

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 25, 2014

Mr. Jonathan Grenader, Manager  
Heights Block 39 LLC  
4708 Caroline Street  
Houston, Texas 77004

RE: Municipal Setting Designation (MSD) Certificate for Block 39, 502 West  
25<sup>th</sup> Street, Houston, Harris County, Texas  
MSD No. 242

Dear Mr. Grenader:

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) 239-2577 or via e-mail ([Julia.Mechler@TCEQ.Texas.gov](mailto:Julia.Mechler@TCEQ.Texas.gov)).

Sincerely,

A handwritten signature in black ink, appearing to read "Julia Mechler".

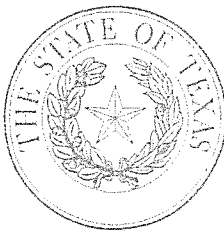
Julia Mechler, G.I.T., Project Manager  
VCP-CA Section  
Remediation Division

JMM/jdm

Enclosure: MSD Certificate No. 242

cc: 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, Richard A. Hyde, P.E., Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 242, 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 21st day of February 2014

A handwritten signature in cursive script that reads "Richard A. Hyde".

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



**METES AND BOUNDS DESCRIPTION**  
**4.132 ACRES (180,000 SQUARE FEET)**  
**JOHN AUSTIN SURVEY, ABSTRACT NUMBER 1**  
**CITY OF HOUSTON, HARRIS COUNTY, TEXAS**

Being a tract or parcel containing 4.132 acres (180,000 square feet) of land situated in the John Austin Survey, Abstract Number 1, Harris County, Texas, being all of Block 39 and the thirty-eight (38) foot wide alleyway of the Houston Heights Addition, a subdivision of record in Volume 1-A, Page 114 of the Harris County Map Records, said Block 39 also being called Lots 1 thru 48 described in Special Warranty Deed to Heights Block 39, LLC as recorded under Harris County Clerk's File Number 201000450210, said 4.132 acre tract of land being more particularly described by metes and bounds as follows: (Bearings cited herein are based on the Texas State Plane Coordinate System, South Central Zone, NAD 83):

**BEGINNING** at a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set in the north right-of-way (R.O.W.) line of West 24th Avenue (70 feet wide) and the east R.O.W. line of Lawrence Street (70 feet wide) marking the southwest corner of said Block, from which a 1/2" iron rod bears South 02°45'39" East, 70.00 feet and a 3/4-inch iron pipe bears South 87°14'21" West, 70.00 feet;

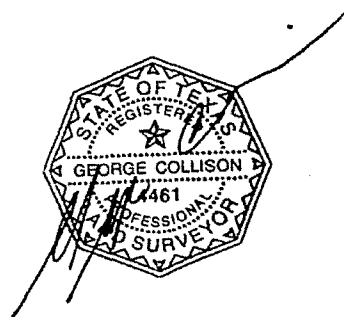
**THENCE**, North 02°45'39" West, along the east R.O.W. line of said Lawrence Street, at a distance of 131.00 feet passing a 3/4-inch iron pipe found marking the northwest corner of Lot 25 of said Block 39 and the southwest corner of the aforesaid thirty-eight (38) foot alleyway, at a distance of 169.00 feet passing a 3/4-inch iron pipe found marking the southwest corner of Lot 24 of said Block 39 and the northwest corner of said thirty-eight (38) foot alleyway, and continuing in all for a total distance of 300.00 feet to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set in the south (R.O.W.) line of West 25th Avenue (70 feet wide) marking the northwest corner of said Block 39 and of the herein described tract, from which a 1/2-inch iron rod bears South 59°21' East, 0.3 feet;

**THENCE**, North 87°14'21" East, along the south R.O.W line of said West 25<sup>th</sup> Street, a distance of 600.00 feet to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set in the west (R.O.W.) line of Nicholson Street (100 feet wide) marking the northeast corner of said Block 39 and of the herein described tract, from which a 5/8-inch iron rod bears South 28°50' East, 0.5 feet and a 3/4-inch iron rod bears South 20°18' East, 0.4 feet;

**THENCE**, South 02°45'39" East, along the west R.O.W. line of said Nicholson Street, at a distance of 131.00 feet passing a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set marking the southeast corner of Lot 1 of said Block 39 and the northeast corner of said alleyway, at a distance of 169.00 feet passing a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set marking the northeast corner of Lot 48 of said Block 39 and the southeast corner of said alleyway, and continuing for a total distance of 300.00 feet to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set in the north R.O.W line of the aforesaid West 24th Street and marking the southeast corner of said Block 39 and of the herein described tract, from which a 5/8-inch iron rod bears South 17°07' East, 0.8 feet;

**THENCE**, South 87°14'21" West, along the R.O.W. line of said West 24<sup>th</sup> Avenue, a distance of 600.00 feet to the **POINT OF BEGINNING** and containing 4.132 acres (180,000 square feet) of land. This description is based on an ALTA ACSM Land Title Survey made by Terra Surveying Company, Inc., dated February 15, 2013, updated July 19, 2012, TSC Project Number 1617-1304.

Compiled by: Chad Walsh  
Reviewed by: George Collison, RPLS  
Checked by: Greg Mata  
Terra Surveying Company, Inc.  
3000 Wilcrest Drive, Suite 21  
Houston, Texas 77042  
1617-1304 mb4.132ac.doc



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

BEFORE ME, the undersigned authority, on this day personally appeared  
Jonathan Grenader, as an authorized representative of  
Heights Block 39 LLC, 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.

*Jonathan Grenader*  
Signature

Date: 8-7-2013

Jonathan Grenader

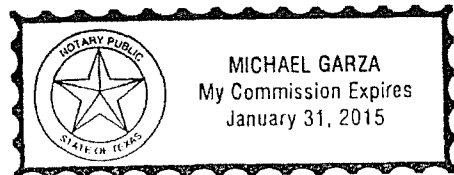
Printed Name

Manager

Title

STATE OF TEXAS

COUNTY OF HARRIS



SUBSCRIBED AND SWORN before me on this the 7<sup>th</sup> day of  
August 2013, to which witness my hand and seal of office.

*Michael Garza*  
Notary Public in and for the State of TEXAS