



Roxanne Acosta-Hellberg

2023 May 09 04:35 PM Fee: \$ 98.00

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ROXANNE ACOSTA-HELLBERG, COUNTY CLERK
JEFFERSON COUNTY, TEXAS

Electronically Recorded

SPECIAL WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF JEFFERSON

THAT **NEDERLAND ECONOMIC DEVELOPMENT CORPORATION**, a Texas Non-profit Corporation, hereinafter called "Grantor" (and referred to in the singular, whether one or more), for and in consideration of the sum of Ten and No/100 DOLLARS (\$10.00) cash and other good and valuable consideration in hand paid by **ENERGY TRANSFER NEDERLAND TERMINAL, LLC**, a Texas limited liability company, hereinafter called "Grantee" (and referred to in the singular, whether one or more), the receipt of which is hereby acknowledged; has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee, subject to the Permitted Exceptions and reservation hereinafter set forth, all those certain lots, tract or parcel of land together with all improvements thereon, lying and being situated in Jefferson County, Texas, described as follows, to-wit:

TRACT 1:

BEING a 611.18-acre tract of land, being all of that certain Remainder of the City of Nederland called 934.0-acre tract of land, being more fully described as Parcel 1 and recorded in File No. 8534964 of the Official Public Records of Jefferson County, Texas, said 611.18-acre tract being situated in the W. M. Carroll Survey, Abstract No. 13 of Jefferson County, Texas; and

TRACT 2:

BEING a 184.73-acre tract of land, being all of that certain City of Nederland, Texas called 267.492 Acre tract of land, more fully described and recorded in Film Code No. 100-87-0110 of the Official Public Records of Jefferson County, Texas, save and except that certain Affidavit to the Public Called 71.3695-acre tract of land, more fully described and recorded in Clerk's File No. 9017703 of said Official Public Records, and save and except that certain Affidavit to the Public called 10.770-acre tract of land, being more fully described and recorded in Clerk's File No. 2011036122 of said Official Public Records, Said 184.73-acre tract being situated in the Burr and Caswell Survey, Abstract No. 406, William Carroll Survey, Abstract No. 13, and the Andrew J. Stewart Survey, Abstract No. 399 of Jefferson County, Texas; and

STEWART TITLE

23000 330086/0m/33

TRACT 3:

BEING a 0.85-acre tract of land, being out of that certain City of Nederland, Texas called 267.492-acre tract of land, more fully described and recorded in Film Code No. 100-87-0110 of the Official Public Records of Jefferson County, Texas, and that certain City of Nederland, Texas Affidavit to the Public called 71.3695- acre tract of land, more fully described and recorded in Clerk's File No. 9017703 of said Official Public Records. Said 0.85-acre tract being situated in the Andrew J. Stewart Survey, Abstract No. 399 of Jefferson County, Texas; and

TRACT 4:

BEING a 0.73-acre tract of land, being out of that certain City of Nederland, Texas called 267.492-acre tract of land, more fully described and recorded in Film Code No. 100-87-0110 of the Official Public Records of Jefferson County, Texas, that certain City of Nederland Affidavit to the Public called 71.3695-acre tract of land, more fully described and recorded in Clerk's File No. 9017703 of said Official Public Records, and that certain City of Nederland Affidavit to the Public called 10.770-acre tract of land, being more fully described and recorded in Clerk's File No. 2011036122 of said Official Public Records, said 0.73-acre tract being situated in the William Carroll Survey, Abstract No. 13 of Jefferson County, Texas; and

TRACT 5:

BEING a 3.029-acre tract of land, being all of that certain Remainder of the City of Nederland, Texas called 4.00-acre tract of land, being more fully described and recorded in Volume 849, Page 264 of the Deed Records of Jefferson County, Texas. Said 3.029-acre tract being situated in the William Carroll Survey, Abstract No. 13, Jefferson County, Texas; and

TRACT 6 - EASEMENT ESTATE:

Easement Estate as created and defined by that certain Deed, dated February 1, 1952, by and between C. N. Beard, Sr. and Pearl Beard and the City of Nederland, Texas, filed March 11, 1952, recorded in/under Volume 849, Page 264, Deed Records, Jefferson County, Texas; and

all of the above tracts and parcels of land being more fully described on **EXHIBIT "A"** attached hereto and incorporated by reference herein for all purposes (herein called the "Property").

MINERAL RESERVATION: Grantee understands, acknowledges and agrees that the CITY OF NEDERLAND, TEXAS (the "City") has reserved in its conveyance of the hereinabove described Property to Grantor, for itself and its successors and assigns, as their interests may appear, all of the oil, gas and other minerals owned by the City located in and under and that may be produced from the Property to the extent not reserved by prior grantors; and that the City for and on behalf of itself, its successors and assigns, has waived all surface rights and other rights of ingress and egress in and to the Property, and has agreed that in conducting operations with respect to the exploration for and production, processing, transporting, and marketing of oil, gas and other minerals from the Property, that no portion

of the surface of the Property will be used, occupied or damaged and that fixtures, equipment, buildings or structures used in connection with the exploration of the reserved mineral, oil and gas rights, shall not be placed on the surface of the Property. The Grantee further understands, acknowledges and agrees that the City shall not be restricted or prohibited from the pooling or utilization of the portion of the mineral estate owned by the City with land other than the Property; or the exploration or production of the oil, gas and other minerals by means of wells that are drilled or mines that open on land other than the Property but enter or bottom under the Property, provided that these operations in no manner interfere with the surface or subsurface support of any improvements constructed or to be constructed on the Property.

This conveyance is made and accepted subject to the Permitted Exceptions set forth on EXHIBIT "B" attached hereto and incorporated by reference herein for all purposes.

TO HAVE AND TO HOLD the above described Property, together with all and singular the rights and appurtenances thereto in any wise belonging, unto Grantee, its successors and assigns forever; and, Grantor does hereby bind itself, its successors and assigns, to WARRANT and FOREVER DEFEND, all and singular the said premises unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof, by, through, or under Grantor, but not otherwise.

This conveyance of the above described Property is made on an "as is, where is and with all faults" basis. Grantee accepts the Property without representation or warranty, express or implied. The Grantor expressly negates and disclaims any representations, warranties or guarantees of any kind or character, whether express or implied, oral or written, past, present, future or otherwise, of, as to, concerning or with respect to the Property, including without limitation (i) the nature and condition of the Property and the suitability thereof for any and all activities and uses to which the Grantee or any subsequent owner thereof may elect to conduct thereon, (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or any other matter relating in any way to the Property, (iii) the compliance of the Property or its operation with any laws, ordinances, or regulations of any governmental or other authority or body, (iv) the existence of any toxic or hazardous substance or waste, in, on, under the surface of or about the Property, (v) geological conditions, including, without limitation, subsidence, subsurface conditions, water table, underground water reservoirs, limitations regarding the withdrawal of water and faulting, (vi) whether or not and to the extent to which the Property or any portion thereof is affected by any stream (surface or underground), body of water, flood prone area, floodplain, floodway or special flood hazard, (vii) drainage, (viii) zoning or land use restrictions rules and regulations to which the Property or any portion thereof may be subject, (ix) the availability of any utilities to the Property or any portion thereof including, without limitation, water, sewage, gas and electric and including the utility available capacities allocated to the Property by the relevant governmental or regulatory authority, (x) usages of after joining property, (xi) access to the Property or any portion thereof, (xii) the value, compliance with the plans and specifications, size, location, age, use, design, quality, description, durability, structural integrity, operation, leasing, title to, or physical or financial condition of the Property or any portion thereof, or any income, expenses, charges, liens, encumbrances, rights or claims on or affect in or pertaining to the Property or any part thereof, (xiii) the potential for further development of the Property, or (xiv) the merchantability of the Property or fitness of the Property or any particular purpose (Grantee affirming that Grantee has not relied upon Grantor's skill or judgment to select OR furnish the Property for any particular purpose, and that Grantor makes no warranty that the Property is fit for any particular purpose).

Jefferson County Clerk

Grantee agrees that it has had the opportunity to examine and investigate the Property and that in purchasing the Property has relied solely upon its independent examination, study, inspection and knowledge of the Property and that Grantee's determination of the value of the property and uses to which the Property may be put has been based upon its own independent examination, study, inspection and knowledge of the Property and not upon any information provided by the Grantor.

Jefferson County Clerk

Jefferson County Clerk

Jefferson County Clerk

The Sales Agreement between Grantor, as Seller, and Grantee, as Buyer, may contain limitations as to warranties, express contractual warranties, provisions regarding mediation or arbitration of disputes, and other matters that survive the closing of said Sales Agreement. To the extent that said Sales Agreement provides for such matters to survive this conveyance, they shall be deemed incorporated herein by reference, and such provisions expressly survive the execution and delivery of this deed. The warranty of title contained in this deed is hereby expressly excluded from the limitations referenced in this paragraph.

Jefferson County Clerk

When Grantor and/or Grantee are more than one entity, the pertinent nouns, verbs and pronouns shall be construed to correspond. When Grantor and/or Grantee are a corporation, a trustee or other legal entity that is not a natural person, the pertinent words "heirs, executors and administrators" and/or "heirs and assigns" shall be construed to mean "successors and assigns," respectively. Reference to any gender shall include either gender and, in the case of a legal entity that is not a natural person, shall include the neuter gender, all as the case may be.

Jefferson County Clerk

Jefferson County Clerk

Jefferson County Clerk

EXECUTED EFFECTIVE as of the 3rd day of May, 2023.

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Signature and acknowledgment pages follow.*

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NEDERLAND ECONOMIC DEVELOPMENT CORPORATION, a Texas Non-Profit Corporation

By: Kay DeCuir
Name: Kay DeCuir
Title: Executive Director

Jefferson County Clerk

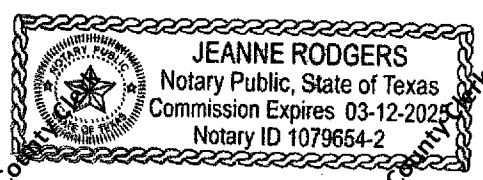
Jefferson County Clerk

Jefferson County Clerk

Jefferson County Clerk

THE STATE OF TEXAS
COUNTY OF JEFFERSON

This instrument was acknowledged before me, on this the 8 day of May, 2023, by Kay DeCuir as Executive Director of NEDERLAND ECONOMIC DEVELOPMENT CORPORATION, a Texas Non-Profit Corporation, on behalf of said corporation.



Jeanne Rodgers
NOTARY PUBLIC, STATE OF TEXAS

Jefferson County Clerk

Jefferson County Clerk

Jefferson County Clerk

Jefferson County Clerk

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Accepted and agreed to by Grantee

ENERGY TRANSFER NEDERLAND TERMINAL, LLC, a Texas limited liability company

By: Kevin Taliaferro
Name: Kevin Taliaferro
Title: Sr. Director - ROW

Jefferson County Clerk

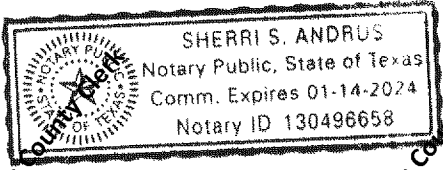
Jefferson County Clerk

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Jefferson County Clerk

THE STATE OF TEXAS
COUNTY OF Harris

This instrument was acknowledged before me, on this the 5th day of May, 2023, by Kevin Taliaferro as Sr. Director - ROW of **ENERGY TRANSFER NEDERLAND TERMINAL, LLC, a Texas limited liability company**, on behalf of said limited liability company.



Sherril S. Andrus
NOTARY PUBLIC, STATE OF TEXAS
Sherril S. Andrus

Jefferson County Clerk

Jefferson County Clerk

Jefferson County Clerk

Jefferson County Clerk

GRANTEE'S MAILING ADDRESS:
1300 Main Street
Houston, TX 77002

Jefferson County Clerk

Jefferson County Clerk

Jefferson County Clerk

Jefferson County Clerk

EXHIBIT "A"
LEGAL DESCRIPTION

TRACT 1:

BEING a 611.18-acre tract of land, being all of that certain Remainder of the City of Nederland called 934.0-acre tract of land, being more fully described as Parcel 1 and recorded in File No. 8534964 of the Official Public Records of Jefferson County, Texas. Said 611.18-acre tract being situated in the W. M. Carroll Survey, Abstract No. 13 of Jefferson County, Texas and being more particularly described as follows:

COMMENCING at a 1-1/2 inch iron pipe found at the Southwest corner of that certain Kansas City Southern Railway Company tract of land, being more fully described and recorded in Clerk's File No. 2004000575 of said Official Public Records, also formerly known as that certain Charles T. Clay called 11.84-acre tract of land, being more fully described and recorded in Volume 141, Page 384 of the Deed Records of Jefferson County, Texas, same being the Southeast corner of that certain Jefferson Terminal South LLC called 503.193-acre tract of land, being more fully described as Tract VII and recorded in Clerk's File No. 2022018289 of said Official Public Records, same being in the West line of said Abstract No. 13, same being in the East line of the J. S. Johnson Survey, Abstract No. 34, and being in the North right-of-way line of the Kansas City Southern Railway Company (100-foot wide right-of-way);

THENCE North 02 deg. 56 min. 10 sec. West along and with a West line of said Kansas City Southern Railway Company tract and Abstract No. 13, same being an East line of said Tract VII and Abstract No. 34, a distance of 1325.66 feet to a 2-inch concrete monument;

THENCE North 02 deg. 51 min. 55 sec. West along and with a West line of said Kansas City Southern Railway Company tract and Abstract No. 13, same being an East line of said Tract VII and Abstract No. 34, a distance of 385.23 feet to a 1-inch iron pipe found at the POINT OF BEGINNING at the Southwest corner of the herein described tract and said Parcel 1, same being the Northwest corner of said Kansas City Southern Railway Company tract, same being in the West line of Abstract No. 13, same being the East line of Abstract No. 34, and being an angle corner in the East line of said Tract VII;

THENCE North 02 deg. 55 min. 20 sec. West along and with a West line of the herein described tract, said Parcel 1, and Abstract No. 13, same being an East line of said Tract VII and Abstract No. 34, a distance of 245.08 feet to a 5/8-inch iron rod with cap stamped "LJA SURVEYING INC." set at an angle corner in the West line of the herein described tract, said Parcel 1, and Abstract No. 123, same being an angle corner in the East line of said Tract VII, and Abstract No. 34;

THENCE North 87 deg. 04 min. 40 sec. East along and with a West line of the herein described tract and said Parcel 1, same being an East line of said Tract VII, a distance of 1159.01 feet to a 1-inch iron pipe with cap stamped "WORTECH SURVEYORS" found at an ell corner in the West line of the herein described tract and said Parcel 1, same being an ell corner in the East line of said Tract VII;

THENCE North 02 deg. 54 min. 57 sec. West along and with a West line of the herein described tract and said Parcel 1, same being an East line of said Tract VII, a distance of 1018.23 feet to a point for corner at an angle corner in the West line of the herein described tract and said Parcel 1, same being an angle corner in the East line of said Tract VII, from which a 1-inch iron pipe with cap stamped "WORTECH SURVEYORS" found bears South 70 deg. 01 min. 15 sec. East, a distance of 0.33 feet;

THENCE North 34 deg. 01 min. 59 sec. West along and with a West line of the herein described tract and said Parcel 1, same being an East line of said Tract VII, a distance of 1202.70 feet to a point for corner at an angle corner in the West line of the herein described tract and said Parcel 1, same being an angle corner in the East line of said Tract VII, from which a 1-inch iron pipe with cap stamped "WORTECH SURVEYORS" found bears North 02 deg. 55 min. 49 sec. East, a distance of 0.51 feet;

THENCE North 02 deg. 54 min. 57 sec. West along and with a West line of the herein described tract and said Parcel 1, same being an East line of said Tract VII, a distance of 1443.96 feet to a 1-1/2 inch iron pipe found at an ell corner in the West line of the herein described tract and said Parcel 1, same being an ell corner in the East line of said Tract VII;

THENCE South 87 deg. 05 min. 26 sec. West along and with a West line of the herein described tract and said Parcel 1, same being an East line of said Tract VII, a distance of 537.90 feet to a 5/8-inch iron rod with cap stamped "WORTECH SURVEYORS" found at an ell corner in the West line of the herein described tract and said Parcel 1, same being an ell corner in the East line of said Tract VII, same being in the West line of Abstract No. 13, same being in the East line of Abstract No. 34;

THENCE North 02 deg. 55 min. 20 sec. West along and with a West line of the herein described tract, said Parcel 1 and Abstract No. 13, same being an East line of said Tract VII and Abstract No. 34, a distance of 402.95 feet to a 5/8-inch iron rod with cap stamped "LJA SURVEYING INC." set at an angle corner in the West line of the herein described tract, said Parcel 1 and Abstract No. 13, same being an angle corner in the East line of said Tract VII and Abstract No. 34;

THENCE North 02 deg. 55 min. 20 sec. West along and with a West line of the herein described tract, said Parcel 1 and Abstract No. 13, same being an East line of said Tract VII and Abstract No. 34, a distance of 102.80 feet to a point for corner at the Northwest corner of the herein described tract and said Parcel 1, same being the Northeast corner of said Tract VII, and being in the Neches River;

THENCE South 74 deg. 22 min. 35 sec. East along and with a North line of the herein described tract and said Parcel 1, a distance of 2963.33 feet to a point for corner at an ell corner in the North line of the herein described tract and said Parcel 1, same being in the West line of that certain Sunoco Partners Marketing Terminals, L.P. called 11.475-acre tract of land, being more fully described and recorded in Clerk's File No. 2013014142 of said Official Public Records;

THENCE South 15 deg. 29 min. 13 sec. West along and with a North line of the herein described tract and said Parcel 1, same being the West line of said 11.475-acre tract, a distance of 625.82 feet to a 5/8-inch iron rod with cap stamped "LJA SURVEYING INC." at an ell corner in the North line of the herein described tract and said Parcel 1, same being the Southwest corner of said 11.475-acre tract;

THENCE South 74 deg. 30 min. 47 sec. East along and with a North line of the herein described tract and said Parcel 1, same being the South line of said 11.475-acre tract, a distance of 740.87 feet to a 1-inch iron pipe found at an angle corner in the North line of the herein described tract and said Parcel 1, same being the Southeast corner of said 11.475-acre tract, same being the most Northerly Southwest corner of that certain Sunoco Partners Marketing & Terminals, L.P. called 741.536-acre tract of land, being more fully described and recorded in Clerk's File No. 2012012125 of said Official Public Records;

THENCE South 74 deg. 30 min. 47 sec. East along and with a North line of the herein described tract and said Parcel 1, same being a West line of said 741.536-acre tract, a distance of 1005.76 feet to a 1-inch iron pipe found at an angle corner in the North line of the herein described tract and said Parcel 1, same being an angle corner in the West line of said 741.536-acre tract;

THENCE South 48 deg. 58 min. 23 sec. East along and with a North line of the herein described tract and said Parcel 1, same being a West line of said 741.536-acre tract, a distance of 694.92 feet to a 1-inch iron pipe found at an angle corner in the North line of the herein described tract and said Parcel 1, same being an angle corner in West line of said 741.536-acre tract;

THENCE South 22 deg. 23 min. 01 sec. East along and with a North line of the herein described tract and said Parcel 1, same being a West line of said 741.536-acre tract, a distance of 1046.27 feet to a 1-inch iron pipe found at an angle corner in the North line of the herein described tract and said Parcel 1, same being an angle corner in the West line of said 741.536-acre tract;

THENCE South 52 deg. 27 min. 12 sec. East along and with a North line of the herein described tract and said Parcel 1, same being a West line of said 741.536-acre tract, a distance of 1278.81 feet to a 1-inch iron pipe found at an ell corner in the North line of the herein described tract and said Parcel 1, same being an ell corner in the West line of said 741.536-acre tract;

THENCE North 37 deg. 10 min. 47 sec. East along and with a North line of the herein described tract and said Parcel 1, same being a West line of said 741.536-acre tract, a distance of 36.06 feet to a point for corner at an ell corner in the North line of the herein described tract and said Parcel 1, same being an ell corner in the West line of that certain Synoco Partners Marketing & Terminals, L.P. called 247.794-acre tract of land, being more fully described and recorded in Clerk's File No. 2013014142 of said Official Public Records, from which a 1-inch iron pipe found at an angle corner in the West line of said 741.536-acre tract, same being an angle corner in the West line of said 247.794-acre tract, bears North 37 deg. 10 min. 47 sec. East, a distance of 1301.16 feet;

THENCE South 52 deg. 36 min. 49 sec. East, along and with a North line of the herein described tract and said Parcel 1, same being a West line of said 247.794-acre tract, at a distance of 1.05 feet pass a 1/2-inch iron rod with cap found in line, continuing on a total distance of 255.47 feet to a point for corner at the Northeast corner of the herein described tract and said Parcel 1, same being the Northwest corner of that certain City of Nederland, Texas called 267.492-acre tract of land, being more fully described and recorded in Film Code No. 000-87-0110 of said Official Public Records, and being in a West line of said 247.794-acre tract, from which a 1" iron pipe found bears North 38 deg. 59 min. 05 sec. East, a distance of 0.57 feet;

THENCE South 39 deg. 34 min. 09 sec. West along and with the East line of the herein described tract and said Parcel 1, same being the Northwest line of said 267.482-acre tract, a distance of 4972.44 feet to a 5/8-inch iron rod with cap stamped "LJA SURVEYING INC." found at the South corner of the herein described tract and said Parcel 1, same being the Southwest corner of said 267.492-acre tract, and being in the Northeast line of that certain F. L. Tucker, LTD. called 3.405-acre tract of land, being more fully described as Tract 1 and recorded in Clerk's File No. 2006027547 of said Official Public Records;

THENCE North 47 deg. 56 min. 26 sec. West along and with a South line of the herein described tract and said Parcel 1, same being the Northeast line of said 3.405-acre tract, that certain Remainder of Gulf States Utility Company called 3.08-acre tract of land, more fully described as Tract B and recorded in Volume 1442, Page 434 of said Deed Records, that certain Kountry Rentals LLC called 1.032684-acre tract of land, being more fully described as Tract 1 and recorded in Clerk's File No. 2019001686 of said Official Public Records, that certain Kountry Rentals LLC called 5.925-acre tract of land being more fully described as Tract 2 and recorded in said Clerk's File no. 2019001686, and that certain Chester O. Bethel and wife, Betty Bethel called 3-acre tract of land, being more fully described and recorded in Film Code No. 101-80-2442 of said Official Public Records, a distance of 1192.60 feet to a 1/2-inch iron rod with cap found at an angle corner in the South line of the herein described tract and said Parcel 1, same being the North corner of said 3-acre tract, same being the Northeast corner of that certain James Pellerin and Cathi Pellerin called

2.673-acre tract of land, being more fully described and recorded in Clerk's File No. 2019001130 of said Official Public Records;

THENCE North 43 deg. 4 min 09 sec. West along and with a South line of the herein described tract and said Parcel 1, same being the Northeast lines of said 2.673-acre tract and that certain Shirley Van Oostrom McGuire and Harold G. McGuire tract of land, recorded in Clerk's File No. 2009048862, and being more fully described as Lot Two, Lot Three, Lot Four, Lot Six, and the Northwest one-half of Lot Seven of Block Two of the Charles T. Cray Subdivision as recorded in Volume 6, Page 63 of the Map Records of Jefferson County, Texas, a distance of 868.81 feet to a 1/2-inch iron rod found at an angle corner in the South line of the herein described tract and said Parcel 1, same being an angle corner in the Northeast line of said McGuire tract;

THENCE North 50 deg. 34 min. 16 sec. West along and with a South line of the herein described tract and said Parcel 1, same being a Northeast line of said McGuire tract and that certain Kansas City Southern Railway Company called 15.126-acre tract of land, being more fully described as Second Tract, and recorded in Volume 903, Page 565 of said Deed Records, a distance of 599.70 feet to a 5/8-inch iron rod with cap stamped "LJA SURVEYING INC." set at an angle corner in the South line of the herein described tract and said Parcel 1, same being an angle corner in the Northeast line of said 15.126-acre tract;

THENCE North 18 deg. 04 min. 16 sec. West along and with a South line of the herein described tract and said Parcel 1, same being a Northeast line of said 15.126-acre tract, a distance of 859.57 feet to a 5/8-inch iron rod with cap stamped "LJA SURVEYING INC." set at an angle corner in the South line of the herein described tract and said Parcel 1, same being the North corner of said 15.126-acre tract;

THENCE South 49 deg. 19 min. 44 sec. West along and with a South line of the herein described tract and said Parcel 1, same being the Northwest line of said 15.126-acre tract, a distance of 319.84 feet to a 1-1/2 inch iron pipe found at an ell corner in the South line of the herein described tract and said Parcel 1, same being the East corner of said 11.84-acre tract, same being the East corner of said 11.84-acre tract, and being in the Northwest line of said 15.126-acre tract;

THENCE North 32 deg. 23 min. 41 sec. West along and with a South line of the herein described tract and said Parcel 1, same being an East line of said 11.84-acre tract, a distance of 640.92 feet to a 5/8-inch iron rod with cap stamped "LJA SURVEYING INC." set at an angle corner in the South line of the herein described tract and said Parcel 1, same being an angle corner in the East line of said 11.84-acre tract;

THENCE North 22 deg. 29 min. 45 sec. West along and with a South line of the herein described tract and said Parcel 1, same being an East line of said 11.84-acre tract, a distance of 903.77 feet to the POINT OF BEGINNING, containing 611.18-acres of land, more or less.

TRACT 2:

BEING a 184.73-acre tract of land, being all of that certain City of Nederland, Texas called 267.492 Acre tract of land, more fully described and recorded in Film Code No. 100-87-0110 of the Official Public Records of Jefferson County, Texas, save and except that certain Affidavit to the Public Called 71.3695-acre tract of land, more fully described and recorded in Clerk's File No. 9017703 of said Official Public Records, and save and except that certain Affidavit to the Public called 10.770-acre tract of land, being more fully described and recorded in Clerk's File No. 2011036122 of said Official Public Records, Said 184.73-acre tract being situated in the Burr and Caswell Survey, Abstract No. 406, William Carroll Survey, Abstract No. 13 and the Andrew J. Stewart Survey, Abstract No. 399 of Jefferson County, Texas and being more particularly

described as follows:

BEGINNING at a 1-inch iron pipe found at the North corner of the herein described tract and said 267.492-acre tract, same being the most Northeastern corner of that certain Remainder of the City of Nederland called 934.0-acre tract of land, being more fully described as Parcel 1 and recorded in File No. 8534964 of said Official Public Records, same being in a Southwest line of that certain Sunoco Partners Marketing & Terminals L.P., called 247.794-acre tract of land, being more fully described and recorded in Clerk's File No. 2013014142 of said Official Public Records, from which a 1/2-inch iron rod with cap found in an ell corner in the North line of said 934.0-acre tract, same being an angle corner of said 247-794-acre tract, same being in a Southeast line of that certain Sunoco Partners Marketing & Terminals L.P., called 741.536-acre tract of land, being more fully described and recorded in Clerk's File No. 2012042125 of said Official Public Records, bears North 52 deg. 36 min. 49 sec. West, a distance of 255.47 feet;

THENCE in a Southeasterly direction along and with and with the East line of the herein described tract and said 267.492-acre tract, same being the West line of said 247.794-acre tract, the following courses and distances :

South 52 deg. 36 min. 49 sec. East, a distance of 504.07 feet to a 1/2-inch iron rod with cap found at an angle corner;

South 28 deg. 22 min. 26 sec. East, a distance of 105.08 feet to a 1/2-inch iron rod with cap found at an angle corner;

South 09 deg. 12 min. 20 sec. East, a distance of 2146.90 feet to a 1/2-inch iron rod with cap found at an angle corner:

South 31 deg. 00 min. 24 sec. West, a distance of 813.05 feet to a 2-inch iron pipe found at an angle corner;

South 15 deg. 20 min. 35 sec. West, a distance of 94.05 feet to a 5/8-inch iron rod with cap stamped "LJA TBPLS NO. 10105600" set at an angle corner;

South 00 deg. 01 min. 01 sec. West, a distance of 124.90 feet to a 5/8-inch iron rod with cap stamped "LJA TBPLS NO. 10105600" set for the Southeast corner of the herein described tract, same being the Northeast corner of said 71.3695-acre tract, from which a 5/8-inch iron pipe found at the most Southern corner of said 247.794-acre tract, same being an angle corner in the East line of said 71.3695-acre tract, and same being an angle corner in the North line of said called 741.536-acre tract of land, bears South 00 deg. 04 min. 42 sec. East, a distance of 1504.83 feet;

THENCE North 89 deg. 57 min. 17 sec. West, over and across said 267.492-acre tract, same being the North line of said 71.3695-acre tract, same being along and with the South line of the herein described tract, a distance of 1769.36 feet to a 5/8-inch iron rod with cap stamped "LJA TBPLS NO. 10105600" set at an angle corner in the South line of the herein described tract, same being the Northeast corner of said 71.3695-acre tract;

THENCE South 00 deg. 02 min. 43 sec. West, over and across said 267.492-acre tract, same being a West line of said 71.3695-acre tract, a distance of 1079.61 feet to a 5/8-inch iron rod with cap stamped "LJA TBPLS No. 10105600" set at an angle corner in the South line of the herein described tract, same being an angle corner in the West line of said 71.3695-acre tract ;

HENCE South 48 deg. 15 min. 12 sec. West, over and across said 267.492-acre tract, same being a West line of said 71.3695-acre tract, same being along and with the a South line the herein described tract, a distance of 403.42 feet to a 5/8-inch iron rod with cap stamped "LJA TBPLS NO. 10105600" set for the most Southern corner of the herein described tract, same being an angle corner in the West line of said 71.3695-acre tract, same being the most Eastern corner of said 10.770-acre tract;

THENCE in a Northwesterly direction over and across said 267.492-acre tract, same being along and with the South line of the herein described tract, same being the East line of said 10.770-acre tract, the following courses and distances:

North 69 deg. 19 min. 34 sec. West, a distance of 179.02 feet to a 5/8-inch iron rod with cap stamped "LJA TBPLS NO. 10105600" set at an angle corner;

North 02 deg. 26 min. 02 sec. West, a distance of 799.19 feet to a 5/8-inch iron rod with cap stamped "LJA TBPLS NO. 10105600" set at an angle corner in the South line of the herein described tract, same being the Northeast corner of said 10.770-acre tract;

THENCE in a Southwesterly direction over and across said 267.492-acre tract, same being along and with the Northwest line of said 10.770-acre tract, the following courses and distances:

South 85 deg. 55 min. 13 sec. West, a distance of 474.50 feet to a 5/8-inch iron rod with cap stamped "LJA TBPLS NO. 10105600" set at an angle corner;

South 39 deg. 35 min. 34 sec. West, a distance of 421.54 feet to a 5/8-inch iron rod with cap stamped "LJA TBPLS NO. 10105600" set at an angle corner in the South line of the herein described tract, same being the West corner of said 10.770-acre tract, same being in the Northeast line of that certain Pedro Esquivel called 4.00-acre tract of land, being more fully described and recorded in Clerk's File No. 2008004114 of said Official Public Records;

THENCE North 48 deg. 53 min. 53 sec. West, along and with the Southwest line of the herein described tract and said 267.492-acre tract, same being the Northeast line of said 4.00-acre tract, that certain Stephen Savant called 1.317-acre tract of land, being more fully described and recorded in Clerk's File No. 201500921 of said Official Public Records, and that certain James Roy Cobb and wife, Linda Cobb called 5.503-acre tract of land, being more fully described and recorded in Clerk's File No. 1999016828 of said Official Public Records, a distance of 568.96 feet to a 2-inch iron pipe found at an angle corner in the South line of the herein described tract and said 267.492-acre tract, same being an angle corner in the Northeast line of said 5.503-acre tract;

THENCE North 48 deg. 00 min. 05 sec. West, along and with the Southwest line of the herein described tract and said 267.492-acre tract, same being the Northeast line of said 5.503-acre tract, a distance of 100.01 feet to the West corner of the herein described tract and said 267.492-acre tract, same being the South corner of the remainder of said 934.0-acre tract, from which a 1/2-inch iron rod found at the North corner of that certain Chester O. Bethel and wife, Betty Bethel called 3-acre tract of land, being more fully described and recorded in Film Code No. 101-80-2442 of said Official Public Records, same being at an angle corner in the Southwest line of the remainder of said 934.0-acre tract, bears North 77 deg. 56 min. 26 sec. West, a distance of 1192.60 feet;

THENCE North 39 deg. 34 min. 09 sec. East, along and with the Northwest line of the herein described tract and said 267.492-acre tract, same being the Southeast line of said 934.0-acre tract, a distance of 4972.44 feet to the POINT OF BEGINNING, containing 184.73-acres of land, more or less.

TRACT 3:

BEING a 0.85-acre tract of land, being out of that certain City of Nederland, Texas called 267.492-acre tract of land, more fully described and recorded in Film Code No. 100-87-0110 of the Official Public Records of Jefferson County, Texas, and that certain City of Nederland, Texas Affidavit to the Public called 71.3695-acre tract of land, more fully described and recorded in Clerk's File No. 9017703 of said Official Public Records. Said 0.85-acre tract being situated in the Andrew J. Stewart Survey, Abstract No. 399 of Jefferson County, Texas and being more particularly described as follows:

COMMENCING at a 5/8-inch iron rod found at an South angle corner in the South line of said 267.492-acre tract and said 71.3695-acre tract, same being an angle corner in the North line of that certain Sunoco Partners Marketing & Terminals, LP. called 741.536-acre tract of land, being more fully described and recorded in Clerk's File No. 2012042125 of said Official Public Records;

THENCE South 89 deg. 55 min. 1 sec. East, along and with the South line of said 267.492-acre tract and said 71.3695-acre tract, same being the North line of said 741.536-acre tract, a distance of 663.14 feet to a 5/8-inch iron rod with cap stamped "LJA SURVEYING, INC." set for the POINT OF BEGINNING and the Southwest corner of the herein described tract;

THENCE North 69 deg. 08 min. 56 sec. East, over and across said 267.492-acre tract and said 71.3695-acre tract, a distance of 470.09 feet to a 5/8-inch iron rod with cap stamped "LJA SURVEYING, INC." set in the East line of said 267.492-acre tract and said 71.3695-acre tract, same being in the North line of said 741.536-acre tract, from which a 5/8 inch iron rod found in the East line of said 267.492-acre tract and 71.3695-acre tract, same being an angle corner in the North line of said 741.536-acre tract and the Southwest corner of that certain Sunoco Partners Marketing & Terminals, L.P. called 247.794-acre tract of land, being more fully described and recorded in Clerk's File No. 2013014142 of said Official Public Records, bears North 00 deg. 01 min. 01 sec. East, a distance of 27.35 feet;

THENCE South 00 deg. 01 min. 01 sec. West, along and with the East line of said 267.492-acre tract and said 71.3695-acre tract, same being the North line of said 741.536-acre tract, a distance of 167.94 feet to a 5/8-inch iron rod with cap stamped "LJA SURVEYING, INC." set for the Southeast corner of the herein described tract, same being the Southeast corner of said 267.492-acre tract and said 71.3695-acre tract same being an angle corner in the North line of said 741.536-acre tract;

THENCE North 89 deg. 55 min. 11 sec. West, along and with the South line of said 267.492-acre tract and said 71.3695-acre tract, same being the North line of said 741.536-acre tract, a distance of 439.25 feet to the POINT OF BEGINNING, containing 0.85-acre of land, more or less.

TRACT 4:

BEING a 0.73-acre tract of land, being out of that certain City of Nederland, Texas called 267.492-acre tract of land, more fully described and recorded in Film Code No. 100-87-0110 of the Official Public Records of Jefferson County, Texas, that certain City of Nederland Affidavit to the Public called 71.3695-acre tract of land, more fully described and recorded in Clerk's File No. 9017703 of said Official Public Records, and that certain City of Nederland Affidavit to the Public called 10.770-acre tract of land, being more fully described and recorded in Clerk's File No. 2011036122 of said Official Public Records. Said 0.73-acre tract being situated in the William Carroll Survey, Abstract No. 13 of Jefferson County, Texas and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod found and being in the East line of that certain Remainder of the City of Nederland, Texas called 4.00-acre tract of land, being more fully described and recorded in Volume 849, Page 264 of the Deed Records of Jefferson County, Texas, same being the most southern Southwest corner of said 267.292-acre tract and said 10.770-acre tract, same being an angle corner in the West line of that certain Sunoco Partners Marketing & Terminals, L.P. called 741.536-acre tract of land, being more fully described and recorded in Clerk's File No. 2012042125 of said Official Public Records, from which a 1/2-inch iron rod found at the Southeast corner of said remainder of 4.00-acre tract, same being an angle corner in the West line of said 741.536-acre tract, same being in the North right-of-way line of the Kansas City Southern Railway Company (100-foot wide right-of-way), bears South 41 deg. 50 min. 32 sec. West, a distance of 456.39 feet;

THENCE North 41 deg. 56 min. 00 sec. East, along and with the Southeast line of said remainder of 4.00-acre tract, same being a West line of said 267.292-acre tract and said 10.770-acre tract, a distance of 128.80 feet to a 5/8-inch iron rod found for the Northeast of the remainder of said 4.00-acre tract, same being an ell corner in the West line of said 267.492-acre tract and said 10.770-acre tract and being the Northwest corner of the herein described tract;

THENCE South 58 deg. 59 min. 27 sec. East, over and across said 267.492-acre tract, said 10.741.536-acre tract and that certain City of Nederland, Texas Affidavit to the Public called 71.3695-acre tract of land, more fully described and recorded in Clerk's File No. 9017703 of said Official Public Records, a distance of 664.09 feet to a 5/8-inch iron rod with cap stamped "LJA SURVEYING, INC." set for the Southeast corner of the herein described tract, same being at an angle corner in the South line of said 267.492-acre tract and said 71.365-acre tract, same being an angle corner in the North line of said 741.536-acre tract;

THENCE North 69 deg. 23 min. 59 sec. West, along and with the South line of said 267.492-acre tract, said 71.3695-acre tract and said 10.770-acre tract, same being the North line of said 741.536-acre tract, a distance of 700.06 feet to the POINT OF BEGINNING, containing 0.73-acre of land, more or less.

TRACT 5:

BEING a 3.029-acre tract of land, being all of that certain Remainder of the City of Nederland, Texas called 4.00-acre tract of land, being more fully described and recorded in Volume 849, Page 264 of the Deed Records of Jefferson County, Texas. Said 3.029-acre tract being situated in the William Carroll Survey, Abstract No. 13, Jefferson County, Texas and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found at the South corner of the herein described tract and the remainder of said 4.00-acre tract, same being the Southwest corner of that certain Sunoco Partners Marketing & Terminals, L.P. called 741.536-acre tract of land, being more fully described and recorded in Clerk's File No. 2012042125 of the Official Public Records of Jefferson County, Texas, same being in the North right-of-way line of the Kansas City Southern Railway Company (100 foot wide right-of-way});

THENCE North 47 deg. 48 min. 02 sec. West, along and with the Southwest line of the remainder of said 4.00-acre tract, same being the North right-of-way line of the Kansas City Southern Railway Company, a distance of 216.26 feet to a point for corner at the West corner of the herein described tract and the remainder of said 4.00-acre tract, same being the South corner of that certain AOI, Inc. called 0.965-acre tract of land, being more fully described as Tract I, and recorded in Clerk's File No. 2010023906 of said Official Public Records, from which a 1-1/2 inch iron pipe found for the Southwest corner of that certain Kansas City Southern Railway Company called 11.84-acre tract of land, more fully described as First tract and recorded in Volume 903, Page 565 of said Deed Records, same being the Southeast corner of that certain Jefferson County South LLC called 303.193-acre tract of land, more fully described as Tract VII and recorded in

Clerk's File No. 2022018289 of said Official Public Records, same being on the West line of said Abstract No. 13 and the East line of the J. S. Johnson Survey, Abstract No. 4, Jefferson County, Texas bears North 47 deg. 48 sec. 02 min. West along and with the Northeast line of said Kansas City South Railway Company 100-foot-wide right-of-way, a distance of 4812.70 feet;

THENCE North 39 deg. 06 min. 25 sec. East, along and with the Northwest line of the remainder of said 4.00-acre tract, same being the Southeast line of said Tract 111, at a distance of 3.46 feet pass a 1/2-inch iron rod found in line, continuing a total distance of 563.00 feet to a 5/8-inch iron rod with cap stamped "LJA SURVEYING, INC." set for the North corner of the herein described tract and the remainder of said 4.00-acre tract, same being the East corner of said Tract III, same being in the South line of that certain City of Nederland, Texas called 267.492-acre tract of land, being more fully described and recorded in Film Code No. 100-87-0110 of said Official Public Records and that certain City of Nederland, Texas Affidavit to the Public called 10.770-acre tract of land, being more fully described and recorded in Clerk's File No. 2011056122 of said Official Public Records from which a 2 inch iron pipe in concrete found on the Southwest line of the said 267.492-acre tract bears North 53 deg. 12 min. 02 sec. West, 406.81 feet and North 48 deg. 53 min. 53 sec. West, a distance of 610.46 feet;

THENCE South 53 deg. 12 min. 02 sec. East, along and with the Northeast line of the herein described tract and the remainder of said 4.00-acre tract, same being a Southwest line of said 267.492-acre tract and said 10.770-acre tract, a distance of 244.28 feet to a 5/8-inch iron rod with cap stamped "LJA SURVEYING, INC." set for the East corner of the herein described tract and the remainder of said 4.00-acre tract, same being an ell corner in the South line of said 267.492-acre tract and said 10.770-acre tract;

THENCE South 41 deg. 56 min. 00 sec. West, along and with the Southeast line of the herein described tract and the remainder of said 4.00-acre tract, same being a Northeast line of said 267.292-acre tract and said 10.770-acre tract, a distance of 128.80 feet to a 5/8-inch iron rod found at an angle corner in the Southeast line of the herein described tract and the remainder of said 4.00-acre tract, same being the most southern Southwest corner of said 267.292-acre tract and said 10.770-acre tract, same being an angle corner of said 741.536-acre tract;

THENCE South 41 deg. 50 min. 32 sec. West, along and with the East line of the herein described tract and the remainder of said 4.00-acre tract, same being a West line of said 741.536-acre tract, a distance of 456.39 feet to the POINT OF BEGINNING, containing 3.029-acres of land, more or less.

TRACT 6 - EASEMENT ESTATE:

Easement Estate as created and defined by that certain Deed, dated February 1, 1952, by and between C. N. Beard, Sr. and Pearl Beard and the City of Nederland, Texas, filed March 11, 1952, recorded in/under Volume 849, Page 264, Deed Records, Jefferson County, Texas.

Being the Easterly forty feet of Lot One (E 40' of 1) of the BEARD ADDITION to the Town of Nederland, Jefferson County, Texas, as per recorded map or plat of record in the office of the County Clerk, Jefferson County, Texas, and being more particularly described as follows:

For locative and beginning corner, an iron pipe in the southeast corner of Lot 1, Beard Addition; same being in the East line of Highway #37;

Thence along the existing Sun Oil Company fence N 46 deg. 14 min. E 165.0 ft. to an iron stake in the South right-of-way of the K.C.S. Railroad, for corner;

EXHIBIT "B"

PERMITTED EXCEPTIONS

Rights of the public and any governmental unit in any part of the Property taken, deeded or used for road, street or highway purposes.

Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Property, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records.

Rights of Tenants, and assigns, as tenants only, under currently effective lease agreements.

Lease agreement and all terms, conditions and provisions thereof, evidenced by the instrument recorded in/under Clerk's File No. 8702789 in the Real Property Records of Jefferson County, Texas.

Subject to any easements, rights-of-way, roadways, encroachments, etc., which a survey or physical inspection of the premises might disclose.

A channel easement located on subject property granted to the State of Texas by instrument recorded in/under Volume 1114, Page 81 of the Deed Records of Jefferson County, Texas.

Easement, Right of Way and/or Agreement by and between Sun Marine Terminals, Inc. and the City of Nederland, Texas, by instrument dated November 15, 1984, filed December 27, 1984, recorded in/under Clerk's File No. 8438971, Real Property Records, Jefferson County, Texas.

Easement, Right of Way and/or Agreement by and between Sun Marine Terminals, Inc. and the City of Nederland, Texas, by instrument dated December 17, 1985, filed December 30, 1985, recorded in/under Clerk's File No. 8534964, Real Property Records, Jefferson County, Texas.

An easement for purposes of electric and communication facilities located on subject property granted to Gulf States Utilities Company by instrument recorded in/under Clerk's File No. 96-9606085 of the Official Public Records of Jefferson County, Texas.

Pipeline right-of-way easement in favor of Colonial Pipeline Company as set forth in instrument recorded in/ under Volume 2008, Page 300 of the Real Property Records of Jefferson County, Texas.

Pipeline right-of-way easement in favor of Continental Oil Company as set forth in instrument recorded in/under Volume 2158, Page 169 of the Real Property Records of Jefferson County, Texas; as affected by instrument recorded in/under Clerk's File No. 8516717 of the Real Property Records of Jefferson County, Texas.

Pipeline right-of-way easement in favor of Union Carbide Corporation as set forth in instrument recorded in/under Clerk's File No. 8330615 of the Real Property Records of Jefferson County, Texas.

Pipeline right-of-way easement in favor of the United States of America as set forth in instrument recorded in/ under Clerk's File No. 8616669 of the Real Property Records of Jefferson County, Texas.

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Pipeline right-of-way easement in favor of Enron Products Pipeline, Inc. as set forth in instrument recorded in/under Clerk's File No. 9020973 of the Real Property Records of Jefferson County, Texas.

Pipeline right-of-way easement in favor of Enron Products Pipeline, Inc. as set forth in instrument recorded in/under Clerk's File No. 9021596 of the Real Property Records of Jefferson County, Texas.

Pipeline right-of-way easement in favor of Colonial Pipeline Company as set forth in instrument recorded in/under Clerk's File No. 9203255 of the Official Public Records of Jefferson County, Texas.

Pipeline right-of-way easement in favor of Mobil Oil Corporation as set forth in instrument recorded in/under Clerk's File No. 94-9437675 of the Official Public Records of Jefferson County, Texas.

Pipeline right-of-way easement in favor of Equilon Pipeline Company LLC as set forth in instrument recorded in/under Clerk's File No. 2000688230 of the Official Public Records of Jefferson County, Texas.

Pipeline right-of-way easement in favor of Buckeye Products Pipe Line, L.P. as set forth in instrument recorded in/under Clerk's File No. 2002027428 of the Official Public Records of Jefferson County, Texas.

Pipeline right-of-way easement in favor of Manta Ray Gathering Company, L.L.C. as set forth in instrument recorded in/under Clerk's File No. 2003023965 of the Official Public Records of Jefferson County, Texas.

Pipeline right-of-way easement in favor of Shell Pipeline Company LP as set forth in instrument recorded in/under Clerk's File No. 2014024504 of the Official Public Records of Jefferson County, Texas.

Pipeline right-of-way easement in favor of Phillips 66 Pipeline LLC as set forth in instrument recorded in/under Clerk's File No. 2016000609 of the Official Public Records of Jefferson County, Texas.

Pipeline right-of-way easement in favor of ExxonMobil Oil Corporation as set forth in instrument recorded in/under Clerk's File No. 2019006247 of the Official Public Records of Jefferson County, Texas.

All terms, conditions, and provisions of that certain Easement and Right-of-Way Agreement, recorded in/under Clerk's File No. 201101718 of the Official Public Records of Jefferson County, Texas.

All terms, conditions, and provisions of that certain Permanent Easement Agreement, recorded in/under Clerk's File No. 2013013074 of the Official Public Records of Jefferson County, Texas.

All terms, conditions, and provisions of that certain Permanent Easement Agreement, recorded in/under Clerk's File No. 2013013075 of the Official Public Records of Jefferson County, Texas.

All terms, conditions, and provisions of that certain Permanent Easement Agreement, recorded in/under Clerk's File No. 2013013326 of the Official Public Records of Jefferson County, Texas.

All terms, conditions, and provisions of that certain Permanent Easement Agreement, recorded in/under Clerk's File No. 2013013327 of the Official Public Records of Jefferson County, Texas.

All terms, conditions, and provisions of that certain Permanent Easement Agreement, recorded in/under Clerk's File No. 2013039572 of the Official Public Records of Jefferson County, Texas.

All terms, conditions, and provisions of that certain Permanent Easement Agreement, recorded in/under Clerk's File No. 2019030439 of the Official Public Records of Jefferson County, Texas.

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All the oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same of all which are expressly excepted herefrom, as same are set forth in instrument recorded in/under Clerk's File No. 8438971 of the Real Property Records of Jefferson County, Texas.

½ of all the oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as the same are set forth in instrument recorded in/under Volume 849, Page 264 of the Official Public Records of Jefferson County, Texas.

All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records. There may be leases, grants, exceptions or reservations of mineral interests that are not itemized herein.

Affidavit to the Public as to prior use dated June 15, 1990, filed June 19, 1990, and recorded in/under Clerk's File No. 9017703 of the Real Property Records of Jefferson County, Texas.

Lack of right of access to the Property because of any limitation on right of access over and across Kansas City Southern Railway Company Railroad right-of-way.

Access to Tract 1, Tract 2, Tract 3 and Tract 4 is over Tract 5 by virtue of their common ownership. To the extent that Tract 5 is or may be conveyed or released separately from Tract 1, Tract 2, Tract 3 and Tract 4, exception is made to lack of a right of access to and from the Property.

Option to purchase and/or right of first refusal in favor of Sunoco Partners Marketing & Terminals L.P., recorded in/under Clerk's File No. 2013014144 of the Official Public Records of Jefferson County, Texas.

Riparian rights as follows: (a) All right, title or claim or any character by the United States, state, local government or by the public generally in and to any portion of the Property lying within the current or former bed, or below the ordinary high water mark, or between the cut banks of a stream navigable in fact or in law. (b) Right of riparian water rights owners to the use and flow of the water. (c) The consequence of any past or future change in the location of the bed.

Terms and stipulations and set forth in that one certain Restriction Agreement dated as of April 17, 2003 between the City of Nederland, Texas and Energy Transfer Nederland Terminal, LLC, which is being recorded at approximately the same time as this deed.

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hence along the railroad right-of-way line N 43 deg. 21 min. W 40.0 ft. to iron stake for corner;

Thence S 46 deg. 14 min. W and parallel with the Sun Oil Company fence, 167.7 ft. to iron stake for corner, same being in the East line of Highway #347;

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Thence S 47 deg. 04 min E along the East line of Highway #347 a distance of 40.0 ft. to the place of beginning and containing 0.15 acres of land.

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