

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. Lance Davis, President  
Davis Holdings, LP  
1221 McKinney, Suite 3100  
Houston, Texas 77010


RE: Municipal Setting Designation (MSD) Certificate for Former FMC  
Property, 10516 Old Katy Road, Houston, Harris County, Texas; MSD No.  
247

Dear Mr. Davis:

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) 239-3737 or via e-mail ([Joanna.manning@TCEQ.Texas.gov](mailto:Joanna.manning@TCEQ.Texas.gov)).

Sincerely,

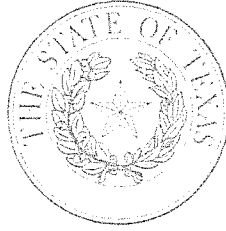
  
Joanna Manning, Project Manager  
VCP-CA Section  
Remediation Division

JAM/jdm

Enclosure: MSD Certificate No. 247

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):

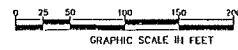
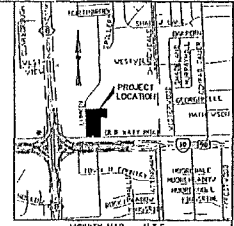
I, Richard A. Hyde, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 247, in the City of Houston, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied 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 29<sup>th</sup> day of January, 2014

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) THE SURVEYOR HAS NOT ABSTRACTED THE SUBJECT PROPERTY. THIS SURVEY WAS PERFORMED IN CONJUNCTION WITH THE ABSTRACT CONTAINED IN A PUBLIC DOCUMENT RECORDED IN VOLUME 335, PAGE 52 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, WITH AN EFFECTIVE DATE OF JANUARY 4, 2004.

2) ALL REFERENCES ARE REFERENCED TO THE NORTH LINE BEARING SURVEYS OF UNRESTRICTED RESERVE "B" OF TOWN AND COUNTRY NORTH SECTION ONE, COUNTY OF HARRIS COUNTY, TEXAS, RECORDED IN VOLUME 335, PAGE 52 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.  
3) THIS TRACT LIES IN TRACT "C" AND DOES NOT LIE WITHIN THE 100-YEAR FLOOD PLAIN, ACCORDING TO HARRIS COUNTY UNRESTRICTED RESERVE "B" FLOOD PROTECTION MAP FOR FLOOD PROTECTION. UNRESTRICTED RESERVE "B" FLOOD PROTECTION MAP FOR FLOOD PROTECTION, RECORDED IN VOLUME 335, PAGE 52 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, WITH AN EFFECTIVE DATE OF JANUARY 4, 2004.

4) THE SUBJECT PROPERTY IS LOCATED WITHIN THE 100-YEAR FLOOD PLAIN, ACCORDING TO HARRIS COUNTY UNRESTRICTED RESERVE "B" FLOOD PROTECTION MAP FOR FLOOD PROTECTION, RECORDED IN VOLUME 335, PAGE 52 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, WITH AN EFFECTIVE DATE OF JANUARY 4, 2004.

5) THE SUBJECT PROPERTY IS SUBJECT TO THE HARRIS COUNTY UNRESTRICTED RESERVE "B" FLOOD PROTECTION MAP FOR FLOOD PROTECTION, RECORDED IN VOLUME 335, PAGE 52 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, WITH AN EFFECTIVE DATE OF JANUARY 4, 2004.

6) THE SUBJECT PROPERTY IS SUBJECT TO THE HARRIS COUNTY UNRESTRICTED RESERVE "B" FLOOD PROTECTION MAP FOR FLOOD PROTECTION, RECORDED IN VOLUME 335, PAGE 52 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, WITH AN EFFECTIVE DATE OF JANUARY 4, 2004.

7) THE SUBJECT PROPERTY IS SUBJECT TO THE HARRIS COUNTY UNRESTRICTED RESERVE "B" FLOOD PROTECTION MAP FOR FLOOD PROTECTION, RECORDED IN VOLUME 335, PAGE 52 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, WITH AN EFFECTIVE DATE OF JANUARY 4, 2004.

8) THE SUBJECT PROPERTY IS SUBJECT TO THE HARRIS COUNTY UNRESTRICTED RESERVE "B" FLOOD PROTECTION MAP FOR FLOOD PROTECTION, RECORDED IN VOLUME 335, PAGE 52 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, WITH AN EFFECTIVE DATE OF JANUARY 4, 2004.

9) THE SUBJECT PROPERTY IS SUBJECT TO THE HARRIS COUNTY UNRESTRICTED RESERVE "B" FLOOD PROTECTION MAP FOR FLOOD PROTECTION, RECORDED IN VOLUME 335, PAGE 52 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, WITH AN EFFECTIVE DATE OF JANUARY 4, 2004.

10) THE SUBJECT PROPERTY IS SUBJECT TO THE HARRIS COUNTY UNRESTRICTED RESERVE "B" FLOOD PROTECTION MAP FOR FLOOD PROTECTION, RECORDED IN VOLUME 335, PAGE 52 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, WITH AN EFFECTIVE DATE OF JANUARY 4, 2004.

11) THE SUBJECT PROPERTY IS SUBJECT TO THE HARRIS COUNTY UNRESTRICTED RESERVE "B" FLOOD PROTECTION MAP FOR FLOOD PROTECTION, RECORDED IN VOLUME 335, PAGE 52 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, WITH AN EFFECTIVE DATE OF JANUARY 4, 2004.

TRAJECT I  
FIELD USE DESCRIPTIONS OF 23 5143 ACRES (588,682 SQUARE FEET) OF LAND, BEING A PORTION OF UNRESTRICTED RESERVE "B" OF TOWN AND COUNTRY NORTH SECTION ONE, COUNTY OF HARRIS COUNTY, TEXAS, RECORDED IN VOLUME 335, PAGE 52 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, WITH AN EFFECTIVE DATE OF JANUARY 4, 2004.

1. 100-YEAR FLOOD PLAIN, ACCORDING TO HARRIS COUNTY UNRESTRICTED RESERVE "B" FLOOD PROTECTION MAP FOR FLOOD PROTECTION, RECORDED IN VOLUME 335, PAGE 52 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, WITH AN EFFECTIVE DATE OF JANUARY 4, 2004.

2. 100-YEAR FLOOD PLAIN, ACCORDING TO HARRIS COUNTY UNRESTRICTED RESERVE "B" FLOOD PROTECTION MAP FOR FLOOD PROTECTION, RECORDED IN VOLUME 335, PAGE 52 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, WITH AN EFFECTIVE DATE OF JANUARY 4, 2004.

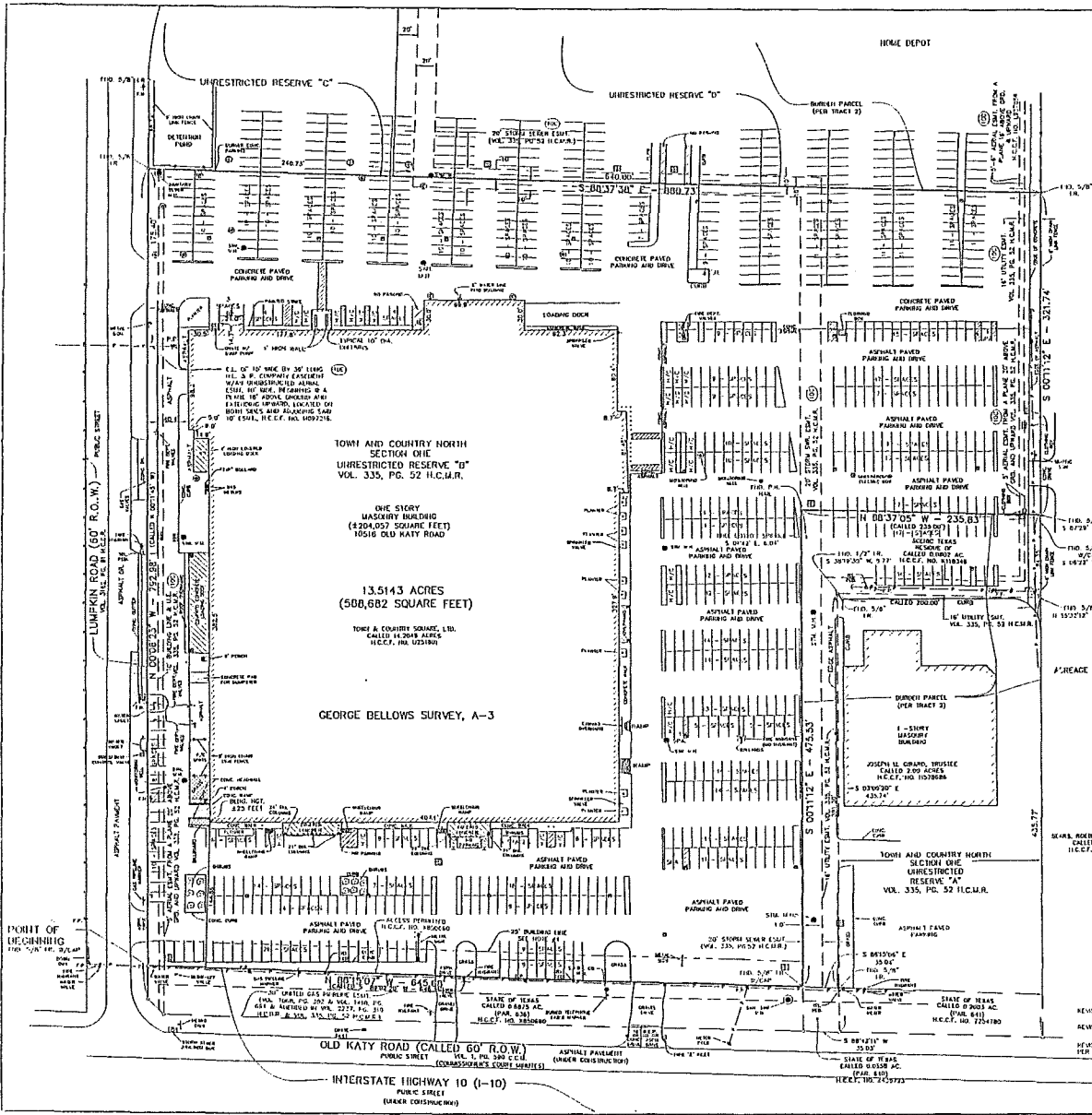
3. 100-YEAR FLOOD PLAIN, ACCORDING TO HARRIS COUNTY UNRESTRICTED RESERVE "B" FLOOD PROTECTION MAP FOR FLOOD PROTECTION, RECORDED IN VOLUME 335, PAGE 52 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, WITH AN EFFECTIVE DATE OF JANUARY 4, 2004.

4. 100-YEAR FLOOD PLAIN, ACCORDING TO HARRIS COUNTY UNRESTRICTED RESERVE "B" FLOOD PROTECTION MAP FOR FLOOD PROTECTION, RECORDED IN VOLUME 335, PAGE 52 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, WITH AN EFFECTIVE DATE OF JANUARY 4, 2004.

5. 100-YEAR FLOOD PLAIN, ACCORDING TO HARRIS COUNTY UNRESTRICTED RESERVE "B" FLOOD PROTECTION MAP FOR FLOOD PROTECTION, RECORDED IN VOLUME 335, PAGE 52 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, WITH AN EFFECTIVE DATE OF JANUARY 4, 2004.

6. 100-YEAR FLOOD PLAIN, ACCORDING TO HARRIS COUNTY UNRESTRICTED RESERVE "B" FLOOD PROTECTION MAP FOR FLOOD PROTECTION, RECORDED IN VOLUME 335, PAGE 52 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, WITH AN EFFECTIVE DATE OF JANUARY 4, 2004.

7. 100-YEAR FLOOD PLAIN, ACCORDING TO HARRIS COUNTY UNRESTRICTED RESERVE "B" FLOOD PROTECTION MAP FOR FLOOD PROTECTION, RECORDED IN VOLUME 335, PAGE 52 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, WITH AN EFFECTIVE DATE OF JANUARY 4, 2004.



TOWN AND COUNTRY NORTH SECTION ONE UNRESTRICTED RESERVE "B" VOL. 335, PG. 52 H.C.M.R.  
ONE STORY MACHINERY BUILDING (2304,057 SQUARE FEET) 10516 OLD KATY ROAD  
13.5143 ACRES (588,682 SQUARE FEET)  
TOWN & COUNTRY SOUTH, LTD. CALLED 1008 ACRES H.C.C.F. NO. 025180

GEORGE BELLOWS SURVEY, A-3

TOWN AND COUNTRY NORTH SECTION ONE UNRESTRICTED RESERVE "A" VOL. 335, PG. 52 H.C.M.R.

PARTIALLY PAVED PARKING SPACES  
REGULATED SPACES = 719  
UNREGULATED SPACES = 70  
TOTAL SPACES = 745

REVISED DECEMBER 22, 2006 - TO UPDATE SURVEY  
REVISED DECEMBER 29, 2006 - TO CORRECT LENGTH ERROR  
REVISED NOVEMBER 09, 2008 - TO UPDATE SURVEY MAP, PER CURRENT RULE COMPLIANCE

OF NO. 2617000091  
ADDRESS: 10516 OLD KATY ROAD HOUSTON, TX. 77043

ALTA/ACSM LAND TITLE SURVEY OF 13.5143 ACRES (588,682 SQUARE FEET) OF LAND, OUT OF UNRESTRICTED RESERVE "B" OF THE TOWN AND COUNTRY NORTH, SECTION ONE AS RECORDED IN VOLUME 335, PAGE 52 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS  
DATE: OCTOBER, 2006 SCALE: 1" = 50'

CENTURY ENGINEERING, INC.  
3000 B CHANDLER BLVD HOUSTON, TEXAS 77058  
1000 WEST LOOP SOUTH HOUSTON, TEXAS 77056



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

**Tract 1**

FIELD NOTE DESCRIPTION OF 13.5143 ACRES (588,662 SQUARE FEET) OF LAND, BEING A PORTION OF UNRESTRICTED RESERVE "B" OF TOWN AND COUNTRY NORTH SECTION ONE, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 335, PAGE 52 OF THE HARRIS COUNTY MAP RECORDS, AND BEING A PART OF THAT CERTAIN CALLED 14.2048 ACRE TRACT CONVEYED TO TOWN & COUNTRY SQUARE, LTD., BY DEED RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. 0251801 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS, SAID 13.5143 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8 inch iron rod with cap found at the intersection of the North right-of-way line of Interstate Highway 10 (IH 10) (width varies) and the East right-of-way line of Lumpkin Road (60 feet wide), as recorded in Volume 3162, Page 91 Harris County Deed Records, said iron rod marks the Northwest corner that certain called 0.6875 acre tract conveyed to the State of Texas for the widening of said IH 10, as recorded under Harris County Clerk's File No. X850660, said iron rod also marks the Southwest corner of the herein described tract;

THENCE, North 00° 08' 23" West (called N 00° 11' 45" W), along the East right-of-way line of Lumpkin Road, a distance of 792.98 feet to a 5/8 inch iron rod found for the Southwest corner of the Unrestricted Reserve "C" and the Northwest corner of said Unrestricted Reserve "B", said iron rod also marks the Northwest corner of the herein described tract;

THENCE, South 88° 37' 38" East, along the North line of said Reserve "B", a distance of 880.73 feet to a 5/8 inch iron rod found for the Southeast corner of Unrestricted Reserve "B", said iron rod also marks the Northeast corner of the herein described tract;

THENCE, South 00° 11' 12" East, along the East line of said Unrestricted Reserve "B", same being the West line of that certain called 12.049 acre tract recorded under Harris County Clerk's File No. V819686, a distance of 321.74 feet to a point for the Easterly most Southeast corner of the herein described tract, from which a found 5/8 inch iron rod bears S 87° 29' W, 0.80 feet and another found 5/8 inch iron rod with cap bears S 06° 22' W, 6.13 feet;

THENCE, North 88° 37' 05" West, a distance of 235.83 feet (called 235.00 feet) to a P.K. Nail found for an interior corner of the herein described tract, from which a found cotton spindle in asphalt bears S 01° 42' E, 8.04 feet;

THENCE, South 00° 11' 12" East, a distance of 475.53 feet to a 5/8 inch iron rod with cap found in the North right-of-way line of said IH 10 for the Northeast corner of said called 0.6875 acre tract and the Southerly most Southeast corner of the herein described tract;

THENCE, North 88° 15' 07" West (S 89° 02' 20" W), along the North line of said Interstate Highway 10 (IH 10), same being the North line said called 0.6875 acre tract, a distance of 645.68 feet (called 646.31 feet) to the POINT OF BEGINNING and containing 13.5143 acres (588,682 square feet) of land, more or less.


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

BEFORE ME, the undersigned authority, on this day personally appeared  
Lance Davis, as an authorized representative of  
Davis Holdings, LP, 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.

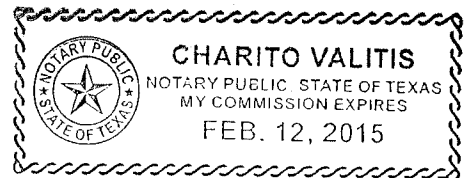
  
Signature

Date: 02/25/2013

Lance Davis  
Printed Name

President  
Title

STATE OF Texas  
COUNTY OF Harris



SUBSCRIBED AND SWORN before me on this the 25<sup>th</sup> day of  
October 20 13, to which witness my hand and seal of office.

Charito Valitis  
Notary Public in and for the State of Texas