

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*

Mr. Roberto Puga, P.G.
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March 28, 2016
TCEQ SWR No. 31235

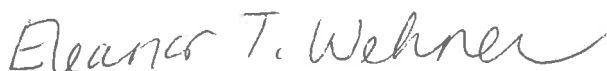
County Clerk's Office to the TCEQ and USEPA for concurrence within ninety (90) days from the date of this letter.

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 USEPA 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, 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

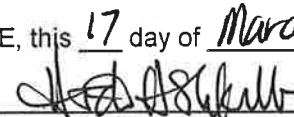
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COUNTY OF ORANGE

§

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



Acknowledged this 24th day of March, 2016.

Texas Commission on Environmental Quality

By: Beth Seaton

Beth Seaton, Division Director, Remediation Division

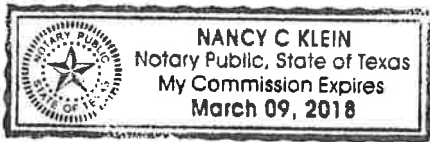
STATE OF TEXAS

§
§
§

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 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



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

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 Galavera 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 $32^{\circ}50'37''$ 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 $100^{\circ}26'19''$, an arc distance of 80.64 feet, a chord that bears North $83^{\circ}03'47''$ 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 $03^{\circ}00'39''$, an arc distance of 82.79 feet, a chord that bears South $48^{\circ}13'23''$ 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 $49^{\circ}43'42''$ 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 $19^{\circ}58'34''$, an arc distance of 94.83 feet, a chord that bears South $39^{\circ}44'25''$ 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 $60^{\circ}14'51''$ 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 $30^{\circ}01'11''$ 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 $19^{\circ}51'19''$, an arc distance of 121.26 feet, a chord that bears North $39^{\circ}56'51''$ 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 $49^{\circ}52'30''$ 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 $05^{\circ}01'01''$, an arc distance of 64.34 feet, a chord that bears North $47^{\circ}22'00''$ 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 $44^{\circ}51'29''$ 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 $03^{\circ}57'34''$, an arc distance of 136.49 feet, a chord that bears North $46^{\circ}50'16''$ 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.

