

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 18, 2012

Mr. Ross Doctoroff
Phase Engineering, Inc.
335 West 21st Street
Houston, Texas 77008

RE: Municipal Setting Designation (MSD) Certificate for Retail Shopping
Center, 2806 – 2818 Hullsmith Drive, Houston, Harris County, Texas;
MSD No. 190

Dear Mr. Doctoroff

Enclosed is the Municipal Setting Designation Certification for your site. You can use this certification as the basis to avail of the groundwater assessment and remediation flexibility offered in accordance with Texas Health and Safety Code §361.808, consistent with the site-specific circumstances.

If I can be of any further assistance, please do not hesitate to contact me at (512) 239-3582 or via e-mail (Jeffery.Beckage@TCEQ.Texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Beckage".

Jeffrey S. Beckage, P.G. No. 381, Project Manager
VCP-CA Section
Remediation Division

JB/jdm

Enclosure

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



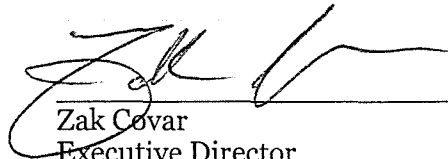
MUNICIPAL SETTING DESIGNATION CERTIFICATE

As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Zak Covar, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 190, in the City of Houston, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as attested to by the affidavit in Exhibit "B", provided pursuant to Texas Health and Safety Code §361.804(b)(2)(D). This certificate shall continue in effect so long as the institutional control required by Texas Health and Safety Code §361.8065 is maintained in effect.

Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on Environmental Quality environmental remediation regulation, as modified by Texas Health and Safety Code §361.808.

EXECUTED this the 14th day of December, 20 12



Zak Covar
Executive Director
Texas Commission on Environmental Quality

EXHIBIT A

BEING A TRACT OR PARCEL OF LAND CONTAINING 3.4231 ACRES OF LAND, MORE OR LESS, BEING A STRIP OF LAND OUT OF A 16.5 ACRES TRACT IN THE J.D. TAYLOR SURVEY, AS DESCRIBED IN DEED DATED JULY 25, 1917 RECORDED IN VOLUME 388, PAGE 159 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS, SAID 3.4231 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 5/8 INCH IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID 16.5 ACRES TRACT SAID 5/8 INCH IRON ROD ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF WESTHEIMER ROAD (120' R.O.W.);

THENCE SOUTH 89 DEG. 44 MIN. 45 SEC. EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF WESTHEIMER ROAD A DISTANCE OF 132.34 FEET TO A 5/8 INCH ROD FOUND FOR THE NORTHWEST CORNER AND PLACE OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 89 DEG. 44 MIN. 45 SEC. EAST CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE OF WESTHEIMER ROAD A DISTANCE OF 170.00 FEET TO A P.K. NAIL SET FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 00 DEG. 03 MIN. 45 SEC. EAST A DISTANCE OF 661.04 FEET TO A 1/2 INCH IRON ROD SET FOR THE BEGINNING OF A CURVE;

THENCE SOUTHEASTERLY ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 60.00 FEET A CENTRAL ANGLE OF 149 DEG. 22 MIN. 30 SEC. A CHORD WHICH BEARS SOUTH 14 DEG. 45 MIN. 45 SEC. EAST A CHORD DISTANCE OF 115.74 FEET AN ARC DISTANCE OF 156.42 FEET TO A 1/2 IRON ROD SET FOR THE END OF THE CURVE;

THENCE SOUTH 00 DEG. 03 MIN. 45 SEC. EAST ALONG THE WEST LINE OF THAT CERTAIN TRACT RECORDED UNDER HARRIS COUNTY CLERK'S FILM CODE NO. 548-10-3074 A DISTANCE OF 98.28 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 89 DEG. 44 MIN. 48 SEC. WEST ALONG THE NORTH LINE OF BRIARMEADOW, SEC. 1 A DISTANCE OF 200.00 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 00 DEG. 01 MIN. 16 SEC. WEST ALONG THE EAST LINE OF THAT CERTAIN TRACT RECORDED UNDER HARRIS COUNTY CLERK'S FILM CODE NO. 023-52-3276 A DISTANCE OF 871.11 FEET TO THE PLACE OF BEGINNING AND CONTAINING 3.4231 ACRES OF LAND, MORE OR LESS.

NOTE: BEARINGS ARE BASED ON INSTRUMENT FILED UNDER H.C.C.F. NO. 023-52-3276.

PROPERTIES OWNED BY THE CITY OF HOUSTON, TEXAS

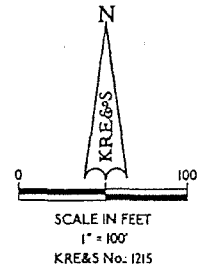
PORTIONS OF THE DEDICATED STREETS KNOWN AS WESTHEIMER ROAD LOCATED WITHIN OR BETWEEN THE RIGHT-OF-WAY LINE NORTH AND ADJACENT TO THIS TRACT.

LEGEND:
 SIR DENOTES SET 5/8" IRON ROD W/CAP
 SN DENOTES SET NAIL W/FLASHER IN PAVEMENT

WESTHEIMER ROAD

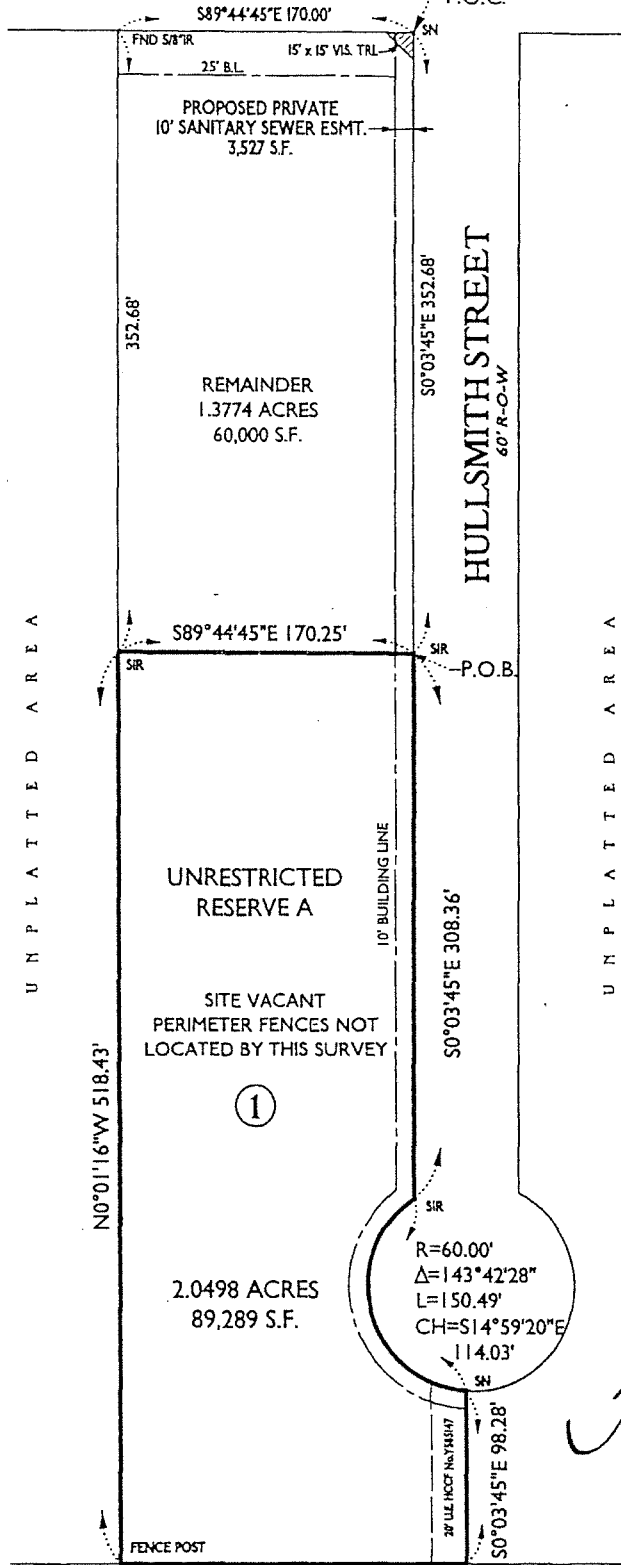
120' R-O-W

P.O.C.



KRE&S

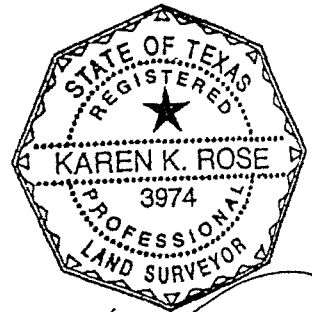
KAREN ROSE ENGINEERING & SURVEYING
 2130 WELCH AVENUE HOUSTON, TEXAS 77019
 email: krose@kre-s.com



KRE&SCAD:BND5VWAG

UNPLATTED AREA

UNPLATTED AREA

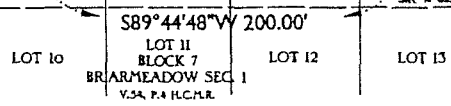


Karen K. Rose
 6/2/08

NOTES:

1. THIS SURVEY HAS RELIED ON THE COMMITMENT FOR TITLE INSURANCE PROVIDED BY CAPITAL TITLE OF TEXAS, LLC, G.F. No. 07-045485-GH, ISSUED 5/23/08, FOR MATTERS OF RECORD.
2. ACCORDING TO PRE. F.I.L.M. No. 44201C0835 L, DATED JUNE 18, 2007, THIS PROPERTY IS LOCATED IN ZONE X, UNSHADED.
3. ANTONIO & JOSEPHINE CANGEMI RESERVED THE RIGHT TO CROSS ANY PART OF RESERVE A FOR UTILITY PURPOSES IN DEED FILED FOR RECORD IN VOLUME 175L, PAGE 308 OF THE HARRIS COUNTY DEED RECORDS.

I HEREBY CERTIFY TO CAPITAL TITLE OF TEXAS, LLC, THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT T.S.P.S. STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION II SURVEY.



BOUNDARY SURVEY OF
 89,289 S.F. OF LAND OUT OF
 RESERVE A, BLOCK I
 TWELVE OAKS ESTATES
 FILM CODE No. 591274 H.C.M.R.
 CITY OF HOUSTON
 HARRIS COUNTY, TEXAS

Exhibit B

Municipal Setting Designation

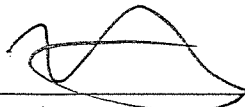
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Ross Doctoroff, as an authorized representative of Phase Engineering, Inc., known to me to be the person whose name is subscribed below who being by me first duly sworn, upon their oath, stated as follows:

I am over the age of 18 and legally competent to make this affidavit. I have personal knowledge of the facts stated herein.

I affirmatively state that (place an X in all applicable blanks)

- The MSD eligibility criteria of THSC Section 361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC 361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the proposed MSD property is included with the application.
- Notice has been provided in accordance with THSC 361.805.
- A copy of an ordinance or restrictive covenant and any required resolutions are provided in this application or will be provided before the executive director certifies this application.



Signature

Date: 1/11/2012

Ross Doctoroff

Printed Name

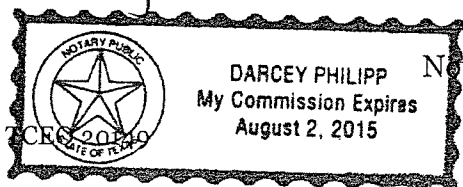
Project Manager

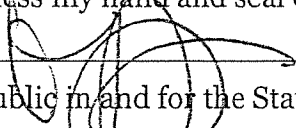
Title

STATE OF Texas

COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 11th day of January 2012, to which witness my hand and seal of office.





Notary Public in and for the State of Texas