

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 11, 2014

Mr. Gabriel Mussio
Division Manager
Environmental Section, Design and Construction Division
City of Houston-General Services Department
P.O. Box 1562
Houston, TX 77251-1562

Re: Municipal Setting Designation Certification (MSD) for Six Block Area, 2200
Texas Avenue, Houston, TX; MSD No. 255

Dear Mr. Mussio:

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) 239-2332 or via e-mail (allan.posnick@TCEQ.Texas.gov).

Sincerely,

A handwritten signature in cursive script that reads "Allan Posnick".

Allan Posnick, Project Manager
VCP-CA Section
Remediation Division

AP/jdm

Enclosure: MSD Certificate No. 255

cc: Mr. Jason Ybarra, Waste Program 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, Richard A. Hyde, P.E., Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 255, 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 2nd day of June, 2014

A handwritten signature in cursive script that reads "Richard A. Hyde".

Richard A. Hyde, P.E.
Executive Director

Texas Commission on Environmental Quality

**METES AND BOUNDS DESCRIPTION
EXHIBIT "A"**

City of Houston

12.145 Acres of Land out of and a Part of the James Wells Survey, A-832, Harris County, Texas
Parcel No. Q11-001 - Drawing No. 17601A

PROPERTY DESCRIPTION of 12.145 acres (529,031 square feet) of land out of and a part of the James Wells Survey, Abstract 832, Harris County, Texas, and also being all of Blocks 203, 204, 205, 218, 219, and 220 of the unrecorded subdivision know as South Side of Buffalo Bayou and all of the rights-of-way of Bastrop Street, Capitol Avenue and Rusk Avenue inclusive within the exterior line of the aforesaid six (6) blocks. Said parcel being more particularly described by metes and bounds as follows:

COMMENCING at a 3/4-inch brass rod found marking the intersection of the center lines of Hutchins Street (80 feet wide) and McKinney Avenue (80 feet wide), said brass rod with punch being City of Houston Center Line Reference Monument #34, said found brass rod having coordinate values of N = 13,838,541.11, E = 3,125,015.73 (all coordinates listed herein are expressed in units of U.S. Survey feet, are grid coordinates and are referenced to the Texas Coordinate System, North American Datum of 1983, South Central Zone. All bearings listed herein are referenced to the Texas Coordinate System, North American Datum of 1983, South Central Zone. To convert coordinates from grid to "surface", apply a scale factor of 0.9998918).

THENCE North 32° 52' 00" East with the centerline of Hutchins Street as re-established in the 1868 and ratified by City Ordinance in the same year, a distance of 370.56 feet to a point; Thence South 57° 08' 24" East a distance of 40.00 feet to a 3/4-inch iron rod with cap set marking the intersection of the southeasterly right-of-way line of said Hutchins Street and the northeasterly right-of-way line of Walker Avenue (80.60 feet wide) and the westerly corner of the herein described parcel and the POINT OF BEGINNING, having coordinated of N = 13,838,831.86, E = 3,125,249.27;

THENCE North 32° 52' 00" East, with the southeasterly right-of-way line of said Hutchins Street, a distance of 911.80 feet to a 3/4-inch iron rod with cap set marking the intersection of the southwesterly right-of-way line of Texas Avenue (100 feet wide) with the southeasterly right-of-way line of Hutchins Street and the northerly corner of the herein described parcel;

THENCE South 57° 08' 24" East, with the southwesterly right-of-way line of said Texas Avenue, a distance of 580.20 feet to a 5/8-inch iron rod with cap set at the intersection of the northwesterly right-of-way line of Dowling Street and the southwesterly right-of-way line of said Texas Avenue marking the easterly corner of the herein described parcel;

THENCE South 32° 52' 00" West, with the northwesterly right-of-way line of Dowling Street, a distance of 911.80 feet to a hole punched in concrete set on the intersection of the northwesterly right-of-way line of said Dowling Street and the northeasterly right-of-way line of said Walker Avenue, marking the southerly corner of the herein described parcel;

THENCE, North 57° 08' 24" West with the northeasterly right-of-way line of said Walker Avenue, a distance of 580.20 feet to the POINT OF BEGINNING, containing 12.145 acres (529,031 square feet) of land.

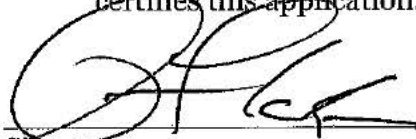
Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Andrew F. Icken, as an authorized representative of Chief Development Officer, Mayor's Office, 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: January 30, 2014

Andrew F. Icken

Printed Name
Chief Development Officer

Title

STATE OF Texas

COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 30 day of January 2014, to which witness my hand and seal of office.

Katelyn Orenchuk

Notary Public in and for the State of Texas

