



Industrial Solid Waste Permit No. 96322  
EPA ID. No. TXR000084600  
ISWR No. 96322

**Texas Commission on  
Environmental Quality  
Austin, Texas**

Permit for Industrial Solid Waste Management  
Site issued under provisions of Texas Health  
and Safety Code ANN. Chapter 361 and  
Chapter 26 of the Texas Water Code

Name of Permittee:

Fort Bend Regional Landfill, LP  
14115 Davis Estate Road  
Needville, Texas 77461-2705

Site Owner:

Fort Bend Regional Landfill, LP  
14115 Davis Estate Road  
Needville, Texas 77461-2705

Classification of Site:

Nonhazardous, Class 1, Class 2, and Class 3 industrial  
solid waste, on-site/off-site, storage, processing,  
commercial facility.

The permittee is authorized to manage wastes in accordance with the limitations, requirements, and other conditions set forth herein. This permit is granted subject to the rules of the Commission and other Orders of the Commission, and laws of the State of Texas. This permit does not exempt the permittee from compliance with the Texas Clean Air Act. This permit will be valid until canceled, amended, modified or revoked by the Commission, except that the authorization to manage wastes shall expire midnight, ten (10) years after the date of this original permit approval.

Issued Date:

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For the Commission

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### Permit Acronyms

ASTM	- American Society for Testing and Materials
CFR	- Code of Federal Regulations
CMP	- Texas Coastal Management Program
EPA	- United States Environmental Protection Agency
PCB	- Polychlorinated Biphenyl
PCL	- Protective Concentration Level
TAC	- Texas Administrative Code
TCEQ	- Texas Commission on Environmental Quality
QAPP	- "Quality Assurance Project Plan for Environmental Monitoring and Measurement Activities Relating to the Resource Conservation and Recovery Act and Underground Injection Control"
TRRP	- Texas Risk Reduction Program

DRAFT

## **I. Facility Description**

### **A. Size and Location of Site**

A permit is issued to Fort Bend Regional Landfill, LP (hereafter called the permittee), to operate an industrial solid waste management facility located at 14115 Davis Estate Road, Needville, in Fort Bend County, Texas, and within the drainage area of Segment 1202J (Big Creek) in the Brazos River Basin (29°24'6" North Latitude, 95°42'49" West Longitude ). The legal description of the facility submitted in Permit No. 96322 application dated February 15, 2024, is hereby made a part of this permit as "Attachment A." The nonhazardous waste management facility as delineated by the permittee's application map is hereby made a part of this permit as "Attachment B."

### **B. Incorporated Application Materials**

This permit is based on, and the permittee shall follow the submittals in the Permit Application to Store or Process Industrial Nonhazardous Waste and subsequent revisions to the permit and permit application that are listed in "Attachment C," and the Application Elements listed in "Attachment D," which are hereby approved subject to the terms of this permit and any other orders of the Texas Commission on Environmental Quality (TCEQ). These materials are incorporated into this permit by reference as if fully set out herein. Any and all revisions to these elements shall become conditions of this permit upon the date of approval by the Commission.

## **II. General Facility Standards**

### **A. Standard Permit Conditions**

The permittee has a duty to comply with the Standard Permit Conditions under 30 Texas Administrative Code (TAC) Section 305.125. Moreover, the permittee has a duty to comply with the following permit conditions:

#### **1. Modification of Permitted Facilities**

The facility units and operational methods authorized are limited to those described herein and by the application submittals identified in Section I.B. All facility units and operational methods are subject to the terms and conditions of this permit and TCEQ rules. Prior to constructing or operating any facility units in a manner which differs from either the related plans and specifications contained in the permit application or the limitations, terms or conditions of this permit, the permittee must comply with the TCEQ permit amendment/modification rules as provided in 30 TAC Sections 305.62 and 305.69.

#### **2. Duty to Comply**

The permittee must comply with all the conditions of this permit, except that the permittee need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an emergency order issued by the commission. Any permit noncompliance, other than noncompliance authorized by an emergency order is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. [30 TAC Section 305.142]

3. Severability

The provisions of this permit are severable. If any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected.

4. Definitions

For purposes of this permit, terms used herein shall have the same meaning as those in 30 TAC Chapters 305, 335, and 350 unless this permit specifically provides otherwise; where terms are not defined in the regulations or the permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

Application data - data used to complete the final application and any supplemental information.

5. Permit Expiration

In order to continue a permitted activity after the expiration date of the permit the permittee shall submit a new permit application at least 180 days before the expiration date of the effective permit, unless permission for a later date has been granted by the executive director. Authorization to continue such activity will terminate upon the effective denial of said application.

6. Certification Requirements

For a new facility, the permittee may not commence storage, processing, or disposal of solid waste; and for a facility being modified, the permittee may not process, store or dispose of solid waste in the modified portion of the facility, except as provided in 30 TAC Section 305.69 (relating to Solid Waste Permit Modification at the Request of the Permittee) until the following has been accomplished [30 TAC Section 305.144]:

- a. The permittee has submitted to the executive director and the local Regional Office of the TCEQ, by certified mail or hand delivery, a letter signed by the permittee, and signed and sealed by a Texas Professional Engineer stating that the facility has been constructed or modified in compliance with the permit. Required certification shall be in the following form:

"This is to certify that the following activity (specify activity, e.g., construction, installation, closure, etc., of an item) relating to the following item (specify the item, e.g., the particular facility, facility unit, unit component, subcomponent part, or ancillary component), authorized or required by TCEQ Permit No. 96322 has been completed, and that construction of said facility component has been performed in accordance with and in compliance with good engineering practices and the design and construction specifications of Permit No. 96322."

- b. A certification report has been submitted, with the certification described in Provision II.A.6.a., which is logically organized and describes in detail the tests, inspections, and measurements performed, their results, and all other

basis for the conclusion that the facility unit, unit component, and/or closure have been constructed, installed and/or performed in conformance with the design and construction specifications of this permit and in compliance with this permit. The report shall describe each activity as it relates to each facility unit or component being certified including reference to all applicable permit provisions. The report shall contain the following items, at a minimum:

- (1) Scaled, as-built plan-view and cross-sectional drawings which accurately depict the facility unit and all unit components and subcomponents, and which demonstrate compliance with the design and construction specifications approved and detailed in the terms of this permit;
- (2) All necessary references to dimensions, elevations, slopes, construction materials, thickness and equipment; and
- (3) For all drawings and specifications, the date, signature, and seal of a Professional Engineer who is licensed in the State of Texas.

- c. The executive director has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or if within fifteen (15) days of submission of the letter required by paragraph (a) of this section, the permittee has not received notice from the executive director of the intent to inspect, prior inspection is waived and the permittee may commence processing, storage, or disposal of solid waste.

7. Land Disposal Restrictions (Reserved)

8. Dust Suppression

Pursuant to 30 TAC Section 335.214(b), the permittee shall not use waste, used oil, or any other material which is contaminated with dioxin, polychlorinated biphenyls (PCBs), or any other hazardous waste (other than a waste identified solely on the basis of ignitability) for dust suppression or road treatment.

9. Permit Reopener

This permit shall be subject to review by the executive director five (5) years from the date of permit issuance or reissuance and shall be modified as necessary to assure that the facility continues to comply with currently applicable requirements of the Solid Waste Disposal Act and the rules and regulations of the Commission.

10. Texas Coastal Management Program

The TCEQ has reviewed the permit application for consistency with the goals and policies of the Texas Coastal Management Program (CMP) in accordance with the regulations of the Coastal Coordination Council (CCC) and has determined that the permit is consistent with the applicable CMP goals and policies. [30 TAC Section 281.43(a)(1)]

11. Failure to Submit Relevant Facts in Permit Application

Where the permittee becomes aware that it failed to submit any relevant facts in

a permit application or submitted incorrect information in a permit application or any report to the executive director, the permittee shall promptly submit the correct information or facts to the executive director. [30 TAC Section 305.125(19)]

12. Waste Management Fee Assessment, Fee Payment, and Records and Reporting

- a. If applicable, the permittee is subject to the assessment of fees for nonhazardous wastes which are stored, processed, disposed, or otherwise managed and for Class 1 industrial wastes which are disposed at a commercial facility. [30 TAC Section 335.325]
- b. As applicable and except as provided in Provision II.A.12.c., the permittee shall pay waste management fees monthly. Monthly fee payments shall be due by the 25th day following the end of the month for which payment is due. [30 TAC Section 335.328(b)]
- c. If required, the permittee owes waste management fees in an amount less than \$500 for a calendar month or less than \$1,500 for a calendar quarter, the permittee may file a quarterly report and pay a quarterly fee. [30 TAC Section 335.328(c)]
- d. If required, the permittee shall document the basis for the assessment of any applicable waste management fees, including any adjustment to or exemption from assessment. [30 TAC Section 335.329(b)(4)]
- e. If required, the permittee shall submit a monthly report of on-site waste management activities subject to the assessment of waste management fees on forms furnished or approved by the executive director. This report shall be due by the 25th day following the end of the month (or quarter) for which a report is made. Monthly (or quarterly) reports shall be submitted, regardless of whether any storage, processing, or disposal was made during a particular month (or quarter), by preparing and submitting a summary indicating that no waste was managed during that month (or quarter). [30 TAC Section 335.329(b)(5)]
- f. As applicable, the permittee shall maintain the required records and reports in accordance with 30 TAC Sections 335.329(c) and (d).

13. Transfer of Ownership and/or Operational Control

The transfer of ownership and/or operational control of this permit is subject to the transfer requirements of 30 TAC Section 305.64 and permit modification requirements of 30 TAC Section 305.69. The new owner and/or operator seeking a transfer of ownership and/or operational control of this permit shall submit a Class 11 permit modification (with prior written approval by the executive director) in accordance with 30 TAC Section 305.69(b)(2). For a permit involving nonhazardous waste only, either the transferee or the permittee shall submit to the executive director an application for permit transfer at least 30 days before the proposed transfer date [(30 TAC Section 305.64 (b)).

For a permit involving hazardous waste, the new owner and/or operator seeking a transfer of ownership and/or operational control shall submit to the executive director an application for permit transfer at least 90 days prior to the scheduled

transfer [(30 TAC Section 305.64 (g)]. Prior to the executive director issuing the permit modification transferring the permit, the new owner or operator shall provide a fully executed financial assurance mechanism satisfactory to the TCEQ executive director, for all existing units which have received waste and any corrective action required under this permit, in compliance with 30 TAC Chapter 37, Subchapter P.

B. Recordkeeping and Reporting Requirements

1. Monitoring and Records

- a. All data submitted to the TCEQ shall be in a manner consistent with the latest version of the "Quality Assurance Project Plan for Environmental Monitoring and Measurement Activities Relating to the Resource Conservation and Recovery Act and Underground Injection Control" (TCEQ QAPP).
- b. Monitoring samples and measurements shall be taken at times and in a manner representative of the monitored activity. The method used to obtain a representative sample of the material for analysis shall be the appropriate method found in the Waste Analysis Plan of the permit application or an equivalent method approved in writing prior to use by the executive director of the TCEQ. Laboratory methods shall be the latest version specified in current edition of Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, SW-846 (EPA SW-846); Standard Methods for the Examination of Water and Wastewater; or current adopted edition; and approved in writing prior to use by the executive director. [30 TAC Section 305.125(11)(A)]
- c. The permittee shall retain in an organized fashion and furnish to the executive director, upon request, records of all monitoring information, copies of all reports and records required by this permit, for a period of at least three (3) years from the date of the sample, measurement, report, record, certification, or application. [30 TAC Section 305.125(11)(B)]
- d. Records of monitoring shall include the following [30 TAC Section 305.125(11)(C)]:
  - (1) The date, time, and place of sample or measurement;
  - (2) The identity of individual who collected the sample or measurement;
  - (3) The dates analyses were performed;
  - (4) The identity of individual and laboratory who performed the analyses;
  - (5) The analytical techniques or methods used; and
  - (6) The results of such analyses or measurements.
- e. All engineering and geoscientific information submitted to the TCEQ shall be prepared by, or under the supervision of, a licensed professional engineer or licensed professional geoscientist, and shall be signed, sealed, and dated by qualified professionals as required by the Texas Engineering Practice Act and

the Texas Geoscience Practice Act and the licensing and registration boards under these acts.

2. Operating Record

In addition to the recordkeeping and reporting requirements specified elsewhere in this permit, the permittee shall maintain a written operating record at the facility. These records will be made available to representatives of the TCEQ upon request.

3. Retention of Application Data

Throughout the terms of the permit, the permittee shall keep records of data used to complete the final application and any supplemental information. All copies of renewals, amendments, revisions and modifications must also be kept at the facility such that the most current documents are available for inspection at all times. All materials, including any related information, submitted to complete the application shall be retained, not just those materials which have been incorporated into the permit. [30 TAC Section 305.47]

4. Reporting of Noncompliance

The permittee shall report to the executive director of the TCEQ information regarding any noncompliance which may endanger human health or the environment. [30 TAC Section 305.125(9)]

- a. Report of such information shall be provided orally within twenty-four (24) hours from the time the permittee becomes aware of the noncompliance.
- b. A written submission of such information shall also be provided within five (5) days of the time the permittee becomes aware of the noncompliance. The written submission shall contain the following:
  - (1) A description of the noncompliance and its cause;
  - (2) The potential danger to human health or safety, or the environment;
  - (3) The period of noncompliance, including exact dates and times;
  - (4) If the noncompliance has not been corrected, the anticipated time it is expected to continue; and
  - (5) Steps taken or planned to reduce, eliminate, and prevent the recurrence of the noncompliance, and to mitigate its adverse effects.

5. Twenty-Four Hour Reporting

The following shall be included as information which must be reported orally within twenty-four (24) hours pursuant to 30 TAC Section 305.125(9) [30 TAC Section 305.145]:

- a. Information concerning release of any solid waste that may cause an endangerment to public drinking water supplies; and

- b. Any information of a release or discharge of solid waste, or of a fire or explosion which could threaten the environment or human health or safety, outside the facility. The description of the occurrence and its cause shall include:
- (1) Name, address, and telephone number of the owner or operator;
  - (2) Name, address, and telephone number of the facility;
  - (3) Date, time, and type of incident;
  - (4) Name and quantity of material(s) involved;
  - (5) The extent of injuries, if any;
  - (6) An assessment of actual or potential hazards to the environment and human health or safety outside the facility, where this is applicable; and
  - (7) Estimated quantity and disposition of recovered material that resulted from the incident.

6. Notice Waiver

The executive director may waive the five (5) day written notice requirement specified in Provision II.B.4.b. in favor of a written report submitted to the commission within fifteen (15) days of the time the permittee becomes aware of the noncompliance or condition. [30 TAC Section 305.145(b)]

7. Pollution Prevention (Reserved)

8. Annual Detection Monitoring Report (Reserved)

9. Manifest Discrepancy Report

If a significant discrepancy in a manifest is discovered, the permittee must attempt to reconcile the discrepancy. If not resolved within fifteen (15) days, the permittee must submit a report, describing the incident, to the executive director, as per the requirements of 30 TAC Section 335.12(b). A copy of the manifest must be included in the report.

10. Unmanifested Waste Report

A report must be submitted to the executive director within fifteen (15) days of receipt of unmanifested waste, as per the requirements of 30 TAC Section 335.15(3)(B).

11. Monthly Summary

The permittee shall prepare a monthly report, of all manifests received during the month, summarizing the quantity, character, transporter identity, and the method of storage, processing and disposal of each nonhazardous waste or Class 1 waste shipment received, itemized by manifest document number. This monthly summary report shall be submitted to the TCEQ Registration and Reporting Section on or before the 25th day of each month for waste received

during the previous month. [30 TAC Section 335.15(2)]

**C. Incorporated Regulatory Requirements**

**1. State Regulations**

To the extent applicable to the activities authorized by this permit, the following TCEQ regulations are hereby made provisions and conditions of the permit.

- a. 30 TAC Chapter 37, Subchapter P: Financial Assurance for Hazardous and Nonhazardous Industrial Solid Waste Facilities;
- b. 30 TAC Chapter 305, Subchapter A: General Provisions;
- c. 30 TAC Chapter 305, Subchapter C: Application for Permit
- d. 30 TAC Sections 305.61 - 305.69 (regarding amendments, renewals, transfers, corrections, revocation and suspension of permits);
- e. 30 TAC Sections 305.121 - 305.125 (regarding permit characteristics and conditions);
- f. 30 TAC Sections 305.127 - 305.129 (regarding permit conditions, signatories and variance procedures);
- g. 30 TAC Chapter 305, Subchapter G: Additional Conditions for Hazardous and Industrial Solid Waste Storage, Processing or Disposal Permits;
- h. 30 TAC Chapter 335, Subchapter A: Industrial Solid Waste and Municipal Hazardous Waste in General;
- i. 30 TAC Sections 335.153 - 335.155 (regarding reporting of emergency situations and additional reports required);
- j. 30 TAC Sections 335.325, 335.328 and 335.329 (regarding waste management fee assessment, fee payment, and records and reports); and
- k. 30 TAC Chapter 350, Texas Risk Reduction Program.

Issuance of this permit with incorporated rules in no way exempts the permittee from compliance with any other applicable state statute and/or Commission Rule.

**2. Federal Regulations (Reserved)**

**III. Facility Management**

**A. Operation of Facility**

The permittee shall construct, maintain, and operate the facility to minimize the possibility of a fire, explosion, or any unplanned, sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. All equipment and structures used to manage nonhazardous waste at the facility shall be maintained in proper operating

condition.

B. Personnel Training

The permittee shall ensure that all facility personnel involved with nonhazardous waste management successfully complete a training program.

C. Security

The permittee shall provide one of the security devices as described in the permit application.

1. The permittee shall provide a twenty-four (24) hour surveillance system which continuously monitors and controls entry onto the active portion of the facility;
2. The permittee shall provide and maintain an artificial or natural barrier which completely surrounds the active waste management portion(s) of the facility and shall have a means to control entry, at all times, through gates or other entrances to these same facility areas;
3. The permittee shall post warning signs at all points of access to the active waste management portion(s) of the facility and along the natural and/or artificial barriers in sufficient numbers to be seen from any approach to that (those) portion(s) of the facility. The signs shall be printed so that they may be clearly read from a distance of at least twenty-five (25) feet, and shall state "Danger - Unauthorized Personnel Keep Out" in English and Spanish; or
4. The permittee shall post warning signs at all points of access to the active waste management portion(s) of the facility and along the natural and/or artificial barriers in sufficient numbers to be seen from any approach to that (those) portion(s) of the facility. The signs shall be printed so that they may be clearly read from a distance of at least twenty-five (25) feet and shall state "Danger - Unauthorized Personnel Keep Out."

D. General Inspection Requirements

The permittee shall follow the inspection schedule contained in the permit application submittals identified in Section I.B. of this permit and as set out in Table II.- Inspection Schedule. The permittee shall remedy any deterioration or malfunction discovered by an inspection. Records of inspection shall be kept, as required by Provision II.B.2. Any remedial actions taken in response to facility inspections and the date of the remediation shall be included in the inspection records.

E. Contingency Plan

1. The permittee shall immediately initiate clean-up procedures for removal of any spilled industrial wastes and waste residues and shall take all steps necessary to prevent surface water or groundwater contamination as a result of any spills.
2. Collected industrial wastes, spills, leaks, clean-up residues, and contaminated rainfall runoff, including contaminated stormwater from the drainage control

system(s) associated with the permitted units, shall be removed promptly after the spillage and/or rainfall event in as timely a manner as is necessary to prevent overflow of the system by the following method(s):

- a. Removal to an on-site authorized facility unit;
  - b. Removal to an authorized industrial solid waste management facility or authorized off-site facility; or
  - c. Discharge in accordance with a wastewater discharge permit.
3. The permittee shall ensure that any equipment or vehicles which have come in contact with waste in the loading/unloading, storage, processing, and/or disposal areas have been decontaminated prior to their movement into designated uncontaminated areas of the site property. At a minimum, all contaminated equipment shall be externally decontaminated and contaminated vehicles shall have their undercarriages and tires or tracks decontaminated to remove all waste residues and to prevent contamination of uncontaminated areas. All wash water generated shall be collected and disposed of in accordance with Provision III.E.2.

F. Special Permit Conditions (Reserved)

**IV. Waste and Waste Analysis**

A. Waste Analysis Plan

The permittee shall follow the Waste Analysis Plan, developed in the permit application and identified in Section I.B. of this permit.

B. Authorized Wastes

1. The permittee is authorized to manage industrial solid wastes listed in Table III.B. - Wastes Managed in Permitted Units, subject to the limitations provided herein.
2. Wastes authorized for management at the facility include those generated from facility sources and {from off-site sources.
3. For wastes received from off-site sources, the permittee must inform the generator (except where the permittee is also the generator), a written notice to the generator that the permittee has the appropriate permits and will accept the waste the generator is shipping. The permittee shall keep a copy of this written notice as part of the operating record.
4. The wastes authorized in Table III. B. shall not contain any of the following:
  - a. PCB waste, as defined by the Environmental Protection Agency (EPA) in regulations issued pursuant to the Toxic Substances Control Act under 40 CFR Part 761, unless the permittee is compliant with the federal requirements for PCB storage as specified in 40 CFR Part 761;
  - b. Radioactive materials/wastes unless the permittee is authorized to store and process these wastes in compliance with specific licensing and

permitting requirements under Chapter 401 of the Texas Health and Safety Code. In accordance with 30 TAC Section 336.203, no person shall dispose of radioactive material unless that person has a license or an exemption from the TCEQ under Texas Health and Safety Code, Section 401.106(a);

- c. Explosive material, as defined by the Department of Transportation under 49 CFR Part 173;
  - d. Dioxin-containing wastes, identified by EPA as F020, F021, F022, F023, F026, and F027 wastes in 40 CFR 261.31;
  - e. Ignitable compressed gases;
  - f. Garbage as defined in 30 TAC Section 330.3(56);
  - g. Municipal Solid Waste as defined in 30 TAC Section 330.3(88) except for Municipal Solid Waste leachate;
  - h. Putrescible Waste as defined in 30 TAC Section 330.3(119);
  - i. Special Waste from Health-Care Related Facilities subject to 25 TAC Part 1 or 30 TAC Chapter 330; and
  - j. Hazardous waste as defined in 30 TAC Chapter 335, Subchapter R.
5. Waste Acceptance Requirements

Prior to accepting any additional wastes not authorized in Table III. B., the permittee shall follow the permit amendment or modification requirements listed in 30 TAC Sections 305.62 and 305.69.

C. Sampling and Analytical Methods

1. Table III.C. - Sampling and Analytical Methods, shall be used in conjunction with the Waste Analysis Plan referenced in Section IV.A. of this permit, in performing all waste analyses.
2. The permittee shall ensure that all waste analyses utilized for waste identification or verification have been performed in accordance with methods specified in the current editions of EPA SW-846, American Society for Testing and Materials (ASTM) or other methods accepted by the TCEQ. The permittee shall have a Quality Assurance/Quality Control (QA/QC) program that is consistent with EPA SW-846 and the TCEQ QAPP.
3. Special Permit Conditions (Reserved)

**V. Authorized Units and Operations**

A. Authorized Units

1. The permittee is authorized to operate the permitted facility units listed in "Attachment E" in accordance with terms and conditions of this permit and subject to the limitations herein. All waste management activities not otherwise exempted from permitting under 30 TAC Section 335.2 shall be confined to the

authorized facility units subject to permitting listed in "Attachment E." References hereinafter in this permit to "TCEQ Permit Unit No\_\_\_\_" shall be to the authorized permitted facility units listed in "Attachment E." All authorized units must be clearly identified as numbered in "Attachment E." These units must have signs indicating "TCEQ Permit Unit No\_\_\_\_".

2. The permittee shall prevent inundation of any permitted units and prevent any discharges of any waste or runoff of waste contaminated stormwater from permitted units. Additionally, each loading or unloading area, associated with a permitted nonhazardous waste management unit, shall be provided with a drainage control system which will collect spills and precipitation in such a manner as to satisfy the following:
  - a. Preclude the release from the system of any collected spills, leaks or precipitation;
  - b. Minimize the amount of rainfall that is collected by the system; and
  - c. Prevent run-on into the system from other portions of the facility.

B. Container Storage Areas (Reserved)

C. Tanks and Tank Systems

1. The permitted tank units and their approved waste types are shown in Table IV - Waste Management Unit Information. The permittee is authorized to operate the permitted tank units for waste management subject to the limitations contained herein.
2. The permittee shall prevent spills and overflows from the tank or containment system.
3. The permittee shall construct and maintain the containment systems for the tanks in accordance with the drawings and details included in the application materials referenced in Provision I.B.
4. Special Permit Conditions (Reserved)

D. Surface Impoundments (Reserved)

E. Waste Piles (Reserved)

F. Land Treatment Units (Reserved)

G. Landfills (Reserved)

H. Incinerators (Reserved)

I. Boilers/Industrial Furnaces (Reserved)

J. Drip Pads (Reserved)

K. Miscellaneous Units (Reserved)

L. Containment Buildings (Reserved)

**VI. Groundwater Detection Monitoring (Reserved)**

**VII. Closure and Post-Closure Requirements**

A. Facility Closure

1. The permittee shall follow the Closure Plan, developed in accordance with 30 TAC §335.8 and Chapter 350, and contained in the permit application submittals identified in Permit Provision I.B. of this permit.

In addition, facility closure shall commence:

- a. Upon direction of the TCEQ for violation of the permit, TCEQ rules, or state statutes; or
  - b. Upon suspension, cancellation, or revocation of the terms and conditions of this permit concerning the authorization to receive, store, process, or dispose of waste materials; or
  - c. Upon abandonment of the site; or
  - d. Upon direction of the TCEQ for failure to secure and maintain an adequate bond or other financial assurance as required by Provision VII.B.1.
2. Request for Permit Modification or Amendment

The permittee shall submit a written request for a permit modification or amendment to authorize a change in the approved closure Plan(s), in accordance with 30 TAC §305.62 and 305.69. The written request shall include a copy of the amended closure Plan(s) for approval by the executive director.

3. Time Frames for Modification/Amendment Request Submittal

The permittee shall submit a written request for a permit modification or amendment within sixty (60) days prior to a proposed change in the facility design or operation or no later than sixty (60) days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the permittee shall submit request for a permit modification or amendment no later than thirty (30) days after the unexpected event.

4. Closure Notice and Certification Requirements

The permittee shall notify the executive director, in writing, at least forty-five (45) days prior to the date on which he expects to begin partial or final of the facility. A copy of the notice shall be submitted to the TCEQ Regional Office.

5. The permittee shall notify the TCEQ Regional Office at least ten (10) days prior to any closure sampling activity required by the permit in order to afford regional personnel the opportunity to observe these events and collect samples.

6. Unless the executive director approves an extension to the closure period, the permittee must complete partial and final closure activities within 180 days after receiving the final known volume of wastes at the waste management unit or facility.
7. Within sixty (60) days of the completion of final closure, the permittee shall submit to the executive director, by registered mail, with a copy to the TCEQ Regional Office, a certification that the waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved Closure Plan and this permit. The certification, which shall be signed by the permittee and by a Professional Engineer licensed in Texas, must be in the form described in Provision II.A.6. A closure certification report shall be submitted with the required certifications which includes a summary of the activities conducted during closure and the results of all analyses performed. The certification report shall contain the information required by Provision II.A.6. and 30 TAC §350.32 (Texas Risk Reduction Program (TRRP) Remedy Standard A). Documentation supporting the licensed Professional Engineer's certification shall be furnished to the executive director upon request until the executive director releases the permittee from the financial assurance requirements for closure under 30 TAC Chapter 37, Subchapter P and 30 TAC §335.7.
8. Final closure of the facility is considered complete when all nonhazardous waste management units at the facility have been closed in accordance with all applicable closure requirements so that nonhazardous waste management activities are no longer conducted at the facility.
9. All units, sumps, pumps, piping and any other equipment or ancillary components which have come in contact with nonhazardous industrial solid wastes shall either be decontaminated by removing all waste, waste residues, and sludges or be disposed of at an authorized unit at this facility or at an authorized off-site facility.
10. All contaminated equipment/structures, liners, dikes, and soils (i.e., debris) intended for decontamination shall be decontaminated or removed and managed at an authorized industrial solid waste management facility.
11. All hard-surfaced areas within the nonhazardous waste management unit areas shall be decontaminated and the wash water generated treated and/or disposed at an authorized unit at this facility or at an authorized off-site facility.
12. Verification of decontamination shall be performed by analyzing wash water, and as necessary, soil samples for the hazardous constituents which have been in contact with the particular item being decontaminated. In addition, the permittee shall perform visual inspections of the equipment/structures for visible evidence of contamination.
13. Unless it can be demonstrated that soil contamination has not occurred, soils shall be sampled and analyzed. Sufficiently detailed analyses of samples representative of soils remaining in non-hard-surfaced areas of the storage and processing facility area shall be performed to verify removal or decontamination of all waste and waste residues.
14. Soil and/or wash water samples shall be analyzed using laboratory methods specified in Provision II.B.1.b. Equivalent or modified methods must be specified

in the closure plan and have written approval of the executive director prior to use. All data submitted to the TCEQ shall be in a manner consistent with the latest version of the TCEQ QAPP.

15. Decontamination shall be deemed complete when no visible evidence of contamination is observed and when the results from verification sampling and analyses for wash water and soil meet the following criteria:
  - a. Decontamination of hard-surfaced areas used for waste management (such as tank interiors, secondary containment structures, ancillary equipment, sumps, loading/unloading docks, etc.) shall be deemed complete when the concentration of each chemical of concern in the final rinsate sample(s) collected from the wash water is below TCEQ Texas Risk Reduction Program (TRRP), Remedy Standard A, Tier 1 Residential Class 1 Groundwater PCL; and
  - b. Unless it can be demonstrated that soil contamination has not occurred, underlying soils shall be decontaminated or removed to the TRRP Remedy Standard A, Residential PCL, for no further action. If the underlying soils are decontaminated or removed to the PCL for Remedy Standard A, Commercial/Industrial Land use, the permittee shall comply with the institutional controls' requirements of 30 TAC Section 350.111, as required.

B. Financial Assurance for Closure

1. The permittee shall provide financial assurance for closure of all existing permitted units covered by this permit in an amount not less than as shown on Table VII.C - Permitted Unit Closure Cost Summary. Financial assurance shall be secured and maintained in compliance with 30 TAC Chapter 37, Subchapter P; and 30 TAC Section 335.179. Financial assurance is subject to the following:
  - a. Adjustments to Financial Assurance Amount
    - (1) At least sixty (60) days prior to acceptance of waste in proposed permitted units listed in Table VII.C - Permitted Unit Closure Cost Summary, the permittee shall increase the amount of financial assurance required for closure by the amounts listed in Table VII.C. and shall submit additional financial assurance documentation.
    - (2) The amount of financial assurance for closure of existing units, may be reduced by the amount listed in Table VII.C. - Permitted Unit Closure Cost Summary, upon certification of closure of an existing permitted unit, in accordance with Provisions VII.A.4 and VII.A.6, and upon written approval of the executive director.
  - b. Annual Inflation Adjustments

Financial assurance for closure, including any adjustments after permit issuance, shall be corrected for inflation according to the methods described by 30 TAC Sections 37.131 and 37.141.
2. The permittee shall submit to the executive director, upon request, such information as may be required to determine the adequacy of the financial assurance.

C. Storage, Processing, Combustion Unit and Land Treatment Unit Closure Requirements

The permittee shall close the tank units identified in Table IV in accordance with the approved Closure Plan and the TRRP in 30 TAC Chapter 350 and the following requirements.

If all contaminated soils cannot be removed or decontaminated to TRRP Remedy Standard A, and the permittee or the executive director determines that the tank units must be closed as a landfill, within ninety (90) days, the permittee shall submit a permit modification request incorporating a revised closure and post-closure plan. to close the units as a landfill and perform post-closure care. [30 TAC Section 305.69 and Chapter 350, Subchapter B]

D. Surface Impoundment Closure Requirement (Reserved)

E. Landfill Closure and Certification Requirements (Reserved)

F. Containment Buildings Closure Requirements (Reserved)

G. Facility Post-Closure Care Requirements (Reserved)

H. Financial Assurance for Post-Closure (Reserved)

**VIII. Liability Requirements**

A. Sudden and Non-sudden Accidental Occurrences

The permittee shall demonstrate continuous compliance with the requirements of 30 TAC Chapter 37 Subchapter P and 30 TAC Section 335.7 to maintain liability coverage for sudden accidental occurrences of at least \$1 million per occurrence, with an annual aggregate of at least \$2 million, exclusive of legal defense cost.

B. Incapacity of Owners or Operators, Guarantors, or Financial Institutions

The permittee shall comply with 30 TAC Section 37.71, regarding bankruptcy, whenever necessary.

**IX. Corrective Action for Solid Waste Management Units (Reserved)**

**X. Air Emission Standards**

A. General Conditions

1. Emissions from this facility must not cause or contribute to a condition of "air pollution" as defined in Section 382.003 of the Texas Health and Safety Code Ann. or violate Section 382.085 of the Texas Health and Safety Code Ann. If the executive director of the TCEQ determines that such a condition or violation occurs, the permittee shall implement additional abatement measures as necessary to control or prevent the condition or violation.

**XI. Compliance Plan (Reserved)**

**Table II. - Inspection Schedule**

Facility Unit(s) and Basic Elements	Possible Error, Malfunction, or Deterioration	Frequency of Inspection
<p><b>Tanks and Tank System</b>                      TK-1300, TK-1310, TK-1320, TK-1330,                      TK-1340, TK-1350, TK-1360, TK-1370,                      and TK-1390</p>	<ul style="list-style-type: none"> <li>• <i>Above-Ground Portions of Tank Exterior:</i> Corrosion, leaks.</li> <li>• <i>Piping and Valves:</i> Damage, leaks.</li> <li>• <i>Data Gathered from Visual Monitoring and/or Leak Detection Equipment:</i> Standing liquid in the sump or secondary containment area.</li> <li>• <i>Tank Construction Materials and Area Immediately Surrounding Externally Accessible Portion of Tank System:</i> Corrosion, signs of release.</li> <li>• <i>Integrity of Secondary Containment:</i> Cracks, breaks, or signs of deterioration.</li> </ul>	<p>Daily, on all days of facility operation</p>
	<ul style="list-style-type: none"> <li>• <i>Overfill Control Equipment:</i> Malfunction of high-level alarms, if present, for systems equipped with such alarms.</li> </ul>	<p>Annually</p>
<p><b>Containment Areas, Dike Walls, Berms</b></p>	<ul style="list-style-type: none"> <li>• Evidence of spills or release</li> <li>• Cracks or gaps in coating</li> <li>• Accumulated precipitation</li> </ul>	<p>Daily, on all days of facility operation</p>

Facility Unit(s) and Basic Elements	Possible Error, Malfunction, or Deterioration	Frequency of Inspection
<p><b>Loading/Unloading Areas</b></p>	<ul style="list-style-type: none"> <li>• Evidence of spills or release</li> <li>• Accumulated precipitation</li> <li>• Integrity of containment system</li> </ul>	<p>Daily, on all days of facility operation</p>
<p><b>Emergency Equipment</b>                      Eyewash, safety showers, fire extinguishers, spill control equipment</p>	<ul style="list-style-type: none"> <li>• Low or no flow</li> <li>• Blockage</li> <li>• High pressure</li> <li>• Missing pieces</li> <li>• System inoperability</li> </ul>	<p>Monthly</p>
<p><b>Security</b>                      Fences, gates, warning signs</p>	<ul style="list-style-type: none"> <li>• Breach, damage, missing sections.</li> <li>• Not operating properly.</li> <li>• Deterioration, damage, missing, illegible writing.</li> </ul>	<p>Monthly</p>

**Table III.B. - Wastes Managed In Permitted Units**

No.	Waste	Physical Form (e.g., solid, liquid, sludge)	TCEQ Waste Form Codes and Classification Codes	
1	Leachate from GFL Facility	Liquid	116	1, 2
2	Leachate from other landfills	Liquid	116	1,2
3	Wash water	Liquid	101-106, 109-110, 113-115, 119, 201, 203-205, 207, 219, 296	1, 2
4	Tank Washouts	Liquid	101-106, 109-110, 113-115, 119, 203-205, 207, 209-210, 219, 296	1, 2
5	Contaminated Stormwater from GFL Facility	Liquid	113-114, 119, 203-205, 207, 219, 296	1, 2
6	Contaminated Stormwater	Liquid	113-114, 119, 203-205, 207, 219, 296	1, 2
7	Other Aqueous Waste	Liquid	119, 219	1, 2
8	Scrubber Water	Liquid	115	1, 2
9	Other inorganic Liquids	Liquid	119, 198	1, 2
10	Nonhazardous Brine	Liquid	113, 199	1, 2

**Table III.C. - Sampling and Analytical Methods**

<b>Waste No.<sup>1</sup></b>	<b>Sampling Location</b>	<b>Sampling Method</b>	<b>Frequency</b>	<b>Parameter</b>	<b>Test Method</b>
Composite 1, 2, 3, 4, 5, 6, 7, 8, 9 and/or 10	Before Injection Wellhead	Grab	Daily	pH	9040C or equivalent
Composite 1, 2, 3, 4, 5, 6, 7, 8, 9 and/or 10	Before Injection Wellhead	Grab	Daily	Specific Gravity	ASTM D4052 or equivalent
Composite 1, 2, 3, 4, 5, 6, 7, 8, 9 and/or 10	Before Injection Wellhead	Grab	Annually	Total Dissolved Solids, TDS	SM2540C or equivalent
Composite 1, 2, 3, 4, 5, 6, 7, 8, 9 and/or 10	Before Injection Wellhead	Grab	Annually	Total Suspended Solids, TSS	SM2540D or equivalent
Composite 1, 2, 3, 4, 5, 6, 7, 8, 9 and/or 10	Before Injection Wellhead	Grab	Annually	Waste Characterization Profile: Reactivity, Corrosivity, and Ignitability	EPA Methods 1110a, 9040c, 1010a, or equivalents
Composite 1, 2, 3, 4, 5, 6, 7, 8, 9 and/or 10	Before Injection Wellhead	Grab	Annually	Applicable TCLP metals, Semivolatile organics, volatile organics	Per 40 CFR 261 Appendix III
Composite 1, 2, 3, 4, 5, 6, 7, 8, 9 and/or 10	Before Injection Wellhead	Grab	Annually	Viscosity	D445-04e2 or equivalent

<sup>1</sup>from first column of Table III.B.

**Table IV. - Waste Management Unit Information**

Permit Unit No.	Waste Management Unit	TCEQ N.O.R. No.	Waste Nos. <sup>1</sup> Managed in Unit	Function(s) of Unit (storage/processing)	Rated Capacity of Unit
001	TK-1300	001	1, 2, 3, 4, 5, 6, 7, 8, 9, and/or 10	Storage	42,000 gallons
002	TK-1310	002	1, 2, 3, 4, 5, 6, 7, 8, 9, and/or 10	Storage	42,000 gallons
003	TK-1320	003	1, 2, 3, 4, 5, 6, 7, 8, 9, and/or 10	Storage	42,000 gallons
004	TK-1330	004	1, 2, 3, 4, 5, 6, 7, 8, 9, and/or 10	Storage	42,000 gallons
005	TK-1340	005	1, 2, 3, 4, 5, 6, 7, 8, 9, and/or 10	Storage	42,000 gallons
006	TK-1350	006	1, 2, 3, 4, 5, 6, 7, 8, 9, and/or 10	Storage	42,000 gallons
007	TK-1360	007	1, 2, 3, 4, 5, 6, 7, 8, 9, and/or 10	Storage	42,000 gallons
008	TK-1370	008	1, 2, 3, 4, 5, 6, 7, 8, 9, and/or 10	Storage	42,000 gallons
009	TK-1390	009	1, 2, 3, 4, 5, 6, 7, 8, 9, and/or 10	Storage	21,000 gallons

<sup>1</sup>from first column of Table III.B.

**Table VII.C. - Permitted Unit Closure Cost Summary**

**Existing Unit Closure Cost Estimate – Not applicable**

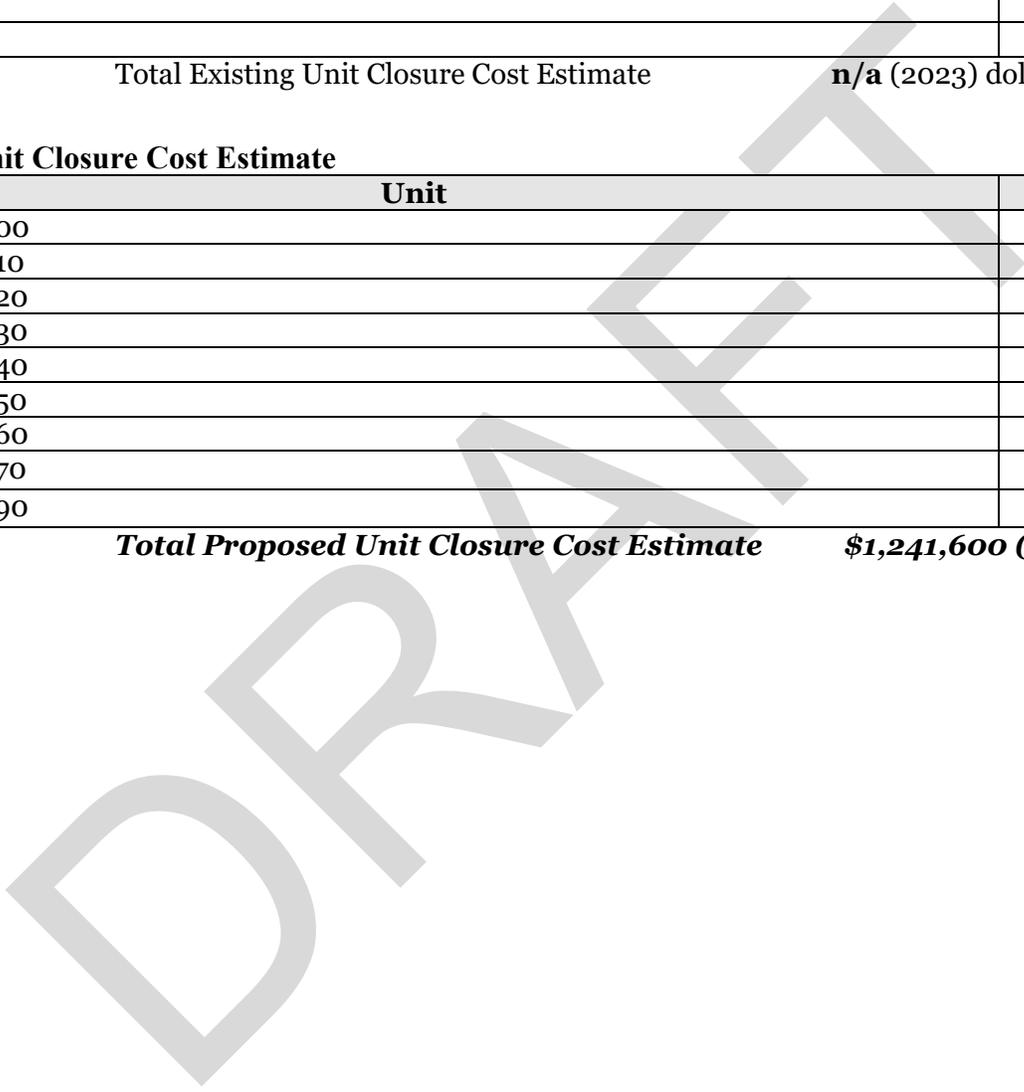
Unit	Cost

Total Existing Unit Closure Cost Estimate n/a (2023) dollars

**Proposed Unit Closure Cost Estimate**

Unit	Cost
Tank TK-1300	\$140,600
Tank TK-1310	\$140,600
Tank TK-1320	\$140,600
Tank TK-1330	\$140,600
Tank TK-1340	\$140,600
Tank TK-1350	\$140,600
Tank TK-1360	\$140,600
Tank TK-1370	\$140,600
Tank TK-1390	\$116,800

**Total Proposed Unit Closure Cost Estimate** **\$1,241,600 (2023) dollars**





**Exhibit A** attached hereto and made a part hereof for all purposes, together with all improvements situated thereon (the "Property").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns, forever, subject only to the matters described in **Exhibit B** attached hereto and made a part hereof for all purposes to the extent (but no further) that same are valid and subsisting as of the date hereof and affect title to the Property (the "Encumbrances"); and Grantor does hereby bind itself and its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property, subject to the Encumbrances, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

[END OF TEXT]

July IN TESTIMONY WHEREOF, this instrument is executed as of the 26<sup>th</sup> day of July, 2007.

GRANTOR:

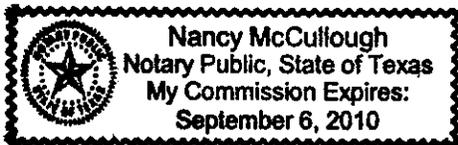
LONG POINT PARTNERS, LP, a Texas limited partnership

By: Ruffino Hills Development Corporation, a Texas corporation, its General Partner

By: [Signature]  
Name: BRIAN KUEKER  
Title: VICE PRES.

THE STATE OF TEXAS §  
COUNTY OF Dallas §

This instrument was acknowledged before me on the 26<sup>th</sup> day of July, 2007, by Brian A. Kueker, Vice President of Ruffino Hills Development Corporation, a Texas corporation, General Partner of LONG POINT PARTNERS, LP, a Texas limited partnership, on behalf of said limited partnership.



[Signature]  
Notary Public in and for the State of Texas  
My commission expires Sept. 6, 2010

**EXHIBIT A**

**To Special Warranty Deed**

**[See Attached]**

**EXHIBIT "A"**

**All that certain parcel or tract of land containing 2644.73 acres of land, more or less, out of the Louis Wolf Survey, Abstract No. 540, R. Morris Survey, Abstract No. 654, O'Neill Channell Survey, Abstract No. 730, Fred P. Olcott Survey, Abstract No. 251, George Waters Survey, Abstract No. 346, T. F. Pinckney Survey, Abstract No. 655 and Philo Fairchild Survey, Abstract No. 24, all being in Fort Bend County, Texas, and being more particularly described by metes and bounds on Exhibit "B" attached hereto and made a part hereof.**

**CHARLIE KALKOMEY SURVEYING, INC.**

1811 HORN AVENUE  
ROCKWELL, TEXAS 77471  
(713) 343-2833

**CHARLIE KALKOMEY**  
REGISTERED PROFESSIONAL LAND SURVEYOR

**CHARLES A. KALKOMEY**  
REGISTERED PROFESSIONAL LAND SURVEYOR

FIELD NOTES FOR A 2,678.6741 ACRE TRACT OF LAND, 240.6444 ACRES IN THE LOUIS WOLF SURVEY, ABSTRACT 540, 79.6635 ACRES IN THE O'NEIL CHANNEL SURVEY, ABSTRACT 730, 311.2 ACRES IN THE FRED P. OLCOTT SURVEY, ABSTRACT 251, 35.3774 ACRES IN THE R. MOR SURVEY, ABSTRACT 654, 496.3785 ACRES IN THE GEORGE WATERS SURVEY, ABSTRACT 3 984.1283 ACRES IN THE PHILO FAIRCHILD SURVEY, ABSTRACT 24, 20.6376 ACRES IN THE T PINCKNEY SURVEY, ABSTRACT 655, BEING OF THE CERTAIN QUIT CLAIM DEED RECORDED VOLUME 525, PAGE 282, DEED RECORDS, AND 510.5482 ACRES IN THE T. F. PINCKNEY SURVEY ABSTRACT 655, BEING THAT CERTAIN CAL "FIFTH TRACT" RECORDED IN VOLUME 116, PAGE 3 DEED RECORDS, FORT BEND COUNTY, TEXAS.

**BEGINNING** at a spindle set at the west most corner of the Louis Wolf Survey, Abstract 540, for the west ~~it~~ corner and ~~Place of Beginning~~ of the herein described 2,678.6741 acre tract, said point having coordinate X=1,038,817.5728, Y=579,012.2319, said coordinates being derived from Station Fairchild having coordinates 3,029,726.78 and Y=590,551.40;

**THENCE** south 48 degrees 14 minutes 05 seconds East along a fence line as located on the southwest line of Louis Wolf Survey, Abstract 540, at 58.00 feet pass a 1 inch iron pipe set on the southeast margin of P.M. High 1994 and continuing for a total distance of 3968.69 feet to a concrete monument with a brass cap found at the southwest corner of said Louis Wolf Survey, Abstract 540, same being the west most corner of the O'Neil Channel Survey Abstract 730;

**THENCE** South 48 degrees 28 minutes 14 seconds East along the southwest line of said O'Neil Channel Survey Abstract 730, 1335.91 feet to a 1 inch iron pipe found on the northwest line of the D. J. Jones Survey, Abstract 581 same being the south corner of the O'Neil Channel Survey, Abstract 730, for corner;

**THENCE** North 41 degrees 08 minutes 07 seconds East along the common line of said O'Neil Channel Survey Abstract 730, and the D. J. Jones Survey, Abstract 581, 787.47 feet to a concrete monument found for a re-entrant corner to the herein described 2,678.6741 acre tract, same being the north corner of the aforementioned D.J. Jones Survey, Abstract 581, and the lower west corner of the Fred P. Olcott Survey, Abstract 251;

**THENCE** South 50 degrees 10 minutes 10 seconds east along the common line of the D.J. Jones Survey, Abstract 581, and the Fred P. Olcott Survey, Abstract 251, 1962.61 feet to a concrete monument found at the south corner of the Fred P. Olcott Survey, Abstract 251, for corner, same being on the northwest line of the H. & T. R.R. Company Survey, Section 111;

page 1 of 11

**THENCE** North 41 degrees 43 minutes 50 seconds East along the common line of the Fred P. Olcott Surv Abstract 251, and the H. & T. C. R.R. Company Survey, Section 111, 3668.58 feet to a concrete monument for corner, said point being the north corner of the aforementioned Section 111, same being the east most corner of the Fred P. Olcott Survey, Abstract 251, and being on the southwest line of the T. F. Finckney Survey, Abstract 6;

**THENCE** South 48 degrees 28 minutes 26 seconds East along the common line of the T. F. Finckney Surv Abstract 655, and the H. & T. C. R.R. Company Survey, Section 111, 5269.57 feet to a 1 inch iron pipe set for south most corner of the herein described 2,678.6741 acre tract, same being the south most corner of the T. Finckney Survey, Abstract 655;

**THENCE** North 41 degrees 37 minutes 09 seconds East along the southeast line of the T. F. Finckney Surv Abstract 655, 3015.65 feet to a 1 inch iron pipe set at a fence corner intersection for an angle point, same being south most corner of the aforementioned 20.6376 acre tract recorded in Quit Claim Deed, Volume 525, Page 21 Deed Records, Fort Bend County, Texas;

**THENCE** North 41 degrees 48 minutes 16 seconds East along the southeast line of said T. F. Finckney Surv Abstract 655, 983.97 feet to a 1/2 inch iron pipe set at the east most corner of said T. F. Finckney Surv Abstract 655, 983.97 feet to a 1/2 inch iron pipe set at the east most corner of said 20.6376 acre tract for the southeast corner of the herein described 2,678.6741 acre tract;

**THENCE** North 48 degrees 11 minutes 45 seconds West along a line establishing the northeast line of the here described tract, at 493.20 feet pass a 1 inch iron pipe set on the southerly line of Davis Estate Road and continue for a total distance of 539.60 feet to a spindle set in the centerline of said Davis Estate Road for corner;

**THENCE** South 82 degrees 50 minutes 16 seconds West along the center line of David Estate Road, 960.58 feet to a 1/2 inch iron pipe set at an angle point in said road;

**THENCE** North 62 degrees 38 minutes 59 seconds West, 395.67 feet to a 1/2 inch iron pipe set in the center line of said Davis Estate road at the north most corner of said 20.6376 acre tract;

**THENCE** North 01 degree 58 minutes 42 seconds West, 40.15 feet to a fish plate found at a fence corner intersection being on the common line of the T. F. Finckney Survey, Abstract 655, and the Philo Fairchild Surv Abstract 24;

**THENCE** continuing North 01 degree 58 minutes 42 seconds West along a fence line, 2794.24 feet to a 1 inch iron pipe set at an angle point on said line;

**THENCE** North 01 degree 30 minutes 28 seconds West along a fence line, 2562.50 feet to a 1 inch iron pipe set at an angle point;

**THENCE** North 00 degrees 15 minutes 59 seconds East, 525.63 feet to a 1 inch iron pipe set at an angle point;

**THENCE** North 00 degrees 15 minutes 59 seconds East, 507.83 feet to a point on the southerly channel bank of Big Creek for the east most corner of the herein described 2,678.6741 acre tract;

**THENCE** along the southerly channel bank of Big Creek with its meanders:

North 33 degrees 28 minutes 20 seconds West, 265.68 feet;  
 North 33 degrees 28 minutes 20 seconds West, 174.53 feet;  
 North 41 degrees 42 minutes 38 seconds West, 200.89 feet;  
 North 39 degrees 58 minutes 14 seconds West, 301.87 feet;  
 North 34 degrees 30 minutes 54 seconds West, 182.83 feet;  
 North 26 degrees 25 minutes 40 seconds West, 261.38 feet;  
 North 32 degrees 02 minutes 18 seconds West, 279.90 feet;  
 North 30 degrees 35 minutes 39 seconds West, 260.30 feet;  
 North 15 degrees 27 minutes 21 seconds West, 345.51 feet;  
 North 26 degrees 02 minutes 18 seconds West, 114.71 feet;  
 North 16 degrees 33 minutes 54 seconds West, 77.48 feet;  
 North 51 degrees 32 minutes 26 seconds West, 132.74 feet;  
 North 56 degrees 55 minutes 10 seconds West, 220.08 feet;  
 North 65 degrees 46 minutes 53 seconds West, 143.33 feet;  
 North 73 degrees 31 minutes 05 seconds West, 130.47 feet;  
 North 72 degrees 22 minutes 48 seconds West, 387.76 feet;  
 North 71 degrees 23 minutes 36 seconds West, 174.06 feet;  
 North 70 degrees 57 minutes 14 seconds West, 213.55 feet;  
 North 76 degrees 44 minutes 40 seconds West, 152.96 feet;  
 South 29 degrees 58 minutes 16 seconds West, 118.00 feet;  
 South 77 degrees 31 minutes 18 seconds West, 285.54 feet;  
 South 78 degrees 17 minutes 19 seconds West, 140.82 feet;  
 South 89 degrees 42 minutes 03 seconds West, 180.29 feet;  
 North 59 degrees 34 minutes 12 seconds West, 168.32 feet;  
 South 83 degrees 54 minutes 59 seconds West, 190.95 feet;  
 North 55 degrees 09 minutes 59 seconds West, 127.06 feet;  
 North 62 degrees 18 minutes 11 seconds West, 126.14 feet;  
 North 45 degrees 38 minutes 28 seconds West, 218.62 feet;  
 North 38 degrees 04 minutes 35 seconds West, 211.29 feet;  
 North 21 degrees 55 minutes 38 seconds West, 133.83 feet;  
 North 15 degrees 31 minutes 37 seconds West, 147.63 feet;  
 North 08 degrees 42 minutes 27 seconds West, 294.79 feet;  
 North 08 degrees 20 minutes 10 seconds West, 279.04 feet;  
 North 18 degrees 02 minutes 43 seconds East, 84.85 feet;  
 North 02 degrees 57 minutes 45 seconds East, 87.26 feet;  
 North 22 degrees 48 minutes 15 seconds East, 192.43 feet;  
 North 17 degrees 03 minutes 50 seconds East, 239.35 feet;  
 North 03 degrees 22 minutes 13 seconds East, 94.52 feet;  
 North 09 degrees 00 minutes 11 seconds West, 83.40 feet;  
 North 28 degrees 09 minutes 29 seconds West, 93.64 feet;  
 North 41 degrees 01 minute 25 seconds West, 140.79 feet;  
 North 50 degrees 53 minutes 56 seconds West, 264.23 feet; and  
 North 61 degrees 08 minutes 49 seconds West, 86.53 feet to a point on the southerly channel of Big Creek  
 for the north most corner of the herein described 2,678,6741 acre tract, same being on the corner line of the Philo  
 Fairchild Survey, Abstract 24, and the E. Lippencott League, Abstract 51;

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**THENCE** South 41 degrees 44 minutes 36 seconds West along the common line of the E. Lippencott League Abstract 51, and the Philo Fairchild Survey, Abstract 24, at 5277.78 feet pass the west corner of said Philo Fairchild Survey, Abstract 24, at 5277.78 feet pass the west corner of said Philo Fairchild Survey, Abstract 24, same being the north corner of the George Waters Survey, Abstract 346, same being the north corner of the R. Morris Survey Abstract 654, and continuing for a total distance of 10,415.89 feet to a spindle set for corner, said point being the west corner of the R. Morris Survey, Abstract 654, and being on the southeast line of the E. Lippencott League Abstract 51;

**THENCE** South 48 degrees 10 minutes 01-second East along the southwest line of the R. Morris Survey, Abstract 654, 277.50 feet to a 1 1/4 inch iron pipe set for a re-entry corner to the herein described 2,678.6741 acre tract same being the north corner of the Louis Wolf Survey, Abstract 540, and being on the southwest line of the Morris Survey, Abstract 654;

**THENCE** South 41 degrees 58 minutes 11 seconds West along the northwest line of said Louis Wolf Survey Abstract 540, as located in F.M. Highway 1994, 2643.66 feet to the Place of Beginning and containing 2,678.67 acres of land, more or less.



*Charles Kalkoney*

Charles Kalkoney, R.P.L.S.  
Texas Registration No. 1399  
January 3, 1996

Job No. 2080-04-FB

**SAVE AND EXCEPT THE FOLLOWING DESCRIBED TRACTS.**

**F.M. HIGHWAY 1994 NORTHEAST**

**FIELD NOTES FOR A 11.96 ACRE TRACT OF LAND BEING PART OF THE R. MORRIS SURVEY ABSTRACT 654, AND THE GEORGE WATERS SURVEY, ABSTRACT 346, AND THE PHILO FAIRCHILD SURVEY, ABSTRACT 24, FORT BEND COUNTY, TEXAS, SAID 11.96 ACRE TRACT BEING 50-FOOT WIDE STRIP OF LAND SOUTHEAST OF THE CENTERLINE OF F.M. HIGHWAY 1994, SAID 50-FOOT WIDE STRIP OF LAND BEING RECORDED IN VOLUME 344, PAGE 155, DEED RECORDS, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS AS SHOWN ARE GRID NORTH, BEARINGS AND COORDINATES HEREBY ARE BASE UPON THE U.S.C.&G. MONUMENTATION AND THE TEXAS PLAIN COORDINATES SYSTEMS NORTH AMERICAN LAMBERT PROJECTION SOUTH CENTRAL ZONE, STATION FAIRCHILD, HAVING COORDINATES Y=590,551.40 X=3,029,726.78;**

**COMMENCING** at a cotton picker spindle found at the south corner of the E. Lippencott League, Abstract 5 same being on the northeast line of the J. Meyer Survey, Abstract 559;

**THENCE** North 41 degrees 44 minutes 36 seconds East along the centerline of F.M. Highway 1994, 352.31 feet to a spindle set on said line for the west corner and Place of Beginning of the herein described 11.96 acre tract of land;

**THENCE** continuing North 41 degrees 44 minutes 36 seconds West along the Southeast line of the E. Lippencoe Leagos, Abstract 51, being the northwest line of the aforementioned R. Morris Survey, Abstract 654, the northwest line of the George Waters Survey, Abstract 346, and the northwest line of the Philco Fairchild Survey, Abstract 2- same being the northwest line of the Texas Gulf Sulfur Company, 2,678.6741 acre tract of land for a distance of 10,415.89 feet to a point on said line intersecting with the South Channel Bank of Big Creek for the north corner of the herein described 11.96 acre tract of land;

**THENCE** South 48 degrees 15 minutes 24 seconds East along a line establishing the northeast line of the herein described parcel of land, 50 feet to a point on the southeast right-of-way line of F.M. Highway 1994 for the on corner of the herein described tract;

**THENCE** South 41 degrees 44 minutes 36 seconds West along the southeast right-of-way line of F.M. Highway 1994 for a distance of 10,415.89 feet to a point on said line intersecting with lower northeast line of the J. Meyer Survey, Abstract 559, for the south corner of the herein described tract;

**THENCE** North 48 degrees 15 minutes 24 seconds West establishing the southwest line of the herein described tract, 50 feet to the Place of Beginning and containing an area of 11.96 acres, more or less.

For reference and further description see Survey Plat No. 2080-04-FB, prepared by the undersigned on same date



*Charlie Kalkomey*  
Charlie Kalkomey, R.P.L.S.  
Texas Registration No. 1399  
January 3, 1996

Job No. 2080-04-FB

**F.M. HIGHWAY 1994 SOUTHWEST**

**FIELD NOTES FOR A 2.69 ACRE TRACT OF LAND IN THE LOUIS WOLF SURVEY, ABSTRACT 540, FORT BEND COUNTY, TEXAS, SAID 2.69 ACRE TRACT BEING PART OF THE TEXAS GULF SULFUR COMPANY, 2,678.6741 ACRE TRACT OF LAND, ALSO BEING A PART OF THAT 240.64 ACRE TRACT, RECORDED ON VOLUME 118, PAGE 497, DEED RECORDS, FORT BEND COUNTY, TEXAS, AND BEING LOCATED WITHIN THE RIGHT-OF-WAY OF F.M. HIGHWAY 1994 (100-FOOT RIGHT-OF-WAY) WITH ALL BEARINGS AS SHOWN FOR GRID NORTH, BEARINGS AND COORDINATES SHOWN HEREBY ARE BASED UPON THE U.S.C.&G. MONUMENTATION AND THE TEXAS PLAIN COORDINATES SYSTEM NORTH AMERICAN LAMBERT PROJECTION SOUTH CENTRAL ZONE, STATION FAIRCHILD HAVING COORDINATES Y= 590,551.40 X= 3,029,726.78;**

**BEGINNING** at a common picket spindle found at the west corner of the aforementioned Louis Wolf Survey, Abstract 540, for the west corner and the Place of Beginning of the herein described 2.69 acre tract of land, said point having coordinates X= 3,038,817.5728 Y= 579,012.2319, said point also being the south corner of the adjoining J. Meyer Survey, Abstract 559, and the north corner of the adjoining H.&T.C. Railroad Company Survey, Section 67, Abstract 238, also being the east corner of the W. Harber Survey, Abstract 73, said point also being the west corner of the Texas Gulf Sulfur Company, 2,678.6741 acre tract of land;

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**THENCE** North 41 degrees 58 minutes 11 seconds East along the northwest line of the aforementioned Louis V Survey being a northwest line of the aforementioned 2,678.6741 acre tract and the southeast line of the J. M Survey, Abstract 559, for a distance of 2,342.59 feet to a point intersecting the northeast right-of-way line of F Highway 361, for the north corner of the herein described parcel of land;

**THENCE** South 48 degrees 01 minute 49 seconds East along the line establishing the northeast line of the herein described tract, 50 feet to a point for the east corner of the herein described 2.69 acre tract;

**THENCE** South 41 degrees 58 minutes 11 seconds West along the line establishing the southeast line of the herein described tract, 2,342.59 feet to a point intersecting with the southwest line of the Louis Wolf Survey, Abstract 5 for the south corner of the herein described tract;

**THENCE** North 48 degrees 01 minute 49 seconds West along the southwest line of the Louis Wolf Survey, 50 feet to the Place of Beginning and containing 2.69 acres of land more or less.

For reference and further description see Survey Plat No. 2080-04-FB, prepared by the undersigned on same date.



*Charlie Kalkomey*  
 Charlie Kalkomey, R.F.L.S.  
 Texas Registration No. 1399  
 January 3, 1996

Job No. 2080-04-FB

**CANE BELT RAILROAD RIGHT-OF-WAY**

**FIELD NOTES FOR A 34.73 ACRE TRACT OF LAND PART OF BEING IN THE J. MEYER SURVEY ABSTRACT 559, PART IN THE R. MURRAY SURVEY ABSTRACT 154, PART IN THE GEORGE WATKINS SURVEY ABSTRACT 346, AND PART IN FILEDCO FAIRCHILD SURVEY ABSTRACT 24 FORT BEND COUNTY TEXAS, SAID 34.73 ACRE TRACT BEING A PART OF THE TEXAS GULF SULPHUR COMPANY 2678.6741 ACRE TRACT OF LAND AND BEING THAT CERTAIN TRACT TEXAS GULF SULPHUR COMPANY ET AL. TO CANE BELT RAILROAD COMPANY ET AL DATED JANUARY 3, 1941 RECORDED IN VOLUME 231, PAGE 387, AND THAT CERTAIN DEED TEXAS GULF SULPHUR COMPANY ET AL TO CANE BELT RAILROAD COMPANY DATED MAY 19, 1930, RECORDED IN VOLUME 131, PAGE 293, DEED RECORDS, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS AS SHOWN ARE GRID NORTH, BEARINGS AND COORDINATES SHOWN HERE ON ARE BASED UPON THE U.S.C.&G MONUMENTATION OF THE TEXAS PLANE COORDINATES SYSTEM NORTH AMERICAN LAMBERT PROJECTION SOUTH CENTRAL ZONE STATION FAIRCHILD HAVIN COORDINATES Y=59051.40 X=3,029,726.78.**

**COMMENCING** at a cotton picker spindle found at the centerline intersection of FM Highway 361 (100 foot right-of-way) being the south corner of the E. Lippencott League, Abstract 51, same being on the northeast line of the Meyers survey, abstract 559, said spindle having coordinates Y=580,899.96 X=3,040,144.16:

THENCE North 41 degrees 44 minutes 36 seconds West along the southeast line of said E. Lippincott land being the northwest line of the J. Meyer survey abstract 559 and being the centerline of FM Highway 1994 (100 ft right-of-way) for a distance of 50 feet to a point on said line;

THENCE South 48 degrees 15 minutes 24 seconds West 203.55 feet to a point on the centerline of the aforementioned Cane Belt Railroad for the Place of Beginning of the herein described centerline description;

THENCE North 46 degrees 47 minutes 23 seconds East along the centerline of said railroad being 120 foot wide right-of-way for a distance of 2993.58 feet to a point on said line at which point said 120 foot right-of-way ends and a 160 foot right-of-way begins;

THENCE continuing North 46 degrees 47 minutes 23 seconds East along the centerline of said railroad the right-of-way being 160 wide 5979.01 feet to a point on said line at which point the 160 foot right-of-way ends and said right-of-way becomes 200 feet wide;

THENCE continuing North 46 degrees 47 minutes 23 seconds East along the centerline of said railroad with right-of-way being 200 feet wide 985.23 feet to a point in the centerline of said railroad intersecting with the southeast channel bank of Big Creek for the termination of the herein described centerline and containing an area of 34.73 ac of land, more or less.

For reference and further description see Survey Plat No. 2080-04-FB prepared by the undersigned on same date



*Charlie Kalkomey*

Charlie Kalkomey, R.P.L.S.  
Texas Registration Number 1399  
Date: January 3, 1996

Job Number 2080-04-FB

**TEXAS GULF SULPHUR COMPANY AND GULF PRODUCTION COMPANY TO CANE BEL RAILROAD COMPANY (VOLUME 133, PAGE 511, DEED RECORDS, FORT BEND COUNTY, TEXAS**

FIELD NOTES FOR A 1.38 ACRE TRACT OF LAND IN THE PHILCO FAIRCHILD SURVEY ABSTRACT 24, FORT BEND COUNTY, TEXAS, SAID 1.38 ACRE TRACT BEING THAT CERTAIN TRACT CONVEYED FROM TEXAS GULF SULPHUR COMPANY AND GULF PRODUCTION COMPANY TO CANE BEL RAILROAD IN DEED DATED DECEMBER 5, 1930, RECORDED IN VOLUME 133, PAGE 511, DEED RECORDS, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS AS SHOWN HERE ARE GRID NORTH BEARINGS AND COORDINATES SHOWN HERE ARE BASED UPON U.S.C. & G MONUMENTATION AND THE TEXAS PLANE COORDINATE SYSTEM NORTH AMERICAN LAMBERT PROJECTION SOUTH CENTRAL ZONE STATION FAIRCHILD HAVING COORDINATED Y=590351.40 X=9,029,726.71.

COMMENCING at a cotton picker spindle found in the centerline intersection of FM Highway 361 (100 foot right-of-way) and the centerline of FM Highway - 1994 being the south corner of the E. Lippincott League, Abstract 51, same being on the northeast line of the J. Meyer Survey, Abstract 559 said spindle having coordinates Y=580899.95 X=3,040,144.16;

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THENCE North 41 degrees 44 minutes 36 seconds East along the southeast line of the aforementioned E. Lightfoot Leasing being the lower northeast line of the J. Meyer Survey abstract 559, the northwest line of the R. Morris Survey, abstract 559 the northwest line of the George Waters Survey abstract 346, 5490.42 feet to a point on said line being the north corner of the George Waters Survey abstract 348 and the west corner of the Philco Fairchild Survey abstract 24, said point having coordinates of Y=584496.50 X=3043799.65;

THENCE South 48 degrees 06 minutes 07 seconds East along the common line of the George Waters survey and the Philco Fairchild Survey 683.84 feet to a point on the centerline of the Cane Belt Railroad;

THENCE North 46 degrees 47 minutes 23 seconds East along the centerline of said Cane Belt Railroad having a width of 160 feet 347.8 feet to a point on said line;

THENCE North 43 degrees 12 minutes 37 seconds West 80 feet to a point on the northwest right-of-way line of said Cane Belt Railroad for the south corner and Place of Beginning of the herein described 1.38 acre tract of land

THENCE continuing North 43 degrees 12 minutes 37 seconds west 150 feet to a point for the west corner of the herein described tract;

THENCE North 46 degrees 47 minutes 23 seconds East along the line establishing the northwest line of the herein described parcel of land 400 feet to a point for the north corner of the herein described tract;

THENCE South 43 degrees 12 minutes 37 seconds East along a line establishing the northeast line of the herein described parcel of land 150 feet to a point on the northwest line of the aforementioned Cane Belt Railroad for the east corner of the herein described tract;

THENCE South 46 degrees 47 minutes 23 seconds West along the northwest line of said Cane Belt Railroad right-of-way 400 feet to the Place of Beginning and containing 1.38 acres of land, more or less.

For reference and further description see Survey Plat No. 2080-04-FB prepared by the undersigned on same date



*Charles Kalkunoy*  
Charles Kalkunoy, R.P.L.S.  
Texas Registration Number 1399  
Date: January 3, 1996  
Job Number 2080-04-FB

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**COUNTY ROAD**

FIELD NOTES FOR A 4.52 ACRE TRACT OF LAND BEING PART IN THE LEWIS WOLF SURVEY ABSTRACT 540, R.L. MORRIS SURVEY, ABSTRACT 654, AND THE GEORGE WATERS SURVEY ABSTRACT 346, FORT BEND COUNTY, TEXAS, SAID 4.52 ACRE TRACT BEING A PART OF THE TEXAS GULF SULFUR COMPANY, 2,678.6741 ACRE TRACT OF LAND AND BEING THAT CERTAIN CALLED 4.62 ACRE TRACT OF LAND CONVEYED BY TEXAS GULF SULFUR COMPANY TO FORT BEND COUNTY, RECORDED IN VOLUME 433, PAGE 536, DEED RECORDS, FORT BEND COUNTY, TEXAS WITH ALL BEARINGS AS SHOWN ARE GRID NORTH, BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE U.S.C.&G. MONUMENT AND THE TEXAS PLAIN COORDINATE SYSTEM NORTH AMERICAN LAMBERT PROJECTION SOUTH CENTRAL ZONE, STATION FAIRCHILD HAVING COORDINATES Y=590,551.40 X=3,029,726.78;

COMMENCING at a cotton picker spindle found at the centerline intersection of F.M. Highway 361 (100-foot right-of-way) and a centerline of F.M. Highway 1994 being the south corner of the E. Lippencott Leasing, Abstract 51, same being on the northeast line of the J. Meyer Survey, Abstract 559, said spindle having coordinates Y=580,899.96 X=3,040,144.16;

THENCE South 48 degrees 25 minutes 32 seconds East along the northeast line of the aforementioned adjoining J. Meyer Survey, Abstract 559, being the centerline of County Road 361, 276.11 feet to a point of intersection with a centerline at F.M. Highway 1994;

THENCE North 51 degrees 48 minutes 44 seconds East, 49.23 feet to a point of beginning of the herein describe centerline (being 30-foot each side of the herein described line), said point also being in a curve to the right;

THENCE around said curve to the right with a central angle of 14 degrees 48 minutes 37 seconds, a radius of 1,154.13 feet, an arc length of 298.33 feet, a tangent of 150.00 feet, and a chord bearing North 59 degrees 36 minutes 45 seconds East, 297.50 feet for a point of tangency of said curve;

THENCE North 67 degrees 01 minute 03 seconds East, 231.17 feet to a point at the beginning of a curve to the right;

THENCE around said curve to the right with a central angle of 31 degrees 14 minutes 17 seconds, a radius of 432.71 feet, an arc length of 288.78 feet, a tangent of 150.00 feet, and a chord bearing North 86 degrees 08 minutes 11 seconds East, 283.43 feet to the point of tangency of said curve;

THENCE South 74 degrees 44 minutes 38 seconds East, 109.29 feet to a point at the beginning of a curve to the right;

THENCE around said curve to the left of a central angle of 58 degrees 43 minutes 03 seconds, a radius of 479.57 feet, an arc length of 491.88 feet, a tangent of 270.00 feet, and a chord bearing North 75 degrees 53 minutes 51 seconds East, 470.64 feet to the point of tangency of said curve and the beginning of a curve to the left;

THENCE around said curve to the left with a central angle of 14 degrees 44 minutes 37 seconds, a radius of 1,159.47 feet, an arc length of 298.34 feet, a tangent of 150 feet and a chord bearing North 39 degrees 09 minutes 59 seconds East 297.52 feet to a point for the tangency of said curve;

THENCE North 31 degrees 47 minutes 39 seconds East, 386.72 feet to a point at a beginning of a curve to the right

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THENCE around said curve to the right with a central angle of 33 degrees 09 minutes 06 seconds, a radius 671.92 feet, an arc length of 388.78 feet, a tangent of 200.00 feet, and a chord bearing North 48 degrees 22 minutes 13 seconds East, 383.38 feet to the point of tangency of said curve;

THENCE North 64 degrees 56 minutes 46 seconds East along the centerline of the herein described description 789.83 feet to a point intersecting with the westerly right-of-way line of Davis Estate Road (60-foot wide): determination of the herein described centerline and containing an area of 4.52 acres of land, more or less.

For reference and further description see survey Plat No. 2080-04-FB, prepared by the undersigned in same date



*Charlie Kalkosky*

Charlie Kalkosky, R.P.L.S.  
Texas Registration No. 1399  
January 3, 1996

Job No. 2080-04-FB

**DAVIS ESTATE ROAD**

FIELD NOTES FOR A 16.95 ACRE TRACT OF LAND BEING PART IN THE GEORGE WATERS SURVEY ABSTRACT 346, AND PART IN THE T.F. PICKENY, ABSTRACT 653, FORT BEND COUNTY, TEXAS SAID 16.95 ACRE TRACT BEING A PART OF THE TEXAS GULF SULFUR COMPANY, 2,678.6741 ACRE TRACT OF LAND AND BEING THAT CERTAIN TRACT CONVEYED BY GULF PRODUCTION COMPANY, ETAL, TO FORT BEND COUNTY, DECEMBER 14, 1929, RECORDED IN VOLUME 129, PAGE 553, DEEDS RECORDS, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS AS SHOWN HEREON AND GRID NORTH BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE U.S.C. & MONUMENTATION AND THE TEXAS PLANE COORDINATES SYSTEM NORTH AMERICAN LAMBEI PROJECTION SOUTH CENTRAL ZONE, STATION FAIRCHILD, HAVING COORDINATES Y=590,551. X=3,029,726.73;

COMMENCING at a cotton picker spindle found in the centerline of F.M. Highway 361 (100-foot right-of-way) being the south corner of the E. Lippencott League, Abstract 51, same being on the northeast line of adjoins George Waters Survey, Abstract 346,

THENCE North 41 degrees 44 minutes 36 seconds East along the northwest line of the aforementioned 2,678.67 acre tract for a distance of 3,004.43 feet to a cotton picker spindle set on said line at the intersecting point of centerline of Davis Estate Road;

THENCE South 47 degrees 55 minutes 19 seconds East along the extension of the centerline of Davis Estate Road 50 feet to a point on the southeast right-of-way line of F.M. Highway 1949 for the Place of Beginning of the herein described centerline description of a 60-foot wide strip of land;

THENCE South 47 degrees 55 minutes 19 seconds East along the centerline description of the herein described 60-foot wide strip of land being 30-foot either side of the herein described centerline, 1,390.83 feet to a point on said line at the beginning of a curve to the right;

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**THENCE** around said curve to the right with a central angle of 14 degrees 30 minutes 39 seconds, a radius of 1,178.25 feet, an arc length of 298.41 feet, a tangent of 150.00 feet, and a chord bearing South 55 degrees 1 minute 44 seconds East, 297.61 feet to the tangency of said curve;

**THENCE** South 62 degrees 26 minutes 02 seconds East along the centerline of the herein described description 9,795.90 feet to a 1/4 inch iron pipe set on said line at a cattle guard across said strip of land for an angle point;

**THENCE** South 62 degrees 38 minutes 19 seconds East along the centerline of the herein described description 395.67 feet to a 1/2 inch iron pipe set for an angle point on said line;

**THENCE** North 82 degrees 50 minutes 16 seconds East, 960.58 feet to a 1/2 inch iron pipe set on said line for its termination of the herein described centerline description.

For reference and further description see Survey Plat No. 2080-04-FB, prepared by the undersigned on same date



*Charlie Keltomay*

Charlie Keltomay, R.P.L.S.  
Texas Registration No. 1399  
January, 3, 1996

Job No. 2080-04

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**EXHIBIT B**

**To Special Warranty Deed**

**[See Attached]**

**EXHIBIT B**

1. **The following restrictive covenants of record itemized below**

**Fort Bend County Clerk's File No(s). 9681121 and 2001088254.**

**Deleting any unlawful discriminatory provisions based on race, color religion, sex, handicap, familial status or national origin.**

2. **Standby fees, taxes and assessments by any taxing authority for the year 2004, and subsequent years.**

- 3 Right-of-way easement for the construction, maintenance and operations of railroad trackage along and across subject property, granted to The Cane Belt Railroad Company and Texas and New Orleans Railroad Company by instrument recorded in Volume 231, Page 387 of the Deed Records of Fort Bend County, Texas, with the exact location of said easement as shown on the map marked Exhibit "A" attached to said instrument.
- 4 Right-of-way easement 60 feet in width for ingress and egress traversing subject tract, granted to Fort Bend County, Texas by instrument recorded in Volume 129, page 553 of the Deed Records of Fort Bend County, Texas.
- 5 Right-of-way and easement 60 feet in width for ingress and egress along the westerly and northwesterly portion of subject tract, granted to Fort Bend County by instrument recorded in Volume 433, Page 520 of the Deed Records of Fort Bend County, Texas.
- 6 An easement and right-of-way for electric transmission and distribution line(s) together with the right of ingress and egress along the northwesterly portion of subject tract, granted to Houston Lighting & Power Company by instrument recorded in Volume 588, Page 628 of the Deed Records of Fort Bend County, Texas.
- 7 A right-of-way easement for the purpose of constructing one pipeline, not to exceed two inches located along the westerly side of subject tract, granted to Hamby Consultant, Inc., by instrument recorded in Volume 1041, Page 531 of the Deed Records of Fort Bend County, Texas.
- 8 A 25 foot by 30 foot surface easement located along the northerly portion of subject tract, granted to Houston pipe Line Company by instrument recorded in Volume 1876, Page 726 of the Official Records of Fort Bend County, Texas, and amended in Volume 1898, Page 309 of the Official Records of Fort Bend County, Texas.

- 9 Right-of-way easement 90 feet in width located along the northeasterly side of subject tract, granted to Fort Bend County Drainage District by instrument recorded in Volume 323, page 230 of the Deed Records of Fort Bend County, Texas.
- 10 An additional right-of-way easement 70 feet in width parallel and adjacent to the southwesterly side of the existing 90 foot easement, granted to Fort Bend County Drainage District by instrument recorded in Volume 2190, Page 1551 of the Official Records of Fort Bend County, Texas.
- 11 A 60 foot right-of-way along the north portion of subject tract granted to Fort Bend County, Texas by instrument recorded in Volume 72, Page 447 of the Deed Records of Fort Bend County, Texas, also as shown on the preliminary survey dated January 3, 1996, to be 50 feet in width, prepared by Charlie Kalkomey registered public surveyor No. 1399.
- 12 Pipe line right-of-way 20 feet in width located along the southerly portion of subject tract, granted to Houston Pipe Line Co. by instrument recorded in Volume 452, page 167 of the Deed Records of Fort Bend County, Texas.
- 13 Grantors reserve unto themselves the free and uninterrupted use for passage over and across the south 1/2 of the right-of-way said Davis Estate Road located along the southerly side of Subject tract as set forth in instrument recorded in Volume 525, Page 282 of the Deed Records of Fort Bend County, Texas.
- 14 1/16th of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 142, Page 31 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 15 A 1/32nd royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 142, Page 31, of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 16 A 1/24th royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 142, Page 31, of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 17 A 7/128th royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 118, Page 498, of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 18 A 1/16th royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 116, Page 337, of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.

- 19 1/16th of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 108, Page 221 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 20 A 1/32nd royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 108, Page 221, of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 21 A 1/24th royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 108, Page 221, of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 22 1/4th of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 142, Page 34 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 23 An undivided 1/5th interest of an undivided 3/10th interest in to all the sulphur conveyed to Texas Gulf Sulphur Co. by instrument recorded in Volume 153, Page 63, of the Deed Records of Fort Bend County, Texas.
- 24 A 1/32nd royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 103, Page 363, of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 25 1/2 of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 103, Page 365 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 26 Undivided 3/40th sulphur fee and 1/32nd of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 1896, Page 1963 and Volume 2595, Page 1889 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 27 A 29.73 - 1/3% of 1/32nd royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 753, Page 511, Volume 754, Page 633 and Volume 754, Page 637, all of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 28 .2400% of 1/2 of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 760, Page 375 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.

- 29 .1000% of 1/2 of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 782, Page 351 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 30 .2400% of 1/2 of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 883, Page 892 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 31 A 1/64th of 1/32nd royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 1160, Page 592, of the Official Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 32 1/2 of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 104, Page(s) 61 & 63 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 33 1/4th of 1/2 of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 108, Page 223 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 34 1/16th of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 114, Page 297 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 35 An undivided 3/10th interest in and to all of the sulphur conveyed to the Federal Royalty Co. by instrument recorded in Volume 114, Page 475 of the Deed Records of Fort Bend County, Texas.
- 36 An undivided 1/5th and an undivided 3/10th interest in and to all of the sulphur conveyed to the Freeport Sulphur Co. by instrument recorded in Volume 115, Page 327 of the Deed Records of Fort Bend County, Texas.
- 37 An undivided 1/20th interest in and to all the sulphur and 1/32nd of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 156, Page 498 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 38 An undivided 1/2 sulphur royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 275, Page 638, of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.

- 37 1/20th in and to all of the sulphur royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 348, Page 548 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 40 Mineral Deed date March 1, 1985 as set forth in instrument recorded under Volume 1769, Page 318 of the Official Records of Fort Bend County, Texas. Title to said interest not checked subsequent to the aforesaid instrument.
- 41 Mineral Deed date January 1, 1987 as set forth in instrument recorded under Volume 1894, Page 1824 of the Official Records of Fort Bend County, Texas. Title to said interest not checked subsequent to the aforesaid instrument.
- 42 Mineral Deed date June 1, 1987 as set forth in instrument recorded under Volume 1956, Page 2097 of the Official Records of Fort Bend County, Texas. Title to said interest not checked subsequent to the aforesaid instrument.
- Waiver of surface rights contained therein.
- 43 Mineral Deed date February 27, 1992 as set forth in instrument recorded under Volume 2384, Page 1968 of the Official Records of Fort Bend County, Texas. Title to said interest not checked subsequent to the aforesaid instrument.
- ~~44~~ Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 99, Page 600 of the Deed Records of Fort Bend County, Texas.
- 45 Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 103, Page 117 of the Deed Records of Fort Bend County, Texas.
- 46 Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 104, Page 117 of the Deed Records of Fort Bend County, Texas.
- 47 Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 922, Page 34 of the Deed Records of Fort Bend County, Texas.
- 48 Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 907, Page 369 of the Deed Records of Fort Bend County, Texas.
- 49 Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 998, Page 361 of the Deed Records of Fort Bend County, Texas.
- 50 Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 917, Page 272 of the Deed Records of Fort Bend County, Texas.
- 51 Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 1208, Page 401 of the Official Records of Fort Bend County, Texas.
- 52 Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 1557, Page 73 of the Official Records of Fort Bend County, Texas.
- 53 Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 1557, Page 78 of the Official Records of Fort Bend County, Texas.

- 54 Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 1557, Page 83 of the Official Records of Fort Bend County, Texas.
- 55 Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 1591, Page 157 of the Official Records of Fort Bend County, Texas.
- 56 Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 1663, Page 144 of the Official Records of Fort Bend County, Texas.
- 57 Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 1980, Page 2405 of the Official Records of Fort Bend County, Texas.
- 58 Subject to that particular Drill Site Designation Agreement as set out in instrument dated October 15, 1997, recorded under Fort Bend County Clerk's File No. 9771205.
- 59 A conveyance of railroad tracks located along the northwesterly portion of subject tract, granted to The Cane Belt Railroad Company by instrument recorded in Volume 131, Page 293 of the Deed Records of Fort Bend County, Texas, and conveyed to the Gulf Colorado and Santa Fe Railroad Company by Deed recorded in Volume 262, Page 68 of the Deed Records of Fort Bend County, Texas.
- 60 Rights of the Public in general in and to that portion of the subject property that lies within the boundaries of publically dedicated roadway, as set forth in instrument(s) recorded in Volume 344, Page(s) 153, 155, 158 and 160 of the Deed Records of Fort Bend County, Texas.
- 61 Terms, conditions and stipulations of that certain Industrial Solid Waste Disposal site across subject tract as set forth in instrument recorded in Volume 1158, Page 332 of the Official Records of Fort Bend County, Texas.
- 62 Terms, conditions and stipulations of that certain boundary agreement along the west side of subject tract as set forth in instrument recorded in Volume 271, Page 603 of the Deed Records of Fort Bend County, Texas.
- 63 Terms, conditions and stipulations of that certain solid waste disposal site as set forth in instrument recorded in Volume 731, Page 485 of the Deed Records of Fort Bend County, Texas.
- 64 Terms, conditions and stipulations of that certain Long Point Industrial Solid Waste Certification of Conditions as set forth in instrument recorded under Fort Bend County Clerk's File No. 9681121.
- 65 Rights of tenants in possession under unrecorded <sup>grazing</sup> leases and/or rental agreements.



**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL 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**

**SPECIAL WARRANTY DEED**

THE STATE OF TEXAS           §  
  §           KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF FORT BEND       §

WHEREAS, by Special Warranty Deed (hereinafter referred to as the "Original Deed"), dated as of February 24, 2004, recorded under Fort Bend County Clerk's File No. 2004021722, Long Point Partners, LP, a Texas limited partnership, sold and conveyed to Waste Services of Texas, Inc., a Delaware corporation (hereinafter referred to as "Waste Services"), that certain parcel or tract of land containing 2644.73 acres, more or less, in Fort Bend County, Texas, described in Exhibit A hereto, by reference made a part hereof (hereinafter referred to as the "Original Property"); and

WHEREAS, Ruffino Hills, LP, a Texas limited partnership (hereinafter sometimes referred to as "Ruffino"), is the successor by merger of Long Point; and

WHEREAS, Long Point Partners, LP, a Texas limited partnership (hereinafter sometimes referred to as "LPP"), is the successor by name change of Ruffino; and

WHEREAS, Fort Bend Regional Landfill LP, a Texas limited partnership (hereinafter sometimes referred to as "Fort Bend Regional"), is the successor by merger to Waste Services; and

WHEREAS, by error or mistake, the description of the Original Property in the Original Deed failed to include therein those certain 34.73 and 1.38 acre tracts of land located in Fort Bend County, Texas, described in Exhibit B hereto, by reference made a part hereof (hereinafter referred to as the "Omitted Tracts"); and

WHEREAS, LPP desires hereby to transfer and convey the Omitted Tracts to Fort Bend Regional, all as set forth below:

NOW, THEREFORE, in consideration of the premises, the sum of Ten Dollars (\$10.00) cash and other good and valuable consideration paid to LPP, the receipt and sufficiency of which consideration are hereby acknowledged, LPP (hereinafter referred to as "Grantor") has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Fort Bend Regional (hereinafter referred to as "Grantee") the Omitted Tracts, together with all improvements situated thereon (hereinafter referred to collectively as the "Property").

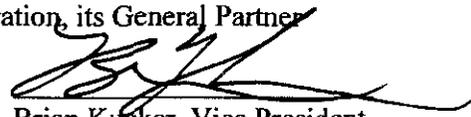
Return To: *at counter*  
James L. Read  
**BAKER BOTTS LLP**  
One Shell Plaza  
910 Louisiana  
Houston, Texas 77002

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns, forever, subject only to the matters described in Exhibit C attached hereto and made a part hereof to the extent (but no further) that the same are valid and subsisting as of the date hereof and affect title to the Property (hereinafter referred to collectively as the "Encumbrances"); and Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend all and singular the Property, subject to the Encumbrances, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

IN TESTIMONY WHEREOF, this instrument is executed as of the 24th day of February, 2004.

LONG POINT PARTNERS, <sup>LP</sup> a Texas limited partnership (the successor by name change of Ruffino Hills, LP, the successor by merger of the original Long Point Partners, LP)

By: RUFFINO HILLS DEVELOPMENT CORPORATION, a Texas corporation, its General Partner

By:   
Brian Kueker, Vice President

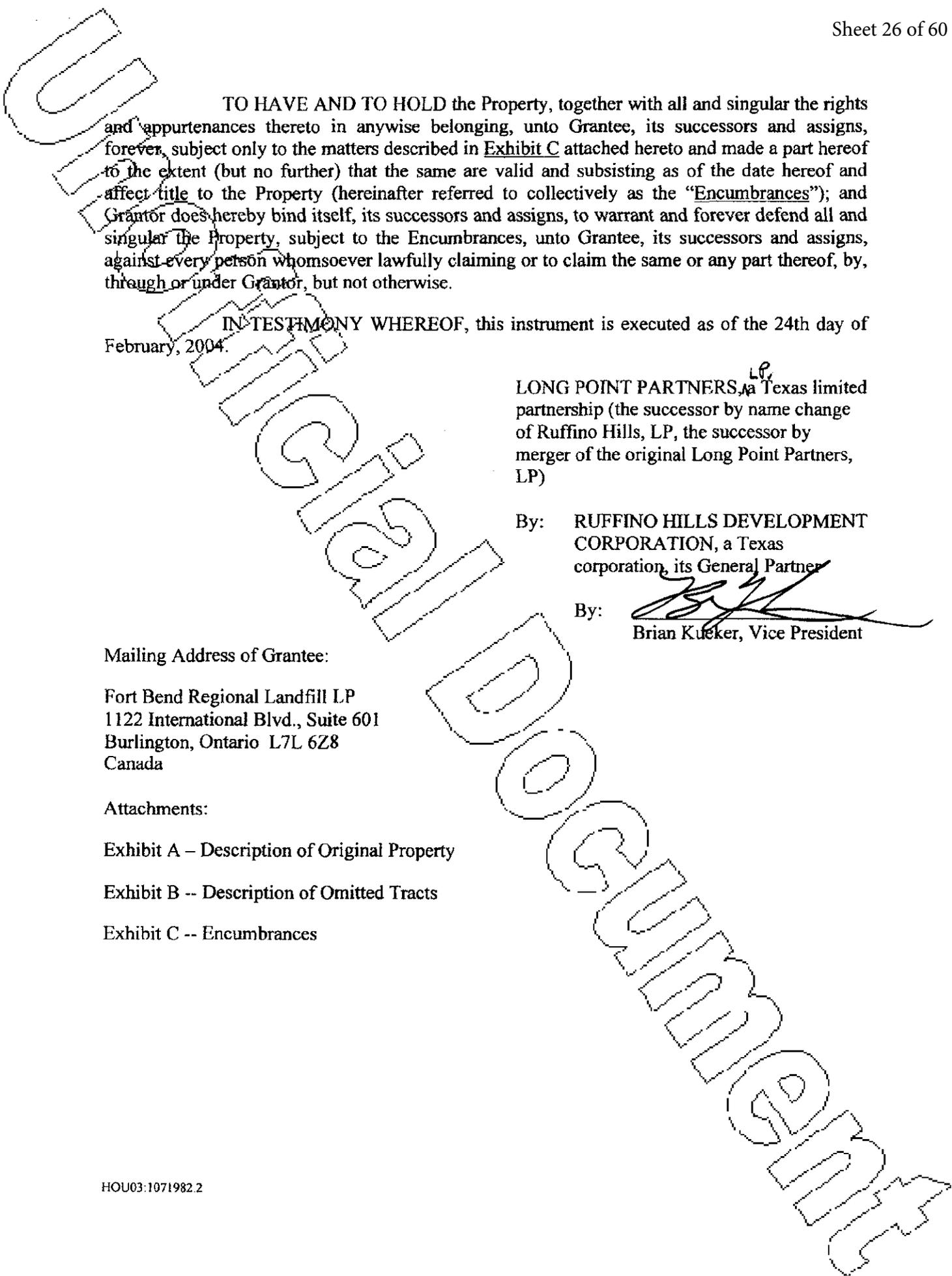
Mailing Address of Grantee:

Fort Bend Regional Landfill LP  
1122 International Blvd., Suite 601  
Burlington, Ontario L7L 6Z8  
Canada

Attachments:

- Exhibit A – Description of Original Property
- Exhibit B -- Description of Omitted Tracts
- Exhibit C -- Encumbrances

AS PER ORIGINAL



THE STATE OF TEXAS   §  
  §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on July 26, 2006, by Brian Kueker, Vice President of Ruffino Hills Development Corporation, a Texas corporation, the General Partner of Long Point Partners, LP, a Texas limited partnership, on behalf of said corporation and limited partnership.

*Nancy McCullough*

Notary Public in and for the  
State of Texas

*Nancy McCullough*  
Typed or Printed Name of Notary

My Commission Expires:

*Sept 6, 2006*



UNRECORDED Document

**EXHIBIT A**

**DESCRIPTION OF ORIGINAL PROPERTY**

*[Attached]*

Unofficial's Document

**EXHIBIT "A"**

All that certain parcel or tract of land containing 2644.73 acres of land, more or less, out of the Louis Wolf Survey, Abstract No. 540, R. Morris Survey, Abstract No. 654, O'Neil Channel Survey, Abstract No. 730, Fred P. Ocott Survey, Abstract No. 251, George Waters Survey, Abstract No. 346, T. F. Pinckney Survey, Abstract No. 855 and Philo Fairchild Survey, Abstract No. 24, all being in Fort Bend County, Texas, and being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof.

Unofficial Document

**CHARLIE KALKOMEY SURVEYING, INC.**1815 MOORE AVENUE  
ROCKWELL, TEXAS 77471  
(713) 343-2033CHARLIE KALKOMEY  
REGISTERED PROFESSIONAL LAND SURVEYORCHARLES A. KALKOMEY  
REGISTERED PROFESSIONAL LAND SURVEYOR

FIELD NOTES FOR A 2,678.6741 ACRE TRACT OF LAND, 240.6444 ACRES IN THE LOUIS WOLF SURVEY, ABSTRACT 540, 79.6415 ACRES IN THE O'NEIL CHANNEL SURVEY, ABSTRACT 730, 311.2 ACRES IN THE FRED P. OLCOTT SURVEY, ABSTRACT 251, 35.3774 ACRES IN THE R. MOR SURVEY, ABSTRACT 654, 496.3785 ACRES IN THE GEORGE WATERS SURVEY, ABSTRACT 2984, 1783 ACRES IN THE PHILO FAIRCHILD SURVEY, ABSTRACT 24, 20.6376 ACRES IN THE T. F. PINCKNEY SURVEY, ABSTRACT 655, BEING OF THE CERTAIN QUIT CLAIM DEED RECORDED VOLUME 525, PAGE 282, DEED RECORDS, AND 510.5882 ACRES IN THE T. F. PINCKNEY SURVEY, ABSTRACT 655, BEING THAT CERTAIN CAL "FIFTH TRACT" RECORDED IN VOLUME 116, PAGE 3 DEED RECORDS, FORT BEND COUNTY, TEXAS.

BEGINNING at a spindle set at the west most corner of the Louis Wolf Survey, Abstract 540, for the west corner and Place of Beginning of the herein described 2,678.6741 acre tract, said point having coordinates  $X=0,038,817.5728$ ,  $Y=579,012.2319$ , said coordinates being derived from Station Fairchild having coordinates  $X=0,029,726.78$  and  $Y=590,551.40$ .

THENCE south 48 degrees 14 minutes 05 seconds East along a fence line as located on the southwest line of Louis Wolf Survey, Abstract 540, at 50.00 feet pass a 1 inch iron pipe set on the southeast margin of F.M. High 1994 and continuing for a total distance of 3968.69 feet to a concrete monument with a brass cap found at the southeast corner of said Louis Wolf Survey, Abstract 540, same being the west most corner of the O'Neil Channel Survey, Abstract 730;

THENCE South 48 degrees 28 minutes 14 seconds East along the southwest line of said O'Neil Channel Survey, Abstract 730, 1335.91 feet to a 1 inch iron pipe found on the northwest line of the D. J. Jones Survey, Abstract 581, same being the south corner of the O'Neil Channel Survey, Abstract 730, for corner;

THENCE North 41 degrees 08 minutes 07 seconds East along the common line of said O'Neil Channel Survey, Abstract 730, and the D. J. Jones Survey, Abstract 581, 787.47 feet to a concrete monument found for a re-entrant corner to the herein described 2,678.6741 acre tract, same being the north corner of the aforementioned D. J. Jones Survey, Abstract 581, and the lower west corner of the Fred P. Olcott Survey, Abstract 251;

THENCE South 50 degrees 10 minutes 10 seconds east along the common line of the D. J. Jones Survey, Abstract 581, and the Fred P. Olcott Survey, Abstract 251, 1962.61 feet to a concrete monument found at the south corner of the Fred P. Olcott Survey, Abstract 251, for corner, same being on the northwest line of the H. & T. R.R. Company Survey, Section 111;

THENCE North 41 degrees 43 minutes 50 seconds East along the common line of the Fred P. Olcott Survey Abstract 251, and the H. & T. C. R.R. Company Survey, Section 111, 3668.58 feet to a concrete monument for corner, said point being the north corner of the aforementioned Section 111, same being the east most corner of the Fred P. Olcott Survey, Abstract 251, and being on the southwest line of the T. F. Pinckney Survey, Abstract 655;

THENCE South 48 degrees 28 minutes 26 seconds East along the common line of the T. F. Pinckney Survey Abstract 655, and the H. & T. C. R.R. Company Survey, Section 111, 5269.57 feet to a 1 inch iron pipe set for south most corner of the herein described 2,678.6741 acre tract, same being the south most corner of the T. F. Pinckney Survey, Abstract 655;

THENCE North 41 degrees 37 minutes 09 seconds East along the southeast line of the T. F. Pinckney Survey Abstract 655, 3015.65 feet to a 1 inch iron pipe set at a fence corner intersection for an angle point, same being south most corner of the aforementioned 20,6376 acre tract recorded in Quit Claim Deed, Volume 525, Page 21 Deed Records, Fort Bend County, Texas;

THENCE North 41 degrees 48 minutes 16 seconds East along the southeast line of said T. F. Pinckney Survey Abstract 655, 983.97 feet to a 1/2 inch iron pipe set at the east most corner of said T. F. Pinckney Survey, Abstract 655, 983.97 feet to a 1/2 inch iron pipe set at the east most corner of said 20,6376 acre tract for the southeast corner of the herein described 2,678.6741 acre tract;

THENCE North 48 degrees 11 minutes 45 seconds West along a line establishing the northeast line of the herein described tract, at 493.20 feet pass a 1 inch iron pipe set on the southerly line of Davis Estate Road and continue for a total distance of 539.60 feet to a spindle set in the centerline of said Davis Estate Road for corner;

THENCE South 82 degrees 50 minutes 16 seconds West along the center line of David Estate Road, 960.58 feet to a 1/2 inch iron pipe set at an angle point in said road;

THENCE North 62 degrees 38 minutes 59 seconds West, 395.67 feet to a 1/2 inch iron pipe set in the center line of said Davis Estate road at the north most corner of said 20,6376 acre tract;

THENCE North 01 degree 58 minutes 42 seconds West, 40.15 feet to a fish plate found at a fence corner intersection being on the common line of the T. F. Pinckney Survey, Abstract 655, and the Philo Fairchild Survey Abstract 24;

THENCE continuing North 01 degree 58 minutes 42 seconds West along a fence line, 2794.24 feet to a 1 inch iron pipe set at an angle point on said line;

THENCE North 01 degree 30 minutes 28 seconds West along a fence line, 2562.50 feet to a 1 inch iron pipe set at an angle point;

THENCE North 00 degrees 15 minutes 59 seconds East, 525.63 feet to a 1 inch iron pipe set at an angle point;

THENCE North 00 degrees 15 minutes 59 seconds East, 507.83 feet to a point on the southerly channel bank of Big Creek for the east most corner of the herein described 2,678.6741 acre tract;

AS PER ORIGINAL

THENCE, along the southerly channel bank of Big Creek with its meanders:

North 33 degrees 28 minutes 20 seconds West, 265.68 feet;  
 North 35 degrees 28 minutes 20 seconds West, 174.53 feet;  
 North 41 degrees 42 minutes 28 seconds West, 200.89 feet;  
 North 39 degrees 58 minutes 14 seconds West, 301.87 feet;  
 North 34 degrees 30 minutes 54 seconds West, 182.83 feet;  
 North 36 degrees 25 minutes 40 seconds West, 261.38 feet;  
 North 32 degrees 02 minutes 18 seconds West, 279.90 feet;  
 North 30 degrees 35 minutes 39 seconds West, 260.20 feet;  
 North 15 degrees 27 minutes 21 seconds West, 345.51 feet;  
 North 26 degrees 02 minutes 18 seconds West, 114.71 feet;  
 North 36 degrees 33 minutes 54 seconds West, 77.48 feet;  
 North 51 degrees 32 minutes 26 seconds West, 132.74 feet;  
 North 56 degrees 55 minutes 10 seconds West, 220.08 feet;  
 North 65 degrees 46 minutes 53 seconds West, 143.33 feet;  
 North 73 degrees 37 minutes 05 seconds West, 120.47 feet;  
 North 78 degrees 22 minutes 48 seconds West, 387.76 feet;  
 North 71 degrees 23 minutes 56 seconds West, 174.06 feet;  
 North 70 degrees 57 minutes 14 seconds West, 213.55 feet;  
 North 76 degrees 44 minutes 40 seconds West, 152.96 feet;  
 South 89 degrees 58 minutes 16 seconds West, 118.00 feet;  
 South 77 degrees 31 minutes 18 seconds West, 285.54 feet;  
 South 78 degrees 17 minutes 19 seconds West, 140.82 feet;  
 South 89 degrees 42 minutes 03 seconds West, 180.29 feet;  
 North 59 degrees 34 minutes 12 seconds West, 168.32 feet;  
 South 83 degrees 54 minutes 59 seconds West, 190.95 feet;  
 North 55 degrees 09 minutes 59 seconds West, 127.06 feet;  
 North 62 degrees 18 minutes 11 seconds West, 126.14 feet;  
 North 45 degrees 38 minutes 28 seconds West, 218.62 feet;  
 North 38 degrees 04 minutes 35 seconds West, 211.29 feet;  
 North 21 degrees 55 minutes 38 seconds West, 153.83 feet;  
 North 15 degrees 31 minutes 37 seconds West, 147.63 feet;  
 North 08 degrees 42 minutes 27 seconds West, 294.79 feet;  
 North 08 degrees 20 minutes 10 seconds West, 279.04 feet;  
 North 18 degrees 02 minutes 43 seconds East, 84.85 feet;  
 North 02 degrees 57 minutes 45 seconds East, 87.26 feet;  
 North 22 degrees 48 minutes 15 seconds East, 192.43 feet;  
 North 17 degrees 03 minutes 50 seconds East, 239.35 feet;  
 North 03 degrees 22 minutes 13 seconds East, 94.52 feet;  
 North 09 degrees 00 minutes 11 seconds West, 83.40 feet;  
 North 28 degrees 09 minutes 29 seconds West, 93.64 feet;  
 North 41 degrees 01 minute 25 seconds West, 140.79 feet;  
 North 50 degrees 53 minutes 56 seconds West, 264.23 feet; and  
 North 61 degrees 08 minutes 49 seconds West, 86.53 feet to a point on the southerly channel of Big Creek  
 for the north most corner of the herein described 2,678,6741 acre tract, same being on the common line of the Philo  
 Fairchild Survey, Abstract 24, and the E. Lippencott League, Abstract 51;

**THENCE** South 41 degrees 44 minutes 36 seconds West along the common line of the E. Lippencott League Abstract 51, and the Philo Fairchild Survey, Abstract 24, at 5277.78 feet pass the west corner of said Philo Fairchild Survey, Abstract 24, at 5277.78 feet pass the west corner of said Philo Fairchild Survey, Abstract 24, same being the north corner of the George Waters Survey, Abstract 346, same being the north corner of the R. Morris Survey Abstract 654, and continuing for a total distance of 10,415.89 feet to a spindle set for corner, said point being west corner of the R. Morris Survey, Abstract 654, and being on the southeast line of the E. Lippencott League Abstract 51;

**THENCE** South 48 degrees 10 minutes 01-second East along the southwest line of the R. Morris Survey, Abstract 654, 277.50 feet to a 1 1/4 inch iron pipe set for a re-entry corner to the herein described 2,678.6741 acre tract same being the north corner of the Louis Wolf Survey, Abstract 540, and being on the southwest line of the Morris Survey, Abstract 654;

**THENCE** South 41 degrees 58 minutes 11 seconds West along the northwest line of said Louis Wolf Survey Abstract 540, as located in F.M. Highway 1994, 2643.66 feet to the Place of Beginning and containing 2,678.67 acres of land, more or less.



*Charlie Kalkomey*  
 Charlie Kalkomey, R.P.L.S.  
 Texas Registration No. 1399  
 January 3, 1996

Job No. 2080-04-FB

**SAYE AND EXCEPT THE FOLLOWING DESCRIBED TRACTS.**

**F.M. HIGHWAY 1994 NORTHEAST**

**FIELD NOTES FOR A 11.96 ACRE TRACT OF LAND BEING PART OF THE R. MORRIS SURVEY ABSTRACT 654, AND THE GEORGE WATERS SURVEY, ABSTRACT 346, AND THE PHILO FAIRCHILD SURVEY, ABSTRACT 24, FORT BEND COUNTY, TEXAS, SAID 11.96 ACRE TRACT BEING 50-FOOT WIDE STRIP OF LAND SOUTHEAST OF THE CENTERLINE OF F.M. HIGHWAY 1994, SAID 50-FOOT WIDE STRIP OF LAND BEING RECORDED IN VOLUME 344, PAGE 155, DEED RECORDS, FORT BEND COUNTY, TEXAS, WITH ALL BEARING AS SHOWN ARE GRID NORTH, BEARINGS AND COORDINATES HEREON ARE BASE UPON THE U.S.C.&G. MONUMENTATION AND THE TEXAS PLAIN COORDINATES SYSTEMS NORTH AMERICAN LAMBERT PROJECTION SOUTH CENTRAL ZONE, STATION FAIRCHILD, HAVING COORDINATES Y=590,551.40 X=3,029,726.78;**

**COMMENCING** at a cotton picker spindle found at the south corner of the E. Lippencott League, Abstract 5 same being on the northeast line of the J. Meyer Survey, Abstract 559;

**THENCE** North 41 degrees 44 minutes 36 seconds East along the centerline of F.M. Highway 1994, 352.31 feet to a spindle set on said line for the west corner and Place of Beginning of the herein described 11.96 acre tract of land;

THENCE continuing North 41 degrees 44 minutes 36 seconds West along the Southeast line of the B. Lippenco League, Abstract 51, being the northwest line of the aforementioned R. Morris Survey, Abstract 654, the northwest line of the George Waters Survey, Abstract 346, and the northwest line of the Philco Fairchild Survey, Abstract 2, same being the northwest line of the Texas Gulf Sulfur Company, 2,678.6741 acre tract of land for a distance of 10,415.89 feet to a point on said line intersecting with the South Channel Bank of Big Creek for the north corner of the herein described 11.96 acre tract of land;

THENCE South 48 degrees 15 minutes 24 seconds East along a line establishing the northeast line of the hereinafter described parcel of land, 50 feet to a point on the southeast right-of-way line of F.M. Highway 1994 for the east corner of the herein described tract;

THENCE South 41 degrees 44 minutes 36 seconds West along the southeast right-of-way line of F.M. Highway 1994 for a distance of 10,415.89 feet to a point on said line intersecting with lower northeast line of the J. Meyer Survey, Abstract 559, for the south corner of the herein described tract;

THENCE North 48 degrees 15 minutes 24 seconds West establishing the southwest line of the herein described tract, 50 feet to the Place of Beginning and containing an area of 11.96 acres, more or less.

For reference and further description see Survey Plat No. 2080-04-FB, prepared by the undersigned on same date



*Charlie Kalkomey*

Charlie Kalkomey, R.P.L.S.  
Texas Registration No. 1399  
January 3, 1996

Job No. 2080-04-FB

**F.M. HIGHWAY 1994 SOUTHWEST**

FIELD NOTES FOR A 2.69 ACRE TRACT OF LAND IN THE LOUIS WOLF SURVEY, ABSTRACT 540, FORT BEND COUNTY, TEXAS, SAID 2.69 ACRE TRACT BEING PART OF THE TEXAS GULF SULFUR COMPANY, 2,678.6741 ACRE TRACT OF LAND, ALSO BEING A PART OF THAT 240.64 ACRE TRACT, RECORDED ON VOLUME 118, PAGE 498, DEED RECORDS, FORT BEND COUNTY, TEXAS, AND BEING LOCATED WITHIN THE RIGHT-OF-WAY OF F.M. HIGHWAY 1994 (100-FOOT RIGHT-OF-WAY) WITH ALL BEARINGS AS SHOWN FOR GRID NORTH, BEARINGS AND COORDINATES SHOWN HEREBY ARE BASED UPON THE U.S.C.&G. MONUMENTATION AND THE TEXAS PLAIN COORDINATES SYSTEM NORTH AMERICAN LAMBERT PROJECTION SOUTH CENTRAL ZONE, STATION FAIRCHILD HAVING COORDINATES Y= 590,551.40 X=3,029,726.78;

BEGINNING at a cotton picker spindle found at the west corner of the aforementioned Louis Wolf Survey, Abstract 540, for the west corner and the Place of Beginning of the herein described 2.69 acre tract of land, said point having coordinates X=3,038,817.5728 Y= 579,012.2319, said point also being the south corner of the adjoining I. Meyer Survey, Abstract 559, and the north corner of the adjoining H.&T.C. Railroad Company Survey, Section 67, Abstract 238, also being the east corner of the W. Harkner Survey, Abstract 73, said point also being the west corner of the Texas Gulf Sulfur Company, 2,678.6741 acre tract of land;

**THENCE** North 41 degrees 44 minutes 36 seconds West along the southeast line of said E. Lippencott lease being the northwest line of the J. Meyer survey abstract 559 and being the centerline of FM Highway 1994 (100 foot right-of-way) for a distance of 50 feet to a point on said line;

**THENCE** South 48 degrees 15 minutes 24 seconds West 203.55 feet to a point on the centerline of the aforementioned Cane Belt Railroad for the Place of Beginning of the herein described centerline description;

**THENCE** North 46 degrees 47 minutes 23 seconds East along the centerline of said railroad being 120 foot wide right-of-way for a distance of 2993.58 feet to a point on said line at which point said 120 foot right-of-way ends and a 160 foot right-of-way begins;

**THENCE** continuing North 46 degrees 47 minutes 23 seconds East along the centerline of said railroad the right-of-way being 160 wide 5979.01 feet to a point on said line at which point the 160 foot right-of-way ends and said right-of-way becomes 200 foot wide;

**THENCE** continuing North 46 degrees 47 minutes 23 seconds East along the centerline of said railroad with the right-of-way being 200 feet wide 985.23 feet to a point in the centerline of said railroad intersecting with the 300 channel bank of Big Creek for the termination of the herein described centerline and containing an area of 34.73 acre of land, more or less.

For reference and further description see Survey Plat No. 2080-04-FB prepared by the undersigned on same date



*Charlie Kalkomey*  
 Charlie Kalkomey, R.P.L.S.  
 Texas Registration Number 1399  
 Date: January 3, 1996  
 Job Number 2080-04-FB

**TEXAS GULF SULPHUR COMPANY AND GULF PRODUCTION COMPANY TO CANE BEL RAILROAD COMPANY (VOLUME 133, PAGE 511, DEED RECORDS, FORT BEND COUNTY, TEXAS**

**FIELD NOTES FOR A 1.31 ACRE TRACT OF LAND IN THE PHILCO FAIRCHILD SURVEY ABSTRACT 24, FORT BEND COUNTY, TEXAS, SAID 1.31 ACRE TRACT BEING THAT CERTAIN TRACT CONVEYED FROM TEXAS GULF SULPHUR COMPANY AND GULF PRODUCTION COMPANY TO CANE BEL RAILROAD IN DEED DATED DECEMBER 5, 1930, RECORDED IN VOLUME 133, PAGE 511, DEED RECORDS, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS AS SHOWN HERE ARE GRID NORTH BEARINGS AND COORDINATES SHOWN HERE ARE BASED UPON U.S.C. & G MONUMENTATION AND THE TEXAS PLANE COORDINATE SYSTEM NORTH AMERICAN LAMBERT PROJECTION SOUTH CENTRAL ZONE; STATION FAIRCHILD HAVING COORDINATED Y=590551.40 X=3,029,726.78.**

**COMMENCING** at a cotton nicker spindle found in the centerline intersection of FM Highway 361 (100 foot right-of-way) and the centerline of FM Highway 1994 being the south corner of the E. Lippencott Lease, Abstract 51, being on the northeast line of the J. Meyer Survey, Abstract 559 said spindle having coordinates Y=580899.95 X=3,040,144.16;

AND FIRST ORIGINAL

THENCE North 41 degrees 44 minutes 36 seconds East along the southeast line of the aforementioned E. Liptonot League being the lower northeast line of the J. Meyer Survey abstract 559, the northwest line of the R. Morris Survey, abstract 559 the northwest line of the George Waters Survey abstract 346, 5490.42 feet to a point on said line being the north corner of the George Waters Survey abstract 348 and the west corner of the Philco Fairchild Survey abstract 24, said point having coordinates of Y=584496.50 X=3043799.65;

THENCE South 45 degrees 06 minutes 07 seconds East along the common line of the George Waters survey and the Philco Fairchild Survey 683.84 feet to a point on the centerline of the Cane Belt Railroad;

THENCE North 46 degrees 47 minutes 23 seconds East along the centerline of said Cane Belt Railroad having a width of 160 feet 347.8 feet to a point on said line;

THENCE North 43 degrees 12 minutes 37 seconds West 80 feet to a point on the northwest right-of-way line of said Cane Belt Railroad for the south corner and Place of Beginning of the herein described 1.38 acre tract of land

THENCE continuing North 43 degrees 12 minutes 37 seconds west 150 feet to a point for the west corner of the herein described tract;

THENCE North 46 degrees 47 minutes 23 seconds East along the line establishing the northwest line of the herein described parcel of land 400 feet to a point for the north corner of the herein described tract;

THENCE South 43 degrees 12 minutes 37 seconds East along a line establishing the northeast line of the herein described parcel of land 150 feet to a point on the northwest line of the aforementioned Cane Belt Railroad for the east corner of the herein described tract;

THENCE South 46 degrees 47 minutes 23 seconds West along the northwest line of said Cane Belt Railroad right of-way 400 feet to the Place of Beginning and containing 1.38 acres of land, more or less.

For reference and further description see Survey Plat No. 2080-04-FB prepared by the undersigned on same date



*Charlie Kalkomey*  
 Charlie Kalkomey, R.P.L.S.  
 Texas Registration Number 1399  
 Date: January 3, 1996

Job Number 2080-04-FB

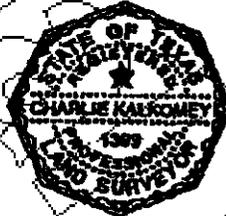
**TRENCE** North 41 degrees 58 minutes 11 seconds East along the northwest line of the aforementioned Louis V Survey being a northwest line of the aforementioned 2,678.6741 acre tract and the southeast line of the J. M. Spry Survey, Abstract 559, for a distance of 2,342.59 feet to a point intersecting the northeast right-of-way line of F Highway 361, for the north corner of the herein described parcel of land;

**TRENCE** South 48 degrees 01 minute 49 seconds East along the line establishing the northeast line of the herein described tract, 50 feet to a point for the east corner of the herein described 2.69 acre tract;

**TRENCE** South 41 degrees 58 minutes 11 seconds West along the line establishing the southeast line of the herein described tract, 2,342.59 feet to a point intersecting with the southwest line of the Louis Wolf Survey, Abstract 1399 for the south corner of the herein described tract;

**TRENCE** North 48 degrees 01 minute 49 seconds West along the southwest line of the Louis Wolf Survey, 50 feet to the Place of Beginning and containing 2.69 acres of land more or less.

For reference and further description see Survey Plat No. 2080-04-FB, prepared by the undersigned on same date.



*Charlie Kalkomey*  
 Charlie Kalkomey, R.P.L.S.  
 Texas Registration No. 1399  
 January 3, 1996

Job No. 2080-04-FB

**CANE BELT RAILROAD RIGHT-OF-WAY**

**FIELD NOTES FOR A 34.73 ACRE TRACT OF LAND PART OF BEING IN THE J. MEYER SURVEY ABSTRACT 559, PART IN THE R. MURRAY SURVEY ABSTRACT 154, PART IN THE GEORGE WATER SURVEY ABSTRACT 346, AND PART IN FILED CG FAIRCHILD SURVEY ABSTRACT 24 FORT BEND COUNTY TEXAS, SAID 34.73 ACRE TRACT BEING A PART OF THE TEXAS GULF SULPHUR COMPANY 2678.6741 ACRE TRACT OF LAND AND BEING THAT CERTAIN TRACT TEXAS GULF SULPHUR COMPANY ET AL. TO CANE BELT RAILROAD COMPANY ET AL DATED JANUARY 3, 1941 RECORDED IN VOLUME 231, PAGE 387, AND THAT CERTAIN DEED TEXAS GULF SULPHUR COMPANY ET AL TO CANE BELT RAILROAD COMPANY DATED MAY 19, 1930, RECORDED IN VOLUME 131, PAGE 293, DEED RECORDS, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS AS SHOWN ARE GRID NORTH, BEARINGS AND COORDINATES SHOWN HERE ON ARE BASED UPON THE U.S.C.&G MONUMENTATION OF THE TEXAS PLANE COORDINATES SYSTEM NORTH AMERICAN LAMBERT PROJECTION SOUTH CENTRAL ZONE STATION FAIRCHILD HAVING COORDINATES Y=59051.40 X=3,029,726.78.**

**COMMENCING** at a cotton picker spindle found at the centerline intersection of FM Highway 361 (100 foot right-of-way) being the south corner of the E. Lippencott League, Abstract 51, same being on the northeast line of the Meyers survey, abstract 559, said spindle having coordinates Y=580,399.96 X=3,040,144.16;

AS PER ORIGINAL

## COUNTY ROAD

FIELD NOTES FOR A 4.52 ACRE TRACT OF LAND BEING PART IN THE LEWIS WOLF SURVEY ABSTRACT 540, R.L. MORRIS SURVEY, ABSTRACT 654, AND THE GEORGE WATERS SURVEY ABSTRACT 346, FORT BEND COUNTY, TEXAS, SAID 4.52 ACRE TRACT BEING A PART OF THE TEXAS GULF SULFUR COMPANY, 2,678.6741 ACRE TRACT OF LAND AND BEING THAT CERTAIN CALLED 4.62 ACRE TRACT OF LAND CONVEYED BY TEXAS GULF SULFUR COMPANY TO FORT BEND COUNTY, RECORDED IN VOLUME 433, PAGE 528, DEED RECORDS, FORT BEND COUNTY, TEXAS WITH ALL BEARINGS AS SHOWN ARE GRID NORTH, BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE U.S.C.&G. MONUMENT AND THE TEXAS PLAIN COORDINATE SYSTEM NORTH AMERICAN LAMBERT PROJECTION SOUTH CENTRAL ZONE, STATION FAIRCHILD HAVING COORDINATES Y=590,551.40 X=3,029,726.78;

COMMENCING at a cotton picker spindle found at the centerline intersection of F.M. Highway 361 (100-foot right-of-way) and a centerline of F.M. Highway 1994 being the south corner of the E. Lippincott League, Abstract 51, same being on the northeast line of the J. Meyer Survey, Abstract 559, said spindle having coordinate Y=580,899.96 X=3,040,144.16;

THENCE South 48 degrees 25 minutes 32 seconds East along the northeast line of the aforementioned adjacent J. Meyer Survey, Abstract 559, being the centerline of County Road 361, 276.11 feet to a point of intersection with a centerline at F.M. Highway 1994;

THENCE North 51 degrees 48 minutes 44 seconds East, 49.23 feet to a point of beginning of the herein describe centerline (being 30-foot each side of the herein described line), said point also being in a curve to the right;

THENCE around said curve to the right with a central angle of 14 degrees 48 minutes 37 seconds, a radius of 1,154.13 feet, an arc length of 298.33 feet, a tangent of 150.00 feet, and a chord bearing North 59 degrees 36 minutes 45 seconds East, 297.50 feet for a point of tangency of said curve;

THENCE North 67 degrees 01 minute 03 seconds East, 231.17 feet to a point at the beginning of a curve to the right;

THENCE around said curve to the right with a central angle of 38 degrees 14 minutes 17 seconds, a radius of 432.71 feet, an arc length of 288.78 feet, a tangent of 150.00 feet, and a chord bearing North 86 degrees 08 minutes 11 seconds East, 283.45 feet to the point of tangency of said curve;

THENCE South 74 degrees 44 minutes 38 seconds East, 109.29 feet to a point at the beginning of a curve to the right;

THENCE around said curve to the left of a central angle of 58 degrees 43 minutes 03 seconds, a radius of 479.91 feet, an arc length of 491.88 feet, a tangent of 270.00 feet, and a chord bearing North 75 degrees 53 minutes 51 seconds East, 470.64 feet to the point of tangency of said curve and the beginning of a curve to the left;

THENCE around said curve to the left with a central angle of 14 degrees 44 minutes 37 seconds, a radius of 1159.41 feet, an arc length of 298.34 feet, a tangent of 150 feet and a chord bearing North 39 degrees 09 minutes 59 seconds East 207.52 feet to a point at the tangency of said curve;

THENCE North 31 degrees 47 minutes 39 seconds East, 386.72 feet to a point at the beginning of a curve to the right

AS PER ORIGINAL

THENCE around said curve to the right with a central angle of 33 degrees 09 minutes 06 seconds, a radius 671.92 feet, an arc length of 388.78 feet, a tangent of 200.00 feet, and a chord bearing North 48 degrees 22 minutes 13 seconds East, 383.38 feet to the point of tangency of said curve;

THENCE North 64 degrees 56 minutes 46 seconds East along the centerline of the herein described descriptive 789.88 feet to a point intersecting with the westerly right-of-way line of Davis Estate Road (60-foot wide) : determination of the herein described centerline and containing an area of 4.52 acres of land, more or less.

For reference and further description see survey Plat No. 2080-04-FB, prepared by the undersigned in same date



*Charlie Kalkomey*

Charlie Kalkomey, R.P.L.S.  
Texas Registration No. 1399  
January 3, 1996

Job No. 2080-04-FB

**DAVIS ESTATE ROAD**

FIELD NOTES FOR A 16.95 ACRE TRACT OF LAND BEING PART IN THE GEORGE WATERS SURVEY ABSTRACT 346, AND PART IN THE T.F. PICKENY, ABSTRACT 653, FORT BEND COUNTY, TEXAS SAID 16.95 ACRE TRACT BEING A PART OF THE TEXAS GULF SULFUR COMPANY, 2,678.6741 ACRES TRACT OF LAND AND BEING THAT CERTAIN TRACT CONVEYED BY GULF PRODUCTION COMPANY, ET AL, TO FORT BEND COUNTY, DECEMBER 14, 1929, RECORDED IN VOLUME 129, PAGE 553, DEED RECORDS, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS AS SHOWN HEREON AND GRID NORTH BEARINGS AND COORDINATES SHOWN HERON ARE BASED UPON THE U.S.C. & MONUMENTATION AND THE TEXAS PLANE COORDINATES SYSTEM NORTH AMERICAN LAMBEI PROJECTION SOUTH CENTRAL ZONE, STATION FAIRCHILD, HAVING COORDINATES Y=390,551. X=3,029,726.78;

COMMENCING at a cotton picker spindle found in the centerline of F.M. Highway 361 (100-foot right-of-way being the south corner of the E. Lippencott League, Abstract 51, same being on the northeast line of adjacent George Waters Survey, Abstract 346,

THENCE North 41 degrees 44 minutes 36 seconds East along the northwest line of the aforementioned 2,678.67 acre tract for a distance of 3,004.43 feet to a cotton picker spindle set on said line at the intersecting point of the centerline of Davis Estate Road;

THENCE South 47 degrees 55 minutes 19 seconds East along the extension of the centerline of Davis Estate Road 50 feet to a point on the southeast right-of-way line of F.M. Highway 1949 for the Place of Beginning of the herein described centerline description of a 60-foot wide strip of land;

THENCE South 47 degrees 55 minutes 19 seconds East along the centerline description of the herein described 60-foot wide strip of land being 30-foot either side of the herein described centerline, 1,390.83 feet to a point on said line at the beginning of a curve to the right;

**THENCE** around said curve to the right with a central angle of 14 degrees 30 minutes 39 seconds, a radius of 1,178.25 feet, an arc length of 298.41 feet, a tangent of 150.00 feet, and a chord bearing South 55 degrees 1 minutes 44 seconds East, 297.61 feet to the tangency of said curve;

**THENCE** South 62 degrees 26 minutes 02 seconds East along the centerline of the herein described description 9,795.90 feet to a 1/2 inch iron pipe set on said line at a cattle guard across said strip of land for an angle point;

**THENCE** South 62 degrees 38 minutes 59 seconds East along the centerline of the herein described description 395.67 feet to a 1/2 inch iron pipe set for an angle point on said line;

**THENCE** North 82 degrees 50 minutes 16 seconds East, 960.58 feet to a 1/2 inch iron pipe set on said line for the termination of the herein described centerline description.

For reference and further description see Survey Plat No. 2080-04-FB, prepared by the undersigned on same date.



*Charlie Kalkomey*

Charlie Kalkomey, R.P.L.S.  
Texas Registration No. 1399  
January, 3, 1996

Job No. 2080-04

**EXHIBIT B****DESCRIPTION OF OMITTED TRACTS**

FIELD NOTES FOR A 34.73 ACRE TRACT OF LAND PART OF BEING IN THE J. MEYER SURVEY ABSTRACT 559, PART IN THE R. MURRAY SURVEY ABSTRACT 854, PART IN THE GEORGE WATERS SURVEY ABSTRACT 346, AND PART IN FILEDCO FAIRCHILD SURVEY ABSTRACT 24 FORT BEND COUNTY TEXAS, SAID 34.73 ACRE TRACT BEING A PART OF THE TEXAS GULF SULPHUR COMPANY 2678.6741 ACRE TRACT OF LAND AND BEING THAT CERTAIN TRACT TEXAS GULF SULPHUR COMPANY ET AL TO CANE BELT RAILROAD COMPANY ET AL DATED JANUARY 3, 1945, RECORDED IN VOLUME 231, PAGE 387, AND THAT CERTAIN DEED TEXAS GULF SULPHUR COMPANY ET AL TO CANE BELT RAILROAD COMPANY DATED MAY 19, 1930, RECORDED IN VOLUME 131, PAGE 293, DEED RECORDS, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS AS SHOWN ARE GRID NORTH, BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE U.S.C.&G MONUMENTATION OF THE TEXAS PLANE COORDINATES SYSTEM NORTH AMERICAN LAMBERT PROJECTION SOUTH CENTRAL ZONE STATION FAIRCHILD HAVING COORDINATES Y=59051.40 X=3,029,726.78.

COMMENCING at a cotton picker spindle found at the centerline intersection of FM Highway 361 (100 foot right-of-way) being the south corner of the E. Lippencott League, Abstract 51, same being on the northeast line of the J. Meyers survey, abstract 559, said spindle having coordinates Y=580,899.96 X=3,040,144.16:

THENCE North 41 degrees 44 minutes 36 seconds West along the southeast line of said E. Lippencott league being the northwest line of the J. Meyer survey abstract 559 and being the centerline of FM Highway 1994 (100 foot right-of-way) for a distance of 50 feet to a point on said line;

THENCE South 48 degrees 15 minutes 24 seconds West 203.55 feet to a point on the centerline of the aforementioned Cane Belt Railroad for the Place of Beginning of the herein described centerline description;

THENCE North 46 degrees 47 minutes 23 seconds East along the centerline of said railroad being 120 foot wide right-of-way for a distance of 2993.58 feet to a point on said line at which point said 120 foot right-of-way ends and a 160 foot right-of-way begins;

THENCE continuing North 46 degrees 47 minutes 23 seconds East along the centerline of said railroad the right-of-way being 160 wide 5979.01 feet to a point on said line at which point the 160 foot right-of-way ends and said right-of-way becomes 200 foot wide;

THENCE continuing North 46 degrees 47 minutes 23 seconds East along the centerline of said railroad with the right-of-way being 200 feet wide 985.23 feet to a point in the centerline of said railroad intersection with the south channel bank of Big Creek for the termination of the herein described centerline and containing an area of 34.73 acres of land, more or less.

For reference and further description see Survey Plat No. 2080-04-FB prepared by Charlie Kalkomey on January 3, 1996.

TEXAS GULF SULPHUR COMPANY AND GULF PRODUCTION COMPANY TO CANE BELT RAILROAD COMPANY (VOLUME 133, PAGE 511, DEED RECORDS, FORT BEND COUNTY, TEXAS).

FIELD NOTES FOR A 1.38 ACRE TRACT OF LAND IN THE PHILCO FAIRCHILD SURVEY ABSTRACT 24, FORT BEND COUNTY, TEXAS, SAID 1.38 ACRE TRACT BEING THAT CERTAIN TRACT CONVEYED FROM TEXAS GULF SULPHUR COMPANY AND GULF PRODUCTION COMPANY TO CANE BELT RAILROAD IN DEED DATED DECEMBER 5, 1930, RECORDED IN VOLUME 133, PAGE 511, DEED RECORDS, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS AS SHOWN HERE ARE GRID NORTH BEARINGS AND COORDINATES SHOWN HERE ARE BASED UPON U.S.C. & G MONUMENTATION AND THE TEXAS PLANE COORDINATES SYSTEM NORTH AMERICAN LAMBERT PROJECTION SOUTH CENTRAL ZONE STATION FAIRCHILD HAVING COORDINATED Y=590551.40 X=3,029,726.78.

COMMENCING at a cotton picker spindle found in the centerline Intersection of FM Highway 361 (100 foot right-of-way) and the centerline of FM Highway 1994 being the south corner of the E. Lippencott League, Abstract 51, same being on the northeast line of the J. Meyer Survey, Abstract 559 said spindle having coordinates Y=580899.95 X=3,040,144.16;

THENCE North 41 degrees 44 minutes 36 seconds East along the southeast line of the aforementioned E. Lipkincot League being the lower northeast line of the J. Meyer Survey abstract 559, the northwest line of the R. Morris Survey, abstract 559 the northwest line of the George Waters Survey abstract 346 5490.42 feet to a point on said line being the north corner of the George Waters Survey abstract 348 and the west corner of the Philco Fairchild Survey abstract 24, said point having coordinates of Y=584496.50 X=3043799.65;

THENCE South 48 degrees 06 minutes 07 seconds East along the common line of the George Waters survey and the Philco Fairchild Survey 683.84 feet to a point on the centerline of the Cane Belt Railroad;

THENCE North 46 degrees 47 minutes 23 seconds East along the centerline of said Cane Belt Railroad having a width of 160 feet 347.8 feet to a point on said line;

THENCE North 43 degrees 12 minutes 27 seconds West 80 foot to a point on the northwest right-of-way line of said Cane Belt Railroad for the south corner and Place of Beginning of the herein described 1.38 acre tract of land;

THENCE continuing North 43 degrees 12 minutes 37 seconds west 150 feet to a point for the west corner of the herein described tract;

THENCE North 46 degrees 27 minutes 23 seconds East along the line establishing the northwest line of the herein described parcel of land 400 feet to a point for the north corner of the herein described tract;

THENCE South 43 degrees 12 minutes 37 seconds East along a line establishing the northeast line of the herein described parcel of land 150 feet to a point on the northwest line of the aforementioned Cane Belt Railroad for the east corner of the herein described tract;

THENCE South 46 degrees 47 minutes 23 seconds West along the northwest line of said Cane Belt Railroad right-of-way 400 feet to the Place of Beginning and containing 1.38 acres of land, more or less.

For reference and further description see Survey Plat No. 2080-04-FB prepared by Charlie Kalkomey, R.P.L.S. on January 3, 1996.

**EXHIBIT B**

- 1. The following restrictive covenants of record itemized below**

**Fort Bend County Clerk's File No(s). 9681121 and 2001088254.**

**Deleting any unlawful discriminatory provisions based on race, color religion, sex, handicap, familial status or national origin.**

- 2. Standby fees, taxes and assessments by any taxing authority for the year 2004, and subsequent years.**

- 3 Right-of-way easement for the construction, maintenance and operations of railroad trackage, along and across subject property, granted to The Cane Belt Railroad Company and Texas and New Orleans Railroad Company by instrument recorded in Volume 231, Page 387 of the Deed Records of Fort Bend County, Texas, with the exact location of said easement as shown on the map marked Exhibit "A" attached to said instrument.
- 4 Right-of-way easement 60 feet in width for ingress and egress traversing subject tract, granted to Fort Bend County, Texas by instrument recorded in Volume 129, page 553 of the Deed Records of Fort Bend County, Texas.
- 5 Right-of-way and easement 60 feet in width for ingress and egress along the westerly and northwesterly portion of subject tract, granted to Fort Bend County by instrument recorded in Volume 433, Page 520 of the Deed Records of Fort Bend County, Texas.
- 6 An easement and right-of-way for electric transmission and distribution line(s) together with the right of ingress and egress along the northwesterly portion of subject tract, granted to Houston Lighting & Power Company by instrument recorded in Volume 588, Page 628 of the Deed Records of Fort Bend County, Texas.
- 7 A right-of-way easement for the purpose of constructing one pipeline, not to exceed two inches located along the westerly side of subject tract, granted to Hamby Consultant, Inc., by instrument recorded in Volume 1041, Page 531 of the Deed Records of Fort Bend County, Texas.
- 8 A 25 foot by 30 foot surface easement located along the northerly portion of subject tract, granted to Houston Pipe Line Company by instrument recorded in Volume 1876, Page 726 of the Official Records of Fort Bend County, Texas, and amended in Volume 1898, Page 309 of the Official Records of Fort Bend County, Texas.

- 9 Right-of-way easement 90 feet in width located along the northeasterly side of subject tract, granted to Fort Bend County Drainage District by instrument recorded in Volume 323, page 230 of the Deed Records of Fort Bend County, Texas.
- 10 An additional right-of-way easement 70 feet in width parallel and adjacent to the southwesterly side of the existing 90 foot easement, granted to Fort Bend County Drainage District by instrument recorded in Volume 2190, Page 1551 of the Official Records of Fort Bend County, Texas.
- 11 A 60 foot right-of-way along the north portion of subject tract granted to Fort Bend County, Texas by instrument recorded in Volume 72, Page 447 of the Deed Records of Fort Bend County, Texas, also as shown on the preliminary survey dated January 3, 1996, to be 50 feet in width, prepared by Charlie Kalkomay registered public surveyor No. 1399.
- 12 Pipe line right-of-way 20 feet in width located along the southerly portion of subject tract, granted to Houston Pipe Line Co. by instrument recorded in Volume 452, page 167 of the Deed Records of Fort Bend County, Texas.
- 13 Grantors reserve unto themselves the free and uninterrupted use for passage over and across the south 1/2 of the right-of-way said Davis Estate Road located along the southerly side of Subject tract as set forth in instrument recorded in Volume 525, Page 282 of the Deed Records of Fort Bend County, Texas.
- 14 1/16th of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 142, Page 31 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 15 A 1/32nd royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 142, Page 31, of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 16 A 1/24th royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 142, Page 31, of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 17 A 7/128th royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 118, Page 498, of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 18 A 1/16th royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 116, Page 337, of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.

19 1/16th of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 108, Page 221 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.

20 A 1/32nd royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 108, Page 221, of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.

21 A 1/24th royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 108, Page 221, of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.

22 1/4th of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 142, Page 34 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.

23 An undivided 1/5th interest of an undivided 3/10th interest in to all the sulphur conveyed to Texas Gulf Sulphur Co. by instrument recorded in Volume 153, Page 63, of the Deed Records of Fort Bend County, Texas.

24 A 1/32nd royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 103, Page 363, of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.

25 1/2 of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 103, Page 365, of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.

26 Undivided 3/40th sulphur fee and 1/32nd of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 1896, Page 1963 and Volume 2595, Page 1889 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.

27 A 29.73 - 1/3% of 1/32nd royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 753, Page 511, Volume 754, Page 633 and Volume 754, Page 637, all of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.

28 .2400% of 1/2 of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 780, Page 375 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.

- 29 .1000% of 1/2 of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 782, Page 351 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 30 .2400% of 1/2 of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 883, Page 892 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 31 A 1/64th of 1/32nd royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 1160, Page 592, of the Official Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 32 1/2 of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 104, Page(s) 61 & 63 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 33 1/4th of 1/2 of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 108, Page 223 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 34 1/16th of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 114, Page 297 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 35 An undivided 3/10th interest in and to all of the sulphur conveyed to the Federal Royalty Co. by instrument recorded in Volume 114, Page 475 of the Deed Records of Fort Bend County, Texas.
- 36 An undivided 1/5th and an undivided 3/10th interest in and to all of the sulphur conveyed to the Freeport Sulphur Co. by instrument recorded in Volume 115, Page 327 of the Deed Records of Fort Bend County, Texas.
- 37 An undivided 1/20th interest in and to all the sulphur and 1/32nd of all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 156, Page 498 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.
- 38 An undivided 1/2 sulphur royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 275, Page 638, of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.

**37** 1/20th in and to all of the sulphur royalty interest in all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as set forth in instrument recorded in Volume 348, Page 548 of the Deed Records of Fort Bend County, Texas. Title to said interest not checked subsequent to date of aforesaid instrument.

**40** Mineral Deed date March 1, 1985 as set forth in instrument recorded under Volume 1769, Page 318 of the Official Records of Fort Bend County, Texas. Title to said interest not checked subsequent to the aforesaid instrument.

**41** Mineral Deed date January 1, 1987 as set forth in instrument recorded under Volume 1894, Page 1824 of the Official Records of Fort Bend County, Texas. Title to said interest not checked subsequent to the aforesaid instrument.

**42** Mineral Deed date June 1, 1987 as set forth in instrument recorded under Volume 1956, Page 2097 of the Official Records of Fort Bend County, Texas. Title to said interest not checked subsequent to the aforesaid instrument.

Waiver of surface rights contained therein.

**43** Mineral Deed date February 27, 1992 as set forth in instrument recorded under Volume 2384, Page 1968 of the Official Records of Fort Bend County, Texas. Title to said interest not checked subsequent to the aforesaid instrument.

**44** Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 99, Page 600 of the Deed Records of Fort Bend County, Texas.

**45** Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 103, Page 117 of the Deed Records of Fort Bend County, Texas.

**46** Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 104, Page 117 of the Deed Records of Fort Bend County, Texas.

**47** Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 922, Page 34 of the Deed Records of Fort Bend County, Texas.

**48** Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 907, Page 369 of the Deed Records of Fort Bend County, Texas.

**49** Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 998, Page 361 of the Deed Records of Fort Bend County, Texas.

**50** Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 917, Page 272 of the Deed Records of Fort Bend County, Texas.

**51** Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 1208, Page 401 of the Official Records of Fort Bend County, Texas.

**52** Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 1557, Page 73 of the Official Records of Fort Bend County, Texas.

**53** Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 1557, Page 78 of the Official Records of Fort Bend County, Texas.

54 Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 1557, Page 83 of the Official Records of Fort Bend County, Texas.

55 Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 1591, Page 157 of the Official Records of Fort Bend County, Texas.

56 Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 1663, Page 144 of the Official Records of Fort Bend County, Texas.

57 Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease recorded in Volume 1980, Page 2405 of the Official Records of Fort Bend County, Texas.

58 Subject to that particular Drill Site Designation Agreement as set out in instrument dated October 15, 1997, recorded under Fort Bend County Clerk's File No. 9771205.

59 A conveyance of railroad tracks located along the northwesterly portion of subject tract, granted to The Cane Belt Railroad Company by instrument recorded in Volume 131, Page 293 of the Deed Records of Fort Bend County, Texas, and conveyed to the Gulf Colorado and Santa Fe Railroad Company by Deed recorded in Volume 262, Page 68 of the Deed Records of Fort Bend County, Texas.

60 Rights of the Public in general in and to that portion of the subject property that lies within the boundaries of publically dedicated roadway, as set forth in instrument(s) recorded in Volume 344, Page(s) 153, 155, 158 and 160 of the Deed Records of Fort Bend County, Texas.

61 Terms, conditions and stipulations of that certain Industrial Solid Waste Disposal site across subject tract as set forth in instrument recorded in Volume 1158, Page 332 of the Official Records of Fort Bend County, Texas.

62 Terms, conditions and stipulations of that certain boundary agreement along the west side of subject tract as set forth in instrument recorded in Volume 271, Page 603 of the Deed Records of Fort Bend County, Texas.

63 Terms, conditions and stipulations of that certain solid waste disposal site as set forth in instrument recorded in Volume 731, Page 485 of the Deed Records of Fort Bend County, Texas.

64 Terms, conditions and stipulations of that certain Long Point Industrial Solid Waste Certification of Conditions as set forth in instrument recorded under Fort Bend County Clerk's File No. 9681121.

65 Rights of tenants in possession under unrecorded <sup>grants</sup> leases and/or rental agreements.

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dr. Dianne Wilson*

2006 Jul 31 02:42 PM

2006092081

KW \$109.00

Dianne Wilson, Ph.D. COUNTY CLERK

FT BEND COUNTY TEXAS

AS PER ORIGINAL

2012149720  
ELECTRONICALLY RECORDED  
Official Public Records  
12/31/2012 4:25 PM



*Dianne Wilson*  
Dianne Wilson, County Clerk  
Fort Bend County Texas  
Pages: 7 Fee: \$ 39.00

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

1912 725 708 SPECIAL WARRANTY DEED

THE STATE OF TEXAS §  
§ KNOW ALL MEN BY THESE PRESENTS THAT:  
COUNTY OF FORT BEND §

FORT BEND REGIONAL LANDFILL, L.P., a Texas limited partnership (hereinafter called "Grantor"), for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration paid to Grantor by WILLIAM E. SUTTON, an individual (hereinafter called "Grantee"), the receipt and sufficiency of which are hereby acknowledged, does hereby GRANT, SELL, CONVEY, ASSIGN and DELIVER to Grantee the real property described in Exhibit A attached hereto and made a part hereof, together with Grantor's right, title and interest, if any, to: (i) all improvements, fixtures and appurtenances situated thereon; and (ii) any adjacent streets, alleys and rights-of-way (collectively, the "Property").

This Special Warranty Deed and the conveyance hereinabove set forth is executed by Grantor and accepted by Grantee subject to (i) all easements, restrictions, reservations and covenants now of record, (ii) all matters that a current, accurate survey of the Property would show, (iii) the matters described in Exhibit B hereto and incorporated herein by this reference, to the extent the same are validly existing and applicable to the Property, (iv) the Pipeline Easement (defined below), and (iv) the covenant, running with the Property, that the Property shall never be used as, or in connection with, a landfill, transfer station, recycling or other waste services business (hereinafter referred to collectively as the "Permitted Exceptions").

Grantor hereby reserves and excludes from the conveyance hereunder for the benefit of Grantor and Grantor's successors and assigns forever all of the oil, gas and other minerals in, on, under and that may be produced from the Property including the right to pool or unitize the Property or portions thereof with other lands for the purpose of exploration, production and development of oil, gas and other minerals.

Grantor further hereby reserves for the benefit of Grantor and Grantor's successors and assigns forever a right of way and easement (the "Pipeline Easement") on, over and under the Property, for the purposes and on the terms set forth in that certain Pipeline Easement Agreement of even date herewith, by and between Grantee and Grantor, said Pipeline Easement being more particularly identified and described in Exhibit C attached hereto and made a part hereof.

Grantee acknowledges that it has independently and personally inspected the Property. **NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN THIS SPECIAL WARRANTY DEED, IT IS UNDERSTOOD AND AGREED BY GRANTEE BY ITS ACCEPTANCE OF THIS SPECIAL WARRANTY DEED THAT THE PROPERTY IS BEING SOLD AND CONVEYED HEREUNDER "AS IS" WITH ANY**



AND ALL FAULTS AND LATENT AND PATENT DEFECTS, WITHOUT ANY EXPRESS OR IMPLIED REPRESENTATION OR WARRANTY EXCEPT AS EXPRESSLY SET FORTH HEREIN AND IN THAT EXCHANGE AGREEMENT DATED SEPTEMBER 14, 2012, BY AND BETWEEN GRANTOR AND GRANTEE (THE "CONTRACT"). GRANTOR HAS NOT MADE AND DOES NOT HEREBY MAKE AND HEREBY SPECIFICALLY DISCLAIMS (EXCEPT AS EXPRESSLY SET FORTH IN THE CONTRACT) ANY REPRESENTATIONS OR WARRANTIES OF ANY KIND OR CHARACTER WHATSOEVER, EXPRESS OR IMPLIED, WITH RESPECT TO THE PROPERTY (OTHER THAN AS CONTAINED HEREIN), ITS CONDITION (INCLUDING WITHOUT LIMITATION ANY REPRESENTATION OR WARRANTY REGARDING QUALITY OF CONSTRUCTION, STATE OF REPAIR, WORKMANSHIP, MERCHANTABILITY, SUITABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE), ITS COMPLIANCE WITH ENVIRONMENTAL LAWS OR OTHER LAWS, AVAILABILITY OF ACCESS, INGRESS OR EGRESS, INCOME TO BE DERIVED THEREFROM OR EXPENSES TO BE INCURRED WITH RESPECT THERETO, THE OBLIGATIONS, RESPONSIBILITIES OR LIABILITIES OF THE OWNER THEREOF, OR ANY OTHER MATTER OR THING RELATING TO OR AFFECTING THE PROPERTY, AND GRANTOR HEREBY DISCLAIMS AND RENOUNCES ANY OTHER REPRESENTATION OR WARRANTY.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereunto in anywise belonging, unto Grantee, its successors and assigns, forever, and Grantor does hereby bind itself and its successors and assigns to warrant and forever defend all and singular the Property unto Grantee, its successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise, subject to the Permitted Encumbrances.

Grantee hereby assumes the payment of current ad valorem taxes on the herein described Property and for subsequent years. Grantee's address is: 16317 Davis Estate Road, Needville, Texas 77461.

*[Remainder of page intentionally left blank]*

William E. Sutton  
16317 Davis Estate Road  
Needville, Tx 77461

IN WITNESS WHEREOF, this Special Warranty Deed is executed by Grantor as of the 26<sup>th</sup> day of December, 2012.

GRANTOR:

**FORT BEND REGIONAL LANDFILL, L.P.**, a Texas limited partnership

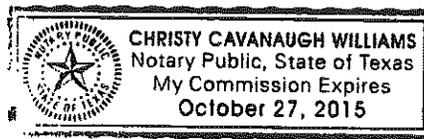
By: WCA Texas Management General, Inc., a Delaware corporation, its general partner

By:   
Michael A. Roy, Vice President

THE STATE OF TEXAS    §  
  §  
COUNTY OF HARRIS    §

This instrument was acknowledged before me on the 26<sup>th</sup> day of December, 2012, by Michael A. Roy, Vice President of WCA Texas Management General, Inc., a Delaware corporation and the general partner of Fort Bend Regional Landfill, L.P., a Texas limited partnership, on behalf of said corporation and limited partnership.

  
NOTARY PUBLIC, State of Texas



**EXHIBIT A****Description of the Property**

Being a 20.572 acre tract in the T.F. Pinckney Survey, A-655, Fort Bend County, Texas and comprising part of that 2,678.6741 acre tract conveyed by Long Point Partners, LP to Waste Services of Texas, Inc. and recorded in Fort Bend County Official Public Records 2004021722 (Waste Services of Texas, Inc. as per merger agreement (FBCOPR 200481536) is known as Fort Bend Regional Landfill, LP). The 20.572 acre tract more particularly described by metes and bounds description as follows;

COMMENCING at a one inch iron pipe found on the Southerly line of the T. F. Pinckney Survey, A-665 at the most Northerly corner of the H. Boeck Survey, A-699 and the most Westerly corner of the Christian Schwartz Survey, A-632.

Thence N 40°40'21" E along the common line of the Pinckney and Schwartz Surveys a distance of 270.61 feet to a one inch iron pipe (N 13,699,752.19 E 3,021,587.50) found for the most Southerly corner of this 20.572 acre tract and the POINT OF BEGINNING and from which a 6" wood post bears 0.3' S and 1.0' W.

Thence N 43°06'04" W along a barb wire fence a distance of 1535.36 feet to a 5/8 inch iron rod with cap set for a point for corner.

Thence N 01°57'51" W a distance of 34.42 feet to a PK nail set for a point for corner in the centerline of Davis Estate Road and from which a 1/2 inch iron pipe bears N 01°57'51" W – 40.30'.

Thence S 62°38'08" E (Call S 62°38'59" E) along the centerline of Davis Estate Road a distance of 395.67 feet to a bent 1/2 inch iron pipe found for a point for corner.

Thence N 82°51'07" E (Call N 82°50'16" E) along the centerline of Davis Estate Road a distance of 960.60 feet (Call 960.58') to a 1/2 inch iron pipe found for a point for corner.

Thence S 48°10'28" E (Call S 48°11'45" E); along a Northeasterly line of said 2,678.6741 acre tract; passing at 38.5 feet a 5/8 inch iron rod found on line, passing at 46.35 feet a 1/2 inch iron pipe found on line; for a total distance of 539.58 feet (Call 539.60') to a one inch iron pipe found for the most easterly corner of this 20.572 acre tract and from which a 6" wood post bears 0.9' S & 1.0' W.

Thence S 41°49'51" W (Call S 41°48'16" W) along the common lines of the Pinckney and Schwartz Surveys a distance of 984.11 feet (Call 983.97') to the POINT OF BEGINNING.

BEARINGS AND COORDINATES BASED ON TEXAS COORDINATE SYSTEM – NAD 83  
CORS96 (EPOCH 2002.0000)

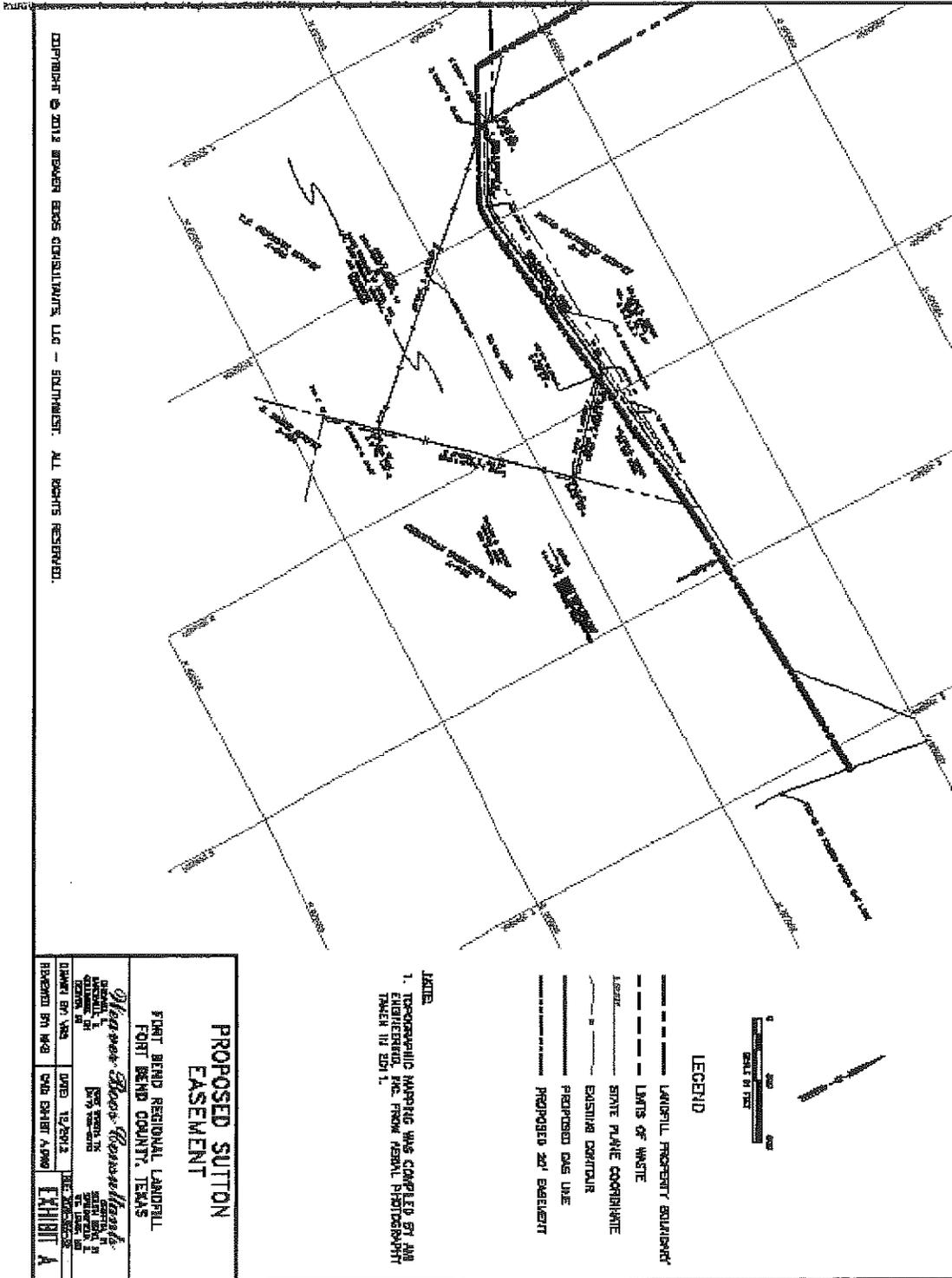
**EXHIBIT B****Permitted Exceptions**

1. Taxes and assessments for the year 2012 and subsequent years.
2. Restrictive covenants filed for record under Fort Bend County Clerk's File No. 9681121 and 2001088254.
3. Right-of-way easement 60 feet in width for ingress and egress traversing subject property as granted to Fort Bend County, Texas set forth in instrument recorded in Volume 129, Page 553, of the Deed Records of Fort Bend County, Texas.
4. Grantor's reserve unto themselves the free and uninterrupted use for passage over and across the south 1/2 of the right-of-way said Davis Estate Road located along the southerly side of subject tract set forth in instrument recorded in Volume 525, Page 282, of the Deed Records of Fort Bend County, Texas.
5. Pipe line right-of-way 20 feet in width located along the southerly portion of subject property granted to Houston Pipe Line Co. by instrument recorded in Volume 452, Page 167, of the Deed Records of Fort Bend County, Texas.
6. Terms, conditions and stipulations of that certain Industrial Solid Waste Disposal Site across subject tract as set forth in instrument recorded in Volume 1158, Page 332, of the Official Records of Fort Bend County, Texas.
7. Terms, conditions and stipulations of that certain Lone Point Industrial Solid Waste Certification of Conditions as set forth in instrument recorded under Fort Bend County Clerk's File No. 9681121.
8. A 1/16th royalty interest in and to all of the oil, gas, and other minerals in, on, under or that may be produced from the subject property, as set forth in an instrument of record in Volume 116, Page 337, of the Deed Records of Fort Bend County, Texas.
9. A 29.73% of 1/3% of 1/32nd royalty interest in and to all of the oil, gas, and other minerals in, on, under or that may be produced from the subject property, as set forth in an instrument of record in Volume 753, Page 511, of the Deed Records of Fort Bend County, Texas.
10. 1/64th of the oil, gas and other minerals, the royalties, bonuses, rentals, and all other rights in connection with the same, as the same are set forth in an instrument recorded in Volume 1160, Page 592, of the Deed Records of Fort Bend County, Texas.
11. Conveyance of oil, gas and mineral interests and related rights and properties, set forth in an instrument filed for record in Volume 1956, Page 2097 of the Official Records of Fort Bend County, Texas.

12. Terms, conditions and stipulations contained in that certain Oil & Gas Lease dated November 21, 1923, between Geo. Hamman et al, Lessor and Pathfinder Oil Co., Lessee recorded in Volume 90, Page 600, Deed Records of Fort Bend County, Texas. By instrument recorded in Volume 103, Page 208 of the Deed Records of Fort Bend County, Texas, Pathfinder Oil Co. assigned said lease to Gulf Production Company. Subject to terms and conditions contained in those certain Agreements recorded in recorded in Volume 130, Page 200 and Volume 131, Page 77, of the Deed Records of Fort Bend County, Texas. Subject to the terms and conditions contained in Contract recorded in Volume 282, Page 272 of the Deed Records of Fort Bend County, Texas.
13. Terms, conditions and stipulations contained in that certain Oil & Gas Lease dated February 4, 1980, between Gulf Oil Corporation, Lessor and Petro-Lewis Corporation Lessee recorded in Volume 885, Page 826, Deed Records of Fort Bend County, Texas. Said lease amended by instruments recorded in Volume 898, Page 92 and Volume 930, Page 814 of the Deed Records of Fort Bend County, Texas.
14. Terms, conditions and stipulations as to that certain Drill Site Designation Agreement set forth in instrument filed for record under Fort Bend County Clerk's File No. 9771205.

**EXHIBIT C**

**Description of Pipeline Easement**



GSI Job No: 6731  
Issued: 20 February 2024



**INDUSTRIAL NONHAZARDOUS WASTE PERMIT APPLICATION**  
**Fort Bend Regional Landfill, LP**  
Needville, Texas

**ATTACHMENT I.F.2**

Property Survey

DRAFT

# FORT BEND COUNTY TEXAS

E. LIPPENCOTT LEAGUE  
A - 51

**1ST TRACT  
124.95 AC.**

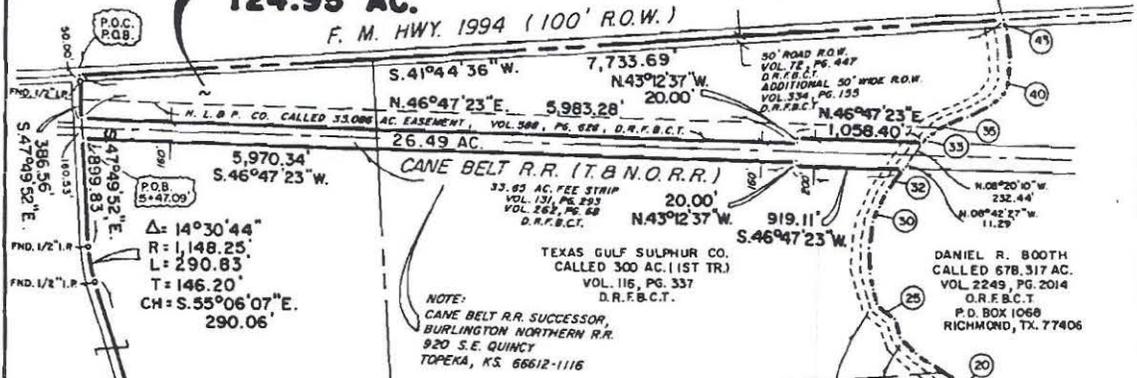
F. M. HWY. 1994 (100' R.O.W.)

JAMES B. HARRISON  
CALLED 492.1099 AC.  
VOL. 2083, PG. 310  
D.R.F.B.C.T.

P.O. BOX 690  
RICHMOND, TX. 77406

CALLED 747 AC.

BESSIE M. ATKINS  
P.O. BOX 1133  
RICHMOND, TX. 77406



GEORGE WATERS SURVEY  
A - 346

TEXAS GULF SULPHUR CO.  
CALLED 499.7 AC. (6TH TR.)  
VOL. 116, PG. 337  
D.R.F.B.C.T.

**2ND TRACT  
1,194.88 AC.**

TEXAS GULF SULPHUR CO.  
CALLED 876.23 AC. (4TH TR.)  
VOL. 116, PG. 337  
D.R.F.B.C.T.

PCS PHOSPHATE CO. INC.  
(formerly TEXASGULF INC.)  
P.O. BOX 600  
BOLING, TEXAS 77420

T. F. PINCKNEY SURVEY  
A - 655

BIG CREEK MEANDERS

1. N. 33° 28' 20" W., 265.68'
2. N. 33° 28' 20" W., 174.53'
3. N. 41° 42' 28" W., 200.89'
4. N. 39° 58' 14" W., 301.87'
5. N. 34° 30' 54" W., 182.83'
6. N. 26° 25' 40" W., 261.38'
7. N. 32° 02' 18" W., 279.90'
8. N. 30° 35' 39" W., 260.20'
9. N. 15° 27' 21" W., 345.51'
10. N. 26° 02' 18" W., 114.71'
11. N. 36° 33' 54" W., 77.48'
12. N. 51° 32' 26" W., 132.74'
13. N. 56° 55' 10" W., 232.08'
14. N. 65° 46' 53" W., 143.33'
15. N. 73° 31' 05" W., 120.47'
16. N. 78° 22' 48" W., 387.76'
17. N. 71° 23' 56" W., 174.06'
18. N. 70° 57' 14" W., 213.55'
19. N. 76° 44' 40" W., 152.96'
20. S. 89° 58' 16" W., 118.00'
21. S. 77° 31' 18" W., 285.54'
22. S. 78° 17' 19" W., 140.82'
23. S. 89° 42' 03" W., 180.29'
24. N. 59° 34' 12" W., 168.32'
25. S. 83° 54' 59" W., 190.95'
26. N. 55° 09' 59" W., 127.06'
27. N. 61° 18' 11" W., 126.14'
28. N. 45° 38' 28" W., 218.62'
29. N. 38° 04' 35" W., 211.29'
30. N. 21° 55' 38" W., 133.83'
31. N. 15° 31' 37" W., 147.63'
32. N. 08° 42' 27" W., 283.50'
33. N. 08° 20' 10" W., 46.60'
34. N. 18° 02' 43" E., 84.85'
35. N. 02° 57' 45" E., 87.26'
36. N. 22° 48' 15" E., 192.43'
37. N. 17° 03' 50" E., 239.35'
38. N. 03° 22' 13" E., 94.52'
39. N. 09° 00' 11" W., 83.40'
40. N. 28° 09' 29" W., 93.64'
41. N. 41° 01' 25" W., 140.79'
42. N. 50° 53' 56" W., 264.23'
43. N. 61° 08' 49" W., 86.53'

TEXAS GULF SULPHUR CO.  
CALLED 539 AC. (5TH TR.)  
VOL. 116, PG. 337  
D.R.F.B.C.T.

PHILO FAIRCHILD SURVEY  
A - 24

WILLIAM E. SUTTON  
CALLED 429.65 AC.  
VOL. 2548, PG. 1497  
D.R.F.B.C.T.  
16317 DAVIS ESTATE ROAD  
NEEDVILLE, TX. 77461

Revised 3-3-97, Split into 2 Tracts  
Revised 1-17-97, North Adjoiner  
Revised 12-12-98

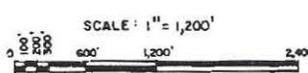
For reference and further description, see metes and bounds description, Job No. 2080-08-FB, prepared by Charlie Kalkomey Surveying, Inc. on same date.

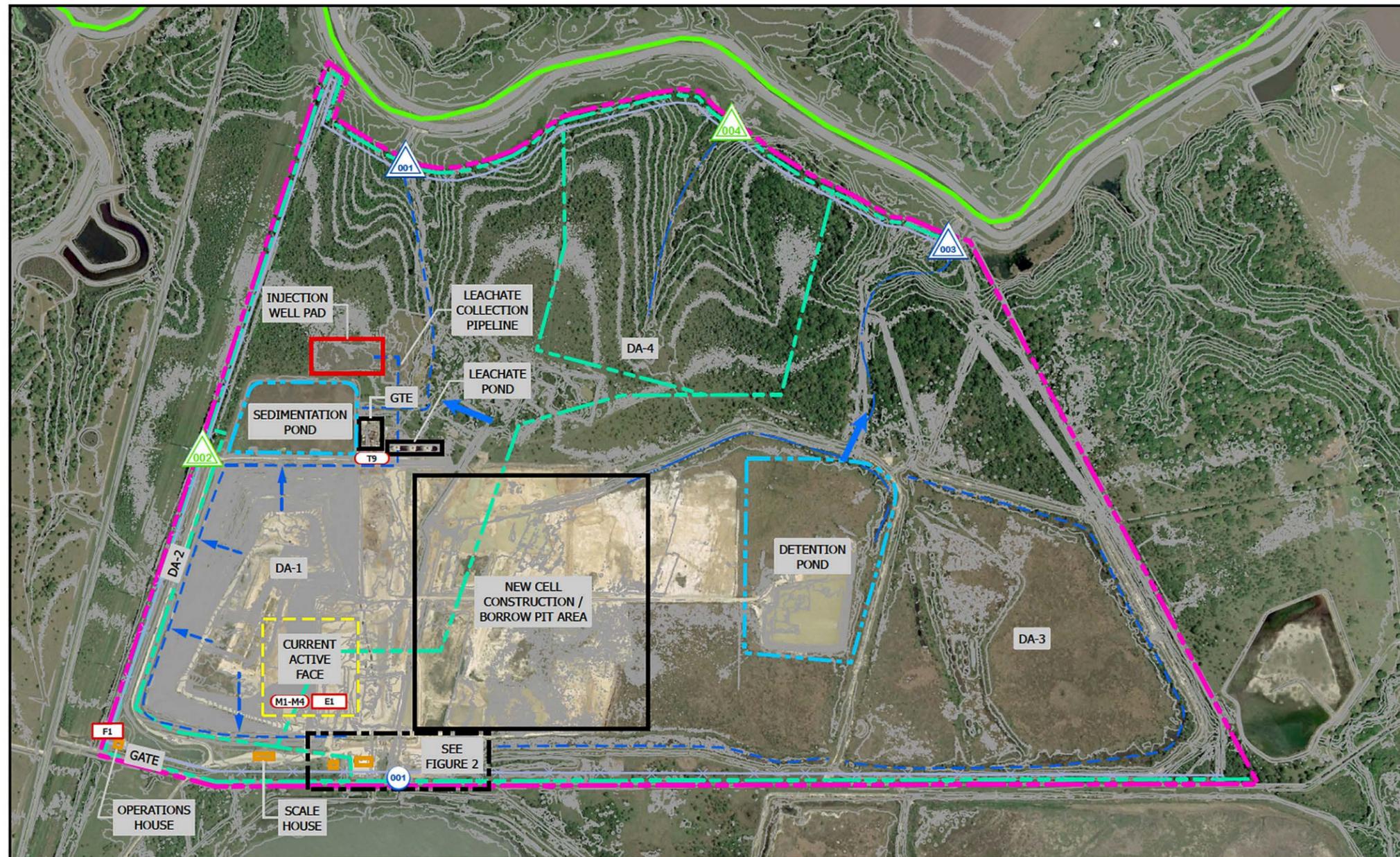
I hereby certify that this survey was made on the ground under my supervision, and that this plat correctly represents the facts found at the time of the survey and that this professional service substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category IA, Condition IV, Survey.

*Charlie Kalkomey*  
Charlie Kalkomey Registered Professional Land Surveyor Texas Registration No. 1399 Date 11-13-96



FND. 1/2" I.P.  
FND. 1/2" I.P.

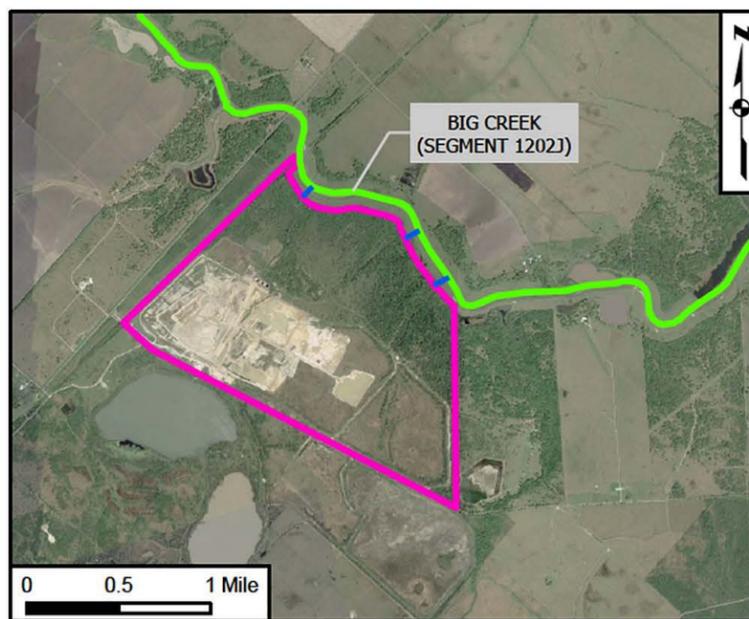
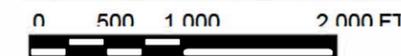




Aerial: Google Earth Pro  
Historical Imagery 12/01/2019

**LEGEND**

- PROPERTY BOUNDARY
- DRAINAGE BOUNDARY
- DETENTION / SEDIMENTATION POND
- DISCHARGE ROUTE
- RECEIVING WATERBODY
- FENCE
- DITCH / CREEK / SWALE
- DRAINAGE STRUCTURES (PIPES, CULVERTS, LET DOWNS)
- FLOW DIRECTION
- DA # DRAINAGE AREA
- LD / ULD LOADING / UNLOADING
- ▲ OUTFALL (TO BE SAMPLED)
- ▲ OUTFALL (NOT SAMPLED)
- INFALL
- TIRE STORAGE
- PORT-O-LETS
- ▣ STRUCTURE
- SECONDARY CONTAINMENT
- SPILL KIT
- DRAIN CONTAINMENT FOR OUTPUT PIC 6
- ▨ SCRAP METAL ROLLOFF/HOPPER
- T# AST (ABOVE GROUND STORAGE TANK) #
- M# MOBILE TANK #
- E# OIL FILLED EQUIPMENT #
- DRUMS / TOTES / #
- F# TRANSFORMER #
- TOPOGRAPHIC CONTOURS



**NOTES:**

1. THE FIRST NAMED RECEIVING WATERBODY IS: BIG CREEK (SEGMENT 1202J), WHICH IS LISTED AS A 303(d) IMPAIRED WATER BODY BY THE TCEQ FOR BACTERIA (RECREATION USE).
2. THE FACILITY DOES NOT DISCHARGE TO A MS4.
3. THE APPROXIMATE LOCATION OF THE ENTRANCE TO THE FACILITY IS: 29.395630°N / -95.715506°W.
4. PROPERTY IS COMPRISED OF APPROXIMATELY 1,150 ACRES.
5. SCALE BAR ONLY APPLIES TO THE LARGE SITE MAP, AND NOT THE INSERT.
6. NORTH ARROW APPLIES TO ONLY THE LARGE SITE MAP AND NOT THE INSERT.
7. INFALL 001 REPRESENTS WHERE WATER FROM DITCHES ON THE OTHER SIDE OF DAVIS ESTATE RD. ENTERS THE PROPERTY.
8. ACTIVE FACE LOCATION SHOWN IS TYPICAL AND WILL VARY DEPENDING ON LANDFILL OPERATIONS. ACTIVE FACE IS ESTABLISHED WITH DIVERSION AND CONTAINMENT BERMS IN ACCORDANCE WITH SITE OPERATING PLAN.
9. FOR LOCATION AND INFORMATION REGARDING LEACHATE COLLECTION AND TREATMENT SYSTEMS REFER TO SEPARATE LEACHATE SITE PLAN.
10. REFERENCE LEACHATE COLLECTION SYSTEM FIGURES FOR DETAILED INFORMATION.
11. THIRD PARTY POWER PLANT (FORT BEND POWER PRODUCERS) OPERATES ON FACILITY GROUNDS.

**OUTFALL / SAMPLE POINT COORDINATES:**

OF 001: 29.405993°N / -95.709308°W  
 OF 002: 29.401752°N / -95.719212°W  
 OF 003: 29.397316°N / -95.696417°W  
 OF 004: 29.402728°N / -95.700289°W

**TANKS**

T9 CONDENSATE 2 -106,000 GALLON TANKS

**MOBILE TANKS**

M1 DIESEL 1 -1,000 GALLON TANK ON MOBILE REFUELER  
 M2 USED OIL 1 -200 GALLON TANK ON MOBILE REFUELER  
 M3 MOTOR OIL 1 -180 GALLON TANK ON MOBILE REFUELER  
 M3 ANTIFREEZE 1 -60 GALLON TANK ON MOBILE REFUELER

**OIL FILLED EQUIPMENT**

F1 MINERAL OIL 2 -51 GALLON TRANSFORMERS  
 E1 HYDRAULIC OIL 1 -250 GALLON TANK ON TIPPER



Figure modified 1-June-2024

**Permit Application  
Figure IV.D.1**

 1011 W. Lewis Street Conroe, TX 77301 281-210-0084 : www.rkci.com	Fort Bend Landfill 14115 Davis Estate Rd. Needville, TX 77461	SWPPP / SPCC SITE PLAN	FIGURE: <span style="font-size: 2em; font-weight: bold;">1</span>	
JOB#: AWF1808411	Rev # 0	APPR: AH	DSN: JC	SCALE: MAP SCALE
DATE: 10-31-2021				

**Attachment C - Permit Application Revision Chronology**

<b>Classification</b>	<b>Revision No.<sup>1</sup></b>	<b>Application Date<sup>2</sup></b>	<b>Purpose</b>
New Permit	0	February 15, 2024	New ISW permit application received on February 20, 2024
	1	March 26, 2024	Administrative NOD Response
	2	July 26, 2024	NOD Response with Final Signature Page Received

DRAFT

<sup>1</sup> Start from Revision 0 using the new permit or permit renewal Application Date, and sequentially increase the revision numbers for each subsequent submittal.

<sup>2</sup> Use the application signature page date as the Application Date.

**Attachment D - List of Incorporated Application Materials**

The following is a list of the Application for Permit to Store, Process or Dispose of Nonhazardous Industrial Solid Waste elements which are incorporated into all Nonhazardous Industrial Solid Waste permits by reference as per Section I.B.

**TCEQ Industrial Nonhazardous Solid Waste Application Form**

- I. General Information
  - A. Applicant Information
  - B. Facility Contact Information
  - C. Application Location Information
  - D. Type of Permit for Which Application is Submitted
  - E. List of Other Permits
  - F. Facility Information
  - G. List of Other Sites
  - H. Wastewater and Stormwater Disposition
  - I. Waste Management Units (Table I. - Waste Management Unit List)
  - J. Date of Operation
  - K. Application Map
  - L. Information Required to Provide Public Notice
  - M. Landowner List Information Source
  - N. TCEQ Core Data Form
  - O. Plain Language Summary
- II. Facility Management
  - A. Security
  - B. Inspection and Maintenance (Table II. - Inspection Schedule)
  - C. Personnel
  - D. Equipment
  - E. Record Keeping
  - F. Roads
- III. Waste Analysis Plan
  - A. Table III.A. - Waste Management Information
  - B. Table III.B. - Waste Managed in Permitted Units
  - C. Table III.C. - Sampling and Analytical Methods
  - D. Waste Analysis Plan
- IV. Engineering Reports
  - A. Table IV. - Waste Management Unit Information
  - B. Flow Diagram Description
  - C. United States Geological Survey
  - D. Site Map
  - E. Aerial Photograph (Reserved)
  - F. Container Storage Area (Reserved)
  - G. Tank Systems
- V. Geology Report (Reserved)
- VI. Ground and Surface Water Protection (Reserved)

**Attachment D - List of Incorporated Application Materials**

- VII. Closure and Post-Closure Care Plans
  - A. Closure
    - 1. Table VII.A. - Unit Closure
    - 2. Closure Plan
    - 3. Table VII.B. - Unit Closure Cost Estimate
    - 4. Table VII.C. - Permitted Unit Closure Cost Summary
    - 5. Financial Assurance Mechanism
    - 6. Contingent Closure Plan (Reserved)
  - B. Post Closure Plan (Reserved)
- VIII. Confidential Material (Reserved)

DRAFT

**Attachment E - List of Permitted Facility Units**

**Authorized Permitted Units**

TCEQ Permit Unit No. <sup>1</sup>	Unit Name	NOR No. <sup>1</sup>	Unit Description	Capacity	Unit Status <sup>2</sup>
001	TK-1300	001	storage	42,000 gallons	Proposed
002	TK-1310	002	storage	42,000 gallons	Proposed
003	TK-1320	003	storage	42,000 gallons	Proposed
004	TK-1330	004	storage	42,000 gallons	Proposed
005	TK-1340	005	storage	42,000 gallons	Proposed
006	TK-1350	006	storage	42,000 gallons	Proposed
007	TK-1360	007	storage	42,000 gallons	Proposed
008	TK-1370	008	storage	42,000 gallons	Proposed
009	TK-1390	009	storage	21,000 gallons	Proposed

**Historical Permitted Units No Longer Subject to this Permit<sup>4</sup> (N/A)**

TCEQ Permit Unit No. <sup>1</sup>	Unit Name	NOR No. <sup>1</sup>	Unit Description <sup>3</sup>	Capacity	Unit Status <sup>2</sup>

<sup>1</sup>Permitted Unit No. and NOR No. cannot be reassigned to new units or used more than once and all units that were in the Attachment D of a previously issued permit must be listed.

<sup>2</sup>Unit Status options: Active, Closed, Inactive (built but not managing waste), Proposed (not yet built), Never Built, Transferred, Post-Closure.

<sup>3</sup>If a unit has been transferred, the applicant should indicate which facility/permit it has been transferred to in the Unit Description column of Table V.A.

<sup>4</sup>The historical units are closed and/or no longer subject to RCRA permit requirements and [is/are] included in this table for informational purposes.