

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 3, 2014

Mr. Charles Gurney
Weingarten Realty Investors
2600 Citadel Plaza Drive
Houston, Texas 77008

RE: Municipal Setting Designation (MSD) Certificate for Landmark Shopping Center 5858 South Gessner Road; MSD No. 231


Dear Mr. Gurney:

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. 231

cc: 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, Richard A. Hyde, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 231, 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 29th day of January, 2014

A handwritten signature in black ink, appearing to read "Richard A. Hyde".

Richard A. Hyde, P.E.
Executive Director
Texas Commission on Environmental Quality

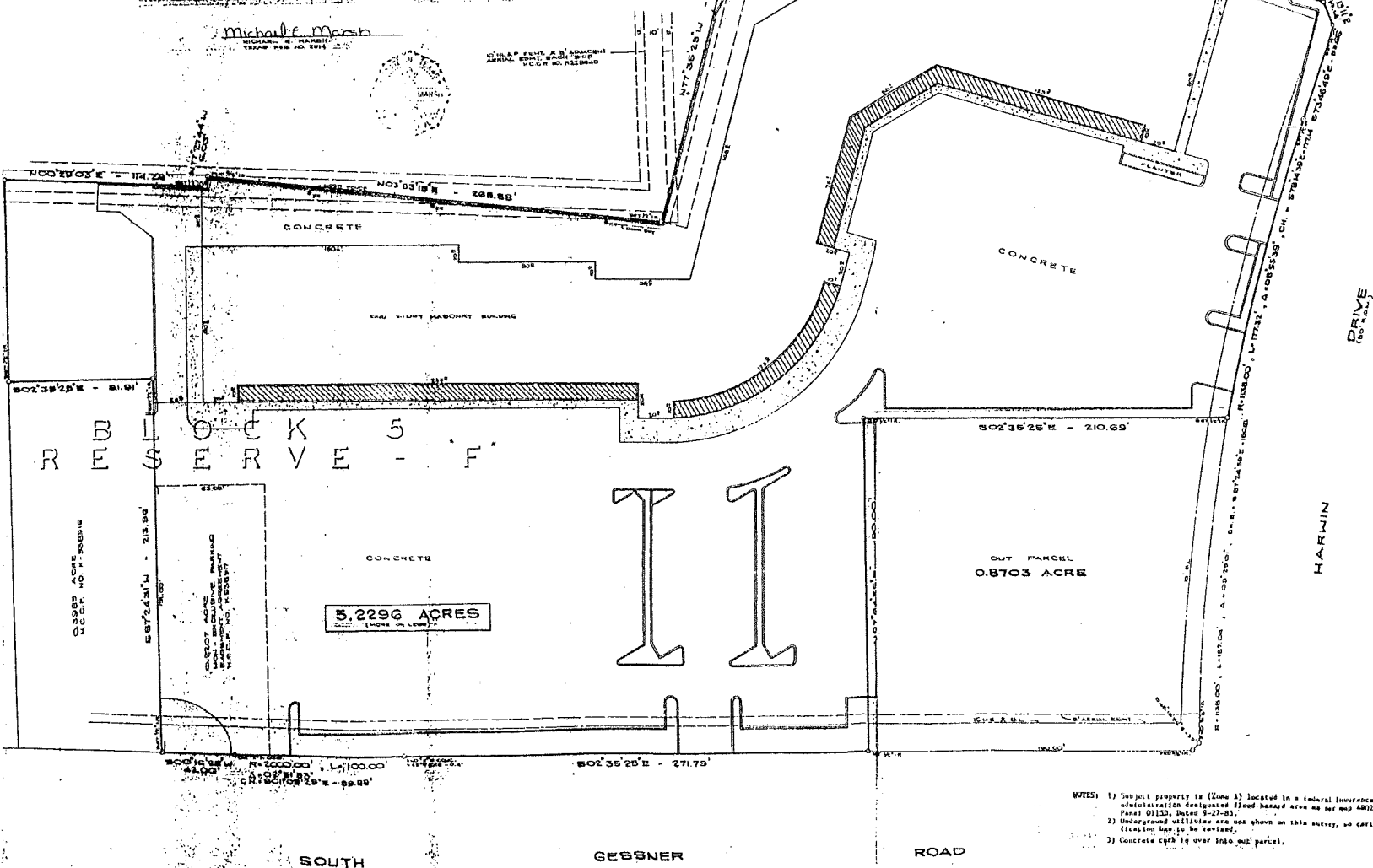


...of the State of Texas, do hereby certify that the following is a true and correct copy of the original as the same appears on the records of the County Clerk of Harris County, Texas, to-wit: ...

...of the State of Texas, do hereby certify that the following is a true and correct copy of the original as the same appears on the records of the County Clerk of Harris County, Texas, to-wit: ...

...of the State of Texas, do hereby certify that the following is a true and correct copy of the original as the same appears on the records of the County Clerk of Harris County, Texas, to-wit: ...

Michael F. Marsh



Being a 5.2296 acre tract out of Reserve "F", Block 9, TOWN PARK SUBDIVISION a subdivision of record to Volume 109, Page 216 in Harris County Map Record being the residue of a 8.3227 acre tract of record under Harris County 51 File Number 3914352 and being more particularly described as follows:

BEGINNING at a 1/2" iron rod set marking the most southerly corner of a 10.00 acre tract and being a Northwesterly corner of said Reserve "F" and being its Easterly right-of-way of Point West Drive (60.00 feet wide);

THENCE, North 61° 12' 13" East, 14.14 feet along said cutback to a 1/2" iron rod set in the Southerly right-of-way line of Harwin Drive (60.00 feet wide);

THENCE, South 73° 46' 49" East, 53.66 feet along the Southerly right-of-way of said Harwin Drive to a 1/2" iron rod set for corner at the beginning of a curve to the left;

THENCE, 177.32 feet following said Southerly right-of-way along the arc of curve to the left, having a central angle of 02° 51' 30", a radius of 11 feet and a chord which bears South 70° 14' 39" East, 177.14 feet to a 1/2" iron rod set for corner;

THENCE, South 02° 35' 25" East, 210.69 feet to a 1/2" iron rod set for corner;

THENCE, North 07° 24' 35" East, 190.10 feet to a 1/2" iron rod set in the West right-of-way of South Gessner Road (width varies);

THENCE, South 02° 35' 25" East, 271.79 feet to a point for corner at the beginning of a curve to the right from which an "X" in concrete bears North 49° East, 100.00 feet;

THENCE, 100.00 feet following said Westerly right-of-way line along the arc of said curve to the right, having a central angle 02° 51' 53", a radius of 30 feet and a chord which bears South 01° 09' 25" East, 99.99 feet to an "X" in concrete;

THENCE, South 10° 16' 28" West, 42.00 feet continuing along said West right-of-way line to a 1/2" iron rod set at the Northeast corner of a 0.3985 acre tract of record under Harris County Clerk's File Number 1528516;

THENCE, South 87° 24' 31" W, 213.96 feet along the North line of said 0.3985 acre tract to a 1/2" iron rod set for the Northwest corner of said 0.3985 acre tract;

THENCE, South 02° 35' 25" East, 81.91 feet along the West line of said 0.3985 acre tract to a 1/2" iron rod set for the Southeast corner of said 0.3985 acre tract and being in the North line of a 0.8942 acre tract of record under Harris County Clerk's File Number 1528516;

THENCE, South 87° 24' 31" West, 116.00 feet along the North line of said 0.8942 acre tract the Northwest corner of said 0.8942 acre tract from which a 3/4" iron rod bears South 04° 27' 00" West, 0.40 feet;

THENCE, North 00° 29' 03" East, 114.28 feet along a Westerly line of said 0.8942 acre tract of a 1/2" iron rod set for corner;

THENCE, North 73° 24' 44" West, 6.03 feet to a 5/8" iron rod found for corner;

THENCE, North 03° 33' 13" East, 265.88 feet continuing along a Westerly line to a 1/2" iron rod set for corner;

THENCE, North 37° 35' 29" West, 240.00 feet along the most Westerly South of said 8.3227 acre tract to a 5/8" iron rod found in the Easterly right-of-way line of Point West Drive (60.00 feet wide) and being in the arc of a curve to the right;

THENCE, 16.01 feet along the Westerly right-of-way line of said Point West Drive, following the arc of a curve to the right, having a central angle of 02° 42' a radius of 1170.00 feet and a chord which bears North 16° 35' 47" East, 16.01 feet to a nail found in an asphaltion joint at the end of said curve;

THENCE, North 16° 13' 11" East, 321.99 feet continuing along the said West right-of-way line to the POINT OF BEGINNING and containing 5.2296 acres of more or less.

NOTES: 1) Subject property is (Zone 4) located in a Federal Insurance Administration designated flood hazard area as per map 4801250, Panel 0113D, Dated 9-27-83.
2) Underground utilities are not shown on this survey, so certification has to be revised.
3) Concrete curb is over into out parcel.

American Surveying Comparison
OF ILLINOIS, INC.

DESCRIPTION: 5.2296 ACRES (MORE OR LESS) OUT OF RESERVE "F", BLOCK 9, TOWN PARK SUBDIVISION RECORDED IN VOLUME 109, PAGE 216 H.C.M.R., HARRIS COUNTY, TEXAS

DATE: 8-28-86
PROJECT: THREE CENTER VENTURE
ADDRESS: SOUTH GESSNER RD.

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

Being a 5.2296 Acre tract out of Reserve "F", Block 5, TOWN PARK SUBDIVISION, a subdivision of record in Volume 189, Page 116 in Harris County Map Records and being the residue of a 8.3227 acre tract of record under Harris County Clerk's File Number J934352 and being more particularly described as follows:

BEGINNING at a ½" iron rod set marking the most Southerly corner of a 10.00 foot cutback and being a Northwesterly corner of said Reserve "F" and being in the Easterly right-of-way of Point West Drive (60.00 feet wide);

THENCE, South 73° 46' 49" East, 55.66 feet along the Southerly right-of-way line of said Harwin Drive to a ½" iron rod set for corner at the beginning of a curve to the left;

THENCE, 177.32 feet following said Southerly right-of-way along the arc of said curve to the left, having a central angle of 08° 55' 39", a radius of 1138.00 feet and a chord which bears South 78° 14' 39" East, 177.14 feet to a ½" iron rod set for corner;

THENCE, South 02° 35' 25" East, 210.69 feet to a ½" iron rod set for corner;

THENCE, North 87° 24' 35" East, 190.00 feet to a ½" iron rod set in the Westerly right-of-way of South Gessner Road (width varies);

THENCE, South 02° 35' 25" East, 271.79 feet to a point for corner at the beginning of a curve to the right from which an "X" in concrete bears North 49" East, 0.38 feet;

THENCE, 100.00 feet following said Westerly right-of-way line along the arc of said curve to the right, having a central angle 02° 51' 53", a radius of 2000.00 feet and a chord which bears South 01° 09' 29" East, 99.99 feet to an "X" cut in concrete;

THENCE, South 00° 16' 28" West, 42.00 feet continuing along said Westerly right-of-way line to a ½" iron rod set at the Northeast corner of a 0.3985 acre tract of record under Harris County Clerk's File Number K538516;

THENCE, South 87° 24' 31" W, 213.96 feet along the North line of said 0.3985 acre tract to a ½" iron rod for the Northwest corner of said 0.3985 acre tract;

THENCE, South 02° 35' 25" East, 81.91 feet along the West line of said 0.3985 acre tract to a ½" iron rod set for the Southwest corner of said 0.3985 acre tract and being in the North line of a 0.8942 acre tract of record under Harris County Clerk's File Number K587649;

THENCE, South 87° 24' 31" West, 116.00 feet along the North line of said 0.8942 acre tract the Northwest corner of said 0.8942 acre tract from which a ¾" iron rod bears South 64° 24' 00" West, 0.40 feet;

THENCE, North 00° 29' 03" East, 114.28 feet along a Westerly line of said 8.3227 acre tract to a ½" iron rod set for corner;

THENCE, North 77° 24' 44" West, 6.03 feet to a 5/8" iron rod set for corner;

THENCE, North $03^{\circ} 53' 15''$ East, 265.88 feet continuing along a Westerly line to a $\frac{1}{2}$ " iron rod set for corner;

THENCE, North $77^{\circ} 35' 29''$ West, 240.00 feet along the most Westerly South line of said 8.2337 acre tract to a $\frac{5}{8}$ " iron rod found in the Easterly right-of-way line of Point West Drive (60.00 feet wide) and being in the arc of curve to the right;

THENCE, 16.00 feet along the Westerly right-of-way line of said Point West Drive following the arc of a curve to the right, having a central angle of $00^{\circ} 36' 42''$ East, 16.00 feet to a nail found in an expansion joint at the end of said curve;

THENCE, North $16^{\circ} 13' 11''$ East, 321.99 feet continuing along the said Westerly right-of-way line to the POINT OF BEGINNING and containing 5.2296 acres of land, more or less.

Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Laurie Rodriguez, as an authorized representative of _____, 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.

Laurie Rodriguez
Signature

Date: 4/9/13

Laurie Rodriguez
Printed Name

Project Manager
Title



STATE OF Texas

COUNTY OF Travis

SUBSCRIBED AND SWORN before me on this the 9 day of April 2013, to which witness my hand and seal of office.

Cathy Jackson
Notary Public in and for the State of Texas