

Bryan W. Shaw, Ph.D., P.E., *Chairman*
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Stephanie Bergeron Perdue, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 19, 2018

Mr. B. Patrick Egan, Vice President
Summer Street Retail, LLC
3120 Rogerdale Road, Suite 150
Houston, Texas 77042

Re: Municipal Setting Designation (MSD) Certificate for Summer Street Retail, LP, Former Texas Tile Manufacturing site, 1705 North Oliver Street, Houston, Travis County, TX; MSD No. 380; Customer No. CN604823336; Regulated Entity No. RN100896729

Dear Mr. Egan:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on February 5, 2018 and additional information supporting this MSD application on through April 25, 2018. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the Municipal Setting Designation Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-3555 or via e-mail (stephanie.saldana@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Steph Saldaña".

Stephanie Saldaña, Project Manager
VCP-CA Section
Remediation Division

SS/jdm

cc: Mr. Scott Outwater, Golder Associates, Inc, 500 Century Plaza Dr., Suite 190, Houston, Texas 77073

Mr. Jason Ybarra, Waste Section Manager, TCEQ Region 12 Office, Houston

Enclosure: MSD Certificate

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, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 380, 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 ordinance or restrictive covenant required by Texas Health and Safety Code §361.8065 remains 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 June, 2018

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

EXHIBIT A

**21.0991 ACRES (919,077 SQUARE FEET)
JOHN AUSTIN SURVEY, ABSTRACT NUMBER 1
HARRIS COUNTY, TEXAS**

D

Being a tract or parcel containing 21.0991 acres (919,077 square feet) of land situated in the John Austin Survey, Abstract Number 1, Harris County, Texas, and being out of and a portion of the called 21.4746 acre tract described in the deed to Texas Tile Manufacturing LLC, recorded under Harris County Clerk's File Number Y743872 which includes a portion of Summer Street (60 feet wide) as described in the deed recorded in Volume 3319, Page 727, of the Harris County Deed Records; said 21.0991 acre tract being more particularly described by metes and bounds as follows (bearings are based on the Texas State Plane Coordinate System, South Central Zone):

BEGINNING at an "X" found in concrete in the north right-of-way line of Summer Street (60 feet wide) marking the southeast corner of Block 1 of Verde Studemont, Replat No. 1 and Extension, according to the plat thereof recorded under Film Code Number 643065 of the Harris County Map Records common with the southwest corner of the herein described tract;

THENCE, along the east line of said Block 1 the following Six (6) courses and distances;

North 02°32'42" West, a distance of 11.81 feet to a found 5/8-inch iron rod with plastic cap stamped "B&G";

North 02°29'03" West, a distance of 575.55 feet to found 1-inch iron pipe;

North 87°30'57" East, a distance of 32.16 feet (called 32.00 feet) to a found PK Nail;

North 02°29'03" West, a distance of 100.01 feet (called 100.17 feet) to a found 5/8-inch iron rod with plastic cap stamped "B&G";

North 87°30'57" East, a distance of 20.01 feet to a found PK Nail;

North 02°29'03" West, a distance of 205.13 feet (called 205.08 feet) to a 5/8-inch iron rod with plastic cap stamped "B&G" found in the south line of CBS Outdoor Studemont according to the plat thereof recorded under Film Code Number 605028 of the Harris County Map Records;

THENCE, along the south and east lines of said CBS Outdoor Studemont the following Four (4) courses and distances;

North 87°37'12" East, a distance of 234.50 feet (called 234.36 feet) to a PK Nail set marking an angle corner of the herein described tract;

North 01°59'08" West, a distance of 264.59 feet (called 263.93 feet) to a found 1/2-inch iron pipe;

North 88°24'05" East (called North 88°15'43" East), a distance of 150.34 feet (called 150.79 feet) to a found PK Nail;

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North 01°57'15" West, a distance of 54.31 feet to a 5/8-inch iron rod found in the south right-of-way line of Interstate Highway 10 (width varies) marking the northwest corner of the herein described tract from which a found 5/8-inch iron rod with Texas Department of Transportation aluminum disk bears South 86°46' West, 8.86 feet;

THENCE, North 86°45'54" East, along said south right-of-way line, a distance of 218.44 feet to the Point of Curvature of a curve to the left, from which a found PK Nail bears South 83°40' East, 0.60 feet;

THENCE, continuing along said south right-of-way line, along said curve to the left having a central angle of 01°16'44", an arc distance of 131.77 feet, a radius of 5,903.00 feet, and a chord which bears North 86°07'29" East, 131.77 feet to the northeast corner of the herein described tract in the south line of the called 5.906 acre tract (Parcel 31) as described in the deed to the State of Texas recorded under Harris County Clerk's File Number P109476, from which an "X" found in concrete bears South 72°28' West, 0.44 feet;

THENCE, South 46°59'45" East, along said south line, a distance of 70.94 feet to a 5/8-inch iron rod with Texas Department of Transportation aluminum disk found on February 26, 2004, (reset with a 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING") marking the Point of Curvature of a curve to the left, from which a 5/8-inch iron rod with Texas Department of Transportation aluminum disk found on February 26, 2004, marking a Point of Curvature of a curve in the north line of said called 5.906 acre tract (Parcel 31) bears North 43°00'15" East, 100.00 feet;

THENCE, continuing along said south line, along said curve to the left having a central angle of 05°28'06" (called 06°54'10"), an arc distance of 140.64 feet (called 152.72 feet), a radius of 1,482.69 feet (called 1,482.39 feet), and a chord which bears South 49°42'48" East (called South 49°51'52" East), a distance of 140.59 feet (called 152.65 feet) to the northeast corner of the herein described tract common with the northwest corner of Sawyer Heights Village, Sec 1, according to the plat thereof recorded under Film Code Number 605141 of the Harris County Map Records, from which a 5/8-inch iron rod with Texas Department of Transportation aluminum disk found on February 26, 2004, marking the northwest corner of the called 0.566 acre tract (Parcel 32) as described in the deed to the State of Texas recorded under Harris County Clerk's File Number P109477 bears South 73°05'23" East, 304.01 feet and a 5/8-inch iron rod with Texas Department of Transportation aluminum disk found on February 26, 2004, marking the southwest corner of said called 0.566 acre tract (Parcel 32) bears South 60°57'46" East, 375.83 feet, and a found 5/8-inch iron rod bears South 72°10' East, 0.53 feet;

THENCE, South 03°03'20" East (called North 03°01'03" West), along the west line of said Sawyer Heights Village, Sec 1, passing at a distance of 1067.88 feet a 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING" set marking the intersection of said west line and the north right-of-way line of the aforesaid Summer Street and then crossing said Summer Street passing at a distance of 1,090.00 feet a 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING" set marking an angle corner in the south right-of-way line of said Summer Street and then along the west line of the called 1.6286 acre tract as described in the deed recorded under Harris County Clerk's File Number L490750 for a total distance of 1097.88 feet to the southeast corner of the herein described tract, from which a found 5/8-inch iron rod bears South 39°42' West, 0.46 feet;

ER 072-01-0048

THENCE, South 87°28'01" West (called South 87°30'57" West), along the centerline of said Summer Street, a distance of 52.32 feet (called 52.57 feet) to an angle corner of the herein described tract, from which a found PK nail bears South 00°25' West, 0.52 feet;

THENCE, North 02°51'28" West (called North 02°49'03" West), crossing the aforesaid Summer Street, passing at a distance of 30.00 feet a 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING" set in the aforesaid north right-of-way line of Summer Street and then along the east line of Harcros Addition according to the plat thereof recorded under Film Code Number 387062 of the Harris County Map Records, and continuing along said east line for a total distance of 638.91 feet (called 639.41 feet) to a 5/8-inch iron rod with plastic cap stamped "BOWES" found marking the northeast corner of said Harcros Addition common with an angle corner of the herein described tract;

THENCE, South 87°25'47" West (called South 87°30'57" West), along the north line of said Harcros Addition a distance of 195.13 feet (called 195.07 feet) to a 5/8-inch iron rod with plastic cap stamped "PINNELL" found marking the northwest corner of said Harcros Addition common with an angle corner of the herein described tract;

THENCE, South 02°31'06" East (called South 02°29'03" East), along the west line of said Harcros Addition, passing at a distance of 608.77 feet the aforesaid north right-of-way line of Summer Street and continuing across said Summer Street for a total distance of 638.77 feet (called 639.40 feet) to an angle corner of the herein described tract in the aforesaid centerline of Summer Street, from which a found 5/8-inch iron rod bears South 02°31' East, 0.34 feet;

THENCE, South 87°28'01" West (called South 87°30'57" West), along the aforesaid centerline of Summer Street, a distance of 509.49 feet (called 509.43 feet) to a 5/8-inch iron rod found marking an angle corner of the herein described tract;

THENCE, North 01°56'22" West (called North 02°29'03" West), crossing the aforesaid Summer Street, a distance of 30.00 feet to a 5/8-inch iron rod found in the aforesaid north right-of-way line of Summer Street marking an angle corner of the herein described tract;

THENCE, South 87°28'01" West (called South 87°30'57" West), along said north right-of-way line a distance of 193.39 feet (called 193.07 feet) to the POINT OF BEGINNING and containing 21.0991 acres (919,077 square feet) of land. This description is based on the plat of the Land Title Survey prepared by Terra Surveying Company, Inc., dated March 03, 2015, TSC Project Number 1047-1501-B01

ER 072-01-0049

Exhibit B

Municipal Setting Designation

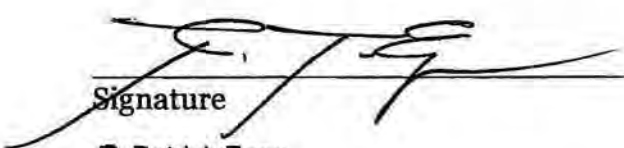
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared
B. Patrick Egan, as an authorized representative of
Summer Street Retail, 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

B. Patrick Egan

Printed Name

Property Manager

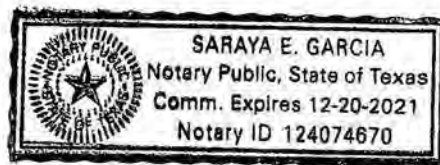
Title

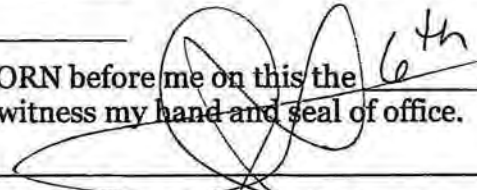
STATE OF Texas

COUNTY OF Harris

March 2018, to which witness my hand and seal of office.

Date: 3/6/18




Notary Public in and for the State of TEXAS