

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 30, 2009

Mr. Gregory Brothers, Vice President and CFO  
South Texas College of Law  
1303 San Jacinto Street  
Houston, TX 77002

Re: Municipal Setting Designation (MSD) Certificate for Block 273 and South Texas College Law, 1210 and 1303 San Jacinto Street (South Texas College of Law), Houston, TX; MSD No. 99

Dear Mr. Brothers:

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 512/239-5872 or via e-mail ([mfrew@tceq.state.tx.us](mailto:mfrew@tceq.state.tx.us)).

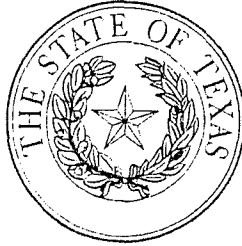
Sincerely,

A handwritten signature in black ink, appearing to read "Mike Frew".

Mike Frew, P.G., Work Leader  
Technical Support Section  
Remediation Division

Enclosure

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



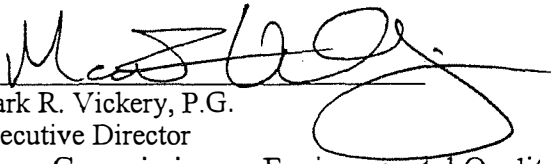
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 99, 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 19<sup>th</sup> day of June, 2009

  
Mark R. Vickery, P.G.  
Executive Director  
Texas Commission on Environmental Quality

'A'

**LEGAL DESCRIPTION**

**4.11 Acres**

**S.S.B.B.**

**Houston, Texas**

4.11 acres of land out of the James S. Holman Survey, Abstract 323, being all of block Two Hundred Seventy-Two (273) (1.45 acres), all of lots 6 through 12, Block Two Hundred Ninety-Three (293) (0.86 of one acre), South Side Buffalo Bayou (S.S.B.B.), (unrecorded subdivision), Harris County, Texas, and parts of Polk Avenue (R.O.W. varies from original 80' R.O.W.) and San Jacinto Street (80' R.O.W) (1.80 acres in R.O.W.), S.S.B.B, and being all of that property described as Tract II in a deed dated December 19, 2005 from Allright Corporation to Houston Pavilions, L.P., recorded under Harris County Clerk File Number (H.C.C.F. No.) Y975272 of the Official Public Records of Real Property Harris County, Texas (O.P.R.R.P.H.C.T.), all of that property described in a deed dated July 6, 1994 from Urban Diversified Properties, Inc. to Allright Realty Company, recorded under H.C.C.F. No. P946885, O.P.R.R.P.H.C.T., all of that property described in a deed dated December 27, 1971 from Mary Katherine Peterson Leone, et al, to South Texas College of Law, recorded under H.C.C.F. No. D508871, O.P.R.R.P.H.C.T., all of that property described in a deed dated July 10, 1980 from Donald P. Reddig to South Texas College of Law, recorded under H.C.C.F. No. G910552, O.P.R.R.P.H.C.T., part of that property described in a deed dated December 30, 1969 from Bank of Southwest National Association of Houston as guardian of the Estate of Elizabeth Mitchel Neal, N.C.M., to South Texas College of Law, recorded under H.C.C.F. No. G038219, O.P.R.R.P.H.C.T., and part of that property described in a deed dated September 27, 1971 from Sam Spain, M. S. Spolane, Donna June Mogab and H. H. Farhart to South Texas College of Law, recorded under H.C.C.F. No. D431194, O.P.R.R.P.H.C.T., said 4.11 acre tract being more particularly described by metes and bounds as follows: (All bearings based on Texas State Plane Coordinate System, South Central Zone (4204) NAD 83 (CORS EPOCH 2002-00)).

**COMMENCING** at the re-determined location of the City of Houston Engineering Department Reference Rod No. 41 originally found at the centerline intersection of Main Street (90' R.O.W.) and said Polk Avenue. Surface Values are X=3,121,468.10, Y=13,841,299.71 and may be converted to Grid by multiplying by a combined scale factor of 0.999896243;

**THENCE**, South 57°07'45" East, with the centerline of Polk Avenue, a distance of 377.50 feet to the intersection of the centerline of said Polk Avenue with the projected southeasterly right-of-way line of Fannin Street (80' R.O.W.) for the **POINT OF BEGINNING** of the herein described tract, having surface coordinates of X= 3,121,785.16 and Y= 13,841,094.82;

**THENCE**, North 32°52'15" East, at distance of 40.00 feet passing a building corner at the intersection of the southeasterly right-of-way line of Fannin Street (80' R.O.W.) with the northeasterly right-of-way line of said Polk Avenue and continuing for a total distance of 290.00 feet to a nail in concrete found at a building corner at the intersection of the southwesterly right-of-way line of Dallas Street (80' R.O.W.) with the southeasterly right-of-way line of said Fannin Street for the northerly corner of said Block 273 and the most northerly corner of the herein described tract;

THENCE, South 57°07'45" East, with the southwesterly right-of-way line of said Dallas Street, at a distance of 252.00 feet passing a nail in concrete found at a building corner at the intersection of the southwesterly right-of-way line of said Dallas Street with the northwesterly right-of-way line of San Jacinto Street (80' R.O.W) and continuing for a total distance of 332.00 feet to a nail in concrete found at a building corner at the intersection of the southeasterly right-of-way line of said San Jacinto Street with the southwesterly right-of-way line of said Dallas Street for the northerly corner of Block 274 of said S.S.B.B., said Block 274 described in a deed dated December 19, 2005 to Houston Pavilions, L.P. recorded under H.C.C.F. No. Y975272, O.P.R.R.P.H.C.T., and the northeasterly corner of the herein described tract;

THENCE, South 32°52'15" West, with the southeasterly right-of-way line of said San Jacinto Street and the northwesterly line of said Block 274, a distance of 250.00 feet to a nail in concrete found at a building corner at the intersection of the southeasterly right-of-way line of said San Jacinto Street with the northeasterly right-of-way line of said Polk Avenue for the westerly corner of said Block 274 and an interior corner of the herein described tract;

THENCE, South 57°07'45" East, with the northeast right-of-way line of said Polk Avenue and the southwesterly line of said Block 274, a distance of 150.00 feet to a point for the southeasterly corner of the herein described tract;

THENCE, South 32°52'15" West, across said Polk Avenue, at a distance of 77.70 feet passing the southwesterly right-of-way line of said Polk Avenue, and continuing for a total distance of 330.00 feet to a point in the southwesterly line of said Block 293 and the northeasterly right-of-way line of Clay Avenue (80' R.O.W.) for the most southerly corner of the herein described tract;

THENCE, North 57°07'45" West, with the southwesterly line of said Block 293 and the northeasterly right-of-way line of said Clay Avenue, at a distance of 150.00 feet passing the intersection of northeasterly right-of-way of said Clay Avenue with the southeasterly right-of-way line of said San Jacinto Street, and continuing for a total distance of 230.00 feet to the intersection of the northwesterly right-of-way line of said San Jacinto Street with the northeasterly right-of-way line of said Clay Avenue and the southerly corner of Block 294 of said S.S.B.B, said Block 294 described in a deed dated April 16, 1998 to AGBRI FANNIN, L.P. recorded under H.C.C.F. No. S976808, O.P.R.R.P.H.C.T., for the southwesterly corner of the herein described tract;

THENCE, North 32°52'15" East, with the northwesterly right-of-way line of said San Jacinto Street and the southeasterly line of said Block 294, a distance of 250.00 feet to a nail in concrete found at a building corner at the intersection of the southwesterly right-of-way line of said Polk Avenue with the northwesterly right-of-way line of said San Jacinto Street for the easterly corner of said Block 294 and an interior corner of the herein described tract;

THENCE, North 57°07'45" West, with the southwesterly right-of-way line of said Polk Avenue and the northeasterly line of said Block 294, a distance of 252.00 feet to an "X-cut" in concrete found at the intersection of the southwesterly right-of-way line of said Polk Avenue with the southeasterly right-of-way line of said Fannin Street and the northerly corner of said Block 294 for the southwesterly corner of the herein described tract;

THENCE, North 32°52'15" East, a distance of 40.00 feet to the **POINT OF BEGINNING** and containing 179,060 square feet or 4.11 acres of land.

'B'

c) each retail public utility, as defined by Texas Water Code, §13.002, that owns or operates a groundwater supply well located within five miles beyond the proposed MSD boundaries?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>3</sup>	<input type="radio"/> NA <sup>4</sup>
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<sup>3</sup> Do not submit application.  
<sup>4</sup> NA only when no such municipality, private well owner, or retail public utility exists

**MSD Information:**

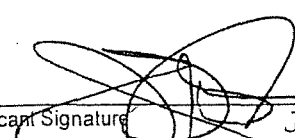
List all existing TCEQ and US Environmental Protection Agency registration, permit, identification numbers (e.g., SWR No., VCP No., LPST ID No., UIC Registration No., PWS ID. No.), if any, that apply to the groundwater contamination situation within the proposed MSD boundary. State "none" if none applicable.  
VCP No. 1915

Is the proposed designated groundwater contaminated in excess of an applicable potable water <sup>5</sup> use standard (i.e., 30 TAC 350, <sup>GW</sup> GW <sub>ing</sub> )?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>6</sup>
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 <sup>th</sup> Legislature.)	<input checked="" type="radio"/> Yes, when? July /2006/	<input type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses the designated groundwater as source water?	<input type="radio"/> Yes <sup>6</sup>	<input checked="" type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses a deeper groundwater zone for the source water that is not properly sealed off from the designated groundwater?	<input type="radio"/> Yes <sup>6</sup>	<input checked="" type="radio"/> No
Is the applicant aware of any non-consumptive use of the groundwater or other human health or ecological exposure pathways that are of concern? If yes, specify:	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Has each municipality and retail public utility identified in §361.8065 provided firm commitment to adopt an ordinance or resolution in support of the application?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>6</sup>
Is a copy of the ordinance or restrictive covenant that restricts consumptive use and appropriately restricts other uses of and contact with the designated groundwater, and any required resolutions provided with this application?	<input checked="" type="radio"/> Yes	<input type="radio"/> No

<sup>5</sup> "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].  
<sup>6</sup> Do not submit an application.

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

- The MSD eligibility criteria of THSC §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 was 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.

Applicant Signature  James J. Alfini Date 12/22/08

Before me Jennifer Hudson the undersigned authority, on this day personally appeared JAMES J. ALFINI Name of Applicant and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of HARRIS, State of TEXAS, on the 22nd day of December 2008

c) each retail public utility, as defined by Texas Water Code, §13.002, that owns or operates a groundwater supply well located within five miles beyond the proposed MSD boundaries?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>3</sup>	<input type="radio"/> NA <sup>4</sup>
<sup>3</sup> Do not submit application.			
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**MSD Information:**

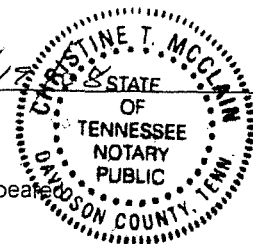
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Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 <sup>th</sup> Legislature.)	<input checked="" type="radio"/> Yes, when? July /2006/	<input type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses the designated groundwater as source water?	<input type="radio"/> Yes <sup>6</sup>	<input checked="" type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses a deeper groundwater zone for the source water that is not properly sealed off from the designated groundwater?	<input type="radio"/> Yes <sup>6</sup>	<input checked="" type="radio"/> No
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*Emanuel Fada*  
Applicant Signature

Date 12/17/08



Before me Christine T. McClain the undersigned authority, on this day personally appeared Emanuel Fada and signed this Municipal Setting Designation Application.  
Name of Notary Name of Applicant

Sworn, subscribed and signed before me in the County of Davidson, State of Tn, on the 19<sup>th</sup> day of December, this month of December, 2008

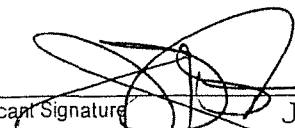
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- Notice was provided in accordance with THSC §361.805.
- A copy of an ordinance or restrictive covenant and any required resolutions are provided in this application or will be provided before the executive director certifies this application.

Applicant Signature  James J. Alfini Date 12/22/08

Before me Jennifer Hudson the undersigned authority, on this day personally appeared JAMES J. ALFINI and signed this Municipal Setting Designation Application.  
Name of Notary Name of Applicant

Sworn, subscribed and signed before me in the County of HARRIS State of TEXAS, on the 22nd day of December, 2008

Jennifer Hudson 2

