

## Railroad Commission of Texas Environmental Restrictive Covenant

STATE OF TEXAS

§

COUNTY OF GALVESTON

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This Environmental Restrictive Covenant (“Restrictive Covenant”) is filed and recorded in the Real Property Records of Galveston County, Texas pursuant to the authority of the Railroad Commission of Texas (“Commission”) to control and clean up pollution caused by activities over which the Commission exercises jurisdiction in accordance with Section 91.113 of the Texas Natural Resources Code and affects the real property described as follows:

Affinity Bayview I, Ltd. is the record Owner of fee title to the real property and premises, and appurtenances, thereto, located in Galveston County, Texas, consisting of 12.506 acre tract, out of the Perry and Austin Upper League Survey, Abstract No. 19, in Galveston County, Texas, according to deed recorded in Volume 18, Page 1165, in the Deed Records of the office of the County Clerk Galveston County, Texas, and more fully described on **Exhibit A**, which is attached hereto and incorporated herein, and identified as the “Property”.

Groundwater on a portion of the Property, is impacted by certain identified constituents of concern (“COCs”). The Property, considered also to be the **Affected Property**, is presented on **Exhibit A**, and can be described as follows:

*Commencing at a set 5/8" iron rod w/ cap (RWPI) lying on the West right-of-way line of Calder Road, called 60 feet right-of-way, at the Southeast corner of the Magnolia Creek Baptist Church tract and the Northeast corner of the herein described tract for the POINT OF BEGINNING.*

*Thence, South 03 deg. 02 min. 17 sec. East, along the said West right-of-way line of Calder Road a distance of 636.97 feet to a found 5/8" iron rod for the Southeast corner of the herein described tract.*

*Thence, South 87 deg. 05 min. 24 sec. West, along the common boundary with a called 9.172 acre tract and the herein described tract a distance of 855.58 feet to a set 5/8" iron rod w/ cap (RWPI) for the Southwest corner of the herein described tract.*

*Thence, North 02 deg. 58 min. 37 sec. West, along the common boundary with a called 106.390 acre tract and the herein described tract a distance of 636.97 feet to a set 5/8" iron rod w/ cap (RWPI) for the Northwest corner of the herein described tract.*

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*Thence, North 87 deg. 05 min. 24 sec. East, along the common boundary with the Magnolia Creek Baptist Church tract and the herein described tract a distance of 854.90 feet to the POINT OF BEGINNING Containing 12.506 acres 544,760 square feet.*

This Restrictive Covenant is required for the following reasons:

The **Affected Property** was operated as an oil and gas production site, historic oil/gas waste pits and a plugged and abandoned oil well, otherwise known as 12.506 Acre Tract that was operated by Superior Oil Company (“Exxon Mobil”) from 1982 to 2001; wherein COCs attributable to the operations at the 12.506 Acre Tract by Superior Oil Company (“Exxon Mobil”) impacted groundwater and an environmental investigation and response action was required in accordance with Commission regulations. Affinity Bayview I, Ltd. performed the response action to characterize and remediate the COCs.

The remediation was performed in such a manner that COCs remained in groundwater at the Affected Property when the Restrictive Covenant was filed with the County. The COCs and the maximum levels remaining in the Affected Property are specified on Exhibit B - *COCs Remaining in Groundwater*. The investigation, assessment, remediation and analytical data are contained in the RRC project case file Voluntary Cleanup Program (“VCP”) number 03-15007 further summarized in the following reports:

- Phase I Environmental Site Assessment, 102 Acres – Bayview Development, Calder Rd., League City, Galveston County, Texas, prepared by DCH Environmental Consultants LLC for Affinity Development Company, dated October 2006;
- Limited Subsurface Investigation, Approximate 100 Acres, Calder Rd., Bayview Development League City, Galveston County, Texas, prepared by DCH Environmental Consultants LLC for Affinity Development Company, dated April 16, 2007;
- Phase II Environmental Site Assessment, Approximate 12.5-Acre Tract Bayview Development, Calder Drive, League City, Galveston County, Texas, prepared by ESE Partners, LLC. for Affinity Bayview I, Ltd., dated February 20, 2015;
- Work Plan – Groundwater Chlorides Delineation and Stability, Approximate 12.5-Acre Tract, Bayview Development, Calder Drive, League City, Galveston County, Texas 77573, prepared by ESE Partners for Railroad Commission of Texas, February 9, 2018.
- Groundwater Sampling Event and Site Evaluation, Approximately 12.5 Acres, Calder Road, League City, Galveston County, Texas, prepared by DCH Environmental Consultants LLC for Affinity Development Company, dated July 3, 2019;

- Site Investigation Report, Approximately 12.5 Acre, Calder Rd., League City, Galveston County, Texas, prepared by DCH Environmental Consultants, LLC. for Affinity Development Company, dated April 22, 2020;
- Remediation Action Completion Report, Approximately 12.5 Acre, Calder Rd., League City, Galveston County, Texas, prepared by DCH Environmental Consultants, LLC. for Affinity Development Company, dated June 17, 2022;
- Response to Comments, RACR letter dated August 29, 2022, Approximately 12.5-Acre Tract (Site), Calder Drive, League City, Galveston County, prepared by DCH Environmental Consultants LLC. for Affinity Bayview LLC, dated March 24, 2023;
- Environmental Work Plan, Approximately 12.25-Acre Tract, Calder Drive, League City, Galveston County, Texas, prepared by Terracon Consultants, Inc. for Railroad Commission of Texas, dated August 19, 2024
- Environmental Response Report, Approximately 12.25-Acre Tract, Calder Drive, League City, Galveston County, Texas, prepared by Terracon Consultants, Inc. for Affinity Bayview I, Ltd., dated December 20, 2024;
- Terracon Consultants, Inc. *Email to Railroad Commission of Texas, Soil Work Plan*, February 17, 2025;
- Supplemental Site Investigation Report, Approximately 12.25-Acre Tract, Calder Drive, League City, Galveston County, Texas, prepared by Terracon Consultants, Inc. for Affinity Bayview I, Ltd., dated August 25, 2025;
- Groundwater Monitoring Report, Approximately 12.25 Acres, Calder Drive, League City, Galveston County, Texas, prepared by Terracon Consultants, Inc. for Affinity Bayview I, Ltd., dated August 25, 2025;

Copies of the reports may be obtained from Affinity Bayview I, Ltd. and from the Commission under Voluntary Cleanup Program (“VCP”) number 03-15007.

The response action has been approved by the Commission based on the presumption that the Affected Property will be protective of residential land use with the implementation of this Restrictive Covenant.

For purposes of this Restrictive Covenant the terms

- “residential land use” means use for dwellings, such as single-family houses and multi-family apartments, children's homes, nursing homes, residential portions of government-owned lands (local, state or federal), day care facilities, educational

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facilities, hospitals, residential portions of ranch and farmland, and parks (local, state or federal).

- “exposure pathway” means the course that a COC takes from a source area to ecological or human receptors and includes a source area, a point of exposure, and an exposure route (e.g., ingestion), as well as a transport mechanism if the point of exposure is different from the source area.

Based on information contained in the investigation, assessment and monitoring reports, if an incomplete exposure pathway is maintained to impacted groundwater exceeding health-based values then the COCs associated with the Affected Property pose no significant present or future risk to humans or the environment. With the filing of this document, the Commission does not require any further remediation of the Affected Property if an incomplete exposure pathway is maintained to impacted groundwater exceeding health-based values.

This Restrictive Covenant is necessary to assure that all present and future owners of the Affected Property are aware of its condition and do not use the Affected Property in the future in any manner inconsistent with the restrictions described in this covenant.

In consideration of the response actions leading to final approved remediation of the Affected Property, the Owner of the Property has agreed to place the following restrictions on the Affected Property in favor of the Commission and the State of Texas. Now therefore, in consideration of these premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following Restrictive Covenant in favor of the Commission and the State of Texas are placed on the Affected Property described in **Exhibit A** to-wit:

1. The investigation and assessment reports identified impacted groundwater ranging from 10 to 23 feet below ground surface (“bgs”). Penetration of the impacted groundwater beneath the Affected Property for any purpose shall only be conducted in such a manner as to prevent the migration or release of contaminants to any other zone or environmental media and to prevent uncontrolled exposure to human and ecological receptors.
2. Use or consumption of groundwater beneath the Affected Property ranging from surface to 50 feet bgs, shall be prohibited except for monitoring and remediation purposes.
3. Any water wells completed on the Affected Property must be installed by a Texas Department of Licensing and Regulation (“TDLR”)-licensed water well driller in accordance with applicable rules. Installed wells shall not be screened/perforated from the surface to 50 feet bgs unless for authorized monitoring purposes and the collection of samples for analysis.
4. These restrictions shall be a covenant running with the land.

For additional information, exposure assumptions with the Restrictive Covenant, please request the information from the Commission or from Affinity Bayview I, Ltd.

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Contact Addresses:

- Railroad Commission of Texas  
Oil and Gas Division  
Site Remediation Section  
P. O. Box 12967  
1701 N. Congress  
Austin, Texas 78711-2967
- Mr. Joseph Rothchild  
Affinity Bayview I, Ltd.  
3010 Ginter Lane  
Katy, TX 77494

As of the date of this Restrictive Covenant, the record owners of fee title to the Property is Affinity Bayview I, Ltd., 3010 Ginter Lane, Katy, TX 77494.

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the Commission and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

[Signature Page to Follow]



Executed this 9th day of JANUARY 2026.

Affinity Bayview I, Ltd

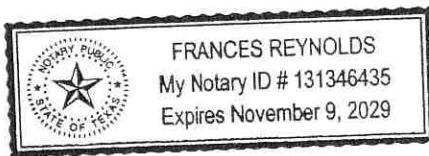
By:

Joseph Rothchild, Manager

STATE OF TEXAS  
GALVESTON COUNTY

BEFORE ME, on this the 9 day of January, 2026 personally appeared Joseph Rothchild, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE



Signature

Frances Reynolds

Notary Public in and for the State of TX

County of Harris

My Commission Expires: 11/09/2029

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Executed this 15<sup>th</sup> day of January, 2026.

Railroad Commission of Texas

By: Peter G. Pope

Printed Name: Peter G. Pope

Title: Manager, Site Remediation

State of Texas  
Travis County

BEFORE ME, on this the 15<sup>th</sup> day of January, 2026 personally appeared Peter Pope,  
Manager on behalf of the Oil and Gas Division of the Railroad  
Commission of Texas, known to me to be the person whose name is subscribed to the foregoing  
instrument, and they acknowledged to me that they executed the same for the purposes and in the  
capacity herein expressed.

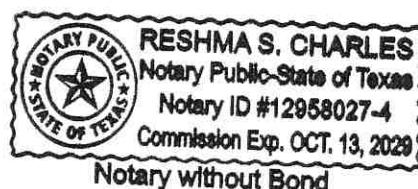
GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature Reshma S. Charles

Notary Public in and for the State of Texas

County of Travis

My Commission Expires:



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**Exhibit A**  
**Property/Affected Property**

**Exhibit - A**  
**Metes and Bounds Description**

**SURVEY OF PROPERTY LOCATED ON CALDER ROAD, GALVESTON COUNTY, TEXAS. 77573**

*Survey of 12.506 acres, 544,760 square feet tract of land out of the Perry and Austin Upper League Survey, Abstract No. 19, Lying in League City, Galveston County, Texas and being more particularly described by metes and bounds as follows:*

*Commencing at a set 5/8" iron rod w/ cap (RWPI) lying on the West right-of-way line of Calder Road, called 60 feet right-of-way, at the Southeast corner of the Magnolia Creek Baptist Church tract and the Northeast corner of the herein described tract for the POINT OF BEGINNING.*

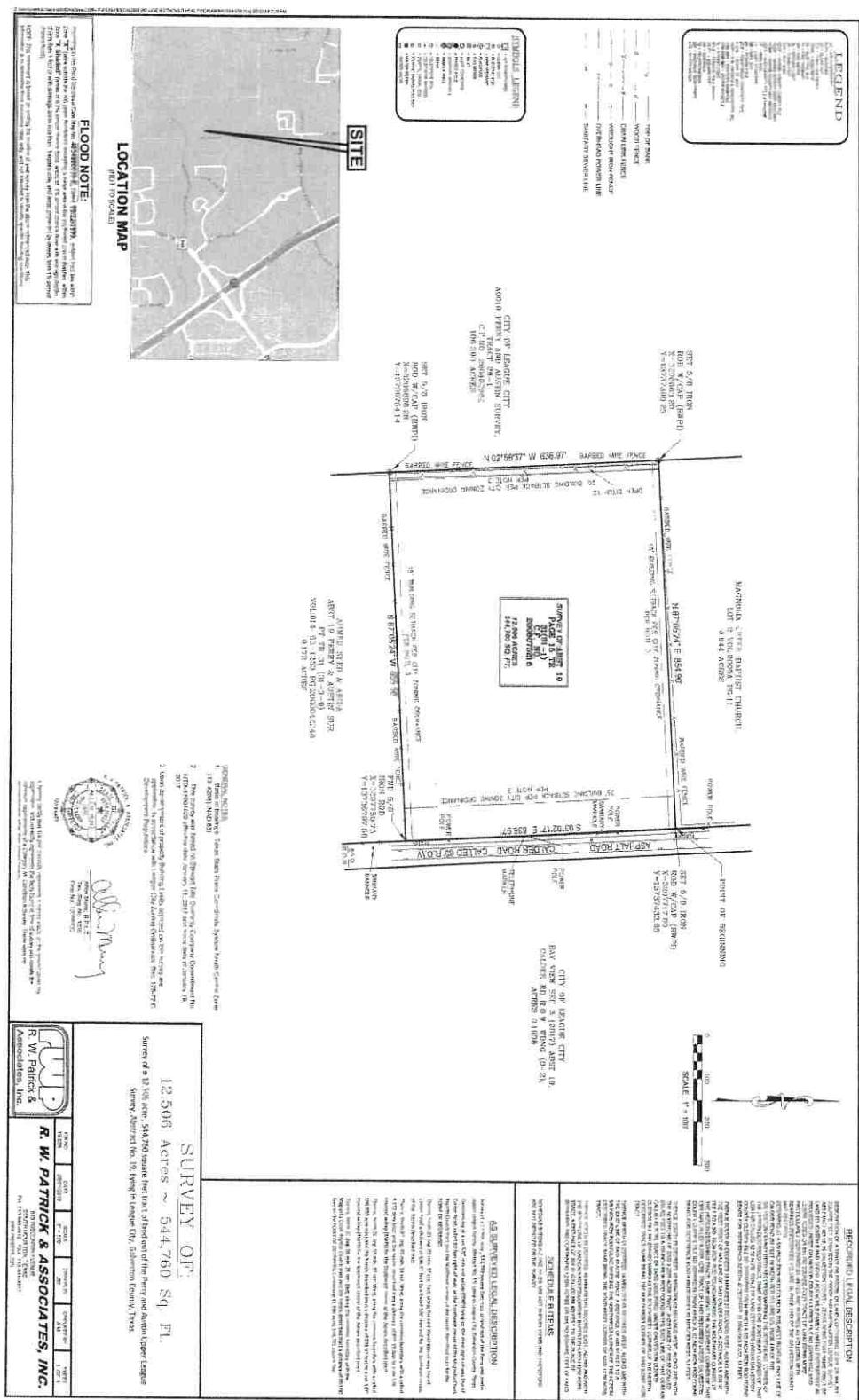
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**Exhibit - A**  
**Property/Affected Property Plat Map**



**Exhibit B**

**COCs Remaining in Groundwater**

A handwritten signature in blue ink, appearing to read "John Doe".

**Exhibit B**  
**COCs Remaining in Groundwater**

COCs at the following maximum levels, exceeding the regulatory action level, remained in groundwater beneath the **Affected Property**:

Environmental Media <sup>(1)(2)</sup> (Soil, groundwater or air)	Constituents Remaining <sup>(3)</sup>	Maximum Detected Sample Concentration <sup>(4)(5)</sup>	Date of Sample Collection	PSH Measured Apparent Thickness in Feet <sup>(6)(8)</sup>	Total Depth BGS and Location <sup>(1)(2)(6), (7)</sup>
Groundwater	Chloride	1,530 mg/L	6/24/25	NA	22 feet, MW-1
Groundwater	Chloride	3,480 mg/L	6/24/25	NA	23 feet, MW-2
Groundwater	Chloride	21,300 mg/L	6/24/25	NA	23 feet, MW-3
Groundwater	Chloride	1,680 mg/L	6/24/25	NA	20.5 feet, MW-4
Groundwater	Chloride	351 mg/L	6/24/25	NA	10 feet, MW-6
Groundwater	Chloride	1,340 mg/L	6/24/25	NA	10 feet, MW-7
Groundwater	Chloride	865 mg/L	6/24/25	NA	20.5 feet, MW-8
Groundwater	Chloride	775 mg/L	6/24/25	NA	22 feet, MW-9

- (1) Groundwater – A saturated geologic formation, group of formations, or part of a formation.
- (2) Soil includes surface soils and subsurface soils. For surface soil, the soil zone extending from ground surface to fifteen feet in depth for residential land use; or to the top of the uppermost groundwater-bearing unit or bedrock. Whichever is less in depth. For subsurface soil, the portion of the soil zone between the base of surface soil and the top of the groundwater-bearing unit(s).
- (3) Constituents identified as Site-specific chemicals of concern (COCs) that exceed the regulatory action level within the “Affected Property”
- (4) milligrams per kilogram (mg/kg)
- (5) milligrams per liter (mg/L)
- (6) Boring (B)
- (7) Monitor Well (MW)