Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 28, 2016

Mr. Roberto Puga, P.G.
Trustee, Texas Custodial Trust
Project Navigator, Ltd.
One Pointe Drive, Suite 320
Brea, California 92821

Re: Approval of Final Report - Risk Reduction Standard No. 3
Closure Report for Parcel 13, dated March 22, 2016
Former ASARCO Smelter site, El Paso, Texas
TCEQ SWR No. 31235; EPA ID No. TXD990757668; Customer No. CN603597782;
Regulated Entity No. RN100219021

Dear Mr. Puga:

The Texas Commission on Environmental Quality (TCEQ) and the US Environmental Protection Agency (USEPA) have completed our review of the *Closure Report* dated March 22, 2016, for an area associated with the above referenced site referenced as "Parcel 13". The March 22, 2016 *Closure Report for Parcel 13* was also submitted in response to preliminary review of a prior report submittal dated February 16, 2016, by the TCEQ and USEPA.

Parcel 13 is comprised of a 6.8278 acre parcel of land comprised of two separate tracts of land (6.288 acre and 0.5396 acre, respectively) currently located within the former ASARCO Smelter property in El Paso, TX (herein referenced as the "Property"). Parcel 13 is situated on the Property west of U.S. Interstate 10 and south of Executive Center Boulevard. According to the March 22, 2016 report, the document is intended to fulfill environmental documentation requirements to support eventual conveyance of the parcel to the Texas Department of Transportation (TxDOT) by the Texas Custodial Trust.

The March 22, 2016 report contains documentation indicating that closure/remediation activities associated with Parcel 13 have been completed in accordance with the requirements of TCEQ's Risk Reduction Rules [30 Texas Administrative Code (TAC), §335, Subchapter S]. According to the report, contaminants in soil associated with Parcel 13 have been remediated to meet the requirements of Risk Reduction Standard (RRS) No. 3 (30 TAC §335.561) of the Risk Reduction Rules. In addition, constituents of concern in groundwater media associated with Parcel 13 have been demonstrated to meet site-specific background levels pursuant to 30 TAC §335.554(d) (Attainment of Risk Reduction Standard Number 1: Closure/Remediation to Background). The final deed certification materials intended to fulfill the requirements of 30 Texas Administrative Code (TAC) §335.566 relating to deed recordation of the soil associated with Parcel 13 to RRS No. 3 were provided in Appendix C of the March 22, 2016 report. Based on our review, the deed certification is acceptable for filing in the deed records of El Paso County. The TCEQ has signed and enclosed the deed certification materials. *As specified in §335.566(a), the Texas Custodial Trust is required to submit proof of deed recordation of the Deed Certification materials for Parcel 13 in the land records maintained by the El Paso*

printed on recycled paper using vegetable-based ink

County Clerk's Office to the TCEQ and USEPA for concurrence within ninety (90) days from the date of this letter.

According to 30 TAC §335.8(c), closure/remediation to RRS No. 3 requires preapproval by the TCEQ. The remedial investigation (§335.553(b)(1)), baseline risk assessment (§335.553(b)(2)), and equivalent corrective measure study (§335.553(b)(3)) associated with the Property including Parcel 13 have been previously approved by the TCEQ with concurrence of the USEPA. After careful review of the March 22, 2016 *Closure Report*, the TCEQ and UESPA have determined that institutional controls are required for Parcel 13 to protect human health and the environment; however, post-closure care is not required.

Be advised that it is the continuing obligation of persons associated with the site to ensure that any municipal hazardous waste and industrial solid waste are managed in a manner which does not cause the discharge or imminent threat of discharge of waste into or adjacent to waters in the state, a nuisance, or the endangerment of the public health and welfare as required by 30 TAC §335.4. If the response actions described in the report fail to comply with these requirements, please take any necessary and authorized action to correct such conditions. A TCEQ field inspector may conduct an inspection of the Parcel 13 area to determine compliance with the report.

Please submit proof of filing the deed certification materials for Parcel 13 in the land records maintained by the El Paso County Clerk's Office to the TCEQ within ninety (90) days of the date of this letter. Courtesy copies of the deed certification materials should be provided to the TCEQ Region 6 Office in El Paso and EPA Region VI Office in Dallas. Please call me at (512) 239-6542 if you need additional information or wish to discuss these comments or the due date. Thank you for your cooperation in this matter.

Sincerely,

Eleanor T. Wehner

Eleanor T. Wehner, P.G.
Project Manager
VCP-CA Section
Remediation Division

ETW/mdh

Enclosure

cc: Mr. Scott M. Brown, P.E., Vice President, Principal-in-Charge, Malcolm Pirnie, Inc., 410 N. 44th Street, Suite 1000, Phoenix, AZ 85008

Mr. Chuck Barnes, Enforcement Division, U.S. EPA Region 6, 1445 Ross Avenue Suite 1200, Mail Code: 6EN, Dallas, TX 75202-2733

Ms. Lorinda Gardner, Region Director, TCEQ Region 6 Office, El Paso

Deed Certification

STATE OF TEXAS §

EL PASO COUNTY §

INDUSTRIAL SOLID WASTE
CERTIFICATION OF REMEDIATION

KNOW ALL MEN BY THESE PRESENTS THAT:

Pursuant to the Rules of the Texas Commission on Environmental Quality pertaining to Industrial Solid Waste Management, this document is hereby filed in the Deed Records of El Paso County, Texas in compliance with the recordation requirements of said rules:

I

Project Navigator Limited, a California corporation ("***PNL***"), has performed a remediation of the real property described in "**Exhibit A**" attached hereto and incorporated herein by reference (the "***Property***"). The Property is a portion of the former ASARCO EL PASO Smelter Site in El Paso County, Texas and is commonly referred to as "***Parcel 13***". The Property previously contained mining smelting operations. Further information concerning this matter may be found by an examination of files associated with the Property, which are available for inspection upon request at the central office of the Texas Commission on Environmental Quality in Austin, Texas.

The Texas Commission on Environmental Quality derives its authority to review the remediation of this tract of land from Texas Health and Safety Code, §361.002, which enables the Texas Commission on Environmental Quality to promulgate closure and remediation standards to safeguard the health, welfare, and physical property of the people of the State of Texas and to protect the environment by controlling the management of solid waste. In addition, pursuant to the Texas Water Code, §5.012 and §5.013, Texas Water Code, Annotated, Chapter 5, the Texas Commission on Environmental Quality is given primary responsibility for implementing the laws of the State of Texas relating to water and shall adopt any rules necessary to carry out its powers and duties under the Texas Water Code. In accordance with this authority, the Texas Commission on Environmental Quality requires certain persons to provide certification and/or recordation in the real property records to notify the public of the conditions of the land and/or the occurrence of remediation. This deed certification is not a representation or warranty by the Texas Commission on Environmental Quality of the suitability of this land for any purpose, nor does it constitute any guarantee by the Texas Commission on Environmental Quality that the remediation standards specified in this certification have been met by PNL.

II

A list of the known chemicals of concern ("***COCs***") in soil, including known concentrations, which have been left in place is described in "**Exhibit B**" attached hereto and incorporated herein by reference. The COCs listed in Exhibit B have been remediated to meet non-residential (i.e., industrial/commercial) soil criteria in accordance with a plan designed to meet the requirements of 30 Texas Administrative Code, §335.561 (Risk Reduction Standard Number 3), which mandates that the remedy be designed to eliminate or reduce to the maximum extent practicable, substantial present or future risk. The remediation plan does not require continued post-closure care or engineering or institutional control measures. Future use of the Property is considered appropriate for non-residential use (i.e., industrial/commercial) in accordance with risk reduction standards applicable at the time of this filing. Institutional or legal controls placed on the property to ensure appropriate future use include notification that the appropriate use of the Property is nonresidential use only. The current or future owner must undertake actions as necessary to

protect human health or the environment in accordance with the rules of the Texas Commission on Environmental Quality.

III

As of the date of this Deed Notice, the record owner of fee title to the Property is Project Navigator Limited, a California corporation, acting not individually but solely in its representative capacity as the Custodial Trustee for the ASARCO Texas Custodial Trust (the "***Owner***") as described in the last recorded vesting deed covering the Property, a Correction Deed without Warranty filed in the Official Public Records of Real Property of El Paso County, Texas under file number 20130064864. Project Navigator Limited is located at One Pointe Drive, Suite 320, Brea, California 92821, where more specific information may be obtained.

For additional information, contact:

Texas Commission on Environmental Quality
Central Records
12100 Park 35 Circle. Building E
Austin, Texas 78753
[TCEQ Program and Identifier No.: Solid Waste Registration No. 31235]

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

EXECUTED this 17TH day of March, 2016.

Project Navigator, Limited,
a California corporation, acting not individually but solely in its representative capacity as the Custodial Trustee of the Asarco Texas Custodial Trust

By: _____
Roberto Puga, Principal for Project Navigator, Limited

STATE OF CALIFORNIA §

COUNTY OF ORANGE §

BEFORE ME, on this the 17 day of March, 2016, personally appeared Roberto Puga, Principal for Project Navigator, Limited, a California corporation, acting solely in its representative capacity as the Custodial Trustee for the ASARCO Texas Custodial Trust, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that they executed the same for the purposes and consideration and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 17 day of March, 2016.

_____
Notary Public in and for the State of California
My Commission Expires: May 17, 2018

HEIDI H. SHIKUMA-MARTIN
COMM. # 2065084
NOTARY PUBLIC • CALIFORNIA
ORANGE COUNTY
My Commission Expires
May 17, 2018

Acknowledged this 24th day of March 2016.

Texas Commission on Environmental Quality

By: Beth Seaton

Beth Seaton, Division Director, Remediation Division

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

BEFORE ME, on this the 24th day of March, 2016, personally appeared Beth Seaton, Division Director, Remediation Division, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and she acknowledged to me that they executed the same for the purposes and consideration and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 24th day of March, 2016.

NANCY C KLEIN
Notary Public, State of Texas
My Commission Expires
March 09, 2018

Nancy C. Klein

Notary Public in and for the State of Texas
My Commission Expires: 3-9-18

California Jurat Loose Certificate

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange } ss.

Subscribed and sworn to (or affirmed) before me this 17 day of March, 2016

by _____,

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Notary Public Signature

Seal

HEIDI H. SHIKUMA-MARTIN
COMM. # 2065084
NOTARY PUBLIC • CALIFORNIA
ORANGE COUNTY
My Commission Expires
May 17, 2018

GSN1 GSN1

Optional Information

To help prevent fraud, it is recommended that you provide information about the attached document below.
This is not required under California State notary public law.

Document Title: Deed Certification # of Pages: _____

Notes

©2014 Golden State Notary, Inc.

ARCADIS

Exhibit A

Property Description for Parcel 13

EXHIBIT A

County: El Paso
Parcel No.: 13
Highway: State Loop 375, Border West Expressway
Limits: From: Race Track Drive
To: U.S. 54
RCSJ: 2552-04-041
CSJ: 2552-04-027

PROPERTY DESCRIPTION FOR PARCEL 13

PART 1 (From: 266+87.17, To: 281+83.40)

Being a 6.288 acre (273,912 square feet) parcel of land situated in the John Barker Survey Number 10, Abstract Number 7, El Paso County, Texas and being part of a called 39.399 acre tract described as Tract 2-A-1 in the Correction Deed Without Warranty to the Custodial Trustee of the Asarco Texas Custodial Trust, as recorded in Document Number 20130064864 of the Official Records of El Paso County, Texas (O.R.E.P.C.TX.), said 6.288 acre parcel being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod with cap found for the northwesterly corner of Tract 7-B as conveyed to the Right Reverend A.J. Schuler, Catholic Bishop of the Diocese of El Paso, by deed dated December 10, 1931 for which no recorded vesting deed could be found except as referenced in the preamble of the conveyance to the adjoining and common west corner of a called 0.640 acre tract known as Tract 2-B as conveyed in Deed of Gift to the Most Reverend S. M. Metzger, in his Official Capacity as Bishop of the Roman Catholic Diocese as filed for record in Document Number 27716 of the Official Records of El Paso, County, Texas and being an interior angle corner in said called 39.399 acre tract known as Tract 2-A-1, thence as follows;

THENCE, South 76°37'45" East, along the south line of said called 0.640 acre tract and the north line of said Tract 7-B, a distance of 295.09 feet to a 5/8-inch iron rod with Texas Department of Transportation (TxDOT) cap set at 223.06 feet right of State Loop 375 Right of Way Baseline Station 277+80.77 having surface coordinates of N= 10,670,171.31 and E= 375,217.15 for the southeast corner of said 0.640 acre tract and an interior angle corner of said 39.399 acre tract and the **POINT OF BEGINNING** of the herein described parcel in the proposed right of way line of State Loop 375, Border West Expressway, from which a 3/8-inch iron rod found bears South 68°35' East, a distance of 0.90 of one foot;**

1. **THENCE,** North 13°28'48" East, along an interior westerly line of said 39.399 acre tract, with said proposed right of way line of State Loop 375, Border West Expressway, a distance of 189.60 feet to a PK nail found in concrete at 128.53 feet right of State Loop 375 Right of Way Baseline Station 276+04.50 for corner and the beginning of a proposed Access Denial Line;**

EXHIBIT A

2. **THENCE,** North 17°08'46" West, over and across said 39.399 acre tract, with said proposed right of way line of State Loop 375, Border West Expressway and along said proposed Access Denial Line, a distance of 239.31 feet to a 5/8-inch iron rod with TxDOT cap set at 112.09 feet right of State Loop 375 Right of Way Baseline Station 273+54.14 for corner and the beginning of a non-tangent curve to the left;**

3. **THENCE,** in a northwesterly direction with said curve, continuing over and across said 39.399 acre tract, with said proposed right of way line of State Loop 375, Border West Expressway and along said proposed Access Denial Line, having a radius of 2,080.00 feet, through a central angle of 07°42'25", an arc distance of 279.78 feet, a chord that bears North 25°49'38" West with a chord distance of 279.57 feet to a 5/8-inch iron rod with TxDOT cap set at 106.26 feet right of State Loop 375 Right of Way Baseline Station 270+62.30, on the southeast line of Lot 13 of La Calavera Settlement, an addition to the City of El Paso, El Paso County, Texas, as recorded in Volume 4, Page 31 of the Plat Records of El Paso County, Texas (P.R.E.P.C.TX.) same being the south line of the Public Service Board of the City of El Paso tract recorded in Document Number 20090057657 of the Official Public Records of Real Property of El Paso County, Texas (O.P.R.R.P.E.P.C.TX.) (hereinafter referred to as "P.S.B.C.E.P.") and an interior angle corner in the west line of said 39.399 acre tract for corner at the end of this Access Denial Line;

4. **THENCE,** North 51°03'16" East, with said southeast line of Lot 13 and the southeast line of said P.S.B.C.E.P. tract and continuing with the northwest line of said 39.399 acre tract, departing said proposed Access Denial Line, a distance of 24.54 feet to a 5/8-inch iron rod with TxDOT aluminum disk found for an interior angle thereof and the east corner of said P.S.B.C.E.P. tract at 82.00 feet right of State Loop 375 Right of Way Baseline Station 270+58.46;

5. **THENCE,** North 20°57'49" West, continuing with the northeast line of said Lot 13, the northeast line of said P.S.B.C.E.P. tract and the interior westerly line of said 39.399 acre tract, a distance of 204.13 feet to a found PK Nail for an interior angle thereof and the northwest corner of said P.S.B.C.E.P. tract at 40.99 feet right of State Loop 375 Right of Way Baseline Station 268+53.61;

6. **THENCE,** South 56°59'51" West, continuing with the northwest line of said Lot 13, the northwest line of the P.S.B.C.E.P. tract and the interior westerly line of said 39.399 acre tract, a distance of 63.41 feet to a 5/8-inch iron rod with TxDOT cap set at 104.37 feet right of State Loop 375 Right of Way Baseline Station 268+51.55 in the southwesterly line of said proposed right of way line of State Loop 375, Border West Expressway and the beginning of said proposed Access Denial Line ;

EXHIBIT A

7. **THENCE,** North 32°50'37" West, departing said northwest line of Lot 13, said northwest line of P.S.B.C.E.P. tract and the interior westerly line of said 39.399 acre tract, over and across said 39.399 acre tract, continuing with said proposed right of way line of State Loop 375, Border West Expressway and said proposed Access Denial Line, a distance of 107.91 feet to a 5/8-inch iron rod with TxDOT cap set at 98.31 feet right of State Loop 375 Right of Way Baseline Station 267+39.46 for the point of curvature of a tangent curve to the left; **

8. **THENCE,** Northwesterly with said curve, continuing over and across said 39.399 acre tract with said proposed right of way line and Access Denial Line of State Loop 375, Border West Expressway, having a radius of 46.00 feet, through a central angle of 100°26'19", an arc distance of 80.64 feet, a chord that bears North 83°03'47" West with a chord distance of 70.70 feet to a 5/8-inch iron rod with TxDOT aluminum disk found at 148.48 feet right of State Loop 375 Right of Way Baseline Station 266+87.17 for the end of said proposed Access Denial Line and the point of reverse curvature of a curve to the right;**

9. **THENCE,** Southwesterly with said curve, continuing over and across said 39.399 acre tract with said proposed right of way line of State Loop 375, Border West Expressway, having a radius of 1,575.50 feet, through a central angle of 03°00'39", an arc distance of 82.79 feet, a chord that bears South 48°13'23" West with a chord distance of 82.78 feet to a 5/8-inch iron rod with TxDOT cap set at 231.12 feet right of State Loop 375 Right of Way Baseline Station 266+92.47 for corner and the point of tangency;**

10. **THENCE,** South 49°43'42" West, continuing over and across said 39.399 acre tract and continuing with said proposed right of way line of State Loop 375, Border West Expressway, a distance of 294.81 feet to a 5/8-inch iron rod with TxDOT aluminum disk found at 525.73 feet right of State Loop 375 Right of Way Baseline Station 267+05.03 for corner and point of curvature of a tangent curve to the left;**

11. **THENCE,** Southwesterly with said curve, continuing over and across said 39.399 acre tract with said proposed right of way line of State Loop 375, Border West Expressway, having a radius of 272.00 feet, through a central angle of 19°58'34", an arc distance of 94.83 feet, a chord that bears South 39°44'25" West, a chord distance of 94.35 feet to a 5/8-inch iron rod with TxDOT cap set at 617.85 feet right of State Loop 375 Right of Way Baseline Station 267+31.17 for corner; **

12. **THENCE,** North 60°14'51" West, continuing over and across said 39.399 acre tract and continuing with said proposed right of way line of State Loop 375, Border West Expressway, a distance of 13.17 feet to a 5/8-inch iron rod with TxDOT cap set at 622.91 feet right of State Loop 375 Right of Way Baseline Station 267+15.23 for corner in the southeast right of way line of Executive Center Boulevard being a 100 foot right of way (based upon our research, there appears to be no recorded vesting deed for this public right of way), same being the northwest line of said 39.399 acre tract;**

EXHIBIT A

13. **THENCE,** North 30°01'11" East, with said southeast right of way line of Executive Center Boulevard, and the northwest line of said 39.399 acre tract, a distance of 29.24 feet to a 5/8-inch iron rod with cap found at 595.80 feet right of State Loop 375 Right of Way Baseline Station 267+00.94 for corner and the point of curvature of a tangent curve to the right;

14. **THENCE,** Northeasterly with said curve, continuing with said southeast right of way line of Executive Center Boulevard and with the northwest line of said 39.399 acre tract, having a radius of 349.93 feet, through a central angle of 19°51'19", an arc distance of 121.26 feet, a chord that bears North 39°56'51" East, a chord distance of 120.66 feet to a 1/2-inch iron rod with cap "SUB LAND" found at 477.59 feet right of State Loop 375 Right of Way Baseline Station 266+70.46 for corner and the point of tangency;

15. **THENCE,** North 49°52'30" East, continuing with said southeast right of way line of Executive Center Boulevard, and the northwest line of said 39.399 acre tract, a distance of 279.59 feet to a 5/8-inch iron rod found at 198.07 feet right of State Loop 375 Right of Way Baseline Station 266+63.48 for a point of curvature of a tangent curve to the left;

16. **THENCE,** Northeasterly with said curve, continuing with said southeast right of way line of Executive Center Boulevard and with the northwest line of said 39.399 acre tract, having a radius of 734.83 feet, through a central angle of 05°01'01", an arc distance of 64.34 feet, a chord that bears North 47°22'00" East, a chord distance of 64.32 feet to a 1/2-inch iron rod with cap found at 133.88 feet right of State Loop 375 Right of Way Baseline Station 266+59.13 for corner and the point of tangency;

17. **THENCE,** North 44°51'29" East, continuing with said southeast right of way line of Executive Center Boulevard, with the northwest line of said 39.399 acre tract, a distance of 174.49 feet to a 5/8-inch iron rod found at 39.69 feet left of State Loop 375 Right of Way Baseline Station 266+40.89 for the point of curvature of a tangent curve to the right;

18. **THENCE,** Northeasterly with said curve, continuing with said southeast right of way line of Executive Center Boulevard and with the northwest line of said 39.399 acre tract, having a radius of 1,975.09 feet, through a central angle of 03°57'34", an arc distance of 136.49 feet, a chord that bears North 46°50'16" East, a chord distance of 136.46 feet to a 5/8-inch iron rod found at 175.88 feet left of State Loop 375 Right of Way Baseline Station 266+32.61 for corner and the point of tangency;

EXHIBIT A

19. **THENCE,** North 48°49'03" East, continuing with said southeast right of way line of Executive Center Boulevard and with the northwest line of said 39.399 acre tract, a distance of 56.28 feet to a found 5/8-inch iron rod with cap for the most northerly corner of said 39.399 acre tract at the intersection with the southwesterly right of way line and existing Access Denial Line of Interstate Highway 10, a variable width right of way (CSJ: 2121-2-27, based upon our research, there appears to be no recorded vesting deed for this public right of way), from which a 1/2-inch iron rod found bears North 21° East, a distance of 0.9 of one foot,

20. **THENCE,** South 40°54'23" East, with the existing west right of way line and Access Denial Line of said Interstate Highway 10 and the east line of said 39.399 acre tract, a distance of 147.59 feet to a 5/8-inch iron rod with cap "RPLS 2998" found at 239.17 feet left of State Loop 375 Right of Way Baseline Station 267+66.46 feet for corner, from which a found 5/8-inch iron rod with cap "TX5152" bears North 75°East, a distance of 1.1 foot;

21. **THENCE,** South 14°32'48" East, continuing with said existing west right of way line and Access Denial Line of Interstate Highway 10 and the east line of said 39.399 acre tract, a distance of 681.02 feet to a 1/2-inch iron rod found at 57.86 feet left of State Loop 375 Right of Way Baseline Station 273+89.44 for corner;

22. **THENCE,** South 06°01'21" East, continuing with said existing west right of way line and Access Denial Line of Interstate Highway 10 and the east line of said 39.399 acre tract, a distance of 799.45 feet to a 5/8-inch iron rod with TxDOT cap set at the intersection of said west right of way line of Interstate Highway 10 with the east line of said 39.399 acre tract, with said proposed right of way line and the beginning of the proposed Access Denial Line of State Loop 375, Border West Expressway, at 59.28 feet right of State Loop 375 Right of Way Baseline Station 281+83.40 for corner;**

23. **THENCE,** North 13°25'24" West, over and across said 39.399 acre tract, with said proposed right of way line of State Loop 375, Border West Expressway and along said proposed Access Denial Line, at a distance of 14.06 feet pass a 5/8-inch iron rod with TxDOT cap set at 61.11 feet right of State Loop 375 Right of Way Baseline P.T. Station 281+69.46, in all, a total distance of 205.02 feet to a 5/8-inch iron rod with TxDOT cap set at 78.84 feet right of State Loop 375 Right of Way Baseline Station 279+74.05 for corner and the beginning of a non-tangent curve to the left; **

EXHIBIT A

24. **THENCE,** Northwesterly with said curve, continuing over and across said 39.399 acre tract, with said proposed right of way line of State Loop 375, Border West Expressway and along said proposed Access Denial Line, having a radius of 1,469.00 feet, through a central angle of 03°04'33", an arc distance of 78.86 feet, a chord that bears North 14°47'56" West, a chord distance of 78.85 feet to a 5/8-inch iron rod with TxDOT cap set at 83.88 feet right of State Loop 375 Right of Way Baseline Station 278+92.83 for corner and the point of tangency

25. **THENCE,** North 16°20'13" West, continuing over and across said 39.399 acre tract and continuing with said proposed right of way line of State Loop 375, Border West Expressway and along said proposed Access Denial Line, a distance of 44.07 feet to a 5/8-inch iron rod with TxDOT cap set at 86.82 feet right of State Loop 375 Right of Way Baseline Station 278+47.37 for corner;**

26. **THENCE,** South 74°50'55" West, continuing over and across said 39.399 acre tract and continuing with said proposed right of way line of State Loop 375, Border West Expressway and along said proposed Access Denial Line, a distance of 33.40 feet to a 5/8-inch iron rod with TxDOT cap set at 120.19 feet right of State Loop 375 Right of Way Baseline Station 278+48.67 for corner;**

27. **THENCE,** North 68°16'11" West, continuing over and across said 39.399 acre tract and continuing with said proposed right of way line of State Loop 375, Border West Expressway and along said proposed Access Denial Line, a distance of 66.17 feet to a 5/8-inch iron rod with TxDOT cap set at the northeast corner of said Tract 7-B and an interior corner in the west line of said 39.399 acre tract at 174.29 feet right of State Loop 375 Right of Way Baseline Station 278+08.30 for corner and the end of said proposed Access Denial Line;**

28. **THENCE,** North 76°37'45" West, along the interior westerly line of said 39.399 acre tract and the north line of said Tract 7-B with said proposed right of way line of State Loop 375, Border West Expressway, a distance of 55.00 feet to the **POINT OF BEGINNING** and containing 6.288 acres (273,912 square feet) of land.

EXHIBIT A

PART 2 (From: 299+34.37, To: 304+99.72)

Being a 0.5396 of one acre (23,505 square feet) parcel of land situated in the John Barker Survey Number 10, Abstract Number 7, El Paso County, Texas and being part of a called 39.399 acre tract described as Tract 2-A-1 in the Correction Deed Without Warranty to the Custodial Trustee of the Asarco Texas Custodial Trust, as recorded in Document Number 20130064864 of the Official Records of El Paso County, Texas (O.R.E.P.C.TX.), said 0.5396 of one acre parcel being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod with cap marked "TX 5152" found at 56.28 feet right of State Loop 375 Right of Way Baseline Station 308+85.42, being in the existing west right of way line of Interstate Highway 10, a variable width right of way (CSJ: 2121-2-27, based upon our research, there appears to be no recorded vesting deed for this public right of way), same being the east right of way line of Union Pacific Railroad Company (based upon our research, there appears to be no recorded vesting deed for this right of way), herein after referenced to as U.P.R.R.;

THENCE, North 06°01'21" West, with said existing west right of way line of Interstate Highway 10 and said east right of way line of the U.P.R.R., a distance of 385.70 feet to a 5/8-inch iron rod with Texas Department of Transportation (TxDOT) aluminum disk found at 56.71 feet right of State Loop 375 Right of Way Baseline Station 304+99.72 having surface coordinates of N= 10,667,521.37 and E= 375,687.52 for the **POINT OF BEGINNING** of the herein described parcel, at the intersection of said existing west right of way line of Interstate Highway 10 and said east right of way line of the U.P.R.R., same being the south corner of said 39.399 acre tract and the point of curvature of a non-tangent circular curve to the left, having a radius of 19,157.04 feet;

1. **THENCE**, Northwesterly, departing said existing west right of way line of Interstate Highway 10, continuing with said east right of way line of the U.P.R.R., same being the west line of said 39.399 acre tract and with said curve, through a central angle of 00°45'32", an arc distance of 253.78 feet, whose chord bears North 18°46'29" West, a distance of 253.78 feet to a 5/8-inch iron rod with TxDOT cap set at 113.00 feet right of State Loop 375 Right of Way Baseline Station 302+52.26 for corner at the intersection of said east right of way line of the U.P.R.R. and said west line of the 39.399 acre tract with the west line of the proposed right of way line of State Loop 375, Border West Expressway, the beginning of a proposed Access Denial Line and a point of non-tangency;

EXHIBIT A

2. **THENCE,** North 05°57'32" West, departing said east right of way line of the U.P.R.R. and said west line of said called 39.399 acre tract, over and across said called 39.399 acre tract and with said proposed right of way line of State Loop 375, Border West Expressway and said proposed Access Denial Line, a distance of 153.47 feet to a 5/8-inch iron rod with TxDOT cap set at 113.00 feet right of State Loop 375 Right of Way Baseline Station 300+98.79 for corner;**

3. **THENCE,** North 16°22'57" East, continuing over and across said called 39.399 acre tract and with said proposed right of way line of State Loop 375, Border West Expressway and with said with said proposed Access Denial Line, a distance of 28.02 feet to a 5/8-inch iron rod with TxDOT cap set at 102.35 feet right of State Loop 375 Right of Way Baseline Station 300+72.87 for corner;**

4. **THENCE,** North 12°25'07" West, continuing over and across said 39.399 acre tract and with said proposed right of way line of State Loop 375, Border West Expressway and with said proposed Access Denial Line, a distance of 87.76 feet to a 5/8-inch iron rod with TxDOT cap set at 112.22 feet right of State Loop 375 Right of Way Baseline Station 299+85.67 for corner;**

5. **THENCE,** North 07°24'46" East, continuing over and across said 39.399 acre tract and with said proposed right of way line of State Loop 375, Border West Expressway and with said proposed Access Denial Line, a distance of 47.07 feet to a 5/8-inch iron rod with TxDOT cap set at 101.34 feet right of State Loop 375 Right of Way Baseline Station 299+39.88 for corner;**

6. **THENCE,** North 76°54'32" East, continuing over and across said 39.399 acre tract and with said proposed right of way line of State Loop 375, Border West Expressway and with said proposed Access Denial Line, a distance of 44.34 feet to a 5/8-inch iron rod with TxDOT cap set at 57.34 feet right of State Loop 375 Right of Way Baseline Station 299+34.37, said corner being in said existing west right of way line of Interstate Highway 10 and the east line of said 39.399 acre tract, and the end of said proposed Access Denial Line; **

7. **THENCE,** South 06°01'21" East, continuing with said existing west right of way line of U: S. Interstate Highway 10 and said east line of the 39.399 acre tract, a distance of 565.35 feet to **POINT OF BEGINNING** and containing 0.5396 of one acre (23,505 square feet) of land, more or less.

EXHIBIT A

AREA SUMMARY TABLE

Deed Area	=	39.399 acre	(1,716,220 square feet*)
13 Part 1	=	6.288 acre	(273,912 square feet)
13 Part 2	=	0.5396 acre	(23,505 square feet)
Total	=	6.8278 acre	(297,417 square feet)
Remainder	=	32.5712 acre	(1,418,803 square feet)

*The acreage calculated and shown hereon is converted from the square footage shown hereon, and is for informational purposes only.

** This monument may be replaced by a Texas Department of Transportation (TxDOT) Type II right of way marker upon the completion of the highway construction project under the supervision of a RPLS either employed or retained by TxDOT.

This property description is accompanied by a plat of even date.

All bearings and coordinates shown are based on NAD83 (1993 Adjustment) Texas State Plane Coordinate System, Central Zone. All coordinates and distances shown are surface and may be converted to grid by dividing by a surface adjustment factor of 1.000231. Project is located in UTM Zone 13.

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

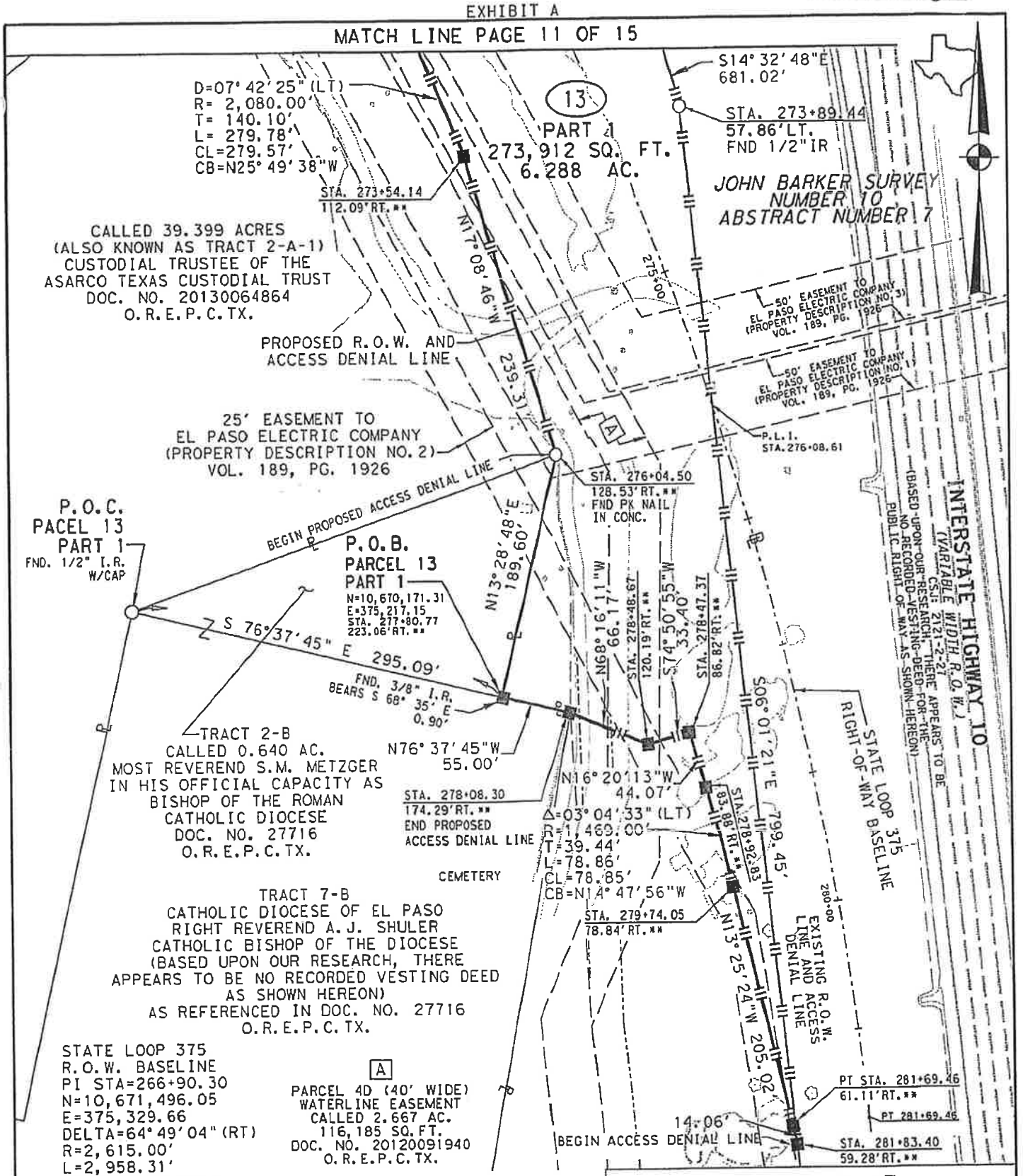
That I, John David Kenney, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision in the month of April.

WITNESS MY HAND AND SEAL at Spring, Harris County, Texas this the 14th day of July, 2015.

RODS Surveying, Inc.
6810 Lee Road, Ste. 100
Spring, Texas 77379
TBPLS Firm No.10030700

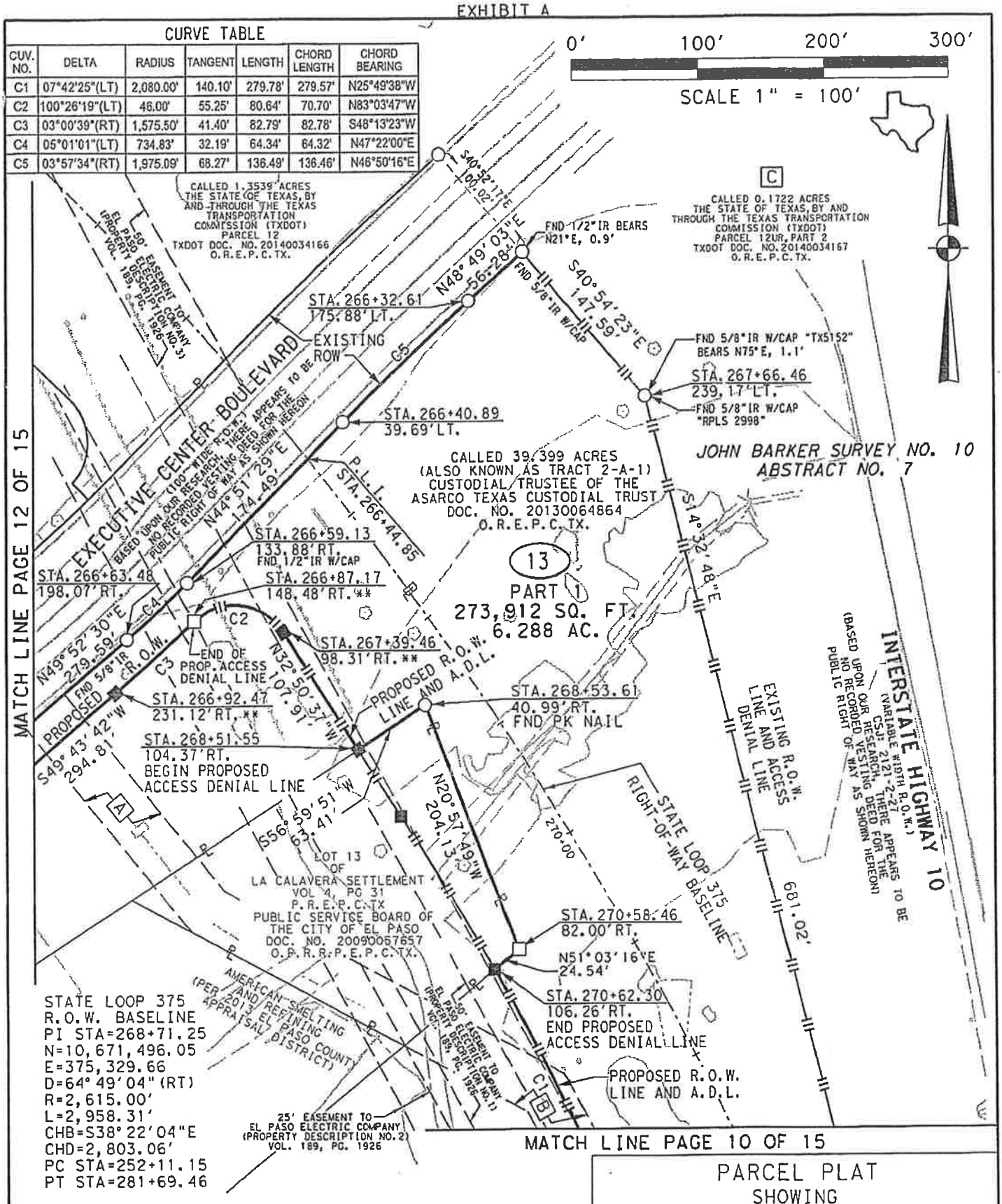
John David Kenney
Registered Professional Land Surveyor No. 2080
State of Texas

EXHIBIT A



PARCEL PLAT
SHOWING
PARCEL 13 PART 1
LOOP 375 EL PASO COUNTY
STATE LOOP 375, BORDER WEST EXPRESSWAY
RCSJ 2552-04-041
AS OF JULY 14, 2015

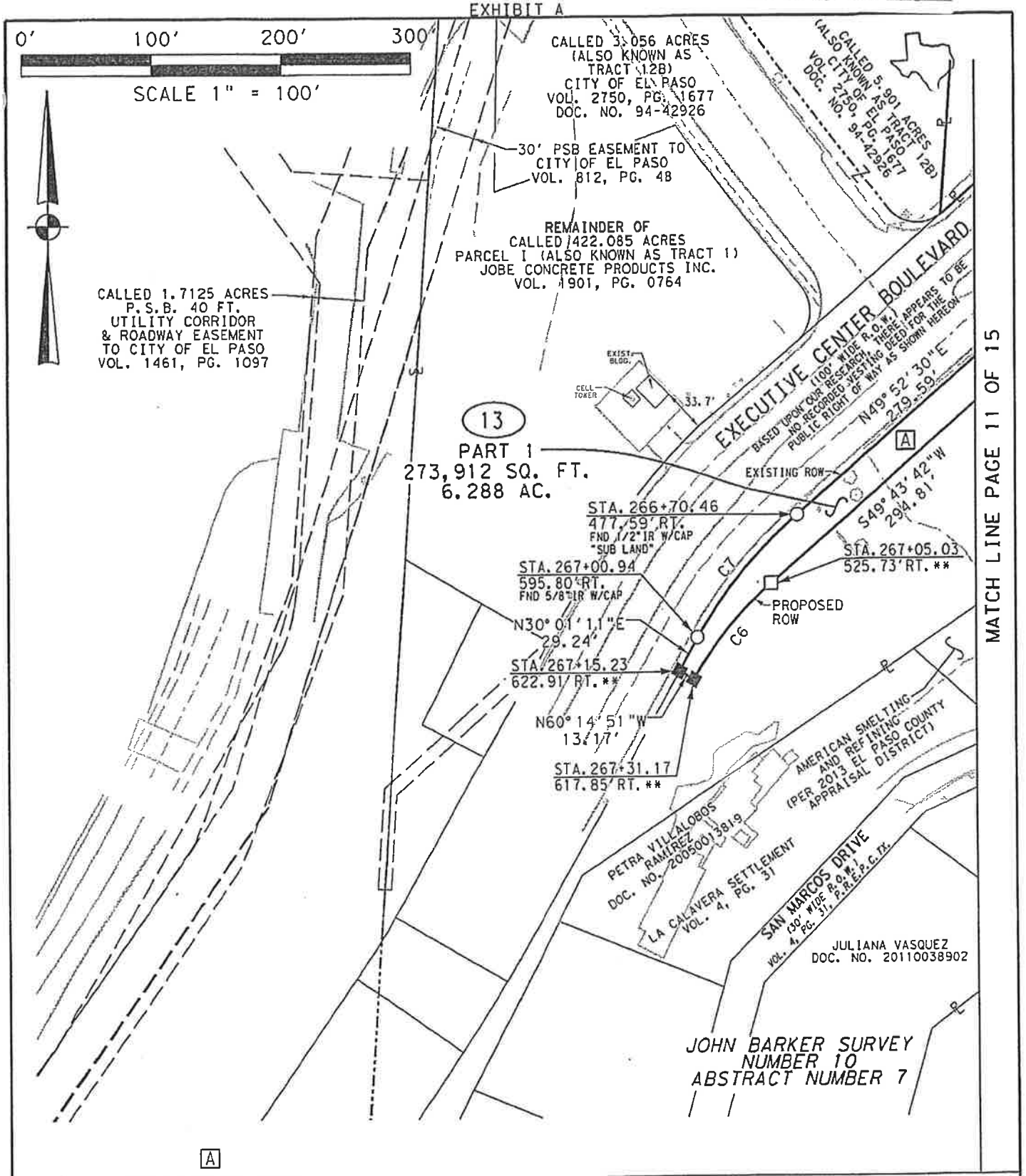
EXHIBIT A



PAGE 11 OF 15

PARCEL PLAT
SHOWING
PARCEL 13 PART 1
LOOP 375 EL PASO COUNTY
STATE LOOP 375, BORDER WEST EXPRESSWAY
RCSJ 2552-04-041
AS OF JULY 14, 2015

EXHIBIT A



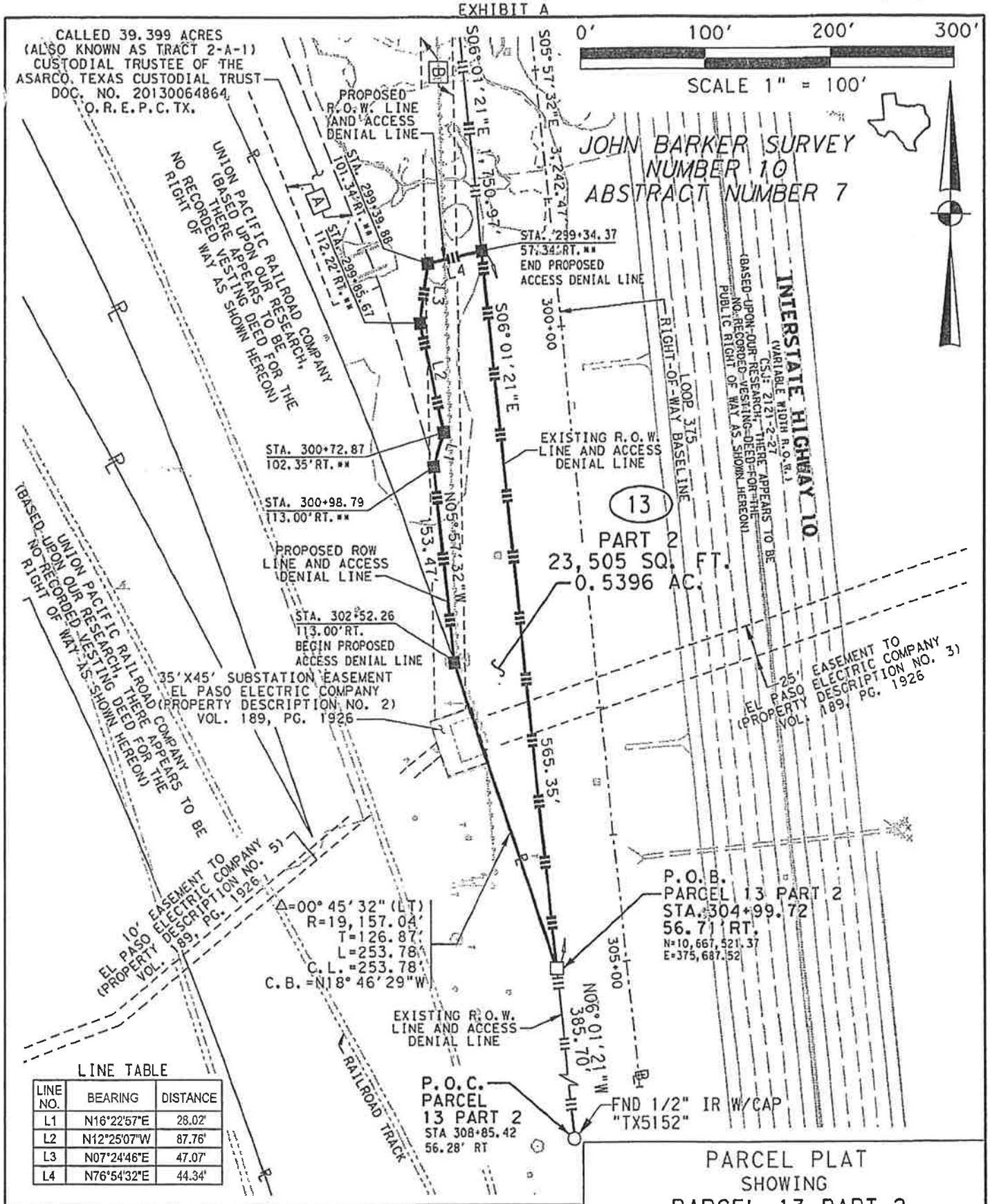
A
CALLED 39.399 ACRES
(ALSO KNOWN AS TRACT 2-A-1)
CUSTODIAL TRUSTEE OF THE
ASARCO TEXAS CUSTODIAL TRUST
DOC. NO. 20130064864
O.P.R.E.P.C.TX.

CURVE TABLE

CUV. NO.	DELTA	RADIUS	TANGENT	LENGTH	CHORD LENGTH	CHORD BEARING
C6	19°58'34"(LT)	272.00'	47.90'	94.83'	94.35'	S39°44'25"W
C7	19°51'19"(RT)	349.93'	61.25'	121.26'	120.66'	N39°56'51"E

PARCEL PLAT
SHOWING
PARCEL 13 PART 1
LOOP 375 EL PASO COUNTY
STATE LOOP 375, BORDER WEST EXPRESSWAY
RCSJ 2552-04-041
AS OF JULY 14, 2015

EXHIBIT A



LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	N16°22'57"E	28.02'
L2	N12°25'07"W	87.76'
L3	N07°24'46"E	47.07'
L4	N76°54'32"E	44.34'

[A] PARCEL 4D (40' WIDE) WATERLINE EASEMENT CALLED 2.667 AC. 116,185 SQ.FT. DOC. NO. 20120091940 O.R.E.P.C.TX.

[B] 25' EASEMENT TO EL PASO ELECTRIC COMPANY (PROPERTY DESCRIPTION NO. 2) VOL. 189, PG. 1926

PAGE 13 OF 15

PARCEL PLAT
SHOWING
PARCEL 13 PART 2
LOOP 375 EL PASO COUNTY
STATE LOOP 375, BORDER WEST EXPRESSWAY
RCSJ 2552-04-041
AS OF JULY 14, 2015

EXISTING	TOTAL TAKING	TOTAL REMAINING	
CALLED 39.399 AC	6.8278 AC	32.5712 AC RT	0 AC LT
*1,716,220 SF	297,417 SF	1,418,803 SF RT	0 SF LT

PARCEL	TAKING	STATION FROM	STATION TO
13 PART 1	6.288 AC 273,912 SF	266+87.17	281+83.40
13 PART 2	0.5396 AC 23,505 SF	299+34.37	304+99.72

** = THE MONUMENT DESCRIBED AND SET MAY BE REPLACED WITH A TXDOT TYPE II RIGHT OF WAY MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TXDOT.

NOTES:

1. ALL BEARINGS AND COORDINATES SHOWN ARE BASED ON NAD83 (1993 ADJUSTMENT) TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE. ALL COORDINATES AND DISTANCES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A SURFACE ADJUSTMENT FACTOR OF 1.000231. PROJECT IS LOCATED IN UTM ZONE 13.
2. THIS SURVEY WAS COMPLETED IN ACCORDANCE WITH A TITLE COMMITMENT BY OLD REPUBLIC NATIONAL TITLE INSURENCE COMPANY, GF NO. 14103088, DATED OCTOBER 28, 2014.
3. THE EASEMENTS SHOWN IN SCHEDULE B OF THE TITLE COMMETMENT ARE AS FOLLOWS:
4. TITLE COMMITMENT ITEM 10a: CLAIMS BY THE TIGUA INDIAN TRIBE OF THE YSLETA DEL SUR PUEBLO, VOLUME 2553, PAGE 1958, OF THE REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS.
5. TITLE COMMITMENT ITEM 10e: EASEMENTS TO EL PASO ELECTRIC COMPANY, FILED IN VOLUME 189, PAGE 1926, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS, AND AS SHOWN ON SURVEY DATED MARCH 12, 2014, PREPARED BY DAN H. CLARK, TEXAS R.P.L.S. NO. 6011, JOB NO. (RCSJ): 2552-04-041. (SHOWN HEREON).
6. TITLE COMMITMENT ITEM 10f: WATER LINE EASEMENT AGREEMENT, FILED ON DECEMBER 14, 2012, UNDER CLERK'S NO. 20120091940, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS, FROM PROJECT NAVIGATOR, LIMITED, A CALIFORNIA CORPORATION, ACTING SOLELY IN ITS CAPACITY AS THE CUSTODIAL TRUSTEE OF THE ASARCO TEXAS CUSTODIAL TRUST, TO THE CITY OF EL PASO FOR THE USE AND BENEFIT OF ITS PUBLIC SERVICE BOARD (EL PASO WATER UTILITIES), (SHOWN HEREON).
7. TITLE COMMITMENT ITEM 10g: CONTRACT DATED AUGUST 7, 1924, FILED IN VOLUME 440, PAGE 379 REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS, BY AND BETWEEN CONSOLIDATED KANSAS CITY SMELTING & REFINING COMPANY AND EL PASO ELECTRIC RAILWAY COMPANY (NOW KNOWN AS EL PASO ELECTRIC COMPANY), BY VIRTUE OF A CHARTER AMENDMENT, DATED JUNE 19, 1925 IN VOLUME 1270, PAGE 85, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS. (SUBJECT TO BUT NOT PLOTTABLE).
8. TITLE COMMITMENT ITEM 10h: EASEMENTS TO EL PASO ELECTRIC COMPANY IN VOLUME 708, PAGE 16 (DATED DECEMBER 23, 1930); VOLUME 1308, PAGE 131 (DATED JULY 25, 1956); VOLUME 1680, PAGE 597 (DATED JUNE 15, 1962); ALL IN REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS. (SUBJECT TO BUT NOT PLOTTABLE).
9. TITLE COMMITMENT ITEM 10i: EASEMENT TO EL PASO NATURAL GAS COMPANY IN VOLUME 1162, PAGE 415 (DATED FEBRUARY 15, 1954), REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS. (SUBJECT TO BUT NOT PLOTTABLE).

*SEE PAGE 15 OF 15 FOR NOTES 10 THRU 19.

* AREA CALCULATED BY RODS SURVEYING, INC.

RODS SURVEYING, INC.
TBPLS FIRM NO. 10030700
6810 LEE ROAD SPRING, TEXAS 77379
TEL (281) 257-4020 FAX (281) 257-4021

PARCEL PLAT
SHOWING
PARCEL 13 PTS 1 & 2
LOOP 375 EL PASO COUNTY
STATE LOOP 375, BORDER WEST EXPRESSWAY
RCSJ 2552-04-041
AS OF JULY 14, 2015

LEGEND

■	SET 5/8"IR W/TXDOT CAP
□	5/8" IRON ROD W/TxDOT ALUM DISK FOUND (UNLESS NOTED)
●	5/8" IRON ROD SET WITH "RODS SURVEYING, INC." CAP(UNLESS NOTED)
○	5/8" IRON ROD FOUND (UNLESS NOTED)
▲	CALCULATED POINT
℄	PROPERTY LINE
( )	RECORD INFORMATION
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
P.O.R.	POINT OF REFERENCE
P.C.	POINT OF CURVATURE
P.T.	POINT OF TANGENCY
P.I.	POINT OF INTERSECTION
P.R.C.	POINT OF REVERSE CURVATURE
N.T.S.	NOT TO SCALE
R.O.W.	RIGHT OF WAY
C.M.	CONTROLLING MONUMENT
P.L.I.	BASELINE/PROPERTY LINE INTERSECTION
E.A.D.L.	EXISTING DENIAL OF ACCESS LINE
P.A.D.L.	PROPOSED DENIAL OF ACCESS LINE
B.P.A.D.L.	BEGIN PROPOSED DENIAL OF ACCESS LINE
E.P.A.D.L.	END PROPOSED DENIAL OF ACCESS LINE
P.R.E.P.C.TX.	PLAT RECORDS OF EL PASO COUNTY, TEXAS
N.R.E.P.C.TX.	NAMED RECORDS OF EL PASO COUNTY, TEXAS
D.R.E.P.C.TX.	DEED RECORDS OF EL PASO COUNTY, TEXAS
O.R.E.P.C.TX.	OFFICIAL RECORDS OF EL PASO COUNTY, TEXAS
O.P.R.E.P.C.TX.	OFFICIAL PUBLIC RECORDS OF EL PASO COUNTY, TEXAS
O.P.R.R.P.E.P.C.TX.	OFFICIAL PUBLIC RECORDS OF REAL PROPERTY EL PASO COUNTY, TEXAS
E.P.C.C.A.D.P.ID.	EL PASO COUNTY CENTRAL APPRAISAL DISTRICT PROPERTY ID
TXDOT	TEXAS DEPARTMENT OF TRANSPORTATION
—||—	ACCESS DENIAL LINE (A.D.L.)
—\—	DISTANCE NOT TO SCALE
—/—	DEED LINE (COMMON OWNERSHIP)
- - - - - -	EXISTING EASEMENT LINE
-—-℄—-	SURVEY LINE

NOTES (CONTINUATION):

10. TITLE COMMITMENT ITEM 10j: INDENTURE (LEASE) BY AND BETWEEN AMERICAN SMELTING & REFINING COMPANY (LESSOR) AND EL PASO NATURAL GAS COMPANY (LESSEE), DATED AUGUST 26, 1929, FILED IN VOLUME 1171, PAGE 171, AMENDED IN VOLUME 1171, PAGE 227 (DATED APRIL 30, 1954), VOLUME 1220, PAGE 1477, AND VOLUME 2524, PAGE 1341. LESSEE'S INTEREST ASSIGNED TO SOUTHERN UNION GAS COMPANY IN VOLUME 3742, PAGE 939 AND VOLUME 3742, PAGE 947 AND FUTHER ASSIGNED TO TEXAS GAS SERVICE COMPANY IN VOLUME 4427, PAGE 1187, ALL IN REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS. (SUBJECT TO BUT NOT PLOTTABLE).

11. TITLE COMMITMENT ITEM 10k: RIGHT-OF-WAY AND EASEMENT TO SOUTHERN UNION GAS COMPANY, DATED DECEMBER 31, 1953, FILED IN VOLUME 1151, PAGE 415 WITH A CORRECTION FILED IN VOLUME 1161, PAGE 467 AND A R.O.W. GRANT TO SOUTHERN UNION GAS COMPANY VOLUME 158, PAGE 1687 WITH INTEREST BEING ASSIGNED TO TEXAS GAS SERVICE COMPANY BY BLANKET CONVEYANCE FILED IN VOLUME 4427, PAGE 1172 AND BY ASSIGNMENT FILED IN VOLUME 4427, PAGE 1187, ALL IN REAL PROPERTY RECORDS EL PASO COUNTY, TEXAS(SUBJECT TO BUT NOT PLOTTABLE).

12. TITLE COMMITMENT ITEM 10l: RIGHT-OF-WAY AND / OR EASEMENT FROM AMERICAN SMELTING CO. TO AMERICAN TELEPHONE AND TELEGRAPH COMPANY, DATED AUGUST 22, 1963, AS REFERENCED IN THAT CERTAIN ASSIGNMENT FROM AMERICAN TELEGRAPH AND TELEGRAPH COMPANY TO MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, FILED IN VOLUME 573, PAGE 1443, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS WITH MOUNTAIN STATES INTEREST THEREIN BEING FURTHER CONVEYED TO SOUTHWESTERN BELL TELEPHONE COMPANY BY DEED FILED IN VOLUME 1231, PAGE 646 REAL PROPERTY RECORDS EL PASO COUNTY, TEXAS. SUBJECT TO BUT NOT PLOTTABLE).

* AREA CALCULATED BY RODS SURVEYING, INC.

13. TITLE COMMITMENT ITEM 10m: INDUSTRIAL SOLID WASTE DISPOSAL SITE DEED RECORDATION, FILED IN VOLUME 1683, PAGE 417, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS, AND ALL MATTERS RELATING THERETO AND RESULTING THEREFROM. (SUBJECT TO BUT NOT PLOTTABLE).

14. TITLE COMMITMENT ITEM 10n: LIMITATIONS ON ABUTTERS RIGHTS TO DIRECT ACCESS TO AND FROM THE I-10 FREEWAY AS CITED IN DEED (CONTROLLED ACCESS HIGHWAY FACILITY), FILED IN VOLUME 185, PAGE 2006, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS, FROM AMERICAN SMELTING AND REFINING COMPANY, TO THE STATE OF TEXAS.

15. TITLE COMMITMENT ITEM 10o: ALL TERMS, CONDITIONS, PROVISIONS AND STIPULATIONS SET OUT IN THAT CERTAIN DEED, DATED NOVEMBER 1, 1926, FILED IN VOLUME 466, PAGE 48, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS, FROM COSOLIDATED KANSAS CITY SMELTING AND REFINING COMPANY TO AMERICAN SMELTING AND REFINING COMPANY. (SUBJECT TO BUT NOT PLOTTABLE).

16. LOOP 375 DESIGN BASELINE ALIGNMENT DERIVED FROM ABRAMS KIEWIT JOINT VENTURE PROJECTWISE IN MDF_375-ALG01.DGN DATED 02-16-15.

17. LOOP 375 RIGHT-OF-WAY BASELINE ALIGNMENT DERIVED FROM TXDOT APPROVED PLANS OF RIGHT-OF-WAY PROJECT

18. THE ACREAGE CALCULATED AND SHOWN HEREON IS CONVERTED FROM THE SQUARE FOOTAGE SHOWN HEREON, AND IS FOR INFORMATIONAL PURPOSES ONLY.

19. VOLUME (VOL.) AND PAGE (PG.) LABELS FOR DEEDS AND EASEMENTS REFER TO THE DEED RECORDS OF EL PASO COUNTY, TEXAS. VOLUME (VOL.) AND PAGE (PG.) LABELS FOR PLATS REFER TO THE PLAT RECORDS OF EL PASO COUNTY, TEXAS. DOCUMENT NUMBER (DOC. NO.) LABELS REFER TO THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF EL PASO COUNTY, TEXAS. (UNLESS OTHERWISE NOTED).

A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.

STATE OF TEXAS
REGISTERED
JOHN DAVID KENNEY
2080
PROFESSIONAL
LAND SURVEYOR

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

John David Kenney — 7-14-15

JOHN DAVID KENNEY
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 2080, STATE OF TEXAS

DATE

RODS SURVEYING, INC.
TBPLS FIRM NO. 10030700
6810 LEE ROAD SPRING, TEXAS 77379
TEL (281) 257-4020 FAX (281) 257-4021

PARCEL PLAT
SHOWING
PARCEL 13 PTS 1 & 2
LOOP 375 EL PASO COUNTY
STATE LOOP 375, BORDER WEST EXPRESSWAY
RCSJ 2552-04-041
AS OF JULY 14, 2015

ARCADIS

Exhibit B

Soil Constituents of Concern and Concentrations

ARCADIS

Table 1. Summary of the Final Soils Metals Concentrations Results for Parcel 13

Sample Point		Analyte (mg/kg)													
		Antimony	Arsenic	Barium	Cadmium	Chromium	Cobalt	Copper	Lead	Mercury	Molybdenum	Nickel	Selenium	Silver	Zinc
MSCs	SAI-Ind	818	320[1]	137,000	1,020	511,000	NE	NE	1,000	613	NE	20,400	10,200	10,200	NE
Soil Samples	A12-A5	0.232	4.96	61.7	0.902	2.07	1.67	22.3	20.4	0.031	0.396	2.49	0.241	0.0957	30.8
	A12-A6	0.205	4.49	59.7	0.516	1.58	1.43	10.7	11.8	0.022	0.283	1.98	0.152	0.0844	17.1
	A12-A7	0.255	3.21	36.4	0.296	1.83	1.21	3.78	4.46	0.024	0.158	1.91	0.189	0.105	11.4
	A12-B5	0.255	2.99	84.7	0.436	2.60	1.77	9.89	7.59	0.029	0.564	2.69	0.236	0.105	17.5
	A12-B6	0.255	1.59	31.4	0.212	1.45	1.27	2.97	3.31	0.014	0.119	1.70	0.189	0.105	9.57
	A12-B7	0.213	1.54	23.0	0.208	1.50	1.3	1.79	2.63	0.010	0.100	1.86	0.170	0.0879	7.62
	A12-C4	0.210	2.69	152	0.346	3.66	2.38	4.95	4.67	0.027	0.341	4.01	0.341	0.0864	15.1
	A12-C5	0.253	5.29	113	0.555	3.01	2.16	7.49	9.08	0.102	0.348	3.50	0.524	0.104	17.2
	A12-C6	0.025	0.624	4.35	0.090	0.183	0.140	1.00	1.16	0.032	0.028	0.196	0.0376	0.0102	1.75
	A12-C7	0.653	31.1	45.2	6.10	1.71	1.90	46.5	62.9	0.146	0.772	2.51	0.717	0.0979	78.8
	A12-D3	0.210	10.5	93.9	1.01	2.89	2.63	19.0	20.3	0.063	0.628	3.76	0.322	0.0865	36.1
	A12-D4	0.213	6.13	124	0.289	3.51	2.22	3.99	3.71	0.017	0.171	3.65	0.460	0.0878	11.6
	A12-D5	0.272	5.03	83.2	0.711	2.74	1.91	10.1	11.4	0.048	0.453	2.81	0.273	0.112	19.8
	A12-D6	0.260	14.5	140	2.54	4.39	2.29	67.9	53.5	0.083	0.890	2.58	0.371	0.107	60.8
	A12-F2	0.265	8.16	156	1.00	3.08	2.39	33.1	25.3	0.179	0.552	3.72	0.364	0.109	50.3
	A12-F3	0.233	4.01	91.7	0.537	2.67	2.27	16.8	9.43	0.023	0.620	3.24	0.501	0.0962	16.7
	A12-F4	0.238	14.4	221	1.66	4.72	3.46	36.8	31.6	0.062	0.649	5.11	0.687	0.0982	46.4
	A12-F5	0.266	8.21	156	1.23	2.42	2.57	35.4	28.4	0.050	0.470	2.59	0.197	0.11	42.2
	A12-F6	0.229	28.5	105	2.82	2.04	1.97	50.2	46.7	0.133	1.05	2.50	0.481	0.0943	65.5
	A12-F7	0.225	5.84	38.5	1.17	1.44	1.39	6.03	5.62	0.010	0.240	1.81	0.288	0.0925	12.1
	A12-F8	0.722	17.9	53.2	2.45	1.79	1.86	51.7	52.2	0.124	1.14	2.35	0.197	0.11	88.1
	A12-G3	0.614	18.4	145	2.16	2.89	2.67	99.0	325	0.228	1.24	3.72	0.183	0.102	77.3
	A12-G4	0.791	34.8	153	2.78	3.30	2.81	63.4	60.4	0.170	1.26	4.17	0.187	0.104	78.8
	A12-G5	0.493	29.4	114	2.68	2.57	2.21	103	52.8	0.137	0.916	3.20	0.195	0.108	69.9
	A12-G6	0.436	16.5	107	1.52	3.08	2.16	22.5	31.8	0.021	0.612	3.44	0.168	0.0932	40.4
	A12-G7	0.235	6.01	73.1	0.472	0.118	1.32	10.8	11.5	0.104	0.216	1.88	0.174	0.0968	24.3
	A12-G8	1.16	31.8	60.2	4.18	1.72	1.80	67.9	82.7	0.030	1.30	2.42	0.177	0.0983	173
	A12-H4	0.557	10.3	173	0.595	2.55	2.32	27.3	21.8	0.026	0.954	3.41	0.331	0.105	41.6
	A12-H5	0.309	9.81	110	0.712	1.73	1.74	12.5	23.6	0.070	0.477	2.49	0.188	0.104	46.1
	A12-H6	0.231	12.8	51.2	1.02	1.66	1.41	11.9	17.8	0.010	1.37	2.14	0.171	0.0951	22.6
	A12-H7	0.348	11.6	131	0.863	2.76	2.21	19.5	21.8	0.032	0.552	3.34	0.193	0.107	41.2
	A12-H8	0.206	3.64	33.5	0.411	1.56	1.35	7.83	7.23	0.011	0.149	2.04	0.153	0.085	16.1
	A12-I5	0.235	7.66	73.2	0.566	1.93	1.75	21.5	21.4	0.018	0.563	2.62	0.174	0.0968	27.6
	A12-I6	0.244	5.01	85.7	0.425	2.51	1.93	11.3	13.9	0.010	0.404	2.94	0.301	0.101	18.8
	A12-I7	0.250	8.17	96.6	0.671	4.51	3.2	10.1	15.3	0.031	0.361	5.69	0.186	0.103	26.8
	A12-I8	0.240	4.07	140	0.399	4.47	3.13	5.77	7.19	0.011	0.218	5.21	0.178	0.0988	18.6
	A12-I9	0.259	5.54	216	0.495	5.02	3.22	6.90	8.23	0.010	0.198	5.41	0.254	0.107	22.2
	A12-J6	0.333	6.22	104	0.353	4.20	2.93	9.63	9.74	0.011	0.682	5.28	0.402	0.103	20.4
	A12-J7	0.358	17.6	138	0.625	4.58	3.32	8.38	12.8	0.051	0.420	6.01	0.368	0.112	28.5
	A12-J8	0.371	23.4	111	1.85	4.75	3.47	16.3	33.7	0.201	0.555	6.49	0.303	0.0892	51.2
	A12-J9	0.235	2.75	159	0.375	5.59	3.57	5.23	5.58	0.010	0.269	6.37	0.174	0.0966	20.6
	A12-J10	0.735	11.3	190	1.07	5.38	3.52	32.8	34.2	0.025	0.811	6.24	0.620	0.115	54.6
	A12-K7	0.380	6.01	124	0.539	5.16	3.34	8.69	12.8	0.016	0.372	6.10	0.260	0.106	25.3
	A12-K8	0.240	3.91	90.7	0.439	5.22	3.49	6.48	33.7	0.476	0.607	6.13	0.391	0.0988	24.4
	A12-K9	0.447	11.2	308	0.537	5.58	3.75	12.8	5.58	0.010	0.549	6.63	0.292	0.116	30.4
	A12-K10	0.928	22.3	182	2.41	5.55	3.7	83.5	83.6	0.089	1.41	6.22	0.676	0.114	116
	D05		73.6		11.1	11.0		186	191	0.188			3.98		428
	E03		41.2		7.62	8.37		215	352	0.118			1.54		306
	E04		38.9		5.70	9.25		103	109	0.090			1.34		240
	E05		54.2		6.32	14.7		428	333	0.126			3.32		1290
	E06		22.3		3.39	7.84		105	106	0.168			1.41		143
	E07		14.5		1.37	7.56		38.4	36.8	0.028			2.44		102
	E08		70.9		12.5	14.7		477	628	1.27			4.93		1440
	E09		73.8		19.2	13.9		561	516	0.266			4.73		1150
	F03		38.1		5.31	9.37		227	213	0.090			1.47		321
	F04		11.6		0.735	7.31		55.5	44.2	0.022			0.81		135
	F05		34.5		2.63	12.7		246	152	0.057			1.28		842
	F06		32.2		2.32	12.8		237	118	0.059			2.59		582
	F07		71.8		23.4	12.3		609	611	0.749			4.63		864
	F08		118		16.8	18.9		796	760	0.716			5.83		1740
	G06		32.1		2.78	11.9		192	121	0.153			1.74		383
	G07		62.6		4.37	9.45		187	136	0.348			2.64		360
	G08		33.5		2.71	12.2		268	149	0.094			1.63		770
	G09		15.9		1.81	10.8		131	63.6	0.056			1.23		252
	G10		8.63		1.54	11.1		58.2	49.2	0.031			1.01		157
	G11		22.5		1.98	15.3		278	114	0.075			1.54		635

ARCADIS

Table 1. Summary of the Final Soils Metals Concentrations Results for Parcel 13

Sample Point		Analyte (mg/kg)													
		Antimony	Arsenic	Barium	Cadmium	Chromium	Cobalt	Copper	Lead	Mercury	Molybdenum	Nickel	Selenium	Silver	Zinc
MSCs	SAI-Ind	818	320†	137,000	1,020	511,000	NE	NE	1,000	613	NE	20,400	10,200	10,200	NE
Soil Samples	G12		41.5		3.02	13.3		237	148	0.097			1.73		476
	G13		79.9		6.11	10.1		242	411	0.595			3.80		821
	G14		75.9		3.72	12.0		250	267	0.122			1.75		730
	G15		82.3		2.21	16.6		414	211	0.155			2.63		1100
	G16		52.1		5.29	9.95		158	294	0.137			1.77		443
	H17		20.6		1.79	9.83		85.1	98.2	0.098			0.889		206
	I17		47.2		3.43	15.3		411	203	0.075			1.89		915
	J17		29.8		1.91	10.4		249	127	0.059			1.39		469
	J28		187		6.92	24.5		1540	751	0.065			2.48		2900
	J29		308		20.9	89.6		3710	1340	0.276			9.21		11200
	K17		81.5		5.03	25.7		1090	381	0.103			2.99		2440
	K28		185		59.0	41.3		2280	1370	0.343			8.09		4720
	K29		126		11.4	33.2		1080	476	0.476			4.49		2190
	L17		76.8		7.06	15.8		560	426	0.178			3.69		1180
	L27		76.8		2.80	10.3		302	179	0.232			1.26		451
	L28		35.0		11.2	9.03		319	53.1	0.117			1.98		611
	L29		35.0		5.98	12.2		299	223	0.094			3.16		934
	M17		18.5		1.07	6.99		43.9	51.9	0.031			1.18		87.2
	M27		17.7		2.04	8.25		114	42.8	0.077			1.03		232
	M28		10.9		0.559	6.58		72.1	49.1	0.024			0.781		153
	N17		8.62		0.160	7.01		30.8	13.5	0.019			0.939		89.4
	N18		10.8		0.453	9.97		99.7	32.5	0.016			2.22		215
	N26		9.30		0.486	7.90		64.1	27.6	0.049			1.39		91.6
	N27		27.4		2.02	12.6		277	95.3	0.067			1.38		738
	N28		25.0		0.452	9.35		79.1	26.9	0.024			0.980		193
	O17		12.5		0.386	7.69		67.1	29.3	0.042			1.00		166
	O18		28.6		2.24	10.8		180	130	0.047			2.03		490
	O19		36.5		3.50	11.9		259	213	0.107			2.33		471
	O20		46.8		3.62	11.8		244	223	0.179			1.59		593
	O26		7.69		0.284	8.89		8.76	7.19	0.023			0.762		33.6
	O27		7.27		0.319	9.09		106	25.5	0.014			0.619		207
	P13-A*		30						222						
	P13-B*		37						195						
	P18		27.2		1.43	8.87		112	91.9	0.132			1.42		152
	P19		35.0		2.45	11.0		267	109	0.049			1.63		475
	P20		26.9		0.918	8.55		119	71.0	0.076			1.06		246
	P21		12.8		0.414	9.30		36.6	37.1	0.077			0.844		111
	P22		14.8		0.691	8.27		48.3	35.4	0.021			0.829		110
	P23		28.4		1.48	11.5		243	108	0.026			3.21		808
	P24		9.48		0.665	8.55		51.9	33.4	0.019			0.800		133
	P25		15.5		1.28	6.49		41.5	53.1	0.050			1.22		97.1
	P26		55.2		2.15	24.0		687	242	0.027			1.58		2060
	Q22		15.9		0.813	10.8		144	60.3	0.022			1.28		454
	Q23		11.7		0.335	10.7		93.4	31.5	0.016			1.04		286
	Q24		12.6		1.44	7.14		48.5	61.4	0.036			0.859		102
	Q25		14.6		1.10	9.61		165	69.2	0.027			1.05		372
	Q26		16.7		0.810	9.74		124	58.0	0.024			0.868		345
	R22		8.13		0.118	11.9		10.8	8.24	0.015			0.898		42.4
	R23		10.3		0.428	11.9		80.6	34.5	0.015			0.962		293
	R24		42.3		2.14	21.1		726	168	0.043			2.44		1470
	S23		21.6		1.52	13.8		194	91.6	0.057			0.898		427

MSC = Media Specific Concentrations, SAI-Ind = Soil/Air and Ingestion for C/I land use, TotSoilComb = Direct contact with COCs in surface soil by total combined dermal absorption, incidental soil ingestion, inhalation of vapors or particulate for commercial/industrial scenarios. Dark shaded boxes indicate that testing was not performed for analyte. Green shaded boxes indicate analyte concentrations are below levels for C/I soils.

† = MSC for arsenic is based on a 40 percent relative bioavailability factor for arsenic in soil based on 2003 In Vivo study by USEPA and 2003 PCL calculation by TCEQ.

* = Asterisk on samples "P13-A" and "P13-B" indicates XRF analysis only.

ARCADIS

Table 2. Summary of the Soils Metals Concentrations Results for point(s) Outside Excavation Grid on Parcel 13

Sample Point	Analyte (mg/kg)							
	Arsenic	Cadmium	Chromium	Copper	Iron	Lead	Selenium	Zinc
BL-27 (0 - 0.17 ft bgs)	56	18	<80	381	12,000	349	<20	229
BL-27 (0.17 - 0.33 ft bgs)	64	14	<80	354	9,600	403	<20	238
BL-27 (0.33 - 2 ft bgs)	50	<10	<80	130	13,000	140	<20	53
EP-86 (0 ft bgs)	<20	<10	<30	76	19,000	87	<10	100
EP-86 (5 ft bgs)	<20	<10	<30	<20	15,000	33	<10	100

LEGEND:

- GROUNDWATER SAMPLING WELL
- TXDOT PARCEL 13
- HISTORICAL ARROYO TRACE LINES
- PROPERTY BOUNDARY
- EPWU 48INCH WATERLINE

NOTE:
Date of Aerial Photo: 2009

N

0 300 600 Feet

GRAPHIC SCALE

FORMER EL PASO SMELTER SITE
EL PASO, TEXAS

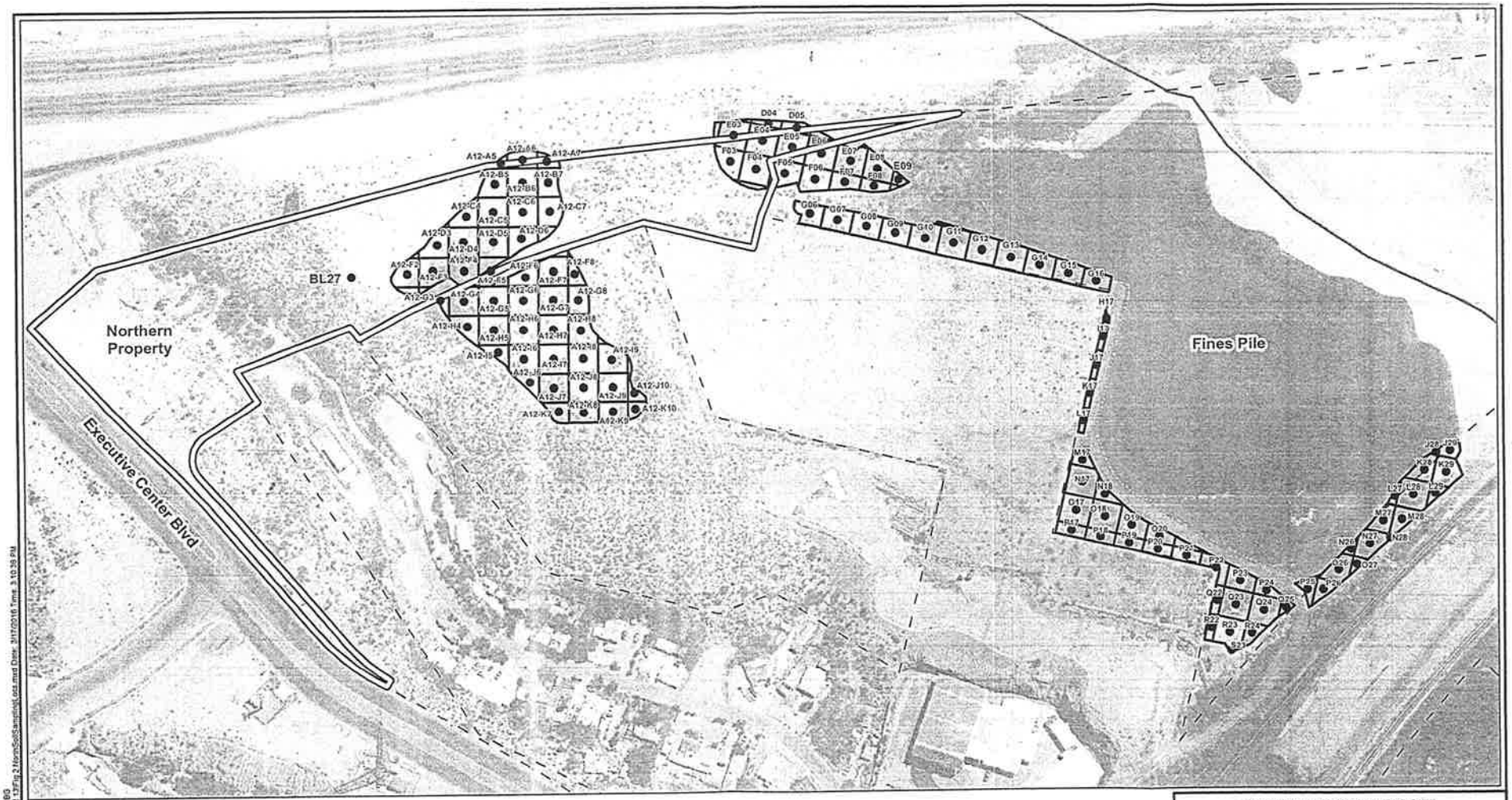
OVERVIEW FIGURE

ARCADIS

FIGURE 1

CITY: Highlands Ranch DIV/GROUP: GIS DB: BG
Path: G:\GIS\ASARCO_EP\mxd\SiteMXD\Parcel 13\Fig 1 OverviewFigure.mxd Date: 3/17/2015 Time: 1:14:28 PM

EXHIBIT "B"
PAGE 5 OF 7



LEGEND:

- SOIL SAMPLE LOCATION
- HISTORICAL ARROYO TRACE LINES
- PROPERTY BOUNDARY
- TXDOT PARCEL 13
- SAMPLE GRID

NOTE:
Date of Aerial Photo: 2009

N

0 160 320 Feet

GRAPHIC SCALE

FORMER EL PASO SMELTER SITE
EL PASO, TEXAS

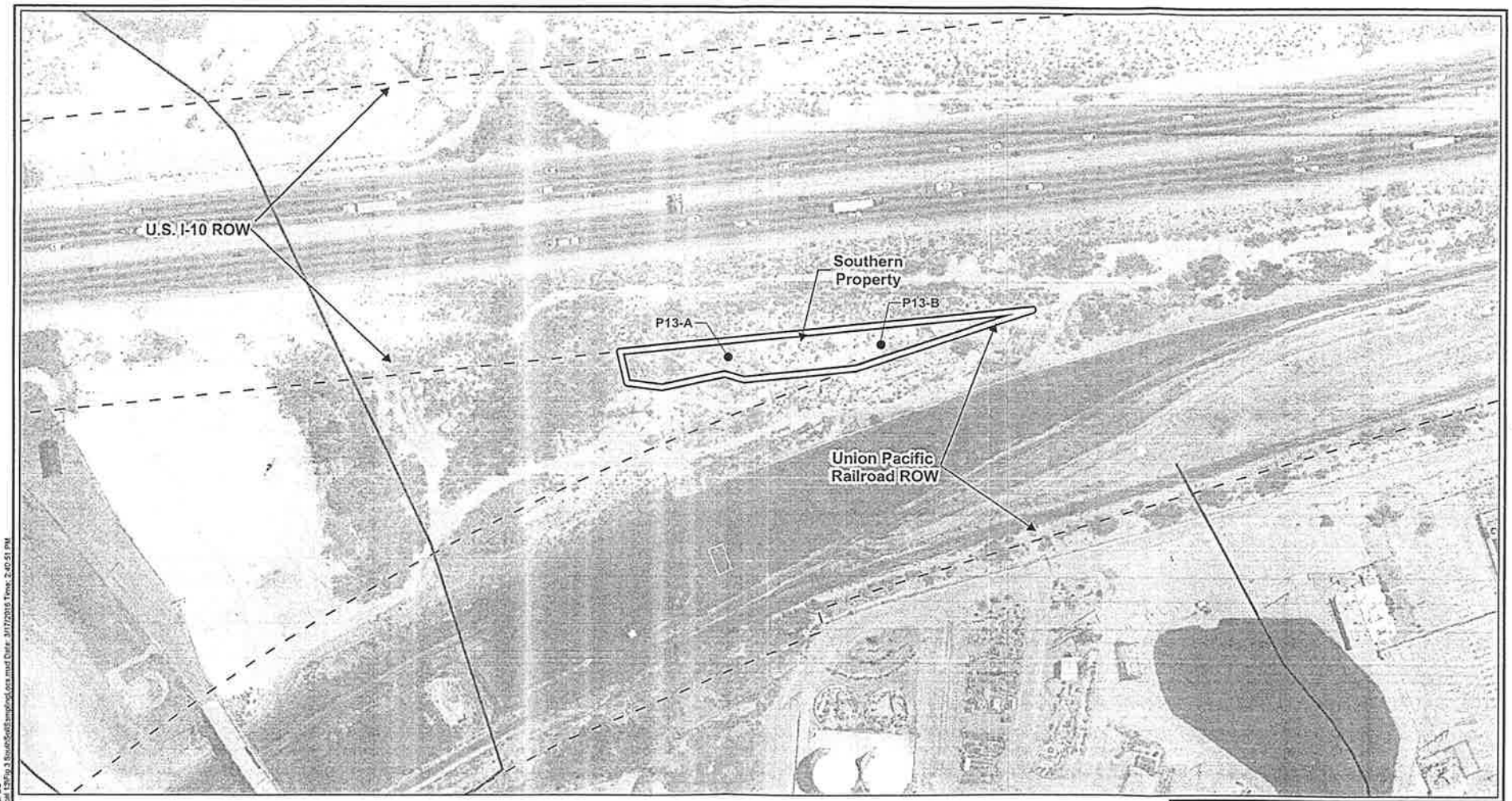
PARCEL 13 NORTH SOIL SAMPLING LOCATIONS AND IDENTIFICATION

ARCADIS

FIGURE 2

CITY: Highlands Ranch DIV/GROUP: GIS DB: BG
Path: C:\GIS\SAS\MXD\Parcel 13\Fig 2 NorthSoilSampling\Locs.mxd Date: 3/17/2016 Time: 3:10:35 PM

EXHIBIT "B"
PAGE 6 OF 7



LEGEND:

- SOIL SAMPLE LOCATION
- HISTORICAL ARROYO TRACE LINES
- PROPERTY BOUNDARY
- TXDOT PARCEL 13

NOTE:
Date of Aerial Photo: 2009

N

0 130 260 Feet

GRAPHIC SCALE

FORMER EL PASO SMELTER SITE
EL PASO, TEXAS

PARCEL 13 SOUTH SOIL SAMPLING LOCATIONS AND IDENTIFICATION

ARCADIS | FIGURE 3

CITY: Highlands Ranch DIVGROUP: GIS DB: BG
Path: G:\GIS\ELMSARCO_EP\mxd\GISMXD\Parcel 13\Fig 3 South\Soil\SamplingLocs.mxd Date: 3/17/2016 Time: 2:40:51 PM

EXHIBIT "B"
PAGE 7 OF 7