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Costello, Inc.

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Costello, Inc.
Engineering & Surveying
Texas Board of Professional Engineers
Firm Registration No. F-280

August 28, 2013

PUBLIC UTILITY COMMISSION
FILING CLERK

Public Works Director
City of Splendor
26090 FM 2090 East
Splendor, TX 77372

Mr. Fred Bednarski
TCEQ
Mail Code 153
PO Box 13087
Austin, TX 78711-3087

Re: CCN Application for City of Splendor
C.I. Job No. 2004073-10
TCEQ Application No. : 37569-C
Reference No. : 11727

SEP 03 2013

Dear Sirs:

I am writing on behalf of the landowner, Mr. Benjamin Cheng. We are in receipt of the proposed CCN application for the City of Splendor. Mr. Cheng owns the contiguous properties in excess of 25 acres and wishes to opt out of the proposed CCN. I have attached a map highlighting the subject area and the legal descriptions of the parcels/ Please be sure to copy any future correspondence to Costello, Inc. and to Aurous Development Services (1733 Woodstead Court, Suite 205 ; The Woodlands, TX 77380).

Please feel free to call should you have any comments or questions.

Sincerely,
Costello, Inc.



Chad E. Hablinski, P.E.
Project Manager

Cc: Mr. Larry Kupstas - Aurous Development Services
Mr. Ben Cheng - CET, Limited
O'Malley Engineers; 203 S. Jackson; Brenham, TX 77833
Mayor Welch - City of Splendor
TCEQ Executive Director - Austin

W:\2004\2004073\10 Preliminary Engineering Splendor Tract (242)\CCN Response_300_opt out.doc

Parcel 2: BEING 320.42 acres, more or less, situated in the William Barker Survey, Abstract No. 82 and in the William F. Renfro Survey, Abstract No. 446, both in Montgomery County, Texas, and being a part of the 651.979 acres described as the first tract under the tract designation T76M11 and all of the 9.1 acres described as the second tract under the tract designation T76M11, both in a Deed from Champion Realty Corporation to Champion International Corporation dated January 25, 1991 and of record under Clerk's File No. 9107378 of the Official Public Records of Montgomery County, Texas. Said 320.42 acres being more particularly described as follows:

BEGINNING at the Northwest corner of the said 9.1 acre tract, being Lot 101 of Peach Creek Estates as shown on the plat recorded in Volume 5, Page 207 of the Map Records of said county;

THENCE South 87° 52' 06" East 152.70 feet to the Northeast corner of said Lot 101;

THENCE South 02° 37' 54" West 936.00 feet to the Southeast corner of said Lot 101 in the North boundary line of the said Barker Survey;

THENCE South 87° 52' 06" East with the most eastern North boundary line of the said 320.42 acre tract, at 1344.56 feet an iron rod for angle corner;

THENCE South 88° 02' 17" East continuing with the most eastern North boundary line of the said 320.42 acre tract, at 861.08 feet a concrete monument for angle corner;

THENCE South 87° 24' 21" East continuing with the most eastern North boundary line of the said 320.42 acre tract, at 727.31 feet an angle corner;

THENCE South 89° 08' 20" East continuing with the most eastern North boundary line of the said 320.42 acre tract, at 286.82 feet a fence corner post for the Northeast corner of the said 320.42 acre tract;

THENCE South 03° 45' 28" West with the East boundary line of the said 320.42 acre tract, at 118.25 feet an angle corner;

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630-10-2176

THENCE South 02° 23' 43" West continuing with the East boundary line of the said 320.42 acre tract, at 178.98 feet an iron rod for angle corner;

THENCE South 01° 48' 00" West continuing with the East boundary line of the said 320.42 acre tract, at 297.75 feet an iron rod for angle corner;

THENCE South 00° 54' 28" West continuing with the East boundary line of the said 320.42 acre tract, at 306.14 feet an iron pipe for angle corner;

THENCE South 01° 54' 48" West continuing with the East boundary line of the said 320.42 acre tract, at 2415.09 feet a fence corner post for the Southeast corner of the said 320.42 acre tract;

THENCE North 87° 58' 43" West with the most eastern South boundary line of the said 320.42 acre tract, at 2958.68 feet an iron pipe for angle corner;

THENCE North 87° 36' 19" West continuing with the most eastern South boundary line of the said 320.42 acre tract, at 420.50 feet an iron pipe for angle corner;

THENCE North 88° 37' West continuing with the most eastern South boundary line of the said 320.42 acre tract, at 210.06 feet an iron rod for angle corner;

THENCE North 87° 48' 23" West continuing with the most eastern South boundary line of the said 320.42 acre tract, at 462.66 feet a pine knot at a fence corner post for the most southern Southwest corner of the said 320.42 acre tract;

THENCE North 01° 58' 11" East with the most southern West boundary line of the said 320.42 acre tract, at 226.92 feet a fence corner post for angle corner;

THENCE North 02° 40' 06" East continuing with the most southern West boundary line of the said 320.42 acre tract, at 2147.22 feet a bolt at a fence corner post for an ell corner;

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630-10-2177

THENCE North 87° 47' 32" West with the most western South boundary line of the said 320.42 acre tract, at 473.46 feet the most western Southwest corner of the said 320.42 acre tract in the East right of way of the H. E. & W. T. Railroad, a concrete monument for corner;

THENCE North 33° 05' 57" East with the most northern West boundary line of the said 320.42 acre tract and with the said railroad right of way, at 1101.56 feet pass on line an iron rod, continuing for a total of 2192.91 feet to the place of BEGINNING, and containing 320.42 acres, more or less.

NOTE: This description was compiled from information in International Paper Company's land record files at the request of International Paper Realty Corporation and does not represent an actual survey by the author.

PAGE 4 OF 4

GENERAL WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS:

IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

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

That **BOBBY S. ROBERTS**, not joined herein by his wife as the property herein conveyed constitutes no part of their business or residential homestead (the "Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration paid to Grantor by **TRANSNATIONAL MANAGEMENT LIMITED** (the "Grantee"), whose address is set forth below, the receipt and sufficiency of which is hereby acknowledged, has **GRANTED, SOLD AND CONVEYED** and by these presents does **GRANT, SELL AND CONVEY** unto the Grantee herein all that certain property (the "Real Property") lying and being situated in the above mentioned County, described as follows, to-wit:

Lot Seventy-Five (75), of HARVEST ACRES, a subdivision out of the south 1/2 of the Josiah Blackman Survey, A-80, in Montgomery County and A-135 in Liberty County, Texas, according to the map or plat thereof recorded in Volume 5, Page 209 of the Map Records of Montgomery County, Texas, and Volume 1, Page 4 of the Map Records of Liberty County, Texas. The subject property lies completely within Montgomery County, Texas;

together with (a) all improvements located on the Real Property, if any, (b) any and all appurtenances, easements or rights-of-way affecting the Real Property, and all of Grantor's rights, if any, to use the same, (c) any rights of ingress and egress to and from the Real Property and Grantor's rights to use the same, (d) the mineral rights, if any, owned by Grantor relating to the Real Property, and (e) all right, title and interest of Grantor, if any, in and to (i) any and all roads, streets, alleys and ways (open or proposed) affecting, crossing, fronting or bounding the Real Property, (ii) any and all strips, gores or pieces of property abutting, bounding or which are adjacent or contiguous to the Real Property (however owned or claimed by Grantor), and (iii) all reversionary interests, if any, in and to the Real Property. The Real Property, together with the rights and interests set forth in (a) through (e), inclusive, are herein collectively referred to as the "Property". Notwithstanding any contrary provisions hereof, Grantor is conveying the rights set forth in (c) and (e) **WITHOUT WARRANTY** of any kind, whether express, implied or statutory.

This conveyance is made SUBJECT TO, all and singular, but only to the extent that the same are currently valid and enforceable against the Property, (a) all rights-of-ways and easements, whether of record or not, (b) all restrictions, covenants and conditions, reservations, mineral severances, oil and gas leases and all other instruments that affect the Property, and, (c) rights, if any, of adjoining property owners of fences situated on a common boundary line.

TO HAVE AND TO HOLD the Property, subject to the matters herein set forth, together with all and singular the rights and appurtenances thereto in anywise belonging unto the Grantee, its successors and assigns forever; and the Grantor does hereby bind itself, its successors and assigns to WARRANT AND FOREVER DEFEND, all and singular the Property unto the Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Whenever the context of this General Warranty Deed requires, (a) the singular nouns and pronouns include the plural, (b) any gender includes the other genders and (c) the term "successors and assigns" includes legal representatives, heirs, executors, administrators, successors and assigns.

Taxes and assessments for the current year have been prorated to the date hereof, and the payment of same is hereby assumed by the Grantee.

EXECUTED this the 21 day of July, 2004.

GRANTOR:


BOBBY S. ROBERTS

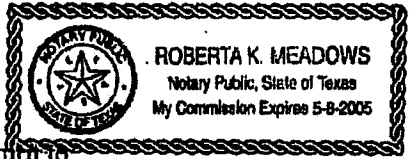
Grantee's Address:

THE STATE OF Texas
COUNTY OF Harris

§
§
§

This instrument was acknowledged before me on the 21 day of July, 2004, by **BOBBY S. ROBERTS**.

Roberta K Meadows



NOTARY PUBLIC - STATE OF _____
Printed Name: _____
My Commission Expires: _____

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