



Environmental Services, Inc.

**PHASE I  
ENVIRONMENTAL SITE ASSESSMENT  
AVERY NORTH CONCEPT 1  
SOUTHWEST OF WESTINGHOUSE ROAD AND FM 1460  
ROUND ROCK, WILLIAMSON COUNTY, TEXAS  
HJN 130030 PI**

**PREPARED FOR:**

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**PREPARED BY:**

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**APRIL 2013**

**CORPORATE HEADQUARTERS**

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**Certified WBE/HUB/DBE/SBE**

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### APPENDIX

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## EXECUTIVE SUMMARY

Horizon has performed a Phase I ESA of the Property in conformance with the scope and limitations of ASTM Practice E 1527-05. Any exceptions to, or deletions from, this practice are described in Section 8.0 of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the Property except for the following:

1. Three rusted and potentially leaking pole-mounted transformers;
2. One trailer filled with discarded tires;
3. Three buried trash pits;
4. Three aboveground storage tanks and 4 propane tanks;
5. Nine 55-gallon drums filled with an unknown substance; and
6. Five areas of minor soil staining associated with various gasoline canisters, bottles of anti-freeze, other automotive liquids, and 5-gallon buckets containing transmission fluid/oil.

Additional findings that are not considered recognized environmental conditions but are worthy of note include the following:

1. Ten water wells;
2. Ten 18-wheeler trucks with attached trailers, various farm equipment, recreational vehicles, and boats;
3. Various debris piles and contents of structures; and
4. Two areas containing a collection of discarded water heaters, washer/dryers, refrigerators, and lawn mowers.

The local electrical utility company should be contacted to inspect and replace the rusty pole-mounted transformers. The buried trash pits should be carefully excavated and debris should be removed, along with various debris piles and contents of the structures. The following should be carefully removed from the Property to avoid any release of fluids: the trailer filled with tires; the aboveground storage tanks; the propane tanks; the discarded water heaters, the washer/dryers, lawnmowers, and refrigerators; the various farm equipment, 18-wheelers, and boats; the 55-gallon drums filled with an unknown substance; and the various gasoline canisters, bottles of anti-freeze, and transmission fluid buckets. Due to the typical conditions present on rural SFRs, the minor soil staining areas located throughout the Property are not considered an environmental concern.

All removed content and debris should be properly disposed of in an approved facility. In the event that hazardous materials or soil staining are discovered during disposal efforts, soil sampling should be conducted to determine possible levels of contamination.

If the on-site wells are not intended for future use, they should be capped or properly abandoned according to the Administrative Rules of the Texas Department of Licensing and Regulation (TDLR), 16 Texas Administrative Code (TAC), Chapter 76. Texas Commission on Environmental Quality (TCEQ) publication RG-347, "Landowner's Guide to Plugging Abandoned Water Wells," provides specific guidance. If a well is intended for use, it must comply with 16 TAC §76.

#### NON-ASTM-SCOPE CONSIDERATIONS

It is Horizon's opinion that the Property does not provide habitat or exhibit preferred habitat characteristics for any of the federally listed T/E species known to occur in Williamson County. It is Horizon's opinion that any occurrence of the federally listed migratory bird species on the Property would be temporary in nature, and that development of the Property would not adversely impact the species.

Based on the pre-field literature review and field investigation, Horizon did observe areas on the Property that would be considered jurisdictional "waters of the US" and subject to regulation by the US Army Corps of Engineers.

Be aware that the USACE and EPA have proposed new guidance on Section 404 jurisdiction that could capture some or all isolated aquatic features into jurisdiction. However, final approval of that guidance has not been determined as of the date of this report. If construction of your project will impact isolated aquatic features, please consult us again on the status of this new guidance.

Archival research conducted via the Internet at the Texas Historical Commission's (THC's) *Texas Archeological Sites Atlas* (Atlas) website indicated the presence of 2 previously recorded archeological sites and 2 cemeteries within an approximately 1.0-mile perimeter of the Property, while a review of the National Park Service's (NPS) National Register of Historic Places (NRHP) Google Earth map layer indicated the presence of no historic properties listed on the NRHP within the review perimeter (Atlas, 2013; NPS, 2013). No documented cultural resources, including any listed on the NRHP, are located within or immediately adjacent to the Property.

Texas Department of Health data indicate that radon levels in Williamson County are average indoor levels and below US Environmental Protection Agency (EPA) levels of concern. However, a low mean radon level does not mean that every structure in that county will have a low radon measurement.

Horizon observed several structures on the Property. Due to the estimated age of the structures, a potential for occurrences of asbestos-containing materials (ACMs) and lead-based paints exist.

## 1.0 INTRODUCTION

Per request by Taylor Morrison of Texas, Inc. of Austin, Texas (the User), Horizon Environmental Services, Inc. (Horizon) has performed a Phase I Environmental Site Assessment (ESA) for the approximately 466-acre Avery North Concept 1 tract located at the intersection of Westinghouse Road and Farm-to-Market (FM) Road 1460, Round Rock, Williamson County, Texas (the Property). All work was done in conformance with the scope and limitations of American Society for Testing and Materials (ASTM) Practice E 1527-05 (ASTM, 2006).

Horizon has pursued all appropriate inquiry into previous ownership and uses of the Property according to customarily accepted, sound professional practices and procedures as defined in 40 CFR Part 312. Horizon has obtained as much information as is "reasonably ascertainable," as defined by ASTM Practice E 1527-05. Horizon assumes no responsibility for the accuracy of information provided by the User (or User's agent) or federal, state, or local agency file information. Horizon is not required to verify independently the accuracy of information obtained during this Phase I ESA, but has relied on the information unless Horizon has actual knowledge that certain information is incorrect or unless it is obvious that certain information is incorrect based on other information obtained during the Phase I ESA or otherwise actually known to Horizon. Horizon did compare information obtained from different sources for consistency.

Horizon has observed the Property in an effort to identify recognized environmental conditions. The site reconnaissance included observation of physical conditions of the land, as well as any structures on or improvements of the Property, as accessible, for potential indicators of recognized environmental conditions. Horizon also observed adjoining properties, to the extent physically possible from the boundary of the Property, in an effort to detect the presence of recognized environmental conditions that may have the potential to impact the Property.

### 1.1 PURPOSE

ASTM Practice E 1527-05 is intended to satisfy one of the requirements to qualify for the "innocent landowner" defense to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) liability. The purpose of the Phase I ESA is to identify "recognized environmental conditions" in connection with the Property. This includes the presence or likely presence of any hazardous substances or petroleum products, as defined by CERCLA (42 USC §9601), on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the Property or into the ground, groundwater, or surface water of the Property.

The term "recognized environmental conditions" includes hazardous substances or petroleum products, even under conditions in compliance with laws. However, the term is not intended to include *de minimis* conditions that generally do not present a material risk of harm to

public health or the environment and that, generally, would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be *de minimis* are not recognized environmental conditions. Some substances may be present on the Property in quantities and under conditions that may lead to contamination of the Property or of nearby properties, but are not included in the CERCLA definition of hazardous substances or do not otherwise present potential CERCLA liability.

## 1.2 SCOPE OF SERVICES

Horizon performs its Phase I ESAs in conformance with the scope and limitations of ASTM Practice E 1527-05. A detailed scope of this service is provided in Appendix A. Any significant data gaps or deviations from this scope are reported in Sections 7.0 and 8.0 of this document. Horizon did conduct additional, non-ASTM-scope assessments during this Phase I ESA at the request of the User (see Section 12 of this report).

## 1.3 USER RELIANCE

Within the scope and limitations of ASTM Practice E 1527-05, Taylor Morrison of Texas, Inc. may rely on the results of this Phase I ESA regarding the potential for hazardous substance liabilities on the Property as of the date of its preparation. Horizon assumes no responsibility for liabilities or costs that may arise in the future due to features/conditions that could not have been reasonably identified at the time the work reported herein was performed.

## **2.0 DESCRIPTION OF THE PROPERTY**

### **2.1 LOCATION AND LEGAL DESCRIPTION**

The Property is located at southeast of the intersection at Westinghouse Road and FM 1460, Round Rock, Williamson County, Texas (Figure 2-1). The Property is legally described in 10 separate tracts. Detailed legal description information, as provided by the User, is included in Appendix B.

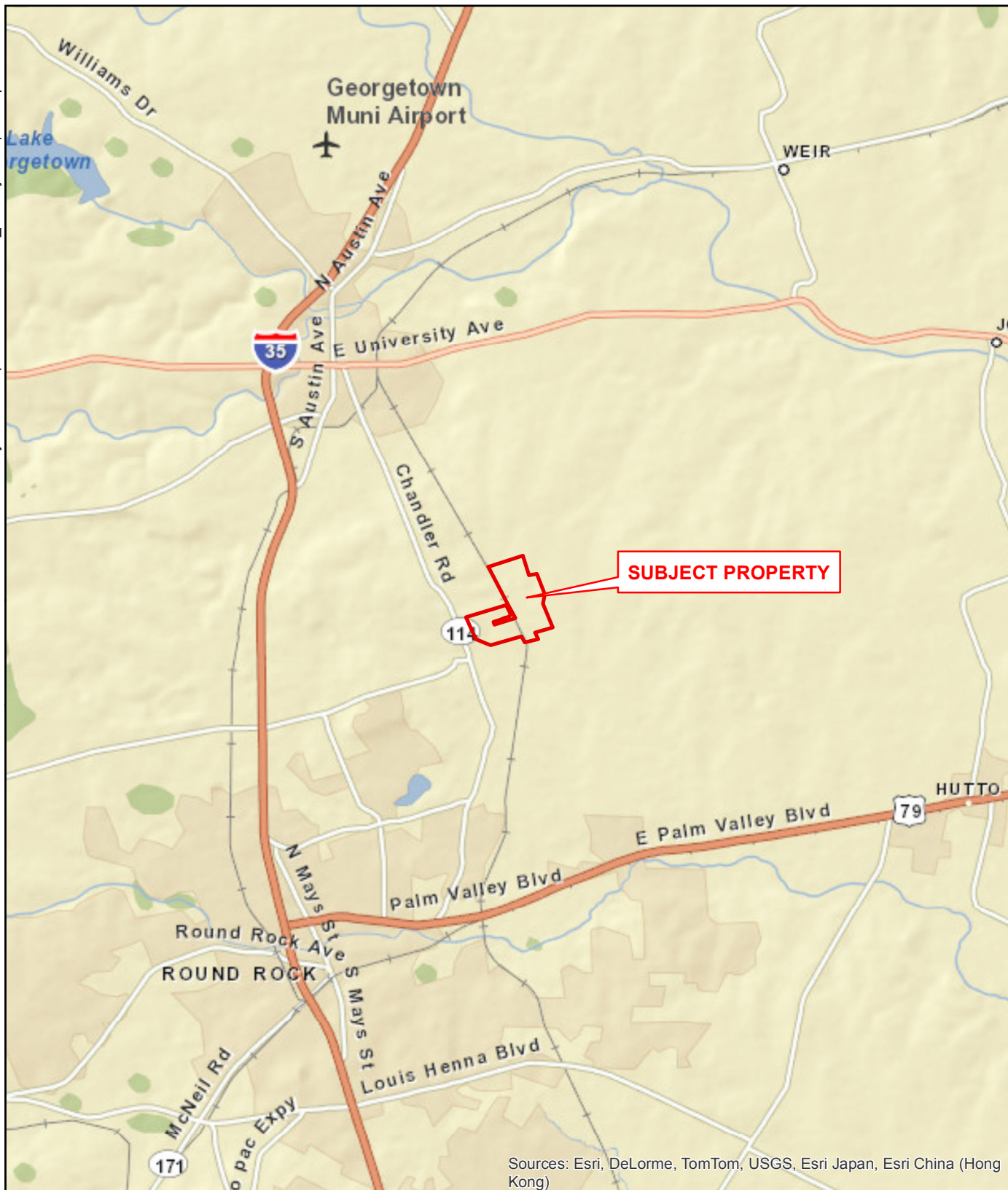
### **2.2 SITE AND VICINITY GENERAL CHARACTERISTICS**

The Property consists of approximately 466 acres of pastureland located within an area that is experiencing residential and commercial development. On-site photographs are provided in Appendix C.

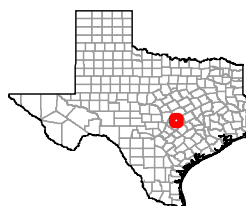
### **2.3 CURRENT USE OF THE PROPERTY**

Current land use on the Property is rural single-family residential (SFR) with pastureland for cattle grazing and a wholesale tree farm is located in the northwestern portion of the Property (Appendix C, Photo 1).

Structures, roads, and/or improvements of the Property, as well as current uses of adjoining properties, are discussed within Section 6.2 of this report. An aerial view of the Property and adjacent land use, dated 2012, is provided in Section 4.4.1.2.



MAP SOURCE: ESRI, 2009.



## FIGURE 2-1

VICINITY MAP  
AVERY NORTH CONCEPT 1  
ROUND ROCK,  
WILLIAMSON COUNTY, TEXAS

### **3.0 USER-PROVIDED INFORMATION**

#### **3.1 TITLE RECORDS**

The User provided historical chain-of-title documentation on the Property for Horizon's review. The chain-of-title review is discussed in Section 4.4.1 (Standard Historical Sources), and a copy is provided in Appendix B (User-provided Information Documents).

#### **3.2 ENVIRONMENTAL LIENS OR ACTIVITY AND USE LIMITATIONS**

The User reported no knowledge of any environmental liens or activity and use limitations (AULs) for the Property (see User Questionnaire, Appendix B). The User reported that a search for environmental liens and/or AULs was not conducted prior to this assessment.

#### **3.3 SPECIALIZED KNOWLEDGE**

No specialized knowledge or experience related to the Property or nearby properties was reported to Horizon by the User (see User Questionnaire, Appendix B).

#### **3.4 COMMONLY KNOWN OR REASONABLY ASCERTAINABLE INFORMATION**

The User reported having no commonly known or reasonably ascertainable information about the Property that would help Horizon to identify conditions indicative of releases or threatened releases (see User Questionnaire, Appendix B).

#### **3.5 PURCHASE PRICE VS. FAIR MARKET VALUE**

The User reported that the purchase price being paid for the Property reasonably reflects the fair market value of the Property if it were not contaminated (see User Questionnaire, Appendix B).

#### **3.6 OWNER, PROPERTY MANAGER, AND OCCUPANT INFORMATION**

The Property consists of 10 separate tracts of land with current ownership vested in the following parties: Charles N. Avery III, John S. Avery, A. Nelson Avery, Lucille Christina Avery Fell, Avery Ranch Company, Ltd., Treescape Farms, GP, LLC, Ruben Greinert, and Joyce Greinert. At the time of this report, interviews were requested from each landowner; however, only an interview with Mr. John S. Avery had been received. An interview conducted with Mr. Avery on 11 February 2013 indicated that he has been associated with the Property for 8 years (see Appendix E).

At the time of this report, all current occupants of the Property were reported as landowners of the Property.



3.7 REASON FOR PERFORMING THE PHASE I ESA

The User's reason for requesting performance of the Phase I ESA is for due diligence relating to the purchase of the Property (see User Questionnaire, Appendix B).

3.8 OTHER USER-PROVIDED INFORMATION

The User provided no further information that would help Horizon to identify potential recognized environmental conditions of the Property.

## 4.0 RECORDS REVIEW

The purpose of the records review is to obtain and review records that will help identify recognized environmental conditions in connection with the Property. Accuracy and completeness of record information varies among information sources. Horizon has made a reasonable effort to compensate for mistakes or insufficiencies in the information reviewed that were obvious when compared to other information reviewed or based on actual knowledge.

### 4.1 STANDARD ENVIRONMENTAL RECORD SOURCES

Horizon commissioned TelALL Phase I Support Services, Inc. (TelALL) of Austin, Texas, to provide an environmental database review of selected state and federal agency records. TelALL conducted the data search for the Property using minimum search distances outlined in the ASTM standards (ASTM, 2006). The minimum search distance for each category is provided in the following table. The location of the Property and area of review are indicated on the site location map within the complete Environmental Data Search report provided in Appendix D.

**TABLE 4-1  
SUMMARY OF TELALL ENVIRONMENTAL DATA SEARCH FINDINGS**

DATABASE	ACRONYM	LAST UPDATED	MINIMUM SEARCH DISTANCE IN MILES	FINDINGS
National Priority List	NPL	12/2012	1.0	0
Comprehensive Environmental Response, Compensation, and Liability Information System	CERCLIS	12/2012	0.5	0
No Further Remedial Action Planned	NFRAP	12/2012	0.5	0
Resource Conservation and Recovery Act Information System – Treatment, Storage, or Disposal	RCRA-TSD	01/2013	1.0	0
Corrective Action	CORRACT	01/2013	1.0	0
Resource Conservation and Recovery Act Information System – Generators	RCRA-G	01/2013	0.25	0
Emergency Response Notification System	ERNS	02/2013	0.25	0
Texas Voluntary Cleanup Program	TXVCP	01/2013	0.5	0
Texas Innocent Owner/Operator Program	TXIOP	01/2013	0.5	0
Texas State Superfund	TXSSF	02/2013	1.0	0
TCEQ Solid Waste Facilities	TXLF	12/2012	1.0	1
Unauthorized and Unpermitted Landfill Sites	LFUN	12/2012	0.5	0
Texas Leaking Underground Storage Tanks	TXLUST	02/2013	0.5	0
Texas Underground Storage Tanks	TXUST	02/2013	0.25	0
Texas Aboveground Storage Tanks	TXAST	02/2013	0.25	0
Texas Spills List	TXSPILL	12/2012	0.25	0
Brownfield	BRNFD	01/2013	0.5	0
Dry Cleaner	DRYC	02/2013	0.5	0
Indian Reservation Underground Storage Tanks	IRUST	02/2013	0.25	0

#### 4.1.1 National Priority List Database

The National Priority List (NPL) is a priority subset of the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) list that contains those CERCLIS facilities or locations evaluated and confirmed as contaminated. The CERCLIS list was created by CERCLA in order to fulfill the need to track contaminated sites. TelALL identified no NPL facilities on the Property or within a 1.0-mile radius of the Property.

#### 4.1.2 Comprehensive Environmental Response, Compensation, and Liability Information System Database

The CERCLIS database lists facilities reported to and identified by the US Environmental Protection Agency (EPA), pursuant to Section 103 of CERCLA. This database contains sites that are either proposed to be listed or are listed on the NPL, and sites that are in the screening and assessment phase for possible inclusion on the NPL. These sites are known to or have the potential to release hazardous substances or pollutants into the environment. TelALL identified no CERCLIS hazardous waste sites on the Property or within a 0.5-mile radius of the Property. A no further remedial action planned (NFRAP) site indicates a CERCLIS site that was designated as requiring no further agency action by the EPA. TelALL identified no NFRAP sites on the Property or within a 0.5-mile radius of the Property.

#### 4.1.3 Resource Conservation and Recovery Information System Database

TelALL derived the data contained in this list from the Resource Conservation and Recovery Information System (RCRIS) database, which attempts to track the status of those regulated under the Resource Conservation and Recovery Act (RCRA). RCRA requires generators, transporters, treaters, storers, and disposers of hazardous waste to provide information concerning their activities to state environmental agencies, who, in turn, provide the information to regional and national EPA offices. The RCRA Treatment, Storage, or Disposal (RCRA-TSD) database is a subset of the RCRIS list that tracks facilities that fall under the treatment, storage, or disposal classification. TelALL reviewed the RCRA-TSD database for those facilities where treatment, storage, or disposal of hazardous waste takes place and found no RCRA-TSD facilities on the Property or within a 1.0-mile radius of the Property.

The RCRA Generators (RCRA-G) database is a subset of the RCRIS list that tracks facilities that generate or transport either small or large quantities of substances regulated under RCRA. RCRA classifies 3 generators, including conditionally exempt, small-quantity generators (CESQGs); small-quantity generators (SQGs); and large-quantity generators (LQGs). The CESQG produces less than 100 kilograms (kg) per month of hazardous waste; the SQG produces at least 100 kg per month, but less than 1000 kg per month of hazardous waste; and the LQG produces at least 1000 kg per month of hazardous waste. TelALL reviewed the RCRA-G database and found no facilities on the Property or within a 0.25-mile radius of the Property.

The Corrective Action (CORRACT) database lists RCRIS sites that are currently subject to or have in the past been subject to corrective action. No facilities are listed as RCRIS violators that have been subject to corrective action on the Property or within a 1.0-mile radius of the Property.

#### 4.1.4 Emergency Response Notification System Database

The Emergency Response Notification System (ERNS) supports the release of notification requirements of Section 103 of CERCLA, as amended; Section 311 of the Clean Water Act; and Sections 300.51 and 300.65 of the National Oil and Hazardous Substances Contingency Plan. Additionally, ERNS serves as a mechanism to document and verify incident location information as initially reported, and is utilized as a direct source of easily accessible data needed for analyzing oil and hazardous substances spills. TelALL reviewed the ERNS database and found no hazardous substance releases on the Property or within a 0.25-mile radius of the Property.

#### 4.1.5 Texas Voluntary Cleanup Program and the Texas Innocent Owner/Operator Program

The Texas Voluntary Cleanup Program (TXVCP) was established to provide administrative, technical, and legal incentives to encourage the cleanup of contaminated sites in Texas. Because future lenders and landowners receive protection from liability to the State of Texas for cleanup of sites under the TXVCP, most of the constraints for completing real estate transactions at those sites are eliminated. As a result, many unused or under-used properties may be restored to economically productive or community-beneficial uses. After cleanup, the parties receive a certificate of completion from the Texas Commission on Environmental Quality (TCEQ) stating that all lenders and future landowners who are not potentially responsible parties are released from all liability to the State. TelALL identified no TXVCP participants on the Property or within a 0.5-mile radius of the Property.

The Texas Innocent Owner/Operator Program (TXIOP) provides a certificate to an innocent owner or operator if his or her property is contaminated as a result of a release or migration of contaminants from a source or sources not located on the property and the owner or operator did not cause or contribute to the source or sources of contamination. TelALL identified no TXIOP participants on the Property or within a 0.5-mile radius of the Property.

#### 4.1.6 Texas State Superfund Database

The Texas State Superfund (TXSSF) database is a list of sites that the State of Texas has identified for investigation or remediation. TXSSF sites are reviewed for potential upgrading to CERCLIS status by the EPA. TelALL identified no state or federal Superfund sites on the Property or within a 1.0-mile radius of the Property.

#### 4.1.7 TCEQ Solid Waste Facilities and Unauthorized and Unpermitted Landfill Sites

The TCEQ Solid Waste Facilities (TXLF) listing, derived from the permit files of the TCEQ, contains known active and inactive solid waste disposal, transfer, and processing stations registered within municipalities and/or counties. Subchapter R of Chapter 361 of the State of Texas Health and Safety Code regulates land use on sites determined to be, or contain, solid waste landfills. Based on a review of all available information developed during this Phase I ESA, Horizon found no evidence suggesting that a municipal solid waste landfill exists on the Property. TelALL identified 1 TXLF site within a 1.0-mile radius of the Property.

The Agricultural Waste Solutions, Inc. facility, site ID 47038, is a resource recovery/compositing facility that serves the Williamson County area. The location is 0.7 miles northwest of the Property at 100 Midnight Lane, Georgetown, Texas according to the TCEQ's Municipal Solid Waste Facility Search Results (see Appendix D). The facility is permitted, and is currently in use. Due to the distance from the Property, it would not be considered an environmental concern for the Property.

Unauthorized and Unpermitted Landfill (LFUN) sites have no permit and are considered abandoned. All information about these sites was compiled by Texas State University – San Marcos (formerly Southwest Texas State University) under contract with the TCEQ. TelALL identified no LFUN sites on the Property or within a 0.5-mile radius of the Property.

#### 4.1.8 TCEQ Registered Storage Tanks

TelALL reviewed the TCEQ database listings that contain information on permitted Texas Underground Storage Tanks (TXUSTs), permitted Texas Aboveground Storage Tanks (TXASTs), and known Texas Leaking Underground Storage Tanks (TXLUSTs). According to TCEQ records, no TXAST facilities were identified on the Property or within a 0.25-mile radius of the Property. No TXUST facilities were identified on the Property or within a 0.25-mile radius of the Property. No TXLUST facilities were identified on the Property or within a 0.5-mile radius of the Property.

#### 4.1.9 TCEQ Spills List

The TCEQ tracks cases where emergency response is needed for cleanup of hazardous or potentially hazardous substance spills (TXSPILL). TelALL identified no TXSPILL cases on the Property or within a 0.25-mile radius of the Property.

#### 4.1.10 Brownfields

Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. TelALL identified no Brownfield sites on the Property or within a 0.5-mile radius of the Property.

#### 4.1.11 Dry Cleaners

Texas House Bill 1366 (78th Legislature, 2003) created the Dry Cleaner Environmental Response Program. Codified in Texas Health and Safety Code (THSC) Chapter 374, the law, as amended, requires all dry cleaning drop stations and facilities in Texas to register with the TCEQ and implement new performance standards at their facilities as appropriate. It also requires distributors of dry cleaning solvents to collect fees on the sale of dry cleaning solvents at certain facilities. TelALL identified no dry cleaner sites on the Property or within a 0.5-mile radius of the Property.

#### 4.1.12 Indian Reservation Underground Storage Tanks

Permitted underground storage tanks on Indian land are tracked and maintained by the EPA. TelALL identified no Indian reservation underground storage tank sites on the Property or within a 0.25-mile radius of the Property.

#### 4.1.13 Federal or State IC/EC Registries

Institutional controls (ICs) are actions, such as legal controls, that help minimize the potential for human exposure to contamination by ensuring appropriate land or resource use. Engineering controls (ECs) may include various forms of caps, building foundations, liners, or treatment methods to create pathway elimination for regulated substances to enter environmental media or affect human health. As of the time of this report, no known federal or state databases specific to IC or EC records were available. However, any information on ICs or ECs related to findings of the government databases reported herein is included in the discussion of findings within the specific database above, as applicable.

### 4.2 ADDITIONAL ENVIRONMENTAL RECORD SOURCES

#### 4.2.1 Oil and Gas Activity

Railroad Commission of Texas (RCT) records were investigated to determine the presence of active natural gas, crude oil, or refined product pipelines as well as oil or gas wells that may exist on or within 1000 feet from the Property. The records reviewed indicated the presence of 1 pipeline structure traversing the southwest portion of the Property (RCT, 2013; Figure 4-1). The pipeline is documented as currently in service, carrying natural gas liquids and is operated by Enterprise Products Operating, LLC.

#### 4.2.2 Documented Water Wells

A review of the records of the Texas Water Development Board (TWDB) revealed no documented water wells on the Property and 2 within a 0.5-mile radius of the Property (TWDB, 2013). During Horizon's site reconnaissance, evidence of 10 water wells was observed throughout the Property (Figure 4-2).



### Legend

 Property Boundary

MAP SOURCE: RCT, 2013.

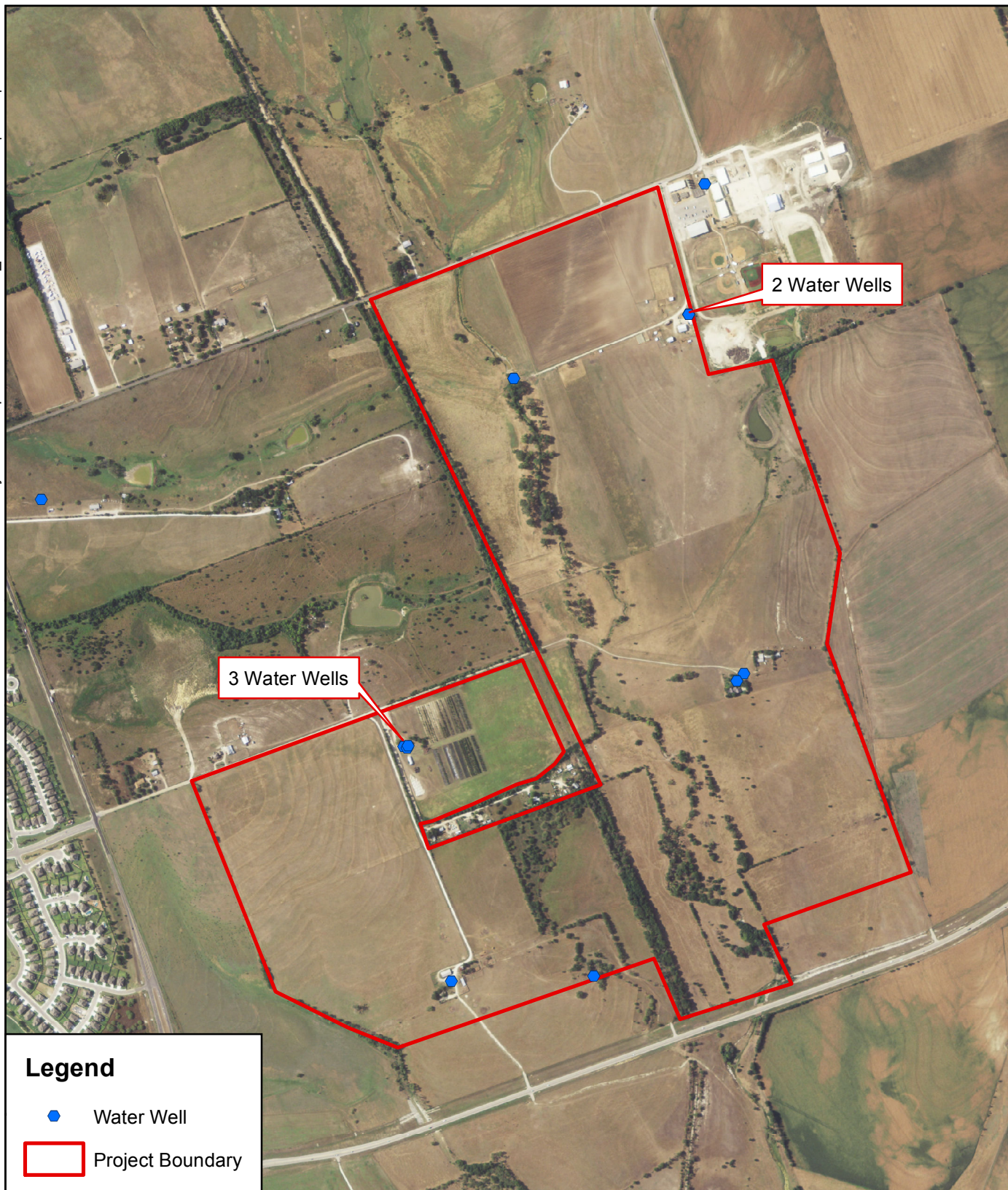
0 750 1,500  
Feet



### FIGURE 4-1

OIL/GAS WELLS AND PIPELINES  
AVERY NORTH CONCEPT 1  
ROUND ROCK,  
WILLIAMSON COUNTY, TEXAS





MAP SOURCE: USDA, 2012; TWDB, 2013.

0 550 1,100  
Feet



**Horizon**  
Environmental Services, Inc.

**FIGURE 4-2**  
WATER WELLS WITHIN 0.5 MILES  
AVERY NORTH CONCEPT 1  
ROUND ROCK,  
WILLIAMSON COUNTY, TEXAS



If the on-site wells are not intended for future use, they should be capped or properly abandoned according to the Administrative Rules of the Texas Department of Licensing and Regulation (TDLR), 16 Texas Administrative Code (TAC), Chapter 76. Texas Commission on Environmental Quality (TCEQ) publication RG-347, "Landowner's Guide to Plugging Abandoned Water Wells," provides specific guidance. If a well is intended for use, it must comply with 16 TAC §76.

The results of this assessment do not preclude the existence of additional undocumented/abandoned wells. If a water well or casing is encountered during construction, work should be halted near the feature until the TCEQ is contacted.

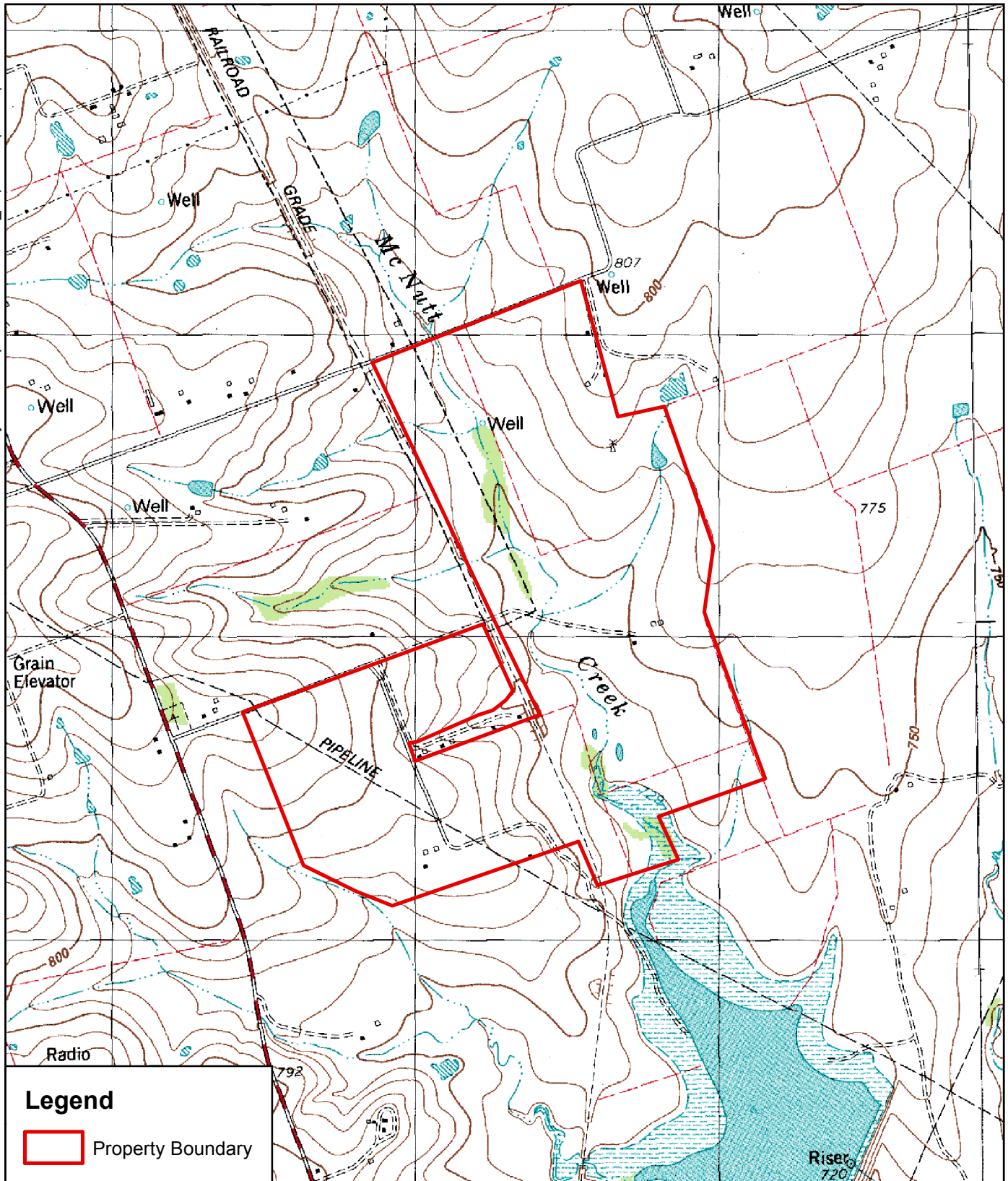
#### 4.3 PHYSICAL SETTING SOURCES

The Property is mapped on the US Geological Survey (USGS) Round Rock, Texas, topographic quadrangle (USGS, 1987) (Figure 4-3). Topography on the Property is sloping in a southerly direction toward McNeil Creek, which traverses centrally across the Property. Surface elevation ranges from approximately 730 to 830 feet above mean sea level (amsl). The Property is in San Gabriel watershed (EPA, 2013). The central portion of the Property associated with McNeil Creek lies within the Federal Emergency Management Agency (FEMA) 100-year floodplain boundaries (FEMA, 2008) (Figure 4-4) .

The Property is not found within the Edwards Aquifer Recharge, Transition, or Contributing Zone (COA, 2008; TCEQ, 2013).

The Property is underlain by Austin Group (Kau) and Eagle Ford Formation (Kef). The Austin Group consists of a ledge-forming, grayish-white to white limestone chalk interbedded with marl. The chalk is composed of microgranular calcite with minor Foraminifera tests. The Austin Group is described as 325 to 420 feet thick, thickening westward. Cave and spring development are noted for this formation.

The Eagle Ford Formation ranges from 25 to 65 feet thick and consists of montmorillonitic, non-calcareous, unctuous, black claystone; fissile, gray, montmorillonitic, silty shale; flaggy limestone; and calcareous, marly claystone (UT-BEG, 1981). This formation is known as an upper confining unit of the Edwards Aquifer and has low porosity and permeability. No cave development is noted for this formation.



MAP SOURCE: USGS, 7.5' SERIES, TEXAS QUADRANGLE, ROUND ROCK, 1987.

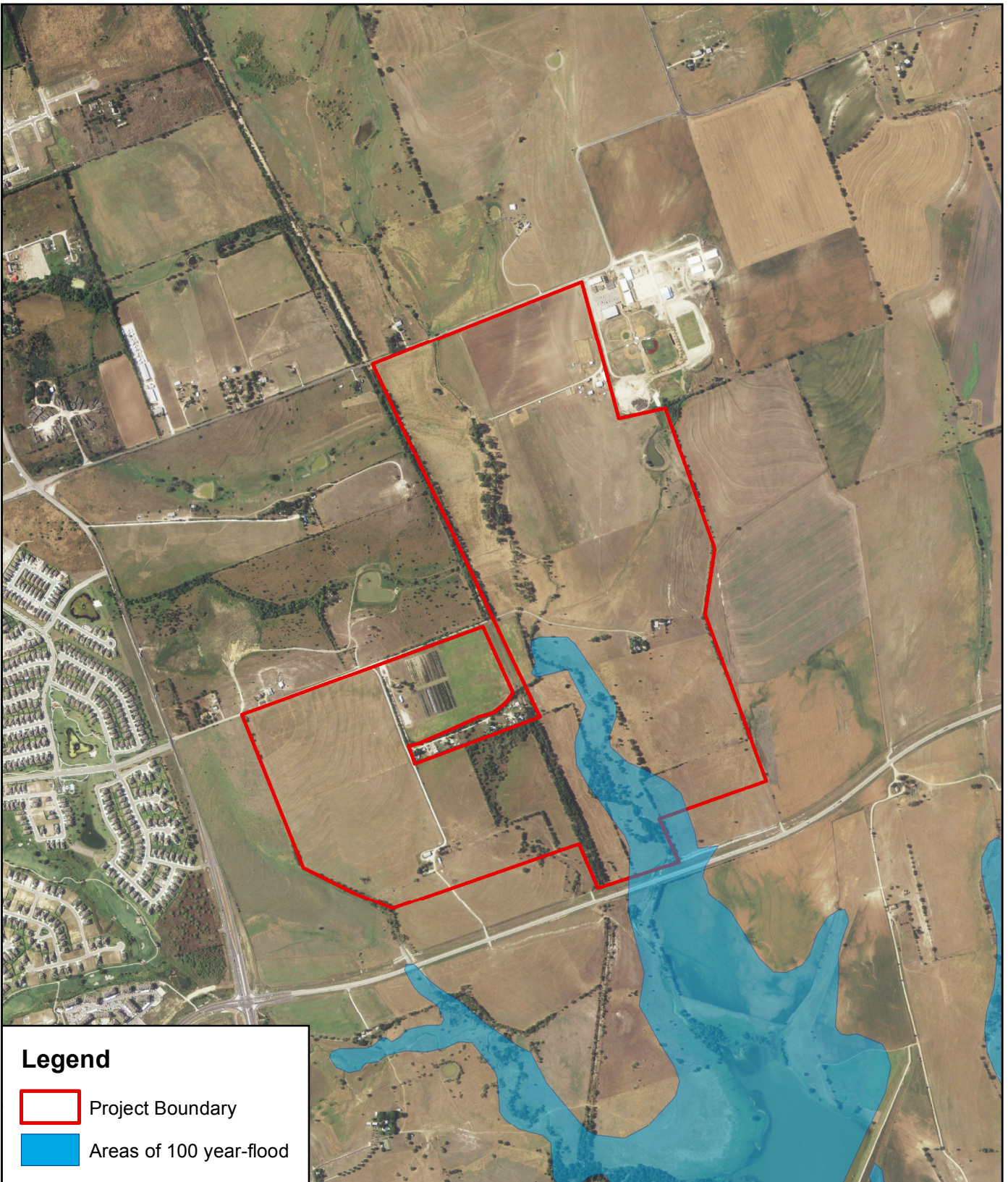
0 750 1,500  
Feet



**Horizon**  
Environmental Services, Inc.

**FIGURE 4-3**  
TOPOGRAPHIC MAP  
AVERY NORTH CONCEPT 1  
ROUND ROCK,  
WILLIAMSON COUNTY, TEXAS





MAP SOURCE: USDA, 2012; FEMA, 2008.

0 750 1,500  
Feet



**Horizon**  
Environmental Services, Inc.

**FIGURE 4-4**  
FLOOD HAZARD MAP  
AVERY NORTH CONCEPT 1  
ROUND ROCK,  
WILLIAMSON COUNTY, TEXAS

Mapped soils on the Property include the following:

**TABLE 4-2  
SOILS**

SOIL NAME	SOIL TYPE	SOIL DEPTH (FEET)	UNDERLYING MATERIAL	PERMEABILITY	AVAILABLE WATER CAPACITY	SHRINK-SWELL CAPACITY
Austin silty clay, 1 to 3% slopes (AuB)	silty clay	up to 3.2	residuum weathered from chalk	moderate	moderate	moderate
Austin-Whitewright complex, 1 to 5% slopes, eroded (AwC2)	silty clay and loam	up to 4.0	residuum weathered from chalk	moderate	very low to moderate	moderate
Castephen silty clay, 1 to 3% slopes (CaB)	silty clay	up to 1.8	residuum weathered from Austin chalk	moderate	very low	moderate
Castephen silty clay, 3 to 5% slopes (CaC)	silty clay	up to 1.8	residuum weathered from Austin chalk	moderate	very low	moderate
Houston Black clay, 1 to 3% slopes (HuB)	clay	up to 5.2	residuum weathered from calcareous shale of Taylor Marl and Eagle Ford Shale	low to moderately low	high	very high
Tinn clay, frequently flooded (Tn)	clay	up to 7.5	clayey alluvium of Holocene age derived from mixed sources	very low to moderately low	high	very high
Whitewright silty clay loam, 1 to 5% slopes (WhC)	silty clay loam	up to 3.2	residuum weathered from Austin chalk	low to high	very low	moderate

Source: NRCS, 2013a and 2013b

#### 4.4 HISTORICAL USE INFORMATION ON THE PROPERTY AND ADJOINING PROPERTIES

Horizon conducted an examination of available historical use information, including ownership records and aerial photography, to develop a history of the previous uses of the Property and the surrounding area to help identify the likelihood of past uses having led to recognized environmental conditions in connection with the Property. ASTM Practice E 1527-05 calls for identification of all obvious uses of the Property from the present to the Property's obvious first "developed use" or 1940, whichever is earlier. For the purpose of identifying the historical uses of the Property, Section 8.3.2 of ASTM Practice E 1527-05 defines the term "developed use" to include agricultural uses and placement of fill onto the Property. Section 8.3.2.1 of ASTM Practice E 1527-05 does not require a review of standard historical sources at less than approximately 5-year intervals. If the specific use of the site appears unchanged over a period longer than 5 years, then ASTM Practice E 1527-05 does not require research of the

use during that period. A standard historical source may be excluded if the source is not reasonably ascertainable, or if past experience indicates that the source is not likely to be sufficiently useful, accurate, or complete.

#### 4.4.1 Standard Historical Sources

##### 4.4.1.1 Title Records

Historical ownership records are reviewed to develop a history of the previous uses of the Property in order to help identify the likelihood of past uses having led to recognized environmental conditions in connection with the Property, as well as to identify any environmental liens associated with the Property. The User provided historical chain-of-title documentation for the Property, compiled by Gracy Title, Austin, Texas.

The records suggest that the Property was owned by private individuals and speculative investments companies since 1943, and that the Property is currently owned by the following:

1. Avery Ranch Company, Ltd., as recorded in a Trustee Distribution Deed filed 17 September 2002, in Document No. 2002071336 of the Official Public Records of Williamson County, Texas;
2. John S. Avery Exempt Trust, as recorded in a Warranty Deed with Vendor's Lien filed on 27 December 2006, in Document No. 2006112407 of the Official Public Records of Williamson County, Texas;
3. Charles N. Avery, III, John S. Avery, A. Nelson Avery, and Lucille Christina Avery Fell, in a Warranty Deed filed 23 September 2004, in Document No. 2004074664 of the Official Public Records of Williamson County, Texas;
4. Treescape Farms GP, LLC, as recorded in a Warranty Deed filed 9 July 2004, in Document No. 2004054116 of the Official Public Records of Williamson County, Texas; and
5. Rueben Greinert and Joyce Greinert, as recorded in a Warranty Deed filed 1 March 1996, in Document No. 9610694, of the Official Records of Williamson County, Texas; and recorded in a Cash Warranty Deed filed 21 April 1995, in Volume 2711, Page 151 of the Official Records of Williamson County, Texas.

A review of the ownership information produced no evidence suggesting an owner who may have conducted activities resulting in recognized environmental conditions for the Property. A search for easements or leases of environmental concern and/or environmental liens was not conducted in association with this title research. However, Gracy Title's title search indicated 4 oil, gas, and mineral leases associated with the Property. The chain of title detailing site ownership from 1943 to the present is provided in Appendix B.



#### 4.4.1.2 Historical Aerial Photography

Horizon reviewed aerial photographs dated 1941, 1953, 1964, 1974, 1985, 1995, 2004, and 2012, provided for the Property by TelALL from the Texas Natural Resources Information System (TNRIS). The Army Mapping Service (AMS), Agricultural Stabilization and Conservation Service (ASCS), US Department of Agriculture (USDA), and USGS originally supplied the aerial photography available for review at TNRIS.

In the 1941 aerial photograph (Figure 4-5), the Property appears to be rangeland and agricultural fields. Improved roads appear to border the northern boundaries of the Property. Surrounding lands appear to be rangeland and agricultural fields. No recognized environmental conditions were evident on the Property or immediately surrounding properties based upon a review of the aerial photograph.

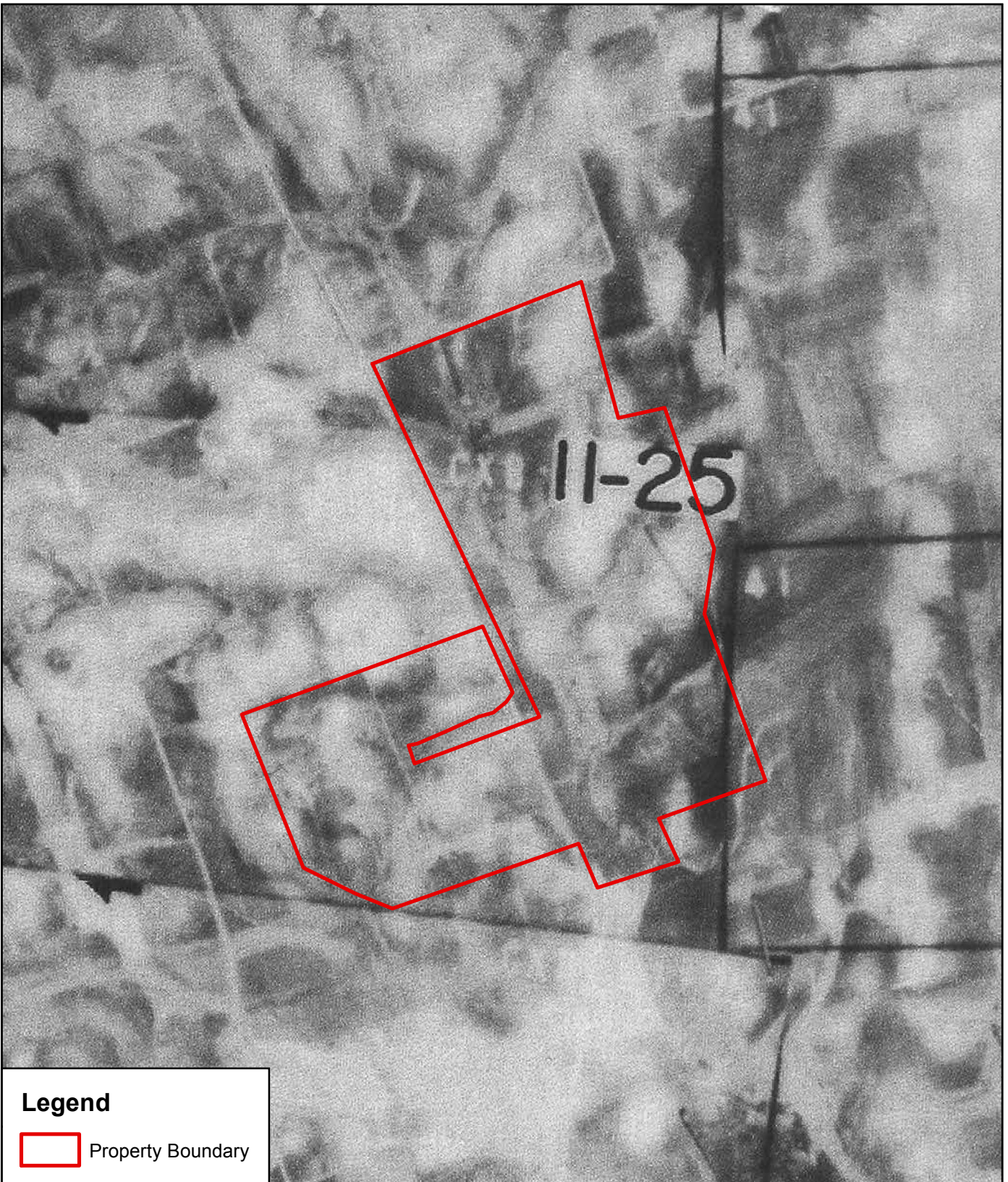
The 1953 aerial photograph (Figure 4-6) revealed no significant visible changes to the Property or immediately surrounding properties. Improved roads appear to traverse the southwestern portion of the Property. No recognized environmental conditions were evident on the Property or immediately surrounding properties based upon a review of the aerial photograph.

The 1964 aerial photograph (Figure 4-7) revealed no significant visible changes to the Property or immediately surrounding properties. No recognized environmental conditions were evident on the Property or immediately surrounding properties based upon a review of the aerial photograph.

The 1974 aerial photograph (Figure 4-8) revealed rural SFR homesteads throughout the Property and surrounding properties. No recognized environmental conditions were evident on the Property or immediately surrounding properties based upon a review of the aerial photograph.

The 1985 aerial photograph (Figure 4-9) revealed no significant visible changes to the Property or immediately surrounding properties. Additional SFR development was observed on surrounding properties. No recognized environmental conditions were evident on the Property or immediately surrounding properties based upon a review of the aerial photograph.

The 1995 aerial photograph (Figure 4-10) revealed no significant visible changes to the Property or immediately surrounding properties. No recognized environmental conditions were evident on the Property or immediately surrounding properties based upon a review of the aerial photograph.



### Legend

 Property Boundary

MAP SOURCE: ASCS, 1941.

0 750 1,500  
Feet



### FIGURE 4-5

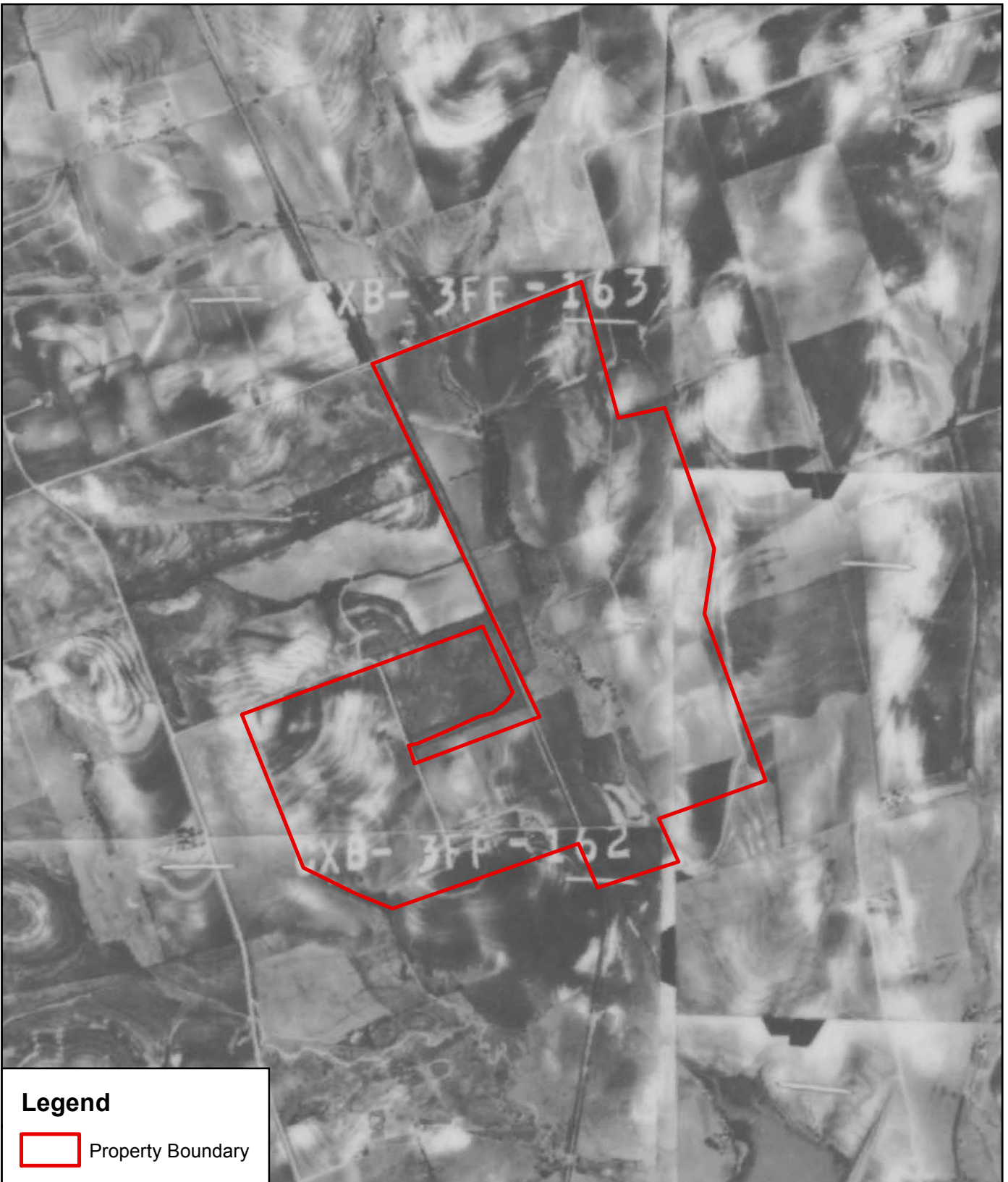
1941 AERIAL PHOTOGRAPH  
AVERY NORTH CONCEPT 1  
ROUND ROCK,  
WILLIAMSON COUNTY, TEXAS



 Property Boundary

1953 AERIAL PHOTOGRAPH  
AVERY NORTH CONCEPT 1  
ROUND ROCK,  
WILLIAMSON COUNTY, TEXAS





### Legend

 Property Boundary

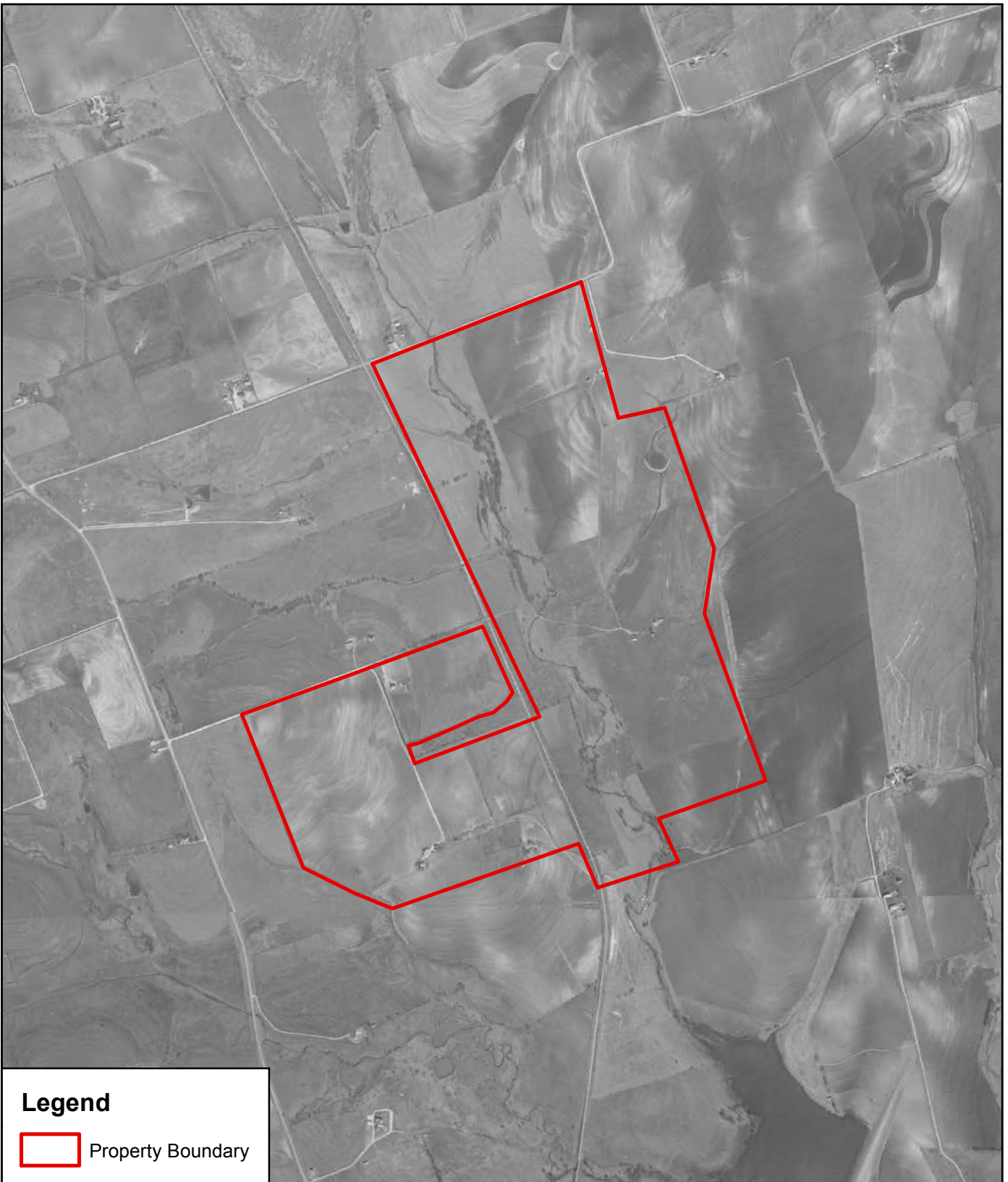
MAP SOURCE: ASCS, 1964.

0 750 1,500  
Feet



### FIGURE 4-7

1964 AERIAL PHOTOGRAPH  
AVERY NORTH CONCEPT 1  
ROUND ROCK,  
WILLIAMSON COUNTY, TEXAS



### Legend

 Property Boundary

MAP SOURCE: USGS, 1974.

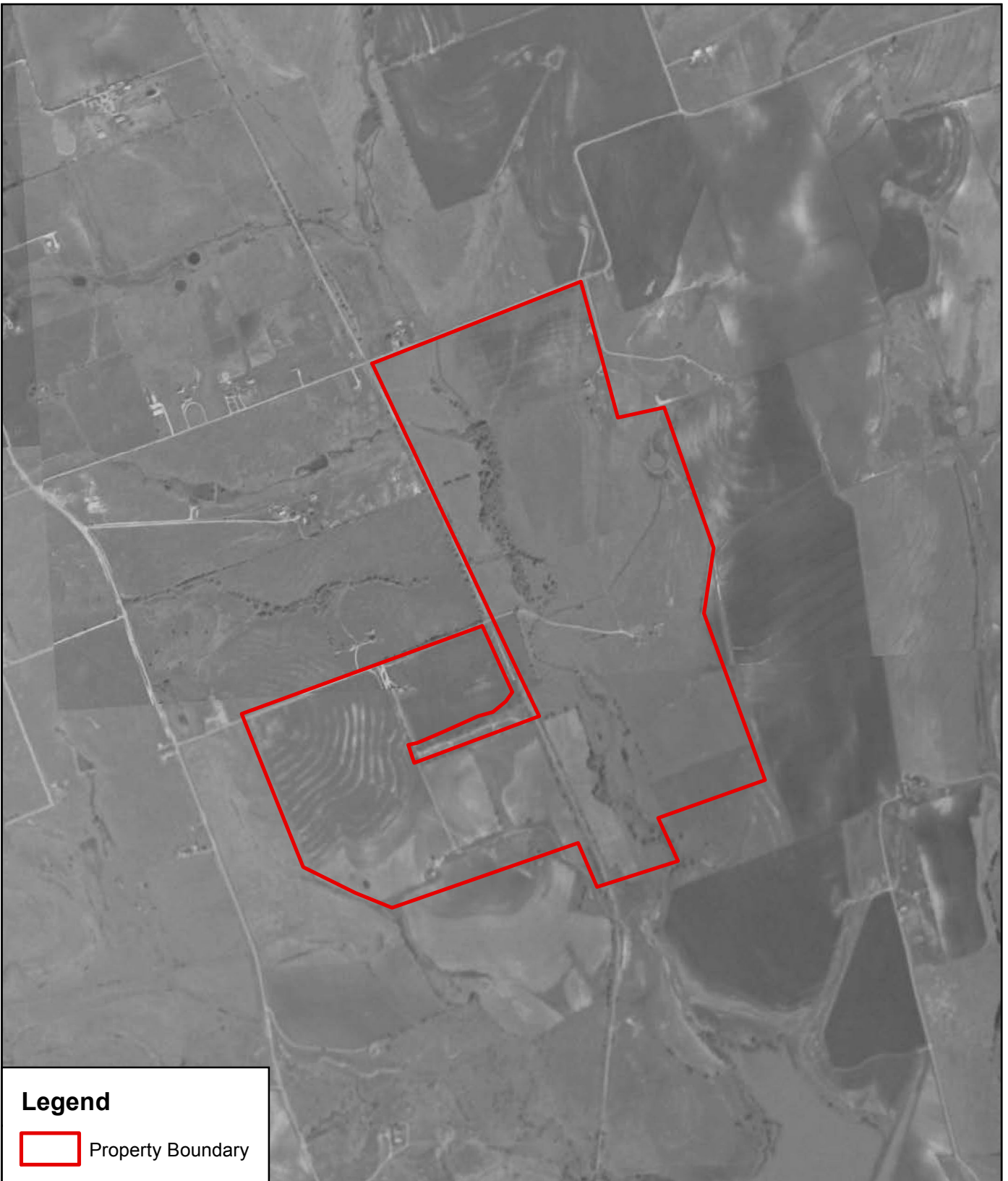
0 750 1,500  
Feet



### FIGURE 4-8

1974 AERIAL PHOTOGRAPH  
AVERY NORTH CONCEPT 1  
ROUND ROCK,  
WILLIAMSON COUNTY, TEXAS





### Legend

 Property Boundary

MAP SOURCE: USGS, 1985.

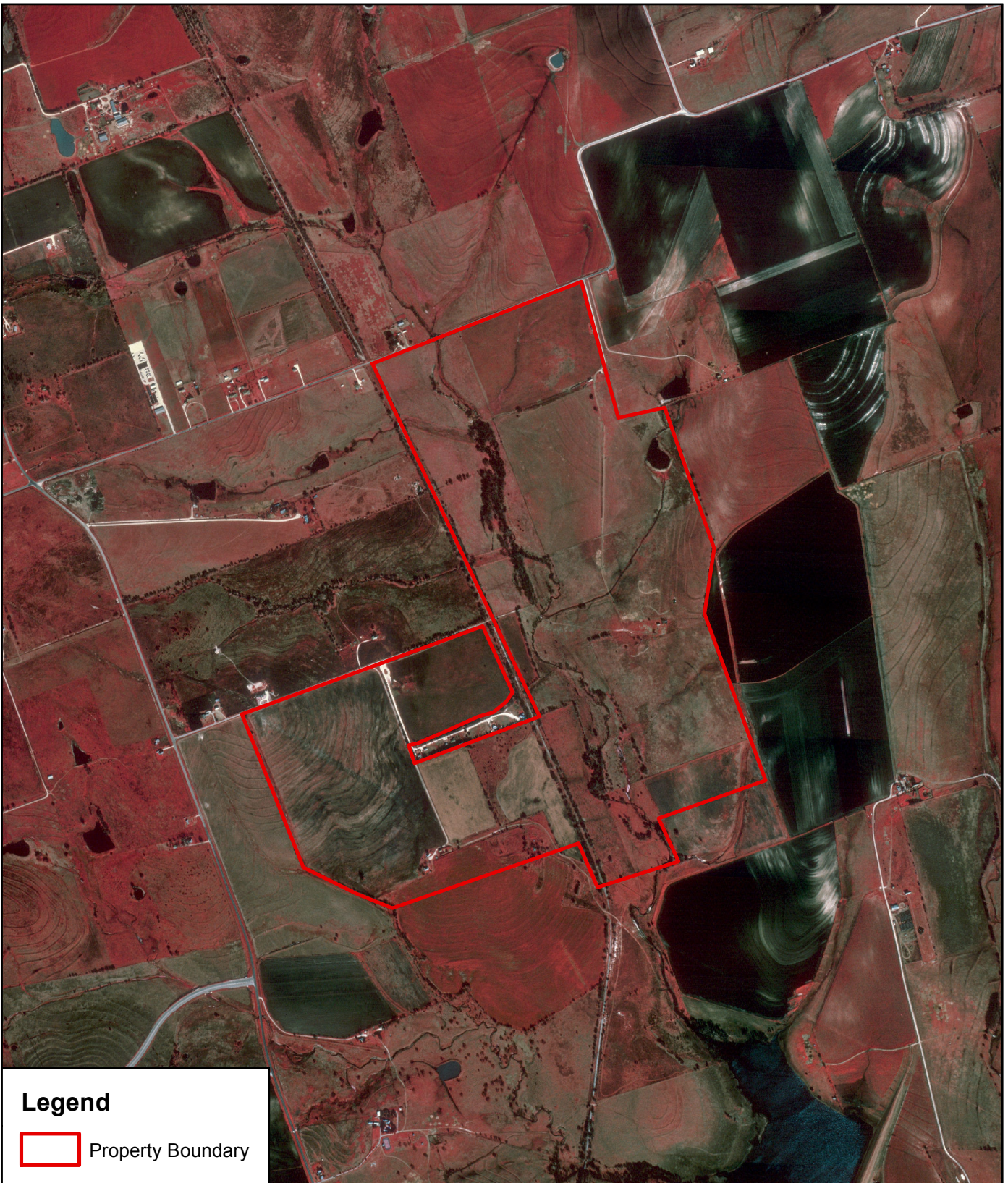
0 750 1,500  
Feet



### FIGURE 4-9

1985 AERIAL PHOTOGRAPH  
AVERY NORTH CONCEPT 1  
ROUND ROCK,  
WILLIAMSON COUNTY, TEXAS





### Legend

 Property Boundary

MAP SOURCE: USGS, 1995.

0 750 1,500  
Feet



### FIGURE 4-10

1995 AERIAL PHOTOGRAPH  
AVERY NORTH CONCEPT 1  
ROUND ROCK,  
WILLIAMSON COUNTY, TEXAS

The 2004 aerial photograph (Figure 4-11) revealed no significant visible changes to the Property. Additional SFR and commercial development was observed on surrounding properties. An improved road borders a portion of the southern Property boundary. No recognized environmental conditions were evident on the Property or immediately surrounding properties based upon a review of the aerial photograph.

The 2012 aerial photograph (Figure 4-12) revealed no significant visible changes to the Property. Additional SFR and commercial development was observed on surrounding properties. No recognized environmental conditions were evident on the Property or immediately surrounding properties based upon a review of the aerial photograph.





### Legend

 Property Boundary

MAP SOURCE: USDA, 2004.

0 750 1,500  
Feet



### FIGURE 4-11

2004 AERIAL PHOTOGRAPH  
AVERY NORTH CONCEPT 1  
ROUND ROCK,  
WILLIAMSON COUNTY, TEXAS





### Legend

 Property Boundary

MAP SOURCE: USDA, 2012.

0 750 1,500  
Feet



### FIGURE 4-12

2012 AERIAL PHOTOGRAPH  
AVERY NORTH CONCEPT 1  
ROUND ROCK,  
WILLIAMSON COUNTY, TEXAS

#### 4.4.1.3 Fire Insurance Maps

The Sanborn Company published fire insurance maps for urban areas designed for use by companies offering fire insurance policies. The maps show the size, shape, and construction materials of a structure; land use; and other independent improvements, such as gasoline storage tanks. The maps were originally published in the 1930s and updated periodically through at least the 1950s. Because Sanborn maps were limited to the core of major metropolitan areas, it is highly unlikely any maps would be available for the Property. Therefore, Horizon did not review published fire insurance maps for the Property.

#### 4.4.1.4 Local Street Directories

Local street directories are published by private (or sometimes government) sources and show ownership and/or use of a specific property for each year by reference to its street address. The ownership and/or use of a specific property listed in the local street directory are used to help identify the likelihood of past uses having led to recognized environmental conditions in connection with the Property. Since residential or commercial development of the Property and most of the immediately adjacent properties has occurred only recently, it is highly unlikely that a review of local street directories would provide any information about the historical uses of the Property. Therefore, Horizon did not review local street directories for the Property.

#### 4.4.1.5 Prior Assessment

Neither the User nor the landowner indicated knowledge of any prior ESAs conducted on the Property.

#### 4.4.2 Data Failure

According to ASTM Practice E 1527-05, “data failure” occurs when the historical research objectives of the practice have not been met. Data failure is not uncommon in trying to identify the use of the Property at 5-year intervals back to first use or 1940 (whichever is earlier).

Data failure occurred during the review of standard historical sources, as ASTM Practice E 1527-05 calls for identification of historical uses back to at least 1940, and Horizon was unable to obtain historical use information for the Property prior to 1941. However, the earliest available ownership information and historical aerial photo analysis indicate it is unlikely any activities occurred on the Property prior to 1941 that would be likely to cause recognized environmental conditions. Therefore, it is Horizon’s opinion that the data failure has not significantly impacted the Environmental Professional’s ability to identify recognized environmental conditions in connection with the Property.

Standard historical sources excluded from research included published fire insurance maps and local street directories. It is Horizon’s opinion that these resources would be unlikely to provide useful information on historical land uses of the Property or surrounding properties



and that, therefore, excluding these sources has not significantly impacted Horizon's ability to identify recognized environmental conditions in connection with the Property.

## **5.0 INTERVIEWS**

### **5.1 INTERVIEW WITH OWNER/KEY SITE MANAGER**

Current ownership is vested in the following parties: Charles N. Avery III, John S. Avery, A. Nelson Avery, Lucille Christina Avery Fell, Avery Ranch Company, Ltd., Treescapes Farms, GP, LLC, Ruben Greinert, and Joyce Greinert. Horizon attempted to contact all landowners to inquire about the Property. As of the date of this report, Horizon received a response only from Mr. John S. Avery. A Phase I ESA Landowner/Occupant Interview Questionnaire was completed on 11 February 2013 by, Mr. John S. Avery. Mr. Avery's responses to the interview questions indicated that he had no knowledge of any potential recognized environmental conditions in connection with the Property. The completed Landowner/Occupant Interview Questionnaire is provided in Appendix E. In the unlikely event that further information is obtained that indicates a potential environmental concern for the Property, Horizon will notify the User immediately and append its report.

### **5.2 INTERVIEWS WITH CURRENT OCCUPANTS**

At the time of this report, all current occupants were reported as current landowners (see Section 5.1).

### **5.3 INTERVIEWS WITH LOCAL GOVERNMENT OFFICIALS**

After the review of regulatory records, User-provided information, historical use information, and other interviews, it was determined that no further interviews were warranted.

### **5.4 INTERVIEWS WITH OTHERS**

After the review of regulatory records, User-provided information, historical use information, and other interviews, it was determined that no further interviews were warranted.

## 6.0 SITE RECONNAISSANCE

Horizon conducted a site reconnaissance on 1 and 11 March 2013. Horizon also reviewed immediately adjacent lands, to the extent possible from the boundaries of the Property, to observe any existing or potential sources of off-site contamination that may affect the Property. Horizon's Phase I ESA Site Reconnaissance Checklist is provided in Appendix F. On-site photographs are provided in Appendix C.

### 6.1 METHODOLOGY AND LIMITING CONDITIONS

A pedestrian reconnaissance of the Property was conducted as well as visual observation of immediately adjacent lands from the boundaries of the Property. The living quarters associated with the workshop in Area A, rural residence in Area C, and skeet shooting shed were locked and inaccessible at the time of the site reconnaissance. The living quarters and rural residence were occupied at the time of the reconnaissance; however, exterior observations indicate typical residential conditions, therefore, it is Horizon's opinion that this lack of accessibility has not affected the Environmental Professional's ability to identify recognized environmental conditions in connection with the Property. All other on-site structures were accessed.

### 6.2 GENERAL SITE SETTING

The Property is generally described as approximately 466 acres of pastureland within an area that is experiencing residential and commercial development. Located within the Blackland Prairie ecological region of Texas (Gould, 1975), vegetation on the Property includes Texas live oak (*Quercus fusiformis*), honey mesquite (*Prosopis glandulosa*), cedar elm (*Ulmus crassifolia*), little bluestem (*Schizachyrium scoparium*), and coastal bermudagrass (*Cynodon dactylon*).

#### 6.2.1 Geologic, Hydrogeologic, Hydrologic, and Topographic Conditions

Topography on the Property is sloping in a southerly direction toward McNeil Creek, which traverses centrally across the Property. Surface elevation ranges from approximately 730 to 830 feet amsl (USGS, 1987) (see Figure 4-3). The Property is in San Gabriel watershed (EPA, 2013). The central portion of the Property associated with McNeil Creek lies within the FEMA 100-year floodplain boundaries (FEMA, 2008) (see Figure 4-4).

The Property is not found within the Edwards Aquifer Recharge, Transition, or Contributing Zone (COA, 2012; TCEQ, 2013).

The Property is underlain by Austin Group (Kau) and Eagle Ford Formation (Kef). The Austin Group consists of a ledge-forming, grayish-white to white limestone chalk interbedded with marl. The chalk is composed of microgranular calcite with minor Foraminifera

tests. The Austin Group is described as 325 to 420 feet thick, thickening westward. Cave and spring development are noted for this formation.

The Eagle Ford Formation ranges from 25 to 65 feet thick and consists of montmorillonitic, non-calcareous, unctuous, black claystone; fissile, gray, montmorillonitic, silty shale; flaggy limestone; and calcareous, marly claystone (UT-BEG, 1981). This formation is known as an upper confining unit of the Edwards Aquifer and has low porosity and permeability. No cave development is noted for this formation.

#### 6.2.2 Property Uses

##### 6.2.2.1 Current Use of the Property

Current land use on a majority of the Property is rural SFRs with pastureland for cattle grazing. A wholesale tree farm is located on the northwestern portion of the Property (Appendix C, Photo 1).

##### 6.2.2.2 Past Uses of the Property

Past land use on the Property appeared to be agricultural, pastureland for cattle grazing, and rural SFR homesteads.

##### 6.2.2.3 Current/Past Uses of Adjoining Properties

Existing land use bordering the Property was observed as follows:

NORTH: Rural SFRs, pastureland, and cropland  
SOUTH: University Boulevard, pastureland, and cropland  
EAST: Recreational facilities, pastureland, and cropland  
WEST: Pastureland, cropland, and SFRs beyond

An aerial view of the Property and adjacent land use, dated 2012, is provided in Section 4.4.1.2.

The review of historical aerial photography indicates that past use of adjoining properties is likely agricultural and pastureland. No evidence of potential recognized environmental conditions on adjacent properties was revealed through a review of historical sources, interviews, or visual inspection from the Property's boundaries during the site reconnaissance.

##### 6.2.2.4 Current/Past Uses of Surrounding Area

Current and past uses of surrounding areas appeared to be rural SFRs and agricultural.

### 6.2.3 Structures and Roads

Structures observed on-site in Area A (located on the northeastern corner of the Property; Figure 6-1) include 1 workshop with associated living quarters, horse barn, water well pump shed, storage shed, dilapidated barn, and multiple open-sided pole barns. All structures were constructed of sheet metal and wooden poles. A portion of the workshop was constructed on a concrete slab.

Structures observed in Area B (located on the west-central portion of the Property; Figure 6-1) include a mobile home and a workshop.

Structures observed in Area C (located on the east-central portion of the Property; Figure 6-1) include an SFR, shed, horse barn, and workshop. The house and shed were constructed of stucco and shingles; and the horse barn and workshop were constructed of wooden poles and sheet metal.

Structures observed in Area D (located on the southwestern corner of the Property; Figure 6-1) include an SFR, a workshop, and 2 pole barns. The house was constructed of cinderblocks and shingles; and the workshop and barns were constructed of sheet metal and poles.

Additionally, a skeet shooting shed constructed of wooden poles and sheet metal was observed in the north eastern corner of the Property (Figure 6-1).

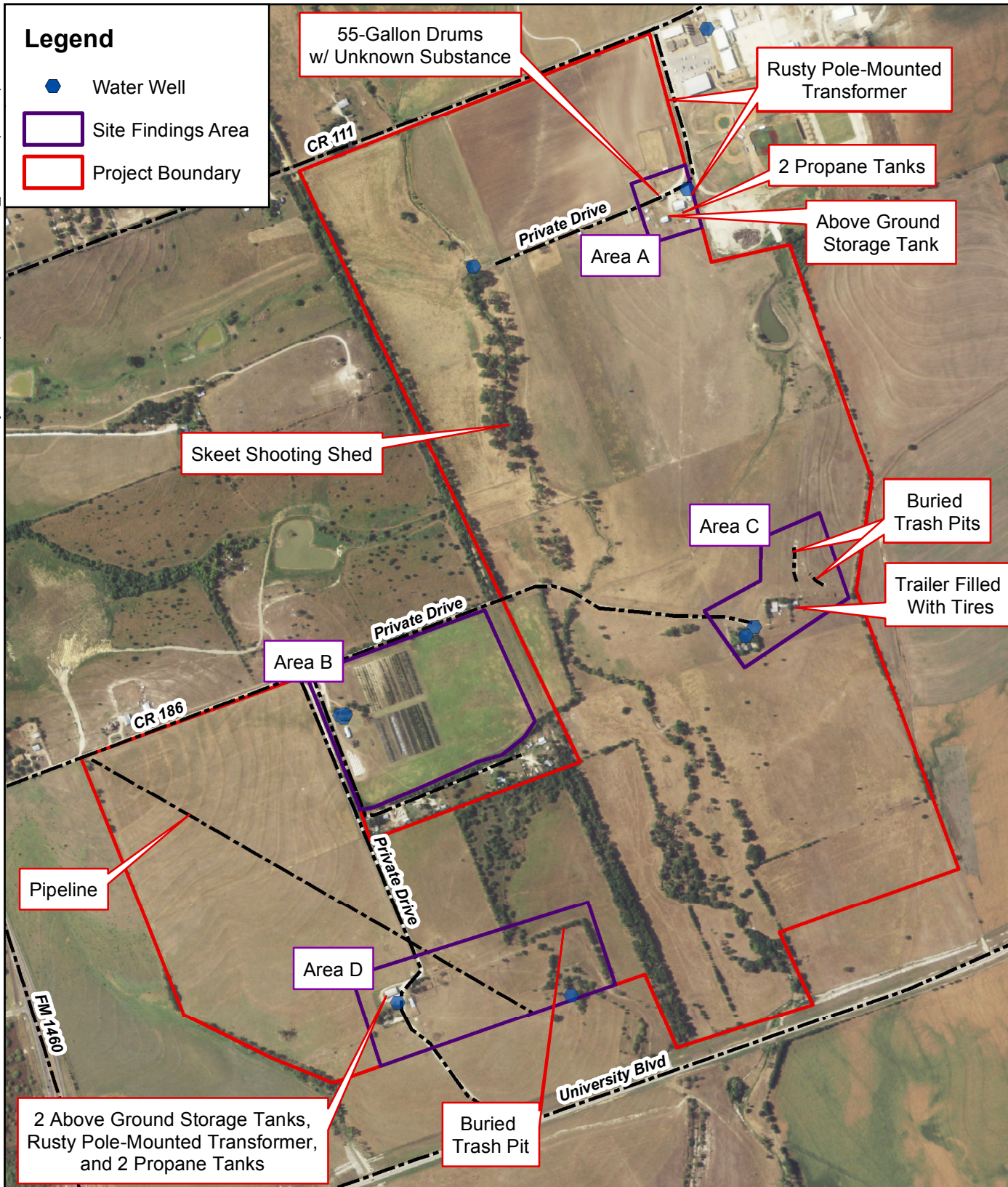
Review of aerial photography indicates all structures appear on the Property after 1964 (see Figures 4-7 and 4-8). Photographs of the structures described above are located in Appendix C.

County Road (CR) 186 traverses the western-central portion of the Property, terminating off-site at a small community of rural SFRs. Three private drives extend onto the Property and serve as main access leading to structures on the Property. All private drives are gated and locked. Roads bordering the Property include CR 111 to the north and University Boulevard to the south (Figure 6-1).

### 6.2.4 Potable Water Supply and Sewage Disposal Systems

During Horizon's site reconnaissance, 6 in-use water wells that provide a potable water supply to the Property were observed on the Property. Additionally, 4 abandoned water wells were observed.

Evidence of private septic systems was observed throughout the Property at the time of Horizon's site reconnaissance. If septic systems are not intended for future use, they should be properly collapsed.



MAP SOURCE: USDA, 2012.

0 450 900  
Feet



## FIGURE 6-1

SITE FINDINGS MAP  
AVERY NORTH CONCEPT 1  
ROUND ROCK,  
WILLIAMSON COUNTY, TEXAS



## 6.3 SITE FINDINGS

### 6.3.1 Exterior Observations

Horizon observed the Property, as well as the periphery of all structures on the Property, in an effort to determine the presence or absence of certain features/conditions as specified by ASTM Practice E 1527-05. Photographs of the observations described below are located in Appendix C.

In Area A (see Figure 6-1), 1 AST containing diesel was observed. The storage tank was contained in a metal casing, and no signs of leaks were observed. Various farming equipment was observed scattered throughout Area A. Two rusted pole-mounted transformers, likely to contain polychlorinated biphenyls oils (PCBs), and 2 water wells were observed along the east boundary of Area A. The transformers appeared intact, and no staining was observed on the poles or surrounding soils. One water well appeared to be abandoned and the other was active and had an associated holding tank. Two propane tanks and a collection of water heaters were observed near the workshop structure. Horizon observed no evidence of leaks or soil staining in association with the water heaters or propane tanks.

In Area B (see Figure 6-1), 3 active water wells and 2 associated water holding tanks were observed near the workshop. Ten 18-wheeler trucks with attached trailers were observed along the west boundary of Area B. Horizon observed no evidence of leaks or soil staining in association with the 18-wheelers. One pole-mounted transformer was observed and appeared intact with no evidence of staining on the poles or surrounding soils. Scattered areas of debris were observed throughout Area B and consisted of scrap wood, approximately 10 tires, ice chest, PVC pipe, scrap metal, and 5-gallon buckets. Horizon observed minor soil staining in association with 1 area containing multiple 5-gallon buckets partially filled with petroleum products.

In Area C (see Figure 6-1), 1 pole-mounted transformer was observed along the western boundary. The transformer appeared intact, and no staining was observed on the pole or surrounding soils. Two water wells were observed near the western structure. One water well appeared to be abandoned and the other active. Multiple debris piles consisting of empty 55-gallon buckets, empty 5-gallon buckets, fencing material, sheet metal and various debris were observed near the SFR and workshop. Seven washing machines/dryers, 3 lawn mowers, 2 refrigerators, multiple trailers and tractor attachments, 2 boats, and 3 vehicles were observed throughout the area. One trailer was full with an undetermined quantity of discarded tires. Two linear buried trash pits were observed within the north-central portion of Area C. Evidence of buried trash included fencing material, 55-gallon barrels, metal pipe, and a small engine; however, underground debris contents were not determined at the time of this report. Horizon observed no evidence of surface soil staining in association with any objects found in Area C.

In Area D (see Figure 6-1), 1 buried trash pit and multiple debris piles were observed throughout the area. Evidence of buried trash included scrap metal and wood; however, underground debris contents were not determined at the time of this report. One gas pipeline

was observed traversing the central portion of Area D. Two propane tanks, an empty water tank, and 2 aboveground storage tanks were observed near the SFR. One empty storage tank was labeled "Gas" and the other potentially contained transmission fluid. Horizon observed no evidence of leaks or soil staining in association with the propane or storage tanks. One abandoned water well was observed near the southern boundary of Area D and the Property. One rusted pole-mounted transformer, likely to contain PCBs, was observed within Area D. The transformer appeared intact, and no staining was observed on the pole or surrounding soil. Eleven 5-gallon buckets containing transmission/hydraulic oil were observed near the workshop. Minor soil staining was observed in association with the buckets.

Additionally, 1 abandoned water well was observed in the north-central portion of the Property and 1 impounded pond along the northeastern boundary of the Property. A skeet shooting shed was observed in the north eastern corner of the Property (see Figure 6-1).

Horizon observed no pits, or lagoons; no stressed vegetation; no evidence of solid waste or wastewater discharges; vent pipes, or fill pipes; no strong, pungent, or noxious odors; and no pools of liquid on the Property during the site reconnaissance.

#### 6.3.2 Interior Observations

The interiors of any structures on the Property, as accessible/visible, were also observed in an effort to determine the absence/presence of certain features and conditions, as specified by ASTM Practice E 1527-05. Photographs of the observations described below are located in Appendix C.

Contents within the structure of Area A (see Figure 6-1) included stables, animal feed, lawnmower, horse tack, 2 vehicles, multiple trailers, backhoe, utility vehicle, tractor, tractor implements, and 9 55-gallon drums partially filled with an unknown substance. No evidence of leaks or soil staining was observed in association with the 55-gallon drums. The dilapidated barn contained 4 5-gallon buckets partially containing oil. Minor soil staining was observed in association with the 5-gallon buckets.

Contents within the structures in Area B (see Figure 6-1) included chairs, tables, generator, farm equipment, and various workshop items.

Contents within the structures in Area C (see Figure 6-1) included horse stables, household storage items, farm equipment, doors, gutters, and various debris.

Contents within the structures in Area D (see Figure 6-1) included farming equipment, vehicle maintenance supplies, an all-terrain vehicle, deep freezer, household furniture, filing cabinets, and various household items. Horizon observed 2 areas of minor soil staining within the workshop in association with gasoline canisters, bottles of anti-freeze, and other automotive liquids. One water well was observed within the workshop on the west portion of Area D.



During the site reconnaissance, Horizon observed no stains or corrosion on walls or ceilings; no floor drains or sumps; no storage tanks, vent pipes, or fill pipes; no strong, pungent, or noxious odors; and no pools of liquid inside structures on the Property.

## **7.0 DATA GAPS**

According to ASTM Practice E 1527-05, a “data gap” occurs when the environmental professional is unable to obtain information required by the practice despite good faith efforts to gather such information.

No significant data gaps were encountered in the process of conducting this Phase I ESA that would affect Horizon’s ability to identify recognized environmental conditions. However, Horizon did not conduct interviews with all current landowners/occupants. Horizon attempted to contact all current landowners/occupants to inquire about the Property. As of the date of this report, Horizon received a response from only 1 current landowner, Mr. John S. Avery. However, due to the rural, undeveloped nature of the Property and surrounding areas, the identified landowners/occupants are unlikely to use or store significant amounts of hazardous substances or petroleum products on the Property; it is Horizon’s opinion that this data gap has not affected the Environmental Professional’s ability to identify recognized environmental conditions in connection with the Property.

## **8.0 DEVIATIONS**

There were deletions from ASTM Practice E 1527-05 in connection with this Phase I ESA.

ASTM Practice E 1527-05 requires the User to either (1) engage a title company or title professional to undertake a review of reasonably ascertainable recorded land title records and lien records for environmental liens or activity and use limitations currently recorded against or relating to the property; or (2) negotiate such an engagement of a title company or title professional as an addition to the scope of work to be performed by the environmental professional. The User indicated that it did not conduct a search for environmental liens or AULs and did not consent to adding the search to Horizon's scope of work for an additional fee.

Additionally, Horizon did conduct additional, non-ASTM-scope assessments during this Phase I ESA at the request of the User (see Section 12 of this report).

## **9.0 FINDINGS AND CONCLUSIONS**

Horizon has performed a Phase I ESA of the Property in conformance with the scope and limitations of ASTM Practice E 1527-05. Any exceptions to, or deletions from, this practice are described in Section 8.0 of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the Property except for the following:

7. Three rusted and potentially leaking pole-mounted transformers (see Figure 6-1);
8. One trailer filled with discarded tires (see Figure 6-1 and Appendix C, Photo 19);
9. Three buried trash pits (see Figure 6-1 and Appendix C, Photos 20 and 23);
10. Three aboveground storage tanks and 4 propane tanks (see Figure 6-1 and Appendix C, Photos 8, 25, and 26);
11. Nine 55-gallon drums filled with an unknown substance (Figure 6-1, Appendix C, Photo 6); and
12. Five areas of minor soil staining associated with various gasoline canisters, bottles of anti-freeze, other automotive liquids, and 5-gallon buckets containing transmission fluid/oil (Appendix C, Photos 27 and 28).

Additional findings that are not considered recognized environmental conditions but are worthy of note include the following:

5. Ten water wells (Appendix C, Photos 7 and 30);
6. Ten 18-wheeler trucks with attached trailers, various farm equipment, recreational vehicles, and boats (Photos in Appendix C);
7. Various debris piles and contents of structures (Photos in Appendix C); and
8. Two areas containing a collection of discarded water heaters, washer/dryers, refrigerators, and lawn mowers (Appendix C, Photos 5 and 18).

## **10.0 OPINION OF ENVIRONMENTAL PROFESSIONAL**

This Phase I ESA has revealed evidence of recognized environmental conditions in connection with the Property. The local electrical utility company should be contacted to inspect and replace the rusty pole-mounted transformers. The buried trash pits should be carefully excavated and debris should be removed, along with various debris piles and contents of the structures. The following should be carefully removed from the Property to avoid any release of fluids: the trailer filled with tires; the aboveground storage tanks; the propane tanks; the discarded water heaters, the washer/dryers, lawnmowers, and refrigerators; the various farm equipment, 18-wheelers, and boats; the 55-gallon drums filled with an unknown substance; and the various gasoline canisters, bottles of anti-freeze, and transmission fluid buckets. Due to the typical conditions present on rural SFRs, the minor soil staining areas located throughout the Property are not considered an environmental concern.

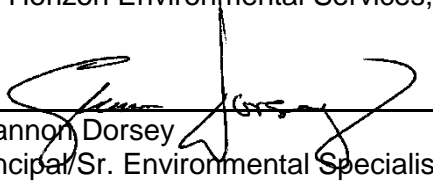
All removed content and debris should be properly disposed of in an approved facility. In the event that hazardous materials or soil staining are discovered during disposal efforts, soil sampling should be conducted to determine possible levels of contamination.

If the on-site wells are not intended for future use, they should be capped or properly abandoned according to the Administrative Rules of the Texas Department of Licensing and Regulation (TDLR), 16 Texas Administrative Code (TAC), Chapter 76. Texas Commission on Environmental Quality (TCEQ) publication RG-347, "Landowner's Guide to Plugging Abandoned Water Wells," provides specific guidance. If a well is intended for use, it must comply with 16 TAC §76.

**11.0 SIGNATURE OF ENVIRONMENTAL PROFESSIONAL**

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in 40 CFR §312.10. I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

For Horizon Environmental Services, Inc.

  
Shannon Dorsey  
Principal/Sr. Environmental Specialist, EP<sup>1</sup>, REP<sup>2</sup> No. 5194

24 April 2013  
Date

<sup>1</sup> Qualified Environmental Professional under ASTM Practice E 1527-05  
<sup>2</sup> Registered Environmental Professional

## 12.0 ADDITIONAL, NON-ASTM-SCOPE ASSESSMENTS

### 12.1 THREATENED OR ENDANGERED (T/E) SPECIES HABITAT

Literature and agency file searches were conducted to identify the potential occurrence of any federally listed T/E species in the vicinity of the Property. The following federally listed T/E species may be found in Williamson County: black-capped Vireo (*Vireo atricapilla*), bone cave harvestman (*Texella reyesi*), coffin cave mold beetle (*Batrisodes texanus*), golden-cheeked warbler (*Setophaga chrysoparia*), and tooth cave ground beetle (*Rhadine persephone*) (USFWS, 2013a). Additionally, the USFWS lists the following T/E migratory bird species as potentially occurring in many or all Texas counties: bald eagle (*Haliaeetus leucocephalus*), whooping crane (*Grus americana*), Eskimo curlew (*Numenius borealis*), interior least tern (*Sterna antillarum athalassos*), and piping plover (*Charadrius melodus*).

The Property is underlain by Austin Chalk (Kau), which may form the caves and voids that provide habitat for the federally listed T/E terrestrial karst invertebrates. However, the Property is in an area mapped as Zone 4 (no endangered cave species) by Veni and Associates (1991). Therefore, the Property is unlikely to provide habitat for the federally listed terrestrial karst invertebrates.

It is Horizon's opinion that the Property does not provide habitat or exhibit preferred habitat characteristics for any of the federally listed T/E species known to occur in Williamson County. It is Horizon's opinion that any occurrence of the federally listed migratory bird species on the Property would be temporary in nature, and that development of the Property would not adversely impact the species.

### 12.2 WETLANDS AND JURISDICTIONAL "WATERS OF THE US"

Areas subject to jurisdiction under Section 404 of the Clean Water Act are commonly called "wetlands." However, "wetlands" are subsets of areas subject to jurisdiction and potential permitting constraints. The overall term used in the regulations is "waters of the US," which includes wetlands; all surface tributary streams with a defined channel; all major streams, rivers and lakes; ponds hydrologically connected to other "waters of the US"; and, occasionally, artificial features such as ditches or abandoned borrow pits. Federal regulations define jurisdictional wetlands as areas within floodplains or contiguous with "waters of the US" that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support (and that under normal circumstances do support) a prevalence of vegetation typically adapted for life in saturated soil conditions (EPA, 40 CFR §230.3).

The on-site jurisdictional determination consisted of a pre-field literature review and a site assessment conducted according to the routine determination methodology prescribed by the 1987 Corps of Engineers *Wetland Delineation Manual*, USACE Regulatory Guidance Letter

05-05 (7 December 2005), and 2007 Clean Water Act Jurisdictional Determination Guidance (Rapanos Guidance). The pre-field evaluation included a review of USDA Natural Resource Conservation Service (NRCS) Soil Data Mart website (NRCS, 2013b); the USGS Round Rock, Texas, topographic quadrangle map (USGS, 1987); FEMA Flood Insurance Rate Map (FEMA, 2008); USFWS National Wetland Inventory (NWI) map (USFWS, 2013b); and historical aerial photography dated 1941, 1953, 1964, 1974, 1985, 2004, and 2012.

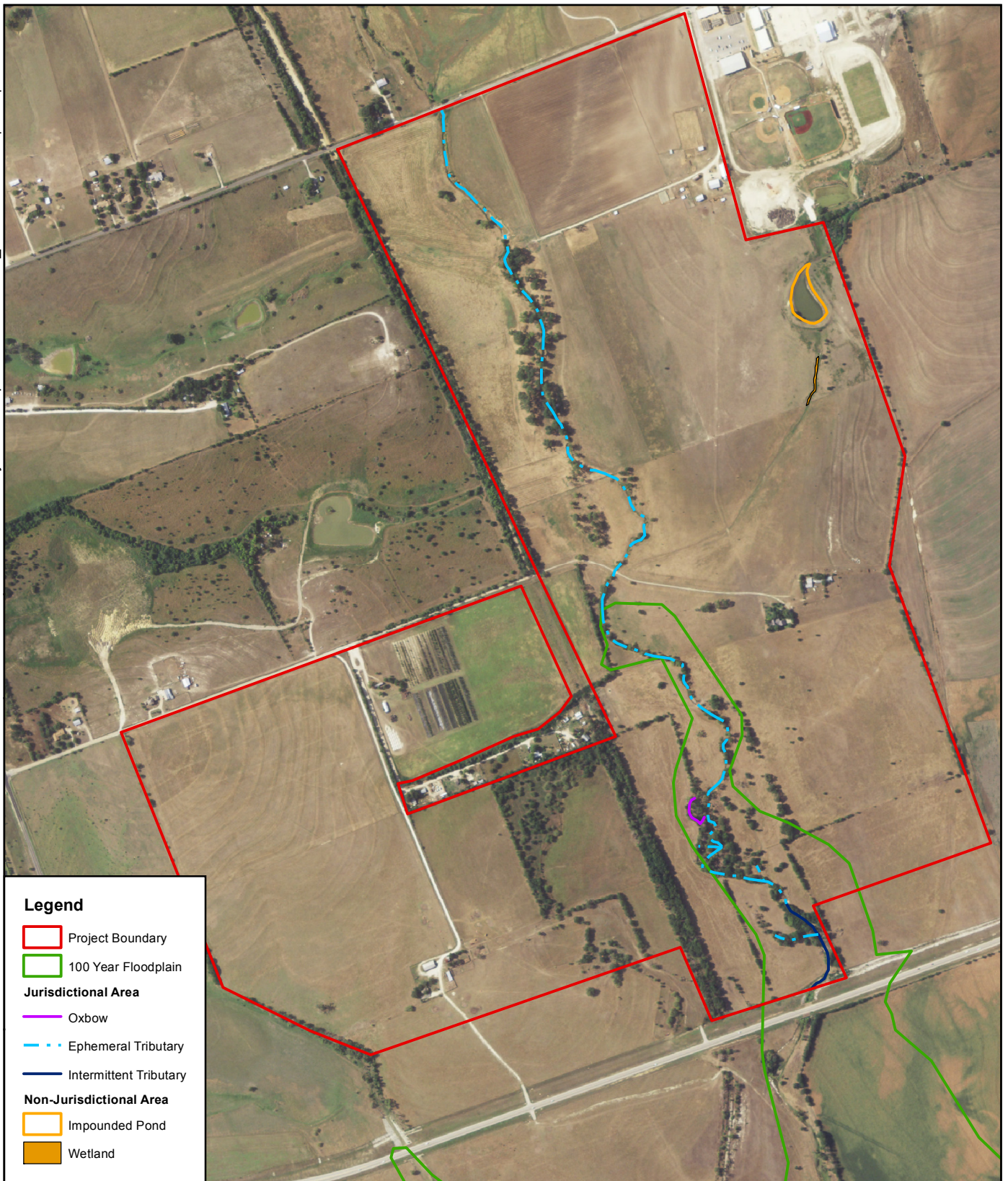
Based on the pre-field literature review and field investigation, Horizon did observe areas on the Property that would be considered jurisdictional “waters of the US” and subject to regulation by the US Army Corps of Engineers (USACE) (Figure 12-1). Horizon identified McNutt Creek and an adjacent oxbow as “waters of the US” (Appendix C, Photo 31). The waterways exhibited a definable bed-and-bank and were hydrologically connected to a traditional navigable water (TNW) (Brazos River).

Horizon also identified an impounded pond and wetland that would not be considered a “waters of the US” (Appendix C, Photo 32). The pond and wetland were neither hydrologically connected nor have a significant nexus to a TNW.

If jurisdictional waterways will be impacted on the Property, including placement of fill material, a Section 404 (Clean Water Act) jurisdictional delineation may be needed to identify the extent of wetlands and/or other “waters of the US.” This delineation should be conducted according to the methodology prescribed by the 2007 Clean Water Act Jurisdictional Determination Guidance (Rapanos Guidance), the 1987 Corps of Engineers *Wetland Delineation Manual*, and US Army Corps of Engineers Regulatory Guidance Letter 05-05. This delineation should include a detailed field reconnaissance to gather necessary information as well as flag and/or stake jurisdictional areas (if applicable) for future survey.

Be aware that the USACE and EPA have proposed new guidance on Section 404 jurisdiction that could capture some or all isolated aquatic features into jurisdiction. However, final approval of that guidance has not been determined by the date of this report. If construction of your project will impact isolated aquatic features, please consult us again on the status of this new guidance.





#### Legend

- Project Boundary
- 100 Year Floodplain
- Jurisdictional Area**
- Oxbow
- Ephemeral Tributary
- Intermittent Tributary
- Non-Jurisdictional Area**
- Impounded Pond
- Wetland

MAP SOURCE: USDA, 2012.

0 500 1,000  
Feet



**FIGURE 12-1**

NON-ASTM-SCOPE FINDINGS MAP  
AVERY NORTH CONCEPT 1  
ROUND ROCK,  
WILLIAMSON COUNTY, TEXAS

### 12.3 CULTURAL RESOURCES

Archival research conducted via the Internet at the Texas Historical Commission's (THC's) *Texas Archeological Sites Atlas* (Atlas) website indicated the presence of 2 previously recorded archeological sites and 2 cemeteries within an approximately 1.0-mile perimeter of the Property (Atlas, 2013), while a review of the National Park Service's (NPS) National Register of Historic Places (NRHP) Google Earth map layer indicated the presence of no historic properties listed on the NRHP within the review perimeter (NPS, 2013). These documented cultural resources and their distances from the Property are summarized in Table 12-1 below. No documented cultural resources, including any listed on the NRHP, are located within or immediately adjacent to the Property. Based on the Atlas maps, no previous cultural resources surveys have been conducted in the immediate vicinity of the Property.

**TABLE 12-1  
DOCUMENTED CULTURAL RESOURCES WITHIN 1.0 MILES OF THE PROPERTY**

Site Trinomial, Cemetery, or Historic Property	Site Type	NRHP Eligibility Status	Distance/Direction from Property	Potential to be Impacted?
41WM1247	Historic farmstead	Ineligible	1.0 miles southwest	No
41WM1199	Historic farmstead	Ineligible	1.0 miles south	No
Old Swedish Cemetery (41WM907)	Cemetery	N/A	0.7 miles northwest	No
Union Hill Cemetery (41WM508)	Cemetery	N/A	0.1 miles west	No

Prehistoric archeological sites are commonly found in upland areas and on alluvial terraces near stream/river channels or drainages. Based on the location of the Property on elevated landforms above McNutt Creek, it is Horizon's opinion that there exists a moderate to high potential for undocumented prehistoric cultural deposits within the boundaries of the Property.

In regard to historic-era resources, several structures are visible within and immediately adjacent to the boundaries of the Property on the relevant topographic quadrangle map and on Google Earth. If any of these visible structures were built prior to 1960, they may qualify as historic-era resources. Additionally, their presence within and immediately adjacent to the Property suggests a moderate to high potential for associated historic-era cultural deposits within the boundaries of the Property.

In accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, if any federal permits or funding are required for the development of the Property, including Nationwide Permits issued by the US Army Corps of Engineers (USACE), permitting

agencies may require a cultural resources survey of the Property. Similarly, if the Property will be developed by or maintained by a public entity, permitting agencies may also require a cultural resources survey in compliance within the Antiquities Code of Texas (ACT).

In the event that the undertaking does not require any federal permitting/funding and cultural resources are not afforded protection under the regulations of Section 106 of the NHPA or the ACT, unmarked burial sites (both prehistoric and historic-era) are still protected under the Texas Health and Safety Code. As such, if any human remains or grave offerings are encountered at any point during construction, maintenance, or on-going use of the Property, all work at the location of the accidental discovery should cease immediately. Following the cessation of activity, the THC should be notified immediately and a qualified archeologist should be contacted to assess the find.

#### 12.4 POTENTIAL FOR THE OCCURRENCE OF RADON

In 1992, the Texas Department of Health, Bureau of Radiation Control (TDH-BRC), conducted statewide indoor air quality surveys to learn the average levels of radon gas within homes of each county (Smith et al., 1992). Radon is an odorless, colorless, naturally occurring radioactive gas produced by the radioactive decay of uranium in geological formations. Radon can readily migrate through permeable rocks and soils and eventually seep into buildings or be released into the atmosphere.

Radon further decays into radioactive, chemically reactive particles that can attach themselves to other particles, such as dust, in a home environment. If inhaled, these now-radioactive particles may cause damage to lung tissues and increase the risk of lung cancer. The radon level threshold of concern established by the EPA is 4 pico curies per liter (pCi/l) of air. The average indoor radon level is estimated to be about 1.3 pCi/l and about 0.4 pCi/l is normally found in the outside air (EPA et al., 1992). Texas homes, when viewed on a statewide basis, have a relatively low level of radon, averaging 1.2 pCi/l of air (Smith et al., 1992). Such levels are not a major public health concern, as it would be extremely costly and difficult to achieve lower average residential levels on a statewide basis. This Texas average is within the national norms, where US homes have been reported to have averaged indoor radon levels between 1.0 and 2.0 pCi/l of air. However, when examined on a county basis, Texas counties that have a higher potential for residential radon are found in the West Texas Panhandle region; the Big Bend area; the Llano Uplift area; and inland from the coastal bend in South Texas, where underground formations of ancient Mesozoic beach sands, rich in uranium, can be found. All the counties with higher levels of radon were found to have geology that supports their higher potential.

Residential radon measurements for Williamson County are as follows:

**TABLE 12-2  
RADON MEASUREMENTS**

Mean (pCi/l)	No. of Houses Surveyed	Percent > 4 pCi/l	Percent > 20 pCi/l	Minimum Value (pCi/l)	Maximum Value (pCi/l)
1.4	37	2.7	0	< 0.5	6.4

Source: Smith et al., 1992

The above data indicate that radon levels in Williamson County are average indoor levels and below EPA levels of concern. However, a low mean radon level does not mean that all houses in that county will have a low radon measurement. Unique construction techniques, such as underground or berm-surrounded homes, as well as energy-efficient or tightly sealed homes, may show higher indoor radon levels. Percentages measured within individual counties, however, can be used as determinants of the potential radon problem for that county, because all residents within a specific county have an equal chance of being chosen for the survey.

When a house is discovered with elevated indoor radon levels, and mitigation efforts are determined necessary, the following general methods are available: (1) sealing off entry routes into the home by covering exposed dirt in floors or basements with concrete or gas-proof liners, sealing cracks and holes in slabs, and covering sumps in untrapped floor drains; (2) increasing the ventilation rate in a house by either passive or active means; or (3) increasing soil ventilation by drawing away radon gas from the soil before it reaches the house, such as with below-slab suction. Technical guidance for incorporating radon resistance into a new structure is available from the EPA Radon Office at 1-800-SOS-RADON or by contacting the EPA Region 6 in Dallas, Texas, at (214) 655-7208.

## 12.5 ASBESTOS-CONTAINING MATERIALS AND LEAD-BASED PAINT

The EPA defines ACMs as any material or product that contains greater than 1% asbestos. In general, the EPA classifies ACMs into the 3 categories outlined below.

- Surfacing, which includes sprayed-on or troweled-on materials
- Thermal, which includes insulation and materials associated with heating, hot/cold water systems, and HVAC systems
- Miscellaneous, which includes ceiling and floor tiles, roofing materials, and all other materials that do not fall into the 2 previous categories

In addition, identified ACMs are further defined as “friable” or “non-friable.” “Friable” material is defined as material that, when dry, can easily be pulverized, crushed, or reduced to

powder by hand pressure. "Non-friable" material is defined as those materials containing asbestos that are firmly bound by matrix such as plastic, cement, etc., that, if handled carefully, will not become friable.

Horizon observed several structures on the Property. In a review of aerial photography, a majority of the structures appear on the Property between 1964 and 1974. Due to the estimated age of these structures, a potential for the occurrence of ACMs and/or lead-based paints exists. Although a majority of the structures are residential in nature, regulations requiring identification/abatement of ACMs apply if more than 1 structure is proposed for demolition or renovation involving a future commercial venture. All structures at the Property will require an asbestos survey by a Texas-licensed asbestos inspector to confirm the absence/presence of ACMs.



### 13.0 PARTICIPATING PERSONNEL

Horizon's participating personnel for this Phase I ESA are listed below. Qualifications of the Environmental Professional are provided in Appendix G.

<u>PERSON</u>	<u>PARTICIPATION</u>
Shannon Dorsey, Principal/Sr. Environmental Specialist, EP <sup>1</sup> , REP <sup>2</sup> No. 5194	Project Manager Field Investigation Technical Review
Rachel McCarter, Environmental Specialist .....	Records Search Report Contribution Drafting
Scott Flesher, Environmental Specialist, EP <sup>3</sup> .....	Field Investigation Report Contribution Drafting
Russell K. Brownlow, Principal/Cultural Resources ....., Director, RPA <sup>4</sup>	Cultural Resources Section
David Bradford, Word Processor.....	Final Report Preparation

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<sup>1</sup> Qualified Environmental Professional under ASTM Practice E 1527-05  
<sup>2</sup> Registered Environmental Professional  
<sup>3</sup> Qualified Environmental Professional under ASTM Practice E 1527-05  
<sup>4</sup> Registered Professional Archeologist

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**APPENDIX A**  
**PHASE I ESA**  
**SCOPE OF SERVICES AND LIMITED GLOSSARY OF TERMS**

## **SCOPE OF WORK**

### **PHASE I ENVIRONMENTAL SITE ASSESSMENT**

The following presents the 4 principal components of Horizon's scope of work for the performance of a Phase I Environmental Site Assessment (ESA). Horizon's Phase I ESA is performed in conformance with the scope and limitations of ASTM Practice E 1527-05.

#### **1.0 Records Review**

A review of reasonably ascertainable environmental and historical use information from corporate and/or governmental records related to the Property is performed. Standard sources of information (e.g., various federal, state, local, and tribal governmental agencies) and search distances from the Property adhere to those specified in ASTM Practice E 1527-05, as applicable. Sources of information reviewed include the following, as applicable and reasonably ascertainable:

##### **1.1 Standard Environmental Record Sources (Federal and State)**

- 1.1.1 National Priority List Database
- 1.1.2 Comprehensive Environmental Response, Compensation, and Liability Information System Database
- 1.1.3 Resource Conservation and Recovery Information System Database
- 1.1.4 Emergency Response Notification System Database
- 1.1.5 Texas Voluntary Cleanup Program and the Texas Innocent Owner/Operator Program
- 1.1.6 Texas State Superfund Database
- 1.1.7 TCEQ Solid Waste Facilities and Unauthorized and Unpermitted Landfill Sites
- 1.1.8 TCEQ Registered Storage Tanks
- 1.1.9 TCEQ Spills List
- 1.1.10 Brownfields
- 1.1.11 Dry Cleaners

##### **1.2 Additional Environmental Record Sources**

- 1.2.1 Oil and gas activity records
- 1.2.2 Documented water wells and information concerning known or potentially contaminated wells
- 1.2.3 Other local record sources as applicable and reasonably ascertainable

##### **1.3 Physical Setting Sources**

- USGS topographic map and description of general topography
- USDA mapped soils information
- FEMA flood hazard mapping information

##### **1.4 Standard Historical Sources**

- Historical chain-of-title documentation
- Historical aerial photography
- Fire insurance maps
- Local street directories
- Other standard historical sources (may include sources such as USGS topographic maps, property tax files, local building department records, local zoning/land use records, or information from prior ESAs conducted on the Property)

#### **2.0 Interviews**

Horizon makes a reasonable attempt to interview current owners and occupants of the Property. Selection of persons to be interviewed follows the guidance provided in ASTM Practice E 1527-05.

##### **2.1 Interview with Owner/Key Site Manager**

- 2.2 Interview(s) with current occupants
- 2.3 Interview(s) with local government officials
- 2.4 Interview(s) with others, as deemed necessary by the EP under ASTM Practice E 1527-05

### **3.0 Site Reconnaissance**

A site reconnaissance is performed on the Property, including observation of physical conditions of the land and any structures or improvements on the Property, and immediately adjacent properties as accessible or visible, for potential indicators of recognized environmental conditions. Representative photographs of the Property and immediately adjacent properties are taken to document conditions existing at the time of the site reconnaissance. Observed indications of current and past uses of the Property and adjoining properties, as accessible or visible, are noted. Certain features/conditions that may exist on the Property are documented, including, but not limited to, the following:

- 3.1 General Site Setting
  - 3.1.1 Geologic, hydrogeologic, hydrologic, and topographic conditions
  - 3.1.2 Property uses
    - Current/past uses of the Property
    - Current/past uses of adjoining properties
    - Current/past uses of surrounding area
  - 3.1.3 Structures on the Property
  - 3.1.4 Roads and parking areas on the Property
  - 3.1.5 Potable water supply
  - 3.1.6 Sewage disposal system
- 3.2 Exterior Observations
  - 3.2.1 Pits, ponds, or lagoons
  - 3.2.2 Stained soil or pavement
  - 3.2.3 Stressed vegetation
  - 3.2.4 Evidence of solid waste
  - 3.2.5 Evidence of wastewater discharges
  - 3.2.6 Wells
  - 3.2.7 Septic systems
  - 3.2.8 Hazardous substances or petroleum products
  - 3.2.9 Hazardous substance or petroleum products containers
  - 3.2.10 Storage tanks, vent pipes, and fill pipes
  - 3.2.11 Equipment likely to contain polychlorinated biphenyl oils (PCBs)
  - 3.2.12 Strong, pungent, or noxious odors
  - 3.2.13 Pools of liquid
- 3.3 Interior Observations
  - 3.3.1 Heating/cooling facilities
  - 3.3.2 Stains or corrosion
  - 3.3.3 Floor drains and sumps
  - 3.3.4 Hazardous substances or petroleum products
  - 3.3.5 Hazardous substance or petroleum products containers
  - 3.3.6 Storage tanks, vent pipes, and fill pipes
  - 3.3.7 Equipment likely to contain PCBs
  - 3.3.8 Strong, pungent, or noxious odors
  - 3.3.9 Pools of liquid

### **4.0 Report**

Two copies of a written report are prepared presenting the findings of the Phase I ESA. The report includes the following:

- 4.1 Description of the Property
  - 4.1.1 Location and legal description
  - 4.1.2 Site and vicinity general characteristics
  - 4.1.3 Current use of the Property
  - 4.1.4 Description of structures, roads, and other improvements on the Property
  - 4.1.5 Current uses of the adjoining properties
- 4.2 User-provided Information
  - 4.2.1 Historical chain-of-title documentation
  - 4.2.2 Environmental liens or activity and use limitations (AULs)
  - 4.2.3 Specialized knowledge
  - 4.2.4 Commonly known or reasonably ascertainable information
  - 4.2.5 Purchase price vs. fair market value of the Property
  - 4.2.6 Owner, property manager, and occupant information
  - 4.2.7 Reason for performing the Phase I ESA
  - 4.2.8 Other User-provided information
- 4.3 Discussion of findings from Records Review, Interviews, and Site Reconnaissance
- 4.4 Identification of any significant data gaps
- 4.5 Identification of any deviations from ASTM Practice E 1527-05
- 4.6 Findings and Conclusions
- 4.7 Opinion of the Environmental Professional
- 4.8 Signature of the Environmental Professional
- 4.9 Qualifications of the Environmental Professional

## PHASE I ESA LIMITED GLOSSARY OF TERMS

The terms below may be found in the Phase I ESA report. They are defined by ASTM Standard Practice E 1527-05 as follows. This should not be considered a comprehensive list of terms.

**activity and use limitations (AULs)** – legal or physical restrictions or limitations on the use of, or access to, a site or facility: (1) to reduce or eliminate potential exposure to hazardous substances or petroleum products in the soil or ground water on the property, or (2) to prevent activities that could interfere with the effectiveness of a response action, in order to ensure maintenance of a condition of no significant risk to public health or the environment. These legal or physical restrictions, which may include institutional and/or engineering controls, are intended to prevent adverse impacts to individuals or populations that may be exposed to hazardous substances and petroleum products in the soil or ground water on the property.

**data failure** – a failure to achieve the historical research objectives prescribed by the practice, even after reviewing standard historical sources that are reasonably ascertainable and likely to be useful. Data failure is one type of data gap. Data failure is not uncommon in trying to identify the use of the property at 5-year intervals back to first use or 1940 (whichever is earlier).

**data gap** – a lack of or inability to obtain information required by the practice despite good faith efforts by the environmental professional to gather such information. Data gaps may result from incompleteness in any of the activities required by the practice.

**environmental lien** – a charge, security, or encumbrance upon title to a property to secure the payment of a cost, damage, debt, obligation, or duty arising out of response actions, cleanup, or other remediation of hazardous substances or petroleum products upon a property.

**recognized environmental condition** – the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include *de minimis* conditions that generally do not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be *de minimis* are not recognized environmental conditions.

**user** – the party seeking to use Practice E 1527 to complete an environmental site assessment of the property. A user may include, without limitation, a potential purchaser of property, a potential tenant of property, an owner of property, a lender, or a property manager. The user has specific obligations for completing a successful application of the practice.

**APPENDIX B**

**USER-PROVIDED INFORMATION DOCUMENTS**

Legal Description of the Property  
Phase I ESA User Questionnaire  
Historical Chain of Title



**Gracy Title, a Stewart company**  
**8014 Mesa Dr.**  
**Austin, TX 78731**

**DEED REPORT**

Client:  
TAYLOR MORRISON OF TEXAS, INC.

AR #: AR1194  
Client Reference #:

Re: 180.682 acres of land, more or less, out of the JOSEPH MOTT SURVEY, Abstract No. 427, in Williamson County, Texas, being a portion of a called 300.43 acre tract described as the Second Tract of the Ninth Tract in deed recorded in Volume 305, Page 228, of the Deed Records of Williamson County, Texas, and being the same property more fully described by metes and bounds in the attached field notes

As per your request we report that a search of the appropriate county records beginning March 1, 1943 and continuing through April 4, 2013 reveals the following deeds and leases:

1. Partition Deed between T. E. Nelson et al filed January 1, 1941 and recorded in Vol. 305, Page 228, of the Deed Records of Williamson County, Texas.
2. Oil, Gas and Mineral Lease filed June 16, 1967 and recorded in Vol. 499, Page 451, of the Deed Records of Williamson County, Texas.
3. Quitclaim Deed from Missouri-Kansas-Texas Railroad Company filed October 17, 1979 and recorded in Vol. 773, Page 652, of the Deed Records of Williamson County, Texas.
4. Co-Administrator's Deed filed October 6, 1995 from John Sharp Avery and Charles Needham Avery III as Independent Co-Administrators of the Estate of Charles Needham Avery, Jr., Deceased as grantors, to Lucille Sharp Avery as grantee, recorded in Document Number 9545262, of the Official Records of Williamson County, Texas. (Tract C)
5. Deed filed October 6, 1995 from Lucille Sharp Avery as grantor, to Lucille Sharp Avery to John S. Avery, Charles N. Avery III, A. Nelson Avery and Lucille Christine Avery Fell, Trustees of the Children of Lucille Sharp Avery Exempt Trust as grantees, recorded in Document Number 9545263, of the Official Records of Williamson County, Texas. (Tract C)
6. Executor's Deed filed December 18, 1995 from John S. Avery, Independent Executor of the Estate of Helen Avery Phinney, Deceased as grantor, to Loye W. Young, Trustee of the Helen Avery Phinney Marital Trust as grantee, recorded in Document Number 9556281, of the Official Records of Williamson County, Texas. (Tract E)
7. Executor's Deed filed December 18, 1995 from Loye W. Young, Independent Executor of the Estate of Robert Loren Phinney, Deceased and as Trustee of the Helen Avery Phinney Marital Trust as grantor, to James T. Fuller as grantee, recorded in Document Number 9556282, of the Official Records of Williamson County, Texas. (Tract E)

8. Deed filed March 13, 1998 from James T. Fuller, Personal Representative of Susan Phinney Conrad, Deceased as grantor, to Meta Butler Hunt as grantee, recorded in Document Number 9812501, of the Official Records of Williamson County, Texas.
9. Warranty Deed filed May 28, 1998 from Meta Butler Hunt as grantor, to Pebble Creek Joint Venture as grantee, recorded in Document Number 9828294, of the Official Records of Williamson County, Texas. (Parcel 4)
10. Special Warranty Deed with Vendor's Lien filed July 13, 1998 from Lucille Sharp Avery as grantor, to Avery Ranch Company, Ltd. as grantee, recorded in Document Number 9838980, of the Official Records of Williamson County, Texas. (Parcel 4)
11. Special Warranty Distribution Deed filed August 3, 1998 from John Sharp Avery, Independent Executor of the Estate of Frances E. A. McCorquodale, Deceased as grantor to Avery Ranch Company, Ltd., et al as grantees, recorded in Document Number 9843833, of the Official Records of Williamson County, Texas. (Parcel 4)
12. Special Warranty Partition Deed filed August 3, 1998 between Avery Ranch Company, Ltd. et al, recorded in Document Number 9843836, of the Official Records of Williamson County, Texas. (Parcel 4)
13. Special Warranty Partition Deed filed August 3, 1998 between Avery Ranch Company, Ltd. et al, recorded in Document Number 9843837, of the Official Records of Williamson County, Texas. (Parcel 4)
14. Trustee Distribution Deed filed September 17, 2002 from Charles Needham Avery III, Trustee of the Exemption Equivalent Trust as grantor, to Avery Ranch Company, Ltd. as grantee, recorded in Document Number 2002071336, of the Official Public Records of Williamson County, Texas. (Parcel 3)

Prepared by: Dave Merritt



Liability hereunder is limited to the amount paid for same. This report is furnished solely as an accommodation to the party requesting same and should not be relied upon, as a warranty or representation as to the title to the property described herein and may not be given to or used by any third party. Gracy Title, a Stewart company, (hereinafter called "Title Company") assumes no liability whatsoever for the accuracy of this report, nor for any omission or error with respect hereto. YOU AGREE TO RELEASE, INDEMNIFY AND HOLD HARMLESS TITLE COMPANY BECAUSE OF ANY NEGLIGENCE BY TITLE COMPANY (WHETHER SOLE, JOINT OR OTHERWISE) FOR ANY CLAIM, LOSS, LIABILITY OR DAMAGES ARISING OUT OF THIS REPORT. This report is not title insurance. If a policy of title insurance is purchased, any liability thereunder shall be determined solely by the terms of such policy.

**Gracy Title, a Stewart company**  
**8014 Mesa Dr.**  
**Austin, TX 78731**

**DEED REPORT**

Client:  
TAYLOR MORRISON OF TEXAS, INC.

AR #: AR1195  
Client Reference #:

Re: 144.41 acres of land, more or less, out of the Joseph Mott Survey, Abstract No. 427, in Williamson County, Texas, and being the same property conveyed by John S. Avery, Sr., to John S. Avery, Sr., Trustee of the John S. Avery Exempt Trust in a deed dated December 27, 2006, recorded in Document Number 2006112407 of the Official Public Records of Williamson County, Texas.

As per your request we report that a search of the appropriate county records beginning March 1, 1943 and continuing through April 5, 2013 reveals the following deeds and leases:

1. Warranty Deed filed May 6, 1937 from John Bowman and Annie Bowman as grantors, to Elmer Bowman as grantee, recorded in Vol. 285, Page 606, of the Deed Records of Williamson County, Texas.
2. Warranty Deed filed February 12, 1943 from John Malcom Oman and Hulda M. Oman as grantors, to E. W. Raney as grantee, recorded in Vol. 316, Page 126, of the Deed Records of Williamson County, Texas. (82 ½ acres)
3. Warranty Deed filed October 25, 1945 from Hulda Anderson, et al as grantors, to C. L. Drake as grantee, recorded in Vol. 329, Page 473, of the Deed Records of Williamson County, Texas. (137 acres)
4. Warranty Deed filed May 4, 1950 from E. W. Raney and Nora Raney as grantors, to W. A. Baker as grantee, recorded in Vol. 362, Page 162, of the Deed Records of Williamson County, Texas. (82 ½ acres)
5. Warranty Deed filed May 28, 1951 from C. L. Drake and Vivian L. Drake as grantors, to Will A. Meredith as grantee, recorded in Vol. 370, Page 233, of the Deed Records of Williamson County, Texas. (137 acres)
6. Warranty Deed filed September 8, 1953 from Florence Irene Bowman as grantor, to Ruben Nord and Ora Nord as grantees, recorded in Vol. 390, Page 516, of the Deed Records of Williamson County, Texas. (72 acres and 15 acres)
7. Warranty Deed filed April 13, 1955 from Ruben Nord and Ora Nord as grantors, to J. T. Boatright as grantee, recorded in Vol. 404, Page 451, of the Deed Records of Williamson County, Texas. (72 acres and 15 acres)
8. Warranty Deed filed April 27, 1955 from W. A. Baker and Ruby Baker as grantors, to J. T. Boatright as grantee, recorded in Vol. 404, Page 623, of the Deed Records of Williamson County, Texas. (82 ½ acres)

9. Deed filed February 15, 1957 from John E. Meredith, Lydia Mae Fuhrman and W. H. Fuhrman as grantors, to Florence W. McAllister as grantee, recorded in Vol. 416, Page 356, of the Deed Records of Williamson County, Texas. (19.65 acres)
10. Warranty Deed filed February 15, 1957 from Florence W. McAllister and L. A. McAllister as grantors, to J. T. Boatright as grantee, recorded in Vol. 416, Page 357, of the Deed Records of Williamson County, Texas. (19.65 acres)
11. Warranty Deed filed February 15, 1957 from W. A. Meredith, John E. Meredith, Lydia Mae Fuhrman and W. H. Fuhrman as grantors, to J. T. Boatright as grantee, recorded in Vol. 416, Page 359, of the Deed Records of Williamson County, Texas. (18.39 acres)
12. Warranty Deed filed July 23, 1957 from Will. A. Meredith as grantor, to John E. Meredith and Gladys Meredith as grantees, recorded in Vol. 418, Page 625, of the Deed Records of Williamson County, Texas. (137 acres)
13. Warranty Deed filed December 19, 1963 from J. T. Boatright and Rose Boatright as grantors, to Milton L. Cockrum and Josephine Cockrum as grantees, recorded in Vol. 465, Page 56, of the Deed Records of Williamson County, Texas. (19.65 acres, 18.39 acres, 47.86 acres, 52 acres and 15 acres)
14. Warranty Deed with Vendor's Lien filed December 16, 2005 from Milton L. Cockrum and Josephine Cockrum as grantors, to John S. Avery, Sr. as grantee, recorded in Document Number 2005099831, of the Official Public Records of Williamson County, Texas.
15. Warranty Deed with Vendor's Lien filed December 27, 2006 from John S. Avery, Sr. as grantor, to John S. Avery Exempt Trust as grantee, recorded in Document Number 2006112407, of the Official Public Records of Williamson County, Texas.

Prepared by: Dave Merritt



Liability hereunder is limited to the amount paid for same. This report is furnished solely as an accommodation to the party requesting same and should not be relied upon, as a warranty or representation as to the title to the property described herein and may not be given to or used by any third party. Gracy Title, a Stewart company, (hereinafter called "Title Company") assumes no liability whatsoever for the accuracy of this report, nor for any omission or error with respect hereto. YOU AGREE TO RELEASE, INDEMNIFY AND HOLD HARMLESS TITLE COMPANY BECAUSE OF ANY NEGLIGENCE BY TITLE COMPANY (WHETHER SOLE, JOINT OR OTHERWISE) FOR ANY CLAIM, LOSS, LIABILITY OR DAMAGES ARISING OUT OF THIS REPORT. This report is not title insurance. If a policy of title insurance is purchased, any liability thereunder shall be determined solely by the terms of such policy.

**Gracy Title, a Stewart company**  
**8014 Mesa Dr.**  
**Austin, TX 78731**

**DEED REPORT**

Client:  
TAYLOR MORRISON OF TEXAS, INC.

AR #: AR1196  
Client Reference #:

Re: 53.02 acres of land, more or less, out of the Joseph Mott Survey, Abstract No. 427, in Williamson County, Texas, and being the same property in a deed dated September 10, 2004, recorded in Document Number 2004074664, of the Official Public Records of Williamson County, Texas.

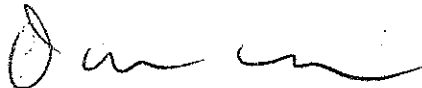
As per your request we report that a search of the appropriate county records beginning March 1, 1943 and continuing through April 8, 2013 reveals the following deeds and leases:

1. Warranty Deed filed September 8, 1953 from Florence Irene Bowman as grantor, to Ruben Nord and Ora Nord as grantees, recorded in Vol. 390, Page 516, of the Deed Records of Williamson County, Texas. (72 acres, 83 1/3 acres and 50 acres)
2. Warranty Deed filed April 13, 1955 from Ruben Nord and Ora Nord as grantors, to J. T. Boatright as grantee, recorded in Vol. 404, Page 451, of the Deed Records of Williamson County, Texas. (72 acres, 83 1/3 acres and 50 acres)
3. Warranty Deed filed May 15, 1961 from J. T. Boatright and Rosa Boatright as grantors, to Joseph Draper and Dessie Draper as grantees, recorded in Vol. 444, Page 596, of the Deed Records of Williamson County, Texas.
4. Oil, Gas and Mineral Lease filed March 1, 1967 and recorded in Vol. 495, Page 216, of the Deed Records of Williamson County, Texas.
5. Release of Oil, Gas and Mineral Lease filed March 26, 1970 and recorded in Vol. 525, Page 525, of the Deed Records of Williamson County, Texas.
6. Oil, Gas and Mineral Lease filed August 14, 1981 and recorded in Vol. 848, Page 108, of the Deed Records of Williamson County, Texas.
7. Warranty Deed with Vendor's Lien filed July 28, 1983 from G. Joseph Draper and Dessie Ruth Draper as grantors, to N. G. Whitlow, Trustee as grantee, recorded in Vol. 931, Page 388, of the Deed Records of Williamson County, Texas.
8. Warranty Deed with Vendor's Lien filed August 30, 1984 from N. G. Whitlow, Trustee as grantor, to MCC Development Corporation as grantee, recorded in Vol. 1066, Page 857, of the Official Records of Williamson County, Texas.



9. Trustee's Deed filed November 17, 1986 to N. G. Whitlow, Trustee as grantee, recorded in Vol. 1449, Page 1, of the Official Records of Williamson County, Texas.
10. Warranty Deed filed February 2, 1988 from N. G. Whitlow, Trustee as grantor, to James H. Mills as grantee, recorded in Vol. 1627, Page 309, of the Official Records of Williamson County, Texas.
11. Warranty Deed filed February 2, 1988 from N. G. Whitlow, Trustee as grantor, to James Daniel Johnson, Trustee as grantee, recorded in Vol. 1627, Page 317, of the Official Records of Williamson County, Texas.
12. Warranty Deed filed February 2, 1988 from N. G. Whitlow, Trustee as grantor, to N. G. Whitlow as grantee, recorded in Vol. 1627, Page 325, of the Official Records of Williamson County, Texas.
13. Special Warranty Deed filed August 30, 1989 from James Daniel Johnson, Trustee as grantor, to 60/40 Partnership as grantee, recorded in Vol. 1755, Page 509, of the Official Records of Williamson County, Texas.
14. Special Warranty Deed filed April 19, 1995 from James Daniel Johnson, Trustee as grantor, to 60/40 Partnership as grantee, recorded in Vol. 2709, Page 287, of the Official Records of Williamson County, Texas.
15. Quitclaim Deed filed April 19, 1995 from Kimberly L. Allen, Chapter 7 Trustee for the Bankruptcy Estate of James H. Mills as grantor, to N. G. Whitlow as grantee, recorded in Vol. 2709, Page 294, of the Official Records of Williamson County, Texas.
16. Special Warranty Deed filed April 19, 1995 from N. G. Whitlow as grantor, to The Lynette and Laura Mills 1987 Trust as grantee, recorded in Vol. 2709, Page 304, of the Official Records of Williamson County, Texas.
17. Cash Warranty Deed filed April 21, 1995 from N. G. Whitlow, 60/40 Partnership and The Lynette and Laura Mills 1987 Trust as grantors, to Ruben Greinert and Joyce Greinert as grantees, recorded in Vol. 2711, Page 151, of the Official Records of Williamson County, Texas.
18. Warranty Deed with Vendor's Lien filed June 10, 2003 from Ruben A. Greinert and Joyce E. Greinert as grantors, to Avery Ranch Company, Ltd. as grantee, recorded in Document Number 2003041203, of the Official Public Records of Williamson County, Texas.
19. Warranty Deed filed September 23, 2004 from Avery Ranch Company, Ltd. as grantor, to Charles N. Avery, III, John S. Avery, A. Nelson Avery and Lucille Christina Avery Fell, Trustees of the Children of Lucille Avery Exempt Trust as grantees, recorded in Document Number 2004074664, of the Official Public Records of Williamson County, Texas.

Prepared by: Dave Merritt



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**Gracy Title, a Stewart company**  
**8014 Mesa Dr.**  
**Austin, TX 78731**

**DEED REPORT**

**Client:**  
TAYLOR MORRISON OF TEXAS, INC.

**AR #: AR1197**  
**Client Reference #:**

**Re:** 30.774 acres of land, more or less, out of the Joseph Mott Survey, Abstract No. 427, in Williamson County, Texas, and being the same property more fully described by metes and bounds in the attached field notes.

As per your request we report that a search of the appropriate county records beginning March 1, 1943 and continuing through April 8, 2013 reveals the following deeds and leases:

1. Warranty Deed filed September 8, 1953 from Florence Irene Bowman as grantor, to Ruben Nord and Ora Nord as grantees, recorded in Vol. 390, Page 516, of the Deed Records of Williamson County, Texas. (72 acres, 83 1/3 acres and 50 acres)
2. Warranty Deed filed April 13, 1955 from Ruben Nord and Ora Nord as grantors, to J. T. Boatright as grantee, recorded in Vol. 404, Page 451, of the Deed Records of Williamson County, Texas. (72 acres, 83 1/3 acres and 50 acres)
3. Warranty Deed filed May 15, 1961 from J. T. Boatright and Rosa Boatright as grantors, to Joseph Draper and Dessie Draper as grantees, recorded in Vol. 444, Page 596, of the Deed Records of Williamson County, Texas.
4. Oil, Gas and Mineral Lease filed March 1, 1967 and recorded in Vol. 495, Page 216, of the Deed Records of Williamson County, Texas.
5. Release of Oil, Gas and Mineral Lease filed March 26, 1970 and recorded in Vol. 525, Page 525, of the Deed Records of Williamson County, Texas.
6. Oil, Gas and Mineral Lease filed August 14, 1981 and recorded in Vol. 848, Page 108, of the Deed Records of Williamson County, Texas.
7. Warranty Deed with Vendor's Lien filed July 28, 1983 from G. Joseph Draper and Dessie Ruth Draper as grantors, to N. G. Whitlow, Trustee as grantee, recorded in Vol. 931, Page 388, of the Deed Records of Williamson County, Texas.
8. Warranty Deed with Vendor's Lien filed August 30, 1984 from N. G. Whitlow, Trustee as grantor, to MCC Development Corporation as grantee, recorded in Vol. 1066, Page 857, of the Official Records of Williamson County, Texas.

9. Trustee's Deed filed November 17, 1986 to N. G. Whitlow, Trustee as grantee, recorded in Vol. 1449, Page 1, of the Official Records of Williamson County, Texas.
10. Warranty Deed filed February 2, 1988 from N. G. Whitlow, Trustee as grantor, to James H. Mills as grantee, recorded in Vol. 1627, Page 309, of the Official Records of Williamson County, Texas.
11. Warranty Deed filed February 2, 1988 from N. G. Whitlow, Trustee as grantor, to James Daniel Johnson, Trustee as grantee, recorded in Vol. 1627, Page 317, of the Official Records of Williamson County, Texas.
12. Warranty Deed filed February 2, 1988 from N. G. Whitlow, Trustee as grantor, to N. G. Whitlow as grantee, recorded in Vol. 1627, Page 325, of the Official Records of Williamson County, Texas.
13. Special Warranty Deed filed August 30, 1989 from James Daniel Johnson, Trustee as grantor, to 60/40 Partnership as grantee, recorded in Vol. 1755, Page 509, of the Official Records of Williamson County, Texas.
14. Special Warranty Deed filed April 19, 1995 from James Daniel Johnson, Trustee as grantor, to 60/40 Partnership as grantee, recorded in Vol. 2709, Page 287, of the Official Records of Williamson County, Texas.
15. Quitclaim Deed filed April 19, 1995 from Kimberly L. Allen, Chapter 7 Trustee for the Bankruptcy Estate of James H. Mills as grantor, to N. G. Whitlow as grantee, recorded in Vol. 2709, Page 294, of the Official Records of Williamson County, Texas.
16. Special Warranty Deed filed April 19, 1995 from N. G. Whitlow as grantor, to The Lynette and Laura Mills 1987 Trust as grantee, recorded in Vol. 2709, Page 304, of the Official Records of Williamson County, Texas.
17. Cash Warranty Deed filed April 21, 1995 from N. G. Whitlow, 60/40 Partnership and The Lynette and Laura Mills 1987 Trust as grantors, to Ruben Greinert and Joyce Greinert as grantees, recorded in Vol. 2711, Page 151, of the Official Records of Williamson County, Texas.
18. Warranty Deed with Vendor's Lien filed June 19, 2003 from Ruben A. Greinert and Joyce E. Greinert as grantors, to TXRR, LLC as grantee, recorded in Document Number 2003041199, of the Official Public Records of Williamson County, Texas.
19. Warranty Deed filed July 9, 2004 from TXRR, LLC as grantor, to Treescape Farms GP, LLC as grantees, recorded in Document Number 2004054116, of the Official Public Records of Williamson County, Texas.

Prepared by: Dave Merritt



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**Gracy Title, a Stewart company**  
**8014 Mesa Dr.**  
**Austin, TX 78731**

**DEED REPORT**

Client:  
TAYLOR MORRISON OF TEXAS, INC.

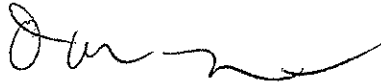
AR #: AR1198  
Client Reference #:

Re: 4.8926 acres of land, more or less, out of the Joseph Mott Survey, Abstract No. 427, in Williamson County, Texas, and being the same property in a deed dated March 1, 1996, recorded in Document Number 9610694, of the Official Records of Williamson County, Texas.

As per your request we report that a search of the appropriate county records beginning March 1, 1943 and continuing through April 8, 2013 reveals the following deeds and leases:

1. Warranty Deed filed October 25, 1945 from Hulda Anderson, et al as grantors, to C. L. Drake as grantee, recorded in Vol. 329, Page 473, of the Deed Records of Williamson County, Texas. (137 acres)
2. Warranty Deed filed May 28, 1951 from C. L. Drake and Vivian L. Drake as grantors, to Will A. Meredith as grantee, recorded in Vol. 370, Page 233, of the Deed Records of Williamson County, Texas. (137 acres)
3. Warranty Deed filed February 15, 1957 from W. A. Meredith, John E. Meredith, Lydia Mae Fuhrman and W. H. Fuhrman as grantors, to J. T. Boatright as grantee, recorded in Vol. 416, Page 359, of the Deed Records of Williamson County, Texas. (18.39 acres)
4. Warranty Deed filed December 19, 1963 from J. T. Boatright and Rose Boatright as grantors, to Milton L. Cockrum and Josephine Cockrum as grantees, recorded in Vol. 465, Page 56, of the Deed Records of Williamson County, Texas. (18.39 acres)
5. Warranty Deed filed March 1, 1996 from Milton Cockrum and Josephine Cockrum as grantors, to Reuben Greinert and Joyce Greinert as grantees, recorded in Document Number 9610694, of the Official Records of Williamson County, Texas.

Prepared by: Dave Merritt



Liability hereunder is limited to the amount paid for same. This report is furnished solely as an accommodation to the party requesting same and should not be relied upon, as a warranty or representation as to the title to the property described herein and may not be given to or used by any third party. Gracy Title, a Stewart company, (hereinafter called "Title Company") assumes no liability whatsoever for the accuracy of this report, nor for any omission or

**Gracy Title, a Stewart company**  
**8014 Mesa Dr.**  
**Austin, TX 78731**

**DEED REPORT**

Client:  
TAYLOR MORRISON OF TEXAS, INC.

AR #: AR1199  
Client Reference #:

Re: TRACT 1: 5 acres of land, more or less, out of the JOSEPH MOTT SURVEY, Abstract No. 427, in Williamson County, Texas, being a portion of a 118.53 acre tract described in Volume 2711, Page 151, Official Records of Williamson County, Texas.

TRACT 2: 20 acres of land, more or less, out of the JOSEPH MOTT SURVEY, Abstract No. 427, in Williamson County, Texas, being the same property described as First Tract in deed recorded in Volume 444, Page 596, of the Deed Records of Williamson County, Texas.

TRACT 3: 41.72 acres of land, more or less, out of the JOSEPH MOTT SURVEY, Abstract No. 427, in Williamson County, Texas, being the residue of a 118.53 acre tract described in Volume 2711, Page 151, Official Records of Williamson County, Texas, SAVE AND EXCEPT that certain 53.02 acre tract described in deed recorded in Document Number 2004074664 of the Official Public Records of Williamson County, Texas, FURTHER SAVE AND EXCEPT that certain 3.79 acre tract described as Tract 2 in deed recorded in Document Number 2004054116 of the Official Public Records of Williamson County, Texas, and FURTHER SAVE AND EXCEPT TRACT 2 hereof.

TRACT 4: 1.72 acres of land, more or less, out of the JOSEPH MOTT SURVEY, Abstract No. 427, in Williamson County, Texas, being the same property described in Exhibit "C" in deed recorded in Document Number 2003056850 of the Official Public Records of Williamson County, Texas.

As per your request we report that a search of the appropriate county records beginning March 1, 1943 and continuing through April 8, 2013 reveals the following deeds and leases:

1. Warranty Deed filed September 8, 1953 from Florence Irene Bowman as grantor, to Ruben Nord and Ora Nord as grantees, recorded in Vol. 390, Page 516, of the Deed Records of Williamson County, Texas. (72 acres, 83 1/3 acres and 50 acres)
2. Warranty Deed filed April 13, 1955 from Ruben Nord and Ora Nord as grantors, to J. T. Boatright as grantee, recorded in Vol. 404, Page 451, of the Deed Records of Williamson County, Texas. (72 acres, 83 1/3 acres and 50 acres)
3. Warranty Deed filed May 15, 1961 from J. T. Boatright and Rosa Boatright as grantors, to Joseph Draper and Dessie Draper as grantees, recorded in Vol. 444, Page 596, of the Deed Records of Williamson County, Texas.



4. Oil, Gas and Mineral Lease filed March 1, 1967 and recorded in Vol. 495, Page 216, of the Deed Records of Williamson County, Texas.
5. Release of Oil, Gas and Mineral Lease filed March 26, 1970 and recorded in Vol. 525, Page 525, of the Deed Records of Williamson County, Texas.
6. Oil, Gas and Mineral Lease filed August 14, 1981 and recorded in Vol. 848, Page 108, of the Deed Records of Williamson County, Texas.
7. Warranty Deed with Vendor's Lien filed July 28, 1983 from G. Joseph Draper and Dessie Ruth Draper as grantors, to N. G. Whitlow, Trustee as grantee, recorded in Vol. 931, Page 388, of the Deed Records of Williamson County, Texas.
8. Warranty Deed with Vendor's Lien filed August 30, 1984 from N. G. Whitlow, Trustee as grantor, to MCC Development Corporation as grantee, recorded in Vol. 1066, Page 857, of the Official Records of Williamson County, Texas.
9. Trustee's Deed filed November 17, 1986 to N. G. Whitlow, Trustee as grantee, recorded in Vol. 1449, Page 1, of the Official Records of Williamson County, Texas.
10. Warranty Deed filed February 2, 1988 from N. G. Whitlow, Trustee as grantor, to James H. Mills as grantee, recorded in Vol. 1627, Page 309, of the Official Records of Williamson County, Texas.
11. Warranty Deed filed February 2, 1988 from N. G. Whitlow, Trustee as grantor, to James Daniel Johnson, Trustee as grantee, recorded in Vol. 1627, Page 317, of the Official Records of Williamson County, Texas.
12. Warranty Deed filed February 2, 1988 from N. G. Whitlow, Trustee as grantor, to N. G. Whitlow as grantee, recorded in Vol. 1627, Page 325, of the Official Records of Williamson County, Texas.
13. Special Warranty Deed filed August 30, 1989 from James Daniel Johnson, Trustee as grantor, to 60/40 Partnership as grantee, recorded in Vol. 1755, Page 509, of the Official Records of Williamson County, Texas.
14. Special Warranty Deed filed April 19, 1995 from James Daniel Johnson, Trustee as grantor, to 60/40 Partnership as grantee, recorded in Vol. 2709, Page 287, of the Official Records of Williamson County, Texas.
15. Quitclaim Deed filed April 19, 1995 from Kimberly L. Allen, Chapter 7 Trustee for the Bankruptcy Estate of James H. Mills as grantor, to N. G. Whitlow as grantee, recorded in Vol. 2709, Page 294, of the Official Records of Williamson County, Texas.
16. Special Warranty Deed filed April 19, 1995 from N. G. Whitlow as grantor, to The Lynette and Laura Mills 1987 Trust as grantee, recorded in Vol. 2709, Page 304, of the Official Records of Williamson County, Texas.
17. Cash Warranty Deed filed April 21, 1995 from N. G. Whitlow, 60/40 Partnership and The Lynette and Laura Mills 1987 Trust as grantors, to Ruben Greinert and Joyce Greinert as grantees, recorded in Vol. 2711, Page 151, of the Official Records of Williamson County, Texas.

Prepared by: Dave Merritt



Liability hereunder is limited to the amount paid for same. This report is furnished solely as an accommodation to the party requesting same and should not be relied upon, as a warranty or representation as to the title to the property described herein and may not be given to or used by any third party. Gracy Title, a Stewart company., (hereinafter

**Stewart Title Guaranty Company**  
**SCHEDULE A**

File No.: 881200317

Closer: Gaye Pierce

Effective Date of Commitment:

October 15, 2012 at 8:00 a.m.

Issued:

October 22, 2012 at 8:00 a.m.

## 1. The policy or policies to be issued are:

## a. OWNER'S POLICY OF TITLE INSURANCE (Form T-1 )

(Not applicable for improved one-to-four family residential real estate)

Policy Amount: \$8,214,720.00

Proposed Insured: Taylor Morrison of Texas, Inc.

## b. TEXAS RESIDENTIAL OWNER'S POLICY OF TITLE INSURANCE

--ONE-TO-FOUR FAMILY RESIDENCES (Form T-1 R)

Policy Amount:

Proposed Insured:

## c. LOAN POLICY OF TITLE INSURANCE (Form T-2)

Policy Amount:

Proposed Insured:

Proposed Borrower:

## d. TEXAS SHORT FORM RESIDENTIAL LOAN POLICY OF TITLE INSURANCE (Form T-2 R)

Policy Amount:

Proposed Insured:

Proposed Borrower:

## e. LOAN TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)

Binder Amount:

Proposed Insured:

Proposed Borrower:

## f. OTHER

Policy Amount:

Proposed Insured:

## 2. The interest in the land covered by this Commitment is:

Fee Simple

## 3. Record title to the land on the Effective Date appears to be vested in:

Charles N. Avery, III, Trustee of the Charles N. Avery, III Exempt Trust; John S. Avery, Trustee of the John S. Avery Exempt Trust; A. Nelson Avery, Trustee of the A. Nelson Avery Exempt Trust; Lucille Christina Avery Fell, Trustee of the Lucille Christina Avery Fell Exempt Trust; Avery Ranch Company, Ltd.

## 4. Legal description of land:

Approximately 171.14 acres of land, more or less, out of the JOSEPH MOTT SURVEY, Abstract No. 427, in Williamson County, Texas, being a portion of a called 300.43 acre tract described as the Second Tract of the Ninth Tract in deed recorded in Volume 305, Page 228, of the Deed Records of Williamson County, Texas, and being the same property more fully described by metes and bounds in the field notes to be furnished in accordance with the requirement below.

**Stewart Title Guaranty Company**  
**SCHEDULE A**

File No.: 881200318

Closer: Gaye Pierce

Effective Date of Commitment:

October 15, 2012 at 8:00 a.m.

Issued:

October 22, 2012 at 8:00 a.m.

1. The policy or policies to be issued are:
  - a. OWNER'S POLICY OF TITLE INSURANCE (Form T-1 )  
(Not applicable for improved one-to-four family residential real estate)  
Policy Amount: \$5,776,400.00  
Proposed Insured: Taylor Morrison of Texas, Inc.
  - b. TEXAS RESIDENTIAL OWNER'S POLICY OF TITLE INSURANCE  
--ONE-TO-FOUR FAMILY RESIDENCES (Form T-1 R)  
Policy Amount:  
Proposed Insured:
  - c. LOAN POLICY OF TITLE INSURANCE (Form T-2)  
Policy Amount:  
Proposed Insured:  
Proposed Borrower:
  - d. TEXAS SHORT FORM RESIDENTIAL LOAN POLICY OF TITLE INSURANCE (Form T-2 R)  
Policy Amount:  
Proposed Insured:  
Proposed Borrower:
  - e. LOAN TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)  
Binder Amount:  
Proposed Insured:  
Proposed Borrower:
  - f. OTHER  
Policy Amount:  
Proposed Insured:
2. The interest in the land covered by this Commitment is:  
  
Fee Simple
3. Record title to the land on the Effective Date appears to be vested in:  
  
John S. Avery, Sr., Trustee of the John S. Avery Exempt Trust
4. Legal description of land:  
  
144.41 acres of land, more or less, out of the Joseph Mott Survey, Abstract No. 427, in Williamson County, Texas, and being the same property conveyed by John S. Avery, Sr., to John S. Avery, Sr., Trustee of the John S. Avery Exempt Trust in a deed dated December 27, 2006, recorded in Document Number 2006112407 of the Official Public Records of Williamson County, Texas.

**Stewart Title Guaranty Company**  
**SCHEDULE A**

File No.: 881200319

Closer: Gaye Pierce

Effective Date of Commitment:

October 15, 2012 at 8:00 a.m.

Issued:

October 22, 2012 at 8:00 a.m.

1. The policy or policies to be issued are:
  - a. OWNER'S POLICY OF TITLE INSURANCE (Form T-1 )  
(Not applicable for improved one-to-four family residential real estate)  
Policy Amount: \$2,544,960.00  
Proposed Insured: Taylor Morrison of Texas, Inc.
  - b. TEXAS RESIDENTIAL OWNER'S POLICY OF TITLE INSURANCE  
--ONE-TO-FOUR FAMILY RESIDENCES (Form T-1 R)  
Policy Amount:  
Proposed Insured:
  - c. LOAN POLICY OF TITLE INSURANCE (Form T-2)  
Policy Amount:  
Proposed Insured:  
Proposed Borrower:
  - d. TEXAS SHORT FORM RESIDENTIAL LOAN POLICY OF TITLE INSURANCE (Form T-2 R)  
Policy Amount:  
Proposed Insured:  
Proposed Borrower:
  - e. LOAN TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)  
Binder Amount:  
Proposed Insured:  
Proposed Borrower:
  - f. OTHER  
Policy Amount:  
Proposed Insured:
2. The interest in the land covered by this Commitment is:  
  
Fee Simple
3. Record title to the land on the Effective Date appears to be vested in:  
  
Charles N. Avery, III, John S. Avery, A. Nelson Avery and Lucille Christina Avery Fell, Trustees of the Charles N. Avery, III, Exempt Trust, the John S. Avery Exempt Trust, the A. Nelson Avery Exempt Trust and the L. Christina Avery Fell Exempt Trust
4. Legal description of land:  
  
53.02 acres of land, more or less, out of the JOSEPH MOTT SURVEY Abstract No. 427, in Williamson County, Texas, and being more fully described by metes and bounds in Exhibit "A" attached hereto and made a part hereof.



**Stewart Title Guaranty Company**  
**SCHEDULE A**

File No.: 881200320

Effective Date of Commitment:

October 15, 2012 at 8:00 a.m.

Closer: Gaye Pierce

Issued:

October 22, 2012 at 8:00 a.m.

## 1. The policy or policies to be issued are:

## a. OWNER'S POLICY OF TITLE INSURANCE (Form T-1 )

(Not applicable for improved one-to-four family residential real estate)

Policy Amount: \$1,230,800.00

Proposed Insured: Taylor Morrison of Texas, Inc.

b. TEXAS RESIDENTIAL OWNER'S POLICY OF TITLE INSURANCE  
--ONE-TO-FOUR FAMILY RESIDENCES (Form T-1 R)

Policy Amount:

Proposed Insured:

## c. LOAN POLICY OF TITLE INSURANCE (Form T-2)

Policy Amount:

Proposed Insured:

Proposed Borrower:

## d. TEXAS SHORT FORM RESIDENTIAL LOAN POLICY OF TITLE INSURANCE (Form T-2 R)

Policy Amount:

Proposed Insured:

Proposed Borrower:

## e. LOAN TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)

Binder Amount:

Proposed Insured:

Proposed Borrower:

## f. OTHER

Policy Amount:

Proposed Insured:

## 2. The interest in the land covered by this Commitment is:

Fee Simple

## 3. Record title to the land on the Effective Date appears to be vested in:

Treescape Farms GP, LLC

## 4. Legal description of land:

TRACT 1: 26.98 acres of land, more or less, out of the JOSEPH MOTT SURVEY, Abstract No. 427, in Williamson County, Texas, and being the same property more fully described by metes and bounds in the attached Exhibit "A".

TRACT 2: 3.79 acres of land, more or less, out of the JOSEPH MOTT SURVEY, Abstract No. 427, in Williamson County, Texas, and being the same property more fully described by metes and bounds in the attached Exhibit "B".

**Stewart Title Guaranty Company**  
**SCHEDULE A**

File No.: 881300041

Effective Date of Commitment:

January 16, 2013 at 8:00 a.m.

Closer: Gaye Pierce

Issued:

January 24, 2013 at 8:00 a.m.

## 1. The policy or policies to be issued are:

## a. OWNER'S POLICY OF TITLE INSURANCE (Form T-1 )

(Not applicable for improved one-to-four family residential real estate)

Policy Amount: \$395,000.00

Proposed Insured: Taylor Morrison of Texas, Inc.

## b. TEXAS RESIDENTIAL OWNER'S POLICY OF TITLE INSURANCE

--ONE-TO-FOUR FAMILY RESIDENCES (Form T-1 R)

Policy Amount:

Proposed Insured:

## c. LOAN POLICY OF TITLE INSURANCE (Form T-2)

Policy Amount:

Proposed Insured:

Proposed Borrower:

## d. TEXAS SHORT FORM RESIDENTIAL LOAN POLICY OF TITLE INSURANCE (Form T-2 R)

Policy Amount:

Proposed Insured:

Proposed Borrower:

## e. LOAN TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)

Binder Amount:

Proposed Insured:

Proposed Borrower:

## f. OTHER

Policy Amount:

Proposed Insured:

## 2. The interest in the land covered by this Commitment is:

Fee Simple

## 3. Record title to the land on the Effective Date appears to be vested in:

Ruben Greinert and Joyce Greinert

## 4. Legal description of land:

5 acres of land, more or less, out of the JOSEPH MOTT SURVEY, Abstract No. 427, in Williamson County, Texas, being a portion of a 118.53 acre tract described in Volume 2711, Page 151, Official Records of Williamson County, Texas, and being the same property more particularly described by metes and bounds in the field notes to be furnished in accordance with the requirement below.



**Stewart Title Guaranty Company**  
**SCHEDULE A**

File No.: 881200321

Effective Date of Commitment:

January 16, 2013 at 8:00 a.m.

Closer: Gaye Pierce

Issued:

January 24, 2013 at 8:00 a.m.

## 1. The policy or policies to be issued are:

## a. OWNER'S POLICY OF TITLE INSURANCE (Form T-1 )

(Not applicable for improved one-to-four family residential real estate)

Policy Amount: \$2,406,540.00

Proposed Insured: Taylor Morrison of Texas, Inc.

## b. TEXAS RESIDENTIAL OWNER'S POLICY OF TITLE INSURANCE

--ONE-TO-FOUR FAMILY RESIDENCES (Form T-1 R)

Policy Amount:

Proposed Insured:

## c. LOAN POLICY OF TITLE INSURANCE (Form T-2)

Policy Amount:

Proposed Insured:

Proposed Borrower:

## d. TEXAS SHORT FORM RESIDENTIAL LOAN POLICY OF TITLE INSURANCE (Form T-2 R)

Policy Amount:

Proposed Insured:

Proposed Borrower:

## e. LOAN TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)

Binder Amount:

Proposed Insured:

Proposed Borrower:

## f. OTHER

Policy Amount:

Proposed Insured:

## 2. The interest in the land covered by this Commitment is:

Fee Simple

## 3. Record title to the land on the Effective Date appears to be vested in:

Ruben Greinert and Joyce Greinert

## 4. Legal description of land:

TRACT 1: 4.8926 acres of land, more or less, out of the JOSEPH MOTT SURVEY, Abstract No. 427, in Williamson County, Texas, being the same property described in deed recorded in Document Number 9610694 of the Official Records of Williamson County, Texas, and also being the same property more fully described by metes and bounds in the attached field notes.

TRACT 2: 20 acres of land, more or less, out of the JOSEPH MOTT SURVEY, Abstract No. 427, in Williamson County, Texas, being the same property described as First Tract in deed recorded in Volume 444, Page 596, of the Deed Records of Williamson County, Texas, and also being the same property more fully described by metes and bounds in the attached field notes.

TRACT 3: 36.72 acres of land, more or less, out of the JOSEPH MOTT SURVEY, Abstract No. 427, in Williamson County, Texas, being the residue of a 118.53 acre tract described in Volume 2711, Page 151, Official Records of Williamson County, Texas, SAVE AND EXCEPT that certain 53.02 acre tract described in deed recorded in Document Number 2004074664 of the Official Public Records of Williamson County, Texas, FURTHER SAVE AND EXCEPT that certain 3.79 acre tract described as Tract 2 in deed recorded in Document Number 2004054116 of the Official Public Records of Williamson County, Texas, FURTHER SAVE AND EXCEPT TRACT 2 hereof, and FURTHER SAVE AND EXCEPT 5 acres out of said 118.53 acre tract described by metes and bounds in the field notes to be furnished in accordance with the requirement below.

TRACT 4: 1.72 acres of land, more or less, out of the JOSEPH MOTT SURVEY, Abstract No. 427, in Williamson County, Texas, being the same property described in Exhibit "C" in deed recorded in Document Number 2003056850 of the Official Public Records of Williamson County, Texas, and also being the same property more fully described by metes and bounds in the attached field notes.

Horizon Use Only			
HPN	Avery	PM:	SD
HJN	North	Date Rec'd:	/ /

**PHASE I ESA USER QUESTIONNAIRE**

ASTM E-1527-05 defines the User as the party seeking to use Practice E-1527-05 to complete an environmental site assessment of the Property. In order to qualify for one of the Landowner Liability Protections (LLPs) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the "Brownfields Amendments"), the User must provide the following information (if available) to the Environmental Professional. *Failure to provide this information could result in a determination that "all appropriate inquiry" is not complete.* This form, as completed by the User, will be attached to the Phase I ESA report.

**1. Environmental cleanup liens against the Property (40 CFR 312.25)**

Are you aware of any environmental cleanup liens against the Property that are filed or recorded under federal, tribal, state, or local law? ☐ Yes ☒ No

If yes, explain: \_\_\_\_\_

**2. Activity and land use limitations (AULs) on the Property (40 CFR 312.25)**

Are you aware of any AULs, such as engineering controls, land use restrictions, or institutional controls that are in place for the Property, or filed/recorded in a registry under federal, tribal, state, or local law?

☐ Yes ☒ No If yes, explain: \_\_\_\_\_

**3. Specialized knowledge or experience of person seeking to qualify for the LLP (40 CFR 312.28)**

As the User of this ESA, do you have any specialized knowledge or experience related to the Property or nearby properties? For example, are you involved in the same line of business as the current or former occupants of the Property or an adjoining property so that you would have specialized knowledge of the chemicals and processes used by this type of business? ☐ Yes ☒ No

If yes, explain: \_\_\_\_\_

**4. Relationship of purchase price to fair market value (40 CFR 312.29)**

Does the purchase price being paid for the Property reasonably reflect the fair market value of the Property if it were not contaminated? ☒ Yes ☐ No

If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the Property? ☐ Yes ☐ No

**5. Commonly known or reasonably ascertainable information about the Property (40 CFR 312.30)**

Are you aware of commonly known or reasonably ascertainable information about the Property that would help the Environmental Professional to identify conditions indicative of releases or threatened releases? For example, as User,

(a.) Do you know the past uses of the Property?

☒ Yes ☐ No If yes, explain: Agricultural

(b.) Do you know of specific chemicals that are present or once were present at the Property?

☐ Yes ☒ No If yes, explain: \_\_\_\_\_

(c.) Do you know of spills or other chemical releases that have taken place at the Property?

☐ Yes ☒ No If yes, explain: \_\_\_\_\_



(d.) Do you know of any environmental cleanups that have taken place at the Property?

☐ Yes ☒ No If yes, explain: \_\_\_\_\_

6. **Degree of obviousness of the presence or likely presence of contamination at the Property, and the ability to detect the contamination by appropriate investigation** (40 CFR 312.31)

As the User of this ESA, based on your knowledge and experience related to the Property, are there any obvious indicators that point to the presence or likely presence of contamination at the Property?

☐ Yes ☒ No If yes, explain: \_\_\_\_\_

7. **Litigation, administrative proceedings, or notices from government entities** (ASTM E-1527-05 §10.9)

As the User, are you aware of any pending, threatened, or past litigation or administrative proceedings relevant to hazardous substances or petroleum products in, on, or from the Property? ☐ Yes ☒ No

If yes, explain: \_\_\_\_\_

Are you aware of any notices from any governmental entity regarding any possible violation of environmental laws or possible liability relating to hazardous substances or petroleum products? ☐ Yes ☒ No

If yes, explain: \_\_\_\_\_

8. **Reason for requesting the Phase I ESA** (ASTM E-1527-05 §6.7)

As the User, are you requesting this ESA be performed for the purpose of qualifying for one of the Landowner Liability Protections to CERCLA liability? ☐ Yes ☒ No

If no, please explain reason for requesting performance of the Phase I ESA: \_\_\_\_\_

*Due diligence relating to purchase of the property*

As the User, are you requesting additional non-ASTM-scope considerations (business-related risks such as the potential for occurrence of asbestos, radon, wetlands, cultural resources, threatened or endangered species habitat) be evaluated during this Phase I ESA? ☐ Yes ☐ No

**IDENTIFICATION OF USER AND SIGNATURE OF PERSON COMPLETING USER QUESTIONNAIRE**

**User (Party seeking Landowner Liability Protection):**

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, ZIP \_\_\_\_\_

**Person completing User Questionnaire:**

Signature *Michael Slack*

Printed Name *Michael Slack*

Title *Director of Development*

Date *3-15-13*

This form has been developed using the standards in ASTM Practice E-1527-05 for the purpose of supporting a Phase I Environmental Site Assessment to satisfy the federal "All Appropriate Inquiries" rule.

**References:**

(ASTM) American Society for Testing and Materials. *ASTM Standards on Environmental Site Assessments for Commercial Real Estate*, 5th Edition, E 1527-05. West Conshohocken, PA: ASTM, 2006.

US Environmental Protection Agency. "Standards and Practices for All Appropriate Inquiries; Final Rule." 40 CFR Part 312. 1 November 2005.

**APPENDIX C**

**PHOTOGRAPHS FROM SITE RECONNAISSANCE**



**PHOTO 1**  
**Typical view of the Property**



**PHOTO 2**  
**View of horse barn located within Area A  
of the Property**



**PHOTO 3**  
**View of dilapidated barn located within Area A  
of the Property**



**PHOTO 4**  
**View of various farm equipment located within  
the shed in Area A of the Property**





**PHOTO 5**

**View of water heaters located near the workshop  
in Area A of the Property**



**PHOTO 6**

**View of 55-gallon drums located within the shed  
in Area A of the Property**



**PHOTO 7**

**View of water well and holding tank within Area A  
of the Property**



**PHOTO 8**

**View of above ground storage tank located within  
Area A of the Property**





**PHOTO 9**  
**View of the workshop structure located within Area B of the Property**



**PHOTO 10**  
**View of the interior of the mobile home structure located within Area B of the Property**

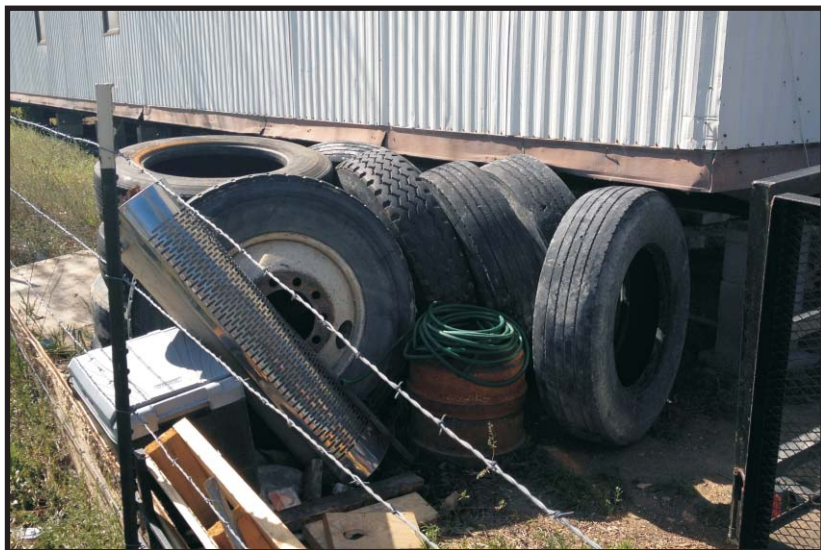


**PHOTO 11**  
**View of water holding tanks located within Area B of the Property**



**PHOTO 12**  
**View of 18-wheeler trucks located within Area B of the Property**





**PHOTO 13**  
**View of scattered debris located within Area B of the Property**



**PHOTO 14**  
**View of scattered debris and 5-gallon buckets located within Area B of the Property**



**PHOTO 15**  
**View of single-family residence located within Area C of the Property**



**PHOTO 16**  
**View of the interior of the workshop structure located within Area C of the Property**





**PHOTO 17**

**View of scattered debris located within Area C of the Property**



**PHOTO 18**

**View of washing machines/dryers, boat, trailers and various debris scattered throughout Area C of the Property**



**PHOTO 19**

**View of discarded tires located within a trailer in Area C of the Property**



**PHOTO 20**

**View of linear buried trash pits located within Area C of the Property**





**PHOTO 21**

**View of the interior of the single-family residence located within Area D of the Property**



**PHOTO 22**

**View of the workshop structure located within Area D of the Property**



**PHOTO 23**

**View of buried trash pit located within in Area D of the Property**



**PHOTO 24**

**View of natural gas pipeline that traverses Area D of the Property**





**PHOTO 25**

**View of the propane tanks observed within  
Area D of the Property**



**PHOTO 26**

**View of an above ground storage tank observed  
within Area D of the Property**



**PHOTO 27**

**View of 5-gallon buckets and minor surface staining  
observed near the workshop within  
Area D of the Property**



**PHOTO 28**

**View of minor surface staining observed inside the  
workshop within Area D of the Property**





**PHOTO 29**

**View of the skeet shooting shed located in the northeastern corner of the Property**



**PHOTO 30**

**View of abandoned water well observed in the north-central portion of the Property**



**PHOTO 31**

**View of McNutt Creek traversing the central portion of the Property**



**PHOTO 32**

**View of impounded pond located in the northeastern corner of the Property**

**APPENDIX D**

**REGULATORY RECORDS DOCUMENTATION**

TelALL Environmental Data Search Report



# Environmental Data Search

for the site

**Avery North Concept 1**

**University Blvd. At A.W. Grimes, Round Rock, TX**

**130030 PI**

performed for

**Horizon Environmental Services**

3/7/2013

HESS7716

**[www.TelALL.net](http://www.TelALL.net)**

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(800) 583-0004 by fax (888) 756-7647

## Preface

This document of environmental concerns near University Blvd. At A.W. Grimes, Round Rock, TX reports findings of the TelALL data search, prepared on the request of Horizon Environmental Services.

TelALL Corporation (TelALL) has designed this document to comply with the AAI and ASTM standard E 1527 - 05 (Accuracy and Completeness) and has used all available resources, but makes no claim to the entirety or accuracy of the cited government, state, or tribal records. Our databases are updated at least every 90 days or as soon as possible after publication by the referenced agencies. The following fields of governmental, state, and tribal databases may not represent all known, unknown, or potential sources of contamination to the referenced site. Many different variables effect the outcome of the following document. TelALL maintains extremely high standards, and stringent procedures that are used to search the referenced data. However, TelALL reserves the right at any time to amend any information related to this report. If there is a need for further information regarding this report, or for any customer support please call TelALL at 800 583-0004 for assistance.

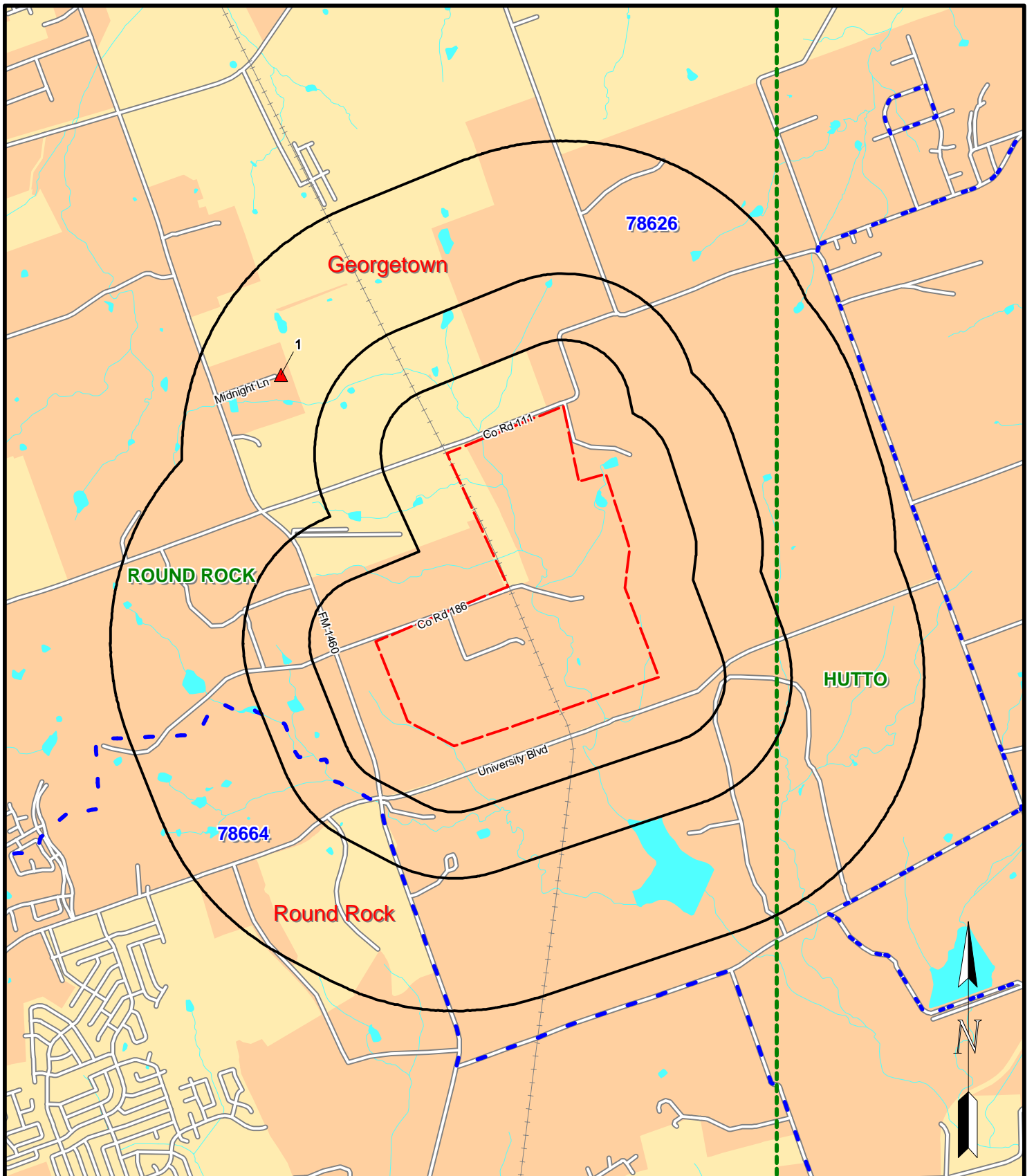
This report is divided into the following components:

<b>MAP</b>	Identified geocodeable findings relative to this data search.
<b>SUMMARY 1</b>	Sorting of the identified sites by distance from the subject site.
<b>FINAL</b>	A description of each database and a detailed explanation of findings.

## Sources

Database	Acronym	Last Updated	Minimum Search Distance	Findings
National Priority List	NPL	12/2012	1	0
Comprehensive Environmental Response, Compensation, and Liability Information System	CERCLIS	12/2012	0.5	0
No Further Remedial Action Planned	NFRAP	12/2012	0.5	0
Resource Conservation and Recovery Information System - Treatment Storage or Disposal	RCRA TSD	01/2013	1	0
Corrective Action	CORRACT	01/2013	1	0
Resource Conservation and Recovery Information System - Generators	RCRA-G	01/2013	0.25	0
Emergency Response Notification System	ERNS	02/2013	0.25	0
Texas Voluntary Cleanup Program	TXVCP	01/2013	0.5	0
Innocent Owner/Operator Program	TXIOP	01/2013	0.5	0
Texas State Superfund	TXSSF	02/2013	1	0
TCEQ Solid Waste Facilities	TXLF	12/2012	1	1
Unauthorized and Unpermitted Landfill Sites	LFUN	12/2012	0.5	0
Leaking Underground Storage Tanks	TXLUST	02/2013	0.5	0
Texas Underground Storage Tanks	TXUST	02/2013	0.25	0
Texas Above Ground Storage Tanks	TXAST	02/2013	0.25	0
Texas Spills List	TXSPILL	12/2012	0.25	0
Brownfield	BRNFD	01/2013	0.5	0
Dry Cleaner	DRYC	02/2013	0.5	0
Indian Reservation Underground Storage Tanks	IRUST	02/2013	0.25	0

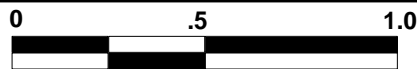




NPL  
RCRA TSD  
CORRACT  
CERCLIS  
NFRAP  
TXSSF  
TXLF  
LFUN

ERNS  
LUST  
TXVCP  
TXIOP  
BRNFD  
DRYC

RCRA-G  
TXAST  
TXUST  
TXSPILL  
IRUST



1 inch = .5 mile

Site Boundary 1:24K Topo Boundary USPS Zip Boundary

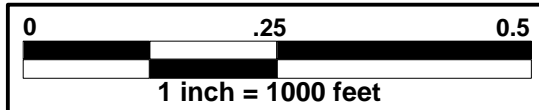


(800) 583-0004 WWW.TelALL.NET

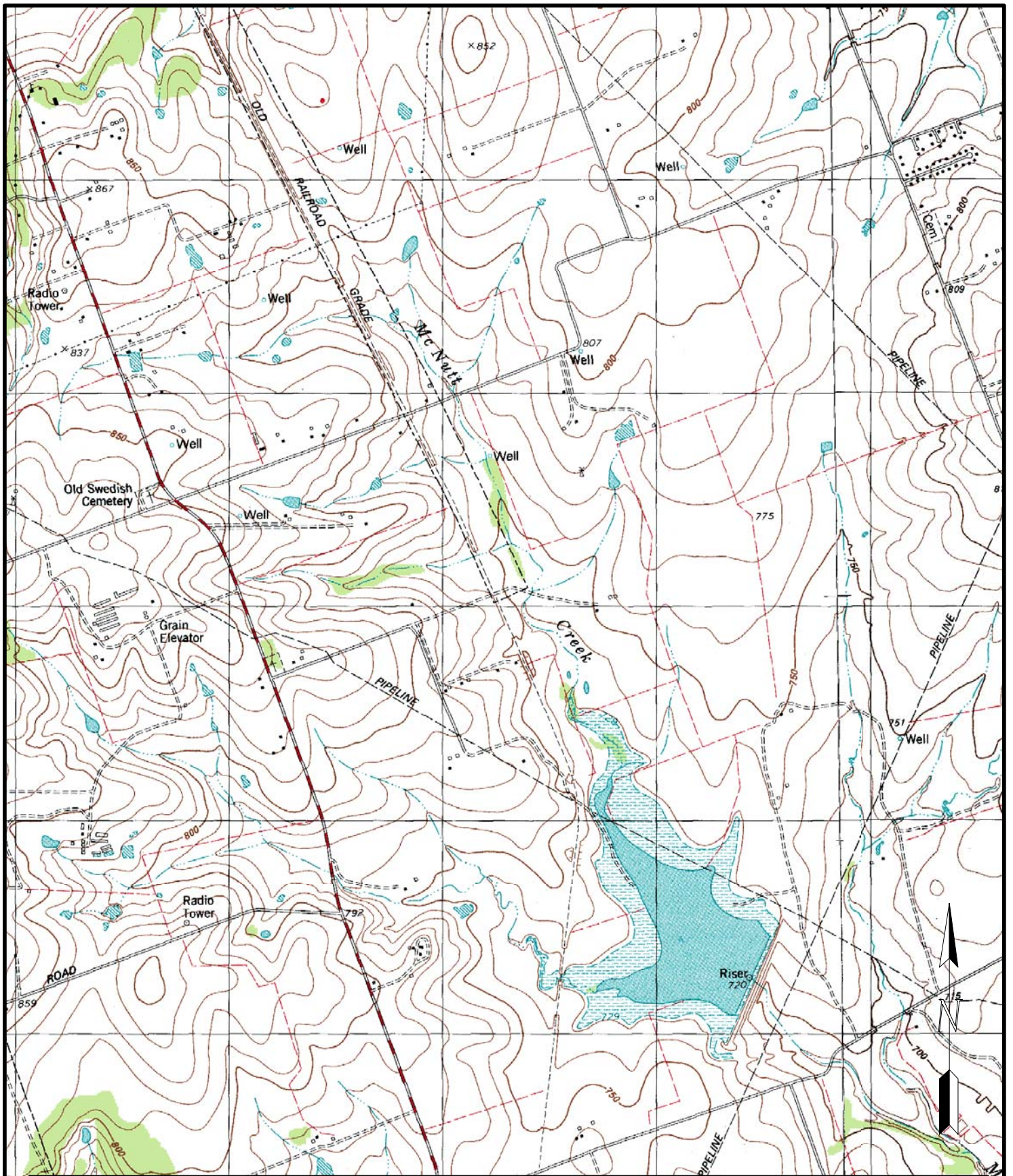
Site Locations are Approximate Only



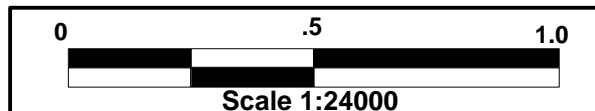
**2004 NAIP Photograph**  
(Infrared Image)







To identify the map date and or revision date  
please call TRNIS at 512-463-8337.



(800) 583-0004 WWW.TEIALL.NET

**Current USGS 7.5 Minute Topographic Map**

130030 PI  
Avery North Concept 1  
University Blvd. At A.W. Grimes, Round Rock, TX  
Site

# Sites Sorted By Distance from Center

Page 1  
Job HESS7716  
Date 3/7/2013

Distance/Direction	Database	Number	Address	City/State	Site Name	
	TXLUST				NO FINDINGS WITHIN 1/2 MILE.	
	NPL				NO FINDINGS WITHIN ONE MILE.	
	CERCLIS				NO FINDINGS WITHIN 1/2 MILE.	
	NFRAP				NO FINDINGS WITHIN 1/2 MILE.	
	TXVCP				NO FINDINGS WITHIN 1/2 MILE.	
	ERNS				NO FINDINGS WITHIN 1/4 MILE.	
	CORRACT				NO FINDINGS WITHIN ONE MILE.	
	RCRA TSD				NO FINDINGS WITHIN ONE MILE.	
	TXUST				NO FINDINGS WITHIN 1/4 MILE.	
	TXAST				NO FINDINGS WITHIN 1/4 MILE.	
	RCRA-G				NO FINDINGS WITHIN 1/4 MILE.	
	TXSSF				NO FINDINGS WITHIN ONE MILE.	
	TXSPILL				NO FINDINGS WITHIN 1/4 MILE.	
	LFUN				NO FINDINGS WITHIN 1/2 MILE.	
	TXIOP				NO FINDINGS WITHIN 1/2 MILE.	
	BRNFD				NO FINDINGS WITHIN 1/2 MILE.	
	DRYC				NO FINDINGS WITHIN 1/2 MILE.	
	IRUST				NO FINDINGS WITHIN 1/4 MILE.	
.71	N W	TXLF	1	100 MIDNIGHT LN GEORGETOWN	WILLIAMSON	AGRICULTURAL WASTE SOLUTIONS



---

## **NPL**

### National Priority List

NPL is a priority subset of the CERCLIS list. (See CERCLIS, below) The Cerclis list was created by the Comprehensive Environmental Response, Compensation and Liability Acts (CERCLA) need to track contaminated sites. CERCLA was enacted on 12/11/80, and amended by the Superfund Amendments and Reauthorization Act of 1986. These acts established broad authority for the government to respond to problems posed by the release, or threat of release of hazardous substances, pollutants, or contaminants. CERCLA also imposed liability on those responsible for releases and provided the authority for the government to undertake enforcement and abatement action against responsible parties. Institutional/Engineering Controls searched. Delisted NPL sites are included.

*Source: United States Environmental Protection Agency (EPA)*

**Database:** NPL

**Site:** No findings within one mile.

**Distance:** 0

**Address**

**Zip Code**

**City:**

---

## **CERCLIS**

### Comprehensive Environmental Response, Compensation, and Liability Information System

CERCLIS is the official repository for site and non-site specific Superfund data in support of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). It contains information on hazardous waste site assessment and remediation from 1983 to the present. CERCLIS information is used to report official Superfund accomplishments to Congress and the public, assist EPA Regional and Headquarters managers in evaluating the status and progress of site cleanup actions, track Superfund Comprehensive Accomplishments Plan (SCAP), and communicate planned activities and budgets. Institutional/Engineering Controls searched.

*Source: United States Environmental Protection Agency (EPA)*

**Database:** CERCLIS

**Site:** No findings within 1/2 mile.

**Distance:** 0

**Address**

**Zip Code**

**City:**

---

## **NFRAP**

### **No Further Remedial Action Planned**

NFRAP Sites indicate a CERCLIS site that was designated "No further remedial action planned" by the EPA February 1995. Institutional/Engineering Controls searched.

*Source: United States Environmental Protection Agency (EPA)*

**Database:** NFRAP

**Site:** No findings within 1/2 mile.

**Distance:** 0

**Address**

**Zip Code**

**City:**

---

## **RCRA TSD**

### **Resource Conservation and Recovery Information System - Treatment Storage or Disposal**

Resource Conservation and Recovery Information System (RCRIS) Under the Resource Conservation and Recovery Act (RCRA), generators, transporters, treaters, storers, and disposers of hazardous waste as defined by the federally recognized hazardous waste are required to provide information concerning their activities to state environmental agencies, who in turn provide the information to regional and national U.S. EPA offices. The RCRA TSD (Treatment Storage or Disposal) is a subset of the RCRIS list. RCRA TSD tracks facilities that fall under the Treatment Storage or Disposal classification.

*Source: United States Environmental Protection Agency (EPA)*

**Database:** RCRA TSD

**Site:** No findings within one mile.

**Distance:** 0

**Address**

**Zip Code**

**City:**

---

## **CORRACT**

### Corrective Action

CORRACT lists RCRIS (Resource Conservation and Recovery Information System) sites that are currently under corrective action. Institutional/Engineering Controls searched.

*Source: United States Environmental Protection Agency (EPA)*

**Database:** CORRACT

**Site:** No findings within one mile.

**Distance:** 0

**Address**

**Zip Code**

**City:**

---

## **RCRA-G**

### Resource Conservation and Recovery Information System - Generators

Resource Conservation and Recovery Information System (RCRIS) Under the Resource Conservation and Recovery Act (RCRA), generators, transporters, treaters, storers, and disposers of hazardous waste as defined by the federally recognized hazardous waste, are required to provide information concerning their activities to state environmental agencies, who in turn provide the information to regional and national U.S. EPA offices. The RCRA-G (Generators) list is a subset of the RCRIS list. RCRA-G tracks facilities that fall under the generators or transporters classification.

*CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS (CESQG) produce less than 100 kg per month of hazardous waste. SMALL QUANTITY GENERATORS (SQG) produce at least 100 kg per month but less than 1000 kg per month of hazardous waste. LARGE QUANTITY GENERATORS (LQG) produce at least 1000 kg per month of hazardous waste. Source: United States Environmental Protection Agency (EPA)*

**Database:** RCRA-G

**Site:** No findings within 1/4 mile.

**Distance:** 0

**Address**

**Zip Code**

**City:**

---

## **ERNS**

### Emergency Response Notification System

ERNS supports the release notification requirements of section 103 of the Comprehensive Environmental Response Compensation, and Liability Act (CERCLA), as amended; section 311 of the Clean Water Act; and sections 300.51 and 300.65 of the National Oil and Hazardous Substances Contingency Plan. Additionally, ERNS serves as a mechanism to document and verify incident-location information as initially reported, and is utilized as a direct source of easily accessible data, needed for analyzing oil and hazardous substances spills.

*Source: National Response Center (NRC)*

**Database:** ERNS

**Site:** No findings within 1/4 mile.

**Distance:** 0

**Address**

**Zip Code**

**City:**

---

## **TXVCP**

### Texas Voluntary Cleanup Program

Created under HB 2296, The Voluntary Cleanup Program (VCP) was established on 09/01/95 to provide administrative, technical, and legal reasons to promote the cleanup of tainted sites in Texas. Since future lenders and landowners get protection from liability to the State of Texas for cleanup of sites under the VCP, most of the constraints for completing real estate deals at those sites are removed. As a result, many unused or under used sites may be restored to economically productive or community beneficial uses. After cleanup, the parties get a certificate of completion from the TCEQ which states that all lenders and future land owners who are not PRP's are free from all liability to the State. Institutional/Engineering Controls searched.

*Parts of the above description were taken from the TCEQ/VCP Website (<http://www.TCEQ.state.tx.us/permitting/remed/vcp/>).*

*The investigation phases are listed as INVESTIGATION, REMEDIATION, POST-CLOSURE, and COMPLETE.*

*Contaminant Categories (PERC and BTEX). Source: Texas Commission on Environmental Quality (TCEQ)*

**Database:** TXVCP

**Site:** No findings within 1/2 mile.

**Distance:** 0

**Address**

**Zip Code**

**City:**



---

## **TXIOP**

### **Innocent Owner/Operator Program**

The TX IOP, created by House Bill 2776 of the 75th Leg, provides a cert. to an innocent owner or operator if their property is contaminated as a result of a release or migration of contaminants from a source or sources not loc. on the prop., and they did not cause or contribute to the source or sources of contamination. Like the TxVCP Prog., the IOP can be used as a redevelopment tool or as a tool to add value to a contaminated prop. by providing an Innocent Owner/Operator Certificate (IOC). However, unlike the VCP release of liability, IOCs are not trans. to future owners/oper's. Future owners/oper's are eligible to enter the IOP and may rec. an IOC only after they become an owner or operator of the site.

*The above description were taken from the TCEQ/IOP Website  
(<http://www.TCEQ.state.tx.us/permitting/remed/vcp/iop.html>).  
Source: Texas Commission on Environmental Quality (TCEQ)*

**Database:** TXIOP

**Site:** No findings within 1/2 mile.

**Distance:** 0

**Address**

**Zip Code**

**City:**

---

## **TXSSF**

### **Texas State Superfund**

The Texas State Superfund database is a list of sites that the State of Texas has identified for investigation or remediation. Texas State Superfund sites are reviewed for potential upgrading to Comprehensive Environmental Response, Compensation, and Liability Information System status by the federal Environmental Protection Agency. Institutional/Engineering Controls searched.

*Source: Texas Commission on Environmental Quality (TCEQ)*

**Database:** TXSSF

**Site:** No findings within one mile.

**Distance:** 0

**Address**

**Zip Code**

**City:**

---

## **TXLF**

### **TCEQ Solid Waste Facilities**

Texas Commission on Environmental Quality (TCEQ) Requires municipalities and counties to report known active and inactive landfills. Texas Landfills is a listing of solid waste facilities registered and tracked by the TCEQ Solid waste division. The facilities tracked include solid waste disposal sites as well as transfer stations and processing stations.

*Source: Texas Commission on Environmental Quality (TCEQ)*

**1**

**Database:** TXLF

**Site:** AGRICULTURAL WASTE SOLUTIONS INC

**Distance:** 0.712 NW

**Address** 100 MIDNIGHT LN GEORGETOWN

**Zip Code**

**City:** WILLIAMSON

Site ID: 47038 - Permit app. received date: 11/15/2007. Facility type: RESOURCE RECOVERY/COMPOSTING FACILITY. Site status: ACTIVE, Permit status: ISSUED, Business type: BUSINESS, Permitted acreage: NA, Population served: Unknown, Area served: WILLIAMSON COUNTY. Tons per day: NA, Yards per day: NA, Estimated closing date: Unknown. App. name, address, phone number: CN603267022, Agricultural Waste Solutions, Inc., 8520 DELAVAN AVE AUSTIN, TX 78717-5404, (512) 845 - 9805.

---

## **LFUN**

### **Unauthorized and Unpermitted Landfill Sites**

Unauthorized sites have no permit and are considered abandoned. All information about these sites was compiled by Southwest Texas State University under contract with TCEQ and is based on a search of publicly available records.

*Source: Texas Commission on Environmental Quality (TCEQ)*

**Database:** LFUN

**Site:** No findings within 1/2 mile.

**Distance:** 0

**Address**

**Zip Code**

**City:**

---

## **TXLUST**

### Leaking Underground Storage Tanks

State lists of leaking underground storage tank sites. Section 9003(h) of Subtitle I of RCRA gives EPA and states, under cooperative agreements with EPA, authority to clean up releases from UST systems or require owners and operators to do so.

*Source: Texas Commission on Environmental Quality (TCEQ)*

**Database:** TXLUST

**Site:** No findings within 1/2 mile.

**Distance:** 0

**Address**

**Zip Code**

**City:**

---

## **TXUST**

### Texas Underground Storage Tanks

Underground Storage Tanks - Permitted underground storage tanks tracked and maintained by the Texas Commission on Environmental Quality (TCEQ).

*Source: Texas Commission on Environmental Quality (TCEQ)*

**Database:** TXUST

**Site:** No findings within 1/4 mile.

**Distance:** 0

**Address**

**Zip Code**

**City:**

---

## **TXAST**

### Texas Above Ground Storage Tanks

Aboveground Storage Tanks - Permitted aboveground storage tanks tracked and maintained by the Texas Commission on Environmental Quality (TCEQ).

*Source: Texas Commission on Environmental Quality (TCEQ)*

**Database:** TXAST

**Site:** No findings within 1/4 mile.

**Distance:** 0

**Address**

**Zip Code**

**City:**

---

## **TXSPILL**

### Texas Spills List

Texas Commission on Environmental Quality (TCEQ) tracks cases where emergency response is needed for cleanup of toxic substances.

*Source: Texas Commission on Environmental Quality (TCEQ)*

**Database:** TXSPILL

**Site:** No findings within 1/4 mile.

**Distance:** 0

**Address**

**Zip Code**

**City:**

---

## **BRNFD**

### Brownfield

Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Institutional/Engineering Controls searched.

*Source: Texas Commission on Environmental Quality (TCEQ)*

**Database:** BRNFD

**Site:** No findings within 1/2 mile.

**Distance:** 0

**Address**

**Zip Code**

**City:**



---

## **DRYC**

### Dry Cleaner

House Bill 1366 requires all dry cleaning drop stations and facilities in Texas to register with Texas Commission on Environmental Quality (TCEQ) and implement new performance standards at their facilities as appropriate. It also requires distributors of dry cleaning solvents to collect fees on the sale of dry cleaning solvents at certain facilities.

*Source: Texas Commission on Environmental Quality (TCEQ)*

**Database:** DRYC

**Site:** No findings within 1/2 mile.

**Distance:** 0

**Address**

**Zip Code**

**City:**

---

## **IRUST**

### Indian Reservation Underground Storage Tanks

All Appropriate Inquiries (AAI) rule has requested that Underground Storage Tanks on Indian Land be included in any ESA that is affected. Permitted Underground Storage Tanks on Indian Land are tracked and maintained by the EPA.

*Source: United States Environmental Protection Agency (EPA)*

**Database:** IRUST

**Site:** No findings within 1/4 mile.

**Distance:** 0

**Address**

**Zip Code**

**City:**

**APPENDIX E**  
**INTERVIEW DOCUMENTATION**

Proj. Name: \_\_\_\_\_  
HJN: \_\_\_\_\_ PM: \_\_\_\_\_

**PHASE I ENVIRONMENTAL SITE ASSESSMENT  
LANDOWNER/OCCUPANT INTERVIEW QUESTIONNAIRE**

Instructions:

- Complete the "Interviewee" section below
- Respond to all questions (1 through 25)
- Print form; sign on Page 4
- Return via fax to: **Horizon Environmental Services, Inc., (512) 328-1804**

**Interviewee**

Name: John Avery, Jr

Representing: Treescape Farms GP, LLC  
(Name of firm, if any)

Title: Manager

☒ Current Owner ☐ Site Manager ☐ Occupant

☐ Past Owner ☐ Other: \_\_\_\_\_

Address: 1508 S. Lamar Blvd

City, State, ZIP: Austin, Texas 78704

Phone: 512-637-6837

Fax: \_\_\_\_\_

**Interviewer (to be completed by Horizon staff)**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Interview conducted via:

☐ Phone

☐ Fax

☐ In Person

☐ E-mail

Date Completed: \_\_\_\_\_

1. How long have you owned, occupied, or been associated with the Property?

approximately 8 years

2. Please describe in general what you know about the current use of the Property:

It is operated as a wholesale tree farms and coastal field

3. Please describe in general what you know about any past uses of the Property:

Farm land

4. Please describe in general what you know about the current use of adjoining properties:

Farm land and 4 or 5 home sites to the south that are 1 acre plus lots

5. Please describe in general what you know about any past uses of adjoining properties:

same as #4 above

6. Have you observed evidence of or do you have knowledge of any current or previous use of the Property or any adjoining property for industrial uses? ☐ Yes (Explain below) ☒ No ☐ Unknown

7. Have you observed evidence of or do you have knowledge of any current or previous use of the Property or any adjoining property as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility? ☐ Yes (Explain below) ☒ No ☐ Unknown

HJN \_\_\_\_\_ PI

**Horizon Environmental  
Services, Inc.**

8. Have you observed evidence of or do you have knowledge of any current or previous storage or use of damaged or discarded automotive or industrial batteries, pesticides, paints, or other chemicals in individual containers greater than 5 gallons in volume or 50 gallons in the aggregate on the Property?

☐ Yes (Explain below) ☒ No ☐ Unknown

9. Have you observed evidence of or do you have knowledge of any current or previous storage or use of industrial drums (typically 55-gallon) or sacks of chemicals on the Property?

☐ Yes (Explain below) ☒ No ☐ Unknown

Just the fertilizer that we use inside our container grown trees

10. Have you observed evidence of or do you have knowledge that fill dirt has been brought onto the Property that originated from a contaminated site or that is of an unknown origin?

☐ Yes (Explain below) ☒ No ☐ Unknown

11. Have you observed evidence of or do you have knowledge of any current or previous pits, ponds, or lagoons located on the Property in connection with waste treatment or waste disposal?

☐ Yes (Explain below) ☒ No ☐ Unknown

12. Have you observed evidence of or do you have knowledge of any current or previous stained soil on the Property? ☐ Yes (Explain below) ☒ No ☐ Unknown

13. Have you observed evidence of or do you have knowledge of any current or previous registered or unregistered storage tanks (above or under ground) located on the Property?

☐ Yes (Explain below) ☒ No ☐ Unknown

14. Have you observed evidence of or do you have knowledge of any current or previous vent pipes, fill pipes, or access ways indicating a fill pipe protruding from the ground on the property or adjacent to any structure located on the Property? ☐ Yes (Explain below) ☒ No ☐ Unknown

15. Have you observed evidence of or do you have knowledge of any current or previous leaks, spills, or staining by substances other than water, or foul odors, associated with any flooring, drains, walls, ceilings, or exposed grounds on the Property? ☐ Yes (Explain below) ☒ No ☐ Unknown

**Horizon Environmental  
Services, Inc.**

16. a. To your knowledge, is the Property served by a private well or non-public water system?  
☒ Yes (answer parts b. and c.) ☐ No (proceed to item no. 17) ☐ Unknown (proceed to item no. 17)
- b. Have you observed evidence of or do you have knowledge of contaminants being identified in the well or system that exceed guidelines applicable to the water system?  
☐ Yes (Explain below) ☒ No ☐ Unknown
- c. Have you observed evidence of or do you have knowledge of the well or system being designated as contaminated by any government environmental/health agency?  
☐ Yes (Explain below) ☒ No ☐ Unknown
17. Do you have knowledge of any environmental liens or governmental notifications regarding any possible violation of environmental laws or possible liability relating to hazardous substances or petroleum products on the Property?  
☐ Yes (Explain below) ☒ No ☐ Unknown
18. Do you know of any Activity/Use Limitations (AULs) such as land use restrictions, engineering controls, or institutional controls that are in place for the Property, or filed/recorded in a registry under federal, tribal, state, or local law?  
☐ Yes (Explain below) ☒ No ☐ Unknown
19. Have you ever been informed of the past or current existence of hazardous substances or petroleum products or environmental violations with respect to the Property or any facility located on the Property?  
☐ Yes (Explain below) ☒ No ☐ Unknown
20. Are you aware of commonly known or reasonably ascertainable information about the Property that would help the Environmental Professional to identify conditions indicative of releases or threatened releases of hazardous substances or materials? For example,
- a. Do you know the past uses of the Property? ☐ Yes (Explain below) ☒ No ☐ Unknown
- b. Do you know of specific chemicals that are present or once were present at the Property?  
☐ Yes (Explain below) ☐ No ☐ Unknown  
just the fertilizer that we use inside our container grown trees
- c. Do you know of spills or other chemical releases that have taken place at the Property?  
☐ Yes (Explain below) ☒ No ☐ Unknown



**Horizon Environmental  
Services, Inc.**

d. Do you know of any environmental cleanups that have taken place at the Property?

☐ Yes (Explain below) ☒ No ☐ Unknown

21. Do you have any knowledge of an environmental assessment of the Property or facility that indicated the presence of hazardous substances or petroleum products on, or contamination of, the Property, or recommended further assessment of the Property? ☐ Yes (Explain below) ☒ No ☐ Unknown

22. Do you know of any pending, threatened, or past litigation or administrative proceedings relevant to hazardous substances or petroleum products in, on, or from the Property?

☐ Yes (Explain below) ☒ No ☐ Unknown

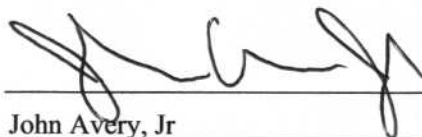
23. Have you observed evidence of or do you have knowledge of the discharge of wastewater (not including sanitary waste or stormwater) from the Property onto or adjacent to the Property and/or into a sanitary waste or stormwater system? ☐ Yes (Explain below) ☒ No ☐ Unknown

24. Have you observed evidence of or do you have knowledge that any hazardous substances or petroleum products, cattle dipping troughs, unidentified waste materials, tires, automotive or industrial batteries or any other waste materials have been dumped above grade, buried, and/or burned on the Property?

☐ Yes (Explain below) ☒ No ☐ Unknown

25. Have you observed evidence of or do you have knowledge of any transformers, capacitors, or hydraulic equipment currently or previously located on the Property for which there are any records indicating the presence of PCBs? ☐ Yes (Explain below) ☒ No ☐ Unknown

**Interviewee Signature:**



**Interviewee Name (Print):** John Avery, Jr

**Date:** 2/11/13

**Please SIGN and Return Via FAX to:**

Horizon Environmental Services, Inc.

**(512) 328-1804**

This form has been developed using the standards established in ASTM Practice E 1527-05 for the purpose of supporting a Phase I Environmental Site Assessment to satisfy the federal "All Appropriate Inquiries" rule.

**References:**

(ASTM) American Society for Testing and Materials. *ASTM Standards on Environmental Site Assessments for Commercial Real Estate*, 5th Edition, E 1527-05. West Conshohocken, PA: ASTM, 2006.

US Environmental Protection Agency. "Standards and Practices for All Appropriate Inquiries; Final Rule." 40 CFR Part 312. 1 November 2005.

HJN \_\_\_\_\_ PI

**APPENDIX F**  
**PHASE I ESA**  
**SITE RECONNAISSANCE CHECKLIST**

**PHASE I ENVIRONMENTAL SITE ASSESSMENT  
SITE RECONNAISSANCE CHECKLIST**

**Project Name:** Avery North Concept 1  
**Address:** \_\_\_\_\_  
**Legal Description:** Provided in the Phase I ESA report.  
**Site Contact:** Michael Slack

**Job No.:** 130030      **Date:** 1 and 11 March 2013  
**Acreage:** 466 ± acres  
**Photographs:** X Yes             No  
**Inspectors:** Shannon Dorsey and Scott Flesher

**\*\*\* SITE FEATURES \*\*\***

		Adjacent						
<b>1) Land Use:</b>	<b>Site</b>	<b>N</b>	<b>S</b>	<b>E</b>	<b>W</b>	<b>4) Topography:</b>	<b>7) Site Access:</b>	
Vacant	X		X	X	X	Flat	Yes    No	
Single Resident.	X	X			X	Rolling	Locked Fence    X	
Multiple Resident.						Steep	Security    X	
Commercial				X			Open    X	
Industrial							Denied    X	
<b>2) Vegetation:</b>								
Sparse				None		8) Water Supply:		
None				Municipal		X    Well		
X    Dense				X    Private		Municipal		
Void/Dead Areas				Unknown		Unknown		
<b>3) Buildings Present:</b>								
Occupied:		X	Yes		No	6) Local Drainage Features:		
Evidence of Previous Structures:		X	Yes		No	Ditches    Lakes		
Accessed:		X	Yes	X	No	Creek    X    Ponds		
						Bayou    Seeps		
						Storm Drainage    Springs		

**\*\*\* ON-SITE ENVIRONMENTAL OBSERVATIONS \*\*\***

<b>9) Aboveground Storage Tanks:</b>					<b>21) Stained Soil or Pavement:</b>				
X	Observed		Not Observed	N/A	X	Observed		Not Observed	N/A
<b>10) Underground Storage Tanks:</b>					<b>22) Stressed Vegetation:</b>				
	Observed	X	Not Observed	N/A		Observed	X	Not Observed	N/A
<b>11) Vent Pipes/Fill Pipes:</b>					<b>23) Waste/Debris Piles:</b>				
	Observed	X	Not Observed	N/A	X	Observed		Not Observed	N/A
<b>12) Odors:</b>					<b>24) Evidence of Potential Solid Waste Disposal:</b>				
	Observed	X	Not Observed	N/A		Observed	X	Not Observed	N/A
<b>13) Standing Surface Water:</b>					<b>25) Septic System:</b>				
	Observed	X	Not Observed	N/A	X	Observed		Not Observed	N/A
<b>14) Pools of Liquid:</b>					<b>26) Potential ACMs:</b>				
	Observed	X	Not Observed	N/A	X	Observed		Not Observed	N/A
<b>15) Storage Drums (5+ gallon capacity):</b>					<b>27) Potential Lead-based Paint:</b>				
X	Observed		Not Observed	N/A	X	Observed		Not Observed	N/A
<b>16) Hazardous Substance/Petroleum Products Containers:</b>					<b>28) Interior: Heating/Cooling Facilities:</b>				
X	Observed		Not Observed	N/A	X	Observed		Not Observed	N/A
<b>17) Unidentified Substance Containers:</b>					<b>29) Interior: Stains or Corrosion:</b>				
X	Observed		Not Observed	N/A		Observed	X	Not Observed	N/A
<b>18) Electric/Hydraulic Equipment – Potential PCBs:</b>					<b>30) Interior: Drains/Sumps:</b>				
X	Observed		Not Observed	N/A		Observed	X	Not Observed	N/A
<b>19) Pits, Ponds, or Lagoons:</b>					<b>31) Wastewater Discharge:</b>				
X	Observed		Not Observed	N/A		Observed	X	Not Observed	N/A
X	On-site		Adjacent Property			On-site		Adjacent Property	
<b>20) Electrical Transformers/Capacitors (PCBs?):</b>					<b>32) Easements:</b>				
X	Observed		Not Observed	N/A	X	Pipeline		Water	Sewer
X	On-site		Adjacent Property		X	Electric		Other:	

\*\*\* SITE USE \*\*\*

Percent of Total Acreage:					
Buildings:	10	Pavement:	0	Cleared Not Used:	0
Parking:	2	Concrete:	0	Uncleared Not Used:	0
Streets:	5	Asphalt:	0	Cleared Used:	80
Other:	0				

**Comments:**

1. Vacant land use consists of agricultural and pastureland.
2. Vegetation was mostly pastureland.
3. 2 living areas and the skeet shed were inaccessible.
- 4.
5. Evidence of septic clean-outs observed.
6. McNeil Creek traverses in a north-south direction across center of the Property.
- 7.
8. 10 water wells observed, 6 appear in-use.
9. 3 ABST observed containing gas, diesel, and potentially transmission fluid.
- 10.
- 11.
- 12.
- 13.
- 14.
15. Multiple storage drums/buckets observed in workshops, sheds, and barns.
16. Multiple drums/buckets observed with potential petroleum products (some minor staining).
17. 9 55-gallon drums observed with unknown substance, no surface staining observed in association.
18. Various farm equipment and vehicles observed. 10 18-wheelers observed in northwest portion of Property. No surface stains observed with equipment or vehicles.
19. 1 impounded stock pond observed in along northeastern boundary of Property.
20. Multiple pole-mounted transformers observed in association with an overhead utility line. 4 transformers were rusted, no stains on pole or ground.
21. Minor soil staining associated with 5 areas.
- 22.
23. Debris piles scattered throughout Property. 3 areas were observed containing buried trash (underground trash not observed – contents unknown). One trailer with an unknown large quantity of tires observed.
- 24.
25. Evidence of septic clean-outs observed.
26. Estimated age of existing structures observed on the Property presents potential for ACMs.
27. Estimated age of existing structures observed on the Property presents potential for LBPs.
- 28.
29. Minor stains associated with 5-gallon buckets in dilapidated barn and associated with gasoline canisters, and automotive fluids in workshop.
- 30.
- 31.
32. One pipeline observed traversing western portion of the Property.

Other:

Documented by: Scott Flesher

Scott Flesher, Environmental Specialist

Date: 11 March 2013

Reviewed by: Shannon Dorsey

Shannon Dorsey, Principal/Sr. Environmental Specialist, EP<sup>1</sup>, REP<sup>2</sup> No. 5194

Date: 24 April 2013

<sup>1</sup> Qualified Environmental Professional under ASTM Practice E-1527-05

<sup>2</sup> Registered Environmental Professional

**APPENDIX G**

**QUALIFICATIONS OF THE ENVIRONMENTAL PROFESSIONAL**



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**Education**

M.S., Wildlife Management, Southwest Texas State University, 1995

B.A., Biology, University of Texas at Austin, 1992

**Certifications – Qualifications – Training**

Certified Professional Wetland Scientist (PWS) No. 1760

Registered Environmental Professional (REP No. 5914)

Qualified Environmental Professional under ASTM Practice E 1527-05  
and 40 CFR 312 “All Appropriate Inquiries” (AAI) Rule

US Army COE Approved Wetland Delineation Training

**Areas of Relevant Expertise**

FERC Environmental Inspection and Permitting

NEPA Compliance

Phase I ESAs (ASTM Practice E 1527-05)

Phase II ESA Sampling

Wildlife Management

Wetland Delineation and Section 404 Permitting

Threatened/Endangered Species Permitting

**Years of Experience**

With This Firm: 16

With Other Firms: 2

**Relevant Experience  
Summary**

- Section 404/10 Permitting
- Expert Witness Testimony
- CWSRF EID Preparation
- FERC Filings
- Public Meetings
- Phase I ESAs
- Expert Testimony
- Threatened/Endangered Species Survey and Section 10(a) Permitting
- Aquatic Ecology
- Wildlife Ecology
- Wetland Delineation
- Wetland Mitigation
- Wildlife and Game Management

**Experience Summary**

Shannon Dorsey is a graduate of Southwest Texas State University’s master’s program in Wildlife Biology. A Principal and Senior Project Manager, Mr. Dorsey has had extensive experience in the field of wildlife biology, project management, permitting, and consulting. He has been involved with native wildlife and endangered species, conducting both habitat assessments and presence/absence surveys and territorial mapping for several local and nationwide species. Mr. Dorsey has prepared several Section 10(a)(1)(B) permits for incidental take of endangered species. He has extensive experience in acquisition of both individual and nationwide Section 404 permits for impacts to wetlands and other “waters of the US.” He is certified as a “Professional Wetland Scientist” (PWS No. 1760) by the Society of Wetland Scientists Certification Program, Inc. He is skilled and experienced in on-site investigations that include habitat assessment, wetland determinations and delineations, Phase I Environmental Site Assessments and Phase II sampling, recognition of karst characteristics, recharge features, and suitable endangered species habitats. Mr. Dorsey has extensive experience in FERC filing and compliance for both 7(c) and non-7(c) projects as well as training pipeline personnel in Environmental Compliance. Mr. Dorsey serves as the manager of Horizon’s Ecology Department and oversees ecological and due diligence investigations. Mr. Dorsey is a Registered Environmental Professional (REP No. 5914) and Horizon Principal with more than 18 years of consulting experience.

**APPENDIX H**

**HORIZON ENVIRONMENTAL SERVICES, INC.  
CORPORATE DESCRIPTION**

## CORPORATE DESCRIPTION

Horizon Environmental Services, Inc. (Horizon) is particularly well qualified to provide both the technical and administrative support required for project planning and permitting efforts related to various federal, state, and local permits and/or approvals. Horizon's capabilities and experience are very broad in the area of National Environmental Policy Act (NEPA) compliance support, particularly as related to multidisciplinary Environmental Assessments/Environmental Impact Statements (EAs/EISs), jurisdictional wetlands, endangered species, cultural resources issues, and expert testimony.

Services that Horizon provides for various clients include multidisciplinary EAs/EISs in support of federal and state environmental reviews; jurisdictional wetland determinations; endangered species habitat assessments and surveys; archeological surveys and mitigation (prehistoric and historic); ecological risk and damage assessments; wildlife habitat and wetlands restoration/creation; baseline aquatic and terrestrial investigations (inland and coastal); geologic resource assessments; real estate environmental site assessments; environmental constraints analyses for alternative project sites, routes, and land development scenarios ("fatal flaw" analyses); post-project land use planning and mitigation; and permit management, including preparation, agency coordination, and expert testimony.

Horizon is based in Austin, Texas, and provides services nationally. Horizon was founded in 1987 and is a certified Women-owned Business Enterprise (WBE), Historically Underutilized Business (HUB), Disadvantaged Business Enterprise (DBE), and Small Business Enterprise (SBE). Composed of senior professional personnel with many years of applied experience and specific training in environmental assessments, permitting, and management, members of Horizon's staff have worked on the majority of energy development and reservoir projects, either proposed or developed, in Texas and Louisiana from 1976 to the present. Our staff's experience and background have allowed Horizon to gain an applied knowledge of the environmental requirements of various federal and state regulations and permits affecting natural resource development and an excellent identity with agency personnel. The *Austin Business Journal* recently ranked Horizon sixth among Austin-area environmental consulting firms, which included large, national corporations with substantial engineering staffs.

Horizon's key personnel assigned to various work efforts are committed to being available from work initiation through expert testimony, if required. Depending on the scope of environmental investigations required for a given project, Horizon may network with other qualified firms, not only to provide both environmental and engineering services in a cost- and time-efficient manner, but to assure that only the most technically qualified and experienced persons are providing personal attention to the work effort.