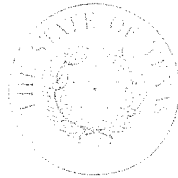


Bryan W. Shaw, Ph.D., *Chairman*  
Carlos Rubinstein, *Commissioner*  
Toby Baker, *Commissioner*  
Zak Covar, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 29, 2013

Mr. Darrell W. Burtner,  
Senior Program Director, Capital Programs  
Metropolitan Transit Authority of Harris County  
1900 Main Street  
Houston, Texas 77002

RE: Municipal Setting Designation (MSD) Certificate for East End Corridor  
Parcel EE 256, 6601 Harrisburg Boulevard, Houston, Harris County,  
Texas; MSD No. 225

Dear Mr. Burtner:

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) 239-3044 or via e-mail ([mark.riggle@tceq.texas.gov](mailto:mark.riggle@tceq.texas.gov)).

Sincerely,

A handwritten signature in black ink that reads "Mark R. Riggle".

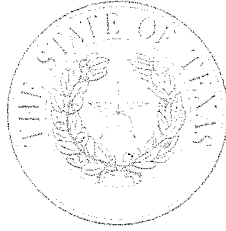
Mark R. Riggle, P.G., Project Manager  
VCP-CA Section  
Remediation Division

MRR/jdm

Enclosure: MSD Certificate No. 225

cc: Mr. Michael F. Marcon, P.G., InControl Technologies, Houston, Texas  
Mr. Jason Ybarra, Waste Section Manager, TCEQ Region 12 Office,  
Houston

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



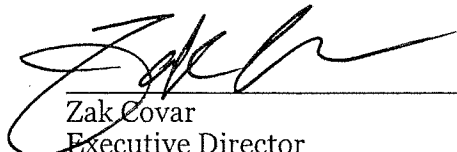
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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. 225, 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 23<sup>rd</sup> day of April, 2013

  
\_\_\_\_\_  
Zak Covar  
Executive Director  
Texas Commission on Environmental Quality

MSD No. 225  
EXHIBIT "A"  
page 1 of 3

PARCEL AY9-221  
MS-EE-M-L-06-256

**METES AND BOUNDS DESCRIPTION  
OF A 0.4504 OF ONE ACRE TRACT IN THE  
S. M. WILLIAMS SURVEY, ABSTRACT NO. 87**

Being a 0.4504 of one acre (19,618 square feet) tract of land situated in the S. M. Williams Survey, Abstract Number 87 situated in City of Houston, Harris County, Texas, being all of Lots 21 through Lot 24, Block 5, Central Park, a recorded subdivision plat filed under Volume 5, Page 23 of the Harris County Map Records (H.C.M.R.), being all of that 0.4504 of one acre of land conveyed from Parker Systems, Inc. to Metropolitan Transit Authority of Harris County, Texas (METRO) by Special Warranty Deed recorded under Harris County Clerk's File No. 20100062424 of the Official Public Records of Real Property Harris County, Texas (O.P.R.R.P.H.C.T.), recorded on February 17, 2010 and being more particularly described by metes and bounds as follows: All bearings are based on the Texas State Plane Coordinate System, South Central Zone 4204, NAD 83, 2001 adjustment as determined from METRO Monumented Control Point No's. MC-314, MC-315 and MC-316. All distances and coordinates are surface and can be converted to grid by multiplying by the METRO combined scale factor of 0.99988701;

**BEGINNING** at the northwest corner of Lot 24, Block 5 of said Central Park subdivision, same being in the east right of way line of 66<sup>th</sup> Street, 60.00 feet wide, as dedicated by said plat of Central Park and being in the south line of a 20.00 feet wide alleyway, dedicated by said plat of Central Park, from which a 5/8-inch iron rod was found which bears S. 59° 34' 51" E. – 1.47 feet from said corner of the herein described tract of land, having surface coordinates of X = 3,139,698.41, Y = 13,836,185.30, from which a 3-1/2 inch diameter aluminum disk in concrete being Metro Control Point "MC-314", having surface coordinates of X = 3,139,903.26 and Y = 13,836,718.58 and bears North 21 degrees 00 minutes 49 seconds East, a distance of 571.28 feet;

**THENCE** South 72 degrees 24 minutes 23 seconds East, along the northerly line of said Lots 24 through Lot 21, Block 5 of said Central Park subdivision same being the south line of said 20.00 feet wide alleyway, a distance of 100.00 feet, to a 5/8-inch iron rod with LTRA cap set for the common north corner of Lot 20 and Lot 21, Block 5 of Central Park for the northeast corner of the herein described tract of land;

**THENCE** South 17 degrees 29 minutes 29 seconds West, along the common line between said Lot 20 and Lot 21, Block 5 of said Central Park, same being the west line of a tract of land described in Warranty Deed conveying property to E. B. Warren recorded in Harris County Clerk's File (H.C.C.F.) Number F318307, recorded on September 30, 1977 in the Official Public Records of Real Property of Harris County, Texas (O.P.R.R.P.H.C.T.), a distance of 196.09 feet, to a point for corner in the existing north right of way line of Harrisburg Boulevard, (variable width) as dedicated by said plat of Central Park for the southeast corner of the herein described tract of land, from which a 5/8-inch iron rod was found located S. 37° 12' 02" W. – 1.07 feet and a 3/4-inch iron rod was found located N. 37° 24' 53" W. – 0.62 feet from said southeast corner of the herein described tract of land;

MSD No. 225  
EXHIBIT "A"  
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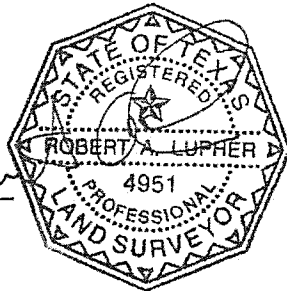
PARCEL AY9-221  
MS-EE-M-L-06-256

**THENCE** North 72 degrees 30 minutes 30 seconds West, along the existing north right of way line of said Harrisburg Boulevard and south line of said Lots 21 through Lot 24, Block 5 of Central Park, a distance of 100.00 feet, to a point for corner from which a chiseled "X" was found located N. 67° 48' 55" W. – 0.48 feet from the southwest corner of said Lot 24, Block 5, Central Park and southwest corner of the herein described tract of land;

**THENCE** North 17 degrees 29 minutes 29 seconds East, along the east right of way line of said 66<sup>th</sup> Street, same being the west line of said Lot 24, Block 5, Central Park, a distance of 196.27 feet, returning to the **POINT OF BEGINNING** and containing 0.4504 acres of land (19,618 square feet).

This property description was prepared in conjunction with City of Houston Parcel No. AY9-221, Metro Parcel No. MS-EE-M-L-06-256 Plat and based on an on-the-ground survey completed on September 2008.

DATE: 9/29/2011



Robert A. Luper, RPLS  
Texas Registration No. 4951  
Date: 11-20-2008  
Revised: 09-29-2011 for COH Parcel

Lina T. Ramey & Associates, Inc.  
2400 Augusta, Suite 301  
Houston, Texas 77057  
Tele: 713.972.0200  
Fax: 713.972.0204

MSD No. 225  
 EXHIBIT "A"  
 Page 3 of 3

- GENERAL NOTES:
1. BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, 4204, HAD 83 (2001 ADJ.) AS DETERMINED FROM METRO CONTROL POINTS MC-314, MC-315 AND MC-316. ALL DISTANCES AND COORDINATES ARE SURFACE AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED METRO SCALE FACTOR OF 0.99986701.
  2. ALL RECORD DOCUMENTS SUPPLIED BY METRO, OR ADDITIONAL ABSTRACTING PERFORMED BY LINA T. RAMEY & ASSOCIATES, INC. IN CONNECTION WITH THIS SURVEY PLAT AND IS ON FILE AT THE OFFICES OF THE METROPOLITAN TRANSIT AUTHORITY (METRO).
  3. A METES AND BOUNDS DESCRIPTION OF ELEVATION DATA WAS PREPARED IN CONNECTION WITH THIS SURVEY PLAT AND IS ON FILE AT THE OFFICES OF THE METROPOLITAN TRANSIT AUTHORITY (METRO).
  4. ALL OF THE TRACT SHOWN HEREON LIES WITHIN ZONE X (UNSHADED) DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN FLOODWAY AND FLOOD PLAIN. METES SHOWN HEREON ARE APPROXIMATE AND HAVE BEEN DETERMINED BY SCALING THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 48201C0004R FOR HARRIS COUNTY, TEXAS AND UNCORRECTED AREAS, DATED REVISED JUNE 18, 2007, AND HAS NOT BEEN FIELD VERIFIED. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE NEIGHBORING PROPERTY AND/OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, CHANGING FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES.
  5. SUBJECT TO ORDINANCE NO. 1999-262 (AMENDMENT OF CITY OF HOUSTON ORDINANCE NO. 85-1870) BY THE CITY OF HOUSTON, DATED MARCH 24, 1999, RELATING TO RULES, REGULATIONS, PROCEDURES AND DESIGN STANDARDS FOR DEVELOPMENT AND PLATTING AND PROVIDING FOR THE ESTABLISHING OF BUILDING SETBACK LINES.
  6. TRACT MAY BE SUBJECT TO TERMS, CONDITIONS AND STIPULATIONS OF ORDINANCE TO SET BUILDING LINES ON HARRISBURG ROAD AS SET FORTH IN VOLUME 5, PAGE 519 OF THE DEED RECORDS OF HARRIS COUNTY TEXAS.
  7. THE SURVEY AND THIS SURVEY PLAT PREPARED IN RELIANCE ON TITLE HISTORIC COMMITMENT PREPARED BY THE TECHNOLOGICAL SURVEYING COMPANY AND ISSUED ON JANUARY 22, 2010, UNDER C.F. NO. 1700-08-1052.

SCOPE OF SERVICES CONFORMANCE REVIEW BY

*Jesus F. Sosa*  
 JESUS F. SOSA, R.P.L.S.  
 REGISTRATION NO. 6095  
 TITLE: PROJECT SURVEYOR  
 DATE: 09-29-2011

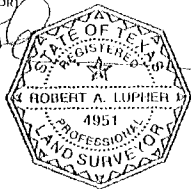
SURVEYOR'S CERTIFICATE

TO: METROPOLITAN TRANSIT AUTHORITY AND CITY OF HOUSTON

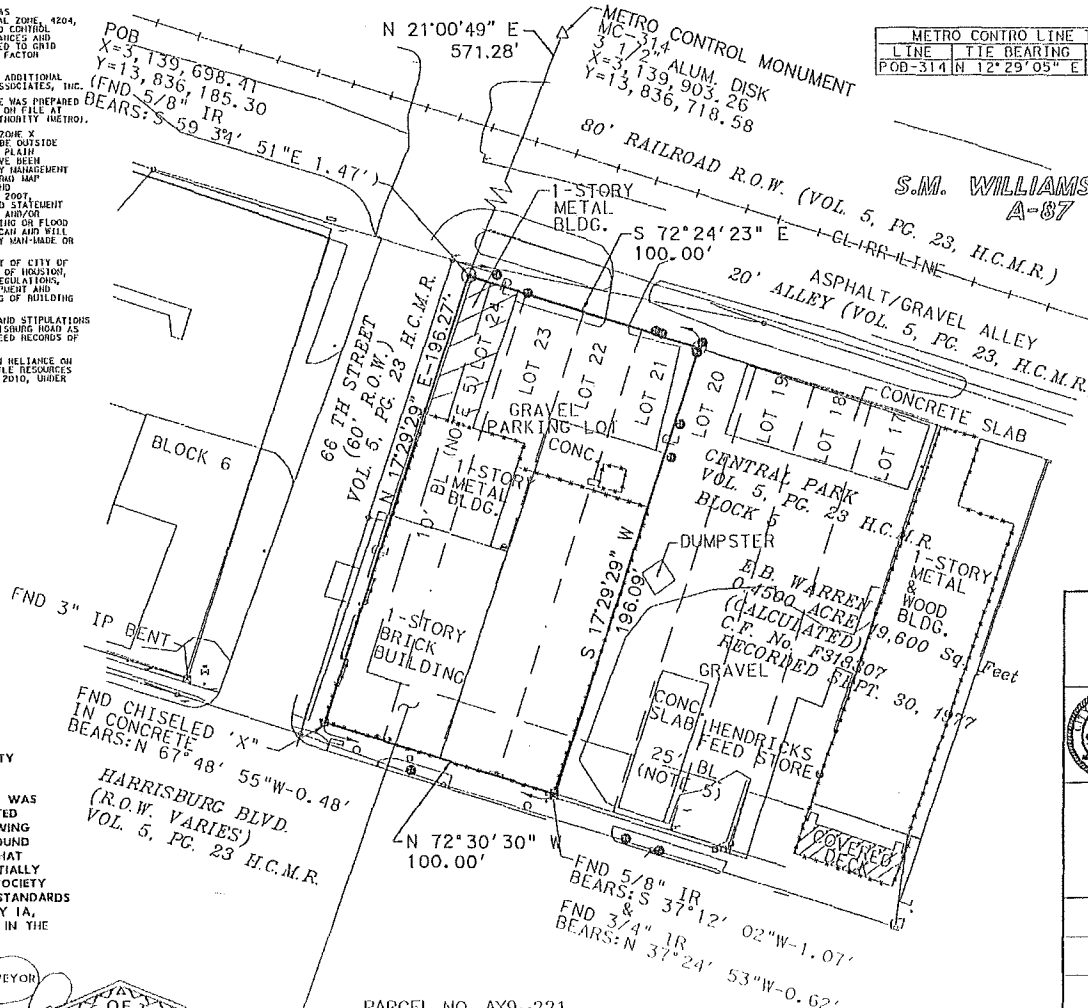
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND COMPLETED ON SEPTEMBER 2008 THAT THIS DRAWING CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY AND THAT THIS PROFESSIONAL SERVICE SUBSTANTIALLY CONFORMS TO THE CURRENT TEXAS SOCIETY OF PROFESSIONAL LAND SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY IA, CONDITION II SURVEY, AS DESCRIBED IN THE MANUAL OF PRACTICE.

REGISTERED PROFESSIONAL LAND SURVEYOR BY:

*Robert A. Lupier*  
 NAME: ROBERT A. LUPIER, R.P.L.S.  
 REGISTRATION NO. 4951  
 DATE: 11-20-2008  
 REVISED: 09-29-2011 FOR COH PARCEL



LINA T. RAMEY & ASSOCIATES  
 2400 AUGUSTA, SUITE 301  
 HOUSTON, TEXAS 77057  
 TELE: 713.972.0200  
 FAX: 713.972.0204



LEGEND

- ELEV. MARKER
- POWER POLE
- ELEV. AND POLE (ELEVATION)
- LINE MARKER
- WATER VALVE
- WATER METER
- SEEC & SHUTO
- GAS METER
- TREE
- IRON PIPE
- LIGHT POLE
- RAILROAD/PAVE
- MAIL BOX
- CLEARWAY
- SET PK MAIL W/TRA MARKER
- OVERHEAD POWER
- PROPERTY LINE
- FENCE CORNER
- SET 5/8" IR W/TRA CAP

VICINITY MAP N.T.S.

SCALE (IN FEET)  
 0 25 50 100

LAND TITLE SURVEY PLAT OF 0.4504 ACRE PARCEL S.M. WILLIAMS SURVEY, A-87 HOUSTON, HARRIS COUNTY, TEXAS	
CITY OF HOUSTON PUBLIC WORKS AND ENGINEERING DEPARTMENT	
APPROVAL _____	DATE _____
CHIEF SURVEYOR _____	RIGHT OF WAY SECTION _____
KEY MAP NO. 494U	GIMS MAP NO. 5556A
PARCEL NO. AY9-221	
SCALE: 1" = 50'	
JOB NO.	
WBS NO.	
METRO PARCEL NO. MS-EE-M-L-06-256	C.M. NO.

**Exhibit B**  
**Municipal Setting Designation**  
**Affidavit of Eligibility**

BEFORE ME, the undersigned authority, on this day personally appeared Darrell Burtner, as an authorized representative of Metropolitan Transit Authority of Harris County, 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.

*Darrell W. Burtner*  
Signature

Date: January 30, 2013

Darrell Burtner  
Printed Name  
Sr. Program Director  
Title

STATE OF Texas  
COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 30<sup>th</sup> day of January 2013, to which witness my hand and seal of office.

*Camille Grazda*  
Notary Public in and for the State of Texas

