

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
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Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 14, 2015

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, LP, 12534 Memorial Drive, Houston, Harris County, TX; MSD No. 191; Customer No. CN602656985; Regulated Entity No. RN103953188

Dear Mr. Tayer:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on September 11, 2013 and additional information supporting this MSD application on October 30, 2014 and November 24, 2015. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the Municipal Setting Designation Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-2241 or via e-mail ([chris.swiderski@tceq.texas.gov](mailto:chris.swiderski@tceq.texas.gov)).

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Swiderski".

Chris Swiderski, Project Manager  
VCP-CA Section  
Remediation Division

CS/mdh

Enclosure: MSD Certificate No. 191

cc: Mr. Bart Rainey, Differential Development – 1994, LP, 2001 Kirby Dr., Suite 1200, Houston, TX 77019  
Mr. Michael Marcon, InControl Technologies, 3845 FM 1960 W, Suite 195, Houston, TX 77068  
Mr. Jason Ybarra, TCEQ, Waste Section Manager, Houston Region Office, MC R-12

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):

This certificate supersedes the certificate issued on June 25, 2012.

I, Beth Seaton, Director, Remediation Division, TCEQ, 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 ordinance or restrictive covenant required by Texas Health and Safety Code §361.8065 remains 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 14<sup>th</sup> day of December, 2015

A handwritten signature in cursive script that reads "Beth Seaton".

\_\_\_\_\_  
Beth Seaton, Director  
Texas Commission on Environmental Quality

## Exhibit A

**Tract One**

6.7498 acre tract in Lot 20 of BENIGNUS ACRES, recorded in Volume 15, Page 8 of the Map Records of Harris County, Texas out of the George Bellow Survey and being more particularly described by metes and bounds as follows:

Being a tract of land in the George Bellows Survey, Abstract No. 3, Harris County, Texas and being a portion of Lot 20 of Benignus Acres as per plat recorded in Volume 15, Page 8 of the Harris County Map Records and being that tract of land sold by Katherine Cullen Lesser, et al. to Jacobo Freiman (Olbrish), et al. as described in deeds recorded under Harris County Clerk's File Numbers C076022 and C077929 and being more particularly described by metes and bounds as follows with all bearings based on the north right-of-way line of Memorial Drive as being WEST:

BEGINNING at ¾ inch iron pipe found marking the intersection of the north right-of-way line of Memorial Drive with the east right-of-way line of Tallowood and being the southwest corner of the herein described tract;

THENCE along the east right-of-way line of said Tallowood, N 00° 17' 00" E, 351.22 feet (Deed call 351.59 feet) to a 5/8 inch iron rod found marking the southwest corner of Memorial Pines, Section Two as per plat recorded in Volume 68, Page 8 of the Harris County Map Records and the northwest corner of the herein described tract;

THENCE along the south line of said Memorial Pines, Section Two, S 89° 58' 42" E, 836.83 feet (Deed call S 89° 56' 30" E, 837.58 feet) to a 5/8 inch iron rod found marking the southeast corner of said Memorial Pines, Section Two, the northeast corner of the herein described tract and a point in the west right-of-way of Benignus Road;

THENCE along the west right-of-way line of said Benignus Road, S 00° 03' 29" W, 350.90 feet (Deed call SOUTH, 350.70 feet) to a ¾ inch iron pipe found marking the intersection of the west right-of-way line of said Benignus Road with the north right-of-way line of said Memorial Drive;

THENCE along the north right-of-way- of said Memorial Drive, WEST, 838.21 feet (Deed call 839.32 feet) to the POINT OF BEGINNING and containing 6.7498 acres of land.

Being the same property conveyed to Differential Development – 1994, Ltd. by Jacobo O. Freiman by the certain Special Warranty Deed recorded on June 8, 1994 in County Clerk's File No. P901413 of the Official Public Records of Real Property of Harris County, Texas.

**Tract Two**

DESCRIPTION of a 21,780 square foot (0.5000 Acre) tract of land being out of an unrecorded subdivision of Lot 23, Block 5 of Woodland Hollow, Section 2, in the George Bellow League, Abstract No. 3, Harris County, Texas as recorded in Volume 48, Page 3 of the Harris County Map Records, and said unrecorded tract being more particularly described by metes and bounds as follows,

BEGINNING at a ¾" iron rod at the intersection of the North Right of Way line of Memorial Drive (100' R/W) with the West Right of Way line of Tallowood Road (60' R/W) and being the Southeast corner of the tract herein described,

THENCE, N 89° 53' 25" W, with the North line of Memorial Drive, a distance of 133.93 feet to a 5/8" iron rod for the Southwest corner of the tract herein described,

THENCE, N 00° 14' 04" E, a distance of 162.77' to a 5/8" iron rod for the Northwest corner of the tract herein described,

THENCE, S 89° 45' 56" E, with the South line of that certain 1.3973 acre tract as described under Harris County Clerk's File No. P-591060, a distance of 133.93 feet to a 3/4" iron pipe in the West Right of Way line of said Tallowood Road for the Northeast corner of the tract herein described,

THENCE,  
SN 00° 14' 04" W, with the West Right of Way line of Tallowood Road, a distance of 162.48 feet to the POINT OF BEGINNING and containing 0.5000 acre.

### Tract Three

1.2323 acre of land out of lot 24, Block 5 Woodland Hollow Section 2 in the George Bellows League, Abstract No. 3, Harris County, Texas according to a plat of Woodland Hollow Section 2 filed in Volume 48, Page 3 of the Map and/or Plat Records of Harris County, Texas. Said 1.2323 acre being all of Lot 24 save and except 0.1074 acre previously conveyed out of the Southwest Corner and which 1.2323 acres are more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod found at the Southeast corner of Lot 24 and the Northeast corner of Lot 23 of the aforesaid Woodland Hollow Block 5 and also being on the West Right of Way line of Tallowood (Benignus) Road, 60 feet wide;

THENCE, North 89° 45' 56" West with the South line of Lot 24 and the North line of Lot 23 for a distance of 267.80 feet to a 5/8-inch iron rod found at the Southeast corner of the aforesaid 0.1074 acre tract for the most Southerly Southwest corner of this tract;

THENCE, North 0° 14' 04" East with the most Southerly East line of said 0.1074 acre tract for a distance of 1.50 feet to a 5/8-inch iron rod found, at its most Easterly Northeast corner;

THENCE, North 89° 43' 56" West with the most Northerly East line of said 0.1074 acre tract for a distance of 32.50 feet to a 5/8-inch iron rod found at the most Southerly Northeast corner of said 0.1074 acre tract;

THENCE, North 04° 35' 56" West with the most Northerly East line of said 0.1074 acre tract for a distance of 32.50 feet to a 5/8-inch rod found at the most Southerly Northeast corner of said 0.1074 acre tract;

THENCE, North 53° 59' 40" West with the Northeast line of said 0.1074 acre tract for a distance of 39.04 feet to a 5/8-inch iron rod found at the North corner of said 0.1074 acre tract;

THENCE, South 61° 01' 19" West with a Northwest line of said 0.1074 acre tract for a distance of 16.66 feet to a 5/8-inch iron rod found at inner corner of said 0.1074 acre tract and an inner corner of Lot 24 for the most Westerly Southwest corner of the 1.2323 acre tract herein described. Said corner being in the center of a 50 foot wide drainage easement as shown on the plat filed in Volume 48, Page 3 of the Map Records of Harris County, Texas and also at an East corner of Lot 21, Block 4 of said Woodland Hollow;

THENCE, North 29° 44' 50" East with a Westerly line of Lot 24 an Easterly line of Lot 21 and the Center line of said 50 foot wide drainage easement for a distance of 24.30 feet to a 24" sycamore tree for corner;

THENCE, North 27° 24' 00" West with the most Northerly Southwest line of Lot 24 and the center of said easement for a distance of 42.00 feet to a 1/2-inch iron rod set in the center of a stream for a Northwest corner of Lot 24 and the South corner of Lot 26 of the subject subdivision;

THENCE, North 51° 11' 31" East with the common line between Lots 24 and 26 for a distance of 63.04 feet to a 5/8-inch iron rod found at the Southeast corner of Lot 26, the Southwest corner of Lot 25 and a Northwest corner of Lot 24;

THENCE, North 64° 13' 00" East with a common line between Lots 24 and 25 for a distance of 110.00 feet to a one inch pinched pipe found at a North corner of Lot 24 and an inner corner Lot 25;

THENCE, South 62° 00' 00" East with a common line between Lots 24 and 25 for a distance of 54.00 feet to a one inch pinched pipe at an inner corner of Lot 24 and a Southwest corner of Lot 25;

THENCE, South 89° 45' 56" East with the most Easterly South line of Lot 25 and the most Easterly North line of Lot 24 for a distance of 150.00 feet to a 5/8-inch iron rod found at the Northwest corner of said Lot 24 and the Southeast corner of Lot 25 for the Northeast corner of the 1.2323 acre tract herein described. Said corner also being on the West line of Tallowood Road;

THENCE, South 0° 14' 04" East with the East line of Lot 24 and the West line of Tallowood Road for a distance of 168.70 feet to the PLACE OF BEGINNING and containing 53,679.85 square feet, or 1.2323 acre 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.

*[Handwritten Signature]*

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.

*Mary Williams*

Notary Public in and for the State of Texas

