

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 16, 2018

Ms. Cheryl Allen
Southwestern Bell Telephone Company
308 South Akard Street, Room 1700
Dallas, Texas 75202

Re: Municipal Setting Designation (MSD) Certificate for Southwestern Bell Telephone Company, 3303 Wesleyan Street, Houston, Harris County, Texas; MSD No. 401; Customer No. CN602245615; Regulated Entity No. RN100711563

Dear Ms. Allen:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on September 27, 2018 and additional information supporting this MSD application on October 3, October 17, October 24 and November 8, 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 MSD Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-4024 or via e-mail (christopher.moore@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Moore".

Christopher Moore, P.G.
VCP-CA Section
Remediation Division

CLM/jdm

Enclosure: MSD Certificate

cc: Mr. Greg Rainwater, P.G., Apex Titan, Inc. 12100 Ford Road, Suite 401, Dallas, Texas 75234

Mr. Jason Ybarra, Waste Section Manager, TCEQ Houston Region Office, 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, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 401, 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 14th day of November, 2018

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

METES AND BOUNDS DESCRIPTION
4.598 ACRES OUT OF
A. C. REYNOLDS SURVEY, A-61
HOUSTON, HARRIS COUNTY, TEXAS

All that certain 4.598 acre tract of land out of the A. C. Reynolds Survey, A-61, Houston, Harris County, Texas, being a portion of a 9.010 acre tract of land described in a deed dated March 30, 1970 from Kenneth L. Schnitzer, S. Ralph Schnitzer, Jr., Bernard Weingarten, Jack Weingarten, Bernice Welch, Robert M. Welch, Jr., Stanford Alexander, Harold Falik, and First Mortgage Company of Texas, Inc., to Southwestern Bell Telephone Company filed in the Official Public Records of Real Property of Harris County, Texas at Clerk's File Number D085778, and being more particularly described by metes and bounds as follows, all coordinates and bearings being referenced to the Texas Coordinate System of 1983. All coordinates have grid values and may be converted to surface values by applying a combined scale factor of 0.99988742.

COMMENCING at a found Southwestern Bell Telephone monument being in the east right-of-way line of Wesleyan Road (80' wide), and also being the southwest corner of said 9.010 Southwestern Bell Telephone Company tract, having coordinates of N:13,832,139.18, E:3,097,308.24; THENCE N 02°46'04" W - 430.12' with said east right-of-way line of Wesleyan Road to a set 5/8" iron rod with cap to the POINT OF BEGINNING, and southwest corner of the herein described tract, said point having coordinates of N:13,832,568.80, E:3,097,287.47;

THENCE N 02°46'04" W - 405.48' continuing with said east right-of-way to a set 5/8" iron rod with cap marking the beginning of a non-tangent curve to the right with a radius of 100.00 feet, a central angle of 63°41'34" having a chord bearing of N 56°04'01" E and a chord distance of 105.53 feet;

THENCE with said curve to the right in a northeasterly direction an arc distance of 111.16' to a set 5/8" iron rod with cap, said point being on the south right-of-way line of West Alabama Avenue (70' wide);

THENCE N 87°31'56" E - 345.46' with said West Alabama right-of-way to a set 5/8" iron rod with cap, said point being the northwest corner of The Carlton Apartments Replat according to the plat thereof filed at Film Code Number 359063 of the Harris County Map Records and the northeast corner of the herein described tract;

THENCE S 03°38'31" E - 457.95' with the common west line of The Carlton Apartments Replat to a set 5/8" iron rod with cap for the southeast corner of the herein described tract;

THENCE S 87°10'58" W - 442.74' to the POINT OF BEGINNING, containing 4.598 acres, (200,303 square feet) of land more or less.

Compiled from survey by:

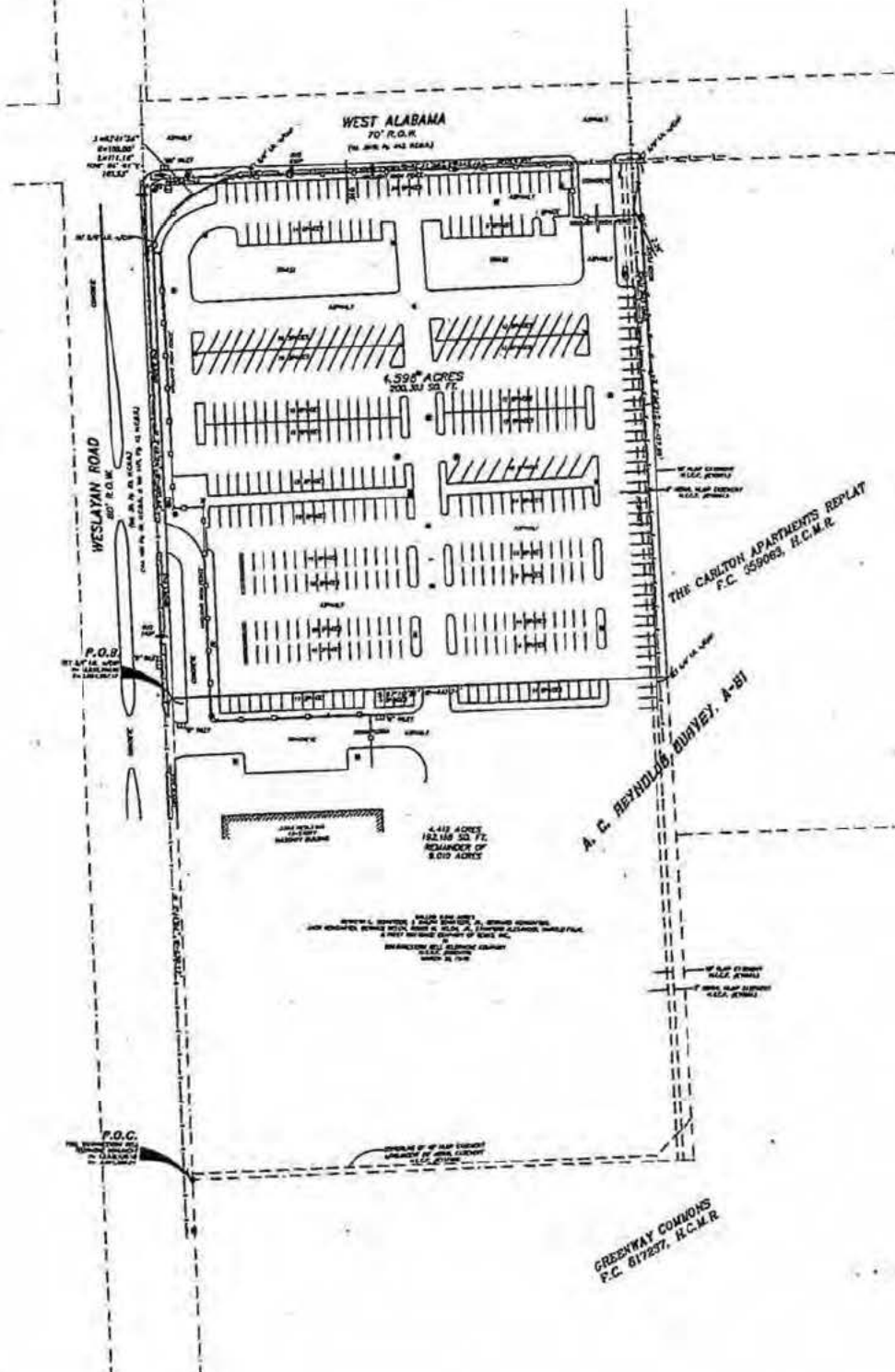
PREJEAN & COMPANY, INC.

Surveying / Mapping

Job # 157-19

9/18/2014

TO: CHICAGO TITLE INSURANCE COMPANY,
& AT&T INC.
(FORMERLY KNOWN AS SBC COMMUNICATIONS INC.)



P.F. & C.
P.F. & C. SURVEYORS, INC.
1111 N. W. 10th St.
MIAMI, FL 33136

- NOTES:**
1. ALL RIGHTS AND INTERESTS SHOWN ON THIS PLAN ARE BASED ON THE RECORDS OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND THE RECORDS OF THE PUBLIC RECORDS OF THE COUNTY OF DADE, FLORIDA.
 2. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY UNRECORDED RIGHTS OR INTERESTS IN THE PROPERTY SURVEYED.
 3. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY UNRECORDED EASEMENTS OR RIGHTS OF WAY IN THE PROPERTY SURVEYED.
 4. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY UNRECORDED ENCUMBRANCES OR LIENS ON THE PROPERTY SURVEYED.
 5. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY UNRECORDED COVENANTS OR RESTRICTIONS ON THE PROPERTY SURVEYED.
 6. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY UNRECORDED EASEMENTS OR RIGHTS OF WAY IN THE PROPERTY SURVEYED.
 7. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY UNRECORDED ENCUMBRANCES OR LIENS ON THE PROPERTY SURVEYED.
 8. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY UNRECORDED COVENANTS OR RESTRICTIONS ON THE PROPERTY SURVEYED.
 9. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY UNRECORDED EASEMENTS OR RIGHTS OF WAY IN THE PROPERTY SURVEYED.
 10. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY UNRECORDED ENCUMBRANCES OR LIENS ON THE PROPERTY SURVEYED.

- LEGEND**
- 1" = 100'
 - 1" = 200'
 - 1" = 300'
 - 1" = 400'
 - 1" = 500'
 - 1" = 600'
 - 1" = 700'
 - 1" = 800'
 - 1" = 900'
 - 1" = 1000'
 - 1" = 1100'
 - 1" = 1200'
 - 1" = 1300'
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 - 1" = 2000'
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 - 1" = 2200'
 - 1" = 2300'
 - 1" = 2400'
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 - 1" = 3800'
 - 1" = 3900'
 - 1" = 4000'
 - 1" = 4100'
 - 1" = 4200'
 - 1" = 4300'
 - 1" = 4400'
 - 1" = 4500'
 - 1" = 4600'
 - 1" = 4700'
 - 1" = 4800'
 - 1" = 4900'
 - 1" = 5000'

STATE OF FLORIDA
DADE COUNTY
PLAT NO. 12345

SECTION 1

The following portion of and out of the Survey of the A.C. Reynolds Survey, A-81, is hereby surveyed and shown as follows:

1. A certain portion of the A.C. Reynolds Survey, A-81, containing 4.59 acres, more or less, as shown on the attached plan.

2. A certain portion of the A.C. Reynolds Survey, A-81, containing 4.41 acres, more or less, as shown on the attached plan.

3. A certain portion of the A.C. Reynolds Survey, A-81, containing 4.41 acres, more or less, as shown on the attached plan.

4. A certain portion of the A.C. Reynolds Survey, A-81, containing 4.41 acres, more or less, as shown on the attached plan.

5. A certain portion of the A.C. Reynolds Survey, A-81, containing 4.41 acres, more or less, as shown on the attached plan.

6. A certain portion of the A.C. Reynolds Survey, A-81, containing 4.41 acres, more or less, as shown on the attached plan.

7. A certain portion of the A.C. Reynolds Survey, A-81, containing 4.41 acres, more or less, as shown on the attached plan.

8. A certain portion of the A.C. Reynolds Survey, A-81, containing 4.41 acres, more or less, as shown on the attached plan.

9. A certain portion of the A.C. Reynolds Survey, A-81, containing 4.41 acres, more or less, as shown on the attached plan.

10. A certain portion of the A.C. Reynolds Survey, A-81, containing 4.41 acres, more or less, as shown on the attached plan.

P.F. & C. SURVEYORS, INC.		1111 N. W. 10th St.
MIAMI, FLORIDA 33136		MIAMI, FLORIDA 33136
LAND TITLE SURVEY		
ALSO ADDED OUT OF A-81 ADDED OUT OF THE A.C. REYNOLDS SURVEY, A-81		
DADE COUNTY, FLORIDA		
88-23-2214	1"=400'	JAN. 197-13
OF NO. 379901413	CHICAGO TITLE	INSURANCE COMPANY

EXHIBIT A

1.706 Acre
Weslayan Street – West Alabama StreetMarch, 2017
Page 1 of 2METES AND BOUNDS DESCRIPTION
1.706 ACRE PARCEL

BEING a 1.706 acre (74,305 square foot) parcel of land located in the A.C. Reynolds Survey, Abstract No. 61, Harris County, Texas and being a portion of the City of Houston right-of-way for Weslayan Street (80 feet wide) and West Alabama Street (70 feet wide); said 1.706 acre parcel being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with cap stamped "United Engineers, Inc." found for the most northerly northwest corner of Unrestricted Reserve "A", Block 1 of the Weslayan Reserve at W Alabama as shown on map recorded in Film Code 674937 of the Map Records of Harris County, Texas (M.R.H.C.T.), and being in the south right-of-way line of West Alabama Street, also being the beginning of a curve to the left;

THENCE, along the south right-of-way line of West Alabama Street, and with a curve to the left, an arc length of 110.51 feet, through a central angle of $63^{\circ}18'56''$, having a radius of 100.00 feet, and whose chord bears South $56^{\circ}13'34''$ West, a distance of 104.97 feet to a point for the most westerly northwest corner of said Unrestricted Reserve "A", and being in the east right-of-way line of Weslayan Street, from which a found 5/8 inch iron rod with cap stamped "United Engineers, Inc." bears South $29^{\circ}38'35''$ West, a distance of 0.61 feet;

THENCE, South $02^{\circ}48'20''$ East, along the east right-of-way line of Weslayan Street, a distance of 406.06 feet to a point for the southwest corner of said Unrestricted Reserve "A" and the northwest corner of Unrestricted Reserve "B", Block 1 of said Weslayan Reserve at W Alabama;

THENCE, South $87^{\circ}09'11''$ West, over and across the right-of-way of Weslayan Street, a distance of 80.00 feet to a point for corner in the west right-of-way line of Weslayan Street;

THENCE, North $02^{\circ}48'20''$ West, along the west right-of-way line of Weslayan Street, passing at a distance of 461.88 feet, a point for the northeast corner of a called 2.047 acre tract described as Tract 1 in a deed to 3000 Weslayan Building, LLC, as recorded in Document No. 20120304753 of the Official Public Records of Real Property of Harris County, Texas (O.P.R.R.P.H.C.T.), and being in the south right-of-way line of West Alabama Street (60 feet wide), from which a found 5/8 inch iron rod with cap stamped "Halff and Assoc." bears North $87^{\circ}34'58''$ East, a distance of 0.29 feet, and continuing over and across the right-of-way of West Alabama Street, passing at a distance of 521.88 feet a point for the southeast corner of a called 2.7984 acre tract described in a deed to 2900 Weslayan Investors, LLC and recorded in Document No. 20140076707 of the O.P.R.R.P.H.C.T., and being in the north right-of-way line of West Alabama Street and the west right-of-way line of Weslayan Street, and continuing along

EXHIBIT A

1.706 Acre
Weslayan Street – West Alabama Street

March, 2017
Page 2 of 2

the west right-of-way line of Wesleyan Street, for a total distance of 531.05 feet to a point for corner;

THENCE, North $87^{\circ}30'09''$ East, over and across the right-of-way of Wesleyan Street, passing at a distance of 98.83 feet, a point for the southwest corner of Unrestricted Reserve "A", Block 1 of the Parc Houston Replat No. 1 as shown on map recorded in Film Code 640278 of the M.R.H.C.T., and being in the north right-of-way line of West Alabama Street, and continuing along the north right-of-way line of West Alabama Street, for a total distance of 514.41 feet to a point for corner;

THEINCE, South $03^{\circ}40'18''$ East, over and across the right-of-way of West Alabama Street, a distance of 70.01 feet to a point for the northeast corner of said Unrestricted Reserve "A" and the northwest corner of The Carlton Apartments as shown on map recorded in Film Code 355101 of the M.R.H.C.T., and being in the south right-of-way line of West Alabama Street;

THENCE, South $87^{\circ}30'09''$ West, along the south right-of-way line of West Alabama Street, a distance of 345.46 feet to the **POINT OF BEGINNING**, and containing 1.706 acres of land.

All bearings and coordinates are based on the Texas State Plane Coordinate System, South Central Zone [NAD 83 (2011), EPOCH 2010.00];

A separate plat was prepared in conjunction with this parcel description.

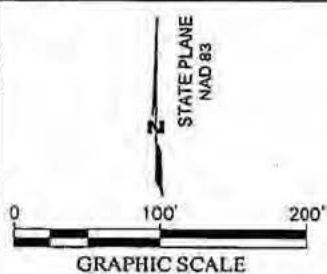
I, S. Corey Shannon, a Registered Professional Land Surveyor, hereby certify that the legal description above represents an actual survey made under my supervision.



3/11/2017

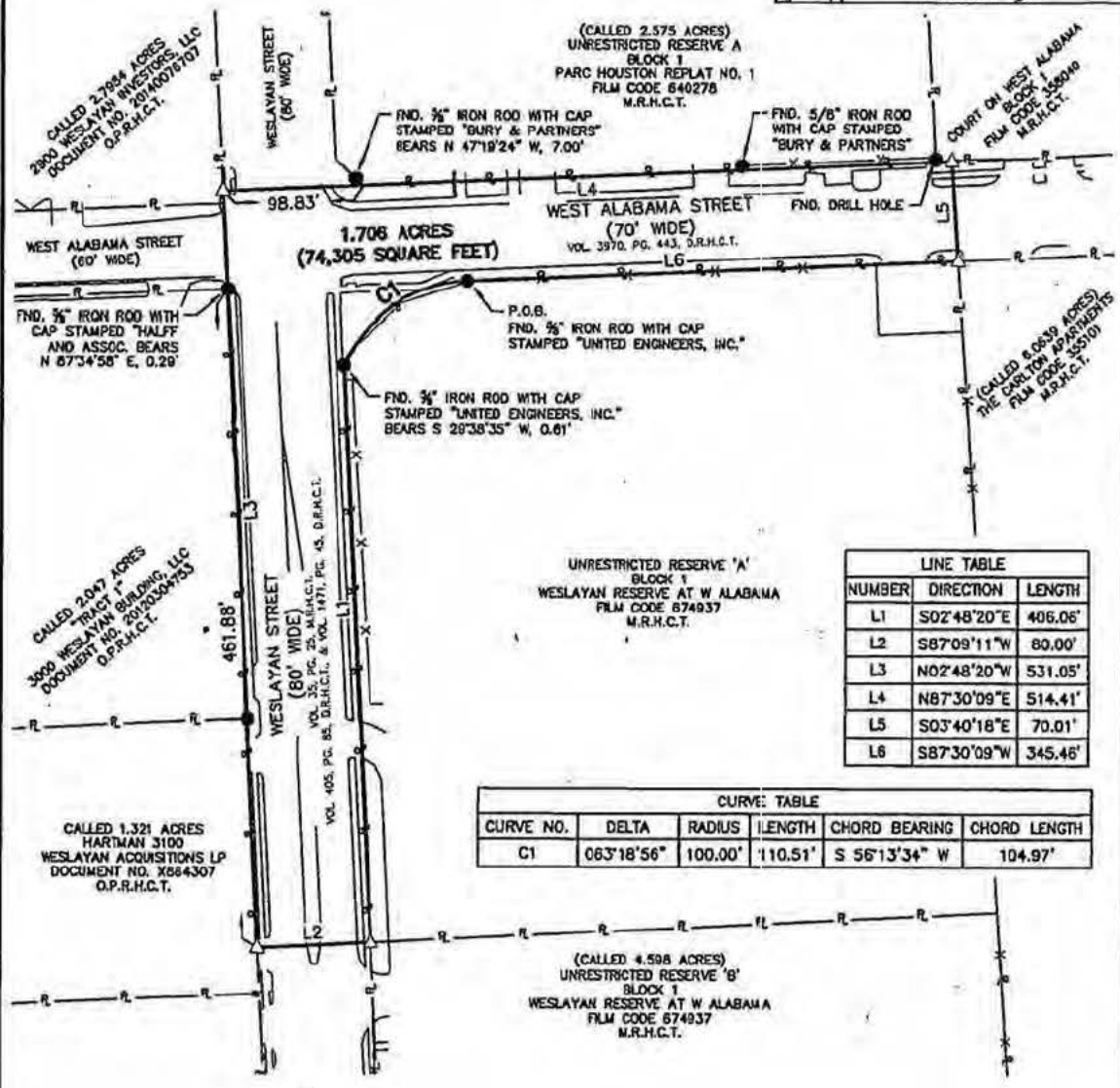
S. Corey Shannon, R.P.L.S.
Texas Registration No. 5967
Surveying and Mapping, LLC
11111 Katy Freeway, Suite 200
Houston, Texas 77079
Texas Firm Registration No. 10064300
713-973-5100
Job No. 37733





LEGEND

- — — — — PROPERTY LINE
- IRON ROD FOUND (OR OTHERWISE NOTED)
- △ CALCULATED POINT
- P.O.B. POINT OF BEGINNING
- X — — — — — FENCE



LINE TABLE		
NUMBER	DIRECTION	LENGTH
L1	S02°48'20"E	406.06'
L2	S87°09'11"W	80.00'
L3	N02°48'20"W	531.05'
L4	N87°30'09"E	514.41'
L5	S03°40'18"E	70.01'
L6	S87°30'09"W	345.46'

CURVE TABLE					
CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	063°18'56"	100.00'	110.51'	S 56°13'34" W	104.97'

- NOTES:**
- BEARINGS AND DISTANCES ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983 (NAD 83/2011), SOUTH CENTRAL ZONE BY GPS OBSERVATION.
 - THIS PROFESSIONAL SERVICE (I.E. - SURVEY AND PREPARATION OF PLAT) WAS PERFORMED WITHOUT BENEFIT OF HAVING BEEN FURNISHED A TITLE COMMITMENT, EASEMENTS AND/OR OTHER MATTERS AND/OR ISSUES RELATING TO TITLE COULD AND MAY EXIST.
 - THIS PLAT IS ACCOMPANIED BY A SEPARATE LEGAL DESCRIPTION.



SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THIS PLAT AS A REPRESENTATION OF A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION FEBRUARY, 2017, AND THAT IT REFLECTS THE FACTS AS FOUND AT THE TIME OF SAID SURVEY.

[Signature]
3/13/2017
DATE
S. COREY SHANNON
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5967 - STATE OF TEXAS

<p>STANDARD LAND SURVEY</p> <p>1.706 ACRES, MORE OR LESS CITY OF HOUSTON RIGHT-OF-WAY FOR WESLAYAN STREET AND ALABAMA STREET, A. C. REYNOLDS SURVEY, A-81 HARRIS COUNTY, TEXAS</p>		<p>HILL KATY FREEWAY SUITE 200 HOUSTON TEXAS, 77079 (713) 973-9100 FAX: (713) 973-3150 EMAIL: SAH@SAM1.BIZ</p>	<table border="1"> <thead> <tr> <th>NO.</th> <th>REVISION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	REVISION	DATE			
		NO.	REVISION	DATE					
<p>PROJECT: EASEMENT</p> <p>JOB NUMBER: 377A1</p> <p>DATE: 3/13/2017</p> <p>SCALE: 1"=100'</p> <p>SURVEYOR: SCS</p> <p>TECHNICIAN: SCS</p> <p>DRAWING: SCS</p>									

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Cheryl Allen, as an authorized representative of Southwestern Bell Telephone Company, 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.

Cheryl Allen
Signature

Date: 9/26/18

Cheryl Allen
Printed Name

Area Manager EH&S Environmental Services - Tanks
Title

STATE OF TEXAS
COUNTY OF DALLAS

SUBSCRIBED AND SWORN before me on this the 26th day of September 2018, to which witness my hand and seal of office.

Mary V. Daniels
Notary Public in and for the State of TEXAS

