

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

November 12, 2012

Mr. Herbert Levine, Vice President
SRS Shopping Centers, Ltd.
5773 Woodway, Suite 440
Houston, Texas 77057

RE: Municipal Setting Designation (MSD) Certificate for Rummel Creek
Shopping Center, 13100 Block Memorial Drive, Houston, Harris County;
Texas; MSD No. 195

Dear Mr. Levine:

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) 239-0843 or via e-mail (christine.whitney@TCEQ.Texas.gov).

Sincerely,

A handwritten signature in cursive script that reads "Christine Whitney".

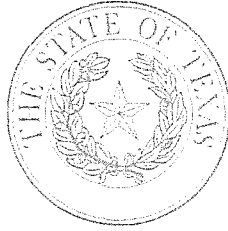
Christine Whitney, Project Manager
VCP-CA Section
Remediation Division

CW/jdm

Enclosure: MSD Certificate No. 195

cc: Ms. Nicole Bealle, Waste Section Manager, TCEQ Region 12 Office, Houston

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. 195, 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 6th day of November, 2012



Zak Covar
Executive Director
Texas Commission on Environmental Quality

Harris County Appraisal District



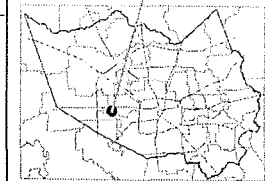
0 100 200

PUBLICATION DATE:
3/7/2012

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

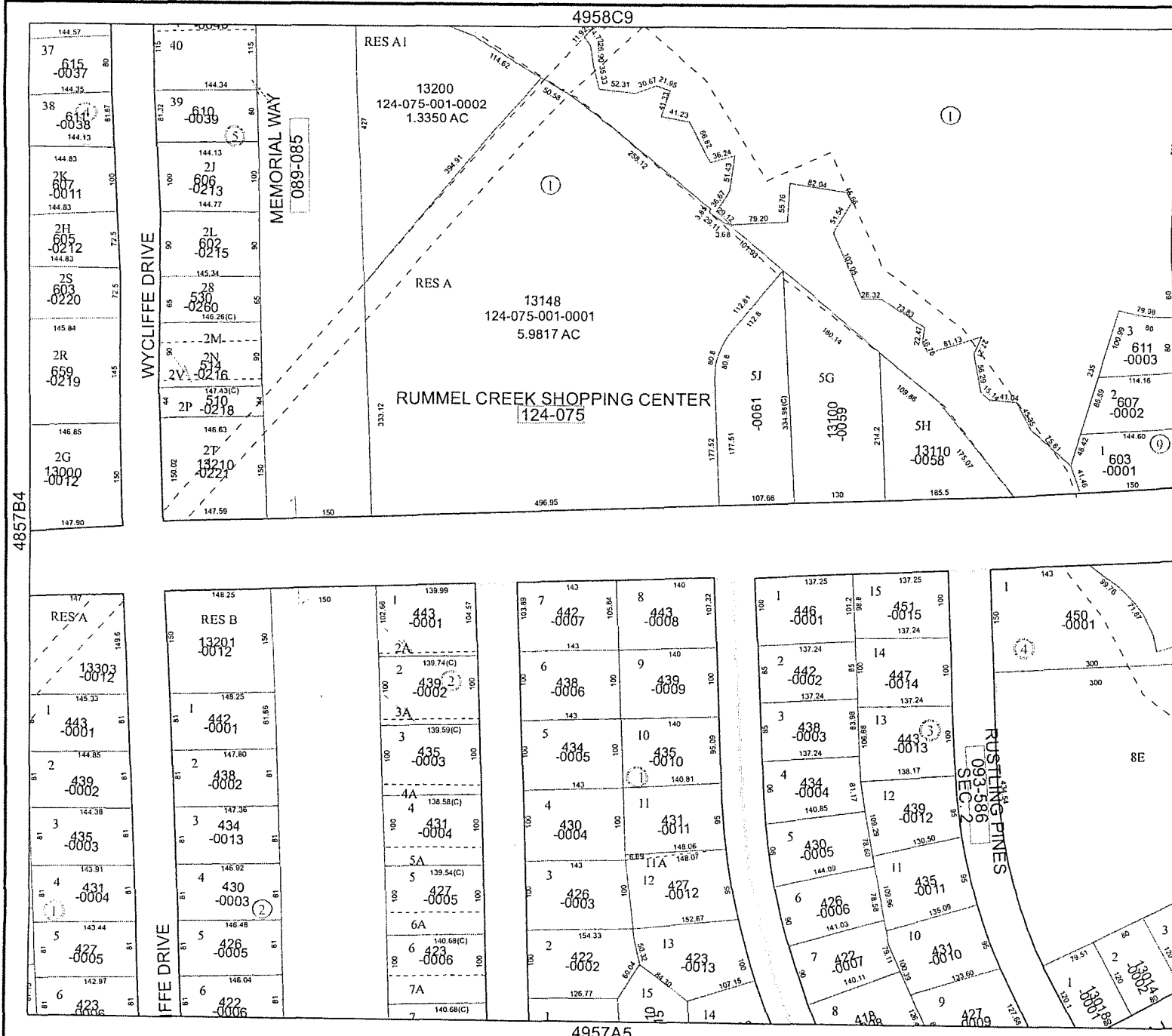


MAP LOCATION



FACET 4957A

| | | | |
|---|----|----|----|
| 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 |



4857B4

4957A2

4958C9

4957A5

RES A1
13200
124-075-001-0002
1.3350 AC

RES A
13148
124-075-001-0001
5.9817 AC

RUMMEL CREEK SHOPPING CENTER
124-075

WYCLIFFE DRIVE

MEMORIAL WAY

FFE DRIVE

RUSTLING PINES

EXHIBIT A

A tract of land containing 5.984 acres, more or less, situated in the Christiana Williams Survey, A-834, Harris County, Texas, said 5.984 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a $\frac{3}{4}$ inch iron pipe marking the intersection of the Northerly right-of-way line of Memorial Drive (100' ROW) with Easterly line the Houston Lighting and Power Company 150 foot fee strip as recorded by deed in Volume 1220, Page 432 of the Harris County Deed Records;

THENCE, North along the Easterly line of said 150-foot fee strip, a distance of 333.12 feet to a point on the northwesterly line of a 30 foot wide Magnolia Pipeline Company easement as recorded by deed in Volume 5984, Page 227 of the Harris County Deed Records;

THENCE, N 41 deg. 58' 24" E, along the Northwesterly line of said Magnolia Pipeline Company Easement, a distance of 394.91 feet to a point on the Southwesterly line of Rummel Creek Drainage Easement conveyed to Harris County Flood Control District as recorded by deed in Volume 4909, Page 504 of Harris County Deed Records;

THENCE, along the Southwesterly line of said Flood Control Easement, as follows:

S 57 deg. 28' 32" E, 50.58 feet to a point;
S 48 deg. 12' 07" E, 258.12 feet to a point;
S 34 deg. 18' 33" W, 3.85 feet to a point;
S 50 deg. 42' 03" E, 29.11 feet to a point;
S 88 deg. 30' 33" E, 3.68 feet to a point;
S 48 deg. 12' 19" E, 101.93 feet to a point for the Northeast corner of the

tract herein described;

THENCE, S 41 deg. 47' 41" W, a distance of 112.81 feet to a point of curvature of a curve on the left;

THENCE, along the arc of said curve to the left, having a radius of 110.00 feet, and subtending a central angle of 42 deg. 05' 15", a distance of 80.80 feet to the point of tangency of said curve;

THENCE, S 00 deg. 17' 34" E, a distance of 177.50 feet to a point for the Southwest Corner of the tract herein described, said point also being on the Northerly right-of-way line of said Memorial Drive;

THENCE, S 90 deg. 42' 26" W, along the Northerly right-of-way line of said Memorial Drive, a distance of 496.97 feet to the POINT OF BEGINNING, and containing 5.984 acres of land, more or less.

Exhibit A

Property Description

A TRACT OF LAND CONTAINING 1.4999 ACRES (CALLED 1.5 ACRES) OF LAND, MORE OR LESS, SITUATED IN THE CHRISTIANA WILLIAMS SURVEY, ABSTRACT NO. 934, HOUSTON, HARRIS COUNTY, TEXAS, SAID 1.4999 ACRE TRACT BEING THE SAME 1.4999 ACRE TRACT CONVEYED TO JAMES I. WEST FROM KICKERRILLO DEVELOPMENT COMPANY, AS RECORDED IN DEED IN VOLUME 6285, PAGE 604 OF THE HARRIS COUNTY DEED RECORDS, SAID TRACT ALSO BEING MORE PARTICULARLY DESCRIBED AS METES AND BOUNDS AS FOLLOWS:

BEGINNING at the Southwest corner of said 1.4999 acre tract, said point (survey found a railroad spike bearing North 22° 38' 19" East, 0.15 feet) also being on the Northerly right-of-way line of Memorial Drive (100.00 feet of right-of-way) (and being on the East line of a called 5.9839 acre tract recorded under Harris County Clerk's File No. T389746);

THENCE North 00° 17' 34" West, along the Westerly right-of-way line of said 1.499 acre tract (and said East line), a distance of 177.51 feet (called 177.50 feet) to the point of curvature of a curve to the right (survey set a P.K. nail);

THENCE, in a Northeasterly direction, along the arc of said curve to the right, having a radius of 110.00 feet, a chord bearing North 20° 45' 03" East, 79.00 feet and subtending a central angle of 42° 05' 15", a distance of 80.80 feet to the point of tangency of said curve (survey set a P.K. nail);

THENCE North 41° 47' 41" East, a distance of 112.80 feet (called 112.91 feet) to a point (survey set a 1/2 inch iron rod) for the most Northerly corner of the tract herein described, said point also being on the Southwesterly line of a 120.00 foot wide Harris County Flood Control District easement;

THENCE South 48° 12' 19" East, along the Southwesterly line of said 120.00 foot wide easement, a distance of 180.14 feet to a point (survey found a 3/8 inch iron rod bearing South 00° 17' 34" East, 0.13 feet) (on the West line of a called 0.8910 acre tract) for the Northeast corner of the tract herein described;

THENCE South 00° 17' 34" East, (along said West line) a distance of 214.21 feet to a point (survey found a 5/8 inch iron rod) for the Southeast corner of the tract herein described, said point also being on the Northerly right-of-way line of said Memorial Drive;

THENCE South 89° 42' 26" West, along the Northerly right-of-way line of said Memorial Drive, a distance of 237.66 feet to the POINT OF BEGINNING containing 1.4999 acres or 65,338 square feet of land more or less.

Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared
Herbert L. Levine, as an authorized representative of
SRS Shopping Centers, Ltd., 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: 4/12/12

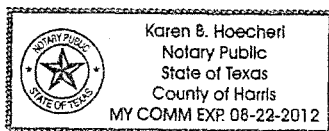
SRS SHOPPING CENTERS, LTD., a Texas limited partnership,
By: FMA-SRS, LTD., a Texas limited partnership, its sole general partner
By: The Fischer Group, Inc., a Delaware corporation
its sole general partner

Herbert L. Levine
By: Herbert L. Levine, Vice President

STATE OF Texas

COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 12th day of
April 20 12, to which witness my hand and seal of office.



Karen B. Hoecherl
Notary Public in and for the State of Texas