

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 19, 2014

Mr. Ripley, P.E.
Coastal Water Authority
1801 Main Street
Houston, Texas 77022

Re: Municipal Setting Designation (MSD) Certificate for Gillette Street
Property, 801 Gillette Street; MSD No. 244

Dear Mr. Ripley:

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) 239-3313 or via e-mail (Jennifer.Thompson@TCEQ.Texas.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer Thompson".

For: Jennifer Thompson, Project Manager
VCP-CA Section
Remediation Division

JT/jdm

Enclosure: MSD Certificate No. 244

cc: Mr. Jason Ybarra, Waste Section Manager, TCEQ Region 12 Office, Houston
Mr. Greg Olinger, Coastal Water Authority, Houston
Mr. Prasad Rajulu, PE, Terracon Consultants, Inc., 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):

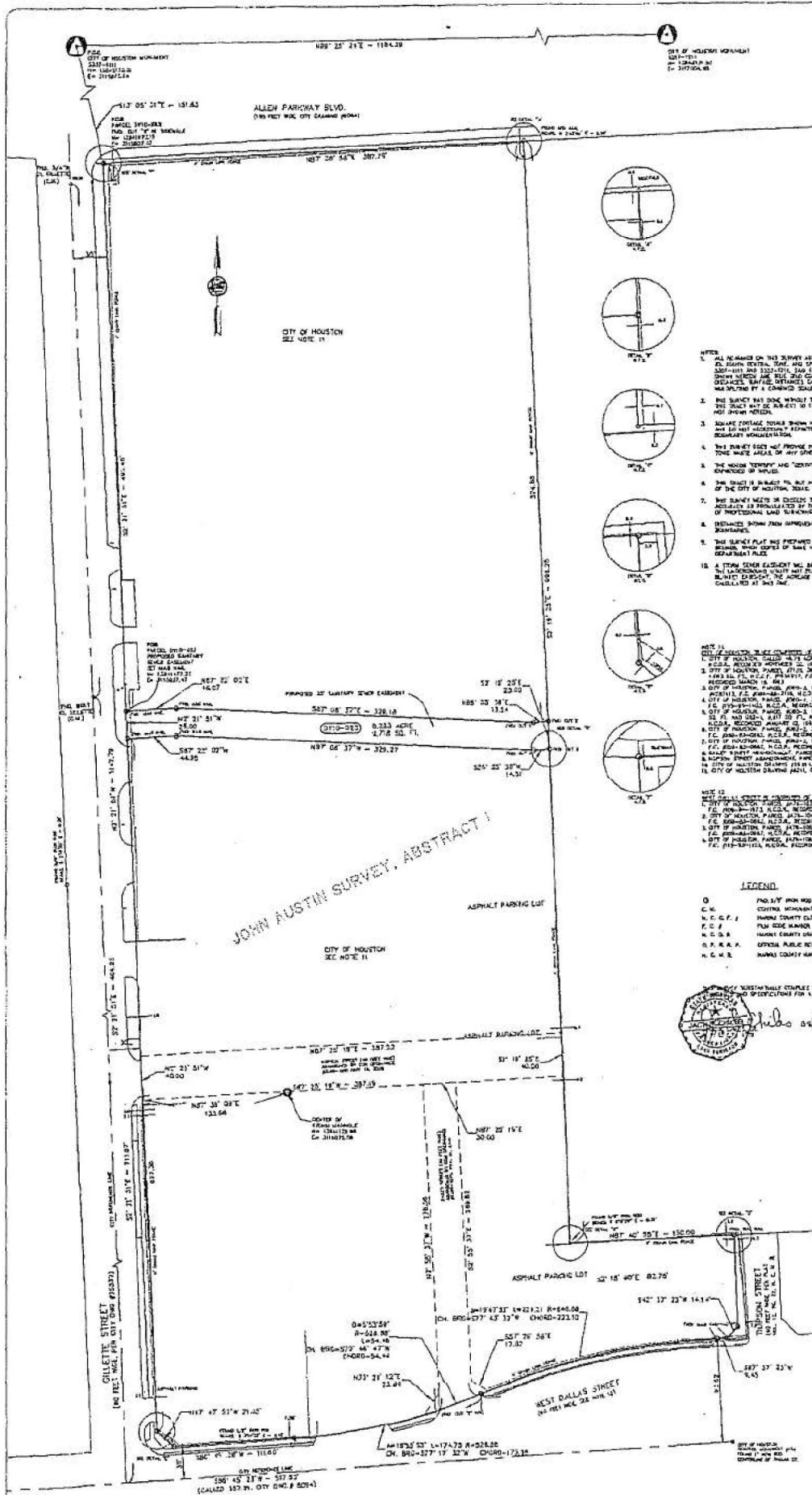
I, Richard A. Hyde, P.E., Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 244, in the City of Houston, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 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 19th day of February, 20 14

A handwritten signature in black ink that reads "Richard A. Hyde". The signature is written in a cursive style and is positioned above a horizontal line.

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



- NOTES**
1. ALL BEARINGS ON THIS SURVEY ARE BASED ON THE 1983 COORDINATE SYSTEM AND TO BE VALID FOR THE YEAR 2011. THE CITY OF HOUSTON HAS ADOPTED THE 1983 COORDINATE SYSTEM AND THE BEARINGS ON THIS SURVEY ARE BASED ON THE 1983 COORDINATE SYSTEM. ALL BEARINGS ON THIS SURVEY ARE BASED ON THE 1983 COORDINATE SYSTEM AND TO BE VALID FOR THE YEAR 2011. THE CITY OF HOUSTON HAS ADOPTED THE 1983 COORDINATE SYSTEM AND THE BEARINGS ON THIS SURVEY ARE BASED ON THE 1983 COORDINATE SYSTEM.
 2. THE SURVEY HAS BEEN MADE WITHOUT THE BENEFIT OF A SURVEYING INSTRUMENT AND THE SURVEYOR HAS NOT BEEN PROVIDED WITH A SURVEYING INSTRUMENT.
 3. THE SURVEYOR HAS NOT PROVIDED WITH A SURVEYING INSTRUMENT AND THE SURVEYOR HAS NOT BEEN PROVIDED WITH A SURVEYING INSTRUMENT.
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 9. THE SURVEYOR HAS NOT PROVIDED WITH A SURVEYING INSTRUMENT AND THE SURVEYOR HAS NOT BEEN PROVIDED WITH A SURVEYING INSTRUMENT.
 10. THE SURVEYOR HAS NOT PROVIDED WITH A SURVEYING INSTRUMENT AND THE SURVEYOR HAS NOT BEEN PROVIDED WITH A SURVEYING INSTRUMENT.

NOTE 11
 THIS SURVEY IS BASED ON THE FOLLOWING:
 1. CITY OF HOUSTON, TEXAS, RECORDS BOOK 1, PAGE 104.
 2. CITY OF HOUSTON, TEXAS, RECORDS BOOK 1, PAGE 104.
 3. CITY OF HOUSTON, TEXAS, RECORDS BOOK 1, PAGE 104.
 4. CITY OF HOUSTON, TEXAS, RECORDS BOOK 1, PAGE 104.
 5. CITY OF HOUSTON, TEXAS, RECORDS BOOK 1, PAGE 104.
 6. CITY OF HOUSTON, TEXAS, RECORDS BOOK 1, PAGE 104.
 7. CITY OF HOUSTON, TEXAS, RECORDS BOOK 1, PAGE 104.
 8. CITY OF HOUSTON, TEXAS, RECORDS BOOK 1, PAGE 104.
 9. CITY OF HOUSTON, TEXAS, RECORDS BOOK 1, PAGE 104.
 10. CITY OF HOUSTON, TEXAS, RECORDS BOOK 1, PAGE 104.

NOTE 12
 THIS SURVEY IS BASED ON THE FOLLOWING:
 1. CITY OF HOUSTON, TEXAS, RECORDS BOOK 1, PAGE 104.
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 3. CITY OF HOUSTON, TEXAS, RECORDS BOOK 1, PAGE 104.
 4. CITY OF HOUSTON, TEXAS, RECORDS BOOK 1, PAGE 104.
 5. CITY OF HOUSTON, TEXAS, RECORDS BOOK 1, PAGE 104.
 6. CITY OF HOUSTON, TEXAS, RECORDS BOOK 1, PAGE 104.
 7. CITY OF HOUSTON, TEXAS, RECORDS BOOK 1, PAGE 104.
 8. CITY OF HOUSTON, TEXAS, RECORDS BOOK 1, PAGE 104.
 9. CITY OF HOUSTON, TEXAS, RECORDS BOOK 1, PAGE 104.
 10. CITY OF HOUSTON, TEXAS, RECORDS BOOK 1, PAGE 104.



LEGEND

- D. 100' BY 100' IRON ROD WITH CAP
- C. 1/4" IRON ROD
- N.C.C.P. 1. HANDED COUNTY CLERK'S FILE NUMBER
- P.C.P. 1. PLAN BOOK NUMBER
- N.C.C.S. 1. HANDED COUNTY CLERK'S RECORDS
- O.P.R.A. 1. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY
- N.C.C.S. 1. HANDED COUNTY MAP RECORDS

**CITY OF HOUSTON
PUBLIC WORKS AND
ENGINEERING DEPARTMENT**

LAND TITLE SURVEY OF A
10.520 ACRE TRACT OF LAND
OUT OF THE JOHN AUSTIN
SURVEY, ABSTRACT 1

DATE: 09/11/2017
 SURVEY BY: [Signature]
 DRAWN BY: [Signature]
 SCALE: 1"=40'

48328

City of Houston
Parcel #SY10-021
10.520 Acres (458,270 Square Feet)
John Austin Survey, Abstract 1
Harris County, Texas
Drawing No. 46328

THENCE, South 13°05'31" East, 151.83 feet to an "X" cut in concrete found marking the intersection of the southerly right-of-way line of Allen Parkway and the easterly right-of-way line of Gillette Street, said "X" being perpendicular to and 30.00 feet easterly from the Reference Centerline of Gillette Street (referenced in City Drawing #8094) and also being the **POINT OF BEGINNING** and the northwesterly corner of the herein described tract of land (said "X" having coordinate values of $X = 3,115,907.03$, and $Y = 13,841,972.15$);

THENCE, North 87°38'58" East, 387.79 feet, with the southerly right-of-way line of Allen Parkway to a point for the northeasterly corner of the herein described tract, from which a found 60D nail bears North 02°43'09" East, 0.59 feet, said point also being the northwesterly corner of the Allen Parkway Village, a called 38.84 acre tract, of record under H. C. C. F. #428006, O. P. R. R. P., Harris County, Texas, dated the 20th of October, 1999;

THENCE, South 2°19'25" East, with the easterly line of the herein described tract of land and with the westerly line of said Allen Parkway Village, passing at a distance of 524.88 feet the northeasterly corner of Parcel DY10-023 a proposed sanitary sewer easement and passing at 549.88 feet the southeasterly corner of the aforesaid sanitary sewer easement and continuing a total distance of 998.25 feet to a point for an interior corner of the herein described tract, from which a found 5/8 inch iron rod bears South 2°19'25" East, 0.31 feet;

THENCE, North 87°40'55" East, 150.00 feet, with the southerly line of Allen Parkway Village to a Mag Nail found marking the northwesterly corner of Timpson Street, (40 feet wide), per plat of the aforesaid Hardcastle Addition, and marking the most easterly northeast corner of the herein described tract;

THENCE, South 02°18' 40" East, 82.75 feet, with the westerly right-of-way line of Timpson Street, to a Mag Nail found marking the beginning of a cut back corner of the westerly right-of-way line of Timpson Street, and being the eastern-most southeasterly corner of the herein described tract;

THENCE South 42°37'23" West, 14.14 feet to a Mag Nail found marking the intersection of the southerly end of said cut back corner and the northerly right-of-way line of West Dallas Street (60 feet wide, per City drawing #8644), said Mag Nail being the southern-most southeasterly corner of the herein described tract;

THENCE South 87°37'23" West, 9.45 feet with the northerly right-of-way of West Dallas Street, to a Mag Nail found marking a point of curvature to the left;

THENCE, in a southwesterly direction with the northerly right-of-way line of West Dallas Street and with the arc of said curve to the left, said curve having a central angle of 19°47'53", a radius of 648.88 feet, and an arc length of 224.21 feet subtended by a long chord which bears

City of Houston
Parcel #SY10-021
10.520 Acres (458,270 Square Feet)
John Austin Survey, Abstract 1
Harris County, Texas
Drawing No. 46328

Property description of 10.520 acres (458,270 square feet) of land out of and a part of the John Austin Survey, Abstract 1, Harris County, Texas, being comprised of the following tracts of land: 1) the residue of a called 48.78 acre tract conveyed to the City of Houston by deed of record in Volume 372, Page 235, Harris County Deed Records (H. C. D. R.), Harris County, Texas, dated November 20, 1916, 2) the residue of a called 36,181 sq. ft. tract and all of a called 4,663 sq. ft. tract of land conveyed to the City of Houston, (Parcels 7135 and 7135E, City Drawing numbers 26014 & 8291) by deed of record under Harris County Clerks File No. (H. C. C. F. #) B656927, Film Code No. (F. C. #) 085-17-0349, Official Public Records of Real Property (O. P. R. R. P.), Harris County, Texas, dated March 15, 1963, 3) part of Lots 1, 2 and 3, of Block 4 of the Hardcastle Addition, a subdivision of record in Volume 15, Page 22, of the Harris County Map Records (H. C. M. R.) 4) all of a called 2,375 sq. ft. tract, a 10,055 sq. ft. tract and Lots 1 and 2 of the aforesaid Hardcastle Addition conveyed to the City of Houston, (Parcels O80-5, O80-5A and O82-1, City Drawing #26014), by deed of record under H. C. C. F. # K919720, F. C.# 070-61-0795, O. P. R. R. P., Harris County, Texas, dated January 12, 1987, 5) all of a called 10,273 sq. ft. tract of land conveyed to the City of Houston, (Parcel #O80-3, City drawing #26014) by deed of record under H. C. C. F.# H287413, F. C.# 004-88-2116, O. P. R. R. P., Harris County, Texas, dated January 8, 1982, 6) all of a called 3,845 sq. ft. tract of land conveyed to the City of Houston (Parcel #O80-4, City drawing #26014) by deed of record under H. C. C. F. #H148328, F. C.# 195-95-1403, O. P. R. R. P., Harris County, Texas, dated September 18, 1981, 7) all of a called 3,991 sq. ft. out of the aforesaid Lot 3, Block 4, Hardcastle Addition conveyed to the City of Houston, (Parcel #O82-2, City drawing #26014) by deed of record under H. C. C. F.# J145056, F. C.# 059-83-0883, O. P. R. R. P., Harris County, Texas, dated September 15, 1983, 8) all of a called 1,222 sq. ft. portion of aforesaid Lot 3A, Block 4, Hardcastle Addition conveyed to the City of Houston (Parcel #O82-3, City drawing #26014) by deed of record under H. C. C. F. # J145057, F. C. # 059-83-0887, O. P. R. R. P., Harris County, Texas, dated September 15, 1983, 9) all of Hopson Street, said street right-of-way being abandoned by City of Houston Ordinance #2009-1091, dated November 16, 2009, 10) all of Bailey Street, said street right-of-way being abandoned by City of Houston Ordinance #2009-1091, dated September 21, 2010, 11) all of that certain parcel of land sometimes known as San Felipe Park, closed by City of Houston Ordinance #2010-728, dated September 21, 2012; said 10.520 acres (458,720 square feet) being more particularly described by metes and bounds as follows (Note: All bearings and coordinates are referenced to the Texas Coordinate System, South Central Zone, N. A. D. 83. All coordinates listed herein are true grid coordinates. All distances listed herein are surface distances and may be converted to grid distances by multiplying them by combined scale factor of 0.999890843);

COMMENCING at City of Houston Monument #5357-1111, located near the northerly right-of-way line of Allen Parkway (195 feet wide, City Drawing #6064) and its intersection with Gillette Street (60 feet wide, City of Houston Drawing #35332); said monument having coordinates values of X = 3,115,872.64, and Y = 13,842,120.01;

City of Houston
Parcel #SY10-021
10.520 Acres (458,270 Square Feet)
John Austin Survey, Abstract 1
Harris County, Texas
Drawing No. 46328

South 77°43'32" West, 223.10 feet, to an "X" cut in concrete found marking a point of reverse curve to the right;

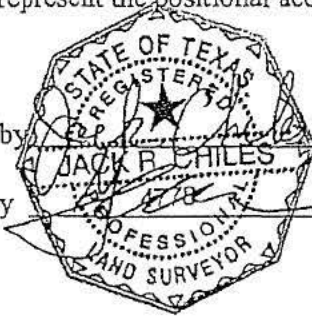
THENCE, in a southwesterly direction with the northerly right-of-way line of West Dallas Street in said curve to the right, said curve having a central angle of 18°55'53", a radius of 528.88 feet, an arc length of 174.75 feet subtended by a Chord which bears South 77°17'32" West, 173.96 feet, to a 5/8-inch iron rod with cap found marking the point of tangency, said 5/8-inch iron rod with cap being perpendicular to and 30.00 feet north of the City Reference Line of West Dallas Street;

THENCE, South 86°45'28" West, with the northerly right-of-way line of West Dallas Street, being 30.00 feet north of and parallel to the City Reference Line of West Dallas Street, passing at a distance of 7.38 feet a found 1/2-inch iron rod, said 1/2-inch iron rod being 0.18 feet south of the northerly right-of-way line of West Dallas Street and continuing for a total distance of 111.66 feet to a 5/8-inch iron rod with cap found marking the intersection of a cut back corner and the northerly right-of-way line of West Dallas Street, said 5/8-inch iron rod with cap being the southern-most southwesterly corner of the herein described tract;

THENCE North 47°47'52" West, 21.05 feet to a 5/8-inch iron rod with cap found marking the intersection of the aforesaid cut back corner and the easterly right-of-way line of the aforesaid Gillette Street, said 5/8-inch iron rod with cap being 30.00 feet east of and perpendicular to the City Reference Centerline of Gillette Street and also being the western-most southwesterly corner of the herein described tract;

THENCE North 02°21'51" West, with the easterly right-of-way of Gillette Street, said easterly right-of-way being 30.00 feet east of and parallel to the City Reference Line, passing at a distance of 627.38 feet the southwesterly corner of the aforesaid proposed sanitary sewer easement, passing at 652.38 feet the northwesterly corner of the aforesaid proposed sanitary sewer easement and continuing for a total distance of 1147.79 feet to the **POINT OF BEGINNING** and containing 10.520 acres (458,270 square feet) of land.

Notes: This metes and bounds description was prepared in conjunction with a drawing of this property of same date, which same can be found in the City of Houston File Room, Drawing # 46328. Square footage totals shown herein are based on mathematical closures and do not necessary represent the positional accuracy of the existing boundary monumentation.

Compiled by  Date 08/20/2012
Checked by _____ Approved [Signature]

City of Houston
Sanitary Sewer Easement
Parcel #DY10-023
0.223 Acres (9,718 Square Feet)
John Austin Survey, Abstract 1
Harris County, Texas

Property description of 0.223 acres (9,718 square feet) of land out of and a part of the John Austin Survey, Abstract 1, Harris County, Texas and being out of and a part of the residue of a called 48.78 acre tract conveyed to the City of Houston by deed of record in Volume 372, Page 235, Harris County Deed Records (H. C. D. R.), Harris County, Texas, dated November 20, 1916 and being more particularly described by metes and bounds as follows (Note: All bearings and coordinates are referenced to the Texas Coordinate System, South Central Zone, N.A.D. 83. All coordinates listed herein are true grid coordinates. All distances listed herein are surface distances and can be converted to grid distances by multiplying them by a combined scale factor of 0.999890843):

COMMENCING at City of Houston Monument # 5357-1111, located near the north right-of-way of Allen Parkway (195 feet wide, City Drawing #6064) and the intersection of Gillette Street (60 feet wide, City of Houston Drawing #35332); having coordinates of X = 3,115,872.64, and Y = 13,842,120.01;

THENCE, South 13°05'31" East, 151.83 feet to an "X" cut in concrete found marking the intersection of the southerly right-of-way line of the aforesaid Allen Parkway and the easterly right-of-way line of Gillette Street, being perpendicular to and easterly 30.00 feet from the Reference Centerline of Gillette Street (referenced in City drawing #8094), and being the northwest corner of a called 10.520 acre tract of land described of even date;

THENCE South 02°21'51" East, 495.40 feet with the easterly right-of-way line of Gillette Street, 30.00 feet easterly of and parallel to the Reference Centerline of Gillette Street to a Mag Nail found marking the **POINT OF BEGINNING** and the northwesterly corner of the herein described tract, said corner having coordinates of X=3,115,927.47, and Y = 13,841,477.22);

THENCE, North 87°22'02" East, 46.07 feet, to a Mag Nail found marking a point of intersection;

THENCE, South 87°08'37" East, 329.18 feet, to an "X" cut in concrete found marking an interior corner;

THENCE, North 86°55'36" East, 13.54 feet, to a 5/8-inch iron rod with cap found marking the northeasterly corner of the herein described tract, said iron rod with cap being on the westerly right-of-way line of Allen Parkway Village, a subdivision of record under H. C. C. F. #428006, H. C. M. R.;

THENCE, South 02°19'25" East, 25.00 feet, with the easterly line of said called 48.78 acre tract and the westerly line of the aforesaid Allen Parkway Village to a 5/8-inch iron rod with cap found marking the southeasterly corner of the herein described tract;

THENCE, South 86°55'36" West, 14.51 feet, to an "X" cut in concrete found marking appoint of intersection;

THENCE, North 87°08'37" West, 329.27 feet, to a Mag Nail found marking an interior corner;

City of Houston
Sanitary Sewer Easement
Parcel #DY10-023
0.223 Acres (9,718 Square Feet)
John Austin Survey, Abstract 1
Harris County, Texas

THENCE, South 87°22'02" West, 44.98 feet, to a Mag Nail found marking the southwesterly corner of the herein described tract, said Mag Nail being on the easterly right-of-way of aforesaid Gillette Street, perpendicular to and 30.00 feet east of the Reference Centerline of aforesaid Gillette Street,;

THENCE North 02°21'51" West, 25.00 feet with the easterly right-of-way line of Gillette Street and being 30.00 feet east of and parallel to the Reference Centerline of aforesaid Gillette Street to the **POINT OF BEGINNING** and containing 0.223 acres (9,718 square feet) tract of land.

Notes: This metes and bounds description was prepared in conjunction with a drawing of this property of same date, which same can be found in the City of Houston File Room, Drawing# 46328. Square footage totals shown herein are based on mathematical closures and do not necessary represent the positional accuracy of the existing boundary monumentation.

Compiled by Jack F. Chiles Date 8/20/2012
Checked by [Signature] Approved [Signature]



Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Donald R. Ripley, as an authorized representative of Coastal Water Authority, 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)

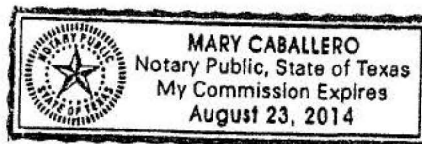
- The MSD eligibility criteria of THSC Section 361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC 361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the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

Donald R. Ripley
Signature

Date: 9/3/13

Donald R. Ripley, P.E.
Printed Name

Executive Director
Title



STATE OF Texas
COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 3rd day of September 2013, to which witness my hand and seal of office.

Mary Caballero
Notary Public in and for the State of Texas