

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 4, 2016

Mr. John S. Beeson
Beeson Sirota Partners
550 Waugh Drive
Houston, Texas 77019

Re: Municipal Setting Designation (MSD) Certificate for Beeson Sirota Partners, Former McKinley Paper Company, 1300 North Post Oak Drive, Houston, Harris County, TX; MSD No. 291; Voluntary Cleanup Program (VCP) No. 2526; Customer No. CN603126509; Regulated Entity No. RN100657998

Dear Mr. Beeson:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on June 22, 2015 and additional information supporting this MSD application on October 6, 2015, January 27, 2016, March 31, 2016, June 6, 2016 and September 19, 2016. 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) 239-2603 or via e-mail at Heather.Podlipny@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Podlipny".

Heather Podlipny, Project Manager
VCP-CA Section
Remediation Division

HP/jdm

Enclosure: MSD Certificate

cc: Mr. John Chiang, Manager, Sueba Development 132 LP, 1800 West Loop South, Suite 1300, Houston, TX 77027
Mr. J. Mike Smith, Senior V.P., Wallis State Bank, 2425 West Loop S, Suite 150, Houston, TX 77027
Mr. John Brusenhan, P.E., InControl Technologies, Inc., 14731 Pebble Bend Drive, Houston, TX 77068
Mr. Jason Ybarra, Waste Section Manager, TCEQ Houston Region Office, R-12

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 4, 2016

Mr. Will Wilson, Secretary/Treasurer
Memorial Villages Water Authority
8955 Gaylord Drive
Houston, Texas 77055

Re: Municipal Setting Designation (MSD) Certificate for Beeson Sirota Partners,
Former McKinley Paper Company, 1300 North Post Oak Drive, Houston, Harris
County, TX; MSD No. 291; Voluntary Cleanup Program (VCP) No. 2526;
Customer No. CN603126509; Regulated Entity No. RN100657998

Dear Mr. Wilson:

As required by Texas Health & Safety Code §361.807(a)(2), enclosed is a copy of the MSD certificate dated October 3, 2016. The City of Houston passed an ordinance (Ordinance No. 2015-95) in support of this MSD application. For this reason, the Texas Commission on Environmental Quality is required to provide you a copy of the MSD Certificate.

If you have any questions, please contact me at (512) 239-2603 or via e-mail at:
Heather.Podlipny@tceq.texas.gov.

Sincerely,

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Heather Podlipny, Project Manager
VCP-CA Section
Remediation Division

HP/jdm

Enclosure: Copy of MSD Certificate No. 291

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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October 4, 2016

Ms. Anna Russell, City Secretary
City of Houston
900 Bagby Street
Houston, Texas 77002

Re: Municipal Setting Designation (MSD) Certificate for Beeson Sirota Partners,
Former McKinley Paper Company, 1300 North Post Oak Drive, Houston, Harris
County, TX; MSD No. 291; Voluntary Cleanup Program (VCP) No. 2526;
Customer No. CN603126509; Regulated Entity No. RN100657998

Dear Ms. Russell:

As required by Texas Health & Safety Code §361.807(a)(2), enclosed is a copy of the MSD certificate dated October 3, 2016. The City of Houston passed an ordinance (Ordinance No. 2015-95) in support of this MSD application. For this reason, the Texas Commission on Environmental Quality is required to provide you a copy of the MSD Certificate.

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Heather.Podlipny@tceq.texas.gov.

Sincerely,

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Heather Podlipny, Project Manager
VCP-CA Section
Remediation Division

HP/jdm

Enclosure: Copy of MSD Certificate No. 291

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 4, 2016

Ms. Thelma A. Gilliam, City Secretary
City of West University Place
3800 West University Boulevard
West University Place, Texas 77005

Re: Municipal Setting Designation (MSD) Certificate for Beeson Sirota Partners,
Former McKinley Paper Company, 1300 North Post Oak Drive, Houston, Harris
County, TX; MSD No. 291; Voluntary Cleanup Program (VCP) No. 2526;
Customer No. CN603126509; Regulated Entity No. RN100657998

Dear Ms. Gilliam:

As required by Texas Health & Safety Code §361.807(a)(2), enclosed is a copy of the MSD certificate dated October 3, 2016. The City of Houston passed an ordinance (Ordinance No. 2015-95) in support of this MSD application. For this reason, the Texas Commission on Environmental Quality is required to provide you a copy of the MSD Certificate.

If you have any questions, please contact me at (512) 239-2603 or via e-mail at:
Heather.Podlipny@tceq.texas.gov.

Sincerely,

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Heather Podlipny, Project Manager
VCP-CA Section
Remediation Division

HP/jdm

Enclosure: Copy of MSD Certificate No. 291

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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October 4, 2016

Ms. Roxanne Benitez, City Secretary
City of Spring Valley Village
1025 Campbell Road
Houston, TX 77055

Re: Municipal Setting Designation (MSD) Certificate for Beeson Sirota Partners,
Former McKinley Paper Company, 1300 North Post Oak Drive, Houston, Harris
County, TX; MSD No. 291; Voluntary Cleanup Program (VCP) No. 2526;
Customer No. CN603126509; Regulated Entity No. RN100657998

Dear Ms. Benitez:

As required by Texas Health & Safety Code §361.807(a)(2), enclosed is a copy of the MSD certificate dated October 3, 2016. The City of Houston passed an ordinance (Ordinance No. 2015-95) in support of this MSD application. For this reason, the Texas Commission on Environmental Quality is required to provide you a copy of the MSD Certificate.

If you have any questions, please contact me at (512) 239-2603 or via e-mail at:
Heather.Podlipny@tceq.texas.gov.

Sincerely,

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Heather Podlipny, Project Manager
VCP-CA Section
Remediation Division

HP/jdm

Enclosure: Copy of MSD Certificate No. 291

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, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 291, 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 3rd day of October, 2016

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

TRACT I

DESCRIPTION OF A 6.284 ACRE TRACT OF LAND SITUATED
IN THE JOHN REINERMANN SURVEY, ABSTRACT NO. 642
HARRIS COUNTY, TEXAS

BEING a 6.284 acre (272,743 square feet) tract of land situated in the John Reinermann Survey, Abstract No. 642 of Harris County, Texas and being out of Unrestricted Reserve "A", Block 1, of RESIDENCES AT NORTH POST OAK a subdivision recorded under Film Code Number 661068 of the Harris County Map Records, said 6.284 acre tract of land described by metes and bounds as follows:

BEGINNING at a ½-inch iron rod (Control Monument) found for the Southwest corner of said Unrestricted Reserve "A", same being the Southwest corner of the herein described tract, the Northwest corner of a called 1.0157 acre tract as described in a conveyance to Security Capital Industrial Trust recorded under Harris County Clerk's File Number (H.C.C.F. No.) P755221 and lying in the East right-of-way line of North Post Oak Road (100 feet wide) as recorded under H.C.C.F. No. G559695;

THENCE, N 02° 51' 41" W, a distance of 287.34 feet along and with the East right-of-way line of said North Post Oak same being the West line of said Unrestricted Reserve "A" to a 5/8-inch iron rod (Control Monument) found for the Northwest corner of said Unrestricted Reserve "A" same being the northwest corner of the herein described tract and lying on the South line of a Replat of North Post Oak Industrial Park, a subdivision recorded under Volume 163, Page 086 of the Harris County Map Records;

THENCE, W 87° 55' 36" E, a distance of 844.84 feet to a 5/8-inch iron rod found for the Southwest corner of said Replat of North Post Oak Industrial Park same being the Southwest corner of a called 10.1877 acre tract of land as described in a conveyance to New Process Steel Corp. recorded under H.C.C.F. No. H004068, in all distance of 1,184.02 feet along and with the south line of said Replat of North Post Oak Industrial Park and the south line of said called 10.1877 acre tract to a point for the Northerly Northeast corner of the herein described tract same being the Northwest corner of a called 0.2019 acre tract, Parcel 218, a tract described in H.C.C.F. No. 20120326046, from which a found "TxDOT" monument with aluminum cap bears N 01' 33' East, 0.40 feet;

THENCE, S 05° 58' 49" W, a distance of 17.17 feet along and with the West line of said 0.2019 acre tract to a ½-inch iron pipe with a Brown & Gay cap set for the Southwest corner of said 0.2019 acre tract same being the Southerly Northeast corner of the herein described tract and lying on the North line of a called 3.880 acre tract as described in a Notice Lis Pendens recorded in H.C.C.F. No. 20110319578;

THENCE, S 87° 55' 36" W, a distance of 153.22 feet along and with the North line of said 3.880 acre tract to a 3/4-inch iron pipe (Control Monument) found for the Northwest corner of said 3.880 acre tract same being an angle point of the herein described tract, same also being an angle point of the said Unrestricted Reserve "A";

THENCE, S 02° 43' 51" E, a distance of 160.32 feet along and with the West line of said 3.880 acre tract to a ½-inch iron pipe with a Brown & Gay cap set for the easterly southeast corner of the herein described tract same being the northeast corner of a called 0.5555 acre tract as described in a conveyance to Mini-B, Inc. recorded under H.C.C.F. No. 20130478333;

THENCE, S 87° 55' 36" W, a distance of 220.00 feet along the North line of said 0.5555 acre tract to a ½-inch iron pipe with a Brown & Gay cap set for an interior corner of the herein described tract of land same being the northwest corner of said 0.5555 acre tract;

THENCE, S 02° 43' 51" E, a distance of 110.00 feet to a ½-inch iron pipe with a Brown & Gay cap set for the southerly southeast corner of the herein described tract same being the southwest corner of said 0.5555 acre tract in the north line of a called 4.9451 acre tract described in a conveyance to Security Capital Industrial Trust recorded under H.C.C.F. No. P224087;

THENCE, S 87° 55' 36" W, along the south line of said Unrestricted Reserve "A", at a distance of 295.16 feet passing a 5/8-inch iron rod found for the Northwest corner of said 4.9451 acre tract same being the Northeast corner of the remainder of a called 5.0073 acre tract described in a conveyance to Security Capital Industrial Trust recorded under H.C.C.F. No. P224084, at a distance of 722.71 feet passing a 5/8-inch iron rod found for the Northwest corner of said 5.0073 acre tract same being the Northeast corner of said 1.0157 acre tract, in all a distance of 807.54 feet to the POINT OF BEGINNING and containing 6.284 acres (273,743 square feet) of land.

TRACT II

DESCRIPTION OF A 0.5555 ACRE TRACT OF LAND SITUATED
IN THE JOHN REINERMANN SURVEY, ABSTRACT NO. 642
HARRIS COUNTY, TEXAS

BEING a 0.5555 acre (24,198 square feet) tract of land situated in the John Reinermann Survey, Abstract No. 642 of Harris County, Texas and being out of Unrestricted Reserve "A", Block 1, of RESIDENCES AT NORTH POST OAK a subdivision recorded under Film Code Number 661068 of the Harris County Map Records, said 0.5555 acre tract of land described by metes and bounds as follows:

COMMENCING at a ½-inch iron rod (Control Monument) found for the Southwest corner of said Unrestricted Reserve "A", same being the Northwest corner of a called 1.0157 acre tract as described in a conveyance to Security Capital Industrial Trust recorded under Harris County Clerk's File Number (H.C.C.F. No.) P755221 and lying in the east right-of-way line of North Post Oak Road (100 feet wide) as recorded under H.C.C.F. No. G559695;

THENCE, N 87° 55' 36" E, a distance of 807.54 feet along the south line of Unrestricted Reserve "A" to a point ½-inch iron rod with a Brown & Gay cap set for the southwest corner and POINT OF BEGINNING of the herein described tract of land same being the most southerly southeast corner of the remainder of a called 6.840 acre tract of land recorded under H.C.C.F. No. 20130478332 in the north line of a called 4.9451 acre tract described in a conveyance to Security Capital Industrial Trust recorded under H.C.C.F. No. P224067;

THENCE, N 02° 43' 51" W, a distance of 110.00 feet to a ½-inch iron pipe with a Brown & Gay cap set for the northwest corner of the herein described tract of land and an interior corner of said remainder tract;

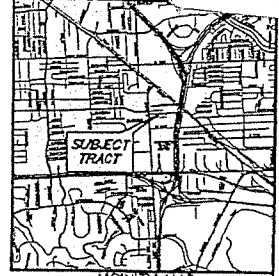
THENCE, N 87° 55' 36" W, a distance of 220.00 feet to a ½-inch iron pipe with a Brown & Gay cap set for the northeast corner of the herein described tract of land in the west line of a called 3.880 acre tract as described in a Notice of Lis Pendens recorded in H.C.C.F. No. 20110319578 same being the east line of said called 6.84 acres;

THENCE, S 02° 43' 51" E, a distance of 110.00 feet along and with the West line of said 3.880 care tract to a ¾-inch iron pipe (Control Monument) found for the southeast corner of the said 3.880 acre tract same being the Southeast corner of the herein described tract, same being the Southeast corner of said 6.840 acre tract and lying on the North line of a called 4.000 acre tract of land as described in a conveyance to Clear Channel Outdoor Inc. recorded in H.C.C.F. No. U083388;

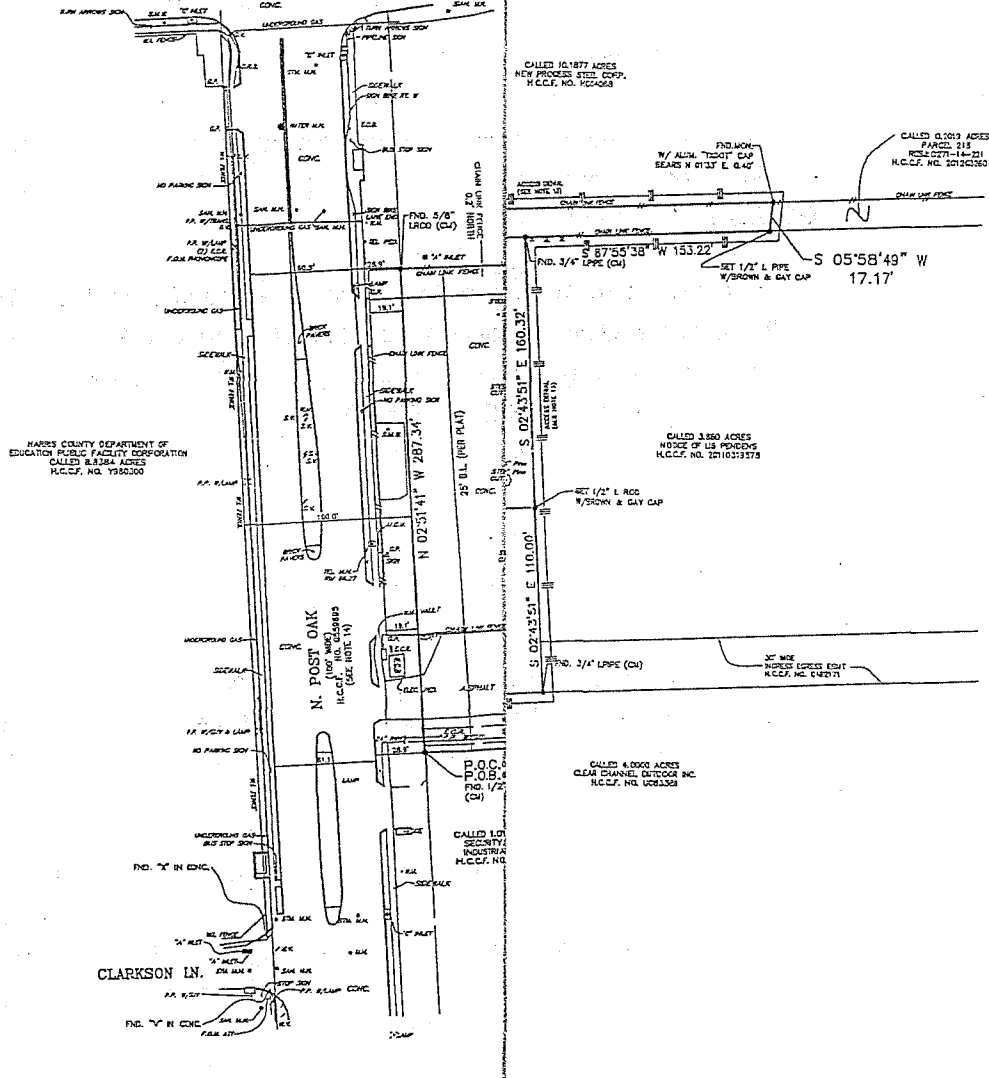
THENCE, S 87° 55' 36" W, a distance of 220.00 feet along and with the south line of said 6.840 acres to the POINT OF BEGINNING and containing 0.5555 acres (24,198 square feet) of land.

LEGEND

- | | | | |
|------------|--------------------------------------|--------|-----------------------|
| AC | AIR CONDITIONER | NO. | NUMBER |
| A.E. | ANIMAL EASEMENT | P.O. | POTENTIAL |
| B. | BOLLARD | P.L.M. | PIPE LINE |
| B.C. | BROCK CELLAR | P.O.B. | POINT OF BEGINNING |
| B.C.D. | BUILDING LINE | P.O.C. | POINT OF CONCERN |
| B.C.E. | BUILDING | P.P.F. | PET WASTE FILL |
| (C) | CENTRAL MONUMENT | P.R. | POST |
| CA. | CLEAN OUT | P.W.L. | POWER POLE |
| C.C. | CONCRETE | R.K. | RIGHT-OF-WAY |
| C.C.S. | CATHODIC READING STATION | R.N.W. | REINFORCED CONCRETE |
| C.C.S.B. | CONCRETE BATTERY BARRIER | S.E. | SEWER EASEMENT |
| C.W.L. | CROSSWALK LIGHT | S.E.M. | SEWER MAIN |
| D.F. | DIAPHRAGM WALL | S.L.V. | SANITARY MAIN |
| D.E. | ELECTRIC DISCONNECT FUSE | ST.W. | STORM |
| E.M.P. | ELECTRIC METER POLE | S.W. | SPRINKLER |
| E.M. | ELECTRICAL METER | S.Q.F. | SQUARE FOOT |
| E.M.W. | ENVIRONMENTAL MONITORING WELL | T.C.B. | TRAFFIC CONSTRUCTION |
| E.S.T. | EASEMENT | T.L. | TELEPHONE |
| F.C. | FIRE CODE | T.L.S. | TELEPHONE EASEMENT |
| F.E. | FIRE DEPARTMENT CONNECTION | T.P. | TRANSFORMER |
| F.L. | FIRE HYDRANT | T.R. | TRUNK |
| F.L.P. | FIRE LAMP | T.V. | TV |
| F.L.S. | FLOOD | U.E. | UTILITY EASEMENT |
| F.P. | FLAG POLE | U.P. | UNDERGROUND |
| G.C.S.B. | GATE CONTROL BOX | U.S.L. | UNDERGROUND |
| G.M. | GAS METER | V.M. | VOLUME |
| G.P. | GATE POST | W.B.V. | WATER BARRIERS |
| G.V. | GAS VALVE | W.F. | WATER FILL |
| H.C. | HANDICAP | W.L. | WREDOUT OR WATER LINE |
| H.C.C.F. | HARRIS COUNTY CLERK'S FILE | W.L. | WATER LINE |
| H.C.D.R. | HARRIS COUNTY DEED RECORDS | W.M. | WATER METER |
| H.C.F.C.A. | HARRIS COUNTY FLOOD CONTROL DISTRICT | W.V. | WATER VALVE |
| H.C.M.R. | HARRIS COUNTY MAP RECORDS | W.W. | WATER WELLS |
| H.W. | HEAD WALL | | |
| I. | IRON | | |
| M.H. | MANHOLE | | |



WESTVIEW DR.



TRACT II
DESCRIPTION OF A 0.5555 ACRE TRACT OF LAND IN THE JOHN REINERMANN SURVEY, HARRIS COUNTY, TEXAS

BEING a 0.5555 acre (272,743 square feet) tract of land situated in the Harris County, Texas and being all of Unsubstantiated Reserve 'A' 5/2-inch iron rod (Central Monument) found for the Southwest corner of the herein described tract of land and containing the following description: ...

132 LP, U.S. Bank National Association and Brown & Gay Engineers, Inc.

REVISED: 03/10/2014 FOR COORDINATES
REVISED: 03/10/2014 TRACT I

ADDRESS: 1300 NORTH POST OAK RD.
HOUSTON, TX

BROWN & GAY

Brown & Gay Engineers, Inc.
11777 Westheimer, Suite 420, Houston, TX 77042
Tel: 281-558-8700 Fax: 281-558-8701
— Civil Engineering and Surveyors —
TSP-3 Licensed Surveyors Firm No. 11010559

ALTA/ACSM LAND TITLE SURVEY OF
TWO TRACTS OF LAND
SITUATED IN THE
JOHN REINERMANN SURVEY A-642
CITY OF HOUSTON
HARRIS COUNTY, TEXAS

PARTY CHIEF:	T.E.	ISSUE DATED:	03/06/2014	SHEET	1
TECHNICIAN:	H.V.	SCALE:	1"=60'		
APPLICABLE:	P.A.	JOB NUMBER:	2187-00		
BASE FILE:	\\sfs01\work\2014\03062014\ALTA\ALTA\ALTA_ACSM_LAND_TITLE_SURVEY_OF_TWO_TRACTS_OF_LAND_SITUATED_IN_THE_JOHN_REINERMANN_SURVEY_A-642_CITY_OF_HOUSTON_HARRIS_COUNTY_Texas.dwg				

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared John S. Beeson, as an authorized representative of Beeson Sirota Partners, 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.

John S. Beeson
Signature

Date: 9/2/15

John S. Beeson
Printed Name
Managing Partner
Title

STATE OF TEXAS
COUNTY OF HARRIS

SUBSCRIBED AND SWORN before me on this the 2nd day of September 2015, to which witness my hand and seal of office.

Leonor C. Chavez
Notary Public in and for the State of TEXAS

