



Texas Commission on Environmental Quality

Waste Permits Division Correspondence

Cover Sheet

Date: 12-6-2024

Facility Name: TREEFARM SWC IH-635 and IH-35

Permit or Registration No.: 67109

Nature of Correspondence:

☐ Initial/New

☒ Response/Revision to TCEQ Tracking No.:
30238110 (from subject line of TCEQ letter
regarding initial submission)

Affix this cover sheet to the front of your submission to the Waste Permits Division. Check appropriate box for type of correspondence. Contact WPD at (512) 239-2335 if you have questions regarding this form.

Table 1 - Municipal Solid Waste Correspondence

Applications	Reports and Notifications
<input type="checkbox"/> New Notice of Intent	<input type="checkbox"/> Alternative Daily Cover Report
<input type="checkbox"/> Notice of Intent Revision	<input type="checkbox"/> Closure Report
<input checked="" type="checkbox"/> New Permit (including Subchapter T)	<input type="checkbox"/> Compost Report
<input type="checkbox"/> New Registration (including Subchapter T)	<input type="checkbox"/> Groundwater Alternate Source Demonstration
<input type="checkbox"/> Major Amendment	<input type="checkbox"/> Groundwater Corrective Action
<input type="checkbox"/> Minor Amendment	<input type="checkbox"/> Groundwater Monitoring Report
<input type="checkbox"/> Limited Scope Major Amendment	<input type="checkbox"/> Groundwater Background Evaluation
<input type="checkbox"/> Notice Modification	<input type="checkbox"/> Landfill Gas Corrective Action
<input type="checkbox"/> Non-Notice Modification	<input type="checkbox"/> Landfill Gas Monitoring
<input type="checkbox"/> Transfer/Name Change Modification	<input type="checkbox"/> Liner Evaluation Report
<input type="checkbox"/> Temporary Authorization	<input type="checkbox"/> Soil Boring Plan
<input type="checkbox"/> Voluntary Revocation	<input type="checkbox"/> Special Waste Request
<input type="checkbox"/> Subchapter T Disturbance Non-Enclosed Structure	<input type="checkbox"/> Other:
<input type="checkbox"/> Other:	

Table 2 - Industrial & Hazardous Waste Correspondence

Applications	Reports and Responses
<input type="checkbox"/> New	<input type="checkbox"/> Annual/Biennial Site Activity Report
<input type="checkbox"/> Renewal	<input type="checkbox"/> CPT Plan/Result
<input type="checkbox"/> Post-Closure Order	<input type="checkbox"/> Closure Certification/Report
<input type="checkbox"/> Major Amendment	<input type="checkbox"/> Construction Certification/Report
<input type="checkbox"/> Minor Amendment	<input type="checkbox"/> CPT Plan/Result
<input type="checkbox"/> CCR Registration	<input type="checkbox"/> Extension Request
<input type="checkbox"/> CCR Registration Major Amendment	<input type="checkbox"/> Groundwater Monitoring Report
<input type="checkbox"/> CCR Registration Minor Amendment	<input type="checkbox"/> Interim Status Change
<input type="checkbox"/> Class 3 Modification	<input type="checkbox"/> Interim Status Closure Plan
<input type="checkbox"/> Class 2 Modification	<input type="checkbox"/> Soil Core Monitoring Report
<input type="checkbox"/> Class 1 ED Modification	<input type="checkbox"/> Treatability Study
<input type="checkbox"/> Class 1 Modification	<input type="checkbox"/> Trial Burn Plan/Result
<input type="checkbox"/> Endorsement	<input type="checkbox"/> Unsaturated Zone Monitoring Report
<input type="checkbox"/> Temporary Authorization	<input type="checkbox"/> Waste Minimization Report
<input type="checkbox"/> Voluntary Revocation	<input type="checkbox"/> Other:
<input type="checkbox"/> 335.6 Notification	
<input type="checkbox"/> Other:	

SUBCHAPTER T PERMIT APPLICATION

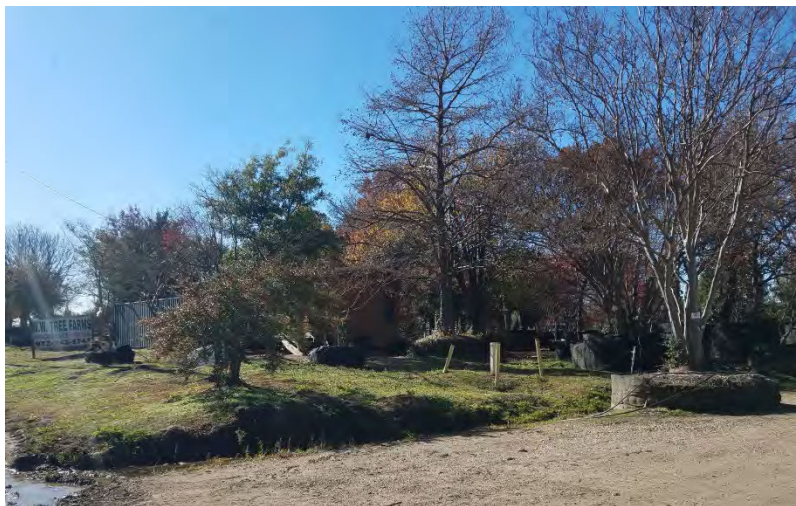
30 Texas Administrative Code (TAC) 330 Subchapter T §330.951 - §330.964

635 EXCHANGE

TCEQ RE NAME: TREEFARM SWC IH-635 AND IH-35

11645 Newberry St

City of Dallas, Dallas County, Texas 75229-2033



October 1, 2024

Revised November 12, 2024; December 6, 2024

PREPARED FOR:

Texas Commission on Environmental Quality
Municipal Solid Waste Permit Section – MC124 12100
Park 35 Circle
Austin, TX 78753

PREPARED BY:

The Vertex Companies, LLC
3030 LBJ Freeway, Suite 1620
Dallas, TX 75234

PHONE 214.499.9234

TCEQ RN111728465

TCEQ MSW REGISTRATION 67109

APPLICANT:

PR III/CRE 635 Exchange Holdings, LP
1200 N 52ND Street
Phoenix, AZ 85008



Texas Commission on Environmental Quality

Application for Development Permit for Proposed Enclosed Structure Over Closed Municipal Solid Waste Landfill

Application Tracking Information

Applicant Name: PR III/CRE 635 Exchange Holdings, LP

Facility Name: TREEFARM SWC IH-635 AND IH-35

Development Permit Number: --

Initial Submission Date: 10.01.24

Revision Date: 12.06.24

Use this form to apply for a development permit for proposed enclosed structure over a closed municipal solid waste (MSW) landfill. Rules about use of land over a closed MSW landfill are in [Title 30, Texas Administrative Code](#)¹, Chapter 330, Subchapter T. Instructions for completing this form are provided in form [TCEQ 20785-instr](#)². Include a Core Data Form, available at www.tceq.texas.gov/goto/coredata with the application. If you have questions, contact the Municipal Solid Waste Permits Section by email to [REDACTED] or by phone at 512-239-2335.

If you have an existing enclosed structure, use form [TCEQ-20786](#)³, Registration for Existing Enclosed Structure Over Closed Municipal Solid Waste Landfill. If you are proposing a non-enclosed structure, use form [TCEQ-20787](#)⁴, Authorization to Disturb Final Cover Over Closed Municipal Solid Waste Landfill for Non-Enclosed Structure.

Application Data

1. Application Type

☒ New Development Permit ☐ Revisions of Existing Permit

☐ Transfer of an Existing Permit

If existing Permit, indicate the Permit Number: _____

2. Submission Type

☒ Initial Submission ☐ Notice of Deficiency (NOD) Response

¹ www.tceq.texas.gov/goto/view-30tac

² www.tceq.texas.gov/downloads/permitting/waste-permits/msw/forms/20785-instr.pdf

³ www.tceq.texas.gov/downloads/permitting/waste-permits/msw/forms/20786.pdf

⁴ www.tceq.texas.gov/downloads/permitting/waste-permits/msw/forms/20787.pdf

12. Party Responsible for Publishing Notice

Indicate who will be responsible for publishing notice:

☐ Applicant ☒ Consultant

Contact Name: Nick Cramer

Title: Project Lead

Email Address: [REDACTED]

13. Alternative Language Notice

Use the Alternative Language Checklist on Public Notice Verification Form TCEQ-20244-Waste-NAORPM available at www.tceq.texas.gov/permitting/waste_permits/msw_permits/msw_notice.html to determine if an alternative language notice is required.

Is an alternative language notice required for this application?

☒ Yes ☐ No

Indicate the alternative language: Spanish

14. Confidential Documents

Does the application contain confidential documents?

☐ Yes ☒ No

If "Yes", cross-reference the confidential documents throughout the application and submit as a separate attachment in a binder clearly marked "CONFIDENTIAL."

17. Contact Information

Applicant (Lessee/Project Owner)

Name: PR III/CRE 635 Exchange Holdings, LP

Customer Reference Number (if issued): **CN** --

Mailing Address: 1200 N 52ND Street

City: Phoenix County: Maricopa State: AZ Zip Code: 85008

Phone Number:

Email Address:

If Customer Reference Number has not been issued, complete a Core Data Form (TCEQ-10400) and submit it with this application. List the Applicant as the Customer.

Property Owner

Name: PR III/CRE 635 Exchange Holdings, LP

Mailing Address: 1200 N 52ND Street

City: Phoenix County: Maricopa State: AZ Zip Code: 85008

Phone Number: 817.994.9806

Email Address:

If the Property Owner is the same as Applicant, indicate "Same as "Applicant".

Consultant (if applicable)

Firm Name: The Vertex Companies, LLC

Texas Board of Professional Engineers and Land Surveyors Firm Number: F-15099

Mailing Address: 3030 LBJ Freeway, Ste 1620

City: Dallas County: Dallas State: TX Zip Code: 75234

Consultant Name: Richard J. Tobia

Phone Number: 214.499.9234

Email Address:

Engineer Who Performed Soil Tests

Firm Name: Reed Engineering Group, Ltd.

Texas Board of Professional Engineers and Land Surveyors Firm Number: F-3114

Mailing Address: 2424 Stutz Drive, Suite 400

City: Dallas County: Dallas State: TX Zip Code: 75235

Engineer Name: Ronald Reed

Phone Number: 214.350.5600

Email Address:

18. Other Governmental Entities Information:

Fire Chief, Fire Marshal or Fire Inspector Information

Fire Department Name: Dallas Fire-Rescue; Office of the Fire Marshal

Person's Name: Mr. Ricky E. Butler, Senior Planning Engineer/Senior Fire Prevention Officer

Mailing Address: 320 East Jefferson Street, Ste. 204

City: Dallas County: Dallas State: TX Zip Code: 75203

Phone Number: (214) 948-4602

Email Address: [REDACTED]

Local Floodplain Authority (if applicable)

Authority Name: City of Dallas Floodplain and Drainage Management

Contact Person's Name: David Phan, P.E., CFM

Street or P.O. Box: 2245 Irving Boulevard, Second Floor

City: Dallas County: Dallas State: TX Zip Code: 75207

Phone Number: 214-671-2219

Email Address: [REDACTED]

City Mayor Information

City Mayor's Name: Eric L. Johnson, Mayor

Office Address: 1500 Marilla Street, Suite 5EN

City: Dallas County: Dallas State: TX Zip Code: 75201

Phone Number: [REDACTED]

Email Address: [REDACTED]

City Health Authority Information

Contact Person's Name: No City Health Authority exists for the City of Dallas and these services are provided by the County.

Office Address:

City: County: State: Zip Code:

Phone Number:

Email Address:

Professional Engineer's Certification of No Potential Threat to Public Health or the Environment

The applicant's engineer for this project shall complete one of the following certifications:

"I, _____, Texas PE Number _____, certify that the proposed development is necessary to reduce a potential threat to public health or the environment. Further, I certify that the proposed development will not damage the integrity or function of any component of the Closed Municipal Solid Waste Landfill Unit, including, but not limited to, the final cover, containment systems, monitoring system, or liners. This certification includes all documentation of all studies and data on which I relied in making these determinations."

Engineer's seal, with signature and date:

Engineering Firm Name: _____

Texas Board of Professional Engineers and Land Surveyors Firm Number: _____

Or:

" I, **Richard James Tobia**, Texas PE Number **138981**, certify that the proposed development will not increase or create a potential threat to public health or the environment. Further, I certify that the proposed development will not damage the integrity or function of any component of the Closed Municipal Solid Waste Landfill Unit, including, but not limited to, the final cover, containment systems, monitoring system, or liners. This certification includes all documentation of all studies and data on which I relied in making these determinations."

Engineer's seal, with signature and date:



Engineering Firm Name: **Richard James Tobia, The Vertex Companies, LLC**

Texas Board of Professional Engineers and Land Surveyors Firm Number: **F-15099**

Signature Page

Applicant Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: PR III/CRE 635 Exchange Holdings, LP Title: Authorized Signatory

Signature: [Signature] (Taylor Mitcham) Date: _____

Email Address: [Redacted]

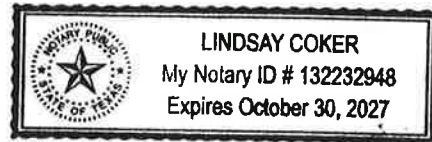
SUBSCRIBED AND SWORN to before me by the said Taylor Mitcham

On this 10 day of December, 2024

My commission expires on the 30 day of October, 2027

Notary's Name: Lindsay Coker

Notary Public in and for
Dallas County, Texas



Property Owner Authorization

To be completed by the property owner if the property owner is not the applicant.

I _____, the owner of the property identified by the address _____, hereby authorize the applicant to proceed with the project described in this application, and to apply for any necessary authorizations in order to conduct this project. I understand that, as property owner, I am responsible for maintaining the integrity of the final cover over the closed MSW landfill.

Property Owner Name: _____

Signature: _____ Date: _____

Email Address: _____

SUBSCRIBED AND SWORN to before me by the said _____

On this _____ day of _____, _____

My commission expires on the _____ day of _____, _____

Notary's Name: _____

Notary Public in and for
_____ County, Texas

SUBCHAPTER T PERMIT APPLICATION

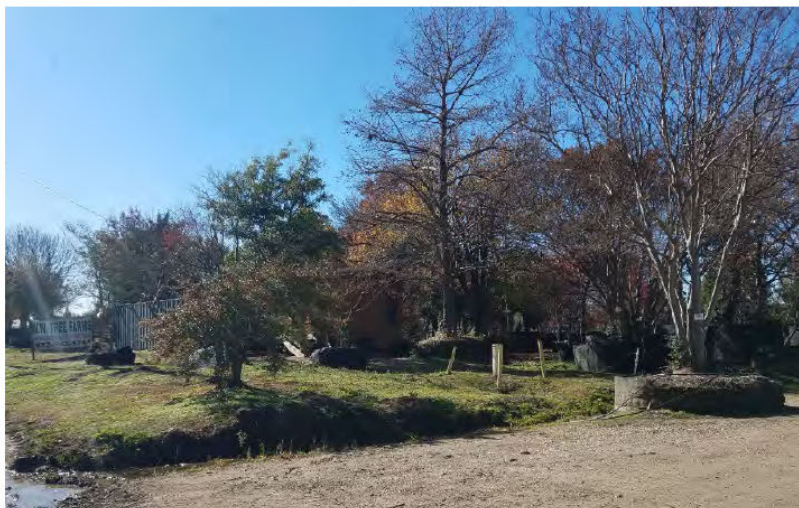
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PREPARED BY:

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PHONE 214.499.9234

TCEQ RN111728465

TCEQ MSW REGISTRATION 67109

APPLICANT:

PR III/CRE 635 Exchange Holdings, LP
1200 N 52ND Street
Phoenix, AZ 85008



TEXAS ADMINISTRATIVE CODE

TITLE 30	ENVIRONMENTAL QUALITY
PART 1	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAPTER 330	MUNICIPAL SOLID WASTE
SUBCHAPTER T	USE OF LAND OVER CLOSED MSW LANDFILLS

RULES §330.951 - §330.964

This document presents supporting information for a development permit application in accordance with 30 Texas Administrative Code (TAC) 330 Subchapter T **§330.951 - §330.964**. Approval of this permit application is required prior to construction over sites that are considered by the Texas Commission on Environmental Quality (TCEQ) as closed municipal solid waste landfills (CMSWLFs). The following sections include data concerning a 36.2936-acre tract of land located at 11645 Newberry Street in Dallas, Texas (the “site”). The proposed construction includes the development of the subject property with an office/warehouse facility comprised of three, single-story buildings containing approximately 595,688-square feet of total building area with associated concrete drives, parking areas, rights of way, sidewalks and landscaping. The site is owned and will be developed by PR III/CRE 635 Exchange Holdings, LP (the Owner and Applicant). The following permit application report follows the format of 30 TAC 330 Subchapter T.

§330.957(b)(2) Landfills In Post Closure Care

The site overlies the closed City of Dallas - T. M. Dye Tract Landfill whose permit expired on January 13, 1982. The landfill was closed in accordance with applicable regulations regarding closure and postclosure care. Please note, the onsite closed landfill was not subject to a post-closure maintenance period and was not subject to further permit compliance inspections. Therefore, this rule is not applicable. Information related to the closed City of Dallas - T. M. Dye Tract Landfill (Texas Department of Health Solid Waste Permit No. 63) from the NCTCOG is included in **Appendix A**.

§330.957(c) Existing Conditions Summary

The site is described in ALTA/NSPS Land Title Survey that was signed and sealed by J. Andy Dobs RPLS No. 6196, Kimley-Horn and Assoc., Inc.; and dated September 27, 2024. The ALTA/NSPS survey is included as **Figure 1A** and describes the site as being 36.2936-acres in a tract of land situated in the William M. Cochran Survey, Abstract 279, City of Dallas, Dallas County, Texas and being all of a called 36.2936-acre tract of land described in the Specialty Warranty Deed to PR III/CRE 635 Exchange Holdings, LP and recorded in a vesting deed that was executed on November 26, 2024. A General Location Map and a United States Geological Survey (USGS) Topographic Map are provided as **Figures 2 and 3**, respectively, within **§330.957(j)** of this document. The vesting deed is included in Appendix K.

The site is currently vacant, unimproved land with remnants of a former tenant that operated the site as a tree farm. Stockpiles of fill are located in the south portion of the site.

The USGS Topographic map indicates the topography throughout the site and surrounding area slopes gently to the west.

This area of Dallas is zoned for mixed use and is characterized by high density retail, office, hotel and/or multifamily residential uses in combination on single or contiguous building sites. An area search did not reveal the presence of schools, licensed day care facilities, hospitals, or other health care facilities within 1,000-feet of the site. This search radius and a wind rose indicating a prevailing wind from the south is presented as **Figure 3**.

An aerial photograph sourced from Google Earth and dated 2019 at a scale of 1-inch = 500-feet is included as **Figure 4**.

§330.957(c)(1)Condition of Final Cover

The condition of the final cover over the proposed development area was evaluated as part of a geotechnical investigation from a report titled 'Geotechnical Investigation; WW Treefarms; Newberry Street; Dallas, Texas'; sealed by Ronald F. Reed, Texas PE 48174, Reed Engineering Group; and dated August 31, 2021.

The Reed 2021 investigation spatially covered the site with geotechnical borings that were drilled to depths between 28- to 60-feet. A 1.5- to 13-feet thick cover layer consisting of high to Treefarm SWC IH-635 and IH-35

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October 1, 2024

Revised December 6, 2024

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between 1.5- to 13-feet and consists generally of silty clay to sandy clay to gravelly clay. Shale was observed at depth across the site. The underlying shale is considered an aquitard, inhibiting the vertical migration of groundwater. Soil borings and observed water levels in borings indicate free water in the MSW mass, suggesting the MSW mass and water-bearing clays are in direct hydraulic communication. A bottom clay liner was not encountered during the geotechnical investigations. Groundwater is anticipated to be present throughout the year. The relationship between erosion, leachate and the proposed development of the site are discussed in **§330.957(l)**.

Landfill Gas Pathways - The methane survey established that production of methane associated with the decomposition of organic debris is occurring. If the upper clay soils desiccate, cracks may develop providing conduits (preferential pathways) for migration of methane to the surface. Geotechnical borings indicate the MSW fill is intermixed with clay soil material. Voids within the MSW mass are expected to facilitate movement of landfill gas. **Figure 12** details the thickness of MSW beneath the site.

§330.957(l) Groundwater and Surface Water Statement

Groundwater

Groundwater was encountered or indicated in all of the soil borings completed as part of the geotechnical investigation. Groundwater seepage occurred at depths ranging between approximately 6- and 36-feet bgs. Seepage depths and equilibrated water levels place the elevation of groundwater within, and therefore in direct hydraulic communication with, the MSW mass. Groundwater is anticipated to be present throughout the year, although the depth to groundwater is expected to fluctuate with seasonal and annual rainfall and will possibly increase upon construction of the proposed buildings and their associated impermeable surfaces due to related decreased onsite infiltration. Groundwater flow direction is anticipated to be to the west toward the Elm Fork of the Trinity River.

A water well survey performed by Environmental Data Resources, Inc., identified two industrial groundwater wells within 500-feet southeast of the site [Reference **§330.956(d)(2)**] that were installed January 25, 2017 and May 19, 2021 [Texas Well Report #'s 460545 and 57443, respectively]. The Water Well Report is included as **Appendix C**.

As the proposed development will decrease recharge to the underlying groundwater, and based on the observed composition of MSW located in the subsurface of the site [Reference **§330.957(c)(2)**], that the composition is municipal in nature, and that the groundwater is not used by the City of Dallas for drinking water, it is not anticipated that the groundwater resource has been adversely affected by onsite MSW or will be adversely affected by the proposed development.

generated during the project and to collect any leachate from the excavation process. Such berms will also be maintained as necessary to meet SWPPP requirements and to control erosion.

With respect to erosion on soil cover over waste materials, any cover damage to the existing landfill, or in areas where cover must be maintained over MSW materials that are part of construction, will be repaired immediately and steps taken to prevent a recurrence of that type of damage. The Erosion Control Plan and Details Sheets are included as **Figures 85 and 86**.

Construction Quality Assurance Plan

The Construction Quality Assurance Plan for the installation of the vapor barrier is included herein as **§330.958**.

Limits of the Waste Disposal Area

A scaled site drawing, indicating that the lateral extent of onsite MSW within coincides with the property line, is presented as **Figure 5**.

Adjacent Property Owners

The adjacent property owners are shown in **Figure 119**, a tabulation of such is included as **Figure 120**, and mailing labels for said owners is included under separate cover.

Mineral Interest Ownership

In the State of Texas, the minerals are conveyed together with the surface of the land unless they are specifically separated. The vesting deed shows that there are no mineral conveyances of record for this property. As such the current owner of the property also owns all the minerals. The vesting deed is included in **Appendix K**.

§330.957(o) Soil Tests

The presence of the former landfill is confirmed via NCTCOG records. The existence of onsite buried MSW was observed during a geotechnical investigation. The geotechnical investigation report along with related boring logs are included in **Appendix D**. Notification of the findings were made to the appropriate officials per **§330.953(d)**; [Reference **§330.957(p)**]

§330.957(p) Certified Copies of Notices

Pursuant to the CMSWLF-PART A APPLICATION FORM, notices to real property records, buyers, lessees, and occupants are included in **30 TAC §330.962**, **30 TAC §330.963**, and **§330.964** of this permit application. In addition, notification of local, state, and federal government officials and agencies is discussed in **§330.957(g)**.

O₂ will be recorded. The sample location with the highest methane concentration will be used for the sampling.

- The sample will be entered into a chain-of-custody and immediately delivered to an accredited analytical laboratory for analysis.

Sample Quality Assurance and Quality Control (QA/QC)

QA/QC of field samples shall be maintained by adherence to the following protocols and by EPA guidance, not limited to *Oswer Publication 9200.2-154 Oswer Technical Guide For Assessing And Mitigating The Vapor Intrusion Pathway From Subsurface Vapor Sources To Indoor Air*; *OSWER Publication 9200.2-154*, and dated June 2015, and references included therein:

- Field Samples shall be collected by experienced personnel and shall be performed in accordance with the procedures described above.
- Analytical Methods shall be appropriate for the analysis and will comprise the following analyses:
 - A mass balance analysis for major components such as methane, other light hydrocarbons, carbon monoxide, and water vapor measured with fairly high precision (i.e., 5.0% - 10% relative error);
 - Trace analyses for hydrogen sulfide, mercaptans, and ammonia; and
 - Analysis for volatile organic compounds via United States Environmental Protection Agency Compendium Method TO-15.
 - SUMMA[®] canisters will be individually checked, tested, and certified clean by the laboratory for air tightness and proper vacuum prior to being shipped to VERTEX.
- Quality Assurance and Quality Control shall be verified by the collection of field duplicate(s) and using a trip blank, as necessary or appropriate. The standard program of instrument calibrations, method blanks, replicates and spikes used for laboratory QA/QC shall conform to the laboratories standard operating procedures. The Laboratory Quality Control Report shall accompany the Laboratory Reports.
- Documentation of Landfill Gas Sampling shall include the following information provided by the field sampling personnel and the analytical laboratory:
 - a plan of showing the location of the sample location relative to the existing structure;
 - field sampling data sheets including any duplicate samples; and
 - laboratory results documented by the analytical laboratory in a laboratory report format, including the Sample Chain-of-Custody and QA/QC results.

These data shall be entered into the operating record of the facility and submitted to TCEQ upon request.

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.

SPECIAL WARRANTY DEED

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DALLAS

NEWBERRY DISTRIBUTION OWNER LLC, a Delaware limited liability company (called "Grantor"), in consideration of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration in hand paid by PR III/CRE 635 EXCHANGE OWNER, LP, a Delaware limited partnership, whose address is 1200 N. 52nd Street, Phoenix, AZ 85008 (called "Grantee"), the receipt and sufficiency of which are acknowledged and confessed, has GRANTED, BARGAINED, SOLD AND CONVEYED, and by these presents GRANTS, BARGAINS, SELLS and CONVEYS unto Grantee, the real property in Dallas County, Texas, described on Exhibit A attached to and made a part of this Special Warranty Deed for all purposes (the "Property"), together with all of Grantor's right, title and interest in (i) any improvements located on the Property, (ii) any adjacent streets, roads, alleys, easements and rights-of-way, (iii) any entitlements, permits or licenses pertaining to the Property or any improvements, (iv) water and water rights, and oil, gas and mineral rights pertaining in any way to the Property and (v) any rights, titles and interests appurtenant to the Property or the foregoing.

This conveyance is made and accepted subject solely to those items on Exhibit B attached to this Special Warranty Deed to the extent same are valid and affect the Property (such matters being referred to as the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, subject to the Permitted Exceptions, unto Grantee, its successors and assigns, forever, subject to the Permitted Exceptions; and, subject to the Permitted Exceptions, Grantor binds 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.

Real property ad valorem taxes and assessments having been prorated to the date of this Special Warranty Deed, Grantee assumes and agrees to pay when due all such ad valorem property taxes and assessments for the year 2025 and subsequent years.

Dated as of December 4, 2024.

GRANTOR:

NEWBERRY DISTRIBUTION OWNER LLC,
a Delaware limited liability company

By: Newberry Distribution Investor Holdings, LLC,
a Delaware limited liability company
its Managing Member

By: Provident Newberry Distribution LP,
a Texas limited partnership
its Managing Member

By: Provident Newberry Distribution GP LLC,
a Texas limited liability company
its General Partner

By: 
Julian Hawes Jr., Vice President

STATE OF TEXAS

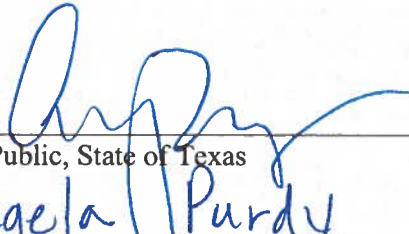
COUNTY OF DALLAS

The foregoing instrument was ACKNOWLEDGED before me this 26th day of Nov, 2024, by Julian Hawes Jr., the vice president of Provident Newberry Distribution GP LLC, a Texas limited liability company, the general partner of Provident Newberry Distribution LP, a Texas limited partnership, the managing member of Newberry Distribution Investor Holdings, LLC, a Delaware limited liability company, the managing member of Newberry Distribution Owner LLC, a Delaware limited liability company, on behalf of said limited liability company.

[SEAL]

My Commission Expires:

8-24-27


Notary Public, State of Texas

Angela Purdy
(Printed Name of Notary Public)

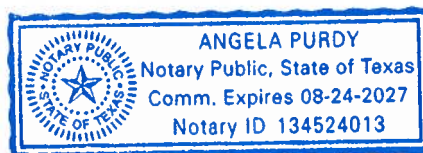


EXHIBIT A

PROPERTY

BEING a tract of land situated in William M. Cochran Survey, Abstract No. 279, City of Dallas, Dallas County, Texas and being all of a called 36.2936 acre tract of land described in Special Warranty Deed to Newberry Distribution Owner, LLC, recorded in Instrument No. 202100372754, Official Public Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a mag nail found at the intersection of the west right-of-way line of Newberry Street (a variable width right-of-way) and the south right-of-way line of Interstate Highway 635 (a variable width right-of-way) and for the northeast corner of said 36.2936 acre tract;

THENCE with said west right-of-way line of Newberry Street, the following courses and distances:

South 00°54'04" East, a distance of 1,017.63 feet to a mag nail found for corner;

South 00°15'08" East, a distance of 528.02 feet to a mag nail found for the southeast corner of said 36.2936 acre tract;

THENCE departing said west right-of-way line of Newberry Street and with the south lines of said 36.2936 acre tract, the following courses and distances:

North 89°37'53" West, a distance of 386.34 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

South 03°58'25" West, a distance of 220.82 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

South 89°33'50" West, a distance of 208.55 feet to a 1/2-inch iron rod with plastic cap stamped "RLG INC." found for corner;

South 04°33'47" West, a distance of 137.17 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

South 88°30'29" West, a distance of 222.05 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner, from said point a 5/8-inch iron rod found bears North 82°58'06" West, a distance of 0.43 feet;

North 01°09'14" East, a distance of 63.04 feet to a 1/2-inch iron rod with illegible yellow cap found for corner;

South 88°38'35" West, a distance of 260.85 feet to a 1/2-inch iron rod with plastic cap stamped "DC&A" found for the southwest corner of said Newberry Distribution Owner, LLC tract and being in the east line of a tract of land described in Deed Without Warranty to Dallas Area Rapid Transit (DART), recorded in Instrument No. 201500321792 of said Official Public Records;

THENCE with said east line of the DART tract, the following courses and distances:

North 08°49'32" East, a distance of 893.97 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 89°50'32" East, a distance of 25.31 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 08°49'32" East, a distance of 924.45 feet to a 1/2-inch iron rod with "RLG INC." cap found for the northwest corner of said Newberry Distribution Owner, LLC tract and being in said south right-of-way line of Interstate Highway 635;

THENCE departing said east line of the DART tract and with said south right-of-way line of Interstate Highway 635, the following courses and distances:

North 88°31'26" East, a distance of 539.38 feet to a 1/2-inch iron rod with "RLG INC." cap found for corner;

North 80°18'18" East, a distance of 234.09 feet to a 1/2-inch iron rod found for corner;

North 88°15'59" East, a distance of 10.00 feet to the **POINT OF BEGINNING** and containing 1,580,950 square feet or 36.2936 acres of land, more or less.

ALSO KNOWN AS: (RECORD PROPERTY DESCRIPTION)

BEING a 1,580,949 square foot (36.2936 acre) tract of land situated in the William M. Cochran Survey, Abstract No. 279, City of Dallas, Dallas County, Texas, being all of a called 36.376 acre tract of land described in a Special Warranty Deed to LD FOLSOM LAND LLC, recorded in Instrument Number 202000003105, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a MAG nail set at the intersection of the west right-of-way line of Newberry Street (variable width right-of-way) and the south right-of-way line of Lyndon B. Johnson Freeway, a.k.a. Interstate 635 (a variable width right-of-way, created by Volume 74082, Page 564, Deed Records, Dallas County, Texas) for the northeast corner of said LD Folsom Land tract, from which a found 1/2" iron rod with yellow plastic cap stamped "HALFF ASSOCIATES" for the northwest corner of Lot 1, Block B/6558, Columbia Center West, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 88208, Page 2310, Deed Records, Dallas County, Texas, bears North 86° 30' 55" East, a distance of 52.03 feet;

THENCE along the common line between said Newberry Street and said 36.376 acre tract, the following courses and distances:

South 00°54'04" East, a distance 1,017.63 feet to a MAG nail set for corner;

South 00°15'08" East, a distance 528.02 feet to a MAG nail set for the southeast corner of said 36.376 acre tract, from which a found 1/2" iron rod with yellow plastic cap (illegible) for a southwest corner of Lot 2A, Block B/6557, of said Columbia Center West, bears South 36° 21' 19" East, a distance of 110.33 feet;

THENCE North 89°37'53" West, along a south line of said 36.376 acre tract, passing a 1/2" iron rod with a red plastic cap stamped "PEISER-MANKIN-SURVEY" found for the northeast corner of a called 2.69 acre tract of land described in a Special Warranty Deed to 11517 Newberry, LP, recorded Volume 2003093, Page 10287, Deed Records, Dallas County, Texas, at 10.35 feet and continuing for a total distance of 386.34 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for an interior ell corner of said 36.376 acre tract, from which a found 1/2" iron rod with red plastic cap stamped "PEISER-MANKIN-SURVEY" bears South 37° 17' 55" East, a distance of 5.17 feet;

THENCE South 03°58'25" West, along said common line between said 36.376 acre tract and said 2.69 acre tract, a distance 220.82 feet to a point for an exterior ell corner of said 36.376 acre tract and the

northeast corner of a called 0.65 acre tract of land described as Tract 1 in a Special Warranty Deed with Vendor's Lien to HNG Properties, LLC, recorded in Instrument No. 201500006463, Official Public Records, Dallas County, Texas, from which a found 1/2" iron rod bears South 39° 09' 57" East, a distance of 0.39 feet;

THENCE South 89°33'50" West, along the common line between said 36.376 acre tract and said 0.65 acre tract, a distance 208.55 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for an interior ell corner for said 36.376 acre tract and the northwest corner of said 0.65 acre tract, from which a found 1" iron rod with punch hole bears South 07° 34' 27" West, a distance of 7.23 feet;

THENCE South 04°33'47" West, along the common line between said 36.376 acre tract and said 0.65 acre tract, a distance 137.17 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set on the north line of a tract of land described in a Special Warranty Deed with Vendor's Lien to GATLIN DENTON PARTNERSHIP, LP, recorded in Instrument Number 20080069286, Official Public Records, Dallas County, Texas;

THENCE South 88°30'29" West, along the common line between said 36.376 acre tract and said GATLIN DENTON PARTNERSHIP tract, a distance 222.05 feet to a an exterior ell corner of said 36.376 acre tract, from which a found 5/8" iron rod bears North 82° 58' 06" West, a distance of 0.43 feet;

THENCE North 01 °09'14" East, along a west line of said 36.376 acre tract, a distance 63.04 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for an interior ell corner of said 36.376 acre tract;

THENCE South 88°38'35" West, along a south line of said 36.376 acre tract, a distance 260.85 feet to a 1/2" iron rod with yellow plastic cap stamped "DC&A" found on the east line of a tract of land described in Special Warranty Deed to the CITY OF DALLAS, recorded in Volume 86057, Page 342, Deed Records, Dallas County, Texas, for the southwest corner of said 36.376 acre tract;

THENCE along the common line between said 36.376 acre tract and said CITY OF DALLAS tract, the following bearings and distances:

North 08°49'32" East, passing at a distance of 75.10 feet a 1/2" iron rod found and continuing for a total distance 893.97 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner;

North 89°50'32" East, a distance 25.31 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner, from which a found 1/2" iron rod bears South 04° 22' 12" East, a distance of 2.36 feet;

North 08°49'32" East, a distance 924.45 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set on the south right-of-way line of said Lyndon B. Johnson Freeway, for the northwest corner of said 36.376 acre tract;

THENCE along the common line between the south right-of-way line of said Lyndon B. Johnson Freeway and the north line of said 36.376 acre tract, the following bearings and distances:

North 88°31'26" East, a distance 539.38 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner;

North 80°18'18" East, a distance 234.09 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner;

North 88°15'59" East, a distance 10.00 feet to the **POINT OF BEGINNING**, containing 1,580,949 square feet or 36.2936 acres of land, more or less.

Bearings are based State Plane Coordinate System, North Texas Central Zone 4202, North American Datum of 1983 (2011).

Record description based on a called 36.2936 acre tract of land described in Special Warranty Deed to Newberry Distribution Owner, LLC, recorded in Instrument No. 202100372754, Official Public Records, Dallas County, Texas.

EXHIBIT B

PERMITTED EXCEPTIONS

1. The restrictive covenants recorded in Volume 2000195, Page 7712, Real Property Records, Dallas County, Texas.
2. Terms, provisions, and conditions of Affidavit to the Public filed December 18, 1981, recorded in Volume 81246, Page 1213, Real Property Records, Dallas County, Texas.
3. Easement granted by Fol-Mac Joint Venture to City of Dallas, filed May 24, 1984, recorded in Volume 84104, Page 3449, Real Property Records, Dallas County, Texas.
4. Easement granted by Jack Lively to Texas Power & Light Company, filed February 7, 1947, recorded in Volume 2782, Page 281, Real Property Records, Dallas County, Texas. Assigned to Dallas Power & Light Company by instrument filed December 13, 1951, recorded in Volume 3599, Page 128, Real Property Records, Dallas County, Texas.
5. Easement granted by Loma Alto Corporation, et al to the City of Dallas, filed May 13, 1976, recorded in Volume 76093, Page 874, Real Property Records, Dallas County, Texas.
6. Easement granted by Fol-Mac Joint Venture to the City of Dallas, filed May 24, 1984, recorded in Volume 84104, Page 3441, Real Property Records, Dallas County, Texas.
7. Terms, provisions, conditions, and easements contained in Trinity River Authority of Texas Permanent Sanitary Sewer Easement with Temporary Access Easements, filed July 11, 2016, recorded under Clerk's File No. 201600185191, Real Property Records, Dallas County, Texas.
8. Consequences, if any, of the existence of a closed landfill on the subject property as evidenced by notice filed March 28, 2023, recorded in Clerk's File No. 202300058413, Real Property Records, Dallas County, Texas.
9. Terms, conditions, stipulations, and provisions of that unrecorded billboard lease by and between FOL-MAC Joint Venture and/or successors in interest, as landlord, and Lamar Advertising Co., as successor to Impact Outdoor Advertising, Inc., as tenant, and Amendments and Assignments made thereto, as evidenced by Special Warranty Deed filed December 14, 2021, recorded under Clerk's File No. 202100372754, Real Property Records, Dallas County, Texas.
10. Easement granted to Trinity River Authority of Texas for sanitary sewer lines as set out in instrument recorded under Volume 5012, Page 271, Deed Records of Dallas County, Texas.
11. Terms, conditions and other matters as set out on that certain Valley Storage Easement Agreement filed December 13, 2021, under Instrument No. 202100370709, Official Public Records of Dallas County, Texas, as amended by that First Amendment to Valley Storage Easement Agreement filed July 30, 2024, under Instrument No. 202400151853, Official Public Records of Dallas County, Texas, and by that Second Amendment to Valley Storage Easement Agreement filed July 30, 2024, filed under Instrument No. 202400151854, Official Public Records of Dallas County, Texas.

12. Notice to Buyers, Lessees and Occupants of Closed Municipal Waste Landfill, filed September 11, 2024, recorded in County Clerk's File No. 202400183312, Real Property Records, Dallas County, Texas.

Sendera Title

GF# 1904577-XXXX

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.

SPECIAL WARRANTY DEED

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

THAT LD FOLSOM LAND, LLC, a Delaware limited liability company ("**Grantor**") for and in consideration of the sum of Ten Dollars (\$10.00) cash and other good and valuable consideration paid by NEWBERRY DISTRIBUTION OWNER, LLC, a Delaware limited liability company ("**Grantee**"), whose mailing address is 10210 Central Expressway, Suite 300, Dallas, Texas 75231, HAS GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents DOES GRANT, BARGAIN, SELL and CONVEY unto Grantee all that certain land situated in Dallas County, Texas, and described on **Exhibit "A"** which is attached hereto and incorporated herein by reference for all purposes, together with all appurtenances thereon or in anywise appertaining thereto and all buildings, structures, fixtures and improvements located thereon and together with all right, title and interest of Grantor, if any, in (i) rivers, streams, and strips and gores, if any, between the Property and abutting properties and any easements, licenses, rights-of-way, reservations, riparian and water rights, privileges and rights of ingress and egress appurtenant to the Property, (ii) any adjacent street, alley, road or right-of-way, opened or proposed, abutting or adjacent to the Property, and (iii) all oil, gas, coal, and other minerals in, on or under or that may be produced from the Property (said land, improvements and appurtenances being herein together referred to as the "**Property**").

This conveyance is made subject to the Permitted Exceptions set forth in **Exhibit "B"** hereto, to the extent the same are valid and subsisting and affect the Property. Except for ad valorem taxes assessed against the Property for the calendar year in which this conveyance becomes effective (which are hereby assumed by Grantee), Grantee does not assume or in any manner agree to pay or indemnify Grantor for any indebtedness secured by any lien against, or interest in, the Property or any portion thereof.

TO HAVE AND TO HOLD the Property unto Grantee, and Grantee's heirs, legal representatives, successors and assigns forever, and Grantor does hereby bind Grantor, and Grantor's heirs, legal representatives, successors and assigns to WARRANT and FOREVER DEFEND, all and singular the Property unto Grantee and Grantee's heirs, legal representatives, 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, however, as aforesaid.

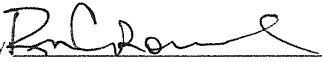
SIGNATURE PAGE FOLLOWS

Special Warranty Deed – Page 1

Executed to be effective the 3 day of December, 2021.

GRANTOR:

LD FOLSOM LAND, LLC,
a Delaware limited liability company

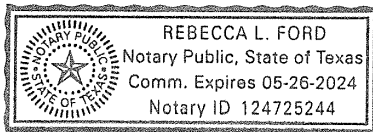
By: 
R. Neil Crouch, II, President

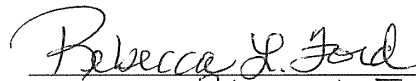
STATE OF TEXAS

§
§
§

COUNTY OF DALLAS

This instrument was acknowledged before me on the 2nd day of December, 2021, by R. Neil Crouch, II, President of LD Folsom Land, LLC, a Delaware limited liability company, on behalf of said limited liability company.




Name (Print): Rebecca L. Ford
Notary Public, State of Texas
My commission expires: 5/26/2024

Special Warranty Deed – Grantor Signature Page

Exhibit "A"

Being a 1,580,949 square foot (36.2936 acre) tract of land situated in the William M. Cochran Survey, Abstract No. 279, City of Dallas, Dallas County, Texas, being all of a called 36.376 acre tract of land described in a Special Warranty Deed to LD FOLSOM LAND LLC, recorded in Instrument Number 202000003105, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a MAG nail set at the intersection of the west right-of-way line of Newberry Street (variable width right-of-way) and the south right-of-way line of Lyndon B. Johnson Freeway, a.k.a. Interstate 635 (a variable width right-of-way, created by Volume 74082, Page 564, Deed Records, Dallas County, Texas) for the northeast corner of said LD Folsom Land tract, from which a found 1/2" iron rod with yellow plastic cap stamped "HALFF ASSOCIATES" for the northwest corner of Lot 1, Block B/6558, Columbia Center West, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 88208, Page 2310, Deed Records, Dallas County, Texas, bears North 86° 30' 55" East, a distance of 52.03 feet;

THENCE along the common line between said Newberry Street and said 36.376 acre tract, the following courses and distances:

South 00°54'04" East, a distance 1,017.63 feet to a MAG nail set for corner;

South 00°15'08" East, a distance 528.02 feet to a MAG nail set for the southeast corner of said 36.376 acre tract, from which a found 1/2" iron rod with yellow plastic cap (illegible) for a southwest corner of Lot 2A, Block B/6557, of said Columbia Center West, bears South 36° 21' 19" East, a distance of 110.33 feet;

THENCE North 89°37'53" West, along a south line of said 36.376 acre tract, passing a 1/2" iron rod with a red plastic cap stamped "PEISER-MANKIN-SURVEY" found for the northeast corner of a called 2.69 acre tract of land described in a Special Warranty Deed to 11517 Newberry, LP, recorded Volume 2003093, Page 10287, Deed Records, Dallas County, Texas, at 10.35 feet and continuing for a total distance of 386.34 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for an interior ell corner of said 36.376 acre tract, from which a found 1/2" iron rod with red plastic cap stamped "PEISER-MANKIN-SURVEY" bears South 37° 17' 55" East, a distance of 5.17 feet;

THENCE South 03°58'25" West, along said common line between said 36.376 acre tract and said 2.69 acre tract, a distance 220.82 feet to a point for an exterior ell corner of said 36.376 acre tract and the northeast corner of a called 0.65 acre tract of land described as Tract 1 in a Special Warranty Deed with Vendor's Lien to HNG Properties, LLC, recorded in Instrument No. 201500006463, Official Public Records, Dallas County, Texas, from which a found 1/2" iron rod bears South 39° 09' 57" East, a distance of 0.39 feet;

THENCE South 89°33'50" West, along the common line between said 36.376 acre tract and said 0.65 acre tract, a distance 208.55 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for an interior ell corner for said 36.376 acre tract and the northwest corner of said 0.65 acre tract, from which a found 1" iron rod with punch hole bears South 07° 34' 27" West, a distance of 7.23 feet;

Special Warranty Deed – Exhibit A – Page 1

THENCE South 04°33'47" West, along the common line between said 36.376 acre tract and said 0.65 acre tract, a distance 137.17 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set on the north line of a tract of land described in a Special Warranty Deed with Vendor's Lien to GATLIN DENTON PARTNERSHIP, LP, recorded in Instrument Number 20080069286, Official Public Records, Dallas County, Texas;

THENCE South 88°30'29" West, along the common line between said 36.376 acre tract and said GATLIN DENTON PARTNERSHIP tract, a distance 222.05 feet to an exterior ell corner of said 36.376 acre tract, from which a found 5/8" iron rod bears North 82° 58' 06" West, a distance of 0.43 feet;

THENCE North 01°09'14" East, along a west line of said 36.376 acre tract, a distance 63.04 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for an interior ell corner of said 36.376 acre tract;

THENCE South 88°38'35" West, along a south line of said 36.376 acre tract, a distance 260.85 feet to a 1/2" iron rod with yellow plastic cap stamped "DC&A" found on the east line of a tract of land described in Special Warranty Deed to the CITY OF DALLAS, recorded in Volume 86057, Page 342, Deed Records, Dallas County, Texas, for the southwest corner of said 36.376 acre tract;

THENCE along the common line between said 36.376 acre tract and said CITY OF DALLAS tract, the following bearings and distances:

North 08°49'32" East, passing at a distance of 75.10 feet to a 1/2" iron rod found and continuing for a total distance 893.97 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner;

North 89°50'32" East, a distance 25.31 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner, from which a found 1/2" iron rod bears South 04° 22' 12" East, a distance of 2.36 feet;

North 08°49'32" East, a distance 924.45 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set on the south right-of-way line of said Lyndon B. Johnson Freeway, for the northwest corner of said 36.376 acre tract;

THENCE along the common line between the south right-of-way line of said Lyndon B. Johnson Freeway and the north line of said 36.376 acre tract, the following bearings and distances:

North 88°31'26" East, a distance 539.38 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner;

North 80°18'18" East, a distance 234.09 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner;

North 88°15'59" East, a distance 10.00 feet to the POINT OF BEGINNING, containing 1,580,949 square feet or 36.2936 acres of land, more or less.

Exhibit "B"

PERMITTED EXCEPTIONS

1. Taxes and assessments for the year 2022 and subsequent years, not yet due and payable.
2. Rights of tenants in possession, as tenants only, pursuant to written but unrecorded leases in effect as of the date hereof, which leases are described as (1) Lease dated December 1, 2002 by and between Transcontinental Investors, Inc., as landlord, and W.W. Tree Farms, as tenant, as amended by that certain First Amendment to Lease Agreement dated May 3, 2013, that certain Second Amendment to Lease Agreement dated July 1, 2013, that certain Third Amendment to Lease Agreement dated July 1, 2013, and that certain Fourth Amendment to Lease Agreement of even date herewith and any further Amendment and Assignments made thereto; and (2) Unrecorded Billboard Lease by and between FOL-MAC Joint Venture and/or successors in interest, as landlord, and Lamar Advertising co., as successor to Impact Outdoor Advertising, Inc., as tenant, and Amendments and Assignments made thereto.
3. An easement to Texas Power & Light Company, dated September 27, 1946, executed by Jack Lively, recorded in Volume 2782, Page 281, of the Deed Records, Dallas County, Texas; affected by instrument recorded in Volume 3599, Page 128, Deed Records, Dallas County, Texas, and as noted on survey dated June 21, 2021, last revised on December 2, 2021, prepared by Brian R. Wade, RPLS No. 6098.
4. An easement to Trinity River Authority of Texas, filed December 2, 1958, executed by Jack Lively, recorded in Volume 5012, Page 271, of the Deed Records, Dallas County, Texas, and as shown on survey dated June 21, 2021, last revised on December 2, 2021, prepared by Brian R. Wade, RPLS No. 6098.
5. An easement to City of Dallas, dated March 8, 1976, executed by Lomo Alto Corporation, recorded in Volume 76093, Page 874, of the Deed Records, Dallas County, Texas, and as shown on survey dated June 21, 2021, last revised on December 2, 2021, prepared by Brian R. Wade, RPLS No. 6098.
6. An easement to City of Dallas, dated February 10, 1984, executed by Fol-Mac Joint Venture, recorded in Volume 84104, Page 3441, of the Deed Records, Dallas County, Texas, and as shown on survey dated June 21, 2021, last revised on December 2, 2021, prepared by Brian R. Wade, RPLS No. 6098.
7. An easement to City of Dallas, dated February 10, 1984, executed by Fol-mac Joint Venture, recorded in Volume 84104, Page 3449, of the Deed Records, Dallas County, Texas, and as shown on survey dated June 21, 2021, last revised on December 2, 2021, prepared by Brian R. Wade, RPLS No. 6098.
8. An easement to Trinity River Authority of Texas, dated March 9, 2016, executed by Ocean Beach Partners, L.P., recorded in Instrument No. 201600185191, of the Official Public Records, Dallas County, Texas, and as shown on survey dated June 21, 2021, last revised on December 2, 2021, prepared by Brian R. Wade, RPLS No. 6098.
9. Affidavit to the Public of portion of property operated as Solid Waste Disposal Site executed by Larry F. Ferguson, et al, filed December 18, 1981, recorded in Volume 81246, Page 1213, Deed Records, Dallas County, Texas.
10. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated April 25, 2006, filed July 11, 2006, under Instrument No.

200600250818, of the Official Public Records of Dallas County, Texas. As affected by Waiver of Surface Rights dated December 3, 2021, filed December 13, 2021, under Instrument No. 202100370709, Official Public Records of Dallas County, Texas.

11. Terms, conditions, stipulations, and provisions of that unrecorded Lease Agreement, dated December 1, 2002, by and between Transcontinental Investors, Inc., as landlord, and W.W. Tree Farms, as tenant, as amended by that certain First Amendment to Lease Agreement dated May 3, 2013, that certain Second Amendment to Lease Agreement dated July 1, 2013, and that certain Third Amendment to Lease Agreement dated July 1, 2013, that certain Fourth Amendment to Lease Agreement of even date herewith and any further Amendment and Assignments made thereto and any further Amendments and Assignments made thereto.
12. Terms, conditions, stipulations, and provisions of that unrecorded billboard lease by and between FOL-MAC Joint Venture and/or successors in interest, as landlord, and Lamar Advertising Co., as successor to Impact Outdoor Advertising, Inc., as tenant, and Amendments and Assignments made thereto, and as noted on survey dated June 21, 2021, last revised on December 2, 2021, prepared by Brian R. Wade, RPLS No. 6098.

Special Warranty Deed – Exhibit B – Page 2

Dallas County
John F. Warren
Dallas County Clerk

Instrument Number: 202100372754

eRecording - Real Property

Recorded On: December 14, 2021 03:38 PM

Number of Pages: 7

" Examined and Charged as Follows: "

Total Recording: \$46.00

***** **THIS PAGE IS PART OF THE INSTRUMENT** *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 202100372754
Receipt Number: 20211214000800
Recorded Date/Time: December 14, 2021 03:38 PM
User: Hilga R
Station: CC15

Record and Return To:

Simplifile



STATE OF TEXAS
COUNTY OF DALLAS

**I hereby certify that this Instrument was FILED In the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Dallas County, Texas.**

John F. Warren
Dallas County Clerk
Dallas County, TX

A handwritten signature in black ink, appearing to be "JFW", written over a horizontal line.

Page:7 of 7

**NOTICE TO REAL PROPERTY RECORDS
OF CLOSED MUNICIPAL SOLID WASTE LANDFILL
[30 TAC §330.962]**

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

OWNER: NEWBERRY DISTRIBUTION OWNER, LLC (“Owner”)

PROPERTY: See attached Exhibit "A"

Pursuant to Chapter 361, Subchapter R of the Health and Safety Code (the “Code”) and the rules of the Texas Commission on Environmental Quality published in Sections 330.951 through 330.963 of Subchapter T, Chapter 330, Title 30 of the Texas Administrative Code (the “TCEQ Rules”), the undersigned, in his or her capacity of Owner stated below, and not in his or her individual capacity, after being duly sworn, hereby states under oath that the following information is true and correct:

1. Prior Use of the Property as a Municipal Solid Waste Landfill. The Property operated as a Type I City of Dallas landfill from the mid-1970s until the early 1980s, when it was reportedly closed.
2. Legal Description of the Property Containing the Closed Municipal Solid Waste Landfill. See attached Exhibit “A”.
3. Notice of Restrictions on Development or Lease of the Property. The public is hereby given notice that the Code and the TCEQ Rules contain restrictions on the development and leasing of the Property due to the existence of a closed municipal solid waste landfill on the Property.
4. Name of the Owner. The Owner of the Property is NEWBERRY DISTRIBUTION OWNER, LLC

[SIGNATURE PAGE FOLLOWS]

EXECUTED AND SWORN TO this 27 day of March, 2023.

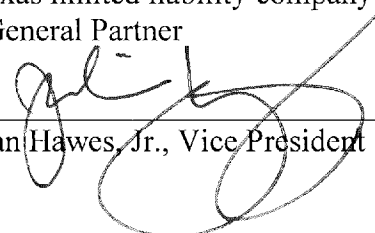
OWNER:

NEWBERRY DISTRIBUTION OWNER, LLC,
a Delaware limited liability company

By: Newberry Distribution Investor Holdings, LLC,
a Delaware limited liability company
its Managing Member

By: Provident Newberry Distribution LP,
a Texas limited partnership
its Managing Member

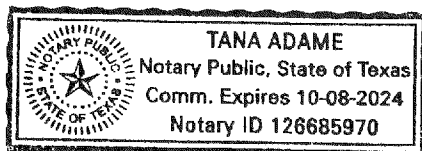
By: Provident Newberry Distribution GP LLC,
a Texas limited liability company,
its General Partner

By: 
Julian Hawes, Jr., Vice President

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was sworn to and subscribed before me on the 27 day of March 2023, by Julian Hawes, Jr. Vice President of Provident Newberry Distribution GP LLC, a Texas limited liability company, as General Partner of Provident Newberry Distribution LP, a Texas limited partnership, as the managing member of Newberry Distribution Investor Holdings LLC, a Delaware limited liability company, as the managing member of Newberry Distribution Owner LLC, a Delaware limited liability company, on behalf of said limited liability companies.

(SEAL)



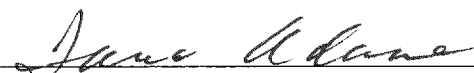

Name (Print):
Notary Public, State of Texas
My commission expires: 10-8-24

EXHIBIT A

Legal Description

Being a 1,580,949 square foot (36.2936 acre) tract of land situated in the William M. Cochran Survey, Abstract No. 279, City of Dallas, Dallas County, Texas, being all of a called 36.376 acre tract of land described in a Special Warranty Deed to LD FOLSOM LAND LLC, recorded in Instrument Number 202000003105, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a MAG nail set at the intersection of the west right-of-way line of Newberry Street (variable width right-of-way) and the south right-of-way line of Lyndon B. Johnson Freeway, a.k.a. Interstate 635 (a variable width right-of-way, created by Volume 74082, Page 564, Deed Records, Dallas County, Texas) for the northeast corner of said LD Folsom Land tract, from which a found 1/2" iron rod with yellow plastic cap stamped "HALFF ASSOCIATES" for the northwest corner of Lot 1, Block B/6558, Columbia Center West, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 88208, Page 2310, Deed Records, Dallas County, Texas, bears North 86° 30' 55" East, a distance of 52.03 feet;

THENCE along the common line between said Newberry Street and said 36.376 acre tract, the following courses and distances:

South 00°54'04" East, a distance 1,017.63 feet to a MAG nail set for corner;

South 00°15'08" East, a distance 528.02 feet to a MAG nail set for the southeast corner of said 36.376 acre tract, from which a found 1/2" iron rod with yellow plastic cap (illegible) for a southwest corner of Lot 2A, Block B/6557, of said Columbia Center West, bears South 36° 21' 19" East, a distance of 110.33 feet;

THENCE North 89°37'53" West, along a south line of said 36.376 acre tract, passing a 1/2" iron rod with a red plastic cap stamped "PEISER-MANKIN-SURVEY" found for the northeast corner of a called 2.69 acre tract of land described in a Special Warranty Deed to 11517 Newberry, LP, recorded Volume 2003093, Page 10287, Deed Records, Dallas County, Texas, at 10.35 feet and continuing for a total distance of 386.34 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for an interior ell corner of said 36.376 acre tract, from which a found 1/2" iron rod with red plastic cap stamped "PEISER-MANKIN-SURVEY" bears South 37° 17' 55" East, a distance of 5.17 feet;

THENCE South 03°58'25" West, along said common line between said 36.376 acre tract and said 2.69 acre tract, a distance 220.82 feet to a point for an exterior ell corner of said 36.376 acre tract and the northeast corner of a called 0.65 acre tract of land described as Tract 1 in a Special Warranty Deed with Vendor's Lien to HNG Properties, LLC, recorded in Instrument No. 201500006463, Official Public Records, Dallas County, Texas, from which a found 1/2" iron rod bears South 39° 09' 57" East, a distance of 0.39 feet;

THENCE South 89°33'50" West, along the common line between said 36.376 acre tract and said 0.65 acre tract, a distance 208.55 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for an interior ell corner for said 36.376 acre tract and the northwest corner of said 0.65 acre tract, from which a

found 1" iron rod with punch hole bears South 07° 34' 27" West, a distance of 7.23 feet;

THENCE South 04°33'47" West, along the common line between said 36.376 acre tract and said 0.65 acre tract, a distance 137.17 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set on the north line of a tract of land described in a Special Warranty Deed with Vendor's Lien to GATLIN DENTON PARTNERSHIP, LP, recorded in Instrument Number 20080069286, Official Public Records, Dallas County, Texas;

THENCE South 88°30'29" West, along the common line between said 36.376 acre tract and said GATLIN DENTON PARTNERSHIP tract, a distance 222.05 feet to a an exterior ell corner of said 36.376 acre tract, from which a found 5/8" iron rod bears North 82° 58' 06" West, a distance of 0.43 feet;

THENCE North 01°09'14" East, along a west line of said 36.376 acre tract, a distance 63.04 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for an interior ell corner of said 36.376 acre tract;

THENCE South 88°38'35" West, along a south line of said 36.376 acre tract, a distance 260.85 feet to a 1/2" iron rod with yellow plastic cap stamped "DC&A" found on the east line of a tract of land described in Special Warranty Deed to the CITY OF DALLAS, recorded in Volume 86057, Page 342, Deed Records, Dallas County, Texas, for the southwest corner of said 36.376 acre tract;

THENCE along the common line between said 36.376 acre tract and said CITY OF DALLAS tract, the following bearings and distances:

North 08°49'32" East, passing at a distance of 75.10 feet a 1/2" iron rod found and continuing for a total distance 893.97 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner;

North 89°50'32" East, a distance 25.31 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner, from which a found 1/2" iron rod bears South 04° 22' 12" East, a distance of 2.36 feet;

North 08°49'32" East, a distance 924.45 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set on the south right-of-way line of said Lyndon B. Johnson Freeway, for the northwest corner of said 36.376 acre tract;

THENCE along the common line between the south right-of-way line of said Lyndon B. Johnson Freeway and the north line of said 36.376 acre tract, the following bearings and distances:

North 88°31'26" East, a distance 539.38 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner;

North 80°18'18" East, a distance 234.09 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner;

North 88°15'59" East, a distance 10.00 feet to the POINT OF BEGINNING, containing 1,580,949 square feet or 36.2936 acres of land, more or less.

Notice of Closed Municipal Solid Waste Landfill -- EXHIBIT A

**Dallas County
John F. Warren
Dallas County Clerk**

Instrument Number: 202300058413

eRecording - Real Property

Recorded On: March 28, 2023 08:48 AM

Number of Pages: 5

" Examined and Charged as Follows: "

Total Recording: \$38.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 202300058413
Receipt Number: 20230327001011
Recorded Date/Time: March 28, 2023 08:48 AM
User: Hilga R
Station: CC15

Record and Return To:

Simplifile



**STATE OF TEXAS
COUNTY OF DALLAS**

**I hereby certify that this Instrument was FILED In the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Dallas County, Texas.**

John F. Warren
Dallas County Clerk
Dallas County, TX

A handwritten signature in black ink, appearing to be "JFW", is written over a horizontal line.

Page K.21, October 1, 2024
Revised December 6, 2024