of Lots 1 through 3, Block 68, a portion of Lots 1 through 3, Block 70, a portion of Lots 1, 4, and 5, all of Lots 2 and 3, all of Lots 6, 7 and 8, Block 71, all of Lots 1 through 6 Lot 72, a portion of Lots 1 through 5 and all of Lot 6 and 7, Block 73, a portion of Lots 6, 7 and 8, all of Lots 1 through 5 and all of Lots 9 and 10, Block 74, all of Lots 1 through 7 and a portion of Lots 8, 9 and 10, Block 75, all of Lots 1 through 6, Block 76, a portion of 60 foot wide Tunis Street (17<sup>th</sup> Street), a portion of 60 foot wide Sudan Street (18<sup>th</sup> Street), all of 60 foot wide Tyre Street (19<sup>th</sup> Street), a portion of Amboy Street (Dan Street), a portion of 60 foot wide Yates Street (Elmer Street), a portion of 60 foot wide Schweikhart Street, a portion of 60 foot wide Wipprecht Street, and a portion of Solo Street (Gus Street) as shown on the map of the Subdivision of Blocks 68, 70, 71, 72, 73, 74, 75, 76 Augusta Addition, according to the map or plat recorded in Volume 725, Page 235 of the H.C.D.R., a portion of Lots 3, 4 and 5, a portion of Lots 8, 9 and 10, all of Lots 1 and 2, Block 77, a portion of Lot 1, Block 78, a portion of 60 foot wide Tyre Street, a portion of Amboy Street (Dan Street), a portion of 60 foot wide Yates Street (Elmer Street), f as shown on the map of Augusta Division, as recorded in Volume 56, Page 139 of the H.C.D.R., a portion of Block 1, a portion of Lots 8, 9, 10, 13 and 14, all of Lots 11 and 12, Block 2, a portion of 50 foot – 60 foot wide Tyre Street and a portion of 60 foot wide Campbell Street, as shown on the map of Weisenberger's Lucky Seven Addition, according to the map or plat recorded in Volume 22, Page 4 of the H.C.D.R., the herein described 41.1398 acre tract land hereby conveyed being more particularly described by metes and bounds, using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.= 0.99989548017) as follows:

**COMMENCING** at 5/8" iron rod found marking the intersection of the southern right-of-way boundary line of said 60 foot wide Liberty Road with the northwestern right-of-way boundary line of the 100 foot wide Texas and New Orleans Rail Road Company right-of-way, same being on the southeastern boundary line of all that certain called 5.79 acre tract of land conveyed by deed recorded on July 24, 1890 from R. B. Baer to Texas & New Orleans Railroad Company as recorded in Volume 50, Page 535 of the H.C.D.R.; said Point of Commencement being located at Texas State Plane coordinate X=3136759.96 and Y=13852340.99;

**THENCE** South 62°10'18" West, coincident northern boundary line of said 100 foot wide Texas and New Orleans Rail Road Company right-of-way, same being the southern boundary line of said Texas and New Orleans Rail Road Company called 5.79 acre, a distance of 89.87 to an angle point at position X=3136680.50 and Y=13852299.04;

**THENCE** South 27°49'42" East, a distance of 149.96 feet to the North corner and the **POINT OF BEGINNING**, of the herein described 41.1398 acre tract, at position X=3136750.50 and Y=13852166.44

**THENCE** South 0°02'02" West, a distance of 150.40 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3136750.41 and Y=13852016.05;

**UNION PACIFIC RAILROAD COMPANY  
CONCRETE CAP AREA – 41.1398 ACRE TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 2 OF 3**

**THENCE** South  $53^{\circ}50'36''$  West, a distance of 187.02 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3136599.42 and Y=13851905.72;

**THENCE** South  $2^{\circ}41'14''$  East, a distance of 827.12 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3136638.20 and Y=13851079.60;

**THENCE** South  $87^{\circ}20'47''$  West, a distance of 270.55 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3136367.96 and Y=13851067.08;

**THENCE** South  $2^{\circ}23'05''$  East, a distance of 299.31 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3136380.41 and Y=13850768.06;

**THENCE** South  $87^{\circ}22'30''$  West, a distance of 969.28 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3135412.26 and Y=13850723.67;

**THENCE** North  $77^{\circ}36'11''$  West, a distance of 174.31 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3135242.03 and Y=13850761.09;

**THENCE** South  $89^{\circ}01'46''$  West, a distance of 383.56 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3134858.57 and Y=13850754.59;

**THENCE** North  $85^{\circ}15'27''$  West, a distance of 184.19 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3134675.03 and Y=13850769.82;

**THENCE** North  $89^{\circ}19'03''$  West, a distance of 25.74 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3134649.30 and Y=13850770.13;

**THENCE** South  $81^{\circ}05'07''$  West, a distance of 40.48 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3134609.31 and Y=13850763.85;

**THENCE** South  $77^{\circ}12'08''$  West, a distance of 41.52 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3134568.82 and Y=13850754.66;

**THENCE** South  $62^{\circ}11'46''$  West, a distance of 684.47 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3133963.44 and Y=13850435.42;

**THENCE** North  $28^{\circ}55'36''$  West, a distance of 182.02 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3133875.41 and Y=13850594.72;

**THENCE** South  $62^{\circ}21'40''$  West, a distance of 16.19 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3133861.07 and Y=13850587.21;

**THENCE** North  $25^{\circ}40'47''$  West, a distance of 88.53 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3133822.71 and Y=13850666.99;

**THENCE** North  $65^{\circ}21'37''$  East, a distance of 57.78 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3133875.22 and Y=13850691.08;

**THENCE** South  $25^{\circ}59'27''$  East, a distance of 7.28 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3133878.41 and Y=13850684.53;

**THENCE** North  $62^{\circ}10'45''$  East, a distance of 2314.77 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3135925.40 and Y=13851764.75;

**THENCE** North  $25^{\circ}00'19''$  West, a distance of 6.05 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3135922.84 and Y=13851770.23;

**THENCE** North  $62^{\circ}13'44''$  East, a distance of 32.41 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3135951.51 and Y=13851785.32;

**THENCE** North  $68^{\circ}12'09''$  East, a distance of 47.98 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3135996.06 and Y=13851803.14;

**UNION PACIFIC RAILROAD COMPANY  
 CONCRETE CAP AREA – 41.1398 ACRE TRACT  
 HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
 HARRIS COUNTY, TEXAS  
 PAGE 3 OF 3**

**THENCE** South 26°46'44" East, a distance of 9.01 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3136000.12 and Y=13851795.10;

**THENCE** South 62°08'04" West, a distance of 15.88 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3135986.08 and Y=13851787.68;

**THENCE** South 29°58'59" East, a distance of 174.76 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3136073.41 and Y=13851636.32;

**THENCE** South 53°20'30" East, a distance of 14.15 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3136084.76 and Y=13851627.87;

**THENCE** South 73°44'26" East, a distance of 16.51 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3136100.60 and Y=13851623.25;

**THENCE** North 56°01'12" East, a distance of 30.78 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3136126.12 and Y=13851640.45;

**THENCE** North 48°15'19" East, a distance of 49.63 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3136163.15 and Y=13851673.50;

**THENCE** North 42°16'38" East, a distance of 45.48 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3136193.74 and Y=13851707.15;

**THENCE** North 34°17'18" East, a distance of 162.60 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3136285.34 and Y=13851841.47;

**THENCE** North 40°14'19" East, a distance of 50.06 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3136317.67 and Y=13851879.68;

**THENCE** North 46°09'16" East, a distance of 50.23 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3136353.89 and Y=13851914.48;

**THENCE** North 52°33'35" East, a distance of 47.88 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3136391.91 and Y=13851943.58;

**THENCE** North 54°46'14" East, a distance of 247.27 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3136593.87 and Y=13852086.21;

**THENCE** North 57°15'43" East, a distance of 53.32 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3136638.72 and Y=13852115.04;

**THENCE** North 61°04'08" East, a distance of 26.55 feet to an angle corner of the herein described 41.1398 acre tract, at position X=3136661.95 and Y=13852127.88;

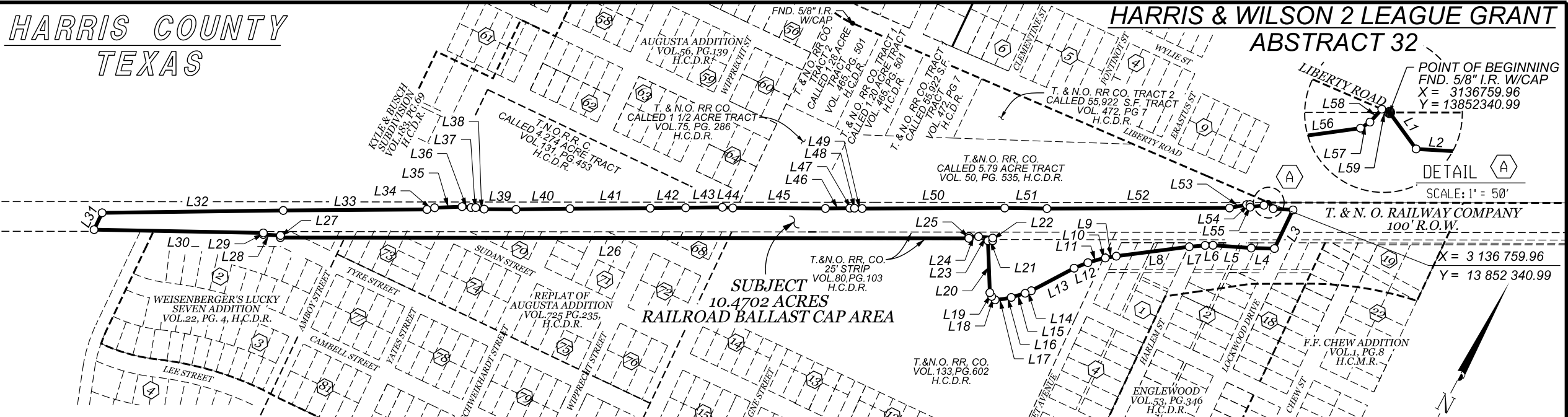
**THENCE** North 66°28'12" East, a distance of 96.58 feet to the **POINT OF BEGINNING**, containing 41.1398 acres of land, more or less.

**Wm. Patrick Doyle**  
**Registered Professional Land Surveyor**  
**Texas Registration Number 4467**  
**June 23, 2016**



# HARRIS COUNTY TEXAS

## HARRIS & WILSON 2 LEAGUE GRANT ABSTRACT 32



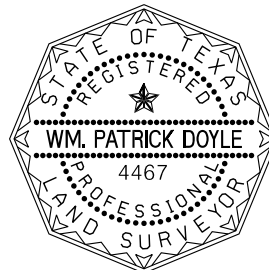
LINE #	DIRECTION	LENGTH
L1	S 63°55'58" E	25.27'
L2	N 65°31'24" E	66.87'
L3	S 2°12'59" E	144.33'
L4	S 63°23'00" W	77.90'
L5	S 66°18'08" W	129.20'
L6	S 61°04'08" W	26.55'
L7	S 57°15'43" W	53.32'
L8	S 54°46'14" W	247.27'
L9	S 52°55'52" W	37.51'
L10	S 51°13'07" W	10.38'
L11	S 46°09'16" W	50.23'
L12	S 40°14'19" W	50.06'
L13	S 34°17'18" W	162.60'
L14	S 40°06'28" W	22.40'
L15	S 45°29'36" W	48.88'
L16	S 50°09'24" W	23.89'
L17	S 56°01'12" W	30.78'
L18	N 73°44'26" W	16.51'
L19	N 53°20'30" W	14.15'
L20	N 29°58'59" W	174.76'

LINE #	DIRECTION	LENGTH
L21	N 62°08'04" E	15.88'
L22	N 26°46'44" W	9.01'
L23	S 68°12'09" W	47.98'
L24	S 62°13'44" W	32.41'
L25	S 25°00'19" E	6.05'
L26	S 62°10'45" W	2314.77'
L27	N 25°59'27" W	7.28'
L28	S 65°21'37" W	57.78'
L29	N 25°40'47" W	5.37'
L30	S 63°14'08" W	569.28'
L31	N 02°27'12" W	62.75'
L32	N 61°23'11" E	609.08'
L33	N 61°44'19" E	483.24'
L34	N 49°23'57" E	26.50'
L35	N 59°48'14" E	92.27'
L36	N 68°04'30" E	30.51'
L37	N 72°24'44" E	27.78'
L38	N 62°42'50" E	16.52'
L39	N 62°36'31" E	107.46'
L40	N 61°20'35" E	181.43'

LINE #	DIRECTION	LENGTH
L41	N 61°49'55" E	269.76'
L42	N 61°23'11" E	119.07'
L43	N 61°22'49" E	123.43'
L44	N 65°35'29" E	35.19'
L45	N 62°26'43" E	311.23'
L46	N 61°33'27" E	82.27'
L47	N 52°35'58" E	6.67'
L48	N 66°04'19" E	18.88'
L49	N 65°03'41" E	15.97'
L50	N 61°55'12" E	479.21'
L51	N 62°54'22" E	142.13'
L52	N 61°56'31" E	613.96'
L53	N 51°04'35" E	58.69'
L54	N 60°39'24" E	10.96'
L55	S 32°51'31" E	8.76'
L56	N 54°11'53" E	46.80'
L57	N 29°23'15" E	6.33'
L58	N 14°40'24" E	9.82'
L59	N 85°26'51" E	4.71'

**NOTES:**

- ALL COORDINATES AND BEARINGS ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83).
- ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS (SF= 0.999989548017).
- THIS EXHIBIT DID NOT RELY ON A CURRENT TITLE COMMITMENT THE INFORMATION CONTAINED ON THIS SURVEY WAS COMPILED FROM DATA BOTH PRIVATE AND PUBLIC, AND FROM THE HARRIS COUNTY COURTHOUSE. IT DOES NOT REPRESENT A COMPLETE DEED RESEARCH AND THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, OR OWNERSHIP TITLE EVIDENCE THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.



*Wm. Patrick Doyle*  
WM. PATRICK DOYLE  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NUMBER 4467

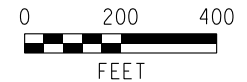


EXHIBIT OF  
**10.4702 ACRE TRACT RAILROAD BALLAST CAP AREA**  
BEING A PORTION OF ALL THAT CERTAIN  
**UNION PACIFIC RAILROAD COMPANY**  
124.8360 ACRE TRACT  
IN THE  
**HARRIS & WILSON 2 LEAGUE GRANT ABSTRACT 32**  
HARRIS COUNTY, TEXAS.  
FOR  
**UNION PACIFIC RAILROAD COMPANY**

PROJ. NO. 4410-16-01  
SHEET 1 OF 1

**Doyle & Wachtstetter, Inc.**  
Surveying and Mapping GPS/GIS  
131 COMMERCE STREET, CLUTE, TEXAS 77531  
OFFICE: 979.265.3622 FAX: 979.265.9940 FIRM NO.: 10024500

SURVEYED: JDD 4-15-16	BOOK: DRONE VOL. 1	IMAGE: NONE
DRAWN BY: JDD 5-16-16	CHECKED: KTD 5-17-16	REVISED: 6-06-17

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## **Doyle & Wachtstetter, Inc**

Surveying and Mapping • GPS/GIS

**UNION PACIFIC RAILROAD COMPANY  
RAILROAD BALLAST CAP AREA – 10.4702 ACRE TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 1 OF 4**

**BEING ALL THAT CERTAIN 10.4702** acre tract of land, lying and situated in the Harris and Wilson 2 League Grant, Abstract 32, Harris County Texas, being located within the Texas and New Orleans 100 foot wide railroad right-of-way, being a portion of that certain 25 foot wide strip conveyed by deed recorded on January 2, 1895 from Clementine Gagne, et al to Texas and New Orleans Railroad Company, as recorded in Volume 80, Page 103 of the Harris County Deed Records (H.C.D.R.), a portion of all that certain tract of land conveyed by deed recorded on March 12, 1902 from H. M. Curtin to Texas and New Orleans Railroad Company, as recorded in Volume 133, Page 602 of the H.C.D.R., a portion of Lots 1 through 4, Block 1, a portion of Lots 1 through 4, Block 2, a portion of Sunset Avenue, a portion of 50 foot wide Harlem Street (Baer Avenue), and a portion of 50 foot wide Lockwood Drive, as shown on the map of Englewood Subdivision, according to the map or plat recorded in Volume 53, Page 346 of the H.C.D.R.; a portion of Lots 1 through 3, Block 68, a portion of Lots 1 through 3, Block 70, a portion of Lots 1 and 5, Block 71, a portion of Lots 1 through 5, Block 73, a portion of 60 foot wide Tunis Street (17<sup>th</sup> Street), a portion of 60 foot wide Sudan Street (18<sup>th</sup> Street), all of 60 foot wide Tyre Street (19<sup>th</sup> Street), a portion of Amboy Street (Dan Street), a portion of 60 foot wide Yates Street (Elmer Street), a portion of 60 foot wide Schweikhart Street, a portion of 60 foot wide Wipprecht Street, and a portion of Solo Street (Gus Street) as shown on the map of the Subdivision of Blocks 68, 70, 71, 72, 73, 74, 75, 76 Augusta Addition, according to the map or plat recorded in Volume 725, Page 235 of the H.C.D.R., all of Block 1 and a portion of Tyre Street, as shown on the map of Weisenberger's Lucky Seven Addition, according to the map or plat recorded in Volume 22, Page 4 of the H.C.D.R., the herein described 10.4702 acre tract land hereby conveyed being more particularly described by metes and bounds, using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.= 0.99989548017) as follows:

**BEGINNING** at 5/8" iron rod found marking the intersection of the southern right-of-way boundary line of said 60 foot wide Liberty Road with the northwestern right-of-way boundary line of the 100 foot wide Texas and New Orleans Rail Road Company right-of-way, same being the southeastern boundary line of said Texas and New Orleans Rail Road Company called 5.79 acre tract, said Point of Beginning being located at Texas State Plane coordinate position X=3136759.96 and Y=13852340.99;

**THENCE** South 63°55'58" East, a distance of 25.27 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136782.66 and Y=13852329.89;

**THENCE** North 65°31'24" East, a distance of 66.87 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136843.51 and Y=13852357.59;

**THENCE** South 2°12'59" East, a distance of 144.33 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136849.09 and Y=13852213.39;

**THENCE** South 63°23'00" West, a distance of 77.90 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136779.46 and Y=13852178.49;

**THENCE** South 66°18'08" West, a distance of 129.20 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136661.16 and Y=13852126.57;

**THENCE** South 61°04'08" West, a distance of 26.55 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136637.92 and Y=13852113.72;

**THENCE** South 57°15'43" West, a distance of 53.32 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136593.08 and Y=13852084.89;

**THENCE** South 54°46'14" West, a distance of 247.27 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136391.12 and Y=13851942.27;

**THENCE** South 52°55'52" West, a distance of 37.51 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136361.19 and Y=13851919.66;

**UNION PACIFIC RAILROAD COMPANY  
RAILROAD BALLAST CAP AREA – 10.4702 ACRE TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 2 OF 4**

**THENCE** South 51°13'07" West, a distance of 10.38 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136353.10 and Y=13851913.16;

**THENCE** South 46°09'16" West, a distance of 50.23 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136316.88 and Y=13851878.37;

**THENCE** South 40°14'19" West, a distance of 50.06 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136284.54 and Y=13851840.16;

**THENCE** South 34°17'18" West, a distance of 162.60 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136192.95 and Y=13851705.83;

**THENCE** South 40°06'28" West, a distance of 22.40 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136178.52 and Y=13851688.70;

**THENCE** South 45°29'36" West, a distance of 48.88 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136143.67 and Y=13851654.44;

**THENCE** South 50°09'24" West, a distance of 23.89 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136125.33 and Y=13851639.14;

**THENCE** South 56°01'12" West, a distance of 30.78 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136099.81 and Y=13851621.94;

**THENCE** North 73°44'26" West, a distance of 16.51 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136083.96 and Y=13851626.56;

**THENCE** North 53°20'30" West, a distance of 14.15 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136072.61 and Y=13851635.01;

**THENCE** North 29°58'59" West, a distance of 174.76 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3135985.29 and Y=13851786.36;

**THENCE** North 62°08'04" East, a distance of 15.88 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3135999.32 and Y=13851793.78;

**THENCE** North 26°46'44" West, a distance of 9.01 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3135995.27 and Y=13851801.82;

**THENCE** South 68°12'09" West, a distance of 47.98 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3135950.72 and Y=13851784.01;

**THENCE** South 62°13'44" West, a distance of 32.41 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3135922.05 and Y=13851768.91;

**THENCE** South 25°00'19" East, a distance of 6.05 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3135924.60 and Y=13851763.43;

**THENCE** South 62°10'45" West, a distance of 2314.77 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3133877.61 and Y=13850683.22;

**THENCE** North 25°59'27" West, a distance of 7.28 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3133874.42 and Y=13850689.76;

**THENCE** South 65°21'37" West, a distance of 57.78 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3133821.91 and Y=13850665.67;

**THENCE** North 25°40'47" West, a distance of 5.37 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3133819.59 and Y=13850670.51;

**THENCE** South 63°14'08" West, a distance of 569.28 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3133311.35 and Y=13850414.18;

**UNION PACIFIC RAILROAD COMPANY  
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PAGE 3 OF 4**

**THENCE** North 2°27'12" West, a distance of 62.75 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3133308.67 and Y=13850476.86;

**THENCE** North 61°23'11" East, a distance of 609.08 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3133843.30 and Y=13850768.52;

**THENCE** North 61°44'19" East, a distance of 483.24 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3134268.89 and Y=13850997.30;

**THENCE** North 49°23'57" East, a distance of 26.50 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3134289.00 and Y=13851014.54;

**THENCE** North 59°48'14" East, a distance of 92.27 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3134368.74 and Y=13851060.95;

**THENCE** North 68°04'30" East, a distance of 30.51 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3134397.04 and Y=13851072.34;

**THENCE** North 72°24'44" East, a distance of 27.78 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3134423.52 and Y=13851080.73;

**THENCE** North 62°42'50" East, a distance of 16.52 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3134438.20 and Y=13851088.30;

**THENCE** North 62°36'31" East, a distance of 107.46 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3134533.60 and Y=13851137.74;

**THENCE** North 61°20'35" East, a distance of 181.43 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3134692.79 and Y=13851224.73;

**THENCE** North 61°49'55" East, a distance of 269.76 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3134930.58 and Y=13851352.06;

**THENCE** North 61°23'11" East, a distance of 119.07 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3135035.10 and Y=13851409.08;

**THENCE** North 61°22'49" East, a distance of 123.43 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3135143.44 and Y=13851468.20;

**THENCE** North 65°35'29" East, a distance of 35.19 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3135175.47 and Y=13851482.74;

**THENCE** North 62°26'43" East, a distance of 311.23 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3135451.37 and Y=13851626.70;

**THENCE** North 61°33'27" East, a distance of 82.27 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3135523.71 and Y=13851665.88;

**THENCE** North 52°35'58" East, a distance of 6.67 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3135529.01 and Y=13851669.93;

**THENCE** North 66°04'19" East, a distance of 18.88 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3135546.26 and Y=13851677.59;

**THENCE** North 65°03'41" East, a distance of 15.97 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3135560.74 and Y=13851684.32;

**THENCE** North 61°55'12" East, a distance of 479.21 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3135983.50 and Y=13851909.86;

**THENCE** North 62°54'22" East, a distance of 142.13 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136110.02 and Y=13851974.59;



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**THENCE** North 61°56'31" East, a distance of 613.96 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136651.77 and Y=13852263.34;

**THENCE** North 51°04'35" East, a distance of 58.69 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136697.42 and Y=13852300.21;

**THENCE** North 60°39'24" East, a distance of 10.96 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136706.97 and Y=13852305.58;

**THENCE** South 32°51'31" East, a distance of 8.76 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136711.72 and Y=13852298.22;

**THENCE** North 54°11'53" East, a distance of 46.80 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136749.68 and Y=13852325.60;

**THENCE** North 29°23'15" East, a distance of 6.33 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136752.79 and Y=13852331.12;

**THENCE** North 14°40'24" East, a distance of 9.82 feet to an angle corner of the herein described 10.4702 acre tract, at position X=3136755.27 and Y=13852340.62;

**THENCE** North 85°26'51" East, a distance of 4.71 feet to the **POINT OF BEGINNING**, containing 10.4702 acres of land, more or less.



*Wm. Patrick Doyle*

**Wm. Patrick Doyle  
Registered Professional Land Surveyor  
Texas Registration Number 4467  
June 23, 2016**

*This description is based on an exhibit, dated June 23, 2016 is on file in the office of Doyle & Wachtstetter, Inc.  
V:\Pat\Pastor Behling & Wheeler\UPPR Liberty Railroad Ballast Cap 10.4702 acres Rev1.doc*

***EXHIBIT "D"***

***MAINTENANCE AND MONITORING OF THE PHYSICAL CONTROLS FOR SOIL***

## ***EXHIBIT “D”***

### ***MAINTENANCE AND MONITORING OF THE PHYSICAL CONTROLS FOR SURFACE/SUBSURFACE SOIL***

The cap inspection and maintenance program will be developed to ensure the integrity of the cap and vegetative cover. UPRR will submit annual reports to the TCEQ (unless this frequency is modified by subsequent TCEQ correspondence) documenting the physical control conditions, maintenance, repair, replacement, and the continued effectiveness of the remedy. The maintenance program will consist of the following:

#### ***I. Soil Cap Area - HWPW***

##### **VISUAL INSPECTIONS**

Inspections will be performed on a quarterly basis and after all major storms. The inspections will focus on the following major issues:

- 1) Erosion of the cap (gullies, rills, or other erosional features on the cap surface or in drainages)
- 2) Sideslope sloughing (slippage)
- 3) Settling/subsidence
- 4) Vegetation deterioration
- 5) Damage from animals (i.e., rodents)
- 6) Groundwater monitoring equipment (wells) (semi-annual basis)

Locations where deficiencies are found shall be marked and repaired as soon as practicable.

##### **MAINTAINING THE COVER AND VEGETATION**

The cover and vegetation will be maintained by:

- 1) Preventing ponding
- 2) Maintaining design slopes and grades
- 3) Fertilizing, as necessary
- 4) Mowing, as necessary
- 5) Replanting, as necessary
- 6) Controlling animals (rodents, hogs) and insects

Routine repairs of the cover and maintenance of the slopes and grades will be performed to prevent ponding and drainage problems. Vegetation may require periodic application of fertilizer, mulch or seed. Vegetation will target pollinator seed mixes to attract pollinator species. Mowing will be performed as needed but less frequently than a grass covered cap and only periodically to promote the growth of desired vegetation and to block the growth of trees or shrubs which could penetrate the cover soil with their roots.

##### **EROSION CONTROL**

Maintenance of the drainage and diversion portions of the cap will be performed. Erosion of soil by water and/or wind will be repaired as soon as practicable.

#### ***II. Asphalt Road Cap – HWPW***

##### **VISUAL INSPECTIONS**

Inspections will be performed on a quarterly basis. The inspections will focus on the following major issues:

- 1) Erosion of the asphalt roadway (potholes, exposed soils)

- 2) Settling/subsidence
- 3) Cracks in asphalt roadway

Locations where deficiencies are found shall be marked and repaired as soon as practicable.

#### MAINTAINING THE ASPHALT CAP

The asphalt cover will be maintained by:

- 1) Crack repair/sealing;
- 2) Pothole patching; and
- 3) Controlling vegetation.

### **III. Concrete Pavement – Englewood Intermodal Yard (On-Site)**

#### VISUAL INSPECTIONS

Inspections will be performed on a quarterly basis. The inspections will focus on the following major issues:

- 1) Step separation in the concrete;
- 2) Settling/subsidence;
- 3) Cracks in the concrete; and
- 4) Openings in the pavement.

Locations where deficiencies are found shall be marked and repaired as soon as practicable.

#### MAINTAINING THE CONCRETE PAVEMENT

The concrete pavement will be maintained by:

- 1) Crack repair/sealing;
- 2) Replacing panels as needed; and
- 3) Controlling vegetation growing through cracks/along edges of sidewalk.

### **IV. Railroad Ballast Area – (HWPW/Englewood Intermodal Yard)**

#### VISUAL INSPECTIONS

Inspections will be performed on a quarterly basis. The inspections will focus on the following major issues:

- 1) Ballast removed with exposed soil.

Locations where deficiencies are found shall be marked and repaired as soon as practicable.

#### MAINTAINING THE RAILROAD BALLAST

The railroad ballast will be maintained by:

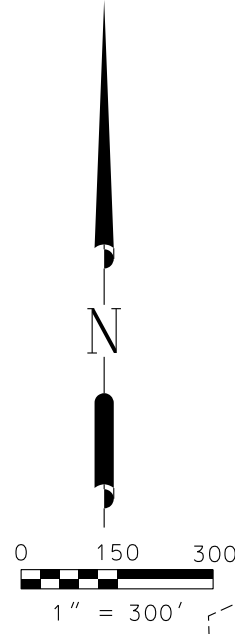
- 1) Adding railroad ballast where areas of soil are exposed;
- 2) Controlling vegetation.

The ballast areas will be maintained in accordance with UPRR Engineering Standards for Roadbase Section for Wood Tie Track Construction (UPRR, 2006).

***EXHIBIT "E"***  
***LEGAL DESCRIPTION OF EXTENT OF PMZ AND NAPL AREAS***

# HARRIS COUNTY TEXAS

## HARRIS & WILSON 2 LEAGUE SURVEY ABSTRACT 32



I, Wm. PATRICK DOYLE, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT IS A TRUE REPRESENTATION OF A SURVEY MADE UNDER MY SUPERVISION, ON THE GROUND, AND THAT THERE ARE NO EXCESSES NOR INTRUSIONS ON THIS PROPERTY, EXCEPT AS SHOWN HEREON.  
DATE SURVEYED: JANUARY 12, 2016.

- NOTES:
1. ALL COORDINATES AND BEARINGS ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83).
  2. ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS (SF= 0.99989548017).
  3. THIS SURVEY DID NOT RELY ON A CURRENT TITLE COMMITMENT, THE INFORMATION CONTAINED ON THIS SURVEY WAS COMPILED FROM DATA BOTH PRIVATE AND PUBLIC, AND FROM THE HARRIS COUNTY COURTHOUSE. IT DOES NOT REPRESENT A COMPLETE DEED RESEARCH AND THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, OR OWNERSHIP TITLE EVIDENCE THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE



*Wm. Patrick Doyle*  
WM. PATRICK DOYLE  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NUMBER 4467

EXHIBIT OF  
**ONSITE PMZ TRACTS  
52.4295 ACRE TRACT &  
3.8686 ACRE TRACT**  
IN THE  
**HARRIS & WILSON 2 LEAGUE SURVEY  
ABSTRACT 32  
HARRIS COUNTY, TEXAS**  
FOR  
**UNION PACIFIC RAILROAD COMPANY**

**Doyle & Wachtstetter, Inc.**  
Surveying and Mapping GPS/GIS  
131 COMMERCE STREET, CLUTE, TEXAS 77531  
OFFICE: 979.265.3622 FAX: 979.265.9940 FIRM NO.: 10024500

SURVEYED:	1-12-16	BOOK:	BOOK	IMAGE:	NONE
DRAWN BY:	JAM	CHECKED:	JAM	REVISED:	

USER: Untitled Workspace TIME: 7:27:36 AM DATE: 6/30/2016 G:\DGN\B&W Environmental\UPRR Houston Wood Perserving 4910 Liberty\UPRR Houston Wood 2015 PMZ Bndy\Survey plot UPRR -Onsite PMZ.dgn



## **Doyle & Wachtstetter, Inc**

Surveying and Mapping • GPS/GIS

**UNION PACIFIC RAILROAD COMPANY  
52.4295 ACRE ONSITE PMZ TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 1 OF 3**

**BEING ALL THAT CERTAIN** 52.4295 acre tract of land, lying and situated in the Wilson and Harris 2 League Grant, Abstract 32, Harris County Texas, being a portion of that certain 100 foot wide Texas and New Orleans Railroad right-of-way; a portion of Block 11 and Block 18, all of Block 12, 13, 14, 15, 16 and 17, a portion of Solo Street (Joseph Street), a portion of 40 foot wide Gagne Street, a portion of 40 foot wide Clementine Street, a portion of 40 foot wide Fontinot Street, as shown on the map of the South Part of the Gagne Homestead, according to the map or plat recorded in Volume 89, Page 240 of the Harris County Deed Records (H.C.D.R.), a portion of Block 2, all of Block 1, Block 4 and Block 7, all of 60 foot wide New Orleans Avenue, a portion of 50 foot wide Grumbach Street, a portion of 50 foot wide Tunis Street (Jones Street), a portion of Erastus Street (Sunset Avenue), a portion of 50 foot wide Harlem Street (Baer Avenue), a portion of 50 foot wide Lockwood Drive (Cushing Avenue) as shown on the map of Englewood Subdivision, according to the map or plat recorded in Volume 53, Page 346 of the H.C.D.R., a portion of Block 18 and Block 22 and all of Block 19, a portion of 60 foot wide Wallisville Road, a portion of 50 foot wide Chew Avenue, as shown on the map of F. F. Chew Addition, according to the map or plat recorded in Volume 1, Page 8 of the Harris County Map Records (H.C.M.R.), all that certain 25 foot wide strip conveyed by deed recorded on January 2, 1895 from Clementine Gagne, et al to Texas and New Orleans Railroad Company, as recorded in Volume 80, Page 103 of the H.C.D.R., all that certain tract of land conveyed by deed recorded on March 12, 1902 from H. M. Curtin to Texas and New Orleans Railroad Company, as recorded in Volume 133, Page 602 of the H.C.D.R., all that certain called 1.28 acre tract and all that certain called 1.20 acre tract of land conveyed by deed recorded on February 8, 1921 from W. N. Reece to Texas & New Orleans Railroad Company as recorded in Volume 465, Page 501 of the H.C.D.R., all that certain called 55,922 square foot tract of land and all that certain called 55,922 square foot tract of land conveyed by deed recorded on February 7, 1921 from W. N. Reece to Texas & New Orleans Railroad Company as recorded in Volume 472, Page 7 of the H.C.D.R., all that certain called 1.5 acre tract of land conveyed by deed recorded on August 15, 1894 from R. B. Baer to Texas & New Orleans Railroad Company as recorded in Volume 75, Page 286 of the H.C.D.R.; All that certain called 5.79 acre tract of land conveyed by deed recorded on July 24, 1890 from R. B. Baer to Texas & New Orleans Railroad Company as recorded in Volume 50, Page 535 of the H.C.D.R.; the herein described 52.4295 acre tract land hereby conveyed being more particularly described by metes and bounds, using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.= 0.99989548017) as follows:

**BEGINNING** at 5/8" iron rod found marking the intersection of the southeastern right-of-way boundary line of said 60 foot wide Liberty Road with the northwestern right-of-way boundary line of the 100 foot wide Texas and New Orleans Rail Road Company right-of-way, same being the southeastern boundary line of said Texas and New Orleans Rail Road Company called 5.79 acre tract, for an interior corner of the herein described 52.4295 acre tract, said Point of Beginning being located at Texas State Plane coordinate X=3136759.96 and Y=13852340.99;

**UNION PACIFIC RAILROAD COMPANY  
52.4295 ACRE ONSITE PMZ TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 2 OF 3**

**THENCE** North  $62^{\circ}10'18''$  East, coincident with the southeastern right-of-way boundary line of said 60 foot wide Liberty Road, same being the northwestern boundary line of the 100 foot wide Texas and New Orleans Rail Road Company right-of-way, a distance of 653.86 feet to an angle point at the intersection of the southeastern right-of-way boundary line of said 60 foot wide Liberty Road with the northern extension of the western right-of-way boundary line of 50 foot wide Sam Willis Street, for the northeast corner of the herein described 52.4295 acre tract, at position  $X=3137338.15$  and  $Y=13852646.20$ ;

**THENCE** South  $2^{\circ}35'12''$  East, coincident with the northern extension of the western right-of-way boundary line of said 50 foot wide Sam Willis Street, a distance of 364.63 feet to a point located on the eastern boundary line of said Block 22 of the F. F. Chew Addition, to the point of curvature of a non-tangent curve to the left, having a radius of 1179.16 feet, at position  $X=3137354.60$  and  $Y=13852281.98$ ;

**THENCE** in an westerly direction, along said curve to the left, having a radius of 1179.28 feet, an arc length of 375.93 feet, a central angle of  $18^{\circ}15'53''$ , and a chord bearing and distance of South  $70^{\circ}59'12''$  West – 374.34 feet to an angle corner of the herein described 52.4295 acre tract, at position  $X=3137000.72$  and  $Y=13852160.04$ ;

**THENCE** South  $61^{\circ}51'16''$  West, a distance of 190.34 feet to an angle corner of the herein described 52.4295 acre tract, at position  $X=3136832.90$  and  $Y=13852070.26$ ;

**THENCE** South  $53^{\circ}51'57''$  West, a distance of 288.79 feet to a point located on the western right-of-way boundary line of 50 foot wide Harlem Street, same being the eastern boundary line of said Block 1 of Englewood Subdivision for an interior corner of the herein described 52.4295 acre tract, at position  $X=3136599.69$  and  $Y=13851899.99$ ;

**THENCE** South  $2^{\circ}49'16''$  East, coincident with the western right-of-way boundary line of said 50 foot wide Harlem Street, same being the eastern boundary line of Block 1, Block 4 and Block 7 of said Englewood Subdivision, a distance of 827.94 feet to a point at the intersection of said western right-of-way boundary line of said Harlem Street with the northern right-of-way boundary line of 50 foot wide Sudan Street, for the southeast corner of said Block 7, for an exterior corner of the herein described 52.4295 acre tract, at position  $X=3136640.44$  and  $Y=13851073.13$ ;

**THENCE** South  $87^{\circ}28'24''$  West, coincident with northern right-of-way boundary line of said 50 foot wide Sudan Street, same being the southern boundary line of said Block 7 of Englewood Subdivision, a distance of 273.42 feet to a point located on the western right-of-way boundary line of Erastus Street, right-of-way varies, located within Block 11 of said Subdivision of the South Part of the Gagne Homestead, for an interior corner of the herein described 52.4295 acre tract, at position  $X=3136367.32$  and  $Y=13851061.08$ ;



**UNION PACIFIC RAILROAD COMPANY  
52.4295 ACRE ONSITE PMZ TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
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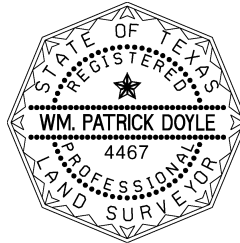
**THENCE** South 2°44'14" East, coincident with the western right-of-way boundary line of said Erastus Street, a distance of 287.64 feet to a point at the intersection of the western right-of-way boundary line of said Erastus Street and the northern right-of-way boundary line 19<sup>th</sup> Street, same being the southern boundary line of Block 18 of said Subdivision of the South Part of the Gagne Homestead, for the southeast corner of the herein described 52.4295 acre tract, at position X=3136381.05 and Y=13850773.80;

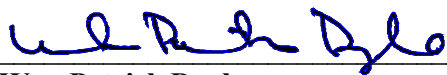
**THENCE** South 87°18'14" West, coincident with the northern right-of-way boundary line of said 19<sup>th</sup> Street, same being the southern boundary line of Block 18, Block 17, Block 16 and Block 15 of said Subdivision of the South Part of the Gagne Homestead, a distance of 1115.27 feet to a point located in Solo Street, right-of-way varies, for the southwest corner of the herein described 52.4295 acre tract, at position X=3135267.13 and Y=13850721.35;

**THENCE** North 2°44'14" West, coincident with the western boundary line of said Subdivision of the South Part of the Gagne Homestead, the western boundary line of said T. & N. O. Rail Road Company tract, recorded in Volume 133, Page 602, of the H.C.D.R., the western boundary line of said T. & N. O. Rail Road Company 25 foot wide strip, the western boundary line of said T. & N. O. Rail Road Company called 1.5 acre tract and the western boundary line of said T. & N. O. Rail Road Company called 1.28 acre tract, a distance of 1500.71 feet to a point located on the southern right-of-way boundary line of said 60 foot wide Liberty Road, on a curve to the left, having a radius of 280.00 feet, at position X=3135195.47 and Y=13852220.19;

**THENCE** in an easterly direction, coincident with the southern right-of-way boundary line of said 60 foot wide Liberty Road, along said curve to the left, having a radius of 280.00 feet, an arc length of 45.91 feet, a central angle of 9°23'40" and a chord bearing and distance of South 89°51'19" East – 45.86 feet to a found 5/8" iron rod, at position X=3135241.32 and Y=13852220.07;

**THENCE** North 85°26'51" East, coincident with the southern right-of-way boundary line of said 60 foot wide Liberty Road, a distance of 1523.61 feet to the **POINT OF BEGINNING**, containing 52.4295 acres of land, more or less





**Wm. Patrick Doyle**  
**Registered Professional Land Surveyor**  
**Texas Registration Number 4467**  
**June 29, 2016**



## **Doyle & Wachtstetter, Inc**

Surveying and Mapping • GPS/GIS

**UNION PACIFIC RAILROAD COMPANY  
3.8686 ACRE ONSITE PMZ TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 1 OF 2**

**BEING ALL THAT CERTAIN** 3.8686 acre tract of land, lying and situated in the Wilson and Harris 2 League Grant, Abstract 32, Harris County Texas, being a portion of all that certain called 4.274 acre tract conveyed by deed recorded on October 29, 1901 from Ida Japhet to Texas and New Orleans Railroad Company, as recorded in Volume 131, Page 453 of the Harris County Deed Records (H.C.D.R.), a portion of Block 58, Block 59, Block 6, Block 62 and Block 63, a portion of 60 foot wide 16<sup>th</sup> Street, a portion of 60 foot wide of Eddie Street (15<sup>th</sup> Street), a portion of 60 foot wide Kashmere Street (Yates Street), a portion of 60 foot wide Schweikhart Street, as shown on the map of Augusta Addition, according to the map or plat recorded in Volume 56, Page 139 of the Harris County Deed Records (H.C.D.R.), the herein described 3.8686 acre tract land hereby conveyed being more particularly described by metes and bounds, using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.= 0.99989548017) as follows:

**COMMENCING** at a 5/8" iron rod found marking the northwest corner of Block 54 of said Augusta Addition, located at the intersection of the southern right-of-way boundary line of Liberty Road with the eastern right-of-way boundary line of 60 foot wide Kashmere Street, for the northwest corner of the herein described 124.8360 acre tract, said Point of Commencement being at Texas State Plane coordinate position X=31334356.21 and Y=13852234.79;

**THENCE** South 2°26'03" East, coincident with the eastern right-of-way boundary line of said 60 foot wide Kashmere Street, same being the western boundary line of Block 54 and Block 58 of said Augusta Addition, a distance of 476.71 feet to the **POINT OF BEGINNING** of the herein described 3.8686 acre tract, a position X=3134376.46 and Y=13851758.56;

**THENCE** North 30°35'22" East, a distance of 257.68 feet to the North corner of the herein described 3.8686 acre tract, at position X=3134507.57 and Y=13851980.36;

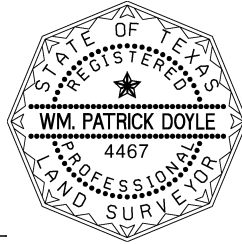
**THENCE** South 56°11'48" East, a distance of 367.00 feet to the East corner of the herein described 3.8686 acre tract, at position X=3134812.50 and Y=13851776.20;

**THENCE** South 29°37'41" West, a distance of 503.41 feet to the South corner of the herein described 3.8686 acre tract, at position X=3134563.66 and Y=13851338.66;

**THENCE** North 42°09'52" West, a distance of 392.51 feet to the West corner of the herein described 3.8686 acre tract, at position X=3134300.21 and Y=13851629.57;

**UNION PACIFIC RAILROAD COMPANY  
3.8686 ACRE ONSITE PMZ TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 2 OF 2**

**THENCE** North 30°35'22" East, a distance of 149.86 feet to the **POINT OF BEGINNING**, containing 3.8686 acres of land, more or less.



A handwritten signature in blue ink, appearing to read "Wm. Patrick Doyle", is written over a horizontal line.

**Wm. Patrick Doyle  
Registered Professional Land Surveyor  
Texas Registration Number 4467  
June 29, 2016**

*This description is based on a plat, dated June 29, 2016, is on file in the office of Doyle & Wachtstetter, Inc.  
V:\Pat\Pastor Behling & Wheeler\UPPR Englewood Yard Onsite PMZ 3.8686 acre tract.doc*

**APPENDIX 5**  
**LANDOWNER CONCURRENCE**

## **APPENDIX 5**

**APPENIDX 5 – SIGNED RESTRICTIVE COVENANTS  
WORKSHEET 2.4 - OFF-SITE LANDOWNER SUMMARY TABLES  
SIGNED RESTRICTIVE COVENANTS**

**APPENDIX 5A – CORRESPONDENCE LOGS FOR EXTENSIVE AND DILIGENT  
INQUIRY – OFF-SITE PMZ  
FIGURE 1 – PROPOSED OFF-SITE PROPERTIES FOR RESTRICTIVE  
COVENANTS  
INDIVIDUAL LANDOWNERS – INSTITUTIONAL CONTROL RAP WORKSHEET  
2.4**

**APPENDIX 5B – CITY OF HOUSTON RESTRICTIVE COVENANTS – SIGNED**

## Institutional Control

Associated Information: Appendices 4, 5

## RAP Worksheet 2.4

ID No.: SWR ID 31547

Page 1

Report Date: June 24, 2017 – Rev 3

Complete this worksheet if an institutional control will be used as part of the response action. Include a draft of the proposed institutional controls in Appendix 4. Provide a list of landowners from whom landowner concurrence will be requested, as necessary, in Appendix 5.

Specify the property for which this applies. 0 Wylie St, Houston, TX 77026 (Map ID 3, HCAD ID 014144000001)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

## Institutional Control

Associated Information: Appendices 4, 5

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Specify the property for which this applies. 5006 Wylie St, Houston, TX 77026 (Map ID 4, HCAD ID 014144000002)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

## Institutional Control

Associated Information: Appendices 4, 5

## RAP Worksheet 2.4

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Specify the property for which this applies. 5010 Wylie, Houston, TX 77026 (Map ID 5, HCAD ID 014144000003)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.



## Institutional Control

Associated Information: Appendices 4, 5

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Specify the property for which this applies. 2906 Lavender St, Houston, TX 77026 (Map ID 6, HCAD ID 0402660100003)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

## Institutional Control

Associated Information: Appendices 4, 5

## RAP Worksheet 2.4

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Report Date: June 24, 2017 – Rev 3

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Specify the property for which this applies. 2904 Lavender St, Houston, TX 77026 (Map ID 7, HCAD ID 0402660100001)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

## Institutional Control

Associated Information: Appendices 4, 5

## RAP Worksheet 2.4

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Specify the property for which this applies. 505 Liberty, Houston, TX 77026 (Map ID 8, HCAD ID 014144000004)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

## Institutional Control

Associated Information: Appendices 4, 5

## RAP Worksheet 2.4

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Specify the property for which this applies. 5119 Wylie St, Houston, TX 77026 (Map ID 9, HCAD ID 014140000006)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

# Institutional Control

Associated Information: Appendices 4, 5

# RAP Worksheet 2.4

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Specify the property for which this applies. 2820 Clementine St, Houston, TX 77026 (Map ID 10, HCAD ID 014143000001)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	Within 720 days of RAP approval
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	Within 720 days of RAP approval
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	Within 720 days of RAP approval
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

## Institutional Control

Associated Information: Appendices 4, 5

## RAP Worksheet 2.4

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Specify the property for which this applies. 5117 Liberty Rd, Houston, TX 77026 (Map ID 16, HCAD ID 014143000006)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

## Institutional Control

Associated Information: Appendices 4, 5

## RAP Worksheet 2.4

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Specify the property for which this applies. 5301 Liberty Rd, Houston, TX 77026 (Map ID 23, HCAD ID 014041000007)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

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Specify the property for which this applies. 5118 Lelia St, Houston, TX 77026 (Map ID 28, HCAD ID 014140000004)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	Within 720 days of RAP approval
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	Within 720 days of RAP approval
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	Within 720 days of RAP approval
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.



## Institutional Control

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Specify the property for which this applies. 5105 Wylie St, Houston, TX 77026 (Map ID 33, HCAD ID 014140000009)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

## Institutional Control

Associated Information: Appendices 4, 5

## RAP Worksheet 2.4

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Complete this worksheet if an institutional control will be used as part of the response action. Include a draft of the proposed institutional controls in Appendix 4. Provide a list of landowners from whom landowner concurrence will be requested, as necessary, in Appendix 5.

Specify the property for which this applies. 2901 Clementine St, Houston, TX 77026 (Map ID 34, HCAD ID 0141390000005)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

# Institutional Control

Associated Information: Appendices 4, 5

# RAP Worksheet 2.4

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Complete this worksheet if an institutional control will be used as part of the response action. Include a draft of the proposed institutional controls in Appendix 4. Provide a list of landowners from whom landowner concurrence will be requested, as necessary, in Appendix 5.

Specify the property for which this applies. 5007 Wylie St, Houston, TX 77026 (Map ID 36, HCAD ID 0141390000007)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	Within 720 days of RAP approval
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	Within 720 days of RAP approval
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	Within 720 days of RAP approval
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

## Institutional Control

Associated Information: Appendices 4, 5

## RAP Worksheet 2.4

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Complete this worksheet if an institutional control will be used as part of the response action. Include a draft of the proposed institutional controls in Appendix 4. Provide a list of landowners from whom landowner concurrence will be requested, as necessary, in Appendix 5.

Specify the property for which this applies. 5005 Wylie St, Houston, TX 77026 (Map ID 37, HCAD ID 014139000008)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

# Institutional Control

Associated Information: Appendices 4, 5

# RAP Worksheet 2.4

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Complete this worksheet if an institutional control will be used as part of the response action. Include a draft of the proposed institutional controls in Appendix 4. Provide a list of landowners from whom landowner concurrence will be requested, as necessary, in Appendix 5.

Specify the property for which this applies. 2924 Lavender St, Houston, TX 77026 (Map ID 39, HCAD ID 0402660100022)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	Within 720 days of RAP approval
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	Within 720 days of RAP approval
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	Within 720 days of RAP approval
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

# Institutional Control

Associated Information: Appendices 4, 5

# RAP Worksheet 2.4

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Complete this worksheet if an institutional control will be used as part of the response action. Include a draft of the proposed institutional controls in Appendix 4. Provide a list of landowners from whom landowner concurrence will be requested, as necessary, in Appendix 5.

Specify the property for which this applies. 2922 Lavender St, Houston, TX 77026 (Map ID 40, HCAD ID 0402660100005)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	Within 720 days of RAP approval
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	Within 720 days of RAP approval
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	Within 720 days of RAP approval
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

# Institutional Control

Associated Information: Appendices 4, 5

# RAP Worksheet 2.4

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Complete this worksheet if an institutional control will be used as part of the response action. Include a draft of the proposed institutional controls in Appendix 4. Provide a list of landowners from whom landowner concurrence will be requested, as necessary, in Appendix 5.

Specify the property for which this applies. 2806 Erastus St, Houston, TX 77026 (Map ID 42, HCAD ID 014041000006)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	Within 720 days of RAP approval
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	Within 720 days of RAP approval
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	Within 720 days of RAP approval
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

## Institutional Control

Associated Information: Appendices 4, 5

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Complete this worksheet if an institutional control will be used as part of the response action. Include a draft of the proposed institutional controls in Appendix 4. Provide a list of landowners from whom landowner concurrence will be requested, as necessary, in Appendix 5.

Specify the property for which this applies. 5304 Wylie St, Houston, TX 77026 (Map ID 43, HCAD ID 014041000013)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.



## Institutional Control

Associated Information: Appendices 4, 5

## RAP Worksheet 2.4

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Complete this worksheet if an institutional control will be used as part of the response action. Include a draft of the proposed institutional controls in Appendix 4. Provide a list of landowners from whom landowner concurrence will be requested, as necessary, in Appendix 5.

Specify the property for which this applies. 5304-1/2 Wylie St, Houston, TX 77026 (Map ID 44, HCAD ID 0140410000005)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		<b>X</b>				<b>X</b>	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		<b>X</b>				<b>X</b>	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		<b>X</b>				<b>X</b>	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

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## RAP Worksheet 2.4

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Complete this worksheet if an institutional control will be used as part of the response action. Include a draft of the proposed institutional controls in Appendix 4. Provide a list of landowners from whom landowner concurrence will be requested, as necessary, in Appendix 5.

Specify the property for which this applies. 5008 Lelia St, Houston, TX 77026 (Map ID 57, HCAD ID 0141390000001)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

## Institutional Control

Associated Information: Appendices 4, 5

## RAP Worksheet 2.4

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Complete this worksheet if an institutional control will be used as part of the response action. Include a draft of the proposed institutional controls in Appendix 4. Provide a list of landowners from whom landowner concurrence will be requested, as necessary, in Appendix 5.

Specify the property for which this applies. **5014 Leila, Houston, TX 77026 (Map ID 59, HCAD ID 0141390000003)**

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

## Institutional Control

Associated Information: Appendices 4, 5

## RAP Worksheet 2.4

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Complete this worksheet if an institutional control will be used as part of the response action. Include a draft of the proposed institutional controls in Appendix 4. Provide a list of landowners from whom landowner concurrence will be requested, as necessary, in Appendix 5.

Specify the property for which this applies. 2421 Clementine, Houston, TX 77026 (Map ID 60, HCAD ID 0141390000004)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

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Complete this worksheet if an institutional control will be used as part of the response action. Include a draft of the proposed institutional controls in Appendix 4. Provide a list of landowners from whom landowner concurrence will be requested, as necessary, in Appendix 5.

Specify the property for which this applies. 0 Lelia St, Houston, TX 77026 (Map ID 61, HCAD ID 0141390000009)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

## Institutional Control

Associated Information: Appendices 4, 5

## RAP Worksheet 2.4

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Complete this worksheet if an institutional control will be used as part of the response action. Include a draft of the proposed institutional controls in Appendix 4. Provide a list of landowners from whom landowner concurrence will be requested, as necessary, in Appendix 5.

Specify the property for which this applies. 5116 Lelia St, Houston, TX 77026 (Map ID 63, HCAD ID 014140000002)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

## Institutional Control

Associated Information: Appendices 4, 5

## RAP Worksheet 2.4

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Complete this worksheet if an institutional control will be used as part of the response action. Include a draft of the proposed institutional controls in Appendix 4. Provide a list of landowners from whom landowner concurrence will be requested, as necessary, in Appendix 5.

Specify the property for which this applies. 5112 Lelia St, Houston, TX 77026 (Map ID 64, HCAD ID 014140000003)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

## Institutional Control

Associated Information: Appendices 4, 5

## RAP Worksheet 2.4

ID No.: SWR ID 31547

Page 1

Report Date: June 24, 2017 – Rev 3

Complete this worksheet if an institutional control will be used as part of the response action. Include a draft of the proposed institutional controls in Appendix 4. Provide a list of landowners from whom landowner concurrence will be requested, as necessary, in Appendix 5.

Specify the property for which this applies. 2938 Lavender St, Houston, TX 77026 (Map ID 76, HCAD ID 0402660100019)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.



## Institutional Control

Associated Information: Appendices 4, 5

## RAP Worksheet 2.4

ID No.: SWR ID 31547

Page 1

Report Date: June 24, 2017 – Rev 3

Complete this worksheet if an institutional control will be used as part of the response action. Include a draft of the proposed institutional controls in Appendix 4. Provide a list of landowners from whom landowner concurrence will be requested, as necessary, in Appendix 5.

Specify the property for which this applies. 2934 Lavender St, Houston, TX 77026 (Map ID 77, HCAD ID 0402660100021)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

## Institutional Control

Associated Information: Appendices 4, 5

## RAP Worksheet 2.4

ID No.: SWR ID 31547

Page 1

Report Date: June 24, 2017 – Rev 3

Complete this worksheet if an institutional control will be used as part of the response action. Include a draft of the proposed institutional controls in Appendix 4. Provide a list of landowners from whom landowner concurrence will be requested, as necessary, in Appendix 5.

Specify the property for which this applies. 0 Lelia St, Houston, TX 77026 (Map ID 81, HCAD ID 0522570000008)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	<b>Within 720 days of RAP approval</b>
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	<b>Within 720 days of RAP approval</b>
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	<b>Within 720 days of RAP approval</b>
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

# Institutional Control

Associated Information: Appendices 4, 5

# RAP Worksheet 2.4

ID No.: SWR ID 31547

Page 1

Report Date: June 24, 2017 – Rev 3

Complete this worksheet if an institutional control will be used as part of the response action. Include a draft of the proposed institutional controls in Appendix 4. Provide a list of landowners from whom landowner concurrence will be requested, as necessary, in Appendix 5.

Specify the property for which this applies. 5015 Lelia St, Houston, TX 77026 (Map ID 82, HCAD ID 052257000009)

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control <sup>1</sup>				Property Ownership		Anticipated Filing Date <sup>2</sup>
	Deed Notice	Restrictive Covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))							
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X				X	Within 720 days of RAP approval
Document notice of on-going long term response action (§350.31(h))							
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X				X	Within 720 days of RAP approval
Document the demonstration of technical impracticability (§350.33(f)(3)(F))		X				X	Within 720 days of RAP approval
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							

<sup>1</sup> Check the appropriate box(es) to indicate the type of institutional control required for the proposed response action.

<sup>2</sup> Specify date or amount of time after RAP approval.

**MAP ID - 3**

**HCAD ID - 0141440000001**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lot 1, In block 6 of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Vol.1 page 55 of the Map Records of Harris County, Texas.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Greater Mount Nebo Baptist Church (Owner) with an address of 3819 Harland Dr., Houston, Texas 77092. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.


Executed this 19<sup>th</sup> day of February, 2015.

Greater Mount Nebo Baptist Church  
By: Charles L. Allen, Jr.  
Name: Charles L. Allen, Jr.  
Title: Pastor

STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the 19<sup>th</sup> day of February, 2015, personally appeared Charles L. Allen, Jr., Pastor, of Greater Mount Nebo Baptist Church, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 19th day of February, 2015.

  
Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires: **PAUL A SHANKLIN**  
My Commission Expires  
December 11, 2018



Executed this 14<sup>th</sup> day of June, 20 17.

**Union Pacific Railroad [RESPONDER]**

By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA §  
DOUGLAS COUNTY §

BEFORE ME, on this the 14<sup>th</sup> day of June, 20 17 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [RESPONDER], known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 20 17.

David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

# Greater Mount Nebo Missionary Baptist Church

Rev. Charles L. Allen, Jr., Pastor

---

February 11, 2015

To Whom It May Concern:

This letter is to inform you that Charles L. Allen, Jr., is an authorized signer of the Greater Mount Nebo Missionary Baptist Church. He is authorized to represent the church in any and all legal and financial matters.

Thanks in advance for your cooperation in this matter.

  
Treasurer

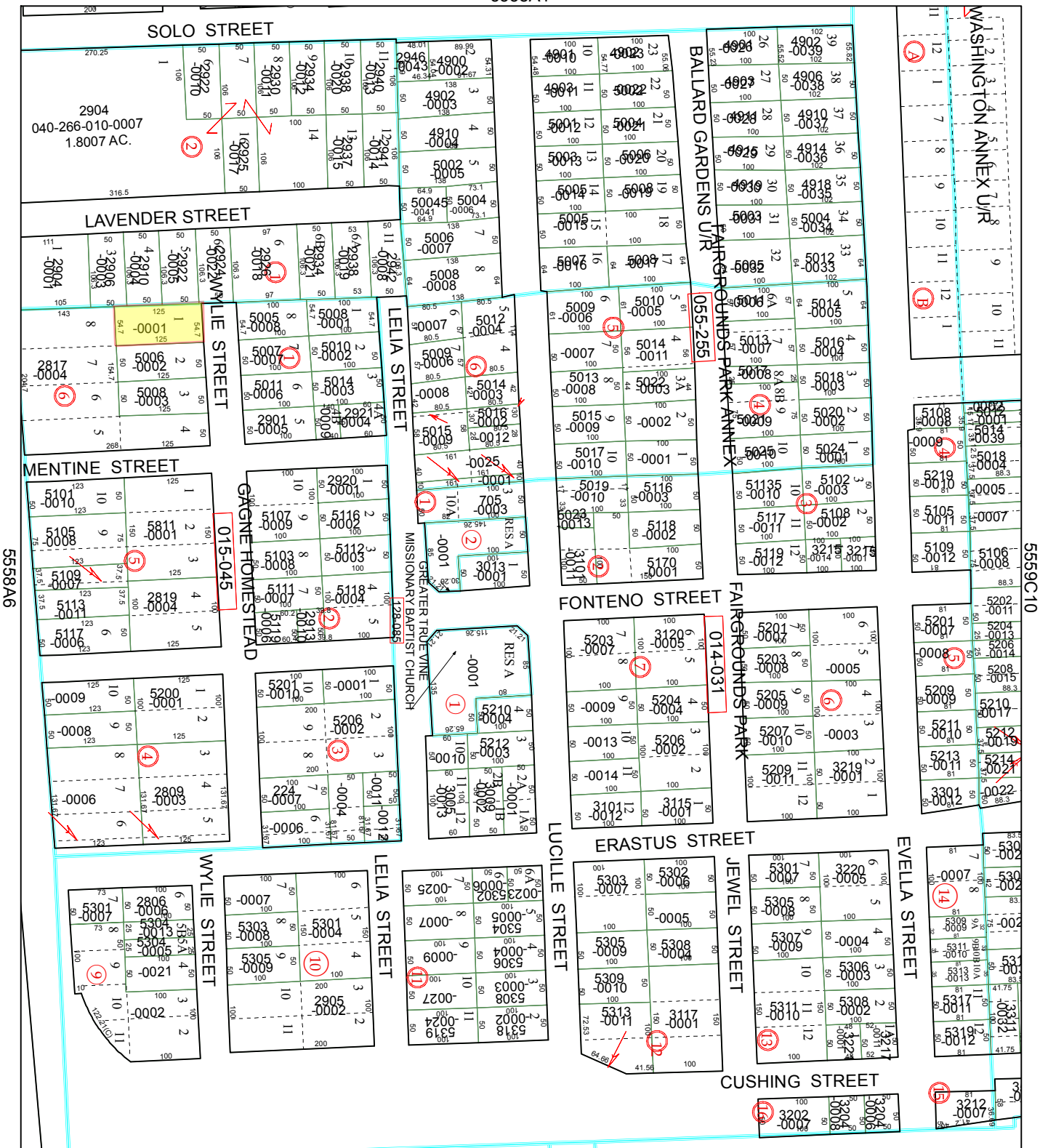
  
Secretary

---

5005 Liberty Road \* P.O. Box 21522 \* Houston, TX 77226-1522  
Church: 713-676-910 \* Office: 713-675-0344 \* Fax: 713-671-2680

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**



5558A6

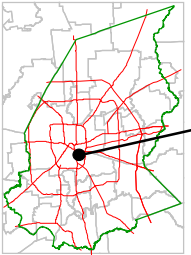
5558C10

# Harris County Appraisal District



Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

MAP LOCATION



**FACET 5558A**

1	2	3	4
5	6	7	8
9	10	11	12

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## Title Report

GF Number: 7910-13-0204  
Date: January 12, 2013

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 7<sup>th</sup> day of January, 2013, we find the following:

**Title Vested In:**

Greater Mount Nebo Baptist Church (by Deed filed for record under Harris County Clerk's File No. 20080307645)

**Property Description: (Map ID# 3) (Tax ID# 014-144-000-0001)**

Lot One (1), in Block Six (6), of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 1, Page 55 of the Map Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

**Restrictions:**

None of record.

**Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

None of record.

**Involuntary Liens:**

None of record.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

**Texas American Title Company**



---

Darrell Stone  
Title Examiner

2  
Dad

**Deed under Re-sale Pursuant to Texas Tax Code §34.05**

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

(Language pursuant Section 11.008 of the Texas Property Code)

**Date of Execution:** February 6, 2007 (6)

**Grantor:** Harris County for itself and as Trustee for: AND CITY OF HOUSTON AND HOUSTON INDEPENDENT SCHOOL DISTRICT AND HOUSTON COMMUNITY COLLEGE SYSTEM AND CITY OF HOUSTON LIENS 4m

**Grantee(s):** Greater Mount Nebo Baptist Church 1we

**Grantee(s) Mailing Address:** 5005 Liberty Rd, Houston, TX 77026-0000

**Consideration/High Bid:** Three Thousand (\$3,000.00) Dollars

**Land and Premises:** LOT 1 IN BLOCK 6 OF FINN SUBDIVISION OF GAGNE HOME, A SUBDIVISION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 55 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS. D

**HCAD Number:** 014144000001

**Constable:** Constable Jack F. Abercia Precinct 1, Harris County, Texas

**Newspaper:** Daily Court Review

**Date of Re-Sale:** February 6, 2007

**Order of Re-Sale:** That resolution, order or ordinance dated July 24, 2001 and passed and adopted by Grantor's governing body at a regularly scheduled meeting and further authorizing the re-sale of the real property described herein, previously acquired by Grantor in the following described tax foreclosure proceeding:

**Cause:** That case bearing Suit No. 2004-73015 filed in the 80th Judicial District of Harris County, Texas and styled HARRIS COUNTY, ET AL VS. JAMES CASH, ET AL. 1r

**Date of Original Tax Foreclosure Sale:** September 5, 2006

**File Number of Original Tax Deed:** 20060179352

That WHEREAS, Grantor's governing body requested by **Order of Re-Sale** that the **Constable** advertise for sale and sell said land and premises herein described, by having a notice of the sale published in the English language once a week for three consecutive weeks preceding the day of the sale, in the above-described **Newspaper**, a newspaper published in Harris County, Texas, and the first publication appearing not less than twenty-one days immediately preceding the day of the Re-Sale, containing a statement of the authority by virtue of which the re-sale is to be made, the time of levy, time and place of sale; also a brief description of the property to be sold by stating the number of acres and the original survey; if the property was located in a platted subdivision or addition the name by which the land is generally known with reference to that subdivision or addition; or by adopting the description of the land as contained in the judgment.

And WHEREAS, on the above-stated **Date of Re-Sale**, being the first Tuesday of the month, between the hours of ten o'clock a.m. and four o'clock p.m., I sold the above-described land and premises at public venue in the County of Harris, State of Texas, at such place as approved by Commissioner's Court and the premises hereinafter described were sold to **Grantee** for the above-stated

Consideration, said Grantee being the highest bidder.

And WHEREAS, as required by Section 34.015, Texas Tax Code, Grantee(s) exhibited to me an unexpired written statement issued to Grantee(s) showing that the Harris County Tax Assessor-Collector determined that: (1) there are no delinquent ad valorem taxes owed by Grantee(s) to Harris County, and (2) for each school district or municipality having territory in Harris County, there are no known or reported delinquent ad valorem taxes owed by Grantee(s) to that school district or municipality.

NOW THEREFORE, in consideration of the premises aforesaid, and of the payment of the above-stated Consideration, the receipt of which is hereby acknowledged, I, as said Constable, have granted, sold and conveyed, and by these presents do grant, sell and convey unto the said Grantee all of the estate, the right, title, and interest acquired or held by each taxing unit that was a party to the judgment foreclosing tax liens on the property which the Grantor, for itself, and as trustee for all taxing entities which established tax liens in the above referenced Suit had in and to the above-described land and premises;

To have and to hold the above described land and premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said Grantee, its successors, assigns forever, as fully and as absolutely as I, Constable, can convey by virtue of said Order of Re-Sale.

This conveyance is subject to any right of redemption remaining to the former owner at the time of the re-sale.

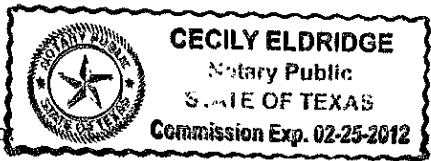
IN TESTIMONY WHEREOF, I have hereunto set my hand, this 21st day of May, 2008.

*Jack F. Abercia*  
 Constable Jack F. Abercia Precinct 1,  
 Harris County, Texas 10

THE STATE OF TEXAS            §  
    §  
 COUNTY OF HARRIS           §

BEFORE ME, the undersigned Notary Public in and for the State of Texas, on this day personally appeared Constable Jack F. Abercia Precinct 1, Harris County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same as Constable Jack F. Abercia Precinct 1, Harris County, Texas, for the purposes and consideration, and in the capacity therein expressed.

GIVEN under my hand and seal of office, this 21st day of May, 2008.



*[Signature]*  
 NOTARY PUBLIC, State of Texas

Return to  
 LINEBARGER GOGGAN BLAIR  
 & SAMPSON, LLP  
 1301 TRAVIS, SUITE 300 (77002)  
 P O BOX 3064  
 HOUSTON, TX 77253-3064

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 Bo number Sequence on the date and at time stamped herein by me; and was duly RECORDED, in the Official Public Records of Real Property of Harris County Texas on

Deed under order of Sale Suit No. 2004-73015

JUN 13 2008

FILED FOR RECORD  
 8:00 AM

JUN 13 2008



*[Signature]*  
 COUNTY CLERK,  
 HARRIS COUNTY, TEXAS

*[Signature]*  
 County Clerk, Harris County, Texas

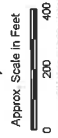


**EXHIBIT 2**  
**AFFECTED PROPERTY MAP**

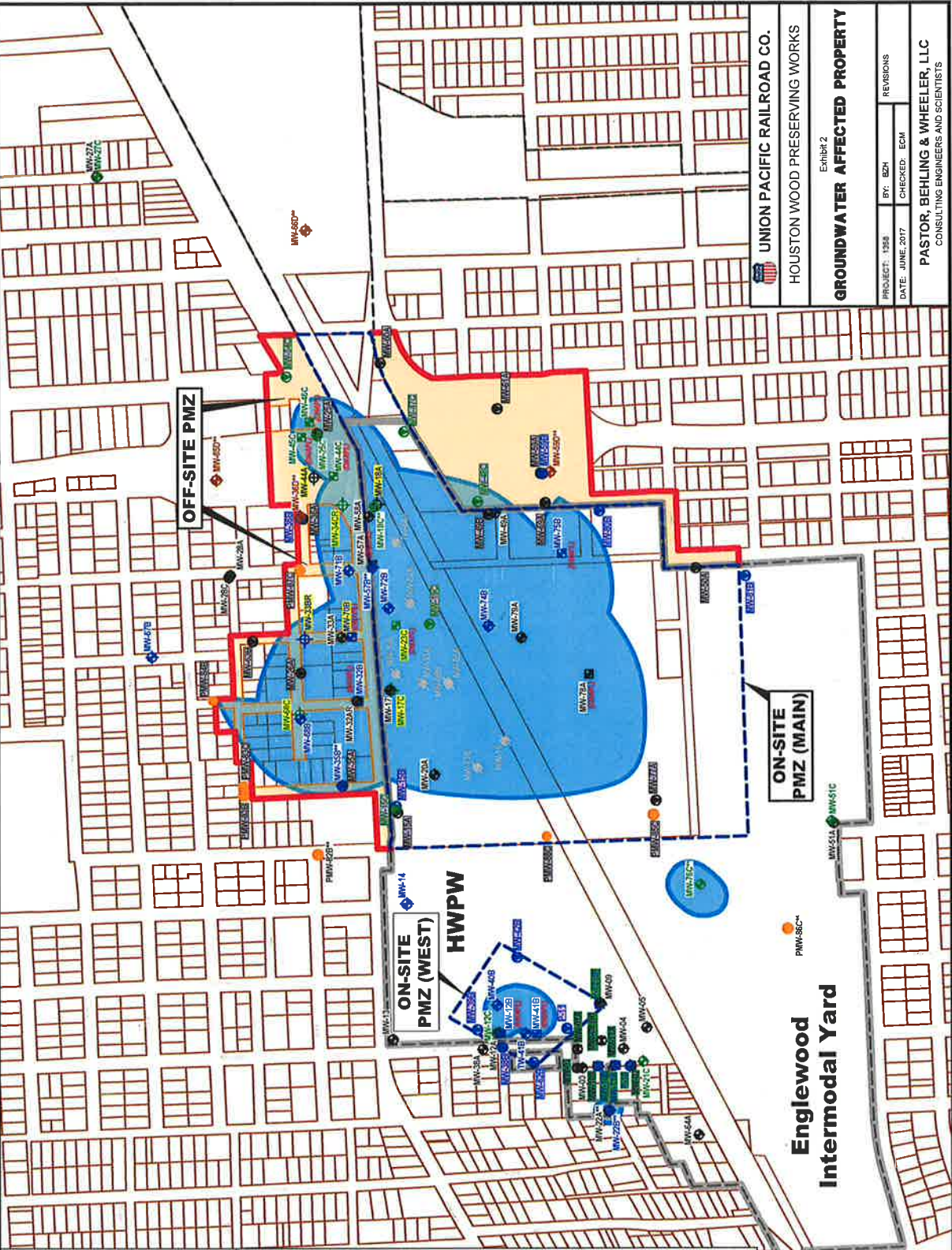
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GISMS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCLE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**

1. Vertical datum based on City of Houston (POC).
2. DNAPL = dense non aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Source: City of Houston Geographic Information & Mapping System  
 Aerial, Topographic, and Data (TIGAC) 2012 Aerial.



UNION PACIFIC RAILROAD CO.	
HOUSTON WOOD PRESERVING WORKS	
Exhibit 2	
<b>GROUNDWATER AFFECTED PROPERTY</b>	
PROJECT: 1559	BY: BZN
DATE: JUNE, 2017	CHECKED: ECM
REVISIONS	
PASTOR, BEHLING & WHEELER, LLC	
CONSULTING ENGINEERS AND SCIENTISTS	

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**

**EXPLANATION**

- UPRR Property Boundary
- Property Boundary (GIMS)
- City of Houston-Owned ROW
- Off-Site PMZ
- Off-Site PMZ
- Monitoring Well Location
- Proposed Monitoring Well
- On-Site PMZ
- Off-Site PMZ

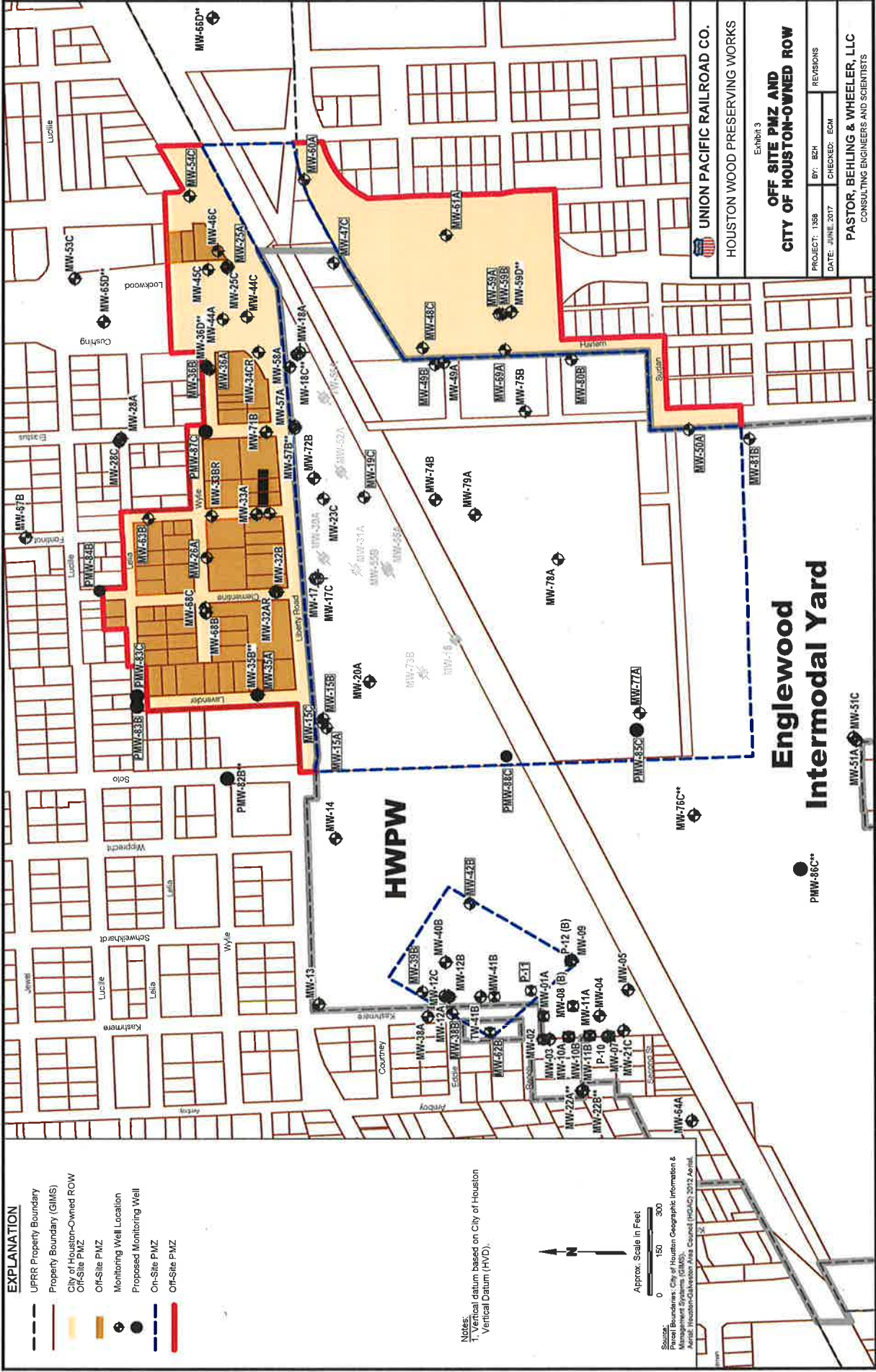
Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).



Approx. Scale in Feet



Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.



<b>UNION PACIFIC RAILROAD CO.</b> HOUSTON WOOD PRESERVING WORKS		
Exhibit 3 <b>OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW</b>		
PROJECT: 158	BY: BZH	REVISIONS
DATE: JUNE 2017	CHECKED: ECM	
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS		

**Englewood Intermodal Yard**

**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 4**

**HCAD ID - 0141440000002**





# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lot 2, In block 6 of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Vol.1 page 55 of the Map Records of Harris County, Texas.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Greater Mount Nebo Baptist Church (Owner) with an address of 3819 Harland Dr., Houston, Texas 77092. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

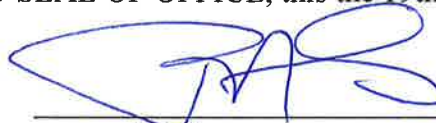
Executed this 19<sup>th</sup> day of February, 2015.

Greater Mount Nebo Baptist Church  
By: Charles L. Allen, Jr.  
Name: Charles L. Allen, Jr.  
Title: Pastor

STATE OF TEXAS  
HARRIS COUNTY

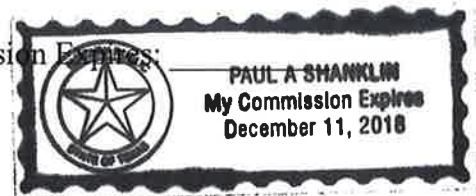
BEFORE ME, on this the 19<sup>th</sup> day of February, 2015, personally appeared Charles L. Allen, Jr., Pastor, of Greater Mount Nebo Baptist Church, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 19th day of February, 2015.



Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires:



Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

By: Tony Love

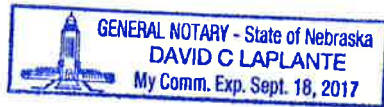
Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA §  
DOUGLAS COUNTY §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [RESPONDER], known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 14<sup>th</sup> day of June, 2017.

David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY           §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

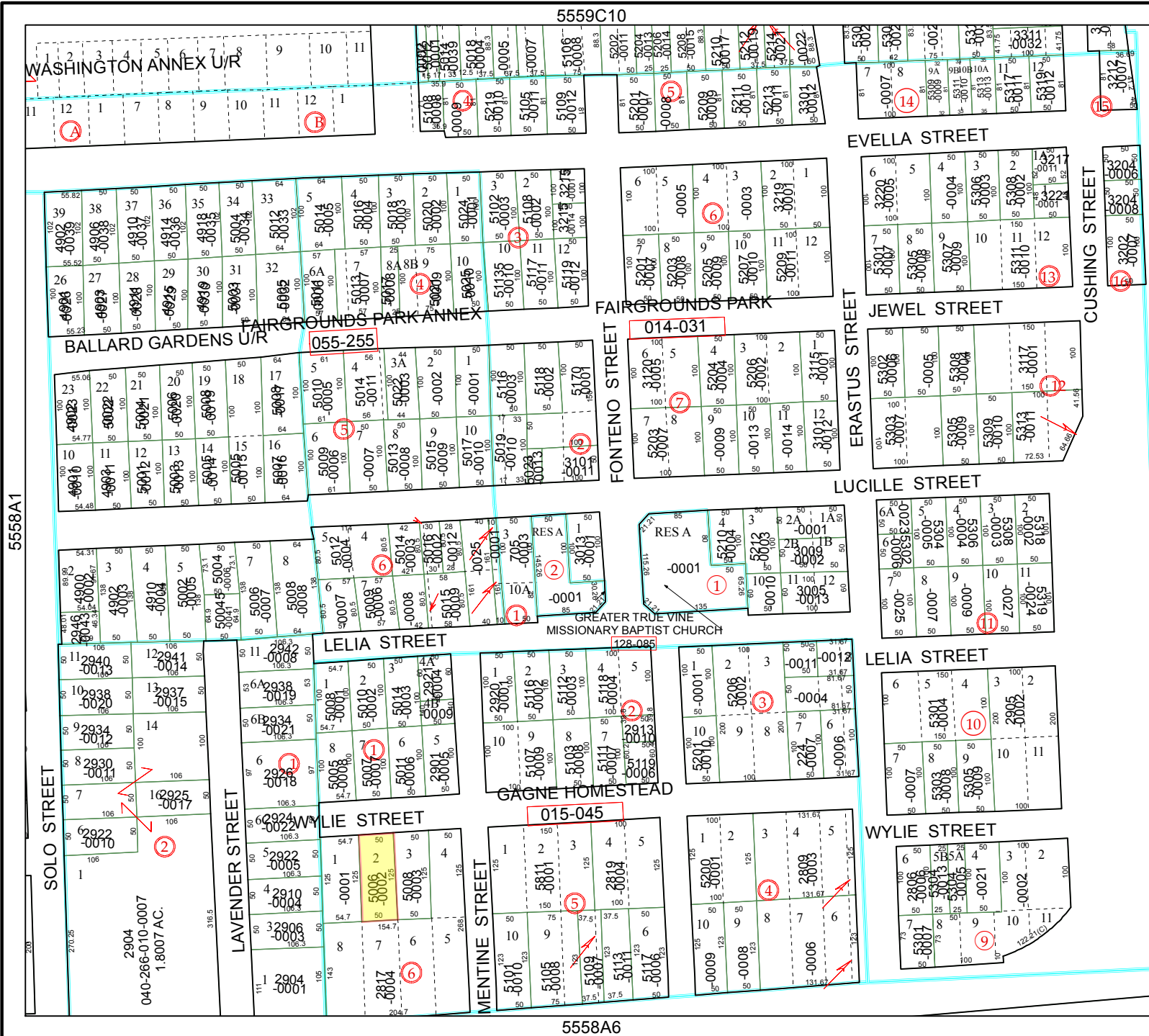
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1



5558A1

5559C10

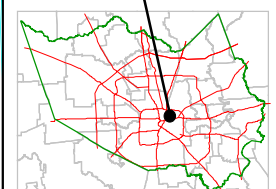
# Harris County Appraisal District



0 100 200  
**PUBLICATION DATE:**  
 1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A6

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-13-0205  
Date: January 12, 2013

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 7<sup>th</sup> day of January, 2013, we find the following:

**Title Vested In:**

Greater Mount Nebo Baptist Church (by Deed filed for record under Harris County Clerk's File No. Y346977)

**Property Description: (Map ID# 4) (Tax ID# 014-144-000-0002)**

Lot Two (2), in Block Six (6), of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 1, Page 55 of the Map Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

**Restrictions:**

None of record.

**Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

- 1) Notice of Public Hearing filed October 26, 2004, under Harris County Clerk's File No. Y016929, pursuant of said notice an "Order of the Hearing Official of the Planning and Development Department of the City of Houston, Texas" dated November 1, 2004 and filed for record Harris County Clerk's File No.Y037121, it was determined that subject property be posted as a dangerous building and must be either repaired or demolished.

**Involuntary Liens:**

None of record.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

**Texas American Title Company**



---

Darrell Stone  
Title Examiner



WD  
lb  
D

**GENERAL CASH WARRANTY DEED**

Y346977  
03/24/05 200806264

\$16.00

**Texas Property Code Section 11.008.  
CONFIDENTIAL INFORMATION IN REAL PROPERTY RECORDS**

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

Date: 3/23, 2005

Grantor: HANNAH LOUISE LOVEJOY, a single person

Grantor's Mailing Address (including county):

HANNAH LOUISE LOVEJOY  
721 Herkimer St  
Houston TX 77007  
Harris County

Grantee: GREATER MOUNT NEBO BAPTIST CHURCH

Grantee's Mailing Address (including county):

GREATER MOUNT NEBO BAPTIST CHURCH  
2602 Caplin St  
Houston TX 77026  
Harris County

FILED  
03 MAR 24 PM 2:17  
PROPERTY CLERK  
HARRIS COUNTY, TEXAS

lu

**Consideration:** TEN AND NO/100 DOLLARS and other good and valuable consideration.

**Property (including any improvements):**

LOT TWO (2), IN BLOCK SIX (6) OF FINN SUBDIVISION OUT OF THE GAGNE HOMESTEAD ADDITION, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 89, PAGE 240 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS.

D

**Reservations From and Exceptions to Conveyance and Warranty:**

This conveyance is made and accepted subject to any and all existing restrictions, mineral reservations and interests, conditions, covenants, easements and rights of way, if any, applicable to and enforceable against the above described real property as now reflected by the records of the County Clerk of Harris County, Texas.

Current ad valorem taxes on the above described property as of the date hereof are assumed by grantee and grantee covenants and promises to pay the same.

650051149

03-20-2005

Grantor, for the consideration, receipt of which is acknowledged, and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.

*Hannah Louise Lovejoy*  
HANNAH LOUISE LOVEJOY

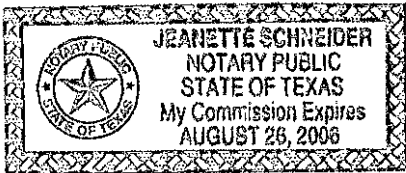
*lwr*

ACKNOWLEDGMENT

STATE OF Texas  
COUNTY OF Harris

§  
§  
§

This instrument was acknowledged before me on March 23, 2005, by HANNAH LOUISE LOVEJOY.



*Jeanette Schneider*  
Notary Public, State of \_\_\_\_\_

PREPARED IN THE OFFICE OF:

STEPHEN BEST  
WILLIAMS, BIRNBERG & ANDERSEN, LLP  
2000 Bering Drive, Suite 909  
Houston, Texas 77057

AFTER RECORDING RETURN TO:

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 on

MAR 24 2005



*Dorely B. Kayman*

COUNTY CLERK  
HARRIS COUNTY, TEXAS

F:\WP\MHL\TATCO\650\05-1149 CWD

GENERAL CASH WARRANTY DEED  
GF# 650-05-1149

11-20-05-20-05-1149

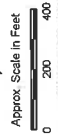
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

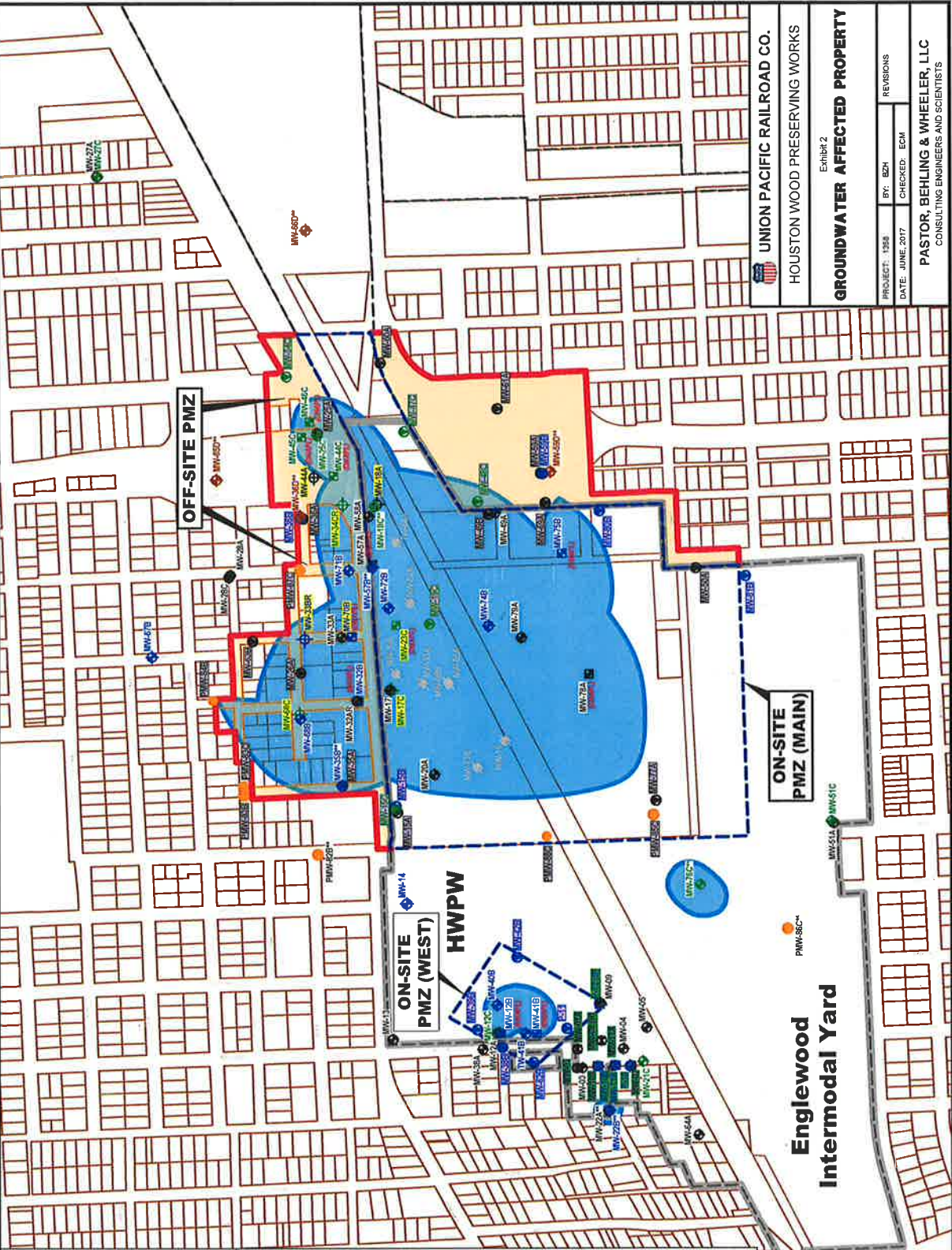
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GIS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCLE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**

1. Vertical datum based on City of Houston (DMS).
2. DNAPL = dense non-aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Source: City of Houston Geographic Information & Mapping System  
 Author: Houston-Charleston Area Council (HCAC) 2012 Aerial



**UNION PACIFIC RAILROAD CO.**

HOUSTON WOOD PRESERVING WORKS

Exhibit 2

**GROUNDWATER AFFECTED PROPERTY**

PROJECT: 1559	BY: BZN	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	

**PASTOR, BEHLING & WHEELER, LLC**  
CONSULTING ENGINEERS AND SCIENTISTS

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**

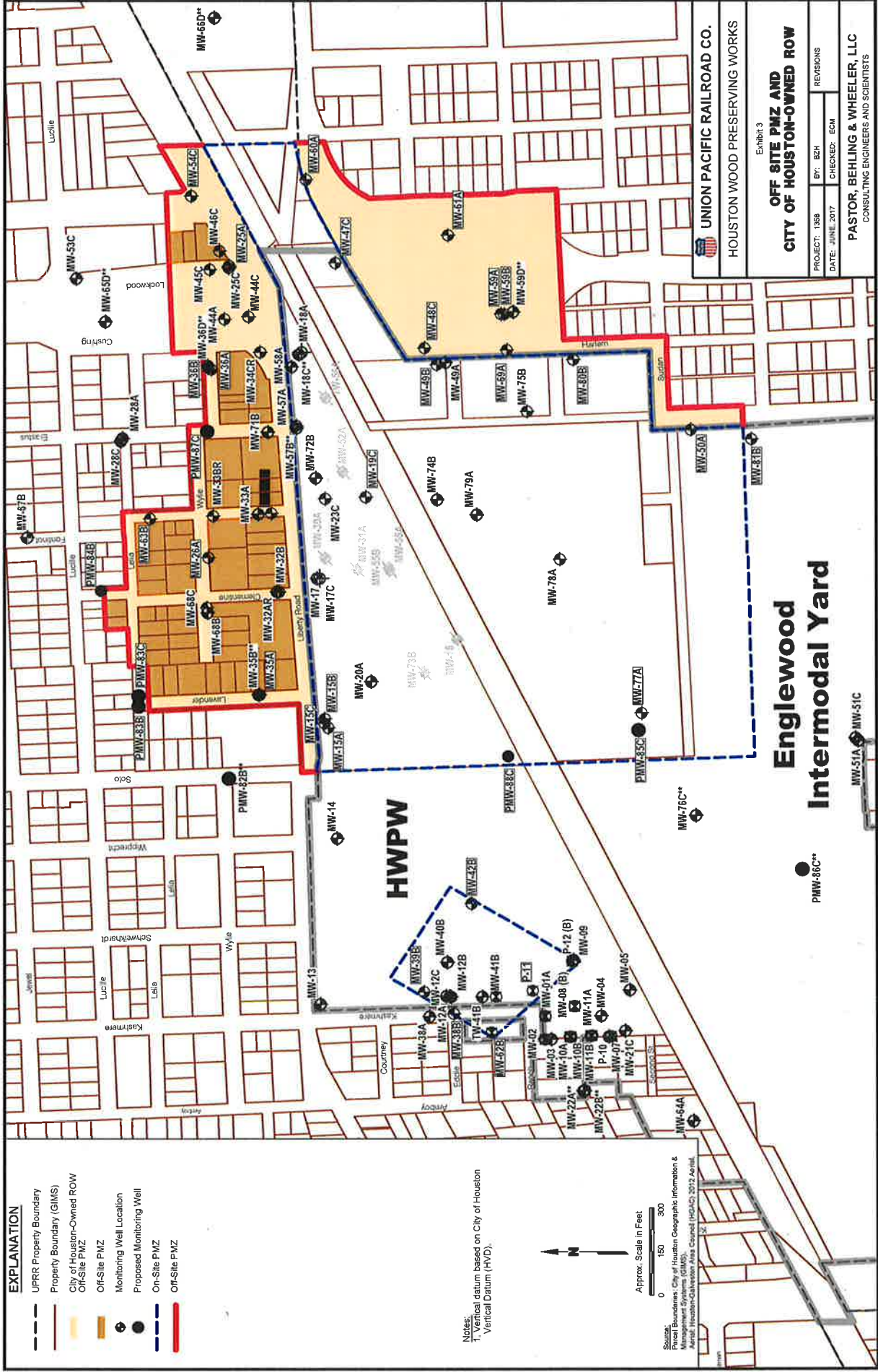
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GIMS)
  - City of Houston-Owned ROW
  - Off-Site PMZ
  - On-Site PMZ
  - Monitoring Well Location
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ

Notes:  
1. Vertical datum based on City of Houston  
Vertical Datum (HVD).



Approx. Scale in Feet  
0 150 300

Source:  
Parcel Boundaries: City of Houston Geographic Information &  
Management Systems (GIMS).  
Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.



<b>UNION PACIFIC RAILROAD CO.</b> HOUSTON WOOD PRESERVING WORKS		
Exhibit 3 <b>OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW</b>		
PROJECT: 158	BY: BZH	REVISIONS
DATE: JUNE 2017	CHECKED: ECM	
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS		

**Englewood  
Intermodal Yard**

**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	



**MAP ID - 5**

**HCAD ID - 0141440000003**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lot Three (3) in Block (6) six, of Finn Subdivision out of the Gagne Homestead a Subdivision, a subdivision In Harris County, Texas according to the Map or Plat records thereof.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Alberta Smith (Owner) with an address of 5010 Wylie, Texas 77026. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

Executed this 24<sup>th</sup> day of March, 2015.

By: Alberta Smith  
Alberta Smith

STATE OF TEXAS  
HARRIS COUNTY

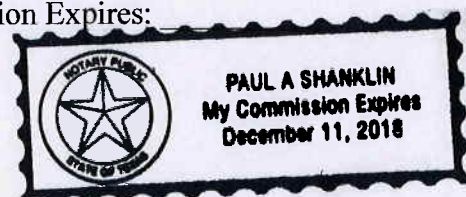
BEFORE ME, on this the 24<sup>th</sup> day of March, 2015, personally appeared Alberta Smith, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 24th day of March, 2015.



Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires:



Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

By: Tony K. Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14 day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [RESPONDER], known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14 day of June, 2017.  
David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

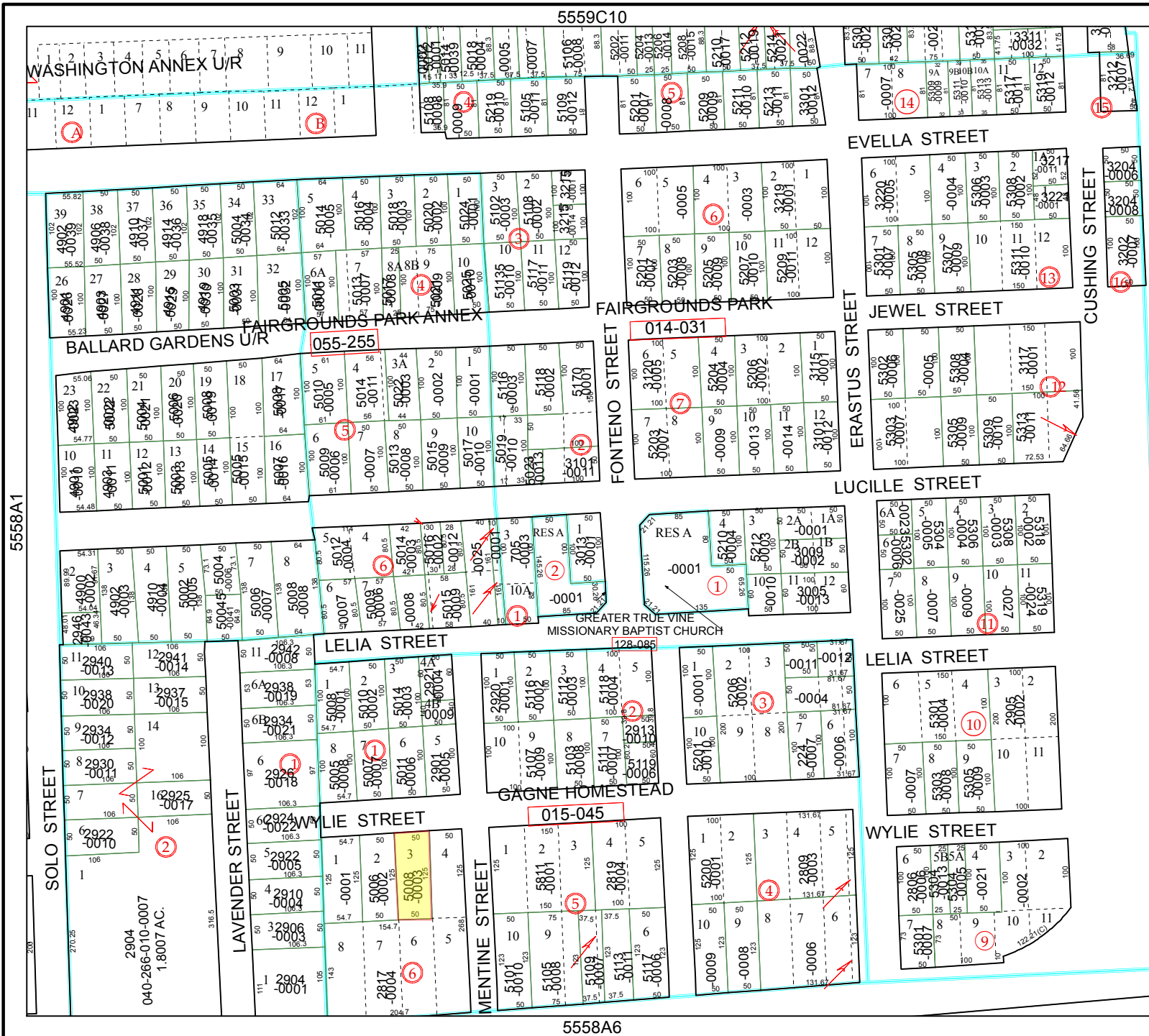
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1



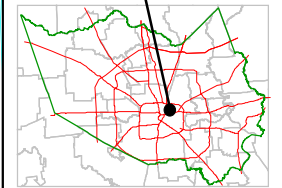
# Harris County Appraisal District



0 100 200  
**PUBLICATION DATE:**  
 1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A1

5558A3

5558A6



**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-13-0206

Date: January 12, 2013

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 7<sup>th</sup> day of January, 2013, we find the following:

### **Title Vested In:**

Alberta Smith (by Deed filed for record under Harris County Clerk's File No. U845008)

### **Property Description: (Map ID# 5) (Tax ID# 014-144-000-0003)**

Lot Three (3), in Block Six (6), of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 1, Page 55 of the Map Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

### **Restrictions:**

None of record.

### **Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

### **Property Liens:**

- 1) Paving Lien Notice filed on January 31, 1977, (topping project no. 303), filed under Harris County Clerk's File No. F029142, (Film Code No. 157-20-1662), executed by the City of Houston, showing portions of Wylie Street, and assessing a portion of the cost thereof, against the owners of the property abutting thereon.

- 2) Deed of Trust dated June 16, 1980, filed for record on September 4, 1980, under County Clerk's File No. G664135, in the office of the County Clerk of Harris County, Texas, executed by Alberta Smith, in favor of John Burns, as Trustee, securing the obligations as set out in that certain promissory note of even date therewith in the principal amount of \$10,000.00, payable to the order of John Burns, and subject to all terms, conditions and stipulations contained therein; including any additional indebtedness secured thereby.
  
- 3) Deed of Trust dated May 3, 2011, filed for record on May 19, 2011, under County Clerk's File No. 20110204413, in the office of the County Clerk of Harris County, Texas, executed by Alberta Smith, in favor of ABC Bonding Company, as Trustee, securing the obligations as set out in that certain promissory note of even date therewith in the principal amount of \$40,000.00, payable to the order of ABC Bonding Company, and subject to all terms, conditions and stipulations contained therein; including any additional indebtedness secured thereby.

**Involuntary Liens:**

- 1) Abstract of Judgment filed December 5, 2007, under Harris County Clerk's File No. 20070713375, styled K. D. Upadhyaya, vs. Alberta Smith, in the principal amount of \$2,690.00, plus cost, interest and attorney's fees.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

**Texas American Title Company**



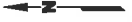
Darrell Stone  
Title Examiner

**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

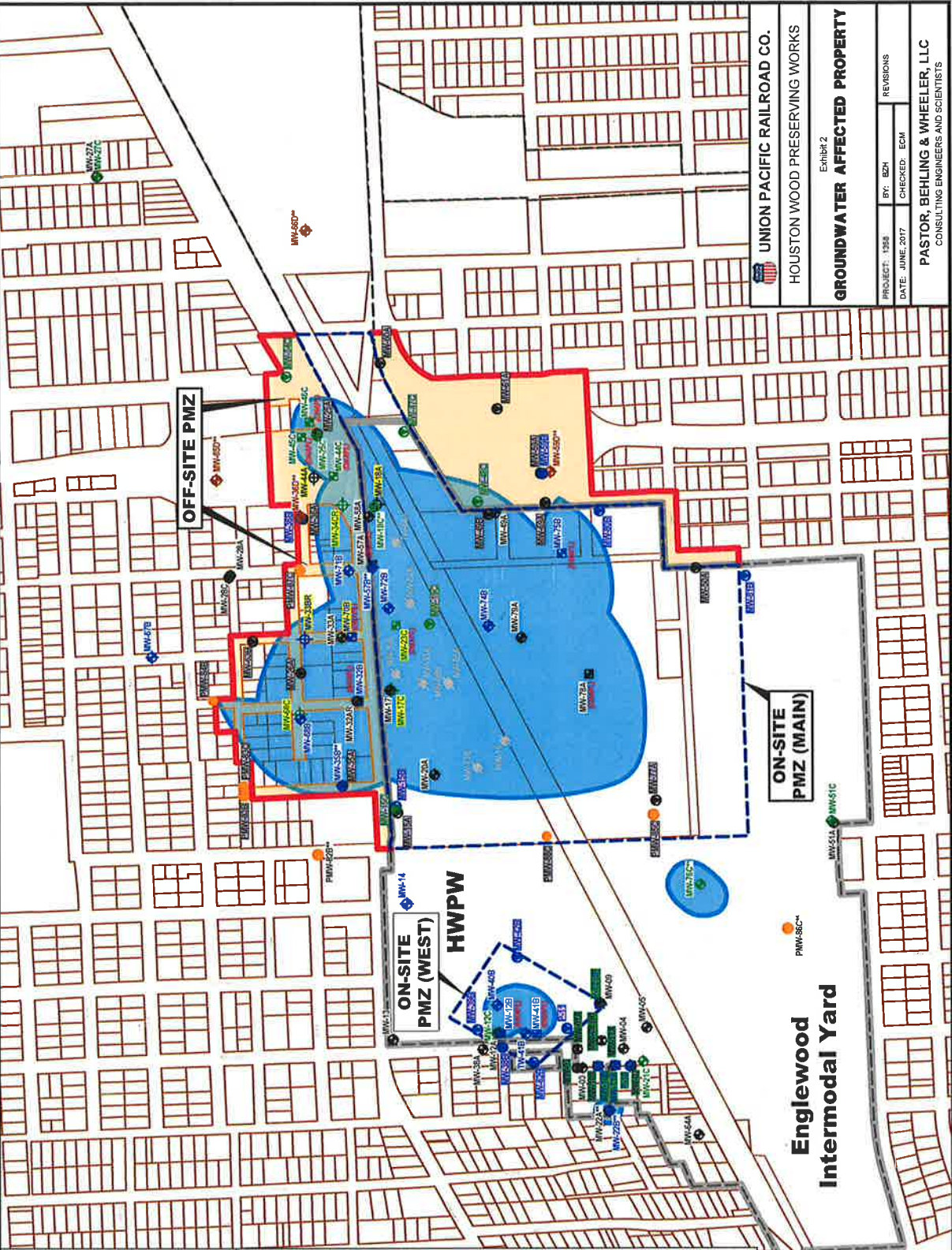
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GIS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCL Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**  
 1. Vertical datum based on City of Houston (POC).  
 2. DNAPL = dense non-aqueous phase liquids detected in monitoring well (July 2014).  
 3. \*\*, Corrective Action Observation Well.



Approx. Scale in Feet  
 0 200 400

Source: City of Houston Geographic Information & Mapping System  
 Aerial, Topographic, and Aerial Imagery  
 Aerial, Topographic, and Aerial Imagery (TIGAC) 2012 Aerial.



**UNION PACIFIC RAILROAD CO.**  
 HOUSTON WOOD PRESERVING WORKS  
 Exhibit 2  
**GROUNDWATER AFFECTED PROPERTY**

PROJECT: 1559	BY: BZN	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	

**PASTOR, BEHLING & WHEELER, LLC**  
 CONSULTING ENGINEERS AND SCIENTISTS

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**

**EXPLANATION**

- UPRR Property Boundary
- Property Boundary (GIMS)
- City of Houston-Owned ROW
- Off-Site PMZ
- Monitoring Well Location
- Proposed Monitoring Well
- On-Site PMZ
- Off-Site PMZ

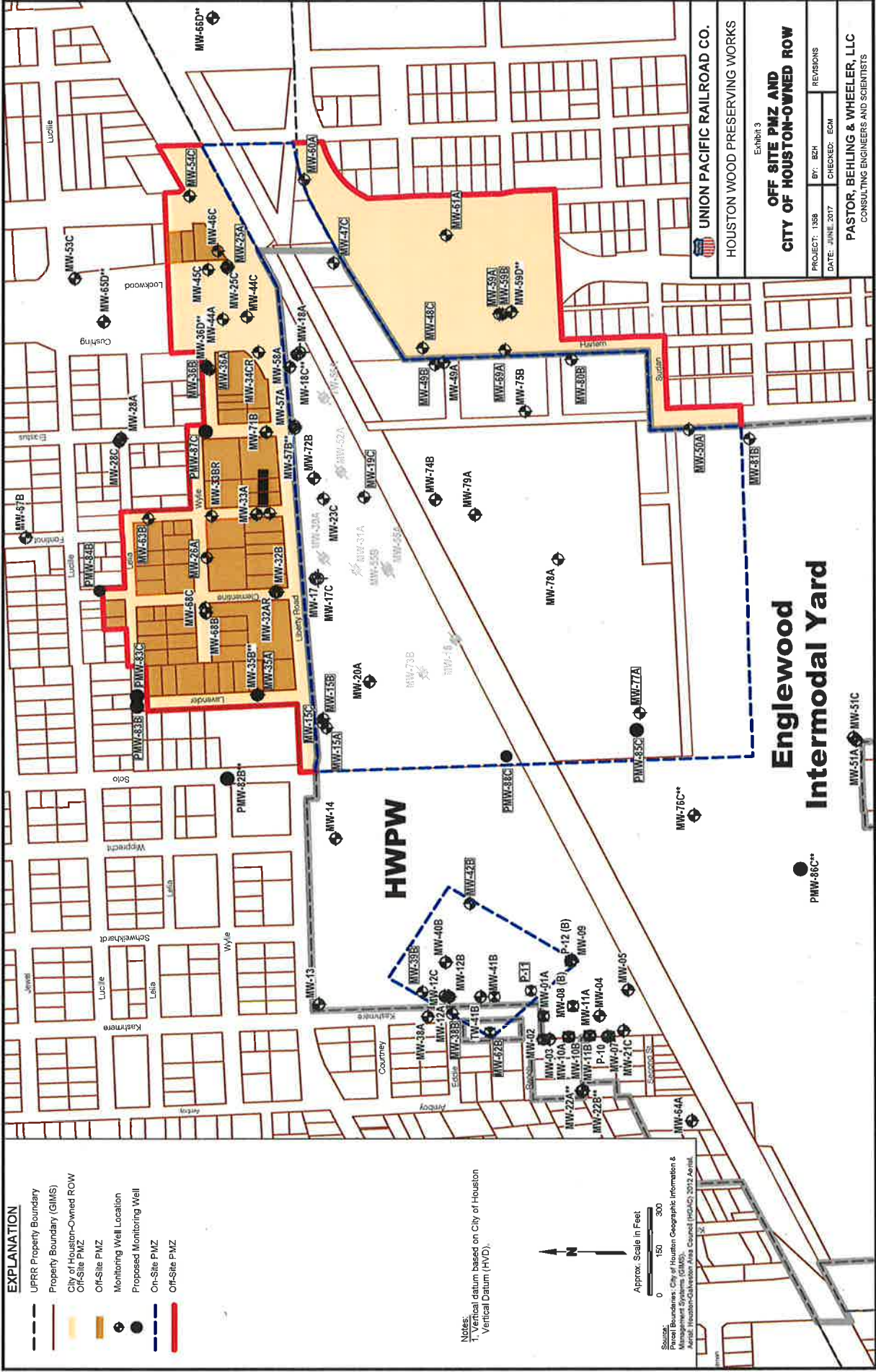
Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).



Approx. Scale in Feet

0 150 300

Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.



UNION PACIFIC RAILROAD CO. HOUSTON WOOD PRESERVING WORKS	
Exhibit 3 <b>OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW</b>	
PROJECT: 158 DATE: JUNE 2017	BY: BZH CHECKED: ECM REVISIONS
PASTOR, BEHLING & WHEELER, LLC CONSULTING ENGINEERS AND SCIENTISTS	

**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	



**MAP ID - 6**

**HCAD ID - 0402660100003**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lot 3, In block 1 (one), of Liberty Road Estates, an unrecorded subdivision of a 5-1/4<sup>th</sup> acre tract out of Lot 8, Second Tier from Buffalo Bayou out of the Harris and Wilson Two League Grant in Harris County, Texas and being the same land conveyed to John Grado and V. Billitti by Mary Alice Alexander, et vir, by Deed Dated September 14, 1894, recorded in Vol. 79 Page 242 of the Deed Records of Harris County, Texas..*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Jesse Beal and wife, Eloise Beal. (Owner) with an address of 2906 Lavender Street, Houston, Texas 77026. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

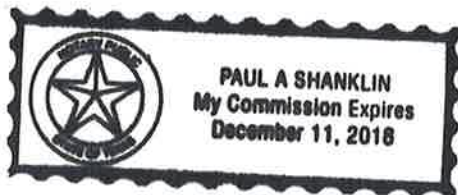
Executed this 26<sup>th</sup> day of February, 2015.

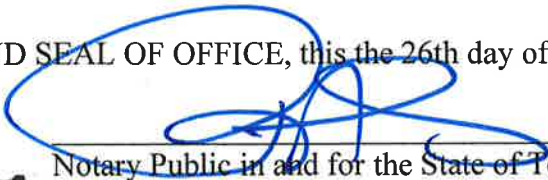
By:   
Name: Barbara Beal via POA

STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the 19<sup>th</sup> day of February, 2015, personally appeared Barbara Beal, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 26<sup>th</sup> day of February, 2015.



  
Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires: 12-11-18

Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation **[RESPONDER]**, known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.  
David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

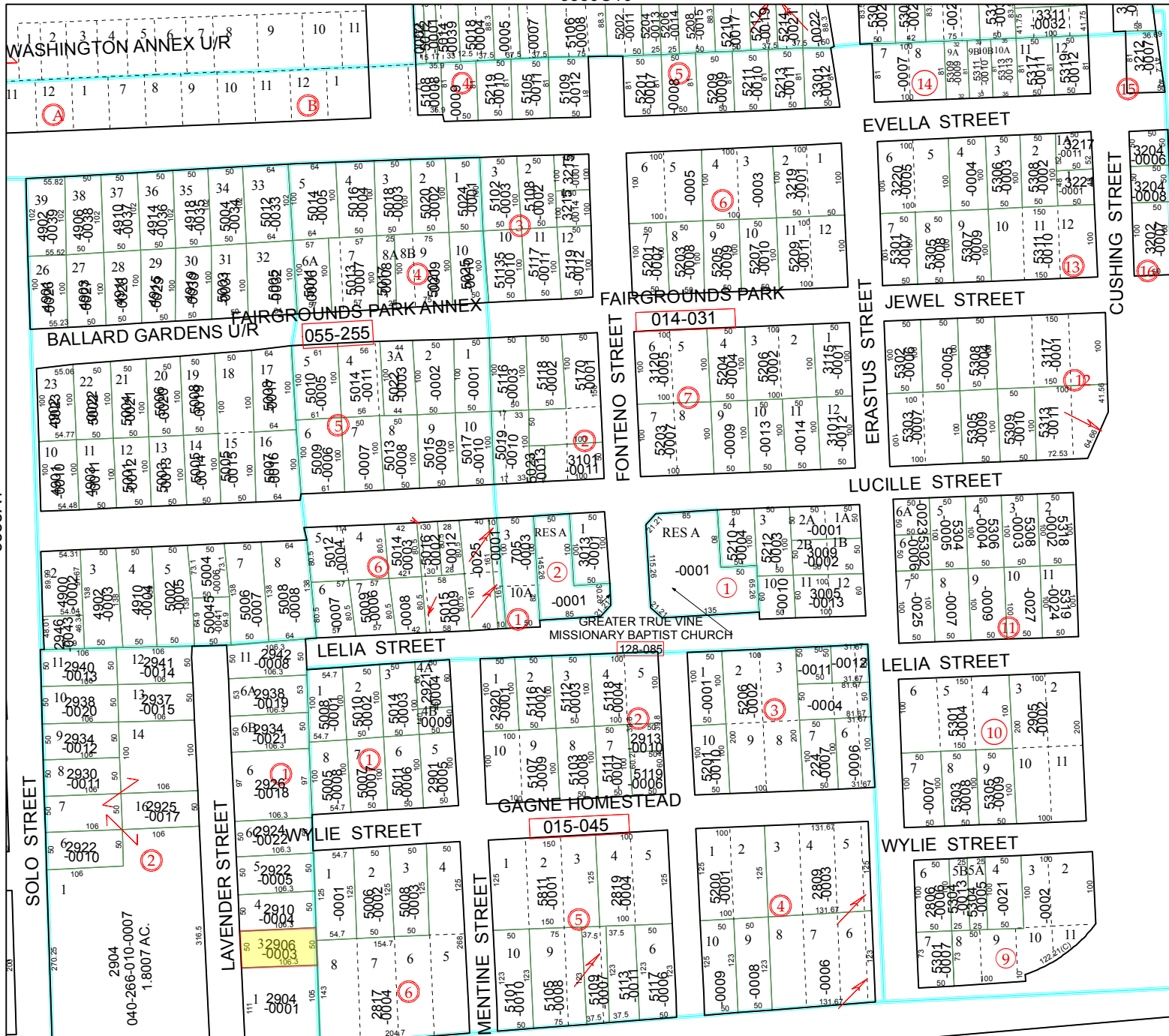
Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1

5559C10



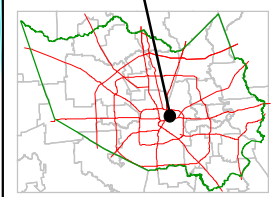
# Harris County Appraisal District



0 100 200  
**PUBLICATION DATE:**  
 1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A6

5558A1

5558A3



**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-12-8479  
Date: November 15, 2012

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 7<sup>th</sup> day of November, 2012, we find the following:

**Title Vested In:**

Jessie Beal and wife, Eloise Beal (by Warranty Deed filed for record under Volume 2344, Page 164 of the Deed Records of Harris County, Texas)

**Property Description: (Map ID# 6) (Tax ID# 040-266-010-0003)**

Lot Three (3), in Block One (1), of Liberty Road Estates, an unrecorded subdivision of a 5-1/40<sup>th</sup> acre tract out of Lot 8, Second Tier from Buffalo Bayou out of the Harris and Wilson Two League Grant in Harris County, Texas and being the same land conveyed to John Grado and V. Billitti by Mary Alice Alexander, et vir, by Deed Dated September 14, 1894, recorded in Vol. 79 Page 242 of the Deed Records of Harris County, Texas, and said Lot 3, Block 1, Liberty Road Estates being more particularly described by metes and bounds as follows:

BEGINNING at the North West corner of said 5-1/40<sup>th</sup> acre tract;

THENCE East 282 feet to a point in the North line of said 5-1/40<sup>th</sup> acre tract;

THENCE South 400 feet along the East line of Lavender Street for the North West corner tract to be conveyed;

THENCE East 106.3 feet along a line parallel to the North line of said and 5-1/40<sup>th</sup> acre tract for North East corner;

THENCE South 50 feet along the East line of said 5 and 5-1/40<sup>th</sup> acre tract for South East corner;

THENCE West 106.3 feet along a line parallel to the North line of 5-1/40<sup>th</sup> acre tract for South West corner;

THENCE North 50 feet along the East line of Lavender Street for North West corner and place of beginning.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

**Restrictions:**

Those as set forth by instrument(s) filed for record under Volume 2344, Page 164 of the Deed Records of Harris County, Texas.

**Exceptions:**

- a) Building set-back line twenty (20) feet in width along the front property line(s), as set forth by instrument(s) recorded in Volume 2344, Page 164 of the Deed Records of Harris County, Texas.
- b) Building set-back line three (3) feet in width along the side property line(s), as set forth by instrument(s) recorded in Volume 2344, Page 164 of the Deed Records of Harris County, Texas.
- c) Utility easement five (5) feet in width along the rear property line(s) as set forth and defined by instrument(s) recorded in Volume 2344, Page 164 of the Deed Records of Harris County, Texas.
- d) Sidewalk easement six (6) feet in width along the front property lines(s) as set forth and defined by instrument(s) recorded in Volume 2344, Page 164 of the Deed Records of Harris County, Texas.
- e) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

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- 1) Paving Lien Notice filed on January 31, 1977, (topping project no. 303), filed under Harris County Clerk's file No. F029142, (Film Code No. 157-20-1662), executed by the City of Houston, showing portions of Lavender Street, and assessing a portion of the cost thereof, against the owners of the property abutting thereon.

**Involuntary Liens:**

None of record.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

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**Texas American Title Company**



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Darrell Stone  
Title Examiner

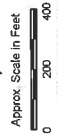
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

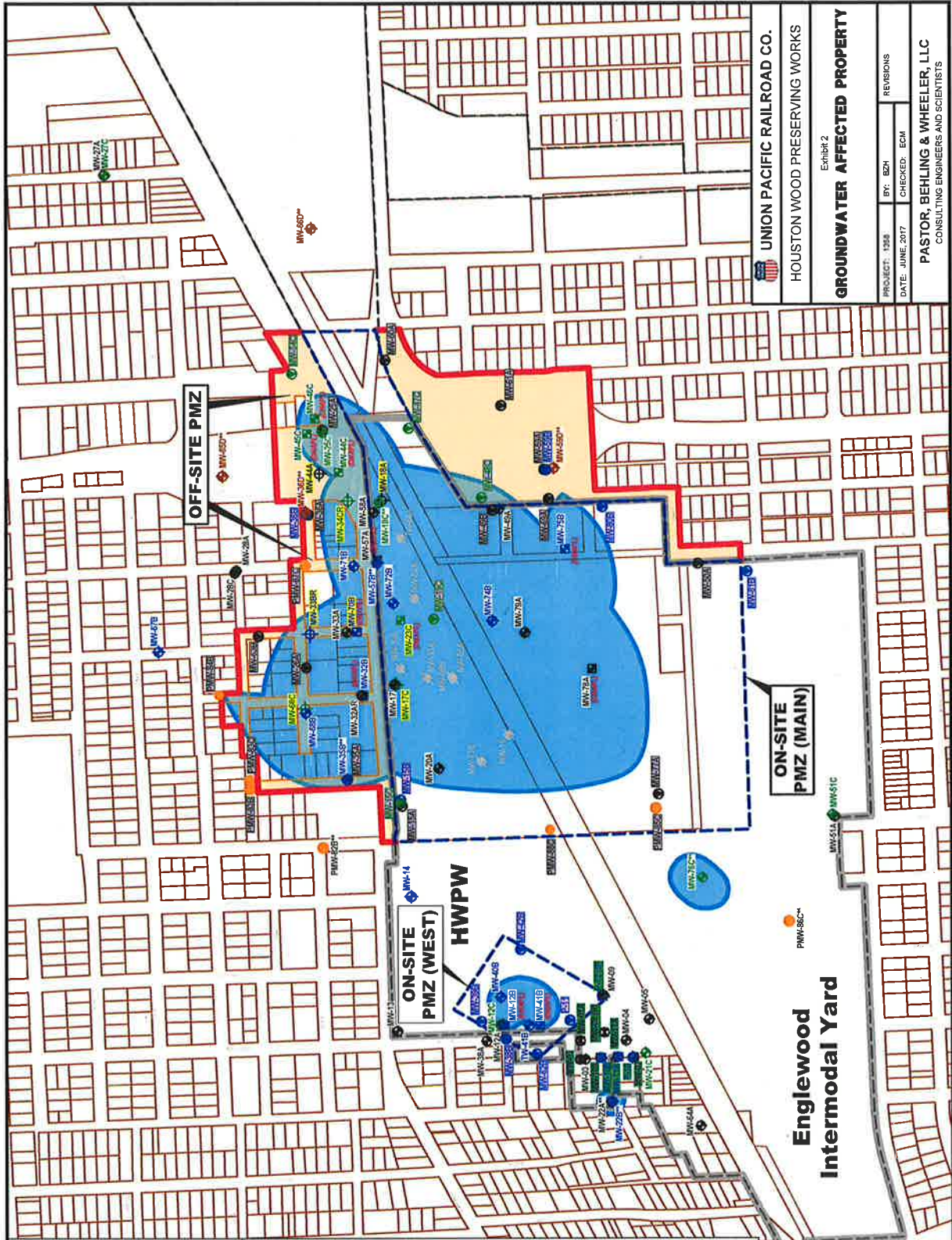
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GIS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
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  - D-TZ Monitoring Well Location
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  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**

1. Vertical datum based on City of Houston (POC).
2. DNAPL = dense non-aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Source: City of Houston Geographic Information & Mapping System  
 Author: Houston-Clayton Area Council (HAC) 2012 Aerial



**UNION PACIFIC RAILROAD CO.**

HOUSTON WOOD PRESERVING WORKS

Exhibit 2

**GROUNDWATER AFFECTED PROPERTY**

PROJECT: 1559	BY: BZN	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	

**PASTOR, BEHLING & WHEELER, LLC**  
CONSULTING ENGINEERS AND SCIENTISTS

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**

**EXPLANATION**

- UPRR Property Boundary
- Property Boundary (GIMS)
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- Off-Site PMZ
- Off-Site PMZ
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- On-Site PMZ
- Off-Site PMZ

Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).



Approx. Scale in Feet



Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 3072 Aerial.

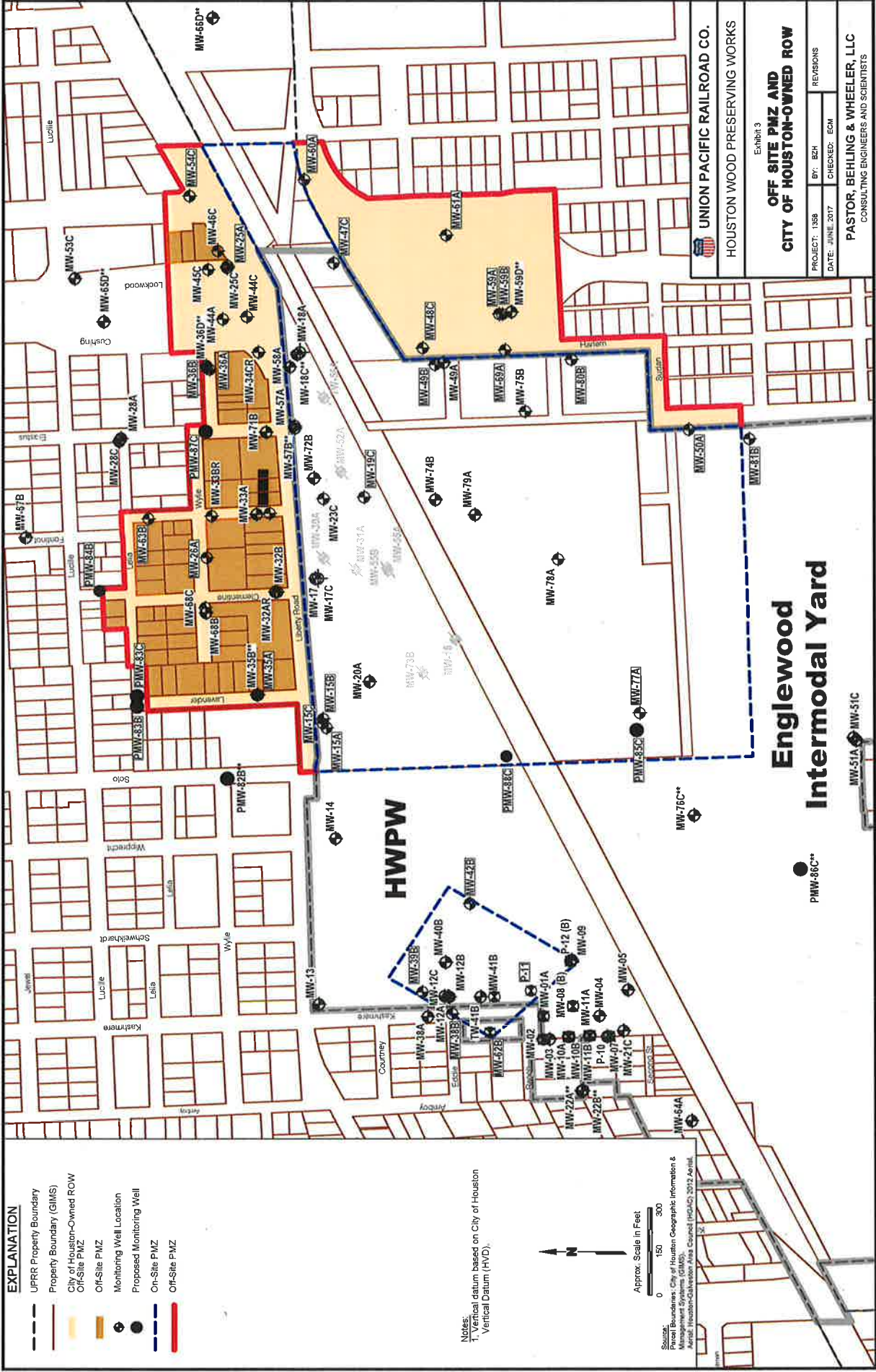


Exhibit 3

**UNION PACIFIC RAILROAD CO.**  
 HOUSTON WOOD PRESERVING WORKS

---

**OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW**

PROJECT: 158	BY: BZH	REVISIONS
DATE: JUNE 2017	CHECKED: ECM	

**PASTOR, BEHLING & WHEELER, LLC**  
 CONSULTING ENGINEERS AND SCIENTISTS

**Englewood Intermodal Yard**

**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**



**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 7A**  
**HCAD ID - 0402660100001**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lot 1, in block 1 of Liberty Road Estates, an unrecorded subdivision out the Harris and Wilson Survey, Abstract No. 32, Harris County, Texas..*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Greater Mount Nebo Baptist Church (Owner) with an address of 3819 Harland Dr., Houston, Texas 77092. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their

respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

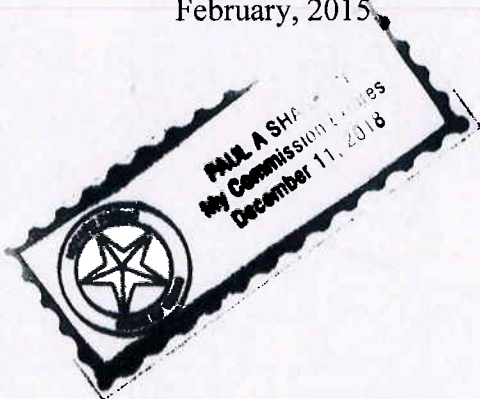
Executed this 19<sup>th</sup> day of February, 2015.

Greater Mount Nebo Baptist Church  
By: Charles L. Allen, Jr.  
Name: Charles L. Allen, Jr.  
Title: Pastor

STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the 19<sup>th</sup> day of February, 2015, personally appeared Charles L. Allen, Jr., Pastor, of Greater Mount Nebo Baptist Church, 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 consideration therein expressed.

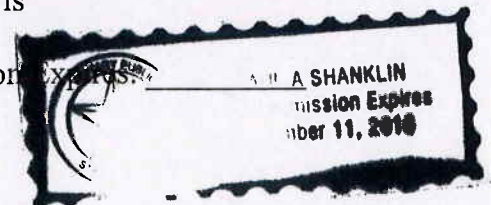
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 19th day of February, 2015.



Paul A. Shanklin

Notary Public in and for the State of Texas,  
County of Harris

My Commission



Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Union Pacific Railroad [RESPONDER]**

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

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA            §  
DOUGLAS COUNTY             §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation **[RESPONDER]**, known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

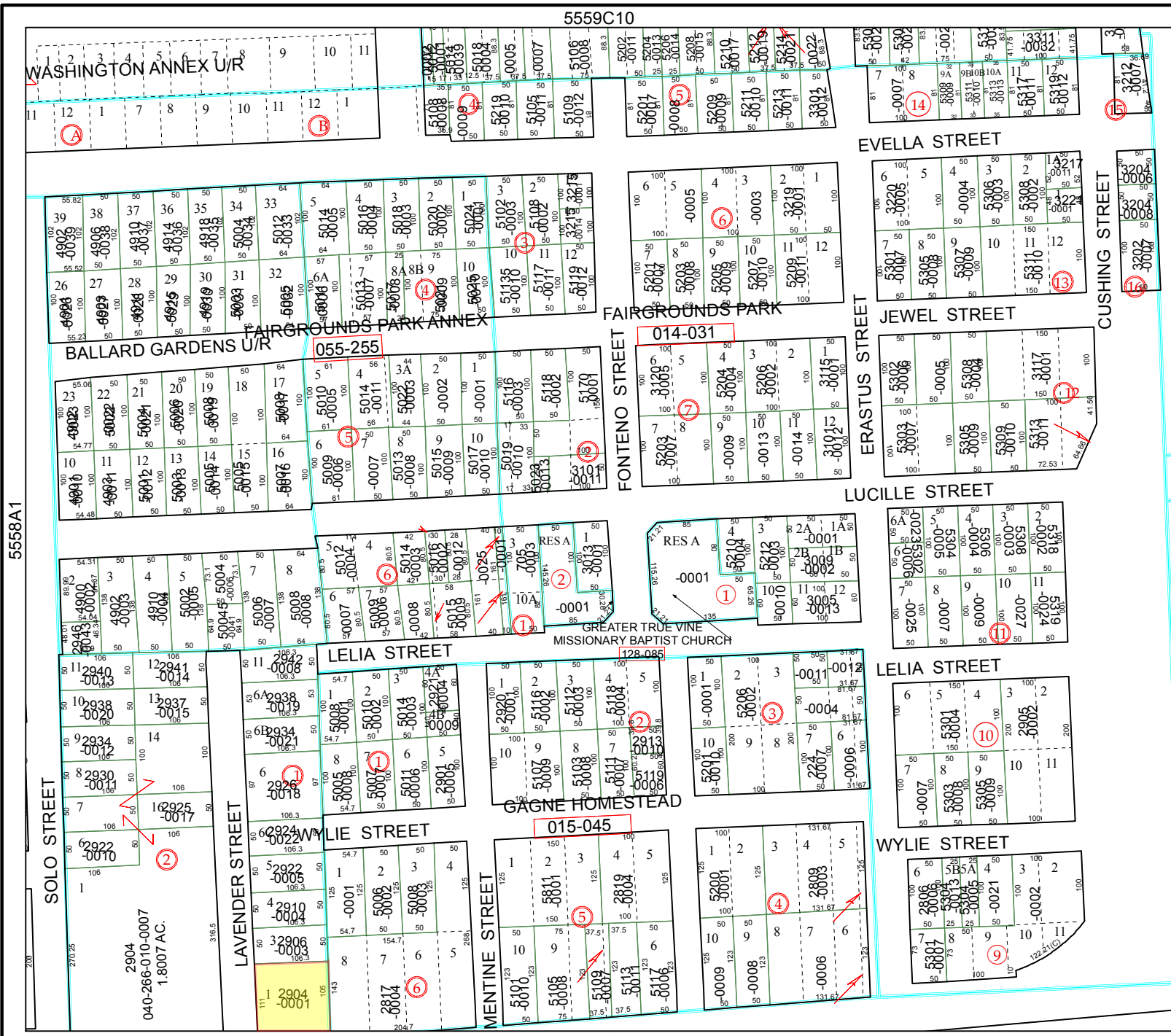
**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**



# EXHIBIT 1

5559C10



5558A1

5558A6

# Harris County Appraisal District

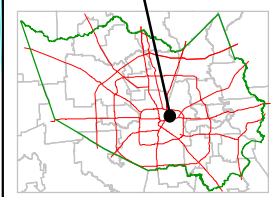


0 100 200

PUBLICATION DATE:  
1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-12-8487  
Date: November 15, 2012

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 7<sup>th</sup> day of November, 2012, we find the following:

### **Title Vested In:**

Clark Investment Company (by Warranty Deed filed for record under Volume 2015, Page 716 of the Deed Records of Harris County, Texas)

### **Property Description: (Map ID# 7) (Tax ID# 040-266-010-0001)**

Lots One (1) and Two (2), in Block One (1), of Liberty Road Estates, a, unrecorded subdivision out of the Harris and Wilson Survey, Abstract No. 32 in Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

### **Restrictions:**

None of record.

### **Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

### **Property Liens:**

- 1) Paving Lien Notice filed on January 31, 1977, (topping project no. 303), filed under Harris County Clerk's file No. F029142, (Film Code No. 157-20-1662), executed by the City of Houston, showing portions of Lavender Street, and assessing a portion of the cost thereof, against the owners of the property abutting thereon.

**Involuntary Liens:**

- 1) We find reference to Cause No. 2009-46348, in the District Court of Harris County, Texas, styled Harris County, etal vs. Clark Investment Company, etal. It is assumed that said cause of action is for delinquent taxes due on subject property. Said suit includes a Final Judgment dated February 23, 2011 and an Order of Sale in Tax Suits dated October 10, 2011.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statue, in contract, or in tort.

**Texas American Title Company**



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Darrell Stone  
Title Examiner

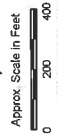
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

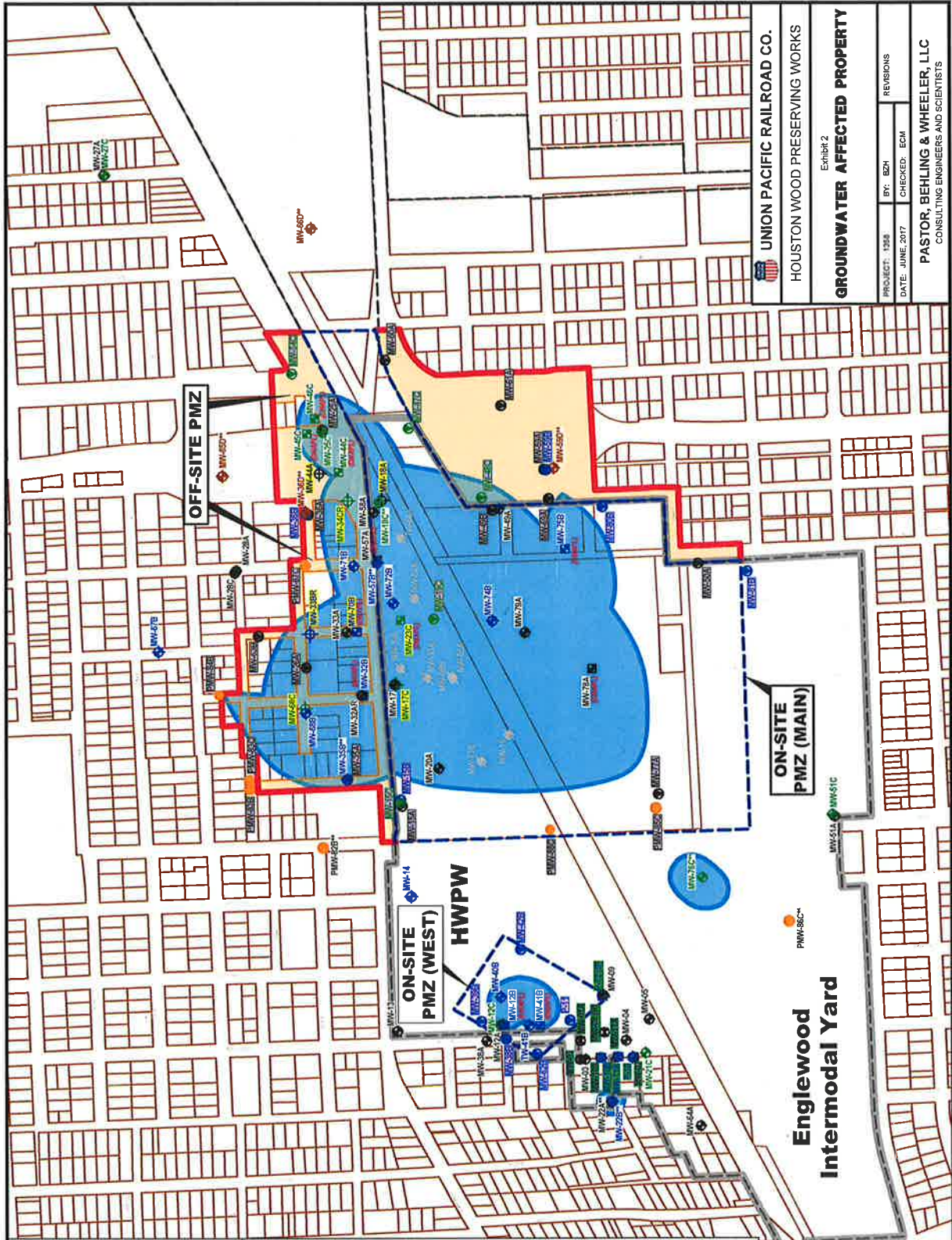
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GISMS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCLE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**

1. Vertical datum based on City of Houston (POC).
2. DNAPL = dense non aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Source: City of Houston Geographic Information & Mapping System  
 Author: Houston-Clayton Area Council (HAC) 2012 Aerial



UNION PACIFIC RAILROAD CO.	
HOUSTON WOOD PRESERVING WORKS	
Exhibit 2	
<b>GROUNDWATER AFFECTED PROPERTY</b>	
PROJECT: 1559	REVISIONS
DATE: JUNE, 2017	BY: BZN
	CHECKED: ECM
PASTOR, BEHLING & WHEELER, LLC	
CONSULTING ENGINEERS AND SCIENTISTS	

# Englewood Intermodal Yard

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**



**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**



**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 8**

**HCAD ID - 0141440000004**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lot 4, 5, 6, 7, and 8 In block 6 of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Vol.1 page 55 of the Map Records of Harris County, Texas.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Greater Mount Nebo Baptist Church (Owner) with an address of 3819 Harland Dr., Houston, Texas 77092. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

Executed this 19<sup>th</sup> day of February, 2015.

Greater Mount Nebo Baptist Church  
By: Charles L. Allen, Jr.  
Name: Charles L. Allen, Jr.  
Title: Pastor

STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the 19<sup>th</sup> day of February, 2015, personally appeared Charles L. Allen, Jr., Pastor, of Greater Mount Nebo Baptist Church, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 19<sup>th</sup> day of February, 2015.

Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires:



Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

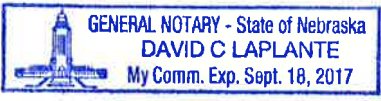
By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA §  
DOUGLAS COUNTY §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation **[RESPONDER]**, known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.  
David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

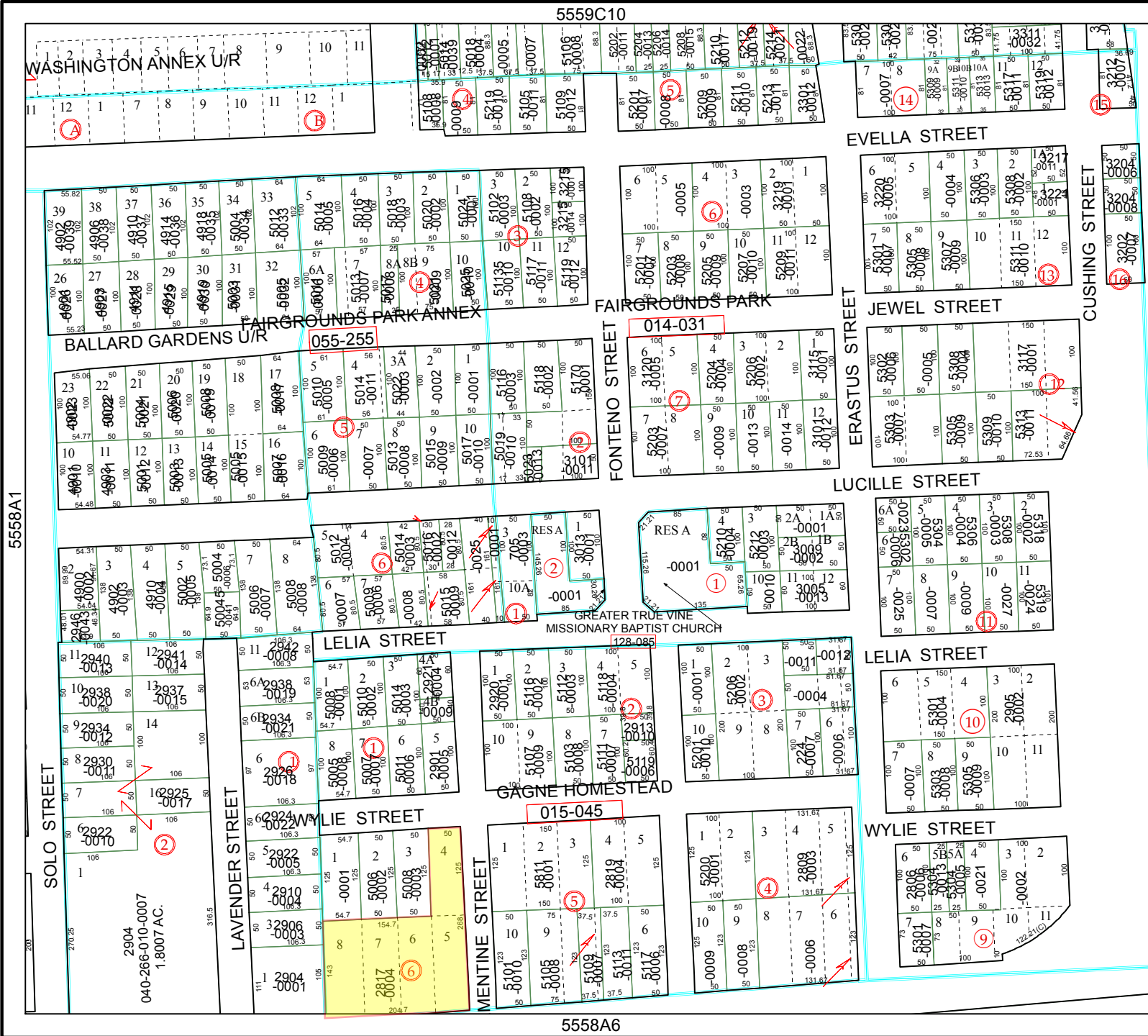
Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**



# EXHIBIT 1



5558A1

5559C10

## Harris County Appraisal District

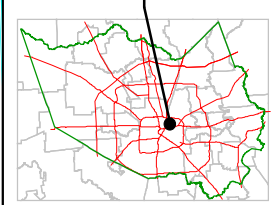


0 100 200

PUBLICATION DATE:  
1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A6

# **EXHIBIT 1**

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-13-0207  
Date: January 12, 2013

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 7<sup>th</sup> day of January, 2013, we find the following:

### **Title Vested In:**

Greater Mount Nebo Baptist Church (by Deed filed for record under Harris County Clerk's File No. G189795)

### **Property Description: (Map ID# 8) (Tax ID# 014-144-000-004)**

Lots Four (4), Five (5), Six (6), Seven (7) and Eight (8), in Block Six (6), of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 1, Page 55 of the Map Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

### **Restrictions:**

None of record.

### **Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

### **Property Liens:**

None of record.

# **EXHIBIT 1**

## **Involuntary Liens:**

None of record.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

## **Texas American Title Company**



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Darrell Stone  
Title Examiner

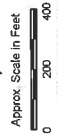
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

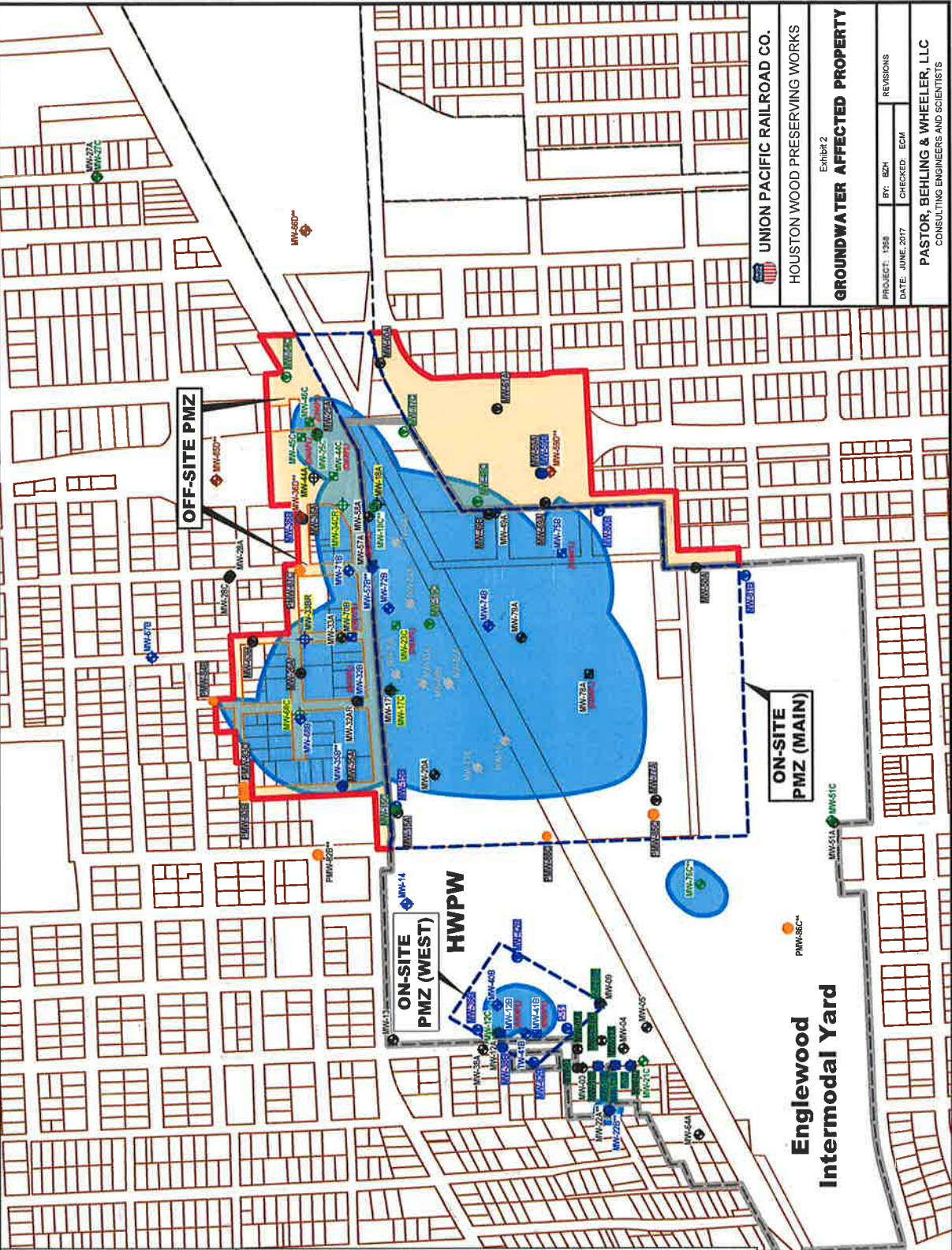
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GISMS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCLE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**

1. Vertical datum based on City of Houston (POC).
2. DNAPL = dense non aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Source: City of Houston Geographic Information & Mapping System  
 Author: Houston-Clayton Area Council (HAC) 2012 Aerial



UNION PACIFIC RAILROAD CO.	
HOUSTON WOOD PRESERVING WORKS	
Exhibit 2	
<b>GROUNDWATER AFFECTED PROPERTY</b>	
PROJECT: 1559	REVISIONS
DATE: JUNE, 2017	BY: BZN
	CHECKED: ECM
PASTOR, BEHLING & WHEELER, LLC	
CONSULTING ENGINEERS AND SCIENTISTS	

# Englewood Intermodal Yard

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**



**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**



**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 9**

**HCAD ID - 0141400000006**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lot six (6) in Block (2) Of Finn Subdivision, A subdivision in Harris County, Texas according to the map or plat thereof.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Martha Gilliam an address of 5119 Wylie, Houston, Texas 77026. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their

respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

Executed this 22 day of April, 2015.

[OWNER]

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

Name: Martha Gilliam

STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the 22nd day of April, 2015, personally appeared , Martha Gilliam, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 22nd day of April, 2015.

Notary Public in and for the State of Texas,  
County of Harris



Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

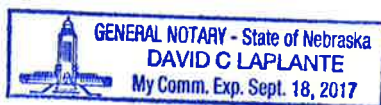
By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [RESPONDER], known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.  
David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

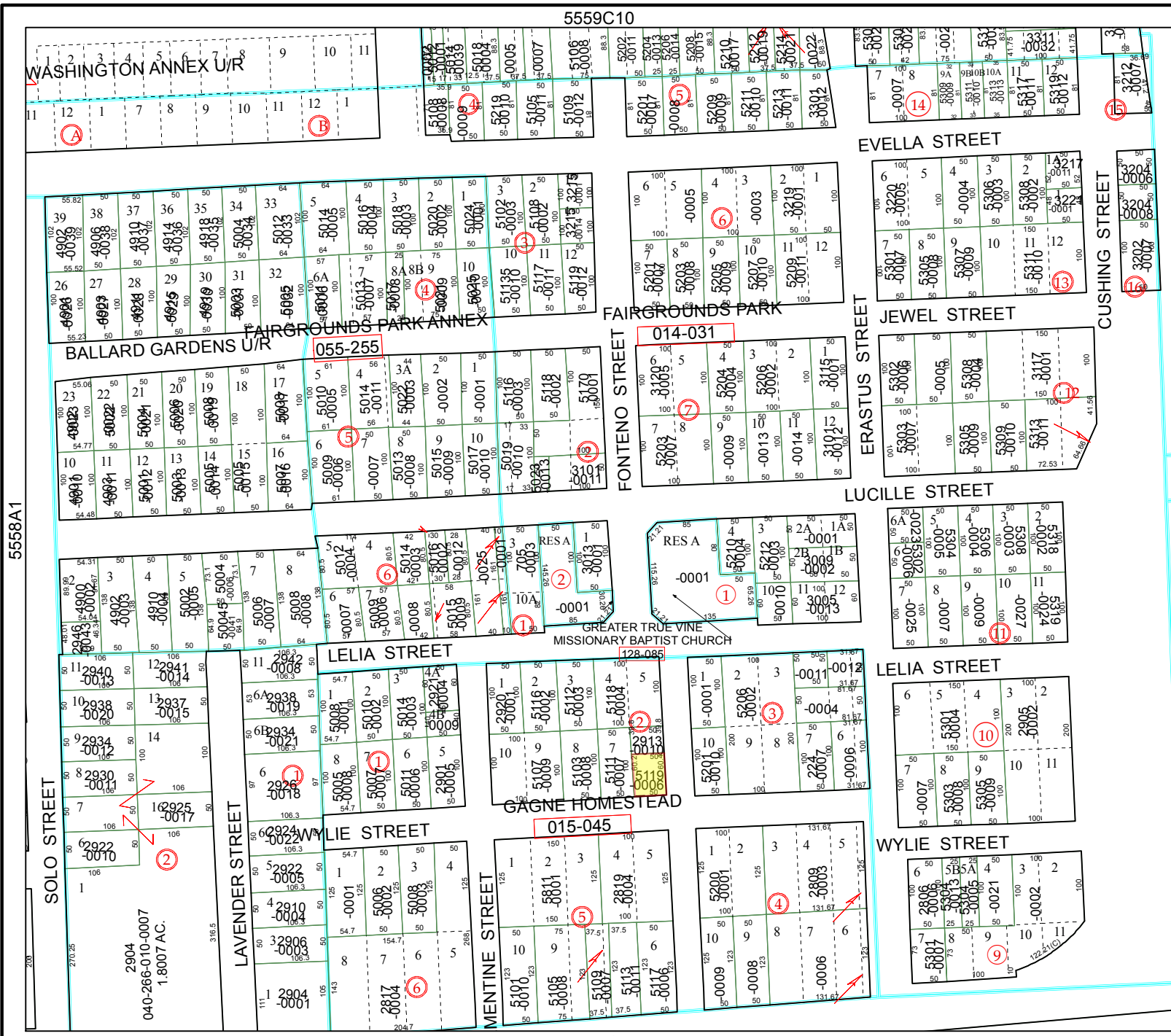
**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**



# EXHIBIT 1

5559C10



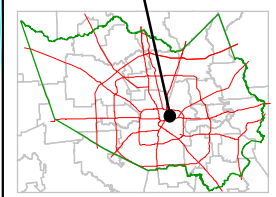
# Harris County Appraisal District



0 100 200  
**PUBLICATION DATE:**  
 1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A6

5558A1

5558A3

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## Title Report

GF Number: 7910-12-9443  
Date: December 21, 2012

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 16<sup>th</sup> day of December, 2012, we find the following:

**Title Vested In:**

Martha Gilliam (by Warranty Deed filed for record under Harris County Clerk's File Nos. E690955 being refiled under E855995 and by Muniment of Title under PW# 370718)

**Property Description: (Map ID#9) (Tax ID# 014-140-000-0006)**

A tract of land containing 3,010.00 square feet, more or less, out of Lot 6, Block 2 out of Finn Subdivision of Shares 2 and 3, a part of the Gagne Homestead, out of Harris and Wilson two league grant in Harris County Texas, said lot as recorded in Volume 1, Page 55 of the Harris County Map Records, Harris County, Texas, being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for the southwesterly corner of Lot 6 as described above and of the tract herein described, same point also being on the northerly right-of-way of Wylie Street (60-feet R.O.W.);

THENCE, with an internal angle of 90°00'00", a distance of 60.20 feet to a 1/2 inch iron rod set for the northwesterly corner of the tract herein described;

THENCE, with an internal angle of 90°00'00", a distance of 50.00 feet to a 1/2 inch iron rod set for the northeasterly corner of the tract herein described same point being on the westerly right-of-way of Fontinot Street (40-feet R.O.W.);

THENCE, with an internal angle of 90°00'00", a distance of 60.20 feet to a 1/2 inch iron rod set for the southeasterly corner of the tract herein described;

THENCE, with an internal angle of 90°00'00", a distance of 50.00 feet to the POINT OF BEGINNING and containing 3,010.00 square feet of land, more or less.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

**Restrictions:**

None of record.

**Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

None of record.

**Involuntary Liens:**


None of record.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statue, in contract, or in tort.

**Texas American Title Company**

  
\_\_\_\_\_  
Darrell Stone  
Title Examiner

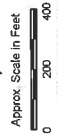
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

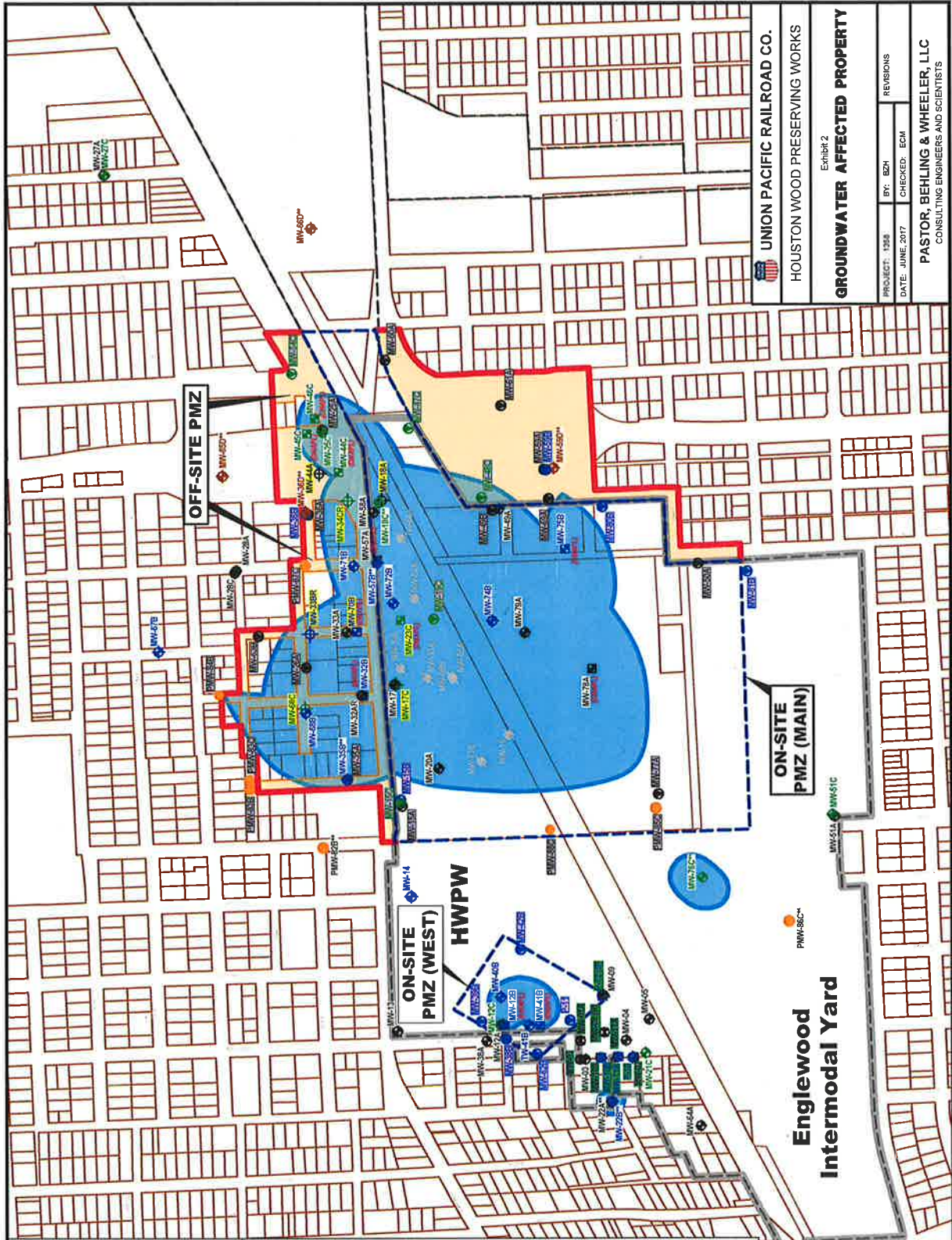
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GIS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**

1. Vertical datum based on City of Houston (POC).
2. DNAPL = dense non aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Source: City of Houston Geographic Information & Mapping System  
 Author: Houston-Clayton Area Council (HAC) 2012 Aerial



UNION PACIFIC RAILROAD CO.	
HOUSTON WOOD PRESERVING WORKS	
Exhibit 2	
<b>GROUNDWATER AFFECTED PROPERTY</b>	
PROJECT: 1559	REVISED:
DATE: JUNE, 2017	CHECKED: ECM
BY: BZN	REVISIONS:
PASTOR, BEHLING & WHEELER, LLC	
CONSULTING ENGINEERS AND SCIENTISTS	

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**



**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**



**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 10**

**HCAD ID - 0141430000001**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lot one (1), Two (2) and Three (3) in Block Fivet (5), Of Finn Subdivision, A subdivision in Harris County, Texas according to the map or plat thereof.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Beatrice Benson, as heir and devisee of the Estate of Tillie Potts Benson with an address of 1003 Saddle Rock, Texas 77088. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their

respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

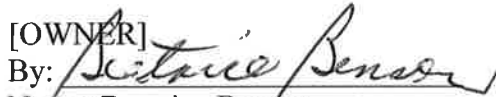
This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

Executed this 22 day of April, 2015.

[OWNER]

By:

Name: Beatrice Benson,



STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the 22nd day of April, 2015, personally appeared , Beatrice Benson,, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 22nd day of April, 2015.



Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires:



Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [RESPONDER], known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.  
David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

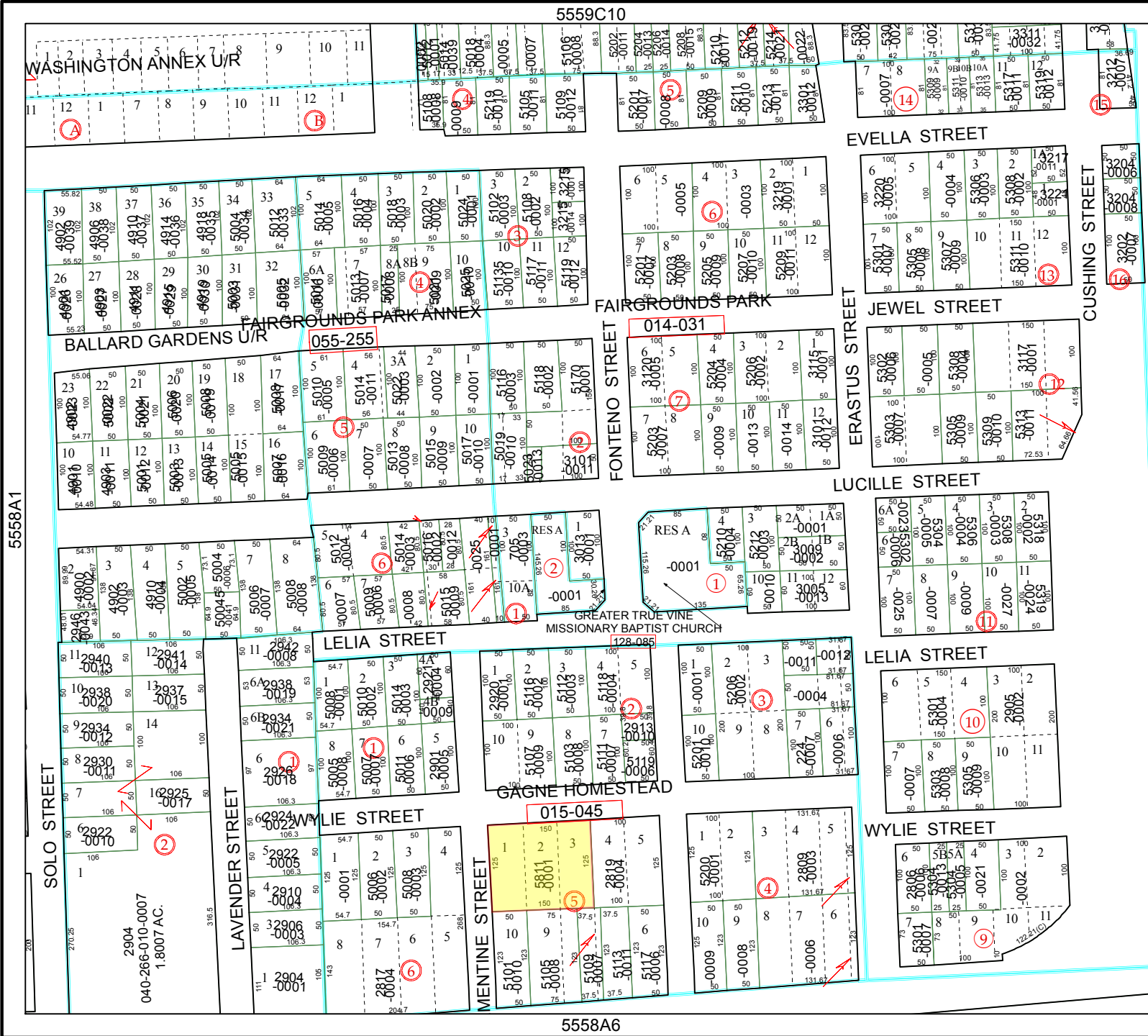
Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**



# EXHIBIT 1



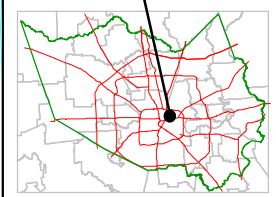
# Harris County Appraisal District



0 100 200  
PUBLICATION DATE:  
1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A1

5558A3

5558A6

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## Title Report

GF Number: 7910-13-0129

Date: January 7, 2013

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 27<sup>th</sup> day of December, 2012, we find the following:

**Title Vested In:**

Tillie Potts Benson (by Deed filed for record under Volume 1821, Page 313 of the Deed Records of Harris County, Texas and by the Estate of Alex Potts - Probate #48382)

**Property Description: (Map ID# 10) (Tax ID# 014-143-000-0001)**

Lots One (1), Two (2) and Three (3), in Block Five (5), of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 1, Page 55 of the Map Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

**Restrictions:**

None of record.

**Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

- 1) Paving Lien Notice filed on January 31, 1977, (topping project no. 303), filed under Harris County Clerk's File No. F029142, (Film Code No. 157-20-1662), executed by the City of Houston, showing portions of Wylie Street, and assessing a portion of the cost thereof, against the owners of the property abutting thereon.

- 2) By City of Houston, Code of Ordinances, a Notice of Public Hearing was filed under Harris County Clerk's File No. Y844718, it was determined there may be a necessity for a demolition lien against the herein described property. Further, pursuant to said ordinance, an "Order of the Hearing Official" dated November 3, 2005, recorded under Harris County Clerk's File No. Y883003.
- 3) Notice of involuntary lien in connection with demolition (city tax account No : 014-143-000-0001) filed on January 17, 2008 , under Harris County Clerk's File No. 20080027828, executed by the City of Houston, claiming a lien on the subject property, against Tillie Potts Benson, as owner, in the amount of \$1,220.00 , plus cost and interest.

**Involuntary Liens:**


- 1) We find reference to Cause No. 2012-47859, in the District Court of Harris County, Texas, styled Harris County, et al vs. Tillie Potts Benson. It is assumed that said cause of action is for delinquent taxes due on subject property.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

**Texas American Title Company**

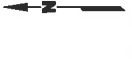
  
\_\_\_\_\_  
Darrell Stone  
Title Examiner

**EXHIBIT 2**  
**AFFECTED PROPERTY MAP**

- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GISMS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCLE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

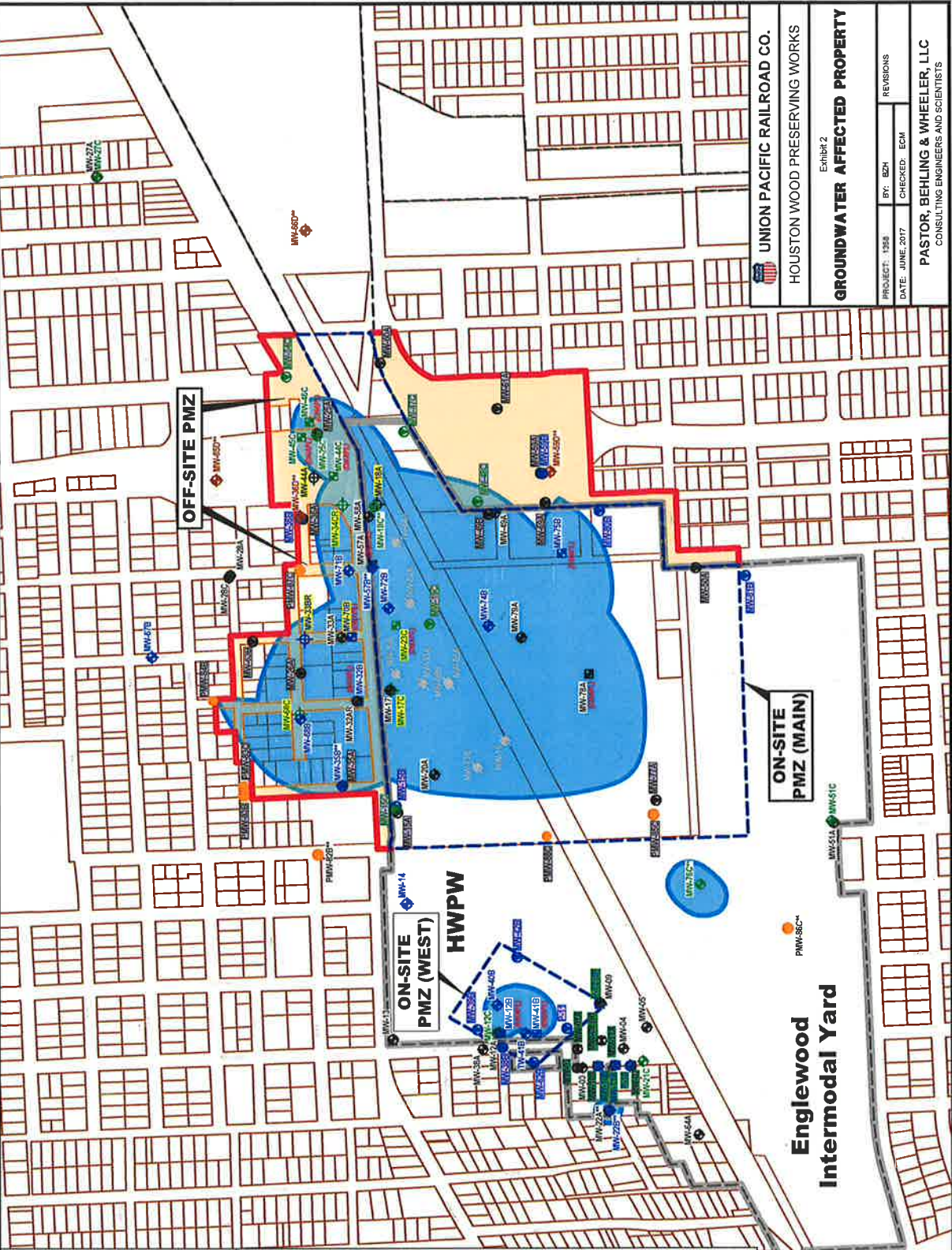
**Notes:**

1. Vertical datum based on City of Houston (POC) datum.
2. DNAPL = dense non-aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Approx. Scale in Feet  
0 200 400

Source: City of Houston Geographic Information & Mapping System  
 Author: Houston-Clayton Area Council (HAC) 2012 Aerial



**UNION PACIFIC RAILROAD CO.**

HOUSTON WOOD PRESERVING WORKS

Exhibit 2

**GROUNDWATER AFFECTED PROPERTY**

PROJECT: 1559	BY: BZN	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	

**PASTOR, BEHLING & WHEELER, LLC**  
CONSULTING ENGINEERS AND SCIENTISTS

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**

**EXPLANATION**

- UPRR Property Boundary
- Property Boundary (GIMS)
- City of Houston-Owned ROW
- Off-Site PMZ
- Off-Site PMZ
- Monitoring Well Location
- Proposed Monitoring Well
- On-Site PMZ
- Off-Site PMZ

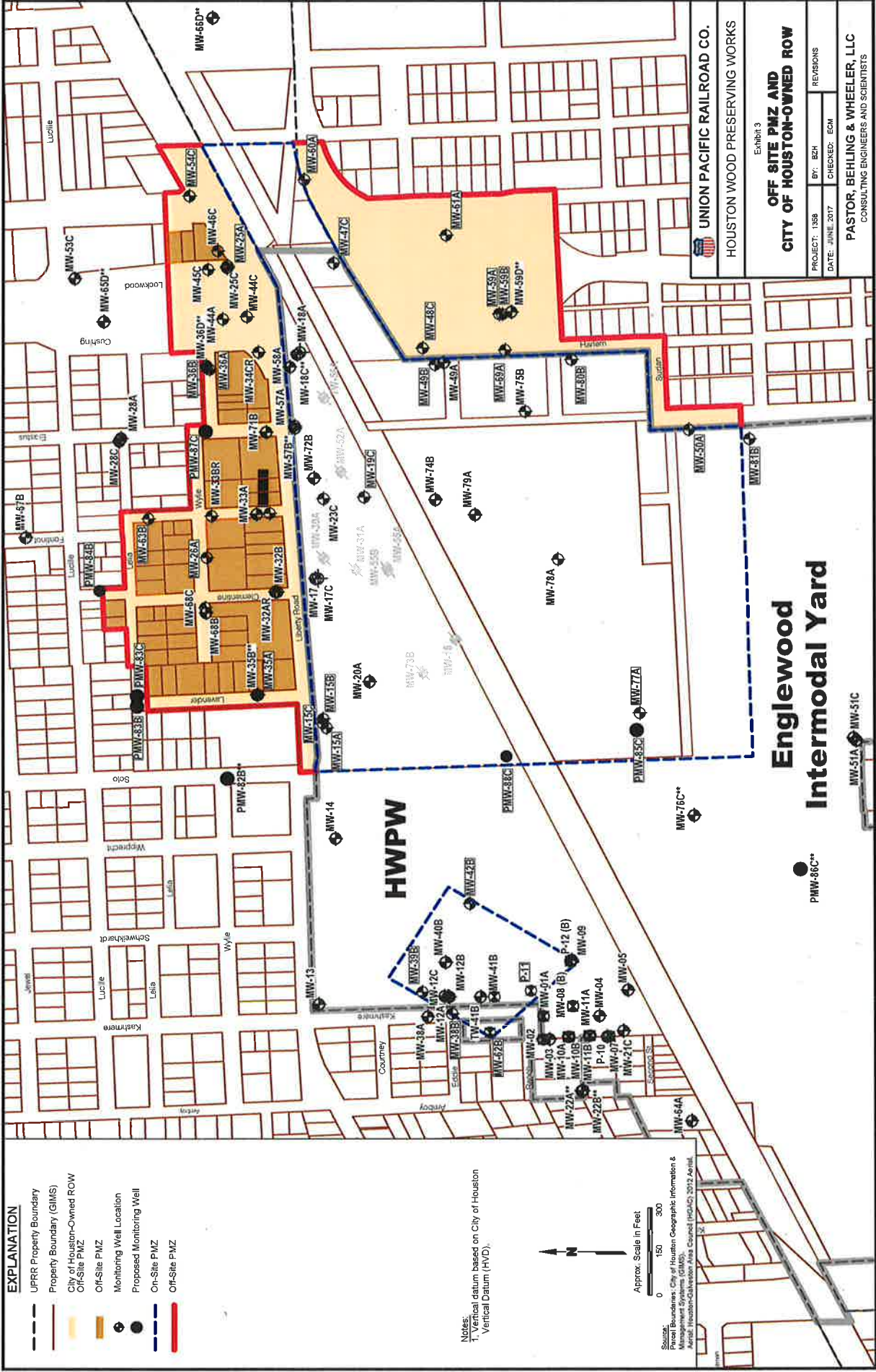
Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).



Approx. Scale in Feet



Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.



<b>UNION PACIFIC RAILROAD CO.</b> HOUSTON WOOD PRESERVING WORKS	
Exhibit 3 <b>OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW</b>	
PROJECT: 158	BY: BZH
DATE: JUNE 2017	CHECKED: EGM
REVISIONS <b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS	

**Englewood Intermodal Yard**

**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**



**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 16**

**HCAD ID - 0141430000006**



## Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lot Six (6) in Block Five (5), of Finn Subdivision out of Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Jorge D. Rivera (Owner) with an address of 5117 Liberty Road, Houston, Texas 77026. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their

respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

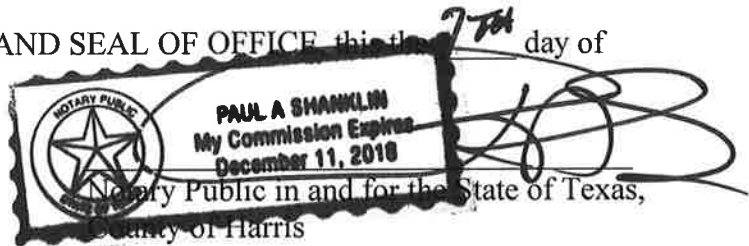
Executed this 7<sup>th</sup> day of April, 2015.

By: Jorge Rivera  
Name: Jorge D. Rivera

STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the 7th day of April, 2015, personally appeared Jorge D. Rivera 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 7<sup>th</sup> day of April, 2015.



My Commission Expires: 12-11-2018

Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

By: Tonyk Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [RESPONDER], known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 14<sup>th</sup> day of June, 2017.

David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

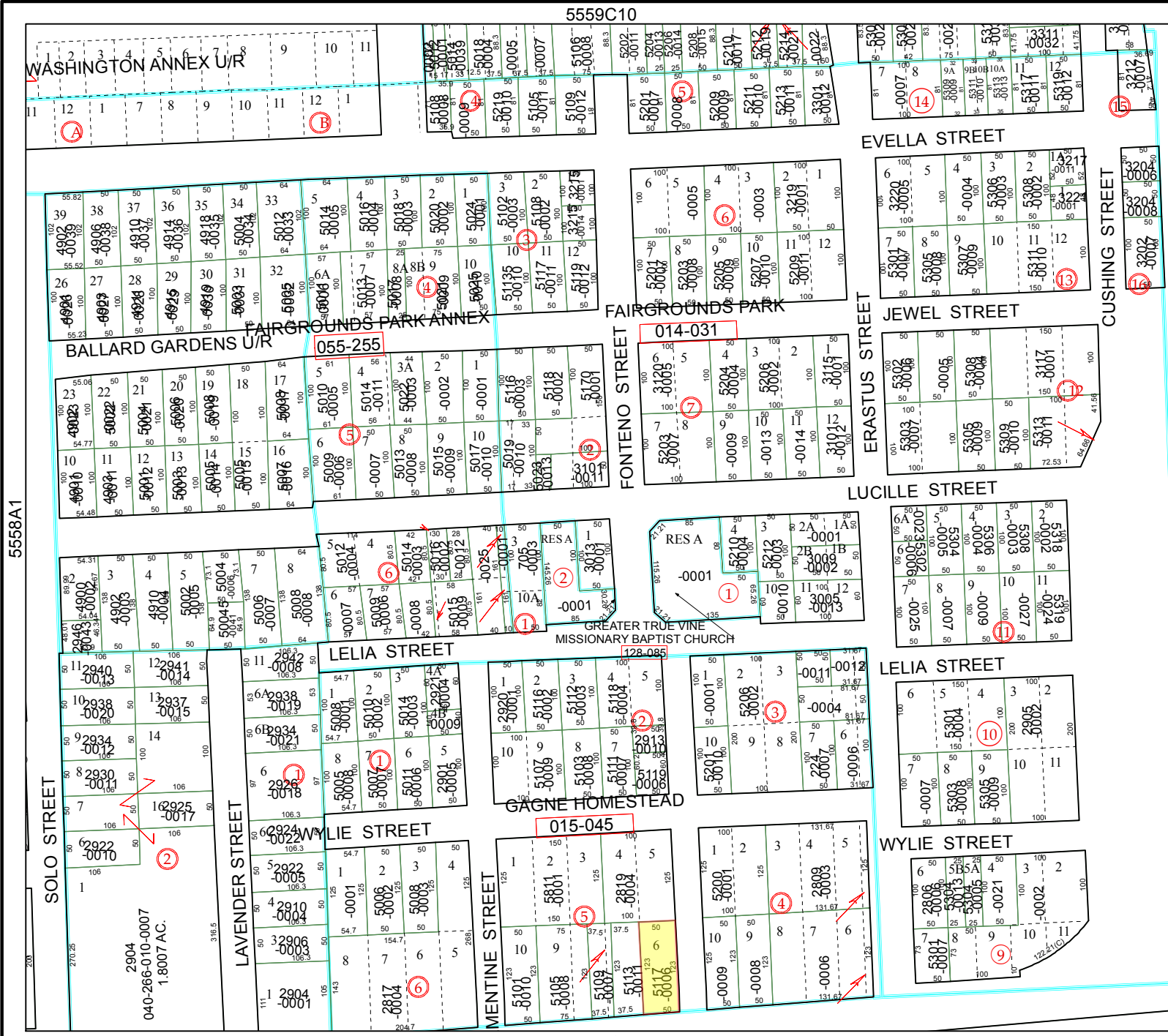
**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**



# EXHIBIT 1

5559C10



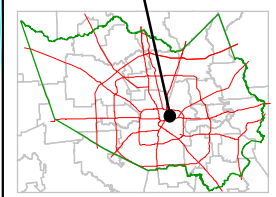
# Harris County Appraisal District



0 100 200  
PUBLICATION DATE:  
1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A6

5558A1

5558A3



**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-13-0183

Date: January 11, 2013

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 7<sup>th</sup> day of January, 2013, we find the following:

**Title Vested In:**

Jorge D. Rivera (by Warranty Deed filed for record under Harris County Clerk's File No. 20070252540)

**Property Description: (Map ID# 16) (Tax ID# 014-143-000-0006)**

Lot Six (6), in Block Five (5), of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 1, Page 55 of the Map Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

**Restrictions:**

None of record.

**Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

- 1) Paving Lien Notice filed on August 29, 1957, filed under Volume 2950, Page 38 of the Deed Records of Harris County, Texas, executed by the City of Houston, showing portions of Liberty Road, and assessing a portion of the cost thereof, against the owners of the property abutting thereon.

- 2) A Vendor's Lien was retained in Deed dated April 20, 2007, filed for record on April 26, 2007, under Harris County Clerk's File No. 20070252540, executed by Martin Halick, to Jorge D. Rivera, securing one certain promissory note of even date therewith in the principal amount of \$56,637.00, payable to the order of Crosby State Bank; said note and lien being additionally secured by Deed of Trust of even date therewith, in favor of Mark G. Mulloy, as Trustee, together with all terms, conditions and stipulations contained therein, including any additional indebtedness secured thereby, filed for record on April 26, 2007, under Harris County Clerk's File No. 20070252541.

**Involuntary Liens:**

- 1) Abstract of Judgment filed May 24, 2005, under Harris County Clerk's File No. Y490426, styled the State of Texas, vs. Jorge Rivera, in the principal amount of \$679.00, plus cost, interest and attorney's fees.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

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**Texas American Title Company**



Darrell Stone  
Title Examiner

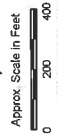
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

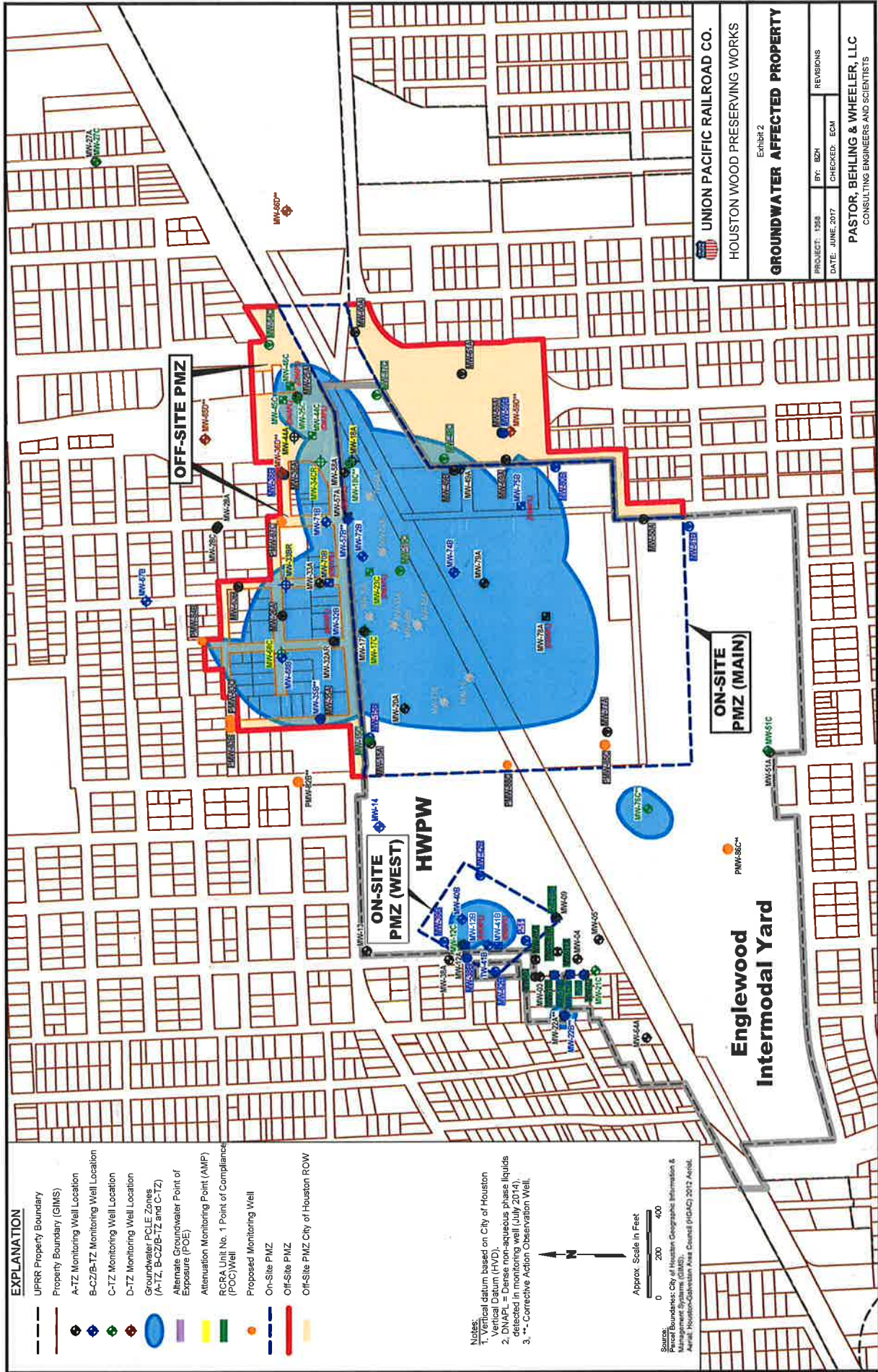
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GIS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**

1. Vertical datum based on City of Houston (DMS).
2. DNAPL = dense non aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Source: City of Houston Geographic Information & Mapping System  
 Author: Houston-Clayton Area Council (HAC) 2012 Aerial



UNION PACIFIC RAILROAD CO.	
HOUSTON WOOD PRESERVING WORKS	
Exhibit 2	
<b>GROUNDWATER AFFECTED PROPERTY</b>	
PROJECT: 1559	REVISED:
DATE: JUNE, 2017	CHECKED: ECM
BY: BZN	REVISIONS:
PASTOR, BEHLING & WHEELER, LLC	
CONSULTING ENGINEERS AND SCIENTISTS	

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**

**EXPLANATION**

- UPRR Property Boundary
- Property Boundary (GIMS)
- City of Houston-Owned ROW
- Off-Site PMZ
- Off-Site PMZ
- Monitoring Well Location
- Proposed Monitoring Well
- On-Site PMZ
- Off-Site PMZ

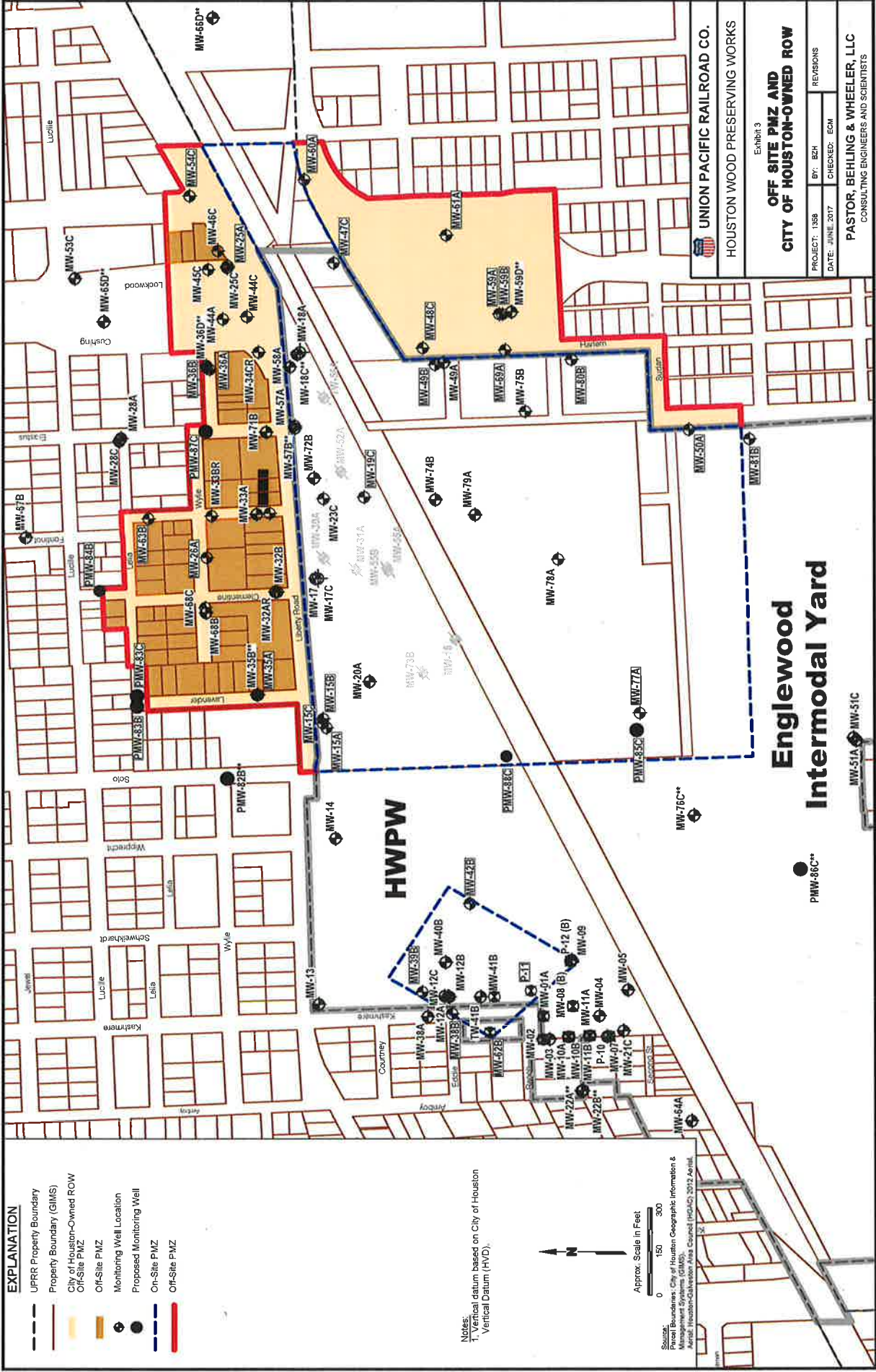
Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).



Approx. Scale in Feet



Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.



**Englewood Intermodal Yard**

<b>UNION PACIFIC RAILROAD CO.</b> HOUSTON WOOD PRESERVING WORKS		
Exhibit 3 <b>OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW</b>		
PROJECT: 158	BY: BZH	REVISIONS
DATE: JUNE 2017	CHECKED: ECM	
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS		

**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**



**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 23**

**HCAD ID - 0140410000007**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lots Seven (7) in Block Nine (9), of Fairground Park Addition, subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 81, page 357 of the Deed Records of Harris County, Texas.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was 57so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Geneva Crump (Owner) with an address of 5301 Liberty Road, Houston, Texas 77026. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

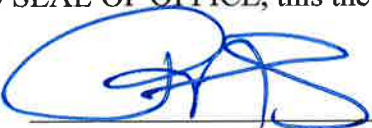
Executed this 10<sup>th</sup> day of March, 2015.

  
Name: Geneva Crump, Owner

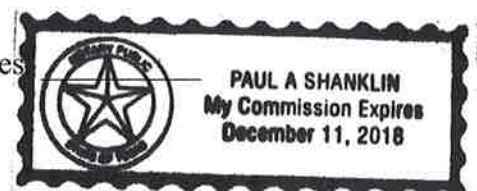
STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the \_ day of March, 2015, personally appeared Geneva Crump, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 10<sup>th</sup> day of March, 2015.

  
Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires



Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation **[RESPONDER]**, known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.

David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

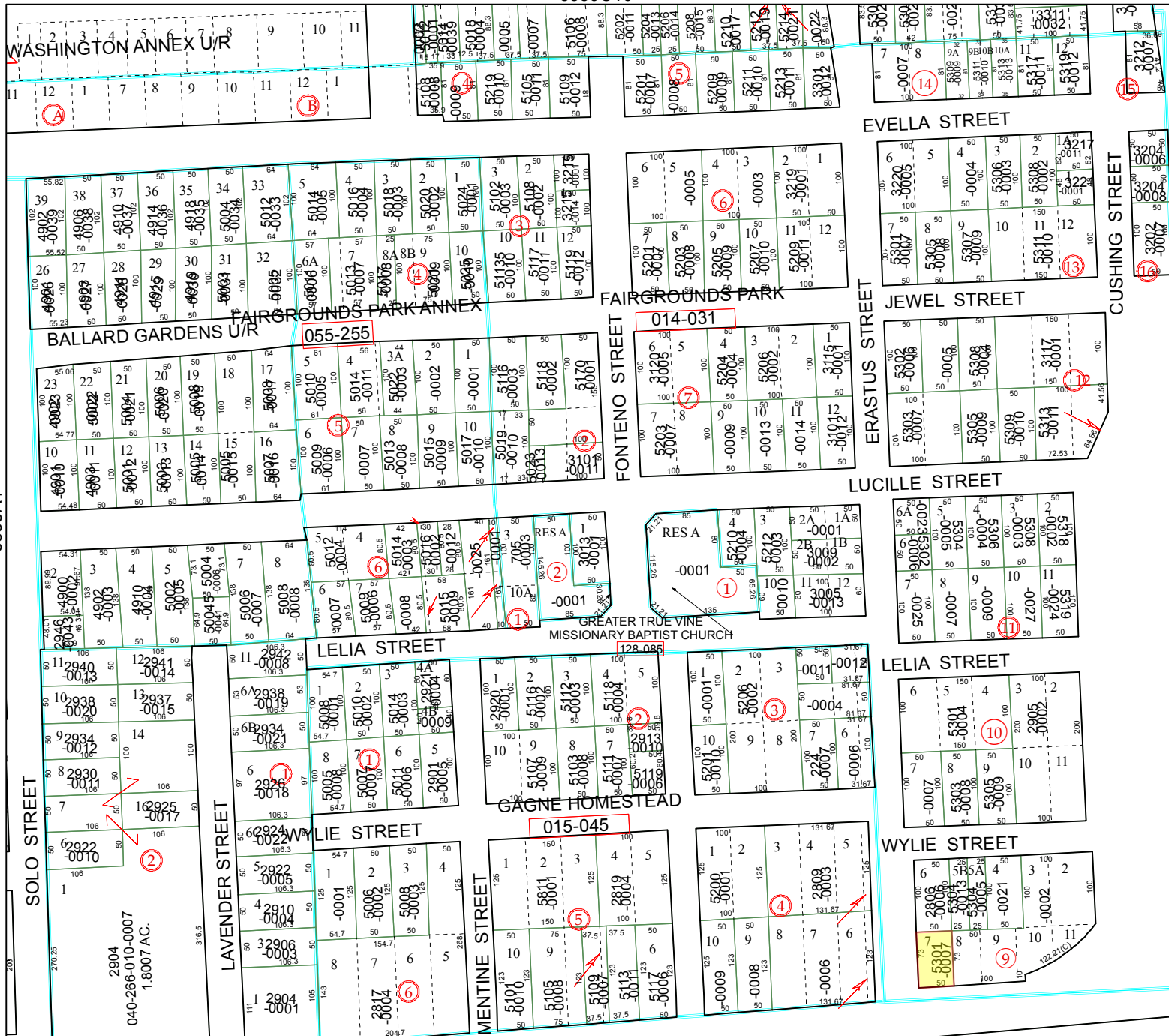
**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**



# EXHIBIT 1

5559C10



5558A6

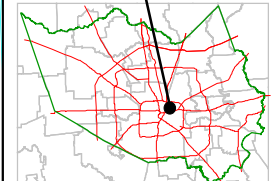
# Harris County Appraisal District



0 100 200  
PUBLICATION DATE:  
1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A1

2904  
040-266-010-0007  
1.8007 AC.

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-12-9064  
Date: December 5, 2012

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 3<sup>rd</sup> day of December, 2012, we find the following:

**Title Vested In:**

Geneva Henry, a/k/a Geneva Crump (by Deed filed for record under Harris County Clerk's File No. C159988)

**Property Description: (Map ID# 23) (Tax ID# 014-041-000-0007)**

Lot Seven (7), in Block Nine (9), of Fairground Park, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 81, Page 357 of the Deed Records of Harris County, Texas, SAVE AND EXCEPT the South 3 feet thereof as conveyed to Harris County by deed filed for record under Volume 959, Page 357 of the Deed Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

**Restrictions:**

None of record.

**Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

- 1) Notice of Public Hearing filed December 12, 2011, under Harris County Clerk's File No. 20110517152, pursuant of said notice a "Building and Standards Commission Order" dated January 11, 2012 and filed for record January 13, 2012, under Harris County Clerk's file No. 20120018233, it was determined that subject property be posted as a dangerous building and must be either repaired or demolished. Pursuant thereto, the following: Notice of Intent to File Lien in connection with demolition, filed on August 28, 2012 , under Harris County Clerk's file No. 20120395123.

**Involuntary Liens:**

- 1) We find reference to Cause No. 2009-42807, in the District Court of Harris County, Texas, styled Houston ISD, etal vs. Geneva Henry, etal. It is assumed that said cause of action is for delinquent taxes due on subject property.
- 2) Abstract of Judgment filed May 12, 2009, under Harris County Clerk's File No. 20090200226, styled Reed Credit Union, vs. Geneva Crump, in the principal amount of \$4,012.00, plus cost, interest and attorney's fees.
- 3) Abstract of Judgment filed December 22, 2010, under Harris County Clerk's File No. 20100543048, styled Houston ISD, etal, vs. Geneva Henry, in the principal amount as set out therein, plus cost, interest and attorney's fees.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

**Texas American Title Company**

*Darrell Stone*

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Darrell Stone  
Title Examiner

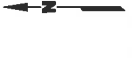
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GIS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCL Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

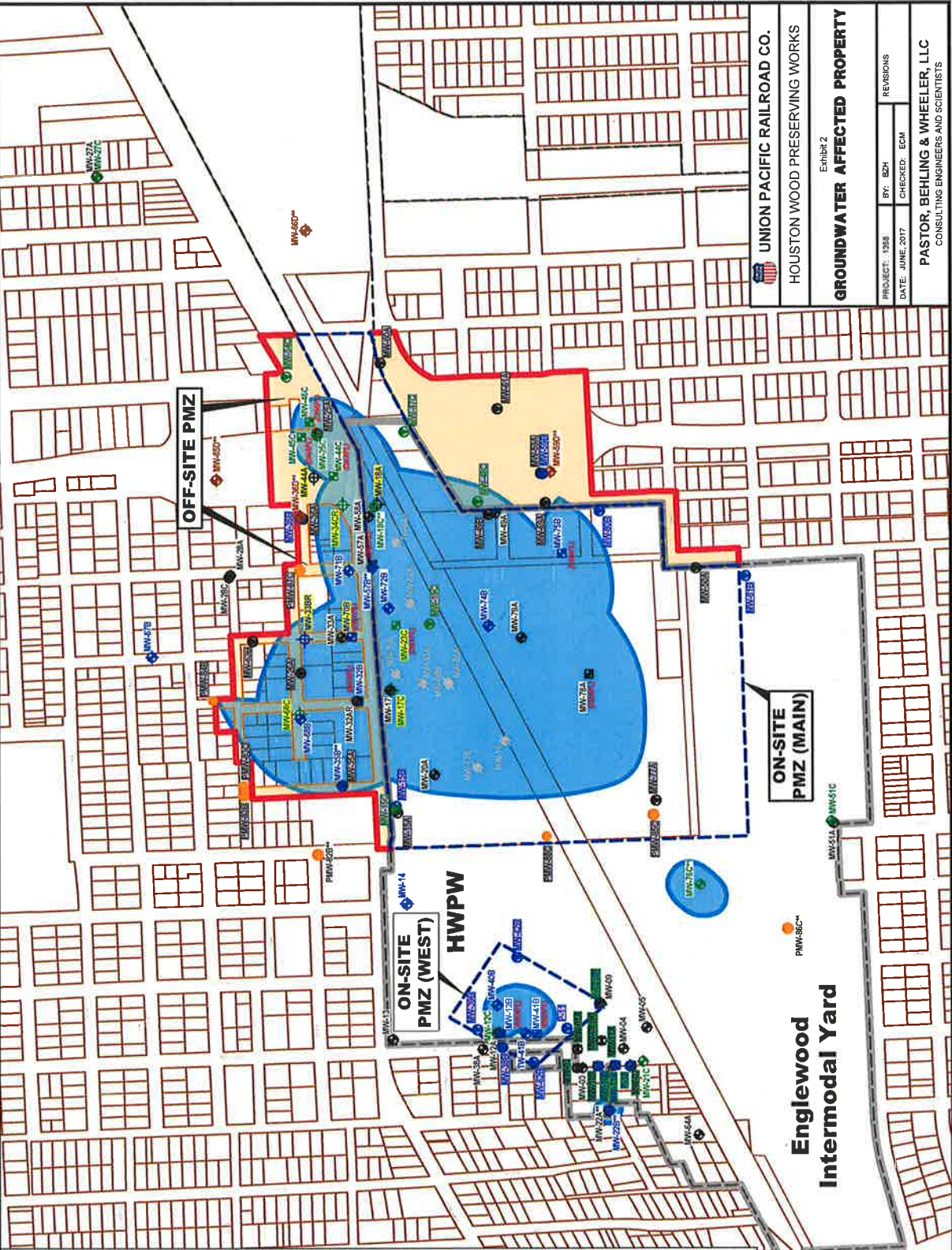
**Notes:**

1. Vertical datum based on City of Houston (POC).
2. DNAPL = dense non-aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Approx. Scale in Feet  
0 200 400

Source: City of Houston Geographic Information & Mapping System  
 Author: Houston-Clayton Area Council (HAC) 2012 April



**UNION PACIFIC RAILROAD CO.**

HOUSTON WOOD PRESERVING WORKS

Exhibit 2

**GROUNDWATER AFFECTED PROPERTY**

PROJECT: 1559	BY: BZN	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	

**PASTOR, BEHLING & WHEELER, LLC**  
CONSULTING ENGINEERS AND SCIENTISTS

**Englewood Intermodal Yard**

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**

**EXPLANATION**

- UPRR Property Boundary
- Property Boundary (GIMS)
- City of Houston-Owned ROW
- Off-Site PMZ
- Off-Site PMZ
- Monitoring Well Location
- Proposed Monitoring Well
- On-Site PMZ
- Off-Site PMZ

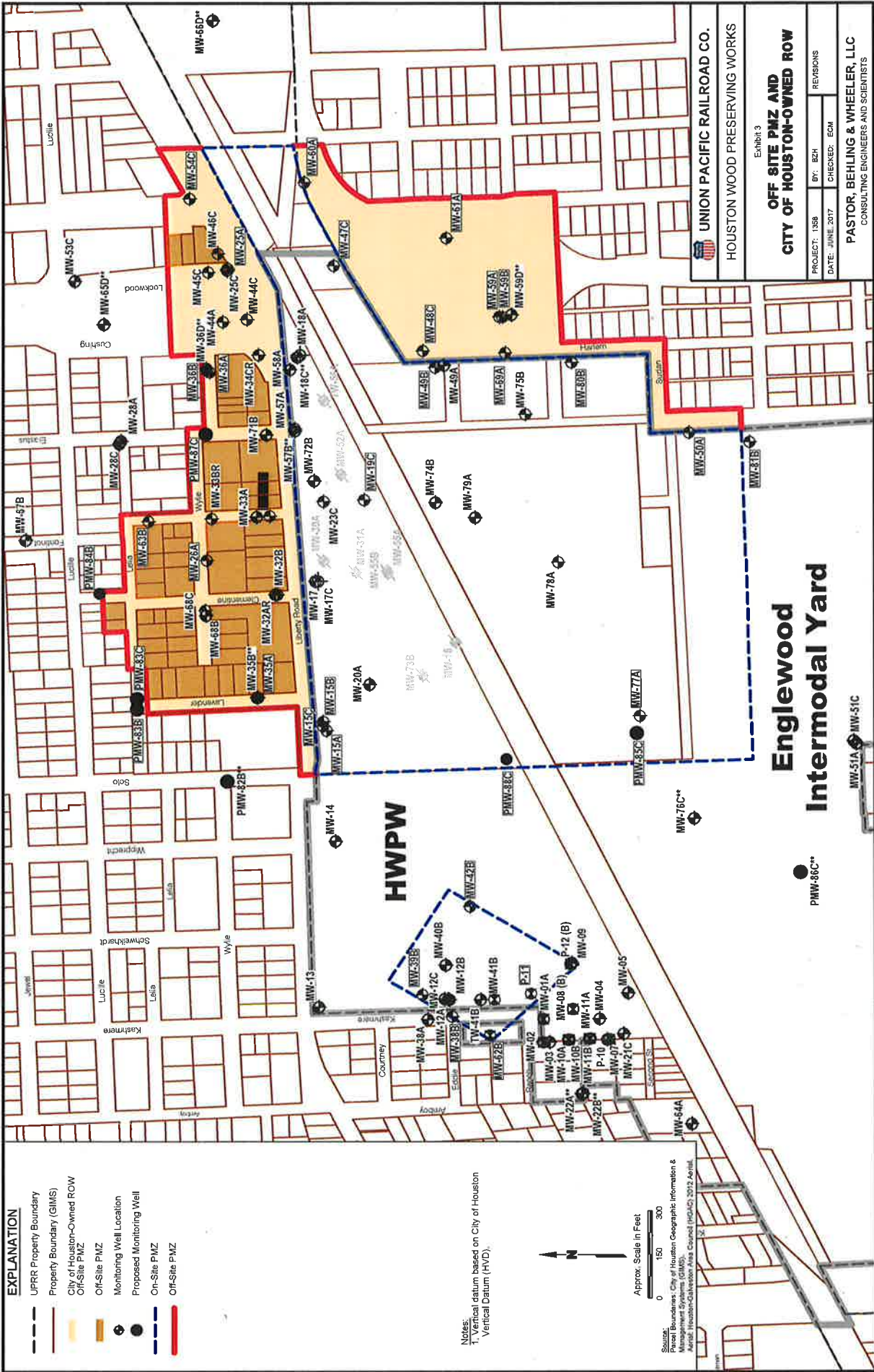
Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).



Approx. Scale in Feet



Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.



<b>UNION PACIFIC RAILROAD CO.</b> HOUSTON WOOD PRESERVING WORKS	
Exhibit 3 <b>OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW</b>	
PROJECT: 158	BY: BZH
DATE: JUNE 2017	CHECKED: ECM
REVISIONS <b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS	

**Englewood Intermodal Yard**

MW-51A MW-51C

PMW-86C\*\*

MW-76C\*\*

PMW-83C MW-77A

MW-78A

MW-74B

MW-49A

MW-59A

MW-59B

MW-59D\*\*

MW-51A

MW-48C

MW-49A

MW-59A

MW-59B

MW-59D\*\*

MW-51A

MW-48C

MW-49A

MW-59A

MW-59B

MW-59D\*\*

MW-51A

MW-48C

MW-49A

MW-59A

MW-59B

MW-59D\*\*

MW-51A

MW-48C

MW-49A

MW-59A

MW-59B

MW-59D\*\*

MW-51A

MW-48C

MW-49A

MW-59A

MW-59B

MW-59D\*\*

MW-51A

MW-48C

MW-49A

MW-59A

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MW-59D\*\*

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MW-48C

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MW-59D\*\*

MW-51A

MW-48C

MW-49A

MW-59A

MW-59B

MW-59D\*\*

MW-51A

MW-48C

MW-49A

MW-59A

MW-59B

MW-59D\*\*

MW-51A

MW-48C

MW-49A

MW-59A

MW-59B

MW-59D\*\*



**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 28**

**HCAD ID - 0141400000004**



# Restrictive Covenant

u\$

STATE OF TEXAS                                   §  
   §  
COUNTY OF HARRIS                           §

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lot 4 & 5 in block two (2) in Subdivision of Shares 2 and 3 (Firm Subdivision) of the Gagne Homestead a subdivision in Harris County, Texas, according too the map or plat thereof.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Greater True Vine Baptist Church (Owner) with an address of 3010 Fontitont, Houston, Texas 77026. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

Executed this 17<sup>th</sup> day of February, 2015

Greater True Vine Baptist Church

By: Matthew R. Alix Sr.

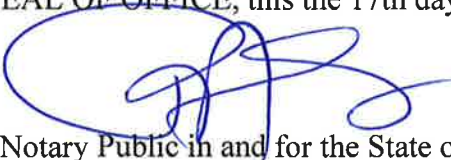
Name: Matthew R. Alix Sr.

Title: Pastor

STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the 17th day of February, 2015, personally appeared Matthew R. Alix Sr., Pastor of Greater True Vine Baptist Church, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 17th day of February, 2015.



Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires:



Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [RESPONDER], known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.  
David C. Sallante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

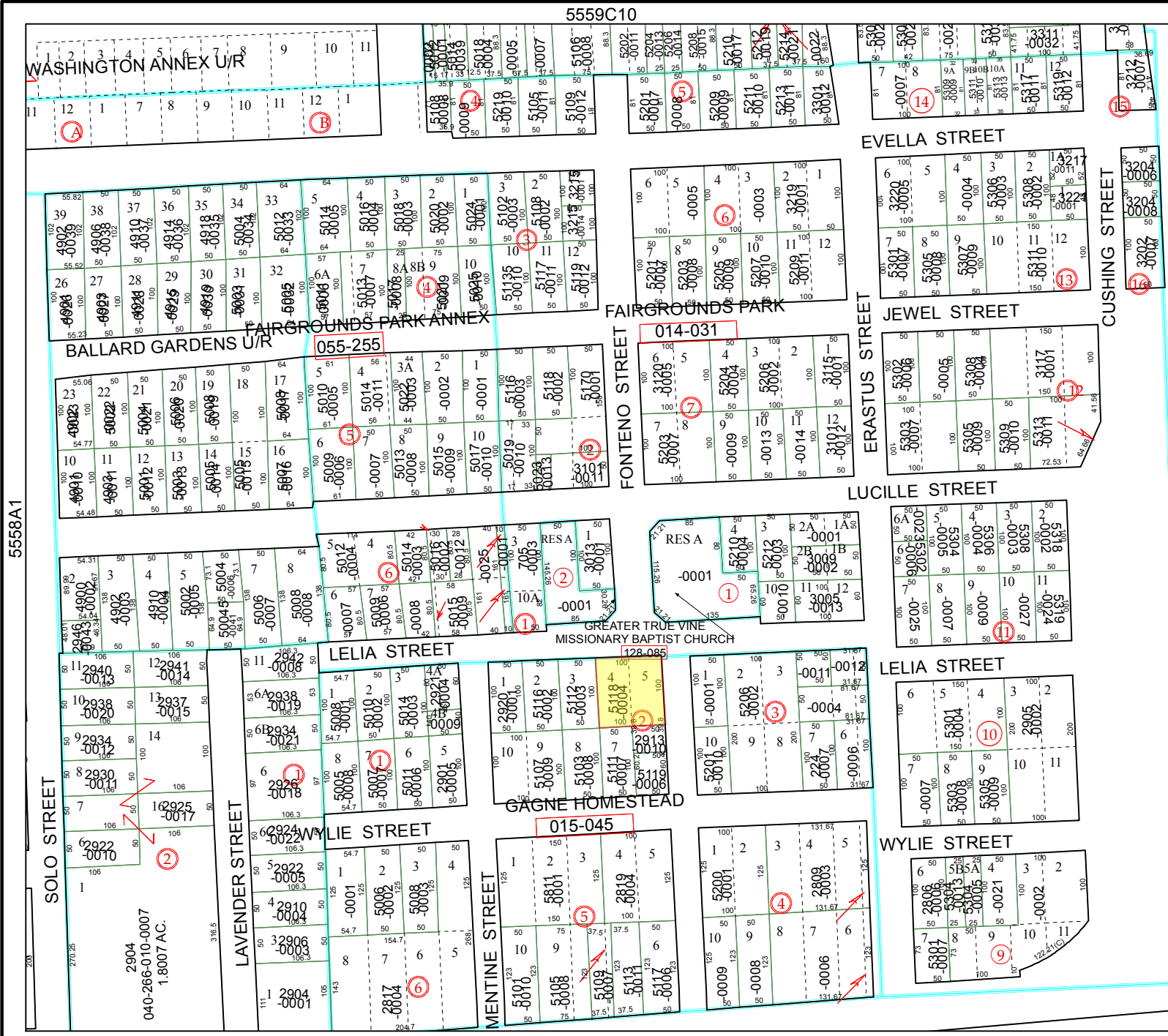


**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1

5559C10



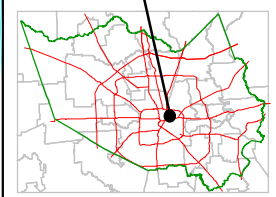
# Harris County Appraisal District



0 100 200  
**PUBLICATION DATE:**  
 1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A6

5558A1

5558A3

2904  
 040-266-010-0007  
 1.8007 AC.

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-12-9441  
Date: December 21, 2012

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 16<sup>th</sup> day of December, 2012, we find the following:

**Title Vested In:**

Greater True Vine Baptist Church (by Warranty Deed filed for record under Harris County Clerk's File No. N995654)

**Property Description: (Map ID#28) (Tax ID# 014-140-000-0004)**

Lots Four (4) and Five (5), in Block Two (2), of Subdivision of Shares 2 and 3 (Finn Subdivision) of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 1, Page 55 of the Map Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

**Restrictions:**

None of record.

**Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

None of record.

**Involuntary Liens:**

None of record.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

**Texas American Title Company**

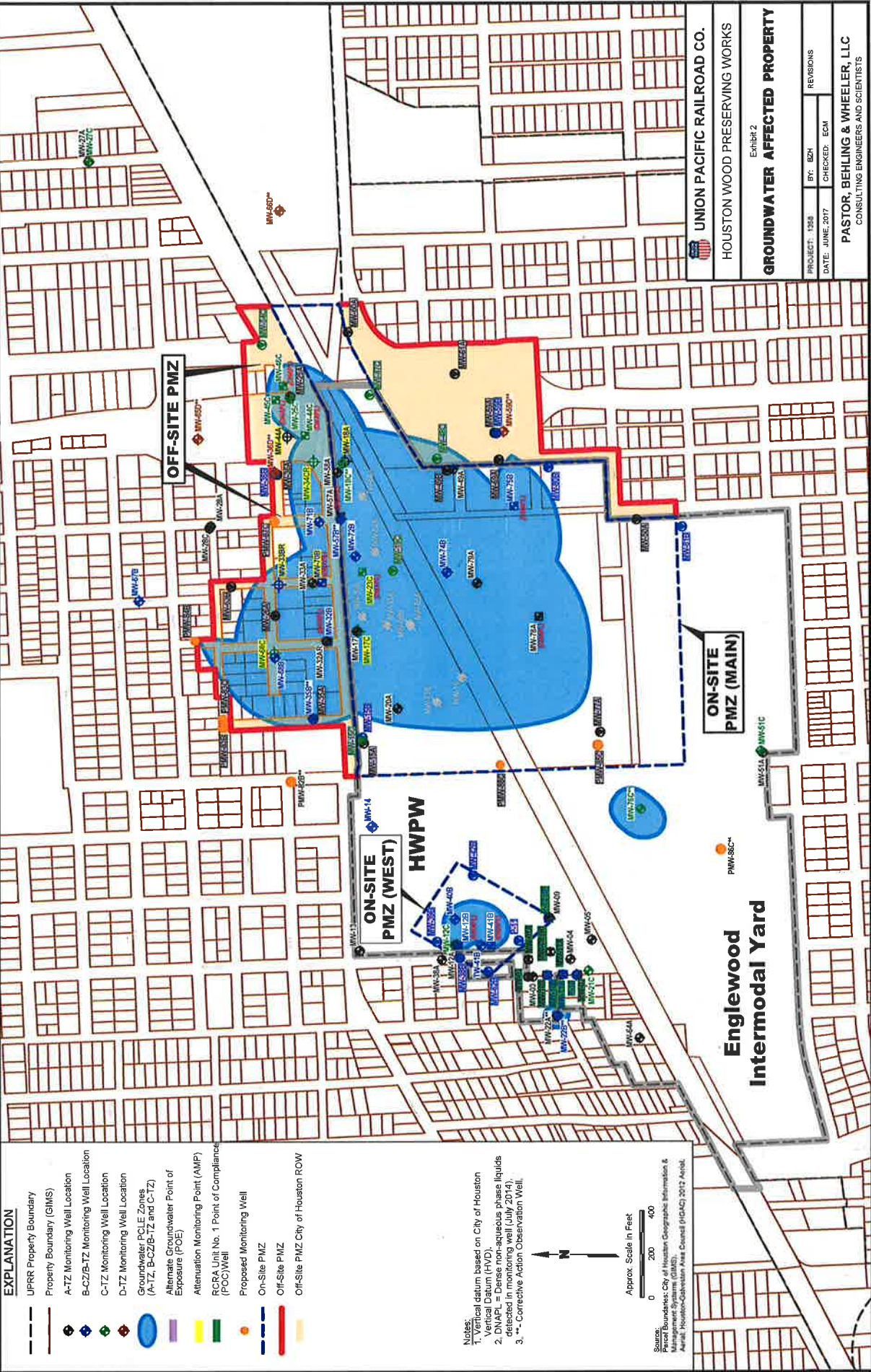


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Darrell Stone  
Title Examiner

**EXHIBIT 2**

**AFFECTED PROPERTY MAP**



- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GIS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP) (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

Notes:  
 1. Vertical datum based on City of Houston (POC).  
 2. DNAPL = dense non-aqueous phase liquids detected in monitoring well (July 2014).  
 3. \*\*, Corrective Action Observation Well.

Approx. Scale in Feet  
 0 200 400

Source:  
 Parcel Boundaries: City of Houston Geographic Information & Mapping System  
 UPRR Property Boundary: Union Pacific Railroad  
 Aerial: Houston-Clouston Area Council (HAC) 2012 Aerial.

**UNION PACIFIC RAILROAD CO.**

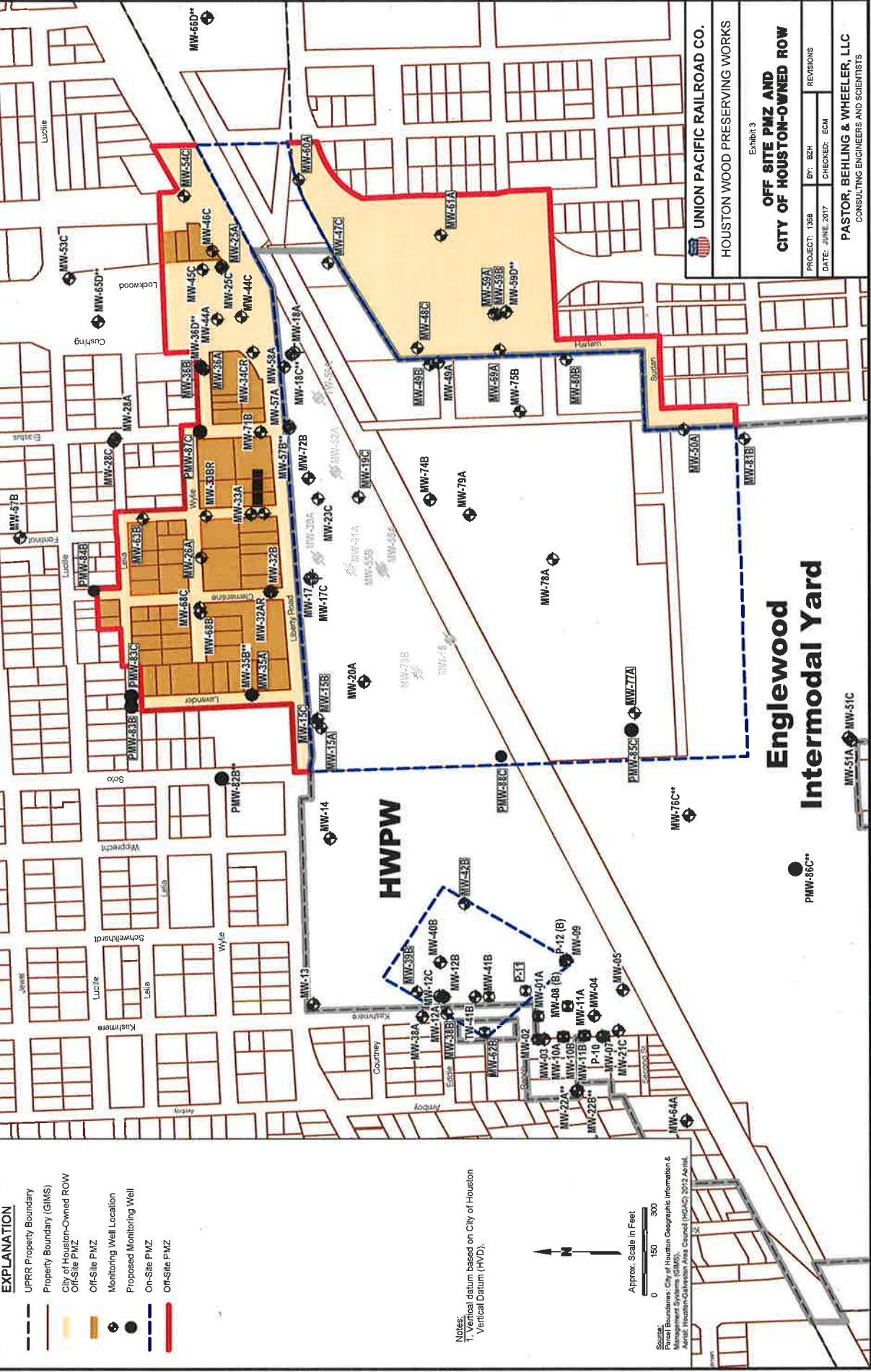
Houston Wood Preserving Works  
 Exhibit 2  
**GROUNDWATER AFFECTED PROPERTY**

PROJECT: 1559	BY: BZN	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	

**PASTOR, BEHLING & WHEELER, LLC**  
 CONSULTING ENGINEERS AND SCIENTISTS

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**



EXPLANATION	
	UPRR Property Boundary
	Property Boundary (GIMS)
	City of Houston-Owned ROW
	Off-Site PMZ
	Monitoring Well Location
	Proposed Monitoring Well
	On-Site PMZ
	Off-Site PMZ

Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).



Approx. Scale in Feet  
 0 150 300

Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial Imagery: GeoEye Area Cloud (10/24/04) 3012 Aerial.

Exhibit 3

UNION PACIFIC RAILROAD CO.	
HOUSTON WOOD PRESERVING WORKS	
<b>OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW</b>	
PROJECT: 1358	BY: BZH
DATE: JUNE 2017	CHECKED: ECM
REVISIONS	
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b>	
CONSULTING ENGINEERS AND SCIENTISTS	

**Englewood Intermodal Yard**



**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 33**

**HCAD ID - 0141400000009**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lot Nine (9) in block two (2), of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof.)*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Willie Potts, heir and devisee of Maryland Potts (Owner) with an address of 5107 Wylie Street, Houston, Texas 77026. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their

respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

Executed this 22 day of April, 2015.

By: Willie Potts  
Name: Willie Potts

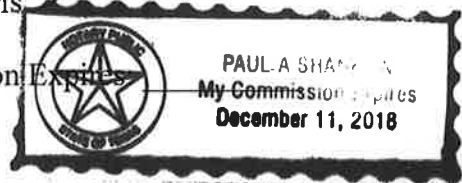
STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the 22 day of April, 2015, personally appeared Willie Potts Carr, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 22 day of April, 2015.

Paul A. Shank  
Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires



Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [RESPONDER], known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.

David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

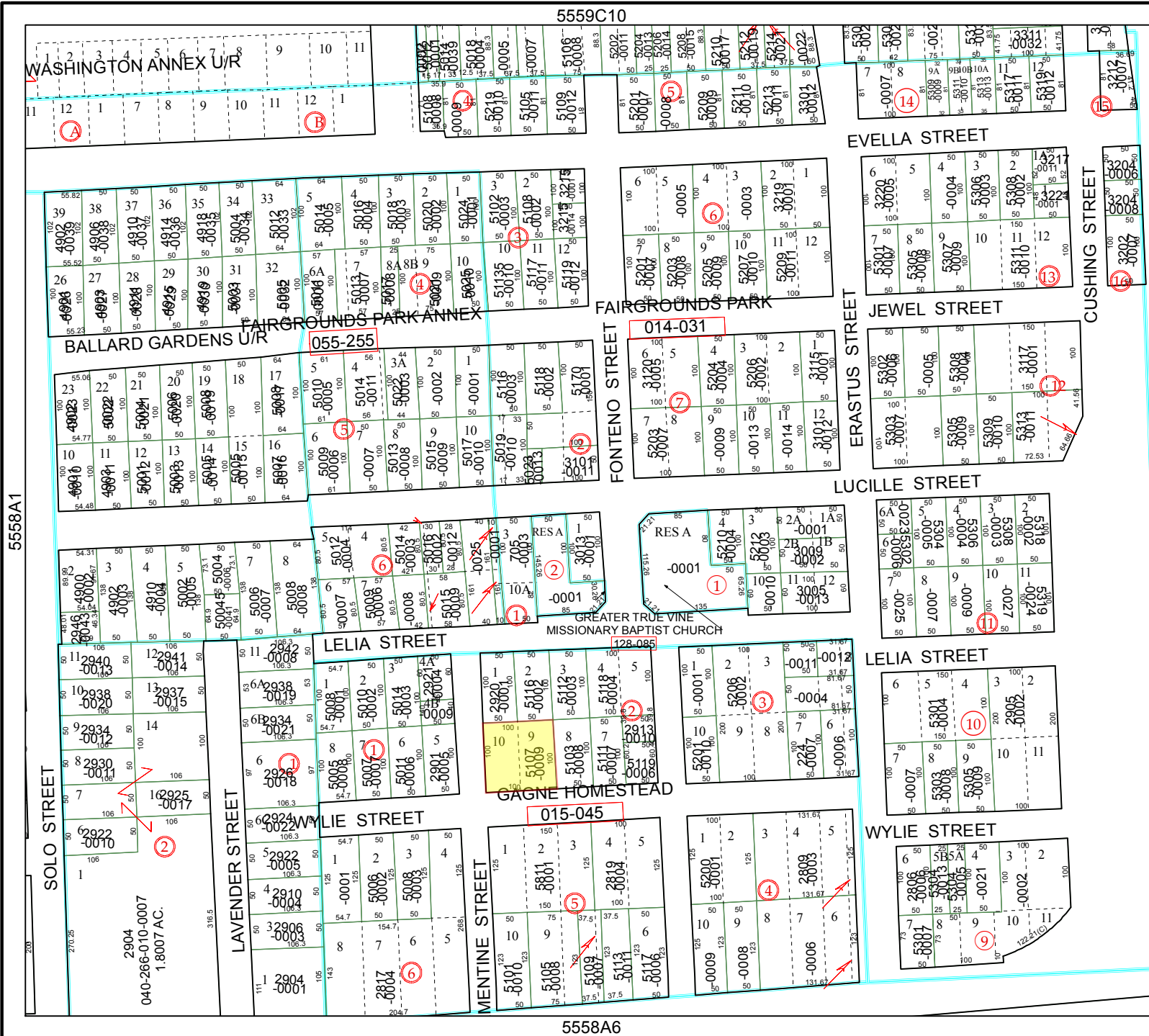
Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_



**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1



5558A1

5559C10

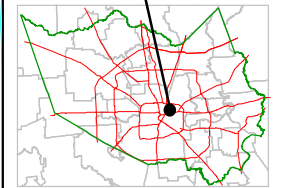
# Harris County Appraisal District



0 100 200  
**PUBLICATION DATE:**  
 1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A6

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-13-0506

Date: January 23, 2013

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 9<sup>th</sup> day of January, 2013, we find the following:

### **Title Vested In:**

The Heirs and Devisees of the Estate of Maryland Potts, deceased (by Deeds filed for record under Volume 410, Page 518 and Volume 545, Page 368, both of the Deed Records of Harris County, Texas) (See notes)

### **Property Description: (Map ID# 33) (Tax ID# 041-140-000-0009)**

Lots Nine (9) and Ten (10), in Block Two (2), of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 1, Page 55 of the Map Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

### **Restrictions:**

None of record.

### **Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

- 1) Paving Lien Notice filed on January 31, 1977, (topping project no. 303), filed under Harris County Clerk's file No. F029142, (Film Code No. 157-20-1662), executed by the City of Houston, showing portions of Wylie Street, and assessing a portion of the cost thereof, against the owners of the property abutting thereon.

**Involuntary Liens:**

None of record.

**Notes:**

- We find no heirship/probate proceedings pertaining to the Estate of Maryland Potts, deceased filed of record in Harris County, Texas.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

**Texas American Title Company**



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Darrell Stone  
Title Examiner

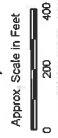
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

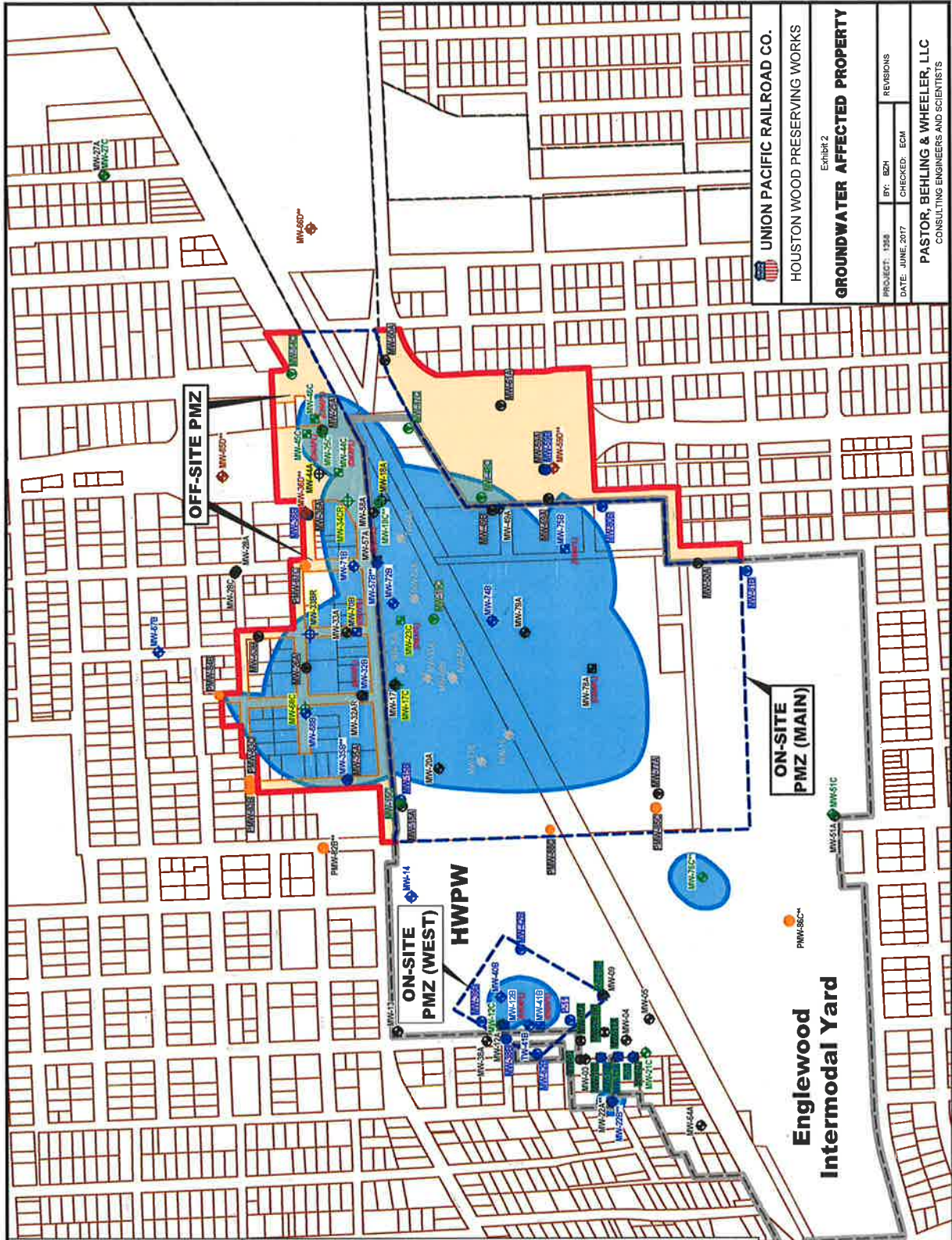
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GIS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**

1. Vertical datum based on City of Houston (DMS).
2. DNAPL = dense non aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Source: City of Houston Geographic Information & Mapping System  
 Author: Houston-Clayton Area Council (HAC) 2012 Aerial



**UNION PACIFIC RAILROAD CO.**

HOUSTON WOOD PRESERVING WORKS

Exhibit 2

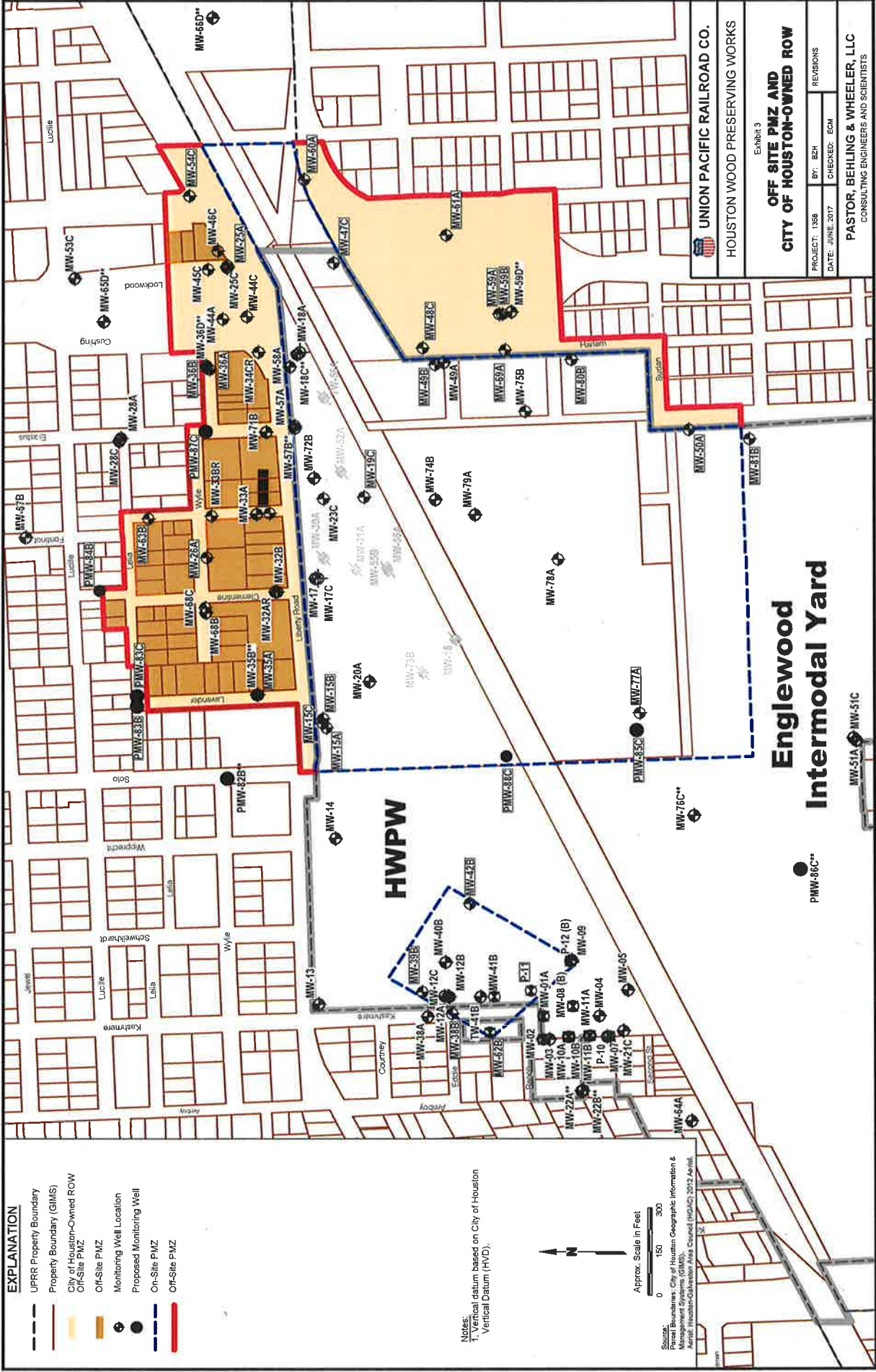
**GROUNDWATER AFFECTED PROPERTY**

PROJECT: 1559	BY: BZN	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	

**PASTOR, BEHLING & WHEELER, LLC**  
CONSULTING ENGINEERS AND SCIENTISTS

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**



UNION PACIFIC RAILROAD CO.		HOUSTON WOOD PRESERVING WORKS
Exhibit 3		
<b>OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW</b>		
PROJECT: 158	BY: BZH	REVISIONS
DATE: JUNE 2017	CHECKED: ECM	
PASTOR, BEHLING & WHEELER, LLC CONSULTING ENGINEERS AND SCIENTISTS		

# Englewood Intermodal Yard

- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GIMS)
  - City of Houston-Owned ROW
  - Off-Site PMZ
  - Monitoring Well Location
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ

Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).



Approx. Scale in Feet  
 0 150 300

Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.



**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 34**

**HCAD ID - 0141390000005**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lot Five (5) in Block (1) one, of Finn Subdivision out of the Gagne Homestead a Subdivision, a subdivision In Harris County, Texas according to the Map or Plat records thereof.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Mary Bass Ross (Owner) with an address of 5010 Wylie, Texas 77026. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

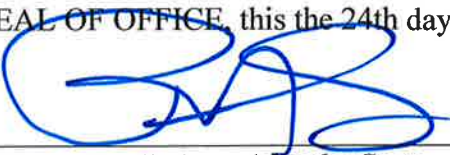
Executed this 24 day of March, 2015.

By:   
Mary Bass Ross

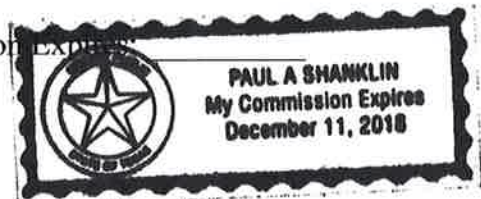
STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the 24<sup>th</sup> day of March, 2015, personally appeared Mary Bass Ross, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 24th day of March, 2015.

  
Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires



Executed this 14<sup>th</sup> day of June, 20 17.

**Union Pacific Railroad [RESPONDER]**

By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14<sup>th</sup> day of June, 20 17 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [RESPONDER], known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 20 17.  
David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

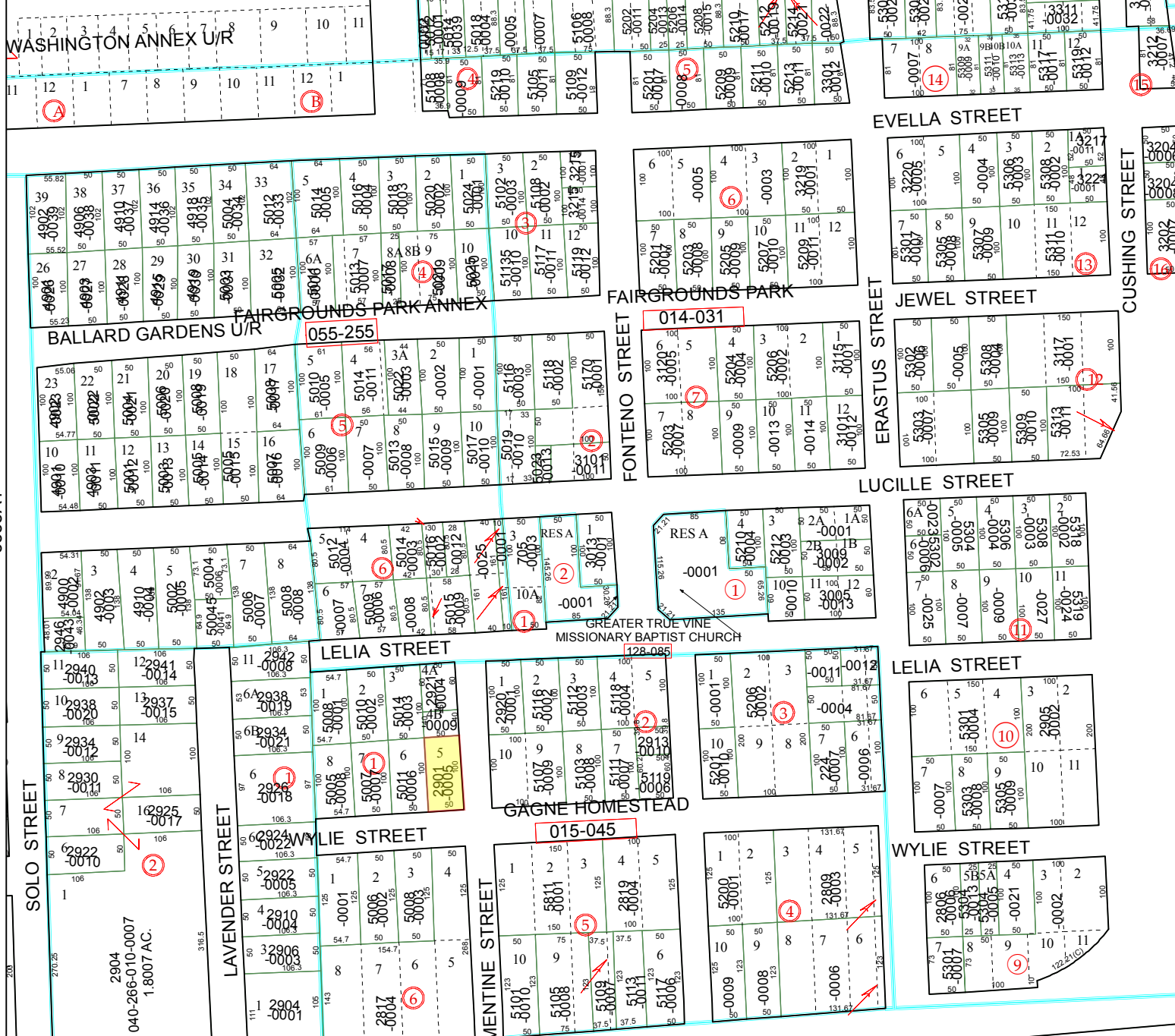


**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1

5559C10



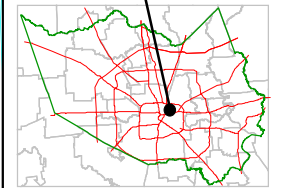
# Harris County Appraisal District



0 100 200  
**PUBLICATION DATE:**  
 1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A6

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-12-9247  
Date: December 13, 2012

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 5<sup>th</sup> day of December, 2012, we find the following:

### **Title Vested In:**

Mary Lee Bass, a/k/a Mary B. Ross, Lee Otis Jackson, Gilbert Eugene Jackson, Jr., Mary Alicia Carroll, Audrey Mae Sholars, Stella Louise Price, the Heirs and Devisees of the Estate of Johnny Lawrence Jackson, deceased and any unknown Heirs of the Estate of Gilbert Jackson, deceased, (by Warranty Deed filed for record under Harris County Clerk's File No. D262288 and Quitclaim Deeds filed for record under Harris County Clerk's File Nos. V630621 and V630622)

### **Property Description: (Map ID# 34) (Tax ID# 014-139-000-0005)**

Lot Five (5), in Block One (1), of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 1, Page 55 of the Map Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

### **Restrictions:**

None of record.

### **Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

### **Property Liens:**

- 1) By City of Houston, Code of Ordinances, a notice of public hearing was filed under Harris County Clerk's File No. P925381, it was determined there may be a necessity for a demolition lien against the herein described property. Further, pursuant to said ordinance, title company finds of record an "Order of the Building Official" dated July 11, 1994, recorded under Harris County Clerk's File No. P971330.

### **Notes:**

Title is vested as shown above by virtue of the following:

- Warranty Deed filed for record under Harris County Clerk's File No. D262288, executed by Maurice Krull to Lloyd Newman and Jane Newman.
- Subsequently, we find of record an Affidavit of Heirship regarding the estate of Lloyd Newman, deceased, filed for record under Harris County Clerk's File No. D781386, wherein Mary Jane Newman, a/k/a Jane Newman and Mary Lee Bass were purported to be the only heirs.
- We then find of record Affidavits of Heirship regarding the estate of Mary Jane Newman, a/k/a Jane Newman, deceased filed for record under Harris County Clerk's File Nos. V630623 and V630624, wherein the heirs are purported to be Mary B. Ross, a/k/a Mary Lee Bass and Gilbert Jackson, deceased. The heirs of Gilbert Jackson are therein stated as: Johnny Lawrence Jackson, deceased, "Mr. Unknown", Lee Otis Jackson, Gilbert Eugene Jackson, Jr., Gloria Jean Williams, Mary Alice Carroll, Audrey Mae Sholars, Stella Louise Price and Cynthia Diane Jean.
- We find of record a Quitclaim Deed filed for record under Harris County Clerk's File No. V630621, executed by Gloria Jean Williams to Mary B. Ross.
- We find of record a Quitclaim Deed filed for record under Harris County Clerk's File No. V630622, executed by Cynthia Diane Jean to Mary B. Ross.
- We find no probate of record as to the Estate of Johnny Lawrence Jackson, deceased.

### **Involuntary Liens:**

- 1) Abstract of Judgment filed July 30, 2001, under Harris County Clerk's File No. V204500, styled USA, vs. Stella L. Price, in the principal amount of \$1,749.00, plus cost, interest and attorney's fees.
- 2) Notice of child support Lien filed March 25, 2003, under Harris County Clerk's File No. W526423, against Gilbert Jackson, in the principal amount of \$4,802.00, plus costs and interest.
- 3) Abstract of Judgment filed April 3, 2012, under Harris County Clerk's File No. 20120140334, styled Cach, LLC, vs. Lee Jackson, in the principal amount of \$3,582.00, plus cost, interest and attorney's fees.
- 4) The records reflect Bankruptcy proceedings filed in federal court on December 3, 2012 in Case No. 201238965 by Lee Jackson, S.S. No. xxx-xx-4712.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

### **Texas American Title Company**

  
\_\_\_\_\_  
Darrell Stone  
Title Examiner

**EXHIBIT 2**

**AFFECTED PROPERTY MAP**



**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**



**EXPLANATION**

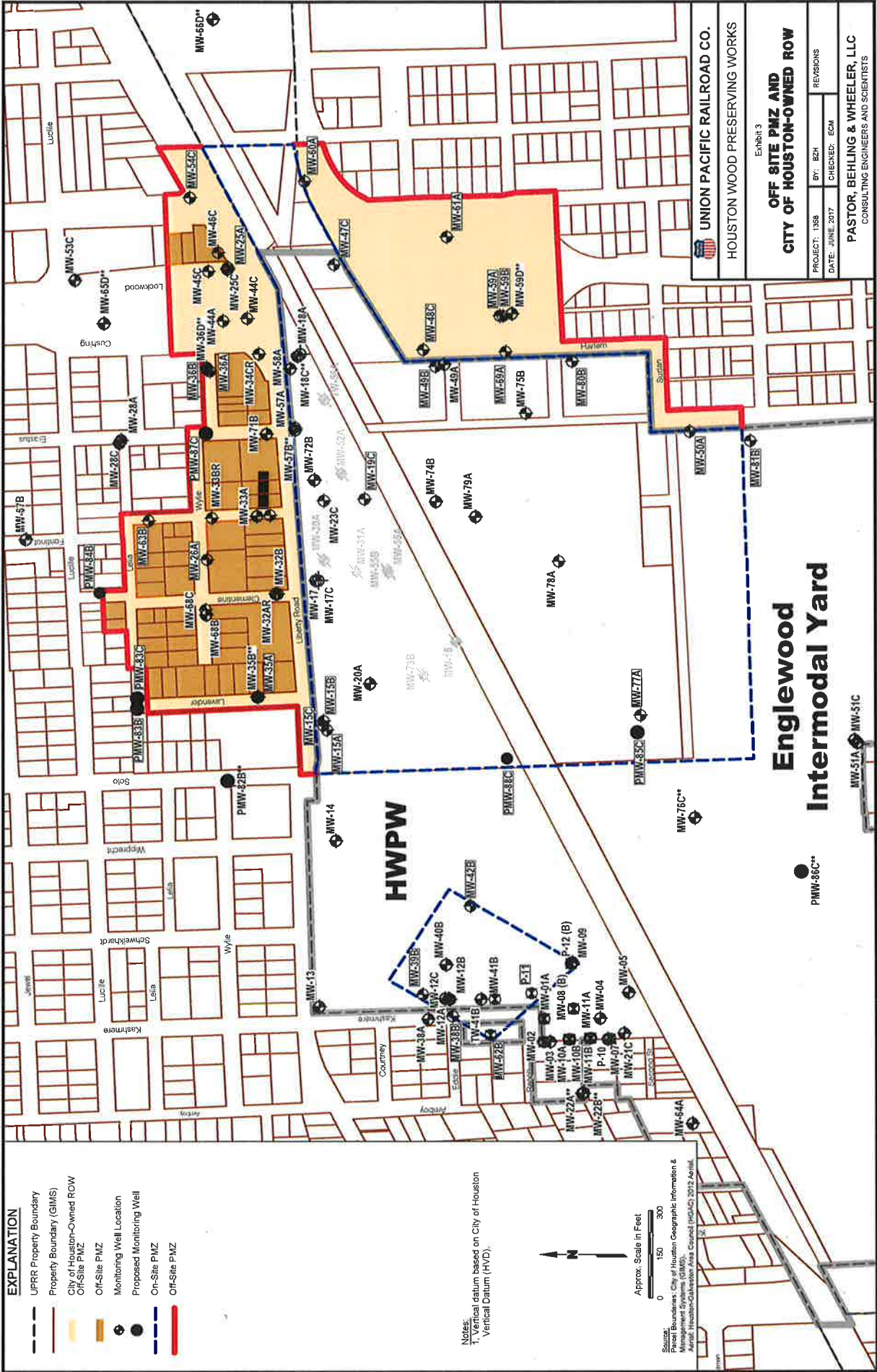
- - - UPRR Property Boundary
- - - Property Boundary (GIMS)
- - - City of Houston-Owned ROW
- - - Off-Site PMZ
- - - Off-Site PMZ
- Monitoring Well Location
- Proposed Monitoring Well
- On-Site PMZ
- - - Off-Site PMZ

Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).



Approx. Scale in Feet  
 0 150 300

Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.



UNION PACIFIC RAILROAD CO. HOUSTON WOOD PRESERVING WORKS	
Exhibit 3 <b>OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW</b>	
PROJECT: 158	BY: BZH
DATE: JUNE 2017	CHECKED: EGM
REVISIONS	
PASTOR, BEHLING & WHEELER, LLC CONSULTING ENGINEERS AND SCIENTISTS	

**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 36**

**HCAD ID - 0141390000007**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lot Seven (7) in Block (1) one, of Finn Subdivision out of the Gagne Homestead, a subdivision In Harris County, Texas according to the Map or Plat records thereof.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Nancy Banda-Zuniga (Owner) with an address of 5006 Wylie, Houston, Texas 77026. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their

respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

Executed this 24<sup>th</sup> day of March, 2015.

By: Nancy Banda  
Name: Nancy Graciela Banda

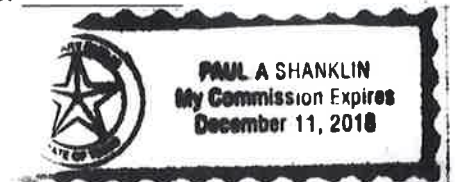
STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the 24<sup>th</sup> day of March, 2015, personally appeared Nancy Banda, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 24th day of March, 2015.

Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires: \_\_\_\_\_



Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

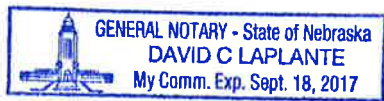
By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation **[RESPONDER]**, known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.  
David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

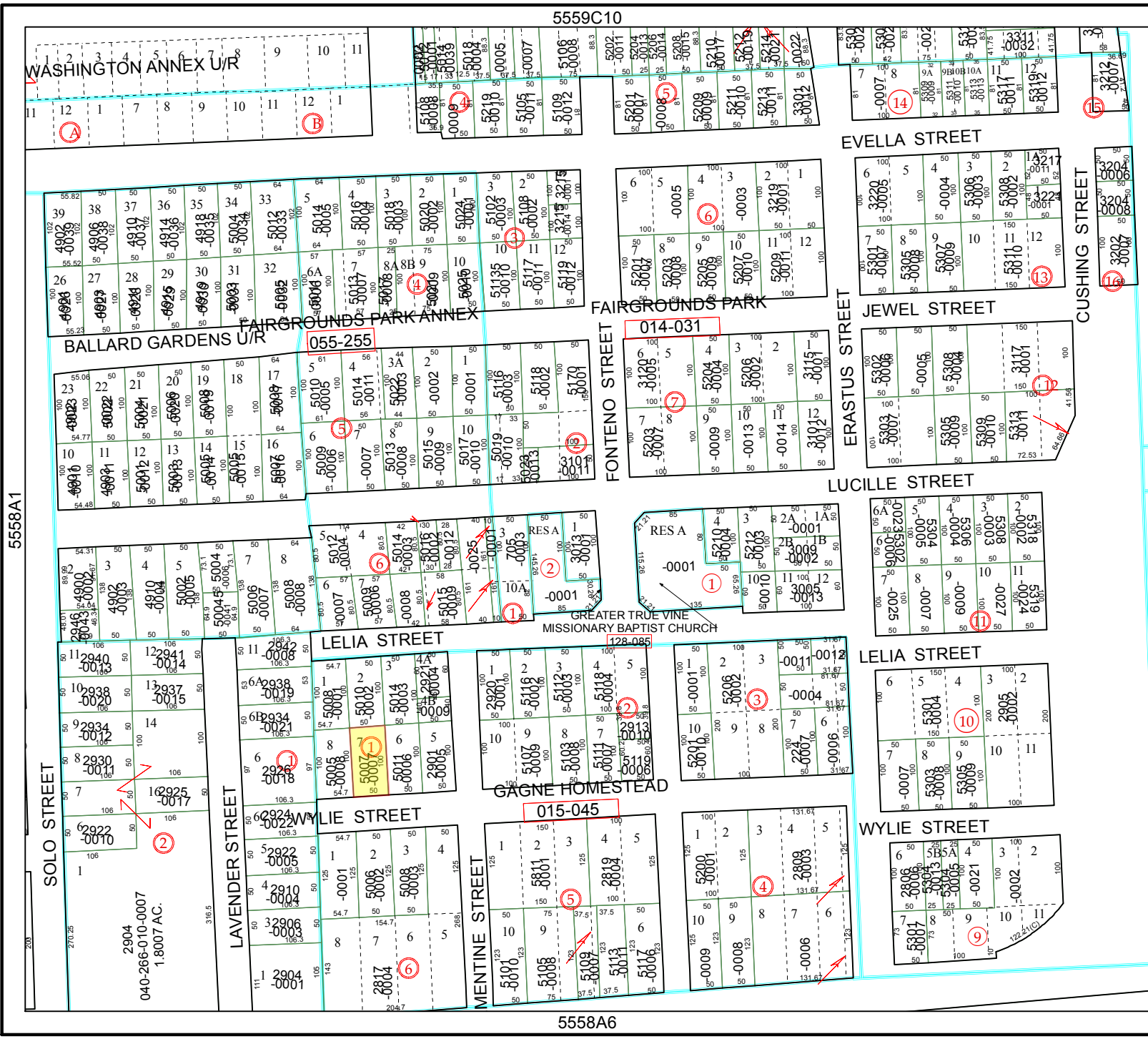
Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1

5559C10

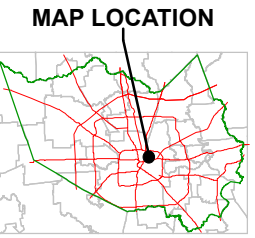


## Harris County Appraisal District



0 100 200  
**PUBLICATION DATE:**  
 1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.



## FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A1

5558A3

5558A6

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-12-9249  
Date: December 13, 2012

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 5<sup>th</sup> day of December, 2012, we find the following:

### **Title Vested In:**

Andrew Jerry Johnson and Rebecca Johnson (by Warranty Deed filed for record under Volume 2581, Page 379 of the Deed Records of Harris County, Texas)

### **Property Description:**

Lot Seven (7), in Block One (1), of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 1, Page 55 of the Map Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

### **Restrictions:**

None of record.

### **Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

### **Property Liens:**

None of record.

**Involuntary Liens:**

- 1) Abstract of Judgment filed September 28, 2004, under Harris County Clerk's File No. X948892, styled Millennium Insurance Company, vs. Rebecca R. Johnson, in the principal amount of \$6,954.00, plus cost, interest and attorney's fees.
- 2) Notice of child support Lien filed November 24, 1998, under Harris County Clerk's File No. T400263, against Andrew Johnson, in the principal amount of \$16,555.00, plus costs and interest.
- 3) Notice of child support Lien filed December 12, 2002, under Harris County Clerk's File No. W283262, against Andrew Johnson, in the principal amount of \$20,716.00, plus costs and interest.
- 4) Notice of child support Lien filed November 20, 2007, under Harris County Clerk's File No. 20070691000, against Andrew Johnson, in the principal amount of \$33,184.00, plus costs and interest.
- 5) Notice of Federal Tax Lien filed February 22, 2011, under Harris County Clerk's File No. 20110072127, against Andrew Johnson, in the principal amount of \$63,618.00.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

**Texas American Title Company**



---

Darrell Stone  
Title Examiner

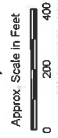
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

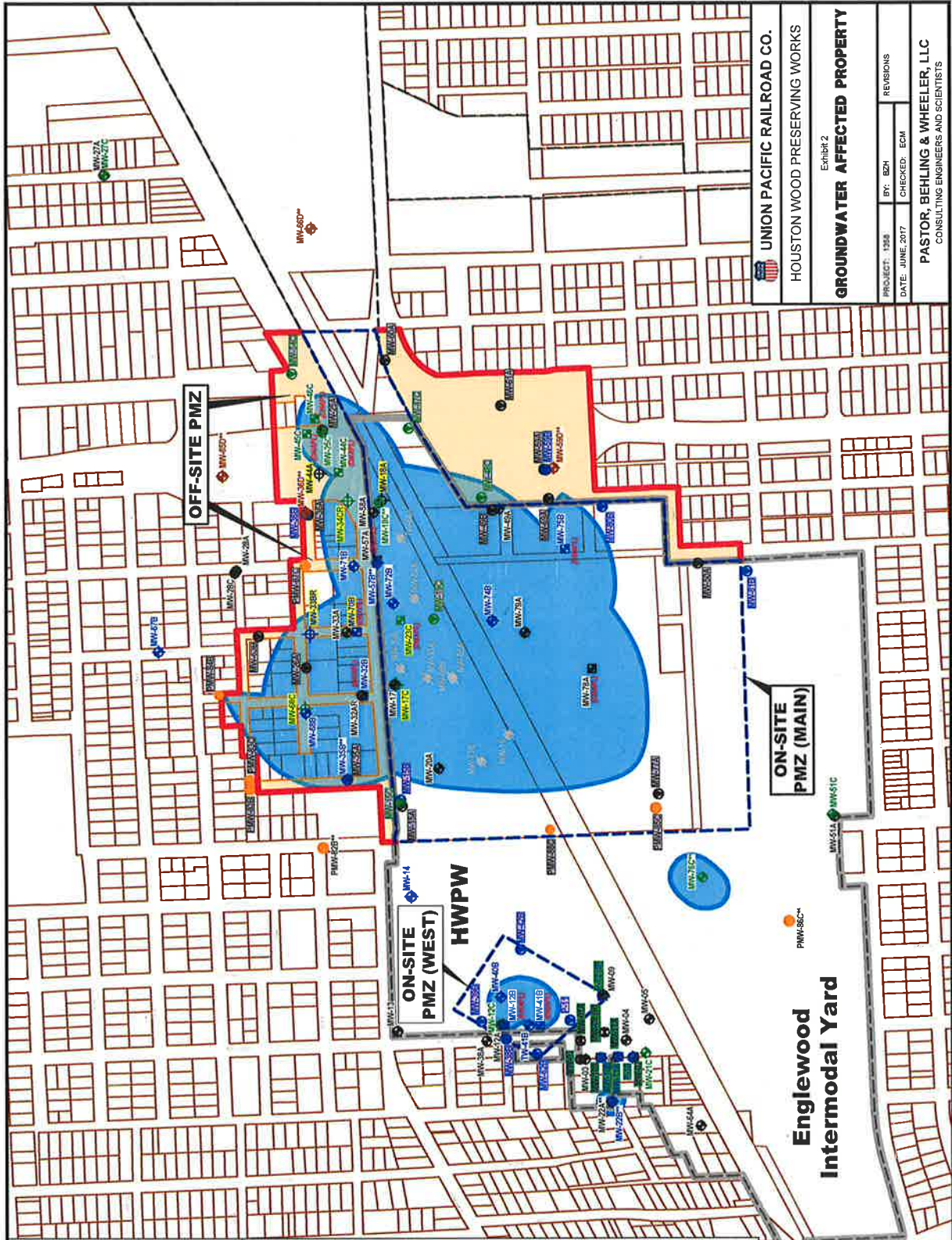
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GISMS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCLE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**

1. Vertical datum based on City of Houston (DMS).
2. DNAPL = dense non aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Source: City of Houston Geographic Information & Mapping System  
 Author: Houston-Clayton Area Council (HAC) 2012 Aerial



**UNION PACIFIC RAILROAD CO.**

HOUSTON WOOD PRESERVING WORKS

Exhibit 2

**GROUNDWATER AFFECTED PROPERTY**

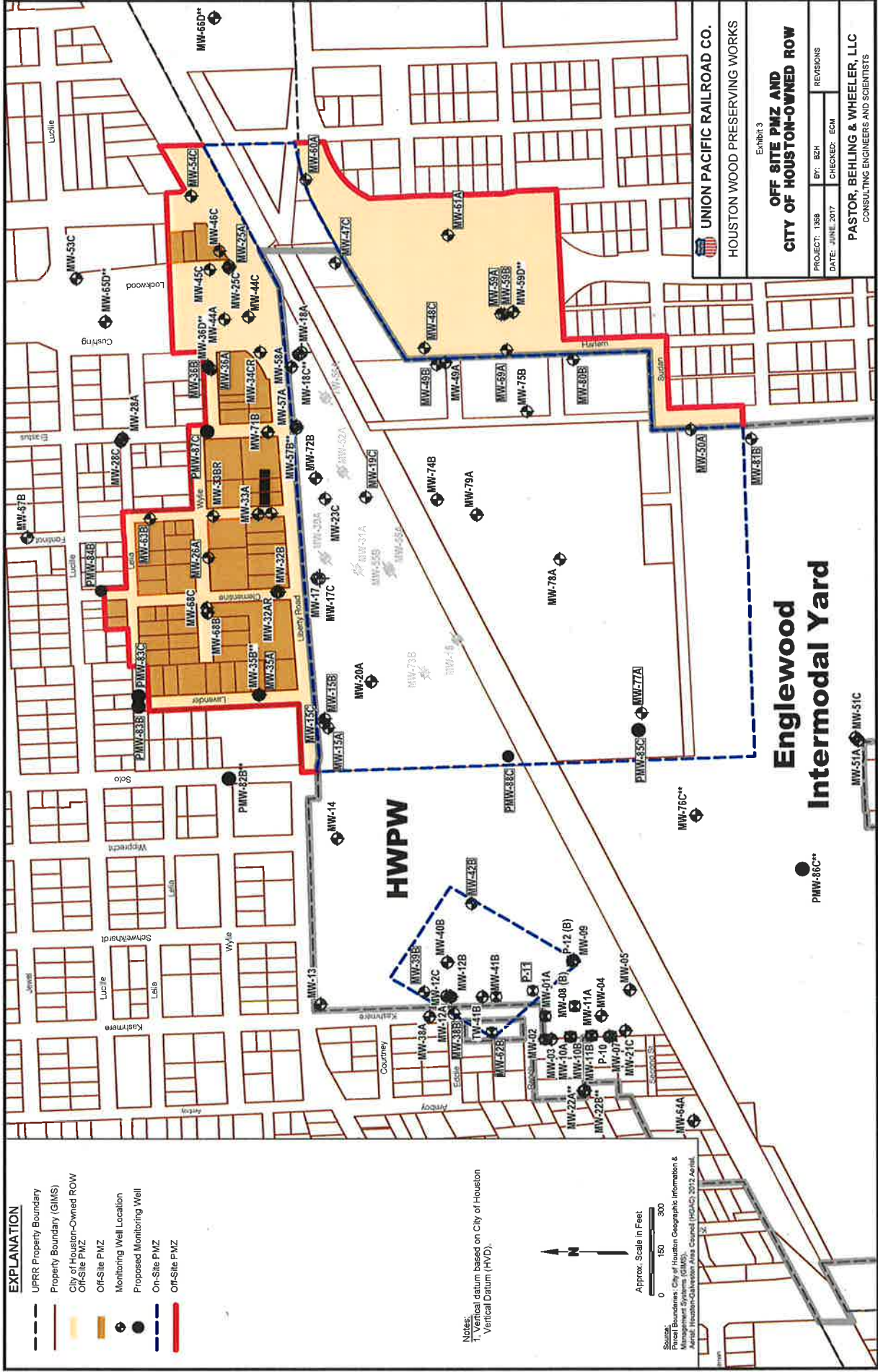
PROJECT: 1559	BY: BZN	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	

**PASTOR, BEHLING & WHEELER, LLC**  
CONSULTING ENGINEERS AND SCIENTISTS

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**





- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GIMS)
  - City of Houston-Owned ROW
  - Off-Site PMZ
  - Off-Site PMZ
  - Monitoring Well Location
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ

Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).



Approx. Scale in Feet  
 0 150 300

Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 3072 Aerial.

Exhibit 3	
<b>UNION PACIFIC RAILROAD CO.</b>	
HOUSTON WOOD PRESERVING WORKS	
<b>OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW</b>	
PROJECT: 158	BY: BZH
DATE: JUNE 2017	CHECKED: ECM
REVISIONS	
PASTOR, BEHLING & WHEELER, LLC	
CONSULTING ENGINEERS AND SCIENTISTS	

# Englewood Intermodal Yard

**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 37**

**HCAD ID - 0141390000008**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lot Eight (8) in Block (1) one, of Finn Subdivision out of the Gagne Homestead a Subdivision, a subdivision In Harris County, Texas according to the Map or Plat records thereof.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Monico Banda (Owner) with an address of 5005 Wylie, Texas 77026. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.


Executed this 24 day of March, 2015.

By: Monico Banda  
Monico Banda

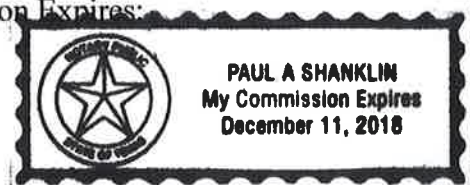
STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the 24<sup>th</sup> day of March, 2015, personally appeared Monico Banda, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 24th day of March, 2015.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires:



Executed this 14<sup>th</sup> day of June, 20 17.

**Union Pacific Railroad [RESPONDER]**

By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14<sup>th</sup> day of June, 20 17 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation **[RESPONDER]**, known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 20 17.  
David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

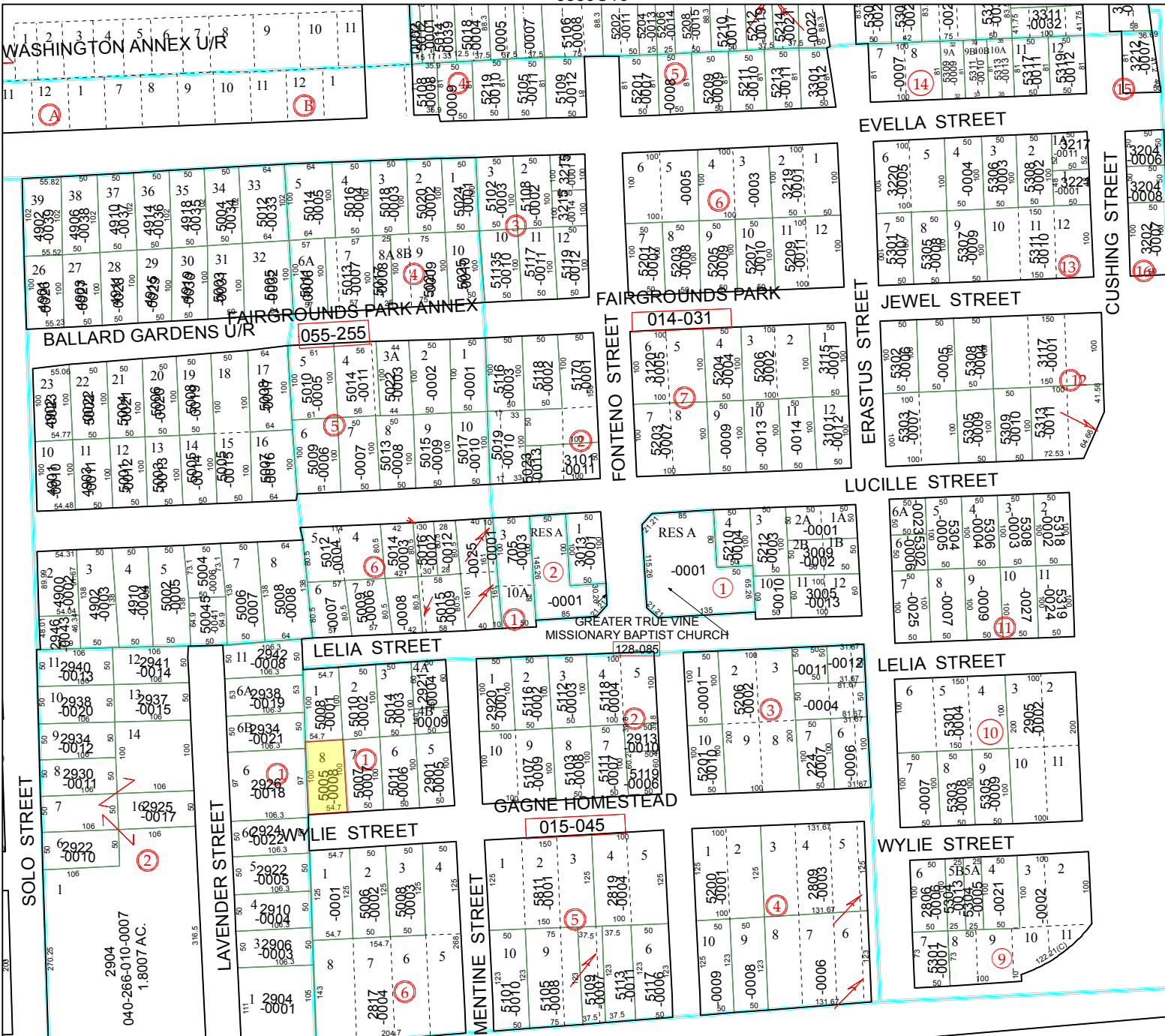
Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1

5559C10



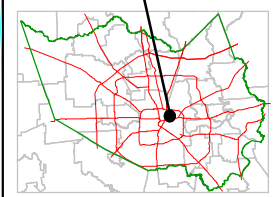
# Harris County Appraisal District



0 100 200  
 PUBLICATION DATE:  
 1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A6

5558A1

5558A3

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-12-9250  
Date: December 13, 2012

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 5<sup>th</sup> day of December, 2012, we find the following:

**Title Vested In:**

Monico Duque Banda and Martha Zuniga Banda, husband and wife (by Warranty Deed filed for record under Harris County Clerk's File No. 20070330680)

**Property Description: (Map ID# 37) (Tax ID# 014-139-000-0008)**

Lot Eight (8), in Block One (1), of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 1, Page 55 of the Map Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

**Restrictions:**

None of record.

**Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

None of record.

**Involuntary Liens:**

None of record.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

**Texas American Title Company**



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Darrell Stone  
Title Examiner

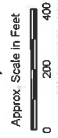
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

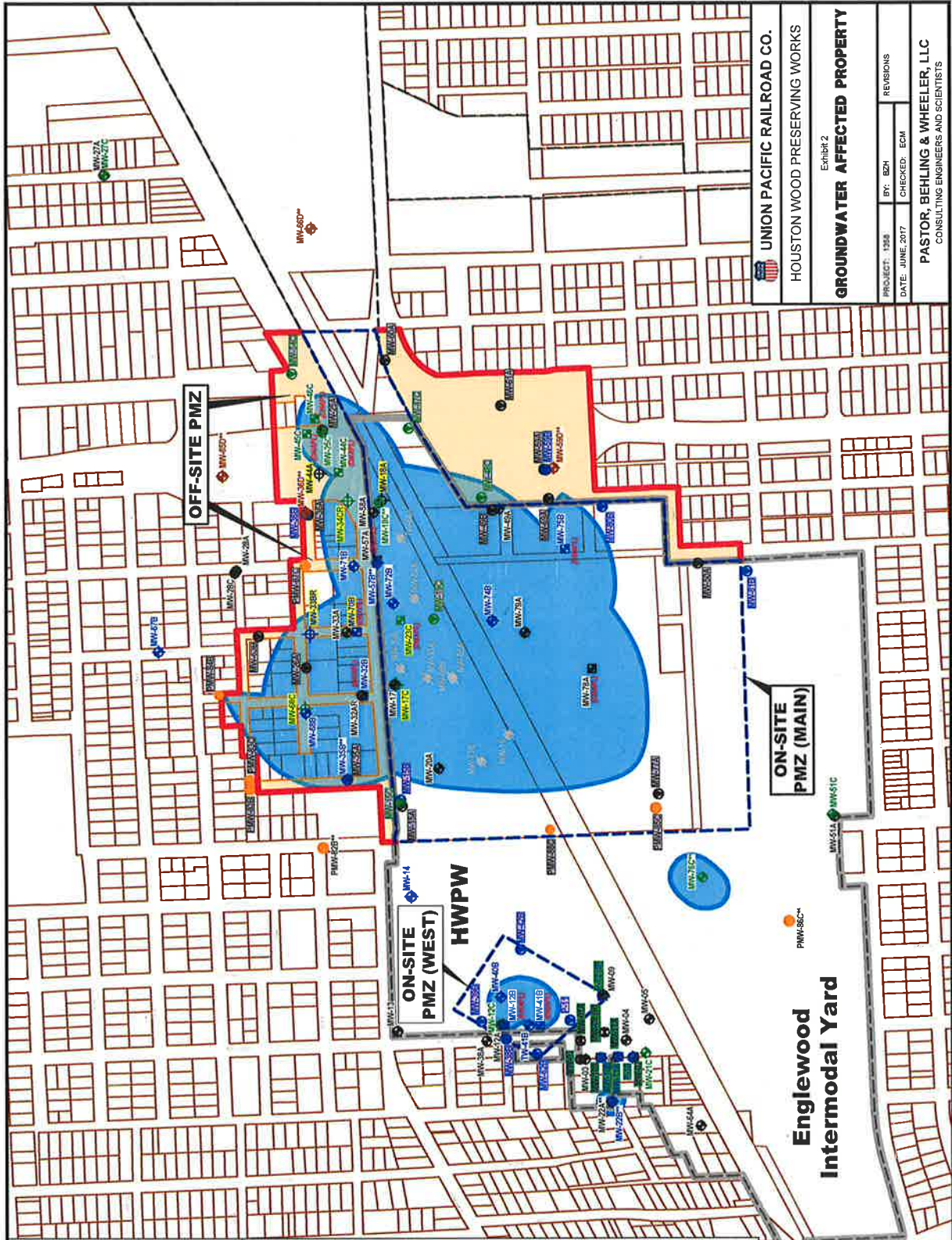
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GISMS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCLE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**

1. Vertical datum based on City of Houston (POC).
2. DNAPL = dense non-aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Source: City of Houston Geographic Information & Mapping System  
 Author: Houston-Clayton Area Council (HAC) 2012 Aerial



**UNION PACIFIC RAILROAD CO.**

HOUSTON WOOD PRESERVING WORKS

Exhibit 2

**GROUNDWATER AFFECTED PROPERTY**

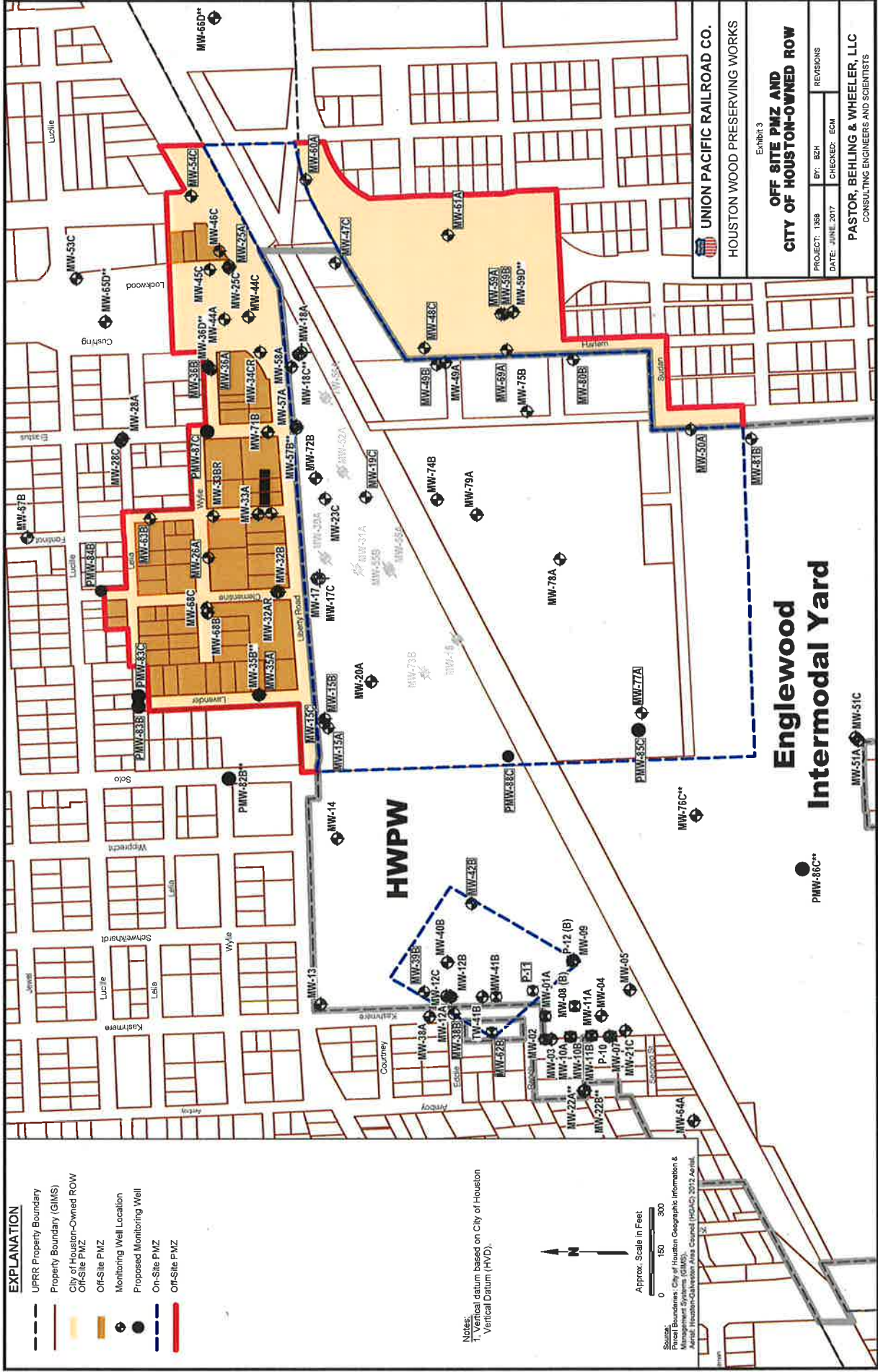
PROJECT: 1559	BY: BZN	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	

**PASTOR, BEHLING & WHEELER, LLC**  
CONSULTING ENGINEERS AND SCIENTISTS

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**





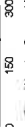
**EXPLANATION**

- UPRR Property Boundary
- Property Boundary (GIMS)
- City of Houston-Owned ROW
- Off-Site PMZ
- Off-Site PMZ
- Monitoring Well Location
- Proposed Monitoring Well
- On-Site PMZ
- Off-Site PMZ

Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).



Approx. Scale in Feet



Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 3072 Aerial.

<b>UNION PACIFIC RAILROAD CO.</b> HOUSTON WOOD PRESERVING WORKS		
Exhibit 3 <b>OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW</b>		
PROJECT: 158	BY: BZH	REVISIONS
DATE: JUNE 2017	CHECKED: ECM	
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS		

**Englewood Intermodal Yard**

MW-51A MW-51C

PMW-86C\*\*

MW-76C\*\*

PMW-83C MW-77A

MW-78A

MW-74B

MW-49A

MW-48C

MW-59A  
 MW-59B  
 MW-59D\*\*

MW-51A  
 MW-51B  
 MW-51C

MW-66D\*\*

MW-53C  
 MW-65D\*\*

MW-57B  
 MW-57C

MW-57B\*\*  
 MW-57C

MW-57B\*\*  
 MW-57C

MW-57B\*\*  
 MW-57C

MW-57B\*\*  
 MW-57C

MW-57B\*\*  
 MW-57C

MW-57B\*\*  
 MW-57C

**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 39**

**HCAD ID - 0402660100022**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Tract 6(six) in Block 1 (one), of the Liberty Road Estates, an addition in Harris County, Texas according to the map or plat thereof.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Leisa Glenn and heir and devisee of Lucille Long (Owner) with an address of 2924 Lavender, Houston, Texas 77026. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their

respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

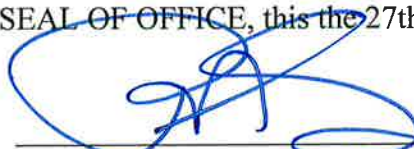
Executed this 27<sup>th</sup> day of June, 2015.

By:   
Name: Leisa Glenn

STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the 27th day of June, 2015, personally appeared Leisa Glenn, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 27th day of June, 2015.

  
Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires: 

PAUL A SHANKLIN  
My Commission Expires  
December 11, 2018

Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation **[RESPONDER]**, known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.  
David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

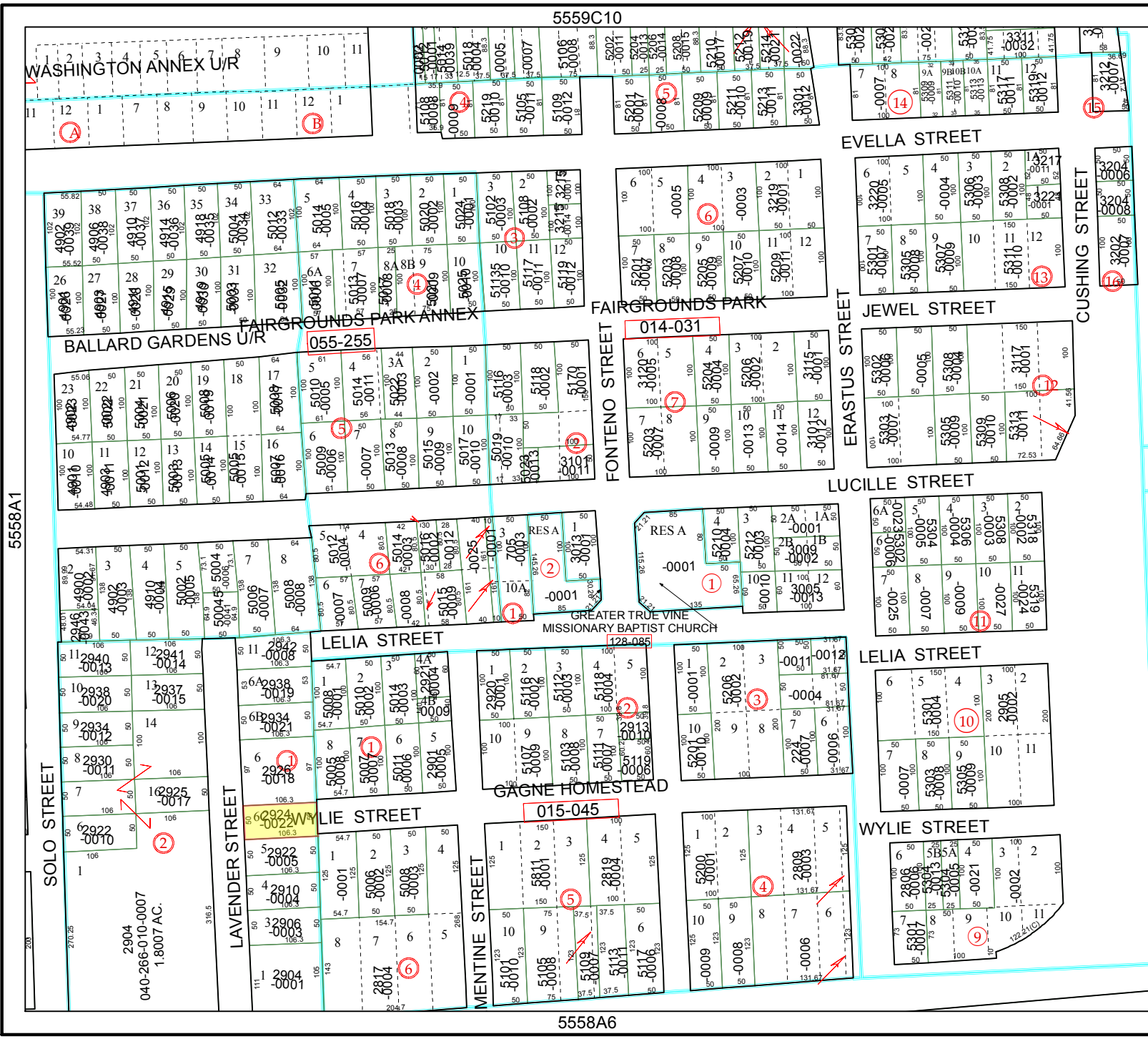
Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1

5559C10

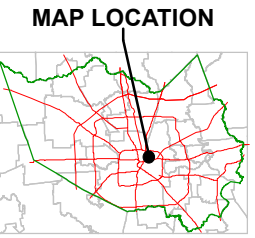


# Harris County Appraisal District



0 100 200  
**PUBLICATION DATE:**  
 1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A1

5558A3

5558A6

2904  
 040-266-010-0007  
 1.8007 AC.

62924  
 0022W  
 106.3

015-045

014-031

055-255

**Texas American Title Company**  
**2000 Bering, Suite 1000**  
**Houston, Texas 77057**  
**713-988-9999**

## Title Report

GF Number: 7910-13-0514

Date: January 23, 2013

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 9<sup>th</sup> day of January, 2013, we find the following:

**Title Vested In:**

Clark Investment Company (by Deeds filed for record under Volume 2034, Page 480 and Volume 2830, Page 252, both of the Deed Records of Harris County, Texas)

**Property Description: (Map ID# 39) (Tax ID# 040-266-010-0022)**

Tract Six-C (6C), in Block One (1), of Liberty Road Estates, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 1, Page 55 of the Map Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

**Restrictions:**

None of record.

**Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

- 1) Paving Lien Notice filed on January 31, 1977, (topping project no. 303), filed under Harris County Clerk's file No. F029142, (Film Code No. 157-20-1662), executed by the City of Houston, showing portions of Lelia Street, and assessing a portion of the cost thereof, against the owners of the property abutting thereon.

**Involuntary Liens:**

None of record.

**Notes:**

- Harris County Appraisal District describes the subject property as Tract 6C, however we find no conveyance describing same. According to the Appraisal Map, the subject property is comprised of Lot 6, in Block 1 of Liberty Road Estates, unrecorded.
- Harris County Appraisal District reflects Lucille Long as the current tax payer, however we find no conveyance out of Clark Investment Company or into Lucille Long.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY: TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

**Texas American Title Company**



---

Darrell Stone  
Title Examiner

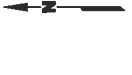
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GIS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

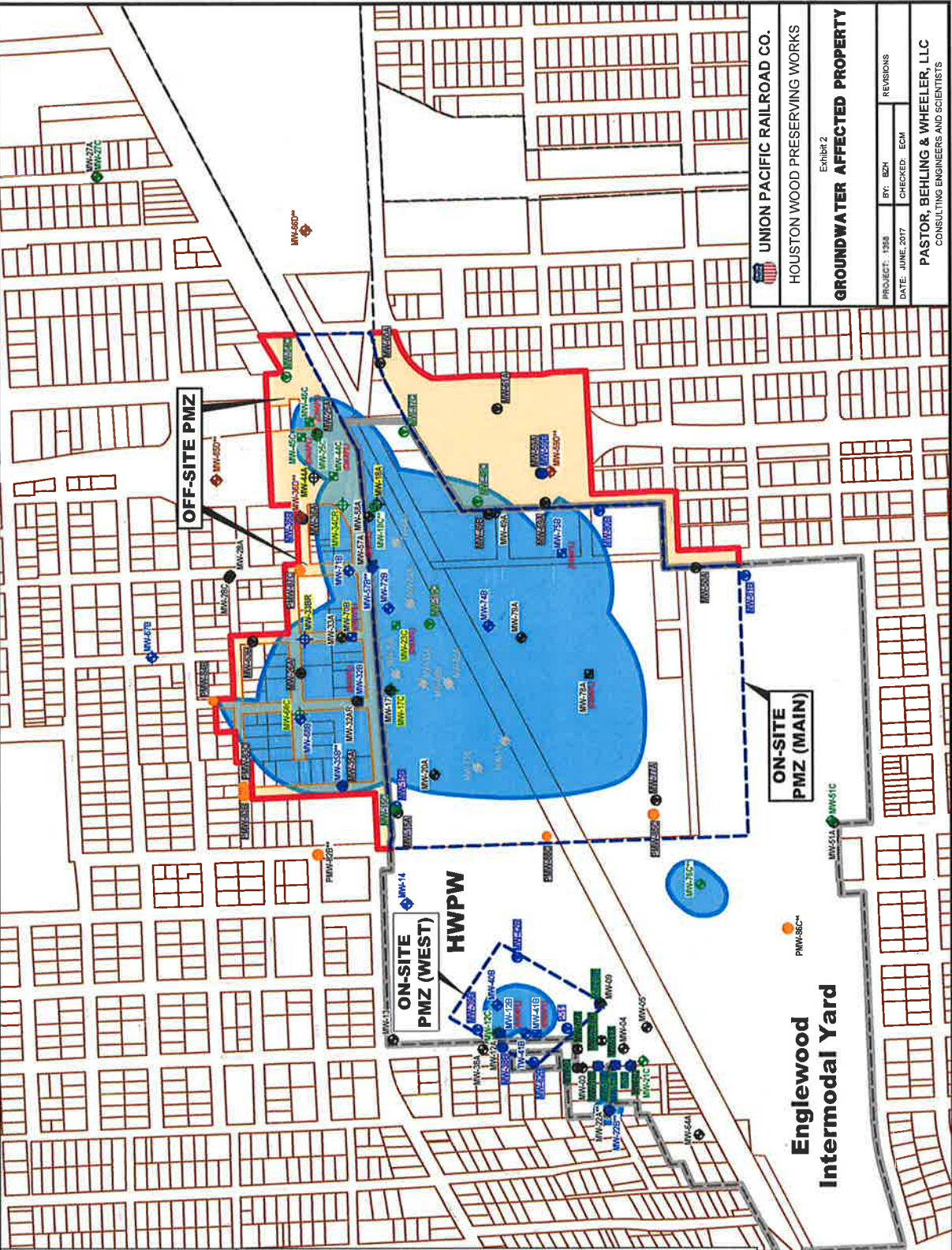
**Notes:**

1. Vertical datum based on City of Houston (DMS).
2. DNAPL = dense non-aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Approx. Scale in Feet  
0 200 400

Source: City of Houston Geographic Information & Mapping System  
 Author: Houston-DeWitt Area Council (HDAC) 2012 Aerial



UNION PACIFIC RAILROAD CO.	
HOUSTON WOOD PRESERVING WORKS	
Exhibit 2	
<b>GROUNDWATER AFFECTED PROPERTY</b>	
PROJECT: 1559	REVISED:
DATE: JUNE, 2017	CHECKED: ECM
DY: BZN	REVISIONS:
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS	

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**



**EXPLANATION**

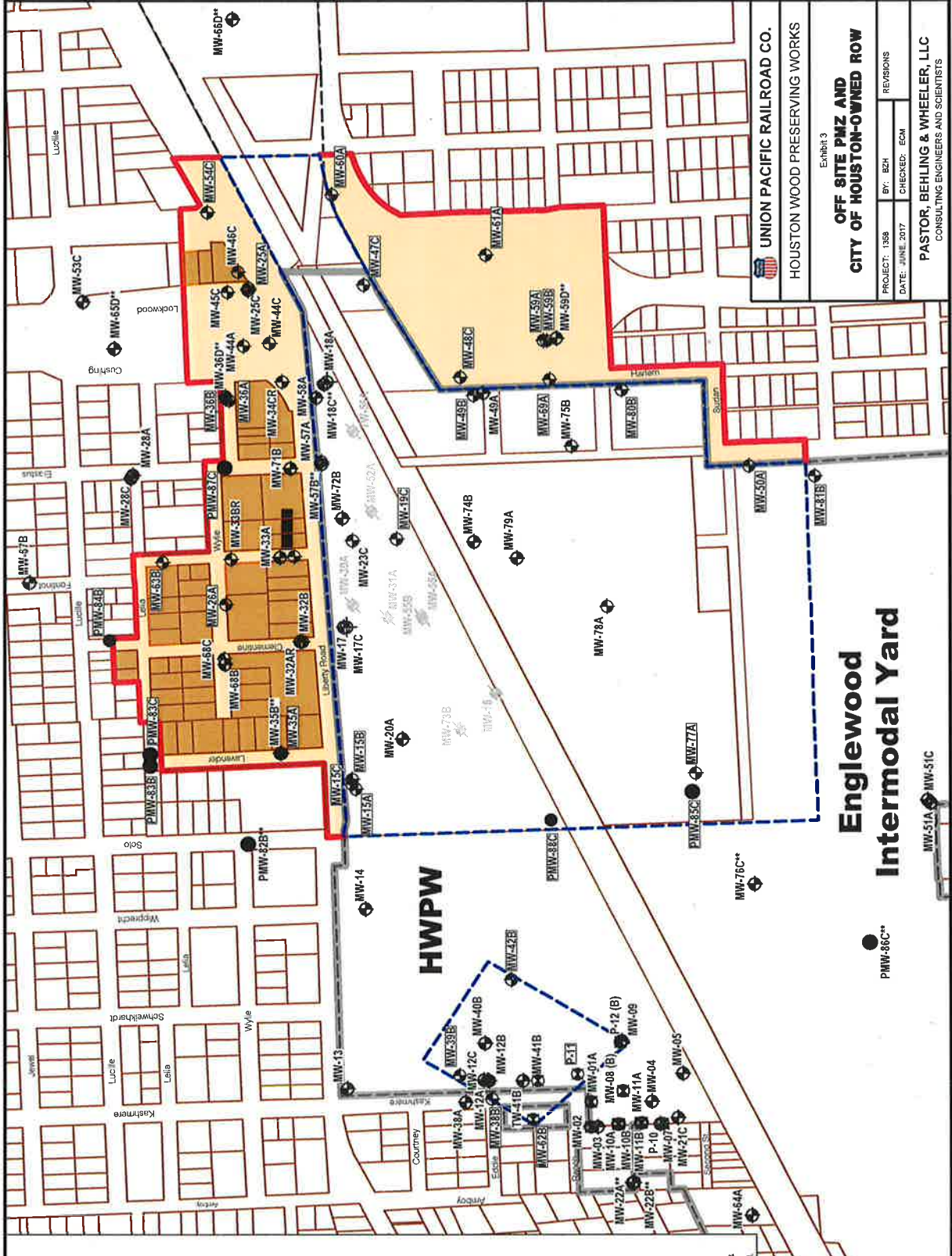
- UPRR Property Boundary
- Property Boundary (GIMS)
- City of Houston-Owned ROW
- Off-Site PMZ
- Monitoring Well Location
- Proposed Monitoring Well
- On-Site PMZ
- Off-Site PMZ

Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).



Approx. Scale in Feet  
 0 150 300

Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.



<b>UNION PACIFIC RAILROAD CO.</b> HOUSTON WOOD PRESERVING WORKS	
Exhibit 3 <b>OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW</b>	
PROJECT: 158	BY: BZH
DATE: JUNE 2017	CHECKED: EGM
REVISIONS PASTOR, BEHLING & WHEELER, LLC CONSULTING ENGINEERS AND SCIENTISTS	

# Englewood Intermodal Yard

MW-51A MW-51C

PMW-86C\*\*

MW-76C\*\*

PMW-83C MW-77A

MW-78A

MW-74B

MW-79A

MW-49A

MW-59A

MW-75B

MW-50A

MW-31B

MW-57B\*\*

MW-28A

MW-36D\*\*

MW-45C

MW-53C

MW-65D\*\*

MW-48C

MW-25C

MW-66D\*\*

MW-13

MW-14

MW-17C

MW-20A

MW-23C

MW-25A

MW-28C

MW-31A

MW-32B

MW-33A

MW-34CR

MW-35A

MW-36D\*\*

MW-37B\*\*

MW-38A

MW-39A

MW-40B

MW-41A

MW-42B

MW-43A

MW-44C

MW-45C

MW-46C

MW-47C

MW-48C

MW-49A

MW-50A

MW-51A

MW-52A

MW-53A

MW-54A

MW-55A

MW-56A

MW-57A

MW-58A

MW-59A

MW-60A

MW-61A

MW-62A

MW-63A

MW-64A

MW-65A

MW-66A

MW-67A

MW-68A

MW-69A

MW-70A

MW-71A

MW-72A

MW-73A

MW-74A

MW-75A

MW-76A

MW-77A

MW-78A

MW-79A

MW-80A

MW-81A

MW-82A

MW-83A

MW-84A

MW-85A

MW-86A

MW-87A

MW-88A

MW-89A

MW-90A

MW-91A

MW-92A

MW-93A

MW-94A

MW-95A

MW-96A

MW-97A

MW-98A

MW-99A

MW-100A

**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 40**

**HCAD ID - 0402660100005**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lot 5, block 1 of Liberty Road Estates, an unrecorded subdivision out the Harris and Wilson Survey, Abstract No. 32, Harris County, Texas..*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Greater Mount Nebo Baptist Church (Owner) with an address of 3819 Harland Dr., Houston, Texas 77092. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their

respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.


Executed this 19<sup>th</sup> day of February, 2015.

Greater Mount Nebo Baptist Church  
By: Charles L. Allen, Jr.  
Name: Charles L. Allen, Jr.  
Title: Pastor

STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the 19<sup>th</sup> day of February, 2015, personally appeared Charles L. Allen, Jr., Pastor, of Greater Mount Nebo Baptist Church, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 19th day of February, 2015.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires:



Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA §  
DOUGLAS COUNTY §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [RESPONDER], known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.  
David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

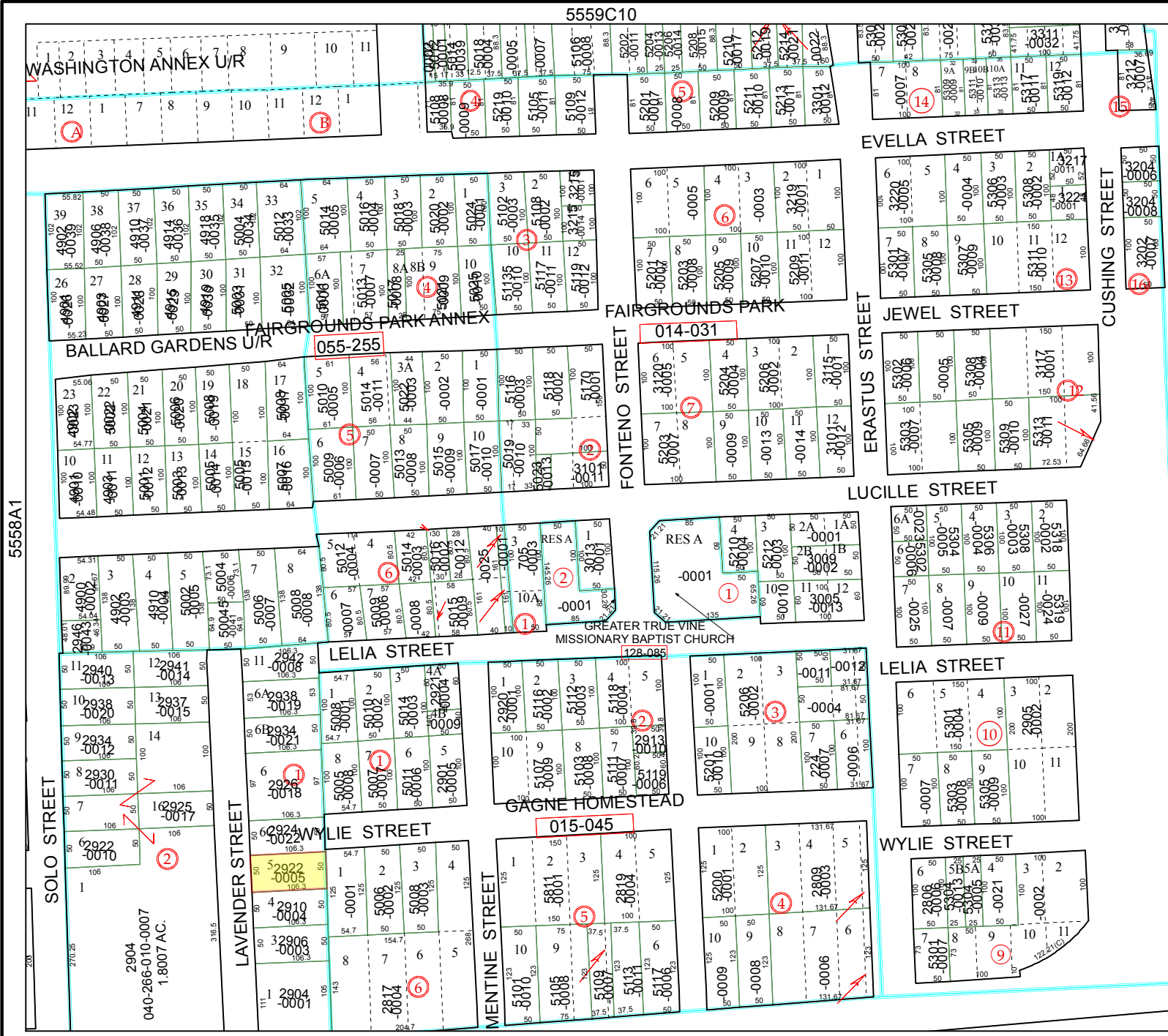
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1



5558A1

5559C10

5558A6

# Harris County Appraisal District

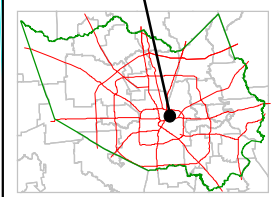


0 100 200

PUBLICATION DATE:  
1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-13-0480

Date: January 22, 2013

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 9<sup>th</sup> day of January, 2013, we find the following:

### **Title Vested In:**

Greater Mt. Nebo Baptist Church (by Deed filed for record under Harris County Clerk's File No. 20110083443)

### **Property Description: (Map ID# 40) (Tax ID# 040-266-010-0005)**

Lot Five (5), in Block One (1), of Liberty Road Estates, an unrecorded subdivision out of the Harris and Wilson Survey, Abstract No. 32, Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

### **Restrictions:**

Those as set forth by instrument(s) filed for record under Volume 1881, Page 268 of the Deed Records of Harris County, Texas.

### **Exceptions:**

- a) Building set-back line 20 feet in width along the front property line(s), as set forth by instrument(s) recorded in Volume 1881, Page 268 of the Deed Records of Harris County, Texas.
- b) Building set-back line 3 feet in width along the side property line(s), as set forth by instrument(s) recorded in Volume 1881, Page 268 of the Deed Records of Harris County, Texas.
- c) Utility easement 5 feet in width along the rear property line, as reserved by instrument(s) filed for record under Volume 1881, Page 268 of the Deed Records of Harris County, Texas.
- d) Sidewalk easement 6.3 feet in width along the front property line, as reserved by instrument(s) filed for record under Volume 1881, Page 268 of the Deed Records of Harris County, Texas.

- e) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

None of record.

**Involuntary Liens:**

None of record.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

**Texas American Title Company**



Darrell Stone  
Title Examiner

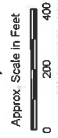
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

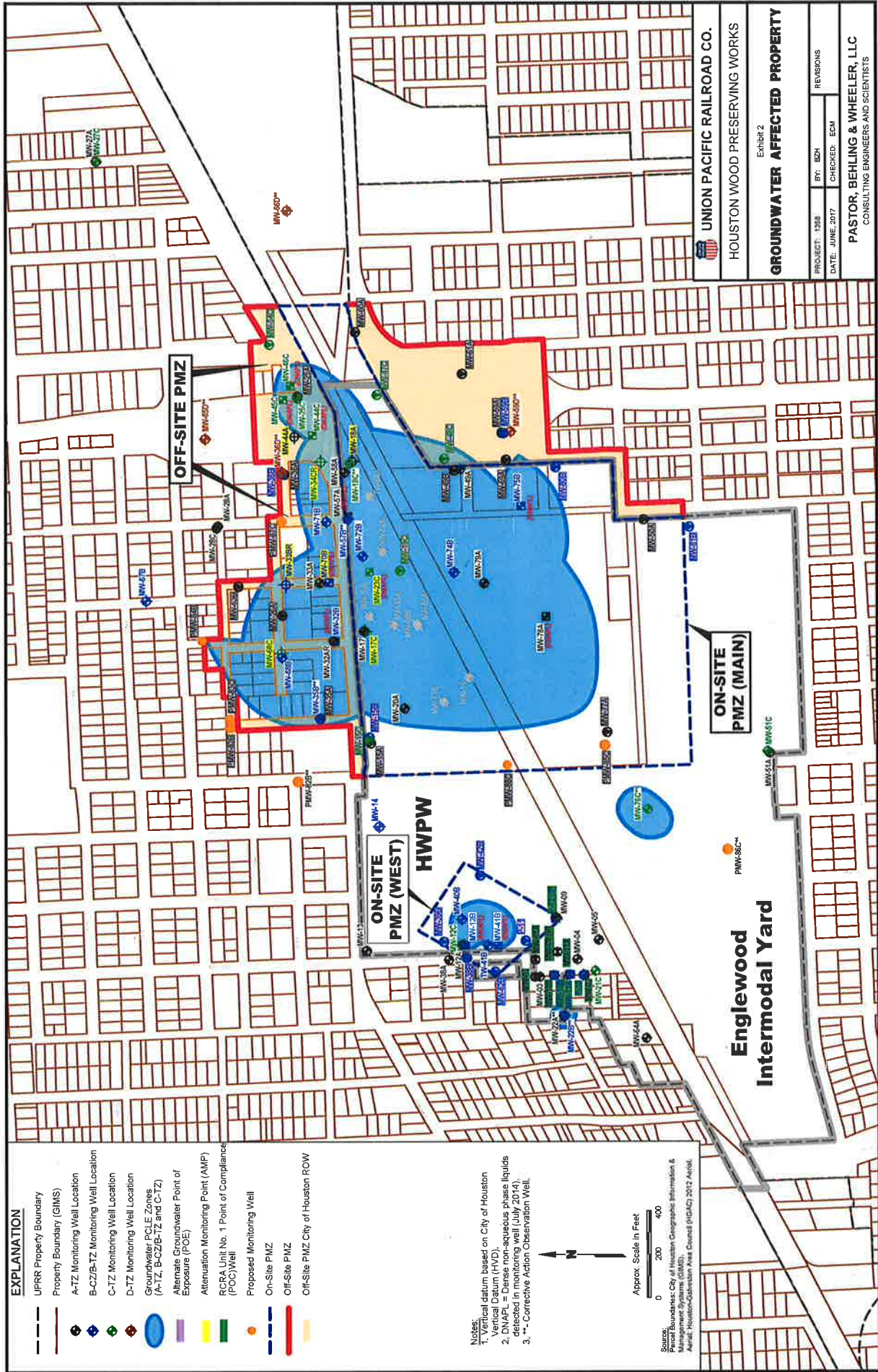
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GIS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**

1. Vertical datum based on City of Houston (DMS).
2. DNAPL = dense non aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Source: City of Houston Geographic Information & Mapping System  
 Aerial, Topographic, and Other Data (2012)  
 Aerial, Topographic, and Other Data (2012)



**UNION PACIFIC RAILROAD CO.**

HOUSTON WOOD PRESERVING WORKS

Exhibit 2

**GROUNDWATER AFFECTED PROPERTY**

PROJECT: 1559	BY: BZN	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	









**PASTOR, BEHLING & WHEELER, LLC**  
CONSULTING ENGINEERS AND SCIENTISTS

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**



**EXPLANATION**

-  UPRR Property Boundary
-  Property Boundary (GIMS)
-  City of Houston-Owned ROW
-  Off-Site PMZ
-  Monitoring Well Location
-  Proposed Monitoring Well
-  On-Site PMZ
-  Off-Site PMZ

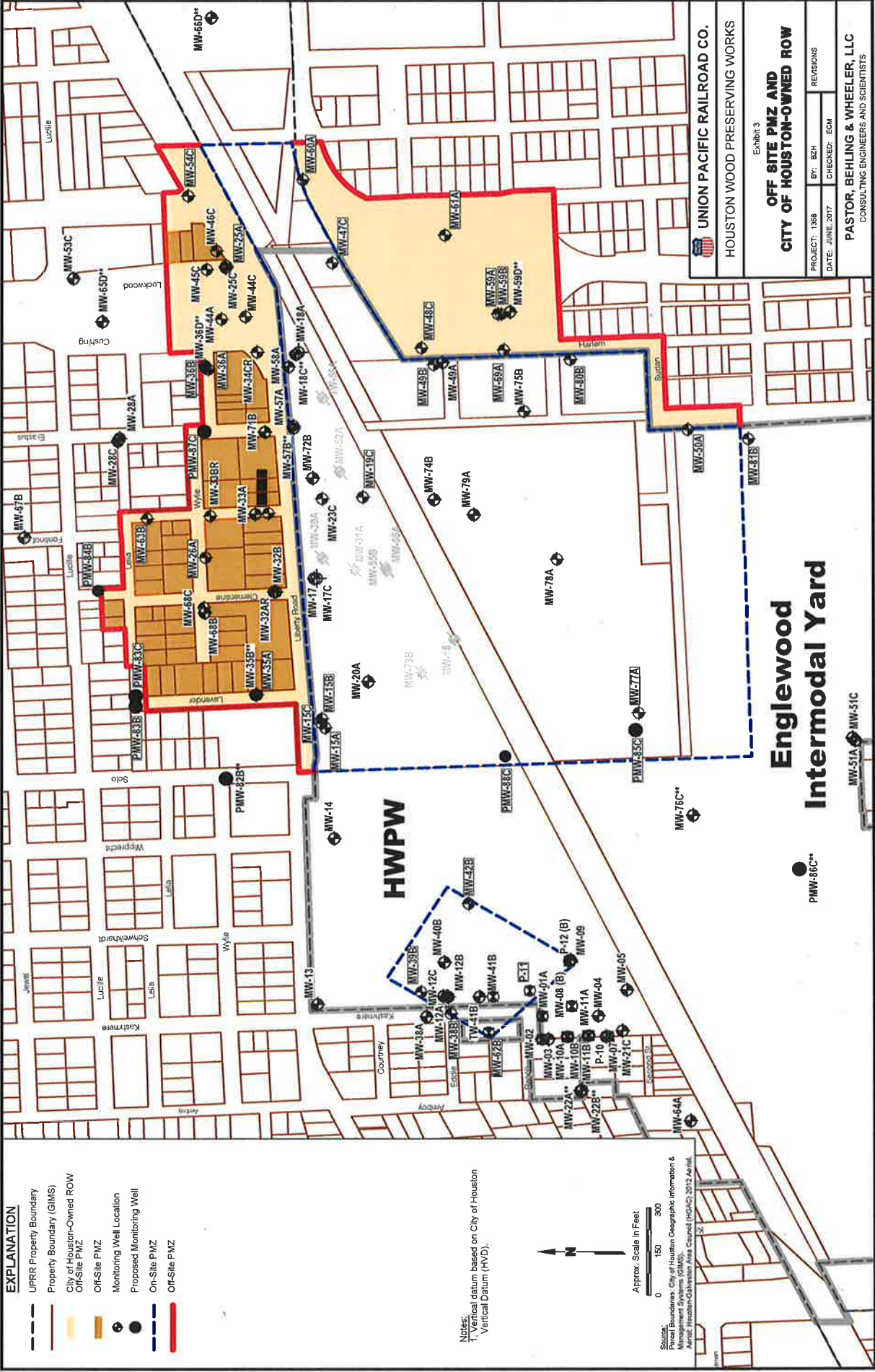
Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).




Approx. Scale in Feet



Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.



# Englewood Intermodal Yard

 <b>UNION PACIFIC RAILROAD CO.</b> HOUSTON WOOD PRESERVING WORKS		
Exhibit 3 <b>OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW</b>		
PROJECT: 158	BY: BZH	REVISIONS
DATE: JUNE 2017	CHECKED: ECM	
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS		

**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 42**

**HCAD ID - 0140410000006**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lot Six (6) in Block (9) one, of Fairground Park a Subdivision, a subdivision I n Harris County, Texas according to the Map or Plat records thereof.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Clara Scruggs (Owner) with an address of 5151 CR 181, Alvin, Texas 77511. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their

respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

Executed this 7<sup>th</sup> day of April, 2015.

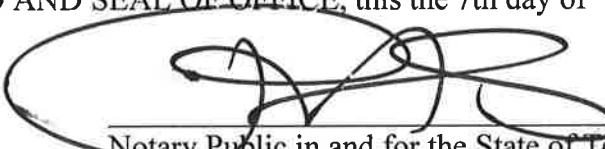
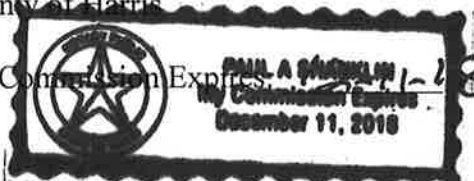
By:

  
Clara Scruggs

STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the 7<sup>th</sup> day of April, 2015, personally appeared Clara Scruggs, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 7th day of April, 2015.

  
Notary Public in and for the State of Texas,  
County of Harris  
My Commission Expires  December 11, 2018

Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA §  
DOUGLAS COUNTY §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [RESPONDER], known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.  
David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY           §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

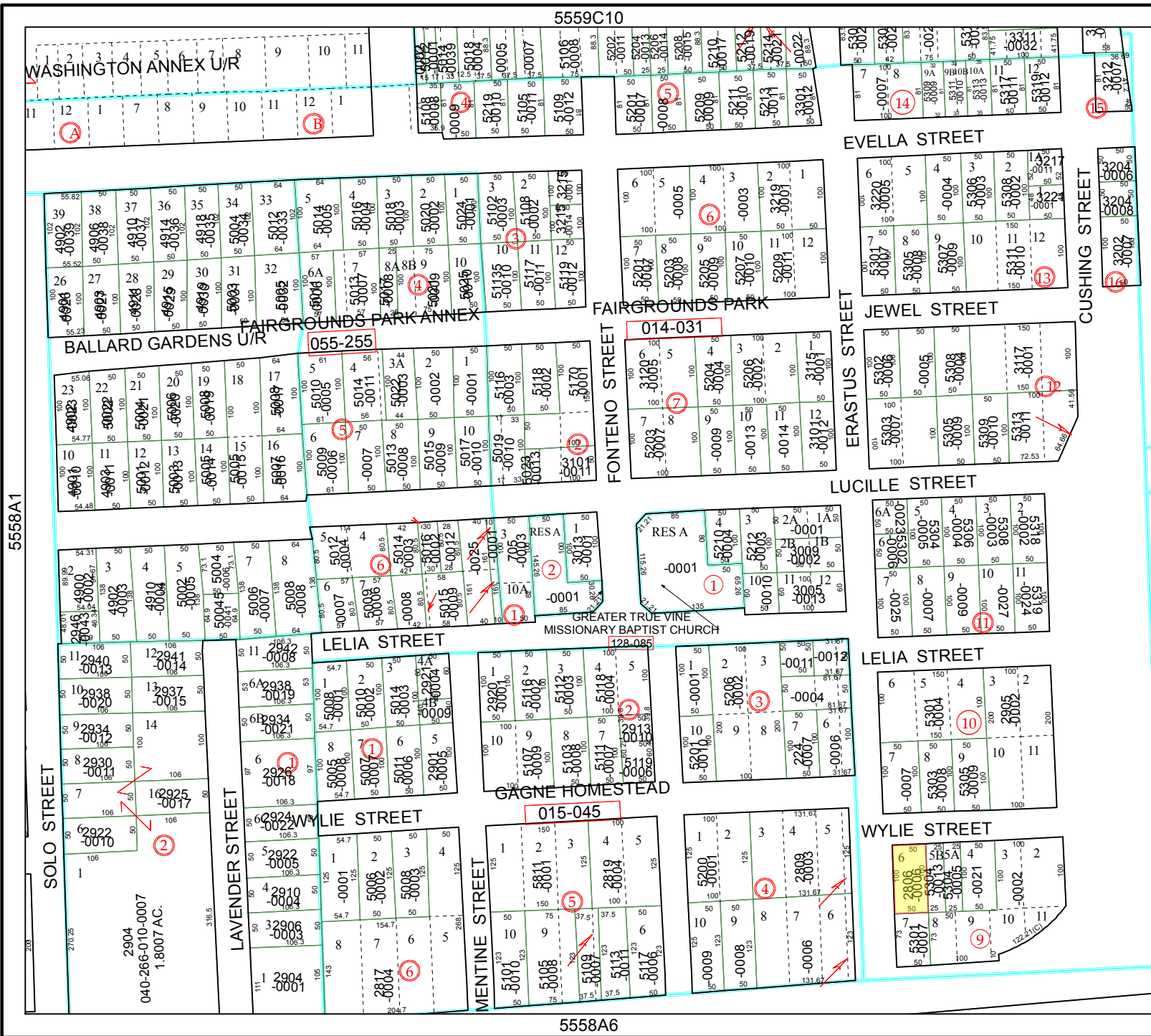
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1

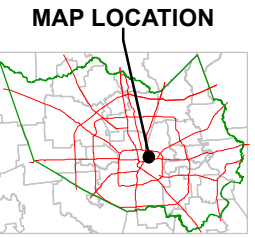


# Harris County Appraisal District



0 100 200  
**PUBLICATION DATE:**  
 1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A1

5558A3

5559C10

5558A6

2904  
 040-266-010-0007  
 1.8007 AC.

015-045

014-031

055-255

128-085

BALLARD GARDENS U/R

FAIRGROUNDS PARK ANNEX

FAIRGROUNDS PARK

JEWEL STREET

EVELLA STREET

LUCILLE STREET

LELIA STREET

WYLIE STREET

FONTEÑO STREET

ERASTUS STREET

CUSHING STREET

WASHINGTON ANNEX U/R

SOLO STREET

LAVENDER STREET

MENTINE STREET

GREATER TRUE VINE MISSIONARY BAPTIST CHURCH

GAGNE HOMESTEAD

RESA

LELIA STREET

WYLIE STREET

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-12-9065

Date: December 5, 2012

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 3<sup>rd</sup> day of December, 2012, we find the following:

**Title Vested In:**

Margaret Roberts, Clara Scruggs, Leroy Mock and Charles Mock (by Warranty Deed filed for record under Harris County Clerk's File No. U754245)

**Property Description: (Map ID# 42) (Tax ID# 014-041-000-0006)**

Lot Six (6), in Block Nine (9), of Fairground Park, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 81, Page 460 of the Deed Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

**Restrictions:**

None of record.

**Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

None of record.

**Involuntary Liens:**

- 1) We find reference to Cause No. 2011-14300, in the District Court of Harris County, Texas, styled Harris County, etal vs. Margaret Roberts, Clara Scruggs, Leroy Mock and Charles Mock. It is assumed that said cause of action is for delinquent taxes due on subject property. Said suit includes a Final Judgment dated December 13, 2011.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statue, in contract, or in tort.

**Texas American Title Company**



---

Darrell Stone  
Title Examiner

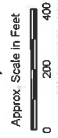
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

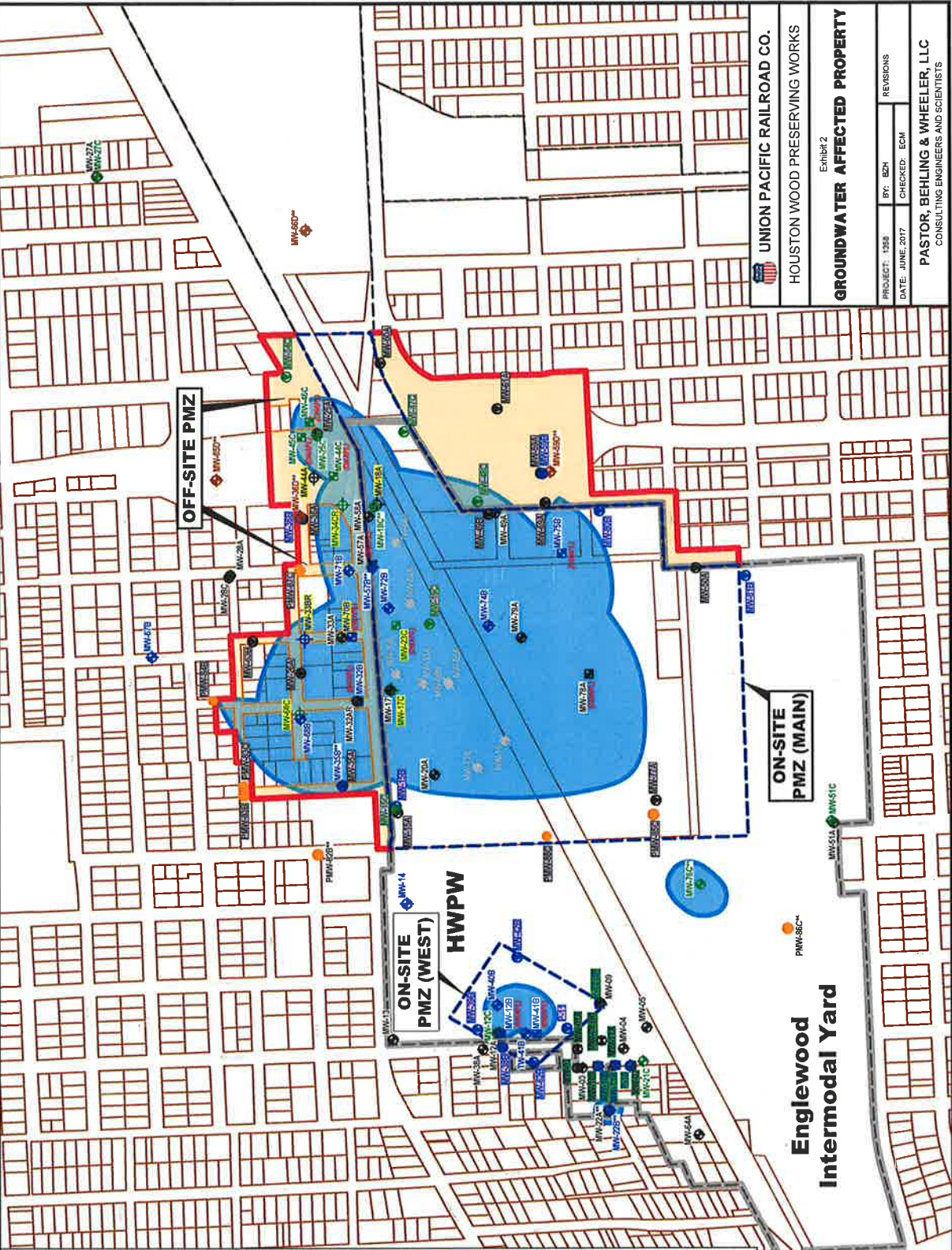
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GISMS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**

1. Vertical datum based on City of Houston (POC).
2. DNAPL = dense non aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Source: City of Houston Geographic Information & Mapping System  
 Author: Houston-Clayton Area Council (HAC) 2012 Aerial



**UNION PACIFIC RAILROAD CO.**

HOUSTON WOOD PRESERVING WORKS

Exhibit 2

**GROUNDWATER AFFECTED PROPERTY**

PROJECT: 1559	BY: BZN	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	

**PASTOR, BEHLING & WHEELER, LLC**  
CONSULTING ENGINEERS AND SCIENTISTS

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**



**EXPLANATION**

- UPRR Property Boundary
- Property Boundary (GIMS)
- City of Houston-Owned ROW
- Off-Site PMZ
- Monitoring Well Location
- Proposed Monitoring Well
- On-Site PMZ
- Off-Site PMZ

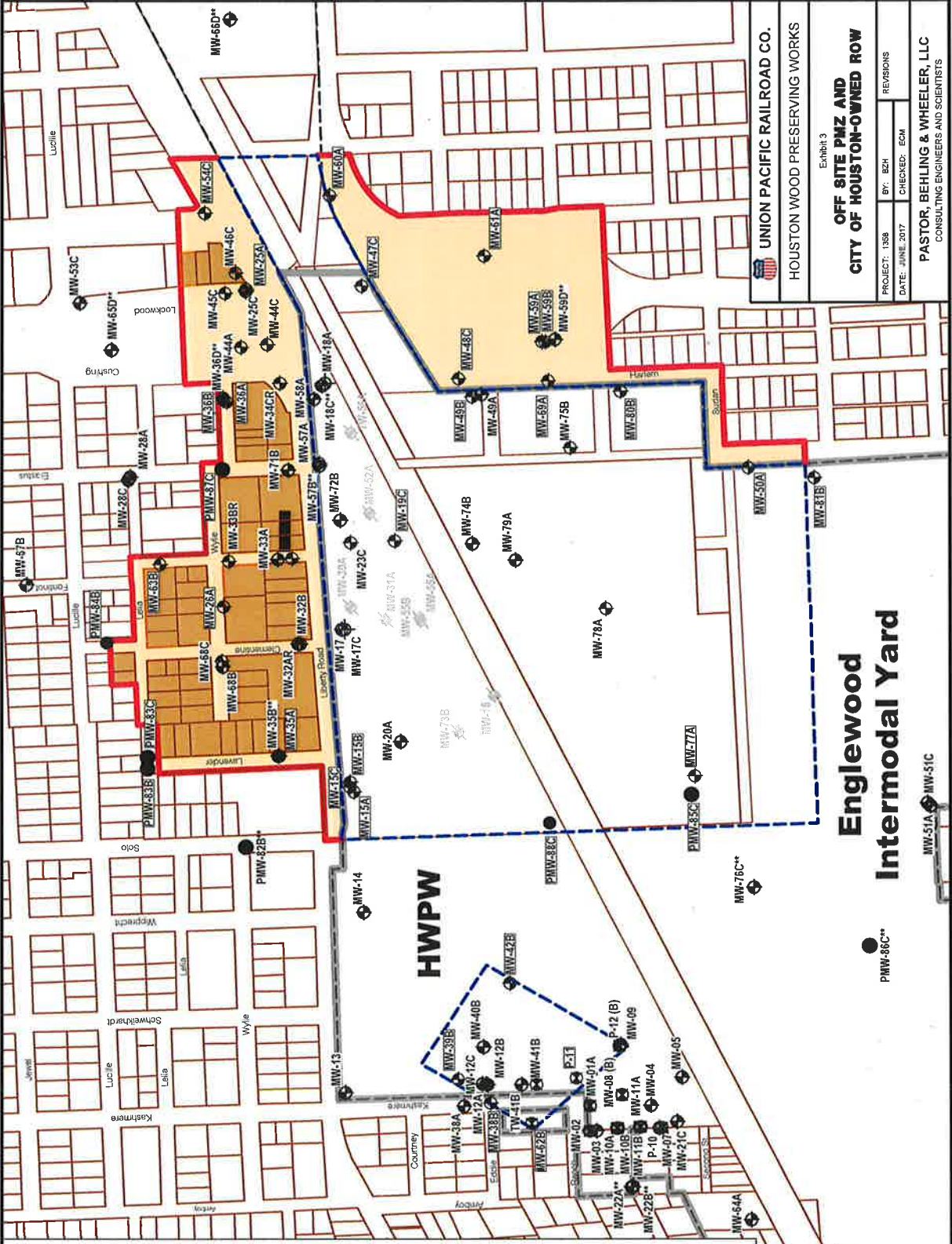
Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).



Approx. Scale in Feet



Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 3072 Aerial.



# Englewood Intermodal Yard

UNION PACIFIC RAILROAD CO. HOUSTON WOOD PRESERVING WORKS	
Exhibit 3 <b>OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW</b>	
PROJECT: 155 DATE: JUNE 2017	BY: BZH CHECKED: ECM REVISIONS
PASTOR, BEHLING & WHEELER, LLC CONSULTING ENGINEERS AND SCIENTISTS	

**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 43**

**HCAD ID - 0140410000013**



## Restrictive Covenant

STATE OF TEXAS §

§

COUNTY OF HARRIS §

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*The West One half (W-1/2) of Lot Five (5) in Block Nine (9), Of Fairground Park a Subdivision, a subdivision in Harris County, Texas, according to the Map or plat records thereof.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Irene Juarez (Owner) with an address of 5304 Wylie Street, Houston, Texas 77026. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

Executed this 31<sup>st</sup> day of March, 2015.


By: Irene Juarez  
Name: Irene Juarez

STATE OF TEXAS

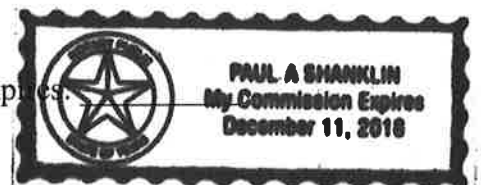
HARRIS COUNTY

BEFORE ME, on this the 31st day of March, 2015, personally appeared Irene Juarez, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 31st day of March, 2015.

  
Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires:



Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

By: Tony Love

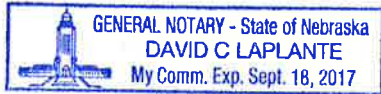
Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation **[RESPONDER]**, known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.

David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

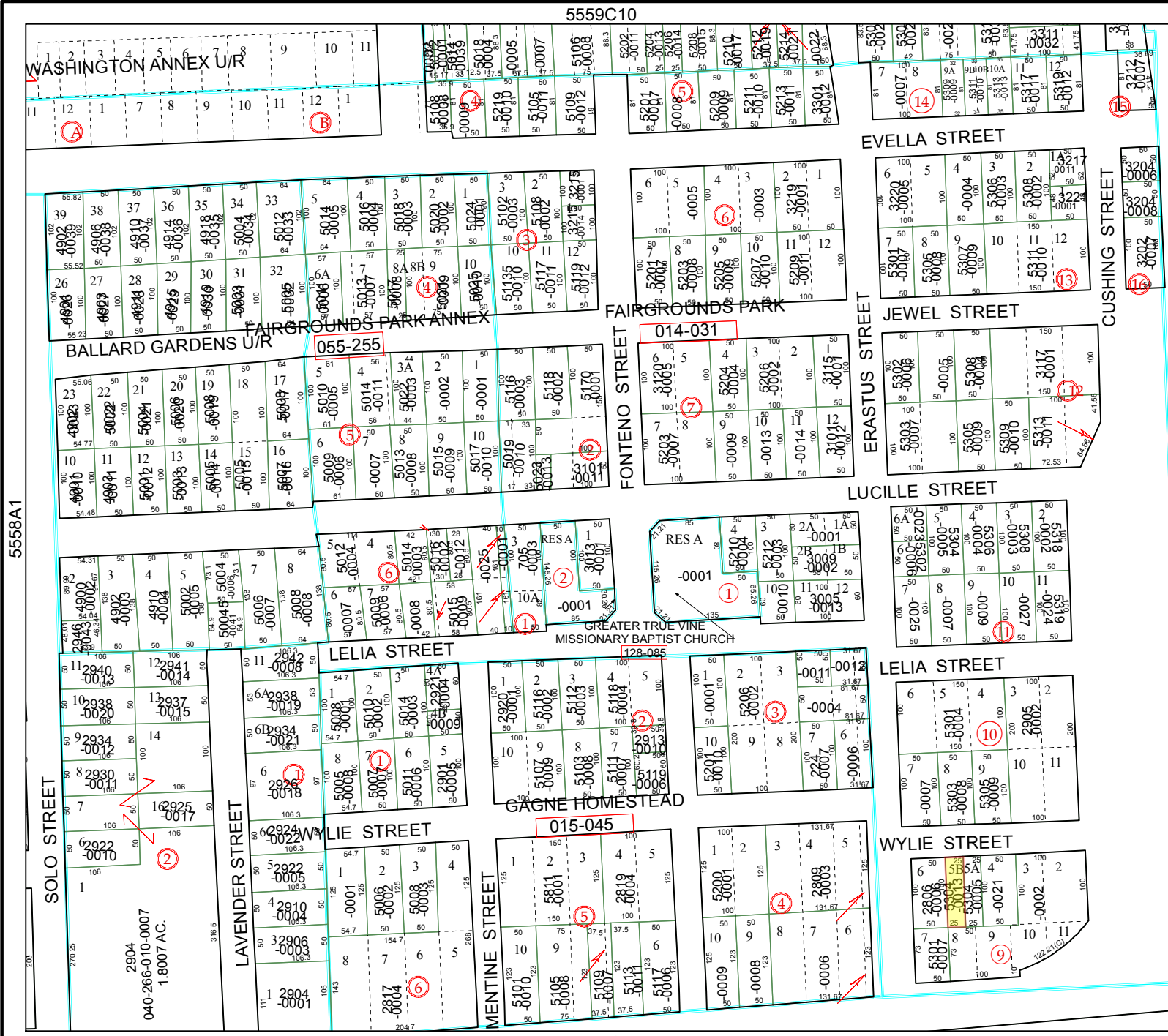
Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1

5559C10



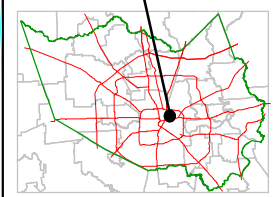
# Harris County Appraisal District



0 100 200  
PUBLICATION DATE:  
1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A6

5558A1

5558A3

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-12-9210  
Date: December 5, 2012

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 3<sup>rd</sup> day of December, 2012, we find the following:

**Title Vested In:**

Irene Perez Juarez (by Warranty Deed filed for record under Harris County Clerk's File No. L292177)

**Property Description: (Map ID# 43) (Tax ID# 014-041-000-0013)**

The West One-half (W ½) of Lot Five (5), in Block Nine (9), of Fairground Park, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 81, Page 461 of the Map Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

**Restrictions:**

None of record.

**Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

- 1) Paving Lien Notice filed on January 31, 1977, (topping project no. 303), filed under Harris County Clerk's File No. F029142, (Film Code No. 157-20-1662), executed by City of Houston, showing portions of Wylie Street, and assessing a portion of the cost thereof, against the owners of the property abutting thereon.

**Involuntary Liens:**

- 1) Abstract of Judgment filed November 24, 2009, under Harris County Clerk's File No. 20090534997, styled Freddy's Auto Sales, vs. Irene Juarez, in the principal amount of \$1,225.00, plus cost, interest and attorney's fees.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

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**Texas American Title Company**



Darrell Stone  
Title Examiner

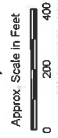
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

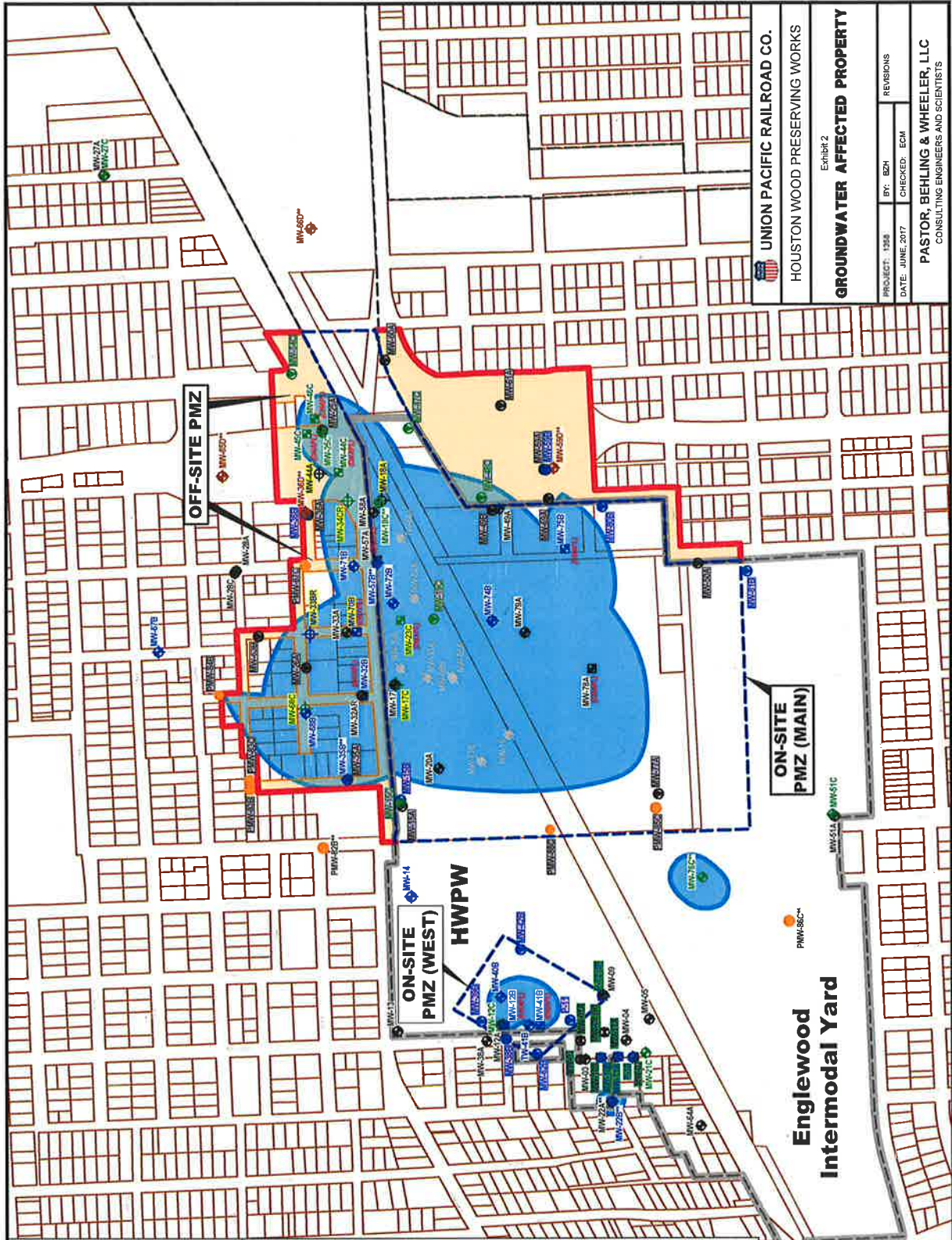
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GIS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCL Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**

1. Vertical datum based on City of Houston (POC).
2. DNAPL = dense non-aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Source: City of Houston Geographic Information & Mapping System  
 Aerial, Topographic, and Aerial Imagery (2012)  
 Aerial, Topographic, and Aerial Imagery (2012)



UNION PACIFIC RAILROAD CO.	
HOUSTON WOOD PRESERVING WORKS	
Exhibit 2	
<b>GROUNDWATER AFFECTED PROPERTY</b>	
PROJECT: 1559	REVISED:
DATE: JUNE, 2017	CHECKED: ECM
BY: BZN	REVISIONS:
PASTOR, BEHLING & WHEELER, LLC	
CONSULTING ENGINEERS AND SCIENTISTS	

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**





**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 44**

**HCAD ID - 0140410000005**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*The East one half (E1/2) of Lot five Of Fairground Park Addition Subdivision, A subdivision in Harris County, Texas according to the map or plat thereof.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Ernest I. Delgado heir and devisee of the estate of Susie Delgado with an address of 5304 ½ Wylie, Houston, Texas 77026. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their

respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

Executed this 22 day of April, 2015.

[OWNER]

By: Ernest I. Delgado  
Name: Ernest I. Delgado

STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the 22nd day of April, 2015, personally appeared , Ernest I. Delgado, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 22nd day of April, 2015.

Paul A. Shanklin  
Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires



Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [RESPONDER], known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.

David C. Solante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

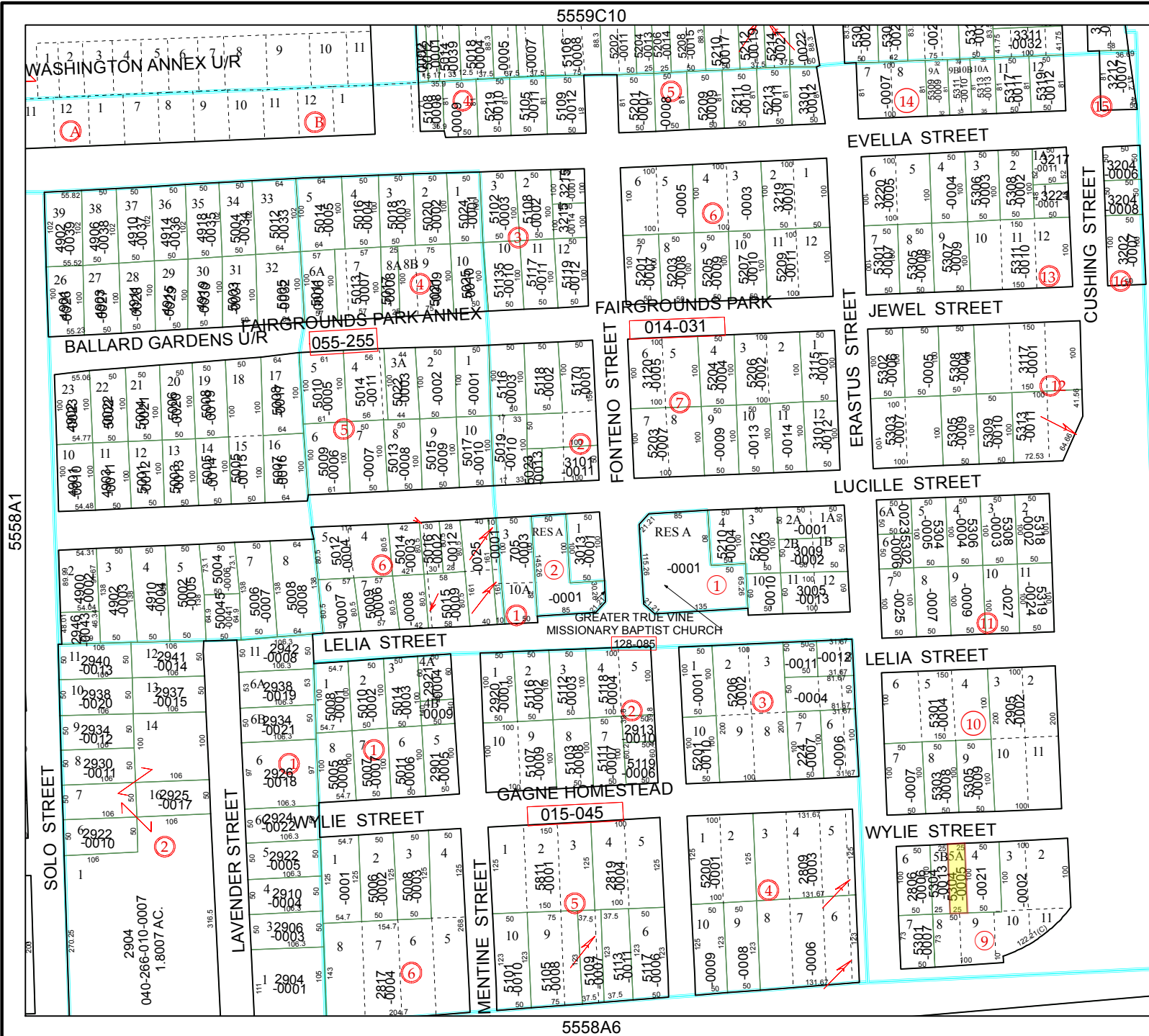
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1



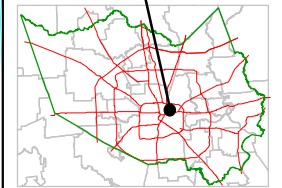
# Harris County Appraisal District



0 100 200  
**PUBLICATION DATE:**  
 1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A1

5558A3

5558A6

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-12-9211  
Date: December 5, 2012

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 3<sup>rd</sup> day of December, 2012, we find the following:

**Title Vested In:**

Saturnino P. Delgado and wife, Susie Delgado (by Warranty Deed filed for record under Harris County Clerk's File No. C769798)

**Property Description: (Map ID# 44) (Tax ID# 014-041-000-0005)**

The East One-half (E ½) of Lot Five (5), in Block Nine (9), of Fairground Park, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 81, Page 461 of the Map Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

**Restrictions:**

None of record.

**Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

- 1) Paving Lien Notice filed on January 31, 1977, (topping project no. 303), filed under Harris County Clerk's File No. F029142, (Film Code No. 157-20-1662), executed by City of Houston, showing portions of Wylie Street, and assessing a portion of the cost thereof, against the owners of the property abutting thereon.

**Involuntary Liens:**

None of record.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

**Texas American Title Company**

  
\_\_\_\_\_  
Darrell Stone  
Title Examiner

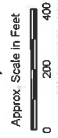
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

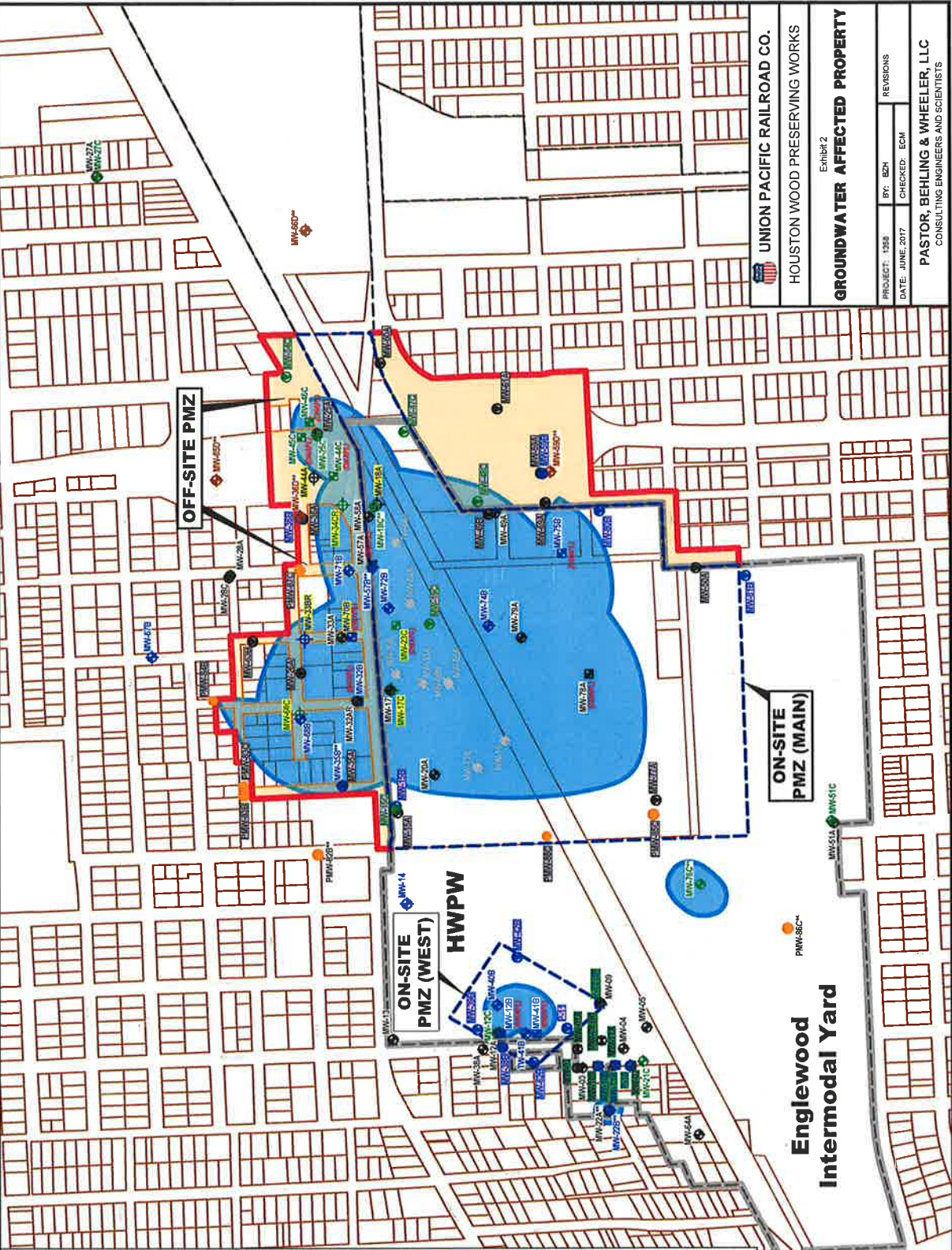
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GIS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**

1. Vertical datum based on City of Houston (DMS).
2. DNAPL = dense non-aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Source: City of Houston Geographic Information & Mapping System  
 Author: Houston-Clayton Area Council (HAC) 2012 Aerial



**UNION PACIFIC RAILROAD CO.**

HOUSTON WOOD PRESERVING WORKS

Exhibit 2

**GROUNDWATER AFFECTED PROPERTY**

PROJECT: 1559	BY: BZN	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	

**PASTOR, BEHLING & WHEELER, LLC**  
CONSULTING ENGINEERS AND SCIENTISTS

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**



**EXPLANATION**

- - - UPRR Property Boundary
- Property Boundary (GIMS)
- City of Houston-Owned ROW
- Off-Site PMZ
- Off-Site PMZ
- Monitoring Well Location
- Proposed Monitoring Well
- On-Site PMZ
- Off-Site PMZ

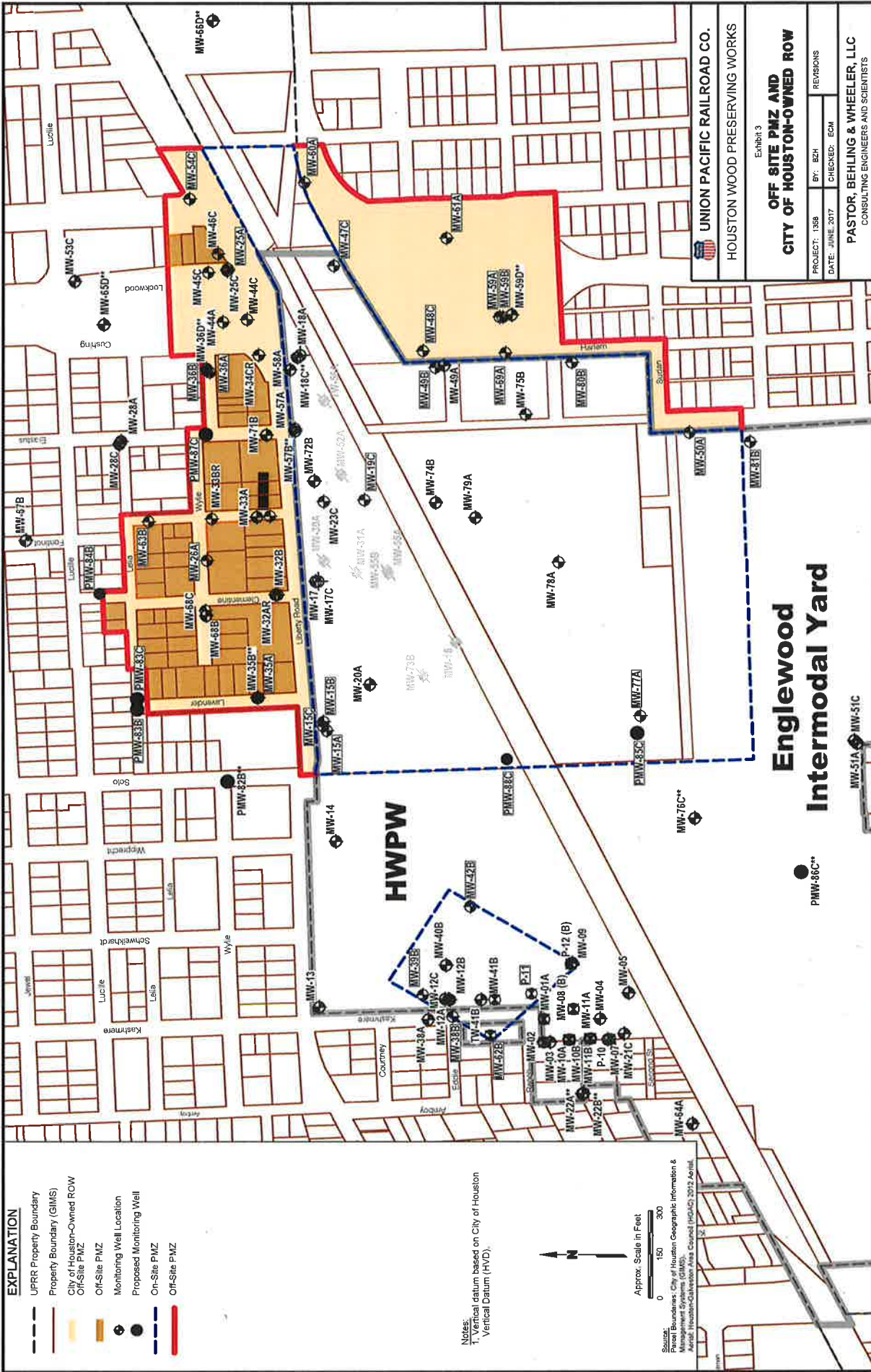
Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).



Approx. Scale in Feet



Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.



<b>UNION PACIFIC RAILROAD CO.</b> HOUSTON WOOD PRESERVING WORKS	
Exhibit 3 <b>OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW</b>	
PROJECT: 158 DATE: JUNE 2017	BY: BZH CHECKED: ECM
REVISIONS	
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS	

**Englewood Intermodal Yard**

MW-51A MW-51C

PMW-86C\*\*

MW-76C\*\*

PMW-83C MW-77A

MW-78A

MW-74B

MW-79A

**HWPW**

MW-13

MW-14

MW-15A

MW-15B

MW-15C

MW-17C

MW-17D

MW-20A

MW-23C

MW-23D

MW-23E

MW-23F

MW-23G

MW-23H

MW-23I

MW-23J

MW-23K

MW-23L

MW-23M

MW-17C

MW-17D

MW-17E

MW-17F

MW-17G

MW-17H

MW-17I

MW-17J

MW-17K

MW-17L

MW-17M

MW-17N

MW-17O

MW-17P

MW-17Q

MW-17R

MW-17S

MW-17T

MW-17U

MW-17V

MW-17C

MW-17D

MW-17E

MW-17F

MW-17G

MW-17H

MW-17I

MW-17J

MW-17K

MW-17L

MW-17M

MW-17N

MW-17O

MW-17P

MW-17Q

MW-17R

MW-17S

MW-17T

MW-17U

MW-17V

MW-17C

MW-17D

MW-17E

MW-17F

MW-17G

MW-17H

MW-17I

MW-17J

MW-17K

MW-17L

MW-17M

MW-17N

MW-17O

MW-17P

MW-17Q

MW-17R

MW-17S

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MW-17V

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MW-17L

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MW-17L

MW-17M

MW-17N

MW-17O

MW-17P

MW-17Q

MW-17R

MW-17S

MW-17T

MW-17U

MW-17V

**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 57**

**HCAD ID - 0141390000001**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lot One (1), in Block One (1), of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map and plat thereof.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Mildred Holmes Wilder, heir and devisee of the estate of Emmitt Holmes (Owner) with an address of 5008 Lelia Street, Houston, Texas 770226. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

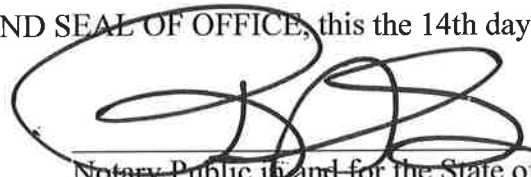
Executed this 14<sup>th</sup> day of April, 2015.

By: Mildred Holmes Wilder  
Name: Mildred Holmes Wilder

STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the 14th day of April, 2015, personally appeared Mildred Holmes Wilder, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 14th day of April, 2015.

  
Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires: PAUL A SHANLIN



Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [RESPONDER], known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.  
David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

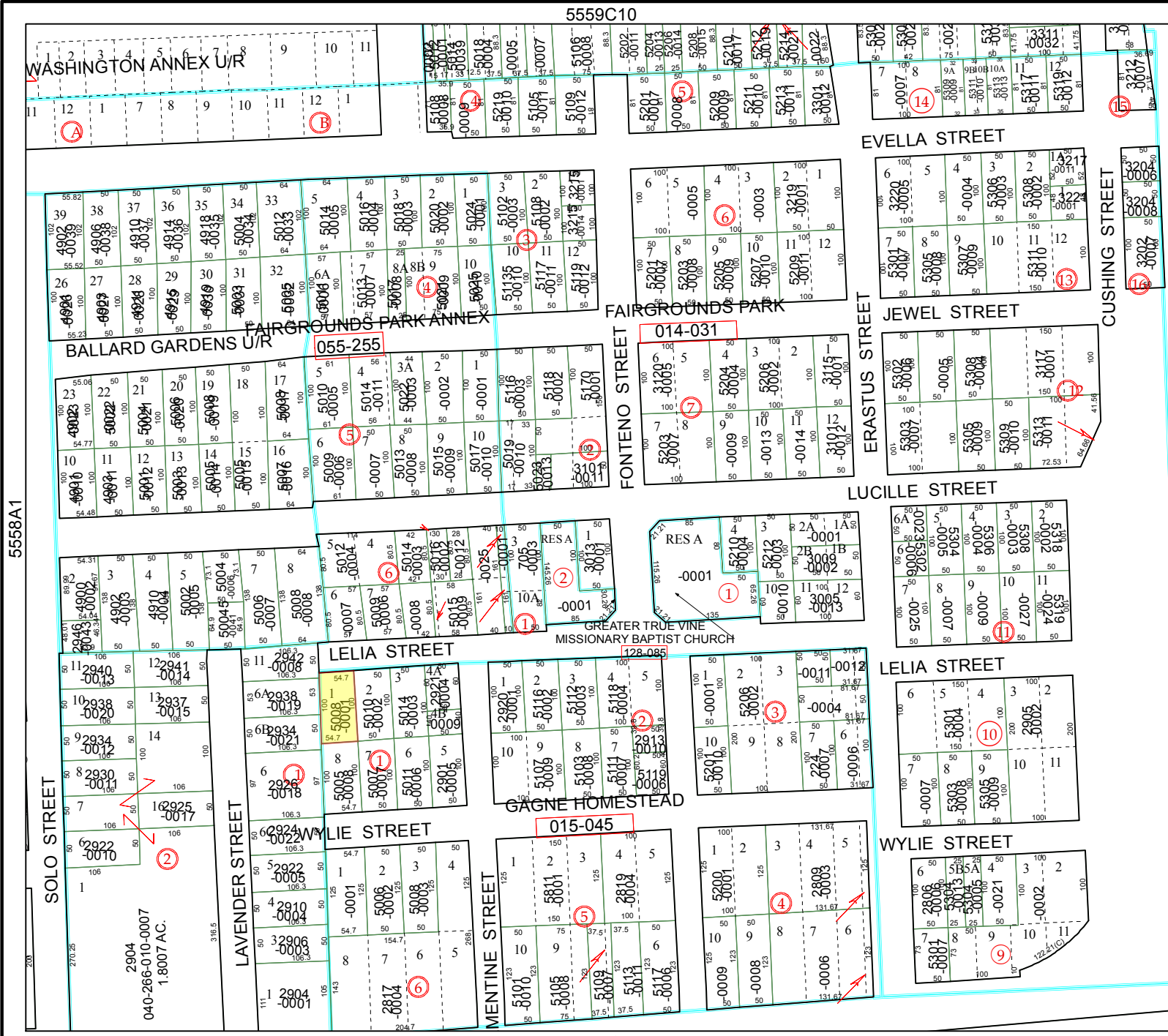
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1



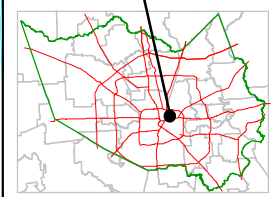
# Harris County Appraisal District



0 100 200  
**PUBLICATION DATE:**  
 1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A1

5558A3

5558A6

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-12-9230

Date: December 12, 2012

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 5<sup>th</sup> day of December, 2012, we find the following:

### **Title Vested In:**

Emmitt Holmes (by Warranty Deed filed for record under Volume 2863, Page 484 of the Deed Records of Harris County, Texas)

### **Property Description: (Map ID# 57) (Tax ID# 014-139-000-0001)**

Lot One (1), in Block One (1), of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 1, Page 55 of the Map Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

### **Restrictions:**

None of record.

### **Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

- 1) Notice of Lien for work or improvements, filed January 23, 1979 by Health Officer, City of Houston, in the Office of the County Clerk of Harris County, Texas, under Clerk's File No. F939063, to secure the repayment of the sum of \$25.00 plus interest and costs, for cutting weeds, clearing and cleaning of the subject property.

**Involuntary Liens:**

None of record.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

**Texas American Title Company**



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Darrell Stone  
Title Examiner

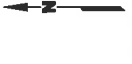
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GISMS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCLE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

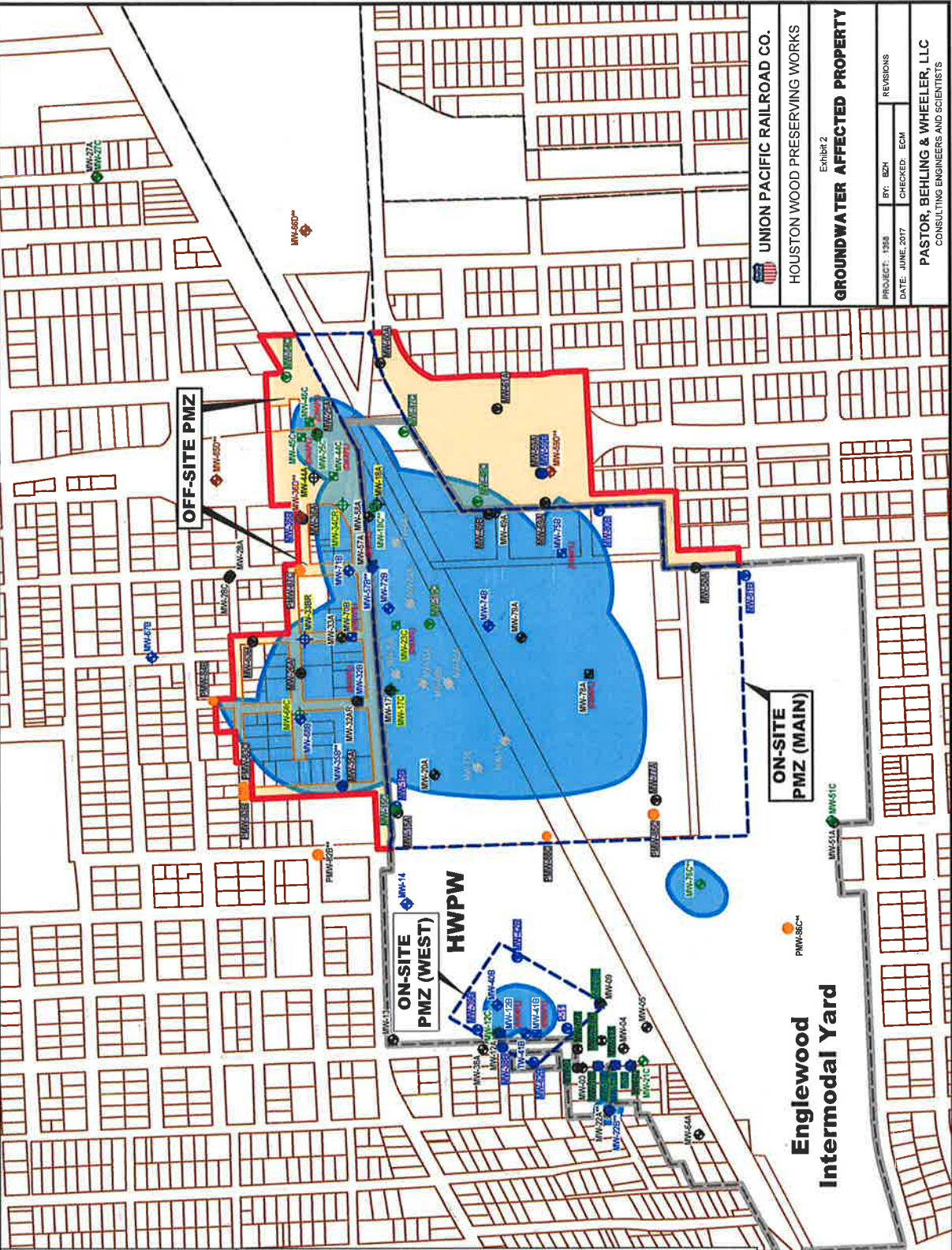
**Notes:**

1. Vertical datum based on City of Houston (POC) Well
2. DNAPL = Dense non aqueous phase liquids detected in monitoring well (July 2014)
3. \*\*, Corrective Action Observation Well



Approx. Scale in Feet  
0 200 400

Source: City of Houston Geographic Information & Mapping System  
 Author: Houston-Clayton Area Council (HAC) 2012 Aerial



**UNION PACIFIC RAILROAD CO.**

HOUSTON WOOD PRESERVING WORKS

Exhibit 2

**GROUNDWATER AFFECTED PROPERTY**

PROJECT: 1559	BY: BZN	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	

**PASTOR, BEHLING & WHEELER, LLC**  
CONSULTING ENGINEERS AND SCIENTISTS

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**



**EXPLANATION**

- UPRR Property Boundary
- Property Boundary (GIMS)
- City of Houston-Owned ROW
- Off-Site PMZ
- Off-Site PMZ
- Monitoring Well Location
- Proposed Monitoring Well
- On-Site PMZ
- Off-Site PMZ

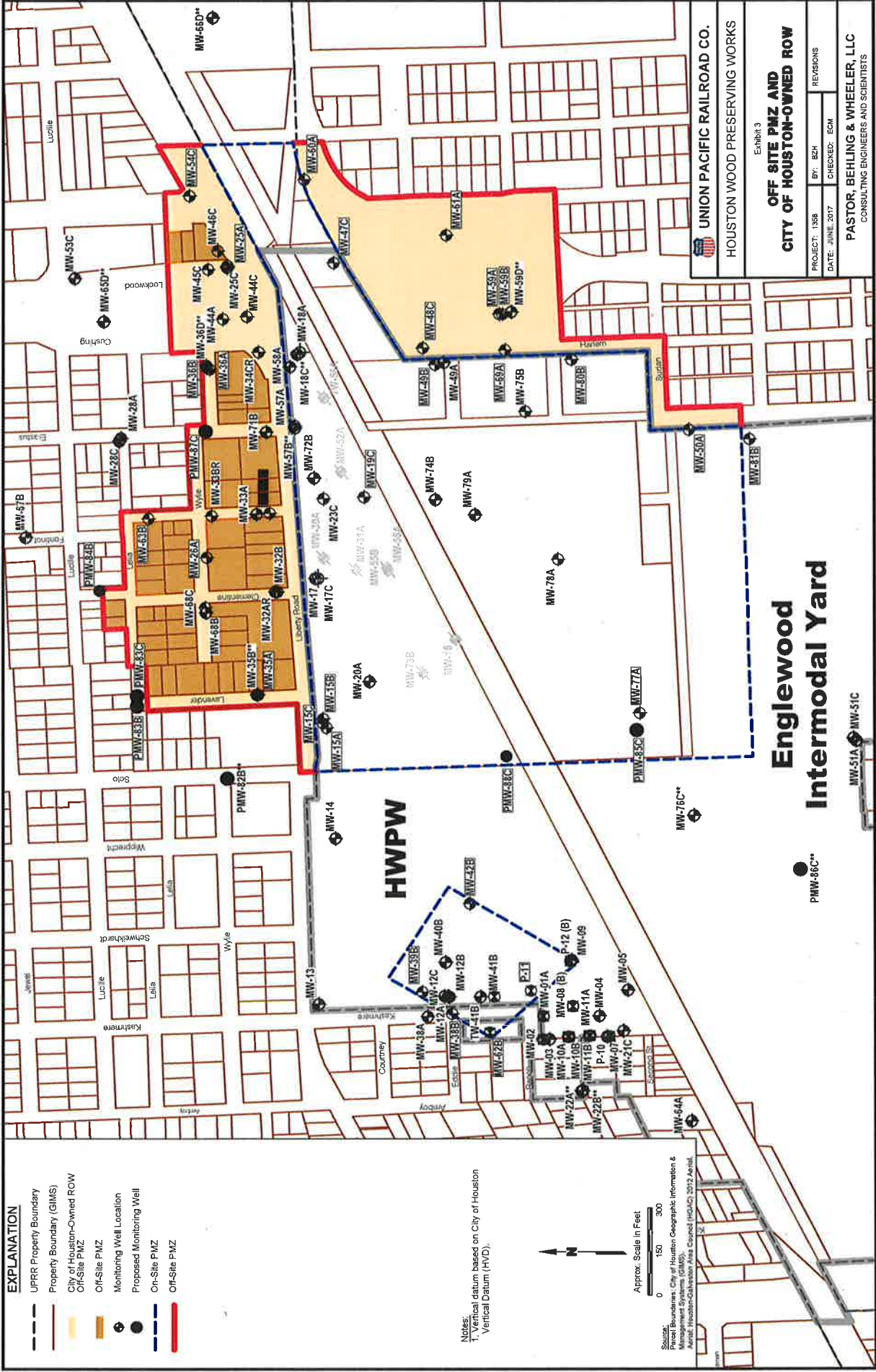
Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).



Approx. Scale in Feet



Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.



<b>UNION PACIFIC RAILROAD CO.</b> HOUSTON WOOD PRESERVING WORKS	
Exhibit 3 <b>OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW</b>	
PROJECT: 158	BY: BZH
DATE: JUNE 2017	CHECKED: EGM
REVISIONS	
<b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS	

**Englewood Intermodal Yard**

MW-51A MW-51C

PMW-86C\*\*

MW-76C\*\*

PMW-83C MW-77A

MW-78A

MW-74B

MW-49A

MW-59A

MW-59B

MW-59D\*\*

MW-66D\*\*

MW-53C

MW-65D\*\*

MW-45C

MW-36D\*\*

MW-44A

MW-48C

MW-25C

MW-44C

MW-50A

MW-47C

MW-51A

MW-51B

MW-51C

MW-51D

MW-51E

MW-51F

MW-51G

MW-51H

MW-51I

MW-51J

**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 59**

**HCAD ID - 0141390000003**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lot Three (3), in Block One (1), of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map and plat records thereof.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Guadalupe Rivera Jr. (Owner) and devisee of the estate Johnnie Ellis with an address of 5014 Lelia, Houston, Texas 77026. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their

respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.


Executed this 31<sup>st</sup> day of March, 2015.

  
Name: Guadalupe Rivera Jr.

STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the 31st day of March, 2015, personally appeared Guadalupe Rivera Jr. [owner], 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 31 day of February, 2015.

  
Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires



Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [RESPONDER], known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.

David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

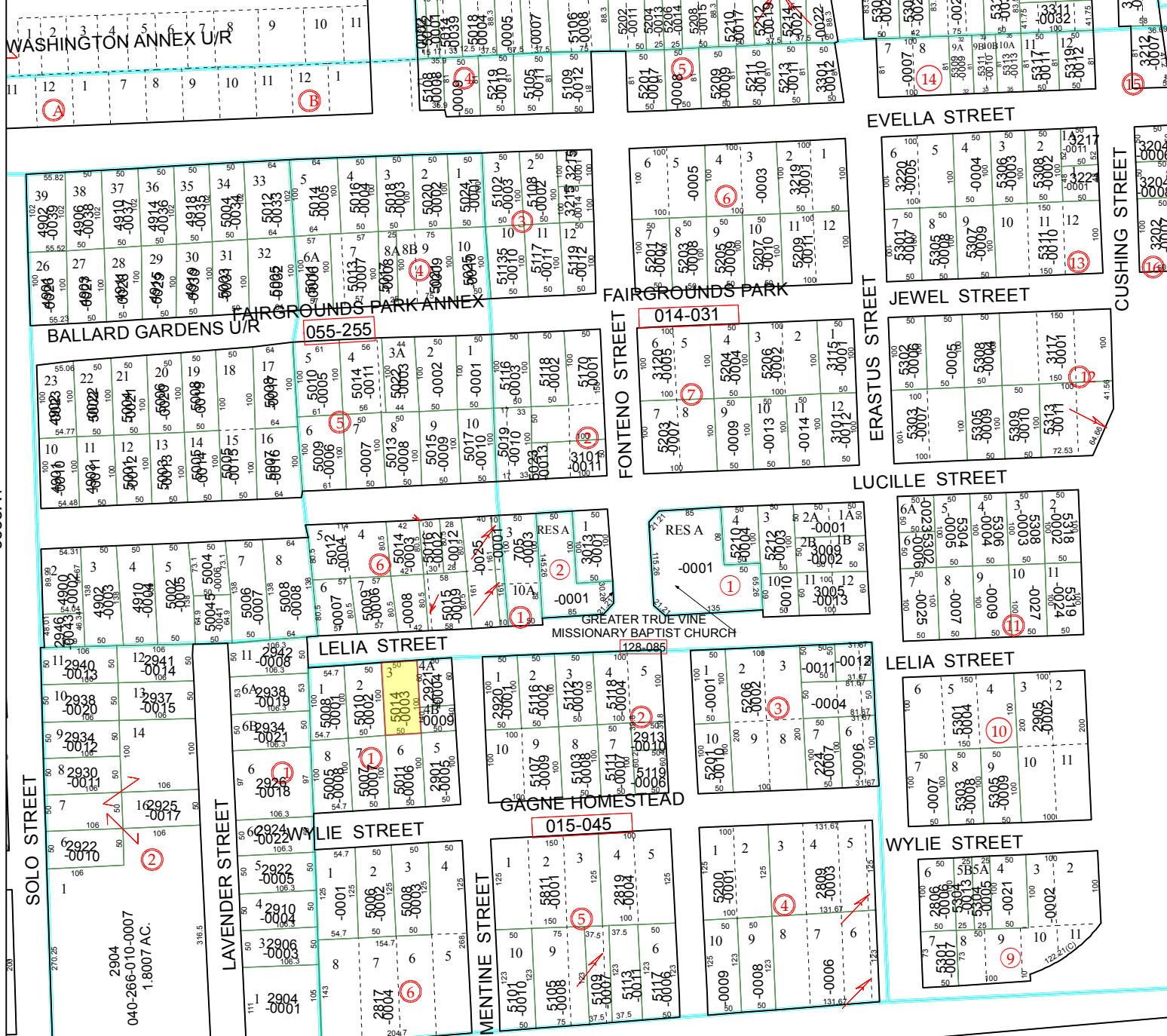
Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1

5559C10



5558A6

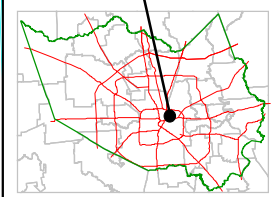
# Harris County Appraisal District



0 100 200  
PUBLICATION DATE:  
1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A1

5558A3

2904  
040-266-010-0007  
1.8007 AC.

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-12-9234

Date: December 12, 2012

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 5<sup>th</sup> day of December, 2012, we find the following:

**Title Vested In:**

Guadalupe Rivera, Jr. and Flor Estela Rivera (by Warranty Deed filed for record under Harris County Clerk's File No. 20110426670)

**Property Description: (Map ID# 59) (Tax ID# 014-139-000-0003)**

Lot Three (3), in Block One (1), of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 1, Page 55 of the Map Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

**Restrictions:**

None of record.

**Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

None of record.

**Involuntary Liens:**

- 1) Abstract of Judgment filed December 24, 2008, under Harris County Clerk's File No. 20080612026, styled State Farm, vs. Flor Rivera, in the principal amount of \$4,479.00, plus cost, interest and attorney's fees.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

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**Texas American Title Company**



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Darrell Stone  
Title Examiner

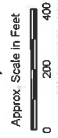
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

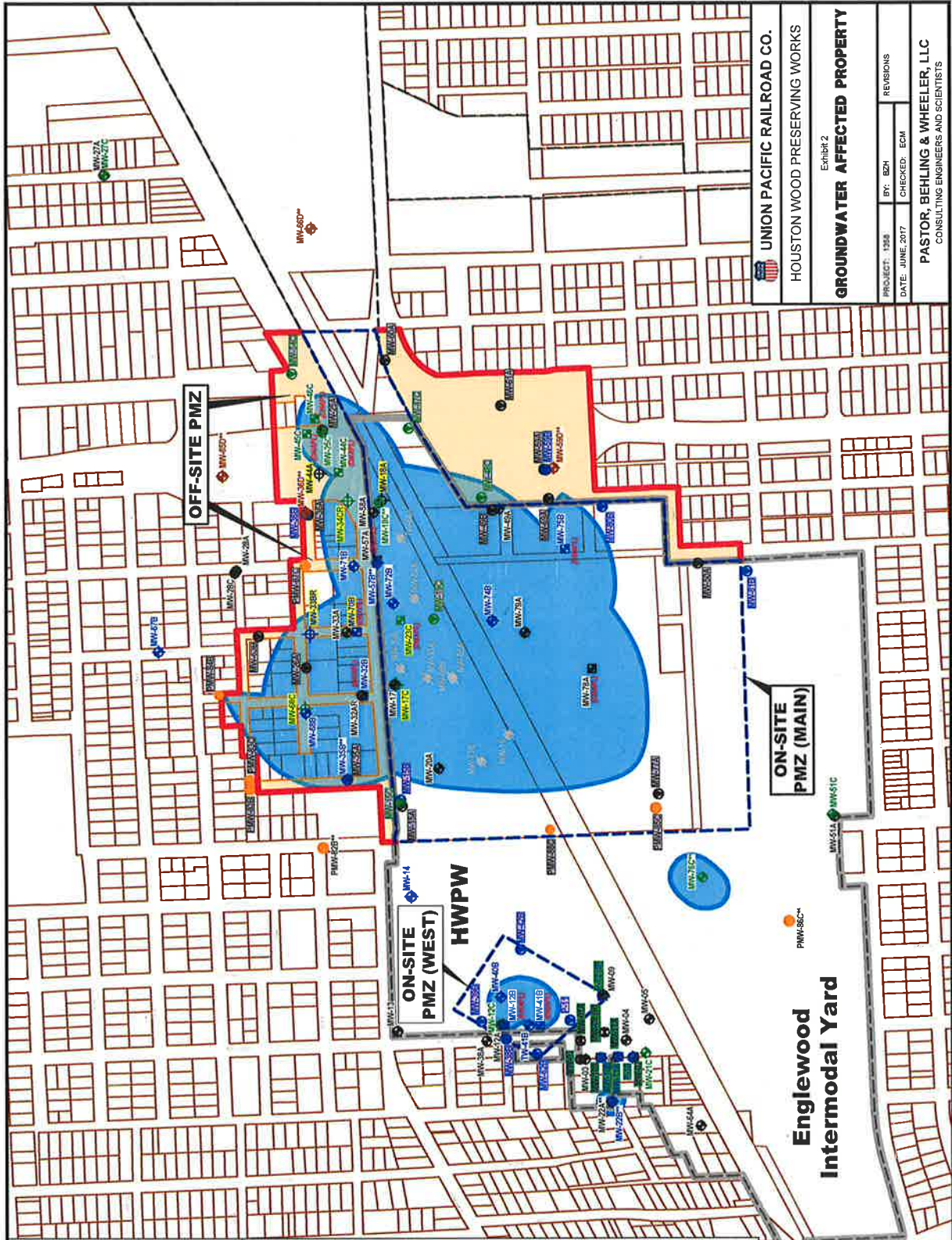
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GIS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**

1. Vertical datum based on City of Houston (POC).
2. DNAPL = dense non aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Source: City of Houston Geographic Information & Mapping System  
 Author: Houston-Clayton Area Council (HAC) 2012 Aerial



**UNION PACIFIC RAILROAD CO.**

HOUSTON WOOD PRESERVING WORKS

Exhibit 2

**GROUNDWATER AFFECTED PROPERTY**

PROJECT: 1559	BY: BZN	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	

**PASTOR, BEHLING & WHEELER, LLC**  
CONSULTING ENGINEERS AND SCIENTISTS

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**





**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 60**

**HCAD ID - 0141390000004**





1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

Executed this 31<sup>st</sup> day of March, 2015.


By: Rogelio Pineda  
Name: ~~Olivia~~ Pineda  
ROGELIO PINEDA

STATE OF TEXAS

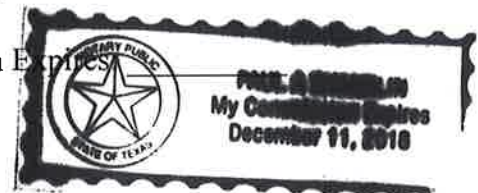
HARRIS COUNTY

BEFORE ME, on this the 31st day of March, 2015, personally appeared ~~Olivia Pineda~~, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 31st day of March, 2015.

  
Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires



Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

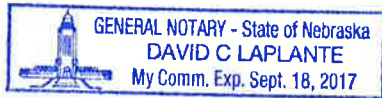
By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [RESPONDER], known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.  
David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

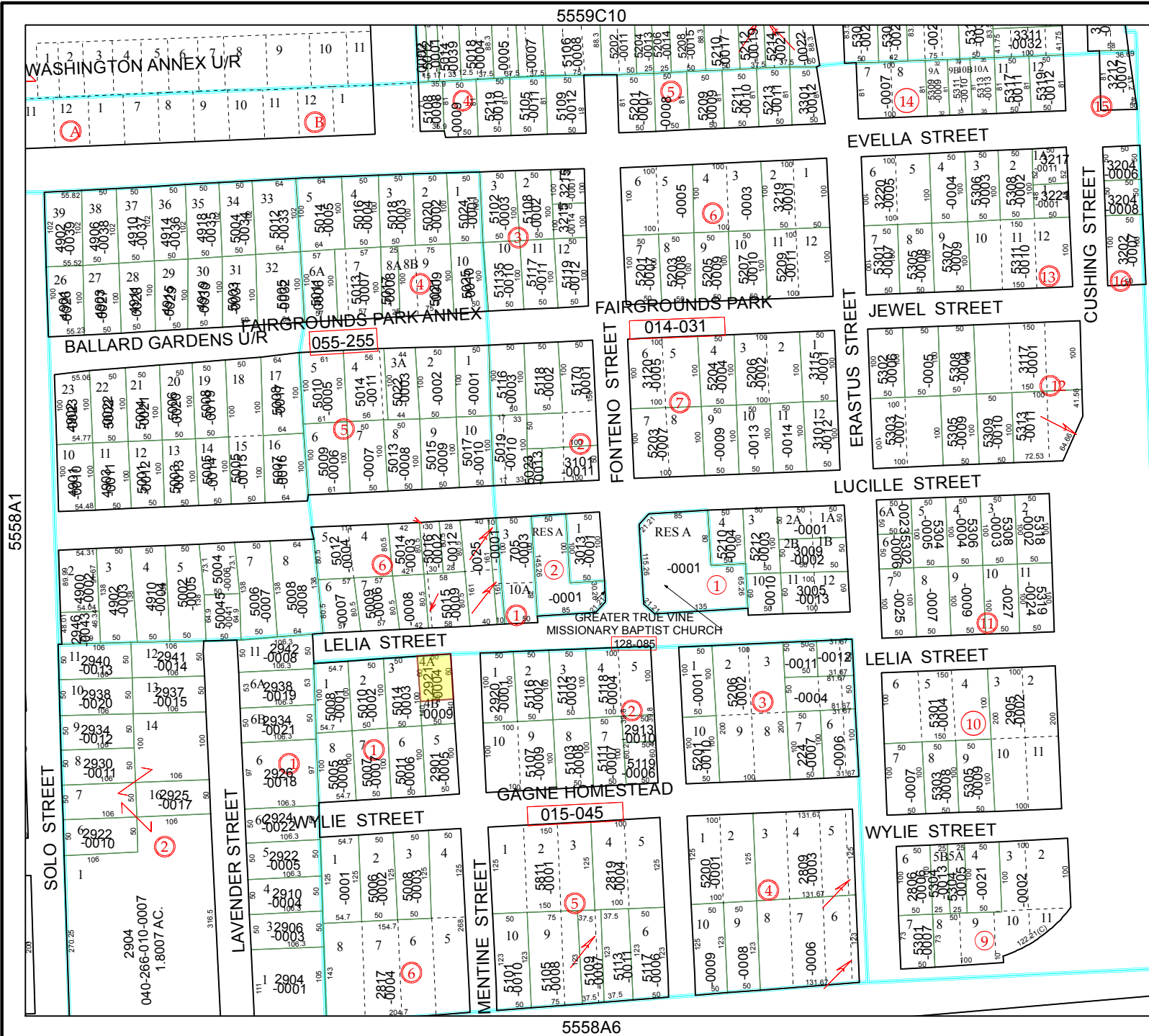
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1



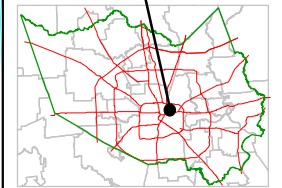
# Harris County Appraisal District



0 100 200  
**PUBLICATION DATE:**  
 1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A1

5558A3

5558A6

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-12-9239  
Date: December 13, 2012

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 5<sup>th</sup> day of December, 2012, we find the following:

**Title Vested In:**

Rogelio Ruiz Pineda and Olivia Pineda, husband and wife (by Warranty Deed filed for record under Harris County Clerk's File No. M698759)

**Property Description: (Map ID# 60) (Tax ID# 014-139-000-0004)**

The North sixty feet (N 60') of Lot Four (4), in Block One (1), of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 1, Page 55 of the Map Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

**Restrictions:**

None of record.

**Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

- 1) Order of the Building Official of the City of Houston dated January 30, 1990, filed for record under Harris County Clerk's File No(s). M555328, determining that the building(s) are posted as dangerous in accordance with Section 10-326 of the Code of Ordinances, and requiring the owner to take the corrective measures described therein; or the City will demolish said building(s) and place a lien for the expenses incurred.

**Involuntary Liens:**

None of record.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

**Texas American Title Company**



---

Darrell Stone  
Title Examiner

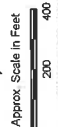
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

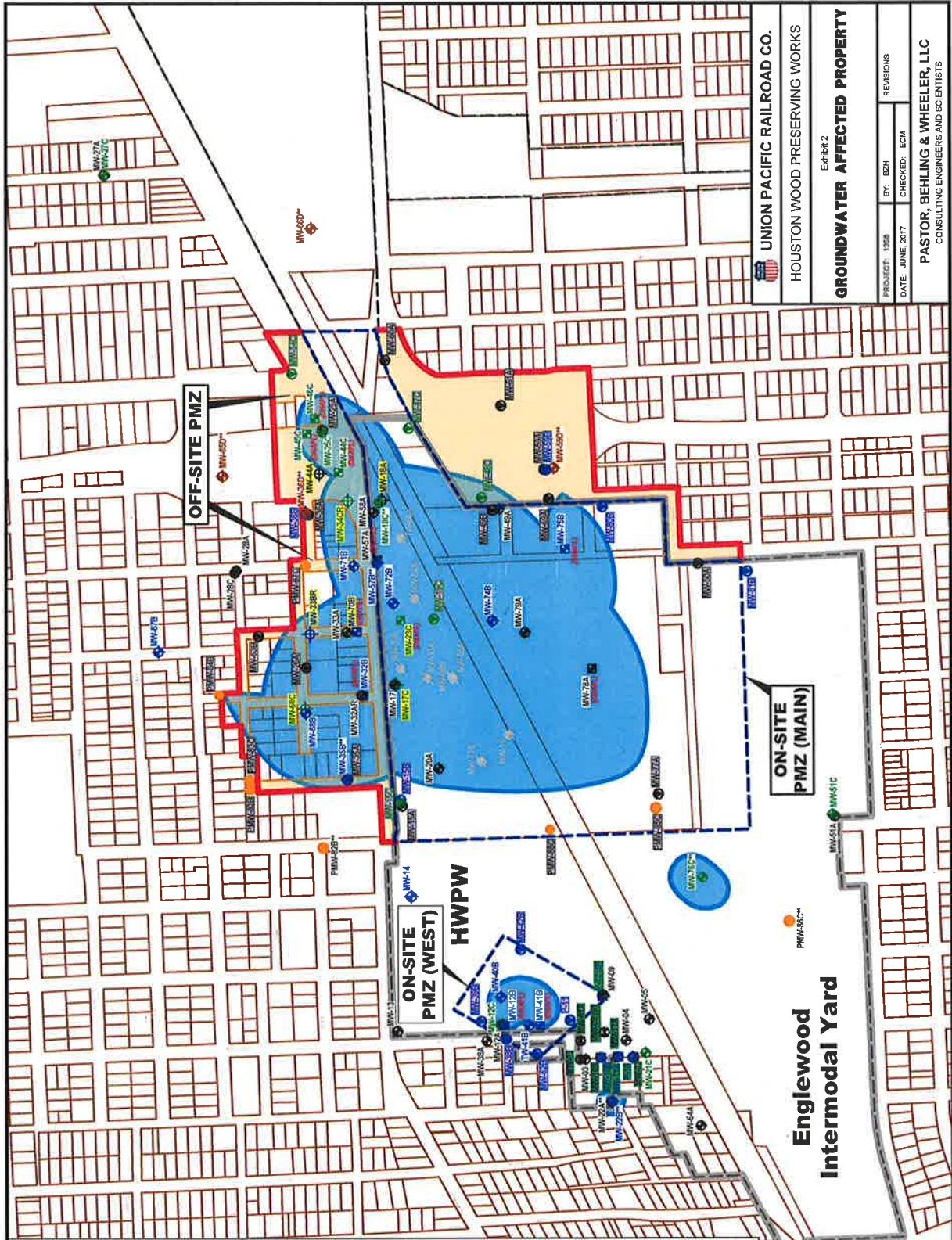
**EXPLANATION**

- UPRR Property Boundary
- Property Boundary (GIS)
- A-TZ Monitoring Well Location
- B-CZ/B-TZ Monitoring Well Location
- C-TZ Monitoring Well Location
- D-TZ Monitoring Well Location
- Groundwater PCE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
- Alternate Groundwater Point of Exposure (POE)
- Attenuation Monitoring Point (AMP)
- RCRA Unit No. 1 Point of Compliance (POC) Well
- Proposed Monitoring Well
- On-Site PMZ
- Off-Site PMZ
- Off-Site PMZ City of Houston ROW

Notes:  
 1. Vertical datum based on City of Houston (DMS) datum.  
 2. DNAPL = Dense non aqueous phase liquids detected in monitoring well (July 2014).  
 3. \*\*, Corrective Action Observation Well.



Approx. Scale in Feet  
 0 200 400  
 Source: City of Houston Geographic Information & Mapping System  
 Austin, Fortinet-Clouston Area Council (FACAC) 2012 Aerial



**UNION PACIFIC RAILROAD CO.**

HOUSTON WOOD PRESERVING WORKS

Exhibit 2

**GROUNDWATER AFFECTED PROPERTY**

PROJECT: 1559	DY: BZN	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	

**PASTOR, BEHLING & WHEELER, LLC**  
 CONSULTING ENGINEERS AND SCIENTISTS

**Englewood Intermodal Yard**

**OFF-SITE PMZ**

**ON-SITE PMZ (MAIN)**

**ON-SITE PMZ (WEST)**

**HWPW**

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**



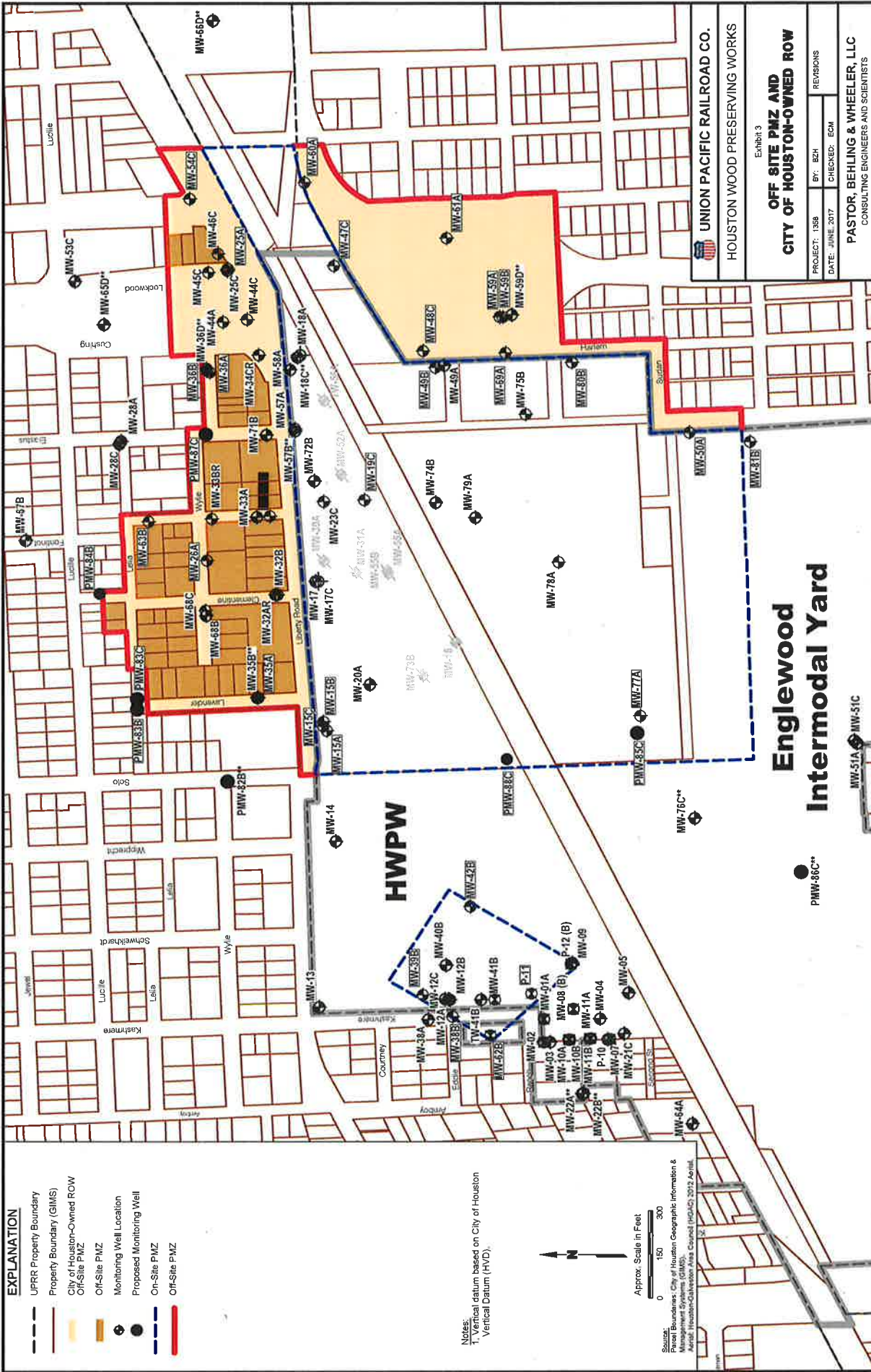
EXPLANATION	
- - -	UPRR Property Boundary
---	Property Boundary (GIMS)
—	City of Houston-Owned ROW
■	Off-Site PMZ
●	Off-Site PMZ
○	Monitoring Well Location
○	Proposed Monitoring Well
○	On-Site PMZ
○	Off-Site PMZ

Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).



Approx. Scale in Feet  
 0 150 300

Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.



# Englewood Intermodal Yard

UNION PACIFIC RAILROAD CO. HOUSTON WOOD PRESERVING WORKS		Exhibit 3	
		<b>OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW</b>	
PROJECT: 138	BY: BZH	REVISIONS	
DATE: JUNE 2017	CHECKED: ECM		
PASTOR, BEHLING & WHEELER, LLC CONSULTING ENGINEERS AND SCIENTISTS			

**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 61**

**HCAD ID - 0141390000009**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*The South Forty feet (S 40') of Lot Four (4), in Block One (1), of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map and plat records thereof.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Guadalupe Rivera (Owner) and devisee of the estate Johnnie Ellis with an address of 3401 Erastus, Houston, Texas 77026. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

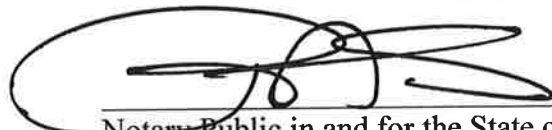
Executed this 31<sup>st</sup> day of March, 2015.

  
Name: Guadalupe Rivera

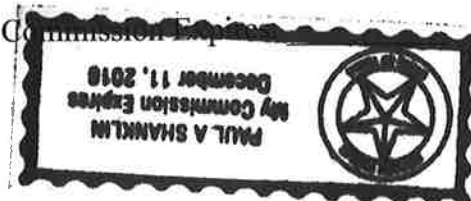
STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the 31st day of March, 2015, personally appeared Guadalupe Rivera [owner], 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 31 day of February, 2015.

  
Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires



Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [RESPONDER], known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.

David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

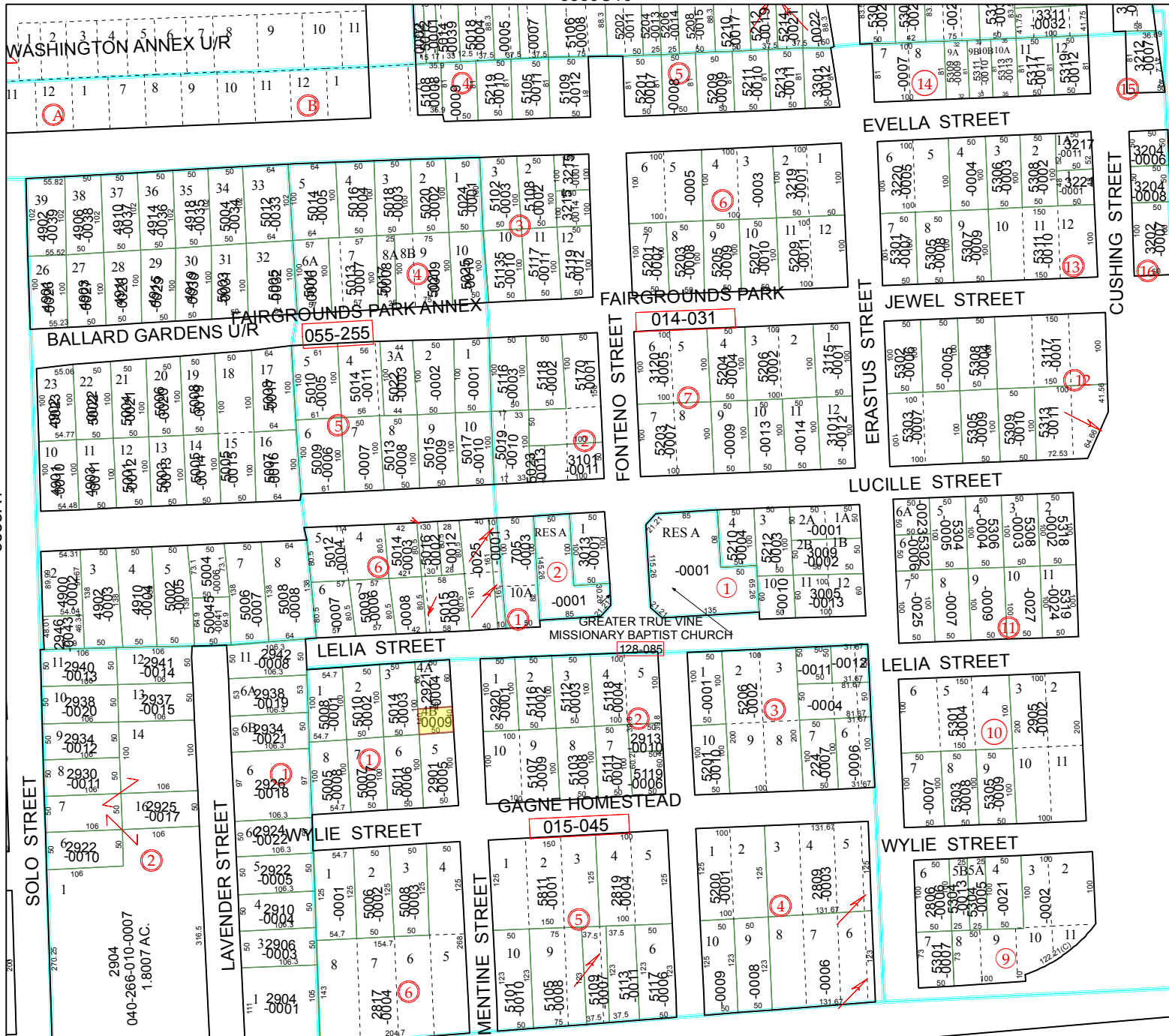
Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1

5559C10



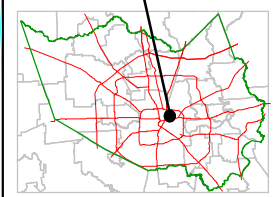
# Harris County Appraisal District



0 100 200  
**PUBLICATION DATE:**  
 1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A6

5558A1

5558A3



**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-12-9243  
Date: December 13, 2012

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 5<sup>th</sup> day of December, 2012, we find the following:

**Title Vested In:**

Guadalupe Rivera and wife, Alicia Rivera (by Warranty Deed filed for record under Harris County Clerk's File No. R478026)

**Property Description: (Map ID# 61) (Tax ID# 014-139-000-0009)**

The South forty feet (S 40') of Lot Four (4), in Block One (1), of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 1, Page 55 of the Map Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

**Restrictions:**

None of record.

**Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

None of record.

**Involuntary Liens:**

- 1) Abstract of Judgment filed April 26, 2010, under Harris County Clerk's File No. 20100166073, styled Cach, LLC, vs. Alicia Rivera, in the principal amount of \$3,564.00, plus cost, interest and attorney's fees.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

**Texas American Title Company**



---

Darrell Stone  
Title Examiner

**EXHIBIT 2**  
**AFFECTED PROPERTY MAP**



**EXHIBIT 3**

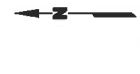
**PLUME MANAGEMENT ZONE MAP**



**EXPLANATION**

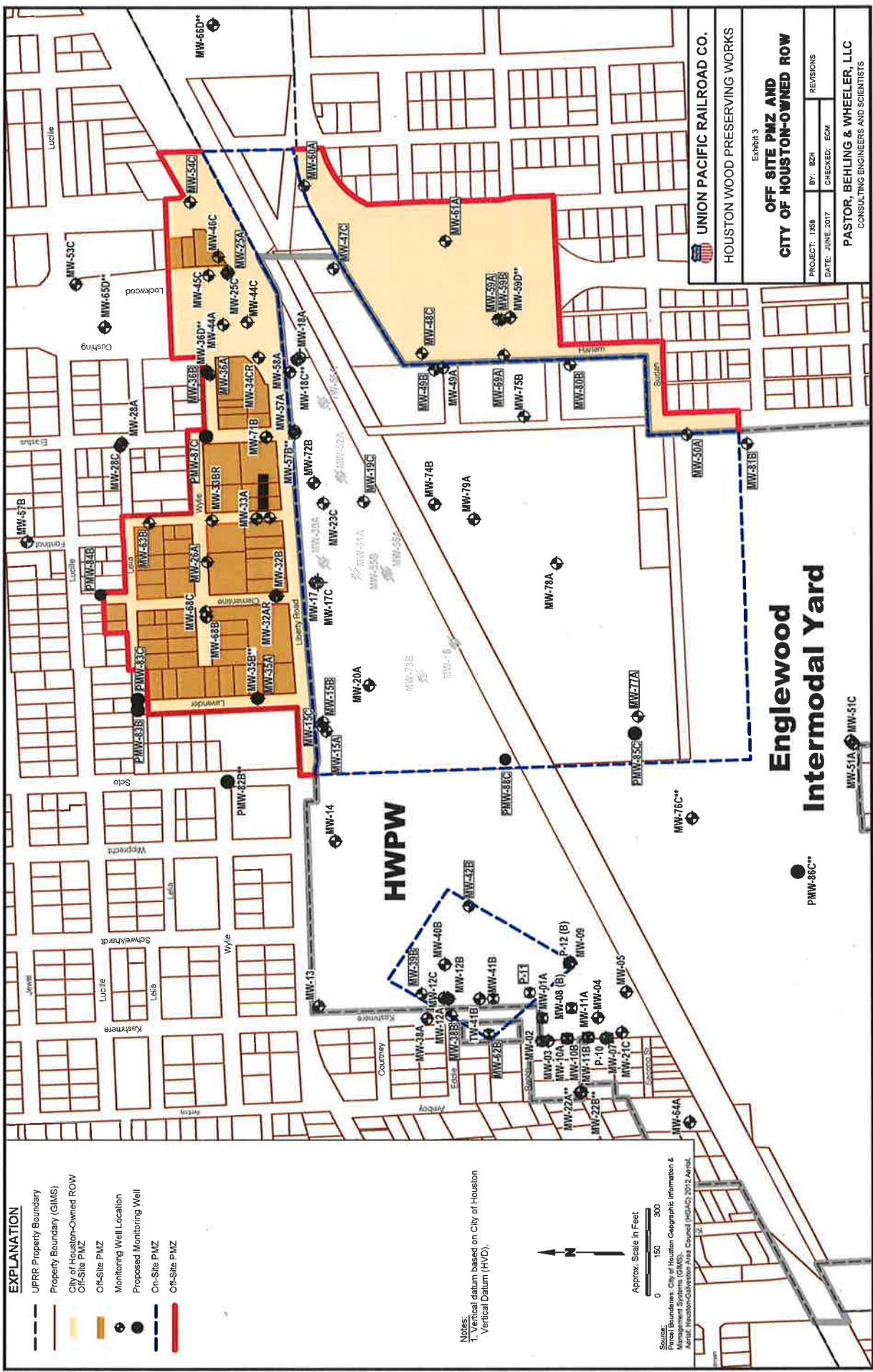
- UPRR Property Boundary
- Property Boundary (GIMS)
- City of Houston-Owned ROW
- Off-Site PMZ
- Monitoring Well Location
- Proposed Monitoring Well
- On-Site PMZ
- Off-Site PMZ

Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).



Approx. Scale in Feet

Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.



UNION PACIFIC RAILROAD CO. HOUSTON WOOD PRESERVING WORKS		
Exhibit 3 <b>OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW</b>		
PROJECT: 158	BY: BZH	REVISIONS
DATE: JUNE 2017	CHECKED: ECM	
PASTOR, BEHLING & WHEELER, LLC CONSULTING ENGINEERS AND SCIENTISTS		

**Englewood Intermodal Yard**

**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 63**

**HCAD ID - 0141400000002**



## Restrictive Covenant

STATE OF TEXAS	§
	§
COUNTY OF HARRIS	§

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lot Two (2) in Block Two (2), Of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas, according to the Map or plat records thereof.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Elizabeth Thomas (Owner) with an address of 5108 Lelia Street, Houston, Texas 77026. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

Executed this 31<sup>st</sup> day of March, 2015.


By:   
Name: Elizabeth Thomas

STATE OF TEXAS

HARRIS COUNTY

BEFORE ME, on this the 31st day of March, 2015, personally appeared Elizabeth Thomas, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 31st day of March, 2015.

  
Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires



Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

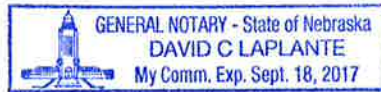
By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [RESPONDER], known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.  
David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

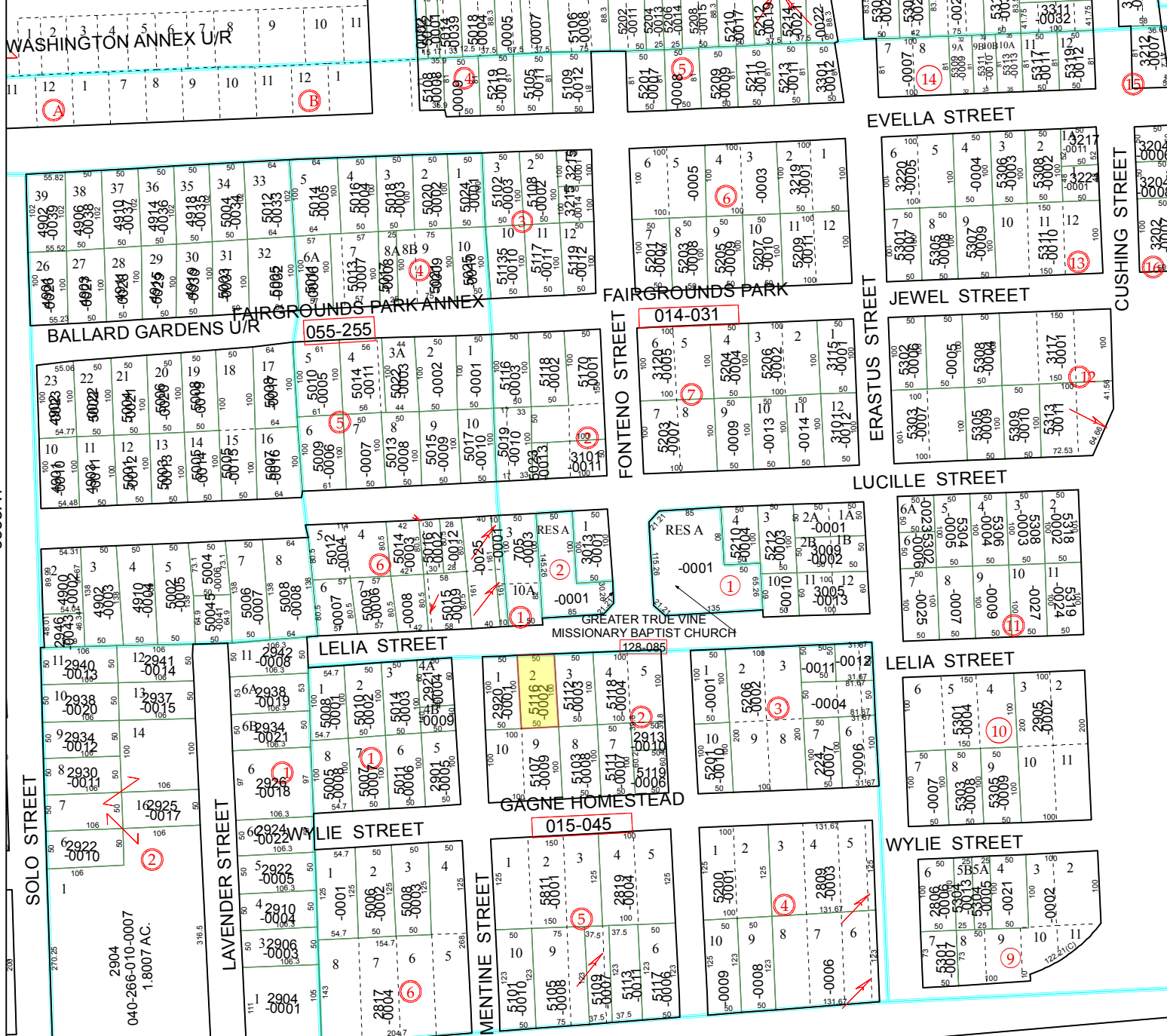
Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1

5559C10



5558A6

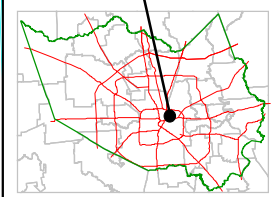
# Harris County Appraisal District



0 100 200  
PUBLICATION DATE:  
1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A1

2904  
040-266-010-0007  
1.8007 AC.

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-12-9274  
Date: December 15, 2012

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 9<sup>th</sup> day of December, 2012, we find the following:

### **Title Vested In:**

Elizabeth Thomas (by Warranty Deed filed for record under Harris County Clerk's File No. E525502)

### **Property Description: (Map ID# 63) (Tax ID# 014-140-000-0002)**

Lot Two (2), in Block Two (2), of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 1, Page 55 of the Map Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

### **Restrictions:**

None of record.

### **Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

### **Property Liens:**

- 1) Paving Lien Notice filed on January 31, 1977, (topping project no. 303), filed under Harris County Clerk's File No. F029142, (Film Code No. 157-20-1662), executed by the City of Houston, showing portions of Lelia Street, and assessing a portion of the cost thereof, against the owners of the property abutting thereon.

**Involuntary Liens:**

- 1) Abstract of Judgment filed March 18, 2005, under Harris County Clerk's File No. Y334139, styled USA, vs. Elizabeth Thomas, in the principal amount of \$1,337.00, plus cost, interest and attorney's fees.
- 2) Abstract of Judgment filed January 18, 2006, under Harris County Clerk's File No. Z34499, styled CACV of Colorado, vs. Elizabeth Thomas, in the principal amount of \$2,156.00, plus cost, interest and attorney's fees.
- 3) Abstract of Judgment filed July 9, 2008, under Harris County Clerk's File No. 20080360210, styled Texas Dow Employees Credit Union, vs. Elizabeth Thomas, in the principal amount of \$21,784.00, plus cost, interest and attorney's fees.

**NOTES:**

- The Harris County Appraisal District indicate Carter Thomas as the current tax payer of the subject property, however we find no conveyance into Carter Thomas. There are numerous probates for persons with the name of Elizabeth Thomas, however we cannot determine which, if any, apply.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

**Texas American Title Company**



Darrell Stone  
Title Examiner

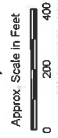
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

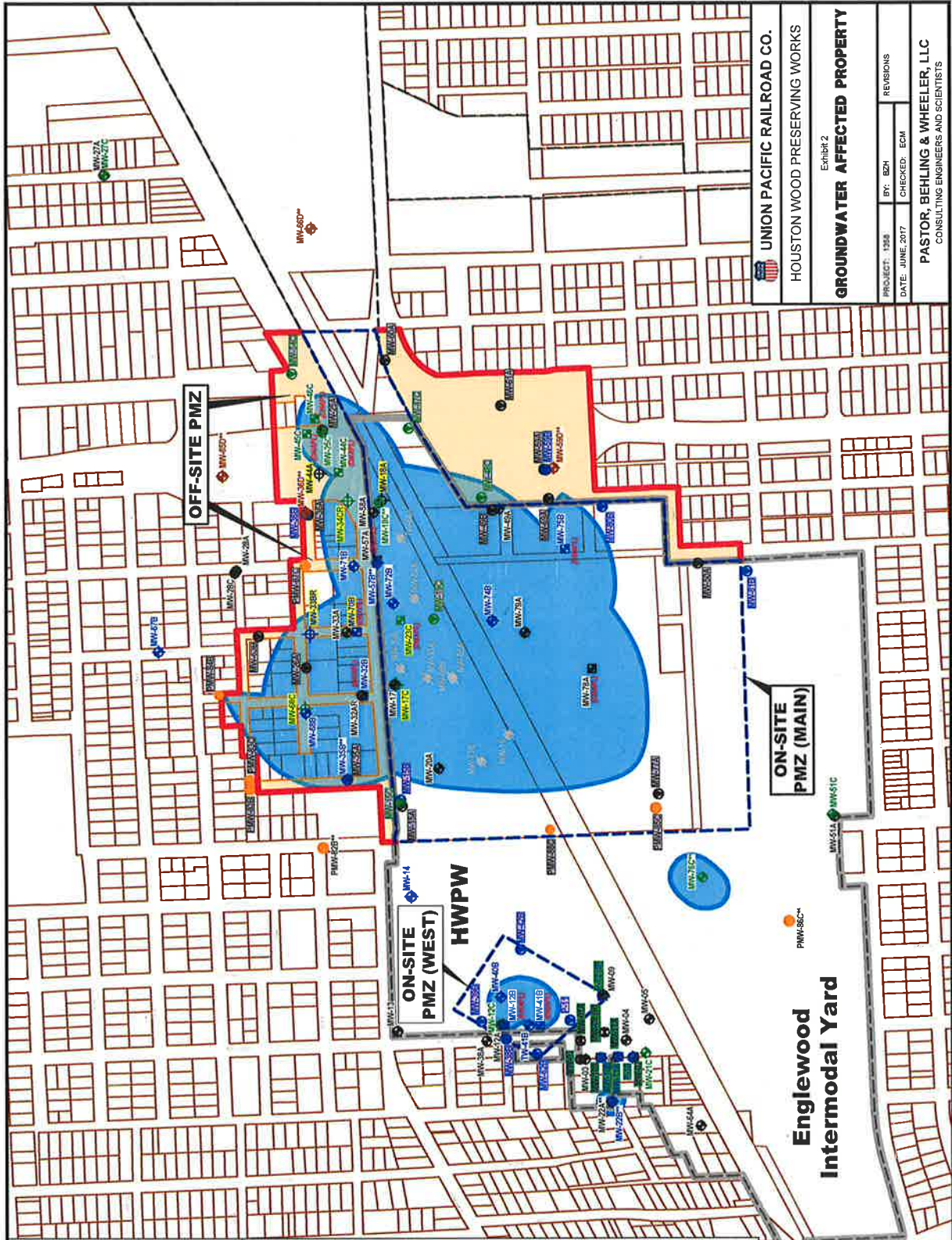
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GIS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**

1. Vertical datum based on City of Houston (POC).
2. DNAPL = dense non aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Source: City of Houston Geographic Information & Mapping System  
 Author: Houston-Clayton Area Council (HAC) 2012 Aerial



**UNION PACIFIC RAILROAD CO.**

HOUSTON WOOD PRESERVING WORKS

Exhibit 2

**GROUNDWATER AFFECTED PROPERTY**

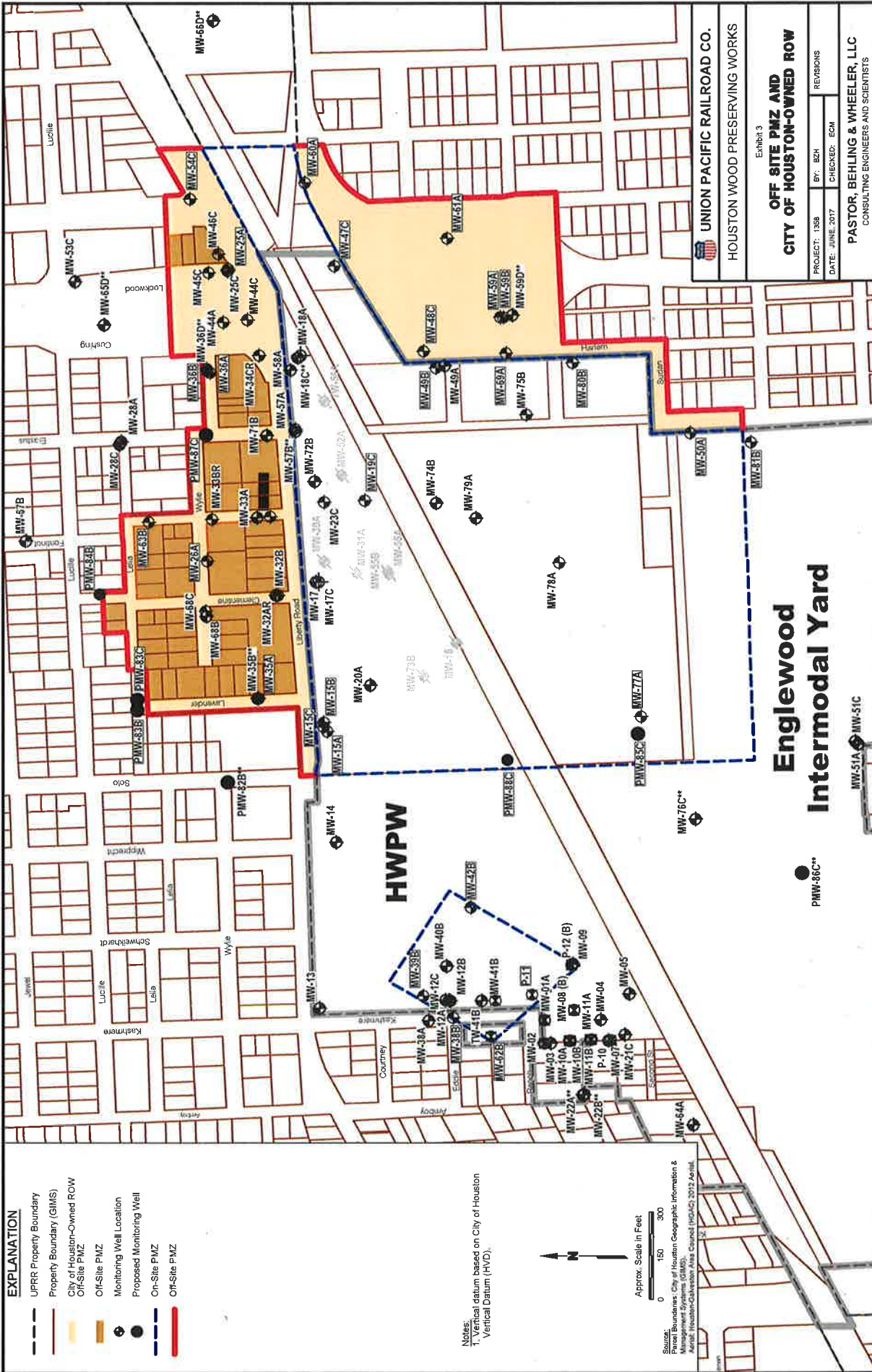
PROJECT: 1559	BY: BZN	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	

**PASTOR, BEHLING & WHEELER, LLC**  
CONSULTING ENGINEERS AND SCIENTISTS

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**





**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 64**

**HCAD ID - 0141400000003**



## Restrictive Covenant

STATE OF TEXAS §

§

COUNTY OF HARRIS §

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lot Three (3) in Block two (2), of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Elizabeth Thomas (Owner) with an address of 5116 Lelia Street, Houston, Texas 77026. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

Executed this 31<sup>st</sup> day of March, 2015.

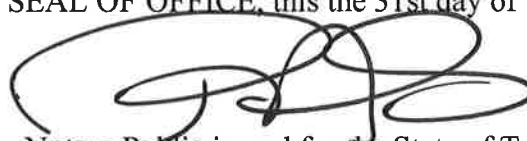
By:   
Name: Elizabeth Thomas

STATE OF TEXAS

HARRIS COUNTY

BEFORE ME, on this the 31st day of March, 2015, personally appeared Elizabeth Thomas, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 31st day of March, 2015.



Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires:



Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

By: Tony Love

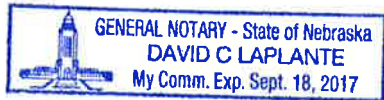
Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [RESPONDER], known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.

David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

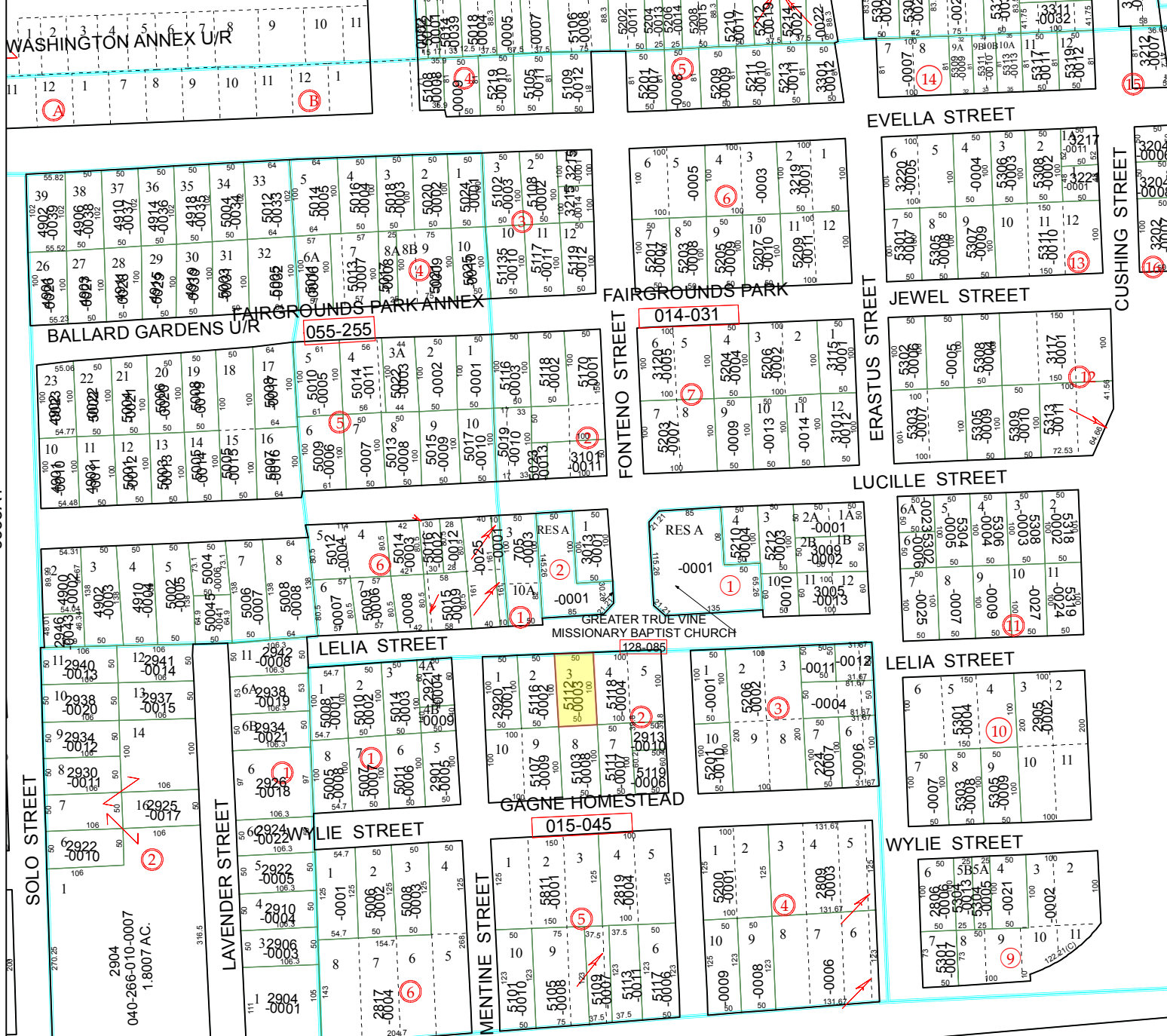
Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1

5559C10



5558A6

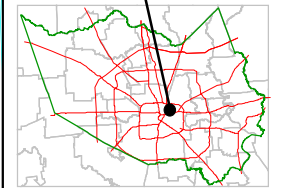
# Harris County Appraisal District



0 100 200  
 PUBLICATION DATE:  
 1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A1

2904  
 040-266-010-0007  
 1.8007 AC.

162925  
 00017

015-045

014-031

055-255

5558A3



**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-12-9275  
Date: December 15, 2012

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 9<sup>th</sup> day of December, 2012, we find the following:

### **Title Vested In:**

The Heirs and Devisees of the Estate of Francis Potts, deceased (by Warranty Deed filed for record under Volume 511, Page 583 of the Deed Records of Harris County, Texas)

### **Property Description: (Map ID#64) (Tax ID# 014-140-000-0003)**

Lot Three (3), in Block Two (2), of Finn Subdivision out of the Gagne Homestead, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 1, Page 55 of the Map Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

### **Restrictions:**

None of record.

### **Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

- 1) Paving Lien Notice filed on January 31, 1977, (topping project no. 303), filed under Harris County Clerk's File No. F029142, (Film Code No. 157-20-1662), executed by the City of Houston, showing portions of Lelia Street, and assessing a portion of the cost thereof, against the owners of the property abutting thereon.

**Involuntary Liens:**

None of record.

**NOTES:**

- The Harris County Appraisal District indicate Avie Potts as the current tax payer of the subject property, however we find no conveyance into Avie Potts. It is assumed that Francis Potts is now deceased, however we find no heirship proceedings or probates of record.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

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**Texas American Title Company**



---

Darrell Stone  
Title Examiner

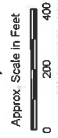
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

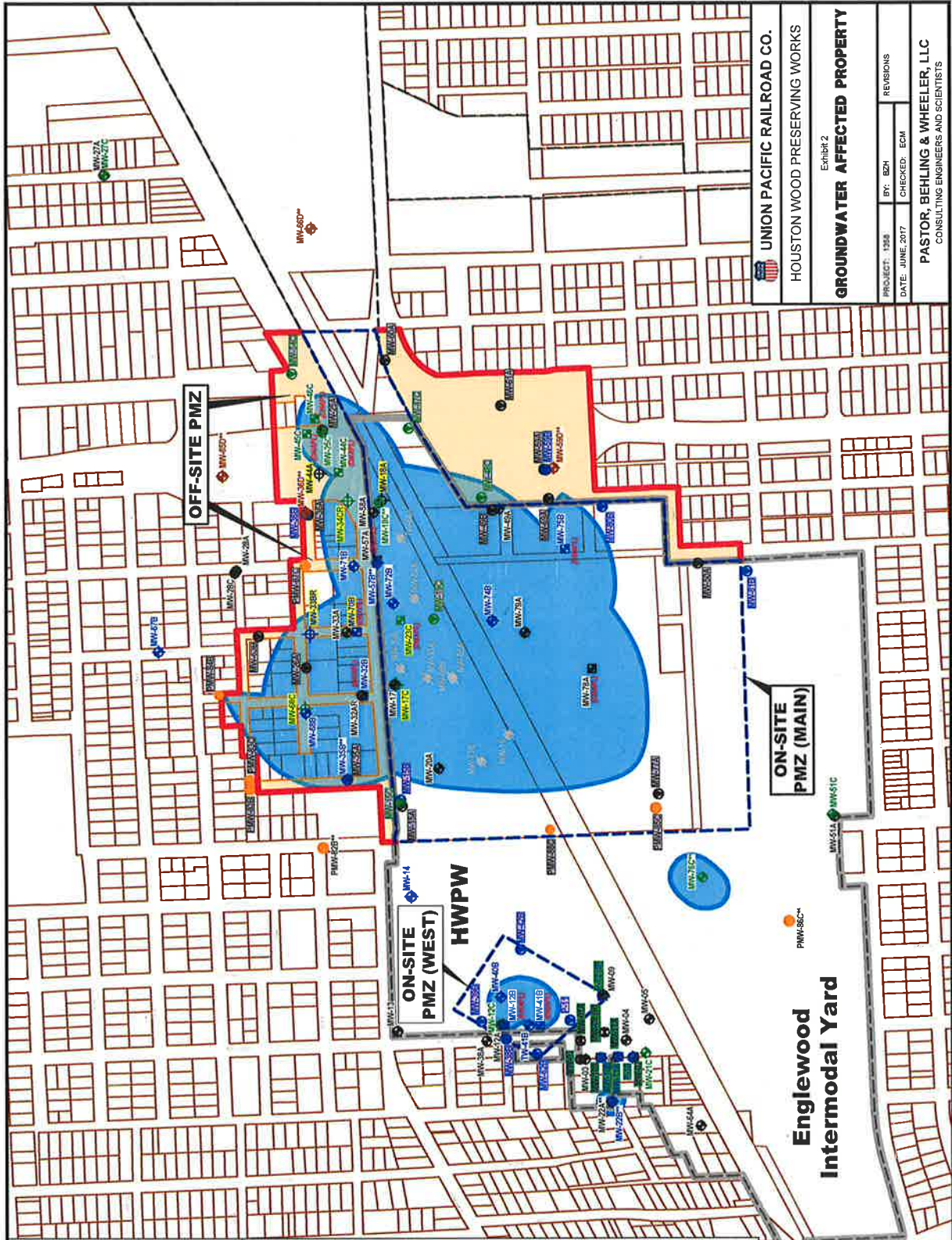
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GIS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**

1. Vertical datum based on City of Houston (POC).
2. DNAPL = dense non-aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Source: City of Houston Geographic Information & Mapping System  
 Author: Houston-Clayton Area Council (HAC) 2012 Aerial



**UNION PACIFIC RAILROAD CO.**

HOUSTON WOOD PRESERVING WORKS

Exhibit 2

**GROUNDWATER AFFECTED PROPERTY**

PROJECT: 1559	BY: BZN	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	

**PASTOR, BEHLING & WHEELER, LLC**  
CONSULTING ENGINEERS AND SCIENTISTS

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**



**EXPLANATION**

- UPRR Property Boundary
- Property Boundary (GIMS)
- City of Houston-Owned ROW
- Off-Site PMZ
- Off-Site PMZ
- Monitoring Well Location
- Proposed Monitoring Well
- On-Site PMZ
- Off-Site PMZ

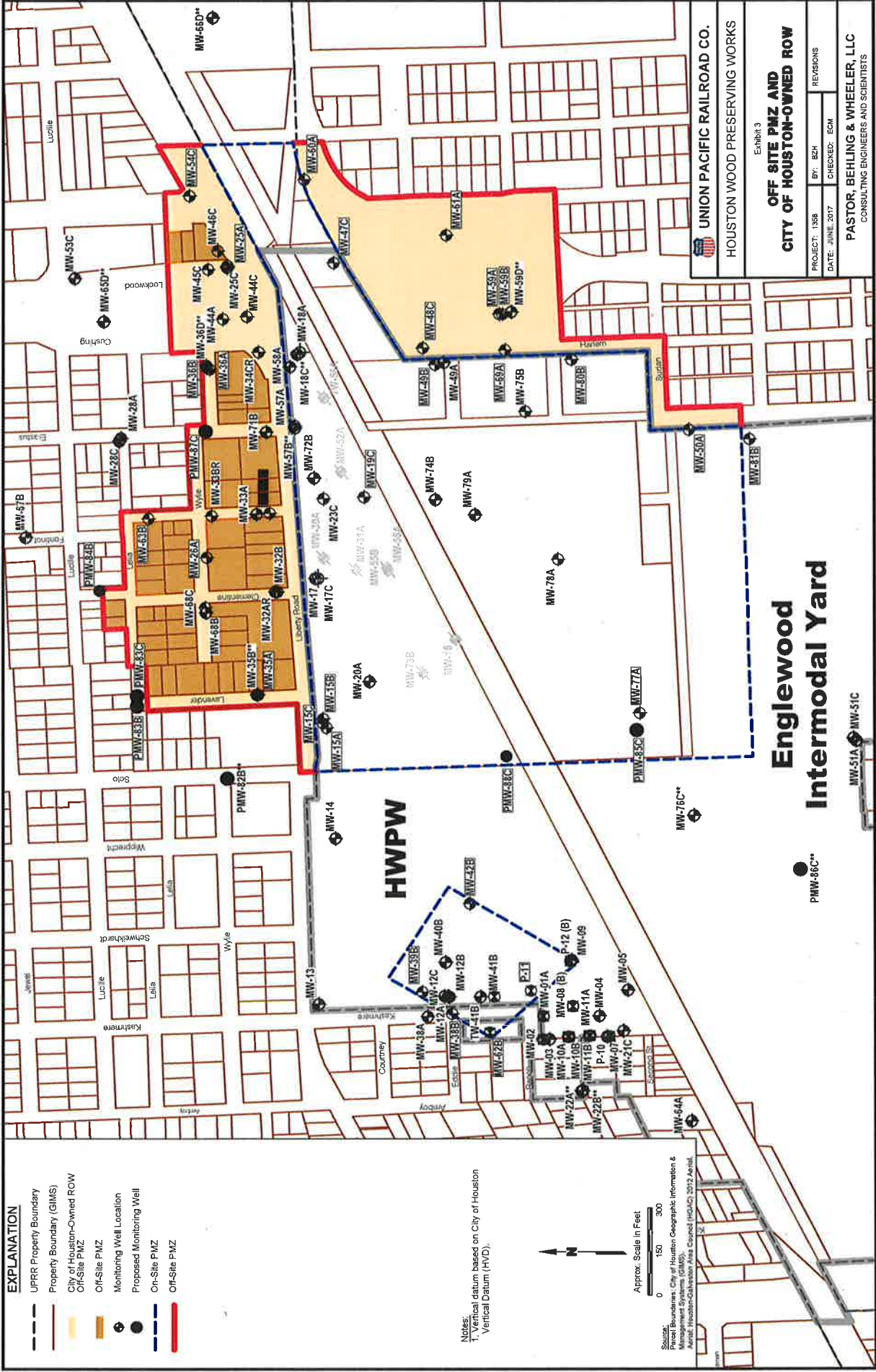
Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).



Approx. Scale in Feet



Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.



<b>UNION PACIFIC RAILROAD CO.</b> HOUSTON WOOD PRESERVING WORKS	
Exhibit 3 <b>OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW</b>	
PROJECT: 158	BY: BZH
DATE: JUNE 2017	CHECKED: ECM
REVISIONS <b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS	

**Englewood Intermodal Yard**

MW-51A MW-51C

PMW-86C\*\*

MW-76C\*\*

PMW-83C MW-77A

MW-78A

MW-74B

MW-48C

MW-59A MW-59B MW-59D\*\*

MW-51A MW-51B

MW-53C MW-65D\*\*

MW-66D\*\*

**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 76**

**HCAD ID - 0402660100019**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*Lot Ten (10), and the North Three (3) feet of Lot Nine (9), Liberty Road Estates, an unrecorded subdivision of the Northwest portion of the Gagne tract in Harris County, Texas according to the map and plat records thereof.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Mary D. Hutchins, daughter and sole heir of Essie Lee Hutchins (Owner) with an address of 2938 Lavender Street, Houston, Texas 77026. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.


Executed this 7<sup>th</sup> day of April, 2015.

By:   
Name: Mary D. Hutchins

STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the 7<sup>th</sup> day of April, 2015, personally appeared Mary D. Hutchins, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 22 day of April, 2015.

  
Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires:



Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

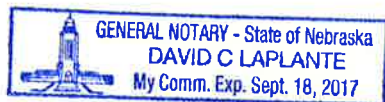
STATE OF NEBRASKA       §  
DOUGLAS COUNTY         §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation **[RESPONDER]**, known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.

David C. Laplante

Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_





Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

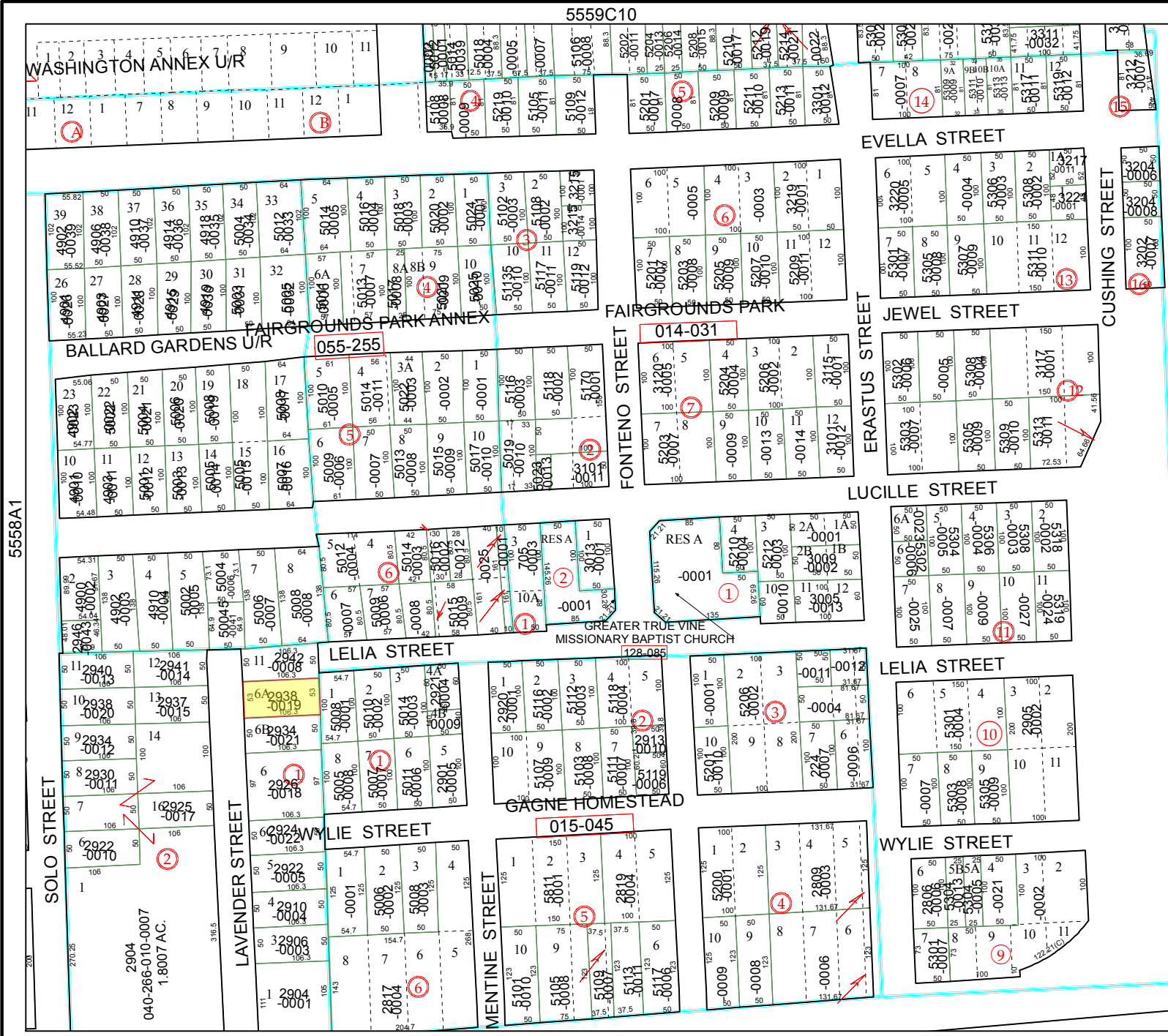
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1



5558A1

5559C10

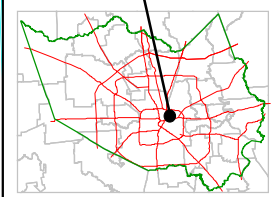
## Harris County Appraisal District



0 100 200  
**PUBLICATION DATE:**  
 1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A6

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-13-0479

Date: January 22, 2013

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 9<sup>th</sup> day of January, 2013, we find the following:

**Title Vested In:**

Essie Lee Hutchins (by Warranty Deed filed for record under Harris County Clerk's File No. P469225)

**Property Description: (Map ID# 76) (Tax ID# 040-266-010-0019)**

Lot Ten (10), and the North Three (3) feet of Lot Nine (9), Liberty Road Estates, an unrecorded subdivision, same being a resubdivision of a tract of 5.140 acres out of the Northwest portion of the Gagne Tract, which is the middle portion of Lot Eight (8), Second Tier from Buffalo Bayou, out of the Harris & Wilson Two League Grant in Harris County, Texas and being the same land conveyed to John Grado and V. Billitti by Mary Alice Alexander, et vir, by deed dated September 14, 1894, recorded in Volume 79, Page 242 of the Deed Records of Harris County, Texas. Said Lot Ten (10) and North Three (3) feet of Lot Nine (9), Liberty Road Estates is further described by metes and bounds as follows to wit:

Beginning at the Northeast corner of said 5.140 acre tract;

THENCE South 50 feet for place of beginning, being the Northeast corner of the tract herein described, and at a point in the East line of the Pancamo tract;

THENCE South 53 feet along the East line of the Pancamo tract a distance of 53 feet for the Southeast corner;

THENCE West a distance of 106.3 feet to a point in the East line of Lavender Street for the Southwest corner;

THENCE North a distance of 53 feet, same being the Southwest corner of Lot 11;

THENCE East a distance of 106.3 feet to the place of beginning.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

**Restrictions:**

None of record.

**Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

- 1) Paving Lien Notice filed on January 31, 1977, (topping project no. 303), filed under Harris County Clerk's File No. F029142, (Film Code No. 157-20-1662), executed by the City of Houston, showing portions of Lavender Street, and assessing a portion of the cost thereof, against the owners of the property abutting thereon.

**Involuntary Liens:**

None of record.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

**Texas American Title Company**



---

Darrell Stone  
Title Examiner

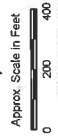
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

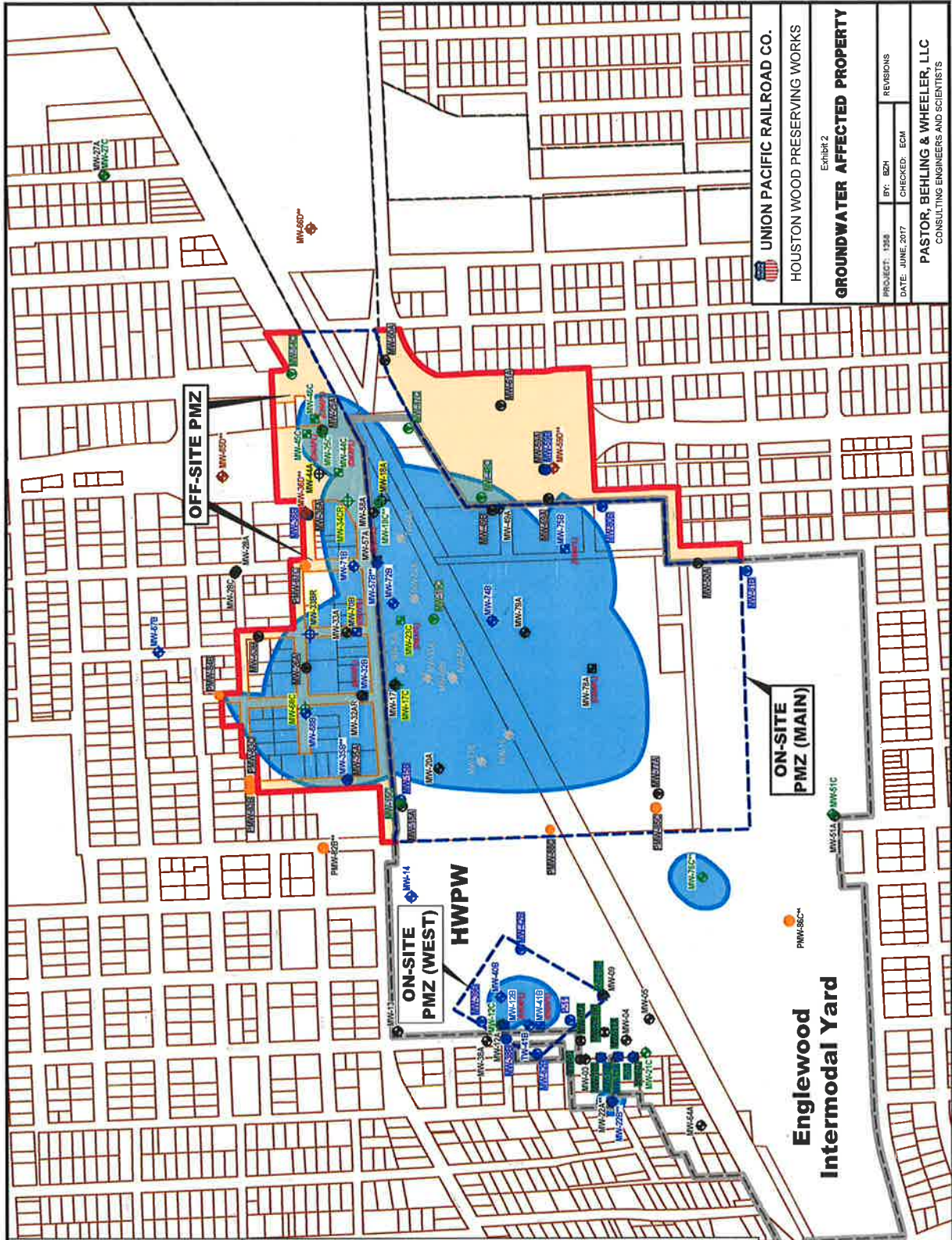
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GISMS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCLE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**

1. Vertical datum based on City of Houston (POC).
2. DNAPL = dense non aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Source: City of Houston Geographic Information & Mapping System  
 Author: Houston-Clayton Area Council (HAC) 2012 Aerial



**UNION PACIFIC RAILROAD CO.**

HOUSTON WOOD PRESERVING WORKS

Exhibit 2

**GROUNDWATER AFFECTED PROPERTY**

PROJECT: 1559	BY: BZN	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	

**PASTOR, BEHLING & WHEELER, LLC**  
CONSULTING ENGINEERS AND SCIENTISTS



**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**

**EXPLANATION**

- UPRR Property Boundary
- Property Boundary (GIMS)
- City of Houston-Owned ROW
- Off-Site PMZ
- Off-Site PMZ
- Monitoring Well Location
- Proposed Monitoring Well
- On-Site PMZ
- Off-Site PMZ

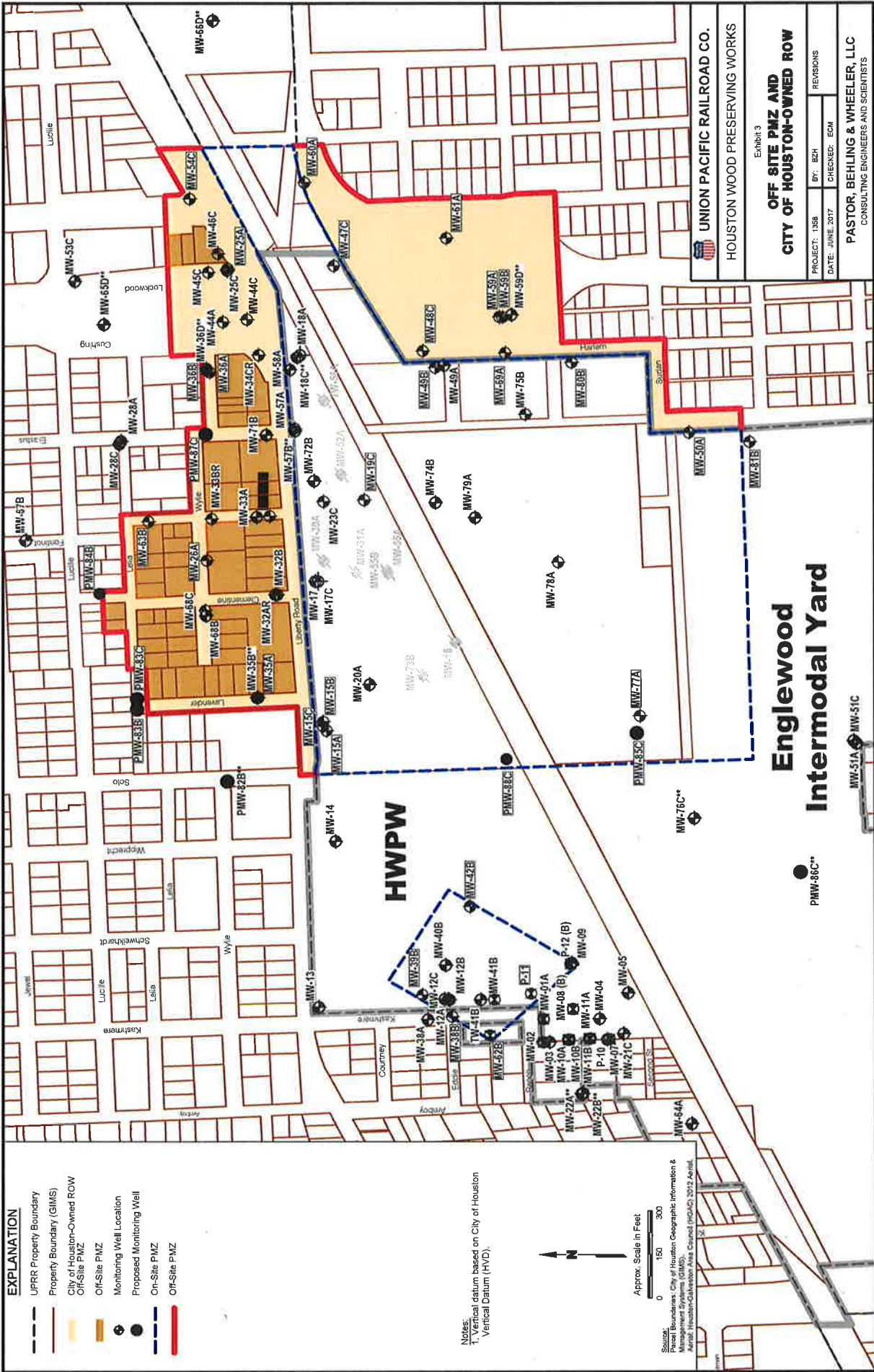
Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).



Approx. Scale in Feet



Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.



<b>UNION PACIFIC RAILROAD CO.</b> HOUSTON WOOD PRESERVING WORKS	
Exhibit 3 <b>OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW</b>	
PROJECT: 158	BY: BZH
DATE: JUNE 2017	CHECKED: ECM
REVISIONS <b>PASTOR, BEHLING &amp; WHEELER, LLC</b> CONSULTING ENGINEERS AND SCIENTISTS	

**Englewood Intermodal Yard**

MW-51A MW-51C

PMW-86C\*\*

MW-76C\*\*

PMW-83C MW-77A

MW-78A

MW-74B

MW-49A

MW-59A

MW-59B

MW-59D\*\*

MW-51A

MW-51B

MW-51C

MW-51D

MW-51E

MW-51F

MW-51G

MW-51H

MW-51I

MW-51J

MW-51K

MW-51L

MW-51M

**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 77**

**HCAD ID - 0402660100021**





1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

Executed this 31<sup>st</sup> day of March, 2015.

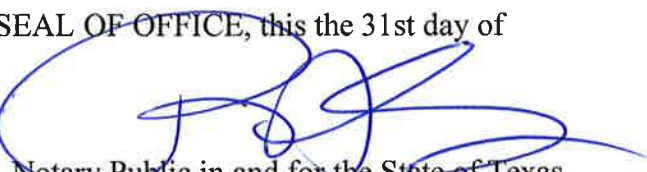
By: Zearlene Osborn  
Name: Zearlene Osborn

STATE OF TEXAS

HARRIS COUNTY

BEFORE ME, on this the 31st day of March, 2015, personally appeared Zearlene Osborn, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 31st day of March, 2015.

  
Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires





Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

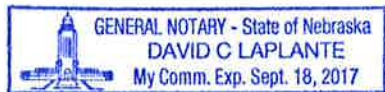
By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [RESPONDER], known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.  
David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

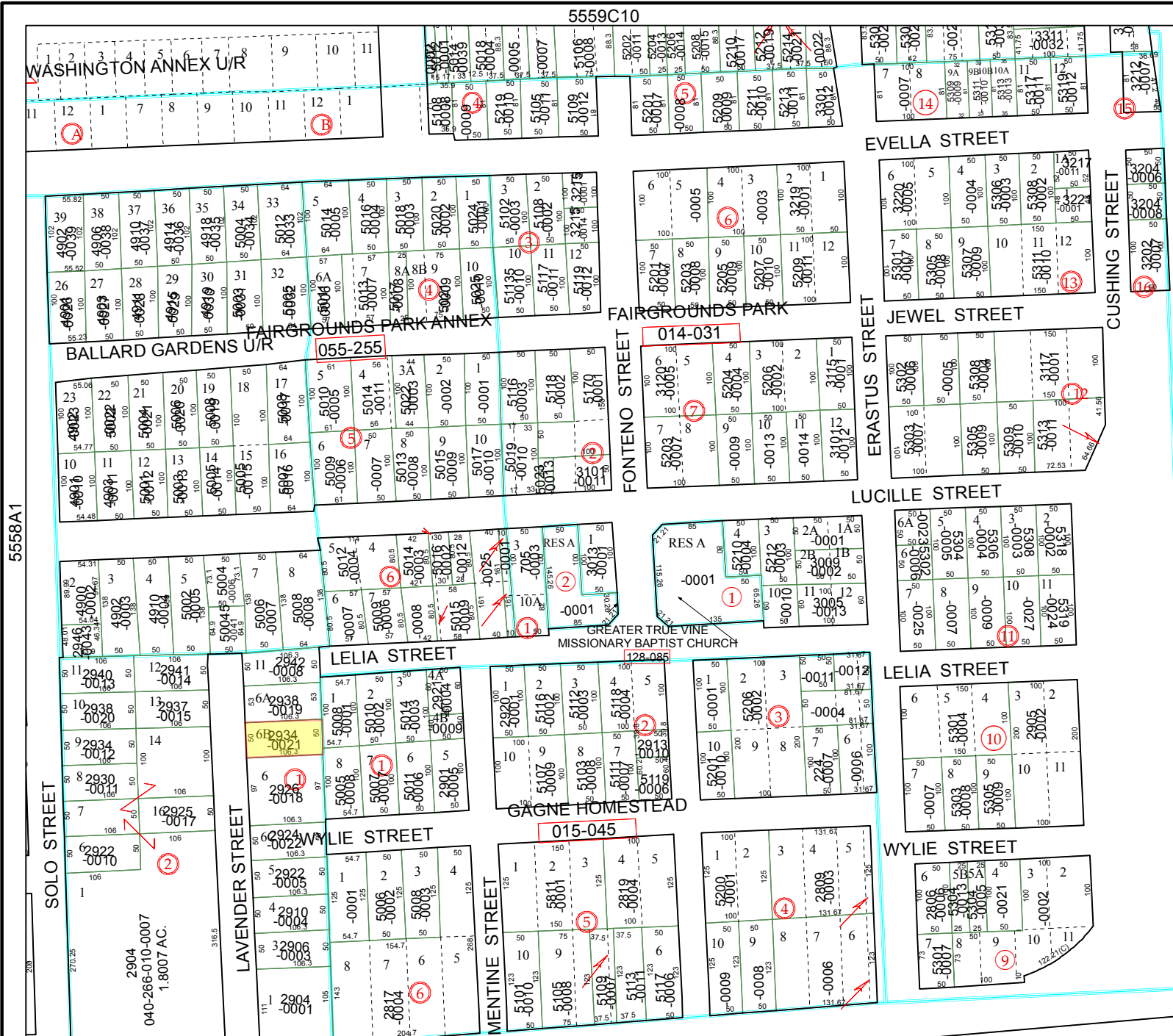
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1



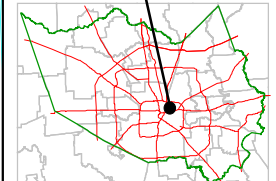
# Harris County Appraisal District



0 100 200  
**PUBLICATION DATE:**  
 1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A1

5558A3

5558A6

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-13-0512

Date: January 23, 2013

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 9<sup>th</sup> day of January, 2013, we find the following:

### **Title Vested In:**

Clark Investment Company (by Deeds filed for record under Volume 2009, Page 337 and Volume 2015, Page 716, both of the Deed Records of Harris County, Texas)

### **Property Description: (Map ID# 77) (Tax ID# 040-266-010-0021)**

Tract Six-B (6B), in Block One (1), of Liberty Road Estates, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 1, Page 55 of the Map Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

### **Restrictions:**

None of record.

### **Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

- 1) Paving Lien Notice filed on January 31, 1977, (topping project no. 303), filed under Harris County Clerk's file No. F029142, (Film Code No. 157-20-1662), executed by the City of Houston, showing portions of Lavender Street, and assessing a portion of the cost thereof, against the owners of the property abutting thereon.

**Involuntary Liens:**

None of record.

**Notes:**

- Harris County Appraisal District describes the subject property as Tract 6B, however we find no conveyance describing same. According to the Appraisal Map, the subject property is comprised of portions of Lots 8 and 9, in Block 1 of Liberty Road Estates, unrecorded.
- Harris County Appraisal District reflects Zearlene Osborn as the current tax payer, however we find no conveyance out of Clark Investment Company or into Zearlene Osborn.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

**Texas American Title Company**



---

Darrell Stone  
Title Examiner

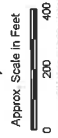
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

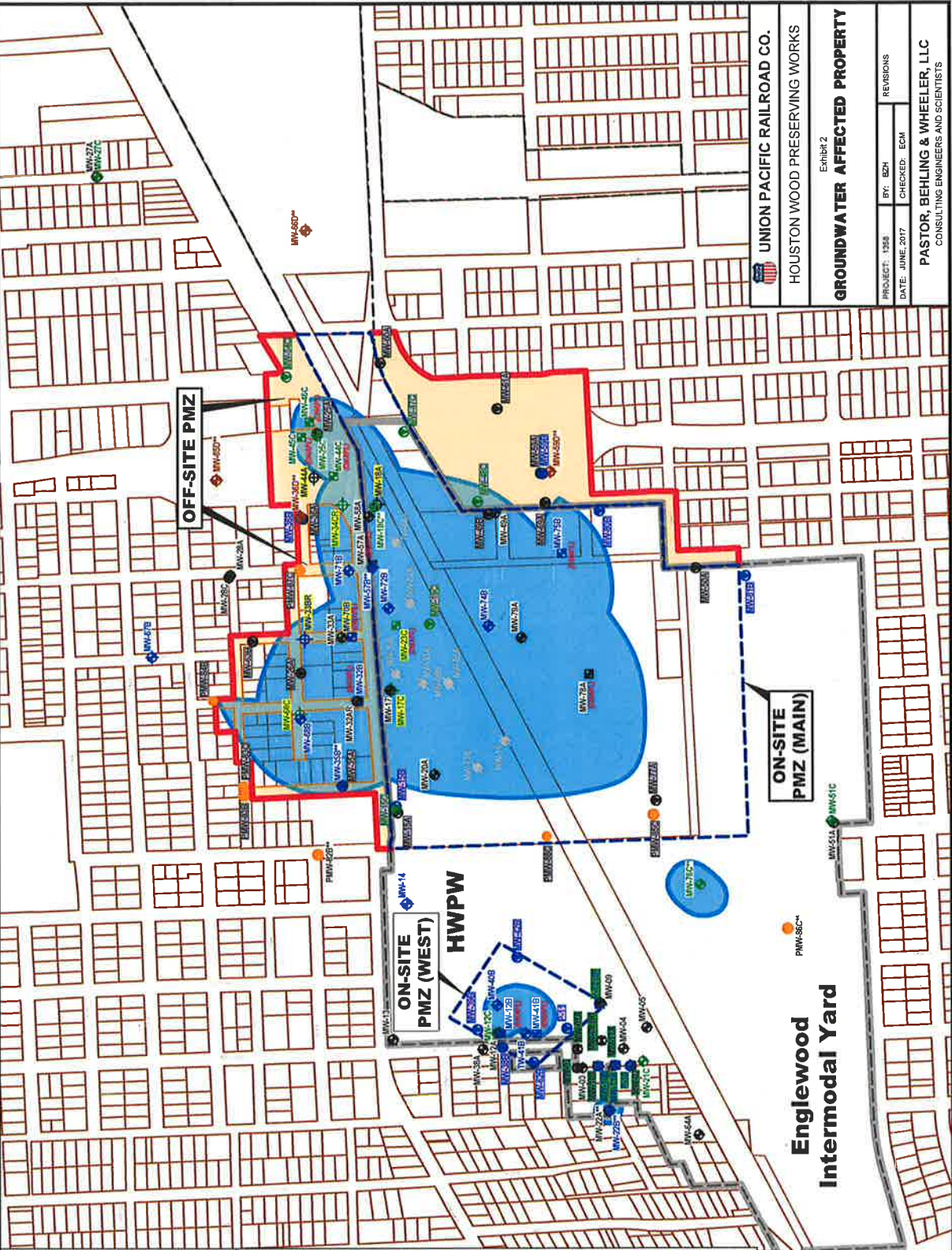
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GISMS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCLE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**

1. Vertical datum based on City of Houston (POC).
2. DNAPL = dense non aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Source: City of Houston Geographic Information & Mapping System  
 Author: Houston-Clayton Area Council (HAC) 2012 April



**UNION PACIFIC RAILROAD CO.**

HOUSTON WOOD PRESERVING WORKS

Exhibit 2

**GROUNDWATER AFFECTED PROPERTY**

PROJECT: 1559	BY: BZN	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	

PASTOR, BEHLING & WHEELER, LLC  
CONSULTING ENGINEERS AND SCIENTISTS

**Englewood Intermodal Yard**



**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**

**EXPLANATION**

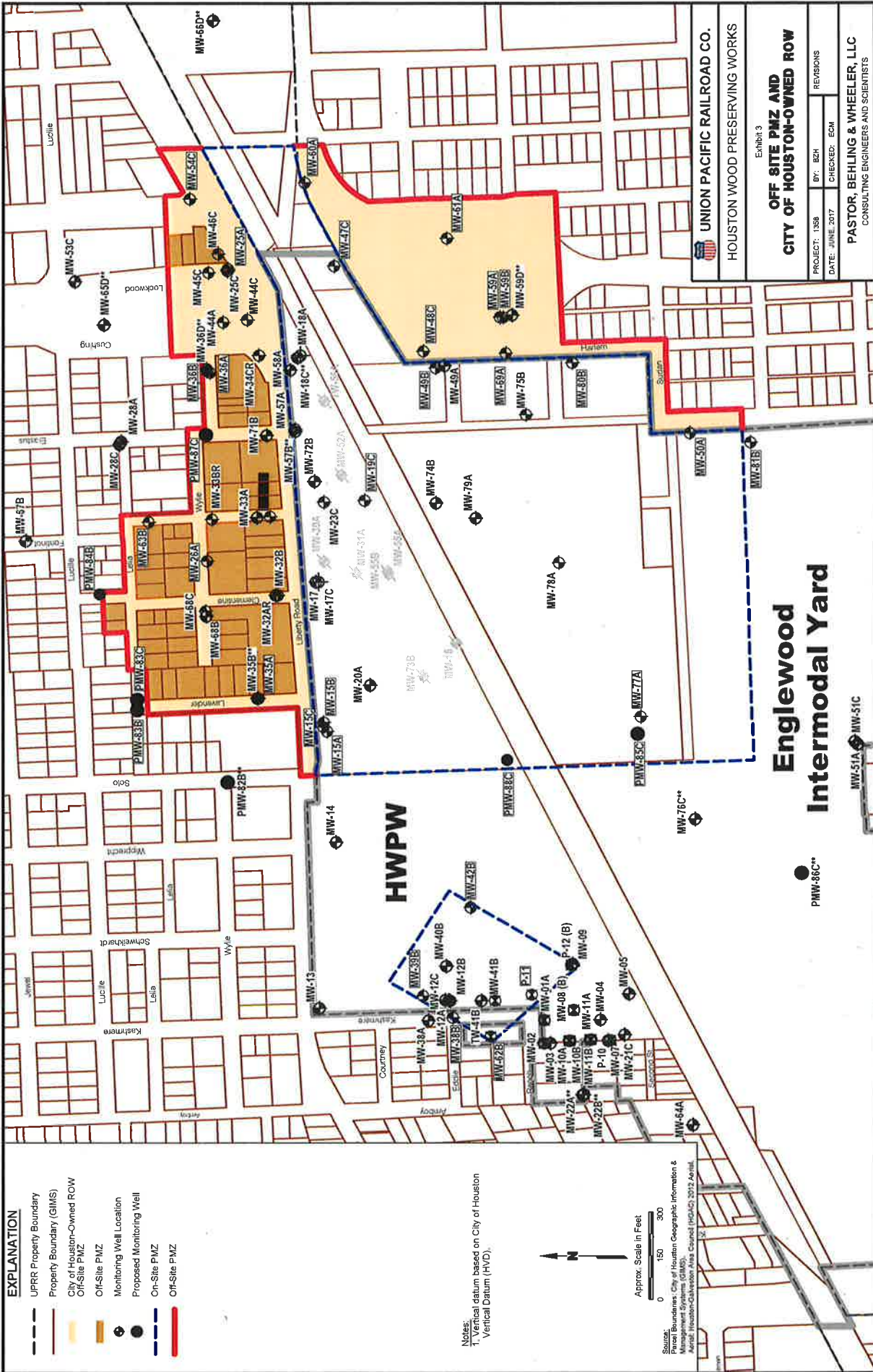
- - - UPRR Property Boundary
- - - Property Boundary (GIMS)
- - - City of Houston-Owned ROW
- - - Off-Site PMZ
- - - Off-Site PMZ
- Monitoring Well Location
- Proposed Monitoring Well
- On-Site PMZ
- - - Off-Site PMZ

Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).



Approx. Scale in Feet

Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.



UNION PACIFIC RAILROAD CO.  
 HOUSTON WOOD PRESERVING WORKS

Exhibit 3  
**OFF SITE PMZ AND  
 CITY OF HOUSTON-OWNED ROW**

PROJECT: 158  
 DATE: JUNE 2017

BY: BZH  
 CHECKED: EGM

REVISIONS

PASTOR, BEHLING & WHEELER, LLC  
 CONSULTING ENGINEERS AND SCIENTISTS

**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 81**

**HCAD ID - 0522570000008**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*The West 42 feet of Lot 8, in Block 6, of Fairgrounds Park Annex, an addition in Harris County, Texas according to the map or plat thereof.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Catherine Hall Lawrence (Owner) with an address of 5014 Lucille, Houston, Texas 77026. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their

respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

Executed this 29 day of April, 2015.

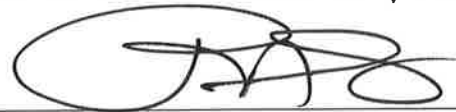
[OWNER]

By: Catherine Lawrence  
Name: Catherine Hall Lawrence

STATE OF TEXAS  
HARRIS COUNTY

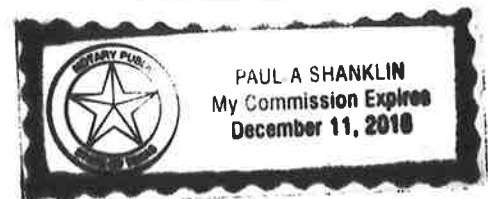
BEFORE ME, on this the 29 day of April, 2015, personally appeared Catherine Hall Lawrence, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 29 day of April, 2015.



Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires: \_\_\_\_\_





Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

By: Tony Love

Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA           §  
DOUGLAS COUNTY           §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [RESPONDER], known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.

David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

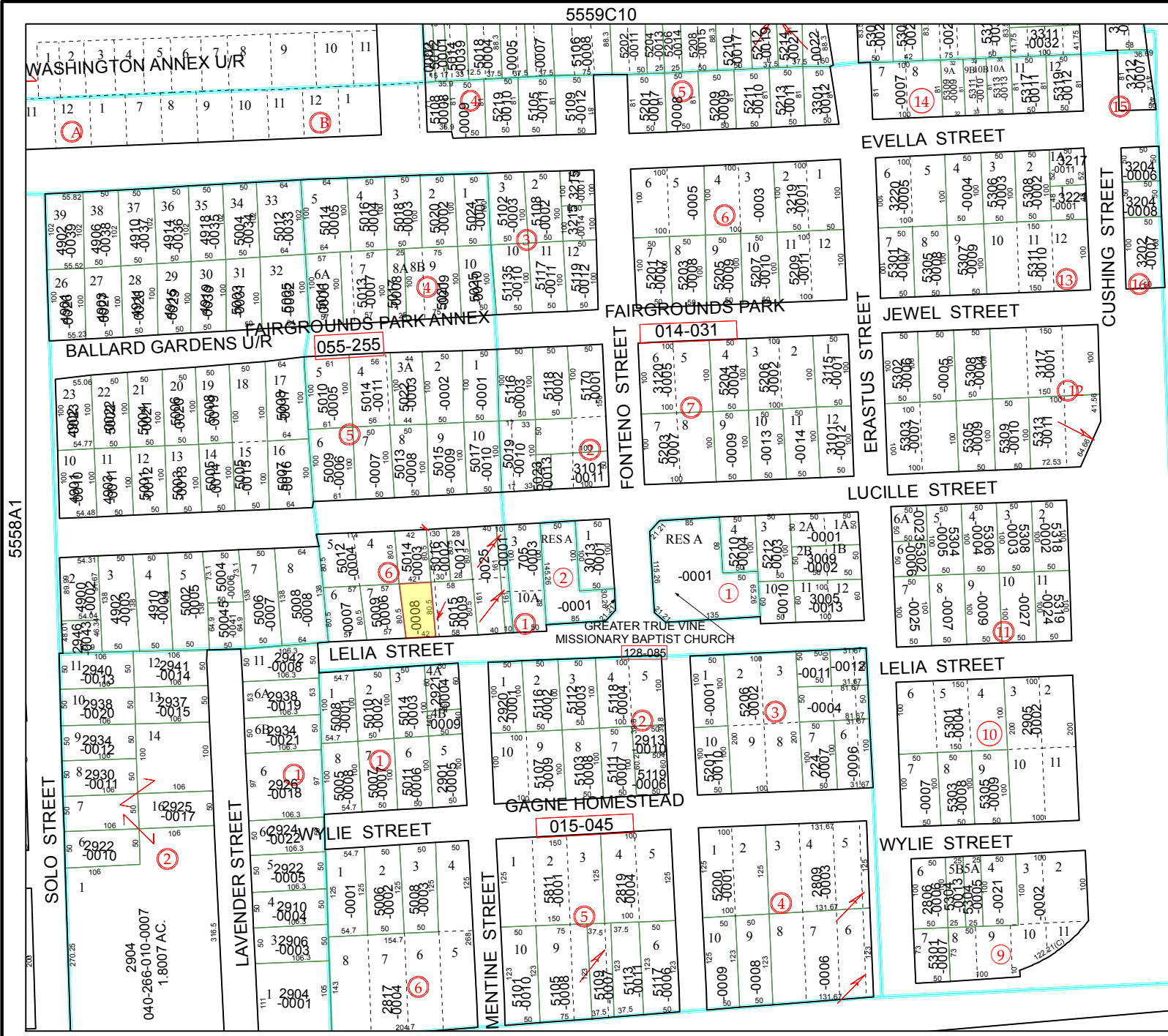
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1



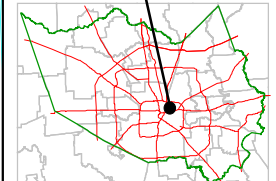
# Harris County Appraisal District



0 100 200  
**PUBLICATION DATE:**  
 1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



# FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

5558A1

5558A3

5558A6

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-13-0311

Date: January 16, 2013

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 9<sup>th</sup> day of January, 2013, we find the following:

**Title Vested In:**

Herbert B. Hall and Nealie Hall, his wife (by Deed filed for record under Volume 2391, Page 650 of the Deed Records of Harris County, Texas)

**Property Description: (Map ID# 81) (Tax ID# 052-257-000-0008)**

The West 42 feet of Lot Eight (8), in Block Six (6), of Fairground Park Annex, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 499, Page 70 of the Deed Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

**Restrictions:**

None of record.

**Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

**Property Liens:**

- 1) Paving Lien Notice filed on January 31, 1977, (topping project no. 303), filed under Harris County Clerk's File No. F029142, (Film Code No. 157-20-1662), executed by the City of Houston, showing portions of Lelia Street, and assessing a portion of the cost thereof, against the owners of the property abutting thereon.

**Involuntary Liens:**

None of record.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

**Texas American Title Company**



\_\_\_\_\_  
Darrell Stone  
Title Examiner

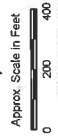
**EXHIBIT 2**

**AFFECTED PROPERTY MAP**

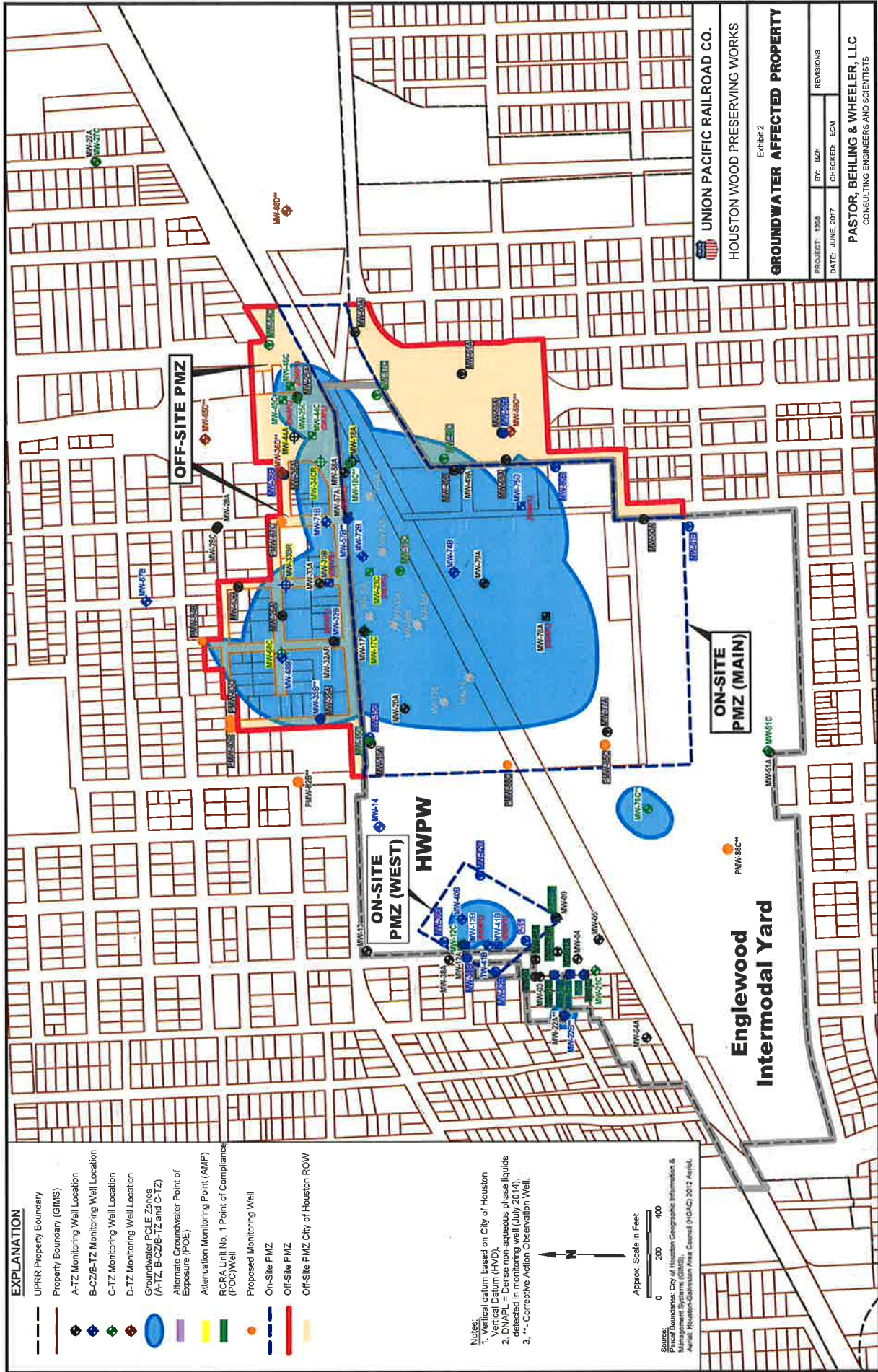
- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GIS)
  - A-TZ Monitoring Well Location
  - B-CZ/B-TZ Monitoring Well Location
  - C-TZ Monitoring Well Location
  - D-TZ Monitoring Well Location
  - Groundwater PCE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**

1. Vertical datum based on City of Houston (POC).
2. DNAPL = dense non-aqueous phase liquids detected in monitoring well (July 2014).
3. \*\*, Corrective Action Observation Well.



Source: City of Houston Geographic Information & Mapping System  
 Aerial, Topographic, and Aerial Imagery  
 Aerial, Topographic, and Aerial Imagery (TIGAC) 2012 Aerial.



**UNION PACIFIC RAILROAD CO.**

HOUSTON WOOD PRESERVING WORKS

Exhibit 2

**GROUNDWATER AFFECTED PROPERTY**

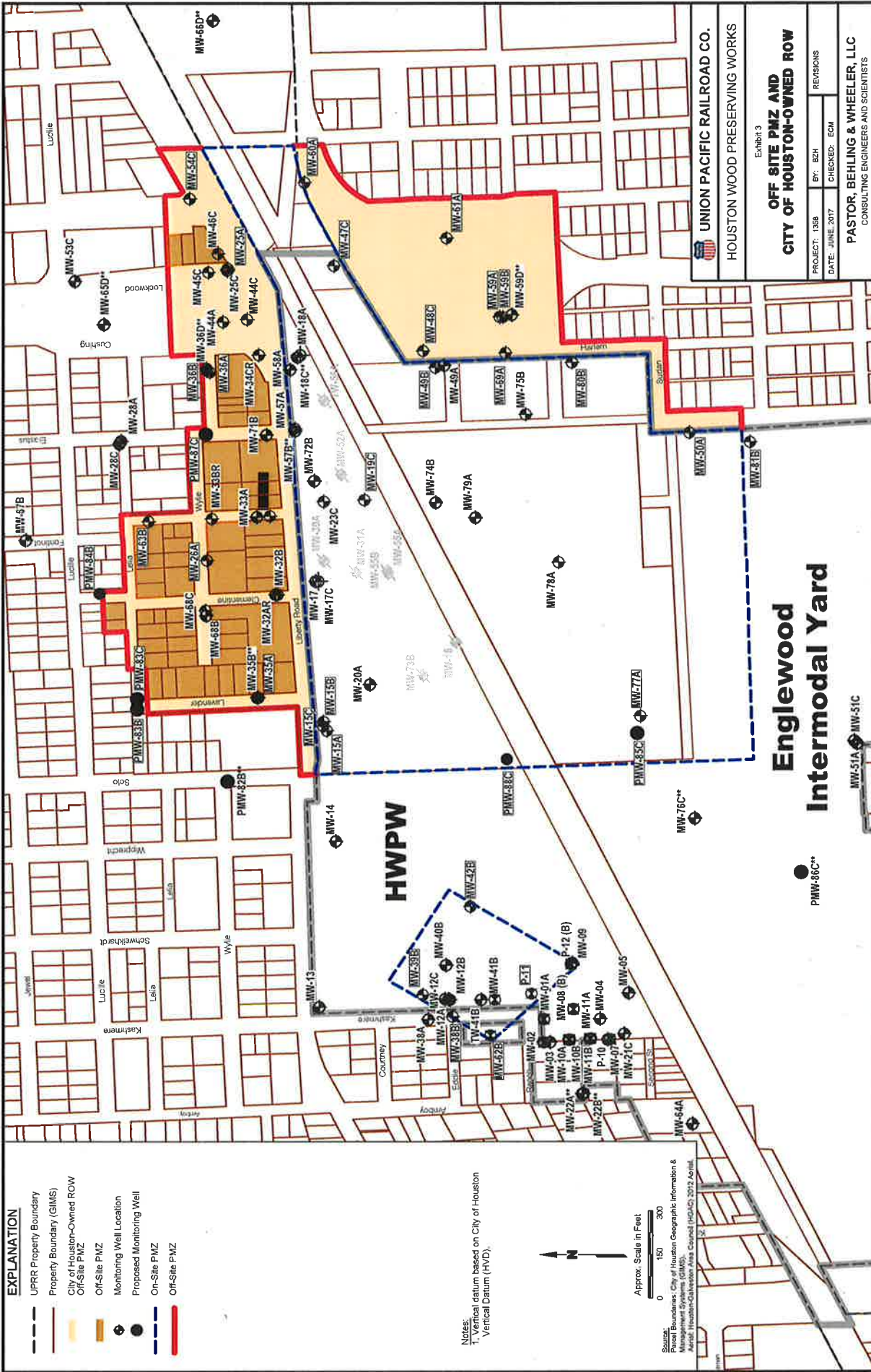
PROJECT: 1559	BY: BZN	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	

**PASTOR, BEHLING & WHEELER, LLC**  
 CONSULTING ENGINEERS AND SCIENTISTS



**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**



**EXPLANATION**

- UPRR Property Boundary
- Property Boundary (GIMS)
- City of Houston-Owned ROW
- Off-Site PMZ
- Off-Site PMZ
- Monitoring Well Location
- Proposed Monitoring Well
- On-Site PMZ
- Off-Site PMZ

Notes:  
 1. Vertical datum based on City of Houston Vertical Datum (HVD).



Approx. Scale in Feet  
 0 150 300

Source:  
 Parcel Boundaries: City of Houston Geographic Information & Management Systems (GIMS).  
 Aerial: Houston-Galveston Area Council (HGAC) 2012 Aerial.

UNION PACIFIC RAILROAD CO.  
 HOUSTON WOOD PRESERVING WORKS

Exhibit 3  
**OFF SITE PMZ AND CITY OF HOUSTON-OWNED ROW**

PROJECT: 158  
 DATE: JUNE 2017  
 BY: BZH  
 CHECKED: ECM

REVISIONS

PASTOR, BEHLING & WHEELER, LLC  
 CONSULTING ENGINEERS AND SCIENTISTS

**Englewood Intermodal Yard**

MW-51A MW-51C

PMW-58C\*\*

MW-76C\*\*

PMW-33C MW-77A

MW-78A

MW-74B

MW-48C

MW-59A MW-59B MW-59D\*\*

MW-51A MW-51B

MW-53C MW-65D\*\*

MW-66D\*\*

**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**MAP ID - 82**

**HCAD ID - 0522570000009**



# Restrictive Covenant

STATE OF TEXAS

COUNTY OF HARRIS

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described in Exhibit 1 attached hereto and incorporated herein by reference.

*The East eight feet of Lot Eight (8) and all of the adjoining lot Nine (9), in block Six (6), of Fairground Park Annex, a Subdivision, a subdivision In Harris County, Texas according to the Map or Plat records thereof.*

Portions of the soils and/or groundwater of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP.

The portion considered to be Affected Property is described on Exhibit 2, which is part of the plume management zone shown in Exhibit 3 attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of chemicals of concern exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the chemicals of concern in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit 3 provides the location and extent of the plume management zone and describes the maintenance and monitoring required. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is Manuel Castillo (Owner) with an address of 5015 Lelia, Houston, Texas 77026. In consideration of the Response Actions by Union Pacific (Responder), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their respective protective concentration levels. The maintenance and monitoring described in Exhibit 4 is required. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

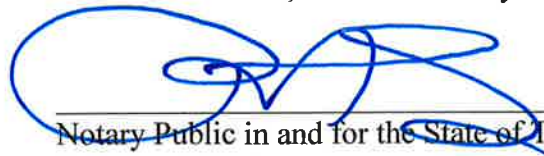
Executed this 24 day of March, 2015.

By: Manuel Castillo  
Manuel Castillo

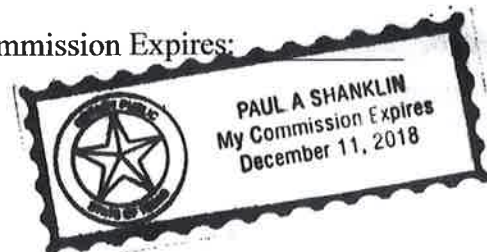
STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, on this the 24<sup>th</sup> day of March, 2015, personally appeared Manuel Castillo, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 24th day of March, 2015.

  
Notary Public in and for the State of Texas,  
County of Harris

My Commission Expires:





Executed this 14<sup>th</sup> day of June, 2017.

**Union Pacific Railroad [RESPONDER]**

By: Tony Love

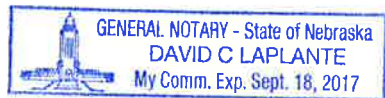
Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA §  
DOUGLAS COUNTY §

BEFORE ME, on this the 14<sup>th</sup> day of June, 2017 Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation **[RESPONDER]**, known to me to be the person 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 on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14<sup>th</sup> day of June, 2017.

David C. Laplante



Notary Public in and for the State of Nebraska  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            §  
TRAVIS COUNTY            §

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

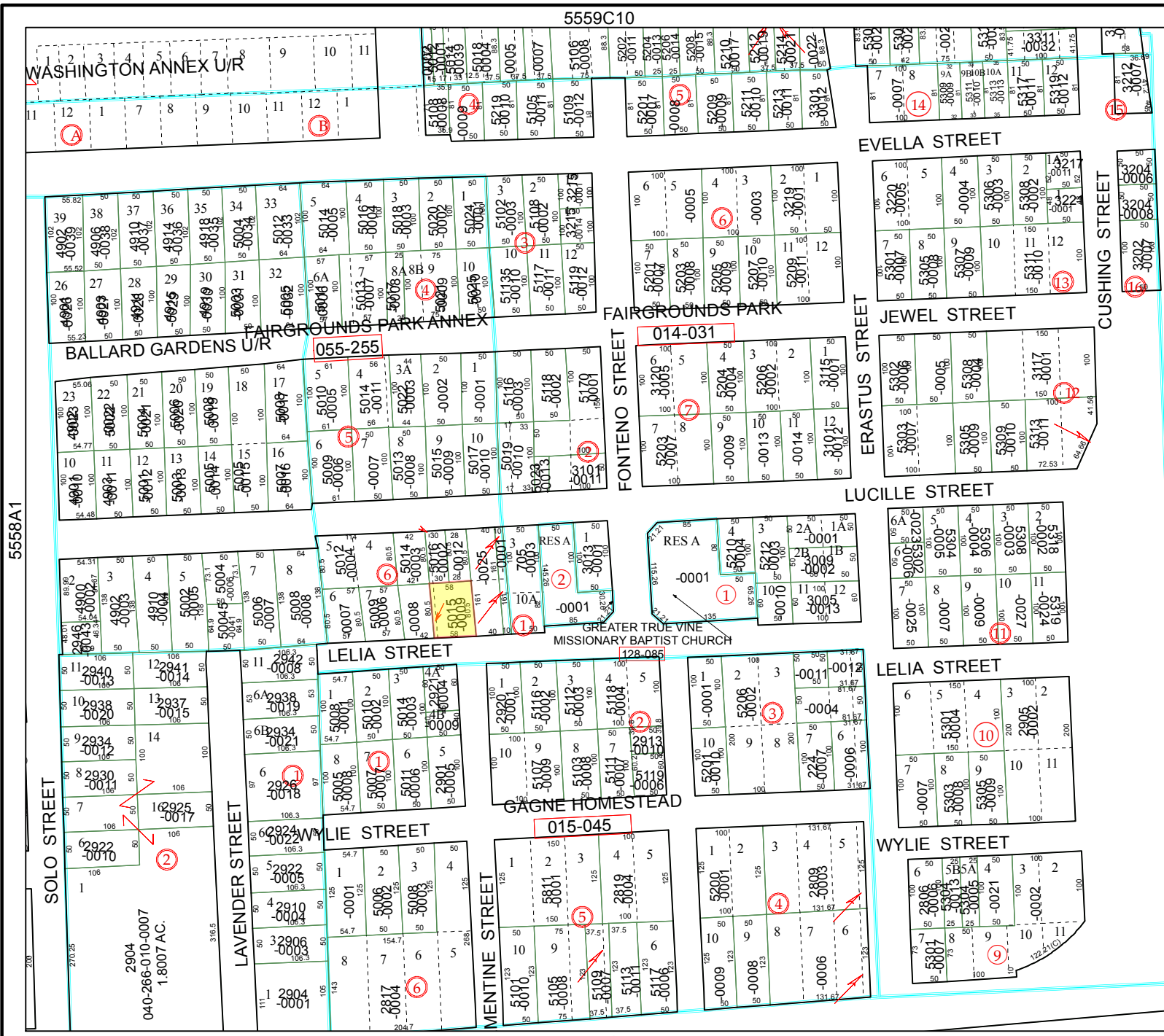
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of Texas,  
County of Travis  
My Commission Expires: \_\_\_\_\_

**EXHIBIT 1**

**PROPERTY LEGAL DESCRIPTION AND TITLE INFORMATION**

# EXHIBIT 1



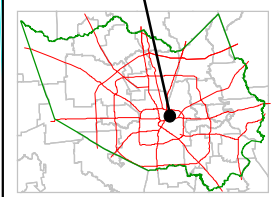
## Harris County Appraisal District



0 100 200  
PUBLICATION DATE:  
1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

### MAP LOCATION



## FACET 5558A

1	2	3	4
5	6	7	8
9	10	11	12

**Texas American Title Company  
2000 Bering, Suite 1000  
Houston, Texas 77057  
713-988-9999**

## **Title Report**

GF Number: 7910-13-0314  
Date: January 16, 2013

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 9<sup>th</sup> day of January, 2013, we find the following:

**Title Vested In:**

Manuel M. Castillo (by Warranty Deed filed for record under Harris County Clerk's File No. Y888905)

**Property Description: (Map ID# 82) (Tax ID# 052-257-000-0009)**

The East 8 feet of Lot Eight (8) and all of the adjoining Lot Nine (9), in Block Six (6), of Fairground Park Annex, a subdivision in Harris County, Texas according to the map or plat thereof, recorded in Volume 499, Page 70 of the Deed Records of Harris County, Texas.

SUBJECT TO: Claims of present occupants; discrepancies in area and boundaries; unpaid bills for Labor or Material in connection with recent repairs or new improvements; Unpaid Taxes; changes in Marital or Corporate Status of owner(s) since date of purchase; Homestead Rights or Claims.

**Restrictions:**

None of record.

**Exceptions:**

- a) Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits but outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

### **Property Liens:**

- 1) Vendor's Lien retained in Deed dated November 4, 2005, filed for record on November 9, 2005, under Harris County Clerk's File No. Y888905, executed by K.A.P. Investments, Inc., to Manuel M. Castillo, securing one certain promissory note of even date therewith in the principal amount of \$71,000.00, payable to the order of Sterling Financial Investment; said note and Lien being additionally secured by Deed of Trust of even date therewith, in favor of Thomas F. Vettors, as Trustee, with all terms, conditions and stipulations contained therein; including any additional indebtedness secured thereby, as same having been filed for record November 9, 2005 under County Clerk's File No. Y888906. The note and Lien as described herein and as security for the repayment thereof, having been assigned to JPMorgan Chase Bank, N. A., in instrument filed for record under Clerk's File No. Y888907, in the Office of Real Property Records of Harris County, Texas.

### **Involuntary Liens:**

- 1) Notice of Federal Tax Lien filed January 9, 2004, under Harris County Clerk's File No. X314847, against Manuel Castillo, in the principal amount of \$16,302.00.
- 2) Abstract of Judgment filed August 30, 2005, under Harris County Clerk's File No. Y730650, styled the State of Texas, vs. Manuel Castillo, in the principal amount of \$500.00, plus cost, interest and attorney's fees.
- 3) Abstract of Judgment filed September 20, 2012, under Harris County Clerk's File No. 20120433419, styled CACH, LLC, vs. Manuel Castillo, in the principal amount of \$3,196.00, plus cost, interest and attorney's fees.

CAUTION: PROTECTION IS AFFORDED ONLY UNDER THE TERMS OF THE PROPOSED TITLE INSURANCE POLICY. TEXAS AMERICAN TITLE COMPANY (AND ITS UNDERWRITERS OF TITLE INSURANCE) ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS IN HIS REPORT OR FOR VERBAL STATEMENTS.

This is a copy of a preliminary report made for the use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties to the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements, if any, and to show the results of the Company's title search (upon which only the Company may rely.) None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the Company, as to the status of the title. If a title defect or encumbrance should exist which is not disclosed hereon, the Company should not be liable by reason of furnishing this report or for any verbal statements related thereto. Neither the Company nor its underwriters shall be liable for any title defect unless a title insurance policy is issued by the Company insuring against such defect, and the applicable premium paid therefore. The liability shall then exist only under the terms of the policy (as prescribed by the State Board of Insurance of the State of Texas) and as measured and limited thereby.

**Notice:** Texas American Title Company disclaims any warranties, expressed or implied, concerning this information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information shall be limited to the amount paid for this report. By accepting this form the party requesting the information agrees that the disclaimer of warranties, and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and shall cover all actions whether arising hereunder by statute, in contract, or in tort.

**Texas American Title Company**



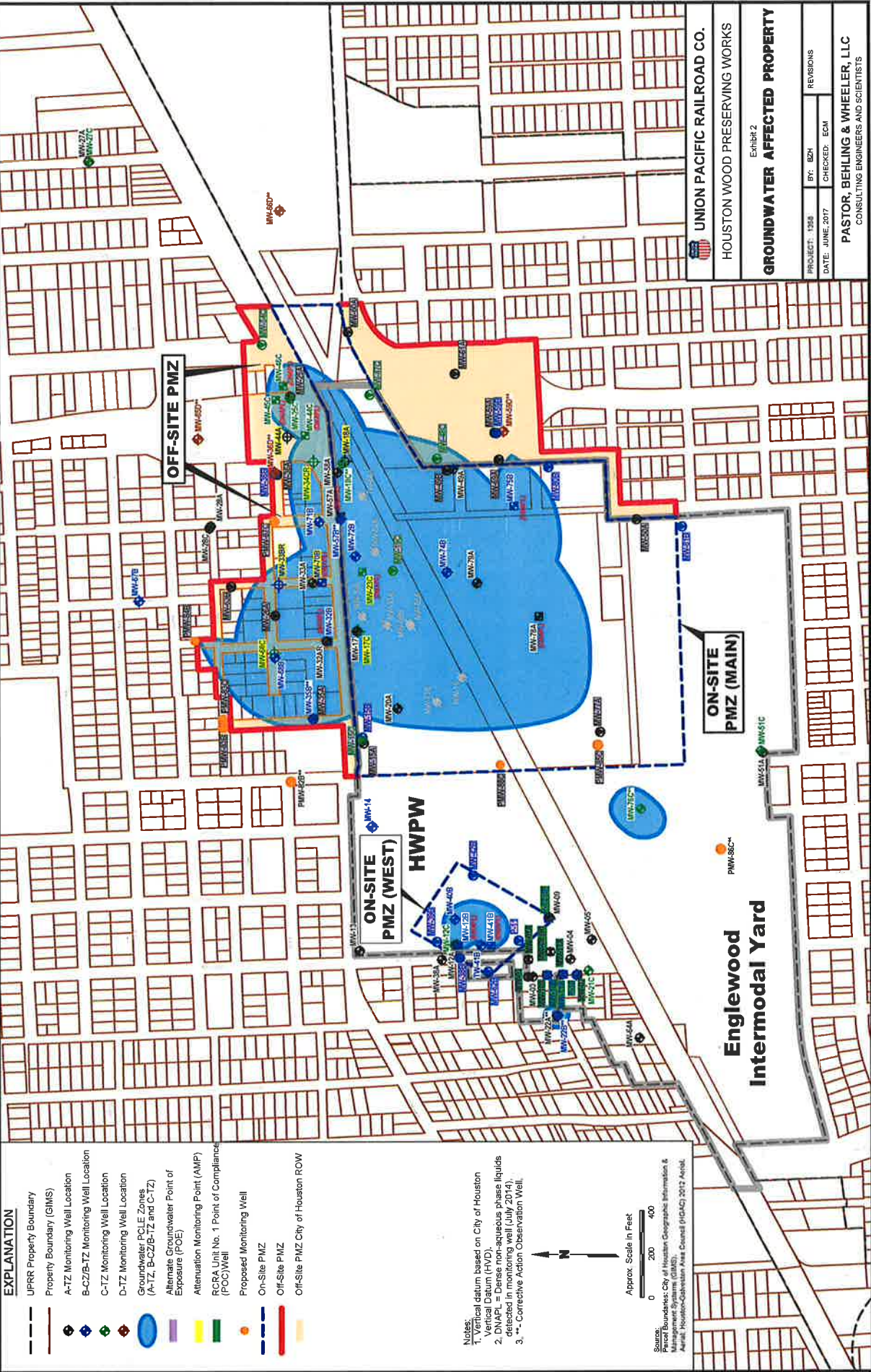
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Darrell Stone  
Title Examiner

**EXHIBIT 2**

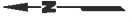
**AFFECTED PROPERTY MAP**





- EXPLANATION**
- UPRR Property Boundary
  - Property Boundary (GISMS)
  - ◆ A-TZ Monitoring Well Location
  - ◆ B-CZ/B-TZ Monitoring Well Location
  - ◆ C-TZ Monitoring Well Location
  - ◆ D-TZ Monitoring Well Location
  - Groundwater PCLE Zones (A-TZ, B-CZ/B-TZ and C-TZ)
  - Alternate Groundwater Point of Exposure (POE)
  - Attenuation Monitoring Point (AMP)
  - RCRA Unit No. 1 Point of Compliance (POC) Well
  - Proposed Monitoring Well
  - On-Site PMZ
  - Off-Site PMZ
  - Off-Site PMZ City of Houston ROW

**Notes:**  
 1. Vertical datum based on City of Houston (POD).  
 2. DNAPL = dense non aqueous phase liquids detected in monitoring well (July 2014).  
 3. \*\*, Corrective Action Observation Well.



Approx. Scale In Feet  
 0 200 400

Source: City of Houston Geographic Information & Mapping System  
 Austin, Texas - Houston Area Council (HAC) 2012 Aerial

**UNION PACIFIC RAILROAD CO.**  
 HOUSTON WOOD PRESERVING WORKS  
 Exhibit 2  
**GROUNDWATER AFFECTED PROPERTY**

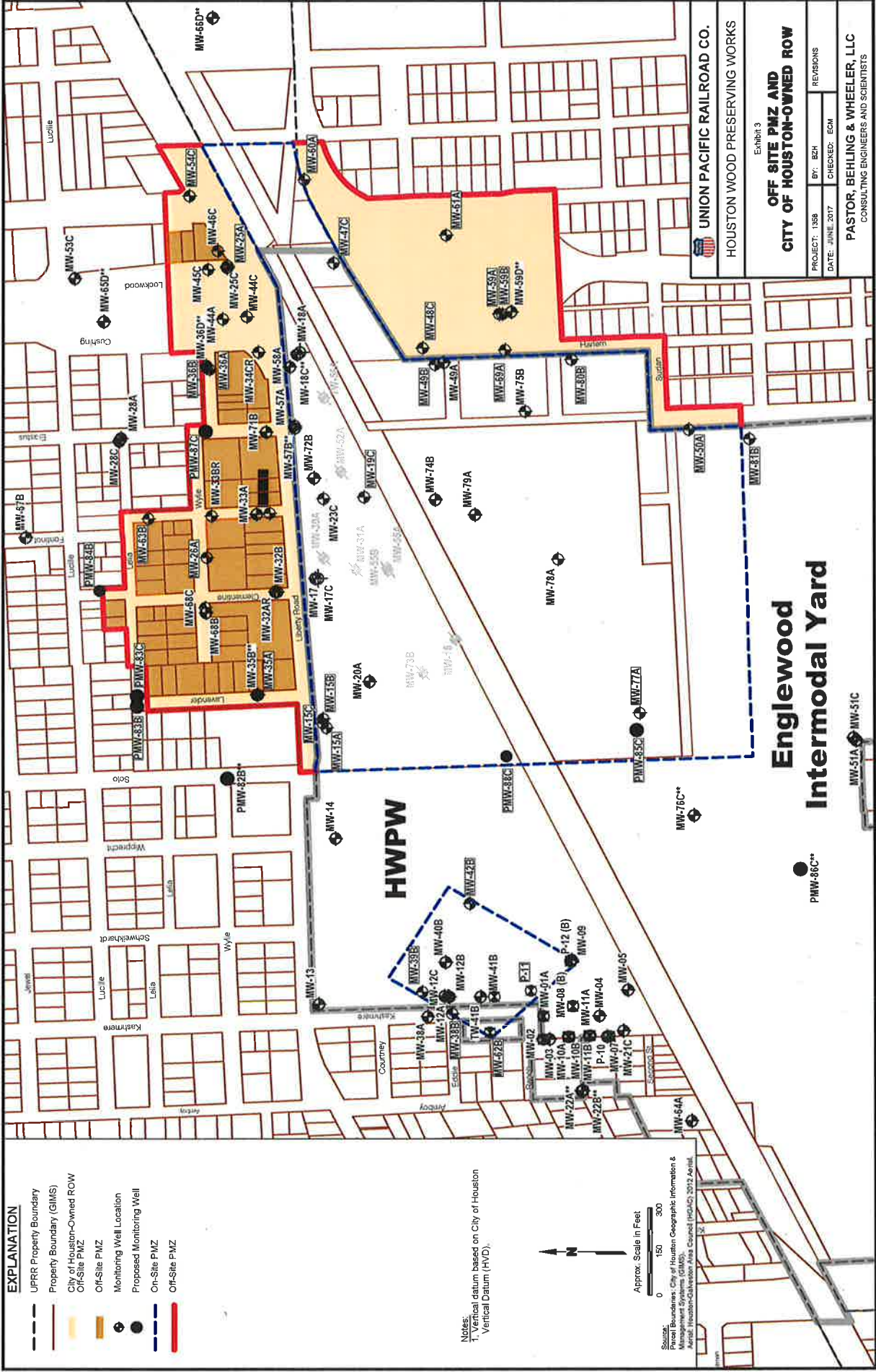
PROJECT: 1359	BY: BZN	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	

**PASTOR, BEHLING & WHEELER, LLC**  
 CONSULTING ENGINEERS AND SCIENTISTS

**Englewood Intermodal Yard**

**EXHIBIT 3**

**PLUME MANAGEMENT ZONE MAP**



**EXHIBIT 4**

**MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "4"**  
**MAINTENANCE AND MONITORING**

Monitoring wells located near the property in the City of Houston right of way (ROW) listed in the table below will be sampled for chemicals of concern (COCs) (see Table C-1) on a semi-annual basis. At each well, the presence of light and dense non-aqueous phase liquids (LNAPL and DNAPL, respectively) will be measured using a decontaminated oil-water interface probe, or equivalent measuring device. The probe will be lowered into the well until the instrument indicates contact of the probe with the NAPL surface, if present, then the top of the water surface, and to the total depth of the well to evaluate for the presence of DNAPL. The depth to NAPL and water measurements will be referenced to the surveyed reference point at the top of the well casing. Levels will be measured to the nearest 0.01 foot and recorded on the water level measurement form. A peristaltic pump with dedicated tubing will be used to purge groundwater from each monitoring well using micro-purging techniques (anticipated purge rate of 0.1 L/min or less). Purge water will be monitored for specific conductance, pH, temperature, dissolved oxygen, oxidation-reduction potential (Redox), and turbidity. Purging will be continued until the field parameters have stabilized per the sampling plan, after which a groundwater sample will be collected for laboratory analysis. Groundwater purged from monitoring wells will be containerized and removed from the property and stored on the Union Pacific Railroad Company property at 4910 Liberty Road. Laboratory analysis will be performed for the COCs on a standard turnaround basis. Analytical results from the groundwater sampling will be submitted to the TCEQ on an annual basis.

Monitoring wells will be inspected on a semi-annual basis for signs of damage, including well pads, casing, locks, and, protective covers.

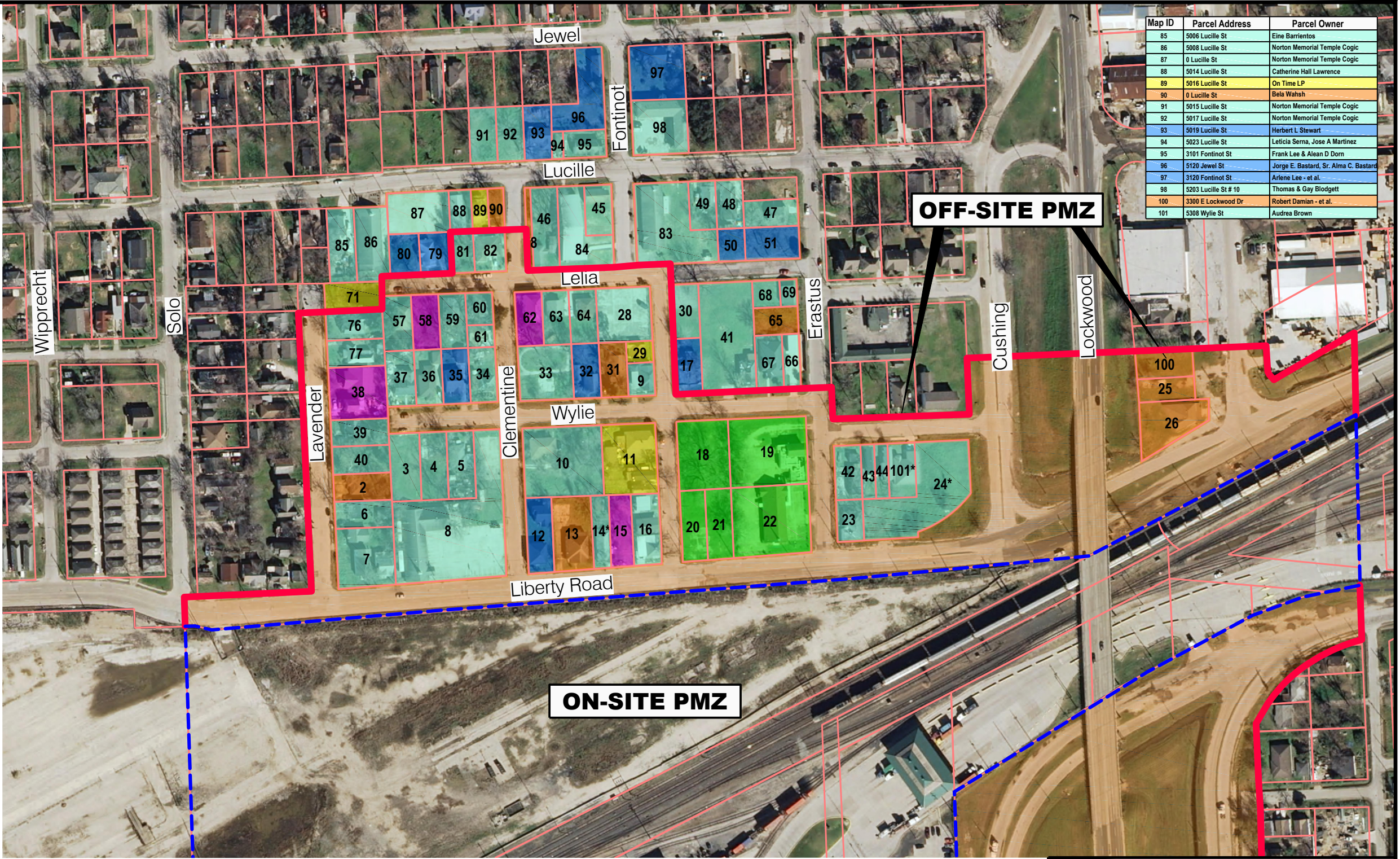
**List of Monitoring Wells Located within City of Houston ROW**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-36A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-44A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-59A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-60A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-61A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-69A</i>	<i>MW-70B</i>	<i>MW-68C</i>
	<i>PMW-83B (proposed)</i>	<i>PMW-83C (proposed)</i>
	<i>PMW-84B (proposed)</i>	

**APPENDIX 5A – CORRESPONDENCE LOGS FOR EXTENSIVE AND DILIGENT  
INQUIRY – OFF-SITE PMZ**

Map ID	Parcel Address	Parcel Owner
2	2910 Lavender St	Ray Carrington
3	0 Wylie St	Greater Mt Nebo Baptist Church
4	5006 Wylie St	Greater Mt Nebo Baptist Church
5	5010 Wylie	Alberta Smith
6	2906 Lavender St	Jessie and Eloise Beal
7	2904 Lavender St	Clark Investment Co
8	505 Liberty	Greater Mount Nebo Baptist Church
9	5119 Wylie St	Martha Gilliam
10	2820 Clementine St	Estate Of Tillie Potts Benson
11	2813 Fontinot St	Jose Alexander & Reina Isabel Coto
12	5101 Liberty Rd	Wallace & Janie Longoria
13	5105 Liberty Rd	Alejandro Gonzalez
14	5109 Liberty Rd	Joe H. Martinez
15	5113 Liberty Rd	Harris County Cause No 2003-22512
16	5117 Liberty Rd	Jorge D Rivera
17	5201 Wylie St	Santos Marin
18	5201 Wylie St	Charity Baptist Church
19	2809 Erastus St	Charity Baptist Church C/O Rev F W McIlveen
20	5201 Liberty Rd	Full Gospel Christian Assn.
21	5201 Liberty Rd	Charity Baptist Church
22	2809 Erastus St	Charity Baptist Church C/O Rev F W McIlveen
23	5301 Liberty Rd	Geneva Henry, aka/ Geneva Crump
24	5311 Liberty Rd	Elmer Preston Trust
25	3300 E Lockwood Dr	Eliuth Jimenez Damian - et al.
26	3300 E Lockwood Dr	Eliuth Jimenez Damian - et al.
28	5118 Lelia St	Greater True Vine Baptist Church
29	2913 Fontinot St	The heirs and devisees of Perez Paul M
30	0 Lelia St	Greater True Vine Missionary Baptist Church
31	5111 Wylie St	Aquiline Perez
32	5107 Wylie St	Reginald & Leticia Tolbert
33	5105 Wylie St	Maryland Potts Estate
34	2901 Clementine St	Mary Bass Ross
35	5011 Wylie St	Estate of Carrie Mae Carr
36	5007 Wylie St	Andrew Jerry & Rebecca Johnson
37	5005 Wylie St	Monico Duque & Martha Zuiga Banda
38	2926 Lavender St	Clark Investment Co
39	2924 Lavender St	Clark Investment Co
40	2922 Lavender St	Greater MT. Nebo Baptist Church
41	5202 Lelia St	Greater True Vine Mbc
42	2806 Erastus St	Margaret Roberts, Etal
43	5304 Wylie St	Irene Perez Juarez
44	5304-1/2 Wylie St	Saturnino Delgado and Susie I Delgado
45	3013 Fontinot St	Lenora Young and Clifton Scott
46	705 Lucille	Joyce Marie Taylor
47	3009 Erastus St	Mary Elizabeth Crowley
48	5212 Lucille St	Jose F & Yolanda Ruiz
49	5210 Lucille St	Alfred B & Freddie Randolph
50	0 Lelia St	Percy Vital
51	3005 Erastus St	Hugo Guerra & Margarita Morales Sanchez
57	5008 Lelia St	Ermitt Holmes
58	5010 Lelia St	Dickson Investment Company
59	5014 Lelia	Guadalupe Rivera Jr. & Flor Estela Rivera
60	2421 Clementine	Rogelio Ruiz & Olivia Pineda
61	0 Lelia St	Guadalupe Rivera
62	2920 Clementine St	Amidee Capital Group, Inc. f/k/a Amidee Capital Group, LLC
63	5116 Lelia St	Elizabeth Thomas
64	5112 Lelia St	Estate of Francis Potts
65	0 Lelia St	Mallie Pittman Jr. & Belinda Pittman
66	5211 Wylie	Sterling Trust for benefit of Charles Mock
67	0 Wylie	Sterling Trust for benefit of Charles Mock
68	0 Lelia St	Leroy Mock
69	2925 Erastus St	Leroy Mock
71	2942 Lavender St	Sandra Rena Thompson
76	2938 Lavender St	Essie Lee Hutchins
77	2934 Lavender St	Clark Investment Co
78	Lelia St	Frank Lippow
79	5009 Lelia St	Clara Christinar Humphrey
80	5007 Lelia St	Johnnie M York
81	0 Lelia St	Herbert Hall
82	5015 Lelia St	Manuel Castillo
83	3010 Fontinot	Greater True Vine Baptist Church
84	3011 Fontinot	Greater True Vine Baptist Church

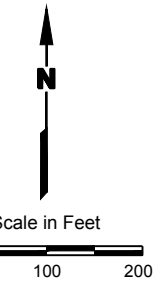
Map ID	Parcel Address	Parcel Owner
85	5006 Lucille St	Eine Barrientos
86	5008 Lucille St	Norton Memorial Temple Cogic
87	0 Lucille St	Norton Memorial Temple Cogic
88	5014 Lucille St	Catherine Hall Lawrence
89	5016 Lucille St	On Time LP
90	0 Lucille St	Bela Wahsh
91	5015 Lucille St	Norton Memorial Temple Cogic
92	5017 Lucille St	Norton Memorial Temple Cogic
93	5019 Lucille St	Herbert L. Stewart
94	5023 Lucille St	Leticia Serna, Jose A Martinez
95	3101 Fontinot St	Frank Lee & Alean D Dorn
96	5120 Jewel St	Jorge E. Bastard, Sr. Alma C. Bastard
97	3120 Fontinot St	Arlene Lee - et al.
98	5203 Lucille St #10	Thomas & Gay Blodgett
100	3300 E Lockwood Dr	Robert Damian - et al.
101	5308 Wylie St	Audrea Brown



**EXPLANATION**

- UPRR Property Boundary
- Proposed Cumulative PMZ (A-TZ, B-CZ/B-TZ and C-TZ)
- On-Site PMZ
- Off-Site PMZ
- Off-Site PMZ City of Houston ROW
- Restrictive Covenant signed & received
- Restrictive Covenants not received/Reasons Why IC Not Received
- Cannot Locate Property Owner
- Cause for Delinquent Taxes/In Tax Court
- Heirship Issues/Multiple Heirs
- Church Property/Board will not Authorize Signature for IC
- Property owner unresponsive/unwilling to sign
- \* Landowner Agreed with IC, Waiting for Signed Covenant

**DRAFT**  
FOR REVIEW ONLY



**UNION PACIFIC RAILROAD CO.**  
HOUSTON WOOD PRESERVING WORKS

Appendix 5 - Figure 1  
**PROPOSED OFF-SITE PROPERTIES FOR RESTRICTIVE COVENANTS**

PROJECT: 1358	BY: AJD	REVISIONS
DATE: JUNE, 2017	CHECKED: ECM	

**PASTOR, BEHLING & WHEELER, LLC**  
CONSULTING ENGINEERS AND SCIENTISTS

Source: Aerial photo from Harris-Galveston Area Council (HGAC), flown Jan-Feb 2012, and property information from Harris County Appraisal District (HCAD), 2014.

Union Pacific Railroad - Houston, TX - Wood Preserving Works  
Off-Site Landowner Contact Log

Updated 06/12/2017

MAP ID	2	
HCAD ID	0402660100004	
PARCEL ADDRESS	2910 Lavender St	
PARCEL OWNER	Ray Carrington	
PARCEL OWNER ADDRESS	4102 Waterstone Street, Missouri City, Texas 77459	
Date	Comment	Person
8/29/2014	Initial letter from UPRR to Mr. Carrington detailing the request for a restrictive covenant, certified mailing to 4102 Waterstone Street, Missouri City, Texas 77459, signed by Mr. Carrington.	Geoffrey Reeder, UPRR
9/11/2014	Community meeting with affected landowners at Greater New Vine Baptist Church.	UPRR, Paul Shanklin, PBW
3/9/2015	Met with Occupants at this address. They did not know owner of property. Property was vacant when they moved in.	Paul Shanklin
3/15/2015	Made trip to 4102 Waterstone Street, Missouri City Texas to speak with listed owner of property, Occupant did not know Ray Carrington.	Paul Shanklin
11/27/2015	Visited property with and interpreter to inquire about Owner of property. Occupants were not cooperative.	Paul Shanklin
10/17/2016	Texas American Title Co. researches the property, identifies title vested in Ray Carrington (by Warranty Deed filed for record under Harris County Clerk's File No. 20090369151)	Texas American Title Co./ PBW
<b>Current Status</b>	<i>This property is currently occupied by a squatter. Despite numerous letters and visits to titled owner's address we cannot locate the owner.</i>	Paul Shanklin

**DRAFT - SUBJECT TO REVISIONS**



Union Pacific Railroad - Houston, TX - Wood Preserving Works  
Off-Site Landowner Contact Log

Updated 06/12/2017

MAP ID	11	
HCAD ID	0141430000004	
PARCEL ADDRESS	2813 Fontinot St	
PARCEL OWNER	Jose A & Reina I Coto	
PARCEL OWNER ADDRESS	2819 Fontinot St, Houston, TX 77026-5205	
<b>Date</b>	<b>Comment</b>	<b>Person</b>
8/29/2014	Initial letter from UPRR to parcel owner detailing the request for a restrictive covenant, certified mailing to parcel address, sent back "unclaimed"	Geoffrey Reeder, UPRR
9/11/2014	Community meeting with affected landowners at Greater New Vine Baptist Church.	UPRR, Paul Shanklin, PBW
10/30/2014	Made a visit to property residents did not speak English.	Paul Shanklin
11/5/2014	Visited property with interpreter. Explained HCAD identified owner as Jose Coto. Residents were uncooperative.	Paul Shanklin
3/23/2015	Residents claimed no knowledge of Owner	Paul Shanklin
12/16/2015	Neighbors identified residents of property as Cotos. Occupants asked to be left alone.	Paul Shanklin
10/17/2016	Texas American Title Co. researches the property, identifies title vested in Jose Alexander Coto and wife, Reina Isabel Coto (by Warranty Deed filed for record under Harris County Clerk's File No. W555645) (As to a 1/2 interest); and Christian Alexander Coto, a single person and Robin Harrison Coto, a single person (by Special Warranty Deed filed for record under Harris County Clerk's File No. 20150226854) (As to a 1/2 interest)	Texas American Title Co./ PBW
<b>Current Status</b>	<i>Owner was provided with documents but did not return the executed restrictive covenant and stopped responding to our inquiries.</i>	Paul Shanklin

**DRAFT - SUBJECT TO REVISIONS**

Union Pacific Railroad - Houston, TX - Wood Preserving Works  
Off-Site Landowner Contact Log

Updated 06/12/2017

MAP ID	12	
HCAD ID	141430000010	
PARCEL ADDRESS	5101 Liberty Rd	
PARCEL OWNER	Janie & Wallace Longoria	
PARCEL OWNER ADDRESS	1510 Beall St, Houston, TX 77008-3444	
Date	Comment	Person
8/29/2014	Initial letter from UPRR to Mr. Longoria detailing the request for a restrictive covenant, certified mailing to parcel address, certified receipt signed by Wallace Longoria (?)	Geoffrey Reeder, UPRR
9/11/2014	Community meeting with affected landowners at Greater New Vine Baptist Church.	UPRR, Paul Shanklin, PBW
9/11/2014	Title owners did not come to Community Meeting.	Paul Shanklin
11/2/2014	Spoke with owners and neighbors of 5109 Liberty and was advised that property owners where uncomfortable speaking with officials about the land.	Paul Shanklin
	Spoke with residents as was advised that they did not know owners of the property. Someone just came by to collect rent.	Paul Shanklin
2/2/2015	Visited 1510 Beall St, Houston, Texas to speak with Owner as per title records. Spoke with Janie Longoria who claimed no knowledge of property. Left a card and asked her husband to call me.	Paul Shanklin
3/5/2015	Call from Wallace Longoria who advised that he was not interested in the proposal and not to be called again. Advised that he has no documents as to ownership.	Paul Shanklin
10/17/2016	Texas American Title Co. researches the property, identifies title vested in Robert Longoria and wife, Janie Longoria (by Deed filed for record under Harris County Clerk's File No. F607448)	Texas American Title Co./ PBW
6/3/2017	Visited property which is now vacant. Spoke to neighbors at 5109 Liberty who agreed to assist me in locating the owner or relatives. It is believed that Wallace Longoria has died.	Paul Shanklin
6/9/2017	While researching an address for Janie Longoria, PBW located an obituary that indicated Mrs. Longoria died on June 17, 2016.	Eric Matzner
6/11/2017	It was confirmed by the neighbors that Wallace Longoria has died and they told the relatives to contact me.	Paul Shanklin
<b>Current Status</b>	<i>Property is vacant. With the listed owners deceased, UPRR attempting to contact relatives to determine heirship for the property.</i>	Paul Shanklin

**DRAFT - SUBJECT TO REVISIONS**

Union Pacific Railroad - Houston, TX - Wood Preserving Works  
Off-Site Landowner Contact Log

Updated 06/12/2017

MAP ID	13	
HCAD ID	014143000008	
PARCEL ADDRESS	5105 Liberty Rd	
PARCEL OWNER	Alejandro Gonzalez	
PARCEL OWNER ADDRESS	4088 Pamela Way, Montgomery, TX 77316-2779	
<b>Date</b>	<b>Comment</b>	<b>Person</b>
8/29/2014	Initial letter from UPRR to Mr. Gonzales detailing the request for a restrictive covenant, certified mailing to parcel address, sent back "undeliverable"	Geoffrey Reeder, UPRR
9/11/2014	Community meeting with affected landowners at Greater New Vine Baptist Church.	UPRR, Paul Shanklin, PBW
3/16/2015	Visited property address and tenants advised advised that they were attempting to buy the property but owner cannot produce title documents. Called Mr. Gonzalez and was advised that he is not interested in signing a covenant.	Paul Shanklin
10/17/2016	Texas American Title Co. researches the property, identifies title vested in Alejandro Gonzalez (by Deed filed for record under Harris County Clerk's File No. J897777).	Texas American Title Co./ PBW
6/3/2017	Visited property address and tenants have vacated the property, trash is piled up in the front of the house. Spoke with the neighbors at 5109 Liberty and I was advised that Mr. Gonzales may be in Mexico. I asked for their (Ms. Mata) assistance in contacting him.	Paul Shanklin
<b>Current Status</b>	<i>House on property is vacant with trash piled up in front of the house. Initially contacted landowner in 2015 who was unwilling to sign covenant. Attempts to contact in 2017 indicted Mr. Gonzales may be in Mexico. UPRR will continue attempts to contact the landowner.</i>	Paul Shanklin

**DRAFT - SUBJECT TO REVISIONS**

Union Pacific Railroad - Houston, TX - Wood Preserving Works  
Off-Site Landowner Contact Log

Updated 06/12/2017

MAP ID	14	
HCAD ID	014143000007	
PARCEL ADDRESS	5109 Liberty Rd	
PARCEL OWNER	Joe H Martinez	
PARCEL OWNER ADDRESS	5109 Liberty Rd, Houston, TX 77026-5218	
<b>Date</b>	<b>Comment</b>	<b>Person</b>
8/29/2014	Initial letter from UPRR to Mr. Martinez detailing the request for a restrictive covenant, certified mailing to parcel address, signed by Guadalupe Mata (8/30/14)	Geoffrey Reeder, UPRR
9/11/2014	Community meeting with affected landowners at Greater New Vine Baptist Church.	UPRR, Paul Shanklin, PBW
12/15/2014	Spoke with Guadalupe Mata, tenant, claims no knowledge of Joe Martinez.	Paul Shanklin
10/17/2016	Texas American Title Co. researches the property, identifies title vested in Mary Jane Gonzalez, Daniel P. Martinez, Guadalupe Mata, Joe H. Martinez, Jr. and Isabel Gallegos (by Warranty Deed filed for record under Volume 1427, Page 53 of the Deed Records of Harris County, Texas and by Affidavit of Heirship filed for record under Harris County Clerk's File No. V248342)	Texas American Title Co./ PBW
12/3/2016	Spoke again with Guadalupe Mata, tenant, claims no knowledge of Joe Martinez.	Paul Shanklin
6/3/2017	Spoke with Guadalupe Mata, tenant, who now claims to be the daughter of Joe Martinez. She would not confirm whether her father is alive or dead, but she is willing to sign the covenant.	Paul Shanklin
6/11/2017	Spoke with Guadalupe Mata again and she advised me that her father had died. UPRR is working with Ms. Mata to establish the affidavit of heirship for the property to allow Ms. Mata to sign the restrictive covenant.	Paul Shanklin
<b>Current Status</b>	<i>Per the 10/2016 title records, Ms. Mata is listed as partial owner of the property at 5109 Liberty Road. She has agreed verbally to sign the restrictive covenant and UPRR has identified an Affidavit of Heirship (dated 05/22/2001) confirming her as an heir to the property. UPRR is awaiting her signature on the restrictive covenant.</i>	Paul Shanklin

**DRAFT - SUBJECT TO REVISIONS**

Union Pacific Railroad - Houston, TX - Wood Preserving Works  
Off-Site Landowner Contact Log

Updated 06/12/2017

MAP ID	15	
HCAD ID	0141430000011	
PARCEL ADDRESS	5113 Liberty Rd	
PARCEL OWNER	Harris County Cause No 2003-22512	
PARCEL OWNER ADDRESS	PO Box 1525, Houston, TX 77251-1525	
<b>Date</b>	<b>Comment</b>	<b>Person</b>
8/29/2014	Initial letter from UPRR to Harris County detailing the request for a restrictive covenant, certified mailing to parcel address, signed by Arthur Simpson	Geoffrey Reeder, UPRR
9/11/2014	Community meeting with affected landowners at Greater New Vine Baptist Church.	UPRR, Paul Shanklin, PBW
10/17/2016	Texas American Title Co. researches the property, identifies title vested in Harris County, for itself and for the use and benefit of the Houston Independent School District, City of Houston and Houston Community College System (by Deed under Order of Tax Sale filed for record under Harris County Clerk's File No. Y254725). We find of record an Officer's Return on Real Property Sales, filed for record under Harris County Clerk's File No. 20070127192, which claims therein that the subject property was sold at auction to Waymond Barrett. However, we find no Deed of record to support this transaction.	Texas American Title Co./ PBW
<b>Current Status</b>	<i>The Property has been sold for past dues taxes and title has not vested in the new owner, so there is no one currently authorized to execute the restrictive covenant.</i>	Paul Shanklin

**DRAFT - SUBJECT TO REVISIONS**

Union Pacific Railroad - Houston, TX - Wood Preserving Works  
Off-Site Landowner Contact Log

Updated 06/12/2017

MAP ID	18	
HCAD ID	014142000001	
PARCEL ADDRESS	5201 Wylie St	
PARCEL OWNER	Charity Baptist Church	
PARCEL OWNER ADDRESS	5217 Liberty Rd, Houston, TX 77026-5313	
<b>Date</b>	<b>Comment</b>	<b>Person</b>
8/29/2014	Initial letter from UPRR to Charity Baptist detailing the request for a restrictive covenant, certified mailing to parcel address, signed by B. Burnside (?)	Geoffrey Reeder, UPRR
9/11/2014	Community meeting with affected landowners at Greater New Vine Baptist Church.	UPRR, Paul Shanklin, PBW
3/2/2015	Met with Pastor Burnside. He cannot get authority from his board to execute documents.	Paul Shanklin
10/17/2016	Texas American Title Co. researches the property, identifies title vested in Charity Baptist Church (by Warranty Deed filed for record under Harris County Clerk's File No. Z096294).	Texas American Title Co./ PBW
12/3/2016	Visited Charity Baptist Church and met with Pastor Burnside. I was introduced to a Deacon Johnson and was advised the Board was not interested in working with UP.	Paul Shanklin
<b>Current Status</b>	<i>Church pastor cannot get authority from his board, despite attempts to explain the nature of the restrictive covenant.</i>	Paul Shanklin

**DRAFT - SUBJECT TO REVISIONS**

Union Pacific Railroad - Houston, TX - Wood Preserving Works  
Off-Site Landowner Contact Log

Updated 06/12/2017

MAP ID	19	
HCAD ID	014142000003	
PARCEL ADDRESS	2809 Erastus St	
PARCEL OWNER	Charity Baptist Church C/O Rev F W Mcilveen	
PARCEL OWNER ADDRESS	2809 Erastus St, Houston, TX 77026-5303	
<b>Date</b>	<b>Comment</b>	<b>Person</b>
8/29/2014	Initial letter from UPRR to Charity Baptist detailing the request for a restrictive covenant, certified mailing to parcel address, signed by B. Burnside (?)	Geoffrey Reeder, UPRR
9/11/2014	Community meeting with affected landowners at Greater New Vine Baptist Church.	UPRR, Paul Shanklin, PBW
3/2/2015	Met with Pastor Burnside. He cannot get authority from his board to execute documents.	Paul Shanklin
10/17/2016	Texas American Title Co. researches the property, identifies title vested in Charity Baptist Church (by Warranty Deed filed for record under Harris County Clerk's File No. M115393).	Texas American Title Co./ PBW
12/3/2016	Visited Charity Baptist Church and met with Pastor Burnside. I was introduced to a Deacon Johnson and was advised the Board was not interested in working with UP.	Paul Shanklin
<b>Current Status</b>	<i>Church pastor cannot get authority from his board, despite attempts to explain the nature of the restrictive covenant.</i>	Paul Shanklin

**DRAFT - SUBJECT TO REVISIONS**

Union Pacific Railroad - Houston, TX - Wood Preserving Works  
Off-Site Landowner Contact Log

Updated 06/12/2017

MAP ID	20	
HCAD ID	0141420000009	
PARCEL ADDRESS	5201 Liberty Rd	
PARCEL OWNER	Full Gospel Christian Assn/Charity Baptist Church	
PARCEL OWNER ADDRESS	5201 Liberty Rd, Houston, TX 77026-5313	
<b>Date</b>	<b>Comment</b>	<b>Person</b>
8/29/2014	Initial letter from UPRR to Full Gospel Christian Assoc. detailing the request for a restrictive covenant, certified mailing to parcel address, not delivered "unclaimed"	Geoffrey Reeder, UPRR
9/11/2014	Community meeting with affected landowners at Greater New Vine Baptist Church.	UPRR, Paul Shanklin, PBW
3/11/2015	Vacant property, no response to letters.	Paul Shanklin
10/17/2016	Texas American Title Co. researches the property, identifies title vested in Charity Baptist Church, a non-profit Texas church (by Warranty Deed filed for record under Harris County Clerk's File No. N088969).	Texas American Title Co./PBW
<b>Current Status</b>	<i>Church pastor cannot get authority from his board, despite attempts to explain the nature of the restrictive covenant.</i>	Paul Shanklin

**DRAFT - SUBJECT TO REVISIONS**



Union Pacific Railroad - Houston, TX - Wood Preserving Works  
Off-Site Landowner Contact Log

Updated 06/12/2017

MAP ID	21	
HCAD ID	0141420000008	
PARCEL ADDRESS	5201 Liberty Rd	
PARCEL OWNER	Full Gospel Christian Assn/Charity Baptist Church	
PARCEL OWNER ADDRESS	5201 Liberty Rd, Houston, TX 77026-5313	
<b>Date</b>	<b>Comment</b>	<b>Person</b>
8/29/2014	Initial letter from UPRR to Full Gospel Christian Assoc. detailing the request for a restrictive covenant, certified mailing to parcel address, not delivered "unclaimed"	Geoffrey Reeder, UPRR
9/11/2014	Community meeting with affected landowners at Greater New Vine Baptist Church.	UPRR, Paul Shanklin, PBW
3/6/2016	Vacant Property	Paul Shanklin
10/17/2016	Texas American Title Co. researches the property, identifies title vested in Charity Baptist Church, a non-profit Texas church (by Warranty Deed filed for record under Harris County Clerk's File No. N088969).	Texas American Title Co./ PBW
<b>Current Status</b>	<i>The property is currently vacant. There has been no response to letters sent to titled owner and we can not find any other information regarding the owner's current location.</i>	Paul Shanklin

**DRAFT - SUBJECT TO REVISIONS**

Union Pacific Railroad - Houston, TX - Wood Preserving Works  
Off-Site Landowner Contact Log

Updated 06/12/2017

MAP ID	22	
HCAD ID	0141420000006	
PARCEL ADDRESS	2809 Erastus St	
PARCEL OWNER	Charity Baptist Church C/O Rev F W Mcilveen	
PARCEL OWNER ADDRESS	2809 Erastus St, Houston, TX 77026-5303	
<b>Date</b>	<b>Comment</b>	<b>Person</b>
8/29/2014	Initial letter from UPRR to Charity Baptist detailing the request for a restrictive covenant, certified mailing to parcel address, signed by B. Burnside (?)	Geoffrey Reeder, UPRR
9/11/2014	Community meeting with affected landowners at Greater New Vine Baptist Church.	UPRR, Paul Shanklin, PBW
3/2/2015	Met with Pastor Burnside. He cannot get authority from his board to execute documents.	Paul Shanklin
10/17/2016	Texas American Title Co. researches the property, identifies title vested in Charity Baptist Church (by Warranty Deed filed for record under Harris County Clerk's File No. M115393).	Texas American Title Co./ PBW
12/3/2016	Visited Charity Baptist Church and met with Pastor Burnside. I was introduced to a Deacon Johnson and was advised the Board was not interested in working with UP.	Paul Shanklin
<b>Current Status</b>	<i>Church pastor cannot get authority from his board, despite attempts to explain the nature of the restrictive covenant.</i>	Paul Shanklin

**DRAFT - SUBJECT TO REVISIONS**

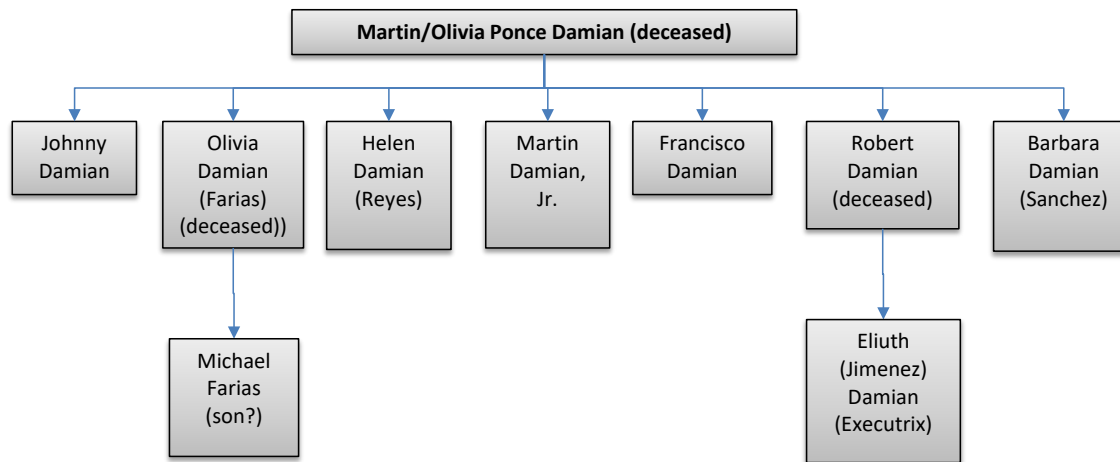
Union Pacific Railroad - Houston, TX - Wood Preserving Works  
Off-Site Landowner Contact Log

Updated 06/12/2017

MAP ID	24	
HCAD ID	014041000002	
PARCEL ADDRESS	5311 Liberty Rd	
PARCEL OWNER	Elmer Preston Trust	
PARCEL OWNER ADDRESS	3319 Liberty Rd , Houston, TX 77026-6238	
Date	Comment	Person
8/29/2014	Initial letter from UPRR to Elmer Preston Trust detailing the request for a restrictive covenant, certified mailing to parcel address, undeliverable ("unclaimed")	Geoffrey Reeder, UPRR
9/11/2014	Community meeting with affected landowners at Greater New Vine Baptist Church.	UPRR, Paul Shanklin, PBW
1/12/2015	Meet with person who identified himself as a Trustee of the Trust. He could not produce proper documentation.	Paul Shanklin
10/17/2016	Texas American Title Co. researches the property, identifies title vested in Elmer Preston Trust of Texas (by Warranty Deed filed for record under Harris County Clerk's File No. Y825900).	Texas American Title Co./ PBW
6/2/2017	A For Sale sign is posted on the property, called the phone number on sign and reached Mr. James Singleterry, who is a representative of the Elmer Preston Trust. After meeting in person with Mr. Singleterry, Mr. Shanklin left the restrictive covenant document with Mr. Singleterry for review and discussion with the other beneficiaries of the trust.	Paul Shanklin
6/9/2017	Mr. Shanklin met with an attorney representing the Elmer Preston Trust, who advised Mr. Singleterry to sign the restrictive covenant. UPRR anticipates receiving the signed document within the next two-three weeks.	Paul Shanklin
<b>Current Status</b>	<i>Representatives for the Elmer Preston Trust have verbally agreed to sign the restrictive covenant. Anticipate receiving the signed covenant within the next few weeks.</i>	Paul Shanklin

**DRAFT - SUBJECT TO REVISIONS**

MAP ID	25	
HCAD ID	0651290800937	
PARCEL ADDRESS	3300 E Lockwood Dr	
PARCEL OWNER	Robert Damian	
PARCEL OWNER ADDRESS	3300 E Lockwood Dr, Houston, TX 77026-1811	
Date	Comment	Person
8/29/2014	Initial letter from UPRR to Robert Damian detailing the request for a restrictive covenant, certified mailing to parcel address, undeliverable ("unclaimed")	Geoffrey Reeder, UPRR
9/11/2014	Community meeting with affected landowners at Greater New Vine Baptist Church.	UPRR, Paul Shanklin, PBW
10/17/2016	Texas American Title Co. researches the property, identifies title vested in Brenda Louise Damian Wilkerson, the Estate of Olivia Damian Farias, deceased, Helen Damian Reyes, Martin Damian, Jr., Francisco Damian, Barbara Damian Sanchez and Eliuth Jimenez Damian (by Deed filed for record under Harris County Clerk's File No. G222792, by Affidavit of Heirship filed for record under Harris County Clerk's File No. 20060033190 and by Deed filed for record under Harris County Clerk's File No. 20090055035). We find of record an Affidavit of Heirship filed for record under Harris County Clerk's File No. 20120204342 pertaining to the Estate of Olivia Farias, deceased. However, said affidavit is not acceptable as to form and incomplete content.	Texas American Title Co./ PBW
<b>Current Status</b>	<i>This property is currently occupied by a squatter. Despite numerous letters and visits to titled owner's address we cannot locate the owner. In addition, based on the Affidavits of Heirship for the property located in the deed records, there are numerous and unverified claims of ownership (clouded title). Therefore, it is unclear if there is an entity that can sign the restrictive covenant for Properties Map ID 25, 26, and 100.</i>	Paul Shanklin



Union Pacific Railroad - Houston, TX - Wood Preserving Works  
Off-Site Landowner Contact Log

Updated 06/12/2017

MAP ID	26	
HCAD ID	0402600000019	
PARCEL ADDRESS	3300 E Lockwood Dr	
PARCEL OWNER	Robert Damian	
PARCEL OWNER ADDRESS	3300 E Lockwood Dr, Houston, TX 77026-1811	
<b>Date</b>	<b>Comment</b>	<b>Person</b>
8/29/2014	Initial letter from UPRR to Robert Damian detailing the request for a restrictive covenant, certified mailing to parcel address, undeliverable ("unclaimed")	Geoffrey Reeder, UPRR
9/11/2014	Community meeting with affected landowners at Greater New Vine Baptist Church.	UPRR, Paul Shanklin, PBW
10/17/2016	Texas American Title Co. researches the property, identifies title vested in Brenda Louise Damian Wilkerson, the Estate of Olivia Damian Farias, deceased, Helen Damian Reyes, Martin Damian, Jr., Francisco Damian, Barbara Damian Sanchez and Eliuth Jimenez Damian (by Deed filed for record under Harris County Clerk's File No. G222792, by Affidavit of Heirship filed for record under Harris County Clerk's File No. 20060033190 and by Deed filed for record under Harris County Clerk's File No. 20090055035). We find of record an Affidavit of Heirship filed for record under Harris County Clerk's File No. 20120204342 pertaining to the Estate of Olivia Farias, deceased. However, said affidavit is not acceptable as to form and incomplete content.	Texas American Title Co./ PBW
<b>Current Status</b>	<i>This property is currently occupied by a squatter. Despite numerous letters and visits to titled owner's address we cannot locate the owner. In addition, based on the Affidavits of Heirship for the property located in the deed records, there are numerous and unverified claims of ownership (clouded title). Therefore, it is unclear if there is an entity that can sign the restrictive covenant for Properties Map ID 25, 26, and 100.</i>	Paul Shanklin

**DRAFT - SUBJECT TO REVISIONS**

Union Pacific Railroad - Houston, TX - Wood Preserving Works  
Off-Site Landowner Contact Log

Updated 06/12/2017

MAP ID	31	
HCAD ID	014140000007	
PARCEL ADDRESS	5111 Wylie St	
PARCEL OWNER	Aquilina Perez	
PARCEL OWNER ADDRESS	5111 Wylie St, Houston, TX 77026-5227	
<b>Date</b>	<b>Comment</b>	<b>Person</b>
8/29/2014	Initial letter from UPRR to Aquilina Perez detailing the request for a restrictive covenant, certified mailing to parcel address, signed by Timothy Suing (09/15/2014)	Geoffrey Reeder, UPRR
9/11/2014	Community meeting with affected landowners at Greater New Vine Baptist Church.	UPRR, Paul Shanklin, PBW
10/17/2016	The Harris County Appraisal District's real property account information cites the record owner as the Estate of Aquilina Perez. However, we find no probate or heirship proceedings pertaining to same filed in Harris County, Texas.	Texas American Title Co research/PBW
<b>Current Status</b>	<i>Property is occupied by person who is not the owner and could not provide assistance in finding the owner. We can not find any other information regarding the owner's current location.</i>	Paul Shanklin

**DRAFT - SUBJECT TO REVISIONS**

Union Pacific Railroad - Houston, TX - Wood Preserving Works  
Off-Site Landowner Contact Log

Updated 06/12/2017

MAP ID	32	
HCAD ID	014140000008	
PARCEL ADDRESS	5107 Wylie St	
PARCEL OWNER	Reginald & Leticia Tolbert	
PARCEL OWNER ADDRESS	5107 Wylie St, Houston, TX 77026-5227	
<b>Date</b>	<b>Comment</b>	<b>Person</b>
8/29/2014	Initial letter from UPRR to Leticia Tolbert detailing the request for a restrictive covenant, certified mailing to parcel address, signed by Leticia Tolbert (08/30/2014)	Geoffrey Reeder, UPRR
9/11/2014	Community meeting with affected landowners at Greater New Vine Baptist Church.	UPRR, Paul Shanklin, PBW
10/17/2016	Texas American Title Co. researches the property, identifies title vested in Reginald E. Tolbert and wife, Leticia Tolbert (by Warranty Deed filed for record under Harris County Clerk's File No. V781486).	Texas American Title Co./ PBW
<b>Current Status</b>	<i>Unresolved heirship issues prevent determination of probable heirs and rightful owner, therefore there is no one currently authorized to execute the restrictive covenant.</i>	Paul Shanklin

**DRAFT - SUBJECT TO REVISIONS**

Union Pacific Railroad - Houston, TX - Wood Preserving Works  
Off-Site Landowner Contact Log

Updated 06/12/2017

MAP ID	35	
HCAD ID	0141390000006	
PARCEL ADDRESS	5011 Wylie St	
PARCEL OWNER	Estate Of Carrie Mae Carr	
PARCEL OWNER ADDRESS	5011 Wylie St, Houston, TX 77026-5225	
<b>Date</b>	<b>Comment</b>	<b>Person</b>
8/29/2014	Initial letter from UPRR to Estate of Carrie Mae Carr detailing the request for a restrictive covenant, certified mailing to parcel address, undeliverable ("unclaimed").	Geoffrey Reeder, UPRR
9/11/2014	Community meeting with affected landowners at Greater New Vine Baptist Church.	UPRR, Paul Shanklin, PBW
10/17/2016	Texas American Title Co. researches the property, identifies title vested in J. C. Carr and Carrie Mae Carr (by Warranty Deed filed for record under Volume 2471, Page 134 of the Deed Records of Harris County, Texas). The Harris County Appraisal District's real property account information cites the record owner as the Estate of Carrie Mae Carr. However, we find no probate or heirship proceedings pertaining to same filed in Harris County, Texas.	Texas American Title Co./ PBW
<b>Current Status</b>	<i>Unresolved heirship issues prevent determination of probable heirs and rightful owner, therefore there is no one currently authorized to execute the restrictive covenant.</i>	Paul Shanklin

**DRAFT - SUBJECT TO REVISIONS**



Union Pacific Railroad - Houston, TX - Wood Preserving Works  
Off-Site Landowner Contact Log

Updated 06/12/2017

MAP ID	38	
HCAD ID	0402660100018	
PARCEL ADDRESS	2926 Lavender St	
PARCEL OWNER	Clark Investment Co	
PARCEL OWNER ADDRESS	4901 Liberty Rd, Houston, TX 77026-5263	
<b>Date</b>	<b>Comment</b>	<b>Person</b>
8/29/2014	Initial letter from UPRR to Clark Investments detailing the request for a restrictive covenant, certified mailing to parcel address, undeliverable ("unclaimed"?).	Geoffrey Reeder, UPRR
9/11/2014	Community meeting with affected landowners at Greater New Vine Baptist Church.	UPRR, Paul Shanklin, PBW
10/17/2016	Texas American Title Co. researches the property, identifies title vested in Clark Investment Company (by Deeds filed for record under Volume 2034, Page 480 and Volume 2830, Page 252, both of the Deed Records of Harris County, Texas). We find reference to Cause No. 2007-25810, in the District Court of Harris County, Texas, styled Harris County, et al vs. D & H Land Company. Said suit has been dismissed and is referenced here for information purposes only.	Texas American Title Co./ PBW
5/27/2017	The Harris County Tax assessor website (www.hctax.net) shows Clark Investment Co. owes \$47,241.10 as of May 2017, and lists the property as "Delinquent Taxes Exist".	Eric Matzner, PBW
<b>Current Status</b>	<i>The Property has been sold for past dues taxes and title has not vested in the new owner, so there is no one currently authorized to execute the restrictive covenant.</i>	Paul Shanklin

**DRAFT - SUBJECT TO REVISIONS**

Union Pacific Railroad - Houston, TX - Wood Preserving Works  
Off-Site Landowner Contact Log

Updated 06/12/2017

MAP ID	58	
HCAD ID	014139000002	
PARCEL ADDRESS	5010 Lelia St	
PARCEL OWNER	Nicholas R Alvarado/Dickson Investment Co.	
PARCEL OWNER ADDRESS	3410 Chapman St, Houston, TX 77009-5812	
<b>Date</b>	<b>Comment</b>	<b>Person</b>
8/29/2014	Initial letter from UPRR to Nicolas Alvarado detailing the request for a restrictive covenant, certified mailing to parcel address, undeliverable ("unclaimed?").	Geoffrey Reeder, UPRR
1/23/2015	Property is abandoned, no structures or dwellings present.	
9/22/2016	Published in the Daily Court Review, Public Notices, Suit No. 2015-16765, in the 215th District Court of Harris County, Texas, styled City of Houston, etal vs. Dickson Investment Company, etal. The cause of action is for delinquent taxes on the subject property in the amount of \$8,353.05.	Daily Court Review - Public Notices
10/17/2016	Texas American Title Co. researches the property, identifies title vested in Dickson Investment Company (by Deeds filed for record under Harris County Clerk's File Nos. L941044 and Y586219). There were 10 Notice of Liens issued on the property dating back to 1977. We find reference to Cause No. 2015-16765, in the District Court of Harris County, Texas, styled City of Houston, etal vs. Dickson Investment Company, etal. It is assumed that said cause of action is for delinquent taxes due on subject property.	Texas American Title Co./ PBW
5/27/2017	The Harris County Tax assessor website (www.hctax.net) shows Nicholas Alvarado owes \$16,110.20 as of May 2017, and lists the property as "Taxes under Suit".	Eric Matzner, PBW
<b>Current Status</b>	<i>This Property is currently abandoned with no structures on the property. Despite numerous letters to titled owner's address we cannot locate the owner and the property is under suit for unpaid taxes.</i>	

**DRAFT - SUBJECT TO REVISIONS**

Union Pacific Railroad - Houston, TX - Wood Preserving Works  
Off-Site Landowner Contact Log

Updated 06/12/2017

MAP ID	62	
HCAD ID	014140000001	
PARCEL ADDRESS	2920 Clementine St	
PARCEL OWNER	Amidee Capital Group, LLC	
PARCEL OWNER ADDRESS	13018 Happy Lane, Cypress, TX 77429-2068	
<b>Date</b>	<b>Comment</b>	<b>Person</b>
12/15/2012	Texas American Title Company researches the owner information regarding this property. The owner is listed as Amidee Capital Group, LLC (by Deed under Order of Sale in Tax Suits filed for record under Harris Clerk's File No. Y376238). The title report listed that a Notice of Federal Tax Lien filed November 2009 against Amidee Capital Group, Inc. in the amount of \$27,540.	Eric Matzner, PBW
8/29/2014	Initial letter from UPRR to Jack Perkins detailing the request for a restrictive covenant, certified mailing to parcel address, undeliverable ("unclaimed") (09/14/14)	Geoffrey Reeder, UPRR
10/17/2016	Texas American Title Company reviewed the owner information again in 2016 regarding this property. Amidee Capital Group, LLC is still listed as the owner, and the following notes were provided on the title report: Title Vested In Amidee Capital Group, Inc. f/k/a/ Amidee Capital Group, LLC (by Deed under Order of Sale in Tax Suits filed for record under Harris Clerk's File No. Y376238 and by Corporate Resolution filed for record under Harris County Clerk's File No. 20100468656). The title report listed that a Notice of Federal Tax Lien filed November 2009 against Amidee Capital Group, Inc. in the amount of \$27,540. The records reflect bankruptcy proceedings filed in federal court on January 17, 2010 in Case No. 2010-20041 by Amidee Capital Group, Inc.	Eric Matzner, PBW
5/27/2017	The Harris County Tax assessor website (www.hctax.net) shows Amidee Capital Group, LLC owes \$38,818.49 as of May 2017, and lists the property as "Taxes under Suit".	Eric Matzner, PBW
<b>Current Status</b>	<i>Resident claims not to be the owner but pays the taxes. He refuses to cooperate in locating the owner to get the restrictive covenant signed and we have no further information regarding the owner's current location.</i>	Paul Shanklin

**DRAFT - SUBJECT TO REVISIONS**

Union Pacific Railroad - Houston, TX - Wood Preserving Works  
Off-Site Landowner Contact Log

Updated 06/12/2017

MAP ID	100	
HCAD ID	0651290800938	
PARCEL ADDRESS	3300 E Lockwood Dr	
PARCEL OWNER	Robert Damian	
PARCEL OWNER ADDRESS	3300 E Lockwood Dr	
<b>Date</b>	<b>Comment</b>	<b>Person</b>
8/29/2014	Initial letter from UPRR to Robert Damian detailing the request for a restrictive covenant, certified mailing to parcel address, undeliverable ("unclaimed")	Geoffrey Reeder, UPRR
10/17/2016	Texas American Title Co. researches the property, identifies title vested in Brenda Louise Damian Wilkerson, the Estate of Olivia Damian Farias, deceased, Helen Damian Reyes, Martin Damian, Jr., Francisco Damian, Barbara Damian Sanchez and Eliuth Jimenez Damian (by Deed filed for record under Harris County Clerk's File No. G222792, by Affidavit of Heirship filed for record under Harris County Clerk's File No. 20060033190 and by Deed filed for record under Harris County Clerk's File No. 20090055035). We find of record an Affidavit of Heirship filed for record under Harris County Clerk's File No. 20120204342 pertaining to the Estate of Olivia Farias, deceased. However, said affidavit is not acceptable as to form and incomplete content.	Texas American Title Co./ PBW
<b>Current Status</b>	<i>This property is currently occupied by a squatter. Despite numerous letters and visits to titled owner's address we cannot locate the owner. In addition, based on the Affidavits of Heirship for the property located in the deed records, there are numerous and unverified claims of ownership (clouded title). Therefore, it is unclear if there is an entity that can sign the restrictive covenant for Properties Map ID 25, 26, and 100.</i>	Paul Shanklin

**DRAFT - SUBJECT TO REVISIONS**

**APPENDIX 5B – CITY OF HOUSTON RESTRICTIVE COVENANTS – SIGNED**

# RESTRICTIVE COVENANT

STATE OF TEXAS                   §  
  §           KNOW ALL MEN BY THESE PRESENTS THAT:  
COUNTY OF HARRIS           §

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the **City of Houston Right-of-Way (ROW) (Property)** presented in Exhibits A-1 and A-2 attached hereto and incorporated herein by reference.

Portions of the groundwater underlying the Property contain certain identified chemicals of concern (COCs) causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP. The portion considered to be Affected Property and plume management zone, as those terms are defined in the TRRP, is shown on Exhibit B attached hereto and incorporated herein by reference.

This Restrictive Covenant is required for the following reasons:

## Plume Management Zone

The Affected Property is subject to the TRRP requirements for properties with an area overlying a TCEQ-approved plume management zone. A plume management zone is defined as an area of groundwater containing concentrations of COCs exceeding the TCEQ-approved protective concentration levels for the site, plus any additional area allowed by the TCEQ in accordance with 30 TAC §350.33(f)(4). A plume management zone was established so that the COCs in the groundwater are managed such that human exposure is prevented and that other groundwater resources are protected. The attached Exhibit B provides the location and extent of the plume management zone. Exhibit C describes the maintenance and monitoring required and Table C-2 lists the COCs that exceed the TCEQ's Protective Concentration Levels. This maintenance and monitoring is required until TCEQ approves some modification of those requirements.

As of the date of this Restrictive Covenant, the City of Houston with an address of 901 Bagby Street, Houston, Texas 77002 owns municipal right-of-way easements over the Property. Fee title underlying the easements is owned by the abutting property owners. In consideration of the Response Actions by Union Pacific Railroad (Responder) at the Former Houston Wood Preserving Works Site at 4910 Liberty Road, Houston, Texas, approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City of Houston has agreed, to the extent of its ownership interest, to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. Exposure to groundwater underlying the Affected Property for any purpose is prohibited until such time when all of the chemicals of concern no longer exceed their respective protective concentration levels. The maintenance and monitoring described in Exhibit C is required to be performed by the Responder. Any modification of this restrictive covenant is prohibited without prior approval of TCEQ.
2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

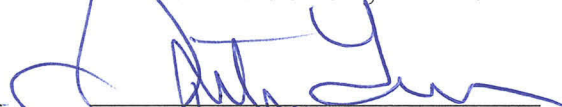
Executed this 9<sup>th</sup> day of June, 2017.

ATTEST:



Anna Russell  
City Secretary

CITY OF HOUSTON, TEXAS



Sylvester Turner  
Mayor of the City of Houston

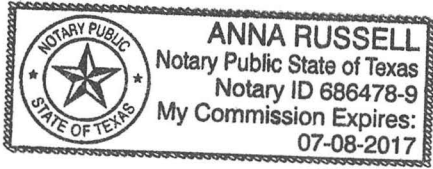
APPROVED AS TO FORM:



Phillip M. Goodwin, P.G.  
Assistant City Attorney  
LD#067-1600017-001

STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on the 9<sup>th</sup> day of June, 2017, by **Sylvester Turner, Mayor** of the **CITY OF HOUSTON, TEXAS**, a municipal corporation, on behalf of said corporation.



(Notary Seal)

\_\_\_\_\_  
Notary Public, State of Texas



**Union Pacific Railroad Company [RESPONDER]**

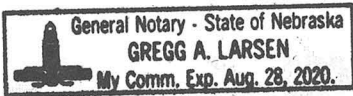
By: Tony Love  
Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA §

DOUGLAS COUNTY §

BEFORE ME, on this the 25<sup>th</sup> day of May, Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [**responder**], known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 25<sup>th</sup> day of May, 20 17.



Gregg A. Larsen  
Notary Public in and for the State of Nebraska  
County of Douglas  
My Commission Expires: August 28, 2020

Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Texas Commission on Environmental Quality**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS                    §  
( \_\_\_\_\_ ) COUNTY            §

BEFORE ME, on this the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ personally appeared \_\_\_\_\_  
[name], \_\_\_\_\_ [title], of The Texas Commission of Environmental Quality,  
known to me to be the person whose name is subscribed to the foregoing instrument, and they  
acknowledged to me that they executed the same for the purposes and in the capacity herein  
expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas,  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**EXHIBIT A -1**

**SURVEY PLAT AND LEGAL DESCRIPTION OF CITY OF HOUSTON RIGHT-OF-WAY INSTITUTIONAL CONTROL BOUNDARY – EASTERN PROPERTY**





## ***Doyle & Wachtstetter, Inc***

Surveying and Mapping • GPS/GIS

**UNION PACIFIC RAILROAD COMPANY  
10.7152 ACRE PMZ TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 1 OF 3**

**BEING ALL THAT CERTAIN** 10.7152 acre tract of land, lying and situated in the Wilson and Harris 2 League Grant, Abstract 32, Harris County Texas, being a portion of Block 2 and Block 3, all of Block 5 and Block 6, a portion of 50 foot wide Grumbach Street, a portion of 50 foot wide Tunis Street (Jones Street), a portion of Erastus Street (Sunset Avenue), a portion of 50 foot wide Harlem Street (Baer Avenue), and a portion of 50 foot wide Lockwood Drive (Cushing Avenue) as shown on the map of Englewood Subdivision, according to the map or plat recorded in Volume 53, Page 346 of the Harris County Deed Records (H.C.D.R.) a portion of Block 22, a portion of 50 foot wide Chew Avenue, and a portion of 50 foot wide Tunis Street (Jones Street), as shown on the map of F. F. Chew Addition, according to the map or plat recorded in Volume 1, Page 8 of the Harris County Map Records (H.C.M.R.), and a portion of Block 11 and Block 18 as shown of the map of the Subdivision of the South Part of the Gagne Homesteads, according to the map or plat thereof recorded in Volume 89, Page 240 of the H.C.D.R., the herein described 10.7152 acre tract land hereby conveyed being more particularly described by metes and bounds, using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.= 0.99989548017) as follows:

**COMMENCING** at 5/8" iron rod found marking the intersection of the southeastern right-of-way boundary line of said 60 foot wide Liberty Road with the northwestern right-of-way boundary line of the 100 foot wide Texas and New Orleans Rail Road Company right-of-way, same being the southeastern boundary line of all that certain called 5.79 acre tract of land conveyed by deed recorded on July 24, 1890 from R. B. Baer to Texas & New Orleans Railroad Company as recorded in Volume 50, Page 535 of the H.C.D.R., said Point of Commencement being located at Texas State Plane coordinate X=3136759.96 and Y=13852340.99;

**THENCE** North 62°10'18" East, coincident with the southeastern right-of-way boundary line of said 60 foot wide Liberty Road, same being the northwestern boundary line of the 100 foot wide Texas and New Orleans Rail Road Company right-of-way, a distance of 653.86 feet to an angle point at the intersection of the southeastern right-of-way boundary line of said 60 foot wide Liberty Road with the northern extension of the western right-of-way boundary line of 50 foot wide Sam Willis Street, at position X=3137338.15 and Y=13852646.20;

**THENCE** South 2°35'12" East, coincident with the northern extension of the western right-of-way boundary line of said 50 foot wide Sam Willis Street, a distance of 364.63 feet to a point located on the eastern boundary line of said Block 22 of the F. F. Chew Addition, for the northeast corner and the **POINT OF BEGINNING** of the herein described 10.7152 acre tract, at position X=3137354.60 and Y=13852281.98;

**THENCE** South 2°35'12" East, coincident with the western right-of-way boundary line of said 50 foot wide Sam Willis Street, same begin the eastern boundary line of said Block 22 of the F. F. Chew Addition, a distance of 85.45 feet to the point of curvature of a non-tangent curve to the left, having a radius of 269.72 feet, at position X=3137358.46 and Y=13852196.62;

**UNION PACIFIC RAILROAD COMPANY  
10.7152 ACRE PMZ TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 2 OF 3**

**THENCE** in an southwesterly direction, along said curve to left, having a radius of 269.72 feet, an arc length of 246.03 feet, a central angle of  $52^{\circ}15'51''$ , a chord bearing and distance of South  $54^{\circ}47'15''$  West – 237.59 feet to a point for corner, located on the eastern right-of-way boundary line of 60 foot wide Chew Street, same being the western boundary line of said Block 22 of the F. F. Chew Addition, for an angle corner of the herein described 10.7152 acre tract, at position X=3137164.36 and Y=1385259.64;

**THENCE** South  $2^{\circ}36'08''$  East, coincident with the eastern right-of-way boundary line of 60 foot wide Chew Street, same being the western boundary line of said Block 22, Block 25 and Block 26 of the F. F. Chew Addition, a distance of 662.55 feet to a point at the intersection of the eastern right-of-way boundary line of said 60 foot wide Chew Street with easterly extension of the southern boundary line of 55 foot wide Tunis Street (not open), for the southeast corner of the herein described 10.7152 acre tract, at position X=3137194.44 and Y=13851397.84;

**THENCE** South  $87^{\circ}28'24''$  West, coincident with the southern right-of-way boundary line of said 55 foot wide Tunis Street (not open), same being northern boundary line of Block 16 of said F. F. Chew Addition, the northern boundary line of Block 9 and Block 8 of said Englewood Subdivision, a distance of 517.83 feet to a point located on the eastern right-of-way boundary line of said 50 foot wide Harlem Street, for the northwest corner of said Block 8 of said Englewood Addition and an interior corner of the herein described 10.7152 acre tract, at position X=3136677.16 and Y=13851375.01;

**THENCE** South  $2^{\circ}31'36''$  East, coincident with the eastern right-of-way boundary line of said 50 foot wide Harlem Street, same being the western boundary line of said Block 8 of said Englewood Subdivision, a distance of 350.00 feet to the intersection of the eastern boundary line of said 50 foot wide Harlem Street with the southern right-of-way boundary line of 50 foot wide Sudan Street, for the northwest corner of Block 11 of said Englewood Subdivision, for an exterior corner of the herein described 10.7152 acre tract, at position X=3136692.59 and Y=13851025.39;

**THENCE** South  $87^{\circ}28'24''$  West, coincident with the southern right-of-way boundary line of said 50 foot wide Sudan Street, the northern boundary line of Block 10 of said Englewood Subdivision, a distance of 260.00 feet to a point located on the eastern right-of-way boundary line Erastus Street, right-of-way varies, for an interior corner of the herein described 10.7152 acre tract, at position X=3136432.87 and Y=13851013.93;

**THENCE** South  $2^{\circ}31'36''$  East, coincident with the eastern right-of-way boundary line Erastus Street, right-of-way varies, same being the western boundary line of said Block 10 of said Englewood Subdivision, a distance of 237.41 feet to a point at the intersection of the easterly extension of the southern boundary line of Block 18 of said Subdivision of the South Part of the Gagne Homestead, for an exterior corner of the herein described 10.7152 acre tract, at position X=3136443.34 and Y=13850776.78;

**THENCE** South  $87^{\circ}15'46''$  West, a distance of 62.36 feet to a point located on western right-of-way boundary line of said Erastus Street, right-of-way varies and the southern boundary line of said Block 18 of the said Subdivision of the South Part of the Gagne Subdivision, for an the southwest corner of the herein described 10.7152 acre tract, at position X=3136381.05 and Y=13850773.80;

**UNION PACIFIC RAILROAD COMPANY  
10.7152 ACRE PMZ TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 3 OF 3**

**THENCE** North 2°44'14" West, coincident with the western right-of-way boundary line of said Erastus Street, right-of-way varies, a distance of 287.64 feet to a point located within Block 11 of said Subdivision of the South Part of the Gagne Homestead, at the intersection of the western right-of-way boundary line of said Erastus Street with the northern right-of-way boundary line of said 50 foot wide Sudan Street, for an exterior corner of the herein described 10.7152 acre tract, at position X=3136367.32 and Y=13851061.08;

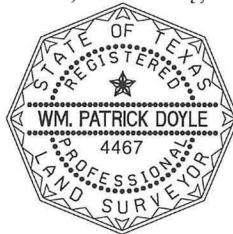
**THENCE** North 87°28'24" East, coincident with the northern right-of-way boundary line of said 50 foot wide Sudan Street, same being the southern boundary line of said Block 7 of said Englewood Subdivision, a distance of 273.42 feet to a point located on the western right-of-way boundary line of said 50 foot wide Harlem Street, for the southeast corner of said Block 7 and an interior corner of the herein described 10.7152 acre tract, at position X=3136640.44 and Y=13851073.13;

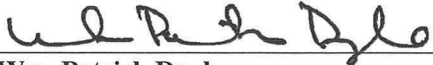
**THENCE** North 2°49'16" West, coincident with the western right-of-way boundary line of said 50 foot wide Harlem Street, same being the eastern boundary line of Block 7, Block 4 and Block 1, of said Englewood Subdivision, a distance of 827.94 feet to the northwest corner of the herein described 10.7152 acre tract, at position X=3136599.69 and Y=13851899.99;

**THENCE** North 53°51'57" East, a distance of 288.79 feet to the a angle corner of the herein described 10.7152 acre tract, at position X=3136832.90 and Y=13852070.26;

**THENCE** North 61°51'16" East, a distance of 190.34 feet to an angle corner of the herein described 10.7152 acre tract, located on curve to the right, having a radius of 1179.16 feet, at position X=3137000.72 and Y=13852160.04;

**THENCE** in an easterly direction, along said curve to the right, having a radius of 1179.16 feet, an arc length of 375.93 feet, a central angle of 18°15'53", and a chord bearing and distance of North 70°59'12" East – 374.34 feet to the **POINT OF BEGINNING**, containing 10.7152 acres of land, more or less.



  
**Wm. Patrick Doyle**  
**Registered Professional Land Surveyor**  
**Texas Registration Number 4467**  
**June 29, 2016**

*This description is based on plat dated June 28, 2016 is on file in the office of Doyle & Wachtstetter, Inc.  
V:\Pat\Pastor Behling & Wheeler\UPPR Englewood Yard Offsite PMZ 10.7152 acre tract.doc*

**EXHIBIT A - 2**

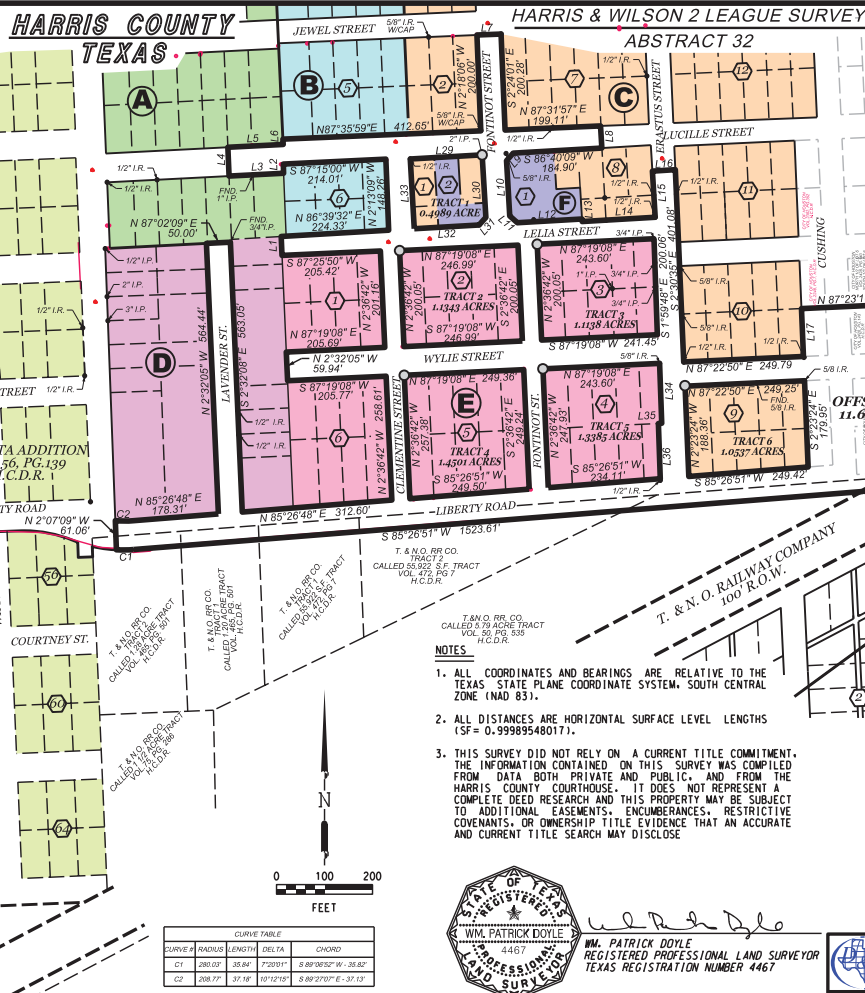
**SURVEY PLAT AND LEGAL DESCRIPTION OF CITY OF HOUSTON RIGHT-OF-WAY INSTITUTIONAL CONTROL BOUNDARY – NORTHERN AND WESTERN PROPERTIES**



**SUBDIVISION LEGEND**

- (A) BALLARD GARDENS VOL. 1528, PG. 725, H.C.D.R.
- (B) FAIRGROUND PARK ANNEX VOL. 499, PG. 70, H.C.D.R.
- (C) FAIR GROUNDS PARK ADDITION VOL. 81, PG. 460, H.C.D.R.
- (D) LIBERTY ROAD ESTATES UNRECORDED
- (E) GAGNE HOMESTEAD VOL. 1, PG. 5, H.C.M.R.
- (F) GREATER TRUE VINE MISSIONARY BAPTIST CHURCH F.C. 599251, H.C.M.R.
- (G) KASHMERE GARDENS ANNEX VOL. 998, PG. 606, H.C.D.R.

LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	LENGTH
L1	N 2°32'05" W	39.80	L22	S 89°43'40" W	30.63
L2	S 2°13'09" E	19.17	L23	N 2°32'15" W	92.46
L3	S 87°04'51" W	114.00	L24	N 87°23'53" E	131.87
L4	N 2°13'09" W	60.00	L25	S 2°48'39" E	51.59
L5	N 87°04'51" W	115.34	L26	S 19°53'48" E	12.60
L6	N 2°36'44" W	11.18	L27	N 62°25'37" E	145.44
L7	N 87°48'32" E	50.40	L28	S 2°50'20" E	111.49
L8	S 3°23'23" E	45.11	L29	N 86°45'15" E	149.97
L9	S 41°40'02" W	21.21	L30	S 3°20'56" E	130.37
L10	S 3°20'11" E	115.26	L31	S 41°35'58" W	21.21
L11	S 48°20'07" E	21.21	L32	S 86°38'32" W	135.28
L12	N 86°39'53" E	135.00	L33	N 3°13'55" W	145.64
L13	S 3°32'04" E	5.22	L29	N 86°45'10" E	149.97
L14	N 86°39'22" E	152.41	L30	S 3°20'56" E	130.37
L15	N 3°28'13" W	86.31	L31	S 41°35'58" W	21.21
L16	N 86°39'22" E	48.05	L32	S 86°39'32" W	135.28
L17	N 2°23'24" W	100.05	L33	N 3°13'55" W	145.64
L18	S 10°38'10" E	5.08	L34	S 1°59'48" E	125.01
L19	S 2°06'20" E	101.23	L35	S 87°19'08" W	7.04
L20	N 62°01'40" E	145.35	L36	S 1°59'48" E	115.29
L21	N 1°22'20" W	20.77			



LESS & EXCEPT TRACTS	POINT OF BEGINNING X =	POINT OF BEGINNING Y =
TRACT 1 0.4989 ACRE	3135967.82	13853042.55
TRACT 2 1.1343 ACRES	3135795.90	13852842.99
TRACT 3 1.1138 ACRES	3136082.54	13852856.42
TRACT 4 1.4501 ACRES	3135805.06	13852583.18
TRACT 5 1.3385 ACRES	313604.07	13852596.71
TRACT 6 1.0537 ACRES	3136390.09	13852561.66

**AUGUSTA ADDITION**  
VOL. 56, PG. 139  
H.C.D.R.

**OFFSITE PMZ TRACT 1**  
11.6378 ACRE TRACT

- NOTES**
- ALL COORDINATES AND BEARINGS ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83).
  - ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS (SF = 0.999895480171).
  - THIS SURVEY DID NOT RELY ON A CURRENT TITLE COMMITMENT. THE INFORMATION CONTAINED ON THIS SURVEY WAS COMPILED FROM DATA BOTH PRIVATE AND PUBLIC, AND FROM THE HARRIS COUNTY COURTHOUSE. IT DOES NOT REPRESENT A COMPLETE DEED RESEARCH AND THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, OR OWNERSHIP TITLE EVIDENCE THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

**EXHIBIT OF**  
**CITY OF HOUSTON**  
**INSTITUTIONAL CONTROL**  
**BOUNDARY**  
IN THE  
**HARRIS & WILSON 2 LEAGUE SURVEY**  
**ABSTRACT 32**  
**HARRIS COUNTY, TEXAS**  
**106**  
**UNION PACIFIC RAILROAD COMPANY**



**CURVE TABLE**

CURVE #	RADIUS	LENGTH	DEFLA	CHORD
C1	280.03	35.80	7°20'51"	S. 89°18'52" W - 35.62'
C2	208.77	37.18	10°12'15"	S. 89°27'01" E - 37.13'



*Wm. Patrick Doyle*  
**WM. PATRICK DOYLE**  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NUMBER 4467

**Doyle & Wachtstetter, Inc.**  
Surveying and Mapping GPS/CIS  
151 COMMERCIAL STREET, CLUTE, TEXAS 77531  
OFFICE: 979.265.1627 FAX: 979.265.0600 TITEL NO. 80034500  
SURVEYED: 1-12-16 BOOK: 1068 IMAGE: 1915-16-00  
DRAWN BY: JAM/V-14-16 CHECKED: WPD/2-2016 TRK/V-16-01

USER: Wm. Patrick Doyle  
 DATE: 1/12/16  
 TIME: 10:42:27 AM  
 PROJECT: 1915-16-00



**UNION PACIFIC RAILROAD COMPANY  
11.6378 ACRE CITY OF HOUSTON OFFSITE PMZ TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 1 OF 13**

**BEING ALL THAT CERTAIN** 11.6378 acre tract of land, lying and situated in the Wilson and Harris 2 League Grant, Abstract 32, Harris County Texas, being a portion of Liberty Road, right-of-way varies, all of 30 foot wide Lelia Street (11<sup>th</sup> Street), all of 60 foot wide Wylie Street (12<sup>th</sup> Street), all of 40 foot wide Clementine Street and all of 40 foot wide Fontinot Street, as shown on the map of the Subdivision of Shares 2 & 3 of the Gagne Homestead, according to the map or plat thereof recorded in Volume 1, Page 55 of the Harris County Map Records (H.C.M.R.), a portion of 60 foot wide Lucille Street, as shown on the map of Ballard Gardens Addition, according to the map or plat thereof recorded in Volume 1528, Page 725 of the Harris County Deed Records (H.C.D.R.), a portion of 50 foot wide Lucille Street and a portion of 50 foot wide Clementine Street (formerly Lots 1 and 10, Block 6) as shown on the map of Fairgrounds Park Annex according to the map or plat thereof recorded in Volume 499, Page 70 of the H.C.D.R., a portion of 50 foot wide Lucille Street, a portion of 50 foot wide Fontinot Street, and a portion of 50 foot wide Erastus Street as shown on the Map of Fair Ground Park Addition, according to the map or plat thereof recorded in Volume 81, Page 460 of the H.C.D.R., a portion of Old Lockwood Drive (right-of-way varies) as shown on the map of Kashmere Gardens Annex, according to the map or plat thereof recorded in Volume 996, Page 606 of the H.C.D.R., a portion of Cushing Street, a portion of Lockwood Drive, all of Lavender Street conveyed by deed recorded on May 24, 1948 from Carl S. Smith, et al to Harris County, as recorded in Volume 1740, Page 359 of the H.C.D.R., a portion of all that certain called 1.28 acre tract and a portion of all that certain called 1.20 acre tract of land conveyed by deed recorded on February 8, 1921 from W. N. Reece to Texas & New Orleans Railroad Company as recorded in Volume 465, Page 501 of the H.C.D.R.; a portion of all that certain called 55,922 square foot tract of land and a portion of all that certain called 55,922 square foot tract of land conveyed by deed recorded on February 7, 1921 from W. N. Reece to Texas & New Orleans Railroad Company as recorded in Volume 472, Page 7 of the H.C.D.R., and a portion of all that certain called 5.79 acre tract of land conveyed by deed recorded on July 24, 1890 from R. B. Baer to Texas & New Orleans Railroad Company as recorded in Volume 50, Page 535 of the H.C.D.R., the herein described 11.6378 acre tract land hereby conveyed being more particularly described by metes and bounds, using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.= 0.99989548017) as follows:

**BEGINNING** at 5/8" iron rod found marking the intersection of the southern right-of-way boundary line of said Liberty Road, right-of-way varies, with the northwestern right-of-way boundary line of the 100 foot wide Texas and New Orleans Rail Road Company right-of-way, same being the southeastern boundary line of said Texas and New Orleans Rail Road Company called 5.79 acre tract, said Point of Beginning being located at Texas State Plane coordinate X=3136759.96 and Y=13852340.99;

**THENCE** South 85°26'51" West, coincident with the southern boundary line of said Liberty Road, right-of-way varies, a distance of 1523.61 feet to a 5/8" iron rod found marking the point of curvature of a curve to the right, having a radius of 280.03 feet;

**THENCE** in a westerly direction, coincident with the southern boundary line of said Liberty Road, right-of-way varies, along said curve to the right, having a radius of 280.03 feet, an arc length of 35.84 feet, a central angle of 7°20'01", a chord bearing and distance of South 89°06'52" West – 35.82 feet to the southwest corner of the herein described 11.6378 acre tract;

**THENCE** North 2°07'09" West, crossing said Liberty Road, right-of-way varies, a distance of 61.06 feet to a point located on the northern right-of-way boundary line of said Liberty Road, right-of-way varies, for the southwest corner of Tract 1, Block 2 of the unrecorded subdivision of Liberty Road Estates, being the same tract conveyed by deed recorded on March 27, 2014 from Harris County, et al to 2013 Cottage, LLC, as recorded in Clerk's File No. 20140123340 of the H.C.O.R., located on a curve to the left, having a radius of 208.77 feet, for an angle corner of the herein described 11.6378 acre tract,

**UNION PACIFIC RAILROAD COMPANY**

**11.6378 ACRE CITY OF HOUSTON OFFSITE PMZ TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 2 OF 13**

**THENCE** in an easterly direction, coincident with northern right-of-way boundary line of said Liberty Road, right-of-way varies, same being the southern boundary line of said Tract 1, Block 2 of the unrecorded subdivision of Liberty Road Estates, along said curve to the left, having a radius of 208.77 feet, an arc length of 37.18 feet, a central angle of  $10^{\circ}12'15''$ , a chord bearing and distance of South  $89^{\circ}27'07''$  East – 37.13 feet to a point for corner;

**THENCE** North  $85^{\circ}26'48''$  East, coincident with northern right-of-way boundary line of said Liberty Road, right-of-way varies, same being the southern boundary line of said Tract 1, Block of the unrecorded subdivision of Liberty Road Estates, a distance of 178.31 feet to the intersection of the northern right-of-way boundary line of said Liberty Road, right-of-way varies, and the western right-of-way boundary line of said Lavender Street, for the southeast corner of said Lot 1, Block 2 of the unrecorded subdivision of Liberty Road Estates, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North  $2^{\circ}32'05''$  West, coincident with the western right-of-way boundary line of said Lavender Street, same being the eastern boundary line of Tract 1, the eastern boundary line of Lot 16, being the same tract conveyed by deed recorded on July 2, 1952 from Clark Investment Company to John Ellis, et ux as recorded in Volume 2458, page 665 of the H.C.D.R., the eastern boundary line of Tract 14, being the same tract conveyed by deed recorded on March 27, 2014 from Harris County, et al to 2013 Cottage, LLC, as recorded in Clerk's File No. 20140123340 of the H.C.O.R., the eastern boundary line of Tract 13, being the same tract conveyed by deed recorded on May 11, 2001 from Larry Charles Wyatt to Francis A. Wyatt, as recorded in Clerk's File No. V045715 of the H.C.O.R., and the eastern boundary line of Tract 12, being the same tract conveyed by deed recorded on February 16, 1950 from Clark Investment Company to Arthur Brooks, et ux as recorded in Volume 2035, Page 571 of the H.C.D.R., all being out of Block 2, of the unrecorded subdivision of Liberty Road Estates, a distance of 564.44 feet to a point located on the southern boundary line of Lot 5 of said Ballard Gardens Addition, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North  $87^{\circ}02'09''$  East, coincident with the southern boundary line of Lot 5 and Lot 6 of said Ballard Gardens Addition, a distance of 50.00 feet to the northwest corner of Tract 11 of the unrecorded subdivision of Liberty Road Estates, being the same tract conveyed by deed recorded on January 28, 2003 from Harris County, et al to Sandra Rena Thompson, as recorded in Clerk's File NO. W386946 of the H.C.O.R., for an angle corner of the herein described 11.6378 acre tract;

**THENCE** South  $2^{\circ}32'08''$  East, coincident with the eastern right-of-way boundary line of said 50 foot wide Lavender Street, same being the western boundary line of said Tract 11, Tract 6A, being the same tract conveyed by deed recorded on September 24, 1993 from Clark Investment Company, Inc. to Essie Lee Hutchins as recorded in Clerk's File No. P469225 of the H.C.O.R., Tract 6B, in the name of Zearlene Osborne, recordation information not found, Tract 6 and Tract 6C, in the name of Lucille Long, recordation information not found, Tract 5, being the same tract conveyed by deed recorded on March 1, 2011 from Constable Jack F. Abercia, Precinct 1, Harris County, Texas to Greater Mount Nebo Baptist Church as recorded in Clerk's File No. 2011-083443 of the H.C.O.R., Tract 4, being the same tract conveyed by deed recorded on August 14, 2009 from Jack Anthony Coachman to Ray Carrington as recorded in Clerk's File No. 2009-0369151 of the H.C.O.R., Tract 3, being the same tract described in deed recorded on November 22, 1951 from Clark Investment Company to Jessie Beal, et al, as recorded in Volume 2344, Page 164 of the H.C.D.R., and Tract 1, being the same tract conveyed by deed recorded on August 5, 2013 from Constable Alan Rosen Precinct 1, Harris County, Texas to Greater Mount Nebo Missionary Baptist Church, as recorded in Clerk's File No. 2013-0394211 of the H.C.O.R., all being out of Block 2 of the unrecorded subdivision of Liberty Road Estates, a distance of 563.05 feet to the intersection of the eastern right-of-way boundary line of said 50 foot wide Lavender Street with the northern right-of-way boundary line Liberty Road, right-of-way varies, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North  $85^{\circ}26'48''$  East, coincident with the northern right-of-way boundary line of said Liberty Road, right-of-way varies, same being the southern boundary line of said Tract 1 of the unrecorded subdivision of Liberty Road Estates and the southern boundary line of Block 6 of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 312.60 feet to the southeast corner of said Block 6, same being the intersection of the northern right-of-way boundary line of said Liberty Road, right-of-way varies, with the western right-of-way boundary line of 40 foot wide Clementine Street, for an angle corner of the herein described 11.6378 acre tract;

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**THENCE** North 2°36'42" West, coincident with the western right-of-way boundary line of said 40 foot wide Clementine Street, same being the eastern boundary line of Block 6 of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 258.61 feet to the northeast corner of said Block 6, same being the intersection of said western right-of-way boundary line of 40 foot wide Clementine Street with the southern right-of-way boundary line of 60 foot wide Wylie Street (12<sup>th</sup> Street), for an angle corner of the herein described 11.6378 acre tract;

**THENCE** South 87°19'08" West, coincident with the southern right-of-way boundary line of 60 foot wide Wylie Street (12<sup>th</sup> Street), same being the northern boundary line of Block 6 of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 205.77 feet to the northwest corner of said Block 6, located on the eastern boundary line of said unrecorded subdivision of Liberty Road Estates, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 2°32'05" West, coincident with the eastern boundary line of said unrecorded subdivision of Liberty Road Estates, a distance of 59.94 feet to the southwest corner of Block 1, of said Subdivision of Shares 2 & 3 of the Gagne Homestead, located on the northern boundary line of said 60 foot wide Wylie Street (12<sup>th</sup> Street), for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 87°19'08" East, coincident with the northern boundary line of said 60 foot wide Wylie Street (12<sup>th</sup> Street), same being the southern boundary line of Block 1 of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 205.69 feet, to the southeast corner of said Block 1, at the intersection of the northern right-of-way boundary line of said Wylie Street (12<sup>th</sup> Street) with the western right-of-way boundary line of said 40 foot wide Clementine Street, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 2°36'42" West, coincident with the western right-of-way boundary line of said 40 foot wide Clementine Street, same being the eastern boundary line of Block 1 of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 201.16 feet to the northeast corner of said Block 1, at the intersection of the western boundary line of said 40 foot wide Clementine Street with the southern right-of-way boundary line of called 30 foot wide Lelia Street (11<sup>th</sup> Street), for an angle corner of the herein described 11.6378 acre tract;

**THENCE** South 87°25'50" West, coincident with the southern right-of-way boundary line of called 30 foot wide Lelia Street (11<sup>th</sup> Street), same being the northern boundary line of Block 1 of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 205.42 feet, to the northwest corner of said Block 1, located on the eastern boundary line of said unrecorded subdivision of Liberty Road Estates, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 2°32'05" West, coincident with the eastern boundary line of said unrecorded subdivision of Liberty Road Estates, a distance of 39.50 feet, to a point located on the northern right-of-way boundary line of said called 30 foot wide Lelia Street (11<sup>th</sup> Street), same being the southern boundary line of Lot 8 of said Ballard Gardens Addition, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 86°39'32" East, coincident with the northern right-of-way boundary line of said called 30 foot wide Lelia Street (11<sup>th</sup> Street), same being the southern boundary line of said Lot 8 of Ballard Gardens Subdivision and the southern boundary line of Block 6 of said Fairgrounds Park Annex, a distance of 224.33 feet to the intersection of the northern right-of-way boundary line of said called 30 foot wide Lelia Street with the western right-of-way boundary line 50 foot wide Clementine Street, formerly Lots 1 and 10, Block 6, Fairgrounds Park Annex, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 2°13'09" West, coincident with the western right-of-way boundary line 50 foot wide Clementine Street, a distance of 148.26 feet, to a point located at the intersection of the western right-of-way boundary line of said 50 foot wide Clementine Street with the southern right-of-way boundary line of 50 foot wide Lucille Street, same being the northern boundary line of Block 6 of said Fairground Park Annex, for an angle corner of the herein described 11.6378 acre tract;

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**THENCE** South 87°15'00" West, coincident with the southern right-of-way boundary line of 50 foot wide Lucille Street, same being the northern boundary line of Block 6 of said Fairground Park Annex, a distance of 214.01 feet, to the northwest corner of said Block 6 of Fairground Park Annex, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** South 2°13'09" East, coincident with the western boundary line of said Block 6 of Fairground Park Annex, a distance of 19.17 feet, to the northeast corner of Lot 8 of said Ballard Gardens Addition, located on the southern right-of-way boundary line of 60 foot wide Lucille Street, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** South 87°04'51" West, coincident with the southern right-of-way boundary line of 60 foot wide Lucille Street, same being the northern boundary line of Lot 8 and Lot 7 of said Ballard Gardens Addition, a distance of 114.00 feet to an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 2°13'09" West, a distance of 60.00 feet to a point located on the northern right-of-way boundary line of said 60 foot wide Lucille Street, same being the southern boundary line of Lot 15 of said Ballard Gardens Addition, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 87°04'51" East, coincident with the northern right-of-way boundary line of said 60 foot wide Lucille Street, same being the southern boundary line of Lots 15 and 16 of said Ballard Gardens Addition, a distance of 115.34 feet, to an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 2°36'44" West, coincident with the eastern boundary line of said Lot 16 of Ballard Gardens Addition, a distance of 11.16 feet to the southwest corner of Block 5 of said Fairgrounds Park Annex, located on the northern right-of-way boundary line of said 50 foot wide Lucille Street, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 87°35'59" East, coincident with the northern right-of-way boundary line of said 50 foot wide Lucille Street, same being the southern boundary line of Block 5 of said Fairgrounds Park Annex and the southern boundary line of Block 2 of Fair Ground Park Addition, a distance of 412.65 feet to the southeast corner of said Block 2 of said Fair Ground Park Addition at the intersection of the northern right-of-way boundary line of said 50 foot wide Lucille Street with western right-of-way boundary line of 50 foot wide Fontinot Street, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 2°18'06" West, coincident with the western right-of-way boundary line of said 50 foot wide Fontinot Street, same being the eastern boundary line Block 2 of said Fair Ground Park Addition, a distance of 200.00 feet, to the intersection of the western right-of-way boundary line of said 50 foot wide Fontinot Street with the southern right-of-way boundary line of 50 foot wide Jewel Street, for angle corner;

**THENCE** North 87°48'32" East, coincident with the southern right-of-way boundary line of 50 foot wide Jewel Street, a distance of 50.40 feet, to a point located at the intersection of the southern right-of-way boundary line of said 50 foot wide Jewel Street with the eastern right-of-way boundary line of 50 foot wide Fontinot Street, for the northwest corner of Block 7 of said Fair Ground Park Addition, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** South 2°24'01" East, coincident with the eastern right-of-way boundary line of 50 foot wide Fontinot Street, same being the western boundary line of Block 7 of said Fair Ground Park Addition, a distance of 200.28 feet to the southwest corner of said Block 7, at the intersection of the eastern right-of-way boundary line of 50 foot wide Fontinot Street with the northern right-of-way boundary line of said 50 foot wide Lucille Street, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 87°31'57" East, coincident with the northern right-of-way boundary line of 50 foot wide Lucille Street, same being the southern boundary line of Block 7 of said Fair Ground Park Addition, a distance of 199.11 feet to an angle corner of the herein described 11.6378 acre tract;

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**THENCE** South 3°23'23" East, a distance of 46.11 feet, to a point located southern right-of-way boundary line of 50 foot wide Lucille Street, same being the northern boundary line of Block 8 of said Fair Ground Park Addition, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** South 86°40'09" West, coincident with the southern right-of-way boundary line of 50 foot wide Lucille Street, same being the northern boundary line of Block 8 of said Fair Ground Park Addition, and the northern boundary line of Block 1 as shown on the map of the Greater True Vine Missionary Baptist Church recorded in Film Code 599251 of the H.C.M.R., a distance of 184.90 feet the north corner of a cutback at the intersection of the southern right-of-way boundary line of said 50 foot wide Lucille Street with the eastern right-of-way boundary line of said 50 foot wide Fontinot Street, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** South 41°40'02" West, coincident with the said cutback, a distance of 21.21 feet, to a point located on the eastern right-of-way boundary line of said 50 foot wide Fontinot Street, same being the western boundary line of Block 1 of said Greater True Vine Missionary Baptist Church, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** South 3°20'11" East, coincident with the eastern right-of-way boundary line of said 50 foot wide Fontinot Street, same being the western boundary line of Block 1 of said Greater True Vine Missionary Baptist Church, a distance of 115.26 feet, to a point located at the North corner of a cutback at the intersection of the eastern right-of-way boundary line of said 50 foot wide Fontinot Street with the northern right-of-way boundary line of 50 foot wide Lelia Street, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** South 48°20'07" East, coincident with said cutback, a distance of 21.21 feet, to the intersection of the eastern right-of-way boundary line of said 50 foot wide Fontinot Street with the northern right-of-way boundary line of 50 foot wide Lelia Street, located on the southern boundary line of said Block 1 of said Greater True Vine Missionary Baptist Church, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 86°39'53" East, coincident with the northern right-of-way boundary line of called 30 foot wide Lelia Street, same being the southern boundary line of said Block 1 of said Greater True Vine Missionary Baptist Church, a distance of 135.00 feet, to a point located on the western boundary line of Lot 3, Block 8 of said Fair Ground Park Addition, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** South 3°32'04" East, coincident with the western boundary line of said Lot 3, Block 8 of Fair Ground Park Addition, a distance of 5.22 feet, to a point located on the northern right-of-way boundary line of called 30 foot wide Lelia Street, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 86°39'22" East, coincident with the northern right-of-way boundary line of called 30 foot wide Lelia Street, same being the southern boundary line of Block 8, Fair Ground Park Addition, a distance of 152.41 feet to the southeast corner of said Block 8, located at the intersection of the northern right-of-way boundary line of called 30 foot wide Lelia Street, with the western right-of-way boundary line of called 50 foot wide Erastus Street, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 3°28'13" West, coincident with the western right-of-way boundary line of called 50 foot wide Erastus Street, same being the eastern boundary line of Block 8 of Fair Ground Park Addition, a distance of 96.31 feet, to an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 86°39'22" East, a distance of 48.05 feet, to a point located on the eastern right-of-way said called 50 foot wide Erastus Street, same being the western boundary line of Block 11 of said Fair Ground Park Addition, for an angle corner of the herein described 11.6378 acre tract;

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**THENCE** South 2°30'35" East, coincident with the eastern right-of-way of said called 50 foot wide Erastus Street, the western boundary line of Block 11 and the western boundary line of Block 10 of said Fair Ground Park Addition, a distance of 401.08 feet, to the southwest corner of said Block 10, located at the intersection of the eastern right-of-way boundary line of said called 50 foot wide Erastus Street with the northern boundary line of 50 foot wide Wylie Street, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 87°22'50" East, coincident with the northern right-of-way boundary line of said 50 foot wide Wylie Street, same being the southern boundary line of said Block 10, Fair Ground Park Addition, a distance of 249.79 feet, to a point located on the western right-of-way boundary line of Cushing Street, located on the eastern boundary line of Lot 11, Block 10 of Fair Ground Park Addition, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 2°23'24" West, coincident with the western boundary right-of-way boundary line of said Cushing Street, same being the eastern boundary line of Lot 11, Block 10 of Fair Ground Park Addition, a distance of 100.05 feet, to the northeast corner of said Lot 11, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 87°23'16" East, crossing said Cushing Street and Lockwood Drive, a distance of 304.42 feet, to a point located on the eastern right-of-way boundary line of Lockwood Drive, same being the western boundary line of the residual of Lot 1939 of Kashmere Gardens Annex, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** South 10°38'10" East, coincident with the eastern right-of-way boundary line of Lockwood Drive, same being the western boundary line of the residual of said Lot 1939 of Kashmere Gardens Annex, a distance of 5.08 feet, to the southwest corner of the residual of said Lot 1939 and the northwest corner of the residual of Lot 1938, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** South 6°16'50" East, coincident with the eastern right-of-way boundary line of Lockwood Drive, same being the western boundary line of the residual of said Lot 1938 of Kashmere Gardens Annex, and the western boundary line of all that certain called 0.3790 acre tract conveyed by deed recorded on August 31, 1979 from Larry Edward, et al to Martin Damian, Sr., et al as recorded in Clerk's File No. G222792 of the H.C.O.R., a distance of 75.22 feet to an angle corner of the herein described 11.6378 acre tract;

**THENCE** South 2°06'20" East, coincident with the eastern right-of-way boundary line of Lockwood Drive, same being the western boundary line of said Martin Damian, Sr., et al called 0.3790 acre tract, a distance of 101.23 feet, to a point located on the northern right-of-way boundary line of said Liberty Road, right-of-way varies, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 62°01'40" East, coincident with the northern right-of-way boundary line of said Liberty Road, right-of-way varies, same being the southern boundary line of said Martin Damian, Sr., et al called 0.3790 acre tract, a distance of 145.35 feet to the southeast corner of said Martin Damian, Sr., et al called 0.3790 acre tract, located at the intersection of the northern right-of-way boundary line of said Liberty Road with the western right-of-way boundary line of Old Lockwood Drive, right-of-way varies, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 1°22'20" West, coincident with the western right-of-way boundary line of Old Lockwood Drive, right-of-way varies, same being the eastern boundary line of said Martin Damian, Sr., et al called 0.3790 acre tract, a distance of 20.77 feet to an angle corner of the herein described 11.6378 acre tract;

**THENCE** South 89°43'40" West, coincident with the northern boundary line of said Martin Damian, Sr., et al called 0.3790 acre tract, a distance of 30.03 feet, to a point located on the western right-of-way boundary line of said Old Lockwood Drive, right-of-way varies, for an angle corner of the herein described 11.6378 acre tract;

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**THENCE** North 2°32'15" West, coincident with the western right-of-way boundary line of said Old Lockwood Drive, right-of-way varies, same being the eastern boundary line of said Martin Damian, Sr., et al called 0.3790 acre tract and the residual of said Lot 1938 of Kashmere Gardens Annex, a distance of 92.46 feet, to an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 87°23'53" East, crossing said Old Lockwood Drive, right-of-way varies, a distance of 131.87 feet, to a point located on the eastern right-of-way boundary line of said Old Lockwood Drive, right-of-way varies, same being the western boundary line of all certain called 1.0467 acre tract, conveyed by deed recorded on October 20, 2006 from Elmer Preston, trustee to Rosendo H. Hernandez ass recorded in Clerk's File No. 2006-0140564 of the H.C.O.R., for an angle corner of the herein described 11.6378 acre tract;

**THENCE** South 2°48'39" East, coincident with the eastern right-of-way boundary line of said Old Lockwood Drive, right-of-way varies, same being the western boundary line of said Rosendo H. Hernandez called 1.0467 acre tract, a distance of 51.59 feet to an angle corner of the herein described 11.6378 acre tract;

**THENCE** South 19°53'48" East, coincident with the eastern right-of-way boundary line of said Old Lockwood Drive, right-of-way varies, same being the western boundary line of said Rosendo H. Hernandez called 1.0467 acre tract, a distance of 12.60 feet to the southwest corner of said Rosendo H. Hernandez called 1.0467 acre tract, at the intersection of the eastern right-of-way boundary line of said Old Lockwood Drive right-of-way varies, with the northern right-of-way boundary line of Liberty Road, right-of-way varies, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** North 62°25'57" East, coincident with the northern right-of-way boundary line of said Liberty Road, right-of-way varies, same being the southern boundary line of said Rosendo H. Hernandez called 1.0467 acre tract, a distance of 145.44 feet, to an angle corner of the herein described 11.6378 acre tract;

**THENCE** South 2°50'20" East, crossing said Liberty Road, right-of-way varies, a distance of 111.49 feet, to a point located on the southern right-of-way boundary line of said Liberty Road, right-of-way varies, same being the northern right-of-way boundary line of said 100 foot wide Texas and New Orleans Rail Road Company right-of-way, for an angle corner of the herein described 11.6378 acre tract;

**THENCE** South 62°10'18" West, coincident with the southern right-of-way boundary line of said Liberty Road, right-of-way varies, same being the northern right-of-way boundary line of said 100 foot wide Texas and New Orleans Rail Road Company right-of-way, a distance of 629.98 feet to the **POINT OF BEGINNING**, containing within this description 18.2271 acres of land, less and except the following tracts, being more particularly described as follow: Tract 1 – 0.4989 acre tract, Tract 2 – 1.1343 acre tract, Tract 3 – 1.1138 acre tract, Tract 4 – 1.4501 acre tract, Tract 5, 1.3385 acre tract, Tract 6 – 1.0537 acre tract, leaving a net acreage of 11.6378 acres, more or less.



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**LESS & EXCEPT TRACT 1 – 0.4989 ACRE**

**BEING ALL THAT CERTAIN 0.4989 ACRE** tract of land, lying and situated in the Wilson and Harris 2 League Grant, Abstract 32, Harris County Texas, being a portion of Lot 1 and all of Lot 3 of Fair Ground Park Addition, according to the map or plat thereof recorded in Volume 81, Page 460 of the Harris County Deed Records (H.C.D.R.), and being all of Block 2 of the Greater True Vine Missionary Baptist Church according to the map or plat thereof recorded in Film Code 599251 of the Harris County Map Records, the herein described 0.4989 acre tract land hereby conveyed being more particularly described by metes and bounds, using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.= 0.99989548017) as follows:

**COMMENCING** at the southeast corner of Block 2 of said Fair Ground Park Addition, located on the intersection of the northern right-of-way boundary line 50 foot wide Lucille Street and the western boundary line of 50 foot wide Fontinot Street, said Point of Commencement being located at Texas State Plane coordinate position X=3135965.22 and Y=13853093.15;

**THENCE** South 2°57'04" East, crossing said 50 foot wide Lucille Street, a distance of 50.68 feet to the northeast corner of said Block 1 Fair Grounds Park Addition for the northeast corner and the **POINT OF BEGINNING** of the herein described 0.4989 acre tract, at position X=3135967.82 and Y=13853042.55;

**THENCE** South 3°20'56" East, coincident with the western boundary line of said 50 foot wide Fontinot Street, same being the eastern boundary line of said Block 1, Fair Ground Park Addition, and the eastern boundary line of said Block 2 of the subdivision of the Greater True Vine Missionary Baptist Church, a distance of 130.37 feet to the North corner of a cutback at the southeast corner of said Block 2, located at the intersection of the western boundary line of said 50 foot wide Fontinot Street with the northern right-of-way boundary line of Lelia Street, for an angle corner of the herein described 0.4989 acre tract;

**THENCE** South 41°35'58" West, coincident with said cutback, a distance of 21.21 feet to the intersection of the western right-of-way boundary line of said 50 foot wide Fontinot Street with the northern right-of-way boundary line of called 30 foot wide Lelia Street, for an angle corner of the herein described 0.4989 acre tract;

**THENCE** South 86°39'32" West, coincident with the northern right-of-way boundary line of called 30 foot wide Lelia Street, same being the southern boundary of said Block 2 of the subdivision of the Greater True Vine Missionary Baptist Church and the southern boundary line of Block 1 of said Fair Ground Park Addition, a distance of 135.28 feet to the southwest corner of said Block 1 of said Fair Ground Park, located at the intersection of the northern right-of-way boundary line of said called 30 foot wide Lelia Street, with the eastern right-of-way boundary line of 50 foot wide Clementine Street, for the southwest corner of the herein described 0.4989 acre tract;

**THENCE** North 3°13'55" West, coincident with the eastern right-of-way boundary line of 50 foot wide Clementine Street, a distance of 145.64 feet to the northwest corner of Block 1 of Fair Ground Park Addition, located at the intersection of the eastern right-of-way boundary line of said 50 foot wide Clementine Street with the southern right-of-way boundary line of said 50 foot wide Lucille Street, for the northwest corner of the herein described 0.4989 acre tract;

**THENCE** North 86°45'15" East, coincident with the southern right-of-way boundary line of said 50 foot wide Lucille Street, a distance of 149.97 feet to the **POINT OF BEGINNING**, containing 0.4989 acre of land, more or less.

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**LESS & EXCEPT TRACT 2 – 1.1343 ACRE TRACT**

**BEING ALL THAT CERTAIN** 1.1343 acre tract of land, lying and situated in the Wilson and Harris 2 League Grant, Abstract 32, Harris County Texas, being all of Block 2 as shown on the map of the Subdivision of Shares 2 & 3 of the Gagne Homestead, according to the map or plat thereof recorded in Volume 1, Page 55 of the Harris County Map Records, the herein described 1.1343 acre tract land hereby conveyed being more particularly described by metes and bounds, using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.=0.99989548017) as follows:

**COMMENCING** at the northeast corner of Block 1 of said Subdivision of Shares 2 & 3 of the Gagne Homestead, said point being the intersection of the southern right-of-way boundary line of called 30 foot wide Lelia Street, with the eastern right-of-way boundary line of 40 foot wide Clementine Street, said Point of Commencement being located at Texas State Plane coordinate position X=3135755.89 and Y=13852842.23;

**THENCE** North 88°54'44" East, crossing said 40 foot wide Clementine Street, a distance of 40.01 feet to the northwest corner of said Block 1 of said Subdivision of Shares 2 & 3 of the Gagne Homestead, at the intersection of the southern right-of-way boundary line of called 30 foot wide Lelia Street, with the western right-of-way boundary line of 40 foot wide Clementine Street, for the northwest corner and the **POINT OF BEGINNING** herein described 1.1343 acre tract, at position X=3135795.90 and Y=13852842.99;

**THENCE** North 87°19'08" East, coincident with the southern boundary line of said called 30 foot wide Lelia Street, same being the northern boundary line of said Block 1, of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 246.99 feet to the northeast corner of said Block 1, at the intersection of the southern boundary line of said called 30 foot wide Lelia Street, with the western boundary line of 40 foot wide Fontinot Street, for the northeast corner of the herein described 1.1343 acre tract

**THENCE** South 2°36'42" East, coincident with the western boundary line of 40 foot wide Fontinot Street, same being the eastern boundary line of said Block 1, of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 200.05 feet to the southeast corner of said Block 1, located at the intersection of the western boundary line of 40 foot wide Fontinot Street with the northern right-of-way boundary line 50 foot wide Wylie Street, for the southeast corner of the herein described 1.1343 acre tract

**THENCE** South 87°19'08" West, coincident with the northern right-of-way boundary line 50 foot wide Wylie Street, same being the southern boundary line of said Block 1, of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 246.99 feet to the southwest corner of said Block 1, at the intersection of the northern right-of-way boundary line of said 50 foot wide Wylie Street with the eastern right-of-way boundary line of 40 foot wide Clementine Street, for the southwest corner of the herein described 1.1343 acre tract

**THENCE** North 2°36'42" West, coincident with the eastern right-of-way boundary line of 40 foot wide Clementine Street, same being the western boundary line of said Block 1, of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 200.05 feet to the **POINT OF BEGINNING**, containing 1.1343 acres of land, more or less.

**UNION PACIFIC RAILROAD COMPANY  
11.6378 ACRE CITY OF HOUSTON OFFSITE PMZ TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 10 OF 13**

**LESS & EXCEPT TRACT 3-1.1138 ACRE TRACT**

**BEING ALL THAT CERTAIN** 1.1138 acre tract of land, lying and situated in the Wilson and Harris 2 League Grant, Abstract 32, Harris County Texas, being all of Block 3 as shown on the map of the Subdivision of Shares 2 & 3 of the Gagne Homestead, according to the map or plat thereof recorded in Volume 1, Page 55 of the Harris County Map Records, the herein described 1.1138 acre tract land hereby conveyed being more particularly described by metes and bounds, using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.=0.99989548017) as follows:

**COMMENCING** at the northeast corner of Block 2 of said Subdivision of Shares 2 & 3 of the Gagne Homestead, said point being the intersection of the southern right-of-way boundary line of called 30 foot wide Lelia Street, with the eastern right-of-way boundary line of 40 foot wide Fontinot Street, said Point of Commencement being located at Texas State Plane coordinate position X=3136042.59 and Y=13852854.55;

**THENCE** North 87°19'08" East, crossing said 40 foot wide Fontinot Street, a distance of 40.00 feet to the northwest corner of said Block 3 of said Subdivision of Shares 2 & 3 of the Gagne Homestead, at the intersection of the southern right-of-way boundary line of called 30 foot wide Lelia Street, with the western right-of-way boundary line of 40 foot wide Fontinot Street, for the northwest corner and the **POINT OF BEGINNING** herein described 1.1138 acre tract, at position X=3136082.54 and Y=13852856.42;

**THENCE** North 87°19'08" East, coincident with the southern boundary line of said called 30 foot wide Lelia Street, same being the northern boundary line of said Block 3, of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 243.60 feet to the northeast corner of said Block 3, at the intersection of the southern boundary line of said called 30 foot wide Lelia Street, with the western boundary line of Erastus Street, right-of-way varies, for the northeast corner of the herein described 1.1138 acre tract

**THENCE** South 1°59'48" East, coincident with the western boundary line of Erastus Street, right-of-way varies, same being the eastern boundary line of said Block 3, of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 200.06 feet to the southeast corner of said Block 3, located at the intersection of the western boundary line of Erastus Street, right-of-way varies, with the northern right-of-way boundary line 50 foot wide Wylie Street, for the southeast corner of the herein described 1.1138 acre tract

**THENCE** South 87°19'08" West, coincident with the northern right-of-way boundary line 50 foot wide Wylie Street, same being the southern boundary line of said Block 3, of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 241.45 feet to the southwest corner of said Block 3, at the intersection of the northern right-of-way boundary line of said 50 foot wide Wylie Street with the eastern right-of-way boundary line of 40 foot wide Fontinot Street, for the southwest corner of the herein described 1.1138 acre tract

**THENCE** North 2°36'42" West, coincident with the eastern right-of-way boundary line of 40 foot wide Fontinot Street, same being the western boundary line of said Block 3, of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 200.05 feet to the **POINT OF BEGINNING**, containing 1.1138 acres of land, more or less.

**UNION PACIFIC RAILROAD COMPANY  
11.6378 ACRE CITY OF HOUSTON OFFSITE PMZ TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 11 OF 13**

**LESS & EXCEPT TRACT 4- 1.4501 ACRE TRACT**

**BEING ALL THAT CERTAIN** 1.4501 acre tract of land, lying and situated in the Wilson and Harris 2 League Grant, Abstract 32, Harris County Texas, being all of Block 5 as shown on the map of the Subdivision of Shares 2 & 3 of the Gagne Homestead, according to the map or plat thereof recorded in Volume 1, Page 55 of the Harris County Map Records, the herein described 1.4501 acre tract land hereby conveyed being more particularly described by metes and bounds, using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.= 0.99989548017) as follows:

**COMMENCING** at the northeast corner of Block 6 of said Subdivision of Shares 2 & 3 of the Gagne Homestead, said point being the intersection of the southern right-of-way boundary line of 50 foot wide Wylie Street with the eastern right-of-way boundary line of 40 foot wide Clementine Street, said Point of Commencement being located at Texas State Plane coordinate position X=3135767.79 and Y=13852581.43;

**THENCE** North 87°19'08" East, crossing said 40 foot wide Clementine, a distance of 37.63 feet to the northwest corner of said Block 5 of said Subdivision of Shares 2 & 3 of the Gagne Homestead, at the intersection of the southern right-of-way boundary line of 50 foot wide Wylie Street, with the western right-of-way boundary line of 40 foot wide Clementine Street, for the northwest corner and the **POINT OF BEGINNING** herein described 1.4501 acre tract, at position X=3135805.06 and Y=13852583.18;

**THENCE** North 87°19'08" East, coincident with the southern boundary line of said 50 foot wide Wylie Street, same being the northern boundary line of said Block 5, of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 249.36 feet to the northeast corner of said Block 5, at the intersection of the southern boundary line of said 50 foot wide Wylie Street, with the western boundary line of 40 foot wide Fontinot Street, for the northeast corner of the herein described 1.4501 acre tract;

**THENCE** South 2°36'42" East, coincident with the western boundary line of 40 foot wide Fontinot Street, same being the eastern boundary line of said Block 5, of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 249.24 feet to the southeast corner of said Block 5, located at the intersection of the western boundary line of 40 foot wide Fontinot Street with the northern right-of-way boundary line Liberty Road, right-of-way varies, for the southeast corner of the herein described 1.4501 acre tract;

**THENCE** South 85°26'51" West, coincident with the northern right-of-way boundary line Liberty Road, right-of-way varies, same being the southern boundary line of said Block 5, of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 249.50 feet to the southwest corner of said Block 5, at the intersection of the northern right-of-way boundary line of said Liberty Road, right-of-way varies, with the eastern right-of-way boundary line of 40 foot wide Clementine Street, for the southwest corner of the herein described 1.4501 acre tract;

**THENCE** North 2°36'42" West, coincident with the eastern right-of-way boundary line of 40 foot wide Clementine Street, same being the western boundary line of said Block 5, of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 257.38 feet to the **POINT OF BEGINNING**, containing 1.4501 acres of land, more or less.

**UNION PACIFIC RAILROAD COMPANY  
11.6378 ACRE CITY OF HOUSTON OFFSITE PMZ TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 12 OF 13**

**LESS & EXCEPT TRACT 5 – 1.3385 ACRE TRACT**

**BEING ALL THAT CERTAIN** 1.3385 acre tract of land, lying and situated in the Wilson and Harris 2 League Grant, Abstract 32, Harris County Texas, being all of Block 4 as shown on the map of the Subdivision of Shares 2 & 3 of the Gagne Homestead, according to the map or plat thereof recorded in Volume 1, Page 55 of the Harris County Map Records, the herein described 1.3385 acre tract land hereby conveyed being more particularly described by metes and bounds, using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.= 0.99989548017) as follows:

**COMMENCING** at the northeast corner of Block 5 of said Subdivision of Shares 2 & 3 of the Gagne Homestead, said point being the intersection of the southern right-of-way boundary line of 50 foot wide Wylie Street with the eastern right-of-way boundary line of 40 foot wide Fontinot Street, said Point of Commencement being located at Texas State Plane coordinate position X=3136054.43 and Y=13852594.86;

**THENCE** North 87°19'08" East, crossing said 40 foot wide Fontinot Street, a distance of 39.68 feet to the northwest corner of said Block 4 of said Subdivision of Shares 2 & 3 of the Gagne Homestead, at the intersection of the southern right-of-way boundary line of 50 foot wide Wylie Street, with the western right-of-way boundary line of 40 foot wide Fontinot Street, for the northwest corner and the **POINT OF BEGINNING** herein described 1.3385 acre tract, at position X=3136094.07 and Y=13852596.71;

**THENCE** North 87°19'08" East, coincident with the southern right-of-way boundary line of said 50 foot wide Wylie Street, same being the northern boundary line of said Block 4, of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 243.60 feet to the northeast corner of Lot 5 of said Block 4, at the intersection of the southern right-of-way boundary line of said 50 foot wide Wylie Street, with the western right-of-way boundary line of Erastus Street, right-of-way varies, for the northeast corner of the herein described 1.3385 acre tract

**THENCE** South 1°59'48" East, coincident with the western right-of-way boundary line of Erastus Street, right-of-way varies, same being the eastern boundary line of said Lot 5, Block 4, of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 125.01 feet to an angle point;

**THENCE** South 87°19'08" West, coincident with the southern boundary line of said Lot 5, Block 4, of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 7.04 feet to a point located in the northern boundary line of said Lot 6, Block 4, of said Subdivision of Shares 2 & 3 of the Gagne Homestead, for an angle corner of the herein described 1.3385 acre tract,

**THENCE** South 1°59'48" East, coincident with the western right-of-way boundary line of Erastus Street, right-of-way varies, a distance of 115.29 feet to a point located on the northern right-of-way boundary line Liberty Road, right-of-way varies, same being the southern boundary line of said Lot 6, Block 4, of said Subdivision of Shares 2 & 3 of the Gagne Homestead, for the southeast corner of the herein described 1.3385 acre tract;

**THENCE** South 85°26'51" West, coincident with the northern right-of-way boundary line Liberty Road, right-of-way varies, same being the southern boundary line of said Block 4, of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 234.11 feet to the southwest corner of said Block 4, at the intersection of the northern right-of-way boundary line of said Liberty Road, right-of-way varies, with the eastern right-of-way boundary line of Fontinot Street, right-of-way varies, for the southwest corner of the herein described 1.3385 acre tract

**THENCE** North 2°36'42" West, coincident with the eastern right-of-way boundary line of 40 foot wide Fontinot Street, same being the western boundary line of said Block 4, of said Subdivision of Shares 2 & 3 of the Gagne Homestead, a distance of 247.93 feet to the **POINT OF BEGINNING**, containing 1.3385 acres of land, more or less.

**UNION PACIFIC RAILROAD COMPANY  
11.6378 ACRE CITY OF HOUSTON OFFSITE PMZ TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 13 OF 13**

**LESS & EXCEPT TRACT 6 – 1.0537 ACRE TRACT**

**BEING ALL THAT CERTAIN** 1.0537 acre tract of land, lying and situated in the Wilson and Harris 2 League Grant, Abstract 32, Harris County Texas, being a portion of Block 9 as shown on the map of the Fair Ground Park Addition, according to the map or plat thereof recorded in Volume 81, Page 460 of the Harris County Deed Records, the herein described 1.0537 acre tract land hereby conveyed being more particularly described by metes and bounds, using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.= 0.99989548017) as follows:

**COMMENCING** at the southwest corner of Block 10 of said Fair Ground Park Addition, said point being the intersection of the southern right-of-way boundary line of 50 foot wide Wylie Street with the eastern right-of-way boundary line of Erastus Street, right-of-way varies, said Point of Commencement being located at Texas State Plane coordinate position X=3136388.03 and Y=13852610.99;

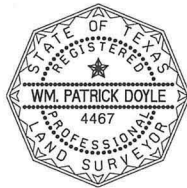
**THENCE** South 2°09'23" East, crossing said 50 foot wide Wylie Street, a distance of 50.54 feet to the northwest corner of said Block 9 of said Fair Ground Park Addition, at the intersection of the southern right-of-way boundary line of 50 foot wide Wylie Street, with the western right-of-way boundary line of Erastus Street, right-of-way varies, for the northwest corner and the **POINT OF BEGINNING** herein described 1.0537 acre tract, at position X=3136390.09 and Y=13852561.66;

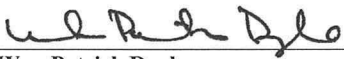
**THENCE** North 87°22'50" East, coincident with the southern boundary line of said 50 foot wide Wylie Street, same being the northern boundary line of said Block 9 of said Fair Ground Park Addition, a distance of 249.25 feet to the northeast corner of Lot 5 of said Block 9, at the intersection of the southern boundary line of said 50 foot wide Wylie Street, with the western boundary line of Cushing Street, right-of-way varies, for the northeast corner of the herein described 1.0537 acre tract

**THENCE** South 2°23'24" East, coincident with the western boundary line of Cushing Street, right-of-way varies, same being the eastern boundary line of said Lots 2 and 11, Block 9 of said Fair Ground Park Addition, a distance of 179.95 feet to a point located on the northern right-of-way boundary line Liberty Road, right-of-way varies, same being the southern boundary line of said Block 9 of said Fair Ground Park Addition, for the southeast corner of the herein described 1.0537 acre tract;

**THENCE** South 85°26'51" West, coincident with the northern right-of-way boundary line Liberty Road, right-of-way varies, same being the southern boundary line of said Block 9 of said Fair Ground Park Addition, a distance of 249.42 feet to the southwest corner of said Block 9, at the intersection of the northern right-of-way boundary line of said Liberty Road, right-of-way varies, with the eastern right-of-way boundary line of Erastus Street, right-of-way varies, for the southwest corner of the herein described 1.0537 acre tract

**THENCE** North 2°23'24" West, coincident with the eastern right-of-way boundary line of Erastus Street, right-of-way varies, same being the western boundary line of said Block 9 of said Fair Ground Park Addition, a distance of 188.36 feet to the **POINT OF BEGINNING**, containing 1.0537 acres of land, more or less.



  
**Wm. Patrick Doyle**  
**Registered Professional Land Surveyor**  
**Texas Registration Number 4467**  
**September 10, 2016**  
**Revised September 14, 2016**



***Doyle & Wachtstetter, Inc***  
Surveying and Mapping • GPS/GIS

**UNION PACIFIC RAILROAD COMPANY  
0.3199 ACRE CITY OF HOUSTON OFFSITE PMZ TRACT 2  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 1 OF 1**

**BEING ALL THAT CERTAIN** 0.3199 acre tract of land, lying and situated in the Wilson and Harris 2 League Grant, Abstract 32, Harris County Texas, being a portion of 60 foot wide Kashmere Street, a portion of 60 foot wide 15<sup>th</sup> Street and 60 foot wide 16<sup>th</sup> Street, as shown on the plat of Augusta Addition, according to the map or plat thereof recorded in Volume 56, Page 139 of the Harris County Deed Records (H.C.D.R.), the herein described 0.3199 acre tract land hereby conveyed being more particularly described by metes and bounds, using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.= 0.99989548017) as follows:

**COMMENCING** at a 5/8" iron rod found marking the northwest corner of all that certain called 4.274 acre tract conveyed by deed recorded on October 29, 1901, from Ida Japhet to Texas and New Orleans Rail Road Company as recorded in Volume 131, Page 453 of the H.C.D.R., located on the northern boundary line of 60 foot wide 16<sup>th</sup> Street (not open), said Point of Commencement being located at Texas State Plane coordinate position X=3134260.64 and Y=13851449.15;

**THENCE** North 87°40'19" East, coincident with the northern boundary line of said Texas and New Orleans Rail Road company called 4.274 acre tract, same being the southern right-of-way boundary line of said 60 foot wide 16<sup>th</sup> Street, a distance of 110.36 feet to the southwest corner and the **POINT OF BEGINNING**, of the herein described 0.3199 acre tract, at position X=3134370.90 and Y=13851453.63;

**THENCE** North 32°17'25" West, a distance of 82.79 feet to a point located on the eastern boundary line of Block 61 of said Augusta Addition, same being the western right-of-way of said 60 foot wide Kashmere Street, for an angle corner of the herein described 0.3199 acre tract;

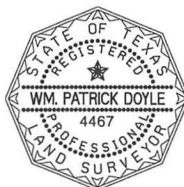
**THENCE** North 2°28'22" West, coincident with the eastern boundary line of Block 61 of said Augusta Addition, same being the western right-of-way of said 60 foot wide Kashmere Street, a distance of 151.51 feet to an angle corner of the herein described 0.3199 acre tract;

**THENCE** North 38°24'15" East, a distance of 91.48 feet to a point located on the eastern right-of-way of said 60 foot wide Kashmere, within the right-of-way of said 60 foot wide 15<sup>th</sup> Street (Eddie Street), for the northeast corner of the herein described 0.3199 acre tract;

**THENCE** South 2°26'03" East, coincident with the eastern right-of-way of said Kashmere Street and the western boundary line of Block 62 of said Augusta Addition, a distance of 292.55 feet to a point located on the northern boundary line of said Texas and New Orleans Rail Road company called 4.274 acre tract, same being the southern right-of-way boundary line of said 60 foot wide 16<sup>th</sup> Street for the southeast corner of the herein described 0.3199 acre tract;

**THENCE** South 87°40'19" West, coincident with the northern boundary line of said Texas and New Orleans Rail Road company called 4.274 acre tract, same being the southern right-of-way boundary line of said 60 foot wide 16<sup>th</sup> Street, a distance of 18.51 feet to the **POINT OF BEGINNING**, containing 0.3199 acre of land, more or less.

**Wm. Patrick Doyle**  
**Registered Professional Land Surveyor**  
**Texas Registration Number 4467**  
**September 15, 2016**

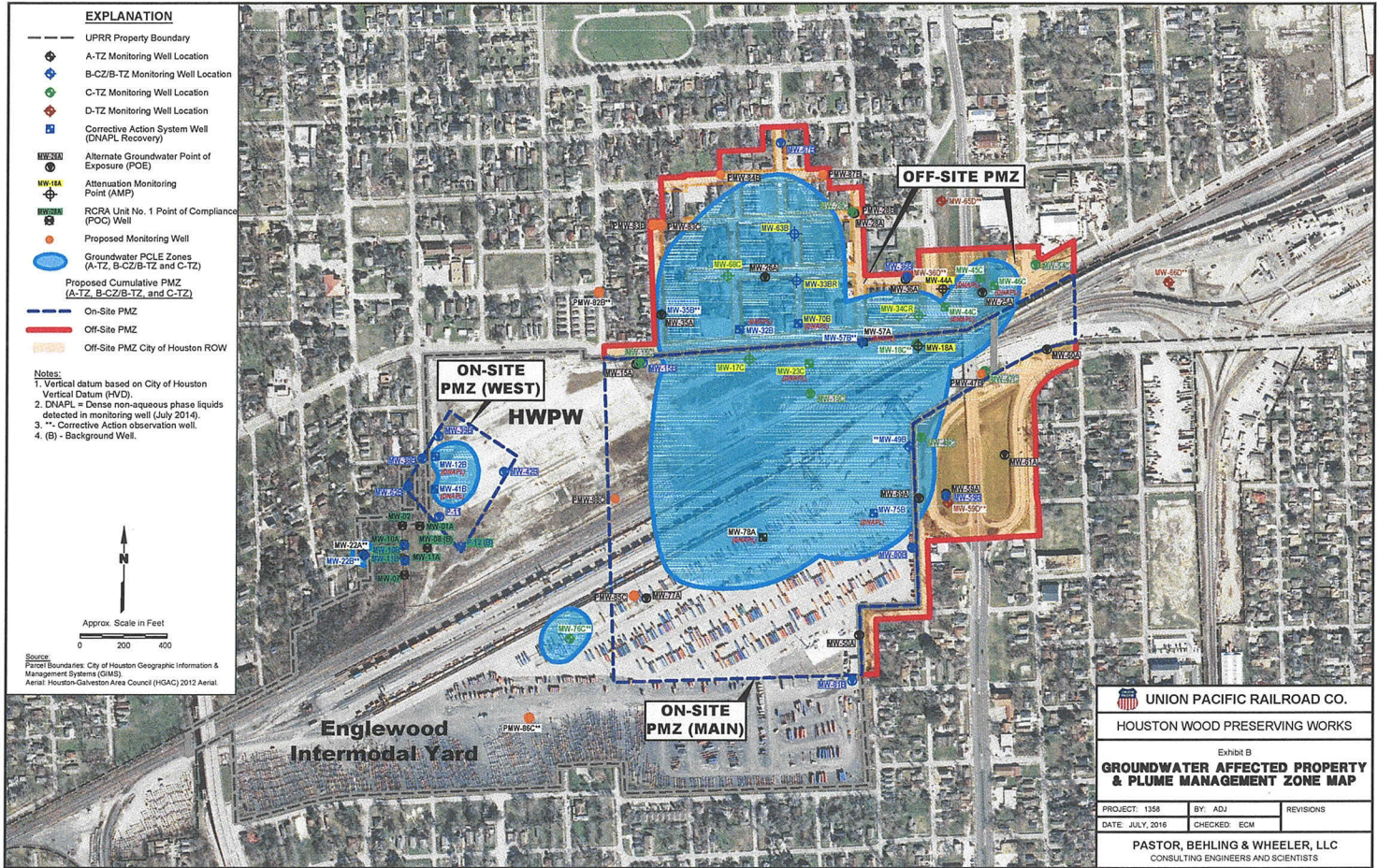


*This description is based on a plat dated June 30, 2016 is on file in the office of Doyle & Wachtstetter, Inc.*  
V:\Pat\Pastor Behling & Wheeler\UPPR Englewood Yard OffSite PMZ C.O.H. Right-of-way 0.3199 acre.doc

**EXHIBIT B**

**AFFECTED PROPERTY AND PLUME MANAGEMENT ZONE MAP**





UNION PACIFIC RAILROAD CO.  
HOUSTON WOOD PRESERVING WORKS

Exhibit B  
**GROUNDWATER AFFECTED PROPERTY & PLUME MANAGEMENT ZONE MAP**

PROJECT: 1358	BY: ADJ	REVISIONS
DATE: JULY, 2016	CHECKED: ECM	
PASTOR, BEHLING & WHEELER, LLC CONSULTING ENGINEERS AND SCIENTISTS		

**EXHIBIT C**

**PLUME MANAGEMENT ZONE MAINTENANCE/MONITORING REQUIREMENTS**

**EXHIBIT "C"**  
**MAINTENANCE AND MONITORING REQUIRMENTS**

Union Pacific Railroad (UPRR), listed as the Responder under this Restrictive Covenant, will conduct regular sampling of monitoring wells located within the City of Houston Right-Of-Way and listed in the table below (Table C-1) for chemicals of concern (COCs) (see Table C-2) in accordance with the groundwater monitoring requirements established under the Texas Commission on Environmental Quality (TCEQ) Hazardous Waste Permit/Compliance Plan No. 50343. Monitoring and reporting activities are detailed in the Groundwater Sampling and Analysis Plan (SAP) and related compliance tables within the TCEQ Hazardous Waste Permit/Compliance Plan No. 50343.

Monitoring wells listed below will be inspected for signs of damage, including well pads, casing, locks, and, protective covers. Repairs will be made as necessary to ensure the integrity of the monitoring wells.

**TABLE C-1**

<i>MW-25A</i>	<i>MW-32B</i>	<i>MW-28C</i>
<i>MW-26A</i>	<i>MW-33BR</i>	<i>MW-34CR</i>
<i>MW-28A</i>	<i>MW-35B</i>	<i>MW-44C</i>
<i>MW-35A</i>	<i>MW-36B</i>	<i>MW-45C</i>
<i>MW-36A</i>	<i>MW-59B</i>	<i>MW-46C</i>
<i>MW-44A</i>	<i>MW-63B</i>	<i>MW-48C</i>
<i>MW-59A</i>	<i>MW-67B</i>	<i>MW-54C</i>
<i>MW-60A</i>	<i>MW-70B</i>	<i>MW-68C</i>
<i>MW-61A</i>	<i>PMW-28B (proposed)</i>	<i>PMW-83C (proposed)</i>
<i>MW-69A</i>	<i>PMW-82B (proposed)</i>	
	<i>PMW-83B (proposed)</i>	
	<i>PMW-84B (proposed)</i>	
	<i>PMW-87B (proposed)</i>	

Note: Additional monitoring wells may be added or subtracted from the list above as necessary to satisfy the TCEQ Plume Management Zone (PMZ) monitoring requirements. Any changes to the list of monitoring wells, sampling procedures, and management of investigation-derived wastes (IDW) as part of the Groundwater SAP will be provided to the TCEQ as part of the annual reporting requirements.

**EXHIBIT "C"**  
**MAINTENANCE AND MONITORING REQUIRMENTS**

**TABLE C-2**

Chemicals of Concern (COCs)	Groundwater Protection Standards (GWPS) at Alternate Point of Exposure (POE) <sup>GW</sup> GW <sub>Ing</sub> (mg/L) (Res)
Benzene	0.005 <sup>PCL</sup>
2,4-Dimethylphenol	0.49 <sup>PCL</sup>
2 Methylnaphthalene	0.098 <sup>PCL</sup>
Dibenzofuran	0.098 <sup>PCL</sup>
Naphthalene	0.49 <sup>PCL</sup>
Vinyl Chloride	0.002 <sup>PCL</sup>

Note:

<sup>GW</sup>GW<sub>Ing</sub> Protective Concentration Levels (PCLs), Residential land use assuming Class 2 Groundwater.

The list of COCs may be revised as necessary to satisfy the Plume Management Zone (PMZ) monitoring requirements and will be provided to the TCEQ as part of the annual reporting requirements.

# RESTRICTIVE COVENANT

STATE OF TEXAS           §  
  §           KNOW ALL MEN BY THESE PRESENTS THAT:  
COUNTY OF HARRIS       §

This Restrictive Covenant is filed to provide information concerning certain environmental conditions and use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the **City of Houston Right-of-Way - 0.1318 Acre Tract located within the Harris and Wilson 2 League Grant, Abstract 32 in Harris County, Texas** (Property) described in Exhibit A attached hereto and incorporated herein by reference.

Surface soil underlying the Property, which is presently covered in its entirety by a concrete sidewalk cap, contains certain identified chemicals of concern (COCs) causing the Property to be considered Affected Property as that term is defined in the TRRP.

This Restrictive Covenant is required for the following reasons:

## Use of Physical Control on Soil

The Affected Property is subject to the TRRP requirements for properties containing concentrations of COCs in soil and is subject to the requirements in 30 TAC §350.33(e)(2) to prevent exposure to soils that contain a COC in excess of the protective concentration level. The attached Exhibit A describes and provides the location of the physical control and extent of the soil that exceeds the TCEQ-approved protective concentration levels for certain COCs. The attached Exhibit B lists the COCs that exceed the TCEQ's Protective Concentration Levels, provides the reason the physical control must remain in place, and describes the required maintenance and monitoring required for the physical control. This program must be implemented unless and until TCEQ approves any modification.

As of the date of this Restrictive Covenant, the City of Houston with an address of 901 Bagby Street, Houston, Texas 77002 owns a municipal right-of-way easement over the Property. Fee title underlying the easement is owned by the abutting property owner(s). In consideration of the Response Actions by Union Pacific Railroad (Responder) at the Former Houston Wood Preserving Works Site at 4910 Liberty Road, Houston, Texas (TCEQ SWR No. 31547), approval of the Response Action Completion Report, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City of Houston has agreed, to the extent of its ownership interest, to place the following restrictions on the Property in favor of the TCEQ and the State of Texas, to-wit:

1. The removal or modification of the physical control on the Affected Property within the City of Houston ROW described in Exhibit A is prohibited without prior approval

from TCEQ and the physical control must be maintained and monitored by the Responder as described in Exhibit B. Removal or modification of this restrictive covenant is prohibited without prior approval of TCEQ.

2. These restrictions shall be a covenant running with the land.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle,  
Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: TCEQ SWR No. 31547 [Union Pacific Railroad Houston Wood Preserving Works]

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

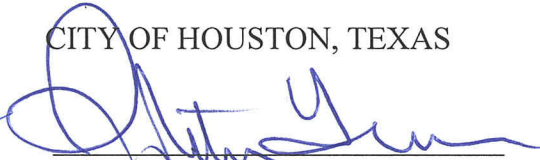
Executed this 9<sup>th</sup> day of June, 2017.

ATTEST:

CITY OF HOUSTON, TEXAS



Anna Russell  
City Secretary



Sylvester Turner  
Mayor of the City of Houston

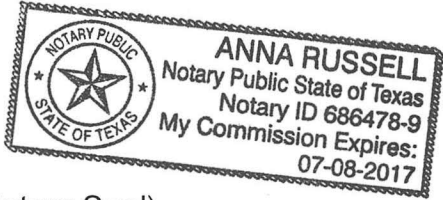
APPROVED AS TO FORM:



Phillip M. Goodwin, P.G.  
Assistant City Attorney  
LD#067-1600017-001

STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on the 9<sup>th</sup> day of June, 2017, by **Sylvester Turner, Mayor** of the **CITY OF HOUSTON, TEXAS**, a municipal corporation, on behalf of said corporation.



(Notary Seal)

  
\_\_\_\_\_  
Notary Public, State of Texas

Executed this 25<sup>th</sup> day of May, 2017.

**Union Pacific Railroad Company [RESPONDER]**

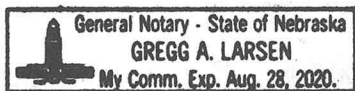
By: Tony K Love  
Name: Mr. Tony Love  
Title: Assistant Vice President of Real Estate  
Union Pacific Railroad Company, a Delaware Corporation

STATE OF NEBRASKA §

DOUGLAS COUNTY §

BEFORE ME, on this the 25<sup>th</sup> day of May, Mr. Tony Love, Assistant Vice President of Real Estate, a representative of Union Pacific Railroad Company, a Delaware Corporation [**responder**], known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 25<sup>th</sup> day of May, 2017.



Gregg A. Larsen  
Notary Public in and for the State of Nebraska  
County of Douglas  
My Commission Expires: August 28, 2020



Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Texas Commission on Environmental Quality**

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

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

Title: \_\_\_\_\_

STATE OF TEXAS                    §  
( \_\_\_\_\_ ) COUNTY            §

BEFORE ME, on this the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ personally appeared \_\_\_\_\_  
[name], \_\_\_\_\_ [title], of The Texas Commission of Environmental Quality,  
known to me to be the person whose name is subscribed to the foregoing instrument, and they  
acknowledged to me that they executed the same for the purposes and in the capacity herein  
expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas,  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**EXHIBIT A**

**CITY OF HOUSTON ROW PROPERTY SURVEY PLAT AND  
DESCRIPTION (0.1318 ACRE PLAT)**

HARRIS COUNTY  
TEXAS

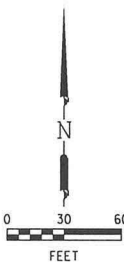
HARRIS & WILSON 2 LEAGUE GRANT  
ABSTRACT 32

FONTINOT STREET  
(40' WIDE R.O.W.)  
(30' WIDE ASPHALT PAVING)

GAGNE HOMESTEAD SUBDIVISION  
VOL. 1, PG. 55  
H.C.P.R.

ERASTUS STREET  
(R.O.W. VARIES)  
(30' WIDE ASPHALT PAVING)

FAIRGROUND SUBDIVISION  
VOL. 81, PG. 460  
H.C.D.R.



POINT OF COMMENCEMENT  
FND. 5/8" I.R.  
X=3136766.24  
Y=13852368.70

LIBERTY ROAD (60' R.O.W.)  
(1/2" WIDE CONCRETE PAVING)

POINT OF BEGINNING  
X = 3136615.16  
Y = 13852356.67

N 85°28'45" E 690.36'  
CONCRETE SIDEWALK  
S 85°26'51" W 690.57'

SUBJECT  
0.1318 ACRE TRACT

S 85°26'51" W  
151.57'  
TEXAS AND NEW ORLEANS  
RAIL ROAD COMPANY  
(100' R.O.W.)

T. & N. O. R. R. CO.  
CALLED 55,922 S.F. TRACT  
TRACT 2  
VOL. 472, PG. 7  
H.C.D.R.

T. & N. O. R. R. CO.  
CALLED 5.79 ACRE TRACT  
VOL. 50, PG. 535  
H.C.D.R.

LINE DATA TABLE

#	BEARING	DISTANCE
1	N 1°54'53" W	8.51'
2	S 3°16'02" E	8.12'

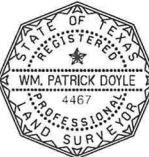
I, Wm. PATRICK DOYLE, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT IS A TRUE REPRESENTATION OF A SURVEY MADE UNDER MY SUPERVISION, ON THE GROUND, AND THAT THERE ARE NO EXCESSES NOR INTRUSIONS ON THIS PROPERTY, EXCEPT AS SHOWN HEREON.  
DATE SURVEYED: APRIL 15, 2016.

NOTES:

1. ALL COORDINATES AND BEARINGS ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83).
2. ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS (SF = 0.99989548017).
3. THIS SURVEY DID NOT RELY ON A CURRENT TITLE COMMITMENT. THE INFORMATION CONTAINED ON THIS SURVEY WAS COMPILED FROM DATA BOTH PRIVATE AND PUBLIC, AND FROM THE HARRIS COUNTY COURTHOUSE. IT DOES NOT REPRESENT A COMPLETE DEED RESEARCH AND THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, OR OWNERSHIP TITLE EVIDENCE THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE

SURVEY PLAT OF  
0.1318 ACRE TRACT  
BEING A PORTION OF ALL THAT CERTAIN  
CITY OF HOUSTON  
60' WIDE LIBERTY ROAD  
IN THE  
HARRIS & WILSON 2 LEAGUE GRANT  
ABSTRACT 32  
HARRIS COUNTY, TEXAS.  
FOR  
UNION PACIFIC RAILROAD COMPANY

PROJ. NO. 4410-16-01 SHEET 1 OF 1



Wm. PATRICK DOYLE  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NUMBER 4467

Doyle & Wachtstetter, Inc.  
Surveying and Mapping GPS/GIS  
131 COMMERCIAL STREET, CLEVELAND, TEXAS 77531  
OFFICE: 979.265.7622 FAX: 979.265.9940 FIRM NO.: 10025500  
SURVEYED: JDD 4-15-16 BOOK: DRAWN: VJL 1 IMAGE: NONE  
DRAWN BY: JDD 5-18-16 CHECKED: JAN 6-20-16 REVISED:

USER: \\unhcrs\wps\patt\doyle\_4467.dwg 4/15/16 10:43:13 PM  
C:\Users\patt\My Documents\Environmental\UPRR Houston West\Harr-wil-2\16-01-2\_Liberty-Road-2.dwg



## ***Doyle & Wachtstetter, Inc***

Surveying and Mapping • GPS/GIS

**UNION PACIFIC RAILROAD COMPANY/CITY OF HOUSTON RIGHT-OF-WAY  
0.1318 ACRE TRACT  
HARRIS AND WILSON 2 LEAGUE GRANT, ABSTRACT 32  
HARRIS COUNTY, TEXAS  
PAGE 1 OF 1**

**BEING ALL THAT CERTAIN 0.1318** acre tract of land, lying and situated in the Harris and Wilson 2 League Grant, Abstract 32, Harris County Texas, being located within the right-of-way of 60 foot wide Liberty Road, being a portion of all that certain called 55,922 square foot tract of land (Tract 2) conveyed by deed recorded on February 7, 1921 from W. N. Reece to Texas & New Orleans Railroad Company as recorded in Volume 472, Page 7 of the H.C.D.R. and a portion of all that certain called 5.79 acre tract of land conveyed by deed recorded on July 24, 1890 from R. B. Baer to Texas & New Orleans Railroad Company as recorded in Volume 50, Page 535 of the H.C.D.R.; the herein described 0.1318 acre tract land hereby conveyed being more particularly described by metes and bounds, using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.= 0.99989548017) as follows:

**COMMENCING** at 5/8" iron rod found marking the intersection of the southern right-of-way boundary line of said 60 foot wide Liberty Road with the northwestern right-of-way boundary line of the 100 foot wide Texas and New Orleans Rail Road Company right-of-way, same being the southeastern boundary line of said Texas and New Orleans Rail Road Company called 5.79 acre tract, said Point of Commencement being located at Texas State Plane coordinate X=3136766.24 and Y=13852360.25;

**THENCE** South 85°26'51" West, coincident with the southern right-of-way boundary line of said 60 foot wide Liberty Road, a distance of 151.57 feet to the southeast corner and the **POINT OF BEGINNING** of the herein described 0.1318 acre parcel, at position X=3136615.16 and Y=13852356.67;

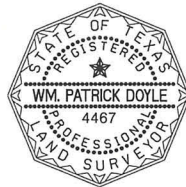
**THENCE** South 85°26'51" West, coincident with the southern right-of-way boundary line of said 60 foot wide Liberty Road, a distance of 690.57 feet to the southwest corner of the herein described 0.1318 acre tract, at position X=3135926.84 and Y=13852301.86;

**THENCE** North 1°54'53" West, a distance of 8.51 feet to a point for the northwest corner of the herein described 0.1318 acre tract, at position X=3135926.56 and Y=13852310.37;

**THENCE** North 85°28'45" East, a distance of 690.36 feet to a point for the northeast corner of the herein described 0.1318 acre tract, at position X=3136614.70 and Y=13852364.78;

**THENCE** South 3°16'02" East a distance of 8.12 feet to the **POINT OF BEGINNING**, containing 0.1318 acre of land, more or less.

**Wm. Patrick Doyle**  
**Registered Professional Land Surveyor**  
**Texas Registration Number 4467**  
**June 20, 2016**



*This description is based on a survey, dated June 20, 2016 is on file in the office of Doyle & Wachtstetter, Inc.  
V:\Pat\Pastor Behling & Wheeler\UPPR Liberty Road Sidewalk tract 0.1318 acre.doc*

**EXHIBIT B**

**PHYSICAL CONTROL MAINTENANCE/MONITORING REQUIREMENTS**

***EXHIBIT "B"***  
***MAINTENANCE AND MONITORING***

Through the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program (TRRP), a Remedy Standard B remediation of the Property as detailed in the Response Action Plan (RAP) for the Union Pacific Railroad (UPRR) Houston Wood Preserving Works site (TCEQ SWR No. 31547/IHW Permit No. 50343) was implemented that included construction of a physical control using a concrete sidewalk cap (location detailed in Exhibit A). The concrete sidewalk was constructed following City of Houston Department of Public Works and Engineering Concrete Sidewalk Details for Streets with Curbs (07-01-2010). The concrete sidewalk will serve as a permanently placed cap atop contaminated soil present on the Property as defined in Exhibit A. The contaminated soil contains concentrations of chemicals of concern (COCs) benzo(a)pyrene and pentachlorophenol that exceed the TCEQ's Protective Concentration Levels. The concrete sidewalk cap will provide protection to human health and the environment throughout the post-closure care period.

UPRR will implement an inspection and maintenance program for the concrete sidewalk within the Property as shown on Exhibit A. The inspection and maintenance shall be conducted according to the Response Action Plan (RAP) dated November 21, 2014 (revised December 7, 2015) for the site or subsequently approved reports or TCEQ permits or written correspondence. Inspections will be performed by UPRR on a quarterly basis. The inspections will focus on evaluating the sidewalk for cracks or damage. If cracks are identified that allow exposure to the underlying soils, the cracks will be repaired and sealed in a manner consistent with the original plans and specifications following City of Houston guidelines for sidewalk construction. UPRR will submit annual reports to the TCEQ (unless this frequency is modified by subsequent TCEQ correspondence) documenting the inspections and any necessary repairs, maintenance, and/or replacement activities conducted to ensure the integrity of the physical control is being maintained and to ensure the continued effectiveness of the remedy.