

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

September 9, 2013

Mr. Frank M. K. Liu
Vice President
1216 Houston Avenue, Ltd.
1520 Oliver Street, Suite 202
Houston, TX 77007-6035

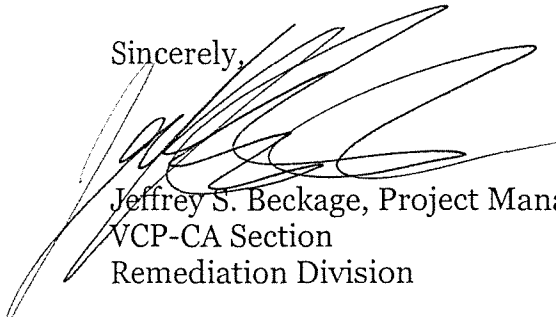
RE: Municipal Setting Designation (MSD) Certificate for 1216 Houston Avenue
and 1300 Dart Street, Houston, Harris County; MSD No. 230

Dear Mr. Liu:

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) 239-3582 or via e-mail (Jeffery.Beckage@TCEQ.Texas.gov).

Sincerely,

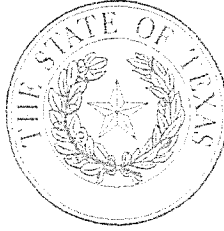


Jeffrey S. Beckage, Project Manager
VCP-CA Section
Remediation Division

JSB/jdm

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, Zak Covar, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 230, 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.

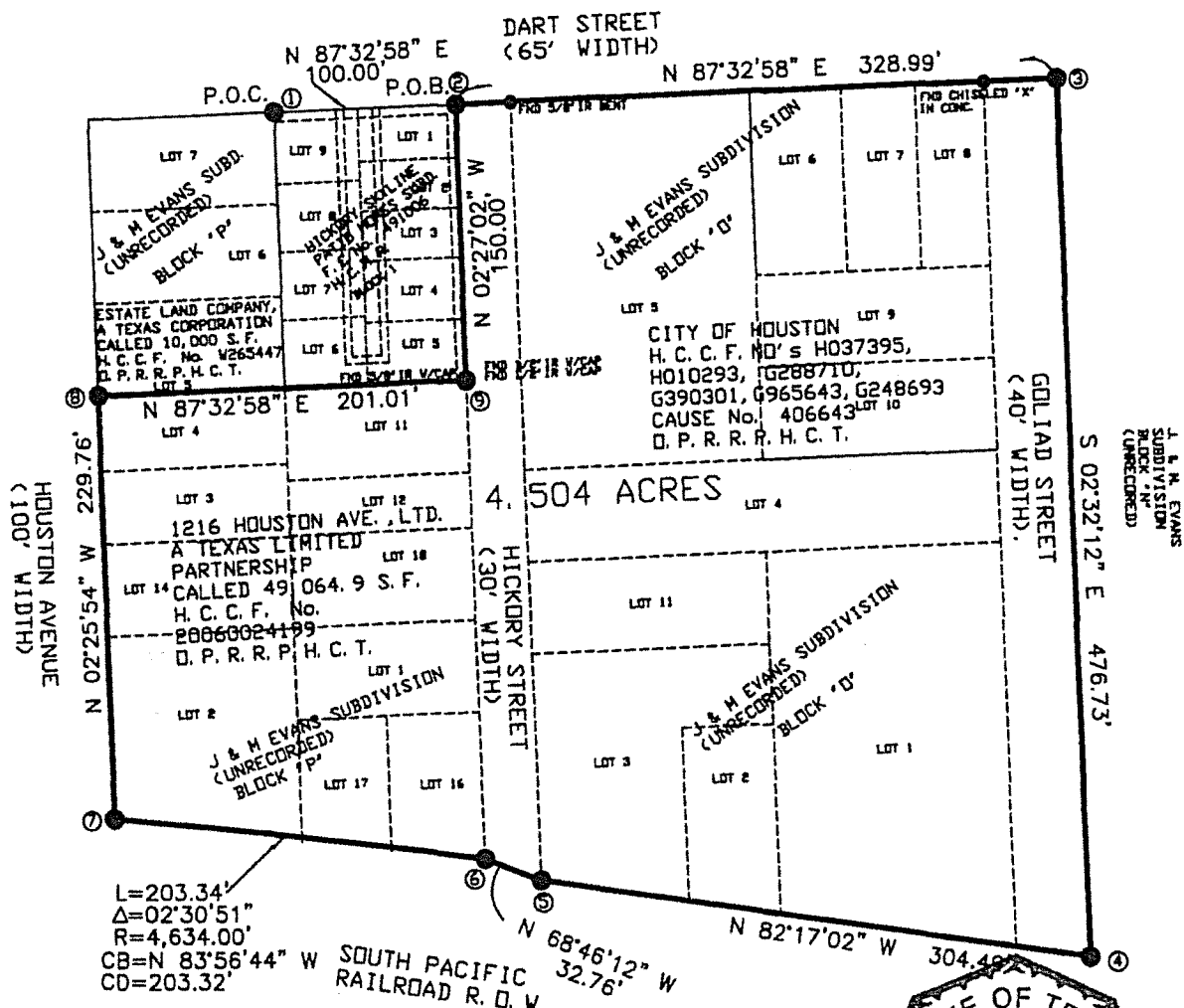
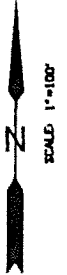
Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on Environmental Quality environmental remediation regulation, as modified by Texas Health and Safety Code §361.808.

EXECUTED this the 18th day of August, 2013

A handwritten signature in black ink, appearing to read "Zak Covar", written over a horizontal line.

Zak Covar
Executive Director
Texas Commission on Environmental Quality

JOHN AUSTIN GRANT, ABSTRACT No. 1



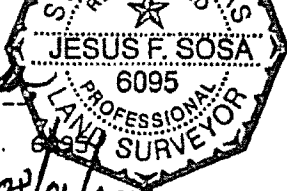
M. S. D. SURVEY

4.504 ACRES

BEING ALL OF BLOCK "D" AND LOTS 1-4, 11, 12, 14, 16, 17 & 18, BLOCK "P" OF J & M EVANS SUBDIVISION (UNRECORDED), ALL OF HICKORY STREET AND GOLIAD STREET AS SHOWN IN J. & M. EVANS SUBDIVISION (UNRECORDED)

HARRIS COUNTY, TEXAS

"THIS DOCUMENT WAS PREPARED UNDER 22 TAC 883.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED."


 JESUS F. SOSA
 RPLS, TEXAS REG. No. 6095
 08/01/2012

TSC SURVEYING COMPANY
 "A Geosurv Inc. Company"
 3300 S. GESSNER RD., SUITE 100
 Houston, Texas 77063-7304
 Tel. 713.784.4466
 Fax 713.784.6900

JOB NO:
 SCALE: 1" = 100'
 DATE: 08/01/2012
 M. B. NO:

County: Harris County
Project: 1216 Houston Avenue M.S.D. Survey
Job No.:
MBS No.

FIELD NOTES FOR 4.504 ACRES

Being a tract of land containing 4.504 acres, located in the John Austin Survey, Abstract Number 1, all in Harris County, Texas; said 4.504 acres tract being all of Block "O" and Lots 1-4, 11,12,14,16,17 and 18, Block "P" of J. & M. Evans Subdivision, Unrecorded, all of Hickory Street (30 feet width) and Goliad Street (40 feet width), as shown in said J. & M. Evans Subdivision; said 4.504 acres tract being more particularly described by metes and bounds as follows (all bearings being based on the Texas Coordinate System, South Central Zone, NAD 83, and all geographic coordinates based on said NAD 83):

COMMENCING (29° 46' 11.89" N. - 95° 22' 18.76" W.) at the northwest corner of Lot 9, Block 1, of Hickory Skyline Patio Homes Subdivision recorded in Film Code Number 491006 of the Harris County Map Records (H.C.M.R.), being the northeast of Lot 7, Block "P", of said J. & M. Evans Subdivision (unrecorded), being in the southerly Right-of-Way (R.O.W.) line of Dart Street (65 feet width);

THENCE North 87° 32' 58" East, continuing along said southerly Right-of-Way (R.O.W.) line of Dart Street (65 feet width), being the north line of Lot 9 and Lot 1, Block 1, of said Hickory Skyline Patio Homes Subdivision, a distance of 100.00 feet to the **POINT OF BEGINNING** (29° 46' 11.90" N. - 95° 22' 17.62" W.) of the herein described tract of land;

THENCE North 87° 32' 58" East, through and across said Hickory Street (30 feet width), with the southerly Right-of-Way (R.O.W.) line of said Dart Street (65 feet width), being the northerly line of Lots 5, 6, 7 and 8, Block "O", of said J. & M. Evans Subdivision, through and across said Goliad Street (40 feet width) to the east Right-of-Way (R.O.W.) line of said Goliad Street, being the west line of Lot 3A, Block "N", of said J. & M. Evans subdivision (unrecorded), a distance of 328.99 feet (29° 46' 11.94" N. - 95° 22' 13.89" W.);

THENCE South $02^{\circ} 32' 12''$ East, continuing along the east Right-of-Way (R.O.W.) line of said Goliad Street (40 feet width), being the west line of Lot 3A and 3B, Block "N", of said J. & M. Evans subdivision, a distance of 476.73 feet to a point ($29^{\circ} 46' 07.22''$ N. - $95^{\circ} 22' 13.82''$ W.) in the north line of Southern Pacific Railroad Right-of-Way;

THENCE North $82^{\circ} 17' 02''$ West, through and across said Goliad Street (40 feet width), continuing along the north line of said Southern Pacific Railroad Right-of-Way (R.O.W.), being the south line of Lots 1, 2 & 3, Block "O", of said J. & M. Evans subdivision, a distance of 304.49 feet to a point ($29^{\circ} 46' 07.72''$ N. - $95^{\circ} 22' 17.23''$ W.) in the east Right-of-Way (R.O.W.) line of said Hickory Street (30 feet width);

THENCE North $68^{\circ} 46' 12''$ West, continuing along the north line of said Southern Pacific Railroad Right-of-Way (R.O.W.), through and across said Hickory Street (30 feet width), a distance of 32.76 feet to a point of curvature ($29^{\circ} 46' 07.85''$ N. - $95^{\circ} 22' 17.57''$ W.) of a curve to the left in the west Right-of-Way line of said Hickory Street (30 feet width), being the east line of Lot 16, Block "P", of said J. & M. Evans subdivision;

THENCE, continuing along said north line of Southern Pacific Railroad Right-of-Way (R.O.W.), being the south line of Lots 16, 17 & 2, Block "P", of said J. & M. Evans subdivision, along the arc of a curve to the left having a central angle of 02 degrees 30 minutes 51 seconds, a radius of 4,634.00 feet, a chord that bears North $83^{\circ} 56' 44''$ West-203.32 feet, and an arc length of 203.34 feet, to a point ($29^{\circ} 46' 08.12''$ N. - $95^{\circ} 22' 19.85''$ W.) in the east Right-of-Way (R.O.W.) line of Houston Avenue (100 feet width), being the west line of Lot 2, Block "P", of said J. & M. Evans subdivision;

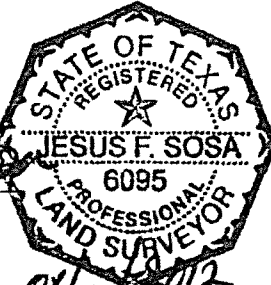
THENCE North $02^{\circ} 25' 54''$ West, continuing along the east Right-of-Way line of said Houston Avenue (100 feet width), being the west line of Lots 2, 14, 3 & 4, Block "P", of said J. & M. Evans subdivision, a distance of 229.76 feet to a point ($29^{\circ} 46' 10.40''$ N. - $95^{\circ} 22' 19.88''$ W.) in the common line of Lots 4 & 5, Block "P", of said J. & M. Evans subdivision;

THENCE North $87^{\circ} 32' 58''$ East, continuing along the common line of Lots 4 & 5, Block "P", of said J. & M. Evans subdivision, and common line Lot 11, Block "P", of said J. & M. Evans subdivision and Lots 5 & 6, Block 1, of said Hickory Skyline Patio Homes subdivision, a distance of 201.01 feet to a point ($29^{\circ} 46' 10.42''$ N. - $95^{\circ} 22' 17.60''$ W.) in the west Right-of-Way line of said Hickory Street (30 feet width), being the east line of Lot 5, Block 1, of said Hickory Skyline Patio Homes subdivision;

THENCE North 02° 27' 02" West, continuing along the west Right-of-Way line of said Hickory Street (30 feet width), being the east line of Lots 1-5, Block 1, of said Hickory Skyline Patio Homes subdivision, a distance of 150.00 feet to the **POINT OF BEGINNING** and containing approximately 4.504 acres of land.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."


JESUS F. SOSA
RPLS, TEXAS REG. No. 6095



08/01/2012

TSC SURVEYING COMPANY
"A GEOSURV INC. COMPANY"
3300 S. GESSNER RD., SUITE 100
HOUSTON, TEXAS 77063-7304
TEL. No. (713) 784-4466
FAX No. (713) 784-6900

1216 HOUSTON AVE. MSD SURVEY

GEODETTIC COORDINATES

	LATITUDE	LONGITUDE
1. POINT OF COMMENCING:	29° 46' 11.89" N	95° 22' 18.76" W
2. POINT OF BEGINNING:	29° 46' 11.90" N	95° 22' 17.62" W
3. POINT OF INTERSECTION:	29° 46' 11.94" N	95° 22' 13.89" W
4. POINT OF INTERSECTION:	29° 46' 07.22" N	95° 22' 13.82" W
5. POINT OF INTERSECTION:	29° 46' 07.72" N	95° 22' 17.23" W
6. POINT OF CURVATURE:	29° 46' 07.85" N	95° 22' 17.57" W
7. POINT OF INTERSECTION:	29° 46' 08.12" N	95° 22' 19.85" W
8. POINT OF INTERSECTION:	29° 46' 10.40" N	95° 22' 19.88" W
9. POINT OF INTERSECTION:	29° 46' 10.42" N	95° 22' 17.60" W

NOTE: GEODETTIC COORDINATES ARE BASED ON NAD 1983 GEOID 2003
OBTAINED BY R.T.K. G.P.S. OBSERVATIONS.

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3300 S. GESSNER RD., SUITE 100
HOUSTON, TEXAS 77063-7304
TEL. No. (713) 784-4466
FAX No. (713) 784-6900

Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Frank M.K. Liu, as an authorized representative of 1216 Houston Ave GP, LLC, General Partner of 1216 Houston Ave, 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)

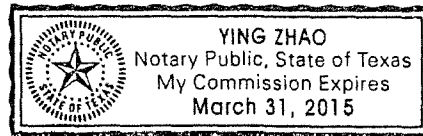
- The MSD eligibility criteria of THSC Section 361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC 361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the 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.

Frank M.K. Liu
Signature

Date: April 18th, 2013

FRANK M. K. LIU
Printed Name

Manager
Title



STATE OF Texas

COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 18th day of April 2013, to which witness my hand and seal of office.

Ying Zhao
Notary Public in and for the State of Texas