



CB&I
12005 Ford Road, Suite 600
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www.CBI.com

January 11, 2017

Mr. Dwight Russell, P.E.
Municipal Solid Waste Permits Section – MC 124
Texas Commission on Environmental Quality
12100 Park 35 Circle; Bldg. F
Austin, Texas 78753

Re: Pescadito Environmental Resource Center - Webb County
Municipal Solid Waste (MSW) Permit Application No. 2374
Technically Complete Permit Application Supplement Number 4
Tracking Nos. 20877533 and 20683791; CN603835489/RN106119639

Dear Mr. Russell;

CB&I Environmental and Infrastructure, Inc. (CB&I) is providing the attached information to supplement the referenced permit application which was declared technically complete on March 11, 2016. We are providing these changes based on your e-mail request dated December 13, 2016 and in an effort to make the application abundantly clear on the issues. As requested in your e-mail, each specific item of concern is cited below in italics followed by the Applicant's response:

Comment 1. *In Comment No. 1, we requested information documenting that all applicable permits have been obtained in accordance with 30 TAC §§ 330.63(c)(2)(D)(i) and (ii). The response was that the CLOMR, when constructed, will take the landfill facility out of the floodplain and, therefore, no other permits are required. In order for the Executive Director to determine whether requirements in 30 TAC §330.63(c)(2)(D) are met, including whether or not a county floodplain development permit is necessary, a demonstration and explanation of landownership for areas located immediately outside and adjacent to the proposed permitted boundary of the facility is necessary since the construction and operation of the landfill, as proposed, depends on the construction and maintenance of the proposed flood control structures. Please provide documentation with an accompanying explanation of the landownership immediately surrounding the permitted boundary of the facility.*

RESPONSE TO COMMENT 1 [Prepared with support from RVWM Legal counsel]:

Rancho Viejo previously provided an updated Landowner's map dated 4-14-2015 detailing the landownership of the land immediately surrounding the permitted boundary line. *See Exhibit 1* (Updated Landownership Map and Key) in Attachment A to this letter. The flood control structures will be located on Parcels 1 (owned by RVWM), 2 (owned by RVCC), 4, and

5. As to Parcels 4 (RVCC) and 5 (RVWM), the named Rancho Viejo entity owns the exclusive right of possession. Along with Parcel 1, Parcel 5 is included in the conveyance from RVCC to RVWM dated April 6, 2011. *See Exhibit 2* (General Warranty Deed from RVCC to RVWM) in Attachment A to this letter.

In the Key to Landowner's Map—April 2015, Rancho Viejo has previously identified ANB Cattle Company, Ltd. ("ANB") as owning an undivided, non-possessory interest in the surface of both surveys, subject to claims made in Cause No. 2014 CVQ 000162 D1; *ANB Cattle Company, Ltd. v. Rancho Viejo Waste Management, LLC et al.* pending in the 49th Judicial District Court, Webb County, Texas. *See Exhibit 1* in Attachment A to this letter.

In the above referenced lawsuit, ANB claims that they are surface co-tenants in Surveys 112 and 2366, and that Rancho Viejo may not develop any portions of Surveys 112 and 2366 without ANB's consent. This position, however, is incorrect. ANB's claim that it must give consent in order for Rancho Viejo to use Surveys 112 and 2366 is based on ANB's claimed status as surface co-tenant. However, ANB's interest in Surveys 112 and 2366 does not rise to the level of co-tenancy. ANB's claim originates from two conveyance documents executed by and between ANB and Rancho Viejo: (1) Cross-Conveyance dated April 6, 1990 by and between Rancho Viejo Cattle Company, Ltd. and ANB Cattle Company, Ltd. and recorded in Volume 1417, Page 445 of the Deed Records of Webb County, Texas ("1990 Cross-Conveyance"); and (2) Stipulation Confirming Surface Ownership, Agreed Boundary Line and Roadway Access dated November 17, 1998 by and between Rancho Viejo Cattle Company, Ltd., ANB Cattle Company, Ltd. and AKA Properties, Ltd. and recorded in Volume 704, Page 827 of the Official Public Records of Webb County, Texas ("1998 Stipulation"). *See Exhibit 3* (1990 Cross-Conveyance) and *Exhibit 4* (1998 Stipulation) in Attachment A to this letter.

Pursuant to the terms of the 1990 Cross-Conveyance and 1998 Stipulation, Rancho Viejo owns the exclusive right of possession in Surveys 112 and 2366, and ANB has no right of possession in those lands. Because the 1990 Cross-Conveyance and 1998 Stipulation do not grant ANB any possessory interest in the surface estate of Surveys 112 and 2366, ANB is not a surface co-tenant. A co-tenancy is formed when two or more persons share the unity of exclusive use and possession in property held in common. *Laster v. First Huntsville Properties Co.*, 826 S.W.2d 125, 129 (Tex. 1991) (citing 4A R. Powell & P. Rohan, *Real Property*, ¶601[1] (1991); 2 H. Tiffany, *Real Property*, §319 (3rd ed. 1939)). The present right to possession of the property is essential because one who is never entitled to possession of property held in common is not a cotenant. *Id.* (citing *Reed v. Turner*, 489 S.W.2d 373, 381 (Tex. Civ. App. —Tyler 1972, writ ref'd n.r.e.)). Because ANB does not own a possessory interest in Surveys 112 and 2366, it is not a co-tenant, and cannot prevent Rancho Viejo from developing its property.

Despite the foregoing, there is a title dispute between ANB and Rancho Viejo pending in the 49th Judicial District Court of Webb County, Texas ("Webb County District Court."). Rancho Viejo has filed a Motion for Summary Judgment in the above referenced lawsuit, and is seeking a determination as matter of law regarding its property rights from the Webb County District Court. The Webb County District Court has exclusive jurisdiction to determine Rancho Viejo and ANB's property rights with respect to Surveys 112 and 2366. As ANB has itself stated in its First Amended Petition filed on July 26, 2016 in the Webb County Lawsuit:

“The TCEQ, its staff, and SOAH have minimal, if any, interest in deciding and protecting the important real property rights at issue here. Moreover, issues relating to real property are inherently judicial questions to be decided by a district court. ... Because Surveys 112 and 2366 are in Webb County, this Court has jurisdiction to decide all title issues concerning those lands.”

Further, the Texas Supreme Court has previously held that the existence of a title dispute is not sufficient grounds for denial of a regulatory permit. *Magnolia Petroleum Co. v. Railroad Commission*, 179 S.W.2d 189, 191 (Tex. 1943) (“If the applicant makes a reasonably satisfactory showing of a good-faith claim of ownership in the property, ***the mere fact that another in good faith disputes his title is not alone sufficient to defeat his right to the permit; neither is it grounds for suspending the permit or abating the statutory appeal pending settlement of the title controversy***”), cited with approval in, *FPL Farming, Ltd. v. Environ. Processing Sys., LC*, 351 S.W.3d 306 (Tex. 2011). While there is a dispute over ANB’s rights, if any, in the property at issue, it is undisputable that Rancho Viejo has more than a good-faith belief in its title, and Rancho Viejo’s interest in Surveys 112 and 2366 is a sufficient interest pursuant to TCEQ regulations.

Webb County’s Floodplain Administrator previously swore to the Federal Emergency Management Administration (“FEMA”):

“As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this Letter of Map Revision (LOMR) or conditional LOMR request. Based upon the community’s review, **we find the completed or proposed project meets or is designed to meet all of the community floodplain management requirements**, including the requirement for when fill is placed in the regulatory floodway, and that all necessary Federal, State, and local permits have been, or in the case of a conditional LOMR, will be obtained. . . .”

Despite the Floodplain Administrator’s certification to FEMA, Webb County now claims that Rancho Viejo must apply for a floodplain development permit. Accordingly, Rancho Viejo has applied for a floodplain development permit from Webb County. Without having seen Rancho Viejo’s floodplain development application, the County Floodplain Administrator has indicated in written comments to the TCEQ that such permit would be summarily denied due to ANB’s claimed interest in Surveys 112 and 2366. Therefore, Rancho Viejo may not be able to obtain a floodplain development permit from Webb County until such time as the title dispute between ANB and Rancho Viejo is resolved. Rancho Viejo will pursue administrative and judicial review of the foregoing. As with the TCEQ, neither Webb County, nor Webb County’s Floodplain Administrator has jurisdiction or authority to adjudicate Rancho Viejo’s property rights in Surveys 112 and 2366. Should TCEQ assert such authority by returning Rancho Viejo’s permit application, that action would prejudice Rancho Viejo’s property rights and potentially give rise to claims of inverse condemnation and regulatory takings, based on Webb County’s recent adoption of an Ordinance Prohibiting Solid Waste Disposal in Certain Areas of Webb County (*See Exhibit 5* in Attachment A to this letter) designed to prevent the development of the PERC project.

Comment 2. *In Comment No. 2, we requested documentation that the pipeline easements noted on Drawing III.G.1-1 were either under the applicant's control or that the easement holders have agreed to vacate the easements prior to waste management activities occurring within 25 feet of the centerline of the easements. The response was that the easement holder had been contacted and had agreed to move the easements. Documentation of the completed agreement was not provided. Please provide documentation that all easements will be vacated prior to any waste management activities occurring in those areas pursuant to 30 TAC §330.543(a).*

RESPONSE TO COMMENT 2:

The Application is clear in regards to easements at the site. Part II, Section 4.0 states "Easements are shown on Figure 4, Sheets 1 to 4, in Part I. These easements will be protected in accordance with TCEQ rules until such time as they may be voided or relocated outside the waste fill area." In accordance with the requirements of 30 TAC §330.543(a), no solid waste disposal will occur within 25 feet of the center line of any pipeline easement. No solid waste unloading, storage, disposal or processing operation shall occur within any easement that crosses the facility.

Further, the Applicant has been in contact with the easement holder who has agreed to move the easements, and associated pipelines at the applicant's expense, to be in compliance with TCEQ rules related to easement protection prior to any solid waste unloading, storage, disposal or processing operation beginning in the area. RVWM and the easement holder are working to document said agreement and it will be forwarded to the TCEQ upon completion.

RVWM is requesting a 90-day extension to respond to this request in order to complete the agreement. Should the agreement be completed in less than 90-days, it will be sent at that time.

Comment 3. *In Comment No. 3, we requested documentation of an agreement allowing the landfill-related activities and appurtenances to occur on the wedge of property between the north and south landfill units. An agreement was provided that was signed by Rancho Viejo Cattle Company LTD and Rancho Viejo Waste Management LLC, wherein Rancho Viejo Cattle Company LTD granted to Rancho Viejo Waste Management LLC the surface use of the 12,193.84-acre Yugo Ranch. It is not clear from the submittal that the Yugo Ranch includes the subject wedge of property. Please provide a map or drawing prepared by a licensed surveyor identifying the Yugo Ranch in relation to the landfill's proposed permitted boundary. It is recommended that some sort of color coding be used for clarity. In addition, public comments received on this application allege that the subject wedge of property is jointly owned by ANB Cattle Company LTD and Rancho Viejo Cattle Company LTD. Please provide documentation that Rancho Viejo Cattle Company LTD has the authority to allow the use of the property for landfill-related activities and structures. In addition, if the subject wedge of property as well as any other immediately adjacent property is jointly owned and not identified as such in Part I of the permit application, then the adjacent landowners map and list should be revised accordingly.*

RESPONSE TO COMMENT 3 [Prepared with support from RVWM Legal counsel]:

We believe the above reference to the "use of property for landfill-related activities and structures" should actually be a reference to the off-site drainage system associated with the facility. This system is allowed through the Surface Use Agreement from RVCC to RVWM.

The Surface Use Agreement between Rancho Viejo Cattle Company, Ltd. and Rancho Viejo Waste Management, LLC covers all of Tract 2 as described in the 1998 Stipulation which partitioned the 12,193.84-acre Yugo Ranch to RVCC. Exhibit A to the 1998 Stipulation includes a plat showing Tract 2, which clearly includes Surveys 112 and 2366. Portions of Surveys 112 and 2366 were conveyed to RVWM (Parcel 5). Along with Parcel 1, Parcel 5 is included in the conveyance from RVCC to RVWM dated April 6, 2011. *See Exhibit 2* (General Warranty Deed from Rancho Viejo Cattle Company to RVWM) in Attachment A to this letter. The portion of survey 2366 conveyed to RVWM is the subject wedge of property.

Rancho Viejo provided an updated Landowner's map dated 4-14-2015 detailing the landownership of the land immediately surrounding the permitted boundary line. *See Exhibit 1* (Updated Landownership Map and Key) in Attachment A to this letter. As to Parcels 4 (RVCC) and 5 (RVWM) (Surveys 112 and 2366 (including the subject wedge)), Rancho Viejo owns the exclusive right of possession. As shown in the Key to Landowner's Map—April 2015, Rancho Viejo has previously identified ANB Cattle Company, Ltd. ("ANB") as owning an undivided, non-possessory interest in the surface of both surveys, subject to claims made in Cause No. 2014 CVQ 000162 D1; *ANB Cattle Company, Ltd. v. Rancho Viejo Waste Management, LLC et al.* pending in the 49th Judicial District Court, Webb County, Texas.

In the above referenced lawsuit, ANB claims that they are surface co-tenants in Surveys 112 and 2366, and that Rancho Viejo may not develop any portions of Surveys 112 and 2366 without ANB's consent. This position, however, is incorrect. ANB's claim that it must give consent in order for Rancho Viejo to use Surveys 112 and 2366 is based on ANB's claimed status as surface co-tenant. However, ANB's interest in Surveys 112 and 2366 does not rise to the level of co-tenancy. ANB's claim originates from two conveyance documents executed by and between ANB and Rancho Viejo: (1) Cross-Conveyance dated April 6, 1990 by and between Rancho Viejo Cattle Company, Ltd. and ANB Cattle Company, Ltd. and recorded in Volume 1417, Page 445 of the Deed Records of Webb County, Texas ("1990 Cross-Conveyance"); and (2) Stipulation Confirming Surface Ownership, Agreed Boundary Line and Roadway Access dated November 17, 1998 by and between Rancho Viejo Cattle Company, Ltd., ANB Cattle Company, Ltd. and AKA Properties, Ltd. and recorded in Volume 704, Page 827 of the Official Public Records of Webb County, Texas ("1998 Stipulation"). *See Exhibit 3* (1990 Cross-Conveyance) and *Exhibit 4* (1998 Stipulation) in Attachment A to this letter.

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Despite the foregoing, there is a title dispute between ANB and Rancho Viejo pending in the 49th Judicial District Court of Webb County, Texas (“Webb County District Court.”). Rancho Viejo has filed a Motion for Summary Judgment in the above referenced lawsuit, and is seeking a determination as matter of law regarding its property rights from the Webb County District Court. The Webb County District Court is the forum that has exclusive jurisdiction to determine Rancho Viejo and ANB’s property rights with respect to Surveys 112 and 2366. As ANB has itself stated in its First Amended Petition filed on July 26, 2016 in the Webb County Lawsuit:

“The TCEQ, its staff, and SOAH have minimal, if any, interest in deciding and protecting the important real property rights at issue here. Moreover, issues relating to real property are inherently judicial questions to be decided by a district court. ... Because Surveys 112 and 2366 are in Webb County, this Court has jurisdiction to decide all title issues concerning those lands.”

Further, the Texas Supreme Court has previously held that the existence of a title dispute is not sufficient grounds for denial of a regulatory permit. *Magnolia Petroleum Co. v. Railroad Commission*, 179 S.W.2d 189, 191 (Tex. 1943) (“If the applicant makes a reasonably satisfactory showing of a good-faith claim of ownership in the property, **the mere fact that another in good faith disputes his title is not alone sufficient to defeat his right to the permit; neither is it grounds for suspending the permit or abating the statutory appeal pending settlement of the title controversy**”), cited with approval in, *FPL Farming, Ltd. v. Environ. Processing Sys., LC*, 351 S.W.3d 306 (Tex. 2011). While there is a dispute over ANB’s rights, if any, in the property at issue, it is undisputable that Rancho Viejo has more than a good-faith belief in its title, and Rancho Viejo’s interest in Surveys 112 and 2366 is a sufficient interest pursuant to TCEQ regulations.

The TCEQ lacks jurisdiction or authority to adjudicate Rancho Viejo’s property rights in Surveys 112 and 2366. Should TCEQ assert such authority by returning Rancho Viejo’s permit application, that would prejudice Rancho Viejo’s property rights and potentially give rise to claims of inverse condemnation and regulatory takings, based on Webb County’s recent adoption of an Ordinance Prohibiting Solid Waste Disposal in Certain Areas of Webb County (*See Exhibit 5* in Attachment A to this letter), designed to prevent the development of the PERC project.

Comment 4. *In Comment No. 4, we requested a demonstration of no adverse impact to the existing drainage patterns pursuant to 30 TAC §330.305(a). Page 29 of Appendix III-C.1 of the submitted information ends in the middle of a sentence. Please provide the complete page.*

RESPONSE TO COMMENT 4:

The last sentence of Page 29 was incomplete and has been completed. A modified Page 29 along with new Cover Page and a Table of Contents are provided for Part III, Appendix III-C.1.

Our submittal is formatted as follows:

- Attachment A contains a new signature page from the Part 1 form and Exhibits 1 – 5 for Response to Comments #1 and #3.
- Attachment B contains the original version of the changed pages.
- Attachment C contains a redline/strikeout version of the changed pages.
- Attachment D contains three (3) copies of the original changed pages found in Attachment B for TCEQ use only.

The information provided in this submittal is also being sent to the Laredo Public Library and uploaded to the web site at www.pescaditoerc.com. We trust this information is clear and complete; however, should you need additional information, please let us know.

Sincerely,

CB&I Environmental and Infrastructure, Inc.

TBPE Firm F-5650



Michael W. Oden, P.E.

Project Manager

Attachments

- A** – Part 1 Form Signature Page; Exhibits 1 - 5
- B** – Original Replacement pages
- C** – Redline/Strikeout version of changed pages
- D** – Three copies of changed pages (TCEQ only)

CC: Mr. Carlos Y. Benavides III
Mr. William W. Thompson
Mr. Geoffrey S. Connor
Mr. Edward Maddox
Mr. Earl Lott
Mr. Chance Goodin
Mr. Anthony Tatu

Attachment A
to January 2017 Supplement Letter (MSW 2374)

Part I Form Signature Page
Exhibits 1 through 5 for Response to Comments #1 and #3

Signature Page

I, Linda Cristina B. Alexander Manager
(Site Operator (Permittee/Registrant)'s Authorized Signatory) (Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: L. Cristina B. Alexander Date: 1/10/2017

~~TO BE COMPLETED BY THE OPERATOR IF THE APPLICATION IS SIGNED BY AN AUTHORIZED REPRESENTATIVE FOR THE OPERATOR~~

~~I, _____, hereby designate _____
(Print or Type Operator Name) (Print or Type Representative Name)~~

~~as my representative and hereby authorize said representative to sign any application, submit additional information as may be requested by the Commission; and/or appear for me at any hearing or before the Texas Commission on Environmental Quality in conjunction with this request for a Texas Water Code or Texas Solid Waste Disposal Act permit. I further understand that I am responsible for the contents of this application, for oral statements given by my authorized representative in support of the application, and for compliance with the terms and conditions of any permit which might be issued based upon this application.~~

~~Printed or Typed Name of Operator or Principal Executive Officer~~

~~Signature~~

SUBSCRIBED AND SWORN to before me by the said Linda Cristina B. Alexander

On this 10th day of January, 2017

My commission expires on the 24th day of October, 2020

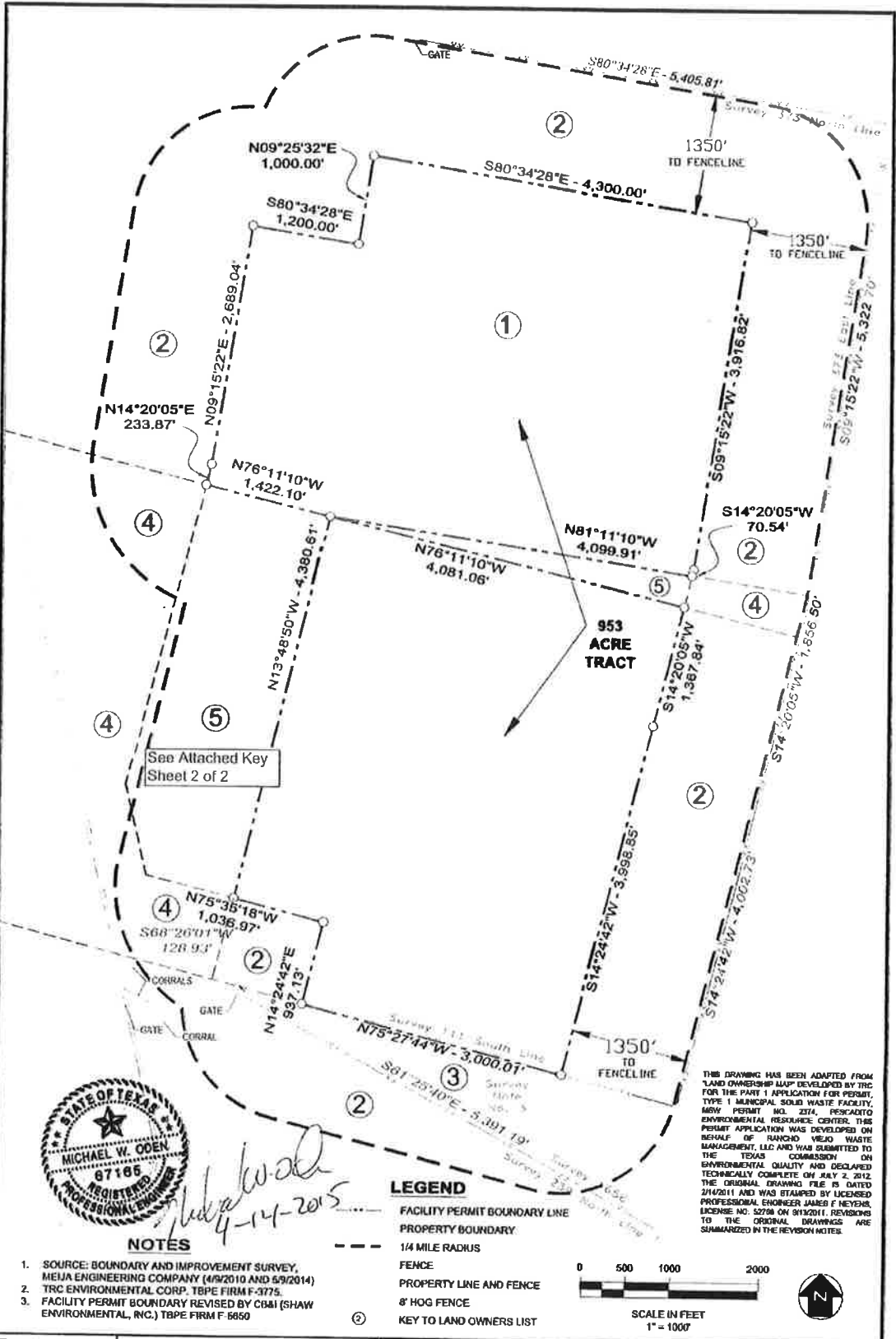
Sandra G. Cisneros
Notary Public in and for Texas

Webb County, Texas

(Note: Application Must Bear Signature & Seal of Notary Public)



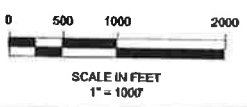
EXHIBIT 1



- NOTES**
1. SOURCE: BOUNDARY AND IMPROVEMENT SURVEY, MEJJA ENGINEERING COMPANY (4/9/2010 AND 5/9/2014)
 2. TRC ENVIRONMENTAL CORP. TBPE FIRM F-3775.
 3. FACILITY PERMIT BOUNDARY REVISED BY CB&I (SHAW ENVIRONMENTAL, INC.) TBPE FIRM F-5850

LEGEND

- FACILITY PERMIT BOUNDARY LINE
- PROPERTY BOUNDARY
- 1/4 MILE RADIUS
- FENCE
- PROPERTY LINE AND FENCE
- 6" HOG FENCE
- KEY TO LAND OWNERS LIST



THIS DRAWING HAS BEEN ADAPTED FROM LAND OWNERSHIP MAP DEVELOPED BY TRC FOR THE PART I APPLICATION FOR PERMIT, TYPE 1 MUNICIPAL SOLID WASTE FACILITY, MSW PERMIT NO. 2374, PESCADITO ENVIRONMENTAL RESOURCE CENTER. THIS PERMIT APPLICATION WAS DEVELOPED ON BEHALF OF RANCHO VIEJO WASTE MANAGEMENT, L.L.C. AND WAS SUBMITTED TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND DECLARED TECHNICALLY COMPLETE ON JULY 2, 2012. THE ORIGINAL DRAWING FILE IS DATED 2/16/2011 AND WAS STAMPED BY LICENSED PROFESSIONAL ENGINEER JAMES F. NEYENS, LICENSE NO. 52708 ON 8/13/2011. REVISIONS TO THE ORIGINAL DRAWINGS ARE SUMMARIZED IN THE REVISION NOTES.

CBI CB&I Environmental & Infrastructure, Inc.
 1300 FORD ROAD, SUITE 600
 DALLAS, TEXAS 75204
 (972) 775-6900

**PESCADITO ENVIRONMENTAL RESOURCE CENTER
 WEBB COUNTY, TEXAS**

**FIGURE 3 - PART I
 LAND OWNERSHIP MAP**

Sheet 1 of 2

DRAWN BY: MTC APPROVED BY: MNO PROJ. NO.: 140866 DATE: APRIL 2015

Exhibit 1

Key to Landowner's Map - April 2015
Ownership based on Webb County Appraisal District Records researched April 2015
Pescadito Environmental Resource Center – MSW 2374

Parcel 1 - RANCHO VIEJO WASTE MANAGEMENT, LLC
1116 CALLE DEL NORTE
LAREDO, TX 78041

Parcel 2 - RANCHO VIEJO CATTLE COMPANY, LTD
1116 CALLE DEL NORTE
LAREDO, TX 78041

Parcel 3 - JEV FAMILY LTD
1510 HOUSTON ST
LAREDO, TX 78040-4935

Parcel 4 - RANCHO VIEJO CATTLE COMPANY, LTD
1116 CALLE DEL NORTE
LAREDO, TX 78041

And

ANB CATTLE COMPANY LTD *
1202 E DEL MAR BLVD; STE 3
LAREDO, TX 78041

* ANB owns an undivided, non-possessionary interest in the surface, subject to claims made in Cause No. 2014 CVQ 000162 D1; *ANB Cattle Company, Ltd. v. Rancho Viejo Waste Management, LLC, et al.* pending in the 49th Judicial District Court, Webb County, Texas. By identifying ANB Cattle Co., Ltd. as an "owner," neither RVCC nor RVWM are acknowledging, agreeing with, or waiving their rights to contest any of ANB's claims, nor are they waiving their rights to pursue their own claims, in the above referenced litigation.

Parcel 5 - RANCHO VIEJO WASTE MANAGEMENT, LLC
1116 CALLE DEL NORTE
LAREDO, TX 78041

And

ANB CATTLE COMPANY LTD *
1202 E DEL MAR BLVD; STE 3
LAREDO, TX 78041

* ANB owns an undivided, non-possessionary interest in the surface, subject to claims made in Cause No. 2014 CVQ 000162 D1; *ANB Cattle Company, Ltd. v. Rancho Viejo Waste Management, LLC, et al.* pending in the 49th Judicial District Court, Webb County, Texas. By identifying ANB Cattle Co., Ltd. as an "owner," neither RVCC nor RVWM are acknowledging, agreeing with, or waiving their rights to contest any of ANB's claims, nor are they waiving their rights to pursue their own claims, in the above referenced litigation.

EXHIBIT 2

GENERAL WARRANTY DEED

Date: April 6, 2011

Grantor: RANCHO VIEJO CATTLE COMPANY, LTD., a Texas limited partnership

Grantor's Mailing Address (including county):

1116 Calle Del Norte, Laredo, Texas 78041

Grantee: RANCHO VIEJO WASTE MANAGEMENT, LLC, a Texas limited liability company

Grantee's Mailing Address (including county):

1116 Calle Del Norte, Laredo, Texas 78041

Consideration: Ten dollars and other good and valuable consideration.

Property (including any improvements):

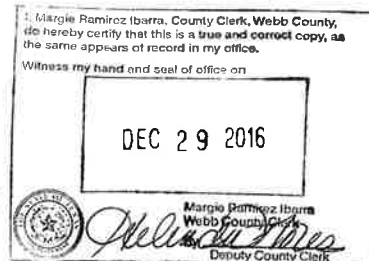
The SURFACE ONLY of a tract of land containing 1,109.48 acres, more or less, said 1,109.48 acres being out of a 12,193.84 acre tract of land described and depicted as Tract 2 on a Survey Plat by John E. Foster, R.P.L.S. on a Stipulation Conforming Surface Ownership, Agreed Boundary Line and Roadway Access instrument, as recorded in Volume 704, Pages 827 – 852, of the Plat Records of Webb County, Texas; and being more fully described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes.

Reservations from Conveyance:

For Grantor and Grantor's heirs, successors, and assigns forever, a reservation of all of Grantor's right, title and interest in and to all oil, gas, and other minerals in and under that may be produced from the Property. If any portion of the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease, and all benefits from it.

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Exhibit 2



Exceptions to Conveyance and Warranty:

This conveyance is made and accepted subject to all restrictions, easements, encumbrances, and all other matters of record in the Official Public Records of Webb County, Texas, but only to the extent that they are still in effect, relating to the Property

Grantor, for the consideration and subject to the reservations from conveyance and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from conveyance and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.

Current taxes on the property have been prorated between Grantor and Grantee, and Grantee assumes the obligation to pay such taxes.

EXECUTED this 6 day of April, 2011.

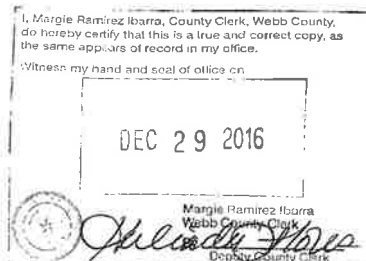
GRANTOR:

**RANCHO VIEJO CATTLE COMPANY, LTD., a
Texas limited partnership**

**By: Benavides Management Company, L.L.C.,
its general partner**

By: 
Linda Cristina B. Alexander, Manager

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STATE OF TEXAS §
 §
COUNTY OF WEBB §

The foregoing instrument was acknowledged before me this 12th day of April, 2011, by Linda Cristina B. Alexander, Manager of Benavides Management Company, L.L.C., the general partner of Rancho Viejo Cattle Company, Ltd., a Texas limited partnership, on behalf of said limited partnership.



NOTARY PUBLIC, STATE OF TEXAS



AFTER RECORDING RETURN TO:

RANCHO VIEJO WASTE
MANAGEMENT, LLC
1116 Calle Del Norte
Laredo, Texas 78041

PREPARED IN THE LAW OFFICES OF
OPPENHEIMER, BLEND, HARRISON & TATE
711 NAVARRO, SUITE 600
SAN ANTONIO, TEXAS 78205

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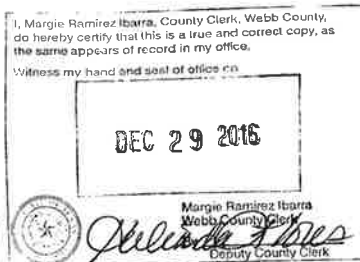



Exhibit "A"

Volume 3071 Page 429

I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.
Witness my hand and seal of office on

DEC 29 2016

 Margie Ramirez Ibarra
Webb County Clerk
Margie Ramirez Ibarra
County Clerk

Legal Description
1,168.48 Acre Tract

A tract of land containing 1,168.48 acres, more or less, situated within Survey 373, 111, 113, and 1684 and being out of and a part of a 12,163.84 acre tract as described and divided on Tract 2 on a Survey Plat by John E. Foster, R.P.L.S., as a Deposition Concerning Surface Ownership, Agreed Boundary Line and Boundary Annex Instrument recorded in Volume 704, Page 827-828, R.P.A.B.C.T., Webb County, Texas. Said 1,168.48 acre tract being more particularly described as follows:

Commencing at an existing fence post being an anterior corner on the east boundary line of said 12,163.84 acre tract, thence corner being the southeast corner of Survey 111 and an interior corner of Survey 1684; thence, N 79°27'44" W, along the boundary line of said 12,163.84 acre tract and the eastern line of Survey 111 and Survey 1684, a distance of 1,350 feet to a cut 3/8 inch iron rod being the southeast corner and POINT OF BEGINNING of this 1,168.48 acre tract;

thence, N 79°27'44" W, continuing along the boundary line of said 12,163.84 acre tract and the common line of Survey 111 and Survey 1684, a distance of 3,000.01 feet to a cut 3/8 inch iron rod being an anterior corner hereto;

thence, the following courses:

N 14°24'42" E, a distance of 837.15 feet to a cut 3/8 inch iron rod for an interior corner of this tract;

N 79°26'18" W, a distance of 2,028.06 feet to a cut 3/8 inch iron rod for the southeast corner of this tract;

N 12°39'59" W, a distance of 1,038.11 feet to a cut 3/8 inch iron rod for a point of deflection to the right;

N 14°24'42" E, a distance of 2,128.88 feet to a cut 3/8 inch iron rod for a point of deflection to the left;

N 14°20'09" E, a distance of 1,847.88 feet to a cut 3/8 inch iron rod for a point of deflection to the left;

N 07°19'22" E, a distance of 2,884.04 feet to a cut 3/8 inch iron rod for an anterior corner of this tract;

S 89°24'39" E, a distance of 1,200 feet to a cut 3/8 inch iron rod for an interior corner of this tract;

N 08°25'32" E, a distance of 1,000 feet to a cut 3/8 inch iron rod for the northeast corner hereto;

S 89°24'39" E, parallel approximately 1,350 feet from the east line of said 12,163.84 acre tract and the eastern line of Survey 373 and Survey 1684, a distance of 4,300 feet to a cut 3/8 inch iron rod for the northeast corner of this tract;

S 89°16'22" W, parallel approximately 1,350 feet from the east line of said 12,163.84 acre tract and the common line of Survey 373 and Survey 374, a distance of 3,878.82 feet to a cut 3/8 inch iron rod for a point of deflection to the right;

S 14°28'09" W, parallel approximately 1,350 feet from the east line of said 12,163.84 acre tract and the common line of Survey 373, Survey 111, and Survey 1687, a distance of 1,768.72 feet to a cut 3/8 inch iron rod for a point of deflection to the right;

thence, S 14°24'42" W, parallel approximately 1,350 feet from the east line of said 12,163.84 acre tract and the common line of Survey 111 and Survey 1684 and 1687, a distance of 3,688.88 feet to the POINT OF BEGINNING of this 1,168.48 acre tract of land, more or less.

State of Survey: Boundary Data on State Plane NAD 83 4205 Texas South

Note: This survey was done without the benefit of a Title Company Report. There may be Encumbrances of Record not shown on this Survey of which Surveyor is unaware of and as such encumbrance no liability herein.

Continued Unrecorded Data	
2	of right of the State, State Title Data to a distance of 1,000 feet to a cut 3/8 inch iron rod for an interior corner of this tract;
3	of right of the State, State Title Data to a distance of 1,000 feet to a cut 3/8 inch iron rod for an interior corner of this tract;
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SURVEY NOTES

1. BASES OF BEARING, BOUNDARY DATA ON STATE PLANE NAD 83, NAD 83 4205 TEXAS SOUTH
2. BY GRAPHICAL PLOTTING ONLY, PARTS OF THIS TRACT ARE LOCATED WITHIN ZONE A AS DEFINED BY THE FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PANEL: 48479C 1278C WITH AN EFFECTIVE DATE OF APRIL 2, 2008.
3. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF TITLE COMPANY REPORT. THERE MAY BE ENCUMBRANCES OF RECORD NOT SHOWN ON THIS SURVEY OF WHICH THE SURVEYOR IS UNAWARE OF AND AS SUCH AVOIDS NO LIABILITY HEREIN.
4. USGS BENCHMARK REFERENCE CONTROL DATA: NO. 824, N 17°01'42.78" E 718021.71, ELEV. 626.28

CERTIFICATE OF SURVEYOR

STATE OF TEXAS
 COUNTY OF WEBB

I, **ROBERT C. GOSWAMI**, a LICENSED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE FOREGOING SURVEY AND RESPONSE PLAT MAPS, INSTRUMENT AND OTHER DOCUMENTS OF RECORD HAVE BEEN PREPARED AND I AM A MEMBER OF THE TEXAS SOCIETY OF PROFESSIONAL SURVEYORS.

Robert C. Goswami
 ROBERT C. GOSWAMI, R.P.L.S., No. 8288 3/24/2011



MEJIA ENGINEERING COMPANY
 12000 Highway 281, Ste. 100
 Dallas, Texas 75244
 Phone: 972-252-0007
 Fax: 972-252-0008

BOUNDARY SURVEY
 of a tract of land containing 1,168.48 acres, more or less, within Survey 373, 111, 113, and 1684 and being out of and a part of a 12,163.84 acre tract as described and divided on Tract 2 on a Survey Plat by John E. Foster, R.P.L.S., as a Deposition Concerning Surface Ownership, Agreed Boundary Line and Boundary Annex Instrument recorded in Volume 704, Page 827-828, R.P.A.B.C.T., Webb County, Texas

Prepared by: *Robert C. Goswami*
 Checked by: *Robert C. Goswami*
 Approved by: *Robert C. Goswami*

Scale: 1" = 200'
 Date: 3/24/2011

Sheet 2 of 2

Volume 3071 Page 431

I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.

Witness my hand and seal of office on

DEC 29 2016

Margie Ramirez Ibarra
 Margie Ramirez Ibarra
 Webb County Clerk
 Deputy County Clerk

STATE OF TEXAS
COUNTY OF WEBB
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS
FILED ON THE DATE AND AT THE TIME STAMPED
HEREON BY ME AND WAS DULY RECORDED IN THE
VOLUME AND PAGE OF THE OFFICIAL PUBLIC
RECORDS OF WEBB COUNTY TEXAS AS STAMPED
HEREON BY ME



Margie Ramirez Ibarra
COUNTY CLERK
WEBB COUNTY, TEXAS

Doc# 1098244
Recorded
04/06/2011 10:17AM

Signed: *[Signature]*
BY DEPUTY
MARGIE RAMIREZ IBARRA
COUNTY CLERK
Fees \$40.00

Volume 3071 Page 432

THE STATE OF TEXAS)
COUNTY OF WEBB) (I, MARGIE RAMIREZ IBARRA,

Clerk of the County Court of Webb County, Texas, do hereby certify that the
foregoing is a true and correct copy of the original *Warranty Deed*

as the same appears on record in my office, in Vol. 3071
Page(s) 426-432 of the *Official Public* Records of
Webb County, Texas.

Witness my Hand and Seal of Office this the 28th
day of December, A.D., 2010.

MARGIE RAMIREZ IBARRA Webb County Clerk
Webb County, Texas.

By *[Signature]* Deputy

EXHIBIT 3

426234

THE STATE OF TEXAS §
COUNTY OF WEBB §

KNOW ALL MEN BY THESE PRESENTS:

That RANCHO VIEJO CATTLE COMPANY, LTD., a Texas Limited Partnership, and ANB CATTLE COMPANY, LTD., a Texas Limited Partnership, each acting herein by and through their respective General Partners, in order to carry out agreements reached within the families of Carlos Y. Benavides, Jr. and Arturo N. Benavides, do hereby cross-convey an undivided one-half interest in the specific surveys hereinafter described and, in order to accomplish same, to the extent necessary, do hereby amend conveyances heretofore made under deeds hereinafter described, so that all lands situated within those particular surveys lying within the Pescadito or Yugo Ranch which are described in attached Exhibit "A" will be owned in fee simple by Rancho Viejo Cattle Company, Ltd., as to an undivided one-half (1/2) interest and by ANB Cattle Company, Ltd., as to an undivided one-half (1/2) interest.

In order to effect and accomplish this cross-conveyance and amendment of previous conveyances, the parties hereto, RANCHO VIEJO CATTLE COMPANY, LTD., a Texas Limited Partnership, for a valuable consideration moving to it, the sufficiency of which is hereby acknowledged, does hereby GRANT, SELL, ASSIGN and CROSS-CONVEY unto ANB CATTLE COMPANY, LTD., an undivided one-half (1/2) interest in any part of each of those five (5) surveys located within the above described Pescadito or Yugo Ranch as more fully described and identified in attached Exhibit "A", the fee title to which now

1417 445

I, Margie Ramirez from County Clerk, Webb County, do hereby certify that this is a true and correct copy as the same appears of record in my office.

Witness my hand and seal this 23rd day of December, 2016.

DEC 23 2016

Margie Ramirez County Clerk
Webb County, Texas






Exhibit 3

appears of record as now owned entirely by Rancho Viejo Cattle Company, Ltd., and for the same consideration, ANB CATTLE COMPANY, LTD., a Texas Limited Partnership, does hereby GRANT, SELL, ASSIGN and CROSS-CONVEY unto RANCHO VIEJO CATTLE COMPANY, LTD., an undivided one-half (1/2) interest in any part of those five (5) surveys located within the said Pescadito or Yugo Ranch, each of which are State Mineral Classified land, as more fully described and identified in attached Exhibit "A", which is incorporated into and made a part hereof for all relevant purposes.

This conveyance is made expressly subject to the rights of the State of Texas in and to each of the above described surveys and to the agreement of the parties that the Limited Partnership which is a co-owner of any portion of any of the said surveys which lies within pasture fences enclosing that portion of the Yugo Ranch occupied by such partnership shall remain in exclusive possession of said lands and shall have the exclusive right to continue to occupy all portions of any of such surveys lying within the fence enclosures of the pasture belonging to the particular Limited Partnership for hunting and grazing purposes in consideration of that partnership paying the ad valorem taxes due on such acreage and that the other limited partnership shall, likewise, have exclusive possession of any portion of any of the said above described five (5) surveys which lie within the outside fence enclosures of the pastures belonging to that particular Limited Partnership for hunting and grazing purposes in consideration of that partnership paying the ad valorem taxes on that portion of

2

I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy as the same appears of record in my office.

Witness _____ and _____

1417 446

DEC 29 2016

 Margie Ramirez Ibarra
Webb County Clerk
Deputy County Clerk

said five (5) surveys lying within its fence enclosures.

The parties to this cross conveyance affirm that this instrument of cross-conveyance and, to the extent necessary, amendment to previous deeds into the partnership, is in compliance with family agreements heretofore entered into relating to the division of the Pescadito or Yugo Ranch and the parties hereto expressly affirm that this cross-conveyance, and the agreements and recitals herein contained, shall be deemed to effectively amend the following described instruments of conveyance insofar as they relate to lands which form a part of Pescadito or Yugo Ranch, situated in the eastern part of Webb County, Texas, viz:

Deed dated December 28, 1989, executed by Carlos Y. Benavides to Rancho Viejo Cattle Company, Ltd., a Texas Limited Partnership, as now recorded in Volume 1399, pages 268-270 in the Real Property Records of Webb County, Texas.

Deed dated December 28, 1989, executed by Carlos Y. Benavides to ANB Cattle Company, Ltd., a Texas Limited Partnership, as now recorded in Volume 1399, pages 271-273 in the Real Property Records of Webb County, Texas.

Deed dated December 28, 1989, executed by Carlos Y. Benavides, Jr. to Rancho Viejo Cattle Company, Ltd., a Texas Limited Partnership, as now recorded in Volume 1399, pages 265-267 in the Real Property Records of Webb County, Texas.

Deed dated December 28, 1989, executed by Arturo N. Benavides to ANB Cattle Company, Ltd., a Texas Limited Partnership, as now recorded in Volume 1399, pages 262-264 Real Property Records of Webb County, Texas.

and each of the partnerships who are parties to this deed hereby further confirm that each partnership received one-half (1/2) of those mineral rights described under "Fifth" of the above mentioned two deeds from Carlos Benavides, each dated December 28, 1989, as

I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.

Witness my hand and seal of office

DEC 29 2016



Margie Ramirez Ibarra
Webb County, Texas
Deputy County Clerk

3

1417 447

now of record in Volume 1399, pages 268-270 in the Real Property Records of Webb County, Texas and Volume 1399, pages 271-273 in the Real Property Records of Webb County, Texas, respectively, which mineral rights were subsequently conveyed by the Co-Trustees under the Benavides Family Mineral Trust under Trust Instrument dated March 22, 1990, now bearing Webb County Clerk File No. 424921.

Executed the 6th day of April 1990, but for all purposes to be deemed effective as of 12:01 a.m. January 1, 1990.

RANCHO VIEJO CATTLE COMPANY, LTD.,
A Texas Limited Partnership

By: Carlos Y. Benavides
Carlos Y. Benavides
General Partner

Carlos Y. Benavides, Jr.
Carlos Y. Benavides, Jr.
General Partner

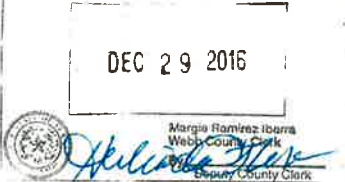
ANB CATTLE COMPANY, LTD.,
A Texas Limited Partnership

By: Carlos Y. Benavides
Carlos Y. Benavides
General Partner

Arturo N. Benavides
Arturo N. Benavides
General Partner

I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.

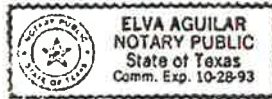
Witness my hand and seal this _____ day of _____, 2016.



1417 448

STATE OF TEXAS §
COUNTY OF WEBB §

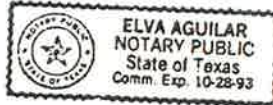
This instrument was acknowledged before me on the 6th day of April, 1990 by Carlos Y. Benavides, General Partner, on behalf of Rancho Viejo Cattle Company, Ltd. a Texas Limited Partnership.



Elva Aguilar
Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF WEBB §

This instrument was acknowledged before me on the 10th day of April, 1990 by Carlos Y. Benavides, Jr., General Partner, on behalf of Rancho Viejo Cattle Company, Ltd., a Texas Limited Partnership.



Elva Aguilar
Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF WEBB §

This instrument was acknowledged before me on the 6th day of April, 1990 by Carlos Y. Benavides, General Partner, on behalf of ANB Cattle Company, Ltd., a Texas Limited Partnership.



Elva Aguilar
Notary Public, State of Texas

1417 449

5

I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.
Witness my hand and seal this _____ day of _____, 1990.

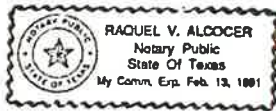
DEC 29 2016

Margie Ramirez Ibarra
Webb County
Deputy County Clerk

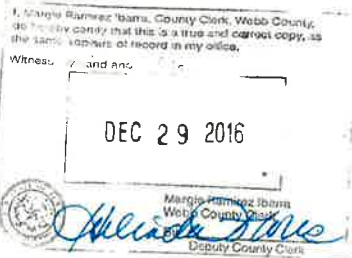
STATE OF TEXAS §

COUNTY OF WEBB §

This instrument was acknowledged before me on the 13th day of April, 1990 by Arturo N. Benavides, General Partner, on behalf of ANB Cattle Company, Ltd., a Texas Limited Partnership.



Raquel V. Alcocer
Notary Public, State of Texas



1417 450

THE STATE OF TEXAS)
COUNTY OF WEBB) (1) MARGIE RAMIREZ IBARRA,

Clerk of the County Court of Webb County, Texas, do hereby certify that the foregoing is a true and correct copy of the original.

as the same appears on records in my office, in Vol. 1417
Page(s) 445-451 of the Real Property Records of
Webb County, Texas.

Witness my hand and Seal of Office this the 28th
day of December A.D. 2016.

MARGIE RAMIREZ IBARRA Webb County Clerk
Webb County, Texas.

By Melinda Flores Deputy

EXHIBIT "A"

FIRST: Survey 112, Certificate No. 1/177, Abstract No. 2835, Original Grantee, J. Poitevent, containing 640 acres, more or less.

SECOND: Survey 1906, Certificate No. 391, Abstract No. 3103, Original Grantee, Texas Trunk, containing 640 acres, more or less.

THIRD: Survey 2366, Abstract No. 3182, Certificate SF 12687, Original Grantee A. R. Villarreal, containing 27.34 acres, more or less.

FOURTH: All of Survey 1604, Certificate 3674, Abstract No. 2787, Original Grantee, Gregorio Rubio, containing 640 acres, more or less.

FIFTH: All of Survey 1994, Certificate No. 90, Abstract No. 2788, Original Grantee, Gregorio Rubio, containing 320 acres, more or less.

FILED 4-18-1990
HENRY FLORES AT 4:53 P.M.
COUNTY CLERK, WEBB COUNTY, TEXAS
BY _____ DEPUTY

1990 APR 18 PM 4:53
WEBB COUNTY TEXAS
FILED
HENRY FLORES
COUNTY CLERK

1417 451

EXHIBIT "A" TO CROSS-CONVEYANCE
RANCHO VIEJO CATTLE COMPANY, LTD. and
ANB CATTLE COMPANY, LTD.

EXHIBIT 4

**STIPULATION CONFIRMING
SURFACE OWNERSHIP, AGREED BOUNDARY
LINE AND ROADWAY ACCESS**

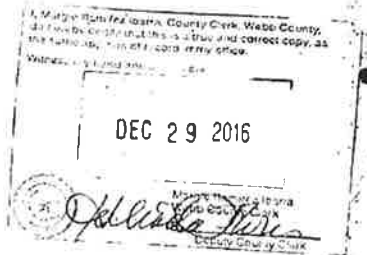
STATE OF TEXAS §
COUNTY OF WEBB § 645830

Under Partition Deed executed by Rosa Vela de Benavides, et. al. dated December 9, 1949, now recorded in Volume 306, pages 424-37, Deed Records of Webb County, Texas, (hereinafter referred to as the December 9, 1949 Benavides Family Partition Agreement) the surface estate in and to The Pescadito Ranch containing 16,258 acres, more or less, was set aside to the late Carlos Y. Benavides, Sr. Carlos Y. Benavides, Sr. thereafter acquired other lands located to the West and adjacent to his Pescadito Ranch. Such other lands were subsequently conveyed by Carlos Y. Benavides, Sr. to his sons, Carlos Y. Benavides, Jr., and Arturo N. Benavides. Carlos Y. Benavides, Jr. and Arturo N. Benavides thereafter partitioned the surface estate lands they acquired from their father between themselves. The Partition Deed between Carlos Y. Benavides, Jr. and Arturo N. Benavides is dated February 17, 1987 and is now recorded in Volume 1219, Pages 944-948, Deed Records of Webb County, Texas. Under their February 17, 1987 Partition Deed the mineral and surface estate in the land described in such partition was severed. The surface estate in the northerly half of the lands affected by their February 17, 1987 Partition Deed was set aside in severalty to Arturo N. Benavides and the surface estate in the southerly half of said land was set aside in severalty to Carlos Y. Benavides, Jr.

Thereafter, by two separate conveyances, each dated December 28, 1989 as now recorded in Volume 1399, pages 268-270 and Volume 1399, Pages 271-273, Real Property Records of Webb County, Texas, Carlos Y. Benavides, Sr. contributed all of the surface ownership he then owned in the El Yugo and Rancho Viejo Pastures and one-half of the Ranch Headquarters of the Pescadito Ranch to Rancho Viejo Cattle Company, Ltd. (entire Ranch Headquarters consists of 45.2619 acres, more or less), and contributed all of the surface ownership he then owned in the Lasso Pasture, the Llave Pasture, the Retama Gorda Pasture and the Cuchilla Pasture, located North of Highway 59 and one-half of the Ranch Headquarters of the Pescadito Ranch to ANB Cattle Company, Ltd.. The above referenced December 29, 1989 conveyances by Carlos Y. Benavides, Sr. included other non-related properties as therein described.

By separate instruments, dated December 28, 1989, Carlos Y. Benavides, Jr. contributed all of the surface estate in the lands set aside to him under the February 17, 1987 Partition Deed with his brother to Rancho Viejo Cattle Company, Ltd. and Arturo N. Benavides contributed all of the surface estate in the lands set aside to him in said February 17, 1987 Partition Deed to ANB Cattle Company, Ltd. These conveyances are now of record in Volume 1399, Pages 262-264 and Volume 1399, Pages 265-267, Real Property Records of Webb County, Texas, to which reference is here made for all purposes.

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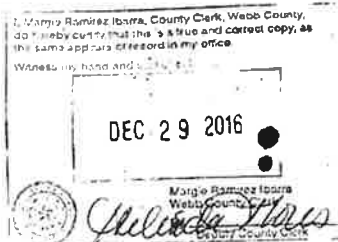
Thereafter, by instrument dated April 6, 1990 of record in Volume 1417, pages 445-451, Real Property Records of Webb County, Texas, ANB Cattle Company, Ltd. and Rancho Viejo Cattle Company, Ltd. entered into a Cross-Conveyance Agreement relating to certain State Mineral Classified lands located within the Pescadito Ranch.

The approximate 16,258 acre Pescadito Ranch that was set aside to Carlos Y. Benavides, Sr. under the December 9, 1949 Benavides Family Partition Agreement and the additional lands acquired by the late Carlos Y. Benavides, Sr. located to the West of his 16,258 acre Pescadito Ranch, as later deeded to his sons, have been surveyed and determined to contain a total of 21,920.1407 acres, more or less. Such acreage is depicted as Tract No. 1 consisting of 9726.2984 acres, more or less, and Tract No. 2 consisting of 12, 193.8423 acres, more or less, on a Survey Plat attached hereto as Exhibit A.

Rancho Viejo Cattle Company, Ltd., simultaneous with the execution of this Stipulation Confirming Surface Ownership, Agreed Boundary Line and Roadway Access is conveying to Arturo N. Benavides, Sr., Arturo N. Benavides, Jr., Anna Gloria Benavides Galo and Kirk R. Clovis, in varying proportions, the most northerly 1093.3849 surface acres, more or less, out of the lands contributed by the late Carlos Y. Benavides, Sr. to Rancho Viejo Cattle Company, Ltd. This acreage although conveyed to Rancho Viejo Cattle Company, Ltd. was determined by recent survey to be within the Lassos Pasture, a pasture conveyed by the late C. Y. Benavides, Sr. to ANB Cattle Company, Ltd. Rancho Viejo Cattle Company, Ltd is making such conveyance in order to more accurately reflect the actual intention of the late Carlos Y. Benavides, Sr. to divide the surface estate in the Pescadito Ranch by pasture and also pursuant to a mediation accord arrived at by the undersigned parties as subsequently amended and confirmed in Cause No. 92-00052 in the County Court at Law No. 1, styled Estate of Carlos Y. Benavides, Sr., Deceased. Also in said conveyance, Rancho Viejo Cattle Company, Ltd. is conveying its right, title and interest in and to the surface estate to the Ranch Headquarters Tract of the Pescadito Ranch consisting of 45.2619 acres, more or less, together with all improvements thereto subject to Rancho Viejo Cattle Company, Ltd. retaining its non-possessory undivided one-half interest in any portion of said Ranch Headquarters Tract located within State Mineral Classified Survey 1906, Abstract 3103, Webb County, Texas, consistent with Section VIII below. Also by simultaneous conveyance herewith, Arturo N. Benavides, Sr., Arturo N. Benavides, Jr., Anna Gloria Benavides Galo and Kirk R. Clovis, are conveying the above referenced 1093.3849 surface acres, more or less, and an undivided one-half interest in and to the above referenced Ranch Headquarters Tract to AKA Properties, Ltd., a Texas Limited Partnership also subject to Rancho Viejo Cattle Company, Ltd.'s above mentioned reservation.

The parties hereto desire to confirm the respective surface ownerships of Rancho Viejo Cattle Company, Ltd., ANB Cattle Company, Ltd. and AKA Properties, Ltd. in the 21,920.1407 acres, more or less, depicted on attached Exhibit A; to establish the Agreed Boundary Line between the respective ranch lands owned and possessed by Rancho Viejo Cattle Company, Ltd. and the ranch lands owned and possessed by ANB Cattle Company, Ltd. and AKA Properties, Ltd.; and to recognize and confirm the permanent non-exclusive rights of ingress and egress along an established

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forty (40') wide road easement across their respective ranches. Accordingly, it is agreed and stipulated that:

I.

ANB Cattle Company, Ltd. is hereby recognized to be the owner of the surface estate in all of Tract No. 1 containing, 9,726.2984 acres, more or less, as depicted in Exhibit A attached hereto and described by metes and bounds in Field Notes attached hereto as Exhibit B, each of which are hereby incorporated into this agreement for all relevant Purposes, Less and Except:

- a) All of the above referenced 1093.3849 surface acres now owned by AKA Properties, Ltd., depicted in Exhibit "D" and described by metes and bounds in Field Notes attached hereto as Exhibit "E";
- b) undivided one-half (1/2) interest in and to the Ranch Headquarters tract consisting of 45.2619 acres of land, more or less, now owned by AKA Properties, Ltd., described by metes and bounds in Field Notes attached hereto as Exhibit "F" subject to Rancho Viejo Cattle Company, Ltd.'s reserved non-possessory interest in any portion of Survey 1906 that is within the Ranch Headquarters Tract as called for in I c) below;
- c) undivided one-half (1/2) interest held by Rancho Viejo Cattle Company, Ltd. in all state mineral classified lands located within said Tract No. 1, being Survey No. 1994, Abstract No. 2788, Survey No. 1604, Abstract No. 2787 and a portion of Survey No. 1906, Abstract No. 3103, subject to Section VIII below; and,
- d) retained right-of-way access by Rancho Viejo Cattle Co., Ltd. and AKA Properties, Ltd., respectively along the designated forty foot (40') roadway easement over said Tract No. 1, as more particularly described in Section V below;

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and Rancho Viejo Cattle Company, Ltd. and AKA Properties, Ltd. have RELEASED, RELINQUISHED and QUITCLAIMED and by these presents do RELEASE, RELINQUISH and QUITCLAIM all right, title and interest in and to the surface estate in and to Tract No. 1 containing 9,726.2984 acres, more or less, as depicted in Exhibit A and described by metes and bounds in attached Exhibit B, subject to each of the above stated exceptions and reservation, unto ANB Cattle Company, Ltd., its successors and assigns.

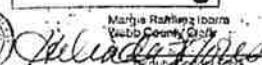
II.

Rancho Viejo Cattle Company, Ltd. is hereby recognized to be the owner of the surface estate in and to Tract No. 2 containing 12,193.8423 acres, more or less, as depicted in attached Exhibit A and described by metes and bounds in Field Notes attached hereto as Exhibit C, Less and Except:

I, Maria Ramirez Ibarra, County Clerk, Webb County,
do hereby certify that this is a true and correct copy, as
the same appears of record in my office.
Witness my hand and seal this _____ day of _____, 2016.

DEC 29 2016

Maria Ramirez Ibarra
Webb County Clerk



- a) undivided one-half (1/2) interest held by ANB Cattle Company, Ltd., in all State Mineral Classified lands located within said Tract No. 2, being Survey No. 2366, Abstract No. 3182 Survey No. 112, Abstract No. 2835 and a portion of Survey No. 1906, Abstract No. 3103, subject to Section VIII below; and,
- b) retained right of access by ANB Cattle Company, Ltd., along the designated forty foot (40') roadway easement over Tract No. 2 as more particularly described in Section VI below;

and ANB Cattle Company, Ltd. and AKA Properties, Ltd. have RELEASED, RELINQUISHED and QUITCLAIMED and by these presents do RELEASE, RELINQUISH and QUITCLAIM all of their right, title and interest in and to the surface estate in and to TRACT No. 2, containing 12,193.8423, acres, more or less, as depicted in attached Exhibit A and described by metes and bounds in attached Exhibit C, subject to each of the above stated exceptions and reservation, unto Rancho Viejo Cattle Company, Ltd., its successors and assigns.

III.

AKA Properties, Ltd. is hereby recognized to be the owner of the surface estate in and to:

- 1) 1093.3849 acres, more or less, depicted in Exhibit "D" and described by metes and bounds on Field Notes attached hereto as Exhibit "E"; and,
- 2) undivided one-half (1/2) interest in and to the Ranch Headquarters tract consisting of 45.2619 acres of land, more or less, as described by metes and bounds in Field Notes attached hereto as Exhibit "F", subject to Rancho Viejo Cattle Company Ltd.'s reserved non-possessory interest in any part of the Ranch Headquarters Tract that is within State Mineral Classified Survey 1906;

both of which tracts of land are within Tract No 1, and ANB Cattle Company, Ltd. and Rancho Viejo Cattle Company, Ltd. have RELEASED, RELINQUISHED AND QUITCLAIMED and by these presents do RELEASE, RELINQUISH AND QUITCLAIM all right, title and interest in and to the surface estate in and to the two (2) above described tracts, subject to the above stated exception affecting the Ranch Headquarters surface rights within State Mineral Classified Survey No. 1906, unto AKA Properties, Ltd., its successors and assigns.

IV.


It is Stipulated and Agreed that the existing fence line, being the survey boundary line separating occupied Tract No. 1 from occupied Tract No. 2 shall constitute the Agreed Boundary Line between said Tract No. 1 and Tract No. 2, the ownership of which have been identified and confirmed in Sections I, II and III above. The Agreed Boundary Line, as currently fenced, shall continue to be the Agreed Boundary Line segregating such respective surface ownerships and it is agreed that such adjoining owners and their respective successors and assigns shall continue to

704 830

I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.
 Witness my hand and seal of office on:

DEC 29 2016

Margie Ramirez Ibarra
 Webb County Clerk



Melinda Flores
 Webb County Clerk

maintain such division fences in a good state of repair along said Agreed Boundary Line, sharing the cost of all required maintenance equally between adjoining owners.

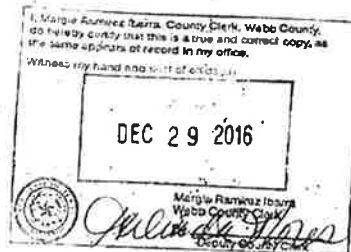
V.

ANB Cattle Company, Ltd. grants, conveys and confirms in Rancho Viejo Cattle Company, Ltd., the individual members of the Carlos Y. Benavides, Jr. family, and their employees and invitees, a perpetual, non-exclusive roadway easement for ingress and egress along a 40 ft. wide roadway extending from U.S. Highway 59 to an existing cattle guard in the Agreed Boundary Line between Tract No. 1 and Tract No. 2 located South of the Ranch Headquarters Tract for use as a permanent means of ingress and egress from U. S. Highway 59 to Tract No. 2. Such permanent, right of ingress and egress is depicted and described by metes and bounds in the attached Exhibits "G" and "H", respectively, and shall, for all purposes be deemed an appurtenance and a covenant running with the land to Tract No. 2. Furthermore, notwithstanding any language herein contained to the contrary, under no circumstances shall this grant of road easement be construed to include the right for Rancho Viejo Cattle Company, Ltd. and the individual members of the Carlos Y. Benavides, Jr. Family or their successors in interest to any part of Tract No. 2 to assign or allow the use of said 40' road easement by any third party that is not an owner of all or some part of Tract No. 2 for the purpose of using said 40' road easement as a thoroughfare or convenience road for accessing State Highway 359 from U.S. Highway 59 or for other commercial purposes unrelated to the ownership of all or some part of Tract No. 2.

VI.

Rancho Viejo Cattle Company, Ltd. grants, conveys and confirms in ANB Cattle Company, Ltd. and the individual members of the Arturo N. Benavides family, and their employees and invitees, a perpetual, non-exclusive roadway easement for ingress and egress along a 40 ft. wide roadway extending from said existing cattle guard in the Agreed Boundary Line between Tract No. 1 and Tract No. 2 located South of the Ranch Headquarters Tract over and across Tract No. 2 along said designated road to a point of exit at an existing exterior gate in the most southerly East Boundary Line fence for use as a permanent means of ingress and egress from Highway 359 to Tract No. 1. Such permanent, right of ingress and egress is depicted and described by metes and bounds in the attached Exhibits "I" and "J", respectively, and shall for all purposes be deemed an appurtenance and covenant running with the land to Tract No. 1. Furthermore, notwithstanding any language herein contained to the contrary, under no circumstances shall this grant of road easement be construed to include the right for ANB Cattle Company, Ltd. and the individual members of the Arturo N. Benavides, Sr. Family, or their successors in interest to any part of Tract No. 1, to assign or allow the use of said 40' road easement by any third party that is not an owner of all or some part of Tract No. 1 for the purpose of using said 40' road easement as a thoroughfare or convenience road for accessing U.S. Highway 59 from State Highway 359 or for some other commercial purposes unrelated to the ownership of all or some part of Tract No. 1.

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VII.

The cost of all required construction, maintenance and repair of the above referenced 40' road shall be shared equally between ANB Cattle Company, Ltd. and Rancho Viejo Cattle Company, Ltd. their successors and assigns. The parties hereto further agree that the exit gates shall remain closed and locked except immediately before and immediately after each such separate use unless supervised by a gate guard, and each of said parties shall have the right to place their own lock on said exit gates.

VIII.

Survey Nos. 1994, 1604, 1906, 2366 and 112 as made reference to in Sections Ic and Iia above, are owned in undivided 50% interest each by ANB CATTLE COMPANY, LTD. and RANCHO VIEJO CATTLE COMPANY, LTD, respectively. Such Surveys are State Mineral Classified Lands and are expressly subject to the rights of the State of Texas together with those rights and obligations described in Cross-Conveyance Deed dated April 6, 1990, but effective January 1, 1990, by and between RANCHO VIEJO CATTLE COMPANY, LTD. and ANB CATTLE COMPANY, LTD., recorded in Volume 1417, Page 445 of the Deed Records of Webb County, Texas. In addition to the rights and obligations as stated in such Cross-Conveyance Deed, ANB CATTLE COMPANY, LTD. and RANCHO VIEJO CATTLE COMPANY, LTD., their successors and assigns, to the extent permitted by law, hereby agree and covenant that in addition to sharing the benefits as agents for the State of Texas under any and all oil, gas and other mineral leases, that such sharing (in equal proportions) shall also apply to any and all surface operations including any sand and/or gravel sold or used from the mineral classified lands in connection with such oil, gas and other mineral leases, together with any other receipts and/or benefits received from the exploration, development, production and marketing of such oil, gas or other minerals, including but not limited to all surface damages for the laying and construction of pipelines, roads, drillsites, seismic surveys, production facility sites, and/or any other surface sites or surface use of these surveys in connection with any and all oil, gas and mineral operations. Any proceeds and/or benefits from the sale or use of water out of a mineral classified survey or portion thereof situated within the respective property boundaries of any of the undersigned parties shall not be shared and all of such proceeds and/or benefits shall be entitled by such party. Furthermore, the party not in possession of a State Mineral Classified Tract agrees to fully cooperate (without expense to the non-possessionary party) with the party actually in possession in connection with any filings with any regulatory authority incident to plugging of any well being abandoned of oil and gas production so that such well can be plugged by the oil or gas operator so as to permit the completion of a water well at the expense of the party in possession. Furthermore, in connection with the surface use of these lands for oil, gas and/or other mineral operations, the limited partnership who has exclusive possession to such lands shall also have the exclusive right (executive rights) to negotiate and conclude all terms in connection with such surface matters, keeping the interest of the non-executive limited partnership in mind. The standard of conduct of the limited partnership with the exclusive/executive right shall be that of which a fiduciary owes to his beneficiary or principal and shall include the right to account to the non-exclusive/executive right holder immediately upon closing and/or receipt of funds and/or benefits attributable to any

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I, Margie Ramirez Barra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.
Witness my hand and seal of office on this
DEC 29 2016
Margie Ramirez Barra
Webb County
County Clerk

transaction in connection with the above matters. All payments and/or benefits derived in connection with the above transactions shall be made and/or attributed 50% to ANB CATTLE COMPANY, LTD. and 50% to RANCHO VIEJO CATTLE COMPANY, LTD, respectively. All ad valorem taxes due on such mineral classified surveys shall be paid 50% by ANB CATTLE COMPANY, LTD. and 50% by RANCHO VIEJO CATTLE COMPANY, LTD. Provided, however, ANB CATTLE COMPANY, LTD. and AKA PROPERTIES, LTD. shall be responsible for all ad valorem improvement taxes attributable to the Ranch Headquarters Tract which lies on a portion of Survey 1996.

IX.

This agreement is entered into expressly subject to any and all existing railroad, pipeline, telephone and/or electrical line easements, together with the above described 40' road easement and any other recorded easements, if still valid and subsisting. Further, all parties hereto expressly intend that the mineral fee estate in the entire lands covered hereby are unaffected by this conveyance of surface title and that those claiming an interest in the oil, gas and other minerals in and under said lands are not affected by this agreement.

X.

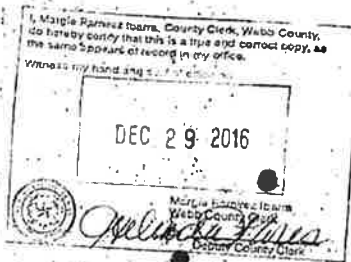
It is further agreed and understood that in the event existing Highway 59 is ever abandoned in whole or in part, that ANB Cattle Company, Ltd., its successors and assigns shall be entitled to all reversionary rights to the surface of any abandoned highway right-of-way.

XI.

It is further agreed and understood that the sign situated at the main existing gate on U.S. Highway 49 which reads "Benavides & Sons/Yugo Ranch" shall remain as is. However, in the event ANB CATTLE COMPANY, LTD., its successors and assigns shall remove, change the text or the location of such sign, then RANCHO VIEJO CATTLE COMPANY, LTD. shall have the right to place a sign displaying its ranch name and location on ANB CATTLE COMPANY's fence to one side of the main entrance gate. The size and dimensions of such sign shall be comparable to any similar sign that ANB CATTLE COMPANY, LTD., its successors and assigns may place on the opposite side of the main gate. RANCHO VIEJO CATTLE COMPANY, LTD., shall also have the right to install (at its sole cost and risk) one or more signs comparable to those used by Oil and Gas Operators along the said 40' road easement described in Section V above. Such sign shall indicate the location and/or location of RANCHO VIEJO CATTLE COMPANY, LTD.'s ranch lands.

IN WITNESS WHEREOF this Stipulation Confirming Surface Ownership, Agreed Boundary Line and Roadway Access is executed by each of the undersigned on the date reflected

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in the acknowledgment of their respective signature, effective as of the 1st day of November 1998, and shall be binding and enforceable on the undersigned their heirs, successors and assigns.

RANCHO VIEJO CATTLE COMPANY, LTD.

ANB CATTLE COMPANY, LTD.

By: [Signature]
Carlos Y. Benavides, Jr., its
General Partner

By: [Signature]
Arturo N. Benavides, II.,
General Partner

[Signature]
Carlos Y. Benavides, Jr.

By: [Signature]
Anna Gloria Benavides Galo,
General Partner

[Signature]
Carlos Y. Benavides, III
[Signature]
Guillermo David Benavides

By: [Signature]
Kirk R. Clovis,
General Partner

[Signature]
Linda Cristina Benavides Alexander

[Signature]
Arturo N. Benavides, Sr.

[Signature]
Arturo N. Benavides, Jr.

[Signature]
Anna Gloria Benavides Galo
Anna Gloria Benavides Galo

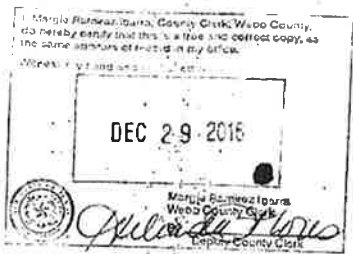
[Signature]
Kirk R. Clovis

AKA PROPERTIES, LTD.
By: Arturo N. Benavides, Sr., L.L.C.,
its General Partner

By: [Signature]
Arturo N. Benavides, Jr., Manager

By: [Signature]
Anna Gloria Benavides Galo,
Manager

704 834



[Handwritten Signature]

Kirk R. Clovis, Manager

STATE OF TEXAS §

COUNTY OF WEBB §

This instrument as acknowledged before me on this 17th day of November, 1998, Carlos Y. Benavides, Jr., individually and as the General Partner of Rancho Viejo Cattle Company, Ltd.



[Handwritten Signature]
NOTARY PUBLIC, In and for the State of Texas

STATE OF TEXAS §

COUNTY OF WEBB §

This instrument as acknowledged before me on this 17th day of Nov., 1998, by Carlos Benavides, III.



[Handwritten Signature]
NOTARY PUBLIC, In and for the State of Texas

STATE OF TEXAS §

COUNTY OF WEBB §

This instrument as acknowledged before me on this 17th day of Nov., 1998, by Guillermo David Benavides.



[Handwritten Signature]
NOTARY PUBLIC, In and for the State of Texas

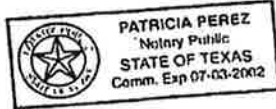
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George R. Ramirez Ibarra, County Clerk, Webb County,
do hereby certify that this is a true and correct copy, as
the same appears of record in my office.
Witness my hand and the seal of my office
DEC 29 2016
George R. Ramirez Ibarra
Webb County Clerk
Deputy County Clerk

STATE OF TEXAS §

COUNTY OF WEBB §

This instrument as acknowledged before me on this 17th day of Nov., 1998, by Linda Cristina Benavides Alexander.



Patricia Perez
NOTARY PUBLIC, In and for the State of Texas

STATE OF TEXAS §

COUNTY OF WEBB §

This instrument as acknowledged before me on this 17th day of Nov., 1998, by Arturo N. Benavides, Jr., Individually and as General Partner of ANB CATTLE COMPANY, LTD. and as Manager of ARTURO N. BENAVIDES, SR., L.L.C., General partner of AKA PROPERTIES, LTD.



Oscar Torres, Jr.
NOTARY PUBLIC, In and for the State of Texas

704 836

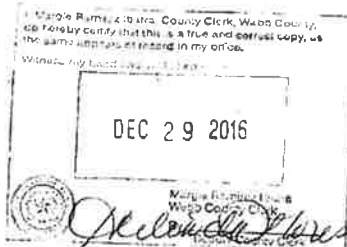
STATE OF TEXAS §

COUNTY OF WEBB §

This instrument as acknowledged before me on this 17th day of Nov., 1998, by Anna Gloria Benavides Galo, Individually and as General Partner of ANB CATTLE COMPANY, LTD. and as Manager of ARTURO N. BENAVIDES, SR., L.L.C., General partner of AKA PROPERTIES, LTD.



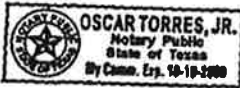
Oscar Torres, Jr.
NOTARY PUBLIC, In and for the State of Texas



STATE OF TEXAS §

COUNTY OF WEBB §

This instrument as acknowledged before me on this 17th day of Nov., 1998, by Kirk R. Clovis, individually and as General Partner of ANB CATTLE COMPANY, LTD. and as Manager of ARTURO N. BENAVIDES, SR., L.L.C., General partner of AKA PROPERTIES, LTD.



Oscar Torres, Jr.
NOTARY PUBLIC, in and for the
State of Texas

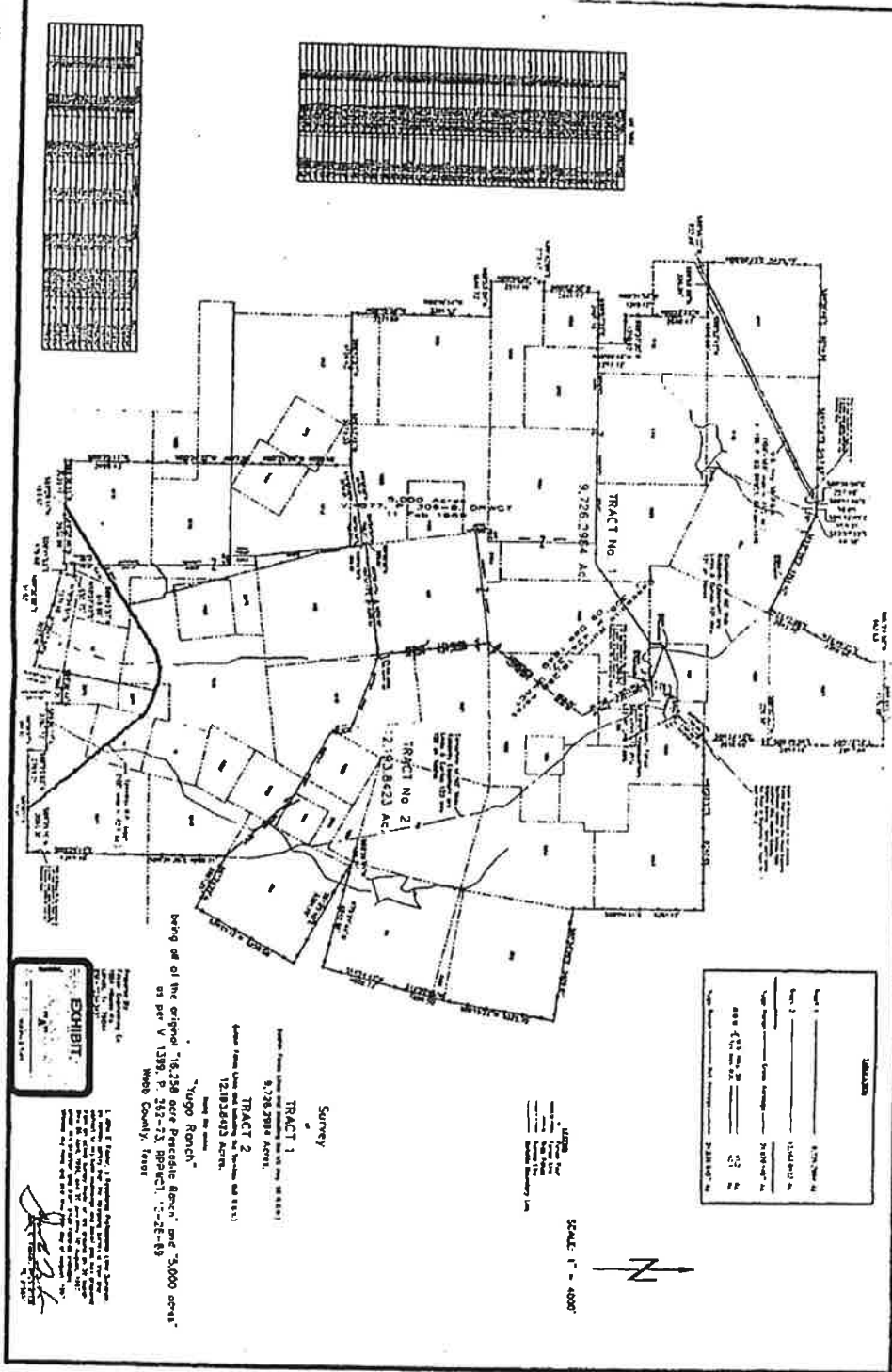
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Page 11 of 11

I, Marge Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.
Witness my hand and seal of office on

DEC 29 2016

Marge Ramirez Ibarra
Webb County Clerk
Marge Ramirez Ibarra



being out of the original "Viego Ranch" and "3,000 acres" as per V 1289, P. 261-73, H.P.A.C.T. 1, 2-26-89 Webb County, Texas

TRACT 1
 Survey
 9.726,2984 Ac.

TRACT 2
 12.81,8423 Ac.

EXHIBIT

[Handwritten signature]

I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy as the same appears of record in my office.
 Witness my hand and seal of office on

DEC 29 2016

Margie Ramirez Ibarra
 Webb County, TX
[Handwritten signature]
 County Clerk

Field Notes for Tract 1 of Yugo Ranch

Being 9,726.2984 acres of land, more or less, out of and being a part of the original 16,258 acre Pescadito Ranch, consisting of pastures Retama Gorda, Llave, Lassos, and also containing a ranch headquarters pasture, said 9,726.2984 acres also being a part of a 5,000 acre tract; as per deed from Carlos Y. Benavides to A.N.B. Cattle Co. and Rancho Viejo Cattle Co., described in further detail and recorded on Dec-28-1989 in V. 1399, P. 262-73, Real Property Records of Webb County, Texas; said 9,726.2984 acres of land, more or less, consisting of the above mentioned pastures, being more particularly described by metes and bounds as follows:

BEGINNING at an existing fence post being the most Easterly Southeast corner of Survey 1926, Abstract 992, Manuel Collado, Original Grantee, said fence post also being the Southwest corner of Survey 1649, an exterior corner hereof, for the **POINT OF BEGINNING** of said 9,726.2984 acre tract;

- (1) **THENCE**, South 42°48'18" West, a distance of 1781.08 feet, along the division line for the Yugo Ranch, same being a fence line, to a fence post along the southerly fence line of the Ranch Headquarters;

THENCE, continuing along said fence line, the following;
to Survey corner

- | | | |
|------|----------------------|--------------|
| (2) | South 26°38'34" East | 574.02 feet |
| | South 71°09'04" West | 373.63 feet |
| | North 73°58'57" West | 1177.49 feet |
| (5) | North 85°32'05" West | 91.00 feet |
| | South 04°27'55" West | 61.00 feet |
| | North 85°32'05" West | 98.30 feet |
| | South 66°13'37" West | 64.86 feet |
| | South 08°58'37" West | 834.57 feet |
| (10) | South 53°40'13" West | 77.33 feet |

THENCE, along said division fence line, the following;

- | | | | |
|------|----------------------|--------------|--------|
| | South 28°11'25" East | 3756.70 feet | |
| | South 37°08'03" West | 5636.76 feet | NE 120 |
| (15) | South 07°07'43" East | 5279.21 feet | SE 120 |
| | South 83°32'17" West | 5292.82 feet | SW 120 |
| | South 26°06'56" West | 208.66 feet | |
| | South 84°24'54" West | 758.51 feet | |
| | South 79°30'48" West | 2976.91 feet | |

- (20) **THENCE**, along the existing outer boundary fence line of the aforementioned group of pastures, the following;

- | | | | |
|------|----------------------|--------------|-----------------|
| | South 89°43'49" West | 3079.33 feet | deflection left |
| | South 89°42'57" West | 4154.43 feet | exterior corner |
| | North 00°15'58" West | 3271.98 feet | deflection left |
| | North 00°16'14" West | 3301.53 feet | NW 1601 |
| (25) | North 89°53'09" West | 1644.73 feet | SW 1994 |
| | North 00°00'38" West | 2514.16 feet | NW 1994 |
| | North 89°42'09" East | 373.43 feet | SW 1209 |
| | North 00°02'50" West | 2641.77 feet | NW 1209 |
| | North 89°51'23" East | 2401.18 feet | NE 1209 |

704 839



I, Marjoe Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy as the same appears of record in my office.
Witness my hand and seal of office on

DEC 29 2016

Marjoe Ramirez Ibarra
County Clerk
Webb County, Texas

(30)	North 00°09'48" West	1297.72 feet	interior corner
	South 89°37'30" West	1318.93 feet	exterior corner
	North 00°21'52" West	1319.12 feet	deflection right
	North 00°12'22" West	2640.47 feet	interior corner
	South 89°52'42" West	1379.60 feet	US 59 South ROW
(35)	South 89°58'08" West	336.51 feet	US 59 North ROW
	South 89°56'22" West	923.99 feet	SW 1117
	North 00°00'43" East	5425.79 feet	NW 1117
	South 89°31'49" East	6074.99 feet	deflection left
	South 89°47'47" East	5157.63 feet	US 59 North ROW
(40)	South 89°39'06" East	257.48 feet	US 59 South ROW
	South 89°11'46" East	58.60 feet	deflection left
	South 89°32'40" East	469.31 feet	deflection right
	South 82°27'22" East	69.38 feet	NW 861
	South 65°01'08" East	5268.40 feet	NE 861
(45)	North 24°45'08" East	2042.80 feet	deflection right
	North 24°49'25" East	3268.96 feet	NE 862
	North 00°24'50" West	663.63 feet	NW 1927
	North 89°44'02" East	4076.08 feet	NE 1927
	South 00°22'58" East	2867.88 feet	deflection left
(50)	South 00°28'58" East	2857.19 feet	exterior corner
	South 88°02'27" West	226.58 feet	interior corner

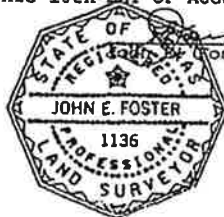
(52) THENCE, South 00°34'43" East, a distance of 2839.69 feet, continuing along said boundary fence line, to the POINT OF BEGINNING, and containing 9,726.2984 acres of land, more or less.

- Note: 1) Save and Except 41.2 acres for U.S. Hwy. 59 Right Of Way acquisition as per V. 189, P. 93, D.R.W.C.T.
- Note: 2) Basis of bearings taken from the North American Datum 1927 (NAD 27), with Global Positioning System (GPS), utilizing USGS Monument "Casa", for the N-E-E.

STATE OF TEXAS
COUNTY OF WEBB

I, John E. Foster, a Registered Professional Land Surveyor, do hereby certify that the foregoing fieldnotes are true and correct to my best knowledge and belief and was prepared from an actual survey made on the ground on 27 March thru 06 April, 1996 and 20 July thru 10 August, 1997, under my direction and from office records available.

WITNESS MY HAND AND SEAL THIS 10th DAY OF AUGUST, 1997.



John E. Foster, R.P.L.S. #1136
P.E. #15851

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704
840

I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy as the same appears of record in my office.

Witness my hand and seal of office on

DEC 29 2016

Margie Ramirez Ibarra
Webb County Clerk

Field Notes for Tract 2

Being 12,193.8423 acres of land, more or less, out of and being a part of the original 16,258 acre Pescadito Ranch, consisting of pastures El Yugo and Rancho Viejo, said 12,193.8423 acres also out of and being a part of a 5,000 acre tract; as per deed from Carlos Y. Benavides to A.N.B. Cattle Co. and Rancho Viejo Cattle Co., described in further detail and recorded on Dec-28-1989 in V. 1399, P. 262-73, Real Property Records of Webb County, Texas; said 12,193.8423 acres of land, more or less, consisting of the above mentioned pastures, being more particularly described by metes and bounds as follows:

BEGINNING at an existing fence post being the most Easterly Southeast corner of Survey 1926, Abstract 992, Manuel Collado, Original Grantee, said fence post also being the Southwest corner of Survey 1649, an exterior corner hereof, for the **POINT OF BEGINNING** of said 12,193.8423 acre tract;

- (1) **TRENCE**, North 89°32'57" East, a distance of 8240.01 feet, along the existing outer boundary fence line of the aforementioned group of pastures, to a fence post being the Northeast corner of Survey 1653;

TRENCE, continuing along said boundary fence line, the following;

- | | | | |
|------|----------------------|--------------|------------------|
| | | | to Survey corner |
| (2) | South 00°04'51" East | 6261.12 feet | NW 373 |
| | South 80°34'28" East | 5405.81 feet | NE 373 |
| | South 09°15'22" West | 5322.70 feet | SE 373 |
| (5) | South 14°20'05" West | 1856.50 feet | deflection right |
| | South 14°24'42" West | 4002.73 feet | SE 111 |
| | North 75°27'44" West | 4945.86 feet | NE 2248 |
| | South 68°26'01" West | 128.31 feet | NW 259 |
| | South 61°25'40" East | 5391.19 feet | NE 259 |
| (10) | South 29°01'12" West | 5258.58 feet | SE 259 |
| | North 61°24'22" West | 2861.25 feet | interior corner |
| | South 00°26'36" East | 4886.21 feet | deflection right |
| | South 00°25'17" East | 4265.49 feet | SE 1641 |
| | South 89°35'16" West | 2060.30 feet | RxR North Line |
| (15) | South 89°28'13" West | 133.65 feet | RxR South Line |
| | South 89°25'03" West | 2769.21 feet | exterior corner |
| | North 00°26'57" West | 856.55 feet | NE 572 |
| | South 89°36'11" West | 2280.73 feet | SW 1641 |
| | North 01°00'19" West | 697.52 feet | SE 2078 |
| (20) | South 89°38'44" West | 1568.35 feet | SW 2078 |
| | South 11°07'55" West | 1370.47 feet | SE 11 |
| | North 72°47'52" West | 3023.46 feet | deflection right |
| | North 09°30'05" East | 51.92 feet | deflection left |
| | North 79°34'51" West | 1571.16 feet | SW 11 |
| (25) | North 10°27'45" East | 655.75 feet | interior corner |
| | South 89°43'57" West | 619.85 feet | SW 2075 |
| | South 00°41'55" East | 479.98 feet | SE 1616 |
| | South 89°39'46" West | 2652.89 feet | RxR South Line |
| | South 89°28'41" West | 193.07 feet | RxR North Line |
| (30) | South 89°36'51" West | 2035.11 feet | SW hereof |
| | North 00°25'17" West | 3999.43 feet | deflection right |
| | North 00°24'37" West | 4677.26 feet | deflection left |
| | North 00°25'09" West | 4598.68 feet | westerly corner |

704 841



Margie Ramirez Ibarra, County Clerk, Webb County,
do hereby certify that this is a true and correct copy, as
the same appears of records in my office.
Witness my hand and seal of office on

DEC 29 2016

Margie Ramirez Ibarra
Webb County Clerk

THENCE, along the division line for the Yugo Ranch, same being a fence line, the following;

- North 79°30'48" East 2976.91 feet
- (35) North 84°24'54" East 758.51 feet
- North 26°06'56" East 208.66 feet SW 120
- North 83°32'17" East 5292.82 feet SE 120
- North 07°07'43" West 5279.21 feet NE 120
- North 37°08'03" East 5636.76 feet
- (40) North 28°11'25" West 3756.70 feet

THENCE, continuing along the division line for the Yugo Ranch, same being the southerly fence line of the Ranch Headquarters, the following;

- North 53°40'13" East 77.33 feet
- North 08°58'37" East 834.57 feet
- North 66°13'37" East 64.86 feet
- South 85°32'05" East 98.30 feet
- (45) North 04°27'55" East 61.00 feet
- South 85°32'05" East 91.00 feet
- South 73°58'57" East 1177.49 feet
- North 71°09'04" East 373.63 feet
- (49) North 26°38'34" West 574.02 feet

(50) THENCE, North 42°48'18" East, a distance of 1781.08 feet, along said division fence line, to the POINT OF BEGINNING, and containing 12,193.8423 acres of land, more or less.

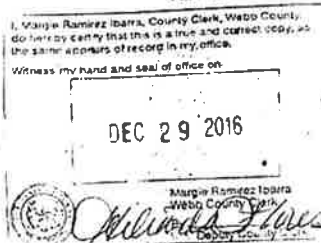
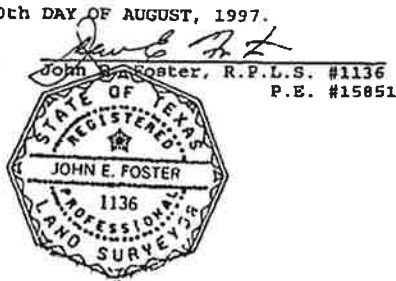
Note: 1) Basis of bearings taken from the North American Datum 1927 (NAD 27), with Global Positioning System (GPS), utilizing USGS Monument "Casa", for the N-E-E.

STATE OF TEXAS
COUNTY OF WEBB

I, John E. Foster, a Registered Professional Land Surveyor, do hereby certify that the foregoing fieldnotes are true and correct to my best knowledge and belief and was prepared from an actual survey made on the ground on 27 March thru 06 April, 1996 and 20 July thru 10 August, 1997, under my direction and from office records available.

WITNESS MY HAND AND SEAL THIS 10th DAY OF AUGUST, 1997.

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704 842

Survey
of a 1,093.3849 Acre Tract out of an original 5,000 Acs.,
as per V. 1219, P. 944-8, RPRMCT, Webb County, Texas

P.O.R. for 1,093.3849 Ac. is
a found 2" Disk marked
"N.E. Survey 120"

Point of Beginning for this
1,093.3849 Ac. Tract is a found
iron rod marking the east end of
a division line of a 5,000 Ac. Tract

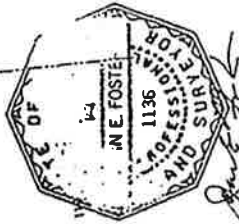
1093.3849 Acres

EXHIBIT

RECORD
o FOUND POST
x DIST. FROM L&T

SCALE 1 IN. = 2000 FT.
FILE NORTH-SYDWC

I, John E. Foster, a Registered Professional Land
Surveyor, do hereby certify that the foregoing
survey is true and correct to my best knowledge
and belief, and that the same was prepared from
on the original survey records, under my direction
and from office records available, under my direction.
Witness my hand and seal this 10 August 1997.



John E. Foster, P.E.S. 1136
Surveyor, 20 July 1997
B.J. Foster Engineering, Co.

I, Margie Ramirez Isarra, County Clerk, Webb County,
do hereby certify that this is a true and correct copy, as
the same appears of record in my office.

Witness my hand and seal of office on

DEC 29 2016

Margie Ramirez Isarra
Webb County Clerk
Margie Ramirez Isarra

704 843

Field Notes for North section of the South Valle Pasture

Being 1,093.3849 acres of land, more or less, out of an original 5,000 acre pasture known as the North Valle & South Valle; as per deed from Carlos Y. Benavides to A.N.B. Cattle Co. and Rancho Viejo Cattle Co., described in further detail and recorded on Dec-28-1989 in V. 1399, P. 262-73, Real Property Records of Webb County, Texas; said 1,093.3849 acres of land, more or less, being more particularly described by metes and bounds as follows:

COMMENCING at a found 2" disk marked "N.E. Survey 120", THENCE South 07°07'43" East, a distance of 3271.98 feet, along the Easterly line of Survey 120, to a found iron rod marking the east end of a division line of the a 5,000 acre tract as per V. 1219, P. 944-8, Real Property Records of Webb County, Texas, the POINT OF BEGINNING of said 1,093.3849 acre tract;

- (1) THENCE, South 07°07'43" East, at a distance of 2007.23 feet, along the East boundary line of Survey 120, to a found 2" disk marked "S.E. Survey 120", for the most Easterly corner hereof;
- (2) South 83°32'17" West 5292.82 feet to Survey corner
South 26°06'56" West 208.66 feet SW 120
South 84°24'54" West 758.51 feet
- (5) South 79°30'48" West 2976.91 feet
South 89°43'49" West 3079.33 feet deflection left
South 89°42'57" West 4154.43 feet exterior corner
- (8) North 00°15'58" West 3271.98 feet deflection left
- (9) THENCE, North 00°16'14" West, a distance of 110.77 feet, along the West boundary line of Survey 1601, to a found iron rod marking the west end of the mentioned division line of a 5,000 acre tract, for the most westerly corner hereof;
- (10) THENCE, North 89°50'50" East, a distance of 16033.50 feet, along said division line, to the POINT OF BEGINNING, and containing 1,093.3849 acres of land, more or less.

Note: Basis of bearings taken from the North American Datum 1927 (NAD 27), with Global Positioning System (GPS), utilizing USGS Monument "Casa", for the N-E-E.

STATE OF TEXAS
COUNTY OF WEBB

I, John E. Foster, a Registered Professional Land Surveyor, do hereby certify that the foregoing fieldnotes are true and correct to my best knowledge and belief and was prepared from an actual survey made on the ground on March 27 thru April 06, 1996 under my direction and from office records available.

WITNESS MY HAND AND SEAL THIS



AUGUST, 1997.
John E. Foster, R.P.L.S. #1136
JOHN E. FOSTER P.E. #15851

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Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.
Witness my hand and seal of office on
DEC 29 2016
Margie Ramirez Ibarra
Webb County Clerk

704 844

Field Notes for Ranch Headquarters Pasture

Being 45.2619 acres of land, more or less, out of and being a part of the original 16,258 acre Pascadito Ranch, consisting of pastures Retama Gorda, Llave, Lassos, El Yugo, & Rancho Viejo, and also containing a ranch headquarters pasture, as per deed from Carlos Y. Benavides to A.N.B. Cattle Co. and Rancho Viejo Cattle Co., described in further detail and recorded on Dec-28-1989 in V. 1399, P. 262-73, Real Property Records of Webb County, Texas; said 45.2619 acres of land, more or less, consisting of the ranch headquarters pasture, being more particularly described by metes and bounds as follows:

COMMENCING at an existing fence post being the most Easterly Southeast corner of Survey 1926, Abstract 992, Manuel Collado, Original Grantee, said fence post also being the Southwest corner of Survey 1649; THENCE, South 42°48'18" West, a distance of 1781.08 feet, along an existing fence line to a fence corner, the Northeast corner hereof, for the POINT OF BEGINNING of said 45.2619 acre tract;

(1) THENCE, South 26°38'34" East, a distance of 574.02 feet, along an existing fence to a fence corner, the most Easterly corner hereof;

THENCE, continuing along said fence line, the following;

(2)	South 71°09'04" West	373.63 feet
	North 73°58'57" West	1177.49 feet
	North 85°32'05" West	91.00 feet
(5)	South 04°27'55" West	61.00 feet
	North 85°32'05" West	98.30 feet
	South 66°13'37" West	64.86 feet
	South 08°58'37" West	834.57 feet
	South 53°40'13" West	77.33 feet
(10)	North 43°04'26" West	63.11 feet
	South 87°05'36" West	13.11 feet
	North 70°50'50" West	1682.45 feet
	North 09°17'36" East	12.57 feet
	North 68°16'19" East	1730.12 feet
(15)	North 81°21'32" East	108.96 feet
	North 89°46'28" East	292.60 feet
	South 19°03'21" East	27.40 feet
	South 04°59'22" West	49.63 feet
	South 83°04'30" East	25.29 feet
(20)	North 45°28'32" East	57.51 feet
	South 89°36'24" East	45.73 feet
(22)	North 78°08'16" East	160.27 feet

704 845



I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.

Witness my hand and seal of office on

DEC 29 2016

Margie Ramirez Ibarra
Webb County Clerk

(23) TRENCE, South $29^{\circ}23'09''$ East, a distance of 1036.44 feet, continuing along said fence line to the POINT OF BEGINNING, and containing 45.2619 acres of land, more or less.

Note: Basis of bearings taken from the North American Datum 1927 (NAD 27), with Global Positioning System (GPS), utilizing USGS Monument "Casa", for the N-E-E.

STATE OF TEXAS
COUNTY OF WEBB

I, John E. Foster, a Registered Professional Land Surveyor, do hereby certify that the foregoing fieldnotes are true and correct to my best knowledge and belief and was prepared from an actual survey made on the ground on March 27 thru April 1, 1988 under my direction and from office records available.

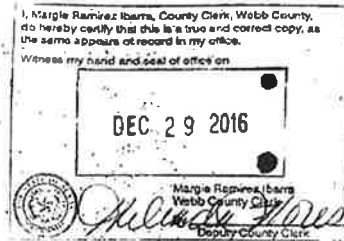
WITNESS MY HAND AND SEAL THIS 10th DAY OF



File: YUGO-1.FO

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EXHIBIT "B" Page 2



Field Notes for Centerline of 40' Wide Road Easement in Tract 1

Being the centerline of a 40' wide road easement, out of the original 16,258 acre Pescadito Ranch, as per deed from Carlos Y. Benavides to A.N.B. Cattle Co. and Rancho Viejo Cattle Co., described in further detail and recorded on Dec-28-1989 in V. 1399, P. 262-73, Real Property Records of Webb County, Texas; said centerline of 40' wide road easement, being more particularly described by metes and bounds as follows:

COMMENCING at an existing fence post being the most Easterly Southeast corner of Survey 1926, Abstract 992, Manuel Collado, Original Grantee, said fence post also being the Southwest corner of Survey 1649; THENCE, North 65°28'20" West, a distance of 12707.59 feet, to the centerline of said 40' wide road easement, the most Northerly point hereof, for the POINT OF BEGINNING of said centerline;

THENCE, along the centerline of the 40' wide road easement, the following line and curves;

LINE # CURVE #	BEARING RADIUS	ARC	DISTANCE TAN	DIR-DELTA	
L101	S89°10'16"E		486.91'		to P.C.
C102	550.00'	231.97'	117.73'	R 24°09'54"	to P.T.
L103	S65°00'23"E		3397.63'		
L104	S65°34'35"E		1226.71'		to P.C.
C105	950.00'	415.17'	210.95'	R 25°02'21"	to P.T.
L106	S40°32'14"E		1756.09'		
L107	S46°35'26"E		1411.75'		to P.C.
C108	500.00'	497.37'	271.45'	R 56°59'41"	to P.T.
L109	S10°24'15"W		1081.55'		
L110	S07°55'36"W		906.39'		
L111	S17°11'34"W		330.54'		to P.C.
C112	575.00'	207.54'	104.91'	L 20°40'48"	to P.T.
L113	S03°29'14"E		299.78'		to P.C.
C114	250.00'	206.33'	109.45'	L 47°17'11"	to P.T.
L115	S50°46'25"E		469.80'		to P.C.
C116	115.00'	246.71'	211.43'	L 122°54'54"	to P.T.
L117	N06°18'41"E		159.60'		to P.C.
C118	175.00'	260.06'	160.77'	R 85°08'46"	to P.T.
L119	S88°32'33"E		597.86'		to P.C.
C120	450.00'	124.49'	62.64'	L 15°51'01"	to P.T.

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THENCE N75°36'28"E, a distance of 11.34' to the POINT OF ENDING of this centerline for said 40' wide road easement, said ending point bears South 47°47'46" West, a distance of 3684.97 feet from the commencing point.



I, Eugenio Ramirez Ibarra, County Clerk, Webb County, Texas, do hereby certify that this is a true and correct copy, as the same appears of record in my office.

Witness my hand and seal of office on

DEC 29 2016

McConde Flores
County Clerk, Webb County, Texas

Note: 1) Basis of bearings taken from the North American Datum 1927 (NAD 27), with Global Positioning System (GPS), utilizing USGS Monument "Casa", for the N-E-E.

STATE OF TEXAS
COUNTY OF WEBB

I, John E. Foster, a Registered Professional Land Surveyor, do hereby certify that the foregoing fieldnotes are true and correct to my best knowledge and belief and was prepared from an actual survey made on the ground on 27 March thru 06 April, 1996 and 20 July thru 10 August, 1997, under my direction and from office records available.

WITNESS MY HAND AND SEAL THIS 10th DAY OF AUGUST, 1997.

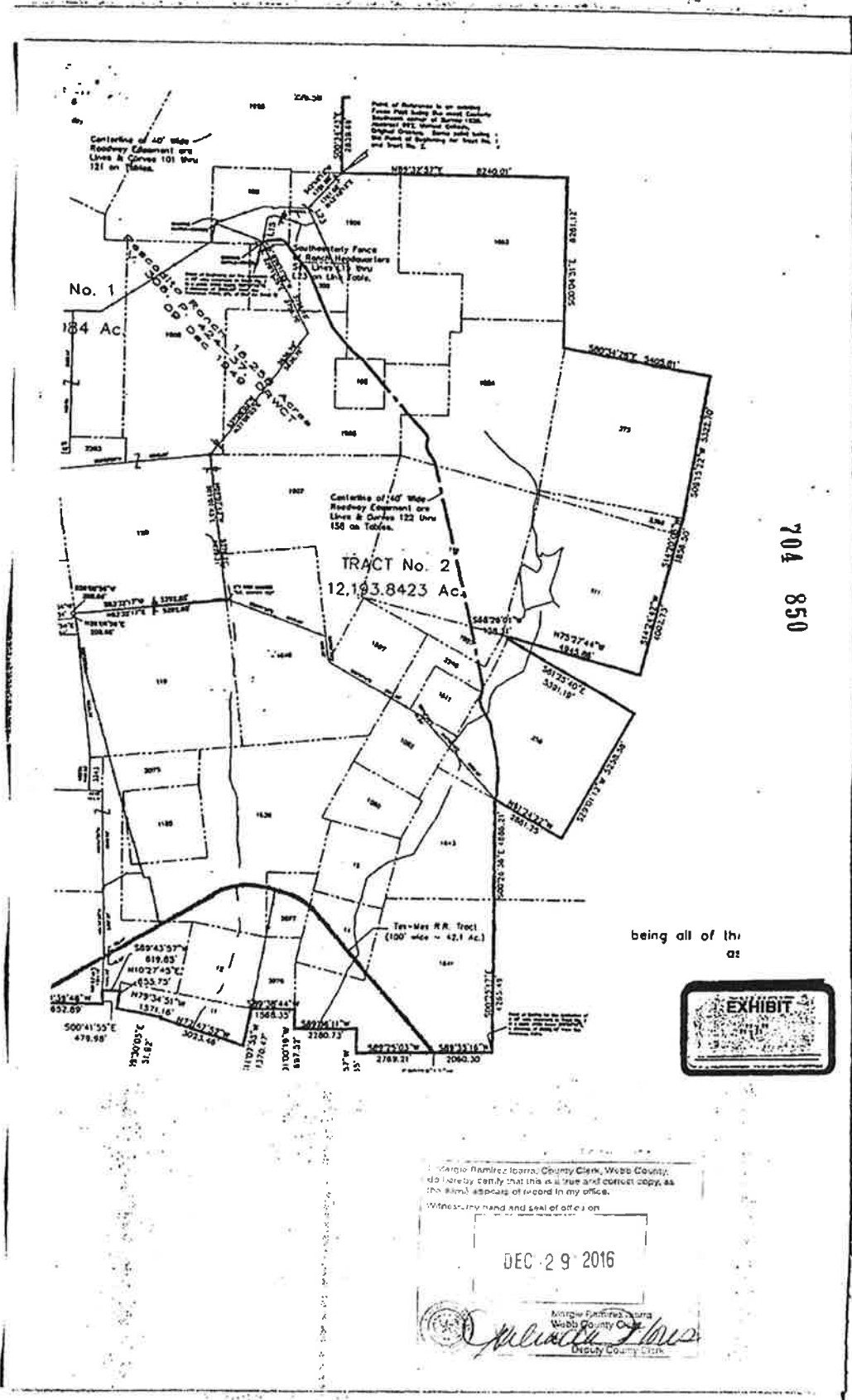
John E. Foster
John E. Foster, R.P.L.S. #1136
P.E. #15051

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704 849

State of Texas, County Clerk, Webb County,
do hereby certify that this is a true and correct copy, as
the same appears of record in my office.
Attest my hand and seal of office on
DEC 29 2016
Miss. [Signature]
Webb County Clerk



704 850

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as



I, Sergio Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.

Witness my hand and seal of office on

DEC 29 2016

Sergio Ramirez Ibarra
Sergio Ramirez Ibarra
Webb County Clerk
Deputy County Clerk

Field Notes for Centerline of 40' Wide Road Easement in Tract 2

Being the centerline of a 40' wide road easement, out of the original 16,258 acre Pescadito Ranch; as per deed from Carlos Y. Benavides to A.N.B. Cattle Co. and Rancho Viejo Cattle Co., described in further detail and recorded on Dec-28-1989 in V. 1399, P. 262-73, Real Property Records of Webb County, Texas; said centerline of 40' wide road easement, being more particularly described by metes and bounds as follows:

COMMENCING at an existing fence post being the most Easterly Southeast corner of Survey 1926, Abstract 992, Manuel Collado, Original Grantee, said fence post also being the Southwest corner of Survey 1649; THENCE, South 47°47'46" West, a distance of 3864.97 feet, to the centerline of said 40' wide road easement, the most Westerly point hereof, for the POINT OF BEGINNING of said centerline;

THENCE, along the centerline of the 40' wide road easement, the following lines and curves;

LINE # CURVE #	BEARING RADIUS	ARC	DISTANCE TAN	DIR-DELTA	
L122	N75°36'26"E		303.75'		
L123	N82°55'20"E		329.72'		
L124	250.00'	258.19'	141.94'	R 59°10'22"	to P.C.
L125	S37°54'18"E		525.71'		to P.T.
L126	S41°32'39"E		672.93'		to P.C.
C127	1000.00'	265.22'	133.40'	R 15°11'46"	to P.T.
L128	S26°20'52"E		553.95'		
L129	S20°29'26"E		413.29'		
L130	S25°22'39"E		1143.68'		
L131	S41°44'50"E		583.25'		
L132	S38°04'13"E		266.68'		
L133	S46°03'57"E		378.13'		
L134	S53°08'41"E		433.45'		
L135	S39°43'06"E		704.44'		
L136	S41°13'40"E		2183.06'		
L137	S42°35'05"E		599.59'		to P.C.
C138	330.00'	288.34'	154.10'	R 50°03'43"	to P.T.
L139	S07°28'37"W		161.29'		to P.C.
C140	440.00'	335.13'	176.16'	L 43°38'22"	to P.T.
L141	S36°09'44"E		211.69'		to P.C.
C142	800.00'	326.41'	165.51'	R 23°22'37"	to P.T.
L143	S12°47'07"E		1735.89'		
L144	S15°46'04"E		482.77'		
L145	S12°59'50"E		3418.58'		
L146	S12°21'56"E		2394.85'		to P.C.
C147	650.00'	309.48'	157.73'	R 27°16'47"	to P.T.
L148	S14°54'51"W		282.51'		
L149	S16°30'39"E		240.66'		
L150	S24°52'37"E		136.15'		
L151	S30°30'45"E		558.81'		
L152	S10°41'15"E		279.01'		
L153	S12°32'18"E		995.63'		
L154	S06°20'45"E		458.72'		
L155	S00°55'42"W		887.17'		
L156	S23°56'41"W		175.77'		
L157	S00°26'36"E		4886.20'		

704 851



I, _____, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.

Witness my hand and seal of office on

DEC 29 2016

Margie Haring Inam
Webb County Clerk

THENCE S00°25'17"E, a distance of 4265.49' to the POINT OF ENDING of this centerline for said 40' wide road easement, said ending point bears South 10°50'16" East, a distance of 32352.10 feet from the commencing point.

Note: 1) Basis of bearings taken from the North American Datum 1927 (NAD 27), with Global Positioning System (GPS), utilizing USGS Monument "Casa", for the N-E-E.

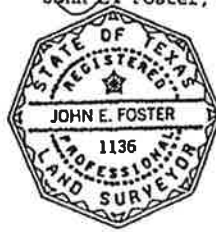
STATE OF TEXAS
COUNTY OF WEBB

I, John E. Foster, a Registered Professional Land Surveyor, do hereby certify that the foregoing fieldnotes are true and correct to my best knowledge and belief and was prepared from an actual survey made on the ground on 27 March thru 06 April, 1996 and 20 July thru 10 August, 1997, under my direction and from office records available.

WITNESS MY HAND AND SEAL THIS 10th DAY OF AUGUST, 1997.

John E. Foster
John E. Foster, R.P.L.S. #1136
P.E. #15851

D:\OFFICE\WPWIN\WPOCS\YUGO-1.PG



704 852

DEPUTY CLERK
COUNTY CLERK
FILED
AUG 19 10 45 AM '97
WEBB COUNTY, TEXAS
DEPUTY

THE STATE OF TEXAS)
COUNTY OF WEBB) (I, MARGIE RAMIREZ IBARRA,

Clerk of the County Court of Webb County, Texas, do hereby certify that the foregoing is a true and correct copy of the original *Stipulation* as the same appears on record in my office, in Vol. *704* Page(s) *827-852* of the *Official Public* Records of Webb County, Texas.

Witness my Hand and Seal of Office this the *28th* day of *December*, A.D. *2016*

MARGIE RAMIREZ IBARRA Webb County Clerk
Webb County, Texas
Margie Ramirez Ibarra Deputy

EXHIBIT 5

**ORDINANCE PROHIBITING
MUNICIPAL OR INDUSTRIAL SOLID WASTE DISPOSAL IN CERTAIN AREAS OF WEBB
COUNTY, TEXAS**

ADOPTED: November 28, 2016

PREAMBLE

WHEREAS, Section 363.112 of the Texas Health and Safety Code authorizes a county to prohibit the disposal of municipal or industrial solid waste in certain areas of the county; and

WHEREAS, Section 364.012 of the Texas Health and Safety Code authorizes a county to prohibit the disposal of municipal or industrial solid waste in the county if the disposal of the municipal or industrial solid waste is a threat to the public health, safety, and welfare; and

WHEREAS, the Commissioners Court of Webb County, Texas has a responsibility and the authority to take action to protect the public health, safety, and welfare of the citizens of Webb County; and

WHEREAS, the Commissioners Court of Webb County understands the importance of protecting floodplains from landfill development in order to protect ground water and surface water resources from contamination; and

WHEREAS, the Commissioners Court recognizes the need to protect emergency secondary water sources such as the Casa Blanca Lake Reservoir from landfill contamination; and

WHEREAS, Commissioners Court of Webb County recognizes the long-term impacts of landfills due to their permanent nature; and

WHEREAS, the disposal of municipal or industrial solid waste in landfills in Webb County could negatively affect water and air quality, attract disease vectors, and result in the spread of refuse and pollutants that may be emitted from the transport and storage of waste; and

WHEREAS, the location of landfills within Webb County could hamper economic development within the county and may negatively affect property values in the county; and

WHEREAS, the Commissioners Court of Webb County finds that the disposal of municipal or industrial solid waste in the county is a threat to the public health, safety, and welfare, and the geographic scope of this threat should be minimized; and

WHEREAS, a majority of the Commissioners Court has determined that the resources of the County are best served by designating certain areas within Webb County, Texas as suitable and unsuitable for solid waste disposal sites; and

WHEREAS, pursuant to the provisions of Chapter 2007, Government Code a Takings Impact Assessment (TIA) was prepared for the proposed ordinance, found to be an exempt action, and public notice of the TIA and solicitation of public comments were published on October 29, 2016 thirty (30) days prior to the Commissioners Court's proposed action; and

WHEREAS, this Ordinance has been published for two consecutive weeks in a newspaper of general circulation in the County; and

WHEREAS, the public hearing notices included (1) the proposed ordinance prohibiting solid waste and disposal in Webb County; (2) the time, place, and date that the Commissioners Court of Webb County was to consider the proposed ordinance; and (3) notice that an interested citizen of the county may testify at the hearing; and

WHEREAS, a public hearing on this ordinance was held on November 28, 2016 before the ordinance was considered by the commissioners court, and any interested citizen of the county was allowed to testify at the hearing; and

WHEREAS, a majority of the Commissioners approved this ordinance on November 28, 2016 at a public meeting noticed and held in accordance with the Texas Open Meetings Act:

NOW, THEREFORE, BE IT ORDAINED, AND ORDERED BY THE COMMISSIONERS COURT OF WEBB COUNTY, TEXAS, that the following provisions be adopted this 28th day of November, 2016:

SECTION 1. GENERALLY

1.1. PURPOSE

The purpose of this Ordinance is to preserve and protect the public health, safety, and welfare of the residents of Webb County, Texas through the designation of areas which are suitable and unsuitable for the placement of solid waste disposal sites.

1.2. AUTHORITY

The Commissioners Court is authorized to enact this Ordinance by Chapters 363 and 364 of the Texas Health and Safety Code.

1.3. SCOPE

The Webb County Commissioners Court recognizes that it is not tasked with permitting solid waste facilities, and its intent here is not to approve the siting of any specific solid waste facility in Webb County, Texas. Thus, the designation of areas where solid waste facilities are not prohibited should not be interpreted as a finding that siting a solid waste facility in such an area is appropriate, recommended or otherwise compatible with surrounding land uses pursuant to 30 Texas Administrative Code Section 330.61.

SECTION 2. DEFINITIONS

- 2.1. "Bird Hazard"** means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.
- 2.2. "Disposal"** is defined as the discharge, deposit, injection, dumping, spilling, leaking, or placing of solid waste or hazardous waste, whether containerized or un-containerized, into or on land or water so that the solid waste or hazardous waste or any constituent thereof may be emitted into the air, discharged into surface water or groundwater, or introduced into the environment in any other manner.
- 2.3. "Industrial Solid Waste"** is defined as waste resulting from or incidental to a process of industry or manufacturing, or mining or agricultural operations.

- 2.4. **“Municipal Solid Waste”** is defined as solid waste resulting from or incidental to municipal, community, commercial, institutional, or recreational activities, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste other than industrial solid waste.
- 2.5. **“Processing”** means activities including, but not limited to, extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including treatment or neutralization of hazardous waste designed to change the physical, chemical, or biological character or composition of hazardous waste so as to neutralize hazardous waste; recover energy or material from hazardous waste; or render hazardous waste nonhazardous or less hazardous, safer to transport, store, or dispose of, amenable for recovery or storage, or reduced in volume.
- 2.6. **“Solid Waste”** means garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities.
- 2.7. **“Solid Waste Facility”** means all contiguous land, structures, other appurtenances, and improvements on the land used for processing, storing, or disposing of solid waste. The term includes publicly or privately owned facilities consisting of several processing, storage, or disposal operation units such as one or more landfills, surface impoundments, or a combination of units.

SECTION 3. PROHIBITIONS

- 3.1. The processing or disposal of municipal or industrial solid waste or the operation of a solid waste facility is prohibited in all portions of Webb County, Texas that are within:
 - (1) the watershed of the Casa Blanca Lake Reservoir;
 - (2) a minimum of 1,500 L.F. (linear feet) from the boundary of any floodplain or Special Flood Hazard Area (SFHA) as currently depicted on the Webb County FIRM (Flood Insurance Rate Map) or an adjacent county FIRM currently in effect and any future expansion of the boundaries thereto;
 - (3) a minimum of 1,500 L.F. from the boundary of any wetland as currently depicted on the U.S. Fish and Wildlife Service, National Wetlands Inventory and any addition thereto;
 - (4) a minimum of 1,500 L.F. from any water well as depicted on the following databases currently retained by the Texas Natural Resources Information System (TNRIS):
 - a. Texas Water Development Board (TWDB) Submitted Drillers Reports Database;
 - b. Well Locations from TWDB Groundwater Database; and
 - c. Texas Commission on Environmental Quality (TCEQ) Public Water System Wells and Surface Water Intakes.
 - (5) a minimum of 25,000 L.F. from any recognized existing or future subdivision intended primarily for residential use that is platted, replatted or required to be platted or replatted by the provision of Chapter 232, Subchapter B, Texas Local Government Code or the model rules adopted through Section 16.343 of the Texas Water Code;

- (6) any location restriction enacted by EPA under 40 CFR, Subpart B §258.10 – 258.16.
- (7) a minimum of 10,000 L.F. from the nearest public or private aircraft runway used by turbojet aircraft for the purposes of minimizing bird hazard; and
- (8) a minimum of 5,000 L.F. from the nearest public or private aircraft runway used by only piston-type aircraft for the purposes of minimizing bird hazard.

SECTION 4. AREAS NOT PROHIBITED

- 4.1. The processing or disposal of municipal or industrial solid waste or the operation of a solid waste facility is not prohibited in all other portions of Webb County, Texas not included in Section 3 above.

SECTION 5. APPLICABILITY

- 5.1. This Ordinance does not apply to applications for municipal solid waste permits or other authorizations, as defined in 30 Texas Administrative Code Section 330.57(a), that have been filed with, are administratively complete and are pending before the Texas Commission on Environmental Quality as of the date that this Ordinance is effective.
- 5.2. This Ordinance does not apply to municipal solid waste permits or other authorizations that have already been issued by the Texas Commission on Environmental Quality as of the date that this Ordinance is effective.
- 5.3. This Ordinance does not apply inside the corporate limits of any municipality.

SECTION 6. ENFORCEMENT

- 6.1. Violations of this Ordinance are subject to criminal penalties to the extent allowed by state law and a civil penalty of \$10,000 for each violation. Such penalty is to be forfeited to Webb County, Texas. Each day that a violation continues constitutes a separate ground for recovery.
- 6.2. The Webb County Commissioners Court may bring a legal action to enjoin violations of this Ordinance and seek judgment for civil penalties.

SECTION 7. CONFLICTING LAWS; CUMULATIVE EFFECT

- 7.1. In case any or more of the provisions contained in this Ordinance are found to be in conflict with any other provision of local, state, or federal law, the more stringent conflicting rule or law shall control.
- 7.2. The authority under this Ordinance is cumulative of other laws, rules, and regulatory authority, that Webb County may have to regulate municipal or solid waste disposal within its jurisdiction.


SECTION 8. SEVERABILITY

- 8.1. In case any one or more of the provisions contained in these rules shall for any reason be held by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of these rules, and these rules shall be construed as if the invalid, illegal, or unenforceable provision had never been included.


SECTION 9. EFFECTIVE DATE

9.1. This ordinance shall be in full force and effect on November 28, 2016.


On motion of Judge Tijerina, seconded by Commissioner Tijerina, duly put and carried, this **THIS ORDINANCE IS HEREBY ADOPTED** by the Commissioners Court of Webb County, Texas, duly convened and acting in its capacity as governing body of Webb County on this 28th day of November, 2016.



Honorable Tano E. Tijerina
Webb County Judge

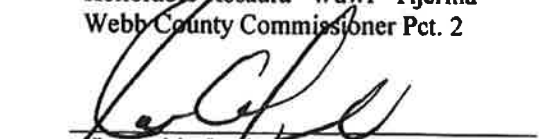


Honorable Frank J. Sciaraffa
Webb County Commissioner Pct. 1

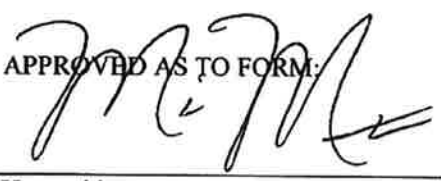


Honorable Rosaura "Wawi" Tijerina
Webb County Commissioner Pct. 2


Honorable John C. Galo - -abstained--
Webb County Commissioner Pct. 3



Honorable Jamie A. Canales
Webb County Commissioner Pct. 4

APPROVED AS TO FORM:


Honorable Marco A. Montemayor
Webb County Attorney


ATTESTED BY:


Honorable Margie Ramirez Ibarra
Webb County Clerk



I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office,
Witness my hand and seal of office on

DEC 12 2016

Margie Ramirez Ibarra
Webb County Clerk
By 
Deputy County Clerk

Attachment B
to January 2017 Supplement Letter (MSW 2374)
Original Replacement Pages

**Part III
Attachment III-C
Appendix III-C.1**

FACILITY SURFACE WATER DRAINAGE REPORT NARRATIVE

**Pescadito Environmental Resource Center
MSW No. 2374
Webb County, Texas**

PESCADITO
ENVIRONMENTAL RESOURCE CENTER

**Initial Submittal March 2015
Supplement April 2015
Revised September 2015
Revised November 2015
Technically Complete March 11, 2016
Modified November 2016
Modified January 2017**


**Prepared for:
Rancho Viejo Waste Management, LLC
1116 Calle del Norte
Laredo, TX 78041**

**Prepared by:
CB&I Environmental and
Infrastructure, Inc.**



**12005 Ford Rd, Suite 600
Dallas, TX 75234**

1-6-2017



This document is released for the purpose of permitting only under the authority of Michael W. Oden, P.E. #67165. It is not to be used for bidding or construction. Texas Registered Engineering Firm F-5650.

The seal is circular with a five-pointed star in the center. The text "STATE OF TEXAS" is at the top, "MICHAEL W. ODEN" is in the middle, and "67165 REGISTERED PROFESSIONAL ENGINEER" is at the bottom. A handwritten signature in blue ink is written over the seal.


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Attachments

III-C.1-A Approved Conditional Letter of Map Revision

1-6-2017



Michael W. Oden

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Velocities associated with flow from the South Detention Basin have been discussed above as being less than 2 fps for the 25-year, 24-hour rainfall event prior to leaving the permit boundary.

Based on the analysis presented above, Objective 5 has been met in that the development of the facility will have no adverse impact to:

- receiving streams or channels,
- downstream flooding potential,
- adjacent and downstream properties, or
- downstream water rights and uses.

Please refer to the CLOMR provided in Attachment A of Part III, Appendix III-C.1 for additional information and discussion regarding existing and Post-CLOMR (permitted) conditions.

Attachment C
to January 2017 Supplement Letter (MSW 2374)

Redline Version of Changed Pages

**Part III
Attachment III-C
Appendix III-C.1**

FACILITY SURFACE WATER DRAINAGE REPORT NARRATIVE

**Pescadito Environmental Resource Center
MSW No. 2374
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**Initial Submittal March 2015
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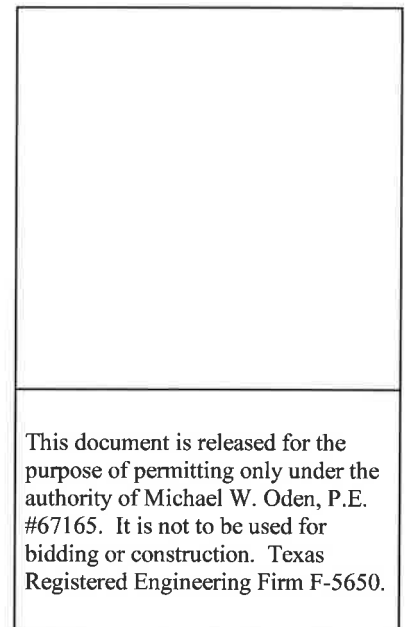
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Attachment D
to January 2017 Supplement Letter (MSW 2374)

Three copies of Changed Pages (TCEQ Only)