

LAW OFFICES
SCOTT, DOUGLASS, LUTON
& McCONNICO, L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP

ONE AMERICAN CENTER
600 CONGRESS AVENUE, 15TH FLOOR
AUSTIN, TEXAS 78701-3234
TELEPHONE (512) 495-6300
TELECOPIER (512) 474-0731

*BOARD CERTIFIED-CIVIL TRIAL LAW
*BOARD CERTIFIED-PERSONAL INJURY TRIAL LAW
*BOARD CERTIFIED-OIL, GAS & MINERAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

OF COUNSEL:
BOB BULLOCK
MARTIN L. ALLDAY*
CLAIRE P. ARENSON

HOUSTON OFFICE:
700 LOUISIANA STREET, SUITE 4000
HOUSTON, TEXAS 77002-2758
TELEPHONE (713) 225-8400
TELECOPIER (713) 225-8488

DALLAS OFFICE:
4350 BELTWAY DRIVE
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WRITER'S DIRECT DIAL NUMBER:

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JOHN W. CAMP*
JAMES D. CLAYTON
MORGAN L. COPELAND
JAMES N. COWDEN*
DOUGLAS JACKSON DASHIELL*
C. DENISE DILLARD
CASEY L. DOBSON
RAY N. DONLEY
FRANK DOUGLASS*
MARK W. EIDMAN
CHRISTOPHER FULLER
TIMOTHY E. GEHL
JEFFREY G. HENRY
REBECCA MCHARGUE HUDSON
SAM JOHNSON
DAVID JUNKIN
CHARLES G. KING*
RAY LANGENBERG*
JENNIFER K. LIPINSKI

RICHARD P. MARSHALL, JR.*
CARROLL MARTIN*
STEVE McCONNICO**
ELIZABETH N. MILLER*
EUGENE M. NETTLES*
ANNA M. NORRIS
ELIZABETH BENNETT PEARSALL
JAMES P. PENNINGTON
PHYLLIS POLLARD
JAMES P. RAY
WALLACE H. SCOTT, JR.
STEVE SELBY
QUENTIN (DOUG) SIGEL
JOHN G. SOULE*
JULIE A. SPRINGER
ROBERT A. SUMMERS
JANE M. N. WEBRE
H. PHILIP WHITWORTH, JR.*
STEVEN J. WINGARD
RUSSELL D. WORKMAN
FRANK P. YOUNGBLOOD

December 11, 1995

In Re: Boundary Agreement Between and Among the Attorney
General, School Land Board, Manchester Terminal
Corporation and Hubert S. Finkelstein

Mr. Spencer Reid
General Land Office
1700 North Congress Avenue
Austin, Tx 78701

VIA HAND DELIVERY

Dear Spencer:

In accordance with Paragraph 2 of the Boundary Agreement, we are providing your office with a certified copy of this instrument as recorded in the records of Harris County, Texas. I would appreciate your having Commissioner Mauro execute the Verification of Receipt and return it to me by our runner.

Thank you for your cooperation in this matter.

Sincerely yours,

Philip Whitworth
Philip Whitworth

PW:bs
Enclosure

File No. Sketch File 106 County Harris
Settlement w/ Manchester Terminal Corp.
on SIM'S BAYOU
Filed Dec. 11 19 95
By GARRY MAURO, Com'r
Douglas Howard

Bobly Velazquez

LAW OFFICES
**SCOTT, DOUGLASS, LUTON
& McCONNICO, L.L.P.**

A REGISTERED LIMITED LIABILITY PARTNERSHIP

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TELECOPIER (214) 458-8268

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*BOARD CERTIFIED-PERSONAL INJURY TRIAL LAW
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ROBERT A. SUMMERS
JANE M. N. WEBRE
H. PHILIP WHITWORTH, JR.*
STEVEN J. WINGARD
RUSSELL D. WORKMAN
FRANK P. YOUNGBLOOD

December 7, 1995

WRITER'S DIRECT DIAL NUMBER:

In Re: Boundary Agreement Between and Among the Attorney
General, School Land Board, Manchester Terminal
Corporation and Hubert S. Finkelstein

Ms. Linda K. Fisher
Secretary, School Land Board
Eighth Floor Receptionist
1700 North Congress Avenue
Austin, Tx 78701

VIA HAND DELIVERY

Dear Linda:

You will find enclosed the original Boundary Agreement that
has been executed by all parties. I understand that this agreement
has also been recorded in the appropriate records of Harris County,
Texas.

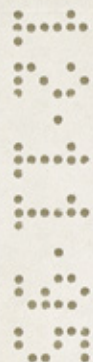
I appreciate very much the cooperation of Spencer, M'Lou and
all the others involved at the General Land Office in finalizing
the settlement of the subject litigation.

Sincerely yours,

Philip Whitworth

PW:bs
Enclosure

cc: Mr. Spencer Reid (w/o enc.)
Ms. M'Lou Bell (w/o enc.)



VERIFICATION OF RECEIPT

STATE OF TEXAS

§

COUNTY OF TRAVIS

§

§

I, Garry Mauro, Commissioner of the General Land Office of the State of Texas and Chairman of the School Land Board, hereby affirm that Manchester Terminal Corporation has provided this office with a certified copy of the Boundary Agreement, including Exhibits "A," "B" and "C" thereto, that is recorded in File No. 506-29-3204 of the Official Records of Harris County, Texas, as required by Paragraph 2 of said Boundary Agreement.

Dated this 11 day of December, 1996. *5 SW*

Garry Mauro

Garry Mauro Commissioner of the
sr General Land Office of the State of
Texas and Chairman of the School
Land Board



Acmt

R688255

STATE OF TEXAS
COUNTY OF HARRIS

§
§
§

500-29-3902

12/01/95 200091149 R 688255 441.00

BOUNDARY AGREEMENT

This Boundary Agreement ("Agreement") is made and entered into by and between the State of Texas and the School Land Board of the State of Texas, acting by and through Garry Mauro, Commissioner of the Texas General Land Office and Chairman of the School Land Board and on behalf of the General Land Office of the State of Texas and the Permanent School Fund of the State of Texas (collectively herein "the State") and Manchester Terminal Corporation, a Texas corporation, and Hubert S. Finkelstein (collectively herein "Manchester"), effective November 7, 1995.

WHEREAS, the State, Manchester and the Port of Houston Authority (herein the "Port") are parties to that certain Mutual Release and Compromise of Litigation, Claims and Causes of Action entered in Cause No. 01-91-0182-CV in the Court of Appeals for the First Supreme Judicial District of Texas at Houston, Texas, recorded under Film Code No. 160-58-3768 in the Official Public Records of Real Property of Harris County, Texas (the "Release"); and

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WHEREAS, Paragraph 4 of the Release contemplates the establishment and confirmation of a boundary line between Manchester's property and property of the State and the Port; and

WHEREAS, Paragraph 4(b)(3)(v) of the Release authorizes construction of a bulkhead not less than 120' northwest from the "Project Centerline" (as such phrase is defined in the Release); and

WHEREAS, upon construction of the bulkhead in a location not less than 120' northwest from the Project Centerline as authorized by Paragraph 4(b)(3)(v) of the Release (hereinafter, as properly located and constructed, the "Bulkhead"), Manchester will own the Land Side and its boundary shall be as shown on Exhibit "A" that is attached hereto and incorporated by reference herein for all purposes; and

WHEREAS, Manchester has constructed the Bulkhead as contemplated by the Release; and

WHEREAS, a survey as contemplated by the Release of the boundary line has been made by Landtech Consultants, Inc., and recorded in the Real Property Records of Harris County, Texas, a

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Hold For [unclear]

File No. Sketch File 106
Settlement w/ Manchester Terminal
Corp. on Sim's Bayou County
Filed Dec. 11 19 95
By GARRY MAURO, Com'r
Douglas Howard

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY
DEC 05 1995

ATTEST:
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Sally S. Zuniga, Deputy

SALLY S. ZUNIGA

Counter 25978



certified copy of which is attached hereto as Exhibit "A" and incorporated herein by reference for all purposes (herein the "Survey"); and

WHEREAS, Paul P. Kwan, President of Landtech Consultants, Inc., has executed and recorded a "Certificate and Affidavit" regarding the location of the Bulkhead, a certified copy of which is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes (herein the "Affidavit"); and

WHEREAS, the Director of Surveying of the General Land Office has concluded that, based upon the Survey, the Affidavit and information provided to the State by Manchester, the Bulkhead was constructed in a location not less than 120' northwest from the Project Centerline as authorized by Paragraph 4(b)(3)(v); and

WHEREAS, the State, the Port and Manchester have each performed their respective obligations under the Release; and

WHEREAS, the Port and Manchester have executed a Mutual Quitclaim Deed, a certified copy of which is attached hereto as Exhibit "C" and incorporated herein by reference for all purposes; and

WHEREAS, Manchester and the State have agreed to evidence the boundary between their respective properties by entering into a written agreement to be recorded by Manchester in the Real Property Records of Harris County, Texas; and

WHEREAS, pursuant to TEX. NAT. RES. CODE ANN., §33.060 (Vernon Supp. 1995), the School Land board has the authority to locate and have marked on the ground a boundary separating coastal public land from other land; and

WHEREAS, the State-owned subject property is located on Sims Bayou, a tidally influenced navigable waterway and is coastal public land; and

WHEREAS, the School Land Board approved the execution of this Agreement at its regularly scheduled meeting of November 7, 1995;

NOW, THEREFORE, the parties being in agreement that each is receiving a benefit and value equal to that being received by the other, in consideration of the mutual agreements herein contained, the parties mutually agree as follows:

1. The common boundary between the State-owned submerged mineral estate and Manchester's property has been marked on the ground and is hereby mutually agreed to be as depicted by the Survey attached hereto as Exhibit "A".

96035

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

DEC 05 1995

ATTEST: BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Sally S. Zuniga, Deputy

SALLY S. ZUNIGA.

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Counter 25979

2. This Agreement, with Exhibits "A", "B" and "C" attached, upon execution by the respective parties shall be filed for record by Manchester, at its sole cost and expense, in the Real Property Records of Harris County, Texas, and Manchester shall provide the State with a certified copy of such recorded Agreement within thirty (30) days of execution.

3. This Agreement is executed on behalf of the State by Garry Mauro, Commissioner of the Texas General Land Office and Chairman of the School Land Board, by virtue of and under the authority of TEX. NAT. RES. CODE ANN., §33.060 (Vernon Supp. 1995).

4. This Agreement shall be binding on and inure to the benefit of the successors, representatives and assigns of the parties hereto, but is limited to the specific area delineated in the Survey.

IN WITNESS WHEREOF, this Agreement is executed under Seal of Office this 7th day of November, 1995, effective November 7, 1995.

ATTORNEY FOR STATE OF TEXAS

Dan Morales, Attorney General of the State of Texas

By: Priscilla M. Hubenak
Assistant Attorney General of Texas, Priscilla M. Hubenak

SCHOOL LAND BOARD, STATE OF TEXAS, ON BEHALF OF THE PERMANENT SCHOOL FUND OF THE STATE OF TEXAS

By: Garry Mauro 502
Garry Mauro, Commissioner, Texas General Land Office and Chairman, School Land Board

MANCHESTER TERMINAL CORPORATION

By: [Signature]
Its PRESIDENT

[Signature]
HUBERT S. FINKELSTEIN

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ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

ATTEST: DEC 05 1995
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Sally S. Zuniga Deputy

SALLY S. ZUNIGA

counter 25980

6 of 21

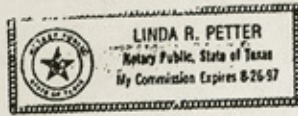


506-29-3205

STATE OF TEXAS
COUNTY OF HARRIS

§
§
§

This instrument was acknowledged before me on 12/1/95,
1995 by H. REAY, PRESIDENT of Manchester
Terminal Corporation, a Texas corporation.



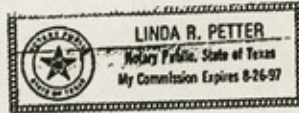
Linda R. Petter
Notary Public in and for
State of Texas

Commission Expires: 8/26/97

STATE OF TEXAS
COUNTY OF HARRIS

§
§
§

This instrument was acknowledged before me on 12/1/95,
1995 by Hubert S. Finkelstein.



Linda R. Petter
Notary Public in and for
State of Texas

Commission Expires: 8/26/97

CERTIFICATE

I, Linda Fisher, Secretary of the School Land Board, of the
State of Texas, do hereby certify that at a meeting of the School
Land Board duly held on the 7th day of November, 1995, the
foregoing instrument was presented and approved by said Board under
the provisions of Subchapter C, Chapter 33. of the Texas Natural
Resources Code Ann., all of which is set forth in the Minutes of
the Board of which I am custodian.

IN TESTIMONY WHEREOF, witness my hand this the 7th day of
November, 1995.

Linda K. Fisher
Secretary of the School Land Board

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ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL,
OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF
COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER
THE FEDERAL LAW.

A CERTIFIED COPY

ATTEST: DEC 05 1995
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Sally S. Zuniga, Deputy

SALLY S. ZUNIGA

7 of 21

Counter 25981

506-29-3706

RG75148



506-18-0557.1

LANDTECH CONSULTANTS, INC.
Civil Engineering • Land Surveying
CERTIFICATE AND AFFIDAVIT

STATE OF TEXAS)
COUNTY OF HARRIS) KNOW ALL MEN BY THESE PRESENTS:

11/20/95 10113958 R 475145 415.00

BEFORE ME, the undersigned authority, on this day personally appeared Paul P. Kwan, who being by me duly sworn, upon his oath did swear and affirm as follows:

"My name is Paul P. Kwan and my mailing address is 2627 North Loop West, Suite 224, Houston, Texas. I am above 18 years of age and I have never been convicted of a felony or crime of moral turpitude, and I am competent to make this affidavit. I have personal knowledge of the matters set forth in this affidavit. I am the President of Landtech Consultants, Inc. I am a Registered Professional Land Surveyor in the State of Texas, Number 4313.

15
A

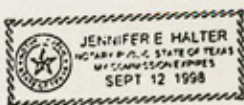
I have prepared the field note description and plat for a common line being the southeasterly boundary line of a certain (called) 72.5202 acre tract described in deed dated July 31, 1985, from Manchester Terminal Company to Medallion Terminal Corporation, recorded under Harris County Clerk's File No. K134490 and Film Code No. 021-77-2338, Harris County Official records of real property, and the northwesterly line of Sims Bayou, located in the Morris Callahan & Allen Vince League, Abstract No. 9, Harris County, Texas.

A true and corrected copy of this survey is shown on Attachment "A" (consisting of 3 pages) revised as dated on November 14, 1995.

Further affiant saith not."

Paul P. Kwan
Paul P. Kwan

SUBSCRIBED AND SWORN TO before me, the undersigned authority, by Jennifer E. Halter on this 20th day of November, 1995, to certify which witness my hand and seal of office.



Jennifer E. Halter
Notary Public

2627 North Loop West, Suite 224 • Houston, Texas 77008 • Tel: (713) 861-7068 • Fax: (713) 861-4131

Exhibit "A"
to Boundary Agreement

[Handwritten mark]

NOV 21 1995

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY
DEC 05 1995

ATTEST:
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Sally S. Zuniga
Deputy

SALLY S. ZUNIGA

Counter 25982

506-29-3907



ATTACHMENT "A"
CONSISTING OF 3 PAGES

LANDTECH CONSULTANTS, INC.
Civil Engineering & Land Surveying

506-18-0558

FIELD NOTE DESCRIPTION FOR A COMMON LINE BEING THE SOUTHEASTERLY BOUNDARY LINE OF A CERTAIN (CALLED) 72.5202 ACRE TRACT DESCRIBED IN DEED DATED JULY 31, 1985, FROM MANCHESTER TERMINAL COMPANY TO MEDALLION TERMINAL CORPORATION, RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. K134490 AND FILM CODE NO. 021-77-2338; HARRIS COUNTY OFFICIAL RECORDS OF REAL PROPERTY, AND THE NORTHWESTERLY LINE OF SIMS BAYOU, LOCATED IN THE MORRIS CALLAHAN & ALLEN VINCE LEAGUE, ABSTRACT NO. 9, HARRIS COUNTY, TEXAS: (ALL BEARINGS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. ALL DISTANCES ARE SURFACE AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A GRID FACTOR OF 0.99988455389. ALL COORDINATES ARE GRID.)

COMMENCING at a 3 inch iron pipe in concrete dated 1934 (X = 3189881.15, Y = 703127.11) found for an angle point in the south line of said 72.5202 acre tract, said point being the northeast corner of a certain 28.9624 acre tract described in deed to H. Hill Petroleum Company, recorded under Harris County Clerk's File No. K47752 and Film Code No. 041-64-1732;

THENCE S 51 deg. 55 min. 58 sec. E, along the common line between said 72.5202 acre tract and said 28.9624 acre tract, at 786.62 feet pass a found 5/8 inch iron rod with cap, in all 924.75 feet to a point in the northwesterly or left descending bank of Sims Bayou at the existing line of the Mean Higher High Water (M.H.H.W., as established by survey June 12-13, 1991) for the POINT OF BEGINNING of the herein described line (X = 3190609.11, Y = 702556.99);

THENCE N 50 deg. 12 min. 26 sec. E, down said bank and with the existing line of M.H.H.W., 39.62 feet to a point in the 1986 line of M.H.H.W. as established by judgment rendered October 26, 1990, by the 269th District Court of Harris County, Case No. 88-28098 styled "The Port of Houston Authority vs. Manchester Terminal Corporation", recorded in Volume 5676, Page 501, Harris County District Court Records;

THENCE down said bank of Sims Bayou and said 1986 line of M.H.H.W. the following courses and distances:

- N 32 deg. 47 min. 13 sec. E, 81.17 feet;
- N 31 deg. 06 min. 34 sec. E, 77.96 feet;
- N 33 deg. 24 min. 16 sec. E, 74.52 feet;

THENCE N 57 deg. 18 min. 27 sec. E, departing from said 1986 line of M.H.H.W., 4.45 feet to the southeasterly corner of a new wood piling and concrete bulkhead, said point located with reference to the Proposed Centerline of Sims Bayou as established by the United States Army Corps of Engineers at Station 27+98.82, 120.42 feet right;

THENCE N 32 deg. 29 min. 35 sec. E, along the wet face of said bulkhead, 711.21 feet to an angle point, said point located with reference to the Proposed Centerline of Sims Bayou as established by the United States Army Corps of Engineers at Station 21+07.42, 120.53 feet right of the back and forward tangents of said centerline;

THENCE N 49 deg. 52 min. 10 sec. E, continuing along said wet face of bulkhead, 935.43 feet to the northeasterly corner of said bulkhead, said point located with reference to the Proposed Centerline of Sims Bayou as established by the United States Army Corps of Engineers at Station 12+18.48, 120.74 feet right;

THENCE N 04 deg. 52 min. 56 sec. E, 30.72 feet to the northerly end of a new concrete wall, said point being in the wet face of an existing steel bulkhead;

-- PAGE 1 OF 3 PAGES

NOV 21 1995

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY
DEC 05 1995

ATTEST:
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Sally S. Zuniga Deputy

SALLY S. ZUNIGA

Counter 25983

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LANDTECH CONSULTANTS, INC.
Civil Engineering • Land Surveying

506-18-0559

THENCE with said steel bulkhead the following courses and distances:

- N 47 deg. 07 min. 36 sec. E, 91.79 feet;
- N 57 deg. 47 min. 24 sec. E, 52.03 feet;
- N 41 deg. 01 min. 44 sec. E, 82.16 feet;
- N 30 deg. 35 min. 52 sec. E, 59.15 feet;
- N 69 deg. 43 min. 03 sec. E, 89.93 feet to the corner of an existing concrete dock;

THENCE N 46 deg. 02 min. 01 sec. E, along the edge of said existing concrete dock, 49.35 feet to northeasterly corner of said dock at the apparent intersection of the left descending bank of said Sims Bayou and the southerly or right descending bank of the Houston Ship Channel.

August 15, 1995

Landtech Consultants, Inc.



Paul P. Kwan

Paul P. Kwan
Registered Professional Land Surveyor
No. 4313

23fn132.01
930521
Dwg. 93-132-E-146
revised 8/24/95 changed sheet number
revised 11/10/95 added grid coordinates
revised 11/14/95 added tier to centerline

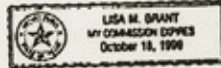
THE STATE OF TEXAS,

County of Harris

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Paul P. Kwan known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 15th day of Nov A.D. 1995

Lisa M. Grant
Notary Public in and for Harris County, Tx.



-- PAGE 2 OF 3 PAGES --

2627 North Loop West, Suite 224 • Houston, Texas 77008 • Tel (713) 861-7068 • Fax (713) 861-4131

NOV 21 1995
Sally S. Zuniga

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A CERTIFIED COPY

DEC 05 1995

ATTEST:
Beverly B. Kaufman, County Clerk
Harris County, Texas

Sally S. Zuniga, Deputy

SALLY S. ZUNIGA

Counter 25989



Deputy
Sally S. Zuniga

Harris County, Texas
BEVERLY B. KAUFMAN, County Clerk

A CERTIFIED COPY
DEC 05 1995

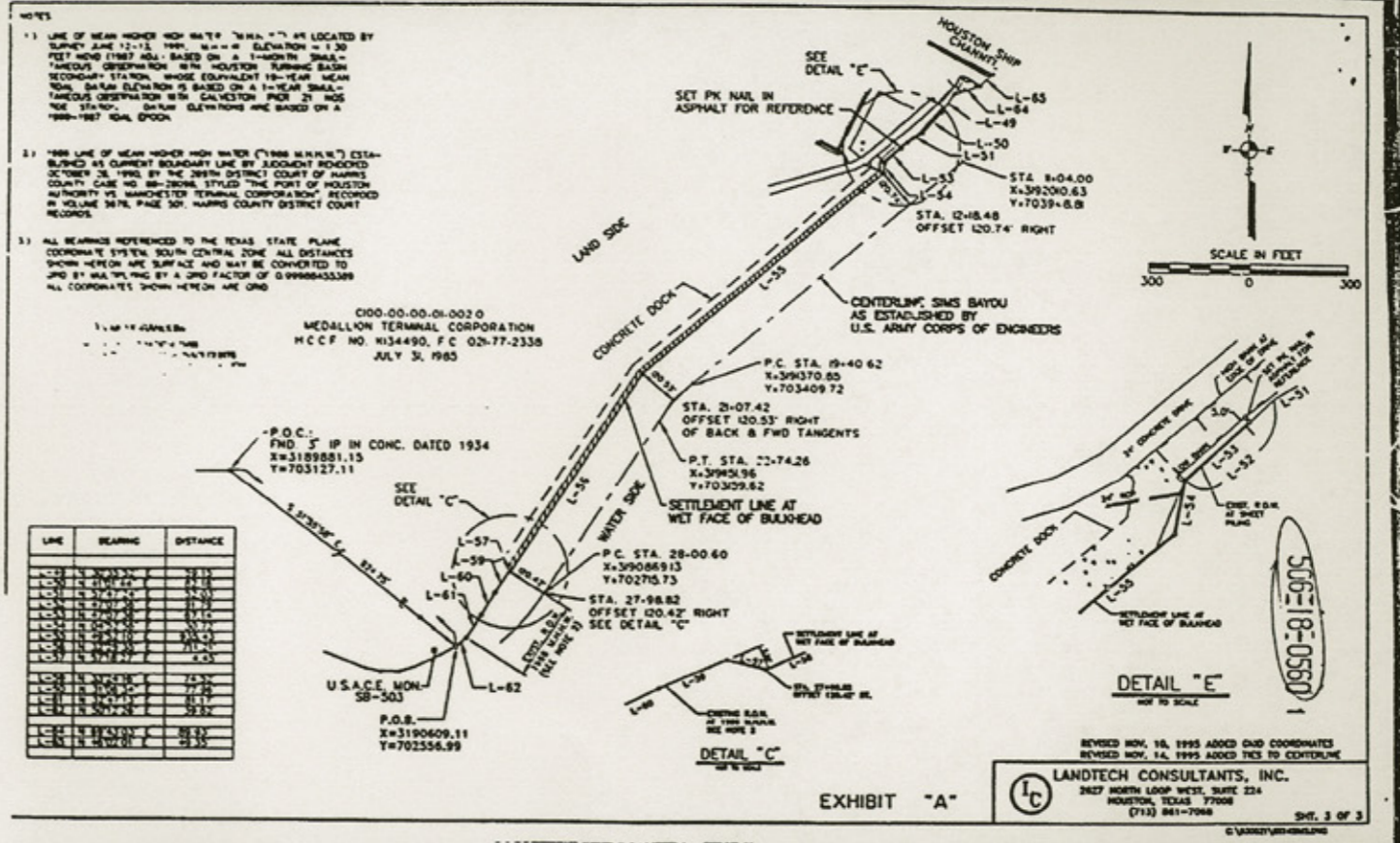
ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

ATTEST:

11 of 21

Colleen J. ...

NOV 21 1995




506-29-3209

counter 25985

506-29-3210

506-18-0561

FILED
NOV 20 11 41 13
HARRIS COUNTY TEXAS

ALL RECORDS KEPT WITH REFERENCE TO THIS INSTRUMENT, AS SET FORTH IN THE INSTRUMENT, SHALL BE KEPT BY THE COUNTY CLERK OF HARRIS COUNTY, TEXAS, IN HIS OFFICE IN THE COUNTY CLERK'S OFFICE, HARRIS COUNTY, TEXAS.
I hereby certify that this instrument was FILED in the Public Square in the city and county of Harris County, Texas, and was duly RECORDED in the Official Public Records of Real Property in Harris County, Texas on
NOV 20 1995

Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS

ATTEST
COUNTY CLERK
HARRIS COUNTY, TEXAS

A CERTIFIED COPY
NOV 21 1995
ATTEST
BEVERLY B. KAUFMAN
COUNTY CLERK
HARRIS COUNTY, TEXAS

Oliver L. Lopez

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY
DEC 05 1995

ATTEST:
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Sally S. Zuniga Deputy

SALLY S. ZUNIGA

Counter 25986

12 of 21



1414

R675113



506-18-0555

LANDTECH CONSULTANTS, INC.
Civil Engineering • Land Surveying

506-29-3211

CERTIFICATE AND AFFIDAVIT

STATE OF TEXAS)
COUNTY OF HARRIS)

KNOW ALL MEN BY THESE PRESENTS:

BEFORE ME, the undersigned authority, on this day personally appeared Paul P. Kwan, who being by me duly sworn, upon his oath did swear and affirm as follows:

"My name is Paul P. Kwan and my mailing address is 2627 North Loop West, Suite 224, Houston, Texas. I am above 18 years of age and I have never been convicted of a felony or crime of moral turpitude, and I am competent to make this affidavit. I have personal knowledge of the matters set forth in this affidavit. I am the President of Landtech Consultants, Inc. I am a Registered Professional Land Surveyor in the State of Texas, Number 4313.

11
A

for record

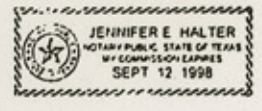
I have surveyed the wet face of the bulkhead structure built by Manchester Terminal Corporation on the left bank of the new Sims Bayou Channel. The two end points and one angle point of the said wet face of the bulkhead structure are located from 120'-5" to 120'-9" perpendicular to the Corps of Engineers "Realignment Project" -- "Project Centerline" of the Sims Bayou Channel and are the closed points to said center line. A true and correct copy of this survey with coordinates describing exact geographical locations of said points is attached as Exhibit A revised November 16, 1995.

Further affiant saith not."

Paul P. Kwan
Paul P. Kwan

SUBSCRIBED AND SWORN TO before me, the undersigned authority, by Jennifer E. Halter on this 20th day of November, 1995, to certify which witness my hand and seal of office.

Jennifer E. Halter
Notary Public



2627 North Loop West, Suite 224 • Houston, Texas 77008 • Tel (713) 861-7068 • Fax (713) 861-4131

NOV 21 1995
Oliver L...

Exhibit "B"
to Boundary Agreement
llh

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

ATTEST: DEC 05 1995
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

13 of 21

Sally S. Zuniga
Deputy

SALLY S. ZUNIGA

Counter 25984



506-29-3212

506-18-0556

MAP SHOWING THE LOCATION OF THE NEW BULKHEAD STRUCTURE AT MANCHESTER TERMINAL

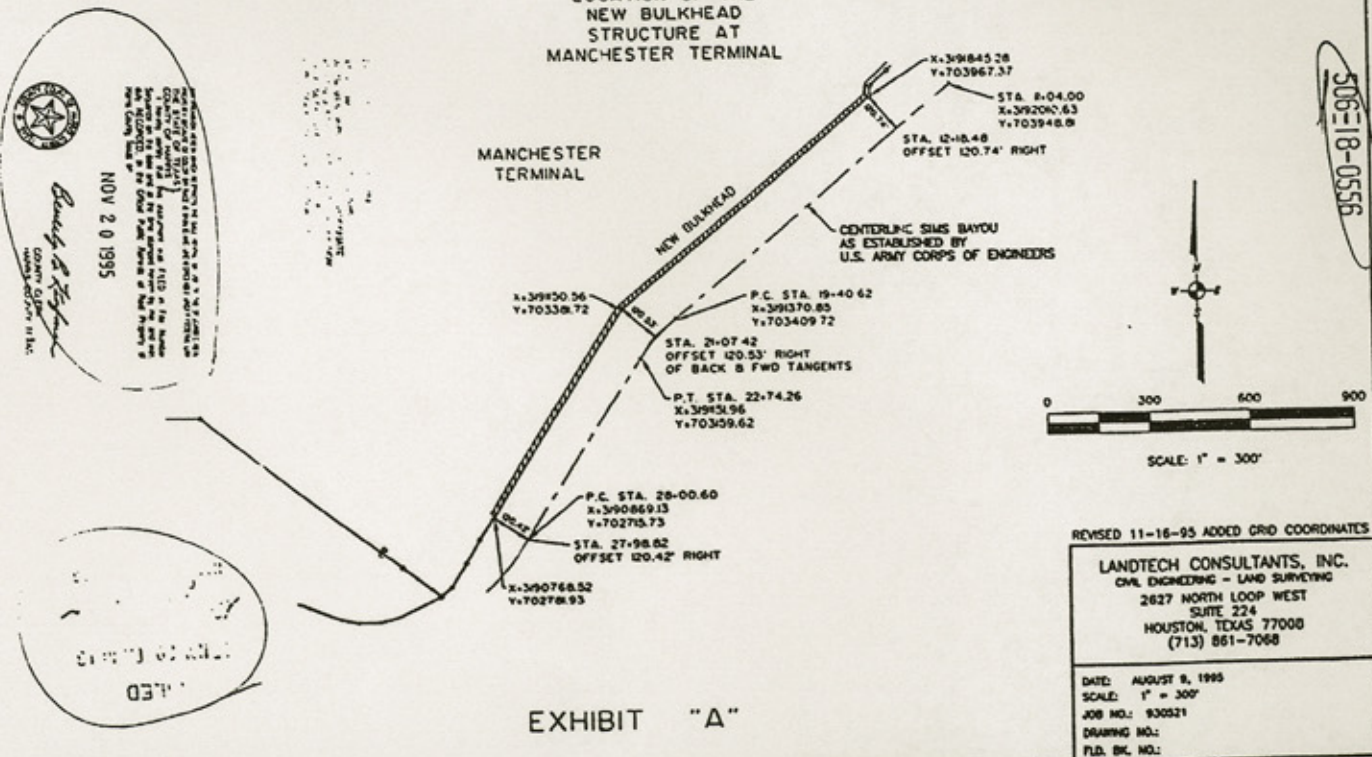


EXHIBIT "A"

NOV 20 1995

Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS

NOV 20 1995

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ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

ATTEST: NOV 21 1995

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ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY
DEC 05 1995

ATTEST:
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Sally S. Zuniga
Deputy

14 of 21

SALLY S. ZUNIGA

Countdown 25 988

506-29-3213

505-55-2235

RG02021

STATE OF TEXAS
COUNTY OF HARRIS

MUTUAL QUITCLAIM DEED

WHEREAS, Manchester Terminal Corporation, a Texas corporation, whose address is 10,000 Manchester Street, Houston, Texas 77012, Hubert S. Finkelstein, individually, whose address is 1407 Faren Street, Houston, Texas 77002, (collectively referred to as "Manchester"), and the Port of Houston Authority ("Port"), whose address is 111 East Loop North, Houston, Texas 77029, are parties to that certain Mutual Release and Compromise of Litigation, Claims and Causes of Action entered in Cause No. 01-91-0182-CV in the Court of Appeals for the First Supreme Judicial District of Texas, recorded under Film Code No. 160-443768 in the Official Public Records of Real Property of Harris County, Texas (the "Release"), and

2-2
11

WHEREAS, Paragraph 4 of the Release contemplates the establishment and confirmation of a boundary line between Manchester's property and the Port's property, and

WHEREAS, Manchester has constructed a bulkhead as contemplated by the Release, and

WHEREAS, a joint survey of the boundary line has been made by Landtech Consultants, Inc. as contemplated by the Release, and

WHEREAS, each of the Port and Manchester has performed all of its respective obligations under the Release,

NOW, THEREFORE, the parties hereto do agree, quitclaim and release as follows: Manchester quitclaims to the Port all of Manchester's right, title and interest in and to all of the surface estate of the land ("Property I") lying on the eastern or southeastern Sims Bayou side of that line described as the "Boundary Line" in Exhibit "A" attached hereto, to have and to hold to the Port, its successors and assigns forever. Neither Manchester nor its successors or assigns shall have, claim or demand any right, title or interest to Property I or any part thereof.

The Port quitclaims to Manchester all of the Port's right, title and interest in and to all of the land ("Property II") lying on the western or northwestern land side of that line described as the "Boundary Line" in Exhibit "A" attached hereto, to have and to hold to Manchester, its

11

Return to Chris Flinn, P.O. Box 4221, Houston, Tx 77251

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ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

ATTEST: NOV 21 1995
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Exhibit "C"
to Boundary Agreement

Sally S. Zuniga

[Signature]

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

DEC 05 1995

ATTEST:
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Sally S. Zuniga, Deputy

SALLY S. ZUNIGA

15 of 21



Counter 25989

506-29-3214

505-55-2736

successors and assigns forever Neither the Port nor its successors or assigns shall have, claim or demand any right, title or interest to Property II or any part thereof

It is further agreed and confirmed that the above-described "Boundary Line" is and shall be the boundary line settling the boundary dispute between the Port and Manchester referred to in the Release

EXECUTED this 29th day of August, 1995.

MANCHESTER TERMINAL CORPORATION

By [Signature]
Name: H. REAY
Title: PRESIDENT.

HUBERT S. FINKELSTEIN

[Signature]
Name: Hubert S. Finkelstein
Title: Individual

PORT OF HOUSTON AUTHORITY

By [Signature]
Name: H. T. Kornegay
Title: Executive Director

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

ATTEST: **NOV 21 1995**
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

[Signature]

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

DEC 05 1995
ATTEST:
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

[Signature] Deputy

SALLY S. ZUNIGA

Counter 25990

16 of 21

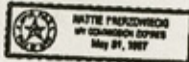


505-55-2277

STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on August 29, 1995, by W. Keay President of Manchester Terminal Corporation

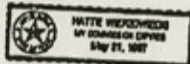
Walter M. Murovic
Notary Public in and for the
State of Texas



STATE OF TEXAS §
COUNTY OF HARRIS §

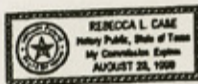
This instrument acknowledged before me on August 29, 1995, by Hubert S Finkelman

Walter M. Murovic
Notary Public in and for the
State of Texas



STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on September 2, 1995, by H. Keating Executive Director of Port of Houston Authority



Rebecca L. Case
Notary Public in and for the
State of Texas

M

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

ATTEST: NOV 21 1995
BEVERLY B KAUFMAN, County Clerk
Harris County, Texas

Sally S. Zuniga

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ATTEST: DEC 05 1995
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Sally S. Zuniga, Deputy

SALLY S. ZUNIGA

Counter 25991

17 of 21





LANDTECH CONSULTANTS, INC.
Civil Engineering • Land Surveying

505-55-2238

Exhibit "A"
"Boundary Line"

FIELD NOTE DESCRIPTION FOR A COMMON LINE BEING THE SOUTHEASTERLY BOUNDARY LINE OF A CERTAIN (CALLED) 72.5202 ACRE TRACT DESCRIBED IN DEED DATED JULY 31, 1985, FROM MANCHESTER TERMINAL COMPANY TO MEDALLION TERMINAL CORPORATION, RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. X134490 AND FILM CODE NO. 021-77-2338. HARRIS COUNTY OFFICIAL RECORDS OF REAL PROPERTY, AND THE NORTHWESTERLY LINE OF SINS BAYOU, LOCATED IN THE MORRIS CALLAHAN & ALLEN VINCE LEAGUE, ABSTRACT NO. 9, HARRIS COUNTY, TEXAS; (ALL BEARINGS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. ALL DISTANCES ARE SURFACE AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A GRID FACTOR OF 0.99988455309.)

COMMENCING at a 3 inch iron pipe in concrete dated 1934 found for an angle point in the south line of said 72.5202 acre tract, said point being the northeast corner of a certain 28.9624 acre tract described in deed to H. Hill Petroleum Company, recorded under Harris County Clerk's File No. R447752 and Film Code No. 041-64-1732;

THENCE S 51 deg. 55 min. 58 sec. E, along the common line between said 72.5202 acre tract and said 28.9624 acre tract, at 786.62 feet pass a found 5/8 inch iron rod with cap, in all 924.75 feet to a point in the northwesterly or left descending bank of Sins Bayou at the existing line of the Mean Higher High Water (M.H.H.W., as established by survey June 12-13, 1991) for the POINT OF BEGINNING of the herein described line;

THENCE N 50 deg. 12 min. 26 sec. E, down said bank and with the existing line of M.H.H.W., 39.62 feet to a point in the 1986 line of M.H.H.W. as established by judgment rendered October 26, 1990, by the 269th District Court of Harris County, Case No. 88-28098 styled "The Port of Houston Authority vs. Manchester Terminal Corporation", recorded in Volume 5476, Page 501, Harris County District Court Records;

THENCE down said bank of Sins Bayou and said 1986 line of M.H.H.W. the following courses and distances:

- N 32 deg. 47 min. 13 sec. E, 81.17 feet;
- N 31 deg. 06 min. 34 sec. E, 77.96 feet;
- N 33 deg. 24 min. 16 sec. E, 74.52 feet;

THENCE N 57 deg. 18 min. 27 sec. E, departing from said 1986 line of M.H.H.W., 4.45 feet to the southeasterly corner of a new wood piling and concrete bulkhead;

THENCE N 32 deg. 29 min. 33 sec. E, along the wet face of said bulkhead, 711.21 feet to an angle point;

THENCE N 49 deg. 52 min. 10 sec. E, continuing along said wet face of bulkhead, 935.43 feet to the northeasterly corner of said bulkhead;

THENCE N 04 deg. 52 min. 56 sec. E, 30.72 feet to the northerly end of a new concrete wall, said point being in the wet face of an existing steel bulkhead;

THENCE with said steel bulkhead the following courses and distances:

- N 47 deg. 07 min. 36 sec. E, 91.79 feet;

-- PAGE 1 OF 3 PAGES --

16

2677 North Loop West, Suite 174 • Houston, Texas 77008 • Tel: (713) 861-7008 • Fax: (713) 861-4131

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A CERTIFIED COPY

NOV 21 1995

ATTEST:
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Sally S. Zuniga

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A CERTIFIED COPY

DEC 05 1995

ATTEST:
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Sally S. Zuniga Deputy

SALLY S. ZUNIGA

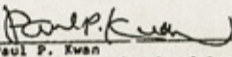
Counter 25992

N 57 deg. 47 min. 24 sec. E, 52.03 feet;
N 41 deg. 01 min. 44 sec. E, 82.16 feet;
N 30 deg. 35 min. 52 sec. E, 59.15 feet;
N 69 deg. 43 min. 03 sec. E, 89.93 feet to the corner of an
existing concrete dock;

THENCE N 46 deg. 02 min. 01 sec. E, along the edge of said exist-
ing concrete dock, 49.35 feet to northeasterly corner of said
dock at the apparent intersection of the left descending bank of
said Sims Bayou and the southerly or right descending bank of the
Houston Ship Channel.

August 15, 1995

Landtech Consultants, Inc.


Paul P. Kwan
Registered Professional Land Surveyor
No. 4313



23fn132.01
930521
Dwg. 93-132-E-146
revised 8/24/95 changed sheet number

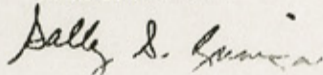
-- PAGE 2 OF 3 PAGES --

2617 North Loop West, Suite 224 • Houston, Texas 77008 • Tel: (713) 861-2068 • Fax: (713) 861-4131

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OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF
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THE FEDERAL LAW.

A CERTIFIED COPY

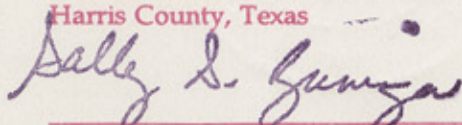
ATTEST: **NOV 21 1995**
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas



ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL,
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A CERTIFIED COPY

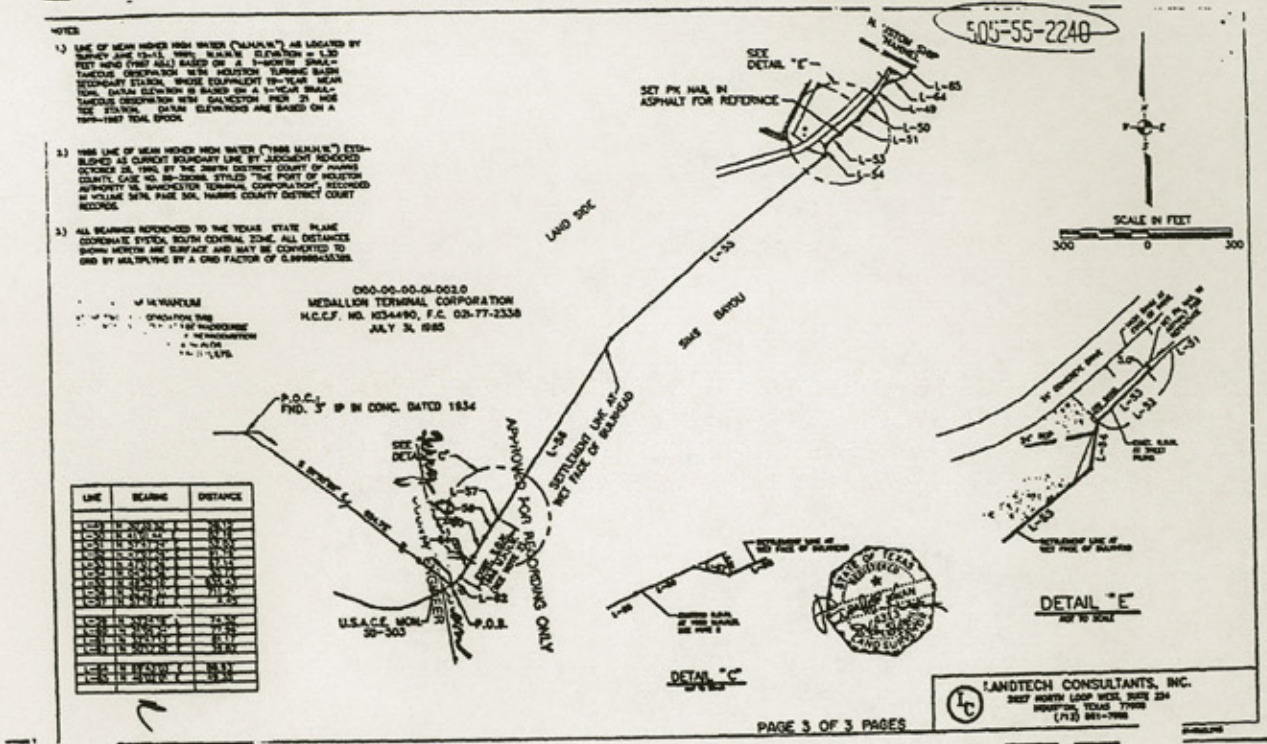
DEC 05 1995
ATTEST:
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

19 of 21  Deputy

SALLY S. ZUNIGA

Counter 25993

506-29-3218



ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY
NOV 21 1995

ATTEST:
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas
Beverly B. Kaufman

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY
DEC 05 1995

ATTEST:
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Betty J. Gungor
Deputy

20 of 21

SALLY S. ZIMMICA

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506-29-3219

505-55-2241

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW

SEP 28 1995



Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY TEXAS

FILED
SEP 29 PM 1:46
HARRIS COUNTY TEXAS

FILED

SEP 28 1995

HARRIS COUNTY TEXAS

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE, IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number [blank] on the date and at the time stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County Texas.

DEC 1 1995



Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY TEXAS

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW

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NOV 21 1995

ATTEST:
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Sally S. Zuniga

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A CERTIFIED COPY

ATTEST: DEC 05 1995

BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Sally S. Zuniga, Deputy

SALLY S. ZUNIGA

21 of 21

Counter 25995

LAW OFFICES
**SCOTT, DOUGLASS, LUTON
& McCONNICO, L.L.P.**

A REGISTERED LIMITED LIABILITY PARTNERSHIP

ONE AMERICAN CENTER
600 CONGRESS AVENUE, 15TH FLOOR
AUSTIN, TEXAS 78701-3234
TELEPHONE (512) 495-6300
TELECOPIER (512) 474-0731

OF COUNSEL:
BOB BULLOCK
MARTIN L. ALLDAY*
CLAIRE P. ARENSON

HOUSTON OFFICE:
700 LOUISIANA STREET, SUITE 4000
HOUSTON, TEXAS 77002-2758
TELEPHONE (713) 225-8400
TELECOPIER (713) 225-8488

DALLAS OFFICE:
4350 BELTWAY DRIVE
DALLAS, TEXAS 75244-3110
TELEPHONE (214) 458-8846
TELECOPIER (214) 458-8266

WRITER'S DIRECT DIAL NUMBER:

THOMAS A. ALBRIGHT†
ROY ANTLEY
DANIEL C. BITTING
JOHN W. CAMP*
JAMES D. CLAYTON
MORGAN L. COPELAND
JAMES N. COWDEN*
DOUGLAS JACKSON DASHIELL*
C. DENISE DILLARD
CASEY L. DOBSON
RAY N. DONLEY
FRANK DOUGLASS†*
MARK W. EIDMAN
CHRISTOPHER FULLER
TIMOTHY E. GEHL
JEFFREY G. HENRY
REBECCA McHARGUE HUDSON
SAM JOHNSON
DAVID JUNKIN
CHARLES G. KING†
RAY LANGENBERG*
JENNIFER K. LIPINSKI

RICHARD P. MARSHALL, JR.*
CARROLL MARTIN*
STEVE McCONNICO†*
ELIZABETH N. MILLER*
EUGENE M. NETTLES†
ANNA M. NORRIS
ELIZABETH BENNETT PEARSALL
JAMES P. PENNINGTON
PHYLLIS POLLARD
JAMES P. RAY
WALLACE H. SCOTT, JR.
STEVE SELBY
QUENTIN (DOUG) SIGEL
JOHN G. SOULE*
JULIE A. SPRINGER
ROBERT A. SUMMERS
JANE M. N. WEBRE
H. PHILIP WHITWORTH, JR.*
STEVEN J. WINGARD
RUSSELL D. WORKMAN
FRANK R. YOUNGBLOOD

†BOARD CERTIFIED-CIVIL TRIAL LAW
*BOARD CERTIFIED-PERSONAL INJURY TRIAL LAW
*BOARD CERTIFIED-OIL, GAS & MINERAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

December 7, 1995

In Re: Boundary Agreement Between and Among the Attorney
General, School Land Board, Manchester Terminal
Corporation and Hubert S. Finkelstein

Ms. Linda K. Fisher
Secretary, School Land Board
Eighth Floor Receptionist
1700 North Congress Avenue
Austin, Tx 78701

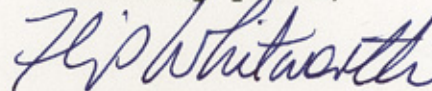
VIA HAND DELIVERY

Dear Linda:

You will find enclosed the original Boundary Agreement that has been executed by all parties. I understand that this agreement has also been recorded in the appropriate records of Harris County, Texas.

I appreciate very much the cooperation of Spencer, M'Lou and all the others involved at the General Land Office in finalizing the settlement of the subject litigation.

Sincerely yours,



Philip Whitworth

PW:bs
Enclosure

cc: Mr. Spencer Reid (w/o enc.)
Ms. M'Lou Bell (w/o enc.)

Harris Co

Manchester

STATE OF TEXAS
COUNTY OF HARRIS

§
§
§

BOUNDARY AGREEMENT

This Boundary Agreement ("Agreement") is made and entered into by and between the State of Texas and the School Land Board of the State of Texas, acting by and through Garry Mauro, Commissioner of the Texas General Land Office and Chairman of the School Land Board and on behalf of the General Land Office of the State of Texas and the Permanent School Fund of the State of Texas (collectively herein "the State") and Manchester Terminal Corporation, a Texas corporation, and Hubert S. Finkelstein (collectively herein "Manchester"), effective November 7, 1995.

WHEREAS, the State, Manchester and the Port of Houston Authority (herein the "Port") are parties to that certain Mutual Release and Compromise of Litigation, Claims and Causes of Action entered in Cause No. 01-91-0182-CV in the Court of Appeals for the First Supreme Judicial District of Texas at Houston, Texas, recorded under Film Code No. 160-58-3768 in the Official Public Records of Real Property of Harris County, Texas (the "Release"); and

WHEREAS, Paragraph 4 of the Release contemplates the establishment and confirmation of a boundary line between Manchester's property and property of the State and the Port; and

WHEREAS, Paragraph 4(b)(3)(v) of the Release authorizes construction of a bulkhead not less than 120' northwest from the "Project Centerline" (as such phrase is defined in the Release); and

WHEREAS, upon construction of the bulkhead in a location not less than 120' northwest from the Project Centerline as authorized by Paragraph 4(b)(3)(v) of the Release (hereinafter, as properly located and constructed, the "Bulkhead"), Manchester will own the Land Side and its boundary shall be as shown on Exhibit "A" that is attached hereto and incorporated by reference herein for all purposes; and

WHEREAS, Manchester has constructed the Bulkhead as contemplated by the Release; and

WHEREAS, a survey as contemplated by the Release of the boundary line has been made by Landtech Consultants, Inc., and recorded in the Real Property Records of Harris County, Texas, a

certified copy of which is attached hereto as Exhibit "A" and incorporated herein by reference for all purposes (herein the "Survey"); and

WHEREAS, Paul P. Kwan, President of Landtech Consultants, Inc., has executed and recorded a "Certificate and Affidavit" regarding the location of the Bulkhead, a certified copy of which is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes (herein the "Affidavit"); and

WHEREAS, the Director of Surveying of the General Land Office has concluded that, based upon the Survey, the Affidavit and information provided to the State by Manchester, the Bulkhead was constructed in a location not less than 120' northwest from the Project Centerline as authorized by Paragraph 4(b)(3)(v); and

WHEREAS, the State, the Port and Manchester have each performed their respective obligations under the Release; and

WHEREAS, the Port and Manchester have executed a Mutual Quitclaim Deed, a certified copy of which is attached hereto as Exhibit "C" and incorporated herein by reference for all purposes; and

WHEREAS, Manchester and the State have agreed to evidence the boundary between their respective properties by entering into a written agreement to be recorded by Manchester in the Real Property Records of Harris County, Texas; and

WHEREAS, pursuant to TEX. NAT. RES. CODE ANN., §33.060 (Vernon Supp. 1995), the School Land board has the authority to locate and have marked on the ground a boundary separating coastal public land from other land; and

WHEREAS, the State-owned subject property is located on Sims Bayou, a tidally influenced navigable waterway and is coastal public land; and

WHEREAS, the School Land Board approved the execution of this Agreement at its regularly scheduled meeting of November 7, 1995;

NOW, THEREFORE, the parties being in agreement that each is receiving a benefit and value equal to that being received by the other, in consideration of the mutual agreements herein contained, the parties mutually agree as follows:

1. The common boundary between the State-owned submerged mineral estate and Manchester's property has been marked on the ground and is hereby mutually agreed to be as depicted by the Survey attached hereto as Exhibit "A".

2. This Agreement, with Exhibits "A", "B" and "C" attached, upon execution by the respective parties shall be filed for record by Manchester, at its sole cost and expense, in the Real Property Records of Harris County, Texas, and Manchester shall provide the State with a certified copy of such recorded Agreement within thirty (30) days of execution.

3. This Agreement is executed on behalf of the State by Garry Mauro, Commissioner of the Texas General Land Office and Chairman of the School Land Board, by virtue of and under the authority of TEX. NAT. RES. CODE ANN., §33.060 (Vernon Supp. 1995).

4. This Agreement shall be binding on and inure to the benefit of the successors, representatives and assigns of the parties hereto, but is limited to the specific area delineated in the Survey.

IN WITNESS WHEREOF, this Agreement is executed under Seal of Office this 7th day of November, 1995, effective November 7, 1995.

ATTORNEY FOR STATE OF TEXAS

Dan Morales, Attorney General
of the State of Texas

By: Priscilla M. Hubenak
Assistant Attorney General
of Texas, Priscilla M. Hubenak

SCHOOL LAND BOARD, STATE OF
TEXAS, ON BEHALF OF THE
PERMANENT SCHOOL FUND OF THE
STATE OF TEXAS

By: Garry Mauro
Garry Mauro, Commissioner,
Texas General Land Office
and Chairman, School Land
Board

MANCHESTER TERMINAL CORPORATION

By: Beay
Its PRESIDENT.

H. S. Finkelstein
HUBERT S. FINKELSTEIN

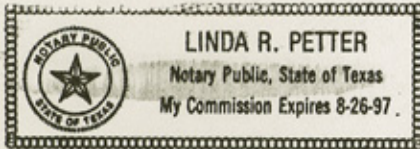
APPROVED:
Legal MPB
Contents; MPB
Deputy Comm. MPB
Sr. Deputy MPB
Executive _____

STATE OF TEXAS

§
§
§

COUNTY OF HARRIS

This instrument was acknowledged before me on 12/1/95,
1995 by H. REAY, PRESIDENT of Manchester
Terminal Corporation, a Texas corporation.



Linda R. Petter
Notary Public in and for
State of Texas

Commission Expires: 8/26/97

STATE OF TEXAS

§
§
§

COUNTY OF HARRIS

This instrument was acknowledged before me on 12/1/95,
1995 by Hubert S. Finkelstein.



Linda R. Petter
Notary Public in and for
State of Texas

Commission Expires: 8/26/97

CERTIFICATE

I, Linda Fisher, Secretary of the School Land Board, of the State of Texas, do hereby certify that at a meeting of the School Land Board duly held on the 7th day of November, 1995, the foregoing instrument was presented and approved by said Board under the provisions of Subchapter C, Chapter 33, of the Texas Natural Resources Code Ann., all of which is set forth in the Minutes of the Board of which I am custodian.

IN TESTIMONY WHEREOF, witness my hand this the 7th day of November, 1995.

Linda K. Fisher
Secretary of the School Land Board

R6751-15



506-18-0557

LANDTECH CONSULTANTS, INC.
Civil Engineering • Land Surveying

CERTIFICATE AND AFFIDAVIT

offt

STATE OF TEXAS)
) KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HARRIS)

11/20/95 100115058 R 675145 \$15.00

BEFORE ME, the undersigned authority, on this day personally appeared Paul P. Kwan, who being by me duly sworn, upon his oath did swear and affirm as follows:

"My name is Paul P. Kwan and my mailing address is 2627 North Loop West, Suite 224, Houston, Texas. I am above 18 years of age and I have never been convicted of a felony or crime of moral turpitude, and I am competent to make this affidavit. I have personal knowledge of the matters set forth in this affidavit. I am the President of Landtech Consultants, Inc. I am a Registered Professional Land Surveyor in the State of Texas, Number 4313.

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11/20/95

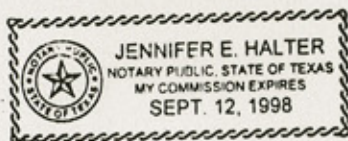
I have prepared the field note description and plat for a common line being the southeasterly boundary line of a certain (called) 72.5202 acre tract described in deed dated July 31, 1985, from Manchester Terminal Company to Medallion Terminal Corporation, recorded under Harris County Clerk's File No. K134490 and Film Code No. 021-77-2338, Harris County Official records of real property, and the northwesterly line of Sims Bayou, located in the Morris Callahan & Allen Vince League, Abstract No. 9, Harris County, Texas.

A true and corrected copy of this survey is shown on Attachment "A" (consisting of 3 pages) revised as dated on November 14, 1995.

Further affiant saith not."

Paul P. Kwan
Paul P. Kwan

SUBSCRIBED AND SWORN TO before me, the undersigned authority, by Jennifer E. Halter on this 20th day of November, 1995, to certify which witness my hand and seal of office.



Jennifer E. Halter
Notary Public

2627 North Loop West, Suite 224 • Houston, Texas 77008 • Tel: (713) 861-7068 • Fax: (713) 861-4131

Halter for Kiput

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

Exhibit "A"
to Boundary Agreement

[Handwritten mark]

A CERTIFIED COPY

ATTEST: NOV 21 1995
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Dolores T. Lopez Deputy
DOLORES T. LOPEZ

counter 26001



LANDTECH CONSULTANTS, INC.
Civil Engineering • Land Surveying

506-18-0558

FIELD NOTE DESCRIPTION FOR A COMMON LINE BEING THE SOUTHEASTERLY BOUNDARY LINE OF A CERTAIN (CALLED) 72.5202 ACRE TRACT DESCRIBED IN DEED DATED JULY 31, 1985, FROM MANCHESTER TERMINAL COMPANY TO MEDALLION TERMINAL CORPORATION, RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. K134490 AND FILM CODE NO. 021-77-2338, HARRIS COUNTY OFFICIAL RECORDS OF REAL PROPERTY, AND THE NORTHWESTERLY LINE OF SIMS BAYOU, LOCATED IN THE MORRIS CALLAHAN & ALLEN VINCE LEAGUE, ABSTRACT NO. 9, HARRIS COUNTY, TEXAS: (ALL BEARINGS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. ALL DISTANCES ARE SURFACE AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A GRID FACTOR OF 0.99988455389. ALL COORDINATES ARE GRID.)

D

COMMENCING at a 3 inch iron pipe in concrete dated 1934 (X = 3189881.15, Y = 703127.11) found for an angle point in the south line of said 72.5202 acre tract, said point being the northeast corner of a certain 28.9624 acre tract described in deed to H.111 Petroleum Company, recorded under Harris County Clerk's File No. K447752 and Film Code No. 041-64-1732;

THENCE S 51 deg. 55 min. 58 sec. E, along the common line between said 72.5202 acre tract and said 28.9624 acre tract, at 786.62 feet pass a found 5/8 inch iron rod with cap, in all 924.75 feet to a point in the northwesterly or left descending bank of Sims Bayou at the existing line of the Mean Higher High Water (M.H.H.W., as established by survey June 12-13, 1991) for the POINT OF BEGINNING of the herein described line (X = 3190609.11, Y = 702556.99);

THENCE N 50 deg. 12 min. 26 sec. E, down said bank and with the existing line of M.H.H.W., 39.62 feet to a point in the 1986 line of M.H.H.W. as established by judgment rendered October 26, 1990, by the 269th District Court of Harris County, Case No. 88-28098 styled "The Port of Houston Authority vs. Manchester Terminal Corporation", recorded in Volume 5676, Page 501, Harris County District Court Records;

THENCE down said bank of Sims Bayou and said 1986 line of M.H.H.W. the following courses and distances:

- N 32 deg. 47 min. 13 sec. E, 81.17 feet;
- N 31 deg. 06 min. 34 sec. E, 77.96 feet;
- N 33 deg. 24 min. 16 sec. E, 74.52 feet;

THENCE N 57 deg. 18 min. 27 sec. E, departing from said 1986 line of M.H.H.W., 4.45 feet to the southeasterly corner of a new wood piling and concrete bulkhead, said point located with reference to the Proposed Centerline of Sims Bayou as established by the United States Army Corps of Engineers at Station 27+98.82, 120.42 feet right;

THENCE N 32 deg. 29 min. 35 sec. E, along the wet face of said bulkhead, 711.21 feet to an angle point, said point located with reference to the Proposed Centerline of Sims Bayou as established by the United States Army Corps of Engineers at Station 21+07.42, 120.53 feet right of the back and forward tangents of said centerline;

THENCE N 49 deg. 52 min. 10 sec. E, continuing along said wet face of bulkhead, 935.43 feet to the northeasterly corner of said bulkhead, said point located with reference to the Proposed Centerline of Sims Bayou as established by the United States Army Corps of Engineers at Station 12+18.48, 120.74 feet right;

THENCE N 04 deg. 52 min. 56 sec. E, 30.72 feet to the northerly end of a new concrete wall, said point being in the wet face of an existing steel bulkhead;

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

NOV 21 1995

ATTEST:
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Dolores T. Lopez, Deputy
DOLORES T. LOPEZ

Counter 26002



LANDTECH CONSULTANTS, INC.
Civil Engineering • Land Surveying

506-18-0559

THENCE with said steel bulkhead the following courses and distances:

N 47 deg. 07 min. 36 sec. E, 91.79 feet;
N 57 deg. 47 min. 24 sec. E, 52.03 feet;
N 41 deg. 01 min. 44 sec. E, 82.16 feet;
N 30 deg. 35 min. 52 sec. E, 59.15 feet;
N 69 deg. 43 min. 03 sec. E, 89.93 feet to the corner of an existing concrete dock;

THENCE N 46 deg. 02 min. 01 sec. E, along the edge of said existing concrete dock, 49.35 feet to northeasterly corner of said dock at the apparent intersection of the left descending bank of said Sims Bayou and the southerly or right descending bank of the Houston Ship Channel.

August 15, 1995

Landtech Consultants, Inc.



Paul P. Kwan

Paul P. Kwan
Registered Professional Land Surveyor
No. 4313

23fn132.01
930521
Dwg. 93-132-E-146
revised 8/24/95 changed sheet number
revised 11/10/95 added grid coordinates
revised 11/14/95 added ties to centerline

THE STATE OF TEXAS,

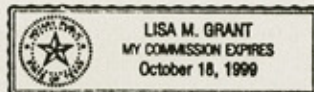
County of Harris

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Paul P. Kwan known to me to be the person _____ whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 15th day of Nov, A.D. 1995

Lisa M. Grant

Notary Public in and for Harris County, Tx.



-- PAGE 2 OF 3 PAGES --

2627 North Loop West, Suite 224 • Houston, Texas 77008 • Tel: (713) 861-7068 • Fax: (713) 861-4131

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

ATTEST: NOV 21 1995
Beverly B. Kaufman, County Clerk
Harris County, Texas

Dolores T. Lopez, Deputy
DOLORES T. LOPEZ

Counter 26003

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

ATTEST: NOV 21 1995

BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Dolores T. Lopez
DOLORES T. LOPEZ
Deputy

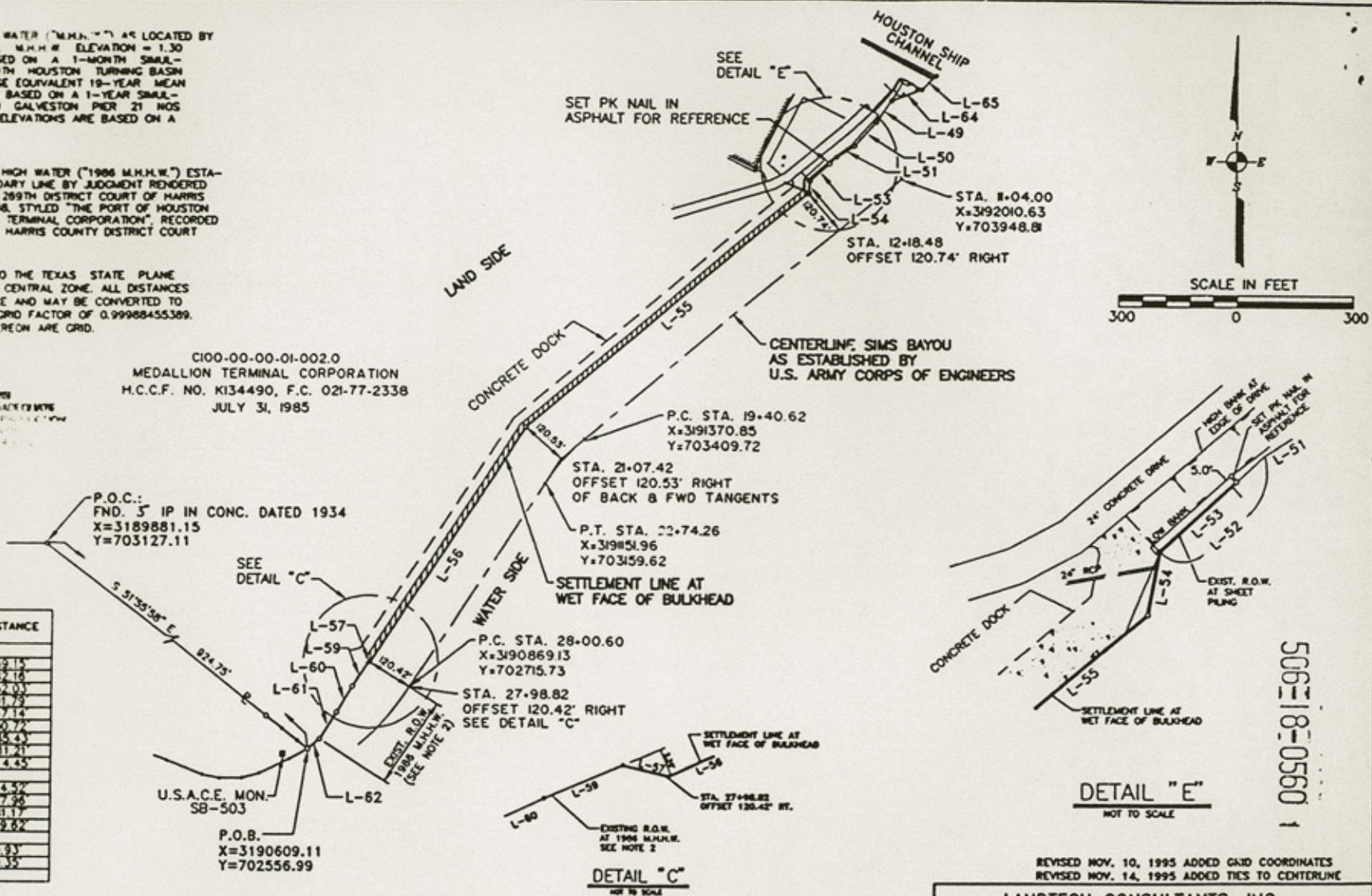
NOTES

- 1) LINE OF MEAN HIGHER HIGH WATER ("M.H.H.W.") AS LOCATED BY SURVEY JUNE 12-13, 1991. M.H.H.W. ELEVATION = 1.30 FEET NGVD (1987 ADJ.) BASED ON A 1-MONTH SIMUL-TANEOUS OBSERVATION WITH HOUSTON TURNING BASIN SECONDARY STATION, WHOSE EQUIVALENT 19-YEAR MEAN TIDAL DATUM ELEVATION IS BASED ON A 1-YEAR SIMUL-TANEOUS OBSERVATION WITH GALVESTON PIER 21 NOS TIDE STATION. DATUM ELEVATIONS ARE BASED ON A 1989-1987 TIDAL EPOCH.
- 2) 1986 LINE OF MEAN HIGHER HIGH WATER ("1986 M.H.H.W.") ESTABLISHED AS CURRENT BOUNDARY LINE BY JUDGMENT RENDERED OCTOBER 28, 1990, BY THE 289TH DISTRICT COURT OF HARRIS COUNTY, CASE NO. 88-28098, STYLED "THE PORT OF HOUSTON AUTHORITY VS. MANCHESTER TERMINAL CORPORATION", RECORDED IN VOLUME 5478, PAGE 501, HARRIS COUNTY DISTRICT COURT RECORDS.
- 3) ALL BEARINGS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. ALL DISTANCES SHOWN HEREON ARE SURFACE AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A GRID FACTOR OF 0.99988455389. ALL COORDINATES SHOWN HEREON ARE GRID.

THIS IS AN INSTRUMENT
WHICH IS SUBJECT TO THE
RECORDS OF THE PUBLIC UTILITY
COMMISSION OF THE STATE OF TEXAS.

C100-00-00-01-002.0
MEDALLION TERMINAL CORPORATION
H.C.C.F. NO. K134490, F.C. 021-77-2338
JULY 31, 1985

LINE	BEARING	DISTANCE
L-49	N 30°35'22" E	59.15
L-50	N 41°01'44" E	82.16
L-51	N 27°47'24" E	82.03
L-52	N 47°07'28" E	51.79
L-53	N 47°07'28" E	67.14
L-54	N 02°52'58" E	50.72
L-55	N 49°52'10" E	335.43
L-56	N 32°49'25" E	711.21
L-57	N 57°18'27" E	4.45
L-58	N 31°24'18" E	74.52
L-59	N 31°08'24" E	77.26
L-60	N 32°47'13" E	61.17
L-61	N 50°12'28" E	59.82
L-62	N 89°43'03" E	89.33
L-65	N 48°02'01" E	49.35



50618-0560

REVISED NOV. 10, 1995 ADDED GRID COORDINATES
REVISED NOV. 14, 1995 ADDED TIES TO CENTERLINE

LANDTECH CONSULTANTS, INC.
2627 NORTH LOOP WEST, SUITE 224
HOUSTON, TEXAS 77008
(713) 861-7068

SHT. 3 OF 3

C:\930521\80145MS.DWG

EXHIBIT "A"

Counter 26004

FILED

20 NOV 20 PM 4:13

Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY TEXAS

506-18-0561

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW THE STATE OF TEXAS }
COUNTY OF HARRIS }

I hereby certify that this instrument was FILED in File Number _____ Sequence on the date and at the time stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

NOV 20 1995



Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY TEXAS

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY
NOV 21 1995

ATTEST: _____
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Dolores T. Lopez
DOLORIS T. LOPEZ Deputy

Handwritten initials

Counter 26005

aff

R675144



506-18-0555

LANDTECH CONSULTANTS, INC.
Civil Engineering • Land Surveying

CERTIFICATE AND AFFIDAVIT

11/20/95 100115057 R 675144

\$11.00

STATE OF TEXAS)
)
COUNTY OF HARRIS)

KNOW ALL MEN BY THESE PRESENTS:

BEFORE ME, the undersigned authority, on this day personally appeared Paul P. Kwan, who being by me duly sworn, upon his oath did swear and affirm as follows:

"My name is Paul P. Kwan and my mailing address is 2627 North Loop West, Suite 224, Houston, Texas. I am above 18 years of age and I have never been convicted of a felony or crime of moral turpitude, and I am competent to make this affidavit. I have personal knowledge of the matters set forth in this affidavit. I am the President of Landtech Consultants, Inc. I am a Registered Professional Land Surveyor in the State of Texas, Number 4313.

11
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for power

I have surveyed the wet face of the bulkhead structure built by Manchester Terminal Corporation on the left bank of the new Sims Bayou Channel. The two end points and one angle point of the said wet face of the bulkhead structure are located from 120'-5" to 120'-9" perpendicular to the Corps of Engineers "Realignment Project"--"Project Centerline" of the Sims Bayou Channel and are the closed points to said center line. A true and correct copy of this survey with coordinates describing exact geographical locations of said points is attached as Exhibit A revised November 16, 1995.

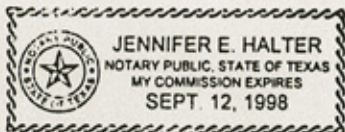
Further affiant saith not."

Paul P. Kwan

Paul P. Kwan

SUBSCRIBED AND SWORN TO before me, the undersigned authority, by Jennifer E. Halter on this 20th day of November, 1995, to certify which witness my hand and seal of office.

Jennifer E. Halter
Notary Public



2627 North Loop West, Suite 224 • Houston, Texas 77008 • Tel: (713) 861-7068 • Fax: (713) 861-4131

hold the paper

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

ATTEST: NOV 21 1995
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Exhibit "B"
to Boundary Agreement

Dolores T. Lopez, Deputy
DOLORES T. LOPEZ

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counter 26006

505-55-2235

R602021

STATE OF TEXAS §
COUNTY OF HARRIS §

MISSOURI 1890-1917 9 10000 119.00

MUTUAL QUITCLAIM DEED

WHEREAS, Manchester Terminal Corporation, a Texas corporation, whose address is 10,000 Manchester Street, Houston, Texas 77012, Hubert S. Finkelstein, individually, whose address is 1407 Fannin Street, Houston, Texas 77002, (collectively referred to as "Manchester"), and the Port of Houston Authority ("Port"), whose address is 111 East Loop North, Houston, Texas 77029, are parties to that certain Mutual Release and Compromise of Litigation, Claims and Causes of Action entered in Cause No. 01-91-0182-CV in the Court of Appeals for the First Supreme Judicial District of Texas, recorded under Film Code No. 160-58-3768 in the Official Public Records of Real Property of Harris County, Texas (the "Release"); and

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WHEREAS, Paragraph 4 of the Release contemplates the establishment and confirmation of a boundary line between Manchester's property and the Port's property; and

WHEREAS, Manchester has constructed a bulkhead as contemplated by the Release; and

WHEREAS, a joint survey of the boundary line has been made by Landtech Consultants, Inc. as contemplated by the Release; and

WHEREAS, each of the Port and Manchester has performed all of its respective obligations under the Release;

NOW, THEREFORE, the parties hereto do agree, quitclaim and release as follows:

Manchester quitclaims to the Port all of Manchester's right, title and interest in and to all of the surface estate of the land ("Property I") lying on the eastern or southeastern Sims Bayou side of that line described as the "Boundary Line" in Exhibit "A" attached hereto, to have and to hold to the Port, its successors and assigns forever. Neither Manchester nor its successors or assigns shall have, claim or demand any right, title or interest to Property I or any part thereof.

The Port quitclaims to Manchester all of the Port's right, title and interest in and to all of the land ("Property II") lying on the western or northwestern land side of that line described as the "Boundary Line" in Exhibit "A" attached hereto, to have and to hold to Manchester, its

ilk

Return to Chris Fling P.O. Box 1101 Houston Tx 77251

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

ATTEST: NOV 21 1995
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Sally S. Zuniga, Deputy

SALLY S. ZUNIGA

Exhibit "C"
to Boundary Agreement

ilk

Counter 26008

successors and assigns forever. Neither the Port nor its successors or assigns shall have, claim or demand any right, title or interest to Property II or any part thereof.

It is further agreed and confirmed that the above-described "Boundary Line" is and shall be the boundary line settling the boundary dispute between the Port and Manchester referred to in the Release.

EXECUTED this 29th day of August, 1995.

MANCHESTER TERMINAL CORPORATION

By [Signature]
Name: H. REAY
Title: PRESIDENT.

HUBERT S. FINKELSTEIN
[Signature]
Name: Hubert S. Finkelstein
Title: Individual

PORT OF HOUSTON AUTHORITY
By [Signature]
Name: H. T. Kornegay
Title: Executive Director

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

ATTEST: NOV 21 1995
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

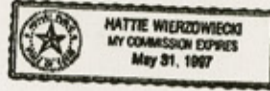
[Signature], Deputy

SALLY S. ZUNIGA

STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on August 29, 1995, by H. Keay, President of Manchester Terminal Corporation.

Mattie Wierdzwiecki
Notary Public in and for the
State of Texas



STATE OF TEXAS §
COUNTY OF HARRIS §

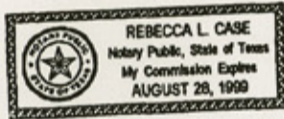
This instrument acknowledged before me on August 29, 1995, by Hubert S. Finkelstein.

Mattie Wierdzwiecki
Notary Public in and for the
State of Texas



STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on September 28, 1995, by H. J. Karsney, Executive Director of Port of Houston Authority.



Rebecca L. Case
Notary Public in and for the
State of Texas

M

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

ATTEST: NOV 21 1995
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Sally S. Zuniga, Deputy

SALLY S. ZUNIGA

Coenter 26010



FIELD NOTE DESCRIPTION FOR A COMMON LINE BEING THE SOUTHEASTERLY BOUNDARY LINE OF A CERTAIN (CALLED) 72.5202 ACRE TRACT DESCRIBED IN DEED DATED JULY 31, 1985, FROM MANCHESTER TERMINAL COMPANY TO MEDALLION TERMINAL CORPORATION, RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. K134490 AND FILM CODE NO. 021-77-2338, HARRIS COUNTY OFFICIAL RECORDS OF REAL PROPERTY, AND THE NORTHWESTERLY LINE OF SIMS BAYOU, LOCATED IN THE MORRIS CALLAHAN & ALLEN VINCE LEAGUE, ABSTRACT NO. 9, HARRIS COUNTY, TEXAS: (ALL BEARINGS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. ALL DISTANCES ARE SURFACE AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A GRID FACTOR OF 0.99998455389.)

COMMENCING at a 3 inch iron pipe in concrete dated 1934 found for an angle point in the south line of said 72.5202 acre tract, said point being the northeast corner of a certain 28.9624 acre tract described in deed to Hill Petroleum Company, recorded under Harris County Clerk's File No. K447752 and Film Code No. 041-64-1732;

THENCE S 51 deg. 55 min. 58 sec. E, along the common line between said 72.5202 acre tract and said 28.9624 acre tract, at 786.62 feet pass a found 5/8 inch iron rod with cap, in all 924.75 feet to a point in the northwesterly or left descending bank of Sims Bayou at the existing line of, the Mean Higher High Water (M.H.H.W., as established by survey June 12-13, 1991) for the POINT OF BEGINNING of the herein described line;

THENCE N 50 deg. 12 min. 26 sec. E, down said bank and with the existing line of M.H.H.W., 39.62 feet to a point in the 1986 line of M.H.H.W. as established by judgment rendered October 26, 1990, by the 269th District Court of Harris County, Case No. 88-28098 styled "The Port of Houston Authority vs. Manchester Terminal Corporation", recorded in Volume 5676, Page 501, Harris County District Court Records;

THENCE down said bank of Sims Bayou and said 1986 line of M.H.H.W. the following courses and distances:

- N 32 deg. 47 min. 13 sec. E, 81.17 feet;
- N 31 deg. 06 min. 34 sec. E, 77.96 feet;
- N 33 deg. 24 min. 16 sec. E, 74.52 feet;

THENCE N 57 deg. 18 min. 27 sec. E, departing from said 1986 line of M.H.H.W., 4.45 feet to the southeasterly corner of a new wood piling and concrete bulkhead;

THENCE N 32 deg. 29 min. 35 sec. E, along the wet face of said bulkhead, 711.21 feet to an angle point;

THENCE N 49 deg. 52 min. 10 sec. E, continuing along said wet face of bulkhead, 935.43 feet to the northeasterly corner of said bulkhead;

THENCE N 04 deg. 52 min. 56 sec. E, 30.72 feet to the northerly end of a new concrete wall, said point being in the wet face of an existing steel bulkhead;

THENCE with said steel bulkhead the following courses and distances:

- N 47 deg. 07 min. 36 sec. E, 91.79 feet;

-- PAGE 1 OF 3 PAGES --

2627 North Loop West, Suite 224 • Houston, Texas 77008 • Tel: (713) 861-7068 • Fax: (713) 861-4131

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

ATTEST: NOV 21 1995
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Sally S. Zuniga Deputy

SALLY S. ZUNIGA

Counter 26011



LANDTECH CONSULTANTS, INC.
Civil Engineering • Land Surveying

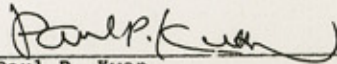
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N 41 deg. 01 min. 44 sec. E, 82.16 feet;
N 30 deg. 35 min. 52 sec. E, 59.15 feet;
N 69 deg. 43 min. 03 sec. E, 89.93 feet to the corner of an
existing concrete dock;

THENCE N 46 deg. 02 min. 01 sec. E, along the edge of said exist-
ing concrete dock, 49.35 feet to northeasterly corner of said
dock at the apparent intersection of the left descending bank of
said Sims Bayou and the southerly or right descending bank of the
Houston Ship Channel.

August 15, 1995

Landtech Consultants, Inc.



Paul P. Kwan
Registered Professional Land Surveyor
No. 4313



23fn132.01
930521
Dwg. 93-132-E-146
revised 8/24/95 changed sheet number

-- PAGE 2 OF 3 PAGES --

ML

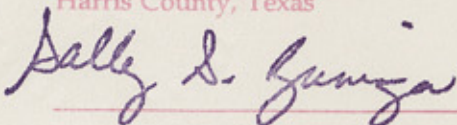
2627 North Loop West, Suite 224 • Houston, Texas 77008 • Tel: (713) 861-7068 • Fax: (713) 861-4131

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OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF
COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER
THE FEDERAL LAW.

A CERTIFIED COPY

NOV 21 1995

ATTEST: _____
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas



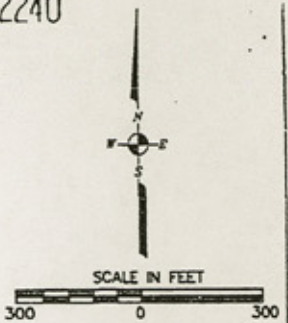
Deputy

SALLY S. ZUNIGA

ML

Counter 26012

50L-55-2240



NOTES:

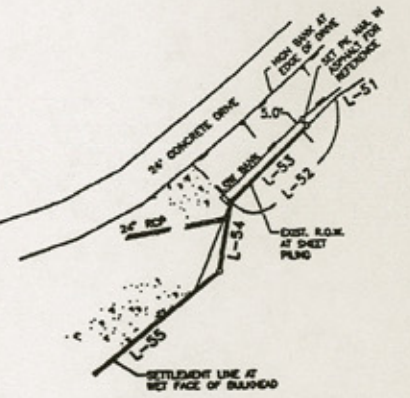
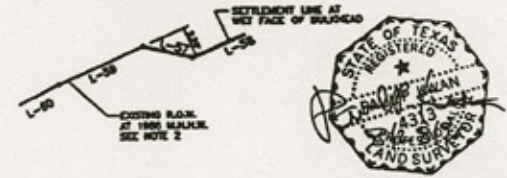
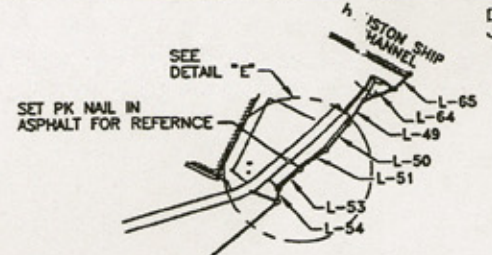
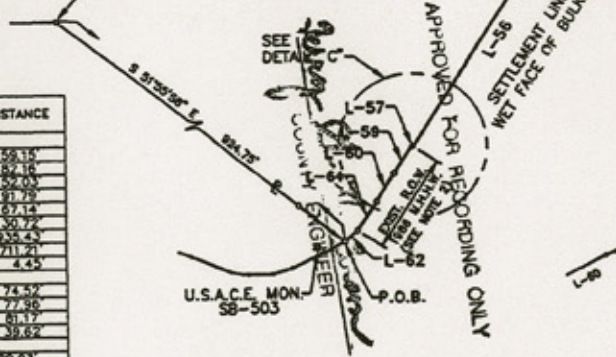
- 1.) LINE OF MEAN HIGHER HIGH WATER ("M.H.H.W.") AS LOCATED BY SURVEY JUNE 12-13, 1991: M.H.H.W. ELEVATION = 1.30 FEET NGVD (1987 ADL) BASED ON A 1-MONTH SIMULTANEOUS OBSERVATION WITH HOUSTON TURNING BASIN SECONDARY STATION, WHOSE EQUIVALENT 19-YEAR MEAN TIDAL DATUM ELEVATION IS BASED ON A 1-YEAR SIMULTANEOUS OBSERVATION WITH GALVESTON PIER 21 NCS TIDE STATION. DATUM ELEVATIONS ARE BASED ON A 1989-1987 TIDAL EPOCH.
- 2.) 1986 LINE OF MEAN HIGHER HIGH WATER ("1986 M.H.H.W.") ESTABLISHED AS CURRENT BOUNDARY LINE BY JUDGMENT RENDERED OCTOBER 28, 1990, BY THE 289TH DISTRICT COURT OF HARRIS COUNTY, CASE NO. 88-28098, STYLED "THE PORT OF HOUSTON AUTHORITY VS. MANCHESTER TERMINAL CORPORATION", RECORDED IN VOLUME 5676, PAGE 501, HARRIS COUNTY DISTRICT COURT RECORDS.
- 3.) ALL BEARINGS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. ALL DISTANCES SHOWN HEREON ARE SURFACE AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A GRID FACTOR OF 0.99988455389.

MEMORANDUM
 AT THE TIME OF CORPORATION, THIS MEMORANDUM SHALL BE REPRODUCED IN FULL IN ALL REPRODUCTIONS OF THIS PLAN AND SHALL BE FILED WITH THE SAME.

C100-00-00-01-002.0
 MEDALLION TERMINAL CORPORATION
 H.C.C.F. NO. K134490, F.C. 025-77-2338
 JULY 11, 1985

LINE	BEARING	DISTANCE
L-49	N 30°45'57" E	58.15
L-50	N 41°01'44" E	82.14
L-51	N 57°57'24" E	52.05
L-52	N 47°07'58" E	37.79
L-53	N 47°07'58" E	07.14
L-54	N 04°42'50" E	30.72
L-55	N 48°52'10" E	835.43
L-56	N 57°18'26" E	711.21
L-57	N 57°18'27" E	4.52
L-58	N 33°24'18" E	74.57
L-59	N 31°06'34" E	77.86
L-60	N 32°47'13" E	81.17
L-61	N 50°12'26" E	39.82
L-62	N 69°43'03" E	89.83
L-63	N 46°02'01" E	48.30

P.O.C.: FND. 5" IP IN CONC. DATED 1934



DETAIL "E"
 NOT TO SCALE

DETAIL "C"
 NOT TO SCALE

LANDTECH CONSULTANTS, INC.
 2627 NORTH LOOP WEST, SUITE 224
 HOUSTON, TEXAS 77008
 (713) 861-7066

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A CERTIFIED COPY

ATTEST: NOV 21 1995

BEVERLY B. KAUFMAN, County Clerk
 Harris County, Texas

Sally S. Zuniga
 Deputy

SALLY S. ZUNIGA

Counters 26013

505-55-2241

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW THE STATE OF TEXAS) COUNTY OF HARRIS) I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped herein by me, and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas on

SEP 29 1995



Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY TEXAS

Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY TEXAS
FILED
25 SEP 29 PM 1:45

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

NOV 21 1995

ATTEST: _____
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Sally S. Zuniga, Deputy

SALLY S. ZUNIGA

Counter 26014