

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

July 25, 2014

Mr. Robert Boschen,
Dutch Line Properties II, Ltd.
1500 Marina Bay Drive
Kemah, TX 77565

Re: Municipal Setting Designation (MSD) Certificate for Dutch Line Properties II, Ltd., 2500 Shakespeare, Houston, TX; MSD No. 257

Dear Mr. Boschen:

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) 239-2241 or via e-mail (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/jdm

Enclosure: MSD Certificate No. 257

cc: Ms. Christine Peach, InControl Technologies, 3845 Cypress Creek Pkwy,
Ste. 195, Houston, TX 77068

Mr. Jason Ybarra, TCEQ, Waste Section Manager, Houston Regional
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):

I, Beth Seaton, Remediation Division Director of the Texas Commission on Environmental Quality, certify the Municipal Setting Designation (MSD) for MSD No. 257, 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 24th day of July, 2014

Beth Seaton

Beth Seaton, Director
Texas Commission on Environmental Quality

EXHIBIT A

ADAMS SURVEYING CO.
Steve D. Adams, RPLS 3666
Stephen D. Adams, Jr., RPLS 5611
Phone (281) 331-3523

2004 B South Gordon
P.O. Box 114
Alvin, TX 77512
Fax (281) 331-2182

FIELD NOTES

Tract II

0.148 ACRES OF LAND (6462.1 SQUARE FEET), BEING A PART OF LOT 1, BLOCK 1, WESSEX SUBDIVISION, REVISED PLAT, A SUBDIVISION IN HOUSTON, HARRIS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 14, PAGE 31, MAP RECORDS OF HARRIS COUNTY, TEXAS, AND BEING THAT SAME CERTAIN TRACT DESCRIBED AS TRACT 2 IN A DEED FROM RICHARD SERBIN AND WIFE, SUSAN SERBIN TO DUTCH LINE PROPERTIES II, LIMITED RECORDED IN HARRIS COUNTY FILM CODE (HCFC) 513-54-1909, SAID 0.148 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an "X" set on concrete for the Southwest corner of the herein described tract at the Southwest corner of Lot 1, Block 1, and the Southwest corner of said Dutch Line Properties II, Limited, Tract 2, said point being at the intersection of the North right-of-way line of Shakespeare Road (60.0 foot public right-of-way) with the East right-of-way line of Kirby Drive (70.0 foot public right-of-way);

THENCE North 02 deg. 38 min. 31 sec. West, along the West line of Lot 1, Block 1, and the East right-of-way line of Kirby Drive, a distance of 122.30 feet to an "X" on concrete set for the Northwest corner of the herein described tract and the Southwest corner of a 0.407 acre tract this day surveyed, being the Southwest corner of Tract 1 described in the aforementioned Dutch Line Properties II, Limited deed;

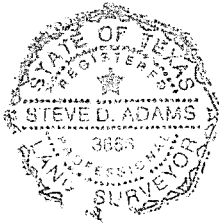
THENCE North 87 deg. 42 min. 25 sec. East, along the South line of said Tract 1, at 50.06 feet pass an "X" set on concrete for reference corner, and continue for a total distance of 53.06 feet to a point marking the Northeast corner of the herein described tract and the Northwest corner of a tract described in a deed to Samir N. Tuma, M.D., recorded in Harris County Clerk's File 20060067453, said point being in the common line of Lots 1 and 2, Block 1, Wessex Subdivision, Revised Plat, from which point a 5/8 inch iron rod found bears South 02 deg. 25 min. 53 sec. East - 0.56 feet;

THENCE South 02 deg. 25 min. 53 sec. East, along the common line of Lots 1 and 2, Block 1, and the West line of the Tuma tract, a distance of 122.30 feet to a 1/2 inch iron rod set for the Southeast corner of the herein described tract at the Southeast corner of Lot 1 and the Southwest corner of Lot 2, in the North right-of-way line of Shakespeare Road;

THENCE South 87 deg. 42 min. 25 sec. West, along the South line of Lot 1 and the North right-of-way line of Shakespeare Road, a distance of 52.61 feet to the PLACE OF BEGINNING and containing 0.148 acres of land (6462.1 square feet).

Bearing Base - Texas State Plane Coordinate System
South Central Zone

Note: These Field Notes accompany a drawing of same date titled DutchLine-Village-1.



Field Notes written from an actual survey
made on the ground July 13, 2012.

A handwritten signature in black ink, appearing to read "Steve D. Adams", written over a horizontal line.

STEVE D. ADAMS
Registered Professional Land Surveyor No. 3666

DutchLine-Village-2

Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Robert G. Boschen, as an authorized representative of Dutch Line Properties II, 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.

[Signature]
Signature

Date: JAN 30, 2014

Robert G Boschen
Printed Name

Pres
Title

STATE OF TEXAS
COUNTY OF HARRIS

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

[Signature]
Notary Public in and for the State of TEXAS

