

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*  
July 12, 2012

Mr. Tenel Tayar  
Senior Vice President – Chief Investment Officer  
AmREIT Lantern Lane, LP  
8 Greenway Plaza, Suite 1000  
Houston, TX 77046

RE: Municipal Setting Designation (MSD) Certificate for AmREIT Lantern Lane, L.P., 12534 Memorial Drive, Houston, Harris County, Texas; MSD No. 191

Dear Mr. Tayar:

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) 239-2362 or via e-mail ([marthur@TCEQ.Texas.gov](mailto:marthur@TCEQ.Texas.gov)).

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Arthur".

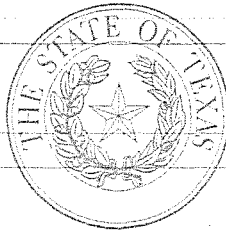
Mark Arthur, Project Manager  
VCP-CA Section  
Remediation Division

MA/mdh

Enclosure

cc: Mr. Michael Marcon, InControl Technologies, 3845 FM 1960 W, Suite 195,  
Houston, TX 77068

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. 191, 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 25 day of June, 2012

A handwritten signature in black ink, appearing to read "Zak Covar", written over a horizontal line.

Zak Covar  
Executive Director  
Texas Commission on Environmental Quality

**Exhibit A****Legal Description**

A TRACT OR PARCEL OF LAND CONTAINING 6.7624 ACRES OR 294,570 SQUARE FEET OF LAND, SITUATED IN THE GEORGE BELLOWS SURVEY, ABSTRACT NO. 3, HARRIS COUNTY, TEXAS BEING OUT OF AND A PART OF LOT 20 OF BENIGNUS ACRES, MAP OR PLAT THEREOF RECORDED IN VOL. 15, PG. 8 OF THE HARRIS COUNTY MAP RECORDS SAID 6.7624 ACRE TRACT BEING THAT SAME TRACT OF LAND CONVEYED TO AMREIT LANTERN LANE, LP IN THAT CERTAIN WARRANTY DEED FILED UNDER HARRIS COUNTY CLERKS FILE NO 20060084602 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD FOUND ON THE WESTERLY RIGHT OF WAY LINE OF BENIGNUS ROAD (BASED ON WIDTH OF 60 FEET) MARKING THE SOUTHEAST CORNER OF MEMORIAL PINES, SECTION TWO, MAP OR PLAT THEREOF RECORDED IN VOL. 68, PG. 1, H.C.M.R. FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH, ALONG AND WITH THE SAID WESTERLY RIGHT OF WAY LINE OF BENIGNUS ROAD, A DISTANCE OF 350.90 FEET TO A 3/4 INCH IRON PIPE FOUND MARKING THE NORTHWEST CORNER OF THE INTERSECTION OF THE SAID WESTERLY RIGHT OF WAY LINE OF BENIGNUS ROAD, WITH THE NORTHERLY RIGHT OF WAY LINE OF MEMORIAL DRIVE (BASED ON A WIDTH OF 100 FEET) FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE WEST, ALONG AND WITH THE SAID NORTHERLY RIGHT OF WAY LINE OF MEMORIAL DRIVE, A DISTANCE OF 839.32 FEET TO A 5/8 INCH IRON ROD FOUND MARKING THE NORTHEAST CORNER AT THE INTERSECTION OF THE SAID NORTHERLY RIGHT OF WAY LINE OF MEMORIAL DRIVE WITH THE EASTERLY RIGHT OF WAY LINE OF TALLOWOOD ROAD (BASED ON A WIDTH OF 60 FEET) FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 00 DEG. 17 MIN. 0 SEC. EAST, ALONG AND WITH THE SAID EASTERLY RIGHT OF WAY LINE OF TALLOWOOD ROAD, A DISTANCE OF 351.76 FEET TO A 5/8 INCH IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF SAID MEMORIAL PINES, SECTION TWO FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 5/8 INCH IRON ROD FOUND FOR REFERENCE BEARS SOUTH 22 DEG. 13 MIN. EAST 1.6 FEET;

THENCE SOUTH 89 DEG. 56 MIN. 30 SEC. EAST, ALONG AND WITH THE SOUTHERLY LINE OF SAID MEMORIAL PINES, SECTION TWO, A DISTANCE OF 837.58 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.7624 ACRES OR 294,570 SQUARE FEET OF LAND.



# Exhibit B

## Municipal Setting Designation

### Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared  
Chad Braun, as an authorized representative of  
AmREIT Lantern Lane, L.P., 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.



Date: March 23, 2012

Signature

Chad Braun

Printed Name

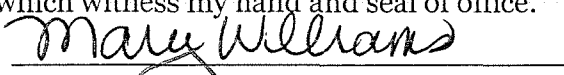
Vice President

Title

STATE OF Texas

COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 23 day of  
March 2012, to which witness my hand and seal of office.



Notary Public in and for the State of Texas

